

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

**DEPARTMENT OF BANKING AND FINANCE**

**Division of Securities and Finance**

RULE TITLE: RULE NO.:

Certificate of Authority Renewal 3D-30.041

PURPOSE AND EFFECT: The purposes and effects of this amendment are to implement legislative changes to Section 497.407, F.S., by Laws of Florida, 2000-195 and to change the renewal period to commence on July 1 of each year.

SUBJECT AREA TO BE ADDRESSED: The renewal period is changed to commence July 1 to allow for processing delays. New renewal form DBF-COA-R3 reduces a completed application from the former fifteen (15) pages to the new form's three (3) pages.

SPECIFIC AUTHORITY: 497.103(1), 497.105(1), 497.105(5), 497.407 FS.

LAW IMPLEMENTED: 497.105(1), 497.407 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.

Requests for the rule development workshop should be addressed to: Diana Evans, Executive Director, Board of Funeral and Cemetery Services, 101 East Gaines Street, 6th Floor, The Fletcher Building, Tallahassee, Florida 32399-0350.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Diana Evans, Executive Director, Board of Funeral and Cemetery Services, 101 East Gaines Street, 6th Floor, The Fletcher Building, Tallahassee, Florida 32399-0350

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

3D-30.041 Certificate of Authority Renewal.

(1) Each active certificate of authority shall be renewed for the annual period beginning July June 1 of each year upon approval by the Board of Funeral and Cemetery Services. The application for renewal will be presented to the Board upon receipt and review by the Department of a non-refundable renewal fee as established by Section 497.407(4), F.S., of \$250 as set by the Board, a financial statement as of the entity's most recent fiscal year end, and a completed Annual COA Renewal Statement. Certificate of Authority Renewal, Form DBF-COA-R1, effective 1-18-96, Annual COA Financial Statement, Form DBF-COA-R2, effective 1-18-96, and Annual

COA Renewal Statement, Form DBF-COA-R3, revised 12-6-01 effective 1-18-96, are hereby incorporated by reference and available by mail or electronically from the Department of Banking and Finance, Division of Finance, ~~Suite 553~~, Fletcher Building, Tallahassee, Florida 32399-0350.

(2) Failure to submit the statements as required in subsection (1) may result in the levy of a fine by the Board of Funeral and Cemetery Services in the amount of \$50 per day for each day the financial and renewal statements are not submitted as follows:

(a) Annual COA Financial Statement must be submitted to and received by the Department of Banking and Finance, Board of Funeral and Cemetery Services, ~~Suite 553~~, Fletcher Building, Tallahassee, Florida 32399-0350, within 3 months of the end of the certificateholder's fiscal year.

(b) Annual COA Renewal Statement and the required renewal fee must be submitted to and received by the Department of Banking and Finance, Board of Funeral and Cemetery Services, ~~Suite 553~~, Fletcher Building, Tallahassee, Florida 32399-0350, on or before April 1 of each year.

(3) Financial statements may be prepared either on the form promulgated by this rule or by an independent certified public accountant on the accrual or income tax basis of accounting in conformity with Rule 3F-5.0016, F.A.C. Audited statements are acceptable. The financial statements must document compliance with the minimum financial responsibility requirements of Rule 3F-5.0016, F.A.C. Failure to comply with said rule shall result in denial of the renewal application.

(4) The Department or Board may request additional information from the Certificate of Authority to verify or confirm statements made in the Annual COA Renewal Statement and the Annual COA Financial Statement within one year after the end of the renewal period.

~~(5)(4)~~ In the event the renewal application is denied by the Board, the renewal fee paid is not refundable. If a hearing is requested on the denial, the certificate shall remain in active status during the pendency of the hearing.

~~(6)(5)~~ Any Certificate of Authority not approved or denied by the Board prior to July June 1 of each year shall automatically expire on July June 1 and the entity shall be required to cease and desist from all selling of preneed funeral and cemetery goods and services. All preneed sales agent registrations associated with the certificate of authority will be terminated. New applications for certification/registration must be submitted to and approved by the Board in order to return the certificate and agent registrations to active status. The applicants shall be subject to all requirements of initial application.

Specific Authority 497.103(1), 497.105(1),(5), 497.407 FS. Law Implemented 497.105(1), 497.407 FS. History--New 6-24-96, Amended \_\_\_\_\_.

**DEPARTMENT OF BANKING AND FINANCE**

**Board of Funeral and Cemetery Services**

RULE TITLE: Cancellation of Preneed Contracts; Reasonable Time Defined  
RULE NO.: 3F-8.003

PURPOSE AND EFFECT: The Board is amending this rule to define "reasonable time" pursuant to Section 497.005(25), F.S.

SUBJECT AREA TO BE ADDRESSED: Cancellation of Preneed Contracts; Reasonable Time Defined.

SPECIFIC AUTHORITY: 497.103 FS.

LAW IMPLEMENTED: 497.419(3)(a), 497.005(25) FS.

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

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

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

3F-8.003 Cancellation of Preneed Contracts; Reasonable Time Defined.

For purposes of Section 497.419(3)(a), F.S., a reasonable time for delivering merchandise consisting of "caskets" as defined by Section 497.005(9), F.S., and "outer burial containers" as defined by Section 497.005(29), F.S., shall be 24 hours from the time the purchaser or agent requests that the certificateholder deliver the merchandise. A reasonable time for delivering merchandise consisting of monuments as defined by Section 497.005(2), F.S., shall be 180 days from interment or from the time the purchaser or agent requests that the certificateholder deliver the monument. The certificateholder shall record the date and time that the request for delivery is received from the purchaser or agent in a log kept for that purpose. In the event a certificateholder fails to maintain such log and record a request for delivery, then the date and time of such request shall be the date and time designated by the purchaser or agent.

Specific Authority 497.103 FS. Law Implemented 497.419(3)(a) FS. History--New 4-25-94, Amended 3-5-01,\_\_\_\_\_.

**DEPARTMENT OF INSURANCE**

**Division of State Fire Marshal**

RULE CHAPTER TITLE: Firefighter Employment Standards  
RULE CHAPTER NO.: 4A-62.005

RULE TITLE: Exemption from 29 Code of Federal Regulations,  
Section 1910.134(g)(4)  
RULE NO.: 4A-62.005

PURPOSE AND EFFECT: The purpose and effect of the new rule is to provide procedures and direction to fire departments and local governments in securing and maintaining the exemptions provided for in Rule 4A-62.003, Florida Administrative Code, and to provide standards for implementing 29 C.F.R. 1910.134(g)(4).

SUBJECT AREA TO BE ADDRESSED: Exemptions from Section 1910.134(g)(4), "the 2-in, 2-out rule," as adopted in Rule 4A-62.003, Florida Administrative Code.

SPECIFIC AUTHORITY: 633.01(1) FS.

LAW IMPLEMENTED: 633.45(1)(a) FS.

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

DATE AND TIME: 10:00 a.m., March 14, 2002

PLACE: Main Auditorium, Florida State Fire College, 11655 Northwest Gainesville Road, Ocala, 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 Angie Cain at the above address or by calling (352)732-1330, Suncom 667-1330.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Randall Napoli, Chief, Bureau of Fire Standards and Training, Division of State Fire Marshal, 11655 N. W. Gainesville Road, Ocala, Florida 34482

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

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

(1) Any local fire department or local government which seeks to be exempt from the effect of 29 Code of Federal Regulations, Section 1910.134(g)(4) as of April 1, 2002, for a period of six months after April 1, 2002, in accordance with Section 4A-62.003(3)(b), Florida Administrative Code, shall, by and through its chief executive officer in writing, notify the Director of the Division of State Fire Marshal, at 200 East Gaines Street, Tallahassee, Florida 32399-0240 or by facsimile transmission to fax number (850)922-1235, that such fire department or local government is exempt not later than by close of business on April 1, 2002. Such notice need not be in any particular form, but must contain at a minimum the following information:

(a) The name of the fire department or local government;

(b) The address of the fire department or local government;

(c) A statement that the fire department or local government is not able to implement 29 Code of Federal Regulations, Section 1910.134(g)(4) without adding additional personnel to its firefighting staff or expending significant additional funds.

(d) A statement that the fire department or local government agrees to cooperate fully with the Division of State Fire Marshal in seeking to implement 29 Code of Federal Regulations, Section 1910.134(g)(4).

(2) In lieu of the letter required by subsection (1), the chief executive officer of the fire department or local government may copy, complete, and mail the following certification to the Director of the Division of State Fire Marshal, 200 East Gaines Street, Tallahassee, Florida 32399-0340, or fax it to the Director, Division of State Fire Marshal at Fax No. (850)922-1235:

<u>Certification</u>
Date: _____
I certify that the _____ Fire Department or Local Government, whose address is: _____ _____
is not able to implement 29 Code of Federal Regulations, Section 1910.134(g)(4) without adding additional personnel to its firefighting staff or expending significant additional funds.
On behalf of the above fire department or local government, I agree to cooperate fully with the Division of State Fire Marshal in seeking to implement 29 Code of Federal Regulations, Section 1910.134(g)(4).
_____ <u>Chief Executive Officer Signature</u>
_____ <u>Printed Name of Chief Executive Officer</u>

(3) Pursuant to Section 4A-62.003(3)(c), Florida Administrative Code, upon receipt of the letter described in subsection (1) or the certification in subsection (2), the Division of State Fire Marshal shall present such letter or certification to the Firefighters Health and Safety Task Force or the Firefighters Employment, Standards, and Training Council, as appropriate, at its next regular meeting.

(4) The Firefighters Health and Safety Task Force or the Firefighters Employment, Standards, and Training Council, as appropriate, shall assign one or more of its members as a "special exemption subcommittee" to investigate the circumstances surrounding the reason why such fire department or local government is not able to implement 29 Code of Federal Regulations, Section 1910.134(g)(4) without adding additional firefighters to its staff or expending significant additional funds. In such investigation, the special

exemption subcommittee shall, assisted by a member of the staff of the Division of State Fire Marshal, investigate and take into consideration the following factors:

(a) Whether the fire department or local government submitting the letter or certification has made any attempt to enter into any interlocal agreement with any surrounding fire department or local government or to take any other measures which would assist it in implementing 29 Code of Federal Regulations, Section 1910.134(g)(4) without adding additional firefighters to its staff or expending significant additional funds:

(b) If no attempt, or an insufficient attempt, has been made to enter into an interlocal agreement with a surrounding fire department or local government or to take any other measures, the special exemption subcommittee shall investigate the feasibility and capability of the fire department or local government entering into such an agreement with one or more surrounding fire departments or local governments so that the fire department or local government seeking the exemption would be able to implement 29 Code of Federal Regulations, Section 1910.134(g)(4) without adding additional firefighters or expending significant additional funds.

(c) The special exemption subcommittee may also consider any other factor or take any other action the special exemption subcommittee deems reasonably necessary to complete its charge from the Firefighters Health and Safety Task Force or the Firefighters Employment, Standards, and Training Council, as appropriate.

(d) The special exemption subcommittee, assisted by a member of the staff of the Division of State Fire Marshal, shall prepare and submit a report to the Firefighters Health and Safety Task Force or the Firefighters Employment, Standards, and Training Council, as appropriate, at least two weeks prior to the next regular meeting of the Firefighters Health and Safety Task Force or the Firefighters Employment, Standards, and Training Council, as appropriate. The report need not be in any particular form but shall contain:

1. The action taken by the special exemption subcommittee in performing its investigation;
2. The results of the investigation; and
3. The recommendation or recommendations of the special exemption subcommittee.

(5) The Firefighters Health and Safety Task Force or the Firefighters Employment, Standards, and Training Council, as appropriate, shall consider the actions taken by the special exemption subcommittee together with the results and any recommendation or recommendations by the special exemption subcommittee. The Firefighters Health and Safety Task Force or the Firefighters Employment, Standards, and Training Council, as appropriate, shall take one of the following three actions:

(a) Adopt any recommendation or recommendations made by the special exemption subcommittee in full as its recommendation or recommendations to the State Fire Marshal; or

(b) Adopt any recommendation or recommendations made by the special exemption subcommittee with any changes, additions, or deletions the Firefighters Health and Safety Task Force or the Firefighters Employment, Standards, and Training Council, as appropriate, may make as its recommendation or recommendations to the State Fire Marshal; or

(c) Request that the special exemption subcommittee revisit the fire department or local government which alleges that it cannot comply with 29 Code of Federal Regulations, Section 1910.134(g)(4) without adding additional firefighters to its staff or expending significant additional funds, and take any further reasonable steps in its investigation. If the Firefighters Health and Safety Task Force or the Firefighters Employment, Standards, and Training Council, as appropriate, takes the action provided for in this subparagraph, it shall provide specific guidance to the special exemption subcommittee as to the factors and actions it is directing the special exemption subcommittee to consider and take.

(6)(a) Upon receipt of any recommendation or recommendations of the Firefighters Health and Safety Task Force or the Firefighters Employment, Standards, and Training Council, as appropriate, the Division of State Fire Marshal shall notify the subject fire department or local government of the recommendation or recommendations of the Firefighters Health and Safety Task Force or the Firefighters Employment, Standards, and Training Council, as appropriate, and shall, if it approves of the recommendation or recommendations of the Firefighters Health and Safety Task Force or the Firefighters Employment, Standards, and Training Council, as appropriate, request the fire department or local government to comply with such recommendation or recommendations.

(b) If the Division of State Fire Marshal does not approve the recommendation of the Firefighters Health and Safety Task Force or the Firefighters Employment, Standards, and Training Council, as appropriate, it shall return the recommendation to the Firefighters Health and Safety Task Force or the Firefighters Employment, Standards, and Training Council, as appropriate, with specific directions to consider any other reasonable factors or take any other reasonable action.

Specific Authority 633.01(1) FS. Law Implemented 633.45(1)(a) FS. History—New

**DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES**

**Division of Plant Industry**

RULE CHAPTER TITLE:  
Plant Pest Control

RULE CHAPTER NO.:  
5B-59

RULE TITLE: RULE NO.:

Standards for Determining When to Cease Use of a Pesticide During an Emergency Response to a Plant Pest Infestation Which Involves the Aerial Application of a Pesticide to an Urbanized Area 5B-59.002

PURPOSE AND EFFECT: This rule is required under Section 593.21, F.S. It establishes standards and criteria to be identified when the use of a pesticide during an emergency response to a plant pest infestation which involves the aerial application of a pesticide to an urbanized area will be discontinued.

SUBJECT AREA TO BE ADDRESSED: Establishing standards and the criteria to be used in order to cease aerial spraying in an urban area in response to a plant pest infestation.

SPECIFIC AUTHORITY: 593.20, 593.21, 593.24 FS.

LAW IMPLEMENTED: 593.21 FS.

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

TIME AND DATE: 2:00 p.m., March 22, 2002

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Steven J. Rutz, Director, Division of Agricultural Environmental Services, Department of Agriculture and Consumer Services, 3125 Conner Blvd., Tallahassee, Florida 32399-1650

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

5B-59.002 Standards for Determining When to Cease Use of a Pesticide During an Emergency Response to a Plant Pest Infestation Which Involves the Aerial Application of a Pesticide to an Urbanized Area.

(1) When the Department conducts an emergency response to a plant infestation which involves the aerial application of a pesticide to an urbanized area (hereafter referred to as the "Emergency Response") under s. 593.20, it will coordinate with the Department of Health to obtain and share all available human health effects information related to the Emergency Response, including, but not limited to:

(a) Aggregate information collected from physicians and hotline calls.

(b) Data generated by county health departments, poison control centers and related public health organizations relative to the monitoring of human health effects.

(c) Data generated by public health information or surveillance plans implemented to monitor, detect and investigate any health impacts under the Emergency Response.

(d) Physicians reports of patients treated for illnesses which may be exposure related.

(e) Documentation of exposures not addressed by any pesticide risk assessments that may have been prepared in connection with the Emergency Response.

(f) Data which provide for the comparison of health information from individuals or groups before and after treatments.

(2) The Department will request the Health Advisory Committee established under s. 593.24 review the data obtained under subsection (1) dealing with potential human health effects in the Emergency Response area and provide its opinion regarding the existence or potential existence of adverse human health effects caused by the Emergency Response. If actual or potential adverse human health effects are identified, the Department will ask the Health Advisory Committee to evaluate the data in relation to the significance of the health effects identified by examining the data and providing its opinions, findings and recommendations on the following issues, where applicable:

(a) Whether the reported symptoms are consistent with the known toxicology of one or more of the materials in the pesticide mixture used.

(b) Whether the symptoms are consistent among the reported and documented cases.

(c) Whether the onset of symptoms is consistent with the timing of the exposure.

(d) If there is a relationship between the magnitude of the known, documented, or calculated exposure(s) and the severity of the reported symptoms.

(e) Whether other causes for the reported symptoms have been ruled out.

(f) Whether the expression of toxicity is biologically plausible.

(g) The severity of the reported symptoms.

(h) The number of cases reported and the number that are believed to be related to or caused by the Emergency Response.

(i) Whether or not the findings in relation to the review of data in (a-h) support the conclusion that the combination of pesticide active ingredient, method of application and dosages used are causing or are likely to cause unreasonable adverse health effects to people in the Emergency Response area.

(j) If the answer in (i) is yes, whether or not the method of application or dosages or pesticide active ingredient used can be changed so that significant adverse health effects to people in the Emergency Response area are unlikely.

(3) The Department will discontinue use of a pesticide under an emergency response when the following standards are met:

(a) The Health Advisory Committee established under s. 593.24, based on its review of data under subsection (2), provides its written conclusion that the pesticide active ingredient, method of application or dosages used are causing or are likely to cause unreasonable adverse health effects to people in the Emergency Response area; and

(b) The method of application or dosages or pesticide active ingredient used for Emergency response can not be modified to such a degree to change the Health Advisory Committee's conclusion that the combination of pesticide active ingredient, method of application or dosages used are causing or are likely to cause significant adverse health effects to people in the Emergency Response area; or

(c) The Department does not immediately implement modifications, if any, deemed necessary by the Health Advisory Committee to conclude that the combination of pesticide active ingredient, method of application or dosages used are not likely to cause unreasonable adverse health effects to people in the Emergency Response area.

Specific Authority 593.20 593.21 593.24 FS. Law Implemented 593.20 593.21 593.24 FS. History--New \_\_\_\_\_.

**DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES**

**Division of Agricultural Environmental Services**

RULE CHAPTER TITLE: Fertilizer

RULE CHAPTER NO.: 5E-1

RULE TITLE: Fertilizer Aircraft Registration, Inspection, Security, Storage, Transactions, Recordkeeping, Area-of-Application Information and Forms

RULE NO.: 5E-1.025

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

SUBJECT AREA TO BE ADDRESSED: Registration of aircraft and security of aircraft and fertilizers. Reporting of transfer of ownership of aircraft.

SPECIFIC AUTHORITY: 570.07(23), 576.181 FS.

LAW IMPLEMENTED: 576.181 FS.

IF REQUIRED 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., March 21, 2002

PLACE: AES Conference Room, Lab. 8, 3125 Conner Blvd., Tallahassee, Florida 32399-1650

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Mr. Dale Dubberly, Chief, Bureau of Compliance Monitoring, Department of Agriculture and Consumer Services, Division of Agricultural Environmental Services, 3125 Conner Blvd., Bldg. 8. (L29), Tallahassee, Florida 32399-1650, telephone (850)488-8731

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

5E-1.025 Fertilizer Aircraft Registration, Inspection, Security, Storage, Transactions, Recordkeeping, Area-of-Application Information and Forms.

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

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

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

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

(5) Transactions. Any purchase, sale, rental, leasing, or transfer of ownership of an aircraft required to be registered with the department pursuant to subsection (1) above shall be

transmitted to the department on (1) Florida Department of Revenue form DR-42 Rev-06/99 Ownership Declaration and Sales and Use Tax Report on Aircraft or (2) Aircraft Bill of Sale Form AC 8050-2 (09/92) or (3) Report of Aircraft Transaction Form DACS-13355, New 01/02 within 24 hours of the transaction.

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

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

(b) Date and time of treatment;

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

1. County, range, township and section;

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

3. The legal property description; or

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

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

(e) Aircraft manufacturer, make and model.

(f) FAA aircraft registration number.

(g) Originating airport/airstrip.

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

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

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

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

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

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

Specific Authority 576.181, 570.07(23) FS. Law Implemented 576.181 FS. History—New \_\_\_\_\_.

**DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES**

**Division of Agricultural Environmental Services**

RULE CHAPTER TITLE: Seed  
 RULE CHAPTER NO.: 5E-4

RULE TITLE: Seed Aircraft Registration, Inspection, Security, Transactions, Recordkeeping, Area-of-Application Information and Forms  
 RULE NO.: 5E-4.013

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

SUBJECT AREA TO BE ADDRESSED: Seed Aircraft Registration requirements.

SPECIFIC AUTHORITY: 570.07(23), 578.11 FS.

LAW IMPLEMENTED: 578.11 FS.

IF REQUIRED 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., March 21, 2002

PLACE: Agricultural Environmental Services Conference Room, Lab. 8, 3125 Conner Blvd., Tallahassee, FL 32399-1650

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Mr. Dale Dubberly, Chief, Bureau of Compliance Monitoring, Department of Agriculture and Consumer Services, Division of Agricultural Environmental Services, 3125 Conner Blvd., Bldg. 8 (L29), Tallahassee, Florida 32399-1650, telephone (850)488-8731

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

5E-4.013 Seed Aircraft Registration, Inspection, Security, Transactions, Recordkeeping, Area-of-Application Information and Forms.

(1) Registration. Each aircraft used for aerial application of any seed, must be annually registered with the department. Application for registration shall be on form DACS-13354, New 01/02 provided by the department. The completed registration form, shall be submitted to the Pesticide Certification Office, 3125 Conner Blvd., Bldg. 8 (L-29), Tallahassee, Florida 32399-1650. The registration shall be submitted to the Department on or before June 30 of each year.

(2) Inspection. Authorized department representatives may inspect aircraft required to be registered with the department under this rule during normal working hours without prior notification or as determined necessary in an emergency situation.

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

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

(5) Recordkeeping. Aerial applicators shall maintain records relating to each application of seed. Such records shall be retained for a period of two (2) years and shall be maintained in a manner that is accessible upon request by the Department.

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

(b) Date and time of treatment;

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

1. County, range, township and section;

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

3. The legal property description; or

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

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

(e) Aircraft manufacturer, make and model;

(f) FAA aircraft registration number;

(g) Originating airport/airstrip.

(6) Area-of-Application Information. The information listed in (5)(a) through (5)(g) is required only when contained within a declaration of an Executive Order pursuant to the emergency powers granted to the Governor or the Commissioner of Agriculture declaring an emergency in the State of Florida. Such information shall be provided and filed with the Department in a manner determined within the declaration.

(7) Forms. The following forms are being hereby incorporated by reference. These forms may be obtained from the Florida Department of Agriculture and Consumer Services, Pesticide Certification Office, 3125 Conner Boulevard, Building 8 (L-29), Tallahassee, Florida 32399-1650, telephone (850)488-3314.

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

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

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

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

Specific Authority 578.11(2), 570.07(23) FS. Law Implemented 578.11 FS. History—New

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Agricultural Environmental Services

RULE CHAPTER TITLE: Pesticides
RULE CHAPTER NO.: 5E-9
RULE TITLE: Pesticide Aircraft Registration, Liability Insurance/Surety Bond, Security, Inspection, Storage, Recordkeeping, Area-of-Application Information, Transactions, and Forms
RULE NO.: 5E-9.036

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

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

SPECIFIC AUTHORITY: 570.07(23), 487.051 FS.

LAW IMPLEMENTED: 487.051 FS.

IF REQUIRED 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., March 21, 2002

PLACE: AES Conference Room, Lab 8, 3125 Conner Blvd., Tallahassee, Florida 32399-1650

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Mr. Dale Dubberly, Chief, Bureau of Compliance Monitoring, Department of Agriculture and Consumer Services, Division of Agricultural Environmental Services, 3125 Conner Blvd., Bldg. 8. (L29), Tallahassee, Florida 32399-1650, telephone (850)488-8731

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

5E-9.036 Pesticide Aircraft Registration, Liability Insurance/Surety Bond, Security, Inspection, Storage, Recordkeeping, Area-of-Application Information, Transactions, and Forms Financial Responsibility.

(1) Registration. Each aircraft used for aerial application of any pesticide must be annually registered with the department with proof of insurance or surety bond. Application for registration shall be on form DACS-13354, New 1/02, provided by the department. The completed registration form and proof of insurance shall be submitted to the Pesticide Certification Office, 3125 Conner Blvd. Bldg. 8 (L29) Tallahassee, Florida 32399-1650. The registration period shall be submitted to the Department on or before June 30 of each year and shall not exceed the time period covered by proof of insurance or surety bond. Each applicant for licensure as an aerial applicator shall submit proof of financial responsibility to the department, and upon obtaining such licensure, shall maintain proof of financial responsibility during the entire time such license is in effect and aerial applications are made. Proof of financial responsibility may consist of:

(2) Proof of Insurance or Surety Bond. Proof of insurance or surety bond shall consist of:

(a) The deposit with the department of a surety bond in favor of any person or persons who may suffer damage or injury as the result of the aerial application of any pesticide made from the registered aircraft. Said surety bond shall be a minimum of \$100,000 and shall be executed by a corporate surety company authorized to conduct business in Florida. The department shall evaluate and determine the adequacy of all such bonds before acceptance. When the aircraft is removed from aerial application licensee ceases operation, a said bond shall be returned after a period of six months following date of notice of withdrawal, provided such withdrawal shall not release said surety from liability existing hereunder during the time of aerial application at the time of the effective date of such withdrawal; or

(b) The filing of a certificate of insurance, verifying insurance in an amount of not less than \$100,000 property damage and \$300,000 bodily injury coverage per occurrence, insuring the registered aircraft flown by the licensee against liability for any damage, loss, or injury, including chemical drift or trespass, suffered by any person or persons, resulting from the aerial application of any pesticide made from the registered aircraft by the licensee. A deductible clause of \$1,000 shall be acceptable. A current certificate of insurance must be filed with each initial and subsequent renewal registration. After the initial license is issued, it is the aerial applicator's responsibility to maintain the required aerial insurance for all periods of time aerial applications are made. Current certificates of insurance or copies thereof shall be maintained in the aircraft registrant's aerial applicator's



possession from the date the aircraft is registered or until the registration is withdrawn, for a minimum of two years after the certificate expires.

(3) Inspection. Authorized department representatives may inspect aircraft required to be registered with the department as to equipment relating to aerial pesticide application under this rule during normal working hours without prior notification or as determined necessary when an emergency has been declared as contained in subsection (8) herein.

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

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

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

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

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

(b) Date and time of treatment;

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

1. County, range, township and section;

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

3. The legal property description; or

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

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

(e) Aircraft manufacturer, make and model.

(f) FAA aircraft registration number.

(g) Originating airports/airstrip.

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

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

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

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

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

(d) Report of Aircraft Transaction (DACs-13355), New 1/02.

Specific Authority 487.046, 570.07(23) FS. Law Implemented 487.046 FS. History—New 6-9-94, Amended 7-2-95, 9-24-98,\_\_\_\_\_.

**DEPARTMENT OF COMMUNITY AFFAIRS**

**Florida Communities Trust**

RULE CHAPTER TITLE:	RULE CHAPTER NO.:
Florida Forever Program	9K-7
RULE TITLES:	RULE NOS.:
Purpose	9K-7.001
Definitions	9K-7.002
General Requirements and Eligibility	
Requirements	9K-7.003
Submission of Application and	
Application Materials	9K-7.004
Communications to the Governing Board	9K-7.005
Determination of Application Completeness	9K-7.006
Project Evaluation Criteria	9K-7.007
Ranking and Selection of Applications	9K-7.008
Conceptual Approval of Projects	9K-7.009
Modification to the Project Boundary	9K-7.010

Preparation and Acceptance of the Management Plan 9K-7.011  
 Title, Acquisition Procedures, Project Plans, Lease Agreements and Transfer of Title 9K-7.012  
 Annual Stewardship Report Requirements 9K-7.013  
**PURPOSE AND EFFECT:** To modify the Florida Communities Trust grant application procedures for Florida Forever funds.  
**SUBJECT AREA TO BE ADDRESSED:** Grant application procedures of the Florida Communities Trust under the Florida Forever Program.  
**SPECIFIC AUTHORITY:** 380.507(11) FS.  
**LAW IMPLEMENTED:** 120.55(1)(a)4., 259.105, 380.508, 380.510, 380.501-.515 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:** 1:00 p.m., March 13, 2002  
**PLACE:** Kelley Training Center, Room 305, Sadowski Building, 2555 Shumard Oak Boulevard, Tallahassee, Florida  
 Any person requiring special accommodation at the hearing because of a disability or physical impairment should contact Janice Browning, Executive Director, Florida Communities Trust, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100, (850)922-2207, SunCom 292-2207 at least seven days before the date of the workshop. If you are hearing or speech impaired, please contact the Department of Community Affairs using the Florida Dual Party System which can be reached at 1(800)955-8770 (Voice) or 1(800)955-9771 (TDD).  
**THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS:** Janice Browning, Executive Director, Florida Communities Trust, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100, (850)922-2207, SunCom 292-2207  
**THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE.**

**DEPARTMENT OF COMMUNITY AFFAIRS**

**Florida Communities Trust**

RULE CHAPTER TITLE:	RULE CHAPTER NO.:
Land Acquisition Procedures With Florida Forever Program	9K-8
RULE TITLES:	RULE NOS.:
Purpose	9K-8.001
Definitions	9K-8.002
General Information	9K-8.003
Election by Recipient of Titleholder and Negotiating Entity; Rules Governing Acquisitions; Title	9K-8.004
Title Report and Evidence of Marketable Title	9K-8.005
Certified Survey	9K-8.006

Appraisal Procedures, Appraisal Report Requirements and Determination of Maximum Approved Purchase Price 9K-8.007  
 Confidentiality of Appraisals, Other Reports Relating to Value, Offers and Counteroffers 9K-8.008  
 Negotiation of Offers and Counteroffers 9K-8.009  
 Purchase Agreements 9K-8.010  
 Preparation and Acceptance of Project Plan Examination for Hazardous Materials 9K-8.011  
     Contamination 9K-8.012  
 Trust Governing Board Action 9K-8.013  
 Closing 9K-8.014  
**PURPOSE AND EFFECT:** To modify the Florida Communities Trust procedures for acquiring land with Florida Forever funds.  
**SUBJECT AREA TO BE ADDRESSED:** Land acquisition procedures of the Florida Communities Trust under the Florida Forever Program.  
**SPECIFIC AUTHORITY:** 380.507(11) FS.  
**LAW IMPLEMENTED:** 259.105, 380.501-.515, 380.507(11), 380.508, 380.510 FS.  
**IF REQUESTED, A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW (IF A HEARING IS NOT REQUESTED, A HEARING WILL NOT BE HELD):**  
**TIME AND DATE:** 1:00 p.m., March 13, 2002  
**PLACE:** Kelley Training Center, Room 305, Sadowski Building, 2555 Shumard Oak Boulevard, Tallahassee, Florida  
 Any person requiring special accommodation at the hearing because of a disability or physical impairment should contact Janice Browning, Executive Director, Florida Communities Trust, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100, (850)922-2207, SunCom 292-2207 at least seven days before the date of the workshop. If you are hearing or speech impaired, please contact the Department of Community Affairs using the Florida Dual Party System which can be reached at 1(800)955-8770 (Voice) or 1(800)955-9771 (TDD).  
**THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS:** Janice Browning, Executive Director, Florida Communities Trust, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100, (850)922-2207, SunCom 292-2207  
**THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE.**

**WATER MANAGEMENT DISTRICTS**

**Suwannee River Water Management District**

RULE CHAPTER TITLE:	RULE CHAPTER NO.:
Environmental Resource Permits	40B-400
RULE TITLES:	RULE NOS.:
Exemptions	40B-400.051
Publications and Agreements Incorporated by Reference	40B-400.091

Limiting Conditions 40B-400.115  
 General Permit to the Department  
 for Environmental Restoration  
 or Enhancement 40B-400.485

PURPOSE AND EFFECT: The Joint Administrative Procedures Committee (JAPC) objected to certain language in various sections of Chapter 40B-400, F.A.C. The objections were based on 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.

SUBJECT AREA TO BE ADDRESSED: Chapter 40B-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) make typographical corrections (see paragraph 40B-400.051(2)(g), F.A.C., and 12.2.4.3(a),(c) and 12.2.5 ERP Applicant’s Handbook); 2) delete statutory and rule cross references (see subparagraph 40B-400.051(2)(u)15. and paragraph 40B-400.485(2)(c), F.A.C.); 3) update the effective date of the “Environmental Resource Permit Applicant’s Handbook” (see subsection 40B-400.091(1), F.A.C.); 4) add language which authorizes the District to waive certain general permit conditions (see subsection 40B-400.115(1), F.A.C.); 5) replace reference to “373.421(2), F.S.” with “40B-400.046, F.A.C.” (see paragraph 40B-400.115(1)(p), F.A.C.); 6) clarify that project-specific special conditions must meet the conditions for issuance found in Rules 40B-400.103 and 40B-400.104, F.A.C. (see subsection 40B-400.115(2), F.A.C.); 7) add a rule reference (see 12.2.2.1 ERP Applicant’s Handbook); 8) remove the phrase “by the Department” and replace the words “However, the District may issue permits or certifications for” with “This provision shall not apply to” (see 12.2.5 ERP Applicant’s Handbook); 9) delete the case-by-case determination for innovative mitigation proposal and instead require the proposals to offset impacts to functions (see 12.3.1.8 ERP Applicant’s Handbook); 10) delete language authorizing the Governing Board to revoke a formal determination (see 12.5.4 ERP Applicant’s Handbook); 11) delete language pertaining to the application fee for certain subsequent petitions (see 12.5.5 ERP Applicant’s Handbook); and 12) delete the words “as provided by law” (see 12.5.6 ERP Applicant’s Handbook).

SPECIFIC AUTHORITY: 373.044, 373.046(4), 373.113, 373.118, 373.171, 373.415, 373.421(2), 373.461(3) FS.

LAW IMPLEMENTED: 373.046, 373.118, 373.413, 373.4135, 373.415, 373.416, 373.421(2)-(6), 373.426, 373.461(3) 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: Linda Welch, Suwannee River Water Management District Headquarters, 9225 County Road 49, Live Oak, Florida 32060, (386)362-1001

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

**WATER MANAGEMENT DISTRICTS**

**South Florida Water Management District**

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

PURPOSE AND EFFECT: The purpose and effect of the rule development is to amend and update reference to the “Basis of Review for Water Use Permit Applications within the South Florida Water Management District – September 2001” to reflect amendments to the Basis of Review. The Basis of Review will be updated regarding water conservation requirements for water users in response to information compiled from the regional water shortage of 1999-2001, and in coordination with the Statewide Water Conservation Initiative underway by the Florida Department of Environmental Protection and the state’s water management districts.

SUBJECT AREA TO BE ADDRESSED: Water conservation requirements applicable to public water suppliers, golf course permits, commercial/industrial permits, and agricultural permits will be addressed and may specifically include education, xeriscaping, plumbing irrigation, rates, leak detection, rain switches, reuse feasibility, water audits, recovery/recycling, demand management, industrial process use, resource efficiency credits, pressure balancing of utility systems, interconnects, metering, urban mobile labs, pool/fountain standards, cisterns, certification and training, and BMPs.

SPECIFIC AUTHORITY: 373.044, 373.113 FS.

LAW IMPLEMENTED: 373.103, 373.219, 373.244 FS.

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

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

PLACE: Stuart Recreation Center, 201 S. W. Flagler Avenue, Stuart, FL 34994, (561)288-5338

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

PLACE: South Florida Water Management District, Martin/St. Lucie Service Center, Building 218, Conference Room, 210 Atlanta Ave., Stuart, FL 34994, (561)223-2600

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

PLACE: Broward County Water Supply Training Room, Bldg. #2, 2555 West Copans Road, Pompano Beach, FL 33069, (954)831-0800

DATE AND TIME: 10:00 a.m. – 12:00 p.m., March 21, 2002  
PLACE: South Florida Water Management District, Okeechobee Service Center, Auditorium, 2nd Floor, 205 North Parrott Ave., Okeechobee, FL 34972, (863)462-5260

DATE AND TIME: 10:00 a.m. – 12:00 p.m., March 22, 2002  
PLACE: South Florida Water Management District, Headquarters, B-1 Auditorium, 3301 Gun Club Road, West Palm Beach, FL 33406, (561)686-8800

DATE AND TIME: 10:00 a.m. – 12:00 p.m., March 26, 2002  
PLACE: South Florida Water Management District, Ft. Myers Service Center, Lobby Conference Room, 2301 McGregor Blvd., Ft. Myers, FL 33901, (941)338-2929

DATE AND TIME: 10:00 a.m. – 12:00 p.m., March 27, 2002  
PLACE: South Florida Water Management District, Orlando Service Center, Creek Conference Room, 2nd Floor, 1707 Orlando Central Parkway, Suite 200, Orlando, FL 32809, (407)858-6100

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

Persons with disabilities or handicaps who need assistance may contact the District Clerk, (561)686-8800, at least two business days in advance to make appropriate arrangements.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: For technical issues: Michelle Percy, South Florida Water Management District, Post Office Box 24680, West Palm Beach, FL 33416-4680, telephone 1(800)432-2045, Extension 2174, or (561)682-2174 (mpercy@sfwmd.gov). For procedural issues: Julie Jennison, South Florida Water Management District, Post Office Box 24680, West Palm Beach, FL 33416-4680, telephone 1(800)432-2045, Extension 6294 or (561)682-6294 (jjenniso@sfwmd.gov).

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

**WATER MANAGEMENT DISTRICTS**

**South Florida Water Management District**

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

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

SUBJECT AREA TO BE ADDRESSED: Regulations, procedures, and specific restrictions related to water shortage declarations will be addressed, including water shortage restrictions relating to golf courses, recreation areas, industrial production and use, new landscaping, existing lawn/landscape

watering, agriculture, pesticide application, other outdoor water uses, irrigation systems, nurseries, and flood irrigation; water shortage triggers; variances; and enforcement.

SPECIFIC AUTHORITY: 120.54, 373.044, 373.113 FS.

