

Section I Notices of Development of Proposed Rules and Negotiated Rulemaking

DEPARTMENT OF STATE

Division of Library and Information Services

RULE TITLE: Library Grant Programs **RULE NO.:** 1B-2.011

PURPOSE AND EFFECT: The purpose of this amendment is to modify application and administrative guidelines for the Public Library Construction grant program. Guidelines for this grant program are outlined in the application packet that contain information on eligibility requirements, application and review procedures, evaluation and funding criteria, grant administration procedures and application forms.

SUBJECT AREA TO BE ADDRESSED: Guidelines for the public library construction grant program administered by the Division of Library and Information Services.

SPECIFIC AUTHORITY: 257.14, 257.191 FS.

LAW IMPLEMENTED: 257.15, 257.16, 257.191 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., July 10, 2002

PLACE: Board Room, State Library of Florida, R. A. Gray Building, 500 South Bronough Street, Tallahassee, FL

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Barratt Wilkins, Director, Division of Library and Information Services, R. A. Gray Building, 500 South Bronough Street, Tallahassee, FL 32399-0250, (850)245-6600, Suncom 277-2651

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

DEPARTMENT OF STATE

Division of Elections

RULE TITLE: Uniform Primary and General Election Ballot **RULE NO.:** 1S-2.032

PURPOSE AND EFFECT: To establish standards for uniform primary and general election ballots for each certified voting system in the state.

SUBJECT AREA TO BE ADDRESSED: Standards for uniform primary and general election ballots.

SPECIFIC AUTHORITY: 101.151(8) FS.

LAW IMPLEMENTED: 101.151(8) FS.

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

TIME AND DATE: 4:00 p.m. – 6:00 p.m., July 8, 2002

PLACE: Room 100, Collins Building, 107 West Gaines Street, Tallahassee, FL 32399-0250

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT: Sarah Jane Bradshaw, Division of Elections, (850)245-6200

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

DEPARTMENT OF INSURANCE

RULE TITLES:	RULE NOS.:
PART II LONG TERM CARE STANDARDS FOR POLICIES ISSUED PRIOR TO JANUARY 1, 2003	
Purpose	4-157.001
Applicability and Scope	4-157.002
Out-of-State Group Long Term Care Insurance Conversion or Continuation Privilege Reporting	4-157.004
	4-157.010
	4-157.023
PART II LONG TERM CARE STANDARDS FOR POLICIES ISSUED AFTER JANUARY 1, 2003	
Purpose	4-157.101
Applicability and Scope	4-157.102
Definitions	4-157.103
Policy Practices and Provisions	4-157.104
Refund of Premium	4-157.105
Required Disclosure Provisions	4-157.106
Required Disclosure of Rating Practices to Consumers	4-157.107
Initial Filing Requirements	4-157.108
Prohibition Against Post-Claims Underwriting Requirements for Application Forms and Replacement Coverage	4-157.109
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Reporting Requirements	4-157.111
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Prohibition Against Preexisting Conditions and Probationary Periods in Replacement Policies or Certificates	4-157.117
Nonforfeiture Benefit Requirements	4-157.118
Additional Standards for Benefit Triggers for Qualified Long-Term Care Insurance Contracts	4-157.119
Standard Format Outline of Coverage	4-157.120
Requirement to Deliver Shopper’s Guide	4-157.121
Penalties	4-157.122
PURPOSE AND EFFECT: To adopt National Association of Insurance Commissioners’ standards applicable to long term care and certain limited benefit insurance policies.	

SUBJECT AREA TO BE ADDRESSED: Adoption of National Association of Insurance Commissioners' standards regarding the content, rates, and sales of long term care and limited benefit insurance policies.

SPECIFIC AUTHORITY: 624.308, 627.9407 FS.

LAW IMPLEMENTED: 624.307(1), 624.3161, 626.9541, 267.9403, 627.9405, 627.9406, 627.9407, 627.94072, 626.9641 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., July 10, 2002

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

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Frank Dino, Bureau of Life and Health Forms and Rates, Division of Insurer Services, Department of Insurance, 200 East Gaines Street, Tallahassee, Florida 32399-0329, (850)413-5014

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

4-157.001 Purpose.

The purpose of these rules is:

~~(1) To implement Part XVIII Chapter 88-57, Laws of Florida, creating new Part XIX of Chapter 627, Florida Statutes, pertaining to requirements of long-term care insurance policies,~~

~~(2) To promote the public interest,~~

~~(3) To promote the availability of long-term care insurance policies,~~

~~(4) To protect applicants for long-term care insurance from unfair or deceptive sales or enrollment practices,~~

~~(5) To establish standards for long-term care insurance,~~

~~(6) To facilitate public understanding and comparison of long-term care insurance policies, and~~

~~(7) To facilitate flexibility and innovation in the development of long-term care insurance coverage.~~

Specific Authority 624.308(1), 627.9407(1) FS. Law Implemented 624.307(1), 627.9402, 627.9407(1) FS. History--New 5-17-89, Formerly 4-81.001, Amended.

4-157.002 Applicability and Scope.

(1) through (2) No change.

(3) The provisions of Part I shall apply to all long-term care policies and certificates issued in this state which are not included in the scope of Part II.

Specific Authority 624.308(1), 627.9407(1) FS. Law Implemented 624.307(1), 627.9403, 627.9406, 627.9407(1) FS. History--New 5-17-89, Formerly 4-81.002, Amended.

4-157.004 Out-of-State Group Long-Term Care Insurance.

(1) No change.

(2) In order for a state to be deemed to have statutory and regulatory long-term care insurance requirements substantially similar to those adopted in Florida, such state must require that long-term care policies meet at least all of the following requirements:

(a) through (b) No change.

(c) A 30-day "free look" period, or longer, within which individual certificateholders ~~policyholders~~ have the right to return the certificate ~~policy~~ after its delivery and to have the premium refunded for any reason;

(3) No change.

(4)(a) All changes to rates, together with an actuarial memorandum developing and justifying the rate change, shall be filed with the Department pursuant to the procedures specified in Section 627.410, Florida Statutes and Rule Chapter 4-149 as though the policy had been issued in Florida.

(b) For those policies which have been determined to be regulated by a state with substantially similar long term care insurance requirements, pursuant to Rule 4-157.004(1)(b), F.A.C., form and rate changes shall be filed for informational purposes at least 30 days prior to use. To the extent that section 627.9406, Florida Statutes, and this rule require that an out-of-state group policy form or rate be filed with the department for approval, such form or rate may not be amended or changed prior to approval by the Department pursuant to the procedures specified in section 627.410, Florida Statutes.

Specific Authority 624.308(1), 627.9407(1) FS. Law Implemented 624.307(1), 627.9403, 627.9406 FS. History--New 5-17-89, Formerly 4-81.004, Amended.

4-157.010 Conversion or Continuation Privilege.

(1) through (5) No change.

(6)(a) Unless the group policy from which conversion is made replaced previous group coverage, the premium for the converted policy shall be calculated on the basis of the insured's age at inception of coverage under the group policy from which conversion is made.

(b) Where the group policy from which conversion is made replaced previous group coverage, the premium for the converted policy shall be calculated on the basis of the insured's age used in determining the coverage issued at inception of coverage under the group policy replaced.

(7) Continuation of coverage or issuance of a converted policy shall be mandatory, except where:

(a) Termination of group coverage resulted from a certificateholder's ~~an individual's~~ failure to make any required payment of premium or contribution when due. This does not

include such situations as the individual's authorizing and making payment that is not ultimately paid to the insurer due to bank, employer, or policyholder error, or

(b) No change.

(8) through (10) No change.

Specific Authority 624.308(1), 627.9407(1) FS. Law Implemented 624.307(1), 627.646, 627.6675, 627.9407(1) FS. History—New 5-17-89, Formerly 4-81.010, Amended _____.

4-157.023 Reporting.

(1) Every insurer shall maintain records for each agent of that agent's amount of replacement sales as a percentage of the agent's total annual sales in this state and the amount of lapses of long-term care insurance policies sold by the agent as a percentage of the agent's total annual sales in this state.

(2) Every insurer shall report annually by June 30 the 10 percent of its agents with the greatest percentages of lapses and replacements as measured by Rule 4-157.023(2), F.A.C., in the format prescribed by Appendix J, which is incorporated herein by reference.

(3) Reported replacement and lapse rates do not alone constitute a violation of insurance laws or necessarily imply wrongdoing. The reports are for the purpose of reviewing more closely agent activities regarding the sale of long-term care insurance in this state.

(4) Every insurer shall report annually by June 30 the number of lapsed policies as a percentage of its total annual sales and as a percentage of its total number of policies in force as of the end of the preceding calendar year in this state in the format prescribed in Appendix J.

(5) Every insurer shall report annually by June 30 the number of replacement policies sold as a percentage of its total annual sales and as a percentage of its total number of policies in force as of the preceding calendar year in this state in the format as prescribed in Appendix J.

(6) Every insurer shall report annually by June 30, for qualified long-term care insurance contracts, the number of claims denied for each class of business, expressed as a percentage of claims denied in this state, in the in Appendix E.

(7) For purposes of this section:

(a) "Policy" means only long-term care insurance;

(b) "Claim" means, subject to Rule 4-157.023(8)(c), F.A.C., a request for payment of benefits under an in force policy regardless of whether the benefit claimed is covered under the policy or any terms or conditions of the policy have been met;

(c) "Denied" means the insurer refuses to pay a claim for any reason other than claims not paid for failure to meet the elimination period or because of an applicable preexisting condition; and

(d) "Report" means on a statewide basis.

(8) Every insurer or other entity selling or issuing long-term care insurance benefits shall maintain a record of all policy or certificate rescissions, both state and countrywide, except those that the insured voluntarily effectuated, and shall annually furnish this information to the Department by March 1 of each year in the format prescribed in Appendix A.

(9) Reports required under this Rule 4-157.023, F.A.C., shall be filed with the Bureau of Market Conduct, Division of Insurer Services.

Specific Authority 624.308(1), 627.9407(1), 627.9408 FS. Law Implemented 624.307(1), 627.9402, 627.9407(1), 627.410(7) FS. History—New _____.

4-157.101 Purpose.

The purpose of the provisions of this rule chapter is to implement Part XVIII of Chapter 627, Florida Statutes, to promote the public interest, to promote the availability of long-term care insurance coverage, to protect applicants for long-term care insurance, as defined, from unfair or deceptive sales or enrollment practices, to facilitate public understanding and comparison of long-term care insurance coverages, and to facilitate flexibility and innovation in the development of long-term care insurance.

Specific Authority 624.308(1), 627.9407(1), 627.9407(2), 627.9407(6), 627.9408 FS. Law Implemented 624.307(1), 627.9402, 627.9407(1) FS. History—New _____.

4-157.102 Applicability and Scope.

(1) Except as otherwise specifically provided, the provisions of this rule chapter shall apply to long-term care insurance policies delivered or issued for delivery in this state, and to policies delivered or issued for delivery outside this state to the extent provided in Section 627.9406, Florida Statutes, and Rule 4-157.114, F.A.C., by an insurer, a fraternal benefit society as defined in Section 632.601, Florida Statutes, a health care services plan as defined in Section 641.01, Florida Statutes, a prepaid health clinic as defined in Section 641.402, Florida Statutes, or a multiple-employer welfare arrangement as defined in Section 624.437, Florida Statutes.

(2) Pursuant to Section 627.9403, Florida Statutes, the provisions of this rule chapter shall also apply to limited benefit policies that limit coverage to care in a nursing home only or to one or more lower levels of care. For limited benefit policies, the term and reference to Long Term Care as used within this rule chapter, shall be considered to be, and replaced by, the term Limited Benefit.

(3) The provisions of this rule chapter apply to policies having indemnity benefits that are triggered by activities of daily living and sold as disability income insurance, if:

(a) The benefits of the disability income policy are dependent upon or vary in amount based on the receipt of long-term care services;

(b) The disability income policy is advertised, marketed or offered as insurance for long-term care services; or

(c) Benefits under the policy may commence after the policyholder has reached Social Security's normal retirement age unless benefits are designed to replace lost income or pay for specific expenses other than long-term care services.

(4) The provisions of this rule chapter shall apply to all long-term care policies or certificates issued on or after January 1, 2003. Notwithstanding the above, for certificates issued under a group long-term care insurance policy as defined in Section 627.9405(1)(a), Florida Statutes, which policy was in force at the time this amended rule chapter became effective, the provisions of this rule chapter shall apply to certificates issued on or after the policy anniversary following July 1, 2003.

(5)(a) The provisions of Rule Chapter 4-149, F.A.C., shall apply to long-term care insurance coverage filings. In the event of conflict between Rule Chapter 4-149, F.A.C., and this Part II, the provisions of this Part II shall prevail.

(b) In filing the required annual rate certification filings pursuant to Section 627.410(7)(b), Florida Statutes, and Rule 4-149.007, F.A.C., the annual rate certification filing shall include the certification required by paragraph 4-157.108(1)(c), F.A.C.

Specific Authority 624.308(1), 627.9407(1), 627.9408 FS, Law Implemented 624.307(1), 627.9403, 627.9406 FS, History--New

4-157.103 Definitions.

As used in these rules and as used in long-term care policies, the following terms shall have meanings no more restrictive than the following:

(1) "Adult day care center" as defined in Section 400.551(1), Florida Statutes.

(2) "Assisted living facility" as defined in Section 400.402(6), Florida Statutes.

(3) "Elimination period" means the number of days at the beginning of a period where the insured qualifies for benefits but no benefits are payable. No policy or certificate shall contain an elimination period in excess of the maximum time period specified in Section 627.9407(3)(e), Florida Statutes.

(4)(a) "Exceptional increase" means only those increases filed by an insurer as exceptional for which the Department determines the need for the premium rate increase is justified:

1. Due to changes in laws or regulations applicable to long-term care coverage in this state; or

2. Due to increased and unexpected utilization that affects the majority of insurers of similar products.

(b) Except as provided in Rule 4-157.113, F.A.C., exceptional increases are subject to the same requirements as other premium rate schedule increases.

(c) Upon request of the Department, a review by an independent actuary or a professional actuarial body of the basis for a request that an increase be considered an exceptional increase at the expense of the company making the filing shall be made.

(d) The Department, in determining that the necessary basis for an exceptional increase exists, shall also determine any potential offsets to higher claims costs.

(5) "Hands-on assistance" or "services" means physical assistance (minimal, moderate or maximal) without which the individual would not be able to perform the activity of daily living.

(6) "Home health services" as defined in Section 400.462(10), Florida Statutes.

(7) "Hospital" means a hospital as defined and licensed pursuant to the provisions of Chapter 395, Florida Statutes, or pursuant to substantially similar provisions of another state's licensing laws.

(8) "Incidental," as used in subsection 4-157.113(9), F.A.C., means that the value of the long-term care benefits provided is less than 10 percent of the total value of the benefits provided over the life of the policy. These values shall be measured as of the date of issue.

(9) "Institutionalization" means that confinement to a hospital, facility, or center licensed pursuant to any parts of Chapters 400 or 395, Florida Statutes, or pursuant to substantially similar provisions of another state's licensing laws.

(10) "Medicare" means "The Health Insurance for the Aged Act, Title XVIII of the Social Security Amendments of 1965 as Then Constituted or Later Amended," or "Title I, Part I of Public Law 89-97, as Enacted by the Eighty-Ninth Congress of the United States of America and popularly known as the Health Insurance for the Aged Act, as then constituted and any later amendments or substitutes thereof," or words of similar import.

(11) "Mental or nervous disorder" shall not be defined to include more than neurosis, psychoneurosis, psychopathy, psychosis, or mental or emotional disease or disorder.

(12) "Nursing home facility" or "nursing home" as defined in Section 400.021(11), Florida Statutes.

(13) "Nurse registry" as defined in Section 400.462(15), Florida Statutes.

(14) "Personal care" means the provision of hands-on services to assist an individual with activities of daily living.

(15) "Personal information" means any individually identifiable information gathered in connection with an insurance transaction from which judgments can be made about an individual's character, habits, avocations, finances, occupation, general reputation, credit, health or any other personal characteristics. "Personal information" includes an individual's name and address and "medical record information" but does not include "privileged information".

(16) "Privileged information" means any individually identifiable information that:

(a) Relates to a claim for insurance benefits or a civil or criminal proceeding involving an individual; and

(b) Is collected in connection with or in reasonable anticipation of a claim for insurance benefits or civil or criminal proceeding involving an individual.

(17) "Qualified actuary" means a member in good standing of the American Academy of Actuaries.

(18) "Similar policy forms" means all of the long-term care insurance policies and certificates issued by an insurer in the same long-term care benefit classification as the policy form being considered.

(a) Certificates of groups that meet the definition in Section 627.9405(1)(a), Florida Statutes, are not considered similar to certificates or policies otherwise issued as long-term care insurance, but are similar to other comparable certificates with the same long-term care benefit classifications.

(b) For purposes of determining similar policy forms, long-term care benefit classifications are defined as follows: institutional long-term care benefits only, non-institutional long-term care benefits only, or comprehensive long-term care benefits.

(19) "Waiting period" or "probationary period" as used in a long-term care policy means that period of time which follows the date a person is initially insured under the policy before the coverage or coverages of the policy shall become effective as to that person.

Specific Authority 624.308(1), 626.9611, 627.9407(1), 627.9408 FS. Law Implemented 624.307(1), 627.9407(1), 626.9541 FS. History—New

4-157.104 Policy Practices and Provisions.

(1) Renewability. The terms "guaranteed renewable" and "noncancellable" shall not be used in any individual long-term care insurance policy without further explanatory language in accordance with the disclosure requirements of Rule 4-157.106, F.A.C.

(a) A policy issued to an individual shall not contain renewal provisions other than "guaranteed renewable" or "noncancellable."

(b) The term "guaranteed renewable" shall be used only when the insured has the right to continue the long-term care insurance in force by the timely payment of premiums and when the insurer has no unilateral right to make any change in any provision of the policy or rider while the insurance is in force, and cannot decline to renew, except that rates may be revised by the insurer on a class basis.

(c) The term "noncancellable" shall be used only when the insured has the right to continue the long-term care insurance in force by the timely payment of premiums during which period the insurer has no right to unilaterally make any change in any provision of the insurance or in the premium rate.

(d) The term "level premium" shall only be used when the insurer does not have the right to change the premium.

(e) In addition to the other requirements of this Rule 4-157.104(1), F.A.C., a qualified long-term care insurance contract shall be guaranteed renewable within the meaning of Section 7702B(b)(1)(C) of the Internal Revenue Code of 1986, as amended.

(2) Limitations and Exclusions. A policy may not be delivered or issued for delivery in this state as long-term care insurance if the policy limits or excludes coverage by type of illness, treatment, medical condition, or accident, except as follows:

(a) Preexisting conditions or diseases pursuant to Sections 627.9407(4)(a) and (b), Florida Statutes;

(b) Mental or nervous disorders; however, this shall not permit exclusion or limitation of benefits on the basis of Alzheimer's Disease;

(c) Alcoholism and drug addiction;

(d) Illness, treatment, or medical condition arising out of:

1. War or act of war (whether declared or undeclared);

2. Participation in a felony, riot, or insurrection;

3. Service in the armed forces or units auxiliary thereto;

4. Suicide (sane or insane), attempted suicide, or intentionally self-inflicted injury; or

5. Aviation (this exclusion applies only to non-fare-paying passengers).

(e) Treatment provided in a government facility (unless otherwise required by law), services for which benefits are available under Medicare or other governmental program (except Medicaid), any state or federal workers' compensation, employer's liability or occupational disease law, or any motor vehicle no-fault law, services provided by a member of the covered person's immediate family, and services for which no charge is normally made in the absence of insurance;

(f) Expenses for services or items available or paid under another long-term care insurance or health insurance policy;

(g) In the case of a qualified long-term care insurance contract, expenses for services or items to the extent that the expenses are reimbursable under Title XVIII of the Social Security Act or would be so reimbursable but for the application of a deductible or coinsurance amount.

(h) This subsection is not intended to prohibit exclusions and limitations by type of provider or territorial limitations.

(3) Conditions of Eligibility. The provision of 627.9405(2), Florida Statutes, does not require the sponsoring policyholder of a group policy to contribute premiums; however, if the sponsoring policyholder does contribute any premium, all members of the group, or all of any class or classes thereof, shall be declared eligible and acceptable to the insurer at the time of issuance of the policy.

(4) Minimum Coverage.

(a) All long-term care policies shall provide coverage for at least 24 consecutive months for each covered person for care in a nursing home.

(b) All long-term care policies shall provide coverage for at least one type of lower level of care, in addition to coverage for care in a nursing home.

(c)1.a. No long-term care policy shall provide significantly more coverage for care in a nursing home than coverage for lower levels of care. In furtherance of this requirement, benefits for all lower levels of care shall provide a level of benefits equivalent to at least 50 percent of the benefits provided for nursing home coverage; i.e., if the nursing home benefit amount is \$100 per day then the required lower level of care benefit amount shall be at least \$50 per day, or if more than one lower level of care is provided then each lower level of care shall provide a benefit amount of at least \$50 per day.

b. For the purposes of applying this 50 percent equivalency requirement to a policy benefit period, the lower level of care shall be, in the aggregate, at least 50 percent of the benefit period provided for nursing home coverage.

c. If a long-term care policy provides nursing home coverage for an unlimited duration, the nursing home benefit shall be considered to be payable for 10 years and the lower level of care shall be payable for at least 5 years in the aggregate.

2. A long-term care policy may use an overall lifetime benefit maximum, in lieu of the specific coverage identified by paragraph (c), above, which may be exhausted by any combination of benefits provided the overall lifetime benefit maximum is at least 150 percent of the minimum coverage required by Rule 4-157.104(4)(a), F.A.C., times the amount of daily nursing home benefit purchased.

(d) For the purposes of this rule, "lower level(s) of care" means the following:

1. Nursing service;
2. Assisted living facility;
3. Home health services;
4. Adult day care center;
5. Adult foster home;
6. Community care for the elderly;
7. Personal care and social services;
8. Such other lower levels of care as approved by the Department.

(5) Group Coverage Certificate. A certificate issued pursuant to a group long-term care insurance policy, which policy is delivered or issued for delivery in this state, shall include:

(a) A description of the principal benefits and coverage provided in the policy;

(b) A statement of the principal exclusions, reductions, and limitations contained in the policy;

(c) Unless the policy is provided to the certificateholder, a statement that the description of principal benefits is a summary of the policy and that the group master policy should be consulted to determine governing contractual provisions;

(d) Person insured;

(e) Person to whom benefits are payable;

(f) Group contract number;

(g) Certificate number;

(h) Effective date; and

(i) Time certificate is effective.

(6) Death Benefits. An individual long term care policy shall not include a policy benefit that is incurred upon the death of an insured in excess of \$1,000 pursuant to Section 627.603, Florida Statutes. Such benefits may be provided as an option that the insured may purchase or not purchase for a separate premium from the base policy coverage.

(7) Extension of Benefits.

(a) Termination of long-term care insurance shall be without prejudice to any benefits payable for institutionalization if the institutionalization began while the long-term care insurance was in force and continues without interruption after termination.

(b) The extension of benefits beyond the period the long-term care insurance was in force may be limited to the duration of the benefit period, if any, or to payment of the maximum benefits, and may be subject to any policy waiting period and all other applicable provisions of the policy.

(8) Continuation or Conversion.

(a) Group long-term care insurance issued in this state shall provide covered individuals with a basis for continuation or conversion of coverage.

(b) For the purposes of this rule, "a basis for continuation of coverage" means a policy provision that maintains coverage under the existing group policy when the coverage would otherwise terminate and which is subject only to the continued timely payment of premium when due.

(c) For the purposes of this rule, "a basis for conversion of coverage" means a policy provision that an individual whose coverage under the group policy would otherwise terminate or has been terminated for any reason, including discontinuance of the group policy in its entirety or with respect to an insured class, and who has been continuously insured under the group policy (and any group policy which it replaced), for at least 6 months immediately prior to termination, shall be entitled to the issuance of a converted policy by the insurer under whose group policy the individual is covered, without evidence of insurability.

(d)1. For the purposes of this rule, "converted policy" means an individual policy of long-term care insurance providing benefits identical to, or benefits determined by the Department to be substantially equivalent to or in excess of, those provided under the group policy from which conversion is made.

2. The policy and rate schedule for the converted policy shall be a policy that is available, at the time of conversion, for general sales by the insurer.

3. Where the group policy from which conversion is made restricts provision of benefits and services to, or contains incentives to use certain providers or facilities, the Department, in making a determination as to the substantial equivalency of benefits, shall take into consideration the differences between managed care and non-managed care plans, including provider system arrangements, service availability, benefit levels and administrative complexity.

(e) Written application for the converted policy shall be made and the first premium due, if any, shall be paid as directed by the insurer not later than 31 days after termination of coverage under the group policy. The converted policy shall be issued effective on the day following the termination of coverage under the group policy, and shall be renewable annually.

