

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

**DEPARTMENT OF INSURANCE**

RULE CHAPTER TITLE:	RULE CHAPTER NO.:
Actuarial Opinion and Memorandum	4-138
RULE TITLES:	RULE NOS.:
Purpose	4-138.040
Scope	4-138.041
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**PURPOSE AND EFFECT:** To adopt the same changes made by the NAIC: the elimination of non-asset adequacy opinions, greater reliance on revised actuarial standards of practice and guidelines to permit an alternative to a state of filing opinion.

**SUBJECT AREA TO BE ADDRESSED:** Life and health actuarial opinion and memorandum.

**SPECIFIC AUTHORITY:** 624.308(1), 625.121(3), 625.121(3)(a) FS.

**LAW IMPLEMENTED:** 624.307(1), 624.316(1)(c), 624.424(1), 625.121, 625.121(3), 632.627 FS.

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

**TIME AND DATE:** 9:00 a.m., June 5, 2002

**PLACE:** Larson Building, 200 East Gaines Street, Tallahassee, Florida

**THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS:** Kerry Krantz, L & H Insurer Solvency, Department of Insurance, 200 East Gaines Street, Tallahassee, Florida 32399-0327, (850)413-5038

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 Yvonne White at (850)413-4214.

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

4-138.040 Purpose.

The purpose of this part is to prescribe.

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

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

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

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

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

4-138.041 Scope.

(1) This part shall apply to all life and health insurance companies and fraternal benefit societies doing business in this state, and to all life insurance companies and fraternal benefit societies that are authorized to reinsure life insurance, annuities, or accident and health insurance business in this state. This part shall be applied in a manner that allows the appointed actuary to utilize his or her professional judgment in performing the asset analysis and developing the actuarial opinion and supporting memoranda, consistent with relevant actuarial standards of practice. However, the Department shall have the authority to specify specific methods of actuarial analysis and actuarial assumptions when these specifications are necessary for an acceptable opinion to be rendered relative to the adequacy of reserves and related items shall be applicable to all annual statements filed with the Department beginning with the annual statement for calendar year 1993, due on March 1, 1994.

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

(3) Notwithstanding the foregoing, the Department shall require any company otherwise exempt pursuant to this part to submit a statement of actuarial opinion and to prepare a memorandum in support thereof in accordance with Rules 4-138.046 and 4-138.047, F.A.C., of this part if the Department makes a specific finding that such opinion and memorandum are necessary in order for the Department to determine that the life and health insurer or the fraternal benefit society is in compliance with Chapters 624, 625, 626, 627, or 632 of the

~~Insurance Code; or the Department has reason to believe that the financial statement upon which the calculations are based is incomplete, inaccurate, or otherwise not in compliance with Rule 4-137.001, Florida Administrative Code; or the company is using such methods and practices in the conduct of its business as to render its further transaction of insurance in this state hazardous or injurious to the policyholders or to the public.~~

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

4-138.042 Definitions.

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

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

(3)(2) “Annual Statement” means that statement required by Section 624.424, Florida Statutes, to be filed by the company with the Department annually.

(4)(3) An “Appointed Actuary” is a qualified actuary who is appointed or retained, either directly by or by the authority of the board of directors through an executive officer of the company other than an officer who is the qualified actuary, to prepare the statement of actuarial opinion as required by subsection (3) of the Standard Valuation Law.

(5)(4) “Asset Adequacy Analysis” means an analysis that meets the standards and other requirements referred to in subsection 4-138.043(3), F.A.C.

(6) “Department” means the State of Florida, Department of Insurance.

(7)(5) “Company” means a life insurance company, fraternal benefit society, or reinsurer subject to the provisions of this part.

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

(8) “NAIC” means the National Association of Insurance Commissioners.

(9) “NAIC Actuarial Opinion and Memorandum Regulation” means this part.

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

(11) “Standard Valuation Law” means that defined in Section 625.121, Florida Statutes.

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

4-138.043 General Requirements.

(1) Submission of Statement of Actuarial Opinion.

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

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

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

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

(b)(4) Upon written request by the company, the Department ~~has the authority to~~ may grant an extension of the date for submission of the statement of actuarial opinion.

(2) Qualified Appointed Actuary.

(a) The company shall give the Department, prior to or concurrent with the filing of the first annual statement to which this rule applies, written notice of the name, title, (and, in the case of a consulting actuary, the name of the firm) and manner of appointment or retention of each person appointed or retained by the company as an appointed actuary and shall state in such notice that the person meets the requirements set forth in this paragraph (b) below.

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

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

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

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

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

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

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

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

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

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

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

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

(d) If any person appointed or retained as an appointed actuary replaces a previously appointed actuary, the notice shall so state and give the reasons for replacement.

(3) No change.

(4) Liabilities to Be Covered.

(a) through (b) No change.

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

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

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

~~(c)(4)~~ Additional reserves established under paragraphs (b) ~~or (e)~~ above and deemed not necessary in subsequent years may be released. Any amounts released ~~shall~~ **must** be disclosed in the actuarial opinion for the applicable year. The release of such reserves will not be deemed an adoption of a lower standard of valuation.

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

4-138.044 Required Opinions.

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

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

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

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

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

(a) through (d) No change.

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

1. If the appointed actuary considers it necessary to state a qualification of his or her opinion;

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

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

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

(2) Recommended Language. The following paragraphs are to be included in the statement of actuarial opinion. Language is that which in typical circumstances shall be included in a statement of actuarial opinion. The language may be modified as needed to meet the circumstances of a particular

case, but the appointed actuary shall use language that which clearly expresses his or her professional judgment, and retains all pertinent aspects of the language provided in this section.

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

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

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

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

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

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

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

**Reserves and Liabilities**

**Asset Adequacy Tested Amounts**

Additional				
Formula	Actuarial	Analysis	Other	Total
Reserves	Reserves	Method	Amount	Amount
(a)	(b)	(1) + (2) + (3)		
Statement Item	(1)-(2)	(3)	-(4)	

**Exhibit 8**

A	Life Insurance
B	Annuities
C	Supplementary
Contracts	Involving Life
	Contingencies

D	Accidental Death
Benefit	
E	Disability—Active
F	Disability—Disabled
G	Miscellaneous

**Total (Exhibit 8  
Item 1, Page 3)  
Exhibit 9**

A	Active Life Reserve
B	Claim Reserve

**Total (Exhibit 9  
Item 2, Page 3)  
Exhibit 10**

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

**Total Exhibit 10  
Exhibit 11 Part 1**

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

**Total Exhibit 11, Part 1  
Separate Accounts**

(Page 3, Line 27)

**TOTAL RESERVES**

IMR	(Page _____ Line _____)
AVR	(Page _____ Line _____)

<u>Asset Adequacy Tested</u> <u>Amounts – Reserves and</u> <u>Liabilities</u>					
<u>Statement Item</u>	<u>Formula</u> <u>Reserves</u> <u>(1)</u>	<u>Additional Actuarial</u> <u>Reserves (2) Note (i)</u> <u>below</u>	<u>Analysis</u> <u>Method Note</u> <u>(ii) below</u>	<u>Other Amount</u> <u>(3)</u>	<u>Total Amount</u> <u>(1)+(2)+(3) (4)</u>
<u>Exhibit 8 A Life</u> <u>Insurance</u>					
<u>B Annuities</u>					
<u>C Supplementary</u> <u>Contracts Involving Life</u> <u>Contingencies</u>					
<u>D Accidental Death</u> <u>Benefit</u>					
<u>E Disability – Active</u>					
<u>F Disability – Disabled</u>					
<u>G Miscellaneous</u>					
<u>Total (Exhibit 8 Item 1,</u> <u>Page 3)</u>					
<u>Exhibit 9 A Active Life</u> <u>Reserve</u>					
<u>B Claim Reserve</u>					
<u>Total (Exhibit 9 Item 2,</u> <u>Page 3)</u>					
<u>Exhibit 10 Premium and</u> <u>Other Deposit Funds</u> <u>(Column 5, Line 14)</u>					
<u>Guaranteed Interest</u> <u>Contracts (Column 2,</u> <u>Line 14)</u>					
<u>Other (Column 6, Line 14)</u>					
<u>Supplemental Contracts</u> <u>and Annuities Certain</u> <u>(Column 3, Line 14)</u>					
<u>Dividend Accumulations</u> <u>or Refunds (Column 4,</u> <u>Line 14)</u>					
<u>Total Exhibit 10 (Column</u> <u>1, Line 14)</u>					
<u>Exhibit 11 Part 1</u>					
<u>1 Life (Page 3, Line 4.1)</u>					
<u>2 Health (Page 3, Line 4.2)</u>					
<u>Total Exhibit 11, Part 1</u>					
<u>Separate Accounts (Page 3</u> <u>of the Annual Statement of</u> <u>the Separate Accounts,</u> <u>Lines 1, 2, 3.1, 3.2, 3.3)</u>					
<u>TOTAL RESERVES</u>					

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1. Are computed in accordance with presently accepted actuarial standards consistently applied and are fairly stated, in accordance with sound actuarial principles;

2. Are based on actuarial assumptions that which produce reserves at least as great as those called for in any contract provision as to reserve basis and method, and are in accordance with all other contract provisions;

3. Meet the requirements of the Insurance Law and regulation of the state of (state of domicile) and are at least as great as the minimum aggregate amounts required by the state in which this statement is filed;

4. Are computed on the basis of assumptions consistent with those used in computing the corresponding items in the annual statement of the preceding year-end (with any exceptions noted below); and

5. Include provision for all actuarial reserves and related statement items which ought to be established.

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

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

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

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

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

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

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

\_\_\_\_\_  
Signature of Appointed Actuary

\_\_\_\_\_  
Address of Appointed Actuary

\_\_\_\_\_  
Telephone Number of Appointed Actuary

\_\_\_\_\_  
Date

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

(4) Adverse Opinions. If the appointed actuary is unable to form an opinion, he or she shall refuse to issue a statement of actuarial opinion. If the appointed actuary’s opinion is adverse or qualified, he or she shall issue an adverse or qualified actuarial opinion explicitly stating the reason(s) for such opinion. This statement shall follow the scope paragraph and precede the opinion paragraph.

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

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

(b) The persons on whom the appointed actuary relies shall provide a certification that precisely identifies the items on which the person is providing information and a statement as to the accuracy, completeness, or reasonableness, as applicable, of the items. The certification shall include the signature, title, company, address, and telephone number of the person rendering the certification, as well as the date on which it is signed.

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

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

\_\_\_\_\_  
Signature of the Officer of the Company or Accounting Firm

\_\_\_\_\_  
Address of the Officer of the Company or Accounting Firm

~~Telephone Number of the Officer of the Company or Accounting Firm” and/or~~

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

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

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

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

(6) Alternate Option.

(a) The Standard Valuation Law gives the Department broad authority to accept the valuation of a foreign insurer when that valuation meets the requirements applicable to a company domiciled in this state in the aggregate. As an alternative to the requirements of subparagraph

4-138.046(2)(d)3., F.A.C., the Department shall make one or more of the following additional approaches available to the opining actuary:

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

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

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

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

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

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

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

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

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

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

b. If a company desires to use this alternative, the appointed actuary shall provide a comparison of the gross nationwide reserves held to the gross nationwide reserves that would be held under NAIC codification standards. Gross nationwide reserves are the total reserves calculated for the total company in force business directly sold and assumed,

indifferent to the state in which the risk resides, without reduction for reinsurance ceded. The information provided shall be at least:

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

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

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

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

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

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

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

(1) General.

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

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



(b) In preparing the memorandum, the appointed actuary may ~~rely on, and~~ include as a part of his or her own memorandum, memoranda prepared and signed by other actuaries who are qualified within the meaning of subsection 4-138.043(2), F.A.C., ~~of this part~~ with respect to the areas covered in the memoranda, and shall so state in their memoranda.

(c) If the Department requests a memorandum and no such memorandum exists, or if the Department finds that the analysis described in the memorandum fails to meet the standards of the Actuarial Standards Board or the standards and requirements of this part, the Department may designate a qualified actuary to review the opinion and prepare for review the required supporting memorandum. The reasonable and necessary expense of the independent review shall be paid by the company but shall be directed and controlled by the Department.

(d)1. The reviewing actuary shall have the same status as an examiner for purposes of obtaining data from the company.

2. The work papers and documentation of the reviewing actuary shall be retained by the Department.

3. Any information provided by the company to the reviewing actuary and included in the work papers shall be considered as material provided by the company to the Department and kept confidential to the same extent prescribed by law with respect to other material provided by the company to the Department pursuant to the statute governing this part.

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

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

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

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

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

(a) For reserves:

1. Product descriptions, including market description, underwriting, and other aspects of a risk profile, and the specific risks the appointed actuary deems significant;

2. Source of liability in force;

3. Reserve method and basis;

4. Investment reserves;

5. Reinsurance arrangements.

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

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

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

(II) Interest crediting rate strategy;

(III) Mortality;

(IV) Policyholder dividend strategy;

(V) Competitor or market interest rate;

(VI) Annuitization rates;

(VII) Commissions and expenses; and

(VIII) Morbidity.

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

(b) For assets:

1. Portfolio descriptions, including a risk profile disclosing the quality, distribution, and types of assets;

2. Investment and disinvestment assumptions;

3. Source of asset data;

4. Asset valuation bases; and

5.a. Documentation of assumptions made for:

(I) Default costs;

(II) Bond call function;

(III) Mortgage prepayment function;

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

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

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

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

1. Methodology;

2. Rationale for inclusion/exclusion of different blocks of business, and how pertinent risks were analyzed;

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

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

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

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

(e)(4) Summary of Results.

(f)(e) Conclusion(s).

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

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

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

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

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

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

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

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

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

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

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

(4)(3) Conformity to Standards of Practice. The memorandum shall include a statement:

“Actuarial methods, considerations, and analyses used in the preparation of this memorandum conform to the appropriate Standards of Practice as promulgated by the Actuarial Standards Board which form the basis for this memorandum.”

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

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

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

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

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

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

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

Specific Authority 625.121(3)(a) FS. Law Implemented 625.121(3) FS. History–New 5-18-93, Amended \_\_\_\_\_.

4-138,048 Additional Considerations for Analysis.

Specific Authority 625.121(3)(a) FS. Law Implemented 625.121(3) FS. History–New 5-18-93, Repealed \_\_\_\_\_.

**DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES**

**Division of Agricultural Environmental Services**

RULE CHAPTER TITLE: Entomology – Pest Control REGULATIONS

RULE CHAPTER NO.: 5E-14

Entomology – Pest Control REGULATIONS

5E-14

RULE TITLES: Contractual Agreements in Public’s Interest – Control and Preventative Treatment for Wood Destroying Organisms

RULE NOS.: 5E-14.105

Contractual Agreements in Public’s Interest – Control and Preventative Treatment for Wood Destroying Organisms

5E-14.105

Use of Pesticides – Labels, Limitations,  
Precautions 5E-14.106

Responsibilities and Duties – Records, Reports,  
Advertising, Applications 5E-14.142

PURPOSE AND EFFECT: The purpose and effect of the rule development is to amend Chapter 5E-14, F.A.C., to address changes to Statute and to develop modifications for the state required Wood-Destroying Organisms Inspection Report, Form 13645.

SUBJECT AREA TO BE ADDRESSED: The subject area to be addressed is modification of Wood-Destroying Organisms reporting requirements.

SPECIFIC AUTHORITY: 482.051 FS.

LAW IMPLEMENTED: 482.021(15), 482.051(1),(5), 482.241 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., June 4, 2002

PLACE: Conference Room S-113B, Hurston South Tower, 400 West Robinson Street, Orlando, FL 32801

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Steven Rutz, Director, Department of Agriculture and Consumer Services, Room 130, 3125 Conner Blvd., Tallahassee, FL 32399-1650

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

5E-14.105 Contractual Agreement in Public’s Interest – Control and Preventative Treatment for Wood-Destroying Organisms.

(1) No change.

(2) No change.

(3) In contracts covering ~~pre-construction soil~~ treatments for the prevention of subterranean termites for new construction, it shall clearly set forth that should subterranean termite infestation occur ~~to in, on, or under~~ the structure treated during the warranty period, additional treatment shall be performed in a manner appropriate to control the ~~applied to the soil in the area of~~ infestation. The warranty shall show the date of treatment and shall be for a period no less than one year from date of treatment. The property owner at the time of each renewal, if a previous renewal was purchased, shall have the option of extending the warranty annually after the first year for no less than 4 additional years. The contract shall conform with Section 482.227, F.S., and paragraphs 5E-14.105(2)(a), (b), (c), (g), (i), (j), and (k), F.A.C. This section applies only to ~~pre-construction soil~~ treatment for the prevention of subterranean termites for new construction ~~of areas which does~~ ~~do~~ not physically attach to or adjoin existing structures.

(4) through (7) No change.

Specific Authority 482.051 FS. Law Implemented 482.021(15), 482.051(1), (3), 482.161, 482.191, 482.241 FS. History–New 1-1-77, Amended 6-27-79, 10-25-90, Formerly 10D-55.105, Amended 8-11-93, \_\_\_\_\_.

5E-14.106 Use of Pesticides – Labels, Limitations, Precautions.

(1) through (5) No change.

(6) Pesticides used for treatment for the prevention of subterranean termites for new construction ~~pre-construction soil treatments for prevention of subterranean termites~~ shall be applied in the specific amounts, concentration, and treatment areas designated by the label. The pesticide, in its original formulation, shall be mixed at the ~~pre-construction~~ treatment site immediately prior to application. A copy of the label of the registered pesticide being used shall be carried in the vehicle from which the application is performed. The licensee shall maintain records for 3 years of each treatment for the prevention of subterranean termites for new construction ~~pre-construction soil treatment~~ indicating the date of treatment, address of property treated, total square footage of structure treated, pesticide used, percent concentration of mixture applied and total volume applied as well as maintaining records of all pesticide purchased, obtained, or available for its use; the total amount of the area treated using soil applied termiticides; and the total number of sites treated using this and any other method of treatment for the prevention of subterranean termites.

Specific Authority 482.051 FS. Law Implemented 482.051(1) FS., P.L. 92-516, Section 1, Chapter 92-203, Laws of Florida. History–New 1-1-77, Amended 6-27-79, 6-22-83, 10-25-90, Formerly 10D-55.106, Amended 7-5-95, \_\_\_\_\_.

5E-14.142 Responsibilities and Duties – Records, Reports, Advertising, Applications.

(1) No change.

(2)(c) Termite or other wood-destroying organism inspection report:

Pursuant to Section 482.226(1), (2), (4) and (5), F.S., each licensee having a certified operator certified in the category of termite or other wood-destroying organism control and who makes and reports the findings of a wood-destroying organism inspection in writing shall provide the party requesting the inspection with the inspection findings on the Wood-Destroying Organisms Inspection Report prescribed by the Department and furnished by the licensee, DACS 13645, Rev. \_\_\_\_\_ ~~3/02~~, which is incorporated by reference. The licensee shall not place any disclaimers or additional language on the Wood-Destroying Organisms Inspection Report. The licensee shall inspect for all wood-destroying organisms as defined in Section 482.021(28), F.S., in accordance with the following inspection standards:

1. through 2. No change.

(3) through (8) No change.



**DEPARTMENT OF LAW ENFORCEMENT**

**Criminal Justice Standards and Training Commission**

RULE CHAPTER TITLE:                      RULE CHAPTER NO.:

Criminal Justice Standards and Training Trust Fund                      11B-18

RULE TITLES:                                      RULE NOS.:

Operational Definitions                      11B-18.003

Regional Training Areas                      11B-18.004

Establishment of Regional Training Councils                      11B-18.005

Regional Training Council Meetings                      11B-18.0051

Development of Budgets                      11B-18.0052

Officer Training Monies Budget and Expenditure Categories                      11B-18.0053

Expenditure of Funds                      11B-18.007

Development of Officer Training Monies

    Budgets and Required Reports                      11B-18.0071

Areas of Responsibility                      11B-18.008

Applicability, Contractual Obligations                      11B-18.009

Criminal Justice Standards and Training

    Commission Fiscal Program Audits and Instruction and Facility Evaluations                      11B-18.010

PURPOSE AND EFFECT: To clarify existing rule language; repeal Rule 11B-18.007, F.A.C., Expenditure of Funds, and replace with Rule 11B-18.0053, F.A.C., Officer Training Monies Budget and Expenditure Categories and Rule 11B-18.0071, F.A.C., Development of Officer Training Monies Budgets and Required Reports; add Rule 11B-18.010, F.A.C., Criminal Justice Standards and Training Commission Fiscal and Program Audits and Instruction and Facility Evaluations; update the state law enforcement agency list in Rule 11B-18.005, F.A.C.; revise operational definitions; and add rule references to the incorporated forms in Rule Chapter 11B-18, F.A.C., to indicate where the form is incorporated in rule.

SUBJECT AREA TO BE ADDRESSED: Operational definitions; State Regional Law Enforcement Officer Training Council XV agency representatives; Development of trust fund budgets; Officer Training Monies budget and expenditure categories; Development of Officer Training Monies budgets and required reports; and Criminal Justice Standards and Training Commission Fiscal and Program Audits.

SPECIFIC AUTHORITY: 943.03(4), 943.12(1),(2), 943.25(2), (4), (5), (5)(b) FS.

LAW IMPLEMENTED: 943.12(5), 943.25, 943.25(4), (5) 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., June 4, 2002

PLACE: 2331 Phillips Road, Elevator Conference Room, Quad C, 3rd Floor, Tallahassee, Florida 32308-1489

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Donna Hunt, Florida Department of Law Enforcement, Criminal Justice Professionalism Program, 2331 Phillips Road, Tallahassee, Florida 32308-1489

UPON REQUEST AND WHEN AVAILABLE RULE TEXT WILL BE PROVIDED AT NO CHARGE FROM THE CONTACT PERSON LISTED ABOVE.

NOTICE UNDER THE AMERICANS WITH DISABILITIES ACT: Pursuant with 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 days prior to the workshop by contacting Donna Hunt at: (850)410-7900, (voice) or (850)656-9597, (TDD), at least five working days before such proceeding.

**DEPARTMENT OF LAW ENFORCEMENT**

**Criminal Justice Standards and Training Commission**

RULE CHAPTER TITLE:                      RULE CHAPTER NO.:

Certification of Criminal Justice Training Instructors                      11B-20

RULE TITLES:                                      RULE NOS.:

Definitions and Minimum Requirements for General Certification of Instructors                      11B-20.001

Denial and Revocation of Instructor Certification                      11B-20.0012

Commission Instructor Certification Categories                      11B-20.0013

Minimum Requirements for High-Liability and Specialized Topics Instructor Certification                      11B-20.0014

Minimum Requirements to Instruct the CMS Application-Based Basic Recruit Training Programs                      11B-20.0015

Inspection of Instructor Certification Applications                      11B-20.0016

Maintenance and Duration of Instructor Certifications                      11B-20.0017

Commission Instructor Certification Application                      11B-20.0018

PURPOSE AND EFFECT: To repeal Rule 11B-20.0015, F.A.C., Minimum Requirements to Instruct the CMS Application-Based Basic Recruit Training Programs and incorporate the existing rule language into Rules 11B-20.001 and 11B-20.0014, F.A.C.; update existing rule language to reflect the Commission's new Curriculum Maintenance System (CMS) and Breath Test Instructor requirements; change the requirements for instructor certifications by implementing new requirements where instructor certifications are maintained and do not expire; repeal Rule 11B-20.0018, F.A.C., Commission Instructor Certification Application and incorporated its rule language into Rules 11B-20.0016 and

Rule 11B-20.0017, F.A.C., and add rule references to the incorporated forms in Rule Chapter 11B-20, F.A.C., to indicate where the form is incorporated in rule.

**SUBJECT AREA TO BE ADDRESSED:** Rule definitions; instructor applicant compliance with Commission rules for certification, denial of certification, expansion of instructor certification categories to incorporate the Commission’s Curriculum Maintenance System (CMS), minimum requirements for high-liability and specialized topics instructor certification for CMS, and new requirements for maintenance of instructor certification.

**SPECIFIC AUTHORITY:** 120.60(1), 943.03(4), 943.12(1), 943.14(3) FS.

**LAW IMPLEMENTED:** 120.60(1), 943.12(3),(9), 943.14(3) FS.

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**DEPARTMENT OF LAW ENFORCEMENT**

**Criminal Justice Standards and Training Commission**

<b>RULE CHAPTER TITLE:</b>	<b>RULE CHAPTER NO.:</b>
Certification of Criminal Justice Training Schools	11B-21
<b>RULE TITLES:</b>	<b>RULE NOS.:</b>
Local Advisement and Definitions	11B-21.001
Criminal Justice Training Schools’ Request for Certification, Expansion of Certification, and Re-certification	11B-21.002
Certification Codes	11B-21.004
Criminal Justice Training School Requirements for Certification and Re-certification	11B-21.005

Criminal Justice Training School Satellite Facilities and Equipment Requirements	11B-21.0051
Denial of Certification or Renewal of Certification	11B-21.017

Criminal Justice Training School Disciplinary Guidelines and Revocation of Certification	11B-21.018
Criminal Justice Training School Inspections	11B-21.019

**PURPOSE AND EFFECT:** To add definitions to Rule 11B-21.001, F.A.C.; repeal Rule 11B-21.004, F.A.C., regarding “certification codes,” and incorporate its language into Rule 11B-21.001, F.A.C., Local Advisements and Definitions, and group related subjects into a better format; streamline Rule 11B-21.005, F.A.C., by incorporating the facility requirements into existing Commission forms that are currently incorporated in this rule section; repeal Rule 11B-21.0017, F.A.C., and incorporated its language into Rule 11B-21.002, F.A.C., Criminal Justice Training Schools’ Request for Certification, Expansion of Certification, and Re-certification, add the expansion and recertification compliance requirements to Rule 11B-21.002, F.A.C.; remove rule language from Rule 11B-21.005(5), F.A.C., and transfer its rule language to Rule 11B-21.0051, F.A.C., Criminal Justice Training School Satellite Facilities and Equipment Requirements; add additional requirements regarding satellite training faculties and equipment requirements to Rule 11B-21.0051, F.A.C., and add rule references to the incorporated forms in Rule Chapter 11B-21, F.A.C., to indicate where the form is incorporated in rule.

**SUBJECT AREA TO BE ADDRESSED:** Rule definitions; Criminal Justice Training School: certification codes, customer surveys, initial certification, expansion for certification, certification of canine teams, classroom facility requirements, satellite facilities and equipment requirements, disciplinary guidelines, facility inspections, and basic abilities testing requirements.

**SPECIFIC AUTHORITY:** 943.03(4), 943.12(1), (2) FS.

**LAW IMPLEMENTED:** 943.12(3),(5),(7), 943.14, 943.17(1)(g), 943.25(5), (9) 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., June 4, 2002

**PLACE:** 2331 Phillips Road, Elevator Conference Room, Quad C, 3rd Floor, Tallahassee, Florida 32308-1489

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UPON REQUEST AND WHEN AVAILABLE RULE TEXT WILL BE PROVIDED AT NO CHARGE FROM THE CONTACT PERSON LISTED ABOVE.

NOTICE UNDER THE AMERICANS WITH DISABILITIES ACT: Pursuant with 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 days prior to the workshop by contacting Donna Hunt at: (850)410-7900, (voice) or (850)656-9597, (TDD), at least five working days before such proceeding.

**DEPARTMENT OF LAW ENFORCEMENT**

**Criminal Justice Standards and Training Commission**

RULE CHAPTER TITLE:                      RULE CHAPTER NO.:

Certification and Employment or Appointment	11B-27
RULE TITLES:	RULE NOS.:
Moral Character	11B-27.0011
Certification, Employment or Appointment, Reactivation, and Terminating Employment or Appointment of Officers	11B-27.002
Maintenance of Officer Certification	11B-27.00201
Temporary Employment Authorization	11B-27.00202
High School Graduation or Equivalent	11B-27.0021
Fingerprint Processing and Criminal Record Results	11B-27.00211
Background Investigations	11B-27.0022
Issuance and Maintenance of Certification	11B-27.0023
Controlled Substance Testing Procedures	11B-27.00225
Reactivation of Certificate	11B-27.0026
Duty to Report, Investigations, Procedures	11B-27.003
Probable Cause Determination	11B-27.004
Revocation or Disciplinary Actions; Disciplinary Guidelines; Range of Penalties; Aggravating and Mitigating Circumstances	11B-27.005
Canine Team Certification	11B-27.013

PURPOSE AND EFFECT: To streamline existing rules by repealing Rule 11B-27.0023, F.A.C., Issuance and Maintenance of Certification and incorporating its rule language into Rule 11B-27.00201, F.A.C., i.e., relocated Rule 11B-27.002(7)1.-4., F.A.C., into Rule 11B-27.00202, F.A.C., relocated Rule 11B-27.002(c)1.-3., F.A.C., into Rule 11B-27.00211, F.A.C.; expand violations that constitute failure to maintain good moral character; clarify rule language concerning maintenance of officer certification, fingerprint process and criminal history record results, penalty guidelines for new offenses, and canine team certification by defining canine team evaluators; incorporate the Authority for Release of Information form CJSTC-58 into rule, which was statutorily mandated and effective August 9, 2001; and add rule references to the incorporated forms in Rule Chapter 11B-27, F.A.C., to indicate where the form is incorporated in rule.

SUBJECT AREA TO BE ADDRESSED: Officer separation from employment or appointment; maintenance of officer certifications; temporary employment authorizations; fingerprint process and criminal history results; background investigations, authority for release of background information; and canine team certification.

SPECIFIC AUTHORITY: 943.03(4), 943.12(1), 943.133(3), 943.1395 FS.

LAW IMPLEMENTED: 943.12, 943.12(3),(17), 943.13, 943.13(3),(7),(11), 943.131, 943.133, 943.135, 943.139, 943.1395, 943.1395(3),(5),(7),(8), 943.17, 943.17(1)(a), 943.1701, 943.1715, 943.1716, 943.253 FS.

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THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Donna Hunt, Florida Department of Law Enforcement, Criminal Justice Professionalism Program, 2331 Phillips Road, Tallahassee, Florida 32308-1489

UPON REQUEST AND WHEN AVAILABLE RULE TEXT WILL BE PROVIDED AT NO CHARGE FROM THE CONTACT PERSON LISTED ABOVE.

NOTICE UNDER THE AMERICANS WITH DISABILITIES ACT: Pursuant with 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 days prior to the workshop by contacting Donna Hunt at: (850)410-7900, (voice) or (850)656-9597, (TDD), at least five working days before such proceeding.

**DEPARTMENT OF LAW ENFORCEMENT**

**Criminal Justice Standards and Training Commission**

RULE CHAPTER TITLE:                      RULE CHAPTER NO.:

State Officer Certification Examination	11B-30
RULE TITLES:	RULE NOS.:
State Officer Certification Examination General Eligibility Requirements	11B-30.006
State Officer Certification Examination and Retake Eligibility Requirements for Individuals Completing the Traditional Basic Recruit Training Program Prior to September 1, 2001	11B-30.0061
State Officer Certification Examination and Retake Eligibility Requirements for Individuals Completing a Basic Recruit Training Program	11B-30.0062

Examination Accommodations for Applicants with Disabilities 11B-30.0071  
 State Officer Certification Examination Site Administration 11B-30.008  
 Applicant Conduct at Test Site and Notice of Protection of Program Privileges 11B-30.009  
 Applicants Charged with Violations; Right of Hearing 11B-30.010  
 Examination Scoring and Grade Notification 11B-30.011  
 Post Review of Examination Questions, Answers, Papers, Grades, and Grading Key 11B-30.012

PURPOSE AND EFFECT: To revise forms and remove the required 5-section examination in Rule 11B-30.0061 and Rule 11B-30.011, F.A.C., for the Traditional Basic Recruit Training Program and Examination Scoring and Grade Notification, require individuals who graduate from a Basic Recruit Training Program to pass the State Officer Certification Examination with an overall scale score of 80% or higher; and add rule references to the incorporated forms in Rule Chapter 11B-30, F.A.C., to indicate where the form is incorporated in rule.

SUBJECT AREA TO BE ADDRESSED: Revised forms and examination scoring.

SPECIFIC AUTHORITY: 943.03(4), 943.12(1),(18), 943.1397, 943.173(3) FS.

LAW IMPLEMENTED: 120, 943.10, 943.12(18), 943.13(7), (10), 943.1397, 943.1397(1),(3),(5), 943.173 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., June 4, 2002

PLACE: 2331 Phillips Road, Elevator Conference Room, Quad C, 3rd Floor, Tallahassee, Florida 32308-1489

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Donna Hunt, Florida Department of Law Enforcement, Criminal Justice Professionalism Program, 2331 Phillips Road, Tallahassee, Florida 32308-1489

UPON REQUEST AND WHEN AVAILABLE RULE TEXT WILL BE PROVIDED AT NO CHARGE FROM THE CONTACT PERSON LISTED ABOVE.

NOTICE UNDER THE AMERICANS WITH DISABILITIES ACT: Pursuant with 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 days prior to the workshop by contacting Donna Hunt at: (850)410-7900, (voice) or (850)656-9597, (TDD), at least five working days before such proceeding.

**DEPARTMENT OF LAW ENFORCEMENT**

**Criminal Justice Standards and Training Commission**

RULE CHAPTER TITLE: RULE CHAPTER NO.:

Training Programs 11B-35  
 RULE TITLES: RULE NOS.:  
 General Training Programs; Requirements and Specifications 11B-35.001  
 Basic Abilities Requirements for Applicant Admission into a Law Enforcement, Correctional, and Correctional Probation Basic Recruit Training Program 11B-35.0011  
 Basic Recruit Training Programs for Law Enforcement, Correctional, and Correctional Probation 11B-35.002  
 High-Liability Proficiency Training 11B-35.0021  
 Basic Recruit Training Programs for Student Performance in Comprehensive End-of-Course Examinations 11B-35.0022  
 Student Transfers within Basic Recruit Training Programs 11B-35.0023  
 Student Performance in Commission-approved High-Liability Basic Recruit Training Courses and High-Liability Instructor Training Courses 11B-35.0024  
 Basic Recruit Training Programs for Law Enforcement and Correctional Auxiliary Training 11B-35.003  
 Traditional Basic Recruit Training Programs; Cross-Over Training for Law Enforcement, Correctional, and Correctional Probation Officers 11B-35.004  
 Career Development Training Program 11B-35.005  
 Advanced Training Program 11B-35.006  
 Specialized Training Program 11B-35.007  
 State Officer Certification Examination Qualification Course Requirements 11B-35.008  
 Criminal Justice Training School Requirements for Administration and Security of Examinations for Training Courses 11B-35.0085  
 Exemption from Basic Recruit Training 11B-35.009  
 Exemption from Basic Recruit Training for Out-of-State or Federal Officers; Policy and Exemption Application Procedures 11B-35.010  
 PURPOSE AND EFFECT: To repeal Rule 11B-35.0022, F.A.C., and incorporated its rule language into Rule 11B-35.001(7), F.A.C.; repeal Rule 11B-35.010, F.A.C., and incorporated its rule language into Rule 11B-35.009, F.A.C., clarify the requirements for exemption from a basic recruit training program; further define CMS Application-Based Basic Recruit Training Program requirements; revise rule language to require training center directors to pre-register students for basic recruit training programs and to update student files upon course completion; clarify rule language regarding the Commission's re-examination policy that allows a student one re-examination throughout the course in a basic recruit training program; student to instructor ratios for high-liability training, basic recruit training, instructor courses, and specialized



training program courses; and add rule references to the incorporated forms in Rule Chapter 11B-18, F.A.C., to indicate where the form is incorporated in rule.

**SUBJECT AREA TO BE ADDRESSED:** General training programs, requirements, and specifications regarding end-of-course examinations for the Traditional Basic Recruit Training Programs and CMS Application-Based Basic Recruit Training Programs; training center director or designee's responsibility for development, maintenance, and administration of comprehensive end-of-course examinations; field-test of the CMS Application-Based Basic Recruit Training Program; requirements for training schools' maintenance of training records, student attendance policy, and competency-based instruction of high-liability basic recruit training courses; student re-examination policy for basic recruit training courses, advanced training courses and specialized training program courses; the addition of CMS-Basic Basic Recruit Training Program High-Liability Training Courses and course numbers; high-liability proficiency training for Traditional and CMS Basic Recruit Training programs; student to instructor ratios for high-liability proficiency training for Traditional and CMS Basic Recruit Training programs; student transfers for basic recruit training programs; student performance in high-liability basic recruit training courses and instructor training courses regarding examination and re-examination opportunities, high-liability training courses, and proficiency skills for Traditional and CMS Basic Recruit Training programs; night and ambient light training, informed consent, remediation and proficiency failure forms for the CMS high-liability training courses; specialized training programs regarding Commission-established categories for goals and objectives for development of courses by training schools and for the development of instructor training courses, a list of instructor training courses, specialized training courses for credit toward mandatory retraining requirements, and State Officer Certification Examination Qualification Course requirements; administration and security of examinations for Commission-approved training programs; exemption from basic recruit training.

**SPECIFIC AUTHORITY:** 943.03(4), 943.12(1),(2), 943.14(3), 943.17 FS.

**LAW IMPLEMENTED:** 943.12, 943.12(5), 943.131(2), 943.1395(3), 943.17, 943.17(1), 943.17(1)(a), 943.1715, 943.173, 943.175, 943.25, 943.25(5) 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., June 4, 2002

**PLACE:** 2331 Phillips Road, Elevator Conference Room, Quad C, 3rd Floor, Tallahassee, Florida 32308-1489

**THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS:** Donna Hunt, Florida Department of Law Enforcement, Criminal Justice Professionalism Program, 2331 Phillips Road, Tallahassee, Florida 32308-1489

**UPON REQUEST AND WHEN AVAILABLE RULE TEXT WILL BE PROVIDED AT NO CHARGE FROM THE CONTACT PERSON LISTED ABOVE.**

**NOTICE UNDER THE AMERICANS WITH DISABILITIES ACT:** Pursuant with 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 days prior to the workshop by contacting Donna Hunt at: (850)410-7900, (voice) or (850)656-9597, (TDD), at least five working days before such proceeding.

## **DEPARTMENT OF LAW ENFORCEMENT**

### **Division of Criminal Justice Information Systems**

**RULE CHAPTER TITLE:** Criminal History Records  
**RULE CHAPTER NO.:** 11C-6

**Dissemination Policy**

**RULE TITLES:** Sale and Delivery of Firearms  
**RULE NO.:** 11C-6.009

**PURPOSE AND EFFECT:** To promulgate the revised United States Department of the Treasury, Bureau of Alcohol, Tobacco, and Firearms form, ATF F 4473(5300.9) Firearms Transaction Record Part I – Over-The-Counter; and to inform potential firearm purchasers of the right to appeal the denial of a purchase directly to the FBI, as authorized by federal regulations. This form is used by firearm dealers to record the sale of firearms as required by state and federal statutes.

**SUBJECT AREA TO BE ADDRESSED:** The sale of firearms by licensed dealers.

**SPECIFIC AUTHORITY:** 790.065, 943.03(4) FS.

**LAW IMPLEMENTED:** 790.065 FS., Title 18, U.S.C., Chapter 44, and Title 27, C.F.R., Part 178

**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., June 4, 2002

**PLACE:** Florida Department of Law Enforcement, 2331 Phillips Road, Conference Room, 3rd Floor, Quad C, Tallahassee, Florida

**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.

**THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS:** Martha Wright, Bureau

Chief, User Services Bureau, Criminal Justice Information Services, Florida Department of Law Enforcement, 2331 Phillips Road, Tallahassee, Florida 32308

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

11C-6.009 Sale and Delivery of Firearms.

(1) For a federally licensed firearm dealer (including licensed firearm importers, licensed firearm manufacturers and licensed firearm dealers pursuant to Title 27, C.F.R., Part 178) to complete a firearm transaction to another person, other than a licensed importer, licensed manufacturer, licensed dealer or licensed collector, a United States Treasury Department, Bureau of Alcohol, Tobacco and Firearms (ATF) form ATF F-4473 [5300.9] Part 1 (10/01) ~~(4/97)~~ (Firearms Transaction Record) incorporated here by reference, must be completed. These forms are available from the ATF Distribution Center, 7943 Angus Court, Springfield, Virginia 22153. The completion of the ATF F-4473 [5300.9] Part 1 (10/01) ~~(4/97)~~ form must comply with Title 27, C.F.R. Part 178, Section 178.124, and with Section 790.065, F.S.

(2) Section A of the ATF F-4473 [5300.9] Part 1 (10/01) ~~(4/97)~~ form must be completed by the potential buyer or transferee ~~and items 9, and 10 of the ATF F-4473. The dealer must ensure that items 9-13 are~~ completed by the buyer ~~dealer~~ prior to the dealer contacting the Florida Department of Law Enforcement (FDLE). In addition to the above requirements, the social security number of the potential buyer or transferee may be recorded in block number 7 ~~40~~ of ATF F-4473 [5300.9] Part 1 (10/01) ~~(4/97)~~ form along with the additional types and dates of identification for any person who is not a United States citizen (i.e., utility bills or lease agreements). The dealer is required to advise the potential buyer that the disclosure of his or her social security number is voluntary, of the authority for the disclosure, and of the use to be made of the number.

(3) through (4) No change.

(5) Using the provided toll-free telephone number, the dealer must contact FDLE immediately prior to each transaction involving the transfer of one or more firearms to obtain an approval number to complete the firearm transaction. The dealer will provide the deal's identification number and all identification data of the potential buyer/transferee as contained on ATF form F-4473 [5300.9] Part 1 (10/01) ~~(4/97)~~ to FDLE.

(6) FDLE will provide an approval, non-approval, conditional approval, or conditional non-approval number, or pending non-approval to the dealer based on the criminal history record of the potential buyer or transferee. Based on the status of the criminal history record, FDLE will provide an approval or non-approval number to the dealer during the call when possible or by return call or within the specified time frame as contained in Section 790.065, F.S. Unless compliance

with the requirements of this section is excused as provided in subsection 790.065(10), F.S., if the dealer has not received an approval or non-approval number, conditional or otherwise, from FDLE within the time frame specified, the dealer must contact FDLE to inquire about the status of the request for approval, prior to completing the transaction. If a conditional non-approval number is issued, FDLE will attempt to determine the status of the criminal history record so as to respond to the dealer within the time frame contained in Section 790.065, F.S., with an approval or non-approval number. At the termination of the time period specified in Section 790.065(2)(c)5., F.S., if such a determination is not possible, the conditional non-approval number will become a conditional approval number. The approval number is valid for a single transaction and for a period not to exceed thirty ~~(30)~~ calendar days after receipt of the number. Multiple firearms may be transferred in this transaction.

