

Section I

Notices of Development of Proposed Rules and Negotiated Rulemaking

DEPARTMENT OF BANKING AND FINANCE

Division of Securities and Finance

RULE TITLES: Processing of Applications
 RULE NO.: 3E-301.002

PURPOSE AND EFFECT: The purpose of the proposed amendments to Rules 3E-301.002 is to allow for the electronic filing for Federal Covered Advisers and Investment Advisers through the Investment Advisor Registration Depository (IARD) of the NASD.

SUBJECT AREA TO BE ADDRESSED: Electronic filing for investment advisers and Federal Covered Advisers and revised forms.

SPECIFIC AUTHORITY: 517.03, 517.12, 517.1201 FS.

LAW IMPLEMENTED: 120.53, 120.60, 517.051, 517.081, 517.082, 517.12, 517.1201, 517.1205, 517.161 FS.

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

TIME AND DATE: 10:30 a.m., Tuesday, April 9, 2002

PLACE: 101 East Gaines Street, JAD Room G16, Fletcher Building, Tallahassee, Florida 32399

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Pamela P. Epting, Financial Examiner/Analyst Supervisor, 101 East Gaines Street, 6th Floor, The Fletcher Building, Tallahassee, Florida 32399-0350, (850)410-9805

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

3E-301.002 Processing of Applications.

(1) Unchanged.

(2) Filing of Application and Fee. Applications in the format required by the Department, accompanied by the prescribed fee for the requested license action, shall be filed with the Department at the address indicated in subsection (1) above; however, all dealers who are members of the National Association of Securities Dealers, Inc. ("NASD") shall file such items in accordance with the provisions of Chapter 3E-600, F.A.C., as prescribed therein. However, all Federal Covered Advisers shall file such items in accordance with the provisions of Chapter 3E-600.0092, F.A.C. Investment advisers may file the required forms and fees with the Investment Adviser Registration Depository (IARD) in accordance with the provisions of 3E-600.0093 F.A.C. Issuers may file the required forms and fees with the Securities Registration Depository (SRD) in accordance with the provisions of Rules 3E-400.004 or 3E-800.001, F.A.C., upon implementation of the system in this state.

(3) through (6) No change.

(7)(a) The forms referred to in this section below herein ~~which~~ are incorporated and readopted by this Rule for the purposes of Rules Chapters 3E-100 through 3E-900 ~~are as follows:~~

1. DOSIP-S-1-91, Application for Registration of Securities (Revised 10/97);
2. DOSIP-S-7-91, Exhibit 1 (General Issue) (Revised 10/97);
3. DOSIP-S-5-91, Uniform Consent to Service of Process (Revised 1/91);
4. DOSIP-S-6-91, Corporate Resolution (Revised 1/91);
5. DOSIP-S-10-91, Report of Sales of Securities and Use of Proceeds Therefrom (Revised 1/91);
6. Form BD, Uniform Application for Broker-Dealer Registration (Revised 7/99);
7. Form ADV, Uniform Application for Investment Adviser Registration (Revised 01/01/01) (~~Revised 1/99~~);
8. Form U-4, Uniform Application for Securities Industry Registration or Transfer (Revised 03/2002) (~~Revised 8/99~~);
9. Form BDW, Uniform Request for Broker-Dealer Withdrawal (Revised 8/99);
10. Form ADV-W, Notice of Withdrawal from Registration as Investment Advisor (Revised 1/99);
11. Form U-5, Uniform Termination Notice for Securities Industry Registration (Revised 03/2002 ~~8/99~~);
12. DOSIP Form DA-1-91, Branch Office Registration Form (Revised 4/99);
13. DOSIP Form DA-5-91, Issuer/Dealer Compliance Form (Revised 1/91); and
14. Form FL921250Z, Florida Fingerprint Card (Revised 1/91).

(b) No change.

Specific Authority 517.03(1), 517.12, 517.1201 FS. Law Implemented 120.60(1), 517.051, 517.081, 517.082, 517.12, 517.161(5) FS. History—Revised and Transferred from 3E-300.01, 9-20-82, Formerly 3E-301.02, Amended 10-15-86, 2-1-87, 12-8-87, 7-29-90, 7-31-91, 6-16-92, 1-10-93, 3-13-94, 10-1-96, 10-23-97, 6-22-98, 6-10-99, 5-7-00,_____.

DEPARTMENT OF BANKING AND FINANCE

Division of Securities and Finance

RULE TITLES:	RULE NOS.:
Application for Registration as a Dealer, Issuer/Dealer, or Investment Adviser	3E-600.001
Application for Registration as Associated Person	3E-600.002
Investment Adviser Notification	3E-600.0021
Multiple Registration	3E-600.003
Registration of Issuer/Dealers, Principals and Branch Offices	3E-600.004
Changes in Name and Successor Registration Requirements	3E-600.007

Investment Adviser Registration Depository
for Federal Covered Advisers 3E-600.0092

Investment Adviser Registration Depository
for Investment Advisers 3E-600.0093

Dealer, Investment Adviser, Branch Office
and Associated Persons Forms 3E-600.019

PURPOSE AND EFFECT: The purpose of the proposed amendments to 3E-600.001 is to allow for the electronic filing for Federal Covered Advisers and Investment Advisers through the Investment Advisor Registration Depository (IARD) of the NASD. The purpose of the proposed amendment to Rule 3E-600.002 is to allow for the electronic filing of applications for associated persons of investment advisers through the Central Registration Depository (CRD) of the NASD. Rule 3E-600.0021 is to be deleted because the NASD, in conjunction with the SEC and NASAA, has developed the IARD, an electronic licensing system for investment advisers. The IARD supports electronic filing of forms and centralized fee and form processing. Additionally, the NASD has developed technology for the processing of associated persons of investment advisers through the CRD. Along with an electronic filing process, examinations have been developed which test the knowledge of individuals seeking to become investment adviser representatives. The purpose of the proposed revisions to Rule 3E-600.003 is to require registration for dealers registered in Florida who receive separate compensation for investment advisory services. The purpose of the proposed revisions to Rule 3E-600.007 is to specify the time period for notifying the Division of changes in name and successor registrations. Additionally, the approved form reference information is being deleted because it is duplicative of Rule 3E-301.002(7). The purpose of the proposed creation of Rule 3E-600.0092 is to document the process for the electronic filing of information by Federal Covered Advisers and their associated persons. Beginning January 1, 2001, the SEC mandated that its investment adviser registrants use the IARD to make all filings with the Commission. Additionally, with the deployment of the investment adviser representative functionality in CRD, the Division proposes to mandate the filing of applications for associated persons of investment advisers. As these firms have been required at the federal level to make electronic filings, the state is likewise proposing that filings be made electronically. The purpose of the proposed creation of Rule 3E-600.0093 is to document the process for the electronic filing of information by investment advisers and their associated persons. In January, 2001, the IARD system was deployed by the NASD. This system provides the means for electronic filing of applications. Additionally, on March 18, 2002, the NASD will deploy functionality on CRD which will provide the means for electronic processing of applications for associated persons of investment advisers. If investment advisers firms elect to file their applications and those of their associated persons electronically, the Division is proposing a rule to document

such process. The approved form reference information of Rule 3E-600.019 is being deleted because it is duplicative of Rule 3E-301.002(7).

SUBJECT AREA TO BE ADDRESSED: Electronic filing for investment advisers; deletion of investment adviser notification provisions; registration requirements for dealers receiving separate compensation for investment advisory services; deletion of approved forms; creation of process for electronic filings by investment advisers and their associated persons.

SPECIFIC AUTHORITY: 517.03, 517.12, 517.1201 FS.

LAW IMPLEMENTED: 120.53, 120.60, 517.051, 517.081, 517.082, 517.12, 517.1201, 517.1205, 517.161 FS.

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

TIME AND DATE: 10:30 a.m., Tuesday, April 9, 2002

PLACE: 101 East Gaines Street, JAD Room G16, Fletcher Building, Tallahassee, Florida 32399

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Pamela P. Epting, Financial Examiner/Analyst Supervisor, 101 East Gaines Street, 6th Floor, The Fletcher Building, Tallahassee, Florida 32399-0350, (850)410-9805

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

3E-600.001 Application for Registration as a Dealer, Issuer/Dealer, or Investment Adviser.

(1)(a) Applications for initial and renewal registration of dealers, issuer/dealers, and investment advisers shall be filed on the forms prescribed by the Department in Rule 3E-301.002(7), F.A.C. and shall include all information required by such forms, any other information the Department may require, and payment of the statutory fees required by Sections 517.12(10) and 517.131, F.S. Except as otherwise provided in Rule 3E-600.0091, or Rule 3E-600.0093, F.A.C., the Department shall deem an application to be received at such time as it and the appropriate fee have been date stamped by the cashier's office of the Department of Banking and Finance. For dealers that are members of the National Association of Securities Dealers (NASD), such application shall be filed with the Department through the Central Registration Depository (CRD) of the NASD in accordance with Rule 3E-600.0091, F.A.C. For investment advisers, such application may be filed with the Department through the Investment Advisor Registration Depository (IARD) of the NASD in accordance with Rule 3E-600.0093, F.A.C.

(b) A complete application must include the following exhibits or forms that are appropriate for the type of registration requested:

1. For registration as a dealer or issuer/dealer, a Uniform Application for Broker-Dealer Registration, Form BD (Revised 7/99). For dealers that are members of the NASD,

such application shall be filed with the Department through the CRD in accordance with Rule 3E-600.0091, F.A.C. For registration as an investment adviser, a Uniform Application for Investment Adviser Registration, Form ADV (Revised 1/1/01) shall be filed with the Department (~~Revised 1/99~~). Such application may be filed with the Department through the Investment Advisor Registration Depository (IARD) of the NASD in accordance with Rule 3E-600.0093, F.A.C.

2. No change.

3. A Uniform Application for Securities Industry Registration or Transfer, Form U-4 (Revised 03/2002 8/99), to register at least one principal as set forth in Rule 3E-600.002, F.A.C. Evidence of current membership as a dealer with the NASD shall satisfy this requirement;

4. No change.

5. Proof of effective registration for dealers with the Securities and Exchange Commission (SEC). Where required by Section 517.12(16), F.S., applicants for registration as a dealer shall also provide the Department with proof of insurance coverage by the Securities Investor Protection Corporation. Evidence of current membership as a dealer with the NASD shall satisfy this requirement;

6. through 9. No change.

(2) If the information contained in any application for registration as a dealer or investment adviser or in any amendment thereto, becomes inaccurate for any reason, the dealer or investment adviser shall ~~promptly~~ file an amendment on the Form BD or the Form ADV, respectively, correcting such information within 30 days. For applicants and registrants that are members of the NASD, each such amendment, including those required by Rule 3E-600.007, F.A.C., shall be filed with the Department through the CRD system. For investment adviser applicants and registrants who file via the IARD, each such amendment, including those required by Rule 3E-600.007, F.A.C., may be filed with the Department through the IARD system in accordance with Rule 600.0093, F.A.C. All other applicants and registrants shall file such amendments, including those required by Rule 3E-600.007, F.A.C., directly with the Department.

(3) through (4) No change.

Specific Authority 517.03(1), 517.12(6) FS. Law Implemented 517.12(6),(7), 517.1205 FS. History—New 12-5-79, Amended 9-20-82, Formerly 3E-600.01, Amended 7-29-90, 8-1-91, 6-16-92, 1-11-93, 11-14-93, 4-30-96, 6-22-98, 5-10-00, 9-19-00, _____.

3E-600.002 Application for Registration as Associated Person.

(1)(a) Applications for initial, reaffiliation, and renewal registrations of a principal or associated person agent shall be filed on Form U-4 (Revised 3/2002), Uniform Application for Securities Industry Registration or Transfer (Revised 8/99), which hereby is incorporated by reference, and shall include all information required by such form, any other information the Department may require, and payment of the statutory fees

required by Section 517.12(10), F.S. Except as otherwise provided in Rule 3E-600.0091, 3E-600.0092, or 3E-600.0093, F.A.C., the Department shall deem an application to be received at such time as it and the appropriate fee have been date stamped by the cashier's office of the Department of Banking and Finance. For dealers that are members of the National Association of Securities Dealers ("NASD"), such application shall be filed with the Department through the Central Registration Depository ("CRD") of the NASD in accordance with Rule 3E-600.0091, F.A.C. For federal covered advisers, such application shall be filed with the Department through the Central Registration Depository ("CRD") of the NASD in accordance with Rule 3E-600.0092, F.A.C. For investment adviser applicants and registrants who file via the IARD, such application may be filed with the Department through the CRD of the NASD in accordance with Rule 3E-600.0093, F.A.C.

(b) A complete initial application must include the following exhibits or forms that are appropriate for the type of registration requested:

1. Uniform Application for Securities Industry Registration or Transfer, Form U-4 (Revised 3/2002 8/99). As used on the Form U-4 (Revised 3/2002), the term "Office of Employment Address" shall mean the location where the person seeking registration will regularly conduct business on behalf of the dealer or investment adviser. For dealers that are members of the NASD, such application shall be filed with the Department through the CRD of the NASD.

2. Statutory fee in the amount of \$40, for each registration sought, as required by Section 517.12(10), F.S.

3. through 5. No change.

(c) If the information contained in any Uniform Application Form U-4 (Revised 3/2002) becomes inaccurate for any reason before or after the associated person becomes registered, the associated person through the dealer or investment adviser, as applicable, shall be responsible for correcting the inaccurate information in thirty (30) days. If the information being updated relates to the applicant's or registrant's disciplinary history, in addition to updating the Uniform Application Form U-4 (Revised 3/2002), the associated person through the dealer or investment adviser shall also provide the Department with notice and copies of each civil, criminal or administrative action initiated against the associated person as provided in Rule 3E-600.010, F.A.C. For associated persons who have filed by using the CRD of the NASD, such amendments shall be made through the CRD of the NASD.

(2) No change.

Specific Authority 517.03(1), 517.12(6) FS. Law Implemented 517.12(6),(7),(10), 517.1205 FS. History—New 9-20-82, Formerly 3E-301.02, Amended 10-15-86, 10-4-88, 6-24-90, 7-29-90, 10-14-90, 8-1-91, 6-16-92, 6-28-93, 11-14-93, 3-13-94, 4-30-96, 12-29-96, 6-22-98, 5-10-00, 9-19-00, _____.

3E-600.0021 Investment Adviser Notification.

Specific Authority 517.03 FS. Law Implemented 517.12(4) FS. History--New 9-20-82, Formerly 3E-600.021, Amended 5-5-94, Repealed _____.

3E-600.003 Multiple Registration.

(1) A dealer registered in Florida who receives separate compensation for investment advisory services may render investment advice upon registration with the Department as an investment adviser pursuant to Rule 3E-600.001, F.A.C., or satisfaction of the notification requirements pursuant to Rule 3E-600.0092, F.A.C.

(2)(4) An applicant for registration as an associated person may apply to be registered as an associated person of more than one dealer, issuer/dealer or investment adviser, or any combination thereof, by the filing of separate applications by each registered dealer, issuer/dealer or investment adviser, and payment of separate application fees as required.

(3)(2) A person registered with the Department as an associated person of an investment adviser ~~firm or a dually registered dealer/investment adviser~~ shall not be required to register as an associated person of any other investment adviser ~~firm~~ on whose behalf such person solicits, refers, offers or negotiates advisory services, provided each of the following conditions are met:

(a) All compensation received by the associated person is paid by the investment adviser ~~firm or dually registered dealer/investment adviser~~ with which the associated person is registered;

(b) All customer funds and securities are maintained by the dealer, investment adviser, dually registered dealer/investment adviser or a clearing dealer;

(c) The investment adviser ~~firm or the dually registered dealer/investment adviser~~ shall ensure that all associated persons comply with the provisions of Chapter 517, F.S., and the administrative rules promulgated thereunder; and

(d) Each investment adviser ~~firm~~ must be registered with the Department and the advisory services must be approved by the investment adviser ~~firm or dually registered dealer/investment adviser~~ the associated person is registered with prior to any services being recommended.

(3) Associated persons exempted from the examination requirements as provided by Rule 3E-600.004(1)(b) may not be registered with more than one (1) issuer/dealer at the same time.

Specific Authority 517.03 FS. Law Implemented 517.12(1),(4), 120.53 FS. History--New 12-5-79, Amended 9-20-82, Formerly 3E-600.03, Amended 8-1-91, 5-5-94, _____.

3E-600.004 Registration of Issuer/Dealers, Principals and Branch Offices.

(1) through (2) No change.

(3)(a) No change.

(b) A complete application must include the following exhibits or forms that are appropriate for the type of registration requested:

1. Branch Office Registration Form under Rule 3E-301.002 ~~3E-600.019~~.

2. Statutory fee in the amount required by Section 517.12(10), F.S.

3. Manager and resident agent as appropriate in this Rule must be registered as set forth in Rule 3E-600.002.

4. Evidence of registration with the Florida Secretary of State as a foreign corporation.

(c) through (d) No change.

Specific Authority 517.03(1), 517.12(6) FS. Law Implemented 517.12(5),(6),(10) FS. History--New 12-5-79, Amended 9-20-82, Formerly 3E-600.04, Amended 10-14-90, 6-16-92, 1-11-93, 11-7-93, 11-14-93, 12-29-96, 10-20-97, 6-10-99, 8-19-99, 5-27-01, _____.

3E-600.007 Changes in Name and Successor Registration Requirements.

(1) No change.

(2) Where there is a change in legal entity of a proprietary, partnership, or corporate registrant, the successor entity shall file with the Department an amendment to Form BD, Uniform Application for Broker-Dealer Registration (Revised 7/99) or Form ADV, Uniform Application for Investment Adviser Registration (Revised 01/01/01) (~~Revised 1/99~~) within thirty (30) calendar days of the date of such change. For registrants who are a member of the NASD, such amendment shall be filed with the Department through the CRD System pursuant to Rule 3E-600.001(2), F.A.C. Any amendments to organizational documents, accompanying letters of explanation, or current financial statements of the ~~successor~~ shall be promptly submitted directly to the Department when specifically requested by the Department.

(3) Merger Situations: Where there is a merger of dealer or investment adviser registrants involving (a) the assumption by the successor of substantially all assets and liabilities of the merged entities, and (b) the continuation of the activities of the merged entities successor entity, the merging entities ~~successor~~ shall file notification with the Department denoting such changes as are applicable within thirty (30) calendar days prior to the date of such change. The successor entity shall file an amendment to Form BD (Revised 7/99) or Form ADV (Revised 01/01/01) denoting such changes as are applicable within thirty (30) calendar days of date of such change. For registrants who are a member of the NASD, each such amendment shall be filed with the Department through the CRD System pursuant to Rule 3E-600.001(2), F.A.C. A copy of the plan of merger/merger agreement, amended organizational documents, accompanying letters of explanation, or current financial statements of the successor (merged) entity shall be promptly provided to the Department when specifically requested by the Department.

(4) Change of Control:

(a) Where a person or a group of persons directly or indirectly or acting by or through one or more persons, proposes to acquire a controlling interest in a dealer or investment advisor registrant, and where the acquiror is currently registered with the Department, or where the acquiror has not within the preceding 10 years committed any reportable act as defined in Rule 3E-200.001, the resulting entity shall ~~prior to such acquisition~~ file with the Department an amendment to Form BD (Revised 7/99) or Form ADV (Revised 01/01/01) denoting such changes as are applicable thirty (30) calendar days prior to the date of such acquisition. Any amended organizational documents, accompanying letters of explanation, or financial statements of the resulting entity shall be promptly filed directly with the Department when specifically requested by the Department.

(b) through (c) No change.

(5) For the purposes of subsections ~~(1); (2) and; (3); and paragraph (4)(a)~~ of this Rule, in the event that a person(s) succeeds to and continues the business of a Florida registered dealer or investment adviser, the registration of the predecessor shall be deemed to remain effective as the registration of the successor for a period of thirty (30) calendar days after such succession, provided that an amendment to Form BD (Revised 7/99) or Form ADV (Revised 01/01/01) Application for Registration, together with the accompanying documents as prescribed heretofore, is filed by the successor within thirty (30) calendar days after such succession.

(6) No change.

~~(7) The changes described in this rule shall be filed with the Department on the following forms:~~

~~(a) Uniform Application for Broker-Dealer Registration (Form BD) (Revised 7/99)~~

~~(b) Uniform Request for Broker-Dealer Withdrawal (Form BDW) (Revised 8/99)~~

~~(c) Uniform Application for Investment Adviser Registration (Form ADV) (Revised 1/99)~~

~~(d) Notice of Withdrawal from Registration as Investment Adviser (Form ADV-W) (Revised 1/99)~~

~~(e) Uniform Application for Securities Industry Registration or Transfer (Form U-4) (Revised 8/99)~~

~~(f) Uniform Termination Notice for Securities Industry Registration (Form U-5) (Revised 8/99).~~

Specific Authority 517.03(1), 517.12(13) FS. Law Implemented 517.12(13), FS. History—New 12-5-79, Amended 9-20-82, Formerly 3E-600.07(4), Amended 10-15-86, 12-8-87, 8-1-91, 6-16-92, 1-11-93, 8-9-98, 5-10-00, _____. Cf. See rule 3E-301.002(7) for forms referenced herein which have been previously adopted by the Department.

3E-600.0092 Investment Adviser Registration Depository for Federal Covered Advisers.

Wherever the Rules of this Department require the filing of applications, fees, and other documents with the Department, in lieu thereof, all federal covered advisers shall file such items as specified below:

(1) All federal covered advisers making, renewing, or terminating a notice filing in this state shall file the appropriate Form ADV (Revised 01/01/01) or ADVW (Revised 01/99) and the assessment fee required by Sections 517.1201(1) or (2), F.S., with the Investment Adviser Registration Depository (“IARD”) of the NASD. When requested by the Department, Form ADV (Revised 01/01/01), Part 2, and all responses to any other request for additional information, shall be filed directly with the Department.

(2) Any notice filing made by a federal covered adviser with the Department through the IARD shall be deemed received by the Department upon receipt of the Form ADV (Revised 01/01/01) and the filing fee. The filing fee shall be deemed received by the Department on the “payment date” reflected on the CRD “disbursement detail” report.

(3) All amendments to the Form ADV (Revised 01/01/01), shall be filed with the Department through the IARD system.

(4) All federal covered advisers who notice file in this state and who request initial registration, renewal, reaffiliation or termination of an associated person of such federal covered adviser shall file the appropriate Form U-4 (Revised 3/2002) or U-5 (Revised 3/2002) and the assessment fee required by Sections 517.12(10) or (11), F.S. with the CRD of the NASD. However, any response to any request for additional information shall be filed directly with the Department.

(5) Any application for registration as an associated person of a federal covered adviser which is filed with the Department by way of the CRD shall be deemed received by the Department on the date designated in the “Status Date” field on the line notated “FL” with a “Registration Status” of “pending” as indicated on the CRD “Registrations with Current Employers” screen.

(6) All federal covered advisers currently registered with the Department shall transition the Florida registration of their associated persons onto the CRD before June 30, 2002. All associated persons who transition onto the CRD shall file a complete Form U-4 (Revised 3/2002) through the CRD within 30 days of the transition date, unless the associated person has a current and complete Form U-4 (Revised 3/2002) on the CRD with the federal covered adviser filing such transition.

Specific Authority 517.03, 517.12(6), 517.12(15), 517.1201 FS. Law Implemented 517.1201(1), (2), (15) FS. History—New _____.

3E-600.0093 Investment Adviser Registration Depository for Investment Advisers.

Wherever the Rules of this Department require the filing of applications, fees, and other documents with the Department, in lieu thereof, investment advisers may file such items as specified below:

(1) All investment advisers requesting initial registration, renewal or termination of registration in this state may file the appropriate Form ADV (Revised 01/01/01) or ADVW (Revised 01/99) and the assessment fee required by Sections 517.12(10) or (11), F.S., with the Investment Adviser Registration Depository ("IARD") of the NASDR. Form ADV (Revised 01/01/01), Part 2, and all responses to other requests for additional information, shall be filed directly with the Department.

(2) Any application for registration as an investment adviser filed with the Department through the IARD shall be deemed received by the Department upon receipt of the Form ADV (Revised 01/01/01) and the filing fee. The filing fee shall be deemed received by the Department on the "payment date" reflected on the CRD "disbursement detail" report.

(3) All investment advisers registered in this state by the IARD requesting initial registration, renewal, reaffiliation or termination of an associated person of such investment adviser may file the appropriate Form U-4 (Revised 3/2002) or U-5 (Revised 3/2002) and the assessment fee required by Sections 517.12(10) or (11), F.S. with the CRD of the NASD. However, all responses to any requests for additional information shall be filed directly with the Department.

(4) All investment advisers currently registered with the Department who register their associated persons by the CRD shall transition the Florida registrations of their associated persons onto the CRD. All associated persons who transition onto the CRD shall file a complete Form U-4 (Revised 3/2002) through the CRD within 30 days of the transition date, unless the associated person has a current and complete Form U-4 (Revised 3/2002) on the CRD with the investment adviser filing such transition.

(5) Any application for registration as an associated person of an investment adviser filed with the Department by the CRD shall be deemed received by the Department on the date designated in the "Status Date" field on the line notated "FL" with a "Registration Status" of "pending" as indicated on the CRD "Registrations with Current Employers" screen.

Specific Authority 517.03, 517.12(6), 517.12(15) FS. Law Implemented 517.12(10),(11),(15) FS. History--New _____.

3E-600.019 Dealer, Investment Adviser, Branch Office and Associated Persons Forms.

Specific Authority 517.03(1) FS. Law Implemented 517.12 FS. History--New 12-5-79, Amended 9-20-82, Formerly 3E-600.19, Amended 8-1-91, 6-16-92, 1-11-93, 6-22-98, 6-10-99, 5-10-00, Repealed _____.

DEPARTMENT OF INSURANCE

RULE TITLE: Annual Audited Financial Reports
 RULE NO.: 4-137.002

PURPOSE AND EFFECT: The rule adopts the form which is required by statute for insurers to claim exemptions and meet reporting requirements.

SUBJECT AREA TO BE ADDRESSED: Form DI4-1431 "Audited Financial Statements Exemption Affidavit," to be completed by insurers wishing to claim exemption from filing audited financial statements as permitted by Section 624.424(8)(e), Florida Statutes.

SPECIFIC AUTHORITY: 624.308(1), 624.424(8)(e) FS.

LAW IMPLEMENTED: 624.307(1), 624.324, 624.424(8) FS.

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

TIME AND DATE: 10:00 a.m., April 22, 2002

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

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Sam Coskey, Bureau of P & C Insurer Solvency, Department of Insurance, 200 East Gaines Street, Tallahassee, Florida 32399-0329, (850)413-5021

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

4-137.002 Annual Audited Financial Reports.

(1) through (13) No change.

(14) Exemptions and Effective Dates.

(a) through (b) No change.

(c) Form DI4-1431, (rev. 7/01), "Audited Financial Statements Exemption Affidavit", is hereby incorporated by reference to be the form specified in Section 624.424(8)(b), Florida Statutes, for exemptions from compliance with the filing of an annual audited financial statement.

(15) No change.

Specific Authority 624.308(1), 624.424(8)(e) FS. Law Implemented 624.307(1), 624.324, 624.424(8) FS. History--New 3-31-92, Amended 3-14-94, 8-17-98, _____.

DEPARTMENT OF EDUCATION

State Board of Education

RULE TITLE: RULE NO.:

Requirements for Programs and Courses
 Which Are Funded Through the Florida
 Education Finance Program and for
 Which the Student May Earn Credit
 Toward High School Graduation 6A-1.09441

PURPOSE AND EFFECT: The purpose of this rule development is to update the "Course Code Directory and Instructional Personnel Assignments" which is incorporated by reference within the rule. The effect is to provide public school personnel with an updated listing of all courses offered in the public elementary, secondary, vocational-technical, and adult schools of Florida including related teacher certification coverages.

SUBJECT AREA TO BE ADDRESSED: The subject to be addressed will be courses to be offered in public schools throughout Florida and the related teacher certification coverages.

SPECIFIC AUTHORITY: 236.081 FS.

LAW IMPLEMENTED: 236.081 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: Wayne V. Pierson, Agency Clerk, Department of Education, Room 1702, The Capitol, Tallahassee, Florida 32399-0400.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Barbara Elzie, Administrator, Curriculum Support Section, Division of Public Schools, 325 West Gaines Street, Room 444, Tallahassee, Florida 32399-0400, (850)488-1701

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

6A-1.09441 Requirements for Programs and Courses Which Are Funded Through the Florida Education Finance Program and for Which the Student May Earn Credit Toward High School Graduation.

For student membership in a program or course to generate funding through the Florida Education Finance Program and for the student to receive elective or required credit toward high school graduation for such a program or course, the following conditions shall be met:

(1) The program in which the student is in membership shall be one of the programs listed in Section 236.081(1)(c), Florida Statutes.

(2) The course or program in which the student is in membership shall be an educational activity which constitutes a part of the instructional program approved by the district school board.

(3) The student shall be under the supervision of an instructional staff member as defined in Rule 6A-1.0501, FAC.

(4) The course or program shall be listed in the "Course Code Directory and Instructional Personnel Assignments 1999-2000" for the year in which the student is in membership; ~~except as provided in subsection (5) of this rule.~~

~~(5) Each district school board may approve special topics courses using course numbers provided in the Course Code Directory. Each special topic course must include as part of its requirements the appropriate Sunshine State Standards.~~

~~(5)(6)~~ The "Course Code Directory and Instructional Personnel Assignments 2000-2001 ~~1999-2000~~" is hereby incorporated by reference and made a part of this rule ~~to become effective with the 1999-2000 school year.~~ The "1998-1999 Course Code Directory and Instructional Personnel Assignments" shall remain in effect until that time. The Commissioner may publish the document in appropriate and useful formats such as printed copy, electronic database access, or electronic disc. The directory may be obtained from the Division of Public Schools and Community Education, Department of Education, Turlington Building, Tallahassee, Florida 32399. The Commissioner of Education may approve additional courses for which funding could be generated through the Florida Education Finance Program. Such additional course listings will be made available as approved.

Specific Authority 229.053(1) FS. Law Implemented 229.592, 232.246, 236.081, 240.40202 FS. History—New 12-20-83, Formerly 6A-1.9441, Amended 2-6-86, Amended 12-28-86, 4-4-88, 12-13-88, 12-11-89, 1-15-91, 2-20-92, 7-13-93, 10-18-94, 8-28-95, 4-19-96, 7-17-97, 8-12-98, 5-3-99,

DEPARTMENT OF EDUCATION

State Board of Education

RULE TITLE: RULE NO.:

Florida Teacher Certification Examination 6A-4.0021

PURPOSE AND EFFECT: The purpose of this rule development is to adopt minimum passing scores for the new General Knowledge, Exceptional Student Education, and Kindergarten-Grade 6 Tests. The effect is that these new certification examinations will have a passing score.

SUBJECT AREA TO BE ADDRESSED: Passing scores for the new Florida Teacher Certification Examination tests.

SPECIFIC AUTHORITY: 231.002, 231.15(1), 231.17 FS.

LAW IMPLEMENTED: 231.17 FS.

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

TIME AND DATE: 2:00 p.m., April 9, 2002

PLACE: 325 West Gaines Street, Room 1724, Tallahassee, Florida 32399-0400

Requests for the rule development workshop should be addressed to: Wayne V. Pierson, Agency Clerk, Department of Education, 325 West Gaines Street, Room 1214, Tallahassee, Florida 32399-0400.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Kenneth Loewe, Bureau of Curriculum, Instruction, and Assessment, Division of Public Schools and Community Education, 325 West Gaines Street, Tallahassee, Florida 32399-0400, (850)488-8198

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

DEPARTMENT OF CORRECTIONS

RULE TITLE: Inmate Substance Abuse Testing RULE NO.: 33-108.101

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to clarify procedures and requirements for inmate substance abuse testing.

SUBJECT AREA TO BE ADDRESSED: Substance abuse testing of inmates.

SPECIFIC AUTHORITY: 944.09, 944.472, 944.473 FS.

LAW IMPLEMENTED: 944.09, 944.472, 944.473 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: Perri King Dale, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

33-108.101 Inmate Substance Abuse Testing.

The Office of the Inspector General shall be responsible for the development and implementation of the department's substance abuse testing program.

(1) Definitions.

(a) through (f) No change.

~~(g) Bashful Bladder (Avoidant Paruresis) is a documented medical condition that prevents a person from urinating in the presence of another person or in a public facility.~~

(2) The Department of Corrections conducts the following types of inmate substance abuse testing:

(a) For-Cause or Reasonable Suspicion Testing.

1. No change.

2. For-cause drug testing (also referred to as reasonable suspicion drug testing) means drug testing based on a belief that an inmate is using or has used drugs or alcohol based on specific facts and reasonable inferences drawn from those facts in light of experience. Such facts and inferences shall be based upon:

a. through b. No change.

c. Evidence or intelligence reports indicating ~~determined to be of a reliable basis~~ that an inmate has used, possessed, sold, solicited or transferred drugs or alcohol.

3. through 6. No change.

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

(b) Specimen Collection Procedures.

1. through 7. No change.

8. An inmate who has not provided an adulterated urine specimen and who indicates a claimed inability to provide an adequate urine specimen shall be detained in the presence of the tester or other designated person for a period not to exceed 1 hour to provide an adequate specimen. During that time, the inmate shall be allowed to consume one cup (8 oz.) of water or other beverage every 1/2 hour, not to exceed a total of 2 cups during this time period and an Acknowledgement of Beverage Form, DC1-823, shall be completed. Form DC1-823, Acknowledgement of Beverage Form, is incorporated by reference in Section (3)(g) of this rule. If after the 1 hour period an inmate still fails to submit a valid adequate urine specimen, the inmate shall be considered to have refused to provide a urine specimen and a disciplinary report shall be prepared in accordance with Rules 33-601.301-601.314. If an inmate claims an inability to urinate due to a medical ~~“bashful bladder”~~ condition, procedures set forth in (3)(c) shall apply. ~~Forms DC1-823, Acknowledgement of Beverage Form, is incorporated by reference in Section (3)(g) of this rule.~~

9. through 12. No change.

(c) ~~“Bashful bladder” procedure.~~ Upon notification from an inmate that he is unable to urinate due to a medical condition ~~“bashful bladder”~~, the officer shall verify with medical staff that the inmate possesses a specific medical condition or is taking medication which inhibits the inmate from urinating within the designated time frame. Upon receiving such verification, the inmate shall be given the opportunity to provide a urine specimen under the following conditions:

1. through 6. No change.

(d) through (g) No change.

Specific Authority 944.09, 944.472, 944.473 FS. Law Implemented 944.09, 944.472, 944.473 FS. History—New 2-8-00, Amended 2-5-01, Formerly 33-602.2045, Amended _____.

DEPARTMENT OF CORRECTIONS

RULE TITLE: Monitoring Sex Offender Conditions of Supervision
 RULE NO.: 33-302.108

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to clarify the process for conducting computer searches to determine if an offender has violated a computer restriction condition of supervision.

SUBJECT AREA TO BE ADDRESSED: Sex Offender Conditions of Supervision.

SPECIFIC AUTHORITY: 944.09 FS.

LAW IMPLEMENTED: 944.09, 947.1405, 948.03 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: Perri King Dale, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

33-302.108 Monitoring Sex Offender Conditions of Supervision.

(1) through (2) No change.

(3) Submission of Blood or Biological Specimens for DNA Analysis – If the court or releasing authority imposes a ~~this~~ condition for submission of blood specimens or other biological specimens, or if the offender’s offense meets statutory criteria of pursuant to s. 943.325 948.03(5)(a) and (b), F.S., the officer shall ensure collection of the offender’s specimens as directed and verify that the DNA specimens were received by the Florida Department of Law Enforcement;

~~(a) The circuit administrator shall ensure agreements are formulated and upheld with DNA collection sites within the circuit; and,~~

~~(b) The officer will ensure documentation is received from the collection site verifying the DNA blood specimens were drawn.~~

(4) through (7) No change.

(8) Computer or Internet Restrictions – If the court or releasing authority imposes a condition of supervision that limits or prohibits use of computers or the internet, the officer shall monitor compliance by:

(a) Conducting walk through searches during the initial and subsequent visits to the offender’s residence to ensure the offender is in compliance with the condition of supervision;

(b) If the officer verifies or suspects that the offender has access to the internet, and this is prohibited as a condition of supervision, the officer shall contact a correctional probation

officer or supervisor certified to conduct computer searches ~~FDLE or a local law enforcement officer certified to conduct computer searches~~ computer experts to investigate further. Under no circumstances will an officer who has not been certified in conducting computer searches be authorized to touch the offender’s computer in an ~~The officer will not attempt to view icons for internet access or other graphic file formats created by the Joint Photographic Experts Group; unless the officer has successfully completed the Basic Computer Data Recovery Class and has been authorized, in writing, by the circuit administrator to conduct computer searches.~~

Specific Authority 944.09 FS. Law Implemented 944.09, 947.1405, 948.03 FS. History–New 12-18-01, Amended _____.

DEPARTMENT OF CORRECTIONS

RULE TITLE: Control of Contraband
 RULE NO.: 33-602.203

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to clarify the process for handling seized contraband.

SUBJECT AREA TO BE ADDRESSED: Contraband.

SPECIFIC AUTHORITY: 944.09, 945.215 FS.

LAW IMPLEMENTED: 944.47, 945.215 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: Perri King Dale, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

33-602.203 Control of Contraband.

(1) General Definition of Contraband.

(a) Contraband is any item or article inside an institution or facility, on the property of a facility or in the possession of an inmate that was neither:

1. No change.
2. Approved for purchase in at the canteen commissary,
3. through 5. No change.

(b) through (4) No change.

(5)(a) No money shall be given directly to or received by an inmate assigned to a work release community correctional center unless authorized by the chief of security or his designated representative. On a case by case basis, each chief of security may authorize a draw of funds from the inmate’s account that exceeds the approved amount authorized under 33-203.201(3) if a specific request is made and a review

determines it is warranted. Any money found in the possession of an inmate in excess of \$50 in work release community correctional centers shall be considered contraband and shall be confiscated and deposited in the inmate welfare trust fund.

(b) through (6) No change.

(7) Disposition of Contraband.

(a) Those contraband items retained for use in disciplinary hearings as evidence will be stored until such time as the warden or his designee approves of their being destroyed or disposed of. A secure area within the institution will be designated as the storage area for all contraband items. A Contraband Log, Form DC6-219, will be utilized to document the storage of contraband items. Form DC6-219 is hereby incorporated by reference. Copies of this form may be obtained from the Forms Control Administrator, Office of the General Counsel, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500. ~~Requests for copies to be mailed must be accompanied by a self-addressed stamped envelope.~~ The effective date of this form is March 2, 2000.

(b) Contraband items to be used during outside court cases as evidence will be referred to the Inspector General's Office for handling held as evidence by the institution inspector or senior inspector assigned to the criminal investigation. The Inspector General's Office will either assume custody of the contraband or instruct the institution to hold it as evidence. In either case, the initial confiscating authority will establish the chain of evidence, and ensure it is properly followed. Form DC1-801, Chain of Custody, shall be used for this purpose. Form DC1-801 is hereby incorporated by reference. Copies of this form are available from the Forms Control Administrator, Office of the General Counsel, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500. The effective date of this form is _____.

(c) through (d) No change.

(e) The provisions of the above this paragraph shall not be construed to apply to property impounded incident to the initial reception or the subsequent transfer of an inmate unless the inmate's possession of the property was in violation of law or Department or institution rule.

(f)(e) No change.

(g) A seized contraband item that results in criminal charges shall be stored for six months or until the conclusion of the court proceedings. Confiscated weapons shall be stored for six months pending the outcome of the disciplinary charges and conclusion of the grievance process or the court proceedings. Staff shall obtain the approval of the warden or assistant warden prior to the item being destroyed or disposed of.

(h) Regardless of whether or not the seized contraband results in a disciplinary report or criminal charges, the inmate is authorized to appeal the action through the grievance process to have the property returned. If the inmate chooses to file a grievance, the inmate must notify the warden of his intent on

an Inmate Request, Form DC6-236, within 20 days of the seizure of the items. If no notice is received and the inmate has not been temporarily impeded from sending such notice due to unavoidable circumstances such as court appearances or hospitalization, the warden or assistant warden is authorized to approve disposal of the contraband. Form DC6-236 is incorporated by reference in Rule 33-103.019, F.A.C.

(8)(a) All cells, lockers, dormitories and other areas of an institution may be searched in a reasonable manner at any time. A copy of Form DC6-220, Inmate Impounded Personal Property List, shall be given for any property taken in such a search if the inmate acknowledges possession or if the property was taken from an area occupied by the inmate or under his control. The inmate's acceptance of his copy of Form DC6-220 shall not constitute admission of possession of contraband. Form DC6-220 is hereby incorporated by reference. Copies of the form are available from the Forms Control Administrator, Office of the General Counsel, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500. ~~Requests for copies to be mailed must be accompanied by a self-addressed stamped envelope.~~ The effective date of this form is March 2, 2000.

(b)1. The Regional Director is authorized to ~~may~~ declare an emergency situation to exist if he finds, upon the advice and request of the warden, that an immediate mass shakedown is necessary to preserve the security and order of the institution and sufficient staff are not available to follow routine procedures of accounting and receipting for property. Within 72 hours after the declaration, the warden shall prepare a written statement setting forth the facts showing such emergency, which statement shall be forwarded to the Regional Director, who shall prepare a report to the Secretary justifying the declaration.

2. through 4. No change.

Specific Authority 944.09, 945.215 FS. Law Implemented 944.47, 945.215 FS. History—New 10-8-76, Amended 2-24-81, 4-18-82, 8-13-84, 2-13-85, 6-2-85, Formerly 33-3.06, Amended 2-9-87, 11-3-87, 8-14-90, 11-22-91, 1-06-94, 5-28-96, 10-26-97, Formerly 33-3.006, Amended 3-2-00, _____.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

RULE TITLE: General Information and Forms
RULE NO.: 61-6.0015

PURPOSE AND EFFECT: The Department proposes to add a rule to clarify the forms to be used by the Department.

SUBJECT AREA TO BE ADDRESSED: Applications and related forms.

SPECIFIC AUTHORITY: 455.213(1) FS.

LAW IMPLEMENTED: 455.213(1) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Erica D. Glover, Assistant General Counsel, Department of Business and Professional Regulation, Northwood Centre, 1940 N. Monroe Street, Tallahassee, Florida 32399-2202
 THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE.

Section II Proposed Rules

DEPARTMENT OF INSURANCE

RULE TITLES:	RULE NOS.:
Small Group Health Rating Requirements Purpose	4-149.009
Applicability and Scope; Penalties	4-149.030
Requirement to Insure Entire Groups	4-149.031
Qualifying Previous and Qualifying Existing Coverages	4-149.032
Calculation of Premium Rates	4-149.033
Employee Health Care Access Act Annual and Quarterly Statement Reporting Requirement	4-149.037
Designation of Election to Become a Risk-Assuming or Reinsuring Carrier Under Section 627.6699, Florida Statutes, the Employee Health Care Access Act	4-149.039
Change of Status of Small Employer Carrier's Election to Become Risk-Assuming Carrier or Reinsuring Carrier	4-149.040
Marketing Communication Material and Marketing Guidelines	4-149.041
Small Employer Health Reinsurance Program Forms	4-149.043 4-149.044

PURPOSE, EFFECT AND SUMMARY: Changes are being made to address the following:

- Implementation of provisions recognizing alliances.
- Implementation of underwriting provisions in small group.
- Implementation of expanded family categories.
- Implementation of composite rating restriction and required tabular rating for groups less than 10.
- Implementation of semi-annual reporting requirement for underwriting considerations.
- Elimination of date specific provisions which have been in place since initial implementation of the rules in 1993 that provided certain phase-in provisions.
- Requirement that disclosure regarding quoting rates which have been adjusted due to underwriting.
- Prohibition of specific deceptive practices related to the quoting of health insurance rates.
- Interpretation of §627.6699(5)(a) to prohibit refusal to insure because of an employer's unwillingness to provide

information not necessary to establish eligibility pursuant to § 627.6699(3)(v).

- Deletion of provisions which have been identified that simply restate the statute with no additional clarification.
- Clarification of group eligibility standards.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: None.

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

SPECIFIC AUTHORITY: 624.308(1), 626.9611, .9641, 627.4106(3),(5),(8), 627.6699(5)(i)3.a.,4.a., 627.6699(9)(b), (11)(b)3.a.,(13)(i),(15) FS.

LAW IMPLEMENTED: 624.418, 624.4211, 624.424(6), 626.9541, 626.9541(1)(b),(g)2.,(x)3., 627.401, 627.410, 627.410(7), 627.4106, 627.4106(3),(4),(7),(8), 627.411, 627.6699, 627.6699(3)(g),(v), (4)(a),(5)(a),(g)1., (i)3.a.,4.a., (6),(7),(10),(11),(12)(c),(e),(13),(b),(i) FS.

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

TIME AND DATE: 9:30 a.m., April 16, 2002

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

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

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

THE FULL TEXT OF THE PROPOSED RULES IS:

4-149.009 Small Group Health Rating Requirements.

Specific Authority 624.308(1), 627.4106(3),(5),(8), as amended in Section 118, Chapter 92-33, Laws of Florida. Law Implemented 627.410(7), 627.4106, 627.4106(3),(4),(7),(8) FS. History--New 6-10-92, Amended 3-1-93, Repealed

PART III SMALL EMPLOYER HEALTH CARE ACCESS

4-149.030 Purpose.

The purpose of these rules is to implement Section 627.6699, Florida Statutes ~~section 65 of Chapter 93-129, Laws of Florida,~~ pertaining to requirements of small employer group insurance, to promote the public interest, to promote the availability of small employer group insurance policies, to protect applicants for small employer group insurance from unfair or deceptive

sales or enrollment practices, to establish standards for small employer group insurance, to facilitate public understanding and comparison of small employer group insurance policies.

Specific Authority 624.308(1), 626.9641, 627.6699(15) FS. Law Implemented 626.9541, 627.401, 627.410, 627.411, 627.6699 FS. History—New 3-1-93, Amended 11-7-93, _____.

4-149.031 Applicability and Scope; Penalties.

(1) No change.

(2) The rules in this part shall apply to any health benefit plan, whether provided on a group or individual basis, which:

(a) Satisfies Section 627.6699(4)(a), Florida Statutes; ~~and:~~

(b) Provides coverage to one or more employees of a small employer located in this state, without regard to whether the policy or certificate was issued in this state; ~~and~~

~~(c) Is in effect on or after the effective date of Section 627.6699, Florida Statutes.~~

~~(3) A carrier which offers individual health insurance policies to one or more of the employees of a small employer shall be considered a small employer carrier and shall be subject to the provisions of Section 627.6699, Florida Statutes, and these rules with respect to that policy unless the policy is marketed directly to the individual employee, and the employer does not participate in the payment, collection, or distribution of premiums or facilitate the administration of the policy in any manner. The provisions of subsections (5) and (7) of Section 627.6699 (relating to guaranteed issue of coverage) shall apply with respect to the small employer if:~~

~~(a) The small employer has at least three eligible employees, and not more than 50 on or after January 1, 1994; and~~

~~(b) The small employer has at least one or two eligible employees and not more than 50, as of April 15, 1994.~~

~~(c) The small employer contributes directly or indirectly to payment or collection of premiums charged by the carrier or administration of the policy in any manner.~~

~~(4) Effective 1/1/94, Section 627.6699, Florida Statutes, includes groups of 26-50 employees in the definition of a small group. Carriers writing groups of this size but not fewer than 26 eligible employees which desire to continue marketing in this redefined small group area must apply for either risk assuming or reinsuring company status. Once authorized to sell to small groups, the carrier must make all applicable plans of insurance available to any small employer. Effective 1/1/94, a small employer is defined as a group of 1-50 eligible employees. The guaranteed issue requirement is effective for groups of 3-50 on 1/1/94. The guaranteed issue requirement is effective for groups of 1-2 on 4/15/94.~~

~~(3)(5) The Department shall impose penalties for non-compliance with the act or for abusive market conduct practices in accordance with Rule 4-142.011, F.A.C., upon its becoming effective. Such non-compliance or abusive market conduct practices are divided into three levels based on severity and intent.~~

(a) through (c) No change.

Specific Authority 624.308(1), 627.6699(15) FS. Law Implemented 624.418, 624.4211, 627.6699(4)(a),(5),(5)(g)1.,(7) FS. History—New 3-1-93, Amended 11-7-93, 4-23-95, _____.

4-149.032 Requirement to Insure Entire Groups.

(1) A small employer carrier which offers coverage to a small employer shall offer coverage to each eligible employee and to each of the dependents of the employees who elect coverage. The small employer carrier shall offer the same health benefit plans to each employee and dependent. ~~No dependent of an employee shall be covered unless the employee is also covered. If dependents are covered, the employee and the covered dependents shall be insured under the same health benefit plan.~~

(2) through (3) No change.

~~(4) Within 60 days following 1/1/94, each small employer carrier shall grant a 90-day open enrollment period to allow each employee or dependent whose coverage was refused or restricted for health reasons prior to 1/1/93 to come into his employer's program without restriction. The employee must have been employed on 12/31/92 and continuously employed through 4/1/93. The small employer carrier must notify each employer group subject to this open enrollment opportunity. There shall be no restrictions for pre-existing conditions for employees or dependents meeting the conditions in this subsection. An eligible employee who passes up this opportunity and subsequently wants to enroll will be considered a late enrollee.~~

~~(5) An annual open enrollment period must be offered to each small employer's employees and dependents on each anniversary of the employer's program. The enrollment period is for 30 days before the anniversary. Late enrollees shall not be excluded from these open enrollment periods. Late enrollees can be excluded from coverage for the period of time from the date of application until the first open enrollment date following the date of application. Any pre-existing condition period will date from the effective date of the coverage.~~

~~(6) New entrants to a group shall be accepted for coverage during their initial eligibility period by the small employer carrier without any restrictions or limitations on coverage related to the health status or claims experience of those employees or their dependents, except as permitted in section 627.6699(5)(h)2.~~

Specific Authority 624.308(1), 627.6699(15) FS. Law Implemented 627.6699(5),(12) FS. History—New 3-1-93, Amended 11-7-93, 4-23-95, _____.

4-149.034 Qualifying Previous and Qualifying Existing Coverages.

Specific Authority 624.308(1), 627.6699(15) FS. Law Implemented 627.6699(3),(3)(i),(5),(5)(g)1.,(h),(13)(b) FS. History—New 3-1-93, Amended 11-7-93, 4-23-95, Repealed _____.

4-149.037 Calculation of Premium Rates.

(1) This rule is applicable for all health benefit plans subject to Section 627.6699, Florida Statutes, and is in addition to Parts I and II New Issues.

~~(a) Other than the exception noted in (b), below, all small employer health plans shall be issued on a guaranteed issue basis. Riders may be added to the Standard Plan on an underwritten basis. However, all employees shall have the additional benefits and once the program is in place, new enrollees shall be added without evidence of insurability for the full benefit package of the program.~~

~~(b) The small employer carrier shall offer the standard and basic benefit plan in every sales situation. Carriers may also offer other health benefit plans to the small employer. All health benefit plans shall be offered and issued on a guaranteed issue basis except the benefits purchased through riders to the standard benefits plan, referenced in (1)(a), above.~~

~~(c) Effective January 1, 1994, premiums shall be calculated using modified community rating. Under this method, premiums can recognize only attained age, gender, family composition, geographical area, and tobacco usage. Geographical area must be recognized by county, not zip code.~~

~~(d) Premiums for plans in a given pool of insurance must recognize benefit, deductible, and copay differentials. As an example, if the Standard Plan is enriched by the addition of riders for a particular employer by 20%, then the premium shall be 20% higher than a Standard Plan issued to the same employer.~~

~~(e)1. Each small employer carrier may have one or more of the following pools:~~

- ~~a. Directly written indemnity business;~~
- ~~b. Indemnity business written through CHPA's;~~
- ~~c. Directly written HMO business;~~
- ~~d. HMO business written through CHPA's;~~
- ~~e. Directly written managed care business; and~~
- ~~f. Managed care business written through CHPA's.~~

~~2. For purposes of the rules in this part, indemnity business includes pure fee for service plans.~~

~~3. For purposes of this part, managed care business includes:~~

- ~~a. Preferred provider networks;~~
- ~~b. Exclusive provider networks; and~~
- ~~c. Other managed care arrangements which are not organized under chapter 641, Florida Statutes.~~

~~4. For rating purposes under the rules in this part, the experience for each benefit plan must be assigned to the appropriate one of the six pools in 1. above.~~

~~(f) Premiums for a particular employer shall be guaranteed for a year upon issue or renewal. Interim changes in rates can be made for changes in composition or benefits. Age changes between renewals are not considered to be changes in composition. Rate changes for new or terminating enrollees~~

shall be made at the rates in effect at the beginning of the rating period. Benefit changes requested by an employer can be made at anytime, at the option of the small employer carrier, at the rates then in effect or at the rates in effect at the beginning of the rating period. If current rates are used, the new premium shall be guaranteed for one year from the date of change in benefits. Benefit plans offered by a carrier on a guarantee issue basis are required to be made available to the employer on request at the annual renewal date. Such benefit plans must be made available without evidence of insurability and without any impact on pre-existing condition provisions.

~~(g) Affiliated Companies are treated as separate companies unless small group insurance business has been transferred between or among companies since January 1, 1992.~~

(2)(a) A premium schedule for a particular employer shall be guaranteed for one year on the employer's policy/certificate anniversary, except for a policy issued to an Alliance, as defined in Section 627.654, Florida Statutes, in which case the first year an employer obtains coverage, the employer may receive an increase on the policy anniversary which may be less than one year pursuant to Section 627.6699(6)(b)3., Florida Statutes.

(b) A group's rate shall not be changed due to employee age changes which occur during the period when a premium schedule is guaranteed.

(c) The rate applicable to new or terminating enrollees or any change in dependent status shall be made at the premium schedule in effect at the employer's policy/certificate anniversary.

Existing or Renewal Business:

~~(a) Business in force on December 31, 1993, shall be community rated upon its first renewal date in 1995. Such business for companies not issuing new business in 1994 shall be rated as described above for new issues, commencing in 1995. For companies issuing new business in 1994, business in force on December 31, 1993, and still in force on December 31, 1994, shall be included in the appropriate pool established for new issues in 1994 and rated at renewal in 1995 at the same rate as if it were new business and the renewal date were the issue date.~~

~~(b) Any business in force on December 31, 1993, which is renewed in 1995 shall be renewable from that point forward at the option of the employer.~~

~~(c) New employees added to existing groups in 1994 and thereafter shall be added on a guaranteed issue basis for the benefits program in force.~~

(3)(a) All contract forms issued pursuant to Section 627.6699, Florida Statutes, are subject to modified community rating and must be pooled together for all rating purposes, except that health maintenance organization plans need not be pooled with indemnity plans.