(f)1. Unless the group policy from which conversion is made replaced previous group coverage, the premium for the converted policy shall be calculated on the basis of the insured's age at inception of coverage under the group policy from which conversion is made.

2. Where the group policy from which conversion is made replaced previous group coverage, the premium for the converted policy shall be calculated on the basis of the insured's age used in determining the coverage issued at inception of coverage under the group policy replaced.

(g) Continuation of coverage or issuance of a converted policy shall be mandatory, except where:

1. Termination of group coverage resulted from a certificateholder's failure to make any required payment of premium or contribution when due. This does not include such situations as the individual's authorizing and making payment which is not ultimately paid to the insurer due to bank, employer, or policyholder error; or

2. The terminating coverage is replaced not later than 31 days after termination by group coverage effective on the day following the termination of coverage:

a. Providing benefits identical to or benefits determined by the Department to be substantially equivalent to or in excess of those provided by the terminating coverage; and

b. The premium for which is calculated in a manner consistent with the requirements of paragraph 4-157.104(8)(f), F.A.C.

(h)1. Notwithstanding any other provision of this Rule 4-157.104(8), F.A.C., a converted policy issued to an individual who at the time of conversion is covered by another long-term care insurance policy that provides benefits on the basis of incurred expenses, may contain a provision that results in a reduction of benefits payable if the benefits provided under the additional coverage, together with the full benefits provided by the converted policy, would result in payment of more than 100 percent of incurred expenses.

2. The provision shall only be included in the converted policy if the converted policy also provides for a premium decrease or refund that reflects the reduction in benefits payable.

(i) The converted policy may provide that the benefits payable under the converted policy, together with the benefits payable under the group policy from which conversion is made, shall not exceed those that would have been payable had the individual's coverage under the group policy remained in force and effect.

(j) Notwithstanding any other provision of this subsection 4-157.104(8), F.A.C., an insured individual whose eligibility for group long-term care coverage is based upon the individual's relationship to another person shall be entitled to continuation of coverage under the group policy upon termination of the qualifying relationship.

(k) For the purposes of this section a "managed-care plan" is a health care or assisted living arrangement designed to coordinate patient care or control costs through utilization review, case management, or use of specific provider networks.

(9) Discontinuance and Replacement. If a group long-term care policy is replaced by another group long-term care policy issued to the same policyholder, the succeeding insurer shall offer coverage to all persons covered under the previous group policy on its date of termination. Coverage provided or offered to individuals by the insurer and premiums charged to persons under the new group policy:

(a) Shall not result in an exclusion for preexisting conditions that would have been covered under the group policy being replaced; and

(b) Shall not vary or otherwise depend on the individual's health or disability status, claim experience, or use of long-term care services.

(10) Premium Restrictions.

(a) Except for premium rate increases pursuant to Rule 4-157.113, F.A.C., or due to benefit changes elected by the insured, the premium rate schedule shall be determined to be level based on the issue age of the insured.

(b)1. The purchase of additional coverage shall not be considered a premium rate increase, but for purposes of the calculation required under Rule 4-157.118, F.A.C., the portion of the premium attributable to the additional coverage shall be added to and considered part of the initial annual premium.

2. A reduction in benefits shall not be considered a premium change, but for purpose of the calculation required under Rule 4-157.118, F.A.C., the initial annual premium shall be based on the reduced benefits.

(11) Electronic Enrollment for Group Policies.

(a) In the case of a group defined in Section 627.9405(1)(a), Florida Statutes, any requirement that a signature of an insured be obtained by an agent or insurer shall be deemed satisfied if:

1. The consent is obtained by telephonic or electronic enrollment by the group policyholder or insurer. A verification of enrollment information shall be provided to the enrollee;

2. The telephonic or electronic enrollment provides necessary and reasonable safeguards to assure the accuracy, retention, and prompt retrieval of records; and

3. The insurer is responsible that the telephonic or electronic enrollment process provides necessary and reasonable safeguards to assure that the confidentiality of personal and privileged information is maintained.

(b) The insurer shall make available, upon request of the Department, records that will demonstrate the insurer's ability to confirm enrollment and coverage amounts.

Specific Authority 624.308(1), 627.9407(1), 627.9407(6), 627.9408 FS. Law Implemented 624.307(1), 627.410(6), 627.9402, 627.9407, 627.9405(2), 627.646, 627.603 FS. History--New

4-157.105 Refund of Premium.

In the event of cancellation, the insurer shall return the unearned portion of any premium paid.

Specific Authority 624.308(1), 627.9407(1), 627.9407(6), 627.9408 FS. Law Implemented 624.307(1), 627.6043, 627.6645, 627.9407, FS. History--New

4-157.106 Required Disclosure Provisions.

(1) Renewability. Individual long-term care insurance policies shall contain a renewability provision.

(a) The provision:

1. Shall be appropriately captioned;

2. Shall appear on the first page of the policy;

3. Shall clearly state that the coverage is guaranteed renewable or noncancellable; and

4. Shall not apply to policies that do not contain a renewability provision, and under which the right to non-renew is reserved solely to the policyholder.

(b) A long-term care insurance policy or certificate, other than one where the insurer does not have the right to change the premium, shall include a statement that premium rates may change, as defined in paragraph 4-157.104(1)(b), F.A.C.

(2) Riders and Endorsements.

(a) Except for riders or endorsements by which the insurer effectuates a request made in writing by the insured under an individual long-term care insurance policy, all riders or endorsements added to an individual long-term care insurance policy after date of issue or at reinstatement or renewal that reduce or eliminate benefits or coverage in the policy shall require signed acceptance by the individual insured.

(b) After the date of policy issue, any rider or endorsement that increases benefits or coverage with a concomitant increase in premium during the policy term shall be agreed to in writing and signed by the insured.

(c) Where a separate additional premium is charged for benefits provided in connection with riders or endorsements, the premium charge shall be set forth in the policy, rider, or endorsement.

(3) Payment of Benefits. A long-term care insurance policy that provides for the payment of benefits based on standards described as "usual and customary," "reasonable and customary" or words of similar import shall include a definition of these terms and an explanation of the terms in the policy and its accompanying outline of coverage in compliance with Section 627.6044, Florida Statutes.

(4) Limitations. If a long-term care insurance policy or certificate contains any limitations with respect to preexisting conditions, the limitations shall appear as a separate paragraph of the policy or certificate and shall be labeled as "Preexisting Condition Limitations."

(5) Other Limitations or Conditions on Eligibility for Benefits. A long-term care insurance policy or certificate containing any limitations or conditions for eligibility other than those prohibited in Section 627.9407(5), Florida Statutes, shall set forth a description of the limitations or conditions, including any required number of days of confinement in a separate paragraph of the policy or certificate and shall label such paragraph "Limitations or Conditions on Eligibility for Benefits."

(6) Disclosure of Tax Consequences.

(a) With regard to life insurance policies that provide an accelerated benefit for long-term care, a disclosure statement is required at the time of application for the policy or rider and at the time the accelerated benefit payment request is submitted that receipt of these accelerated benefits may be taxable, and that assistance should be sought from a personal tax advisor.

(b) The disclosure statement shall be prominently displayed on the first page of the policy or rider and any other related documents.

(c) This disclosure requirement shall not apply to qualified long-term care insurance contracts.

(7) Benefit Triggers.

(a) Activities of daily living and cognitive impairment shall be used to measure an insured's need for long term care, shall be described in the policy or certificate in a separate paragraph, and shall be labeled "Eligibility for the Payment of Benefits."

(b) Any additional benefit triggers shall also be explained in this section.

(c) If these triggers differ for different benefits, explanation of the trigger shall accompany each benefit description.

(d) If an attending physician or other specified person must certify a certain level of functional dependency in order to be eligible for benefits, this too shall be specified.

(8) A qualified long-term care insurance contract shall include a disclosure statement in the policy and in the outline of coverage as required by Section 627.9407(12), Florida Statutes, that the policy is intended to be a qualified long-term care insurance contract under Section 7702B(b) of the Internal Revenue Code of 1986, as amended.

(9) A nonqualified long-term care insurance contract shall include a disclosure statement in the policy and in the outline of coverage as required by Section 627.9407(12), Florida Statutes, that the policy is not intended to be a qualified long-term care insurance contract.

Specific Authority 624.308(1), 627.9407(1), 627.9408 FS. Law Implemented 624.307(1), 627.9402, 627.9407, 627.6044, 627.94074 FS. History—New

4-157.107 Required Disclosure of Rating Practices to Consumers.

(1) Other than policies for which no applicable premium rate or rate schedule increases can be made, insurers shall provide all of the information listed in this rule to the applicant at the time of application or enrollment, unless the method of application does not allow for delivery at that time. In such case, an insurer shall provide all of the information listed in this rule to the applicant no later than at the time of delivery of the policy or certificate.

(a) A statement that the policy may be subject to rate increases in the future;

(b) An explanation of potential future premium rate revisions, and the policyholder's or certificateholder's option in the event of a premium rate revision;

(c) The premium rate or rate schedules applicable to the applicant that will be in effect until a request is made for an increase;

(d) A general explanation for applying premium rate or rate schedule adjustments that shall include:

1. A description of when premium rate or rate schedule adjustments will be effective (e.g., next anniversary date, next billing date, etc.); and

2. The right to a revised premium rate or rate schedule as provided in paragraph 4-157.107(1)(b), F.A.C., if the premium rate or rate schedule is changed;

(e)1. Information regarding each premium rate increase on this policy form or similar policy forms over the past 10 years for this state or any other state that, at a minimum, identifies:

a. The policy forms for which premium rates have been increased;

b. The calendar years when the form was available for purchase; and

c. The amount or percentage of each increase. The percentage may be expressed as a percentage of the premium rate prior to the increase, and may also be expressed as minimum and maximum percentages if the rate increase is variable by rating characteristics.

2. The insurer may, in a fair manner, provide additional explanatory information related to the rate increases.

3. An insurer shall have the right to exclude from the disclosure premium rate increases that apply only to blocks of business acquired from other nonaffiliated insurers or the long-term care policies acquired from other nonaffiliated insurers when those increases occurred prior to the acquisition.

4.a. If an acquiring insurer files for a rate increase on a long-term care policy form acquired from nonaffiliated insurers or a block of policy forms acquired from nonaffiliated insurers on or before the later of the effective date of this Part II or the end of a 24 month period following the acquisition of the block or policies, the acquiring insurer may exclude that rate increase from the disclosure.

b. The nonaffiliated selling insurer shall include the disclosure of that rate increase in accordance with subparagraph 4-157.107(1)(e)1., F.A.C.

5. If the acquiring insurer in subparagraph 4-157.107(1)(e)4., F.A.C., files for a subsequent rate increase, even within the 24 month period, on the same policy form acquired from nonaffiliated insurers or block of policy forms acquired from nonaffiliated insurers referenced in subparagraph 4-157.107(1)(e)4., F.A.C., the acquiring insurer shall make all disclosures required by paragraph 4-157.107(1)(e), F.A.C., including disclosure of the earlier rate increase referenced in subparagraph 4-157.107(1)(e)4., F.A.C.

(2) An applicant shall sign an acknowledgement at the time of application, unless the method of application does not allow for signature at that time, that the insurer made the disclosure required under paragraphs 4-157.107(1)(a) and (e), F.A.C. If due to the method of application the applicant cannot sign an acknowledgement at the time of application, the applicant shall sign no later than at the time of delivery of the policy or certificate.

(3) An insurer shall use the content and format of Appendices B and F to comply with the requirements of subsection 4-157.107(1), F.A.C.

(4)(a) An insurer shall provide notice of an upcoming premium rate schedule increase to all policyholders or certificateholders, if applicable, at least 45 days prior to the implementation of the premium rate schedule increase by the insurer.

(b) The notice shall include the information required by subsection 4-157.107(1), F.A.C., when the rate increase is implemented.

Specific Authority 624.308(1), 627.9407(1), 627.9408, 626.9611 FS. Law Implemented 624.307(1), 627.9402, 627.9407(1), 626.9541 FS. History—New

4-157.108 Initial Filing Requirements.

(1) An insurer shall provide the information listed in this subsection for approval pursuant to Section 627.410, Florida Statutes prior to making a long-term care insurance form available for sale.

(a) A filing made pursuant to Rule Chapter 4-149, F.A.C., with the actuarial material identified below in lieu of the actuarial memorandum required by subparagraph 4-149.003(2)(b)4., F.A.C.

(b) A copy of the disclosure documents required in Rule 4-157.107, F.A.C.; and

(c) An actuarial certification consisting of at least the following:

1. A statement that the initial premium rate schedule is sufficient to cover anticipated costs under moderately adverse experience and that the premium rate schedule is reasonably expected to be sustainable over the life of the form with no future premium increases anticipated;

2. A statement that the policy design and coverage provided have been reviewed and taken into consideration;

3. A statement that the underwriting and claims adjudication processes have been reviewed and taken into consideration;

4. A complete description of the basis for contract reserves that are anticipated to be held under the form, to include:

a. Sufficient detail or sample calculations provided so as to have a complete depiction of the reserve amounts to be held;

b. A statement that the assumptions used for reserves contains reasonable margins for adverse experience;

c. A statement that the net valuation premium for renewal years does not increase; and

d. A statement that the difference between the gross premium and the net valuation premium for renewal years is sufficient to cover expected renewal expenses; or if such a statement cannot be made, a complete description of the situations where this does not occur;

(I) An aggregate distribution of anticipated issues may be used as long as the underlying gross premiums maintain a reasonably consistent relationship;

(II) If the gross premiums for certain age groups appear to be inconsistent with this requirement, upon request of the Department, a demonstration under subsection 4-157.108(2), F.A.C. based on a standard age distribution shall be made; and

5.a. A statement that the premium rate schedule is not less than the premium rate schedule for existing similar policy forms also available from the insurer except for reasonable differences attributable to benefits; or

b. A comparison of the premium schedules and benefits for similar policy forms that are currently available from the insurer with an explanation of the relative value of the benefit differences; and

6.a. The date and explanation of the reason for the discontinuance of all forms discontinued within the past 5 years;

b. Whether any currently available form will be discontinued upon approval of the proposed form; and

c. A summary of the significant differences between the forms.

(2) Upon request of the Department, an actuarial demonstration that benefits are reasonable in relation to premiums. The actuarial demonstration shall include either premium and claim experience on similar policy forms, adjusted for any premium or benefit differences, relevant and credible data from other studies, or both.

Specific Authority 624.308(1), 627.9407(1), 627.9408 FS. Law Implemented 624.307(1), 627.9402, 627.9407, 627.410(6) FS. History—New

4-157.109 Prohibition Against Post-Claims Underwriting.

(1) All applications for long-term care insurance policies or certificates except those that are guaranteed issue shall contain clear and unambiguous questions designed to ascertain the health condition of the applicant.

(2)(a) If an application for long-term care insurance contains a question that asks whether the applicant has had medication prescribed by a physician, it must also ask the applicant to list the medication that has been prescribed.

(b) If the medications listed in the application were known by the insurer, or should have been known at the time of application, to be directly related to a medical condition for which coverage would otherwise be denied, then the policy or certificate shall not be rescinded for that condition.

(3) Except for policies or certificates that are guaranteed issue:

(a) The following language shall be set out conspicuously and in close conjunction with the applicant's signature block on an application for a long-term care insurance policy or certificate:

"Caution: If your answers on this application are a material misstatement, [company] has the right to deny benefits or rescind your policy."

(b) The following language, or language substantially similar to the following, shall be set out conspicuously on the long-term care insurance policy or certificate at the time of delivery:

Caution: The issuance of this long-term care insurance [policy] [certificate] is based upon your responses to the questions on your application. A copy of your [application] [enrollment form] [is enclosed] [was retained by you when you applied]. If your answers are a material misstatement, the company has the right to deny benefits or rescind your policy. The best time to clear up any questions is now, before a claim arises! If, for any reason, any of your answers are incorrect, contact the company at this address: [insert address]

(c) Prior to issuance of a long-term care policy or certificate to an applicant age 80 or older, the insurer shall obtain one of the following:

1. A report of a physical examination;

2. An assessment of functional capacity;

3. An attending physician's statement; or

4. Copies of medical records.

(4) A copy of the completed application or enrollment form (whichever is applicable) shall be delivered to the insured no later than at the time of delivery of the policy or certificate unless it was retained by the applicant at the time of application.

Specific Authority 624.308(1), 626.9611, 627.9407(1), 627.9408 FS. Law Implemented 624.307(1), 627.9402, 626.5941, 627.9407(1) FS. History—New

4-157.110 Requirements for Application Forms and Replacement Coverage.

(1) Application forms shall include the following questions designed to elicit information as to whether, as of the date of the application, the applicant has another long-term care insurance policy or certificate in force or whether a long-term care policy or certificate is intended to replace any other accident and sickness or long-term care policy or certificate presently in force. A supplementary application or other form to be signed by the applicant and agent, except where the coverage is sold without an agent, containing the questions may be used. With regard to a replacement policy issued to a group defined by Section 627.9405(1)(a), Florida Statutes, the following questions may be modified only to the extent necessary to elicit information about health or long-term care insurance policies other than the group policy being replaced, provided that the certificateholder has been notified of the replacement.

(a) Do you have another long-term care insurance policy or certificate in force (including health care service contract, health maintenance organization contract)?

(b) Did you have another long-term care insurance policy or certificate in force during the last 12 months?

1. If so, with which company?

2. If that policy lapsed, when did it lapse?

(c) Are you covered by Medicaid?

(d) Do you intend to replace any of your medical or health insurance coverage with this policy [certificate]?

(2) Agents shall list any other health insurance policies they have sold to the applicant.

(a) List policies sold that are still in force.

(b) List policies sold in the past 5 years that are no longer in force.

(3) Solicitations Other than Direct Response.

(a) Upon determining that a sale will involve replacement, an insurer, other than an insurer using direct response solicitation methods or its agent, shall furnish the applicant prior to issuance or delivery of the individual long-term care insurance policy a notice regarding replacement of accident and sickness or long-term care coverage.

(b) One copy of the notice shall be retained by the applicant and an additional copy signed by the applicant shall be retained by the insurer.

(c) The notice shall be provided in the form contained in Appendix G.

(4) Direct Response Solicitations.

(a) Insurers using direct response solicitation methods shall deliver a notice regarding replacement of accident and sickness or long-term care coverage to the applicant upon issuance of the policy.

(b) The notice shall be provided in the form contained in Appendix H.

(5) Where replacement is intended, the replacing insurer shall notify in writing the existing insurer of the proposed replacement.

(a) The existing policy shall be identified by the insurer, name of the insured, and policy number or address including zip code.

(b) Notice shall be made within 5 working days from the date the application is received by the insurer or the date the policy is issued, whichever is sooner.

Specific Authority 624.308(1), 627.9407(1), 627.9408, 626.9611 FS. Law Implemented 624.307(1), 627.9402, 627.9407(1), 626.9541 FS. History—New

4-157.111 Reporting Requirements.

(1) Every insurer shall maintain records for each agent of that agent's amount of replacement sales as a percentage of the agent's total annual sales in this state and the amount of lapses of long-term care insurance policies sold by the agent as a percentage of the agent's total annual sales in this state.

(2) Every insurer shall report annually by June 30 the 10 percent of its agents with the greatest percentages of lapses and replacements as measured by subsection 4-157.111(1), F.A.C., in the format as prescribed in Appendix J.

(3) Reported replacement and lapse rates do not alone constitute a violation of insurance laws or necessarily imply wrongdoing. The reports are for the purpose of reviewing more closely agent activities regarding the sale of long-term care insurance in this state.

(4) Every insurer shall report annually by June 30 the number of lapsed policies as a percentage of its total annual sales and as a percentage of its total number of policies in force as of the end of the preceding calendar year in this state in the format as prescribed in Appendix J.

(5) Every insurer shall report annually by June 30 the number of replacement policies sold as a percentage of its total annual sales and as a percentage of its total number of policies in force as of the preceding calendar year in this state in the format as prescribed in Appendix J.

(6) Every insurer shall report annually by June 30, for qualified long-term care insurance contracts, the number of claims denied for each class of business, expressed as a percentage of claims denied in this state in the format as prescribed in Appendix E.

(7) For purposes of this section:

(a) "Policy" means only long-term care insurance;

(b) "Claim" means, subject to paragraph 4-157.111(7)(c), F.A.C., a request for payment of benefits under an in force policy regardless of whether the benefit claimed is covered under the policy or any terms or conditions of the policy have been met;

(c) "Denied" means the insurer refuses to pay a claim for any reason other than for claims not paid for failure to meet the waiting period or because of an applicable preexisting condition; and

(d) "Report" means on a statewide basis.

(8) Every insurer shall report annually by June 30 the information required by subsection 4-157.116(8), F.A.C.

(9) Based on the provisions of Rule 4-157.109, F.A.C., every insurer or other entity selling or issuing long-term care insurance benefits shall maintain a record of all policy or certificate rescissions, both state and countrywide, except those that the insured voluntarily effectuated and shall annually furnish this information, by March 1 of each year, in the format as prescribed in Appendix A.

(10) Reports required under this Rule 4-157.111, F.A.C., shall be filed with the Bureau of Market Conduct, Division of Insurer Services.

Specific Authority 624.308(1), 627.9407(1), 627.9408 FS. Law Implemented 624.307(1), 627.9402, 627.9407(1), 627.410(7) FS. History—New _____.

4-157.112 Reserve Standards.

(1)(a) When long-term care benefits are provided through the acceleration of benefits under group or individual life policies or riders to such policies which meet the conditions of subsection 4-157.113(9), F.A.C., policy reserves for the benefits shall be determined in accordance with Section 625.121, Florida Statutes. Claim reserves shall also be established in the case when the policy or rider is in claim status.

(b)1. Reserves for policies and riders shall be based on the multiple decrement model utilizing all relevant decrements except for voluntary termination rates.

2. Single decrement approximations are acceptable if the calculation produces essentially similar reserves, if the reserve is clearly more conservative, or if the reserve is immaterial.

3. The calculations may take into account the reduction in life insurance benefits due to the payment of long-term care benefits.

4. In no event shall the reserves for the long-term care benefit and the life insurance benefit be less than the reserves for the life insurance benefit assuming no long-term care benefit.

(c) In the development and calculation of reserves for policies and riders, due regard shall be given to the applicable policy provisions, marketing methods, administrative procedures, and all other considerations which have an impact on projected claim costs, including the following:

1. Definition of insured events;

2. Covered long-term care facilities;

3. Existence of home convalescence care coverage;

4. Definition of facilities;

5. Existence or absence of barriers to eligibility;

6. Premium waiver provision;

7. Renewability;

8. Ability to raise premiums;

9. Marketing method;

10. Underwriting procedures;

11. Claims adjustment procedures;

12. Waiting period;

13. Maximum benefit;

14. Availability of eligible facilities;

15. Margins in claim costs;

16. Optional nature of benefit;

17. Delay in eligibility for benefit;

18. Inflation protection provisions; and

19. Guaranteed insurability option.

(d) Any applicable valuation morbidity table shall be certified by a member of the American Academy of Actuaries as appropriate as a statutory valuation table.

(2) When long-term care benefits are provided other than as in subsection 4-157.112(1), F.A.C., reserves shall be determined in accordance with Part III of Chapter 4-154, F.A.C.

Specific Authority 624.308(1), 627.9407(1), 627.9408 FS. Law Implemented 624.307(1), 627.9402, 627.9407(1), 625.121 FS. History—New _____.

4-157.113 Premium Rate Schedule Increases.

(1) An insurer shall file with the Department for approval any premium rate schedule increase, including an exceptional increase, pursuant to Section 627.410, Florida Statutes. The filing shall include:

(a) A filing made pursuant to Rule Chapter 4-149, F.A.C., with the actuarial information identified below in lieu of the actuarial memorandum required by Rule 4-149.003(2)(b)4., F.A.C.

(b) Information required by Rule 4-157.107, F.A.C.;

(c) Certification by a qualified actuary that:

1. No further premium rate schedule increases are anticipated If the requested premium rate schedule increase is implemented and the underlying assumptions, which reflect moderately adverse conditions, are realized;

2. The premium rate filing is in compliance with the provisions of Rule 4-157.113, F.A.C.;

(d) An actuarial memorandum justifying the rate schedule change request that includes:

1. Lifetime projections of earned premiums and incurred claims based on both the current rate schedule and the filed premium rate schedule increase; and the method and assumptions used in determining the projected values.

including a summary and the reason for any assumptions that deviate from those used for pricing other forms currently available for sale;

a. Calendar year values for the complete history of the combined experience of the form with all other similar policy forms, and projections of the remaining future lifetime of the forms.

b. The projections shall include the development of the lifetime loss ratio, unless the rate increase is an exceptional increase;

c. The projections shall demonstrate compliance with subsection 4-157.113(2), F.A.C.; and

d. For exceptional increases,

(I) The projected experience shall be limited to the increases in claims expenses attributable to the approved reasons for the exceptional increase; and

(II) In the event the Department determines as provided in paragraph 4-157.103(4)(d), F.A.C., that offsets may exist, the insurer shall use appropriate net projected experience;

2. Disclosure of how reserves have been incorporated in this rate increase whenever the rate increase will trigger contingent benefit upon lapse;

3. Disclosure of the analysis performed to determine why a rate adjustment is necessary, which pricing assumptions were not realized and why, and what other actions taken by the insurer have been relied on by the actuary;

4. A statement that policy design, underwriting and claims adjudication practices have been taken into consideration; and

5. In the event that it is necessary to maintain consistent premium rates for new certificates and certificates issued under a group long-term care insurance policy as defined in Section 627.9405(1)(a), Florida Statutes, receiving a rate increase, the insurer will need to file composite rates reflecting projections of new certificates;

(e) A statement that renewal premium rate schedules are not greater than new business premium rate schedules except for differences attributable to benefits; and,

(f) Sufficient information for review and approval of the premium rate schedule increase by the Department.