(7) The dealer will record the approval, non-approval or conditional approval or conditional non-approval number, or pending non-approval in box 19b and in the box in the top right corner labeled, Transferor's Transaction Serial Number ~~the top right corner~~ of ATF form F-4473 (5300.9) Part 1 (10/01) ~~(4/97)~~. When the transaction is approved, the dealer should complete Section B of items 11 through 20 ~~on~~ the ATF form F-4473.

(8) To any potential buyer or transferee intending to formally appeal his non-approval, the dealer will provide a Firearm Purchase Non-Approval Appeal Form (form number FDLE 40-020, January 2002 ~~February 1, 1994~~), incorporated herein by reference, and on file with Secretary of State, that must be completed by the dealer and the potential buyer or transferee. The potential buyer or transferee must take the form to a law enforcement agency, be fingerprinted there, and return the Non-approval Appeal form and fingerprints to FDLE within 21 calendar days. Using the procedures as described in Chapter 11C-8, F.A.C., FDLE will process the formal appeal request. A supply of the appeal forms will be provided by FDLE to dealers upon request. Such requests should be directed to:

Florida Department of Law Enforcement  
Firearm Purchase Program  
Post Office Box 1489  
Tallahassee, Florida 32302-1489  
Telephone Number: (850)410-8139

As an alternative to this procedure, the potential buyer or transferee may at any time appeal his non-approval directly to the FBI, as authorized by Title 28, C.F.R., Section 25.10.

(9) through (12) No change.

(13) All records where the transfer was approved must be maintained by dealers for 20 years as required by Title 27, C.F.R., Part 178. All records where the transfer was non-approved must be kept by dealers in a secure area and kept confidential for five (5) years. This would include the dealer's

copy of the ~~Dealer~~ ATF Form F-4473 [5300.9] Part 1 (10/01) (~~10/98~~) where the transfer of a firearm was non-approved. Records must be made available to federal, state, county and municipal law enforcement agencies in connection with their official duties upon request during business hours or other reasonable times if the dealer has no regular business hours.

(14) through (17) No change.

(18) Dealers are required to notify FDLE of any changes in their address, telephone number, or federal license status. Failure to do so will result in the dealer's identification number being suspended ~~suspended~~. When the correct address and telephone number can be verified, and all outstanding invoices satisfied, service can be reinstated.

(19) through (20) No change.

Specific Authority 790.065, 943.03(4) FS. Law Implemented 790.065 FS., Title 18, U.S.C., Chapter 44, and Title 27, C.F.R., Part 178. History--New 6-2-91, Amended 7-7-99, 8-22-00, 12-18-00, \_\_\_\_\_.

**DEPARTMENT OF LAW ENFORCEMENT**

**Division of Criminal Justice Information Systems**

RULE CHAPTER TITLE: Criminal History Records  
 RULE CHAPTER NO.: 11C-7

RULE TITLE: Dissemination Policy  
 RULE NO.: 11C-7.009

PURPOSE AND EFFECT: To set out procedures for applying to expunge, as the term is therein defined, a juvenile criminal history record, pursuant to newly-enacted Section 943.0582, F.S., where the juvenile subject has successfully completed a qualified pre- or post-arrest juvenile diversion program  
 SUBJECT AREA TO BE ADDRESSED: Procedures to expunge a juvenile criminal history record where the juvenile subject has successfully completed a qualified pre- or post-arrest juvenile diversion program  
 SPECIFIC AUTHORITY: 943.0582 FS.

LAW IMPLEMENTED: 943.0582 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., June 4, 2002  
 PLACE: Florida Department of Law Enforcement, 2331 Phillips Road, Conference Room, 3rd Floor, Quad C, Tallahassee, Florida

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.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Jeffrey W. Long, Bureau

Chief, Florida Crime Information Center Bureau, Criminal Justice Information Services, Florida Department of Law Enforcement, 2331 Phillips Road, Tallahassee, Florida 32308

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

11C-7.009 Procedures on Juvenile Diversion Expunctions.

(1) A minor who has successfully completed a prearrest or postarrest diversion program as authorized by s. 985.3065, F.S., which program satisfies the requirements found at s. 943.0582, F.S., may apply directly to the Department for expunction of the minor's juvenile nonjudicial arrest record. The application for the Juvenile Diversion Expunction must include:

(a) A money order, cashier's check, or certified check for \$75.00 made payable to the Florida Department of Law Enforcement. This processing fee is non-refundable, regardless of whether the application for expunction is granted. A fee waiver may be granted by the Executive Director of the Department, upon submission of a written request, and in determination that the waiver is in the best interests of criminal justice.

(b) A completed Application for Juvenile Diversion Expunction. The subject must complete section A of the application. The Application for Juvenile Diversion Expunction, form number FDLE 40-022, (10/01), incorporated here by reference, may be obtained from:

1. The Clerk of the Court, or
2. Florida Department of Law Enforcement Expunge Section  
Post Office Box 1489  
Tallahassee, Florida 32302-1489  
Telephone Number: (850)410-7870

(c) A written, certified statement from the appropriate state attorney which meets the requirements set forth in s. 943.0582(4)(c), F.S. The appropriate state attorney should complete section B of the Application for Juvenile Diversion Expunction and have it certified.

(d) A legible set of fingerprints recorded on an FBI Applicant Fingerprint Card (FD-258). The fingerprinting must be done by a law enforcement agency. The law enforcement agency fingerprinting the subject should place the following statement in the "Reason Fingerprinted" section on the card: "Application For Juvenile Diversion Expunction." The subject must pay any fees required by the law enforcement agency for providing this service. If a copy of the Applicant Fingerprint Card is needed, it may be obtained from:

1. The Clerk of the Court, or
2. Florida Department of Law Enforcement Expunge Section  
Post Office Box 1489  
Tallahassee, Florida 32302-1489

Telephone Number: (850)410-7870

(2) The complete application packet should be mailed or delivered, within the time limits prescribed by s. 943.0582, F.S., to Accounting and Budgeting, Florida Department of Law Enforcement, Post Office Box 1489, Tallahassee, Florida 32302-1489. The following notation should be placed on the envelope: "ATTENTION EXPUNGE SECTION."

(3) If the application packet is incomplete the Department will not process it. The incomplete packet, along with the processing fee, will be returned to the subject with an indication as to the reason for non-acceptance. It will be the subject's responsibility to obtain the missing information and return the complete packet to the Department.

(4) If the application packet is complete, the Department will review the submitted information and the minor subject's criminal history record to determine if the application and the specified record meet the requirements for Juvenile Diversion Expunction, which are listed in s. 943.0582, F.S. Questions regarding the status of the review should be directed to the Expunge Section at (850)410-7870.

(5) The Department will expunge the minor subject's juvenile diversion arrest record if the application and the specified criminal history record meet the requirements for Juvenile Diversion Expunction, and will notify the minor subject or his or her parent or legal guardian and the arresting agency of this action. Such expunction shall be as defined at s. 943.0582(2), F.S. If the application and the specified criminal history record do not meet the requirements for Juvenile Diversion Expunction, the Department will send the subject a letter stating the reason for ineligibility with an explanation of appeal rights.

(6) Upon receipt of notification from the Department that the minor subject's record has been expunged pursuant to s. 943.0582, F.S., the arresting agency shall make a positive association between the individual and the arrest covered by the Department's notification letter and seal the arrest record as specified at s. 943.0582(2)(b), F.S.; if the arrest record can be identified within the agency's records.

Specific Authority 943.0582 FS. Law Implemented 943.0582 FS. History--New \_\_\_\_\_.

**DEPARTMENT OF LAW ENFORCEMENT**

**Local Law Enforcement Assistance**

RULE CHAPTER TITLE: DNA Database Collection  
RULE CHAPTER NO.: 11D-6  
RULE TITLES: Definitions 11D-6.001  
Procedures 11D-6.003  
PURPOSE AND EFFECT: Effective July 1, 2001, Section 943.325, F.S., was amended to authorize the collection of other approved biological specimens (in addition to blood specimens), as approved by FDLE, for inclusion in the FDLE DNA Database. The rule is being amended to incorporate a

definition of "other approved biological specimen" and to set out the approved collection procedures. In addition, the FDLE form utilized by state and local agencies to document each submission of other approved biological specimens to FDLE's DNA Database is being incorporated by reference into the rule. SUBJECT AREA TO BE ADDRESSED: The Department's DNA database collection procedures.

SPECIFIC AUTHORITY: 943.03(4), 943.325(9)(d) FS.

LAW IMPLEMENTED: 943.325 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., June 4, 2002

PLACE: Florida Department of Law Enforcement, 2331 Phillips Road, Conference Room, 3rd Floor, Quad C, Tallahassee, Florida

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.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Joe White, Assistant General Counsel, Criminal Justice and Investigations and Forensic Science Program, Florida Department of Law Enforcement, 2331 Phillips Road, Tallahassee, Florida 32308

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

11D-6.001 Definitions.

As used in Rule 11D-6.003, F.A.C., the following definitions apply:

(1) "Blood sample" shall mean a specimen of whole blood, at least 7 cc in volume.

(2) "Other approved biological specimen" shall mean epithelial cells collected from the cheek in the oral cavity utilizing an FDLE-approved swab collection kit.

(3)(2) "Offender" shall mean a person meeting any of the criteria specified in ss. 943.325(1), 943.325(10)(c), 943.325(11), 947.1405(7), 948.03(5)(a)8., or 948.03(10), F.S.

Specific Authority 943.03(4), 943.325(9)(d) FS. Law Implemented 943.325 FS. History--New 7-4-90, Amended 7-6-99, 8-22-00, \_\_\_\_\_.

11D-6.003 Procedures.

(1) Blood sample collection.

(a)(4) The subject offender providing a blood sample must be positively identified in the manner specified by the FDLE Request for DNA Database Entry Form (FDLE/FOR-003, rev. September, 2000 and incorporated by reference) prior to taking the blood samples from such offender.

~~(b)(2)~~ When positive identification of the offender is accomplished, two (2) blood samples shall be taken from the offender in the manner described in Section 943.325(2), F.S.

~~(c)(3)~~ Such samples shall be taken using only the blood sample collection kit approved and provided by the Department of Law Enforcement. Agencies may obtain additional kits from FDLE, DNA Database, P. O. Box 1489, Tallahassee, Florida 32302-1489.

~~(d)(4)~~ Prior to or immediately after the taking of the samples, the FDLE Request for DNA Database Entry Form (FDLE/FOR-003) must be completed, providing all information requested on the form. The imprinting of the offender's left and right thumbs, by means of an inked impression, in the spaces indicated on the form shall be completed as well. Inked fingerprint impressions must be sufficiently legible for fingerprint classification and comparison purposes. Blood samples accompanied by one or more illegible inked fingerprint impressions are unacceptable for entry into the DNA Database and will be rejected by FDLE. The collecting agency must then submit a new blood sample and completed form. The person taking, or witnessing the taking, of the blood samples shall certify, under oath and before a notary or a law enforcement or correctional officer, as indicated on the form, that two blood samples were in fact taken from the offender thus positively identified. Additional supplies of these forms can be obtained from FDLE, DNA Database, P. O. Box 1489, Tallahassee, Florida 32302-1489.

~~(e)(5)~~ Collection, labeling, storage, handling, and transmittal of the blood samples so collected shall be as prescribed in the printed instructions included with each blood sample collection kit. In order to avoid sample degradation, all samples shall be transmitted to the Department of Law Enforcement in the manner prescribed in the instructions. The collecting agency should forward ~~unrefrigerated~~ blood samples so as to assure receipt by the Department within 72 hours of shipping. Additional copies of these instructions can be obtained from FDLE, DNA Database, P. O. Box 1489, Tallahassee, Florida 32302.

(2) Other approved biological specimen collection.

(a) A subject offender providing an other approved biological specimen must be positively identified in the manner specified by the Oral Swab Collection Kit Instructions (FDLE/FOR-005, May 2001, and incorporated by reference) prior to taking the other approved biological specimens from such offender.

(b) When positive identification of the offender is accomplished, approved biological specimens (oral swabs) shall be taken from the offender in the manner described in s. 943.325(2), F.S.

(c) Such samples shall be taken using only the oral swab collection kit approved and provided by the Department of Law Enforcement. Agencies may obtain additional kits from FDLE, DNA Database, P. O. Box 1489, Tallahassee, Florida 32302-1489.

(d) Prior to or immediately after the taking of the samples, the FDLE Oral Swab Collection Kit (FDLE/FOR-005) must be completed, providing all information requested on the form. The imprinting of the offender's left and right thumbs, by means of an inked impression, in the spaces indicated on the form shall be completed as well. Inked fingerprint impressions must be sufficiently legible for fingerprint classification and comparison purposes. Approved biological specimens accompanied by one or more illegible inked fingerprint impressions are unacceptable for entry into the DNA Database and will be rejected by FDLE. The collecting agency must then submit a new approved biological specimen and completed form. Additional supplies of these forms can be obtained from FDLE, DNA Database, P. O. Box 1489, Tallahassee, Florida 32302-1489.

(e) Collection, labeling, storage, handling, and transmittal of other approved biological specimens shall be as prescribed in the printed instructions included with each oral swab sample collection kit. The collecting agency should forward oral swab samples to the Department within 7 working days of collection.

Specific Authority 943.03(4), 943.325(9)(d) FS. Law Implemented 943.325 FS. History—New 7-4-90, Amended 7-6-99, 8-22-00, 7-29-01, \_\_\_\_\_.

**DEPARTMENT OF LAW ENFORCEMENT  
Division of Local Law Enforcement Assistance**

RULE CHAPTER TITLE:	RULE CHAPTER NO.:
Implied Consent and Alcohol Testing Program	11D-8
RULE TITLES:	RULE NOS.:
Definitions	11D-8.002
Approval of Breath Test Methods and Instruments	11D-8.003
Approval of Dry Gas Standards Source	11D-8.0036
Department Inspection and Registration of Breath Test Instruments	11D-8.004
Agency Inspection of Breath Test Instruments	11D-8.006
Approved Breath Test Instruments – Access, Facility Requirements, Observation Period, and Operational Procedures	11D-8.007
Agency Retention of Records	11D-8.0075
Breath Test Operator and Agency Inspector	11D-8.008
Qualifications for Instructors	11D-8.010
Blood Alcohol Permit – Analyst	11D-8.013
Blood Alcohol Permit – Analyst: Renewal	11D-8.014
Denial, Revocation, and Suspension of Permits	11D-8.015
Forms	11D-8.017

PURPOSE AND EFFECT: Proposed revisions to the above rules are necessary to accommodate approval of a new breath test instrument for use in the State of Florida, implement certification of breath test instructors and approval of breath test courses by the Criminal Justice Standards and Training Commission, and ensure the qualifications of blood alcohol analysts.

SUBJECT AREA TO BE ADDRESSED: The Department's rules chapter concerning regulation and implementation of Florida's implied consent and alcohol testing program. The program rules govern definitions of terminology based on academic, scientific and common usage; issuance and regulation of alcohol test permits; approval and evaluation of breath and blood alcohol test methods; approval, use and inspection of breath test instruments and records; collection and preservation of blood samples for alcohol testing; training requirements and qualifications for alcohol test permit holders.

SPECIFIC AUTHORITY: 316.1932(1)(a)2., 316.1932(1)(f)1., 322.63(3)(a), 327.352(1)(b)3., 327.352(1)(e), 327.353(2)(b), 327.354(3) FS.

LAW IMPLEMENTED: 316.1932(1), 316.1933(2), 316.1934(3), 316.1934(5), 322.63(3), 327.352(1), 327.353(2), 327.354(3), 327.354(5) 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., June 4, 2002

PLACE: Florida Department of Law Enforcement, 2331 Phillips Road, Conference Room, 3rd Floor, Quad A, Tallahassee, Florida

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.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Rafael E. Madrigal, Assistant General Counsel, Alcohol Testing Program, Florida Department of Law Enforcement, 2331 Phillips Road, Tallahassee, Florida 32308

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

11D-8.002 Definitions.

(1) Acceptable Range—means the results of agency or department inspections and dry gas standard analyses which fall within the following ranges at each alcohol vapor concentration: 0.05 g/210L range is 0.045 to 0.055 g/210L; 0.08 g/210L range is 0.075 to 0.085 g/210L; 0.20 g/210L range is 0.190 to 0.210 g/210L; or the Alcohol Reference Solution gas chromatographic results which fall within the following

ranges: 0.0605 g/100mL range is 0.0586 to 0.0623 g/100mL; 0.0968 g/100mL range is 0.0938 to 0.0997 g/100mL; 0.2420 g/100mL range is 0.2347 to 0.2492 g/100mL.

(2) through (4) No change.

(5) Agency Inspection – the periodic testing of the calibration and operation of a breath test instrument, including all required preventive maintenance, in accordance with Rule 11D-8.006, F.A.C. Agency Inspection Procedures FDLE/ATP Form 16—Rev. March 2001, and performed by a person authorized by the Department.

(6) through (8) No change.

(9) Alcohol Reference Solution – a standard used to verify the calibration of a breath test instrument consisting of a mixture of alcohol and distilled or deionized water that will produce have a known alcohol vapor concentration at a specific temperature.

~~(10) Alcohol Stock Solution—a mixture of alcohol and distilled or deionized water at a known concentration used to prepare an alcohol reference solution.~~

~~(10)(11) Analyst – a person who has been issued a Blood Analyst permit by the Department to conduct chemical analyses of blood under the provisions of chapters 316, 322, and 327 of the Florida Statutes.~~

~~(11)(12) Approved Blood Alcohol Test – the analyses of two separate portions of the same blood sample using a Department-approved blood alcohol test method and a Department-approved procedure, with results within 0.010 grams of alcohol per 100 milliliters of blood (g/100mL), and reported as the blood alcohol level.~~

~~(12)(13) Approved Breath Alcohol Test – a minimum of two samples of breath collected within fifteen minutes of each other, analyzed using an approved breath test instrument, producing two results within 0.020 g/210L, and reported as the breath alcohol level. If the results of the first and second samples are more than 0.020 g/210L apart, a third sample shall be analyzed. Refusal or failure to provide the required number of valid breath samples constitutes a refusal to submit to the breath test. Notwithstanding the foregoing sentence, the result(s) obtained, if proved to be reliable, shall be acceptable as a valid breath alcohol level.~~

~~(13)(14) Authorized Repair Facility – an entity authorized by the breath test instrument manufacturer to repair such breath test instrument.~~

~~(14)(15) Blood – whole blood.~~

~~(15)(16) Blood Alcohol Level – the alcohol concentration by weight in a person's blood based upon grams of alcohol per 100 milliliters of blood (g/100mL).~~

~~(16)(17) Breath Alcohol Level – the alcohol concentration by weight in a person's breath based upon grams of alcohol per 210 liters of breath (g/210L).~~

~~(17)~~(18) Breath Test Instructor – a person who has been issued a Breath Test Instructor certification permit by the Criminal Justice Standards and Training Commission Department.

~~(18)~~(19) Breath Test Operator – a person who has been issued a Breath Test Operator permit by the Department.

~~(19)~~(20) Department – the Florida Department of Law Enforcement.

(20) Dry Gas Standard – a mixture of alcohol and gas which produces a known alcohol vapor concentration used to verify the calibration of a breath test instrument.

(21) through (22) No change.

(23) Mouth Alcohol Solution – a mixture of alcohol and distilled or deionized water provided by the Department.

~~(24)~~(23) Permit – when issued by the Department, certifies that the holder has met all necessary qualifications, remains in full compliance with these rules and is authorized to perform all related duties. A permit is issued only to a qualified applicant and remains valid and in full effect until it expires or is determined otherwise invalid by the Department. An inactive permit remains valid, but the permit holder is not authorized to perform duties related to the permit until satisfaction of the applicable requirements.

~~(24)~~ Precision – the nearness of measurements to each other.

(25) No change.

(26) Target Concentration – a gas chromatographic result equivalent to the following known alcohol vapor concentrations of alcohol reference solution: for 0.05 g/210L the target concentration is 0.0605 g/100mL; for 0.08 g/210L the target concentration is 0.0968 g/100mL; for 0.20 g/210L the target concentration is 0.2420 g/100mL.

Specific Authority 316.1932(1)(a)2.,(f)1., ~~316.1933(2)(b)~~, 316.1934(3), 322.63(3)(a),(b), 327.352(1)(b)3., ~~327.352(1)(d)~~ FS. Law Implemented 316.1932(1)(b)2., 316.1933(2)(b), 316.1934(3), 322.63(3)(b), 327.352(1)(e), 327.353(2), 327.354(3) FS. History–New 10-31-93, Amended 1-1-97, 7-6-99, 7-29-01, \_\_\_\_\_.

11D-8.003 Approval of Breath Test Methods and Instruments.

(1) No change.

(2) The Department has approved the following breath test instrument(s) for evidentiary use: CMI, Inc. Intoxilyzer 5000 Series – including any or all instruments using one of the following programs: 5000 Basic Software Program; Florida Software Program; R-Software Program; and CMI, Inc. Intoxilyzer 8000 using software approved by the Department in accordance with Instrument Evaluation Procedures FDLE/ATP Form 34 – Rev. March 2002.

(3) through (4)(e) No change.

(f) A schematic design and a mechanical drawing of the instrument;

(g) through (j) No change.

(5) through (6) No change.

(7) The availability or approval of new instruments, software, options or modifications does not affect the approval status or reliability of previously approved instruments, software, options or modifications.

Specific Authority 316.1932(1)(a)2.,(f)1., 322.63(3)(a),(b), 327.352(1)(b)3., ~~327.352(1)(d)~~ FS. Law Implemented 316.1932(1)(b)2., 316.1934(3), 322.63(3)(b), 327.352(1)(e), 327.354(3) FS. History–New 10-31-93, Amended 1-1-97, 7-29-01, \_\_\_\_\_.

11D-8.0036 Approval of Dry Gas Standards Source.

(1) The Department shall approve a source of dry gas standards for use by agencies in the State of Florida. The source approved by the Department shall be an entity that manufactures dry gas standards and meets the following requirements:

(a) The source must produce dry gas standards which comply with specifications of the National Institute of Standards and Technology.

(b) Each dry gas standard cylinder produced by the source must be certified by the source as to its contents and vapor alcohol concentration.

(c) The source must be capable of producing a minimum of 800 cylinders of dry gas standard during a thirty day period at a vapor alcohol concentration of 0.08 g/210L.

(d) The source must have performed and documented tests that demonstrate that the source's dry gas standards are reliable for at least two years from the date of manufacture.

(e) The Department shall verify using infrared spectroscopy or another scientifically accepted method the vapor alcohol concentration in a minimum of ten sample cylinders of dry gas standard produced by the source. Ten (10) analyses will be performed on each sample cylinder of dry gas standard using an approved breath test instrument. All analytical results must fall within the dry gas standard acceptable range. The calibration of the breath test instrument shall be verified prior to analysis of the dry gas standards by obtaining two results of alcohol reference solution concentrations of 0.05 g/210L, 0.08 g/210L, and 0.20 g/210L.

(2) Dry gas standard cylinders produced by the approved source must be used in agency or Department inspections within two years of the date of manufacture.

Specific Authority 316.1932(1)(a)2.,(f)1., 322.63(3)(a),(b), 327.352(1)(b)3., FS. Law Implemented 316.1932(1)(b)2., 316.1934(3), 322.63(3)(b), 327.352(1)(e), 327.354(3) FS. History–New \_\_\_\_\_.

11D-8.004 Department Inspection and Registration of Breath Test Instruments.

(1) The Department shall register and inspect a breath test instrument prior to such instrument being initially placed into evidentiary use by an agency. The registration denotes an instrument approved pursuant to these rules and shall reflect the registration date, the owner of the instrument, the instrument serial number, the manufacturer, and the model designation. A new registration is required to reflect a change of ownership of an evidentiary instrument.

(2) No change.

(3) Department inspections shall be conducted in accordance with Department Inspection Procedures FDLE/ATP Form 35 – Rev. March 2001 2002 for the Intoxilyzer 5000 Series, or Department Inspection Procedures – Intoxilyzer 8000 FDLE/ATP Form 36 – March 2002 for the Intoxilyzer 8000.

(4) Department Inspectors shall be employed by the Department to register evidentiary breath test instruments, to conduct inspections and maintenance of breath test instruments and related equipment and facilities, to conduct and monitor training classes, and to otherwise ensure compliance with Chapter 11D-8, Florida Administrative Code.

Specific Authority 316.1932(1)(a)2.,(f)1., 322.63(3)(a), 327.352(1)(b)3., 327.352(4)(d) FS. Law Implemented 316.1932(1)(b)2., 316.1934(3), 322.63(3)(b), 327.352(1)(e), 327.354(3) FS. History–New 10-31-93, Amended 1-1-97, 7-29-01,\_\_\_\_\_.

11D-8.006 Agency Inspection of Breath Test Instruments.

(1) Evidentiary breath test instruments shall be inspected by an agency inspector at least once each calendar month. The agency inspection shall be conducted in accordance with Agency Inspection Procedures FDLE/ATP Form 16 – Rev. March 2002 for the Intoxilyzer 5000 Series, or Agency Inspection Procedures – Intoxilyzer 8000 FDLE/ATP Form 39 – March 2002 for the Intoxilyzer 8000 ~~2001.~~

~~(2) Agency inspectors must use either alcohol reference solution provided by the Department or by a source approved by the Department, or alcohol stock solution provided by the Department.~~

~~(3) Records of agency inspections shall be maintained for at least three years. Such records shall be provided to the Department upon request.~~

~~(2)(4) Evidentiary breath test instruments shall be inspected at the agency facility where evidentiary breath tests are conducted. Whenever an agency relocates an Intoxilyzer 5000 evidentiary breath test instrument for use at another facility, an agency inspection shall be conducted prior to the instrument’s removal, and another inspection shall be conducted prior to the instrument’s use for evidentiary breath testing at the new facility. A mobile testing unit is considered an agency facility.~~

~~(3)(5) Whenever an instrument is taken out of evidentiary use or is sent to an authorized repair facility, the agency shall notify the Department in writing within five business days. The the agency shall provide the same notice to the Department and conduct an agency inspection when an instrument is again placed in evidentiary use or is returned from an authorized repair facility. The agency shall also conduct an agency inspection prior to returning an instrument to evidentiary use.~~

Specific Authority 316.1932(1)(a)2.,(f)1., 322.63(3)(a), 327.352(1)(b)3., 327.352(4)(d) FS. Law Implemented 316.1932(1)(b)2., 316.1934(3), 322.63(3)(b), 327.352(1)(e), 327.354(3) FS. History–New 10-31-93, Amended 1-1-97, 7-29-01,\_\_\_\_\_.

11D-8.007 Approved Breath Test Instruments – Access, Facility Requirements, Observation Period, and Operational Procedures.

(1) No change.

(2) The instrument will be located in a secured environment which limits access to authorized persons described in section (1), and will be kept clean and dry. All breath test facilities, equipment and supplies are subject to inspection by the Department.

(3) No change.

(4) When operating an Intoxilyzer 5000 Series instrument, a A breath test operator shall conduct a breath test in accordance with the Operational Procedures Checklist FDLE/ATP Form 23 – Rev. March 2002 Effective January, 1997, and shall record the results on the Breath Test Results Affidavit FDLE/ATP Form 14 – Rev. March 2002 Effective May, 2000. When operating an Intoxilyzer 8000 instrument, a breath test operator shall conduct a breath test in accordance with Intoxilyzer Operational Procedures – Intoxilyzer 8000 FDLE/ATP Form 37 – March 2002, and the results of the test shall be recorded on the Breath Alcohol Test Affidavit – Intoxilyzer 8000 FDLE/ATP Form 38 – March 2002.

(5) Each agency shall record all breath tests conducted on a particular Intoxilyzer 5000 Series evidentiary breath test instrument on the Breath Test Log FDLE/ATP Form 13 – Effective January 1997. The breath test log shall be reviewed each calendar month by an agency inspector to ensure that the information is properly recorded and that all necessary corrections are made. The agency inspector’s signature on the breath test log shall signify compliance with this section.

Specific Authority 316.1932(1)(a)2.,(f)1., 322.63(3)(a), 327.352(1)(b)3., 327.352(4)(d) FS. Law Implemented 316.1932(1)(b)2., 316.1934(3), 322.63(3)(b), 327.352(1)(e), 327.354(3) FS. History–New 10-31-93, Amended 1-1-97, 7-29-01,\_\_\_\_\_.

11D-8.0075 Agency Retention of Records.

(1) Each agency shall maintain the following records for at least three years from the last entry date: ~~breath test instrument registrations,~~ agency inspection reports and agency inspection print cards, breath test logs, and breath test instrument repair records. The breath test instrument registration shall be retained by an agency for at least three years after the instrument is removed from evidentiary use.

(2) through (3) No change.

Specific Authority 316.1932(1)(a)2.,(f)1., 322.63(3)(a), 327.352(1)(b)3., 327.352(4)(d) FS. Law Implemented 322.63(3), 327.354(3) FS. History–New 7-29-01, Amended \_\_\_\_\_.

11D-8.008 Breath Test Operator and Agency Inspector.

(1) through (c) No change.

(d) Successful completion of the basic Breath Test Operator Course ~~breath test operator qualification course~~ approved by the Criminal Justice Standards and Training Commission ~~Department and conducted through state community colleges, vocational technical schools, or training~~



centers certified by the Department. Successful completion shall require obtaining a passing score of at least 80% on a written examination, and demonstrating proficiency by:

1. Properly operating an approved breath test instrument in accordance with the applicable procedures for such instrument Operational Procedures Checklist FDLE/ATP Form 23—Effective January 1997;

2. Properly completing the required forms operational procedures checklist form, the breath test log, the breath test results affidavit, and the print card.

(e) Submit to the Department a complete written or electronic application on the Breath Test Permit Application FDLE/ATP Form 8—Rev. March 2001, and copies of the certificate of completion, examination results, proficiency testing documentation and proof of age upon successful completion of the breath test operator qualification course, but no later than thirty days after completion. The applicant shall also provide the above documentation to the applicant's employing agency.

(2) No change.

(a) No change.

(b) Successfully completes the basic Agency Inspector Course agency inspector qualification course approved by the Criminal Justice Standards and Training Commission Department conducted through state community colleges, vocational technical schools, or training centers certified by the Department. Successful completion shall require a passing score of at least 80% on a written examination and a demonstration of proficiency by:

1. Proper inspection of an approved breath test instrument in accordance with the procedures for such instrument Agency Inspection Procedures FDLE/ATP Form 16—Rev. March 2001;

2. Proper completion of all required forms, the Agency Inspection Report FDLE/ATP Form 24—Rev. March 2001;

3. Review of the breath test log to ensure that all necessary information has been correctly recorded and signing the form on the space provided.

(c) Submits to the Department a complete written or electronic application on the Breath Test Permit Application FDLE/ATP Form 8—Rev. March 2001, and copies of the certificate of completion, examination results and proficiency testing documentation upon successful completion of the agency inspector qualification course, but no later than thirty days after completion. The applicant shall also provide the above documentation to the applicant's employing agency.

(3) Breath Test Operators and Agency Inspectors must satisfy continuing education requirements in order to maintain valid permits, and must provide proof of compliance to their employing agencies. Continuing education requires successful completion of the Commission-approved Renewal Course by June 30 following the four (4) year permit anniversary date, and during each subsequent four-year cycle. Successful

completion of the Commission-approved Agency Inspector Renewal Course also satisfies an Agency Inspector's breath test operator continuing education requirements A breath test operator permit or an agency inspector permit shall be valid for two years from its effective date.

(4) Any Breath Test Operator or Agency Inspector who fails to satisfy the continuing education requirements shall not perform any duties authorized by the permit, and such permit shall become inactive until successful completion of the applicable basic course in subsection (1)(d) or (2)(b) above. Any permit that remains inactive under this section for more than three (3) months shall be revoked: A person qualifies for renewal of a breath test operator permit or agency inspector permit where such person possesses a valid permit and:

(a) Continues to meet the qualifications for such permit;

(b) Successfully completes the applicable renewal training course approved by the Department and conducted through state community colleges, vocational technical schools, or training centers certified by the Department. Successful completion shall require a passing score of at least 80% on a written examination and a demonstration of proficiency as described in subsection (1)(d) or subsection (2)(b) of this rule, whichever is applicable.

(e) Submits to the Department a complete written application on the Breath Test Permit Application FDLE/ATP Form 8—Rev. March 2001, upon successful completion of the renewal training course, but no later than thirty days after completion.

(5) A renewed permit shall be valid for two years from its effective date. Renewal of an agency inspector permit automatically renews that person's breath test operator permit.

(6) A person whose expired permit is not renewed within sixty (60) days after expiration must meet the qualification requirements specified in subsection (1) or (2), whichever is applicable, in order to obtain a valid permit.

(5)(7) A breath test operator or agency inspector must notify the Department in writing of any change of employment within thirty days of such change.

(6)(8) Permits to conduct breath tests and inspect breath test instruments issued pursuant to former 11D-8.008, F.A.C., shall remain valid until such permits expire or otherwise become invalid in accordance with those rules.

(7)(9) Agency Inspectors are responsible for compliance with Chapter 11D-8 rules governing agency custody, care, and inspection of breath test instruments and related records.

(8)(10) Any breath test operator or agency inspector who fails to successfully complete the Commission-approved renewal training course shall not perform any duties authorized by the applicable permit until successful completion of the applicable Commission-approved renewal training course if within the continuing education cycle, or Commission-approved basic qualification course if beyond the continuing education cycle.

Specific Authority 316.1932(1)(a)2.,(f)1., 322.63(3)(a), 327.352(1)(b)3., 327.352(4)(d) FS. Law Implemented 316.1934(3), 322.63(3)(b), 327.354(3) FS. History—New 10-31-93, Amended 1-1-97, 7-29-01,\_\_\_\_\_.

11D-8.010 Qualifications for Instructors.

(1) Persons who conduct ~~Department approved~~ breath test training courses must have a valid Breath Test Instructor certification ~~breath test instructor permit~~ issued by the Criminal Justice Standards and Training Commission, and such persons shall be deemed permitted by the Department to conduct breath test training courses. This does not preclude instruction by guest instructors under the supervision of permitted instructors.

(2) Applicants for breath test instructor permits must meet the following qualifications:

- (a) High school diploma or its equivalent;
- (b) Two years as a breath test operator and two years as an agency inspector and have valid breath test operator and agency inspector permits;
- (c) Possess a valid instructor certification issued by the Criminal Justice Standards and Training Commission;

(d) Successfully complete the breath test instructor qualification course approved by the Department. Successful completion requires a passing score of at least 80% on each written examination, a demonstration of proficiency required for basic breath test operator and agency inspector permits in Rule 11D-8.008, and a demonstration of proficiency to instruct all Department approved breath testing courses;

(e) Submit to the Department a complete written application on the Breath Test Permit Application FDLE/ATP Form 8—Rev. March 2001, upon successful completion of the breath test instructor qualification course, but no later than thirty days after completion.

(f) Applicants must meet qualifications (a), (b) and (c) prior to attending the breath test instructor qualification course.

(g) The above qualifications do not apply to persons who were issued breath test instructor permits prior to January 1, 1998.

~~(2)(3) Effective January 1, 2002, during each calendar year Unless exempted by the Commission, at least once every four years each breath test instructor must successfully complete the Commission-approved breath test instructor update certification renewal course approved by the Department in order to remain qualified for a breath test instructor permit certification. Successful completion of the breath test instructor update certification renewal course satisfies automatically renews that person's agency inspector and breath test operator continuing education requirements permits.~~

~~(3)(4) Breath test instructors must adhere to and comply with the approved curricula and related forms when teaching Commission or Department approved courses and processing related documentation.~~

Specific Authority 316.1932(1)(a)2.,(f)1., 322.63(3)(a), 327.352(1)(b)3., 327.352(4)(d) FS. Law Implemented 316.1934(3), 322.63(3)(b), 327.354(3) FS. History—New 10-31-93, Amended 1-1-97, 7-29-01,\_\_\_\_\_.

11D-8.013 Blood Alcohol Permit – Analyst.

(1) The application for a permit to determine the alcohol level of a blood sample shall be made on a form provided by the Department and shall include the following information:

- (a) through (d) No change.
- (e) A complete description of proposed analytical procedure(s) to be used in determining blood alcohol level. Such description must include the following:

1. A statement of the basic principle of the method utilized in the analytical procedure;

2. Identification of the equipment, reagents, calibrators and controls utilized in the analytical procedure, and assurance of the following:

a. The documentation pertaining to ethyl alcohol calibration standards and controls used, whether purchased commercially or prepared by the analyst, includes the source of such materials and either the lot number and expiration date, if purchased, or the date and method of preparation and the verification by the analyst of the final product, if prepared. Such documentation must be maintained by the analyst or the laboratory; and,

b. That the concentration range over which the analytical procedure is calibrated must include a calibrator less than 0.04 g/100ml of alcohol and a calibrator greater than 0.20 g/100ml of alcohol. Documentation of the calibrated concentration range must be available and maintained by the analyst or the laboratory; and,

c. That prior to each sample or group of samples being analyzed a new instrument calibration curve is prepared or the current instrument calibration curve is validated. Such validation must include a minimum of two (2) alcohol standards or controls, one at 0.05 g/100ml of alcohol or lower, and one at 0.20 g/100ml of alcohol or higher. Documentation of calibration or validation must be available and maintained by the analyst or the laboratory; and,

3. A detailed description of the techniques employed for the analysis, including assurance of the following:

a. For gas chromatography procedures,

- i. That the procedure will discriminate between methanol, ethanol, acetone and isopropanol. Documentation of such discrimination (retention time data or a test chromatogram) must be available and maintained by the analyst or the laboratory; and,
- ii. That the procedure employs an internal standard technique.

b. For enzymatic procedures, based on alcohol dehydrogenase;

i. ~~That the procedure recommended by the instrument manufacturer/test kit vendor for whole blood alcohol analysis is utilized. Documentation of the procedure utilized must be available and maintained by the analyst or the laboratory; and,~~

ii. ~~That the enzyme used in the procedure has sufficient selectivity to provide negligible cross reactivity towards methanol, acetone and isopropanol. Documentation of such cross reactivity must be available and maintained by the analyst or the laboratory.~~

(2) ~~Qualifications for blood analyst permit – To qualify, the applicant must determine blood alcohol level to the satisfaction of the Department using his/her proposed analytical procedure(s) in proficiency samples provided by the Department and meet all of the following requirements:~~

(a) ~~Department approval of analytical procedure(s).~~

(b) ~~Satisfactory determination of blood alcohol level in five proficiency samples provided by the Department using the proposed analytical procedure. Satisfactory determination shall be made by reporting results for blood alcohol proficiency samples within the acceptable range for the samples. For blood alcohol testing, acceptable ranges shall mean the calculated proficiency sample mean + or - 3 standard deviations iterated twice. The mean and standard deviations will be calculated using the results reported by the analysts and reference laboratories;~~

(c) through (d) ~~No change.~~

(3) ~~The department shall approve gas chromatographic analytical procedures and enzymatic analytical procedures based on alcohol dehydrogenase which meet the following requirements:~~

(a) ~~Includes the approved method used and a description of the method, and the equipment, reagents, standards, and controls used;~~

(b) ~~Uses commercially-prepared standards and controls certified by the manufacturer, or laboratory-prepared standards and controls verified using gas chromatography against certified standards. For commercially-prepared standards and controls, the manufacturer, lot number and expiration date must be documented for each sample or group of samples being analyzed. For laboratory-prepared standards and controls, date, person preparing the solution, method of preparation and verification must be documented;~~

(c) ~~Employs a concentration range over which the procedure is calibrated with documentation supporting that the calibration is linear over the stated range. The calibration must employ a standard less than 0.04 g/100mL and a standard greater than 0.20 g/100mL;~~

(d) ~~Uses a new or existing calibration curve. The new calibration curve must be generated using at least three (3) standards: one at 0.05 g/100mL or less, one between 0.05 and 0.20 g/100mL (inclusive) and one at 0.20 g/100mL or higher, and must be verified using a minimum of two (2) controls, one at 0.05 g/100mL or less and one at 0.20g/100mL or higher. The~~

existing calibration curve must be verified using a minimum of two (2) controls, one at 0.05 g/100mL or less and one at 0.20g/100mL or higher;

(e) Includes the analysis of a blank, alcohol-free control, and the analysis of a whole blood or serum control;

(f) A gas chromatographic analytical procedure must discriminate between methanol, ethanol, acetone and isopropanol and employ an internal standard technique;

(g) An enzymatic analytical procedure based on alcohol dehydrogenase must use the procedure recommended by the instrument manufacturer/test kit vendor for whole blood alcohol analysis, and the enzyme used must have sufficient selectivity to provide negligible cross-reactivity towards methanol, acetone and isopropanol.

~~(4)(3) The permit shall be issued by the Department for a specific method and procedure. Any substantial change to the method, analytical procedure, or laboratory facility must receive prior approval by the Department before being used to determine the blood alcohol level of a sample submitted by an agency. The Department shall determine what constitutes a substantial change.~~

(5) An analyst shall only use a Department-approved procedure to determine the blood alcohol level of samples submitted by an agency. Approval of blood alcohol analysis methods and procedures shall be based on rule requirements in effect at the time they were submitted for approval.

Specific Authority 316.1932(1)(a)2.,(f)1., 316.1933(2)(b), 316.1934(3), 322.63(3)(b)(a), 327.352(1)(b)3.,(d) FS. Law Implemented 316.1932(1)(b), 316.1933(2)(b), 316.1934(3), 322.63(3)(b), 327.352(1)(b),(e), 327.353(2), 327.354(3) FS. History–New 10-31-93, Amended 4-1-94, 2-1-95, 1-1-97.

