

# Section I Notices of Development of Proposed Rules and Negotiated Rulemaking

## DEPARTMENT OF BANKING AND FINANCE

### Division of Banking

RULE TITLE: Branch Office Closing  
RULE NO.: 3C-105.407

PURPOSE AND EFFECT: To make the branch closing process less burdensome for financial institutions subject to the provisions of Section 658.26, Fla. Stat.

SUBJECT AREA TO BE ADDRESSED: Notification procedure regarding closure of a financial institution branch pursuant to Section 658.26, Fla. Stat.

SPECIFIC AUTHORITY: 655.012(3), 658.26(3)(e) FS.

LAW IMPLEMENTED: 655.012(3), 658.26(3), 655.013, 667.003 FS.

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

TIME AND DATE: 10:00 a.m., December 12, 2002

PLACE: Suite 526, Fletcher Building, 101 East Gaines Street, Tallahassee, Florida 32399-0350

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: John Pullen, Division of Banking, Department of Banking and Finance, Suite 636, The Fletcher Building, 101 East Gaines Street, Tallahassee, Florida 32399-0350, (850)410-9111

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

3C-105.407 Branch Office Closing.

The Department shall be notified in writing at least 30 days prior to the closing of an established branch office. Such notification shall include a statement that the financial institution's evidence of a board has approved resolution approving the closing and a copy of the notice that was sent to the customers of the branch office have been notified notifying them of the anticipated closing.

Specific Authority 655.012(3), 658.26(3)(e) FS. Law Implemented 655.012(3), 658.26(3), 665.013, 667.003 FS. History—New 7-27-81, Formerly 3C-13.071, 3C-13.0071, Amended 8-14-94, 4-15-98, \_\_\_\_\_.

## DEPARTMENT OF BANKING AND FINANCE

### Division of Finance

RULE TITLES: Registration  
Fee Caps  
RULE NOS.: 3D-20.0020  
3D-20.00201

Procedures for Filing Claim 3D-20.0021

Proof of Ownership and Entitlement to Unclaimed Property 3D-20.0022

PURPOSE AND EFFECT: 3D-20.0020: Section 717.117(8), Florida Statutes (2002), requires that a private investigator, accountant or attorney must be registered with the Department in order to obtain social security numbers for the limited purpose of locating owners of unclaimed property. The purpose and effect of the proposed rule is to specify what must be filed with the Department in order to be registered pursuant to Section 717.117(8), Florida Statutes (2002).

3D-20.00201: The purpose and effect of the proposed rule is to clarify how the fee caps contained in Section 717.135, Florida Statutes, are to be applied. The fee caps are to be applied on a per contract basis rather than a per account basis.

3D-20.0021(1)(d): The purpose and effect of the proposed rule amendment is to incorporate by reference into the Department's rules the notices that are sent to claimants whose claims are incomplete. The notices assist the Department in its efforts to obtain information which may result in the approval of the claim.

3D-20.0021(11)(a)3.: The purpose and effect of the proposed rule amendment is to clarify how the contents of safe deposit boxes are to be shipped to owners or to the owner's representative. As an alternative to picking up the contents of a safe deposit box valued at ten thousand dollars (\$10,000) or more, the owner or owner's representative (if authorized by the owner to receive the contents of a safe deposit box) must provide the Department with credit card information or common carrier account information so that the Department may arrange for the shipping of the contents of the safe deposit box at the expense of the owner or owner's representative. The credit card information or common carrier account information will not be needed if the value of the contents of the safe deposit box is less than ten thousand dollars (\$10,000) and a common carrier will accept delivery.

3D-20-20.0022(3): The purpose and effect of the proposed rule amendment is to clarify what is required to be filed if the owner of the unclaimed property is deceased. For aggregate unclaimed property amounts of over \$5,000.00, the decedent's estate must be probated unless the decedent's estate has been previously administered. If the estate has been previously administered, the claim must include a certified copy of a court order which identifies the recipients of the decedent's property and their percentage interest in the estate. If such an order is not available, the claimant must submit a copy of documents from the probate court file from which the identity and proportional entitlement of each can be determined. For aggregate unclaimed property amounts of \$5,000.00 or less, Form DBF-UP-1243, Estate Affidavit, may be used regardless of whether the decedent's estate has been probated in the past.

3D-20.0022(3)(a)3.a., Form DBF-UP-1243, Estate Affidavit: The purpose and effect of the proposed rule amendment is to modify the Estate Affidavit so that the claimant will specify how the recipient takes under the intestacy statutes. The claimant will also be required to state that all persons who are listed before the claimant, as being entitled to the decedent's estate under the applicable intestacy statute recipients, are deceased.

3D-20.0022(5)(c): The purpose and effect of the proposed rule amendment is first to clarify that the claimant must prove a connection to the dissolved corporation and, second, to specify what must be filed with the Department when filing a claim for unclaimed property owned by a dissolved corporation. As an alternative to filing a certified copy of the last corporate filing reflecting the officers and directors of the corporation, the claimant must provide the Department with the state of incorporation's web site address if the same information is available on the Internet site. As an alternative to a bankruptcy search, the claimant must provide the Department with the results of a Case Management/Electronic Case Files (CM/ECF) search, if available, or a Public Access to Court Electronic Records (PACER) search, in the bankruptcy court of the state and district of incorporation and where the main office is located, if different. The claim must provide the results of a CM/ECF or a PACER search by both the corporate name and by tax identification number. The rule amendments also require bankruptcy information to be provided if the dissolved corporation has been a debtor in bankruptcy. If the bankruptcy estate is open or if the bankruptcy estate is reopened, the unclaimed property will be remitted to the bankruptcy estate.

SUBJECT AREA TO BE ADDRESSED: 3D-20.0020: Registration of private investigators, accountants and attorneys pursuant to Section 717.117(8), Florida Statutes (2002). 3D-20.00201: Unclaimed property fee limitations. 3D-20.0021(1)(d): Unclaimed property claims processing. 3D-20.0021(11)(a)3.: Shipping of contents of safe deposit boxes to owners or to the owner's representative. 3D-20.0022(3): Filing claims for unclaimed property owned by decedents. 3D-20.0022(3)(a)3.a.: Form DBF-UP-1243, Estate Affidavit. 3D-20.0022(5)(c): Filing claims for unclaimed property owned by dissolved corporations.

SPECIFIC AUTHORITY: 717.138 FS.

LAW IMPLEMENTED: 717.117, 717.1201, 717.124, 717.125, 717.126, 717.135 FS.

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

TIME AND DATE: 9:00 a.m., Wednesday, December 18, 2002  
PLACE: Suite 547, The Fletcher Building, 101 E. Gaines St., Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Paul C. Stadler, Jr., Assistant General Counsel, Department of Banking and Finance, Suite 526, The Fletcher Building, 101 E. Gaines St., Tallahassee, Florida 32399-0350, (850)410-9896

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

3D-20.0020 Registration.

Section 717.117(8), Florida Statutes, requires that a private investigator, accountant or attorney must be registered with the Unclaimed Property Bureau in order to obtain social security numbers for the limited purpose of locating owners of unclaimed property.

(1) To register with the Unclaimed Property Bureau:

(a) A private investigator must provide:

1. A legible copy of his or her Florida Class "A" business license or that of his or her employer;

2. A legible copy of his or her Florida Class "C" individual license;

3. His or her business address and telephone number; and

4. The names of employees, if any, who are authorized to act on behalf of the private investigator.

(b) A certified public accountant must provide:

1. His or her Florida Board of Accountancy number;

2. His or her business address and telephone number; and

3. The names of employees, if any, who are authorized to act on behalf of the certified public accountant.

(c) An attorney must provide:

1. His or her Florida Bar number. If the attorney is not admitted to the Florida Bar, the attorney must provide the address and telephone number of each bar for each jurisdiction where he or she is admitted to practice along with the bar number for each jurisdiction;

2. His or her business address and telephone number; and

3. The names of employees, if any, who are authorized to act on behalf of the attorney.

(2) A private investigator, accountant or attorney who desires his or her fees sent directly to him or her by the Unclaimed Property Bureau must also provide his or her tax identification number.

(3) Information and documents already on file with the Unclaimed Property Bureau prior to the effective date of this rule need not be resubmitted in order to complete the registration.

(4) If a material change in the status of a registration occurs, a registrant must within 15 days provide the Unclaimed Property Bureau with the updated documentation and information in writing. Material changes include, but are not limited to the following:

(a) If an authorized employee of a registrant ceases to be employed by the registrant, the registrant must within 15 days inform the Bureau in writing of the termination of employment.

(b) If a registrant surrenders his or her license or the license is suspended or revoked, the registrant must within 15 days inform the Bureau in writing of the surrender, suspension, or revocation. Upon the suspension, or revocation of the registrant's license, the registrant shall no longer be registered with the Bureau.

(c) If a Florida Class "C" individual license of a private investigator, or if a Florida Class "A" business license of a private investigator's employer, is renewed, the private investigator must provide a copy of the renewed license to the Bureau within 30 days of the receipt of the renewed license by the private investigator or the private investigator's employer.

Specific Authority 717.138 FS. Law Implemented 717.117, 717.124, 717.135 FS. History—New \_\_\_\_\_.

#### 3D-20.00201 Fee Caps.

(1) Pursuant to Section 717.135, F.S., an Owner's Representative may elect to either have fee caps apply to a contract to recover unclaimed property or make the Section 717.135(1)(b), F.S., disclosures to the owner. If the Owner's Representative elects to have the fee caps apply, the fee caps will be applied on a per contract basis rather than on a per account basis. The per contract application requires that all accounts be aggregated in order to determine whether the value of the contract is \$250.00 or greater. If the aggregate value of the accounts is less than \$250.00, the fees must be limited to the lesser of the aggregate value of the unclaimed property or \$25.00. If the aggregate value of the accounts is \$250.00 or more, the fees must be limited to 15 percent on property held by the Department for 24 months or less and to 25 percent on property held by the Department for more than 24 months.

(2)(a) Example One. The Department has held unclaimed property of a value of \$200.00 more than 24 months in an unclaimed property account for an owner. The Department has also held unclaimed property of a value of \$1,000.00 for more than 24 months in a second account for the same owner. The Owner's Representative has entered into a contract for the recovery of unclaimed property with the owner. The two accounts must be aggregated in order to determine whether the value of the contract is \$250.00 or greater. The aggregate value of both accounts is \$1,200.00. The fees of the Owner's Representative must be limited to 25 percent on property held by the Department in both accounts. This amount is \$300.00.

(b) Example Two. The Department has held unclaimed property of a value of \$200.00 for 24 months or less in an unclaimed property account for an owner. The Department has

also held unclaimed property of a value of \$100.00 for 24 months or less in a second account for the same owner. The Owner's Representative has entered into a contract for the recovery of unclaimed property with the owner. The two accounts must be aggregated in order to determine whether the value of the contract is \$250.00 or greater. The aggregate value of both accounts is \$300.00. The fees of the Owner's Representative must be limited to 15 percent on property held by the Department in both accounts. This amount is \$45.00.

(c) Example Three. The Department has held unclaimed property of a value of \$120.00 for 24 months or less in an unclaimed property account for an owner. The Department has also held unclaimed property of a value of \$100.00 for more than 24 months in a second account for the same owner. The Owner's Representative has entered into a contract for the recovery of unclaimed property with the owner. The two accounts must be aggregated in order to determine whether the value of the contract is \$250.00 or greater. The aggregate value of both accounts is \$220.00. The total amount of fees due to the Owner's Representative must be limited to \$25.00.

(d) Example Four. The Department has held unclaimed property of a value of \$220.00 for 24 months or less in an unclaimed property account for an owner. The Department has also held unclaimed property of a value of \$40.00 for more than 24 months in a second account for the same owner. The Owner's Representative has entered into a contract for the recovery of unclaimed property with the owner. The two accounts must be aggregated in order to determine whether the value of the contract is \$250.00 or greater. The aggregate value of both accounts is \$260.00. The fees of the Owner's Representative must be limited to 15 percent on property held by the Department 24 months or less in the first account. This amount is \$33.00. The fees of the Owner's Representative must be limited to 25 percent on property held by the Department for more than 24 months in the second account. This amount is \$10.00. The total amount of fees due to the Owner's Representative must be limited to \$43.00.

(3) This rule does not apply to unclaimed property that is owned by a decedent's estate or a person who is subject to a guardianship.

Specific Authority 717.138 FS. Law Implemented 717.135 FS. History—New \_\_\_\_\_.

#### 3D-20.0021 Procedures for Filing Claim.

(1) Claims Submission. Claims for unclaimed property in the custody of the Department pursuant to Chapter 717, F.S., shall be submitted to the Department on the form(s) prescribed and supplied by the Department, together with documentation supporting the claim. All forms referenced in this rule are

available from and shall be submitted to: The Department of Banking and Finance, Bureau of Unclaimed Property, Tallahassee, Florida.

(a) The Department will only accept and review claims that are complete.

(b) A complete claim shall include the correct claim form identified in this rule, fully completed with all blanks filled in and manually signed by all claimants, and all supporting documentation as described and required by this rule, and Rule 3D-20.0022, F.A.C.

(c) Claims meeting the requirements of paragraph (b) above shall be deemed complete.

(d) Incomplete claims delivered to the Department will be returned to the claimant with a ~~notice letter~~ describing the additional documentation that must be submitted to make the claim complete. The notices are Form DBF-UP-106a, Unclaimed Property Request for Further Information (Original Owner), Form DBF-UP-106b, Unclaimed Property Request for Further Information (Business), Form DBF-UP-107a, Unclaimed Property Request for Further Information (Other Than Apparent Owner), and Form DBF-UP-108a, Unclaimed Property Request for Further Information (Owner's Representative), which are hereby incorporated by reference, effective \_\_\_\_\_.

(e) The claim may be refiled at any time.

(2) through (11)(a)2. No change.

3. Tangible Personal Property.

a. If the property ~~is valued at has a value of~~ less than ten thousand dollars (\$10,000); and ~~can if it will~~ be accepted for delivery by a common carrier, the property will be shipped ~~mailed~~ to the owner at the address listed on the claim.

b. If the property ~~is valued at has a value of~~ ten thousand dollars (\$10,000) or ~~more greater~~, or ~~the property cannot it will not~~ be accepted for delivery by a common carrier, the Department will advise the owner of the award by letter, and make the property available for pickup during normal business hours at the Department's offices in Tallahassee, Florida.

i. The owner must produce the award letter and a personal picture identification in order to claim the property at the Department's Tallahassee address.

ii. Anyone other than the owner must produce the award letter, written authorization to receive the property signed by the owner and notarized, and personal picture identification in order to receive the property at the Department's Tallahassee address.

iii. Receipt of the property must be acknowledged in writing by the person receiving the property by a signed receipt.

iv. If the property is not collected at the Department's Tallahassee office within ninety (90) days of the date on the award letter, it may be offered for sale at the next auction and the proceeds delivered the same as cash in paragraph (11)(a) above.

c. As an alternative to paragraph (11)(a)3.b. above, the owner must either arrange with a common carrier to pick up the property during normal business hours at the Department's offices in Tallahassee, Florida, or request that the property be shipped by the Department to the address listed on the claim by common carrier at the owner's expense. The owner's communications with the Department regarding how the property is to be delivered to the owner must be in writing. If the property is to be shipped by the Department, the owner must provide the Department with:

i. The owner's credit card information or common carrier account information, and

ii. A statement identifying the amount of insurance coverage authorized to be purchased for the property or a statement that the owner does not desire the property to be insured.

(b) Payment and Delivery of Claims filed by Owner's Representative.

1. Cash – Payment of cash will be made to owners by warrant, net of the Owner's Representative's fees, and mailed to the owner. Payment of fees to Owner's Representatives will be made electronically at least twice a month provided a completed Form DBF-AA-26E, incorporated by reference in Rule 3A-22.002, F.A.C., is provided.

2. Securities – The Department will liquidate all securities issues that can be sold as soon as practicable, unless the security cannot be sold due to market liquidity, current valuation or ongoing corporate activity. Payment will be provided as follows:

a. If the securities have been liquidated, payment of the cash proceeds will be made as set forth in subparagraph (11)(b)1. above.

b. Certificated securities that cannot be sold due to market liquidity, current valuation or ongoing corporate activity will be registered in the name of the owner and mailed to the Owner's Representative with notice to the owner.

c. If the security can be certificated and delivery of the certificate is requested, in writing, by the owner and the Owner's Representative, the security will be registered in the owner's name and the certificate will be mailed to the Owner's Representative with notice to the owner.

d. Non-certification securities that cannot be sold due to market liquidity, current valuation, or ongoing corporate activity will be registered in the name of the owner and transferred electronically to an owner's brokerage or mutual fund account, if the information required by the securities industry is provided at the time the claim is filed. Such information could include the broker or agent's DTC number (Depository Trust Corporation), ABA number (American Banker Association), the owner's account number and account registration. If such information is not available at the time the claim is to be paid, written notice will be provided to the Owner's Representative, who must provide the information.

The security for which such information is required will not be paid until the information is provided. When the security is paid, the owner and the Owner's Representative will receive written notice of the transfer.

e. Securities that cannot be electronically transferred to a brokerage or mutual fund account, but can be certificated, will be registered in the name of the owner. The certificate will be mailed to the Owner's Representative, with written notification to the owner.

f. Securities that cannot be sold, electronically transferred, or certificated, will not be paid. Written notice will be provided to the owner and the Owner's Representative.

g. All securities will be registered according to industry standards.

### 3. Tangible Personal Property.

a. If the owner has not authorized the owner's representative to receive the property, the property shall be delivered to the owner in accordance with subparagraph (11)(a)3. above. If the owner has authorized the owner's representative to receive property valued at less than ten thousand dollars (\$10,000) that can be accepted for delivery by a common carrier, the property will be shipped to the owner's representative at the address listed on the claim.

b. If the owner has authorized the owner's representative to receive property valued at ten thousand dollars (\$10,000) or more, or the property cannot be accepted for delivery by a common carrier, the Department will advise the owner's representative of the award by letter, and make the property available for pickup during normal business hours at the Department's offices in Tallahassee, Florida.

i. Anyone authorized to act on behalf of the owner's representative must produce personal picture identification in order to receive the property at the Department's Tallahassee address.

ii. Receipt of the property must be acknowledged in writing by the person receiving the property.

iii. If the property is not collected at the Department's Tallahassee office within ninety (90) days of the date on the award letter, it may be offered for sale at the next auction and the proceeds delivered the same as cash in paragraph (11)(b) above.

c. As an alternative to sub-subparagraph (11)(b)3.b. above, the owner's representative must either arrange with a common carrier to pick up the property during normal business hours at the Department's offices in Tallahassee, Florida, or request that the property be shipped by the Department to the address listed on the claim by common carrier at the expense of the owner's representative. All communications by the owner's representative with the Department regarding how the property is to be delivered to the owner's representative must be in writing. If the property is to be shipped by the Department, the owner's representative must provide the Department with:

i. The credit card information or common carrier account information of the owner's representative, and

ii. A statement identifying the amount of insurance coverage authorized to be purchased for the property or a statement that the owner's representative does not desire the property to be insured.

Specific Authority 717.138 FS. Law Implemented 92.525, 717.1201, 717.124, 717.125, 717.126, 717.135 FS. History—New 3-20-91, Amended 3-13-96, 8-18-96, 1-28-97, 1-18-99, 4-16-02, \_\_\_\_\_.

3D-20.0022 Proof of Ownership and Entitlement to Unclaimed Property.

(1) through (2) No change.

(3) Claims by Beneficiaries or Estates.

(a) If the apparent owner is deceased, the claim must include a certified copy of the decedent's death certificate, as well as the following:

1. Open Estates – Records, certified by the clerk of court within one (1) year of the date of filing the claim with the Department, reflecting the personal representative's right to act for the estate of the apparent owner.

2. Closed Estates – ~~A certified copy of a Attach~~ a probate court order, certified by the clerk of court ~~within one (1) year of the date of filing of the claim with the Department,~~ identifying the beneficiaries and the proportional entitlement of each to the estate. If a court order, identifying the beneficiaries and the proportional entitlement of each to the property of the estate is not available, the claimant must submit those documents from the probate court file from which this information may be determined. Typically, this information may be obtained from the decedent's will, if one exists, and the Order admitting the will to probate; the Petition for Probate; or the Petition for Discharge with exhibits. If any such combination of documents is submitted, they must be accompanied by a copy of the Order of Discharge. In no event is the will standing alone, sufficient.

3. Unclaimed Property with Aggregate value of \$5,000.00 or Less. ~~If all Will Never Probated — If an owner died with a will, but the will was not probated, and~~

~~a. All~~ of the unclaimed property held by the Department on behalf of ~~a deceased~~ the owner has an aggregate value of \$5,000 or less, ~~as an alternative to subparagraph (3)(a)2., the claimant may file a A~~ copy of the will, ~~if the decedent had a will,~~ and an affidavit signed by all the beneficiaries stating that all the beneficiaries have amicably agreed upon a division of the estate, ~~that no probate proceedings are pending for the estate, and that all funeral expenses, expenses of the last illness and other lawful claims have been paid. The affidavit shall be submitted on Form DBF-UP-1243, Estate Affidavit, effective~~ \_\_\_\_\_ ~~revised 10/1/01,~~ which is hereby incorporated by reference and available from the Department of Banking and Finance, Bureau of Unclaimed Property, Tallahassee, Florida. No partial payments shall be made.

~~b. If the aggregate value of the unclaimed property held by the Department is more than \$5,000, a probate estate administration must be opened and a current certified copy of a court order identifying either the personal representative, or, in the case of a summary administration, the beneficiaries and the proportional share of each to the estate, must be submitted to the Department.~~

~~4. No Will and No Administration:~~

~~a. All of the unclaimed property held by the Department on behalf of the owner has an aggregate value of \$5,000 or less and the estate was never probated, a beneficiary may file an affidavit signed by all the beneficiaries, stating that all the beneficiaries have amicably agreed among themselves upon a division of the estate, that no probate proceedings have been instituted upon the estate, and that all funeral expenses, expenses of the last illness, and any other lawful claims have been paid. The affidavit shall be submitted on Form DBF-UP-1243. No partial payments shall be made.~~

~~b. If the aggregate value of the unclaimed property held by the Department is \$5,000 or more, a probate administration must be opened and a certified copy of a court order identifying either the personal representative or, in the case of a summary administration, the beneficiaries and their proportional interests in the estate must be submitted to the Department.~~

~~(4) through (5)(b) No change.~~

~~(c)1. If the unclaimed business account is that of a dissolved corporation, the claimant must specify the corporation's state of incorporation and its last principal business address. The claimant must provide a certified copy of the last corporate filing identifying the officers and directors of the corporation. This document must be obtained ~~if the unclaimed business account is for a dissolved corporation, then certification from an appropriate authorized state official of the state of incorporation, certified within one (1) year of the filing of the claim, shall be provided to the Department to reflect the last corporate filing. A certified copy of the last corporate filing shall not be required if:~~~~

~~a. The officers and directors of the dissolved corporation are identified in the last corporate filing on the Internet site for the Florida Department of State; or~~

~~b. The claimant furnishes to the Department a uniform resource locator (U.R.L.) for the address of a free Internet site operated by the state of incorporation of the dissolved corporation that provides access to the last corporate filing identifying the officers and directors of the dissolved corporation.~~

~~c. The claimant must furnish the Department with a printout from the relevant Internet site identifying the officers and directors of the dissolved corporation.~~

~~2. The Appropriate evidence shall be provided must demonstrate to reflect that the dissolved corporation is the same corporation as shown on the Department's records. The~~

~~and appropriate evidence must demonstrate that shall be provided to reflect the claimant is entitled to all or a proportional share of the dissolved corporation or that the claimant is an officer or director of the corporation. It is not sufficient that the claimant has the same name as that of an officer or director of the dissolved corporation. The claimant must demonstrate a connection to the dissolved corporation. Subsection (5)(b)4. herein provides examples of documents which may establish a connection between the claimant and the dissolved corporation.~~

~~3. A claim for an unclaimed business account of a dissolved corporation must include a photographic identification showing the full name and current address for the officer, director or shareholder on whose behalf the claim is filed.~~

~~4. A claim for an unclaimed business account of a dissolved corporation must state whether the dissolved corporation has ever been a debtor in bankruptcy. If the dissolved corporation has ever been a debtor in bankruptcy, the claimant must identify the bankruptcy chapter under which the bankruptcy case proceeded. The claimant must also identify the location of the bankruptcy court, the case number, and the address and telephone number of the Office of the U.S. Trustee in that jurisdiction. If no bankruptcy proceedings of the dissolved corporation are known, the claimant must so state and must either provide the results of a bankruptcy court web site Case Management/Electronic Case Files (CM/ECF) search, if available, or a Public Access to Court Electronic Records (PACER) search. The CM/ECF or PACER search must be conducted in the bankruptcy court of the state and district of incorporation and where the main office is located, if different. The claim must provide the results of both a search by corporate name and a search by tax identification number for the state and district of incorporation and the location of the main office, if different. As an alternative to the CM/ECF or PACER search, the claimant must provide a completed United States Bankruptcy Court Application for Search of Bankruptcy Records shall be provided to the Department from the state and district of incorporation, and from the district where the main office is located, if different.~~

~~5. The Office of the U.S. Trustee will be contacted by the Department if the dissolved corporation was a debtor in a closed Chapter 7 bankruptcy case and the aggregate value of the unclaimed property is greater than \$1,000.00. If the bankruptcy case is reopened, the unclaimed property will be remitted to the bankruptcy trustee.~~

~~6. Any unclaimed property will be remitted to the bankruptcy trustee for a corporation in a pending bankruptcy case unless the debtor is in possession of the bankruptcy estate. If the debtor is in possession of the bankruptcy estate, the unclaimed property will be remitted to the debtor corporation. Personal identification shall be provided as specified in subsection (2) of this rule.~~

Specific Authority 717.138 FS. Law Implemented 92.525, 717.124, 717.126 FS. History--New 3-20-91, Amended 3-13-96, 8-18-96, 1-28-97, 1-18-99, 4-16-02, \_\_\_\_\_ Cf. 11 U.S.C. s. 542

**DEPARTMENT OF BANKING AND FINANCE**

**Board of Funeral and Cemetery Services**

**RULE TITLE:** Conversion Procedures  
**RULE NO.:** 3F-5.007  
**PURPOSE AND EFFECT:** The Board proposes to update this rule to clean up obsolete language.  
**SUBJECT AREA TO BE ADDRESSED:** Conversion procedures.  
**SPECIFIC AUTHORITY:** 497.103 FS.  
**LAW IMPLEMENTED:** 497.201, 497.213 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: Diana Evans, Executive Director, Board of Funeral and Cemetery Services, 101 East Gaines Street, Tallahassee, Florida 32399-0350

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

**DEPARTMENT OF INSURANCE**

**Division of State Fire Marshal**

**RULE CHAPTER TITLE:** Uniform Minimum Firefighter Employment Standards  
**RULE CHAPTER NO.:** 4A-62  
**RULE TITLES:** Firefighter Employment Standards; Adoption of OSHA Standards  
**RULE NOS.:** 4A-62.001  
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 Uniform Minimum Firefighter Employment Standards; Adoption of National Fire Protection Association Standards 4A-62.002  
 Firefighter Employment Standards; Adoption of 19 C.F.R. 1910.134(g)(3) and 1910.134(g)(4), Including Notes One and Two 4A-62.003  
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**PURPOSE AND EFFECT:** The purpose of these rules is update existing rules based on statutory revisions and to implement Sections 633.801-633.821, Florida Statutes, as mandated by the Legislature in those sections. The effect of these rules is to provide for firefighter workplace safety and health programs and requirements for safety and health compliance by firefighter employers and firefighter employees.  
**SUBJECT AREAS TO BE ADDRESSED:** The subject areas to be addressed are firefighter occupational safety and health standards, toxic substances in workplaces where firefighters may respond to emergencies, firefighter employer comprehensive safety and health programs, identification of firefighter employers with high frequency of severity of injuries and programs to assist them, workers compensation insurance providers safety and health programs as they relate to firefighters and firefighter employers, inspections and investigations of firefighter employers places of operation, notices of violations, procedures relating to statutorily established penalties, complaint investigations, recordkeeping responsibilities, safety training, safety committees, and firefighter employer evaluations.

**SPECIFIC AUTHORITY:** 633.45(1)(a), 633.804, 633.805, 633.806, 633.808, 633.809, 633.810, 633.811, 633.816, 633.821 FS.

**LAW IMPLEMENTED:** 633.802, 633.803, 633.804, 633.805, 633.806, 633.807, 633.808, 633.809, 633.810, 633.811, 633.812, 633.813, 633.814, 633.815, 633.816, 633.817, 633.818, 633.819, 633.820, 633.821 FS.

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

TIME AND DATE: 1:00 p.m., December 16, 2002

PLACE: Fire Rescue Training Room, City of Sunrise Public Safety Headquarters, 10440 West Oakland Park Blvd., Sunrise, Florida

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

PLACE: Shady Oaks Community Center, 3300 Marion Street, Fort Myers, Florida

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

PLACE: 11655 N.W. Gainesville Road, Ocala, Florida

TIME AND DATE: 8:00 a.m., December 20, 2002

PLACE: Room 116, Larson Building, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Dave Casey, Chief, Bureau of Fire Standards and Training, 11655 N.W. Gainesville Road, Ocala, Florida, phone (352)369-2800

In accordance with the Americans with Disabilities Act and Section 286.26, Florida Statutes, persons needing a special accommodation to participate in this workshop should contact Angie Cain at the Florida State Fire College no later than 48 hours prior to the meeting or workshop by calling (352)369-2800.

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

PART I: ADOPTION OF UNIFORM MINIMUM FIREFIGHTER EMPLOYMENT STANDARDS

4A-62.001 Firefighter Employment Standards; Adoption of OSHA Standards.

No change.

Specific Authority 633.01(1), 633.821 FS. Law Implemented 633.45(1)(a), 633.821 FS. History--New 11-21-01.

4A-62.002 Uniform Minimum Firefighter Employment Standards; Adoption of National Fire Protection Association Standards.

No change.

Specific Authority 633.01(1), 633.821 FS. Law Implemented 633.45(1)(a), 633.821 FS. History--New 11-21-01.

4A-62.003 Firefighter Employment Standards; Adoption of 29 C.F.R. 1910.134(g)(3) and 1910.134(g)(4), Including Notes One and Two.

(1) through (2) No change.

(3)(a) No firefighter or any other person at the scene of a fire is permitted to participate in any operation involving two-in, two-out, as defined in this rule chapter, as one of the two or more persons inside the IDLH atmosphere or as one of the two or more persons outside of the IDLH atmosphere unless such firefighter or other person at the scene of a fire has successfully taken and completed the Firefighter I training program established in subsections (1) and (2) of Rule 4A-37.055, F.A.C. Such training shall consist of 160 hours of the training described in subsection (6) of Rule 4A-37.055.

F.A.C. This requirement specifically applies to volunteer fire departments and volunteer firefighters, but is also applicable to any other person at the scene of a fire.

(b) A violation of this subsection may result in the Division taking any action permissible under Chapter 633, Florida Statutes, against the offending party, regardless of whether the offending party is:

1. An individual person.

2. A firefighter employer as defined in Section 633.802, Florida Statutes.

3. A volunteer fire department, or

4. Any municipality, county, or special district

a. Employing firefighters as defined in Section 633.30, Florida Statutes, or b. Using or supporting the use of volunteer firefighters.

~~With respect to 29 C.F.R. Section 1910.134(g)(4), the two individuals located outside the immediately dangerous to life and health atmosphere may be assigned to an additional role, such as incident commander, pumper operator, engineer, or driver, so long as such individual is able to immediately perform assistance or rescue activities without jeopardizing the safety or health of any firefighter working at an incident. Also with respect to 29 C.F.R. Section 1910.134(g)(4):~~

~~(a) Each county, municipality, and special district shall implement such provision by April 1, 2002, except as provided in paragraphs (b) and (c).~~

~~(b) If any county, municipality, or special district is unable to implement such provision by April 1, 2002, without adding additional personnel to its firefighting staff or expending significant additional funds, such county, municipality, or special district shall have an additional six months within which to implement such provision. Such county, municipality, or special district shall notify the Division that the six month extension to implement such provision is in effect in such county, municipality, or special district within 30 days of its decision to extend the time for the additional six months. The decision to extend the time for implementation shall be made prior to April 1, 2002.~~

~~(c) If the extension granted in Paragraph (b) expires, and the county, municipality, or special district, after having worked with and cooperated fully with the Division is still unable to implement 29 C.F.R. Section 1910.134(g)(4) without adding additional personnel to its firefighting staff or expending significant additional funds, such municipality, county, or special district shall be exempt from the requirements of 29 C.F.R. Section 1910.134(g)(4). Each year thereafter the Division shall review each exempt county, municipality, or special district to determine if such county, municipality, or special district has the ability to implement 29 C.F.R. Section 1910.134(g)(4) without adding additional personnel to its firefighting staff or expending significant additional funds. If the Division determines that any county, municipality, or special district has the ability to implement 29~~



~~C.F.R. Section 1910.134(g)(4) without adding additional personnel to its firefighting staff or expending significant additional funds, the Division shall require such county, municipality, or special district to implement such provision. Such requirement by the Division under this paragraph constitutes final agency action subject to Chapter 120, Florida Statutes.~~

(4) In addition to the prohibition in subsection (3), no firefighter employer, regardless of whether such firefighter employer employs firefighters certified under Section 633.34, Florida Statutes, or uses volunteer firefighters, is permitted to allow any firefighter or other person at the scene of a fire to participate in any activity which results from any standard adopted pursuant to the authority in Sections 633.801-633.821, Florida Statutes, unless such firefighter or other person at the scene of a fire has successfully taken and completed the Firefighter I training program established in subsections (1) and (2) of Rule 4A-37.055, F.A.C. Such training shall consist of 160 hours of the training described in subsection (6) of Rule 4A-37.055, F.A.C. This requirement specifically applies to volunteer fire departments and volunteer firefighters, but is also applicable to any other person at the scene of a fire.

Specific Authority 633.01(1), 633.821 FS. Law Implemented 633.45(1)(a), 633.821 FS. History—New 11-21-01, Amended.

4A-62.004 Presence of Toxic Substances; Notice to Fire Departments.

(1) through (14) No change.

(15)(a) The list of toxic substances that is maintained by the Department of Community Affairs dated xxx, and has been adopted in Rule 9 - . . . , F.A.C., is hereby adopted and incorporated by reference.

(b) The list of toxic substances adopted in paragraph (a) may be obtained by contacting the Division of State Fire Marshal, 200 East Gaines Street, Tallahassee, Florida 32399-0340.

~~(15) List of toxic substances: [Extensive list of toxic substances will be inserted and struck through in the Notice of Hearing and deleted in the rules filed for adoption].~~

Specific Authority 633.01(1), 633.821 FS. Law Implemented 633.45(1)(a), 633.821 FS. History—New 11-21-01, Amended.

4A-62.005 Exemption from 29 Code of Federal Regulations, Section 1910.134(g)(4).

No change.

Specific Authority 633.01(1), 633.821 FS. Law Implemented 633.45(1)(a), 633.821 FS. History—New 11-21-01.

#### 4A-62.006 Definitions.

Unless the text or context clearly requires otherwise, the definitions in Section 633.802, Florida Statutes, are applicable to this rule chapter. In addition, for purposes of this rule chapter, the following definitions apply:

(a) “Act” means Sections 633.801-633.821, Florida Statutes.

(b) “IDLH” or “IDLH atmosphere” means an atmosphere which is immediately dangerous to life and health.

(c) “Two-in, two-out rule” or “two-in, two-out” means and refers to 29 C.F.R. 1910.134(g)(4). Including Notes One and Two, as modified by Section 633.821(3), Florida Statutes.

Specific Authority 633.01(1), 633.821 FS. Law Implemented 633.45(1)(a), 633.821 FS. History—New \_\_\_\_\_.

## PART II: WORKPLACE SAFETY AND HEALTH PROGRAMS

### 4A-62.020 Definitions.

Unless otherwise specified herein for purposes of this rule chapter the definitions of the terms contained in Section 440.02, Florida Statutes, shall apply. For the purposes of Part II of this rule chapter, unless the context clearly requires otherwise, the following definitions shall also apply:

(1) “Division” means the Division of State Fire Marshal of the Department of Insurance of the State of Florida.

(2) “Firefighter Employee Safety and Health Training Program” means a written training program developed by a carrier, individual self-insurer, self-insurance fund, or firefighter employer or a combination thereof for a firefighter employer’s implementation when the firefighter employer has been identified as having a high frequency or severity of injuries or workers’ compensation insurance claims that is higher than the average for firefighter employers and includes any safety and health program which has been adopted by a firefighter employer. It shall serve as a guide to safe work practices for firefighter employees.

(3) “Firefighter employer” means a “firefighter employer” as defined in Section 633.802(4), Florida Statutes.

(4) “Firefighter Employer Comprehensive Safety and Health Program” means a particular written plan developed from a “Workplace Safety and Health Program” provided by an insurance carrier, group self-insurance fund, individual self-insurer, or by an individual firefighter employer. It is designed to ensure that the firefighter employer has a structured and integrated safety and health management program within its organization which is specifically designed to reduce or control the hazards of the firefighter employer’s workplace and the frequency of workplace injuries and occupational diseases.

(5) “Frequency” means the number of workplace injuries and occupational diseases reported to the Division of Workers’ Compensation, occurring over a one-year period, and resulting in lost time cases pursuant to the Florida Workers’ Compensation Law.

(6) “Frequency Rate” means the figure which results after using the formula for determining the frequency rate provided in Rule 4A-62.023, F.A.C.

(7) “Lost Time Cases” means injuries or illnesses which result in the firefighter employee being unable to work for more than seven (7) days.

(8) “OSHA” means the Occupational Safety and Health Administration as created by the Occupational Safety and Health Act of 1970, 29 U.S.C. Section 651-678.

(9) “Safety and Health Standard” or “Standard” means any of the safety and health standards adopted by the division and which may apply to a specific workplace. These standards are minimum standards upon which all safety and health risk assessments can be made.

(10) “Safety and Health Inspection” means the risk assessment process by division personnel of a firefighter employer’s work environment as follows: analyzing existing conditions and operations that may create hazards; identifying signs of ineffective safety and health policies or practices; and identifying safety and health program deficiencies.

(11) “Severity” means the extent of the workers’ compensation medical and indemnity benefits which result or will result from the workplace injuries that a firefighter employer has reported to the Division of Workers’ Compensation.

(12) “Shall” means that the application or procedure that follows is mandatory and “shall” is only used in this context in these rules.

(13) “Should” means that the application or procedure that follows is highly recommended and “should” is only used in this context in these rules.

(14) “Workplace Safety and Health Program” means the written program of a workers’ compensation carrier, group self-insurance fund, and individual self-insurer which has been approved in writing by the division. It is to be used by their policyholders, members or themselves as a guide in developing a specific firefighter employer’s “Firefighter Employer Comprehensive Safety and Health Program.”

(15) “Will” means that the application or procedure that follows is to take place in the future and in this context “will” is never used to indicate any degree of requirement of an application or procedure.

Specific Authority 633.804 FS. Law Implemented 633.804 FS. History—New \_\_\_\_\_.

#### 4A-62.021 Program Submission and Approval.

(1) All workers’ compensation insurance carriers, workers’ compensation individual self-insurers, and group self-insurance funds shall have available to the division, Florida, a copy of their workplace safety and health program. A workplace safety and health program shall contain the following:

(a) A list of the general types of workplace safety and health services to be provided to the firefighter employer.

(b) The procedures followed for the conduct of inspections.

(c) The use of training programs for firefighter employers and fund members.

(2) The carrier or self-insurance fund program shall include, as an attachment to its overall program, a generic workplace safety and health program, regardless of format, that meets the specific requirements of these rules and can be used by the firefighter employer to develop a Firefighter Employer Comprehensive Safety and Health Program that is written specifically to meet the needs of the firefighter employer’s workplace.

(3) General Guidelines For Firefighter Employer Comprehensive Safety and Health Programs. The following guidelines for a Firefighter Employer Comprehensive Safety and Health Program shall be included in the carrier’s workplace safety and health program. Carriers, self-insurers and firefighter employers shall follow these guidelines when tailoring a workplace safety and health program to the specific circumstances pertaining to a particular policyholder or member. An actual Firefighter Employer Comprehensive Safety and Health Program for a particular policyholder or member is not acceptable unless it is modified to meet the specific needs and requirements of the policyholder or member’s workplace. These guidelines shall be used by firefighter employers that are notified by the division that they have a high frequency or severity of workers’ compensation claims to prepare their Firefighter Employer Comprehensive Safety and Health Program.

(a) Safety Policy. Each firefighter employer shall issue and make available to all firefighter employees a safety policy containing a clear and concise view of the firefighter employer’s determination that safety and health management shall be of primary importance and that all employment and places of employment shall be free of recognizable workplace and environmental hazards. The safety policy shall delegate responsibilities with respect to implementing the safety and health program.

(b) Safety Rules. Each firefighter employer shall develop and implement a set of safety rules which shall be equivalent to or exceed applicable OSHA standards and such rules shall be consistent with the size and type of industry for which the safety program is being developed.

(c) Safety And Health Training Program. Each firefighter employer shall implement a safety and health training program which shall address:

1. Training, by supervisors or trained instructors, of new firefighter employees and firefighter employees transferring to new jobs, on the operating procedures of vehicles and equipment to be utilized by the firefighter employee.

2. Instructional training for supervisors.

3. Specialized training as required by the rules of the division, and any OSHA Standards and other applicable laws, rules or regulations.

4. Emergency vehicle operations course for all emergency vehicle operators.

5. Goals and objectives of the safety training program(s).

6. Person(s) responsible for safety and the person(s) responsible for the conduct of safety training.

7. Specific method(s) of presentation.

8. An analysis of accidents, illnesses and injuries to determine specific additional training that may be needed.

9. Training program outline.

10. Comprehensive training program content.

11. Hazard identification system.

12. New firefighter employee indoctrination program.

13. Training. Each firefighter employer shall provide training an education for all firefighters and supervisory personnel commensurate with those duties and functions that such firefighters and supervisory personnel are expected to perform. Such training and education shall be provided to firefighters and supervisory personnel before they perform any emergency activities. Supervisory personnel shall be provided with training and education which is more comprehensive than that provided to the general firefighters.

(4) Each firefighter employer shall assure that training and education is conducted frequently enough to assure that each firefighter is able to perform the firefighter's assigned duties and functions satisfactorily and in a safe manner so as not to endanger himself, herself, or any other firefighter. Training shall be provided at least annually. In addition, firefighters who are expected to perform interior structural firefighting shall be provided with an education session or training at least quarterly.

(5) The quality of the training and education programs for firefighters and officers shall be similar to the courses or curriculum of the Florida State Fire College or that use national consensus curriculums such as the International Fire Service Training Association (IFSTA). The quality of the training for supervisory personnel shall generally conform to the standards enumerated in NFPA 1021, "Fire Officer Professional Qualifications," for Firefighter I, II, III, or IV, as applicable, or similar or equivalent standards.

(6) Each firefighter employer shall inform each firefighter about special hazards such as storage and use of flammable liquids and gases, toxic chemicals, radioactive sources, and water reactive substances, to which they may be exposed during fire and other emergencies. The firefighters shall also be advised of any changes that occur in relation to the special hazards. The firefighter employer shall develop and make available for inspection by firefighters written procedures that describe the actions to be taken in situations involving the special hazards and shall include these in the training and education program.

(7) Policy for enforcement of safety rules and regulations.

(a) Accident Investigation Program. Each firefighter employer shall implement an accident investigation program which will investigate and record all accidents and near accidents involving personnel, including medical only injuries, and accidents in which equipment or motor vehicles are damaged. The investigation shall determine all obtainable facts of each accident and cite cause factors and recommend corrective action.

(b) Record Keeping. Each firefighter employer shall implement a Firefighter Service Casualty Report which shall record all injuries, including type of accident, agencies, nature or type of injury, body location, the specific activity at the time of the injury or occurrence, cause of injury, and contributing causes of injury. Such reports shall also contain any event, injury, or occurrence enumerated in Section 112.181, Florida Statutes, to which the presumptions therein are applicable. These reports shall be kept up to date.

Specific Authority 633.804 FS. Law Implemented 633.804 FS. History--New

4A-62.022 Firefighter Employer Comprehensive Safety and Health Program.

(1) All firefighter employers identified and notified by the division as having a high frequency or severity of work related injuries and illnesses shall submit their Firefighter Employer Comprehensive Safety and Health Program to the division for approval within one hundred twenty (120) days after receipt of notice. The division may approve additional time for the firefighter employer to complete specific elements of the program providing the firefighter employer is making progress on the other elements. This approval shall be in writing.

(2) The Firefighter Employer Comprehensive Safety and Health Program shall contain or address the specific components listed under the "GENERAL GUIDELINES FOR FIREFIGHTER EMPLOYER COMPREHENSIVE SAFETY AND HEALTH PROGRAMS" set forth in Rule 4A-62.021, F.A.C.

(3) If a firefighter employer fails to submit a Firefighter Employer Comprehensive Safety and Health Program to the division, the firefighter employer shall be subject to a penalty as prescribed in Section 633.811, Florida Statutes, or as otherwise prescribed by law.

(4) The division shall conduct a continuous evaluation of each approved program to determine its overall effectiveness.

Specific Authority 633.809 FS. Law Implemented 633.809 FS. History--New

4A-62.023 Criteria for Identifying Firefighter Employers with a High Frequency or Severity of Injuries.

(1) Individual firefighter employers and groups of firefighter employers with a high frequency or severity of work related injuries and illnesses as identified by the division shall be subject to safety and health inspections. If a firefighter employer fails or refuses to implement or correct deficiencies

identified by the division, the firefighter employer shall be subject to penalties as provided Section 633.811, Florida Statutes, or as otherwise prescribed by law.

(2) The division will use the following procedures to determine which firefighter employers with a high frequency or severity of workers' compensation claims will be selected to have their safety and health management program audited by the division and their workplace and records inspected.

(a) A firefighter employer high frequency of injury list will be established using the most recent year's data available from the Division of Workers' Compensation database. This will be data for a year where there has been sufficient time allowed to receive and check the data for reliability. The list will be derived by compiling lost time cases contained in the database in descending order of frequency from highest to lowest for the year. The order of priority will be determined by highest frequency of disabling injuries. Firefighter employers with the highest frequency rate of reported lost time cases will be contacted first.

(b) A list of firefighter employers with a high frequency of workers' compensation claims that is above the statewide average for firefighter employers or with a high severity of workers' compensation claims that is above the statewide average for the firefighter employer's will be compiled from the Division of Worker's Compensation database. This will be done using the data for the same year that was used to compile the Florida Injury List. Individual firefighter employers will then be selected from this list as determined by the procedure stated above in paragraph (a). Selection will begin with the firefighter employer with highest frequency of lost time cases and working down the list in descending order of frequency and then finally selecting any remaining firefighter employer's on the list that have a high severity of lost time cases.

(c) In order to preclude working with a firefighter employer when it would be inappropriate, procedures will be followed that will allow the firefighter employer's carrier to provide documentation to that effect. This procedure will be used to eliminate firefighter employers from the list that appear on the list inadvertently due to an administrative error or when a firefighter employer, subsequent to the collection of data in the Division of Workers' Compensation database, has taken action and reduced his frequency or severity of injuries to a rate below the statewide average for firefighter employers. When a firefighter employer is selected for an audit, both the firefighter employer and the firefighter employer's carrier will be advised and requested to provide claims experience data for the past three calendar years for the purpose of determining the firefighter employers frequency rate which then can be compared to the statewide average for firefighter employers. If the firefighter employer's actual frequency rate is below this average, the firefighter employer will be removed from the list of firefighter employers to be audited. On the other hand if the

firefighter employers frequency rate is above average or there is no data available, the firefighter employer will be scheduled for an audit.

(d) The frequency rate will be calculated using the following formula: Rate of reported time lost injuries by a firefighter employer in a year shall be determined by Frequency divided by Average Daily Staffing where: Frequency = total lost time cases reported by a firefighter employer in a year. Average Daily Staffing = the average number of personnel duty at one given time per day multiplied by the number of days staffed. Example 1: the average number of personnel duty at one given time per day multiplied by 365 for a 24 hour full-time department [Please note this works for three platoon (24/48) or four platoon (10/14 or 24/72)] Example 2: the average number of personnel duty at one given time per day multiplied by 260 for Monday through Friday staffing. Example 3: For volunteers it would be the average staffing of all of their emergency responses times the number of responses they had in the year.

(e) The firefighter employer's frequency rate will be compared with the statewide average frequency rate for all firefighter employers. The statewide average frequency rate will be determined by dividing the total number of reported lost time cases by the total number of reported firefighter employees within the group.

(f) If a firefighter employer is to be audited, the following shall be required of the firefighter employer:

1. The firefighter employer shall be required to meet with a division representative within ten days of being notified of the decision to audit.

2. The firefighter employer shall be required to assign a contact person to work with the analyst representing the division.

3. The firefighter employer shall be required to provide the most complete copy of each of the first reports of injury for the past 3 years and a copy of the corresponding accident report if available.

4. Information pertaining to the following will be collected from the firefighter employer:

- a. Safety policy.
- b. Safety rules and regulations.
- c. Safety inspections, including regular and periodic inspections.
- d. Safety training programs.
- e. First aid programs.
- f. Accident investigation programs.
- g. Recordkeeping, and
- h. Respiratory protection programs as required by the adoption of 29 C.F.R. 1910.134 in Rule 4A-62.011, F.A.C.
- i. Other information pertaining to safety and health program management.

5. After the audit is complete, a closing conference will be scheduled to advise the firefighter employer on the results of the audit.

6. Suggestions and assistance will be provided to the firefighter employer to help improve the safety and health program management.

7. Abatement deadlines shall be set for the firefighter employer to take corrective action in regard to any safety and health program deficiencies that are identified.

8. In order to measure program effectiveness following the audit, the firefighter employer shall be required to submit copies of all first reports of injury and corresponding accident investigation reports to the division on a quarterly basis (every three months) for two years or until the firefighter employer's frequency/severity rate of lost time cases falls below the statewide average for firefighter employers, whichever occurs latest.

Specific Authority 633.809 FS. Law Implemented 633.809 FS. History—New \_\_\_\_\_.

### PART III: SAFETY AND HEALTH COMPLIANCE

#### 4A-62.030 Definitions.

Part III of this rule chapter incorporates by reference the definition of "occupational disease" contained in Section 440.151(2), Florida Statutes, and the definitions contained in section 440.02, Florida Statutes. Further, with respect to Part III of these rules, the division adopts the following definitions:

(1) "Abatement date" means a given day specified by the division on the Notice of Violation on or before which the firefighter employer must correct a violation to avoid penalty.

(2) "Calendar year" means a given twelve month period that begins January 1 and ends December 31.

(3) "Establishment" means the single physical location of a workplace where the firefighter employer maintains records necessary to provide evidence of firefighter employer compliance with this rule chapter. Generally, an establishment is a single physical location where business is conducted. For firefighter employers engaged in activities that may be physically dispersed, the establishment shall be the Administrative Offices/Headquarters of the agency.

(4) "Fatality" means any firefighter employee death that occurs as a result of workplace injury, illness, or occupational disease. The term includes a firefighter employee death that results from workplace injury, illness, or occupational disease.

(5) "Hazard" means the risk of exposure to materials, processes, or operating procedures or practices that can produce a harmful effect by causing injury, illness, occupational disease, or fatality.

(6) "Illness" means any abnormal condition or disorder, other than one resulting from an occupational injury, caused by exposure to environmental factors associated with

employment. It includes acute and chronic illnesses or diseases that may be caused by inhalation, absorption, ingestion, or direct contact with an environmental factor.

(7) "Investigation" means verification of firefighter employer compliance with the Act or division rule by of a firefighter employer including firefighter employer requests, complaint investigations, fatality investigations, and serious incident investigations.

(8) "Serious incident" means any event arising out of the work and in the course of employment, the result of which a firefighter employee is admitted into a hospital for a minimum period of twenty-four hours.

(9) "Violation" means noncompliance with the Act, a division rule, or order of the division.

(10) "Workplace" means the physical location in Florida where firefighter employees perform their duties and includes the scene of a fire or other emergency unless the context clearly requires otherwise.

Specific Authority 633.806 FS. Law Implemented 633.806 FS. History—New \_\_\_\_\_.

#### 4A-62.031 Right of Entry.

A firefighter employer shall allow the division, on request and presentation of official credentials, without delay to enter and to inspect any place of employment at any reasonable time for the purpose of assuring compliance with the Act and this rule chapter.

Specific Authority 633.806 FS. Law Implemented 633.806, 633.815 FS. History—New \_\_\_\_\_.

#### 4A-62.032 Division Inspection or Investigation.

(1) Under the Act, the division is authorized to conduct inspections or investigations for the purpose of ensuring compliance with the Act and division rules. The division shall conduct an inspection or investigation to determine jurisdiction, the occurrence of a violation, or to verify abatement. The division shall conduct an inspection or investigation by means of on-site inspection or investigation, telephone, correspondence, or personal interview, which may be in private.

(2) A firefighter employer may request the division to investigate the workplace to ensure compliance with the Act and division rules.

(3) The division shall not provide notice of an inspection or investigation.

(4) Upon entering a workplace, the division shall advise the person in charge of the work being performed at the workplace that the division intends to conduct an inspection or investigation.

(5) The division shall conduct an opening conference, explaining the purpose of the inspection or investigation, inspection or investigation procedures, and firefighter employer obligations and responsibilities.

(6) The division may invite a firefighter employee to accompany the division during an inspection or investigation.

(7) The division shall consider evidence observed in plain view or obtained during an inspection or investigation, or otherwise obtained from a telephone or personal interview, correspondence, firefighter employer record, maintenance record, insurance record, laboratory report, or electronic information.

(8) After the inspection or investigation, the division shall conduct a closing conference with the firefighter employer to discuss any violations noticed, answer questions, explain penalty assessments, and identify abatement verification procedures, including the potential for a subsequent inspection or investigation by the division to verify abatement.

(9) The division shall issue a Notice of Violation prescribed in Rule 4A-62.034, F.A.C., for each violation identified by the division during an inspection or investigation. The division shall issue a Notice of Violation at the completion of the inspection or investigation.

(10) Complaint Investigation.

(a) The division shall consider a complaint from any person who alleges a violation of the Act or a division rule. The complainant may elect to remain anonymous. The complainant must identify the location of the workplace that gives rise to the complaint and allege known particular facts that constitute a violation. A complaint may be oral or written.

(b) The division shall conduct an investigation of a complaint that facially establishes reasonable cause to believe that a violation exists or occurred.

(11) Fatality Investigation.

(a) Each firefighter employer shall notify the division of any fatality within 24 hours by telephone, facsimile transmission, telegraph, or any other effective means of communication.

(b) The division shall conduct an investigation of each fatality of which it is notified.

(12) If the division determines during an investigation that a firefighter employer's failure to comply with the Act or a division rule directly contributed to a fatality or serious incident, the division shall issue to the firefighter employer a Notice of Violation specifying an immediate abatement date.

(13) The division shall conduct an investigation to verify abatement of a violation within six months after the issuance date of the Notice of Violation.

Specific Authority 633.45(1)(a), 633.806 FS. Law Implemented 633.801, 633.806, 633.815 FS. History--New \_\_\_\_\_.

4A-62.033 Recordkeeping Responsibilities of Firefighter Employers.

(1) Each firefighter employer shall maintain for review by the division upon request the "Log and Summary of Occupational Injuries, Diseases, and Illnesses" (DI4-\_\_\_\_\_) (log and summary), incorporated herein by reference and

available from the division. Each firefighter employer shall record each injury, illness, occupational disease, and fatality for that establishment on the log and summary within six working days of learning an injury, illness, occupational disease, or fatality has occurred. A firefighter employer may maintain a form equivalent to the log and summary, which shall contain the same information and shall be as readable and comprehensible to a person unfamiliar with the log and summary. The firefighter employer or person who supervises the preparation of the log and summary shall execute the certification of the log and summary with his or her signature.

(2) In addition to the log and summary required in subsection (1), each firefighter employer shall maintain and make readily available upon request to the division the following supplementary records:

(a) "Notice of Injury" (Form xxx), incorporated herein by reference and available from the firefighter employer's Workers' Compensation insurance carrier or fund, for each injury, illness, occupational disease, or fatality at each establishment, within six (6) working days after a firefighter employee injury, illness, occupational disease, or fatality has occurred. The Notice of Injury shall be completed in the detail prescribed in the instructions on the Notice of Injury itself; and

(b) The Firefighter Casualty Report, Form 902G NFIRS-3, which is hereby adopted and incorporated by reference. Form 902G NFIRS-3 may be obtained by writing to the Division of State Fire Marshal, 200 East Gaines Street, Tallahassee, Florida 32399-0340.

(c) The firefighter employee accident investigation records where created by or submitted to the firefighter employer.

(3) Each firefighter employer shall establish and maintain records on a calendar year basis.

(4) Each firefighter employer shall maintain records required in subsections (1) and (2) in each establishment for three calendar years following the end of the calendar year during which the firefighter employee injury, illness, occupational disease, or fatality occurred.

(5) When a workplace is located apart from an establishment, the firefighter employer shall have available at the workplace the telephone number and address of the establishment where records are maintained.

Specific Authority 633.808(4) FS. Law Implemented 633.808(4) FS. History--New \_\_\_\_\_.

4A-62.034 Notice of Violation.

(1) If the division determines that a firefighter employer is not in compliance with the Act or a division rule, the division shall issue to the firefighter employer a Notice of Violation (Form DI4-\_\_\_\_\_), which the division incorporates herein. The Notice of Violation shall specify the section of the statute or rule chapter violated, set forth particular facts that support the

division's allegation of a violation, and set an abatement date not to exceed thirty calendar days from the date of issuance on the Notice of Violation.

(2) The division shall serve a Notice of Violation on the senior firefighter employer official at the workplace where the violation occurred, or on a firefighter employer contact or representative. The division shall serve a Notice of Violation personally, via United States mail, or otherwise according to law.

(3) Each firefighter employer shall bring into compliance any violation identified in the Notice of Violation on or before its abatement date. The division shall grant an extension of the original abatement date upon written request by the firefighter employer for good cause shown, which means an incident or occurrence beyond the control of the firefighter employer, such as in the event of an identified hazard, forthcoming delivery of contracted services or materials, together with remedial action by the firefighter employer to remove firefighter employees from the hazard. Good cause shall not include lack of financial resources.

(4) A firefighter employer shall file the firefighter employer's copy of the Notice of Violation with the division, indicating the action taken by the firefighter employer to bring the noticed violation into compliance, the date action was taken, and the firefighter employer's signature certifying abatement. Filing under this subsection means receipt by the division within ten days after the abatement date.

(5) If the division determines that the firefighter employer abated the noticed violation on or before the abatement date, the division shall dismiss the notice. If the firefighter employer fails to correct the violation on or before the abatement date, the division shall assess against the firefighter employer a civil penalty commensurate with Section 633.822, Florida Statutes, unless otherwise provided by division rule.

(6) The firefighter employer who receives a Notice of Violation may request the division to withdraw the Notice of Violation. The request must be in writing and received by the division on or before the abatement date. The division shall withdraw a Notice of Violation for good cause shown by the firefighter employer.

(7) If the division finds no violation during an investigation on-site, the division will so indicate on a Notice of Violation if requested by the firefighter employer.

Specific Authority 633.808 FS. Law Implemented 633.808 FS. History—New \_\_\_\_\_.

#### 4A-62.035 Safety Training.

After a firefighter employer has abated a noticed violation that created a particular hazard, the division shall require the firefighter employer to provide to each affected firefighter employee safety training designed to prevent recurrence of the violation. Safety training shall include at least recognition and avoidance of the particular hazard and knowledge of the protective measures required to prevent injury. Abatement of a

safety training violation under this subsection shall include completion and documentation of the training. If a condition for abatement of a noticed violation includes safety training and the firefighter employer fails to provide the training to all affected firefighter employees, each affected firefighter employee not trained constitutes a separate violation.

Specific Authority 633.808, 633.811 FS. Law Implemented 633.808, 633.811 FS. History—New \_\_\_\_\_.

#### 4A-62.036 Procedures Relating to Penalties.

(1) The division shall issue a Notice of Penalty (Form DI4-\_\_\_\_), incorporated herein by reference, to a firefighter employer that fails to timely abate a violation of the Act or division rule.

(2) The division shall serve the Notice of Penalty in the manner provided for service of the Notice of Violation under Rule 4A-62.034, F.A.C.

(3)(a) If an investigation to verify abatement reveals that a previously-noticed violation exists, the division shall assess against the firefighter employer a penalty for a continuing violation, which shall accrue from the original abatement date indicated on the Notice of Violation. If the firefighter employer demonstrates conclusively to the division by documentary evidence, such as purchase order, payment receipt, or work order, that the firefighter employer corrected the previously-noticed violation on or before the abatement date, the division shall not assess a penalty for a continuing violation.

(b) Any previously-noticed violation that recurs after the six-month abatement period constitutes a separate violation, which is independent of a previously-noticed violation and shall be separately charged.

(4) Except as otherwise provided in this rule, the division shall assess against a firefighter employer who violates the Act, such penalty as is permitted in Section 633.011, Florida Statutes. If the division grants an extension of the abatement date and the firefighter employer fails to timely abate, the penalty shall accrue from the original abatement date on the Notice of Violation.

(5) The division shall assess against a firefighter employer a penalty for a violation that is commensurate with frequency or severity, or both.

(a) In assessing a penalty based on frequency, the division shall consider:

1. The number of safety and health violations cited against the firefighter employer as the result of a complaint or investigation; and

2. The number of identical, similar, or related safety and health violations for which the firefighter employer was prosecuted administratively, criminally, or civilly.

(b) Unless the firefighter employer violates a provision specifically enumerated in paragraph (5)(b), above, the division shall assess a penalty that considers:

1. The risk or potential risk of injury or exposure to injury that results from the violation or violations; and

2. The number of firefighter employees affected by the violation or violations.

(6) A firefighter employer that violates Rule 4A-62.031, F.A.C., (right of entry) is subject to criminal prosecution pursuant to Section 633.815, Florida Statutes, and to administrative prosecution under the act.

(7) The division has authority to seek remedies, including injunctive relief, by making appropriate filings with the Circuit Court of the Second Judicial Circuit (Leon County) to assure compliance with the Act or division rule or order.

(8) The firefighter employer may request mitigation of the penalty by filing a written request for mitigation with the division. The division shall determine whether to mitigate a penalty after considering:

(a) The knowledge of the firefighter employer of the violation or whether the firefighter employer ought to have known of the violation with due diligence;

(b) The remedial action taken by the firefighter employer in good faith to correct the violation or violations cited;

(c) The promptness of the firefighter employer's remedial action to correct the violation or violations cited; and

(d) The demonstrated commitment by the firefighter employer to avert recurrence of the violation or violations and to assure future compliance with the Act and division rules.

(9) A firefighter employer shall pay a penalty to the division within thirty (30) days of the issuance date of the Notice of Penalty by certified check or money order, which shall be made payable to the "Division of State Fire Marshal" and include the case file number and penalty number(s) specified on the Notice of Penalty. Penalty payments shall be addressed to: Division of State Fire Marshal, 200 East Gaines Street, Tallahassee, Florida 32399-0340. The division shall deposit all penalties collected in the Florida Insurance Commissioner's Regulatory Trust Fund.

Specific Authority 633.811 FS. Law Implemented 633.811 FS. History--New

#### PART IV: WORKPLACE SAFETY COMMITTEES

##### 4A-62.040 Definitions.

Part IV of this rule chapter incorporates by reference the definitions for "accident" and "injury" contained in Section 440.02, Florida Statutes, and the definition of "occupational disease" contained in Section 440.151(2), Florida Statutes. Furthermore, with respect to Part IV, the following definitions apply:

(1) "Calendar year" means a given twelve month period that begins on January 1 and ends on December 31.

(2) "Firefighter employer" means a "firefighter employer" as defined in Section 633.802(4), Florida Statutes, provided that Part IV of this rule chapter applies only to a firefighter

employer of twenty or more firefighter employees or to a firefighter employer of fewer than twenty firefighter employees that the division "identified."

(3) "Firefighter employee representative" means a firefighter employee chosen to serve on a safety committee, who does not normally serve in a supervisory capacity.

(4) "Fatality" means a firefighter employee death that occurs as a result of workplace injury or illness, or occupational disease. The term includes a firefighter employee death that results from workplace injury or illness, or occupational disease within one year of its report to the Division of Workers' Compensation of the Department of Insurance.

(5) "Hazard" means the risk of exposure to materials, processes, or operating procedures or practices that can produce injury, illness, occupational disease, or fatality.

(6) A firefighter employer "identified" means a firefighter employer identified by the division as having three or more compensable injuries in the period of three calendar years immediately preceding adoption of the rule chapter, or thereafter in the most recent period of three calendar years.

(7) "Incidence Rate" or "Frequency rate" shall be determined by the method described in Rule 4A-62.023, F.A.C.

(8) "Illness" or "occupational illness" means any abnormal condition or disorder, other than one resulting from an injury, caused by exposure to environmental factors associated with employment. Illness includes acute and chronic illnesses or diseases caused by inhalation, absorption, ingestion, or direct contact with an environmental factor.

(9) "Safety committee," "workplace safety committee," or "committee" means a group of firefighter employer and firefighter employee representatives organized pursuant to this rule chapter that actively participates in accident prevention and that recommends improvements and promotes safety and health in the workplace.

(10) "Safety-related incident" means a condition, event, or series of events that indicates the existence or occurrence of a hazard, regardless of whether the incident contributes to an injury, illness, occupational disease, or fatality.

(11) "Safety program" means a particular written safety and health program, implemented by a firefighter employer, that:

(a) Provides the means to eliminate, reduce, or control recognized hazards in the work or workplace;

(b) Provides the means to eliminate, reduce, or control the frequency or severity of workplace injuries and occupational diseases;

(c) Is specific to the work being performed;

(d) Is specific to the environment where the work is being performed; and

(e) Is easily understood by firefighter employees.



(12) "Scheduled meeting" means a convening of a safety committee after reasonable notice to its members and publication of an agenda of subjects to be addressed.

(13) "Workplace" means the physical location in Florida where firefighter employees perform their duties.

(14) "Workplace safety coordinator" means a person designated by the firefighter employer who actively participates in accident prevention, recommends improvements, and promotes safety and health in the workplace.

Specific Authority 633.810 FS. Law Implemented 633.810 FS. History--New \_\_\_\_\_.

#### 4A-62.041 Firefighter Employer Requirements.

(1) A firefighter employer of twenty or more firefighter employees shall establish, maintain, and administer a safety committee in the workplace.

(a) The firefighter employer shall determine the total number of members that serve on the safety committee; determine the length of tenure for all members of the safety committee; and ensure that the number of firefighter employer representatives shall not exceed the number of firefighter employee representatives.

(b) The firefighter employer shall identify the firefighter employee representatives for the safety committee from firefighter employees who are volunteers or who are elected from their co-workers. When sufficient firefighter employee representation is not otherwise met, the firefighter employer shall select and appoint firefighter employees to the committee. If a collective bargaining agreement provides for the establishment of a safety committee, the establishment of the safety committee pursuant to this section shall be in accordance with the collective bargaining agreement.

(c) The firefighter employer shall ensure that the safety committee convenes in accordance with the following protocol:

1. The committee shall convene its first scheduled meeting not more than forty-five days after the date of its inception.

2. Thereafter, the committee shall convene its scheduled meetings at least once each quarter during the calendar year and at such other times as a majority of the committee membership agrees or the firefighter employer requires.

(d) The firefighter employer shall compensate each committee member at his or her regular hourly wage as a firefighter when the member is engaged in committee activities.

(e) The firefighter employer shall consider and issue a timely written response to each written recommendation of the safety committee issued.

(f) The firefighter employer shall maintain complete and accurate minutes of committee meetings and communicate the location and availability of the minutes to all firefighter

employees. Safety committee records, or true copies thereof, shall be maintained by the firefighter employer for a period of not less than three calendar years.

(g) The firefighter employer shall maintain and administer a safety committee by assuring that the committee complies with these rules.

(2) If the firefighter employer described in subsection (1) operates multiple workplaces that are geographically separated, the firefighter employer is permitted to have a centralized safety committee represent the safety and health concerns of all the locations, or, alternatively, the firefighter employer is permitted to have a separate safety committee at each location.

(3) A firefighter employer of fewer than twenty firefighter employees that the division "identified" shall establish and administer a workplace safety committee or designate a workplace safety coordinator.

Specific Authority 633.810 FS. Law Implemented 633.810 FS. History--New \_\_\_\_\_.

#### 4A-62.042 Duties and Functions of the Safety Committee and Workplace Safety Coordinator.

(1) The safety committee, under the direction of the firefighter employer, shall:

(a) Establish and communicate procedures for conducting internal safety inspections of the workplace. When approved by the firefighter employer, these procedures shall be used to evaluate the effectiveness of engineering, administrative, and personal protective control measures provided by the firefighter employer to protect firefighter employees from recognized hazards in the work and work environment;

(b) Establish and communicate procedures approved by the firefighter employer by which the firefighter employer shall investigate all workplace accidents, safety-related incidents, injuries, illnesses, diseases, and fatalities;

(c) Evaluate the effectiveness of and recommend improvements to the firefighter employer's safety rules, policies, and procedures for accident and illness prevention programs in the workplace and, when approved by the firefighter employer, ensure that written updates and changes to rules, policies, and procedures of the safety programs are completed;

(d) Establish and communicate guidelines for the training of members on the requirements of this rule chapter;

(e) Post the scheduled date, time, and location of committee meetings in a conspicuous place where firefighter employees normally gather;

(f) Provide minutes of the committee meetings in a conspicuous place where firefighter employees normally gather and provide a copy thereof to individual firefighter employees upon written request; and



**PURPOSE AND EFFECT:** The purpose of this rule development is to implement the statutory requirements of Chapter 399, Florida Statutes, as amended by CS for SB 990 during the 2002 Legislature. This rule provides the specifications for continuing education requirements for elevator safety personnel, the submittal, review, and approval of elevator training programs; instructor qualifications; and, the exemption for certain military personnel.

**SUBJECT AREA TO BE ADDRESSED:** The continuing education requirements for elevator safety personnel.

**SPECIFIC AUTHORITY:** 399.001, 399.01(17), 399.049 FS.

**LAW IMPLEMENTED:** 399.01(17) FS.

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

**THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS:** Lee M. Cornman, Management Review Specialist, Department of Business and Professional Regulation, Division of Hotels and Restaurants, 1940 North Monroe Street, Tallahassee, FL 32399-1012, (850)488-9263

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

61C-5.008 Continuing Education Requirements.

(1) Continuing Education Requirements.

(a) To renew a credential issued by the bureau under Chapter 399, Florida Statutes that requires continuing education, a person must submit DBPR HR Form 5023-024, entitled Annual Registration Form, incorporated herein by reference and effective 01-01-02, a copy of which is available by writing the Division of Hotels and Restaurants, 1940 North Monroe Street, Tallahassee, Florida 32399-1012, with proof of completion of 8 hours of continuing education approved by the bureau for renewal of the credential.

(b) A person holding more than one credential issued by the bureau that requires continuing education need only complete 8 hours of continuing education during each annual period, but must submit proof of completion of the continuing education with each DBPR HR Form 5023-024, Annual Registration, submitted.

(c) A person initially certified or registered by the bureau 180 days or more prior to the renewal deadline must complete 4 hours of approved continuing education as a condition of renewal.

(d) A person initially certified or registered by the bureau for less than 180 days prior to the renewal deadline need not complete any approved continuing education as a condition of renewal.

(2) Course Provider Approval.

(a) Each course provider must obtain approval by and registration with the bureau to appoint instructors and conduct courses that satisfy continuing education requirements of Chapter 399, Florida Statutes, by submitting a completed application form number DBPR HR Form 5023-017, entitled Continuing Education Course Approval Application, incorporated herein by reference and effective 07-01-02, a copy of which is available by writing the Division of Hotels and Restaurants, 1940 North Monroe Street, Tallahassee, Florida 32399-1012. Approval shall be granted upon verification that the provider possesses the following: five years experience in the construction, alteration, modification, maintenance or repair of elevators, and one of the following:

1. Possession of a Certificate of Competency issued by the bureau and in good standing;

2. Certification in good standing, pursuant to American Society of Mechanical Engineers standards as a Qualified Elevator Inspector;

3. Proof of registration, licensure or certification in the elevator trade by a United States authority having jurisdiction, to standards substantially equal to or more stringent than those of Chapter 399, Florida Statutes.

(b) A licensed, certified or registered contractor or engineer having five years experience in their field may, upon verification be approved as a course provider.

(c) Each course provider approval and registration expires three years from the date of issue, and must be renewed by submitting a completed form number DBPR HR Form 5023-017, Continuing Education Course Approval Application, prior to the course provider conducting any further courses intended to satisfy continuing education requirements of Chapter 399, Florida Statutes.

(d) Each course provider seeking bureau approval must submit at least one continuing education course syllabus to the bureau for approval.

(e) A course provider must provide the bureau written notice of any material changes to information contained in its most recent application for, or renewal of, approval and registration no later than 30 days after such a change.

(f) The bureau shall maintain a list of all course providers it has approved.

(g) The bureau shall deny approval of, suspend, or revoke the registration of any course provider if based on any of the following:

1. Obtaining or attempting to obtain registration or course approval through fraud, deceit, false statements, or misrepresentation of material facts, whether such statements or misrepresentations are made knowingly or negligently.