(2) All premium rate schedule increases shall be determined in accordance with the following requirements:

(a) Exceptional increases shall provide that 70 percent of the present value of projected additional premiums from the exceptional increase will be returned to policyholders in benefits;

(b) Premium rate schedule increases shall be calculated such that the sum of the accumulated value of incurred claims, without the inclusion of active life reserves, and the present value of future projected incurred claims, without the inclusion of active life reserves, will not be less than the sum of the following:

1. The accumulated value of the initial earned premium times 58 percent;

2. 85 percent of the accumulated value of prior premium rate schedule increases on an earned basis;

3. The present value of future projected initial earned premiums times 58 percent; and

4. 85 percent of the present value of future projected premiums not in subparagraph 4-157.113(2)(b)3., F.A.C., on an earned basis;

(c) In the event that a policy form has both exceptional and other increases, the values in subparagraphs 4-157.113(2)(b)2. and 4., F.A.C., will also include 70 percent for exceptional rate increase amounts; and

(d) All present and accumulated values used to determine rate increases shall use a discount rate no less than the maximum valuation interest rate for contract reserves as specified in the subparagraph 4-154.204(2)1., F.A.C. The actuary shall disclose as part of the actuarial memorandum the use of any appropriate averages.

(3)(a) For each rate increase that is implemented, the insurer shall include within each annual rate certification filing made pursuant to Rule 4-149.007, F.A.C. updated projections, as defined in paragraph 4-157.113(1)(d), F.A.C., annually for the next 3 years and include a comparison of actual results to projected values.

(b) The Department shall extend the period to greater than 3 years if actual results are not consistent with projected values from prior projections.

(c) For group insurance policies that meet the conditions in subsection 4-157.113(10), F.A.C., the projections required by this rule shall be provided to the policyholder in lieu of filing with the Department.

(4)(a) If any premium rate in the revised premium rate schedule is greater than 200 percent of the comparable rate in the initial premium schedule, lifetime projections, as defined in paragraph 4-157.113(1)(d), F.A.C., shall be included in each annual rate certification filing made pursuant to Rule 4-149.007, F.A.C., every 5 years following the end of the required period in subsection 4-157.113(3), F.A.C.

(b) For group insurance policies that meet the conditions in subsection 4-157.113(10), F.A.C., the projections required by this subsection shall be provided to the policyholder in lieu of filing with the Department.

(5)(a) If the Department has determined that the actual experience following a rate increase does not adequately match the projected experience and that the current projections under moderately adverse conditions demonstrate that incurred claims will not exceed proportions of premiums specified in subsection 4-157.113(2), F.A.C., the Department shall require the insurer to implement any of the following:

1. Premium rate schedule adjustments; or

2. Other measures to reduce the difference between the projected and actual experience.

(b) In determining whether the actual experience adequately matches the projected experience, consideration shall be given to subparagraph 4-157.113(1)(d)5., F.A.C., if applicable.

(6) If the majority of the policies or certificates to which the increase is applicable are eligible for the contingent benefit upon lapse, the insurer shall file:

(a) A plan, subject to Department approval, for improved administration or claims processing designed to eliminate the potential for further deterioration of the policy form requiring further premium rate schedule increases, or both, or to demonstrate that appropriate administration and claims processing have been implemented or are in effect; otherwise the Department may impose the condition in subsection 4-157.113(7), F.A.C.; and

(b) The original anticipated lifetime loss ratio, and the premium rate schedule increase that would have been calculated according to subsection 4-157.113(2), F.A.C., had the greater of the original anticipated lifetime loss ratio or 58 percent been used in the calculations described in subparagraphs 4-157.113(2)(b)1. and 3., F.A.C.

(7)(a) For a rate increase filing that meets the following criteria, the Department shall review, for all policies included in the filing, the projected lapse rates and past lapse rates during the 12 months following each increase to determine if significant adverse lapsation has occurred or is anticipated:

1. The rate increase is not the first rate increase requested for the specific policy form or forms;

2. The rate increase is not an exceptional increase; and

3. The majority of the policies or certificates to which the increase is applicable are eligible for the contingent benefit upon lapse.

(b)1. In the event significant adverse lapsation has occurred, is anticipated in the filing, or is evidenced in the actual results as presented in the updated projections provided by the insurer following the requested rate increase, the Department shall determine that a rate spiral exists.

2. Following the determination that a rate spiral exists, the Department shall require the insurer to offer, without underwriting and at the underwriting class that is most comparable to the original underwriting class of each insured, to all in force insureds subject to the rate increase the option to replace existing coverage with one or more reasonably comparable products being offered by the insurer or its affiliates. The offer shall:

a. Be subject to the approval of the Department;

b. Be based on actuarially sound principles, but not be based on attained age; and

c. Provide that maximum benefits under any new policy accepted by an insured shall be reduced by comparable benefits already paid under the existing policy.

2. The insurer shall maintain the experience of all the replacement insureds separate from the experience of insureds originally issued the policy forms. In the event of a request for a rate increase on the policy form, the rate increase shall be limited to the lesser of:

a. The maximum rate increase determined based on the combined experience; and

b. The maximum rate increase determined based only on the experience of the insureds originally issued the form plus 10 percent.

(8) If the Department determines that the insurer has exhibited a persistent practice of filing inadequate initial premium rates for long-term care insurance, the Department shall, in addition to the provisions of subsection 4-157.113(7), F.A.C., prohibit the insurer from either:

(a) Filing and marketing comparable coverage for a period of up to 5 years; or

(b) Offering all other similar coverages and limiting marketing of new applications to the products subject to recent premium rate schedule increases.

(9) Subsections 4-157.113(1) through (8), F.A.C., shall not apply to policies for which the long-term care benefits provided by the policy are incidental, as defined in subsection 4-157.103(8), F.A.C., if the policy complies with all of the following provisions:

(a) The interest credited internally to determine cash value accumulations, including long-term care, if any, are guaranteed not to be less than the minimum guaranteed interest rate for cash value accumulations without long-term care set forth in the policy;

(b) The portion of the policy that provides life insurance benefits meets the nonforfeiture requirements of Section 627.476, Florida Statutes or Chapter 4-164, F.A.C., as applicable; and

(c) An actuarial memorandum is filed with the Department that includes:

1. A description of the basis on which the long-term care rates were determined;

2. A description of the basis for the reserves;

3. A summary of the type of policy, benefits, renewability, general marketing method, and limits on ages of issuance;

4. A description and a table of each actuarial assumption used. For expenses, an insurer must include percentage of premium dollars per policy and dollars per unit of benefits, if any;

5. A description and a table of the anticipated policy reserves and additional reserves to be held in each future year for active lives;

6. The estimated average annual premium per policy and the average issue age;

7. A statement as to whether underwriting is performed at the time of application.

a. The statement shall indicate whether underwriting is used and, if used, the statement shall include a description of the type or types of underwriting used, such as medical underwriting or functional assessment underwriting.

b. Concerning a group policy, the statement shall indicate whether the enrollee or any dependent will be underwritten and when underwriting occurs; and

8. A description of the effect of the long-term care policy provision on the required premiums, nonforfeiture values and reserves on the underlying life insurance policy, both for active lives and those in long-term care claim status.

(10) Subsections 4-157.113(5) and (7), F.A.C., shall not apply to group insurance policies as defined in Section 627.9405(1)(a), Florida Statutes, where:

(a) The policies insure 250 or more persons and the policyholder has 5,000 or more eligible employees of a single employer; or

(b) The policyholder, and not the certificateholders, pay a material portion of the premium, which shall not be less than 20 percent of the total premium for the group in the calendar year prior to the year a rate increase is filed.

(11) A insurer may choose to continue to make a current policy form available for sale after the effective date in subsection 4-157.102(4), F.A.C. All policyholders of any form sold after the effective date of subsection 4-157.102(4), F.A.C., shall be provided equal treatment and protection of the provisions of Rules 4-157.113 and .118, F.A.C.

Specific Authority 624.308(1), 627.9407(1), 626.9611, 627.9408 FS. Law Implemented 624.307(1), 627.9402, 627.9407, 626.9541, 627.410(6) FS. History—New _____.

4-157.114 Filing Requirement – Out of State Groups.

(1) No group long-term care insurance coverage may be offered to a resident of this state under a group policy issued in another state to a group described in Section 627.9405(1)(c) or (d), Florida Statutes, unless this state or such other state having statutory and regulatory long-term care insurance requirements substantially similar to those adopted in this state has made a determination that the requirements have been met. Evidence to this effect shall be filed by the insurer with the Department pursuant to the procedures specified in Section 627.410, Florida Statutes. The evidence shall consist of:

(a) Filing of policy and certificate forms, including rates and rate development information, as though the policy/certificate were issued in this state, which demonstrate that the requirements of Sections 627.9401-627.9408, Florida Statutes, and these rules have been met; or

(b)1. Filing of a truthful certification by an officer of the insurer that another state having statutory and regulatory long-term care insurance requirements substantially similar to those adopted in Florida has made a determination that such requirements have been met; and

2. Filing of the policy and certificate forms to be issued and delivered, including rates and rate development information, which demonstrate that the requirements of another state having statutory and regulatory long-term care insurance requirements substantially similar to those adopted in Florida have been met.

(2) In order for a state to be deemed to have statutory and regulatory long-term care insurance requirements substantially similar to those adopted in Florida, that state shall require that long-term care policies meet at least all of the following requirements:

(a) A minimum period of coverage of at least 24 consecutive months for coverage in a nursing home for each covered person and an additional coverage of 50 percent for lower levels of care as provided in subsection 4-157.104(4), F.A.C.

(b) The standards of Rules 4-157.108 and .113, F.A.C.:

(c) A 30-day “free look” period, or longer, within which individual certificateholders have the right to return the certificate after its delivery and to have the premium refunded for any reason;

(d) A prohibition or limitation on pre-existing condition exclusions at least as favorable to a policyholder as that specified in Section 627.9407(4), Florida Statutes;

(e) A prohibition against a policy or certificate excluding or using waivers or riders of any kind to exclude, limit, or reduce coverage or benefits for specifically named or described pre-existing diseases or physical conditions beyond any pre-existing condition waiting period;

(f) A prohibition or limitation on prior institutionalization provisions at least as favorable to a policyholder as that specified in Section 627.9407(5), Florida Statutes, including the mandatory offer provisions of paragraph (5)(c) of that section;

(g) A prohibition or limitation on policy cancellations or nonrenewals at least as favorable to a policyholder as that specified in Section 627.9407(3)(a), Florida Statutes;

(h) A requirement that policies prominently disclose that the policy may not cover all of the costs associated with long-term care which may be incurred by the buyer during the period of coverage and that the buyer is advised to periodically review the policy in relation to the changes in the cost of long-term care;

(i) A minimum 30 day grace period for nonpayment of premium with notice and protection requirements as provided by Section 627.94072, Florida Statutes;

(j) Pursuant to Section 627.94072, Florida Statutes, a mandatory offer to the potential insured policyholder or certificateholder, as applicable, of a nonforfeiture provision meeting the standards of Rule 4-157.118, F.A.C.;

(k) Pursuant to Section 627.94072, Florida Statutes, a mandatory offer to the potential insured policyholder or certificateholder, as applicable, of an inflation protection provision:

(l) Contain a contingent benefit upon lapse provision at least as favorable to the insured as that in Rule 4-157.118, F.A.C.:

(m) Disclosure of rating practices to consumers as outlined in Rule 4-157.107, F.A.C.:

(n) A conversion or continuation privilege at least as favorable as subsection 4-157.104(8), F.A.C.; and

(o) A prohibition or limitation on an elimination period in excess of 180 days:

(3) Unless a group policy issued in another state has been filed for approval in Florida, no such policy or certificate issued thereunder shall contain a statement that the policy has been approved as a long-term care policy meeting the requirements of Florida law or words of similar meaning.

(4)(a) All changes to rates, together with an actuarial memorandum developing and justifying the rate change, shall be filed with the Department pursuant to the procedures specified in Section 627.410, Florida Statutes, and this rule chapter as though the policy had been issued in Florida.

(b) For those policies which have been determined to be regulated by a state with substantially similar long term care insurance requirements pursuant to paragraph 4-157.114(1)(b), F.A.C., form and rate changes shall be filed for informational purposes at least 30 days prior to use.

Specific Authority 624.308(1), 627.9407(1), 627.9408 FS. Law Implemented 624.307(1), 627.9402, 627.9406 FS. History—New

4-157.115 Filing Requirements for Advertising.

Every insurer, health care service plan or other entity providing long-term care insurance or benefits in this state shall provide a copy of any long-term care insurance advertisement and marketing material intended for use in this state whether through written, radio, television, electronic or other medium for review or approval by the Department as provided by Rule Chapter 4-150, F.A.C.

Specific Authority 624.308(1), 627.9407(2), 627.9408 FS. Law Implemented 624.307(1), 627.9402, 627.9407(2) FS. History—New

4-157.116 Suitability.

(1) This Rule shall not apply to life insurance policies that accelerate benefits for long-term care.

(2) Every insurer, health care service plan, or other entity marketing long-term care insurance (the “insurer”) shall:

(a) Develop and use suitability standards to determine whether the purchase or replacement of long-term care insurance is appropriate for the needs of the applicant;

(b) Train its agents in the use of its suitability standards; and

(c) Maintain a copy of its suitability standards and make them available for inspection upon request by the Department.

(3)(a) To determine whether the applicant meets the standards developed by the insurer, the agent and insurer shall develop procedures that take the following into consideration:

1. The ability to pay for the proposed coverage and other pertinent financial information related to the purchase of the coverage;

2. The applicant’s goals or needs with respect to long-term care and the advantages and disadvantages of insurance to meet these goals or needs; and

3. The values, benefits, and costs of the applicant’s existing insurance, if any, when compared to the values, benefits, and costs of the recommended purchase or replacement.

(b) The insurer, and where an agent is involved, the agent shall make reasonable efforts to obtain the information set out in paragraph 4-157.116(3)(a), F.A.C. The efforts shall include presentation to the applicant, at or prior to application, a long-term care personal worksheet developed by the insurer.

(c) A completed personal worksheet shall be returned to the insurer prior to the insurer’s consideration of the applicant for coverage, except the personal worksheet need not be returned for sales of employer group long-term care insurance to employees and their spouses.

(d) The sale or dissemination outside the insurer or agency by the insurer or agent of information obtained through the personal worksheet is prohibited.

(4) The insurer shall use the suitability standards it has developed pursuant to this section in determining whether issuing long-term care insurance coverage to an applicant is appropriate.

(5) Agents shall use the suitability standards developed by the insurer in marketing long-term care insurance.

(6) At the same time the personal worksheet is provided to the applicant, the disclosure form entitled “Things You Should Know Before You Buy Long-Term Care Insurance” shall be provided. The form shall be in the format as prescribed in Appendix C, in not less than 12 point type.

(7)(a) If the insurer determines that the applicant does not meet its financial suitability standards, or if the applicant has declined to provide the information, the insurer may reject the application.

(b) In the alternative, the insurer shall send the applicant a letter similar to Appendix D.

(c) If the applicant has declined to provide financial information, the insurer may use some other method to verify the applicant’s intent.

(d) Either the applicant’s returned letter or a record of the alternative method of verification shall be made a part of the applicant’s file.

(8) The insurer shall report annually to the Department:

(a) The total number of applications received from residents of this state;

(b) The number of those who declined to provide information on the personal worksheet;

(c) The number of applicants who did not meet the suitability standards; and

(d) The number of those who chose to confirm after receiving a suitability letter.

Specific Authority 624.308(1), 627.9407(1), 627.9408, 626.9611 FS. Law Implemented 624.307(1), 627.9402, 627.9407(1), 626.9541 FS. History—New

4-157.117 Prohibition Against Preexisting Conditions and Probationary Periods in Replacement Policies or Certificates.

If a long-term care insurance policy or certificate replaces another long-term care policy or certificate, the replacing insurer shall waive any time periods applicable to preexisting conditions and probationary periods in the new long-term care policy for similar benefits to the extent that similar exclusions have been satisfied under the original policy.

Specific Authority 624.308(1), 627.9407(1), 626.9611, 627.9408 FS. Law Implemented 624.307(1), 627.9402, 627.9407(1), 626.9541 FS. History—New

4-157.118 Nonforfeiture Benefit Requirement.

(1) This rule does not apply to life insurance policies or riders meeting the conditions of subsection 4-157.113(9), F.A.C., containing accelerated long-term care benefits.

(2)(a) All insurers offering long term care insurance in this state shall offer a nonforfeiture protection provision at the time of issue as required by Section 627.94072, Florida Statutes.

(b) If the insurer offers an option other than the shortened benefit period option, the nonforfeiture protection option offered shall be determined such that the benefits provided are determined at time of issue to be actuarially equivalent to those provided by the shortened benefit period option.

(3)(a) If the offer for nonforfeiture benefits required to be made under Section 627.94072, Florida Statutes, is rejected, for individual and group policies without nonforfeiture benefits the insurer shall include in the policy the contingent benefit upon lapse described in this rule.

(b) In the event a group policyholder elects to make the nonforfeiture benefit an option to the certificateholder, a certificate shall provide either the nonforfeiture benefit or the contingent benefit upon lapse.

(c) The contingent benefit on lapse shall be triggered every time an insurer increases the premium rates to a level which results in a cumulative increase of the annual premium equal to or exceeding the percentage of the insured’s initial annual premium set forth below based on the insured’s issue age, and the policy or certificate lapses within 120 days of the due date of the premium so increased. Unless otherwise required, policyholders shall be notified at least 45 days prior to the due date of the premium reflecting the rate increase.

Triggers for a Substantial Premium Increase

<u>Issue Age</u>	<u>Percent Increase Over Initial Premium</u>
29 and under	200%
30-34	190%
35-39	170%
40-44	150%
45-49	130%
50-54	110%
55-59	90%
60	70%
61	66%
62	62%
63	58%
64	54%
65	50%
66	48%
67	46%
68	44%
69	42%
70	40%
71	38%
72	36%
73	34%
74	32%
75	30%
76	28%
77	26%
78	24%
79	22%
80	20%
81	19%
82	18%
83	17%
84	16%
85	15%
86	14%
87	13%
88	12%
89	11%
90 and over	10%

(d) On or before the effective date of a substantial premium increase as defined in paragraph 4-157.118(3)(c), F.A.C., the insurer shall:

1. Offer to reduce policy benefits provided by the current coverage without the requirement of additional underwriting so that required premium payments are not increased;

2.a. Offer to convert the coverage to a paid-up status with a shortened benefit period in accordance with the terms of the shortened benefit period nonforfeiture benefit contained in Section 627.94072, Florida Statutes.

b. This option may be elected at any time during the 120 day period referenced in paragraph 4-157.118(3)(c), F.A.C., and shall be available from the end of the grace period and is not restricted to being available only on or after the third policy anniversary; and

3. Notify the policyholder or certificateholder that a default or lapse at any time during the 120 day period referenced in paragraph 4-157.118(3)(c), F.A.C., shall be deemed to be the election of the offer to convert in subparagraph 4-157.118(3)(d)2., F.A.C.,

(4) To determine whether contingent nonforfeiture upon lapse provisions are triggered under paragraph 4-157.118(3)(c), F.A.C., a replacing insurer that purchased or otherwise assumed a block or blocks of long-term care insurance policies from another insurer shall calculate the percentage increase based on the initial annual premium paid by the insured when the policy was first purchased from the original insurer.

(5)(a) When the premium payment period is less than the term of eligibility for benefits under the policy, the insurer shall upon lapse provide a contingent benefit that in the event of any rate increase by the insurer:

1. The insurer shall provide for paid-up policy benefits in the event of policyholder termination within 120 days of the due date of the premium so increased.

2. The minimum required paid-up benefits, including the amount paid and the maximum amount of benefits payable, shall be at least equal to the ratio of the number of years (and partial years) paid less one divided by the number of years in the premium paying period less one times the policy benefits at the time of policyholder termination.

3. If the amount determined by in 2. above is at least 40 percent and the insured has not purchased the shortened benefit option nonforfeiture benefit pursuant to Section 627.94072, Florida Statutes, the insured shall have the option of this benefit or the contingent benefit upon lapse required by subsection 4-157.118(3), F.A.C.

(b) Notice shall be provided to insureds at the time of a rate increase notifying them of their benefits under this provision of the contract if they terminate coverage.

Specific Authority 624.308(1), 627.9407(1), 627.9408 FS. Law Implemented 624.307(1), 627.9402, 627.9407, 627.94072, 627.410(6) FS. History—New _____.

4-157.119 Additional Standards for Benefit Triggers for Qualified Long-Term Care Insurance Contracts.

(1) A qualified long term care insurance contract shall pay only for qualified long term care services received by a chronically ill individual provided pursuant to a plan of care prescribed by a licensed health care practitioner.

(2)(a)1. A qualified long-term care insurance contract shall condition the payment of benefits on a determination of the insured's being chronically ill as defined in Section 627.9404(4), Florida Statutes.

2. Certifications regarding activities of daily living and cognitive impairment shall be performed by a licensed health care practitioner as defined by Section 627.9404(6), Florida Statutes.

(b) When a licensed health care practitioner has certified that an insured is unable to perform activities of daily living for an expected period of at least 90 days due to a loss of functional capacity and the insured is in claim status, the certification shall not be rescinded and additional certifications shall not be performed until after the expiration of the 90 day period.

(3) Qualified long-term care insurance contracts shall include a clear description of the process for appealing and resolving disputes with respect to benefit determinations.

Specific Authority 624.308(1), 627.9407(1), 627.9408 FS. Law Implemented 624.307(1), 627.9402, 627.9407(1), 627.94074 FS. History—New _____.

4-157.120 Standard Format Outline of Coverage.

This rule implements, interprets, and makes specific, the provisions of Section 627.9407(10), Florida Statutes, in prescribing a standard format and the content of an outline of coverage.

(1) The outline of coverage shall be a freestanding document, using no smaller than 10-point type.

(2) The outline of coverage shall contain no material of an advertising nature.

(3) Text that is capitalized or underscored in the standard format outline of coverage may be emphasized by other means that provide prominence equivalent to the capitalization or underscoring.

(4) Use of the text and sequence of text of the standard format outline of coverage is mandatory, unless otherwise specifically indicated.

(5) Format for outline of coverage shall be as contained in Appendix I.

Specific Authority 624.308(1), 627.9407(1), 627.9408 FS. Law Implemented 624.307(1), 627.9402, 627.9407 FS. History—New _____.

4-157.121 Requirement to Deliver Shopper's Guide.

(1) A long-term care insurance shopper's guide in the format developed by the National Association of Insurance Commissioners shall be provided to all prospective applicants of a long-term care insurance policy or certificate.

(a) In the case of agent solicitations, an agent shall deliver the shopper's guide prior to the presentation of an application or enrollment form.

(b) In the case of direct response solicitations, the shopper's guide shall be presented in conjunction with any application or enrollment form.

(2) Life insurance policies or riders meeting the conditions of subsection 4-157.113(9), F.A.C., containing accelerated long-term care benefits are not required to furnish the above referenced guide, but shall furnish the policy summary required under Section 626.99, Florida Statutes.

Specific Authority 624.308(1), 627.9407(1), 626.9611, 627.9408 FS. Law Implemented 624.307(1), 627.9402, 626.9541, 627.9407(1) FS. History—New

4-157.122 Penalties.

In addition to any other penalties provided by the laws of this state, any insurer and any agent found to have violated any requirement of this state relating to the regulation of long-term care insurance or the marketing of such insurance shall be subject to a fine of up to 3 times the amount of any commissions paid for each policy involved in the violation or up to \$10,000, whichever is greater.