11D-8.014 Blood Alcohol Permit – Analyst: Renewal.

~~(1) Permits to conduct blood alcohol analyses shall be issued to persons meeting the qualifications described in 11D 8.013, F.A.C., provided that the analyst has satisfactorily determined blood alcohol level when analyzing blood proficiency samples submitted by the Department. Such blood alcohol permit shall remain valid until otherwise suspended or revoked by the Department. In order to remain qualified for such permit, an analyst must satisfactorily determine the blood alcohol level of at least two (2) proficiency samples provided by the Department each annual quarter. Satisfactory determination shall be made by reporting results for blood alcohol proficiency samples within the acceptable range for the samples. For blood alcohol testing acceptable ranges shall mean the calculated proficiency sample mean + or - 3 standard deviations iterated twice. The mean and standard deviations will be calculated using the results reported by the analysts and reference laboratories.~~

~~(2) No change.~~

~~(3) Renewal of the permit requires regular participation and demonstration of proficiency on blood alcohol proficiency samples distributed by the Department.~~

~~(3)(4)~~ Upon notification by the Department that an analyst has failed to satisfactorily determine the blood alcohol level on any set of proficiency samples, the analyst shall be required to satisfactorily determine the blood alcohol level of a second set of five proficiency samples provided by the Department ~~submit, upon request by the Department, a report verifying his/her adherence to the approved procedures, the laboratory quality assurance procedures, and/or if applicable, a remedial plan.~~

(4) Upon notification by the Department that an analyst has failed to satisfactorily determine the blood alcohol level on a second set of proficiency samples ~~within one year from notification of the initial failure, the analyst shall not perform any duties authorized by the analyst's permit will be suspended until the analyst satisfactorily determines the blood alcohol level of a subsequent set of proficiency samples provided by the Department for a minimum of six months. Any analyst whose permit has been suspended in accordance with this section must meet the requirements in 11D-8.013 in order to be eligible for a blood alcohol permit.~~ This section shall not preclude the Department from taking further action in accordance with 11D-8.015.

(5) Failure to satisfactorily determine the blood alcohol level of any six (6) sets of proficiency samples provided by the Department within a twelve (12) month period shall result in revocation of the blood analyst permit.

Specific Authority 316.1932(1)(a)2.,(f)1., 322.63(3)(a), 327.352(1)(b)3.,(d) FS. Law Implemented 316.1932(1)(b), 316.1933(2)(b), 316.1934(3), 322.63(3)(b), 327.352(1)(e), 327.353(2), 327.354(3) FS. History–New 10-31-93, Amended 1-1-97,\_\_\_\_\_.

11D-8.015 Denial, Revocation, and Suspension of Permits.

(1) Notwithstanding an applicant's qualifications ~~under section 11D-8.008,~~ the Department shall deny an application for an original permit ~~or renewal of a permit~~ where the applicant:

- (a) No change.
- (b) Has been convicted of any of the following offenses in any federal or state court:
  - 1. through 4. No change.
  - 5. Leaving the scene of ~~an accident~~ a crash involving death or serious bodily injury.

(c) through (d) No change.

(2) No change.

(3) The Department is authorized to ~~permanently~~ revoke any permit for any of the following reasons:

- (a) through (c)3. No change.
- 4. Leaving the scene of ~~an accident~~ a crash involving death or serious bodily injury;
- 5. No change.
- (d) through (e) No change.

(4) The Department is authorized to require a breath test operator, agency inspector, breath test instructor, or analyst permit holder who violates any of these rules to attend additional training or education related to their certification or such permit.

(5) through (6) No change.

Specific Authority 316.1932(1)(a)2.,(f)1., 316.1933(2)(b), 316.1934(3), 322.63(3)(a),(b), 327.352(1)(b)3.,—327.352(4)(d) FS. Law Implemented 316.1932(1)(b), 316.1933(2)(b), 316.1934(3), 322.63(3)(b), 327.353(2), 327.354(3) FS. History–New 10-31-93, Amended 1-1-97, 7-29-01,\_\_\_\_\_.

11D-8.017 Forms.

The following forms referenced in these rules are hereby incorporated by reference:

~~FDLE/ATP Form 8 – Breath Test Permit Application – Revised March 2001.~~

FDLE/ATP Form 13 – Breath Test Log – Effective January 1997.

FDLE/ATP Form 14 – Breath Test Result Affidavit – Revised March 2002 ~~Effective May 2000.~~

FDLE/ATP Form 16 – Agency Inspection Procedures – Revised March 2002 ~~2001.~~

FDLE/ATP Form 23 – Operational Procedures Checklist – Revised March 2002 ~~Effective January 1997.~~

FDLE/ATP Form 24 – Agency Inspection Report – Revised March 2001.

FDLE/ATP Form 32 – Certificate of Assurance – Revised March 2001.

FDLE/ATP Form 34 – Instrument Evaluation Procedures – Revised March 2002 ~~2001.~~

FDLE/ATP Form 35 – Department Inspection Procedures – Revised March 2002 ~~2001.~~

FDLE/ATP Form 36 – Department Inspection Procedures – Intoxilyzer 8000 – March 2002.

FDLE/ATP Form 37 – Intoxilyzer Operational Procedures – Intoxilyzer 8000 – March 2002.

FDLE/ATP Form 38 – Breath Alcohol Test Affidavit – Intoxilyzer 8000 – March 2002.

FDLE/ATP Form 39 – Agency Inspection Procedures – Intoxilyzer 8000 – March 2002.

These forms may be obtained by contacting the Florida Department of Law Enforcement, Alcohol Testing Program, P. O. Box 1489, Tallahassee, Florida 32302. Agencies will be provided blank forms upon request and without cost for their alcohol testing program use.

Specific Authority 316.1932(1)(a)2.,(f)1., 316.1933(2)(b), 316.1934(3), 322.63(3)(a),(b), 327.352(1)(b)3.,—327.352(4)(d) FS. Law Implemented 316.1932(1)(b), 316.1933(2)(b), 316.1934(3), 322.63(3)(b), 327.352(1)(e), 327.353(2)(b), 327.354(3) FS. History–New 10-31-93, Amended 2-1-95, 1-1-97, 9-29-01,\_\_\_\_\_.



necessary, the purpose of this section is to comply with ~~Department of Administration Rule 60K-9.003, F.A.C., s. 943.03(4), Florida Statutes by establishing standards and procedures which will insure timely and equitable disposition of actions defining acts of misconduct and setting standards of disciplinary action~~ determined to be necessary in dealing effectively with employee deficiencies and breaches of good conduct.

(2) through (3) No change.

(4) The provisions of this Chapter ~~specifying notice, hearing rights and necessity for written explanations prior to taking action~~ apply solely to permanent Career Service employees of the Department, whether sworn or non-sworn.

Specific Authority 110.201(2), 943.03(4) FS. Law Implemented 110.205(3), 110.227, 943.03(4)(3) FS. History--New 7-8-82, Formerly 11I-1.02, Amended 7-1-90,\_\_\_\_\_.

11I-1.003 Authority for Disciplinary Actions.

(1) Specific disciplinary action may be taken by a supervisor having appropriate delegated authority from the Executive Director of the Department of Law Enforcement. This delegation of authority varies with the severity of the particular disciplinary action and is identified in the following table:

DISCIPLINARY ACTION	AUTHORITY
Oral Reprimand	Immediate Supervisor or any higher level supervisor
Written Reprimand	Immediate Supervisor or any higher level supervisor
Reduction in Pay	<del>Executive Division</del> Director level or above
Demotion	<del>Executive Division</del> Director level or above
Suspension	<del>Executive Division</del> Director
Dismissal	<del>Executive</del> Director

(2) Any employee who either observes, is aware of, or receives a complaint from any source alleging employee behavior violating a rule of conduct shall promptly submit a report on the employee behavior to his or her immediate supervisor on an Internal Inquiry Form to be provided by the Department. Any supervisor who observes, is aware of, or receives a complaint from any source relating to employee behavior, which could result in disciplinary action ~~greater than a reprimand~~, shall promptly report the behavior through the Chain of Command on a Department Internal Inquiry Form.

Specific Authority 943.03(4) FS. Law Implemented 110.227 FS. History--New 7-8-82, Formerly 11I-1.03, Amended 7-1-90,\_\_\_\_\_.

11I-1.004 Types of Discipline – Procedure.

(1) No change.

(2) Disciplinary Actions. The types of discipline and the procedures to be followed for each are:

(a) through (b) No change.

(c) Reduction in Pay – Reduction in pay means reducing the base rate of pay of an employee. If the ~~Executive Division~~ Director determines to reduce the pay of any employee, the employee shall be notified in writing by the Department by certified mail with return receipt requested before the effective date of the action as required under Section 110.227(5)(a)(4), F.S.

The ~~Executive Division~~ Director shall consult with the Department’s ~~Administrator, Human Resources Chief, Bureau of Personnel Management, and~~ the Office of General Counsel, ~~and the Executive Director, the Assistant Commissioner or Deputy Commissioner~~ prior to reducing the pay of an employee.

(d) Demotion – Demotion means moving an employee from a position in one class to a different position in another class having a lesser degree of responsibility and a lower salary range maximum. If the ~~Executive Division~~ Director determines to demote an employee, the employee shall be notified in writing by the Department by certified mail with return receipt requested before the effective date of the action as required under Section 110.227(5)(a)(4), F.S.

The ~~Executive Division~~ Director shall consult with the Department’s ~~Administrator, Human Resources Chief, Bureau of Personnel Management, and~~ the Office of the General Counsel, ~~and the Executive Director, Assistant Commissioner or Deputy Commissioner~~ prior to reducing the pay of an employee.

(e) Suspension – A suspension is the action taken to temporarily relieve an employee of duties and place him or her on leave without pay. Like dismissal, suspension requires proof of just cause and should be used in the case of the commission of a major offense in relation to the employee’s job duties and position or as a more severe discipline following an accumulation of reprimands.

The ~~Executive Division~~ Director shall consult with the ~~Department’s Chief, Bureau of Personnel Management, and~~ the Office of the General Counsel prior to implementing a suspension notice.

The procedure to be followed for suspension is provided in Section 110.227(5)(a), Florida Statutes ~~Rule 11I-1.006, F.A.C.~~

(f) Dismissal – Dismissal is the action taken by an agency against an employee to separate him/her from the Career Service. Dismissal shall be administered only for just cause.

The Executive Director shall consult with the Office of the General Counsel prior to implementing a dismissal notice.

The procedure to be followed for dismissal is provided in Section 110.227(5)(a), Florida Statutes ~~Rule 11I-1.006, F.A.C.~~

Specific Authority 943.03(4) FS. Law Implemented 110.227(1),(4),(5)(a), 112.532(4) FS. History--New 7-8-82, Formerly 11I-1.04, Amended 7-1-90,\_\_\_\_\_.

## 11I-1.005 Disciplinary Investigations.

The methods and agents of investigation utilized prior to notice of personnel action shall vary with the nature of the offense and the needs of the employer to obtain complete information. In the event that law enforcement personnel are under investigation, the rights provided under Part VI, Chapter 112, Florida Statutes, as to notice and methods of interrogation shall be applied. If an employee is included in a bargaining unit which is subject to a collective bargaining agreement, ~~that an~~ employee may request that a Union representative be present during any disciplinary investigation or investigatory meeting in which the employee is being questioned about ~~relative to~~ alleged misconduct of the employee.

Specific Authority 943.03(4)(3) FS. Law Implemented 112.532(1), 112.532(4), 112.533 FS. History—New 7-8-82, Formerly 11I-1.05, Amended \_\_\_\_\_.

## 11I-1.006 Procedure for Suspension or Dismissal.

~~Prior to the suspension or dismissal of any permanent career service employee, the designated disciplinary authority shall give the employee written notice and an opportunity for a predetermination conference as provided for in Section 110.227(5), Florida Statutes, and as implemented in Rules 60K-9.0041 through 60K-9.0046, F.A.C.~~

## (1) Predetermination Procedures: Notice, Form, Delivery.

~~(a) Except in the extraordinary situations described in Rule 11I-1.008, F.A.C. the employee shall be given notice of the proposed action in time for the notice to be received by the employee at least ten (10) calendar days prior to the date the action is to be taken.~~

~~(b) The notice shall be in writing and shall be mailed to the employee by certified mail, return receipt requested. In addition, the department may deliver a copy of the notice to the hand of the employee. A mailed notice shall constitute full and complete notice even if the mail is refused or ignored by the employee.~~

~~(c) The notice shall be signed by the person authorized to make the final decision or his/her designated representative and shall include the following:~~

- ~~1. The date the department proposes to take final action.~~
- ~~2. The specific charges or reasons for the action. Identification of any documents on which the charges are based shall be included.~~

~~3. A statement advising the employee that he may, within five (5) workdays of receipt of the notice, submit a request in writing for a conference in order to make an oral or a written statement or both to the department to refute or explain the charges made against the employee. The notice shall give the name, address and telephone number of the person to whom the request for a conference shall be directed. The notice shall advise the employee that the conference will be held prior to the proposed effective date of the action, at a time and place determined by the department, normally during regular business hours.~~

~~4. A statement that the department is sincere in its desire to reduce the risk of error in taking the disciplinary action against the employee and to avoid a wrongful damaging of the employee's reputation by untrue or erroneous charges, and therefore, the employing agency is sincerely interested in receiving and considering the employee's response.~~

~~5. A copy of Rules 11I-1.006 11I-1.007, F.A.C. which effectively summarize Rules 60K-9.0041-60K-9.0045, F.A.C., shall be enclosed with the notice.~~

~~6. A statement that if the employee chooses to make no response, the department will proceed on the basis of the best information it can obtain without such response.~~

~~(2) Conference.~~

~~(a) The conference must be conducted by the person authorized to make the final decision or his/her designated representative(s).~~

~~(b) The person, or persons, conducting the conference shall convene the conference at the time and place set by the department, normally in Tallahassee, Florida, and shall identify himself or herself, the employee and all other participants and explain that the purpose of the conference is to hear the employee's side of the charges so as to protect the employee from erroneous or arbitrary adverse action, and that the department's further purpose is to afford the department an opportunity to reevaluate its position after reviewing the information presented by the employee and to affirm or alter its action as may be warranted.~~

~~(c) The conference shall be informal and shall not be in the nature of an evidentiary hearing. The employee may bring an attorney or qualified representative to assist or advise him, but discovery, cross-examination, and similar legal procedures are not permissible.~~

~~(d) The employee shall be permitted to submit relevant information orally or in writing, or both, with the privilege being reserved to the department to give such information such weight as it deems proper.~~

~~(e) At the conclusion of the conference, the presiding person shall inform the employee when the department will decide whether or not to take the disciplinary action and that the employee will be promptly notified.~~

Specific Authority 943.03(3) FS. Law Implemented 110.227(5)(a), 112.532(4) FS. History—New 7-8-82, Formerly 11I-1.06, Amended 7-14-87, Repealed \_\_\_\_\_.

## 11I-1.010 Appeals to the Public Employees Relations Commission.

An employee who has earned permanent status in the Career Service in accordance with the provisions of Rule ~~60K-4.004 60L-33.003(1)(d)~~ shall have the right to appeal to the Public Employees Relations Commission any reduction in pay, demotion, suspension or dismissal by the Department pursuant to the provisions of Rule 38D-24.001(1), F.A.C.

Specific Authority 943.03, 110.201(2) 447.207(8) FS. Law Implemented 110.227(4), (5) FS. History—New 7-8-82, Formerly 11I-1.10, Amended 7-14-87, 7-1-90, \_\_\_\_\_.

Appendix A

Standards of Disciplinary Action:

As stated in these Standards of Disciplinary Action, whenever a standard includes Suspension or Dismissal, said penalty includes all lesser penalties including demotions and reduction in pay.

Offense	First Time	Second Time	Third Time
(1) through (7) No change.			
(8) Falsification of Records	<del>Written Reprimand</del> or up to 30 days <del>Suspension</del> or Dismissal	<del>Up to 30 days</del> <del>Suspension</del> or Dismissal	Dismissal

(9) through (23) No change.

**DEPARTMENT OF LAW ENFORCEMENT**

**Office of Inspector General**

RULE CHAPTER TITLE: Violent Crime Emergency Account

RULE CHAPTER NO.: 11N-1

RULE TITLES: Criteria

RULE NOS.: 11N-1.002

Violent Crime Investigative Reimbursement

11N-1.001

and Emergency Funding

11N-1.0021

Matching Drug Control Investigative Funding

11N-1.0022

PURPOSE AND EFFECT: To clarify language in Chapter 11N-1, F.A.C., pertaining to funding for illicit money laundering investigative efforts or task force efforts to contribute to achieving the state’s goal of reducing drug-related crime.

SUBJECT AREA TO BE ADDRESSED: The Violent Crime Council’s funding for multiagency or statewide drug control or illicit money laundering investigative efforts or task force efforts.

SPECIFIC AUTHORITY: 943.03(4), 943.042 FS.

LAW IMPLEMENTED: 943.031, 943.042 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., Tuesday, June 4, 2002

PLACE: Florida Department of Law Enforcement, 2331 Phillips Road, Conference Room, 3rd Floor, Quad C, Tallahassee, Florida

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.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Joyce Gainous-Harris, Florida Department of Law Enforcement, 2331 Phillips Road, Tallahassee, Florida 32308

THE PRELIMINARY TEXT OF THE PROPOSED RULE UPON REQUEST AND WHEN AVAILABLE RULE TEXT WILL BE PROVIDED.

**STATE BOARD OF ADMINISTRATION**

**Florida Prepaid College Board**

RULE TITLES: Contract Types

RULE NO.: 19B-5.001

PURPOSE AND EFFECT: To revise the rules governing the Florida Prepaid College Program to permit purchase of dormitory contracts for beneficiaries who were adopted from the Department of Children and Families after May 5, 1997, without purchase of a tuition contract.

SUBJECT AREA TO BE ADDRESSED: Purchase of dormitory contracts in the Florida Prepaid College Program for beneficiaries who were adopted from the Department of Children and Families after May 5, 1997.

SPECIFIC AUTHORITY: 240.551(5)(a) FS.

LAW IMPLEMENTED: 240.551 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., June 4, 2002

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

THE PERSON TO CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Thomas J. Wallace, Executive Director, 1801 Hermitage Boulevard, Suite 210, Tallahassee, Florida 32308, telephone (850)488-8514

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

19B-5.001 Contract Types.

The program offers purchasers three different types of tuition and local fee plan contracts, respectively, with an addendum dormitory plan to the university plan or community college plus university plan. However, a purchaser may purchase a dormitory plan contract for a beneficiary who was adopted from the Department of Children and Family Services after May 5, 1997, without purchasing a tuition plan contract for that beneficiary. All types of tuition plans cover the matriculation fee, the building fee, the capital improvement fee and the financial aid fee. Local fee contracts cover the activity and service, health, and athletics fees imposed by the state universities and the student activity fee imposed by the



community colleges. Local fee contracts purchased after July 1, 1999 also cover the technology fee imposed by the community colleges.

(1) Tuition plans consist of three separate plans:

(a) University Plan – The university plan specifies that 120 credit hours at a state university are purchased for the benefit of the qualified beneficiary.

(b) Community College Plan – The community college plan specifies that 60 credit hours at a state community college are purchased for the benefit of the qualified beneficiary. For community college plans purchased prior to the 1996-97 application period, the number of credit hours purchased through the community college plan shall be the number specified in the advance payment contract.

(c) Community College Plus University Plan – The community college plus university plan specifies that 60 credit hours at a state community college and 60 upper division level credit hours at a state university are purchased for the benefit of the qualified beneficiary. For community college plus university plans purchased prior to the 1996-97 application period, the number of credit hours purchased through the community college plus university plan shall be the number specified in the advance payment contract.

Tuition plans do not cover institutionally-imposed fees such as health, athletic, activity and service, technology or student activity fees.

(2) Local fee plans consist of three separate plans:

(a) University Local Fee Plan – The university local fee plan specifies that local fees for 120 credit hours at a state university are purchased for the benefit of the qualified beneficiary.

(b) Community College Local Fee Plan – The community college plan specifies that local fees for 60 credit hours at a state community college are purchased for the benefit of the qualified beneficiary.

(c) Community College Plus University Local Fee Plan – The community college plus university plan specifies that local fees for 60 credit hours at a state community college and 60 upper division level credit hours at a state university are purchased for the benefit of the qualified beneficiary.

Local fee plans may be purchased only for those contract beneficiaries four (4) or more years away from their anticipated matriculation date at the time that the application is filed.

(3) Dormitory Plan.

(a) The dormitory plan may be purchased only for those contract beneficiaries four (4) or more years away from their anticipated matriculation date at the time that the contract application is filed. Effective for enrollment periods beginning after July 1, 1997, the dormitory plan is not available unless the sale of dormitory contracts is specifically authorized by the Board prior to the enrollment period for that year and the sale

of dormitory plan contracts will not adversely affect the status of the program as a "qualified state tuition program" under s. 529 of the Internal Revenue Code.

(b) A dormitory plan purchased in conjunction with or as an addendum to the community college plus university plan is intended for use after the beneficiary is admitted to a state university. A dormitory plan may only be transferred for use at a community college pursuant to Rule 19B-9.004, F.A.C.

(4) The contracts do not cover fees and costs related to books, meals, transportation, graduate school, and institutionally-imposed fees such as laboratory fees.

Specific Authority 240.551(5) FS. Law Implemented 240.551 FS. History—New 3-29-89, Amended 5-17-92, 8-23-92, Formerly 4G-5.001, Amended 5-31-95, 6-20-96, 10-20-96, 8-18-97, 2-18-99, 2-8-00, \_\_\_\_\_.

**STATE BOARD OF ADMINISTRATION**

**Florida Prepaid College Board**

RULE TITLES:

RULE NO.:

Contract Requirements

19B-5.003

PURPOSE AND EFFECT: To permit a second contract in the Florida Prepaid College Program to be purchased for a beneficiary as a scholarship by the direct support organization or an organization operating a scholarship program pursuant to Rule 19B-5.007, F.A.C., and to provide that if a second contract is purchased for a beneficiary as a scholarship that the Board will provide a refund for the first contract pursuant to Rule 19B-11.001, F.A.C.

SUBJECT AREA TO BE ADDRESSED: Purchase of a second Prepaid Program contract a beneficiaries by the direct support organization or an organization operating a scholarship program pursuant to Rule 19B-5.007, F.A.C.

SPECIFIC AUTHORITY: 240.551(5) FS.

LAW IMPLEMENTED: 240.551 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., June 4, 2002

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

THE PERSON TO CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Thomas J. Wallace, Executive Director, 1801 Hermitage Boulevard, Suite 210, Tallahassee, Florida 32308, telephone (850)488-8514

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

19B-5.003 Contract Requirements.

(1) Purchasers must name the qualified beneficiary in the application, provided however, that the board's direct support organization and organizations operating scholarship programs

pursuant to Rule 19B-5.007, F.A.C., shall be permitted to leave the qualified beneficiary's name blank until April 1 of the anticipated enrollment year.

(2) Only one qualified beneficiary is allowed per contract, and a specific beneficiary can be named in only one contract; provided however, a second prepaid contract may be purchased for a beneficiary by the direct support organization or an organization operating a scholarship program pursuant to Rule 19B-5.007, F.A.C. If a second prepaid contract is purchased for a beneficiary by the direct support organization or an organization operating a scholarship program pursuant to Rule 19B-5.007, F.A.C., the purchaser of the original prepaid contract may receive a refund pursuant to Rule 19B-11.001(1). In the event duplicate contracts for the same beneficiary are processed and the second prepaid contract was not purchased by the direct support organization or an organization operating a scholarship program pursuant to Rule 19B-5.007, F.A.C., the contract processed first shall be deemed valid and the remaining contract shall be deemed terminated.

(3) The purchaser does not have to designate the postsecondary institution that the beneficiary will attend.

(4) The contract may be used within three years in advance of the selected matriculation date indicated in the application with no penalty or additional cost. However, to utilize a contract prior to the selected matriculation date, the purchaser must pay the contract in full before changing such matriculation date.

(5)(a) The benefits of a contract may be received for up to a ten-year period after the matriculation date. This ten-year limitation will be extended upon application to the Board. Any time spent by the qualified beneficiary in the military service tolls the time for receiving contract benefits under all contract plans. The matriculation date is the projected college enrollment year of the qualified beneficiary, based on the information about the qualified beneficiary's age or grade contained in the purchaser's application form, or similar information received subsequently by the Board from the purchaser. The right to use the benefits from a contract shall expire on December 31, ten years after the matriculation date, or any extension thereof.

(b) When the benefits from a contract have not been used on December 31, nine years after the matriculation date or one year prior to the expiration of any extension of the expiration date for the use of contract benefits, the Board shall mail a written notice to the purchaser which indicates:

1. The purchaser must request in writing that the Board extend the time period for the use of contract benefits or to obtain a refund for the contract;
2. That the right to use the contract benefits will expire on December 31, ten years after the matriculation date or any extension thereof; and
3. That such benefits and refund will escheat to the Florida Prepaid College Trust Fund on that date.

Such notice shall be mailed not later than 180 days prior to the expiration of the contract benefits. An alphabetical list of the names of purchasers of such accounts shall be posted on the Board's website on the Internet.

(c) The benefits from and any refund associated with a contract for which the benefits have not been used by December 31, ten years after the matriculation date, or any extension thereof, shall escheat to the Florida Prepaid College Trust Fund.

(6) Accounts that are composed of tuition and local fee contracts will only be paid if both the tuition account and local fee account are in good standing. Local fee payments shall not be remitted to pay tuition for any beneficiary.

Specific Authority 240.551(5) FS. Law Implemented 240.551 FS. History--New 3-29-89, Amended 2-6-90, 3-19-92, Formerly 4G-5.003, Amended 5-31-95, 6-20-96, 2-18-99, 6-6-99, 11-6-01, \_\_\_\_\_.

**WATER MANAGEMENT DISTRICTS**

**St. Johns River Water Management District**

RULE TITLE: Agreements RULE NO.: 40C-3.035

PURPOSE AND EFFECT: The purpose of the proposed rule amendments is to incorporate by reference the water well permitting delegation agreements between St. Johns River Water Management District and the Florida Department of Health, Brevard County Health Department and the Florida Department of Health, Okeechobee County Health Department.

SUBJECT AREAS TO BE ADDRESSED: The subject area to be addressed is the permitting of the construction of water wells less than six inches in diameter by the Florida Department of Health, Brevard County Health Department and the Florida Department of Health, Okeechobee County Health Department.

SPECIFIC AUTHORITY: 373.044, 373.113, 373.171 FS.

LAW IMPLEMENTED: 373.046, 373.083, 373.309 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Norma Messer, Rules Coordinator, Office of General Counsel, St. Johns River Water Management District, P. O. Box 1429, Palatka, Florida 32178-1429, (386)329-4459, Suncom 860-4459 or email address nmesser@sjrwmd.com

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

40C-3.035 Agreements.

The Governing Board hereby incorporates by reference the following documents:

(1) through (11) No change.

(12) An agreement between Florida Department of Health, Brevard County Health Department and St. Johns River Water Management District regarding water well permitting dated (effective date).

(13) An agreement between Florida Department of Health, Okeechobee County Health Department and St. Johns River Water Management District regarding water well permitting dated (effective date).

Specific Authority 373.044, 373.113, 373.171 FS. Law Implemented 373.046, 373.083, 373.309 FS. History--New 10-14-84, Amended 12-5-85, Formerly 40C-3.035, 40C-3.0035, Amended 1-8-96, 4-21-96, 7-21-96, 12-22-96, 3-10-97, 1-3-00, 9-6-01, \_\_\_\_\_.

**AGENCY FOR HEALTH CARE ADMINISTRATION**

**Medicaid**

RULE TITLE: Independent Laboratory Services

RULE NO.: 59G-4.190

PURPOSE AND EFFECT: The purpose of this rule amendment is to incorporate by reference the Florida Medicaid Independent Laboratory Services Coverage and Limitations Handbook, January 2002. The handbook changes include the January 2002 Independent Laboratory Services Fee Schedule, revisions to the Procedure Code Frequency Limitations (Appendix C), revisions to procedure codes in the Family Planning Waiver Laboratory Services (Appendix D), elimination of the – 22 modifier, and replaces the Health Care Financing Administration (HCFA) with the new name Centers for Medicare and Medicaid Services (CMS). The effect will be to incorporate by reference in the rule the current Florida Medicaid Independent Laboratory Services Coverage and Limitations Handbook.

SUBJECT AREA TO BE ADDRESSED: Independent Laboratory Services.

SPECIFIC AUTHORITY: 409.919 FS.

LAW IMPLEMENTED: 409.905, 409.908, 409.9081 FS.

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

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

PLACE: Agency for Health Care Administration, 2728 Ft. Knox Boulevard, Building 3, Conference Room D, Tallahassee, Florida 32308

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Susan Rinaldi, Medicaid Health Systems Development Office, P. O. Box 12600, Tallahassee, Florida 32317-2600, (850)922-7308

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

59G-4.190 Independent Laboratory Services.

(1) No change.

(2) All independent laboratory providers enrolled in the Medicaid program must comply with the provisions of the Florida Medicaid Independent Laboratory Coverage and Limitations Handbook, January 2002 ~~April 2001~~, incorporated by reference, and the Florida Medicaid Provider Reimbursement Handbook, HCFA-1500 and Child Health Check-Up 221, which is incorporated by reference in Rule 59G-5.020, F.A.C. Both handbooks are available from the Medicaid fiscal agent.

Specific Authority 409.919 FS. Law Implemented 409.905, 409.908, 409.9081 FS. History--New 1-1-77, Amended 10-11-81, Formerly 10C-7.41, Amended 6-30-92, Formerly 10C-7.041, Amended 9-28-94, 1-9-96, 10-20-96, 9-14-97, 3-22-00, 5-16-01, 2-14-02, \_\_\_\_\_.

**AGENCY FOR HEALTH CARE ADMINISTRATION**

**Medicaid**

RULE TITLE: Portable X-ray Services

RULE NO.: 59G-4.240

PURPOSE AND EFFECT: The purpose of this rule amendment is to incorporate by reference the Florida Medicaid Portable X-ray Services Coverage and Limitations Handbook, January 2002. The handbook changes include the January 2002 Portable X-ray Services Fee Schedule and replaces the Health Care Financing Administration (HCFA) with the new name Centers for Medicare and Medicaid Services (CMS). The effect will be to incorporate by reference in the rule the current Florida Medicaid Portable X-ray Services Coverage and Limitations Handbook.

SUBJECT AREA TO BE ADDRESSED: Portable X-ray Services.

SPECIFIC AUTHORITY: 409.919 FS.

LAW IMPLEMENTED: 409.905, 409.908, 409.9081 FS.

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

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

PLACE: Agency for Health Care Administration, 2728 Ft. Knox Boulevard, Building 3, Conference Room D, Tallahassee, Florida 32308

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Susan Rinaldi, Medicaid Health Systems Development, P. O. Box 12600, Tallahassee, Florida 32317-2600, (850)922-7308

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

59G-4.240 Portable X-ray Services.

(1) No change.

(2) All portable x-ray providers enrolled in the Medicaid program must comply with the provisions of the Florida Medicaid Portable X-ray Services Coverage and Limitations Handbook, January 2002 ~~April 2001~~, incorporated by reference, and the Florida Medicaid Provider Reimbursement Handbook, HCFA-1500 and Child Health Check-Up, which is incorporated by reference in Chapter 59G-4.240, F.A.C. Both handbooks are available from the Medicaid fiscal agent.

Specific Authority 409.919 FS. Law Implemented 409.905(10), 409.908, 409.9081, 409.913 FS. History—New 10-11-81, Formerly 10C-7.411, Amended 7-1-92, Formerly 10C-7.0411, Amended 5-16-94, 1-9-96, 10-20-96, 8-27-97, 3-22-00, 2-14-02, \_\_\_\_\_.

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Board of Cosmetology**

RULE TITLE: Manner of Application  
 RULE NO.: 61G5-18.002  
 PURPOSE AND EFFECT: The Board proposed to amend this rule to clarify that photographs are no longer required.  
 SUBJECT AREA TO BE ADDRESSED: Manner of application.  
 SPECIFIC AUTHORITY: 477.016, 120.53 FS.  
 LAW IMPLEMENTED: 477.019 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Julie Baker, Executive Director, Board of Cosmetology, Northwood Centre, 1940 North Monroe Street, Tallahassee, Florida 32399-0750

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

61G5-18.002 Manner of Application.

Every person desiring to be examined for licensure as a cosmetologist shall apply to the department in writing upon forms prepared and furnished by the Department and pay an examination fee as required by Chapter 61G5-24, F.A.C.

(1) The applicant must present an ~~with the~~ application ~~two~~ ~~(2) 2" x 2" photographs taken within the past twelve (12) months~~ and evidence of completion of cosmetologist training defined in Rule 61G5-18.001, F.A.C., above. Applications will be scheduled on an as available basis.

(2) No change.

Specific Authority 477.016, 120.53 FS. Law Implemented 477.019 FS. History—New 11-3-80, Amended 1-17-83, Formerly 21F-18.02, Amended 6-22-87, Formerly 21F-18.002, Amended \_\_\_\_\_.

**DEPARTMENT OF HEALTH**

**Board of Respiratory Care**

RULE TITLE: Registration by Endorsement  
 RULE NO.: 64B32-2.001  
 PURPOSE AND EFFECT: The Board proposes to update existing rule text.  
 SUBJECT AREA TO BE ADDRESSED: Registration by Endorsement.  
 SPECIFIC AUTHORITY: 468.353(1), 468.358(3) FS.  
 LAW IMPLEMENTED: 468.358(2), (3), 468.365 FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WILL BE HELD AT THE TIME, DATE AND PLACE TO BE PUBLISHED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.

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

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B32-2.001 Registration by Endorsement.

Every applicant for registration as a registered respiratory therapist by endorsement shall demonstrate the following:

(1)(a) That the applicant ~~he~~ holds the “Registered Respiratory Therapist” credential issued by the National Board for Respiratory Care, or an equivalent credential acceptable to the Board; or

(b) That the applicant ~~he~~ holds registration, or the equivalent, to deliver respiratory care in another state and such registration was granted pursuant to requirements determined to be equivalent to, or more stringent than, the requirements in Florida.

(2) That the applicant ~~he~~ is not otherwise disqualified by reason of a violation of Chapter 455, Part II, or Chapter 468, Part V, Florida Statutes, or the rules promulgated thereunder.

(3) That the applicant has completed a Board approved two hour course in medical error prevention meeting the criteria set forth in rule 64B32-6.006.

Specific Authority 468.353(1), 468.358(3) FS. Law Implemented 468.358(2), (3), 468.365 FS. History—New 4-29-85, Formerly 21M-34.02, 21M-34.002, 61F6-34.002, 59R-71.002, 64B8-71.002, Amended \_\_\_\_\_.

**DEPARTMENT OF HEALTH**

**Board of Respiratory Care**

RULE TITLE: Certification by Examination  
 RULE NO.: 64B32-3.002  
 PURPOSE AND EFFECT: The Board proposes to update existing rule text.  
 SUBJECT AREA TO BE ADDRESSED: Certification by Examination.

SPECIFIC AUTHORITY: 456.017(1), 468.353(1) FS.  
 LAW IMPLEMENTED: 468.355, 468.357, 468.365 FS.  
 IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WILL BE HELD AT THE TIME, DATE AND PLACE TO BE PUBLISHED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.  
 THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND FOR A COPY OF THE PRELIMINARY DRAFT IS: Kaye Howerton, Board Executive Director, Board of Respiratory Care, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3255

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B32-3.002 Certification by Examination.

(1) Every applicant for certification as a certified respiratory therapist or a respiratory care practitioner by examination shall demonstrate to the Board the following qualifications set forth below.

(2) That the applicant he is at least 18 years old.

(3) That the applicant he possesses a high school diploma or the graduate equivalency diploma.

(4) That the applicant he has successfully completed a training program for certified respiratory therapy technicians or respiratory therapists approved by the Committee on Allied Health Education and Accreditation of the American Medical Association, or the equivalent thereof, as accepted by the Board.

(5) That he is not otherwise disqualified by reason of a violation of Chapter 456 or 468, Part V, Florida Statutes, or the rules promulgated thereunder.

(6) That he has passed the examination required by Section 468.357(1)(c), Florida Statutes. The examination to be used for same as that given by the National Board of Respiratory Care for entry-level certification of certified respiratory therapists ~~therapy technicians~~ as provided in Section ~~468.357~~ ~~468.57~~, Florida Statutes. Passing score for certification by the ~~Board Council~~ shall be the same as the passing score identified by the National Board of Respiratory Care, a 75 stated score based on use of the Nedelski technique.

(7) That the applicant has completed a Board approved two hour course in medical error prevention meeting the criteria set forth in Rule 6432-6.006, F.A.C.

Specific Authority 456.017(1), 468.353(1) FS. Law Implemented 468.355, 468.357, 468.365 FS. History–New 4-29-85, Amended 1-5-86, Formerly 21M-35.02, Amended 9-29-86, 5-12-88, Formerly 21M-35.002, 61F6-35.002, 59R-72.002, Amended 6-9-99, Formerly 64B8-72.002, Amended \_\_\_\_\_.

**DEPARTMENT OF HEALTH**

**Board of Respiratory Care**

RULE TITLE: Certification by Endorsement  
 RULE NO.: 64B32-3.003

PURPOSE AND EFFECT: The Board proposes to update existing rule text.

SUBJECT AREA TO BE ADDRESSED: Certification by Endorsement.

SPECIFIC AUTHORITY: 468.353(1), 468.358(2) FS.

LAW IMPLEMENTED: 468.358(3), 468.365 FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WILL BE HELD AT THE TIME, DATE AND PLACE TO BE PUBLISHED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.

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

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B32-3.003 Certification by Endorsement.

Every applicant for certification as a certified respiratory therapist ~~therapy technician~~ by endorsement shall demonstrate the following:

(1)(a) That the applicant he holds the “Certified Respiratory ~~Therapists~~ ~~Therapy Technician~~” credential issued by the National Board for Respiratory Care, or an equivalent credential acceptable to the Board; or

(b) That the applicant he holds certification, or the equivalent, to deliver respiratory care in another state and such certification was granted pursuant to requirements determined to be equivalent to, or more stringent than, the requirements in Florida.

(2) That the applicant he is not otherwise disqualified by reason of a violation of Chapter 455, Part II, or Chapter 468, Part V, Florida Statutes, or the rules promulgated thereunder.

(3) That the applicant has completed a Board approved two hour course in medical error prevention meeting the criteria set forth in Rule 64B32-6.006, F.A.C.

Specific Authority 468.353(1), 468.358(2) FS. Law Implemented 468.358(3), 468.365 FS. History–New 4-29-85, Formerly 21M-35.03, 21M-35.003, 61F6-35.003, 59R-72.004, 64B8-72.004, Amended \_\_\_\_\_.

**DEPARTMENT OF HEALTH**

**Board of Respiratory Care**

RULE TITLE: Aids Education and Medical Error  
 RULE NO.: 64B32-6.006

PURPOSE AND EFFECT: The Board proposes to update existing rule text.



3. Other setback distances are as established by rule chapter 62-532, F.A.C., Water Well Permitting and Construction Requirements chapters 62-524, Delineated Areas; 62-532; Water Well Permitting and Construction Requirements; 62-600, Domestic Waste; 62-610, Reclaimed Water; 62-640, Waste Residual; 62-660, Industrial Waste; 62-670, Feedlots; 62-701, Solid Waste; 62-730, Hazardous Waste; and 62-761, F.A.C., Underground Storage Tanks.

~~(e) Down hole equipment may be installed prior to department approval.~~

~~(c)(4) Abandonment of wells is shall be required per rules 62-532.440 and .500(4), F.A.C., and rule chapters 40A through E-3, F.A.C.~~

~~(e) In addition to meeting the general construction requirements for wells with driven casing in Chapters 40A through E-3 and 62-532, F.A.C., the bottom of a driven well casing shall be constructed by undercutting or under reaming the last five feet of the hole before seating the casing. One foot of such enlarged hole must be into the consolidated formation. The entire five-foot portion shall be filled with cement, and the casing driven into through the cement grout to refusal. The upper twenty feet of casing shall be sealed with not less than a two-inch thickness of cement.~~

~~(3) The upper terminus of the well casing shall project at least 12 inches above the concrete apron surface and at least 18 inches above the final ground surface. Water systems Wells shall be equipped with:~~

~~(a) A conveniently accessible, non-threaded, downward-opening, tap, located at least 12 inches above grade, between the source and any storage or treatment equipment; and~~

~~(b) A minimum six foot square concrete apron four inches thick centered around the well; and~~

~~(c) A waterproof seal at the upper terminus of the well casing. Vents shall be directed downward and protected with 20 mesh screen; and~~

~~(b)(4) A working pressure gauge.~~

~~(4) Systems shall be sized according to this subsection and paragraph (5), below; however, the department shall give due consideration to a Florida licensed professional engineer's design.~~

~~(5) Piping. Systems with more than 600 feet of distribution pipe or more than 60 GPM calculated peak demand shall be designed by a professional engineer licensed in Florida.~~

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

Specific Authority 381.0011(4),(13), 381.006, 381.0062(1),(3)(a),(6), 403.862(1)(f) FS. Law Implemented 381.0012, 381.0061, 381.0067, 381.006(1),(2), 381.0062(1),(2),(3), 403.862(1)(f) FS. History-New 1-1-93, Amended 8-20-96, Formerly 10D-4.025, Amended 1-26-98, 1-24-00, 11-13-00, 1-26-98,\_\_\_\_\_.

64E-8.003 New Private and Multi-family Water System Construction.

(1) All potable wells serving private water systems and multi-family water systems, shall be separated from major contaminant sources per subsection 64E-8.001(4) and subparagraphs 64E-8.002(2)(a), (b)1. and 3., and shall be constructed at least 75 feet from any OSTDS. paragraphs 64E-8.002(2)(c) ~~and (d)~~ shall also apply to wells serving private and multi-family systems.

(2) through (6) No change.