(b) Premiums for health benefit plans shall recognize benefit, deductible, and copay differentials. As an example, if the Standard Plan is enriched by the addition of riders for a particular employer by 20 percent, then the premium shall be 20 percent higher than a Standard Plan issued to the same employer.

~~For 1994, business in force as of December 31, 1993, shall be rated as described in Rule 4-149.009, including the definition of Affiliated Companies. However, Affiliated Company business need not be treated as the business of a single company in 1995 if intercompany business transfers have not occurred since January 1, 1992.~~

(4) Rate filing requirements – Modified Community Rating. Premium schedules for benefit plans offered to small employer groups shall be based solely on the following categories and factors of the employee, without regard to the nature of the employer group.

~~(a) Within each of the pools stated in (1)(c)1., only benefit differences can be used in determining modified community rates.~~

~~(b) In CHPA (community health purchasing alliance) versus out of CHPA differences must be justified. Expense differentials must be justified, and, if less, the differential must be reflected in higher loss ratios.~~

~~(c) When rates are initially changed or revised a complete actuarial memorandum must be included with the revised rates.~~

~~(d) Special programs such as Chamber of Commerce plans shall be allowed under the following criteria:~~

~~1. The Basic and Standard plans must be available and offered to all employers.~~

~~2. Lower rates are due to expense savings not special morbidity assumptions.~~

~~3. Expense savings are to be passed on to employers in the form of higher loss ratios.~~

~~4. The specific benefit plan under the special program must be made available to all employers not involved with the special program, but at a rate not including the expense savings of the special program.~~

~~(e) The Department will allow a substantiated monthly trend factor during 1994 for new business. Trend factors must be filed for approval each year in accordance with the requirements of Rule 4-149.003. Trend factors can be changed more frequently upon approval of a filing. Rate tables must be filed for approval, in accordance with the provisions of Rule 4-149.003, if increases greater than trend are needed. If additional increases are not needed, then the entire table of rates shall be refiled at the end of each year along with the trend factors for the next year and pool experience for the previous year.~~

~~(f) A special filing will be needed at the end of 1994, following a similar methodology to that used and approved initially, to establish new modified community rates for 1994, recognizing the inclusion in 1995 of the business in force on December 31, 1993, which is still in force at the end of 1994.~~

~~(g) Companies with in force business as of December 31, 1993, that are not going to issue new business in 1994, do not have to file modified community rates for use in 1994. Such companies must so inform the Department in writing. These companies will be required to file modified community rates for 1995, however.~~

~~(h) Rates are to be calculated and presented using the following rating categories for all benefit plans offered.~~

~~(a) Age Categories. Employee age shall be determined as of the date of issue and each subsequent renewal date thereafter as defined in the policy and certificate. If not explicitly defined in the contract, age shall be the attained age as of the date of issue or renewal of the certificate.~~

~~1.a. <30~~

~~2.b. 30 – 39~~

~~3.c. 40 – 49~~

~~4.d. 50 – 54~~

~~5.e. 55 – 59~~

~~6.f. 60 – 64~~

~~7.g. 65 & above – Medicare is Primary~~

~~8.h. 65 & above – Health Plan is Primary~~

~~(b) 1.2. Rating Categories~~

~~a. Employee – Male~~

~~b. Employee – Female~~

~~c. Employee – Male – Dependent Children~~

~~d. Employee – Female – Dependent Children~~

~~e. Employee – Spouse~~

~~f. Employee – Spouse – Dependent Children~~

~~2. Up to 3 optional dependent children categories are permitted: 1, 2, and 3 or more dependent children for companies for both the employee with family and the employee with dependent children categories.~~

~~3. At the option of the company, dependant only categories.~~

~~(c) 3. Area Factors by County~~

~~(d) 4. Tobacco Usage Factor (>1, base rates are for non-tobacco user)~~

~~(e) Effective date. The premium schedule may be adjusted based on a medical trend table, approved pursuant to Part I of this rule chapter, reflecting the period of time from the date the rate schedule is effective to the anniversary date of the new or renewing group for medical trend adjustment.~~

~~(5) Composite rating is permissible. However, the composite rate must be determined on a case-by-case basis in such a manner that its application to the insured group will reproduce the case rate calculated using the rates in the required format. The composite rate is to be calculated at issue~~

or at renewal only, and it is to be used throughout the following plan year for additions to and terminations from the group. Composite rating is allowed to accommodate past billing practices between a carrier and its employer groups. It is not an exception to (4)(e).

(5)(6) The minimum loss ratio is 65 percent.

(6)(7)(a)1.a. A small employer carrier may make up to a 15 percent adjustment in rates from the modified community rate schedule for claims experience, health status, or duration of coverage for a particular employer group from that otherwise determined from the tabular rate schedule determined above pursuant to Section 627.6699(6)(b)5., Florida Statutes.

b. A renewing group's rate schedule is limited to a maximum 10 percent adjustment from their prior rate for claims experience, health status, or duration of coverage for a particular employer group subject to a maximum 15 percent differential from the modified community rate pursuant to Section 627.6699(6)(b)5., Florida Statutes.

2. The objective criteria and standards for application of this rate adjustment shall be applicable to and used for all small employer groups on a non-discriminatory basis.

3. Such criteria and standards shall be filed for approval pursuant to Part I of this rule chapter.

4. A small employer carrier may require completion of an application including health questions, but shall not require claims experience of a new group as a condition of providing coverage.

5. Such adjustment shall be uniformly applied to the entire premium schedule.

(b) A small employer carrier may file rating factors to provide a credit to the approved tabular community rate schedule to reflect efficiencies in administrative and acquisition expenses based on the size of the small employer. Such factors shall be filed for approval pursuant to Part I of this rule chapter, and shall be used for all small employer groups on a non-discriminatory basis.

(c) If a small employer carrier makes adjustments to individual employer group rates based on the provisions of (a) or (b) above, the carrier shall provide experience in all rate filings including both the actual premiums charged and the premium which would have resulted had no adjustments been made and the tabular community rate schedule was used. Rate analysis and rate adjustments shall be based on the restated premium as though the tabular community rate schedule were used without adjustment.

(d) All carriers shall disclose to a group when, and to what degree, the rates quoted to the group have been modified from the modified community rate schedule in determining the rate for the group.

(e) Coverage available to an Alliance is subject to the provisions of Section 627.6699, Florida Statutes, and shall be available to the Alliance on a guaranteed issue basis. Any rate

adjustments made pursuant to (b) above shall be applied uniformly to all members of the Alliance and not on an individual employer basis. Rate adjustments pursuant to (a) above shall be determined and applied on an individual employer group basis.

~~Riders on Standard Plans.~~

~~(a) Additional benefit riders may be medically underwritten and offered upon approval by the Department pursuant to section 627.410, Florida Statutes.~~

~~(b) Riders may only be used to increase the benefits of the standard plan. The riders must provide benefits or services not offered by the standard plan. The additional premium for the rider must use the rating methodology of this rule and be actuarially equivalent to the additional covered service.~~

(7) Composite rating is permissible when it will reproduce the group premium determined as the sum of the individual tabular rates for each employee calculated at the time of any rate quote using the premium schedule approved by the Department pursuant to Part I of this rule chapter in the required format in subsection (4) above. A carrier may use composite rating only when it indicated in its filing the minimum number of enrollees required, which shall not be fewer than ten.

Specific Authority 624.308(1), 627.6699(15) FS. Law Implemented 627.410, 627.6699(6),(12)(e),(13),(13)(i) FS. History—New 3-1-93, Amended 11-7-93, 5-11-94, 4-23-95, _____.

4-149.038 Employee Health Care Access Act Annual and Quarterly Statement Reporting Requirement.

(1)(a) Pursuant to Section 627.6699, Florida Statutes, each carrier that provides health benefit plans in this state shall file, pursuant to paragraph 4-149.044(2)(b), with its 1992 annual statement and each year thereafter, on or before March 15 + for the preceding year ending December 31, Form DI4-1094, rev. 11/01 "Report of Gross Annual Premiums for Health Benefit Plans Issued in Florida" (10/92), which is hereby adopted in Rule 4-149.044, F.A.C. and incorporated by reference, providing information on health benefit plans written in this state.

(b) The filing shall be accompanied by an actuarial certification that the carrier is in compliance with the provisions of Section 627.6699(6), Florida Statutes, and that the rating methods of the carrier are actuarially sound. The actuary shall provide a detailed explanation if this certification is unable to be made. Effective for filing with the carrier's 1994 annual statement and each year thereafter, due on or before March 1 of each year, carriers shall use Form DI4-1094, "Report of Gross Annual Premiums and Plan Policy Exhibits for Health Benefit Plans Issued in Florida," rev. 7/93, which is hereby adopted and incorporated by reference. Copies of these forms may be obtained from and shall be submitted to: Bureau of Life and Health Insurer Solvency and Market Conduct, Division of Insurer Services, Department of Insurance, Larson Building, Tallahassee, FL 32399-0327.

(2) Annual Reports: The following reports shall be filed no later than March 15 of each year, and shall include experience for the previous calendar year:

(a) Business in force 12/31/93: The report for this block of business for 1994 and 1995 shall comply with Rule 4-149.009 and two additional items, below, shall be included. In total for all classes of business subject to the 20% test:

1. Average Premium per certificate
2. Average Number of certificates per group

(b) Business written in 1994:

1. No report required March 15, 1994.
2. The following information is to be submitted for each Modified Community Rating Pool:

- a. Earned Premium
- b. Paid Claims
- c. Change in Claims Reserves
- d. Incurred Claims
- e. Loss Ratio
- f. Number of Groups
- g. Number of Certificates
- h. Average Premium per Certificate
- i. Average Number of Certificates per Group

3. The actuarial certification shall make specific reference to the Community Rating Pools.

(c) In 1996, all business issued and in force on 12/31/93 and still in force 12/31/94 shall be in one of the pools. The report shall follow the requirements established above for business written in 1994.

(2)(3) Quarterly Reports: Within ~~45~~ 30 days following each calendar quarter each small employer carrier shall file, pursuant to paragraph 4-149.044(2)(b), a report on Form ~~DI4-1117, rev. 3/02~~ ~~DI4-QER~~, "Florida Employee Health Care Access Act Enrollment Report," rev. 7/93, which is hereby adopted in Rule 4-149.044, F.A.C. and incorporated by reference. This form may be obtained from and shall be submitted to the Bureau of Life and Health Insurer Solvency and Market Conduct, Division of Insurer Services, Department of Insurance, Larson Building, Tallahassee, FL 32399-0327.

(3)(a) All small employer carriers utilizing rating adjustments pursuant to Rule 4-149.037(7), F.A.C., shall make semiannual reports of their experience. The semiannual reports shall reflect experience from January 1 through June 30 and from July 1 through December 31 of each year. The reports shall be filed with the Department, pursuant to paragraph 4-149.044(2)(b), F.A.C., within 45 days following the last day of the reporting period. The carrier shall report:

1. The average number of employer groups during the reporting period.
2. The average number of covered employees during the reporting period.
3. Actual earned premiums during the reporting period.

4. Premiums that would have resulted from charging the approved community rate, excluding administrative and acquisition credits.

5. Premiums that would have resulted from charging the approved community rate, including administrative and acquisition credits.

6. (4)-(5) Total administrative and acquisition credits.

7. (3)-(4) Total deviation due to claims, health and duration status.

8. (7)/(3) Percentage deviation of charged rate to community rate for claims, health and duration status.

(b) If (3)(a)8. above is 5 percent or more, the carrier shall limit the application of claim experience, health status, or duration adjustments to credits only effective no more than 60 days following the report date. This shall apply to all groups with original issue dates or anniversary dates for renewals on or after this 60 days. If a group was in process of application review and issuance, and would have received a surcharge, but the policy was not issued or renewed until after the 60 day period, the surcharge may not be applied.

(c) If the above report is not submitted by the date required, the carrier shall limit the application of claim experience, health status, or duration adjustments to credits only effective no more than 60 days following the due date. This shall apply to all groups with original issue dates or anniversary dates for renewals on or after this 60 days. If a group was in process of application review and issuance, and would have received a surcharge, but the policy was not issued or renewed until after the 60 day period, the surcharge may not be applied.

(d) A carrier that is limited to credits only, pursuant to (b) or (c) above, shall be limited to credits only until a subsequent reporting period demonstrating that (3)(a)8. above is less than 5 percent.

Specific Authority 627.6699(5)(i)3.a.4.a.(15) FS. Law Implemented 624.424(6), 627.6699(5)(i)3.a.4.a. FS. History-New 3-1-93, Amended 11-7-93, _____.

4-149.039 Designation of Election to Become a Risk-Assuming or Reinsuring Carrier Under Section 627.6699, Florida Statutes, the Employee Health Care Access Act.

(1) A small employer carrier shall file, pursuant to paragraph 4-149.044(2)(b), a final designation of election to become either a risk-assuming carrier or a reinsuring carrier by October 31, 1993. This final election is binding for two years, from January 1, 1994, through December 31, 1995, after which an election shall be binding for a period of five years. using The small employer carrier desiring to be a risk-assuming carrier shall use Form DI4-1093, rev. 9/95, "State of Florida/Small Employer Carrier's Application to Become a Risk Assuming Carrier or a Reinsuring Carrier, As Required by Section 627.6699(9), Florida Statutes," rev. 8/93 which is hereby adopted in Rule 4-149.044, F.A.C and incorporated by reference.

(2) through (3) No change.

~~(4) Copies of the form may be obtained from and shall be submitted to the Bureau of Life and Health Insurer Solvency and Market Conduct, Division of Insurer Services, Department of Insurance, Larson Building, Tallahassee, FL 32399-0327.~~

Specific Authority 627.6699(15) FS. Law Implemented 627.6699(9),(10) FS. History—New 3-1-93, Amended 11-7-93,_____.

4-149.040 Change of Status of Small Employer Carrier's Election to Become Risk-Assuming Carrier or Reinsuring Carrier.

~~(1) Any small employer carrier seeking to change the election made by the carrier under Section 627.6699(9)(a), Florida Statutes, to become either a risk-assuming carrier or a reinsuring carrier shall request a change of status, pursuant to paragraph 4-149.044(2)(b), on Form DI4-1095, rev. 8/93, "State of Florida/Small Employer Carrier's Application to Modify Previous Election to Become a Risk Assuming or a Reinsuring Carrier, As Required by Section 627.6699(9), Florida Statutes," rev. 8/93, which is hereby adopted in Rule 4-149.044, F.A.C. and incorporated by reference. Copies of the form may be obtained from and shall be submitted to the Bureau of Life and Health Insurer Solvency and Market Conduct, Division of Insurer Services, Department of Insurance, Larson Building, Tallahassee, FL 32399-0327.~~

(2) No change.

Specific Authority 627.6699(9)(b), (15) FS. Law Implemented 627.6699(9), (10), (11) FS. History—New 3-1-93, Amended 11-7-93,_____.

4-149.041 Marketing Communication Material and Marketing Guidelines.

(1) No change.

(2) Any insurer marketing small group health plans shall comply with the following guidelines.

(a) The small group health history or size shall not be used to direct the small group to a particular small group plan except as permitted by the provisions of Section 627.6699, Florida Statutes or to direct the small group in or out of the Community Health Purchasing Alliances (CHPA's).

(b) 1. In determining eligibility for small group coverage an employer/employee income may not be used.

2. A carrier may request information and documentation to determine whether an individual qualifies as an active business that is eligible for coverage.

3. The following information, records, or documents ~~documentation~~ may be requested or considered in determining whether an employer meets the definition of small employer pursuant to Section 627.6699(3)(v), Florida Statutes. If the employer was: required by applicable law to maintain the information, record or documents or to file the document with a local, state or federal governmental agency or authority; maintains the information in the normal course of business; or was issued the information, records, or documents by a local, state, or deferral agency or authority ~~eligibility:~~

1. through 15. renumbered a. through o. No change.

4.a. Refusal to insure an eligible small employer because of the employer's refusal or unwillingness to provide information, records or documents which are not necessary to reasonably establish that the employer meets the definition of Section 627.6699(3)(v), Florida Statutes, violates Section 627.6699(5)(a), Florida Statutes.

b. Any statement that requires information not necessary for determining eligibility be provided for coverage to be issued shall constitute an unfair method of competition in violation of Section 626.9541(1)(b), Florida Statutes.

~~(c) Issuance of small group coverage may not be conditioned upon the purchase of other coverage, i.e. life, dental, etc.~~

~~(d) Employees over 65 years of age must be offered small group coverage. Any individual who is enrolled in a small group plan and is 65 years of age or older will have a two month period following termination of coverages in which to enroll in a medicare supplement plan on a guarantee issue basis by an insurer that offers a medicare supplement plan.~~

~~(e) Usual and customary charges, except for negotiated discounts, shall be the same inside and outside the CHPA.~~

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

(f) Pursuant to Section 626.9611, Florida Statutes, the Department identifies the following as being prohibited by Section 626.9541(1)(b), Florida Statutes, for a small employer carrier in reflecting any of the permitted rate adjustments in Rule 4-149.037(6), F.A.C.:

1. To quote a rate which does not reflect the actual characteristics of the individual group; or

2. Where necessary underwriting information has not been analyzed, to quote a rate other than the approved community rate with disclosure that the rate may be adjusted up or down to 15 percent for new groups or 10 percent for renewal groups.

Specific Authority 627.6699(13)(i),(15), 626.9611 FS. Law Implemented 626.9541(1)(b),(g)2.(x)3., 627.6699(3)(g),(v),(5)(a),(7),(12),(c),(13),(13)(b) FS. History—New 3-1-93, Amended 11-7-93, 4-23-95,_____.

4-149.043 Small Employer Health Reinsurance Program.

(1) No change.

(2) Of the ~~{8}~~ additional members of the board, subsequently amended to 13 in the 2000 legislative session, five (5) shall be selected from individuals recommended by small employer carriers. Any small employer carrier wishing to do so may submit a list of recommended appointees to the commissioner either on its own behalf or through its trade organization. The list shall be submitted ~~no later than October 29, 1993, and shall be sent~~ to: Chief, Bureau of Life and Health Forms & Rates, Division of Insurer Services, Department of Insurance, Larson Building, Tallahassee, FL 32399-0328 or submitted electronically to lhfrbureau@doi.state.fl.us. The carrier or trade organization submitting the list shall include the following information about the persons it is recommending:

(a) through (d) No change.

Specific Authority 624.308(1), 627.6699(11)(b)3.a. FS. Law Implemented 627.6699(11) FS. History--New 11-7-93, Amended _____.

4-149.044 Forms.

(1) The following forms are hereby adopted and incorporated by reference:

(c) DI4-1093, rev. 9/95, State of Florida/Small Employer Carrier's Application to Become a Risk Assuming Carrier or a Reinsuring Carrier, As Required by Section 627.6699(9), Florida Statutes.

(a) DI4-1094, rev. 11/01, Report of Gross Annual Premium for Health Benefit Plans Issued in Florida.

(d) DI4-1095, rev. 8/93, State of Florida/Small Employer Carrier's Application to Modify Previous Election to Become a Risk Assuming or a Reinsuring Carrier, As Required by Section 627.6699(9), Florida Statutes.

(b) DI4-1117, rev. 3/02, Florida Employee Health Care Access Act Enrollment Report.

(2)(a) Copies of forms may be obtained from the Bureau of Life and Health Forms and Rates, Division of Insurer Services, Department of Insurance, 200 East Gaines Street, Tallahassee, FL 32399-0328. Forms are also available and may be printed from the Department's Website: www.doi.state.fl.us.

(b) Filings shall be submitted to the address in paragraph (a) above, or may be submitted electronically to lhfrbureau@doi.state.fl.us.

Specific Authority 624.308(1), 626.9641, 627.6699(15) FS. Law Implemented 626.9541, 627.401, 627.410, 627.411, 627.6699 FS. History--New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Frank Dino, Bureau of Life and Health Forms and Rates, Division of Insurer Services, Department of Insurance
 NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Rich Robleto, Chief, Bureau of Life and Health Forms and Rates, Division of Insurer Services, Department of Insurance
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 19, 2001
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: November 2, 2001

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Aquaculture

RULE CHAPTER TITLE:	RULE CHAPTER NO.:
Comprehensive Shellfish Control Code	5L-1
RULE TITLES:	RULE NOS.:
General Requirements and Intent	5L-1.001
Definitions	5L-1.002
Production and Market Standards	5L-1.004
Shellfish Processing Plant Certification License	5L-1.005
Compliance and Penalties	5L-1.006

Container Identification, Terminal Sale

Date; Prohibitions	5L-1.007
Shellfish Handling	5L-1.008
Shellfish Relaying	5L-1.009
Buildings and Facilities	5L-1.010
Equipment for Shellfish Processing	5L-1.011
Sanitary Operations	5L-1.012
Plant Operation	5L-1.013

PURPOSE AND EFFECT: These amendments propose to implement shellfish processing plant facility certification licenses and administrative fines; change the statutory authority for the code from Chapters 370 to 597, F.S.; adopt the National Shellfish Sanitation Program Guide For The Control Of Molluscan Shellfish Model Ordinance 1999; add, clarify, and renumber some of the definitions; add a section to allow the department to issue a stop-use order for unsanitary equipment; describe shellfish relaying for marine biotoxins and for public relay activities; further describe acceptable standards for lighting; require each certified dealer to have someone with adequate HACCP training, knowledge or experience to develop a HACCP plan; and replace the word should with shall in several sentences throughout the rule.

SUMMARY: The proposed amendments are to implement authority granted to the Department by the 2000 session of the Florida legislature, and approved by the Governor, to license or certify facilities used for processing oysters, clams, mussels, scallops, and crabs, and to levy an administrative fine up to \$1,000 per violation per day or to suspend or revoke such licenses or certificates upon satisfactory evidence of any violation of rules adopted pursuant to the newly created section 597.020, F.S. Additional amendments propose other miscellaneous changes to the rule.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: There is no anticipated regulatory cost.

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: 597.020 FS.

LAW IMPLEMENTED: 597.020, 597.010(15), 597.010(19) FS.

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

TIME AND DATE: 10:00 a.m. – 1:00 p.m., Monday, April 15, 2002

PLACE: 1203 Governors Square Boulevard, 5th Floor, Tallahassee, Florida

If accommodation for a disability is needed to participate in this activity, please notify John McDowell, Division of Aquaculture, (850)488-5471, at least seven days before the meeting.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Bobby Bickley, Division of Aquaculture, 1203 Governors Square Boulevard, 5th Floor, Tallahassee, Florida 32301, (850)488-5471

THE FULL TEXT OF THE PROPOSED RULES IS:

5L-1.001 General Requirements Purpose and Intent.

(1) A shellfish processing plant certification is required to operate any shellfish processing facility.

(2)(4) It is the intent of the Department to establish regulations and specifications to be known as the "Comprehensive Shellfish Control Code", relating to sanitary practices for the catching, handling, relaying, depuration, packaging, preserving and storing of shellfish products.

(3)(2) The Department, as a participant in the Interstate Shellfish Sanitation Conference, recognizes and endorses the following principles:

(a) Shellfish are a renewable, manageable natural and aquacultured resource of significant economic value to many coastal communities, and should be managed as carefully as are other natural resources such as forests, water, and agricultural lands.

(b) Shellfish culture and harvesting represents a beneficial use of water in the estuaries. This use should be recognized by local, state and federal agencies in planning and carrying out pollution prevention and abatement programs and in comprehensive planning for the use of these areas.

(c) The goals of the Interstate Shellfish Sanitation Conference are:

1. The continued safe use of this natural and aquacultured resource, and

2. Active encouragement of water quality programs which will preserve all possible coastal areas for this beneficial use.

(4)(3) The Department recognizes that the shellfish industry is subject to change as technological data becomes available; accordingly, it is the intent of the Department that the Comprehensive Shellfish Control Code be revised as necessary so that the technological data and industrial practices contained therein shall be consistent consonant with good health and safety practices.

(5)(4) The enforcement of the provisions of this code by the Department shall be coordinated with and be in conjunction with any and all other state, local and federal agencies exercising jurisdiction over the sanitary practices of the shellfish industry.

(6)(5) Adoption of Federal Regulations and Standards – To the extent not inconsistent with the rules herein, the following are hereby adopted as rules under the shellfish processors regulation, §Section 597.020 370.071, F.S.:

(a) ~~The following parts of Title 21, Code of Federal Regulations: Those regulations, definitions, standards of sanitation, identity, quantity and fill of container, tolerances and exemptions from tolerances, and general regulations in the following:~~

1. ~~Code of Federal Regulations, Title 21, Part 7 – Enforcement Policy, revised as of April 1, 2000;~~

2. ~~Code of Federal Regulations, Title 21, Part 101 – Food Labeling, revised as of April 1, 2000;~~

3. ~~Code of Federal Regulations, Title 21, Part 109 – Unavoidable Contaminants in Food for Human Consumption and Food Packaging Material, revised as of April 1, 2000;~~

4. ~~Code of Federal Regulations, Title 21, Part 110 – Current Good Manufacturing Practice in Manufacturing, Packing, or Holding Human Food, revised as of April 1, 2000;~~

5. ~~Code of Federal Regulations, Title 21, Part 123 – Fish and Fishery Products, revised as of April 1, 2000;~~

6. ~~Code of Federal Regulations, Title 21, Part 161 – Fish and Shellfish, revised as of April 1, 2000;~~

7. ~~Code of Federal Regulations, Title 21, Part 509 – Unavoidable Contaminants in Animal Food and Food Packaging Material, revised as of April 1, 2000.~~

~~(b) National Shellfish Sanitation Program, Guide for the Control of Molluscan Shellfish, provisions adopted:~~

~~(b)1- The Purpose, the Definitions, and Chapters 1 through 13, and 15 of the "Model Ordinance 19997" of the National Shellfish Sanitation Program, Guide for the Control of Molluscan Shellfish published by the U.S. Department of Health and Human Services, Public Health Service, Food and Drug Administration 19997, are hereby adopted by reference as a rule under Section 370.071, F.S., except for the following provisions:~~

~~1.a. Definition number (14)(d) Reshipper; and~~

~~2. b. Definition number (84)(81) Reshipper; and~~

~~e. Chapter XIV Reshipping.~~

~~2. All provisions in the "Model Ordinance 1997" that are adopted herein by reference shall apply to all certified shellfish establishments regulated by the Florida Department of Agriculture and Consumer Services. Interested parties may obtain copies of this publication by contacting the U.S. Government Printing Office. Copies are available for examination at the Florida Department of Agriculture and Consumer Services, Division of Aquaculture, 1203 Governors Square Boulevard, 5th Floor, Tallahassee, Florida 32301.~~

Interested persons may obtain copies of the pertinent sections of the Codes of Federal Regulations referenced in paragraph (a) ~~above below~~ and by contacting the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402. Copies of the pertinent sections of the U.S. Department of Health and Human Services, Public Health Service, Food and Drug Administration, Guide For The Control of Molluscan Shellfish referenced in paragraph (b)

~~above below~~ may be obtained by contacting the U. S. Government Printing Office from the department at 1203 Governors Square Boulevard, 5th Floor, Tallahassee, Florida 32301. Copies of all referenced documents are available for examination at the Florida Department of Agriculture and Consumer Services, Division of Aquaculture, 1203 Governors Square Boulevard, 5th Floor, Tallahassee, Florida 32301.

Specific Authority 597.020 FS. Law Implemented ~~597.020~~ 370.074 FS. History—New 1-4-87, Amended 8-10-88, 7-9-89, 11-5-92, Formerly 16R-7.001, Amended 7-3-95, 2-6-97, 6-23-99, Formerly 62R-7.001, Amended 8-9-00.

5L-1.002 Definitions.

(1) Adulterated – any shellfish harvested from closed waters; any shellfish shucked, packed, or otherwise processed in a plant which has not been certified and licensed by the Department in accordance with the requirements of these rules; any shellfish contaminated as determined by microbiological ~~bacteriological~~ or other analysis; any shellfish consisting in whole or in part of any filthy, putrid or decomposed substance, or otherwise unfit for food; any shellfish prepared, packed, or held under unsanitary conditions where it may have become contaminated with filth, or whereby it may have been rendered injurious to health.

(2) Alternative Processing – any processing done to shellfish which does not follow the time-temperature matrix as stated in subsection Rule 5L-1.008(5), F.A.C.

(3) Approved area – an area in which it is indicated by a sanitary survey or other monitoring program data that fecal material, pathogenic microorganisms, radio nuclides, harmful chemicals, and marine biotoxins are not present in dangerous concentrations.

(4) Certification period – the period of time between July 1 and June 30 of a year.

(5)(4) Certified shellfish dealer – a shell stock shipper, shucker-packer, repacker, or depuration processor who possesses a shellfish processing plant certification license from the Department. The certified shellfish dealer shall be held accountable for compliance with all laws, rules, and permits applicable to the shellfish business operation.

(6)(5) Closed area (closed waters) – a growing area where the harvesting of shellfish is not permitted. Closed areas include prohibited and unclassified areas as well as temporarily closed approved, conditionally approved, restricted, and conditionally restricted areas.

(7)(6) Code – the Comprehensive Shellfish Control Code, Chapter 5L-1, F.A.C.

(8)(7) Commercial harvester – a person that harvests with the intent to sell.

(9)(8) Conditionally approved area – an area in which it is indicated by a sanitary survey or other monitoring program data that the area is subjected to intermittent microbiological pollution and, under such conditions, is temporarily unsuitable as a source of shellfish for direct marketing. Such an area shall

be managed by an operating procedure that will assure that shellfish from the area are not harvested from waters not meeting approved area criteria.

(10)(9) Conditionally restricted area – an area in which it is indicated by a sanitary survey or other monitoring program data that the area is subjected to intermittent microbiological pollution and, under such conditions, is temporarily unsuitable as a source of shellfish for relaying or depuration. Such an area shall be managed by an operating procedure that will assure that shellfish from the area are not harvested from waters not meeting restricted area criteria.

(11) Corrective action plan – is a brief outline of the deficiency(ies) found during an inspection of a licensed facility with the corresponding rule deficiencies cited and the time frame in which the deficiency(ies) must be corrected.

(12)(10) Critical control point – a point, step, or procedure in a food process at which control can be applied, and a food safety hazard can as a result be prevented, eliminated, or reduced to acceptable levels.

(11) Critical limit – the maximum or minimum value to which a physical, biological, or chemical parameter must be controlled at a critical control point to prevent, eliminate, or reduce to an acceptable level the occurrence of the identified food safety hazard.

(13)(12) Critical deficiency – a condition or practice which results in the production of a product which is adulterated. A critical deficiency is not a minor violation.

(14) Critical limit – the maximum or minimum value to which a physical, biological, or chemical parameter must be controlled at a critical control point to prevent, eliminate, or reduce to an acceptable level the occurrence of the identified food safety hazard.

(15) Deficiency – a violation.

(16)(13) Department – the Department of Agriculture and Consumer Services.

(17)(14) Depuration processor (depuration plant; controlled purification plant) (DP) – a certified shellfish dealer a person who obtains shellstock from approved, conditionally approved, restricted or conditionally restricted growing area(s) and submits such shellstock to a Department approved controlled purification process as described in Chapter XV of the National Shellfish Sanitation Program Guide For the Control of Molluscan Shellfish Model Ordinance 1999 as incorporated herein under paragraph 5L-1.001(6)(b), F.A.C. The treatment process is designed to purge shellfish of bacterial and viral contamination to the extent that such shellfish are rendered safe for human consumption.

(18) Designated representative – In the absence of the plant supervisor or certified shellfish dealer the individual who supervises all activities associated with the operation of the certified shellfish dealer's plant. The designated representative shall be held accountable for compliance with all laws, rules, and permits applicable to the shellfish business operation.

(19)(15) Emergency – any unusual incident resulting from natural or unnatural causes which endangers the health, safety, or resources of the state, including, but not limited to, a hurricane, storm, or red tide; petroleum spill; toxic substance discharge; inability of a sewage treatment plant to comply with permit conditions due to a breakdown of equipment, power outage, destruction by fire, wind, or by other cause.

(20) Firm – a certified shellfish dealer who is a shell stock shipper, shucker-packer, repacker, or depuration processor who possesses a shellfish processing plant certification license from the Department.

(21)(16) Food – any raw, cooked, or processed edible substance, ice, beverage, or ingredient used or intended for use or for sale in whole or in part for human consumption. Shellfish in the shell are considered food.

(22)(17) Food contact surface – a surface of equipment or utensil which food normally comes into contact; or a surface of equipment or utensil from which food may drain, drip, or splash into food or onto a surface normally in contact with food.

(23)(18) Food packaging materials – any material or container which food normally comes into contact.

(24)(19) Food safety hazard – any biological, chemical, or physical property that may cause a food to be unsafe for human consumption.

(25)(20) Free liquor – that liquid portion of a container that passes through a porous straining device when the contents (oyster or clam meats) of the container are drained.

(26)(21) Growing area – an area in which market or seed shellfish are growing either naturally or artificially.

(27)(22) HACCP – Hazard Analysis and Critical Control Points – A system of inspection, control, and monitoring measures initiated by a certified shellfish dealer to identify and control microbiological, chemical, or physical food safety hazards which are likely to occur in shellfish products produced by the firm.

(28)(23) Harvester – a person engaged in the harvesting of shellfish.

(29)(24) Health authority – the Department or its authorized representative.

(30)(25) Heat shock – the process of subjecting molluscan shell stock to any form of heat treatment prior to shucking, including steam, hot water or dry heat, to facilitate removal of the meat from the shell without substantially altering the physical or organoleptic characteristics of the molluscan shellfish.

(31)(26) High density aquaculture lease areas – legally-defined parcels that are surveyed and properly marked, describing and indicating corners and boundaries, that have been subdivided into individual aquaculture leases issued pursuant to Section 253.68, F.S., and paragraph 18-21.004(2)(1), F.A.C.

(32)(27) ICWW – Intracoastal Waterway.

(33)(28) Key deficiency – a condition or practice which may result in adulterated, or misbranded product. A Key deficiency is not a minor violation.

(34)(29) Lot of shell stock – a single type of bulk shell stock or container of shell stock of no more than one day's harvest from a single harvest area gathered by one or more harvesters.

(35)(30) Lot of shucked shellfish – a collection of containers of no more than one day's shucked product from a single harvest area produced under conditions as nearly uniform as possible, and designated by a common container code or marking.

(36)(31) Lot wet storage/depuration – all shellfish from a single depuration or wet storage tank or series of tanks serviced by a common treatment system.

(37)(33) Mechanical refrigeration – refrigeration provided by an electric compressor in a system where temperature can be adjusted with a thermostat and the unit will maintain a temperature of 45 degrees F or less.

(38)(32) Misbranded – any shellfish product whose labeling is false or misleading; any shellfish product in package form unless it bears labeling including (1) the name and place of business of the manufacturer, packer, or distributor; (2) an accurate statement of the quantity of the contents in terms of weight, measure, or numerical count; and (3) meets labeling requirements of the Department within this Chapter.

(39)(34) NSSP Model Ordinance – the National Shellfish Sanitation Program Guide for the Control of Molluscan Shellfish, published by the U.S. Department of Health and Human Services, ~~which is hereby incorporated herein by reference except for Section 5L-1.001(5)(b)1., F.A.C.~~

(40)(35) Other deficiency – a condition or practice that is not in accordance with rule requirements and is considered a minor deficiency but is not a key or critical deficiency.

(41)(36) Pest – refers to any objectionable animals or insects, including, but not limited to, dogs, cats, birds, rodents, flies, and larvae.

(42)(37) Plant supervisor – an individual, so designated in writing to the Department, who supervises all activities associated with the operation of the shellfish depuration plant. ~~Responsibilities include, but are not limited to, overseeing the proper handling of shellfish, maintenance of the treatment plant, assuring compliance with sampling schedules and resultant bacteriological and water quality standards, and the maintenance of accurate records.~~ The plant supervisor shall be held accountable for compliance with all laws, rules, and permits applicable to the shellfish business operation.

(43)(38) Processing – is the handling, unloading, storing, transporting, shucking, freezing, preparing, changing into different market form, manufacturing, preserving, packing, or labeling of shellfish or shellfish products.

(44)(39) Prohibited area – an area from which the taking of shellfish is not permitted.

~~(40)~~ Retail sale – sale to the ultimate consumer or to a person who will not resell the product.

~~(45)~~ Public Water System – a system for the provision to the public of water for human consumption through pipes or other constructed conveyances, if such system has at least fifteen service connections or regularly serves an average of at least twenty-five individuals daily at least 60 days out of the year. Such term includes: any collection, treatment, storage, and distribution facilities under control of the operator of such system and used primarily in connection with such system; and any collection or pretreatment storage facilities not under such control which are used primarily in connection with such system. Such term does not include any “special irrigation district.” A public water system is either a “community water system” or a “non-community water system.” See the Code of Federal Regulations (C.F.R.), title 40, part 141, section 2, revised as of July 1, 2000.

~~(46)~~~~(41)~~ Repacker/Repacking plant (RP) – a certified shellfish dealer, a person other than the original certified shucker-packer, who repacks shucked shellfish into other containers for distribution or sale. A repacker may also repack and ship shell stock. A repacker shall not shuck shellfish.

~~(47)~~ Repeat Critical deficiency – is the same “critical” deficiency that has been listed on the corrective action plans for the same facility during the most recent consecutive inspection.

~~(48)~~ Repeat Key deficiency – is the same “key” deficiency that has been listed on the corrective action plans for the same facility during the most recent consecutive inspection.

~~(49)~~ Repeat Other deficiency – is the same “other” deficiency that has been listed on the corrective action plans for the same facility during the most recent consecutive inspection.

~~(50)~~~~(42)~~ Restricted area – an area in which it is indicated by a sanitary survey or other monitoring program data that fecal material, pathogenic microorganisms, radio nuclides, harmful chemicals, and marine biotoxins are not present in dangerous concentrations such that shellfish harvested from such an area and subjected to a suitable and effective purification process are safe for human consumption.

~~(51)~~ Retail sale – sale to the ultimate consumer or to a person who will not resell the product.

~~(52)~~~~(43)~~ Sanitize – the effective bactericidal treatment of clean food contact surfaces of equipment and utensils by a process using only those safe sanitizing agents that have an available field test for strength and effectiveness, and is effective to yield a reduction of 5 logs, which is equal to a 99.999% reduction of representative disease microorganisms of public health importance. Such treatment shall not adversely affect the product and shall be safe for the consumer.

~~(53)~~~~(44)~~ Scheduled Depuration Process (SDP) – a process which places shellfish harvested from restricted or approved waters into a controlled aquatic environment selected by the processor as adequate to effectively reduce the level of bacteria and viruses in live shellfish.

~~(54)~~~~(45)~~ Scheduled Heat Shock Process (SHSP) – the process selected by the processor to heat shock a shellfish species in order to facilitate shucking without adversely affecting the microbial quality or altering the organoleptic characteristics of the species.

~~(55)~~~~(46)~~ Scheduled Wet Storage Process (SWSP) – a process which places shellfish harvested from approved waters in containers or floats in natural bodies of water or in tanks containing natural or synthetic seawater for product enhancement.

~~(56)~~~~(47)~~ Shellfish – all edible species of oysters, clams, and mussels, and whole or roe-on scallops either shucked or in the shell, fresh, or frozen.

~~(57)~~~~(48)~~ Shellfish Relaying – the transfer of shellfish from one water bottom to another water bottom which activity would otherwise be prohibited; or the transfer of shellfish from a restricted or conditionally restricted area or an area otherwise closed for the harvesting of shellfish to a certified depuration plant.

~~(58)~~~~(49)~~ Shellstock – shellfish which remain in their shells.

~~(59)~~~~(50)~~ Shellstock plant – any establishment or place where shell stock are washed and packed or otherwise prepared for sale or shipment.

~~(60)~~~~(51)~~ Shellstock shipper/Shellstock shipping plant (SS) – a certified shellfish dealer, a person who grows, harvests, buys, or repacks and sells shell stock. A shell stock shipper is not authorized to act as a shucker-packer or repacker. A shellstock shipper may also ship sealed containers of shucked shellfish.

~~(61)~~~~(52)~~ Shuck date – the date shucked shellfish are initially removed from their shells.

~~(62)~~~~(53)~~ Shucked shellfish – shellfish or parts thereof which have been removed from their shells.

~~(63)~~~~(54)~~ Shucker-packer/Shucker-packer plant (SP) – a certified shellfish dealer a person who shucks and packs shellfish and who may act as a shell stock shipper and/or repacker.

~~(64)~~~~(55)~~ Swing deficiency – a deficiency that could either be a “critical” or a “key” deficiency, or it could be either a “key” or an “other” deficiency, depending on the location, severity and circumstances.

~~(65)~~~~(56)~~ Terminal sale date – the last day freshly packed shellfish shall be offered for sale; that being no more than 14 calendar days subsequent to the date the product was shucked, or for oyster shell stock harvested from the Gulf of Mexico, no more than 14 days subsequent to the date shell stock was harvested.

~~(66)(57)~~ Time of Harvest – is defined as that time when shellfish are first removed from growing waters and placed on or in a manmade conveyance or other means of transport.

~~(67)(58)~~ Time of Refrigeration – is defined as the time when shellfish are first placed within an ambient environment of 45 degrees F or less.

~~(68)(59)~~ Unclassified area – an area for which no recent sanitary survey exists.

~~(69)(60)~~ UV – Ultraviolet.

(70) Violation and deficiency – are used interchangeably with in these rules. The meaning of both is that a facility is not in compliance with the rules governing their operation as outlined in Chapter 5L-1, F.A.C., “The Comprehensive Shellfish Control Code”.

(71) Warning letter – a warning letter includes a notice of non-compliance.

~~(72)(61)~~ Wet storage – the temporary storage of shellfish received from permitted or approved sources and intended for marketing, on privately-owned or leased bottom, in tanks containing seawater, or on floating facilities in natural bodies of water.

~~(73)(62)~~ Wholesale – any sale to any person other than the final ultimate consumer.

Specific Authority 597.020 570.07(23) FS. Law Implemented 597.020 370.074 FS. History–New 1-4-87, Amended 5-21-87, 8-10-88, 7-9-89, 11-5-92, 5-20-93, Formerly 16R-7.003, Amended 7-3-95, 5-8-96, 2-6-97, 6-23-99, Formerly 62R-7.003, Amended 8-9-00,_____.

5L-1.004 Production and Market Standards.

(1) Shellfish offered for sale at the wholesale market level shall be deemed to be “adulterated” as defined in subsection 5L-1.002(1), F.A.C. and section 500.10, F.S., and will be subject to rejection or seizure by the Department, when it exceeds the following bacteriological criteria. Fecal coliform density of not more than 230 MPN per 100 grams; and a 35° C plate count of not more than 500,000 per gram. ~~Any meat with counts exceeding these standards will be subject to rejection or seizure by the Department.~~

(2) Shucked and packed shellfish shall not contain more than 15% by volume of free liquor until the product reaches the consumer.

(3) No shucked shellfish shall be sold, offered for sale, processed, packed, or repacked after the terminal sale date.

(4) No frozen shellfish products shall be thawed to be processed or sold as fresh shellfish products. Thawed frozen shellfish shall be labeled as “previously frozen” in accordance with Rule Section 5L-1.007, F.A.C.

(5) Shellfish having undergone a depuration process shall not be released for sale prior to laboratory analysis and approval by the plant supervisor or representative. Shellfish shall not be released if the geometric mean of three samples exceeds a fecal coliform MPN of 45 per 100 grams of sample, or if any sample’s fecal coliform MPN exceeds 100 per 100 grams of sample.

(6) The use of the elevated temperature coliform plate count is authorized for the bacteriological evaluation of hard clams, *Mercenaria* spp. only from a depuration facility.

(7) Should the Department suspect contamination of shellfish by metallic ions and compounds, pesticides, detergents, radionuclides, marine toxins, or any toxic substance or adulterate, the Department shall require that shellfish meat be analyzed for such contaminants before suspect shellfish are released for sale.

(8) Shellfish or shellfish products determined to be adulterated, or misbranded shall be subject to recall by the certified shellfish dealer responsible for distribution of the products. For a first offense in a certification license year, the ~~Department~~ will apply mitigation measures if applicable. Mitigation measures include on-the-spot correction and reconditioning. For repeat violations, and where mitigation measures are not approved by the Department available, the ~~Department~~ shall issue an order to stop the sale or to condemn, and destroy, shellfish or shellfish containers found to be adulterated, misbranded, or found to be held in non-compliance with any of the provisions of this ~~Chapter~~. Reconditioning shall be a mitigation option only if the products will meet the safety standards of Rule 5L-1.004, F.A.C., and the labeling standards of Rule 5L-1.007, F.A.C. Stop sale, condemnation, or reconditioning of products or containers shall be based on individual conditions found during inspections and shall be conducted using a Seizure and Destruction Order Stop-Sale Notice, DACS Form 15001, Revision 05/01 7/2000. This form is herein incorporated by reference, and available for inspection at the Department’s offices located at 1203 Governors Square Boulevard, 5th Floor, Tallahassee, Florida 32301.

Specific Authority 597.020, 500.09 FS. Law Implemented 597.020, 500.10, 500.172 370.074 FS. History–New 1-4-87, Amended 8-10-88, 7-9-89, Formerly 16R-7.006, Amended 7-3-95, 5-8-96, 2-6-97, Formerly 62R-7.006, Amended 8-9-00,_____.

5L-1.005 Shellfish Processing Plant Certification License.

(1) Upon request, the Department shall provide an application form entitled Shellfish Processing Plant Certification License Application, Form Number DACS 15007, Revision 05/01 7/2000, herein incorporated by reference, and obtainable by writing the Department of Agriculture and Consumer Services, Division of Aquaculture, 1203 Governors Square Boulevard, 5th Floor, Tallahassee, Florida 32301. This completed application form is required necessary for certification or recertification licensing of shellfish establishments. The following information shall be requested on the application form:

(a) The name and address of the firm, ~~corporation, or establishment~~;

(b) The name and address of the legal entity that owns the establishment in (a) above owner and operator;

(c) Name of the registered agent;

(d) The name of the designated representative, person in charge, or plant supervisor that will officially represent the firm on site.

~~(e)~~ The plant classification; and

~~(f)~~ The type of product to be processed.

(2) Possession of a wholesale license to sell saltwater products issued under provisions of section 370.07, F.S., shall be required for certification licensing under this chapter. A copy of the current wholesale license to sell saltwater products shall be submitted with the Shellfish Processing Plant Certification License Application. A shellfish processing plant certification license number will be assigned by the Department upon receipt of a completed Shellfish Processing Plant Certification License Application. Upon receipt of a completed application, inspection of the physical facility will be conducted within 30 calendar days. Certification Licenses and numbers are not transferable; the establishment, not the operator is certified.

(3) If the water supply is not from a public water system, possession of satisfactory bacteriological water analysis results, which shall not equal or exceed two cfu (colony forming units) per 100 mls for total coliform bacteria on any consecutive samples, and shall not equal or exceed two cfu per 100 mls for fecal coliform or E. coli bacteria on any samples, shall be required for certification under this chapter. Analysis shall be from the source water, and an outlet location within the plant, and ice if any is used. The water shall be sampled and approved prior to use of the water supply, every six months while the water supply is in use, and immediately after the water supply has been repaired and disinfected. If the source is a public water system, only a sample from an outlet in the plant and ice if used, is required prior to certification. The water sample shall be taken and acceptable results provided to the Department within 90 days prior to certification. A copy of the current acceptable water analysis shall be submitted with the Shellfish Processing Plant Certification License Application. Certification is granted only to firms who meet the following inspection requirements: no "Critical" item deficiencies; not more than two (2) "Key" item deficiencies; and not more than three (3) "Other" item deficiencies. Failure of a certification inspection requires reapplication by the applicant. After successful inspection of the facility and the applicant's meeting the requirements of Rule 5L-1.005, F.A.C., a shellfish certification license, DACS Form 15002, revision 7/2000, will be issued. This form is herein incorporated by reference, and obtainable by writing the Department of Agriculture and Consumer Services, Division of Aquaculture, 1203 Governors Square Boulevard, 5th Floor, Tallahassee, Florida 32301. After a firm is certified, unannounced inspections using the DACS plant inspection forms 15009, revision 7/2000, and 15012, revision 7/2000 shall be conducted during periods of operation and at such frequency as necessary to assure that adequate operational and sanitary conditions are maintained. These

forms are herein incorporated by reference, and obtainable by writing the Department of Agriculture and Consumer Services, Division of Aquaculture, 1203 Governors Square Boulevard, 5th Floor, Tallahassee, Florida 32301. At the completion of each inspection, a copy of the completed inspection forms shall be issued to the plant supervisor or the plants designated representative.

(4) A shellfish processing plant certification license number will be assigned by the Department after receipt of a completed Shellfish Processing Plant Certification License Application. Upon receipt of a completed application an inspection of the physical facility will be conducted within 30 calendar days. Renewal certification—A dealer shall make application for certification renewal annually. The certification shall not be renewed for any dealer until the dealer has: eliminated any critical deficiencies and agreed to a compliance schedule which carries forward into the next certification period no more than 1 key and 2 other deficiencies identified in previous inspections; and addresses any new key or other deficiencies in a new or revised compliance schedule.

(5) Certification is granted only to firms who meet the following inspection requirements: the firm has no "Critical" item deficiencies, the firm does not have more than two (2) "Key" item deficiencies and the firm does not have more than three (3) "Other" item deficiencies. Failure of a certification inspection requires reapplication by the applicant. After successful inspection of the facility and the applicant's meeting the requirements of Rule 5L-1.005, F.A.C., a Shellfish Processing Certification License, DACS Form 15002, Revision 02/01, will be issued. After a firm is certified, unannounced inspections using the DACS plant inspection forms 15009, Revision 06/01, and 15012, Revision 06/01, shall be conducted during periods of operation and at such frequency as necessary to assure that adequate operational and sanitary conditions are maintained. These forms are herein incorporated by reference, and obtainable by writing the Department of Agriculture and Consumer Services, Division of Aquaculture, 1203 Governors Square Boulevard, 5th Floor, Tallahassee, Florida 32301. Upon completion of the initial inspection where the applicant has met the requirements for licensure, he/she will be given a corrective action plan by the Department, if there are any "key" or "other" deficiencies cited. The licensee must comply with the corrective action plan outlined on form DACS-15012 Revision 06/01, that is given to the certified dealer, plant supervisor or the designated representative of the plant at the end of the inspection. At the completion of each inspection, a copy of the completed inspection forms shall be issued to the plant supervisor or the plants designated representative. In the event that a licensed certified shellfish processing plant changes its name, changes owners, changes location, changes address, or changes classifications, a new application, DACS form 15007, revision

~~7/2000 must be completed and submitted to the department. The firm will be required to go through the complete certification process.~~

~~(6) Renewal certification – A dealer shall make application by completing the Shellfish Processing Plant Certification License Application form for certification renewal annually. The license year starts on July 1 and ends on June 30. The certification shall not be renewed for any dealer until the dealer has: eliminated any “Critical” deficiencies, does not have more than two (2) “Key” item deficiencies, and does not have more than three (3) “Other” item deficiencies. The application (Shellfish Processing Plant Certification License Application Form) for renewal must be received by the agency by April 1 to have an inspection for recertification for the next certification period of a shellfish processor prior to June 30. The application for renewal certification will be denied to any dealer not meeting the above. Possession of a wholesale license to sell saltwater products issued under provisions of Section 370.07, F.S., shall be required for certification licensing under this chapter.~~

~~(7) The Shellfish Processing Plant Certification License will be issued to a licensee at a specific location. The legal entity will be the licensee at that specific location as listed on the Shellfish Processing Plant Certification License. Possession of satisfactory bacteriological water analysis results, which shall not equal or exceed two cfu (colony forming units) per 100 mls for total coliform bacteria on any consecutive samples, and shall not equal or exceed two cfu per 100 mls for fecal coliform or E. coli bacteria on any samples, shall be required for certification under this chapter. Analysis shall be from the source water, and an outlet location within the plant, and ice if any is used. If the source is a public water supply, only a sample from an outlet in the plant and ice if used, is required. Samples shall be taken within 60 days prior to certification.~~

~~(8) One shellfish processing plant certification license shall be issued to a shellfish processing plant owner operating at a single location, regardless of whether the location may qualify for two or more licenses or permits.~~

~~(9) In the event that a licensed certified shellfish processing plant changes its name, changes owners, changes location, changes address, or changes classifications, a new application, DACS form 15007, Revision 05/01 must be completed and submitted to the Department. The firm will be required to go through the complete certification process.~~

~~(10)(8) Possession of a mechanically refrigeration unit that is cooled non-portable and is storage unit able to maintain an ambient temperature of 45° F or below and be of sufficient size to handle one day’s production shall be required for certification under this chapter.~~

~~(11)(9) Each applicant for a shellfish certification license shall have conducted a Hazard Analysis to determine whether there are food safety hazards that are~~

reasonably likely to occur for shellfish products produced at the location listed on DACS form 15007, ~~Revision 05/01~~ 7/2000 Shellfish Processing Plant Certification License Application. Each certified shellfish dealer shall have someone with adequate HACCP training, knowledge or experience to develop a HACCP plan, reassess and modify the HACCP plan and perform the records review. Each certified shellfish dealer shall prepare a written HACCP plan. The HACCP plan shall incorporate critical control points that will eliminate, prevent, or reduce to an acceptable level control of the hazards identified in the hazard analysis. Critical control points shall have established critical limits for parameters to ensure when exceeded the dealer takes corrective actions. The HACCP plan shall include the procedures, and frequency thereof that will be used to monitor each of the critical control points to ensure compliance with the critical limits. The HACCP plan shall provide for a recordkeeping system that documents the monitoring of the critical control points. The records shall contain the actual values and observations obtained during monitoring. The plan shall be signed and dated by the owner or corporate officers of the firm at the time of its implementation, and after any modification. Each establishment shall develop or adopt acceptable sanitation monitoring records to meet the requirements in subsection 5L-1.013(12), F.A.C.