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

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

DATE AND TIME: 1:00 p.m. – 3:00 p.m., March 12, 2002  
PLACE: South Florida Water Management District, Homestead Field Station Conference Room, 2195 N. W. 8th Street, Homestead, FL 33033, 305-242-5933

DATE AND TIME: 1:00 p.m. – 3:00 p.m., March 19, 2002  
PLACE: Stuart Recreation Center, 201 S. W. Flagler Avenue, Stuart, FL 34994, (561)288-5338

DATE AND TIME: 1:00 p.m. – 3:00 p.m., March 20, 2002  
PLACE: Broward County Water Supply Training Room, Bldg. #2, 2555 West Copans Road, Pompano Beach, FL 33069, (954)831-0800

DATE AND TIME: 1:00 p.m. – 3:00 p.m., March 21, 2002  
PLACE: South Florida Water Management District, Okeechobee Service Center, Auditorium, 2nd Floor, 205 North Parrott Ave., Okeechobee, FL 34972, (863)462-5260

DATE AND TIME: 1:00 p.m. – 3:00 p.m., March 22, 2002  
PLACE: South Florida Water Management District, Headquarters, B-1 Auditorium, 3301 Gun Club Road, West Palm Beach, FL 33406, (561)686-8800

DATE AND TIME: 1:00 p.m. – 3:00 p.m., March 26, 2002  
PLACE: South Florida Water Management District, Ft. Myers Service Center, Lobby Conference Room, 2301 McGregor Blvd., Ft. Myers, FL 33901, (941)338-2929

DATE AND TIME: 1:00 p.m. – 3:00 p.m., March 27, 2002  
PLACE: South Florida Water Management District, Orlando Service Center, Creek Conference Room, 2nd Floor, 1707 Orlando Central Parkway, Suite 200, Orlando, FL 32809, (407)858-6100

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

Persons with disabilities or handicaps who need assistance may contact the District Clerk, (561)686-8800, at least two business days in advance to make appropriate arrangements.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: For technical issues: Michelle Percy, South Florida Water Management District, Post Office Box 24680, West Palm Beach, FL 33416-4680, telephone 1(800)432-2045, Extension 2174, or (561)682-2174 (mpercy@sfwmd.gov). For procedural issues: Julie Jennison, South Florida Water

Management District, Post Office Box 24680, West Palm Beach, FL 33416-4680, telephone 1(800)432-2045, Extension 6294 or (561)682-6294 (jjenniso@sfwmd.gov).

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

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**RULE TITLE:** Unexcused Absences  
**RULE NO.:** 61-20.004  
**PURPOSE AND EFFECT:** The Board proposes to promulgate a new rule regarding unexcused absences of council members.  
**SUBJECT AREA TO BE ADDRESSED:** Unexcused absences of council members.  
**SPECIFIC AUTHORITY:** 455.207(3) FS.  
**LAW IMPLEMENTED:** 455.207(3) 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: Julie Baker, Executive Director, Regulatory Council of Community Association Managers, Northwood Centre, 1940 N. Monroe Street, Tallahassee, Florida 32399-0750  
 THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE.

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**RULE TITLE:** Fees  
**RULE NO.:** 61-20.504  
**PURPOSE AND EFFECT:** The Board proposes to review this rule to determine if amendments are necessary.  
**SUBJECT AREA TO BE ADDRESSED:** Fees.  
**SPECIFIC AUTHORITY:** 468.4315 FS.  
**LAW IMPLEMENTED:** 455.2171, 455.219(3),(6), 455.2281, 455.271, 468.4315(2), 468.433, 468.435 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: Julie

Baker, Executive Director, Regulatory Council of Community Association Managers, Northwood Centre, 1940 N. Monroe Street, Tallahassee, Florida 32399-0750

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

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**RULE TITLE:** Special Assessment  
**RULE NO.:** 61-20.505  
**PURPOSE AND EFFECT:** The Board proposes to promulgate a new rule regarding a special assessment fee.  
**SUBJECT AREA TO BE ADDRESSED:** Special assessment.  
**SPECIFIC AUTHORITY:** 455.219(2) FS.  
**LAW IMPLEMENTED:** 455.219(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 IS: Julie Baker, Executive Director, Regulatory Council of Community Association Managers, Northwood Centre, 1940 N. Monroe Street, Tallahassee, Florida 32399-0750  
 THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS :

61-20.505 Special Assessment.

(1) Each Community Association Manager licensee licensed on or before January 1, 2002, whether active or inactive, shall pay a special assessment fee of \$200.00, to the Department. Payment of the fee must be received by the Department no later than 5:00 P.M. on September 30, 2001.

(2) The special assessment fee applies to all licensees including those whose licenses have been suspended and/or placed on probation by the Department.

(3) Failure to pay the special assessment fee as required above shall constitute grounds for disciplinary action. Licensees who fail to pay the special assessment fee as required above shall be charged with violating Section 468.436(1)(b)2., F.S.

Specific Authority 455.219(2) FS. Law Implemented 455.219(2) FS. History—  
 New \_\_\_\_\_.

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**RULE TITLES:** Continuing Education Provider Approval  
 Continuing Education Course Approval  
**RULE NOS.:** 61-20.5081  
 61-20.5082

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

SUBJECT AREA TO BE ADDRESSED: Continuing education provider and course approval.

SPECIFIC AUTHORITY: 468.4315(2),(3), 468.433 FS.

LAW IMPLEMENTED: 455.2179, 468.433, 468.4337 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: Julie Baker, Executive Director, Regulatory Council of Community Association Managers, Northwood Centre, 1940 N. Monroe Street, Tallahassee, Florida 32399-0750

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

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

RULE TITLE: Prelicensure Education Provider Approval RULE NO.: 61-20.510

PURPOSE AND EFFECT: The Board proposes to review this rule to determine if any amendments are necessary.

SUBJECT AREA TO BE ADDRESSED: Prelicensure education provider approval.

SPECIFIC AUTHORITY: 468.4315(2), 468.433(2)(d) FS.

LAW IMPLEMENTED: 468.433(2)(d) 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: Julie Baker, Executive Director, Regulatory Council of Community Association Managers, Northwood Centre, 1940 N. Monroe Street, Tallahassee, Florida 32399-0750

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

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Board of Pilot Commissioners**

RULE TITLES: INITIAL LICENSING FEE RULE NOS.: 61G14-14.002
INITIAL CERTIFICATE FEE 61G14-14.003
BIENNIAL FEE 61G14-14.004
UNAUTHORIZED PRACTICE FEE 61G14-14.0041

PURPOSE AND EFFECT: The purpose of the rule developments is to decrease certain fees referenced in Rules 61G14-14.002, .003, and .004, F.A.C. A new rule, numbered 61G14-14.0041, F.A.C., is being promulgated to provided language for an unauthorized practice fee.

SUBJECT AREA TO BE ADDRESSED: Initial licensing fee, initial certificate fee, biennial fee, and unauthorized practice fee.

SPECIFIC AUTHORITY: 310.185, 455.213(2) FS., Chapter 94-119, Laws of Florida.

LAW IMPLEMENTED: 310.061, 310.071, 310.121, 455.213(2), 455.2281 FS., Chapter 94-119, Laws of Florida.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Anthony Spivey, Executive Director, Board of Pilot Commissioners, Northwood Centre, 1940 North Monroe Street, Tallahassee, Florida 32399-0750

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

61G14-14.002 Initial Licensing Fee.

(1) The license fee for those persons who are initially licensed as state pilots during the first year of the biennial licensure period shall be \$195.00 \$200.00.

(2) The license fee for those persons who are initially licensed as state pilots during the second year of the biennial licensure period shall be \$95.00 \$100.00.

Specific Authority 310.185, 455.213(2) FS. Law Implemented 310.121, 455.213(2) FS. History-New 2-10-82, Formerly 21SS-6.04, 21SS-6.004, 21SS-14.002, Amended \_\_\_\_\_.

61G14-14.003 Initial Certificate Fee.

(1) No change.

(2) The certification fee for those persons who are certificated as deputy pilots during the first year of the biennial licensure period shall be \$95.00 \$100.00, except as provided in (1), above.

(3) The certification fee for those persons who are initially certificated as deputy pilots during the second year of the biennial licensure period shall be \$45.00 \$50.00, except as provided in (1), above.

Specific Authority 310.185(1), 455.213(2) FS., Chapter 94-119, Laws of Florida. Law Implemented 310.071, 310.121, 455.213(2) FS., Chapter 94-119, Laws of Florida. History-New 2-10-82, Formerly 21SS-6.05, Amended 2-25-91, Formerly 21SS-6.005, 21SS-14.003, Amended 9-27-94, \_\_\_\_\_.

61G14-14.004 Biennial Fee.

Each licensed state shall pay a biennial license fee of ~~\$195.00~~ ~~\$200.00~~; provided that those state licensed pilots who have qualified to be cross licensed for one or more additional ports in accordance with the provisions and stated purpose of Section 310.061, F.S., and Rule 61G14-11.008, F.A.C., shall not be required to pay additional biennial fees for the certificates issued authorizing service in the additional ports. Each certificated deputy pilot shall pay a biennial certification fee of ~~\$95.00~~ ~~\$100.00~~.

Specific Authority 310.185 FS. Law Implemented 310.121, 310.061 FS. History—New 2-15-76, Amended 1-19-77, 5-4-77, 12-7-78, Formerly 21SS-6.01, Amended 2-25-91, Formerly 21SS-6.001, 21SS-14.003, Amended \_\_\_\_\_.

61G14-14.0041 Unauthorized Practice Fee.

As provided in Section 455.2281, Florida Statutes, the fee for enforcement of the laws prohibiting the unauthorized practice of engaging in the practice of piloting shall be \$5.00 per biennium for initial licensure or certification and subsequent renewals, in addition to any other fees associated with licensure or certification.

Specific Authority 310.185 FS. Law Implemented 455.2281 FS. History—New \_\_\_\_\_.

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Board of Professional Surveyors and Mappers**

RULE TITLE: Foreign Degree Evaluation  
 RULE NO.: 61G17-3.003

PURPOSE AND EFFECT: The Board proposes to promulgate a new rule to address foreign degree evaluations.

SUBJECT AREA TO BE ADDRESSED: Foreign degree evaluation.

SPECIFIC AUTHORITY: 472.013(4) FS.

LAW IMPLEMENTED: 472.013(4) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Leon Biegalski, Executive Director, Board of Professional Surveyors and Mappers, Northwood Centre, 1940 N. Monroe Street, Tallahassee, Florida 32399-0750

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

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Board of Professional Surveyors and Mappers**

RULE TITLE: Aggravating or Mitigating Circumstances  
 RULE NO.: 61G17-9.003

PURPOSE AND EFFECT: The Board proposes to amend to this rule due to comments received from staff at the Joint Administrative Procedures Committee.

SUBJECT AREA TO BE ADDRESSED: Aggravating or mitigating circumstances.

SPECIFIC AUTHORITY: Section 2, Chapter 86-90, Laws of Florida.

LAW IMPLEMENTED: Section 2, Chapter 86-90, Laws of Florida.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Leon Biegalski, Executive Director, Board of Professional Surveyors and Mappers, Northwood Centre, 1940 N. Monroe Street, Tallahassee, Florida 32399-0750

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

**DEPARTMENT OF HEALTH**

**Board of Medicine**

RULE TITLE: Standards for Telemedicine  
 RULE NO.: 64B8-9.014

PURPOSE AND EFFECT: The Board proposes the development of a rule to address appropriate electronic prescribing practice for physicians.

SUBJECT AREA TO BE ADDRESSED: Electronic prescribing practice for physicians.

SPECIFIC AUTHORITY: 458.309, 458.331(1)(v) FS.

LAW IMPLEMENTED: 458.331(1)(q),(v) 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: Larry G. McPherson, Jr., Executive Director, Board of Medicine/MQA, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3253

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B8-9.014 Standards for Telemedicine Prescribing Practice.

(1) Providing treatment recommendations, including prescribing medications, based solely on an electronic medical questionnaire constitutes the failure to practice medicine with

that level of care, skill, and treatment which is recognized by reasonably prudent physicians as being acceptable under similar conditions and circumstances, as well as the prescribing of legend drugs other than in the course of a physician's professional practice. Such practice shall constitute grounds for disciplinary action pursuant to Section 458.331(1)(q) and (t), F.S.

(2) Physicians shall not prescribe legend drugs or controlled substances, via telemedicine technology where there is no in-person contact between the physician and the patient, unless, prior to prescribing, the physician conducts and documents a patient evaluation, including history and physical examination, adequate to establish the diagnosis for which any drug is prescribed; discusses with the patient treatment options and the risks and benefits of the medication, as appropriate; and maintains contemporaneous medical records meeting the requirements of Section 458.331(1)(m), F.S., and Rule 64B8-10.003, F.A.C.

(3) The provisions of this rule are not applicable in an emergency situation. For purposes of this rule an emergency situation means a situation in which the prescribing physician determines that the immediate administration of the medication is necessary for the proper treatment of the patient, and that it is not reasonably possible for the prescribing physician to comply with the provision of this rule prior to providing such prescription.

(4) The provisions of this rule shall not be construed to prohibit patient care in consultation with another physician who has an ongoing relationship with the patient, and who has agreed to supervise the patient's treatment, including the use of any prescribed medications; nor does it prohibit on-call or cross-coverage arrangements.

Specific Authority 458.309, 458.331(1)(v) FS. Law Implemented 458.331(1)(q),(v) FS. History—New

**DEPARTMENT OF HEALTH**

**Board of Osteopathic Medicine**

RULE TITLE: Physician Assistant Licensure

RULE NO.: 64B15-6.003

PURPOSE AND EFFECT: The Board proposes to amend this rule to update the rule text.

SUBJECT AREA TO BE ADDRESSED: Physician assistant licensure.

SPECIFIC AUTHORITY: 458.347(7), 459.005, 459.022 FS.

LAW IMPLEMENTED: 120.53(1)(a), 456.013, 456.031, 456.033, 459.022 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: 6:00 p.m., March 15, 2002

PLACE: The Nova Southeastern University, Student Assembly Auditorium, 3200 South University Drive, Ft. Lauderdale, Florida

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

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B15-6.003 Physician Assistant Licensure.

(1) through (3) No change.

(4) The applicant must submit notarized statements attesting to the following:

(a) Completion of three hours of all Category I, American Osteopathic Medical Association Continuing Medical Education which includes the topics of Human Immunodeficiency Virus and Acquired Immune Deficiency Syndrome: the disease and its spectrum of clinical manifestations; epidemiology of the disease; related infections including TB; treatment, counseling, and prevention; transmission from healthcare worker to patient and patient to healthcare worker; universal precautions and isolation techniques; and legal issues related to the disease. If the applicant has not already completed the required continuing medical education, upon submission of an affidavit of good cause, the applicant will be allowed six months to complete this requirement.

(b) Completion of one hour of continuing medical education on domestic violence which includes information on the number of patients in that professional's practice who are likely to be victims of domestic violence and the number who are likely to be perpetrators of domestic violence, screening procedures for determining whether a patient has any history of being either a victim or a perpetrator of domestic violence, and instruction on how to provide such patients with information on, or how to refer such patient to, resources in the local community, such as domestic violence centers and other advocacy groups, that provide legal aid, shelter, victim counseling, batterer counseling, or child protection services, and which is approved by any state or federal government agency, or nationally affiliated professional association, or any provider of Category I or II American Osteopathic Medical Association Continuing Medical Education. Home study courses approved by the above agencies will be acceptable. If the applicant has not already completed the required continuing medical education, upon submission of an affidavit of good cause, the applicant will be allowed six months to complete this requirement.

(c) Completion of two hours of continuing medical education relating to prevention of medical errors which includes a study of root cause analysis, error reduction and prevention, and patient safety, and which is approved by any state or federal government agency, or nationally affiliated professional association, or any provider of Category I or II American Osteopathic Medical Association Continuing



Medical Education. One hour of a two hour course which is provided by a facility licensed pursuant to Chapter 395, F.S., for its employees may be used to partially meet this requirement.

(5) No change.

Specific Authority 459.005, 459.022, 458.347(7) FS. Law Implemented 120.53(1)(a), 456.013, 456.031, 456.033, 459.022 FS. History—New 10-18-77, Formerly 21R-6.03, Amended 10-28-87, 4-21-88, 4-18-89, 9-26-90, 5-20-91, 10-28-91, 3-16-92, Formerly 21R-6.003, Amended 11-4-93, 3-29-94, Formerly 61F9-6.003, Amended 2-1-95, Formerly 59W-6.003, Amended 6-7-98, 3-10-02,\_\_\_\_\_.

**DEPARTMENT OF HEALTH**

**Board of Osteopathic Medicine**

RULE TITLE: Application for Licensure  
 RULE NO.: 64B15-12.003

PURPOSE AND EFFECT: The Board proposes to discuss this rule to determine if amendments are necessary.

SUBJECT AREA TO BE ADDRESSED: Application for licensure.

SPECIFIC AUTHORITY: 456.033(6), 459.005, 459.0055 (1)(i) FS.

LAW IMPLEMENTED: 456.033(6), 459.0055, 459.006, 459.007 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: 6:00 p.m., March 15, 2002

PLACE: The Nova Southeastern University, Student Assembly Auditorium, 3200 South University Drive, Ft. Lauderdale, Florida

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

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B15-12.003 Applications for Licensure.

(1) No change.

(2) Applicants for licensure examination must have their application forms and fees submitted and received by the Board office and all information and documentation complete at least 30 days before the scheduled Board meeting in order to be considered by the Board. Applicants making initial application for licensure shall complete an educational course acceptable to the board on human immunodeficiency virus and acquired immune deficiency syndrome. Any applicant who has not completed the course at the time of licensure, shall, upon an affidavit showing good cause, be allowed 6 months to complete this requirement.

(3) No change.

Specific Authority 456.033(6), 459.005, 459.0055(1)(i) FS. Law Implemented 456.033(6), 459.0055, 459.006, 459.007 FS. History—New 6-4-91, Formerly 21R-12.003, 61F9-12.003, Amended 10-15-95, Formerly 59W-12.003, Amended 9-26-00,\_\_\_\_\_.

**Section II  
 Proposed Rules**

**DEPARTMENT OF BANKING AND FINANCE**

**Board of Funeral and Cemetery Services**

RULE TITLES:	RULE NOS.:
Certificate of Authority; Financial Requirements	3F-5.0016
Applications for Certificate of Authority	3F-5.002
Application for Transfer of a Certificate of Authority	3F-5.0022
Procedures for Licensing a New Cemetery	3F-5.004
Procedure for Licensing Existing Cemeteries	3F-5.005
Procedure for Licensing Transferred Cemeteries	3F-5.006
Conversion Procedures	3F-5.007
Request for Additional Information – Applications	3F-5.008
Regulatory Standards for Evaluating Applications by the Board	3F-5.009

PURPOSE AND EFFECT: The Board proposes to update these rules to incorporate updated forms and remove or replace obsolete language. Rule 3F-5.0016, F.A.C., is being amended to clarify that when an applicant does not have sufficient net worth, liquid assets or sufficient long-term assets, the Department may request additional financial information in an effort to verify that the assets are available. Rule 3F-5.008, F.A.C., is being amended to add Rule 3F-5.009, F.A.C., to the cited rules that provide methods, procedures, and supporting documentation for the licensing of new cemeteries, existing cemeteries, transferred cemeteries and for conversion procedures. This amendment also adds the Board of Funeral and Cemetery Services along with the department with authority to deny an application in accordance with Section 120.60(2), F.S.

SUMMARY: Rule 3F-5.0016, F.A.C., sets forth the financial requirements that must be met and maintained in order to operate as a certificate of authority, Rule 3F-5.002, F.A.C., sets out the requirements for obtaining a certificate of authority, Rule 3F-5.0022, F.A.C., sets out the requirements for transfer of a certificate of authority, Rule 3F-5.004, F.A.C., sets forth the procedures for licensing a new cemetery, Rule 3F-5.005, F.A.C., sets out the procedures for licensure of an existing cemetery, Rule 3F-5.006, F.A.C., sets forth the requirements for licensure of a transferred cemetery; Rule 3F-5.007, F.A.C., sets forth the procedures/requirements for a non-profit association cemetery to become a cemetery company, Rule 3F-5.008, F.A.C., sets out the time limits, methods, procedures, and supporting documents for conversion procedures when additional information is required for

applications for licensure. Rule 3F-5.009, F.A.C., sets forth the regulatory standards for evaluation of applicants applying to organize and operate a new cemetery company.

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

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

SPECIFIC AUTHORITY: 497.103, 497.407(1) FS.

LAW IMPLEMENTED: 497.103, 497.201, 497.209, 497.213, 497.237, 497.245, 497.301, 497.337, 497.405, 497.407 FS.

IF REQUESTED IN WRITING WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A NOTICE OF HEARING DATE WILL BE PUBLISHED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY (IF NOT REQUESTED IN WRITING, A HEARING WILL NOT BE HELD):

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

THE FULL TEXT OF THE PROPOSED RULES IS:

3F-5.0016 Certificate of Authority; Financial Requirements.

(1) No change.

(2) A Certificate of Authority holder or applicant must submit its most recent year-end financial statements (including a balance sheet and income statement), with the Certificate of Authority application and annually thereafter as provided in Section 497.407(1), F.S. The financial statements must be prepared in accordance with generally accepted accounting principles (GAAP) as those principles have been defined by the Florida Board of Accountancy in Chapter 61H1-20, F.A.C. If the applicant does not have the minimum net worth as set forth in section three (3) or lacks sufficient liquid assets to satisfy current liabilities or does not appear to have any substantial long-term assets, the Department may request additional financial information including, but not limited to ~~The financial statements may omit~~ notes to financial statements and the statement of cash flows.

(3) through (6) No change.

Specific Authority 497.103 FS. Law Implemented 497.405, 497.407 FS. History—New 5-21-95, Amended 12-7-98, 10-18-99, 12-12-00,\_\_\_\_\_.

3F-5.002 Application for Certificate of Authority.

(1) Each entity desiring to obtain a certificate of authority shall apply to the Board by submitting the following:

(a) A completed application for Certificate of Authority, Form DBF-COA-1, effective February 7, 1995, and a Historical Sketch ~~of Principals~~, Form DBF-HistS 7/01,

incorporated herein by reference, effective \_\_\_\_\_, DBF-HS-1 effective April 25, 1994, which are hereby incorporated by reference and available by mail from the Department of Banking and Finance, Division of Finance, The Fletcher Building, 101 East Gaines Street, Tallahassee, Florida 32399-0350. The application and historical sketch must be completed and signed within thirty (30) days prior to receipt by the Board; and

(b) No change.

(2) The Historical Sketch ~~of Principals~~ shall be completed by any person with power to direct the management or policies of the applicant.

(3) through (5)(c) No change.

Specific Authority 497.103, 497.407(1) FS. Law Implemented 497.405, 497.407 FS. History—New 4-25-94, Amended 2-7-95, 12-12-00,\_\_\_\_\_.

3F-5.0022 Applications for Transfer of a Certificate of Authority.

(1) When an entity which holds a certificate of authority changes ownership it shall cease operating under the certificate of authority. The successor owner may apply to transfer the COA and obtain a temporary certificate of authority to continue to operate. To be eligible to transfer a certificate of authority the successor entity must apply for a transfer within thirty (30) 30 days of the change in ownership by submitting the following to the Board of Funeral and Cemetery Services:

(a) A completed application for Transfer of a Certificate of Authority, Form DBF-COAT1, effective 5-13-97, which is hereby incorporated by reference and available by mail from the Department of Banking and Finance, Division of Finance, The Fletcher Building, 101 East Gaines Street, ~~Suite 550~~, Tallahassee, Florida 32399-0350, and, for each principal, a Historical Sketch, as referenced in Rule 3F-5.002, F.A.C. of Principals, Form DBF-HS1, effective 4-25-94, which has been incorporated in Rule 3F-5.002, F.A.C. The application and historical sketch(es) must be completed and signed within thirty (30) days prior to receipt by the Board;

(b) A non-refundable application fee of \$100, which shall be the fee for the remainder of the annual license period in which the application is approved; and

(c) Financial statements documenting compliance with Rule 3F-5.0016, F.A.C.

(2) The Historical Sketch ~~of Principals~~ shall be completed by any person with power to direct the management or policies of the applicant.

(3) through (8) No change.

Specific Authority 497.103(1) FS. Law Implemented 497.407(11) FS. History—New 5-13-97, Amended \_\_\_\_\_.

3F-5.004 Procedures for Licensing a New Cemetery.

(1) Any legal entity wishing to establish a cemetery should review the requirements of the Florida Cemetery Act (Chapter 497, F.S.) ~~Florida Statutes~~ and applicable rules and

regulations before filing a formal application for permission to start a cemetery in the State of Florida. The following should then be completed and submitted to the Board:

(a) Application To Organize A New Cemetery Company, Form DBF CEMN 7/01, incorporated herein by reference, DBF F-34, effective \_\_\_\_\_; ~~October 23, 1991, which is hereby incorporated by reference;~~

(b) Historical Sketch, as referenced in Rule 3F-5.002, F.A.C.; ~~Of Proponents, Form DBF F-31, effective October 23, which is hereby incorporated by reference;~~

(c) Current Financial Statement of each proponent, Form DBF-F-32 10/91, effective October 23, 1991, which is hereby incorporated by reference, ~~of each proponent;~~

(d) through (f) No change.

(g) A non-refundable application fee in the amount of \$5,000. Upon receipt of the above-completed documents and application fee, the Department will conduct an investigation; ~~to determine the need for a new cemetery.~~

~~(2) If the Department determines a need for a cemetery in the area of the proposed site as required by Section 497.201(3), F.S., the applicant shall be notified that the following additional information must be prepared and submitted:~~

(a) through (c) renumbered (h) through (j) No change.

~~(d) Written approval from the Local Board of Health or other such agency having jurisdiction;~~

~~(e) A certified report from a registered testing laboratory establishing the water table of the property;~~

~~(f) Designation of a general manager who shall be a person of good moral character having not less than one year's experience in the cemetery business in Florida.~~

~~(2)(3) If the application a certificate of authorization is approved, issued the following will be required:~~

(a) No change.

(b) Certification from Trustee of deposit of \$50,000 ~~\$25,000~~ in "Care and Maintenance Trust Fund";

(c) Designation of a general manager Establishment of a "Merchandise Trust Fund";

(d) Certification from an Attorney or Title Company that the proposed acreage is free and clear from any financial encumbrances and submit a copy of deed showing notice required by Section 497.201, 006, F.S., has been recorded;

(e) No change.

(f) Completion Of An Application To Transact Cemetery Business, Form ~~DBF F-33~~ DBF-CEM 1/96, Rev. 7/01, incorporated herein by reference, effective \_\_\_\_\_, ~~October 23, 1991, which is hereby incorporated by reference~~ and a license fee of \$250, refundable if license is not issued;

(g) through (h) No change.

~~(4) Criteria for licensing a new cemetery.~~

~~(a) In making its determination as to the need for an additional cemetery company for the general benefit of the public, the Department shall not increase the available inventory of burial spaces beyond the expected need for a period of 30 years from the date of application.~~

~~(b) In the investigation to determine need for a new cemetery the Department shall consider the following criteria: The population, its rate of growth, the death rate, and the ratio of burials to deaths shall be determined from latest statistical information available for the community in which the proposed cemetery is to be located.~~

~~(3)(5) All forms herein are hereby incorporated by reference and available by mail from The Department of Banking and Finance, Division of Securities and Financial Services, Finance, Suite 553, Fletcher Building, 101 East Gaines Street, Tallahassee, Florida 32399-0350.~~

Specific Authority 497.103 FS. Law Implemented 497.201, 497.237, 497.245, 497.337 FS. History--New 9-29-75, Amended 6-21-77, 6-21-78, 11-2-78, Formerly 3D-30.15, Amended 10-23-91, Formerly 3D-30.015, Amended 12-8-98,\_\_\_\_\_.

3F-5.005 Procedure for Licensing Existing Cemeteries.

Existing cemeteries at the time of the 1959 adoption of the Florida Cemetery Act shall continue in full force and effect but shall file the following with the Board:

(1) through (4) No change.

(5) Historical Sketch of each proponent, as referenced in Rule 3F-5.002, F.A.C., ~~Of Proponents, Form DBF F-31, effective \_\_\_\_\_.~~ ~~October 23, 1991, which is hereby incorporated by reference, of each proponent.~~

(6) through (8) No change.

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

3F-5.006 Procedure for Licensing Transferred Cemeteries.

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

(c) Historical Sketch of each proponent, as referenced in Rule 3F-5.002, F.A.C.; ~~Of Proponents, Form DBF F-31, effective October 23, 1991, which is hereby incorporated by reference, of each proponent;~~

(d) through (g) No change.

(3) through (6) No change.

(7) All forms herein are hereby incorporated by reference and available by mail from The Department of Banking and Finance, Division of Finance, Fletcher Building, 101 East Gaines Street, ~~Suite 550~~, Tallahassee, Florida 32399-0350.

Specific Authority 497.103 FS. Law Implemented 497.201(1), 497.209 FS. History--New 9-29-75, Amended 11-2-78, 1-27-81, Formerly 3D-30.17, Amended 10-23-91, Formerly 3D-30.017, Amended 9-18-01,\_\_\_\_\_.

3F-5.007 Conversion Procedures.

When a municipal, church owned, fraternal or community and non-profit association cemetery converts to a cemetery company as defined in Section 497.005, F.S., then said cemetery shall file the following with the department:

(1) through (6) No change.

(7) Historical Sketch of each proponent, as referenced in Rule 3F-5.002, F.A.C. Of Proponents, Form DBF-F-31, effective October 23, 1991, which is hereby incorporated by reference, of each proponent.

(8) through (11) No change.

(12) All forms herein are ~~hereby incorporated by reference~~ and available by mail from The Department of Banking and Finance, Division of Finance, ~~Suite 553~~, Fletcher Building, Tallahassee, Florida 32399-0350.

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

3F-5.008 Request for Additional Information – Applications.

Rules 3F-5.004, 3F-5.005, 3F-5.006, ~~and~~ 3F-5.007, and 3F-5.009, F.A.C., provide methods, procedures and supporting documentation for the licensing of new cemeteries, existing cemeteries, transferred cemeteries and for conversion procedures. All information the applicant wants to present in order to support the application should be submitted with the original filing. The required exhibits in the application forms are not intended to limit the applicant's presentation of any of the requirements, but merely represent the minimum information to be filed. Additional information must be submitted within ~~sixty (60) 60~~ days after a request ~~therefor~~ therefore if specifically requested by the department within ~~thirty (30) 30~~ days after receipt of the application. Failure to respond to such request within ~~sixty (60) 60~~ days after the date of the request ~~will may~~ be construed by the department and the Board of Funeral and Cemetery Services as grounds for denial of an application in accordance with the provisions of Section 120.60(2), F.S. Florida Statutes, and the file may be closed, unless good cause is shown that it remain open. Should the file be closed pursuant to these provisions, the applicant shall be duly notified. (See Rule 3-3.012(1)(a) and (3), F.A.C.)

Specific Authority 497.103 FS. Law Implemented 120.60(2), 497.201(2)(a), 497.209 FS. History-New 12-22-81, Formerly 3D-30.29, 3D-30.029, Amended \_\_\_\_\_.

3F-5.009 Regulatory Standards for Evaluating Applications by the Board.

(1) When an application for authority to organize and operate a new cemetery company is filed, it is the applicant's responsibility to meet the statutory criteria warranting the grant of authority. ~~The Department shall conduct an investigation pursuant to Section 497.201(2), Florida Statutes, and report its findings to the Board.~~ If, in the opinion of the Board, any one of the criteria as set forth in Section 497.201, F.S., Florida

~~Statutes~~, which requires board review and approval has not been met and cannot be remedied by the applicant, the Department cannot approve the application.

The applicant shall submit information addressing the following:

(a) through 2. No change.

3. An applicant shall demonstrate that it has sufficient capital to sustain its operations until its first projected profitable year. Sufficient capital shall mean that the applicant is able to cover its cumulative losses until projected profitability; provided that, in no event may the tangible accounting net worth of the applicant be less than \$50,000. The demonstration of sufficient capital shall be made by submittal of a reasonable business plan covering every year from inception up to and including its first projected year of profitability and providing:

a. through c. No change.

4. If the Board determines that capital may not be sufficient to provide adequate care and maintenance of the cemetery grounds or to maintain overall financial stability, the Board may require the application to provide a performance bond in an amount determined by the Board. The performance bond should be made payable to the Department and should be maintained until the first year of profitability.

5. The Department shall claim the bond upon placing the cemetery company into receivership.

(b) Proposed executive officers, directors or principals.

1. The proposed officers, directors or principals shall each submit an executed Historical Sketch, ~~Form DBF-HS-1, effective as referenced in Rule 3F-5.002, F.A.C., 4/25/94, which has been incorporated in Rule 3F-5.002, F.A.C.~~, and shall have reputations evidencing honesty and integrity. They shall have employment and business histories demonstrating their responsibility in financial affairs. The fact that a proposed officer, director or principal has been adjudicated bankrupt or has filed for relief under the Federal Bankruptcy Act shall be considered a material factor in the evaluation of responsibility in financial affairs.

2. No change.

3. The proposed general manager shall have at least three (3) years ~~4-year~~ of direct cemetery management experience within seven (7) ~~7~~ years of the application as a general manager, director, regulator of a cemetery or similar position having an equivalent level of responsibility for a cemetery. The general manager must have a reputation evidencing honesty and integrity and an employment history demonstrating competent past experience. It is not necessary that the name of the general manager be submitted with the application. However, this individual must be named and have submitted an executed Historical Sketch, as referenced in Rule 3F-5.002, F.A.C. Form DBF-HS-1, not later than ninety (90) days prior

to applicant’s intended opening date. The applicant may not open for business without prior approval of the general manager by the Department.

4. through 5. No change.

Specific Authority 497.103 FS. Law Implemented 497.201 FS. History—New 7-22-97, Amended \_\_\_\_\_.

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

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 14, 2001

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: November 9, 2001 and December 28, 2001

**DEPARTMENT OF EDUCATION**

**State Board of Education**

RULE TITLE: Assessment of Limited English Proficient Students

RULE NO.: 6A-1.09432

PURPOSE AND EFFECT: The purpose of this proposed new rule is to both guarantee the participation of limited English proficient (LEP) students in the statewide assessment testing program and to establish the appropriate instructional decisions that are to follow from the test results of LEP students, collectively and individually.

SUMMARY: This rule addresses the participation of limited English proficient students in the statewide assessment testing program.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None.

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

SPECIFIC AUTHORITY: 232.245(2)(b) FS.

LAW IMPLEMENTED: 232.245 FS.

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

TIME AND DATE: 9:00 a.m., March 26, 2002

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Betty Coxe, Deputy Commissioner for Educational Programs, Department of Education, 400 South Monroe Street, Tallahassee, Florida 32399-0400, (850)413-0555

THE FULL TEXT OF THE PROPOSED RULE IS:

6A-1.09432 Assessment of Limited English Proficient Students.

(1) All students classified as limited English proficient (LEP) must participate in the statewide assessment program, prescribed in Section 229.57, Florida Statutes. There is no categorical exemption from participation in the statewide assessment program for LEP students.

(2) An exemption from participation in any component of the statewide assessment program for an individual LEP student may only be made by specific action of a LEP committee as defined in subsection 6A-6.0901(5), FAC., and only for a student whose date of classification as LEP falls within one (1) year prior to the assessment date.

(a) The LEP committee, in making its decision, shall consider the following factors:

1. Level of mastery of basic competencies or skills in English and home language according to appropriate local, state, and national criterion-referenced standards;

2. Grades from the current or previous years; or

3. Other test results.

(b) The LEP committee shall exempt a LEP student from participation in a component of the statewide assessment program if it determines that the student’s participation would have an unsound instructional effect on the student.

(3) The use of LEP assessment data for school grading purposes shall be as stated in Rule 6A-1.09981, FAC.

(4) LEP assessment data shall be used by school districts and schools to evaluate the effectiveness of their instructional programs for LEP students and to follow-up such evaluations with appropriate adjustments, modifications, and improvements of the district’s and the school’s LEP programs. The district’s LEP plan, pursuant to Section 233.058, Florida Statutes, and Rule 6A-6.0905, FAC., shall be revised whenever substantive changes in the district’s LEP program are required.

(5) Assessment results of individual students shall be used by schools to evaluate the progress of individual students. When indicated, such evaluations shall result in appropriate adjustments, modifications, and improvements of each individual LEP student plan, pursuant to Rules 6A-6.0901, 6A-6.0902, and 6A-6.0903, FAC. A LEP committee shall be convened whenever substantive changes in an individual LEP student plan are required.

(6) No promotion or retention decision may be made for any individual student classified as LEP based solely on a score on any single assessment instrument, whether such assessment instrument is part of the statewide assessment program or of a particular district’s formal assessment process. A formal retention recommendation regarding a LEP student may be made through action of a LEP committee.

Specific Authority 232.245(2)(b) FS. Law Implemented 232.245 FS. History—New \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Betty Coxe, Deputy Commissioner for Educational Programs, Department of Education
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Charlie Crist, Commissioner of Education
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 13, 2002
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: February 1, 2002

DEPARTMENT OF EDUCATION

State Board of Education

RULE TITLE: Cooperative Projects and Activities
PURPOSE AND EFFECT: This rule authorizes district school boards to establish educational consortia which are designed to provide joint programs and services to cooperating school districts. The proposed rule change incorporates new standards in generally accepted accounting principles relative to the fund type used to account for consortia activities.

RULE NO.: 6A-1.099

SUMMARY: The fund type required to be used to account for consortia activity is revised from an internal service fund to the appropriate proprietary fund as determined by generally accepted accounting principles.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None.

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

SPECIFIC AUTHORITY: 229.053(1), 230.23(4)(j),(12) FS.
LAW IMPLEMENTED: 229.053(2)(h),(i),(j), 230.23(4)(j), (12) FS.

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

TIME AND DATE: 9:00 a.m., March 26, 2002
PLACE: 400 South Monroe Street, Room LL03, The Capitol, Tallahassee, Florida 32399

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Jeanine Blomberg, Director, Division of Support Services, 325 West Gaines Street, Room 814, Tallahassee, Florida 32399-0400, (850)488-6023

THE FULL TEXT OF THE PROPOSED RULE IS:

- 6A-1.099 Cooperative Projects and Activities.
(1) through (2)(d) No change.
(e) Accounting. All financial transactions of the consortium are to be accounted for separately by the district of record in the appropriate proprietary fund as determined by generally accepted accounting principles recorded in an internal service fund of the district of record. Income to the

internal service fund will be composed of payments from cooperating districts, including the district of record, receipts from goods and services provided non-member districts, and the receipts from grants to the consortium. Cooperating districts, including the district of record, may make payments to the consortium in advance of delivery of services and products. Disbursements from the internal service fund shall include payments for products and services, including agreed-upon services furnished by the district of record, and any refunds due cooperating districts. All transactions with the district of record shall be recorded in the internal service fund. Accounts used shall be those as prescribed in the publication entitled, "A Manual... Financial and Program Cost Accounting and Reporting for Florida Schools, as incorporated by reference in Rule 6A-1.001, FAC."

(f) through (i) No change.

Specific Authority 229.053(1), 230.23(4)(j),(12) FS. Law Implemented 229.053(2)(h),(i),(j), 230.23(4)(j),(12) FS. History--New 2-20-64, Amended 9-17-72, Repromulgated 12-5-74, Amended 6-9-81, 9-27-84, Formerly 6A-1.99, Amended, e.f. A Manual... Financial and Program Cost Accounting and Reporting for Florida Schools.

NAME OF PERSON ORIGINATING PROPOSED RULE: Wayne V. Pierson, Deputy Commissioner for Planning, Budgeting and Management, Department of Education

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 13, 2002

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: January 18, 2002

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

RULE CHAPTER TITLE: Management of Uplands Vested in the Board of Trustees
RULE CHAPTER NO.: 18-2

RULE TITLE: Policies, Standards, and Criteria for Evaluating, Approving or Denying Requests to Use Uplands
RULE NO.: 18-2.018

PURPOSE AND EFFECT: The purpose is to delete subparagraph 18-2.018(3)(b)7. of the rule, enabling the Board of Trustees of the Internal Improvement Trust Fund (Board of Trustees) to be more flexible in negotiations when it exchanges conservation lands with other parties, in accordance with Section 253.42, Florida Statutes. The effect will be elimination of the "two for one" acreage exchange requirement of the rule.