2. Failure to provide complete and accurate information in the initial application for registration or in any notification of change in information.

3. Failure to notify the bureau of a change in the information required in subsection (4) for registration of course providers.

4. Falsification of any records regarding the continuing education courses conducted by the course provider or the persons who attended the courses.

5. Failure to maintain any required records regarding the continuing education courses conducted by the course provider or the persons who attended the courses.

6. Failure to properly record attendance at any session of an approved course.

7. Failure to provide the bureau with copies of any document or other information required to be maintained by the course provider pursuant to this rule.

8. Advertising that a course is approved prior to the date approval is granted, or otherwise including false or misrepresentative information in advertising.

9. Participating in any activity designed or intended to circumvent or evade the requirements of Chapter 399, Florida Statutes, or the rules adopted by the bureau to implement that section.

10. Failure to include the bureau course identification number in any advertisement, brochure, course completion certificate, or other marketing or instructional material.

(h) If a course provider's registration is suspended or revoked, the course provider must cancel all sessions scheduled after the suspension or revocation takes effect and refund any fees associated with those sessions until such time as the course provider is restored to good standing.

(i) The bureau may deny approval or renewal of, suspend, or revoke the registration of any course provider when any license prerequisite to approval and registration of the course provider becomes suspended or revoked by the bureau.

(j) A provider whose approval and registration is delinquent, expired, suspended or revoked may not conduct courses. Any courses conducted while a provider is delinquent, expired, suspended or revoked, will not satisfy the continuing education requirements of Chapter 399, Florida Statutes.

(3) Continuing Education Course Approval.

(a) To satisfy continuing education requirements of Chapter 399, Florida Statutes and this rule, each approved course provider must submit at least one continuing education course syllabus to the bureau for approval. To be approved as a course of continuing education for purposes of Chapter 399, Florida Statutes and this rule, the course must provide technical or safety relevance to elevator construction, alteration, modification, repair or maintenance.

(b) The following subjects are relevant and provided as a guide. Courses submitted for approval need not encompass all these nor be limited to only these: elevator general theory and principles; plan and specification reading and interpretation; electrical codes; wiring and protection; wiring methods and materials; special occupancies and situations; life safety and

Americans with Disabilities Act; elevator safety codes; inspectors manuals and structural considerations; wheelchair or accessibility lifts; OSHA Safety standards; periodic safety tests; or use of specialized tools and equipment.

(c) Continuing education courses will only be considered for approval when a completed DBPR Form HR 5023-017, Continuing Education Course Approval Application, is submitted by an approved course provider to the bureau. The application must include: total number of hours of the course; a syllabus that demonstrates topical relevance of the course and includes an accounting of time spent on each topic or subsection in increments of not less than a quarter hour; the name and qualifications of all instructors known at the time of the application. The bureau shall assign each approved course a unique identification number.

(d) Any course denied approval may be modified and resubmitted for approval.

(e) The bureau may not deny or withdraw approval for a course on the sole basis that another course provider conducts the same or similar course approved by the bureau.

(4) Course Instructor Qualifications.

(a) Course instructors must be affiliated with an approved course provider and possess education and experience that qualifies the instructor to teach the course or parts of the course to which he or she is assigned. This education and experience must be verified by the course provider, and consist of the following: five years experience in the construction, alteration, modification, maintenance or repair of elevators, and one of the following:

1. Possession of a Certificate of Competency issued by the bureau and in good standing;

2. Certification in good standing, pursuant to American Society of Mechanical Engineers standards as a Qualified Elevator Inspector;

3. Proof of registration, licensure or certification in the elevator trade by a United States authority having jurisdiction, to standards substantially equal to or more stringent than those of Chapter 399, Florida Statutes.

(b) A licensed, certified or registered contractor or engineer having five years experience in their field verified by the course provider, and whose license, certification, or registration is in good standing, also verified by the course provider, may teach a course within the scope of his or her license.

(5) Records Required of Course Providers.

(a) The course provider must maintain records for each session of courses it conducts for the purpose of satisfying continuing education requirements established in Chapter 399, Florida Statutes, and provide any of these required records upon request by the bureau. Such records must be maintained for three years, and contain the following:

1. The time, dates and address of each course session.

2. The name, address and qualifications of any instructor teaching any portion of a course session.

3. The syllabus of each course, which must be provided to each attendee.

4. The name, address and bureau certification or registration number and type of each person that registered for a course session, regardless of whether a fee is charged;

5. The name, address and bureau certification or registration number and type of each person that completed a course session, regardless of whether a fee is charged.

6. The original sign-in sheet used onsite to record attendance for each course session, which must include: the time, date and address of the course session, the attendee's printed name, signature, and bureau certification or registration number and type, and number of course hours the attendee completed. The sign-in sheet must prominently bear the following statement above the attendees information: "By affixing my name and/or signature and/or mark to this document, I attest and certify that I am correctly and accurately identified herein as the person attending this continuing education course session." The sign-in sheet must also bear the following statement: "I attest the information recorded herein is true and accurate," above the signature of the instructor and the printed names of the course provider and instructor.

(b) Upon completion of a course, each attendee shall receive from the course provider a certificate measuring 8 1/2 inches by 11 inches, displaying the following: the time, date and address of the course session; name of the course; number of course hours attended; the name of the course provider and instructor, and bureau course identification number.

(6) Advertising Continuing Education Courses.

(a) A course provider may not advertise a course as approved by the bureau until such approval is granted.

(b) A course provider may not misrepresent or include false or misleading information regarding the contents, instructors or number of hours of any course approved under this rule.

(c) The course provider must include the bureau course identification number in any advertising used in connection with the course, and any other materials used in connection with the course including but not limited to the syllabus or other instructional materials.

(7) Continuing Education Exemption for Certain Military Personnel.

A licensee who is a member of the Armed Forces of the United States or is called to active duty with the Armed Forces of the United States and is caused to be absent from the State of Florida because of duties with the armed forces lasting 180 days or longer shall be exempt from all continuing education requirements under these rules during such absence. The licensee must show proof to the Bureau of the absence and the licensee's military status.

Specific Authority 399.001, 399.01(17), 399.02(6), 399.049 FS. Law Implemented 399.01(17) FS. History--New

61C-5.0085 Definitions.

When used in this rule, the following terms shall have these meanings:

(1) "Bureau" means the Bureau of Elevator Safety.

(2) "Course" means a course, seminar or other program of instruction approved by the bureau for the purpose of satisfying continuing education requirements established in Chapter 399, Florida Statutes.

(3) "Course hour" means fifty minutes of instruction, exclusive of breaks, recesses, or time not spent in instruction.

(4) "Course provider" means the person or entity approved by and registered with the bureau pursuant to this rule and who is responsible for conducting a course approved pursuant to this rule.

(5) "Course instructor" means the person appointed by the course provider to actually conduct an approved course.

(6) "Session" means each distinct occasion a course is conducted.

(7) "Syllabus" means a detailed outline of the course content to a level of detail that sufficiently demonstrates the relevance required by subsection 61C-5.008(3), F.A.C.

Specific Authority 399.01(17), 399.02(6) FS. Law Implemented 399.01(17) FS. History--New

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Florida Real Estate Appraisal Board**

RULE TITLE: Disciplinary Guidelines RULE NO.: 61J1-8.001

PURPOSE AND EFFECT: The purpose of the proposed rule development workshop is to clarify or modify the disciplinary guideline recommendations.

SUBJECT AREA TO BE ADDRESSED: The proposed rule development affects rule provisions relating to disciplinary guidelines.

SPECIFIC AUTHORITY: 455.2273, 475.614 FS.

LAW IMPLEMENTED: 455.227, 475.622, 475.624, 475.626 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: 8:30 a.m. or as soon thereafter as possible, December 3, 2002

PLACE: Division of Real Estate, Commission Meeting Room 901, North Tower, 400 West Robinson Street, Orlando, Florida 32801

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

Crawford, Deputy Clerk, Division of Real Estate, 400 West Robinson Street, Hurston Building, North Tower, Suite N802, Orlando, Florida 32801

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS AVAILABLE FROM THE CONTACT PERSON LISTED ABOVE.

**DEPARTMENT OF HEALTH**

**Board of Clinical Social Work, Marriage and Family Therapy and Mental Health Counseling**

RULE TITLE: Demonstrating Knowledge of Laws and Rules for Licensure  
RULE NO.: 64B4-3.0035

PURPOSE AND EFFECT: The Board proposes to review the standards on interactive discussion for future on-line courses.

SUBJECT AREA TO BE ADDRESSED: Laws and Rules for Licensure.

SPECIFIC AUTHORITY: 491.004(5) FS.

LAW IMPLEMENTED: 491.005(1)(e) 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: Sue Foster, Executive Director, Board of Clinical Social Work, Marriage and Family Therapy and Mental Health/MQA, 4052 Bald Cypress Way, Tallahassee, Florida 32399

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

**DEPARTMENT OF HEALTH**

**Board of Clinical Social Work, Marriage and Family Therapy and Mental Health Counseling**

RULE TITLE: Terms of Probation  
RULE NO.: 64B4-5.008

PURPOSE AND EFFECT: The Board proposes to review standards for qualified supervisors and other terms of probation.

SUBJECT AREA TO BE ADDRESSED: Terms of Probation.

SPECIFIC AUTHORITY: 491.004(5), 456.079 FS.

LAW IMPLEMENTED: 456.079, 491.009 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: Sue

Foster, Executive Director, Board of Clinical Social Work, Marriage and Family Therapy and Mental Health/MQA, 4052 Bald Cypress Way, Tallahassee, Florida 32399

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

**DEPARTMENT OF HEALTH**

**Board of Clinical Social Work, Marriage and Family Therapy and Mental Health Counseling**

RULE TITLE: Approved Courses for Continuing Education  
RULE NO.: 64B4-6.002

PURPOSE AND EFFECT: The Board proposes to review the continuing education credits field instructors receive.

SUBJECT AREA TO BE ADDRESSED: Approved Courses for Continuing Education.

SPECIFIC AUTHORITY: 456.013(6), 491.004(5), 491.0085 FS.

LAW IMPLEMENTED: 456.013(6), 491.0085(1), 491.007(2) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Sue Foster, Executive Director, Board of Clinical Social Work, Marriage and Family Therapy and Mental Health/MQA, 4052 Bald Cypress Way, Tallahassee, Florida 32399

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

**DEPARTMENT OF HEALTH**

**Board of Clinical Social Work, Marriage and Family Therapy and Mental Health Counseling**

RULE TITLE: Definition of "Licensed Clinical Social Worker, or the Equivalent, Who is a Qualified Supervisor"  
RULE NO.: 64B4-11.007

PURPOSE AND EFFECT: The Board proposes to discuss and review this entire chapter to determine if amendments and/or new rules are necessary pertaining to all matters concerning the requirements for qualified supervisors for a Social Worker.

SUBJECT AREA TO BE ADDRESSED: Definitions Applicable to Social Work.

SPECIFIC AUTHORITY: 491.004(5), 491.005(1)(c) FS.

LAW IMPLEMENTED: 491.005(1)(c) 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: Sue Foster, Executive Director, Board of Clinical Social Work, Marriage and Family Therapy and Mental Health/MQA, 4052 Bald Cypress Way, Tallahassee, Florida 32399

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

**DEPARTMENT OF HEALTH**

**Board of Clinical Social Work, Marriage and Family Therapy and Mental Health Counseling**

RULE TITLE: Definition of "a Licensed Marriage and Family Therapist with at Least Five Years Experience or the Equivalent, Who is a Qualified Supervisor" RULE NO.: 64B4-21.007

PURPOSE AND EFFECT: The Board proposes to discuss and review this entire chapter to determine if amendments and/or new rules are necessary pertaining to all matters concerning the requirements for qualified supervisors for a Marriage and Family Therapist.

SUBJECT AREA TO BE ADDRESSED: Definitions Applicable to Marriage and Family Therapy.

SPECIFIC AUTHORITY: 491.004(5), 491.005(3)(c), 491.003 FS.

LAW IMPLEMENTED: 491.005(3)(c) 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: Sue Foster, Executive Director, Board of Clinical Social Work, Marriage and Family Therapy and Mental Health/MQA, 4052 Bald Cypress Way, Tallahassee, Florida 32399

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

**DEPARTMENT OF HEALTH**

**Board of Clinical Social Work, Marriage and Family Therapy and Mental Health Counseling**

RULE TITLE: Definition of a "Licensed Mental Health Counselor or the Equivalent Who is a Qualified Supervisor" RULE NO.: 64B4-31.007

PURPOSE AND EFFECT: The Board proposes to discuss and review this entire chapter to determine if amendments and/or new rules are necessary pertaining to all matters concerning the requirements for qualified supervisors for a Mental Health Counselor.

SUBJECT AREA TO BE ADDRESSED: Definitions Applicable to Mental Health Counseling.

SPECIFIC AUTHORITY: 491.004(5), 491.005(4)(c) FS.

LAW IMPLEMENTED: 491.005(4)(c) 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: Sue Foster, Executive Director, Board of Clinical Social Work, Marriage and Family Therapy and Mental Health/MQA, 4052 Bald Cypress Way, Tallahassee, Florida 32399

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

**DEPARTMENT OF CHILDREN AND FAMILY SERVICES**

**Economic Self-Sufficiency Program**

RULE TITLES: Definitions 65A-1.701  
SSI-Related Medicaid Coverage Groups 65A-1.710  
SSI-Related Medicaid Non-Financial Eligibility Criteria 65A-1.711  
SSI-Related Medicaid Resource Eligibility Criteria 65A-1.712  
SSI-Related Medicaid Income Eligibility Criteria 65A-1.713

PURPOSE AND EFFECT: These rule amendments implement the Cystic Fibrosis Home and Community-Based Services Waiver program.

SUBJECT AREA TO BE ADDRESSED: These proposed amendments provide a definition for the Cystic Fibrosis HCBS Waiver program. Additionally, these amendments establish coverage group criteria, provide the non-financial criteria (living setting, residence, age, disability, etc.) and income and asset criteria that must be met to establish program eligibility.

SPECIFIC AUTHORITY: 409.919 FS.  
 LAW IMPLEMENTED: 409.902, 409.904, 409.906, 409.919 FS.  
 IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW:  
 TIME AND DATE: 10:00 a.m., December 12, 2002  
 PLACE: Building 3, Room 100, 1317 Winewood Boulevard, Tallahassee, Florida 32399-0700  
 THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Audrey Mitchell, Program Administrator, Building 3, Room 421, 1317 Winewood Boulevard, Tallahassee, FL 32399-0700, (850)488-3090  
 THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE.

## Section II Proposed Rules

### DEPARTMENT OF BANKING AND FINANCE

#### Board of Funeral and Cemetery Services

**RULE TITLE:** List of Approved Forms; Incorporation  
**RULE NO.:** 3F-5.010  
**PURPOSE AND EFFECT:** The Board proposes this rule to encompass all forms utilized by the Board of Funeral and Cemetery Services.  
**SUMMARY:** This rule sets out all of the forms used within the Funeral and Cemetery Services rules.  
**SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST:** No Statement of Estimated Regulatory Cost was prepared.  
 Any person who wishes to provide information regarding the statement of estimated costs, or to provide a proposal for a lower cost regulatory alternative must do so in writing within 21 days of this notice.  
**SPECIFIC AUTHORITY:** 120.53(1)(b), 120.536, 120.54, 120.60(2), 497.003, 497.103, 497.105, 497.127, 497.201, 497.209, 497.213, 497.237, 497.245, 497.257, 497.301, 497.305, 497.309, 497.329, 497.337, 497.357, 497.405, 497.407, 497.413, 497.417, 497.419, 497.421, 497.425, 497.427, 497.429, 497.431, 497.439 FS.  
**LAW IMPLEMENTED:** 497.103, 497.201, 497.209, 497.213, 497.237, 497.301, 497.337, 497.405, 497.407, 497.439, 497.245 FS.  
 IF REQUESTED IN WRITING WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE FAW (IF NOT REQUESTED, A HEARING WILL NOT BE HELD):

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

THE FULL TEXT OF THE PROPOSED RULE IS:

3F-5.010 List of Approved Forms; Incorporation.

The following forms used by the Board in its dealings with the public are listed as follows and are hereby adopted and incorporated by reference, and can be obtained from the Board office by writing to the Bureau of Funeral and Cemetery Services, 101 E. Gaines St., Tallahassee, Florida 32399-0350, or by telephoning (850)410-9898:

3F-5.010 Rule references:

- (1) DBF-COA-1, entitled "Application for Certificate of Authority." (2/7/95).
- (2) DBF-HistS 7/01, entitled "Historical Sketch."
- (3) DBF-COAB 12/00, entitled "Application for Certificate of Authority Branch Office License." (9/18/01).
- (4) DBF-COAT1, entitled "Application for Transfer of a Certificate of Authority" (5/13/97).
- (5) DBF-RTF-1, entitled "Preneed Funeral Contract Regulatory Trust Fund Remittance." (5/13/97).
- (6) DBF-PNS-1, entitled "Registration of a Preneed Sales Agent." (4/25/94).
- (7) DBF-CEMN 7/01, entitled "Application to Organize a New Cemetery Company."
- (8) DBF-F-32 10/91, entitled "Financial Statement." (10/23/91).
- (9) DBF-CEM 1/96 REV 7/01, entitled "Application to Transact Cemetery Business."
- (10) DBF-F-35, entitled "Application for Authority to Acquire Control of an Existing Cemetery Company." (10/23/91).
- (11) DBF-BYLAW1, entitled "Pamphlet for Cemetery By-Law Approval." (6/1/99).
- (12) DBF-EW-1, entitled "Examination Workpapers – Rule 3F-6.0052, F.A.C." (1/1/99).
- (13) DBF-F-43, entitled "Performance Bond – Mausoleums or Below-Ground Crypts."
- (14) DBF-C-1, entitled "Application to Use a Letter of Credit or Surety Bond." (3/20/91).
- (15) DBF-C-2, entitled "Surety Bond." (Rev 9/99).
- (16) DBF-C-3, entitled "Letter of Credit/Surety Bond Claim Form." (3/20/91).
- (17) DBF-TFR-1, entitled "Preneed Funeral Contract Consumer Protection Trust Fund Remittance." (5/23/94).
- (18) DBF-TFD-1, entitled "Preneed Funeral Contract Consumer Protection Trust Fund Proof of Claim and Disbursement Request." (6/01).



Specific Authority 120.53(1)(b), 120.536, 120.54, 120.60(2), 497.003, 497.103, 497.105, 497.127, 497.201, 497.209, 497.213, 497.237, 497.245, 497.257, 497.301, 497.305, 497.309, 497.329, 497.337, 497.357, 497.405, 497.407, 497.413, 497.417, 497.419, 497.421, 497.425, 497.427, 497.429, 497.431, 497.439 FS. Law Implemented 497.103, 497.201, 497.209, 497.213, 497.237, 497.301, 497.337, 497.405, 497.407, 497.439, 497.245 FS. History—New

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Board of Funeral and Cemetery Services  
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Funeral and Cemetery Services  
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 25, 2002  
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: November 2, 2002

**DEPARTMENT OF BANKING AND FINANCE**

**Board of Funeral and Cemetery Services**

RULE TITLES: Preneed Contracts; Miscellaneous Provisions  
RULE NOS.: 3F-8.004

Description of Merchandise on Preneed Contracts 3F-8.006

PURPOSE AND EFFECT: The Board proposes to amend Rule 3F-8.004, F.A.C., to add Section 497.429, F.S., to subsection (3) and to correct the typographical error in subsection (4) calculation should be miscalculation. Rule 3F-8.006, F.A.C., is being amended to update the language for clarity.

SUMMARY: Rule 3F-8.004, F.A.C., discusses preneed funds and accounts cleaning mistakes made regarding same. Rule 3F-8.005, F.A.C., deals with merchandise on preneed contracts.

SPECIFIC AUTHORITY: 497.103 FS.

LAW IMPLEMENTED: 497.333(6)(c), 497.415, 497.417, 497.419, 497.429 FS.

IF REQUESTED IN WRITING WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE FAW (IF NOT REQUESTED, A HEARING WILL NOT BE HELD):

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

THE FULL TEXT OF THE PROPOSED RULE IS:

3F-8.004 Preneed Contracts; Miscellaneous Provisions.

(1) through (2) No change.

(3) Misapplied or unidentified preneed funds shall be transferred to the correct preneed account immediately upon discovery, and shall be considered deposited timely if the funds were deposited in the trust in accordance with Sections 497.417 and 497.429, F.S.

(4) Preneed accounts which are under or over trusted due to computer or manual miscalculations must be corrected immediately upon discovery, on a contract per contract basis.

(5) No change.

Specific Authority 497.103 FS. Law Implemented 497.415, 497.417, 497.419 FS. History—New 3-20-95, Amended 6-15-95, 8-17-95, 4-10-97, \_\_\_\_\_.

3F-8.006 Description of Merchandise on Preneed Contracts.

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

5. ~~Gasketed or non-gasketed gaskets or no gaskets~~

(c) though (2)1. No change.

2. Adhesive ~~lid lining~~/non adhesive lid lining

(3) through (6) No change.

Specific Authority 497.103(1) FS. Law Implemented 497.333(6)(c) FS. History—New 4-10-97, Amended 7-5-01, \_\_\_\_\_.

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

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

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: November 2, 2002

**DEPARTMENT OF INSURANCE**

RULE TITLES: Standard Risk Rates

RULE NOS.: 4-149.202

Indemnity Standard Risk Rates 4-149.205

Preferred Provider/Exclusive Provider

Standard Risk Rates 4-149.206

Health Maintenance Organization

Standard Risk Rates 4-149.207

PURPOSE, EFFECT AND SUMMARY: The rule amendment adopts new standard risk rates pursuant to §627.6675(3)(c), F.S., and makes minor corrections to conform the rule to current statutory language. The standard risk rates are required to be amended annually.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: None.

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

SPECIFIC AUTHORITY: 624.308, 627.6675(3)(c) FS.

LAW IMPLEMENTED: 624.307(1), 627.6498(4), 627.6675(3), 641.3922(3) FS.

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

TIME AND DATE: 9:30 a.m., December 27, 2002

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

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

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

THE FULL TEXT OF THE PROPOSED RULES IS:

4-149.202 Standard Risk Rate.

(1) through (3) No change.

(4) Standard risk rates reflect the predominant rates charged in the market for newly issued coverage.

Specific Authority 624.308, 627.6675(3)(c) FS. Law Implemented 624.307(1), 627.6498(4), 627.6675(3), 641.3922(3) FS. History--New 3-2-00, Amended 4-2-01,\_\_\_\_\_.

4-149.205 Indemnity Standard Risk Rate.

(1) through (3) No change.

STANDARD HEALTH BENEFIT PLAN				
Age	Male	Female	County	Area Factor
0-17	\$1,130.49	\$1,130.49	Alachua	0.77
18	\$1,534.99	\$1,960.71	Baker	0.78
19	\$1,537.03	\$1,963.16	Bay	0.74
20	\$1,539.49	\$1,966.23	Bradford	0.82
21	\$1,546.29	\$1,982.39	Brevard	0.92
22	\$1,548.72	\$2,003.23	Broward	1.28
23	\$1,554.68	\$2,021.14	Calhoun	0.75
24	\$1,560.48	\$2,039.53	Charlotte	0.97
25	\$1,570.46	\$2,097.40	Citrus	0.74
26	\$1,612.52	\$2,155.28	Clay	0.82
27	\$1,654.58	\$2,213.16	Collier	0.95
28	\$1,696.65	\$2,271.40	Columbia	0.81
29	\$1,753.83	\$2,359.88	Dade	1.39
30	\$1,811.02	\$2,448.34	De Soto	0.74
31	\$1,868.22	\$2,536.81	Dixie	0.77
32	\$1,925.40	\$2,625.27	Duval	0.99
33	\$1,970.91	\$2,709.03	Escambia	0.75
34	\$2,014.71	\$2,797.53	Flagler	0.77
35	\$2,070.71	\$2,896.92	Franklin	0.75
36	\$2,126.70	\$2,996.29	Gadsden	0.75
37	\$2,172.71	\$3,084.11	Gilchrist	0.75
38	\$2,231.37	\$3,163.96	Glades	0.98
39	\$2,309.59	\$3,252.28	Gulf	0.76
40	\$2,409.37	\$3,377.00	Hamilton	0.77
41	\$2,509.16	\$3,466.16	Hardee	0.80
42	\$2,608.96	\$3,555.45	Hendry	0.95

43	\$2,725.96	\$3,648.92	Hernando	0.82
44	\$2,858.92	\$3,757.84	Highlands	0.78
45	\$3,047.34	\$3,907.30	Hillsborough	0.88
46	\$3,235.77	\$4,056.75	Holmes	0.75
47	\$3,382.31	\$4,166.91	Indian River	0.92
48	\$3,526.84	\$4,265.05	Jackson	0.76
49	\$3,692.89	\$4,369.56	Jefferson	0.75
50	\$3,942.98	\$4,519.99	Lafayette	0.78
51	\$4,193.08	\$4,670.42	Lake	0.87
52	\$4,408.89	\$4,777.29	Lee	0.94
53	\$4,615.28	\$4,868.15	Leon	0.75
54	\$4,856.76	\$4,964.64	Levy	0.80
55	\$5,176.65	\$5,089.05	Liberty	0.75
56	\$5,496.53	\$5,213.44	Madison	0.79
57	\$5,760.00	\$5,311.41	Manatee	0.80
58	\$6,009.58	\$5,430.92	Marion	0.75
59	\$6,238.91	\$5,544.83	Martin	1.00
60	\$6,484.80	\$5,735.82	Monroe	1.38
61	\$6,730.69	\$5,926.79	Nassau	0.84
62	\$6,976.57	\$6,069.20	Okaloosa	0.75
63	\$7,089.17	\$6,168.88	Okeechobee	0.97
64	\$7,201.77	\$6,292.26	Orange	0.92
65	\$7,381.82	\$6,449.57	Osceola	0.89
66	\$7,566.36	\$6,610.81	Palm Beach	1.00
67	\$7,755.52	\$6,776.08	Pasco	0.82
68	\$7,949.42	\$6,945.48	Pinellas	0.88
69	\$8,148.15	\$7,119.12	Polk	0.78
70	\$8,351.85	\$7,297.10	Putnam	0.77
71	\$8,560.64	\$7,479.53	St. Johns	0.77
72	\$8,774.67	\$7,666.51	St. Lucie	0.99
73	\$8,994.02	\$7,858.18	Santa Rosa	0.77
74	\$9,218.88	\$8,054.63	Sarasota	0.76
75	\$9,449.35	\$8,256.00	Seminole	0.92
76	\$9,685.58	\$8,462.39	Sumter	0.81
77	\$9,927.73	\$8,673.96	Suwannee	0.82
78	\$10,175.92	\$8,890.81	Taylor	0.79
79	\$10,430.32	\$9,113.07	Union	0.79
			Volusia	0.81
			Wakulla	0.75
			Walton	0.76
			Washington	0.76

0-17	\$1,046.75	\$1,046.75	Alachua	0.76
18	\$1,421.29	\$1,815.47	Baker	0.78
19	\$1,423.18	\$1,817.74	Bay	0.74
20	\$1,425.45	\$1,820.58	Bradford	0.82
21	\$1,431.75	\$1,835.55	Brevard	0.89
22	\$1,434.00	\$1,854.84	Broward	1.25
23	\$1,439.52	\$1,871.43	Calhoun	0.75
24	\$1,444.89	\$1,888.45	Charlotte	0.96
25	\$1,454.13	\$1,942.04	Citrus	0.74
26	\$1,493.07	\$1,995.63	Clay	0.82
27	\$1,532.02	\$2,049.22	Collier	0.92
28	\$1,570.97	\$2,103.15	Columbia	0.81

29	\$1,623.92	\$2,185.07	Dade	1.38
30	\$1,676.87	\$2,266.98	De Soto	0.74
31	\$1,729.83	\$2,348.90	Dixie	0.77
32	\$1,782.78	\$2,430.81	Duval	0.96
33	\$1,824.92	\$2,508.36	Escambia	0.75
34	\$1,865.47	\$2,590.31	Flagler	0.77
35	\$1,917.32	\$2,682.33	Franklin	0.75
36	\$1,969.17	\$2,774.34	Gadsden	0.75
37	\$2,011.77	\$2,855.66	Gilchrist	0.75
38	\$2,066.08	\$2,929.59	Glades	0.98
39	\$2,138.51	\$3,011.37	Gulf	0.76
40	\$2,230.90	\$3,126.85	Hamilton	0.77
41	\$2,323.30	\$3,209.41	Hardee	0.80
42	\$2,415.70	\$3,292.08	Hendry	0.95
43	\$2,524.04	\$3,378.63	Hernando	0.82
44	\$2,647.15	\$3,479.48	Highlands	0.78
45	\$2,821.61	\$3,617.87	Hillsborough	0.87
46	\$2,996.08	\$3,756.25	Holmes	0.75
47	\$3,131.77	\$3,858.25	Indian River	0.92
48	\$3,265.59	\$3,949.12	Jackson	0.76
49	\$3,419.34	\$4,045.89	Jefferson	0.75
50	\$3,650.91	\$4,185.18	Lafayette	0.78
51	\$3,882.48	\$4,324.46	Lake	0.84
52	\$4,082.31	\$4,423.42	Lee	0.94
53	\$4,273.41	\$4,507.55	Leon	0.75
54	\$4,497.00	\$4,596.89	Levy	0.80
55	\$4,793.19	\$4,712.08	Liberty	0.75
56	\$5,089.38	\$4,827.26	Madison	0.79
57	\$5,333.33	\$4,917.97	Manatee	0.77
58	\$5,564.43	\$5,028.63	Marion	0.75
59	\$5,776.77	\$5,134.10	Martin	0.99
60	\$6,004.44	\$5,310.94	Monroe	1.37
61	\$6,232.12	\$5,487.77	Nassau	0.84
62	\$6,459.79	\$5,619.63	Okaloosa	0.75
63	\$6,564.05	\$5,711.93	Okceehobee	0.97
64	\$6,668.31	\$5,826.17	Orange	0.90
65	\$6,835.02	\$5,971.82	Osceola	0.89
66	\$7,005.89	\$6,121.12	Palm Beach	1.00
67	\$7,181.04	\$6,274.15	Pasco	0.82
68	\$7,360.57	\$6,431.00	Pinellas	0.87
69	\$7,544.58	\$6,591.78	Polk	0.76
70	\$7,733.19	\$6,756.57	Putnam	0.77
71	\$7,926.52	\$6,925.49	St. Johns	0.77
72	\$8,124.69	\$7,098.62	St. Lucie	0.99
73	\$8,327.80	\$7,276.09	Santa Rosa	0.77
74	\$8,536.00	\$7,457.99	Sarasota	0.76
75	\$8,749.40	\$7,644.44	Seminole	0.92
76	\$8,968.13	\$7,835.55	Sumter	0.81
77	\$9,192.34	\$8,031.44	Suwannee	0.82
78	\$9,422.15	\$8,232.23	Taylor	0.79
79	\$9,657.70	\$8,438.03	Union	0.79
			Volusia	0.81
			Wakulla	0.75
			Walton	0.76
			Washington	0.76

Specific Authority 624.308, 627.6675(3)(c) FS. Law Implemented 624.307(1), 627.6498(4), 627.6675(3), 641.3922(3) FS. History--New 3-2-00, Amended 4-2-01, 4-17-02.

4-149.206 Preferred Provider/Exclusive Provider Standard Risk Rates.

(1) through (4) No change.

STANDARD HEALTH BENEFIT PLAN				
Age	Male	Female	County	Area Factor
0-17	\$860.43	\$860.43	Alachua	0.77
18	\$1,234.88	\$1,619.09	Baker	0.78
19	\$1,234.88	\$1,619.09	Bay	0.74
20	\$1,234.88	\$1,619.09	Bradford	0.82
21	\$1,236.58	\$1,624.18	Brevard	0.92
22	\$1,236.58	\$1,630.96	Broward	1.28
23	\$1,238.28	\$1,636.04	Calhoun	0.75
24	\$1,239.98	\$1,641.13	Charlotte	0.97
25	\$1,269.35	\$1,646.21	Citrus	0.74
26	\$1,298.72	\$1,694.31	Clay	0.82
27	\$1,328.09	\$1,739.42	Collier	0.95
28	\$1,362.24	\$1,790.06	Columbia	0.81
29	\$1,418.81	\$1,838.36	Dade	1.39
30	\$1,475.36	\$1,906.04	De Soto	0.74
31	\$1,531.93	\$1,973.73	Dixie	0.77
32	\$1,569.34	\$2,041.42	Duval	0.99
33	\$1,612.22	\$2,109.11	Escambia	0.75
34	\$1,656.54	\$2,188.22	Flagler	0.77
35	\$1,702.97	\$2,269.73	Franklin	0.75
36	\$1,749.42	\$2,346.80	Gadsden	0.75
37	\$1,795.85	\$2,423.73	Gilchrist	0.75
38	\$1,842.29	\$2,504.65	Glades	0.98
39	\$1,898.25	\$2,588.04	Gulf	0.76
40	\$1,961.51	\$2,667.34	Hamilton	0.77
41	\$2,022.75	\$2,740.64	Hardee	0.80
42	\$2,101.21	\$2,813.92	Hendry	0.95
43	\$2,203.67	\$2,902.57	Hernando	0.82
44	\$2,315.13	\$2,979.07	Highlands	0.78
45	\$2,434.21	\$3,069.33	Hillsborough	0.88
46	\$2,555.28	\$3,160.94	Holmes	0.75
47	\$2,683.12	\$3,254.62	Indian River	0.92
48	\$2,794.33	\$3,326.40	Jackson	0.76
49	\$2,905.53	\$3,404.04	Jefferson	0.75
50	\$3,046.64	\$3,481.69	Lafayette	0.78
51	\$3,208.07	\$3,561.69	Lake	0.87
52	\$3,391.39	\$3,633.76	Lee	0.94
53	\$3,574.71	\$3,700.68	Leon	0.75
54	\$3,758.03	\$3,769.29	Levy	0.80
55	\$3,984.86	\$3,850.69	Liberty	0.75
56	\$4,211.69	\$3,920.23	Madison	0.79
57	\$4,457.43	\$3,998.09	Manatee	0.80
58	\$4,692.79	\$4,104.24	Marion	0.75
59	\$4,922.08	\$4,236.54	Martin	1.00
60	\$5,151.35	\$4,350.36	Monroe	1.38
61	\$5,345.08	\$4,485.22	Nassau	0.84

62	\$5,492.27	\$4,623.39	Okaloosa	0.75
63	\$5,633.07	\$4,765.83	Okeechobee	0.97
64	\$5,773.80	\$4,885.29	Orange	0.92
65	\$5,912.24	\$5,004.75	Osceola	0.89
66	\$6,060.05	\$5,124.20	Palm Beach	1.00
67	\$6,211.55	\$5,252.31	Pasco	0.82
68	\$6,366.84	\$5,383.61	Pinellas	0.88
69	\$6,526.01	\$5,518.21	Polk	0.78
70	\$6,689.16	\$5,656.16	Putnam	0.77
71	\$6,856.39	\$5,797.57	St. Johns	0.77
72	\$7,027.79	\$5,942.50	St. Lucie	0.99
73	\$7,203.50	\$6,091.07	Santa Rosa	0.77
74	\$7,383.58	\$6,243.34	Sarasota	0.76
75	\$7,568.17	\$6,399.43	Seminole	0.92
76	\$7,757.38	\$6,559.42	Sumter	0.81
77	\$7,951.31	\$6,723.40	Suwannee	0.82
78	\$8,150.09	\$6,891.48	Taylor	0.79
79	\$8,353.84	\$7,063.77	Union	0.79
			Volusia	0.81
			Wakulla	0.75
			Walton	0.76
			Washington	0.76

0-17	\$699.54	\$699.54	Alachua	0.76
18	\$1,003.97	\$1,316.33	Baker	0.78
19	\$1,003.97	\$1,316.33	Bay	0.74
20	\$1,003.97	\$1,316.33	Bradford	0.82
21	\$1,005.35	\$1,320.47	Brevard	0.89
22	\$1,005.35	\$1,325.98	Broward	1.25
23	\$1,006.73	\$1,330.11	Calhoun	0.75
24	\$1,008.11	\$1,334.25	Charlotte	0.96
25	\$1,031.99	\$1,338.38	Citrus	0.74
26	\$1,055.87	\$1,377.49	Clay	0.82
27	\$1,079.75	\$1,414.16	Collier	0.92
28	\$1,107.51	\$1,455.33	Columbia	0.81
29	\$1,153.50	\$1,494.60	Dade	1.38
30	\$1,199.48	\$1,549.63	De Soto	0.74
31	\$1,245.47	\$1,604.66	Dixie	0.77
32	\$1,275.89	\$1,659.69	Duval	0.96
33	\$1,310.75	\$1,714.72	Escambia	0.75
34	\$1,346.78	\$1,779.04	Flagler	0.77
35	\$1,384.53	\$1,845.31	Franklin	0.75
36	\$1,422.29	\$1,907.97	Gadsden	0.75
37	\$1,460.04	\$1,970.51	Gilchrist	0.75
38	\$1,497.80	\$2,036.30	Glades	0.98
39	\$1,543.29	\$2,104.10	Gulf	0.76
40	\$1,594.72	\$2,168.57	Hamilton	0.77
41	\$1,644.51	\$2,228.16	Hardee	0.80
42	\$1,708.30	\$2,287.74	Hendry	0.95
43	\$1,791.60	\$2,359.81	Hernando	0.82
44	\$1,882.22	\$2,422.01	Highlands	0.78
45	\$1,979.03	\$2,495.39	Hillsborough	0.87
46	\$2,077.46	\$2,569.87	Holmes	0.75
47	\$2,181.40	\$2,646.03	Indian River	0.92

48	\$2,271.81	\$2,704.39	Jackson	0.76
49	\$2,362.22	\$2,767.51	Jefferson	0.75
50	\$2,476.94	\$2,830.64	Lafayette	0.78
51	\$2,608.19	\$2,895.68	Lake	0.84
52	\$2,757.23	\$2,954.28	Lee	0.94
53	\$2,906.27	\$3,008.68	Leon	0.75
54	\$3,055.31	\$3,064.46	Levy	0.80
55	\$3,239.72	\$3,130.64	Liberty	0.75
56	\$3,424.14	\$3,187.18	Madison	0.79
57	\$3,623.93	\$3,250.48	Manatee	0.77
58	\$3,815.28	\$3,336.78	Marion	0.75
59	\$4,001.69	\$3,444.34	Martin	0.99
60	\$4,188.09	\$3,536.88	Monroe	1.37
61	\$4,345.59	\$3,646.52	Nassau	0.84
62	\$4,465.26	\$3,758.85	Okaloosa	0.75
63	\$4,579.73	\$3,874.66	Okeechobee	0.97
64	\$4,694.15	\$3,971.78	Orange	0.90
65	\$4,806.70	\$4,068.90	Osceola	0.89
66	\$4,926.87	\$4,166.02	Palm Beach	1.00
67	\$5,050.04	\$4,270.17	Pasco	0.82
68	\$5,176.29	\$4,376.92	Pinellas	0.87
69	\$5,305.70	\$4,486.35	Polk	0.76
70	\$5,438.34	\$4,598.50	Putnam	0.77
71	\$5,574.30	\$4,713.47	St. Johns	0.77
72	\$5,713.65	\$4,831.30	St. Lucie	0.99
73	\$5,856.50	\$4,952.09	Santa Rosa	0.77
74	\$6,002.91	\$5,075.89	Sarasota	0.76
75	\$6,152.98	\$5,202.79	Seminole	0.92
76	\$6,306.81	\$5,332.86	Sumter	0.81
77	\$6,464.48	\$5,466.18	Suwannee	0.82
78	\$6,626.09	\$5,602.83	Taylor	0.79
79	\$6,791.74	\$5,742.90	Union	0.79
			Volusia	0.81
			Wakulla	0.75
			Walton	0.76
			Washington	0.76

Specific Authority 624.308, 627.6675(3)(c) FS. Law Implemented 624.307(1), 627.6498(4), 627.6675(3), 641.3922(3) FS. History—New 3-2-00, Amended 4-2-01, 4-17-02.

4-149.207 Health Maintenance Organization Standard Risk Rates.

(1) through (2) No change.

STANDARD HEALTH BENEFIT PLAN				
Age	Male	Female	County	Area Factor
0	\$2,599.48	\$2,599.48	Alachua	1.05
1	\$1,645.02	\$1,645.02	Baker	1.09
2-6	\$1,627.97	\$1,627.97	Bay	0.90
7-12	\$1,600.70	\$1,600.70	Bradford	1.05
13-17	\$1,648.43	\$1,842.76	Brevard	0.98
18	\$1,621.14	\$1,950.25	Broward	1.00
19	\$1,593.85	\$2,057.75	Calhoun	0.90

20	\$1,566.56	\$2,165.24	Charlotte	0.97	74	\$9,995.45	\$8,825.01	Taylor	0.90
21	\$1,539.27	\$2,272.74	Citrus	0.84	75	\$10,363.43	\$9,159.74	Union	0.90
22	\$1,544.40	\$2,385.35	Clay	1.09	76	\$10,744.95	\$9,507.16	Volusia	1.03
23	\$1,549.52	\$2,497.95	Collier	0.90	77	\$11,140.51	\$9,867.76	Wakulla	0.90
24	\$1,554.64	\$2,610.56	Columbia	1.05	78	\$11,550.64	\$10,242.04	Walton	1.05
25	\$1,584.57	\$2,723.17	Dade	1.00	79	\$11,975.87	\$10,630.52	Washington	0.90
26	\$1,614.50	\$2,793.92	De Soto	0.90					
27	\$1,653.10	\$2,857.75	Dixie	1.05	0	\$1,832.36	\$1,832.36	Alachua	1.05
28	\$1,701.66	\$2,893.63	Duval	1.09	1	\$1,242.29	\$1,242.29	Baker	1.09
29	\$1,744.14	\$2,921.55	Escambia	1.05	2-6	\$1,233.22	\$1,233.22	Bay	0.90
30	\$1,804.80	\$2,951.20	Flagler	0.90	7-11	\$1,219.60	\$1,219.60	Bradford	1.05
31	\$1,839.46	\$2,980.85	Franklin	0.90	12	\$1,227.67	\$1,261.62	Brevard	0.99
32	\$1,883.50	\$3,001.55	Gadsden	0.90	13	\$1,235.74	\$1,303.64	Broward	1.00
33	\$1,922.76	\$3,001.61	Gilchrist	1.05	14-16	\$1,243.81	\$1,345.66	Calhoun	0.90
34	\$1,967.26	\$3,005.49	Glades	0.90	17	\$1,247.08	\$1,485.87	Charlotte	0.97
35	\$2,006.38	\$3,008.85	Gulf	0.90	18	\$1,250.35	\$1,626.08	Citrus	0.84
36	\$2,053.79	\$3,028.37	Hamilton	0.90	19	\$1,253.63	\$1,766.29	Clay	1.09
37	\$2,107.19	\$3,047.89	Hardee	0.84	20	\$1,282.91	\$1,826.96	Collier	0.90
38	\$2,148.25	\$3,071.73	Hendry	0.90	21	\$1,312.20	\$1,885.09	Columbia	1.05
39	\$2,211.10	\$3,104.08	Hernando	1.05	22	\$1,341.36	\$1,942.25	Dade	1.00
40	\$2,258.94	\$3,155.04	Highlands	0.84	23	\$1,382.57	\$2,010.46	De Soto	0.90
41	\$2,343.85	\$3,205.99	Hillsborough	1.01	24	\$1,436.64	\$2,069.90	Dixie	1.05
42	\$2,433.56	\$3,256.95	Holmes	0.90	25	\$1,474.26	\$2,123.64	Duval	1.09
43	\$2,535.92	\$3,307.91	Indian River	0.90	26	\$1,528.50	\$2,190.55	Escambia	1.05
44	\$2,632.56	\$3,358.86	Jackson	0.90	27	\$1,559.98	\$2,216.59	Flagler	0.90
45	\$2,746.86	\$3,409.82	Jefferson	0.90	28	\$1,591.45	\$2,242.62	Franklin	0.90
46	\$2,881.67	\$3,485.51	Lafayette	0.90	29	\$1,622.93	\$2,268.66	Gadsden	0.90
47	\$3,028.27	\$3,562.00	Lake	0.95	30	\$1,642.13	\$2,268.66	Gilchrist	1.05
48	\$3,186.23	\$3,637.80	Lee	1.00	31	\$1,661.33	\$2,268.66	Glades	0.90
49	\$3,341.44	\$3,709.59	Leon	0.90	32	\$1,680.53	\$2,268.66	Gulf	0.90
50	\$3,524.25	\$3,812.83	Levy	1.05	33	\$1,698.88	\$2,268.66	Hamilton	0.90
51	\$3,708.69	\$3,916.07	Liberty	0.90	34	\$1,717.22	\$2,268.66	Hardee	0.84
52	\$3,916.73	\$4,019.31	Madison	0.90	35	\$1,739.07	\$2,268.66	Hendry	0.90
53	\$4,121.54	\$4,122.55	Manatee	1.01	36	\$1,760.91	\$2,268.66	Hernando	1.05
54	\$4,343.85	\$4,248.53	Marion	0.90	37	\$1,782.75	\$2,268.66	Highlands	0.84
55	\$4,584.99	\$4,374.51	Martin	1.05	38	\$1,809.62	\$2,268.66	Hillsborough	1.03
56	\$4,807.12	\$4,500.48	Monroe	0.90	39	\$1,841.40	\$2,268.66	Holmes	0.90
57	\$5,054.73	\$4,686.45	Nassau	1.09	40	\$1,885.28	\$2,299.92	Indian River	0.90
58	\$5,333.73	\$4,872.43	Okaloosa	0.95	41	\$1,929.17	\$2,331.18	Jackson	0.90
59	\$5,619.34	\$5,058.40	Okeechobee	0.95	42	\$1,973.06	\$2,362.44	Jefferson	0.90
60	\$5,904.94	\$5,244.37	Orange	0.95	43	\$2,036.19	\$2,393.70	Lafayette	0.90
61	\$6,190.55	\$5,449.04	Osceola	0.98	44	\$2,097.28	\$2,446.87	Lake	0.95
62	\$6,476.15	\$5,653.71	Palm Beach	1.02	45	\$2,168.71	\$2,500.03	Lee	0.99
63	\$6,712.71	\$5,858.39	Pasco	1.02	46	\$2,258.04	\$2,563.75	Leon	0.90
64	\$6,962.96	\$6,081.87	Pinellas	1.01	47	\$2,356.20	\$2,631.87	Levy	1.05
65	\$7,219.29	\$6,312.55	Polk	1.05	48	\$2,461.72	\$2,697.42	Liberty	0.90
66	\$7,485.07	\$6,551.98	Putnam	1.01	49	\$2,570.30	\$2,768.15	Madison	0.90
67	\$7,760.62	\$6,800.49	St. Johns	1.07	50	\$2,693.43	\$2,851.87	Manatee	1.01
68	\$8,046.32	\$7,058.43	St. Lucie	0.95	51	\$2,830.35	\$2,947.20	Marion	0.90
69	\$8,342.54	\$7,326.16	Santa Rosa	1.05	52	\$2,991.21	\$3,047.13	Martin	1.05
70	\$8,649.66	\$7,604.03	Sarasota	1.03	53	\$3,152.07	\$3,147.05	Monroe	0.90
71	\$8,968.09	\$7,892.45	Seminole	1.03	54	\$3,312.93	\$3,246.97	Nassau	1.09
72	\$9,298.24	\$8,191.81	Sumter	1.02	55	\$3,492.56	\$3,352.50	Okaloosa	0.95
73	\$9,640.55	\$8,502.52	Suwannee	0.90	56	\$3,672.20	\$3,447.54	Okeechobee	0.9

57	\$3,851.84	\$3,559.23	Orange	0.99
58	\$4,054.80	\$3,716.78	Osceola	0.99
59	\$4,292.46	\$3,874.32	Palm Beach	1.03
60	\$4,530.12	\$4,031.87	Pasco	1.03
61	\$4,700.36	\$4,188.99	Pinellas	1.03
62	\$4,886.62	\$4,353.14	Polk	1.05
63	\$5,072.88	\$4,517.28	Putnam	1.01
64	\$5,259.14	\$4,681.42	St. Johns	1.07
65	\$5,459.80	\$4,860.04	St. Lucie	0.95
66	\$5,668.12	\$5,045.48	Santa Rosa	1.05
67	\$5,884.39	\$5,237.99	Sarasota	1.03
68	\$6,108.91	\$5,437.84	Seminole	1.03
69	\$6,341.99	\$5,645.32	Sumter	1.02
70	\$6,583.97	\$5,860.72	Suwannee	0.90
71	\$6,835.18	\$6,084.34	Taylor	0.90
72	\$7,095.98	\$6,316.48	Union	0.90
73	\$7,366.72	\$6,557.49	Volusia	1.03
74	\$7,647.80	\$6,807.69	Wakulla	0.90
75	\$7,939.60	\$7,067.44	Walton	1.05
76	\$8,242.54	\$7,337.09	Washington	0.90
77	\$8,557.03	\$7,617.04		
78	\$8,883.52	\$7,907.67		
79	\$9,222.47	\$8,209.38		

Specific Authority 624.308, 627.6675(3)(c) FS. Law Implemented 624.307(1), 627.6498(4), 627.6675(3), 641.3922(3) FS. History--New 3-2-00, Amended 4-2-01, 4-17-02.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
 Frank Dino, Bureau of Life and Health Forms and Rates,  
 Division of Insurer Services, Department of Insurance  
 NAME OF SUPERVISOR OR PERSON WHO APPROVED  
 THE PROPOSED RULE: Rich Robleto, Chief, Bureau of Life  
 and Health Forms and Rates, Department of Insurance  
 DATE PROPOSED RULE APPROVED BY AGENCY  
 HEAD: November 18, 2002  
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT  
 PUBLISHED IN FAW: November 8, 2002

**DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES**

**Division of Agricultural Environmental Services**

RULE CHAPTER TITLE: Fertilizers  
 RULE CHAPTER NO.: 5E-1  
 RULE TITLE: Procedures for Landowners and Leaseholders

to Submit a Notice of Intent to Implement  
 Nitrogen Best Management Practices (BMPs) 5E-1.023

PURPOSE AND EFFECT: The purpose of this rule is to effect  
 pollutant reduction through the implementation of  
 non-regulatory incentive based programs which may be  
 determined to have a minimal individual or cumulative adverse  
 impacts to the water resources of the state.

SUMMARY: The rule establishes a procedure for submitting a  
 "Notice of Intent to Implement" that, when filed with the  
 Florida Department of Agriculture and Consumer Services  
 (FDACS), and implemented, provides a wavier of liability  
 from the recovery cost of nitrate contamination of groundwater  
 and could provide a presumption of compliance with state  
 water quality standards and release from the provisions of  
 s. 373.307(5), F.S., for those pollutants addressed by the  
 practices. This rule also provides that records maintained by  
 the applicant confirming implementation of non-regulatory and  
 incentive-based programs are subject to FDACS inspection.

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

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

SPECIFIC AUTHORITY: 576.045(6), 403.067(7)(d)1. FS.

LAW IMPLEMENTED: 576.045, 403.067 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: Kenneth A. Kuhl, Environmental  
 Administrator, Office of Agricultural Water Policy, 1203  
 Governors Square Blvd., Suite 200, Tallahassee, FL 32301,  
 (850)488-6249, Fax (850)921-2153

THE FULL TEXT OF THE PROPOSED RULE IS:

5E-1.023 Procedures for Landowners and Leaseholders to  
 Submit a Notice of Intent to Implement Nitrogen Best  
 Management Practices (BMPs).

(1) through (5)(b) No change.

(c) Container Grown Plants. The document titled "Interim Measure for Florida Producers of Container- Grown Plants", dated 11-4-02 is hereby adopted and incorporated by reference into this rule. Copies may be obtained from the Department of Agriculture and Consumer Services, Office of Agricultural Water Policy, 1203 Governors Square Blvd., Suite 200, Tallahassee, FL 32301.

Specific Authority 576.045(6), 403.067(7)(d)1. FS. Law Implemented 576.045, 403.067 FS. History--New 10-19-96, Amended 5-1-01, 10-17-02.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
 Kenneth A. Kuhl, Environmental Administrator, Office of  
 Agricultural Water Policy, 1203 Governors Square Boulevard,  
 Suite 200, Mail Stop – 50, Tallahassee, FL 32301, Telephone  
 (850)488-6249, Fax (850)921-2153



<sup>1</sup> These guidelines are not intended, to be used, to evaluate horticultural growing media claiming nutrients but may be applied to the sources of the nutrients added to the growing media.

<sup>2</sup> Micro nutrients (also called minor elements) are essential for both plant growth and development and are added to certain fertilizers to improve crop production and/or quality. These micro nutrients are iron, manganese, zinc, copper, molybdenum and boron. In addition, cobalt and selenium can also be considered micro nutrients.

<sup>3</sup> Only applies when not guaranteed.

<sup>4</sup> Includes all compost products that are not supplemented with chemical fertilizers, even those registered as fertilizers (making nutrient claims).

Specific Authority 576.181 FS. Law Implemented 576.181 FS. History--New 7-29-02, Amended \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Dale Dubberly, Chief, Bureau of Compliance Monitoring, Department of Agriculture and Consumer Services

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Steve Rutz, Director, Division of Agricultural Environmental Services, Department of Agriculture and Consumer Services.

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

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

**DEPARTMENT OF TRANSPORTATION**

RULE CHAPTER TITLE:                   RULE CHAPTER NO.:  
 Railroad Safety and Clearance                   14-57  
     Standards, and Public

    Railroad-Highway Grade Crossings                   14-57  
 RULE TITLES:                                    RULE NOS.:  
 Definitions for Use in Part II                   14-57.010  
 Public Railroad-Highway Grade Crossing Costs   14-57.011  
 Standards for Opening and Closing of  
     Railroad-Highway Grade Crossings –  
     Opening and Closure                                   14-57.012

PURPOSE AND EFFECT: This amendment to Rule Chapter 14-57, F.A.C., is to create a Part I and Part II structure where the existing Rule 14-57.003, F.A.C., is in Part I Railroad and Clearance Standards, and new Rules 14-57.010, 14-57.011, and 14-57.012, F.A.C., are being adopted within Part II Public Railroad-Highway Grade Crossings. After this rule chapter amendment is adopted, existing rules relating to railroad crossings will be repealed in Rule Chapter 14-46, F.A.C., so that chapter will be limited to utilities.

SUMMARY: This is a basic restructuring of Rule Chapter 14-57, F.A.C., to create a Part I and Part II structure. There are no proposed amendments to the existing Rule 14-57.003, F.A.C., but it is being moved into Part I, and the three proposed rules are being adopted under Part II.

SPECIFIC AUTHORITY: 334.044(2), 335.141 FS.

LAW IMPLEMENTED: 335.141 FS.

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.

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:

**RAILROAD SAFETY STANDARDS AND CLEARANCE STANDARDS AND PUBLIC RAILROAD-HIGHWAY GRADE CROSSINGS REQUIREMENTS**

**14-57.010 Definitions for Use in Part II.**

The following definitions apply to this Part II:

(1) “Applicant” means any person, group, railroad, governmental entity, or the Department.

(2) “Application” means a Request to Open or Close a Public Railroad-Highway Grade Crossing, Form 725-090-66 (Rev. 10/00), incorporated herein by reference. Form 725-090-66 can be obtained from <http://www11.myflorida.com/rail/xingopenclose.htm> or Central Rail Office, Department of Transportation, 605 Suwannee Street, MS 25, Tallahassee, Florida 32399-0450.

(3) “Department” means the Florida Department of Transportation.

(4) “Governmental Entity” means as defined in Section 11.45(1)(d), Florida Statutes.

(5) “Public Railroad-Highway Grade Crossing” means as defined in Section 335.141(1)(b), Florida Statutes.

(6) “Railroad” means as defined in Section 341.301(5), Florida Statutes.

(7) “State Highway System” means as defined in Section 334.03(25), Florida Statutes.

(8) “Stipulation of Parties” means a voluntary agreement between the railroad(s), the governmental entity(ies), the Department, and the applicant, if different from the aforementioned.



Specific Authority 334.044(2), 335.141 FS. Law Implemented 335.141, 339.05 FS. History–New

#### 14-57.011 Public Railroad-Highway Grade Crossings Costs.

(1) Purpose. To establish the degree of Department and Railroad participation in the cost of public railroad-highway grade crossings.

(2) Installation and Modification. The method of determining responsibility for installation or modification costs shall be as follows: At all public railroad-highway grade crossings, the method of determining railroad responsibility will be in accordance with the Federal Highway Administration Federal-Aid Policy Guide, Subchapter B, Part 140, Subpart I, incorporated herein by reference. To obtain copies of this document, go to [www.fhwa.dot.gov](http://www.fhwa.dot.gov): link to Legislation and Regulations.

(3) Maintenance. The method of determining participation in public railroad-highway grade crossing maintenance costs shall be as follows:

(a) Grade Crossing Traffic Control Devices. The Department shall participate in 50% of the cost of maintaining grade crossing traffic control devices so long as the devices are located on the State Highway System.

(b) Travel Way. When the grade crossing is located on the State Highway System, the railroad shall be responsible for the maintenance cost of all trackbed and rail components, and the highway roadbed for the width of the rail ties within the crossing area. The Department shall be responsible for the maintenance cost of the highway roadbed outside of the railway ties on crossings where the railroad has a property interest. The railroad shall be responsible for the maintenance cost of the highway roadbed where the crossing occupies public right of way.

(c) Grade Separation Structures. The Department shall be responsible for the maintenance cost of railroad overpasses when the structure is located on the State Highway System and carries highway traffic over a railroad. The railroad shall be responsible for the maintenance cost of railroad underpasses which carry highway traffic under a railroad.

Specific Authority 334.044(2), 335.141 FS. Law Implemented 335.141, 339.05 FS. History–New

#### 14-57.012 Standards for Opening and Closing of Railroad-Highway Grade Crossings – Opening and Closure.

(1) Purpose. To establish standards for the opening and closing of public railroad-highway grade crossings. The objectives of these uniform standards will be to reduce the accident frequency and severity at public railroad-highway grade crossings, and improve rail and motor vehicle operating efficiency.

(2) Opening and Closing Public Railroad-Highway Grade Crossings. The Department will accept applications for the opening and closing of public railroad-highway grade

crossings from the governmental entity that has jurisdiction over the public street or highway; any railroad operating trains through the crossing; any other applicant for a public railroad-highway grade crossing provided there is in existence an agreement between the applicant and governmental entity to assume jurisdiction as a public crossing. The Department, on behalf of the State of Florida, will also open or close public railroad-highway grade crossings in accordance with the criteria set forth herein. Closure applications will also be accepted from individual citizens or groups, such as neighborhood associations. Opening or closure of public railroad-highway grade crossings shall be based upon Notices of Intent issued by the Department, administrative hearings conducted pursuant to Chapter 120, Florida Statutes, or upon a Stipulation of Parties executed by any applicant, governmental entity, the appropriate railroad, and the Department. The burden of proof for the opening or closing of a crossing is on the applicant. Acceptance of any application for processing by the Department shall not be construed as indicating the Department's position regarding the application. If the preliminary review of the application does not support the crossing opening or closure, the applicant will be advised of these findings. The applicant may choose to withdraw the application or continue the process. If withdrawn, the process is concluded. An applicant may suspend an application at any time. If the applicant chooses to pursue the opening or closure of the public railroad-highway crossing, the railroad and governmental entity having jurisdiction at the location are notified and provided a copy of the application. The governmental entity should provide a public forum for community involvement and contact affected individuals or groups to obtain input on impacts to the community. The expense of crossing closures or openings, which shall include installation, maintenance, and replacement of grade crossing traffic control devices and grade crossing surfaces, will be the responsibility of the applicant, unless otherwise negotiated and accepted by all parties.

(a) Opening of Public Railroad-Highway Grade Crossings. In considering an application to open a public railroad-highway grade crossing, the following criteria will apply:

1. Safety.
2. Necessity for rail and vehicle traffic.
3. Alternate routes.
4. Effect on rail operations and expenses.
5. Design of the grade crossing and road approaches.
6. Presence of multiple tracks and their effect upon railroad and highway operations.

(b) Conversion of Crossings. Conversion of private railroad-highway grade crossings to public use constitutes opening a new public crossing, and shall meet the same requirements. Active grade crossing traffic control devices

meeting the criteria set forth in subsection 14-57.012(3), F.A.C., are required at all new public railroad-highway grade crossings.

(c) Closure of Public Railroad-Highway Grade Crossings. In considering an application to close a public railroad-highway grade crossing, the following criteria will apply:

1. Safety.
2. Necessity for rail and vehicle traffic.
3. Alternate routes.
4. Effect on rail operations and expenses.
5. Excessive restriction to emergency type vehicles resulting from closure.
6. Design of the grade crossing and road approaches.
7. Presence of multiple tracks and their effect upon railroad and highway operations.

(d) Closure of Public Railroad-Highway Grade Crossings by the Department. The Department will initiate and maintain a crossing consolidation and closure program based on analysis of engineering and safety factors, and impact on operating efficiency to vehicle and rail traffic. Governmental entities will be provided the listing of potential closures for review and recommendation. Closures by the Department will be considered based upon following:

1. Systems or Corridor Approach. Review of crossings on a specific corridor by railroads, cooperative teams (railroads, state, governmental entity), or state rail personnel, to determine redundant or unused crossings that are viable candidates for closure.

2. Diagnostic Team Safety Review. Diagnostic teams review and recommend candidates for closure on a rail corridor, based on overall safety index, specific hazards, or response to a serious accident(s).

3. Rail Changes, Construction, or Improvement Impacts. Closure candidates may result from track rehabilitation, new highway or railroad construction, adjacent crossing improvements or signalization, and changes in passenger or freight service.

4. Individual Recommendations: Recommendations for closure may be submitted by federal or state Safety Inspectors, Operation Lifesaver volunteers, Railroad Safety Committees, engineers involved in "near misses," neighborhood associations, or other persons.

(e) Grade Separation. When estimated highway traffic has 30,000 vehicles a day across main line tracks, an engineering and benefit-cost analysis must be performed by the applicant to determine if a grade separation is warranted.

(3) Installation Criteria. Warning devices.

(a) Basic Equipment. All existing public railroad-highway grade crossings without active warning devices shall have reflectorized railroad crossbucks on the right hand side of the road on both sides of the tracks as specified in the U.S.

Department of Transportation *Manual on Uniform Traffic Control Devices* (MUTCD), incorporated by reference under Rule 14-15.010, F.A.C. The reflectorized railroad advance warning sign and pavement markings shall be located at those public grade crossings which are specified in the MUTCD.

(b) Minimum Active Grade Crossing Traffic Control Devices. All new public railroad-highway grade crossings shall have, as a minimum, roadside flashing lights and gates on all roadway approaches to the crossing, usually placed on the right of approaching traffic. Lamp units shall be in accordance with the standards recommended by the MUTCD. The location of the roadside flashing lights and gates shall be in accordance with the Department's *Design Standards for Design, Construction, Maintenance and Utility Operations on the State Highway System*, "Railroad Grade Crossing Traffic Control Devices" with the primary emphasis being the visibility of the flashing lights and gates. The Department's *Design Standards for Design, Construction, Maintenance and Utility Operations on the State Highway System*, "Railroad Grade Crossing Traffic Control Devices," is hereby incorporated by this rule and made a part of the rules of this Department. Copies of this document and any amendments thereto are available at <http://www11.myflorida.com/rddesign/Design%20Standards/designstds.htm>.

(c) Cantilevered Flashing Lights. Pairs of flashing lights placed on cantilevered arms extended over traffic lanes shall be employed when any one or more of the following conditions exist:

1. Multilane highways (two or more lanes in each direction).

2. Sight restrictions to the grade crossing affecting either the motorist or train crew.

3. Signal stanchion located greater than 23 feet from centerline of roadway. The length of the cantilever arm shall be in accordance with the Department's Standard Index, "Railroad Grade Crossing Traffic Control Devices."

(d) Automatic Crossing Gates. Automatic crossing gates in conjunction with flashing lights shall be installed if any one of the following conditions exist:

1. Multilane highway.

2. Multiple railroad tracks including passing tracks.

3. High speed train operation (greater than 65 mph) or commuter train operation (greater than 45 mph).

4. Traffic counts greater than 5,000 vehicles per day.

5. Greater than 30 through trains per day.

6. Traffic with greater than nine school buses per day.

7. Three or more tracks carrying hazardous material.

8. Continuance of accident history after installation of flashing lights.

9. Intersections within 200 feet of track (measured from the edge of travelway), providing the intersection has traffic signals or there are heavy turning movements from parallel highways onto the tracks.

(e) Traffic Signal Preemption. When new and existing grade crossings are within 200 feet of an intersection with traffic signals, a train activated preemption phase shall be provided in the active grade crossing traffic control device for the traffic signal system. The design of the traffic signal and phase sequencing shall be as specified in the MUTCD. Crossings located between 200 and 500 feet from a signalized intersection must either be preempted or be supported by an engineering study that determines that preemption is not in the interest of public safety.

(f) Train Speed Detection Devices. The activation of automatic flashing lights shall precede the train by a minimum of 20 seconds. Train arrival at the crossing shall not exceed 35 seconds from the start of the flashing lights. When train speeds on a given track vary considerably under normal operation, special devices or circuits shall be installed to provide notice in advance of all train movements over the crossing.

(g) Exceptions.

1. An exception will be granted to subsection 14-57.003(4), F.A.C., by the Department based on engineering design standards.

2. A new public railroad-highway grade crossing over an industrial spur track may be considered for a delay in the installation of active grade crossing traffic control devices when train movements are two trains per day or less, and if the Department determines that the characteristics of the highway traffic is conducive to requiring a flagman; the Department will require the crossing to be manually flagged (e.g., highway in two lanes or less than 5,000 ADT, less than 30 mph operating speed, and, if train movements are at night, the grade crossing must be illuminated).

3. The Department will grant a temporary delay for the installation of such signals at a new public railroad-highway grade crossing when the installation of such signals would adversely affect the scheduled installation of signal improvements at those grade crossings deemed to have a higher state-wide priority.

(4) Public Railroad-Highway Grade Crossing Traffic Control Devices. All public railroad-highway grade crossing traffic control devices shall conform to the Department's Design Standards for Design, Construction, Maintenance and Utility Operations on the State Highway System, "Railroad Grade Crossing Traffic Control Devices."

Specific Authority 334.044(2), 335.141 FS. Law Implemented 335.141 FS. History—New \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Janice Bordelon, Rail 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: November 19, 2002  
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: November 8, 2002

**DEPARTMENT OF CITRUS**

RULE CHAPTER TITLE: Equalization Tax on Non-Florida, United States Juice  
RULE CHAPTER NO.: 20-15

RULE TITLES: Intent, Definitions, Collection  
RULE NOS.: 20-15.001, 20-15.002, 20-15.003

PURPOSE AND EFFECT: Effectuating the collection of Equalization Taxes as required by Court order. Such taxes are owed by persons who, during the time period commencing on October 6, 1997, and ending on March 14, 2002, benefitted from the exemption for non-Florida, United States juice as set forth in the statutory provision which was ultimately severed by the Court from Section 601.155(5), Florida Statutes, as unconstitutional.

SUMMARY: Effectuating the collection of Equalization Taxes as required by Court order.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No Statement of 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: 601.02, 601.10, 601.15, 601.155 FS.

LAW IMPLEMENTED: 601.02, 601.10, 601.15, 601.155 FS.  
A HEARING WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW:

TIME AND DATE: 9:00 a.m., December 18, 2002  
PLACE: Department of Citrus Building, 1115 East Memorial Boulevard, Lakeland, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Alice P. Wiggins, Administrative Assistant, Legal Department, Florida Department of Citrus, P. O. Box 148, Lakeland, Florida 33802-0148

THE FULL TEXT OF THE PROPOSED RULES IS:

20-15.001 Intent.

(1) The Court in Tampa Juice Service, et al v. Florida Department of Citrus in Consolidated Case Number GCG-003718 (Circuit Court in and for Polk County, Florida) severed the exemption contained in Section 601.155(5), Florida Statutes, that provided an exemption for persons who exercised one of the enumerated Equalization Tax privileges on non-Florida, United States juice. The Court had previously

determined that the stricken provisions operated in a manner that violated the Commerce Clause of the United States Constitution. On August 8, 2002, the Court ordered that the Florida Department of Citrus “take appropriate steps, consistent with existing law, to assess and collect the Equalization tax from those entities which benefitted from the unconstitutional exemption.”

(2) It is the Florida Department of Citrus’ intent by promulgating the following remedial rule, 20ER02-01 and Chapter 20-15, F.A.C., to implement a non-discriminatory tax scheme, which does not impose a significant tax burden that is so harsh and oppressive as to transgress constitutional limitations. These rules shall be applicable to those previously favored persons who received favorable tax treatment under the statutory sections cited above.

Specific Authority 601.02, 601.10, 601.15, 601.155 FS. Law Implemented 601.02, 601.10, 601.15, 601.155 FS. History—New \_\_\_\_\_.

20-15.002 Definitions.

(1) “Previously favored persons” shall be defined as any person who exercised an enumerated Equalization Tax privilege as defined by Section 601.155, Florida Statutes, but who was exempt from payment of the Equalization Tax due to the exemption for non-Florida, United States juice set forth in the statutory provision, which was ultimately determined to be unconstitutional and severed from Section 601.155(5), Florida Statutes.

(2) The “tax period” during which the severed provisions of Section 601.155(5), Florida Statutes, were in effect shall be defined as commencing on October 6, 1997, and ending on March 14, 2002.

(3) “Tax liability” shall be defined as the total amount of taxes due to the Florida Department of Citrus during the “tax period,” at the following rates per box for each respective fiscal year:

Fiscal Year	Processed Rate	
	Orange	Grapefruit
1997-1998	.175	.30
1998-1999	.17	.30
1999-2000	.18	.325
2000-2001	.175	.30
2001-2002	.165	.18

Specific Authority 601.02, 601.10, 601.15, 601.155 FS. Law Implemented 601.02, 601.10, 601.15, 601.155 FS. History—New \_\_\_\_\_.

20-15.003 Collection.

(1) The Florida Department of Citrus shall calculate the tax liability for each person or entity that exercised an enumerated Equalization Tax privilege outlined in Section 601.155, Florida Statutes, upon non-Florida, United States juice based upon inspection records maintained by Florida Department of Agriculture and Consumer Services and the United States Department of Agriculture.

(2) Subsequent to adoption of this rule, the Florida Department of Citrus will provide to the previously favored persons by certified mail a Notice of Tax Liability which shall contain a demand for payment consistent with the above-referenced itemized statement. The Department will deem late payment of Equalization Taxes owed by previously favored persons to constitute good cause, and shall waive the 5% penalty authorized by Section 601.155(10), F.S., as compliance with either of the following is established by Department:

(a) Lump sum payment of the tax liability remitted with the filing of Department of Citrus Form 4R (incorporated by reference in Rule 20-100.004, F.A.C.) for the relevant years and then-applicable tax rate(s) per subsection 20-15.002(3), F.A.C., within 61 days of receiving Notice of Tax Liability; or

(b) Equal installment payments remitted with the filing of Department of Citrus Form 4R (incorporated by reference in Rule 20-100.004, F.A.C.) for the relevant years and then-applicable tax rate(s) per subsection 20-15.002(3), F.A.C., over a 60-month period, the first payment being due within 61 days of receiving Notice of Tax Liability pursuant to subsection 20-15.003(2), F.A.C.; or

(c) The Good Cause provisions of 601.155(10), F.S., shall not apply to persons who do not comply with paragraph 20-15.003(2)(a), F.S., or paragraph 20-15.003(2)(b), F.A.C.

(d) Failure to pay the taxes or penalties due under 601.155, F.S. and Chapter 20-15, F.A.C., shall constitute grounds for revocation or suspension of a previously favored person’s citrus fruit dealer’s license pursuant to Sections 601.56(4), F.S., 601.64(6), 601.64(7), and/or Section 601.67(1), F.S.

(3) The Florida Department of Citrus will not oppose the timely intervention of persons who previously enjoyed the subject exemption that wish to present a claim to the Court in the Tampa Juice Service, Inc., et al v. Florida Department of Citrus. However, the Florida Department of Citrus does not waive any argument regarding the validity of the calculation of the tax liability or that imposition of this tax is constitutional.

Specific Authority 601.02, 601.10, 601.15, 601.155 FS. Law Implemented 601.02, 601.10, 601.15, 601.155 FS. History—New \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Ken O. Keck, General Counsel  
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Ken O. Keck, General Counsel  
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 18, 2002  
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 25, 2002

**WATER MANAGEMENT DISTRICTS**

**South Florida Water Management District**

<b>RULE TITLES:</b>	<b>RULE NOS.:</b>
Permit Thresholds	40E-4.0415
Exemptions from Permitting	40E-4.051
Publications, Rules and Interagency Agreements Incorporated by Reference	40E-4.091
Content of Permit Applications	40E-4.101
Conceptual Approvals	40E-4.305
Conversion from Construction Phase to Operation Phase	40E-4.361
Abatement and Abandonment of a System	40E-4.371
General Conditions	40E-4.381

**PURPOSE AND EFFECT:** The Joint Administrative Procedures Committee (JAPC) objected to certain language in various sections of Chapter 40E-4, F.A.C. The objections were based upon the use of undefined or ambiguous terms, improper use of the word “may,” rule vagueness, and improper references or incorporations by reference. The purpose of the proposed amendments is to delete and/or revise the language objected to by JAPC.