Specific Authority 624.308(1), 627.9407(1), 627.9408, 626.9611 FS. Law Implemented 624.307(1), 627.9402, 626.9521 FS. History—New

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Standards

RULE TITLE: Requests for Inspections, Reinspections **RULE NO.:** 5F-8.005
PURPOSE AND EFFECT: Applicable law, Section 616.242(7), Florida Statutes, requires amusement rides must receive an inspection certificate each time the ride is set up or moved to a new location in the state, with certain exceptions. The Legislature added to the exceptions a kiddie ride used at a public event, provided there are no more than three amusement rides at the event, none of the kiddie rides at the event exceed a capacity of 12 persons, and the ride has an inspection certificate that was issued with in the preceding 6 months. The purpose of the rule is to give the Department’s inspectors guideline to use when determining if a rides capacity meets or exceeds the exception when it is not clearly specified by the manufacturer.

SUBJECT AREA TO BE ADDRESSED: Rule 5F-8.005 Florida Administrative Code, the department rule establishing which rides will be inspected and the procedures for requesting same.

SPECIFIC AUTHORITY: 616.241, 616.242 FS.

LAW IMPLEMENTED: 616.241, 616.242 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., July 16, 2002

PLACE: Division of Standards Conference Room, 131 Administration Building, 3125 Conner Boulevard, Tallahassee, Florida 32399-1650

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Michael W. Rinehart, Operations Management Consultant II, Bureau of Fair Rides Inspection, 3125 Conner Boulevard, Suite N, Tallahassee, FL 32399-1650, Phone (850)488-9790, Fax (850)488-9023

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

5F-8.005 Request for Inspections, Reinspections.

(1) through (8) No change.

(9) Where a manufacturer has not determined nor specified the capacity of a kiddie ride the Department will determine the capacity as follows:

(a) A Department Inspector will count the number of carrier units or tubs per ride. The number of carrier units or tubs per ride is based on the manufacturer’s intended configuration of the ride in order to make it fully operational. Lacking the manufacturer’s guidance on proper configuration of carrier units or tubs, the department’s inspector will evaluate the ride and make a recommendation to the Bureau for final determination. Arbitrary reduction of carrier units by operators are not permitted.

(b) Having determined the number of carrier units or tubs per ride, the Department inspector will count the number of passenger positions per carrier unit, or individual tub, i.e. the number of seat belts, pre-formed seating spots or other identifiable seating arrangements. With no identifiable passenger positions, the inspectors will determine the number of positions based on the number of 12 year old passengers that can be positioned safety in the carrier unit, i.e. each passenger must have a separate position and meet the required height and/or weight requirements for that ride. Sitting on laps to qualify as one position will not be permitted.

Specific Authority 616.241, 616.242 FS. Law Implemented 616.241, 616.242 FS. History—New 9-15-92, Amended 2-23-94, 5-27-96, 9-23-97, 2-15-99, 3-21-00.

DEPARTMENT OF EDUCATION

State Board of Education

RULE TITLE: Florida Educational Leadership Examination **RULE NO.:** 6A-4.00821

PURPOSE AND EFFECT: The purpose of this rule development is to review the competencies and skills required for certification in educational leadership in Florida. The effect of this action will be that revised competencies and skills will be used on the Florida Educational Leadership Examination and the revised competencies and skills may be accessed by professional certification candidates, professors, and other interested individuals.

SUBJECT AREA TO BE ADDRESSED: Revised competencies and skills required for Florida educational leadership certification is the subject area.

SPECIFIC AUTHORITY: 231.15(1), 231.0861(3) FS.

LAW IMPLEMENTED: 231.15, 231.0861 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: 11:00 a.m. – 12:00 Noon, July 19, 2002
PLACE: 325 West Gaines Street, Room 403, Tallahassee, Florida

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Thomas H. Fisher, Bureau of Curriculum, Instruction, and Assessment, Division of Public Schools and Community Education, 325 West Gaines Street, Tallahassee, Florida 32399-0400, (850)488-8198

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

DEPARTMENT OF CORRECTIONS

RULE TITLE: Admissible Reading Material
RULE NO.: 33-501.401

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to clarify criteria for rejection of reading material; clarify procedures for handling reading material received from unapproved sources; and to describe the process for handling reading material containing product samples.

SUBJECT AREA TO BE ADDRESSED: Admissible reading material for inmates.

SPECIFIC AUTHORITY: 944.09, 944.11 FS.

LAW IMPLEMENTED: 944.11 FS.

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

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

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

33-501.401 Admissible Reading Material.

(1) No change.

(2) Inmates shall be permitted to receive and possess publications per terms and conditions established in this rule unless the publication is found to be detrimental to the security, order or disciplinary or rehabilitative interests of any institution of the department, or any privately operated institution under contract with the department, or when it is determined that the publication might facilitate criminal activity. Publications shall be rejected when one of the following criteria is met:

(a) through (j) No change.

(k) Contains criminal history, offender registration, or other personal information about another inmate or offender, which, in the hands of an inmate, presents a threat to the security, order or rehabilitative objectives of the correctional system or to the safety of any person;

(l) Contains or appears to contain unknown or unidentifiable substances; or

(m)~~(k)~~ No change.

(3) through (12) No change.

(13) Books, periodicals or other publications forwarded to inmates must be sent through the United States Postal Service. Materials received from other sources shall be refused returned to the sender with a notice explaining the reason for the rejection.

(14) through (16) No change.

(17) Whenever an otherwise admissible magazine is received that includes product samples or advertising with product samples attached, the products shall be removed and the publication itself shall be issued to the inmate recipient. Any inmate who wishes to object to the removal of product samples from his or her publications shall submit a written request on Form DC6-236, Inmate Request, to the warden asking that product samples not be removed. Thereafter, any publication sent to the requestor that contains product samples shall be held by the institution for 30 days or 30 days after exhaustion of grievance appeals. It shall be the inmate's responsibility to arrange for the mailing of the entire publication out of the institution at the inmate's expense. Any publication not mailed out within the 30 days will be destroyed.

Specific Authority 944.09, 944.11 FS. Law Implemented 944.11 FS. History--New 10-8-76, Formerly 33-3.12, Amended 3-3-81, 9-24-81, 6-9-87, 3-11-91, 12-17-91, 3-30-94, 11-2-94, 5-10-98, 10-20-98, Formerly 33-3.012, Amended 3-21-00, 8-10-00, _____.

AGENCY FOR HEALTH CARE ADMINISTRATION

Medicaid

RULE TITLE: Advanced Registered Nurse Practitioner Services
RULE NO.: 59G-4.010

PURPOSE AND EFFECT: The purpose of this rule amendment is to incorporate by reference the Florida Medicaid Advanced Registered Nurse Practitioner Coverage and Limitations Handbook, January 2002 and April 2002. The effect will be to incorporate by reference in the rule the current Florida Medicaid Advanced Registered Nurse Practitioner Coverage and Limitations Handbook.

SUBJECT AREA TO BE ADDRESSED: Advanced Registered Nurse Practitioner 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: 10:00 a.m. – 12:00 Noon, Wednesday, July 17, 2002

PLACE: Agency for Health Care Administration, 2727 Mahan Drive, Building #3, Mail Stop 20, Conference Room C, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Belinda McClellan, Medicaid Health Systems Development, 2727 Mahan Drive, Mail Stop 20, Tallahassee, Florida 32308, (850)488-4481

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

59G-4.010 Advanced Registered Nurse Practitioner Services.

(1) No change.

(2) All advanced registered nurse practitioner services providers enrolled in the Medicaid program must be in compliance with the Florida Medicaid Advanced Registered Nurse Practitioner Coverage and Limitations Handbook, January 2002 and April 2002 ~~January 2001~~, which is incorporated by reference, and the Florida Medicaid Provider Reimbursement Handbook, HCFA-1500 and Child Health Check-Up 221, which is incorporated 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 12-21-80, Formerly 10C-7.52, Amended 8-18-92, Formerly 10C-7.052, Amended 8-22-96, 3-11-98, 10-13-98, 6-8-99, 4-23-00, 8-5-01, _____.

AGENCY FOR HEALTH CARE ADMINISTRATION

Medicaid

RULE TITLE: Birth Center Services

RULE NO.: 59G-4.030

PURPOSE AND EFFECT: The purpose of this rule amendment is to incorporate by reference the Florida Medicaid Birth Center and Licensed Midwife Services Coverage and Limitations Handbook, January 2002. The effect will be to incorporate by reference in the rule the current Florida Medicaid Birth Center and Licensed Midwife Services Coverage and Limitations Handbook.

SUBJECT AREA TO BE ADDRESSED: Birth Center Services.

SPECIFIC AUTHORITY: 409.919 FS.

LAW IMPLEMENTED: 383.335, 409.906, 409.908, 409.9081 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. – 12:00 Noon, Wednesday, July 17, 2002

PLACE: Agency for Health Care Administration, 2727 Mahan Drive, Building #3, Mail Stop 20, Conference Room C, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Belinda McClellan, Medicaid Health Systems Development, 2727 Mahan Drive, Mail Stop 20, Tallahassee, Florida 32308, (850)488-4481

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

59G-4.030 Birth Center Services.

(1) No change.

(2) All birth center services providers enrolled in the Medicaid program must be in compliance with the Florida Medicaid Birth Center and Licensed Midwife Services Coverage and Limitations Handbook, January 2002 ~~January 2001~~, which is incorporated by reference, and the Florida Medicaid Provider Reimbursement Handbook, HCFA-1500 and Child Health Check-Up 221, which is incorporated in Rule 59G-5.020, F.A.C. Both handbooks are available from the Medicaid fiscal agent.

Specific Authority 409.919 FS. Law Implemented 383.335, 409.906, 409.908, 409.9081 FS. History—New 4-18-85, Formerly 10C-7.532, Amended 8-18-92, Formerly 10C-7.0532, Amended 4-22-96, 3-11-98, 10-13-98, 5-24-99, 4-23-00, 8-5-01, _____.

AGENCY FOR HEALTH CARE ADMINISTRATION

Medicaid

RULE TITLE: Chiropractic Services

RULE NO.: 59G-4.040

PURPOSE AND EFFECT: The purpose of this rule amendment is to incorporate by reference the Florida Medicaid Chiropractic Services Coverage and Limitations Handbook, January 2002 and April 2002. The effect will be to incorporate by reference in the rule the current Florida Medicaid Chiropractic Services Coverage and Limitations Handbook.

SUBJECT AREA TO BE ADDRESSED: Chiropractic Services.

SPECIFIC AUTHORITY: 409.919 FS.

LAW IMPLEMENTED: 409.906, 409.908, 409.9081 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. – 12:00 Noon, Wednesday, July 17, 2002

PLACE: Agency for Health Care Administration, 2727 Mahan Drive, Building #3, Mail Stop 20, Conference Room C, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Karen Jackson, Medicaid Health Systems Development, 2727 Mahan Drive, Building #3, Mail Stop 20, Tallahassee, Florida 32308, (850)922-7314

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

59G-4.040 Chiropractic Services.

(1) No change.

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

Specific Authority 409.919 FS. Law Implemented 409.906, 409.908, 409.9081 FS. History–New 6-1-89, Amended 7-1-91, 12-31-91, 3-17-92, 4-21-92, 11-9-92, 7-5-93, 1-19-94, Formerly 10C-7.066, Amended 10-10-94, 5-25-95, 1-9-96, 10-21-97, 5-24-99, 4-23-00, 7-5-01.

AGENCY FOR HEALTH CARE ADMINISTRATION

Medicaid

RULE TITLE: Dental Services
RULE NO.: 59G-4.060

PURPOSE AND EFFECT: The purpose of this rule amendment is to incorporate by reference the Florida Medicaid Dental Coverage and Limitations Handbook, January 2002 and April 2002 and the Florida Medicaid Provider Reimbursement Handbook, Dental 111, February 2001. The effect will be to incorporate by reference in the rule the current Florida Medicaid Dental Coverage and Limitations Handbook and the current Florida Medicaid Provider Reimbursement Handbook, Dental 111.

SUBJECT AREA TO BE ADDRESSED: Dental Services.

SPECIFIC AUTHORITY: 409.919 FS.

LAW IMPLEMENTED: 409.906, 409.908 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. – 12:00 Noon, Wednesday, July 17, 2002

PLACE: Agency for Health Care Administration, 2727 Mahan Drive, Building #3, Mail Stop 20, Conference Room C, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Millard Howard, Medicaid Health Systems Development, 2727 Mahan Drive, Mail Stop 20, Tallahassee, Florida 32308, (850)488-4481

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

59G-4.060 Dental Services.

(1) No change.

(2) All dental services providers enrolled in the Medicaid program must be in compliance with the Florida Medicaid Dental Coverage and Limitations Handbook, January 2002 and April 2002 ~~January 2001~~, and Florida Medicaid Provider Reimbursement Handbook, Dental 111, February 2001, which are incorporated by reference, and the Florida Medicaid Provider Reimbursement Handbook, HCFA-1500 and Child Health Check-Up 221, which is incorporated in Rule 59G-5.020, F.A.C. All three handbooks are available from the Medicaid fiscal agent.

Specific Authority 409.919 FS. Law Implemented: 409.906, 409.908 FS. History–New 7-10-80, Amended 2-19-81, 10-27-81, 7-21-83, Formerly 10C-7.523, Amended 9-11-90, 11-3-92, Formerly 10C-7.0523, Amended 6-29-93, Formerly 10P-4.060, Amended 7-19-94, 7-16-96, 3-11-98, 10-13-98, 12-28-98, 6-10-99, 4-23-00, 4-24-01, 7-5-01.

AGENCY FOR HEALTH CARE ADMINISTRATION

Medicaid

RULE TITLE: Hearing Services
RULE NO.: 59G-4.110

PURPOSE AND EFFECT: The purpose of this rule amendment is to incorporate by reference the Florida Medicaid Hearing Services Coverage and Limitations Handbook, January 2002. The effect will be to incorporate by reference in the rule the current Florida Medicaid Hearing Services Coverage and Limitations Handbook.

SUBJECT AREA TO BE ADDRESSED: Hearing Services.

SPECIFIC AUTHORITY: 409.919 FS.

LAW IMPLEMENTED: 409.906, 409.908 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. – 12:00 Noon, Wednesday, July 17, 2002

PLACE: Agency for Health Care Administration, 2727 Mahan Drive, Building #3, Mail Stop 20, Conference Room C, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Karen Jackson, Medicaid Health Systems Development, 2727 Mahan Drive, Building #3, Mail Stop 20, Tallahassee, Florida 32308, (850)922-7314

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

59G-4.110 Hearing Services.

(1) No change.

(2) All physicians, audiologists and hearing aid specialists enrolled in the Medicaid program must be in compliance with the provisions of the Florida Medicaid Hearing Services Coverage and Limitations Handbook, January 2002 ~~January 2001~~, which is 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 409.906, 409.908 FS. History—New 8-3-80, Amended 7-21-83, Formerly 10C-7.522, Amended 4-13-93, Formerly 10C-7.0522, Amended 12-21-97, 10-13-98, 5-7-00, 7-5-01, _____.

AGENCY FOR HEALTH CARE ADMINISTRATION

Medicaid

RULE TITLE: Optometric Services

RULE NO.: 59G-4.210

PURPOSE AND EFFECT: The purpose of this rule amendment is to incorporate by reference the Florida Medicaid Optometric Services Coverage and Limitations Handbook, January 2002 and April 2002. The effect will be to incorporate by reference in the rule the current Florida Medicaid Optometric Services Coverage and Limitations Handbook.

SUBJECT AREA TO BE ADDRESSED: Optometric Services.

SPECIFIC AUTHORITY: 409.919 FS.

LAW IMPLEMENTED: 409.906, 409.908, 409.9081 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. – 12:00 Noon, Wednesday, July 17, 2002

PLACE: Agency for Health Care Administration, 2727 Mahan Drive, Building #3, Mail Stop 20, Conference Room C, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Lynne Metz, Medicaid Health Systems Development, 2727 Mahan Drive, Building #3, Mail Stop 20, Tallahassee, Florida 32308, (850)488-4481

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

59G-4.210 Optometric Services.

(1) No change.

(2) All optometry practitioners enrolled in the Medicaid program must be in compliance with the Florida Medicaid Optometric Services Coverage and Limitations Handbook, January 2002 and April 2002 ~~January 2001~~, which is 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: 409.906, 409.908, 409.9081 FS. History—New, 4-13-93, Amended 7-1-93, Formerly 10C-7.069, Amended 12-21-97, 10-13-98, 5-24-99, 4-23-00, 7-5-01, _____.

AGENCY FOR HEALTH CARE ADMINISTRATION

Medicaid

RULE TITLE:

RULE NO.:

Podiatry Services

59G-4.220

PURPOSE AND EFFECT: The purpose of this rule amendment is to incorporate by reference the Florida Medicaid Podiatry Services Coverage and Limitations Handbook, January 2002 and April 2002. The effect will be to incorporate by reference in the rule the current Florida Medicaid Podiatry Services Coverage and Limitations Handbook.

SUBJECT AREA TO BE ADDRESSED: Podiatry Services.

SPECIFIC AUTHORITY: 409.919 FS.

LAW IMPLEMENTED: 409.906, 409.908, 409.9081 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. – 12:00 Noon, Wednesday, July 17, 2002

PLACE: Agency for Health Care Administration, 2727 Mahan Drive, Building 3, Mail Stop 20, Conference Room C, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Karen Jackson, Medicaid Health Systems Development, 2727 Mahan Drive, Building #3, Mail Stop 20, Tallahassee, Florida 32308, (850)922-7314

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

59G-4.220 Podiatry Services.

(1) No change.

(2) All podiatry providers enrolled in the Medicaid program must be in compliance with the Florida Medicaid Podiatry Services Coverage and Limitations Handbook,

January 2002 and April 2002 ~~January 2001~~, which is incorporated by reference, and the Florida Medicaid Provider Reimbursement Handbook, HCFA-1500 and Child Health Check-Up 221, which is incorporated in Rule 59G-5.020, F.A.C. Both handbooks are available from the Medicaid fiscal agent.

Specific Authority 409.919 FS. Law Implemented: 409.906, 409.908, 409.9081 FS. History—New 1-23-84, Amended 10-25-84, Formerly 10C-7.529, Amended 4-21-92, 11-9-92, 7-1-93, Formerly 10C-7.0529, 10P-4.220, Amended 1-7-96, 3-11-98 10-13-98, 5-24-99, 4-23-00, 7-5-01,_____.

AGENCY FOR HEALTH CARE ADMINISTRATION

Medicaid

RULE TITLE: Physician Services

RULE NO.: 59G-4.230

PURPOSE AND EFFECT: The purpose of this rule amendment is to incorporate by reference the Florida Medicaid Physician Coverage and Limitations Handbook, January 2002 and April 2002. The effect will be to incorporate by reference in the rule the current Florida Medicaid Physician Coverage and Limitations Handbook.

SUBJECT AREA TO BE ADDRESSED: Physician Services.

SPECIFIC AUTHORITY: 409.919 FS.

LAW IMPLEMENTED: 409.905, 409.908, 409.9081 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. – 12:00 Noon, Wednesday, July 17, 2002

PLACE: Agency for Health Care Administration, 2727 Mahan Drive, Building #3, MS 20, Conference Room C, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Lynne Metz, Medicaid Health Systems Development, 2727 Mahan Drive, Building #3, MS 20, Tallahassee, Florida 32308, (850)922-7325

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

59G-4.230 Physician Services.

(1) No change.

(2) All physician services providers enrolled in the Medicaid program must be in compliance with the Florida Medicaid Physician Coverage and Limitations Handbook, January 2002 and April 2002 ~~January 2001~~, which is incorporated by reference, and the Florida Medicaid Provider Reimbursement Handbook, HCFA-1500 and Child Health Check-Up 221, which is incorporated 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, Revised 2-1-78, 4-1-78, 1-2-79, 1-1-80, Amended 2-8-82, 3-11-84, Formerly 10C-7.38, Amended 1-10-91, 11-5-92, 1-7-93, Formerly 10C-7.38, Amended 6-29-93, 9-6-93, Formerly 10P-4.230, Amended 6-13-94, 2-9-95, 3-10-96, 5-28-96, 3-18-98, 9-22-98, 8-25-99, 4-23-00, 8-5-01,_____.

AGENCY FOR HEALTH CARE ADMINISTRATION

Medicaid

RULE TITLE: Physician Assistant Services

RULE NO.: 59G-4.231

PURPOSE AND EFFECT: The purpose of this rule amendment is to incorporate by reference the Florida Medicaid Physician Assistant Coverage and Limitations Handbook, January 2002 and April 2002. The effect will be to incorporate by reference in the rule the current Florida Medicaid Physician Assistant Coverage and Limitations Handbook.

SUBJECT AREA TO BE ADDRESSED: Physician Assistant Services.

SPECIFIC AUTHORITY: 409.919 FS.

LAW IMPLEMENTED: 409.906, 409.908, 409.9081 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. – 12:00 Noon, Wednesday, July 17, 2002

PLACE: Agency for Health Care Administration, 2727 Mahan Drive, Building #3, Mail Stop 20, Conference Room C, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Belinda McClellan, Medicaid Health Systems Development, 2727 Mahan Drive, Mail Stop 20, Tallahassee, Florida 32308, (850)488-4481

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

59G-4.231 Physician Assistant Services.

(1) No change.

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

Specific Authority 409.919 FS. Law Implemented 409.906, 409.908, 409.9081 FS. History—New 8-21-95, Amended 5-28-96, 3-11-98, 10-13-98, 8-9-99, 4-23-00, 8-5-01,_____.

AGENCY FOR HEALTH CARE ADMINISTRATION

Medicaid

RULE TITLE: REGISTERED NURSE FIRST ASSISTANT SERVICES
 RULE NO.: 59G-4.270

PURPOSE AND EFFECT: The purpose of this rule amendment is to incorporate by reference the Florida Medicaid Registered Nurse First Assistant Coverage and Limitations Handbook, January 2002 and April 2002. The effect will be to incorporate by reference in the rule the current Florida Medicaid Registered Nurse First Assistant Coverage and Limitations Handbook.

SUBJECT AREA TO BE ADDRESSED: Registered Nurse First Assistant Services.

SPECIFIC AUTHORITY: 409.919 FS.

LAW IMPLEMENTED: 409.906, 409.908, 409.9081 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. – 12:00 Noon, Wednesday, July 17, 2002

PLACE: Agency for Health Care Administration, 2727 Mahan Drive, Building #3, Mail Stop 20, Conference Room C, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Madeleine Nobles, Medicaid Health Systems Development, 2727 Mahan Drive, Tallahassee, Florida 32308, (850)922-7326

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

59G-4.270 Registered Nurse First Assistant Services.

(1) No change.

(2) All registered nurse first assistant services providers enrolled in the Medicaid program must be in compliance with the Florida Medicaid Registered Nurse First Assistant Coverage and Limitations Handbook, January 2002 and April 2002 ~~January 2001~~, which is incorporated by reference, and the Florida Medicaid Provider Reimbursement Handbook, HCFA-1500 and Child Health Check-Up 221, which is incorporated in Rule 59G-5.020, F.A.C. Both handbooks are available from the Medicaid fiscal agent.

Specific Authority 409.919 FS. Law Implemented 409.906, 409.908, 409.9081 FS. History–New 3-11-98, Amended 10-13-98, 5-24-99, 4-23-00, 7-5-01, _____.

AGENCY FOR HEALTH CARE ADMINISTRATION

Medicaid

RULE TITLE: VISUAL SERVICES
 RULE NO.: 59G-4.340

PURPOSE AND EFFECT: The purpose of this rule amendment is to incorporate by reference the Florida Medicaid Visual Services Coverage and Limitations Handbook, January

2002. The effect will be to incorporate by reference in the rule the current Florida Medicaid Visual Services Coverage and Limitations Handbook.

SUBJECT AREA TO BE ADDRESSED: Visual Services.

SPECIFIC AUTHORITY: 409.919 FS.

LAW IMPLEMENTED: 409.906, 409.908 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. – 12:00 Noon, Wednesday, July 17, 2002

PLACE: Agency for Health Care Administration, 2728 Mahan Drive, Building #3 MS 20, Conference Room C, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Lynne Metz, Medicaid Health Systems Development, 2727 Mahan Drive, Building #3, MS 20, Tallahassee, Florida 32308, (850)488-4481

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

59G-4.340 Visual Services.

(1) No change.

(2) All visual services practitioners enrolled in the Medicaid program must be in compliance with the provisions of the Florida Medicaid Visual Services Coverage and Limitations Handbook, January 2002 ~~January 2001~~, which is 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 409.906, 409.908 FS. History–New 7-30-80, Formerly 10C-7.521, Amended 4-20-93, 8-25-93, Formerly 10C-7.0521, Amended 12-21-97, 10-13-98, 6-10-99, 1-23-02, _____.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Construction Industry Licensing Board

RULE TITLE: CONTINUING EDUCATION REQUIREMENTS
 RULE NO.: 61G4-18.001

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

SUBJECT AREA TO BE ADDRESSED: Continuing Education Requirements.

SPECIFIC AUTHORITY: 455.213(6), 455.2177, 455.2178, 455.2179, 489.108, 489.115 FS.