SUMMARY: The subparagraph deleted requires the Board of Trustees to obtain twice the acreage that it conveys in exchanges of natural resource lands. This requirement unnecessarily constrains the Board of Trustees, preventing it from making more beneficial exchanges. The amendment

would eliminate this requirement, giving the Board of Trustees greater flexibility to negotiate exchanges in accordance with the aforementioned statute.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None 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: 253.03(7)(a) FS.

LAW IMPLEMENTED: 253.42 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: Greg Wilson, Bureau Chief, Bureau of Public Land Administration, Department of Environmental Protection, M.S. 130, 3900 Commonwealth Blvd., Tallahassee, Florida 32399-3000, (850)488-2291

THE FULL TEXT OF THE PROPOSED RULE IS:

18-2.018 Policies, Standards, and Criteria for Evaluating, Approving or Denying Requests to Use Uplands.

Applications to use Trustees-owned uplands and decisions to approve or reject such applications will be based on all of the following:

- (1) through (2) No change.
- (3)(a) through (b)1.-6. No change.

~~7. Every exchange of natural resource lands shall result in the trustees acquiring a minimum of twice the amount of acreage being conveyed out of state ownership.~~

- (c) through (f) No change.

Specific Authority 253.03(7)(a) FS. Law Implemented 253.03, 253.034, 253.04, 253.111, 253.115, 253.42-44, 253.47, 253.51-61, 253.62, 253.77, 253.82, 259.035, 270.07, 270.08, 270.11 FS. History--New 6-4-96, Amended \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Greg Wilson

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Eva Armstrong, Director, Division of State Lands; and Board of Trustees of the Internal Improvement Trust Fund

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

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

**STATE BOARD OF ADMINISTRATION**

**Florida Prepaid College Board**

RULE TITLE:  
Special Petition

RULE NO.:  
19B-12.001

PURPOSE AND EFFECT: This rule revision is required due to the implementation of Section 240.553, Florida Statutes and the creation of the Florida College Savings Program.

SUMMARY: This rule change revises the Florida Prepaid College Board's existing rule on special petitions to include the rule chapter relating to the Florida College Savings Program. This change is being made because of the implementation of Section 240.553, Florida Statutes and the creation of the Florida College Savings Program.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None prepared.

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

SPECIFIC AUTHORITY: 240.551(5), 240.553(6) FS.

LAW IMPLEMENTED: 240.551, 120.542, 240.553 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., March 15, 2002

PLACE: Suite 210, Hermitage Building, 1801 Hermitage Boulevard, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Thomas J. Wallace, Executive Director, 1801 Hermitage Boulevard, Suite 210, Tallahassee, Florida 32308, telephone (850)488-8514

THE FULL TEXT OF THE PROPOSED RULE IS:

19B-12.001 Special Petition.

(1) Any person ~~who desires~~ ~~desiring~~ to petition the Board for relief from procedures and policies within Chapters 19B-4 through 11, ~~and~~ 19B-13, ~~and~~ 19B-16, F.A.C., may do so by filing a petition with the Executive Director of the Board or by filing a petition for a waiver or variance of the Board rule pursuant to s. 120.542, F.S.

(2) The petition shall contain the name and address of the person requesting relief; the specific nature of the relief requested; the name and address of any purchaser, benefactor, designated beneficiary or beneficiary on any disputed contract (if applicable); the prepaid college contract or participation agreement account numbers of the contract in question; the rule or policy from which the petition is requesting relief; the date of request; and the signature of the petitioner.

(3) The chairman has the authority to respond on behalf of the Board. The response must be in writing and must be made within 45 days of receipt of the petition from the person requesting relief.

Specific Authority 240.551(5), 240.553(6) FS. Law Implemented 120.542, 240.551, 240.553 FS. History--New 2-6-90, Formerly 4G-12.001, Amended 6-20-96, 12-16-97, \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
 Florida Prepaid College Board  
 NAME OF SUPERVISOR OR PERSON WHO APPROVED  
 THE PROPOSED RULE: Florida Prepaid College Board  
 DATE PROPOSED RULE APPROVED BY AGENCY  
 HEAD: February 5, 2002  
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT  
 PUBLISHED IN FAW: February 8, 2002

**STATE BOARD OF ADMINISTRATION**

**Florida Prepaid College Board**

RULE TITLE: Application of Rule Chapter; Definitions  
 RULE NO.: 19B-16.001

PURPOSE AND EFFECT: To implement s. 240.553, F.S., outline the application of Rule Chapter 19B-16, and define terms to be used in the Florida College Savings Program.

SUMMARY: This new rule implements s. 240.553, F.S. and provides that Rule Chapter 19B-16, F.A.C., applies to participants in the Florida College Savings Program. It defines the terms used in Rule Chapter 19B-16, F.A.C., for the Florida College Savings Program. This rule is being created to implement the Florida College Savings Program.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None prepared.

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

SPECIFIC AUTHORITY: 240.553(6)(a),(7),(8) FS.

LAW IMPLEMENTED: 240.553 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., March 15, 2002

PLACE: Suite 210, Hermitage Building, 1801 Hermitage Boulevard, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Thomas J. Wallace, Executive Director, 1801 Hermitage Boulevard, Suite 210, Tallahassee, Florida 32308, telephone (850)488-8514

THE FULL TEXT OF THE PROPOSED RULE IS:

19B-16.001 Application of Rule Chapter; Definitions.

(1) These rules apply to participants in the Florida College Savings Program, a qualified tuition program that allows persons to make contributions to a trust account established for the purpose of meeting some or all of the qualified higher education expenses of a designated beneficiary.

(2) For the purposes of the Florida College Savings Program and Rule Chapter 19B-16, F.A.C.:

(a) "Account" means an account in the program established pursuant to a participation agreement.

(b) "Account balance" means the amount remaining in an account, including all contributions to the account, investment gains or losses, after deduction of the management fee.

(c) "Application" means the Florida College Savings Program form adopted pursuant to Rule 19B-16.002, F.A.C.

(d) "Automatic contribution plan" means a method of making contributions to an account in the Program whereby funds are automatically withdrawn from a benefactor's bank account on a pre-scheduled, recurring basis.

(e) "Benefactor" means a person who submitted a completed application together with the minimum contribution to the Program required pursuant to Rule 19B-16.004. The benefactor is the owner of the account established for the designated beneficiary named in the application.

(f) "Board" means the Florida Prepaid College Board.

(g) "Contingent benefactor" means a person designated pursuant to Rule 19B-16.008, F.A.C.

(h) "Custodial capacity" means an account where the benefactor acts in a representative capacity pursuant to a court order appointing a guardian, pursuant to the Uniform Transfers to Minors Act or pursuant to the Uniform Gifts to Minors Act.

(i) "Designated beneficiary" means the same as that term is defined in s. 529 of the Internal Revenue Code.

(j) "Eligible educational institution" means the same as that term is defined in s. 529 of the Internal Revenue Code.

(k) "Internal Revenue Code" means the same as that term is defined in s. 240.553(2)(e), Florida Statutes.

(l) "Investment options" means the investment options available to benefactors that are described in the Comprehensive Investment Plan for the Program adopted by the Board and approved by the State Board of Administration, pursuant to s. 240.553(5)(g), Florida Statutes.

(m) "Management fee" means the periodic fee charged to each account, pursuant to the contract between the Board and the program manager.

(n) "Member of the family" means the same as that term is defined in s. 529 of the Internal Revenue Code.

(o) "Participation agreement" means the contract between a benefactor and the Board.

(p) "Person" means the same as the term "person," as used in s. 529 of the Internal Revenue Code.

(q) "Program" means the Florida College Savings Program.

(r) "Program manager" means the entity with which the Board contracts for the operation of the Program, in accordance with the requirements of s. 240.553(5) and (6), Florida Statutes.

(s) "Qualified higher education expenses" means the same as that term is defined in s. 529 of the Internal Revenue Code.

(t) "Qualified tuition program" means the same as that term is defined in s. 529 of the Internal Revenue Code.



(u) “Rollover distribution” means the transfers described in Rule 19B-16.009, F.A.C.

Specific Authority 240.553(6)(a),(7),(8) FS. Law Implemented 240.553 FS. History—New \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
 Florida Prepaid College Board  
 NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Florida Prepaid College Board  
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 5, 2002  
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: January 18, 2002

**STATE BOARD OF ADMINISTRATION**

**Florida Prepaid College Board**

RULE TITLE: Application for Participation in the Florida College Savings Program

RULE NO.: 19B-16.002

PURPOSE AND EFFECT: To implement s. 240.553, F.S., create an application process for the Florida College Savings Program, and specify information that must be included in the Application for the Program.

SUMMARY: This new rule outlines the application process and delineates certain requirements for the Florida College Savings Program. This rule is being created to implement the Florida College Savings Program.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None prepared.

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

SPECIFIC AUTHORITY: 240.553(6)(a),(7) FS.

LAW IMPLEMENTED: 240.553 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., March 15, 2002

PLACE: Suite 210, Hermitage Building, 1801 Hermitage Boulevard, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Thomas J. Wallace, Executive Director, 1801 Hermitage Boulevard, Suite 210, Tallahassee, Florida 32308, telephone (850)488-8514

THE FULL TEXT OF THE PROPOSED RULE IS:

19B-16.002 Application for Participation in the Florida College Savings Program.

(1) Any person may apply for participation in the Program by submitting a completed Florida College Savings Program application, along with an initial contribution to the Program that meets the requirements of Rule 19B-16.004, F.A.C. Benefactors and designated beneficiaries do not have to be residents of the State of Florida. Any natural person named as the benefactor in a completed application must have reached the age of majority and must be a citizen or resident alien of the United States.

(2) The Florida College Savings Program Application, Form No. FCSP 01-03, is hereby incorporated by reference. The effective date of the form is April 1, 2002.

(3) Only one (1) benefactor and one (1) designated beneficiary can be named on an application, except that scholarship accounts may be established for the benefit of one (1) or more beneficiaries identified in the future. A benefactor may submit applications for more than one designated beneficiary. More than one benefactor may submit an application for the same designated beneficiary.

Specific Authority 240.553(6)(a),(7) FS. Law Implemented 240.553 FS. History—New \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
 Florida Prepaid College Board

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Florida Prepaid College Board

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 5, 2002

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: January 18, 2002

**STATE BOARD OF ADMINISTRATION**

**Florida Prepaid College Board**

RULE TITLE: Participation Agreement

RULE NO.: 19B-16.003

PURPOSE AND EFFECT: To implement s. 240.553, F.S., and specify elements of the Participation Agreement for the Florida College Savings Program.

SUMMARY: This new rule specifies that the participation agreement, along with the benefactor’s completed Florida College Savings Program application, constitutes the contract between the Board and the benefactor. It also provides that the benefactor (account owner) retains ownership of all funds in the Florida College Savings Program, except when the benefactor is acting in a custodial capacity. The rule provides that the agreement remains in effect until terminated pursuant to Rule 19B-16.011, F.A.C. This rule is being created to implement the Florida College Savings Program.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None prepared.

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

SPECIFIC AUTHORITY: 240.553(6),(7),(8),(9) FS.

LAW IMPLEMENTED: 240.553 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., March 15, 2002

PLACE: Suite 210, Hermitage Building, 1801 Hermitage Boulevard, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Thomas J. Wallace, Executive Director, 1801 Hermitage Boulevard, Suite 210, Tallahassee, Florida 32308, telephone (850)488-8514

THE FULL TEXT OF THE PROPOSED RULE IS:

19B-16.003 Participation Agreement.

(1) The contract between the Board and a benefactor shall consist of the benefactor's completed application and the participation agreement. The Florida College Savings Program Participation Agreement, Form No. FCSP 01-04, is hereby incorporated by reference. The effective date of the form is April 1, 2002.

(2) Except when a participation agreement is established by a benefactor functioning in a custodial capacity, a benefactor, or any successor benefactor, retains ownership of all funds in his or her account, except for those funds actually distributed from the account, on behalf of a designated beneficiary.

(3) The benefactor may at any time increase or decrease contributions to the Program for the designated beneficiary.

(4) A participation agreement shall remain in effect until terminated pursuant to Rule 19B-16.010, F.A.C.

Specific Authority 240.553(6),(7),(8),(9) FS. Law Implemented 240.553 FS. History—New \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Florida Prepaid College Board

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Florida Prepaid College Board

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 5, 2002

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: January 18, 2002

**STATE BOARD OF ADMINISTRATION**

**Florida Prepaid College Board**

RULE TITLE: Payment and Minimum Contributions      RULE NO.: 19B-16.004

PURPOSE AND EFFECT: To implement s. 240.553, F.S., and outline the requirements for payments and minimum contributions to a Florida College Savings Program account.

SUMMARY: This new rule provides that deposits to the Florida College Savings Program must be made by check, money order, rollover distribution, electronic fund transfer, automatic contribution plan or employer payroll deduction. Deposits using credit cards, third party checks of more than \$10,000.00 or more, traveler's checks and cashiers checks are not allowed. It prohibits the benefactor and designated beneficiary from directing the investment of any contributions or amounts held in the Program. It provides that the benefactor may select an investment option on his or her application form and states the options may be changed to the extent permitted by s. 529 of the Internal Revenue Code. The rule details what materials and contributions must be submitted to the Board in order to establish a Florida College Savings account and provides minimum amounts for subsequent contributions to the account. The rule establishes the minimum amounts for contributions to the Program. This rule is being created to implement the Florida College Savings Program.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None prepared.

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

SPECIFIC AUTHORITY: 240.553(6),(7),(8) FS.

LAW IMPLEMENTED: 240.553 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., March 15, 2002

PLACE: Suite 210, Hermitage Building, 1801 Hermitage Boulevard, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Thomas J. Wallace, Executive Director, 1801 Hermitage Boulevard, Suite 210, Tallahassee, Florida 32308, telephone (850)488-8514

THE FULL TEXT OF THE PROPOSED RULE IS:

19B-16.004 Payment and Minimum Contributions.

(1) Contributions to an account may be made by checks, money orders, rollover distributions, electronic funds transfers, automatic contribution plan or employer payroll deductions. Contributions may not be made by credit cards or other means of credit, third party checks of \$10,000.00 or more, traveler's checks or cashier's checks.

(2) Neither a benefactor nor a designated beneficiary shall direct the investment of any contributions or amounts held in the Program.

(3) The benefactor must select one or more investment options for the funds contributed to an account on the application. A benefactor may change the selection of the investment options that will apply to future contributions to an account at any time. A benefactor may transfer all or any portion of the funds invested in one investment option or options to another investment option or investment options, to the extent permitted under s. 529 of the Internal Revenue Code.

(4) To establish an account, a benefactor must submit, together with the completed application, one of the following:

(a) A deposit of not less than twenty-five dollars (\$25.00) per investment option; or

(b) An authorization for a payroll deduction or automatic contribution plan in an amount not less than fifteen dollars (\$15.00) per investment option.

(5) After an account is established, all subsequent contributions by the benefactor to the account shall be:

(a) In an amount of not less than twenty-five dollars (\$25.00) dollars per investment option; or

(b) Made through an authorization for a payroll deduction or automatic contribution plan in an amount not less than fifteen dollars (\$15.00) per investment option.

(6) A benefactor may make a contribution to the account at any time.

Specific Authority 240.553(6),(7),(8) FS. Law Implemented 240.553 FS. History—New \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Florida Prepaid College Board  
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Florida Prepaid College Board  
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 5, 2002  
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: January 18, 2002

**STATE BOARD OF ADMINISTRATION**

**Florida Prepaid College Board**

RULE TITLE: Maximum Account Balance Limit  
RULE NO.: 19B-16.005  
PURPOSE AND EFFECT: To implement s. 240.553, F.S., and provide a maximum account balance limit for the Florida College Savings Program.

SUMMARY: This new rule provides that the maximum account balance limit by a benefactor on behalf of a designated beneficiary shall be calculated by multiplying the qualified higher education expenses at the most expensive eligible institution as reported in the College Cost and Financial Aid Handbook, 2002, published by the Board by seven (7) and rounding the product down to the nearest \$1,000 increment. It provides that the Board will publish the amount of the maximum account balance limit annually in the Florida Administrative Weekly. It requires the Board to return

contributions in excess of the maximum account balance limit. This rule is being created to implement the Florida College Savings Program.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None prepared.

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

SPECIFIC AUTHORITY: 240.553(6),(7),(8) FS.

LAW IMPLEMENTED: 240.553 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., March 15, 2002

PLACE: Suite 210, Hermitage Building, 1801 Hermitage Boulevard, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Thomas J. Wallace, Executive Director, 1801 Hermitage Boulevard, Suite 210, Tallahassee, Florida 32308, telephone (850)488-8514

THE FULL TEXT OF THE PROPOSED RULE IS:

19B-16.005 Maximum Account Balance Limit.

(1) The maximum account balance limit shall be determined annually by the Board. The maximum account balance limit shall be calculated by multiplying the qualified higher education expenses, including tuition fees, room and board, and supplies, at the most expensive eligible educational institution, as reported in College Cost and Financial Aid Handbook 2002, published by the College Board, by seven (7), and rounding the resulting product downward to the nearest \$1,000.00 increment. The maximum account balance limit shall not exceed the amount permitted pursuant to s. 529 of the Internal Revenue Code. The Board will publish the amount of the maximum account balance limit annually in the Florida Administrative Weekly. Accounts for a designated beneficiary that have reached the maximum account balance limit may continue to accrue investment earnings.

(2) If the Board receives contributions for a designated beneficiary that exceed the maximum account balance limit, the Board shall return the excess to the person making the contribution.

Specific Authority 240.553(6),(7),(8) FS. Law Implemented 240.553 FS. History—New \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Florida Prepaid College Board  
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Florida Prepaid College Board  
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 5, 2002

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: January 18, 2002

STATE BOARD OF ADMINISTRATION

Florida Prepaid College Board

RULE TITLE: Change of Benefactor
RULE NO.: 19B-16.006
PURPOSE AND EFFECT: To implement s. 240.553, F.S., and delineate how and when a benefactor may be changed on a Florida College Savings Program account.

SUMMARY: This new rule provides the circumstances under which a benefactor may be changed on a Florida College Savings Program account. It requires that a benefactor submit a notarized, written request to the Board in order to transfer the ownership of the participation agreement to another eligible person. It provides that a contingent benefactor will become the account benefactor in the event of the death of the original benefactor. The rule details how the benefactor for an account may be changed via court order. This rule is being created to implement the Florida College Savings Program.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None prepared.

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

SPECIFIC AUTHORITY: 240.553(6),(8) FS.

LAW IMPLEMENTED: 240.553 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., March 15, 2002

PLACE: Suite 210, Hermitage Building, 1801 Hermitage Boulevard, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Thomas J. Wallace, Executive Director, 1801 Hermitage Boulevard, Suite 210, Tallahassee, Florida 32308, telephone (850)488-8514

THE FULL TEXT OF THE PROPOSED RULE IS:

19B-16.006 Change of Benefactor.

(1) A benefactor may transfer ownership of a participation agreement to another person at any time, subject to any applicable limitations associated with the benefactor functioning in a custodial capacity. To complete a change of ownership, the benefactor must submit to the Board a notarized, written request to transfer the ownership of the participation agreement to a person who has achieved the age of majority together with an application executed by the person to whom the participation agreement is to be transferred.

(2) Upon the death of the benefactor, if the benefactor has named a contingent benefactor, the contingent benefactor shall become the benefactor if the Board receives a certified copy of the death certificate of the deceased benefactor and a completed application signed by the contingent benefactor.

(3) A change in the benefactor of an account may also be effected by a court order or by the notarized, written request from the personal representative of the benefactor's estate accompanied by a certified copy of the death certificate of the benefactor and letters of administration issued to the personal representative. In either case, the successor benefactor must submit to the Board a completed application signed by the successor benefactor.

Specific Authority 240.553(6),(8) FS. Law Implemented 240.553 FS. History--New

NAME OF PERSON ORIGINATING PROPOSED RULE: Florida Prepaid College Board

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Florida Prepaid College Board

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 5, 2002

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: January 18, 2002

STATE BOARD OF ADMINISTRATION

Florida Prepaid College Board

RULE TITLE: Change of Designated Beneficiary
RULE NO.: 19B-16.007
PURPOSE AND EFFECT: To implement s. 240.553, F.S., and provide the circumstances under which a change of designated beneficiary may be effected on a Florida College Savings Program account.

SUMMARY: This new rule explains the process for changing a designated beneficiary of a Florida College Savings Program account. It provides that an account benefactor may change the designated beneficiary to any member of the family of the then-current designated beneficiary through a written, notarized request to the Board. This rule is being created to implement the Florida College Savings Program.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None prepared.

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

SPECIFIC AUTHORITY: 240.553(6),(7),(8) FS.

LAW IMPLEMENTED: 240.553 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., March 15, 2002

PLACE: Suite 210, Hermitage Building, 1801 Hermitage Boulevard, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Thomas J. Wallace, Executive Director, 1801 Hermitage Boulevard, Suite 210, Tallahassee, Florida 32308, telephone (850)488-8514

THE FULL TEXT OF THE PROPOSED RULE IS:

19B-16.007 Change of Designated Beneficiary.

Except when a participation agreement is established by a benefactor functioning in a custodial capacity, a benefactor may change the designated beneficiary to any member of the family of the then-current designated beneficiary, at any time, by submitting a written, notarized request signed by the benefactor directing the Board to change the designated beneficiary for the account.

Specific Authority 240.553(6),(7),(8) FS. Law Implemented 240.553 FS. History—New.

NAME OF PERSON ORIGINATING PROPOSED RULE: Florida Prepaid College Board

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Florida Prepaid College Board

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 5, 2002

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: January 18, 2002

**STATE BOARD OF ADMINISTRATION**

**Florida Prepaid College Board**

RULE TITLE: Contingent Benefactor

RULE NO.: 19B-16.008

PURPOSE AND EFFECT: To implement s. 240.553, F.S., and provide for the designation of a contingent benefactor by a benefactor of a Florida College Savings Program account.

SUMMARY: This new rule delineates the process by which a benefactor may designate and change a contingent benefactor who will enjoy a right of survivorship in the benefactor's Florida College Savings Program account. It provides that, upon the death of the benefactor, the contingent benefactor must provide the Board with a certified copy of the death certificate of the deceased benefactor and a completed application. This rule is being created to implement the Florida College Savings Program.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None prepared.

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

SPECIFIC AUTHORITY: 240.553(6),(8) FS.

LAW IMPLEMENTED: 240.553 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., March 15, 2002

PLACE: Suite 210, Hermitage Building, 1801 Hermitage Boulevard, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Thomas J. Wallace, Executive Director, 1801 Hermitage Boulevard, Suite 210, Tallahassee, Florida 32308, telephone (850)488-8514

THE FULL TEXT OF THE PROPOSED RULE IS:

19B-16.008 Contingent Benefactor.

The benefactor may designate a contingent benefactor on the application who will enjoy a right of survivorship in the event of the death of the benefactor and who will become the owner of the account automatically upon the death of the benefactor, subject to any applicable limitations associated with the benefactor functioning in a custodial capacity. Upon the death of the benefactor, the contingent benefactor shall become the benefactor if the Board receives a certified copy of the death certificate of the deceased benefactor and a completed application signed by the contingent benefactor. Subject to any applicable limitations associated with the benefactor functioning in a custodial capacity, the benefactor may change the contingent benefactor at any time without the consent of the contingent benefactor by submitting a written, notarized request signed by the benefactor to the Board.

Specific Authority 240.553(6),(8) FS. Law Implemented 240.553 FS. History—New.

NAME OF PERSON ORIGINATING PROPOSED RULE: Florida Prepaid College Board

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Florida Prepaid College Board

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 5, 2002

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: January 18, 2002

**STATE BOARD OF ADMINISTRATION**

**Florida Prepaid College Board**

RULE TITLE: Rollover Distributions

RULE NO.: 19B-16.009

PURPOSE AND EFFECT: To implement s. 240.553, F.S., and set forth the circumstances when transfers may be made into or from Florida College Savings Program accounts.

SUMMARY: This new rule authorizes transfers of funds into or out of accounts in the Florida College Savings Program, to the extent such transfers are permitted by s. 529 of the Internal Revenue Code. A benefactor may make such transfers by submitting a written, notarized request to the Board.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None prepared.

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

SPECIFIC AUTHORITY: 240.553(6),(7),(8) FS.

LAW IMPLEMENTED: 240.553 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., March 15, 2002

PLACE: Suite 210, Hermitage Building, 1801 Hermitage Boulevard, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Thomas J. Wallace, Executive Director, 1801 Hermitage Boulevard, Suite 210, Tallahassee, Florida 32308, telephone (850)488-8514

THE FULL TEXT OF THE PROPOSED RULE IS:

19B-16.009 Rollover Distributions.

Except when functioning in a custodial capacity, a benefactor may make a transfer of funds into an account in the Program or from an account in the Program to the extent permitted by s. 529 of the Internal Revenue Code by submitting a notarized, written request to the Board.

Specific Authority 240.553(6),(7),(8) FS. Law Implemented 240.553 FS. History--New.

NAME OF PERSON ORIGINATING PROPOSED RULE: Florida Prepaid College Board

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Florida Prepaid College Board

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 5, 2002

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: January 18, 2002

**STATE BOARD OF ADMINISTRATION**

**Florida Prepaid College Board**

RULE TITLE: Termination and Withdrawals; Distributions

RULE NO.: 19B-16.010

PURPOSE AND EFFECT: To implement s. 240.553, F.S., and provide rules for termination, withdrawals and distribution of funds from a Florida College Savings Program accounts.

SUMMARY: This new rule provides delineates circumstances under which a benefactor may voluntarily terminate a participation agreement and when the Board will involuntarily terminate a participation agreement. The rule allows a benefactor to voluntarily terminate a participation agreement at any time by submitting a written, notarized request for

termination and provides that the amount of the refund to the benefactor will be the account balance. Voluntary termination also occurs when the account balance is zero, as a result of withdrawals from a Savings Program account. The proposed rule provides that the Board will involuntarily terminate an account if the benefactor has made a material misrepresentation in the initial application submitted to the Board or any other communication to the Board, or if no account contributions or withdrawals have been made for 25 calendar years. The proposed rule defines three types of material misrepresentations. Also, the proposed rule provides that the Board will normally terminate an account if the balance in the savings program account is less than \$250.00 after twenty-four months after the account is established, unless the benefactor files a special petition pursuant to Rules 19B-12.001 and 19B-12.003(3), F.A.C. This rule is being created to implement the Florida College Savings Program.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None prepared.

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

SPECIFIC AUTHORITY: 240.553(6),(8),(9) FS.

LAW IMPLEMENTED: 240.553 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., March 15, 2002

PLACE: Suite 210, Hermitage Building, 1801 Hermitage Boulevard, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Thomas J. Wallace, Executive Director, 1801 Hermitage Boulevard, Suite 210, Tallahassee, Florida 32308, telephone (850)488-8514

THE FULL TEXT OF THE PROPOSED RULE IS:

19B-16.010 Termination and Withdrawal; Distributions.

(1)(a) A benefactor may voluntarily terminate a participation agreement at any time by submitting a written, notarized request to terminate the participation agreement to the Board and receive a refund. Any written request for voluntary termination of a participation agreement shall be processed within thirty (30) days following receipt of the request by the Board. The amount of the refund to the benefactor will be the account balance.

(b) A participation agreement shall be deemed to have been voluntarily cancelled when the benefactor requests a distribution of all funds in the account so that the account balance is zero. However, the benefactor of an account that has

been voluntarily cancelled may reactivate the account and the participation agreement at any time by making a contribution to the account.

(2) Involuntary termination of a participation agreement shall occur:

(a) Upon a determination by the Board that the benefactor has made a material misrepresentation in the application submitted to the Board by the benefactor or in any communication from the benefactor to the Board regarding the Florida College Savings Program. A material misrepresentation includes, but is not limited to, providing an invalid Social Security Number or Taxpayer Identification Number, falsely certifying that the benefactor is a citizen or resident alien of the United States, or providing a false certification that a person is a member of the family of a designated beneficiary.

(b) When no contributions to or withdrawals from the account have been made for twenty-five (25) calendar years. The Board shall extend such period for ten calendar years if it receives a notarized, written request or requests by a benefactor. Any time spent by the designated beneficiary as an active duty member of the armed services of the United States tolls such time periods.

(3) The Board will terminate a benefactor's participation agreement if the balance in the account is less than two hundred fifty dollars (\$250.00) on the first day of any calendar month that is more than twenty-four (24) months following the date on which the Board received the benefactor's application and initial contribution to the Program, unless the Board receives a special petition seeking waiver of this rule pursuant to Rule 19B-12.001 and subsection 19B-12.003(3), F.A.C.

(4) Upon involuntary termination of a participation agreement, the benefactor will be entitled to a refund of the account balance.

(5) A benefactor may request a distribution by submitting a notarized, written request to the Board. Distributions may be made from an account by any method allowed pursuant to s. 529 of the Internal Revenue Code.

Specific Authority 240.553(6),(8),(9) FS. Law Implemented 240.553 FS. History—New

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Florida Prepaid College Board  
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Florida Prepaid College Board  
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 5, 2002  
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: January 18, 2002

**STATE BOARD OF ADMINISTRATION**

**Florida Prepaid College Board**

RULE TITLE: Unclaimed Refunds  
RULE NO.: 19B-16.011

PURPOSE AND EFFECT: To implement s. 240.553, F.S., and provide procedures which the Board will follow regarding unclaimed refunds of account balances in the Florida College Savings Program.

SUMMARY: This new rule provides for procedures by which the Board is to dispose of unclaimed refunds of accounts of the Florida College Savings Program. It requires that the Board mail written notice to any benefactor whose account has been terminated and a refund check has been issued but not negotiated after a six year period. It provides that the notice will explain what process the benefactor must complete in order to obtain a refund of the account funds held by the Board. The rule requires that the Board post a list of account owners due a refund under the Florida College Savings Program on the Board's website. Finally, the rule provides that any account funds that remain unclaimed after seven years will escheat to the state pursuant to Chapter 717, Florida Statutes. This rule is being created to implement the Florida College Savings Program.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None prepared.

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

SPECIFIC AUTHORITY: 240.553(6),(9) FS.

LAW IMPLEMENTED: 240.553 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., March 15, 2002

PLACE: Suite 210, Hermitage Building, 1801 Hermitage Boulevard, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Thomas J. Wallace, Executive Director, 1801 Hermitage Boulevard, Suite 210, Tallahassee, Florida 32308, telephone (850)488-8514

THE FULL TEXT OF THE PROPOSED RULE IS:

19B-16.011 Unclaimed Refunds.

(1) The Board shall mail written notice to any benefactor of an account terminated pursuant to Rule 19B-16.010, F.A.C., when the benefactor has not negotiated the refund check for such account after a period of six (6) years. The notice shall indicate the procedure which the benefactor must follow to obtain a refund of the monies held by the Board for said accounts and that if a claim for a refund is not made within seven (7) years of the termination of the account that the funds shall be subject to disposition as provided under Chapter 717, Florida Statutes. An alphabetical list of the names of the account owners of such accounts shall be posted on the Board's website on the Internet. Any such refund for any

account terminated pursuant to Rule 19B-16.010, F.A.C., which remains unclaimed after seven (7) years shall be subject to disposition pursuant to Chapter 717, Florida Statutes.

(2) The Board shall annually review and approve the list of unclaimed refunds which have remained unclaimed for the periods required under this rule and are subject to disposition pursuant to Chapter 717, Florida Statutes.

Specific Authority 240.553(6),(9) FS. Law Implemented 240.553 FS. History--New \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Florida Prepaid College Board  
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Florida Prepaid College Board  
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 5, 2002  
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: January 18, 2002

**REGIONAL PLANNING COUNCILS**  
**South Florida Regional Planning Council**

RULE TITLE: Rule Making Proceeding  
PURPOSE, EFFECT AND SUMMARY: This rule amendment repeals Rule 29J-2.005, F.A.C., which pertains to the Rule Making Proceedings by the South Florida Regional Planning Council. Pursuant to Section 120.536(1), F.S., the Rule has not received authorizing legislation nor has it been previously repealed.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None.

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

SPECIFIC AUTHORITY: 120.54, 163.01, 186.501 FS.

LAW IMPLEMENTED: 120.54(1), 163.01(5)(h), 186.505 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: Carolyn A. Dekle, Executive Director, South Florida Regional Planning Council, 3440 Hollywood Boulevard, Suite 140, Hollywood, Florida 33021

THE FULL TEXT OF THE PROPOSED RULE IS:

29J-2.005 Rule Making Proceeding.

Specific Authority 120.54, 163.01, 186.501 FS. Law Implemented 120.54(1), 163.01(5)(h), 186.505 FS. History--New 7-4-76, Formerly 29J-2.05, Repealed \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Carolyn A. Dekle, Executive Director, South Florida Regional Planning Council

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Carolyn A. Dekle, Executive Director, South Florida Regional Planning Council

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

**REGIONAL PLANNING COUNCILS**  
**South Florida Regional Planning Council**

RULE TITLE: Declaratory Statements  
RULE NO.: 29J-2.006

PURPOSE, EFFECT AND SUMMARY: This rule amendment repeals Rule 29J-2.006, F.A.C., which pertains to Declaratory Statements by the South Florida Regional Planning Council. Pursuant to Section 120.536(1), F.S., the Rule has not received authorizing legislation nor has it been previously repealed.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None.

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

SPECIFIC AUTHORITY: 120.54, 163.01, 186.501 FS.

LAW IMPLEMENTED: 120.54(1), 163.01(5)(h), 186.505 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: Carolyn A. Dekle, Executive Director, South Florida Regional Planning Council, 3440 Hollywood Boulevard, Suite 140, Hollywood, Florida 33021

THE FULL TEXT OF THE PROPOSED RULE IS:

29J-2.006 Declaratory Statements.

Specific Authority 120.54, 163.01, 186.501 FS. Law Implemented 120.54(1), 163.01(5)(h), 186.505 FS. History--New 7-4-76, Formerly 29J-2.05, Repealed \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Carolyn A. Dekle, Executive Director, South Florida Regional Planning Council

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Carolyn A. Dekle, Executive Director, South Florida Regional Planning Council

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



**DEPARTMENT OF CORRECTIONS**

RULE TITLE: Restoration of Forfeited Gain Time

RULE NO.: 33-601.105

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to clarify circumstances under which inmates are ineligible for restoration of forfeited gain time.

SUMMARY: The proposed rule clarifies circumstances under which inmates are ineligible for restoration of forfeited gain time.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None.

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

SPECIFIC AUTHORITY: 20.315, 944.09, 944.275 FS.

LAW IMPLEMENTED: 20.315, 944.09, 944.275 FS.

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

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

**THE FULL TEXT OF THE PROPOSED RULE IS:**

33-601.105 Restoration of Forfeited Gain Time.

(+) Restoration of gain time as a positive management tool. Gain time that has been forfeited under the current commitment as a result of disciplinary action or revocation of parole, provisional release, supervised community release, conditional medical release, control release, or conditional release shall be subject to restoration when the restoration would produce the same or greater benefits as those derived from the forfeiture in the first place. Only those inmates whose adjustment and performance since their last disciplinary report or revocation of parole, provisional release, supervised community release, conditional medical release, control release, or conditional release has exceeded that which is required to comply with all the behavioral objectives are eligible for consideration. The restoration shall only be considered when the inmate has clearly performed positively over a period of time and it appears the inmate will continue this positive adjustment without further violating the rules of the department or the laws of the state and the inmate is serving that portion of the sentence which, but for the forfeiture of gain time, would have been completed.

(1)(+) Eligibility.

(a) Restoration of gain time due to loss by disciplinary action:

1.a. There must be an elapsed time of at least one year since the last disciplinary action occurred.

2.b. The inmate must be serving that portion of the sentence which, but for the forfeiture of gain time, would have been completed.

3.e. The inmate's institutional adjustment and performance exceed that which is required to comply with all the behavioral objectives and the inmate must have completed or be participating in all available programs recommended by the classification team.

4.d. Inmates who have been ~~convicted in judicial court or been found guilty of one of the~~ after they have received disciplinary reports for the offenses listed below and who have a criminal conviction arising from the same incident shall be ineligible for restoration of forfeited ~~will not be eligible to have gain time reinstated on these specific charges:~~

1-1 Assault or battery or attempted assault or battery with a deadly weapon;

1-2 Unarmed Assault, where a physical attack was made against department staff;

1-5 Sexual Battery;

2-1 Participating in riots, strikes, mutinous acts or disturbances;

3-1 Possession of weapons, ammunition, or explosives;

3-4 Trafficking in Drugs;

4-1 Escape or attempted escape.

5.e. Once an inmate has gain time restored, subsequent losses of gain time due to disciplinary action will make the inmate ineligible for further restoration.

6.f. Gain time that is lost prior to an inmate receiving an additional commitment for an offense committed while in custody of the department will not be considered for restoration.

(b)2. Restoration of gain time forfeited by violation of the conditions of parole, provisional release, supervised community release, conditional medical release, control release, or conditional release may be considered only when there have been no new convictions for offenses that occurred during the period of release.

1.a. There must be a minimum of one year from the effective date of the parole revocation or violation of the conditions of provisional release, supervised community release, conditional medical release, control release, or conditional release;

2.b. The inmate must be discipline free (formal reports) since return as a parole, provisional release, supervised community release, conditional medical release, control release, or conditional release violator;

3.e. The inmate's adjustment and performance must exceed that which is required to comply with all behavioral objectives since return as a parole, provisional release, supervised community release, conditional medical release, control release, or conditional release violator;

~~4.d.~~ The inmate must have completed or be participating in all available programs recommended;

~~5.e.~~ Any inmate who receives restoration of gain time forfeited due to parole, provisional release, supervised community release, conditional medical release, control release, or conditional release violation will not be eligible for restoration on any subsequent parole, provisional release, supervised community release, conditional medical release, control release, or conditional release violation while serving the same commitment;

~~6.f.~~ The inmate must be serving the portion of the sentence which, but for the forfeiture of gain time, would have been completed.

~~(2)(b)~~ How processed. Restoration of gain time will be considered only when the inmate has met the criteria specified in ~~(1)(a)~~ of this rule. There is no entitlement for consideration based upon an inmate's request. The final approving authority for restoration of forfeited gain time will be the Deputy Director of Institutions. The institution where the inmate is assigned will be notified and the facility staff will notify the inmate of the decision.