**SUMMARY:** Chapter 40E-4, F.A.C., addresses environmental resource permits and implements the comprehensive permit system authorized in Part IV, Chapter 373, F.S. Specifically, the proposed amendments: 1) clarifies the term “registered professional” (Rule 40E-4.361, F.A.C.); 2) delete the word “may” and state that the SFWMD’s Governing Board has identified geographical areas where additional criteria are necessary to assure that surface water management systems are not harmful to the water resources of the SFWMD (see Rule 40E-4.0415, F.A.C.); 3) delete the phrase “if feasible, or operated in accordance with an impoundment management plan approved by the District” (see Rule 40E-4.051(2)(d), F.A.C.); 4) clarify the exemptions from permitting pertaining to docking facilities and boat ramps, delete the word “private” when used to reference docks and add a reference to piers (see 40E-4.051(3), F.A.C.); 5) delete statutory and rule cross references (see subparagraph 40E-4.051(6)(b)15.), F.A.C.; 6) update the effective date of the ERP Basis of Review based upon amendments to the ERP Basis of Review which is incorporated by reference in see paragraph 40E-4.091(1)(a), F.A.C.; 6) delete the requirement that permit applicants submit for review “other” undefined information (see Rule 40E-4.101, F.A.C. and 4.4.4.8 and 4.4.9.5 BOR); 7) replace reference to “373.421(2), F.S.” with reference to “Rule 40E-4.042, F.A.C.” (see 40E-4.305, F.A.C. and paragraph 40E-4.381(1)(o), F.A.C.); 8) update the names of certain SFWMD forms incorporated by reference (see Rules 40E-4.361, 40E-4.381, F.A.C. and 10.1 BOR); 9) delete the references to Sections 373.433 and 373.426, F.S., pertaining to language directing the use of abatement proceedings for the abatement and abandonment of surface water management systems (see Rule 40E-4.371, F.A.C.); 10) delete language pertaining to

modification of general permit conditions by the Governing Board (see Rule 40E-4.381(1), F.A.C.); 11) clarify that project-specific special conditions must meet the conditions for issuance found in 40E-4.301 and 40E-4.302 (see subsection 40E-4.381(2), F.A.C.); 12) add a rule reference (see 4.2.2.1 BOR); 13) correct typographical errors (see 4.2.4.3 and 4.2.5 BOR); 14) replace the words “However, the District may issue permits or certification for” with “This provision shall not apply to” and delete the words “by the Department” (see 4.2.5 BOR); 15) delete the case-by-case determination for innovative mitigation proposal and instead require the proposals to offset impacts to functions (see 4.3.1.8 BOR); 16) delete the requirement for prior written approval to withdraw or transfer funds in a financial responsibility mechanism and state that the mechanism cannot be canceled without first providing an alternative (See 4.3.7.4 BOR); 17) delete language stating that the Governing Board may revoke a formal determination (see 4.5.4 BOR); 18) delete language pertaining to the application fee for certain subsequent petitions (see 4.5.5 BOR); 19) delete the words “as provided by law” (see 4.5.6 BOR); 20) clarify and set forth specific permitting criteria relative to how reasonable assurances can be provided so that effluent does not migrate into surface water management systems (see 5.5 BOR); and 21) replace “will normally be “ with “is” (see 5.9.2 BOR).

**SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS:** No statement of estimated regulatory costs has been prepared by the SFWMD.

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

**SPECIFIC AUTHORITY:** 373.016, 373.044, 373.103(8), 373.113, 373.117, 373.171, 373.406(5), 373.413, 373.441 FS.

**LAW IMPLEMENTED:** 373.016, 373.019, 373.116, 373.117, 373.118(1), 373.229, 373.413(1), 373.403-443, 373.413, 373.4135, 373.4137, 373.414, 373.4142, 373.416, 373.418, 373.421, 373.426, 373.441, 403.031, 704.06 FS.

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

**TIME AND DATE:** 8:30 a.m., January 9, 2003

**PLACE:** South Florida Water Management District Headquarters, Auditorium, 3301 Gun Club Road, West Palm Beach, FL 33406

Although Governing Board meetings, hearings and workshops are normally recorded (in the event that a workshop or workshops are held pursuant to the terms set forth above), affected persons are advised that it may be necessary for them to ensure that a verbatim record of the proceeding is made, including the testimony and evidence upon which any appeal is to be based.

Persons with disabilities or handicaps who need assistance may contact Garrett Wallace, District Clerk, (561)682.6371, at least two business days in advance to make appropriate arrangements.

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

THE FULL TEXT OF THE PROPOSED RULES IS:

40E-4.0415 Permit Thresholds.

(1) through (2) No change.

(3) Notwithstanding the provisions of subsections (1) and (2), the Governing Board has, in Rules 40E-41.023, 40E-41.123, 40E-41.223, and 40E-41.323, F.A.C., may designate specific geographic areas in which additional surface water management criteria are necessary in order to ensure that construction, alteration, operation, maintenance, removal or abandonment of surface water management systems is not harmful to the water resources within which individual or standard general environmental resource permits shall be required for the construction, alteration, operation, maintenance, removal or abandonment of surface water management systems which fall below any thresholds or activities set forth in this rule.

Specific Authority 373.044, 373.113, 373.171, 373.406(5) FS. Law Implemented 373.118(1), 373.413(1) FS. History—New 1-3-95, Amended 5-28-00, 6-26-02, \_\_\_\_\_.

40E-4.051 Exemptions from Permitting.

(1) No change.

(2) Maintenance of Systems.

(a) through (c) No change.

(d) The restoration of less than 100 feet in length of existing insect control impoundment dikes and the connection of such impoundments to tidally influenced waters. Such impoundments shall be connected to tidally influenced waters for at least 6 months each year, beginning September 1 and ending February 28; ~~if feasible, or operated in accordance with an impoundment management plan approved by the District.~~ The connection shall be of sufficient cross-sectional area to allow beneficial tidal influence. Restoration shall involve no more dredging than needed to restore the dike to original design specifications, and the final elevation of the dredge area shall be within two feet of immediately adjacent bottom elevations. For the purposes of this paragraph, restoration shall not include maintenance of impoundment dikes of insect control impoundments.

(3) Docking Facilities and Boat Ramps.

(a) No change.

(b) ~~The installation or repair construction of private docks, piers and recreational docking facilities, or piers and recreational docking facilities of local governmental entities when the local governmental entity's activities will not take place in any manatee habitat, and of which docks have~~ of 1000 square feet or less of surface area over wetlands or other surface waters, or 500 square feet or less of surface area over wetlands or other surface waters for docks which are located in Outstanding Florida Waters. This exemption shall include the construction and repair of structures above the dock area, such as boat shelters and gazebos, provided such structures are not enclosed with walls and doors, are not used for residential or commercial purposes, or storage of materials other than those associated with recreational use, and provided the structures do not exceed, together with the docking facility, the total area limitations, above. To qualify for this exemption, any such dock and associated structure:

1. through 3. No change.

4. Shall be the sole dock constructed pursuant to this exemption as measured along the shoreline for a minimum distance of 65 feet, unless the parcel of land or individual lot as platted is less than 65 feet in length along the shoreline, in which case there may be one exempt dock allowed per parcel or lot. For the purposes of this paragraph, multi-family living complexes and other types of complexes or facilities associated with the proposed private dock shall be treated as one parcel of property regardless of the legal division of ownership or control of the associated property. Construction of a ~~private~~ dock under this exemption does not require the District to issue a subsequent permit to construct a channel to provide navigational access to the dock. Activities associated with a ~~private~~ dock shall include the construction of structures attached to the dock pier which are only suitable for the mooring or storage of boats (i.e., boatlifts).

(c) No change.

(d) The replacement or repair of existing docks, ~~or mooring piles or piers,~~ provided:

1. through 3. No change.

(e) No change.

(4) through (5) No change.

(6) Bridges, Driveways and Roadway Crossings.

(a) No change.

(b) The construction or maintenance of culverted driveway or roadway crossings and bridges of artificial waterways, provided:

1. through 14. No change.

15. This exemption shall not apply to activities involving relocation or other alteration of all or part of the artificial waterway, or construction for other than the proposed culvert crossing, ~~except as exempted by Chapter 373, F.S., or Rule 40E-4.051, F.A.C.~~

(7) through (10) No change.

Specific Authority 373.044, 373.113, 373.171 FS. Law Implemented 373.406, 373.413, 373.416, 403.813(2) FS. History–New 9-3-81, Amended 1-31-82, 3-9-83, Formerly 16K-4.02, Amended 4-20-94, 10-3-95, 5-28-00, 9-2-01, \_\_\_\_\_.

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

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

(a) “Basis of Review for Environmental Resource Permit Applications within the South Florida Water Management District – \_\_\_\_\_ June, 2002.”

(b) through (j) No change.

(2) No change.

Specific Authority 373.044, 373.103(8), 373.113, 373.171, 373.413, 373.441, 373.171 FS. Law Implemented 373.413, 373.4135, 373.4137, 373.414, 373.4142, 373.416, 373.418, 373.421, 373.426, 373.441 FS. History–New 9-3-81, Amended 1-31-82, 12-1-82, Formerly 16K-4.035(1), Amended 5-1-86, 7-1-86, 3-24-87, 4-14-87, 4-21-88, 11-21-89, 11-15-92, 1-23-94, 4-20-94, 10-3-95, 1-7-97, 12-3-98, 5-28-00, 8-16-00, 1-17-01, \_\_\_\_\_.

40E-4.101 Content of Permit Applications.

(1) Applications for permits required by this chapter shall be filed with the District Service Center which will review the application as set forth in Rule 40E-1.6025, F.A.C. The application shall contain:

(a) through (b) No change.

~~(c) Other information that is required to provide reasonable assurances that the project will satisfy the conditions for issuance listed in Rules 40E-4.301 and 40E-4.302, F.A.C.~~

(2) through (4) No change.

Specific Authority 373.016, 373.044, 373.113, 373.171 FS. Law Implemented 373.016, 373.117, 373.413, 373.416, 373.426 FS. History–New 9-3-81, Amended 1-31-82, 12-1-82, Formerly 16K-4.03(2), 16K-4.07(2), 16K-4.09(2), Amended 7-1-86, 11-21-89, 4-20-94, 10-3-95, 5-28-00, \_\_\_\_\_.

40E-4.305 Conceptual Approvals.

(1) through (7) No change.

(8) Any delineation of the extent of a wetland or other surface water submitted as part of the permit application, including supporting documentation, shall not be considered binding unless a specific condition of this permit or a formal determination under Rule 40E-4.042, F.A.C., 373.421(2), F.S., provides otherwise.

(9) through (10) No change.

Specific Authority 373.044, 373.113, 373.171, 380.06(9) FS. Law Implemented 373.413, 373.416, 373.421(2), 380.06(9) FS. History–New 10-3-95, Amended \_\_\_\_\_.

40E-4.361 Conversion from Construction Phase to Operation Phase.

(1) In order to convert an environmental resource or surface water management permit from the construction phase to the operational phase, the permittee shall submit the following:

(a) A completed and executed Request for Conversion of Environmental Resource/Surface Water Management Permit from Construction Phase to Operation Phase and Transfer of Permit to the Operating Entity Form No. # 0920, incorporated by reference in Rule 40E-1.659, F.A.C.;

(b) A completed and executed Environmental Resource/Surface Water Management Permit Construction Completion/Construction Certification Form No. # 0881, incorporated by reference in Rule 40E-1.659, F.A.C., in accordance with Section 10.0; of the “Basis of Review for Environmental Resource Permit Applications within South Florida Water Management District – \_\_\_\_\_ June, 2002”; and

(c) No change.

(2) The operation phase of a surface water management system which was required to be designed by a registered professional engineer or other individual authorized by law ~~an appropriate registered professional~~ does not become effective until all of the following criteria have occurred:

(a) No change.

(b) The registered professional engineer or other individual authorized by law shall certify that:

1. No change.

2. Any deviations from the approved plans and specifications will not prevent the system from functioning in compliance with the requirements of this rule and Section 10.0 of the “Basis of Review for Environmental Resource Permit Applications within the South Florida Water Management District – \_\_\_\_\_ June, 2002.” The registered professional engineer or other individual authorized by law shall note and explain substantial deviations from the approved plans and specifications and provide two copies of as-built drawings to the District; and

(c) No change.

(3) A conversion to the operational phase shall not occur until a responsible entity meeting the requirements in Section 9.0, of the “Basis of Review for Environmental Resource Permit Applications within the South Florida Water Management District – \_\_\_\_\_ June, 2002.” has been established to operate and maintain the system. The entity must be provided with sufficient ownership, legal or equitable interest so that it has control over all water management facilities authorized by the permit.

(4) No change.

Specific Authority 373.044, 373.113, 373.171 FS. Law Implemented 373.413, 373.416 FS. History–New 10-3-95, Amended 1-7-97, \_\_\_\_\_.

40E-4.371 Abatement and Abandonment of a System.

~~(1) Abatement proceedings shall be conducted in accordance with the provisions of Section 373.433, F.S.~~

~~(2) Abandonment proceedings shall be conducted in accordance with Section 373.426, F.S.~~

Specific Authority 373.044, 373.113, 373.171 FS. Law Implemented 373.426, 373.433 FS. History--New 10-3-95, Repealed \_\_\_\_\_.

40E-4.381 General Conditions.

(1) The following general conditions shall be applicable to and binding on all permits issued pursuant to this chapter and Chapter 40E-40, F.A.C., unless waived by the District or modified by the Governing Board upon a determination that the conditions are inapplicable to the activity authorized by the permit. These conditions are enforceable under Part IV, Chapter 373, F.S.

(a) through (c) No change.

(d) The permittee shall notify the District of the anticipated construction start date within 30 days of the date that this permit is issued. At least 48 hours prior to commencement of activity authorized by this permit, the permittee shall submit to the District an Environmental Resource/Surface Water Management Permit Construction Commencement Notice Form No. 0960, incorporated by reference in Rule 40E-1.659, F.A.C., indicating the actual start date and the expected completion date.

(e) When the duration of construction will exceed one year, the permittee shall submit construction status reports to the District on an annual basis utilizing the District's ~~an~~ Environmental Resource/Surface Water Management Permit Annual Status Report for Surface Water Management System Construction Form No. 0961, incorporated by reference in Rule 40E-1.659, F.A.C. The Annual Status Report shall be submitted the following June of each year.

(f) Within 30 days after completion of construction of the permitted activity, the permittee shall submit a written statement of completion and certification by a registered professional engineer or other appropriate individual as authorized by law, utilizing the supplied Environmental Resource/Surface Water Management Permit Construction Completion/Construction Certification Form No. 0881, incorporated by reference in Rule 40E-1.659, F.A.C. The statement of completion and certification shall be based on on-site observation of construction or review of as-built drawings for the purpose of determining if the work was completed in compliance with permitted plans and specifications. This submittal shall serve to notify the District that the system is ready for inspection. Additionally, if deviations from the approved drawings are discovered during the certification process, the certification must be accompanied by a copy of the approved permit drawings with deviations noted. Both the original and revised specifications must be clearly shown. The plans must be clearly labeled as "as-built" or "record" drawings. All surveyed dimensions and elevations shall be certified by a registered surveyor.

(g) The operation phase of this permit shall not become effective: until the permittee has complied with the requirements of condition (f) above, has submitted the District's a Request for Conversion of Environmental

Resource/Surface Water Management Permit from Construction Phase to Operation Phase; and Transfer of Permit to the Operating Entity Form No. 0920, incorporated by reference in Rule 40E-1.659, F.A.C.; the District determines the system to be in compliance with the permitted plans and specifications; and the entity approved by the District in accordance with Sections 9.0 and 10.0 of the "Basis of Review for Environmental Resource Permit Applications within the South Florida Water District - \_\_\_\_\_ June, 2002," accepts responsibility for operation and maintenance of the system. The permit shall not be transferred to such approved operation and maintenance entity until the operation phase of the permit becomes effective. Following inspection and approval of the permitted system by the District, the permittee shall initiate transfer of the permit to the approved responsible operating entity if different from the permittee. Until the permit is transferred pursuant to Rule 40E-1.6107, F.A.C., the permittee shall be liable for compliance with the terms of the permit.

(h) No change.

(i) For those systems that will be operated or maintained by an entity that will require an easement or deed restriction in order to enable that entity to operate or maintain the system in conformance with this permit, such easement or deed restriction must be recorded in the public records and submitted to the District along with any other final operation and maintenance documents required by Sections 9.0 and 10.0 of the "Basis of Review for Environmental Resource Permit Applications within the South Florida Water Management District - \_\_\_\_\_ June, 2002," prior to lot or unit sales or prior to the completion of the system, whichever occurs first. Other documents concerning the establishment and authority of the operating entity must be filed with the Secretary of State where appropriate. For those systems which are proposed to be maintained by the county or municipal entities, final operation and maintenance documents must be received by the District when maintenance and operation of the system is accepted by the local government entity. Failure to submit the appropriate final documents will result in the permittee remaining liable for carrying out maintenance and operation of the permitted system and any other permit conditions.

(j) through (n) No change.

(o) Any delineation of the extent of a wetland or other surface water submitted as part of the permit application, including plans or other supporting documentation shall not be considered binding unless a specific condition of this permit or a formal determination under Rule 40E-4.042, F.A.C., Section 373.421(2), F.S., provides otherwise.

(p) through (s) No change.

(2) In addition to those general conditions set forth in subsection (1), the Governing Board shall impose on any permit granted under this chapter and Chapter 40E-40, F.A.C., such reasonable project-specific special conditions as are



necessary to assure that the permitted system will meet the conditions for issuance in Rules 40E-4.301 and 40E-4.302, F.A.C. not be inconsistent with the overall objectives of the District or will not be harmful to the water resources of the District, as set forth in District rules. Upon receipt of notice of proposed agency action, any substantially affected persons shall have the right to request a hearing in accordance with Rules 40E-1.511 and 40E-1.521, F.A.C.

Specific Authority 373.044, 373.113, 373.171 FS. Law Implemented 373.116, 373.229, 373.413, 373.416, 373.421, 373.422, 373.426 FS. History—New 9-3-81, Amended 1-31-82, 12-1-82, Formerly 16K-4.07(3), 16K-4.38, Amended 7-1-86, 4-20-94, 10-3-95, 1-7-97, \_\_\_\_\_.

#### BASIS OF REVIEW FOR ENVIRONMENTAL RESOURCE PERMIT APPLICATIONS WITHIN THE SOUTH FLORIDA WATER MANAGEMENT DISTRICT

(The following represents proposed amendments to sections 4.2.2.1, 4.2.4.3, 4.2.5, 4.3.1.8, 4.3.7.4, 4.5.4, 4.5.5 and 4.5.6 and proposed deletions of sections 4.4.4.8 and 4.4.9.5 of the document entitled “Basis of Review for Environmental Resource Permit Applications Within the South Florida Water Management District - June, 2002.”)

##### CHAPTER 4.0 ENVIRONMENTAL CRITERIA

4.0 through 4.2.2 No change.

4.2.2.1 Compliance with subsections 4.2.2-4.2.3.7, 4.2.5-4.3.8 will not be required for regulated activities in isolated wetlands less than one half acre in size, unless:

(a) through (c) No change.

(d) The District establishes that the wetland to be impacted is, or several such wetlands to be impacted are, cumulatively, of more than minimal value to fish and wildlife- based on the factors in subsection 4.2.2.3.

4.2.2.2 through 4.2.4.2 No change.

4.2.4.3 Additional Water Quality Considerations for Docking Facilities

Docking facilities are potential sources of pollutants to wetlands and other surface waters. To provide the required reasonable assurance that water quality standards will not be violated, the following factors must be addressed by an applicant proposing the construction of a new docking facility, or the expansion of or other alteration of an existing docking facility that has the potential to adversely affect water quality:

(a) Hydrographic information or studies shall be required for docking facilities of greater than ten boat slips. Hydrographic information or studies also may be required for docking facilities of less than ten slips, dependent upon the site-features described in paragraph 4.2.4.3(b) below. In all cases, the need for a hydrographic study, and the complexity of the study, will be dependent upon the specific project design and the specific features of the project site.

(b) through (i) No change.

4.2.4.4 through 4.2.4.5 No change.

4.2.5 Class II Waters; Waters Approved for Shellfish Harvesting

The special value and importance of shellfish harvesting waters to Florida’s economy as existing or potential sites of commercial and recreational shellfish harvesting and as a nursery area for fish and shellfish shell fish is recognized by the District. In accordance with paragraph 4.1.1(d), the District shall:

(a) though (b) No change.

(c) Deny a permit for a regulated activity that is located directly in Class II or Class III waters which are classified ~~by the Department~~ as approved, restricted, conditionally approved or conditionally restricted for shellfish harvesting. This provision shall not apply to ~~However the District may issue permits or certifications for~~ maintenance dredging of navigational channels, the construction of shoreline protection structures, the installation of transmission and distribution lines for carrying potable water, electricity or communication cables in rights-of-way previously used for such lines, for clam and oyster culture, and for private, single family boat docks that meet the following criteria for installation in such waters:

1. through 7. No change.

4.2.6 through 4.3.1.7 No change.

4.3.1.8 Innovative mitigation proposals which deviate from the standard practices described in sections 4.3-4.3.6 may be proposed by an applicant; however, to receive District approval they must offset the adverse impacts to the functions identified in sections 4.2.-4.2.8.2 caused by the regulated activities ~~shall be considered on a case-by-case basis.~~ The donation of money is not considered to be an acceptable method of mitigation, unless cash payments are specified for use in a District or Department of Environmental Protection endorsed environmental preservation, enhancement or restoration project and the payments initiate a project or supplement an ongoing project. The project or portion of the project funded by the donation of money must offset the impacts of the proposed system.

4.3.2 through 4.3.7.3 No change.

4.3.7.4 General Terms for Financial Responsibility Mechanism.

(a) through (d) No change.

(e) ~~Prior written approval from the District shall be obtained before withdrawing or transferring any portion of the funds therein. Except that a~~ Δ co-beneficiary as provided in subsection (b) shall provide written notice to the District prior to withdrawing or transferring any portion of the funds therein.

(f) The financial responsibility mechanisms shall provide that ~~it they~~ can not be revoked, terminated or cancelled- without first providing an alternative financial responsibility mechanism which meets the requirements of subsections 4.3.7-4.3.7.9. Within 90 days of receipt by the permittee of actual or constructive notice of revocation, termination or cancellation of a financial responsibility mechanism or other

actual or constructive notice of cancellation, the permittee shall provide an alternate financial responsibility mechanism which meets the requirements of subsections 4.3.7-4.3.7.9.

4.3.7.5 through 4.4.4.7 No change.

~~4.4.4.8 Any additional information which may be necessary to evaluate whether the proposed Mitigation Bank meets the criteria of this section.~~

4.4.4.9 through 4.4.9.4 No change.

~~4.4.9.5 The District shall require additional documentation or actions from the grantor of the conservation easement or fee interest if such additional documentation or actions are necessary to adequately protect the District's interest in, or the integrity of, the Mitigation Bank.~~

4.4.9.6 through 4.5.3 No change.

4.5.4 Duration

The formal determination shall be binding for five years provided physical conditions on the property do not change so as to alter the boundaries of wetlands and other surface waters during that period. ~~The Governing Board may revoke a formal determination upon a finding that the petitioner has submitted inaccurate information to the District.~~

4.5.5 Formal Determinations for Properties with an Existing Formal Determination

Within sixty days prior to the expiration of a formal determination, the property owner, an entity that has the power of eminent domain, or any other person who has a legal or equitable interest in the property may petition for a new formal determination for the same parcel of property and such determination shall be issued, approving the same extent of surface waters and wetlands in the previous formal determination, as long as physical conditions on the property have not changed, other than changes which have been authorized by a permit pursuant to this part, so as to alter the boundaries of surface waters or wetlands and the methodology for determining the extent of surface waters and wetlands ratified by Section 373.421, F.S., has not been amended since the previous formal determination. ~~The application fee for such a subsequent petition shall be less than the application fee for the original determination.~~

4.5.6 Nonbinding Determinations

The District may issue informal nonbinding pre-application determinations or otherwise initiate nonbinding determinations on its own initiative ~~as provided by law.~~

(The following represents proposed amendments to sections 5.5 and 5.9.2 of the document entitled "Basis of Review for Environmental Resource Permit Applications Within the South Florida Water Management District – June, 2002.")

CHAPTER 5.0 WATER QUALITY CRITERIA

5.0 through 5.4 No change.

5.5 Sewage Treatment Percolation Ponds

Above ground percolation pond dikes shall not be within 200 feet of water management lakes or 100 feet of dry retention/detention areas. ~~Additional information and calculations (such as volume and rate of application to the pond(s) or flow net analyses) by the applicant will be necessary in unusual cases requiring deviations from these dimensions. or the applicant must provide reasonable assurance that effluent will not migrate into the water management lakes or detention areas. Reasonable assurance may be provided by:~~

(a) Documentation of volume and rate of application of effluent to the percolation ponds, and

(b) Submittal of net flow analyses.

5.6 through 5.9.1 No change.

5.9.2 Monitoring ~~is will normally be~~ required for sites with high pollutant generating potential, such as industrial sites, and Class I and II solid waste disposal sites.

5.9.3 through 5.10 No change.

(The following represents the proposed amendment to section 10.1(a) of the document entitled "Basis of Review for Environmental Resource Permit Applications Within the South Florida Water Management District – June, 2002.")

CHAPTER 10.0 SURFACE WATER MANAGEMENT SYSTEM CERTIFICATION AND OPERATION

10.1 Construction Completion/Construction Certification.

(a) Within 30 days of the completion of the surface water management system construction, a registered professional engineer or other individual authorized by law ~~Florida registered professional engineer~~ shall certify that the construction was completed and that the system was constructed in substantial conformance with the plans and specifications approved by the District. The above requirement shall be met by submittal of a completed and executed Environmental Resource/Surface Water Management Permit Construction Completion/Construction Certification Form No. # 0881, incorporated by reference in Rule 40E-1.659, F.A.C., or equivalent.

(b) No change.

10.2 through 10.3 No change.

NAME OF PERSON ORIGINATING PROPOSED RULE: Terrie Bates, Director, Environmental Resource Regulation Department

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Chip Merriam, Deputy Executive Director, Water Resources Management

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: March 8, 2002



(3) The standard general permit shall be subject to other reasonable conditions as are necessary to assure that the permitted works will meet the conditions for issuance in Rules 40E-4.301 and 40E-4.302, F.A.C ~~not be inconsistent with the overall objectives of the District and will not be harmful to the water resources of the District.~~

Specific Authority 373.044, 373.113, 373.118, 373.171 FS. Law Implemented 373.117, 373.118, 373.413, 373.416, 373.419 FS. History—New 9-3-81, Formerly 16K-4.021(1)(b), 16K-4.022(1)(c), Amended 7-26-87, 4-20-94, 10-3-95, \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Terrie Bates, Director, Environmental Resource Regulation Department

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Chip Merriam, Deputy Executive Director, Water Resources Management

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: March 8, 2002

**WATER MANAGEMENT DISTRICTS**

**South Florida Water Management District**

RULE TITLES: RULE NOS.:

PART I GENERAL PROVISIONS  
Definitions 40E-400.021

PART II GENERAL ENVIRONMENTAL RESOURCE PERMITS  
Subpart B No Notice General Environmental Resource Permits  
No Notice General Permit for Activities in Uplands 40E-400.315

Subpart C Noticed General Environmental Resource Permits  
General Permit for Construction, Alteration or Maintenance of Boat Ramps and Associated Accessory Docks 40E-400.417

General Permit for Breaching Mosquito Control Impoundments by Governmental Mosquito Control Agencies 40E-400.467

General Permit to the Department to Conduct Minor Activities 40E-400.483

General Permit to the Department for Environmental Restoration or Enhancement Activities 40E-400.485

PURPOSE AND EFFECT: The Joint Administrative Procedures Committee (JAPC) objected to certain language in various sections of Chapter 40E-400, F.A.C. The objections were based upon rule vagueness, the SFWMD's lack of jurisdiction to enforce other agencies' regulations or require permittees to obtain approval from other regulatory agencies, and the lack of rule language specifying water quality standards for turbidity. The purpose of the proposed

amendments is to delete and/or revise language objected to by JAPC. Additionally, the SFWMD is updating various statutory and rule citations to be consistent with the current rules and laws in effect.

SUMMARY: Chapter 40E-400, F.A.C., addresses no notice and noticed environmental resource permits and implements the comprehensive permit system authorized in Part IV, Chapter 373, F.S. Specifically, the proposed amendments 1) delete a repealed statutory reference to Sections 403.91-929, F.S. (1984 Supp.) as amended, and update a Chapter 62, F.A.C., rule citation (see 40E-400.021); 2) delete subsection (2)(c) of Rule 40E-400.315, F.A.C., pertaining to thresholds and additional conditions in Palm Beach County; 3) update a Chapter 373, F.S., definition citation (see 40E-400.417); 4) reference the Chapter 62, F.A.C., rule citations setting forth standards for maintaining State water quality standards regarding turbidity (see 40E-400.467); and 5) delete the reference to the Pollution Recovery Trust Fund (see 40E-400.485).

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: No statement of estimated regulatory costs has been prepared by the SFWMD.

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

SPECIFIC AUTHORITY: 373.044, 373.113, 373.118, 373.171, 403.813, 403.814 FS.

LAW IMPLEMENTED: 373.113, 373.118, 373.413, 373.416, 373.426 FS.

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

TIME AND DATE: 8:30 a.m., January 9, 2003

PLACE: South Florida Water Management District Headquarters, Auditorium, 3301 Gun Club Road, West Palm Beach, FL 33406

Although Governing Board meetings, hearings and workshops are normally recorded (in the event that a workshop or workshops are held pursuant to the terms set forth above), affected persons are advised that it may be necessary for them to ensure that a verbatim record of the proceeding is made, including the testimony and evidence upon which any appeal is to be based.

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

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

THE FULL TEXT OF THE PROPOSED RULES IS:

40E-400.021 Definitions.

(1) through (4) No change.

(5) "Forested wetlands" means those wetlands where the canopy coverage by trees with a diameter at breast height of greater than 4 inches is greater than 10 percent, as well as those areas required to be planted with tree species to establish or reestablish forested wetlands pursuant to a permit issued or enforcement action taken, under rules adopted under Part IV of Chapter 373, F.S., ~~or Sections 403.91-929, F.S. (1984 Supp.) as amended,~~ and those areas where the canopy has been temporarily removed but are expected to revegetate to a forested wetland if use of the area would remain unchanged.

(6) through (7) No change.

(8) "Materials" means matter of any kind, such as sand, clay, silt, rock, dredged material, construction debris, solid waste, pilings or other structures, ash, and residue from industrial and domestic processes. The term shall not include the temporary use and placement of lobster pots, crab traps, or similar devices or the placement of oyster culch pursuant to Section 370.16, F.S., or Rule ~~62R-6 62-5~~, F.A.C.

(9) through (10) No change.

Specific Authority 373.044, 373.113, 373.118, ~~373.171~~ FS. Law Implemented 373.118, 373.413, 373.416, 373.426 FS. History-New 10-3-95, Amended.

40E-400.315 No Notice General Permit for Activities in Uplands.

(1) No change.

(2) A no notice general permit is hereby granted for the construction or alteration of surface water management systems, provided that the surface water management system meets all of the conditions of subsection (a), below, and all thresholds and conditions of at least one of the subsections (b) ~~or (c), (e), or (d)~~, below.

(a) General Conditions.

1. The surface water management system design plans must be signed and sealed a registered professional engineer or other individual authorized by law a Florida Registered Professional Engineer, if required by Chapter 471, F.S.;

2. The surface water management system must meet the criteria specified in Rules ~~40E-4.301, F.A.C., and applicable local requirements, and 40E-4.302, F.A.C.;~~

3. ~~The Except as allowed for in Rule 40E-40.041(7), F.A.C.,~~ project must not be located in natural water bodies, viable wetlands habitat, waters of the state, or a Florida Outstanding Water as listed in Rule ~~62-302.700, F.A.C.;~~ and

4. The permittee must have obtained a works of the District permit pursuant to Chapter 40E-6, F.A.C., if the project proposes to connect with, place structures in or across or otherwise make use of works of the District.

(b) Thresholds and Additional Conditions Within Dade County.

1. The project must have less than 40 acres total land area with positive stormwater outfall or less than 320 acres total land area and less than 160 acres of impervious area with no positive stormwater outfall.

2. The project and surface water management system must have been approved by the Dade County Department of Environmental Resource Management or its successor agency subsequent to October 2, 1977.

~~(e) Thresholds and Additional Conditions Within Palm Beach County:~~

~~1. The project must have less than 40 acres total land area.~~

~~2. The project and surface water management system must have been approved by Palm Beach County subsequent to October 2, 1977.~~

~~(c)(d)~~ Thresholds and Additional Conditions Within Collier County.

1. The project must have less than 40 acres total land area.

2. The project and surface water management system must have been approved by Collier County subsequent to September 17, 1980.

Specific Authority 373.044, 373.113, 373.118, 373.171, 403.813, 403.814 FS. Law Implemented 373.118, 373.413, 373.416, 373.426 FS. History-New 10-3-95, Amended.

40E-400.417 General Permit for Construction, Alteration or Maintenance of Boat Ramps and Associated Accessory Docks.

(1) A general permit is hereby granted to any person for construction, alteration or maintenance of a boat ramp and the associated accessory docks, provided:

(a) through (e) No change.

(f) Ramps constructed or altered under this general permit shall not exceed a width of 35 feet, including the side slopes. State agencies, counties, municipalities and water management districts defined in established pursuant to ~~Subsection 373.019(18)(2), F.S.,~~ are authorized to construct or alter a ramp or to widen an existing ramp which does not exceed 50 feet in width;

(g) through (j) No change.

(k) A maximum of two accessory docks, abutting either one or both sides of the boat ramp shall be authorized, and the total square footage of the accessory docks shall be less than 500 square feet over wetlands or other surface waters. State agencies, counties, municipalities and water management districts defined in established pursuant to ~~Subsection 373.019(18)(2), F.S.,~~ are authorized to construct or alter accessory docks such that the total area of the accessory docks over wetlands or other surface waters does not exceed 1000 square feet and the accessory docks are not more than six feet wide;

(l) through (n) No change.

(2) No change.

Specific Authority 373.044, 373.113, 373.118, 373.171 FS. Law Implemented 373.118, 373.413, 373.416, 373.426 FS. History--New 10-3-95, Amended

40E-400.467 General Permit for Breaching Mosquito Control Impoundments by Governmental Mosquito Control Agencies.

- (1) No change.
- (2) This general permit shall be subject to the following specific conditions:

(a) Spoil material excavated during construction of the breaches shall be handled and deposited in such a manner as to prevent violations of the water quality standards for turbidity, pursuant to Sections 62-4.242, 62-302.300, and 62-302.530, F.A.C., and shall be contained in an upland disposal site; and

- (b) through (3) No change.

Specific Authority 373.044, 373.113, 373.118, 373.171 FS. Law Implemented 373.118, 373.413, 373.416, 373.426 FS. History--New 10-3-95, Amended

40E-400.483 General Permit to the Department to Conduct Minor Activities.

A general permit is hereby granted to the Department to conduct the activities described below:

(1) The repair, replacement or alteration of any existing bridge, levee, dam, pump station, lock, culvert, spillway, weir, or any other water control structure with structures of the same design or of a comparable design, provided that the maximum discharge rate capacity and control elevation do not exceed that of the structure to be replaced. Minor deviations in the structure's design are authorized, including those due to changes in materials, construction techniques, or current construction codes or safety standards. Associated construction activities authorized by this permit include: temporary fill plugs or cofferdams; upland bypass channels; channel shaping needed to accommodate the repair, replacement, or alteration of the structure; and channel and bank stabilization, including riprap within 200 feet of the structure. Replacement may occur at the same site, or adjacent to the original structure. The area of wetlands or other surface waters from which material is to be dredged or filled shall not exceed a total of 0.5 acres for any one structure;

- (2) through (3) No change.

Specific Authority 373.044, 373.113, 373.118 FS. Law Implemented 373.118, 373.413, 373.416, 373.426 FS. History--New 10-3-95, Amended

40E-400.485 General Permit to the Department for Environmental Restoration or Enhancement Activities.

- (1) No change.
- (2) In order to qualify for this general permit, the environmental restoration or enhancement project must comply with any one of the following procedures:
  - (a) through (b) No change.

(c) The project is wholly or partially funded by the Department through ~~the Pollution Recovery Trust Fund pursuant to Section 403.165, F.S., or the Water Resources Restoration and Preservation Act pursuant to Section 403.0615 403.0165, F.S.~~

- (3) No change.

Specific Authority 373.044, 373.113, 373.118, 373.171 FS. Law Implemented 373.118, 373.413, 373.416, 373.426 FS. History--New 10-3-95, Amended

NAME OF PERSON ORIGINATING PROPOSED RULE: Terrie Bates, Director, Environmental Resource Regulation Department

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Chip Merriam, Deputy Executive Director, Water Resources Management

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: March 8, 2002

**AGENCY FOR HEALTH CARE ADMINISTRATION**

**Health Facility and Agency Licensing**

RULE CHAPTER TITLE: Clinical Laboratory Standards  
RULE CHAPTER NO.: 59A-7

RULE TITLES: Laboratory Licensure – Qualifications, Licensure, Operation and Application Fees  
RULE NOS.: 59A-7.021 59A-7.036

PURPOSE AND EFFECT: Chapter 59A-7, Florida Administrative Code, is being amended to address matters pertaining to the assessment, collection, and refund of clinical laboratory licensure fees. Revisions to the initial and renewal application forms are also being incorporated by reference.

SUMMARY: The assessment, collection and refund of clinical laboratory licensure fees.

SPECIFIC AUTHORITY: 483.051, 483.172 FS.

LAW IMPLEMENTED: 483.172 FS.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: This rule revision implements statutory provisions already in effect and no new regulatory costs re being created. Clinical laboratory licensure fees are set by statute and can be found in section s. 483.171. These fees are based on the scope and volume of testing performed by the laboratory. This rule revision addresses the calculation of test volume, designation of specialities and subspecialities, provisions for payment of licensure fees, refunds, and other related matters. The proposed revisions will not result in substantial increase in the cost to affected parties and there will be no significant adverse effects on competition, employment, investment or productivity.

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

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

TIME AND DATE: 1:00 p.m., December 19, 2002

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Patricia L. James, Health Services and Facilities Consultant Supervisor, Agency for Health Care Administration, 2727 Mahan Drive, Tallahassee, Florida 32308, (850)487-3109

THE FULL TEXT OF THE PROPOSED RULES IS:

59A-7.021 Laboratory Licensure – Qualifications, Licensure, Operation and Application.

(1) through (j) No change.

(k) Such other information requested on AHCA Form 3000-4, REV Nov 2002 ~~Mar 95~~, necessary in carrying out the purpose of this part, as stated in section 483.021, F.S., as applicable to the laboratory operation. AHCA Form 3000-4, REV Nov 2002 ~~Mar 95~~, shall be obtained from the agency and is incorporated by reference herein.

1. through 6. No change.

7. Such other information requested on AHCA Form 3170-2004, REV Nov 2002 ~~Mar 95~~, necessary in carrying out the purpose of this part, as stated in section 483.021, F.S., as applicable to the laboratory operation. AHCA Form 3170-2004, REV Nov 2002 ~~Mar 95~~, shall be obtained from the agency and is incorporated by reference herein.

(2) Payment ~~A check~~ for the correct amount of the fee must accompany the application, ~~or that application will be held in abeyance until the fee is received.~~

(3) through (7) No change.

(8) A license shall be valid for the period specified on the current license.

(a) In no event shall a license be issued for more than a 24 month period. In the event that specialties and subspecialties are added to an existing license, the expiration of the additional specialties/subspecialties shall be the expiration date of the current license. The licensure period will begin October 1, 1993, the effective date of Chapter 483, Part I, F.S., and shall be renewable on a biennial basis thereafter.

(b) Continued operation of a clinical laboratory that has not submitted a completed application or the required fee after the date of expiration of its license or after the date of sale in the event of a change of ownership shall be a criminal offence under s. 483.23, F.S., and shall result in administrative action up to and including an administrative fine charged to the

laboratory in the amount of \$100.00 per day, each day constituting a separate violation as authorized under s. 483.221, F.S.

(9) through (13) No change.

Specific Authority 483.051 FS. Law Implemented 483.051, 483.091, 483.101, 483.111, 483.172, 483.181, 483.221, 483.23 FS. History–New 11-20-94, Amended 7-4-95, 12-27-95, \_\_\_\_\_.

59A-7.036 Fees.

(1) Each ~~The~~ license fee shall be assessed as stipulated in s. section 483.172, F.S., and the rules promulgated thereunder. These fees are separate from any applicable federal Clinical Laboratory Improvement Amendment (CLIA) certification fees.

(2) General.

(a) Fees are due at the time of application.

(b) Payments shall be made payable to the Agency for Health Care Administration.

(c) Payment shall be by check, money order or other method acceptable to the agency.

(d) If the information submitted to the agency regarding the specialties/subspecialties and volume of testing performed is determined by the agency to be incorrect, the agency shall require the submission of the applicable additional fee in compliance with s. 483.172, F.S. The agency is also authorized to take administrative action in accordance with s. 483.201(1), F.S.

(e) The calculation of the annual volume of testing shall be determined in the following manner:

1. Each test performed shall be counted individually.

2. If test profiles composed of multiple tests are performed on the same patient sample, each individual measured analyte shall be counted as one test.

3. Calculated test results, quality control samples, proficiency, and calibration/calibration verification testing shall not be counted as tests.

4. Tests defined as waived pursuant to s. 483.041(10), F.S., shall not be counted as tests.

5. Tests referred to another laboratory shall not be counted as tests.

6. For microbiology each sample shall be counted as one test, regardless of the number of organisms isolated or identified. Each organism for which an antibiotic sensitivity testing is performed shall be counted as one test.

7. For histopathology, each block shall be counted as one test, regardless of the number of slides prepared. Each special stain is counted as one test.

8. For cytology, each cytology slide shall be counted as one test.

9. For histocompatibility, each HLA typing, antibody screen, and crossmatch shall be counted as one test each.

10. For allergen testing, each allergen shall be counted as one test.

11. For urinalysis, each non-waived macroscopic examination shall be counted as one test and each urinalysis microscopic examination shall be counted as one test each.

12. For immunohematology, each ABO grouping, Rh typing, antibody detection, antibody identification, and cross match shall be counted as one test each.

13. For cytogenetics, each separate specimen type tested is counted as one test.

14. Out-of-state laboratories shall be allowed to count only those tests performed on specimens received from clinical laboratories licensed in Florida. Counting of such tests shall be in compliance with subparagraph 59A-7.036(2)(f)1. through 13., F.A.C.

(f) Determination of Specialties and Subspecialties.

1. For the purposes of this part, the term "categories of procedures" as found in s. 483.172, F.S., means the specialties and subspecialties as found in paragraphs 59A-7.020(16)(a)-(i), F.A.C., and shall be used to determine the applicable licensure fee in accordance with s. 483.172, F.S.

2. For the purposes of fee assessment, multiple subspecialties under a single specialty shall be considered one specialty.

(g) It is the licensee's responsibility to ensure that the volume of testing and the number of specialties/subspecialties in which testing is performed is correctly submitted to the agency.

(h) Once a license has been issued to the licensee no refund shall be due if the licensee relinquishes the license or the license is revoked before the expiration date of the license.

(3) Fees for Initial Licensure.

(a) Certificate of Exemption.

1. The biennial fee for a Certificate of Exemption is \$100.

2. This fee and licensure certificate are applicable only for those entities performing tests defined as waived pursuant to s. 483.041(10), F.S. If licensure for non-waived testing is requested after the issue of a Certificate of Exemption, the entire applicable non-waived licensure fee is due. No refund of the previously issued Certificate of Exemption fee shall be due.

(b) The initial fee for laboratories accredited under the provisions of Rule 59A-7.033, F.A.C., is \$100 biennially.

If a facility requests accreditation status at initial licensure, the \$100 biennial licensure fee is applicable only if the applicant provides acceptable proof to the agency that the laboratory has been granted accreditation before the application process is completed. If such proof is not provided, the laboratory will not be considered accredited, and the applicable non-accredited licensure fee shall be assessed.

(c) The initial fee for laboratories that are accredited in some but not all specialties/subspecialties in which the laboratory will be licensed shall be determined by estimating the number of tests performed annually in the non-accredited specialties/subspecialties and the number of non-accredited

specialties/subspecialties in which the laboratory will be performing testing as declared by the applicant on AHCA Form 3000-4, REV, Nov 2002, AHCA Form 3170-2004, REV Nov 2002 and as specified in s. 483.172 and paragraph 59A-7.036(2)(c), F.A.C.

(d) The initial fee for non-accredited licensure for laboratories performing tests beyond the scope of a Certificate of Exemption shall be determined by the estimated number of tests performed annually and the number of specialties/subspecialties in which the laboratory will be performing testing as declared by the applicant on AHCA Form 3000-4, REV, Nov 2002, AHCA Form 3170-2004, REV Nov 2002 and as specified in s. 483.172 and paragraph 59A-7.036(2)(c), F.A.C.

(4) Fees for Renewal Licensure.

(a) Certificate of Exemption.

1. The biennial fee for a Certificate of Exemption renewal is \$100.

2. If licensure for non-waived testing is requested during the renewal period for a Certificate of Exemption, the non-waived licensure fee applicable in accordance with s. 483.172, F.S., shall be due.

(b) The fee for renewal of licensure for a laboratory accredited under the provisions of Rule 59A-7.033, F.A.C., is \$100 biennially. If one or more specialties/specialities are added to the license after the current license has been issued an additional fee shall be due if the accreditation organization does not perform the addition of specialty inspection. This additional fee shall be based on the volume of testing and number of specialties/subspecialties added in accordance with s. 483.172, F.S., as applicable.

(c) Fees for renewal of a non-accredited laboratory license performing tests beyond the scope of a Certificate of Exemption.

1. The renewal licensure fee for a laboratory for which there are no changes in volume, and specialties/subspecialties during the previous licensure period, shall be assessed based on the provisions of s. 483.172, F.S.

2. If the laboratory indicates that the volume of testing and/or specialties/subspecialties being performed has increased to the extent that it changes the fee category, the renewal fee shall be based on the new fee category, as applicable in s. 483.172, F.S.

3. If the laboratory indicates that it wants to add or delete one or more specialties/subspecialties, the renewal fee shall be based on the fee category as applicable in s. 483.172, F.S.

4. If the laboratory indicates that only waived testing is being performed, the renewal fee shall be the \$100 Certificate of Exemption fee.

5. If the laboratory indicates that it obtained accreditation status, the \$100 biennial licensure fee is applicable only if the applicant provides the agency with verification that it has been granted accreditation before the expiration date of the current



license. If this verification cannot be provided, the laboratory cannot be considered accredited, and the applicable non-accredited licensure fee will be assessed. No refund of the non-accredited licensure fee shall be due if the laboratory subsequently obtains accreditation status after the license has expired.

(5) Addition or deletion of specialties/subspecialties, or change in accreditation status after an initial or renewal license has been issued:

(a) If the laboratory indicates that it has ceased testing in one or more particular specialty/subspecialty, or has limited testing to tests defined as waived under s. 483.041(11), F.S., no fee or refund shall be due.

(b) If the laboratory voluntarily withdraws its accreditation status, no additional fee will be due unless the laboratory applies for a Certificate of Exemption to perform waived testing, or wishes to add a specialty/subspecialty. If the accreditation organization rescinds the laboratory's accreditation, or the agency performs a licensure survey prior to issuing a renewal license, the laboratory shall be assessed a licensure fee based on the provisions of s. 483.172, F.S. No refund of the previously paid accreditation fee will be given.

(6) If the laboratory applies for the addition of one or more specialties/subspecialties to an existing license, an additional fee will be due if the addition of such specialties/subspecialties results in a change in the applicable fee category. This additional fee shall be due at the time of application for the addition of the specialties/subspecialties.

(a) The additional fee shall be calculated by subtracting any new applicable licensure fee pursuant to s. 483.172 from the licensure fee already paid for the existing license.

(b) If the request for such an addition to the licensure specialties/subspecialties occurs within 90 days of the expiration date of the current license the renewal fee will be adjusted as applicable to include the additional specialties/subspecialties requested.

(c) If a facility requests accreditation status after a current license has been issued no refund shall be due.

(7)(2) Refunds.

(a) Laboratory licensure application fees are non-refundable except as provided in paragraph 59A-7.036(8)(2)(b), F.A.C.

(b) Refunds are authorized pursuant to provisions of s. section 215.26, F.S., and shall be approved only if a payment is made when no fee is due or an overpayment is made. in the following instances:

1. An overpayment of a fee;
2. A payment where no fee is due; and
3. Any payment made into the State Treasury in error.

(c) Applications for refund shall be on Form DBF-AA4, REV.7/1/87, incorporated by reference, which shall be provided by the agency and shall be filed with the Comptroller within 3 years from the date of payment into the State treasury or else such right shall be barred.

(d) Refund claims shall not be otherwise barred under the laws of this state.

Specific Authority 483.051 FS. Law Implemented 483.051, 483.172 FS. History—New 11-20-94, Amended \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Patricia James

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Jeffrey Gregg

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 11, 2002

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

**AGENCY FOR HEALTH CARE ADMINISTRATION**

**Medicaid**

RULE TITLE: Hospice Services  
RULE NO.: 59G-4.140

PURPOSE AND EFFECT: The purpose of this rule amendment is to incorporate by reference the Florida Medicaid Hospice Services Coverage and Limitations Handbook, December 2002. The effect will be to incorporate by reference in the rule the current Florida Medicaid Hospice Services Coverage and Limitations Handbook.

SUMMARY: The purpose of this rule amendment is to incorporate by reference the Florida Medicaid Hospice Services Coverage and Limitations Handbook, December 2002.

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: 409.919 FS.

LAW IMPLEMENTED: 409.906, 409.908 FS.

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

TIME AND DATE: 9:00 a.m., Friday, December 20, 2002

PLACE: 2728 Ft. Knox Boulevard, Building 3, Conference Room C, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Peggy Stafford, 2727 Mahan Drive, Mail Stop 20, Tallahassee, Florida 32308, (850)488-9990

THE FULL TEXT OF THE PROPOSED RULE IS:

59G-4.140 Hospice Services.

(1) No change.

(2) All hospice services providers enrolled in the Medicaid program must comply with the Florida Medicaid Hospice Services Coverage and Limitations Handbook, December 2002 July 1999, incorporated by reference, and the Florida Medicaid Provider Reimbursement Handbook, UB 92, incorporated by reference in Rule 59G-4.160, F.A.C. Both handbooks are available from the Medicaid fiscal agent.

Specific Authority 409.919 FS. Law Implemented 409.906, 409.908 FS. History--New 1-1-87, Amended 10-9-90, 5-13-92, 10-8-92, Formerly 10C-7.0533, Amended 2-14-95, 12-27-95, 9-21-99,\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Peggy Stafford

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Rhonda M. Medows, MD, Secretary  
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 14, 2002

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

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Board of Professional Surveyors and Mappers**

RULE TITLE: Specialty Electrical Contractors  
RULE NO.: 61G6-7.001

PURPOSE AND EFFECT: To amend the rule to include descriptive language to clarify the scope of certification of a limited energy systems specialty contractor.

SUMMARY: This rule clarifies the scope of certification of a limited energy systems specialty contractor.

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

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

SPECIFIC AUTHORITY: 489.511(5) FS.

LAW IMPLEMENTED: 489.511(5), 489.503(14), 489.505(19) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Anthony Spivey, Executive Director, Electrical Contractors' Licensing Board, Northwood Centre, 1940 N. Monroe Street, Tallahassee, Florida 32399-0750

THE FULL TEXT OF THE PROPOSED RULE IS:

61G6-7.001 Specialty Electrical Contractors.

(1) through (3) No change.

(4) Limited Energy Systems Specialty. The scope of certification of a limited energy systems specialty contractor includes the installation, repair, fabrication, erection, alteration, addition to, or design of electrical wiring, fixtures, appliances, thermostats, apparatus, raceways, conduit, and fiber optics (transmission of light over stranded glass) or any part thereof not to exceed 77 volts, when those items are for the purpose of transmitting data, proprietary video (satellite systems which are not part of a community antenna television or radio distribution system), voice command, radio frequency, central vacuum, or electric locks.

(a) through (5) No change.

Specific Authority 489.511(5) FS. Law Implemented 489.511(5), 489.503(14), 489.505(19) FS. History--New 1-2-80, Amended 7-29-84, 10-14-84, Formerly 21GG-7.01, Amended 2-23-86, 12-24-87, 6-21-89, 3-3-92, Formerly 21GG-7.001, Amended 1-28-96, 12-25-96, 6-11-97, 12-24-97, 7-19-98, 10-7-99, 2-17-00, 4-30-01,\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Electrical Contractors' Licensing Board

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Electrical Contractors' Licensing Board

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: January 17, 2002

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 4, 2002

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Board of Professional Engineering**

RULE TITLE: Qualifying Activities for Laws and Rules Requirements  
RULE NO.: 61G15-22.010

PURPOSE AND EFFECT: This amendment sets forth the qualifying activities for laws and rules requirements.

SUMMARY: This amendment clarifies the activities that will satisfy the continuing education requirements for laws and rules of the Board.

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: 455.2178, 455.2179, 471.017(3), 471.019 FS.

LAW IMPLEMENTED: 455.213(6), 455.2177, 455.2178, 455.2179, 471.008, 471.017(3), 471.019 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: Natalie Lowe, Administrator, Board of Professional Engineers, 1940 North Monroe Street, Tallahassee, Florida 32399-0750

THE FULL TEXT OF THE PROPOSED RULE IS:

61G15-22.010 Qualifying Activities for Continuing Education Courses in Laws and Rules Requirements.

(1) In order to comply with the provisions of Section 471.017(3), F.S., licensees shall demonstrate professional competency relative to Chapter 471, F.S., and the Board's rules, by either completing a continuing education course, as detailed in subsection (2) below, by attending a board meeting at which disciplinary hearings are conducted as detailed in subsection (3) below, or by approval of the Board as a consulting engineer providing assistance to the Board in the performance of its duties, as detailed in subsection (4) below.

(2) ~~(1) Successful completion of~~ In order to meet the criteria contained in Section 471.017(3), F.S., a course of continuing education for laws and rules of the Board which must consist of a minimum of four (4) PDH's in laws and rules of the Board hours of instruction in Chapter 471, F.S., and Chapter 61G15, F.A.C.

(3) ~~(2)~~(a) through (c) No change.

(d) Members of the Board of Professional Engineers shall receive four (4) PDH's in laws and rules of the Board for conducting these meetings.

(4) All consultant engineers used by the Board in the resolution of Board business, including rule making and prosecution of discipline cases and complaints, shall receive credit for four (4) PDH's in laws and rules of the Board by specific approval of the Board of a written list of such consultants during each biennium.

Specific Authority 455.2178, 455.2179, 471.008, 471.017(3), 471.019 FS. Law Implemented 455.213(6), 455.2177, 455.2178, 455.2179, 471.008, 471.017(3), 471.019 FS. History—New 9-16-01, Amended \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Board of Professional Engineers

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

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

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

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Board of Building Code Administrators and Inspectors**

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

PURPOSE AND EFFECT: The Board proposes to amend the existing rule to eliminate the verification requirements for practical working experience.

SUMMARY: The specific requirements for verification of practical working experience are eliminated in this amendment to the rule.

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: 468.606, 468.607 FS.

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

THE FULL TEXT OF THE PROPOSED RULE IS:

61G19-1.009 Definitions.

(1) through (7) No change.

(8) "Experience" means practical working experience as a trade person or construction, design or inspection industry professional, for compensation, ~~which may be verified upon the request of the Board through the production of original or certified copies of any of the following documents or other form acceptable to this Board, which shall include any of the following but is not limited to:~~

1. ~~Copies of pay records/stubs~~
2. ~~W-2 Forms~~
3. ~~Federal income tax returns~~
4. ~~Articles of Incorporation~~
5. ~~Licensure in a related Field of Construction, design or inspection~~
6. ~~Bona fide contracts for construction or construction related work~~

(9) No change.

Specific Authority 468.606, 468.607 FS. Law Implemented 468.603 FS. History—New 5-23-94, Amended 5-21-95, 11-20-95, \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Board of Building Code Administrators and Inspectors  
NAME OF SUPERVISOR OR PERSON WHO APPROVED  
THE PROPOSED RULE: Board of Building Code  
Administrators and Inspectors  
DATE PROPOSED RULE APPROVED BY AGENCY  
HEAD: September 20, 2002  
DATE NOTICE OF PROPOSED RULE DEVELOPMENT  
PUBLISHED IN FAW: October 11, 2002

**DEPARTMENT OF BUSINESS AND PROFESSIONAL  
REGULATION**

**Board of Building Code Administrators and Inspectors**

RULE TITLE: RULE NO.:

Application for Provisional and/or  
Standard Certification 61G19-6.0035

PURPOSE AND EFFECT: The Board proposes to amend the  
rule to revise the requirements for certification.

SUMMARY: The rule combines the application for provisional  
certification with the application for standard certification in  
the trade category.

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: 468.606, 468.609 FS.

LAW IMPLEMENTED: 468.609 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: Anthony Spivey, Executive Director,  
Board of Building Code Administrators and Inspectors, 1940  
North Monroe Street, Tallahassee, Florida 32399-0750

THE FULL TEXT OF THE PROPOSED RULE IS:

61G19-6.0035 Application for Provisional and/or  
Standard Certification.

(1) Each ~~an~~ individual who wishes to obtain a  
provisional and/or standard certificate in any certificate  
category shall submit the following to the Board:

(a) A completed application form for the category in  
which certification is sought. Forms ~~BPR/BCAI/04 Rev. 10/98, Application For The Provisional Inspector Certification, BPR/BCAI/05 Rev. 10/98, Application For The Provisional Plans Examiner Certification, BPR/BCAI/06 Rev. 10/98, Application For The Provisional Building Code Administrator~~

~~Certification~~, which are hereby incorporated by reference,  
effective ~~2-23-99~~, copies of which may be obtained from the  
Board office, shall be used for this purpose.

(b) An ~~notarized~~ affidavit describing in detail of each  
separate period of work experience listed in the application  
form, which has been prepared and signed by a licensed an  
architect, engineer, contractor, or building code administrator  
who has knowledge of the applicant's duties and  
responsibilities during the period indicated in the affidavit.  
Form BPR/BCAI/13, Rev. 10/98, Affidavit of Work  
Experience form, which is hereby incorporated by reference,  
effective \_\_\_\_\_, in Rule 61G19-6.008, shall be used for  
this purpose. Each affidavit must include the name and address  
of the applicant's employer during the work experience period,  
the dates of employment, and a description of the applicant's  
duties and responsibilities during the employment including  
any supervisory responsibilities, in sufficient detail to enable  
the Board to determine whether or not the applicant has the  
experience required for certification. Each year of trade school  
will be credited as one (1) year of experience toward the  
required experience for the category of certificate sought.

(c) Each applicant for certification as an inspector or plans  
examiner shall demonstrate that he or she has at least one (1)  
year of hands-on experience in the category of certification  
sought construction or building inspection.

(d)(e) ~~Each~~ Those applicants who are seeking to utilize  
their education to qualify for certification through a  
combination of postsecondary education and work experience  
shall submit an official copy of all college or university  
transcripts which document the applicant's education in  
addition to all required affidavits of work experience. An  
applicant whose postsecondary education took place outside  
the United States and Canada shall provide to the Board, at his  
or her own expense, a complete course-by-course evaluation of  
any foreign transcripts by an evaluation service as approved by  
the Board.

(e) Each applicant who is not employed by a local  
government agency having responsibility for building code  
inspection, building construction regulation, and enforcement  
of building, plumbing, mechanical, electrical, gas, fire  
prevention, energy, accessibility, and other construction codes  
at the time of the application shall submit payment of all  
applicable application, examination and certification fees as  
specified in Chapter 61G19-10, F.A.C.

(2) An applicant who qualifies for provisional certification  
in any category is also automatically certified to sit for the  
examination for standard certification in the same category at  
any time, without submitting further application, as long as the  
provisional certificate remains active and valid.

(3)(2) In addition to all other the above required items,  
each an applicants for an provisional inspector certificate or a  
provisional plans examiner certificate shall submit with the  
their application a statement from the applicant's their current

employer which shall indicate the applicant's present status with the employer. Each applicant employed by local government agency having responsibility for building code inspection, building construction regulation, and enforcement of building, plumbing, mechanical, electrical, gas, fire prevention, energy, accessibility, and other construction codes at the time the application is submitted, and must include on the statement the signature and license number of the building code administrator or building official for the applicant's employing agency.

~~(4)(3)~~ In addition to all other the above required items, each ~~all~~ applicants for a ~~provisional~~ building code administrator certificate shall submit with the their application a statement from the applicant's their current employer which shall indicate the applicant's present status with the employer, and if the applicant is employed by local government agency having responsibility for building code inspection, building construction regulation, and enforcement of building, plumbing, mechanical, electrical, gas, fire prevention, energy, accessibility, and other construction codes at the time the application is submitted, the statement must include the signature of the chief executive officer of the applicant's employing agency.

Specific Authority 468.606, 468.609~~(7)(a)~~ FS. Law Implemented 468.609~~(7)(a)~~ FS. History--New 11-28-95, Amended 10-1-97, 2-23-99, \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Board of Building Code Administrators and Inspectors  
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Building Code Administrators and Inspectors  
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 20, 2002  
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 11, 2002

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Board of Building Code Administrators and Inspectors**

RULE TITLE: Reexamination  
RULE NO.: 61G19-6.008

PURPOSE AND EFFECT: The Board proposes to eliminate certain provisions that relate to Application for Standard Certification by Examination which are being placed in another rule and to clarify the remaining provisions.

SUMMARY: The amended rule relates to reexamination of applicants.

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: 468.606, 468.609, 455.217 FS.

LAW IMPLEMENTED: 455.217 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: Anthony Spivey, Executive Director, Board of Building Code Administrators and Inspectors, 1940 North Monroe Street, Tallahassee, Florida 32399-0750

THE FULL TEXT OF THE PROPOSED RULE IS:

~~61G19-6.008 Application for Standard Certification by Examination; Reexamination.~~

~~(1) Individuals who wish to obtain a standard certificate by examination in any certificate category shall submit the following to the Board:~~

~~(a) All applicants shall submit a completed application form for the category in which certification is sought. Forms BPR/BCAI/01 Rev. 10/98, Application For The Inspection Certification By Examination, BPR/BCAI/03 Rev. 10/98, Application For The Building Code Administrator Certification By Examination, BPR/BCAI/02 Rev. 10/98, Application For The Plans Examiner Certification By Examination, which are hereby incorporated by reference, effective 2-23-99, copies of which may be obtained from the Board office, shall be used for this purpose.~~

~~(b) All applicants who are not employed by a municipal or county government or by a state agency at the time of their application shall submit payment of all applicable application, examination and certification fees as specified in Chapter 61G19-10.~~

~~(c) All applicants who are currently employed by a municipal or county government or by a state agency at the time of their application and who wish to apply for a standard inspector certificate or a standard plans examiner certificate shall submit with their application a statement from their eurrent employer which shall indicate the applicant's present status with the employer, and must include the signature of the building code administrator or building official for the applicant's employing agency. All applicants who are currently employed by a municipal or county government or by a state agency at the time of their application and who wish to apply for a standard building code administrator certificate shall submit with their application a statement from their current employer which shall indicate the applicant's present status with the employer, and must include the signature of the chief executive officer of the applicant's employing agency.~~

~~(d) All applicants shall submit a notarized affidavit for each separate period of work experience which has been prepared and signed by an architect, engineer, contractor, or building code administrator who has knowledge of the applicant's duties and responsibilities during the period indicated in the affidavit. Form BPR/BCAI/13, Affidavit of Work Experience, Rev. 10/98, which is hereby incorporated by reference, effective 2-23-99, copies of which may be obtained from the Board office, shall be used for this purpose. Each affidavit must include the name and address of the employer, the dates of employment, and a description of the applicant's duties and responsibilities during the employment including any supervisory responsibilities. Each year of trade school will be credited as one (1) year of experience toward the required experience for the category of certificate sought. Each applicant shall demonstrate that he or she has at least one (1) year of hands on experience in construction or building inspection.~~

~~(e) All applicants seeking to demonstrate their eligibility for the category of certificate sought through a combination of postsecondary education and experience shall, in addition to all required affidavits of work experience, submit an official transcript from all postsecondary educational institutions which the applicant attended.~~

~~(1)(2) All applicants who have taken and failed the licensure examination for a standard certificate and who wish to apply for reexamination in that certificate category shall submit the following to the Board:~~

~~(a) A completed application form for reexamination in the category in which certification is sought. Forms BPR/BCAI/07 Rev. 7/97, Reexamination Profile Data Form For The Inspector Examination, BPR/BCAI/08 Rev. 7/97, Reexamination Profile Data Form For The Plans Examiner Exam, and BPR/BCAI/09 Rev. 7/97, Reexamination Form For The Building Code Administrator Examination, which are hereby incorporated by reference, effective 10-1-97, copies of which may be obtained from the Board office, shall be used for this purpose.~~

~~(b) Those individuals who are not employed by a local government agency having responsibility for building code inspection, building construction regulation, and enforcement of building, plumbing, mechanical, electrical, gas, fire prevention, energy, accessibility, and other construction codes municipal or county government or by a state agency at the time of their application for reexamination shall submit payment of the applicable reexamination fees as specified in Chapter 61G19-10.~~

~~(2)(3) All application forms, reexamination forms, and any other required forms and documents must be received by the Board at least sixty (60) days prior to the date of the examination for which the individual is applying.~~

(3) A candidate for certification in the category of 1 and 2 family dwelling must pass all four parts of the examination within three years of the date on which the applicant is notified that he or she has been approved to take the examination

Specific Authority 468.606, 468.609(1),(2),(3) 455.217 FS. Law Implemented 468.609(1),(2), 455.217 FS. History—New 5-23-94, Amended 11-21-95, 5-6-96, 10-1-97, 2-23-99,\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Building Code Administrators and Inspectors  
 NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Building Code Administrators and Inspectors  
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 20, 2002  
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 20, 2002

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Board of Building Code Administrators and Inspectors**

RULE TITLE: Florida Principles and Practice  
 RULE NO.: 61G19-6.0085  
 PURPOSE AND EFFECT: The Board proposes to amend the rule to specify the criteria for employment necessary for licensure.

SUMMARY: This rule clarifies the circumstances under which an applicant for licensure is not required to retake the Principles and Practice examination.

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: 468.606 FS.

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

THE FULL TEXT OF THE PROPOSED RULE IS:

61G19-6.0085 Florida Principles and Practice.

An applicant for licensure under this part shall satisfactorily complete the Florida laws and rules (Principles and Practice) exam with a passing grade of 70% or higher. An applicant shall not have to take that exam again provided the applicant has maintained continuous employment in one of the licensure



3. The Accreditation Council for Continuing Medical Education (ACCME) ~~American Medical Association (AMA)~~ as ~~Category I~~, the American and Florida Thoracic Societies, the American College of Cardiology, the American College of Chest Physicians, the American and Florida Societies of Anesthesiologists, the American and Florida Lung Association, the National Society for Cardiopulmonary Technologists, the American Health Association, the American Nurses Association, and the Florida Nurses Association, provided that they are related to respiratory care services;

- (b) through (f) No change.
- (3) through (4) No change.

Specific Authority 468.353(1), 468.361(2) FS. Law Implemented 468.361(2) FS. History--New 4-29-85, Formerly 21M-38.04, Amended 9-29-86, 11-29-88, 9-24-92, 10-15-92, Formerly 21M-38.004, Amended 1-2-94, 7-10-94, Formerly 61F6-38.004, Amended 11-1-94, 3-14-95, 7-18-95, 4-24-96, 8-27-96, Formerly 59R-75.004, 64B8-75.004, Amended 6-8-00, 5-7-01, \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Board of Respiratory Care  
 NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Respiratory Care  
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 11, 2002  
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: November 1, 2002

**DEPARTMENT OF CHILDREN AND FAMILY SERVICES**

**Economic Self-Sufficiency Program**

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

PURPOSE AND EFFECT: This proposed rule amendment incorporates by reference revised client notice and contact forms used to advise clients of their rights and responsibilities.

SUMMARY: The proposed amendment incorporates revised Rights and Responsibilities and Hearing Request forms by reference.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None.

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

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

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

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

TIME AND DATE: 2:00 p.m., December 20, 2002

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Audrey Mitchell, Program Administrator, Policy Support Unit, 1317 Winewood Boulevard, Building 3, Room 421, Tallahassee, Florida 32399-0700, (850)488-3090

THE FULL TEXT OF THE PROPOSED RULES IS:

65A-1.204 Rights and Responsibilities.

(1) No change.

(2) The individual has the right of confidentiality in accordance with sub-section (3) of this rule, to receive prompt action, equitable treatment, notification of any case action taken and to receive a fair hearing due to an appeal of case action. Department form CF-ES 2064, Oct 02 ~~Sep 00~~, (incorporated by reference) explains these and other rights and responsibilities. This form is given to each payee individual receiving or applying for assistance.

(3) No change.

(4) Fair hearings are conducted in accordance with the Florida Administrative Code Chapter 65-2, Part VI, and the Uniform Rules of Procedure set forth in Chapter 28-106, Parts I and II with the exception of sections 28-106.104, 28-106.105, 28-106.106, 28-106.107, 28-106.109, 28-106.111, and 28-106.201. Departmental form CF-ES 1007, Sep 01 ~~Jan 98~~ (incorporated by reference), is used to request fair hearings. Additionally, clients may request fair hearings either orally or in writing without using the form.

(5) No change.

Specific Authority 409.212, 409.919, 410.033, 414.45 FS. Law Implemented 409.212, 409.903, 409.904, 410.033, 414.095, 414.28, 414.295, 414.31 FS. History--New 4-9-92, Amended 11-22-93, Formerly 10C-1.204, Amended 12-29-98, 5-9-02, \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Rodney McInnis, Management Review Specialist

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Audrey Mitchell, Program Administrator, Public Assistance Policy

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

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



**DEPARTMENT OF CHILDREN AND FAMILY SERVICES**

**Economic Self-Sufficiency Services**

RULE TITLE: Family Cap Requirements  
 RULE NO.: 65A-4.214

PURPOSE AND EFFECT: This proposed rule amendment deletes a portion of Family Cap policy that has been removed from state law and clarifies policies about breaks in receipt of temporary cash assistance.

SUMMARY: Date of conception exception policies are removed. Policies about breaks in receipt of temporary cash assistance are expanded to clarify conditions that constitute either a break in receipt of assistance or a reapplication under these policies.

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: 414.45 FS.

LAW IMPLEMENTED: 414.115 FS.

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

TIME AND DATE: 2:00 p.m., December 23, 2002

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Audrey Mitchell, Program Administrator, 1317 Winewood Boulevard, Building 3, Room 421, Tallahassee, FL 32399-0700, (850)488-3090

THE FULL TEXT OF THE PROPOSED RULE IS:

(Substantial rewording of Rule 65A-4.214 follows. See Florida Administrative Code for present text.)

65A-4.214 Family Cap Requirements.

(1) Family Cap. The first child born to a recipient of temporary cash assistance more than ten months from the date of application will be added to the temporary cash assistance group at one-half the incremental increase for an additional person. In the case of multiple births, each child will be added at one-half the incremental increase. Second or subsequent children subject to this policy and born to a temporary cash assistance recipient will not increase the benefit amount. These subsequent children are considered ineligible for temporary cash assistance. The income and assets of the second and subsequent child(ren) will be considered in the budget calculation, except for child support income. A child subject to the family cap will be considered temporary cash assistance eligible for all other purposes, including Medicaid and

categorical eligibility for food stamps. Once imposed, the cap continues to apply to a child unless an exception provided for by s. 414.115(2), F.S., is met.

(2) Assistance Breaks/Family Cap Count. A child born to an applicant or a recipient of temporary cash assistance is subject to family cap policy if the parent was a recipient of temporary cash assistance in any month more than ten months prior to the birth month and there has not been a break in assistance of six or more continuous months from the month the client last received assistance and the month of application. SSI mothers and those who receive cash assistance from another state are not considered temporary cash assistance recipients for purposes of this policy.

(3) Incapacity, Institutionalization or Incarceration. Once the incapacity, institutionalization or incarceration of the birth parent ceases to exist, the child will again be subject to the family cap.

Specific Authority 414.45 FS. Law Implemented 414.115 FS. History—New 4-13-98, Amended 4-27-99,\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Rodney McInnis, Operations Review Specialist

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Audrey Mitchell, Program Administrator, Public Assistance Policy

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

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

**DEPARTMENT OF CHILDREN AND FAMILY SERVICES**

**Family Safety and Preservation Program**

RULE TITLES:	RULE NOS.:
Authority	65C-17.001
Definitions	65C-17.002
Planning and Budgeting Functions	65C-17.003
Department Caseworker and Legal Responsibilities	65C-17.006

PURPOSE AND EFFECT: To confirm specific rule sections to recommendations of the Joint Administrative Procedures Committee (JAPC).

SUMMARY: The proposed amendment to Rule 65C-17.001, F.A.C. To correct the name of the Family Safety program; the age requirement of the “client beneficiary class”; to delete monthly amount for foster care allowance and; to clarify the responsibilities of caseworkers and child welfare attorneys.

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

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

SUMMARY OF THE STATEMENT OF ESTIMATED REGULATORY COST: None.