~~(12)(10)~~ Each owner or corporate officer who is a certified shellfish dealer shall verify that the HACCP plan is adequate to control food safety hazards that are reasonably likely to occur, and that the plan is being effectively implemented. Verification shall include at a minimum:

(a) Reassessment of the HACCP plan on an annual basis, or when changes occur that could affect the hazard analysis: and

(b) Ongoing verification including a review of any consumer complaints received by the processor to determine whether they relate to the performance of critical control points or reveal the existence of unidentified critical control points, or the calibration of process-monitoring instruments.

~~(13)(11)~~ All persons who commercially engage in purchasing shellfish from harvesters, shucking, packing, ~~or~~ repacking or transporting shellfish are subject to inspection and shall allow inspection by the Department or its duly authorized representatives during normal operating hours and any time there is shellfish processing, in order to determine compliance with sections of this rule. The Department shall inspect all licensed certified shellfish processing plants. Denial of access for such inspection will automatically institute agency administrative action for immediate suspension of the shellfish processing plant certification license.

~~(14)(12)~~ It is unlawful for persons to commercially engage in purchasing from harvesters, shucking, packing, or repacking shellfish without having complied with these rules and applied

for and obtained a shellfish processing plant certification license from the Department. ~~All certification licenses expire automatically on June 30 following date of issue.~~

~~(15)(13)~~ Upon issuance of a processing plant certification license, the Department shall notify the U.S. Food and Drug Administration of those certified shellfish dealers business name and certification license number be published in the Interstate Certified Shellfish Shippers List.

~~(16)(14)~~ The shellfish processing plant certification license shall be posted in a conspicuous location on the premises.

~~(17)~~ No person shall attempt, by means of any threat or violence, to deter or prevent an agent of the Department from performing any duties imposed by law.

~~(18)~~ All licensed certified shellfish processing plants shall maintain on the premises a current copy of this rule Chapter, 5L-1, Florida Administrative Code, entitled "The Comprehensive Shellfish Control Code" and a current copy of the "Model Ordinance" of the National Shellfish Sanitation Program, Guide for the Control of Molluscan Shellfish published by the U.S. Department of Health and Human Services, Public Health Service, Food and Drug Administration.

Specific Authority 597.020 570.07(2) FS. Law Implemented 597.020 370.074 FS. History—New 1-4-87, Amended 8-10-88, Formerly 16R-7.007, Amended 7-3-95, 5-8-96, 2-6-97, 6-23-99, Formerly 62R-7.007, Amended 8-9-00, 7-1-02.

~~5L-1.006 Compliance and Penalties Suspension or Revocation of Shellfish Processing Plant Certification License, Routine or Emergency Action.~~

(1) The Department shall initiate enforcement action as follows:

(a) ~~The Department shall inspect and re-inspect all licensed certified shellfish processing plants as necessary. The deficiency(ies) cited in an inspection report is not determined by the type of inspection being conducted. When a "Critical" deficiency is detected, operations affected by the critical deficiency will be suspended and the deficiency will be corrected during the inspection or the firm's certification license to operate shall be suspended as an immediate public health threat.~~

(b) ~~At the completion of an inspection where the Department finds a deficiency (ies) at a facility, the Department will do a corrective action plan. The Department will solicit input from the certified shellfish dealer, plant supervisor or the designated representative. The consent and cooperation of the certified shellfish dealer, plant supervisor or the designated representative is not necessary for the creation of a corrective action plan by the Department nor will the lack of cooperation from the certified shellfish dealer, plant supervisor or the designated representative affect the plans' validity or requirement that the plan be implemented. A copy~~

~~of the inspection report (DACS 15009, Revision 06/01) and the corrective action plan (DACS 15012, Revision 06/01) will be given to one of the following individuals who is present in the facility at the time the inspection is concluded: the plant supervisor, the certified shellfish dealer, or the designated representative. The certified shellfish dealer, plant supervisor, and the designated representative shall comply with the corrective action plan as outlined on form DACS-15012 Revision 06/01 that is given to the certified shellfish dealer, plant supervisor or the designated representative of the plant at the end of the inspection. The certified shellfish dealer, plant supervisor, or the designated representative's failure to comply with the corrective action plan outlined on form DACS-15012 Revision 06/01 will lead to a fine, suspension, or revocation of the certified dealer's certificate. When "Key" item deficiencies, are cited in violation of Chapter 5L-1, F.A.C., the firm will be noticed that the firm's operation is in violation of sections of this Chapter. The firm's representative will be requested to provide the Department a commitment that the corrections will be made. When "Key" item deficiencies are cited, the Department may initiate a warning letter which will ask the firm to write a corrective action plan and list the corrective actions that will be taken or have been taken to ensure correction of the violations. Failure to make satisfactory corrective actions of "Key" item deficiencies within an agreed upon time period as specified in a corrective action plan, shall result in the issuance of a letter of intent to suspend the firm's certification license for a minimum period of seven (7) calendar days, and until corrections have been completed.~~

~~(c) If upon inspection of a facility by an employee of the Department it is determined that there are "Critical", "Key", or "Other" deficiency(ies) of the facility, the following schedule will be used by the Department with respect to the administrative actions to be taken:~~

~~Critical deficiency(ies)~~

~~When a "Critical" deficiency(ies) is detected, operations affected by the "Critical" deficiency will be suspended and the deficiency will be corrected during the inspection or the firm's certification license to operate shall be immediately suspended as a public health threat. If the certification license to operate is suspended, it will remain suspended until corrections are made and verified by Department inspection. Product affected by the "Critical" deficiency will be controlled to prevent contaminated or adulterated product from reaching consumers. The Department will mandate a recall of the product from the market by the certified shellfish dealer and notify necessary officials of the recall.~~

~~In addition to these actions the sanction to be imposed on a certified shellfish dealer upon the finding of repeat "critical" deficiency (ies), after the initial inspection that leads to the certificate being issued, will be as follows:~~

<u>Repeat "Critical" deficiency(ies)</u>	<u>The certified shellfish dealer will be fined \$500.00 per violation</u>
<u>2nd repeat "Critical" deficiency(ies)</u>	<u>The certified shellfish dealer will be fined \$1,000.00 per violation</u>
<u>3rd repeat "Critical" deficiency(ies)</u>	<u>The certified shellfish dealer will be suspended for 7 days</u>
<u>4th repeat "Critical" deficiency(ies)</u>	<u>The certified shellfish dealer license will be revoked for the remainder of the certification period.</u>

Key deficiency(ies)
The sanction to be imposed on a certified shellfish dealer upon the finding of repeat "Key" deficiency(ies), after the initial inspection that leads to the certificate being issued, will be as follows:

<u>Repeat "Key" deficiency(ies)</u>	<u>The certified shellfish dealer will be fined \$100.00 per violation</u>
<u>2nd repeat "Key" deficiency(ies)</u>	<u>The certified shellfish dealer will be fined \$200.00 per violation</u>
<u>3rd repeat "Key" deficiency(ies)</u>	<u>The certified shellfish dealer will be suspended for 7 days</u>
<u>4th repeat "Key" deficiency(ies)</u>	<u>The certified shellfish dealer will be suspended for 14 days</u>
<u>5th repeat "Key" deficiency(ies)</u>	<u>The certified shellfish dealer license will be revoked for the remainder of the certification period.</u>

Other deficiency(ies)
A warning letter will be sent to a certified shellfish dealer upon the finding of 5 or more "Other" deficiencies. The sanction to be imposed on a certified shellfish dealer upon the finding of repeat "Other" deficiency(ies) after the initial inspection that leads to the certificate being issued, will be as follows; after 5 or more "other" item deficiencies:

<u>Repeat "Other" deficiency(ies)</u>	<u>The certified shellfish dealer will be fined \$25.00 per violation</u>
<u>2nd repeat "Other" deficiency(ies)</u>	<u>The certified shellfish dealer will be fined \$50.00 per violation</u>
<u>3rd repeat "Other" deficiency(ies)</u>	<u>The certified shellfish dealer will be fined \$75.00 per violation</u>
<u>4th or subsequent repeat "Other" deficiency(ies)</u>	<u>The certified shellfish dealer will be fined \$100.00 per violation</u>

~~(e) Firm's which are found with four or more "Key" item deficiencies after initial suspension in any twelve month period, will be issued a letter of intent to suspend for a minimum period of fourteen (14) calendar days and until corrective actions have been completed.~~

~~(d) In those cases involving no fine, suspension or revocation, a warning letter will be sent to the certified dealer along with a notice of rights, which states that a dealer may contest the warning letter by requesting an administrative hearing to be conducted in accordance with sections 120.569 and 120.57, Florida Statutes, when the establishment has 3 or more "Key" item deficiencies cited in violation of Chapter 5L-1, F.A.C., or when an establishment has 2 "Key" item deficiencies and 3 "Other" item deficiencies cited in violation of Chapter 5L-1, F.A.C., or 1 "Key" item deficiency and 4 "Other" item deficiencies cited in violation of Chapter 5L-1, F.A.C. In cases involving the imposition of a fine the Department will forward an administrative complaint to the certified shellfish dealer, a proposed settlement offer and a statement of rights. In cases involving the imposition of a suspension or revocation of a certified shellfish dealer's license the Department will forward an administrative complaint, a statement of rights and a proposed settlement agreement to the certified shellfish dealer except when the Department has to immediately suspend a certification license because of an immediate public health threat. Payment of fines owed to the Department must be made within 22 days of the receipt by the certificate holder of the notice imposing the fine absent a request for a hearing on the matter pursuant to Chapter 120, Florida Statutes. Continued violation with four or more "Key" item deficiencies after a second suspension in any twelve month period, will result in revocation of the firm's certification license for the remainder of the certification year.~~

~~(e) A renewal of a firm's certificate will not be made if there are any unpaid fines with respect to prior certification periods. When "Other" item deficiencies are detected, the firm shall correct the deficiencies within an agreed upon time period as specified in a corrective action plan.~~

~~(f) Prior to suspending or revoking any certification license, the Department shall provide at least 21 days notice by certified mail or to the certification license holder, plant operator if different from the certification license holder, of the Department's intended action. The notice shall contain:~~

- ~~1. The specific facts or conduct which are relied upon to establish the violation;~~
- ~~2. The statutory provision or rule alleged to have been violated; and~~
- ~~3. A statement that the certification license holder has 21 days from receipt of the notice in which to file a petition requesting an administrative hearing pursuant to Section 120.57, F.S.~~

(2) The Department or its agents shall summarily suspend a certification license if it is determined that there is an immediate serious danger to the public health, safety, or welfare requiring such emergency action. The Department shall, at the time the emergency action is taken, initiate proceedings as provided in Section 120.60, F.S.

(3) Upon suspension or revocation of a certification license, the Department shall notify the U.S. Food and Drug Administration so that the dealer's business name and certification license number may be removed from the Interstate Certified Shellfish Shippers List. Upon reinstatement of the license, the Department shall notify the U.S. Food and Drug Administration so that the dealer's business name and certification license number may be reinstated on the Interstate Certified Shellfish Shippers List.

(4) When an employee of the Department finds, or has reason to believe, that any equipment which is located at a licensed facility is in violation of this chapter so as to be dangerous or unsanitary within the meaning of this chapter, an employee of the Department may issue and enforce a stop-sale, stop-use, removal, or hold order, which order gives notice that such equipment is, or is suspected of being, in violation and has been detained or embargoed and which order warns all persons not to remove, use, or dispose of such equipment by sale or otherwise until permission for removal, use, or disposal is given by the Department or the court. It is unlawful for any person to remove, use, or dispose of such detained or embargoed equipment by sale or otherwise without such permission.

(5) Settlement and Additional Enforcement Remedies. In determining the appropriate disciplinary penalty the Department will consider the compliance record of the violator. The provisions of this rule shall not be construed to limit the authority of the Department to enter into settlement with any party per section 120.57(4), Florida Statutes, or to prohibit additional administrative remedies or civil actions. Settlement agreements can provide for installment payments and costs for up to six months. The Department will enforce a failure to comply with a settlement agreement with the penalties and remedies provided in the settlement agreement or as authorized by law.

Specific Authority 597.020, 500.172, 500.121(1) FS. Law Implemented 597.020, 500.172, 500.121(1) 370.074 FS. History—New 1-4-87, Amended 8-10-88, 7-9-89, Formerly 16R-7.009, Amended 7-3-95, 2-6-97, Formerly 62R-7.009, Amended 8-9-00,_____.

5L-1.007 Container Identification, Terminal Sale Date; Prohibitions.

(1) Shucked shellfish container – The packer's or repacker's shellfish processing plant certification license number preceded by the state abbreviation must be embossed, imprinted, lithographed, or otherwise permanently and legibly recorded on the external body of containers or on the lid if the lid becomes an integral part of the container during the sealing

process (Example: FL-872-SP). Containers shall permanently indicate type of product, quantity, and name and address of packer, repacker, or distributor. Containers of fresh shellfish, with a capacity of less than 64 ounces, shall further clearly and permanently bear the terminal sale date, by the numerical month, day, and last digit of the year. Containers of fresh shellfish with a capacity of 64 ounces or more, bears the actual shucking date by numerical month, day, and last digit of the year, in that order (Example: 01015). Reusable bulk storage containers shall be identified with state of origin, harvest date, and shuck date. Containers of frozen or previously frozen shellfish shall further clearly and permanently bear the date of shucking by numerical month, day, and last digit of the year, in that order (Example: 02097). Previously frozen shucked shellfish shall also have the freeze date and the thaw date following the same format. The terminal sale date for previously frozen shucked shellfish will be calculated by adding the day of shucking plus amount of time under refrigeration if not frozen, and adding the days that the product has been held thawed. Repacked shellfish containers shall also bear an appropriate code identifying the original packer.

(2) Each commercial harvester or each certified shellfish dealer shall affix a durable, waterproof tag of minimal size – 2 5/8 by 5 1/4 inches – to each container of shellstock; for commercial harvesters this shall be done at each harvest location; for certified shellfish dealers this shall be done after final packing. In the case where a certified shellfish dealer is also the harvester, that dealer's tag may also be used as the harvester's tag.

(3) The commercial harvester's tag's shall contain legible waterproof indelible information arranged in the specific order as follows:

- (a) The harvester's saltwater product license number or aquaculture certificate number;
- (b) The date of harvesting;
- (c) The time of harvest;
- (d) The time of refrigeration, if applicable;
- (e) The identification of the harvest area using the four digit area number or name of the harvest area listed in Table 2, which is incorporated herein and appears at the end of this chapter, as well as the most precise identification within that area as practicable;
- (f) Common name of shellfish and quantity of shellfish;
- (g) The following statement will appear in bold capitalized type "THIS TAG IS REQUIRED TO BE ATTACHED UNTIL CONTAINER IS EMPTY AND THEREAFTER KEPT ON FILE FOR 90 DAYS."

(4) Bulk tagging is allowed for those aquaculturists operating with an aquaculture certificate. A bulk tag, containing the information required in (3)(a)-(g), along with the name of the certified shellfish dealer which the product is consigned to, shall be completed at each harvest location.

(5) Bulk tagging, by a certified shellfish dealer, while washing, packing, during depuration, wet storing, ~~storage~~, staging and intrastate transport of shellfish is permissible up to final packaging only when the lot container (i.e., pallet), contains shellfish which are harvested on the same day, from the same harvest area, and have the same intended use (i.e., for halfshell consumption, for shucking, or for further processing), and is tagged as follows:

(a) The statement “All Shellfish containers in this lot have the same date and area of harvest, as well as the same intended use”,

(b) Harvest date,

(c) Harvest area,

(d) Original Dealer/Shipper identification,

(e) Number of units in this lot container.

(6) The dealer’s tag shall contain legible, waterproof, indelible information arranged in the specific order as follows:

(a) The shellfish shipper, shucker-packer, repacker, depurator, or distributors name, address, processing plant certification number;

(b) The original shipper’s certification number including the state abbreviation;

(c) The date of harvesting;

(d) The identification of the harvest area, and for Florida harvest areas the four digit code or name of the harvest area found in (3)(e) above;

(e) Common name of shellfish and quantity of shellfish; and

(f) The following statement will appear in bold capitalized type “THIS TAG IS REQUIRED TO BE ATTACHED UNTIL CONTAINER IS EMPTY AND THEREAFTER KEPT ON FILE FOR 90 DAYS.”

(g) For oyster shellstock harvested from the Gulf of Mexico, the terminal sale date as a numeric date depicting month, day, and last digit of the year, not to exceed 14 days after the harvest date, or the statement “Sell Within 14 days of the Harvest Date”.

(h) If shellstock exceeds the time limit for refrigeration found in subsection Chapter 5L-1.008(5)(6), F.A.C., the shellstock dealer tag shall be identified with the language “FOR SHUCKING ONLY BY A CERTIFIED DEALER”.

(i) For depuration processors, subsections (a), (d), (e), and (f) are required as well as the date of processing, and the depuration cycle number.

(j) For shellstock wet stored the following statement: “This product was wet stored on or at (Lease # or Facility certification number) from (date) to (date)”.

(7) Containers of treated shellfish from depuration facilities shall be tagged in accordance with item (6) in addition to the lot number and date shellfish were released from the treatment plant.

(8) Shellfish identification, out-of-state – No shellfish from sources outside of Florida shall be brought into the state for purpose of resale or public distribution unless the product bears evidence of certification from the state or nation of origin and certification is based on requirements similar to those outlined in this Chapter.

(9) In addition to the identification and labeling requirements of subsections (1) and (2), containers of fresh, frozen, previously frozen or repacked shellfish or containers of shellstock must indicate the state of origin of the shellfish, e.g., LA, MS, TX. For shellstock this requirement can be by (6)(a) and (b) above.

(10) Oyster shellstock and shucked oyster containers shall be labeled with the following statement: “CONSUMER INFORMATION There is a risk associated with consuming raw oysters. If you have chronic illness of the liver, stomach or blood or have immune disorders, you are at greater risk of serious illness from raw oysters and should eat oysters fully cooked. If unsure of your risk, consult a physician.”

(11) It shall be unlawful for any person, firm, corporation, wholesale or retail dealer to sell or offer for sale any fresh, ~~or previously frozen~~ shellfish after the terminal sale date has expired, or sell or offer for sale any fresh, frozen, or previously frozen shellfish not in compliance with any and all requirements of Chapter Rule 5L-1, F.A.C.

(12) Whoever knowingly or willfully alters or damages in any manner, or loans or transfers to another person any certification license number or shellfish tags, or any person who uses the certification license or shellfish tags, other than the person to whom they were issued, shall be in violation of this section and shall be subject to certification license suspension or revocation in addition to any other penalty for violation of Chapter Rule 5L-1, F.A.C.

Specific Authority 597.020 570.074(23) FS. Law Implemented 597.020 370.074 FS. History—New 1-4-87, Amended 5-21-87, 8-10-88, 7-9-89, 8-30-89, 5-6-93, 9-14-93, 8-21-94, Formerly 16R-7.010, Amended 9-1-95, 5-8-96, 2-6-97, 10-12-97, 2-12-98, 2-25-98, 7-1-98, 11-13-98, 12-28-98, 3-18-99, 7-1-99, Formerly 62R-7.010, Amended 6-19-00, 8-9-00,_____.

5L-1.008 Shellfish Handling.

(1) Wet storage shall be conducted upon execution of an agreement between a person, firm, or corporation possessing a shellfish processing plant certification license and the Department. Each agreement shall include the following provisions:

(a) The coordinates in Latitude and Longitude where the facility is to be located.

(b) A description of all facilities and equipment to be used to wet-store shellfish.

(c) A listing of the species to be wet-stored.

(d) If the wet storage facility is to be located upon or in waters of the state, the facility shall be marked and lighted so as not to be a hazard to navigation.

(e) If the wet storage facility is to be located on or in waters of the state, and is to be a manned structure, it shall be equipped with a U.S. Coast Guard approved Type III marine sanitation device; this device shall be maintained in working order and be used by all personnel for disposal of bodily wastes.

(f) All solid wastes shall be removed from the wet storage facility daily and disposed of in a shore-based receptacle.

(g) No anti-fouling paints or finishes shall be used on any portion of the wet storage facility.

(h) No shellfish shall be removed from a wet storage facility when the shellfish harvesting area in which such shellfish are stored is closed pursuant to ~~Rule Chapter~~ Rule Chapter 5L-1.003, F.A.C., or because of emergency conditions as defined by ~~Rule Chapter~~ Rule Chapter 5L-1.002, F.A.C.

(i) Should maintenance of the wet storage facility require that the facility be relocated, written notification shall be provided to the Department, by certified mail, a minimum of 10 working days prior to such relocation. All shellfish shall be removed from the facility prior to relocation.

(j) If wet storage is to be practiced using a shore-based facility, the applicable provisions of ~~Rules Sections~~ Rules Sections 5L-1.002, 5L-1.010, 5L-1.011, 5L-1.012, 5L-1.013, subsections 5L-1.015(2), (3), (4), (5), (6) and (7), and Rules 5L-1.017, and 5L-1.018, F.A.C., shall apply. All shore-based facilities shall employ ultraviolet light treatment of all incoming and recirculated seawater. All water quality measurements required by ~~Rule Section~~ Rule Section 5L-1.017, F.A.C., shall be documented and such data retained for inspection by the Department for a minimum of one year. ~~Paragraphs~~ Paragraphs ~~Rule~~ 5L-1.008(1)(a), (b), (d), (e), (f), (h), and (i), F.A.C., shall not apply to a shore-based facility.

(k) The agreement shall be valid for no more than 1 year from the date it is signed by the Department.

(2) Boats and vehicles – Boats and vehicles used in harvesting or transporting shellfish shall be constructed, operated, and maintained, so as to protect the shellfish from contamination. Fuel tanks or other sources of contamination shall not be permitted to come into contact with shellfish. All boats used for commercial harvesting and handling shellfish shall be designed in such a way to prevent shellfish from coming in contact with any bilge water. No dogs or other animals or pets shall be allowed at any time on vessels or vehicles used to harvest or transport shellfish. No bodily wastes shall be discharged overboard from a harvest vessel. Shellstock harvested with commercial intent shall be protected by effective shading on harvest boats and vehicles to protect shellstock from exposure to sun, birds, and other adverse conditions. Shellfish shall be held under conditions which allows air circulation and promotes evaporative cooling.

(3) Boats engaged in harvesting or transporting shellfish shall have on board an approved Type III marine sanitation device, portable toilet or other sewage disposal receptacle. Portable toilets shall:

(a) Be constructed of high quality plastic that is durable, easy to clean and will not spill;

~~(b)(a)~~ Be used only for the purpose intended;

~~(c)(b)~~ Be secured while on board the vessel and located to prevent contamination of shellstock by spillage or leakage;

~~(d)(c)~~ Be emptied only into an appropriate sewage disposal system;

~~(e)(d)~~ Be cleaned before being returned to the boat; and

~~(f)(e)~~ Not be cleaned with equipment used for washing or processing food.

(4) Use of other receptacles for sewage disposal are approved if the receptacles are constructed of impervious, cleanable materials, have tight fitting lids, and meet the requirements of Section 5L-1.008(3)(a)-(e), F.A.C.

(5) Throughout the year, it is the harvesters responsibility that shellfish shall be harvested between sunrise and sunset as established by the U.S. Weather Service. During the months of November, December, January, February, and March, the harvester shall assure that shellfish shall be delivered refrigerated to a certified shellfish dealer by 10:00 pm of within the same day as harvest. During the months of April, May, and October, harvesters shall assure that oysters or clams shall be delivered refrigerated to a certified shellfish dealer within twelve (12) hours of the time of harvest, or within the same day as harvest. During the months of June, July, August, and September, the harvesters shall assure that oysters shall be delivered refrigerated to a certified shellfish dealer within six (6) hours of the time of harvest, or within the same day as harvest, whichever is earlier. During the months of June, July, August, and September, the harvester shall assure that clams shall be delivered refrigerated to a certified shellfish dealer within ten (10) hours of the time of harvest, or within the same day as harvest, whichever is earlier. All shellfish shall be delivered directly to a certified shellfish dealer possessing a shellfish processing plant certification license.

(6) Once received by a certified shellfish dealer, the shellstock lot shall be immediately processed and placed under temperature control and until sale to final consumer, the shellstock shall be maintained at an environmental temperature of 45° F or less and not be permitted to remain outside of temperature control for more than 2 hours cumulative at points of transfer within the processing plant such as loading docks or during processing except for the process described in paragraph 5L-1.013(3)(b), F.A.C.

(7) Shellfish leaving a certified shellfish dealer must be transported in an enclosed, refrigerated conveyance with doors closed securely. The refrigeration unit must be capable of maintaining an ambient temperature of 45 degrees F or less at all times.

Specific Authority 597.020 FS. Law Implemented 597.020 370.074 FS. History—New 1-4-87, Amended 5-21-87, 8-10-88, 7-9-89, Formerly 16R-7.011, Amended 7-3-95, 2-6-97, 3-18-99, 6-23-99, Formerly 62R-7.011, Amended 8-9-00, _____.

5L-1.009 Shellfish Relaying.

(1) No person, firm, corporation, municipality, association, or other governmental body shall engage in shellfish relay operations without first obtaining a “Special Activity License to Relay Shellfish” from the Department.

(2) A Special Activity License to Relay Shellfish may be issued to any person, firm, corporation, municipality, or other governmental body or agency holding a shellfish lease, aquaculture lease, or owning or operating a depuration plant, and whose past record indicates that they can be bonded and are responsible to oversee and assure compliance with all rules and licenses. A Special Activity License to Relay Shellfish may be issued to an association when the Department has public funds appropriated for relaying shellfish to public areas.

(3) Anyone wishing to conduct shellfish relaying operations shall provide the Department, upon application form entitled “Application for A Special Activity License to Relay Shellfish”, Form Number DACS 15109, Revision 05/01 effective 7/2000, available from the Department of Agriculture and Consumer Services, 1203 Governors Square Boulevard, 5th Floor, Tallahassee, Florida 32301, and herein incorporated by reference, with the following information:

(a) Name, address, telephone number, and instructions for contacting person or persons responsible for relaying operations;

(b) Species of shellfish to be moved;

(c) Anticipated amount of shellfish to be moved;

(d) Method of harvesting, that is raking, tonging, treading, or diving;

(e) Areas from which shellfish will be moved;

(f) Areas to which shellfish will be moved;

(g) Method of transportation;

(h) Number of crews to be involved in the relay operation;

(i) The colors and design of flags to be used pursuant to Section 5L-1.009(4)(r), F.A.C.; and

(j) Laboratory secured for collection and laboratory analysis according to Rule 5L-1.009(4)(p), F.A.C., for shellfish leases and aquaculture leases and according to Rules 5L-1.016 and 5L-1.017, F.A.C. for depuration facilities.

(4) The Department, after reviewing the application and finding the plan in compliance with all applicable rules and regulations, and determining that the activity will not degrade, destroy or affect marine resources, shall issue a Special Activity License to Relay Shellfish within the general conditions set forth below:

(a) The Department is authorized to establish the effective date and expiration date of the “Special Activity License to Relay Shellfish”. In no case shall the expiration date be greater than one year from the effective date.

(b) Shellfish relaying shall be conducted only during daylight hours, commencing at official sunrise and ending at official sunset, as established by the U.S. Weather Service, except as defined by subparagraph subsection 5L-1.009(4)(n)5., F.A.C., under approved law enforcement, licensed security guard monitoring, or under the supervision of the Department. All persons involved in harvest, transport, and relaying shall comply with these rules and license conditions. Harvesters shall remain within the immediate control and observation of a monitor at all times. No more than 15 watercraft shall be under the supervision of a monitor at any time. The requirement for a monitor is not necessary when an association is conducting shellfish relaying to public areas in conjunction with Department supervision using public funds.

(c) All persons operating under a “Special Activity License to Relay Shellfish”, shall comply with all applicable shellfish rules, regulations, and specific license conditions listed on the “Special Activity License to Relay Shellfish”, under which he/she is operating.

(d) The licensee and person named as being responsible, shall be lawfully responsible for all activities conducted under the conditions of the “Special Activity License to Relay Shellfish” and applicable rules and regulations.

(e) The licensee must notify the local Marine Enforcement District Office of the Florida Fish and Wildlife Conservation Commission and the Department within twelve (12) hours by telephone and in writing by certified mail or hand delivery, within three days of any changes in ownership or person named as being responsible for the activities conducted under the conditions of the “Special Activity License to Relay Shellfish”.

(f) The Licensee shall use only Department approved monitors, as specified by subsection 5L-1.009(5), F.A.C., to supervise relay harvesting, relay transport operations, placement on permitted site, and completion of required relay reports.

(g) Approved monitors must have completed the Department monitor training course and have a current “Department Approved Monitor Identification Card” showing successful completion of the course.

(h) Approved monitors shall have in their possession and available for immediate inspection, a current “Department Approved Monitor Identification Card” and a valid picture identification card during relay operations, available for immediate inspection.

(i) Approved monitors shall have in their possession a complete copy of the valid “Special Activity License to Relay Shellfish”, including complete copies of all licenses of each licensee who participates in a relay crew when the relay crew is comprised of more than one licensee, available for immediate inspection during any phase of relay operation. The copy(ies) shall be supplied by the licensee(s) or person(s) named as being responsible.

(j) Harvesters shall harvest shellfish within one hundred yards of the approved monitor, and remain under the immediate supervision and unobstructed view of the approved monitor, except as described in subparagraph subsection 5L-1.009(4)(n)13., F.A.C.

(k) No more than fifteen (15) harvesters shall comprise one crew and not more than one crew shall be under the immediate supervision of an approved monitor, except as described in subparagraph subsection 5L-1.009(4)(n)3., F.A.C.

(l) Relay teams that are treading or using rakes and/or tongs shall remain at a distance greater than 100 yards from any diving relay team that is in operation.

(m) Seagrasses shall not be disturbed.

(n) If relay harvesting is to be conducted by divers, the following additional conditions shall apply:

1. Any harvester who wishes to engage in a diving operation shall be required to obtain an "Underwater Shellfish Harvester Certificate" from the Florida Marine Enforcement District Office of the Florida Fish and Wildlife Conservation Commission, in which geographic area the harvester works. No certificate shall be issued to any applicant with a conviction of harvesting in a restricted, conditionally restricted, prohibited, or unclassified area within one year prior to application. No certificate shall be issued to any applicant who is not a certified diver.

2. It shall be unlawful for a diver to harvest shellfish on a relay crew without an "Underwater Shellfish Harvester Certificate" issued by the Florida Marine Enforcement District Office in which geographic area harvesting occurs.

3. A diver relay crew shall not be comprised of more than five divers, and not more than one crew shall be under the immediate supervision of an approved monitor.

4. Diving shall be the only method used by a team. Other harvesting methods, such as raking or tonging from a vessel or treading, shall not be permitted by a team employing diving.

5. The use of self contained underwater breathing apparatus (SCUBA) is not permitted.

6. The air supply shall come from the surface and consist of an apparatus which is supported by flotation, and used by no more than two harvesters at a time.

7. The air line from the apparatus to each diver shall not exceed 150 feet in length.

8. A designated diver's apparatus must be tethered to the approved monitor's vessel to provide a means of communication. The designated diver will provide communication for the approved monitor to the other divers.

9. Diver down flags shall be utilized as prescribed by Section 861.065, F.S. In addition, each diver shall have a diver's down flag on any flotation device designating the diver's approximate location.

10. Flags, as required by paragraph subsection 5L-1.009(4)(r), F.A.C., shall be flown on the vessels and not on the flotation device used to support a compressor.

11. Each diver shall have in his possession, while in the water, a maximum of one container at any time. No other container of any type shall be allowed with the diver while in the water.

12. Harvesters shall remain within 100 yards of the approved monitor's vessel.

13. Relay teams shall remain more than 100 yards from any other relay team.

(o) Relayed shellfish shall be delivered directly to the designated license location on the same day of harvest. Diverting shellfish to any other source or location is prohibited.

(p) If shellfish are relayed to a lease in Approved or Conditionally Approved areas, they shall not be harvested without written permission from the Department. Permission will be granted only after a minimum of 15 days have elapsed to allow the shellfish to cleanse themselves, and this cleansing is verified by laboratory analysis. The fifteen days will commence when the Department receives the licensee's "Special Activity License to Relay Shellfish" for cancellation. The fifteen day period does not include days that shellfish harvesting areas have been temporarily closed to harvest. Laboratory analysis shall consist of a minimum of five samples (each sample to consist of a minimum of 12 individual shellfish), collected by an employee of a laboratory with a current ~~D~~epartment certification letter or staff of the Department. Four samples are to be collected from four corners of the lease and one sample collected from approximately the center of the lease. High-density aquaculture lease areas will be treated as a single entity pursuant to subsection 5L-1.009(4)(s)3. and 8., F.A.C., for sampling. The Department will collect and analyze samples for shellfish relaying to public areas in conjunction with Department supervision using public funds. The laboratory must be certified by the Department State Laboratory Certification Officer pursuant to Guidance document A.11 of the National Shellfish Sanitation Program Model Ordinance and the Shellfish Laboratory Evaluation Checklist (1995), published by the U.S. Food and Drug Administration, which is hereby incorporated by reference and available for inspection at the Department's offices located at 1203 Governors Square Boulevard, 5th Floor, Tallahassee, Florida 32301. Laboratory analysis shall include approved methods for fecal coliform bacteria and standard plate count. The bacteriological quality of the relayed shellfish shall be equal to or better than shellfish of the same species harvested from nearby Approved or Conditionally Approved areas. If shellfish are being relayed due to marine biotoxins, laboratory analyses shall include mouse bioassays for toxin. The toxin level must be less than 20 mouse units. Aquacultured shellfish are the only shellfish allowed to be relayed due to marine biotoxins. Relaying for marine biotoxins is only allowed within the following four specific geographic regions of the state: (1) Escambia County through Jefferson County; (2)

Taylor County through Levy County; (3) Citrus County through Monroe County; (4) Dade County through Nassau County. Relaying due to marine biotoxins between these specific geographic regions is prohibited. The holder of the “Special Activity License to Relay Shellfish” must coordinate with the certified laboratory and other persons or agencies that these criteria are met and communicate this information to the Department. Upon verification that the criteria have been met the Department will issue the written permission in the form of a letter.

(q) Shellfish relaying from Florida waters to another state or country, or from the waters of another state or country to Florida waters or a licensed depuration plant, is prohibited.

(r) Persons engaged in relaying operations shall fly a flag on their vessel, the color of which was applied for and approved by the Department in the “Special Activity License to Relay Shellfish”. The flag will be a rigid flag, minimum size of 12 inches high by 18 inches wide. Only one color design will be approved for each license, except as provided in sub-subparagraphs subsection 5L-1.009(4)(s)4.a.-d., F.A.C. The flags will be free standing and identifiable from the air and the water. The vessel which contains the Department approved monitor will fly a flag of the same description as before described but differentiated by two, three (3) inch wide strips, of contrasting color to the flag, extending diagonally from corner to corner, forming an X. Individual flags shall be mounted such that the entire flag extends a minimum of 2 feet higher than the highest point on the craft.

(s) Special conditions shall apply to high-density aquaculture lease areas, to relaying and transport operations, laboratory sampling, and harvesting when more than one person or licensee participates on a relay crew composed of other persons or licensees from the same high-density aquaculture lease area.

1. The “Application for a Special Activity License to Relay Shellfish” pursuant to subsection 5L-1.009(3), F.A.C., shall incorporate the following additional information:

a. the description of the high-density aquaculture lease area, and

b. the description of the aquaculture lease in the high-density aquaculture lease area.

2. The Department shall establish an expiration date pursuant to paragraph subsection 5L-1.009(4)(a), F.A.C., which shall be the same for all applicants for Special Activity Licenses to Relay Shellfish who participate in relays to high-density aquaculture lease areas.

3. For a high-density aquaculture lease area to be considered as a single entity for laboratory sampling and harvesting, all relaying activity must be terminated by the designated expiration date. The number of participating licensees shall be determined by the number of applicants using the same expiration date and the number of participants is limited by the number of individual aquaculture leases

located in the high-density aquaculture lease area. When an expiration date has been established for relaying to a high-density aquaculture lease area, all applicants shall terminate relay activities on or before the established expiration date regardless of the effective date of the Special Activity License to Relay Shellfish; except when a single licensee surrenders the Special Activity License to Relay Shellfish for cancellation and harvests shellfish pursuant to paragraph subsection 5L-1.009(4)(p), F.A.C.

4. Persons or licensees participating on relay crews composed of other persons or licensees from the same high-density aquaculture lease area shall fly a flag on their vessel pursuant to paragraph subsection 5L-1.009(4)(r), F.A.C., except:

a. Only one color design will be approved for each high-density aquaculture lease area when relay crews are composed of more than one licensee.

b. Each vessel shall also fly a flag or banner, the color and design of which is designated and provided by the approved monitor.

c. The licensee shall maintain possession of the flag designated in the Special Activity License to Relay Shellfish.

d. The approved monitor shall maintain possession and have available the designated monitor flag and provide such flags or banners to all persons or licensees participating on relay crews under his/her immediate supervision during the days activity.

5. No more than 15 boats or licensees shall comprise a relay crew from the same high-density aquaculture lease area and not more than one crew shall be under the immediate supervision of an approved monitor, except as described in subparagraph subsection 5L-1.009(4)(n)3., F.A.C.

6. All participating licensees shall surrender their Special Activity License to Relay Shellfish to the Department for cancellation on the same date.

7. Shellfish relayed to high-density aquaculture lease areas in Approved or Conditionally Approved areas shall not be harvested without written permission from the Department pursuant to paragraph subsection 5L-1.009(4)(p), F.A.C., except the 15 days will commence when the Department receives all participating licensees’ “Special Activity License to Relay Shellfish” for cancellation.

8. High-density aquaculture lease areas will be treated as a single entity pursuant to subparagraph subsection 5L-1.009(4)(s)3., F.A.C., for laboratory sampling when all participating licensees have surrendered their Special Activity License to Relay Shellfish pursuant to subparagraph subsection 5L-1.009(4)(s)6., F.A.C. Laboratory analysis shall consist of a minimum of five samples (each sample to consist of a minimum of 12 individual shellfish), collected by an employee of a laboratory with a current Department certification letter or staff of the Department. Four samples are to be collected from individual aquaculture leases located most proximate to the

four corners of the high-density aquaculture lease area and one sample collected from an individual lease located near the center of the high-density aquaculture lease area.

9. Shellfish relayed under the provisions of ~~paragraph subsection~~ 5L-1.009(4)(s), F.A.C., shall not be harvested without written permission from the Department as defined in ~~paragraph subsection~~ 5L-1.009(4)(p), F.A.C., and permission to harvest by individual licensees shall be denied until all participating licensees receive written permission to harvest.

(5) Requirements for Department approved monitors include the following:

(a) Department approved monitors must be current "Certified Law Enforcement Officers" or licensed "Class D Security Guards" working for a licensed "Class B Security Agency", hired by a "Special Activity License to Relay Shellfish" licensee, or staff of the Department. Staff of the Department, who are not "Certified Law Enforcement Officers", shall monitor only relay operations directed and supervised by the Department during cooperative shellfish resource development programs. Staff of the Department shall monitor shellfish relays to licensed leases pursuant to ~~paragraphs subsections~~ 5L-1.009(4)(g)-(i), ~~subsection~~ 5L-1.009(5), and ~~paragraph~~ 5L-1.009(6)(b), F.A.C.

(b) Applicants shall not possess a current Shellfish License or upon application for training they must surrender their Shellfish License.

(c) It shall be unlawful for any approved monitor to be involved in any other activities within the commercial shellfish industry.

(d) Department approved monitor training will consist of a course developed and approved by the Florida Marine Enforcement and the Division of Aquaculture. The course shall cover the responsibilities of the approved monitor, shellfish laws, shellfish relay license rules, water classifications, health issues and other information deemed necessary by the Department. Training shall be conducted by Department personnel, as follows:

1. Initial training will consist of weekly courses for a period of two months if sufficient applicants apply to fill classes of twenty students. Applicants need to attend only one of the weekly courses.

2. A training course will be scheduled every six months.

3. Contracted licensed security agencies and licensees to relay shellfish will receive written notification of training dates and where the courses will be conducted.

4. An applicant who completes the course satisfactorily will be issued a "Department Approved Monitor Identification Card" in his or her name. The Identification Card will bear an expiration date that coincides with eligibility requirements established for a Department approved monitor. This identification card will expire on the expiration date printed on

the identification card, or in no case longer than one year from the date of issue. The identification card will be renewed only after satisfactory completion of the training course.

(e) A Department approved monitor whose identification card has expired may reapply and will be issued a new identification card with a new expiration date if he or she meets the eligibility requirements established for a Department approved monitor.

(6) Penalty for violation of Rule 5L-1.009, F.A.C.

~~(a) Any person who violates any of the provisions of this chapter, shall be subject to fine and imprisonment as provided in s. 370.021, F.S.~~

~~(a)(b)~~ An approved monitor's failure to supervise shellfish relay operations, complete required reports, and comply with the requirements of Rule 5L-1.009, F.A.C., and the "Special Activity License to Relay Shellfish", will result in the suspension of his authorization to act as a Department approved monitor.

~~(b)(e)~~ A diver, who is permitted by the Florida Marine Enforcement to harvest shellfish on a relay crew, will have his "Underwater Shellfish Harvester Certificate" suspended for any conviction of violating ~~subparagraphs subsection~~ 5L-1.009(4)(n)1.-15., F.A.C. The suspension will be for one year from the date of conviction.

~~(c)(d)~~ A "Special Activity License to Relay Shellfish" will be revoked for:

1. Any conviction for violation of diverting shellfish to any location other than specified on the license.

2. Any conviction for violation of depuration periods specified by law for relayed shellfish or sale of relayed shellfish prior to written authorization by the Division of Aquaculture.

3. Second conviction for violation of harvesting shellfish from any waters not approved by the license.

4. Four separate instances involving convictions for violations, other than ~~subparagraphs subsection~~ 5L-1.009(6)(d)1., 2., and 3., F.A.C., within any six month period.

~~(d)(e)~~ Pursuant to Section 120.60(7), F.S., prior to the entry of a final order revoking a "Special Activity License to Relay Shellfish", the Department will serve an administrative complaint which affords reasonable notice to the licensee of facts or conduct which warrant the intended action and the licensee is given an adequate opportunity to request a proceeding pursuant to Section 120.57, F.S.

~~(e)(f)~~ A "Special Activity License to Relay Shellfish" will be revoked for the following periods:

1. First revocation of license will be for a minimum of thirty days.

2. Second revocation of license will be for a minimum of sixty days and continue until such time the licensee can show to the satisfaction of the Department that corrective measures have been taken to control violations.

3. Third revocation of license will be permanent. No other "Special Activity License to Relay Shellfish" will be issued to a person, firm, corporation, municipality, or other governmental body holding a shellfish lease, aquaculture lease, or owning or operating a depuration plant whose "Special Activity License to Relay Shellfish" was revoked three times. After a six month period a new lease holder or owner or operator of a depuration plant must show to the satisfaction of the Department that corrective measures to control violations will be implemented prior to having an application considered.

~~(f)(g)~~ During periods of revocation no further "Special Activity License to Relay Shellfish" will be issued to a person, firm, corporation, municipality, or other governmental body holding a shellfish lease, aquaculture lease, or owning or operating a depuration plant who had their "Special Activity License to Relay Shellfish" revoked.

Specific Authority 597.020 FS. Law Implemented 597.010(15), 597.010(19), 597.020 370.074, 370.16(17) FS. History—New 1-4-87, Amended 5-21-87, 8-10-88, 7-9-89, 12-23-91, 4-21-93, 5-20-93, 6-9-94, Formerly 16R-7.012, Amended 1-1-98, Formerly 62R-7.012, Amended 8-9-00, _____.

5L-1.010 Buildings and Facilities.

(1) Plant construction and design. Plant buildings and structures shall be suitable in size, construction, and design to facilitate maintenance and sanitary operations for food manufacturing purposes. At a minimum for shellstock, depuration and on shore wet storage operations, the structure shall have a sealed roof and screened walls. At a minimum, shucker packer and repacker operators shall have a sealed roof, solid walls, and sealed flooring. The plant and facilities shall:

(a) Provide sufficient space for such placement of equipment and storage of materials as is necessary for the maintenance of sanitary operations and the production of safe food.

(b) Permit the taking of proper precautions to reduce the potential for contamination of food, food-contact surfaces, or food-packaging materials with microorganisms, chemicals, filth, or other extraneous material. The potential for contamination may be reduced by adequate food safety controls and operating practices or effective design, including the separation of operations in which contamination is likely to occur, by one or more of the following means: location, time, partition, air flow, enclosed systems, or other effective means.

(c) Be constructed in such a manner that floors, walls, and ceilings may be cleaned and kept clean and kept in good repair; that drip or condensate from fixtures, ducts and pipes does not contaminate food, food-contact surfaces, or food-packaging materials; and that aisles or working spaces are provided between equipment and walls and are of such width to permit employees to perform their duties and to protect against contaminating food or food-contact surfaces with clothing or personal contact.

(d) Provide at least 110 lux (10 foot candles) in walk in refrigeration units, dry food storage areas and single service storage areas; at least 220 lux (20 foot candles) at any handwashing lavatory, warewashing and equipment and utensil storage, and in toilet rooms; at least 540 lux (50 foot candles) at the surface where a food employee is working with food or equipment or utensils such as knives or grinders where employee safety is a factor. This is considered adequate lighting for ~~in~~ hand-washing areas, dressing and locker rooms, and toilet rooms and in all areas where food is examined, processed, or stored and where equipment or utensils are cleaned. Light bulbs shall be shielded, coated or otherwise shatter resistant in areas where there is exposed food, clean equipment and utensils or unwrapped single service and single-use articles. Shielded, coated or otherwise shatter resistant bulbs need not be used in areas used only for storing food in unopened packages if the integrity of the packages can not be affected by broken glass falling onto the packages and the packages are capable of being cleaned of debris from broken bulbs before the packages are opened, and provide safety-type light bulbs, fixtures, skylights, or other glass suspended over exposed food in any step of preparation or otherwise protect against food contamination in case of glass breakage.

(e) Provide adequate ventilation or control equipment to minimize air borne dust and particulates, odors and vapors in areas where they may contaminate food; and locate and operate fans and other air-blowing equipment in a manner that minimizes the potential for contaminating food, food-packaging materials, and food contact surfaces.

(f) Provide screening or other protection to prevent the entrance of pests.

(2) Grounds about a food plant under the control of the operator shall be kept in a condition that will protect against the contamination of food. The methods for maintenance of grounds include, but are not limited to:

(a) Storing equipment, removing litter and waste, and cutting weeds or grass within the immediate vicinity of the plant building or structures that may constitute an attractant, breeding place, or harborage for pests.

(b) Maintaining roads, yards, and parking lots so that they do not constitute a source of contamination in areas where food is exposed.

(c) Draining areas that may contribute contamination to food by seepage, foot-borne filth, or providing a breeding place for pests.

(d) Operating systems for waste treatment and disposal in such a manner that they do not constitute a source of contamination in areas where food is exposed. If the plant grounds are bordered by grounds not under the operator's control and not maintained in the manner described in paragraph (2)(a) through (c) of this section, care shall be

exercised in the plant by inspection, extermination, or other means to exclude pests, dirt, and filth that may be a source of food contamination.

(3) The water supply shall be sufficient for the operations intended. Any water that contacts food or food contact surfaces shall be safe and of sanitary quality. Running water at a suitable temperature of 110° F or above, and under pressure as needed, shall be provided in all areas where required for the processing of food, for the cleaning of equipment, utensils, and food-packaging materials, or for employee sanitary facilities. Sanitary quality shall be maintained by the following steps:

(a) In plants that are not on a public water system, routine microbiological monitoring shall be conducted on water, and ice used in the plant, at least once every six months by the operator of the certified processing plant. The sample collected shall be from a tap that provides water for use in processing shellfish. When treatment includes disinfection, a source water standard bacterial sample must also be collected on the same day.

(b) Microbiological results from testing shall not equal or exceed two cfu (colony forming units) per 100 mls for total coliform bacteria on any consecutive samples, and shall not equal or exceed two cfu per 100 mls for fecal coliform or E. coli bacteria on any samples.

(4) Plumbing shall be of size and design and installed and maintained to:

(a) Carry sufficient quantities of water to required locations throughout the plant.

(b) Convey sewage and liquid disposable waste from the plant.

(c) Avoid constituting a source of contamination to food, water supplies, equipment, or utensils or creating an unsanitary condition.

(d) Provide floor drainage in all areas where floors are subject to flooding-type cleaning.

(e) Provide that there is no backflow from, or cross-connection between, piping systems that discharge waste water or sewage and piping systems that carry water for food or food manufacturing.

(5) Sewage and all in-plant wastewater shall be discharged into a public sewage treatment system or other approved sewage treatment system in accordance with provisions of Chapter 64E-6, Florida Administrative Code.

(6) Each plant shall provide its employees with readily accessible toilet facilities. Compliance with this requirement shall be accomplished by:

(a) Maintaining the facilities in a sanitary condition.

(b) Keeping the facilities in good repair at all times.

(c) Providing self-closing doors.

(d) Providing doors that do not open into areas where food is exposed to airborne contamination, except where alternate means have been taken to protect against such contamination, such as double doors or positive air flow systems.

(e) Providing toilet tissue.

(7) Handwashing facilities shall be furnished and easily accessible, where persons handle food, food packaging materials, or food contact surfaces, and include the following:

(a) Running water at a minimum temperature of 110 degrees F.

(b) Where persons handle food, food packaging materials, or food contact surfaces, hand-sanitizing facilities shall be furnished.

(c) Effective hand-cleaning and sanitizing preparations.

(d) Sanitary towels or drying devices.

(e) Readily understandable signs directing employees handling exposed food, unprotected food-packaging materials, or food-contact surfaces, to wash and sanitize their hands prior to handling these items. These signs shall be posted in the processing room at all hand wash stations and in all other areas where employees may handle such food, materials, or surfaces.

(8) Refuse receptacles shall be constructed and maintained in a manner that protects against contamination of food. Rubbish and any offal shall be so conveyed, stored, and disposed of as to minimize the development of odor, minimize the potential for the waste becoming an attractant and harborage or breeding place for pest, and protect against contamination of food, food-contact surfaces, water supplies, and ground surfaces.

Specific Authority 597.020 FS. Law Implemented 597.020 370.074 FS. History—New 1-4-87, Amended 5-21-87, 8-10-88, Formerly 16R-7.013, Amended 7-3-95, 2-6-97, Formerly 62R-7.013, Amended 8-9-00,_____.

5L-1.011 Equipment for Shellfish Processing.

(1) All plant equipment and utensils shall be so designed and of such material and workmanship as to be cleanable, and shall be properly maintained. The design, construction, and use of equipment and utensils shall preclude the adulteration of food with contaminants. All equipment shall be so installed and maintained as to facilitate the cleaning of the equipment and of all adjacent spaces. Food-contact surfaces shall be corrosion-resistant, made of nontoxic materials, and designed to withstand the environment of their intended use and the action of food, and, if applicable, cleaning compounds and sanitizing agents. Food-contact surfaces shall be maintained to protect food from being contaminated by any source.

(2) Seams on food-contact surfaces shall be smoothly bonded or maintained so as to minimize accumulation of food particles, dirt, and organic matter and thus minimize the opportunity for growth of microorganisms.

(3) Equipment that is used in the manufacturing or food-handling area and that does not come into contact with food shall be so constructed that it can be kept in a clean condition.

(4) Three compartment sinks shall be properly installed, maintained and provided with hot and cold running water to all three compartments in establishments required to wash, rinse and sanitize food contact surfaces. Signs shall be posted

indicating proper use of the three compartment sink. A three compartment sink shall be used for washing, rinsing and sanitizing food contact surfaces and shall not be used for hand washing.

(5) Each freezer and cold storage compartment used to store and hold shellfish shall be mechanically refrigerated, nonportable and shall be fitted with an indicating thermometer, temperature-measuring device, or temperature-recording device so installed as to show the temperature accurately within the compartment, and should be fitted with an automatic control for regulating temperature or with an automatic alarm system to indicate a significant temperature change.

(6) Compressed air or other gases mechanically introduced into food or used to clean food-contact surfaces or equipment shall be treated in such a way that food is not contaminated.

(7) Blowers – devices which use compressed air to circulate wash water around and through shucked shellfish shall be properly designed and constructed as to be easily dismantled for cleaning, examination, and repair.

(8) Blowing time – blowing time shall not exceed 15 minutes.

(9) Depuration tanks shall be designed to allow for good water circulation and prevent short-circuiting of the seawater. Tanks shall be designed so that scum and sludge, including shellfish feces and pseudo-feces, sand, and grit can be easily removed or flushed out. The bottom shall be sloped longitudinally at least 1/4 to 1/2 inch per foot toward the outlet end.

(10) To facilitate proper cleaning and sanitation, as well as proper treatment of shellfish, tanks shall be constructed from impervious, non-toxic, and inert materials. Coatings, when used, may include epoxy resins, powdered polyesters, vinyl bituminous water-tank paint, and paraffin. These coatings are not only for waterproofing but should provide a smooth, hard, non-porous surface to facilitate cleaning.

Specific Authority 597.020 FS. Law Implemented 597.020 370.074 FS. History—New 1-4-87, Amended 8-10-88, Formerly 16R-7.014, Amended 7-3-95, 5-8-96, 2-6-97, Formerly 62R-7.014, Amended 8-9-00,_____.

5L-1.012 Sanitary Operations.

(1) General maintenance. Buildings, fixtures, and other physical facilities of the plant shall be maintained and kept in a sanitary condition and shall be kept in repair sufficient to prevent food from becoming adulterated within the meaning of this rule. Cleaning and sanitizing of utensils and equipment shall be conducted in a manner that protects against contamination of food, food-contact surfaces, or food-packaging materials.

(2) Cleaning compounds used in cleaning procedures shall be free from undesirable microorganisms and shall be safe and adequate under the conditions of use. Compliance with this requirement may be verified by any effective means including

purchase of these substances under a supplier's guarantee or certification, or examination of these substances for contamination.

(3) Only sanitizing agents found in Title 21, Code of Federal Regulations, Section 178.1010, revised as of April 1, 2000, hereby incorporated by reference and available for inspection at the Department's offices located at 1203 Governors Square Boulevard, 5th Floor, Tallahassee, Florida 32301, will be used at recommended levels in shellfish processing plants.

(4) Toxic cleaning compounds, sanitizing agents, and pesticide chemicals shall be identified, held, used and stored in a manner that protects against contamination of food, food-contact surfaces, or food-packaging materials. Test kits that measure the concentration of sanitizing solutions shall be provided and used for verifying the proper sanitizing solution concentration.