~~(2) Adjusted disciplinary action. Forfeited gain time shall be restored on the recommendation of the warden when it is determined that the gain time was improperly forfeited or where it appears that an error was made which should be corrected. When it is discovered through a review of the inmate's record at the time of routine progress reports that inappropriate disciplinary procedures were used or additional facts reveal that the disciplinary charge was improper or where the disciplinary report should not have been written against the inmate, the classification officer shall prepare a recommendation documenting the circumstances of the incorrect or inappropriate forfeiture of gain time. The classification officer shall forward the request through the institutional classification team, Chief, Bureau of Classification and Central Records, to the Deputy Director of Institutions who will act as final reviewing authority and shall approve, disapprove, or return the recommendation in cases of this type to the institution for additional information. If approved, the Bureau of Classification and Central Records will make the changes in the record and notify the institution where the inmate is assigned.~~

Specific Authority 20.315, 944.09, 944.275 FS. Law Implemented 20.315, 944.09, 944.275, 944.28 FS. History--New 11-27-84, Formerly 33-11.15, Amended 10-12-89, 8-29-91, 10-13-93, Formerly 33-11.015, Amended 8-30-01,\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Jerry Vaughan  
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Michael W. Moore  
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: January 31, 2002

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: January 11, 2002

**DEPARTMENT OF CORRECTIONS**

RULE TITLE: Institution Visits and Tours and Inmate or Probationer Presentations and Programs for the Public  
RULE NO.: 33-602.230

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to provide detailed guidelines for conducting juvenile offender tours pursuant to s. 945.75, F.S.

SUMMARY: The proposed rule provides detailed guidelines for conducting juvenile offender tours pursuant to s. 945.75, F.S.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None.

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

SPECIFIC AUTHORITY: 20.315, 944.09, 945.75 FS.

LAW IMPLEMENTED: 944.09, 944.23, 945.75 FS.

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

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

THE FULL TEXT OF THE PROPOSED RULE IS:

33-602.230 Institution Visits and Tours and Inmate or Probationer Presentations and Programs for the Public.

(1) Except as authorized in subsection (2) Below, nNo tours by persons under 18 years of age beyond a common assembly area such as the visiting park will be permitted. Student groups shall be assembled in this common area and given briefings by staff members and shown orientation/training videos. Inmates shall not participate in these orientation briefings.

(2) Juvenile Offender Tour Programs. Juveniles under supervision shall be allowed to tour facilities of the department only upon court order or documented direction from the court. Such documentation shall list the name of the sponsor and each juvenile participant approved by the court for such a tour.

(a) Definitions.

1. Adult Escorts – Where used herein, refers to outside sponsors 18 years of age or older who will accompany juvenile participants during the juvenile offender tour program.

2. Central Office Program Manager – Where used herein, refers to the staff member in the Bureau of Classification and Central Records who coordinates the juvenile offender tour program with designated institutions and the Bureau of Security Operations.

3. Designated Institutions – Where used herein, refers to institutions designated by the secretary or his designee to provide the juvenile offender tour program in all four regions, thereby ensuring accessibility to juvenile offenders statewide.

4. Inmate Presenter – Where used herein, refers to an inmate whose participation in the program is voluntary, who has met prescreening criteria outlined in this rule, and who has successfully completed training to provide juvenile offenders with an accurate and realistic account of prison life and the effects of incarceration.

5. Juvenile Offender – Where used herein, refers to a youth not more than 17 years of age, but not less than 10 years of age, who is under court order to participate in a juvenile offender tour program.

6. Juvenile Offender Tour Program – Refers to a program implemented by the Department of Corrections which provides Florida's courts with an intervention program that discourages juvenile offenders from continuing a criminal lifestyle by providing the juvenile offender with a realistic look at prison life.

7. Outside Sponsor – Where used herein, refers to an organization or agency working with a court to provide adult escorts for juvenile offenders participating in the juvenile offender tour program.

8. Tour Program Facilitator – Where used herein, refers to the staff member at the institution who is responsible for supervising tours and coordinating tours in conjunction with the central office program manager.

(b) All tour requests from outside sponsors shall be in writing and shall be routed to the warden.

(c) Staff Responsibilities for the Juvenile Offender Tour Program.

1. The warden shall:

a. Designate a staff member as the tour program facilitator;

b. Based upon program activity, determine the number of inmate presenters who will participate in the program;

c. Ensure the selection of staff to participate in the program; and

d. Evaluate and approve or reject tour requests at least 20 days in advance of the proposed tour date. Rejections shall be based on a determination that the tour is not in the best rehabilitative interests of the inmates incarcerated or that the tour will have an adverse impact on the security or orderly operation of the facility.

2. The institutional tour program facilitator shall:

a. Subsequent to the warden's approval of the tour, function as the primary contact point with the courts, outside sponsors, and the central office program manager.

b. Ensure that all requirements of this rule are met, including:

I. Providing necessary supervision;

II. Advising outside sponsors of the guidelines contained in the rule;

III. Ensuring that department personnel are physically present during the tour, presentation or program, along with the outside sponsor; and

IV. Answering questions from the group.

c. Select and train inmate presenters;

d. Coordinate and provide orientation for participating staff;

e. Secure a copy of the court order for each juvenile that directs the juvenile offender's participation in the program from the outside sponsor and maintain a file of the copies of the court orders for three years;

f. Report scheduling and completion results of the tour to the central office program manager.

g. Ensure that all program guidelines are explained to the tour participants before allowing them entry into the compound;

h. Coordinate notification to the court of tour participants who are disruptive or inappropriately dressed.

3. The central office program manager shall:

a. Maintain liaison with the Bureau of Security Operations regarding safety and security issues in the administration of the juvenile offender tour program;

b. Establish and maintain a database of institutions approved by the secretary to conduct tours, designated tour program facilitators, and statistical results of tours.

(d) Inmate Presenters.

1. Inmates who wish to volunteer as presenters for the juvenile offender tour program shall submit Form DC6-236, Inmate Request, to the tour program facilitator. Form DC6-236 is incorporated by reference in Rule 33-103.019, F.A.C.

2. In order to be selected as an inmate presenter, an inmate must:

a. Be free of disciplinary reports for a minimum of six months;

b. Not be a certified or non-certified security threat group member;

c. Be close custody or lower;

d. Not have been in close management in the last 24 months; and

e. Not have a history of serious disciplinary reports or sex offense convictions.

3. Inmate presenters shall receive at least four hours of training concerning presentation content. Inmate presenters shall receive instruction on and are expected to demonstrate an

understanding of and a positive attitude towards the purpose and goals of the tour program. Inmate presenters will be trained that they will not:

a. Use profanity, obscenities, individual confrontation, intimidation, or physical contact with tour participants, ("Scared Straight" techniques will not be used.)

b. Exercise any control or authority over any tour participant,

c. Remove their own nor tour participant's clothing,

d. Exchange personal information such as home addresses or telephone numbers with any tour participant,

e. Give to or receive anything from tour participants, or

f. Use any tobacco products.

4. Inmate presenters shall:

a. Wear uniforms that are clean, properly fitted, and in good repair,

b. Maintain proper grooming in accordance with department rules, and

c. Use courtesy in all their dealings with tour participants and adult escorts.

(e) Tours.

1. Tour groups shall be limited to no more than 15 tour participants, not including sponsors and escorts.

2. Outside sponsors shall provide one adult escort of the same sex for every six or less tour participants.

(f) Upon tour approval, the tour program facilitator shall advise the outside sponsor in writing of the expectations and requirements of this rule, including the following:

1. Tour participants shall not be admitted if wearing inappropriate attire which includes:

a. Halter tops or other bra-less attire,

b. Underwear type tee shirts,

c. Tank tops or shorts,

d. Fishnet shirts or swimsuits,

e. Skin tight clothing or spandex clothing,

f. Clothes made with see-through fabric (unless a non-see-through garment is worn underneath),

g. Dresses or skirts more than three inches above the knee,

or

h. Any article of clothing with a picture or language which presents a potential threat to the security or order of the institution.

2. Tour participants shall not be permitted the following:

a. Excessive jewelry,

b. Radios,

c. Cell phones or pagers,

d. Cameras or recording devices,

e. Purses,

f. Pocket knives,

g. Fingernail clippers,

h. Money, or

i. Prescription medications, except:

I. Only the dosage necessary for the tour period shall be allowed;

II. The medication shall be in its original prescribed container; and

III. Needles and syringes shall be left in the tour participant's locked transportation vehicle.

(g) The outside sponsor shall be responsible for taking corrective action against disruptive participants. Unresolved situations shall result in the disruptive participants being removed from the tour. If necessary, the tour shall be terminated.

(h) The tour program facilitator shall, not later than two workdays following completion of the tour, report tour scheduling and completion results to the central office program manager.

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

(e) If the tour or program is for juveniles and is based on a court order or direction from the court, the supervisor or coordinator shall secure a copy of the order from the sponsor, with the name of each juvenile on it.

Specific Authority 20.315, 944.09, 945.75 FS. Law Implemented 944.09, 944.23, 945.75 FS. History--New 10-6-83, Formerly 33-5.12, Amended 7-27-89, 3-8-98, Formerly 33-5.012, Amended \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:

Jerry Vaughan

NAME OF SUPERVISOR OR PERSON WHO APPROVED

THE PROPOSED RULE: Michael W. Moore

DATE PROPOSED RULE APPROVED BY AGENCY

HEAD: January 30, 2002

DATE NOTICE OF PROPOSED RULE DEVELOPMENT

PUBLISHED IN FAW: January 11, 2002

**AGENCY FOR HEALTH CARE ADMINISTRATION**

**Medicaid**

RULE TITLE:

Prescribed Drug Services

RULE NO.:

59G-4.250

PURPOSE, EFFECT AND SUMMARY: The purpose of this rule amendment is to incorporate by reference the revised Florida Medicaid Prescribed Drug Services, Coverage, Limitations and Reimbursement Handbook, July 2001. This handbook contains the required changes of the 2000 Legislature including four brand-name limit, 34-day supply, surety bonds for pharmacies, and the Prescription Affordability Act for Seniors. In addition, this handbook also contains the required changes of the 2001 Legislature, including four brand limits for nursing homes, preferred drug formulary, and expansion of prior authorization. The effect will be to incorporate, by reference in the rule, the current Florida Medicaid Prescribed Drug Coverage, Limitations, and Reimbursement Handbook.

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(20), 409.908, 409.912 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. – 2:00 p.m., March 18, 2002

PLACE: Conf. Room C, Bldg. 3, 2728 Mahan Drive, Tallahassee, FL 32308

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: George O. Kitchens, Medicaid Pharmacy Services, 2728 Mahan Drive, Ft. Knox Bldg. 3, MS 38, Tallahassee, Florida 32308, (850)487-4441

THE FULL TEXT OF THE PROPOSED RULE IS:

59G-4.250 Prescribed Drug Services.

(1) This rule applies to all prescribed drug services providers enrolled in the Medicaid program.

(2) All participating prescribed drug services providers enrolled in the Medicaid program must be in compliance with the provisions of the Florida Medicaid Prescribed Drug Services Coverage, Limitations and Reimbursement Handbook, July 2001 February 2001, which is incorporated by reference, and available from the Medicaid fiscal agent.

Specific Authority 409.919 FS. Law Implemented 409.906(20), 409.908, 409.912 FS. History—New 1-1-77, Amended 6-30-77, 10-1-77, 2-1-78, 4-1-78, 9-28-78, 6-1-79, 2-28-80, 11-11-81, 7-3-84, Formerly 10C-7.42, Amended 3-11-86, 12-5-88, 6-4-90, 10-29-90, 5-20-92, 4-11-93, Formerly 10C-7.042, Amended 12-28-95, 8-3-97, 2-11-98, 9-13-99, 7-20-00, 7-01-01, \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Sandra J. Berger

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Rhonda M. Medows, MD, FAAFP, Secretary

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 13, 2002

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: March 2, 2001

**DEPARTMENT OF ENVIRONMENTAL PROTECTION**

**Division of Beaches and Shores**

RULE CHAPTER TITLE: Shrimp  
RULE CHAPTER NO.: 62B-2

SUMMARY OF NOTICE: Notice of repeal for obsolete Chapter 62B-2, F.A.C., “Shrimp” because the enabling statute was repealed and the program does not exist.

The full text of this notice is published on the Internet at the Department of Environmental Protection’s home page at <http://www.dep.state.fl.us/> under the link or button titled “Official Notices.”

**DEPARTMENT OF ENVIRONMENTAL PROTECTION**

**Division of Beaches and Shores**

RULE CHAPTER TITLE: Crawfish  
RULE CHAPTER NO.: 62B-3

Notice of repeal for obsolete Chapter 62B-3, F.A.C., “Crawfish” because the enabling statute was repealed and the program does not exist.

The full text of this notice is published on the Internet at the Department of Environmental Protection’s home page at <http://www.dep.state.fl.us/> under the link or button titled “Official Notices.”

**DEPARTMENT OF ENVIRONMENTAL PROTECTION**

**Division of Beaches and Shores**

RULE TITLE: Gear and Equipment – Stone Crab Regulation  
RULE NO.: 62B-6.015

Notice of repeal for obsolete Chapter 62B-6.015, F.A.C., “Gear and Equipment – Stone Crab Regulation” because the enabling statute was repealed and the program does not exist.

The full text of this notice is published on the Internet at the Department of Environmental Protection’s home page at <http://www.dep.state.fl.us/> under the link or button titled “Official Notices.”

**DEPARTMENT OF ENVIRONMENTAL PROTECTION**

**Division of Beaches and Shores**

RULE CHAPTER TITLE: Oyster Harvesting Prohibited in All Waters of Franklin County and in Indian Lagoon in Gulf County  
RULE CHAPTER NO.: 62B-46

Notice of repeal for obsolete Chapter 62B-46, F.A.C., “Oyster Harvesting Prohibited in All Waters of Franklin County and in Indian Lagoon in Gulf County” because the enabling statute was repealed and the program does not exist.

The full text of this notice is published on the Internet at the Department of Environmental Protection’s home page at <http://www.dep.state.fl.us/> under the link or button titled “Official Notices.”

DEPARTMENT OF HEALTH

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

RULE TITLE: Approval of Continuing Education Providers
RULE NO.: 64B4-6.004
PURPOSE AND EFFECT: The Board proposes to review this rule to determine if any amendments are necessary.

SUMMARY: The Board deems it necessary to amend this rule to address the requirements of continuing education directors.

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: 491.004(5), 491.0085(1),(3),(4) FS.
LAW IMPLEMENTED: 491.0085(1) 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: 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 FULL TEXT OF THE PROPOSED RULE IS:

64B4-6.004 Approval of Continuing Education Providers. (1) through (2)(f)6. No change.

7. Ensure that the provider complies with all applicable state and federal laws and regulations.

(3) through (6) No change.

Specific Authority 491.004(5), 491.0085(1), (3), (4) FS. Law Implemented 491.0085(1) FS. History-New 1-9-94, Formerly 61F4-6.004, Amended 10-2-94, 12-29-96, Formerly 59P-6.004, Amended 12-11-97, 2-9-99,

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Clinical Social Work, Marriage and Family Therapy and Mental Health

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Clinical Social Work, Marriage and Family Therapy and Mental Health

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: January 17, 2002

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: January 4, 2002

DEPARTMENT OF HEALTH

Board of Osteopathic Medicine

RULE TITLE: Continuing Education for Biennial Renewal
RULE NO.: 64B15-13.001
PURPOSE AND EFFECT: The purpose of the rule amendments is to update the requirements for continuing education for biennial renewal.

SUMMARY: The Board is amending this rule to increase the required continuing education hours required for biennial renewal, adding language which defines in detail the requirements for the two hour required course for the prevention of medical errors, and allowing licensees to substitute certain courses. Unnecessary language is being deleted.

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: 459.005, 459.008(4) FS.
LAW IMPLEMENTED: 456.013(5), (6), 459.008, 459.008(4) FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.

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

THE FULL TEXT OF THE PROPOSED RULE IS:

64B15-13.001 Continuing Education for Biennial Renewal.

(1)(a) Every person licensed pursuant to Chapter 459, F.S., except those licensed as physician assistants pursuant to Section 459.022, F.S., shall be required to complete forty (40) hours of continuing medical education courses approved by the Board in the twenty-four (24) months preceding each biennial renewal period as established by the Department. Seven Five of the continuing medical education hours required for renewal shall be one hour HIV/AIDS course, one hour Domestic Violence, one hour Risk Management Course, one hour Florida Laws and Rules, and one hour Managed Care Course, and two hours Prevention of Medical Errors Course.

- (b) No change.
(2) No change.
(3)(a) No change.

(b) The seven (7) five (5) hours of continuing medical education found in 64B15-13.001(1)(a), F.A.C., shall be obtained by the completion of live, participatory attendance courses, as provided in (4) of this rule.

(c) through (e) No change.

(f) For purposes of this rule, a two hour Prevention of Medical Errors course shall include a study of root cause analysis, error reduction and prevention, and patient safety. The course shall address medication errors, surgical errors, diagnostic inaccuracies, and system failures, and shall provide recommendations for creating safety systems in health care organizations.

(4) Continuing education credit shall be awarded only for educational experiences that are specifically appropriate for and contain useful information directly pertinent to the practice of Osteopathic Medicine, and only if received through the following methods: The following courses are approved by the Board:

(a) By participating in courses offered by a Board-approved continuing education provider; or

(b) By participating in:

(a) through (i) renumbered 1. through 9. No change.

(5) Home study hours up to a maximum of eight (8) hours per biennium may be utilized toward continuing education requirements for renewal excluding the seven five hours listed in Rule 64B15-13.001(1)(a), F.A.C. In order to be acceptable, said home study hours must be approved by the AOA, the AMA, the Board, or approved for credit as a college or university extension course with approved grading and evaluation standards.

(6) No change.

(7) In lieu of the domestic violence course or the HIV/AIDS course, a licensee may complete a course in end of life care and palliative health care if the licensee has completed an approved domestic violence course in the immediately preceding biennium. As of July 1, 1995, all licensees shall, as part of their biennial continuing education requirements, successfully complete a one hour continuing education course on domestic violence as required by Section 456.031, F.S.

(8) All applicants for an initial license, reactivation or reinstatement of their licensee who obtained the required domestic violence, end of life and palliative health care, or HIV/AIDS course for initial licensure, reactivation or reinstatement within six (6) months immediately preceding licensure renewal may use the same domestic violence, end of life palliative health care, or HIV/AIDS hours obtained for initial licensure, reactivation or reinstatement to meet the requirements for licensure renewal.

Specific Authority 459.005, 459.008(4) FS. Law Implemented 456.013(5), (6), 459.008, 459.008(4) FS. History—New 10-23-79, Amended 1-29-86, Formerly 21R-13.01, Amended 12-5-89, 4-8-91, 2-16-92, Formerly 21R-13.001, Amended 1-10-94, Formerly 61F9-13.001, Amended 10-25-95, Formerly 59W-13.001, Amended 1-19-98, 6-3-98, 4-14-99, \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Board of Osteopathic Medicine  
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Osteopathic Medicine  
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 7, 2001  
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: December 7, 2001

**DEPARTMENT OF HEALTH**

**Board of Osteopathic Medicine**

RULE TITLE: Standards for the Prescription of

RULE NO.:

Obesity Drugs 64B15-14.004

PURPOSE AND EFFECT: The purpose of this substantial rewording is to clarify the standards for the prescription of obesity drugs.

SUMMARY: The Board is substantially rewording this rule to clearly define the standards required for osteopathic physicians who prescribe obesity drugs for their patients.

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: 459.005, 459.0135 FS.

LAW IMPLEMENTED: 459.0135 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: Karen Eaton, Executive Director, Board of Osteopathic Medicine/MQA, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3256

THE FULL TEXT OF THE PROPOSED RULE IS:

(Substantial rewording of Rule 64B15-14.004 follows. See Florida Administrative Code for present text.)

64B15-14.004 Standards for the Prescription of Obesity Drugs.

The prescription of medication for the purpose of enhancing weight loss should only be performed by osteopathic physicians qualified by training and experience to treat obesity. All licensees are expected to abide by the following guidelines and standards in the utilization of any drug, any synthetic compound, any nutritional supplement or herbal treatment, for the purpose of providing medically assisted weight loss.

(1) To justify the use of weight loss enhancers as set forth above, the patient must have a Body Mass Index (BMI) of 30 or above, or a BMI of greater than 27 with at least one

comorbidity factor, or a measurable body fat content equal to or greater than 25% of total body weight for male patients or 30% of total body weight for women. The prescription of such weight loss enhancers is not generally appropriate for children. Any time such prescriptions are made for children, the prescribing osteopathic physician must obtain a written informed consent from the parent or legal guardian of the minor patient in addition to complying with the other guidelines and standards set forth in this rule. BMI is calculated by use of the formula  $BMI = kg/m^2$ .

(2) Osteopathic physicians in Florida are prohibited from prescribing, ordering, dispensing, or administering any weight loss enhancer that is both a serotonergic and anorexic agent unless the drug has been approved by the Food and Drug Administration (FDA) specifically for use in weight loss management. Selective serotonin re-uptake inhibitors (SSRIs) that have not been approved by the FDA for weight loss may not be prescribed, ordered, dispensed, or administered for such purposes.

(3) An initial evaluation of the patient shall be conducted prior to the prescribing, ordering, dispensing, or administering of any drug, synthetic compound, nutritional supplement or herbal treatment and such evaluation shall include an appropriate physical and complete history; appropriate tests related to medical treatment for weight loss; and appropriate medical referrals as indicated by the physical, history, and testing; all in accordance with general medical standards of care.

(a) The initial evaluation may be delegated to an appropriately educated and trained osteopathic physician's assistant licensed pursuant to Chapter 459, Florida Statutes, or an appropriately educated and trained advanced registered nurse practitioner licensed pursuant to Chapter 464, Florida Statutes.

(b) If the initial evaluation required above is delegated to an osteopathic physician's assistant or to an advance registered nurse practitioner, then the delegating osteopathic physician must personally review the resulting medical records prior to the issuance of an initial prescription, order, or dosage.

(4) Prescriptions or orders for any drug, synthetic compound, nutritional supplement or herbal treatment for the purpose of assisting in weight loss must be in writing and signed by the prescribing osteopathic physician. Initial prescriptions or orders of this type shall not be called into a pharmacy by the osteopathic physician or by an agent of the osteopathic physician. Even if the osteopathic physician is registered as a dispensing osteopathic physician, a hard copy of the written prescription must be maintained in the patient's medical records for each time such weight loss enhancers are prescribed, ordered, dispensed, or administered.

(5) At the time of delivering the initial prescription or providing the initial supply of such drugs to a patient, the prescribing osteopathic physician must personally meet with the patient and personally obtain an appropriate written informed consent from the patient. Such consent must state that there is a lack of scientific data regarding the potential danger of long term use of combination weight loss treatments, and shall discuss potential benefits versus potential risks of weight loss treatments. The written consent must also clearly state the need for dietary intervention and physical exercise as a part of any weight loss regimen. A copy of the signed informed consent shall be included in the patient's permanent medical record.

(6) Each osteopathic physician who is prescribing, ordering, or providing weight loss enhancers to patients must assure that such patients undergo an in-person re-evaluation within 2 to 4 weeks of receiving a prescription, order, or dosage. The re-evaluation shall include the elements of the initial evaluation and an assessment of the medical effects of the treatment being provided. Any patient that continues on a drug, synthetic compound, nutritional supplement or herbal treatment assisted weight loss program shall be re-evaluated at least once every 3 months.

(7) Each osteopathic physician who prescribes, orders, dispenses, or administers any drug, synthetic compound, nutritional supplement or herbal treatment for the purpose of assisting a patient in weight loss shall maintain medical records in compliance with Rule 64B15-15.004, Florida Administrative Code, and must also reflect compliance with all requirements of this rule.

(8) Each osteopathic physician who prescribes, orders, dispenses, or administers weight loss enhancers for the purpose of providing medically assisted weight loss shall provide to each patient a legible copy of the Weight-Loss Consumer Bill of Rights as set forth in Section 501.0575(1)(a) through (e)3., Florida Statutes. The osteopathic physician shall also conspicuously post said document in those rooms wherein patients are evaluated for weight loss treatment.

(9) Any osteopathic physician who advertises practice relating to weight loss or whose services are advertised by another person or entity shall be responsible for assuring that such advertising meets the requirements of Rule 64B15-14.001, Florida Administrative Code. In addition advertising of weight loss treatment shall be considered false, deceptive, or misleading if it contains representations that:

- (a) Promise specific results;
  - (b) Raise unreasonable expectations;
  - (c) Claim rapid, dramatic, incredible, or safe weight loss;
  - (d) State or suggest that diets or exercise are not required;
- or
- (e) Suggest that weight loss is effortless or magical.



Specific Authority ~~459.005, 459.0135 F.S. Section 188, Chapter 97-264, Laws of Florida. Law Implemented 459.0135 F.S. Section 188, Chapter 97-264, Laws of Florida. History-New 3-29-98, Amended~~.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Board of Osteopathic Medicine  
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Osteopathic Medicine  
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 7, 2001  
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: December 21, 2001

### Section III Notices of Changes, Corrections and Withdrawals

**DEPARTMENT OF BANKING AND FINANCE**

**Division of Accounting and Auditing**

RULE NOS.:	RULE TITLES:
3D-20.0021	Procedures for Filing Claim
3D-20.0022	Proof of Ownership and Entitlement to Unclaimed Property
3D-20.0030	Definitions

**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. 27, No. 33 (August 17, 2001), issue of the Florida Administrative Weekly.

3D-20.0021 Procedures for Filing Claim.

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

(b) If the claim is denied, written notice containing rights to request a hearing as provided in Sections 120.569 and 120.57, F.S., will be mailed to the claimant at the address provided in the claim. The claim will be denied without prejudice and may be refiled at any time. ~~However, if the unclaimed property has been awarded to another claimant, in good faith, prior to refiled, the later filed claim may be denied with prejudice. Written notice containing rights of appeal will be provided.~~

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

3. Full disclosure will be recognized by the Department when the following language, fully completed with all appropriate blanks filled in, is conspicuously, and as a single statement, incorporated within the Agreement just prior to the signature of the owner, as follows:

**FULL DISCLOSURE STATEMENT**

Pursuant to Chapter 717, F.S., this unclaimed property is currently being held by the Florida Department of Banking and Finance. ~~The property was reported in the name of (exact name of the owner(s) as listed in UCP~~

~~records), and sent to the Department in (mm/dd/yy). The person/entity that reported it to the state is (XYZ Corporation). The person/entity's last date of contact with the apparent owner was (mm/dd/yy). The property consists of (\$/# of shares/SDB contents – list contents), from (type of property – utility deposit/wages/etc.) The property has an approximate value of \_\_\_\_\_.~~

4. through 5. No change.

~~6. Contracts for the recovery of small estate accounts pursuant to Section 717.1243, F.S., by Estate Affidavit (Form DBF-UP-1243), in lieu of probate, are subject to Section 717.135(1), F.S. If it is necessary to open an estate for the purpose of collecting the unclaimed property, or to reopen an estate to obtain a new order for the purpose of collecting the unclaimed property, then the fee cap exemption set forth in Section 717.135(1)(b), F.S., shall apply. However, fee caps shall apply to closed probate estates and estates that have never been probated.~~

~~7. In the case of guardianship proceedings, the fee cap exemption only applies to those proceedings opened for the purpose of collecting the unclaimed property, or where a new order must be obtained to collect the unclaimed property.~~

(7) through (11)(a)1. No change.

~~2. Securities. The Department will liquidate all securities issues which can be sold as soon as practicable unless the security cannot be sold due to market liquidity, current valuation or on-going corporate activity. Payment will be provided as follows: processed for the property (either cash value of securities, shares or securities, or certificates) in the account at the time the claim is filed, unless liquidation is requested by the claimant or has already been requested by the Department.~~

~~a. If the securities have been liquidated, payment of the cash proceeds will be made by warrant, and mailed to the owner's address. The Department will deliver the securities to the owner, unless securities cannot be transferred or sold due to current valuation or ongoing corporate activity, for example, mergers, reorganizations or splits.~~

~~b. Securities in a claimed account, for which liquidation has not been requested, will be registered in the owner's name and transferred electronically to the owners' existing brokerage account, provided the information required by the securities industry is available at the time the claim is filed. If the security can be certificated and delivery of the certificate is requested, the certificate will be mailed to the owner. The securities will be delivered in physical form, or directly transferred into an owner's brokerage account if the information is provided to the Department at the time the claim is filed with the Department. The information required by the securities industry for electronic transfer could include the broker or agent's DTC (Depository Trust Corporation) number, ABA (American Banker's Association) number, the owners' account number and account registration.~~

c. Certificated securities that cannot be sold based on market liquidity, current valuation or ongoing corporate activity will be registered in the name of the owner and mailed.

d. Non-certificated securities that cannot be sold due to market liquidity, current valuation or ongoing corporate activity but can be electronically transferred, will be electronically transferred 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.

e. Securities that cannot be sold, certificated or transferred to an owner's brokerage account, will not be paid. Written notice will be provided to the owner.

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

(11)(a)3. No change.

(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: Payment will be processed for the property (either cash value of securities, shares of securities, or certificates) in the account at the time the claim is filed, unless liquidation is requested by the claimant or has already been requested by the Department.

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

~~i. If cash value, payment will be made electronically as set forth in paragraph (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.

~~ii. If non-certificated shares of securities, the shares will be registered in the name of the owner and notification will be sent to both the Owner and the Owner's Representative.~~

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.

~~iii. If a certificate is issued, written notice will be provided to the owner that the physical certificate has been sent to the Owner's Representative.~~

d. Non-certification securities that cannot be sold 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.

~~iv. If both the owner and the Owner's representative request direct transfer of shares of securities to the owner in writing when the claim is filed, the securities will be made out in the name of the owner and transferred directly to the owner's brokerage accounts.~~

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.~~

~~(12) Applicability. The provisions of paragraph 3D-20.0021(6)(e), F.A.C., "Owner's Representative Fee Caps," shall apply to all claims filed on or after the effective date of this rule.~~

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

(1) No change.

(2) Claims by Apparent Owner. Any and all persons claiming an interest in unclaimed property in ~~within~~ the possession of the Department shall file with the Department a copy of a current driver's license showing the full name and current address of such person or persons. In the event that a current driver's license is not available, another form of identification showing full name and current address of such person or persons shall be filed with the Department. This subsection shall not apply to any person who is acting as an ~~Owner's R~~epresentative.

(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 or a copy of the death certificate filed with the court as part of an estate proceeding and certified by the clerk of court, as well as the following:

1. Open Estates – ~~Court~~ records, certified by the clerk of court duly authenticated 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 probate court order, certified by the clerk of court duly authenticated 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.

3. through 4.b. No change.

~~(b) If the apparent owner is deceased, the~~ claimant must provide appropriate documentation to connect the claimant to the deceased apparent owner.

(4) Claims for Guardianship Assets.

(a) The claim must be filed by the court appointed guardian or Owner's Representative, who must provide a court order evidencing the guardian's claimant's current existing authority to act as guardian on behalf of the ward, certified by the clerk of court duly authenticated within one (1) year of filing the claim with the Department, along with the guardian's name, address and social security number.

(b) No change.

(5) No change.

3D-20.030 Definitions.

(1) through (8) No change.

~~(9) "Claimant means the person or entity for whom payment is sought. As used in this definition, the term "claimant" does not include an owner's representative.~~

(10) No change.

(11) "Received", for purposes of Section 717.1241, F.S., means the date a claim was initially submitted to the Department, even if it is later determined to be incomplete. However, no claim shall be considered received pursuant to Section 717.1241, F.S., unless it is accompanied by an executed claim form, an Agreement pursuant to Section 717.135, F.S. (where applicable), and some documentation supporting ownership or entitlement.

~~"Filed" means the receipt of a completed claim as set forth in paragraph 3D-20.0021(10), F.A.C.~~

Forms DBF-UP-105, 106, 107, 108, 110, 124, 1243, 131 and 150, incorporated by reference, have also been changed.

**DEPARTMENT OF BANKING AND FINANCE**

**Division of Securities and Finance**

RULE NO.:                      RULE TITLE:  
3D-30.041                      Certificate of Authority Renewal

**NOTICE OF WITHDRAWAL**

Notice is hereby given that the above rule, as noticed in Vol. 28, No. 6, February 8, 2002, Florida Administrative Weekly has been withdrawn.

**DEPARTMENT OF INSURANCE**

RULE NO.:                      RULE TITLE:  
4-149.003                      Rate Filing Procedures

**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., published in Vol. 27, No. 49, December 7, 2001, issue of the Florida Administrative Weekly.

4-149.003 Rate Filing Procedures.

(1)(b) Credibility. In analyzing the experience of policy forms, the following sequence shall be used: if the Florida experience is comprised of fully credible data, as defined in Rule 4-149.006(4)(e), F.A.C., the Florida experience will be used; if not, then nationwide experience will be used as described in Rule 4-149.006(4)(e), F.A.C. Once policy forms have been combined, they remain so for all rating purposes. When forms have been so combined, a rate revision request shall not differentiate between the experience of the individual forms, except to reflect benefit differences between forms. Where significant inconsistencies between rate levels exist between forms providing similar benefits, some deviation in rate revision granted shall be allowed to reduce these inconsistencies.

This change was made in response to comments received from the Florida Legislature's Joint Administrative Procedures Committee. The person to be contacted regarding this matter is Frank Dino, Chief Actuary, Bureau of Life and Health Forms and Rates, (850)413-5014.

**DEPARTMENT OF REVENUE**

**NOTICE OF CABINET AGENDA  
ON MARCH 12, 2002**

The Governor and Cabinet, on March 12, 2002, sitting as head of the Department of Revenue, will consider the proposed amendments to Rules 12-24.001, F.A.C. (Scope of Rules); 12-24.002, F.A.C. (Definitions); 12-24.003, F.A.C. (General Requirements); 12-24.004, F.A.C. (Payor Information); 12-24.005, F.A.C. (Methods of Electronic Funds Transfer); 12-24.006, F.A.C. (Means of Communication to Report Payment Information); 12-24.007, F.A.C. (Payment Transmission Errors); 12-24.008, F.A.C. (Procedures for Payment); 12-24.009, F.A.C. (Due Date; General Provisions); 12-24.010, F.A.C. (General Administrative Provisions); 12-24.021, F.A.C. (Scope); 12-24.023, F.A.C. (Recordkeeping Requirements-General); 12-24.024, F.A.C. (Recordkeeping Requirements-Machine Sensible Records); 12-24.025, F.A.C. (Records Maintenance Requirements); 12-24.026, F.A.C. (Access to Machine-Sensible Records); 12-24.027, F.A.C.

(Taxpayer Responsibility and Discretionary Authority); 12-24.028, F.A.C. (Alternative Storage Media); 12-24.029, F.A.C. (Effect of Hardcopy Recordkeeping Requirements); and, 12-24.030, F.A.C. (Records Retention-Time Period). A Notice of Rule Development Workshop was published in the Florida Administrative Weekly on June 1, 2001 (Vol. 27, No. 22, pp. 2597-2608), and the workshop was held on June 26, 2001. Comments were received prior to the workshop and at the workshop. Changes were incorporated into the proposed rules based on these comments. A Notice of Proposed Rulemaking was published in the Florida Administrative Weekly on November 21, 2001 (Vol. 27, No. 47, pp. 5509-5519), and a public hearing was conducted on December 18, 2001. Comments were made at the public hearing, and changes were incorporated into the rules based on these comments. Subsequent to the public hearing the Joint Administrative Procedures Committee submitted comments. In response to these comments the Department made changes to Rules 12-24.005, 12-24.007, 12-24.008, 12-24.009, 12-24.023, 12-24.025, and 12-24.030, F.A.C., which was published in the January 25, 2002 issue of the Florida Administrative Weekly (Vol. 28, No. 4, pp. 303-305).

**ADMINISTRATION COMMISSION**

RULE CHAPTER NO.: 28-18  
 RULE CHAPTER TITLE: Land Planning Regulations for the Florida Keys Area of Critical State Concern – City of Marathon

RULE NO.: 28-18.200  
 RULE TITLE: Comprehensive Plan

**NOTICE OF CHANGE**

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 27, No. 44, November 22, 2001, issue of the Florida Administrative Weekly.

28-18.200 Comprehensive Plan.

The Transitional Comprehensive Plan of the City of Marathon established by Chapter 99-427, Laws of Florida, is amended as follows:

- (1) No change.
- (a) through (b) No change.
- (c) Nutrient reduction credits earned by construction of a central sewer system using best available technology or advanced wastewater treatment shall be earned at the time that a wastewater construction permit is issued by DEP for each phase of the project and a design/build or construction contract has been executed. The nutrient reduction credits that are earned from the construction of such a central sewer system, in which state or federal funds are used, shall be allocated as follows:

1. The local government which contributed funds for said construction shall receive a pro rata share of the earned nutrient reduction credits in proportion to the amount of funds it contributed to the total construction costs; and

2. The remaining earned nutrient reduction credits shall be allocated between Monroe County, the City of Marathon, and the Islamorada, Village of Islands in proportion to the annual ROGO allocation of each to the total annual ROGO allocation for these local governments.

- (d) No change.
- (e) The Work Program in Policy 101.2.13 for Year 4, Year 5, Year 6, and Year 7 shall be modified as follows:  
 YEAR FOUR (July 13, 2000 through July 12, 2001)  
 A. through C. No change.  
 YEAR FIVE (July 13, 2001 through July 12, 2002)  
 A. through D. No change.  
 YEAR SIX (July 13, 2002 through July 12, 2003)  
 A. Initiate construction of selected projects as identified in the Storm Water Master Plan.  
 Agencies: ~~City County~~, SFWMD, DEP, DCA, DOT, EPA and WQSC.  
 B. through D. No change.  
 YEAR SEVEN (July 13, 2003 through July 12, 2004)  
 A. and B. No change.

Specific Authority 380.0552(9) FS. Law Implemented 380.0552 FS. History–New \_\_\_\_\_.

NAME OF PERSON TO BE CONTACTED REGARDING THIS NOTICE OF CHANGE IS: Mike McDaniel, Growth Management Administrator, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100, (850)487-4545

**ADMINISTRATION COMMISSION**

RULE CHAPTER NO.: 28-20  
 RULE CHAPTER TITLE: Land Planning Regulations for the Florida Keys Area of Critical State Concern – Monroe County

RULE NO.: 28-20.100  
 RULE TITLE: Comprehensive Plan

**NOTICE OF CHANGE**

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 27, No. 44, November 22, 2001, issue of the Florida Administrative Weekly.

The Monroe County Comprehensive Plan Policy Document, as the same exists on May 15, 2001, is hereby amended as follows:

- 28-20.100 Comprehensive Plan.
- (1) through (34) No change.
- (35) Policy 101.2.13

Monroe County shall establish an interim Permit Allocation System for new residential development. The interim Permit Allocation System shall supersede Policy 101.2.1 and remain in place until such time as Monroe County determines its future growth capacity based on hurricane evacuation, public safety and environmental needs including water quality and habitat protection, and amends its plan consistent with such determination, based on the results of the work program as set forth below. DEP, DOH, DCA and Monroe County shall develop a coordinated permit review process that will insure that no state agency shall issue a wastewater disposal permit that would allow development in excess of the number of permits that Monroe County may issue under this interim policy. Similarly, Monroe County shall not issue development permits under this interim policy in excess of wastewater disposal permits that DEP or DOH may issue. For Years 3 and 4 of the Work Program, the interim Permit Allocation System shall allow a minimum of 88 new residential permits per year which may be used to address the backlog of ROGO allocations. Additional new residential permits will be allowed but limited to the number of nutrient reduction credits earned within the same unincorporated ROGO area. Nutrient reduction credits shall be earned consistent with Table 1 below. Nutrient reduction credits earned by construction of a central sewer system using best available technology or advanced wastewater treatment shall be earned at the time that a wastewater construction permit is issued by DEP for each phase of the project and a design/build or construction contract has been executed. The nutrient reduction credits that are earned from the construction of such a central sewer system, in which state or federal funds are used, shall be allocated as follows:

1. The local government which contributed funds for said construction shall receive a pro rata share of the earned nutrient reduction credits in proportion to the amount of funds it contributed to the total construction costs; and

2. The remaining earned nutrient reduction credits shall be allocated between Monroe County, the City of Marathon, and the Islamorada, Village of Islands in proportion to the annual ROGO allocation of each to the total annual ROGO allocation for these local governments.