Any person who wishes to provide information regarding the statement regulatory costs, or to provide a proposal for a lowest cost regulatory alternative must do so in writing within 21 days of this notice) or: An estimate of this regulatory cost was not been prepared for this rule.)

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

DATE AND TIME: 9:00 a.m., December 19, 2002

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Anthony Owens, Operations & Management Consultant, Manager, Policy Support Unit, Children and Families Office, 1317 Winewood Blvd., Building 7, Suite 230, Tallahassee, Florida 32399 or by telephone (850)922-0211

THE FULL TEXT OF THE PROPOSED RULE IS:

#### 65C-17.001 Authority.

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

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

#### 65C-17.002 Definitions.

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

(1) through (3) No change.

(4) "Family Safety and Preservation program client beneficiary class" includes those clients under the age of 18 (or 18 to ~~23~~ 24 if enrolled in a full-time educational program under Section 409.145(3), F.S., although not in the custody of the department) who are, or who are considered to be, in the legal custody, care or control of the department, and who have received, or will receive, money and tangible or intangible

property for their sole use and benefit from any other person or entity that is placed in the possession or control of the department and for whom a separate trust for such individual does not exist, and who are or who become program clients:

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

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

(5) No change.

(6) "Foster care allowance" means a monthly stipend, ~~currently \$11.00~~, which is included in the foster care board payment sent to the foster parent for the personal needs of each foster child living in the home. See ss. 402.33(3), F.S. A child is eligible to apply for a change in the allowance through the fee waiver review process established in Rule 65C-17.005, F.A.C.

(7) through (8) No change.

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

(10) through (13) No change.

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

65C-17.003 Planning and Budgeting Functions.  
Balancing the current and long-term needs of a Family Safety program Master Trust client beneficiary shall involve the following planning and budgeting functions which must be cooperatively performed by district caseworkers and fiscal office personnel.

(1) No change.

(2) Family Safety ~~and Preservation~~ program Master Trust client beneficiaries who are in substitute care, and who receive Supplemental Security Income (SSI) benefits, are eligible to submit a Plan for Achieving Self-Support (PASS) to the Social Security Administration for approval. The approved Plan enables the department to set aside funds for long-term educational or vocational needs of the client as enumerated in the Plan, without affecting SSI eligibility. A PASS, Independent Living, or other case plan shall be developed for each member of this Master Trust client beneficiary group. A copy of the plan shall be kept in the client's case file and a copy shall also be filed with the court exercising jurisdiction over the client. As part of the PASS or Independent Living plan, the caseworker is responsible for ensuring that a vocational aptitude assessment and report is done on each client who is able to participate. Unless waived or performed in-house, costs of such assessment shall be charged against the client's applicable trust subaccount.

(3) No change.

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

65C-17.006 Department Caseworker and Legal Responsibilities.

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

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

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

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Anthony Owens  
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Elizabeth Wynn  
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 8, 2002  
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 30, 2002

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

**DEPARTMENT OF EDUCATION**

**Commission for Independent Education**

RULE NOS.:	RULE TITLES:
6E-1.003	Definition of Terms
6E-1.0032	Fair Consumer Practices
6E-1.0041	Honorary Degrees

**NOTICE OF CHANGE**

Notice is hereby given that proposed Rules 6E-1.003, 6E-1.0032, and 6E-1.0041, F.A.C., published in Vol. 28, No. 43, October 25, 2002, Florida Administrative Weekly, have been changed to reflect comments received from the Joint Administrative Procedures Committee on November 12, 2002, and during public discussions at several Rules Development Workshops held between July and November, 2002, a Rules Committee meeting on November 14, 2002, and a Public Hearing on November 15, 2002. The proposed rules have been changed so that when adopted they will read:

(Substantial rewording of Rule 6E-1.003 follows. See Florida Administrative Code for present text.)

6E-1.003 Definition of Terms.

Terms used in these rules are defined in Section 1005.02, Florida Statutes. In addition, as used in the rules of this Commission, unless the context clearly indicates otherwise:

(1) "Accredited foreign medical schools" means institutions chartered outside the United States, in a nation whose accreditation standards have been determined by the United States Department of Education to be comparable to the accreditation standards applied to United States medical schools, when the foreign medical school has been inspected

and evaluated by the nation's recognized agent and approved or accredited by its home nation using those comparable standards.

(2) "Advertising" includes any form of public notice, however disseminated or utilized, offering training or education to the public or recruiting students to enroll in a school or college program. The term includes publications and promotional items which may be seen or encountered by prospective students, including catalogs and other institutional publications which contain institutional policies or disclosures; mailing pieces, such as bulletins, brochures, or flyers; classified advertisements; news releases; posters; electronic notices provided through Internet, radio or television; or any other form of public notice resulting from the institution's recruiting and promotional efforts.

(3) "Applied general education" means courses directly related and applicable to a specific occupation, fulfilling the general education requirements for an occupational associate degree, in natural and physical sciences, social and behavioral sciences, language and writing skills, and humanities and the arts.

(4) "Asynchronous" means that students may access a prepared educational program electronically or by other means, at a time of their own choosing rather than at a specified time.

(5) "Auxiliary classroom space" means a location within 10 miles of a licensed school or college, and under its administrative and academic control and included in its licensure; where classes are held as needed to supplement the physical capacity of the licensed institution; and where the licensed institution is not required to maintain ongoing administrative or faculty offices, but has the responsibility of providing all administrative, academic, and student services.

(6) "Board-certified," "board-eligible," and "board licensed" refer to the appropriate recognition by the State Board of Medicine or other recognized agency which regulates the practice of medicine in the jurisdiction where the foreign medical school operates and where clerkships are offered.

(7) "Chartered" means incorporated according to the requirements of the Florida Department of State, Division of Corporations or similar authority in another jurisdiction.

(8) "Clinical clerkship" means supervised instruction in medical disciplines with an opportunity to observe and to participate in the theory and practice of expert care of patients with a broad spectrum of traumatic conditions, psychiatric disorders, disease, or other human ailments, in order for the students to achieve comprehensive knowledge in medical diagnosis and treatment as part of a course of instruction leading to an M.D. or D.O. degree or the equivalent.

(9) "Collegiate" describes a college or university which is licensed by the Commission to offer degrees as defined in s. 1005.02(7), Florida Statutes, or the degree programs offered by such an institution.

(10) "Complete application" means an application which the Commission staff has reviewed and found to contain all required forms, supporting documentation addressing each standard, all required signatures, and evidence that all appropriate fees have been paid.

(11) "Compressed time period" means a significantly shorter period than those described in the definitions of "Semester" and "Quarter".

(12) "Core clinical clerkship" means initial clinical training required of every medical student, generally taken in the third year of medical school, in such fields as internal medicine, pediatrics, surgery, obstetrics and gynecology, psychiatry, and family medicine.

(13) "Correspondence learning" means instruction through mail or e-mail requiring the institution to mail a syllabus, texts, lessons, and other materials to the student and to provide adequate educational services, responses, comments, and evaluations in a timely manner to the student.

(14) "Course" means one organized unit of study focusing on one subject or skill for a specified period of time; for example, English 101, Algebra II, or Introduction to Computers.

(15) "Credit by examination" means credit awarded upon determining the level of students' competencies in a specific subject area through standardized tests or institutionally developed examinations.

(16) "Credit for prior learning" means credit for learning acquired outside the licensed institution, that has resulted in a level of knowledge and skills appropriate and comparable to the level and content of the program or credential offered. Such learning must be validated and documented by qualified instructors using consistent, educationally defensible procedures and standards.

(17) "Direct contact instruction" means the physical presence of one or more students and one or more instructors at the same physical location. Direct contact instruction includes instruction and learning that takes place in a seminar, workshop, lecture, colloquium, laboratory, or tutorial, in a setting consistent with the stated mission, purposes, and objectives of the institution and the specific program or course. A learning agreement or learning contract should be a central feature of direct contact instruction.

(18) "Distance education" means planned learning that normally occurs in a different place from teaching and as a result requires special techniques in course design, special instructional techniques, special methods of communication by electronic and other technology, and special organizational and administrative arrangements.

(19) "Distance learning" is a general term used to cover the broad range of teaching and learning events in which the student is separated (at a distance) from the instructor, or other fellow learners.

(20) “Elective clinical clerkship” means additional specialized clinical training, chosen by the medical student from an approved list of electives published by the medical school, generally taken in the fourth year of medical school.

(21) “Emerging field of study” means a subject area not yet offered by traditional institutions as a discipline for study leading to a particular credential, but that is deemed worthy of exploration and development.

(22) “Enrollment” means registering a student to take courses in an institution, when such registration obligates the student to pay tuition to the institution and obligates the institution to provide instruction to the student.

(23) “Executive Director” means the chief administrative officer of the Commission.

(24) “Fair consumer practices” means the honest, accurate and equitable conduct of business and academic relations between institutions and their students or prospective students.

(25) “First professional degree” means the first degree signifying completion of the minimum academic requirements for practice of a profession. The degree may require four, five, or more academic years, depending on the profession and the particular institution. A first professional degree is most commonly a bachelor’s degree, but may be a master’s or doctoral degree.

(26) “General education courses” are those college-level courses designed to place emphasis on principles and theory rather than on practical applications associated with a vocational, occupational, or professional objective. General education courses may include, but is not limited to, English, history, philosophy, literature, religion, art, music, sociology, foreign languages, humanities, mathematics, chemistry, biology, and psychology, when such courses are not within the area of concentration of a vocational, occupational, or professional program. For example, English Composition is considered a general education course, but Business English is not. Courses designated as “applied,” “specialized,” “technical,” or similar designation do not meet this definition.

(27) “Indirect contact instruction” means a delivery method which does not require the physical presence of students and instructors at the same location, but provides for interaction between students and instructors by such means as telecommunications, electronic and computer-augmented educational services, correspondence, postal service, and facsimile transmission. Detailed course outlines or comprehensive syllabi are central to indirect contact instruction and learning, along with specified competencies to be mastered, details of interaction and feedback from the instructor, and specified procedures and timetables for evaluation.

(28) “Innovative method of instruction” means a new method of instruction not in use by traditional institutions, but one that provides effective and appropriate instruction in a way that ensures delivery, learning, evaluation, and timely communication with students.

(29) “Institution” means any college, university or postsecondary career school under the jurisdiction of the Commission as provided in Ch. 1005, Florida Statutes.

(30) “Learning agreement or learning contract” means a document drawn up between the instructor or the institution and the student(s), describing in detail the planned learning experiences that must be completed, the specific competencies to be mastered, and the evaluation methods to be used. An important characteristic of a learning agreement or learning contract is that it may be individualized to fit the needs of the student.

(31) “Main Florida headquarters” means the location designated by an out-of-state institution as its main administrative and academic center in Florida.

(32) “Media and computer assisted learning” means instruction through electronic information transfer, data processing, facsimile transmission, or through other technology.

(33) “Minor modification” means a change to programs and curricula intended to keep educational material up to date and relevant to the changing needs of employers, when such modifications affect less than 20 percent of the program or curriculum and do not change the purpose or direction of the program; or providing a previously approved program to a particular employer or entity for a specific length of time, in a specific place, to a specific cohort of students, when all appropriate academic and student services are provided to the cohort, an agreement (memorandum of understanding or contract) is signed with the employer or entity, and the program is not advertised to the general public.

(34) “Noncollegiate” or “nondegree” describes a nonpublic career school licensed by the Commission to offer certificate or diploma programs as defined in s. 1005.02(16), Florida Statutes, or the certificate or diploma programs below the degree level offered by any institution under the jurisdiction of the Commission.

(35) “Nontraditional education” means any positive progress toward a credential that is earned through experiential means or distance education and approved by the faculty of the institution granting the credential, or other sources verified by the American Council on Education, or testing from recognized sources such as but not limited to the Defense Activity for Non-traditional Education Support (DANTES), Servicemembers Opportunity Colleges (SOC), or other sources deemed by the Commission to have similar quality controls.

(36) “Occasional elective clinical clerkship” means an elective course which does not exceed 6 weeks in length during the fourth year of medical school. “Occasional” in this context

means no more than 3 students from any one unlicensed foreign medical school in any calendar year, with each of the 3 students doing no more than 3 elective clerkships in Florida in any calendar year.

(37) “On-line courses” means courses taken by electronic means through the Internet or other similar delivery system.

(38) “Program” means a prescribed group of courses, taken in the proper sequence to attain mastery of a body of knowledge or set of skills, and leading to a certificate, diploma, or degree.

(39) “Quarter” means at least ten weeks of instruction and learning, or its equivalent as described below.

(40) “Quarter credit hour” means either:

(a) A unit consisting of a minimum of ten hours of instruction appropriate to the level of credential sought, during a quarter, plus a reasonable period of time outside of instruction which the institution requires a student to devote to preparation for learning experiences, such as preparation for instruction, study of course material, or completion of educational projects; or

(b) Planned learning experiences equivalent to the learning and preparation described in paragraph 6E-1.003(40)(a) above, as determined by duly qualified instructors responsible for evaluating learning outcomes for the award of credits.

(41) “Semester” means at least fifteen weeks of instruction and learning, or its equivalent as described below.

(42) “Semester credit hour” means either:

(a) A unit consisting of a minimum of fifteen hours of instruction appropriate to the level of credential sought, during a semester, plus a reasonable period of time outside of instruction which the institution requires a student to devote to preparation for learning experiences, such as preparation for instruction, study of course material, or completion of educational projects; or

(b) Planned learning experiences equivalent to the learning and preparation described in paragraph 6E-1.003(42)(a) above, as determined by duly qualified instructors responsible for evaluating learning outcomes for the award of credits.

(43) “Substantive change” means any change of control, level of credentials offered, location, purpose, financial soundness, or accreditation. A change of accreditation includes change of accrediting agency, lowering the level of accreditation, exceeding the scope of the grant of accreditation or recognition of the agency, or any final action taken by the accrediting agency which places the accreditation of the institution in jeopardy. A substantive change also includes any change which the Commission determines is serious enough to threaten the continued operation or stability of the institution, or the quality of the educational programs offered.

(44) “Synchronous” means that students must participate, electronically or by other means, in a distance educational program simultaneously, regardless of time zones.

(45) “Teaching hospital” means a hospital having a residency program in a medical discipline accredited by the Accreditation Council for Graduate Medical Education or the American Osteopathic Association, or which is part of such a program through an affiliation approved by the Accreditation Council for Graduate Medical Education or the American Osteopathic Association, or which has a written affiliation with an accredited United States Medical School to provide clinical training to its students; or an ambulatory care setting which is affiliated with a teaching hospital or an accredited United States Medical School for clinical teaching purposes.

Specific Authority ~~1005.22(1)(e), 246.041(1)(e), 246.051(1), 246.071~~ FS. Law Implemented ~~1005.22, 1005.31, 246.021, 246.041(1)(e), 246.051(2), 246.084, 246.093~~ FS. History—Repromulgated 12-5-74, Amended 7-28-75, Formerly 6E-4.01(8), Readopted 11-11-75, Amended 3-7-77, 10-13-83, Formerly 6E-1.03, Amended 2-22-89, 11-29-89, 10-19-93, 12-11-96, 4-11-00.

(Substantial rewording of Rule 6E-1.0032 follows. See Florida Administrative Code for present text.)

6E-1.0032 Fair Consumer Practices.

(1) This rule implements the provisions of Sections 1005.04 and 1005.34, Florida Statutes, and establishes the regulations and standards of the Commission relative to fair consumer practices and the operation of independent postsecondary education institutions in Florida.

(2) This rule applies to those institutions as specified in Section 1005.04(1), Florida Statutes. All such institutions and locations shall demonstrate compliance with fair consumer practices.

(3) The definitions contained in Section 1005.02, Florida Statutes, and Rule 6E-1.003, F.A.C., apply equally herein unless expressly indicated otherwise.

(4) All advertising and promotional literature shall be accurate and not misleading to the public. The level of educational programs provided shall be disclosed. Compliance with subsection 6E-2.004(5) and paragraph 6E-2.004(11)(c), F.A.C., regarding recruitment, admissions, and advertising, is required of all institutions operating or soliciting students in Florida. See paragraph (6)(j) of this rule for requirements for statements regarding job opportunities. Salaries shall not be used in advertising. If any information is provided to students regarding salaries, such information shall be limited to accurate and unexaggerated representations of entry level salaries reflective of employees having the same skills, education, and experience as the students will have upon graduation. If advertising violations occur, the Commission shall require an institution to receive prior approval of future advertising copy before publication or broadcasting. Continued advertising violations shall result in probation with conditions and fines, or revocation of licensure pursuant to ss. 1005.34 and 1005.38, Florida Statutes.

(5) Any licensed institution offering a program which does not qualify the graduate to take required professional examinations in that field or to practice regulated professions

in that field in Florida must publish a disclosure statement which is determined by the Commission to inform prospective students clearly and unambiguously of this fact.

(6) Each prospective student shall be provided a written copy, or shall have access to an electronic copy, of the institution's catalog prior to enrollment or the collection of any tuition, fees or other charges. The catalog shall contain the following required disclosures, and catalogs of licensed institutions must also contain the information required in subsections 6E-2.004(11) and (12), F.A.C.:

(a) Purpose of the institution: The purpose of the institution must be disclosed, and must be consistent with s. 1005.01, Florida Statutes.

(b) Educational programs and curricula: The curricula shall be published in the catalog and shall state objectives specific to each curriculum and the requirements to be met for successful completion of each curriculum or program. Information relating to course availability and prerequisites shall be available for students. The catalog shall also contain brief course descriptions for each course offered.

(c) Description of physical facilities: All licensed institutions must describe their physical facilities in Florida, which must meet the requirements as set forth in subsection 6E-2.004(9), F.A.C. Information showing compliance with relevant local safety and health standards, such as fire, building, and sanitation shall be available to students.

(d) Licensure and accreditation status: The institution shall disclose its status regarding licensure by the Commission and its status as an accredited institution or program, as applicable. The level and scope of licensure or accreditation shall be disclosed, and any ramifications of accreditation or lack of accreditation (such as ability to sit for professional examinations, eligibility for financial aid, or transferability of credits) shall be disclosed. If the institution makes claims that it is accredited by an accrediting agency that is not recognized by the U.S. Department of Education, the following disclosure statement must be made in large bold type, all capital letters, and is to be inserted in the publications or advertising, as defined in subsection 6E-1.003(1), F.A.C., prior to identification of or mention of any accrediting association or agency. The required statement is:

THE ACCREDITING AGENCY(S) OR ASSOCIATION(S) LISTED BELOW IS/ARE NOT RECOGNIZED BY THE UNITED STATES DEPARTMENT OF EDUCATION AS AN APPROVED ACCREDITING AGENCY. THEREFORE, IF YOU ENROLL IN THIS INSTITUTION, YOU MAY NOT BE ELIGIBLE FOR TITLE IV FEDERAL FINANCIAL ASSISTANCE, STATE STUDENT FINANCIAL ASSISTANCE, OR PROFESSIONAL CERTIFICATION. IN ADDITION, CREDITS EARNED AT THIS

INSTITUTION MAY NOT BE ACCEPTED FOR TRANSFER TO ANOTHER INSTITUTION, AND MAY NOT BE RECOGNIZED BY EMPLOYERS.

This disclosure statement shall be inserted in all advertisements or publications wherever accreditation by an unrecognized accrediting agency is mentioned.

(e) Fee schedule: The institution shall disclose all fees required to be paid by students (including tuition, laboratory fees, graduation fees, other required fees), and any nonrefundable fees must be so identified.

(f) Transferability of credits: The institution shall disclose information to the student regarding transferability of credits to other institutions and from other institutions. The institution shall disclose that transferability of credit is at the discretion of the accepting institution, and that it is the student's responsibility to confirm whether or not credits will be accepted by another institution of the student's choice. If a licensed institution has entered into written articulation agreements with other institutions, a list of those other institutions may be provided to students, along with any conditions or limitations on the amount or kinds of credit that will be accepted. Such written agreements with other institutions must be valid and in effect at the time the information is disclosed to the student. The agreements shall be kept on file at all times and available for inspection by Commission representatives or students. Any change or termination of the agreements shall be disclosed promptly to all affected students. No representation shall be made by a licensed institution that its credits can be transferred to another specific institution, unless the institution has a current, valid articulation agreement on file.

(g) Admissions: The institution shall disclose its method of assessing a student's ability to complete successfully the course of study for which he or she has applied. The requirements for admission (such as high school diploma, general equivalency diploma, or its equivalent) and for graduation shall be disclosed. If the practice of a career has special requirements or limitations, such as certain physical capabilities or lack of a criminal record, such requirements or limitations shall be disclosed to prospective students interested in training for that career.

(h) Student financial assistance: Information about the availability of financial assistance shall be disclosed to prospective students. In addition, each institution shall make such disclosure in writing, to be signed and dated by each student applying for and receiving a student loan, to the effect that the student understands that he or she is obligated to repay the loan, the terms and amounts of repayments, and when repayments will begin. References to financial assistance availability in any school catalogs or advertising shall include the phrase, "for those who qualify."

(i) Student refund policies: This rule establishes the Commission's minimum refund guidelines for licensed institutions. Refund policies which pertain to students who are receiving Title IV Federal Student Financial Assistance or veterans' benefits shall be in compliance with applicable federal regulations. All institutions shall have an equitable prorated refund policy for all students, which shall be disclosed in the catalog and enrollment agreement or similar documents, and must be uniformly administered. Any nonrefundable fees or charges shall also be disclosed. The institution's refund policy shall provide a formula for proration of refunds based upon the length of time the student remains enrolled, up to a minimum of 40 percent of a program, if the student is charged tuition for an entire program; or 20 percent, if the institution charges the student for a term, quarter, semester, or other time period that is less than the duration of the entire program. As an alternative, an institution that charges tuition for a term, quarter, semester or other time period that is less than the duration of the entire program may establish a drop/add period which shall be no less than 10 percent of the period for which the student is financially committed, or two weeks, whichever is less. If the student withdraws before the end of the drop/add period, the student will be refunded all tuition and fees, as well as any funds paid for supplies, books, or equipment which can be and are returned to the institution. The refund policy shall not consider that all or substantially all tuition for an entire program or term is earned when a student has been enrolled for only a minimal percentage of the program or term. The refund policy shall provide for cancellation of any obligation, other than a book and supply assessment for supplies, materials and kits which are not returnable because of use, within 3 working days from the student's signing an enrollment agreement or contract. Refunds shall be made within 30 days of the date that the institution determines that the student has withdrawn. Institutions need not keep attendance, but must adopt and publish an equitable policy by which withdrawal dates will be determined, which may include notification by the student or reports from faculty. This policy shall be submitted to the Commission before publication. Nonrefundable application fees for Florida students shall not exceed \$50. The requirements regarding refund policies as stated herein do not apply to dormitory or meal fees. Refund policies for those fees, if charged, shall be set by the institution and also disclosed in conjunction with the refund policy.

(j) Employment placement services: The extent of placement services shall be specifically described. No guarantee of placement shall be made or implied. The institution may disclose information relating to market and job availability, if verified through statistical research; however, the institution shall not promise or imply any specific market or job availability amounts.

(k) A statement that additional information regarding the institution, if licensed, may be obtained by contacting the Commission for Independent Education, Department of Education, 2650 Apalachee Parkway, Suite A, Tallahassee, Florida 32301, toll-free telephone number 888-224-6684.

(7) If the Commission determines that ongoing complaints show a pattern of misinformation, lack of disclosure, or discrepancies between printed, electronic, and verbal information being given to prospective students, the Commission shall require that institutions prepare additional documents, to be individually signed and dated by students, to address the problem. Significant deviations from fair consumer practices shall be grounds for probation, denial or revocation of licensure pursuant to Sections 1005.32(7), 1005.34(3), and 1005.38(1), Florida Statutes, and Rule 6E-2.0061, F.A.C.

(8) The institution shall develop, publish, and follow a procedure for handling complaints, disciplinary actions and appeals. The procedure shall ensure that complaints and disciplinary actions are not handled in a capricious or arbitrary manner, but are given careful consideration by appropriate levels of administration. It is understood that the health and safety of students and staff are the institution's primary concern. In the event of extreme cases, it may be necessary for the institution to take immediate disciplinary action. If the institution has an emergency disciplinary procedure, this procedure shall be disclosed to prospective students, and grounds for such action shall be specified in as much detail as possible.

(9) Licensed colleges and universities shall adopt, publish, and uniformly enforce an anti-hazing policy as required by s. 1005.31(13), Florida Statutes, and provide a copy to the Commission.

(10) An institution is responsible for ensuring compliance with this rule by any person or company contracted with or employed by the institution to act on its behalf in matters of advertising, recruiting, or otherwise making representations which may be accessed by prospective students in Florida, whether verbally, electronically, or by other means of communication.

Specific Authority ~~1005.22(1)(e)1., 1005.34 246.041(1)(e), 246.051(1), 246.071, 246.095(2), 246.111(2)~~ FS. Law Implemented ~~1005.04, 1005.22(1)(k), 1005.31(13), 1005.32(5), 1005.34 246.041(1)(n), 246.085, 246.095, 246.111~~ FS. History—New 10-19-93, Amended 4-2-96, 11-5-00,

(Substantial rewording of Rule 6E-1.0041 follows. See Florida Administrative Code for present text.)

6E-1.0041 Honorary Degrees.

(1) Among nonpublic postsecondary institutions operating in Florida, only those which operate under Section 1005.06(1)(b), (c), (e), or (f), Florida Statutes, or which are licensed by the Commission as a college or university, may award honorary degrees.



(2) No honorary degree given by a nonpublic college subject to the jurisdiction of the Commission may have substantially the same name as any earned degree given by any institution in Florida authorized to grant degrees.

(3) Each honorary degree shall prominently bear on its face the words, "honorary degree" or "honoris causa."

Specific Authority 1005.22(1)(e), 246.041(1)(e), 246.051(1), 246.071 FS. Law Implemented 1005.02(7), 1005.21(1), 246.011(1), (2), (4), 246.021(5) FS. History—New 10-13-83, Formerly 6E-1.041, Amended 11-27-88, 10-19-93, \_\_\_\_\_.

**DEPARTMENT OF EDUCATION**

**Commission for Independent Education**

<b>RULE NOS.:</b>	<b>RULE TITLES:</b>
6E-2.001	Approved Applicant Status
6E-2.002	Institutional Licensure
6E-2.004	Standards and Procedures for Licensure
6E-2.0042	Medical Clinical Clerkship Programs
6E-2.0061	Actions Against a Licensee; Penalties
6E-2.009	Closing an Institution

**NOTICE OF CHANGE**

Notice is hereby given that proposed Rules 6E-2.001, 6E-2.002, 6E-2.004, 6E-2.0042, 6E-2.0061, and 6E-2.009, F.A.C., published in Vol. 28, No. 43, October 25, 2002, Florida Administrative Weekly, have been changed to reflect comments received from the Joint Administrative Procedures Committee on November 12, 2002, and during public discussions at several Rules Development Workshops held between July and November, 2002, a Rules Committee meeting on November 14, 2002, and a Public Hearing on November 15, 2002.

The proposed rules have been changed so that when adopted they will read:

(Substantial rewording of Rule 6E-2.001 follows. See Florida Administrative Code for present text.)

6E-2.001 Approved Applicant Status Temporary Licensure of Colleges.

All new or out-of-state institutions applying for initial licensure to operate in Florida, whether planning to offer degrees or nondegree programs, must file an application for a Provisional License. When the application is deemed complete, as defined in subsection 6E-1.003(11), F.A.C., the institution will be placed on Approved Applicant status while final preparations are made.

(1) Before filing-time frame. Before preparing and filing a formal application, representatives of a new institution seeking licensure in Florida for the first time should confer with Commission staff a minimum of six months prior to the desired opening date of the institution.

(2) Review and recommendation. If the initial application has omissions, staff shall contact the applicant and request all omitted materials. When the application for a Provisional License is deemed complete by Commission staff, and the background checks required by law for appropriate personnel have been completed and grounds for ineligibility for licensure have not been found, the application shall be presented to the Commission at its next meeting with a recommendation to grant Approved Applicant status.

(3) Deficiencies and conditions. Although an application may be complete, containing material addressing each requirement, still there may be deficiencies in fully meeting the standards for a Provisional License. Deficiencies will be itemized in the recommendation for Approved Applicant status presented by staff to the Commission, and the Commission may find that additional deficiencies exist. The Commission shall also, if necessary, attach conditions which must be met before a Provisional License is granted, one of which shall be that a professionally printed and bound catalog will be prepared and submitted, containing all information required by Rule 6E-1.0032, F.A.C.

(4) Confirmation letter. An applicant granted Approved Applicant status will receive a letter confirming and explaining the status, noting what specific activities can be done during Approved Applicant status, and stating the length of time for which the status was granted. A listing of deficiencies to be corrected and conditions to be met shall be attached to the confirmation letter. No certificate or license will be provided. Any agency or member of the public requesting information from the applicant shall be provided a copy of the confirmation letter.

(5) Delegation to staff. If the Commission determines that the deficiencies and conditions noted in the confirmation letter are routine and easily corrected or fulfilled, the Commission shall direct its Executive Director to determine when the deficiencies are corrected and the conditions are met. If the Commission so directs, and the applicant has paid all required fees, the Executive Director shall issue a Provisional License upon receipt of documentation that a site visit has occurred if required, that all deficiencies have been corrected, and that all requirements for a Provisional License have been met. However, if the Commission considers that the deficiencies and conditions are unusually complex or significant, it shall specify that the application be reviewed by the full Commission before a Provisional License is approved.

(6) Time allowed for compliance. Approved Applicant status shall be granted for a period of up to six months, during which time the applicant institution shall correct any remaining deficiencies, meet all conditions, and demonstrate that it is in substantial compliance with the standards for licensure. If the Commission determines that the applicant is making a good faith effort to comply, but a delay occurs due to extraordinary circumstances, the Commission shall grant one additional

six-month extension of Approved Applicant status, for a maximum total of one year in this status. If the applicant has not reached substantial compliance with the standards for licensure during the period specified, including any authorized extension, a new application reflecting the current situation must be submitted and all required fees paid to start the application process again.

(7) Prohibited activities. During the period of Approved Applicant status, a new institution shall not advertise, share information with the news media implying future operations, solicit or recruit students, collect fees or tuition from or on behalf of students, offer programs of study, or engage in any activity not specifically approved by the Commission and noted in the confirmation letter. The applicant shall not use the terms "licensed" or "authorized" or in any way indicate to the public or to other agencies that it has approval to operate from the Commission or the State of Florida. Any questions from the public or the news media shall be directed to the Commission staff. Any prohibited activities by or on behalf of the institution, including misrepresentation of the Approved Applicant status, shall result in suspension or termination of the status for a length of time prescribed by the Commission.

(8) Misrepresentation of status. The granting of Approved Applicant status is not a guarantee that a Provisional License or higher status will be attained, and shall not be represented as such. An Approved Applicant status is a recognition that the proposed institution has submitted a complete application for a Provisional License, and does not imply that any current or future operation is or will be approved by the Commission.

Specific Authority 1005.31(2), (3) 246.041(1)(e), 246.051(1), 246.071 FS, Law Implemented 1005.31(2),(3),(4) 246.051(1), 246.081(2), 246.091(1), 246.101, 246.111, 246.141 FS. History—Repromulgated 12-5-74, Formerly 6E-4.01(1)(a)-(e), Readopted 11-11-75, Amended 5-7-79, 10-13-83, Formerly 6E-2.01, Amended 11-27-88, 11-29-89, 12-10-90, 10-19-93, 4-2-96, 4-11-00,

(Substantial rewording of Rule 6E-2.002 follows. See Florida Administrative Code for present text.)

6E-2.002 Institutional Licensure ~~Other Types of College Licensure.~~

(1) Provisional license.

(a) A new applicant for initial licensure who has received Approved Applicant status shall be granted a Provisional License for a period not to exceed one year when the Commission determines that the applicant is in substantial compliance with the standards for Annual Licensure and the appropriate fees have been paid.

(b) Delegation to staff. In granting initial Approved Applicant status to a new or out-of-state institution, the Commission will note any deficiencies in meeting the standards for a Provisional License and impose any conditions it deems appropriate. If the Commission considers that the deficiencies and conditions attached to the Approved Applicant status are unusually complex or significant, it shall specify that the application be reviewed by the full

Commission before a Provisional License is approved. Otherwise, the Commission shall delegate to its Executive Director the responsibility for determining when the deficiencies are corrected and the conditions are met. If the Commission so directs, and the applicant has paid all required fees, the Executive Director shall issue a Provisional License upon receipt of documentation that all deficiencies have been corrected and that all conditions and all requirements for Provisional Licensure have been met, including an onsite visit if necessary.

(c) Substantive change. An institution which undergoes a substantive change, as defined in subsection 6E-1.003(43), F.A.C., while holding an Annual License or a License by Means of Accreditation, shall be granted a Provisional License for a period of time determined by the Commission. An institution may submit a written request for a return to its previous status or for a new status when conditions set by the Commission have been met. Any limitations on the operation of the institution during the period of provisional licensure will be determined by the Commission when granting the Provisional License. An institution holding a Provisional License shall not request approval of or implement a substantive change until it holds an Annual License or License by Means of Accreditation.

(d) Time allowed for compliance. A Provisional License shall be granted for a period up to one year, during which time the institution shall meet all conditions and demonstrate that it meets the standards for an Annual License or a License by Means of Accreditation. If the Commission determines that the applicant is making a good faith effort to comply, but a delay occurs due to extraordinary circumstances caused by considerations such as requirements of an accrediting agency or of other governmental agencies, the Commission shall grant an extension of the Provisional License up to one additional year and require payment of the appropriate fee. If the institution has not complied with all necessary standards and conditions within the period specified, including any authorized extension, a new application for licensure reflecting the current situation must be submitted and all required fees paid to start the application process again. Progress reports shall be required by the Commission during the period of provisional licensure as necessary to inform the Commission of the institution's progress toward reaching a higher level of licensure.

(e) Probable cause. An institution for which probable cause has been found pursuant to Rule 6E-2.0061, F.A.C., shall be issued a Provisional License until the conditions leading to the finding of probable cause have been corrected. Because of the need for increased monitoring during this time, additional fees shall be assessed on a quarterly basis pursuant to Rule 6E-4.001, F.A.C.

(f) Permissible activities. While holding a Provisional License, an institution may advertise, recruit students, accept fees and tuition from or on behalf of students, and hold classes. A new institution seeking to offer degrees, a nondegree-granting institution seeking to add degree programs, or a new nondegree-granting institution whose credential requires one year or more to earn, shall not award the new degree or credential during provisional licensure. The Commission shall note in the granting of the Provisional License whether any Short-term credentials can be awarded during that status, and what specific activities may occur. No programs may be advertised or offered which do not appear on the Provisional License. Fair consumer practices, as provided in ss. 1005.04 and 1005.34, Florida Statutes, and Rule 6E-1.0032, F.A.C., shall be followed by the institution in all aspects of its operation.

(g) Disciplinary actions. Grounds and procedures for disciplinary actions against a licensee are provided in Chapter 1005, Florida Statutes, and in Rule 6E-2.0061, F.A.C.

(2) Annual License.

(a) Granting. An institution that holds a Provisional License, or seeks renewal of an Annual License, shall be granted an Annual License for a period not to exceed one year when the Commission determines that the institution has demonstrated full compliance with all licensure standards and that all appropriate fees have been paid. A satisfactory on-site visit must occur prior to the granting of an initial Annual License. An accredited institution may submit a report of a satisfactory visit by its accrediting agency to satisfy this requirement.

(b) Extensions.

1. An annual license shall be extended for up to one year if the institution meets the following requirements:

a. The institution has held Annual Licensure for a minimum of five consecutive years, and

b. The institution has no complaints pending whereupon probable cause has been found, and

c. The institution has complied with all appropriate rules and statutes, and

d. The institution has paid all appropriate fees.

e. Prior to the beginning of the extended year of the license, the institution shall submit reports to the Commission. The reports shall include the name, location, and license number of the institution; the name of the chief administrative officer; the number of students enrolled, withdrawn, and graduated; the percentage of placement of graduates; a copy of the institution's catalog and enrollment agreement or application for admission; evidence of the institution's accreditation status if any; and reports fulfilling the Commission's financial reporting requirements. If the Commission has reason to believe that a problem may exist which could affect students, additional reports shall be requested.

2. An institution which holds an Annual License or an extension thereof shall revert to a Provisional License if the institution undergoes a substantive change or if probable cause is found.

(c) Permissible Activities.

1. Annual licensure shall permit full operation of an institution, including, if applicable, application to the Commission to add new programs or majors, or new locations, pursuant to Rule 6E-2.008, F.A.C.

2. Fair consumer practices, as provided in ss. 1005.04 and 1005.34, Florida Statutes, and Rule 6E-1.0032, F.A.C., shall be followed by the institution in all aspects of its operation.

(d) Disciplinary actions. Grounds and procedures for disciplinary actions against a licensee are provided in Chapter 1005, Florida Statutes, and in Rule 6E-2.0061, F.A.C.

(3) License by Means of Accreditation.

(a) The chair of the Commission shall appoint a committee to provide recommendations to the Commission regarding the recognition of accrediting agencies. This committee shall be composed of persons who represent a cross-section of institutions holding an Annual License or extension thereof, or a License by Means of Accreditation. The chair of the Commission shall appoint the chair of the committee. The committee shall meet at the request of the Commission chair. Any member of the accreditation review committee whose institution is accredited by, or who is personally affiliated with, an accrediting agency being reviewed shall not vote on recommendation of that accrediting agency.

1. The committee shall evaluate applications of accrediting agencies recognized by the U.S. Department of Education to provide institutional accreditation for institutions offering primarily residential programs.

2. In evaluating accrediting agencies for recommendation to the Commission, the committee shall:

a. Determine the level and scope at which the agency is recognized by the U.S. Department of Education;

b. Identify the accreditation standards of each agency. An accrediting agency shall be determined to have standards that are substantially equivalent to the standards of the Commission if they include policies and procedures in the following areas: protection of student rights and consumer protection; admission procedures; faculty credentials at various levels; curriculum and educational delivery; student services; library and media resources; outcomes assessment; evaluation of substantive changes; fiscal and administrative capabilities; and educational facilities.

c. Identify the procedures and processes of the accreditation agency to determine sufficient oversight and enforcement of its standards, and to ensure that the agency has effective mechanisms for evaluating an institution's compliance with its standards.

d. Determine the willingness of the accrediting agency to share information in a timely manner about an institution being evaluated or visited by the accrediting agency.

e. Make a recommendation to the Commission whether an accrediting agency meets the above requirements.

f. Review the standards of recognized accrediting agencies periodically as needed to ensure continuing substantial equivalence to Commission standards.

(b) Requirements. An institution may apply for a License by Means of Accreditation if appropriate fees have been paid and if the following requirements have been met:

1. The institution has operated legally in the state of Florida for a minimum of five consecutive years; and

2. The institution is a Florida corporation; and

3. The institution holds institutional accreditation granted by an accrediting agency as defined by s. 1005.02(1), Florida Statutes, which has been evaluated by the accreditation review committee and approved by the Commission as having reporting, organizational, and operating standards substantially equivalent to the Commission's licensure standards; and

4. The institution has consistently followed fair consumer practices, as provided in ss. 1005.04 and 1005.34, Florida Statutes, and Rule 6E-1.0032, F.A.C., in all aspects of its operations; and

5. The institution has no unresolved complaints or other actions in the past twelve months; and

6. The institution meets minimum requirements for financial responsibility. The institution shall demonstrate compliance with this requirement by filing the institution's most recent annual independently audited financial statement, pursuant to subsection 6E-2.004(6), F.A.C. This audit shall cover a fiscal year which ended no earlier than twelve months prior to the application for licensure by means of accreditation.

7. An institution that was exempt from licensure in 2001 under s. 246.085(1)(a), Florida Statutes 2001, may retain an exemption until the Commission issues it a License by Means of Accreditation as provided in this rule.

(c) Annual review. At the time of annual review of a License by Means of Accreditation, the institution shall submit: a current institutional catalog; a copy of materials provided to its accrediting agency since the last license review, except in the case of a self-study, a copy of the executive summary thereof will suffice; a copy of any correspondence, including letters, motions, records of actions taken, and other similar documents provided by the accrediting agency to the institution since the last review, and the institution's response; a copy of the annual independent institutional audit, pursuant to subsection 6E-2.004(6), F.A.C.; materials documenting that fair consumer practices are followed by the institution; and, if requested by the Commission, materials documenting that the institution has in place procedures for following the Commission's requirements for orderly closing.

(d) Duration.

1. A License by Means of Accreditation is valid for the same period as the grant of accreditation, except as noted in subparagraph 3. of this paragraph.

2. At the conclusion of the period of the grant of accreditation for which the licensure was granted, the license will expire unless the institution has paid appropriate fees and submitted evidence that the institution continues to be eligible for a License by Means of Accreditation. In the event that the accrediting agency has deferred consideration of a renewal of the institution's accreditation, the Commission shall consider the circumstances in making a decision whether to extend the license.

(e) Before offering a program that exceeds the scope or level of its grant of accreditation, an institution holding a License by Means of Accreditation must apply for and receive an Annual License, pursuant to s. 1005.32(4), Florida Statutes. Upon inclusion of the new program in the full grant of accreditation, the institution may apply to reinstate its License by Means of Accreditation.

(f) Disciplinary actions. Pursuant to s. 1005.32(7), Florida Statutes, repeated failure to comply with the statutory requirements for this status shall lead to denial, probation, or revocation of the status as outlined in Rule 6E-2.0061, F.A.C. If the License by Means of Accreditation is revoked or denied, the institution must immediately obtain an Annual License.

Statutory Authority ~~1005.31(2),(3) 246.041(1)(e), 246.051(1), 246.074~~ FS. Law Implemented ~~1005.22(1)(e),(2)(d), 1005.31, 1005.32, 1005.33 246.051(1), 246.081(2), 246.091(1), 246.101, 246.111, 246.141~~ FS. History—Repromulgated 12-5-74, Formerly 6E-4.01(f)-(i), Readopted 11-11-75, Amended 2-6-78, 5-7-79, 10-13-83, Formerly 6E-2.02, Amended 11-27-88, 11-29-89, 10-19-93, 4-2-96, \_\_\_\_\_.

(Substantial rewording of Rule 6E-2.004 follows. See Florida Administrative Code for present text.)

6E-2.004 ~~Minimum~~ Standards and Procedures for Licensure.

Each institution applying for a license or moving to a new level of licensure shall provide to the Commission the following specific information, in English. All information and documentation submitted pursuant to the provisions of these rules shall be accompanied by certification signed by the chief administrative officer of the institution, affirming that the information and documentation submitted is accurate. Any application or review which is not substantially complete shall be returned to the institution with a request to complete and resubmit the material.

(1) Standard 1: Name.

(a) An institution's name must clearly indicate that the primary purpose of the institution is education, and must not be misleading to the public. Noncollegiate schools shall not use the words "college" or "university" in their names. No institution shall use a name that may lead the student to believe that the institution is a public institution, unless it is an institution provided, operated, or supported by the State of Florida or its political subdivisions, another state, or the federal

government. The license will be issued in the official corporate name, or an official fictitious name if the school provides documentation that such name is registered with the Florida Secretary of State, or comparable official in the appropriate jurisdiction. If using a fictitious name, the school must disclose its official corporate name in its catalog.

(b) Use of the Term "College":

1. An institution may use the term "college" in its name if it offers, or if a new applicant for licensure proposes to offer, as the majority of its total offerings and student enrollments, an academic associate degree, a baccalaureate degree, or a graduate or professional degree.

2. If an out-of-state institution whose official name includes the term "college" seeks to operate in Florida and use the term "college" in its name in this state, it must minimally offer in its home state, as the majority of its total offerings and student enrollments, an academic associate degree, a baccalaureate degree, or a graduate or professional degree. If the institution does not meet these criteria in its home state, the Commission shall require the institution to use an appropriate modifying phrase in conjunction with its name in Florida.

3. The institution must lease, contract for, or own facilities in Florida which meet or exceed the minimum standards specified in subsection 6E-2.004(9), F.A.C.

4. The institution must show evidence of continued operations as an educational institution at the college level.

(c) Use of the Term "University":

1. An institution may use the term "university" in its name if it offers, or if a new applicant for licensure proposes to offer, as the majority of its total offerings and student enrollments, a range of undergraduate degree programs and multiple graduate degree programs; or if only graduate degrees are offered, a minimum of three graduate degree programs.

2. If an out-of-state institution whose official name includes the term "university" seeks to operate in Florida and use the term "university" in its name in this state, it must minimally offer in its home state, as the majority of its total offerings and student enrollments, a range of undergraduate degree programs and multiple graduate degree programs; or if only graduate degrees are offered, a minimum of three graduate degree programs. If the institution does not meet these criteria in its home state, the Commission shall require the institution to use an appropriate modifying phrase in conjunction with its name in Florida.

3. The institution must lease, contract for, or own facilities in Florida which meet or exceed the minimum standards specified in subsection 6E-2.004(9), F.A.C.

4. The institution must show evidence of continued operations as an educational institution at the university level.

(d) Change of Name: All institutions must notify the Commission at least 30 days prior to the institution's change of name. All institutions must demonstrate to the Commission that the new name will meet the standards given in this rule

prior to using the new name, including advertisements or promotions. Accredited institutions must document to the Commission that the accrediting agency has been notified of the change of name.

(2) Standard 2: Purpose.

(a) An institution must adopt a clearly defined purpose or mission statement appropriate to the offerings of the institution, as well as to its specific educational objectives. This statement must describe clearly the characteristics and components of the institution and its operations. The statement of purpose must be accurately stated in the institution's current catalog.

(b) The statement of purpose serves as a foundation for the institution's programs and activities. The practice and scope of the institution must be consistent with its statement of purpose. The statement of purpose must be approved by the governing body of the institution and reviewed periodically.

(3) Standard 3: Administrative Organization.

(a) Each institution shall provide a qualified administrative staff and such policies and procedures as are necessary to ensure the accomplishment of its purpose.

(b) Each institution and additional location shall have as its designated administrator a person who has at least two years of supervisory experience in an executive or managerial position in a similar school or related business.

(c) Each owner (in a privately held corporation or limited liability partnership), director, and administrator of the institution in a management or supervisory position is subject to a criminal justice information investigation pursuant to s. 1005.38, Florida Statutes.

(d) Each institution shall have as its chief education/academic officer a person who has attained a minimum of an academic credential or recognition equivalent to the institution's highest offering, or, in a school, who has a minimum of two years of practical experience in a supervisory, administrative, or teaching position related to the programs offered by the institution.

(e) Pursuant to s. 1005.39, Florida Statutes, individuals holding the following or similar positions in licensed institutions shall complete at least eight continuing education contact hours of training related to their positions each year from the Commission or another provider which the Commission has determined to include relevant information in its training programs: school director, Florida director, or chief executive officer; chief education/academic officer or director of education or training; placement director; admissions director; and financial aid director. Each institution shall provide, at the time of initial application or review of licensure, documentation that the required training was received. If an individual holds more than one of these positions, the documentation shall indicate for which position the training was appropriate. Compliance with this requirement is a condition of licensure or renewal of licensure.

(f) Each institution shall be a Florida corporation or limited liability partnership, or be registered as a foreign corporation, pursuant to the requirements of the Florida Secretary of State, or be a public institution in another state. Upon initial licensure and subsequent renewal the institution must provide proof of active corporate status.

(g) The organizational structure shall reflect the provisions contained in the articles of incorporation, bylaws, and other governing documents, and shall provide a clearly delineated chain of authority and responsibility.

(h) Administrative and academic policies shall be officially adopted and communicated to all appropriate personnel. These policies shall include such matters as responsibilities of administrative officers, faculty qualifications and responsibilities, evaluation and improvement of institutional effectiveness, and other such policies and regulations affecting the members of the institution's faculty, staff, and students.

(4) Educational programs and curricula. The following standards shall apply to all institutions licensed by the Commission for Independent Education, except as expressly stated otherwise.

(a) Programs shall be related to the institution's purpose and organized to provide a sequence which leads to the attaining of competence in the respective area or field of study.

(b) Programs preparing the student for an occupation or professional certification shall conform to the standards and training practices generally acceptable by the occupational or professional fields for which students are being prepared. If the practice of the occupation or profession is regulated, licensed, or certified by a state or national agency, the institution must document to the Commission that successful completion of the program will qualify the graduate to take the licensing examination or to receive the appropriate certification.

(c) The amount of time scheduled for a program shall be appropriate to enable the student to acquire marketable and other skills to the extent claimed in the institution's published documents, including the defined objectives and performance outcomes.

(d) Among the policies to be officially adopted by the administration and governing board of an institution offering programs 600 clock hours in length or longer shall be a policy giving faculty a role in the development and continual reassessment of all curricula. The policy shall be published in a faculty handbook, and shall be implemented as published.

(e) For each course to be offered, a course outline and a list of competencies required for successful completion of the course shall be developed by qualified faculty and be provided in writing for all students no later than the first meeting of each class. A copy of these documents shall be kept in the institution's files and be made available for inspection by representatives of the Commission.

(f) Qualified faculty shall evaluate the competencies of students in each subject or course included in each curriculum, including independent study courses.

(g) It is the responsibility of the institution to demonstrate, upon request of the Commission, that the scope and sequence of a proposed or operating curriculum are consistent with appropriate criteria or standards in the subject matter involved, and of an appropriate level of difficulty for the program to be offered. The Commission shall request assistance from other appropriate regulatory agencies as provided in s. 1005.22(2)(d), Florida Statutes, or appoint committees to review curricula, when necessary to ensure that specialized programs contain the appropriate material to prepare students to enter those fields.

(h) Faculty, advisory committees, or other qualified individuals must be involved in the development and ongoing review of curricula.

(i) Educational programs of 600 clock hours in length or longer shall be periodically reviewed by a committee of faculty, administrators, employers, and advisors drawn from relevant community and alumni groups, in an ongoing formalized process of evaluation and revision.

(j) At least 20 percent of the credits or hours required for completion of a program must be earned through instruction taken at the institution awarding the credential, unless a different standard has been adopted by the recognized accrediting body accrediting the institution, or by a governmental agency whose policies apply to the institution. This standard shall not apply if any of the training was taken at accredited institutions as defined in s. 1005.02(1), Florida Statutes, while the student was a member of the U.S. armed services.

(k) Any clinical experience, internship, externship, practicum, and other such formal arrangement for which an institution offers credit toward completion of a program, shall be under the supervision of the institution. Written agreements shall be executed between the institution and the entity providing the experience, delineating each party's responsibilities, the number of hours to be worked by the student, the types of work to be done by the student, the supervision to be given the student, and the method of evaluating the student's work and certifying it to the institution as satisfactory. If such experiences are required for the completion of a program, it is the responsibility of the institution to make prior arrangements for each student enrolled in the program to participate in the necessary experience within the agreed and documented length of time required for completion of and graduation from the program; and the institution's enrollments shall be based upon the availability of qualified clinical experiences, internships, externships, or practicums to serve all students.

(l) Policies regarding course or program cancellations shall be adopted, published, and followed by the institution.

(m) The following instructional program standards apply to nondegree diplomas:

1. Program specifications: The credential offered shall be a diploma. The duration of the program shall be appropriate for mastery of the subject matter or skills needed to pursue the occupation for which the student is being trained. There are no general education requirements.

2. Each program must have clearly defined and published objectives and occupational performance outcomes, which shall conform with accepted standards set by the Florida Department of Education or other appropriate recognized governmental or professional agencies. Institutions using occupational outcomes different from those set by recognized agencies shall document their justification for using the outcomes selected. For institutions participating in the Statewide Course Numbering System, these objectives and outcomes must conform to the requirements of that system.

3. Basic Skills. An institution offering a program of four hundred fifty (450) or more clock hours or the credit hour equivalent shall administer a basic skills examination to each student who enrolls, unless the student has provided evidence of a high school graduation diploma, general equivalency diploma, or its equivalent. Institutions must maintain copies of students' high school graduation diplomas, general equivalency diplomas, official high school transcripts, or equivalent documentation or procedures, to qualify for this exception. Institutions must utilize a test approved by the United States Department of Education to determine if a student has the ability to benefit from a program of instruction, or obtain written approval from the Commission for a different basic skills test. If the test is not approved by the United States Department of Education and is submitted to the Commission for approval, the submission must include documentation that the test is nationally normed and validated and assesses a student's mastery of basic skills. The test must be administered by an independent tester. Students deemed to lack the required minimal level of basic skills as measured by an approved examination shall, if admitted, be provided with instruction specifically designed to correct the deficiencies. Upon completion of the instruction, these students shall be retested by using an alternative form of the same examination that was used for initial testing, or another approved examination. Work intended to bring students' basic skills up to a postsecondary level of proficiency shall not be counted toward the completion of a course or program.

4. Acceptable admission scores must be in accordance with the standards of the individual examination as it relates to the student program. These minimum test scores must be published in the current school catalog.

(n) The following instructional program standards apply to occupational associate degrees:

1. Program specifications: The credential offered shall be the Associate of Applied Science, Occupational Associate, Associate of Specialized Business, or similar title considered by the Commission to be appropriate and not misleading. The duration of the program shall be a minimum of 1,200 clock hours of instruction, 60 semester credit hours, or 90 quarter credit hours. The required general education component shall be at least 9 semester credit hours or 14 quarter credit hours, or the recognized clock hour equivalent. General education courses shall meet either of the definitions given in subsection 6E-1.003(3) or (26), F.A.C.

2. Programs must have clearly defined and published objectives and occupational performance outcomes, which shall conform with accepted standards set by the Florida Department of Education or other appropriate recognized governmental or professional agencies. Institutions using occupational outcomes different from those set by recognized agencies shall document their justification for using the outcomes selected. For institutions participating in the Statewide Course Numbering System these objectives and outcomes must conform to the requirements of that system.

3. Basic Skills. An institution offering a program of four hundred fifty (450) or more clock hours or the credit hour equivalent shall administer a basic skills examination to each student who enrolls, unless the student has provided evidence of a high school graduation diploma, general equivalency diploma, or its equivalent. Institutions must maintain copies of students' high school graduation diplomas, general equivalency diplomas, official high school transcripts, or equivalent documentation or procedures, to qualify for this exception. Institutions must utilize a test approved by the United States Department of Education to determine if a student has the ability to benefit from a program of instruction, or obtain written approval from the Commission for a different basic skills test. If the test is not approved by the United States Department of Education and is submitted to the Commission for approval, the submission must include documentation that the test is nationally normed and validated and assesses a student's mastery of basic skills. The test must be administered by an independent tester. Students deemed to lack the required minimal level of basic skills as measured by an approved examination shall, if admitted, be provided with instruction specifically designed to correct the deficiencies. Upon completion of the instruction, these students shall be retested by using an alternative form of the same examination that was used for initial testing, or another approved examination. Work intended to bring students' basic skills up to a postsecondary level of proficiency shall not be counted toward the completion of a course or program.

4. Acceptable admission scores must be in accordance with the standards of the individual examination as it relates to the student program. These minimum test scores must be published in the current school catalog.

(o) The following instructional program standards apply to academic associate degrees:

1. Program specifications: The credential offered shall be the Associate in Science Degree, Associate of Arts Degree, or an associate degree of a different name that is considered by the Commission to be appropriate for an academic associate degree. The duration of the program shall be shall be a minimum of 60 semester credit hours, 90 quarter credit hours, or the recognized clock hour equivalent. The required general education component for the Associate in Science degree shall be a minimum of 15 semester credit hours, 22.5 quarter credit hours, or the recognized clock hour equivalent. The required general education component for the Associate of Arts degree shall be a minimum of 36 semester credit hours, 54 quarter credit hours, or the recognized clock hour equivalent. General education requirements for other academic associate degrees shall be individually reviewed by the Commission to determine whether they are appropriate to the specific degree. Applied general education shall not be utilized to fulfill this requirement. All general education courses must meet the definition given in subsection 6E-1.003(26), F.A.C.

2. Each program must have clearly defined and published objectives and performance outcomes.

3. Basic Skills. An institution offering academic associate degrees shall administer a basic skills examination to each student who enrolls, unless the student has provided evidence of a high school graduation diploma, general equivalency diploma, or its equivalent. Institutions must maintain copies of students' high school graduation diplomas, general equivalency diplomas, official high school transcripts, or equivalent documentation or procedures, to qualify for this exception. Institutions must utilize a test approved by the United States Department of Education to determine if a student has the ability to benefit from a program of instruction, or obtain written approval from the Commission for a different basic skills test. If the test is not approved by the United States Department of Education and is submitted to the Commission for approval, the submission must include documentation that the test is nationally normed and validated and assesses a student's mastery of basic skills. The test must be administered by an independent tester. Students deemed to lack the required minimal level of basic skills as measured by an approved examination shall, if admitted, be provided with instruction specifically designed to correct the deficiencies. Upon completion of the basic skills instruction, these students shall be retested by using an alternative form of the same examination that was used for initial testing or another approved examination. Work intended to bring students' basic skills up to a postsecondary level of proficiency shall not be counted toward the completion of a course or program.

4. Acceptable admission scores must be in accordance with the standards of the individual examination as it relates to the student program. These minimum test scores must be published in the current school catalog.

(p) The following instructional program standards apply to bachelor's degrees:

1. Program specifications: The credential offered shall be the Bachelor of Science Degree, Bachelor of Arts Degree, or other baccalaureate degree title considered by the Commission to be appropriate and not misleading. The duration of the program shall be a minimum of 120 semester credit hours, 180 quarter credit hours, or the recognized clock hour equivalent. The required general education component for a Bachelor of Science degree shall be a minimum of 30 semester credit hours, 45 quarter credit hours, or the recognized clock hour equivalent. The required general education component for the Bachelor of Arts degree shall be a minimum of 45 semester credit hours, 67.5 quarter credit hours, or the recognized clock hour equivalent. The general education requirements for other bachelor's degrees shall be appropriate to the specific degree. Applied general education shall not be utilized to fulfill this requirement. All general education courses must meet the definition given in subsection 6E-1.003(26), F.A.C.

2. Each program must have clearly defined and published objectives and performance outcomes.

3. Basic Skills. An institution offering bachelor's degrees shall administer a basic skills examination to each student who enrolls, unless the student has provided evidence of a high school graduation diploma, general equivalency diploma, or its equivalent. Institutions must maintain copies of students' high school graduation diplomas, general equivalency diplomas, official high school transcripts, or equivalent documentation or procedures, to qualify for this exception. Institutions must utilize a test approved by the United States Department of Education to determine if a student has the ability to benefit from a program of instruction, or obtain written approval from the Commission for a different basic skills test. If the test is not approved by the United States Department of Education and is submitted to the Commission for approval, the submission must include documentation that the test is nationally normed and validated and assesses a student's mastery of basic skills. The test must be administered by an independent tester. Students deemed to lack the required minimal level of basic skills as measured by an approved examination shall, if admitted, be provided with instruction specifically designed to correct the deficiencies. Upon completion of the instruction, these students shall be retested by using an alternative form of the same examination that was used for initial testing, or another approved examination. Work intended to bring students' basic skills up to a postsecondary level of proficiency shall not be counted toward the completion of a course or program.



4. Acceptable admission scores must be in accordance with the standards of the individual examination as it relates to the student program. These minimum test scores must be published in the current school catalog.

(q) The following instructional program standards apply to master's degrees:

1. Program specifications: The credential offered shall be the Master of Arts degree, Master of Science degree, or other master's degree title considered by the Commission to be appropriate and not misleading. The duration of the program shall be a minimum of 24 semester credit hours or 36 quarter credit hours, or recognized clock hour equivalent, beyond the bachelor's degree.

2. A bachelor's degree will normally be a prerequisite to formal entrance to a master's degree program, unless the master's degree is a first professional degree as defined in subsection 6E-1.003(25), F.A.C.

3. Programs must have clearly defined and published objectives and performance outcomes.

(r) The following instructional program standards apply to doctoral degrees:

1. Program specifications: The credential offered shall be the Doctor of Philosophy, Doctor of Medicine, Doctor of Osteopathy, or other doctoral degree term considered by the Commission to be appropriate and not misleading. The duration of the program shall be a minimum of 60 semester credit hours, 90 quarter credit hours, or the recognized clock hour equivalent beyond the bachelor's degree. The degree Doctor of Philosophy shall require a stringent research component and a dissertation for completion, and shall require appropriate accreditation by a recognized accrediting agency within three years of initiating the program, to retain licensure of the program.

2. A master's degree will normally be a prerequisite to formal entrance to a doctoral degree program, unless the doctoral degree is a first professional degree as defined in subsection 6E-1.003(25), F.A.C.

3. Programs must have clearly defined and published objectives and performance outcomes.

(5) Standard 5: Recruitment and Admissions. In all admissions and recruitment-related activities, the institution shall comply with the fair consumer practices provisions of ss. 1005.04 and 1005.34, Florida Statutes, and Rule 6E-1.0032, F.A.C., and the rule regarding Agents, Rule 6E-2.010, F.A.C.

(a) An institution's recruitment efforts shall be designed to target students who are qualified and likely to complete and benefit from the training provided by the institution.

(b) Recruiting Practices. Each institution must observe ethical practices and procedures in the recruitment of its students. Ethical practices and procedures include, at a minimum, the following:

1. An institution shall use only individuals, whether its own employees or agents, who are trained and licensed as agents pursuant to Rule 6E-2.010, F.A.C., to enroll students off-campus. Outside the United States, its territories, or its possessions, the institution may use third-party agents for recruiting; however, the institution remains responsible for the accuracy of advertising and of representations made to prospective students regarding the institution, its programs and policies, financial aid eligibility, availability and procedures, and other pertinent information. Other institutional officials who are not licensed agents may participate in occasional College Week or Career Week programs at area high schools or community centers, or give speeches regarding the institution to groups when invited; but no misleading information shall be communicated, no students shall be enrolled, and no tuition or fees shall be collected.

2. An institution shall not use employment agencies to recruit prospective students, or place advertisements in help-wanted sections of classified advertisements, or otherwise lead prospective students to believe they are responding to a job opportunity.

3. An institution shall ensure that its recruiting agents and other personnel do not make false or misleading statements about the institution, its personnel, its programs, its services, its licensure status, its accreditation, or any other pertinent information.

4. An institution shall not permit its recruiting agents or other personnel to recruit prospective students in or near welfare offices, unemployment lines, food stamp centers, homeless shelters, nursing homes, or other circumstances or settings where such persons cannot reasonably be expected to make informed and considered enrollment decisions. Institutions may, however, recruit and enroll prospective students at one-stop centers operated under government auspices, provided that all other recruitment and admissions requirements are met.

5. An institution shall inform each student accurately about financial assistance and obligations for repayment of loans.

6. An institution shall not make explicit or implicit promises of employment or salary expectations to prospective students.

7. An institution shall not permit the payment of cash or other nonmonetary incentives, such as but not limited to travel or gift certificates, to any student or prospective student as an inducement to enroll. An institution shall not use the word "free" or its synonyms in reference to any equipment, tuition, books, or other items in conjunction with recruiting or advertising.

8. An institution must provide the applicant with a copy of the completed enrollment agreement, signed by both parties.

9. Ethical practices shall be followed in all aspects of the recruiting process. An institution shall ensure that its personnel do not discredit other institutions by falsely imputing to them dishonorable conduct, inability to perform contracts, questionable credit standing, or similar negative characteristics; making other false representations; disparaging the character, nature, quality, value or scope of their program of instruction or services; or demeaning their students. An institution shall also ensure that its personnel do not knowingly influence any student to leave another institution or encourage a student to change plans after signing an enrollment application and paying a registration fee to another institution.

(c) Admissions Acceptance Policies. The purpose of this section is to ensure that institutions admit only those students who are capable of successfully completing the training offered. Admission decisions shall be based on fair, effective, and consistently applied criteria that enable the institution to make an informed judgment as to an applicant's ability to achieve the program's objectives.

1. An institution shall determine with reasonable certainty that each applicant for enrollment is fully informed as to the nature of the training provided. The institution shall advise each applicant prior to admission to ensure that the applicant understands the program's responsibilities and demands.

2. An institution shall consistently and fairly apply its admission standards as published. It shall determine that applicants admitted meet such standards and are capable of benefitting from the training offered, and that applicants rejected did not meet such standards. The institution shall ensure that each applicant admitted has the proper qualifications, abilities, and skills necessary to complete the training, and shall secure and maintain documentation to demonstrate that each applicant meets all admissions requirements.

3. If an institution enrolls a person who does not have a high school diploma or recognized equivalency certificate, the determination of the applicant's ability to benefit from the training offered must be confirmed as provided in sub-subparagraph (4)(o)3. of this rule.

4. An institution shall not deny admission or discriminate against students enrolled at the institution on the basis of race, creed, color, sex, age, disability or national origin. Institutions must reasonably accommodate applicants and students with disabilities to the extent required by applicable law.

5. An institution shall not accept enrollment from a person of compulsory school age, or one attending a school at the secondary level, unless the institution has established through contact with properly responsible parties that pursuit of the training will not be detrimental to the student's regular schoolwork.

6. The institution shall document its reasons for denying admission to any prospective student. Records of denied applicants must be kept on file for at least one year.

(6) Standard 6: Finances.

(a) All institutions must demonstrate that the financial structure of the institution is sound, with resources sufficient for the proposed operations of the institution and the discharge of its obligations to the students. To demonstrate this, the school shall provide the following:

1. Approved Applicant Status:

a. A plan setting forth the sources, kinds and amounts of both current and anticipated financial resources. The plan shall include a budget for the institution's first year of operation, clearly identifying sources of revenue to ensure effective operations.

b. A pro forma balance sheet prepared in accordance with Generally Accepted Accounting Principles for the type of institution making application.

c. If the corporation that controls the institution is ongoing, the institution shall provide a financial statement of the parent corporation, reviewed or audited in accordance with Generally Accepted Accounting Principles, prepared by an independent certified public accountant.

d. Institutions that are new and do not have a history of educational operations shall provide financial statements of the controlling principals, compiled, reviewed, or audited by an independent certified public accountant. These statements must demonstrate sufficient resources to ensure appropriate institutional development.

2. Provisional License, Annual License, Extended Annual License, or Annual Review: Licensed nondegree schools shall provide annually a review, and licensed colleges and universities shall provide annually an audit, prepared in accordance with Generally Accepted Accounting Principles by an independent certified public accountant. This annual financial statement shall demonstrate that the current assets of the institution exceed the current liabilities, and that there was a positive net working capital and a profit or surplus for the prior year. If an institution does not meet the above requirements, the Commission shall require a financial improvement plan, teach-out plan, or form of surety guaranteeing that the resources are sufficient to protect the current students. If the Commission determines that the institution does not have sufficient resources, it shall take actions up to and including revocation of licensure.

3. License by Means of Accreditation: All institutions shall submit an annual audit prepared in accordance with Generally Accepted Accounting Principles by an independent certified public accountant. This audit shall demonstrate that the current assets of the institution exceed the current liabilities, and that there was a positive net working capital and a profit or surplus for the prior year.

(7) Standard 7: Faculty.

(a) Nondegree Diploma Programs:

1. Verification of Credentials. Institutions shall maintain evidence of the credentials that qualify faculty members to teach their assigned courses. All faculty files shall include a resume or detailed application clearly reflecting the instructor's educational and work experience. In addition, official transcripts for all degrees held by all faculty members shall be on file. Institutions shall also maintain copies of other documents which reflect the instructor's qualifications to teach, such as copies of licenses and certifications.

2. Faculty Qualifications. These standards shall apply to all full-time, part-time and adjunct faculty:

a. Any general education and academic courses must be taught by instructors who possess at least a bachelor's degree and appropriate coursework in the assigned subject from an accredited college or university.

b. All other courses shall be taught by instructors who possess a bachelor's degree and appropriate coursework in the assigned subject from an accredited college or university; or who have completed postsecondary training in either an accredited college or a state licensed school in the subject to be taught, plus two years of job experience related to the subjects to be taught; or who have completed a minimum of three years of successful job experience directly related to the subjects being taught. For all non-degreed faculty, the burden of proof is on the institution to demonstrate instructor competence in the subjects taught.

c. Institutions whose graduates must pass state, federal or other licensing examinations before being licensed to practice their vocation, technology, trade or business must provide evidence that each instructor teaching in that field holds a current and valid Florida occupational license in the occupation being taught.

4. Faculty Staffing. The number of faculty shall be sufficient to serve properly the number of students enrolled.

(b) Occupational Associate Degrees:

1. Verification of Credentials. Institutions must maintain evidence of the credentials that qualify faculty members to teach their assigned courses. All faculty files must maintain a resume or detailed application clearly reflecting the instructor's educational and work experience. In addition, official transcripts for all degrees held by all faculty members shall be on file. Institutions shall also maintain copies of other documents which reflect the instructor's qualifications to teach, such as copies of licenses and certifications.

2. Faculty Qualifications. These standards shall apply to all full-time, part-time and adjunct faculty:

a. All general education and academic courses shall be taught by instructors who possess, at a minimum, a bachelor's degree and appropriate coursework in the assigned subject from an accredited college or university.

b. All other courses shall be taught by instructors who possess a bachelor's degree and appropriate coursework in the assigned subject from an accredited college or university; or

who have completed postsecondary training in either an accredited college or a state licensed school with training in the subject to be taught, plus two years of job experience related to the subjects to be taught; or who have completed a minimum of three years of successful job experience directly related to the subjects being taught. For all non-degreed faculty, the burden of proof is on the institution to demonstrate instructor competence in the subjects taught.

c. Institutions whose graduates must pass state, federal or other licensing examinations before being licensed to practice their vocation, technology, trade or business must provide evidence that each instructor teaching in that field holds a current and valid Florida occupational license in the occupation being taught.

4. Faculty Staffing. The number of faculty shall be sufficient to serve properly the number of students enrolled.

(c) Academic Associate Degrees:

1. Verification of Credentials. Institutions must maintain evidence of the credentials that qualify faculty members to teach their assigned courses. All faculty files must maintain a resume or detailed application clearly reflecting the instructor's educational and work experience. In addition, official transcripts for all degrees held by all faculty members shall be on file. Institutions shall also maintain copies of other documents which reflect the instructor's qualifications to teach, such as copies of licenses and certifications.

2. Faculty Qualifications. These standards shall apply to all full-time, part-time and adjunct faculty:

a. All instructors shall hold bachelor's degrees, at a minimum.

b. Instructors teaching general education and other academic courses shall be assigned based on their major and minor academic preparation and related experience.

c. Institutions shall justify to the Commission exceptions to the bachelor's degree requirement for instructors teaching technical or vocational subjects in fields in which bachelor's degrees are not generally available, if the institution demonstrates that the instructors have documented alternative expertise in the field or subject area to be taught, such as educational preparation at other than the bachelor's degree level, professional certification, or significant related work experience. For all faculty not holding a bachelor's degree, the burden of proof is on the institution to demonstrate instructor competence in the subjects taught.

d. Institutions whose graduates must pass state, federal or other licensing examinations before being licensed to practice their vocation, technology, trade or business must provide evidence that each instructor teaching in that field holds a current and valid Florida occupational license in the occupation taught.

4. Faculty Staffing. The number of faculty shall be sufficient to serve properly the number of students enrolled.

(d) Bachelor's Degrees:

1. Verification of Credentials. Institutions shall follow the provisions of Sub-subparagraph (7)(c)1. of this rule.

2. Faculty Qualifications. These standards shall apply to all full-time, part-time and adjunct faculty:

a. All instructors shall hold master's degrees, at a minimum, except as provided in Sub-subparagraph c. below.

b. Instructors teaching general education and other academic courses shall be assigned based on their major and minor academic preparation and related experience.

c. Institutions shall justify to the Commission exceptions to the master's degree requirement for instructors teaching technical or specialized subjects in fields in which master's degrees are not generally available, if the institution demonstrates that those instructors have documented alternative expertise in the field or subject area to be taught, such as educational preparation at other than the master's degree level, professional certification, or significant related work experience. For all faculty not holding a master's degree, the burden of proof is on the institution to demonstrate instructor competence in the subjects taught.

d. At least one-half of the lower division courses and all upper division courses, including any courses common to nonacademic degree or nondegree programs, shall be taught by faculty members holding graduate degrees, professional degrees such as Juris Doctor (J.D.) or Doctor of Medicine (M.D.), or bachelor's degrees plus professional certification.

4. Faculty Staffing. The number of faculty shall be sufficient to serve properly the number of students enrolled.

(e) Master's Degrees:

1. Verification of Credentials. Institutions shall comply with the provisions of sub-subparagraph (7)(c)1. of this rule.

2. Faculty Qualifications. These standards shall apply to all full-time, part-time and adjunct faculty:

a. All instructors shall hold graduate degrees, at a minimum.

b. All instructors shall be assigned based on their major and minor areas of academic preparation and related experience.

c. Institutions shall justify to the Commission exceptions to the graduate degree requirement for instructors if the institution demonstrates that the instructors have documented exceptional practical or professional experience in the assigned field or if the assigned field is one in which graduate degrees are not widely available. For all faculty not holding graduate degrees, the burden of proof is on the institution to demonstrate instructor competence in the subjects taught.

d. At least one-half of all graduate-level courses shall be taught by faculty possessing terminal degrees. A J.D. degree shall be considered a terminal degree for all law-related courses. Professional certification is not an acceptable substitute for the terminal degree requirement.

4. Faculty Staffing. The number of faculty shall be sufficient to serve properly the number of students enrolled.

(f) Doctoral Degrees:

1. Verification of Credentials. Institutions shall comply with the provisions of sub-subparagraph (7)(c)1. of this rule.

2. Faculty Qualifications. These standards shall apply to all full-time, part-time and adjunct faculty:

a. All instructors shall hold terminal degrees, at a minimum. A J.D. degree shall be considered a terminal degree for all law-related courses. Professional certification is not a substitute for a terminal degree.

b. All instructors shall be assigned based on their major and minor areas of academic preparation and related experience.

c. Institutions shall justify to the Commission occasional exceptions to the terminal degree requirement for instructors, if the institution demonstrates that the instructors have documented exceptional practical or professional experience in the assigned field, or that the assigned field is one in which terminal degrees are not widely available.