LAW IMPLEMENTED: 455.2123, 455.213(6), 455.2177, 455.2178, 455.2179, 455.271(6), 489.115, 489.116 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Robert Crabill, Executive Director, Construction Industry Licensing Board, Northwood Centre, 1940 N. Monroe Street, Tallahassee, Florida 32399-0750

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Florida Real Estate Commission

RULE TITLE: Pre-licensing Education for Broker and Salesperson Applicants
RULE NO.: 61J2-3.008

PURPOSE AND EFFECT: The purpose of the proposed rule development workshop is to bring the rule into compliance with statutory changes taking effect July 1, 2002.

SUBJECT AREA TO BE ADDRESSED: The proposed rule development affects rule provisions relating to the method of providing pre-licensure education for real estate licensure.

SPECIFIC AUTHORITY: 475.05 FS.

LAW IMPLEMENTED: 475.04, 475.17, 475.182, 475.183, 475.451 FS.

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

TIME AND DATE: 8:30 a.m. or as soon thereafter as possible, July 17, 2002

PLACE: Division of Real Estate, Commission Meeting Room 301, North Tower, 400 West Robinson Street, Orlando, Florida 32801

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Lori Crawford, Deputy Clerk, Division of Real Estate, 400 West Robinson Street, Hurston Building, North Tower, Suite N308, Orlando, Florida 32801

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Florida Real Estate Commission

RULE TITLE: Continuing Education for Active and Inactive Broker and Salesperson Licensees
RULE NO.: 61J2-3.009

PURPOSE AND EFFECT: The purpose of the proposed rule development workshop is to bring the rule into compliance with statutory changes relating to distance education.

SUBJECT AREA TO BE ADDRESSED: The proposed rule development affects rule provisions relating to continuing education courses.

SPECIFIC AUTHORITY: 455.2123, 475.01(1)(d), (e), (2), 475.42(1)(c) FS.

LAW IMPLEMENTED: 455.2123, 475.04, 475.17, 475.182, 475.183, 475.451 FS.

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

TIME AND DATE: 8:30 a.m. or as soon thereafter as possible, July 17, 2002

PLACE: Division of Real Estate, Commission Meeting Room 301, North Tower, 400 West Robinson Street, Orlando, Florida 32801

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT WORKSHOP AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Lori Crawford, Deputy Clerk, Division of Real Estate, 400 West Robinson Street, Hurston Building, North Tower, Suite N308, Orlando, Florida 32801

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Florida Real Estate Commission

RULE TITLE: Post-licensing Education for Active and Inactive Broker and Salesperson Licensees
RULE NO.: 61J2-3.020

PURPOSE AND EFFECT: The purpose of the proposed rule development workshop is to bring the rule into compliance with statutory changes taking effect July 1, 2002, relating to distance education.

SUBJECT AREA TO BE ADDRESSED: The proposed rule development affects rule provisions relating to the method of providing post-licensure education for real estate licensees.

SPECIFIC AUTHORITY: 475.05, 475.17 FS.

LAW IMPLEMENTED: 475.04, 475.17, 475.182 FS.

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

TIME AND DATE: 8:30 a.m. or as soon thereafter as possible, July 17, 2002

PLACE: Division of Real Estate, Commission Meeting Room 301, North Tower, 400 West Robinson Street, Orlando, Florida 32801

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Lori Crawford, Deputy Clerk, Division of Real Estate, 400 West Robinson Street, Hurston Building, North Tower, Suite N308, Orlando, Florida 32801

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

DEPARTMENT OF HEALTH

Board of Clinical Laboratory Personnel

RULE TITLE: Notices, Current Address of Licensees
 PURPOSE AND EFFECT: The Board proposes to update the existing rule.

RULE NO.: 64B3-1.006

SUBJECT AREA TO BE ADDRESSED: Notices, Current Address of Licensees

SPECIFIC AUTHORITY: 456.035 FS.

LAW IMPLEMENTED: 456.073(1), 483.817, 483.819 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Joe Baker, Jr., Board Executive Director, Board of Clinical Laboratory Personnel, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3257

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B3-1.006 Notices, Current Address of Licensees.

Each person holding a license issued pursuant to Chapter 483, Part III Florida Statutes, must maintain on file with the Department Board the current mailing address and primary practice location at which any notice required by law may be served by the Board or its agent. Within sixty days of changing this address, whether or not within this state, the licensee shall notify the Department Board in writing of the new address at which the licensee may be served with notices or other documents.

Specific Authority 456.035 FS. Law Implemented 456.073(1), 483.817, 483.819 FS. History—New 3-15-93, Formerly 21KK-1.006, 61F3-1.006, 59O-1.006, Amended.

DEPARTMENT OF HEALTH

Board of Clinical Laboratory Personnel

RULE TITLE: Board Meetings
 PURPOSE AND EFFECT: The Board proposes to update the existing rule.

RULE NO.: 64B3-1.008

SUBJECT AREA TO BE ADDRESSED: Quorum; Meetings; Board Meetings; Notice of Meetings; Agenda.

SPECIFIC AUTHORITY: 456.011, 483.805 FS.

LAW IMPLEMENTED: 286.0105, 456.011 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Joe Baker, Jr., Board Executive Director, Board of Clinical Laboratory Personnel, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3257

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B3-1.008 ~~Quorum; Meetings; Board Meetings; Notice of Meetings; Agenda.~~

~~(1) Four appointed Board members shall constitute a quorum which shall be necessary to conduct official Board business. Fifty one percent or more of the appointed Board members of a committee shall constitute a quorum which shall be necessary to conduct official business of the committee. A majority vote of the members of a quorum shall be necessary for any official action by the Board or committee.~~

~~(2) The Board shall hold such meetings during the year as necessary, including an annual meeting at which the chairperson and vice chairperson shall be elected from the membership and shall serve for a term of one year. The chairperson or a quorum of the Board shall have authority to call other meetings.~~

~~(3) Except in an emergency, the Board shall give at least seven days notice to the public generally of any meeting by publication in the Florida Administrative Weekly. The notice shall state the date, time and place of the meeting, a brief description of the purpose of the meeting and the address and telephone number where persons may contact the Board to obtain a copy of the agenda. Each notice shall include the advice that, if a person decides to appeal any decision of the Board with respect to any matter considered at such meeting, he will need a record of the proceeding and that, for such purpose, he may need to insure that a verbatim record of the proceeding is made which record includes the testimony and evidence upon which the appeal is to be based.~~

~~(4) The Board shall prepare an agenda in time to ensure that a copy may be received at least seven days before the event by any person in the state who requests a copy and pays the reasonable cost per copy. After the agenda has been made available, change shall be only for good cause as determined by the presiding Board member and stated on the record. Notification of such change shall be at the earliest practicable time.~~

~~(5) Notwithstanding the provisions of subsections (2) and (3), the Board may hold an emergency meeting if an immediate danger to the public health, safety, or welfare requires emergency action.~~

~~(1)(6)~~ For purposes of Board member compensation pursuant to Section 456.011(4), Florida Statutes, "other business involving the Board" is defined to include:

- (a) Board meetings;
- (b) Meetings of committees of the Board;
- (c) Meetings of a Board member with staff at the request of the Board or the Department;
- (d) Probable cause panel meetings;
- (e) Attendance at legislative workshops or committee meetings at the request of the Board or Department;
- (f) Attendance at meetings of National Associations as an authorized representative of the Board;
- (g) Attendance at continuing education programs for the purpose of auditing a Board-approved provider when such attendance has been approved by the Board;
- (h) Attendance at any function authorized by the Board or Department.

~~(2)(7)(a)~~ Board members shall attend all regularly scheduled Board meetings unless prevented from doing so by reason of court order, subpoena, business with a court which has the sole prerogative of setting the date of such business, death of a family member, illness of the Board member, or hospitalization of the member's immediate family.

(b) No Board member shall be absent from three consecutive regularly scheduled Board meetings unless the absence is excused for one of the reasons stated in paragraph (a) of this rule. An absence for any reason other than the reasons stated in paragraph (a) constitutes an unexcused absence for the purpose of declaring a vacancy on the Board. An otherwise excused absence is not excused if the Board member fails to notify the Board office of the impending absence prior to the regularly scheduled Board meeting at which the absence will occur or unless the failure to notify the Board office is the result of circumstances surrounding the reason for the absence which the Board itself excuses after the absence has occurred.

(c) "Family" consists of immediate family, nieces, nephews, cousins, and in-laws.

(d) "Immediate family" consists of spouse, child, parents, parents-in-law, siblings, grandchildren, and grandparents.

Specific Authority 456.011, 483.805 FS. Law Implemented 286.0105, 456.011 FS. History--New 3-15-93, Formerly 21KK-1.008, 61F3-1.008, Amended 2-7-95, Formerly 59O-1.008, Amended 3-20-01,_____.

DEPARTMENT OF HEALTH
Board of Clinical Laboratory Personnel

RULE TITLE: Probable Cause Determinations
RULE NO.: 64B3-1.015

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

SUBJECT AREA TO BE ADDRESSED: Probable Cause Determinations.

SPECIFIC AUTHORITY: 456.073, 483.805(4) FS.

LAW IMPLEMENTED: 456.073, 483.825 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Joe Baker, Jr., Board Executive Director, Board of Clinical Laboratory Personnel, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3257

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B3-1.015 Probable Cause Determinations.

(1) The determination as to whether probable cause exists that a violation of the provisions of Chapters 456 and 483, Part III Florida Statutes, and the rules promulgated thereto has occurred shall be made by a majority vote of a probable cause panel of the Board.

(2) There shall be one probable cause panel of the Board. The probable cause panel shall be composed of two members, one of whom may be a ~~licensee who was a past Board member who is not currently appointed to the Board and one of whom shall be a current consumer member of the Board.~~

(3) through (4) No change.

Specific Authority 456.073, 483.805(4) FS. Law Implemented 456.073, 483.825 FS. History--New 3-15-93, Formerly 21KK-1.015, 61F3-1.015, 59O-1.015, Amended_____.

DEPARTMENT OF HEALTH

Board of Clinical Laboratory Personnel

RULE TITLE: General Requirements of Clinical Laboratory Personnel Training Programs
RULE NO.: 64B3-3.001

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

SUBJECT AREA TO BE ADDRESSED: General Requirements of Clinical Laboratory Personnel Training Programs.

SPECIFIC AUTHORITY: 483.805(4), 483.811(2) FS.

LAW IMPLEMENTED: 483.800, 483.809, 483.811 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Joe Baker, Jr., Board Executive Director, Board of Clinical Laboratory Personnel, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3257

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B3-3.001 General Requirements of Clinical Laboratory Personnel Training Programs.

(1) through (2) No change.

~~(3) Each program is subject to on-site inspection by the Department.~~

~~(3)(a)(4)~~ Programs shall submit a self-study at the time of the initial application and shall update the self-study within six (6) months of any major change in curriculum, sponsorship, faculty, student enrollment or clinical sites. The self study document shall be prepared on a form provided by the Department entitled Clinical Laboratory Training Program Self Study Document, DH 1261 10/98, effective 1-11-99, which is hereby incorporated by reference and may be obtained from the Board office. If the program is accredited by the National Accrediting Agency for Clinical Laboratory Science (NAACLS), the Council on Accreditation of Allied Health Education Programs (CAAHEP), or the Accrediting Bureau of Health Education Schools (ABHES), proof of accreditation may be substituted in lieu of the self study document.

(b) Programs that are nationally accredited or pending national accreditation shall only be required to submit proof of accreditation status with the application.

(5) through (7) No change.

Specific Authority 483.805(4), 483.811(2) FS. Law Implemented 483.800, 483.809, 483.811 FS. History—New 12-28-94, Amended 7-12-95, 4-24-96, Formerly 590-3.001, Amended 1-11-99, 11-15-99, _____.

DEPARTMENT OF HEALTH

Board of Clinical Laboratory Personnel

RULE TITLE: Documentation for Licensure

RULE NO.: 64B3-6.002

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

SUBJECT AREA TO BE ADDRESSED: Documentation for Licensure.

SPECIFIC AUTHORITY: 483.805(4) FS.

LAW IMPLEMENTED: 483.815, 483.823 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Joe Baker, Jr., Board Executive Director, Board of Clinical Laboratory Personnel, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3257

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B3-6.002 Documentation for Licensure.

The following is a list of acceptable documents which shall be submitted to the Board as appropriate for the type of license sought in order to show eligibility for the license:

(1) through (8) No change.

~~(9) Two 2" x 2" passport style photographs of the applicant taken within six (6) months prior to the date of application. These shall be signed on the front by the applicant.~~

Specific Authority 483.805(4) FS. Law Implemented 483.815, 483.823 FS. History—New 1-9-94, Amended 7-13-94, Formerly 61F3-6.002, Amended 12-28-94, 5-29-95, Formerly 590-6.002, Amended 8-27-97, _____.

DEPARTMENT OF HEALTH

Board of Clinical Laboratory Personnel

RULE TITLE: Scope of Practice Relative to Specialty of Licensure

RULE NO.: 64B3-10.005

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

SUBJECT AREA TO BE ADDRESSED: Scope of Practice Relative to Specialty of Licensure.

SPECIFIC AUTHORITY: 483.805(4) FS.

LAW IMPLEMENTED: 483.813, 483.823, 483.825 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Joe Baker, Jr., Board Executive Director, Board of Clinical Laboratory Personnel, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3257

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B3-10.005 Scope of Practice Relative to Specialty of Licensure.

The following rules are not intended to prevent collection and storage of specimens or the performance of manual pretesting procedures by persons who are exempt by statute or statutorily authorized within their scope of practice. Clinical laboratory personnel qualified as a physician director, a licensed director, supervisor, technologist or technician in the specialty or

specialties indicated can perform testing identified as being within the specialty. Tests which are not yet classified shall be assigned by the Board upon review.

(1) through (10) No change.

(11) The purpose of the specialty of histology is to process cellular and tissue components through methods of fixation, dehydration, embedding, microtomy, frozen sectioning, staining, and other related procedures and techniques employed in the preparation of smears, slides, and tissues. This specialty also encompasses methods for antigen detection and other molecular hybridization testing methods where the purpose is analysis and/or quantification of cellular and tissue components for interpretation by a qualified physician. Technicians licensed in histology are limited to the performance of specimen processing, embedding, cutting, routine and special histologic staining, frozen sectioning and mounting of preparations under the general direct supervision of a director, supervisor, or technologist.

(12) through (18) No change.

Specific Authority 483.805(4) FS. Law Implemented 483.813, 483.823, 483.825 FS. History—New 2-7-95, Amended 3-28-95, 7-12-95, 12-4-95, Formerly 590-10.005, Amended 3-19-98, 1-28-99, 11-24-99, 2-15-01, 2-20-02,_____.

DEPARTMENT OF HEALTH

Board of Clinical Laboratory Personnel

RULE TITLE: Continuing Education
 RULE NO.: 64B3-11.001

PURPOSE AND EFFECT: The Board proposes to delete portions of the existing rule.

SUBJECT AREA TO BE ADDRESSED: Continuing Education.

SPECIFIC AUTHORITY: 456.013, 483.821 FS.

LAW IMPLEMENTED: 456.013, 483.821 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Joe Baker, Jr., Board Executive Director, Board of Clinical Laboratory Personnel, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3257

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B3-11.001 Continuing Education.

(1) through (3) No change.

(4) Individuals initially licensed by ~~a state or national~~ examination taken within the biennium are exempt from the continuing education requirements for that biennium.

(5) Only agencies of the state or federal government that offer courses in those subject areas listed in subsection 64B3-11.002(1)(2), F.A.C., shall be deemed as alternate providers. A licensee that intends to use a course offered by such an alternate provider toward his or her continuing education requirements is responsible for maintaining documentation to verify the date, location, attendance, and subject matter of such course.

(6) Courses intended for use as continuing education taken at a regionally accredited college or university are to be submitted to the Board and shall be:

(a) Documented by an official transcript.

~~(b) Designated by the licensee in a letter to the board office.~~

~~(c) Received by March 31 of even numbered years.~~

~~(b)(d)~~ Successfully completed.

~~(c)(e)~~ In the subject matter areas specified in subsection 64B3-11.002(1)(2), F.A.C.

~~(f) In noncompliance with the renewal requirements of Rule 64B3-8, F.A.C., if submitted after the biennium ends.~~

~~(d)(g)~~ Credited as one semester hour equals 15 contact hours and one quarter hour equals 10 contact hours.

(7) No change.

~~(8) A licensee who does not complete the continuing education requirement or comply with an audit request shall be disciplined for failure to complete the continuing education requirements.~~

Specific Authority 456.013, 483.821 FS. Law Implemented 456.013, 483.821 FS. History—New 2-22-94, Amended 7-13-94, Formerly 61F3-11.001, Amended 12-11-94, 3-28-95, 12-4-95, 7-1-97, Formerly 590-11.001, Amended 3-19-98, 12-13-99, 3-20-01,_____.

DEPARTMENT OF HEALTH

School Psychology

RULE TITLE: Continuing Education
 RULE NO.: 64B21-502.001

PURPOSE AND EFFECT: Pursuant to the requirements of Section 456.013, Florida Statutes, the Department of Health is requiring as a condition of licensure renewal, that each individual licensed as a school psychologist in the State of Florida, take a two hour continuing education course in the prevention of medical errors.

SUBJECT AREA TO BE ADDRESSED: Continuing education requirements for the profession of school psychology.

SPECIFIC AUTHORITY: 490.007(2), 490.0085, 490.015 FS.

LAW IMPLEMENTED: 490.007(2), 490.0085, 456.031, 456.013 FS.

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

Specific Authority 381.0011(13), 381.003(2), 392.64(1), 392.66 FS. Law Implemented 381.0011, 381.003(1)(a), 392.55(2),(3), 392.56(2)(b), 392.59, 392.61, 392.64(1) FS. History--New 9-18-98, Amended.

64D-3.026 Execution of the Certificate of Involuntary Hold.

(1) through(4) No change.

(5) ~~Facsimile copies of the certificates for involuntary hold shall satisfy the filing requirement for petitions under s. 392.55 or s. 392.56, F.S. The Medical Executive Director of A.G. Holley State Hospital shall send the signed "Order for Involuntary Hold" by facsimile to the treating physician who requested issuance of the order.~~

~~(6) The treating physician requesting the issuance of the an Order for Involuntary Hold shall notify the sheriff in the county where the certificate was issued. The treating physician shall also notify the county health department in the county where the certificate was issued.~~

~~(7) The "Certificate of the Physician" Pursuant to Section 392.565, F.S., "Requesting an Order for Involuntary Hold and Petition for Emergency Hearing" together with the "Order for Involuntary Hold" shall constitute a petition under s. 392.55, F.S., or s. 392.56, F.S. The Medical Executive Director of A.G. Holley must be notified of the date of the hearing.~~

Specific Authority 381.0011(4),(13), 381.003(2), 392.66 FS. Law Implemented 381.0011(4), 381.003(1)(a), 392.55, 392.56, 392.565, 392.59, 392.62, 392.64(2) FS. History--New 9-17-98, Amended.

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

Developmental Disabilities Program

RULE TITLES: RULE NOS.:
 Foster Care Facility Standards 65B-6.009
 Group Home Facility Standards 65B-6.010

PURPOSE AND EFFECT: To amend rules regarding storage, administration, and supervision of self-administration of medication for residents of foster homes and group homes, and to create a rule regarding the relicensing of residential habilitation centers as group homes, to reflect the settlement agreement in Prado-Steiman v. Bush.

SUBJECT AREA TO BE ADDRESSED: Storage, administration, and supervision of self-administration of medication for residents of foster homes and group homes licensed by the Developmental Disabilities program; relicensing of residential habilitation centers as group home facilities.

SPECIFIC AUTHORITY: 393.067, 393.501 FS.

LAW IMPLEMENTED: 393.063, 393.066, 393.067, 393.13 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., July 31, 2002

PLACE: Bldg. 3, Rm. 313, 1317 Winewood Blvd., Tallahassee, FL 32399-0700

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY TEXT, IF AVAILABLE, IS: Hilary Brazzell, Developmental Disabilities Program Office, Department of Children and Families, 1317 Winewood Blvd., Tallahassee, FL 32399-0700, telephone (850)488-4877, Extension 105

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

FLORIDA HOUSING FINANCE CORPORATION

RULE TITLES:	RULE NOS.:
Definitions	67-38.002
Notice of Funding Availability	67-38.0025
Application Procedures	67-38.003
Selection and Rejection Criteria	67-38.004
Scoring and Ranking Guidelines	67-38.005
Terms and Conditions of the Loan	67-38.007
Eligible Uses for the Advance and Loan	67-38.008
Credit Underwriting Procedures	67-38.010
Fees	67-38.011
Sale, Transfer or Conveyance of Project	67-38.012
Disbursement Procedures	67-38.014
Compliance and Monitoring Procedures	67-38.0145
Disposition of Property Accruing to the Corporation	67-38.015
Application Procedures for Applicants Participating Under 1998 Cycles I and II	67-38.017

PURPOSE AND EFFECT: The purpose of Rule Chapter 67-38, Florida Administrative Code (F.A.C.), is to establish the procedures by which the Florida Housing Finance Corporation shall administer the application process, determine loan or grant amounts to non-profit entities who engage in development of affordable housing for very low or low-income households.

SUBJECT AREA TO BE ADDRESSED: The Rule Development Workshop will be held to receive comments and suggestions from interested persons relative to the development of the 2002 Application and program requirements for the Predevelopment Loan Program, as specified in Rule Chapter 67-38, Florida Administrative Code (F.A.C.).

SPECIFIC AUTHORITY: 420.528 FS.

LAW IMPLEMENTED: 420.507, 420.521-420.529 FS.

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

DATE AND TIME: 10:00 a.m., Tuesday, July 2, 2002

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Kerey Carpenter, Deputy Development Officer, Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, FL 32301-1329, (850)488-4197
 THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE.

Section II Proposed Rules

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Standards

RULE TITLES:	RULE NOS.:
Standards of National Fire Protection Association Adopted	5F-11.002
Installation of Containers on Roofs of Buildings Out of Service Account Procedure	5F-11.028
Dispensing Units	5F-11.043
	5F-11.045

PURPOSE AND EFFECT: The purpose of this rule revision is to adopt the 2001 edition of National Fire Protection Association Standard #58, The LP-Gas Code and to revise references within the rules to be consistent with the 2001 edition.

SUMMARY: This rule adopts the 2001 edition of the National Fire Protection Association Standard #58, The LP-Gas Code, and amends sections of the rule to conform to the requirements of this code; eliminates outdated rule language.

SUMMARY OF ESTIMATED REGULATORY COST: No statement of estimated regulatory costs has been prepared as costs are anticipated to be negligible.

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: 527.06 FS.

LAW IMPLEMENTED: 527.06, 527.062 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., July 17, 2002

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Vicki O’Neil, Bureau Chief, Bureau of Liquefied Petroleum Gas Inspection, 3125 Conner Blvd., Suite N., Tallahassee, Florida 32399-1650, (850)921-8001

THE FULL TEXT OF THE PROPOSED RULE IS:

5F-11.002 Standards of National Fire Protection Association Adopted.

(1) The standards of the National Fire Protection Association for the storage and handling of liquefied petroleum gases as published in NFPA No. 58, LP-Gas Code ~~2001~~ 1998 edition, and for gas appliances and gas piping as published in NFPA No. 54, American National Standard National Fuel Gas Code, 1999 edition, shall be the accepted standards for this state, subject to such additions and exceptions as are set forth in these rules. Reference to NFPA 58 and NFPA 54 in these rules shall be to the most recent edition as adopted herein.

~~(a) The compliance date referenced in Section 2-3.1.5, NFPA 58, with regard to equipping cylinders with an overfill prevention device is extended to July 1, 1999.~~

~~(b) The compliance date referenced in Section 3-2.10.11, NFPA 58, with regard to installation of manually operated remote emergency shutoff devices is extended to September 1, 1999.~~

~~(c) Tentative Interim Amendment 98-1 to the 1998 edition of NFPA 58, issued by the National Fire Protection Association Standards Council in regard to Section 5-4 entitled “Storage Outside of Buildings” and the related appendices, is hereby adopted.~~

~~(a)(d)~~ Section ~~3.2.10~~ 3-2.5 of NFPA 58, ~~2001~~ 1998 edition, titled “Installation of Containers on Roofs,” is hereby excluded from adoption.

(2) Each of the NFPA publications listed in subsection (1) above is incorporated by reference in each rule within this rule chapter in which reference is made to the publication. In each instance, the publication becomes a part of the rule, in the entirety of the publication, or in part thereof, as the rule provides or the context of the rule may require.

(3) “NFPA” is the recognized abbreviation for the National Fire Protection Association, Inc., and generally the abbreviation is used in these rules in identifying the publications of the association. The public may obtain a copy of any NFPA publication by writing the association, whose address is: National Fire Protection Association, Inc., Batterymarch Park, Quincy, Massachusetts 02269.