Nutrient reduction credits earned using funds provided by the State and matched by the County in fiscal years 1997-98 and 1998-99 will be used to offset the nutrient impacts of the 88 new residential permits per year, but may not be used for additional new residential permits until such time as these funds generate more than 88 nutrient reduction credits for Years 3 and 4. For Year 5, the interim Permit Allocation System shall allow a minimum of 77 new residential permits. If fewer than 77 nutrient reduction credits are earned in Year 5, the deficit shall be made up in Year 6 prior to issuance of any new permits. For Year 6 and beyond, the interim permit allocation system shall limit the number of permits issued for

new residential development to the number of nutrient reduction credits earned within the same unincorporated ROGO area. For all years the number of permits issued for new residential development under the Rate of Growth Ordinance shall not exceed a total unit cap of 197 new residential units per year. The restored permits (39) are encouraged to be dedicated to affordable housing. This allocation represents the total number of new permits for development that may be issued during a ROGO year. No exemptions or increases in the number of new permits, other than that which may be expressly provided for in the comprehensive plan or for which there is an existing agreement for affordable housing between the Department and the local government in the critical areas, may be allowed. Monroe County shall develop a tracking system for monitoring the nutrient reduction credits earned. The tracking system shall commence upon the effective date of this rule and the number of nutrient reduction credits earned shall be cumulative and may be applied to future years of the interim Permit Allocation System.

Table 1  
Nutrient Reduction Credits

	On-site Treatment OWNR or Equivalent On-site Treatment and Disposal Systems 1 EDU Credit	Treatment System Upgraded To		
		Secondary Treatment	Best Available Treatment (BAT)	Advanced Wastewater Treatment (AWT) 1.5 EDU Credit
Cesspit		1 EDU Credit	1.0 EDU Credit	1.5 EDU Credit
Substandard OSTDS	0.5	0.5	1.0	1.5
Approved OSTDS	0.5	0	1	1.5
Secondary Treatment	n/a	n/a	1	1.5

Additionally, the unit cap for new residential development shall be linked to the following work program which identifies actions necessary to correct existing wastewater and storm water problems, as well as actions necessary to determine appropriate future growth. Beginning August 1, 2002, and each year of the work program thereafter, Monroe County and the Department of Community Affairs shall report to the Administration Commission documenting the degree to which the work program objectives for that year have been achieved. The Commission shall consider the findings and recommendations provided in those reports and shall determine whether substantial progress has been achieved toward accomplishing the tasks of the work program. If the Commission determines that substantial progress has not been made, the unit cap for new residential development shall be reduced by at least 20 percent for the following year. If the Commission determines that substantial progress has been made, then the Commission shall increase the unit cap for new residential development for the following year up to a

maximum of 197 units. Other agencies identified in the work program, or any interested persons, may likewise report and make recommendations for consideration by the Commission. Notwithstanding any other dates set forth in this plan, the dates set forth in the work program shall control where conflicts exist. For each task in the work program, the Department of Community Affairs shall request of all relevant and appropriate federal, state, regional, and local agencies that they contribute any relevant data, analysis and recommendations, and that they take an active role in assisting the county in completing the task. Each such agency shall prepare, in coordination with the county, a section to be included in Monroe County's reports which indicates the agency's actions relative to the work plan. The Department of Community Affairs shall specifically request that the Florida Keys National Marine Sanctuary Water Quality Protection Program Steering Committee (Water Quality Steering Committee) take an active role in coordinating with Monroe County, and relevant state and federal agencies, in the implementation of the tasks related to water quality, wastewater and storm water facilities, and in the development and implementation of the carrying capacity study. The Steering Committee will provide technical assistance and substantive comments and recommendations to ensure that the county's wastewater and storm water master plans and the carrying capacity study are consistent with the objectives of the FKNMS Water Quality Protection Program. The Steering Committee will make recommendations on wastewater systems and Hot Spot priorities prior to implementation by the County. It is the intent of this rule to accelerate the pace, and increase the effectiveness of the current cesspit replacement effort through both a regulatory and an incentive-based program. No later than August, 1999 Monroe County shall engage in a public education program to ensure that the public understands that the County is committed to the swift identification and replacement of cesspits, as a full partner with the Department of Health. The public education program shall explain the role of cesspit removal in the overall context of the Work Plan and Wastewater Master Plan. The County and the state shall request the participation of the Steering Committee in the public education program as well as the Florida Keys Aqueduct Authority.

**WORK PROGRAM**

- YEAR ONE (ending December 31, 1997)
  - A. through G. No change.
- YEAR TWO (ending December 31, 1998)
  - A. through F. No change.
- YEAR THREE (January 1, 1999 through July 12, 2000)
  - A. through I. No change.
- YEAR FOUR (July 13, 2000 through July 12, 2001)
  - A. through F. No change.
- YEAR FIVE (July 13, 2001 through July 12, 2002)
  - A. through E. No change.

- YEAR SIX (July 13, 2002 through July 12, 2003)
  - A. through D. No change.
- YEAR SEVEN (July 13, 2003 through July 12, 2004)
  - A. and B. No change.
  - (36)(2) Policy 101.2.14

Notwithstanding any other provision of the comprehensive plan, ROGO allocations and nutrient reduction credits utilized for affordable housing projects may be pooled and transferred between ROGO subdistricts and between local government jurisdictions within the Florida Keys ACSC. Any such transfer between local government jurisdictions must be accomplished through an interlocal agreement between the sending and receiving local governments.

(36) through (57) renumbered (37) through (58) No change.

(59)(2) Policy 901.1.1

Monroe County shall ensure that, at the time a development permit is issued, adequate sanitary wastewater treatment and disposal facilities, including wastewater treatment facilities and onsite sewage treatment and disposal systems, are available to support the development at the adopted level of service standards, concurrent with the impacts of such development. [9J-5.011(2)(c)2.]

Permanent Level of Service Standards.

- (A) through (C) No change.
- (2) No change.

(59) through (64) renumbered (60) through (65) No change.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Mike McDaniel, Growth Management Administrator, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100, (850)487-4545

**DEPARTMENT OF CORRECTIONS**

<b>RULE NOS.:</b>	<b>RULE TITLES:</b>
33-210.102	Legal Documents and Legal Mail
33-210.103	Privileged Mail

**NOTICE OF PUBLIC HEARING**

Notice is hereby given that a public hearing on the above referenced proposed rules, as noticed in the Florida Administrative Weekly, Vol. 28, No. 5, February 1, 2002, will be held at 9:00 a.m., Wednesday, March 6, 2002, Department of Corrections, Central Office, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500.

**DEPARTMENT OF CORRECTIONS**

<b>RULE NO.:</b>	<b>RULE TITLE:</b>
33-401.501	Communicable Disease Exposure and Testing

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 27, No. 48, November 30, 2001, issue of the Florida Administrative Weekly, and amended in Vol. 28, No. 4, January 25, 2002:

33-401.501 Communicable Disease Exposure and Testing.

(1) In the event of possible exposure to a communicable disease by a correctional officer, employee or any unincarcerated person lawfully present in a correctional facility, the person exposed is authorized by s. 944.35, F.S., to request the testing of himself or herself and the inmate who caused the exposure.

~~(a) If the request is made by a correctional officer or other employee, testing of the individual and access to counseling, health care, and support services shall be provided through the workers compensation program. The inmate who is the source of the exposure shall be tested as provided in subsection (2) below.~~

~~(b) If the request is made by an unincarcerated person lawfully present in the correctional facility, he or she shall be referred to his or her health care provider or local health department for testing and access to counseling, health care and support services. The inmate who is the source of the exposure shall be tested as provided in subsection (2) below.~~

(2) through (3) No change.

(4) The source inmate shall be provided with counseling, health care and support services in conjunction with communication of the test results.

(a) If the affected person is a correctional officer or other employee, access to testing, counseling, health care, and support services shall be provided through the workers compensation program.

(b) If the affected person is an unincarcerated person lawfully present in the correctional facility, he or she shall be advised to contact his or her health care provider or local health department for testing, counseling, health care and support services.

Specific Authority 944.35 FS. Law Implemented 944.35, 381.004, 440.09 FS. History—New \_\_\_\_\_.

DEPARTMENT OF HEALTH

Board of Medicine

RULE NO.: 64B8-9.014  
RULE TITLE: Standards for Telemedicine Prescribing Practice

NOTICE OF WITHDRAWAL

Notice is hereby given that the above-referenced rule, as noticed in Vol. 27, No. 39, of the Florida Administrative Weekly on September 28, 2001, and the subsequent Notice of Change, published in the December 14, 2001, FAW is hereby withdrawn.

DEPARTMENT OF HEALTH

Board of Osteopathic Medicine

RULE NOS.: 64B15-13.004  
64B15-13.0045  
RULE TITLES: Application for Board Approved Provider Status  
Standards for Board Approved Providers

NOTICE OF PUBLIC HEARING

The Board of Osteopathic Medicine hereby gives notice of a public hearing on the above-referenced rules to be held on March 15, 2002, at 6:00 p.m., at the Nova Southeastern University, Student Assembly Auditorium, 3200 South University Drive, Ft. Lauderdale, Florida. This public hearing is being held in response to comments provided by the staff of the Joint Administrative Procedures Committee. The rule was originally published in Vol. 27, No. 49, of the December 7, 2001, Florida Administrative Weekly.

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

Any person requiring a special accommodation at this hearing because of a disability or physical impairment should contact the Board's Executive Director at least five calendar days prior to the hearing. If you are hearing or speech impaired, please contact the Board office using the Florida Dual Party Relay System which can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

Section IV  
Emergency Rules

NONE

Section V  
Petitions and Dispositions Regarding Rule Variance or Waiver

DEPARTMENT OF LAW ENFORCEMENT

Notice is hereby given that the Officer Professionalism Program, Florida Department of Law Enforcement has received from Clyde G. Cole on February 5, 2002, a petition for Waiver of subsection 11B-20.0014(3)(c), F.A.C., pursuant to Section 120.542, F.S. Petitioner has requested that the Department waive certain pre-certification requirements for Canine Instructor Certification.

Comments on this Petition should be filed with: Office of General Counsel, Florida Department of Law Enforcement, P. O. Box 1489, Tallahassee, Florida 32302, Attention: Assistant General Counsel, Grace A. Jaye.

A copy of the Petition may be obtained by contacting Assistant General Counsel, Grace A. Jaye at the above address, or by calling (850)410-7676.

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**DEPARTMENT OF TRANSPORTATION**

NOTICE IS HEREBY GIVEN that the Florida Department of Transportation received a Petition for Waiver from North Florida Pecan 1 & 2, Inc. on January 30, 2002, seeking a waiver of the provisions of Rule 14-10.007, Florida Administrative Code. Rule 14-10.007, Florida Administrative Code, allows a nonconforming outdoor advertising sign to continue to exist so long as it is not destroyed, abandoned, or discontinued. North Florida Pecan 1 & 2, Inc., requests that the Department waive the requirements of this rule with respect to a single outdoor advertising sign located in St. Johns County. Comments on this Petition for Waiver should be filed with the Clerk of Agency Proceedings, Department of Transportation, 605 Suwannee Street, M.S. 58, Tallahassee, Florida 32399-0458, within 14 days of the publication of this notice.

A copy of the Petition for Waiver may be obtained from the Clerk of Agency Proceedings. For additional information, contact: Robert M. Burdick, Assistant General Counsel, (850)414-5265.

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**DEPARTMENT OF ENVIRONMENTAL PROTECTION**

NOTICE IS HEREBY GIVEN that the Florida Department of Environmental Protection received, on January 28, 2002, a petition from Amerada Hess Corporation, seeking a variance from the 500-foot radial setback requirement of a wellhead protection area under paragraph 62-521.400(1)(a) of the Florida Administrative Code, to place underground storage tanks, which would be part of the petitioner's service station and convenience store, approximately 400 feet from a community public drinking water supply well which provides water to a mobile home park in Pasco County.

The petition has been assigned OGC Case Number 02-0140. The full text of this notice is published on the Internet at the Department of Environmental Protection's home page at <http://www.dep.state.fl.us/> under the link or button titled "Official Notices." For information on this petition for variance call Donnie McClougherty, (850)921-9438.

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The Department of Environmental Protection is granting a petition for variance received from Micro-Bac International, Inc., (OGC Case Number 01-1711) on October 22, 2001. Notice of receipt of this petition was published in the Florida Administrative Weekly, on December 7, 2001. The petition requested a variance from the zone of discharge prohibition for discharges through wells under subsection 62-522.300(3), Florida Administrative Code.

The full text of this notice is published on the Internet at the Department of Environmental Protection's home page at <http://www.dep.state.fl.us/> under the link or button titled "Official Notices," under the ground water program area. For information on this final order call Cathy McCarty, (850)921-9412.

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The Department of Environmental Protection is granting a petition for variance received from Natural Resources Recovery Group, Inc., (OGC Case Number 01-1665) on October 15, 2001. Notice of receipt of this petition was published in the Florida Administrative Weekly, on November 2, 2001. The petition requested a variance from the zone of discharge prohibition for discharges through wells under subsection 62-522.300(3), of the Florida Administrative Code.

The full text of this notice is published on the Internet at the Department of Environmental Protection's home page at <http://www.dep.state.fl.us/> under the link or button titled "Official Notices," under the ground water program area.

For information on this final order call Cathy McCarty, (850)921-9412.

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On December 4, 2001, the Department received a request, pursuant to Section 120.542, F.S. (2001), from Miami-Dade County Aviation Department seeking a waiver of the timeframe to install secondary containment in Tank Farm #1 as required by paragraph 62-761.510(3)(d), F.A.C., at the Miami International Airport. The petition was assigned OGC case #01-1919.

A Notice of Receipt of Petition for Variance/Waiver was published in the December 28, 2001, F.A.W. On February 6, 2002, the Department denied petitioner's request. No comments were received from the public.

Copies may be obtained from: Department of Environmental Protection, Bureau of Petroleum Storage Systems, Mail Station 4575, 2600 Blair Stone Rd., Tallahassee, Florida 32399-2400, Attn: John Svec.

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On December 4, 2001, the Department received a request, pursuant to Section 120.542, F.S. (2001), from Miami-Dade County Aviation Department seeking a waiver of the timeframe to install secondary containment in Tank Farm #4 as required by paragraph 62-761.510(3)(d), F.A.C., at the Miami International Airport. The petition was assigned OGC case #01-1920.

A Notice of Receipt of Petition for Variance/Waiver was published in the December 28, 2001, F.A.W. On February 6, 2002, the Department denied petitioner's request. No comments were received from the public.



Copies may be obtained from: Department of Environmental Protection, Bureau of Petroleum Storage Systems, Mail Station 4575, 2600 Blair Stone Rd., Tallahassee, Florida 32399-2400; Attn: John Svec.

DEP received on August 22, 2001, a petition from Mobil Oil Corporation for a waiver pursuant to subsection 376.3071(12)(k)5., F.S., of certain record keeping requirements under subsection 376.3071(12)(e), F.S. On January 31, 2002, the Department granted this petition.

The full text of this notice is published on the Internet at the Department of Environmental Protection's home page at <http://www.dep.state.fl.us/> under the link or button titled "Official Notices."

DEP received on November 26, 2001, a petition from Steve Beaty for a waiver pursuant to subsection 376.3071(12)(k)5., F.S., of certain record keeping requirements under subsection 376.3071(12)(e), F.S. On January 15, 2002 the Department of Environmental Protection granted the petition.

The full text of this notice is published on the Internet at the Department of Environmental Protection's home page at <http://www.dep.state.fl.us/> under the link or button titled "Official Notices."

DEP received on December 18, 2001, a petition from Sunrise Investments for a waiver pursuant to subsection 376.3071(12)(k)5., F.S., of certain record keeping requirements under subsection 376.3071(12)(e), F.S. On January 15, 2002 the petition was granted. The full text of this notice is published on the Internet at the Department of Environmental Protection's home page at <http://www.dep.state.fl.us/> under the link or button titled "Official Notices."

DEP received on December 18, 2001, a petition from Chevron USA for a waiver pursuant to subsection 376.3071(12)(k)5., F.S., of certain record keeping requirements under subsection 376.3071(12)(e), F.S. On January 15, 2002 this petition was partially approved.

The full text of this notice is published on the Internet at the Department of Environmental Protection's home page at <http://www.dep.state.fl.us/> under the link or button titled "Official Notices."

#### **DEPARTMENT OF HEALTH**

The Board of Medicine hereby gives notice that it has received a petition filed on February 12, 2002, by David J. Jacobson, M.D., seeking a variance from subsection 64B8-2.001(2), F.A.C., with regard to the requirement that an applicant for a Florida medical license successfully complete both parts of the pre-1985 FLEX in one sitting.

Comments on this petition should be filed with Board of Medicine, MQA, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3253, within 14 days of publication of this notice.

For a copy of the petition, contact: Larry McPherson, Executive Director, Executive Director, Board of Medicine, at above address or telephone (850)245-4131.

The Board of Optometry hereby gives notice that it has received a petition filed on February 8, 2002, by Roberta Felici-Cook, O.D., seeking a variance from Rule 64B13-4.003, F.A.C., with regard to eligibility to sit for the August, 2002, examination.

Comments on this petition should be filed with Board of Optometry, MQA, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3257, within 14 days of publication of this notice.

For a copy of the petition, contact: Joe Baker, Jr., Executive Director, Executive Director, Board of Optometry, at above address or telephone (850)245-4444.

#### **FLORIDA HOUSING FINANCE CORPORATION**

NOTICE IS HEREBY GIVEN that on February 12, 2002, Florida Housing Finance Corporation received a Petition for Waiver of Rules 67-47.120, 67-47.130, 67-47.140 and 67-47.150, Florida Administrative Code, from National Development Foundation, Inc. (the "Petition"). The Petition is seeking a variance from the rule which provides that the HOME Homeownership Construction Funds be used during the construction for down payment and closing cost assistance only.

A copy of the Petition can be obtained from: Sheila A. Freaney, Public Records Clerk, Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32399-1329.

Florida Housing will accept comments concerning the Petition for 14 days from the date of publication of this notice. To be considered, comments must be received on or before 5:00 p.m., Eastern Standard Time, on the 14th day after publication of this notice at Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32399-1329.

NOTICE IS HEREBY GIVEN that on February 7, 2002, Florida Housing Finance Corporation received a Petition for Waiver of subsection 67-48.002(32) and paragraph 67-48.004(18)(b), Florida Administrative Code, from Lenox Court Associates, Ltd. ("Petition"). The Petition is seeking a variance from subsection 67-48.002(32), F.A.C., which provides that the name of the developer as identified in an Application, may not change until the construction of the Development is complete.

A copy of the Petition can be obtained from: Sheila A. Freaney, Public Records Clerk, Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32399-1329.

Florida Housing will accept comments concerning the Petition for 14 days from the date of publication of this notice. To be considered, comments must be received on or before 5:00 p.m., Eastern Standard Time, on the 14th day after publication of this notice at: Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32399-1329.

## Section VI Notices of Meetings, Workshops and Public Hearings

The following state governmental agencies, boards and commissions announce a public meeting to which all persons are invited:

State Board of Administration  
 Department of Veterans' Affairs  
 Department of Highway Safety and Motor Vehicles  
 Department of Law Enforcement  
 Department of Revenue  
 Department of Education  
 Administration Commission  
 Florida Land and Water Adjudicatory Commission  
 Board of Trustees of the Internal Improvement Trust Fund  
 Department of Environmental Protection

DATE AND TIME: March 12, 2002, 9:00 a.m.

PLACE: Cabinet Meeting Room, Lower Level, The Capitol, Tallahassee, Florida

PURPOSE: Regular scheduled meeting of the Governor and Cabinet

The State Board of Administration will take action on matters duly presented on its agenda, which may include such matters as Executive Director's reports; approval of fiscal sufficiency of state bond issues; approval of sale of local bonds at an interest rate in excess of statutory interest rate limitation; report on investment performance; designation of banks as depositories for state funds; adoption of rules and regulations; investment of state funds pursuant to Chapter 215, F.S.; and consideration of other matters within its authority pursuant to Chapters 215 and 344, F.S., and Section 16 of Article IX of the Florida Constitution of 1885, as continued by subsection 9(c) of Article XII of the Florida Constitution of 1968. The Division of Bond Finance of the State Board of Administration will take action on matters duly presented on its agenda, which will deal with the issuance of State bonds, arbitrage compliance and related matters.

The Department of Veterans' Affairs will take action on matters duly presented on its agenda which may include the administration of the Department as well as actions taken to further the Department's mission of providing assistance to veterans and their dependents, pursuant to Section 292.05, F.S. The Information Resource Commission will take action on matters duly presented on its agenda, which may include administrative procedures matters, adoption of rules, approval of agency plans for the use of information technology resources, adoption of policies for the use of such resources, and other matters under the commission's authority pursuant to law.

The Department of Highway Safety and Motor Vehicles will take action on matters duly presented on its agenda, which may include such matters as approval of agency policies, taking agency action with regard to administrative procedure matters, and considering other matters within its authority pursuant to Florida Statutes.

The Department of Law Enforcement will take action on matters duly presented on its agenda which may include but not be limited to such matters as transfer of agency funds or positions, formulation of Departmental Rules, administrative procedure matters, submittal of reports as required, enter into contracts as authorized and to consider other matters within its authority pursuant to Chapters 20, 23, 120 and 943, F.S.

The Department of Revenue will act on matters duly presented on its agenda which may include approval of rules, legislative concept proposals, contracts over \$100,000, Departmental budgets, taking final action on formal and informal hearings under Chapter 120, F.S., and consideration of other matters within its authority.

The Department of Education will finalize agency action on the business of the Florida Department of Education.

The Administration Commission will take action on matters duly presented on its agenda which may include such matters as to create or transfer agency funds or positions, approve Career Service rules, administrative procedure matters, environmental matters arising under Chapter 380, F.S., comprehensive planning issues pursuant to Section 163.3184, F.S., determine sheriffs' budget matters, and consider other matters within its authority pursuant to Chapters 110, 215 and 216, F.S.

The Florida Land and Water Adjudicatory Commission will take action on matters duly presented on its agenda including appeals of local government development orders in areas of critical state concern or of developments of regional impact under Section 380.07, F.S.; and review of water management matters under Chapter 373, F.S. The Commission will also review Department of Environmental Protection's rules and orders which, prior to July 1, 1993, the Governor and Cabinet, sitting as the head of the Department of Natural Resources, had authority to issue or promulgate.

The Board of Trustees of the Internal Improvement Trust Fund will take action on matters duly presented on its agenda which may include such matters as mineral leases or sales, state or sovereign land leases, sales, exchanges, dedications, and easements, Conservation And Recreation Lands (CARL) and other land purchases; land planning matters and other matters within its authority. Additionally, the Board will take action on matters presented by the Marine Fisheries Commission as set forth in Sections 370.025, 370.026 and 370.027, F.S., and matters pertaining to the Office of Greenways Management, the Office responsible for the management of lands which formerly fell within the Cross Florida Barge Canal project corridor.

The Department of Environmental Protection, while not a Cabinet agency, will present for consideration on its agenda those matters required by law to be reviewed by the Governor and Cabinet and those pertaining to the siting of power plants, electric and natural gas transmission lines and hazardous waste facilities; coastal zone management consistency and standards adopted by the Environmental Regulation Commission.

A copy of any of the above agendas (when applicable) may be obtained by contacting each agency.

Accommodations can be made for persons with disabilities provided several days' notification is received. Please notify the Governor's Cabinet Office, (850)488-5152.

The Governor and Cabinet will proceed through each agenda, item by item, in the order given above.

**CABINET AIDES BRIEFING:** On the Wednesday of the week prior to the above meeting, there will be a meeting of the aides to the Governor and Cabinet Members at 9:00 a.m., Cabinet Meeting Room, Lower Level, The Capitol, Tallahassee, Florida. The purpose of this briefing is to review and gather information regarding each agenda to be considered by the Governor and Cabinet.

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#### DEPARTMENT OF STATE

The **Southeast Florida Preservation, Inc.** announces a public meeting to which all persons are invited.

DATE AND TIME: Thursday, March 7, 2002, 11:00 a.m.

PLACE: Adams Ranch, Inc., 26003 Orange Avenue, Ft. Pierce, Florida 34945

GENERAL SUBJECT MATTER TO BE CONSIDERED: General Business Meeting.

A copy of the agenda may be obtained by writing: Palm Beach County Regional Office, Florida Division of Historical Resources, P. O. Box 1221, Delray Beach, Florida 33447-1221.

Should any person wish to appeal any decision made with respect to the above referenced meeting, s/he may need to ensure verbatim recording of the proceedings in order to provide a record for judicial review.

Pursuant to Section 286.26, Florida Statutes, any handicapped person wishing to attend this meeting should contact the agency at least 48 hours prior to the meeting in order to request any special assistance, (561)279-1475.

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The **Department of State, Division of Library and Information Services** announces a telephone conference meeting of the Public Library Construction Grant Program Task Force.

DATE AND TIME: Tuesday, February 26, 2002, 9:00 a.m. (Eastern Time)

PLACE: Please call: Bob Gorin (850)245-6600 or Suncom 205-6600 for instructions on participation

GENERAL SUBJECT MATTER TO BE CONSIDERED: To review the Public Library Construction Grant Program and make recommendations for changes to the program.

A copy of the agenda may be obtained by contacting: Bob Gorin, (850)245-6600 or Suncom 205-6600.

Any person requiring special accommodations due to a disability should contact the agency at least five days prior to the meeting in order to request any special assistance by calling Bob Gorin, (850)245-6600, Suncom 205-6600 or TDD (850)922-4085

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The **Department of State, Division of Library and Information Services** announces focus group meetings to gather input and information for the development of a long-range plan for library development in Florida.

DATE: March 4, 2002

PLACE: New Tampa Regional Library, Tampa-Hillsborough County Library System, Tampa, Florida

DATE: March 7, 2002

PLACE: Orange County Library System Main Library, Orlando, FL

DATE: March 19, 2002

PLACE: West Atlantic Avenue Branch Library, Palm Beach County Library System, Delray Beach, FL

DATES: March 27-28, 2002

PLACE: State Library of Florida, R. A. Gray Building, Tallahassee, FL

TIME: Specific meeting times and room locations will be posted on the following web page: <http://dilis.dos.state.fl.us/bld/Lrp/>

GENERAL SUBJECT MATTER TO BE CONSIDERED: Development of a long-range plan for library development in Florida.

For more information contact: Sondra Taylor-Furbee, (850)245-6600.

Any person requiring special accommodations due to a disability should contact the agency at least five days prior to the meeting in order to request any special assistance by calling Sondra Taylor-Furbee, (850)245-6600, Suncom 205-6600 or TDD (850)922-4085.

**The Department of State, Division of Cultural Affairs** announces the following public meeting, to which all persons are invited:

COMMITTEE: Art Selection Committee

DATE AND TIME: Monday, March 4, 2002, 11:00 a.m.

PLACE: Tourist Development Council, South Walton, Conference Room, 25777 US Hwy. 331, South, Santa Rosa Beach, FL 32459, (850)267-1216

GENERAL SUBJECT MATTER TO BE CONSIDERED: To hold an Orientation Meeting to determine potential artwork sites for Art in State Buildings Project No. DOH 9966/7050, South Walton County Health Department, Freeport, Walton County.

For more information or to obtain a copy of the agenda, please contact: Lee Modica, Arts Administrator, Division of Cultural Affairs, The Capitol, Tallahassee, Florida 32399-0250, (850)487-2980, Ext 116.

Should any person wish to appeal any decision made with respect to any matter considered at the above-referenced meeting, he/she may need to ensure verbatim recording of the proceeding to provide a record for judicial review. This meeting will not be taped by the Division of Cultural Affairs.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this meeting is asked to advise the agency at least 48 hours before the meeting by contacting Don Blancett, (850)487-2980, Ext 131. If you are hearing or speech impaired, please contact the agency by calling TT: (850)488-5779.

**DEPARTMENT OF LEGAL AFFAIRS**

The Job Search Committee of the Florida **Commission on the Status of Women** will hold a meeting on:

DATES AND TIMES: Tuesday, March 5, 2002, 8:30 a.m. – 5:00 p.m.; Wednesday, March 6, 2002, 8:30 a.m. – 10:30 a.m.

PLACE: Room G-19, Collins Building, Tallahassee, Florida (Please call (850)414-3300 for instructions on participation)

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss general issues.

If you need an accommodation because of disability in order to participate, please notify FCSW in writing at least five days in advance at Office of the Attorney General, The Capitol, Tallahassee, FL 32399-1050.

The Legislative Advocacy Committee of the Florida **Commission on the Status of Women** will hold a telephone conference on:

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

PLACE: Please call (850)414-3300 for instructions on participation

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss general issues.

If you need an accommodation because of disability in order to participate, please notify FCSW in writing at least five days in advance, Office of the Attorney General, The Capitol, Tallahassee, FL 32399-1050.

The Legislative Advocacy Committee of the Florida **Commission on the Status of Women** will hold a telephone conference on:

DATE AND TIME: Friday, March 8, 2002, 11:00 a.m.

PLACE: Please call (850)414-3300 for instructions on participation

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss general issues.

If you need an accommodation because of disability in order to participate, please notify FCSW in writing at least five days in advance, Office of the Attorney General, The Capitol, Tallahassee, FL 32399-1050.

The Legislative Advocacy Committee of the Florida **Commission on the Status of Women** will hold a telephone conference on:

DATE AND TIME: March 15, 2002, 10:00 a.m.

PLACE: Please call (850)414-3300 for instructions on participation

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss general issues.

If you need an accommodation because of disability in order to participate, please notify FCSW in writing at least five days in advance, Office of the Attorney General, The Capitol, Tallahassee, FL 32399-1050.

**DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES**

The Florida **Department of Agriculture and Consumer Services** announces a public meeting of the Commissioner's Agricultural Water Policy Group in conjunction with the Soil and Water Conservation Council to which all persons are invited:

DATE AND TIME: Monday, March 4, 2002, 1:30 p.m.

PLACE: Florida Department of Agriculture and Consumer Services, Eyster Auditorium, Doyle Conner Building, 3125 Conner Boulevard, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Items for discussion includes the Florida Department of Environmental Protection and Water Management Districts' water programs, and including updates on ongoing agricultural water issues.

A copy of the agenda or directions may be obtained by contacting: Bill Bartnick, Suite 200, 1203 Governor Square Boulevard, Mail Stop GS-50, Tallahassee, FL 32399-1650, (850)414-1065.

If an accommodation is needed for a disability in order to participate in this meeting, please notify the Bureau of Personnel Management, Department of Agriculture and Consumer Services, (850)488-1806, at least seven days prior to the meeting.

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The Florida **Department of Agriculture and Consumer Services**, Office of Agricultural Water Policy announces it will conduct a of public workshop to which all persons are invited:

DATE AND TIME: March 8, 2002, 1:30 p.m. – 3:30 p.m.

PLACE: Indian River Research and Education Center, Institute of Food and Agricultural Sciences, 2199 South Rock Road, Ft. Pierce, FL 34945-3138, (561)468-3922

GENERAL SUBJECT MATTER TO BE CONSIDERED: The purpose of this workshop is to review a draft rule that adopts the Water Quality/Quantity BMPs for Indian River Area Citrus, establishes record keeping requirements and the procedures for landowners and leaseholders to submit a notice of intent to implement Best Management Practices (BMPs) and interim measures.

For more information regarding the agenda, draft rule and directions, please contact: Mr. Mark Jennings, Environmental Specialist III, Office of Agricultural Water Policy, 1203 Governor's Square Boulevard, Tallahassee, Florida 32301, (850)414-0056, email jenninm@doacs.state.fl.us.

If an accommodation is needed for a disability in order to participate in this meeting, please notify the Bureau of Personnel Management, Department of Agriculture and Consumer Services, (850)488-1806, at least seven days prior to the meeting.

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## DEPARTMENT OF EDUCATION

The **Department of Education** announces the following meetings of the Occupational Access and Opportunity Commission and Committees and/or Workgroups and to which all persons are invited and to which all interested individuals are encouraged to attend.

### FIELD SERVICES COMMITTEE

DATE AND TIME: March 7, 2002, 9:00 a.m. – Adjournment

PLACE: Marriott Tampa Airport, Tampa International Airport, Tampa, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct the regular business of the Field Services Committee.

### COMPLIANCE AND OVERSIGHT COMMITTEE

DATE AND TIME: March 7, 2002, 9:00 a.m. – Adjournment

PLACE: Marriott Tampa Airport, Tampa International Airport, Tampa, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct the regular business of the Compliance and Oversight Committee.

### GOVERNMENT AND CUSTOMER RELATIONS COMMITTEE

DATE AND TIME: March 7, 2002, 1:00 p.m. – Adjournment

PLACE: Marriott Tampa Airport, Tampa International Airport, Tampa, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct the regular business of the Government and Customer Relations Committee.

### BUDGET, POLICY AND PLANNING COMMITTEE

DATE AND TIME: March 7, 2002, 1:00 p.m. – Adjournment

PLACE: Marriott Tampa Airport, Tampa International Airport, Tampa, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct the regular business of the Budget, Policy and Planning Committee.

### EXECUTIVE COMMITTEE

DATE AND TIME: March 7, 2002, 5:00 p.m. – Adjournment

PLACE: Marriott Tampa Airport, Tampa International Airport, Tampa, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct the regular business of the Executive Committee.

### OAOC FULL COMMISSION MEETING

DATE AND TIME: March 8, 2002, 9:00 a.m. – Adjournment

PLACE: Marriott Tampa Airport, Tampa International Airport, Tampa, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct the regular business of the Commission.

In accordance with the Americans with Disabilities Act, persons needing special accommodations to participate in the meeting should contact V. Virginia Rhoden, (850)488-0059, Ext. 207, at least seven days before the meeting.

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The **Commission for Independent Education** announces a special public meeting to which all persons are invited.

DATES AND TIME: March 14-15, 2002, 9:00 a.m.

PLACE: Doubletree Hotel Tallahassee, 101 South Adams Street, Tallahassee, Florida 32301

GENERAL SUBJECT MATTER TO BE CONSIDERED: Consider licenses for appropriate institutions, cases for licensure as specified in the agenda, Commission Committee meetings, consideration of changes on Commission regulations/rules, and other general Commission business.

Any person who decides to appeal a decision of the Commission with respect to any matter considered at this meeting or hearing may need to ensure that a verbatim record of the proceedings is made, which record will include the testimony and evidence upon which the appeal is to be based.

A copy of the agenda may be obtained by writing: Commission for Independent Education, Department of Education, Florida Education Center, Tallahassee, Florida 32399.

The **Polk County School Readiness Coalition**, Inc. announces the following meeting to which all persons are invited.

DATE AND TIME: Wednesday, February 11, 2002, 8:30 a.m.  
PLACE: Lakeland YMCA, 3620 Cleveland Heights Boulevard, Lakeland, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: The regularly scheduled monthly meeting of the Board of Directors to discuss School Readiness issues.

For more information access the following website: [www.pcsb.k12.fl.us/parents/coalition.htm](http://www.pcsb.k12.fl.us/parents/coalition.htm).

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#### DEPARTMENT OF TRANSPORTATION

The **Florida High Speed Rail Authority** announces a public meeting to which all persons are invited.

DATE AND TIME: Tuesday, March 5, 2002, 10:00 a.m. – Conclusion

PLACE: Florida Department of Transportation, Auditorium, 605 Suwannee Street, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct Florida High Speed Rail Authority business.

Information may be obtained by contacting: Nazih Haddad, 605 Suwannee Street, Tallahassee, Florida 32399-0450, (850)414-4500.

Pursuant to provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in these meetings are asked to advise the Authority at least 48 hours before the meetings by contacting Betty Sizemore, (850)414-5244.

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The Florida **Department of Transportation**, Florida **Department of Community Affairs** and Monroe County announce a meeting of the Habitat Conservation Plan (HCP) Coordinating Committee, to which all persons are invited.

DATE AND TIME: March 14, 2002, 9:00 a.m.

PLACE: National Key Deer Refuge Office, Big Pine Key, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Florida Department of Transportation, Florida Department of Community Affairs and Monroe County are jointly funding the development of a Habitat Conservation Plan for the Key deer and other protected species on Big Pine and No Name Keys. Representatives of these three agencies, the U.S. Fish and Wildlife Service, the Florida Fish and Wildlife Conservation Commission, and local citizen representatives serve on an HCP Coordinating Committee. The Committee meets regularly to review and provide input on the HCP consultant's progress and findings.

A copy of the agenda may be obtained by calling: Catherine B. Owen, Florida Department of Transportation, (305)470-5399.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodation to participate in this meeting is asked to advise the agency at least 48 hours before the meeting by contacting Jeff Dodge, (305)470-5349. If you are hearing or speech impaired, please contact the agency by calling 1(800)648-6084.

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#### FLORIDA PAROLE COMMISSION

The **Florida Parole Commission** announces a public meeting to which all persons are invited.

DATE AND TIME: Wednesday, March 6, 2002, 9:00 a.m.

PLACE: Florida Parole Commission, Bldg. C, Third Floor, 2601 Blairstone Road, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regularly Scheduled Meeting for all Parole, Conditional Release, Conditional Medical Release and Control Release Matters.

Any person who decides to appeal a decision of the Florida Parole Commission with respect to a matter considered at this meeting may need to ensure that a verbatim record of the proceedings is made. Chapter 80-150, Laws of Florida (1980).

A copy of the agenda may be obtained by writing: Florida Parole Commission, Building C, 2601 Blairstone Road, Tallahassee, Florida 32399-2450.

In accordance with the Americans with Disabilities Act, persons needing a special accommodation to participate in this proceeding should contact the agency sending the notice not later than five working days prior to the proceeding at the address given on the notice, (850)488-3417.

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#### PUBLIC SERVICE COMMISSION

NOTICE IS HEREBY GIVEN that the Florida **Public Service Commission** will conduct a Workshop in Docket No. 010963-TP on:

DATE AND TIME: March 15, 2002, 9:30 a.m.

PLACE: The Betty Easley Conference Center, Room 148, 4075 Esplanade Way, Tallahassee, Florida 32399

GENERAL SUBJECT MATTER TO BE CONSIDERED: The purpose of this workshop is to discuss the impact and implementation of possible rate center consolidation to better utilize the telephone numbers in the state of Florida. All participants are requested to file an outline of their presentation, the approximate amount of time for the presentation, and the presenter's name with the Commission's Division of the Commission Clerk and Administrative Services, 2540 Shumard Oak Boulevard, Tallahassee, FL 32399-0850, by March 8, 2002.

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

For additional information, please contact: Patricia A. Christensen, Office of General Counsel, at the above address or telephone (850)413-6220.

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The Florida **Public Service Commission** announces a prehearing to be held in the following docket, to which all interested persons are invited.