Specific Authority 403.862(1)(f), 381.0011(4),(13), 381.006, 381.0062(1),(3)(a) FS. Law Implemented 381.0012, 381.0061, 381.0067, 381.006(1),(2), 381.0062(1),(3), 403.862(1)(f) FS. History-New 1-1-93, Amended 8-20-96, Formerly 10D-4.026, Amended 1-26-98, 1-24-00, 11-13-00,\_\_\_\_\_.

64E-8.004 Limited Use System Operating Permits.

(1) through (6)(d) No change.

(e) Provide satisfactory analyses reports as required in this section within 60 days of notification by the department. ~~If continuous treatment is required to correct an MCL violation or to comply with the terms of a variance, the supplier of the limited use commercial system shall no longer be eligible for an exemption and the registration shall be revoked.~~

(f) through (h) No change.

Specific Authority 403.862(1)(f), 381.0011(4),(13), 381.006, 381.0062(1),(3)(a),(6) FS. Law Implemented 381.0012, 381.0061, 381.0067, 381.006(1)-(2), 381.0062, 403.862(1)(f) FS. History-New 1-1-93, Amended 8-20-96, Formerly 10D-4.027, Amended 1-26-98, 1-24-00, 11-13-00,\_\_\_\_\_.

64E-8.005 Operation and Maintenance.

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

~~3. Any county health department that required all Limited Use Systems to provide continuous disinfection prior to 1993 may continue that requirement.~~

(2) No change.

Specific Authority 403.862(1)(f), 381.0011(4),(13), 381.006, 381.0062(1),(3)(a) FS. Law Implemented 381.0012, 381.0061, 381.0067, 381.006(1)-(2), 381.0062, 403.862(1)(f) FS. History-New 1-1-93, Amended 8-20-96, Formerly 10D-4.028, Amended 1-26-98,\_\_\_\_\_.

64E-8.008 Public Notification.

(1) No change.

(2) Notices shall be neatly printed in large type ~~in English and other languages considering the nationality of all consumers~~, and the supplier shall provide a copy to the county health department.

(3) through (6) No change.

Specific Authority 403.862(1)(f), 381.0011(4),(13), 381.006, 381.0062(1),(3)(a) FS. Law Implemented 381.0011(8), 381.0012, 381.0061, 381.0067, 381.006(1)-(2), 381.0062, 403.862(1)(f) FS. History-New 1-1-93. Amended 8-20-96, Formerly 10D-4.031, Amended 1-26-98,\_\_\_\_\_.

Section II  
Proposed Rules

**DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES**

**Division of Standards**

RULE TITLES:	RULE NOS.:
Standards	5F-2.001
Adoption of the General Code and the Codes of Liquid-Measuring Devices, Liquefied Petroleum Gas and Anhydrous Ammonia Liquid-Measuring Devices, Hydrocarbon Gas Vapor-Measuring Devices, Vehicle-Tank Meters, and Vehicle Tanks Used as Measures of National Institute of Standards and Technology Handbook 44	5F-2.014

**PURPOSE AND EFFECT:** The purpose of Rule 5F-2.001, F.A.C., is to adopt the 2002 edition of the chemical and physical standards set forth in the American Society for Testing and Materials. These standards will be used for quality testing of regulated petroleum products. The effect will be that the Department will use the most recent nationally recognized standards for petroleum products developed by a consensus organization. The purpose of Rule 5F-2.014, F.A.C., is to adopt the 2002 edition of NIST Handbook 44 which contains specifications and testing criteria for liquid and vapor measuring devices. The effect will be the incorporation of the most recent specifications and testing criteria of measuring devices developed by a consensus organization.

**SUMMARY:** Proposed Rules 5F-2.001 and 5F-2.014, F.A.C., will specify that the 2002 Annual Book of ASTM Standards and 2002 edition of NIST Handbook 44, respectively, are the accepted standards for implementation of Chapter 525, F.S.

**SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST:** None.

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

**SPECIFIC AUTHORITY:** 525.14, 525.037, 531.40, 531.41(3) FS.

**LAW IMPLEMENTED:** 525.01, 525.037, 525.07, 525.14, 531.40 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., June 10, 2002

**PLACE:** Division of Standards' Conference Room, Suite E, Room 135, Doyle Conner Administration Building, 3125 Conner Boulevard, Tallahassee, Florida 32399-1650

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Eric Hamilton, Bureau Chief, Bureau of Petroleum Inspection Address: 3125 Conner Blvd., Bldg. #1, Tallahassee, FL 32399-1650, Phone: (850)488-9740

THE FULL TEXT OF THE PROPOSED RULES IS:

5F-2.001 Standards.

(1) Gasoline. The following specifications apply to gasoline sold or offered for sale in Florida. Specific variations or exemptions may be made by the Department of Agriculture and Consumer Services for gasoline designed for special equipment or service.

(a) Standards. All gasoline shall conform to the chemical and physical standards for gasoline as set forth in the American Society for Testing and Materials designation D 4814-01a ~~D-4814-00a~~, "Standard Specification for Automotive Spark-Ignition Engine Fuel."

(b) Analysis. For purposes of inspection and testing, laboratory analyses shall be conducted using the methods recognized by the American Society for Testing and Materials designation D 4814-01a ~~D-4814-00a~~, "Standard Specification for Automotive Spark-Ignition Engine Fuel."

(2) Kerosene (Kerosine). The following specifications apply to kerosene No. 1-K and No. 2-K sold or offered for sale in Florida.

(a) Standards. All kerosine No. 1-K and No. 2-K shall conform to the chemical and physical standards for kerosene No. 1-K and No. 2-K as set forth in the American Society for Testing and Materials designation D 3699-01 ~~D-3699-98~~, "Standard Specification for Kerosine."

(b) Analysis. For purposes of inspection and testing, laboratory analyses shall be conducted using the methods recognized by the American Society for Testing and Materials designation D 3699-01 ~~D-3699-98~~, "Standard Specification for Kerosine."

(3) Diesel Fuel Oils No. 1-D and No. 2-D. The following specifications apply to diesel fuel oils No. 1-D and No. 2-D sold or offered for sale in Florida.

(a) Standards. All diesel fuel oils No. 1-D and No. 2-D shall conform to the chemical and physical standards for diesel fuel oils No. 1-D and No. 2-D as set forth in the American Society for Testing and Materials designation D 975-01a ~~D-975-00~~ "Standard Specification for Diesel Fuel Oils."

Analysis. For purposes of inspection and testing, laboratory analyses shall be conducted using the methods recognized by the American Society for Testing and Materials designation D 975-01a ~~D-975-00~~, "Standard Specification for Diesel Fuel Oils."

(4) Fuel Oils No. 1 and No. 2. The following specifications apply to fuel oils No. 1 and No. 2 sold or offered for sale in Florida.



(a) Standards. All fuel oils No. 1 and No. 2 shall conform to the chemical and physical standards for fuel oils No. 1 and No. 2 as set forth in the American Society for Testing and Materials designation D 396-01 ~~D 396-98~~, "Standard Specification for Fuel Oils."

(b) Analysis. For purposes of inspection and testing, laboratory analyses shall be conducted using the methods recognized by the American Society for Testing and Materials designation D 396-01 ~~D 396-98~~, "Standard Specification for Fuel Oils."

(6) Materials. The following materials are hereby incorporated by reference. Copies of these publications may be obtained from the American Society for Testing and Materials, 100 Barr Harbor Drive, West Conshohocken, PA 19428, or <http://www.astm.org>.

(a) American Society for Testing and Materials D 4814-01a ~~D 4814-00a~~, "Standard Specification for Automotive Spark-Ignition Engine Fuel" (approved November 10, 2001 ~~December 10, 2000~~);

(b) American Society for Testing and Materials D 3699-01 ~~D 3699-98~~, "Standard Specification for Kerosine,," (approved June 10, 2001 ~~April 1998~~);

(c) American Society for Testing and Materials D 975-01a ~~D 975-00~~, "Standard Specification for Diesel Fuel Oils" (approved June 10, 2001 ~~December 10, 2000~~);

(d) American Society for Testing and Materials D 396-01 ~~D 396-98~~, "Standard Specification for Fuel Oils" (approved June 10, 2001 ~~April 1998~~).

Specific Authority 525.037, 525.14 FS. Law Implemented 525.01, 525.037, 525.14 FS. History—Amended 1-15-68, 7-1-71, 7-1-73, 12-1-73, 11-16-74, 2-13-80, 5-3-83, Formerly 5F-2.01, Amended 5-3-90, 8-13-92, 11-29-94, 11-13-97, 12-9-98, 8-3-99, 7-31-00, 9-3-01,\_\_\_\_\_.

5F-2.014 Adoption of the General Code and the Codes of Liquid-Measuring Devices, Liquefied Petroleum Gas and Anhydrous Ammonia Liquid-Measuring Devices, Hydrocarbon Gas Vapor-Measuring Devices, Vehicle-Tank Meters, and Vehicle Tanks Used as Measures of National Institute of Standards and Technology Handbook 44.

The general code and the codes of liquid-measuring devices, liquefied petroleum gas and anhydrous ammonia liquid-measuring devices, hydrocarbon gas vapor-measuring devices, vehicle-tank meters, and vehicle tanks used as measures relating to specifications, tolerances, and other technical requirements for commercial weighing and measuring devices, contained in National Institute of Standards and Technology Handbook 44, 2002 ~~2001~~ Edition issued November 2001 ~~2000~~, published by U.S. Department of Commerce are hereby adopted by reference as rules of the Department of Agriculture and Consumer Services. Copies may be obtained from the Superintendent of Documents, U. S. Government Printing Office, Washington, D. C. 20402 or at <http://ts.nist.gov/ts/htdocs/230/235/h442001.htm>.

Specific Authority 525.14, 531.40, 531.41(3) FS. Law Implemented 525.07, 531.40 FS. History—New 1-1-74, Amended 7-1-74, Repromulgated 12-31-74, Amended 4-18-75, 1-25-76, 1-17-77, 2-15-79, 6-4-80, 4-5-81, 5-2-82, 6-30-83, 7-15-84, 8-11-85, Formerly 5F-2.14, Amended 7-7-86, 4-5-87, 4-27-88, 5-31-89, 8-21-90, 8-5-91, 12-10-92, 11-29-94, 11-13-97, 12-9-98, 8-3-99, 7-31-00, 9-3-01,\_\_\_\_\_.

**DEPARTMENT OF TRANSPORTATION**

<b>RULE CHAPTER TITLE:</b>	<b>RULE CHAPTER NO.:</b>
High-Speed Rail Transportation	14-112
<b>RULE TITLES:</b>	<b>RULE NOS.:</b>
High-Speed Rail Transportation; Definitions	14-112.001
Confidential Records	14-112.203
Request for Proposals	14-112.301
Application for Franchise; Response to Request Proposals; Commencement of Review Process	14-112.402
Comment and Reports	14-112.403
Public Notice and Public Meetings on Franchisee Selection	14-112.405
Agency Action on Franchisee Selection; Notice	14-112.406
Modification of Franchise	14-112.412
Certification Application Procedures	14-112.501
Agreements on Contents for Certification Application	14-112.503
Appointment of Hearing Officer	14-112.509
Completeness Review	14-112.510
Amendments	14-112.511
Alternate Corridors or Station Location	14-112.512
Local Government Hearings	14-112.513
Agency Reports	14-112.514
Comprehensive Planning	14-112.801
Revocation or Suspension of Franchise or Certification	14-112.901

PURPOSE AND EFFECT: Rule Chapter 14-112, F.A.C., is being repealed. Section 55, Chapter 2002-20, Laws of Florida, repealed the provisions of the Florida High-Speed Rail Transportation Act, Sections 341.3201-.386, Florida Statutes, effective July 1, 2002.

SUMMARY: Rule Chapter 14-112 is being repealed.

SPECIFIC AUTHORITY: 334.044(2), 341.325(8) FS.

LAW IMPLEMENTED: 119.07, 341.3201-.386 FS.

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

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

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES 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 RULES IS:

14-112.001 High-Speed Rail Transportation; Definitions.

Specific Authority 334.044(2), 341.325(8) FS. Law Implemented 341.321 FS. History–New 1-26-93, Amended 8-5-96, Repealed \_\_\_\_\_.

14-112.203 Confidential Records.

Specific Authority 334.044(2), 341.325(8) FS. Law Implemented 119.07, 341.3337 FS. History–New 1-26-93, Repealed \_\_\_\_\_.

14-112.301 Request for Proposals.

Specific Authority 334.044(2), 341.325(8) FS. Law Implemented 341.3331, 341.3334 FS. History–New 1-26-93, Amended 8-5-96, Repealed \_\_\_\_\_.

14-112.402 Application for Franchise; Response to Request for Proposals; Commencement of Review Process.

Specific Authority 334.044(2), 341.325(8) FS. Law Implemented 341.3331, 341.3333, 341.3335 FS. History–New 1-26-93, Amended 8-5-96, Repealed \_\_\_\_\_.

14-112.403 Comment and Reports.

Specific Authority 334.044(2), 341.325(8) FS. Law Implemented 341.3331, 341.3334(2), 341.3335 FS. History–New 1-26-93, Amended 8-5-96, Repealed \_\_\_\_\_.

14-112.405 Public Notice and Public Meetings on Franchisee Selection.

Specific Authority 334.044(2), 341.325(8) FS. Law Implemented 341.3334(3), 341.3335, 341.3336 FS. History–New 1-26-93, Amended 8-5-96, Repealed \_\_\_\_\_.

14-112.406 Agency Action on Franchisee Selection; Notice.

Specific Authority 334.044(2), 341.325(8) FS. Law Implemented 120.57, 341.3337 FS. History–New 1-26-93, Amended 8-5-96, Repealed \_\_\_\_\_.

14-112.412 Modification of Franchise.

Specific Authority 334.044(2), 341.325(8) FS. Law Implemented 341.368 FS. History–New 1-26-93, Repealed \_\_\_\_\_.

14-112.501 Certification Application Procedures.

Specific Authority 334.044(2), 341.325(8) FS. Law Implemented 341.3365(1) FS. History–New 1-26-93, Amended 8-5-96, Repealed \_\_\_\_\_.

14-112.503 Agreements on Contents for Certification Application.

Specific Authority 334.044(2), 341.325(8) FS. Law Implemented 341.342 FS. History–New 1-26-93, Repealed \_\_\_\_\_.

14-112.510 Completeness Review.

Specific Authority 334.044(2), 341.325(8) FS. Law Implemented 341.343 FS. History–New 1-26-93, Repealed \_\_\_\_\_.

14-112.511 Amendments.

Specific Authority 334.044(2), 341.325(8) FS. Law Implemented 341.343(5), 341.343(6) FS. History–New 1-26-93, Repealed \_\_\_\_\_.

14-112.512 Alternate Corridors or Station Location.

Specific Authority 334.044(2), 341.325(8) FS. Law Implemented 341.345 FS. History–New 1-26-93, Repealed \_\_\_\_\_.

14-112.513 Local Government Hearings.

Specific Authority 334.044(2), 341.325(8) FS. Law Implemented 341.347 FS. History–New 1-26-93, Repealed \_\_\_\_\_.

14-112.514 Agency Reports.

Specific Authority 334.044(2), 341.325(8) FS. Law Implemented 341.348 FS. History–New 1-26-93, Repealed \_\_\_\_\_.

14-112.801 Comprehensive Planning.

Specific Authority 334.044(2), 341.325(8) FS. Law Implemented 341.325(8), 341.3365(1), 341.365 FS. History–New 1-26-93, Repealed \_\_\_\_\_.

14-112.901 Revocation or Suspension of Franchise or Certification.

Specific Authority 334.044(2), 341.325(8) FS. Law Implemented 120.60(7), 341.371 FS. History–New 1-26-93, Amended 8-5-96, Repealed \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Marion Hart, Jr., State Public Transportation Administrator  
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Thomas F. Barry, Jr., P.E., Secretary  
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: May 6, 2002

DEPARTMENT OF LABOR AND EMPLOYMENT SECURITY

Division of Workers' Compensation

RULE TITLE: Florida Workers' Compensation Health Care Provider Fee For Service Reimbursement Manual  
RULE NO.: 38F-7.020

PURPOSE AND EFFECT: The purpose of this rule amendment is to adopt by reference the Florida Workers' Compensation Health Care Provider Fee for Service Reimbursement Manual, 2002 Edition, which contains reimbursement policies and maximum reimbursement allowances for physician services, non-physician services, pharmaceutical and medical supplies, as determined by the Three-Member Panel on April 23, 2002. The manual also provides basic instructions and information for providers and carriers in the preparation and reimbursement of bills for medical services. The Current Procedural Terminology (CPT®), 4th Edition, copyright 2001, American Medical Association; the Current Dental Terminology (CDT-3), 3rd Edition, copyright 1999, American Dental Association; and the 2002 HCPCS Level II Professional (HCPCS), 13th Edition, copyright 2001, Ingenix, are adopted as part of this rule.

SUMMARY: Adopts the reimbursement determinations approved by the Three-Member Panel on April 23, 2002.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None prepared.

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

SPECIFIC AUTHORITY: 440.13(7), (8), (11)-(14), 440.591 FS.

LAW IMPLEMENTED: 440.13(6)-(8), (11)-(14) FS.

IF REQUESTED IN WRITING WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE HELD AT A TIME, DATE AND PLACE TO BE NOTICED IN A FUTURE ISSUE OF THE FAW.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Nancy M. Rice, Registered Nurse Consultant, Suite 101, Forrest Building, 2728 Centerview Drive, Tallahassee, FL 32399-0668, (850)410-1093

THE FULL TEXT OF THE PROPOSED RULE IS:

38F-7.020 Florida Workers' Compensation Health Care Provider Fee for Service Reimbursement Manual.

(1) The Florida Workers' Compensation Health Care Provider Fee for Service Reimbursement Manual, 2002 ~~2001~~ Edition, is adopted by reference as part of this rule. The manual contains reimbursement policies and maximum reimbursement allowances for physician services, non-physician services, pharmaceutical and medical supplies, as well as basic instructions and information for all providers and insurance carriers in the preparation and reimbursement of bills for medical services. The Florida Workers' Compensation Health Care Provider Fee for Service Reimbursement Manual, 2002 ~~2001~~ Edition, is available for inspection during normal business hours at the State of Florida, Division of Workers' Compensation, Bureau of Rehabilitation and Medical Services, 101 Forrest Building, 2728 Centerview Drive, Tallahassee, Florida 32399-0664, or via the Division's web site home page at <http://www2.myflorida.com/les/wc/>.

(2) The ~~Physicians'~~ Current Procedural Terminology (CPT@ ~~TM~~), Fourth ~~4th~~ Edition, Copyright 2001 ~~1999~~, American Medical Association (cover states "Current Procedural Terminology CPT@ ~~TM~~, 2002 ~~2000~~ Standard Edition"); the Current Dental Terminology (CDT-3), Third ~~3rd~~ Edition, Copyright 1999, American Dental Association (cover states "Current Dental Terminology (CDT-3), Version 2000"); and 2002 ~~2000~~ HCPCS Level II Professional (HCPCS), Thirteenth ~~11th~~ Edition, Copyright 2001 ~~1999~~, Ingenix, are adopted by reference as part of this rule. When a procedure or service is performed, which is not listed in the Florida Workers' Compensation Health Care Provider Fee for Service

Reimbursement Manual, 2002 ~~2001~~ Edition, the provider must use a code contained in either the CPT@ ~~TM~~, CDT-3 or HCPCS.

Specific Authority 440.13(7), (8), (11)-(14), 440.591 FS. Law Implemented 440.13(6)-(8), (11)-(14) FS. History--New 10-1-82, Amended 3-16-83, 11-6-83, 5-21-85, Formerly 38F-7.20, Amended 4-1-88, 7-20-88, 6-1-91, 4-29-92, 2-18-96, 9-1-97, 12-15-97, 9-17-98, 9-30-01,\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Nancy M. Rice, Registered Nurse Consultant

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Reginald L. Watkins, Chief, Bureau of Rehabilitation and Medical Services

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: May 3, 2002, Vol. 28, No. 18, Page 2009

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Division of Alcoholic Beverages and Tobacco**

RULE CHAPTER TITLE: Vendors and Licensees

RULE CHAPTER NO.: 61A-3

RULE TITLE: Exploitation of Dwarfs

RULE NO.: 61A-3.047

PURPOSE AND EFFECT: The purpose of this rule development is to prohibit the exploitation of dwarfs by prohibiting alcoholic beverage licensees from promoting or engaging in any contest, promotion or activity which results in the endangerment of the health, safety and welfare of a dwarf on any licensee's premises. "Dwarf-tossing" is specifically prohibited.

SUMMARY: The proposed rule will prohibit alcoholic beverage and tobacco licensees from engaging in or allowing activities on their premises which are harmful to the health, safety and welfare of dwarfs.

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

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

SPECIFIC AUTHORITY: 561.11, 561.665 FS.

LAW IMPLEMENTED: 561.665 FS.

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

TIME AND DATE: 1:30 p.m. – 3:30 p.m. EST, June 11, 2002

PLACE: The Secretary's Conference Room, Second Floor, The Johns Building, 725 South Bronough Street, Tallahassee, Florida

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this hearing is asked to advise the agency at least 48 business hours before the hearing by contacting Michael D. Kooi, Assistant General Counsel, at (850)487-9636. If you are hearing or speech impaired, please contact the agency by calling 1 (800)955-8771 (TDD).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Michael D. Kooi, Assistant General Counsel, Department of Business and Professional Regulation, Office of the General Counsel, 1940 North Monroe Street, Tallahassee, FL 32399-1012; Telephone: (850)487-9636

THE FULL TEXT OF THE PROPOSED RULE IS:

61A-3.047 Exploitation of Dwarfs.

(1) A dwarf is a person with the medical condition known as dwarfism. Dwarfism means a person of disproportionate or proportionate short stature most often cause by a genetic syndrome.

(2) It is unlawful for a licensee to promote, engage in, or permit any exploitative contest, promotion or other form of recreational activity which results in the endangerment of the health, safety or welfare of a dwarf on any premises licensed under the beverage law. Any activity described as dwarf-tossing is specifically included within those acts of exploitation prohibited by this rule.

(3) Nothing contained herein shall be construed to prohibit dwarfs from engaging in non-exploitative sporting or recreational events of the type engaged in by persons who are not dwarfs.

(4) The division is authorized to impose all the penalties set forth in Section 561.29 or 561.665, Florida Statutes, against the license of any entity found in violation of this rule.

Specific Authority 561.11, 561.665 FS. Law Implemented 561.665 FS. History—New.

NAME OF PERSON ORIGINATING PROPOSED RULE: Michael D. Kooi, Assistant General Counsel, Department of Business and Professional Regulation

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Kim Binkley-Seyer, Secretary, Department of Business and Professional Regulation

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: April 26, 2002, Vol. 28, No. 17

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Board of Professional Engineers**

<b>RULE TITLES:</b>	<b>RULE NOS.:</b>
Renewal of Active Licenses	61G15-22.0001
Renewal of Inactive Licenses	61G15-22.0002
Definitions	61G15-22.002
Qualifying Activities for Laws and Rules Requirements	61G15-22.010
Board Approval of Continuing Education Providers	61G15-22.011

PURPOSE AND EFFECT: This set of amendments will set forth the requirements for renewal of engineering licensure and provide necessary modifications to the entire chapter covering continuing education promulgated last year.

SUMMARY: The new rules 61G15-22.0001 and 61G15-22.0002, F.A.C., establish the procedure for renewal of active and inactive licenses. The remaining amendments modify the definition of area of practice, clarifying the activities that will satisfy the continuing education requirements for laws and rules of the Board, allow engineering firms to be approved as Continuing Education providers, and exempt certain federal agencies from provider approval 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 to provide a proposal for a lower cost regulatory alternative must do so in writing within 21 days of this notice.

SPECIFIC AUTHORITY: 455.213, 455.2177, 455.2178, 455.2179, 471.008, 471.017, 471.019 FS.

LAW IMPLEMENTED: 455.213, 455.2177, 455.2178, 455.2179, 471.008, 471.017, 471.019 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Natalie Lowe, Administrator, Board of Professional Engineers, 2507 Callaway Road, Suite 200, Tallahassee, Florida 32303-5267

THE FULL TEXT OF THE PROPOSED RULES IS:

License Renewal, Continuing Education

61G15-22.0001 Renewal of Active Licenses.

To renew an active license, the licensee must remit to FEMC the biennial renewal licensure fee for active licenses, and a statement certifying that the licensee has completed the eight (8) hours of approved continuing education which were required during the last biennium.

Specific Authority 471.017(2) FS. Law Implemented 471.017(2) FS. History--New \_\_\_\_\_.

**61G15-22.0002 Renewal of Inactive Licenses.**

To maintain an inactive license on inactive status, the licensee must remit the biennial renewal fee for inactive status to FEMC and a statement certifying that the licensee has neither practiced engineering nor violated any of the provisions of Section 471.033, Florida Statutes, since the date on which the license was first placed on inactive status.

Specific Authority 471.017(2) FS. Law Implemented 471.017(2) FS. History--New \_\_\_\_\_.

**61G15-22.002 Definitions.**

(1) Area of Practice: An engineering discipline for which a Principles and Practice of Engineering examination is offered by the National Council for Examiners of Engineering and Surveying (NCEES) pursuant to Chapter 61G15-21, F.A.C.

(2) through (5) No change.

Specific Authority 455.213(6), 455.2177, 455.2178, 455.2179, 471.017(3), 471.019 FS. Law Implemented 455.213(6), 455.2177, 455.2178, 455.2179, 471.008 FS. History--New 9-16-01, Amended \_\_\_\_\_.

**61G15-22.010 Qualifying Activities for Continuing Education Courses in Laws and Rules Requirements.**

(1) In order to comply with the provisions of Section 471.017(3), F.S., licensees shall demonstrate professional competency relative to Chapter 471, Florida Statutes, and the Board's rules, by either completing a continuing education course, as detailed in subsection (2) below, by attending a board meeting at which disciplinary hearings are conducted as detailed in subsection (3) below, or by approval of the Board as a consulting engineer providing assistance to the Board in the performance of its duties, as detailed in subsection (4) below.

(2)(+) Successful completion of In order to meet the criteria contained in Section 471.017(3), F.S., a course of continuing education for laws and rules of the Board which must consist of a minimum of four (4) PDH's in laws and rules of the Board.

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

(d) Members of the Board of Professional Engineers shall receive four (4) PDH's in laws and rules of the Board for conducting these meetings.

(4) All consultant engineers used by the Board in the resolution of Board business, including rule making and prosecution of discipline cases and complaints, may receive credit for four (4) PDH's in laws and rules of the Board by specific approval of the Board of a written list of such consultants during each biennium.

Specific Authority 455.2178, 455.2179, 471.008, 471.017(3), 471.019 FS. Law Implemented 455.213(6), 455.2177, 455.2178, 455.2179, 471.008, 471.017(3), 471.019 FS. History--New 9-16-01, Amended \_\_\_\_\_.

**61G15-22.011 Board Approval of Continuing Education Providers.**

(1) No change.

(2) To demonstrate the education and/or the experience necessary to instruct professional engineers in the conduct of their practice for continuing education credit, an applicant for continuing education provider status must be a regionally accredited educational institution, a commercial educator, a governmental agency, a state or national professional association whose primary purpose is to promote the profession of engineering, ~~or~~ an engineer with a Florida license to practice engineering who is not under disciplinary restrictions pursuant to any order of the Board, or an engineering firm that possesses an active certificate of authorization issue by the Board pursuant to s. 471.023, F.S.

(2) through (8) renumbered (3) through (9) No change.

(10)(9) The following providers shall be exempt from any requirement for Board approval as providers and the Board shall accept their courses for continuing education credit:

(a) No change.

(b) Federal Governmental Agencies that establish rules, regulations, guidelines, or otherwise have an impact on the practice of engineering;

(c)(b) No change.

(d)(e) No change.

Specific Authority 455.213(6), 455.2178, 455.2179, 471.008, 471.017(3), 471.019 FS. Law Implemented 455.213(6), 455.2177, 455.2178, 455.2179, 471.008, 471.017(3), 471.019 FS. History--New 9-16-01, Amended \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Board of Professional Engineers

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

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

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

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Board of Professional Engineers**

RULE TITLE:  
Schedule of Fees

RULE NO.:  
61G15-24.001

PURPOSE AND EFFECT: The purpose of this amendment is to extend the partial waiver of renewal fees allowable under s. 455.219(1), F.S., for another biennium to expire in 2005, as the Board has determined that it has sufficient funds to exceed expenses so that full license renewal fees will not be necessary to cover the necessary functions of the board.

SUMMARY: This amendment will allow renewal of licensure for the next biennium at 50% of the fee for renewal.

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

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

SPECIFIC AUTHORITY: 455.213, 455.217(3), 455.219, 455.271, 471.011, 471.019 FS.

LAW IMPLEMENTED: 119.07(1)(a), 455.217(3),(7), 471.011, 471.019 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Natalie Lowe, Administrator, Florida Board of Professional Engineers, 2507 Callaway Road, Suite 200, Tallahassee, Florida 32303

THE FULL TEXT OF THE PROPOSED RULE IS:

61G15-24.001 Schedule of Fees.

(1) No change.

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

(e) Renewal – \$125.00 per biennium; however, for the biennium commencing on February 28, 2003 2004, the renewal fee shall be \$62.50.

(f) through (p) No change.

(3) No change.

Specific Authority 455.213, 455.217(3), 455.219, 455.271, 471.011, 471.019 FS. Law Implemented 119.07(1)(a), 455.217(3),(7), 471.011, 471.019 FS. History—New 1-8-80, Amended 8-26-81, 12-19-82, 6-2-83, 2-28-84, Formerly 21H-24.01, Amended 3-10-86, 12-11-86, 3-10-87, 4-12-88, 12-21-88, 1-10-90, 8-15-90, 1-6-93, Formerly 21H-24.001, Amended 11-15-94, 8-10-98, 6-16-99, 5-8-00, 11-15-01, 2-21-02,\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Professional Engineers

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

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

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

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Board of Professional Engineers**

RULE TITLE:

RULE NO.:

Qualification Program for Special Inspectors of Threshold Buildings

61G15-35.003

PURPOSE AND EFFECT: The purpose of these amendments is to eliminate the former address of the Board’s office and merely indicate that certain forms regarding the qualifying of special inspectors of threshold buildings can be obtained from the Board office.

SUMMARY: The amendments delete references to an obsolete address of the Board office and substitutes language referring interested parties to obtain application forms from the Board office.

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: 471.008, 471.033(2) FS.

LAW IMPLEMENTED: 471.015(7), 471.033 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Natalie Lowe, Administrator, Board of Professional Engineers, 2507 Callaway Road, Suite 200, Tallahassee, Florida 32303-5267

THE FULL TEXT OF THE PROPOSED RULE IS:

61G15-35.003 Qualification Program for Special Inspectors of Threshold Buildings.

(1) through (2) No change.

(3) Applications.

(a) The instructions and application form for Special Inspector, Form FBPE/TBI/006(08/00) is hereby incorporated by reference, effective 4-19-01, "Special Inspector Application and Instructions". Copies of Form FBPE/TBI/006(08/00) may be obtained from the Board office by writing to the Florida Board of Professional Engineers, c/o Florida Engineers Management Corporation, 1208 Hays Street, Tallahassee, Florida 32301, or by downloading it from the internet web site www.fbpe.org.

(b) All applications for certification as a Special Inspector shall be submitted to the Board on Form FBPE/TBI/006(08/00) by mailing to the address listed above.

(c) through (4) No change.

(5) Roster of Special Inspectors. The Board shall maintain a roster of all persons certified as Special Inspectors pursuant to the criteria established in these rules and the law. The roster shall be made available to interested parties upon request. The roster shall be updated on a continuing basis and additions or deletions to the latest published roster may be verified by

contacting the Florida Board office of Professional Engineers, c/o Florida Engineers Management Corporation, 1208 Hays Street, Tallahassee, Florida 32304.

Specific Authority 471.008, 471.033(2) FS. Law Implemented 471.015(7), 471.033 FS. History—New 4-19-01, Amended \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Board of Professional Engineers  
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Professional Engineers  
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 24, 2002  
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: April 12, 2002

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Board of Professional Surveyors and Mappers**

RULE TITLE: Aggravating or Mitigating Circumstances  
RULE NO.: 61G17-9.003  
PURPOSE AND EFFECT: To delete language pursuant to comments from the Joint Administrative Procedures Committee.

SUMMARY: The Board proposes to amend this rule to remove inconsistencies pursuant to ss. 455.2273(2) and 456.079(2), F.S.

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

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

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

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

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Leon Biegalski, Executive Director, Board of Professional Surveyors and Mappers, Northwood Centre, 1940 N. Monroe Street, Tallahassee, Florida 32399-0750

THE FULL TEXT OF THE PROPOSED RULE IS:

61G17-9.003 Aggravating or Mitigating Circumstances.

(1) When either the petitioner or respondent is able to demonstrate aggravating or mitigating circumstances to the board by clear and convincing evidence, the board shall be entitled to deviate from the above guidelines in imposing

discipline upon an applicant or licensee. Absence of any such evidence of aggravating or mitigating circumstances before the hearing officer prior to the issuance of a recommended order shall not relieve the board of its duty to consider evidence of mitigating or aggravating circumstances.

~~(a)~~ The severity of the offense;

~~(a)(b)~~ The degree of harm to the consumer or public;

~~(b)(c)~~ The number of counts in the administrative complaint;

~~(d)~~ The number of times the offenses have previously been committed by the licensee or applicant;

~~(c)(e)~~ The disciplinary history of the applicant or licensee;

~~(d)(f)~~ The status of the applicant or licensee at the time the offense was committed;

~~(e)(g)~~ The degree of financial hardship incurred by a licensee as a result of the imposition of the fines or suspension of his practice.

(2) No change.

Specific Authority Section 2, Chapter 86-90, Laws of Florida. Law Implemented Section 2, Chapter 86-90, Laws of Florida. History—New 12-29-86, Formerly 21HH-9.003, Amended \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Board of Professional Surveyors and Mappers  
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Professional Surveyors and Mappers  
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: May 2, 2002  
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: February 22, 2002

**DEPARTMENT OF HEALTH**

**Board of Medicine**

RULE TITLE: Disciplinary Guidelines  
RULE NO.: 64B8-8.001

PURPOSE AND EFFECT: The proposed rule amendment is intended to address disciplinary guidelines for those serving as medical directors of clinics.

SUMMARY: The proposed rule amendment sets forth disciplinary guidelines for those serving as medical directors of clinics.

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: 458.331(5), 458.309, 456.0375, 456.079 FS.

LAW IMPLEMENTED: 458.331(5), 456.072, 456.0375, 456.079 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: Larry G. McPherson, Jr., Executive Director, Board of Medicine/MQA, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3253

THE FULL TEXT OF THE PROPOSED RULE IS:

64B8-8.001 Disciplinary Guidelines.

(1) No change.

(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.

RECOMMENDED RANGE OF PENALTY

VIOLATION	FIRST OFFENSE	SECOND OFFENSE
(a) through (oo) No change. (pp) <u>Violation of medical director clinic responsibilities (456.0375(4)(c), F.S.)</u>	(pp) <u>Based upon the severity of the offense and the potential for patient harm, from a letter of concern to revocation and an administrative fine from \$1,000 to \$10,000.</u>	(pp) <u>Restricted from serving as the medical director of any registered clinic and based upon the severity of the offense and the potential for patient harm, from a reprimand to revocation and an administrative fine from \$5,000 to \$10,000.</u>

(3) through (7) No change.

Specific Authority 458.331(5), 458.309, 456.0375(4)(c), 456.079 FS. Law Implemented 458.331(5), 456.072, 456.0375(4)(c), 456.079 FS. History—New 12-5-79, Formerly 21M-20.01, Amended 1-11-87, 6-20-90, Formerly 21M-20.001, Amended 11-4-93, Formerly 61F6-20.001, Amended 6-24-96, 12-22-96, Formerly 59R-8.001, Amended 5-14-98, 12-28-99, 1-31-01, 7-10-01,\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Fraud Committee, Board of Medicine

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

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: April 26, 2002

DEPARTMENT OF HEALTH

Board of Medicine

RULE TITLE: Advertising  
RULE NO.: 64B8-11.001

PURPOSE AND EFFECT: The Board proposes to add the American Association of Physician Specialists, Inc., to the list of recognizing agencies currently approved by the Board.

SUMMARY: The proposed rule amendment adds the American Association of Physician Specialists, Inc., to the list of recognizing agencies currently approved by the Board.

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

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

SPECIFIC AUTHORITY: 458.309 FS.

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

THE FULL TEXT OF THE PROPOSED RULE IS:

64B8-11.001 Advertising.

(1) through (6) No change.

(7) The recognizing agencies currently approved by the Board of Medicine include:

(a) American Board of Facial Plastic & Reconstructive Surgery, Inc. (Approved February 1997).

(b) American Board of Pain Medicine (Approved August 1999).

(c) American Association of Physician Specialists, Inc. (Approved February 2002).

Specific Authority 458.309 FS. Law Implemented 458.331(1)(d), (l), (n), (o) FS. History—New 3-31-80, Formerly 21M-24.01, Amended 11-15-88, Formerly 21M-24.001, Amended 12-5-93, Formerly 61F6-24.001, Amended 4-3-95, 4-16-96, 5-29-97, Formerly 59R-11.001, Amended 1-31-01,\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Rules Committee, Board of Medicine

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

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



DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: April 26, 2002

**DEPARTMENT OF HEALTH**

**Board of Medicine**

RULE TITLE: Fees  
 RULE NO.: 64B8-41.001

PURPOSE AND EFFECT: The proposed rule amendment is intended to delete the inactive status fee.

SUMMARY: The inactive status fee is being deleted.

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

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

SPECIFIC AUTHORITY: 456.036, 468.507, 468.508 FS.

LAW IMPLEMENTED: 456.036, 456.065, 468.508 FS.

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

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

THE FULL TEXT OF THE PROPOSED RULE IS:

64B8-41.001 Fees.

(1) through (4) No change.

(5) When the ~~Council Counsel~~ certifies the applicant to sit for the examination or for re-examination, it is the applicant's responsibility to complete the examination process with the national vendor. In compliance with the Americans for Disabilities Act, any applicant requesting special accommodations shall comply with the Department of Health's Rule 64B-1.005, F.A.C.

(6) through (8) No change.

~~(9) The inactive status fee shall be \$25.00.~~

~~(9)(10)~~ The fee for renewal of inactive status shall be \$95.00.

~~(10)(11)~~ The change of status processing fee shall be \$50.00.

Specific Authority 456.036, 468.507, 468.508 FS. Law Implemented 456.036, 456.065, 468.508 FS. History—New 4-9-89, Amended 8-28-90, 11-9-92, Formerly 21M-47.001, Amended 9-21-93, 11-4-93, 1-3-94, Formerly 61F6-47.001, Amended 12-28-94, 5-2-95, Formerly 59R-41.001, Amended 11-24-97, 6-22-99, 8-19-99, 9-26-01.

NAME OF PERSON ORIGINATING PROPOSED RULE: Dietetics and Nutrition Practice Council

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

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: April 26, 2002

**DEPARTMENT OF HEALTH**

**Board of Medicine**

RULE TITLE: Additional Educational Requirements for Initial Licensure  
 RULE NO.: 64B8-42.005

PURPOSE AND EFFECT: The proposed new rule is intended to address the educational requirements for initial licensure.

SUMMARY: The proposed rule sets forth the educational requirements for initial licensure.

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: 456.013(7), 456.033 FS.

LAW IMPLEMENTED: 456.013(7), 456.033 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Kaye Howerton, Executive Director, Dietetics and Nutrition Practice Council, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3255

THE FULL TEXT OF THE PROPOSED RULE IS:

64B8-42.005 Additional Educational Requirements for Initial Licensure.

(1)(a) Each applicant for initial licensure shall confirm completion of a three-hour course on Human Immunodeficiency Virus and Acquired Immune Deficiency Syndrom (HIV/AIDS). The HIV/AIDS course must have been completed within the two years immediately preceding the submission of the application for licensure.

(b) Applicants for initial licensure, upon showing of good cause by affidavit, shall be given six months from the date of licensure to complete the HIV/AIDS course. Good cause includes applicants for endorsement or examination who have been residing outside of Florida or who have been on active military service.

(c) The course on HIV/AIDS shall meet all the requirements of Section 456.033, Fla. Stat.

(d) Courses approved by any Board within the Division of Medical Quality Assurance of the Department of Health pursuant to Section 456.033, Fla. Stat., are recommended by the Council and approved by the Board.

(2)(a) Each applicant for initial licensure shall confirm completion of a two-hour course on the prevention of medical errors, including a study of root-cause analysis, error reduction and prevention, and patient safety. If the course is being offered by a facility licensed pursuant to Chapter 395, F.S., for its employees, up to one hour of the two-hour course may be specifically related to error reduction and prevention methods used in that facility.

(b) Courses approved by any Board within the Division of Medical Quality Assurance of the Department of Health pursuant to Section 456.013(7), Fla. Stat., are recommended by the Council and approved by the Board.

Specific Authority 456.013(7), 456.033 FS. Law Implemented 456.013(7), 456.033 FS. History--New

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Dietetics and Nutrition Practice Council  
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Medicine  
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 6, 2002  
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: April 26, 2002

**DEPARTMENT OF HEALTH**

**Board of Medicine**

RULE TITLE: Continuing Education on HIV/AIDS  
RULE NO.: 64B8-45.006  
PURPOSE AND EFFECT: The proposed rule amendment is intended to clarify the requirements for HIV/AIDS education.  
SUMMARY: The proposed rule amendment sets forth criteria for HIV/AIDS education.  
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: 456.033 FS.  
LAW IMPLEMENTED: 456.033 FS.  
IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE FAW.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Kaye Howerton, Executive Director, Dietetics and Nutrition Practice Council, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3255

THE FULL TEXT OF THE PROPOSED RULE IS:

64B8-45.006 Continuing Education on HIV/AIDS.