Specific Authority 527.06 FS. Law Implemented 527.06 FS. History—New 8-7-80, Formerly 4A-1.01, Amended 7-18-85, Formerly 4B-1.01, Amended 10-8-86, 2-6-90, 8-9-92, Formerly 4B-1.001, Amended 7-20-95, 7-23-97, 6-8-99, 5-23-00,_____.

5F-11.028 Installation of Containers on Roofs of Buildings.

Installation of containers on roofs of buildings as referenced in NFPA 58, Section ~~3.2.10~~ 3-5.2 is prohibited.

Specific Authority 527.06 FS. Law Implemented 527.06, 527.062 FS. History—New 6-8-99, Amended 5-23-00,_____.

5F-11.043 Out of Service Account Procedure.

(1) All licensed suppliers of LP gas shall:

(a) Identify those accounts where stationary, company-owned tanks with a 100 gallon or more container capacity have been out of service for a period of 12 months, and within 60 days, initiate appropriate container abandonment procedures pursuant to Section ~~3.2.9.1 (f) 3-2.4.8(h)~~ of NFPA 58. Alternatively, licensed suppliers may provide for the safe removal of the container or containers, install a suitable mechanical device that prevents the system from being activated or have a pressure leak safety check pursuant to Appendix D of NFPA 54 performed every 12 months. The supplier shall provide reasonable notice to the customer prior to initiating such procedures.

(b) In the event an account is reactivated, the supplier shall perform an appropriate pressure leak safety check. Each supplier shall maintain records of such inactive accounts suitable for inspection by the Department.

(2) All consumers, end users or owners of LP gas containers shall:

(a) Within 60 days initiate the safety procedures outlined in subparagraph (1)(a) above, ~~pursuant to Section 3-2.4.8(h) of NFPA 58~~ for any stationary LP gas tank with a 100 gallon or more container capacity which has not been in use for a period of 12 months.

Specific Authority 527.06 FS. Law Implemented 527.06 FS. History--New 7-23-86, Amended 2-6-90, Formerly 5F-11.044, Amended 4-30-96, _____.

5F-11.045 Dispensing Units.

(1) through (4) No change.

(5) The requirements for an actuated liquid withdrawal valve pursuant to Section ~~2.2.3 2-2~~ of NFPA 58 as incorporated by reference in Rule 5F-11.002, F.A.C., shall not apply to dispensing units when such units are equipped with a bottom outlet valve piped for liquid withdrawal or other method of liquid withdrawal that is permanently in place. In such cases, the actuated liquid withdrawal valve may be replaced with an approved valve pursuant to the requirements of NFPA 58.

Specific Authority 527.06 FS. Law Implemented 527.06 FS. History--New 6-8-88, Formerly 4B-1.032, Amended 3-15-94, 7-20-95, 6-5-97, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Vicki O'Neil

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Ben Faulk, Director, Division of Standards

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: April 26, 2002

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Standards

RULE TITLE: Installer Licenses

RULE NO.: 5F-11.012

PURPOSE AND EFFECT: The purpose of this rule revision is to provide a separate licensing category for persons engaged in the installation of propane cylinders at certain defined consumer sites. This will address new activities emerging within the industry along with developing technologies.

SUMMARY: This rule outlines criteria for a new specialty installer license for the purpose of installation of propane cylinders at certain consumer sites, which meet the criteria of the rule.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No statement of estimated regulatory costs has been prepared as costs are anticipated to be negligible.

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: 527.06, 527.01(11) FS.

LAW IMPLEMENTED: 527.01(11), 527.02(2) 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., July 17, 2002

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Vicki O'Neil, Bureau Chief, Bureau of Liquefied Petroleum Gas Inspection, 3125 Conner Blvd., Suite N, Tallahassee, Florida 32399-1650, (850)921-8001

THE FULL TEXT OF THE PROPOSED RULE IS:

5F-11.012 Installer Licenses.

(1) The following license types are established under the Specialty Installer category:

(a) through (c) No change.

(d) Installer E is any person engaged in the liquefied petroleum gas business whose services include installing portable propane cylinders of no more than 40 lbs. water capacity at a consumer site for the sole purpose of fuel for outdoor appliances and equipment; servicing, altering, or modifying outdoor appliances, equipment, piping, or tubing to convey liquefied petroleum gas to such outdoor appliances or equipment and selling or offering to sell, leasing or offering to lease, outdoor appliances or equipment for the use of liquefied

petroleum gas. The scope of work that may be performed by an Installer E does not include installing, servicing, altering, or modifying liquefied petroleum gas motor fuel systems, liquefied petroleum gas equipment, appliances or systems on recreational vehicles, permanently installed liquefied petroleum gas containers or container assemblies, or liquefied petroleum gas equipment, piping, appliances or systems installed in the interior of any permanent building or structure.

Specific Authority 527.01(11), 527.06 FS. Law Implemented 527.01(10), 527.01(11), 527.02(2) FS. History--New 8-31-93. Formerly 4B-1.036, Amended.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Vicki O'Neil

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Ben Faulk, Director, Division of Standards

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 15, 2002

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: April 26, 2002

STATE BOARD OF ADMINISTRATION

Florida Prepaid College Board

RULE TITLE: 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.

SUMMARY: This rule change permits the 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 without the purchase of a tuition contract.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None prepared.

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

SPECIFIC AUTHORITY: 240.551(5) FS.

LAW IMPLEMENTED: 240.551 FS.

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

TIME AND DATE: 2:00 p.m., July 8, 2002

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

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

THE FULL TEXT OF THE PROPOSED RULE IS:

19B-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,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Florida Prepaid College Board

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 23, 2002

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: May 17, 2002

STATE BOARD OF ADMINISTRATION

Florida Prepaid College Board

RULE TITLE: Contract Requirements

RULE NO.: 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, the Board will provide a refund for the first contract pursuant to Rule 19B-11.001, F.A.C.

SUMMARY: This rule change authorizes the purchase of a second Prepaid Program contract for beneficiaries by the direct support organization or an organization operating a scholarship program pursuant to Rule 19B-5.007, F.A.C., and a refund for the first Prepaid Program contract.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None prepared.

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

SPECIFIC AUTHORITY: 240.551(5) FS.

LAW IMPLEMENTED: 240.551 FS.

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

TIME AND DATE: 2:00 p.m., July 8, 2002

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

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

THE FULL TEXT OF THE PROPOSED RULE IS:

19B-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), F.A.C. 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, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Florida Prepaid College Board

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 23, 2002

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: May 17, 2002

REGIONAL PLANNING COUNCILS

North Central Florida Regional Planning Council

RULE TITLE: Strategic Regional Policy Plan

RULE NO.: 29C-9.001

PURPOSE, EFFECT AND SUMMARY: The Council proposes to amend the North Central Florida Strategic Regional Policy Plan to incorporate the recommendations of its evaluation and appraisal report (EAR) completed in accordance with Section 186.511, Florida Statutes.

SPECIFIC AUTHORITY: 186.505, 186.507, 186.511, 120.54 FS.

LAW IMPLEMENTED: 186.511 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: 8:00 p.m., July 25, 2002

PLACE: Holiday Inn Restaurant, Lake City, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Mr. Charles F. Justice, Executive Director, North Central Florida Regional Planning Council, 2009 N. W. 67 Place, Suite A, Gainesville, FL 32653-1603

THE FULL TEXT OF THE PROPOSED RULE IS:

29C-9.001 Strategic Regional Policy Plan.

There is hereby adopted, for the North Central Florida Region, the Strategic Regional Policy Plan of the North Central Florida Regional Planning Council, dated ~~May 23, 1996,~~ ~~amended October 16, 1997,~~ which is incorporated herein by reference and copies of which are kept at the Council office at: 2009 N. W. 67 Place, Suite A, Gainesville, FL 32653-1603.

Specific Authority 186.508(1), 186.511 FS. Law Implemented 120.535(1), 186.507, 185.501(1), 186.511 FS. History--New 7-14-96, Amended 10-16-97, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Charles F. Justice, Executive Director

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: North Central Florida Regional Planning Council

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 28, 2002

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Florida Real Estate Commission

RULE TITLE: School Records; Class Roster
RULE NO.: 61J2-17.012

PURPOSE AND EFFECT: The purpose of this proposed rulemaking is to repeal the above referenced rule because it lacks statutory authority.

SUMMARY: Repeals rule relating to data submissions by education providers for the purpose of monitoring compliance with education requirements.

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

Any person who wishes to provide information regarding the Statement of Estimated Regulatory Costs, or to provide information regarding the Statement of Estimated Regulatory Costs, or to provide a proposal for a lower cost regulatory alternative must do so in writing within 21 days of this Notice.

SPECIFIC AUTHORITY: 455.2123, 475.05 FS.

LAW IMPLEMENTED: 455.2123, 475.04, 475 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: 8:30 a.m. or as soon thereafter as possible, July 17, 2002

PLACE: Division of Real Estate, Commission Meeting Room 301, North Tower, 400 West Robinson Street, Orlando, Florida 32801

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Lori Crawford, Deputy Clerk, Division of Real Estate, 400 West Robinson Street, Suite 301, North Tower, Orlando, Florida 32801

THE FULL TEXT OF THE PROPOSED RULE IS:

61J2-17.012 School Records; Class Roster.

Specific Authority 455.2123, 475.05 FS. Law Implemented 455.2123, 475.04, 475.17, 475.175, 475.451, 475.5015 FS. History--New 2-25-93, Formerly 21V-17.012, Amended 11-24-97, 10-15-00, Repealed.

NAME OF PERSON ORIGINATING PROPOSED RULE: Florida Real Estate Commission

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Florida Real Estate Commission

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: May 15, 2002

DEPARTMENT OF HEALTH

Board of Clinical Laboratory Personnel

RULE TITLE: Certification of Public Records
RULE NO.: 64B3-1.014

PURPOSE AND EFFECT: The Board proposes to repeal the existing rule.

SUMMARY: This repeals the Board rule setting a fee of \$25.00 for certification of documents.

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

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

SPECIFIC AUTHORITY: 456.025(8), 483.805, 483.807(1) FS.

LAW IMPLEMENTED: 119.07(1), 483.807(1) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Joe Baker, Jr., Board Executive Director, Board of Clinical Laboratory Personnel, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3257

THE FULL TEXT OF THE PROPOSED RULE IS:

64B3-1.014 Certification of Public Records.

Specific Authority 456.025(8), 483.805, 483.807(1) FS. Law Implemented 119.07(1), 483.807(1) FS. History--New 3-15-93, Formerly 21KK-1.014, 61F3-1.014, 590-1.014, Repealed.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Clinical Laboratory Personnel

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Clinical Laboratory Personnel

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

DEPARTMENT OF HEALTH

Board of Clinical Laboratory Personnel

RULE TITLES:	RULE NOS.:
Testing Service	64B3-7.002
Examination Passing Scores	64B3-7.003
Examination Failure	64B3-7.004
Security and Monitoring Procedures for Licensure Examination	64B3-7.005
Examination Review Procedures	64B3-7.006
Competency Areas and Weighting	64B3-7.007

PURPOSE AND EFFECT: The Board proposes to repeal the existing rules.

SUMMARY: The Board is repealing rules related to examinations including, testing services; passing scores; examination failure; examination security; review procedures; and competency areas.

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

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

SPECIFIC AUTHORITY: 456.017, 483.809(2) FS.

LAW IMPLEMENTED: 456.017, 483.809(2), 483.811, 483.821 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Joe Baker, Jr., Board Executive Director, Board of Clinical Laboratory Personnel, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3257

THE FULL TEXT OF THE PROPOSED RULES IS:

64B3-7.002 Testing Service.

Specific Authority 456.017, 483.809(2) FS Law Implemented 456.017, 483.809(2) FS. History--New 12-5-95, Formerly 590-7.002, Repealed.

64B3-7.003 Examination Passing Scores.

Specific Authority 456.017, 483.809(2) FS. Law Implemented 456.017, 483.809(2) FS. History--New 12-5-95, Formerly 590-7.003, Repealed.

64B3-7.004 Examination Failure.

Specific Authority 456.017, 483.809(2) FS. Law Implemented 456.017, 483.809(2), 483.821 FS. History--New 12-5-95, Formerly 590-7.004, Amended 3-19-98, 4-10-01, Repealed.

64B3-7.005 Security and Monitoring Procedures for Licensure Examination.

Specific Authority 456.017, 483.809(2) FS. Law Implemented 456.017, 483.809(2) FS. History--New 12-5-95, Formerly 590-7.005, Repealed.

64B3-7.006 Examination Review Procedures.

Specific Authority 456.017, 483.809(2) FS. Law Implemented 456.017, 483.809(2) FS. History--New 12-5-95, Formerly 590-7.006, Amended 6-22-99, Repealed.

64B3-7.007 Competency Areas and Weighting.

Specific Authority 456.017, 483.809 FS. Law Implemented 456.017, 483.811 FS. History--New 12-5-95, Formerly 590-7.007, Amended 7-5-98, 6-22-99, 11-24-99, Repealed.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Board of Clinical Laboratory Personnel

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Clinical Laboratory Personnel

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

DEPARTMENT OF HEALTH

Board of Clinical Laboratory Personnel

RULE TITLE: Confidential Information; Disclosure

RULE NO.: 64B3-10.001

PURPOSE AND EFFECT: The Board proposes to repeal the existing rule.

SUMMARY: The Board is repealing the rule relating to confidential information.

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

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

SPECIFIC AUTHORITY: 483.805(4) FS.

LAW IMPLEMENTED: 483.825(4) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Joe Baker, Jr., Board Executive Director, Board of Clinical Laboratory Personnel, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3257

THE FULL TEXT OF THE PROPOSED RULE IS:

64B3-10.001 Confidential Information; Disclosure.

Specific Authority 483.805(4) FS. Law Implemented 483.825(4) FS. History--New 2-7-95, Formerly 590-10.001, Amended 9-20-98, Repealed.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Board of Clinical Laboratory Personnel

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Clinical Laboratory Personnel

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

DEPARTMENT OF HEALTH

Board of Clinical Laboratory Personnel

RULE TITLE: Disciplinary Guidelines

RULE NO.: 64B3-12.001

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

SUMMARY: The Board proposes to amend the penalties provided to include the first and subsequent violations of all applicable offenses listed in the practice act and in section 456.072, Florida Statutes.

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

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

SPECIFIC AUTHORITY: 456.079, 483.805(4) FS.

LAW IMPLEMENTED: 456.079, 483.825, 483.827 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Joe Baker, Jr., Executive Director, Board of Clinical Laboratory Personnel, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3259

THE FULL TEXT OF THE PROPOSED RULE IS:

64B3-12.001 Disciplinary Guidelines.

(1) Purpose. The Board provides within this rule disciplinary guidelines which shall be imposed upon applicants, registrants or licensees whom it regulates under Chapter 483, Part III, Florida Statutes. The purpose of this rule is to notify applicants, registrants and licensees of the ranges of penalties which will routinely be imposed unless the Board finds it necessary to deviate from the guidelines for the stated reasons given within this rule. The ranges of penalties provided below are based upon a single count violation of each provision listed and also are provided for repeat violations; multiple counts of the violated provisions or a combination of the violations may result in a higher penalty than that for a single, isolated violation. Each range includes the lowest and highest penalty and all penalties falling between. The purposes of the imposition of discipline are to punish the applicants, registrants or licensees for violations and to deter them from future violations; to offer opportunities for rehabilitation, when appropriate; and to deter other applicants, registrants or licensees from violations.

(2) Violations and Range of Penalties. For applicants, all violations are sufficient for refusal to certify an application for licensure. For registrants or licensees, the imposition of probation as a penalty shall ordinarily require compliance with conditions such as restitution, continuing education and/or training, indirect or direct supervision by a Board-approved monitor, restrictions on practice, submission of reports, appearances before the Board, and/or hours of community service. As appropriate, such conditions of probation also shall be required following any period of suspension. In addition to any other discipline imposed, the Board shall assess the actual costs related to the investigation and prosecution of a case. In imposing discipline upon applicants, registrants and licensees, in proceedings pursuant to Section 120.57(1) and (2), Florida Statutes, the Board shall act in accordance with the following disciplinary guidelines and shall impose a penalty as authorized by Section 456.072(2), Florida Statutes, within the range corresponding to the violations set forth below. Offense

identifications are descriptive only; the full language of each statutory provision must be considered in order to determine the conduct included.

(a) 483.825(1)(a) or 456.072(1)(h): Attempting to obtain, obtaining, or renewing a license or registration under this part by bribery; – from a minimum fine of \$500 and/or up to two years of probation to a maximum of revocation. After the first offense, from a minimum fine of \$5,000 up to a maximum fine of \$10,000 and/or revocation.

Fraudulent ~~fraudulent~~ misrepresentation, or through – from six months probation and a fine of \$10,000 to a maximum of revocation and a fine of \$10,000. For a second offense, a fine of \$10,000 and revocation.

Error ~~an error~~ of the Department or the Board: – from a minimum letter of concern ~~Denial or revocation~~ and/or a \$500 fine up to a maximum of suspension for one year followed by two years of probation and a fine of \$5,000. For a second offense, from a minimum fine of \$3,000 to revocation of license. After the second offense, up to a maximum fine of \$10,000 and/or revocation.

(b) 483.825(1)(b): Engaging in or attempting to engage in, or representing oneself as entitled to perform, any clinical laboratory procedure or category of procedures not authorized pursuant to the license: – from a minimum fine of \$300 and/or one year of probation to a maximum fine of \$5,000 and/or two years of probation. After the first offense, from a minimum fine of \$1,000 and/or two years of probation to a maximum fine of \$10,000 and/or ~~Denial or revocation and a \$500 fine.~~

(c) 483.825(1)(c) or 456.072(1)(aa): Demonstrating incompetence or making consistent errors in the performance of clinical laboratory examinations or procedures or erroneous reporting: – from a minimum fine of \$300 and/or two ~~From~~ 2 years probation to a maximum fine of \$5,000 and/or six months suspension. For a second offense, from a minimum fine of \$750 and one year of probation to a maximum fine of \$10,000 and/or revocation. After the second offense, a fine of \$10,000 and or revocation ~~or denial and a fine ranging from \$100 to \$500.~~

(d) 483.825(1)(d): Performing a test and rendering a report thereon to a person not authorized by law to receive such services: – from a minimum fine of \$500 and/or six months of probation to a maximum fine of \$1,500 and one year of ~~From~~ public reprimand to suspension and a fine ranging from \$100 to \$500. For a second offense, from a minimum fine of \$750 and six months of probation to a maximum fine of \$5,000 and/or up to three years suspension. After the second offense, up to a maximum fine of \$10,000 and/or revocation.

(e) 483.825(1)(e) or 456.072(1)(c): Having been convicted of a felony ~~or of any crime relating to the practice or ability to practice or involving moral turpitude under the laws of any state or of the United States:~~ ~~From~~ – from a minimum fine of \$500 and/or one year of probation to a maximum fine of \$6,000 and/or ~~probation to revocation or denial and a fine~~

~~ranging from \$100 to \$500. After the first offense, from a minimum fine of \$1,000 and/or two years of probation to a maximum fine of \$10,000 and/or revocation.~~

~~(f) 483.825(1)(f): Having been adjudged mentally or physically incompetent: ~~From – from a minimum of supervised probation to a maximum of denial or~~ indefinite suspension until licensee is 1) able to demonstrate ability to practice with reasonable skill and safety and 2) has completed appropriate remedial education based on the length of time that the licensee has been unable to practice.~~

~~(g) 483.825(1)(g), 483.825(1)(w), 456.072(1)(b) or 456.072(1)(cc):~~

~~1. Violating or aiding and abetting in the violation of any provision of Chapter 456 or Chapter 483, Part III, Florida Statutes, or the rules adopted thereunder: ~~From – from a minimum fine of \$500 and/or a reprimand to a maximum fine of up to \$8,000 and/or revocation. For a second offense, from a minimum fine of \$1,000 and/or six months of probation to a maximum fine of \$10,000 and/or revocation. After the second offense, from a minimum fine of \$1,500 and/or one year of probation to a maximum fine of \$10,000 and/or revocation or denial and a fine ranging from \$100 to \$500.~~~~

~~2. 456.072(1)(e) or 456.072(1)(s): In the case of noncompliance with a continuing education or HIV/AIDS or domestic violence course requirement, which is not a citation offense under Section 456.072(3), Florida Statutes – from a minimum of suspension until the required continuing education hours are earned and/or a fine of \$500 up to a maximum fine of \$5,000 and/or revocation, the following guidelines apply:~~

~~a. The usual recommended penalty for licensees who do not respond to a continuing education audit shall be suspension until such time as the licensee demonstrates to the Board that a response has been made to the audit by the licensee and until the licensee has demonstrated that the required number of approved continuing education hours are earned, a public reprimand and an administrative fine of \$500.~~

~~b. The usual recommended penalty for licensees who respond to a continuing education audit and have accrued no approved continuing education hours during the audited biennium shall be a public reprimand, suspension until the licensee has demonstrated that the required number of approved continuing education hours are earned and an administrative fine of \$500.~~

~~c. The usual recommended penalty for licensees who respond to a continuing education audit and have earned a partial fulfillment of the required number of hours of less than 75% of the required number of hours during the audited biennium shall be a public reprimand, suspension until the licensee has demonstrated that the required number of approved continuing education hours are earned and an administrative fine of \$250.~~

~~d. The usual recommended penalty for licensees who respond to a continuing education audit and have earned a partial fulfillment of the required number of hours of 75% or more of the required number of hours during the audited biennium shall be a public reprimand, suspension until the licensee has demonstrated that the required number of approved continuing education hours are earned and an administrative fine of \$100.~~

~~e. The usual recommended penalty for licensees who do not submit alternate provider information prior to the end of the biennium in which the offering was taken shall be suspension until the information is submitted, and a public reprimand.~~

~~f. The usual recommended penalty for licensees who have not earned 1 hour of continuing education per licensed specialty during the audited biennium shall be a public reprimand, suspension until the licensee has demonstrated that the required number of approved continuing education hours are earned and an administrative fine of \$100 per delinquent specialty.~~

~~(h) 483.825(1)(h): Reporting a test result when no laboratory test was performed on a clinical specimen: ~~– from a minimum fine of \$500 and/or six months of probation to a maximum fine of \$2,000 and one year of suspension. For a second offense, from a minimum fine of \$1,000 and six months of probation to a maximum fine of \$7,500 and/or up to three years suspension. After the second offense, up to a maximum fine of \$10,000 and/or revocation~~ Revocation or denial and a \$500 fine.~~

~~(i) 483.825(1)(i) or 456.072(1)(m): Knowingly advertising false services or credentials or making fraudulent misrepresentations or employing a trick or scheme: ~~From – from six months of probation and a fine of \$10,000 per count or offense up to a maximum of one year suspension to revocation or denial and a fine ranging from \$250 to \$500, followed by a two years of probation. After the first offense, from a minimum of two years of probation with a fine of \$10,000 per count or offense up to a maximum of revocation and a \$10,000 fine per count or offense.~~~~

~~(j) 483.825(1)(j) or 456.072(1)(f): Having a license revoked, suspended, or otherwise acted against, including the denial of licensure, by the licensing authority of another jurisdiction: ~~From – Imposition imposition of discipline comparable to the discipline which would have been imposed if the substantive violation had occurred in Florida to suspension or denial of the license until the jurisdiction in which disciplinary action was originally taken is final and a fine ranging from \$100 to \$500. After the first offense, action consistent with the disciplinary guidelines for a repeat offense had the violation occurred in Florida.~~~~

~~(k) 483.825(1)(k) or 456.072(1)(w): Failing to report to the Board in writing within 30 days of conviction, adjudication of incompetency, or if disciplinary action has been taken~~

against one's license as clinical laboratory personnel in another state, territory or country: ~~From – from a minimum fine of \$750 and/or a letter of concern up to a maximum fine of \$5,000 and/or three months suspension followed by probation. After the first offense, from a minimum fine of \$3,000 up to a maximum fine of \$10,000 and/or revocation imposition of discipline comparable to the discipline which would have been imposed if the substantive violation had occurred in Florida to suspension or denial of the license until the action in the jurisdiction in which the disciplinary action was originally taken is final; and a fine ranging from \$100 to \$500.~~

(l) ~~483.825(1)(l), 456.072(1)(y) or 456.072(1)(z): Being unable to perform or report clinical laboratory examination with reasonable skill and safety to patients by reason of illness or use of alcohol, drugs, narcotics, chemicals, or any other type of material or as a result of any mental or physical condition or testing positive for use of drugs: From – from a minimum referral for a PRN evaluation up to 5 years probation to revocation for non-compliance. After the first offense, from a minimum referral for a PRN evaluation up to maximum of revocation and/or a \$3,000 fine.~~

(m) ~~483.825(1)(m), 456.072(1)(j) or 456.072(1)(p): Delegating professional responsibilities to a person when the licensee delegating such responsibilities knows, or has reason to know, that such person is not qualified by training, experience, or licensure to perform them or aiding unlicensed person to practice: From – from a minimum fine of \$800 and/or six months of probation up to a maximum fine of \$5,000 and three years suspension of license followed by up to 2 years probation. For a second offense, from a minimum fine of \$1,000 and one year of probation up to a maximum fine of \$7,500 and/or revocation. After the second offense, from a minimum fine of \$2,000 and/or six months suspension followed by probation up to a maximum of revocation and/or a \$500 fine of \$10,000.~~

(n) ~~483.825(1)(n) or 456.072(1)(q): Violating an order or failing to comply with subpoena – from a minimum fine of \$500 and a reprimand up to a maximum fine of \$5,000 and/or three years suspension of license followed by a term of probation. For a second offense, from a minimum fine of \$1,500 and/or two years of probation up to a maximum fine of \$10,000 and/or revocation of license. After the second offense, from a minimum fine of \$5,000 and/or six months of suspension followed by probation up to a maximum fine of \$10,000 and/or revocation of license.~~

(o) ~~483.825(1)(o) or 456.072(1)(i): Failing to report a person in violation of part III of chapter 483, chapter 456, Florida Statutes, or the applicable rules – from a minimum fine of \$800 and a letter of concern up to a maximum fine of fine of \$2,000 and/or six months suspension followed by probation. After the second offense, from a minimum of six months probation and/or a fine of \$1,000 up to a maximum fine of \$10,000 and/or revocation.~~

(p)1. 483.825(1)(p) or 456.072(1)(l): Negligent filing of false report – from a minimum fine of \$500 and a letter of concern up to a maximum \$3,000 fine and/or up to three years of probation. For a second offense, from a minimum fine of \$1,500 and a reprimand to a maximum fine of \$10,000 and/or two years suspension followed by probation. After the second offense, up to a maximum fine of \$10,000 and/or revocation.