Docket No. 001097-TP – Request for arbitration concerning complaint of BellSouth Telecommunications, Inc. against Supra Telecommunications and Information Systems, Inc. for resolution of billing disputes.

DATE AND TIME: March 14, 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).

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The Florida **Public Service Commission** announces a hearing to be held in the following docket, to which all interested persons are invited.

Docket No. 010743-TL – Petition for review of proposed numbering plan relief for the 407/321 area codes by Neustar, Inc., as North American Numbering Plan Administrator (NANPA), on behalf of Florida telecommunications industry.

DATE AND TIME: March 14, 2002, 9:30 a.m.

PLACE: The Betty Easley Conference Center, Commission Hearing Room 148, 4075 Esplanade Way, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: To permit parties to present testimony and exhibits relative to the petition for review of proposed numbering plan relief for the 407/321 area codes by Neustar, Inc., as North American Numbering Plan Administrator (NANPA), on behalf of Florida telecommunications industry, and for such other purposes as

the Commission may deem appropriate. All witnesses shall be subject to cross-examination at the conclusion of their testimony on the issues identified by the parties at the prehearing conference held on March 4, 2002. The proceedings will be governed by the provisions of Chapter 120, F.S., and Chapter 25-28, F.A.C.

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

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### REGIONAL PLANNING COUNCILS

The **Northeast Florida Regional Planning Council**, Comprehensive and Project Planning Committee announces the following public meeting to which all persons are invited:

DATE AND TIME: Thursday, March 7, 2002, 8:30 a.m.

PLACE: Orange Park Town Hall, 2042 Park Avenue, Orange Park, FL 32073

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, Suite 350, 9143 Philips Highway, Jacksonville, FL 32256.

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**, Personnel, Program Planning and Budget Committee announces the following public meeting to which all persons are invited:

DATE AND TIME: Thursday, March 7, 2002, 9:00 a.m.

PLACE: Orange Park Town Hall, 2042 Park Avenue, Orange Park, FL 32073

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, Suite 350, 9143 Philips Highway, Jacksonville, FL 32256.

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, March 7, 2002, 10:00 a.m.  
PLACE: Orange Park Town Hall, 2042 Park Avenue, Orange Park, FL 32073

GENERAL SUBJECT MATTER TO BE CONSIDERED: Monthly Meeting.

A copy of the agenda may be obtained by contacting: Northeast Florida Regional Planning Council, Suite 350, 9143 Philips Highway, Jacksonville, FL 32256.

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)363-6350, Extension 145, at least three working days prior to the meeting. Hearing-impaired callers use Florida Relay Service, 1(800)955-8771.

Notice is also given that two or more members of the Boards of County Commissioners, City/Town Councils/Commissions and other entities covered under Chapter 286, Florida Statutes, may attend and speak at the meeting.

The **Central Florida Regional Planning Council** will hold its meeting and the Council's Executive Committee meeting to which all persons are invited:

DATE AND TIME: Wednesday, March 6, 2002, 9:00 a.m.  
PLACE: Inn on the Lakes Hotel, 3100 Golf View Road, Sebring, FL 33870

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regular Monthly Meeting of the Council and the Executive Committee.

A copy of the agenda may be obtained by writing: Central Florida Regional Planning Council, P. O. Box 2089, Bartow, Florida 33831.

If any person desires to appeal any decision with respect to any matter considered at the above cited meeting, such persons will need a record of the proceeding. For such purpose, he may need to ensure that a verbatim record of the proceeding is made to include the testimony and evidence upon which the appeal is to be based.

The **Tampa Bay Regional Planning Council** announces the following meetings to which all persons are invited.

MEETING: Executive/Budget Committee  
DATE AND TIME: Monday, March 11, 2002, 8:30 a.m.

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct the regular business of the Executive/Budget Committee.

MEETING: Tampa Bay Regional Planning Council  
DATE AND TIME: Monday, March 11, 2002, 10:00 a.m.

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct the regular business of the Tampa Bay Regional Planning Council.

MEETING: Legislative Committee  
DATE AND TIME: Monday, March 11, 2002, 11:30 a.m.

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct the regular business of the Legislative Committee.

MEETING: Agency On Bay Management  
DATE AND TIME: Thursday, March 14, 2002, 9:00 a.m.

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct the regular business of the Agency On Bay Management.

MEETING: Clearinghouse Review Committee  
DATE AND TIME: Monday, March 25, 2002, 9:30 a.m.

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct the regular business of the Clearinghouse Review Committee.

MEETING: Local Emergency Planning Committee  
DATE AND TIME: Wednesday, March 27, 2002, 10:30 a.m.

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct the regular business of the Local Emergency Planning Committee.

PLACE: Suite 219, 9455 Koger Boulevard, St. Petersburg, FL 33702 (Please call to confirm date, time and location)

Please note that if a person decides to appeal any decision made by Council with respect to any matter considered at the above cited meeting or hearing, he will need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is based.

**WATER MANAGEMENT DISTRICTS**

The **Suwannee River Water Management District** announces the following public meetings to which all interested persons are invited.

DATE AND TIME: February 26, 2002, 6:00 p.m.  
PLACE: District Headquarters, 9225 CR 49, Live Oak, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Governing Board Workshop on the Foley Forest Management Agreement.

If any person decides to appeal any decision with respect to any matter considered at the above cited meeting, such person may need to ensure that a verbatim record of the proceedings is made to include the testimony and evidence upon which the appeal is to be based.

Persons with disabilities who need assistance in order to participate in this meeting may contact Lisa Cheshire, (386)362-1001 or 1(800)226-1066 (Florida only), at least two business days in advance to make appropriate arrangements.



The **South Florida Water Management District** announces public meetings which may be conducted by means of or in conjunction with communications media technology, specifically by telephonic conference, to which all interested parties are invited:

**DATES AND TIME:** Tuesdays, March 5, 12, 19, 26, 2002, 1:00 p.m. – 1:30 p.m.

**PLACE:** South Florida Water Management District, Headquarters, Egret Conference Room, 3rd Floor, Northeast End, Building B-1, 3301 Gun Club Road, West Palm Beach, Florida

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** The Appraisal Review Committee will hold its regular meeting to discuss appraisal issues and, if necessary, select an appraiser from proposals received on upcoming appraisal assignments.

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.

Appeals from any South Florida Water Management District Committee decision require a record of the proceedings. Although Appraiser Review Committee meetings and hearings are normally recorded, affected persons are advised that it may be necessary for them to ensure that a verbatim record of the proceeding is made, including the testimony and evidence upon which the appeal is to be based.

Persons with disabilities who need assistance may contact Paula Moree, Assistant District Clerk, (561)682-6447, at least two business days in advance of the meeting to make appropriate arrangements.

Those who desire more information or those wishing to submit written or physical evidence may contact: Ken Daw, Chief Appraiser, District Headquarters, Land Acquisition Support Division, MSC 3330, 3301 Gun Club Road, West Palm Beach, Florida 33416-4680.

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## REGIONAL UTILITY AUTHORITIES

The **Peace River/Manasota Regional Water Supply Authority** announces the following public meeting to which all interested parties are invited:

**DATE AND TIME:** Wednesday, March 6, 2002, 10:00 a.m.

**PLACE:** Room 1004, Sarasota County Terrace Building, 101 Washington, Sarasota, Florida

**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, Suite A, 1645 Barber Road, 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.

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## AGENCY FOR HEALTH CARE ADMINISTRATION

The **Agency for Health Care Administration** announces a public meeting of the task force for the regular Disproportionate Share Program to which all persons are invited.

**DATE AND TIME:** March 1, 2002, 9:00 a.m.

**PLACE:** Conference Call – (850)410-0960 or Suncom 210-0960

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** In accordance with Senate Bill 2000, General Appropriations Act for FY 2001-02, Specific Appropriation 232, The Medicaid Disproportionate Share Task Force created in Specific Appropriation 196 of the FY 2000-01 General Appropriations Act, has been authorized to continue to convene in FY 2001-02 for the purpose of monitoring the implementation of enhanced Medicaid funding through the Special Medicaid Payment program. The task force will review the federal status of the upper payment limit funding option and recommend how this option may be further used to promote local primary care networks to uninsured citizens in the state, to increase the accessibility of trauma centers to Floridians and to ensure the financial viability of the state's graduate medical education programs and other health care policies determined by the task force to be state health care priorities.

**NOTE:** The agenda has not been set. Contact Edwin Stephens, (850)413-8067 or Suncom 294-8067, with any questions or to obtain an agenda when it is set.

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The **Agency for Health Care Administration** announces a public meeting of the task force for the regular Disproportionate Share Program to which all persons are invited.

**DATE AND TIME:** March 8, 2002, 9:00 a.m.

**PLACE:** Conference Call – (850)410-0960 or Suncom 210-0960

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** In accordance with Senate Bill 2000, General Appropriations Act for FY 2001-02, Specific Appropriation 232, The Medicaid Disproportionate Share Task Force created in Specific Appropriation 196 of the FY 2000-01 General Appropriations Act, has been authorized to continue to convene in FY 2001-02 for the purpose of monitoring the implementation of enhanced Medicaid funding through the Special Medicaid Payment program. The task force will review the federal status of the upper payment limit funding option and recommend how this option may be further used to promote local primary care networks to uninsured citizens in the state, to increase the accessibility of trauma centers to Floridians and to ensure the

financial viability of the state's graduate medical education programs and other health care policies determined by the task force to be state health care priorities.

NOTE: The agenda has not been set. Contact Edwin Stephens, (850)413-8067 or Suncom 294-8067, with any questions or to obtain an agenda when it is set.

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

The Florida **Board of Pilot Commissioners** announces the following meetings to which all persons are invited to attend.

DATE AND TIME: April 25, 2002, 1:00 p.m.

GENERAL SUBJECT MATTER TO BE CONSIDERED: Rules Committee Meeting, Finance Committee Meeting, immediately followed by Probable Cause Panel meeting, which portions may be closed to the public. Agenda available on request.

DATE AND TIME: April 26, 2002, 9:00 a.m.

GENERAL SUBJECT MATTER TO BE CONSIDERED: General Board and Business meeting.

PLACE: Radisson Resort at the Port, 8701 Astronaut Boulevard, Cape Canaveral, FL 32920, (321)784-0000

To obtain a copy of the agenda, further information or submit written or other physical evidence, contact in writing: Board of Pilot Commissioners, 1940 North Monroe Street, Tallahassee, Florida 32399.

If a person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need a record of the proceedings, and for such purpose he/she may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact the Board Office, (850)488-0698, at least five calendar days prior to the meeting. If you are hearing or speech impaired, please contact the Board office using the Florida Dual Party Relay System which can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

The **Florida Real Estate Appraisal Board** announces a meeting of its Probable Cause Panel.

DATE AND TIME: Monday, March 4, 2002, 9:00 a.m.

PLACE: Department of Business and Professional Regulation, Division of Real Estate, Room 301, Third Floor, North Tower, 400 West Robinson Street, Orlando, FL 32801

GENERAL SUBJECT MATTER TO BE CONSIDERED: Official business of the Florida Real Estate Appraisal Board Probable Cause Panel. Portions of the probable cause panel meeting are not open to the public.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact the Florida Real Estate Appraisal Board, Division of Real Estate, (407)245-0800, at least five calendar days prior to the meeting. If you are hearing or speech impaired, please contact the Florida Real Estate Appraisal Board, Division of Real Estate using the Florida Dual Party Relay System which can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

**DEPARTMENT OF ENVIRONMENTAL PROTECTION**

The **Department of Environmental Protection** announces a public meeting to which all persons are invited.

DATE AND TIME: Monday, March 4, 2002, 3:00 p.m.

PLACE: Department of Environmental Protection, Conference Room A, 1st Floor, Douglas Building, 3900 Commonwealth Boulevard, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: The purpose of the meeting is discussion by the Evaluation Committee of responses to the Department of Environmental Protection solicitation (DRAM 01-01/2002) to procure vendor services for an Integrated Management System project. If not finalized at the February 26, 2002 meeting, Evaluation Committee members will meet on March 4, 2002 to make a final recommendation, based on scoring of proposals, on selection of Respondents for subsequent negotiations.

The full text of this notice is published on the Internet at the Department of Environmental Protection's home page at <http://www.dep.state.fl.us/> under the link or button titled "Official Notices."

The **Department of Environmental Protection** announces a public meeting, to which all interested persons are invited, of the Technical Advisory Committee providing technical assistance to the Department of Environmental Protection during development of proposed revisions to Rule 62-620, Florida Administrative Code (F.A.C.), Wastewater Facilities and Activities Permitting, regarding demineralization concentrate disposal.

DATE AND TIME: March 7, 2002, 9:00 a.m. – 4:00 p.m.

PLACE: Department of Environmental Protection, Southwest District, Main Conference Room A, 3804 Coconut Palm Drive, Tampa, Florida

The full text of this notice is published on the internet at the Department of Environmental Protection's homepage at <http://www/dep.state.fl.us/> under the link or button titled "Official Notices."

A copy of the agenda for the public meeting may be obtained by writing: Department of Environmental Protection, Bureau of Water Facilities Regulation, MS #3545, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400 or by calling Shirley Shields, (850)488-4522.

Further information on the public meeting and rulemaking may be obtained by calling Allen Hubbard, (850)921-9385.

The **Department of Environmental Protection**, Office of Coastal Aquatic Managed Areas announces a public meeting for the Pinellas County Island Management Plan that is open to the public.

**DATES AND TIME:** March 11-12, 2002, 6:00 p.m. – 9:00 p.m.

**PLACE:** Tampa Bay Regional Planning Council, Suite 219, 9455 Koger Boulevard, St. Petersburg, FL 33702

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** To discuss management and restoration goals for state-owned islands located in Pinellas County.

Copies of the management plan will be available at the Seminole Library, the Tampa Bay Regional Planning Council, the Tarpon Library, the Dunedin Library and Largo Library.

For further information, contact: Lora Ross, Resource Management Specialist, Office of Coastal Aquatic Managed Areas, Tampa Bay Aquatic and Buffer Preserves Program, 3804 Coconut Palm Drive, Tampa, FL 33619, (813)744-6100, Ext. 429, Suncom 512-1042.

Pursuant to Section 286.26, Florida Statutes, any person requiring special accommodations due to a disability or physical impairment should contact the agency at least 48 hours prior to the meeting in order to request any special assistance.

The **Department of Environmental Protection** announces a public hearing of the Governor and Cabinet, sitting as the Power Plant Siting Board, to consider the Administrative Law Judge's Recommended Orders in the case of JEA Brandy Branch Combined Cycle Conversion, Power Plant Siting Application PA00-43, DOAH Case No. 00-5120EPP.

**DATE AND TIME:** March 12, 2002, 9:00 a.m.

**PLACE:** Cabinet Hearing Room, Lower Level, State Capitol, Tallahassee, Florida.

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** The Governor and Cabinet, sitting as the Power Plant Siting Board, will consider, pursuant to the Florida Electrical Power Plant Siting Act, Section 403.501, et seq., Florida Statutes, the Recommended Orders dated January 15, 2002, from the Administrative Law Judge, concerning the compliance with existing land use plans and zoning ordinances, and the certification of JEA's Brandy Branch Combined Cycle Conversion, located near the City of Baldwin, west of Jacksonville, in Duval County, Florida.

For a copy of the agenda please contact: Wayne Hrydziusko, Department of Environmental Protection, Marjory Stoneman Douglas Building, 3900 Commonwealth Boulevard, Tallahassee, Florida 32399-3000, (850)922-3766.

**CABINET AIDES BRIEFING:** The Cabinet Aides will meet and discuss the item on March 6, 2002, 9:00 a.m., in the same location. The purpose of the briefing is to review and gather information regarding this item for consideration by the Siting Board.

#### **DEPARTMENT OF HEALTH**

The Florida **Board of Medicine** announces a telephone conference call to be held via meet me number.

**DATE AND TIME:** Wednesday, March 6, 2002, 12:00 Noon

**PLACE:** Meet Me Number – Contact Florida Board of Medicine, (850)245-4131 for the meet me number

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** To conduct general business of the Board.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact the Florida Board of Medicine, (850)245-4131, at least five (5) calendar days prior to the meeting. If you are hearing or speech impaired, please call the Florida Board of Medicine using the Florida Dual Party Relay System which can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

A copy of the agenda may be obtained by writing: Larry McPherson, Board Director, Medical Quality Assurance, 4052 Bald Cypress Way, BIN #C03, Tallahassee, Florida 32399-3253.

Please note that if a person decides to appeal any decision made by the Board with respect to any matter considered at the above cited meeting or hearing, he will need a record of the proceedings, and for such purpose, may need to insure that a verbatim record of the proceeding is made, which record includes the testimony and evidence upon which the appeal is to be based. A verbatim tape record of the proceeding may be obtained from a court reporter, if present or an audio record from the Board Director.

The Florida **Board of Medicine**, Probable Cause Panel (South) announces a Meeting.

**DATE AND TIME:** March 8, 2002, 2:00 p.m.

**PLACE:** Hilton Ft. Lauderdale Airport, 1870 Griffin Road, Ft. Lauderdale, FL, (954)920-3300

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** To conduct a private meeting to review cases for which a determination of probable cause is to be made and to conduct a public meeting to review cases on which probable cause has been made.

A copy of the agenda may be obtained by writing: Gaynetta Rosier, Regulation Specialist II, Agency for Health Care Administration, Medical Services, Palmer Building, P. O. Box 14229, Tallahassee, Florida 32317-4229.

NOTE: In accordance with the Americans with Disabilities Act, persons needing a special accommodation to participate in this proceeding should contact the Medical Litigation Section no later than seven (7) days prior to the proceeding or meeting at which such special accommodation is required.

The Medical Litigation Section may be contacted at P. O. Box 14229, Tallahassee, Florida 322317-4229, (850)922-2414, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice) via Florida Relay Service.

The Florida **Board of Medicine**, Probable Cause Panel (North) announces a Meeting.

DATE AND TIME: March 15, 2002, 2:00 p.m.

PLACE: 6100 Kennerly Road, Jacksonville, Florida 32811, (904)739-9500

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct a private meeting to review cases for which a determination of probable cause is to be made and to conduct a public meeting to review cases on which probable cause has been made.

A copy of the agenda may be obtained by writing: Gaynetta Rosier, Regulation Specialist II, Agency for Health Care Administration, Medical Services, Palmer Building, P. O. Box 14229, Tallahassee, Florida 32317-4229.

NOTE: In accordance with the Americans with Disabilities Act, persons needing a special accommodation to participate in this proceeding should contact the Medical Litigation Section no later than seven (7) days prior to the proceeding or meeting at which such special accommodation is required.

The Medical Litigation Section may be contacted at P. O. Box 14229, Tallahassee, Florida 322317-4229, (850)922-2414; 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice) via Florida Relay Service.

The Florida **Board of Medicine**, Medical Fraud Committee announces a meeting to which all persons are invited.

DATE AND TIME: Sunday, March 24, 2002, 9:00 a.m.

PLACE: The Hilton Miami Airport and Towers, 5101 Blue Lagoon Drive, Miami, Florida 35126, (305)262-1000

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct general business of the Committee.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact the Florida Board of Medicine, (850)245-4131, at least five (5) calendar days prior to the meeting. If you are hearing or speech impaired, please call the Florida Board of Medicine using the Florida Dual Party Relay System which can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

A copy of the agenda may be obtained by writing: Larry McPherson, Board Director, Medical Quality Assurance, Florida Board of Medicine, 4052 Bald Cypress Way, BIN #C03, Tallahassee, Florida 32399-3253.

Please note that if a person decides to appeal any decision made by the Board with respect to any matter considered at the above cited meeting or hearing, he will need a record of the proceedings, and for such purpose, may need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence upon which is to be based.

The Florida **Board of Medicine**, announces a meeting to which all persons are invited.

DATES AND TIME: April 5-6, 2002, 8:00 a.m.

PLACE: Westin, 400 Corporate Drive, Ft. Lauderdale, FL 33334, (954)772-1331

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct general business of the Board.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact the Florida Board of Medicine, (850)245-4131, at least five (5) calendar days prior to the meeting. If you are hearing or speech impaired, please call the Florida Board of Medicine using the Florida Dual Party Relay System which can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

A copy of the agenda may be obtained by writing: Larry McPherson, Board Director, Medical Quality Assurance, 4052 Bald Cypress Way, BIN #C03, Tallahassee, Florida 32399-3253.

Please note that if a person decides to appeal any decision made by the Board with respect to any matter considered at the above cited meeting or hearing, he will need a record of the proceedings, and for such purpose, may need to insure that a verbatim record of the proceeding is made, which record includes the testimony and evidence upon which the appeal is to be based. A verbatim tape record of the proceeding may be obtained from a court reporter, if present, or an audio record from the Board Director.

The Florida **Board of Medicine**, Dietetics-Nutrition/Electrolysis Committee announces a meeting to which all persons are invited.

DATE AND TIME: April 5, 2002, 5:30 p.m. or soon there after

PLACE: Westin, 400 Corporate Drive, Ft. Lauderdale, FL 33334, (954)772-1331

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct general business of the Committee.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact the Florida Board of Medicine, (850)245-4131, at least five (5) calendar days prior to the meeting. If you are hearing or speech impaired, please call the Florida Board of Medicine using the Florida Dual Party Relay System which can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

A copy of the agenda may be obtained by writing: Larry McPherson, Board Director, Medical Quality Assurance, 4052 Bald Cypress Way, BIN #C03, Tallahassee, Florida 32399-3253.

Please note that if a person decides to appeal any decision made by the Board with respect to any matter considered at the above cited meeting or hearing, he will need a record of the proceedings, and for such purpose, may need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence upon which is to be based.

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The Florida **Board of Medicine**, Expert Witness Credentials Committee announces a meeting to which all persons are invited.

DATE AND TIME: April 5, 2002, 5:30 p.m. or soon there after

PLACE: Westin, 400 Corporate Drive, Ft. Lauderdale, FL 33334, (954)772-1331

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct general business of the Committee.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact the Florida Board of Medicine, (850)245-4131, at least five (5) calendar days prior to the meeting. If you are hearing or speech impaired, please call the Florida Board of Medicine using the Florida Dual Party Relay System which can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

A copy of the agenda may be obtained by writing: Larry McPherson, Board Director, Medical Quality Assurance, 4052 Bald Cypress Way, BIN #C03 Tallahassee, Florida 32399-3253.

Please note that if a person decides to appeal any decision made by the committee with respect to any matter considered at the above cited meeting or hearing, he will need a record of the proceedings, and for such purpose, he may need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence upon which the appeal is to be based.

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The **Board of Orthotists and Prosthetists** will hold a duly noticed conference call meeting, to which all persons are invited to attend.

DATE AND TIME: Friday, March 1, 2002, 9:00 a.m.

PLACE: Department of Health, Tallahassee, Meet Me Number (850)921-2530

GENERAL SUBJECT MATTER TO BE CONSIDERED: General board business.

Any person requiring special accommodations at this meeting because of a disability or physical impairment should contact the Board of Orthotists and Prosthetists, (850)245-4355, at least 48 hours prior to the meeting. If you are a hearing or

speech impaired, please contact the Board office using the Dual Party Relay System at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

A copy of the agenda item may be obtained by writing: Joe Baker, Jr., Board of Orthotists and Prosthetists, Executive Director, 4052 Bald Cypress Way, BIN #C07, Tallahassee, FL 32399-3257.

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The Florida **Board of Osteopathic Medicine** will hold the following Board meeting to which all persons are invited:

DATES AND TIMES: Friday, March 15, 2002, 6:00 p.m.; Saturday, March 16, 2002, 9:00 a.m.

PLACE: Nova Southeastern University, Student Assembly Auditorium, 3200 South University Drive, Ft. Lauderdale, FL 33328, (954)262-1746

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regular Board Business.

If a person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he may need to ensure that a verbatim record of the proceedings is made, which records includes the testimony and evidence upon which the appeal is to be based.

A copy of any item on the agenda may be obtained by writing: Karen Eaton, Executive Director, Board of Osteopathic Medicine, 4052 Bald Cypress Way, BIN #C06, Tallahassee, Florida 32399-3256 or you may call (850)488-0595. You will be charged seventeen cents per page for the number of copies desired.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact Christy Robinson, (850)488-0595, at least five calendar days prior to the meeting. Persons who are hearing or speech impaired, can contact Christy Robinson using the Florida Dual Party Relay System which can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

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The Florida **Department of Health**, Office of the Secretary, on behalf of the Biomedical Research Advisory Council announces a public meeting.

DATE AND TIME: Wednesday, March 20, 2002, 3:00 p.m. – 5:00 p.m.

PLACE: Bureau of Epidemiology, Conference Room 320-P, Prather Building, 2585 Merchant's Row Boulevard, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: This meeting is to develop new grant programs based on the criteria outlined in Section 215.5602, Florida Statutes.

CONTACT: To ensure adequate space, observers are asked to contact Cathy Hughes, (850)245-4444, Ext. 2438, by 5:00 p.m., Monday, March 18, 2002, to confirm attendance or to request accommodations such as assistive listening device, large print, sign language interpretation or other accommodations for persons with disabilities.

**DEPARTMENT OF CHILDREN AND FAMILY SERVICES**

The **Council on Homelessness** announces a series of conference call meetings of its Support Services and Financial Resources Committees to which all persons are invited.

COMMITTEE: Financial Resources  
DATE AND TIME: Thursday, March 7, 2002, 2:00 p.m. – 3:00 p.m.

PLACE: Call (850)410-0968 or Suncom 210-0968  
COMMITTEE: Support Services  
DATE AND TIME: Tuesday, March 5, 2002, 2:00 p.m. – 3:00 p.m.

PLACE: Call (850)414-1708 or Suncom 994-1708  
COMMITTEE: Support Services  
DATE AND TIME: Tuesday, April 2, 2002, 2:00 p.m. – 3:00 p.m.

PLACE: Call (850)414-1708 or Suncom 994-1708  
COMMITTEE: Financial Resources  
DATE AND TIME: Thursday, April 5, 2002, 2:00 p.m. – 3:00 p.m.

PLACE: Call (850)410-0968 or Suncom 210-0968  
COMMITTEE: Financial Resources  
DATE AND TIME: Thursday, May 3, 2002, 2:00 p.m. – 3:00 p.m.

PLACE: Call (850)410-0968 or Suncom 210-0968  
COMMITTEE: Support Services  
DATE AND TIME: Tuesday, May 7, 2002, 2:00 p.m. – 3:00 p.m.

PLACE: Call (850)414-1708 or Suncom 994-1708  
COMMITTEE: Support Services  
DATE AND TIME: Tuesday, June 4, 2002, 2:00 p.m. – 3:00 p.m.

PLACE: Call (850)414-1708 or Suncom 994-1708  
COMMITTEE: Financial Resources  
DATE AND TIME: Thursday, June 7, 2002, 2:00 p.m. – 3:00 p.m.

PLACE: Call (850)410-0968 or Suncom 210-0968  
GENERAL SUBJECT MATTER TO BE CONSIDERED: These conference calls will address the committees' continued development of policy recommendations to reduce barriers to accessing supportive services for homeless persons.

A copy of the agenda may be obtained by contacting: Tom Pierce, State Office on Homelessness, 1317 Winewood Boulevard, Tallahassee, FL 32399-0700, (850)922-9850, Tom\_Pierce@dcf.state.fl.us.

Pursuant to Section 286.26, Florida Statutes, any disabled person wishing to access this meeting who may be in need of special assistance should contact the Office on Homelessness (850)922-4691, at least 48 hours in advance of the meeting.

The Florida **Department of Children and Family Services** announces a meeting of the Marion County Children's Alliance Steering Committee to which all persons are invited.

DATE AND TIME: Wednesday, March 6, 2002, 12:00 Noon  
PLACE: Marion County Sheriff's Office, 692 N. W. 30th Avenue, Ocala, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: To provide participation and governance of community based services, Section 20.19(6), F.S.

A copy of the agenda may be obtained by writing: Mona Terry, Box 80-O, 1601 W. Gulf-Atlantic Hwy., Wildwood, FL 34785. Persons needing special accommodations to participate in this proceeding should contact the agency no later than five working days prior to the meeting, (352)330-2177.

The Florida **Department of Children and Family Services** announces a meeting of the Hernando County Community Alliance Steering Committee to which all persons are invited.

DATE AND TIME: Thursday, March 13, 2002, 9:00 a.m.  
PLACE: Hernando Community Blood Bank, 12395 Cortez Blvd., Brooksville, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: To provide participation and governance of community based services, Section 20.19(6), F.S.

A copy of the agenda may be obtained by writing: Mona Terry, Box 80-O, 1601 W. Gulf-Atlantic Hwy., Wildwood, FL 34785. Persons needing special accommodations to participate in this proceeding should contact the agency no later than five working days prior to the meeting, (352)330-2177.

The Florida **Department of Children and Family Services** announces a meeting of the Lake County Community Alliance Steering Committee to which all persons are invited.

DATE AND TIME: Wednesday, March 20, 2002, 12:00 Noon  
PLACE: Public Safety Complex, Room 302, 12900 Lane Park Cutoff Rd., Tavares, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: To provide participation and governance of community based services, Section 20.19(6), F.S.

A copy of the agenda may be obtained by writing: Mona Terry, Box 80-O, 1601 W. Gulf-Atlantic Hwy., Wildwood, FL 34785. Persons needing special accommodations to participate in this proceeding should contact the agency no later than five working days prior to the meeting, (352)330-2177.

The Florida **Department of Children and Family Services** announces a meeting of the Citrus County Shared Services Alliance to which all persons are invited.

DATE AND TIME: Thursday, March 21, 2002, 8:30 a.m.  
 PLACE: Citrus County School Board Office, 1007 W. Main Street, Inverness, FL  
 GENERAL SUBJECT MATTER TO BE CONSIDERED: To provide participation and governance of community based services, Section 20.19(6), F.S.  
 A copy of the agenda may be obtained by writing: Mona Terry, Box 80-O, 1601 W. Gulf-Atlantic Hwy., Wildwood, FL 34785. Persons needing special accommodations to participate in this proceeding should contact the agency no later than five working days prior to the meeting, (352)330-2177.

The Florida **Department of Children and Family Services** announces a meeting of the Citrus County Shared Services Alliance Steering Committee to which all persons are invited.  
 DATE AND TIME: Thursday, March 21, 2002, 10:00 a.m.  
 PLACE: Citrus County School Board Office, 1007 W. Main Street, Inverness, FL  
 GENERAL SUBJECT MATTER TO BE CONSIDERED: To provide participation and governance of community based services, Section 20.19(6), F.S.  
 A copy of the agenda may be obtained by writing: Mona Terry, Box 80-O, 1601 W. Gulf-Atlantic Hwy., Wildwood, FL 34785. Persons needing special accommodations to participate in this proceeding should contact the agency no later than five working days prior to the meeting, (352)330-2177.

**NAVIGATION DISTRICTS**

The Board of Commissioners of the **Florida Inland Navigation District** announces a public meeting to which all persons are invited.  
 DATE AND TIME: Saturday, February 23, 2002, 8:30 a.m.  
 PLACE: The Radisson Hotel North Hutchinson Island, 2600 North A-1-A, Fort Pierce, St. Lucie County, Florida  
 GENERAL SUBJECT MATTER TO BE CONSIDERED: A meeting and workshop 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: The District Office, 1314 Marcinski Road, Jupiter, FL 33477, (561)627-3386, for more information.  
 If a person decides to appeal any decision made by the Commission with respect to any matter considered at this meeting, they will need a record of the proceeding, and for such purposes, they may need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence upon which the appeal is based.  
 Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact the District prior to the meeting.

**FLORIDA HOUSING FINANCE CORPORATION**

The **Florida Housing Finance Corporation** announces a public meeting and workshop to which all persons are invited.  
 DATE AND TIME: March 7, 2002, 9:00 a.m. – 10:30 a.m.  
 PLACE: City Hall, 891 South Adams Street, Tallahassee, Florida  
 GENERAL SUBJECT MATTER TO BE CONSIDERED: Discussion of the calculation of utility allowances for developments financed by low-income housing tax credits.  
 A copy of the agenda can be obtained from: Sheila A. Freaney, Public Records Clerk, Florida Housing Finance Corporation, Suite 5000, 227 North Bronough Street, Tallahassee, Florida 32399-1329.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this meeting and workshop is asked to advise Florida Housing at least 48 hours before the meeting and workshop by contacting Sheila A. Freaney, Public Records Clerk, Florida Housing Finance Corporation, Suite 5000, 227 North Bronough Street, Tallahassee, Florida 32399-1329. If you are hearing or speech impaired, please contact Florida Housing by calling, (850)488-4197.

**ORANGE COUNTY RESEARCH AND DEVELOPMENT AUTHORITY**

The **Orange County Research and Development Authority** announces a public meeting to which all persons are invited:  
 DATE AND TIME: March 13, 2002, 8:00 a.m.  
 PLACE: Lowndes, Drosdick, Doster, Kantor & Reed, 215 North Eola, Orlando, Florida  
 GENERAL SUBJECT MATTER TO BE CONSIDERED: General Business Meeting.

**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 two petitions for declaratory statement filed by the Fire Code Official's Office of Collier County, both on November 2, 2001. Notice of both petitions for declaratory statement was published on pages 5959-5961 of Vol. 27, No. 10, in the December 14, 2001, issue of the Florida Administrative Weekly.  
 Due to the fact that both petitions requested declaratory statements on statutes located in Chapters 471 and 553, Florida Statutes, and Rule Chapter 61G, Florida Administrative Code,

the Department of Insurance, having no jurisdiction over the said statute and rule chapters, had no alternative but to enter an order dismissing both petitions.

A copy of the order may be obtained by contacting: Gabriel Mazzeo, Attorney, Division of State Fire Marshal, 200 East Gaines Street, Tallahassee, Florida 32399-0340, (850)413-3604.

**DEPARTMENT OF CORRECTIONS**

NOTICE IS HEREBY GIVEN THAT the Department of Corrections has issued a response to a Petition to Initiate Rulemaking, Final Order #DC 02-03, from Robert David Roy. The Department denied the Petition to repeal two department memoranda, contending that the issuance of these two memoranda constitutes an invalid exercise of delegated legislative authority.

A copy of the Order may be obtained from: Anthony W. Garcia, Assistant General Counsel, Department of Corrections, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500.

NOTICE IS HEREBY GIVEN THAT the Department of Corrections has issued a response to a Petition to Initiate Rulemaking, Final Order DC 02-01 and DC 02-05, from Randall Prater. The Department denied the Petition to amend subsection 33-210.102(8), Florida Administrative Code, to specify that Florida Department of Corrections institutions will furnish return receipt requested postage, for qualifying mail, for those inmates who have insufficient funds to cover the cost of mailing those documents at the time the mail is submitted to the mailroom.

A copy of the Order may be obtained from: Anthony W. Garcia, Assistant General Counsel, Department of Corrections, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500.

NOTICE IS HEREBY GIVEN THAT the Department of Corrections has issued a response to a Petition to Initiate Rulemaking, Final Order DC 02-02, from Daniel Knod. The Department denied the Petition to amend Rule 33-601.101, Florida Administrative Code, to permit inmates to be eligible to receive incentive gain time while on out to court status and the related charges are subsequently dismissed.

A copy of the Order may be obtained from: Anthony W. Garcia, Assistant General Counsel, Department of Corrections, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500.

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

NOTICE IS HEREBY GIVEN THAT the Division of Florida Land Sales, Condominiums and Mobile Homes, Department of Business and Professional Regulation, State of Florida, has

issued an order In Re: Petition for Declaratory Statement, Richard Marx, President, The Gardens at Palm Aire, Petitioner; Docket Number CD2001-054.

The petition was denied because petitioner did not correct the deficiencies in the petition and did not provide the documents requested to support the petition.

A copy of the order 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.

NOTICE IS HEREBY GIVEN THAT the Division of Florida Land Sales, Condominiums and Mobile Homes, Department of Business and Professional Regulation, State of Florida, has issued a declaratory statement In Re: Petition for Declaratory Statement, Lawrence R. Crosby, Vice President, Paradise Shores Apartment, Inc., Petitioner; Docket Number CD2001-053.

The petition was denied because petitioner seeks an interpretation of ambiguous contract terms not an application of a statute, rule, or order and because the division does not have jurisdiction to give the relief of reforming the declaration to change the ownership percentages.

A copy of the declaratory statement may be obtained by writing: Agency Clerk, Department of Business and Professional Regulation, Division of Florida Land Sales, Condominiums and Mobile Homes, 1940 North Monroe Street, Tallahassee, Florida 32399-2217.

**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:**

Jon S. Kahlkopf vs. Department of State, Division of Licensing; Case No.: 02-0377RU

Columbia Hospital Corporation of South Broward, d/b/a Westside Regional Medical Center vs. Department of Health; Case No.: 02-0400RU

**Notice of Disposition of Petition for Administrative Determination have been filed by the Division of Administrative Hearings on the following rules:**

**NONE**



Section IX

Notices of Petitions and Dispositions Regarding Non-rule Policy Challenges

NONE

Section X

Announcements and Objection Reports of the Joint Administrative Procedures Committee

NONE

Section XI

Notices Regarding Bids, Proposals and Purchasing

DEPARTMENT OF EDUCATION

NOTICE FOR FOOD SERVICE VENDORS TO REGISTER WITH THE STATE DEPARTMENT OF EDUCATION TO VEND UNITIZED MEALS AND SNACKS TO THE SUMMER FOOD SERVICE PROGRAM FOR CHILDREN

In accordance with Title 7 Code of Federal Regulations, Part 225; it is the intent of the Florida Department of Education, Food and Nutrition Management Section, to continue to administer the Summer Food Service Program (SFSP) for the fiscal year 2002.

The primary purpose of the program is to provide breakfast, lunch or snacks to economically needy children during periods when public schools are generally closed for summer recess.

Food service vendors who wish to become eligible to participate in this Program may write for a vendor registration and guidance package to the address listed below. Successful registration will require copies of the following: A current Florida business license; The most recent health inspection report with no unresolved violations; A completed Summer Food Service Program registration form; Evidence of general liability, product liability and insurance on delivery vehicles.

For more information please contact the Food and Nutrition Management Section, Summer Food Service Program for Children, 1(800)504-6609. The contact persons for registration are Dave Whetstone or Sheila Thomas.

Direct written inquires to:

The Florida Department of Education
Food and Nutrition Management Section
325 West Gaines St., Room 1122
Tallahassee, FL 32399-0400

INVITATION TO BID

The Florida State University, FO & M Purchasing shall receive sealed bids until the dates and times shown for the following projects. Bids may be brought to the bid opening or sent to:

Florida State University
FO & M Maintenance, Purchasing
Room 114F, Mendenhall Hall, Building A
Tallahassee, Florida 32306

prior to bid opening. Bidder must reference bid number, opening date and time on outside of bid package to ensure proper acceptance. Bids submitted by facsimile are not acceptable. For information relating to the Invitation(s) to Bid, contact the

Bid Number: FO & M 24-1
Purchasing Agent: B. J. Lewis, FO & M
Public Bid Opening: March 18, 2002, 2:30 p.m.
FSU - FO & M Maintenance
Room 116, Mendenhall Hall
Building A
Tallahassee, Florida 32306-4150
FO & M Maintenance Purchasing

Bid Documents: BRICK CHIMNEY, CUP/Utilities Plant
Florida State University is allowing access to the areas to be repaired, deteriorated mortar joints and/or cracks that are open 1/8" or less in width will be properly caulked with a water-resistant silicone material.