4. Faculty Staffing. The number of faculty shall be sufficient to serve properly the number of students enrolled.

(8) Standard 8: Library, Learning Resources and Information Services.

(a) Nondegree Diplomas:

1. General standard. Learning resources and information services shall be appropriate to the level and scope of program offerings. In providing learning resources, at a minimum, an institution shall:

a. Develop an appropriate base of learning resources and information services;

b. Ensure access to resources and services for all students;

c. Develop a continuous assessment and improvement strategy for learning resources and information services;

d. Provide adequate staff to support the learning resources and information services function; and

e. Ensure that students and instructors utilize the learning resources and information services as an integral part of the learning process.

2. Required learning resources. Learning resources, including on-line resources, shall include current titles, periodicals, and professional journals appropriate for the educational programs. At a minimum, noncollegiate institutions shall have available and easily accessible standard reference works such as a current unabridged dictionary, a thesaurus, and recent editions of handbooks appropriate to the curriculum.

3. Inventory. A current inventory of learning resources shall be maintained.

(b) Occupational Associate Degrees:

1. General standard. Learning resources and information services shall be appropriate to the level and scope of program offerings. In providing learning resources, at a minimum, an institution must comply with the provisions of sub-subparagraph (8)(a)1. of this rule.

2. Required learning resources. The institution shall provide access to learning resources supervised by a staff member who demonstrates competence to provide oversight. Learning resources shall include holdings appropriate to the educational programs, including current titles, relevant current periodicals, relevant reference materials and professional journals, and electronic resources in sufficient titles and numbers to adequately serve the students. At a minimum, institutions shall have available and easily accessible standard reference works such as a current unabridged dictionary, a thesaurus, and recent editions of handbooks appropriate to the curriculum.

3. Inventory. A current inventory of learning resources shall be maintained.

(c) Academic Associate Degrees:

1. General standard. Learning resources and information services shall be appropriate to the level and scope of program offerings. In providing learning resources, at a minimum, an institution must comply with the provisions of sub-subparagraph (8)(a)1. of this rule.

2. Staff. The institution shall provide access to learning resources. A professionally trained librarian shall supervise and manage the learning resources and information services, facilitate their integration into all phases of the institution's curricular and educational offerings, and assist students in their use. A professionally trained librarian is one who holds a bachelor's or master's degree in library or information sciences/studies or a comparable program accredited by the American Library Association, state certification, or other equivalent qualification to work as a librarian, where applicable. During scheduled library hours, there shall be a trained individual on duty to supervise the learning resource center/library and to assist students with library functions. This person shall be competent both to use and to aid in the use of the technologies and resources available in the library.

3. Budget. An annual library budget shall be developed by the institution with allocations expended appropriate to the size and scope of the institution and its program offerings.

4. Holdings. A collegiate library shall provide access to holdings appropriate to the size of the institution and the breadth of its educational programs, including current titles, relevant current periodicals, relevant reference materials and professional journals, and electronic resources in sufficient titles and numbers to adequately serve the students. On-site resources shall be classified using a recognized classification system such as the Dewey Decimal System or Library of

Congress system. Records of circulation and inventory shall be current and accurate and must be maintained to assist in evaluating the adequacy and utilization of the holdings.

5. Use and accessibility. Learning resources and information services must be available at times consistent with the typical student's schedule. In the case of electronic resources, a sufficient number of terminals shall be provided for student use. If interlibrary agreements are utilized, provisions for such use must be practical and accessible and use must be documented.

6. Inventory. A current inventory of learning resources shall be maintained.

(d) Bachelor's Degrees:

1. General standard. Learning resources and information services shall be appropriate to the level and scope of program offerings. In providing learning resources, at a minimum, an institution must comply with the provisions of sub-subparagraph (8)(a)1. of this rule.

2. Staff. The institution shall provide access to learning resources. A full-time professionally trained librarian shall supervise and manage the learning resources and information services, facilitate their integration into all phases of the institution's curricular and educational offerings, and assist students in their use. A professionally trained librarian is one who holds a master's degree in library or information sciences/studies or comparable program accredited by the American Library Association, state certification, or other equivalent qualification to work as a librarian. During scheduled library hours, there shall be a trained individual on duty to supervise the learning resource center/library and to assist students with library functions. This person shall be competent both to use and to aid in the use of the technologies and resources available in the library.

3. Budget. An annual library budget shall be developed by the institution with allocations expended appropriate to the size and scope of the institution and its program offerings.

4. Holdings. A collegiate library shall provide access to holdings appropriate to the size of the institution and the breadth of its educational programs, including current titles, relevant current periodicals, relevant reference materials and professional journals, and electronic resources in sufficient titles and numbers to adequately serve the students. On-site resources shall be classified using a recognized classification system such as the Dewey Decimal System or Library of Congress. Records of circulation and inventory shall be current and accurate and must be maintained to assist in evaluating the adequacy and utilization of the holdings.

5. Use and accessibility. Institutions shall comply with the provisions of sub-subparagraph (8)(c)5. of this rule.

6. Inventory. A current inventory of learning resources shall be maintained.

(g) Master's and Doctoral Degrees:

1. General standard. Learning resources and information services shall be appropriate to the level and scope of program offerings. In providing learning resources, at a minimum, an institution must comply with the provisions of sub-subparagraph (8)(a)1. of this rule.

2. Staff. The institution shall provide access to learning resources. A full-time professionally trained librarian shall supervise and manage the learning resources and information services, facilitate their integration into all phases of the institution's curricular and educational offerings, and assist students in their use. A professionally trained librarian is one who holds a master's degree in library or information sciences/studies or comparable program accredited by the American Library Association or state certification or other equivalent qualification to work as a librarian, where applicable. A librarian with special qualifications to aid in research shall be available. During scheduled library hours, there shall be a trained individual on duty to supervise the learning resource center/library and to assist students with library functions. This person shall be competent both to use and to aid in the use of the technologies and resources available in the library.

3. Budget. An annual library budget shall be developed by the institution with allocations expended appropriate to the size and scope of the institution and its program offerings.

4. Holdings. Institutions offering master's or doctoral degree programs shall provide access to substantially different library resources in terms of their depth and breadth from those required for baccalaureate degree programs. These resources shall include bibliographic and monographic references, major professional journals and reference services, research and methodology materials and, as appropriate, information technologies. The depth and breadth of the accessible library holdings shall be such as to exceed the requirements of the average student in order to encourage the intellectual development of superior students and to enrich the professional development of the faculty. On-site resources shall be classified using a recognized classification system such as the Dewey Decimal System or Library of Congress system. Records of circulation and inventory shall be current and accurate and must be maintained to assist in evaluating the adequacy and utilization of the holdings.

5. Use and accessibility. Learning resources and information services must be available at times consistent with the typical student's schedule. In the case of electronic resources, a sufficient number of terminals shall be provided for student use. If interlibrary agreements are utilized, provisions for such use must be practical and accessible and use must be documented.

6. Inventory. Access to a current inventory of learning resources shall be maintained.

(9) Standard 9: Physical Facilities. All institutions, regardless of the level of credentials offered, shall comply with the following standards:

(a) Each institution shall provide an environment that is conducive to good instruction and learning and that supports the educational programs offered by the institution. The adequacy of the environment is assessed against the demands made upon it by the curricula, faculty and students.

(b) Each institution shall provide and maintain a physical plant with academic classrooms, laboratories, administrative offices, and service areas adequate for the educational programs and the anticipated number of faculty and students. Documentation for this shall include a site plan, annotated floor plan and a narrative description which describes completely the institution's physical plant.

(c) Each physical plant shall meet the general tests of safety, usefulness, cleanliness, maintenance, health, lighting, ventilation and any other requirements conducive to health, safety and comfort. Each institution shall provide evidence of compliance with zoning, fire, safety and sanitation standards issued by all applicable regulatory authorities for all instructional and student housing facilities.

(10) Standard 10: Student Services. All institutions, regardless of the level of credentials offered, shall comply with the following standards:

(a) Each institution shall designate a properly trained individual to provide each of the following student services: academic advisement, financial aid advisement, personal advisement, and placement services. The extent of these services and the personnel assigned to them shall be determined by the size of the institution and the type of program offerings.

(b) Placement services. Placement services shall be provided to all graduates without additional charge. No guarantee of placement shall be directly or indirectly implied. Records of initial employment of all graduates shall be maintained. Exceptions to this requirement shall be made for those graduates who attended the institution on a student visa or other temporary immigration status, and who do not seek employment in this country.

(c) Placement Improvement Plans. An institution shall report its placement rate with each license review. If the placement rate falls below one standard deviation from the Florida average as computed for that year, the Commission shall place the institution on a placement improvement plan. This plan shall include actions to be taken to improve the placement rate, and shall be submitted to the Commission. A progress report shall be filed with the Commission after a period designated by the Commission, and shall include information on placement personnel, placement activities, job development activities, and additional data as requested by the Commission to show the effectiveness of the plan in improving the placement rate.

(d) Retention Improvement Plans. An institution shall report its retention rate with each license review. If the rate falls below one standard deviation from the Florida average as computed for that year, the Commission shall place the institution on a retention improvement plan. This plan shall include actions to be taken to improve the retention rate, and shall be submitted to the Commission. A progress report shall be filed with the Commission after a period designated by the Commission, and shall include information on retention personnel, retention activities, and additional data as requested by the Commission to show the effectiveness of the plan in improving the retention rate.

(11) Standard 11: Publications and Advertising.

(a) General Standard. Each institution shall comply with these provisions, regardless of the level of credentials offered. Publications must be presented in a professional manner. Information published must be accurate and factual and reflect the current status of the institution.

(b) Catalog.

1. Pursuant to s. 1005.04(1)(a), Florida Statutes, certain disclosures are required to be made in writing to prospective students one week prior to enrollment or collection of tuition. If the institution uses its catalog as the sole source of those required disclosures, the institution shall ensure that each prospective student is provided a written copy, or has access to an electronic copy, of the catalog one week prior to enrollment or collection of tuition.

2. Each institution shall publish and provide to each enrolled student a catalog. Written catalogs shall be professionally printed and bound. If electronic catalogs are also used, the two versions shall contain the same information, except for updates that may be provided more quickly in electronic versions. The catalog shall constitute a contractual obligation of the school to the student and shall be the official statement of the school's policies, programs, services, and charges and fees. The catalog shall include, at a minimum, the following information:

a. Name, address and telephone number of the institution;

b. Identifying data such as volume number and effective dates of the catalog;

c. Table of contents or index. Pages of the catalog shall be numbered and included in the table of contents or index;

d. A statement of legal control which includes the names of the trustees, directors, and officers of the corporation;

e. If the institution is accredited as defined in s. 1005.02(1), Florida Statutes, a statement of accreditation. If an institution claims accreditation by an accrediting agency that is not recognized by the U.S. Department of Education, the disclosure required in paragraph 6E-1.0032(6)(d), F.A.C., is to be inserted in the catalog and in all publications or advertising, as defined in subsection 6E-1.003(2), F.A.C., wherever the unrecognized accrediting association or agency is mentioned;

f. The following statement: "Licensed by the Commission for Independent Education, Florida Department of Education. Additional information regarding this institution may be obtained by contacting the Commission at 2650 Apalachee Parkway, Suite A, Tallahassee, FL 32301, toll-free telephone number (888)224-6684;"

g. The names and titles of all full-time and part-time administrators;

h. A listing of all faculty indicating degrees held, if applicable, and institutions awarding the degrees;

i. A statement of the purpose of the institution;

j. An academic calendar showing beginning and ending dates of enrollment periods, programs, terms, quarters, or semesters; holidays; registration dates; and other significant dates and deadlines;

k. The institution's admission requirements, policies, and procedures, including the basis for admissions, and test requirements, if applicable, for each program offered. Admissions requirements shall be in compliance with the provisions of paragraph 6E-1.0032(6)(g), F.A.C.;

l. Specific procedures for the granting of credit for prior learning or by examination, if offered, including the maximum amount of credit which can be obtained in this manner, pursuant to Rule 6E-2.0041, F.A.C.;

m. A statement regarding the transfer of credit both to and from the institution, in compliance with the provisions of paragraph 6E-1.0032(6)(f), F.A.C.;

n. A description of the curricula for all programs offered, including for each: a statement of the objective or purpose of the program; an accurate and complete listing of the courses included in each program, each with a unique identifying number and title; identification of courses that are general education courses, if applicable; the credit or clock hours awarded for each subject; the total credits or clock hours and grades required for satisfactory completion of the program; requirements for certification, licensing or registration in the program career field, as applicable; and any additional or special requirements for completion;

o. A description of each course offered, including identifying number, title, credit or clock hours awarded, a description of the contents of the course, and prerequisites, if any;

p. A description of the course numbering system, in compliance with s. 1007.24(7), Florida Statutes, and applicable State Board of Education rule(s).

q. An explanation of the grading or marking system, which is consistent with that appearing on the transcript;

r. A definition of the unit of credit. If credit hours, the institution shall clearly specify whether quarter or semester credit hours, as defined in Rule 6E-1.003, F.A.C.;

s. A complete explanation of the standards of satisfactory academic process. This policy shall include, at a minimum: Minimum grades and/or standards considered satisfactory;

conditions for interruption due to unsatisfactory grades or progress; a description of the probationary period, if applicable; and conditions of re-entrance for those students suspended for unsatisfactory progress;

t. A description of all diplomas or degrees awarded, together with a statement of the requirements to be met for satisfactory completion of each;

u. A detailed description of the charges for tuition, fees, books, supplies, tools, equipment, student activities, service charges, rentals, deposits and any other applicable charges. All nonrefundable charges shall be clearly indicated as such;

v. A detailed description of all financial aid offered by the institution. This shall include, but is not limited to, scholarships, in-house loan and grant programs, third-party loan and grant programs, and federal or state financial aid. Any student eligibility standards and conditions shall be stated for each type of financial aid offered. Obligations to repay loans shall be clearly disclosed and explained to students, along with anticipated repayment terms, dates and amounts;

w. A statement of the refund policy and procedures for the refund of the unused portion of tuition, fees and other charges in the event the student does not enter the program, withdraws from the program, or is discharged from the program. The refund policy shall comply with the provisions of paragraph 6E-1.0032(6)(i), F.A.C., and other applicable federal and state requirements;

x. A complete description of the institution's physical facilities and equipment;

y. A description of the nature and extent of student services offered;

z. A description of the institution's policy regarding satisfactory academic progress;

aa. The institution's policy on student conduct and conditions of dismissal for unsatisfactory conduct;

bb. The institution's procedures for students to appeal academic or disciplinary actions;

cc. If required by law, the institution's anti-hazing policy;

dd. The procedures by which complaints will be considered and addressed by the institution;

ee. If the institution offers courses through distance education or other alternative means, the catalog shall include the information specified in subsection 6E-2.0041(11), F.A.C.

3. Catalogs for Multiple Institutions. All institutions utilizing a common catalog must be of common ownership. Photographs of the physical facilities of any of the institutions must be captioned to identify the particular institution or campus depicted. The faculty and staff of each institution and the members of the administration for the group of institutions shall be clearly identified with respect to each institution and to the overall administration. Any information contained in the catalog that is not common to all institutions in the group shall be presented in such a manner that no confusion, misunderstanding or misrepresentation is possible.

(c) Advertising.

1. An institution shall not advertise until a license has been issued.

2. For initial applicants and renewal of licensure, the institution shall submit a copy of all proposed or actual advertising publications, together with any and all materials used for the purpose of recruiting students.

3. All advertising by an institution, including all written and verbal communications, illustrations, and express or implied representations, shall be factual and not misleading to the public. All illustrations in published materials must specifically and accurately represent the institution. If any other illustrations are used, they must be clearly and accurately captioned.

4. An institution shall use its correct name as approved by the Commission in all advertising; no blind advertisements are permitted.

5. An institution shall not offer monetary incentives as an inducement to visit the campus or to enroll in a course or program.

6. All advertising shall clearly state that training and education, not employment, are being offered. All print advertising in classified sections, such as newspapers, telephone directories, periodicals, etc. must appear under a heading that identifies its category as education and training, not employment opportunities.

7. No institution, in its advertising or through activities of its owners, officers, or representatives shall guarantee or imply the guarantee of employment or of any certain wage or salary either before enrollment, during the program(s), or after the completion thereof. Guarantee of acceptance into any union, organization, or achievement of a recognition, certification, or qualification for licensure examination is not permitted. The term "lifetime placement" shall not be used.

8. Any placement claims, employment predictions, or salary projections used by the institution in its recruiting efforts shall be accurate, and based upon reliable statistical data which shall be provided to all prospective students and to the Commission upon request. It is the responsibility of the institution to ensure that all such claims are kept up to date and reflect actual current conditions and job market projections, taking into account the anticipated needs in the local community. Advertisements shall contain citations of the source of such claims. The institution shall maintain backup documentation to support the citations.

9. The level of educational programs provided shall be clearly defined if used for advertising. No institution shall refer to itself as a "college" or "university" unless authorized to do so by the Commission.

10. No institution shall use the term "accredited" unless fully authorized to do so by an accrediting agency recognized by the United States Department of Education.



11. References to financial assistance availability shall include the phrase, "for those who qualify," or similar disclaimer. Scholarships, if offered, must be fully disclosed and clearly explained if used in advertising.

12. Overstatements, superlatives, and exclusives shall not be used in any advertising. The word "free" shall only be used when there is unconditional access to the item or service for all students, without cost or obligation of any type, and if refunds or loan repayments do not include consideration of the item or service.

13. A new or modified program shall not be advertised until the Commission approves the program.

14. If endorsements are used, they must be factual and reflect present conditions, and must be uncompensated; and the institution must maintain documentation of prior consent by the participant. If an employee of the institution or a person otherwise affiliated with the institution, other than a student or graduate, makes an endorsement, the relationship or affiliation shall be fully disclosed in the advertising.

15. Institutions shall comply with advertising regulations pertaining to the training of individuals who are sponsored by a state or federal agency.

16. A licensed institution shall use only the following phrase to identify its licensure status in any advertising: "Licensed by the Florida Commission for Independent Education, License No. \_\_\_\_\_." The use of any other phrase or form shall be considered a violation of this rule.

(12) Standard 12: Disclosures. Each institution, regardless of the level of credentials offered, shall comply with the applicable provisions of Rule 6E-1.0032, F.A.C. Any additional disclosures required by the Commission or by other governmental agencies or accrediting agencies shall be made using the form and text required by the agency.

Specific Authority 1005.22(1)(e), 1005.31(2),(3), 1005.34, 1005.39 246.041(1)(e), 246.051(1), 246.071 FS. Law Implemented 1005.04, 1005.31, 1005.33(1), 1005.34, 1005.39 246.011, 246.041(2)(d), 246.051(1), 246.081(2), 246.087(1), 246.091(1), 246.095, 246.121 FS. History—Repromulgated 12-5-74, Formerly 6E-3.01(1), Readopted 11-11-75, Amended 3-7-77, 5-7-79, 10-13-83, Formerly 6E-2.04, Amended 11-27-88, 11-29-89, 12-10-90, 10-19-93, 4-2-96, 4-1-00, \_\_\_\_\_. Cf. Forms incorporated in 6E-2.001, F.A.C.

(Substantial rewording of Rule 6E-2.0042 follows. See Florida Administrative Code for present text.)

6E-2.0042 Medical Clinical Clerkship Programs.

(1) Purpose. The purpose of this rule is to establish criteria for licensure by the Commission of qualified, accredited foreign medical schools to provide clinical clerkship training in Florida hospitals or approved facilities as defined in subsection (2) of this rule. Clinical clerkships are a required part of the foreign medical schools' education programs, which are not wholly located in Florida. This rule also establishes criteria for students of foreign medical schools who apply for individual approval for an occasional elective clerkship in Florida. This rule is intended to protect the health and welfare of citizens of

Florida by limiting participation in such clinical clerkships to students of qualified, accredited foreign medical institutions who demonstrate the capacity to profit from such clinical instruction; to benefit the medical students by establishing standards which will promote the acquisition of a minimum satisfactory medical education; to protect the students from deceptive, fraudulent or substandard education; and to protect the integrity of medical degrees held by Florida citizens. Terms used in this rule are defined in Rule 6E-1.003, F.A.C.

(2) Applications for licensure of clinical clerkship programs. In addition to submitting all the forms and documents, accurately, fully and satisfactorily completed as required for each step of licensure in accordance with these rules, for the applicant medical school to be found qualified for licensure it must:

(a) Document to the Commission that it has been determined by the United States Department of Education that the medical accreditation standards used by its chartering nation to evaluate and approve the applicant school were comparable to the standards used to evaluate programs leading to the Doctor of Medicine (M.D.) or Doctor of Osteopathy (D.O.) degree in the United States.

(b) Document that the applicant medical school has on staff a board-certified clinical chairperson for each core clerkship subject area.

(c) Document that the principal academic officer of the clinical clerkship program has been designated by the chief academic officer of the parent medical school and possesses academic and experiential qualifications appropriate to the assignment.

(d) Ensure that the application contains sufficiently detailed information showing that the educational program, faculty planning, teaching, budgeting and allocation of other educational resources, faculty appointments and student assignments are coordinated and integrated with the overall program of the parent medical school. Formal agreements shall be executed between the parent medical school and the teaching hospital or approved facility in which the students are to be engaged in clinical clerkships and shall be submitted to the Commission. The formal agreement between the parent medical school and the teaching hospital or approved facility shall vest responsibility and authority for the conduct and evaluation of the educational program in the parent medical school.

(e) Document that the faculty of the clinical clerkship program and of the parent medical school have joint responsibility for developing the curriculum for each clerkship. Evidence of such action may take the form of minutes of faculty meetings in which such involvement took place. Copies shall be filed with the Commission of officially adopted policies of the parent medical school, outlining procedures for such faculty involvement and the means of ensuring that such procedures are implemented, or similar documentation

acceptable to the Commission. The parent medical school shall also describe how it will ensure that the curriculum developed for each clerkship will actually be adhered to at each teaching hospital or approved facility.

(f) Provide, for each clerkship at each teaching hospital or approved facility, a summary of the instructional program for the clerkship, which shall include the title of the clerkship, the sponsoring teaching hospital or approved facility, a description of the course objectives, resumes of faculty participants, a statement of the extent of each faculty member's duties in the clerkship, the meeting time, the meeting place, the length of the clerkship, the maximum number of students who will be enrolled in that clerkship at a given time, and the proportion of the student time which shall be spent in that clerkship (e.g., 100% of 4 weeks, 50% of 8 weeks).

(g) Provide a copy of the faculty handbook or other medium of communication with the faculty, which shall contain procedures and requirements for involvement of faculty in curriculum development, in both basic sciences and clinical clerkship programs, and the means for ensuring that such procedures are implemented.

(h) Document that provisions have been made for continual reassessment and evaluation of the educational program, and for improvement of instruction. The application for licensure shall include a copy of policies adopted by the parent medical school regarding reassessment of clinical clerkship programs and improvement of instruction, and the means of ensuring that such policies are implemented.

(i) Document that the parent medical school provides an appropriate sequence of clinical rotations for students to attain those competencies that the clinical clerkship program is designed to impart. Qualified faculty shall evaluate the competencies of students in each clinical discipline.

(j) The application for licensure shall describe the procedures by which the parent medical school shall ensure that only students who meet the requirements of the following standard participate in clinical clerkship training in Florida and document that all students participating in core clinical clerkship programs have:

1. Completed at least three (3) years of undergraduate education at a legitimate, recognized college or university consistent with a generally acceptable premedical curriculum.

2. Completed a basic science program totaling at least four (4) semesters in length. This program shall include, but is not necessarily limited to, rigorous instruction in the major disciplines of the biological sciences (i.e., anatomy, biochemistry, pharmacology, physiology, pathology, and microbiology), the behavioral sciences, and an introduction to clinical diagnosis. Adequate laboratory facilities for this instruction must be provided.

3. Obtained a passing score on Step I of the United States Medical Licensing Examination within 12 weeks of commencing their third year of medical education.

(k) Fully disclose all payments made by the parent medical school to the teaching hospital or approved facility, or to any officer or employee thereof, attributable to participation in clinical clerkship programs by students of the parent medical school, either on a flat fee basis or on the basis of X dollars per student per term. In no event may any payment be made contingent on successful completion of a rotation by students, and neither shall any such contingency payment be a part of the ongoing budget of the teaching hospital or approved facility. This shall be demonstrated by the parent medical school's submitting evidence of the percentage of the total budget made up by these payments.

(l) Document that a core of teaching faculty of the parent medical school shall be appointed to the clinical clerkship program at each teaching hospital or approved facility, with the requisite time and appropriate skills required to supervise the students assigned. The core-teaching faculties that are appointed to the basic science program of the parent medical school shall be sufficient in number and background. Regardless of geographic assignment, all faculty shall meet appropriate institutional standards for appointment, promotion, privileges and benefits. The relationship of the clinical program faculty to the parent medical school shall be clearly defined. Faculty in clinical clerkship programs in Florida shall possess requisite qualifications, including formal academic training and background experience to instruct and to supervise clinical experiences, and shall be licensed in the State of Florida to practice medicine. The parent medical school shall demonstrate adequate instruction by documenting to the Commission the appropriate number and adequacy of qualified faculty assigned to the teaching hospital or approved facility. Supervision provided by the parent medical school shall be by staff members who devote the requisite time necessary to careful supervision of the clinical students.

(m) Demonstrate that the hospital has adequate library facilities to support a medical education program leading to the M.D. degree.

(n) Affirm that the medical school will conduct clinical clerkships only in either a teaching hospital as defined in this rule, or in an approved facility, which is defined as a residential developmental services institution licensed by the State of Florida, Agency for Health Care Administration, pursuant to Chapter 393, Florida Statutes.

(3) An application for initial licensure of a clinical clerkship program shall be reviewed by an expert medical school review committee appointed by the chair of the Commission. The committee members shall be selected from nominees from international medical schools that have full licensure in Florida who have expertise in governance of medical education and the standards stated above. The review committee shall prepare a report that addresses whether or not

the applicant for licensure has met the standards contained in these rules. The committee report shall be advisory to the Commission, and shall supplement the regular staff review.

(4) The Commission shall require an independent review or audit of any applicant medical school's submission from the school's original records when necessary to verify any or all information provided. Such review or audit shall be at the expense of the applicant school.

(5) Each licensed foreign medical school shall submit an annual report to the Commission, updating any information provided in its last submission. This report shall include a list of the names of students who have studied in Florida, the Florida clinical programs in which they studied, the dates of attendance, and the subject or subjects studied. Any substantive change, as defined in subsection 6E-1.003(43), F.A.C., shall result in the medical school receiving a Provisional License pursuant to the provisions of s. 1005.31(5), Florida Statutes, and subsection 6E-2.002(1), F.A.C.

(6) Students of a licensed foreign medical school, when such license permits a clinical clerkship rotation in Florida, may participate in other clerkships in Florida teaching hospitals if the school documents the following conditions to the Commission:

(a) The teaching hospital provides residency programs approved by the Accreditation Council for Graduate Medical Education (ACGME) or the American Osteopathic Association (AOA).

(b) The licensed foreign medical school submits to the Commission a written affiliation agreement between the medical school and the teaching hospital specifying responsibility for planning, managing and supervising the clerkship in each discipline.

(c) The teaching hospital will provide the same facilities, learning opportunities, and supervision as would be provided to U. S. medical schools' students taking clinical training programs in the hospital.

(d) The licensed medical school's appointed faculty will be responsible to provide the same quality in the educational program to the licensed medical school's students as is provided to students of an accredited United States medical school.

(7) Application for individual approval of an occasional clerkship elective. An individual medical student may obtain approval for an occasional elective clerkship as defined in subsection 6E-1.003(36), F.A.C., provided the student demonstrates compliance with paragraphs (2)(c), (f), (j) (k), and (m) of this rule. In addition to the requirements set forth in paragraph (2)(j), the student shall submit a transcript directly from his or her medical school indicating completion of all core rotations, and documentation that the student has obtained a passing score on Step 2 of the United States Medical Licensing Examination. The teaching hospital and the medical

school shall sign a temporary written affiliation agreement detailing the responsibilities of both parties for the clinical teaching program. Such agreement shall include:

(a) The number of lecture hours, course content and reading assignments;

(b) The patient census for the subject being taught and number of rounds per week;

(c) A provision that the board-certified physicians delegated by the hospital to assume responsibility for the student's clinical training shall receive a temporary faculty appointment by the medical school covering the occasional clerkship elective;

(d) Certification that adequate malpractice insurance is being provided to cover the student during the elective rotation; and

(e) The method of testing, scoring or evaluation of the student. Upon completion of the occasional clinical teaching clerkship, the hospital, the medical school and the student shall report their evaluations of the teaching program, which shall be kept on file at the foreign medical school and available for inspection by Commission representatives, and to other students, if anonymity can be assured.

(8) Denial, probation, or revocation of licensure of a medical clinical clerkship program or individual approval of an occasional clerkship elective shall follow the procedural provisions of Rule 6E-2.0061, F.A.C.

(9) Penalties. See s. 1005.38, Florida Statutes, and Rule 6E-2.0061, F.A.C., for penalties and due process procedures. In the event any violation of this rule poses an immediate threat to the health or safety of Florida patients, emergency action shall be taken by the Commission to suspend the privileges permitted under the medical school's license until due process has been followed.

Specific Authority 1005.22(1)(e)1., 1005.31(2),(3),(11) 246.041(1)(e); 246.051(1); 246.071 FS. Law Implemented 1005.31(11) 246.081 FS. History-- New 12-6-84, Formerly 6E-2.042, Amended 11-27-88, 11-29-89, 10-19-93, 12-11-96, \_\_\_\_\_.

(Substantial rewording of Rule 6E-2.0061 follows. See Florida Administrative Code for present text.)

~~6E-2.0061 Actions Against a Licensee; Penalties Denial, Probation, or Revocation of Licensure or Other Status.~~

(1) Denial. Any Provisional License, Annual License, License by Means of Accreditation, agent's license, approval to use the terms "college" or "university," approval of modifications, approval of occasional elective clinical clerkships, or other authorization under the Commission's jurisdiction shall be denied upon a determination by the Commission that the applicant does not meet the requirements of Chapter 1005, Florida Statutes, or the applicable standards in Chapters 6E-1 and 6E-2, F.A.C., or for specific grounds as stated in ss. 1005.32(7), 1005.34(3), and 1005.38, Florida Statutes.

(2) Probation.

(a) A Provisional License, Annual License, or License by Means of Accreditation, agent's license, or other authorization under the Commission's jurisdiction shall be placed on probation when the Commission finds an infraction of any of the grounds enumerated in subsection (4) of this rule, which in the Commission's judgment threatens the efficient operation of the institution or the quality of the educational programs or services offered, damages the reputation of another institution, or deceives the public.

(b) The Commission shall impose conditions designed to correct the infractions identified or to overcome the effects of such infractions, and shall require submission of periodic progress reports on the steps being taken to comply with the conditions and to correct the situation. Unannounced staff visits shall be made to the institution as necessary to monitor its activities. An institution or agent placed on probation shall provide satisfactory documentation to the Commission that remedial action has been taken to correct the situation or activities leading to probation. When it is documented to the Commission that the situation or activities have been corrected, and policies have been adopted by the institution to prevent the recurrence of the infractions, the Commission shall remove the probation. If competent evidence is not presented showing that the situation or activities leading to probation have been corrected within the period of time specified by the Commission, or if similar infractions recur, procedures shall be initiated to revoke the license or other authorization.

(c) If the conditions set by the Commission in conjunction with the probation require oversight and monitoring by the Commission or its staff, the Commission shall impose an administrative fine in an amount reflective of the administrative time required for the specific case, up to \$5,000, as provided in s. 1005.38(1), Florida Statutes.

(3) Revocation. Any Provisional License, Annual License, or License by Means of Accreditation, agent's license, or other authorization under the Commission's jurisdiction shall be revoked when the Commission finds:

(a) An infraction of any of the grounds enumerated in subsection (4) of this rule, which in the Commission's judgment is so serious as to threaten the continued operation of the institution, or the health, safety and welfare of its students or staff or of the general public; or

(b) That the institution or agent continues to engage in activities in noncompliance with applicable laws after directed by the Commission to cease and desist; or

(c) That the institution or agent has failed to correct, within the allotted period, the situation or activities for which probation has been imposed.

If a license is revoked, the college or agent affected shall cease operations in Florida. Any new application for licensure shall follow the procedures and requirements of the applicable statute and rules.

(4) Grounds for Imposing Disciplinary Actions.

(a) Attempting to obtain action from the Commission by fraudulent misrepresentation, bribery, or through an error of the Commission.

(b) Action against a license or operation imposed under the authority of another state, territory, or country.

(c) Delegating professional responsibilities to a person who is not qualified by training, experience, or licensure to perform the responsibilities.

(d) False, deceptive, or misleading advertising.

(e) Conspiring to coerce, intimidate, or preclude another licensee from lawfully advertising his or her services.

(f) Failure to maintain the licensure standards as set forth in ss. 1005.31 and 1005.32, Florida Statutes, and applicable rules.

(g) Failure to comply with fair consumer practices as set forth in ss. 1005.04 and 1005.34, Florida Statutes, and applicable rules.

(h) Previously operating an institution in a manner contrary to the health, education, or welfare of the public, as described in s. 1005.38(4), Florida Statutes.

(i) Failure of the licensee to comply with any conditions or limitations placed by the Commission upon its licensure or operation.

(5) Investigations. Investigations on behalf of the Commission shall be carried out as provided in s. 1005.38, Florida Statutes.

(6) Probable cause. Determinations of probable cause shall be made as provided in s. 1005.38, Florida Statutes. Probable cause panels shall be appointed to consider suspected violations of law and to make findings, which shall be reported to the full Commission. If the probable cause panel makes a determination of probable cause, the Commission shall issue an administrative complaint or notice of denial of licensure, and shall issue a cease and desist order as provided in s. 1005.38, Florida Statutes, if necessary to stop the violations. Probable cause panels shall be appointed and shall serve as follows:

(a) The chair of the Commission shall appoint three people to a probable cause panel, and shall designate its chair. At least one panel member shall be a current member of the Commission. Other members may be current Commission members or previous members of the Commission for Independent Education, State Board of Independent Colleges and Universities, or State Board of Nonpublic Career Education. Each probable cause panel shall serve on an ad hoc basis to review specific cases referred to it by the Commission.

(b) Current commission members who serve on a probable cause panel cannot vote for final agency action on institutions whose current cases they have reviewed while serving on the panel.

(c) If a Commission member has reviewed a case as a member of the probable cause panel, that member, if available, shall be on the panel for reconsideration of that case if reconsideration is necessary.

(7) Cease and desist orders. Cease and desist orders shall be issued by the Commission upon finding probable cause, and shall comply with s. 1005.38, Florida Statutes, and other applicable laws.

(8) Injunctions. The Commission shall seek injunctive relief and other applicable civil penalties as provided by s. 1005.38, Florida Statutes, and other applicable laws, after conducting an investigation and confirming that a violation of Chapter 1005, Florida Statutes, has occurred which the Commission deems is serious enough that other available remedies are not sufficient to stop the potential damage to the public.

(9) Due process procedures. The Commission shall notify the institution or agent by certified mail of any disciplinary action, giving the grounds for the action and an explanation of the institution's or agent's right to a hearing. The institution or agent shall have twenty (20) days to respond, by certified mail, indicating any request for a formal or informal hearing or concurring with the Commission's action.

(a) Failure on the part of the institution or agent to respond by certified mail within twenty (20) days shall constitute default. At its next regular or special meeting, the Commission shall then receive evidence in the case and enter its Final Order.

(b) The institution or agent may request an informal hearing by the Commission if no material facts are disputed, or if the institution or agent and the Commission agree to hold an informal hearing in lieu of a formal hearing. Procedures for informal hearings shall be in accordance with Section 120.57(2), Florida Statutes. After hearing the presentations of the representatives of the Commission and of the institution or agent, the Commission shall enter its Final Order.

(c) The institution or agent may request a formal hearing by an administrative judge of the Division of Administrative Hearings if material facts are in dispute. Procedures for formal hearings shall be in accordance with Section 120.57(1), Florida Statutes. After receiving a Recommended Order from the hearing officer, the Commission shall enter its Final Order.

(d) An affected party who has been served with a cease and desist order by the Commission may request a formal or informal review of the order as set forth in this subsection above, and may request the Commission or the Division of Administrative Hearings to modify or abate the cease and desist order. If the affected party is aggrieved by the decision produced by this review, the party may seek interlocutory judicial review by the appropriate district court of appeal, as provided in s. 1005.38(7), Florida Statutes.

Specific Authority 1005.32(7), 1005.38, 246.041(1)(c), (n)7., 246.051(1), 246.071, 246.085(5), 246.111 FS. Law Implemented 1005.32(7), 1005.34(3), 1005.38, 246.011(4), 246.041(1)(n), 246.081(4), 246.083(6), 246.085(5), 246.095(4), 246.111 FS. History--New 10-13-83, Formerly 6E-2.061, Amended 5-20-87, 11-27-88, 11-29-89, 12-10-90, 10-19-93, \_\_\_\_\_.

(Substantial rewording of Rule 6E-2.009 follows. See Florida Administrative Code for present text.)

6E-2.009 Closing an Institution Colleges Which Discontinue Operation.

At least 30 days prior to closing an institution, its owners, directors or administrators shall notify the Commission in writing, and follow the provisions of s. 1005.36, Florida Statutes. Failure to comply with the statute shall be grounds for civil and criminal penalties as provided therein.

Specific Authority 1005.22(1)(e)1, 246.041(1)(c), 246.051(1), 246.071, 246.091(5) FS. Law Implemented 1005.36, 246.051, 246.091(5) FS. History--Repromulgated 12-5-74, Formerly 6E-4.01(5), Readopted 11-11-75, Amended 3-7-77, 5-7-79, 10-13-83, Formerly 6E-2.09, Amended 11-29-89, 12-10-90, 10-19-93, 4-11-00, \_\_\_\_\_.

**DEPARTMENT OF EDUCATION**

**Commission for Independent Education**

RULE NOS.:	RULE TITLES:
6E-4.001	Fees and Expenses
6E-4.003	Institutional Assessment Trust Fund

**NOTICE OF CHANGE**

Notice is hereby given that proposed Rules 6E-4.001 and 6E-4.003, F.A.C., published in Vol. 28, No. 43, October 25, 2002, Florida Administrative Weekly, have been changed to reflect comments received from the Joint Administrative Procedures Committee on November 12, 2002, and during public discussions at several Rules Development Workshops held between July and November, 2002, a Rules Committee meeting on November 14, 2002, and a Public Hearing on November 15, 2002. The proposed rules have been changed so that when adopted they will read:

6E-4.001 Fees and Expenses.

(1) Base Fee. All nonpublic institutions and centers of out-of-state institutions under the jurisdiction of the Commission derive benefit from the services performed by the Commission. Such services include but are not limited to administration of the fair consumer practices program and the data collection and dissemination program. To defray the cost of such general services, each institution holding a provisional or annual license, or a license by means of accreditation, with an enrollment of less than 100, shall submit annually a Base Fee of \$300, and each such institution with an enrollment of 100 or more shall submit annually a Base Fee of \$900. Enrollment shall be determined by the total student headcount in Florida, full-time and part-time, reported by each institution in its annual data report; or for a new institution, by its anticipated enrollment in Florida during its first year of operation. The Base Fee shall be due and collected at the time of annual review of licensure.

(2) Workload Fees. Each Florida location of each institution receives technical assistance from the Commission, along with help in developing and implementing institutional articulation agreements and achieving candidacy status with accrediting agencies; and significant amounts of staff and administrative time are spent on evaluating applications, traveling to institutions for onsite visits, assisting institutions which are experiencing problems with financial aid or financial stability, and making reviews. The following workload fees are assessed in addition to the Base Fee, and must be received prior to Commission consideration of each action.

Initial Application for License, or Moving from Nondegree to Degree:

New Nondegree Institutions ..... \$2,000 + \$200 per program ..... + cost of visit  
New Degree-Granting Institutions .... 3,000 + 200 per program ..... + cost of visit

Annual Review of Licensure:

Nondegree Institutions..... 1,500 + \$50 per program  
Degree-Granting Institutions ..... 2,500 + \$50 per program  
Review of Extended Annual

License or Substantive Change Review ..... 1,000  
Licensure by Means of Accreditation, Annually..... 1,250  
New Program or Program Modifications, Less than Substantive Change or More than One Minor Modification per Year:

Nondegree Programs ..... 500  
Degree Programs ..... 1,000  
Site Visits:

One Visit per Year ..... Included in licensure fee  
Subsequent Visits directed by Commission..... Expenses + Costs + 200 per day  
Approval to Use "College" or "University", First Time or Special Review..... 500

Annual Licensure of Recruiting Agents (nontransferable) ..... 200  
Criminal Justice Information Investigation ..... 50  
Copy of Student Academic Transcript on File ..... 10

(3) Fines and disciplinary oversight:

Fine for Probation Requiring Oversight ..... Up to 5,000 depending on ..... level and length of ..... oversight required

Continuing Activity after Cease and Desist Letter, Per Day..... 1,000  
Monitoring Institution under Probable Cause, Per Calendar Quarter ..... 1,000

(4) Student Protection Fund: Nondegree institutions will be charged a fee for the Student Protection Fund. The fees are specified in Rule 6E-4.005, F.A.C.

(5) Investigations and Resolution of Complaints. In cases where the Commission must investigate complaints pertaining to fair consumer practices, initiate Probable Cause proceedings, render findings of fact, and issue decisions, the institution shall be assessed a fee of no less than \$500 and no more than \$2,000, according to the administrative time required for the specific case, which is payable within 14 days of the official action being taken by the Commission.

(6) Failure to Submit Materials in a Timely Manner. In cases where the Commission has set a specific date for the filing of materials regarding licensure or other matters under its purview, and the institution has not filed said materials within 14 calendar days of the specified date, the Commission shall assess the college \$100 per working day until the materials are received by the Commission. The postal date on the envelope or package containing the materials shall serve as the date of receipt.

(7) All fees, and any fines imposed for probation or other violations shall be paid to the Chief Financial Officer of the Department of Education for deposit into the Institutional Assessment Trust Fund as established in s. 1010.83, Florida Statutes, and identified as a separate revenue account for the authorized expenses of the Commission under the provisions of s. 1010.83, Florida Statutes.

Specific Authority 1005.22(1)(e), 1005.35, 1005.37, 1005.38 FS. Law Implemented 1005.22, 1005.35, 1005.37, 1005.38 FS. History—New

6E-4.003 Institutional Assessment Trust Fund.

(1) To implement the Institutional Assessment Trust Fund as established by s. 1010.83, Florida Statutes, the Commission shall be responsible for authorizing the expenditure of funds consisting of the fees, fines, and other receipts of money collected from institutions under its jurisdiction. Such authorization shall be in the form of an operating budget establishing categories of expenditures consistent with the Department of Education accounting system. The operating budget shall be established by resolution of the Commission and enacted at its last regularly scheduled meeting of each fiscal year. The Commission may transfer funds among and within budget categories as necessary and desirable for the efficient and effective administration of Chapter 1005, Florida Statutes.

(2) The Commission shall establish a fee schedule to generate the funds to cover its operating budget each year. Fees and other charges may be adjusted as necessary to meet the operating expenses, pursuant to s. 1005.35(2), Florida Statutes.

Specific Authority 1005.22(1)(e) FS. Law Implemented 1005.22(1)(e), 1005.35, 1010.83 FS. History—New

**DEPARTMENT OF REVENUE****Division of Ad Valorem Tax**

RULE NO.:

12D-10.0044

RULE TITLE:

Uniform Procedures for Hearings;  
 Procedures for Information and  
 Evidence Exchange Between the  
 Petitioner and Property  
 Appraiser, Consistent with  
 s. 194.032, F.S.; Organizational  
 Meeting; Uniform Procedures to  
 be Available to Petitioners

**NOTICE OF CHANGE**

Notice is hereby given that the following changes have been made to this proposed rule, as published in Vol. 28, No. 40, October 4, 2002, issue of the Florida Administrative Weekly. These changes are in accordance with s. 120.54(3)(d)1., F.S.

Subsections (2),(3),(4),(5),(6),(7),(8),(9),(10) and (11) of Rule 12D-10.0044, F.A.C., will be changed so that, when adopted, these subsections will read:

(2) Subsequent to the mailing or sending of the hearing notice, and at least 10 days before the scheduled hearing, the petitioner shall provide the property appraiser with a list and summary of evidence to be presented at the hearing. The list and summary must be accompanied by copies of documentation to be presented at the hearing.

(3) No later than 5 days after the property appraiser receives the petitioner's documentation, the property appraiser shall provide the petitioner with a list and summary of evidence to be presented at the hearing. The list and summary must be accompanied by copies of documentation to be presented at the hearing with copies of documentation to be presented at the hearing. The evidence list must contain the property record card if provided by the clerk.

(4)(a) If the taxpayer does not provide the information to the property appraiser at least ten days prior to the hearing pursuant to subsection (2), the property appraiser need not provide the information to the taxpayer pursuant to subsection (3).

(b) If the property appraiser does not provide the information within the time required by subsection (3) and at least five calendar days before the hearing, the taxpayer shall be entitled to reschedule the hearing. If the property appraiser provides the information within the time set forth in subsection (5) but less than five calendar days before the hearing, the petitioner's submission of the information shall qualify as a written request for rescheduling as provided in subsection (9). In such circumstances, the clerk shall reschedule the hearing upon being so advised by the petitioner.

~~(c) If there is insufficient time for the property appraiser to provide the information five days after the receipt of the information from the taxpayer and still at least five days before the hearing the property appraiser shall be entitled to reschedule the hearing.~~

(5)(a) The exchange in subsections (2) and (3) shall be delivered by regular or certified U.S. mail, personal delivery, overnight mail, FAX or email. A party will have prima facie complied with the requirements of this section if the information was deposited in the U.S. mail five (5) calendar days prior to the day of such scheduled delivery, or if emailed or FAXed to an address provided by the other party. It shall be sufficient if at least three FAX or email attempts are made to such address. The taxpayer and property appraiser may agree to a different timing and method of exchange. "Provided" means made available in the manner designated by the property appraiser or by the petitioner in his/her submission of information, as via email, facsimile, U.S. mail, or at the property appraiser's office for pick up. If the petitioner does not designate his/her desired manner for receiving the property appraiser's information, the information shall be provided by the property appraiser by depositing it in the U.S. mail.

(b) The information shall be sent to the address listed on the petition form; however, it may be submitted to an email or FAX address if given.

(c) In computing any period of time prescribed or allowed by these rules, the day of the act, event, or default from which the designated period of time begins to run shall not be included. The last day of the period so computed shall be included unless it is a Saturday, Sunday, or legal holiday, in which event the period shall run until the end of the next day which is neither a Saturday, Sunday, or legal holiday. When the period of time prescribed or allowed in subsection (3) or (4) is less than 7 days, intermediate Saturdays, Sundays, and legal holidays shall be excluded in the computation. See Rule 1.090(a), Florida Rules of Civil Procedure, entitled Time. If the tenth day before a hearing is a Saturday, Sunday, or legal holiday, the information under subsection (2) shall be provided no later than the previous business day.

(6) Level of detail on evidence testimony summary: The summary pursuant to subsections (2) and (3) shall be sufficiently detailed as to reasonably inform a party of the general subject matter of the witness' testimony, and the name and address of the witness.

(7) Hearing procedures: Neither the Board nor the special master shall take any general action regarding compliance with this section, but any action on each petition shall be considered on a case by case basis. Any action shall be based on a consideration of whether there has been a substantial noncompliance with this section, and shall be taken at a scheduled hearing and based on evidence presented at such hearing. "General action" means a prearranged course of conduct not based on evidence received in a specific case at a scheduled hearing on a petition. A property appraiser shall not appear at the hearing and use undisclosed evidence that was not supplied to the petitioner as required. The normal remedy

for such noncompliance shall be a rescheduling of the hearing to allow the petitioner an opportunity to review the information of the property appraiser.

(8) The information shall be in writing, and may be delivered by regular or certified U.S. mail or personal delivery so that the information shall be received timely. ~~A party will have prima facie complied with the requirements of this section if the information was deposited in the U.S. mail five (5) days prior to the day of such scheduled delivery.~~

(9) The petitioner may reschedule the hearing one time by submitting a written request to the clerk of the board no less than 5 calendar days before the scheduled appearance.

(10) This rule provides procedures for information and evidence exchange between the petitioner and property appraiser, consistent with s. 194.032, F.S., subject to the provisions of s. 194.034(1)(d), F.S., and subsection 12D-10.003(4), F.A.C., relating to a request by a property appraiser for information from the petitioner in connection with a filed petition, which information need not be provided earlier than ten days prior to a scheduled hearing pursuant to subsections (2) and (5).

(11) The value adjustment board shall hold an organizational meeting and must make the uniform procedures available to petitioners. Such procedures shall be available a reasonable time following the organizational meeting and shall be available a reasonable time before the commencement of hearings in conformance with this rule. The Board shall be deemed to have complied if it causes petitioners to be notified in writing, along with or as part of the notice of hearing, of the existence and availability of the procedures for the exchange of information contained in this rule. The Board is authorized to use other additional or alternative means of notification directed to the general public or specific taxpayers, as it may determine.

**DEPARTMENT OF TRANSPORTATION**

RULE CHAPTER NO.: 14-15  
RULE CHAPTER TITLE: Incorporation by Reference

RULE NO.: 14-15.0081  
RULE TITLE: Toll Facilities Description and Toll Rate Schedule

**NOTICE OF RESCHEDULED HEARING**

The Department of Transportation, Florida’s Turnpike Enterprise announces the rescheduling of the public hearing for rulemaking to allow the public an opportunity to provide input to changes in the Toll Facilities Description and Toll Rate Schedule on Florida’s Turnpike at State Road 710/Northlake Boulevard in Palm Beach County. That hearing, which was scheduled for December 3, 2002, is rescheduled as follows:

TIME AND DATE: Informal Open House – 6:00 p.m., Formal Public Hearing – 6:30 p.m., January 7, 2003

PLACE: Palm Beach Gardens Community High School, 4245 Holly Drive, Palm Beach Gardens, Florida

PURPOSE: Florida’s Turnpike Enterprise of the Florida Department of Transportation scheduled a public hearing to allow an opportunity to provide input to changes in the Toll Facilities Description and Toll Rate Schedule required by the construction of an interchange constructed for SunPass use only on Florida’s Turnpike at State Road 710/Northlake Boulevard in Palm Beach County.

NOTE: A design public hearing, which was scheduled at the same date, time, and place is also being rescheduled by separate notice in Section VI of this Florida Administrative Weekly.

The original Notice of Rulemaking was published in Vol. 28, No. 34, Florida Administrative Weekly, dated August 23, 2002. The Change Notice, which scheduled the December 3, 2002, hearing was published in Vol. 28, No. 45, Florida Administrative Weekly, dated November 8, 2002.

**AGENCY FOR HEALTH CARE ADMINISTRATION**

**Medicaid**

RULE NO.: 59G-6.010

RULE TITLE: Payment Methodology for Nursing Home Services

**NOTICE OF CHANGE**

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in the Florida Administrative Weekly, pages 3267 and 3268, Vol. 28, No. 30, on July 26, 2002. This change is made to address written concerns expressed by the Centers for Medicare and Medicaid Services (CMS) at the public hearing on November 14, 2002. Rule 59G-6.010 incorporates the Florida Title XIX Long-Term Care Reimbursement Plan by reference.

1. “For purposes of this section, Medicare payment principles refer to Medicare principles of cost reimbursement and the Medicaid upper payment limit will be established using Medicare principles of cost reimbursement” has been added to the reimbursement plan. (Section I.)

2. “This provision shall be implemented to the extent that existing appropriations are available” has been deleted from the plan. (Section IV.J.3.d)

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: James Estes, Medicaid Program Analysis, 2727 Mahan Drive, Mail Stop 21, Tallahassee, Florida 32308, (850)414-2759



**AGENCY FOR HEALTH CARE ADMINISTRATION**

**Medicaid**

RULE NO.: 59G-6.020  
 RULE TITLE: Payment Methodology for Inpatient Hospital Services

**NOTICE OF CHANGE**

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in the Florida Administrative Weekly, pages 3268 and 3269, Vol. 28, No. 30, on July 26, 2002. This change is made to address concerns expressed by the Centers for Medicare and Medicaid Services (CMS).

Rule 59G-6.020 incorporates the Florida Title XIX Inpatient Hospital Reimbursement Plan by reference.

1. Appendix B has been added to the plan to specify the 2002-03 Disproportionate Share Hospital (DSH) appropriations as follows:

**APPENDIX B TO FLORIDA TITLE XIX INPATIENT HOSPITAL REIMBURSEMENT PLAN**  
**Florida Medicaid Disproportionate Share Hospital (DSH) Appropriations**

<b>Disproportionate Share Program</b>	<b>2002-03 State Appropriation*</b>	<b>Plan Section for DSH Formula</b>
Regular DSH	\$134,851,971	(Section V.D.)
Outlier Payments DSH (Regional Perinatal Intensive Care Center)	\$7,455,159	(Section V.E)
Teaching Hospitals DSH	\$20,888,999	(Section V.F.)
Mental Health DSH	\$53,362,198	(Section V.G.)
Rural DSH	\$12,718,166	(Section V.H.)
Specialty DSH	\$2,444,444	(Section V.I)
Primary Care DSH	\$10,772,407	(Section V.J)
Children's DSH	\$0	(Section V.K.)

\*These amounts are subject to change to comply with final federal DSH allotments.

2. Section V.C.12 (c), the sentence "Before the agency implements a change in a hospital's inpatient per diem rate pursuant to this paragraph, the Legislature must have specifically appropriated sufficient funds in the 2001-2002 General Appropriations Act to support the increase in cost as estimated by the agency" has been removed.

3. "Payments shall comply with the limits set forth in Section 1923(g) of the Social Security Act" has been added to Section V.D (8) of the plan.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: James Estes, Medicaid Program Analysis, 2727 Mahan Drive, Mail Stop 21, Tallahassee, Florida 32308, (850)414-2759

**DEPARTMENT OF MANAGEMENT SERVICES**

**Agency for Workforce Innovation**

RULE CHAPTER NO.: 60BB-2  
 RULE CHAPTER TITLE: Florida Unemployment Compensation Tax

**NOTICE OF CHANGE**

Notice is hereby given that the following changes have been made to the proposed rule published in Vol. 28, No.7, February 15, 2002 issue of the Florida Administrative Weekly.

The changes are made in response to objections proposed in accordance with s. 120.54(3)(d)1., F.S., by the Joint Administrative Procedures Committee. The rule is hereby submitted as a substantial change.

THE PERSON TO BE CONTACTED REGARDING THE RULE NOTICE IS: Veronica N. Moss, Agency for Workforce Innovation, Office of General Counsel, 107 E. Madison Street, MSC 150, Tallahassee, Florida 32399-4128

The rule shall now read as follows:

**60BB-2.022 Definitions.**

For the purpose of administering Chapter 443, Florida Statutes, the following definitions apply:

(1) Address of record: The mailing address of a claimant, employing unit, or authorized representative, provided in writing to the Agency, and to which the Agency shall mail correspondence.

(2) Agency: The Agency for Workforce Innovation and its designee, the Florida Department of Revenue. Pursuant to Section 443.1316, Florida Statutes, the Florida Department of Revenue is designated as a provider of tax collection services for the Agency for Workforce Innovation.

(3) Calendar quarter: Each period of three consecutive calendar months ending on March 31, June 30, September 30, and December 31.

(4) Cash Value of Board, Lodging, or Other Payment in Kind: When, pursuant to Section 443.036(40), Florida Statutes, board, lodging or other payments in kind are determined to be wages:

(a) The value of a place of residence shall be considered to be the greater of:

1. The amount agreed upon in the contract of hire, or
2. The fair market rental value of the property.

(b) Lodging shall include the cost of utilities, such as heat, electricity, gas, water and sewer service.

(c) Meals shall be valued as agreed upon in the contract of hire or, where no such agreement exists, at the same rate provided for State of Florida Class C travel subsistence as defined in Section 112.061(6)(b), Florida Statutes.

(5) Computation of time: In computing any period of time prescribed, calendar days will be counted; the date of issuance of notice shall not be counted. The last day of the period shall

be counted unless it is a Saturday, Sunday or holiday; in which event, the period shall run until the end of the next day that is not a Saturday, Sunday, or holiday.

(6) **Contributory employer:** An employer who is required or who has elected to pay a tax based on wages paid by that employer.

(7) **Filing date:** The postmark date of the United States Postal Service shall be the date of filing of reports, notices, protests, appeals and other documents mailed to the Agency or its designee, the Department of Revenue.

(8) **Holiday:** Those dates designated by Section 110.117(1) and (2), Florida Statutes, and any other day that the offices of the United States Postal Service are closed, according to 5 U.S.C. § 6103 (1996).

(9) **Reimbursable employer:** An employer which is liable for reimbursement payments in lieu of contributions.

(10) **Wages:**

(a) **Gross wages:** Total wages for insured employment.

(b) **Excess wages:** The difference between total wages and taxable wages.

(c) **Taxable wages:** That portion of an employer's payroll upon which contributions are due.

Specific Authority 443.171(2)(a) FS. Law Implemented 443.036(18),(19),(g),(20),(40), 443.121, 443.131, 443.171 FS. History—New 8-25-92, Amended 12-28-97, 12-23-98, 5-3-99, Formerly 38B-2.022, Amended \_\_\_\_\_.

#### 60BB-2.023 General Information.

(1) **Address of Record.** It is the responsibility of each employing unit to maintain a current address of record at all times with the Agency through its designee, the Department of Revenue.

(2) **Reports Prescribed by the Agency through its designee, the Department of Revenue.** Each employing unit shall make and file reports as prescribed by the Agency through its designee, the Department of Revenue, which shall include the worker's social security number.

(3) **Incomplete reports.**

(a) Any required report incomplete as to detail in accordance with instructions thereon, shall not be deemed a report and the employer shall be subject to the penalties imposed by Section 443.141(1)(b), Florida Statutes, until the filing of a signed and completed report in a format approved by the Agency, through its designee, the Department of Revenue.

(b) The Agency through its designee, the Department of Revenue, shall issue notification to employers of incomplete reports by letter or by one of the following forms:

1. Form UCT-FL06A, "Incomplete Report Notice" (Rev 05/01), or

2. Form UCT-FL13A, "Missing Wage Report" (Rev 05/01).

Both forms are incorporated by reference in Rule 60BB-2.037, F.A.C.

(4) **Amended and Corrected Reports.**

(a) **Amended Reports.** Amended reports shall be filed as directed by the Agency or its designee, the Department of Revenue, or as determined necessary by the employing unit. The decision of the Agency through its designee, the Department of Revenue, shall prevail whenever there is disagreement whether an amended report is necessary.

(b) **Corrected Reports.** Corrections to reports shall be made on Form UCT-8A, "Correction to Employer's Quarterly Report (UCT-6)" (Rev 04/01), incorporated by reference in Rule 60BB-2.037, F.A.C.

(5) **Extensions of Time for Filing Reports.** Pursuant to Sections 443.141(1)(b) and 443.141(2)(a), Florida Statutes, when a written request for an extension of time for filing a required report is received prior to the report's delinquent date, the Agency through its designee, the Department of Revenue, shall grant an extension not to exceed 30 days. Reports received within an approved extension period shall be considered timely.

Specific Authority 443.171(2)(a), FS. Law Implemented 443.036(19)(k), 443.141(1)(b),(2), 443.171(1),(2),(3),(7) FS. History—New 8-25-92, Amended 12-28-97, Formerly 38B-2.023, Amended \_\_\_\_\_.

#### 60BB-2.024 Initial Reports and Notification of Liability.

(1) **Employer Registration Report.**

(a) **Who Must File.** Each employing unit shall file an employer registration report with the Agency through its designee, the Department of Revenue. The report shall be filed on Form DR-1, "Application to Collect and/or Report Tax in Florida" (Rev 05/02), incorporated by reference in Rule 60BB-2.037, F.A.C.

(b) **Signature.** The report shall include the signature and title of a person legally authorized to act on behalf of the employing unit.

(c) **Due Date.** The employer registration report shall be filed on or before the last day of the month immediately following the end of the calendar quarter in which the employing unit commenced operations.

(2) **Notification of Liability.**

(a) The Agency through its designee, the Department of Revenue, shall issue written notification of liability, including the date liability commenced upon finding that an employing unit is liable for payment of contributions.

(b) Pursuant to Section 443.131, Florida Statutes, the notification of liability shall state the contribution rate applicable to the wages paid by the employer.

(3) The Agency or its designee, the Department of Revenue, shall require completion of Form UCS-6061, "Independent Contractor Analysis" (Rev 01/01), which is incorporated by reference in Rule 60BB-2.037, F.A.C., upon finding that more information is necessary to establish whether workers are employees or independent contractors.

Specific Authority 443.171(2)(a) FS. Law Implemented 443.036(18),(19),(20), 443.131, 443.141(2), 443.171(1),(7) FS. History--New 8-25-92, Formerly 38B-2.024, Amended \_\_\_\_\_.

#### 60BB-2.025 Reports Required of Liable Employers; Filing of Reports by Electronic Means.

##### (1) Quarterly Reports.

(a) Each contributory and reimbursable employer is required to file a quarterly report using Form UCT-6, "Employer's Quarterly Report" (Rev 12/01), incorporated by reference in Rule 60BB-2.037, F.A.C.

##### (b) Each quarterly report shall:

1. Be filed with the Agency through its designee, the Department of Revenue, no later than the last day of the month following the calendar quarter to which it applies, except for reports filed by electronic means which shall be filed as provided in paragraph (6) of this rule entitled "Filing Reports by Electronic Means". (However, an employer reporting for the first time is authorized 15 consecutive calendar days from the notification date of liability to submit an initial reports without penalty charges.); and

2. Be filed for each calendar quarter during which the employer was liable under the law, whether or not any contributions are payable. If there was no employment during the calendar quarter to which the report applies, the report must be completed to so reflect; and

3. Include wages paid at regular and irregular intervals during the calendar quarter; and

4. Include commissions and bonuses and the cash value of all remuneration paid in any medium other than cash during the calendar quarter.

(2) Wages Paid. For the purpose of this section wages have been paid when the wages are:

(a) Actually received by the worker; or

(b) Made available so they may be drawn upon by the worker; or

(c) Brought within the control and disposition of the worker, even if not possessed by the worker.

##### (3) Change in Status.

(a) Sale, conveyance or other disposition of a business or any part thereof, or any cessation of business for any reason. Every liable employer shall notify the Agency in writing, through its designee, the Department of Revenue of such changes in status. This change shall:

1. Be reported on or before the due date of the next Employer's Quarterly Report; and

2. State the name and address of the person, firm or corporation to whom the business was sold, conveyed or otherwise transferred; and

3. Include the name and address of the trustee, receiver, or other official placed in charge of the business when the status change results from bankruptcy, receivership or other similar situation; and

4. Be made by the employer's court appointed personal representative when the status change results from the death of an employer or, in the event no personal representative is appointed, the report shall be made by the heirs succeeding in interest of the employer; and

5. Be made by the former partners or joint adventurers when the change is due to dissolution of a partnership or joint venture.

(b) Other Changes. Employers shall report other changes in status on Form UCS-3, "Employer Report Account Change Form" (Rev 08/01), incorporated by reference in Rule 60BB-2.037, F.A.C.

##### (4) Employee Leasing Company Reports.

(a) Client List. Each employee leasing company shall submit a list to the Agency through its designee, the Department of Revenue, that identifies by name and address all clients that lease workers from the company. The name and social security number of each leased worker is to be listed under the respective client.

(b) Filing Date. The client lists shall cover the 6 month periods of time ending June 30 and December 31 of each year. The lists shall become delinquent on August 1st and February 1st respectively.

##### (5) Special Reports.

(a) The employer shall, upon request of the Agency or its designee, the Department of Revenue, promptly furnish a written statement of the wages of any worker, whenever such statement is necessary to determine such worker's eligibility for and rate of benefits. If such statement includes wages that were earned in a pay period extending over more than one calendar quarter, such wages shall be prorated in accordance with the procedures for monetary determinations contained in Chapter 60BB-3, F.A.C. The employer shall comply with this rule by filing a properly completed UCS-8, "Firm's Statement of Claimant's Work and Earnings" (Rev 04/01), which is adopted by reference in Rule 60BB-2.037, F.A.C.

(b) Magnetic Media Reporting. Employers who report by magnetic media shall submit Form UCT-50T, "Magnetic Media Reporting Transmittal" (Rev 01/01) incorporated by reference in Rule 60BB-2.037, F.A.C.

(6) Filing Reports by Electronic Means. All persons, including employers, who file reports by electronic means shall comply with the Department of Revenue's rule provisions contained in Rule Chapter 12-24, F.A.C., which rule provisions, are incorporated by reference.

Specific Authority 443.171(2)(a) FS. Law Implemented 443.131(3)(g)4., 443.163, 443.171(1),(2),(3),(7) FS. History--New 8-25-92, Formerly 38B-2.025, Amended \_\_\_\_\_.

## 60BB-2.026 Determinations to Liable Employers.

(1) Notification of Benefits Paid and Charged. The notice shall be provided on Form UCT-1, "Notice of Benefits Paid" (Rev. 12/00) and Form UCT-29, "Unemployment Compensation Reimbursement Invoice" (Rev. 03/01), which are adopted by reference in Rule 60BB-2.037, F.A.C.

(a) Notification Date. A statement of the benefits paid shall be mailed to the employer within 30 days after the end of each calendar quarter.

(b) Notification Content. The statement will include the name, social security number and the total amount of benefits paid to each claimant during the calendar quarter which have been charged or invoiced to the employer's account.

(c) Application for Redetermination. Such notification shall be conclusive and binding, unless the employer files an application for redetermination with the Agency based on claimant or employer identity within (20) days of the mailing date of such notification. Such application shall not serve to contest employer liability or chargeability for benefits paid in accordance with a determination, redetermination, or a decision pursuant to Section 443.151, Florida Statutes.

(d) Hearing before Appeals Referee.

1. Any appeal from a determination or redetermination with respect to the payment of benefits which involves the issue of whether an employer's account shall be charged as provided in Section 443.131(3)(a), Florida Statutes, and in Rule 60BB-3.018 will be heard and decided by an appeals referee, in accordance with the provisions of Chapter 60BB-5, F.A.C.

2. When an appeal from a determination or redetermination is filed pursuant to section 443.151(4)(b), Florida Statutes, involving the application of Section 443.101, Florida Statutes, the Appeals Referee shall, in the same proceeding, hear and decide any collateral issue with respect to the applicability of Section 443.101, Florida Statutes, and any collateral issue as to whether benefit payments made pursuant to the decision shall be charged to the employer's account.

(2) Adjustment of Charges.

(a) Contributory Employer. When it is found that any benefits charged to an employer's employment record were paid through error, or fraudulently obtained, the record of such employer shall be adjusted to remove such charges. Adjustment of charges to employer records shall be applied to the current calendar quarter. However, when the employer has timely protested the tax rate, or, if the employer determines that the tax rate has been adversely affected by the charge, and applies for a tax rate adjustment, pursuant to Section 443.131(3)(i), Florida Statutes, such adjustment shall be made applicable to the calendar year in which the benefit payments were charged.

(b) Reimbursable Employer: When a reimbursable employer has been billed for benefits which are subsequently determined by the Agency to be overpayments, the amount of

such benefits which are recouped or recovered by the Agency will be credited on a pro rata basis to the reimbursable employer or refunded in the event the employer has no balance due.

(3) Notice of Tax Rate Pursuant to Computation of a Benefit Ratio. When the employer first becomes eligible for computation of a benefit ratio as provided in Section 443.131(3)(b), Florida Statutes, the Agency through its designee, the Department of Revenue, shall:

(a) Assign a contribution rate according to the benefit ratio and adjustment factors. This rate will be effective for the calendar quarter in which eligibility is established and for the remainder of that calendar year.

(b) Notify the employer of the contribution rate not less than fifteen days prior to the end of the calendar quarter for which the rate is to be effective.

Specific Authority 443.171(2)(a) FS. Law Implemented 443.131(3),(4), 443.141(2)(b), 443.151(3)(c),(4)(b)1., 443.171(1) FS. History--New 8-25-92, Formerly 38B-2.026, Amended \_\_\_\_\_.

## 60BB-2.027 Payment of Contributions.

(1) Payment to be Submitted with Quarterly Reports. Payment of contributions shall be submitted concurrently with contribution reports except for payment by electronic means which shall be submitted as provided in paragraph (2)(a) of this rule. Contributions shall be payable for each calendar quarter with respect to wages paid during such calendar quarter except as otherwise provided in this rule and Section 443.131(4), Florida Statutes.

(2) Due and Payable Dates.

(a) Contributions are due and payable no later than the last day of the month following the calendar quarter for which they are payable and become delinquent on the first working day of the following month except for payments submitted by electronic means. All persons, including employers, that submit payments by electronic means including but not limited to electronic funds transfer (EFT) or Internet methods shall comply with the Department of Revenue's rule provisions contained in Chapter 12-24, F.A.C., regarding payment by electronic means, which rule provisions are incorporated herein by reference.

(b) The first contribution payment of an employing unit which has become an employer shall include contributions which have accrued for the entire period of liability and shall become due and payable no later than the last day of the month following the close of the calendar quarter in which such employing unit:

1. Met the liability provisions of the law, or

2. Elected, with written approval by the Agency through its designee, the Department of Revenue, to become an employer.

(3) Partial Payments. When an employer has partially paid contributions for any period before the delinquent date, the taxable payroll for such period shall be included in the

employer's annual or quarterly payroll in the proportion that contributions paid for the period bear to the contributions due for such period.

Specific Authority 443.171(2)(a) FS. Law Implemented 443.131(1),(3)(f), 443.121(3), 443.171(1), 443.191 FS. History–New 8-25-92, Formerly 38B-2.027, Amended \_\_\_\_\_.

#### 60BB-2.028 Delinquent Accounts.

(1) Application of Partial Payments. When a delinquency exists in the account of an employer not in bankruptcy and payment in an amount less than the total delinquency is submitted, the Agency through its designee, the Department of Revenue, shall apply the payment to the delinquency in such manner as the payer directs. In the absence of specific written directions from the employer, the Agency through its designee, the Department of Revenue, shall apply a partial payment to billed quarters of delinquency in a manner most beneficial to the employer, satisfying first contributions, next interest, next penalty, next service fee, and then filing fee, in each quarter in full before application of the remainder of such payment to the next earlier quarter of delinquency. Once payment is applied pursuant to these rules, the application of payment shall not be changed.

(2) Billing. As provided in Section 443.131(3)(h)1., Florida Statutes, the term "incurred by" shall be applicable only after the indebtedness has been billed, but unpaid, for at least four (4) consecutive calendar quarters.

#### (3) Notice of Indebtedness Affecting Tax Rates.

(a) Notice of indebtedness shall be mailed at least thirty days prior to the effective date of rating to each employer whose tax rate may be affected. Such indebtedness must be paid by the last day of the calendar quarter in which notification was mailed.

(b) An employer who is not notified of indebtedness because it was in an inactive status, as defined in Section 443.121(4), Florida Statutes, will be notified of the indebtedness when it returns to active status and the indebtedness must be paid within 30 days of the mailing date of the notification.

(4) Waiver of Penalty and Interest for Delinquent Reports. Pursuant to Sections 443.1316 and 443.141(1), Florida Statutes, the Agency through its designee, the Department of Revenue is authorized to waive imposition of interest or penalty when the employer files a written request for waiver establishing that the imposition of interest or penalty would be inequitable. Examples of such inequity include situations where the delinquency was caused by one of the following factors:

(a) The required report being addressed or delivered to the wrong state or federal agency.

(b) Death or serious illness of the person responsible for the preparation and filing of the report.

(c) Destruction of the employer's business records by fire or other casualty.

(d) Unscheduled and unavoidable computer down time.

(e) Erroneous information provided to the employer by the Agency or its designee, the Department of Revenue; failure of the Agency through its designee, the Department of Revenue to furnish proper forms upon timely application by the employer; inability of the employer to obtain an interview with a representative of the Agency or its designee, the Department of Revenue. In each of these cases, a diligent attempt to obtain the necessary information or forms must have been made by the employer in sufficient time that prompt action by the Agency through its designee, the Department of Revenue would have allowed the reports to be filed timely.

Specific Authority 443.171(2)(a) FS. Law Implemented 443.121(4), 443.131(3)(f),(h), 443.141, 443.171(1) FS. History–New 8-25-92, Amended 12-23-98, Formerly 38B-2.028, Amended \_\_\_\_\_.

#### 60BB-2.029 Changing Methods of Reporting – Nonprofit and Governmental Employers.

(1) A nonprofit or governmental employer will be assigned a new employer tax rate pursuant to Section 443.131(3), Florida Statutes, when changing from the reimbursement method to the contribution method of reporting. The wages reported and benefits reimbursed assignable to the period the reimbursement method was in effect will be disregarded for experience rating purposes.

(2) A nonprofit or governmental employer changing from the reimbursement method to the contribution method shall continue reimbursing the fund until no benefit payments are made based on wages paid while reporting under the reimbursement method. The employer's requirement to report and pay taxes will begin with the effective date of the election of the contribution method.