2. 483.825(1)(p), 456.072(1)(g), or 456.072(1)(l): Willful filing of false report, impeding, or inducing another to file a false report – from a minimum fine of \$2,000 and/or suspension of license for three months followed by six months of probation up to a maximum fine of \$8,000 and/or revocation of license. After the first offense, up to a maximum fine of \$10,000 and/or revocation; however, regardless of whether it is an initial or repeat occurrence, if the violation is for fraud or knowingly making a false or fraudulent representation, the fine portion of the discipline imposed shall be \$10,000 per count or offense.

(q) 483.825(1)(q): Paying or receiving a kickback, bonus, or split fee arrangement – from a minimum fine of \$1,000 and/or one year probation up to a maximum fine of \$10,000 and/or revocation. After the first offense, from a minimum fine of \$1,500 and two years of probation up to a maximum fine of \$10,000 and/or revocation.

(r) 483.825(1)(r) or 456.072(1)(n): Exercising influence or exploitation for financial gain – from a minimum fine of \$1,000 and/or restitution of improper gains and six months of probation to a maximum fine of \$10,000 and/or revocation. After the first offense, up to a maximum fine of \$10,000 and/or revocation.

(s) 483.825(1)(s) or 456.072(1)(o): Practicing or offering to practice beyond the scope permitted or competent to perform – from a minimum fine of \$1,000 and/or one year of probation up to a maximum suspension of the license for two years followed by probation and a fine of \$8,000. After the first offense, up to a maximum fine of \$10,000 and/or revocation.

(t) 483.825(1)(t) or 456.072(1)(a): Misrepresenting or concealing a material fact or fraudulent representations – from a minimum of six months of probation and a fine of \$10,000 per count or offense up to a maximum of revocation and a fine of \$10,000 per count or offense. After the first offense, from a fine of \$10,000 per count or offense as well as a minimum of one year of suspension followed by probation up to a maximum of revocation.

(u) 483.825(1)(u) or 456.072(1)(r): Improperly interfering with an investigation or disciplinary proceeding: – from a minimum fine of \$1,000 and/or one year of probation up to a maximum fine of \$10,000 and/or revocation. After the first offense, from a minimum fine of \$2,000 and two years of probation up to a maximum fine of \$10,000 and/or revocation.

(v) 483.825(1)(u) or 456.072(1)(u): Engaging or attempting to engage in sexual misconduct: from a minimum reprimand and/or referral for PRN evaluation up to a maximum

fine of \$10,000 and/or revocation. After the first offense, from a minimum year of probation and fine of \$1,500 to a maximum fine of \$10,000 and/or revocation.

(w) 456.072(1)(k): Failing to perform any legal obligation – from a minimum fine of \$500 and/or a reprimand to a maximum fine of up to \$8,000 and/or revocation. After the first offense, from a minimum fine of \$1,000 and/or one year of probation to a maximum fine of \$10,000 and/or revocation.

(3) Aggravating and Mitigating Circumstances. Based upon consideration of aggravating and mitigating factors present in an individual case, the Board may deviate from the penalties recommended above. If the Board finds aggravating factors, the Board shall impose a more severe action against the license and a higher administrative fine. If the Board finds mitigating factors, the Board shall impose a less severe action against the license and a lower administrative fine. The Board shall consider as aggravating or mitigating factors the following:

- (a) The severity of the violation, including the probability that death or serious harm to the health or safety of any person will result or has resulted;
- (b) The severity of the actual or potential harm;
- (c) The extent to which the provisions of Chapter 483 were violated;
- (d) Actions taken by the licensee to correct the violation or to remedy complaints;
- (e) Any previous discipline imposed for violation of a different guideline by the licensee;
- (f) The financial benefit to the licensee of committing or continuing the violation.
- (g) Any other relevant mitigating or aggravating factors.
- (4) through (6) No change.

Specific Authority 456.079, 483.805(4) FS. Law Implemented 456.072, 456.079, 483.825, 483.827 FS. History–New 8-3-93, Formerly 61F3-12.001, Amended 2-7-95, 5-3-95, 12-4-95, Formerly 59O-12.001, Amended 3-19-98, 9-20-98,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Board of Respiratory Care
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Respiratory Care
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 22, 2002
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: March 1, 2002

**DEPARTMENT OF HEALTH
Board of Osteopathic Medicine**

RULE TITLES:	RULE NOS.:
Application for Board Approved Provider Status	64B15-13.004
Standards for Board Approved Providers	64B15-13.0045

PURPOSE AND EFFECT: The Board proposes to promulgate new rules to address applications for approval of provider status and standards for approved providers.

SUMMARY: The Board proposes to promulgate a new rule to set an application fee and to address criteria for approval of provider status in offering continuing education. The Board proposes to promulgate a new rule that details standards for approved providers.

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: 456.027, 459.005, 459.0055 FS.

LAW IMPLEMENTED: 456.027, 459.0055 FS.

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

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

THE FULL TEXT OF THE PROPOSED RULE IS:

64B15-13.004 Application for Board Approved Provider Status.

(1) Entities or individuals who wish to become approved providers of continuing education must submit the approval fee set forth in subsection 64B15-10.010(1), F.A.C., and an application which contains the following information, and which is accompanied by the following documentation:

(a) The name of the contact person who will fulfill the reporting and documentation requirements for approved providers and who will assure the provider’s compliance with Rule 64B15-13.0045, F.A.C.; and

(b) The qualifications of all instructors, which may be evidenced by a curriculum vitae or professional licensure in the subject area taught.

(2) If granted, provider approval will be granted for a period not to exceed the time from the date of approval to the end of the next successive licensure biennium after approval was obtained. Application for renewal of provider status shall be made at least 90 days prior to the end of the biennium in which approval expires and must be accompanied by the biennial renewal fee set forth in subsection 64B15-15.010(2), F.A.C. Renewal applications shall contain all information required for initial provider approval as well as course outlines and information evidencing compliance with Rule 64B15-13.0045, F.A.C., for each course offered during the provider status.

Specific Authority 456.027, 459.0055 FS. Law Implemented 456.025, 456.027, 459.0055 FS. History--New

64B15-13.0045 Standards for Board Approved Providers. Approved continuing professional education providers and providers authorized pursuant to Rule 64B15-13.004, F.A.C., shall comply with the following requirements:

(1) All courses shall reflect appropriate didactic and clinical training for the subject matter and shall be designed to meet specifically stated educational objectives.

(2) Instructors shall be adequately qualified by training, experience or licensure to teach specified courses.

(3) Facilities and equipment for each course in which patients are treated during instruction shall be adequate for the subject matter and method of instruction.

(4) Course length shall be sufficient to provide meaningful education in the subject matter presented. One half hour or one hour of continuing education credit shall be awarded for each 25 or 50 minutes of actual classroom or clinical instruction, respectively. No continuing education credit shall be awarded for participation of less than 25 minutes.

(5) Providers shall provide written certification to each participant who completes a continuing education course or portion of that course which consists of at least 25 minutes of instruction. Certification shall include the participant's name and license number, the provider's name and number, the course title, instructor, location, date offered and hours of continuing education credit awarded, and validation through the signature of the provider, official representative or instructor.

(6) Providers shall maintain records of each course offering for 4 years following each licensure biennium during which the course was offered. Course records shall include a course outline which reflects its educational objectives, the instructor's name, the date and location of the course, participants' evaluations of the course, the hours of continuing education credit awarded for each participant and a roster of participants by name and license number.

(7) Providers' records and courses shall be subject to Board review. Failure to maintain the standards set forth in this rule shall subject the provider to the suspension or rescission of the providership.

(8) Providers shall comply with rules promulgated by the Department of Health concerning the electronic transmission of course attendance information necessary to implement the electronic tracking system.

Specific Authority 456.027, 459.0055 FS. Law Implemented 456.025, 456.027, 459.0055 FS. History--New

NAME OF PERSON ORIGINATING PROPOSED RULE:
Board of Osteopathic Medicine

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 21, 2001

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: April 26, 2002

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

RULE CHAPTER TITLE:	RULE CHAPTER NO.:
Umbrella Trust Fund	65-19
RULE TITLES:	RULE NOS.:
Definitions	65-19.002
Individual Trusts	65-19.004
Distribution of Earnings	65-19.006
Fees	65-19.007
Umbrella Trust Fund Agreement	65-19.008
Specific Categories of Expenditures	65-19.009

PURPOSE AND EFFECT: Rule Chapter 19-65 is being repealed. Section 3, Chapter 2000-337 Laws of Florida repealed the provisions of Chapter 402.175(1)-402.175(8) effective June 20, 2000.

SUMMARY: Rule Chapter 65-19 is being repealed.

SPECIFIC AUTHORITY: 402.175(5) FS.

LAW IMPLEMENTED: 402.175 FS.

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

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

TIME AND DATE: 9:00 a.m., July 10, 2002

PLACE: Building 2, Room 403, 1317 Winewood Boulevard, Tallahassee, Florida 32399-0700

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Barney Ray, Accounting Services and Systems, Building 1, Room 402F, 1317 Winewood Boulevard, Tallahassee, Florida 32399-0700

THE FULL TEXT OF THE PROPOSED RULES IS:

65-19.002 Definitions.

Specific Authority 402.175(5) FS. Law Implemented 402.175 History--New 6-24-86, Amended 4-12-87, Formerly 10-19.002, Repealed

65-19.004 Individual Trusts.

Specific Authority 402.175(5) FS. Law Implemented 402.175(3)(a) History--New 6-24-86, Amended 4-12-87, Formerly 10-19.004, Repealed

65-19.006 Distribution of Earnings.

Specific Authority 402.175(5) FS. Law Implemented 402.175(4)(b), 402.175(7)(a) History--New 6-24-86, Formerly 10-19.006, Repealed

65-19.007 Fees.

Specific Authority 402.175(5) FS. Law Implemented 402.175(6), History--New 6-24-86, Formerly 10-19.007, Repealed.

65-19.008 Umbrella Trust Fund Agreement.

Specific Authority 402.175(5) FS. Law Implemented 402.175(5)(2)(c), History--New 6-24-86, Formerly 10-19.008, Repealed.

65-19.009 Specific Categories of Expenditures.

Specific Authority 402.175(5) FS. Law Implemented 402.175(5)(a), 402.175(7)(a) History--New 6-24-86, Formerly 10-19.009, Repealed.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Barney Ray, Supervisor, Accounting Services and Systems
NAME OF SUPERVISOR OR PERSON WHO APPROVED
THE PROPOSED RULE: Elwood McElhaney, Comptroller,
Department of Children and Family Services
DATE PROPOSED RULE APPROVED BY AGENCY
HEAD: February 21, 2001

**FISH AND WILDLIFE CONSERVATION
COMMISSION**

Manatees

RULE TITLE: RULE NO.:

Citrus and Associated County (Parts of
Levy and Hernando) Zones 68C-22.011

PURPOSE AND EFFECT: The purpose of the proposed rule amendments is to improve protection of manatees and manatee habitat in the Blue Waters area of the Homosassa River in Citrus County. Improved protection would be provided by adding two small seasonal safe haven zones in the Blue Waters area.

SUMMARY: Two seasonal (November 15 – March 31) No Entry zones would be established in the Blue Waters area of the Homosassa River. Access would still be allowed to part of the Blue Waters area when the zones were in effect and the entire area would remain accessible during the warmer months.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No Statement of Estimated Regulatory Costs (SERC) has been prepared.

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

SPECIFIC AUTHORITY: 370.12(2)(f),(h),(m),(n) FS.

LAW IMPLEMENTED: 370.12(2)(d),(f),(h),(j),(m),(n) FS.

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

TIME AND DATE: 5:30 p.m., Wednesday, July 17, 2002

PLACE: Lecanto Government Building, Room 166, 3600 West Sovereign Path, Lecanto, Florida

Commission staff will be available before public testimony is taken to answer questions about the proposed amendments. Both spoken and written comments will be accepted at the

hearing. Written comments received by the Commission on or before the date of the final public hearing will also be considered and made a part of the rulemaking record.

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

TIME AND DATE: 8:30 a.m., Thursday, September 12, 2002
PLACE: Osceola County Administration Building, County Commission Chambers, Rm. 4000, One Courthouse Square, Kissimmee, Florida

If accommodation for a disability is needed to participate in either of the above hearings, please notify the contact person listed below at least five days before the hearing.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Mr. Scott Calleson, Environmental Specialist III, Florida Fish and Wildlife Conservation Commission, Bureau of Protected Species Management (OES-BPS), 620 South Meridian Street, Tallahassee, Florida 32399-1600

THE FULL TEXT OF THE PROPOSED RULE IS:

68C-22.011 Citrus and Associated County (Parts of Levy and Hernando) Zones.

(1) For the purpose of protecting manatees and manatee habitat in regulating the speed and operation of motorboats within Citrus County and within closely associated portions of Levy and Hernando counties, the following year-round and seasonal zones are established, which shall include all associated and navigable tributaries, lakes, creeks, coves, bends, backwaters, canals, channels, and boat basins, unless otherwise designated or excluded: (Seasonal limits, if they apply, are specified within each zone classification.)

(a) through (h) No change.

(i) IDLE SPEED ZONE (Year-round)

1. No change.

2. Homosassa River Area:

a. through b. No change.

c. That part of the Homosassa River easterly of the easterly line of Section 29, Township 19 South, Range 17 East, except as otherwise designated under (1)(m);

d. through f. No change.

3. No change.

(j) through (l) No change.

(m) NO ENTRY ZONE (November 15 through March 31)/IDLE SPEED (Remainder of Year) – Blue Waters Area of the Homosassa River:

1. Those waters southwest of a line bearing 145° from a point (approximate latitude 28° 47' 51.7" North, approximate longitude 82° 35' 23.4" West) on the southeastern shoreline of the peninsula on the north side of Blue Waters to a point (approximate latitude 28° 47' 49.9" North, approximate longitude 82° 35' 22.0" West) on the southeastern shoreline of Blue Waters (said line runs between the existing Restricted

Area signs posted by the Homosassa Springs State Wildlife Park and north of a line beginning at a point (approximate latitude 28° 47' 50.4" North, approximate longitude 82° 35' 27.2" West) on the southwestern shoreline of the peninsula on the north side of Blue Waters and bearing 139° for a distance of 117 feet to a point (approximate latitude 28° 47' 50.4" North, approximate longitude 82° 35' 27.2" West) in the water, and then bearing 91° for a distance of approximately 224 feet to the line's terminus at a point (approximate latitude 28° 47' 49.5" North, approximate longitude 82° 35' 23.2" West) on the southeastern shoreline of Blue Waters north of the River Pavilion of the Homosassa Springs State Wildlife Park;

2. Those waters south of a line 40 feet north of and parallel to the general contour of the southern shoreline of the Homosassa River at Blue Waters, east of a north-south line from the point (approximate latitude 28° 47' 54.0" North, approximate longitude 82° 35' 30.2" West) where the southern shoreline of the Homosassa River at Blue Waters intersects the

eastern shoreline of the first canal downstream of Blue Waters, and west of a line bearing 21° from a point (approximate latitude 28° 47' 52.8" North, approximate longitude 82° 35' 24.4" West) on the southern shoreline of the Homosassa River at Blue Waters approximately 270 feet northwest of the West Fishbowl Drive Bridge.

(2) No change.

(3) The zones described in subsection Rule 68C-22.011(1), F.A.C. herein are depicted on the following maps labeled "Citrus and Associated Counties Manatee Protection Zones." The maps, Maps 1-5, ~~inclusive of associated maps, and dated November 1991 for identification:~~ ~~(Maps provided~~ are intended as depictions of the above-described zones. In the event of conflict between the maps and descriptions two, ~~the above~~ descriptions shall prevail. ~~The November 1991 maps shall become effective for purposes of this rule concurrent with its effective date.)~~

(INSERT MAPS – 1 MAP)

Specific Authority 370.12(2)(f),(h),(m),(n) FS. Law Implemented 370.12(2)(d),(f),(h),(j),(m),(n) FS. History—New 3-19-79, Amended 2-23-81, 12-4-85, Formerly 16N-22.11, Amended 1-27-92, Formerly 16N-22.011, 62N-22.011, Amended.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Mr. Bradley J. Hartman, Director of the Office of Environmental Services

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

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: February 1, 2002

FISH AND WILDLIFE CONSERVATION COMMISSION

Manatees

RULE TITLE: Hillsborough County Zones
RULE NO.: 68C-22.013

PURPOSE AND EFFECT: The purpose of the proposed rule amendments is to improve protection of manatees and manatee habitat in the Alafia River area of Hillsborough County. Improved protection would be provided by replacing the existing winter season manatee protection zones in Hillsborough Bay and the Alafia River with year-round zones on the Alafia River that would limit allowable motorboat speed and operation on a larger portion of the river than the existing seasonal zone.

SUMMARY: The existing winter season (November 15 – March 31) zone in the shipping channel leading to the Alafia River (in Hillsborough Bay) would be removed and the existing winter season Idle Speed zone in the Alafia River west of U.S. Highway 41 would be replaced with a year-round Slow Speed zone that allows speeds up to 25 MPH in the marked channel. A 25 MPH zone would be created on the Alafia River between U.S. Highway 41 and Interstate 75.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No Statement of Estimated Regulatory Costs (SERC) has been prepared.

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

SPECIFIC AUTHORITY: 370.12(2)(f),(m) FS.

LAW IMPLEMENTED: 370.12(2)(d),(f),(j),(m) FS.

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

TIME AND DATE: 5:30 p.m., Monday, July 8, 2002

PLACE: East Bay High School Auditorium, 7710 Big Bend Road, Gibsonton, Florida

Commission staff will be available before public testimony is taken to answer questions about the proposed amendments. Both spoken and written comments will be accepted at the

hearing. Written comments received by the Commission on or before the date of the final public hearing will also be considered and made a part of the rulemaking record.

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

TIME AND DATE: 8:30 a.m., Thursday, September 12, 2002

PLACE: Osceola County Administration Building, County Commission Chambers, Rm. 4000, One Courthouse Square, Kissimmee, Florida

If accommodation for a disability is needed to participate in either of the above hearings, please notify the contact person listed below at least five days before the hearing.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Mr. Scott Calleson, Environmental Specialist III, Florida Fish and Wildlife Conservation Commission, Bureau of Protected Species Management (OES-BPS), 620 South Meridian Street, Tallahassee, Florida 32399-1600

THE FULL TEXT OF THE PROPOSED RULE IS:

(Substantial rewording of Rule 68C-22.013 follows. See Florida Administrative Code for present text.)

68C-22.013 Hillsborough County Zones.

(1) The Commission hereby designates the waters within Hillsborough County, as described below, as areas where manatee sightings are frequent and where it can be assumed that manatees inhabit on a regular, periodic or continuous basis. The Commission has further determined that a likelihood of threat to manatees exists in these waters as a result of manatees and motorboats using the same areas. The primary purpose of this rule is to protect manatees from harmful collisions with motorboats and from harassment by regulating the speed and operation of motorboats within these designated areas. A secondary purpose is to protect manatee habitat. In balancing the rights of fishers, boaters, and water skiers to use these waterways for recreational and commercial purposes (as applicable under paragraph 370.12(2)(j), F.S.) with the need to provide manatee protection, the Commission has examined the need for unregulated areas or higher speed travel corridors through regulated areas. Such areas or corridors are provided in those locations where the Commission determined, on the basis of all available information, that (1) there is a need for the area or corridor and (2) the area or corridor will not result in serious threats to manatees or their habitat. Unregulated areas or higher speed corridors are not provided in locations where both of the above findings were not made.

(2) The following zones are established, which shall include all associated and navigable tributaries, lakes, creeks, coves, bends, backwaters, canals, and boat basins unless otherwise designated or excluded.

(a) SLOW SPEED (All Year) Alafia River: All waters in the Alafia River outside of the main marked channel east of a line bearing 360° from a point (approximate latitude 27° 51' 10.0" North, approximate longitude 82° 23' 55.2" West) on the southern shoreline of the Alafia River at the river's confluence with Hillsborough Bay, and west of the centerline of the U.S. Highway 41 Bridge.

(b) 25 MPH (All Year)

1. Alafia River, West of U.S. Highway 41: All waters in the main marked channel of the Alafia River east of a line bearing 360° from a point (approximate latitude 27° 51' 10.0" North, approximate longitude 82° 23' 55.2" West) on the

southern shoreline of the Alafia River at the river's confluence with Hillsborough Bay, and west of the centerline of the U.S. Highway 41 Bridge.

2. Alafia River, U.S. Highway 41 to Interstate 75: All waters of the Alafia River east of the centerline of the U.S. Highway 41 Bridge and west of the centerline of the Interstate 75 Bridge.

(3) The zones described in subsection 68C-22.013(2), F.A.C., are depicted on the following map, labeled "Hillsborough County Manatee Protection Zones." The map is intended as a depiction of the above-described zones. In the event of conflict between the map and descriptions, the descriptions shall prevail.

(INSERT MAPS – 1 MAP)

Specific Authority 370.12(2)(f),(m) FS. Law Implemented 370.12(2)(d),(f),(j),(m) FS. History—New 3-19-79, Formerly 16N-22.13, 16N-22.013, 62N-22.013, Amended.

NAME OF PERSON ORIGINATING PROPOSED RULE: Mr. Bradley J. Hartman, Director of the Office of Environmental Services

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

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: February 1, 2002

FISH AND WILDLIFE CONSERVATION COMMISSION

Manatees

RULE TITLE: Manatee County Zones RULE NO.: 68C-22.014

PURPOSE AND EFFECT: The purpose of the proposed rule is to protect manatees and manatee habitat in the Terra Ceia Bay area of Manatee County. Protection would be provided through the establishment of manatee protection zones that would limit allowable motorboat speed and operation in the affected areas.

SUMMARY: Slow Speed shoreline buffer zones would be established throughout most of Terra Ceia Bay and Terra Ceia Bayou, with the waters outside of the buffer in the western portion of the bay, including Flounder Pass, having a 25 MPH speed limit. Shore-to-shore Slow Speed regulation would be established in Peterson Bayou and the portions of Terra Ceia Bay immediately south of Terra Ceia Bayou and immediately north of Snead Cut to the vicinity of the fresh water outfall. Snead Cut, which connects Terra Ceia Bay to the Manatee River, would be designated as an Idle Speed zone.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No Statement of Estimated Regulatory Costs (SERC) has been prepared.

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

SPECIFIC AUTHORITY: 370.12(2)(f),(m) FS.

LAW IMPLEMENTED: 370.12(2)(d),(f),(j),(m) FS.

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

TIME AND DATE: 5:30 p.m., Tuesday, July 9, 2002

PLACE: Board Chamber Room, 1112 Manatee Avenue, West, Bradenton, Florida

Commission staff will be available before public testimony is taken to answer questions about the proposed amendments. Both spoken and written comments will be accepted at the hearing. Written comments received by the Commission on or before the date of the final public hearing will also be considered and made a part of the rulemaking record.