(5) No pests shall be allowed in any area of a food plant. Effective measures shall be taken to exclude pests from the processing areas and to protect against the contamination of food on the premises by pests. The use of insecticides or rodenticides is permitted only under precautions and restrictions of product labeling.

(6) All food-contact surfaces, including utensils and food-contact surfaces of equipment, shall be cleaned as frequently as necessary to protect against contamination of food.

(7) Non-food contact surfaces of equipment used in the operation of food plants shall ~~should~~ be cleaned as frequently as necessary to protect against contamination of food.

(8) Single-service articles shall ~~should~~ be stored in appropriate containers and/or in a clean dry location where they are not exposed to splash, dust or other contamination. Single-service articles shall be handled, dispensed, used, and disposed of in a manner that protects against contamination of food or food-contact surfaces.

(9) Sanitizing agents shall be adequate and safe under conditions of use. Any facility, procedure, or machine is acceptable for cleaning and sanitizing equipment and utensils if it is established that the facility, procedure, or machine will routinely render equipment and utensils clean and sanitized.

(10) Cleaned and sanitized portable equipment with food-contact surfaces and utensils shall ~~should~~ be stored in a location and manner that protects food-contact surfaces from contamination.

(11) Any employee with a disease in the communicable stage which might be transmissible through food shall be excluded from working in any capacity in which the employee may come in contact with the shellfish or with food contact surfaces.

(a) The dealer shall require all employees to wash their hands thoroughly with soap and water and sanitize their hands in an adequate handwashing facility before starting work, after

each absence from the work station, after each work interruption and any time when their hands may have been soiled or contaminated.

(b) Where the same employee works in both the shucking and packing activities, the employee shall wash his hands thoroughly after entering the area.

(c) Any employee handling shucked shellfish shall be required to wear an effective hair restraint, remove any hand jewelry that cannot be sanitized and secured, wear finger cots or gloves if jewelry cannot be removed, wear clean outer garments which are rinsed or changed as necessary to be kept clean.

(d) In any area where shellfish are shucked or packed and in any area which is used for the cleaning or storage of utensils, the dealer shall not allow employees to store clothing or other personal belongings, eat or drink, spit and use tobacco in any form.

(12)(44) Each certified dealer shall monitor the conditions and practices during processing with sufficient frequency to ensure, at a minimum, conformance with those conditions and practices specified in subsection Rules 5L-1.005(7), paragraphs 5L-1.010(1)(a) and (b), subsections 5L-1.010(6) and (7), 5L-1.011(1), 5L-1.012(1)-(11), 5L-1.013(6), (7), and (8), and (9), and 5L-1.014(5), F.A.C.

Specific Authority 597.020 FS. Law Implemented 597.020 370.074 FS. History—New 1-4-87, Amended 8-10-88, Formerly 16R-7.015, Amended 7-3-95, Amended 2-6-97, 6-23-99, Formerly 62R-7.015, Amended 8-9-00,

5L-1.013 Plant Operation.

(1) The plant shall operate in accordance with the HACCP plan designed and approved by the owner or corporate officers.

(2) Prior to acceptance of shellstock from a licensed harvester, certified shellfish dealer and/or certified aquaculturist, the certified shellfish dealer will ensure that shellstock are properly identified as specified in subsection Section 5L-1.007(3)(5), F.A.C., are clean, wholesome, and alive.

(3) Upon acceptance of shellstock from a licensed harvester, certified aquaculturist or certified shellfish dealer, the receiving certified shellfish dealer shall determine the appropriate use of the shellfish through examination of shellfish labeling as follows:

(a) Shellfish which fails to meet the requirements of subsection Section 5L-1.008(5), F.A.C., or is labeled in compliance with paragraph Section 5L-1.007(6)(h), F.A.C., shall only be used for shucking by a certified shellfish dealer, or shall undergo an alternative processing method to assure a safety level equivalent to product meeting subsection Section 5L-1.008(5), F.A.C.

(b) Tempering, as an alternative process shall consist of those methods which have demonstrated through verification studies that the process renders hard clams which are as safe as

hard clams meeting subsection Section 5L-1.008(5), F.A.C. Prior to initiating tempering a certified shellfish dealer shall have written approval from the Department. The certified shellfish dealer must provide the following:

1. A description of all facilities, equipment and methods to be used in the alternative process. This process must be included in the firm's HACCP plan.

2. The source of hard clams and the maximum capacity of hard clams to undergo the process at any one time.

3. The process to be followed shall not exceed 16 hours total time between hard clam harvest and refrigeration at 45 degrees F or less. Product harvest, processing, tempering and food storage at 45 degrees F or less must be scheduled to occur as a continuous procedure.

4. Upon initiation, the tempering process must have temperature control of 68 degrees F or less and be maintained until hard clams are placed into refrigeration of 45 degrees F or less.

5. If facilities, equipment or methods change, the Department must be notified.

(4) Shellfish shall be segregated by the certified shellfish dealer in accordance with its intended use as determined in paragraphs subsection (3)(a) and (b) above and identified per subsections Section 5L-1.007(5) or (6), F.A.C.

(5) Unidentified, adulterated, unwholesome, dead, or contaminated shellstock shall be discarded.

(6) Shucking of shellfish – Shellfish shall be shucked in a manner such that they are not subjected to possible contamination.

Only live shellfish shall be shucked.

(a) Shucked meats shall be delivered to the packing room within one hour.

(b) Shucked meats shall be thoroughly drained, cleaned as necessary, and packed promptly after delivery to the packing room. Packing operations shall be scheduled and conducted so as to chill all meats to an internal temperature of 45° F or less within two hours of delivery to the packing room. Shucked meats which are packed into containers having a capacity of more than one gallon shall be pre-chilled to 45° F or less prior to packing.

(7) Shucked shellfish shall be held and transported at temperatures of 45° F or less.

(8) Ice shall be manufactured from potable water in a commercial machine which has been properly installed and maintained without connections to nonpotable water sources.

(9) Ice shall be stored so as not to come into contact with non-clean surfaces and is handled in such a manner that it will not be contaminated.

(10) Records – Complete, legible, and accurate dated records of purchase and sale of all shellfish shall be kept by all shellfish establishments operating in the state. Records shall indicate:

- (a) From whom shellfish were purchased;
 - (b) Areas from which shellstock were harvested;
 - (c) State from which shucked shellfish were harvested;
 - (d) Harvesting date;
 - (e) The date of receipt by the processor;
 - (f) Names and addresses of persons to whom shellfish were sold; and
 - (g) Date sold.
- (h) Records shall remain on file for not less than one year and shall be made available for inspection and copying by Department personnel during plant inspections.
- (i) Production records shall be maintained for shucked meats which provide the amount of shellstock used, the harvest area, harvest date of the shellstock, and the amount of shucked meats produced.
- (j) Production records shall be maintained for shellstock which provides for the amount of shellstock used, the harvest area, harvest date, harvest state, and the units of shellstock produces.
- (k) Records covering purchases and sales of frozen or previously frozen shellfish ~~shall should~~ be retained for at least two years or for a period of time that exceeds the shelf-life of the product.

(l) Records for shellfish lots having completed a depuration or wet storage treatment process shall include:

- 1. Counties from which shellfish were harvested;
- 2. Name or location of harvesting areas;
- 3. Relaying permit numbers, if applicable;
- 4. Date received in plant;
- 5. Date released from the plant;
- 6. Date and time of initiation of treatment;
- 7. Date and time of termination of treatment;
- 8. Ending UV unit meter readings;
- 9. Number of hours treated; and
- 10. All laboratory results as specified.

(11) Monitoring records of HACCP plan critical control points shall be maintained and reviewed at least weekly as specified in the firm’s HACCP plan. Records shall be reviewed to ensure that the records are complete and to verify that they document values that are within the critical limits. The review shall occur within one week of the day that the records are made. The reviewed records shall be signed and dated by an individual who is in a supervisory position in the firm and is knowledgeable of HACCP.

(12) Sanitation monitoring records shall be maintained ~~and reviewed~~ for those conditions identified in subsection Rule 5L-1.012(11), F.A.C., per the schedule of the activity, e.g. daily, weekly, monthly.

(13) Whenever a deviation from a critical limit occurs, a certified shellfish dealer shall take corrective action either by following a corrective action that is appropriate for the particular deviation, or by segregating and holding the affected

product until a review can determine the acceptability of the affected product for distribution. Corrective actions include, when necessary, reconditioning, seizure, or destruction of affected product to ensure that no product enters commerce that is either injurious to health or is other wise adulterated as a result of the deviation. Corrective action also include, when necessary, correcting the cause of the deviation. All corrective actions shall be documented in writing.

(14) Responsibility – It shall be the duty and responsibility of each owner, manager, and operator of a shellfish plant to insure that all regulations pertaining thereto are strictly adhered to and that only safe, wholesome, unadulterated shellfish shall be produced. It shall be his or her duty and responsibility to see that the plant is properly supervised at all times and all shellfish can be identified, whether shellstock or shucked shellfish, to insure that they were harvested from approved growing waters and that they have been handled and processed in a sanitary manner.

Specific Authority 597.020 FS. Law Implemented 597.020 370.074 FS. History–New 1-4-87, Amended 5-21-87, 8-10-88, Formerly 16R-7.016, Amended 7-3-95, 5-8-96, 2-6-97, 6-23-99, Formerly 62R-7.016, Amended 8-9-00,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Bobby Bickley
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Sherman Wilhelm, Director, Division of Aquaculture
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: January 16, 2002
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: February 1, 2002

DEPARTMENT OF TRANSPORTATION

RULE CHAPTER TITLE: Logo Sign Program
RULE CHAPTER NO.: 14-85
RULE TITLE: Logo Sign Program
RULE NO.: 14-85.004

PURPOSE AND EFFECT: The proposed amendment adds a new “Attractions” category for Logo signs, a new definition for “Prepared Food,” and removes the metric equivalent measurement references. Numerous corrections and revisions have been made to the former language and organization of the rule.

SUMMARY: The Logo Sign Program is amended to include Attractions as a separate category. Also, a new definition is added and the metric equivalent measurement references are removed. Numerous corrections and revisions have been made to the former language and organization of the rule.

SPECIFIC AUTHORITY: 334.044(2) FS.

LAW IMPLEMENTED: 334.044(28), 479.261 FS.

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

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

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

TIME AND DATE: 10:00 a.m., April 15, 2002

PLACE: The Suwannee Room (Room 250), 605 Suwannee Street, Tallahassee, Florida

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

THE FULL TEXT OF THE PROPOSED RULE IS:

14-85.004 Logo Sign Program.

(1) Definitions.

(a) "Annual Permit Renewal" means the process of requalifying businesses with existing permits to allow for continued participation in the program.

(b) "Business" means an attraction or a commercial establishment providing gas, food, lodging, or camping services from a single site at a qualified interchange.

(c) "Business Logo Sign" means a board mounted on the display panel of a logo structure showing the name, symbol, trademark, or combination thereof for a category of motorist services available at an interchange.

(d) "Category" means the motorist services of gas, food, lodging, ~~or camping, or attraction.~~

(e) "Combination Logo Structure" means a logo structure designed to display a combination of business logo signs in no more than three categories in the following configurations combinations:

1. 15' x 12' 4/2 or 2/4 two-category service combination, with business logo signs in each of the two categories placed together.

2. 15' x 12' 2/2/2 three-category service combination, with business logo signs in each of the three categories placed together.

3. 15' x 8' 2/1 two-category service combination, with business logo signs in each of the two categories placed together.

4. 15' x 12' 3/3 two-category service combination, with three business logo signs in each of the two categories placed together.

(f) "Crossroad" means a road intersecting the interstate highway to which access is provided by means of an interchange.

(g) "Display Panel" means the facing or surface of a logo structure to which business logo signs are affixed.

(h) "Double Exit Interchange" means an interchange configuration where, for a given direction of travel on the mainline, two exit ramps provide access to the crossroad, one for each direction of travel on the crossroad.

(i) "Exit Ramp" means the traffic lane or lanes at an interchange on an interstate highway leading from the mainline to the crossroad.

(j) "Full Size Logo Structure" means a mainline or ramp logo structure capable of displaying six business logo signs.

(k) "Half Size Logo Structure" means a mainline or ramp logo structure capable of displaying three business logo signs.

(l) "Initial Permit" means written authorization for the a permit to display of a new business logo sign.

(m) "Logo Structure" means the support columns and display panel upon which separate business logo signs may be displayed.

(n) "Mainline" means the traffic lanes of an Interstate highway intended for through travel.

(o) "Mainline Logo Structure" means those logo structures located along the mainline.

(p) "Prepared Food" means hot or deli style food prepared to order on site.

~~(q)(p)~~ "Program Administrator" means the contractor providing all services relating to the logo program pursuant to a contract under Section 479.261(4), Florida Statutes. ~~Pursuant to a contract dated December 30, 1996, Florida Logos, Inc., is the Program Administrator under this rule.~~

~~(r)(q)~~ "Ramp Logo Structure" means those logo structures located along an exit ramp.

~~(s)(r)~~ "Qualified Interchange" means an interchange that meets the requirements of Section (3) of this Rule.

~~(t)(s)~~ "Single Exit Interchange" means an interchange configuration where, for a given direction of travel on the mainline, one exit ramp provides access to the crossroad for both directions of travel on the crossroad.

~~(u)(t)~~ "Traffic Control Signs" means all signs, signals, markings, and devices placed on, over, or adjacent to a street or highway by authority of a public body or official having jurisdiction to regulate, warn, or guide motorists traffic.

(2) Responsibilities of Program Administrator and Department.

(a) Subject to paragraph (2)(b), the Program Administrator is responsible for administering all provisions of this Rule, including the receipt of applications and renewals and the issuance of notices. ~~Florida Logos, Inc., can be contacted at 4706 Capital Circle, S. W., Tallahassee, Florida 32310 or 1(888)608-0833.~~

(b) The Department is responsible for ~~final~~ interpretation of Section 479.261, Florida Statutes, and this Rule, and is responsible for all proceedings under Chapter 120, Florida Statutes.

(3) Qualification of Interchanges.

(a) All interchanges with logo structures erected or approved ~~as of~~ ~~on~~ May 23, 1996, are qualified.

(b) Additional interchanges on the Interstate highway system will be qualified when minimum sign spacing distance allows at least one logo structure on the mainline and one logo structure on the exit ramp in addition to all necessary traffic control signs for each direction of travel on the mainline.

(c) An interchange is qualified only when the interchange configuration ~~allows~~ ~~permits~~ a motorist to exit, ~~as well as~~ ~~and~~ reenter the Interstate highway and continue in the same direction of travel.

(d) Interchanges, including those with logo structures erected or approved ~~as of~~ ~~on~~ May 23, 1996, become unqualified when ~~either~~ the spacing requirements in (b) or the ~~configuration~~ requirement in (c), above, ~~is~~ ~~are~~ no longer met as a result of Department action pursuant to Section 479.261(6), Florida Statutes. The Department or the Program Administrator shall relocate or remove logo structures when ~~deemed~~ necessary ~~by the~~ ~~as a result of~~ Department, ~~action~~ pursuant to Section 479.261(6), Florida Statutes.

(4) Mainline Logo Structures.

(a) The number of logo structures along an approach to an interchange, regardless of the number of categories displayed, shall be limited to a maximum of four. Approaching the interchange, the successive order of logo categories that may be displayed in permissible combinations on the four logo structures shall be attraction, camping, lodging, food, and gas. No category shall appear on more than one ~~more than one~~ logo structure ~~will be provided for each category~~. If spacing is unavailable on the ~~four~~ ~~for~~ logo structures for all ~~five~~ ~~four~~ categories in a permissible combination, category preference shall be given first in priority order to the categories of gas, then to food, lodging, and camping, and attraction, respectively.

(b) Combination logo structures shall be used when spacing is unavailable for separate structures for all business categories for which applications have been submitted. The configuration of the logo structures shall be determined by the priority order established in paragraph (4)(a) above, and the number of applicant businesses in each category which have been qualified for participation at the time the structure is erected. A "2/2/2" combination logo structure displaying two business logo signs in each of the three categories ("2/2/2") shall not be constructed at an interchange where more than two qualified gas or food businesses have applied, in order to preserve the priority of businesses which provide services in the categories of gas and food.

(c) ~~The size of the display panel of mainline logo structures for all categories shall be a rectangle 4,500 mm (15 feet) wide by 3,000 mm (10 feet) high for a full size mainline logo structure, 4,500 mm (15 feet) wide by 1,800 mm (six~~

~~feet) high for a half size logo structure, and 4,500 mm (15 feet) wide by either 3,600 mm (12 feet) or 2,400 mm (eight feet) high for a combination logo structure.~~

(5) Ramp Logo Structures.

(a) A business logo sign shall be permitted on exit ramp logo structures for each business logo sign permitted on mainline logo structures.

(b) If ~~space~~ ~~spacing~~ is unavailable for logo structures for ~~five~~ ~~all four~~ categories of service, preference shall be given in priority order to the categories of gas, food, lodging, ~~and~~ camping, ~~and attraction.~~

(c) ~~The size of the display panel of ramp logo structures shall be 2,400 mm (eight feet) wide by 2,100 mm (seven feet) high for a full size ramp logo structure, 2,400 mm (eight feet) wide by 1,200 mm (four feet) high for a half size ramp logo structure, and 2,400 mm (eight feet) wide by 2,400 mm (eight feet) high for a combination ramp logo structure.~~

(6) Placement of Business Logo Signs on Logo Structures. The initial arrangement of business logo signs on each logo structure shall be from left-to-right, top-to-bottom, based upon the date of issuance of the permit. When a business logo sign is removed, the next business logo sign to be displayed will be placed in the location of the removed business logo sign.

(7) Business Logo Signs on Mainline Logo Structures.

(a) ~~No more than six~~ ~~The maximum number of~~ business logo signs ~~shall be allowed on any logo structure, of the four logo structure category types at any interchange is as follows:~~

1. GAS — 6.

2. FOOD — 6.

3. LODGING — 6.

4. CAMPING — 6.

(b) No more than a total of six business logo signs shall be allowed for any category.

~~(c)(b)~~ Business logo signs on mainline logo structures shall be constructed of metal and shall be, ~~200 mm (48 inches) wide and 900 mm (36 inches) high. Letters shall be at least 250 mm (10 inches) high, whether capital or lowercase. However, when only a the symbol or trademark is used on the logo sign alone for the logo, any legend on the symbol or trademark it shall be proportional to the size customarily used on the symbol or trademark.~~

(8) Business Logo Signs on Ramp Logo Structures. Business logo signs on ramp logo structures shall be constructed of metal and shall be ~~600 mm (24 inches) wide and 450 mm (18 inches) high. Letters shall be at least 6 150 mm (six inches) high, whether capital or lowercase. However, when only the symbol or trademark is used alone for the logo, any legend on it shall be proportional to the size customarily used on the symbol or trademark.~~

(9) Installation and Maintenance of Logo Structures and Signs. Except as provided herein, all logo structures and signs shall be installed and maintained in accordance with the

Manual on Uniform Traffic Control Devices which is incorporated by reference in 14-15.010, Florida Administrative Code; and Roadway and Traffic Design Standards, 1996 edition; and Standard Specifications for Road and Bridge Construction, 1996 edition, which are incorporated herein by reference. The Program Administrator shall remove, replace, or cover any business logo sign that no longer meets Department standards.

(10) Qualification of Businesses.

(a) To qualify for a business logo sign in any category, a business must meet all of the following conditions:

1. ~~H~~hold all necessary licenses and permits to provide services required to qualify for the ~~logo~~ category being displayed.;

2. Comply with laws concerning the provisions of public accommodations without regard to race, religion, color, age, sex, or national origin.;

3. Provide on site, modern sanitary facilities and a telephone on-site for use by motorists.;

4. Fall within a category set forth in subsections (10)(d) ~~(e)~~ through (h), ~~(f)~~ and meet the requirements applicable to that category, including distance from the qualifying interchange. The qualifying interchange, which will be measured from the point where the crossroad intersects with the centerline of the Interstate highway median, along the crossroad to the nearest entrance to the premises of the business.; ~~and~~

5. Bbe located on or visible from the crossroad so that a motorist can immediately discern the type of service provided. However, a EXCEPTION: A business which meets all other qualifications but is not located on or is not visible from the crossroad will be permitted to display a business logo sign subject to all of under the following conditions:

a. The business demonstrates that additional signs are adequate signing is in place which are adequate to direct the motorist to its location. Such signs signing shall be maintained at all times while the business logo sign is displayed.

b. Space is available to display the business logo sign on an existing logo structure.

c. Such A business which qualifies under the exception in paragraph 5 will be permitted to renew its business logo sign permit annually unless one or more approved qualified businesses that are visible from the crossroad have applied apply and are approved and no space is available on the logo structure. In such cases, the businesses qualified under this exception which are nearest the crossroad shall be approved for permit renewal.

(b) A In addition to the qualifications for a Business Logo Sign in (10) (a), a business qualified in the categories of gas, food, or lodging, only, which is located between three and to six miles from the interchange will be granted a permit for a bBusiness l-Logo sSign if less than six permits have been issued for businesses within three miles of the interchange for that category. A permit for a business logo sign issued for a

business located between within three and to six miles of the interchange will not be renewed at the next billing date if after six businesses located within three miles of the interchange have been qualified for logo permits.

(c) A In addition to the qualifications for a Business Logo Sign in (10)(a) and (10)(b), a business shall qualify for a business logo sign in one direction only and at one half the standard annual permit fee if either of the following conditions are met:

1. The business is located at an interchange that serves one direction only.

2. The business is Businesses located at an interchange serving both directions, but the business can only serve motorists traveling in one direction, can only be signed in one direction because of the interchange configuration or because of sign spacing. A permit for a bBusiness l-Logo sSign issued to a business serving one direction only shall not be renewed at the next billing date after six businesses serving both directions have been qualified for logo permits.

(d) Gas.

1. To qualify for a business logo sign in the gas category, a the business must meet all of the following conditions:

a. Operate year round at least 16 hours per day, 360 days a year. However, a business that meets all other qualifications but maintains operating hours other than 16 hours per day will be permitted to display a business logo sign in the gas category if it meets all of the following conditions:

I. Space is available to display the business logo sign on an existing logo structure.

II. At least one business logo sign is displayed at the same interchange for businesses in the gas category operating year round at least 16 hours per day, 360 days a year.

III. The gas business with operating hours other than 16 hours per day must operate at least 12 continuous hours per day, 360 days a year.

b. Provide on-site vehicle services including, at a minimum: fuel, oil, water, and tire inflation.;

c. Provide on-site restroom facilities and drinking water.;

d. Provide tire repair service, either on-site or by contract; and

d.e. Bbe located within three miles of the interchange.;

2. Any full service or self service gas business willing to provide gas pumping service to motorists with disabilities during the hours the business is open shall display the International Symbol of Accessibility for Access for the Handicapped (Symbol D9-56 *Manual on Uniform Traffic Control Devices*) on its business logo sign. The symbol shall be a minimum of 6 150 mm (six inches) wide by 6 150 mm (six inches) high tall and a maximum of 8 200 mm (eight inches) wide by 8 200 mm (eight inches) high tall for the mainline business logo. These dimensions shall be reduced by one half for corresponding ramp business logos signs. The symbol shall be located in the upper left hand corner of the business logo

and shall be positioned in such a way as to cause minimal interference with the artwork. Permitted Gas category businesses may apply to use this symbol on their business logo signs elect to participate at the next permit renewal date, A, or, in the case of a new participant, may elect to participate when with the first permit fee payment is submitted. Permit fees will be in accordance with 14-85.004(11)(b)3. and 14-85.004(11)(e)4. Following the approval of the initial or renewed application, the program administrator will fabricate and install the reflective metal construction symbols for two mainline signs and two ramp signs.

3. Gas category businesses interested in providing this service should contact the Program Administrator. In order to participate, a gas business shall meet all of the following conditions demonstrate that:

a. An attendant is on duty who that will pump gas for the motorist with disabilities without additional charge.

b. At least one gas pump is plainly identified with the International Symbol of Accessibility for Access for the Handicapped, and with an explanation of which identifies the method by which the driver can notify an attendant of the need for assistance without exiting the vehicle.

c. Following the approval of the initial or renewed application, the program administrator will fabricate and install the reflective metal construction symbols for two mainline signs and two ramp signs.

(e) Food. To qualify for a business logo sign in the food category, a business must meet all of the following conditions:

1. Be licensed in accordance with Chapter 500 or 509, Florida Statutes, and serve prepared food.

2. Be located within three miles of the interchange.

3. Not require a cover charge for admittance.

4. Maintain continuous operating hours from at least 7:00 a.m. to 10:00 p.m., at least (full service hours) 360 days a year. EXCEPTION: A business which meets all other qualifications, but maintains operating hours other than 7:00 a.m. to 10:00 p.m., (limited service hours) will be permitted to display a business logo sign in the food category so long as it meets all of under the following conditions:

a. Space is available to display the business logo sign on an existing logo structure.

b. At least one business logo sign is displayed at the same interchange for businesses in the food category with continuous operating hours from at least 7:00 a.m. to 10:00 p.m. full service hours.

c. The business must operate for at least six consecutive hours between 6:00 a.m. and 12:00 midnight, at least with limited service hours maintains continuous operating hours from 11:00 a.m. to 9:00 p.m. 360 days a year.

d. ~~Businesses with limited service hours will not be permitted to renew their business logo sign permit when the logo structure for the food category is full and one or more applications is received from businesses offering full service hours except as follows:~~

~~I. The business may adjust its operating hours to provide full service hours and be allowed to renew its permit.~~

~~II. Denial of permit renewal will be limited to a sufficient number to provide space for approved applications from businesses offering full service hours.~~

~~III. Denial of permit renewal will be based upon the date of approval of the original application to display the business logo sign with the earliest date of approval being the first to be denied renewal.~~

5. If a food business is qualified, except for the fact that the business is only open six days a week, that business will be allowed to participate as a fully qualified business. The business must identify the day it is closed on the business logo sign, e.g., Closed Sunday. The legend must be located in the lower one third of the business logo sign. The letters must be at least 6 450 mm (six inches) high. The color of the letters must be in contrast to the color of the background.

(f) Lodging. To qualify for a business logo sign in the lodging category, the business must meet both of the following conditions:

1. Be licensed in accordance with Chapter 509, Florida Statutes,;

2. Be located within three miles of the interchange.

(g) Camping. To qualify for a business logo sign in the camping category the business must hold a permit under the provisions of Chapter 513, Florida Statutes, and must be located within fifteen 15 miles of the interchange.

(h) Attraction. To qualify for a business logo sign in the attraction category, a business must meet all of the following conditions:

1. Be open at least of 5 days a week for 52 weeks a year.

2. Charge admission for entry.

3. Have, as its principal focus, family-oriented entertainment or cultural, educational, recreational, scientific, or historical activities.

4. Be publicly recognized as a bona fide tourist destination.

5. Provide adequate parking.

6. Not be advertised or displayed on any other existing traffic control device such as a supplemental guide sign or overhead sign.

7. Be located within fifteen miles of the interchange.

(11) Permitting.

(a) Permit Period. All permits shall expire annually on December 31. However, initial permits approved after September 30, will expire December 31, of the year following approval.

(b) Permit Fees. Annual permit fees shall be \$1,000.00.

1. Payment of permit fees shall be by U.S. currency, postal money order, bank draft, cashier's check, personal check, or business check. ~~Cash will not be accepted.~~ If a personal or business check is not honored for any reason by the bank on which it is drawn, the application for which the fee was submitted will be denied. If an individual or company issues two or more checks to the Department or the Program Administrator which are not honored, no further personal or business checks will be accepted from that individual or company, regardless of whether restitution has been made on previous checks.

2. For an initial permit application, the permit fee will be prorated with 1/12 of the annual permit fee charged for each month or portion thereof remaining in the calendar year after the date of approval of the application. The fee for applications approved after September 30; will also include fees for the next calendar year.

3. For an initial permit application for a full service or self service gas business willing to provide gas pumping service to motorists with disabilities, the permit fee for the initial year of participation will be \$1,200. Subsequent annual permit renewals ~~fees~~ will be ~~at the rate of~~ \$1,000.

~~4. Permits for the attraction category shall be awarded by the Department annually to the highest bidder. However, the fees shall not be less than the fees established for logo participants in other logo categories. Businesses seeking to be placed on the Department's qualified bidders list for the attraction category must submit a completed Logo Application for Attractions, Form Number FLI-163-1, Rev. 09/01, incorporated herein by reference to the address specified on the form. The Logo Application for Attractions, Form Number FLI-163-1, Rev. 09/01, may be obtained from the Program Administrator, Florida Logos, Inc., 4706 Capital Circle, S. W., Tallahassee, FL 32310. Applicants whose applications meet program requirements will be issued a PIN number and bidding instructions.~~

(c) Initial Permit Application. A business applying for a business logo sign must submit a completed Logo Application/Annual Permit Renewal, ~~F~~Form Number FLI-163, Rev. ~~09/01~~ ~~09/98~~, incorporated herein by reference, to the address specified on the form. ~~The Logo Application/Annual Permit Renewal, Form Number FLI-163, Rev. 09/01, Forms~~ may be obtained from the ~~Program Administrator Florida Logos, Inc., 4706 Capital Circle, S. W., Tallahassee, FL 32310.~~

1. Completed applications will be approved or denied within 90 days of receipt. A written notice of the approval or denial will be furnished to the applicant.

2. Permit fees must be received by the Program Administrator within 30 days of the notification of permit approval.

3. After notification of approval of the application, the applicant shall be responsible for providing the Program Administrator with a business logo sign which meets the specifications provided herein.

4. The business logo sign will be affixed to the display panel by the Department or its agent within 30 days of receipt of the sign or the permit fee, whichever is later.

5. Whenever space is not available on a logo structure for a business logo sign, the Program Administrator shall review the application for distance pursuant to paragraph (10)(b) above, and for operating hours pursuant to subparagraph (10)(e)4., and will place the business on a waiting list in the priority order of the dates on which they were received. A notice will be provided to the business indicating its position on the waiting list. When space becomes available, notice will be provided to the business with the highest priority allowing the business 30 days within which to submit an application in accordance with this section.

~~6.a.~~ For all categories, applications received for businesses within three miles of an interchange have priority over businesses that are within three to six miles of an interchange.

~~b. Applications for food businesses that have full service operating hours (7:00 a.m. to 10:00 p.m.) have priority over food businesses that have limited service operating hours (11:00 a.m. to 9:00 p.m.).~~

(d) Priority of Applications.

1. Each permit holder that timely applies for renewal renews under this Rule will retain priority over other applicants, except when retaining priority would conflict with Section (10)(a)5.c. of this Rule.

2. Initial permit applications received after October 10, 1996, will be assigned priority based upon the date and time of receipt by ~~the Department or the Program Administrator.~~ The with the application received earliest will be given receiving the highest priority.

~~3. If more than one application for the same category and location are received on the same day, priority will be assigned on the basis of a random drawing. Each applicant involved in the drawing will be notified of the date, time, and place of the drawing.~~

~~3.4.~~ All processing of permit applications will be in order of assigned priority. A business that fails to submit an application within 30 days of notice that space has becomes available will be deemed to have withdrawn its application and must resubmit its application in order to be assigned priority, which will be based on date and time of receipt as an initial permit application.

~~4.5.~~ Acceptance of an application and assignment of processing priority does not constitute approval of an application. Approval or denial of applications will be granted after processing is complete.

(e) Annual Permit Renewal.

1. On or before November 1 of each year, the Program Administrator ~~may~~ will provide a Notice of Annual Permit Renewal to each holder of a valid permit. Failure of delivery to any permit holder will not excuse timely submission of the permit renewal application by the permit holder.

2. Each permit holder must submit a completed Logo Application/Annual Permit Renewal, form number FLI-163, Rev. ~~09/01 09/98~~, to the Program Administrator. The Annual Permit Renewal must be postmarked no later than December 1.

3. The annual permit fee amount must be submitted with the Annual Permit Renewal.

~~4. For an annual renewal for a full service or self service gas business willing to provide gas pumping service to motorists with disabilities, the first year permit fee will be \$1,200. Subsequent annual permit renewals will be at the rate of \$1,000.~~

~~4.5.~~ Failure to submit the Annual Permit Renewal by December 1, will result in expiration of the permit and removal of the business logo sign from the display panel. Should the business subsequently reapply for a permit, such reapplication will be processed as an initial permit application in accordance with this section.

(12) Denial, revocation, suspension, voiding, or cancellation of permit.

(a) Denial. An application for a business logo permit will be denied if:

1. Space is not available;
2. The business does not meet the eligibility requirements;

or

3. The required fees are not submitted with the application.

(b) Revocation. A business's permit to participate in the logo program will be revoked if:

1. The business no longer meets the eligibility requirements outlined in this ~~R~~rule chapter and has not requested a suspension.

2. The business ~~willfully~~ made a false, deceptive, or fraudulent statement in its application or in any other information submitted to the Department or the Program Administrator ~~that was used to determine eligibility.~~

3. The business has modified or revised a business logo sign or logo structure without authorization by the Department or the Program Administrator.

(c) Suspension. A business logo permit will be suspended when the business notifies the Program Administrator that it is temporarily unable to provide the services required and requests suspension of the permit.

1. The maximum period of suspension shall be 90 days except in cases of national disaster or when substantial physical changes such as retrofitting of fuel tanks must be made to the business, in which case an additional 90 days will be granted by the Program Administrator upon receipt of

complete construction or engineering specifications for the physical changes and a construction schedule supporting the need for additional time.

2. The logo sign permit must remain in force, including payment of all fees, during the period of suspension.

3. The Program Administrator shall cover or remove the business logo sign until the business is again able to provide services.

4. If the circumstances requiring suspension of the permit are not resolved within the time frame in Section (12)(c)1., above, the Program Administrator shall revoke the business logo sign permit in accordance with (12)(b), above.

(d) Voiding. If the Department or the Program Administrator must ~~relocate~~ or remove logo structures pursuant to Section (3)(d), the Program Administrator shall void the business logo sign permit. The Program Administrator shall reimburse the business for the unexpired permit term, on a pro rata basis.

(e) Notice. In cases of denial, denial of renewal, revocation, or voiding, the Program Administrator shall provide a written notice to the applicant or permittee by certified mail. The notice shall contain a statement of the reason for the action and an explanation of the permittee's rights under Chapter 120, Florida Statutes.

1. Prior to revoking a logo permit, the Program Administrator shall issue a ~~N~~notice of ~~N~~noncompliance by certified mail. This notice shall state the noncompliance found and provide the following:

a. The permittee shall have 30 days from receipt of the Notice of Noncompliance to correct the noncompliance.

b. If corrective action is not accomplished within the 30-day period, the Program Administrator shall issue a notice of intent to revoke the permit.

2. The business logo sign shall be removed from the logo structure(s) after the revocation or denial action is final or after the final disposition of any request for an administrative proceeding pursuant to Chapter 120, Florida Statutes. The Program Administrator shall reimburse the business for the unexpired term of the business logo sign permit ~~term~~, on a pro rata basis.

(f) Cancellation. If a participant decides to no longer participate in the logo program, the participant must provide to the Program Administrator a written notice of its decision not to participate ~~intent to cancel~~. Upon receipt of the notice, ~~of intent to cancel~~ the Program Administrator will cancel the participant's permit and remove ~~take down~~ the participant's business logo sign.

(13) Variances and waivers. The Department will consider and act on petitions for variances to or waivers of the provisions of this rule chapter, in accordance with Sections 120.542 and 479.261(7), Florida Statutes, and Chapter 28-104, Florida Administrative Code.

(a) A variance will be granted under Section 479.261(7), Florida Statutes, when it is shown that such variance is necessary to serve the interest of the traveling public or when required to ensure equitable treatment of program participants. In the event of a conflict between these two considerations, the interests of the traveling public will prevail.

(b) When considering the standards of Section 120.542(2), Florida Statutes, the purposes of Section 479.261, Florida Statutes, will be achieved by other means if the variance or waiver serves the interest of the traveling public or ensures equitable treatment of program participants. In the event of a conflict between these two considerations, the interests of the traveling public will prevail.

Specific Authority 334.044(2) FS. Law Implemented 334.044(28), 479.261 FS. History—New 6-26-85, Formerly 14-85.04, Amended 3-20-91, 10-10-96, 12-31-96, 10-8-97, 5-25-99, 8-31-99,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Roger Eudy, Administrator, State Logo Program
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Thomas F. Barry, Jr., P.E., Secretary
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: March 13, 2002
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: February 8, 2002

DEPARTMENT OF CORRECTIONS

RULE TITLE: Inmate Property
RULE NO.: 33-602.201

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to clarify the process for reporting claims of missing inmate property and to amend the list of items that inmates are allowed to purchase from the canteen.

SUMMARY: The proposed rule provides for notification of the institution rather than the regional office of action taken on claims of missing inmate property by the Department of Corrections Environmental, Health, Safety and Risk Management Office. The proposed rule also adds t-shirts, socks, white pajamas, panties and undershorts to the list of items which may be purchased from the canteen.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None.

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

SPECIFIC AUTHORITY: 944.09 FS.

LAW IMPLEMENTED: 944.09 FS.

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

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

THE FULL TEXT OF THE PROPOSED RULE IS:

33-602.201 Inmate Property.

(1) through (12) No change.

(13) Missing Inmate Property.

(a) through (c) No change.

(d) The Department of Corrections Environmental Health, Safety and Risk Management Office shall review and forward the claim to the Department of Insurance, Division of Risk Management, for review and reimbursement consideration. Form DC6-238, Report of Risk Management Claim for Inmate Property, shall be used to notify the ~~institution regional office~~ of action taken on the claim by the Department of Corrections Environmental Health, Safety and Risk Management Office.

(e) through (15) No change.

(16) Forms. The following forms referenced in this rule are hereby incorporated by reference. Copies of any of these forms are available from the Forms Control Administrator, Office of the General Counsel, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500.

(a) through (e) No change.

(f) DC6-238, Report of Risk Management Claim for Inmate Property, effective date _____ ~~September 12, 2001~~.

Specific Authority 944.09 FS. Law Implemented 944.09 FS. History—New 6-4-81, Formerly 33-3.025, Amended 11-3-87, 11-13-95, 5-20-96, 1-8-97, 6-1-97, 7-6-97, 10-15-97, 2-15-98, 3-16-98, 8-4-98, 12-7-98, Formerly 33-3.0025, Amended 11-21-00, 9-12-01,_____.

**APPENDIX ONE
PROPERTY LIST**

This list incorporates all property authorized to be possessed by inmates in all Department institutions and facilities except community correctional centers. Except for items specified below as “exemptions”, property received must be in compliance with this list. Inmates in possession of previously approved property which meets the description of property on the list shall be allowed to retain the property.

Definitions.

The “quantity” establishes a maximum possession limit. This does not mean that all state issue items will be issued to each inmate, or that the maximum number of items will be issued. Where there is a “value” indicated, the authorized item shall not exceed that value. The terms “canteen” and “state issue” refer to the sources from which property can be obtained after January 1, 1996. All items with the “canteen” designation shall be available in all institutional canteens or through canteen order. All canteen items are transferable between institutions. “State issue” means that the institution has the authority to

issue this item to inmates based upon the character of the institution, the location of the institution, the housing or work assignment of the inmate, or other factors related to institution or inmate needs. Institutions housing death row inmates shall make adjustments to this property list when possession of listed items by death row inmates would create a threat to the security of the institution.

Exemptions.

Inmates already in possession of the following previously approved items shall be allowed to retain the items until they are no longer serviceable, but shall not be allowed to replace them with like items.

- Clothing items of a different color than specified on the property list.
- Locks other than V68 series
- Plastic bowls, tumblers, cups and lids
- Pantyhose
- Nail clippers larger than 2-1/2"

AUTHORIZED PROPERTY LIST

CLOTHING

Quantity	Unit	Value	Articles
1	each		Athletic Bra (canteen – female only)
1	each		Belt (state issue)
4	each		Bras (state issue <u>or canteen</u> – female only)
1	each		Coat (state issue)
3	each		Dresses (state issue – female only)
1	pair		Gloves, work (state issue)
4	each		Handkerchief, cotton, white only (canteen)
1	each		Hats (state issue)
2	pair		Pajamas-long (light blue <u>or white</u> only) (state issue or canteen – <u>female only</u>)
7	each		Panties (state issue <u>or canteen</u> – female only)
3	each		Pants (state issue)
1	each		Raincoat – clear (state issue or canteen)
1	each		Robe (state issue – female only)
3	each		Shirt, outer (state issue)
4	each		Shirt, T-Shirt (state issue <u>or canteen</u>)
1	pair		Shoes, Athletic (canteen)
1	pair		Shoes, Work (state issue)
2	each		Shorts, athletic (navy blue) (canteen)
1	each		Shower cap, clear only (canteen)
1	pair		Shower slides (canteen)
3	each		Slips (state issue – female only)
6	pair		Socks (state issue <u>or canteen</u>)
1	each		Supporter, athletic (canteen)
2	each		Sweatshirts (gray only) (canteen order)

4	each	Undershorts (male only) (state issue <u>or canteen</u>)
2	each	Underwear, thermal (state issue or canteen)

PERSONAL ARTICLES No change.

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: March 5, 2002

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

DEPARTMENT OF CORRECTIONS

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

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to revise current telephone procedures in order to provide for the use of a proposed new telephone system, to provide correct titles for staff with responsibilities related to inmate telephones, and to clarify terms used in conjunction with provision of inmate telephone services.

SUMMARY: The proposed rule provides for the use of a proposed new telephone system, corrects titles for staff with responsibilities related to inmate telephones, and clarifies terms used in conjunction with provision of inmate telephone services.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None.

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

SPECIFIC AUTHORITY: 944.09 FS.

LAW IMPLEMENTED: 20.315, 944.09 FS.

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

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

THE FULL TEXT OF THE PROPOSED RULE IS:

33-602.205 Inmate Telephone Use.

(1) No change.

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

(a) No change.

(b) The reception center classification staff shall compile the inmate calling list through use of Form DC6-223, in conjunction with the acquisition of the inmate visiting list. Form DC6-223 shall become part of the inmate's permanent file and shall accompany the inmate with each subsequent transfer. Form DC6-223 is hereby incorporated by reference. Copies of this form are available from the Forms Control Administrator Office of the General Counsel, 2601 Blair Stone Road, Tallahassee, FL 32399-2500. ~~If forms are to be mailed, the request must be accompanied by a self-addressed stamped envelope.~~ The effective date of this form is 2-7-00.

(c) An inmate shall be allowed to change his or her telephone list once every six months. Changes can be made more frequently for the following reasons only:

1. No change.
2. The inmate has married and wishes to add the name and ~~telephone~~ number of the spouse. The inmate shall be responsible for providing documentation of the marriage before the list will be amended.
3. An inmate shall be allowed to update his or her telephone list when there is a change in telephone providers, an installation of updated equipment or software, or a repair to the equipment, if the department determines that an update of the telephone list would be more efficient in completing the change, installation, or repair.

(d) No change.

(e) Except for calls to attorneys as provided in (3)(a), or calls during family crisis as provided in (4), calls shall be limited to 15 ~~40~~ minutes. Calls to attorneys as provided in (3)(a) and calls in time of family crisis as provided in (4) shall be limited to the amount of time reasonably necessary to accomplish the purpose of the call.

(f) No change.

(g) All calls from the monitored ~~telephones~~ shall be collect and shall contain a prompt which clearly identifies the call as coming from a Florida Department of Corrections institution.

1. No change.
2. The prompt shall clearly identify the caller on a prerecorded ~~message~~ cue which is input at the time of the inmate's first call.
3. No change.
4. The system will detect conference calls or three-way calling activity and terminate the call when such activity is detected.

(h) through (i) No change.

(j) Wardens are authorized to designate additional staff who will be responsible for monitoring telephone calls and reviewing ~~records and recordings~~ recorded tapes of monitored calls.

(k) ~~Records and Tape~~ recordings of monitored calls shall be kept in an area where staff access is controlled. ~~Records and recordings tapes~~ of monitored calls shall be retained for a minimum of one year. Access to ~~tapes and~~ records and recordings shall be limited to the following persons:

1. No change.
2. ~~Director of Institutions Assistant Secretary for the Office of Security and Institutional Operations~~ or her or his designee;
3. Regional ~~d~~Directors;
4. through 6. No change.

(l) The department's contract manager for operations and wWardens shall ensure that the system is checked periodically to assess the integrity of all components of the system. If the notification system is not functioning properly, monitoring of the telephone calls shall immediately cease until the problem is corrected.

(3) Calls to attorneys.

(a) Inmates shall be allowed to make private telephone calls to attorneys upon presentation to the warden or his designee of evidence that the call is necessary. Such evidence shall be a letter from the attorney (transmission by FAX is acceptable) requesting the return call or a court order containing a deadline the inmate cannot meet if he must communicate by letter with the attorney. Except as authorized by warrant or order of court, telephone calls to attorneys made pursuant to this section shall not be monitored or electronically recorded. These calls will be placed on telephones designated for this purpose and shall be collect calls; there shall be at least one telephone at each institution that is not connected to the monitoring system for these calls.

(b) If an inmate requests to place his or her attorney's telephone number on his or her calling list, the attorney must provide written acknowledgment of the telephone procedures by completing Form DC6-214, Inclusion of Attorney on Inmate Telephone List and indicating that he or she understands that there are options available for private calls. The requesting inmate will be responsible for notifying the attorney and arranging for the correspondence to the institution. There will be no special provisions for these calls. They will be placed on regular inmate telephones, will be collect, subject to monitoring and recording, and limited to 15 ~~40~~ minutes. If the inmate and the attorney want to have non-monitored conversations, the procedures in (3)(a) must be followed. Form DC6-214, Inclusion of Attorney on Inmate Telephone List, is hereby incorporated by reference. A copy of this form is available from the Forms Control Administrator, Office of the General Counsel, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500. The effective date of this form is _____.

(4) No change.

(5) Telephone privileges for inmates in Administrative or Disciplinary Confinement shall be in accordance with Rules 33-602.220 (Administrative Confinement) and 33-602.222 (Disciplinary Confinement) are not allowed telephone privileges except in cases of emergency or when necessary to insure the inmate's access to attorneys or courts, provided that in Disciplinary Confinement privileges will only be allowed when alternative means of access are not feasible.

(6) No change.

(7) All long distance calls shall be "collect" calls except:

(a) No change.

(b) Calls to courts when the inmate is required to participate in a telephone conference hearing. Institutional staff shall place a direct call to the court, using the most efficient and economical means available. If the department is involved as a party, the inmate's account shall not be charged for the cost of such call, unless it can be demonstrated that the hearing was scheduled at the inmate's request. In all other circumstances, the inmate's account shall be charged in full for such cost. The charge shall be based on the current SUNCOM telephone rate for State telephone calls.

(c) No change.

(8) through (13) No change.

(14) Prison Tips Hotline.

(a) A free speed-dial number will be available for dialing from any telephone designated for inmate use to report suspected criminal activity or crimes that occur inside or outside the institution.

(b) The inmate will not have to enter his or her personal identification number (PIN) to access the prison tips hotline.

(c) Calls to the prison tips hotline will be limited to three minutes and will be recorded and retained for one year.

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

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: March 5, 2002

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: February 15, 2002

WATER MANAGEMENT DISTRICTS

Suwannee River Water Management District

RULE CHAPTER TITLE: Environmental Resource Permits RULE CHAPTER NO.: 40B-400

RULE TITLES: Exemptions RULE NOS.: 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.

SUMMARY: SRWMD is clarifying language pertaining to the following topics: conditions for permit issuance, waters approved for shellfish harvesting, innovative mitigation proposals, formal determinations and nonbinding determinations. Additionally, SRWMD is conforming various statutory and rule citations to the current rules and laws in effect.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None.

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

SPECIFIC AUTHORITY: 373.044, 373.046(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 WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE FAW.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Linda Welch, Suwannee River Water Management District Headquarters, 9225 County Road 49, Live Oak, Florida 32060, (386)362-1001

THE FULL TEXT OF THE PROPOSED RULES IS:

40B-400.051 Exemptions.

(1) No change.

(2) No permit shall be required under chapters 40B-4; or 40B-400, F.A.C., for the following activities:

(a) through (f) No change.

(g) The installation and repair of private docks, piers and recreational docking facilities, or piers and recreational docking facilities of local government entities when the local government entities' activities will not take place in any manatee habitat which structures have 1000 square feet or less of surface area over wetlands or other surface waters, or 500 square feet or less of surface area over wetlands or other surface waters which are Outstanding Florida Waters. This exemption shall include the construction and repair of structures above the dock area, such as gazebos and boat

shelters, provided such structures are not enclosed with walls and doors, are not used for living, commercial purposes, or storage of materials other than those associated with recreational use, and provided the structures do not exceed, together with the docking facility, the total area limitations above. To qualify for this exemption, any such structure:

- 1. through 4. No change.
- (h) through (t) No change.
- (u) The construction or maintenance of culverted driveway or roadway crossings and bridges of artificial waterways, provided:
 - 1. through 14. No change.
 - 15. This exemption shall not apply to activities involving relocation or other alteration of all or part of the artificial waterway, or construction for other than the proposed culvert crossing, ~~except as exempted by chapter 373, F.S., or Rule 40B-4.1070, F.A.C.~~
 - (v) No change.
 - (3) through (5) No change.

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

40B-400.091 Publications and Agreements Incorporated by Reference.

The Governing Board hereby adopts by reference:

- (1) "Environmental Resource Permit Applicant's Handbook - _____ February 2002".
- (2) No change.

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. History--New 10-3-95, Amended 12-3-98, _____.

40B-400.115 Limiting Conditions.

(1) The following general conditions shall be a part of all permits issued pursuant to this chapter and chapter 40B-4, F.A.C., unless waived by the District upon a determination that the conditions are inapplicable to the activity authorized by the permit.

- (a) through (o) No change.
- (p) Any delineation of the extent of a wetland or other surface water submitted as part of the permit application, including plans or other supporting documentation, shall not be considered specifically approved unless a specific condition of this permit or a formal determination under 40B-400.046, F.A.C., s. 373.421(2), F.S., provides otherwise.
- (q) through (t) No change.
- (2) In addition to those general conditions set forth in ss. (1), the Governing Board shall impose on any permit granted under this chapter and chapter 40B-4, F.A.C., such reasonable project-specific conditions as are necessary to assure that the permitted system will meet the conditions for issuance in 40B-400.103 and 40B-400.104, F.A.C ~~not be inconsistent with the overall objectives of the District or be harmful to the water~~

~~resources of the District.~~ Upon receipt of notice of intended agency action, any substantially affected person shall have the right to request a hearing in accordance with ~~Rule 40B-1.511 and~~ Chapter 28-106.

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

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

- (1) No change.
- (2) In order to qualify for this general permit, the environmental restoration or enhancement project must comply with any one of the following procedures:
 - (a) through (b) No change.
 - (c) The project is wholly or partially funded by the Department through ~~the Pollution Recovery Trust Fund pursuant to s. 403.165, F.S., or~~ the Water Resources Restoration and Preservation Act pursuant to s. 403.0615, F.S.
 - (3) No change.

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

ENVIRONMENTAL RESOURCE PERMIT
APPLICANT'S HANDBOOK

(The following represents proposed amendments to sections 12.2.2.1, 12.2.4.3, 12.2.5, 12.3.1.8, 12.5.4, 12.5.5 and 12.5.6 of the document entitled "Suwannee River Water Management District Environmental Resource Permit Applicant's Handbook - February 2002.")

12.2.2.1 Compliance with ss. 12.2.2-12.2.3.7, 12.2.5-12.3.8 will not be required for regulated activities in isolated wetlands less than 0.5 acre in size, unless:

- (a) through (c) No change.
- (d) The District establishes that the wetland to be impacted is, or several such wetlands to be impacted are cumulatively, of more than minimal value to fish and wildlife based on the factors in subsection 12.2.2.3.

12.2.4.3 Additional Water Quality Considerations for Docking Facilities

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

- (a) Hydrographic information or studies shall be required for docking facilities of greater than ten boat slips. Hydrographic information or studies also may be required for docking facilities of less than ten slips, dependent upon the site-specific features described in paragraph 12.2.4.3(b) below.

In all cases, the need for a hydrographic study, and the complexity of the study, will be dependent upon the specific project design and the specific features of the project site.

(b) No change.

(c) The level and type of hydrographic information or studies that will be required for the proposed docking facility will be determined based upon an analysis of site-specific characteristics. As compared to sites that flush in less than four days, sites where the flushing time is greater than four days generally will require additional, more complex levels of hydrographic studies or information to determine whether water quality standards can be expected to be violated by the facility. The degree and complexity of the hydrographic study will be dependent upon the types of considerations listed in paragraph 12.2.4.3-(b), including the potential for the facility, based on its design and location, to add pollutants to the receiving waters. Types of information that can be required include site-specific measurements of: waterway geometry, tidal amplitude, the periodicity of forces that drive water movement at the site and water tracer studies that document specific circulation patterns.

(d) through (i) No change.

12.2.5 Class II Waters; Waters Approved for Shellfish Harvesting.

The special value and importance of shellfish harvesting waters to Florida’s economy as existing or potential sites of commercial and recreational shellfish harvesting and as a nursery area for fish and shellfish ~~shell fish~~ is recognized by the District. In accordance with paragraph 12.1.1(d), the District shall:

(a) through (b) No change.

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

1. through 7. No change.

12.3.1.8 Innovative mitigation proposals which deviate from the standard practices described in s. 12.3-12.3.6 may be proposed by an applicant; however, to receive District approval they must offset the adverse impacts to the functions identified in sections 12.2-12.2.8.2 caused by regulated activities ~~shall be considered on a case-by-case basis.~~ The donation of money is not considered to be an acceptable method of mitigation, unless cash payments are specified for use in a District or Department of Environmental Protection endorsed environmental preservation, enhancement or restoration project and the payments initiate a project or supplement an

ongoing project. The project or portion of the project funded by the donation of money must offset the impacts of the proposed system.