~~(1)(a) Applicants for initial licensure shall confirm completion of a three hour course on Human Immunodeficiency Virus and Acquired Immune Deficiency Syndrome (HIV/AIDS). The HIV/AIDS course must have been completed within the two years immediately preceding the submission of the application for licensure.~~

~~(b) Applicants for initial licensure, upon showing of good cause by affidavit, shall be given six months from the date of licensure to complete the HIV/AIDS course. Good cause includes applicants for endorsement or examination who have been residing outside of Florida or who have been on active military service.~~

~~(1)(2) For each renewal of licensure, licensees must complete a one-hour course on Human Immunodeficiency Virus and Acquired Immune Deficiency Syndrome (HIV/AIDS) HIV/AIDS course within the 24-month period prior to the expiration date of the license.~~

~~(2)(3) Persons reactivating an inactive license or seeking reinstatement of a suspended or revoked license must submit proof of completion of a three-hour HIV/AIDS course prior to licensure. The HIV/AIDS course must have been completed within the two years immediately preceding the submission of proof.~~

~~(3)(4) To satisfy the requirements of this Rule, each course on HIV/AIDS shall meet the requirements of Section 456.033, Florida Statutes, consist of at least one hour of classroom instruction or an equivalent home study program and shall include the following subject areas:~~

- ~~(a) modes of transmission;~~
- ~~(b) infection control procedures;~~
- ~~(c) clinical management;~~
- ~~(d) prevention;~~
- ~~(e) current Florida law on AIDS and its impact on testing, confidentiality, treatment of patients, and any protocols and procedures applicable to HIV counseling and testing, reporting, the offering of HIV testing to pregnant women, and partner notification issues.~~

~~(4)(5) Courses approved by any Board within the Division of Medical Quality Assurance of the Department of Health pursuant to Section 456.033 455.604, Florida Statutes, are recommended by the Council and approved by the Board.~~

~~Specific Authority 456.033(7) FS. Law Implemented 456.033 FS. History--New 6-12-01, Amended~~

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Dietetics and Nutrition Practice Council  
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Medicine  
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 6, 2002  
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: April 26, 2002

**DEPARTMENT OF HEALTH**

**Board of Medicine**

RULE TITLE: Additional Educational Requirements for Initial Licensure  
 RULE NO.: 64B8-51.008

PURPOSE AND EFFECT: The proposed rule is intended to address instruction on the prevention of medical errors.

SUMMARY: The proposed rule requires instruction on the prevention of medical errors.

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: 478.43, 456.013(7) FS.  
 LAW IMPLEMENTED: 456.013(7) FS.

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

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

THE FULL TEXT OF THE PROPOSED RULE IS:

64B8-51.008 Additional Educational Requirements for Initial Licensure.  
Before licensure, each applicant shall comply with the requirements of Section 456.013(7), F.S., regarding instruction on prevention of medical errors.

Specific Authority 478.43, 456.013(7) FS. Law Implemented 456.013(7) FS. History—New \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Electrolysis Council

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

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: April 26, 2002

**DEPARTMENT OF HEALTH**

**Board of Nursing**

RULE TITLE: Certification for Approval  
 RULE NO.: 64B9-2.002

PURPOSE AND EFFECT: To delete language that appears elsewhere in the F.A.C.

SUMMARY: The Board proposes to strike the program review fee from this rule and replace it in the fees Rule 64B9-7.001, F.A.C.

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: 464.006, 464.019(2) FS.

LAW IMPLEMENTED: 464.019 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Dan Coble, Executive Director, Board of Nursing/MQA, 4052 Bald Cypress Way, Tallahassee, Florida 32399-3252

THE FULL TEXT OF THE PROPOSED RULE IS:

64B9-2.002 Certification for Approval.

(1) through (6) No change.

~~(7) The application for approval of a nursing program shall be accompanied by a program review fee of \$1,000.~~

Specific Authority 464.006, 464.019(2) FS. Law Implemented 464.019 FS. History—New 7-15-80, Amended 11-22-84, Formerly 21O-7.21, Amended 2-5-87, 6-8-88, 3-24-91, Formerly 21O-7.021, 61F7-2.002, 59S-2.002, Amended 12-11-97, 1-26-98, \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Nursing

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 10, 2002

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: March 15, 2002

**DEPARTMENT OF HEALTH**

**Board of Nursing**

RULE TITLE: Fees  
 RULE NO.: 64B9-7.001

PURPOSE AND EFFECT: To set forth specific application fees.

SUMMARY: The Board proposes to establish application fee requirements for continuing education providers and nursing programs.

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: 456.013(2), 456.017, 456.025, 456.036, 464.006, 464.014(1) FS.

LAW IMPLEMENTED: 19.07(1)(a), 456.013(2), 456.017(1)(c), 456.025, 456.036, 464.008, 464.009, 464.012, 464.013, 464.014 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Dan Coble, Executive Director, Board of Nursing/MQA, 4052 Bald Cypress Way, Tallahassee, Florida 32399-3252

THE FULL TEXT OF THE PROPOSED RULE IS:

64B9-7.001 Fees.

The following fees are prescribed by the Board.

(1) through (12) No change.

(13) The continuing education provider application and renewal fees shall each be Two Hundred Fifty Dollars (\$250.00).

(14) The application fee for approval of a nursing program shall be One Thousand Dollars (\$1,000.00).

Specific Authority 456.013(2), 456.017, 456.025, 456.036, 464.006, 464.014(1) FS. Law Implemented 119.07(1)(a), 456.013(2), 456.017(1)(c), 456.025, 456.036, 464.008, 464.009, 464.012, 464.013, 464.014 FS. History–New 9-12-79, Amended 3-5-81, 12-28-82, 11-17-83, Formerly 21O-15.01, Amended 9-23-86, 2-5-87, 10-21-87, 11-19-89, 3-13-90, 1-1-92, 6-24-93, Formerly 21O-15.001, 61F7-7.001, Amended 9-13-94, 11-6-94, 4-12-95, Formerly 59S-7.001, Amended 8-18-98, 11-2-98, 6-20-00.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Nursing

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 10, 2002

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: March 15, 2002

**DEPARTMENT OF HEALTH**

**Board of Optometry**

RULE TITLES:	RULE NOS.:
Examination Requirements	64B13-4.001
Reexamination	64B13-4.002
Manner of Application	64B13-4.004

PURPOSE AND EFFECT: The proposed rule amendments are intended to provide for the use of the Treatment and Management of Ocular Disease (TMOD) part of the National

Board examination as the certification examination. The rule proposals further conform the rules to reflect the change in not providing a certification examination prepared by the state.

SUMMARY: The proposed rule amendments provide for the use of the Treatment and Management of Ocular Disease (TMOD) part of the National Board examination as the certification examination. The rule proposals further conform the rules to reflect the change in not providing a certification examination prepared by the state.

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: 456.017(2), 463.006(1)(b),(2), 463.005, 456.033 FS.

LAW IMPLEMENTED: 456.017(2), 463.006(1)(b),(2), 456.033 FS.

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

TIME AND DATE: 1:00 p.m. or as soon thereafter as can be heard, July 9, 2002

PLACE: Crown Plaza Hotel, Orlando, Florida, (407)856-0100  
THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Joe Baker, Jr., Executive Director, Board of Optometry/MQA, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3257

THE FULL TEXT OF THE PROPOSED RULES IS:

64B13-4.001 Examination Requirements.

The examination for licensure shall consist of the National Board of Examiners in Optometry examination (hereafter NBEO examination), ~~the certification examination~~, and Parts I and II of the state examination for licensure. The examination for certification of a licensee shall consist of the Treatment and Management of Ocular Disease (hereafter TMOD) part of the NBEO.

(1) through (2) No change.

(3) Certification Examination. A licensee applying for certification must obtain a passing score on the TMOD part of the NBEO or must have obtained a passing score on the state certification examination. ~~Content of the certification examination is as specified in 64B13-10.0015.~~

Specific Authority 456.017(2), 463.006(2), 463.005 FS. Law Implemented 456.017(2), 463.006(2) FS. History–New 11-13-79, Amended 5-28-80, 7-10-80, 8-20-81, 2-14-82, 6-6-82, 10-3-82, 4-10-84, 5-29-85, Formerly 21Q-4.01, Amended 7-21-86, 11-20-86, 7-27-87, 7-11-88, 7-18-91, 4-14-92, Formerly 21Q-4.001, Amended 2-14-94, Formerly 61F8-4.001, Amended 8-8-94, 11-21-94, 4-21-96, Formerly 59V-4.001, Amended 7-27-99.

64B13-4.002 Reexamination.

An applicant who fails Part I or; Part II, ~~or the certification examination~~ of the state examination for licensure shall be required to retake only that portion of the examination on which he or she failed to achieve a passing grade, provided that the applicant shall be limited to two (2) retakes within a two (2) year period from the date of original failure. The Board may grant an extension of time of one additional year to allow a second retake based on medical disability substantiated by documentation from the applicant's physician. If the applicant fails to achieve a passing grade as provided above, he or she shall be required to take the complete state examination for licensure and certification examination in order to be entitled to be licensed. ~~Reexamination shall be conditioned upon reapplication and payment of the reexamination fee, provided a qualifying score as set forth in Rule 64B13 4.001, Florida Administrative Code, is met at the time of application for reexamination.~~

Specific Authority 456.017(2), 463.005 FS. Law Implemented 456.017(2) FS. History—New 11-13-79, Amended 10-3-82, 4-7-85, 7-9-85, Formerly 21Q-4.02, Amended 11-20-86, 4-20-93, Formerly 21Q-4.002, 61F8-4.002, Amended 11-21-94, Formerly 59V-4.002, Amended \_\_\_\_\_.

64B13-4.004 Manner of Application.

(1) Any person desiring to be a licensed practitioner shall apply to the Agency to take the licensure examination and certification examinations. The board will determine if an applicant qualifies for examination. The board will approve each applicant who:

- (a) through (b) No change.
- (2) through (4) No change.

Specific Authority 456.033, 463.006(1)(b), (2) FS. Law Implemented 456.033, 463.006(1)(b), (2) FS. History—New 11-13-79, Amended 4-17-80, Formerly 21Q-4.04, Amended 11-20-86, 4-19-89, 6-25-92, 6-6-93, Formerly 21Q-4.004, Amended 6-14-94, Formerly 61F8-4.004, Amended 3-21-95, 5-29-95, Formerly 59V-4.004, Amended \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Rules Committee, Board of Optometry  
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Optometry  
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 5, 2002  
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: April 26, 2002

**DEPARTMENT OF HEALTH**

**Board of Optometry**

RULE TITLE: Fees  
PURPOSE AND EFFECT: The proposed rule amendments are intended to clarify fees and to provide that a fee must be paid for each branch office.

RULE NO.: 64B13-6.001

SUMMARY: The proposed rule amendments set forth initial and renewal fees in the amount of \$25 for branch offices. In addition, the rule amendments delete fees which are no longer appropriate.

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: 456.013(2), 456.036, 463.005, 463.0057, 463.006, 463.007, 463.008 FS.

LAW IMPLEMENTED: 456.013(2), 456.025, 456.036, 463.0057, 463.006, 463.007, 463.008 FS.

IF REQUESTED 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: 1:00 p.m., or as soon thereafter as can be heard, July 9, 2002

PLACE: Crown Plaza Hotel, Orlando, Florida, (407)856-0100  
THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Joe Baker, Jr., Executive Director, Board of Optometry/MQA, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3257

THE FULL TEXT OF THE PROPOSED RULE IS:

64B13-6.001 Fees.

The following fees are prescribed by the Board:

- (1) through (3) No change.
- (4) The biennial ~~active status~~ licensure renewal fee shall be \$300.00.
- (5) The fee to be paid for the renewal or reactivation of an inactive license shall be \$300.00.
- (6) The fee to be paid for the ~~initial~~ issuance of an initial Branch Office License shall be one hundred dollars (\$100). The fee for issuance of additional Branch Office Licenses shall be twenty-five dollars (\$25) each.
- (7) The fee to be paid for biennial renewal of an initial Branch Office License shall be one hundred dollars (\$100). The fee for renewal of additional Branch Office Licenses shall be twenty-five dollars (\$25) each.
- (8) The ~~application~~ fee to be paid to place a license in ~~for~~ inactive status shall be \$220.00.
- (9) No change.
- (10) ~~The examination fee for certification as a certified optometrist shall be \$250.00.~~
- (10)(11) No change.
- (11) The fee for obtaining a duplicate wall certificate shall be \$25.00.
- (12) through (14) No change.

~~(15) The fee for processing a licensee's request to change licensure status at any time other than at the beginning of a licensure cycle shall be fifty dollars (\$50.00).~~

~~(15)(16) No change.~~

~~(16)(17) No change.~~

~~(18) The fee for processing a request to change licensure status at any time other than at the beginning of a licensure cycle for a branch office license shall be one hundred dollars (\$100.00).~~

~~(19) The fee for a delinquent status for a branch office license applying for active status shall be one hundred dollars (\$100.00).~~

~~(20) The fee for obtaining a duplicate wall certificate shall be \$25.00.~~

~~(17)(21) No change.~~

~~(18)(22) No change.~~

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

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Rules Committee, Board of Optometry  
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Optometry  
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 5, 2002  
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: April 26, 2002

**DEPARTMENT OF HEALTH**

**Board of Optometry**

RULE TITLE: Citations  
RULE NO.: 64B13-15.009

PURPOSE AND EFFECT: The proposed amendment deletes paragraph (5) of the rule since it requires the investigator to ascertain compliance prior to the issuance of a citation.

SUMMARY: The proposed rule amendment deletes paragraph (5) of the rule.

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

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

SPECIFIC AUTHORITY: 456.077, 463.005 FS.

LAW IMPLEMENTED: 456.077 FS.

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

TIME AND DATE: 1:00 p.m., or as soon thereafter as can be heard, July 9, 2002

PLACE: Crown Plaza Hotel, Orlando, Florida, (407)856-0100  
THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Joe Baker, Jr., Executive Director, Board of Optometry/MQA, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3257

THE FULL TEXT OF THE PROPOSED RULE IS:

64B13-15.009 Citations.

(1) through (4) No change.

~~(5) Prior to issuance of the citation, the Department 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.~~

~~(5)(6) No change.~~

Specific Authority 456.077, 463.005 FS. Law Implemented 456.077 FS. History--New 1-1-92, Formerly 21Q-15.009, 61F8-15.009, 59V-15.009, Amended 3-21-00, 4-17-01, 5-1-02,\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Rules Committee, Board of Optometry  
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Optometry  
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 5, 2002  
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: April 26, 2002

**DEPARTMENT OF HEALTH**

**Board of Optometry**

RULE TITLES: Branch Office License  
RULE NOS.: 64B13-16.002

Requirements and Restrictions for Fixed Branch Offices  
64B13-16.004

PURPOSE AND EFFECT: The proposed rule amendments are intended to require that each branch office be licensed.

SUMMARY: The proposed rule amendments require that each branch office location be licensed.

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: 463.005(1)(a) FS.

LAW IMPLEMENTED: 463.001, 463.011 FS.

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

TIME AND DATE: 1:00 p.m., or as soon thereafter as can be heard, July 9, 2002

PLACE: Crown Plaza Hotel, Orlando, Florida, (407)856-0100  
 THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Joe Baker, Jr., Executive Director, Board of Optometry/MQA, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3257

THE FULL TEXT OF THE PROPOSED RULES IS:

**64B13-16.002 Branch Office License.**

Each Branch Office must be licensed. The Department shall issue a Branch Office License for a specified location to each licensed practitioner or a certified optometrist in good standing who submits to the Board of Optometry, a written request and the fee required by Rule 64B13-6.001(6), Florida Administrative Code, for each location.

Specific Authority 463.005(1)(a) FS. Law Implemented 463.011 FS. History—New 5-29-90, Formerly 21Q-16.002, 61F8-16.002, 59V-16.002, Amended \_\_\_\_\_.

**64B13-16.004 Requirements and Restrictions for Fixed Branch Offices.**

Each licensed practitioner or certified optometrist using one or more fixed branch offices to practice optometry shall:

~~(1) Report to the Board each fixed branch office location other than a primary office at which he or she is practicing optometry;~~

~~(1)(2)~~ No change.

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

~~(3)(4)~~ No change.

Specific Authority 463.005(1)(a) FS. Law Implemented 463.001, 463.011 FS. History—New 5-29-90, Formerly 21Q-16.004, 61F8-16.004, 59V-16.004, Amended \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Rules Committee, Board of Optometry

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

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: April 26, 2002

**DEPARTMENT OF HEALTH**

**Council of Medical Physicists**

RULE TITLE: Documentation for Licensure

RULE NO.: 64B23-2.001

PURPOSE AND EFFECT: Section 456.013, Florida Statutes, was amended by the 2001 Legislature to require the completion of a two (2) hour course relating to the prevention

of medical errors as part of the initial licensure process for each health care profession regulated by the Department of Health. Accordingly, an amendment is proposed to Rule 64B23-2.001, F.A.C., to establish that proof of completion of a two (2) hour medical error course is required as part of the necessary documentation each applicant must provide for initial licensure as a medical physicist. Additionally, two technical changes are proposed, the first to remove reference to the word “certification” to more accurately reflect the actual documentation required for initial licensure, and the other, to provide the address from which an individual can obtain an application for licensure as a Medical Physicist.

SUMMARY: Rule 64B23-2.001, F.A.C., is amended to require proof of completion of a two (2) hour course relating to the prevention of medical errors, to remove reference to the word “certification”, to more accurately reflect the actual documentation required for initial licensure, and to provide the address from which an individual can obtain an application for licensure as a Medical Physicist.

A STATEMENT OF ESTIMATED REGULATORY COST HAS NOT BEEN PREPARED REGARDING THIS PROPOSED RULE. None.

Any person who wishes to provide information regarding a 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: 456.013, 456.004, 483.901(6)(b) FS.

LAW IMPLEMENTED: 456.013, 483.901(6)(b) FS.

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

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Joe Baker, Executive Director, Advisory Council of Medical Physicists, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3257

THE FULL TEXT OF THE PROPOSED RULE IS:

**64B23-2.001 Documentation for Licensure.**

Each applicant for licensure shall make application on Form DH 1274, Application for Licensure as a Medical Physicist, hereby incorporated by reference, which is effective 6-10-99 and which can be obtained from the Advisory Council of Medical Physicists, shall be provided by the Department of Health, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3257. The following items must be submitted with each application:

(1) One passport style photograph of applicant taken within the last six months; ~~and~~





SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None has been prepared regarding this proposed rule.

Any person who wishes to provide information regarding a 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: 456.036(5) FS.

LAW IMPLEMENTED: 456.036(5) FS.

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

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Joe Baker, Executive Director, Advisory Council of Medical Physicists, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3257

THE FULL TEXT OF THE PROPOSED RULE IS:

64B23-5.001 Procedure for Renewal of Licensure.

Specific Authority 456.036(5) FS. Law Implemented 456.036(5) FS. History--New 6-10-99, Repealed

NAME OF PERSON ORIGINATING PROPOSED RULE: Joe Baker, Executive Director, Advisory Council of Medical Physicists, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3257

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Amy Jones, Division Director, Department of Health, Division of Medical Quality Assurance, 4052 Bald Cypress Way, Bin #C00, Tallahassee, Florida 32399-3250

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 9, 2002

**DEPARTMENT OF HEALTH**

**Council of Medical Physicists**

RULE TITLE: Citations

RULE NO.: 64B23-6.003

PURPOSE AND EFFECT: Rulemaking has been proposed with regard to Rule 64B23-4.001, F.A.C., to delete the requirement that twelve (12) hours of the required continuing education for medical physicist licensees, be in the speciality for which the individual is licensed. The purpose of that proposed rule amendment is to allow for greater compliance with continuing education requirements as continuing education providers within the medical physicist profession generally do not provide continuing education hours by specialty. In conjunction with such proposed amendments, the Department of Health is proposing amendment to Rule 64B23-6.003, F.A.C., to delete the corresponding citation

offense, which cites licensees for failure to have twelve (12) hours of continuing education in the speciality for which the individual is licensed.

SUMMARY: Rule 64B23-6.003, F.A.C. is amended to remove the citation offense which cites licensees for failure to have twelve (12) hours of continuing education in the speciality for which the individual is licensed.

A STATEMENT OF ESTIMATED REGULATORY COST HAS NOT BEEN PREPARED REGARDING THIS PROPOSED RULE: None.

Any person who wishes to provide information regarding a 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: 456.077(1), 483.901(6)(a) FS.

LAW IMPLEMENTED: 456.077(1), 483.901(6)(a) FS.

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

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Joe Baker, Executive Director, Advisory Council of Medical Physicists, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3257

THE FULL TEXT OF THE PROPOSED RULE IS:

64B23-6.003 Citations.

(1) through (2) No change.

(3) The following violation may be disposed of by the Department by citation with the specified penalty:

VIOLATIONS	PENALTY
(a) CE violations (Section 483.901(6), F.S.)	Within six months of the date the citation is issued, Respondent must submit certified documentation of completion of all CE requirements for the period for which the citation was issued; prior to renewing the license for the next biennium Respondent must document compliance with the CE requirements for the relevant period; AND
<del>1. Failure to document specialty CE.</del>	<del>\$200 fine</del>
<del>1.2: Documentation of some, but not all of</del>	<del>\$25 fine for each hour not documented the required CE for license renewal.</del>
<del>2.3: Failure to document any of the required hours</del>	1. \$1,000 fine
	2. Reprimand
<del>3.4: Failure to respond to an audit.</del>	\$250 fine

(b) through (5) No change.

Specific Authority 456.077(1), 483.901(6)(a) FS. Law Implemented 456.077(1), 483.901(6)(a) FS. History—New 7-15-99, Amended \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Joe Baker, Executive Director, Advisory Council of Medical Physicists, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3257

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Amy Jones, Division Director, Department of Health, Division of Medical Quality Assurance, 4052 Bald Cypress Way, Bin #C00, Tallahassee, Florida 32399-3250

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 9, 2002

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

**DEPARTMENT OF HEALTH  
Division of Environmental Health**

RULE TITLES: Definitions  
Radiation Therapy Assistance by

RULE NOS.: 64E-3.002

General Radiographers 64E-3.0031

PURPOSE AND EFFECT: The purpose of the proposed rules is to specify the training and scope of practice of general radiographers who assist radiation therapy technologists in performing radiation therapy procedures.

SUMMARY: The proposed rule specifies the additional training required of general radiographers before they can perform radiation therapy procedures delegated by radiation therapy technologists who are registered with the American Registry of Radiologic Technologists as radiation therapy technologists. The proposed rules also specify functions radiation therapy technologist assistants cannot perform.

SPECIFIC AUTHORITY: 381.0034, 468.303 FS.

LAW IMPLEMENTED: 381.0034, 468.302(3)(a),(b),(d), 468.303, 368.304 FS.

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

TIME AND DATE: 9:00 a.m., June 18, 2002

PLACE: 4042 Bald Cypress Way, Room 301, Tallahassee, FL 32399

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 5 calendar days before the meeting by contacting the Bureau of Radiation Control at (850)245-4266.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: William A. Passetti, Chief, Bureau of Radiation Control, (850)245-4266

THE FULL TEXT OF THE PROPOSED RULES IS:

64E-3.002 Definitions.

(1) through (10) No change.

(11) “Assist with managing patients undergoing radiation therapy treatments” or “assist with radiation therapy technology duties” as specified in s. 468.302(3)(d), F.S., means performing radiation therapy tasks in which the general radiographer has been trained according to the program specified in Rule 64E-3.0031(1)(b), F.A.C., and excluding those tasks prohibited in Rule 64E-3.0031(2), F.A.C. All assistance provided by a general radiographer must be physically checked and verified by the radiation therapy technologist before delivery of each treatment fraction.

(12) “Brachytherapy” means a method of radiation therapy in which sources of radioactive material are used to deliver radiation dose by surface, intracavitary, or interstitial application and excludes teletherapy.

(13) “Duties of a medical physicist” as specified in s. 468.302(3)(d), F.S., includes:

(a) Radiation beam calibration and characterization.

(b) Quality assurance, including dose rate verification; coincidence of light field to radiation beam; rotation; laser positioning; and operation of all interlocks, collision safety systems, optical distance indicators, and emergency switches.

(c) Instrument and device specification, acceptance testing, and commissioning.

(d) Image quality assessment and optimization of imaging systems and processes.

(e) Shielding design and protection analysis on radiation-emitting equipment and radiopharmaceuticals.

(f) Consultation and treatment planning with radiation oncologist to determine dose to be delivered.

(g) Consultation with radiation oncologist to assure accurate radiation dose to a specific patient.

(h) Informing radiation oncologist when critical structures appear to be reaching tolerance doses.

(i) Determination of dose delivered to patients.

(14) “Treatment planning” as specified in s. 468.302(3)(d), F.S., means the process by which the quantity and type of radiation to be delivered to the patient and the method of delivery are prescribed, characterized, modeled, shaped, verified, and documented to maximize the dose to the tumor volume while minimizing the dose to surrounding healthy tissue. Treatment planning includes determination of the need for and type of beam modifying devices; consultation with radiation oncologist, medical physicist, or dosimetrist to determine optimum fields to cover volume of interest; and determination of the accuracy of the proposed isodose plan and treatment prescription.

Specific Authority 381.0034, 468.303 FS. Law Implemented 381.0034, 468.302(3)(a), (b), 468.303, 468.304 FS. History—New 4-10-85, Formerly 10D-74.42, Amended 3-21-88, 9-17-92, 5-7-96, Formerly 10D-74.042, Amended \_\_\_\_\_.

64E-3.0031 Radiation Therapy Assistance by General Radiographers.

(1) Before assisting with managing patients undergoing radiation therapy treatments or assisting with radiation therapy technology duties as specified in s. 468.302(3)(d), F.S., a general radiographer must submit the following documents to the department:

(a) An oath or affirmation stating their desire to assist with managing patients undergoing radiation therapy treatments and containing:

1. Their full name, birth date, general radiographer certificate number, mailing address, and phone number.

2. The full name, Florida certificate number, and ARRT registration number of the radiation therapy technologist who the general radiographer will assist.

3. The full name and Florida license number of the physician who will provide general supervision of the general radiographer.

(b) Proof of successful completion of a training program as specified in the Therapy Assistance by General Radiographer Training Program Curriculum dated March 21, 2002, which is herein incorporated by reference and available from the department, of at least 560 clock hours at a radiation therapy school accredited by the Joint Review Committee on Education in Radiologic Technology.

(2) In addition to the services specifically prohibited in s. 468.302(3)(d), F.S., the following functions cannot be delegated by the radiation therapy technologist or performed by the general radiographer because they reasonably could be expected to create an unnecessary danger to a patient's life, health, or safety:

(a) Determination and recording of factors used to calculate monitor units and exposure times.

(b) Calculation of the number of monitor units or exposure times for each prescribed treatment session.

(c) Positioning patients on treatment couch to reproduce set-ups indicated in treatment charts, using positioning aids, field markings, bolus, and immobilization devices.

(d) Positioning treatment machine and accessory equipment to reproduce set-ups indicated by approved treatment plans.

(e) Using wedges, shielding blocks, or compensators according to treatment plans.

(f) Delivering treatment by setting and activating controls on machine console.

(g) Having sole responsibility to monitor patient visually and by intercommunication systems during treatment.

(h) Having sole responsibility to monitor treatment machine console during treatment and to report malfunctions.

(i) Verifying treatment fields by taking portal films.

(j) Reviewing portal films with radiation oncologists for approval or field modifications and initiating field changes as indicated.

(k) Documenting changes in prescribed course of treatment.

(l) Documenting treatment dose in patient charts.

(m) Performing or assisting with the performance of brachytherapy.

Specific Authority 468.303 FS. Law Implemented 468.302(3)(d) FS. History--New \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: William A. Passetti, Chief, Bureau of Radiation Control  
 NAME OF SUPERVISOR OR PERSON ORIGINATING THE PROPOSED RULE: Sharon Heher, Dr.P.H.  
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 29, 2002  
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 21, 2001

**DEPARTMENT OF CHILDREN AND FAMILY SERVICES**

**Economic Self-Sufficiency Services**

RULE TITLE: Food Stamp Program Income and Expenses  
 RULE NO.: 65A-1.603

PURPOSE AND EFFECT: This rule is being amended due to changes to the Food Stamp Act of 1977, as amended. It incorporates changes to the standard and basic utility allowances, which are more advantageous to the food stamp recipient.

SUMMARY: Food stamp assistance groups are now limited to one of three possible utility deductions: the standard utility allowance, the basic utility allowance and the telephone standard. Due to changes in the Food Stamp Act of 1977, as amended, an actual utility deduction is no longer available to any type of assistance group.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None.

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

SPECIFIC AUTHORITY: 414.45 FS.

LAW IMPLEMENTED: 414.31 FS.

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

TIME AND DATE: 10:00 a.m., June, 2002

PLACE: Building 3, Room 455, 1317 Winewood Boulevard, Tallahassee, FL 32399-0700

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Audrey Mitchell, Program Administrator, 1317 Winewood Boulevard, Building 3, Room 421, Tallahassee, FL 32399-0700. Telephone (850)488-3090

THE FULL TEXT OF THE PROPOSED RULE IS:

65A-1.603 Food Stamp Program Income and Expenses.

(1) Rounding Income and Expenses. Cents resulting from budgetary calculations will be retained at each level in determining the Assistance Group's (AGs) food stamp benefits except at calculation of the benefit reduction. The result of calculation of the benefit reduction will be rounded up to the next whole dollar amount.

(2) Standard Utility Allowance.

(a) A standard utility allowance (SUA) must be used by the AGs who actually incur or, within the next 12 months, expect to incur either heating or cooling costs or both separate and apart from their rent or mortgage payment. The standard utility allowance contains both a heating and a cooling component. Assistance Groups AGs who are billed only for excess utility expenses will not have the standard utility allowance applied. Actual utility expenses are not allowed. If more than one assistance group shares in the heating or cooling expense of the dwelling the SUA will be split among those AGs sharing in the utility costs of the dwelling, whether all AGs receive food stamps or not. An individual living with others and not sharing in the utility costs of the dwelling, is not entitled to share the SUA. When multiple residences share a common utility meter, only the AGs which are directly billed for a residence may have the standard utility allowance applied. All other residences may, based on their circumstances, have either the full basic utility allowance or the full telephone allowance applied. For multiple AGs living in the same residence, the standard utility allowance is divided by the number of AGs in the residence who contribute toward payment of the utility expense. When the SUA is budgeted, no additional utility costs, including the separate telephone expense, will be budgeted. The amount of the standard utility allowance is ~~\$198~~ \$194.

(b) A basic utility allowance (BUA) will be budgeted for AGs that do not have the ability to incur heating or cooling expenses, but have the ability to incur utility costs, other than telephone, separate and apart from their rent. Actual expenses are not allowed. households who incur utility expenses other than a telephone expense, but do not incur heating or cooling expenses separate and apart from their rent or mortgage payment. The use of this basic utility allowance is mandatory for all such households who incur a utility expense other than a telephone, including AGs who:

- 1. are billed only for excess utility expenses; or
- 2. share a utility meter with another AG; or,

1. Do not incur heating or cooling costs, but pay for other utilities such as electric or fuel, water, sewer, or garbage pickup.

2. Are residents of public housing that share a central meter and are charged only for excess heating and cooling expenses.

3. Are billed by their landlord for actual usage or are charge a flat rate for utilities separate and apart from their rent and the charges do not include heating and cooling costs; and

4. Share a utility meter and pay for utilities but do not incur heating or cooling costs.

~~3. pay only a flat rate for utilities.~~

If more than one assistance group shares in paying the non-heating or cooling utility expenses of the dwelling, the BUA must be split between the AGs sharing the expense(s), whether all AGs receive food stamps or not. An individual living with others and not sharing in the dwelling utility expenses is not entitled to share the BUA. For multiple AGs living in the same residence, the basic utility allowance is divided by the number of AGs in the residence who contribute toward payment of the utility expense. The basic utility allowance is \$144. If the basic utility allowance is budgeted, no other utility expenses including the separate telephone expense, will be budgeted.

(c) AGs whose only allowable utility expense is for a telephone, will be offered a separate standard telephone allowance for use in the food stamp budget. The amount of the standard telephone allowance is \$14.

(d) To use any of the allowances, verification must be obtained that the AG actually incurs, or expects to incur, the type level of utility expenses leading to to allow the specific allowances. A utility deposit receipt is acceptable verification that an AG incurs a utility expense. ~~When an AG expects to incur an expense, verification of past use of the utility or equipment must be provided.~~ When verification is requested, it must be received within 30 days of the date of the request, or the public assistance specialist will determine the AG's eligibility and allotment without allowing the appropriate allowances. ~~In instances of lack of verification due to the season or when the AG has not lived at its current residence long enough to incur the expense, the applicant's statement will be acceptable unless questionable. If the applicant's statement is questioned by the public assistance specialist, verification must be provided prior to budgeting the appropriate allowance.~~

~~(3) Utility Expenses for an Unoccupied Home. The utility expenses for a home temporarily unoccupied because of employment or training away from the home, illness, or abandonment caused by a natural disaster or casualty loss, are allowable. For expenses to be included, the assistance group must intend to return to the home and the current occupants of the home, if any, must not be claiming the shelter costs or expenses for food stamp purposes. In addition, the home must~~

~~not be rented or leased during the absence of the assistance group. An AG is not entitled to claim utility expenses in both temporary housing and the unoccupied home. However, the greater of the two expenses will be allowed in the food stamp budget. Verification as stated in rule subparagraph (2)(d) above must be provided.~~

~~(4) Shelter Standard Estimate for the Homeless. Homeless individuals who incur shelter costs during a month shall have a shelter standard estimate included in their food stamp budget, if the individual so desires. The federal shelter standard estimate specified in 7CFR 273.9(d)(5) will be allowed.~~

Specific Authority 414.45 FS. Law Implemented 414.31 FS. History--New 1-31-94, Formerly 10C-1.603, Amended 1-12-99,\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
 Marcia Dukes, Operations Review Specialist  
 NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Audrey Mitchell, Program Administrator, Public Assistance Policy  
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 15, 2002  
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: November 2, 2001

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

**REGIONAL PLANNING COUNCILS**

**Southwest Florida Regional Planning Council**

RULE CHAPTER NO.:	RULE CHAPTER TITLE:
29I-6	Strategic Regional Policy Plan
RULE NO.:	RULE TITLE:
29I-6.002	Strategic Regional Policy Plan

**NOTICE OF CHANGE**

Notice is hereby given that the following changes have been made to the proposed rule in accordance with F.S., published in Vol. 28, No. 14, April 5, 2002, issues of the Florida Administrative Weekly, and amended in Vol. 28, No. 16, April 19, 2002, issue of the Florida Administrative Weekly:

These changes are being made to address concerns expressed at the public hearing held on April 18, 2002. Actions 4 and 5 under goal three on page 40 of Volume II (Goals, Strategies and Actions) were added to the Emergency Preparedness Element.

Strategy: Develop programs that assess risk and are capable of giving priority to those who have the greatest threat, when time or resources provide constraints on total evacuation.

Actions:

1. Each hurricane study update shall update the numbers and locations of the most exposed populations.

2. Each hurricane study update shall update the evacuation times of the exposed zones, and recommend for prioritization for road improvements those zones with greater than 18 hour evacuation times.
3. Each hurricane study update shall update estimates and concentrations of housing types more subject to hurricane force wind damage, and prioritize these populations for sheltering.
4. Continue requiring all deeds to property located within a Development of Regional Impact located within the Southwest Florida Special Hurricane Preparedness District as required by Rule 9J-2.0257(4) shall be accompanied by a disclosure statement in the form of a covenant stating that the property is located in a hurricane vulnerability zone, that the hurricane evacuation clearance time for City/ County or the Southwest Florida Region is high, and/ or hurricane shelter spaces are limited.
5. Work with all local governments in the region to require all deeds to hurricane vulnerable property located within their jurisdiction be accompanied by a disclosure statement in the form of a covenant stating that the property is located in a hurricane vulnerability zone, that the hurricane evacuation clearance time for City/County or the Southwest Florida Region is high, and hurricane shelter spaces are limited.

THE PERSON TO BE CONTACTED REGARDING THE NOTICE OF CHANGE: David Y. Burr, Southwest Florida Regional Planning Council, 4980 Bayline Drive, North Fort Myers, FL. 33917, (941)656-7720

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

RULE NO.:	RULE TITLE:
61-20.010	Disciplinary Guidelines

**NOTICE OF WITHDRAWAL**

Notice is hereby given that the above rule, as noticed in Vol. 27, No. 36, September 7, 2001, Florida Administrative Weekly has been withdrawn.

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Board of Cosmetology**

RULE NO.:	RULE TITLE:
61G5-18.007	Endorsement of Cosmetologists

**NOTICE OF CHANGE**

Pursuant to subparagraph 120.54(3)(d)1., F.S., notice is hereby given that the following changes have been made to the proposed rule, as published in Vol. 28, No. 7, February 15, 2002 issue of the Florida Administrative Weekly. The changes are in response to comments received from the Joint Administrative Procedures Committee and from the Board meeting held on April 29, 2002.

Subsections (3) and (4) shall now read as follows:

(3) Demonstrates that the applicant has completed at least 1200 cosmetology school or program hours substantially similar to, equivalent to or greater than the qualifications required of applicants from this state.

(4) Demonstrates that the applicant has passed a written licensure examination to obtain a license substantially similar to, equivalent to or greater than the qualifications required of applicants from this state.

Specific Authority and Law Implemented shall now read:  
Specific Authority 477.019(6), 477.016 FS. Law Implemented 477.019(6) FS.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Julie Baker, Executive Director, Board of Cosmetology, Northwood Centre, 1940 North Monroe Street, Tallahassee, Florida 32399-0750.

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Board of Cosmetology**

RULE NO.:                      RULE TITLE:  
61G5-32.001                   Continuing Education  
  NOTICE OF CHANGE

Pursuant to subparagraph 120.54(3)(d)1., F.S., notice is hereby given that the following changes have been made to the proposed rule, as published in Vol. 28, No. 6, February 8, 2002 issue of the Florida Administrative Weekly. The changes are in response to comments received from the Joint Administrative Procedures Committee and from the Board meeting held on April 29, 2002.

Subsection (7)(j) shall now read as follows:

(7)(j) At any time, the Board shall request the Department revoke the provider’s approval if it finds that such approval is sought or was received by fraud or misrepresentation by the provider, that the course which is being provided fails to cover the information required by statute or this rule or Rule 61-6.015, F.A.C., or otherwise fails to meet the requirements specified in this rule, that the course significantly varies from the course proposal that was approved by the Board, or that the course provider has engaged in fraudulent behavior related to the provision of the course. Before the Board recommends that the Department revoke a continuing education provider, the Board shall give the course provider notice and an opportunity to be heard. If the Board denies or the Department revokes the approval of a continuing education provider because of the course provider’s fraud or misrepresentation, then the continuing education provider shall thereafter be barred from presenting any continuing education courses to licensees or registrants for credit unless the provider demonstrates to the Board that the provider has been sufficiently rehabilitated to be trusted to provide such courses to licensees or registrants in the future.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Julie Baker, Executive Director, Board of Cosmetology, Northwood Centre, 1940 North Monroe Street, Tallahassee, Florida 32399-0750.

**DEPARTMENT OF HEALTH**

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

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

NOTICE OF CHANGE

Pursuant to subparagraph 120.54(3)(d)1., F.S., notice is hereby given that the following changes have been made to the proposed rule, as published in Vol. 27, No. 46, November 16, 2001 issue of the Florida Administrative Weekly. The changes are in response to comments received from the Joint Administrative Procedures Committee and from the Board meeting held on April 25, 2002. The rule shall now read as follows:

Subsection (1)(e) shall be deleted in its entirety.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Sue Foster, Executive Director, Board of Clinical Social Work, Marriage and Family Therapy and Mental Health Counseling/MQA, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3258.

**DEPARTMENT OF HEALTH**

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

RULE NO.:                      RULE TITLE:  
64B4-6.004                   Approval of Continuing Education Providers

NOTICE OF CHANGE

Pursuant to subparagraph 120.54(3)(d)1., F.S., notice is hereby given that the following changes have been made to the proposed rule, as published in Vol. 27, No. 46, November 16, 2001 issue of the Florida Administrative Weekly. The changes are in response to comments received from the Joint Administrative Procedures Committee and from the Board meeting held on April 25, 2002. Subsection (2)(f)7. shall now read as follows:

7. Ensure that the provider complies with the American’s with Disabilities Act of 1990, 42 USC §§ 12101-12213.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Sue Foster, Executive Director, Board of Clinical Social Work, Marriage and Family Therapy and Mental Health Counseling/MQA, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3258.

**DEPARTMENT OF HEALTH**

**Board of Nursing**

RULE NO.: 64B9-2.012                      RULE TITLE: Full Approval Maintenance  
 NOTICE OF WITHDRAWAL

Notice is hereby given that the above rules, as noticed in Vol. 27, No. 45, November 9, 2001, Florida Administrative Weekly have been withdrawn.

**DEPARTMENT OF HEALTH**

**Board of Respiratory Care**

RULE NO.: 64B32-1.006                      RULE TITLE: Address of Licensee  
 NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F. S., published in the Vol. 28, No. 2, January 11, 2002, issue of the Florida Administrative Weekly. The changes are in response to comments received from the Joint Administrative Procedures Committee and from the Board meeting held on April 12, 2002.

The rule shall now read as follows:

64B32-1.006 Address of Licensee.

Each person holding a license issued pursuant to Part V of Chapter 468, Florida Statutes, must maintain on file with the Department the current place of practice and the residence address at which any notice required by law may be served by the Department, the Board, or its agents. Within 60 days of changing either address, whether or not within the state, the licensee shall notify the Department by serving written notification of the new address to the Board.

Specific Authority 468.36 FS. Law Implemented 468.36 FS. History—New 5-10-92, Formerly 21M-33.009, 61F6-33.009, 59R-70.009, Amended 3-16-98, Formerly 64B8-70.009, Amended \_\_\_\_\_.