(3) If a nonprofit or governmental employer changes from the contribution method to the reimbursement method and subsequently changes back to the contribution method, the employment experience in both the current and preceding periods of operation under the contribution method will be used.

Specific Authority 443.171(2)(a) FS. Law Implemented 443.121(4), 443.131(4),(5), 443.171(1) FS. History–New 8-25-92, Formerly 38B-2.029.

#### 60BB-2.031 Succession.

When a succession has occurred, the Agency through its designee, the Department of Revenue, shall notify, pursuant to Section 443.131(3) and 443.1316, Florida Statutes, each affected employer of any tax rate change that would result from a transfer of employment records. Upon notification, the successor may, at its discretion, apply for transfer of employment records of the predecessor.

(1) Transfer of Employment Records.

(a) Form to be Used for Application.

1. Total and Partial Succession. Application for transfer of the employment records of a predecessor employer is to be made on Form UCS-1S, "Report to Determine Succession and Application for Transfer of Experience Rating Records," (Rev 12/01) incorporated by reference in Rule 60BB-2.037, F.A.C.

2. Partial Succession. Successor employers when applying for a transfer of employment records due to a partial succession must obtain the consent of the predecessor and, as outlined below, timely report all transfers of identifiable and segregable units. The Agency through its designee, the Department of Revenue, shall then determine the percentage of employment history to be transferred. A portion of the business shall not be considered to be segregable unless that portion is a distinct entity that could operate independently of the remainder of the business. Successor employers when applying for a transfer of employment records due to a partial succession, must additionally;

a. Establish that the records to be transferred are an identifiable and segregable unit and provide the date the unit being transferred first employed workers.

b. Ensure that complete and accurate information is filed with the Agency through its designee, the Department of Revenue, within ninety (90) days of the date the partial succession commenced, or the application shall be denied. Upon receipt of information filed timely, the Agency through its designee, the Department of Revenue, shall find the percentage of employment history to be transferred from the predecessor's records to the successor's record and so notify the employers in accordance with the provisions of this rule. The percentage will be calculated by dividing the number of employees transferred to the successor by the total number of employees of the predecessor prior to the transfer. This percentage will then be applied to the benefit charges and taxable payroll of the predecessor and the resulting amount will create the employment history to be transferred to the successor's account. The employment history that is transferred will be applied to the successor's records in the same quarter as the employment history is removed from the predecessor's records. The predecessor shall remain liable for benefit charges paid to transferred employees for any claim based on wages paid by the predecessor up to the date of succession. Upon being timely notified by the parties of the partial succession, the Agency through its designee, the Department of Revenue, shall notify the parties of their proposed tax rates. The Agency through its designee, the Department of Revenue, shall revoke, within three (3) years of the date of the partial succession, a previously approved transfer if the Agency through its designee, the Department of Revenue, finds that the parties submitted materially inaccurate or incomplete information.

(b) Time Limit for Application. Pursuant to Section 443.131(3)(g)1., Florida Statutes, the Agency through its designee, the Department of Revenue, shall notify each

successor who was not an employer prior to the succession, of liability as a successor and the right to apply for transfer of the predecessor's employment records. The Agency through its designee, the Department of Revenue, shall notify each successor who was already an employer of the right to apply for a transfer of the predecessor's employment records. The successor shall have 30 days from the mailing date of the notification to apply for a transfer of the records of the predecessor. If this time limit is not met, the Agency through its designee, the Department of Revenue, shall not grant the application.

(c) Withdrawal of Application or Permission for Employment Record Transfer. An employer will have 30 days from the mailing date of the notice of proposed tax rate in which to withdraw in writing its application or permission for the transfer. Failure to make timely written withdrawal will constitute acceptance of the transfer.

(2) Tax Rate of Total Successor and Predecessor Upon Transfer of Employment Record.

(a) The tax rate of a successor who was already an employer will remain unchanged for the remainder of the calendar quarter in which the total succession occurred. Thereafter, the rate shall:

1. Be the combination of the successor's own employment experience record with that of the predecessor; and
2. Be assigned from the first day of the calendar quarter immediately following the date of succession; and
3. Remain in effect until the successor next qualifies for a computation of a benefit ratio.

(b) The tax rate of a total successor who was not already an employer shall:

1. Be the tax rate of the predecessor employer from the date of succession; and
2. Remain in effect until the successor qualifies for a computation of a benefit ratio.

(c) The tax rate of the predecessor shall be:

1. The initial rate, if employment is continued; or
2. The earned rate, if the only wages paid are for employment that occurred prior to the succession.

(3) Tax Rate of Predecessor Upon Transfer of Employment Record and Partial Successor.

(a) Tax Rate of the Predecessor.

1. The experience of the transferred portion of the predecessor's account shall be removed from the experience rating record of the predecessor as of the effective date of the succession.

2. The tax rate of the predecessor shall remain unchanged until the predecessor next qualifies for a computation of a benefit ratio. Should this occur prior to the approval of the transfer, the rate computation for the immediately following rate year shall be based on the employment inclusive of the portion sought to be transferred. After approval, the Agency

through its designee, the Department of Revenue, shall recompute the rate of the predecessor for the entire rate year using only that portion of the employment experience remaining after the transfer has been completed.

(b) Tax Rate of the Partial Successor.

1. The tax rate of the partial successor who was already an employer will be based on the combination of the successor's own employment experience, if any, with the transferred employment experience of the predecessor, computed and effective as of the beginning of the calendar quarter immediately following the effective date of the succession.

2. A partial successor who was not already an employer shall become an employer as of the effective date of the succession. The tax rate from between the date of succession and until the partial successor becomes eligible for an earned rate shall be the initial rate provided by Section 443.131(2)(a), Florida Statutes. For each calendar year following, the Agency through its designee, the Department of Revenue, shall compute the tax rate pursuant to Section 443.131(3)(b), Florida Statutes, on the basis of the successor's own experience, if any, combined with the experience of the transferred records.

Specific Authority 443.171(2)(a) FS. Law Implemented 443.036(18),(19),(20), 443.131(3)(b),(e),(g), 443.171(1) FS. History—New 8-25-92, Amended 12-7-97, Formerly 38B-2.031, Amended \_\_\_\_\_.

60BB-2.032 Employing Unit Records.

(1) Retention of Records. Each employing unit shall maintain all records pertaining to remuneration for services performed. Such records shall be maintained for a period of five years following the calendar year in which the services were rendered and shall be made available to the Agency or its designee, the Department of Revenue, upon request.

(2) Record Contents. Records shall contain true and accurate information with reference to each worker as follows:

(a) Name and social security number; and

(b) Place of employment within the State. For the purpose of this rule, the place of employment shall be recorded as the county in Florida in which the work was performed. The place of employment of a worker who performs work in more than one county shall be recorded as the county in Florida which serves as the worker's base of operation; or if the worker has no base of operations in Florida, the place of employment shall be recorded as the State of Florida at large; and

(c) Beginning and ending dates of each pay period and dates on which work was performed during each pay period; and

(d) Amount of wages paid to each worker for each pay period and dates of payment. If wages were paid on an hourly or piece rate basis, the records shall state for each day the wages earned on such basis and the dates of payment. If paid on an hourly basis, the number of hours worked in each pay period shall be recorded; and

(e) Date(s) hired, re-hired, and returned to work after temporary separation from work, and the date(s) of separation; and

(f) Special payments of any kind. All special payments, including bonuses, gifts, prizes, etc., shall be recorded separately. The record shall include the amount of money payments, reasonable cash value of other remuneration, the nature of such payments and, if appropriate, the period during which services were performed in return for such payments; and

(g) The address of each location where payroll records are maintained.

(3) Failure to Maintain Records. Liability for any employing unit which fails to maintain and provide records of employment required by this rule shall be effective on the date that the available information indicates employment first occurred. The Agency through its designee, the Department of Revenue, shall advise each employer in writing to keep and maintain the payroll records required by this rule when liability has been determined in accordance with this subsection. Such notice shall be personally served upon the employer or sent by registered or certified mail to the employer's address of record.

Specific Authority 443.171(2)(a) FS. Law Implemented 443.071(2),(3), 443.141(2), 443.171(1),(7) FS. History—New 8-25-92, Formerly 38B-2.032.

60BB-2.035 Protests of Liability, Assessment, Reimbursement and Tax Rate – Special Deputy Hearings.

(1) Statutory References. Special deputies shall conduct hearings and issue recommend orders to the Director or Director's designee on all protests of determinations of liability pursuant to Sections 443.036(18), (19) & (20), Florida Statutes; protests by employers of the assignment of tax rate pursuant to Section 443.131(3)(i)1., Florida Statutes, protests by employers of assessment levied pursuant to Sections 443.141(2)(a) and 443.141(3)(g), Florida Statutes; protests by reimbursable employers of the requirement to reimburse pursuant to Sections 443.131(4)(a)4. and 443.131(4)(b)4. and Section 443.131(5), Florida Statutes.

(2) Parties. The Agency through its designee, the Department of Revenue, shall be a party respondent in all of the above protests. Where a protest arises from a claim or claims for benefits, those claimants shall be joined as parties.

(3) Timely Protest. All applications for review of tax rates and all protests of liability and reimbursement billing must be in writing, signed by the protesting party or an authorized representative, and should contain a short and concise statement of the facts and grounds for disagreement.

(a) Determinations will become final and binding unless application for review and protest is filed with the Agency within 15 days from the mailing date of the determination. If not mailed, the determination will become final 15 days from the date the determination is delivered.

(b) If the protest appears to have been filed untimely, the Agency will issue an Order to Show Cause to the Petitioner, requesting written information as to why the protest should be considered timely. If the Petitioner does not, within 15 days after the mailing date of the Order to Show Cause, provide written evidence that the protest is timely, the protest will be dismissed.

(4) Acceptance or denial by the Agency Director or the Director's designee.

(a) Each application for review of tax rate, assessment, or redetermination filed pursuant to Sections 443.131(3)(i)1., 443.131(4)(b), 443.141(2)(a), Florida Statutes, shall be considered by the Director or Director's Designee. When the application alleges facts which, if true, would entitle the applicant to a favorable redetermination, the Director or the Director's designee shall grant the application for review; otherwise the application shall be denied.

(b) If a timely application for review is granted, the Agency shall conduct an administrative hearing in the matter.

(5) Burden of Proof. The burden of proof shall be on the protesting party to establish by a preponderance of the evidence that the determination of the Agency through its designee, the Department of Revenue was in error.

(6) Hearing Locations. Except for hearings held telephonically, hearings shall be held at a location within a reasonable distance from the protesting employing unit location, unless the parties mutually agree to a different location.

(7) Furnishing Documents to the Parties. Pursuant to Section 443.171(7), Florida Statutes, the Agency shall produce to a party documents and official records in its possession necessary for the presentation of the case upon receipt of the party's written request prior to the hearing. Any application for information from the Agency shall state, as clearly as possible, the specific information desired.

(8) Subpoenas.

(a) The special deputy may issue subpoenas pursuant to Section 443.171(8), Florida Statutes, requiring the attendance of witnesses or production of records, files and memoranda from any place in the state at any designated place of hearing before a special deputy for the purpose of taking the testimony of such witnesses or inspection of documents upon written application of any party of record or upon the special deputy's own motion. The application for subpoena shall state the full name and address of the witness for whom the subpoena is to be issued and the time and place for the witness to appear. Requests for subpoenas duces tecum must describe with particularity the documents to be brought by the witness. The application must be delivered to the office of the special deputy sufficiently in advance of the scheduled date of the hearing to allow service prior to the hearing.

(b) A subpoena may be served by any person authorized by law to serve process or by any other person who is not a party and who is of majority age. Service may be made by a party's attorney or representative. Proof of personal service shall be made by certification of the person making service if not served by an officer authorized by law to do so. If service is made by certified mail, the returned postal service receipt shall be proof of service.

(c) Any person subject to a subpoena may, for any of the grounds set forth in Section 120.569(2)(k)1., Florida Statutes, file with the special deputy a motion to quash or limit the scope of the subpoena. The motion must be made sufficiently in advance of the date set for compliance with the subpoena to allow the special deputy to rule on the motion and provide notice to the parties of the ruling. If the special deputy's written ruling is not received prior to the date set for compliance, the moving party shall appear at the designated time and place prepared to comply with the subpoena, provided that the moving party shall be entitled to an oral ruling on the motion entered into the record at the inception of the hearing.

(d) If a person fails to comply with a subpoena, the party requesting the subpoena may seek enforcement by filing a petition for enforcement pursuant to Section 120.569(2)(k)2., Florida Statutes, in the circuit court of the judicial circuit wherein the person in noncompliance resides.

(9) Discovery. Parties may obtain discovery as provided in Rules 1.280 through 1.410, Florida Rules of Civil Procedure. Upon request by a party the special deputy is authorized to issue orders to effectuate the purposes of discovery and to prevent delays, including orders shortening the period of time during which discovery is to be performed.

(10) Appeals Procedures. Appeals procedures shall be in accordance with Section 120.57, Florida Statutes, and this rule.

(11) Post Hearing Procedures.

(a) The parties shall have 15 days from the date of the close of testimony to submit written proposed findings and conclusions with supporting reasons. If mailed, the postmark date will be considered the date of submission. However, no additional evidence will be accepted after the hearing has been closed.

(b) The special deputy shall prepare and transmit a recommended order including findings of fact and conclusions of law together with the record of the proceedings and the parties' proposed findings and conclusions to the Director or the Director's designee for decision.

(c) Any party aggrieved by the recommended Order may file written exceptions to the Director or the Director's designee within 15 days of the mailing date of the recommended Order.

(d) Any opposing party may file counter exceptions within 10 days of the mailing of the original exceptions.

(e) A brief in opposition to the counter exceptions may be filed within 10 days of the mailing of the counter exceptions.



(f) Any party initiating correspondence pursuant to items (a) through (e) of this subsection must send a copy of the correspondence to each of the parties contained on the notice of hearing, and indicate that copies were sent.

(12) Extensions of Time. Upon application, an extension of time will be granted for submitting proposed findings of fact and conclusions of law, and for submitting exceptions, counter-exceptions and briefs. The application for extension of time, including the reason for the request and the amount of time requested, must be received by the special deputy, in writing, prior to the expiration of the original deadline.

(13) Non-Appearance of Petitioner. The failure of the petitioner to appear at the hearing or to comply with any lawful order will be cause for dismissing the appeal. Upon written request of the petitioner, the special deputy shall, for good cause, rescind a recommended order of dismissal and reopen the appeal, if the request has been filed within 15 days of the mailing of the recommended order.

(14) Director's Order. The Director or the Director's designee shall make a decision and issue a written order in the matter and serve a copy of the order to the parties by certified mail.

(15) Finality. Orders of the Deputy Director or the Director's designee shall become final after the time has expired for seeking judicial review, provided such review has not been invoked.

Specific Authority 443.171(2)(a) FS. Law Implemented 120.57, 120.58(1),(2),(3), 443.036(18),(19),(20), 443.131(3),(4),(5), 443.141(2),(3), 443.151(3)(c), 443.171(1),(7),(8),(9),(10) FS. History--New 8-25-92, Formerly 38B-2.035, Amended \_\_\_\_\_.

60BB-2.037 Forms.

(1) The following forms are incorporated by reference.

(a) Form DR-1, Application to Collect and/or Report Tax in Florida (Rev. 08/01).

(b) LES Form UCS-2A, Questionnaire for Voluntary Election of Unemployment Compensation Coverage Questionnaire (Rev. 09/01).

(c) Form UCS-1S, Report to Determine Succession and Application for Transfer of Experience Rating Records (Rev. 12/01).

(d) Form UCS-2, Voluntary Election to Become an Employer Under the Florida Unemployment Compensation Law (Rev. 08/01).

(e) Form UCS-3, Florida Department of Revenue Employer Account Change Form (Rev. 08/01).

(f) Form UCS-6, Employers Reciprocal Coverage Election (Rev. 12/00).

(g) Form UCS-6061, Independent Contractor Analysis (Rev. 01/01).

(h) Form UCS-70, Application for Common Paymaster (Rev. 08/01).

(i) Form UCT-1, Notice of Benefits Paid (Rev. 12/00).

(j) Form UCT-6, Employer's Quarterly Report (Rev. 12/01).

(k) Form UCT-8A, Correction to Employer's Quarterly Report (UCT-6) (Rev. 4/01).

(l) Form UCT-18, Notice of Tax Lien (Rev. 12/00).

(m) Form UCT-29, Unemployment Compensation Reimbursement Invoice (Rev. 03/01).

(n) Form UCT-50T, Florida Department of Revenue Magnetic Media Reporting Transmittal (Rev. 01/01).

(o) Form UCT-FL06A, Incomplete Report Notice (Rev. 05/01).

(p) Form UCT-FL13A, Missing Wage Report (Rev. 05/01).

(q) Form UCT-62, Power of Attorney for Unemployment Tax (Rev. 11/01).

(r) Form UCS-8, Firm's Statement of Claimant's Work and Earnings (Rev. 04/01).

(2) Copies of forms. Forms incorporated in this rule are available from the Agency through its designee, the Department of Revenue by the following methods:

(a) Writing to the Florida Department of Revenue, Forms Distribution Center, 168 Blountstown Highway, Tallahassee, Florida 32304;

(b) Faxing a request to the Forms Distribution Center at 850-922-2208;

(c) Visiting any local Department of Revenue Service Center to personally obtain a copy;

(d) Calling the Forms Request Line during regular office hours at (800)352-3671 (in Florida only) or (850)488-6800;

(e) Downloading selected forms from the Department of Revenue's Internet site ([www.myflorida.com/dor](http://www.myflorida.com/dor))

(g) Dialing the TDD number for the Department of Revenue at 1-800-367-8331 for persons with hearing or speech impairments.

Specific Authority 443.171(2)(a) FS. Law Implemented 443.036 (19)(g),(34), 443.131, 443.171(1) FS. History--New \_\_\_\_\_.

**DEPARTMENT OF MANAGEMENT SERVICES**

**Commission on Human Relations**

RULE NO.:	RULE TITLE:
60Y-5.004	Executive Director's Investigatory Determination; Notice

**NOTICE OF WITHDRAWAL**

Notice is hereby given that the above rule, as noticed in Vol. 26, No. 34, August 25, 2000, Florida Administrative Weekly, has been withdrawn.

**DEPARTMENT OF HEALTH**

**Division of Disease Control**

<p>RULE NOS.: 64D-3.016</p> <p>64D-3.018</p>	<p>RULE TITLES: Reporting Requirements for Practitioners for Sexually Transmitted Diseases (STDs) Including HIV and AIDS</p> <p>Partner Notification</p>
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**NOTICE OF CHANGE**

Notice is hereby given that the following changes have been made to the proposed rules in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 28, No. 37, September 13, 2002, issue of the Florida Administrative Weekly. The changes are in response to comments received from the Joint Administrative Procedures Committee.

Subsection (1)(b) of Rule 64D-3.016 shall now read as follows:

(b) Except for AIDS and HIV, as indicated in paragraph 64D-3.016(1)(c), F.A.C., and hepatitis A and B as indicated in subsection 64D-3.002(2), F.A.C., all reports of sexually transmissible diseases shall be completed and submitted on the Florida Confidential Report of Sexually Transmitted Diseases, DH 720, 08/2002. The form, incorporated by reference in this rule, will be furnished by the local county health department.

Subsection (1) of Rule 64D-3.018 shall now read as follows:

(1) The department and its authorized representatives, when deemed necessary to protect public health, shall interview, or cause to be interviewed, all persons infected or suspected of being infected with a sexually transmissible disease.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Maresa R. Corder, Bureau of STD, Department of Health, 4052 Bald Cypress Way, Bin #A19, Tallahassee, FL 32399, (850)245-4605, Maresa\_Corder@doh.state.fl.us

**Section IV  
Emergency Rules**

**DEPARTMENT OF THE LOTTERY**

<p>RULE TITLE: Instant Game Number 459, FAST NEW YEAR'S CASH</p>	<p>RULE NO.: 53ER02-59</p>
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SUMMARY OF THE RULE: This emergency rule describes Instant Game Number 459, "FAST NEW YEAR'S CASH," for which the Department of the Lottery will start selling tickets on a date to be determined by the Secretary of the Department. The rule sets forth the specifics of the game; determination of prizewinners; and the estimated odds of winning, value, number and size of prizes in the game.

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

THE FULL TEXT OF THE EMERGENCY RULE IS:

53ER02-59 Instant Game Number 459, FAST NEW YEAR'S CASH.

(1) Name of Game. Instant Game Number 459, "FAST NEW YEAR'S CASH."

(2) Price. FAST NEW YEAR'S CASH lottery tickets sell for \$2.00 per ticket.

(3) FAST NEW YEAR'S CASH lottery tickets shall have a series of numbers in Machine Readable Code (or bar code) on the back of the ticket, along with a Void If Removed Number under the latex area on the ticket. To be a valid winning FAST NEW YEAR'S CASH lottery ticket, a combination of essential elements sufficient to validate the ticket must be present as set forth in paragraph 53ER92-63(1)(a), Florida Administrative Code. In the event a dispute arises as to the validity of any FAST NEW YEAR'S CASH lottery ticket, or as to the prize amount, the Void If Removed Number under the latex shall prevail over the bar code.

(4) The "YOUR NUMBERS" play symbols and play symbol captions are as follows:

INSERT SYMBOLS

(5) The "WINNING NUMBERS" play symbols and play symbol captions are as follows:

INSERT SYMBOLS

(6) The prize symbols and prize symbol captions are as follows:

INSERT SYMBOLS

(7) The legends are as follows:

INSERT SYMBOLS

(8) Determination of Prize Winners.

(a) A ticket having a number in the "YOUR NUMBERS" play area that matches either number in the "WINNING NUMBERS" play area shall entitle the claimant to the

corresponding prize shown for that number. A ticket may have up to ten sets of matching numbers. The prizes are: TICKET, \$2.00, \$3.00, \$5.00, \$10.00, \$20.00, \$25.00, \$50.00, and \$100. A claimant who is entitled to a prize of a "TICKET" shall be entitled to a prize of a \$2.00 instant ticket or any combination of instant and on-line tickets that totals \$2.00, except as follows. A person who submits by mail a FAST NEW YEAR'S CASH lottery ticket which entitles the claimant to a prize of a \$2.00 ticket and whose mailing address is outside the state of Florida will receive a check for \$2.00 in lieu of an actual ticket.

(b) A ticket having a "WIN \$50" symbol in the "YOUR NUMBERS" play area shall entitle the claimant to a prize of \$50.00.

(9) The estimated odds of winning, value, and number of prizes in Instant Game Number 459 are as follows:

<u>GAME PLAY</u>	<u>WIN</u>	<u>ODDS OF</u>	<u>NUMBER OF</u>
<u>TICKET</u>	<u>\$2 TICKET</u>	<u>1 IN</u>	<u>WINNERS IN</u>
			<u>42 POOLS OF</u>
			<u>120,000 TICKETS</u>
			<u>PER POOL</u>
\$2	\$2	18.75	268.800
\$2 x 2	\$4	25.00	201.600
\$2 + \$3	\$5	16.67	302.400
\$5	\$5	25.00	201.600
\$2 x 5	\$10	75.00	67.200
\$5 x 2	\$10	150.00	33.600
\$10	\$10	150.00	33.600
(\$2 x 5) + (\$5 x 3)	\$25	400.00	12.600
\$5 x 5	\$25	480.00	10.500
\$25	\$25	480.00	10.500
"Dollar Bill" Symbol	\$50	1,200.00	4,200
\$10 x 5	\$50	2,400.00	2,100
\$25 x 2	\$50	2,400.00	2,100
\$10 x 10	\$100	20,000.00	252
\$20 x 5	\$100	24,000.00	210
\$100	\$100	30,000.00	168

(10) The estimated overall odds of winning some prize in Instant Game Number 459 are 1 in 3.72. Some prizes, including the top prizes, may be sold out at the time of ticket purchase.

(11) For reorders of Instant Game Number 459, the estimated odds of winning, value, and number of prizes shall be proportionate to the number of tickets reordered.

(12) By purchasing a FAST NEW YEAR'S CASH lottery ticket the player agrees to comply with and abide by all rules and regulations of the Florida Lottery.

(13) Payment of prizes for FAST NEW YEAR'S CASH lottery tickets shall be made in accordance with rules of the Florida Lottery governing procedures for awarding prizes. A

copy of the current rule can be obtained from the Florida Lottery, Office of the General Counsel, 250 Marriott Drive, Tallahassee, Florida 32399-4011.

Specific Authority 24.105(9)(a),(b),(c), 24.109(1), 24.115(1) FS. Law Implemented 24.105(9)(a),(b),(c), 24.115(1) FS. History—New 11-15-02.

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

EFFECTIVE DATE: November 15, 2002

**DEPARTMENT OF THE LOTTERY**

RULE TITLE: Procedures for Awarding Prizes  
 RULE NO.: 53ER02-61

SUMMARY OF THE RULE: This emergency rule replaces Emergency Rule 53ER02-12 and sets forth the procedures that the Florida Lottery shall apply to awarding prizes.

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

THE FULL TEXT OF THE EMERGENCY RULE IS:

53ER02-61 Procedures for Awarding Prizes.

(1) General instructions for claiming a prize are printed on the back of every ticket.

(a) Winning on-line game tickets must be submitted for prize payment to an on-line retailer or Lottery office on or before the 180th day after the winning drawing, or mailed for prize payment to: Florida Lottery, Winner Validation, 250 Marriott Drive, Tallahassee, Florida 32399-9939, or by using the self-mailing envelope attached to the claim form. Any winning on-line game ticket mailed to the Lottery must be postmarked on or before the 180th day after the winning drawing.

(b) Winning instant game tickets must be submitted for prize payment to an instant-only retailer, on-line retailer or Lottery office on or before the 60th day after the official end of the game, or mailed for prize payment to: Florida Lottery, Winner Validation, 250 Marriott Drive, Tallahassee, Florida 32399-9939, or by using the self-mailing envelope attached to the claim form. Any winning instant ticket mailed to the Lottery must be postmarked on or before the 60th day after the official end of the game.

(c) If a valid claim is not made for a prize within the applicable time period, the prize shall constitute an unclaimed prize and shall be distributed as required by law. Unclaimed prizes shall not be distributed to other winners within the same prize pool.

(d) In order to be a valid winning lottery ticket, a combination of essential elements sufficient to validate the ticket must be present as set forth in either Emergency Rule 53ER92-63(1)(a), Instant Game Ticket Validation, or

Emergency Rule 53ER92-65(1)(a), On-line Game Ticket Validation, depending upon the type of ticket presented. Winning tickets must pass all applicable validation and verification tests prior to payment being made to the claimant.

(e) Winning tickets submitted to any drawing address intended for any game or promotional drawing or submitted in any envelope designated for such will not be paid or honored unless selected during the drawing.

(f) A person who mails a winning ticket shall bear the risk that the U.S. Postal Service or other carrier may fail to timely postmark and deliver the ticket to the Lottery.

(g) A person who submits by mail a lottery ticket that entitles the claimant to a prize of a "ticket" or "free ticket" and whose mailing address is inside the state of Florida will be mailed a prize of a ticket as follows. If the ticket submitted for payment is an instant lottery ticket, the claimant will receive an instant lottery ticket having the same retail sales price as the instant lottery ticket submitted for prize payment. If the prize is a free FANTASY 5 ticket, the claimant will receive a free FANTASY 5 quick pick ticket (\$1.00 value) for the next drawing after the ticket is validated, or if the free FANTASY 5 ticket is part of a FANTASY 5 multi-play ticket, the claimant will receive prize payment in accordance with the provisions of subsection (4) below.

(h) A person who submits by mail a lottery ticket that entitles the claimant to a prize of a "ticket" and whose mailing address is outside the state of Florida will receive a check in the amount of the retail sales price of the ticket in lieu of an actual ticket.

(i) A claimant who claims a prize on a winning advance play lottery ticket before all the drawings on the ticket have occurred will be issued a continuation ticket for the remaining drawings with the same play numbers as the original ticket.

(j) If a claimant whose mailing address is outside the state of Florida submits by mail an advance play lottery ticket that has drawings remaining that have not yet occurred, the Lottery will hold the claimant's advance play ticket until all the drawings have occurred. The Lottery will then validate the advance play ticket and mail the claimant one check for the total amount of any prizes won. If an out-of-state claimant requests prize payment prior to the date of the last advance play drawing, the Lottery will validate the ticket, mail the claimant a check for the total amount of any prizes won as of the date of ticket validation, and issue and maintain possession of a continuation ticket for the remaining drawings.

(2) Winning Tickets Less than \$600. Payment of any winning ticket of less than \$600 presented to a Lottery retailer, Lottery district office or Lottery Headquarters shall be made to the claimant upon successful ticket validation.

(a) Winning tickets of \$50 or less presented to a retailer shall be paid in cash by the retailer unless:

1. It is impossible or impracticable to do so due to a company or store policy which, for safety or security reasons, limits the amount of cash available to the clerk; or

2. It is impossible or impracticable to do so due to an applicable local government ordinance that limits the amount of cash available to the clerk.

(b) Winning tickets exceeding \$50 but less than \$600 presented to a retailer shall be paid by cash, check, or money order.

(c) No charge or fee shall be imposed by a retailer on a player for paying a winning ticket. This prohibition includes charging a fee for a money order issued to the player in payment of a prize when that is the only method of prize payment made available by the retailer.

(d) Winning tickets of \$100 or less presented to a Lottery district office will be paid by cash, check or issued lottery tickets at the claimant's option.

(e) Winning tickets with a value greater than \$100 but less than \$600 that are presented to a Lottery district office shall be paid by check or issued lottery tickets at the claimant's option.

(f) Winning tickets of less than \$600 submitted to Lottery Headquarters for payment shall be made by check.

(g) A player who presents a winning ticket of less than \$600 in person to a Lottery district office or Lottery Headquarters for payment by check shall be required to present one form of identification from the list in subsection (9). The identification is required to ensure proper check distribution.

(h) Winning tickets of less than \$600 shall be subject to and paid in accordance with subsections (5), (6), (7), and (8) below.

(3) Winning Tickets Valued at \$600 or Greater.

(a) Payment of winning tickets valued at \$600 or greater shall be made only by a Lottery office. Payment of winning tickets valued at \$600 or greater cannot be made by a retailer.

(b) A player may submit a winning ticket valued at \$600 or greater to any Lottery retailer or Lottery office for ticket validation. If a winning ticket valued at \$600 or greater is validated at a retailer location, the player shall retain the original ticket and any claim ticket(s) or player claim instructions ticket produced by the retailer terminal to submit with his or her claim to a Lottery office for prize payment processing.

(c) After successful validation of a winning ticket, the player shall file a claim by submitting to the Lottery a completed Winner Claim Form DOL 173-2, revised 2/01, or Spanish Winner Claim Form DOL 173-S, revised 2/01, along with the documentation set forth in subsections (5) and (9) below. The Winner Claim Forms are incorporated herein by reference and may be obtained at any Lottery office or retailer, or by writing the Florida Lottery, Public Information, 250 Marriott Drive, Tallahassee, Florida 32399-4016. Claims may be submitted either in person to any Lottery district office or to Lottery Headquarters, or by mail to Florida Lottery, Winner

Validation, 250 Marriott Drive, Tallahassee, Florida 32399-9939. The player should retain a copy of the completed Winner Claim Form and the player claim instructions ticket or the player copy of the claim ticket, if one was issued.

(d) Winning tickets valued at \$600 through \$250,000 that are submitted to a Lottery district office shall be paid by check and in accordance with subsections (5), (6), (7) and (8) below. Winning tickets valued at greater than \$250,000 submitted to a Lottery district office shall be forwarded to Lottery Headquarters for payment.

(e) Winning tickets valued at \$600 or more submitted to Lottery Headquarters shall be paid as follows and in accordance with subsections (5), (6), (7) and (8) below:

1. If the prize value is \$600 through \$250,000, payment shall be made by check.

2. If the prize value is greater than \$250,000 or is a prize for which there is a lump-sum option, payment shall be made by check or wire transfer at the claimant's option.

(4) FANTASY 5 Multi-play Tickets.

Additional payment provisions applicable only to winning FANTASY 5 multi-play tickets (tickets with more than one panel played for a single draw date) which include a cash prize and a fourth prize (free FANTASY 5 quick pick ticket) are as follows:

(a) A \$1.00 value for each fourth prize on a multi-play ticket shall be included in the total prize value of the ticket.

(b) FANTASY 5 multi-play tickets with a total prize value less than \$600 shall be paid by Lottery retailers or a Lottery office upon successful ticket validation. The claimant shall be paid the cash amount of the prize and given a free FANTASY 5 quick pick ticket for the next FANTASY 5 drawing for each fourth prize.

(c) FANTASY 5 multi-play tickets with a total prize value of \$600 or more shall be claimed at a Lottery office. Retailer locations cannot print free FANTASY 5 quick pick tickets that are part of a claim with a total value of \$600 or more.

1. If the claim is submitted to a Lottery office in person and the validation process for the FANTASY 5 multi-play ticket is successfully completed, the claimant will be paid the cash prize and shall be given one free FANTASY 5 quick pick ticket for the next FANTASY 5 drawing for each fourth prize.

2. If the claim is submitted by mail to a Lottery office and the FANTASY 5 multi-play ticket is successfully validated, the Lottery will pay the cash prize and if the winner's address is in Florida, print one free FANTASY 5 quick pick ticket for the next FANTASY 5 drawing for each fourth prize. The payment and the free ticket(s) shall be mailed to the claimant by the Lottery, except as set forth in paragraph (1)(h), above. A free ticket shall be mailed prior to the drawing applicable to that ticket.

3. If the claimant is identified as owing an outstanding debt as set forth in paragraph (8)(i), in an amount less than the cash portion of the prize net of any federal income tax

withholding, the non-cash portion of the prize (free ticket(s)) and the amount owed to the claimant after his or her debt is satisfied and taxes have been withheld shall be awarded. If the claimant is identified as owing an outstanding debt in an amount greater than the cash portion of the prize net of any federal income tax withholding, the cash portion of the prize remaining after taxes have been withheld will be applied toward the outstanding debt as provided in subsection 24.115(4), Florida Statutes, and the claimant will receive the remaining non-cash portion of the prize (free ticket(s)).

(5) Ticket Presentation and Payment. In accordance with the applicable provisions of subsections (2), (3), and (4), a claimant must present an original winning ticket to the Lottery or to a retailer, or present an original claim ticket or an original player claim instructions ticket produced from validation of an original winning ticket to the Lottery to claim a prize.

(a) If a claimant presents an original winning ticket and an original claim ticket or an original player claim instructions ticket produced from an original winning ticket, payment will be made in accordance with subsections (6), (7), and (8) below.

(b) If a claimant presents only an original winning ticket, the ticket will be validated and payment will be made in accordance with subsections (6), (7), and (8) below.

(c) If the claimant presents only an original claim ticket or an original player claim instructions ticket, the claim ticket or the player claim instructions ticket will be validated and payment will be made as follows:

1. For on-line prizes, payment will be made following expiration of 180 days after the winning draw date, provided that payment for the original winning ticket is not made before the expiration of 180 days.

2. For instant prizes, payment for prizes valued at \$600 through \$1,000 will be made following expiration of 180 days from the date the claim was filed or following expiration of 60 days after the official end of the game, whichever occurs sooner, provided that payment for the original winning ticket is not made before expiration of the 180 days or 60-day time period, whichever is applicable. Payment for prizes greater than \$1,000 will be made following expiration of 60 days after the official end of the game, provided payment for the original winning ticket is not made before expiration of the 60-day time period.

3. If the original winning ticket is presented and paid prior to expiration of the time periods set forth in subparagraphs (5)(c) 1., and 2., the claim based on the original claim ticket or the original player claim instructions ticket will be denied.

(d) In the event a claim for payment is made without an original ticket, an original claim ticket, or an original player claim instructions ticket, the claim will be denied unless the following occurs:

1. The claimant establishes to the Lottery's satisfaction that the absence of the original ticket, original player claim instructions ticket, or original claim ticket is attributable to the Lottery. Acts or omissions of Lottery retailers shall not be considered attributable to the Lottery; and

2. The Lottery, upon presentation by the claimant of documentary evidence, determines that the evidence is sufficient to validate the claim.

(e) If a claim is approved for payment under paragraph (5)(d), payment will not be made until the time for claiming a prize has expired.

(6) Taxes. Federal withholding taxes shall be applied to prizes in accordance with the Internal Revenue Code and Code of Federal Regulations.

(7) Regardless of how many persons or entities claim an ownership interest in a winning ticket, payment will be made to only one person or entity.

(8) The person to whom payment will be made for winning tickets submitted to the Lottery shall be determined as follows:

(a) If only one name appears on the back of the ticket, payment will be made to that person or entity.

(b) If the back of a ticket is blank or incomplete, data from the Winner Claim Form, if any, player correspondence, or the mailing envelope, in that order, shall be used to supplement the information.

(c) Instant tickets. If more than one name appears on the back of an instant ticket, payment shall be made to the person whose name appears first on the line designated for the name.

(d) On-line tickets.

1. If one player information section is completely filled out, payment shall be made to the person whose name appears first on the name line in the player information section that is completed.

2. If more than one player information section is completely filled out, payment shall be made to the person whose name appears first on the name line in the player information section nearest the top of the ticket.

3. If no player information section is completely filled out and more than one name appears on the back of the ticket, payment shall be made to the person whose name appears first on the name line in the player information section nearest the top of the ticket in which a name is present.

(e) If the name on the back of a ticket is that of a trust, corporation or other legal entity, payment shall be made to the trust, corporation or other legal entity. For those tickets valued at \$600 or more, no payment shall be made to a legal entity until the Lottery has received a copy of the entity's organizational documents which set forth the names and social security numbers of all shareholders, partners, beneficiaries, or other persons ultimately entitled to receive Lottery winnings.

(f) If the back of a ticket valued at \$600 or more is altered, defaced, or contains erasures, correction fluid, overwriting, or obliteration in the line designated for a name, an investigation will be conducted to determine to whom payment should be made, if anyone, in accordance with paragraphs (8)(d) and (e) above. If the ticket is valued at less than \$600, payment will be made to the person presenting the ticket for payment.

(g) If the Lottery is presented with undisputed information that payment of a prize as provided in paragraphs (8)(a) through (d) would result in payment to a person or entity who has no claim to the ticket, the Lottery will make payment to the person or entity it determines to be the rightful claimant based upon the undisputed information submitted to the Lottery.

(h) If the Lottery receives notification of a dispute of ownership of a specific ticket prior to prize payment, an investigation will be conducted to determine to whom payment should be made, if anyone.

(i) Any claimant of a prize of \$600 or more, and any person whose name appears on an Internal Revenue Service (IRS) Form 5754 filed by a claimant whose portion of the prize is \$600 or more, will be compared to the State Owed Debt system. All persons ultimately entitled to receive Florida Lottery winnings from a claim valued at \$600 or more filed by a legal entity, other than a corporation whose shares are publicly traded, will be compared to the State Owed Debt system. If such claimant or other person is identified as owing an outstanding debt to a state agency or owing child support collected through a court or spousal support or alimony as provided in subsection 24.115(4), Florida Statutes, following deduction of federal tax withholding, the remaining prize amount will be allocated as follows:

1. If the debt is owed by the claimant, notwithstanding taxability interests set forth on an IRS Form 5754, an amount sufficient to cover the amount owed, up to the total remaining prize amount, will be transferred to the state agency owed the debt. Any monies remaining after federal tax withholding and after collection of the debt will be paid to the claimant and reported as taxable as directed in the IRS Form 5754.

2. If the debt is of a person whose name appears on an IRS Form 5754 and subparagraph 1. is inapplicable, or who is entitled to receive Lottery winnings claimed by a legal entity, an amount sufficient to cover the person's debt, but not to exceed his or her percentage interest in the prize or entity, will be transferred to the state agency owed the debt. The monies remaining will be paid to the claimant on the ticket.

(9) Presentation of Identification.

(a) The claimant of a prize valued at \$600 or more will be required to present identification as detailed below. The name on the identification presented to the Lottery must match the name on the back of the winning ticket. If the name on the ticket back and the identification presented do not match, the

Lottery may request another form of identification listed below or request additional information to use in making its payment determination.

1. For prizes valued at \$600 through \$250,000 the following identification is required: one form of identification bearing a signature that is current or was issued within the past 5 years and bears a serial or other identifying number and a signature.

2. For prizes with a value greater than \$250,000 the following identification is required: one form of photo identification that is current or was issued within the past 5 years and bears a serial or other identifying number, or if photo identification is not presented, two forms of identification bearing a signature that are current or were issued within the past 5 years and bear a serial or other identifying number.

(b) Acceptable forms of identification include the following:

1. A Florida identification card or driver's license issued by the public agency authorized to issue driver's licenses;

2. A passport issued by the Department of State of the United States;

3. A passport issued by a foreign government if the document is stamped by the United States Immigration and Naturalization Service;

4. A driver's license or an identification card issued by a public agency authorized to issue driver's licenses in a state other than Florida, a territory of the United States, or Canada or Mexico;

5. An identification card issued by any branch of the armed forces of the United States;

6. An identification card issued by the United States Immigration and Naturalization Service; or

7. Another form of identification approved by the Lottery.

(c) A photocopy of required identification shall accompany claims valued at \$600 or greater that are submitted by mail.

(10) Players shall be instructed by a retailer or the Lottery to file a claim when any dispute arises regarding the amount or validity of an apparent winning ticket or when an apparent winning ticket will not validate using the terminal.

(11) No payment shall be made upon a ticket presented for payment that is reflected in the Lottery's records as having been canceled.

(12) The Lottery reserves the right to require the claimant of any winning ticket to disclose the source of the ticket.

(13) The Lottery's decision and judgments in respect to the determination of a winning ticket or of any other dispute arising from payment or awarding of prizes shall be final and binding upon all participants in the lottery unless otherwise provided by law or these rules. In the event a question arises relative to a winning ticket, or the payment or awarding of any prize, the Lottery is authorized to:

(a) Deposit the prize winnings into an escrow fund until it resolves the controversy and reaches a decision; or

(b) Petition a court of competent jurisdiction for instructions and a resolution of the controversy.

(14) Information for claiming a prize can be obtained by writing the Florida Lottery, Public Information, 250 Marriott Drive, Tallahassee, Florida 32399-4016, or by calling (850)487-7777.

(15) This emergency rule replaces Emergency Rule 53ER02-12, Florida Administrative Code.

Specific Authority 24.105(9)(e), 24.109(1), 24.115(1) FS, Law Implemented 24.105(9)(e), 24.115(1), 24.115(4) FS. History—New 11-15-02, Replaces 53ER02-12, F.A.C.

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

EFFECTIVE DATE: November 15, 2002

#### DEPARTMENT OF THE LOTTERY

RULE TITLE:

Payment of Prizes by Retailers

RULE NO.:

53ER02-62

SUMMARY OF THE RULE: This emergency rule sets forth the provisions for payment of prizes by retailers and replaces Emergency Rule 53ER01-51.

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

THE FULL TEXT OF THE EMERGENCY RULE IS:

#### 53ER02-62 Payment of Prizes by Retailers.

(1) A retailer shall pay only those winning lottery tickets valued less than \$600 that are validated through the retailer's terminal.

(2) A retailer shall ensure that sufficient funds are available by cash, check, or money order before validating any ticket to pay a prize.

(3) A retailer shall pay any winning ticket of \$50 or less in cash unless:

(a) It is impossible or impracticable to do so due to a company or store policy that for safety or security reasons, limits the amount of cash available to the clerk; or

(b) It is impossible or impracticable to do so due to an applicable local government ordinance that limits the amount of cash available to the clerk.

(4) A retailer shall pay any winning ticket exceeding \$50 but less than \$600 by cash, check, or money order.

(5) A retailer shall validate a winning ticket with a prize valued at \$600 or more. Once the ticket is validated, the retailer shall provide the player with the original ticket, continuation ticket, if one was issued, and the player claim instructions ticket produced by the retailer terminal. The retailer shall

instruct the claimant to complete and submit to the Florida Lottery a Winner Claim Form DOL 173-2, revised 02/01, or Spanish Winner Claim Form DOL 173-S, revised 02/01, incorporated herein by reference, for prizes of \$600 or more or when any dispute arises regarding the amount or validity of an apparent winning ticket or when an apparent winning ticket will not validate using the terminal. Forms may be obtained at any Lottery district office or retailer, from the Lottery's website at [www.flalottery.com](http://www.flalottery.com), or by writing the Florida Lottery, Public Information, 250 Marriott Drive, Tallahassee, Florida 32399-4016.

(6) A retailer shall be held responsible for and not receive credit for any prize paid for a ticket that was not a winner or was recorded in the gaming system as paid by another retailer.

(7) A retailer shall not pay any winning ticket of \$600 or more. A retailer who violates this subsection and fails to furnish to the Lottery the complete name, address and tax identification number of the player to whom payment was made in order to file a Form W-2G, shall be charged backup withholding pursuant to Internal Revenue Service (IRS) regulations, as well as a non-refundable \$50 service charge to offset any penalties and interest imposed by the IRS. If the IRS imposes penalties and interest in excess of \$50, the retailer's account will be adjusted in the amount of any excess. The Lottery is authorized to reimburse the retailer only upon receipt of documentation establishing that the ticket was paid in full and a determination that no fraud or other violation has been committed.

(8) A retailer shall not charge the player a fee for the service of redeeming winning lottery tickets. This prohibition includes charging a fee for payment of a prize by money order when that is the only method of prize payment made available by the retailer.

(9) A retailer shall be responsible for destroying all original tickets validated and paid by it as well as any tickets it cancels. The term "destroy" shall include, but not be limited to, tearing, shredding, or defacing by stamping "Paid."

(10) A ticket submitted to the Florida Lottery for payment which is recorded in the gaming system as paid by a retailer but which has not been destroyed will be paid to the claimant by the Lottery and the prize amount will be charged back to the retailer and reflected as an adjustment on its weekly Settlement Report.

(11) If a retailer violates any provision of this rule, the retailer shall be subject to suspension or termination in accordance with Emergency Rule 53ER94-60, Florida Administrative Code, *Suspension and Termination of Retailer Contract*.

(12) This emergency rule replaces Emergency Rule 53ER01-51, Florida Administrative Code.

Specific Authority 24.109(1), 24.112(1), 24.115 FS. Law Implemented 24.112(1), 24.115 FS. History—New 11-18-02, Replaces 53ER01-51, F.A.C.

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

EFFECTIVE DATE: November 18, 2002

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

### 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
Doreen D. Powell, Miami, Florida	November 15, 2002

Emergency Rule 53ER02-12, F.A.C., sets forth the provisions for payment of prizes to players.

A copy of the Petition can be obtained from: Florida Lottery, Office of the General Counsel, 250 Marriott Drive, Tallahassee, Florida 32399-4011.

### AGENCY FOR HEALTH CARE ADMINISTRATION

NOTICE IS GIVEN the Agency for Health Care Administration has approved a request for a rule variance from Tender Care Centers, Inc. The request was filed on August 7, 2002. Tender Care Centers, Inc. requested a waiver for Rule 59A-8.007(1), Florida Administrative Code, that requires home health agencies to make application for a geographic service area within the specific AHCA area boundaries and in which the home health office is to be located. Tender Care Centers, Inc. requested a variance to apply for a license to provide services in Hernando County, located in the AHCA Area 3, while allowing the home health office to be located in Pasco County, in AHCA Area 5, but just across the street which is the county line separating the two counties. The notice of the request for a rule variance was published in the September 20, 2002 edition of the Florida Administrative Weekly. On November 16, 2002, the Agency for Health Care Administration approved the request for a rule variance. The basis for the decision was: (1) there is a need for pediatric home health services in Hernando county and Tender Care Centers, Inc. intends to provide pediatric home health services, having prior experience in another county; and (2) the county line runs down the middle of the road where the home health agency is located and, even though the office is located on the Pasco County side of the road, it is only sixteen feet from Hernando County, has a Hernando County zip code and mail is delivered from the Hernando County post office.



A copy of the approval of the rule variance may be obtained from: Anne Menard, Home Care Unit, Agency for Health Care Administration, 2728 Mahan Drive, Mail Stop 34, Tallahassee, Florida 32308 or email: menarda@fdhc.state.fl.us.

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**DEPARTMENT OF ENVIRONMENTAL PROTECTION**

DEP received on September 30, 2002, a petition from J.A. Jones Environmental Services Company for a waiver pursuant to subsection 376.3071(12)(k)5., F.S., of certain record keeping requirements under subsection 376.3071(12)(e), F.S.

The full text of this notice is published on the Internet at the Department of Environmental Protection's home page at <http://www.dep.state.fl.us/> under the link or button titled "Official Notices."

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**DEPARTMENT OF HEALTH**

The Board of Medicine hereby gives notice that it has issued an Order on the Petition for Waiver filed by Juana Brehmer, M.D. The Notice of Petition for Waiver was published in Vol. 28, No. 39, of the September 27, 2002, Florida Administrative Weekly. The Board considered the Petition at its meeting held on October 5, 2002, in Miami, Florida. The Board's Order, filed on October 28, 2002, grants the petition for waiver finding that the underlying purpose of the statute, as implemented by Rule 64B8-5.001, F.A.C., has been met and that the Petitioner has demonstrated a substantial hardship.

A copy of the Board's Order may be obtained by contacting the Board of Medicine, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3753.

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The Board of Medicine hereby gives notice that it has issued an Order on the Petition for Waiver filed on behalf of Vidyasagar Mokureddy, M.D. The Notice of Petition for Waiver was published in Vol. 28, No. 36, of the September 6, 2002, Florida Administrative Weekly. The Board considered the Petition at its meeting held on October 5, 2002, in Miami, Florida. The Board's Order, filed on October 28, 2002, grants the petition for waiver finding that the underlying purpose of the statute, as implemented by Rule 64B8-5.001, F.A.C., has been met and that the Petitioner has demonstrated a substantial hardship.

A copy of the Board's Order may be obtained by contacting the Board of Medicine, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3753.

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The Board of Medicine hereby gives notice that it has issued an Order on the Petition for Waiver filed by Myo Lwin, M.D. The Notice of Petition for Waiver was published in Vol. 28, No. 36, of the September 6, 2002, Florida Administrative Weekly. The Board considered the Petition at its meeting held on October 5, 2002, in Miami, Florida. The Board's Order, filed on October 28, 2002, grants the petition for waiver finding that the

underlying purpose of the statute, as implemented by Rule 64B8-5.001, F.A.C., has been met and that the Petitioner has demonstrated a substantial hardship.

A copy of the Board's Order may be obtained by contacting the Board of Medicine, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3753.

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The Board of Medicine hereby gives notice that it has issued an Order on the Petition for Waiver filed by Bachtruc Tu, M.D. The Notice of Petition for Waiver was published in Vol. 28, No. 36, of the September 6, 2002, Florida Administrative Weekly. The Board considered the Petition at its meeting held on October 5, 2002, in Miami, Florida. The Board's Order, filed on October 28, 2002, grants the petition for waiver finding that the underlying purpose of the statute, as implemented by Rule 64B8-5.001, F.A.C., has been met and that the Petitioner has demonstrated a substantial hardship.

A copy of the Board's Order may be obtained by contacting the Board of Medicine, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3753.

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The Board of Medicine hereby gives notice that it has issued an Order on the Petition for Waiver filed by Lee Whitaker, M.D. The Notice of Petition for Waiver was published in Vol. 28, No. 39, of the September 27, 2002, Florida Administrative Weekly. The Board considered the Petition at its meeting held on October 5, 2002, in Miami, Florida. The Board's Order, filed on October 28, 2002, denies the petition for waiver finding that the underlying purpose of the statute, as implemented by Rule 64B8-5.001, F.A.C., has not been met and that the Petitioner has not demonstrated a substantial hardship.

A copy of the Board's Order may be obtained by contacting the Board of Medicine, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3753.

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The Board of Medicine hereby gives notice that it has issued an Order on the Petition for Waiver filed by Leonard Roudner, M.D. The Notice of Petition for Waiver was published in Vol. 28, No. 37, of the September 13, 2002, Florida Administrative Weekly. The Surgical Care Committee considered the Petition at its meeting held on September 20, 2002. The Board considered the Committee's recommendation at its meeting held on October 5, 2002, in Miami, Florida. The Board's Order, filed on November 1, 2002, grants the petition for waiver finding that the underlying purpose of the statute, as implemented by Rule 64B8-9.009, F.A.C., has been met and that the Petitioner has demonstrated a substantial hardship.

A copy of the Board's Order may be obtained by contacting the Board of Medicine, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3753.

The Board of Medicine hereby gives notice that it has issued an Order on the Petition for Waiver filed by Edward S. Truppan, M.D. The Notice of Petition for Waiver was published in Vol. 28, No. 34, of the August 23, 2002, Florida Administrative Weekly. The Surgical Care Committee considered the Petition at its meeting held on September 20, 2002. The Board considered the Committee's recommendation at its meeting held on October 5, 2002, in Miami, Florida. The Board's Order, filed on November 1, 2002, grants the petition for waiver finding that the underlying purpose of the statute, as implemented by Rule 64B8-9.009, F.A.C., has been met and that the Petitioner has demonstrated a substantial hardship.

A copy of the Board's Order may be obtained by contacting the Board of Medicine, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3753.

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The Board of Medicine hereby gives notice that it has issued an Order on the Petition for Waiver filed by Michael D. Storch, M.D. The Notice of Petition for Waiver was published in Vol. 28, No. 36, of the September 6, 2002, Florida Administrative Weekly. The Surgical Care Committee considered the Petition at its meeting held on September 20, 2002. The Board considered the Petition at its meeting held on October 5, 2002, in Miami, Florida. The Board's Order, filed on November 1, 2002, grants the petition for waiver finding that the underlying purpose of the statute, as implemented by Rule 64B8-9.009, F.A.C., has been met and that the Petitioner has demonstrated a substantial hardship.

A copy of the Board's Order may be obtained by contacting the Board of Medicine, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3753.

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The Board of Medicine hereby gives notice that it has issued an Order on the Petition for Waiver filed by Carlos Spera, M.D. The Notice of Petition for Waiver was published in Vol. 28, No. 35, of the August 30, 2002, Florida Administrative Weekly. The Surgical Care Committee considered the Petition at its meeting held on September 20, 2002. The Board considered the Committee's recommendation at its meeting held on October 5, 2002, in Miami, Florida. The Board's Order, filed on November 1, 2002, grants the petition for waiver finding that the underlying purpose of the statute, as implemented by Rule 64B8-9.009, F.A.C., has been met and that the Petitioner has demonstrated a substantial hardship.

A copy of the Board's Order may be obtained by contacting the Board of Medicine, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3753.

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The Board of Medicine hereby gives notice that it has issued an Order on the Petition for Waiver filed by Leonard J. Levine, M.D. The Notice of Petition for Waiver was published in Vol. 28, No. 35, of the August 30, 2002, Florida Administrative Weekly. The Surgical Care Committee considered the Petition

at its meeting held on September 20, 2002. The Board considered the Committee's recommendation at its meeting held on October 5, 2002, in Miami, Florida. The Board's Order, filed on November 1, 2002, denies the petition for waiver finding that the underlying purpose of the statute, as implemented by Rule 64B8-9.009, F.A.C., has been not been met and that the Petitioner has not demonstrated a substantial hardship.

A copy of the Board's Order may be obtained by contacting the Board of Medicine, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3753.

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The Board of Medicine hereby gives notice that it has issued an Order on the Petition for Waiver filed by C. Randall Harrell, M.D. The Notice of Petition for Waiver was published in Vol. 28, No. 35, of the August 30, 2002, Florida Administrative Weekly. The Surgical Care Committee considered the Petition at its meeting held on September 20, 2002. The Board considered the Committee's recommendation at its meeting held on October 5, 2002, in Miami, Florida. The Board's Order, filed on November 1, 2002, denies the petition for waiver finding that the underlying purpose of the statute, as implemented by Rule 64B8-9.009, F.A.C., has been not been met and that the Petitioner has not demonstrated a substantial hardship.

A copy of the Board's Order may be obtained by contacting the Board of Medicine, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3753.

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The Board of Medicine hereby gives notice that it has issued an Order on the Petition for Waiver filed by Doran R. Stark, M.D. The Notice of Petition for Waiver was published in Vol. 28, No. 36, of the September 6, 2002, Florida Administrative Weekly. The Surgical Care Committee considered the Petition at its meeting held on September 20, 2002. The Board considered the Committee's recommendation at its meeting held on October 5, 2002, in Miami, Florida. The Board's Order, filed on November 1, 2002, denies the petition for waiver finding that the underlying purpose of the statute, as implemented by Rule 64B8-9.009, F.A.C., has been not been met and that the Petitioner has not demonstrated a substantial hardship.

A copy of the Board's Order may be obtained by contacting the Board of Medicine, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3753.

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The Board of Medicine hereby gives notice that it has issued an Order on the Petition for Waiver filed by Herbert D. Stern, M.D. The Notice of Petition for Waiver was published in Vol. 28, No. 36, of the September 6, 2002, Florida Administrative Weekly. The Surgical Care Committee considered the Petition at its meeting held on September 20, 2002. The Board considered the Committee's recommendation at its meeting

held on October 5, 2002, in Miami, Florida. The Board's Order, filed on November 1, 2002, denies the petition for waiver finding that the underlying purpose of the statute, as implemented by Rule 64B8-9.009, F.A.C., has been not been met and that the Petitioner has not demonstrated a substantial hardship.

A copy of the Board's Order may be obtained by contacting the Board of Medicine, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3753.

The Board of Medicine hereby gives notice that it has issued an Order on the Petition for Waiver filed by Edward J. Gross, M.D. The Notice of Petition for Waiver was published in Vol. 28, No. 34, of the August 23, 2002, Florida Administrative Weekly. The Surgical Care Committee considered the Petition at its meeting held on September 20, 2002. The Board considered the Committee's recommendation at its meeting held on October 5, 2002, in Miami, Florida. The Board's Order, filed on November 1, 2002, denies the petition for waiver finding that the underlying purpose of the statute, as implemented by Rule 64B8-9.009, F.A.C., has been not been met and that the Petitioner has not demonstrated a substantial hardship.

A copy of the Board's Order may be obtained by contacting the Board of Medicine, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3753.

The Board of Medicine hereby gives notice that it has issued an Order on the Petition for Waiver filed by Charles E. Moore, M.D. The Notice of Petition for Waiver was published in Vol. 28, No. 36, of the September 6, 2002, Florida Administrative Weekly. The Surgical Care Committee considered the Petition at its meeting held on September 20, 2002. The Board considered the Committee's recommendation at its meeting held on October 5, 2002, in Miami, Florida. The Board's Order, filed on November 1, 2002, denies the petition for waiver finding that the underlying purpose of the statute, as implemented by Rule 64B8-9.009, F.A.C., has been not been met and that the Petitioner has not demonstrated a substantial hardship.

A copy of the Board's Order may be obtained by contacting the Board of Medicine, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3753.

## Section VI

### Notices of Meetings, Workshops and Public Hearings

#### DEPARTMENT OF STATE

The **Grove Advisory Council** announces a public meeting to which all persons are invited.

DATE AND TIME: Monday, December 9, 2002, 9:30 a.m.

PLACE: The Grove, 100 East 1st Avenue, Tallahassee, FL  
 GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct the regular business with the Board of Directors.

A copy of the agenda may be obtained by writing: Stephen McLeod, Bureau of Historical Museums, Division of Historical Resources, 500 S. Bronough Street, Tallahassee, Florida 32399-0250 or calling (850)245-6375.

Should any person wish to appeal any decision made with respect to the above mentioned meeting, he or she may need to ensure verbatim recording of the proceedings in order to provide a record of judicial review.

Pursuant to Section 286.26, Florida Statutes, people with disabilities wishing to attend this meeting should contact the agency at least 48 hours prior to the meeting in order to request any assistance.

The **Friends of the Mission San Luis, Inc.** announces a public meeting to which all persons are invited.

DATE AND TIME: Monday, December 9, 2002, 2:00 p.m.

PLACE: Mission San Luis, 2020 West Mission Road, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct the regular business meeting with the Board of Directors.

A copy of the agenda may be obtained by writing: Stephen McLeod, Bureau of Historical Museums, Division of Historical Resources, 500 S. Bronough Street, Tallahassee, Florida 32399-0250 or calling (850)245-6375.

Should any person wish to appeal any decision made with respect to the above mentioned meeting, he or she may need to ensure verbatim recording of the proceedings in order to provide a record of judicial review.

Pursuant to Section 286.26, Florida Statutes, people with disabilities wishing to attend this meeting should contact the agency at least 48 hours prior to the meeting in order to request any assistance.

The **Friends of the Knott House, Inc.** announces a public meeting to which all persons are invited.

DATE AND TIME: Monday, December 9, 2002, 4:30 p.m.

PLACE: Knott House Museum, 301 East Park Avenue, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct the regular business meeting with the Board of Directors.

A copy of the agenda may be obtained by writing: Stephen McLeod, Bureau of Historical Museums, Division of Historical Resources, 500 S. Bronough Street, Tallahassee, Florida 32399-0250 or calling (850)245-6375.

Should any person wish to appeal any decision made with respect to the above mentioned meeting, he or she may need to ensure verbatim recording of the proceedings in order to provide a record of judicial review.

Pursuant to Section 286.26, Florida Statutes, people with disabilities wishing to attend this meeting should contact the agency at least 48 hours prior to the meeting in order to request any assistance.

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The **Friends of Historic Properties & Museums, Inc.** announces a public meeting to which all persons are invited.

DATE AND TIME: Tuesday, December 10, 2002, 2:00 p.m.

PLACE: R. A. Gray Building, 3rd Floor, Director's Conference Room 305, 500 South Bronough Street, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct the regular business meeting with the Board of Directors.

A copy of the agenda may be obtained by writing: Stephen McLeod, Bureau of Historical Museums, Division of Historical Resources, 500 S. Bronough Street, Tallahassee, Florida 32399-0250 or calling (850)245-6375.

Should any person wish to appeal any decision made with respect to the above mentioned meeting, he or she may need to ensure verbatim recording of the proceedings in order to provide a record of judicial review.

Pursuant to Section 286.26, Florida Statutes, people with disabilities wishing to attend this meeting should contact the agency at least 48 hours prior to the meeting in order to request any assistance.

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The **Friends of the Old Florida Capitol, Inc.** announces a public meeting to which all persons are invited.

DATE AND TIME: Tuesday, December 10, 2002, 10:00 a.m.

PLACE: R. A. Gray Building, 3rd Floor, Director's Conference Room 305, 500 South Bronough Street, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct the regular business with the Board of Directors.

A copy of the agenda may be obtained by writing: Stephen McLeod, Bureau of Historical Museums, Division of Historical Resources, 500 S. Bronough Street, Tallahassee, Florida 32399-0250 or calling (850)245-6375.

Should any person wish to appeal any decision made with respect to the above mentioned meeting, he or she may need to ensure verbatim recording of the proceedings in order to provide a record of judicial review.

Pursuant to Section 286.26, Florida Statutes, people with disabilities wishing to attend this meeting should contact the agency at least 48 hours prior to the meeting in order to request any assistance.

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The **Friends of the Museum of Florida History, Inc.** announces a public meeting to which all persons are invited.

DATE AND TIME: Monday, December 16, 2002, 2:00 p.m.

PLACE: R. A. Gray Building, 3rd Floor, Director's Conference Room 305, 500 South Bronough Street, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct the regular business meeting with the Board of Directors.

A copy of the agenda may be obtained by writing: Stephen McLeod, Bureau of Historical Museums, Division of Historical Resources, 500 S. Bronough Street, Tallahassee, Florida 32399-0250 or calling (850)245-6375.

Should any person wish to appeal any decision made with respect to the above mentioned meeting, he or she may need to ensure verbatim recording of the proceedings in order to provide a record of judicial review.

Pursuant to Section 286.26, Florida Statutes, people with disabilities wishing to attend this meeting should contact the agency at least 48 hours prior to the meeting in order to request any assistance.

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#### DEPARTMENT OF INSURANCE

The **Department of Insurance, Division of State Fire Marshal** announces a public meeting to which all persons are invited.

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

PLACE: Jimmie B Keel Regional Library, 2902 W. Bearss Avenue, Tampa, FL 33618-1828

GENERAL SUBJECT MATTER TO BE CONSIDERED: Quarterly meeting of the Florida Fire Safety Board.

A copy of the agenda may be obtained by writing: Division of State Fire Marshal, Bureau of Fire Prevention, 200 East Gaines Street, Regulatory Licensing Section, Tallahassee, FL 32399-0342.

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The **Governor's Commission on Workers' Compensation Reform** announces the following public telephone conference call meeting to which all persons are invited.

DATE AND TIME: December 18, 2002, 1:00 p.m. – 4:00 p.m.

PLACE: Call: (850)487-8587, Suncom 277-8587

GENERAL SUBJECT MATTER TO BE CONSIDERED: Workers' Compensation Reform.

Any person requiring special accommodations to participate in this meeting is asked to advise staff at least 48 hours prior to the meeting by contacting: Jacki Lawhon, (850)922-8062.

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## DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

The Florida **Department of Agriculture and Consumer Services** announces the following public meetings of the Pesticide Registration Evaluation Committee to which all persons are invited.

DATE AND TIME: January 9, 2003, 9:00 a.m.

PLACE: Bureau of Pesticides, Bldg. 6, Conference Room 606, 3125 Conner Boulevard, Tallahassee, Florida

DATE AND TIME: February 6, 2003, 9:00 a.m.

PLACE: Bureau of Pesticides Bldg. 6, Conference Room 606, 3125 Conner Boulevard, Tallahassee, Florida

DATE AND TIME: March 6, 2003, 9:00 a.m.

PLACE: Bureau of Pesticides Building 6, Conference Room 606, 3125 Conner Boulevard, Tallahassee, Florida

DATE AND TIME: April 3, 2003, 9:00 a.m.

PLACE: Bureau of Pesticides, Building 6, Conference Room 606, 3125 Conner Boulevard, Tallahassee, Florida

DATE AND TIME: May 1, 2003, 9:00 a.m.

PLACE: Bureau of Pesticides, Building 6, Conference Room 606, 3125 Conner Boulevard, Tallahassee, Florida

DATE AND TIME: June 5, 2003, 9:00 a.m.

PLACE: Bureau of Pesticides, Building 6, Conference Room 606, 3125 Conner Boulevard, Tallahassee, Florida

DATE AND TIME: July 3, 2003, 9:00 a.m.

PLACE: Bureau of Pesticides, Building 6, Conference Room 606, 3125 Conner Boulevard, Tallahassee, Florida

DATE AND TIME: August 7, 2003, 9:00 a.m.

PLACE: Bureau of Pesticides, Building 6, Conference Room 606, 3125 Conner Boulevard, Tallahassee, Florida

DATE AND TIME: September 4, 2003, 9:00 a.m.

PLACE: Bureau of Pesticides, Building 6, Conference Room 606, 3125 Conner Boulevard, Tallahassee, Florida

DATE AND TIME: October 2, 2003, 9:00 a.m.

PLACE: Bureau of Pesticides, Building 6, Conference Room 606, 3125 Conner Boulevard, Tallahassee, Florida

DATE AND TIME: November 6, 2003, 9:00 a.m.

PLACE: Bureau of Pesticides, Building 6, Conference Room 606, 3125 Conner Boulevard, Tallahassee, Florida

DATE AND TIME: December 4, 2003, 9:00 a.m.

PLACE: Bureau of Pesticides, Building 6, Conference Room 606, 3125 Conner Boulevard, Tallahassee, Florida

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** Regular meetings of the Committee during which there will be discussions and recommendations on pesticide registration issues impacting on human health and safety and the environment.

A copy of the agenda may be obtained by contacting: Pesticide Registration Section, 3125 Conner Boulevard, Bldg. 6, Room 601, Tallahassee, Florida 32399-1650, (850)487-2130 or may be found at: [http://www.doacs.state.fl.us/~aes/pesticides/REG\\_PREC.htm#AGENDA & MINUTES](http://www.doacs.state.fl.us/~aes/pesticides/REG_PREC.htm#AGENDA%20&%20MINUTES).

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**NOTICE OF CORRECTION** – The Office of Agricultural Water Policy announces a correction to the Notice of Proposed rule development meeting regarding Rule Chapter 5M-3, Best Management Practices for Citrus, Cow/Calf, and Dairies in the Lake Okeechobee Priority Basins (S-191, S-154, S-65 D and E), which appeared in the November 8, 2002 issue of the Florida Administrative Weekly, Vol. 28, No. 45, page 4834. Specifically, the notice published in the November 8, 2002, issue of the Florida Administrative Weekly, indicated that the meeting would be held on December 5, 2002, 7:00 p.m., in Okeechobee, FL at the Okeechobee Civic Center. The correct time and date of that meeting is 7:00 p.m., December 12, 2002. The location of that meeting will remain the same.

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The **Department of Agriculture and Consumer Services** announces a meeting of the Florida Aquaculture Interagency Coordinating Council.

DATE AND TIME: December 20, 2002, 10:00 a.m.

PLACE: Division of Aquaculture, Fifth Floor, Conference Room, 1203 Governor's Square Boulevard, Tallahassee, 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.

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## DEPARTMENT OF EDUCATION

The Interagency Advisory Committee for the **School Emergency Plans Project** announces a public meeting to which all persons are invited.

DATE AND TIME: Friday, December 13, 2002, 8:30 a.m. – 2:00 p.m.

PLACE: Palm Beach Gardens Fire Rescue, 10500 North Military Trail, Palm Beach Gardens, Florida 33410

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** Meeting of the Interagency Advisory Committee for the School Emergency Plans Project. The Interagency Advisory Committee welcomes participation from any interested members of the public.

Any person who desires a copy of the proceedings should arrange to tape the meeting.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this meeting is requested to advise: Julie Collins, Office of Safe Schools, Emergency Management Program, (850)414-7778, at least five calendar days before the meeting.

The public is invited to a meeting of the Florida **Board of Education**.

DATE AND TIME: December 10, 2002, 10:30 a.m.  
PLACE: The Capitol, LL-03, Cabinet Meeting Room, Tallahassee, Florida  
GENERAL SUBJECT MATTER TO BE CONSIDERED: Secretary's Recommendations on the 2003-2004 K-20 Budget; Recommendations from the Higher Education Funding Advisory Council; Report and Discussion of the Constitutional Amendments to Reduce Class Size and Creation of the Board of Governors for Higher Education; Presentations on Just Read, Florida!, and on the Strategic Planning Projects; Delivery System Action Items; and other matters pertaining to the Florida Board of Education.

A copy of the agenda may be obtained from the Secretary of Education's website at <http://www.flboe.org>.

Persons with disabilities who require assistance to participate in the meeting are requested to notify the Office of Equal Opportunity and Diversity, (850)201-7443 (Voice), at least 7 days in advance, so that their needs can be accommodated.

The **Florida Art In State Buildings Program** (FAMU) announces the following public meeting to which all persons are invited.

COMMITTEE: Art Selection Committee  
DATE AND TIME: Tuesday, December 3, 2002, 10:00 a.m.  
PLACE: Florida A & M University, School of Architecture, Dean's Conference Room, Tallahassee, Florida 32307, (850)561-2842

GENERAL SUBJECT MATTER TO BE CONSIDERED: To hold a Slide Review meeting to review entries and select artists as finalists for the referenced project.

For more information, or to obtain a copy of the agenda, please contact: Kenneth Falana, User Agency Representative, Art In State Buildings Program, Florida A&M University, Tallahassee, Florida 32307, (850)561-2842.

Should any person wish to appeal any decision made with respect to any matter considered at the above-referenced meeting, he/she may need to ensure verbatim recording of the proceeding to provide a record for judicial review. This meeting will not be taped by the Art In State Buildings Program.

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

48 hours before the meeting by contacting Kenneth Falana, (850)561-2842. If you are hearing or speech impaired, please contact the agency by calling TT: (850)488-5779.

The **Florida Art In State Buildings Program** (FAMU) announces the following public meeting to which all persons are invited.

COMMITTEE: Art Selection Committee  
DATE AND TIME: Thursday, December 5, 2002, 10:00 a.m.  
PLACE: Florida A&M University, Foster Tanner Fine Arts Building, West, Room 107, Tallahassee, Florida 32307, (850)561-2842

GENERAL SUBJECT MATTER TO BE CONSIDERED: To hold a Slide Review meeting to review entries and select artists as finalists for the referenced project.

For more information, or to obtain a copy of the agenda, please contact: Kenneth Falana, User Agency Representative, Art In State Buildings Program, Florida A&M University, Tallahassee, Florida 32307, (850)561-2842.

Should any person wish to appeal any decision made with respect to any matter considered at the above-referenced meeting, he/she may need to ensure verbatim recording of the proceeding to provide a record for judicial review. This meeting will not be taped by the Art In State Buildings Program.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this meeting is asked to advise the agency at least 48 hours before the meeting by contacting Kenneth Falana, (850)561-2842. If you are hearing or speech impaired, please contact the agency by calling TT: (850)488-5779.

The **Florida Art In State Buildings Program** (FAMU) announces the following public meeting to which all persons are invited.

COMMITTEE: Art Selection Committee  
DATE AND TIME: Tuesday, December 10, 2002, 2:00 p.m.  
PLACE: Florida A&M University, School of Business and Industry, Dean's Conference Room, Tallahassee, Florida 32307, (850)561-2842

GENERAL SUBJECT MATTER TO BE CONSIDERED: To hold a Slide Review meeting to review entries and select artists as finalists for the referenced project.

For more information, or to obtain a copy of the agenda, please contact: Kenneth Falana, User Agency Representative, Art In State Buildings Program, Florida A&M University, Tallahassee, Florida 32307, (850)561-2842.