CONTACT PERSON: Russell Hursst, (850)644-3884, Cell (850)228-7053.

NOTICE TO PROFESSIONAL CONSULTANTS

The University of South Florida, announces that Qualifications Based Design/Build Services (QB/DB), for the design and construction of an Intercollegiate Athletic Training Facility, will be required for the project listed below:

PROJECT NUMBER: BR-581

PROJECT AND LOCATION: Intercollegiate Athletic Training Facility, University of South Florida, Tampa Campus, Tampa, Florida.

The project consists of the design, construction, and furnishing of an Intercollegiate Athletic Training Facility of approximately 110,000 gsf. The project is programmed to include Strength Training, Sports Medicine, Locker Rooms, Departmental Offices, Academic Support Spaces and site design. The new four-story facility will be located adjacent to the north side of the Sun Dome.

The project must comply with and adhere to the program to meet financial proforma requirements. The Design/Build team shall be responsible for management of the process and project to meet project scope, budget and schedule requirements. The management of the process and project by the Design Build

Team shall facilitate the Athletic organization's needs, and accomplishing those needs within the mandatory project schedule for occupancy requirements.

The Design/Build Services contract shall be in compliance with the qualifications based Design/Build selection provisions in Rule 6C-14.007, F.A.C., including pre-construction fees, construction related services costs and a guaranteed maximum price.

The University will contract with the selected team for all services including, but not necessarily limited to, budgeting, labor, materials and equipment required to design, construct, and furnish the project. The selected team will be required to provide computer-generated drawings in accordance with the standards of the University of South Florida.

Blanket professional design liability insurance will be required for this project in the amount of \$1,000,000.00 and will be provided as a part of Basic Services.

The proposed contractual value of this project can be as high as \$13,800,000.00. The respondent must be capable of bonding at 100% of the value of the contract with a surety licensed to do business in the State of Florida with a Best Rating of "A", and a required financial size of "Class IX".

#### INSTRUCTIONS

Teams desiring to apply for consideration shall submit a completed "Design/Build Qualifications Supplement", which may be obtained by contacting: Vanessa Poole, Contracts Administrator, Facilities Planning and Construction, University of South Florida, 4202 East Fowler Avenue, FPC110, Tampa, Florida 33620-7550, (813)974-0891, (813)974-2625, Fax (813)974-3542 or email: vpoole@admin.usf.edu.

All teams must be properly registered at the time of application to practice its profession in the State of Florida. If the applicant is a corporation, it must be chartered by the Florida Department of State to operate in Florida.

Interested teams are requested to attend a presubmittal meeting at the University of South Florida Tampa Campus to be held at 8:00 a.m. (Eastern Standard Time), Tuesday, March 12, 2002, in the Facilities Planning Conference Room, FPC109, to review the scope and requirements of this project. Requests for meetings by individual teams will not be granted.

**MINORITY PROGRAM:** Teams are required to utilize Minority Business Enterprises certified by the Minority Business Advocacy and Assistance Office, State of Florida Department of Labor and Employment Security. A minimum goal of 21% participation has been established.

The plans and specifications for State University System projects are subject to reuse in accordance with the provisions of Section 287.055, Florida Statutes. As required by Section 287.133, Florida Statutes, a consultant may not submit a proposal for this project if it is on the convicted vendor list for a public entity crime committed within the past 36 months. The selected consultant must warrant that it will neither utilize the

services of, nor contract with, any supplier, subcontractor or consultant in excess of \$25,000.00 in connection with this project for a period of 36 months from the date of their being placed on the convicted vendor list.

Six (6) copies of the required information shall be submitted to the attention of the Project Manager: Ramon L. Gonzalez, R.A., Project Manager, Facilities Planning and Construction, University of South Florida, 4202 East Fowler Avenue, FPC110, Tampa, Florida 33620 by or no later than 2:00 p.m. (Eastern Standard Time), Monday, March 25, 2002. Facsimile (FAX) submittals are not acceptable and will not be considered.

The University reserves the right to suspend or discontinue the selection process at any time and to return or reject any or all submissions or qualifications or Design/Build proposals without obligation to the respondent. The award of this contract is subject to availability of funds. If additional funding is realized, the University has the option to incorporate additional scope/funding under this contract.

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#### NOTICE TO PROFESSIONAL CONSULTANTS

The University of South Florida announces that Professional Services in the discipline of architecture will be required for the project listed below:

Project Number: BR-515

Project and Location: Health Care and Education Center, University of South Florida, Tampa Campus, Tampa, Florida.

#### PROJECT DESCRIPTION:

The Health Care and Education Center is a shared educational facility incorporating multiple components to serve the University of South Florida Colleges of Medicine, Nursing and Public Health. Major components of the project include a Health Professions Clinical Education Simulation Center, Instructional Center for Standardized Patient Examination/Education, Continuing Health Professional Education Conference Center, Shared Instruction and Instructional Support facilities, and Health Information Technology and Support Services facilities. The project may also include facilities to serve the Florida Department of Health Children's Medical Services.

The design will take into consideration the functional relationships described by the Facilities Program. The design of the project may include phasing to address multiple funding sources and multi-year legislative appropriations. The award for professional services is subject to legislative appropriations and availability of funding.

The selected firm will provide program verification, planning, design, permitting application, construction documents, construction administration and post-occupancy services for the referenced project. The selected firm will be required to provide computer drawings according to the standards of the University of South Florida. Blanket professional liability insurance will be required for this project in the amount of

\$1,000,000, and will be provided as a part of Basic Services. The estimated construction budget for this project is anticipated to be up to approximately \$55,000,000 including site related work. The project may be broken down into phases and sub-phases depending upon the availability and/or sequence of funding. It is anticipated that this project will utilize a Construction Manager for pre-construction and construction services.

Selection of finalists for interview will be made on the basis of professional qualifications, including experience and ability; past experience; design ability; minority participation; volume of work; and distance from project. The distance factor for this project will provide a maximum of one-point difference in scoring for location between in-state and out-of-state applicants. Finalists will be provided a copy of the approved building program and a copy of the standard Architect/Engineer Agreement.

#### INSTRUCTIONS

Firms desiring to apply for consideration shall submit a letter of application, a completed State University System "Professional Qualifications Supplement", version dated 9-99, and a copy of the applicant's current Professional Registration Certificate from the appropriate governing board. Applications on any other form will not be considered.

All applicants must be properly registered at the time of application to practice its profession in the State of Florida. If the applicant is a corporation, it must be chartered by the Florida Department of State to operate in Florida.

Applications which do not comply with the above instructions may be disqualified. Application materials will not be returned. The plans and specifications for State University System projects are subject to reuse in accordance with the provisions of Section 287.055, Florida Statutes. As required by Section 287.133, Florida Statutes, a consultant may not submit a proposal for this project if it is on the convicted vendor list for a public entity crime committed within the past 36 months. The selected consultant must warrant that it will neither utilize the services of, nor contract with, any supplier, subcontractor, or consultant in excess of \$25,000.00 in connection with this project for a period of 36 months from the date of their being placed on the convicted vendor list.

Professional Qualifications Supplement forms, descriptive project information, and selection criteria may be obtained by contacting: Vanessa Poole, Contracts Administrator, Facilities Planning and Construction, University of South Florida, 4202 East Fowler Avenue, FPC110, Tampa, Florida 33620-7550, (813)974-0891 or (813)974-2625, Fax (813)974-3542 or via email: vpoole@admin.usf.edu.

Interested firms are invited and encouraged to attend a pre-submittal meeting at the University of South Florida, Tampa Campus, to be held at 3:00 p.m. (Eastern Standard Time), Thursday, March 14, 2002, at FPC110, 4202 East

Fowler Avenue, Tampa, Florida, to review the scope and requirements of this project. Requests for meetings by individual firms will not be granted.

It shall be noted that no verbal communication shall take place between the short listed applicants and the State University System. Requests for any project information must be in writing to the above address. The Selection Committee may reject all proposals and stop the selection process at any time.

Eight (8) copies of the above requested data, bound in the order listed shall be addressed to: Richard Lyttle, AIA, Project Manager, Division of Facilities Planning and Construction, University of South Florida, 4202 East Fowler Avenue, FPC110, Tampa, Florida 33620-7550.

Submittals must be received in the University of South Florida, Facilities Planning and Construction Office, FPC110 by 2:00 p.m. (Eastern Standard Time), Thursday, March 28, 2002.

Facsimile (FAX) submittals are not acceptable and will not be considered.

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#### NOTICE TO PROFESSIONAL CONSULTANTS

The University of South Florida, announces that Qualifications Based Design/Build Services (QB/DB), for the design and construction of a Charter School for Elementary Education, will be required for the project listed below:

PROJECT NUMBER: BR-521

PROJECT AND LOCATION: University Charter School, University of South Florida, Tampa Campus, Tampa, Florida.

The project consists of the design and construction of a new Charter School for Elementary Education of approximately 15,000 gsf. The project is programmed to include K-3 Classrooms; Resource Rooms; a Multi-Purpose Room; Administrative Suite; support spaces; and site design. The new facility will be located adjacent to the existing ERC Child Care facility, and the existing Pizzo Elementary School.

The project must be completed for occupancy by August 2003 to meet the start of the 2003/2004 Academic Year. The Design/Build team shall be responsible for management of the process and project to meet project scope, budget and schedule requirements. The management of the process and project by the Design Build Team shall facilitate Charter School Organization needs, and accomplishing those needs within the mandatory project schedule for occupancy requirements.

The Design/Build Services contract shall be in compliance with the qualifications based Design/Build selection provisions in Rule 6C-14.007, F.A.C., including pre-construction fees, construction related services costs and a guaranteed maximum price.

The University will contract with the selected team for all services including, but not necessarily limited to, budgeting, labor, materials and equipment required to design, construct the project. The selected team will be required to provide computer generated drawings in accordance with the standards of the University of South Florida.

Blanket professional design liability insurance will be required for this project in the amount of \$250,000.00 and will be provided as a part of Basic Services.

The proposed contractual value of this project is approximately \$2,000,000.00. The respondent must be capable of bonding at 100% of the value of the contract with a surety licensed to do business in the State of Florida with a Best rating of A, Class VIII.

#### INSTRUCTIONS

Teams desiring to apply for consideration shall submit a completed "Design/Build Qualifications Supplement", which may be obtained by contacting: Vanessa Poole, Contracts Administrator, Facilities Planning and Construction, University of South Florida, 4202 East Fowler Avenue, FPC110, Tampa, Florida 33620-7550, (813)974-2625, (813)974-0891, Fax (813)974-3542 or via email: vpoole@admin.usf.edu.

All teams must be properly registered at the time of application to practice its profession in the State of Florida. If the applicant is a corporation, it must be chartered by the Florida Department of State to operate in Florida.

Interested teams are requested to attend a presubmittal meeting at the University of South Florida Tampa Campus to be held at 9:00 a.m. (Eastern Standard Time), Wednesday, March 13, 2002, in the Facilities Planning Conference Room FPC109, 4202 East Fowler Avenue, Tampa, Florida, to review the scope and requirements of this project. Requests for meetings by individual teams will not be granted.

**MINORITY PROGRAM:** Teams are required to utilize Minority Business Enterprises certified by the Minority Business Advocacy and Assistance Office, State of Florida Department of Labor and Employment Security. A minimum goal of 21% participation has been established.

The plans and specifications for State University System projects are subject to reuse in accordance with the provisions of Section 287.055, Florida Statutes. As required by Section 287.133, Florida Statutes, a consultant may not submit a proposal for this project if it is on the convicted vendor list for a public entity crime committed within the past 36 months. The selected consultant must warrant that it will neither utilize the services of, nor contract with, any supplier, subcontractor or consultant in excess of \$25,000.00 in connection with this project for a period of 36 months from the date of their being placed on the convicted vendor list.

Six (6) copies of the required information shall be submitted to the attention of the Project Manager: Mr. Steven P. Warren, R. A., Project Manager, Facilities Planning and Construction, University of South Florida, 4202 East Fowler Avenue, FPC 110, Tampa, Florida 33620 by or no later than 2:00 p.m. (Eastern Standard Time), Tuesday, March 26, 2002. Facsimile (FAX) submittals are not acceptable and will not be considered.

The University reserves the right to suspend or discontinue the selection process at any time and to return or reject any or all submissions or qualifications or Design/Build proposals without obligation to the respondent. The award of this contract is subject to availability of funds. If additional funding is realized, the University has the option to incorporate additional scope/funding under this contract.

#### NOTICE OF INVITATION TO NEGOTIATE

##### ITN DOCUMENT NUMBER: 001

Title: School Readiness Early Care and Education Services

**THE PURPOSE:** The Lake County School Readiness Coalition, Inc. has released the Invitation to Negotiate in an effort to enter into an agreement with an agency or several agencies to perform early care and education services to children of Lake County ages 0-12 for fiscal year 2002-2003. Services include management of subsidized child care payments to subcontracted providers, resource and referral services, simplified point of entry, enhanced early education services (formerly known as Pre-K), direct provider services (training, technical support, etc.,) and direct child and family services (including screening, assessment, mental health care, etc.). Total contract amount is approximately \$7 million dollars.

Letters of Intent to Submit are due to the Coalition by February 22, 2002. An Applicant's Conference will be held on February 27, 2002. Deadline for all applications will be on March 19, 2002. Results will be posted on April 5, 2002.

For information regarding this ITN, please contact: Kim Webb, (352)343-5889. The ITN is available electronically at [www.lakeschoolreadiness.org](http://www.lakeschoolreadiness.org).

#### INVITATION TO BID

The Purchasing Office will receive Competitive sealed bids until the time and date shown for the following:

Date and Time: Bid Opening Date: March 12, 2002, 2:00 p.m.

Location of Bid Opening: School District of DeSoto County  
530 LaSolona Avenue  
Arcadia, Florida 34266

Bid Number: SBDC #0102-2

Bid Title: "BLEACHER – DHS FOOTBALL FIELD"

Bid blanks, conditions and specifications may be obtained from the School District of DeSoto County, Purchasing Office, 530 LaSolona Avenue, Arcadia, Florida 34266. You may telephone Margaret Henderson, (863)494-4222, Ext. 122. We reserve the right to reject any or all bids. No facsimile or telegraphic submission will be accepted.

**AGENCY FOR HEALTH CARE ADMINISTRATION**

**REQUEST FOR PROPOSAL – DURABLE MEDICAL EQUIPMENT/SUPPLIES PROGRAM**

The Agency for Health Care Administration, Medicaid Program Development is requesting proposals for the Durable Medical Equipment/ Supplies Program.

The potential contractor will be responsible for providing durable medical equipment services in Florida. This contract will be for 36 months, commencing on May 1, 2002 and running through June 30, 2005. The Request for Proposal, AHCA – 0203, Durable Medical Equipment/Supplies Program, will be issued on February 28, 2002. Copies may be obtained by writing the contract manager at the address noted below:

Maureen Hemmerly, AHCA Administrator  
 Agency for Health Care Administration  
 2728 Mahan Drive, Building 3  
 Tallahassee, Florida 32308-5403  
 (850)467-2641, Fax (850)414-1721

Responses must be received by and will be opened on March 7, 2002. The Agency reserves the right to reject any or all bids.

**DEPARTMENT OF CHILDREN AND FAMILY SERVICES**

**REQUEST FOR PROPOSAL  
 FAMILY SAFETY CONTRACTED SERVICES**

The Florida Department of Children and Family Services is seeking proposals from qualified private not-for-profit (501(c)(3)) agency(ies) to provide services within the counties of Charlotte, Collier, Hendry, Glades and Lee for families referred by the department whose children are at risk of removal from the home due to allegations of abuse and/or neglect, and families of children who have been returned home after removal due to alleged abuse and/or neglect. The purpose is also to seek qualified not-for-profit or governmental community-based organizations that are interested in serving as the agency for the provision of the following services: in-home protective services, interstate compact for the placement of children, post-placement supervision, out-of-town inquiries and appropriate related services. It is the intent of the department that the agency will be the single Family Safety agency for children and families served in the counties mentioned above.

All proposals must be received by the department no later than 10:00 a.m. (EST), March 22, 2002, for the delivery of IN-HOME (PROTECTIVE SUPERVISION) SERVICES, Safety and Permanency Services for Children who are Victims or At Risk of Abuse, Neglect or Abandonment, and their Families in District 08.

RFP #08-014

Notice of Intent to Submit a Request for Proposal to be received by the department no later than March 4, 2002, 5.00 p.m. (EST).

Copies of the Request for Proposal may be obtained by contacting: Thomas Marr, District Eight, Family Safety Contracted Services, Florida Department of Children and Family Services, 2295 Victoria Avenue, Suite 234A, 2nd Floor, P. O. Box 60085, Fort Myers, Florida 33906, Fax (941)338-1419 or phone (941)338-1265. Please reference the RFP number when requesting.

It is the Provider’s responsibility to assure that their application is delivered on or before the date and time and at the place applications are due as stated above. Applications which for any reason are not so delivered will not be considered.

Certified Minority Business Enterprises are encouraged to participate in any Solicitation Conferences which are scheduled.

The Department reserves the right to reject any or all applications.

**JUPITER INLET DISTRICT**

**REQUEST FOR QUALIFICATIONS ENGINEERING CONSULTANT TO PROVIDE PROFESSIONAL SERVICES FOR JUPITER INLET DISTRICT**

Pursuant to Section 287.055, Florida Statutes, notice is hereby given that the Jupiter Inlet District requires professional services as follows:

The services requested of the Consultant by the Jupiter Inlet District include but are not limited to preparation of plans and specifications for annual inlet sand trap maintenance; obtaining permitting approval of applicable governmental authorities; construction observation services; and environmental studies, with a primary focus on estuarine resources.

The successful Consultant should have working knowledge of the requirements of Chapter 161, Florida Statutes, as it relates to inlet management plans.

Additional information pertaining to this project can be obtained from the Executive Director, (561)746-2223.

This notice given by the Board of Commissioners of the Jupiter Inlet District in regular session this January 9, 2002.

BOARD OF COMMISSIONERS  
 JUPITER INLET DISTRICT  
 Michael A. Martinez  
 Chairman

**BREVARD WORKFORCE DEVELOPMENT BOARD**

**PUBLIC NOTICE**

The Brevard Workforce Development Board, Inc. (a regional public/private partnership under Workforce Florida, Inc., which administers the Workforce Investment Act (WIA), and Welfare Transition programs in Brevard County), will be issuing a Request for Proposal (RFP) for service provider(s) to manage and operate its One-Stop service delivery system known as the Brevard Job Link.

Instruction packages will be available on Monday, February 18, 2002, 2:00 p.m., at the Brevard Workforce Development Board (BWDB) office located at 597 Haverty Court, Suite 40, Rockledge, Florida or on our website at [www.bwdb.org](http://www.bwdb.org).

All organizations with intent to bid are required to attend the Bidders' Conference scheduled for Tuesday March 5, 9:00 a.m., at the above address and must submit a Letter of Intent to bid no later than 12:00 p.m. (Local Time), Monday March 11, 2002.

Final written Proposals are due no later than 12:00 p.m., Friday, March 29, 2002.

**HILLSBOROUGH COUNTY WORKFORCE BOARD**

**NOTICE OF PROPOSAL**

Hillsborough County Workforce Board, Inc.  
 9250 Bay Plaza Blvd., Suite 320  
 Tampa, FL 33619  
 Contact: Man M. Le

(813)744-5547, Ext. 238, Fax (813)744-5764

RFP Document Number: SCSEP 03-2002

Issue date: February 8, 2002

Title: SENIOR COMMUNITY SERVICE EMPLOYMENT PROGRAM

Description: The Hillsborough County Workforce Board, Inc. is issuing this Request for Proposal (RFP) to solicit entities to serve Senior Community Service Employment Program (SCSEP) enrollees in designated Title V Older American Act (OAA) positions funded with the state's share of Florida's Title V allotment, consistent with Title V of the OAA, Public Law 89-73, and the Amendment of 2000.

**SARASOTA MEMORIAL HEALTH CARE SYSTEM**

**REQUEST FOR QUALIFICATIONS FOR GENERAL CONTRACTING WORK FOR A NEW PARKING GARAGE STRUCTURE FOR THE SARASOTA COUNTY PUBLIC HOSPITAL BOARD, SARASOTA MEMORIAL HOSPITAL**

The Sarasota County Public Hospital Board of Sarasota County, Florida, is accepting statements of qualifications from General Construction firms for a construction of an on-site

Parking Garage structure. Work includes site development and construction of a seven-story parking structure of approximately 1,100 to 1,200 spaces.

The scope of work may include Pre-Construction phase services 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. Resumes of key personnel that would be used on the project and their past experience in projects of similar size and scope.
7. Examples of successful completion of projects of similar 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.
3. Five copies of the submittals are due no later than 3:00 p.m., Thursday, February 28, 1997. 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, Project 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.

Published: Sarasota Herald Tribune

Florida Administrative Weekly

INTENT TO CONTRACT FOR ARCHITECTURAL AND ENGINEERING PROFESSIONAL SERVICES FOR EXPANSION OF THE EMERGENCY CARE CENTER FOR THE SARASOTA COUNTY PUBLIC HOSPITAL BOARD, SARASOTA MEMORIAL HOSPITAL

The Sarasota County Public Hospital Board of Sarasota County, Florida is accepting statements of qualifications from Architectural/Engineering Consulting Firms under the provisions of the Consultants' Competitive Negotiation Act, Section 287.055, Florida Statutes. The scope of work may include analysis of Hospital supplied data, functional space programming, schematic design, design development, construction documents and construction administration for architectural, mechanical, electrical, structural and site design work for construction of a Emergency Care Center building expansion.

Firms qualified to submit include Architectural/Engineering firms or an association of firms under the direction of the Architect. Services required may include architectural, mechanical, electrical, structural, landscape and civil design and engineering. 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 GSA Standard Forms 254 and 255.
3. Proof of General and Professional Liability Insurability.
4. A separate statement as to whether the firm is a certified Small and/or Minority Business Enterprise as defined by the Florida Small and Minority Business Assistance Act of 1985.
5. Examples of related projects.
6. Any additional information to be included at the discretion of the submitted firm.

Comments:

1. The Hospital reserves the right to reject any or all submittals. No fewer than three qualified firms will be short listed. These candidates may be asked to make final presentations to the selection committee.
2. Considerations in the selection of candidates include: the firm's recent related design experience, location and ability to respond rapidly and qualifications of personnel.
3. The final project of all design services shall include digital data in the form of disks (CD's, etc.) (Autocad, 2000).
4. Questions regarding submissions shall be directed to Dan McDaniel, A1A, (941)917-2048 or to Bill Selvin, Construction Manager, (941)917-1899.
5. Information packets are available free of charge for pick-up. Information packets are available from The Construction Department, (941)917-1804.

6. Submissions shall be titled "EMERGENCY CARE CENTER" and shall be submitted no later than 3:00 p.m., February 28, 2002, at the office of:

Dan McDaniels, Director  
 Architecture and Facilities Development  
 Sarasota Memorial Hospital  
 1700 South Tamiami Trail  
 Sarasota, FL 34239

Published: Sarasota Herald Tribune  
 Florida Administrative Weekly

INTENT TO CONTRACT FOR ARCHITECTURAL AND ENGINEERING PROFESSIONAL SERVICES FOR AMBULATORY CARE CENTER – UNIVERSITY PARKWAY FOR THE SARASOTA COUNTY PUBLIC HOSPITAL BOARD, SARASOTA MEMORIAL HOSPITAL

The Sarasota County Public Hospital Board of Sarasota County, Florida is accepting statements of qualifications from Architectural/Engineering Consulting Firms under the provisions of the Consultants' Competitive Negotiation Act, Section 287.055, Florida Statutes. The scope of work may include programming, schematic design, design development, construction documents, and construction administration for architectural, mechanical, electrical, structural and site design work for renovation to and expansion of the existing Ambulatory Care Center building on University Parkway.

Firms qualified to submit include Architectural/Engineering firms or an association of firms under the direction of the Architect. Services required may include architectural, mechanical, electrical, structural, landscape and civil design and engineering. 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 GSA Standard Forms 254 and 255.
3. Proof of General and Professional Liability Insurability.
4. A separate statement as to whether the firm is a certified Small and/or Minority Business Enterprise as defined by the Florida Small and Minority Business Assistance Act of 1985.
5. Examples of related projects.
6. Any additional information to be included at the discretion of the submitting firm.

Comments:

1. The Hospital reserves the right to reject any or all submittals. No fewer than three qualified firms will be short listed. These candidates may be asked to make final presentations to the selection committee.

2. Considerations in the selection of candidates include: the firm's recent related design experience, location and ability to respond rapidly, and qualifications of personnel.
3. The final product of all design services shall include digital data in the form of disks (CD, floppy, etc.) (Autocad, 2000).
4. Questions regarding submissions shall be directed to Dan McDaniel, AIA, (941)917-2048 or to Bill Shevlin, Construction Manager, (941)917-1899.
5. Information packets are available free of charge for pick-up. Information packets are available from The Construction Department, (941)917-1804.
6. Submissions shall be titled "AMBULATORY CARE CENTER - UNIVERSITY PARKWAY" and shall be submitted no later than 3:00 p.m., February 28, 2002, at the office of:

Dan McDaniel, Director  
 Architecture and Facilities Development  
 Sarasota Memorial Hospital  
 1700 South Tamiami Trail  
 Sarasota, FL 34239

**POLK COUNTY WORKFORCE DEVELOPMENT BOARD**

REQUESTS FOR PROPOSAL  
 FOR ONE-STOP OPERATOR SERVICES  
 AND YOUTH PROGRAM SERVICES

The Polk County Workforce Development Board, Inc. is soliciting separate proposals for:

1. One-Stop Operator Services
2. Youth Program Services

for the period of July 1, 2002 to June 30, 2003.

The proposal response packages can be obtained by phone, (863)519-0100, Extension "0", or from www.polkworks.org.

Proposers' Conferences have been scheduled for March 6, 2002. Intent to Propose Letters are due by 5:00 p.m. (ET), March 12, 2002. The deadline for submittal of proposals is 4:00 p.m. (ET), March 22, 2002.

Polk County Workforce Development Board is an equal opportunity program and employer.

**Section XII  
 Miscellaneous**

**DEPARTMENT OF BANKING AND FINANCE**

NOTICE OF FILINGS

Notice is hereby given that the Department of Banking and Finance, Division of Banking, has received the following application and/or other notice. Comments may be submitted to the Director, Division of Banking, 101 East Gaines Street, Suite 636, Fletcher Building, Tallahassee, Florida 32399-0350,

for inclusion in the official record without requesting a hearing; however, any person may request a public hearing by filing a petition with the Clerk, Legal Division, Department of Banking and Finance, 101 East Gaines Street, Suite 526, Fletcher Building, Tallahassee, Florida 32399-0350, pursuant to provisions specified in Section 3C-105.100, Florida Administrative Code. Petition must be received by the Clerk within twenty-one (21) days of publication of this notice (by 5:00 p.m., March 15, 2002):

APPLICATION FOR A NEW FINANCIAL INSTITUTION  
 Applicant and Proposed Location: The Bank of Venice, 240 Nokomis Avenue, South, Venice, Florida 34285  
 Correspondent: John P. Greeley, Esq., Smith, Mackinnon, P.A., 255 South Orange Avenue, Suite 800, Orlando, Florida 32802

Received: February 6, 2002

EXPANDED FIELD OF MEMBERSHIP

Name and Address of Applicant: Railroad & Industrial Credit Union, Post Office Box 5125, Tampa, Florida 33675-5125  
 Expansion Includes: Employees of Orius Telecom Products, Inc., Plant City; Gourmet Award Foods, Plant City; Chateau Lakeland Harbor Mobile Home Community, Lakeland; M&N Plastics, Plant City; and Zephyrhills Water Bay Market, Tampa.

Received: February 11, 2002

**DEPARTMENT OF COMMUNITY AFFAIRS**

DCA Final Order No.: DCA02-OR-031

In Re: CITY OF KEY WEST LAND DEVELOPMENT  
 REGULATIONS ADOPTED BY CITY OF  
 KEY WEST  
 ORDINANCE NO. 01-13

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 City of Key West Ordinance No. 01-13 as set forth below.

FINDINGS OF FACT

1. The City of Key West is a designated area of critical state concern.
2. On February 4, 2002, the Department received for review City of Key West Ordinance No. 01-13 which was adopted by the City of Key West City Commission on September 18, 2001 ("Ord. 01-13"). Ord. 01-13 amends the land development regulations by deleting the requirement for an "adult entertainment business" to obtain approval for development through the conditional use process. Ord. 01-13 requires that an "adult entertainment business" which wishes to operate a bar or lounge must comply with the conditional use criteria for establishing these uses.



3. Ord. 01-13 is consistent with the City’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 an area of critical state concern. §§ 380.05(6) and (11), Fla. Stat., (2001).
5. The City of Key West is an Area of Critical State Concern. § 380.05, Fla. Stat. (2001) and Rule 28-36.001, 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 Ord. 01-13 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 the particular area (the “Principles”). § 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 the City of Key West Area of Critical State Concern are set forth in Rule 28-36.003, Fla. Admin. Code.
8. Ord. 01-13 furthers Principle (a) in Rule 28-36.003(1):
  - (a) To strengthen local government capabilities for managing land use and development.
9. Ord. 0-13 is consistent with Principle (h) in Rule 28-36.003(1):
  - (h) Protection of the public health, safety, welfare and economy of the City of Key West and the maintenance of Key West as a unique Florida Resource.
10. Ord. 01-13 is not inconsistent with the remaining Principles. Ord. 01-13 is consistent with the Principles for Guiding Development as a whole.

WHEREFORE, IT IS ORDERED that Ord. 01-13 is found to be consistent with the Principles for Guiding Development of the City of Key West 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 RULE 28-106.104(2), FLORIDA ADMINISTRATIVE CODE. IF AN INFORMAL PROCEEDING IS REQUESTED, THEN THE PETITION SHALL BE SUBMITTED IN ACCORDANCE WITH RULE 28-106.301, FLORIDA ADMINISTRATIVE CODE. IF A FORMAL HEARING IS REQUESTED, THEN THE PETITION SHALL BE SUBMITTED IN ACCORDANCE WITH RULE 28-106.201(2), FLORIDA ADMINISTRATIVE CODE.

A PERSON WHO HAS FILED A PETITION MAY REQUEST MEDIATION. A REQUEST FOR MEDIATION MUST INCLUDE THE INFORMATION REQUIRED BY RULE 28-106.402, FLORIDA ADMINISTRATIVE CODE. CHOOSING MEDIATION DOES NOT AFFECT THE RIGHT TO AN ADMINISTRATIVE HEARING.

YOU WAIVE THE RIGHT TO AN INFORMAL ADMINISTRATIVE PROCEEDING OR A FORMAL HEARING IF YOU DO NOT FILE A PETITION WITH THE AGENCY CLERK WITHIN 21 DAYS OF PUBLICATION OF THIS FINAL ORDER.

**CERTIFICATE OF FILING AND SERVICE**

I HEREBY CERTIFY that the original of the foregoing Final Order has been filed with the undersigned designated Agency Clerk, and that true and correct copies have been furnished to the persons listed below by the method indicated this \_\_\_ day of February, 2002.

\_\_\_\_\_  
Paula Ford, Agency Clerk

- By U.S. Mail:
- Jimmy Weekly  
Mayor of the City of Key West  
P. O. Box 1409  
Key West, Florida 33041  
Cheri Smith  
Clerk to the City Commission  
P. O. Box 1409  
Key West, Florida 33041
- Robert Tischenkel  
City Attorney  
P. O. Box 1409  
Key West, FL 33041
- Julio Avel  
City of Key West  
P. O. Box 1409  
Key West, FL 33041

By Hand Delivery or Interagency Mail:

- Michael McDaniel, Growth Management Administrator, DCA Tallahassee
- Rebecca Jetton, DCA Florida Keys Field Office
- Richard A. Lotspeich, Assistant General Counsel, DCA Tallahassee

DCA Final Order No.: DCA02-OR-032

In Re: MONROE COUNTY LAND DEVELOPMENT REGULATIONS ADOPTED BY MONROE COUNTY  
ORDINANCE NO. 043-2001

**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 Monroe County Ordinance No. 043-2001 as set forth below.

**FINDINGS OF FACT**

1. The Florida Keys Area is a statutorily designated area of critical state concern, and Monroe County is a local government within the Florida Keys Area.
2. On January 28, 2002, the Department received for review Monroe County Ordinance No. 043-2001 which was adopted by the Monroe County Board of County Commissioners on December 19, 2001 ("Ord. 043-2001"). Ord. 043-2001 establishes a Land Use Overlay District that will prohibit the extension or expansion of public utilities to units of the Coastal Barrier Resources System.
3. Ord. 043-2001 is consistent with the County's 2010 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 Florida Keys Area of Critical State Concern. §§ 380.05(6) and (11), Fla. Stat., and § 380.0552(9), Fla. Stat. (2001).
5. Monroe County 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.
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 Ord. 043-2001 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 (the "Principles"). § 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. § 380.0552(7), Fla. Stat. (2001).

8. Ord. 043-2001 promotes and furthers the following Principles in § 380.0552(7):
  - (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.
  - (b) To protect shoreline and marine resources including mangroves, coral reef formations, seagrass beds, wetlands, fish and wildlife, and their habitat.
  - (c) To protect upland resources, tropical biological communities, freshwater wetlands, native tropical vegetation, (for example, hardwood hammocks and pinelands), dune ridges and beaches, wildlife, and their habitat.
  - (d) To ensure the maximum well-being of the Florida Keys and its citizens through sound economic development.
  - (l) To protect the public health, safety, and welfare of the citizens of the Florida Keys and maintain the Florida Keys as a unique Florida resource.

9. Ord. 043-2001 is not inconsistent with the remaining Principles. Ord. 043-2001 is consistent with the Principles for Guiding Development as a whole.

WHEREFORE, IT IS ORDERED that Ord. 043-2001 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 ENCY'S ACTION. DEPENDING UPON WHETHER YOU ALLEGE ANY DISPUTED ISSUE OF MATERIAL FACT IN YOUR PETITION REQUESTING AN ADMINISTRATIVE PROCEEDING, YOU ARE ENTITLED TO EITHER AN INFORMAL PROCEEDING OR A FORMAL HEARING.

IF YOUR PETITION FOR HEARING DOES NOT ALLEGE ANY DISPUTED ISSUE OF MATERIAL FACT CONTAINED IN THE DEPARTMENT'S ACTION, THEN THE ADMINISTRATIVE PROCEEDING WILL BE AN INFORMAL ONE, CONDUCTED PURSUANT TO SECTIONS 120.569 AND 120.57(2), FLORIDA STATUTES, AND CHAPTER 28-106, PARTS I AND III, FLORIDA ADMINISTRATIVE CODE. IN AN INFORMAL ADMINISTRATIVE PROCEEDING, YOU MAY BE REPRESENTED BY COUNSEL OR BY A QUALIFIED REPRESENTATIVE, AND YOU MAY PRESENT WRITTEN OR ORAL EVIDENCE IN OPPOSITION TO THE DEPARTMENT'S ACTION OR REFUSAL TO ACT; OR YOU MAY EXERCISE THE OPTION TO PRESENT A WRITTEN STATEMENT CHALLENGING THE GROUNDS UPON WHICH THE DEPARTMENT HAS CHOSEN TO JUSTIFY ITS ACTION OR INACTION.

IF YOU DISPUTE ANY ISSUE OF MATERIAL FACT STATED IN THE AGENCY ACTION, THEN YOU MAY FILE A PETITION REQUESTING A FORMAL ADMINISTRATIVE HEARING BEFORE AN ADMINISTRATIVE LAW JUDGE OF THE DIVISION OF ADMINISTRATIVE HEARINGS, PURSUANT TO SECTIONS 120.569 AND 120.57(1), FLORIDA STATUTES, AND CHAPTER 28-106, PARTS I AND II, FLORIDA ADMINISTRATIVE CODE. AT A FORMAL ADMINISTRATIVE HEARING, YOU MAY BE REPRESENTED BY COUNSEL OR OTHER QUALIFIED REPRESENTATIVE, AND YOU WILL HAVE THE OPPORTUNITY TO PRESENT EVIDENCE AND ARGUMENT ON ALL THE ISSUES INVOLVED, TO CONDUCT CROSS-EXAMINATION AND SUBMIT REBUTTAL EVIDENCE, TO SUBMIT PROPOSED FINDINGS OF FACT AND ORDERS, AND TO FILE EXCEPTIONS TO ANY RECOMMENDED ORDER.

IF YOU DESIRE EITHER AN INFORMAL PROCEEDING OR A FORMAL HEARING, YOU MUST FILE WITH THE AGENCY CLERK OF THE DEPARTMENT OF COMMUNITY AFFAIRS A WRITTEN PLEADING ENTITLED, "PETITION FOR ADMINISTRATIVE PROCEEDINGS" WITHIN 21 CALENDAR DAYS OF PUBLICATION OF THIS NOTICE. A PETITION IS FILED WHEN IT IS RECEIVED BY THE AGENCY CLERK, IN THE DEPARTMENT'S OFFICE OF GENERAL COUNSEL, 2555 SHUMARD OAK BOULEVARD, TALLAHASSEE, FLORIDA 32399-2100.

THE PETITION MUST MEET THE FILING REQUIREMENTS IN RULE 28-106.104(2), FLORIDA ADMINISTRATIVE CODE. IF AN INFORMAL PROCEEDING IS REQUESTED, THEN THE PETITION SHALL BE SUBMITTED IN ACCORDANCE WITH RULE 28-106.301, FLORIDA ADMINISTRATIVE CODE. IF A FORMAL HEARING IS REQUESTED, THEN THE

PETITION SHALL BE SUBMITTED IN ACCORDANCE WITH RULE 28-106.201(2), FLORIDA ADMINISTRATIVE CODE.

A PERSON WHO HAS FILED A PETITION MAY REQUEST MEDIATION. A REQUEST FOR MEDIATION MUST INCLUDE THE INFORMATION REQUIRED BY RULE 28-106.402, FLORIDA ADMINISTRATIVE CODE. CHOOSING MEDIATION DOES NOT AFFECT THE RIGHT TO AN ADMINISTRATIVE HEARING.

YOU WAIVE THE RIGHT TO AN INFORMAL ADMINISTRATIVE PROCEEDING OR A FORMAL HEARING IF YOU DO NOT FILE A PETITION WITH THE AGENCY CLERK WITHIN 21 DAYS OF PUBLICATION OF THIS FINAL ORDER.

CERTIFICATE OF FILING AND SERVICE

I HEREBY CERTIFY that the original of the foregoing Final Order has been filed with the undersigned designated Agency Clerk, and that true and correct copies have been furnished to the persons listed below by the method indicated this \_\_\_\_ day of February, 2002.