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

**Section IV  
 Emergency Rules**

**DEPARTMENT OF THE LOTTERY**

RULE TITLE: Instant Game Number 426, LET FREEDOM RING                      RULE NO.: 53ER02-21

SUMMARY OF THE RULE: This emergency rule describes Instant Game Number 426, “LET FREEDOM RING,” for which the Department of the Lottery will start selling tickets on

a date to be determined by the Secretary of the Department. The rule sets forth the specifics of the game, determination of prizewinners and the number and size of prizes in the game. THE PERSON TO BE CONTACTED REGARDING THE EMERGENCY RULE IS: Diane D. Schmidt, Legal Analyst, Department of the Lottery, 250 Marriott Drive, Tallahassee, Florida 32399-4011

THE FULL TEXT OF THE EMERGENCY RULE IS:

53ER02-21 Instant Game Number 426, LET FREEDOM RING.

(1) Name of Game. Instant Game Number 426, “LET FREEDOM RING.”

(2) Price. LET FREEDOM RING lottery tickets sell for \$2.00 per ticket.

(3) LET FREEDOM RING lottery tickets shall have a series of numbers in Machine Readable Code (or bar code) on the back of the ticket, along with a Void If Removed Number (VIRN) under the latex area on the ticket. To be a valid winning LET FREEDOM RING lottery ticket, a combination of essential elements sufficient to validate the ticket must be present as set forth in paragraph 53ER92-63(1)(a), Florida Administrative Code. In the event a dispute arises as to the validity of any LET FREEDOM RING lottery ticket, or as to the prize amount, the VIRN number under the latex shall prevail over the bar code.

(4) The “YOUR NUMBERS” play symbols and play symbol captions are as follows:

ADD SYMBOL

(5) The “WINNING NUMBERS” play symbols and play symbol captions are as follows:

ADD SYMBOL

(6) The prize symbols and prize symbol captions are as follows:

ADD SYMBOL

(7) The legends are as follows:

ADD SYMBOL

(8) Determination of Prize Winners.

(a) A ticket having a number in the "YOUR NUMBERS" play area that matches any number in the "WINNING NUMBERS" play area shall entitle the claimant to the corresponding prize shown for that number. A ticket may have up to ten matching sets of numbers. The prizes are: TICKET, \$1.00, \$2.00, \$5.00, \$10.00, \$25.00, \$50.00, \$100, \$1,000, \$10,000. A claimant who is entitled to a prize of a "TICKET" shall be entitled to a prize of a \$2.00 instant ticket or any combination of instant and on-line tickets that totals \$2.00, except as follows. A person who submits by mail a LET FREEDOM RING lottery ticket which entitles the claimant to a prize of a \$2.00 ticket and who mailing address is outside the state of Florida will receive a check for \$2.00 in lieu of an actual ticket.

(b) A ticket having a "bell" symbol in the play area shall entitle the claimant to a prize of \$50.00.

(9) The estimated odds of winning, value, and number of prizes in Instant Game Number 426 are as follows:

GAME PLAY	WIN	ODDS OF	NUMBER OF
			WINNERS IN 28 POOLS OF
TICKET	\$2 TICKET	1 IN	180,000
\$2	\$2	7.50	TICKETS
\$2 + \$2	\$4	25.00	PER POOL
\$1 + (\$2 x 2)	\$5	37.50	672,000
\$5	\$5	37.50	201,600
\$1 + (\$2 x 2) + \$5	\$10	50.00	134,400
(\$1 x 8) + \$2	\$10	100.00	134,400
\$10	\$10	100.00	100,800
\$5 x 5	\$25	150.00	50,400
AUTOWIN SYMBOL = "Bell"	\$50	200.00	33,600
\$10 x 5	\$50	360.00	25,200
(\$5 x 2) + (\$10 x 4)	\$50	1,800.00	14,000
\$10 x 10	\$100	1,800.00	2,800
(\$10 x 5) + (\$25 x 2)	\$100	18,000.00	280
\$100	\$100	18,000.00	280
\$25 x 8	\$200	126,000.00	40
\$100 x 10	\$1,000	336,000.00	15
\$1,000	\$1,000	1,008,000.00	5
\$1,000 x 10	\$10,000	1,680,000.00	3
\$10,000	\$10,000	1,680,000.00	3

(10) The overall odds of winning some prize in Instant Game Number 426 are 1 in 3.54. Some prizes, including the top prizes, may be sold out at time of ticket purchase.

(11) For reorders of Instant Game Number 426, the estimated odds of winning, value, and number of prizes shall be proportionate to the number of tickets reordered.

(12) By purchasing a LET FREEDOM RING lottery ticket the player agrees to comply with and abide by all rules and regulations of the Florida Lottery.

(13) Payment of prizes for LET FREEDOM RING lottery tickets shall be made in accordance with rules of the Florida Lottery governing procedures for awarding prizes. A copy of the current rule can be obtained from the Florida Lottery, Office of the General Counsel, 250 Marriott Drive, Tallahassee, Florida 32399-4011.

Specific Authority 24.105(9)(a), (b), (c), 24.109(1), 24.115(1) FS. Law Implemented 24.105(9)(a), (b), (c), 24.115(1) FS. History—New 5-2-02.

THIS EMERGENCY RULE TAKES EFFECT IMMEDIATELY UPON BEING FILED WITH THE DEPARTMENT OF STATE.

EFFECTIVE DATE: May 2, 2002

**DEPARTMENT OF THE LOTTERY**

RULE TITLE: Instant Game Number 433, SOLID GOLD

RULE NO.: 53ER02-22

SUMMARY OF THE RULE: This emergency rule describes Instant Game Number 433, "SOLID GOLD," for which the Department of the Lottery will start selling tickets on a date to be determined by the Secretary of the Department. The rule sets forth the specifics of the game, determination of prizewinners and the number and size of prizes in the game.

THE PERSON TO BE CONTACTED REGARDING THE EMERGENCY RULE IS: Diane D. Schmidt, Legal Analyst, Department of the Lottery, 250 Marriott Drive, Tallahassee, Florida 32399-4011

THE FULL TEXT OF THE EMERGENCY RULE IS:

53ER02-22 Instant Game Number 433, SOLID GOLD.

(1) Name of Game. Instant Game Number 433, "SOLID GOLD."

(2) Price. SOLID GOLD lottery tickets sell for \$2.00 per ticket.

(3) SOLID GOLD lottery tickets shall have a series of numbers in Machine Readable Code (or bar code) on the back of the ticket, along with a Void If Removed Number (VIRN) under the latex area on the ticket. To be a valid winning SOLID GOLD lottery ticket, a combination of essential elements sufficient to validate the ticket must be present as set forth in paragraph 53ER92-63(1)(a), Florida Administrative Code. In the event a dispute arises as to the validity of any SOLID GOLD lottery ticket, or as to the prize amount, the VIRN number under the latex shall prevail over the bar code.



(4) The “YOUR BAR NUMBERS” play symbols and play symbol captions are as follows:

ADD SYMBOL

(5) The “BAR NUMBERS” play symbols and play symbol captions are as follows:

ADD SYMBOL

(6) The prize symbols and prize symbol captions are as follows:

ADD SYMBOL

(7) The legends are as follows:

ADD SYMBOL

(8) Determination of Prize Winners.

(a) A ticket having a number in the “YOUR BAR NUMBERS” play area that matches any number in the “BAR NUMBERS” play area shall entitle the claimant to the corresponding prize shown for that number. A ticket may have up to ten matching sets of numbers. The prizes are: TICKET, \$1.00, \$2.00, \$5.00, \$10.00, \$25.00, \$50.00, \$100, \$1,000, and \$10,000. A claimant who is entitled to a prize of a “TICKET” shall be entitled to a prize of a \$2.00 instant ticket or any combination of instant and on-line tickets that totals \$2.00, except as follows. A person who submits by mail a SOLID GOLD lottery ticket which entitles the claimant to a prize of a \$2.00 ticket and whose mailing address is outside the state of Florida will receive a check for \$2.00 in lieu of an actual ticket.

(b) A ticket having a “moneybag” symbol in the play area shall entitle the claimant to a prize of \$50.00.

(9) The estimated odds of winning, value, and number of prizes in Instant Game Number 433 are as follows:

\$2 x 2	\$4	37.50	201,600
\$1 + (\$2 x 2)	\$5	37.50	201,600
\$5	\$5	50.00	151,200
\$1 + (\$2 x 2) + \$5	\$10	150.00	50,400
(\$1 x 8) + \$2	\$10	75.00	100,800
\$10	\$10	75.00	100,800
\$5 x 5	\$25	180.00	42,000
\$10 x 5	\$50	7,200.00	1,050
\$25 x 2	\$50	7,200.00	1,050
\$50 (MONEYBAG)	\$50	306.64	24,654
\$10 x 10	\$100	36,000.00	210
(\$10 x 5) + \$50 (MONEYBAG)	\$100	36,000.00	210
\$100	\$100	36,000.00	210
\$25 x 8	\$200	151,200.00	50
\$100 x 10	\$1,000	504,000.00	15
\$1,000	\$1,000	1,512,000.00	5
\$1,000 x 10	\$10,000	1,890,000.00	4
\$10,000	\$10,000	1,890,000.00	4

(10) The overall odds of winning some prize in Instant Game Number 433 are 1 in 3.46. Some prizes, including the top prizes, may be sold out at time of ticket purchase.

(11) For reorders of Instant Game Number 433, the estimated odds of winning, value, and number of prizes shall be proportionate to the number of tickets reordered.

(12) By purchasing a SOLID GOLD lottery ticket the player agrees to comply with and abide by all rules and regulations of the Florida Lottery.

(13) Payment of prizes for SOLID GOLD lottery tickets shall be made in accordance with rules of the Florida Lottery governing procedures for awarding prizes. A copy of the current rule can be obtained from the Florida Lottery, Office of the General Counsel, 250 Marriott Drive, Tallahassee, Florida 32399-4011.

Specific Authority 24.105(9)(a), (b), (c), 24.109(1), 24.115(1) FS. Law Implemented 24.105(9)(a), (b), (c), 24.115(1) FS. History—New 5-2-02.

THIS EMERGENCY RULE TAKES EFFECT IMMEDIATELY UPON BEING FILED WITH THE DEPARTMENT OF STATE.

EFFECTIVE DATE: May 2, 2002

**DEPARTMENT OF THE LOTTERY**

RULE TITLE: \_\_\_\_\_ RULE NO.:

Designation of Hearing Officer in

Bid Protest

53ER02-26

SUMMARY OF THE RULE: This emergency rule sets forth the provisions for the designation of a hearing officer in a bid protest that is not resolved by mutual agreement within a time certain and in which there is no disputed issue of material fact.

GAME PLAY	WIN	ODDS OF 1 IN	NUMBER OF
			WINNERS IN 42 POOLS OF 180,000 TICKETS PER POOL
TICKET	\$2 TICKET	7.50	1,008,000
\$2	\$2	25.00	302,400

THE PERSON TO BE CONTACTED REGARDING THE EMERGENCY RULE IS: Diane D. Schmidt, Department of the Lottery, 250 Marriott Drive, Tallahassee, Florida 32399-4011

THE FULL TEXT OF THE EMERGENCY RULE IS:

53ER02-26 Designation of Hearing Officer in Bid Protest. If a bid protest filed in a Lottery procurement is not resolved by mutual agreement within seven days, excluding Saturdays, Sundays, and legal holidays, and if there is no disputed issue of material fact, the Secretary shall designate a Hearing Officer who shall conduct an informal proceeding pursuant to Section 120.57(2), Florida Statutes, and Chapter 28, Parts I and III, Florida Administrative Code. The qualifications of such Hearing Officer shall be:

- (1) a member in good standing of the Florida Bar; or
- (2) a person knowledgeable by virtue of practical experience of the procedures relating to soliciting and evaluating bids for commodities or proposals for services; or
- (3) a person knowledgeable by virtue of practical experience or training of the procedures relating to legal or other administrative proceedings in which decisions are rendered.

Specific Authority 24.109(1), 120.57(3)(d)2. FS. Law Implemented 120.57(3)(d)2. FS. History—New 5-2-02.

THIS EMERGENCY RULE TAKES EFFECT IMMEDIATELY UPON BEING FILED WITH THE DEPARTMENT OF STATE.

EFFECTIVE DATE: May 2, 2002

### Section V Petitions and Dispositions Regarding Rule Variance or Waiver

#### DEPARTMENT OF COMMUNITY AFFAIRS

NOTICE IS HEREBY GIVEN that the Department of Community Affairs received a Petition for Waiver on May 7, 2002, from Sarasota County for the Manasota Scrub Preserve (FCT Project Number 00-019-P10). The petitioner seeks a waiver to allow the Cutsinger and Roberts parcels to be designated as preacquired properties for reimbursement under this project.

A copy of the Petition, which has been assigned the number DCA02-WAI-151, may be obtained by writing: Paula P. Ford, Agency Clerk, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100.

#### DEPARTMENT OF THE LOTTERY

NOTICE IS HEREBY GIVEN THAT the Department of the Lottery has received a Petition for Waiver of subsection 53ER02-12(5), F.A.C., Procedures for Awarding Prizes, from the following petitioner:

Petitioner	Date Filed
Justo Zevallos, Orlando, Florida	May 7, 2002

Emergency Rule 53ER02-12, F.A.C., sets forth the provisions for payment of prizes to players. A copy of the Petition can be obtained from the Florida Lottery, Office of the General Counsel, 250 Marriott Drive, Tallahassee, Florida 32399-4011.

#### DEPARTMENT OF ENVIRONMENTAL PROTECTION

DEP received on April 26, 2002, a petition from Reynolds, Smith and Hills Incorporated for a variance or waiver pursuant to subsection 376.3071(12)(k)5., F.S., of certain record keeping requirements under subsection 376.3071(12)(e), F.S. for the Clay County School Board Transportation Center.

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

NOTICE IS HEREBY GIVEN that the Florida Department of Environmental Protection received, on March 12, 2002, a petition from the Indian Trail Improvement District seeking a variance to paragraph 62D-5.056(2)(b), F.A.C., a rule governing Florida Recreation Development Assistance Program (FRDAP) grant deadlines, to enable the District to switch a grant request from an acquisition project to a development project, and to develop lands to which the District obtained site control after the deadline imposed by the Rule. The Notice of Receipt of Petition for Variance or Waiver was published in the F.A.W. on April 12, 2002. The Office of General Counsel solicited comments but none were received. The Final Order was issued May 2, 2002. The request for permanent variance from the rule was approved because it met the criteria of Section 120.542, F.S. Any person who is substantially affected by this action may file an action under Sections 120.569 and 120.57, F.S., within 21 days of the date of this notice. Petitions must be in conformance with Chapter 28-104, F.A.C.

The full text of this notice can be found on the Department's Internet site at [www.dep.state.fl.us](http://www.dep.state.fl.us) under the button titled "Official Notices."

On April 25, 2002, the Department of Environmental Protection approved the petition from Cora Lee Andrews, 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."

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### DEPARTMENT OF HEALTH

The Board of Medicine hereby gives notice that it has received a petition filed on behalf of Rafael V. Hurtado, M.D., on April 30, 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.

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The Board of Medicine hereby gives notice that it has received a petition filed by Colleen Ellen Jaffrey, M.D., on April 17, 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.

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The Board of Medicine hereby gives notice that it has received a petition filed by Xiaoling Ma, M.D., Ph.D., on April 19, 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.

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NOTICE IS HEREBY GIVEN that the State of Florida, Department of Health, Bureau of Emergency Medical Services, received a Petition for Variance on February 18, 2002, from Pasco County.

Applicable Rule: paragraphs 64E-2.013(14)(a)-(c), F.A.C.

Nature of Rule: The rule establishes requirements to submit aggregate prehospital data to the department.

Date and Place of Notice: Notice was published on March 8 and March 22, 2002 in the Florida Administrative Weekly.

Date of Order: April 26, 2002

Basis for Agency Decision: The agency denied the Petition for Variance. The Petitioner failed to demonstrate substantial hardship, violation of principles of fairness or data or facts to show the purpose of the underlying statute is being achieved by other means.

A copy of the Order may be obtained by submitting a written request to Pam Lesley, Government Analyst, Bureau of Emergency Medical Services, 4052 Bald Cypress Way, Bin C18, Tallahassee, Florida 32399-1738.

P.O. G10454

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NOTICE IS HEREBY GIVEN that the State of Florida, Department of Health, Bureau of Emergency Medical Services, received a Petition for Variance on February 18, 2002, from Pasco County.

Applicable Rule: Section 64E-2.013(14)(a)-(c), F.A.C.

Nature of Rule: The rule establishes requirements to submit aggregate prehospital data to the department.

Date and Place of Notice: Notice was published on March 8 and March 22, 2002 in the Florida Administrative Weekly.

Date of Order: April 26, 2002

Basis for Agency Decision: The agency denied the Petition for Variance. The Petitioner failed to demonstrate substantial hardship, violation of principles of fairness or data or facts to show the purpose of the underlying statute is being achieved by other means.

A copy of the Order may be obtained by submitting a written request to Pam Lesley, Government Analyst, Bureau of Emergency Medical Services, 4052 Bald Cypress Way, Bin C18, Tallahassee, Florida 32399-1738.

P.O. G10454

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## Section VI Notices of Meetings, Workshops and Public Hearings

### DEPARTMENT OF STATE

The **Florida Folklife Council** announces a public meeting to which all persons are invited.

DATE and TIME: Wednesday, June 5, 2002, 10:30 a.m. – 4:00 p.m.

PLACE: University of Central Florida, Visual Arts Building, Room 105, Orlando, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: This is the quarterly meeting to conduct business.

A copy of the agenda may be obtained by writing: Florida Folklife Council, Bureau of Historic Preservation, Division of Historical Resources, 500 South Bronough Street, Tallahassee, Florida 32399-0250 or calling (850)245-6333.

Should any person wish to appeal any decision made with respect to the above referenced meeting, she or he may need to ensure verbatim recording of the proceedings in order to provide a record of judicial review. Pursuant to Chapter 286.26, Florida Statutes, people with disabilities wishing to attend this meeting should contact the agency at least 48 hours prior to the meeting in order to request any special assistance.

**DEPARTMENT OF BANKING AND FINANCE**

NOTICE of CANCELLATION – The telephone conference meeting of the Florida **Board of Funeral and Cemetery Services**, originally scheduled for May 21, 2002, has been cancelled. The next meeting of the Florida Board of Funeral and Cemetery Services will be held on June 25, 2002 at the separately announced time and 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.

The Florida **Board of Funeral and Cemetery Services** announces its annual public Board Meeting and all persons are invited to attend.

DATE AND TIME: June 25, 2002, 10:00 a.m. – 5:00 p.m.  
 PLACE: Department of Transportation, Auditorium, 605 Suwannee Street, Tallahassee, FL  
 GENERAL SUBJECT MATTER TO BE CONSIDERED: Regular Board Business; Certificate of Authority Renewals; Election of Chairman and Vice Chairman.

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

To obtain further information 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.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this meeting is asked to advise Frances Restifo, (850)410-9853, at least 48 hours before the meeting. If you are hearing or speech impaired, contact Frances Restifo via the Florida Relay Service at 1-800-955-8771 (TDD) or 1(800)955-8770 (Voice), for assistance.

**DEPARTMENT OF INSURANCE**

NOTICE OF CANCELLATION – The **Department of Insurance, Division of State Fire Marshal** announces that the following public meeting for which notice was published in the April 19, 2002, edition of the F.A.W., has been CANCELLED:

DATE AND TIME: May 17, 2002, 11:30 a.m.  
 PLACE: Florida State Fire College, 11655 N. W. Gainesville Rd., Ocala, FL 34482

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regular meeting of the Florida Firefighters Safety and Health Task Force.

A meeting will NOT be held on May 17, 2002, 11:30 a.m. at the above location.

**DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES**

The Florida **Department of Agriculture and Consumer Services** announces a Notice of Public Meeting of the Seed Technical Council to which all persons are invited:

DATE AND TIME: June 19, 2002, 2:00 p.m.  
 PLACE: The Sanibel Harbour Resort & Spa, Fort Myers, Florida, 1(800)767-7777

GENERAL SUBJECT MATTER TO BE CONSIDERED: Seed Technical Council Meeting.

You may contact: Mr. Dale Dubberly, Florida Department of Agriculture and Consumer Services, Room L-29, Building 8, 3125 Conner Boulevard, Tallahassee, Florida 32399-1650, (850)488-8731.

If special accommodations are needed to attend this meeting because of a disability, please call Dale Dubberly as soon as possible.

**DEPARTMENT OF EDUCATION**

The Board of Trustees, Endowment Investment Committee of the **Florida School for the Deaf and the Blind** announces a public meeting to which all persons are invited.

DATE AND TIME: Friday, May 31, 2002, 8:00 a.m.  
 PLACE: FSDB Campus, Auditorium, Wilson Music Building, St. Augustine, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Matters pertaining to the Florida School for the Deaf and the Blind.

A copy of the agenda may be obtained by writing: Elmer Dillingham, President, Florida School for the Deaf and the Blind, 207 N. San Marco Avenue, St. Augustine, FL 32084-2799 or by calling (904)827-2200.

Should any person wish to appeal any decision made with respect to any matter considered at the above-referenced meeting, he may need to ensure that a verbatim record of the proceedings be made, which record includes the testimony and evidence upon which the appeal is to be based.

Special accommodations for persons with disabling conditions should be requested in writing at least 48 hours in advance from the aforementioned address.

The Board of Trustees of the **Florida School for the Deaf and the Blind** announces a public meeting to which all persons are invited.

DATE AND TIME: Friday, May 31, 2002, 9:00 a.m.

PLACE: FSDB campus, Auditorium, Wilson Music Building, St. Augustine, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Matters pertaining to the Florida School for the Deaf and the Blind.

A copy of the agenda may be obtained by writing: Elmer L. Dillingham, President, Florida School for the Deaf and the Blind, 207 N. San Marco Avenue, St. Augustine, FL 32084-2799 or by calling (904)827-2200.

Should any person wish to appeal any decision made with respect to any matter considered at the above referenced meeting, he may need to ensure that a verbatim record of the proceedings be made, which record includes the testimony and evidence upon which the appeal is to be based.

Special accommodations for persons with disabling conditions should be requested in writing at least 48 hours in advance from the aforementioned address.

The **Indian River Community College**, Criminal Justice Training Institute announces a public meeting to which the public is invited.

DATE AND TIME: June 6, 2002, 10:00 a.m.

PLACE: Indian River Community College, Indian River Academy Site, 5900 Tedder Road, Fort Pierce, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Review information gathered at the May State Commission meeting, provide update on training classes at the academy, and elect officers.

The **Duval County Research and Development Authority** announces a business meeting will be held on:

DATE AND TIME: May 28, 2002, 11:00 a.m.

PLACE: University of North Florida, University Center, Room 1058, 12000 Alumni Drive, Jacksonville, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Business Meeting.

A copy of the meeting agenda may be obtained by contacting: Earle Traynham, Executive Director, Duval County Research and Development Authority, 4567 St. Johns Bluff Road, South, Jacksonville, Florida 32224-2645.

**DEPARTMENT OF TRANSPORTATION**

Notice is hereby given that the Florida **Department of Transportation**, District 4 will offer the opportunity for a public hearing concerning a State Road Number Change.

DATE AND TIME: June 3, 2002, 6:30 p.m.

PLACE: City of West Palm Beach, Commission Chambers, Suite 100, 200 Second St., West Palm Beach, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: The public hearing will be held if there is any opposition to the Road Number Change. The Department proposes to reassign the State Road 5 (SR-5/US-1) designation from Dixie Highway/Olive Avenue to Quadrille Boulevard. The SR-5/US-1 reassignment limits are proposed from Okeechobee Boulevard north to Loftin Street within the City of West Palm Beach. The SR-5/US-1 relocation would be effective following the reconstruction of the Dixie Highway and Olive Avenue corridor by the Department and City of West Palm Beach. The City of West Palm Beach officials are in accordance with the proposed Road Number Change. All persons wishing to be heard on this subject are asked to provide a written response within 14 days of this notification to: Lucinda Cooke, District Planning and Environmental Office, District 4, Florida Department of Transportation, 3400 West Commercial Boulevard, Fort Lauderdale, Florida 33309-3421, (954)777-4601.

In accordance with the Americans with Disabilities Act (ADA), persons needing special accommodation to attend the public hearing should contact the individual listed above three days in advance of the public hearing at the address above.

Notice is hereby given that the Florida **Department of Transportation** will offer the opportunity for a public hearing.

DATE AND TIME: June 5, 2002, 6:00 p.m. – 7:00 p.m.

PLACE: City of Oldsmar Council Chambers, 100 State Street, West, Oldsmar, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: This public hearing is being conducted to obtain public input concerning the proposed roadway jurisdiction transfer and removal of the state road designation/number of SR 580A/St. Petersburg Drive from the west end of Bridge #013 (over Moccasin Branch) to SR 584/Tampa Road, from the State Highway System to the City of Oldsmar Road System. All persons wishing to be heard on this subject are hereby notified to respond in writing to the individual listed below by May 30, 2002. If an interest in this hearing is expressed, the hearing will be held.

All interested persons may provide written response to: B. Beaty, Florida Department of Transportation District Seven-Planning, 11201 N. McKinley Drive, Tampa, Florida 33612 or phone (813)975-6283, 1(800)226-7220, Ext. 7740.

In accordance with the Americans with Disabilities Act (ADA), persons needing special accommodation to attend the public hearing should contact the individual listed above three days in advance of the public hearing at the address above.

The **Department of Transportation**, District 1 announces a public hearing to which all persons are invited:

DATE AND TIME: Thursday, June 13, 2002, 7:00 p.m.

PLACE: Northside Community Church of the Nazarene, 6781 Bayshore Road, N. Fort Myers, Florida

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** This second hearing is being held to afford interested persons the opportunity to express their views concerning the proposed design change for Financial Project ID Number 195705 1 52 01, otherwise known as the S.R. 78 Design Change Reevaluation. The limits of the project are from East of Slater Road to West of I-75, a distance of about 2.25 miles.

Anyone needing project or public hearing information or special accommodations under the Americans With Disabilities Act of 1990 should write to the address given below or call Antone Sherrard, (863)519-2304. Special accommodation requests under the Americans With Disabilities Act should be made at least seven days prior to the public hearing.

A copy of the agenda may be obtained by writing: Dick Combs, District Modal Development Manager, Florida Department of Transportation, District 1, Post Office Box 1249, Bartow, Florida 33831.

**DEPARTMENT OF CITRUS**

**NOTICE OF CANCELLATION** – The **Department of Citrus** announces the cancellation of a public meeting of the Citrus Harvesting Research Advisory Council which was to be held Tuesday, May 14, 2002, 9:00 a.m., at the Florida Department of Citrus, 1115 East Memorial Blvd., Lakeland, Florida.

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** The Committee was meeting to update scorecard issues, abscission registration chemicals, harvesting labor, recommend research development plans and budget for 2002-2003, and other business that might come before the council for consideration.

**NOTICE OF AMENDMENT** – The **Department of Citrus** announces a public meeting of the Florida Citrus Commission to which all persons are invited.

**DATES AND TIME:** May 14-15, 2002, 1:00 p.m.. The Commission will convene for the purposes of standing committee meetings and for the regular monthly meeting of the Florida Citrus Commission. It is anticipated that the regular monthly meeting will convene no sooner than 9:00 a.m., May 15, 2002.

**PLACE:** Florida Department of Citrus, 1115 East Memorial Blvd., Lakeland, FL

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** The Commission will address issues pertaining to the remedy response the Commission must prepare for Judge Dennis Maloney in the Equalization Tax case (Tampa Juice, et al v. FDOC), budget items and revisions, contracts, advertising programs, balance scorecards, licensing, rulemaking, modifying the Department’s symbol program and other matters that are addressed during monthly meetings of the

Commission. The Commission will also go into closed session pursuant to the provisions of Section 286.011(8), F.S., to address issues related to the Tampa Juice, et al v. Department of Citrus. The parties attending the closed session will be John R. Alexander, Walter L. Brewer, Tristan G. Chapman, Harry H. Falk, Christopher W. Gargano, Raymond A. Jackson, William E. Kemper, John M. Luther, W. Lindsay Raley, Jr., Daniel R. Richey, Nancy J. Schafer, Andrew R. Taylor, Bob Crawford, Hank B. Campbell, Esq., Monterey Campbell, Esq., Eric Taylor, Esq. and Mia L. McKown, Esq.

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.

The **Department of Citrus** announces the following public meetings of the Advertising Review Committee to which all persons are invited.

**DATES AND TIME:** Thursdays, June 6, 13, 20, 2002, 9:00 a.m.

**PLACE:** Highlands County Agri-Civic Center, Conference Room 2, 4509 George Blvd., Sebring, FL

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** The Advertising Committee will meet to discuss and evaluate the Department’s advertising. Discussion will include, but not be limited to, review of Request For Proposals and selection of research and facilitators to assist with Committee’s directives. 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 by telephone, (863)499-2510.

**NOTICE OF AMENDMENT** – The **Department of Citrus** announces the public meetings of the Advertising Review Committee scheduled for May 9, 16 and 23, 2002, have been canceled.

The meeting is still scheduled, to which all persons are invited.

**DATE AND TIME:** May 30, 2002, 9:00 a.m.

**PLACE:** Highlands County Agri-Civic Center, Conference Room 2, 4509 George Blvd., Sebring, FL

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** The Advertising Committee will meet to discuss and evaluate the Department’s advertising. Discussion will include, but not be limited to review of Request For Proposals and selection of research and facilitators to assist with Committee’s directives. 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 by telephone, (863)499-2510.

The **Department of Citrus** announces the public meeting of the Blue Ribbon Committee to which all persons are invited. DATE AND TIME: May 30, 2002, 9:00 a.m.

PLACE: Department of Citrus, 1115 E. Memorial Street, Lakeland, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Blue Ribbon Committee will meet to discuss issues, plans and strategies for grapefruit and grapefruit juice. Discussion will include, but not limited to, assimilating, reviewing and formulating strategies in conjunction with consumer and retail research. 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 at (863)499-2510.

#### **PUBLIC SERVICE COMMISSION**

The Florida **Public Service Commission** announces a Customer Meeting to be held in the following docket, to which all interested persons and parties are invited to attend.

DOCKET NO.: 011073-WS – Application for rate increase in Broward County by Ferncrest Utilities, Inc.

DATE AND TIME: Wednesday, June 5, 2002, 6:00 p.m.

PLACE: Deicke Auditorium, 5701 Cypress Road, Plantation, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss Ferncrest Utilities, Inc.'s application for a rate increase.

A copy of the agenda for any meeting may be obtained by writing: Division of the Commission Clerk and Administrative Services, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850.

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

One or more of the Commissioners of the Florida Public Service Commission may attend and participate in the customer meeting. For further information, contact Larry Harris, (850)413-6076 or Patricia Merchant, (850)413-6918.

The Florida **Public Service Commission** announces a Customer Meeting to be held in the following docket, to which all interested persons and parties are invited to attend.

DOCKET NO.: 011677-WU – Application for Approval of Staff-Assisted Rate Case in Polk County by Tevalo, Inc. d/b/a McLeod Gardens Water Company.

DATE AND TIME: Thursday, June 27, 2002, 6:00 p.m.

PLACE: Chain of Lakes Complex, 210 Cypress Gardens Blvd., Winter Haven, Florida 33880

GENERAL SUBJECT MATTER TO BE CONSIDERED: To permit customers to give testimony regarding the rates and service of Tevalo, Inc.

A copy of the agenda for this meeting may be obtained by writing: Division of the Commission Clerk and Administrative Services, 2540 Shumard Oak Blvd., Tallahassee, Florida 32399-0850.

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

One or more of the Commissioners of the Florida Public Service Commission may attend and participate in this meeting.

#### **EXECUTIVE OFFICE OF THE GOVERNOR**

The **Office of Film and Entertainment** and the **Florida Film and Entertainment Advisory Council** will convene in a meeting of the Council. This is a public meeting to which all persons are invited.

DATE AND TIME: Tuesday, June 11, 2002, 2:00 p.m.

PLACE: Ritz Carlton Hotel, Room TBA, 111 Ritz Carlton Drive, Sarasota FL 34236, (941)309-2000

GENERAL SUBJECT MATTER TO BE CONSIDERED: To review projects, discuss committee tasks, legislative issues and related general administrative matters of the Council.

A copy of the agenda may be obtained by writing: Mrs. Rebecca Dirden Mattingly, Commissioner, Office of Film and Entertainment, State of Florida, Executive Office of the Governor, Room 2002, The Capitol, Tallahassee, Florida 32399-0001 or calling (850)410-4765.

Should any person wish to appeal any decision made with respect to the above referenced meeting, he may need to ensure verbatim recording of the proceedings in order to provide a record for judicial review.

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

**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, June 6, 2002, 1:00 p.m.  
 PLACE: Northeast Florida Regional Planning Council, 6850 Belfort Oaks Place, Jacksonville, 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, June 6, 2002, 1:00 p.m.  
 PLACE: Northeast Florida Regional Planning Council, 6850 Belfort Oaks Place, Jacksonville, FL 32216  
 GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss pending personnel, program planning, and budget matters.

A copy of the agenda may be obtained by contacting: Northeast Florida Regional Planning Council, 6850 Belfort Oaks Place, Jacksonville, FL 32216.

Notice is also given that two or more members of the Boards of County Commissioners, City/Town Councils/Commissions and other entities covered under Chapter 286, Florida Statutes, may attend and speak at the meeting.

The **Northeast Florida Regional Planning Council**, Comprehensive and Project Planning Committee announces the following public meetings to which all persons are invited:

DATE AND TIME: Thursday, June 6, 2002, 1:00 p.m.  
 PLACE: Northeast Florida Regional Planning Council, 6850 Belfort Oaks Place, Jacksonville, FL 32216  
 GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss pending comprehensive and project planning items.

A copy of the agenda may be obtained by contacting: Northeast Florida Regional Planning Council, 6850 Belfort Oaks Place, Jacksonville, FL 32216.

Notice is also given that two or more members of the Boards of County Commissioners, City/Town Councils/Commissions and other entities covered under Chapter 286, Florida Statutes, may attend and speak at the meeting.

The **Northeast Florida Regional Planning Council** announces the following public meeting to which all persons are invited:

DATE AND TIME: Thursday, June 6, 2002, 2:00 p.m.  
 PLACE: Northeast Florida Regional Planning Council, 6850 Belfort Oaks Place, Jacksonville, FL 32216  
 GENERAL SUBJECT MATTER TO BE CONSIDERED: Monthly Meeting.

A copy of the agenda may be obtained by contacting: Northeast Florida Regional Planning Council, 6850 Belfort Oaks Place, Jacksonville, FL 32216.

If a person decides to appeal any decision made by the Council with respect to any matter considered at this meeting, he/she will have to ensure that a verbatim record of the proceedings is made, which includes the testimony and evidence upon which the appeal is to be based.

Individuals needing materials in alternate format, sign language interpreter or other meeting information, call Peggy Conrad, (904)279-0880, Extension 145, at least three working days prior to the meeting. Hearing-impaired callers use Florida Relay Service, 1(800)955-8771.

Notice is also given that two or more members of the Boards of County Commissioners, City/Town Councils/Commissions and other entities covered under Chapter 286, Florida Statutes, may attend and speak at the meeting.

The **Central Florida Regional Planning Council** will hold its public meeting and the Council's Executive Committee meeting, to which all persons are invited:

DATE AND TIME: Wednesday, June 5, 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 **South Florida Regional Planning Council** announces a public meeting to which all persons are invited.



DATE AND TIME: Monday, June 3, 2002, 10:30 a.m.  
 PLACE: South Florida Regional Planning Council, Suite 140,  
 3440 Hollywood Boulevard, Hollywood, FL 33134

GENERAL SUBJECT MATTER TO BE CONSIDERED: Any Development Order received prior to the meeting; Any proposed Local Government Comprehensive Plan received prior to the meeting; Any adopted Local Government Comprehensive Plan received prior to the meeting; Any proposed Local Government Comprehensive Plan Amendment received prior to the meeting; Any adopted Local Government Comprehensive Plan Amendment received prior to the meeting; Meeting on monthly Council business; Executive Committee meeting at 10:00 a.m. at the above location.

A copy of the agenda may be obtained by writing: South Florida Regional Planning Council, Suite 140, 3440 Hollywood Boulevard, Hollywood, Florida 33021.

Anyone deciding to appeal any decision made by the board with respect to any matter considered at this meeting, will need to ensure that a verbatim record of the proceedings is made, including the testimony and evidence upon which the appeal is to be based.

Council related committees may meet periodically before (9:00 a.m.) and following the regularly scheduled Council meetings. Any party desirous of ascertaining schedules of the sub-committees should call the Council Offices, (954)985-4416 (Broward).

If you are hearing or speech impaired, please contact the South Florida Regional Planning Council, (954)967-4152, Ext. 40 (TDD), if you require additional information regarding the above meeting. If you require special accommodations because of a disability or physical impairment, please contact the Council, (954)985-4416, at least five calendar days prior to the meeting.

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## WATER MANAGEMENT DISTRICTS

The **Southwest Florida Water Management District** (SWFWMD) announces the following public meetings:

**7TH BIENNIAL CONFERENCE ON STORMWATER RESEARCH AND WATERSHED MANAGEMENT**

DATES AND TIME: May 22-23, 2002, 8:30 a.m.

PLACE: Marriott Tampa Westshore, 1001 N. Westshore Boulevard, Tampa, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Disseminate the findings of current stormwater research and the latest developments in watershed management.

**SWFWMD TAMPA FACILITIES MEETING**

DATE AND TIME: Thursday, May 23, 2002, 1:30 p.m.

PLACE: SWFWMD, Tampa Service Office, 7601 U.S. Highway 301, North, Tampa, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Construction options for the Tampa facility. Information will be presented to the Governing Board at their May 28, 2002 meeting for action.

**WITHLACOOCHEE RIVER BASIN BOARD MEETING**

DATE AND TIME: Tuesday, June 4, 2002, 8:30 a.m.

PLACE: SWFWMD, District Headquarters, 2379 Broad Street, Brooksville, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Consideration of Basin business including discussion of the FY 2003 budget and adoption of tentative millage .

**COASTAL RIVERS BASIN BOARD MEETING**

DATE AND TIME: Tuesday, June 4, 2002, 1:00 p.m.

PLACE: SWFWMD, District Headquarters, 2379 Broad Street, Brooksville, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Consideration of Basin business including discussion of the FY 2003 budget and adoption of tentative millage.

**TECO POLK POWER PLANT TOUR**

DATE AND TIME: Thursday, June 6, 2002, 9:30 a.m.

PLACE: SWFWMD, Bartow Service Office, 170 Century Boulevard, Bartow and TECO Polk Power Plant, Mulberry, Florida

**PEACE RIVER BASIN BOARD MEETING**

DATE AND TIME: Friday, June 7, 2002, 9:30 a.m.

PLACE: SWFWMD, Bartow Service Office, 170 Century Boulevard, Bartow, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Consideration of Basin business including discussion of the FY 2003 budget and adoption of tentative millage.

**HILLSBOROUGH RIVER BASIN BOARD MEETING**

DATE AND TIME: Tuesday, June 11, 2002, 9:00 a.m.

PLACE: SWFWMD, Tampa Service Office, 7601 U.S. Highway 301, North, Tampa, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Consideration of Basin business including discussion of the FY 2003 budget and adoption of tentative millage.

**NORTHWEST HILLSBOROUGH BASIN BOARD MEETING**

DATE AND TIME: Tuesday, June 11, 2002, 1:00 p.m.

PLACE: SWFWMD, Tampa Service Office, 7601 U.S. Highway 301, North, Tampa, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Consideration of Basin business including discussion of the FY 2003 budget and adoption of tentative millage.

**POWER PLANT TASK FORCE MEETING**

DATE AND TIME: Tuesday, June 11, 2002, 9:30 a.m.

PLACE: SWFWMD, Tampa Service Office, 7601 U.S. Highway 301, North, Tampa, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Consideration of permitting and water use issues relative to power plants.

PINELLAS-ANCLOTE RIVER BASIN BOARD MEETING

DATE AND TIME: Wednesday, June 12, 2002, 9:00 a.m.

PLACE: Clearwater City Hall, 112 South Osceola Avenue, Clearwater, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Consideration of Basin business including discussion of the FY 2003 budget and adoption of tentative millage.

Please note the following meeting has been cancelled and will be rescheduled at a later date.

ALAFIA RIVER BASIN BOARD scheduled for Thursday, June 13, 2002

A copy of the agenda for the above meeting(s) may be obtained by writing: Southwest Florida Water Management District, 2379 Broad Street, Brooksville, Florida 34604-6899 or by calling SWFWMD, (352)796-7211 or 1(800)423-1476, Suncom 628-4150.

The District does not discriminate based on disability. Anyone requiring reasonable accommodation under the ADA should contact 1(800)423-1476 (Florida only), Extension 4604, TTD only 1(800)231-6103 (Florida only), Fax (352)754-6874.

The **Southwest Florida Water Management District** announces a public meeting:

DATE AND TIME: Tuesday, May 28, 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 Governing Board agenda for its meeting on May 28, 2002 previously announced in the Florida Administrative Weekly, Vol. 28, No. 18, dated May 3, 2002, includes continuation of the rulemaking for Category 3 lake levels and rules of the Southern Water Use Caution Area.

A copy of the agenda may be obtained by writing: Southwest Florida Water Management District, 2379 Broad Street, Brooksville, Florida 34604-6899.

The Southwest Florida Water Management District does not discriminate on the basis of any individual's disability status. Anyone requiring reasonable accommodation as provided for in the American's With Disabilities Act should contact Dianne Lee, (352)792-7211 or 1(800)423-1476, Ext. 4658, TDD only 1(800)231-6103, Fax (352)754-6878, Suncom 663-6878.

The **South Florida Water Management District** announces a public meeting which may be conducted by means of or in conjunction with communications media technology, specifically by telephonic conference, to which all interested parties are invited:

DATE AND TIME: Tuesday, May 21, 2002, 1:00 p.m.

PLACE: South Florida Water Management District, Headquarters, Egret Conference Room, 3rd Floor, Northeast End, Building B-1, 3301 Gun Club Road, West Palm Beach, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Appraisal Review Committee will hold its regular meeting to discuss new appraiser applications.

A copy of the agenda may be obtained by writing: South Florida Water Management District, P. O. Box 24680, West Palm Beach, Florida 33416-4680.