Should any person wish to appeal any decision made with respect to any matter considered at the above-referenced meeting, he/she may need to ensure verbatim recording of the

proceeding to provide a record for judicial review. This meeting will not be taped by the Art In State Buildings Program.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this meeting is asked to advise the agency at least 48 hours before the meeting by contacting Kenneth Falana, (850)561-2842. If you are hearing or speech impaired, please contact the agency by calling TT: (850)488-5779.

The **Florida Atlantic University**, Florida's Art in State Buildings Program announces the following public meeting to which all persons are invited.

COMMITTEE: Art Selection Committee

DATE AND TIME: December 9, 2002, 1:00 p.m. – 2:00 p.m.

PLACE: Florida Atlantic University, Florida's Art in State Buildings Program, Boca Campus, Bio-Medical Building, Room 123, 777 Glades Road, Boca Raton, FL 33431

GENERAL SUBJECT MATTER TO BE CONSIDERED: To hold an Orientation Meeting regarding Florida's Art in State Buildings Program for BR-635 Bio-Medical Tower I.

For more information or to obtain a copy of the agenda, please contact: Patty Singer, Program Administrator, Florida's Art in State Buildings Program, Florida Atlantic University, 777 Glades Road, ADM Bldg., Room 392, Boca Raton, Florida 33431, (561)297-1064, (561)297-2539.

Should any person wish to appeal any decision made with respect to any matter considered at the above referenced meeting, he/she may need to ensure verbatim recording of the proceeding to provide a record for judicial review.

This meeting will not be taped by the Florida's Art in State Buildings Program. Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this meeting is asked to advise the agency at least 48 hours before the meeting by contacting Patty Singer, (561)297-1064, (561)297-2539. If you are hearing or speech impaired, please contact the agency by calling TT: 1(800)955-8770.

The **Gulf Coast Community College**, District Board of Trustees will hold its monthly meeting as follows. Contact person for the meeting is Dr. Robert L. McSpadden, President.

DATE AND TIME: December 12, 2002, 10:00 a.m.

PLACE: Gardner Seminar Room

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regular monthly meeting.

**DEPARTMENT OF COMMUNITY AFFAIRS**

The **Florida Building Commission** announces the following meetings to which all persons are invited. The meetings will be held at:

PLACE: The Rosen Centre Hotel, 9840 International Drive, Orlando, Florida 32819, 1(800)800-9840

DATE AND TIMES: December 8, 2002

10:00 a.m. Meeting of the Code Administration Technical Advisory Committee.

Residential Rehabilitation Subcommittee.

Commercial Rehabilitation Subcommittee.

2:00 p.m. Meeting of the Mechanical Technical Advisory Committee.

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

Meeting of the Accessibility Advisory Council to consider the following applications for waiver from accessibility code requirements: Ghirardelli Chocolate Shop and Soda Fountain, 801 Lincoln Road, Miami Beach, Florida; Palmer College Academic Building, Port Orange, Florida; Juan A. Crespi, 227 Northeast 26th Terrace, Miami, Florida; Kenney Communications, 2095 Premier Row, Orlando, Florida; Crispin Porter Bogusky Office Interiors, 3390 Grand Avenue #80 Streets of Mayfair, Coconut Grove, Florida; 816 Commerce Way Building, 816 Commerce Way, Miami Beach, Florida; The Sign, Inc., 226 M/E/29th Street, Miami, Florida; The PGA Tour, 100 PGA Tour Boulevard, Ponte Vedra Beach, Florida.

DATE AND TIMES: December 9, 2002

8:00 a.m. Meeting of the Structural Technical Advisory Committee.

8:00 a.m. Meeting of the Plumbing Technical Advisory Committee.

8:00 a.m. Meeting of the Joint Electrical and Code Administration Technical Advisory Committees.

10:00 a.m. Meeting of the Product Approval/Prototype Buildings/Manufactured Buildings Oversight Committee.

10:00 a.m. Meeting of the Education Technical Advisory Committee.

11:00 a.m. Meeting of the Education Program Oversight Committee.

1:00 p.m. Product Approval/Prototype Buildings/Manufactured Buildings POC Rule 9B-72, Product Approval Rule Development Workshop

1:00 p.m. Meeting of the Energy Technical Advisory Committee.

1:00 p.m. Meeting of the Fire Technical Advisory Committee.

2:00 p.m. Meeting of the Accessibility Technical Advisory Committee.

DATE AND TIME: December 10, 2002

8:30 a.m. Meeting of the Plenary Session of the Florida Building Commission.

Agenda review and approval. Review and approval of October 2002 Meeting minutes. Rule Hearings on Rule Chapter 9B-74 (Prototype Buildings), Rule Chapter 9B-3 (Private Inspection Forms), and Rule Chapter 9B-3 (Florida Building Code). Consideration of requests for waiver from accessibility code requirements: Ghirardelli Chocolate Shop and Soda Fountain, 801 Lincoln Road, Miami Beach, Florida; Palmer College Academic Building, Port Orange, Florida; Juan A. Crespi, 227 Northeast 26th Terrace, Miami, Florida; Kenney Communications, 2095 Premier Row, Orlando, Florida; Crispin Porter Bogusky Office Interiors, 3390 Grand Avenue #80 Streets of Mayfair, Coconut Grove, Florida; 816 Commerce Way Building, 816 Commerce Way, Miami Beach, Florida; The Sign, Inc., 226 M/E/29th Street, Miami, Florida; The PGA Tour, 100 PGA Tour Boulevard, Ponte Vedra Beach, Florida. Consideration of the policy for the rehabilitation code, the policy for the first update of the Florida Building Code, the policy for the Building Code Training Program, and other policies and recommendations for annual report to the Legislature. Presentation by St. Johns Water Management District on Irrigation Standards. Legal staff report update on FPSA Challenge on pool alarm standards, Royal Concepts 2000 Declaratory Statement on modular schools, and consideration of recommended orders including requests for Declaratory Statements.

**Second Hearing:**

DCA02-DEC-250 by Norman Campbell; DCA02-DEC-259 by Centex Homes; DCA02-DEC-252 by Sam Garber; DCA02-DEC-256 by C. R. Willis; DCA02-DEC-255 by Miami-Dade County Building Department; DCA02-DEC-254 by William LeMaster; DCA02-DEC-265 by Herminio Farque. Withdrawn: DCA02-DEC-270 by Carlos Hermida.

**First Hearing:**

DCA02-DEC-289 by Grant Tolbert; DCA02-DEC-354 by Lawrence Bishop; DCA02-DEC-352 by David Bishop; DCA02-DEC-342 by Pete Quintela; DCA02-DEC-355 by Greg Doyle; DCA02-DEC-360 by Doug Murdock; DCA02-DCA-356 by Oriol Haage; DCA02-DEC-357 by Oriol Haage; DCA02-DEC-271 by Jack McStravic; and DCA02-DEC-272 by Ari Sklar.

Consideration of Committee Reports and Recommendations: Fire TAC Report; Code Administration TAC Report; Mechanical TAC Report; Structural TAC Report; Energy TAC Report; Product Approval/Prototype Buildings/Manufactured Buildings Program Oversight Committee Report; Education Technical Advisory Committee and Program Oversight Committee; Accessibility TAC Report; Joint Electrical and Code Administration TAC Report; and Plumbing TAC report.

Receive public comment.

A copy of the Committee and Commission meeting agendas and other documents may be obtained by sending a request in writing: Betty Stevens, 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 web site at [www.floridabuilding.org](http://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).

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## DEPARTMENT OF REVENUE

The **Department of Revenue** announces a public hearing to which all persons are invited:

**DATE AND TIME:** December 11, 2002, during a regular meeting of the Governor and Cabinet, which begins at 9:00 a.m.

**PLACE:** The Capitol, Lower Level, Cabinet Meeting Room, Tallahassee, FL

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** Approval of adoption of amendments to Rules 12E-1.011 and 12E-1.014, Florida Administrative Code, and new Rule 12E-1.029, Florida Administrative Code. Notice of this proposed adoption was published in the Florida Administrative Weekly on September 27, 2002, Vol. 28, No.39, pp. 4106-4110.

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The **Department of Revenue** announces a public hearing to which all persons are invited.

**DATE AND TIME:** December 11, 2002, during a regular meeting of the Governor and Cabinet, which begins at 9:00 a.m.

**PLACE:** The Capitol, Lower Level, Cabinet Meeting Room, Tallahassee, Florida

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** Approval of adoption of amendments to Rule 12D-10.004 and creation of Rule 12D-10.0044, Florida Administrative Code. Notice of this proposed adoption was published in the Florida Administrative Weekly of October 4, 2002, Vol. 28, No. 40, pp. 4216-4218. A notice of change to Rule 12D-10.0044, Florida Administrative Code, is published in the Florida Administrative Weekly of November 27, 2002, Vol. 28, No. 48.

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**DEPARTMENT OF TRANSPORTATION**

The Florida **Department of Transportation** announces a public meeting to which all persons are invited.

DATE AND TIME: December 12, 2002, 9:00 a.m. – 4:00 p.m.

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

GENERAL SUBJECT MATTER TO BE CONSIDERED: Strategic Intermodal System Steering Committee Meeting.

A copy of the agenda may accessed through the web site at [www11.myflorida.com/planning/sis/](http://www11.myflorida.com/planning/sis/) or be obtained by writing: Florida Department of Transportation, 605 Suwannee Street, MS #28, Tallahassee, Florida 32399-0450 or by calling Renee Cross, (850)414-4800.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this meeting is asked to advise the agency at least 72 hours before the meeting by contacting Renee Cross, (850)414-4800.

**NOTICE OF RESCHEDULED HEARING** – The **Department of Transportation**, Florida's Turnpike Enterprise announces the rescheduling of a design public hearing which was published in Florida Administrative Weekly, Vol. 34, No. 46, dated November 15, 2002. This public hearing, which was scheduled for December 3, 2002, is rescheduled as follows:

DATE AND TIME: January 7, 2003, Informal Open House 6:00 p.m.; Formal Public Hearing, 6:30 p.m.

PLACE: Palm Beach Gardens Community High School, 4245 Holly Drive, Palm Beach Gardens, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED:

This hearing is being conducted pursuant to the provisions of Rule Chapter 14-97, Florida Administrative Code, and Section 335.18, Florida Statutes. This hearing is being conducted in accordance with Federal-Aid Highway Act of 1968, as amended, 23 U.S.C. 128, 40 C.F.R., 1500-1508 C.F.R. 771, and Section 339.155 Florida Statutes, and is also consistent with the Americans With Disabilities Act of 1990. This hearing is also in compliance with Title VI of the Civil Rights Act of 1964 and Title VIII of the Civil Rights Act of 1968, as amended. This hearing was scheduled to afford interested persons the opportunity to express their views concerning the proposed project Financial Project Number 232074 2 32 01 otherwise known as the design of the new State Road 710 Interchange with Florida's Turnpike, with project limits from south of State Road 710 to Northlake Boulevard. Potential encroachment on wetlands and floodplains may be given special consideration under Executive Orders 11990 and 11988. A Toll Rate Public Hearing also is scheduled as part of

this Design Public Hearing to allow the public an opportunity to comment on the development of proposed toll rates for the SR 710 Turnpike interchange.

**STATE BOARD OF ADMINISTRATION**

The Investment Committee of the **Florida Prepaid College Board** announces a public hearing to which all interested parties are invited to attend.

DATE AND TIME: Tuesday, December 17, 2002, 10:30 a.m., or soon thereafter

PLACE: The Hermitage Centre, First Floor, 1801 Hermitage Boulevard, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct the regular business of the Florida Prepaid College Board Investment Committee, to which all persons are invited.

A copy of the agenda may be obtained by writing: Thomas J. Wallace, Executive Director, Florida Prepaid College Program, 1801 Hermitage Blvd., Suite 210, Tallahassee, Florida 32308, or by calling (850)488-8514.

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting, he may need to ensure that a verbatim record of the proceedings is made, which will include the testimony and evidence upon which the appeal is based.

**SPECIAL ACCOMMODATION:** Any person requiring special accommodations at the meeting because of a disability should fax a written request for same to Thomas J. Wallace, Executive Director, Florida Prepaid College Board, (850)488-3555, no later than five (5) days prior to the meeting.

The **Florida Prepaid College Program Board** announces a public hearing to which all interested parties are invited to attend.

DATE AND TIME: Tuesday, December 17, 2002, 12:00 Noon or soon thereafter

PLACE: The Hermitage Centre, First Floor, 1801 Hermitage Boulevard, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct the regular business of the Florida Prepaid College Program Board to which all persons are invited.

A copy of the agenda may be obtained by writing: Thomas J. Wallace, Executive Director, Florida Prepaid College Program, 1801 Hermitage Blvd., Suite 210, Tallahassee, Florida 32308, or by calling (904)488-8514.

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting, he may need to ensure that a verbatim record of the proceedings is made, which will include the testimony and evidence upon which the appeal is based.

SPECIAL ACCOMMODATION: Any person requiring special accommodations at the meeting because of a disability should fax a written request for same to Thomas J. Wallace, Executive Director, Florida Prepaid College Board, (850)488-3555, no later than five (5) days prior to the meeting.

**DEPARTMENT OF CITRUS**

The **Department of Citrus** announces a public meeting of the Blue Ribbon Committee to which all persons are invited.

DATE AND TIME: Wednesday, December 11, 2002, 9:00 a.m.

PLACE: Florida Department of Citrus, 1115 E. Memorial Street, Lakeland, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Blue Ribbon Committee will meet to discuss opportunities for grapefruit juice and citrus juice blends in alternative channels, including USDA programs and any other issues that may properly come before the Committee.

In accordance with the Americans with Disabilities Act, any person requiring special accommodations to participate in this meeting is asked to advise the Department at least 48 hours before the meeting by contacting Mr. Art Johnson at the above address or by telephone at (863)499-2510.

**PUBLIC SERVICE COMMISSION**

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.: 020344-SU – Application for rate increase in Monroe County by Key Haven Utility Corporation.

DATE AND TIME: Thursday, December 5, 2002, 6:00 p.m.

PLACE: Harvey Government Center, Old Truman School, 1200 Truman Avenue, Key West, Florida 33040

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.

The Florida **Public Service Commission** announces its Internal Affairs Meeting to which all interested persons are invited.

DATE AND TIME: \*December 16, 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 December 17, 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 to be held in the following docket, to which all interested persons are invited.

Docket No.: 020119-TP – Petition for expedited review and cancellation of BellSouth Telecommunications, Inc.’s Key Customer promotional tariffs and for investigation of BellSouth’s promotional pricing and marketing practices, by Florida Digital Network, Inc.

Docket No.: 020578-TP – Petition for expedited review and cancellation of BellSouth Telecommunications, Inc.’s Key Customer promotional tariffs by Florida Competitive Carriers Association.

DATE AND TIME: December 16, 2002, 1:30 p.m.

PLACE: The Betty Easley Conference Center, Hearing Room 152, 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. 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: December 17, 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: 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.florida.psc.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** announces a prehearing to be held in the following docket, to which all interested persons are invited.

Docket No.: 980744-WS – Investigation into ratemaking considerations of gain on sale from sale of facilities of Florida Water Services Corporation to Orange County.

DATE AND TIME: December 18, 2002, 9:30 a.m.

PLACE: The Betty Easley Conference Center, Hearing Room 152, 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. Any person who is hearing or speech impaired should contact the Commission by using the Florida Relay Service, which can be reached at 1(800)955-8771 (TDD).

### EXECUTIVE OFFICE OF THE GOVERNOR

The **Governor's Office of Tourism, Trade, and Economic Development** announces a public meeting to which all persons are invited.

MEETING: The Florida Economic Summit

DATE AND TIME: Monday, December 9, 2002, 11:00 a.m. – 2:15 p.m.

PLACE: Knott Building, Room 117, Tallahassee, FL 32301

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Office of Tourism, Trade, and Economic Development will convene the Governor's Council of Economic Advisors to discuss with government and business leaders the impact of local, national and global economic forces currently influencing the state.

For further information contact: Katherine Morrison, Office of Tourism, Trade and Economic Development, The Capitol, Suite 2001, Tallahassee, FL 32399-0001 or by telephone (850)487-2568.

Any person requiring a special accommodation at this meeting because of a disability should contact Katherine Morrison, (850)487-2568, no later than 48 hours prior to the meeting. Persons who are hearing or speech impaired can contact the Florida Dual Party Relay System at 1(800)955-8770 (Voice) or 1(800)955-8771 (TDD).

### REGIONAL PLANNING COUNCILS

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, December 5, 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.

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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, December 5, 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.

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The **Northeast Florida Regional Planning Council** announces the following public meeting to which all persons are invited.

DATE AND TIME: Thursday, December 5, 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.

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The **Northeast Florida Regional Planning Council**, Economic Development Committee announces the following public meeting to which all persons are invited.

DATE AND TIME: Thursday, January 16, 2003, 10:00 a.m.

PLACE: Northeast Florida Regional Planning Council, 6850 Belfort Oaks Place, Jacksonville, FL

SUBJECT MATTER TO BE CONSIDERED: Bi-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 which the appeal is to be based.

Individuals needing materials in alternate format, sign language interpreter or other meeting information, call Jeanie Palmer, (904)279-0880, 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 Boards of County Commissioners, City/Town Councils/Commissions and other entities covered under Chapter 286, Florida Statutes may attend and speak at the meeting.

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The **Withlacoochee Regional Planning Council** announces its Annual Meeting to which all persons are invited.

DATE AND TIMES: Thursday, December 12, 2002, Open House, 6:00 p.m.; Meeting, 7:00 p.m.

PLACE: Withlacoochee Regional Planning Council, 1241 Southwest 10th Street, Ocala, FL 34474-2798

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct the regular business of the Council including election of Council Officers for 2003.

A copy of the agenda may be obtained by writing: Withlacoochee Regional Planning Council, 1241 S. W. 10th Street, Ocala, FL 34474-2798.

Affected persons are advised that it may be necessary for them to ensure that a verbatim record of the meeting is made, including the testimony and evidence upon which the appeal is to be based.

The **Treasure Coast Regional Planning Council** announces a public meeting to which all persons are invited.

DATE AND TIME: December 20, 2002, 9:30 a.m.

PLACE: Ramada Inn, 1200 South Federal Highway, Stuart, FL 34994

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct the Annual meeting of the Council.

A copy of the agenda may be obtained by contacting: Treasure Coast Regional Planning Council, 301 E. Ocean Boulevard, Suite 300, Stuart, Florida 34994.

If a person decides to appeal any decision made by the Treasure Coast Regional Planning Council with respect to any matter considered at such meeting or hearing, he or she will need a record of proceedings, and that, for such purpose, he or she may need to ensure that a verbatim record of the proceedings is made, which record indicates the testimony and evidence upon which the appeal is to be based.

Any persons needing special accommodations at this meeting because of a disability or physical impairment should contact Liz Gulick, (561)221-4060, at least 48 hours before the meeting.

**REGIONAL TRANSPORTATION AUTHORITIES**

The **Hillsborough Area Regional Transit Authority** (HART) announces the following public meetings of the Governing Board of the Authority to which all persons are invited:

Public Hearing

DATE AND TIME: December 2, 2002, 8:30 a.m.

PLACE: County Center, 18th Floor, Planning Commission Board Room, 601 E Kennedy Boulevard, Tampa, FL

PURPOSE: Regularly Scheduled Board Meeting.

AGENDA/GENERAL SUBJECT MATTER TO BE CONSIDERED:

1. Call to order
2. Approval of Minutes
3. Introductions, Recognition and Awards
4. Consumer Advisory Committee Report
5. Public Comment on Action Items
6. Consent Action Items
7. Other Action Items
8. Chairman’s Report
9. Reports from HART Representatives
10. HART Committee Reports
11. Other Board Member’s Report
12. Executive Director’s Report
13. Employee Comment
14. General Public Comment
15. Discussion and Presentations
16. Monthly Information Reports
17. Other Information Items
18. Other Business

A copy of the detailed agenda may be obtained by contacting: Mary Staples, Administrative Assistant II, Hillsborough Area Regional Transit Authority, 201 E. Kennedy Boulevard, Suite 900, Tampa, FL 33602, (813)223-6831, Ext.2111.

Section 286.0105, Florida Statutes, states that if a person decided to appeal any decision made by a board, agency or commission with respect to any matter considered at a meeting or hearing, he will need a record of the proceedings, and that for such purpose, he may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

In accordance with the Americans with Disabilities Act of 1990, persons needing a special accommodation at this meeting because of a disability or physical impairment should

**WATER MANAGEMENT DISTRICTS**

The **Suwannee River Water Management District** announces the following public meetings to which all interested persons are invited.

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

PLACE: District Headquarters, 9225 CR 49, Live Oak, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Board Meeting – to consider District business, and conduct public hearings on regulatory and land acquisition matters.

PURPOSE: Public hearing in accordance with Section 373.139(3)(a), F.S., concerning the proposed purchase of the Otter Springs Tract, 600 Acres +/-, Gilchrist County, Florida; also the Madeline Moore Conservation Easement, 120 Acres +/-, Jefferson County; also the Fletcher’s Landing Tract, 178 Acres +/-, Levy County; all using funds from the Florida Forever Trust Fund.

DATE AND TIME: December 10, 2002, following Board Meeting

PLACE: Live Oak, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Workshop.

A copy of the agenda(s) may be obtained by writing: SRWMD, 9225 CR 49, Live Oak, Florida 32060.

If any person decides to appeal any decision with respect to any matter considered at the above cited meeting, such person may need to ensure that a verbatim record of the proceedings is made to include the testimony and evidence upon which the appeal is to be based.

Persons with disabilities who need assistance in order to participate in this meeting may contact Lisa Cheshire, Adm./Board Coordinator, (386)362-1001 or 1(800)226-1066 (Florida only), at least two business days in advance to make appropriate arrangements.

The **St. Johns River Water Management District** announces the following Projects and Land Committee meeting and tour.

**PROJECTS AND LAND COMMITTEE**

DATE AND TIME: December 4, 2002, 5:00 p.m.

PLACE: Vero Beach Hampton Inn, Meeting Facility, 9350 19th Lane, Vero Beach FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss business agenda items on the Governing Board Agenda under "Projects and Land Committee." An Upper Basin tour will follow at 7:45 a.m., Thursday, December 5, 2002, beginning at the Fort Drum Recreation Area at SR60.

An agenda can be obtained by writing: St. Johns River Water Management District, P. O. Box 1429, Palatka, FL 32178-1429 or by calling Sonia Kuecker, Water Resources Department, (386)312-2330.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this meeting is asked to advise the agency at least 48 hours before the meeting by contacting Mrs. Linda Lorenzen, (386)329-4262. If you are hearing or speech impaired, please contact the agency by calling (386)329-4450 (TDD).

The **St. Johns River Water Management District** announces the following public meetings and hearings which may be conducted by means of or in conjunction with communications technology. All persons are invited.

**MEETING OF GOVERNING BOARD CHAIR AND COMMITTEE CHAIRS**

DATE AND TIME: Tuesday, December 10, 2002, 8:15 a.m.

PLACE: District Headquarters, Highway 100, West, Palatka, Florida 32177

GENERAL SUBJECT MATTER TO BE CONSIDERED: Discussion and consideration of District business including regulatory and non-regulatory matters.

**FINANCE AND ADMINISTRATION COMMITTEE MEETING**

DATE AND TIME: Tuesday, December 10, 2002, 8:45 a.m.

PLACE: District Headquarters, Highway 100, West, Palatka, FL 32177

GENERAL SUBJECT MATTER TO BE CONSIDERED: Discussion of Finance, Facilities/Planning/Construction, Information Technology and Personnel agenda items, followed by committee recommendations to be approved by the full Governing Board. Staff will recommend approval of external budget amendments which affect the adopted FY 2002-2003 budget.

**REGULATORY COMMITTEE MEETING**

DATE AND TIME: Tuesday, December 10, 2002, 10:00 a.m.

PLACE: District Headquarters, Highway 100, West, Palatka, FL 32177

GENERAL SUBJECT MATTER TO BE CONSIDERED: Discussion of Regulatory agenda items, followed by committee recommendations to be approved by the full Governing Board.

**GOVERNING BOARD/REGULATORY MEETING AND PUBLIC HEARING ON LAND ACQUISITION**

DATE AND TIME: Tuesday, December 10, 2002, 1:00 p.m.

PLACE: District Headquarters, Highway 100, West, Palatka, Florida 32177

GENERAL SUBJECT MATTER TO BE CONSIDERED: Discussion and consideration of District business including regulatory and non-regulatory matters.

**PUBLIC HEARING REGARDING INDIAN RIVER LAGOON SWIM PLAN**

DATE AND TIME: December 10, 2002, following the regularly scheduled Regulatory Meeting which begins at 1:00 p.m.

PLACE: District Headquarters, Highway 100, West, Palatka, Florida 32177

GENERAL SUBJECT MATTER TO BE CONSIDERED: Public Hearing to approve the Indian River Lagoon Surface Water Improvement and Management Plan Update.

**RECONVENE PUBLIC HEARING REGARDING LAKE APOPKA PROPOSED RULE REVISIONS**

DATE AND TIME: Tuesday, December 10, 2002, following the regularly scheduled Regulatory meeting which begins at 1:00 p.m.

PLACE: District Headquarters, Highway 100, West, Palatka, Florida 32177

GENERAL SUBJECT MATTER TO BE CONSIDERED: Revisions to Chapters 40C-4, 40C-41, 40C-42 and 40C-44, F.A.C., and associated Applicant's Handbooks: Management and Storage of Surface Waters, Regulation of Stormwater Management Systems, and Agricultural Surface Water Management Systems, regarding phosphorus limitations for Lake Apopka.

**GOVERNING BOARD MEETING**

DATE AND TIME: Wednesday, December 11, 2002, 9:00 a.m.

PLACE: District Headquarters, Highway 100, West, Palatka, FL 32177

GENERAL SUBJECT MATTER TO BE CONSIDERED: Discussion and consideration of other District business including regulatory and non-regulatory matters. Wednesday, December 11, 2002, meeting may be cancelled if all items are completed on Tuesday, December 10, 2002.

NOTE: In the event of a declared emergency or emergency conditions due to an imminent tropical storm or hurricane, all or part of these meetings may be conducted as a teleconference in order to permit maximum participation of Governing Board members.

A copy of the agenda may be obtained by writing: St. Johns River Water Management District, P. O. Box 1429, Palatka, Florida 32178-1429. Any item which appears on the agenda for the Governing Board, Regulatory, and/or Committee meetings may be considered on day one or day two. Day two may be cancelled if all items completed on day one. The order of items appearing on the agenda is subject to change during the meetings.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in these meetings and hearings is requested to advise the District at least 48 hours before the meeting or hearing by contacting Ann Freeman, (386)329-4101. If you are hearing or speech impaired, please contact the District by calling (386)329-4450 (TDD).

If any person decides to appeal any decision with respect to any matter considered at the above-listed meetings or hearings, such person may need to ensure that a verbatim record of the proceedings is made to include the testimony and evidence upon which the appeal is to be based.

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The **Southwest Florida Water Management District** announces the following meeting to which all interested parties are invited.

**WATER CONSERVATION TASK FORCE**

DATE AND TIME: Wednesday, December 4, 2002, 1:30 p.m.

PLACE: Tampa Service Office, 7601 Highway 301, North, Tampa, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Conduct Task Force Business.

Some members of the District's Governing and Basin Boards may attend the meetings.

A copy of the agenda may be obtained by writing: Community 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 Disabilities Act should call 1(800)836-0797 (Florida) or (813)985-7481, Extension 2036, Fax (813)987-6726, TTD ONLY 1(800)231-6103 (Florida).

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The **Southwest Florida Water Management District** (SWFWMD) announces the following public meetings to which all interested persons are invited.

**FEDERAL FUNDING SUBCOMMITTEE MEETING**

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

PLACE: SWFWMD, Tampa Service Office, 7601 U. S. Highway 301, North, Tampa, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: District potential Federal funding opportunities for District projects.

These are public meetings and agendas are available by writing: Southwest Florida Water Management District, 2379 Broad Street, Brooksville, FL.

The District does not discriminate based on disability. Anyone requiring reasonable accommodation under the ADA should contact 1(800)423-1476 (Florida only), Extension 4604, TDD only 1(800)231-6103 (Florida only), Fax (352)754-6874.

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The **Southwest Florida Water Management District** announces the following meeting to which all interested parties are invited.

**ENVIRONMENTAL ADVISORY COMMITTEE**

DATE AND TIME: Wednesday, December 11, 2002, 4:00 p.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.

A copy of the agenda 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 Disabilities Act should call 1(800)836-0797 (FL) or (813)985-7481, Ext. 2036, Fax (813)987-6726, TTD ONLY, 1(800)231-6103 (FL).

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The **South Florida Water Management District** announces a public meeting(s) to which all interested parties are invited.

DATE AND TIME: December 5, 2002, 8:30 a.m.

PLACE: Conservancy of Southwest Florida, 1450 Merrihue Drive, Naples, Florida 34102

GENERAL SUBJECT MATTER TO BE CONSIDERED: Water Resources Advisory Commission Meeting.

**TENTATIVE MEETING DATES FOR THE MONTH OF DECEMBER**

If at the December 5, 2002 meeting, the Water Resources Advisory Commission decides to hold additional meetings and/or Issue Workshops, the following dates are being scheduled and noticed. If you're planning to attend any of the followings meetings please call the staff identified in this notice prior to the meeting date, to ensure that a meeting has not been cancelled:

Monday, December 9, 9:30 a.m.

Monday, December 16, 9:30 a.m.

Thursday, December 19, 8:30 a.m.

These meetings will be held in the SFWMD, Headquarters, 3301 Gun club Road, West Palm Beach, FL 33406.

A copy of the agenda may be obtained at the District Website seven (7) prior to the meeting at <http://www.sfwmd.gov/gover/wrac/agendas.html> or by writing: South Florida Water Management District, Mail Stop 2130, P. O. Box 24680, West Palm Beach, Florida 33416-4680. Persons with disabilities who need assistance may contact Paula Moree, Deputy District Clerk, (561)682-6447, at least two business days in advance of the meeting to make appropriate arrangements.

Those who desire more information, please contact: Julio Fanjul, (561)682-2769 or Paula Moree, (561)682-6447, Governing Board Operations Division, Phone Number District Headquarters, 3301 Gun Club Road, West Palm Beach, Florida 33406.

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The **South Florida Water Management District** announces a public meeting to which all interested parties are invited.

DATE AND TIME: December 12, 2002, 9:00 a.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: A resolution of the Governing Board of the South Florida Water Management District approving staff to submit the final draft of the 2002 Update of the Indian River Lagoon Surface Water Improvement and Management (SWIM) Plan to the Florida Department of Environmental Protection for a consistency review in accordance with Section 373.456 F.S.; providing an effective date.

A copy of the agenda may be obtained at the (1) District Website <http://www.sfwmd.gov/agenda.html> or (2) by writing: South Florida Water Management District, Mail Stop 2130, Post Office Box 24680, West Palm Beach, FL 33416-4680.

Appeals from any South Florida Water Management District Board decision require a record of the proceedings. Although Governing Board meetings and hearings are normally recorded, affected persons are advised that it may be necessary for them to ensure that a verbatim record of the proceeding is made, including the testimony and evidence upon which the appeal is to be based.

Persons with disabilities who need assistance may contact the Deputy 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: Pat Gostel (561)236-3612, Martin St. Lucie Service Center, Stuart, FL, (561)236-3612, District Headquarters, 3301 Gun Club Road, Mail Stop Code 4940 West Palm Beach, FL 33406.

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The **South Florida Water Management District** announces the following public meetings and hearings, which may be conducted by means of or in conjunction with communications technology, to which all persons are invited.

DATE AND TIME: Wednesday, December 11, 2002, 9:00 a.m. – Until completed

PLACE: South Florida Water Management District, Headquarters, Building B-1, Auditorium, 3301 Gun Club Road, West Palm Beach, FL 33406.

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regular Governing Board Workshop/Meeting to discuss and consider District business including regulatory and non-regulatory matters.

A copy of the agenda may be obtained by writing: South Florida Water Management District, Mail Stop 6260, P. O. Box 24680, West Palm Beach, Florida 33416-4680.

DATE AND TIME: Thursday, December 12, 2002, 8:30 a.m. – Until completed

B. Human Resources Committee Meeting, 8:00 a.m.

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

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regular Governing Board meeting for consideration of regulatory and non-regulatory matters, including public hearings.

NOTE: Except for public hearings, any item which appears on the agenda for any of the Governing Board meetings that appear in this notice may be discussed and considered at any of the Governing Board Meetings that appear in this notice. The order of items appearing on the agendas is subject to change during the meetings.

A copy of the agenda may be obtained by writing: South Florida Water Management District, P. O. Box 24680, West Palm Beach, Florida 33416-4680, or may be acquired via the SFWMD Web Site at <http://www.sfwmd.gov/agenda.html>.

Appeals from any South Florida Water Management District Board decision require a record of the proceedings. Although Governing Board meetings and hearings are normally recorded, affected persons are advised that it may be necessary for them to ensure that a verbatim record of the proceeding is made, including testimony and evidence upon which the appeal is to be based.

Persons with disabilities who need assistance may contact Paula Moree, Deputy District Clerk, (561)682-6447, at least two business days in advance to make appropriate arrangements.

NOTE: All or part of this meeting may be conducted as a teleconference in order to permit maximum participation of Governing Board Members.

Any item which appears on the agenda for the Governing Board Workshop/Meeting or Regular Meeting may be considered at the December 10, 2002 Workshop Meeting or December 11, 2002 Regular Meeting of the Governing Board.

The order of items appearing on the Agenda is subject to change during the meeting and is at the discretion of the Chair(s) and Governing Board(s). Except for Governing Board



hearings that involve the issuance of final orders based on recommended orders received from the Florida Division of Administrative Hearings, public comment will be taken after each presentation and before any Governing Board action(s).

The **South Florida Water Management District (SFWMD)** announces a public meeting to which all interested persons are invited.

DATE AND TIME: December 12, 2002, 8:30 a.m. – 5:00 p.m.

PLACE: SFWMD Headquarters, Building B-1, Auditorium, West Palm Beach, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: This meeting, which is being conducted in conjunction with the regularly scheduled Governing Board Meeting, is to adopt the January 1, 2003, SFWMD Florida Forever Work Plan which is to be presented to the President of the Florida State Senate, the Speaker of the Florida State House and the Secretary of the Florida Department of Environmental Protection on the First of January, 2003.

A copy of the agenda may be obtained by writing: South Florida Water Management District, P. O. Box 24680, MS #3220, West Palm Beach, Florida 33416-4680 or on the South Florida Water Management District website, [www.sfwmd.gov](http://www.sfwmd.gov). Persons with disabilities who need assistance may contact the Deputy District Clerk, (561)682-6447, at least two business days in advance of the meeting to make appropriate arrangements.

For more information, contact: Juan H. Diaz-Carreras, SFWMD Staff Planner, (561)682-6781.

#### REGIONAL UTILITY AUTHORITIES

The **Peace River/Manasota Regional Water Supply Authority** announces the following meeting to which the public is invited.

DATE AND TIME: Wednesday, December 11, 2002, 10:00 a.m.

PLACE: Sarasota County Administration Center, 1660 Ringling Boulevard, Sarasota, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Conduct regular business of the Authority.

A copy of the agenda may be obtained by writing: Peace River/Manasota Regional Water Supply Authority, 1645 Barber Road, Suite A, Sarasota, Florida 34240.

Although Authority board meetings are normally recorded, affected persons are advised it may be necessary for them to ensure a verbatim record of the meeting is made, including testimony and evidence upon which an appeal is to be based.

Persons with disabilities who need assistance may call (941)316-1776, at least two business days in advance to make appropriate arrangements.

#### FLORIDA SPACE AUTHORITY

The **Florida Space Industry Committee** announces the Annual Meeting to which the public is invited.

DATE AND TIME: December 5, 2002, 1:00 p.m. – 4:30 p.m.

PLACE: Florida Space Authority Space Operations Control Center, 100 Spaceport Way, Cape Canaveral, FL 32920

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Board of Directors of the Florida Space Industry Committee is meeting on December 5, 2002, to elect Officers and Committee Chairs and discuss projects, initiatives, future development, planning and administrative issues, and consider other matters related to the business of the Committee and the Spaceport Management Council.

For more information contact: Christine Rodgers, (321)751-0240.

To obtain a copy of the agenda, write: Christine Rodgers, SMART Enterprises, 1057 Acappella Drive, Melbourne, FL 32940.

Any person requiring special accommodation at this meeting because of a disability or physical impairment should contact SMART Enterprises at least seven (7) days prior to the meeting.

Please note that if a person decides to appeal any decision made by the Florida Space Industry Committee with respect to any matter considered at the above cited meeting or hearing, they will need a record of the proceedings, and for such purpose, they may need to ensure that a verbatim record of the proceeding, which record includes the testimony and evidence upon which the appeal is based.

The **Florida Commercial Space Financing Corporation (FCSFC)** announces a Board of Directors meeting and teleconference to which the public is invited.

DATE AND TIME: December 10, 2002, 10:00 a.m. – 1:00 p.m.

PLACE: Enterprise Florida, Inc. (EFI), Suite 1300, 390 North Orange Avenue, Orlando, Florida. EFI has reserved the Executive Conference Room for the FCSFC Board Meeting. To attend via telephone the number to call is 1(866)249-5325, participant code 393255

GENERAL SUBJECT MATTER TO BE CONSIDERED: Board of Directors will meet to review general board business, ratifications of agreements, financings, guarantees, budgets, procedures and to consider other proposed matters related to the business of the Corporation.

For more information, contact Mr. Frank DiBello or Ms. Judy Blanchard, (321)690-3397. To obtain a copy of the agenda write: The Florida Commercial Space Financing Corporation, 403 Brevard Avenue, Suite 1, Cocoa, Florida 32922.

Any person requiring special accommodations at this meeting because of disability or physical impairment should contact the Florida Commercial Space Financing Corporation.

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, they will need a record of the proceedings, and for such purpose, they may need to ensure that a verbatim record of the proceeding, which record includes the testimony and evidence upon which the appeal is to be based.

The **Florida Space Research Institute** (FSRI) Board of Directors announces a public meeting to be held on:

DATE AND TIME: December 13, 2002, 10:00 a.m. – 2:00 p.m.

PLACE: University of Miami, Rosenstiel School of Marine and Atmospheric Science (RSMAS), Library Map and Chart Room, 4600 Rickenbacker Causeway, Miami, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: The purpose of this meeting will be to discuss the status of FSRI programs. The FSRI Board of Directors also announces a reception to be held on December 12, 2002, 6:00 p.m. – 8:00 p.m. on the Rosenstiel School of Marine and Atmospheric Science (RSMAS) campus.

Any person requiring special accommodation at this meeting because of a disability or physical impairment should contact FSRI at least seven days prior to the meeting.

If any person decides to appeal any decision made by FSRI with respect to any matter considered at the above cited meeting, they will need a record of the proceedings, and for such purpose, they may need to secure a verbatim record of the proceedings, which record includes the testimony and evidence upon which the appeal is to be based.

For agendas or additional information on this meeting contact: Melissa Glover, (321)452-3418.

#### DEPARTMENT OF ELDER AFFAIRS

The Florida **Department of Elder Affairs** announces a public hearing to which all persons are invited.

DATE AND TIME: December 5, 2002, 9:00 a.m. – 5:00 p.m.

PLACE: Department of Elder Affairs, Room 225F, 4040 Esplanade Way, Tallahassee, FL 32399-7000

GENERAL SUBJECT MATTER TO BE CONSIDERED: A meeting of the Advisory Council for the Office of Long-Term Care Policy to discuss the state of long-term care in Florida and methods for improvement.

To obtain a copy of the agenda, please contact: Kimberly Pittman-Moore by phone, (850)414-2114, by email, Pittmankd@elderaffairs.org or by mail, 4040 Esplanade Way, Tallahassee, Florida 32399-7000.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this meeting is asked to advise the department at least 48 hours before the meeting by contacting Kimberly

Pittman-Moore by phone, (850)414-2114. If you are hearing or speech impaired, please contact the department by calling (850)414-2001.

#### DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

The Florida **Board of Architecture and Interior Design** announces the following meetings to which all persons are invited to attend.

DATE AND TIME: December 11, 2002, 10:00 a.m.

PLACE: Smith, Thompson, Shaw & Manausa, P.A., 2075 Centre Point Boulevard, Tallahassee, FL 32308

GENERAL SUBJECT MATTER TO BE CONSIDERED: Probable Cause Panel Meeting, portions may be closed to the public.

To obtain a copy of the agenda, further information, or submit written or other physical evidence, contact in writing: Smith, Thompson, Shaw & Manausa, P.A., 2075 Centre Point Boulevard, Tallahassee, FL 32308.

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 Smith, Thompson, Shaw & Manausa, P.A., (850)402-1570, 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 **Construction Industry Licensing Board** announces a meeting.

DATE AND TIME: December 10, 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 at (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.

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The **Department of Business and Professional Regulation, Board of Employee Leasing Companies** announces an official committee and general business meeting to which all persons are invited.

DATE AND TIME: Wednesday, December 11, 2002, 8:30 a.m. or shortly thereafter

PLACE: Sheraton Suites Tampa, 4400 W. Cypress Street, Tampa, Florida 33607

GENERAL SUBJECT MATTER TO BE CONSIDERED: Committee and General Business Meetings of the Board.

A copy of the agenda may be obtained by writing: Department of Business and Professional Regulation, Board of Employee Leasing Companies, 1940 North Monroe Street, Tallahassee, Florida 32399-0767 or by calling the Board Office, (850)487-1395.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this meeting is asked to advise the agency at least 48 hours before the meeting by contacting the Board Office, (850)921-6347. If you are hearing or speech impaired, please contact the agency by calling 1(800)955-8771 (TDD).

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

For further information, contact: Florida Board of Employee Leasing Companies, 1940 North Monroe Street, Tallahassee, Florida 32399-0767.

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The Florida **Board of Pilot Commissioners** announces a telephone conference call to which all persons are invited to participate.

DATE AND TIME: December 11, 2002, 10:00 a.m.

PLACE: Department of Business and Professional Regulation, 1940 N. Monroe Street, Tallahassee, FL. Telephone Number: (850)921-6433, Suncom 291-6433

GENERAL SUBJECT MATTER TO BE CONSIDERED: Deputy Pilot Advancement.

Any person deciding to appeal a decision made with respect to any matter considered at this meeting will need to ensure that a verbatim record of the proceeding is made. Such record must include testimony and evidence upon which the appeal is to be based.

Any person requiring special accommodations at this meeting because of a disability or physical impairment should contact Department of Business and Professional Regulation, Board of Pilot Commissioners, at least forty-eight (48) hours 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).

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The **Board of Professional Surveyors and Mappers** announces a Probation Committee, Continuing Education Committee, Application Review Committee, Positional Accuracy Committee and a General Business meeting. All interested parties are invited to attend at the address listed below.

DATES AND TIME: January 15-16, 2003, 9:00 a.m., Continuing Education Committee meeting, Application Review Committee meeting, Positional Accuracy meeting, followed by a General Business meeting. January 16, 2003, 9:00 a.m., Probation Committee meeting followed by a General Business meeting

PLACE: Embassy Suites Miami International Airport, 3974 Northwest South River Drive, Miami, Florida 33142

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct regular Board business.

A copy of the agenda may be obtained by writing: Board of Professional Surveyors and Mappers, 1940 North Monroe Street, Tallahassee, Florida or by calling Leon Biegalski, Executive Director, (850)487-1395.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this meeting is asked to advise the agency at least forty-eight (48) hours before the meeting by contacting Leon Biegalski, Executive Director, (850)487-1395. If you are hearing or speech impaired, please contact the agency by calling 1(800)955-8771 (TDD).

Any person who decides to appeal any decision made by the Board with respect to any matter considered at this meeting, will need a record of the proceedings, which record shall include all testimony and evidence upon which the appeal is based, and, for such purpose may need to ensure that a verbatim record of the proceedings is made.

**DEPARTMENT OF ENVIRONMENTAL PROTECTION**

The **Department of Environmental Protection** announces a certification hearing to consider the environmental impacts and other concerns in the case of Florida Power & Light Company’s Manatee Unit 3 project pursuant to the Florida Electrical Power Plant Siting Act, section 403.501, et seq., Florida Statutes. The hearing will take place:

**DATES AND TIME:** January 27-31, 2003, 10:00 a.m.

**PLACE:** Manatee County Rural Health Services Building, 12214 U.S. Highway 301, North, Parrish, 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**, Juvenile Justice and Delinquency Prevention State Advisory Group (JJDP) Disproportionate Minority Committee will hold a telephone conference call to be held via meet me number.

**DATE AND TIME:** December 2, 2002, 5:30 p.m. – 7:00 p.m.

**PLACE:** Call: (850)921-5470, Suncom 291-5470

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** To conduct general business of the Committee.

A copy of the agenda may be obtained by calling: Joyce Wilson, Office of Prevention and Victim Service, (850)921-5210, Suncom 291-5210.

The Florida **Department of Juvenile Justice**, Juvenile Justice and Delinquency Prevention State Advisory Group (JJDP) Finance Committee will hold a telephone conference call to be held via meet me number.

**DATE AND TIME:** December 10, 2002, 11:30 a.m. – 2:00 p.m.

**PLACE:** Call: (850)921-5470, Suncom 291-5470

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** To conduct general business of the Committee.

A copy of the agenda may be obtained by calling: Joyce Wilson, Office of Prevention and Victim Service, (850)921-5210, Suncom 291-5210.

**DEPARTMENT OF HEALTH**

The **Department of Health, Board of Clinical Social Work, Marriage and Family Therapy and Mental Health Counseling** announces an official Board meeting. All interested parties are invited to attend at the address listed below, which is normally open to the public.

**DATES AND TIME:** January 23-24, 2003, 9:00 a.m.

**PLACE:** Gateway Grand, 4200 N. W. 97th Blvd., Gainesville, Florida 32606, (352)331-3336

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** Official Board Meeting.

A copy of the agenda may be obtained by writing: Sue Foster, Executive Director, Department of Health, Board of Clinical Social Work, Marriage and Family Therapy and Mental Health Counseling, 4052 Bald Cypress Way, BIN #C08, Tallahassee, Florida 32399-3258.

If any 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 Sue Foster, (850)245-4474, by January 16, 2003.

The Florida **Board of Nursing**, Task Force on Advanced Registered Nurse Practitioners will hold a duly noticed meeting to which all persons are invited to attend.

**DATE AND TIME:** December 4, 2002, 9:30 a.m. – 3:00 p.m.

**PLACE:** Tampa Airport Marriott, Tampa International Airport, Tampa, FL 33607, (813)879-5151

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** The task force will review and make recommendations on rule changes for Advanced Registered Nurse Practitioners.

Any person requiring special accommodations at this meeting because of a disability or physical impairment should contact the Board at (850)245-4125, 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).

A copy of the agenda item may be obtained by writing: Dan Coble, Executive Director, 4052 Bald Cypress Way, BIN #C02, Tallahassee, FL 32399-3257.

**NOTICE OF CANCELLATION – The Board of Occupational Therapy** hereby give notice that the rule development workshop meeting scheduled for Rule 64B11-5.001, Requirements for License Renewal of an Active License, on December 3, 2002 and published in Vol. 28, No. 39, September 27, 2002 issue of the Florida Administrative Weekly is cancelled.

**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 **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 for verification that the Task Force is meeting.

DATE AND TIME: Monday, December 2, 2002, 9:00 a.m. – 10:00 a.m.

PLACE: Call Toll Free 1(888)816-1123, Suncom 291-5230, Tallahassee only 921-5230

DATE AND TIME: Wednesday, December 4, 2002, 9:00 a.m. – 10:00 a.m.

PLACE: Call Toll Free 1(800)416-4254, Suncom 292-2903, Tallahassee only 922-2903

DATE AND TIME: Friday, December 6, 2002, 9:00 a.m. – 10:00 a.m.

PLACE: Call Toll Free 1(888)816-1123, Suncom 291-5230, Tallahassee only 921-5230

DATE AND TIME: Monday, December 9, 2002, 9:00 a.m. – 10:00 a.m.

PLACE: Call Toll Free 1(888)816-1123, Suncom 291-5230, Tallahassee only 921-5230

DATE AND TIME: Wednesday, December 11, 2002, 9:00 a.m. – 10:00 a.m.

PLACE: Call Toll Free 1(800)416-4254, Suncom 292-2903, Tallahassee only 922-2903

DATE AND TIME: Friday, December 13, 2002, 9:00 a.m. – 10:00 a.m.

PLACE: Call Toll Free 1(888)816-1123, Suncom 291-5230, Tallahassee only 921-5230

DATE AND TIME: Monday, December 16, 2002, 9:00 a.m. – 10:00 a.m.

PLACE: Call Toll Free 1(888)816-1123, Suncom 291-5230, Tallahassee only 921-5230

DATE AND TIME: Wednesday, December 18, 2002, 9:00 a.m. – 10:00 a.m.

PLACE: Call Toll Free 1(800)416-4254, Suncom 292-2903, Tallahassee only 922-2903

DATE AND TIME: Monday, December 23, 2002, 9:00 a.m. – 10:00 a.m.

PLACE: Call Toll Free 1(888)816-1123, Suncom 291-5230, Tallahassee only 921-5230

GENERAL SUBJECT MATTER TO BE CONSIDERED: Task Force issues.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring a special accommodation at this hearing because of a disability or physical impairment should contact Mary Pater or Faith Schneider, Florida Department of Health, General Counsel's Office, (850)245-4444, at least five (5) calendar days prior to the hearing. If you are hearing or speech impaired, please contact Ms. Pater or Ms. Schneider

using the Florida Dual Party Relay System which can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

The **Governor's Select Task Force on Healthcare Professional Liability Insurance** announces a Conference to which all persons are invited.

DATE AND TIME: Tuesday, December 3, 2002, 9:00 a.m. – Conclusion of business

PLACE: Knott Building, Room 412, 111 St. Augustine Road, Tallahassee, Florida 32399. (Note: Attendees must enter through the new Capitol Building, Plaza Level, either through the Monroe Street or Duval Street entrance. Parking available at Kleman Plaza Parking Garage, 300 block of South Duval Street.)

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.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring a special accommodation at this hearing because of a disability or physical impairment should contact Mary Pater or Faith Schneider, Florida Department of Health, General Counsel's Office, (850)245-4444, at least five (5) calendar days prior to the hearing. If you are hearing or speech impaired, please contact Ms. Pater or Ms. Schneider using the Florida Dual Party Relay System which can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

The **Governor's Select Task Force on Healthcare Professional Liability Insurance** announces a Conference to which all persons are invited.

DATE AND TIME: Friday, December 20, 2002, 9:00 a.m. – Conclusion of business.

PLACE: Hyatt Regency Orlando International Airport, 4th Floor, The Briefing Room, 9300 Airport Boulevard, Orlando, Florida 32827, (407)825-1234

GENERAL SUBJECT MATTER TO BE CONSIDERED: The work of the Governor's Select Task Force will make recommendations to protect Floridians' access to high-quality and affordable healthcare. The Governor's Select Task Force shall study the relevant issues and make written recommendations and/or propose legislation. The work product of the Governor's Select Task Force should include, but need not be limited to, the following: (1) findings from an examination of the Florida healthcare liability insurance market, pertinent tort laws, claims and premium data compared to other states of similar size and diversity; (2) an assessment of the impact of the cost, accessibility and availability of healthcare liability insurance on the cost, accessibility and availability of high quality healthcare in this state; and (3) specific strategies to ease the healthcare liability insurance crisis faced by physicians, hospitals and other healthcare providers in the state. A report of such recommendations and/or proposed legislation shall be submitted by January 31, 2003, to the Governor, the President of the Florida Senate and the Speaker of the House of Representatives.

To aid its study of the issues and the development of its recommendations, the Governor's Select Task Force shall take public testimony from experts and stakeholders. In addition, the Governor's Select Task Force is encouraged to take whatever other steps are necessary to gain a full understanding of the medical, legal, insurance and other issues involved.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring a special accommodation at this hearing because of a disability or physical impairment should contact Mary Pater or Faith Schneider, Florida Department of Health, General Counsel's Office, (850)245-4444, at least five (5) calendar days prior to the hearing. If you are hearing or speech impaired, please contact Ms. Pater or Ms. Schneider using the Florida Dual Party Relay System which can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

The **Graduate Medical Education Committee** announces a meeting to be held to which all persons are invited.

DATE AND TIME: December 5, 2002, 1:00 p.m. – 4:00 p.m. (EST)

PLACE: Tampa Airport Marriott, Tampa, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: General business of the committee.

A copy of the agenda may be obtained by writing: Winona Dallis, Office of Community Health Resources, 4052 Bald Cypress Way, BIN #C15, Tallahassee, Florida 32399-1735, (850)245-4440, Ext. 3504.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact the Office of Community Health Resources, (850)245-4440, Ext. 3504, at least 48 hours prior to the meeting. If you are hearing or speech impaired, please call the Office of Community Health Resources using the Florida Dual Party Relay System which can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

#### DEPARTMENT OF CHILDREN AND FAMILY SERVICES

The **Department of Children and Family Services**, Developmental Disabilities Program announces a public workshop via videoteleconference for the purpose of rule development regarding proposed Rule Development 65B-6.014, F.A.C., Siting, to which all persons are invited.

DATE AND TIME: January 8, 2003, 9:30 a.m.

PLACES: Videoteleconference sites are as follows:

Building 2, Room 103, 1317 Winewood Boulevard, Tallahassee, FL

Chappie James Building, Suite 712, 160 Government Street, Pensacola, FL

Cedars Executive Center, Bldg. A, Room 201, 2639 N. Monroe St., Tallahassee, FL

Gainesville Service Center, Building A, VTC Room, 1000 Northeast 16 Avenue, Gainesville, FL

District 4 District Headquarters, 3rd Floor, Conference Room 1, 5920 Arlington Expressway, Jacksonville, FL

Suncoast Region Headquarters, Room 803, 9393 N. Florida Avenue, Tampa, FL

SunCoast Region Pinellas Hub, Grizzle Building, Room 418C, 11351 Ulmerton Road, Largo, FL

Hurston South Tower, Room 1006, 400 W. Robinson St., Orlando, FL

District 8 Regional Service Center, Room 253A, 2295 Victoria Avenue, Fort Myers, FL

District 9 Regional Service Center, Third Floor, Conference Room 1, 111 South Sapodilla Avenue, West Palm Beach, FL

Broward Regional Service Center, Suite 408, 201 W. Broward Blvd., Fort Lauderdale, FL

District 11 District Headquarters, North Tower, Room 1007, 401 N. W. 2nd Ave., Miami, FL

Daytona Beach Regional Service Center, Suite 440, 210 N. Palmetto Avenue, Daytona Beach, FL

District 13 District Headquarters, Room 2175, 1601 W. Gulf Atlantic Hwy, Wildwood, FL

District 14 Headquarters, Building 72, Conference Room, 4720 Old Highway 37, Lakeland, FL

Clem C. Benton Regional Service Center, Room 327D, 337 N. 4th Street, Fort Pierce, FL

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** Rule Development Workshop regarding proposed Rule Development 65B-6.014, Siting, as advertised in the November 1, 2002, issue of the Florida Administrative Weekly, Vol. 28, No. 44, pp. 4743-4744. Purpose of 65B-6.014, Siting, is to implement the provisions of Section 393.501(2), F.S., requiring the department to adopt rules addressing the number of facilities on a single parcel and adjacent parcels of land. This proposed rule would, for facilities licensed or established after the effective date of the rule, limit the number of residential facilities able to be licensed on a single parcel and adjacent parcels of land based on criteria defined in the rule.

A copy of the agenda may be obtained by writing: Department of Children and Family Services, Developmental Disabilities Program, 1317 Winewood Boulevard, Tallahassee, Florida 32399-0700 or by calling Hilary Brazzell, (850)488-4877, Extension 138.

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 Hilary Brazzell, (850)488-4877, Extension 138. If you are hearing or speech impaired, please contact the agency by calling (850)921-1304.

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#### NAVIGATON DISTRICTS

The Board of Commissioners of the **Florida Inland Navigation District** announces a public meeting to which all persons are invited.

**DATE AND TIME:** Friday, December 6, 2002, 8:30 a.m.

**PLACE:** The Brannon Center, 105 S. Riverside Drive, New Smyrna Beach, Volusia County, Florida

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** A regular meeting of the Board of Commissioners to conduct the regular business of the District. Additionally, the District's Land Acquisition and Management, Legislative and Manatee Sign Committees will meet.

Please contact: 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.

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#### FLORIDA INSURANCE GUARANTY ASSOCIATION

The **Florida Insurance Guaranty Association** announces a telephone conference meeting to which all interested parties are invited to attend.

**DATE AND TIME:** December 5, 2002, 1:00 p.m. (Eastern Time), recessing at 3:00 p.m. or as soon as business has been concluded

**PLACE:** For access information call, (904)398-1238, Ext. 109  
**GENERAL SUBJECT MATTER TO BE CONSIDERED:** The Board of the Florida Insurance Guaranty Association will meet to consider the need for a 2002 assessment on Member Insurers and other business to come before the Board.

A copy of the agenda and telephone conference number may be obtained by contacting: Mr. Jerry Service, (904)398-1238, Ext. 109.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in the meeting is asked to advise the Association by contacting Jerry Service, (904)398-1238, Ext. 109, at least 48 hours before the session if the person wishes to participate. A person who is hearing or speech impaired may also contact the TDD at 1(800)955-1339.

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#### FLORIDA MOBILE HOME RELOCATION CORPORATION

The **Florida Mobile Home Relocation Corporation** announces a meeting of its Board of Directors.

**DATE AND TIME:** Tuesday, December 3, 2002, 11:00 a.m.

**PLACE:** Harborview Center, Ballroom D, 300 Cleveland Street, Clearwater, Florida

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** Official business of the Florida Mobile Home Relocation Corporation including operational procedures, approval and payment of claims, Executive Director Report, General Counsel Report and such other business as may come before the board. A schedule for the next meeting will also be determined.

Additional information may be obtained by contacting: Robert S. Cohen, General Counsel, Florida Mobile Home Relocation Corporation, Post Office Box 14125, Tallahassee, Florida 32317-4125, 1(888)862-7010.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact Robert S. Cohen, General Counsel, 1(888)862-7010, at least five calendar days prior to the meeting.

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**FLORIDA AUTOMOBILE JOINT UNDERWRITING ASSOCIATION**

The **Florida Automobile Joint Underwriting Association** announces a FAJUA Board of Governors public meeting via teleconference to which all persons are invited.

FAJUA Board of Governors Teleconference Meeting

DATE AND TIME: Monday, December 9, 2002, 1:30 p.m.

PLACE: For access information call, (850)681-2003

GENERAL SUBJECT MATTER TO BE CONSIDERED: Discuss selection of general manager/compensation package; and any other matters that may come before the Board.

Additional information may be obtained from: Lisa B. Stoutamire, FAJUA, 1113 East Tennessee Street, Suite 401, Tallahassee, FL 32308, (850)681-2003, fajua@aol.com.

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**CITIZENS PROPERTY INSURANCE CORPORATION**

The **Citizens Property Insurance Corporation** announces a meeting of its Investment Committee.

DATE AND TIME: Tuesday, December 10, 2002, 2:00 p.m. (EST)

PLACE: Hyatt Regency Miami, 400 S. E. 2nd Avenue, Miami, Florida, (305)358-1234

GENERAL SUBJECT MATTER TO BE CONSIDERED: Items of discussion include, but are not limited to, investment manager reviews and investment guidelines.

For additional information, please call: 1(800)807-7647, Extension 3702.

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The **Citizens Property Insurance Corporation** announces a meeting of its Audit Committee.

DATE AND TIME: Tuesday, December 10, 2002, 4:00 p.m. (EST)

PLACE: Hyatt Regency Miami, 400 S. E. 2nd Avenue, Miami, Florida, (305)358-1234

GENERAL SUBJECT MATTER TO BE CONSIDERED: Items on the agenda include, but are not limited to, discussions with external auditors.

For additional information, please call: 1(800)807-7647, Extension 3702.

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The **Citizens Property Insurance Corporation** announces a meeting of its Board of Governors.

DATE AND TIME: Wednesday, December 11, 2002, 9:00 a.m. (EST)

PLACE: Hyatt Regency Miami, 400 S. E. 2nd Avenue, Miami, Florida, (305)358-1234

GENERAL SUBJECT MATTER TO BE CONSIDERED: Items of discussion include, but are not limited to, committee and staff reports.

For additional information, please call: 1(800)807-7647, Extension 3702.

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**COUNCIL FOR EDUCATION POLICY, RESEARCH AND IMPROVEMENT**

The **Council for Education Policy, Research and Improvement** announces a public hearing.

DATE AND TIME: Tuesday, December 10, 2002, 2:30 p.m. – 4:30 p.m.

PLACE: T208 Advanced Technology Center, Downtown Campus of Florida Community College at Jacksonville, 401 West State Street, Jacksonville, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: To receive testimony on the draft report, Florida Teachers and the Teaching Profession, which contains preliminary recommendations for inclusion in the K-20 Master Plan. The report may be accessed at the Council website: [www.cepri.state.fl.us/Teaching%20Profession%20Committee.htm](http://www.cepri.state.fl.us/Teaching%20Profession%20Committee.htm).

For further information contact the Council Office, (850)488-7894.

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The **Council for Education Policy, Research and Improvement** announces a public meeting.

DATE AND TIME: Wednesday, December 11, 2002, 8:30 a.m. – 5:00 p.m.

PLACE: T208 Advanced Technology Center, Downtown Campus of Florida Community College at Jacksonville, 401 West State Street, Jacksonville, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: To take action on recommendations related to the teaching profession for inclusion in the Master Plan and will discuss preliminary drafts related to the equity of funding per student among state universities and centers and institutes. The Council will also receive a briefing on overall funding policy options and discuss other ongoing assignments. Time will be available for committee meetings upon completion of the full Council agenda.

For further information contact: Council Office, (850)488-7894.

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**SUMTER COUNTY**

**Sumter County** and the Florida **Department of Environmental Protection** announces a meeting for the Florida Organics Recycling Center for Excellence to which all persons are invited.

DATE AND TIME: Wednesday, December 11, 2002, 9:30 a.m. – 2:00 p.m.

PLACE: Sumter County Public Works, 319 E. Anderson, Bushnell, Florida



**GENERAL SUBJECT MATTER TO BE CONSIDERED:**

This is a public meeting of the technical advisory group for the Florida Organics Recycling Center for Excellence (FORCE) project being developed by Sumter County under a Department contract. Sumter County and the Department will seek guidance as the project progresses and tasks associated with Year Two of the project continue.

If accommodation for a disability is needed to participate in this activity, please notify Miriam Zimms, (813)971-8333, at least 48 hours before the meeting. If you are hearing or speech impaired, please contact the Department by using the Florida Relay service at 1(800)955-8771 (TDD).

A copy of the agenda may be obtained by writing or calling: Miriam Zimms, Kessler Consulting, Inc., 14620 N. Nebraska Ave., Bldg. D, Tampa, FL 33613, (813)971-8333, Extension 22.

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## Section VII Notices of Petitions and Dispositions Regarding Declaratory Statements

**DEPARTMENT OF INSURANCE**

NOTICE IS HEREBY GIVEN THAT the Department of Insurance has issued an order disposing of the petition for declaratory statement filed by Michael Coutts, on June 21, 2002. The following is a summary of the agency's disposition of the petition: The response interpreting Section 633.061, Florida Statutes, which is sought by the Petition for Declaratory Statement constitutes a rule which has not at this time been finalized, and since such interpretation will not be finalized until the rulemaking has been completed, it is, therefore, ordered: That the Petition for Declaratory Statement be, and the same herein is, dismissed, in favor of rulemaking proceedings.

A copy of the order may be obtained in any of the following ways:

1. Write to, call or send a fax to Gabriel Mazzeo, Attorney, Division of State Fire Marshal, 200 East Gaines Street, Tallahassee, Florida 32399-0340, 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. You may 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>.
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**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

NOTICE IS HEREBY GIVEN THAT the Division of Florida Land Sales, Condominiums and Mobile Homes, Department of Business and Professional Regulation, State of Florida, received an amended petition for declaratory statement In Re: Amended Petition for Declaratory Statement, Natalie and James Wilson, Jr., and Roland B. Foster, Jr., Unit Owners, Jade Towers Condominium, Petitioners, on November 7, 2002.

The Petitioners, Natalie H. Wilson, James Edward Wilson, Jr., M.D., and Roland B. (Roy) Foster, Jr., unit owners in Jade East Towers Condominium, request a declaratory statement as to whether Sections 718.104, .111, .112, .115, .116, .119, .121 and .303, Florida Statutes (2002), require the association to specify the proportionate share owed by each unit owner, to establish a due date for payment of the assessment share by each owner, and to allow each owner to pay his or her share in full in order to create a valid assessment.

A copy of the Amended Petition for Declaratory Statement, Docket Number CD2002-055, may be obtained by writing: Agency Clerk, Department of Business and Professional Regulation, Division of Florida Land Sales, Condominiums and Mobile Homes, 1940 North Monroe Street, Tallahassee, Florida 32399-2217. Please refer all comments to Janis Sue Richardson, Chief Assistant General Counsel, Department of Business and Professional Regulation, Division of Florida Land Sales, Condominiums and Mobile Homes, 1940 North Monroe, Tallahassee, Florida 32399-2217.

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**DEPARTMENT OF HEALTH**

The Board Medicine, Dietetics and Nutrition Council hereby gives notice that it has received a Petition for Declaratory Statement filed on behalf of Arlene L. Kasner. The petition seeks the Council's interpretation of Sections 468.509, 468.51, 468.505(1)(j) and 468.517(1)(f), Florida Statutes. The petition specifically seeks approval for the petitioner to hire a person who is not licensed pursuant to Sections 468.509 or 468.51, Florida Statutes, as a weight control counselor, to exclusively perform the services described under Section 468.505(1)(j), Florida Statutes, without Petitioner performing the prohibited act described under Section 468.517(1)(f), Florida Statutes.

Copies of the petition may be obtained from: Kaye Howerton, Executive Director, Dietetics and Nutrition Council, 4052 Bald Cypress Way, BIN # C05, Tallahassee, Florida 32399-3253.

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**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:**

Beverage Hospitality, Inc. vs. Department of Business and Professional Regulation, Division of Alcoholic Beverages and Tobacco; Case No.: 02-4052RP; Rule No.: 61A-5.0105

United Mail Pharmacy Services, L.C. vs. Department of Health, Board of Pharmacy; Case No.: 02-4359RP; Rule No.: 64B16-27.832

International Consultants of Delaware vs. Department of Health, Board of Physical Therapy Practice; Case No.: 02-4365RP; Rule Nos.: 64B17-3.001, 64B17-4.001

American Eldercare, Inc. vs. Department of Elder Affairs and Agency for Health Care Administration; Case No.: 02-4398RU

**Notice of Disposition of Petition for Administrative Determination have been filed by the Division of Administrative Hearings on the following rules:**

Florida Pool and Spa Association, Inc. vs. Florida Building Commission; Case No.: 02-1192RX; Rule No.: 9B-3.047; Dismissed

Maria Albo vs. Department of Elder Affairs; Case No.: 02-1482RX; Rule Nos.: 58A-1.001(45), 58A-1.007(3)(f); Dismissed

A Choice for Women, Inc., Edward Watson, M.D. and Monica Navarrete vs. Agency for Health Care Administration; Case No.: 02-3079RX; Rule Nos.: 59G-4.150, 59G-4.160, 59G-4.230; Dismissed

Florida Association of Support Coordinators, Inc., Habilitation Management Services, Inc. and Advocates for Opportunities, Inc. vs. Agency for Health Care Administration; Case No.: 02-2165RP; Rule No.: 59G-8.200; Voluntary Withdrawal

Maria Albo vs. Agency for Health Care Administration; Case No.: 02-1483RX; Rule No.: 59G-8.200(6)(b),(10)(c); Dismissed

Florida Academy of Physician Assistants and Raymond Jeffrey Hulley, MS PA-C vs. Department of Health, Board of Medicine; Case No.: 02-2005RP; Rule No.: 64B8-2.001; Dismissed

International Consultants of Delaware vs. Department of Health, Board of Physical Therapy Practice; Case No.: 02-3147RP; Rule Nos.: 64B17-3.001, 64B17-4.001; Voluntary Withdrawal

Maria Albo vs. Department of Children and Family Services; Case No.: 02-1481RX; Rule No.: 65A-1.711(4)(f); Dismissed

Dave Taylor vs. Department of Banking and Finance, Office of the Comptroller; Case No.: 02-2135RU; Dismissed

Florida Home Builders Association, Florida A.G.C. Council, Inc. and Parrish Group, Inc. vs. Department of Insurance, Division of Workers Compensation; Case No.: 02-3097RU; Dismissed

Primerica Life Insurance Company vs. Department of Insurance; Case No.: 02-2112RU; Dismissed

**Section IX  
Notices of Petitions and Dispositions  
Regarding Non-rule Policy Challenges**

**NONE**

**Section X  
Announcements and Objection Reports of  
the Joint Administrative Procedures  
Committee**

**NONE**

**Section XI  
Notices Regarding Bids, Proposals and  
Purchasing**

**DEPARTMENT OF EDUCATION**

**REQUEST FOR INFORMATION**

The University of Florida, Construction Training/Qualification Program (CTQP) is soliciting letters of interest and information for instructional services for the delivery of training courses. Services will include development of new course materials and presentation of training sessions. Courses

covered by this request may include, but not be limited to, the following subjects: Quality Control Management, Final Estimates, Concrete, Earthwork and Aggregates. Consultants may be selected for one or more subjects.

The University of Florida will consider letters of interest from firms offering complete instructional services, as well as individual experts. The successful respondents must have expertise in teaching technical subjects with experience in the transportation field preferred. Familiarity with Florida Department of Transportation road and bridge standard specifications is required. Parties interested in being considered should submit a letter of interest limited to 2,000 words. Resumes for individual instructors should be submitted as attachments and will not be included in the 2,000-word limit.

The selection committee will use this letter of interest to "short-list" the respondents. A respondent may be selected for short-lists for courses in more than one subject area. Short-listed respondents will be invited to submit a written proposal. Oral presentations may be required for certain courses.

Responses must be furnished in time to be delivered to 2002 Northeast Waldo Road, Gainesville, FL 32609 or P. O. Box 116586, Gainesville, FL 32611-6586, by December 10, 2002, 5:00 p.m. Further details about this specific request for information as well as general program information can be found at <http://ctqp.ce.ufl.edu>. Click on Consultant Selection.

Questions should be directed via email to John Goodknight, Program Director at [jgoodknight@ce.ufl.edu](mailto:jgoodknight@ce.ufl.edu). The subject line should read "RFI3". Responses to these questions may be posted on the CTQP website.

#### REQUEST FOR BID

The University of Florida, Purchasing Division will receive sealed bids for the following: 03L-48, Housing Project #1129-39, Yulee, Mallory, Reid – Fire Alarm Upgrade and Generator Replacement, estimated budget: \$250,000 - \$275,000, to be opened December 19, 2002, 2:00 p.m. (Local Time). Scope of work: Provide a complete Fire Detection and Fire Alarm System and Generator Replacement for Yulee Hall, Mallory Hall and Reid Hall. Specifications and Plans are available in Central Purchasing, Elmore Hall, Radio Road, Gainesville, FL 32611, (352)392-1331. A Mandatory Pre-Bid Meeting will be held December 13, 2002, 10:00 a.m., in the Beaty Towers, TV Room, S. W. Corner of Museum Road and S. W. 13th Street, Gainesville, FL.

All questions should be directed to: A. J. Sontag, Assistant Director, UF Purchasing, (352)392-1331, Ext. 306. AMERICANS WITH DISABILITY ACT OF 1991 – If special

accommodations are needed in order to attend the Pre-Bid Meeting or the Bid opening, contact Emily J. Hamby, (352)392-1331, Ext. 303, within three (3) days of the event.

#### CALL FOR BIDS

made by the University of Central Florida, on behalf of the State of Florida, Board of Trustees.

**PROJECT NAME, NUMBER AND LOCATION:** Student Support Center, BR #465, University of Central Florida

**QUALIFICATION:** All Bidders must be qualified at the time of bid opening in accordance with the Instructions to Bidders, Article B-2. Sealed bids will be received on:

**DATE AND TIME:** January 7, 2003, until 2:00 p.m., local time

**PLACE:** Physical Plant Complex, 4000 Central Florida Blvd., Building 16 Libra Drive, at which time and place they will be publicly opened and read aloud.

**PROPOSAL:** Bids must be submitted in full and in accordance with the requirements of the drawings and Project Manual, which may be obtained or examined at the Office of the Architect/Engineer, Mateu Architecture, Inc., 4135 Laguna Street, Suite B, Coral Gables, Florida 33146, (305)442-9443.

**PRE-SOLICITATION/PRE-BID MEETING:** The Bidder is encouraged to attend the pre-solicitation/pre-bid meeting. Minority Business Enterprise firms are invited to attend to become familiar with the project specifications and to become acquainted with contractors interested in bidding the project. The meeting has been scheduled for:

**DATE AND TIME:** Tuesday, December 17, 2002, 10:00 a.m., local time.

**PLACE:** Physical Plant Complex, 4000 Central Florida Blvd., Building 16 Libra Drive

**DEPOSIT:** \$300.00 per set of drawings and Project Manual is required with a limit of three (3) sets per general contractor or prime bidder; and two (2) sets of drawings and Project Manuals for plumbing, heating/ventilating/air conditioning and electrical contractors acting as subcontractors.