12.5.4 Duration.

The formal determination shall be binding for five years provided physical conditions on the property do not change so as to alter the wetlands and other surface waters during that period. Changes in surface water or wetland boundaries resulting from work authorized by a permit pursuant to Part IV, chapter 373, F.S., will not be considered as altering the boundary for the purposes of this subsection. ~~The Governing Board may revoke a formal determination upon a finding that the petitioner has submitted inaccurate information to the District.~~

12.5.5 Formal Determinations for Properties With an Existing Formal Determination.

Within 60 days prior to the expiration of a formal determination, the property owner, an entity that has the power of eminent domain, or any other person who has a legal or equitable interest in the property may petition for a new formal determination for the same parcel of property and such determination shall be issued, approving the same extent of surface waters and wetlands in the previous formal determination, as long as physical conditions on the property have not changed, other than changes which have been authorized by a permit pursuant to this part, so as to alter the boundaries of surface waters or wetlands and the methodology for determining the extent of surface waters and wetlands authorized by s. 373.421(1) has not been amended since the previous formal determination. ~~The application fee for such a subsequent petition shall be less than the application fee for the original determination.~~

12.5.6 Nonbinding Determinations.

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

NAME OF PERSON ORIGINATING PROPOSED RULE:
David Still, Director, Department of Resource Management, 9225 CR 49, Live Oak, Florida 32060, (386)362-1001

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Suwannee River Water Management District Governing Board

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: February 22, 2002

AGENCY FOR HEALTH CARE ADMINISTRATION

Health Care Cost Containment Board

RULE TITLES: RULE NOS.:
Definitions 59E-5.101
Florida Hospital Uniform Reporting System (FHURS) 59E-5.102

Reporting Requirements	59E-5.103
Prior Year Report Requirements	59E-5.201
Notice of Violation or Deemed Not Filed and Response	59E-5.205
Public Medical Assistance Trust Fund Assessments	59E-5.605

PURPOSE AND EFFECT: The Agency intends to establish and adopt procedures and specifications for the implementation of Section 16 of Chapter 2000-256, Laws of Florida. The rules are being amended to comply with the statutory provisions of Chapter 395.701(2)(b) and 395.701(6), F.S., and to provide an updated reporting mechanism to improve the efficiency and accuracy of financial data collection. To that end, the following changes will be made to the current FHURS Manual: In Chapter II, "Reporting Forms and Instructions" pages 2.45, 2.46, and 2.47 dated 8/89 will be deleted and replaced by pages 2.45, 2.46, 2.46a, and 2.47 dated 8/01. The FHURS Manual is incorporated by reference in Rule 59E-5.102, F.A.C.

A notice of proposed Rule development was published in the Florida Administrative Weekly (FAW) on August 4, 2000 and in accordance with the notice, a workshop was held on August 22, 2000. The proposed rule amendments were noticed in the FAW on January 26, 2001. A request for a public hearing was timely filed by the Florida Hospital Association (FHA). The requested hearing was held on March 9, 2001. Subsequent to the public hearing, the FHA timely filed a formal petition for an administrative hearing on the validity of the proposed rule amendments. Contemporaneous with the petition for administrative hearing, the FHA sought relief from the Legislature during the regular session on issues objected to in their petition for administrative hearing. The 2001 Legislature enacted language, which in essence rendered the objectionable rule section moot in CS/SB 1558. The Governor signed the legislation into law on June 19, 2001. A notice of withdrawal was published in FAW on July 6, 2001. The proposed rule amendments were revised in accordance with the statutory changes and published in the FAW on August 10, 2001. On August 30, 2001 the FHA requested a public hearing through its outside counsel. A notice of hearing was published in the FAW on September 14, 2001. The requested hearing was held on October 9, 2001. The proposed rule amendments were withdrawn by notice in the FAW on December 7, 2001, to revise language and incorporate the substantive comments of participants attending the public hearing.

SUMMARY: The 2000 Session of the Florida Legislature amended Chapter 395.701(2), F.S., to provide a reduced assessment percentage for outpatient hospital net revenues. Additionally, Chapter 395.701(6) provides for the exemption of Outpatient Radiation Therapy Revenues from assessment for the PMATF. The proposed changes being made to the Agency's Florida Hospital Uniform Reporting System are necessary to implement the changes required by Chapter 395.701(2)(b) and 395.701(6), F.S.

SUMMARY STATEMENT OF ESTIMATED REGULATORY COST: 1.) An estimated 248 acute care and specialty hospitals will be expected to comply with the amendments to Rules 59E-5.101, 102, 103, 201, 205, and 605. Of the 182 acute care hospitals, 76 are not for profit, 87 are proprietary, and 19 are local governmental. The remaining 66 hospitals are psychiatric, rehabilitation, and specialty hospitals. There should be no cost to individuals.

2.) There should be no additional cost to the Agency for Health Care Administration or to any agency of state or local government. The effect on state revenues has already been considered by the Legislature.

3.) Estimated costs consist of only the cost for each hospital in preparation time for the revised Form C-3a. Start up costs in the initial year are estimated to be 80 to 160 hours per hospital at approximately \$25.00 per hour. In succeeding years, these costs are expected to be between 40 to 80 hours per hospital at approximately \$25.00 per hour. Estimates of preparation time are generalized and are derived from industry sources, which may vary from hospital to hospital.

4.) No impact is anticipated on small businesses. Additionally, no effect on small local governmental entities is expected.

5.) A lower cost alternative was submitted by the Florida Hospital Association in the context of a public hearing held on March 9, 2001. The 2001 Legislature enacted language, which in essence adopted the lower cost alternative in CS/SB 1558. The Governor signed the legislation into law on June 19, 2001. The estimated costs in this statement approximate those in the lower cost alternative. At a public hearing held on October 9, 2001, The Florida Hospital Association through its general counsel questioned the need for additional regulatory cost in a time of general economic decline. These additional costs are mandated by the change in the statute, making necessary the gathering of additional information to implement the legislative intent.

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

SPECIFIC AUTHORITY: 408.15, 395.7015(5) FS.

LAW IMPLEMENTED: 395.701, 408.061, 395.7015 FS.

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

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

PLACE: Agency For Health Care Administration, Conference Room C, Building 3, 2727 Mahan Drive, Tallahassee, Florida 32308

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Chris Augsburger, Regulatory Analyst Supervisor, Bureau of Health Facility Regulation/Financial Analysis, 2727 Mahan Drive, MS #28, Tallahassee, FL 32308-5403

THE FULL TEXT OF THE PROPOSED RULES IS:

59E-5.101 Definitions.

The definitions set forth in Section 408.032, F.S., and the following definitions shall apply to this Chapter, and to the Florida Hospital Uniform Reporting System (FHURS) Manual, unless otherwise specified:

(1) "Actual report" is the report of a hospital's actual financial and statistical data as required by the reporting forms contained in the FHURS Manual.

(2) "Adjusted admission" is the sum of acute admissions and intensive care admissions divided by the ratio of inpatient revenues generated from acute, intensive, ambulatory, and ancillary patient services to gross revenues, unless the hospital reports all sub-acute admissions in which case "adjusted admission" is the sum of sub-acute admissions divided by the ratio of total inpatient revenues to gross revenues.

(3) "Audited actual experience", "audited actual data", or "audited financial statements" means data contained within financial statements examined by an independent, Florida-licensed, certified public accountant in accordance with generally accepted auditing standards and including an opinion on the audited financial statements.

(4) "Change in hospital ownership" means that a majority of the ownership or the controlling interest of the hospital is transferred or assigned. A change in ownership includes, but is not limited to, the acquisition of the hospital by any person or other legal entity by any means; the leasing of the hospital when the lessee agrees to undertake or provide services at the hospital to the extent that legal liability for operation of the hospital rests with the lessee; conversion of the hospital's type or kind of business organization; the sale, acquisition, assignment or other voluntary or involuntary transfer of a majority of the ownership or the controlling interest of the hospital; merger of the hospital corporation into a new corporation; or consolidation of the hospital corporation with one or more corporations resulting in the creation of a new corporation.

(5) "Charity care patient" means a medically indigent patient whose charges are, in whole or in part, classified as "Charity/Uncompensated Care – Other" who meets the requirements of Account 5960, Chapter III, FHURS Manual and/or "Charity/Uncompensated Care – Hill Burton" who meets the requirements of Account 5950, Chapter III, FHURS Manual.

(6) "Chart of accounts" means the list of accounts, code numbers, definitions, standard units of measure and principles and concepts included in the FHURS Manual.

(7) "Day of admission" means the day on which a person is admitted to a hospital or sub-acute facility for bed occupancy for purposes of receiving inpatient hospital or sub-acute

services and counts as one inpatient day. If admission and discharge or death occur the same day, the day is considered a day of admission and counts as one inpatient day.

(8) "Executive staff members" means the Secretary, Executive Director and such other staff members as designated by the Secretary Executive Director.

(9) "FHURS Manual" means the Florida Hospital Uniform Reporting System Manual as adopted by the Agency Board and incorporated by reference in Rule 59E-5.102, F.A.C.

(10) "Financial statements" means a presentation of financial data, including accompanying notes, derived from accounting records and intended to communicate a hospital's economic resources or obligations at a point in time, or the changes therein for a period of time, and the results of operations for a period of time in accordance with generally accepted accounting principles.

(11) "Generally accepted accounting principles" (GAAP) means the term as defined in Rule 61H1-20.007, F.A.C., Department of Business and Professional Regulation, Board of Accountancy, accounting principles or standards generally accepted in the United States, as published by the American Institute of Certified Public Accountants, and Statements of Financial Accounting Standards and interpretations thereof as published by the Financial Accounting Standards Board and as may be amended by rule of the Department of Professional Regulation Board of Accountancy.

(12) "Generally accepted auditing standards" (GAAS) means the term as defined in Rule 61H1-20.008, F.A.C., Department of Business and Professional Regulation, Board of Accountancy generally accepted auditing standards adopted by the American Institute of Certified Public Accountants, together with interpretations thereof, as set forth in Statements on Auditing Standards as published by the American Institute of Certified Public Accountants and as may be amended by rule of the Department of Professional Regulation Board of Accountancy.

(13) "Gross patient services revenue" means the sum of daily hospital service charges, ambulatory service charges, ancillary service charges; including all charges for sub-acute services.

(14) "Gross operating revenue" means "Gross revenue" as that term is defined in Section 408.07(22) 407.002(12), F.S.

(15) "Hospital" means a health-care institution, as defined in Section 395.002(13)(a),(b)(6), F.S., and licensed pursuant to Chapter 395, F.S.

(16) "Inpatient Admission" means a person who has been admitted to a hospital for bed occupancy for purposes of receiving inpatient hospital services. An inpatient is a patient that is defined in Rule 59E-7.011(4), Agency for Health Care Administration. A person is considered an inpatient if formally admitted by the hospital as an inpatient by physician order with the expectation that the individual would remain at least overnight and occupy a bed.

(17) "Inpatient Revenues" means gross charges generated from the provision of hospital services to any patient admitted to the hospital as an inpatient. ~~When an individual is furnished outpatient services and is thereafter admitted as an inpatient of the same hospital before midnight of the next day, the outpatient charges are reported as inpatient revenue.~~

(18) "Net Inpatient Revenues" means inpatient revenues as defined in ss. (17) above, minus deductions from revenue for charges billed to inpatients.

~~(19)(18) "Net Operating Revenue" means "Net revenue" as that term is defined in Section 408.07(34), F.S. gross revenue minus deductions from revenue plus other operating revenue.~~

(20) "Net Outpatient Revenue" means outpatient revenue, as defined in ss. (24) below, minus deductions from revenue that are applicable to charges billed for outpatient services.

~~(21)(19) "Non-Operating Revenue" means revenue not directly related to the entity's ongoing or principal operations. Non-operating revenue may include unrestricted gifts, unrestricted income from endowment funds; gain on sale of hospital properties, and income and gains from investments of general funds.~~

(22) "Other Operating Revenue" means a class of revenues which are defined in Section 408.07(38), F.S.

(23) "Outpatient" means a person who receives a pre-admission assessment, a diagnostic procedure, or a therapeutic procedure at a hospital licensed under Chapter 395, F.S., who is not an inpatient admission, as defined in ss. (16) above.

(24) "Outpatient Revenue" means total charges for hospital services rendered to outpatients.

~~(25)(20) "Patient day" means a day, which begins at midnight and ends 24 hours later. The midnight-to-midnight method must be used even if the provider uses a different definition of a patient day for its statistical or other purposes. Whenever a patient occupies a bed in more than one patient care area in one day, the inpatient day should be counted only in the patient care area in which the patient was located at the census-taking hour. The day of admission will be counted as a full day; however, the day of discharge is not counted. A full day must be counted when a patient is admitted as an inpatient with the expectation of the patient remaining overnight and occupying a bed, but is discharged on the same day.~~

~~(26)(21) "Prior year report" means, collectively, the actual report and the corresponding financial statements with an audit report of an independent Florida-licensed certified public accountant for the same reporting period and including an opinion on the audited financial statements.~~

~~(27)(22) "Total net revenue" means the sum of net patient services revenue, other operating revenue, and non-operating revenue.~~

(28) "Total Net Patient Services Revenue" means gross patient service as defined in ss. (13) above, minus deductions from revenue as defined in Section 408.07(16), F.S.

~~(29)(23) "Total revenue" means the sum of gross patient services revenue, other operating revenue and non-operating revenue.~~

Specific Authority 408.15 FS., Ch. 88-394, Laws of Florida. Law Implemented 407.002, 408.061, 408.072, 408.08 FS. History--New 6-11-92, Formerly 10N-5.101, Amended _____.

59E-5.102 Florida Hospital Uniform Reporting System (FHURS).

(1) The Agency for Health Care Administration hereby adopts and establishes a uniform system for hospital reporting by adopting and incorporating by reference the Florida Hospital Uniform Reporting System (FHURS) Manual, Version 92-1, April 9, 1992. This manual, which includes reporting forms, has the force and effect of the Agency for Health Care Administration's rules.

(2) A copy of the FHURS Manual may be obtained, upon payment of the cost of reproduction, by writing to: The Agency for Health Care Administration, Supervisor of Financial Analysis, Bureau of Health Facility Regulation, Director of Public Information, 2727 Mahan Drive, Mail Stop #28, 325 John Knox Road, 301 The Atrium, Tallahassee, Florida 32308-5403 32303.

Specific Authority 408.15 FS. Law Implemented 408.061(2), 408.07(22) FS. History--New 6-11-92, Formerly 10N-5.102, Amended 2-24-94, _____.

59E-5.103 Reporting Requirements.

(1) Each hospital must comply with the reporting requirements set forth in Rule 59E-2.015, F.A.C.

(2) Each report or document must contain all information specified for that report or document in the FHURS Manual and shall be submitted on the forms and in the formats set forth in the FHURS Manual.

(3) Separate reports are required for each licensed hospital, regardless of ownership or operation.

(4) Extensions for filing a report may be sought pursuant to the provisions of Rule 59E-2.017, F.A.C. However, no extension may be granted for submitting corrections pursuant to Rules 59E-5.205, 59E-5.304, and 59E-5.317, F.A.C.

(5) Prior year reports shall be filed in compliance with the requirements of Rule 59E-5.201, F.A.C.

~~(6) Budget reports shall be filed in compliance with the requirements of Rule 59E-5.301.~~

~~(6)(7) Hospitals changing ownership must comply with the reporting requirements set forth in Rules 59E-5.202 and 59E-5.302 and must submit written notification of the ownership change within 30 days of the effective date of the change. The new owner shall submit the notification, which shall include:~~

- (a) Identification of the new owner;
- (b) The address of the new owner;

- (c) The status of the hospital's license;
- (d) The status of Medicaid and Medicare certification and identification of provider numbers; and
- (e) Such other information as may be necessary to identify the new owner;
- (f) The name of the hospital prior to and after the ownership change; and
- (g) Such other information as may be required by the Agency Board to identify the facility, its owner and to assure that all reporting requirements are met by the hospital.

~~(7)~~(8) Hospitals changing fiscal year end must comply with the reporting requirements set forth in Rules 59E-5.202 and 59E-5.302, F.A.C., and must submit written notification of the fiscal year end change within 30 days of such change. The notification shall include:

- (a) Identification of the hospital;
- (b) The previous fiscal year end;
- (c) The new fiscal year end; and
- (d) The reason for the change in fiscal year end.

~~(8)~~(9) Hospitals which are seeking licensure for the first time or which are seeking licensure for an existing hospital due to a change in ownership shall so notify the Agency Board within 30 days of the date that an application for a hospital license pursuant to Section 395.003, F.S., is filed.

Specific Authority 408.061, 408.15 FS., Ch. 88-394, Laws of Florida. Law Implemented 408.061, 408.072 FS. History—New 6-11-92, Formerly 10N-5.103, Amended _____.

59E-5.201 Prior Year Report Requirements.

(1) Each hospital shall submit to the Agency, not more than 120 days subsequent to the end of its fiscal year, its prior year report for the fiscal year then ended.

(2) The prior year report shall consist of the following:

(a) For hospital financial accounting periods ending subsequent to December 31, 1998, and with corresponding due dates beginning on April 30, 1999 and beyond, the actual report shall be submitted to the Agency using the computer software known as "FADES". The FADES software has been developed by the Agency for the purpose of electronically filing the actual report. The software is a *Visual Basic* template that reproduces the FHURS worksheets pursuant to 59E-5.103, F.A.C., of this chapter in an electronic format. The software also converts the worksheet data into a precisely designed file structure, which can be electronically processed through the Agency's computer system. Hospitals shall use the FADES software to keypunch the FHURS worksheet information and to transmit the data to the Agency. An installation diskette will be provided to hospitals prior to the due date of the 1999 report in a timely manner free of charge. Hospitals shall not use an alternative version of the software until such software is approved for use by the Agency. Hospitals shall not request approval for use of alternative software within 120 days prior to the report being due. The data produced from the FADES

application shall be returned to the Agency on a 3.5-inch computer diskette pursuant to the formatting requirements provided in Rule 59E-5.206, F.A.C.

(b) The 3.5-inch diskette shall be submitted with the following information on an externally affixed label.

1. "Hospital FHURS Report".
2. Hospital Name.
3. Hospital Number (8 digit format).
4. Reporting period.
5. "Submission Number" which represents a progressive count of the number of diskettes sent to the Agency for this report.
6. Name of contact person including area code and telephone number.

(c) FHURS "Worksheet A" on paper that contains the appropriate signatures by the Chief Executive Officer and Chief Financial Officer of the hospital;

(d) Two paper copies of the audited financial statements; and

(e) One paper copy of the Medicare cost report.

(3) Hospitals with fiscal years ending subsequent to July 1, 2000 shall submit for the year 2000 and 2001 reporting cycles only, one paper copy of worksheet C-3a (rev.). Worksheet C-3a (rev.) will be incorporated into the electronic reporting system for the 2002 reporting cycle. The electronic version of worksheet C-3a contained in the FADES filing of the hospital's actual report for the year 2000 and 2001 reporting cycles must also be completed.

~~(4)~~(3) The actual report shall be prepared for each hospital from the audited financial statements. Whenever an actual report is not in agreement with the corresponding audited financial statements, the hospital shall provide a reconciliation of the amounts presented in the audited financial statements to amounts reported in the actual report.

~~(5)~~(4) In the event a hospital's audited actual data is restated in accordance with generally accepted accounting principles, the hospital shall report the restatement to the Agency within 30 days of the issuance of the restatement.

Specific Authority 408.061 FS. Law Implemented 408.061, 408.08 FS. History—New 6-11-92, Formerly 10N-5.201, Amended 3-28-99, _____.

59E-5.205 Notice of Violation or Deemed Not Filed and Response.

(1) Once a report has been filed in accordance with Rule 59E-2.015 and Rule 59E-5.201, the Agency will review the report and determine if:

(a) It conforms to applicable statutory, rule and FHURS Manual requirements;

(b) The data are mathematically accurate, reasonable and verifiable.

(2) If the report does not conform to the above requirements, the report will be deemed "not accepted" and a notice of violation will be sent certified mail, or by other delivery service which provides proof of delivery, to the hospital.

(3) The notice shall clearly indicate the deficiencies found, the corrections or modifications necessary to make it complete or conforming or its data verifiable, as well as the time by which a corrected or modified report must be received by the Agency.

(4) A hospital shall have no fewer than 10 working days following receipt of the notice of violation or notice of deemed not filed to return the requested corrected or modified report to the Agency.

(5) Modifications or corrections to various accounts and worksheet cells shall be made by resubmitting the entire report using the FADES software and be re-transmitted via computer diskette using the formats pursuant to Rule 59E-5.206, F.A.C. The diskette shall be submitted with the following information on an externally affixed label.

- (a) "Corrections to Hospital FHURS Report."
- (b) Hospital Name.
- (c) Hospital Number (8-digit format).
- (d) Reporting period.

(e) "Submission Number" which represents a progressive count of the number of diskettes sent to the agency for this report. A cover letter shall be provided with the diskette outlining the contents of the corrections contained on the diskette.

~~(6) The Agency intends to provide for a transition period in the transmittal of corrections to actual reports. For financial accounting periods ending in calendar 1999 only, paper copies of FHURS Worksheet A-1, A-2, B-1, B-3, B-4, B-4a, C-1, C-2, C-3, C-4, C-5, C-6, C-7, and X-1 will be accepted for corrections. Corrections to FHURS worksheets not specifically identified in this paragraph must be submitted electronically using the FADES software. When a combination of corrections is necessary that includes both the noted and not noted worksheets in this paragraph, the FADES software must be used for all corrections for financial accounting periods ending after calendar 1999, no paper copies of corrected worksheets will be accepted.~~

(6) Actual reports must be properly formatted on a 3.5 inch diskette in accordance with Rule 59E-5.206, F.A.C., of this chapter and readable by Agency software, otherwise the report will be deemed not filed and the hospital will be subject to the penalties for late filing as prescribed in this chapter.

(7) Hospitals whose reports are deemed not filed resulting from an improperly formatted diskette will receive an edit report that will attempt to describe the formatting deficiencies in sufficient detail to initiate corrective action by the hospital.

Specific Authority 408.061, 408.15 FS. Law Implemented 408.061, 408.062, 408.08 FS. History--New 6-11-92, Formerly 10N-5.205, Amended 3-28-99.

59E-5.605 Public Medical Assistance Trust Fund Assessments.

(1) Within six months after the end of each hospital's fiscal year, the Agency's Bureau of Health Facility Regulation will certify to the Bureau of Finance and Accounting ~~the Board shall certify to the Department of Health and Rehabilitative Services (HRS)~~ the amount of each hospital's public medical assistance trust fund assessment.

(a) For hospitals with fiscal years ending subsequent to July 1, 2000 the amount certified shall be equal to 1.5 percent of the annual net inpatient revenue of each hospital, as reported in Column (7), line 19 of worksheet C-3a (rev.) and shall be equal to 1.0 percent of net outpatient revenue, as reported in Column (8), Line 21 of worksheet C-3a (rev.), based upon the prior year's actual data filed with the Agency Board. Net revenues for outpatient radiation therapy shall be excluded from the calculation of net outpatient revenue, as reported in Column (8), Line 21 of worksheet C-3a. (rev.)

(b) Assessment is based on the calculations in presented ss. (1)(a) above, and all payments made to the PMATF shall reflect those calculations.

(2) Each hospital shall be notified of the assessment amount being certified to the Bureau of Finance and Accounting HRS.

(3) Within 21 days of receipt of notification of the assessment amount, a hospital may request a hearing pursuant to Section 120.57, F.S.

(4) If a hearing is timely requested, the Agency Board shall certify to the Bureau of Finance and Accounting HRS an interim assessment amount which shall equal the assessment amount last certified to the Bureau of Finance and Accounting HRS. Upon resolution of the issues regarding certification, the proper assessment amount shall be certified. The assessment amount for the year shall not be affected by the issuance of an interim assessment.

(5) Initial assessments against new hospitals will be certified upon approval of the first Prior Year Report, the assessment shall be based upon calculations made in ss. (1)(a) above shall be paid at the time a hospital is licensed. The assessment shall be based on the hospital's projected net operating revenue during its first year of operation and until it's first Prior Year Report is accepted by the Board. Upon approval of the first Prior Year Report, the assessment shall be based upon actual net operating revenue as reflected in that report.

(6) In the event a hospital fails to file its Prior Year Report or the report is not accepted by the Agency Board, the quarterly assessment shall be based on the most recently filed Prior Year Report accepted by the Agency Board Upon

approval of the first Prior Year Report, the assessment shall be based upon actual net operating revenue as reflected in that report.

(7) If the data contained in the Prior Year Report is based upon a fiscal period of less than one calendar year, the data provided shall be annualized and the assessment will be calculated on an annualized basis.

(8) Assessments during the first year of operation under new ownership shall be based on the hospital's net operating revenue for the last fiscal year under previous ownership.

(9) Assessments are made against facilities, accordingly the amount of the assessment and liability for the assessment remains with the facility regardless of any change in ownership.

Specific Authority 408.15 FS., Chapter 00-256, Laws of Florida. Law Implemented 395.701(2)(a), 408.072 FS. History--New 6-11-92, Formerly 10N-5.606, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Christopher J. Augsburger, Regulatory Analyst Supervisor
 NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Jeffrey N. Gregg, Bureau Chief, Health Facility Regulation
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: March 8, 2002
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 4, 2000

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Pilot Commissioners

RULE TITLES:	RULE NOS.:
Initial Licensing Fee	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 this rule notice is to update the rule text by decreasing certain fees referenced in 61G14-14.002, 14.003, and 14.004. A new rule is being created to set forth the fee for unauthorized practice.

SUMMARY: The Board of Pilot Commissioners has determined that certain fees in Rule 61G14-14.002, 14.003 and 14.004 should be decreased and a new rule, numbered 61G14-14.0041, which will set forth a fee of \$5.00 to be assessed for engaging in the practice of piloting.

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

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

THE FULL TEXT OF THE PROPOSED RULES 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 F.S. 310.061 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 subsection 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

NAME OF PERSON ORIGINATING PROPOSED RULE:
Board of Pilot Commissioners

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: January 28, 2002

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: February 22, 2002

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Florida Real Estate Appraisal Board

RULE TITLE: Correspondence Courses for Hardship Cases RULE NO.: 61J1-4.006

PURPOSE AND EFFECT: The purpose of this proposed rulemaking is to repeal the above referenced rule because it is no longer necessary and possibly lacks statutory authority.

SUMMARY: Repeals rule relating to distance education and correspondence courses for real estate appraisers when there is a hardship case.

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

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

SPECIFIC AUTHORITY: 475.614 FS.

LAW IMPLEMENTED: 475.611(1)(l), 475.613(2), 475.624 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Lori Crawford, Deputy Clerk, Division of Real Estate, Office of the Florida Real Estate Appraisal Board, 400 West Robinson Street, Suite 301, North Tower, Orlando, Florida 32801

THE FULL TEXT OF THE PROPOSED RULE IS:

61J1-4.006 Correspondence Courses for Hardship Cases.

Specific Authority 475.614 FS. Law Implemented 475.615(2) FS. History--New 10-15-91, Formerly 21VV-4.006, Amended 4-14-98, Repealed

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

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 3, 2001 (The action taken to effectuate the adoption of the proposed rule was procedurally flawed and begins anew)

DEPARTMENT OF HEALTH

Board of Chiropractic Medicine

RULE TITLE: Application Fee RULE NO.: 64B2-12.002

PURPOSE AND EFFECT: The Board proposes to delete a portion of the existing rule.

SUMMARY: The Board determined that it is necessary to delete the fees for the licensure exam and for acupuncture certification.

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

SPECIFIC AUTHORITY: 460.405, 460.406(1) FS.

LAW IMPLEMENTED: 460.406 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: Joe Baker, Jr., Executive Director, Board of Chiropractic Medicine, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3259

THE FULL TEXT OF THE PROPOSED RULE IS:

64B2-12.002 Application Fee ~~and Licensure and Certification Examination Fees.~~

(+) The application fee shall be one hundred dollars (\$100.00), which shall be nonrefundable.

(2) ~~The examination fee for the licensure examination taken in one administration period shall be five hundred dollars (\$500.00). The examination fee for the Acupuncture Certification Examination shall be seventy five dollars (\$75.00).~~

Specific Authority 460.405, 460.406(1) FS. Law Implemented 460.406 FS. History—New 1-10-80, Formerly 21D-12.02, Amended 2-24-86, 5-10-87, 4-19-89, 10-9-90, 10-15-92, Formerly 21D-12.002, 61F2-12.002, 59N-12.002, Amended 1-18-98, 6-7-00, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Board of Chiropractic Medicine
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Chiropractic Medicine
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 7, 2001
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: February 1, 2002

DEPARTMENT OF HEALTH

Board of Athletic Training

RULE TITLE: Licensure Requirements
PURPOSE AND EFFECT: The Board proposes to add a new rule with regards to Licensure Requirements.

RULE NO.: 64B33-2.001

SUMMARY: The Board determined that an amendment to the rule was required because of statutory requirements.

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

SPECIFIC AUTHORITY: 456.013(7),(9), 468.705, 468.707 FS.

LAW IMPLEMENTED: 456.013(7), 468.707 FS.

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

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

THE FULL TEXT OF THE PROPOSED RULE IS:

64B33-2.001 Licensure Requirements.

All candidates for licensure shall pay the application fee and shall submit a completed DOH form DOH-AT-001 entitled “STATE OF FLORIDA EXAMINATION APPLICATION FOR LICENSURE AS AN ATHLETIC TRAINER” incorporated herein by reference and effective 1/19/96, to the Department.

The application can be obtained by writing the Department of Health, Board of Athletic Training, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3258.

(1) through (2) No change.

(3) Effective July 1, 2001 all applicants for initial or renewal of initial license shall submit to the Board proof of completion of a two (2) hour continuing education course

relating to the prevention of medical errors. The 2-hour course shall count toward the total number of continuing education hours required for license renewal. The course must be approved by the Board and shall include a study of root-cause analysis, error reduction and prevention, and patient safety. The address of the Board of Athletic Training is 4052 Bald Cypress Way, BIN #C08, Tallahassee, FL 32399-3258.

Specific Authority 456.013(7),(9), 468.705, 468.707 FS. Law Implemented 456.013(7), 468.707 FS. History—New 5-29-96, Formerly 61-25.002, 64B30-25.002, Amended 8-22-00, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Board of Athletic Training
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Athletic Training
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: July 30, 2001
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: March 15, 2002

DEPARTMENT OF HEALTH

Board of Athletic Training

RULE TITLE: Disciplinary Guidelines
PURPOSE AND EFFECT: The Board proposes to add a new rule with regards to Disciplinary Guidelines.

RULE NO.: 64B33-5.001

SUMMARY: The Board determined the penalty for the violation(s) that one would be subject to when found guilty of an offense.

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

SPECIFIC AUTHORITY: 456.072, 468.705, 468.719 FS.

LAW IMPLEMENTED: 456.072, 468.719 FS.

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

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

THE FULL TEXT OF THE PROPOSED RULE IS:

64B33-5.001 Disciplinary Guidelines.

(1) The Board provides within this rule disciplinary guidelines which shall be imposed upon applicants or licensees whom it regulates under Chapter 468, Part XIII, Florida Statutes. The purpose of this rule is to notify applicants and licensees of the ranges of penalties which will routinely be imposed unless the Board finds it necessary to deviate from the

guidelines for the stated reasons given within this rule. The ranges of penalties provided below are based upon a single count violation of each provision listed; multiple counts of the violated provisions or a combination of the violations may result in a higher penalty than that for a single, isolated violation. Each range includes the lowest and highest penalty and all penalties falling between. The purposes of the imposition of discipline are to punish the applicants or licensees for violations and to deter them from future violations; to offer opportunities for rehabilitation, when appropriate; and to deter other applicants or licensees from violations.

(2) Violations and Range of Penalties. In imposing discipline upon applicants and licensees, in proceedings pursuant to section 120.57(1) and 120.57(2), Florida Statutes,

the Board shall act in accordance with the following disciplinary guidelines and shall impose a penalty within the range corresponding to the violations set forth below. The verbal identification of offenses are descriptive only; the full language of each statutory provision cited must be consulted in order to determine the conduct included.

(3) When the Board finds an applicant or licensee whom it regulates under Chapter 468, Part XIII, F.S., has committed any of the acts set forth in section 468.719, F.S., it shall issue a final order imposing appropriate penalties within the ranges recommended in the following disciplinary guidelines:

VIOLATIONS	RECOMMENDED PENALTIES		
	First Offense	Second Offense	Third Offense
(a) <u>Failing to include the athletic trainer's name and license number in any advertising, including, but not limited to, business cards and letterhead, related to the practice of athletic training. Advertising shall not include clothing or other novelty items.</u>	(a) <u>From a letter of concern to probation of the license, and an administrative fine ranging from \$250.00 to \$500.00, or refusal to certify an application for licensure.</u>	(a) <u>From probation to suspension of the license, and an administrative fine ranging from \$500.00 to \$750.00, or refusal to certify an application for licensure.</u>	(a) <u>From suspension to revocation of the license, and an administrative fine ranging from \$750.00 to \$1,000.00, or refusal to certify an application for licensure.</u>
(b) <u>Committing incompetency or misconduct in the practice of athletic training.</u>	(b) <u>From reprimand to probation of the license, and an administrative fine ranging from \$500.00 to \$750.00, or refusal to certify an application for licensure.</u>	(b) <u>From probation to suspension of the license, and an administrative fine ranging from \$750.00 to \$1,000.00, or refusal to certify an application for licensure.</u>	(b) <u>From suspension to revocation of the license, and an administrative fine ranging from \$1,000.00 to \$1,500.00, or refusal to certify an application for licensure.</u>
(c) <u>Committing fraud or deceit in the practice of athletic training.</u>	(c) <u>From reprimand to revocation of the license, and an administrative fine ranging from \$500.00 to \$750.00, or refusal to certify an application for licensure. If the violation is fraud or false or fraudulent representation, the fine shall be \$10,000.00.</u>	(c) <u>From probation to revocation of the license, and an administrative fine ranging from \$750.00 to \$1,000.00, or refusal to certify an application for licensure. If the violation is fraud or false or fraudulent representation, the fine shall be \$10,000.00.</u>	(c) <u>From suspension to revocation of the license, and an administrative fine ranging from \$1,000.00 to \$1,500.00, or refusal to certify an application for licensure. If the violation is fraud or false or fraudulent representation, the fine shall be \$10,000.00.</u>
(d) <u>Committing negligence, gross negligence, or repeated negligence in the practice of athletic training.</u>	(d) <u>From reprimand to revocation of the license, and an administrative fine ranging from \$1,000.00 to \$2,500.00, or refusal to certify an application for licensure.</u>	(d) <u>From probation to revocation of the license, and an administrative fine ranging from \$2,500.00 to \$5,000.00, or refusal to certify an application for licensure.</u>	(d) <u>From suspension to revocation of the license, and an administrative fine ranging from \$5,000.00 to \$10,000.00, or refusal to certify an application for licensure.</u>

<u>(e) While practicing athletic training, being unable to practice athletic training with reasonable skill and safety to athletes by reason of illness or use of alcohol or drugs or as a result of any mental or physical condition.</u>	<u>(e) From reprimand to suspension of the license, and an administrative fine ranging from \$1,000.00 to \$2,500.00, or refusal to certify an application for licensure.</u>	<u>(e) From suspension to revocation of the license, and an administrative fine ranging from \$2,500.00 to \$5,000.00, or refusal to certify an application for licensure.</u>	<u>(e) From revocation of the license, and an administrative fine ranging from \$5,000.00 to \$10,000.00, or refusal to certify an application for licensure.</u>
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(4) When the Board finds an applicant or licensee whom it regulates under Chapter 468, Part XIII, F.S., has violated 468.719(1)(a), F.S., by violating any of the following Board

rules, it shall issue a final order imposing appropriate penalties within the ranges recommended in the following disciplinary guidelines:

VIOLATIONS	RECOMMENDED PENALTIES		
	First Offense	Second Offense	Third Offense
<u>(a) Failure to comply with subsection 64B33-2.003(6), F.A.C., which requires the licensee to comply with the Department's random audit of the licensee's continuing education records.</u>	<u>(a) From a letter of concern to reprimand of the license, and an administrative fine ranging from \$250.00 to \$500.00, or refusal to certify an application for licensure.</u>	<u>(a) From reprimand to suspension of the license, and an administrative fine ranging from \$750.00 to \$1,000.00, or refusal to certify an application for licensure.</u>	<u>(a) From reprimand to revocation of license, and an administrative fine ranging from \$1,000.00 to \$2,500.00, or refusal to certify an application for licensure.</u>
<u>(b) Failure to practice under a written protocol as required by subsection 64B33-4.001(1), F.A.C.</u>	<u>(b) From a letter of concern to reprimand of the license, and an administrative fine ranging from \$500.00 to \$1,000.00, or refusal to certify an application for licensure.</u>	<u>(b) From reprimand to suspension of the license, and an administrative fine ranging from \$1,000.00 to \$2,500.00, or refusal to certify an application for licensure.</u>	<u>(b) From suspension to revocation of license, and an administrative fine ranging from \$2,500.00 to \$5,000.00, or refusal to certify an application for licensure.</u>
<u>(c) Failure to develop a protocol, review the protocol prior to licensure renewal date, or failure to make protocol available upon request as required by subsection 64B33-4.001(2), F.A.C.</u>	<u>(c) From a letter of concern to reprimand of the license, and an administrative fine ranging from \$500.00 to \$1,000.00, or refusal to certify an application for licensure.</u>	<u>(c) From reprimand to suspension of the license, and an administrative fine ranging from \$1,000.00 to \$2,500.00, or refusal to certify an application for licensure.</u>	<u>(c) From suspension to revocation of license, and an administrative fine ranging from \$2,500.00 to \$5,000.00, or refusal to certify an application for licensure.</u>

(5) When the Board finds an applicant or licensee whom it regulates under Chapter 468, Part XIII, F.S., has violated 456.072, F.S., by violating any of the following provisions, it

shall issue a final order imposing appropriate penalties within the ranges recommended in the following disciplinary guidelines:

VIOLATIONS	RECOMMENDED PENALTIES		
	First Offense	Second Offense	Third Offense
<u>(a) Making misleading, deceptive, or fraudulent representations in or related to the practice of athletic training. (456.072(1)(a), F.S.)</u>	<u>(a) From reprimand to suspension of the license, and an administrative fine ranging from \$250.00 to \$1,000.00, or refusal to certify an application for licensure. If the violation is fraud or false or fraudulent representation, the fine shall be \$10,000.00.</u>	<u>(a) From reprimand to revocation of the license, and an administrative fine ranging from \$1,000.00 to \$3,000.00, or refusal to certify an application for licensure. If the violation is fraud or false or fraudulent representation, the fine shall be \$10,000.00.</u>	<u>(a) From suspension to revocation of license, and an administrative fine ranging from \$3,000.00 to \$5,000.00, or refusal to certify an application for licensure. If the violation is fraud or false or fraudulent representation, the fine shall be \$10,000.00.</u>

<p><u>(b) Failing to comply with the educational course requirements for human immunodeficiency virus and acquired immune deficiency syndrome. (456.072(1)(e), F.S.)</u></p>	<p><u>(b) From letter of concern to reprimand of the license, and an administrative fine ranging from \$250.00 to \$500.00, or refusal to certify an application for licensure.</u></p>	<p><u>(b) From reprimand to suspension of the license, and an administrative fine ranging from \$500.00 to \$750.00, or refusal to certify an application for licensure.</u></p>	<p><u>(b) From suspension to revocation of license, and an administrative fine ranging from \$750.00 to \$1,000.00, or refusal to certify an application for licensure.</u></p>
<p><u>(c) Having been found liable in a civil proceeding for knowingly filing a false report or complaint with the department against another licensee. (456.072(1)(g), F.S.)</u></p>	<p><u>(c) From reprimand to suspension of the license, and an administrative fine ranging from \$1,000.00 to \$2,500.00, or refusal to certify an application for licensure. If the violation is fraud or false or fraudulent representation, the fine shall be \$10,000.00.</u></p>	<p><u>(c) From reprimand to revocation of the license, and an administrative fine ranging from \$2,500.00 to \$5,000.00, or refusal to certify an application for licensure. If the violation is fraud or false or fraudulent representation, the fine shall be \$10,000.00.</u></p>	<p><u>(c) From suspension to revocation of license, and an administrative fine ranging from \$5,000.00 to \$10,000.00, or refusal to certify an application for licensure. If the violation is fraud or false or fraudulent representation, the fine shall be \$10,000.00.</u></p>
<p><u>(d) Aiding, assisting, procuring, employing, or advising any unlicensed person or entity to practice athletic training contrary to Chapters 468, Part XIII and 456, Florida Statutes, or the rules of the department or the board. (456.072(1)(j), F.S.)</u></p>	<p><u>(d) From reprimand to suspension of the license, and an administrative fine ranging from \$250.00 to \$1,000.00, or refusal to certify an application for licensure. If the violation is fraud or false or fraudulent representation, the fine shall be \$10,000.00.</u></p>	<p><u>(d) From reprimand to revocation of the license, and an administrative fine ranging from \$1,000.00 to \$5,000.00, or refusal to certify an application for licensure. If the violation is fraud or false or fraudulent representation, the fine shall be \$10,000.00.</u></p>	<p><u>(d) From suspension to revocation of license, and an administrative fine ranging from \$5,000.00 to \$10,000.00, or refusal to certify an application for licensure. If the violation is fraud or false or fraudulent representation, the fine shall be \$10,000.00.</u></p>
<p><u>(e) Failure to perform any statutory or legal obligation placed upon a licensee. (456.072(1)(k), F.S.)</u></p>	<p><u>(e) From letter of concern to suspension of the license, and an administrative fine ranging from \$250.00 to \$1,000.00, or refusal to certify an application for licensure. If the violation is fraud or false or fraudulent representation, the fine shall be \$10,000.00.</u></p>	<p><u>(e) From reprimand to revocation of the license, and an administrative fine ranging from \$1,000.00 to \$5,000.00, or refusal to certify an application for licensure. If the violation is fraud or false or fraudulent representation, the fine shall be \$10,000.00.</u></p>	<p><u>(e) From suspension to revocation of license, and an administrative fine ranging from \$5,000.00 to \$10,000.00, or refusal to certify an application for licensure. If the violation is fraud or false or fraudulent representation, the fine shall be \$10,000.00.</u></p>
<p><u>(f) Making deceptive, untrue, or fraudulent representations in or related to the practice of a profession or employing a trick or scheme in or related to the practice of a profession. (456.072(1)(m), F.S.)</u></p>	<p><u>(f) From reprimand to suspension of the license, and an administrative fine ranging from \$250.00 to \$1,000.00, or refusal to certify an application for licensure. If the violation is fraud or false or fraudulent representation, the fine shall be \$10,000.00.</u></p>	<p><u>(f) From reprimand to revocation of the license, without the ability to reapply, and an administrative fine ranging from \$1,000.00 to \$5,000.00, or refusal to certify an application for licensure. If the violation is fraud or false or fraudulent representation, the fine shall be \$10,000.00.</u></p>	<p><u>(f) From suspension to revocation of license, without the ability to reapply, and an administrative fine ranging from \$5,000.00 to \$10,000.00, or refusal to certify an application for licensure. If the violation is fraud or false or fraudulent representation, the fine shall be \$10,000.00.</u></p>
<p><u>(g) Practicing or offering to practice beyond the scope permitted by law or accepting and performing professional responsibilities the licensee knows, or has reason to know, the licensee is not competent to perform. (456.072(1)(o), F.S.)</u></p>	<p><u>(g) From reprimand to suspension of the license, and an administrative fine ranging from \$250.00 to \$1,000.00, or refusal to certify an application for licensure.</u></p>	<p><u>(g) From reprimand to revocation of the license, and an administrative fine ranging from \$1,000.00 to \$5,000.00, or refusal to certify an application for licensure.</u></p>	<p><u>(g) From suspension to revocation of license, and an administrative fine ranging from \$5,000.00 to \$10,000.00, or refusal to certify an application for licensure.</u></p>

<p><u>(h) Delegating or contracting for the performance of professional responsibilities by a person when the licensee delegating or contracting for performance of such responsibilities knows, or has reason to know, such person is not qualified by training, experience, and authorization when required to perform them.</u> (456.072(1)(p), F.S.)</p>	<p><u>(h) From reprimand to suspension of the license, and an administrative fine ranging from \$500.00 to \$2,500.00, or refusal to certify an application for licensure.</u></p>	<p><u>(h) From reprimand to revocation of the license, and an administrative fine ranging from \$2,500.00 to \$5,000.00, or refusal to certify an application for licensure.</u></p>	<p><u>(h) From suspension to revocation of license, and an administrative fine ranging from \$5,000.00 to \$10,000.00, or refusal to certify an application for licensure.</u></p>
<p><u>(i) Improperly interfering with an investigation or inspection authorized by statute, or with any disciplinary proceeding.</u> (456.072(1)(r), F.S.)</p>	<p><u>(i) From letter of concern to suspension of the license, and an administrative fine ranging from \$1,000.00 to \$2,500.00, or refusal to certify an application for licensure.</u></p>	<p><u>(i) From reprimand to revocation of the license, and an administrative fine ranging from \$2,500.00 to \$5,000.00, or refusal to certify an application for licensure.</u></p>	<p><u>(i) From suspension to revocation of license, and an administrative fine ranging from \$5,000.00 to \$10,000.00, or refusal to certify an application for licensure.</u></p>
<p><u>(j) Engaging or attempting to engage a patient or client in verbal or physical sexual activity. For the purposes of this section, a patient or client shall be presumed to be incapable of giving free, full, and informed consent to verbal or physical sexual activity.</u> (456.072(1)(u), F.S.)</p>	<p><u>(j) From reprimand to suspension of the license, and an administrative fine ranging from \$1,000.00 to \$4,000.00, or refusal to certify an application for licensure.</u></p>	<p><u>(j) From reprimand to revocation of the license, and an administrative fine ranging from \$4,000.00 to \$7,000.00, or refusal to certify an application for licensure.</u></p>	<p><u>(j) From suspension to revocation of license, and an administrative fine ranging from \$7,000.00 to \$10,000.00, or refusal to certify an application for licensure.</u></p>
<p><u>(k) Failing to report to the board, or the department if there is no board, in writing within 30 days after the licensee has been convicted or found guilty of, or entered a plea of nolo contendere to, regardless of adjudication, a crime in any jurisdiction.</u> (456.072(1)(w), F.S.)</p>	<p><u>(k) From letter of concern to suspension of the license, and an administrative fine ranging from \$1,000.00 to \$5,000.00, or refusal to certify an application for licensure.</u></p>	<p><u>(k) From reprimand to revocation of the license, and an administrative fine ranging from \$5,000.00 to \$7,000.00, or refusal to certify an application for licensure.</u></p>	<p><u>(k) From suspension to revocation of license, and an administrative fine ranging from \$7,000.00 to \$10,000.00, or refusal to certify an application for licensure.</u></p>

Specific Authority 456.072, 468.705, 468.719 FS. Law Implemented 456.072, 468.719 FS. History—New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Board of Athletic Training
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Athletic Training
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: July 30, 2001
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: March 15, 2002

DEPARTMENT OF HEALTH

Board of Athletic Training

RULE TITLE: Mitigating and Aggravating Circumstances
RULE NO.: 64B33-5.002
PURPOSE AND EFFECT: The Board proposes to add a new rule with regards to Mitigating and Aggravating Circumstances.
SUMMARY: The Board determined that guidelines were required for factors that could be argued as mitigation or aggravation of disciplinary penalty.
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 provide a proposal for a lower cost regulatory alternative must do so in writing within 21 days of this notice.

SPECIFIC AUTHORITY: 456.072, 456.079, 468.705, 468.719 FS.

LAW IMPLEMENTED: 456.072, 456.079, 468.719 FS.

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

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

THE FULL TEXT OF THE PROPOSED RULE IS:

64B33-5.002 Mitigating and Aggravating Circumstances.

Based upon consideration of aggravating or mitigating factors, present in an individual case, the Board may deviate from the penalties recommended in paragraphs (3) through (5) of rule 64B33-5.001, FAC. If mitigating factors are present, the administrative fine may be reduced and a less severe action, such as a reprimand or probation, taken against the licensee from the range of actions given in the disciplinary guidelines. If aggravating factors are present, the maximum administrative fine may be imposed and more severe action, such as suspension or revocation, taken against the licensee from the range of actions given in the disciplinary guidelines. The Board shall consider as aggravating or mitigating factors the following:

- (1) The danger to the public;
- (2) The length of time since the violation;
- (3) The number of times the licensee has been previously disciplined by the Board;
- (4) The length of time licensee has practiced;
- (5) The actual damage, physical or otherwise, caused by the violation;
- (6) The deterrent effect of the penalty imposed;
- (7) The effect of the penalty upon the licensee's livelihood;
- (8) Any effort of rehabilitation by the licensee;
- (9) The actual knowledge of the licensee pertaining to the violation;
- (10) Attempts by licensee to correct or stop violation or refusal by licensee to correct or stop violation;
- (11) Related violations against licensee in another state including findings of guilt or innocence, penalties imposed and penalties served;
- (12) Actual negligence of the licensee pertaining to any violation;
- (13) Penalties imposed for related offenses under subsections (3) through (5) above;

(14) Any other relevant mitigating or aggravating factor under the circumstances.

Specific Authority 456.072, 456.079, 468.705, 468.719 FS. Law Implemented 456.072, 456.079, 468.719 FS. History--New

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Athletic Training

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: July 30, 2001

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: March 15, 2002

DEPARTMENT OF HEALTH

Board of Athletic Training

RULE TITLE: Citations RULE NO.: 64B33-5.003

PURPOSE AND EFFECT: The Board proposes to add a new rule with regards to Citations.

SUMMARY: The Board determined that certain violations could be resolved by citation and sets forth such violations and penalty in the rule.

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

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

SPECIFIC AUTHORITY: 456.077, 468.705, 468.719 FS.

LAW IMPLEMENTED: 456.077, 468.705, 468.719 FS.

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

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

THE FULL TEXT OF THE PROPOSED RULE IS:

64B33-5.003 Citations.

(1) Definition. As used in this rule:

(a) "Citation" means an instrument which meets the requirements set forth in s. 456.077, F.S., and which is served upon a subject for the purpose of assessing a penalty in an amount established by this rule;

(b) "Subject" means the licensee alleged to have committed a violation designated in this rule.

(2) In lieu of the disciplinary procedures contained in s. 456.073, F.S., the Department is hereby authorized to dispose of any violation designated herein by issuing a citation to the subject within six months after the filing of the complaint which is the basis for the citation.

(3) Citations shall be issued for first offense violations only.

(4) The Board hereby designates the following as citation violations, which shall result in the indicated penalty:

(a) Failing to complete the continuing education requirements prescribed in s. 468.711(2), F.S. and the rules promulgated thereto: \$25.00 per continuing education hour plus proof of completing the continuing education within three months;

(b) Failing to include the athletic trainer's name and license number in any advertising, including, but not limited to, business cards and letterhead, related to the practice of athletic training pursuant to 468.719(1)(b), F.S.: \$50.00;

(c) Failure to notify the Department of a change in the licensee's current mailing address as required by Section 456.035, F.S.: \$50.00.

(d) Practice on an inactive license for less than four months; \$100.00 for each month or fraction thereof;

(5) If the subject does not dispute the matter in the citation in writing within 30 days after the citation is served by personal service or within 30 days after receipt by certified mail, the citation shall become a final order of the Board of Athletic Training. The subject has 30 days from the date the citation becomes a final order to pay the fine and costs. All fines and costs are to be made payable to "Board of Athletic Training - Citation."

(6) Prior to issuance of the citation, the investigator must confirm that the violation has been corrected or is in the process of being corrected. If the violation is a substantial threat to the public health, safety and welfare, such potential for harm must be removed prior to issuance of the citation.

(7) Once the citation becomes a final order, the citation and complaint become a public record pursuant to Chapter 119, F.S., unless otherwise exempt from the provisions of Chapter 119, F.S.

Specific Authority 456.077, 468.705, 468.719 FS. Law Implemented 456.077, 468.705, 468.719 FS. History—New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Board of Athletic Training
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Athletic Training
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: July 30, 2001
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: March 15, 2002

DEPARTMENT OF HEALTH

Board of Athletic Training

RULE TITLE: Reasonable Time to Pay Fines, Costs and Assessments
RULE NO.: 64B33-5.004

PURPOSE AND EFFECT: The Board proposes to add a new rule with regards to Reasonable Time to Pay Fines, Costs and Assessments.

SUMMARY: The Board determined that 30 days was a reasonable time to pay fines and costs associated with disciplinary action.

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

SPECIFIC AUTHORITY: 456.072(4), 468.705 FS.

LAW IMPLEMENTED: 456.072(4), 468.705 FS.

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

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

THE FULL TEXT OF THE PROPOSED RULE IS:

64B33-5.004 Reasonable Time to Pay Fines, Costs and Assessments.

Pursuant to Section 456.072(4), F.S., a reasonable time within which to pay any fines, costs and assessments imposed by the Board shall be thirty (30) days unless a longer time period is set forth in the disciplinary order imposing the fines, costs or assessments.

Specific Authority 456.072(4), 468.705 FS. Law Implemented 468.705, 456.072(4) FS. History—New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Board of Athletic Training
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Athletic Training
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: July 30, 2001
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: March 15, 2002

Section III Notices of Changes, Corrections and Withdrawals

DEPARTMENT OF STATE

Division of Elections

RULE NO.: RULE TITLE:
1S-2.030 Electronic Transmission of
 Absentee Ballots

NOTICE OF CHANGE

Notice is hereby given that propose Rule 1S-2.030, published in the F.A.W., Pages 737-738, Vol. 28, No. 7, on February 15, 2002, has been changed to reflect comments received from the public.

Changes were made to Section 1S-2.030, F.A.C., so that it now reads:

THE FULL TEXT OF THE PROPOSED RULE IS:

1S-2.030 Electronic Transmission of Absentee Ballots.

(6) The supervisor of elections shall ensure that his or her transmitting and receiving equipment is in a secure location with access limited to employees of the supervisor and that the ballot is sent directly to the address or number provided by the overseas voter. It is the voter's responsibility to ensure the security of the receiving facsimile machine or computer.

(11) The instructions to be sent to all overseas voters shall be in substantially the following form:

(d) You may return your voted ballot either by facsimile or by mail. Voted ballots returned by electronic mail will not be counted.

(15) Upon regular mail receipt of a ballot that was sent via electronic mail, the Voter's Certificate shall be reviewed. Upon determination by the canvassing board that the voter was eligible to vote, the ballot shall be removed from the envelope and duplicated so that it can be processed through the tabulating equipment.

~~(16)~~(15) The supervisor of elections and the supervisor's staff shall take the steps necessary to keep the voted ballots received by facsimile as confidential as possible.

Specific Authority 101.697 FS. Law Implemented 101.697 FS. History--New

DEPARTMENT OF INSURANCE

RULE NO.: RULE TITLE:
4-149.022 Forms Adopted
 NOTICE OF CHANGE

Notice is hereby given in accordance with subparagraph 120.54(3)(d)1., F.S., that changes have been made to the forms adopted or amended by the proposed amendment to Rule 4-149.022 that was published in Vol. 27, No. 49, (December 7, 2001), of the Florida Administrative Weekly.