Appeals from any South Florida Water Management District Committee decision require a record of the proceedings. Although Appraiser Review Committee meetings and hearings are normally recorded, affected persons are advised that it may be necessary for them to ensure that a verbatim record of the proceeding is made, including the testimony and evidence upon which the appeal is to be based.

Persons with disabilities who need assistance may contact Paula Moree, Assistant District Clerk, (561)682-6447, at least two business days in advance of the meeting to make appropriate arrangements.

Those who desire more information or those wishing to submit written or physical evidence may contact Ken Daw, Chief Appraiser, Land Acquisition Support Division, MSC 3330, District Headquarters, 3301 Gun Club Road, West Palm Beach, Florida 33416-4680.

The **South Florida Water Management District** announces a public meeting which may be conducted by means of or in conjunction with communications media technology, specifically by telephonic conference, to which all interested parties are invited:

DATE AND TIME: Tuesday, June 4, 2002, 9:00 a.m. – 5:00 p.m. or earlier

PLACE: Wyndham Resort, Conference Room, 4833 Collins Avenue, Miami Beach, Florida 33140

GENERAL SUBJECT MATTER TO BE CONSIDERED: SFWMD Governing Board Budget and Planning Workshop.

A copy of the agenda may be obtained by writing: South Florida Water Management District, P. O. Box 24680, West Palm Beach, Florida 33416-4680.

Appeals from any South Florida Water Management District Committee decision require a record of the proceedings. Although Appraiser Review Committee meetings and hearings are normally recorded, affected persons are advised that it may be necessary for them to ensure that a verbatim record of the proceeding is made, including the testimony and evidence upon which the appeal is to be based.

Persons with disabilities who need assistance may contact Paula Moree, Assistant District Clerk, (561)682-6447, at least two business days in advance of the meeting to make appropriate arrangements.

Those who desire more information or those wishing to submit written or physical evidence, may contact Aaron Basinger, Budget Director, MSC 6260, District Headquarters, 3301 Gun Club Road, West Palm Beach, Florida 33416-4680.

The **South Florida Water Management District** announces a public hearing required under Sections 373.59 and 373.139, Florida Statutes, to which all interested persons are invited:

Governing Board Meeting

DATE AND TIME: June 13, 2002, 8:50 a.m.

PLACE: District Headquarters, 3301 Gun Club Road, West Palm Beach, Florida 33407

GENERAL SUBJECT MATTER TO BE CONSIDERED: The acquisition of certain lands contained within the Save Our Rivers Land Acquisition and Management Plan which lands are further described as follows:

Part of the CRITICAL CREW (Southern Corkscrew Regional Ecosystem Watershed) project comprised of one hundred twenty-four parcels referred to as SFWMD Tract Nos. 09-003-203, 09-003-205, 09-003-206, 09-003-207, 09-003-418, 09-003-421, 09-003-426, 09-003-442, 09-003-450, 09-003-452, 09-003-453, 09-003-458, 09-003-462, 09-003-468, 09-003-512, 09-003-539, 09-003-553, 09-003-554, 09-003-564, 09-003-565, 09-003-573, 09-003-574, 09-003-576, 09-003-577, 09-003-581, 09-003-586, 09-003-587, 09-003-590, 09-003-595, 09-003-597, 09-003-601, 09-003-604, 09-003-605, 09-003-606, 09-003-608, 09-003-611, 09-003-630, 09-003-631, 09-003-632, 09-003-640, 09-003-649, 09-003-655, 09-003-657, 09-003-662, 09-003-664, 09-003-665, 09-003-667, 09-003-668, 09-003-671, 09-003-672, 09-003-673, 09-003-674, 09-003-675, 09-003-676, 09-003-677, 09-003-685, 09-003-691, 09-003-693, 09-003-701, 09-003-702, 09-003-705, 09-003-706, 09-003-709, 09-003-711, 09-003-712, 09-003-713, 09-003-715, 09-003-717, 09-003-720, 09-003-724, 09-003-736, 09-003-743, 09-003-744, 09-003-751, 09-003-753, 09-003-754, 09-003-775, 09-003-778, 09-003-786, 09-005-002, 09-005-005, 09-005-012, 09-005-014, 09-005-017, 09-005-018, 09-005-020, 09-005-023, 09-005-028, 09-005-030, 09-005-047, 09-005-049, 09-005-051, 09-005-053, 09-005-054, 09-005-061, 09-005-062, 09-005-204, 09-005-207, 09-005-211, 09-005-221, 09-005-224, 09-005-232, 09-005-233, 09-005-238, 09-005-245, 09-005-247, 09-005-254, 09-005-255, 09-005-256, 09-005-259, 09-005-261, 09-005-262, 09-005-265, 09-005-267, 09-005-268, 09-005-269, 09-005-274, 09-005-277, 09-005-278, 09-005-279, 09-005-280, 09-005-281, 09-005-282 and 09-005-284 consisting of approximately 776.46 acres and lying in Sections 25, 26, 32, 33, 34, 35 and 36, Township 47 South, Range 26 East within Lee County, Florida.

FAW Reference No. 3127

Part of the CRITICAL CREW (Southern Corkscrew Regional Ecosystem Watershed) project comprised of twenty-four parcels referred to as SFWMD Tract Nos. 09-100-005, 09-003-721, 09-003-740, 09-003-767, 09-003-771, 09-003-774, 09-003-777, 09-003-780, 09-003-782, 09-003-783, 09-003-785, 09-005-119, 09-005-126, 09-005-132, 09-005-141, 09-005-147, 09-005-149, 09-005-203, 09-005-230, 09-005-231, 09-005-256, 09-005-269, 09-005-279 and 09-005-281 consisting of approximately 566.38 acres and lying in Sections 31, 33, 34 and 35, Township 47 South, Range 26 East within Lee County, Florida.

FAW Reference No. 3128

Part of the Kissimmee River Project comprised of fourteen parcels referred to as SFWMD Tract Nos. 19-103-554, 19-103-555, 19-103-556, 19-103-557, 19-103-558, 19-103-559, 19-103-560, 19-103-561, 19-103-562, 19-103-563, 19-103-564, 19-103-565, 19-103-566 and 19-103-567 consisting of approximately 16.55 acres, more or less, and lying in Section 21, Township 36 South, Range 33 East in Okeechobee County, Florida.

FAW Reference No. 3129

Part of the Kissimmee River project comprised of ten parcels referred to as SFWMD Tract Nos. 19-103-645, 19-103-646, 19-103-647, all consisting of approximately 0.05 acres, 19-103-648, consisting of approximately 0.21 acres, 19-103-481, consisting of approximately 0.58 acres, 19-103-483, consisting of approximately 0.29 acres, 19-103-485, consisting of approximately 0.23 acres, 19-103-642, consisting of approximately 0.07 acres, 19-103-643, consisting of approximately 0.04 acres, 19-103-644, consisting of approximately 0.03 acres and 19-103-486, consisting of approximately 1.83 acres, all in Sections 8 and 17, Township 36 South, Range 33 East in Highlands County, Florida.

FAW Reference No. 3130

Surplus of part of the Kissimmee River project comprised of one parcel referred to as SFWMD Tract No. 19-103-649, consisting of approximately 0.30 acres, in Section 8, Township 36 South, Range 33 East in Highlands County, Florida.

FAW Reference No. 3131

Part of the Atlantic Ridge Ecosystem project comprised of one parcel referred to as SFWMD Tract No. X1-100-003 consisting of approximately 40 acres plus access easement and lying in Section 24, Township 39 South, Range 41 East in Martin County, Florida.

FAW Reference No. 3132

Part of the Kissimmee Chain of Lakes project comprised of three parcels referred to as SFWMD Tract No. 18-121-001 consisting of approximately 2,000 acres lying in Sections 33, 34 and 35, Township 28 South, Range 29 East and Sections 2, 3, 4, 9 and 10, Township 29 South, Range 29 East in Polk

County, Florida, SFWMD Tract No. 18-021-002 consisting of approximately 10.1 acres, lying in Sections 2 and 11, Township 29 South, Range 29 East in Polk County, Florida, and SFWMD Tract No. 18-021-003 consisting of approximately 5.5 acres, lying in Section 11, Township 29 South, Range 29 East in Polk County, Florida.

FAW Reference No. 3133

Part of the Kissimmee River project comprised of two parcels referred to as SFWMD Tract No. 19-103-427 consisting of approximately 15 acres and Tract No. 19-103-456 consisting of approximately 0.27 acres, both lying in Section 17, Township 36 South, Range 33 East and in Highlands County, Florida.

FAW Reference No. 3134

Part of the Kissimmee River project comprised of two parcels referred to as SFWMD Tract No. 19-102-137 consisting of approximately 9.6 acres and Tract No. 19-102-138 consisting of approximately 7.5 acres, both lying in Section 13, Township 37 South, Range 31 East and in Highlands County, Florida.

FAW Reference No. 3135

Part of the Water Conservation Areas comprised of three parcels referred to as SFWMD Tract Nos. 27-100-050, 27-100-051 and 27-100-052, consisting of approximately 250 acres and lying in Sections 01, 03 and 32, Townships 52 and 53 South, Ranges 35 and 37 East in Miami-Dade County, Florida.

FAW Reference No. 3136

Part of the East Coast Buffer and Critical C-4 Emergency Detention Basin Project comprised of sixteen parcels referred to as SFWMD Tract Nos. W9-311-940, W9-311-948, W9-311-952, W9-311-955, W9-311-957, W9-311-958, W9-311-960, W9-311-961, W9-311-962, W9-311-963, W9-311-971, W9-311-976, W9-311-977, W9-311-979, W9-311-993 and W9-311-999 consisting of approximately 361 acres and lying in Section 04 and Gov. Lot 4, Township 54 South, Range 39 East in Miami-Dade County, Florida.

FAW Reference No. 3137

Part of the East Coast Buffer, CERP C-9 Stormwater Treatment/Impoundment, and CERP WCA 3A/3B Seepage Management Project Areas comprised of twelve parcels referred to as SFWMD Tract Nos. W9-200-917, W9-200-921, W9-200-931, 12-101-032, 12-101-036, 12-101-037, 12-101-067, 12-101-092, 12-102-012, 12-102-013, 12-102-036 and 12-103-019 consisting of approximately 76.82 acres and lying in Sections 03, 15, 27, and 34, Townships 50, 51, 52 and 53 South, Range 39 East in Broward and Miami-Dade Counties, Florida.

FAW Reference No. 3138

Part of the East Coast Buffer, CERP WCA 3A/3B Seepage Management Project Area comprised of twenty-two parcels referred to as SFWMD Tract Nos. W9-311-942, W9-311-943, W9-311-944, W9-311-945, W9-311-953, W9-312-001, W9-312-002, W9-312-003, W9-312-005, W9-312-009, W9-312-011, W9-312-014, W9-312-015, W9-312-017, W9-312-020, W9-312-025, W9-311-068, W9-311-071,

W9-311-078, W9-311-079, W9-311-080 and W9-311-081 consisting of approximately 155 acres and lying in Sections 03, 09 and 10, Township 52 South, Range 39 East in Miami-Dade County, Florida.

FAW Reference No. 3139

Part of the East Coast Buffer, C-4 Emergency Detention Basin Project Area comprised of one parcel referred to as SFWMD Tract No. W9-311-948 consisting of approximately 10.00 acres and lying in Section 04, Township 54 South, Range 39 East in Miami-Dade County, Florida.

FAW Reference No. 3140

Additional information concerning specific parcels or interests can be obtained from Blair R. LittleJohn III, South Florida Water Management District, Post Office Box 24680, West Palm Beach, Florida 33416-4680, (561)686-8800.

Appeals from any South Florida Water Management District Board decision requires a record of the proceedings. Although Governing Board meetings and hearings are normally recorded, affected persons are advised that it may be necessary for them to ensure that a verbatim record of the proceeding is made, including the testimony and evidence upon which the appeal is to be based.

Persons with disabilities who need assistance may contact Paula Moree, District Clerk, (561)682-6206, at least two business days in advance of the meeting to make appropriate arrangements.

For additional information, please contact Mr. Blair R. LittleJohn III, Deputy Department Director, Land Acquisition, Real Estate Department, (561)686-8800.

The Big Cypress Basin, **South Florida Water Management District** announces a public meeting which may be conducted by means of, or in conjunction with, communications media technology, specifically by telephonic conference, to which all interested persons are invited.

DATE AND TIME: May 31, 2002, 9:00 a.m.

PLACE: Department of Environmental Protection, Rookery Bay National Estuarine Research Reserve, 300 Tower Road, Naples, Florida. The above address shall be the designated access point for public attendance of the meeting.

GENERAL SUBJECT MATTER TO BE CONSIDERED: Conduct Basin Business and FY 2003 Budget Workshop.

A copy of the agenda may be obtained by writing: Big Cypress Basin, 6089 Janes Lane, Naples, Florida 34109 or by calling Ann Christian, (941)597-1505.

Appeals from any Big Cypress Basin Board decision require a record of the proceedings. Although Basin Board meetings 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 Ann Christian, (941)597-1505, at least forty-eight (48) hours before the meeting to make appropriate arrangements. If you are hearing or speech impaired, please contact the Big Cypress Basin by calling (561)697-2574.

Those persons who desire more information or those wishing to submit written or physical evidence may contact Ann Christian, Big Cypress Basin, 6089 Janes Lane, Naples, Florida 34109, (941)597-1505.

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### COMMISSION FOR THE TRANSPORTATION DISADVANTAGED

The Florida **Commission for the Transportation Disadvantaged** announces an Ombudsman Committee Meeting via teleconference to which all persons are invited.

DATE AND TIME: Wednesday, May 29, 2002, 10:00 a.m. – 12:30 p.m.

PLACE: Conference Call: (850)414-1711 or Suncom 994-1711, Suite 1-A, Rhyne Building, 2740 Centerview Drive, Tallahassee, Florida, (850)410-5711

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss general program updates, review and comment on the monthly call reports, CTD Grievance Procedures, Orlando public hearing, discuss riders rights and responsibilities and other issues pertaining to the Ombudsman Program.

In accordance with the Americans with Disabilities Act, persons in need of special accommodation to participate in the meeting or an agenda should contact: Tiffany McNabb, Commission for the Transportation Disadvantaged, 605 Suwannee Street, MS #49, Tallahassee, FL 32399-0450, (850)410-5711 or 1(800)983-2435 or 1(800)648-6084 (TDD only). The meeting is subject to change upon chairperson's request.

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### DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

The Probable Cause Panel of the **Construction Industry Licensing Board** announces a meeting.

DATE AND TIMES: May 28, 2002, 9:00 a.m. and 10:00 a.m. or soon thereafter

PLACE: Department of Business and Professional Regulation, 725 South Bronough Street, Tallahassee, Florida 32301, (850)488-0062

GENERAL SUBJECT MATTER TO BE CONSIDERED: To review complaints in which a determination of the existence of probable cause has already been made.

A copy of the PUBLIC portion of the agenda may be obtained by writing: John Matthews, Interim Chief Construction Attorney, Department of Business and Professional Regulation, Office of the General Counsel, Suite 60, 1940 N. Monroe Street, Tallahassee, Florida 32399-2202 or by phone, (850)488-0062.

NOTE: In accordance with the Americans with Disabilities Act, persons needing a special accommodation to participate in this proceeding should contact the Construction Prosecution Section no later than seven (7) days prior to the proceeding or meeting at which such special accommodation is required. The Construction Prosecution Section may be contacted at the address and phone number listed above.

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### DEPARTMENT OF ENVIRONMENTAL PROTECTION

The **Department of Environmental Protection (DEP)** announces a public meeting of the Environmental Regulation Commission on May 30, 2002, which will continue the rule adoption proceeding on Section 62-302.540, F.A.C., proposed phosphorus criterion for the Everglades Protection Area. For more information contact Jacqueline McGorty at email: jackie.mcgorty@dep.state.fl.us or phone (850)921-9660.

The full text of this notice, which includes specific information about meeting time, location and anticipated subject matter to be covered, is published on the Internet at the Department of Environmental Protection's home page at <http://www.dep.state.fl.us/> under the link or button titled "Official Notices."

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The **Department of Environmental Protection** announces a public workshop, to which all interested persons are invited.

DATE AND TIME: June 4, 2002, 9:00 a.m. – not later than 4:00 p.m.

PLACE: Florida Farm Bureau, Room A204, 5700 S. W. 34th Street, Gainesville, Florida

The full text of this notice is published on the internet at the Department of Environmental Protection's homepage at <http://www/dep.state.fl.us/> under the link or button titled "Official Notices."

A copy of the agenda for the public workshop may be obtained by writing: Department of Environmental Protection, Bureau of Water Facilities Regulation, MS #3545, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400 or by calling Shirley Shields, (850)488-4522.

Further information on the public workshop and rulemaking may be obtained by calling Gary Millington, (850)921-9691.

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The Florida **Department of Environmental Protection, Division of Recreation and Parks** announces a public workshop to which all persons are invited.

DATE AND TIME: Thursday, June 20, 2002, 7:00 p.m. (EDT)

PLACE: Ormond Beach Senior Center, 351 Andrews Street, Ormond Beach, FL 32174

GENERAL SUBJECT MATTER TO BE CONSIDERED: To present the proposed land management plans for Haw Creek Preserve State Park and Tomoka Basin State Parks to the public.

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

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The Florida **Department of Environmental Protection, Division of Recreation and Parks** announces an Advisory Group meeting.

DATE AND TIME: Friday, June 21, 2002, 9:00 a.m. (EDT)  
PLACE: Ormond Beach Senior Center, 351 Andrews Street, Ormond Beach, FL 32174

GENERAL SUBJECT MATTER TO BE CONSIDERED: To present and review the proposed land management plans for Haw Creek Preserve State Park and Tomoka Basin State Parks with the Advisory Group.

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

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The Florida **Department of Environmental Protection, Division of Recreation and Parks** announces a public workshop to which all persons are invited.

DATE AND TIME: Wednesday, June 12, 2002, 7:00 p.m. (EDT)  
PLACE: Kovens Conference Center, 3000 N. E. 151st Street, Miami, Florida 33181

GENERAL SUBJECT MATTER TO BE CONSIDERED: To present the proposed land management plan for Oleta River State Park to the public.

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

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The Florida **Department of Environmental Protection, Division of Recreation and Parks** announces a public workshop to which all persons are invited.

DATE AND TIME: Thursday, June 13, 2002, 9:00 a.m. (EDT)  
PLACE: Oleta River State Park, 3400 N. E. 163rd Street, North Miami, Florida 33160

GENERAL SUBJECT MATTER TO BE CONSIDERED: To review the proposed land management plan for Oleta River State Park with the Advisory Group.

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

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The Florida **Department of Environmental Protection, Division of Recreation and Parks** announces a public workshop to which all persons are invited.

DATE AND TIME: Tuesday, June 25, 2002, 7:00 p.m. (EDT)  
PLACE: Senior Citizens and Community Center, 120 Library Drive, Port St. Joe, FL 32456

GENERAL SUBJECT MATTER TO BE CONSIDERED: To present the proposed land management plan for Constitution Convention Museum State Park to the public.

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

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The Florida **Department of Environmental Protection, Division of Recreation and Parks** announces an Advisory Group meeting.

DATE AND TIME: Wednesday, June 26, 2002, 9:00 a.m. (EDT)  
PLACE: Constitution Convention Museum State Park, 120 Library Drive, Port St. Joe, FL 32456

GENERAL SUBJECT MATTER TO BE CONSIDERED: To review the proposed land management plan for Constitution Convention Museum State Park with the Advisory Group.

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

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The Florida **Department of Environmental Protection, Division of Recreation and Parks** announces a public workshop to which all persons are invited.

DATE AND TIME: Wednesday, June 26, 2002, 7:00 p.m. (EDT)  
PLACE: Volunteer Fire Department, 324 East Pine Avenue, St. George Island, Florida 32328

GENERAL SUBJECT MATTER TO BE CONSIDERED: To present the proposed land management plan for Dr. Julian G. Bruce St. George Island State Park to the public.

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

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The Florida **Department of Environmental Protection, Division of Recreation and Parks** announces an Advisory Group meeting.

DATE AND TIME: Thursday, June 27, 2002, 9:00 a.m. (EDT)  
PLACE: Volunteer Fire Department, 324 East Pine Avenue, St. George Island, Florida 32328

GENERAL SUBJECT MATTER TO BE CONSIDERED: To review the proposed land management plan for Dr. Julian G. Bruce St. George Island State Park with the Advisory Group.

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

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### DEPARTMENT OF JUVENILE JUSTICE

The Florida **Department of Juvenile Justice**, Juvenile Justice and Delinquency Prevention State Advisory Group (JJDP) will hold its quarterly meeting.

DATE AND TIME: May 30-31, 2002, 9:00 a.m. – 5:00 p.m.

PLACE: Renaissance Orlando Hotel-Airport, 5445 Forbes Place, Orlando, Florida, (407)240-1000

For additional information contact: Joyce Wilson, Office of Prevention and Victim Services, 2737 Centerview Drive, Tallahassee, Florida 32399, (850)921-5210, Suncom 291-5210.

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### DEPARTMENT OF HEALTH

The Florida **Board of Medicine**, Surgical Care Committee announces a meeting to which all persons are invited.

DATE AND TIME: Saturday, May 25, 2002, Immediately following the Credentials Committee Meeting

PLACE: The Tampa Airport Marriott, Tampa International Airport, Tampa, Florida, (813)872-5811

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct general business of the Committee.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact the Florida Board of Medicine, (850)245-4131, at least five (5) calendar days prior to the meeting. If you are hearing or speech impaired, please call the Florida Board of Medicine using the Florida Dual Party Relay System which can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

A copy of the agenda may be obtained by writing: Larry McPherson, Board Director, Medical Quality Assurance, Florida Board of Medicine, 4052 Bald Cypress Way, BIN #C03, Tallahassee, Florida 32399-3253.

Please note that if a person decides to appeal any decision made by the Board with respect to any matter considered at the above cited meeting or hearing, he will need a record of the proceedings, and for such purpose, may need to insure that a verbatim record of the proceeding is made, which record includes the testimony and evidence upon which is to be based.

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The Florida **Board of Medicine**, Licensure Taskforce announces a meeting to which all persons are invited.

DATE AND TIME: Thursday, June 6, 2002, 5:00 p.m.

PLACE: Hyatt Regency, 2 Tampa City Center, Tampa, FL 33602, (813)225-1234

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct general business of the Committee.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact the Florida Board of Medicine, (850)245-4131, at least five (5) calendar days prior to the meeting. If you are hearing or speech impaired, please call the Florida Board of Medicine using the Florida Dual Party Relay System which can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

A copy of the agenda may be obtained by writing: Larry McPherson, Board Director, Medical Quality Assurance, 4052 Bald Cypress Way, BIN #C03, Tallahassee, Florida 32399-3253.

Please note that if a person decides to appeal any decision made by the Board with respect to any matter considered at the above cited meeting or hearing, he will need a record of the proceedings, and for such purpose, may need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence upon which is to be based.

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The **Board of Nursing**, Probable Cause Panel will hold a duly noticed conference call meeting.

DATE AND TIME: May 23, 2002, 4:30 p.m.

PLACE: Department of Health, Tallahassee Meet Me Number (850)488-5776

GENERAL SUBJECT MATTER TO BE CONSIDERED: For cases previously heard by the panel.

DATE AND TIME: May 29, 2002, 6:30 p.m.

PLACE: Department of Health, Tallahassee Meet Me Number (850)488-5776

GENERAL SUBJECT MATTER TO BE CONSIDERED: For cases previously heard by the panel.

DATE AND TIME: May 30, 2002, 5:30 p.m.

PLACE: Department of Health, Tallahassee Meet Me Number (850)488-5778

GENERAL SUBJECT MATTER TO BE CONSIDERED: For cases previously heard by the panel.

Any person requiring special accommodations at this meeting because of a disability or physical impairment should contact the Board, (850)245-4125, at least 48 hours prior to the meeting. If you are a hearing or speech impaired, please contact the Board office using the Dual Party Relay System at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

A copy of the agenda item may be obtained by writing: Dan Coble, RN, Ph.D., Board of Nursing, Executive Director, 4052 Bald Cypress Way, BIN #C02, Tallahassee, FL 32399-3257.

The Florida **Department of Health**, Bureau of Pharmacy Services announces a public meeting of the Ad Hoc Committee on Pedigree Papers to which all interested persons are invited.  
 DATE AND TIME: Thursday, May 30, 2002, 9:00 a.m. – 4:00 p.m.

PLACE: Department of Health, Room 207, Prather Bldg., 2585 Merchant’s Row, Tallahassee, Florida

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** This will be the second meeting of the nine-member committee formed to present, within six months, recommendations that adequately protect the public health to the Secretary of the Department of Health of alternatives to the department’s implementation and interpretation of Section 499.0121(6)(d), F.S. The prescription drug wholesale industry claims the department’s requirements diverge from the national “status quo” for handling the paperwork related to pedigree papers.

The agenda for this meeting includes presentations on the use of pedigree papers in criminal and administrative investigations, review of the federal and state language regarding pedigree papers, an in-depth discussion of authorized distributor of record, discussion of the permit application process, public comment, assignments and discussions of priorities for subsequent meetings, and adjournment of the meeting.

If special accommodations are needed to attend this meeting because of a disability, please contact Maxine Wenzinger, (850)922-5190.

The **Department of Health**, Bureau of Chronic Disease Prevention will hold the following meeting:

MEETING: Florida Obesity Prevention Program Strategic Planning Meeting

DATE AND TIME: May 31, 2002, 8:30 a.m. – 3:00 p.m.

PLACE: Hilton Tampa Airport Westshore, Tampa, Florida

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** To bring together diverse individuals and organizations integral to a strategic planning effort to reverse the epidemic of overweight and obesity in Florida. A steering committee representing public health, education, private practitioners and universities, as well as experts in physical activity, nutrition and health promotion, have drafted a mission and strategic goals for this initiative. The last phase of strategic planning is to finalize the Partnership’s mission and goals and to develop strategies and activities to achieve those goals.

**DEPARTMENT OF CHILDREN AND FAMILY SERVICES**

The **Florida Local Advocacy Council**, Service Area 6, District 12 announces the following public meetings to which all persons are invited.

DATE AND TIME: May 22, 2002, 9:30 a.m.

PLACE: Halifax Convalescent Center, 820 N. Clyde Morris Blvd., Daytona Beach, Florida 32117

DATE AND TIME: June 26, 2002, 9:30 a. m.

PLACE: Department of Children and Family Services, Conference Room 6023, 1340 S. Woodland Blvd., Deland, Florida 32724

A copy of the agenda for each meeting may be obtained by writing: Department of Children and Family Services, Suite 430, 210 N. Palmetto Avenue, Daytona Beach, FL 32114-3284 (Attn: Lotta Mapp).

If you need special accommodations (i.e. assisted listening devices, sign language interpreter, etc.) Please notify Lotta Mapp, (386)258-4437, at least 48 hours in advance of the meeting.

If you are hearing or speech impaired, please use Florida Relay Service for TDD or TTY at 1(800)955-8771.

The **Department of Children and Family Services**, Refugee Services Program Office announces the following public meetings to which all interested persons are invited.

MEETING: District 4/Jacksonville Refugee Task Force

DATE AND TIME: May 22, 2002, 1:30 p.m.

PLACE: Lutheran Social Services, Suite 322, 421 West Church Street, Jacksonville, Florida 32202, Contact Person is Osman Uzun, (850)413-8200

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** Discussion of issues relevant to refugee resettlement in the Duval Area/Children and Family Services, District 4 area.

A copy of the agenda may be obtained by writing: Osman Uzun, Refugee Services Office, Room 301, Building 1, 1317 Winewood Blvd., Tallahassee, Florida 32399-0700.

The Florida **Department of Children and Family Services**, District Eight, **Mental Health Program Office** announces the following public meeting to which all persons are invited.

DATE AND TIME: May 31, 2002, 4:00 p.m. – 6:00 p.m.

PLACE: The Charlotte County Health Department, Auditorium, 514 East Grace Street, Punta Gorda, Florida 33950

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** The department is seeking public input and information regarding the re-designation of the Riverside Center for Behavioral Health Baker Act receiving facility (operated by Charlotte Regional Medical Center), and the re-designation of the Charlotte Community Mental Health Center Baker Act receiving facility.

Contact for the above meeting is: Mike Sedgwick, Department of Children and Family Services, (239)643-9466.

The Florida **Department of Children and Family Services** announces the District 8, Hendry/Glades Counties Community Alliance will meet on the following dates:



**DATES AND TIME:** June 25, 2002; July 23, 2002, 2:00 p.m.  
**PLACE:** LaBelle Service Center, 485 Cowboy Way, LaBelle, Florida

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** Board meeting to discuss community-based care issues, including preparation of Phase 2 Invitation to Negotiate.

A copy of the agenda may be obtained by contacting: Department of Children and Family Services, Community-Based Care Unit, 2nd Floor, 2295 Victoria Avenue, Fort Myers, Florida 33901, one week prior to each meeting. All persons are invited.

In accordance with the Americans With Disabilities Act, persons needing an accommodation to participate in the meetings or needing additional information should contact the Community-Based Care Unit, (941)338-1343.

The **Department of Children and Family Services**, District Ten (Broward County), Mental Health Program Office announces public meetings in June to which all persons are invited:

**DATE AND TIME:** June 18, 2002, 9:00 a.m. – 11:00 a.m.

**PLACE:** Hollywood Pavilion, Conference Room, 2nd Floor, 1201 North 37th Avenue, Hollywood, FL 33021

**DATE AND TIME:** June 19, 2002, 9:00 a.m. – 11:00 a.m.

**PLACE:** 19th Street CSU, Henderson Mental Health Center, Conference Room, 2677 N. W. 19th Street, Ft. Lauderdale, FL 33311

**DATE AND TIME:** June 20, 2002, 9:00 a.m. – 11:00 a.m.

**PLACE:** Ft. Lauderdale Hospital, Conference Room, 1st Floor, 1601 East Las Olas Blvd., Ft. Lauderdale, FL 33301

**GENERAL SUBJECT MATTER AND AGENDA TO BE CONSIDERED:** The department is seeking public input and information in consideration of the designation or re-designation of the above listed facilities as public or private Baker Act receiving facilities.

Persons desiring additional information may call (954)713-3024 or (954)467-4509 (TDD).

**FISH AND WILDLIFE CONSERVATION COMMISSION**

The **Fish and Wildlife Conservation Commission** announces a public meeting of the Stone Crab Advisory and Appeals Board to which all interested persons are invited.

**DATES AND TIMES:** June 11, 2002, 1:00 p.m. – 5:00 p.m.; June 12, 2002, 8:00 a.m. – 5:00 p.m.

**PLACE:** Embassy Suites Hotel, 225 East Altamonte Drive, Altamonte Springs, Florida

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** The purpose of this meeting of the Stone Crab Advisory and Appeals Board is to hear scheduled appeals of initial stone crab trap certificate allocations.

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

For further information, contact: Juli Dodson, Suite 201, 2590 Executive Center Circle, East, Tallahassee, Florida 32301, (850)922-4340.

The **Fish and Wildlife Conservation Commission**, Division of Law Enforcement announces the following Boating Advisory Council public meeting to which all persons are invited:

**DATE AND TIME:** June 27, 2002, 9:00 a.m.

**PLACE:** Wyndham Harbour Island Hotel, 725 S. Harbour Island Boulevard, Tampa, Florida 33602

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** Meeting of the Boating Advisory Council.

An agenda of the meeting may be obtained by contacting: Division of Law Enforcement, Boating Advisory Council, 620 South Meridian Street, Bryant Building, Tallahassee, Florida 32399-1600 or by calling Ms. Shelly Gurr, (850)488-5600.

In accordance with the Americans with Disabilities Act, persons needing a special accommodation to participate in this meeting should notify Cindy Hoffman, (850)488-6411, at least five calendar days before the meeting.

**FLORIDA SPORTS FOUNDATION**

The **Florida Sports Foundation** announces a public meeting of the Florida Sports Foundation. Regional Grant Committee to which all persons are invited.

**DATE AND TIME:** Tuesday, May 21, 2002, 10:00 a.m.

**PLACE:** Florida Sports Foundation, Suite 101, 2930 Kerry Forest Parkway, Tallahassee, FL 32309

The **Florida Sports Foundation** announces a public meeting of the Florida Sports Foundation. Quarterly Board of Directors Meeting to which all persons are invited.

**DATE AND TIME:** Friday, June 21, 2002, 9:00 a.m. – 4:00 p.m.

**PLACE:** Orlando Airport Hyatt Regency, 9300 Airport Blvd., Orlando, FL 32827

**TAMPA BAY ESTUARY PROGRAM**

Members of the **Tampa Bay Estuary Program** (TBEP) Policy Board and the Community Advisory Committee will tour the Cargill Fertilizer Plant on South U.S. Highway 41 in Riverview Florida to which all persons are invited.

DATE AND TIME: Wednesday, May 22, 2002, 3:00 p.m. – 5:00 p.m.  
PLACE: Cargill Fertilizer Plant  
Reservations: Please notify Nanette Holland, (727)893-2754, by May 20th, if you wish to attend.

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**OFFICE OF PROGRAM POLICY ANALYSIS AND GOVERNMENT ACCOUNTABILITY**

The **Miami-Dade Land Acquisition and Facilities Advisory Board** announces its meeting.

DATE AND TIME: May 23, 2002, 9:00 a.m. – 12:00 Noon  
PLACE: Miami-Dade School Board Administration Building, 1450 N. E. 2nd Ave., Miami, FL  
GENERAL SUBJECT MATTERS TO BE CONSIDERED: The Advisory Board will consider matters relating to Miami-Dade Land Acquisition and Facilities. These matters may include: reconsideration of a motion regarding release of the funds held and information regarding the district's construction program. The advisory board may also consider information regarding any recommendations it may make to the school district and the Commissioner of Education.

A copy of the agenda can be obtained by contacting: Melissa Crawford, Office of Program Policy Analysis and Government Accountability, Suite 312, 111 West Madison Street, Tallahassee, FL 32399-1475, (850)487-9256.

If special accommodations are needed to attend this meeting because of a disability, please contact the above-mentioned individual in advance of the meeting.

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**ENTERPRISE FLORIDA**

The **Enterprise Florida, Inc.** announces a public meeting to which all persons are invited.  
MEETING: Enterprise Florida, Inc., Small Business Council Rural Subcommittee.

DATE AND TIME: Tuesday, May 28, 2002, 12:00 Noon – 3:00 p.m.  
PLACE: Enterprise Florida, Suite 1300, 390 North Orange Avenue, Orlando, Florida 32801

GENERAL SUBJECT MATTER TO BE CONSIDERED: This meeting will discuss issues facing small business in rural Florida.

If an accommodation is needed for a disability or physical impairment, please contact Dee Dotson, (850)922-8748, at least seven (7) days prior to the activity. Persons who are hearing or speech impaired can contact the Florida Dual Party Relay System at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

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**CANCER CONTROL RESEARCH ADVISORY BOARD**

The **Cancer Control Research Advisory Board (CCRAB)** announces a meeting to which all persons are invited.

DATE AND TIME: May 29, 2002, 1:00 p.m. – 4:00 p.m.  
PLACE: Tampa Airport Marriott, Tampa, FL  
A copy of the agenda may be obtained from: Brian J. Calkins, Moffitt Cancer Center, (813)632-1309 or [calkinbj@moffitt.usf.edu](mailto:calkinbj@moffitt.usf.edu).

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**SUNSHINE STATE GOVERNMENTAL FINANCING COMMISSION**

The **Sunshine State Governmental Financing Commission** announces a public meeting, where all interested parties are invited:

DATE AND TIME: Friday, May 31, 2002, 9:00 a.m.  
PLACE: City of St. Petersburg, City Hall, Room 100, First Floor, Conference Room, 75 Fifth Street, North, St. Petersburg, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Board of Directors Meeting.

NOTE: A copy of the agenda may be obtained by contacting Mr. Richard C. Dowdy, Program Administrator, (850)878-1874.

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**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: June 5, 2002, 10:00 a.m.  
PLACE: Saddlebrook Resort, 5700 Saddlebrook Way, Wesley Chapel, Florida

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 or by calling (850)224-5437.

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**FLORIDA SURPLUS LINES SERVICE OFFICE**

The **Florida Surplus Lines Service Office**, Board of Governors' announces a public meeting to which all interested parties are invited:

BOARD OF GOVERNORS' QUARTERLY MEETING

DATE AND TIME: Wednesday, July 24, 2002, 1:00 p.m.  
PLACE: Amelia Island Plantation, Azalea Room, Amelia Island, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: General Business Matters.

A copy of the agenda may be obtained by sending a faxed request to Georgie Barrett, (850)513-9624.

In accordance with the Americans with Disabilities Act, persons needing a special accommodation to participate in this meeting should contact Georgie a week prior to the meeting at (850)224-7676, Ext. 19.

**FLORIDA PHASE II TOBACCO CERTIFICATION BOARD**

Senator Richard Mitchell (D-Jasper), Harry McGhin and Pleas Strickland announces a teleconference meeting of the **Florida Phase II Tobacco Certification Board:**

**DATE AND TIME:** Tuesday, May 28, 2002, 10:00 a.m. until 10:30 a.m.

**PLACE:** Anyone wishing to participate in the teleconference meeting should call (850)414-1711, suncom 994-1711 and identify themselves when they come on the line.

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** The Florida Phase II Tobacco Certification Board will consider the 2002 Tobacco Payout Plan and any other business which may come before it.

For further information contact Dean Papapetrou, Legislative Assistant to Senator Richard Mitchell at (386)719-2733

**Section VII  
Notices of Petitions and Dispositions  
Regarding Declaratory Statements**

**DEPARTMENT OF COMMUNITY AFFAIRS**

NOTICE IS HEREBY GIVEN that the Florida Building Commission received a Petition for Declaratory Statement on May 2, 2002, from Robert "Skip" Lee, Bellsouth Telecommunications, Inc. regarding exceptions to the requirement for installation of automatic sprinkler systems in buildings which are three stories or more in height in accordance with Section 903.1, Florida Building Code (2001), Building Volume. It has been assigned the number DCA02-DEC-138.

A copy of the request may be obtained by writing: Paula P. Ford, Commission Clerk, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100.

NOTICE IS HEREBY GIVEN THAT the Florida Building Commission received a Petition for Declaratory Statement on May 7, 2002, from Door & Access Systems Manufacturers Association International (DASMA), with regards to the application of Rule 9B-72, F.A.C., to testing of garage doors at a manufacturer's in-house facility. It has been assigned the number DCA02-DEC-142.

A copy of the request may be obtained by writing: Paula P. Ford, Commission Clerk, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100.

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

NOTICE IS HEREBY GIVEN THAT the Division of Florida Land Sales, Condominiums and Mobile Homes, Department of Business and Professional Regulation, State of Florida, has issued an Order Denying Petition In Re: Petition for Declaratory Statement, Scott Mumford, Unit Owner, Los Prados Condominium No. 1, Petitioner; Docket Number CD2002-007.

The petition was denied because it is outside the scope of the Division's authority to resolve conflicting provisions in the declaration of condominium.

A copy of the order may be obtained by writing: Agency Clerk, Department of Business and Professional Regulation, Division of Florida Land Sales, Condominiums and Mobile Homes, 1940 North Monroe Street, Tallahassee, Florida 32399-2217.

NOTICE IS HEREBY GIVEN THAT the Division of Florida Land Sales, Condominiums and Mobile Homes, Department of Business and Professional Regulation, State of Florida, has issued an Order Denying Petition In Re: Petition for Declaratory Statement, Frances Jean Helmer, Unit Owner, Cortez Villas Condominium #6, Petitioner; Docket Number CD2002-013.

The petition was denied because it is outside the scope of the Division's authority to interpret provisions of covenants and restrictions of homeowners' association.

A copy of the order may be obtained by writing: Agency Clerk, Department of Business and Professional Regulation, Division of Florida Land Sales, Condominiums and Mobile Homes, 1940 North Monroe Street, Tallahassee, Florida 32399-2217.

NOTICE IS HEREBY GIVEN THAT the Division of Florida Land Sales, Condominiums and Mobile Homes, Department of Business and Professional Regulation, State of Florida, has issued an Order Denying Petition In Re: Petition for Declaratory Statement, Amelia South, A Condominium, Petitioner; Docket Number CD2002-014.

The petition was denied because the Division does not have authority to resolve conflicting provisions in the declaration of condominium.

A copy of the order may be obtained by writing: Agency Clerk, Department of Business and Professional Regulation, Division of Florida Land Sales, Condominiums and Mobile Homes, 1940 North Monroe Street, Tallahassee, Florida 32399-2217.

NOTICE IS HEREBY GIVEN THAT the Division of Florida Land Sales, Condominiums and Mobile Homes, Department of Business and Professional Regulation, State of Florida, received a petition for declaratory statement In Re: Petition for Declaratory Statement, Robert Bakerman, Costa Brava Condominium of Belle Isle, Petitioner, on April 23, 2002.

The Petitioner requests an interpretation as to whether a board of directors may apply funds from a special assessment collected in 1998 for a specific project, which it later abandoned, as a credit toward future assessments without restrictions on its use under Section 718.116(10), Florida Statutes.

A copy of the Petition for Declaratory Statement, Docket Number CD2002-027, may be obtained by writing: Agency Clerk, Department of Business and Professional Regulation, Division of Florida Land Sales, Condominiums and Mobile Homes, 1940 North Monroe Street, Tallahassee, Florida 32399-2217. Please refer all comments to Janis Sue Richardson, Chief Assistant General Counsel, Department of Business and Professional Regulation, Division of Florida Land Sales, Condominiums and Mobile Homes, 1940 North Monroe Street, Tallahassee, Florida 32399-2202.