**REFUND:** The deposit shall only be refunded to those general contractors, prime bidders, or plumbing, heating/ventilating/air conditioning and electrical contractors acting as either prime or subcontractors, who after having examined the drawings and specifications:

a. submit a bona fide bid, or

b. provide written evidence that they have submitted bids as subcontractors for plumbing, heating/ventilating/air conditioning, or electrical work, and who return the drawings and Project Manual in good condition within fifteen (15) days after receipt of bids.

**PURCHASE:** Full sets of bidding documents may be at the local plan rooms or at Triangle Reprographics, (407)843-1492. Full sets may be purchased through the Architect/Engineer for \$200.00 per set for the printing and handling cost. Partial sets

may be purchased at \$5.00 per sheet of the drawings and \$50.00 per copy of the Project Manual, and are sold subject to the provisions of Article B-27 of the Instructions to Bidders.

**PUBLIC ENTITY CRIMES:** As required by Section 287.133, Florida Statutes, a contractor may not submit a bid for this project if it is on the convicted vendor list for a public entity crime committed within the past 36 months. The successful contractor must warrant that it will neither utilize the services of, nor contract with, any supplier, subcontractor, or consultant in excess of \$15,000.00 in connection with this project for a period of 36 months from the date of their being placed on the convicted vendor list.

**DEPARTMENT OF CORRECTONS**

**NOTICE TO PROFESSIONAL CONSULTANTS  
FOR ARCHITECTURAL SERVICES**

The State of Florida, Department of Corrections, Bureau of Facilities Services announces that Professional Services are required from Architectural 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: Mike Hoover, 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. Include copy of charter.
3. Attach a copy of the SF 254 for the office(s) who will be performing the work.

Submit one original letter of application and three copies of the required data. 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 the firm awarded this 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 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: December 30, 2002, 5:00 p.m. Late submittals will not be opened or considered.

**PROJECTS**

**PROJECT 1, Region I:** Provide Continuing architectural/engineering services designated by the Department of Corrections in the Department’s Region, Region I whose basic construction cost for each project does not exceed \$1,000,000, or for a planning study activity of which the fee for professional services does not exceed \$50,000. Region I includes the following 16 counties:

Bay	Gadsden	Jefferson	Santa Rosa
Calhoun	Gulf	Leon	Wakulla
Escambia	Holmes	Liberty	Walton
Franklin	Jackson	Okaloosa	Washington

**PROJECT 2, Region II:** Provide Continuing architectural/engineering services designated by the Department of Corrections in the Department’s Region II whose basic construction cost for each project does not exceed \$1,000,000, or for a planning study activity of which the fee for professional services does not exceed \$50,000. 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 architectural/engineering services designated by the Department of Corrections in the Department’s Region III whose basic construction cost for each project does not exceed \$1,000,000, or for a planning study activity of which the fee for professional services does not exceed \$50,000. 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 architectural/engineering services designated by the Department of Corrections in the Department's Region IV whose basic construction cost for each project does not exceed \$1,000,000, or for a planning study activity of which the fee for professional services does not exceed \$50,000. 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 design of institutional buildings, small buildings, additions to buildings and renovation projects.

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  
 Firms that are interested in applying for more than one region shall submit a separate application for each. For each submittal shall indicated the location of the staffed office that will handle the work.

Supervising Project Administrator: Mike Hoover, (850)410-4199.

**EXPRESSWAY AUTHORITIES**

**NOTICE TO CONSTRUCTION  
 ENGINEERING AND INSPECTION FIRMS  
 REQUEST FOR STATEMENT OF QUALIFICATIONS  
 (RSOQ) – MDX PROJECT NO. 000-023**

The Miami-Dade Expressway Authority (MDX) is seeking the services of a qualified firm (the "Firm") to provide Construction Engineering and Inspection (CEI) Oversight services for the construction of a design/build project in the MDX Five-Year Work Program, Project No. 836-012 (SR 836 Westbound connection to Southbound Homestead Extension of Florida's Turnpike [HEFT]) (the "Project"). The Projects' overall construction period is estimated to be approximately 26 months, beginning in April 2003.

FEDERAL AND STATE DEBARMENT: By signing and submitting a Statement of Qualifications (SOQ), the Firm certifies that no principal (which includes shareholders, partners, officers, directors, or executives) is presently

suspended, proposed for debarment, declared ineligible or voluntarily excluded from participation in this transaction by any federal, state or local department or agency.

SYSTEM: The Miami-Dade Expressway System is comprised of State Road (SR) 112, SR 836, SR 874, SR 878 and SR 924.

DESCRIPTION OF WORK: The selected Firm will provide CEI Oversight services for the Project. The Project has been let as a "Design/Build" project, and the selected Firm will be responsible for the oversight and quality assurance of all construction related activities for the Project, as well as contract administration functions as required by MDX. MDX has contracted with the Design/Build team to provide all required materials testing, inspection and related construction engineering services for the Project. The selected Firm will not be required to provide these services.

SELECTION PROCEDURE: At least three firms will be shortlisted using the Evaluation Criteria shown herein. The shortlisted Firms will be requested to provide written Technical Proposals based on the information and criteria requirements contained in the Request for Proposals ("RFP") to be issued by MDX. Oral interviews with the shortlisted Firms may be required. FIRMS THAT DO NOT PROVIDE THE REQUIRED INFORMATION AND/OR DOCUMENTATION TO ADDRESS THE PREREQUISITE CRITERIA DESCRIBED BELOW SHALL NOT BE ELIGIBLE FOR SHORTLISTING EVALUATION.

RESPONSE PROCEDURE: Qualified firms are encouraged to submit a SOQ package to MDX. One (1) original (unbound) SOQ, and nine (9) copies (ten (10) in total), MUST be received by the Miami-Dade Expressway Authority, 3790 N. W. 21 Street, Miami, Florida 33142, Attn: Ms. Helen M. Cordero, MDX Procurement Officer, by Monday, January 6, 2003 by 12:00 Noon, Eastern Time (the "Deadline Date"). SOQs submitted past the Deadline Date and time will be deemed non-responsive.

After reviewing the documentation submitted, evaluating the SOQs using the Evaluation Criteria shown herein, and ranking the Firms, MDX will notify all Firms in writing if they have been shortlisted, and will distribute one (1) copy of the RFP package to each shortlisted Firm.

The deadline to submit questions in reference to this Request for Statements of Qualifications (RSOQ) is Friday, December 27, 2002, by 5:00 p.m. Questions should be submitted in compliance with the Communication Provision below. The responses to questions received will be posted on MDX's website (www.mdx-way.com) as an extension of this advertisement, or may be obtained by contacting MDX's Procurement Officer pursuant to the Communication Provision below. It is the Firm's responsibility to check the website or with MDX's Procurement Officer for these responses.

**RESPONSIVENESS OF SOQ'S AND CONDITIONS CAUSING DISQUALIFICATIONS OF FIRMS:** A responsive SOQ is one that conforms, in all material respects, to the requirements and instructions of the RSOQ.

SOQs will be rejected if found to be irregular, conditional or not in conformance with the requirements and instructions contained herein.

An SOQ will be found to be irregular or non-responsive for reasons including, but not limited to, violation of the Cone of Silence (as defined below), failure to strictly comply with and satisfactorily address the Prerequisite Criteria, failure to submit the information needed to evaluate the SOQ based on the Evaluation Criteria, incomplete SOQs, failure to provide or complete required forms, improper signatures, submittal of more than one SOQ by the same Firm, evidence of collusion among Firms or evidence that a Firm has a financial interest in another Firm submitting an SOQ for this engagement.

SOQs will be rejected if more than one SOQ is received from an individual, firm, partnership, or corporation, or combination thereof (furnished as the prime proposer), under the same or different names. Such duplicate interest will cause the rejection of all SOQs in which such Firm has participated. A Firm or any of the entities comprising the Firm shall not appear as a Proposer in any other SOQ for the Projects.

MDX, at its sole and absolute discretion, reserves the right to reject any and all SOQs or part of any and all SOQs, re-advertise the RSOQ, postpone or cancel, at any time, this procurement process for the Project, waive irregularities in the SOQs or to withdraw the RSOQ, if it is in the best interest of MDX. All expenses involved with the preparation and submission of an SOQ to MDX, or any work performed in connection therewith, shall be solely the Firm's responsibility.

**SUBMITTAL OF STATEMENT OF QUALIFICATIONS:** The SOQ shall be in writing, submitted on the letterhead of the Firm. The SOQ must not exceed twenty (20) pages. Resumes, MDX forms, and certificates/licenses are not included in the 20-page limit. The SOQ MUST include at a minimum, the documentation and/or information required in the Prerequisite Criteria and Evaluation Criteria.

**PREREQUISITE CRITERIA:** SOQs will not be considered from Firms that do not satisfy, at a minimum, the following Prerequisite Criteria. All requested documentation and/or information must be provided in the SOQ to confirm that the Firm has satisfied all Prerequisite Criteria.

1. Firm shall have a minimum of three (3) years specific experience in providing CEI Oversight services as described above.
2. As required by Section 287.133, Florida Statutes, a firm may not submit a proposal for the Project if it is on the convicted vendor list for a public entity crime committed within the past 36 months.

3. Firm must have a full service operational office located in Miami-Dade, Broward or Palm Beach County. Information must also be provided as to the location of the Firm's office(s) in any of these counties. Firms with offices outside Miami-Dade County shall make an affirmative statement confirming that, if selected, it will establish such an office in Miami-Dade County.
4. Firms must submit documentation acceptable to MDX (including FDOT "L. Odom" letters) that the Firm is pre-qualified under Rule Chapter 14-75 of the Florida Administrative Code in the following types of work: Group 10.1, Roadway Construction Engineering, Group 10.2, Major Bridge Construction Engineering Inspection, Group 10.3, Construction Materials Inspection. If the Firm shall subcontract for some of the types of work, the Firm shall identify those types of work that will be subcontracted and provide MDX with an affirmative statement that the Firm shall require all subcontractors to be pre-qualified, as required herein, for the applicable types of work. Specific information regarding subcontractors is not required for the SOQ (it will be required for the RFP).
5. Certificates of Good Standing evidencing that the Firm is qualified to do business in the State of Florida. Documentation provided to comply with this criterion must be current.
6. Execution of a Commitment Letter (a copy of this form may be obtained from MDX's website) stating that the Firm shall satisfy the 10% Small Business Participation Goal for the Project, in compliance with MDX's Small Business Participation Policy (a copy of this Policy may be obtained from MDX's website). Further documentation addressing this requirement shall be required of the shortlisted Firms, pursuant to requirements in the RFP.

**REQUIRED INFORMATION:** The SOQ shall contain the following Required Information:

1. Project Name and number.
2. Firm's name and address.
3. Name of contact person, phone number, fax number and Internet e-mail address (one contact person per Firm).
4. An executed Vendor's Certificate (a copy of this form may be obtained from MDX's website).

**EVALUATION CRITERIA:** The SOQ will be reviewed, evaluated and ranked by the MDX Technical Evaluation Committee using the following Evaluation Criteria:

- Qualifications and experience of the Firm as it relates to the required services. Depth and breadth of the Firm's experience as a whole in the performance of similar engagements. A total of 35%.
- Proposed key personnel of the Firm, their qualifications and their roles (including resumes). A total of 40%.

- An estimate of the Firm's current workload and available resources. The Firm should specifically address this criterion with respect to the proposed key personnel for this engagement. A total of 15%.
- A list of similar engagements, in particular, representation of governmental entities, completed NOT EARLIER THAN January 1, 1997, with references and phone numbers, including a general description of the role of the Firm and the services provided. A total of 10%.

COMMUNICATION: Communications between any respondent and any MDX Board member, MDX consultants and/or staff is strictly prohibited from the date of publication of the RSOQ through the date of final MDX action with respect to the selection of the successful Firm for this engagement (this communication prohibition is also referred to herein as the Cone of Silence). The only exceptions to this are: 1) communications at a pre-proposal conference; 2) communications at an oral interview, or a publicly noticed meeting of MDX and/or its Operations Committee; 3) written communications regarding questions about the RSOQ. Such written communication should be directed to: Ms. Helen M. Cordero, MDX Procurement Officer, via e-mail at hcordero@mdx-way.com or facsimile at (305)637-3283; or 4) communications by Firms that were not shortlisted to submit a Technical Proposal. This exception will only apply 72 hours after approval of the shortlist by the Operations Committee, assuming no protest is filed. Any violation of the requirements set forth in this paragraph shall constitute grounds for immediate and permanent disqualification of the offending respondent.

#### PROTEST RIGHTS:

1. To be considered, a protest must be in writing and filed with the Secretary of the MDX Board within seventy-two (72) hours, excluding Saturdays, Sunday and legal holidays, after receipt of the Final Shortlist if the protest is directed towards any part of the procurement process that has occurred as of the time of that decision.

It is intended that this provision be utilized to address any issues concerning the manner or process by which Firms are identified as qualified to receive the Request for Proposal for the Project. Should issues arise after the time period for filing a protest has passed pursuant to this provision, which issues are determined by MDX to be covered by this provision, the protesting party shall be deemed to have waived any right to protest same.

2. A protest bond in the amount of \$20,000.00 will be required for any protest.
3. After the MDX Operations Committee renders its decision regarding the firms to be shortlisted, a copy of the final shortlist of firms invited to submit proposals in response to the Request for Proposals ("Final Shortlist") shall be sent to

all firms who submitted a Statement of Qualifications for the Project by MDX's Chief Purchasing Officer or his designee.

4. Within five (5) calendar days from the date of filing of the protest, the protesting party shall provide MDX with the grounds for its protest.
5. Upon receipt of a timely filed written protest, MDX and the protesting party shall attempt to resolve the protest by mutual agreement within ten (10) business days from the date of filing of the protest.
6. If the protest is not resolved by mutual agreement within ten (10) business days from the date of filing, MDX and the protesting party shall select a mutually agreed-upon mediator and participate in mediation within thirty, (30) calendar days after the failure to reach a mutual agreement. All costs of mediation shall be borne by the protesting party, unless otherwise agreed upon by MDX. No court proceedings regarding any protest may be filed until the parties have first participated in mediation.
7. In the event mediation is unsuccessful, the party filing a protest pursuant to this provision shall file and serve the requisite legal action within fifteen (15) calendar days of the date of mediation.
8. In the event that a party serving a protest in accordance with this provision fails to: (1) resolve the protest by mutual agreement within ten (10) business days from the date of filing of the protest; (2) work with MDX to select an agreed-upon mediator and participate in mediation within thirty (30) calendar days after the failure to reach a mutual agreement; or (3) file and serve the requisite legal proceeding within fifteen (15) calendar days after the termination of an unsuccessful mediation, the protest shall be deemed withdrawn and have no further force and effect. Any waiver of this provision must be in writing and signed by MDX's Executive Director.
9. Failure to file a protest in accordance with the requirements set forth herein with respect to any decisions made prior to the issuance of the Final Shortlist in accordance with this provision shall constitute a waiver of any right to initiate any protest proceedings regarding those decisions.

**EQUAL EMPLOYMENT OPPORTUNITIES AND SMALL BUSINESS ENTERPRISES PROGRAM:** MDX, in accordance with the provisions of Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. §200c et seq., the Florida Civil Rights Act of 1992, as amended, §760.10 et. seq., Fla. Stat. (1996) and other federal and state discrimination statutes, prohibits discrimination on the basis of race, color, sex, age, national origin, religion, and disability or handicap. MDX notifies all bidders and individuals that it requires and encourages equal employment opportunities for minorities and women as employees in the work force.

MDX strongly encourages small, minority and women-owned business to have full opportunity to submit bids and proposals in response to solicitation documents issued by MDX, and commits that bidders and proposers will not be discriminated against on the basis of sex, race, color, national origin, religion or disability, or other protected status. The overall goal of MDX is to obtain an M/WBE participation of twenty-five percent (25%) for the aggregate of its projects. However, compliance with MDX's overall goal is not a pre-requisite for bidders or proposers on MDX projects. Please be advised that MDX has adopted a Small Business Enterprise Policy, and a 10% Small Business Goal shall be required for the Project (see Prerequisite Criteria above.)

MDX RESERVES THE RIGHT TO REJECT ANY OR ALL STATEMENTS OF QUALIFICATIONS RECEIVED.

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#### 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](http://fcn.state.fl.us/owa_vbs/owa/vbs_www.main_menu).

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#### DEPARTMENT OF ENVIRONMENTAL PROTECTION

##### BID NO. BDRS 38-02/03

The Department of Environmental Protection, Division of Recreation and Parks, Bureau of Design and Recreation Services is soliciting formal competitive bids for sanitary sewer improvements at Stephen Foster Folk Culture Center State Park, in White Springs, Florida. Sealed bids will be received until 3:30 p.m., Wednesday, January 8, 2003. Minority businesses are encouraged to participate.

The Department reserves the right to reject any or all bids. The full text of this notice is published on the Internet at the Department of Environmental Protection's home page at <http://www.dep.state.fl.us/> under the link or button titled "Official Notices."

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##### BID NO. BDRS 39-02/03

The Department of Environmental Protection, Division of Recreation and Parks, Bureau of Design and Recreation Services is soliciting formal competitive bids for the construction of a new concession building and the alteration of existing concession building at Hillsborough River State Park, in Thonotosassa, Florida. Sealed bids will be received until 4:00 p.m., Wednesday, January 8, 2003. Minority businesses are encouraged to participate. The Department reserves the right to reject any or all bids.

The full text of this notice is published on the Internet at the Department of Environmental Protection's home page at <http://www.dep.state.fl.us/> under the link or button titled "Official Notices."

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#### DEPARTMENT OF HEALTH

##### NOTICE TO PROFESSIONAL CONSULTANTS FOR PROFESSIONAL SERVICES FOR ARCHITECTURE – ENGINEERING CONTINUING CONTRACT

The State of Florida, Department of Health, Division of Administration, Bureau of General Services, Office of Design and Construction announces that professional services are required for the project listed below. Applications are to be sent to: Mr. Ken Perlowski, Senior Architect, Florida Department of Health, Office of Design and Construction, 4052 Bald Cypress Way, Bin #B06, Tallahassee, Florida 32399-1734, (850)245-4444, Ext. 3168.

PROJECT NUMBER: TBA

PROJECT NAME: Architectural/Engineering Continuing Contract, East Central Florida Catchment Area

SERVICES TO BE PROVIDED: Architectural/Engineering Services

ESTIMATED CONSTRUCTION BUDGET: Multiple projects as required by the Department with individual project construction budgets not to exceed \$500,000. Depending on development of projects and funding the possibility exists that the contract may expire with no projects being assigned. Work may include all aspects of Architectural projects and attendant Engineering to provide for construction of new facilities (satellite County Health Department Facilities, Support structures, etc.), repair and renovation to existing facilities, including but not limited to roofing work, code compliance modifications, reconfiguration of spaces, replacement of finishes, and minor Studies (Study fee not to exceed \$25,000). The East Central Florida Catchment area shall include the following counties: Putnam, Volusia, Marion, Citrus, Hernando, Sumter, Lake, Seminole, Orange, Osceola, Brevard, Indian River, Okeechobee, St. Lucie and Martin. For selection Orlando will be the point used to calculate distance from Firm to site. Continuing Contracts selection is for a contract period of one year, renewable annually for up to two years at the discretion of the Department of Health.

RESPONSE DUE DATE: By Close of Business, December 20, 2002 (Local Time).

INSTRUCTIONS: Submit three (3) bound copies of the following:

1. Letter of interest.
2. A modified copy of Department of Management Services Professional Qualifications Supplement [October 1997 Edition of the Professional Qualifications Supplement (PQS)]. A copy can be obtained from the Department of Health by calling (850)245-4444, Ext. 3168.



3. A copy of the firm’s Florida Professional License renewal. (Proper registration at the time of application is required.)
4. (CORPORATIONS ONLY) Current Corporate Certification providing evidence of validation date and the designation of professional or professionals qualifying the corporation to practice Architecture and/or Engineering.
5. Completed Standard Form 254.
6. Completed Standard Form 255.
  - In Article 8, Work by Firm or Joint-Venture Members, list only projects designed, under construction, and/or completed within the past five (5) years.
7. Applicants desiring selection credit as State Certified Minority Business Enterprises either as Prime Consultant or Sub-consultant shall include a copy of the State of Florida Minority Recertification or Certification letter.
8. A stamped self-addressed envelope if you desire notice of selection results.

\* Applicants are urged to limit their submittal content to fifty (50) pages, excluding front and back covers and all section dividers. However, this is not a mandatory requirement.

All proposal information submitted becomes the property of the Department of Health, will be placed on file, and not returned. Applications that do not comply with the instructions set forth above and/or do not include the qualification data required will be considered improper and disqualified. Proposals submitted by qualified firms shall be evaluated in accordance with Chapter 60D-2, Florida Administrative Code and Section 287.055, Florida Statutes.

**SHORTLIST SELECTION PROCESS:** From the proposals received, the Department shall shortlist a minimum of three (3) firms.

**NOTICE TO PROFESSIONAL CONSULTANTS  
FOR PROFESSIONAL SERVICES FOR ARCHITECTURE –  
ENGINEERING CONTINUING CONTRACT**

The State of Florida, Department of Health, Division of Administration, Bureau of General Services, Office of Design and Construction announces that professional services are required for the project listed below. Applications are to be sent to: Mr. Ken Perlowski, Senior Architect, Florida Department of Health, Office of Design and Construction, 4052 Bald Cypress Way, Bin #B06, Tallahassee, Florida 32399-1734, (850)245-4444, Ext. 3168.

**PROJECT NUMBER:** TBA

**PROJECT NAME:** Architectural/Engineering Continuing Contract, North Central Florida Catchment Area

**SERVICES TO BE PROVIDED:** Architectural/Engineering Services

**ESTIMATED CONSTRUCTION BUDGET:** Multiple projects as required by the Department with individual project construction budgets not to exceed \$500,000. Depending on development of projects and funding the possibility exists that

the contract may expire with no projects being assigned. Work may include all aspects of Architectural projects and attendant Engineering to provide for construction of new facilities (satellite County Health Department Facilities, Support structures, etc.), repair and renovation to existing facilities, including but not limited to roofing work, code compliance modifications, reconfiguration of spaces, replacement of finishes, and minor Studies (Study fee not to exceed \$25,000). The North Central Florida Catchment area shall include the following counties: Gadsden, Liberty, Franklin, Leon, Wakulla, Jefferson, Madison, Taylor, Hamilton, Suwannee, Columbia, Lafayette, Dixie, Gilchrist, Alachua and Levy. For selection Tallahassee will be the point used to calculate distance from Firm to site. Continuing Contracts selection is for a contract period of one year, renewable annually for up to two years at the discretion of the Department of Health.

**RESPONSE DUE DATE:** By Close of Business, December 20, 2002 (Local Time).

**INSTRUCTIONS:** Submit three (3) bound copies of the following:

1. Letter of interest.
2. A modified copy of Department of Management Services Professional Qualifications Supplement [October 1997 Edition of the Professional Qualifications Supplement (PQS)]. A copy can be obtained from the Department of Health by calling (850)245-4444, Ext. 3168.
3. A copy of the firm’s Florida Professional License renewal. (Proper registration at the time of application is required.)
4. (CORPORATIONS ONLY) Current Corporate Certification providing evidence of validation date and the designation of professional or professionals qualifying the corporation to practice Architecture and/or Engineering.
5. Completed Standard Form 254.
6. Completed Standard Form 255.
  - In Article 8, Work by Firm or Joint-Venture Members, list only projects designed, under construction, and/or completed within the past five (5) years.
7. Applicants desiring selection credit as State Certified Minority Business Enterprises either as Prime Consultant or Sub-consultant shall include a copy of the State of Florida Minority Recertification or Certification letter.
8. A stamped self-addressed envelope if you desire notice of selection results.

\* Applicants are urged to limit their submittal content to fifty (50) pages, excluding front and back covers and all section dividers. However, this is not a mandatory requirement.

All proposal information submitted becomes the property of the Department of Health, will be placed on file, and not returned. Applications that do not comply with the instructions set forth above and/or do not include the qualification data required will be considered improper and disqualified.

Proposals submitted by qualified firms shall be evaluated in accordance with Chapter 60D-2, Florida Administrative Code and Section 287.055, Florida Statutes.

**SHORTLIST SELECTION PROCESS:** From the proposals received, the Department shall shortlist a minimum of three (3) firms.

**NOTICE TO PROFESSIONAL CONSULTANTS  
FOR PROFESSIONAL SERVICES FOR ARCHITECTURE –  
ENGINEERING CONTINUING CONTRACT**

The State of Florida, Department of Health, Division of Administration, Bureau of General Services, Office of Design and Construction announces that professional services are required for the project listed below. Applications are to be sent to: Mr. Ken Perlowski, Senior Architect, Florida Department of Health, Office of Design and Construction, 4052 Bald Cypress Way, Bin #B06, Tallahassee, Florida 32399-1734, (850)245-4444, Ext. 3168.

**PROJECT NUMBER:** TBA

**PROJECT NAME:** Architectural/Engineering Continuing Contract, South West Florida Catchment Area

**SERVICES TO BE PROVIDED:** Architectural/Engineering Services

**ESTIMATED CONSTRUCTION BUDGET:** Multiple projects as required by the Department with individual project construction budgets not to exceed \$500,000. Depending on development of projects and funding the possibility exists that the contract may expire with no projects being assigned. Work may include all aspects of Architectural projects and attendant Engineering to provide for construction of new facilities (satellite County Health Department Facilities, Support structures, etc.), repair and renovation to existing facilities, including but not limited to roofing work, code compliance modifications, reconfiguration of spaces, replacement of finishes, and minor Studies (Study fee not to exceed \$25,000). The South West Florida Catchment area shall include the following counties: Pasco, Pinellas, Hillsborough, Polk, Manatee, Sarasota, Hardee, DeSoto, Highlands, Charlotte, Glades, Lee and Hendry. For selection Tampa will be the point used to calculate distance from Firm to site. Continuing Contracts selection is for a contract period of one year, renewable annually for up to two years at the discretion of the Department of Health.

**RESPONSE DUE DATE:** By Close of Business, December 20, 2002 (Local Time).

**INSTRUCTIONS:** Submit three (3) bound copies of the following:

1. Letter of interest.
2. A modified copy of Department of Management Services Professional Qualifications Supplement [October 1997 Edition of the Professional Qualifications Supplement (PQS)]. A copy can be obtained from the Department of Health by calling (850)245-4444, Ext. 3168.

3. A copy of the firm's Florida Professional License renewal. (Proper registration at the time of application is required.)
4. (CORPORATIONS ONLY) Current Corporate Certification providing evidence of validation date and the designation of professional or professionals qualifying the corporation to practice Architecture and/or Engineering.
5. Completed Standard Form 254.
6. Completed Standard Form 255.
  - In Article 8, Work by Firm or Joint-Venture Members, list only projects designed, under construction, and/or completed within the past five (5) years.
7. Applicants desiring selection credit as State Certified Minority Business Enterprises either as Prime Consultant or Sub-consultant shall include a copy of the State of Florida Minority Recertification or Certification letter.
8. A stamped self-addressed envelope if you desire notice of selection results.

\* Applicants are urged to limit their submittal content to fifty (50) pages, excluding front and back covers and all section dividers. However, this is not a mandatory requirement.

All proposal information submitted becomes the property of the Department of Health, will be placed on file, and not returned. Applications that do not comply with the instructions set forth above and/or do not include the qualification data required will be considered improper and disqualified. Proposals submitted by qualified firms shall be evaluated in accordance with Chapter 60D-2, Florida Administrative Code and Section 287.055, Florida Statutes.

**SHORTLIST SELECTION PROCESS:** From the proposals received, the Department shall shortlist a minimum of three (3) firms.

**NOTICE TO PROFESSIONAL CONSULTANTS  
FOR PROFESSIONAL SERVICES FOR ARCHITECTURE –  
ENGINEERING CONTINUING CONTRACT**

The State of Florida, Department of Health, Division of Administration, Bureau of General Services, Office of Design and Construction announces that professional services are required for the project listed below. Applications are to be sent to: Mr. Ken Perlowski, Senior Architect, Florida Department of Health, Office of Design and Construction, 4052 Bald Cypress Way, Bin #B06, Tallahassee, Florida 32399-1734, (850)245-4444, Ext. 3168.

**PROJECT NUMBER:** TBA

**PROJECT NAME:** Architectural/Engineering Continuing Contract, West Florida Catchment Area

**SERVICES TO BE PROVIDED:** Architectural/Engineering Services

**ESTIMATED CONSTRUCTION BUDGET:** Multiple projects as required by the Department with individual project construction budgets not to exceed \$500,000. Depending on development of projects and funding the possibility exists that

the contract may expire with no projects being assigned. Work may include all aspects of Architectural projects and attendant Engineering to provide for construction of new facilities (satellite County Health Department Facilities, Support structures, etc.), repair and renovation to existing facilities, including but not limited to roofing work, code compliance modifications, reconfiguration of spaces, replacement of finishes, and minor Studies (Study fee not to exceed \$25,000). The West Florida Catchment area shall include the following counties: Escambia, Santa Rosa, Okaloosa, Walton, Holmes, Washington, Bay, Jackson, Calhoun and Gulf. For selection Pensacola will be the point used to calculate distance from Firm to site. Continuing Contracts selection is for a contract period of one year, renewable annually for up to two years at the discretion of the Department of Health.

**RESPONSE DUE DATE:** By Close of Business, December 20, 2002 (Local Time).

**INSTRUCTIONS:** Submit three (3) bound copies of the following:

1. Letter of interest.
2. A modified copy of Department of Management Services Professional Qualifications Supplement [October 1997 Edition of the Professional Qualifications Supplement (PQS)]. A copy can be obtained from the Department of Health by calling (850)245-4444, Ext. 3168.
3. A copy of the firm's Florida Professional License renewal. (Proper registration at the time of application is required.)
4. (CORPORATIONS ONLY) Current Corporate Certification providing evidence of validation date and the designation of professional or professionals qualifying the corporation to practice Architecture and/or Engineering.
5. Completed Standard Form 254.
6. Completed Standard Form 255.
  - In Article 8, Work by Firm or Joint-Venture Members, list only projects designed, under construction, and/or completed within the past five (5) years.
7. Applicants desiring selection credit as State Certified Minority Business Enterprises either as Prime Consultant or Sub-consultant shall include a copy of the State of Florida Minority Recertification or Certification letter.
8. A stamped self-addressed envelope if you desire notice of selection results.

\* Applicants are urged to limit their submittal content to fifty (50) pages, excluding front and back covers and all section dividers. However, this is not a mandatory requirement.

All proposal information submitted becomes the property of the Department of Health, will be placed on file, and not returned. Applications that do not comply with the instructions set forth above and/or do not include the qualification data required will be considered improper and disqualified. Proposals submitted by qualified firms shall be evaluated in accordance with Chapter 60D-2, Florida Administrative Code and Section 287.055, Florida Statutes.

**SHORTLIST SELECTION PROCESS:** From the proposals received, the Department shall shortlist a minimum of three (3) firms.

## **FISH AND WILDLIFE CONSERVATION COMMISSION**

### **ADVERTISEMENT FOR BIDS**

**BIDS ARE REQUESTED FROM QUALIFIED GENERAL CONTRACTORS BY THE FLORIDA FISH AND WILDLIFE CONSERVATION COMMISSION FOR THE CONSTRUCTION OF:**

**PROJECT NO:** FWC 02/03-54  
**PROJECT NAME:** LAKE JESUP AQUATIC ENHANCEMENT/CONFINED DISPOSAL FACILITY

**PROJECT LOCATION:** SEMINOLE COUNTY, FLORIDA  
**FOR:**

Work on this proposed Contract comprises earthwork needed for constructing a Confined Disposal Facility (CDF) on the Cameron/Little Ranch property, Seminole County, Florida and all ancillary works such as water control structures of the CDF and access ramps, as shown on the Drawings and specified in the specifications.

### **PREQUALIFICATION:**

Each bidder whose field is governed by Chapter 399, 455, 489 and 633 of the Florida Statutes, for licensure or certification must submit prequalification data of their eligibility to submit proposals, at least five (5) calendar days prior to the bid opening date if not previously qualified by the Commission. Call (850)488-5531, for information on prequalification with the Florida Fish and Wildlife Conservation Commission.

### **PRE-BID CONFERENCE:**

A non-mandatory pre-bid conference has been scheduled for 10:00 a.m. (EST), December 20, 2002, at the Cameron/Little Ranch property.

### **REQUIRED BONDS:**

Bids shall be accompanied by a bid guarantee of not less than five (5) percent of the amount of the bid.

After award of Contract, a 100% Performance Bond and a 100% Labor And Material Payment Bond Will be required. Sealed bids will be received, publicly opened and read aloud on:

**DATE AND TIME:** January 10, 2003, 2:00 p.m. (EST)

### **PLACE:**

Purchasing Office, Room 364, Florida Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600, Tel. (850)488-3428

**PROPOSAL:**

Bids must be submitted in full accordance with the requirements of the Drawings, Specifications, Bidding Conditions and Contractual Conditions, which may be examined and obtained from the above mentioned Purchasing Office, upon payment of \$100.00, non-refundable, for one set. The payment envelope MUST be plainly marked on the outside with the bid number. The bid package will be sent overnight upon receiving payment by the Purchasing Office.

**INDIAN RIVER COUNTY**

**REQUEST FOR QUALIFICATIONS**

The Indian River County, Board of County Commissioners, in compliance with the Consultants Competitive Negotiations Act, Section 287.055, Florida Statutes, announces that professional services will be required for the project listed below:

RFQ #5033

**GENERAL SERVICES DEPARTMENT REQUEST FOR ARCHITECTURAL DESIGN AND ENGINEERING SERVICES FOR THE COUNTY ADMINISTRATION COMPLEX**

Interested firms may obtain a copy of this Request for Qualifications by contacting the Purchasing Division by phone (772)567-8000, Ext. 1416 or by Fax (772)770-5140. Our office is located at 2625 19th Avenue, Vero Beach, Florida and firms may also stop by between the hours of 8:30 a.m. until 5:00 p.m., Monday through Friday.

A pre-submittal meeting is scheduled for Monday, December 8, 2002, 2:30 p.m., in Conference Room A, 1st Floor, of the County Administration Building, 1840 25th Street, Vero Beach, Florida. Attendance at this meeting is strongly encouraged of interested firms.

Deadline for receipt of qualifications has been set for 3:00 p.m., January 8, 2003. All Requests for Qualifications must be delivered by hand or mailed directly to:

**INDIAN RIVER COUNTY PURCHASING OFFICE  
2625 19TH AVENUE  
VERO BEACH, FLORIDA 32960**

Only Statement of Qualifications received by the aforesaid time and date will be considered. Statements received after the deadline will be returned unopened.

The Board of County Commissioners reserves the right to accept or reject any and all Statements of Qualifications in whole or in part and to waive all informalities.

**PURCHASING MANAGER  
INDIAN RIVER COUNTY**

**CITY OF BONITA SPRINGS**

**REQUEST FOR LETTERS OF INTEREST FOR TECHNICAL ANALYSIS OF THE "DENSITY REDUCTION/GROUNDWATER RESOURCE" (DRGR) LAND USE CATEGORY OF THE CITY COMPREHENSIVE PLAN - CN #02-00013**

DUE: 2:00 P.M., DECEMBER 12, 2002

The City of Bonita Springs, Florida is soliciting Letters of Interest from qualified professional planning and design firms and/or individuals to provide services in connection with the Technical Analysis of the "Density Reduction/Groundwater Resource" (DRGR) Land Use Category of the City Comprehensive Plan for the City of Bonita Springs.

Letters of Interest shall be sealed, submitted and plainly marked on the outside of the envelope:

CN #02-00013

**LETTER OF INTEREST  
DRGR TECHNICAL ANALYSIS**

Proposers should submit one original and seven copies of the Letter of Interest on or before 2:00 p.m., Thursday, December 12, 2002 to:

Dianne J. Lynn  
City Clerk

City of Bonita Springs  
9220 Bonita Beach Road, Suite 108  
Bonita Springs, Florida 34135

Any Letter of Interest received after the specified time will not be considered. **FAXED PROPOSALS WILL NOT BE ACCEPTED.**

A complete information packet can be obtained by calling the Office of the City Clerk, Dianne J. Lynn, (239)390-1000.

**SARASOTA COUNTY PUBLIC HOSPITAL BOARD**

**REQUEST FOR QUALIFICATIONS FOR GENERAL CONTRACTING WORK FOR A NEW CAFÉ/RESTURANT FOR THE SARASOTA COUNTY PUBLIC HOSPITAL BOARD SARASOTA MEMORIAL HOSPITAL**

The Sarasota County Public Hospital Board of Sarasota County, Florida, is accepting bids from General Contractors firms for construction of an on-site Café/Restaurant that will serve the Visitors and Staff. Work includes a 1600 square foot addition to the hospital's East Tower Building as well as renovation of 2345 square feet of existing space on the First Floor. The scope also involves 579 square feet of mechanical space on the Second Floor.

The scope of work may include Pre-Construction phase service such as cost estimating, value engineering, critical path method scheduling, constructability reviews and cost control, in addition to construction phase services. Firms interested in

being considered as candidates are required to submit five bound submittals of qualifications that include at least the following data, to be organized in the following order:

1. A copy of Florida Professional and Corporate Registration certificates.
2. Completed AIA Document A305 Contractor's Qualification Statement 1986 Edition.
3. Proof of General and Professional Liability Insurability.
4. A separate statement as to whether the firm is a certified small/or Minority Business Enterprise as defined by the Florida Small Business Assistance Act of 1985.
5. A list of at least five client references consisting of name title, address, telephone number and project name(s) for each reference of projects.
6. A list of ten (10) examples of completed Agency for Healthcare Administration related Hospital Projects.
7. Resumes of key personnel that would be used on the project and their past experience in projects of similar size and scope.
8. Any additional information to be included at the discretion of the submitting firm.

**COMMENTS:**

1. No less than three (3) firms will be short-listed from those submitting statements of qualifications. These candidates may be asked to make presentations to the selection committee.
2. The basis for selecting short-list candidates includes, but is not limited to, consideration of related project experience and qualifications of proposed team members and prior AHCA experience.
3. Five copies of the submittals are due no later than 3:00 p.m., Thursday, December 12, 2002. Submit proposals to: Mr. William A. Shevlin, Manager of Construction, Facilities/Ambulatory Development, Sarasota Memorial Hospital, 1700 South Tamiami Trail, Sarasota, Florida 34239.  
Proposals received after this deadline will be returned unopened. Interested parties should contact Bill Shevlin, Construction Manager, (941)917-1899 with questions.
4. Information packets are available free of charge for pick-up. Information packets are available from The Construction Department, (941)917-1804.

**Section XII  
Miscellaneous**

**DEPARTMENT OF BANKING AND FINANCE**

**NOTICE OF FILINGS**

Notice is hereby given that 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>. Comments may be submitted to the Director, Division of Banking, 101 East Gaines Street, Suite 636, 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, Tallahassee, Florida 32399-0350, pursuant to provisions specified in Section 3C-105.100, Florida Administrative Code. Petition must be received by the Clerk within twenty-one (21) days of publication of this notice (by 5:00 p.m., November 15, 2002):

Name and Address of Applicant: The Credit Union of Palm Beach County, 3469 Summit Boulevard, West Palm Beach, Florida 33406-4193

Expansion Includes: Persons who live or work in the City of Lake Worth and persons who live or work in West Palm Beach in the zip code 33406.

Received: November 15, 2002

**DEPARTMENT OF COMMUNITY AFFAIRS**

**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 NOFA will be available effective November 27, 2002, to any State or local unit government in the State of Florida, and non-profit. Eligible applicants also include public and private colleges and universities, and regional planning councils. The total funds available under this NOFA are not expected to exceed \$260,000. There is no match requirement for recipients under this program, although the inclusion of matching funds in the project budget is encouraged.

The DCA will accept subgrant applications to perform various residential construction, outreach, education and training projects as described hereafter:

1. Market-Based Non-Regulatory Solutions that Promote Residential Construction Mitigation – A total of \$75,000 is allocated under this category to develop a promotional package of wind loss mitigation practices and products

targeting residential builders/contractors and general public who participate in and/or attend events featuring demonstration homes within the community.

2. Outreach, Education and Training – A total of \$20,000 is allocated under this category to fund activities targeting housing agencies and authorities statewide to promote the integration of hurricane mitigation and “Blueprint for Safety” into Low-to-Moderate Income (LMI) housing construction and rehabilitation programs. Such programs include but are not limited to the Community Development Block Grant (CDBG), the State Housing Initiatives Partnership Program (SHIP), Home Investment Partnerships Program (HOME), Low Income Emergency Home Repair Program (LEHRP), and the Weatherization Assistance Program (WAP).
3. Low to Moderate Income (LMI) Retrofits – A total of \$165,000 is allocated under this category to conduct wind loss retrofits on homes undergoing livability rehabilitation in three designated Florida Front Porch Communities located in or near the areas of (1) the City of Bartow (West Bartow), (2) the City of Pensacola (Greater Pensacola), and (3) the City of Orlando (Holden Heights). The amount of \$55,000 has been allocated to each designated Front Porch Community. Retrofits must be performed in compliance with “Blueprint for Safety” guidelines which can be accessed on-line at <http://www.blueprintforsafety.org/>. Applicants receiving awards under this category shall be required to attend “Blueprint for Safety” training.

Subgrant applications must be received at the following address by December 24, 2002, no later than 4:00 p.m. Eastern Standard Time:

Dennis J. Smith, Planning Manager  
 Department of Community Affairs  
 Division of Housing and Community Development  
 Attn: HLMP Subgrant Application Enclosed  
 Room 200H  
 2555 Shumard Oak Boulevard  
 Tallahassee, Florida 32399-2100

All subgrant applications must be prepared in conformance with the HLMP Subgrant Application Package instructions found at the following Internet address: <http://florida.communitydevelopment.org/programs/rcmp>.

Requests for hard copies of the HLMP Subgrant Application Package and questions or other inquiry should be directed to the attention of Mr. Ted Court, (850)410-1563 or by e-mail at the following address: [ted.court@dca.state.fl.us](mailto:ted.court@dca.state.fl.us).

DCA Final Order No.: DCA02-OR-353  
 In Re: CITY OF MARATHON LAND DEVELOPMENT  
 REGULATIONS ADOPTED BY CITY OF  
 MARATHON ORDINANCE NO. 02-09-16

FINAL ORDER

The Department of Community Affairs (the “Department”) hereby issues its Final Order, pursuant to §§ 380.05(6) and (11), Fla. Stat., and § 380.0552(9), Fla. Stat. (2001), approving a land development regulation adopted by a local government within the Florida Keys Area of Critical State Concern as set forth below.

FINDINGS OF FACT

1. The Florida Keys Area is a statutorily designated area of critical state concern, and the City of Marathon is a local government within the Florida Keys Area.
2. On September 30, 2002, the Department received for review City of Marathon Ordinance No. 02-09-16 which was adopted by the City of Marathon City Council on September 24, 2002 (“Ord. 02-09-16”).
3. Ord. 02-09-16 amends the Section 9.5-521 of the City’s Land Development Regulations to streamline the appeal process for persons aggrieved by administrative decisions or interpretations made by the Director of Planning and Development Services, the Building Official, or other City administrative official.
4. Ord. 02-09-16 is consistent with the City’s 2010 Comprehensive Plan.

CONCLUSIONS OF LAW

5. The Department is required to approve or reject land development regulations that are enacted, amended or rescinded by any local government in the Florida Keys Area of Critical State Concern. §§ 380.05(6) and (11), Fla. Stat., and § 380.0552(9), Fla. Stat. (2001).
6. The City of Marathon is a local government within the Florida Keys Area of Critical State Concern. § 380.0552, Fla. Stat. (2001) and Rule 28-29.002 (superseding Chapter 27F-8), Fla. Admin. Code.
7. “Land development regulations” include local zoning, subdivision, building and other regulations controlling the development of land. § 380.031(8), Fla. Stat. (2001). The regulations adopted by Ord. 02-09-16 are land development regulations.
8. All land development regulations enacted, amended or rescinded within an area of critical state concern must be consistent with the Principles for Guiding Development (the “Principles”) set forth in § 380.0552(7), Fla. Stat. See *Rathkamp v. Department of Community Affairs*, 21 F.A.L.R. 1902 (Dec. 4, 1998), *aff’d*, 740 So. 2d 1209 (Fla. 3d DCA 1999). The Principles are construed as a whole and no specific provision is construed or applied in isolation from the other provisions.

9. Ord. 02-09-16 promotes and furthers the following Principles:
  - (a) To strengthen local government capabilities for managing land use and development so that local government is able to achieve these objectives without the continuation of the area of critical state concern designation.
10. Ord. 02-09-16 is not inconsistent with the remaining Principles. Ord. 02-09-16 is consistent with the Principles for Guiding Development as a whole.

WHEREFORE, IT IS ORDERED that Ord. 02-09-16 is found to be consistent with the Principles for Guiding Development of the Florida Keys Area of Critical State Concern, and is hereby APPROVED.

This Order becomes effective 21 days after publication in the Florida Administrative Weekly unless a petition is filed as described below.

DONE AND ORDERED in Tallahassee, Florida.

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SONNY TIMMERMAN, DIRECTOR  
 Division of Community Planning  
 Department of Community Affairs  
 2555 Shumard Oak Boulevard  
 Tallahassee, Florida 32399-2100

NOTICE OF ADMINISTRATIVE RIGHTS

ANY PERSON WHOSE SUBSTANTIAL INTERESTS ARE AFFECTED BY THIS ORDER HAS THE OPPORTUNITY FOR AN ADMINISTRATIVE PROCEEDING PURSUANT TO SECTION 120.569, FLORIDA STATUTES, REGARDING THE AGENCY'S ACTION. DEPENDING UPON WHETHER YOU ALLEGE ANY DISPUTED ISSUE OF MATERIAL FACT IN YOUR PETITION REQUESTING AN ADMINISTRATIVE PROCEEDING, YOU ARE ENTITLED TO EITHER AN INFORMAL PROCEEDING OR A FORMAL HEARING.

IF YOUR PETITION FOR HEARING DOES NOT ALLEGE ANY DISPUTED ISSUE OF MATERIAL FACT CONTAINED IN THE DEPARTMENT'S ACTION, THEN THE ADMINISTRATIVE PROCEEDING WILL BE AN INFORMAL ONE, CONDUCTED PURSUANT TO SECTIONS 120.569 AND 120.57(2), FLORIDA STATUTES, AND CHAPTER 28-106, PARTS I AND III, FLORIDA ADMINISTRATIVE CODE. IN AN INFORMAL ADMINISTRATIVE PROCEEDING, YOU MAY BE REPRESENTED BY COUNSEL OR BY A QUALIFIED REPRESENTATIVE, AND YOU MAY PRESENT WRITTEN OR ORAL EVIDENCE IN OPPOSITION TO THE DEPARTMENT'S ACTION OR REFUSAL TO ACT; OR YOU MAY EXERCISE THE OPTION TO PRESENT A WRITTEN STATEMENT CHALLENGING THE GROUNDS UPON WHICH THE DEPARTMENT HAS CHOSEN TO JUSTIFY ITS ACTION OR INACTION.

IF YOU DISPUTE ANY ISSUE OF MATERIAL FACT STATED IN THE AGENCY ACTION, THEN YOU MAY FILE A PETITION REQUESTING A FORMAL ADMINISTRATIVE HEARING BEFORE AN ADMINISTRATIVE LAW JUDGE OF THE DIVISION OF ADMINISTRATIVE HEARINGS, PURSUANT TO SECTIONS 120.569 AND 120.57(1), FLORIDA STATUTES, AND CHAPTER 28-106, PARTS I AND II, FLORIDA ADMINISTRATIVE CODE. AT A FORMAL ADMINISTRATIVE HEARING, YOU MAY BE REPRESENTED BY COUNSEL OR OTHER QUALIFIED REPRESENTATIVE, AND YOU WILL HAVE THE OPPORTUNITY TO PRESENT EVIDENCE AND ARGUMENT ON ALL THE ISSUES INVOLVED, TO CONDUCT CROSS-EXAMINATION AND SUBMIT REBUTTAL EVIDENCE, TO SUBMIT PROPOSED FINDINGS OF FACT AND ORDERS, AND TO FILE EXCEPTIONS TO ANY RECOMMENDED ORDER.

IF YOU DESIRE EITHER AN INFORMAL PROCEEDING OR A FORMAL HEARING, YOU MUST FILE WITH THE AGENCY CLERK OF THE DEPARTMENT OF COMMUNITY AFFAIRS A WRITTEN PLEADING ENTITLED, "PETITION FOR ADMINISTRATIVE PROCEEDINGS" WITHIN 21 CALENDAR DAYS OF PUBLICATION OF THIS NOTICE. A PETITION IS FILED WHEN IT IS RECEIVED BY THE AGENCY CLERK, IN THE DEPARTMENT'S OFFICE OF GENERAL COUNSEL, 2555 SHUMARD OAK BOULEVARD, TALLAHASSEE, FLORIDA 32399-2100.

THE PETITION MUST MEET THE FILING REQUIREMENTS IN SUBSECTION 28-106.104(2), FLORIDA ADMINISTRATIVE CODE. IF AN INFORMAL PROCEEDING IS REQUESTED, THEN THE PETITION SHALL BE SUBMITTED IN ACCORDANCE WITH RULE 28-106.301, FLORIDA ADMINISTRATIVE CODE. IF A FORMAL HEARING IS REQUESTED, THEN THE PETITION SHALL BE SUBMITTED IN ACCORDANCE WITH SUBSECTION 28-106.201(2), FLORIDA ADMINISTRATIVE CODE.

A PERSON WHO HAS FILED A PETITION MAY REQUEST MEDIATION. A REQUEST FOR MEDIATION MUST INCLUDE THE INFORMATION REQUIRED BY RULE 28-106.402, FLORIDA ADMINISTRATIVE CODE. CHOOSING MEDIATION DOES NOT AFFECT THE RIGHT TO AN ADMINISTRATIVE HEARING.

YOU WAIVE THE RIGHT TO AN INFORMAL ADMINISTRATIVE PROCEEDING OR A FORMAL HEARING IF YOU DO NOT FILE A PETITION WITH THE AGENCY CLERK WITHIN 21 DAYS OF PUBLICATION OF THIS FINAL ORDER.

CERTIFICATE OF FILING AND SERVICE

I HEREBY CERTIFY that the original of the foregoing Final Order has been filed with the undersigned designated Agency Clerk, and that true and correct copies have been furnished to the persons listed below by the method indicated this \_\_\_ day of November, 2002.

Paula Ford, Agency Clerk

By U.S. Mail:

Honorable John Bartus, Mayor

City of Marathon

10054-55 Overseas Highway

Marathon, Florida 33050

Katherine V. Selchan, City Clerk

City of Marathon

210 University Drive

Coral Springs, Florida 33071

Craig Wrathell

City Manager

City of Marathon

10054-55 Overseas Highway

Marathon, Florida 33050

John R. Herin, Jr.

Weiss, Serota, Helfman, Pastoriza and Guedes, P.A.

City Attorneys

City of Marathon

2665 South Bayshore Drive, Suite 420

Miami, Florida 33133

By Hand Delivery or Interagency Mail:

Jim Quinn, DCA Tallahassee

Rebecca Jetton, DCA Florida Keys Field Office

Richard A. Lotspeich, Assistant General Counsel, DCA

Tallahassee

DCA Final Order No.: DCA02-OR-358

In Re: POLK COUNTY LAND DEVELOPMENT REGULATIONS ADOPTED BY POLK COUNTY ORDINANCE NOS. 02-51, 02-52 and 02-56

FINAL ORDER

The Department of Community Affairs (the "Department") hereby issues its Final Order, pursuant to §§ 380.05(6) and (11), Fla. Stat., (2001), approving Polk County Ordinance Nos. 02-51, 02-52 and 02-56.

FINDINGS OF FACT

- 1. The Green Swamp Area is a statutorily designated area of critical state concern, and Polk County is a local government within the Green Swamp Area.
2. On October 2, 2002, the Department received for review Polk County Ordinance Nos. 02-51, 02-52, and 02-56 which were adopted by the Polk County Board of County

Commissioners ("Ordinances"). Ordinance No. 02-51 amends the Polk County Land Development Code ("Code") to add two new land use districts outside the Green Swamp Area of Critical State Concern for industrial uses. Ordinance No. 02-52 amends the Code, among other things, to exempt communication towers from the height limitations for structures. Ordinance 02-56 amends the Code, among other things, to modify certain definitions relating to flood hazard management and flood plain protection.

- 3. The Ordinances are consistent with the County's Comprehensive Plan.

CONCLUSIONS OF LAW

- 4. The Department is required to approve or reject land development regulations that are enacted, amended or rescinded by any local government in the Green Swamp Area of Critical State Concern. §§ 380.05(6) and (11), Fla. Stat. (2001).
5. Polk County is a local government within the Green Swamp Area of Critical State Concern. § 380.0551, Fla. Stat. (2001) and Rule Chapter 28-26, Fla. Admin. Code.
6. "Land development regulations" include local zoning, subdivision, building and other regulations controlling the development of land. § 380.031(8), Fla. Stat. (2001). The regulations adopted by the Ordinances are land development regulations.
7. All land development regulations enacted, amended or rescinded within an area of critical state concern must be consistent with the principles for guiding development for that area. § 380.05(6), Fla. Stat.; see Rathkamp v. Department of Community Affairs, 21 F.A.L.R. 1902 (Dec. 4, 1998), aff'd, 740 So. 2d 1209 (Fla. 3d DCA 1999). The principles for guiding development in the Green Swamp Area of Critical State Concern are set forth in Rule 28-26.003, Fla. Admin. Code. ("Principles").
8. Ordinance Nos. 02-51, 02-52 and 02-56 are consistent with the Principles in Rule 28-26.003, Fla. Admin. Code.

WHEREFORE, IT IS ORDERED that Ordinance Nos. 02-51, 02-52 and 02-56 are found to be consistent with the Principles for Guiding Development of the Green Swamp Area of Critical State Concern, and are hereby APPROVED.

This Order becomes effective 21 days after publication in the Florida Administrative Weekly unless a petition is filed as described below.

DONE AND ORDERED in Tallahassee, Florida.

SONNY TIMMERMAN, DIRECTOR

Division of Community Planning
Department of Community Affairs
2555 Shumard Oak Boulevard
Tallahassee, Florida 32399-2100



NOTICE OF ADMINISTRATIVE RIGHTS

ANY PERSON WHOSE SUBSTANTIAL INTERESTS ARE AFFECTED BY THIS ORDER HAS THE OPPORTUNITY FOR AN ADMINISTRATIVE PROCEEDING PURSUANT TO SECTION 120.569, FLORIDA STATUTES, REGARDING THE AGENCY'S ACTION. DEPENDING UPON WHETHER YOU ALLEGE ANY DISPUTED ISSUE OF MATERIAL FACT IN YOUR PETITION REQUESTING AN ADMINISTRATIVE PROCEEDING, YOU ARE ENTITLED TO EITHER AN INFORMAL PROCEEDING OR A FORMAL HEARING.

IF YOUR PETITION FOR HEARING DOES NOT ALLEGE ANY DISPUTED ISSUE OF MATERIAL FACT CONTAINED IN THE DEPARTMENT'S ACTION, THEN THE ADMINISTRATIVE PROCEEDING WILL BE AN INFORMAL ONE, CONDUCTED PURSUANT TO SECTIONS 120.569 AND 120.57(2), FLORIDA STATUTES, AND CHAPTER 28-106, PARTS I AND III, FLORIDA ADMINISTRATIVE CODE. IN AN INFORMAL ADMINISTRATIVE PROCEEDING, YOU MAY BE REPRESENTED BY COUNSEL OR BY A QUALIFIED REPRESENTATIVE, AND YOU MAY PRESENT WRITTEN OR ORAL EVIDENCE IN OPPOSITION TO THE DEPARTMENT'S ACTION OR REFUSAL TO ACT; OR YOU MAY EXERCISE THE OPTION TO PRESENT A WRITTEN STATEMENT CHALLENGING THE GROUNDS UPON WHICH THE DEPARTMENT HAS CHOSEN TO JUSTIFY ITS ACTION OR INACTION.

IF YOU DISPUTE ANY ISSUE OF MATERIAL FACT STATED IN THE AGENCY ACTION, THEN YOU MAY FILE A PETITION REQUESTING A FORMAL ADMINISTRATIVE HEARING BEFORE AN ADMINISTRATIVE LAW JUDGE OF THE DIVISION OF ADMINISTRATIVE HEARINGS, PURSUANT TO SECTIONS 120.569 AND 120.57(1), FLORIDA STATUTES, AND CHAPTER 28-106, PARTS I AND II, FLORIDA ADMINISTRATIVE CODE. AT A FORMAL ADMINISTRATIVE HEARING, YOU MAY BE REPRESENTED BY COUNSEL OR OTHER QUALIFIED REPRESENTATIVE, AND YOU WILL HAVE THE OPPORTUNITY TO PRESENT EVIDENCE AND ARGUMENT ON ALL THE ISSUES INVOLVED, TO CONDUCT CROSS-EXAMINATION AND SUBMIT REBUTTAL EVIDENCE, TO SUBMIT PROPOSED FINDINGS OF FACT AND ORDERS, AND TO FILE EXCEPTIONS TO ANY RECOMMENDED ORDER.

IF YOU DESIRE EITHER AN INFORMAL PROCEEDING OR A FORMAL HEARING, YOU MUST FILE WITH THE AGENCY CLERK OF THE DEPARTMENT OF COMMUNITY AFFAIRS A WRITTEN PLEADING ENTITLED, "PETITION FOR ADMINISTRATIVE PROCEEDINGS" WITHIN 21 CALENDAR DAYS OF PUBLICATION OF THIS NOTICE.

A PETITION IS FILED WHEN IT IS RECEIVED BY THE AGENCY CLERK, IN THE DEPARTMENT'S OFFICE OF GENERAL COUNSEL, 2555 SHUMARD OAK BOULEVARD, TALLAHASSEE, FLORIDA 32399-2100.

THE PETITION MUST MEET THE FILING REQUIREMENTS IN SUBSECTION 28-106.104(2), FLORIDA ADMINISTRATIVE CODE. IF AN INFORMAL PROCEEDING IS REQUESTED, THEN THE PETITION SHALL BE SUBMITTED IN ACCORDANCE WITH RULE 28-106.301, FLORIDA ADMINISTRATIVE CODE. IF A FORMAL HEARING IS REQUESTED, THEN THE PETITION SHALL BE SUBMITTED IN ACCORDANCE WITH SUBSECTION 28-106.201(2), FLORIDA ADMINISTRATIVE CODE.

A PERSON WHO HAS FILED A PETITION MAY REQUEST MEDIATION. A REQUEST FOR MEDIATION MUST INCLUDE THE INFORMATION REQUIRED BY RULE 28-106.402, FLORIDA ADMINISTRATIVE CODE. CHOOSING MEDIATION DOES NOT AFFECT THE RIGHT TO AN ADMINISTRATIVE HEARING.

YOU WAIVE THE RIGHT TO AN INFORMAL ADMINISTRATIVE PROCEEDING OR A FORMAL HEARING IF YOU DO NOT FILE A PETITION WITH THE AGENCY CLERK WITHIN 21 DAYS OF PUBLICATION OF THIS FINAL ORDER.

CERTIFICATE OF FILING AND SERVICE

I HEREBY CERTIFY that the original of the foregoing Final Order has been filed with the undersigned designated Agency Clerk, and that true and correct copies have been furnished to the persons listed below by the method indicated this \_\_\_ day of November, 2002.

\_\_\_\_\_  
Paula Ford, Agency Clerk

By U.S. Mail:  
Mark Carpanini, Esq.  
Polk County Attorney  
Drawer AT01  
P. O. Box 9005  
Bartow, FL 33831  
Jim Bell, Director  
Community Services Division  
Drawer CS06  
P. O. Box 9005  
Bartow, FL 33831  
Bruce Parker, Chairman  
Board of County Commissioners  
P. O. 9005, Drawer BC01  
Bartow, FL 33831

**NOTICE OF APPROVAL  
FOR FLORIDA FOREVER FUNDS**

The Florida Communities Trust ("Trust") reviewed and approved project plans for land acquisition projects submitted under the Trust Florida Forever Program, Series FF1 funding cycle. 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: 01-075-FF1/Ancient Oaks

Grantee: St. Lucie County

Amount of Approved Funds: the lesser of 40% of the final total project costs or \$342,921.10

Project: 01-115-FF1/Reddie Point

Grantee: City of Jacksonville

Amount of Approved Funds: the lesser of 40% of the final total project costs or \$1,220,000.00

Project: 01-141-FF1/Blues Creek

Grantee: Alachua Conservation Trust

Amount of Approved Funds: the lesser of 100% of the final total project costs or \$1,684,061.00

**NOTICE OF ADMINISTRATIVE HEARING RIGHTS**

Any person with substantial interests that are or may be determined by the approval of funds for projects by the Trust has a right to an informal administrative proceeding pursuant to Section 120.57(2), F.S., if the person does not dispute issues of material fact raised by this decision. If an informal proceeding is held, the petitioner will have the opportunity to be represented by counsel, to present to the agency written or oral evidence in opposition to the Trust action, or to present a written statement challenging the legal grounds upon which the Trust is justifying its actions.

Alternatively, any person with substantial interests that are or may be determined by the approval of funds for projects by the Trust has a right to a formal administrative hearing pursuant to Section 120.57(1), F.S., if the person disputes any issues of material fact stated in this decision. At a formal hearing the petitioner may be represented by counsel, and will have the opportunity to present evidence and argument on all the issues involved, to conduct cross-examination and submit rebuttal evidence, to submit proposed findings of fact and orders, and to file exceptions to any order or hearing officer's recommended order.

If a person with a substantial interest desires either an informal proceeding or a formal hearing, the person must file with the Trust Clerk a written response or pleading entitled "Petition for Administrative Proceedings" within 21 calendar days of the publication date of this notice of final agency action. The petition must be in the form required by Rule 18-106.201, F.A.C. A petition is filed when it is received by The Trust Clerk, 2555 Shumard Oak Boulevard, Tallahassee, FL 32399-2100. A petition must specifically request an informal proceeding or a formal hearing, it must admit or deny each material fact contained in this decision, and it must state any defenses upon which the petitioner relies. If the petitioner lacks knowledge of a particular allegation of fact, it must so state and that statement will operate as a denial.

Any person with substantial interests that are or may be determined by the approval of funds for projects by the Trust waives the right to an informal proceeding or a formal hearing if a Petition for Administrative Proceeding is not filed with the Trust Clerk within 21 days of the date of publication of the notice of final agency action.

**DEPARTMENT OF HIGHWAY SAFETY AND MOTOR VEHICLES**

**Notice of Publication for a New Point  
Franchise Motor Vehicle Dealer in a County of More  
than 300,000 Population**

Pursuant to Section 320.642, Florida Statutes, American Suzuki Motor Corporation intends to allow the establishment of Huston Motors, Inc. d/b/a Huston Motors Suzuki, as a dealership for the sale of Suzuki automobiles, at 21280 Highway 27, Lake Wales (Polk County), Florida 33859, on or after December 1, 2002.

The name and address of the dealer operator(s) and principal investor(s) of Huston Motors, Inc. d/b/a Huston Motors Suzuki are dealer operator(s) and principal investor(s): Tim Huston and Samuel David Huston, 21280 Highway 27, Lake Wales, FL 33859.

The notice indicates intent to establish the new point location in a county of more than 300,000 population, according to the latest population estimates of the University of Florida, Bureau of Economic and Business Research.

Certain dealerships of the same line-make may have standing, pursuant to Section 320.642, Florida Statutes, to file a petition or complaint protesting the application.

Written petitions or complaints must be received by the Department of Highway Safety and Motor Vehicles within 30 days of the date of publication of this notice and must be submitted to: Mr. Ronald D. Reynolds, Administrator, Dealer License Section, Department of Highway Safety and Motor Vehicles, Room A-312, Neil Kirkman Building, 2900 Apalachee Parkway, Tallahassee, Florida 32399-0635.

A copy of such petition or complaint must also be sent by US Mail to: Chris White, National Dealer Development Manager, 3251 E. Imperial Hwy., P. O. Box 1100, Brea, CA 92822-1100.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

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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, Piaggio USA, Inc., intends to allow the establishment of Vespa Palm Beach d/b/a Varsity Cycle, Inc., as a dealership for the sale of Vespa motor scooters, at 1609 South Dixie Highway – Bay 1, West Palm Beach (Palm Beach County), Florida 33401, on or after December 1, 2002.

The name and address of the dealer operator(s) and principal investor(s) of Vespa Palm Beach d/b/a Varsity Cycle, Inc. are dealer operator(s) and principal investor(s): Tony Cappadona, 2601 N. Federal Hwy., Ft. Lauderdale, FL 33306.

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: Matthew R. Crabtree, Dealer Development Coordinator, Piaggio USA, Inc., 20003 S. Rancho Way, Rancho Dominguez, CA 90220.

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.

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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, Corbin Motors, Inc., intends to allow the establishment of Samson Motors Daytona Beach, as a dealership for the sale of Sparrow Electric three-wheel motorcycle, at 777-A Main St., Daytona Beach (Volusia County), Florida 32118, on or after December 12, 2002.

The name and address of the dealer operator(s) and principal investor(s) of Samson Motors Daytona Beach are dealer operator(s): William Brian Tegreeny, 777 Main Street, Daytona Beach, FL; principal investor(s): Kenneth Price, 3818 E. Coronado St., Anaheim, CA 92807.

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: Michael D'Andrea, VP of Sales, Corbin Motors, Inc., 3350 Technology Parkway, Hollister, CA 95023.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

Notice of Publication for the Relocation of a  
Franchise Motor Vehicle Dealer in a County of More  
than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, notice is given that Southeast Toyota Distributors, LLC and Toyota Motor Sales, U.S.A., Inc., intends to allow the relocation of FLTVT, LLC d/b/a Magic Toyota, as a dealership for the sale of Toyota vehicles, from its present location at 2925 North Highway 17-92, Longwood, FL 32750, to a proposed location at Site located to the Westerly right of way line of Town Center Blvd. (See Exhibit A, Legal Description of the Parcel) (the 'Proposed Location'), Longwood (Seminole County), Florida. On or after April 25, 2004.

EXHIBIT A TO OWNER'S AFFIDAVIT  
Legal Description of Parcel  
SEMINOLE TOWNE CENTER  
FEE PARCEL  
32.529 AC.

A portion of Tracts 16 and 17, Seminole Towne Center Replat, Plat Book 47, Pages 8 - 10, Public Records, Seminole County, Florida, Section 32, Township 19 South, Range 30 East as shown on Florida Department of Transportation right-of-way map, Section No. 77160-2441, being a portion of lands as described in Official Records Book 2538, Page 1962, Public Records of Seminole County, Florida, and being more particularly described as follows:

Commence at the Southeast corner of the Northwest 1/4 of said Section 32 (a 2" iron pipe as now exists), run North 89° 50' 41" West along the South line of said Northwest 1/4 for 13.79 feet to the Southeast corner of said Tract 16 (a 1/2" iron rod LB #3556, 0.3 foot North as now exists) said point being the point of beginning; thence continue South 89° 50' 41" West along the South line of said Tract 16 for 2053.56 feet to a point; thence run North 22° 26' 14" East for 109.58 feet to a point of curvature of a curve concave Southerly; thence run Easterly along said curve having a radius of 1125.98 feet, a central angle of 61° 55' 10" an arc length of 1216.84, and chord bearing of North 53° 23' 48" East to a point; thence run North 84° 21' 23" East for 299.84 feet, to the point of curvature of a curve concave Northerly; thence run Easterly along said curve having a radius of 1477.83 feet, a central angle of 12° 34' 01" and arc length of 324.14, and chord bearing of South 75° 25' 21" East to a point; thence run North 00° 00' 00" East for 166.17 feet to a point; thence run North 84° 31' 35" East for 428.11 feet to a point; thence run North 84° 56' 05" East for 99.44 feet to a point; said point being on the Westerly right-of-way line of Towne Center Boulevard, thence run South 17° 36' 30" West along said right-of-way line 373.40 feet to the point of curvature of a curve concave Easterly; thence run Southerly, along said Westerly right-of-way line and said curve, having a radius length of 725.00 feet, a central angle of 38° 24' 52" an arc length of 486.08 feet, a chord length of 477.03 feet, and a chord bearing of South 01° 35' 57" East to the point of tangency; thence run South 20° 48' 23" East, along said Westerly right-of-way line, 125.79 feet to a point lying on the South line of the aforesaid Northwest quarter of Section 32, to the point of beginning. Said point of land containing 32.529 acres, more or less.

The name and address of the dealer operator(s) and principal investor(s) of FLTVT, LLC d/b/a Magic Toyota are dealer operator(s) and principal investor(s): Cecil Van Tuyl, 2925 North Highway 17-92, Longwood, FL 32750.

The notice indicates intent to relocate the franchise in a county of more than 300,000 population, according to the latest population estimates of the University of Florida, Bureau of Economic and Business Research.

Certain dealerships of the same line-make may have standing, pursuant to Section 320.642, Florida Statutes, as amended by Chapter 88-395, Laws of Florida, to file a petition or complaint protesting the application.

Written petitions or complaints must be received by the Department of Highway Safety and Motor Vehicles within 30 days of the date of publication of this notice and must be submitted to: Mr. Ronald D. Reynolds, Administrator, Dealer License Section, Department of Highway Safety and Motor Vehicles, Room A-312, Neil Kirkman Building, 2900 Apalachee Parkway, Tallahassee, Florida 32399-0635.

A copy of such petition or complaint must also be sent by US Mail to: John O'Donoghue, Market Representation Manager, Southeast Toyota Distributors, LLC and Toyota Motor Sales, U.S.A., Inc., 100 Jim Moran Boulevard, Deerfield Beach, FL 33442.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the relocation of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

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## DEPARTMENT OF ENVIRONMENTAL PROTECTION

### NOTICE OF RECEIPT OF APPLICATION FOR POWER PLANT CERTIFICATION

The Department of Environmental Protection has received a supplemental application for a Power Plant Certification pursuant to the Florida Electrical Power Plant Siting Act, Section 403.501 et seq., Florida Statutes, concerning Lee County's Solid Waste Energy Recovery Facility, Power Plant Siting Application No. 90-30SA1. The Department is reviewing the application to allow construction and operation of Unit 3, a 20 MW, 600 tons per day, solid waste-fired power plant at the existing waste to energy facility east of Fort Myers in Lee County.

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."

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## DEPARTMENT OF JUVENILE JUSTICE

The Florida Department of Juvenile Justice has posted the following policies for review and comment on MyFlorida.com at:

<http://www.djj.state.fl.us/reference/policiesandprocedures/policyreview.html>.

The department-wide policy (Type B) addresses the following issue: Preventing the Use of Tools as Weapons in Residential and Correctional Facilities – requires each residential commitment program to develop and implement written procedures to prevent the use of tools as weapons by youth during participation in work project, vocational training, public

service or disciplinary work assignment activities to ensure the safety of offenders, staff and the public. This is the first of two – 20 working day review and comment periods.

The second department-wide policy (type A) addresses the following issue: Fixed Capital Outlay Legislative Budget Requests for New Construction and Maintenance and Repair Projects – establishes procedures for identifying and substantiating the need for Fixed Capital Outlay (FCO) new construction and maintenance and repair projects. This policy is posted for a single 20 working day review and comment period.

Please submit comments to the contact persons identified on the above Website. The closure date for submission of comments on both policies is December 13, 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 on the above Website.

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#### **STATEWIDE NOMINATING COMMISSION FOR JUDGES OF COMPENSATION CLAIMS**

The Statewide Nominating Commission for Judges of Compensation Claims announces that it is accepting applications for the judge of compensation claims vacancy in District I-South (West Palm Beach). This vacancy has been created by the recent resignation of Judge Juan Bello.

Qualified applicants must submit the original completed application and one copy to the Chairperson, and one additional copy must be submitted to each Commission member by 5:00 p.m., December 27, 2002. Applications and the list of Commission members may be obtained from the Commission chairperson.

Any questions should be directed to: G. Bart Billbrough, Commission Chairperson, Suite 902, 2600 Douglas Road, Coral Gables, FL 33134, (305)442-2701, Fax (305)442-2801.

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**Section XIII**  
**Index to Rules Filed During Preceding Week**

RULES FILED BETWEEN November 12, 2002  
 and November 15, 2002

Rule No.	File Date	Effective Date	Proposed Vol./No.	Amended Vol./No.
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**DEPARTMENT OF EDUCATION**  
**Florida International University**

6C8-5.006	11/12/02	12/2/02	Newspaper	
6C8-7.030	11/12/02	12/2/02	Newspaper	

**DEPARTMENT OF CITRUS**

20-13.007	11/15/02	12/5/02	28/36	
20-13.008	11/15/02	12/5/02	28/36	
20-40.001	11/15/02	12/5/02	28/36	

Rule No.	File Date	Effective Date	Proposed Vol./No.	Amended Vol./No.
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**DEPARTMENT OF CORRECTIONS**

33-210.101	11/14/02	12/4/02	28/21	28/34
33-210.102	11/14/02	12/4/02	28/21	28/34
33-210.103	11/14/02	12/4/02	28/21	28/34

**DEPARTMENT OF HEALTH**  
**Board of Nursing Home Administrators**

64B10-15.002	11/12/02	12/2/02	28/41	
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**FLORIDA HOUSING FINANCE CORPORATION**

67-21.0035	11/14/02	12/4/02	28/42	
67-48.005	11/14/02	12/4/02	28/42	