Rule 4-149.022 contains a list of forms adopted by the Department for use by insurers when making insurance rate and insurance policy form filings with the Department. The amendments to the Rule adopt numerous new and revised forms and eliminate numerous obsolete forms. The amendments primarily relate to forms that are part of the form filing process for life and health insurance companies. The forms contained in the rule are checklists of Florida laws and rules that set forth various provisions which insurers are required to include in insurance policy and application forms. Subsequent to publication of the Notice of Proposed Rule, many of the forms adopted by this rule have been slightly modified. The changes were made in response to comments received from the Florida Legislature's Joint Administrative Procedures Committee. While most of the changes are essentially technical in nature, some of the changes eliminate the need to include certain provisions on application and policy forms. The following is a list of the changes:

Numerous typographical errors have been corrected. Section 624.428, F.S., was cited on the checklists for insurance application forms. This statute does not require that an agent sign an insurance application. However, s. 627.639, F.S., requires health insurance agents to sign applications. So the reference to s. 627.428 has been deleted from all forms. The reference to an agent's signature has been deleted from life application forms but retained on health applications with the addition of the reference to s. 627.639.

On the same forms, a reference to s. 627.4085, F.S., was added so that insurers would know that the agent's name must be printed, typewritten, stamped or handwritten on applications. The references to and explanation of s. 627.558(3), F.S., were deleted from Forms 1363, 1365, 1489, and 1490, relating to Group Annuity and Group Life Policies. The explanation of this statute was that individual conversion contracts must contain the same benefits as the original policy.

Forms 1346, 1347 and 1348 contained a requirement that annuity application forms prohibit an agent from writing initial interest rate on the application. This provision has been eliminated.

Many of the forms contained a reference to s. 626.988, F.S., relating to the sale of insurance by financial institutions. This statute was repealed. All references to this statute have been deleted.

Forms 1345, 1351, 1352, 1363 through 1369 inclusive, 1488 through 1493 inclusive and 1496, contain a reference to contractual provisions that may not be bracketed and list s. 627.413, F.S., as the statutory authority. The prohibition against using bracketed material is in fact based on 624.411(1)(b) which requires the Department to disapprove any insurance form that contains "any inconsistent, ambiguous, or misleading clauses, or exceptions and conditions which

deceptively affect the risk purported to be assumed in the general coverage of the contract.” The statutory authority has been changed for this provision on each of these forms.

On Form 1357, Paragraph (f) on page 2 was changed from “permission” to “pre-admission.”

In the explanation of s. 627.466 on Form 1352, the number “2” was inserted between “After” and “years.”

The requirement on Forms 1488, 1489 and 1490 that Group Life Policies provide an explanation of insurability in the case of late enrollees and for excess amounts of insurance was deleted.

On Form 1357, relating to small group indemnity plans, a reference to s. 627.6699(5)(g)3., F.S., was inserted in the column next to (2)(c) for the purpose of clarification of which statute is the authority for this provision. This is the statutory authority for one-person groups.

On Form 1369, relating to credit life and disability, a reference to s. 627.681(3), F.S., appears on page 3. The form was corrected to cross-reference subsection (4) instead of (3). Also, in the explanation for s. 627.683, F.S., the phrase “Must comply with 627.408” was deleted. The two sections are unrelated.

On Form 1356, relating to HMO contracts, on page 4, in the description of s. 641.51, F.S., the subsection cited was corrected to read (5), not (4). Also, a reference to Rule 4-191.078 was added underneath 641.511 on page 5 of the form. This rule is additional authority for the grievance procedure requirements.

The person to be contacted regarding this matter is: R. Terry Butler, Senior Attorney, Division of Legal Services, (850)413-4237.

DEPARTMENT OF INSURANCE

RULE NOS.:	RULE TITLES:
4-204.001	Purpose and Scope
4-204.002	Definitions
4-204.004	Form Filings
4-204.006	Forms Review
4-204.010	Viatical Settlement Contracts and Forms Related Thereto
4-204.012	Viatical Settlement Purchase Agreements
4-204.022	Required Business Records in General
4-204.025	Department forms

NOTICE OF CORRECTION

PROPOSED RULE DEVELOPMENT PUBLICATION: Vol. 26, No. 41, October 13, 2001

PROPOSED RULE HEARING PUBLICATION: Vol. 27, No. 45, November 9, 2001

PURPOSE AND EFFECT: To promulgate a rule chapter to implement the Viatical Settlement Act, Part X of Chapter 626, Florida Statutes. The rule is mandatory.

SUMMARY: This rule is mandated by the Viatical Settlement Act, Part X of Chapter 626, Florida Statutes. The rule contains, among other things, definitions of terms used in the act, disclosure for purchases of viatical settlements, record keeping requirements related to executed viatical settlement contracts and viatical settlement purchase agreements, collection of data, advertising and reporting of life expectancies. There have been two (2) previous workshops on this matter.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: None.

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

SPECIFIC AUTHORITY: 626.9921, 626.9922, 626.9923, 626.99235, 626.99236, 626.9924, 626.9925 FS.

LAW IMPLEMENTED: 626.9911, 626.9922, 626.9923, 626.99235, 626.99236, 626.9924, 626.9925, 626.99277 FS.

THE DEPARTMENT OF INSURANCE ANNOUNCES A CORRECTION DATE OF A PUBLIC HEARING, NOTICE OF WHICH WAS PUBLISHED IN FAW, VOL. 27, NO. 51, DATED DECEMBER 21, 2001. THE CORRECT DATE AND TIME IS SHOWN BELOW. (IF REQUESTED IN WRITING WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE HELD).

TIME AND DATE: 9:00 a.m., June 4, 2002

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Ted Straughn, Specialty Insurers, Department of Insurance, 200 East Gaines Street, Tallahassee, Florida 32399-0331, phone (850)413-2474

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

DEPARTMENT OF EDUCATION

State Board of Education

RULE NO.:	RULE TITLE:
6A-4.01792	Specialization Requirements for the Prekindergarten Disabilities Endorsement – Academic Class

NOTICE OF CHANGE

Notice is hereby given that the following change has been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 28, No. 6, February 8, 2002, issue of the Florida Administrative Weekly:

Subsection (1) was amended to read:

(1) A bachelor's or higher degree with certification in any exceptional student education area, preschool education, primary education, prekindergarten ~~students with disabilities~~/primary education, or early childhood education, and

DEPARTMENT OF EDUCATION

State Board of Education

RULE NO.: RULE TITLE:
6A-4.0323 Specialization Requirements for
 Certification in Science (Grades
 6-12) – Academic Class

NOTICE OF CHANGE

Notice is hereby given that the following change has been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 28, No. 6, February 8, 2002, issue of the Florida Administrative Weekly:

Subsection (3) is amended as follows:

(3) This rule is to become effective July 1, 2003, ~~and supercedes the provisions of Rule 6A-4.0332, FAC., as of that date.~~

DEPARTMENT OF EDUCATION

State Board of Education

RULE NO.: RULE TITLE:
6A-4.03321 Specialization Requirements for
 Certification in Social Science
 (Grades 6-12) – Academic Class

NOTICE OF CHANGE

Notice is hereby given that the following change has been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 28, No. 6, February 8, 2002, issue of the Florida Administrative Weekly:

Subsection (3) is amended as follows:

(3) This rule is to become effective July 1, 2003, ~~and supercedes the provisions of Rule 6A-4.0332, FAC., as of that date.~~

DEPARTMENT OF CORRECTIONS

RULE NO.: RULE TITLE:
33-103.015 Inmate Grievances – Miscellaneous
 Provisions

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 28, No. 7, February 15, 2002, issue of the Florida Administrative Weekly:

33-103.015 Inmate Grievances – Miscellaneous Provisions.

(1) through (2) No change.

(3) The warden, assistant warden or deputy warden (deputy warden applicable to private facilities only) is authorized to designate other staff to receive, review, and investigate any grievance of an institutional nature. The warden is authorized to designate the assistant warden or deputy warden (deputy warden applicable to private facilities only) to grant and implement relief as approved by the warden, except as to grievances involving discipline, grievances alleging violation of the Americans with Disabilities Act, grievances challenging placement in close management, grievances of an emergency nature, grievances of reprisal or grievances of a sensitive nature that are filed directly with the warden. For grievances filed directly with the warden, the decision to approve, return, or deny the grievance shall be made by the warden.

(4) through (11) No change.

AGENCY FOR HEALTH CARE ADMINISTRATION

Division of Managed Care and Health Quality

RULE NO.: RULE TITLE:
59A-4.106 Facility Policies

NOTICE OF WITHDRAWAL

Notice is hereby given that the following inclusion to AHCA Form 3001-6001, "Additional Instructions for New Medicare Provider Agreement for Change of Ownership/Change of Licensed Operator Application", as noticed in Vol. 28, No. 7, February 15, 2002, Florida Administrative Weekly has been withdrawn:

If the effective date of a Change of Ownership results in the late filing of a license renewal, the late fine will be imposed pursuant to Section 400.111(1), F.S.

FISH AND WILDLIFE CONSERVATION COMMISSION

Marine Fisheries

RULE CHAPTER TITLE: Gear Specifications and Prohibited Gear

RULE NO.: RULE TITLE:
68B-4.0082 Carriage of Proscribed Nets Across
 Florida Waters

NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule, as noticed in Vol. 27, No. 51, December 21, 2001, Florida Administrative Weekly has been withdrawn.

**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 Jesse Politi, on February 26, 2002, a petition for Waiver of subsection 11B-27.002(3), F.A.C., pursuant to Section 120.542, F.S. Petitioner has requested that the Department waive the requirement that an officer be re-employed within four years of a break in service.

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.

PUBLIC SERVICE COMMISSION

NOTICE IS HEREBY GIVEN by the Florida Public Service Commission that BellSouth Telecommunications, Inc.'s petition for a limited waiver of Rule Nos. 24-4.066(2), 25-4.070(3)(a), and 25-4.070(1)(b), Florida Administrative Code, filed December 7, 2001, in Docket No. 010097-TL was approved by the Commission at its February 5, 2002 Agenda Conference. Order No. PSC-02-0197-PAA-TL, issued February 13, 2002, memorialized the decision. That Order became final on March 8, 2002, upon the issuance of Order No. PSC-02-0303-CO-TL. The rules address service standards. The petition was approved on the basis that the purpose of the underlying statute would be achieved by other means and application of the rules would create substantial hardship. Notice of the petition was published in the FAW on December 21, 2001.

A copy of the Order can be obtained from either the Division of the Commission Clerk and Administrative Services, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, (850)413-6770 or the Commission's Homepage <http://www.floridapsc.com>.

WATER MANAGEMENT DISTRICTS

NOTICE IS HEREBY GIVEN that on March 5, 2002, South Florida Water Management District (District) received a petition for waiver from the Collier County Government, Public Utilities Division, for utilization of Works or Lands of the District known as the CR 951 Canal, Collier County. The petition seeks relief from Rule 40E-6.221(2)(j), Fla. Admin. Code, and the Basis of Review for Use or Occupancy of the Works or Lands of the District Permit Applications within the

South Florida Water Management District, incorporated by reference in Rule 40E-6.091(1), Fla. Admin. Code, which requires a minimum 8-foot clearance from the mean high water, for an existing pile-supported aerial crossing of a 6-inch DIP force main and an 8-inch DIP water main to remain within Works or Lands of the District.

A copy of the petition may be obtained from: Jan Sluth, (561)682-6299 or e-mail: jsluth@sfwmd.gov.

The District will accept comments concerning the petition for 14 days from the date of publication of this notice. To be considered, comments must be received by the end of business on the 14th day at the South Florida Water Management District, 3301 Gun Club Road, MSC 1410, West Palm Beach, FL 33406, Attn: Jan Sluth, Office of Counsel.

NOTICE IS HEREBY GIVEN that on March 8, 2002, South Florida Water Management District (District) received a petition for waiver from Dade County Public Works Department, for utilization of Works or Lands of the District known as the C-1W Canal, Miami-Dade County. The petition seeks relief from subsections 40E-6.011(4),(5) and (6), Fla. Admin. Code and paragraph 40E-6.221(2)(j), Fla. Admin. Code, and the Basis of Review for Use or Occupancy of the Works or Lands of the District Permit Applications within the South Florida Water Management District, incorporated by reference in subsection 40E-6.091(1), Fla. Admin. Code, which governs the placement of permanent and/or semi-permanent encroachments within forty feet of the top of canal bank and governs the placement of permanent and/or semi-permanent encroachments within the District's equipment staging areas, for the proposed installation of a Mast Arm Traffic Signal Pole within Works or Lands of the District.

A copy of the petition may be obtained from: Jan Sluth, (561)682-6299 or e-mail: jsluth@sfwmd.gov.

The District will accept comments concerning the petition for 14 days from the date of publication of this notice. To be considered, comments must be received by the end of business on the 14th day at the South Florida Water Management District, 3301 Gun Club Road, MSC 1410, West Palm Beach, FL 33406, Attn: Jan Sluth, Office of Counsel.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

DEP received on January 4, 2002, a petition from Exxon Mobil (Exxon Station #4-5458), 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 February 25, 2002, the Department denied this petition.

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

DEP received on January 4, 2002, a petition from Exxon Mobil Corporation, (Mobil S/S 02-EIT), 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 February 25, 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."

On February 15, 2002, the Department approved the petition from Armand Guida, pursuant to Section 120.542, F.S. (2001), seeking a waiver of the \$500 ATRP deductible required by Rule 62-769.800, F.A.C.

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

DEPARTMENT OF HEALTH

CORRECTED NOTICE IS HEREBY GIVEN that the State of Florida, Department of Health, Bureau of Emergency Medical Services, received a Petition for Variance February 18, 2002 from Pasco County, Florida

Applicable Rule: Section 64E-2.013(14)(a)-(c), F.A.C.

Requested Action: To grant Pasco County a temporary variance for a period of two years to section 64E-2.013(14)(a)-(c), F.A.C., which requires submission of patient care data to the department and transporting units within a specified timeframe. The petition is based upon substantial hardship resulting from the retirement of the previous Emergency Medical Services Director.

Any interested person or agency may submit written comments on this petition until close of business April 5, 2002. Comments on or requests for copies of the petition must be addressed to: Ms. Pam Lesley, Government Analyst, Bureau of Emergency Medical Services, 4052 Bald Cypress Way, Bin #C18, Tallahassee, Florida 32399-1738.

P.O. G10454

The Board of Medicine hereby gives notice that it has received a petition filed on behalf of Janna Summerall, M.D., on March 11, 2002, seeking a waiver from Rule 64B8-5.001, F.A.C., with regard to the time frame for passage of the USMLE.

Comments on this petition should be filed with Board of Medicine, MQA, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3253, within 14 days of publication of this notice.

For a copy of the petition, contact Larry G. McPherson, Jr., Executive Director, Board of Medicine, at above address or telephone (850)245-4131.

The Board of Medicine hereby gives notice that it has received a petition filed on behalf of Carlos Govantes, M.D., on March 4, 2002, seeking a waiver from Rule 64B8-12.006, F.A.C., with regard to the requirement for coverage which provides for claims occurring from the "previous biennium," commonly referred to as "tail insurance."

Comments on this petition should be filed with Board of Medicine, MQA, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3253, within 14 days of publication of this notice.

For a copy of the petition, contact Larry G. McPherson, Jr., Executive Director, Board of Medicine, at above address or telephone (850) 245-4131.

NOTICE IS HEREBY GIVEN THAT the Board of Occupational Therapy Practice issued an Order Granting Waiver from rule filed on January 4, 2002 by Racquel Balsamo. The Petition was first published in Vol. 28, No. 3 of the January 18, 2002 issue of the Florida Administrative Weekly. Petitioner requested the waiver from Florida Administrative Code subsection 64B11-2.005(3), F.A.C., in order to be granted permission to apply for a temporary permit beyond the deadline specified by rule. Petitioner demonstrated that denial of a temporary permit would be a substantial financial hardship and that the underlying purposes of the statute are still achieved with the granting of a temporary permit.

For a copy of the order, contact: Kaye Howerton, Board Executive Director, Board of Occupational Therapy Practice, Department of Health, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3255.

NOTICE IS HEREBY GIVEN THAT the Board of Occupational Therapy Practice issued an Order Granting Waiver from rule filed on January 4, 2002 by Margo Elizabeth White. The Petition was first published in Vol. 28, No. 3 of the January 18, 2002 issue of the Florida Administrative Weekly. Petitioner requested the waiver from subsection 64B11-2.005(3), Florida Administrative Code, in order to be granted permission to apply for a temporary permit beyond the deadline specified by rule. Petitioner demonstrated that denial of a temporary permit would be a substantial financial hardship and that the underlying purposes of the statute are still achieved with the granting of a temporary permit.

For a copy of the order, contact: Kaye Howerton, Board Executive Director, Board of Occupational Therapy Practice, Department of Health, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3255.

NOTICE IS HEREBY GIVEN THAT the Board of Occupational Therapy Practice issued an Order Granting Variance or Waiver from rule filed on January 4, 2002 by Kathleen M. DuPont. The Petition was first published in Vol. 28, No. 3 of the January 18, 2002 issue of the Florida Administrative Weekly. Petitioner requested a variance or waiver from subsection 64B11-2.005(3), Florida Administrative Code, in order to be granted permission to apply for a temporary permit beyond the deadline specified by rule. Petitioner demonstrated that denial of a temporary permit would be a substantial financial hardship and that the underlying purposes of the statute are still achieved with the granting of a temporary permit.

For a copy of the order, contact: Kaye Howerton, Board Executive Director, Board of Occupational Therapy Practice, Department of Health, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3255.

NOTICE IS HEREBY GIVEN THAT the Board of Occupational Therapy Practice issued an Order Granting Waiver from rule filed on January 4, 2002 by Linda S. Meynarez. The Petition was first published in Vol. 28, No. 3 of the January 18, 2002 issue of the Florida Administrative Weekly. Petitioner requested the waiver from subsection 64B11-2.005(3), Florida Administrative Code, in order to be granted permission to apply for a temporary permit beyond the deadline specified by rule. Petitioner demonstrated that denial of a temporary permit would be a substantial financial hardship and that the underlying purposes of the statute are still achieved with the granting of a temporary permit.

For a copy of the order, contact: Kaye Howerton, Board Executive Director, Board of Occupational Therapy Practice, Department of Health, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3255.

FLORIDA HOUSING FINANCE CORPORATION

NOTICE IS HEREBY GIVEN that on January 17, 2002, Florida Housing Finance Corporation ("Florida Housing") received a withdrawal of the Petition for Variance From or Waiver of subsection 67-44.009(7), Florida Administrative Code, from Three Rivers Housing Foundation. Based on the withdrawal of the Petition, Florida Housing entered an Order Closing File on March 7, 2002.

Requests for copies or inspections of the Petition, Order Closing File or withdrawal should be made to: Sheila Freaney, Public Records Clerk, Florida Housing Finance Corporation, 227 N. Bronough St., Suite 5000, Tallahassee, FL 32301-1329 (850)488-4198 or e-mail: Sheila.freaney@floridahousing.org.

Florida Housing Finance Corporation gives notice of the entry of an Order Granting Petition for Waiver of Rules 67-47.120, 67-47.130, 67-47.140 and 67-47.150, Florida Administrative Code.

NAME OF THE PETITIONER: National Development Foundation, Inc.

DATE PETITION WAS FILED: February 12, 2002

RULE NUMBER AND NATURE OF THE RULE FROM WHICH THE WAIVER OR VARIANCE IS SOUGHT: Rules 67-47.120, 67-47.130, 67-47.140 and 67-47.150, Florida Administrative Code. 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.

REFERENCE TO THE PLACE AND DATE OF THE PUBLICATION OF THE NOTICE OF PETITION: Florida Administrative Weekly, February 22, 2002, Vol. 28, No. 8.

THE DATE THE BOARD OF DIRECTORS OF FLORIDA HOUSING FINANCE CORPORATION ORDER APPROVED THE VARIANCE OR WAIVER: March 7, 2002.

THE GENERAL BASIS FOR THE DECISION: The purpose of the underlying statute is to make loans to Eligible Housing Providers and Eligible Home Buyers for the construction of affordable housing. The waiver will further this purpose.

EXPLANATION OF HOW A COPY OF THE ORDER CAN BE OBTAINED: A copy of the Order is available for public inspection during normal business hours, 8:00 a.m. – 5:00 p.m., Monday through Friday, except legal holidays, at Florida Housing Finance Corporation, 227 N. Bronough St., Suite 5000, Tallahassee, FL 32301-1329. Requests for copies or inspections should be made to Sheila Freaney, Public Records Clerk, at the above address, telephone (850)488-4198 or e-mail: Sheila.freaney@floridahousing.org.

NOTICE IS HEREBY GIVEN that on March 6, 2002, Florida Housing Finance Corporation ("Florida Housing") received a withdrawal Petition for Waiver of paragraph 67-47.140(4)(j), Florida Administrative Code ("Petition") from Davis Financial Corporation ("Petitioner"). Based on the withdrawal of the Petition, Florida Housing entered an Order Closing File on March 7, 2002.

Requests for copies or inspections of the Petition, Order Closing File or withdrawal should be made to: Sheila Freaney, Public Records Clerk, Florida Housing Finance Corporation, 227 N. Bronough St., Suite 5000, Tallahassee, FL 32301-1329, (850)488-4198 or e-mail: Sheila.freaney@floridahousing.org.

Florida Housing Finance Corporation gives notice of the entry of an Order Granting Petition for Waiver of subsection 67-48.002(32), Florida Administrative Code, from Cedar Grove Apartments, Ltd. ("Petition").

NAME OF THE PETITIONER: Cedar Grove Apartments, Ltd.

DATE PETITION WAS FILED: January 28, 2002

RULE NUMBER AND NATURE OF THE RULE FROM WHICH THE WAIVER OR VARIANCE IS SOUGHT: The Petition is seeking a variance from subsection 67-48.002(32), which provides that the name of the developer as identified in an Application, may not change until the construction of the Development is complete.

REFERENCE TO THE PLACE AND DATE OF THE PUBLICATION OF THE NOTICE OF PETITION: Florida Administrative Weekly, February 8, 2002, Vol. 28, No. 7.

THE DATE THE BOARD OF DIRECTORS OF FLORIDA HOUSING FINANCE CORPORATION ORDER APPROVED THE VARIANCE OR WAIVER: March 7, 2002

THE GENERAL BASIS FOR THE DECISION: The purpose of the underlying statute is to make loans to Eligible Housing Providers and Eligible Home Buyers for the construction of affordable housing. The waiver will further this purpose.

EXPLANATION OF HOW A COPY OF THE ORDER CAN BE OBTAINED: A copy of the Order is available for public inspection during normal business hours, 8:00 a.m. – 5:00 p.m., Monday through Friday, except legal holidays, at Florida Housing Finance Corporation, 227 N. Bronough St., Suite 5000, Tallahassee, FL 32301-1329. Requests for copies or inspections should be made to Sheila Freaney, Public Records Clerk, at the above address, telephone (850)488-4198 or e-mail: Sheila.freaney@floridahousing.org.

Florida Housing Finance Corporation gives notice of the entry of an Order Granting Petition for Waiver of subsection 67-48.002(32), Florida Administrative Code, from Park Villas Associates, Ltd. ("Petition").

NAME OF THE PETITIONER: Park Villas Associates, Ltd.

DATE PETITION WAS FILED: January 28, 2002

RULE NUMBER AND NATURE OF THE RULE FROM WHICH THE WAIVER OR VARIANCE IS SOUGHT: Subsection 67-48.002(32), Florida Administrative Code. The Rule provides that the name of the developer as identified in an Application, may not change until the construction of the Development is complete.

REFERENCE TO THE PLACE AND DATE OF THE PUBLICATION OF THE NOTICE OF PETITION: Florida Administrative Weekly, February 8, 2002, Vol. 28, No. 7.

THE DATE THE BOARD OF DIRECTORS OF FLORIDA HOUSING FINANCE CORPORATION ORDER APPROVED THE VARIANCE OR WAIVER: March 7, 2002

THE GENERAL BASIS FOR THE DECISION: The purpose of the underlying statute is to make loans to Eligible Housing Providers and Eligible Home Buyers for the construction of affordable housing. The waiver will further this purpose.

EXPLANATION OF HOW A COPY OF THE ORDER CAN BE OBTAINED: A copy of the Order is available for public inspection during normal business hours, 8:00 a.m. – 5:00 p.m., Monday through Friday, except legal holidays, at Florida Housing Finance Corporation, 227 N. Bronough St., Suite 5000, Tallahassee, FL 32301-1329. Requests for copies or inspections should be made to Sheila Freaney, Public Records Clerk, at the above address, telephone (850)488-4198 or e-mail: Sheila.freaney@floridahousing.org.

Florida Housing Finance Corporation gives notice of the entry of an Order Granting Petition for Waiver of subsection 67-48.004(1), Florida Administrative Code, from Wild Pines of Naples, Phase II, Ltd.. ("Petition").

NAME OF THE PETITIONER: Wild Pines of Naples, Phase II, Ltd.

DATE PETITION WAS FILED: January 15, 2002

RULE NUMBER AND NATURE OF THE RULE FROM WHICH THE WAIVER OR VARIANCE IS SOUGHT: The Petition seeks relief from the requirement of Rule 67-48.004(1), Florida Administrative Code, which requires each newly constructed unit to contain a dishwasher.

REFERENCE TO THE PLACE AND DATE OF THE PUBLICATION OF THE NOTICE OF PETITION: Florida Administrative Weekly, January 25, 2002, Vol. 28, No. 4.

THE DATE THE BOARD OF DIRECTORS OF FLORIDA HOUSING FINANCE CORPORATION ORDER APPROVED THE VARIANCE OR WAIVER: March 7, 2002

THE GENERAL BASIS FOR THE DECISION: The purpose of the underlying statute is to make loans to Eligible Housing Providers and Eligible Home Buyers for the construction of affordable housing. The waiver will further this purpose.

EXPLANATION OF HOW A COPY OF THE ORDER CAN BE OBTAINED: A copy of the Order is available for public inspection during normal business hours, 8:00 a.m. – 5:00 p.m., Monday through Friday, except legal holidays, at Florida Housing Finance Corporation, 227 N. Bronough St., Suite 5000, Tallahassee, FL 32301-1329. Requests for copies or inspections should be made to Sheila Freaney, Public Records Clerk, at the above address, telephone (850)488-4198 or e-mail: Sheila.freaney@floridahousing.org.

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: April 9, 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.

DEPARTMENT OF STATE

The **Friends of the Knott House** announces a public meeting to which all persons are invited.

DATE AND TIME: April 3, 2002, 9:00 a.m.

PLACE: The Knott House, Tallahassee, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct the regular business with the Board of Directors.

A copy of the agenda may be obtained by writing: The Friends of the Knott House, 500 S. Bronough St., Tallahassee, FL 32399.

The **Museums of Florida History Foundation, Inc.** announces a Membership Meeting to which all persons are invited.

DATE AND TIME: Wednesday, March 27, 2002, 5:30 p.m.

PLACE: Museum of Florida History, R. A. Gray Building, Ground Floor, Education Room, 500 S. Bronough Street, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Membership Meeting.

Pursuant to Section 286.26, Florida Statutes, any handicapped person wishing to attend this meeting should contact Penny Lord, (850)922-5299, at least 48 hours prior to the meeting in order to request any special assistance.

The **Department of State, Division of Elections** announces a public meeting, to which all persons are invited.

A joint meeting of: Voter Registration Advisory Board of the Florida State Association of Supervisors of Elections, Voter Registration Technical Advisory Group of the Florida State

Association of Supervisors of Elections, Representatives of the Voter Registration Project Management, Oversight and Budget Team of the Florida Department of State.

DATE AND TIME: April 4, 2002, 10:00 a.m. – 1:00 p.m.

PLACE: Division of Elections Training Room, Room 112, Collins Building, 107 West Gaines Street, Tallahassee, Florida 32399-0250

GENERAL SUBJECT MATTER TO BE CONSIDERED: Design of a Statewide Voter Registration Database.

The agenda will be an update on the progress of system development and further discussion of procedural issues which have not yet been resolved. Questions about this agenda may be directed to: Paul Craft, Division of Elections, Room 231, Collins Building, 107 West Gaines Street, Tallahassee, FL 32399-0250, pcraft@mail.dos.state.fl.us, (850)245-6220.

Pursuant to Section 286.26, Florida Statutes, any person requiring special accommodations to participate in this meeting is asked to advise the agency as soon as possible and at least 48 hours before the meeting by contacting Paul Craft, Division of Elections, Room 231, Collins Building, 107 West Gaines Street, Tallahassee, FL 32399-0250, pcraft@mail.dos.state.fl.us, (850)245-6220.

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, April 8, 2002, 8:30 a.m.

PLACE: Escambia County Health Department, Conference Room, 1295 West Fairfield Drive, Pensacola, FL 32501, (850)505-6555

GENERAL SUBJECT MATTER TO BE CONSIDERED: To hold a Slide Review Meeting to select artwork for Art in State Buildings, Project No. DOH 9817/7600, Escambia County Health Department, Northside, Pensacola.

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 Legislative Advocacy Committee of the Florida **Commission on the Status of Women** will hold a telephone conference on:

DATE AND TIME: Friday, April 5, 2002, 11:00 a.m.

PLACE: Call (850)414-3300 for instructions on participation

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss general issues.

If you need an accommodation because of disability in order to participate, please notify FCSW in writing at least five days in advance at Office of the Attorney General, The Capitol, Tallahassee, FL 32399-1050.

DEPARTMENT OF BANKING AND FINANCE

NOTICE OF CANCELLATION – The telephone conference meeting of the Florida **Board of Funeral and Cemetery Services** originally scheduled for March 21, 2002, has been cancelled. The next meeting of the Florida Board of Funeral and Cemetery Services will be held on:

DATE AND TIME: April 19, 2002, previously announced time

PLACE: Previously announced place

To obtain further information contact: Frances Restifo, Administrative Assistant II, Division of Securities and Finance, Room 649B, Fletcher Bldg., 101 East Gaines St., Tallahassee, FL 32399-0350, (850)410-9853.

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

The Florida **Department of Agriculture and Consumer Services** announces a Teleconference meeting of the Florida Alligator Marketing and Education Advisory Committee.

DATE AND TIME: March 27, 2002, 10:00 a.m.

PLACE: Via telephone (850)921-6623 (teleconference), Florida Department of Agriculture and Consumer Services, Bureau of Seafood and Aquaculture Marketing, Tallahassee, FL 32310

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss and vote on marketing and educational activities beneficial to the Florida alligator industry.

A copy of the agenda can be obtained by contacting: Phyllis McCranie, 2051 E. Dirac Drive, Tallahassee, FL 32310-3760, (850)488-0163.

The Florida **State Fair Authority** announces a meeting of the Finance, Long Range Planning and Marketing Committees.

DATE AND TIME: Wednesday, April 10, 2002, 10:30 a.m.

PLACE: Bob Thomas Equestrian Center-Horse Pavilion, Florida State Fairgrounds, Tampa, Florida 33610

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss old and new business of the Finance, Long Range Planning and Marketing Committees.

AGENDA: A copy of the agendas may be obtained by contacting: Ms. Ann Menchen, Florida State Fairgrounds, Post Office Box 11766, Tampa, Florida 33680.

If special accommodations are needed to attend this meeting because of a disability, please contact Ms. Ann Menchen, (813)621-7821 as soon as possible.

The Florida **State Fair Authority** announces a meeting of the Full Authority to which all persons are invited:

DATE AND TIME: Wednesday, April 10, 2002, 1:00 p.m.

PLACE: Bob Thomas Equestrian Center-Horse Pavilion, Florida State Fairgrounds, Tampa, Florida 33610

GENERAL SUBJECT MATTER TO BE CONSIDERED: Committee Reports: Finance and Long Range Planning; 2002 Fair Report; Revision of Bylaws.

AGENDA: A copy of the agenda may be obtained by contacting: Ms. Ann Menchen, Florida State Fairgrounds, Post Office Box 11766, Tampa, Florida 33680.

If special accommodations are needed to attend this meeting because of a disability, please contact Ms. Ann Menchen, (813)621-7821 as soon as possible.

DEPARTMENT OF EDUCATION

The **Florida Rehabilitation Council** announces the following conference call/quarterly meeting:

MEETING: Florida Rehabilitation Council Conference Call New Chair Training and Orientation

DATE AND TIME: March 26, 2002, 3:00 p.m. – 5:00 p.m.

PLACE: Headquarters, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct a meeting of the Florida Rehabilitative Council.

A copy of the agenda may be obtained by contacting: Florida Rehabilitative Council, Building A, 2002 Old Saint Augustine Road, Tallahassee, FL 32399-0696, (850)488-3431.

Any interested parties that need further information may contact Vicki Welch, Extension 150 or her Assistant, Yolanda Manning, Extension 128.

COMMITTEE MEETINGS: Please note that committees of the Florida Rehabilitative Council will meet at various times throughout the year to carry out the work of the council; the meeting dates and times will be posted at the above address at least seven days prior to the meeting. Persons who want to be notified of such meeting may request to be put on the mailing list for such notices by writing to Yolanda Manning at the Council's address.

Notices of meetings and hearings must advise that a record is required to appeal. Each board, commission, agency of this state or of any political subdivision; thereof shall include in the notice any meeting or hearing, if notice of the meeting or

hearing is required of such board, commission or agency, conspicuously on such notice, they advise that if a person decides to appeal any decision made by the board, agency or commission with respect to any matter considered at such meeting or hearing, he or she will need a record of the proceedings, and that, for such purpose, he or she may need to ensure that a verbatim record includes the testimony and evidence upon which the appeal is to be based. (Florida Statutes, 286.0105)

The **Florida Rehabilitation Council** announces the following conference call/quarterly meeting:

MEETING: Florida Rehabilitation Council: Current and Past Chair Work Day

DATE AND TIME: April 17, 2002, 8:00 p.m. – 5:00 p.m.

PLACE: VRS Headquarters, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct a meeting of the Florida Rehabilitative Council.

A copy of the agenda may be obtained by contacting: Florida Rehabilitative Council, Building A, 2002 Old Saint Augustine Road, Tallahassee, FL 32399-0696, (850)488-3431.

Any interested parties that need further information may contact Vicki Welch, Extension 150 or her Assistant, Yolanda Manning, Extension 128.

COMMITTEE MEETINGS: Please note that committees of the Florida Rehabilitative Council will meet at various times throughout the year to carry out the work of the council; the meeting dates and times will be posted at the above address at least seven days prior to the meeting. Persons who want to be notified of such meeting may request to be put on mailing list for such notices by writing to Yolanda Manning at the Council's address.

Notices of meetings and hearings must advise that a record is required to appeal. Each board, commission, agency of this state or of any political subdivision; thereof shall include in the notice any meeting or hearing, if notice of the meeting or hearing is required of such board, commission or agency, conspicuously on such notice, they advise that if a person decides to appeal any decision made by the board, agency or commission with respect to any matter considered at such meeting or hearing, he or she will need a record of the proceedings, and that, for such purpose, he or she may need to ensure that a verbatim record includes the testimony and evidence upon which the appeal is to be based. (Florida Statutes, 286.0105)

The **Florida Rehabilitation Council** announces the following conference call/quarterly meeting:

MEETING: Florida Rehabilitation Council Quarterly Meeting

DATES AND TIME: April 18-19, 2002, 8:00 a.m. – 5:00 p.m.

PLACE: Holiday Inn, Apalachee Parkway, Tallahassee, Florida, (850)877-3171

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct a meeting of the Florida Rehabilitative Council.

A copy of the agenda may be obtained by contacting: Florida Rehabilitative Council, Building A, 2002 Old Saint Augustine Road, Tallahassee, FL 32399-0696, (850)488-3431.

Any interested parties that need further information may contact Vicki Welch, Extension 150 or her Assistant, Yolanda Manning, Extension 128.

COMMITTEE MEETINGS: Please note that committees of the Florida Rehabilitative Council will meet at various times throughout the year to carry out the work of the council; the meeting dates and times will be posted at the above address at least seven days prior to the meeting. Persons who want to be notified of such meeting may request to be put on the mailing list for such notices by writing to Yolanda Manning at the Council's address.

Notices of meetings and hearings must advise that a record is required to appeal. Each board, commission, agency of this state or of any political subdivision; thereof shall include in the notice any meeting or hearing, if notice of the meeting or hearing is required of such board, commission or agency, conspicuously on such notice, they advise that if a person decides to appeal any decision made by the board, agency or commission with respect to any matter considered at such meeting or hearing, he or she will need a record of the proceedings, and that, for such purpose, he or she may need to ensure that a verbatim record includes the testimony and evidence upon which the appeal is to be based. (Florida Statutes, 286.0105)

The Art in State Buildings at the **University of Florida** announces the following public meeting to which all persons are invited:

COMMITTEE: Art Selection Committee

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

PLACE: Room P-420, Medical Science Building, University of Florida Campus, Gainesville, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: To hold an Orientation Meeting to identify potential sites for artwork and types of artwork in the new Health Professions/Nursing/Pharmacy complex, Art in State Buildings Project No. UF-173.

For more information or to obtain a copy of the agenda, please contact: Michelle Benatti, Art in State Buildings Coordinator, University of Florida, P. O. Box 115803, Gainesville, FL 32611, (352)392-0201, Ext. 244.

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 record for judicial review. This meeting will not be taped by Art in State Buildings.

Pursuant to 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 Michelle Benatti, (352)392-0201, Ext. 244. If you are hearing or speech impaired, please call the agency, (352)846-1046.

The **Polk County School Readiness Coalition**, Inc. announces the following meeting to which all persons are invited.

DATE AND TIME: Wednesday, March 20, 2002, 8:30 a.m.
 PLACE: Bob Crawford Agricultural Center, 605 E. Main Street, Bartow, 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.

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: April 10, 2002, 9:00 a.m. – Adjournment
 PLACE: DVRS Headquarters, Building A, 2002 Old Saint Augustine Road, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct the regular business of the Field Services Committee.

COMPLIANCE AND OVERSIGHT COMMITTEE
 DATE AND TIME: April 10, 2002, 9:00 a.m. – Adjournment
 PLACE: DVRS Headquarters, Building A, 2002 Old Saint Augustine Road, Tallahassee, 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: April 10, 2002, 1:00 p.m. – Adjournment
 PLACE: DVRS Headquarters, Building A, 2002 Old Saint Augustine Road, Tallahassee, 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: April 10, 2002, 1:00 p.m. – Adjournment
 PLACE: DVRS Headquarters, Building A, 2002 Old Saint Augustine Road, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct the regular business of the Budget, Policy and Planning Committee.

EXECUTIVE COMMITTEE
 DATE AND TIME: April 10, 2002, 5:00 p.m. – Adjournment
 GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct the regular business of the Executive Committee.

PLACE: DVRS Headquarters, Building A, 2002 Old Saint Augustine Road, Tallahassee, Florida
OAOC FULL COMMISSION MEETING

DATE AND TIME: April 11, 2002, 9:00 a.m. – Adjournment
 PLACE: Doubletree Hotel, 101 South Adams Street, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct the regular business of the Commission.

The **Department of Education** announces the following meetings of the Occupational Access and Opportunity Corporation’s Executive Committee and Board of Directors and to which all persons are invited and to which all interested individuals are encouraged to attend.

OAO CORPORATION EXECUTIVE COMMITTEE MEETING
 DATE AND TIME: April 11, 2002, 1:00 p.m. – Adjournment
 PLACE: Doubletree Hotel, 101 South Adams Street, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct the regular business of the OAO Corporation’s Executive Committee.

OAO CORPORATION BOARD OF DIRECTORS MEETING
 DATE AND TIME: April 11, 2002, 1:25 p.m. – Adjournment
 PLACE: Doubletree Hotel, 101 South Adams Street, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct the regular business of the OAO Corporation’s Board of Directors.

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.

DEPARTMENT OF COMMUNITY AFFAIRS

The **Department of Community Affairs** (DCA) announces public hearings to solicit public comment and input.

DATE AND TIME: April 18, 2002, 1:00 p.m. – 3:00 p.m.
 PLACE: South Florida Regional Planning Council (SFRPC), Suite 140, 3440 Hollywood Boulevard, Hollywood, FL 33021

DATE AND TIME: April 19, 2002, 1:00 p.m. – 3:00 p.m.
 PLACE: Tampa Bay Regional Planning Council (TBRPC), Suite 219, 9455 Koger Boulevard, St. Petersburg, FL 33702-2491

DATE AND TIME: April 23, 2002, 9:00 a.m. – 11:00 a.m.

PLACE: Department of Community Affairs (DCA), Sadowski Building, Room 260-L, 2555 Shumard Oak Boulevard, Tallahassee, FL 32399-2100

GENERAL SUBJECT MATTER TO BE CONSIDERED: To solicit public comments on needs for the State of Florida Five-Year (2000-2004) Consolidated Plan.

BACKGROUND: The Florida Department of Community Affairs is the lead agency for the State of Florida Consolidated Plan. The State of Florida Consolidated Plan, required under 24 CFR 91, provides a framework for the planning process to identify housing, homeless, community and economic development needs and resources for meeting those needs. The plan process provides an opportunity for citizens, nonprofit organizations or other interested parties to help define priorities for addressing local community (as well as statewide) needs and to tailor a strategic plan for meeting identified needs. The current Consolidated Plan covers a five-year period beginning with the 2000 and continuing through 2004. Among other things, the Plan includes the following:

- a general explanation of Florida's consolidated plan, including agency and citizen participation
- needs assessments, resources and plan for housing
- the homeless
- migrant and seasonal farm workers

It is the intent of the Department to seek to substantially amend the current plan to update assessments, to reflect recent changes in state housing and community development legislation, to accommodate programmatic priorities, and to otherwise be responsive to community development needs.

ACTION TO BE TAKEN: At these public hearings, the Department will receive comments from persons interested in program activities covered by the Plan.

A copy of the agenda may be obtained by appearing in person at the agency headquarters or by writing or calling: Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100, (850)488-3581.

Written comments are encouraged and may be submitted at the hearing or mailed to Melba Hawkins at the address listed above no later than May 15, 2002. These comments will be used in drafting proposed changes to the Consolidated Plan.

Any person requiring a special accommodation at this hearing because of a disability, physical impairment or English language deficiency should contact the Department of Community Affairs, (850)487-3644, at least five calendar days prior to the hearing. If you are hearing impaired, please contact the Department using the Florida Dual Party Relay System at 1(800)922-8771 (TDD).

The Department has created a special page for the State of Florida Consolidated Plan and the 2002 substantial amendment process. For copies of the Plan, updates on the amendment

process, locations of public hearings and other pertinent information, please refer to: www.dca.state.fl.us/fhcd/Florida-Consolidated-Plan.

DEPARTMENT OF LAW ENFORCEMENT

The Florida **Department of Law Enforcement** announces a public meeting to which all persons are invited.

DATES AND TIMES: Wednesday, April 10, 2002, 1:00 p.m. – 5:00 p.m.; Thursday, April 11, 2002, 8:30 a.m. – 5:00 p.m.

PLACE: The Rosen Plaza Hotel, 9700 International Drive (adjacent to the Orange County Convention Center, across from Orlando Pointe), Orlando, Florida 32819, (407)996-9700

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Violent Crime and Drug Control Council and any other interested individuals will meet to hear presentations and discuss issues relating to violent crime and multi-agency or statewide drug control or illicit money laundering investigative or task force efforts.

A copy of the agenda may be obtained by writing: Government Analyst Joyce Gainous-Harris, Florida Department of Law Enforcement, Division of Criminal Investigations and Forensic Science Services, Office of Statewide Intelligence, Post Office Box 1489, Tallahassee, Florida 32302, or by telephoning (850)410-8620.

NOTICE UNDER THE AMERICANS WITH DISABILITIES ACT: Persons needing an accommodation to participate in any proceeding should call (850)410-7900 (Voice) or (850)656-9597 (TDD), at least five working days before such proceeding.

DEPARTMENT OF TRANSPORTATION

The Florida **High Speed Rail Authority** announces a public teleconference meeting to which all persons are invited.

DATE AND TIME: Tuesday, April 9, 2002, 10:00 a.m. – Conclusion

PLACE: St. Petersburg/Clearwater Airport Business Center, WORKNET Conference Room, Suite 906, 4525 140th Avenue, North, Clearwater, 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 this meeting is asked to advise the Authority at least 48 hours before the meetings by contacting Betty Sizemore, (850)414-5244.

The **Department of Transportation**, Florida's Turnpike announces a Public Hearing to which all persons are invited.

DATE AND TIMES: April 25, 2002, Open House, 6:00 p.m.; Formal Presentation, 6:30 p.m.

PLACE: Christa McAuliffe Middle School, Cafeteria, 6500 LeChalet Boulevard, Boynton Beach, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: The hearing is being conducted pursuant to the provisions of Rule Chapter 14-97, Florida Administrative Code, and Section 335.18, Florida Statutes. This hearing is being held in accordance with Federal-Aid Highway Act of 1968, as amended, 23 U.S.C. 128, 40 C.F.R., 1500-1508 C.F.R. 771, and Section 339.155 Florida Statutes, and is also consistent with the Americans With Disabilities Act of 1990. This hearing is also in compliance with Title VI of the Civil Rights Act of 1964 and Title VIII of the Civil Rights Act of 1968, as amended. This hearing is being held to afford interested persons the opportunity to express their views concerning the proposed project Financial Project Number 406092-1-22-01 otherwise known as the widening of Florida's Turnpike from Atlantic Avenue to the Lantana Toll Plaza. Potential encroachment on wetlands and floodplains may be given special consideration under Executive Orders 11990 and 11988.

Anyone needing project or public hearing information may contact: Carl Gibilaro, P.E., Project Manager, Florida's Turnpike, P. O. Box 613069, Ocoee, Florida 34761-3069, (407)532-3999, Extension 3412.

Anyone requesting special accommodations under the Americans with Disabilities Act of 1990 should contact Catherine Bradley, P.E., Florida's Turnpike, P. O. Box 613069, Ocoee, Florida 34761-3069, (407)532-3999, Extension 3802. Special accommodation requests under the Americans with Disabilities Act should be made at least seven days prior to the public hearing.

A copy of the agenda may be obtained by writing: Mr. Carl Gibilaro, P.E., Project Manager, Florida's Turnpike, P. O. Box 613069, Ocoee, Florida 34761-3069.

The **Florida Seaport Transportation and Economic Development Council** announces a Project Review Group meeting in which all interested persons are invited to participate.

DATE AND TIME: April 4, 2002, 10:00 a.m.- 12:30 p.m.

PLACE: Florida Department of Transportation, Burns Building, Executive Conference Room (Suwannee Room), 605 Suwannee Street, Tallahassee, Florida 32399-0450, Call-in number (850)921-6623

GENERAL SUBJECT MATTER TO BE CONSIDERED: General Business.

Information on the meeting may be obtained by contacting: Toy Keller, Florida Ports Council, Suite 712, 315 South Calhoun Street, Tallahassee, Florida 32301, (850)222-8028.

Any person wishing to appeal any decision made with respect to any matter considered at the above cited meeting will need a record of the proceedings, and for such purpose that person may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

In accordance with provisions of the Americans with Disabilities Act, persons requiring special accommodations to participate in this public meeting should advise Toy Keller, (850)222-8028.

STATE BOARD OF ADMINISTRATION

NOTICE IS HEREBY GIVEN by the Florida Hurricane Catastrophe Fund, which is administered by the **State Board of Administration** of a meeting of the State Board of Administration to which all persons are invited.

DATE AND TIME: Tuesday, April 9, 2002, 9:00 a.m. (Eastern Standard Time) – to conclusion of the meeting

PLACE: Cabinet Meeting Room, Lower Level, The Capitol, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: To consider the publication of a Notice of Change and the adoption, as amended, of Rules 19-8.010, 19-8.012 and 19-8.029, F.A.C., and the forms incorporated therein. In addition, the Board will also take care of other general business.

Anyone wishing a copy of any of the rules or forms should contact: Tracy Allen, Florida Hurricane Catastrophe Fund, Post Office Drawer 13300, Tallahassee, FL 32317-3300.

DEPARTMENT OF CITRUS

The **Department of Citrus** announces a public meeting of the Blue Ribbon Committee to which all persons are invited.

DATE AND TIME: Tuesday, April 2, 2002, 9:30 a.m.

PLACE: Florida Department of Citrus, 1115 East Memorial Blvd., Lakeland, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Blue Ribbon Committee will meet to present current consumer and retail research and explore marketing strategies. The Committee will also discuss any other issues that may properly come before the Committee.

In accordance with the Americans with Disabilities Act, any person requiring special accommodations to participate in this meeting is asked to advise the Department at least 48 hours before the meeting by contacting Mr. Art Johnson at the above address or by telephone, (863)499-2510.

FLORIDA PAROLE COMMISSION

The **Florida Parole Commission** announces a public meeting to which all persons are invited.

DATE AND TIME: Wednesday, April 10, 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.

PUBLIC SERVICE COMMISSION

NOTICE OF RECHEDULING – The Florida **Public Service Commission** announces the rescheduling of a Commission hearing from April 4, 2002 in 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: April 5, 2002, 9:30 a.m.

PLACE: The Betty Easley Conference Center, Commission Hearing Room 148, 4075 Esplanade Way, Tallahassee, Florida

NOTICE IS HEREBY GIVEN that the Telecommunications Access System Act (TASA) Advisory Committee to the Florida **Public Service Commission** will hold a committee meeting to which all parties and other interested persons are invited.

DOCKET NO: 991222 – TP

DATE AND TIME: Monday, April 8, 2002, 1:00 p.m.

PLACE: Easley Conference Center, Room 152, 4075 Esplanade Way, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: The purpose of the meeting is to discuss current relevant issues related to relay such as Lifeline, outreach, FTRI’s 2002-2003 proposed budget (tentative) and other items.

Further information regarding this meeting may be obtained from: Susan Howard, Division of Competitive Services, Florida Public Service Commission, (850)413-6406.

Any person requiring some accommodation at this workshop because of a physical impairment should call the Division of Records and Reporting, (850)413-6770, at least 48 hours prior to the hearing. Any person who is hearing or speech impaired

should contact the Florida Public Service Commission by using the Florida Relay Service, which can be reached at: 1(800)955-8771 (TDD).

EXECUTIVE OFFICE OF THE GOVERNOR

The **Florida Black Business Support Corporation** announces meetings of its board of directors, loan, audit and development committees to which all interested persons are invited.

DATE AND TIMES: April 4, 2002, 9:00 a.m. – 10:30 a.m. (Audit, Loan/Investment, Development Committee meetings); 1:30 p.m. – 3:30 p.m. (Board of Director’s meeting)

PLACE: Sheraton Ft. Lauderdale Airport Hotel, 1825 Griffin Road, Dania, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: To plan and discuss the Board’s business plan to identify areas for future Board priorities, loan, audit and development committees discussion/review/approval of related issues and approve actions taken by the Chairman and/or Executive Director under delegated authority.

A copy of the agenda may be obtained by contacting: The Florida Black Business Support Corporation, 1713 South Gadsden Street, Tallahassee, FL 32301, (850)487-4850.

If a person decides to take an appeal with respect to any matter considered at these meetings, he/she will need a record of the proceedings and, for such purpose, he/she may need to ensure that verbatim record of the proceedings is made, which record should include the testimony and evidence upon which the appeal is to be based.

If an accommodation is needed for a disability in order to attend these meeting, please notify the FBBSC Office, (850)487-4850, at least seven (7) days prior to the meetings.

The **Executive Office of the Governor** announces a meeting of the Florida Black Business Investment Board to which all interested persons are invited.

DATE AND TIME: April 4, 2002, 11:00 a.m. – 12:30 p.m.

PLACE: Sheraton Ft. Lauderdale Airport Hotel, 1825 Griffin Road, Dania, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: To further discuss the Board’s business plan to identify areas for future Board priorities, loan, audit and development committees discussion/review/approval of related issues, and approve actions taken by the Chairman and/or Executive Director under delegated authority.

A copy of the agenda may be obtained by contacting: The Florida Black Business Investment Board, 1711 South Gadsden Street, Tallahassee, FL 32301, (850)487-4850.

If a person decides to take an appeal with respect to any matter considered at these meetings, he/she will need a record of the proceedings and, for such purpose, he/she may need to ensure

that verbatim record of the proceedings is made, which record should include the testimony and evidence upon which the appeal is to be based.

If an accommodation is needed for a disability in order to attend these meeting, please notify the FBBIB Office, (850)487-4850, at least seven (7) days prior to the meetings. If you are hearing or speech impaired, please contact the Office of the Governor by using the Citizen Service Office at (850)488-4441.

REGIONAL PLANNING COUNCILS

The **Northeast Florida Regional Planning Council**, Transportation Committee announces the following public meetings to which all persons are invited:

DATE AND TIME: Thursday, April 4, 2002, 9:00 a.m.

PLACE: St. Johns River Water Management District, State Road 100, Palatka, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss pending transportation issues.

A copy of the agenda may be obtained by contacting: Northeast Florida Regional Planning Council, 6850 Belfort Oaks Place, Jacksonville, FL 32216.

Notice is given that two or more members of the Boards of County Commissioners, City/Town Councils/Commission and other entities covered under Chapter 286, Florida Statutes, may attend and speak at the meeting.

The **Northeast Florida Regional Planning Council**, Personnel, Program Planning and Budget Committee announces the following public meeting to which all persons are invited:

DATE AND TIME: Thursday, April 4, 2002, 9:00 a.m.

PLACE: St. Johns River Water Management District Office, 4049 Reid Street, State Road 100, Palatka, FL 32177

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss pending personnel, program planning and budget matters.

A copy of the agenda may be obtained by contacting: Northeast Florida Regional Planning Council, 6850 Belfort Oaks Place, Jacksonville, FL 32216.

Notice is also given that two or more members of the Boards of County Commissioners, City/Town Councils/Commissions and other entities covered under Chapter 286, Florida Statutes, may attend and speak at the meeting.

The **Northeast Florida Regional Planning Council**, Comprehensive and Project Planning Committee announces the following public meeting to which all persons are invited:

DATE AND TIME: Thursday, April 4, 2002, 9:00 a.m.

PLACE: St. Johns River Water Management District Office, 4049 Reid Street, State Road 100, Palatka, FL 32177

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss pending comprehensive and project planning items.

A copy of the agenda may be obtained by contacting: Northeast Florida Regional Planning Council, 6850 Belfort Oaks Place, Jacksonville, FL 32216.