\_\_\_\_\_  
Paula Ford, Agency Clerk

By U.S. Mail:

Honorable George Neugent  
Mayor of Monroe County  
500 Whitehead Street  
Key West, Florida 33040  
Danny L. Kolhage  
Clerk to the Board of County Commissioners  
500 Whitehead Street  
Key West, Florida 33040  
Timothy J. McGarry, AICP  
Director, Growth Management Division  
2798 Overseas Highway, Suite 400  
Marathon, Florida 33050

By Hand Delivery or Interagency Mail:

Michael McDaniel, Growth Management Administrator, DCA  
Tallahassee  
Rebecca Jetton, DCA Florida Keys Field Office  
Richard A. Lotspeich, Assistant General Counsel, DCA  
Tallahassee

DCA Final Order No.: DCA02-OR-033

In Re: A LAND DEVELOPMENT REGULATION  
ADOPTED BY ISLAMORADA,  
VILLAGE OF ISLANDS  
ORDINANCE NO. 02-03

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. On January 25, 2002, the Department received for review Islamorada, Village of Islands Ordinance No. 02-03 which was adopted by the Village Council on January 10, 2002 ("Ord. 02-02"). Ord. 02-03 imposes a temporary moratorium on the acceptance of residential dwelling unit allocation applications ("ROGO applications") until no later than December 31, 2002.
2. Ord. 02-03 is consistent with the Village Comprehensive Plan.

CONCLUSIONS OF LAW

3. 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).
4. Islamorada, Village of Islands 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.
5. "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. 02-03 are land development regulations.
6. 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"). The Principles are construed as a whole and no specific provision is construed or applied in isolation from the other provisions. § 380.0552(7), Fla. Stat. (2001).
7. Ordinance 02-03 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.
  - (f) To enhance natural scenic resources, promote aesthetic benefits of the natural environment, and ensure that development is compatible with the unique historic character of the Florida Keys.
  - (j) To make available affordable housing for all sectors of the population of the Florida Keys.

8. Ordinance 02-03 is not inconsistent with the remaining Principles. Ord. 02-03 is consistent with the Principles for Guiding Development as a whole.

WHEREFORE, IT IS ORDERED that Ord. 02-03 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.

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.

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THE PETITION MUST MEET THE FILING REQUIREMENTS IN RULE 28-106.104(2), FLORIDA ADMINISTRATIVE CODE. IF AN INFORMAL PROCEEDING IS REQUESTED, THEN THE PETITION SHALL BE SUBMITTED IN ACCORDANCE WITH RULE 28-106.301, FLORIDA ADMINISTRATIVE CODE. IF A FORMAL HEARING IS REQUESTED, THEN THE PETITION SHALL BE SUBMITTED IN ACCORDANCE WITH RULE 28-106.201(2), FLORIDA ADMINISTRATIVE CODE.

A PERSON WHO HAS FILED A PETITION MAY REQUEST MEDIATION. A REQUEST FOR MEDIATION MUST INCLUDE THE INFORMATION REQUIRED BY RULE 28-106.402, FLORIDA ADMINISTRATIVE CODE. CHOOSING MEDIATION DOES NOT AFFECT THE RIGHT TO AN ADMINISTRATIVE HEARING.

YOU WAIVE THE RIGHT TO AN INFORMAL ADMINISTRATIVE PROCEEDING OR A FORMAL HEARING IF YOU DO NOT FILE A PETITION WITH THE AGENCY CLERK WITHIN 21 DAYS OF PUBLICATION OF THIS FINAL ORDER.

CERTIFICATE OF FILING AND SERVICE

I HEREBY CERTIFY that the original of the foregoing Final Order has been filed with the undersigned Agency Clerk of the Department of Community Affairs, and that true and correct copies have been furnished to the persons listed below by the method indicated this \_\_\_ day of February, 2002.

Paula Ford, Agency Clerk

By U.S. Mail:  
Honorable Frank Kulisky, Mayor  
Islamorada, Village of Islands  
Post Office Box 568  
Islamorada, FL 33036

Carol Simpkins, Village Clerk  
 Islamorada, Village of Islands  
 Post Office Box 568  
 Islamorada, FL 33036  
 John Herin, Esq.  
 Weiss, Serota, Helfman, Pastoriza & Guedes, P.A.  
 2665 South Bayshore Drive  
 Miami, FL 33133  
 By Hand Delivery or Interagency Mail:  
 Michael McDaniel, Growth Management Administrator, DCA  
 Tallahassee  
 Rebecca Jetton, DCA Florida Keys Field Office  
 Richard A. Lotspeich, Assistant General Counsel, DCA  
 Tallahassee

DCA Final Order No.: DCA02-OR-034

In Re: A LAND DEVELOPMENT REGULATION  
 ADOPTED BY ISLAMORADA,  
 VILLAGE OF ISLANDS  
 ORDINANCE NO. 02-02

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. On January 25, 2002, the Department received for review Islamorada, Village of Islands Ordinance No. 02-02 which was adopted by the Village Council on January 10, 2002 ("Ord. 02-02"). Ord. 02-02 provides that "formula restaurants" are not permitted in any zoning district in the Village and that "drive-in and drive-through facilities" and "formula retail establishments" are to be approved only as a major conditional use.
2. Ord. 02-02 is consistent with the Village Comprehensive Plan.

CONCLUSIONS OF LAW

3. 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).
4. Islamorada, Village of Islands 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.

5. "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. 02-02 are land development regulations.
6. 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"). The Principles are construed as a whole and no specific provision is construed or applied in isolation from the other provisions. § 380.0552(7), Fla. Stat. (2001).
7. Ordinance 02-02 promotes and furthers the following Principle:
  - (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.
8. Ordinance 02-02 is not inconsistent with the remaining Principles. Ord. 02-02 is consistent with the Principles for Guiding Development as a whole.

WHEREFORE, IT IS ORDERED that Ord. 02-02 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.

SONNY TIMMERMAN, DIRECTOR  
 Division of Community Planning  
 Department of Community Affairs  
 2555 Shumard Oak Boulevard  
 Tallahassee, Florida 32399-2100

NOTICE OF ADMINISTRATIVE RIGHTS

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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.

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THE PETITION MUST MEET THE FILING REQUIREMENTS IN RULE 28-106.104(2), FLORIDA ADMINISTRATIVE CODE. IF AN INFORMAL PROCEEDING IS REQUESTED, THEN THE PETITION SHALL BE SUBMITTED IN ACCORDANCE WITH RULE 28-106.301, FLORIDA ADMINISTRATIVE CODE. IF A FORMAL HEARING IS REQUESTED, THEN THE PETITION SHALL BE SUBMITTED IN ACCORDANCE WITH RULE 28-106.201(2), FLORIDA ADMINISTRATIVE CODE.

A PERSON WHO HAS FILED A PETITION MAY REQUEST MEDIATION. A REQUEST FOR MEDIATION MUST INCLUDE THE INFORMATION REQUIRED BY

RULE 28-106.402, FLORIDA ADMINISTRATIVE CODE. CHOOSING MEDIATION DOES NOT AFFECT THE RIGHT TO AN ADMINISTRATIVE HEARING.

YOU WAIVE THE RIGHT TO AN INFORMAL ADMINISTRATIVE PROCEEDING OR A FORMAL HEARING IF YOU DO NOT FILE A PETITION WITH THE AGENCY CLERK WITHIN 21 DAYS OF PUBLICATION OF THIS FINAL ORDER.

**CERTIFICATE OF FILING AND SERVICE**

I HEREBY CERTIFY that the original of the foregoing Final Order has been filed with the undersigned Agency Clerk of the Department of Community Affairs, and that true and correct copies have been furnished to the persons listed below by the method indicated this \_\_ day of February, 2002.

\_\_\_\_\_  
Paula Ford, Agency Clerk

By U.S. Mail:

Honorable Frank Kulisky, Mayor  
Islamorada, Village of Islands  
Post Office Box 568  
Islamorada, FL 33036  
Carol Simpkins, Village Clerk  
Islamorada, Village of Islands  
Post Office Box 568  
Islamorada, FL 33036  
John Herin, Esq.  
Weiss, Serota, Helfman, Pastoriza & Guedes, P.A.  
2665 South Bayshore Drive  
Miami, FL 33133

By Hand Delivery or Interagency Mail:

Michael McDaniel, Growth Management Administrator, DCA  
Tallahassee  
Rebecca Jetton, DCA Florida Keys Field Office  
Richard A. Lotspeich, Assistant General Counsel, DCA  
Tallahassee

**DEPARTMENT OF HIGHWAY SAFETY AND MOTOR VEHICLES**

Notice of Publication for a New Point  
Franchise Motor Vehicle Dealer in a County of More  
than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, Indian Motorcycle Company, intends to allow the establishment of Larry Dimmitt Cadillac, Inc., as a dealership for the sale of Indian motorcycles, at 25191 U.S. Highway 19, North, Clearwater (Pinellas County), Florida 33763, on or after February 15, 2002.

The name and address of the dealer operator(s) and principal investor(s) of Larry Dimmitt Cadillac, Inc. are dealer operator and principal investor(s): Richard Dimmitt, 25191 U.S. Highway 19, North, Clearwater, FL 33763.

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: Ethan B. Bing, Dealer Development Manager, Indian Motorcycle Company, 200 East Tenth Street, Gilroy, CA 95020.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

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#### Notice of Publication for a New Point

##### Franchise Motor Vehicle Dealer in a County of Less than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, notice is given that American Suzuki Motor Corporation intends to allow the establishment of Columbia Cycles, Inc., as a dealership for the sale of Suzuki motorcycles, at 580 Southwest Florida Gateway Boulevard, Lake City (Columbia County), Florida, on or after March 1, 2002.

The name and address of the dealer operator(s) and principal investor(s) of Columbia Cycles, Inc., are dealer operator(s) and principal investor(s): Gregory E. Mackey, 7750 E. Manassas Ct., Jacksonville, FL 32277 and John G. Aldous, Route 18, Box 604, Lake City, FL 32025.

The notice indicates intent to establish the new point location in a county of less than 300,000 population, according to the latest population estimates of the University of Florida, Bureau of Economic and Business Research.

Certain dealerships of the same line-make may have standing, pursuant to Section 320.642, Florida Statutes, as amended by Chapter 88-395, Laws of Florida, to file a petition or complaint protesting the application.

Written petitions or complaints must be received by the Department of Highway Safety and Motor Vehicles within 30 days of the date of publication of this notice and must be submitted to: Mr. Ronald D. Reynolds, Administrator, Dealer

License Section, Department of Highway Safety and Motor Vehicles, Room A-312, Neil Kirkman Building, 2900 Apalachee Parkway, Tallahassee, Florida 32399-0635.

A copy of such petition or complaint must also be sent by US Mail to: Mr. Steve Bortolamedi, Dealer Network Manager, American Suzuki Motor Corporation, 3251 E. Imperial Highway, P. O. Box 1100, Brea, CA 92822.

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, Harley Davidson Motor Company, intends to allow the establishment of Cigar City Motors, Inc., d/b/a Brandon Buell Shop, as a dealership for the sale of Buell motorcycles at 9839 Adamo Drive (Hillsborough County), Florida 33619, on or after February 8, 2002.

The name and address of the dealer operator(s) and principal investor(s) of Cigar City Motors, Inc., d/b/a Brandon Buell Shop are dealer operator(s) and principal investor(s): James L. Ferman, 1814 Richardson Place, Tampa, FL 33606, Preston Farrior, 2907 Villa Rosa, Tampa, FL 33611 and Stephen Straske, II, 3302 Mullen Avenue, Tampa, FL 33609.

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: Carolyn Mijokovic, Regional Dealer Relations Representative, Harley Davidson Motor Company, 3700 West Juneau Ave., P. O. Box 653, Milwaukee, WI 53201.

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 Champion Bus, Inc. intends to allow the relocation of Arkansas Bus Exchange, as a dealership for the sale of Champion Bus products, from its present location at 12253 West Colonial Drive, Winter Garden, FL 34787, to a proposed location at 1150 Jet Port Dr., Orlando (Orange County), Florida 32809, on or after February 7, 2002.

The name and address of the dealer operator(s) and principal investor(s) of Arkansas Bus Exchange are dealer operator and principal investor(s): Preben Olesen, 1150 Jet Port Drive, Orlando, FL 32809.

The notice indicates intent to relocate the franchise in a county of more than 300,000 population, according to the latest population estimates of the University of Florida, Bureau of Economic and Business Research.

Certain dealerships of the same line-make may have standing, pursuant to Section 320.642, Florida Statutes, as amended by Chapter 88-395, Laws of Florida, to file a petition or complaint protesting the application.

Written petitions or complaints must be received by the Department of Highway Safety and Motor Vehicles within 30 days of the date of publication of this notice and must be submitted to: Mr. Ronald D. Reynolds, Administrator, Dealer License Section, Department of Highway Safety and Motor Vehicles, Room A-312, Neil Kirkman Building, 2900 Apalachee Parkway, Tallahassee, Florida 32399-0635.

A copy of such petition or complaint must also be sent by US Mail to: Richard A. Lee, Regional Sales Manager, Champion Bus, Inc., 331 Graham Road, P. O. Box 158, Imlay City, MI 48444.

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.

**AGENCY FOR HEALTH CARE ADMINISTRATION**

CERTIFICATE OF NEED  
EXEMPTIONS

The Agency For Health Care Administration authorized the following exemptions pursuant to Section 408.036(3), Florida Statutes:

County: St. Lucie	Decision: A	District: 9
ID #: 0100044		Issue Date: 1/30/2002

Facility/Project: Lawnwood Regional Medical Center  
Applicant: Lawnwood Regional Medical Center, Inc.  
Project Description: Convert 33 HBSNU beds to 33 acute beds  
Proposed Project Cost: \$0  
AHCA Purchase Order Number: S5900J00496

CERTIFICATE OF NEED  
LETTERS OF INTENT

The Agency For Health Care Administration received and accepted the following letters of intent for the March 13, 2002 application filing date for Hospital Beds and Facilities batching cycle:

- |  |               |
|--|---------------|
| County: Escambia   | District: 1   |
| Date Filed: February 8, 2002   | LOI#: H020201 |
| Facility/Project: Baptist Hospital, Inc.   |               |
| Applicant: Baptist Hospital, Inc.  |               |
| Project Description: Establish up to a 100-bed acute care satellite hospital through the transfer of up to 100 acute care beds from Baptist Hospital                   |               |
| County: Escambia   | District: 1   |
| Date Filed: February 11, 2002  | LOI#: H020202 |
| Facility/Project: Baptist Hospital, Inc.   |               |
| Applicant: Baptist Hospital, Inc.  |               |
| Project Description: Establish a new 100-bed satellite hospital through the relocation of 100 beds at Baptist Hospital   |               |
| County: Bay  | District: 2   |
| Date Filed: February 11, 2002  | LOI#: H020203 |
| Facility/Project: Bay Medical Center   |               |
| Applicant: SemperCare Hospital of Panama City, Inc.  |               |
| Project Description: Establish up to a new 40-bed long-term care hospital on the campus of Bay Medical Center  |               |
| County: Lake   | District: 3   |
| Date Filed: February 11, 2002  | LOI#: H020204 |
| Facility/Project: South Lake Hospital  |               |
| Applicant: South Lake Hospital, Inc.   |               |
| Project Description: Add up to 16 acute care beds  |               |
| County: Volusia  | District: 4   |
| Date Filed: February 8, 2002   | LOI#: H020205 |
| Facility/Project: Cornerstone Health Management Company  |               |
| Applicant: Cornerstone Health Management Company   |               |
| Project Description: Establish a new long-term care hospital of up to 40 beds through the conversion of up to 40 skilled nursing beds at Mariner Health Care of Deland |               |
| County: Volusia  | District: 4   |
| Date Filed: February 11, 2002  | LOI#: H020206 |
| Facility/Project: Cornerstone Health Management Company  |               |
| Applicant: Cornerstone Health Management Company   |               |
| Project Description: Establish up to a 40-bed long-term care hospital through the conversion of up to 40 skilled nursing beds at Mariner Health Care of Deland         |               |

County: Duval District: 4  
 Date Filed: February 5, 2002 LOI#: H020207  
 Facility/Project: Brooks Rehabilitation Hospital  
 Applicant: Genesis Rehabilitation Hospital, Inc.  
 Project Description: Add seven comprehensive medical rehabilitation beds

County: Volusia District: 4  
 Date Filed: February 8, 2002 LOI#: H020208  
 Facility/Project: Mariner Health Care of Deland  
 Applicant: Mariner Health Care of Deland, Inc.  
 Project Description: Establish up to a new 40-bed long-term care hospital through the conversion of up to 40 skilled nursing beds at Mariner Health Care of Deland

County: Volusia District: 4  
 Date Filed: February 11, 2002 LOI#: H020209  
 Facility/Project: Mariner Health Care of Deland, Inc.  
 Applicant: Mariner Health Care of Deland, Inc.  
 Project Description: Establish up to a 40-bed long-term care hospital through the conversion of up to 40 skilled nursing beds at Mariner Health Care of Deland

County: Duval District: 4  
 Date Filed: February 11, 2002 LOI#: H020210  
 Facility/Project: St. Vincent's Medical Center  
 Applicant: St. Vincent's Medical Center, Inc.  
 Project Description: Establish up to a 10-bed Level II NICU at the proposed new hospital through the delicensure of Level II beds at St. Luke's Hospital

County: Duval District: 4  
 Date Filed: February 11, 2002 LOI#: H020211  
 Facility/Project: Baptist Medical Center Beaches  
 Applicant: Baptist Medical Center of the Beaches, Inc.  
 Project Description: Add up to 25 acute care beds

County: Duval District: 4  
 Date Filed: February 11, 2002 LOI#: H020212  
 Facility/Project: Southern Baptist Hospital of Florida, Inc.  
 Applicant: Southern Baptist Hospital of Florida, Inc.  
 Project Description: Establish up to a new 125-bed acute care hospital through relocation of up to 125 acute bed at Baptist MC

County: Duval District: 4  
 Date Filed: February 8, 2002 LOI#: H020213  
 Facility/Project: St. Luke's Hospital  
 Applicant: St. Luke's Hospital Association  
 Project Description: Establish a replacement hospital of up to 214 acute care beds and existing cardiac and transplant services

County: Duval District: 4  
 Date Filed: February 11, 2002 LOI#: H020214  
 Facility/Project: St. Vincent's Medical Center  
 Applicant: St. Vincent's Medical Center, Inc.

Project Description: Establish up to a new 220-bed acute care hospital

County: Pinellas District: 5  
 Date Filed: February 11, 2002 LOI#: H020215  
 Facility/Project: HealthSouth Rehabilitation Hospital  
 Applicant: HealthSouth of Largo Limited Partnership  
 Project Description: Add up to 20 comprehensive medical rehabilitation beds

County: Pinellas District: 5  
 Date Filed: February 11, 2002 LOI#: H020216  
 Facility/Project: Mease Hospital – Dunedin  
 Applicant: Trustees of Mease Hospitals, Inc.  
 Project Description: Add two Level III NICU beds

County: Pasco District: 5  
 Date Filed: February 11, 2002 LOI#: H020217  
 Facility/Project: North Bay Hospital  
 Applicant: Morton Plant Hospital Association, Inc.  
 Project Description: Establish a 122-bed replacement hospital consisting of 102 acute care beds and 20 comprehensive medical rehabilitation beds

County: Pasco District: 5  
 Date Filed: February 11, 2002 LOI#: H020218  
 Facility/Project: Community Hospital  
 Applicant: New Port Richey Hospital, Inc.  
 Project Description: Establish a 414-bed replacement hospital consisting of 368 acute care beds and 46 adult psychiatric beds

County: Hillsborough District: 6  
 Date Filed: February 11, 2002 LOI#: H020219  
 Facility/Project: Continental Medical of Palm Beach, Inc.  
 Applicant: Continental Medical of Palm Beach, Inc.  
 Project Description: Establish up to a new 40-bed comprehensive medical rehabilitation hospital

County: Polk District: 6  
 Date Filed: February 8, 2002 LOI#: H020220  
 Facility/Project: Cornerstone Health Management Company  
 Applicant: Cornerstone Health Management Company  
 Project Description: Establish up to a new 50-bed long-term care hospital through the conversion of up to 50 skilled nursing beds at Mariner Health of Winter Haven

County: Polk District: 6  
 Date Filed: February 11, 2002 LOI#: H020221  
 Facility/Project: Cornerstone Health Management Company  
 Applicant: Cornerstone Health Management Company  
 Project Description: Establish up to a 50-bed long-term care hospital through the conversion of up to 50 skilled nursing beds at Mariner Health of Winter Haven

County: Polk District: 6  
 Date Filed: February 8, 2002 LOI#: H020222  
 Facility/Project: MHG/CSI Florida, Inc.  
 Applicant: MHG/CSI Florida, Inc.

Project Description: Establish up to a new 50-bed long-term care hospital through the conversion of up to 50 skilled nursing beds at Mariner Health of Winter Haven

County: Polk District: 6  
 Date Filed: February 11, 2002 LOI#: H020223  
 Facility/Project: MHG/CSI Florida, Inc.  
 Applicant: MHG/CSI Florida, Inc.

Project Description: Establish up to a 50-bed long-term care hospital through the conversion of up to 50 skilled nursing beds at Mariner Health of Winter Haven

County: Orange District: 7  
 Date Filed: February 11, 2002 LOI#: H020224  
 Facility/Project: Winter Park Memorial Hospital  
 Applicant: Adventist Health System/Sunbelt, Inc.

Project Description: Establish up to a 20-bed CMR unit through delicensure/transfer of up to 20 CMR beds at FL Hosp. and conversion of 19 HBSNU beds and 1 acute care bed at Winter Park

County: Orange District: 7  
 Date Filed: February 11, 2002 LOI#: H020225  
 Facility/Project: Florida Hospital  
 Applicant: Adventist Health System/Sunbelt, Inc.

Project Description: Add up to 22 Level III NICU beds

County: Orange District: 7  
 Date Filed: February 11, 2002 LOI#: H020226  
 Facility/Project: SemperCare Hospital of Orlando, Inc.  
 Applicant: SemperCare Hospital of Orlando, Inc.

Project Description: Establish up to a new 50-bed long-term care hospital on the campus of Florida Hospital

County: Brevard District: 7  
 Date Filed: February 11, 2002 LOI#: H020227  
 Facility/Project: Wuesthoff Memorial Hospital  
 Applicant: Wuesthoff Memorial Hospital, Inc.

Project Description: Add 50 acute care beds

County: Brevard District: 7  
 Date Filed: February 11, 2002 LOI#: H020228  
 Facility/Project: Wuesthoff Memorial Hospital – Melbourne  
 Applicant: Wuesthoff Memorial Hospital, Inc.

Project Description: Add 50 acute care beds to the approved Melbourne facility

County: Osceola District: 7  
 Date Filed: January 31, 2002 LOI#: H020229  
 Facility/Project: Osceola Regional Medical Center  
 Applicant: Osceola Regional Hospital, Inc.

Project Description: Add up to 80 acute care beds

County: Charlotte District: 8  
 Date Filed: February 8, 2002 LOI#: H020230  
 Facility/Project: Cornerstone Health Management Company  
 Applicant: Cornerstone Health Management Company

Project Description: Establish up to a new 50-bed long-term care hospital through the conversion of up to 50 skilled nursing beds at Mariner Health of Port Charlotte

County: Charlotte District: 8  
 Date Filed: February 11, 2002 LOI#: H020231  
 Facility/Project: Cornerstone Health Management Company  
 Applicant: Cornerstone Health Management Company

Project Description: Establish up to a 50-bed long-term care hospital through the conversion of up to 50 skilled nursing beds at Mariner Health of Port Charlotte

County: Lee District: 8  
 Date Filed: February 8, 2002 LOI#: H020232  
 Facility/Project: Lee Memorial Hospital – HealthPark  
 Applicant: Lee Memorial Health System

Project Description: Add up to five Level III NICU beds

County: Charlotte District: 8  
 Date Filed: February 8, 2002 LOI#: H020233  
 Facility/Project: MHG/CSI Florida, Inc.  
 Applicant: MHG/CSI Florida, Inc.

Project Description: Establish up to a new 50-bed long-term care hospital through the conversion of up to 50 skilled nursing beds at Mariner Health of Port Charlotte

County: Charlotte District: 8  
 Date Filed: February 11, 2002 LOI#: H020234  
 Facility/Project: MHG/CSI Florida, Inc.  
 Applicant: MHG/CSI Florida, Inc.

Project Description: Establish up to a 50-bed long-term care hospital through the conversion of up to 50 skilled nursing beds at Mariner Health of Port Charlotte

County: Sarasota District: 8  
 Date Filed: February 11, 2002 LOI#: H020235  
 Facility/Project: HealthSouth LTAC of Sarasota, Inc.  
 Applicant: HealthSouth LTAC of Sarasota, Inc.

Project Description: Establish up to a 40-bed long-term care hospital

County: Charlotte District: 8  
 Date Filed: February 11, 2002 LOI#: H020236  
 Facility/Project: Punta Gorda H.M.A., Inc.  
 Applicant: Punta Gorda H.M.A., Inc.

Project Description: Establish up to a new 75-bed acute care hospital through transfer/delicensure of up to 75 acute care beds at Charlotte RMC

County: Collier District: 8  
 Date Filed: February 8, 2002 LOI#: H020237  
 Facility/Project: Collier HMA, Inc.  
 Applicant: Collier HMA, Inc.

Project Description: Establish up to a new 100-bed acute care hospital

County: Indian River District: 9  
 Date Filed: February 11, 2002 LOI#: H020238  
 Facility/Project: HealthSouth of Stuart, Inc.

Applicant: HealthSouth of Stuart, Inc.  
 Project Description: Establish up to a new 20-bed long-term care hospital  
 County: Indian River District: 9  
 Date Filed: February 11, 2002 LOI#: H020239  
 Facility/Project: HealthSouth Treasure Coast Hospital  
 Applicant: HealthSouth of Treasure Coast, Inc.  
 Project Description: Add up to 13 comprehensive medical rehabilitation beds  
 County: St. Lucie District: 9  
 Date Filed: February 11, 2002 LOI#: H020240  
 Facility/Project: Savannas Hospital  
 Applicant: Liberty Behavioral Management of Florida, Inc.  
 Project Description: Add up to 10 child/adolescent psychiatric beds  
 County: St. Lucie District: 9  
 Date Filed: February 11, 2002 LOI#: H020241  
 Facility/Project: St. Lucie Medical Center  
 Applicant: HCA Health Services of Florida, Inc.  
 Project Description: Add up to 40 acute care beds  
 County: Palm Beach District: 9  
 Date Filed: February 11, 2002 LOI#: H020242  
 Facility/Project: Palms West Hospital  
 Applicant: Columbia Palms West Hospital, L.P.  
 Project Description: Add 60 acute care beds  
 County: Palm Beach District: 9  
 Date Filed: February 8, 2002 LOI#: H020243  
 Facility/Project: Wellington Regional Medical Center  
 Applicant: Wellington Regional Medical Center, Inc.  
 Project Description: Add up to seven acute care beds  
 County: Broward District: 10  
 Date Filed: February 11, 2002 LOI#: H020244  
 Facility/Project: HealthSouth Sunrise Rehab. Hospital  
 Applicant: HealthSouth of Fort Lauderdale, Limited  
 Project Description: Add 11 comprehensive medical rehabilitation beds  
 County: Broward District: 10  
 Date Filed: February 11, 2002 LOI#: H020245  
 Facility/Project: Holy Cross Hospital  
 Applicant: Holy Cross Hospital, Inc.  
 Project Description: Add 11 comprehensive medical rehabilitation beds  
 County: Broward District: 10  
 Date Filed: February 11, 2002 LOI#: H020246  
 Facility/Project: St. John's Rehabilitation Hospital and Nursing Center  
 Applicant: St. John's Rehabilitation Hosp. and Nursing Center, Inc.  
 Project Description: Add 11 comprehensive medical rehabilitation beds

County: Broward District: 10  
 Date Filed: February 11, 2002 LOI#: H020247  
 Facility/Project: Hollywood Medical Center  
 Applicant: Tenet HealthSystems Hospitals, Inc.  
 Project Description: Convert 11 acute care beds to 11 comprehensive medical rehabilitation beds  
 County: Broward District: 10  
 Date Filed: February 11, 2002 LOI#: H020248  
 Facility/Project: Northwest Medical Center  
 Applicant: Northwest Medical Center, Inc.  
 Project Description: Add up to 50 acute care beds  
 County: Broward District: 10  
 Date Filed: February 8, 2002 LOI#: H020249  
 Facility/Project: South Broward Hospital District  
 Applicant: South Broward Hospital District  
 Project Description: Establish up to a new 100-bed acute care hospital  
 County: Dade District: 11  
 Date Filed: February 11, 2002 LOI#: H020250  
 Facility/Project: Kendall Medical Center  
 Applicant: Kendall Healthcare Group, Ltd.  
 Project Description: Establish up to a 10-bed Level II NICU through the conversion of up to 10 acute care beds  
 County: Dade District: 11  
 Date Filed: February 11, 2002 LOI#: H020251  
 Facility/Project: Kendall Medical Center  
 Applicant: Kendall Healthcare Group, Ltd.  
 Project Description: Establish up to 20 adult psychiatric beds through the conversion of up to 20 acute care beds  
 County: Dade District: 11  
 Date Filed: February 11, 2002 LOI#: H020252  
 Facility/Project: Mt. Sinai Medical Center and Miami Heart Institute  
 Applicant: Mount Sinai Medical Center of Florida, Inc.  
 Project Description: Add up to 60 comprehensive medical rehabilitation (CMR) beds a 4701 North Meridian Avenue, through delicensure of up to 60 CMR beds at 4300 Alton Road  
 County: Dade District: 11  
 Date Filed: February 11, 2002 LOI#: H020253  
 Facility/Project: Homestead Hospital  
 Applicant: Homestead Hospital, Inc.  
 Project Description: Establish a 120-bed acute care replacement hospital  
 If requested within 14 days after notice that an application has been filed, a public hearing may be held at the local level within 21 days after April 17, 2002, the date the application scheduled to be deemed complete. Tentative dates for hearings will be published on March 29, 2002.  
 AHCA Purchase Order Number: 5900J00496

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**DEPARTMENT OF MANAGEMENT SERVICES****FEDERAL COMMUNICATIONS COMMISSION (FCC)  
AUDIT OF PUBLIC SAFETY RADIO STATIONS**

The State Technology Office announces that the Federal Communications Commission (FCC) is currently conducting an audit of the construction and operational status of public radio stations licensed on frequencies below 512 MHz. A large number of Florida stations have not responded to the audit. Failure to respond by March 11, 2002 may subject a station to administrative action such as forfeiture or license cancellation. For more information, please visit the FCC website at <http://www.fcc.gov/wtb/plmrs/audit.html> or contact Mr. Charles Hadley, State Technology Office, (850)922-7505, Suncom 292-7505 or e-mail [hadleyc@dms.state.fl.us](mailto:hadleyc@dms.state.fl.us).

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**DEPARTMENT OF ENVIRONMENTAL PROTECTION****FLORIDA FINDING OF NO SIGNIFICANT IMPACT  
COLLIER COUNTY, FL**

The Florida Department of Environmental Protection has determined that the proposed Florida Governmental Utility Authority wastewater facilities will not have a significant adverse affect on the environment. The full text of this notice is published on the Internet at the Department of Environmental Protection's home page at <http://www.dep.state.fl.us/> under the link or button titled "Official Notices." For more information regarding the Finding of No Significant Impact, please contact: Troy M. Mullis, (850)488-8163.

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**DEPARTMENT OF HEALTH**

On January 30, 2002, John O. Agwunobi, M.D. Secretary of the Department of Health, issued an Order Vacating Order of Emergency Suspension, with regard to the license of Elvis Mulet, C.N.A., license number CNA 1107441. Mulet's last known address is 5126 Habana Avenue, Apt. 104, Tampa, Florida 33614.

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On February 4, 2002, John O. Agwunobi, M.D. Secretary of the Department of Health, issued an Order of Emergency Suspension, with regard to the license of Reginald Langdon Payne, R.N. Payne holds license number RN 2655122. Payne's last known address is 645 Birch Boulevard, Altamonte, Florida 32701. This Emergency Order was predicated upon the Secretary's findings of an immediate and serious danger to the public health, safety and welfare pursuant to Sections 456.073(8) and 120.60(8), Florida Statutes. The Secretary determined that this summary procedure was fair under the circumstances, in that there was no other method available to adequately protect the public.

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On February 4, 2002, John O. Agwunobi, M.D. Secretary of the Department of Health, issued an Order of Emergency Suspension, with regard to the license of Marlene Brent Gero, R.N. Gero holds license number RN 3219972. Gero's last known address is 264 Seaview Avenue, Daytona Beach, Florida 32118. This Emergency Order was predicated upon the Secretary's findings of an immediate and serious danger to the public health, safety and welfare pursuant to Sections 456.073(8) and 120.60(8), Florida Statutes. The Secretary determined that this summary procedure was fair under the circumstances, in that there was no other method available to adequately protect the public.

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On February 4, 2002, John O. Agwunobi, M.D. Secretary of the Department of Health, issued an Order of Emergency Suspension, with regard to the license of Donna Daskauskas, L.P.N. Daskauskas holds license number PN 1228921. Daskauskas' last known address is 2823 N. E. 2nd Avenue, Boca Raton, Florida 33431. This Emergency Order was predicated upon the Secretary's findings of an immediate and serious danger to the public health, safety and welfare pursuant to Sections 456.073(8) and 120.60(8), Florida Statutes. The Secretary determined that this summary procedure was fair under the circumstances, in that there was no other method available to adequately protect the public.

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On February 4, 2002, John O. Agwunobi, M.D. Secretary of the Department of Health, issued an Order of Emergency Suspension, with regard to the license of Lisa Marie Collette, R.N. Collette holds license number RN 3306102. Collette's last known address is 9826 Bernwood Trace, #307, Ft. Myers, Florida 33912. This Emergency Order was predicated upon the Secretary's findings of an immediate and serious danger to the public health, safety and welfare pursuant to Sections 456.073(8) and 120.60(8), Florida Statutes. The Secretary determined that this summary procedure was fair under the circumstances, in that there was no other method available to adequately protect the public.

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On February 4, 2002, John O. Agwunobi, M.D. Secretary of the Department of Health, issued an Order of Emergency Suspension, with regard to the license of Debra Lynn Preston, R.N. Preston holds license number RN 9166075. Preston's last known address is 3024 Persimmon Circle, West, Fernandina Beach, Florida 32034. This Emergency Order was predicated upon the Secretary's findings of an immediate and serious danger to the public health, safety and welfare pursuant to Sections 456.073(8) and 120.60(8), Florida Statutes. The Secretary determined that this summary procedure was fair under the circumstances, in that there was no other method available to adequately protect the public.

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**BROWARD COUNTY MEDICAL EXAMINERS OFFICE**

**NOTICE OF DESTRUCTION OF LABORATORY SPECIMEN**

The Broward County Medical Examiners Office announces the Destruction of Laboratory Specimens from autopsy cases collected prior to 2000 and Driving Under the Influence (DUI) cases collected prior to 1997 shall begin on or about May 1, 2002.

If you are aware of specimens which may require retesting, please send a written request for preservation citing:

1. NAME OF THE DECEASED OR DEFENDANT.
2. APPROXIMATE DATE OF COLLECTION.
3. THE MEDICAL EXAMINER CASE NUMBER (IF KNOWN).
4. REASON AND TERMS OF PRESERVATION REQUESTED.

Written requests must be received by April 1, 2002.

If necessary, hearings will be arranged to explore these matters.

Send Written Requests to:

District 17, Medical Examiner, 5301 S. W. 31 Avenue  
Ft. Lauderdale, FL 33312 or Fax (954)964-0210  
Questions Call (954)964-0500, Ext. 253

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**Section XIII**  
**Index to Rules Filed During Preceding Week**

**RULES FILED BETWEEN February 4, 2002  
 and February 8, 2002**

Rule No.	File Date	Effective Date	Proposed Vol./No.	Amended Vol./No.
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**DEPARTMENT OF COMMUNITY AFFAIRS**  
**Division of Emergency Management**

9G-22.001	2/4/02	2/24/02	27/45	
9G-22.002	2/4/02	2/24/02	27/45	27/52
9G-22.003	2/4/02	2/24/02	27/45	27/52
9G-22.004	2/4/02	2/24/02	27/45	
9G-22.005	2/4/02	2/24/02	27/45	
9G-22.006	2/4/02	2/24/02	27/45	27/52
9G-22.007	2/4/02	2/24/02	27/45	27/52

**PUBLIC SERVICE COMMISSION**

25-30.4705	2/4/02	2/24/02	27/52	
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**DEPARTMENT OF CORRECTIONS**

33-601.712	2/5/02	2/25/02	27/52	
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**WATER MANAGEMENT DISTRICTS**

**Southwest Florida Water Management District**

40D-4.021	2/7/02	2/27/02	27/47	
40D-4.091	2/7/02	2/27/02	27/47	

**AGENCY FOR HEALTH CARE ADMINISTRATION**

**Cost Management and Control**

59B-9.010	2/5/02	2/25/02	27/43	
59B-9.011	2/5/02	2/25/02	27/43	
59B-9.013	2/5/02	2/25/02	27/43	
59B-9.015	2/5/02	2/25/02	27/43	27/52
59B-9.018	2/5/02	2/25/02	27/43	
59B-9.019	2/5/02	2/25/02	27/43	
59B-9.020	2/5/02	2/25/02	27/43	

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Board of Funeral Directors and Embalmers**

61G8-24.0425	2/8/02	2/28/02	27/50	
61G8-33.001	2/8/02	2/28/02	27/50	
61G8-33.002	2/8/02	2/28/02	27/50	

Rule No.	File Date	Effective Date	Proposed Vol./No.	Amended Vol./No.
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**Florida Building Code Administrators and Inspector**

61G19-6.016	2/8/02	2/28/02	27/52	
61G19-6.017	2/8/02	2/28/02	27/52	

**DEPARTMENT OF HEALTH**

**Board of Medicine**

64B8-56.002	2/8/02	2/28/02	27/52	
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**Board of Nursing Home Administrators**

64B10-12.005	2/6/02	2/26/02	27/45	
64B10-12.009	2/6/02	2/26/02	27/45	
64B10-12.010	2/6/02	2/26/02	27/45	
64B10-12.016	2/6/02	2/26/02	27/45	

**Board of Osteopathic Medicine**

64B15-10.002	2/6/02	2/26/02	27/49	
64B15-10.003	2/6/02	2/26/02	27/49	
64B15-10.0031	2/6/02	2/26/02	27/49	
64B15-10.0075	2/6/02	2/26/02	27/49	
64B15-10.008	2/6/02	2/26/02	27/49	
64B15-10.009	2/6/02	2/26/02	27/49	
64B15-10.010	2/6/02	2/26/02	27/49	
64B15-12.008	2/6/02	2/26/02	27/49	
64B15-12.009	2/6/02	2/26/02	27/49	
64B15-19.002	2/6/02	2/26/02	27/49	

**DEPARTMENT OF CHILDREN AND FAMILY SERVICES**

**Economic Self Sufficiency Program**

65A-1.900	2/6/02	2/26/02	27/40	27/52
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**FISH AND WILDLIFE CONSERVATION COMMISSION**

**Marine Fisheries**

68B-26.003	2/8/02	2/28/02	27/51	
68B-31.008	2/8/02	2/28/02	27/51	
68B-42.006	2/8/02	2/28/02	27/51	
68B-45.004	2/8/02	2/28/02	27/51	