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**Section VIII**  
**Notices of Petitions and Dispositions**  
**Regarding the Validity of Rules**

**Notice of Petition for Administrative Determination has been filed with the Division of Administrative Hearings on the following rules:**

**NONE**

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**Notice of Disposition of Petition for Administrative Determination have been filed by the Division of Administrative Hearings on the following rules:**

**NONE**

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**Section IX**  
**Notices of Petitions and Dispositions**  
**Regarding Non-rule Policy Challenges**

**NONE**

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**Section X**  
**Announcements and Objection Reports of**  
**the Joint Administrative Procedures**  
**Committee**

**NONE**

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**Section XI**  
**Notices Regarding Bids, Proposals and**  
**Purchasing**

**DEPARTMENT OF EDUCATION**

**BIDS FOR FURNISHING INSTRUCTIONAL MATERIALS**  
**TO THE STATE OF FLORIDA**

Sealed bids, addressed to the Florida Department of Education and marked "Sealed Bid," will be received in the offices of the Commissioner of Education no later than 5:00 p.m. (EDT), June 3, 2002.

Bids shall include proposals for furnishing instructional materials effective April 1, 2003, for a period six years in the areas of Agribusiness and Natural Resources, Grades 6-12, Integrated Sciences, Grades 9-12, Literature, Grades 6-12, Music, Grades K-12, and Safety and Driver Education, Grades 9-12. A detailed list of the selection criteria may be obtained from the Instructional Materials Office, Room 532 Turlington Building, 325 West Gaines Street, Tallahassee, Florida 32399-0400 or by accessing the Department of Education website at <http://www.firn.edu/doe/instmat>. The bid shall state the lowest wholesale price at which the materials will be furnished, f.o.b. to the Florida depository of the bidder.

Official minimum standards and specifications for paper, printing, binding, binderboard, and cover fabric have been adopted by the Department of Education and are available for inspection in Room 532, Turlington Building.

Each bidder shall furnish specimen copies of all materials submitted at a time designated by the Department of Education, which specimen copies shall be identical with the copies approved and accepted by the state instructional materials committee and copies furnished to district superintendents as provided in Section 233.18, Florida Statutes.

Contracts must be executed and required bonds submitted within 30 calendar days after receipt of the contract.

The Department of Education reserves the right to reject any or all bids.

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**CALL FOR BIDS**

Made by the University of North Florida, for and on behalf of the University of North Florida, Board of Trustees, A Body Corporate.

PROJECT: New UNF North Access Roads – BR-964

FOR: University of North Florida  
4567 St. Johns Bluff Road, South  
Jacksonville, Florida 32224

PROJECT SCOPE: The work consists of construction of a new north access road including, clearing, earthwork, storm drainage, asphalt pavement, concrete sidewalks and curbs, pavement marking, roadway signing, informational signing, roadway lighting, landscaping, erosion control measures and incidental work.

QUALIFICATIONS: All bidders must be qualified at the time of bid opening in accordance with the Instructions to Bidders, Article B-2. Sealed bids will be received on:

DATE AND TIME: Tuesday, June 18, 2002 until 2:00 p.m., (Local Time)

PLACE: University of North Florida, Building 6, Training Room 1225, 4567 St. Johns Bluff Road, South, Jacksonville, Florida 32224, at which time and place they will be publicly opened and read aloud.

PROPOSAL: Bids must be submitted in full and in accordance with the requirements of the drawings and Project Manual which may be obtained or examined at the office of the:

ARCHITECT/  
ENGINEER: BHR, Inc.  
Engineers – Planners – Landscape  
Architects – Surveyors  
1900 Corporate Square Boulevard  
Jacksonville, Florida 32216  
(904)721-2991  
Fax (904)725-0171

MINORITY PROGRAM: Bidders are encouraged to utilize minority business enterprises certified by the Commission on Minority Economic and Business Development (formerly certification done by Department of Management Services). Consideration will be given to the percentage of participation, as described in the instructions to bidders, in the award of the contract.

PRE-SOLICITATION/  
PRE-BID MEETING: The bidder is encouraged to attend the pre-solicitation/pre-bid meeting.

Minority business enterprise firms are invited to attend to become familiar with the project specifications and to become acquainted with contractors interested in bidding the project. The meeting has been scheduled for:

DATE AND TIME: Wednesday, June 5, 2002, 2:00 p.m. (Local Time)

PLACE: University of North Florida, Building 6, Training Room 1225, 4567 St. Johns Bluff Road, South, Jacksonville, Florida 32224

BIDDING DOCUMENTS: Full sets of Bidding Documents may be examined at the Engineer’ office and local plan rooms. Full sets may be purchased through Engineer for \$100.00 per set for the printing and handling cost. (NO REFUND WILL BE MADE FOR THESE DOCUMENTS.)

PUBLIC ENTITY CRIMES: As required by Section 287.133, Florida Statutes, a contractor may not submit a bid for this project if it is on the convicted vendor list for a public entity crime committed within the past 36 months. The successful contractor must warrant that it will neither utilize the services of, nor contract with, any supplier, subcontractor, or consultant in excess of \$15,000.00 in connection with this project for a period of 36 months from the date of their being placed on the convicted vendor list.

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RFBP No. 54007308

Small Equipment Items for School Food Service  
The Putnam County District School Board, Palatka, Florida is soliciting sealed bids from responsible vendors to furnish small equipment items as specified in RFBP 54007308 to the Food Service Department. Bid proposals will be received in the Purchasing Office, 1314 Reid Street, Palatka, FL 32177 until 2:00 p.m. (Local Time), Tuesday, June 4, 2002. Interested vendors may obtain a copy of the RFBP from the Purchasing Department, Putnam County District Schools. Phone (904)329-0525.

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**ADVERTISEMENT FOR BIDS**

Invitation To Bid (ITB)

For a Site Work 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 Room 513D, on the 5th Floor of the School Board Building.

**BIDS ARE DUE ON OR BEFORE****JUNE 11, 2002****AND WILL BE ACCEPTED UNTIL 2:00 P.M.**

**OFFICIAL PROJECT TITLE:** Resurface Driveway and New Parking Lot At Pine Estates Elementary School No. 250

**DCPS PROJECT NO.** M-88680

**SCOPE OF WORK:** Expansion of the parking in the bus loop by 20 spaces, estimated construction cost is \$56,750.00.

All contractors that are interested in bidding are required to attend a mandatory pre-bid conference to be held on May 27, 2002, 1:30 p.m., at Pine Estates Elementary, 10741 Pine Estates Road, East, Jacksonville, Florida 32218. 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 \$50.00 at the office of:

Post Buckley Schuh & Jernigan, Inc.

7785 Baymeadows Way, Suite 202

Jacksonville, Florida 32256

DCSB Point of Contact: James Scott, (904)390-2279

Contract documents for bidding may be examined at Facilities Planning and Construction, 1701 Prudential Drive, 5th Floor, Jacksonville, Florida 32207.

MBE Participation Goal: Encouragement

The Bid Award Recommendation will be posted on the First Floor, Bulletin Board at the Duval County School Board Building, 1701 Prudential Drive, Jacksonville, Florida 32207-8182.

**REGIONAL TRANSPORTATION AUTHORITIES****NOTICE TO DESIGN/BUILD FIRMS****INVITATION TO BID – CONTRACT NO. 01-839****DOUBLE TRACK CORRIDOR IMPROVEMENT PROGRAM – NEW RIVER BRIDGE PROJECT**

Tri-County Commuter Rail Authority (Tri-Rail), an agency of the state of Florida, operates a seventy-two (72) mile commuter railroad with eighteen (18) stations throughout Miami-Dade, Broward and Palm Beach Counties.

THE PURPOSE of this Invitation to Bid (ITB) is to enter into an Agreement to provide all supervision, project coordination, scheduling, final design services, construction management, labor, equipment, tools, supplies, insurance, permanent materials, temporary materials, vehicles, storage sheds and incidentals (including acquisition of all local agency permits and inspections) required for Final Design and Construction of the New River Bridge as part of the Tri-Rail Double Track Corridor Improvement Program, located on the South Florida Rail Corridor.

The Project's scope of Work includes the design and construction of a new twin-track high-level fixed bridge over the South Fork of the New River, positioned within the existing right-of-way and approximately 1.7 miles of new twin-track alignment.

The Project design includes production of design drawings, specifications, and calculations in compliance with the document requirements and referenced standards, codes, and legislative requirements. Construction includes the manufacture, fabrication, and installation of all elements required for the operation of the corridor. Elements of the design and construction include earthwork, new installation and relocation of existing track, drainage structures and facilities, new structures, landscaping and Utility Relocations and protections.

Certain work, including signal work and live track work will be performed by CSXT under a separate agreement with Tri-Rail.

A REQUEST FOR DOCUMENTS should be directed to Ms. Charmaine Davis-Matthei at Tri-Rail, 800 N. W. 33rd Street, Suite 100, Pompano Beach, FL 33064, (954)788-7905. The cost of the solicitation documents is \$500.00, non-refundable. Checks or money orders, made in favor of Tri-Rail should be forwarded to Ms. Davis-Matthei at the address above. Solicitation documents will be available on or about May 13, 2002.

A PRE-BID CONFERENCE will be held in the Tri-Rail Board Room at the address above on May 29, 2002, 10:00 a.m. The purpose of the meeting will be for Tri-Rail to respond to questions from document holders and clarify requirements in an open forum. Attendance is not mandatory but is highly recommended.

REQUESTS FOR CLARIFICATION regarding specifications or bid documents must be submitted to Tri-Rail no less than fifteen (15) calendar days before the date for Initial Submittals. **RECEIPT OF SEALED BIDS:** A Two-Step Sealed Bids Process will be utilized for this procurement. Initial submittals must be received by 4:00 p.m., July 10, 2002 at the address above. Final submittals, including the bid price, will be due no later than 4:00 p.m., October 4, 2002. All bid documents must clearly indicate the **BIDDER'S NAME, ITB NUMBER AND TITLE AND BID DUE DATE.**

Tri-Rail reserves the right to postpone, or reject any and all Bids in whole or in part. All Bidders must certify that they are not on the State of Florida Comptroller General's List of Ineligible Bidders. All Bids must remain in effect for one hundred eighty (180) days from the date of Bid Opening.

**BID SECURITY** in the amount of five percent (5%) of the Bid must accompany each Final Submittal in accordance with the Instruction to Bidders and Contractual Terms and Conditions.

**TERM:** The period of performance for this Contract shall be based on the successful bidder's schedule, but shall be completed no later than Thirty-One (31) months after Notice to Proceed.

**NOTIFICATION OF FEDERAL PARTICIPATION:** Approximately seventy-five percent (75%) of the New River Bridge Project is funded by grants from the Federal Transit Administration. Any resultant Contract shall be subject to all federal rules and regulations. Davis-Bacon wage rates and other federal provisions shall apply.

**DBE PARTICIPATION:** The Disadvantaged Business Enterprise participation goal for this solicitation is ten percent (10%).

Richard A. Wolfe, Director  
Contracts Administration and Procurement

**DEPARTMENT OF ENVIRONMENTAL PROTECTION**

**REQUEST FOR PROPOSALS**  
RFPBDRS 01-01/02

Proposal Due Date: 3:30 p.m., Tuesday, June 18, 2002

This Request for Proposal (RFP) is for licensed contractors, in the State of Florida to provide all labor, material and equipment to restore the lighthouse located on Anclote Key in the Gulf of Mexico, west of Tarpon Springs. The lighthouse is a skeletal, tubular cast iron plate tower. The scope of work will include restoring the lighthouse, installing a solar power light and providing lead-based paint abatement services. Contractors submitting for the RFP will initially demonstrate their expertise and experience in lighthouse restoration.

After selecting qualified contractors the Department will solicit for competitive bids, from the selected qualified contractors, for the work to restore the lighthouse. Construction documents and permits will be provided by the Department of Environmental Protection.

Access to the project site will involve crossing wetland areas on the island. All responses to the Request for Proposals are welcome. Contact the Contracts Section, (850)488-5372. Please specify the solicitation package by the DEP Solicitation Number provided above. Minority businesses are encouraged to participate. The Department reserves the right to reject any or all proposals.

The full text of this notice can be found on the Department's website at <http://www.dep.state.fl.us> under the button titled "Official Notices."

**DEPARTMENT OF CHILDREN AND FAMILY SERVICES**

**REQUEST FOR PROPOSAL**

SEALED PROPOSALS ARE SOUGHT FOR CONTRACTUAL HOUSEKEEPING SERVICES FOR THE DEPARTMENT OF CHILDREN AND FAMILY SERVICES, DISTRICT ELEVEN, SOUTH FLORIDA EVALUATION AND TREATMENT CENTER. SEALED PROPOSALS WILL BE RECEIVED UNTIL JUNE 13, 2002. PROPOSAL CONDITIONS AND SPECIFICATIONS MAY BE OBTAINED FROM: EDUARDO HERNANDEZ, PURCHASING DIRECTOR, SOUTH FLORIDA EVALUATION AND TREATMENT CENTER, 2200 N. W. 7TH AVENUE, MIAMI, FL 33127, (305)637-2677.

**FLORIDA HOUSING FINANCE CORPORATION**

**Request for Proposals**

**2002/04 Investment Manager Services**

The Florida Housing Finance Corporation invites all qualified and interested parties wishing to provide Investment Manager services to submit proposals for consideration. Written, sealed proposals shall be accepted until 12:00 p.m. (Eastern Time), June 3, 2002, to the attention of Robin Grantham, Senior Contracts Analyst, Florida Housing Finance Corporation, Suite 5000, 227 North Bronough Street, Tallahassee, Florida 32301-1329. For questions or additional information, please contact Robin Grantham, (850)488-4197 or [robin.grantham@floridahousing.org](mailto:robin.grantham@floridahousing.org).

To obtain a copy of the Request for Proposals, which outlines selection criteria and offeror's responsibilities, please submit your request to the attention of Robin Grantham, or you can download the Request for Proposals from the Florida Housing Finance Corporation website at <http://www.floridahousing.org/rfps.html>. Any modifications that occur to the Request for Proposals will be posted at the web site and may result in an extension of the deadline.

**FARM PILOT PROJECT COORDINATION**

**Request for Proposal**

**Nutrient Management Technology for Animal Feeding Operations**

Farm Pilot Project Coordination, Inc. (FPPC), a non-profit organization, was designated by Congress (Public Law 107-76) to assist in implementing innovative treatment technologies to address the growing animal waste issues emanating from animal feeding operations (AFOs). FPPC's objective is to foster

the conservation, development and wise use of land, water and related resources, while providing AFOs with opportunities for profitable operation.

FPPC's specific mandate is to oversee the implementation and administration of a Pilot Project Program to demonstrate economically viable innovative treatment technology systems that reduce the nutrient content of wastewater from AFO's by 75 percent or greater. This Request for Proposal seeks technologies (Pilot Projects) that will satisfy the congressional mandate. Funding for approved Pilot Projects will come from funds appropriated by Congress and overseen by the Natural Resource and Conservation Service (NRCS). The ability of proposers responding to the RFP to provide and commit additional resources, whether of an in-kind, financial or related nature, will be one criteria involved in the consideration of awarding Pilot Projects.

RFP-FPPC-2-2002: Florida Dairy Nutrient Management Demonstration

FPPC issues this Request for Proposal for nutrient management demonstration projects for Florida dairies. This solicitation is for innovative treatment technology systems that will result in a 75 percent or greater reduction in nutrients of wastewater produced from a Florida dairy operation. The technologies, management and facilities improvements proposed must provide a major contribution to the operation's nutrient balance.

Examples of innovative technology include but are not limited to one or more of the following management and facilities improvements: construction of sand and solids separators; waste water treatment systems that provide significant removal of phosphorus, nitrogen and solids; construction of edge-of-farm treatment (wetland and/or chemical) facilities; and any other innovative technologies that may be determined to be appropriate.

Rationale for the Project

Nutrient management on dairies in Florida has been an ongoing challenge for farmers. Annually, Florida imports over 20 percent of the milk consumed in the state. At the same time, as environmental regulations become more stringent on animal residuals, farmers have become more reliant on on-farm treatment systems to handle excess nutrients that threaten nearby surface and groundwater quality. Much of this environmental challenge has led to Florida's herd size decreasing by 15 percent over the last decade.

In order for Florida to continue to compete in this commodity and meet stringent environmental standards, effective and affordable technologies for nutrient waste reduction must be developed for dairies.

Project Objective

The objective of this RFP is to solicit and implement innovative treatment technologies that will treat the nutrients in the animal wastewater discharged at a Florida dairy. The

approved technology, along with any existing wastewater treatment processes, if any, must result in a reduction of at least 75 percent of the nutrients in the wastewater stream.

Additional Information

If interested in submitting a proposal, proposers may obtain supplemental information on the project by contacting the Project Manager in writing or via email. This information will include minimum requirements for submittal, evaluation criteria, and general information regarding the submittal of proposals.

Deadline for Submission

Proposals must be received by in the offices of the FPPC Project Manager no later than 5:00 p.m. (EST), Wednesday, May 29, 2002. Interested persons should reply to:

Farm Pilot Project Coordination, Inc.

C/O Water Resource Associates

14502 N. Dale Mabry Hwy., Suite 226

Tampa, FL 33618

Attn. Peter Hubbell, Project Manager

Phone: (813)265-3130

Fax: (813)265-6610

E-mail: phubbell@wraconsultants.com

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#### Request for Proposal

Nutrient Management Technology for Animal Feeding Operations

Farm Pilot Project Coordination, Inc. (FPPC), a non-profit organization, was designated by Congress (Public Law 107-76) to assist in implementing innovative treatment technologies to address the growing animal waste issues emanating from animal feeding operations (AFOs). FPPC's objective is to foster the conservation, development and wise use of land, water and related resources, while providing AFOs with opportunities for profitable operation.

FPPC's specific mandate is to oversee the implementation and administration of a Pilot Project Program to demonstrate economically viable innovative treatment technology systems that reduce the nutrient content of the animal waste stream from AFOs by 75 percent or greater. This Request for Proposal seeks technologies (Pilot Projects) that will satisfy the congressional mandate. Funding for approved Pilot Projects will come from funds appropriated by Congress and overseen by the Natural Resource and Conservation Service (NRCS). The ability of proposers responding to the RFP to provide and commit additional resources, whether of an in-kind, financial or related nature, will be one criteria involved in the consideration of awarding Pilot Projects.

RFP-FPPC-3-2002: Poultry Nutrient Management Demonstration

FPPC issues this Request for Proposal for nutrient management demonstration projects for poultry production. This solicitation is for innovative treatment technology



systems that will result in a 75 percent or greater reduction in nutrients from the waste stream produced from poultry operations. The technologies, management and facilities improvements proposed must provide a major contribution to the operation's nutrient balance.

Examples of innovative technology include but are not limited to one or more of the following management and facilities improvements: waste water treatment systems that provide significant removal of nutrients; construction of edge-of-farm treatment (wetland and/or chemical) facilities; effective offsite disposal alternatives such as composting resulting in marketable products and any other innovative technologies that may be determined to be appropriate.

#### Rationale for the Project

Nutrient management for poultry operations has been an ongoing challenge for farmers. The removal of poultry litter and wastes from farms and the ultimate disposition of this material, either on-farm or offsite, has been problematic due to the high nutrient level of this waste.

New standards that are being developed by Federal and state authorities, including NRCS, will make dealing with poultry waste even more complicated. These standards are designed to address areas of high potential nutrient transport to surface water. Although these standards are considered voluntary by the NRCS, some state's laws reference the NRCS standards in their regulatory programs and are thus legal requirements.

It is anticipated that these standards will have the potential of significantly impacting the poultry industry's ability to effectively and economically meet their waste and nutrient management requirements. Research into innovative approaches to effectively deal with these challenges is required.

#### Project Objective

The objective of this RFP is to solicit and implement innovative treatment technology systems that will treat the nutrients in poultry waste and/or litter. The approved technology, along with any existing wastewater treatment processes, if any, must result in a reduction of at least 75 percent of the nutrients in the waste stream.

#### Additional Information

If interested in submitting a proposal, proposers may obtain supplemental information on the project by contacting the Project Manager in writing or via email. This information will include minimum requirements for submittal, evaluation criteria and general information regarding the submittal of proposals.

#### Deadline for Submission

Proposals must be received by in the offices of the FPPC Project Manager no later than 5:00 p.m. (EST), Wednesday, May 29, 2002. Interested persons should reply to:

Farm Pilot Project Coordination, Inc.  
C/O Water Resource Associates  
14502 N. Dale Mabry Hwy., Suite 226

Tampa, FL 33618

Attn. Peter Hubbell, Project Manager

Phone: (813)265-3130

Fax: (813)265-6610

E-mail: phubbell@wraconsultants.com

## HILLSBOROUGH COUNTY AVIATION AUTHORITY

### NOTICE TO DESIGN-BUILD FIRMS

The Hillsborough County Aviation Authority hereby requests, pursuant to the Consultants Competitive Negotiation Act, Section 287.055, Florida Statutes, Letters of Interest from Design-Build firms desiring to render Design-Build Services for the following project at Tampa International Airport, Tampa, Florida:

#### SECURITY ENHANCEMENTS WITHIN THE AIRPORT COMPLEX AND RELATED WORK

Services to be furnished shall include, but not be limited to, all architectural design and all engineering related to civil, structural, mechanical/HVAC, plumbing, fire protection, electrical, electronic and information technology systems; architectural/engineering services during construction; construction by a qualified contractor; and related surveys and testing. Professional services will also be required by a Baggage Handling Systems Design Consultant. A more detailed Scope of Services will be included in the formal Request for Qualifications.

Qualified Design-Build firms desiring consideration for this Project must give written notification in the form of a Letter of Interest to:

William J. Connors, Jr.  
Senior Director of Planning and Development  
Hillsborough County Aviation Authority  
Post Office Box 22287  
Tampa, Florida 33622

Interested parties may inquire as to project descriptions, details, and required data submission to William J. Connors, Jr., Senior Director of Planning and Development, (813)870-8704. **ONLY A LETTER EXPRESSING INTEREST IN RECEIVING THE FORMAL REQUEST FOR QUALIFICATIONS IS REQUIRED AT THIS TIME.**

The Letters of Interest (Only) must be received at or before 5:00 p.m. (Local Time), Tuesday, June 11, 2002. Subsequent to receiving Letters of Interest, a Request for Qualifications will be sent to all respondents and adequate response time set forth in that package.

A MANDATORY Pre-Qualifications Conference will be held on Thursday, June 20, 2002, 10:00 a.m. (Local Time), in the Hillsborough County Aviation Authority, Board Room,

Landside Terminal Building, Third Floor, Blue Side at Tampa International Airport. Details of this conference will be included in the Request for Qualifications.

HILLSBOROUGH COUNTY AVIATION AUTHORITY

By: /s/ Louis E. Miller  
 Louis E. Miller, Executive Director

**Section XII  
 Miscellaneous**

**DEPARTMENT OF LEGAL AFFAIRS**

The Department of Legal Affairs, Bureau of Advocacy and Grants Management announces that the review team orientations, site visits and deliberation meetings for the 2002-2003 Victims of Crime Act (VOCA) Grant process will be held throughout each judicial circuit in the State of Florida, between May 13, 2002 and June 7, 2002. The orientations, site visits and deliberation meetings are public meetings, and as such, all persons are invited to attend. For information on specific dates, times and locations you may call (850)414-3380.

**DEPARTMENT OF BANKING AND FINANCE**

**NOTICE OF FILINGS**

Notice is hereby given that the Department of Banking and Finance, Division of Banking, has received the following application and/or other notices. Comments may be submitted to the Director, Division of Banking, 101 East Gaines Street, Suite 636, Fletcher Building, Tallahassee, Florida 32399-0350, for inclusion in the official record without requesting a hearing; however, any person may request a public hearing by filing a petition with the Clerk, Legal Division, Department of Banking and Finance, 101 East Gaines Street, Suite 526, Fletcher Building, Tallahassee, Florida 32399-0350, pursuant to provisions specified in Rule 3C-105.100, Florida Administrative Code. Petition must be received by the Clerk within twenty-one (21) days of publication of this notice (by 5:00 p.m., June 7, 2002):

Application for An International Bank Office  
 Application and Location: Bancolumbia S.A., Calle 50 No. 51-66, Medellin, Colombia

Proposed Florida Location: Downtown Miami, Florida

Received: May 7, 2002

**EXPANDED FIELD OF MEMBERSHIP**

Name and Address of Applicant: First Choice Credit Union, 1055 South Congress Avenue, West Palm Beach, Florida 33406

Expansion Includes: Persons who live or work in Delray Beach, Florida, and persons who live or work in Lantana, Florida.

Received: May 2, 2002

Name and Address of Applicant: Bay Gulf Credit Union, Post Office Box 271990, Tampa, Florida 33688-1990

Expansion Includes: Individuals residing, employed, attending school or attending worship services and non-natural person entities located within the 33614 zip code; and employees of the Veterans Administration Center at Bay Pines, Florida.

Received: May 1, 2002

**NOTICE OF CONSIDERATION OF  
 CEMETERY BYLAWS**

The State of Florida, Board of Funeral and Cemetery Services, will address approval of the bylaws of the following cemeteries at the regular meeting to be held on June 25, 2002, in Tallahassee, Florida:

- Edgewater- New Smyrna Cemetery
- Daytona Memorial Park
- Daytona Memorial Park North

A file pertaining to the above is available for public inspection and copying by any person at the Fletcher Building, 101 East Gaines Street, 6th Floor, Tallahassee, Florida 32399-0350. Comments may be submitted at the above address without requesting a hearing. Those persons whose substantial interests may be determined by these proceedings, including settlements, grants, and denials, are advised that they may request a hearing concerning the notice of intent to be conducted in accordance with the provisions of Section 120.57, Florida Statutes. The petitions for hearing should comply with Rule 3-7.002, Florida Administrative Code, and must be filed within twenty-one (21) days of publication of this notice. Petitions shall be filed with: Clerk, Division of Finance, Bureau of Funeral and Cemetery Services, The Fletcher Building, 101 East Gaines Street, Tallahassee, Florida, 32399-0350. In deference to the rights of substantially affected persons, a hearing on these matters will be held at the meeting of the Board of Funeral and Cemetery Services to be held as outlined above. All written comments and requests to address the Board must be received by the Department within seven (7) days prior to the meeting.

**DEPARTMENT OF HIGHWAY SAFETY AND MOTOR VEHICLES**

**Notice of Publication for a New Point**

**Franchise Motor Vehicle Dealer in a County of More than 300,000 Population**

Pursuant to Section 320.642, Florida Statutes, International Truck and Engine Corp., intends to allow the establishment of Maudlin International Trucks, Inc., as a dealership for the sale of International vehicles and products, at 4900 North Orange Blossom Trail, Orlando (Orange County), Florida 32810, on or after May 5, 2002.

The name and address of the dealer operator(s) and principal investor(s) of Maudlin International Trucks, Inc. are dealer operator: John Maudlin, 2300 S. Division Ave., Orlando, FL 32805; principal investor(s): John Maudlin, 2300 S. Division Ave., Orlando, FL 32805 and International Truck and Engine Corporation, 4201 Winfield Road, Warrenville, IL 60555.

The notice indicates intent to establish the new point location in a county of more than 300,000 population, according to the latest population estimates of the University of Florida, Bureau of Economic and Business Research.

Certain dealerships of the same line-make may have standing, pursuant to Section 320.642, Florida Statutes, to file a petition or complaint protesting the application.

Written petitions or complaints must be received by the Department of Highway Safety and Motor Vehicles within 30 days of the date of publication of this notice and must be submitted to: Mr. Ronald D. Reynolds, Administrator, Dealer License Section, Department of Highway Safety and Motor Vehicles, Room A-312, Neil Kirkman Building, 2900 Apalachee Parkway, Tallahassee, Florida 32399-0635.

A copy of such petition or complaint must also be sent by US Mail to: Michael Hummel, Dealer Operations, International Truck and Engine Corporation, 4201 Winfield Road, P. O. Box 1488, Warrenville, IL 60555.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

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Notice of Publication for a New Point  
Franchise Motor Vehicle Dealer in a County of More  
than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, Polaris Sales Inc., intends to allow the establishment of St. Pete Jeep Inc., d/b/a St. Pete Jeep Chrysler, as a dealership for the sale of Polaris ATV's, personal watercraft and Rangers, at 2500 34th Street, North, St. Petersburg (Pinellas County), Florida 33713, on or after May 9, 2002.

The name and address of the dealer operator(s) and principal investor(s) of St. Pete Jeep Inc., d/b/a St. Pete Jeep Chrysler are dealer operator(s) and principal investor(s): William Douglas, 3001 Woodsong Lane, Clearwater, FL 33761.

The notice indicates intent to establish the new point location in a county of more than 300,000 population, according to the latest population estimates of the University of Florida, Bureau of Economic and Business Research.

Certain dealerships of the same line-make may have standing, pursuant to Section 320.642, Florida Statutes, to file a petition or complaint protesting the application.

Written petitions or complaints must be received by the Department of Highway Safety and Motor Vehicles within 30 days of the date of publication of this notice and must be submitted to: Mr. Ronald D. Reynolds, Administrator, Dealer License Section, Department of Highway Safety and Motor Vehicles, Room A-312, Neil Kirkman Building, 2900 Apalachee Parkway, Tallahassee, Florida 32399-0635.

A copy of such petition or complaint must also be sent by US Mail to: Sherry Peterson, Dealer Development, Polaris Sales Inc., 2100 Highway 55, Medina, MN 55340-9770.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

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**LAND AND WATER ADJUDICATORY COMMISSION**

NOTICE OF RECEIPT OF PETITION

On March 20, 2002, the Florida Land and Water Adjudicatory Commission ("FLWAC" or "Commission") received a petition to establish the Bartram Springs Community Development District (the "District"). The Commission will follow the requirements of Rule Chapter 42-1, Florida Administrative Code (F.A.C.), as amended, and Chapter 190, Florida Statutes (F.S.), as amended, in ruling on this petition.

**SUMMARY OF CONTENTS OF PETITION:** The petition filed by SouthStar Development Partners, Inc., requests that the Commission establish a community development district located within the City of Jacksonville, Florida, a consolidated government which has jurisdiction over and extends to the limits of Duval County. The land area proposed to be served by the District comprises approximately 1,025 acres. The proposed District is generally located west of U.S. #1, east of Interstate 95, and south of St. Augustine Road in Duval County. There are no out-parcels located within the external boundaries of the parcel of land to be included within the District. The lands to be included within the proposed District are zoned Planned Unit Development/Multi-Use. The proposed District is bounded by office, commercial, multi-family and agricultural uses. The future general distribution, location and extent of the public and private land uses under the Planned Unit Development/Multi-Use designation (City of Jacksonville Comprehensive Plan) currently include residential, recreation and commercial elements. The proposed land uses within the District are subject to the approved Bartram Park Development of Regional Impact (DRI) Development Approval. The proposed commercial development within the proposed District contemplates the construction of facilities on approximately three acres of land. Approximately 1,400 single-family residential units and 300 multi-family units are presently planned for development within the proposed District. The Petitioner either owns or has written consent to

establish the District from the owners of 100% of the real property located within the proposed District. The District, if established, currently intends to participate in the construction of certain road and entranceway improvements. The District is also expected to provide certain stormwater and recreation amenity improvements for the lands within the District, as well as wetland restoration and funding for a roadway planning, development, and engineering study.

**SUMMARY OF ESTIMATED REGULATORY COSTS:** The statement of estimated regulatory costs (SERC) supports the petition to establish the District. The complete text of the SERC is contained as Exhibit 11 to the petition to establish the District. The scope of the SERC is limited to evaluating the regulatory costs consequences of approving the proposal to establish the District. The requirements for a SERC are found in Section 120.541(2), F.S. A SERC must contain (a) a good faith estimate of the number and types of individuals likely to be required to comply with the rule of who will be affected; (b) a good faith estimate of the costs to any state and local government entities of implementing and enforcing the proposed rule, and any anticipated effect on state and local revenues; (c) a good faith estimate of the transactional costs likely to be incurred by individuals and entities; (d) an analysis of the impact on small businesses, small counties, and small cities; (e) any additional information that the agency determines may be useful; and (f) any good faith written proposal submitted under paragraph (1)(a) and either a statement adopting the alternative or a statement rejecting the alternative in favor of the proposed rule. Addressing section (a), the principle entities that are likely to be required to comply with the rules include the District, the State of Florida, and the City of Jacksonville. In addition, future property owners will be affected by the establishment of the proposed District. Under section (b), FLWAC and the State of Florida will incur minimal administrative costs. The City of Jacksonville will also incur one-time administrative costs which are offset by the required filing fee paid to the City by the Petitioner. Adoption of the proposed rule to approve the formation of the District will not have any adverse impact on State and local revenues. Addressing section (c), the District may levy non-ad valorem special assessments on properties within its boundaries to finance infrastructure that the District funds and to defray the costs of operating and maintaining the infrastructure and associated community facilities. The District may issue notes, bonds, or other indebtedness to fund its improvement program. Prospective future landowners would be required to pay off such indebtedness over time in the form of non-ad valorem special assessments or other rates, fees or charges. The District may also impose an annual levy for the operations and maintenance of the District. Under section (d), approval of the petition to establish the District will have only

incidental or a positive impact on a small business and will not have any impact on small counties and cities. Duval County and the City of Jacksonville are not a small county or small city as defined in Section 120.52, F.S. Under section (e), the analysis was based on the application of economic theory with input received from the developer's engineer and other professionals associated with the developer.

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

**DATE AND TIME:** Friday, May 31, 2002, 1:00 p.m.

**PLACE:** Yates Building  
Room 431  
231 East Forsyth Street  
Jacksonville, Florida

Any person requiring a special accommodation to participate in the hearing because of a disability should contact Cheryl Stuart, (850)222-7500, at least 2 business days in advance to make appropriate arrangements.

Copies of the petition may be obtained by contacting: Cheryl Stuart, Hopping Green & Sams, P.A., Post Office Box 6526, Tallahassee, Florida 32314, (850)222-7500 or Barbara Leighty, Florida Land and Water Adjudicatory Commission, Office of Policy and Budget, Executive Office of the Governor, The Capitol, Room 1801, Tallahassee, Florida 32399-0001, (850)487-1884.

**NOTICE OF RECEIPT OF PETITION**

On January 31, 2002, the Florida Land and Water Adjudicatory Commission (the "Commission") received a petition to adopt an administrative rule to contract the boundaries of the Gateway Services District (the "District") as established by Chapter 42F, Florida Administrative Code. On March 27, 2002, an addendum to the petition to contract was filed. Petitioners assert a copy of the petition was filed with Lee County and with the City of Fort Myers prior to filing with the Commission, in compliance with section 190.046, Florida Statutes. The Commission will follow the requirements of Chapter 190, Florida Statutes, and Chapter 42-1, Florida Administrative Code, in receiving and ultimately ruling on this petition.

**SUMMARY OF CONTENTS OF PETITION:** The petition was filed by the Gateway Services District, with offices at 210 North University Drive, Suite 301, Coral Springs, Florida 33071, and proposes to contract the District by deleting approximately 973.27 acres. The proposed area to be contracted consists of three parcels, approximately 973.27 acres, generally located in the southeast portion of the City of Fort Myers, south of Colonial Boulevard and bisected by Interstate 75, in Sections 34 and 35, township 44 South, range 25 East and Sections 2, 3, 4, 10 and 11 of Township 45 South,

range 25 East. Finally, the District has obtained the consent of the owners of 100% of the property described above proposed to be deleted from the District.

**SUMMARY OF THE STATEMENT OF ESTIMATED REGULATORY COSTS:** In association with the proposed amendment of Chapter 42F, Florida Administrative Code, the District has caused a statement of the estimated regulatory costs (the "SERC") to be prepared in compliance with Section 120.541, Florida Statutes. The complete text of the SERC is contained as Exhibit "6" to the petition. By way of summary, the SERC estimates that the principal entities likely to be required to comply with the rule are the state, the City of Fort Myers, Lee County, Florida, and the District. The estimated number of residential units (landowners) planned for the current District prior to the proposed contraction is approximately 7,299. The SERC indicates that zoning for up to 1,500 residential units may be sought for the contraction parcel, leaving approximately 5,799 planned residential units after the proposed contraction. The SERC estimates that rule amendment implementation and enforcement costs to the above-described entities will be minimal and/or are offset by the payment of requisite filing fees; and, that there will be no effect on state and local revenues from the contraction of the District. Further, the SERC estimates that certain development-related transactional costs incurred would occur regardless of whether the District was contracted and are voluntarily assumed if at all by and through individuals or entities owning or purchasing property in the District. The proposed contraction parcel does not contain any infrastructure funded by District bonds, nor are there any operations or maintenance fees attendant to such infrastructure allocated to the contraction parcel. If the petition to contract is approved there will be no change in the capital assessment on any individual single-family lot. Finally, the SERC concludes that the expansion's effect on small business will be minimal or

positive and neither Lee County or the City of Fort Myers are a small city or county as defined by section 120.52, Florida Statutes.

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

**DATE AND TIME:** Tuesday, July 16, 2002, 1:00 p.m.

**PLACE:** City Hall, Council Chambers  
First Floor  
2200 Second Street  
Fort Myers, Florida

Any person requiring a special accommodation to participate in the hearing because of a disability should contact Erin McCormick Larrinaga, (813)222-1180, at least two (2) business days in advance to make appropriate arrangements.

**COPIES OF THE PETITION MAY BE OBTAINED BY CONTACTING:** Erin McCormick Larrinaga, Fowler White Boggs Banker, P.A., Suite 1700, 501 E. Kennedy Boulevard, Tampa, Florida 33602, (813)222-1180 or by contacting Barbara Leighty, Executive Office of the Governor, Office of Policy and Budget, The Capitol, Room 1801, Tallahassee, Florida 32399-0001, (850)487-1884.

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#### **DEPARTMENT OF HEALTH**

On May 3, 2002, John O. Agwunobi, M.D. Secretary of the Department of Health, issued an Order of Emergency Suspension, with regard to the license of Harcourt Services Inc., license number PH 16857. Harcourt Services, Inc.'s last known address is 9111 Pembroke Road, Pembroke Pines, Florida 33025. This Emergency Order was predicated upon the Secretary's findings of an immediate and serious danger to the public health, safety and welfare pursuant to Sections 456.073(8) and 120.60(8), Florida Statutes. The Secretary

determined that this summary procedure was fair under the circumstances, in that there was no other method available to adequately protect the public.

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On May 3, 2002, John O. Agwunobi, M.D. Secretary of the Department of Health, issued an Order of Emergency Suspension, with regard to the license of Oyebode Oyetunji, RPh., license number PS 28882. Oyebode Oyetunji's last known address is 18068 Southwest 30th Court Silver Lakes, Pembroke Pines, Florida 33029. This Emergency Order was predicated upon the Secretary's findings of an immediate and serious danger to the public health, safety and welfare pursuant to Sections 456.073(8) and 120.60(8), Florida Statutes. The Secretary determined that this summary procedure was fair under the circumstances, in that there was no other method available to adequately protect the public.

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On May 3, 2002, John O. Agwunobi, M.D. Secretary of the Department of Health, issued an Order of Emergency Suspension, with regard to the license of Jennifer Rundell, R.N. Rundell holds license number RN 3400472. Rundell's last known address is P. O. Box 396, Worthington Springs, Florida 32697. This Emergency Order was predicated upon the Secretary's findings of an immediate and serious danger to the public health, safety and welfare pursuant to Sections 456.073(8) and 120.60(8), Florida Statutes. The Secretary determined that this summary procedure was fair under the circumstances, in that there was no other method available to adequately protect the public.

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**Section XIII**  
**Index to Rules Filed During Preceding Week**

**RULES FILED BETWEEN April 29, 2002  
 and May 3, 2002**

Rule No.	File Date	Effective Date	Proposed Vol./No.	Amended Vol./No.
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**DEPARTMENT OF EDUCATION**

**University of Florida**

6C1-1.001	4/30/02	5/20/02	Newspaper	
6C1-1.201	4/30/02	5/20/02	Newspaper	
6C1-2.018	4/30/02	5/20/02	Newspaper	
6C1-3.007	4/30/02	5/20/02	Newspaper	
6C1-3.009	4/30/02	5/20/02	Newspaper	
6C1-3.0372	4/30/02	5/20/02	Newspaper	
6C1-4.013	4/30/02	5/20/02	Newspaper	
6C1-4.016	4/30/02	5/20/02	Newspaper	
6C1-4.021	4/30/02	5/20/02	Newspaper	
6C1-7.019	4/30/02	5/20/02	Newspaper	
6C1-7.025	4/30/02	5/20/02	Newspaper	

**DEPARTMENT OF COMMUNITY AFFAIRS**

**Florida Communities Trust**

9K-7.001	4/30/02	5/20/02		28/13
9K-7.002	4/30/02	5/20/02		28/13
9K-7.003	4/30/02	5/20/02		28/13
9K-7.004	4/30/02	5/20/02		28/13
9K-7.005	4/30/02	5/20/02		28/13
9K-7.006	4/30/02	5/20/02		28/13
9K-7.007	4/30/02	5/20/02		28/13
9K-7.008	4/30/02	5/20/02		28/13
9K-7.009	4/30/02	5/20/02		28/13
9K-7.010	4/30/02	5/20/02		28/13
9K-7.011	4/30/02	5/20/02		28/13

Rule No.	File Date	Effective Date	Proposed Vol./No.	Amended Vol./No.
9K-7.012	4/30/02	5/20/02	28/13	
9K-7.013	4/30/02	5/20/02	28/13	
9K-8.002	4/30/02	5/20/02	28/13	
9K-8.003	4/30/02	5/20/02	28/13	
9K-8.004	4/30/02	5/20/02	28/13	
9K-8.007	4/30/02	5/20/02	28/13	
9K-8.011	4/30/02	5/20/02	28/13	

**AGENCY FOR HEALTH CARE ADMINISTRATION**  
**Office of Licensure and Certification**

59A-4.203	4/29/02	5/19/02	28/9	28/14
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**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Board of Professional Engineers**

61G15-19.001	4/30/02	5/20/02	28/13	
61G15-19.004	4/30/02	5/20/02	28/13	
61G15-19.008	4/30/02	5/20/02	28/13	
61G15-20.002	4/30/02	5/20/02	28/13	

**DEPARTMENT OF HEALTH**

**Board of Acupuncture**

64B1-9.001	4/30/02	5/20/02	28/13	
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**Board of Clinical Laboratory Personnel**

64B3-5.002	5/3/02	5/23/02	28/13	
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**Board of Psychology**

64B19-13.003	5/1/02	5/21/02	28/3	28/14
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