Notice is also given that two or more members of the Boards of County Commissioners, City/Town Councils/Commissions and other entities covered under Chapter 286, Florida Statutes, may attend and speak at the meeting.

The **Northeast Florida Regional Planning Council** announces the following public meeting to which all persons are invited:

DATE AND TIME: Thursday, April 4, 2002, 10:00 a.m.

PLACE: St. Johns River Water Management District Office, 4049 Reid Street, State Road 100, Palatka, FL 32177

GENERAL SUBJECT MATTER TO BE CONSIDERED: Monthly Meeting.

A copy of the agenda may be obtained by contacting: Northeast Florida Regional Planning Council, 6850 Belfort Oaks Place, Jacksonville, FL 32216.

If a person decides to appeal any decision made by the Council with respect to any matter considered at this meeting, he/she will have to ensure that a verbatim record of the proceedings is made, which includes the testimony and evidence upon which the appeal is to be based.

Individuals needing materials in alternate format, sign language interpreter or other meeting information, call Peggy Conrad, (904)279-0880, Extension 145, at least three working days prior to the meeting. Hearing-impaired callers use Florida Relay Service, 1(800)955-8771.

Notice is also given that two or more members of the Boards of County Commissioners, City/Town Councils/Commissions and other entities covered under Chapter 286, Florida Statutes, may attend and speak at the meeting.

The **Central Florida Regional Planning Council** will hold its public meeting and the Council's Executive Committee meeting to which all persons are invited:

DATE AND TIME: Wednesday, April 3, 2002, 9:30 a.m.

PLACE: Highlands County Health Department, Conference Room, 7205 South George Blvd., Sebring, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regular Monthly Meeting of the Council and the Executive Committee.

A copy of the agenda may be obtained by writing: Central Florida Regional Planning Council, P. O. Box 2089, Bartow, Florida 33831.

If any person desires to appeal any decision with respect to any matter considered at the above cited meeting, such persons will need a record of the proceeding. For such purpose, he may

need to ensure that a verbatim record of the proceeding is made to include the testimony and evidence upon which the appeal is to be based.

The **Tampa Bay Regional Planning Council** announces the following meetings to which all persons are invited.

MEETING: Executive/Budget Committee

DATE AND TIME: Monday, April 8, 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, April 8, 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, April 8, 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, April 11, 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, April 22, 2002, 9:30 a.m.

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct the regular business of the Clearinghouse Review Committee.

PLACE: Suite 219, 9455 Koger Blvd., St. Petersburg, FL 33702 (Please call to confirm date, time and location)

Please note that if a person decides to appeal any decision made by Council with respect to any matter considered at the above cited meeting or hearing, he will need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is based.

The **South Florida Regional Planning Council** announces a public meeting of the State Road 7/US 441 Collaborative Steering Committee to which all persons are invited.

DATE AND TIME: Thursday, April 11, 2002, 1:00 p.m. – 4:00 p.m.

PLACE: City of Margate, Police Department, 311 S. SR 7, Neighborhood Policing Office, Margate, Florida 33063

GENERAL SUBJECT MATTER TO BE CONSIDERED: Meeting of the State Road 7/ U.S. 441 Collaborative Steering Committee to continue to deliberate and explore future actions.

A copy of the agenda may be obtained by writing: South Florida Regional Planning Council, 3440 Hollywood Boulevard, Suite 140, Hollywood, Florida 33021.

Anyone deciding to appeal any decision made by The State Road 7/U.S. 441 Collaborative Steering Committee with respect to any matter considered at this meeting, will need to ensure that a verbatim record of the proceedings is made, including the testimony and evidence upon which the appeal is to be based.

If you are hearing or speech impaired, please contact the South Florida Regional Planning Council, (954)967-4152, Ext. 40 (TDD), if you require additional information regarding the above meeting. If you require special accommodations because of a disability or physical impairment, please contact the Council, (954)985-4416, at least five calendar days prior to the meeting.

REGIONAL TANSPORTATION AUTHORITIES

The **Hillsborough Area Regional Transit Authority** (HART) announces the following public meeting of the Governing Board of the Authority to which all persons are invited:

PUBLIC HEARING

DATE AND TIME: April 1, 2002, 8:30 a.m.

PLACE: County Center, 601 E. Kennedy Boulevard, Planning Commission Board Room, 18th Floor, Tampa, FL

PURPOSE: Regularly Scheduled Board Meeting.

AGENDA/GENERAL SUBJECT MATTER TO BE CONSIDERED:

1. Call to order
2. Approval of Minutes
3. Introductions, Recognition and Awards
4. Consumer Advisory Committee Report
5. Public Comment on Action Items
6. Consent Action Items
7. Other Action Items
8. Chairman's Report
9. Reports from HART Representatives
10. HART Committee Reports
11. Other Board Member's Report
12. Executive Director's Report
13. Employee Comment
14. General Public Comment
15. Discussion and Presentations
16. Monthly Information Reports
17. Other Information Items
18. Other Business

A copy of the detailed agenda may be obtained by contacting: Mary Staples, Administrative Assistant II, Hillsborough Area Regional Transit Authority, Suite 900, 201 E. Kennedy Boulevard, Tampa, FL 33602, (813)223-6831, Ext.2111.

Section 286.0105, Florida Statutes, states that if a person decided to appeal any decision made by a board, agency or commission with respect to any matter considered at a meeting or hearing, he will need a record of the proceedings, and that

for such purpose, he may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. In accordance with the Americans with Disabilities Act of 1990, persons needing a special accommodation at this meeting because of a disability or physical impairment should contact Lauren Skiver, (813)623-5835, at least 48 hours before the meeting. If the caller is hearing impaired, contact the Authority, (813)626-9158 (TTD).

WATER MANAGEMENT DISTRICTS

The **Southwest Florida Water Management District** announces the following public hearing to which all interested persons are invited:

DATES AND TIMES: April 23, 2002, 9:00 a.m. and may be continued; April 24, 2002, 9:00 a.m.

PLACE: Southwest Florida Water Management District, Governing Board Room, 2379 Broad Street, Brooksville, Florida 34604-6899

GENERAL SUBJECT MATTER TO BE CONSIDERED: The acquisition of certain lands eligible to be considered for funding from the Florida Preservation 2000 Trust Fund/Florida Forever Trust Fund which lands are further described as follows:

Part of the Annutteliga Hammock project comprised of one parcel referred to as SWF Parcel No. 15-228-614 consisting of approximately 103 acres, located north of Centralia Road and east of U.S. Highway 19, lying in Section 31, Township 21 South, Range 18 East, in Hernando County, Florida; and

Part of the Annutteliga Hammock project comprised of one parcel referred to as SWF Parcel No. 15-228-662 consisting of approximately 5.0 acres, located north of Centralia Road and east of U.S. Highway 19, lying in Section 17, Township 21 South, Range 18 East, in Hernando County, Florida; and

Part of the Green Swamp Project comprised of one parcel referred to as SWF Parcel No. 10-200-1241 consisting of approximately .89 acres lying in Section 11, Township 24 South, Range 24 East, in Lake County, Florida; and

Part of the Green Swamp Project comprised of one parcel referred to as SWF Parcel No. 10-200-1230C consisting of approximately 732 acres, located west of Calvin Lee Road and lying in Sections 27, 28, 33 & 34, Township 23 South, Range 24 East, in Lake County, Florida; and

Part of the Upper Myakka River Watershed project comprised of three parcels referred to as SWF Parcel Nos. 21-598-104C, 105C and 106C consisting of conservation easements covering approximately 1,135 acres, 478 acres and 917 acres, respectively. The parcels are located on the north side of State Road 70 and lie in parts of Sections 4 and 26, Township 36 South, Range 21 East and in parts of Sections 26, 27, 34, 35 and 36, Township 35 South, Range 21 East in Manatee County, Florida; and

Part of the Gum Slough project referred to as SWF Parcel No. 19-687-107C to be acquired by a conservation easement consisting of approximately 5,674 acres. The parcel is located on the east side of the Withlacoochee River and south of State Road 200 and lies in Sections 19, 20, 28, 29, 30, 32, 33, 34, 35 and 36, Township 17 South, Range 20 East in Marion County, Florida and also in Sections 1, 2, 3, 4, 10, 11, 12, 13, 14 and 15, Township 18 South, Range 20 East in Sumter County, Florida; and

Part of the Pasco 1 project comprised of one parcel referred to as SWF Parcel No. 15-704-102 consisting of approximately 3,717 acres. The parcel is located on the south side of State Road 52, east of US Highway 41 and west of Interstate 75 in Sections 7, 8, 10, 11, 12, 13, 14, 15, 17, 18, 19, 20, 22, 23, 24, 25, 26, 27, 30, 35, Township 25 South, Range 18 and 19 East in Pasco County, Florida; and

Part of the Lake Panasoffkee project comprised of one parcel referred to as SWF Parcel No. 19-528-135 consisting of approximately 6,078 acres lying in Sections 16, 19, 20, 21, 28, 29, 30, 31 and 32, Township 20 South, Range 22 East; Sections 25 and 36, Township 20 South, Range 21 East; Sections 5 and 6, Township 21 South, Range 22 East and Section 1, Township 21 South, Range 21 East. Subject property located on the west side of Interstate 75, south of County Road 470 in Sumter County, Florida; and

Part of the RV Griffin Reserve project comprised of one parcel referred to as SWF Parcel No. 21-599-102C consisting of a conservation easement covering approximately 3,800 acres. The parcel lies in Sections 24, 25, 33, 34, 35 and 36, Township 38 South, Range 22 East in Sarasota County, Florida.

Any person deciding to appeal any decision made by the District Governing Board concerning the above-referenced hearing will need a record of the proceedings and for such purpose may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal may be based.

A copy of the agenda or a more specific legal description of the lands proposed for acquisition may be obtained by contacting Fritz H. Musselmann, Land Resources Director, Southwest Florida Water Management District, at the above address.

The District does not discriminate based on disability status. Anyone requiring reasonable accommodations under the ADA should call 1(800)423-1476 (Florida only), Extension 4452, Fax (352)754-6877, TTD only 1(800)231-6103.

The **South Florida Water Management District** announces a public meeting to which all interested parties are invited:

DATE AND TIME: March 27, 2002, 10:00 a.m. – 4:00 p.m.

PLACE: Indian River Community College Dixon-Hendry Campus, Room 111, 2229 N. W. 9th Avenue, Okeechobee, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Project Delivery Team (PDT) of the Lake Okeechobee Watershed Project, which is included in the Comprehensive

Everglades Restoration Plan, will meet to discuss the development of performance measures to be used in the development of alternative recommendations for the four elements included in this project. A Public Outreach Plan outlining the ways in which the public will be invited to participate in the development of Project Implementation Reports and a draft document concerning the hydrological and water quality characterization of the watershed also will be discussed. The public is encouraged to attend and to provide comments at each step of this important process. This PDT meets monthly and all meetings will be advertised in this publication, in addition to announcements in local media outlets.

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.

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.

For more information, contact Lewis Hornung, Project Manager, (561)682-2007 or Missie Barletto, Public Outreach, 1(800)250-4200, Ext. 3006.

The South Florida Water Management District announces a public meeting to which all interested parties are invited:

DATE AND TIME: April 4, 2002, 6:30 p.m. – 8:00 p.m.

PLACE: Doyle Connor Agricultural Center, 900 U.S. Highway 27, Moore Haven, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: As part of the Lake Okeechobee Sediment Management Feasibility Study, the District has developed a draft Work Plan based on the study's goals and performances measures. The Work Plan summarizes the tools and methods that will be used to evaluate the sediment management alternatives developed to address internal phosphorus loading in Lake Okeechobee. This is the third in a series of four public/interagency meetings. The meeting is being held to solicit input on the Work Plan for the Evaluation of Alternatives, and will focus on the District's current and future plans. The public is invited to participate.

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.

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.

For more information, contact Jorge Patino Project Manager, (561)682-2731.

The South Florida Water Management District announces a public meeting to which all interested parties are invited:

DATE AND TIME: Tuesday, April 9, 2002, 3:00 p.m.

PLACE: Northern Palm Beach County Improvement District, Auditorium, 357 Hiatt Drive, Palm Beach Gardens, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Council Membership Sub-Committee Meeting of the Loxahatchee River Management Coordinating Council.

A copy of the agenda may be obtained by writing: South Florida Water Management District, Mail Stop 4770, 210 Atlanta Avenue, Stuart, Florida 34994.

Appeals from any South Florida Water Management District Board decision require a record of the proceedings. Although Governing Board meetings and hearings are normally recorded, affected persons are advised that it may be necessary for them to ensure that a verbatim record of the proceeding is made, including the testimony and evidence upon which the appeal is to be based.

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

Those who want more information, please contact: Kathy LaMartina, Martin/St.Lucie Service Center, 210 Atlanta Avenue, Stuart, FL 34994, (772)223-2600, Ext. 3603.

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, April 3, 2002, 10:00 a.m.

PLACE: Charlotte County Administration Center, 18500 Murdock Circle, Port Charlotte, 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 the 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.

AGENCY FOR HEALTH CARE ADMINISTRATION

The Agency for Health Care Administration announces a meeting of the Drug Utilization Review Board and Prescribing Pattern Review Panel to which all interested parties are invited.

DATE AND TIME: Saturday, April 6, 2002, 10:00 a.m. – 2:30 p.m.

PLACE: Marriott Hotel, Tampa International Airport, Tampa, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Review prescribing patterns and drug utilization in Medicaid prescription program.

Any attendee requiring special accommodation because of a disability or physical impairment should contact the Marriott, (813)879-5151, at least five days prior to the meeting.

DEPARTMENT OF MANAGEMENT SERVICES

The **Department of Management Services, State Technology Office** announces a workshop on the progress of the Joint Task Force Radio Communications System to which all persons are invited.

DATE AND TIME: April 11, 2002, 1:30 p.m.

PLACE: Department of Management Services, State Technology Office, Room 124, 2585 Shumard Oak Drive, Tallahassee, FL 32399

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss and take action on the items included in the meeting agenda.

A copy of the agenda may be obtained by writing: Linda Fuchs, Department of Management Services, State Technology Office, Suite 235, 4030 Esplanade Way, Tallahassee, Florida 32399-0950 or Linda.Fuchs@myflorida.com.

If a person decides to appeal any decision made by the Board with respect to any matter considered at the meeting, he/she will need a record of the proceedings and may need to ensure 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 some accommodation at this hearing because of a physical impairment should call the State Technology Office, (850)922-7435, at least five calendar days prior to the meeting. If you are hearing- or speech-impaired, please contact the State Technology Office by using the Florida Relay Service which can be reached at 1(800)955-8771 (TDD). The conference call number is (850)921-2470 or Suncom 291-2470.

The **Department of Management Services, State Technology Office** announces a public meeting of the Board of Directors of the Joint Task Force on State Agency Law Enforcement Communications to which all persons are invited.

DATE AND TIME: April 11, 2002, immediately following the workshop

PLACE: Room 124, 2585 Shumard Oak Drive, Tallahassee, FL 32399

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss and take action on the items included in the meeting agenda.

A copy of the agenda may be obtained by writing: Linda Fuchs, Department of Management Services, State Technology Office, Suite 235, 4030 Esplanade Way, Tallahassee, Florida 32399-0950 or Linda.Fuchs@myflorida.com.

If a person decides to appeal any decision made by the Board with respect to any matter considered at the meeting, he/she will need a record of the proceedings and may need to ensure 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 some accommodation at this hearing because of a physical impairment should call the State Technology Office, (850)922-7435, at least five calendar days prior to the meeting. If you are hearing- or speech-impaired, please contact the State Technology Office by using the Florida Relay Service which can be reached at 1(800)955-8771 (TDD). The conference call number is (850)921-2470 or Suncom 291-2470.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

The **Florida Building Code Administrators and Inspectors Board** announces a Probable Cause Panel Meeting via telephone conference call portions of which will be closed to the public.

DATE AND TIME: April 9, 2002, 10:00 a.m. (EST)

PLACE: Department of Business and Professional Regulation, Building Code Administrators and Inspectors Board Office, 1940 North Monroe Street, Tallahassee, FL 32399-2211

GENERAL SUBJECT MATTER TO BE CONSIDERED: Probable Cause Panel Meeting.

If any person decides to appeal any decision made by the Building Code Administrators and Inspectors Board with respect to any matter considered at this meeting, he/she may need to ensure that a verbatim record of the proceedings is made, which will include the testimony and evidence upon which the appeal is to be based.

For further information, contact: Florida Building Code Administrators and Inspectors Board, 1940 North Monroe Street, Tallahassee, Florida 32399-2211.

Any persons requiring special accommodations at this meeting because of a disability or physical impairment should contact Gregory Spence, Building Code Administrators and Inspectors Board, at least five calendar days prior to the meeting. If you are hearing or speech impaired, please call Gregory Spence

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, April 1, 2002, 1:00 p.m. or soonest possible thereafter

PLACE: Department of Business and Professional Regulation, Division of Real Estate, Room 301, Third Floor, North Tower, 400 W. 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).

The **Florida Real Estate Appraisal Board** announces a meeting to which everyone is invited at the time, date and place shown below:

DATE AND TIME: Tuesday, April 2, 2002, 8:30 a.m.

PLACE: Department of Business and Professional Regulation, Division of Real Estate, Room 301, Third Floor, North Tower, 400 W. Robinson Street, Orlando, FL 32801, (407)245-0800

GENERAL SUBJECT MATTER TO BE CONSIDERED: Official business of the Appraisal Board – Including but not limited to: Rule/statute amendments, and Disciplinary actions. Any person who decides to appeal a decision made by the Board with respect to any matter considered at this meeting or hearing will need a record of the proceedings and for such purpose, may need to ensure that a verbatim record of the proceedings is made, which record includes 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 Florida Real Estate Appraisal Board, (407)245-0800, at least five calendar days prior to the meeting. If you are hearing or speech impaired, please contact the Real Estate Appraisal Board 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: Deputy Clerk, Florida Real Estate Appraisal Board, 400 West Robinson Street, Orlando, Florida 32801-1772.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

The **Department of Environmental Protection** announces a public hearing to determine whether or not Florida Power and Light's Martin Unit 8 power plant expansion project is in conformance with existing land use plans and zoning ordinances, pursuant to the Florida Electrical Power Plant Siting Act, Section 403.501, et seq., Florida Statutes.

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

The **Department of Environmental Protection, Division of Land and Recreation**, Office of Coastal and Aquatic Managed Areas, Office of Florida Keys National Marine Sanctuary (FKNMS) announces a public meeting to which all persons are invited:

DATE AND TIME: Tuesday, April 2, 2002, 1:30 a.m. – 5:00 p.m.

PLACE: Monroe County Government Center, 2798 Overseas Highway, Near Mile Marker 48.5, Marathon, FL 33050

GENERAL SUBJECT MATTER TO BE CONSIDERED: Water Quality Protection Program Steering Committee Workshop Contact Fred McManus, (404)562-9385, for a copy of the agenda.

DATE AND TIME: Wednesday, April 3, 2002, 8:30 a.m. – 5:00 p.m.

PLACE: Marathon Garden Club, 5270 Overseas Highway, Mile Marker 49.7, Marathon, FL 33050

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Florida Keys National Marine Sanctuary Water Quality Protection Program (FKNMSWQPP) will hold a meeting for its Steering Committee. The agenda of this regular meeting of the FKNMSWQPP Steering Committee will include: updates on the Florida Keys Carrying Capacity Study, no discharge zone proposal, stormwater management plans, comprehensive water quality monitoring and zone monitoring programs; reports on the Boot Key Harbor mooring field, Little Venice, Marathon and Islamorada wastewater treatment systems; and reviews of the proposed WQPP budget and FKNMS science plan. The meeting will also contain opportunities for public comment.

A copy of the full agenda may be obtained by contacting: Fred MacManus, (404)562-9385.

If accommodation is needed for an attendee with a disability to participate in this activity, please notify Fred McManus, U.S. Environmental Protection agency Region IV, (404)562-9385, prior to the event.

The **Florida Forever Advisory Council** (FFAC) as defined in Section 259.0345, Florida Statutes, announces the following public meeting to which all interested parties are invited.

DATE AND TIME: April 8, 2002, 1:00 p.m. – 3:00p.m.

PLACE: Marjorie Stoneman Douglas Building, Conference Room A, 1st Floor, 3900 Commonwealth Boulevard, Tallahassee, Florida 32399

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 button titled "Official Notices."

The **Department of Environmental Protection** announces a meeting to which all interested persons are invited.

DATES AND TIMES: April 17, 2002, 1:00 p.m. – Committee Meeting; April 17, 2002, 4:00 p.m. – Full Council; April 18, 2002, 8:30 a.m. – Full Council

PLACE: Homosassa Springs Wildlife State Park, Visitor Center, Florida Room, Homosassa, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Florida Greenways and Trails Council and its Trail Design, Maintenance and Monitoring Committee will meet to discuss council business.

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 button titled "Official Notices."

DEPARTMENT OF HEALTH

The **Department of Health** announces a public meeting to which all persons are invited.

DATE AND TIME: April 23, 2002, 9:00 a.m.

PLACE: Florida Association of Realtors, 7025 Augusta National Drive, Orlando, FL 32822, (407)438-1400

GENERAL SUBJECT MATTER TO BE CONSIDERED: Identify and discuss issues relating to onsite sewage treatment and disposal systems which may require changes to Chapter 64E-6, Florida Administrative Code.

A copy of the agenda may be obtained by contacting: Shirley Kugler, Department of Health, Bureau of Onsite Sewage Programs, 4052 Bald Cypress Way, BIN #A08, Tallahassee, Florida 32399-1713.

Any person requiring a special accommodation at this meeting because of disability or physical impairment should contact Shirley Kugler, (850)245-4070, at least two weeks prior to the meeting.

The Florida **Board of Dentistry** will hold a Probable Cause Panel meeting to which all persons are invited:

DATE AND TIME: May 2, 2002, 6:00 p.m.

PLACE: Crowne Plaza Hotel, 5555 Hazeltine National Drive, Orlando, FL 32812, (407)856-0100

GENERAL SUBJECT MATTER TO BE CONSIDERED: To review reconsideration cases.

If a person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he may need to ensure that a verbatim record of the proceedings is made, which records include the testimony and evidence upon which the appeal is to be based.

A copy of any item on the agenda may be obtained by writing: Sue Foster, Executive Director, Board of Dentistry, 4052 Bald Cypress Way, BIN #C08, Tallahassee, Florida 32399-3258 or you may call (850)245-4474. 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 Linda Barber, (850)245-4474, at least five calendar days prior to the meeting. Persons who are hearing or speech impaired, can contact Ms. Barber using the Florida Dual Party Relay System which can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

The **Department of Health, Board of Dentistry** will hold committee and general business meetings to which all persons are invited:

DATES AND TIMES: Friday, May 3, 2002, 9:00 a.m.; Saturday, May 4, 2002, 8:00 a.m. (if necessary)

PLACE: Crowne Plaza Hotel, 5555 Hazeltine National Drive, Orlando, FL 32812, (407)856-0100

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct board business.

If a person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he may need to ensure that a verbatim record of the proceedings is made, which records include the testimony and evidence upon which the appeal is to be based.

A copy of any item on the agenda may be obtained by writing: Board of Dentistry, 4052 Bald Cypress Way, BIN #C08, Tallahassee, Florida 32399-3258 or you may call (850)245-4474. 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 Linda Barber, (850)245-4474, at least five calendar days prior to the meeting. Persons who are hearing or speech impaired, can contact Ms. Barber using the Florida Dual Party Relay System which can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

The **Department of Health, Board of Hearing Aid Specialists** announces a Probable Cause Panel Meeting via telephone conference call. Reconsiderations will be heard at this meeting. All interested parties are invited to participate; the conference call is open to the public.

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

PLACE: Call: (850)245-4474 to inquire about call-in number

GENERAL SUBJECT MATTER TO BE CONSIDERED: Probable Cause Panel Meeting.

A copy of the agenda may be obtained by writing: Sue Foster, Executive Director, Department of Health, Board of Hearing Aid Specialists, 4052 Bald Cypress Way, BIN #C08, Tallahassee, FL 32399-3258.

If a person decides to appeal any decision made by the Board with respect to any matter considered at this meeting, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence upon which the appeal is to be made.

Those who are hearing impaired, using TDD equipment can call the Florida Telephone Relay System at 1(800)955-8771.

The **Department of Health**, Division of Medical Quality Assurance, Florida **Board of Medicine**, Probationers Committee announces a public meeting to which all persons are invited.

DATE AND TIME: Thursday, April 11, 2002, 10:00 a.m.

PLACE: Tampa Airport Marriott, Tampa International Airport, Tampa, Florida 33607, (813)879-5151

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct general business of the Committee.

A copy of the agenda may be obtained by writing: Timothy Callaghan, Compliance Officer, Department of Health, Division of Medical Quality Assurance, Client Services Unit, 4052 Bald Cypress Way, BIN #C01, Tallahassee, FL 32399-3251.

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, he will need a record of the proceeding, and for such purpose, he may need to insure that a verbatim proceeding is made, which record includes the testimony and evidence upon which the appeal is to be based.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact Timothy Callaghan, (850)245-4444, Ext. 3547, at least 10 calendar days prior to the meeting. If you are hearing or speech impaired, please call Mr. Callaghan using the Florida Dual Party Relay System which can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

The Florida **Board of Medicine**, Probable Cause Panel (South) announces a meeting.

DATE AND TIME: April 12, 2002, 2:00 p.m.

PLACE: Miami International Airport Hotel, N. W. 20th Street and LeJeune Road, Miami, Florida 33122, (305)871-4100

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 32317-4229, (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 telephone conference call to be held via meet me number.

DATE AND TIME: April 16, 2002, 2:00 p.m.

PLACE: Meet Me Number (850)488-8295, Suncom 278-8295

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct a private meeting to review cases for which a determination of probable cause is to be made and to conduct a public meeting to review cases on which probable cause has been made.

A copy of the agenda may be obtained by writing: Gaynetta Rosier, Regulation Specialist II, Agency for Health Care Administration, Medical Services, Palmer Building, P. O. Box 14229, Tallahassee, Florida 32317-4229.

NOTE: In accordance with the Americans with Disabilities Act, persons needing a special accommodation to participate in this proceeding should contact the Medical Litigation Section no later than seven (7) days prior to the proceeding or meeting at which such special accommodation is required.

The Medical Litigation Section may be contacted at P. O. Box 14229, Tallahassee, Florida 32317-4229, (850)922-2414, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice) via Florida Relay Service.

The **Department of Health** and the **Board of Occupational Therapy Practice** announces a General Board Meeting to which all persons are invited:

DATE AND TIME: April 8, 2002, 10:00 a.m. (EST) or soon thereafter

PLACE: Department of Health, Room 301, 4042 Bald Cypress Way, Tallahassee, FL 32399

GENERAL SUBJECT MATTER TO BE CONSIDERED: General Board Business.

A copy of the agenda may be obtained by writing: Department of Health, Board of Occupational Therapy Practice, 4052 Bald Cypress Way, BIN #C05, Tallahassee, Florida 32399-3255 or by calling the Board Office, (850)245-4373.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/hearing/meeting is asked to advise the department at least 48 hours before the workshop/hearing/meeting by contacting the Board Office, (850)245-4373. If you are hearing or speech impaired, please contact the department by calling 1(800)955-8770 (Voice) or 1(800)955-8771 (TDD).

Please note that if a person decides to appeal any decision made by the Board with respect to any matter considered at the above-cited meeting or hearing, he/she will need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

NOTICE OF CHANGE – The **Department of Health, Board of Opticianry** hereby announces that the general Board meeting scheduled for May 8, 2002, previously noticed in the March 1, 2002, Vol. 28, No. 9 of the F.A.W., is now scheduled to include a conference call format open to the general public. If you would like to participate by telephone conference call in this meeting, please call Robin McKenzie, (850)245-4474, by or on April 30, 2002.

The **Board of Optometry**, Rules Committee will hold a duly noticed conference call meeting to which all persons are invited to attend.

DATE AND TIME: Wednesday, April 3, 2002, 12:00 Noon
PLACE: Department of Health, 4042 Bald Cypress Way, Tallahassee, FL, at Meet Me Number (850)488-0979

GENERAL SUBJECT MATTER TO BE CONSIDERED: Discussion of Rule Chapter 64B13, Florida Administrative Code.

Any person requiring special accommodations at this meeting because of a disability or physical impairment should contact the Board of Optometry, (850)245-4355, at least 48 hours prior to the meeting. If you are hearing or speech impaired, please contact the Board office using the Dual Party Relay System at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which 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 Optometry, Executive Director, 4052 Bald Cypress Way, BIN #C02, Tallahassee, FL 32399-3252.

The **Department of Health, Board of Pharmacy** announces a public meeting to which all persons are invited.

DATES AND TIME: April 15-17, 2002, 8:00 a.m. (EST)

PLACE: Tampa Airport Marriott, Tampa International Airport, Tampa, FL 33607, (813)879-5151

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Board will conduct disciplinary proceedings, general board business and rules review.

The probable cause panel will meet April 14, 2002, 3:00 p.m. This meeting is closed to the public; however, there may be cases where probable cause was previously found which are to be reconsidered on April 15, 2002.

A copy of the board agenda and any probable cause materials which are open to the public may be obtained by writing: John D. Taylor, Executive Director, Board of Pharmacy, 4052 Bald Cypress Way, BIN #C04, Tallahassee, Florida 32399-3254.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact the Board of Pharmacy, Page Merkison, (850)245-4292, Ext. 3600, at least five calendar days prior to the meeting. If you are hearing or speech impaired, please contact the Agency using the Florida Dual Party Relay System which can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

If a person decides to appeal any decision made by the Board with respect to any matter considered at this meeting he will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence upon which the appeal is to be based.

The **Department of Health, Board of Pharmacy** announces a public meeting to which all persons are invited.

DATE AND TIME: April 16, 2002, 1:00 p.m. – 3:00 p.m. (EST)

PLACE: Tampa Airport Marriott, Tampa International Airport, Tampa, FL 33607, (813)879-5151

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Rules Committee will meet to consider the establishment or revision of Board rules and additional comments/suggestions.

A copy of the board agenda may be obtained by writing: John D. Taylor, Executive Director, Board of Pharmacy, 4052 Bald Cypress Way, BIN #C04, Tallahassee, Florida 32399-3254.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact the Board of Pharmacy, Page Merkison, (850)245-4292, Ext. 3600, at least five calendar days prior to the meeting. If you are hearing or speech impaired, please contact the Agency using the Florida Dual Party Relay System which can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

If a person decides to appeal any decision made by the Board with respect to any matter considered at this meeting he will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence upon which the appeal is to be based.

The Department of Health, Board of Respiratory Care announces meetings to which all persons are invited.

DATE AND TIMES: April 12, 2002, 8:00 a.m. or soon thereafter (Probable Cause Panel); 9:15 a.m. or soon thereafter (General Board Meeting)

PLACE: The Clarion Hotel, 2101 Dixie Clipper Road, Jacksonville, FL 32218, (904)741-1997

GENERAL SUBJECT MATTER TO BE CONSIDERED: Probable Cause Panel, General Business Meeting and Rules Review.

A copy of the agenda may be obtained by writing: Department of Health, Board of Respiratory Care, 4052 Bald Cypress Way, BIN #C05, Tallahassee, Florida 32399-3255 or by calling the Board Office, (850)245-4373.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/hearing/meeting is asked to advise the department at least 48 hours before the workshop/hearing/meeting by contacting the Board Office, (850)488-0595. If you are hearing or speech impaired, please contact the department by calling 1(800)955-8770 (Voice) or 1(800)955-8771 (TDD).

Please note that if a person decides to appeal any decision made by the Board with respect to any matter considered at the above-cited meeting or hearing, he/she will need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

The Department of Health, Division of Environmental Health, Bureau of Radiation Control announces a meeting of the Advisory Council on Radiation Protection to which all persons are invited:

DATE AND TIME: April 2, 2002, 10:00 a.m.

PLACE: Hawthorn Suites, 7601 Canada Avenue, Orlando, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Radiation protection matters.

A copy of the agenda may be obtained by contacting: William A. Passetti, Chief, Bureau of Radiation Control, 4052 Bald Cypress Way, BIN #C21, Tallahassee, FL 32399-1741, (850)245-4266.

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

The Florida **Department of Children and Family Services** announces a meeting of the Marion County Children's Alliance Committee to which all persons are invited.

DATE AND TIME: Wednesday, April 3, 2002, 12:00 Noon

PLACE: Marion County Sheriff's Office, 692 N. W. 30th Ave., 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, April 10, 2002, 9:00 a.m.

PLACE: Department of Juvenile Justice, 19223 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 Executive Committee meeting to which all persons are invited.

DATE AND TIME: Wednesday, April 15, 2002, 12:30 p.m.

PLACE: Lake County Welcome Station, 20763 US Hwy. 27, Groveland, 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 to which all persons are invited.

DATE AND TIME: Wednesday, April 17, 2002, 12:00 Noon
 PLACE: Public Safety Complex, Room. 302, 12900 Lane Park Cutoff Road, Tavares, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: To provide participation and governance of community based services, Section 20.19(6), F.S.

A copy of the agenda may be obtained by writing: Mona Terry, Box 80-O, 1601 W. Gulf-Atlantic Hwy., Wildwood, FL 34785. Persons needing special accommodations to participate in this proceeding should contact the agency no later than five working days prior to the meeting, (352)330-2177.

The Florida **Department of Children and Family Services** announces a meeting of the Sumter County Community Alliance Steering Committee to which all persons are invited.

DATE AND TIME: Wednesday, April 24, 2002, 9:00 a.m.
 PLACE: City Hall, 100 N. Main Street, Wildwood, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: To provide participation and governance of community based services, Section 20.19(6), F.S.

A copy of the agenda may be obtained by writing: Mona Terry, Box 80-O, 1601 W. Gulf-Atlantic Hwy., Wildwood, FL 34785. Persons needing special accommodations to participate in this proceeding should contact the agency no later than five working days prior to the meeting, (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, April 25, 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.

The Florida **Department of Children and Family Services** announces that the District Eight, Lee County Community Alliance will host a Strategic Planning Meeting.

DATE AND TIME: April 12, 2002, 7:30 a.m. – 4:30 p.m.
 PLACE: Constitutional Complex, 2480 Thompson Street, Fort Myers, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: This Strategic Planning meeting will be focusing on designing a child protection system of care, identifying barriers and exploring solutions. There is a \$10.00 registration fee.

The Legislature passed a law that now requires every county to develop a plan to improve services to children and their families in ways that uniquely suit the needs of each community throughout the state of Florida.

For more information, please contact: Karen Hawes, Director of Lee County Department of Human Services, Suite 1, 83 Pondella Road, North Fort Myers, Florida 33903, (941)652-7900.

The **Suncoast Region, DeSoto County Community Alliance** will meet on:

DATE AND TIME: Tuesday, April 2, 2002, 11:00 a.m.
 PLACE: DeSoto County Administration Building, Commissioners Meeting Room, 201 East Oak St., Arcadia, Florida

The public is welcome to attend. For information call (941)741-3682.

FLORIDA HOUSING FINANCE CORPORATION

Concerning Issuance of Bonds to Finance Multifamily Residential Rental Developments

Notice is hereby given that the **Florida Housing Finance Corporation** (“Florida Housing”) will conduct a public hearing in accordance with the Tax Equity and Fiscal Responsibility Act of 1982 (“TEFRA”) to which all interested persons are invited.

DATE AND TIME: Tuesday, April 9, 2002, 10:00 a.m. (EST)
 PLACE: The Offices of Florida Housing Finance Corporation, Suite 5000, 227 North Bronough Street, Tallahassee, Florida 32301

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct a TEFRA hearing concerning the potential future issuance of bonds by Florida Housing to finance the acquisition of land and new construction of the following multifamily residential rental development in the aggregate face amount, not to exceed the amount listed below:

Pinnacle Grove Apartments, a 234-unit multifamily residential rental development to be located at 1935 45th Street, Vero Beach, Indian River County, Florida 32967. The prospective owner of the proposed development is Pinnacle Grove, Ltd., c/o Pinnacle Housing Group, Inc., 9400 South Dadeland Boulevard, Suite 100, Miami, Florida 33156, or such successor in interest in which Pinnacle Housing Group, Inc., or an affiliate thereof, is a managing member, general partner and/or controlling stockholder. The total tax-exempt bond amount is not to exceed \$9,100,000.

All interested parties may present oral comments at the public TEFRA hearing or submit written comments regarding the potential bond issuance for the development being financed. Written comments should be received by Florida Housing by 5:00 p.m. (EST), Monday, April 8, 2002, and should be addressed to the attention of David Westcott, Multifamily Bond Administrator. Any persons desiring to present oral comments should appear at the hearing.

If requested in writing, a fact-finding hearing will be held in the county where the property is located. When possible, the local hearing will be held before the formal TEFRA hearing and comments received at the local hearing will be placed on record at the TEFRA hearing.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact David Westcott, Multifamily Bond Administrator, Florida Housing Finance Corporation, (850)488-4197, at least five calendar days prior to the meeting. If you are hearing impaired, please contact the Florida Housing using the Dual Party Relay System that can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

Any person who decides to appeal any decision made by Florida Housing with respect to any matter considered at this hearing, will need a record of the proceedings, and for such purpose may need to ensure that a verbatim record of the proceedings be made, which will include the testimony and evidence upon which the appeal is based.

FISH AND WILDLIFE CONSERVATION COMMISSION

NOTICE OF CANCELLATION – The Florida **Fish and Wildlife Conservation Commission** has canceled a special public meeting scheduled for April 2, 2002 (as to be published in the F.A.W., Vol. 28, No. 11, March 15, 2002). The special meeting has been rescheduled for April 5, 2002 at the time and place listed below:

DATE AND TIME: April 5, 2002, 9:00 a.m.

PLACE: Second Floor Auditorium, Bryant Building, 620 South Meridian Street, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: This special meeting will be in conjunction with the regular commission meeting scheduled for April 3-5, 2002 in Tallahassee. The purpose of the April 5, 2002 special meeting will be to review and discuss selection of an executive director; actions may include but are not limited to deciding on a list of the top applicants and making a final selection from the list.

A copy of the proposed agenda may be obtained from: Florida Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600.

If any person decides to challenge any decision with respect to any matter considered at the above meeting, a record of the proceeding will be needed. For this purpose, you may need to

ensure that a verbatim record of the proceeding is made which includes testimony and evidence upon which the challenge is to be based.

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

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

FLORIDA TELECOMMUNICATIONS RELAY

The **Florida Telecommunications Relay, Inc.** announces a regular meeting of the Board of Directors.

DATE AND TIME: Tuesday, March 26, 2002, 10:00 a.m.

PLACE: Suite 101, 1820 E. Park Avenue, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regular meeting of the Board of Directors.

A copy of the agenda may be obtained by phoning or by writing: Mr. James Forstall, Executive Director, 1820 E. Park Avenue, Suite 101, Tallahassee, Florida, (850)656-1414. The meeting is subject to cancellation for lack of a quorum or unavailability of an interpreter.

H. LEE MOFFITT CANCER CENTER AND RESEARCH INSTITUTE

The **H. Lee Moffitt Cancer Center and Research Institute, Inc.** announces a public meeting to which all persons are invited.

DATE AND TIME: Wednesday, March 27, 2002, 1:30 p.m.

PLACE: Moffitt Board Room, 12902 Magnolia Drive, Tampa, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct general business of the Joint Finance and Planning Committee of the Board of Directors.

A copy of the agenda may be obtained by writing: Ms. Barbara Sawyer, Administration, Moffitt Cancer Center, 12902 Magnolia Drive, Tampa, FL 33612.

Persons requiring special accommodations due to disability or physical impairment should contact: Ms. Barbara Sawyer, by Tuesday, March 26, 2002.

FLORIDA HIGHER EDUCATION FACILITIES FINANCING AUTHORITY

The **Florida Higher Education Facilities Financing Authority** will hold a meeting on:

DATE AND TIME: Wednesday, April 3, 2002, 11:00 a.m. – 3:00 p.m.

PLACE: Dale Mabry Conference Center, Tallahassee Regional Airport, Tallahassee, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Organizational meeting to discuss general issues.

For more information or to obtain a copy of the agenda, please contact: Jennifer Mock, Independent Colleges & Universities of Florida, Ste. 2000A, 111 South Monroe St., Tallahassee, Florida 32301, (850)681-3188.

Any person requiring special accommodations due to a disability should contact the agency at least five days prior to the meeting in order to request any special assistance by calling Jennifer Mock, (850)681-3188.

MIAMI-DADE COMMUNITY COLLEGE

The **Region XIV Advisory Council** announces a meeting to which all interested parties are invited:

DATE AND TIME: Friday, April 5, 2002, 9:00 a.m.

PLACE: School of Justice and Safety Administration, Miami-Dade Community College, North Campus, Room 8205, Miami, FL

Contract person is: Mary Greene, Secretary of the Region XIV Advisory Council, (305)237-1329.

CITY OF MIAMI BEACH

The **City of Miami Beach** announces a public meeting to which all persons are invited to observe and participate.

DATE AND TIME: Tuesday, April 9, 2002, 10:00 a.m. – 4:00 p.m.

PLACE: Miami Beach Garden Conservancy, 2000 Convention Center Drive, Miami Beach, Florida 33139

GENERAL SUBJECT MATTER TO BE CONSIDERED: A workshop for Department Staff and citizens to review and refine the results of prior public meetings and for city staff to initiate implementation strategies related to the revitalization of the 5th Street Corridor.

A copy of the agenda may be obtained by writing: South Florida Regional Planning Council, 3440 Hollywood Boulevard, Suite 140, Hollywood, Florida 33021.

If you are hearing or speech impaired, please contact the South Florida Regional Planning Council, (954)967-4152, Ext. 40 (TDD), if you require additional information regarding the above meeting. If you require special accommodations because of a disability or physical impairment, please contact the Council, (954)985-4416, at least five calendar days prior to the meeting.

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: April 10, 2002, 8:00 a.m.

PLACE: Central Florida Research Park, Suite 100, 12424 Research Parkway, Orlando, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: General Business Meeting.

FLORIDA HEALTHY KIDS CORPORATION

The **Florida Healthy Kids Corporation** announces its Board of Directors meeting to which all persons are invited to attend.

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

PLACE: Sittig Hall, 301 South Bronough Street, Tallahassee, FL 32310

GENERAL SUBJECT MATTER TO BE CONSIDERED: Meeting of the Board of Directors.

Further details and an agenda for the meeting may be obtained by contacting: Florida Healthy Kids Corporation, P. O. Box 980, Tallahassee, Florida 32302, (850)224-5437.

FLORIDA LOCAL GOVERNMENT INVESTMENT TRUST

The Board of Trustees for the **Florida Local Government Investment Trust** announces a public meeting to which all persons are invited.

DATE AND TIME: April 19, 2002, 10:30 a.m.

PLACE: Nabors, Giblin & Nickerson, P.A., Suite 1060, 2502 Rockypoint Drive, Tampa, FL 33607

GENERAL SUBJECT MATTER TO BE CONSIDERED: General Administrative Operations.

A copy of the agenda may be obtained by contacting: Trust's Administrator, FACC Service Corporation, (850)921-0808.

**Section VII
Notices of Petitions and Dispositions
Regarding Declaratory Statements**

DEPARTMENT OF INSURANCE

NOTICE IS HEREBY GIVEN THAT the Department of Insurance has issued an order disposing of the petition for declaratory statement filed by Clu D. Wright, Clay County Public Safety Department, on September 11, 2001. The following is a summary of the agency's disposition of the petition:

Question: Does Section 633.021, Florida Statutes, allow a certified engineer who sealed the plans for a system of 50 or more heads to designate his own point of service for an underground fire protection line, or does the certified engineer have to designate the point of service to be the point at which the underground fire protection line is used exclusively for the fire sprinkler system?

Answer: The engineer must designate the point of service to be the point at which the underground fire Protection line is used exclusively for the fire sprinkler system.

Question: Can a contractor holding a Class I, Class II or Class V license under Section 633.021, Florida Statutes, contract out to, or hire persons on a part-time basis from, another contractor who is not certified under Section 633.021, Florida Statutes, to engage in laying out, fabricating and installing an underground fire protection line?

Answer: This is actually two questions: (i) Can a certified contractor contract work out to a non-certified contractor to be performed by the non-certified contractor, and (ii) Can a certified contractor hire persons on a part-time basis from a non-certified contractor.

(i) The person engaging in laying out, fabricating and installing an underground fire protection line must be certified or must be employed by a certified contractor. Therefore, the certified contractor may not contract out to another contractor who is not certified under Section 633.021, Florida Statutes.

(ii) The certified contractor may hire persons on a part-time basis from a non-contractor provided that the certified contractor supervises the work performed by the part-time person in accordance with Section 633.547(2)(e), Florida Statutes, and further provided that the certified contractor's insurance will cover the work done by the part-time person pursuant to Section 633.521(4), Florida Statutes.

Question: Are fire sprinklers required in accordance with NFPA 13 and 13R in bathrooms where the floor area exceeds 55 square feet and the full height shower/bath tub is not noncombustible but limited combustible and combustible?

Answer: "Sprinklers are not required in bathrooms that are located within dwelling units, that do not exceed 55 ft.² (5.1 m²) in area, and that have walls and ceilings of noncombustible or limited-combustible materials with a 15-minute thermal barrier rating including the walls and ceilings behind fixtures. The area occupied by a noncombustible full height shower/bath tub enclosure shall not be required to be added to the floor area when determining the area of the bathroom." (Sec. -13.9.1, NFPA 13, and Sec. 2-6, NFPA 13R). Therefore, sprinklers would be required in the bathroom you describe.

Question: Is fire rated gypsum board and tile listed as a noncombustible, limited combustible, or combustible material for determining what is noncombustible?

Answer: Gypsum board and tile when listed as an assembly can be rated as noncombustible, limited combustible, or combustible, depending on the different kinds of manufacturing processes and different kinds of gypsum board and tile. It is supposed to be tested for the most severe rating. Therefore, the response depends on the kind of gypsum board and the kind of tile used, the manufacturing process, and the manufacturer's rating, and may include other factors.

A copy of the order may be obtained from: Gabriel Mazzeo, Attorney, Division of State Fire Marshal, 200 East Gaines Street, Tallahassee, Florida 32399-0340, (850)413-3604 or you may fax your request to fax number (850)922-1235.

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

NOTICE IS HEREBY GIVEN THAT on March 11, 2002, the Florida Department of Agriculture and Consumer Services issued an Amended Final order on the Petition for Declaratory Statement filed by IC GROUP, INC. The petition sought the agency's opinion as to the legalities of offering probability based games in the state of Florida and whether those games comply with the requirements of Section 849.094(2)(c), Florida Statutes. The Department's Amended Final Order declares that probability based promotions are not unlawful within the state of Florida as long as all prizes redeemed by verified winners are awarded as advertised.

A copy of the Amended Final Order may be obtained by contacting: Agency Clerk, Department of Agriculture and Consumer Services, Mayo Building, Room 509, Tallahassee, Florida 32399-0800.

LAND AND WATER ADJUDICATORY COMMISSION

On October 2, 2001, the Florida Land and Water Adjudicatory Commission (the "Commission") received a petition to adopt an administrative rule to establish the Tuscany Community Development District (the "District") pursuant to Chapter 190, Florida Statutes. The Commission will follow the requirements of Chapter 190, Florida Statutes, and Chapter 42-1, Florida Administrative Code, in ruling on this petition.

SUMMARY OF CONTENTS OF PETITION: The Petition was filed by the Beverly Hills Development Corporation, Post Office Box 640001, Beverly Hills, Florida 34464-0001. The land to be served by the District consists of two parcels of unimproved property in Citrus County. One parcel consists of approximately 951.14 acres located in the existing Beverly Hills Development of Regional Impact (DRI) and the other parcel consists of 560 acres located outside the Beverly Hills DRI for a total of 1,511.14 acres. The Petitioner has written consent to establish the District from the owner of 100% of the real property located within the proposed District. The proposed District is designed to provide community infrastructure, services and facilities along with certain ongoing operations and maintenance. The development plan for the proposed lands within the District includes the construction of approximately 3,000 single family units within the DRI portion of the property, 1,120 low density residential units in the non-DRI portion of the property, 1,250 low density multi-family units, a life care center and approximately 307 acres of right-of-way, open space and other acreage.

SUMMARY OF THE STATEMENT OF ESTIMATED REGULATORY COSTS: The Petitioner has prepared a Statement of Estimated Regulatory Costs (“SERC”). The complete text of the SERC is contained as Exhibit E to the petition to establish the proposed District. The establishment of the proposed District will result in modest costs to State governmental entities to implement and enforce the proposed formation. Certain costs to the Florida Department of Community Affairs will be offset by an annual fee required by Section 189.412, F.S. The costs of rule adoption to Citrus County (the “County”) and its citizens are minimal and any costs are offset by the required filing fee. Adoption of the proposed rule will have no negative impact on State and local revenues. Storm drainage and certain roadways will be funded by the proposed District in addition to funding the water distribution and wastewater collection system to be owned and maintained by Rolling Oaks Utilities. The underground electrical service will be owned and operated by Florida Power Corporation. The proposed District may issue special assessment or other revenue bonds to fund the development of capital facilities. The bonds would be repaid through non-ad valorem assessments levied on all properties in the proposed District. Prospective future landowners in the proposed District may be required to pay non-ad valorem assessments levied by the District to secure the debt incurred through bond issuance. In addition, the proposed District may also impose a non-ad valorem assessment to fund the operations and maintenance of the District and its facilities and services. New residents voluntarily chose to locate within the proposed District and accept the assessments as a tradeoff for the numerous benefits and facilities that the proposed District will provide. There will be little impact on small businesses from the establishment of the proposed District. In fact, the impact may be positive in that the District must competitively bid all of its contracts. Establishment of the proposed District will not have any impact on small counties as Citrus County is not a small county as defined. The analysis provided is based on a straightforward application of administrative, legal and economic theory with input received from the petitioner’s engineer and other professionals associated with the petitioner.

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

TIME AND DATE: April 11, 2002, Thursday, 9:00 a.m.

PLACE: Citrus County Government Complex
Conference Room 166
3600 West Sovereign Path
Lecanto, Florida 34461

Any person requiring a special accommodation to participate in the hearing because of a disability should contact Joseph Patton, (850)877-6555, at least two (2) business days in advance to make appropriate arrangements.

COPIES OF THE PETITION MAY BE OBTAINED BY CONTACTING: Joseph Patton, Rose, Sundstrom & Bentley, LLP, 2548 Blairstone Pines Drive, Tallahassee, Florida 32301,

or the Florida Land and Water Adjudicatory Commission, Office of Policy and Budget, Executive Office of the Governor, Capitol Building, Room 1801, Tallahassee, Florida 32399-0001.

DEPARTMENT OF HEALTH

NOTICE IS HEREBY GIVEN THAT the Board of Massage Therapy has received a petition for a declaratory statement from Robert A. Poulin, LMT, Petitioner. The petition seeks the agency’s opinion as to the applicability of subsections 480.033(7) and 480.046(n), Florida Statutes, as it applies to Petitioner. Petitioner seeks a declaratory statement from the Board as to whether dedicated rooms within the common areas of a condominium are considered the “residence of a client” so that a massage establishment license is not required. Petitioner seeks further a declaratory statement as to whether the dedicated rooms in the common areas of a homeowner association development are considered “residence of a client” so that a massage establishment license is not required.

A copy of the petition may be obtained by writing: Karen Eaton, Executive Director, Board of Massage Therapy, 4052 Bald Cypress Way, BIN #C06, Tallahassee, Florida 32399-3256.

FLORIDA HOUSING FINANCE CORPORATION

NOTICE IS HEREBY GIVEN THAT Florida Housing Finance Corporation (“Florida Housing”) issued an Order Denying Petition for Declaratory Statement on March 7, 2002 regarding a Petition for Declaratory Statement filed by Chester Osheyak of Hillsborough County on December 20, 2001. On March 7, 2002, the Petition is seeking Florida Housing’s interpretation of the laws and rules relating to non-compliance issues regarding properties financed with low-income housing tax credits and the computation of allowances for tenant furnished utilities. Florida Housing finds the questions in the Petition either fail to state a particular set of circumstances in which Florida Housing may address the applicability of any statutory provision, rule or order of Florida Housing, or the circumstances stated apply to entire classes of persons; or require interpretation of Federal regulations and state statutes beyond the scope of Florida Housing’s expertise or authority, and are not statutory provisions, rules or orders of Florida Housing. Florida Housing cannot address or respond to these questions in a Declaratory Statement pursuant to §120.565(2), Florida Statutes (2001).

A copy of the Order Denying Petition may be obtained by writing: Sheila A. Freaney, Public Records Clerk, Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32399-1329.

**Section VIII
Notices of Petitions and Dispositions
Regarding the Validity of Rules**

Notice of Petition for Administrative Determination has been filed with the Division of Administrative Hearings on the following rules:

NONE

Notice of Disposition of Petition for Administrative Determination have been filed by the Division of Administrative Hearings on the following rules:

NONE

**Section IX
Notices of Petitions and Dispositions
Regarding Non-rule Policy Challenges**

NONE

**Section X
Announcements and Objection Reports of
the Joint Administrative Procedures
Committee**

NONE

**Section XI
Notices Regarding Bids, Proposals and
Purchasing**

DEPARTMENT OF EDUCATION

NOTICE TO PROFESSIONAL CONSULTANTS

Florida State University, State of Florida announces that professional services for minor projects are required in the discipline(s) of architecture.

Minor projects are specific projects for renovations, alterations and additions that have a basic construction budget estimated to be less than a pre-determined amount. Depending on the President's contracting limits as authorized by the legislature, that amount could be \$500,000 or \$1,000,000. Campus Service contracts for minor projects provide that the consultant will be available on an as-needed basis. This will be a multiple award for an initial period of one year beginning on or about July 1, 2002 and ending June 30, 2003 with an option to renew for one additional one year period.

INSTRUCTIONS

Firms desiring to provide professional services shall apply by letter specifying the campus service agreement for which they are applying. Proximity of location will be a prime factor in the selection of the firm.

Attach to each letter of application:

1. A completed Board of Regents "Professional Qualifications Supplement," dated either 2/99 or 9/99. Applications on any other form or applications exceeding the 40 page limit will not be considered.
2. A copy of the applicant's current Professional Registration Certificate from the appropriate governing board. An applicant must be properly registered in the State of Florida to practice the required profession at the time of application. If the applicant is a corporation, it must be properly chartered by the Florida Department of State to operate in Florida.

Submit four (4) copies of the above requested data bound in the order listed above. Applications which do not comply with the above instructions will not be considered. Application material will not be returned.

The plans and specifications for campus service 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 Qualification Supplements, descriptive project information, and selection criteria may be obtained through our website, www.fpc.fsu.edu, or by contacting: Lynetta Mills, Facilities Planning and Construction, 109 Mendenhall Maintenance Building A, Florida State University, Tallahassee, Florida 32306-4152, (850)644-2843, (850)644-8351 Facsimile

For further information on campus service projects, contact: Lisa A. Durham, Sr. Project Manager, at the address and phone listed above.

Submittals must be received at the above location, by 2:00 p.m. (Local Time), Thursday, April 18, 2002. Facsimile (FAX) submittals are not acceptable and will not be considered.

NOTICE TO CONSTRUCTION MANAGERS

Florida State University announces that construction management services will be required for the project listed below:

Project and Location: Minor Projects at Florida State University
Tallahassee, Florida

Project Description: The construction manager will be a single point of responsibility for performance of minor project construction contracts, functioning as an independent contractor; publicly bidding trade contracts. A minor project is defined as a project with a construction budget estimated to be less than a pre-determined amount. Depending on the President's contracting limits as authorized by the legislature, that amount could be \$500,000 or \$1,000,000. Accordingly, the selected firm(s) minimum bonding capacity should be \$1,000,000. This will be a multiple award for an initial period of one year beginning on or about July 1, 2002 and ending June 30, 2003 with an option to renew for one additional one year period.

Selection of finalists for interviews will be made on the basis of construction manager qualifications, including experience and ability; past experience; bonding capacity; record-keeping/administrative ability, critical path scheduling expertise; cost estimating; cost control ability; quality control capability; qualification of the firm's personnel, staff and consultants; and ability to meet the minority business enterprise participation requirements. Finalists will be provided with a description of the final interview requirements and a copy of the standard State University System's construction management agreement for minor projects. The Selection Committee may reject all proposals and stop the selection process at any time. The construction manager shall have no ownership, entrepreneurial or financial affiliation with the architect/engineers under contract with the University to provide services on minor projects.

INSTRUCTIONS

Firms desiring to provide construction management services for the project shall submit a letter of application and the completed Florida State University "Construction Manager Qualifications Supplement." Proposals must not exceed 80 pages, including the Construction Manager Qualifications Supplement and letter of application. Pages must be numbered consecutively. Submittals which do not comply with these requirements or do not include the requested data will not be considered. No submittal material will be returned.

All applicants must be licensed to practice as general contractors in the State of Florida at the time of application. Corporations must be registered to operate in the State of Florida by the Department of State, Division of Corporations, at the time of application. As required by Section 287.133, Florida Statutes, a construction management firm may not submit a proposal for this project if it is on the convicted vendor list for a public entity crime committed within the past 36 months. The selected construction management firm must warrant that it will neither utilize the services of, nor contract with, any supplier, subcontractor or consultant in excess of \$25,000.00 in connection with this project for a period of 36 months from the date of their being placed on the convicted vendor list.

The Florida State University Construction Manager Qualifications Supplement form and the Project Fact Sheet may be obtained on line at www.fpc.fsu.edu or by contacting: Lynetta Mills, Facilities Planning and Construction, 109 Mendenhall Maintenance Building A, Florida State University, Tallahassee, Florida 32306-4152, (850)644-2843, (850)644-8351 Facsimile.

For further information on the project, contact: Lisa A. Durham, Sr., Project Manager, at the address and phone listed above.

Four (4) bound copies of the required proposal data shall be submitted. Submittals must be received in the FSU Facilities Planning and Construction Office by 2:00 p.m. (Local Time), Friday, April 19, 2002. Facsimile (FAX) submittals are not acceptable and will not be considered.

NOTICE TO PROFESSIONAL CONSULTANTS

Florida State University, State of Florida, announces that Professional Services in the discipline of Architecture will be required for the project listed below:

Project No. BR-236

Project and Location: New Chemistry Building
Florida State University
Tallahassee, Florida

The project consists of construction of a new facility of up to 120,000 gross square feet to house portions of the University's Department of Chemistry. Chemistry's research facilities must be expanded to handle an expansion in research programs, especially in the field of synthetic, organic chemistry. It is also important that the existing facilities be modernized in order to bring all the chemistry laboratories up to current standards of technology, safety and energy conservation. The Chemistry Department is currently housed in the Dittmer Building, which is approximately 150,000 gsf in size.

A site analysis will be required to determine the best location for the new building, whether adjacent to Dittmer or located in the new "Science Quad". Existing utilities, pedestrian flow and topography at the Dittmer building must be analyzed. If the site adjacent to Dittmer is chosen, then a facility study of the existing building may be required to analyze its existing mechanical and electrical systems for adequacy. The selected firm will be retained in two phases. In the first phase, the firm will be required to provide advanced programming services to finalize program elements and budget requirements. At the University's option, the second phase will be implemented in which the firm will be required to provide design, construction documents and construction administration for the referenced project which is currently budgeted at \$20,945,000 for construction.

The project delivery system will be by construction management. Blanket professional liability insurance will be required for this project in the amount of \$2,000,000, and will be provided as a part of Basic Services.

INSTRUCTIONS

Firms desiring to apply for consideration shall submit a letter of application.

The letter of application must have attached:

1. A completed Board of Regents "Professional Qualifications Supplement," dated either 2/99 or 9/99. Applications on any other form, or on versions dated prior to 2/99, will not be considered. Notwithstanding the prohibition in the Professional Qualifications Supplement against listing specialty consultants, a specialty or architectural consultant may be listed along with a description of services to be provided if a firm will require such services. Association of firms will be allowed.
2. A copy of the applicant's current Professional Registration Certificate from the appropriate governing board. An applicant must be properly registered at the time of application to practice its profession in the State of Florida. If the applicant is a corporation, it must be chartered by the Florida Department of State to operate in Florida. Note: Location Rating Tables A and B are replaced with the following criteria: in-state firms will receive 1 point and out-of-state firms will receive 0 points.

Submit seven (7) copies of the above requested data bound in the order listed above. Applications which do not comply with the above instructions may be disqualified. Application materials will not be returned.

The plans and specifications for 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 through our website, www.fpc.fsu.edu or by contacting: Lynetta Mills, Facilities Planning and Construction, 109 Mendenhall Maintenance Building A, Florida State University, Tallahassee, Florida 32306-4152, (850)644-2843, (850)644-8351 Facsimile.

For further information on the project, contact: Daryl Ellison, Project Manager, at the address and phone listed above. Copies of the Program may be obtained at the Applicant's expense by contacting Target Copy, 635 W. Tennessee St., Tallahassee, FL, (850)224-3007.

Submittals must be received in the above office, by 4:30 p.m. (Local Time), Tuesday, April 23, 2002. Facsimile (FAX) submittals are not acceptable and will not be considered.

NOTICE TO CONSTRUCTION MANAGERS

Florida A & M University (FAMU), on behalf of the State of Florida, Board of Education (Division of Colleges and Universities), announces that construction management services will be required for the following project:

Project No.: BR-345, Project and Location: Recreation Center – PH-I, Florida A & M University, Tallahassee, Florida 32307.

This project proposes multi-phased construction of a 28,000 GSF multi-use recreation facility on the FAMU campus to house Intramural and Recreational Sports, Fitness/Nutrition Offices, and provide adequate space for a complete intramural and recreation program, including meeting room space and adequate space for a variety of recreational activities. In addition to offices and meeting rooms, the building is to contain court space for basketball, volleyball, floor hockey, badminton, racquetball, squash, fitness training area for free weights, cardiovascular machines and selectorized weight equipment; aerobic/martial arts/dance studios; raised jogging track; sauna and whirlpool, locker rooms; climbing wall; outdoor adventure programming area; and space for the necessary support services, such as maintenance, equipment check out, health bar/vending, pro-shop, lounge and pool room. The design include provision for adjoining outdoor recreational facilities which will be served by the building facilities. These facilities include softball fields, flag football fields, soccer field, basketball courts, tennis courts, putting green, practice green and jogging/skating path. The estimated construction budget is \$6,600,000 with the addition of Phase II planned.

The contract for construction management services will consist of two phases. Phase one is pre-construction services, for which the construction manager will be paid a fixed fee. Phase one services include value engineering, constructability analyses, development of a cost model, estimating, and the development of a Guaranteed Maximum Price (GMP) at 75% Construction Document phase. If the GMP is accepted, phase two, the construction phase, will be implemented. In phase two of the contract, the construction manager becomes the single point of responsibility for performance of the construction of the project and shall publicly bid trade contracts. Failure to negotiate an acceptable fixed fee for phase one of the contract, or to arrive at an acceptable GMP within the time provided in the agreement may result in the termination of the construction manager's contract.

Selection of finalists for interviews will be made on the basis of construction manager qualifications, including experience and ability; past experience; bonding capacity; record-keeping/administrative ability, critical path scheduling expertise; cost estimating; cost control ability; quality control capability; qualification of the firm's personnel, staff and consultants; and ability to meet the minority business enterprise participation requirements. Finalists will be provided with a copy of the building program, the latest documentation prepared by the project architect/engineer and a description of the final interview requirements. The Selection Committee may reject all proposals and stop the selection process at any time. The construction manager shall have no ownership, entrepreneurial or financial affiliation with the selected architect/engineer involved with this project.

Firms desiring to provide construction management services for the project shall submit a letter of application and a completed Board of Education/Division of Colleges and Universities (former Board of Regents - "BOR") "Construction Manager Qualifications Supplement." Proposals must not exceed 80 pages, including the Construction Manager Qualifications Supplement and letter of application. Pages must be numbered consecutively. Submittals which do not comply with these requirements or do not include the requested data will not be considered. No submittal material will be returned.

All applicants must be licensed to practice as general contractors in the State of Florida at the time of application. Corporations must be registered to operate in the State of Florida by the Department of State, Division of Corporations, at the time of application. As required by Section 287.133, Florida Statutes, a construction management firm may not submit a proposal for this project if it is on the convicted vendor list for a public entity crime committed within the past 36 months. The selected construction management firm must warrant that it will neither utilize the services of, nor contract with, any supplier, subcontractor or consultant in excess of \$25,000 in connection with this project for a period of 36 months from the date of their being placed on the convicted vendor list.

The Board of Education/Division of Colleges and Universities Construction Manager Qualifications Supplement forms and the Project Fact Sheet may be obtained by contacting: Alice Williams, Secretary or Eugenio Nicoloso, Associate Director, Facilities Planning and Construction by E-Mail: alice.williamst@fam.u.edu and/or (850)599-3197, Fax (850)561-2289. A copy of the Facility Program can be obtained at the requester's expense by calling: Target Copy, (850)224-3007, and ask for the Manager or a Key Operator.

Six (6) ring, comb or coil/spiral (no hard, solid or tack) bound copies of the required proposal data shall be submitted to: Samuel J. Houston, Director, Facilities Planning and

Construction, Florida A & M University, Plant Operations Facility, Building A, Suite 100, 2400 Wahnish Way, Tallahassee, FL 32307.

Submittals must be received by 2:00 p.m. (Local Time), April 18, 2002. Facsimile (FAX) submittals are not acceptable and will not be considered.

**NOTICE TO PROFESSIONAL CONSULTANTS
REQUEST FOR PROPOSAL (RFP)
PROFESSIONAL SERVICES FOR
ANNUAL CONTRACT FOR MECHANICAL
CONSTRUCTION MANAGEMENT SERVICES**

Facilities Planning and Construction announces that professional services are required for an annual contract for a Mechanical Construction Management Services for Duval County Public Schools. The firms selected under the annual contract will be responsible for assigned projects having estimated construction costs not exceeding the threshold amount of \$500,000 (construction), provided for in Section 287.055 Florida Statutes. The selected firm's duties will include, but not necessarily be limited to, job cost estimation, work coordination with Duval County Public School personnel, construction supervision, project reporting, accounting and project close-out documentation. These firms must be able to self perform all mechanical work. This will be a multiple award contract for an initial period of one year with an option to renew for two additional one-year periods. DCPS intends to award to at least three and no more than five mechanical construction managers.

Applications are to be sent to:

Facilities Planning and
Construction
1701 Prudential Drive, 5th Floor
Jacksonville, FL 32207-8182

PROJECT MANAGER: John McKean
Plant Services

PHONE NO.: (904)858-6310

RESPONSE DUE DATE: April 23, 2002, 4:00 p.m.
(Local Time)

MBE GOALS: 15% Overall Participation

INSTRUCTIONS

Submit an original, and four (4) copies of the following:

1. Letter of Interest which indicates the firm's qualifications, related experience, ability to self perform all mechanical work and other pertinent data.
2. Completed Experience Questionnaire and Contractor's Financial Statement; to obtain forms call (904)390-2279. This proposal requires audited or reviewed financial statements and a letter from the firms bonding agent. The letter from the bonding agent shall state both aggregate and individual bonding capacities.
3. Resumes of proposed staff and staff organizations.

4. Examples of project reporting manuals, schedules and cost reports.
5. The firm's past experience, with examples of renovations, refurbishment, repairs and new construction projects completed by the firm.
6. Current State Mechanical Contractors license (CMC) or Class A Mechanical Contractor's License as required under Florida Statutes.
7. Corporations must be registered to operate in the state of Florida by the Department of State, Division of Corporations.
8. A description of the applicant's plan for Minority Business Enterprise and Women-Owned Business Enterprise.
9. At least three references from prior clients for work accomplished within the last three years. There will be a Mandatory Pre-submittal Meeting, Wednesday, April 3, 2002, 10:00 a.m. (Local Time), 1701 Prudential Drive, Room 307, Jacksonville, Florida.

Facsimile (FAX) submittals are not acceptable and will not be considered. Applications that do not comply with these instructions or those that do not include the requested data will not be considered. All information received will be maintained with the project file and will not be returned. Selections will be made in accordance with, the Florida Building Code under Florida Statutes.

**INVITATION TO BID (ITB)
FOR A GENERAL CONTRACTOR OR
CERTIFIED BUILDING CONTRACTOR**

Sealed bids will be received by Duval County Public Schools, Division of Facilities Services, Room 535, 1701 Prudential Drive, Jacksonville, FL 32207 until the time and date(s) recorded below and immediately thereafter publicly opened and recorded in the Fifth (5th) Floor, Conference Room No. 513 D, School Board Building.

BIDS ARE DUE ON OR BEFORE:
April 23, 2002, 2:00 p.m.

DCSB Project No. M-88640 Renovation to Plumbing at Venetia Elementary School No. 68, J.E.B. Stuart Middle School No. 207 and Gregory Drive Elementary School No. 243 (Stage I)

Replace Fixtures at J.E.B. Stuart Middle School No. 207
Estimated Construction Budget is \$350,000

All contractors that are interested in bidding are required to attend a mandatory pre-bid conference to be held on April 9, 2002, 10:00 a.m., at J.E.B. Stuart Middle School No. 207, 4815 Wesconnett Blvd., Jacksonville, Florida 32210. Failure to attend the pre-bid conference shall result in disqualification of that firm's proposal. Attendees will be required to sign an attendance register.

All bidders and subcontractors shall be licensed contractors and registered corporations as required by the laws of the State of Florida.

Contract documents for bidding may be obtained for a refundable fee of \$50 at the office of:

M.V. Cummings Engineers, Inc.
6501 Arlington Expressway, Suite B-211
Jacksonville, Florida 32211

DCSB Point of Contact: John McKean, (904)858-6310

Contract documents for bidding may be examined at:

F.W. Dodge McGraw Hill Plan Room
Construction Bulletin
Construction Market Data, Inc.
Business Service Center

MBE Participation Goal: 15% Overall Participation

The Bid Award Recommendation will be posted on the first floor, bulletin board, Duval County School Board Building, 1701 Prudential Drive, Jacksonville, Florida 32207-8182.

WATER MANAGEMENT DISTRICTS

**INVITATION TO BID
SITE PREPARATION 2002 PROJECT
(BID NUMBER 02B-004)**

The Northwest Florida Water Management District, 81 Water Management Drive, Havana, Florida 32333, will receive sealed bids up to the 2:00 p.m. (EDT) opening time on April 18, 2002, for the aerial application of chemical herbicide for vegetation management purposes to conduct site preparation and pine release activities on approximately 1,082 acres in Bay, Holmes, Okaloosa, Santa Rosa, Walton and Washington counties.

All bids must conform to the instructions in the Invitation to Bid. Interested prospective bidders may obtain a copy of the complete Invitation to Bid package at the above address or by calling (850)539-5999.

The bid opening is open to the public. Provisions will be made to accommodate the handicapped (if requested) provided the District is given at least 72 hours advance notice.

All bids must comply with applicable Florida Statutes.

AGENCY FOR HEALTH CARE ADMINISTRATION

NOTICE OF CHANGE

The date, March 11, 2002, is not the date for final submission of the DME RFP. The correct date for proposal submission is April 5, 2002. In addition, disregard Appendix G of the request for proposal. Appendix G is the map of the State of Florida with its Medicaid areas highlighted. For specific Medicaid areas, refer to page 4 of the DME Request for Proposal for the listing of counties by region.

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

INVITATION TO BID

Competitive sealed bids will be received in the Department of Children and Family Services, District III, Tacachale Purchasing Office, 1621 N. E. Waldo Road, Gainesville, Florida 32609 until 2:00 p.m., April 3, 2002 for the following:

STEAM BOILER

Interested bidders may obtain bid forms and specifications by writing or calling the Tacachale Purchasing Office at the above address. Telephone (352)955-5537. The Department reserves the right to reject any or all bids.

DCF 2002-11RN

ADVERTISEMENT FOR BIDS

LEGAL NOTICE IS HEREBY GIVEN THAT SEALED BIDS ARE REQUESTED FROM QUALIFIED BIDDERS, BY THE STATE OF FLORIDA, DEPARTMENT OF CHILDREN AND FAMILY SERVICES, NORTHEAST FLORIDA STATE HOSPITAL, HEREINAFTER REFERRED TO AS THE OWNER, TO REPLACE EXISTING GENERATOR IN BUILDING 13 WITH A NEW 100KW GENERATOR.

BID OPENING DATE AND TIME: APRIL 8, 2002, 1:00 P.M. (LOCAL TIME)

PLACE: ENGINEERING DEPARTMENT, CONFERENCE ROOM, BUILDING 19, NORTHEAST FLORIDA STATE HOSPITAL, 7487 SOUTH STATE ROAD 121, MACCLENNY, FLORIDA 32063.

ENGINEER: FOR TECHNICAL INFORMATION CONCERNING PROJECT, CONTACT W. J. WHEELER, ENGINEER III, BUILDING 19, NORTHEAST FLORIDA STATE HOSPITAL, 7487 SOUTH STATE ROAD 121, MACCLENNY, FLORIDA 32063, (904)259-6211, EXT. 1166.

SPECIAL NOTATION: A MANDATORY PRE-BID SITE VISIT IS REQUIRED, BIDDERS NOT COMPLYING WITH THIS REQUEST WILL NOT BE CONSIDERED IN THE BID PROCESS. ALL BIDDERS MUST SIGN-IN AT THE PURCHASING DEPARTMENT, BUILDING 19, BEFORE VISITING THE SITE.

PROPOSAL: BIDS MUST BE SUBMITTED IN FULL, IN ACCORDANCE WITH THE REQUIREMENTS OF THE SPECIFICATIONS, BIDDING AND SPECIAL CONDITIONS, WHICH MAY BE EXAMINED AND OBTAINED FROM:

PURCHASING AGENT: JIM MASMAR, PURCHASING AGENT III, BUILDING 19, NORTHEAST FLORIDA STATE HOSPITAL, 7487 SOUTH STATE ROAD 121, MACCLENNY, FLORIDA 32063, (904)259-6211, EXT. 1119, FAX (904)2598497.

NOTE: FAXED QUOTATIONS WILL NOT BE CONSIDERED – SEALED BIDS ONLY.

THE NORTHEAST FLORIDA STATE HOSPITAL RESERVES THE RIGHT TO REFUSE ANY AND ALL BIDS WHEN IN THE BEST INTEREST OF THE STATE OF FLORIDA.

CONTRACT AWARD: THE BID TABULATION AND NOTICE OF AWARD WILL BE POSTED APRIL 10, 2002, 1:00 P.M. (LOCAL TIME) AT THE LOCATION WHERE THE BIDS WERE OPENED. IN THE EVENT THAT THE BID TABULATION AND NOTICE OF AWARD CANNOT BE POSTED IN THIS MANNER, THEN ALL BIDDERS WILL BE NOTIFIED BY CERTIFIED UNITED STATES MAIL, RETURN RECEIPT REQUESTED. IF NO PROTEST IS FILED, THE CONTRACT WILL BE AWARDED TO THE QUALIFIED, RESPONSIVE LOW BIDDER IN ACCORDANCE WITH RULE 60D, F.A.C., BY THE OWNER.

NOTE: THIS PROJECT WILL BE SUBJECT TO THE AVAILABILITY OF FUNDS.

ADVERTISEMENT FOR BIDS

LEGAL NOTICE IS HEREBY GIVEN THAT SEALED BIDS ARE REQUESTED FROM QUALIFIED BIDDERS, BY THE STATE OF FLORIDA, DEPARTMENT OF CHILDREN AND FAMILY SERVICES, NORTHEAST FLORIDA STATE HOSPITAL, HEREINAFTER REFERRED TO AS THE OWNER, TO ERECT A METAL BUILDING MEASURING 45' WIDE, 120' LONG, 12' HIGH (LOW SIDE) WITH DRIVEWAY ENTRANCE AND PARKING AREA.

BID OPENING DATE AND TIME: APRIL 8, 2002, 10:00 A.M. (LOCAL TIME)

PLACE: ENGINEERING DEPARTMENT CONFERENCE ROOM, BUILDING 19, NORTHEAST FLORIDA STATE HOSPITAL, 7487 SOUTH STATE ROAD 121, MACCLENNY, FLORIDA 32063.

ENGINEERING: FOR TECHNICAL INFORMATION CONCERNING PROJECT CONTACT, W. J. WHEELER, ENGINEER III, BUILDING 19, NORTHEAST FLORIDA STATE HOSPITAL, 7487 SOUTH STATE ROAD 121, MACCLENNY, FLORIDA 32063, (904)259-6211, EXT. 1166.

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PROPOSAL: BIDS MUST BE SUBMITTED IN FULL, IN ACCORDANCE WITH THE REQUIREMENTS OF THE SPECIFICATIONS, BIDDING AND SPECIAL CONDITIONS, WHICH MAY BE EXAMINED AND OBTAINED FROM:

PURCHASING AGENT: JIM MASMAR, PURCHASING AGENT III, BUILDING 19, NORTHEAST FLORIDA STATE HOSPITAL, 7487 SOUTH STATE ROAD 121, MACCLENNY, FLORIDA 32063, (904)259-6211, EXT. 1119, FAX (904)259-8497.

NOTE: FAXED QUOTATIONS WILL NOT BE CONSIDERED – SEALED BIDS ONLY.

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NOTE: THIS PROJECT WILL BE SUBJECT TO THE AVAILABILITY OF FUNDS.

ADVERTISEMENT FOR BIDS

LEGAL NOTICE IS HEREBY GIVEN THAT SEALED BIDS ARE REQUESTED FROM QUALIFIED BIDDERS, BY THE STATE OF FLORIDA, DEPARTMENT OF CHILDREN AND FAMILY SERVICES, NORTHEAST FLORIDA STATE HOSPITAL, HERINAFTER REFERRED TO AS THE OWNER, TO PROVIDE RENOVATIONS TO ONE (1) 250,000 GALLON ELEVATED WATER TANK.

BID OPENING DATE AND TIME: APRIL 8, 2002, 2:00 P.M. (LOCAL TIME)

PLACE: ENGINEERING DEPARTMENT’S CONFERENCE ROOM, BUILDING 19, NORTHEAST FLORIDA STATE HOSPITAL, 7487 SOUTH STATE ROAD 121, MACCLENNY, FLORIDA 32063.

ENGINEER: FOR TECHNICAL INFORMATION CONCERNING PROJECT CONTACT, W. J. WHEELER, ENGINEER III, BUILDING 19, NORTHEAST FLORIDA STATE HOSPITAL, 7487 SOUTH STATE ROAD 121, MACCLENNY, FLORIDA 32063, (904)259-6211, EXT. 1166.

SPECIAL NOTATION: A MANDATORY PRE-BID SITE VISIT IS REQUIRED. BIDDERS NOT COMPLYING WITH THIS REQUEST WILL NOT BE CONSIDERED IN THE BID PROCESS. ALL BIDDERS MUST SIGN-IN AT THE PURCHASING DEPARTMENT, BUILDING 19, BEFORE VISITING THE SITE.

PROPOSAL: BIDS MUST BE SUBMITTED IN FULL, IN ACCORDANCE WITH THE REQUIREMENTS OF THE SPECIFICATIONS, BIDDING AND SPECIAL CONDITIONS, WHICH MAY BE EXAMINED AND OBTAINED FROM:

PURCHASING AGENT: JIM MASMAR, PURCHASING AGENT III, BUILDING 19, NORTHEAST FLORIDA STATE HOSPITAL, 7487 SOUTH STATE ROAD 121, MACCLENNY, FLORIDA 32063, (904)259-6211, EXT. 1119, FAX (904)259-8497

NOTE: FAXED QUOTATIONS WILL NOT BE CONSIDERED - SEALED BIDS ONLY.

THE NORTHEAST FLORIDA STATE HOSPITAL RESERVES THE RIGHT TO REFUSE ANY AND ALL BIDS WHEN IN THE BEST INTEREST OF THE STATE OF FLORIDA.

CONTRACT AWARD: THE BID TABULATION AND NOTICE OF AWARD WILL BE POSTED APRIL 10, 2002, 2:00 P.M. (LOCAL TIME), AT THE LOCATION WHERE THE BIDS WERE OPENED. IN THE EVENT THAT THE BID TABULATION AND NOTICE OF AWARD CANNOT BE POSTED IN THIS MANNER, THEN ALL BIDDERS WILL BE NOTIFIED BY CERTIFIED UNITED STATES MAIL, RETURN RECEIPT REQUESTED. IF NO PROTEST IS FILED, THE CONTRACT WILL BE AWARDED TO THE QUALIFIED, RESPONSIVE LOW BIDDER IN ACCORDANCE WITH RULE 60D BY THE OWNER.

NOTE: THIS PROJECT WILL BE SUBJECT TO THE AVAILABILITY OF FUNDS.

BROWARD COUNTY PROPERTY APPRAISER’S OFFICE

NOTICE TO PROFESSIONAL CONSULTANTS
PROFESSIONAL SERVICES FOR
DIGITAL AERIAL ORTHOPHOTOGRAPHY

The Broward County Property Appraiser’s Office announces that professional consulting services are required for the project listed below. This project will be developed in conjunction with the Geographic Information System (GIS) for the Property Appraiser’s Office. Letters of Interest from qualified firms are to be sent to the Broward County Property Appraiser’s Office, Broward County Governmental Center, Room 111, Fort Lauderdale, Florida 33301, ATTN: Keith Gay.

PROJECT NUMBER: 03-06-2002-BCPA
PROJECT NAME: 2002 Digital Aerial Orthophotography

PROJECT LOCATION: Broward County, Florida
SERVICES TO BE PROVIDED: Digital Aerial Ortho rectification and digital production from existing 1" = 1667' or 1:20,000 color negatives

CLIENT AGENCY: Broward County Property Appraiser's Office

CLIENT CONTACT: Keith Gay, (954)357-6909

RESPONSE DUE DATE: April 5, 2002, 4:00 p.m. (EST)

The results of this selection will be posted at the Broward County Property Appraiser's Office, Broward County Governmental Center, Room 111, Fort Lauderdale, Florida during regular business hours.

INSTRUCTIONS

Interested firms shall submit 3 copies of the following:

1. Letter of interest which indicates the firm's qualifications, related experience, ability and availability of personnel and equipment to perform the work and other information relevant to this project as deemed necessary.
2. Current signed and dated SF forms 254 and 255.
3. Copy of the firm's current Florida Professional Registration license.
4. For Corporations only. If the firm offering services is a corporation, it must be properly chartered with the Florida Department of State and provide a copy of the current Florida Corporate Charter.

Please include one stamped, self-addressed envelope for notice of selection results. Firms submitting must be properly registered at the time of application to practice their profession in the State of Florida. Firms may submit representative samples of similar or related work efforts, with reference information. Responses which do not contain the required information identified herein, or non-relevant work experience may not be considered. All submitted materials will not be returned and will become part of the project file for this project. The selection of a consultant for this project will be made in accordance with Chapter 60D-2, Florida Administrative Code.

PALM BEACH COUNTY WORKFORCE DEVELOPMENT BOARD

REQUEST FOR PROPOSALS FOR SENIOR

COMMUNITY SERVICE EMPLOYMENT PROGRAM

The Palm Beach County Workforce Development Board, Inc. (WDB) is accepting proposals for Senior Community Service Employment Programming. The deadline for receipt of RFP responses is 5:00 p.m. (Eastern Daylight Time), as determined by WDB, April 23, 2002 at WDB's Administrative Office, 2051 Martin Luther King, Jr., Blvd., Suite 302, Riviera Beach, FL 33404, ATTN: Kenneth E. Montgomery, President without exception.

The RFP is available for pickup between the hours of 8:00 a.m. and 5:00 p.m., March 12, 2002 through April 23, 2002, at the WDB Administrative Office address stated above for a non-refundable service charge of \$20.00 per RFP application. Make checks payable to the "Palm Beach County Workforce Development Board, Inc." The RFP is also available free of

charge on WDB's website at www.pbcworks.com. WDB may change scheduled dates if it is to the advantage of WDB to do so. WDB will notify applicants of all RFP changes via posting on the WDB website www.pbcworks.com, at the same location as the RFP. A bidder's conference to answer questions regarding the RFP will be held at WDB's Administrative Office, March 28, 2002, 2:00 p.m. and April 9, 2002, 2:00 p.m. The WDB complies with the provisions of the Americans With Disabilities Act. If you are a disabled person requiring any accommodations or assistance, please notify the WDB, Kenneth E. Montgomery, at least 72 hours (3 days) in advance. WDB encourages women and minority businesses to submit proposals. WDB reserves the right to reject any or all proposals.

BOARD OF COUNTY COMMISSIONERS – ST. LUCIE COUNTY

REQUEST FOR QUALIFICATIONS

Sealed Qualifications will be received at the Purchasing Department, 2300 Virginia Avenue, Fort Pierce, FL 34982, until 2:00 p.m. (local time), Wednesday, May 1, 2002, for the following:

RFQ # 02-053

Port of Fort Pierce, FL

Design, Build and Operation for

Development of 87 Acres or a Portion Thereof

A Voluntary pre-submission conference and site tour will be held on Monday, April 15, 2002, 10:00 a.m. (EST), at the County's Administrative Building, 2300 Virginia Ave., Ft. Pierce, FL 34982.

RFQ documents may be obtained via the Internet using the County's website at <http://www.co.st-lucie.fl.us>. If you do not have Internet access, you may obtain the documents by calling DemandStar by Onvia, 1(800)711-1712, and request document number #02-053 or contact the Office of the Purchasing Director, 2300 Virginia Avenue, Fort Pierce, Florida 34982, (772)462-1700.

RFQ's may be either mailed or hand delivered to the Purchasing Department, 2300 Virginia Avenue, Fort Pierce, FL 34982. Any RFQ'S received after the above stated time will be returned to the bidder unopened.

The Board of County Commissioners reserves the right to waive any informalities or minor irregularities; reject any and all bids/Qualifications which are incomplete, conditional, obscure or which contain additions not allowed for; accept or reject any proposal in whole or in part with or without cause; and accept the proposal which best serves the County.

For Bids, RFP, RFQ, Bid Results and other information visit the St. Lucie County Purchasing Website at <http://www.co.st-lucie.fl.us>.

HILLSBOROUGH COUNTY WORKFORCE BOARD

NOTICE OF REQUEST FOR PROPOSAL

RFP Number: WIA 04-2002
 Title: WIA Youth Services
 Description: The Hillsborough County Workforce Board, Inc. is issuing this Request for Proposal (RFP) to solicit agencies with the expertise and capacity to design, administer and deliver various Workforce Investment Act (WIA) Eligible Youth services in Hillsborough County.
 Issue Date: March 8, 2002
 Submittal Deadline: May 3, 2002
 Contact: Man M. Le, Director of Procurement
 9250 Bay Plaza Blvd., Suite 320
 Tampa, FL 33619
 (813)744-5547, Ext. 238
 (813)744-5764 Fax

Housing and Commercial Revitalization program categories will open March 29, 2002 and close at 5:00 p.m. on May 15, 2002 (“the deadline”).

Up to \$29,466,000.00 is available for award to eligible applicants to carry out eligible activities.

Funds in the four categories will be disbursed in accordance with the following schedule:

Category	FFY 2002 Funding Available
Housing	Up to \$ 5,696,404.00
Neighborhood Revitalization	Up to \$10,253,527.00
Economic Development	Up to \$ 8,544,606.00
Commercial Revitalization	Up to \$ 2,848,202.00

Eligible activities can include, but are not limited to, rehabilitation of deteriorated and substandard housing; demolition and replacement of dilapidated housing; site development activities in support of new housing construction; improvement and construction of public facilities; economic development; and commercial revitalization activities. At least 70 percent of the requested funds must be expended on activities that benefit low and moderate income persons.

Applications must be prepared in accordance with Chapter 9B-43, Florida Administrative Code. Applications may be either hand delivered or sent by U. S. Mail or other licensed carrier and must be received on or before the deadline by the Community Development Section, Division of Housing and Community Development, Department of Community Affairs, Room Number 260N, Sadowski Building, 2555 Shumard Oak Boulevard, Tallahassee, Florida 2399-2100.

For further information, communities should contact: Libby Lane, Community Program Administrator, (850)922-1879. Copies of the Application Manuals are available via computer at dca.state.fl.us/fhcd/programs/cdbgp. Interested communities may also address inquiries to the Community Development Section, Division of Housing and Community Development, Department of Community Affairs, Room Number 260N, Sadowski Building, 2555 Shumard Oak Boulevard, Tallahassee, Florida 2399-2100.

**Section XII
 Miscellaneous**

DEPARTMENT OF INSURANCE

NOTICE IS HEREBY GIVEN by the Department of Insurance the following carrier, pursuant to Section 627.6699(10), F.S., has elected to become “risk-assuming”: Unicare Life & Health Insurance Company.

Public comments will be received until April 12, 2002. Comments may be addressed to: Belynda J. Shadoan, Bureau of Life and Health Forms and Rates, 200 East Gaines Street, Tallahassee, Florida 32399-0328, (850)922-3152, Ext. 5160.

NOTICE IS HEREBY GIVEN by the Department of Insurance the following carrier, pursuant to Section. 627.6699 (10), F.S., has elected to become “risk-assuming”: Well Care HMO, Inc.

Public comments will be received until April 12, 2002. Comments may be addressed to: Belynda J. Shadoan, Bureau of Life and Health Forms and Rates, 200 East Gaines Street, Tallahassee, Florida 32399-0328, (850)922-3152, Ext. 5160.

DEPARTMENT OF COMMUNITY AFFAIRS

NOTICE OF FUNDING AVAILABILITY

The Department of Community Affairs announces funding availability for Federal Fiscal Year 2002 under the Florida Small Cities Community Development Block Grant (CDBG) Program to eligible applicants. The funding cycle for Neighborhood Revitalization, Economic Development,

DCA Final Order No.: DCA02-OR-082
 In re: MONROE COUNTY LAND DEVELOPMENT
 REGULATIONS ADOPTED BY MONROE COUNTY
 ORDINANCE NO. 003-2002

FINAL ORDER

The Department of Community Affairs (the “Department”) hereby issues its Final Order, pursuant to §§ 380.05(6) and (11), Fla. Stat., and § 380.0552(9), Fla. Stat. (2001), approving a land development regulation adopted by a local government within the Florida Keys Area of Critical State Concern as set forth below.

FINDINGS OF FACT

1. The Florida Keys Area is a statutorily designated area of critical state concern, and Monroe County is a local government within the Florida Keys Area.
2. On February 25, 2002, the Department received for review Monroe County Ordinance No. 003-2002 which was adopted by the Monroe County Board of County Commissioners on January 17, 2001 ("Ord. 003-2002"). Ord. 003-2002 amends several sections of the Monroe County Code to address issues relating to affordable housing, employee housing and commercial apartments.
3. Ord. 003-2002 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. 003-2002 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") as set forth in § 380.0552(7), Fla. Stat. See *Rathkamp v. Department of Community Affairs*, 21 F.A.L.R. 1902 (Dec. 4, 1998), *aff'd*, 740 So. 2d 1209 (Fla. 3d DCA 1999). The Principles are construed as a whole and no specific provision is construed or applied in isolation from the other provisions.
8. Ord. 003-2002 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.
 - (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.
 - (j) To make available affordable housing for all sectors of the population of the Florida Keys.
9. Ord. 003-2002 is not inconsistent with the remaining Principles. Ord. 003-2002 is consistent with the Principles for Guiding Development as a whole.

WHEREFORE, IT IS ORDERED that Ord. 003-2002 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.

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 March, 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-079

In re: A LAND DEVELOPMENT REGULATION
ADOPTED BY ISLAMORADA,
VILLAGE OF ISLANDS
ORDINANCE NO. 02-09

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 February 4, 2002, the Department received for review Islamorada, Village of Islands Ordinance No. 02-09 which was adopted by the Village Council on January 24, 2002 ("Ord. 02-09"). Ord. 02-09 establishes procedures for the regulation of temporary uses.
2. Ord. 02-09 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. 02-09 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 02-09 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.
 - (k) To provide adequate alternatives for the protection of public safety, and welfare in the event of a natural or manmade disaster and for a post-disaster reconstruction plan.
 - (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.
8. Ordinance 02-09 is not inconsistent with the remaining Principles. Ord. 02-09 is consistent with the Principles for Guiding Development as a whole.

WHEREFORE, IT IS ORDERED that Ord. 02-09 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.

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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.

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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 March, 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-084

In re: A LAND DEVELOPMENT REGULATION ADOPTED BY ISLAMORADA, VILLAGE OF ISLANDS ORDINANCE NO. 02-19

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 March 1, 2002, the Department received for review Islamorada, Village of Islands Ordinance No. 02-19 which was adopted by the Village Council on February 21, 2002 ("Ord. 02-19"). Ord. 02-19 establishes regulations for the placement, height, intensity and shielding of outdoor lighting fixtures in order to preserve the natural nighttime outdoor environment.
2. Ord. 02-19 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. 02-19 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") as set forth in § 380.0552(7), Fla. Stat. (2001). The Principles are construed as a whole and no specific provision is construed or applied in isolation from the other provisions.
7. Ordinance 02-19 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.
(b) To protect shoreline and marine resources including mangroves, coral reef formations, seagrass beds, wetlands, fish and wildlife, and their habitat.
(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.
(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.

8. Ordinance 02-19 is not inconsistent with the remaining Principles. Ord. 02-19 is consistent with the Principles for Guiding Development as a whole.

WHEREFORE, IT IS ORDERED that Ord. 02-19 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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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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CERTIFICATE OF FILING AND SERVICE

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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

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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

NOTICE OF APPROVAL
FOR PRESERVATION 2000 FUNDS

The Florida Communities Trust ("Trust") reviewed and approved project plans for land acquisition projects submitted under the Trust Preservation 2000 Program, Series P10 funding cycle. The project plan listed below was approved by the Executive Director under authority delegated from the governing body. The Executive Director is authorized to

execute the agreements for acquisition of the project sites and all other documents necessary to close the project and that funds be released as follows:

Project: 00-067-P10/Miracle Strip Park-on-the-Sound

Grantee: City of Fort Walton Beach

Amount of Approved Funds: the lesser of 98.63% of the final total project costs or \$1,797,945.00

NOTICE OF ADMINISTRATIVE HEARING RIGHTS

Any person with substantial interests that are or may be determined by the approval of funds for projects by the Trust has a right to an informal administrative proceeding pursuant to Section 120.57(2), F.S., if the person does not dispute issues of material fact raised by this decision. If an informal proceeding is held, the petitioner will have the opportunity to be represented by counsel, to present to the agency written or oral evidence in opposition to the Trust action, or to present a written statement challenging the legal grounds upon which the Trust is justifying its actions.

Alternatively, any person with substantial interests that are or may be determined by the approval of funds for projects by the Trust has a right to a formal administrative hearing pursuant to Section 120.57(1), F.S., if the person disputes any issues of material fact stated in this decision. At a formal hearing the petitioner may be represented by counsel, and will have the opportunity to present evidence and argument on all the issues involved, to conduct cross-examination and submit rebuttal evidence, to submit proposed findings of fact and orders, and to file exceptions to any order or hearing officer's recommended order.

If a person with a substantial interest desires either an informal proceeding or a formal hearing, the person must file with the Trust Clerk a written response or pleading entitled "Petition for Administrative Proceedings" within 21 calendar days of the publication date of this notice of final agency action. The petition must be in the form required by Rule 18-106.201, F.A.C. A petition is filed when it is received by the Trust Clerk, 2555 Shumard Oak Boulevard, Tallahassee, FL 32399-2100. A petition must specifically request an

informal proceeding or a formal hearing, it must admit or deny each material fact contained in this decision, and it must state any defenses upon which the petitioner relies. If the petitioner lacks knowledge of a particular allegation of fact, it must so state and that statement will operate as a denial.

Any person with substantial interests that are or may be determined by the approval of funds for projects by the Trust waives the right to an informal proceeding or a formal hearing if a Petition for Administrative Proceeding is not filed with the Trust Clerk within 21 days of the date of publication of the notice of final agency action.

DEPARTMENT OF LAW ENFORCEMENT

**NOTICE OF FUNDING AVAILABILITY
EDWARD BYRNE MEMORIAL STATE
AND LOCAL LAW ENFORCEMENT
ASSISTANCE FORMULA GRANT PROGRAM**

The State of Florida, Department of Law Enforcement (FDLE) anticipates an award from the United States Department of Justice for \$15,209,331 in Local Share Edward Byrne Memorial State and Local Law Enforcement Assistance Formula Grant funds. This announcement is to notify eligible applicants of program requirements.

Eligible Applicants

Units of local government are eligible to receive subgrants from FDLE. "Units of local government" means any city, county, town, township, borough, parish, village, or other

general-purpose political subdivision of a State and includes Native American Tribes that perform law enforcement functions as determined by the Secretary of the Interior.

Application Requirements and Deadlines

Chapter 9B-61, Florida Administrative Code, governs program administration and funding. Local governments should thoroughly review rule provisions before applying for subgrant funds.

The Department must receive two (2) copies of each application for funding (both with original signatures) no later than 5:00 p.m., Tuesday, June 4, 2002. A separate application must be submitted for each proposed project. Applications should be mailed or hand delivered to the following:

Mr. Clayton H. Wilder
Community Program Administrator
Florida Department of Law Enforcement
Office of Criminal Justice Grants
2331 Phillips Road
Tallahassee, Florida 32308

Questions regarding this Program announcement should be directed to: Clayton Wilder, Florida Department of Law Enforcement, (850)410-8700.

DEPARTMENT OF HEALTH

On March 6, 2002, John O. Agwunobi, M.D. Secretary of the Department of Health, issued an Order of Emergency Suspension, with regard to the license of Leonard Kerstein,

RPh., license number PS 007497. Leonard Kerstein's last known address is 1763 Espanola Drive, Miami, Florida 33133-3301. This Emergency Order was predicated upon the Secretary's findings of an immediate and serious danger to the public health, safety and welfare pursuant Sections 456.073(8) and 120.60(8), Florida Statutes. The Secretary determined that this summary procedure was fair under the circumstances, in that there was no other method available to adequately protect the public.

On March 6, 2002, John O. Agwunobi, M.D. Secretary of the Department of Health, issued an Order of Emergency Suspension, with regard to the license of Jeremiah Smalls, RPh., license number PS 007832. Jeremiah Smalls' last known address is 1820 N. W. 28th Ave., Ft. Lauderdale, Florida 33133-4416. This Emergency Order was predicated upon the Secretary's findings of an immediate and serious danger to the public health, safety and welfare pursuant Sections 456.073(8) and 120.60(8), Florida Statutes. The Secretary determined that this summary procedure was fair under the circumstances, in that there was no other method available to adequately protect the public.

On March 6, 2002, John O. Agwunobi, M.D. Secretary of the Department of Health, issued an Order of Emergency Suspension, with regard to the license of Sixth Street

Pharmacy license number PS 284. Sixth Street Pharmacy's last known address is 900 N. W. 6th Street, Ft. Lauderdale, Florida 33311-8004. This Emergency Order was predicated upon the Secretary's findings of an immediate and serious danger to the public health, safety and welfare pursuant Sections 456.073(8) and 120.60(8), Florida Statutes. The Secretary determined that this summary procedure was fair under the circumstances, in that there was no other method available to adequately protect the public.

NOTICE OF INTENT TO ESTABLISH ALLIGATOR
MANAGEMENT UNITS

Pursuant to Rule 68A-25.042, F.A.C., the Fish and Wildlife Conservation Commission plans to establish by executive order the 2002 alligator management units on April 3. The proposed management units constitute wetlands, lakes, rivers, or other water bodies that have been reasonably grouped for study, analysis and management of the resident alligator population. Alligator surveys previously conducted by the Commission and/or a review of the available alligator habitat indicate that a harvestable population of non-hatchling alligators exists on each unit.

General descriptions of the proposed alligator management units for the 2002-harvest season are as follows:

Management Unit	Management Unit Description	General County(ies)	Management Unit Boundary ¹
101	Lake Pierce	Polk	
102	Lake Marian	Osceola	
104	Lake Hatchineha	Polk/Osceola	
105	Kissimmee River (Pool A)	Polk/Osceola	S65A structure north to S65 structure
106	Kissimmee River	Highlands/ Okeechobee	S65C structure north to S65A structure
108	Lake Arbuckle	Polk	
109	Lake Istokpoga	Highlands	
110	Lake Kissimmee	Osceola/Polk	
112	Teneroc FMA	Polk	
115	Lake Weohyakapka	Polk	
116	Cypress Lake	Osceola	
117	Lake Parker	Polk	
118	Lake Manatee	Manatee	
119	Peace River North	Hardee/DeSoto	SR 70 north to SR 60
120	Peace River South	DeSoto/Charlotte	I-75 north to SR 70
121	Caloosahatchee River	Glades/Hendry/ Lee	Franklin Lock north to Ortona Lock
303	Lake Miccosukee	Jefferson/Leon	
402	Everglades and Francis S. Taylor WMA	Palm Beach/ Broward	Water Conservation Areas 2 A&B
404	Everglades and Francis S. Taylor WMA	Broward/Dade	Water Conservation Areas 3 A&B
405	Holey Land WMA	Palm Beach	
409	Lake Hicpochee	Glades	
500	Blue Cypress Lake	Indian River	
501	St. Johns River (Lake Hell N' Blazes)	Brevard	US Hwy. 192 to the south end of Lake Hell N' Blazes
502	St. Johns River (Lake Poinsett)	Brevard/Orange/ Osceola	US. Hwy. 192 north to CR 520
504	St. Johns River (Puzzle Lake)	Orange/Brevard/ Seminole/ Volusia	SR 50 north to SR 46
505	Lake Harney	Seminole/ Volusia	SR 46 north to CR 415
506	St. Johns River (Welaka)	Putnam	North of Lake George
507	St. Johns River (Palatka)	Putnam	Railroad Bridge north to US Hwy 17
508	Crescent Lake	Putnam/Flagler	
510	Lake Jesup	Seminole	
512	Lakes Dora/Beauclair	Lake	
515	Lake Panasoffkee	Sumter	
516	Withlacoochee River (North)	Citrus/Marion/ Sumter	North of SR 44

Management Unit	Management Unit Description	General County(ies)	Management Unit Boundary ¹
518	Lake Rousseau	Citrus/Levy/ Marion	
520	Lake Tohopekaliga	Osceola	
527	Lake Monroe	Volusia	
528	Lake Dexter	Volusia/Lake	
540	St. Johns River Upper Basin Canals	Brevard/Indian River	C-40 Canal and canals along L-75 and L-76 levees
542	Blue Cypress Water Management Area	Indian River	Within Blue Cypress Conservation Area
544	Stick Marsh	Indian River	Within Blue Cypress Conservation Area
545	Kenansville Lake	Indian River	Within Blue Cypress Conservation Area
546	T.M. Goodwin Waterfowl Management Area	Brevard	
547	Guana River WMA	St. Johns	Lake Ponte Vedra
548	Ocala WMA	Marion/Lake	Lake Eaton, Juniper Creek and Salt Springs Run
549	Three Lakes WMA	Osceola	Lake Jackson
601	Lake Okeechobee (West)	Hendry/Glades/ Okeechobee	Clewiston north to Indian Prairie
602	Lake Okeechobee (North)	Glades/ Okeechobee	Indian Prairie north and east to Taylor Creek
603	Lake Okeechobee (East)	Okeechobee/ Martin/ Palm Beach	Taylor Creek south to Palm Beach Canal
604	Lake Okeechobee (South)	Palm Beach/ Hendry	Palm Beach Canal southwest to Clewiston
711	Lake Hancock	Polk	
721	Rodman Reservoir	Marion/Putnam	
723	Lochloosa Lake	Alachua	
732	Lake Iamonia	Leon	
733	Lake Talquin	Gadsden	
734	Lake Seminole	Jackson	
741	Lake Trafford	Collier	
751	Lake George	Putnam/Volusia	

¹ Specific boundary descriptions for these proposed alligator management units may be obtained upon request from the Florida Fish and Wildlife Conservation Commission, Division of Wildlife, 620 South Meridian Street, Tallahassee, Florida 32399-1600.

Section XIII
Index to Rules Filed During Preceding Week

**RULES FILED BETWEEN March 4, 2002
 and March 8, 2002**

Rule No.	File Date	Effective Date	Proposed Vol./No.	Amended Vol./No.
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DEPARTMENT OF INSURANCE

4-137.003	3/7/02	3/27/02	27/49	
4-137.011	3/7/02	3/27/02	27/49	

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Agricultural Environmental Services

5E-2.028	3/8/02	3/28/02	28/4	
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DEPARTMENT OF EDUCATION

State Board of Education

6A-4.0021	3/4/02	3/24/02	27/43	28/6
6A-4.00821	3/4/02	3/24/02	27/43	28/6

DEPARTMENT OF COMMUNITY AFFAIRS

Division of Housing and Community Development

9B-43.003	3/8/02	3/28/02	27/46	28/6
9B-43.004	3/8/02	3/28/02	27/46	28/6
9B-43.005	3/8/02	3/28/02	27/46	
9B-43.006	3/8/02	3/28/02	27/46	28/6
9B-43.007	3/8/02	3/28/02	27/46	
9B-43.008	3/8/02	3/28/02	27/46	
9B-43.009	3/8/02	3/28/02	27/46	28/6
9B-43.010	3/8/02	3/28/02	27/46	28/6
9B-43.012	3/8/02	3/28/02	27/46	28/6
9B-43.013	3/8/02	3/28/02	27/46	28/6
9B-43.014	3/8/02	3/28/02	27/46	28/6

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DEPARTMENT OF TRANSPORTATION

14-15.0081	3/6/02	3/26/02	27/49	
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STATE BOARD OF ADMINISTRATION

19-7.001	3/6/02	3/26/02	27/49	
19-7.010	3/6/02	3/26/02	27/49	
19-7.011	3/6/02	3/26/02	27/49	28/6
19-7.012	3/6/02	3/26/02	27/49	28/6
19-7.013	3/6/02	3/26/02	27/49	28/6
19-7.014	3/6/02	3/26/02	27/49	
19-7.015	3/6/02	3/26/02	27/49	28/6
19-7.016	3/6/02	3/26/02	27/49	28/6
19-7.017	3/6/02	3/26/02	27/49	

DEPARTMENT OF CORRECTIONS

33-602.112	3/5/02	3/25/02	27/51	28/4
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DEPARTMENT OF ENVIRONMENTAL PROTECTION

62-204.800	3/7/02	4/1/02	28/6	
62-532.200	3/8/02	3/28/02	28/1	28/7
62-532.400	3/8/02	3/28/02	28/1	28/7
62-532.500	3/8/02	3/28/02	28/1	28/7

DEPARTMENT OF HEALTH

Board of Clinical Laboratory Personnel

64B3-2.003	3/4/02	3/24/02	27/51	
64B3-4.001	3/4/02	3/24/02	27/52	
64B3-5.003	3/4/02	3/24/02	27/51	
64B3-5.007	3/4/02	3/24/02	27/52	
64B3-6.001	3/4/02	3/24/02	28/2	
64B3-9.003	3/4/02	3/24/02	27/52	
64B3-9.007	3/4/02	3/24/02	27/52	
64B3-9.013	3/4/02	3/24/02	27/52	

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Board of Dentistry					Board of Psychology				
64B5-17.013	3/7/02	3/27/02	27/48	28/5	4B19-11.004	3/4/02	3/24/02	27/37	28/4
Board of Hearing Aid Specialists					64B19-11.010	3/4/02	3/24/02	27/37	28/4
64B6-5.002	3/4/02	3/24/02	27/49		64B19-11.011	3/4/02	3/24/02	27/37	28/4
64B6-5.003	3/4/02	3/24/02	27/49		64B19-13.0025	3/5/02	3/25/02	28/3	
Board of Medicine					64B19-15.003	3/5/02	3/25/02	28/3	
64B8-3.003	3/5/02	3/25/02	28/3		64B19-17.002	3/5/02	3/25/02	28/3	
64B8-3.004	3/5/02	3/25/02	28/3		64B19-17.004	3/5/02	3/25/02	28/3	
64B8-9.009	3/5/02	3/25/02	25/3	25/16	64B19-18.004	3/5/02	3/25/02	28/3	
64B8-9.0092	3/5/02	3/25/02	28/3		DEPARTMENT OF CHILDREN AND FAMILY SERVICES				
64B8-44.005	3/5/02	3/25/02	27/52		Economic Self Sufficiency Program				
Board of Nursing					65A-1.606	3/4/02	3/24/02	27/46	28/3
64B9-16.001	3/6/02	3/26/02	28/4		<hr/>				
64B9-16.002	3/6/02	3/26/02	28/4						
64B9-16.003	3/6/02	3/26/02	28/4						
64B9-16.004	3/6/02	3/26/02	28/4						