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

TIME AND DATE: 8:30 a.m., Thursday, September 12, 2002

PLACE: Osceola County Administration Building, County Commission Chambers, Rm. 4000, One Courthouse Square, Kissimmee, Florida

If accommodation for a disability is needed to participate in either of the above hearings, please notify the contact person listed below at least five days before the hearing.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Mr. Scott Calleson, Environmental Specialist III, Florida Fish and Wildlife Conservation Commission, Bureau of Protected Species Management (OES-BPS), 620 South Meridian Street, Tallahassee, Florida 32399-1600

THE FULL TEXT OF THE PROPOSED RULE IS:

68C-22.014 Manatee County Zones.

(1) The Commission hereby designates the waters within Manatee County, as described below, as areas where manatee sightings are frequent and where it can be assumed that manatees inhabit on a regular, periodic or continuous basis. The Commission has further determined that a likelihood of threat to manatees exists in these waters as a result of manatees and motorboats using the same areas. The primary purpose of this rule is to protect manatees from harmful collisions with motorboats and from harassment by regulating the speed and operation of motorboats within these designated areas. A secondary purpose is to protect manatee habitat. In balancing the rights of fishers, boaters, and water skiers to use these waterways for recreational and commercial purposes (as applicable under Section 370.12(2)(j), F.S.) with the need to provide manatee protection, the Commission has examined the need for unregulated areas or higher speed travel corridors through regulated areas. Such areas or corridors are provided in those locations where the Commission determined, on the basis of all available information, that (1) there is a need for the area or corridor and (2) the area or corridor will not result in serious threats to manatees or their habitat. Unregulated areas or higher speed corridors are not provided in locations where both of the above findings were not made.

(2) The following zones are established, which shall include all associated and navigable tributaries, lakes, creeks, coves, bends, backwaters, canals, and boat basins unless otherwise designated or excluded.

(a) IDLE SPEED (All Year) Snead Cut: All waters of the waterway commonly referred to as "Snead Cut" (connecting Terra Ceia Bay and the Manatee River) northeast of the northern shoreline of the Manatee River and southwest of the southwestern shoreline of Terra Ceia Bay.

(b) SLOW SPEED (All Year)

1. Western Terra Ceia Bay Area: All waters within 500 feet of the general contour of the following shorelines:

a. South Side of Rattlesnake Key: East of a line bearing 203° from a point (approximate latitude 27° 32' 52.2" North, approximate longitude 82° 37' 49.6" West) on the southeastern shoreline of Terra Ceia Point and west and northwest of a line bearing 221° from the easternmost point (approximate latitude 27° 33' 19.4" North, approximate longitude 82° 36' 13.9" West) of Rattlesnake Key at Flounder Pass.

b. North Side of Snead Island: All shorelines of the unnamed mangrove island immediately north of Snead Island and, on the northern and eastern sides of Snead Island, east of a line bearing 23° from a point (approximate latitude 27° 32' 19.5" North, approximate longitude 82° 38' 04.3" West) on the northern shoreline of Snead Island west of Emerson Bayou and north and west of Snead Cut, except as otherwise designated under (2)(a) and (2)(b)2.b.

2. Terra Ceia Bay Area:

a. All waters within 500 feet of the general contour of all shorelines of Bird Key, the northern shoreline of Terra Ceia Bay east of a line bearing 153° from the southwesternmost point (approximate latitude 27° 33' 21.1" North, approximate longitude 82° 36' 10.9" West) of the peninsula at the southeastern end of Flounder Pass, and the southeastern and eastern shorelines of Terra Ceia Bay east and north of Snead Cut, except as otherwise designated under (2)(a) and (2)(b)2.b.

b. All waters of Terra Ceia Bay south of a line bearing 296° from a point (approximate latitude 27° 31' 50.5" North, approximate longitude 82° 35' 48.5" West) on the southeastern shoreline of Terra Ceia Bay; All waters of Terra Ceia Bay north of a line bearing 320° from a point (approximate latitude 27°

33' 40.5" North, approximate longitude 82° 34' 12.2" West) on the northeastern shoreline of Terra Ceia Bay and south of Terra Ceia Bayou, and; All waters of Peterson Bayou.

3. Terra Ceia Bayou: All waters within 500 feet of the general contour of the shorelines of Terra Ceia Bayou, including those waters of Frog Creek southeast of the centerline of the Terra Ceia Road Bridge and those waters of McMullen Creek west of the centerline of the Bayshore Road Bridge.

(c) 25 MPH (All Year) Western Terra Ceia Bay Area: All waters east of a line bearing 203° from a point (approximate latitude 27° 32' 52.2" North, approximate longitude 82° 37' 49.6" West) on the southeastern shoreline of Terra Ceia Point and west of a line beginning at a point (approximate latitude 27° 32' 33.3" North, approximate longitude 82° 36' 22.0" West) on the eastern shoreline of the unnamed mangrove island immediately north of Snead Island and bearing 46° to a point (approximate latitude 27° 32' 56.0" North, approximate longitude 82° 35' 56.4" West) in Terra Ceia Bay southeast of Bird Key, and then bearing 333° (over Bird Key) to the line's terminus at the southwesternmost point (approximate latitude 27° 33' 21.1" North, approximate longitude 82° 36' 10.9" West) of the peninsula at the southeastern end of Flounder Pass, except as otherwise designated under (2)(b)1. and (2)(b)2.a.

(3) The zones described in subsection 68C-22.014(2), F.A.C., are depicted on the following map, labeled "Manatee County Manatee Protection Zones." The map is intended as a depiction of the above-described zones. In the event of conflict between the map and descriptions, the descriptions shall prevail.

(INSERT MAPS – 1 MAP)

Specific Authority 370.12(2)(f),(m) FS. Law Implemented 370.12(2)(d),(f),(j),(m) FS. History—New

NAME OF PERSON ORIGINATING PROPOSED RULE: Mr. Bradley J. Hartman, Director of the Office of Environmental Services
 NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Mr. Kenneth D. Haddad, Executive Director
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: May 29, 2002
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: February 1, 2002

FISH AND WILDLIFE CONSERVATION COMMISSION

Manatees

RULE TITLE: Charlotte County (and Part of DeSoto County) Zones
 RULE NO.: 68C-22.015

PURPOSE AND EFFECT: The purpose of the proposed rule is to protect manatees and manatee habitat in the Lemon Bay, Turtle Bay, and Peace River sections of Charlotte County, and a portion of the Peace River system in DeSoto County. Protection would be provided through the establishment of manatee protection zones that would limit allowable motorboat speed and operation in the affected areas.

SUMMARY: Slow Speed zones would be established in the Lemon Bay area from the Sarasota County line south to the Boca Grande Causeway, with the Intracoastal Waterway channel and the marked channel through Stump Pass allowing speeds up to 25 MPH. Two Idle Speed zones would be established in Turtle Bay, while the rest of the bay would have a 25 MPH speed limit. A combination of Slow Speed shoreline buffers, shore-to-shore Slow Speed zones (some with 25 MPH channels), and shore-to-shore 25 MPH zones would be created on the Peace River system east of US Highway 41 and south of State Road 761 in DeSoto County. Most of Shell Creek and all of Deep Creek would be included in the shore-to-shore Slow Speed designation. Much of the main marked channel in the Peace River would have a 25 MPH limit, with all remaining sections left unregulated.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No Statement of Estimated Regulatory Costs (SERC) has been prepared.

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

SPECIFIC AUTHORITY: 370.12(2)(m) FS.

LAW IMPLEMENTED: 370.12(2)(d),(j),(m) FS.

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

TIME AND DATE: 5:30 p.m., Thursday, July 11, 2002
 PLACE: Best Western Waterfront, Tarpon Room, 300 West Retta Esplanade, Punta Gorda, Florida
 Commission staff will be available before public testimony is taken to answer questions about the proposed rule. Both spoken and written comments will be accepted at the hearing. Written comments received by the Commission on or before the date of the final public hearing will also be considered and made a part of the rulemaking record.
 THE FINAL PUBLIC HEARING WILL BE HELD BY THE COMMISSION AT THE TIME, DATE AND PLACE SHOWN BELOW:

TIME AND DATE: 8:30 a.m., Thursday, September 12, 2002
 PLACE: Osceola County Administration Building, County Commission Chambers, Rm. 4000, One Courthouse Square, Kissimmee, Florida

If accommodation for a disability is needed to participate in either of the above hearings, please notify the contact person listed below at least five days before the hearing.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Mr. Scott Calleson, Environmental Specialist III, Florida Fish and Wildlife Conservation Commission, Bureau of Protected Species Management (OES-BPS), 620 South Meridian Street, Tallahassee, Florida 32399-1600

THE FULL TEXT OF THE PROPOSED RULE IS:

68C-22.015 Charlotte County (and Part of DeSoto County) Zones.

(1) The Commission hereby designates the waters within Charlotte County and DeSoto County, as described below, as areas where manatee sightings are frequent and where it can be assumed that manatees inhabit on a regular, periodic or continuous basis. The Commission has further determined that a likelihood of threat to manatees exists in these waters as a result of manatees and motorboats using the same areas. The primary purpose of this rule is to protect manatees from harmful collisions with motorboats and from harassment by regulating the speed and operation of motorboats within these designated areas. A secondary purpose is to protect manatee habitat. In balancing the rights of fishers, boaters, and water skiers to use these waterways for recreational and commercial purposes (as applicable under Section 370.12(2)(j), F.S.) with the need to provide manatee protection, the Commission has examined the need for unregulated areas or higher speed travel corridors through regulated areas. Such areas or corridors are provided in those locations where the Commission determined, on the basis of all available information, that (1) there is a need for the area or corridor and (2) the area or corridor will not result in serious threats to manatees or their habitat. Unregulated areas or higher speed corridors are not provided in locations where both of the above findings were not made.

(2) The following zones are established, which shall include all associated and navigable tributaries, lakes, creeks, coves, bends, backwaters, canals, and boat basins unless otherwise designated or excluded. As used in this rule, ICW means the Intracoastal Waterway.

(a) IDLE SPEED (All Year)

1. Turtle Bay, Southeast Entrance: Those waters east and southeast of a line beginning at the easternmost point (approximate latitude 26° 46' 23.2" North, approximate longitude 82° 10' 30.8" West) of a small unnamed island in the Gallagher Keys (at the southern end of Turtle Bay) and bearing 360° for a distance of approximately 2605 feet to a point (approximate latitude 26° 46' 49.1" North, approximate longitude 82° 10' 31.0" West) in Turtle Bay, and then bearing 68° to a point (approximate latitude 26° 47' 01.1" North, approximate longitude 82° 09' 59.0" West) on the eastern shoreline of Turtle Bay north of Cape Haze, and north and northwest of a line beginning at said easternmost point of a small unnamed island in the Gallagher Keys and bearing approximately 128° to the southwesternmost point (approximate latitude 26° 46' 20.1" North, approximate longitude 82° 10' 26.4" West) of the small unnamed island to the southeast, and then bearing 106° for a distance of approximately 960 feet to a point (approximate latitude 26° 46' 17.5" North, approximate longitude 82° 10' 16.2" West) in Charlotte Harbor, and then bearing 40° to a point (approximate latitude 26° 46' 50.5" North, approximate longitude 82° 09' 46.4" West) on the shoreline east of Cape Haze, excluding the waters in the embayment north of this point.

2. Turtle Bay, Mid-bay Area: Those waters inside of a polygon defined by the following coordinates: latitude 26° 47' 10.3" North, longitude 82° 10' 54.5" West (southwest); latitude 26° 47' 22.3" North, longitude 82° 10' 50.5" West (northwest); latitude 26° 47' 19.7" North, longitude 82° 10' 40.5" West (northeast), and; latitude 26° 47' 07.6" North, longitude 82° 10' 44.4" West (southeast).

(b) SLOW SPEED (All Year)

1. Lemon Bay Area: All waters of Lemon Bay south of the Sarasota/Charlotte County line, north of the Boca Grande Causeway, and west of State Road (SR) 775 (south of SR 776 on Gottfried Creek), excluding the ICW channel and the marked channel through Stump Pass as designated under (2)(c)1. Also excluded from this zone are the portion of the waterway known as "Ski Alley" south of a line bearing 258° from the northernmost point (approximate latitude 26° 54' 47.3" North, approximate longitude 82° 21' 03.7" West) of Peterson Island, and the areas described below:

a. The following portion of the Stump Pass area is excluded from the zone designated under (2)(b)1.: Those waters southeast of "Ski Alley" and a line bearing 45° from a point (approximate latitude 26° 54' 03.6" North, approximate longitude 82° 20' 26.5" West) on the southeastern end of Peterson Island, southwest of a line bearing 106° from a point

(approximate latitude 26° 54' 16.1" North, approximate longitude 82° 20' 21.2" West) on Whidden Key to the northernmost point (approximate latitude 26° 54' 12.8" North, approximate longitude 82° 20' 07.3" West) of the unnamed island southeast of Whidden Key, and northwest of a line bearing 49° from the northernmost point (approximate latitude 26° 53' 53.1" North, approximate longitude 82° 20' 17.9" West) of Thornton Key to a point on said unnamed island southeast of Whidden Key:

b. The following portion of the Gasparilla Pass area is excluded from the zone designated under (2)(b)1.: Those waters southwest of a line beginning at a point (approximate latitude 26° 49' 26.2" North, approximate longitude 82° 16' 56.3" West) on Little Gasparilla Island and bearing 142° to a point (approximate latitude 26° 49' 12.3" North, approximate longitude 82° 16' 44.0" West) on Bird Key, then following the general contour of the northern and northeastern shorelines of Bird Key to a point (approximate latitude 26° 49' 03.6" North, approximate longitude 82° 16' 34.1" West) on the eastern shoreline of Bird Key, and then bearing 105° to the line's terminus at the southernmost point (approximate latitude 26° 49' 01.2" North, approximate longitude 82° 16' 24.0" West) of the middle causeway island of the Boca Grande Causeway.

2. Peace River, US 41 Bridge to Interstate 75 (I-75) Bridge: Those waters within 1000 feet of the general contour of shorelines of the Peace River east of the centerline of the southbound US 41 Bridge and west of the centerline of the southbound I-75 Bridge, including all waters northeast of a line beginning at a point (approximate latitude 26° 57' 39.5" North, approximate longitude 82° 01' 15.2" West) on the southbound I-75 Bridge (approximately 1000 feet south of Bird Key) and then bearing 289° to a point (approximate latitude 26° 57' 58.7" North, approximate longitude 82° 02' 18.3" West) on the northern shoreline of the Peace River.

3. Peace River, Interstate 75 (I-75) Bridge to Harbor Heights Area: All waters east of the centerline of the southbound I-75 Bridge, south and southwest of a line bearing 310° through Channel Marker "23," and west of Shell Creek, excluding the main marked channel of the Peace River as designated under (2)(c)3. and the waters east of a line beginning at a point (approximate latitude 26° 58' 01.0" North, approximate longitude 81° 59' 24.3" West) on the southern shoreline of the Peace River (northeast of Harbor Avenue) and bearing 345° for a distance of approximately 1216 feet to the southernmost point (approximate latitude 26° 58' 12.8" North, approximate longitude 81° 59' 27.8" West) of the peninsula to the north.

4. Shell Creek: All waters of Shell Creek east of the Peace River and west of the dam located approximately two miles upstream (east) of the US 17 Bridge over Shell Creek, including the cut that connects Shell Creek to the Peace River north of Channel Marker "23" but excluding that portion of Shell Creek otherwise designated under (2)(c)5.

5. Hunter Creek: All waters of Hunter Creek and associated waterways east of the general contour of the eastern shoreline of the Peace River.

6. Deep Creek: All waters of Deep Creek and associated waterways west of the general contour of the western shoreline of the Peace River.

(c) 25 MPH (All Year)

1. Lemon Bay Area: Those waters in the ICW channel south of the Sarasota/ Charlotte County line and north of the Boca Grande Causeway, and; those waters in the marked channel in North Stump Pass northeast of a line bearing 106° from a point (approximate latitude 26° 54' 16.1" North, approximate longitude 82° 20' 21.2" West) on Whidden Key to the northernmost point (approximate latitude 26° 54' 12.8" North, approximate longitude 82° 20' 07.3" West) of the unnamed island southeast of Whidden Key.

2. Turtle Bay: All waters of Turtle Bay, except as otherwise designated under (2)(a)2., west and northwest of a line beginning at the easternmost point (approximate latitude 26° 46' 23.2" North, approximate longitude 82° 10' 30.8" West) of a small unnamed island in the Gallagher Keys (at the southern end of Turtle Bay) and bearing 360° for a distance of approximately 2605 feet to a point (approximate latitude 26° 46' 49.1" North, approximate longitude 82° 10' 31.0" West) in Turtle Bay, and then bearing 68° to a point (approximate latitude 26° 47' 01.1" North, approximate longitude 82° 09' 59.0" West) on the eastern shoreline of Turtle Bay, north of the northern shorelines of the unnamed islands in the Gallagher Keys and lines directly connecting said shorelines, and east of a line beginning at the northwesternmost point (approximate latitude 26° 46' 27.8" North, approximate longitude 82° 11' 24.9" West) of the westernmost of the unnamed islands in the Gallagher Keys and bearing 298° to the easternmost point (approximate latitude 26° 46' 28.6" North, approximate longitude 82° 11' 27.0" West) of the unnamed island to the northwest, then following said island's eastern shoreline to its northernmost point (approximate latitude 26° 46' 37.0" North, approximate longitude 82° 11' 33.0" West), then bearing 356° to the southernmost point of Eagle Nest Island

(approximate latitude 26° 46' 42.3" North, approximate longitude 82° 11' 33.0" West), then following said island's eastern shoreline to its easternmost point (approximate latitude 26° 47' 00.4" North, approximate longitude 82° 11' 25.3" West), then bearing 42° for a distance of approximately 2700 feet to a point (approximate latitude 26° 47' 20.2" North, approximate longitude 82° 11' 05.5" West) on the southern end of a large unnamed island on the west side of Turtle Bay, then following said island's eastern shoreline to a point (approximate latitude 26° 48' 10.7" North, approximate longitude 82° 10' 58.3" West) on the northern end of said island, then bearing 3° to the line's terminus on the western shoreline of Turtle Bay west of Cash Mound.

3. Peace River, Interstate 75 (I-75) Bridge to Harbor Heights Area: All waters in the main marked channel of the Peace River east of the centerline of the southbound I-75 Bridge, and southwest of Channel Marker "23."

4. Peace River, North of Harbor Heights Area: All waters of the Peace River and associated waterways, northeast of a line bearing 310° through Channel Marker "23" and south of the SR 761 Bridge in DeSoto County, except as otherwise designated under (2)(b)5. and (2)(b)6., and excluding those waters of Whidden Bay and the waterways associated with the bay west and northwest of the general contour of the western shoreline of the Peace River.

5. Shell Creek: All waters of Shell Creek west of the Railroad Trestle and east of a line bearing 172° from the southernmost point (approximate latitude 26° 58' 43.3" North, approximate longitude 81° 59' 28.6" West) of the peninsula on the eastern side of the cut that connects Shell Creek to the Peace River north of Channel Marker "23," excluding the embayments and associated waterways immediately north of Shell Creek.

(3) The zones described in subsection 68C-22.015(2), F.A.C., are depicted on the following maps, labeled "Charlotte County Manatee Protection Zones." The maps are intended as depictions of the above-described zones. In the event of conflict between the maps and descriptions, the descriptions shall prevail.

(INSERT MAPS – 1 MAP)

Specific Authority 370.12(2)(m) FS. Law Implemented 370.12(2)(d),(j),(m) FS. History–New .

NAME OF PERSON ORIGINATING PROPOSED RULE:
Mr. Bradley J. Hartman, Director of the Office of Environmental Services

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: May 29, 2002

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: February 1, 2002

FISH AND WILDLIFE CONSERVATION COMMISSION

Manatees

RULE TITLE: Sarasota and Associated County (Parts of Manatee and Charlotte) Zones

RULE NO.: 68C-22.026

PURPOSE AND EFFECT: The purpose of the proposed rule amendments is to improve protection of manatees and manatee habitat in the City Island and Warm Mineral Springs/Salt Creek sections of Sarasota County. Improved protection would be provided through the revision of an existing manatee protection zone in the City Island area that limits allowable motorboat speed and operation and the establishment of a manatee protection safe haven zone in the Warm Mineral Springs/Salt Creek area.

SUMMARY: The eastern boundary of the existing Slow Speed zone in the vicinity of City Island would be moved westward to make the boundary a line between the northwestern end of Bird Key and the eastern end of City Island. The currently unregulated area of water immediately northeast of Pansy Bayou would be changed to Slow Speed. A winter season (November 15 – March 31) No Entry zone would be added to a section of Salt Creek/Warm Mineral Springs north of U.S. Highway 41, while the existing Slow Speed zone north of the weir to the Warm Mineral Springs would be removed.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No Statement of Estimated Regulatory Costs (SERC) has been prepared.

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

SPECIFIC AUTHORITY: 370.12(2)(f),(m),(n) FS.

LAW IMPLEMENTED: 370.12(2)(d),(f),(j),(m),(n) FS.

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

TIME AND DATE: 5:30 p.m., Wednesday, July 10, 2002

PLACE: Mote Marine Laboratory, Martin-Selby Education Center, 1600 Ken Thompson Parkway, Sarasota, Florida

Commission staff will be available before public testimony is taken to answer questions about the proposed amendments. Both spoken and written comments will be accepted at the hearing. Written comments received by the Commission on or before the date of the final public hearing will also be considered and made a part of the rulemaking record.

THE FINAL PUBLIC HEARING WILL BE HELD BY THE COMMISSION AT THE TIME, DATE AND PLACE SHOWN BELOW:

TIME AND DATE: 8:30 a.m., Thursday, September 12, 2002

PLACE: Osceola County Administration Building, County Commission Chambers, Rm. 4000, One Courthouse Square, Kissimmee, Florida

If accommodation for a disability is needed to participate in either of the above hearings, please notify the contact person listed below at least five days before the hearing.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Mr. Scott Calleson, Environmental Specialist III, Florida Fish and Wildlife Conservation Commission, Bureau of Protected Species Management (OES-BPS), 620 South Meridian Street, Tallahassee, Florida 32399-1600

THE FULL TEXT OF THE PROPOSED RULE IS:

68C-22.026 Sarasota and Associated County (Parts of Manatee and Charlotte) Zones.

(1) The purpose of this rule is to protect manatees and manatee habitat ~~This rule is for the purpose of regulating the speed and operation of motorboats~~ in Sarasota County as well as in the waters of counties adjacent to Sarasota County in portions of Sarasota Bay and Big Slough. In addition to Sarasota County, waters within the following counties are regulated within the provisions of this rule: Manatee County (Sarasota Bay) and Charlotte County (Big Slough). (Provisions setting forth procedures for resident access to “No Entry” zones are given under Rule 68C-22.003, Florida Administrative Code.)

(2) For the purpose of establishing safe havens and regulating the speed and operation of motorboats within the coastal waters of Sarasota County and associated waters in Manatee County, the following year-round zones are established, which shall include all associated and navigable tributaries, lakes, creeks, coves, bays, backwaters, canals, channels and boat basins, unless otherwise designated or excluded:

(a) SLOW SPEED ZONE

1. through 3. No change.

4. City Island Lagoon Area: All waters of Sarasota Bay, including the City Island Lagoon area, and inclusive of all channels, northwesterly of the general contour of the shoreline of Coon Key and the centerline of the John Ringling Boulevard Bridges (connecting Bird Key to Coon Key and Coon Key to

St. Armands Key), northeasterly of the general contour of the shoreline of St. Armands Key and the shoreline of City Island adjacent to John Ringling Parkway running northwesterly from St. Armands Key and the centerline of the John Ringling Parkway Bridge connecting St. Armands Key to City Island, southeasterly and easterly of the general contour of the shoreline of City Island, and southwesterly southeasterly of a line described as the northeasterly extension of the northwesterly shoreline of City Island to its intersection with the southeasterly boundary of the main marked channel of the Intracoastal Waterway; thence northeasterly along said southeasterly line to Flashing Red Intracoastal Waterway Channel Marker "16" (latitude 27°20'25" North, longitude 82°33'57" West), westerly of a line bearing 147° from a point (approximate latitude 27° 20' 08.6" North, approximate longitude 82° 34' 21.1" West) on the eastern shoreline of City Island to a point (approximate latitude 27° 19' 31.6" North, approximate longitude 82° 33' 53.6" West) on Bird Key at the running northeasterly from the northwestern abutment of the John Ringling Causeway Bridge connecting Bird Key with Coon Key to the aforementioned Marker "16", excluding a "Watersports Area" described as follows: That portion of Sarasota Bay lying northwesterly of a line 150 feet northwesterly of and parallel with a line perpendicular to the John Ringling Parkway Bridge connecting St. Armands Key to City Island from the northwesterly end of said bridge, southwesterly of a line 750 feet northeasterly of and parallel with the centerline of John Ringling Parkway (running northwesterly from St. Armands Key), northwesterly of a line 1050 feet northwesterly of and parallel with a line perpendicular to the aforementioned John Ringling Parkway Bridge connecting St. Armands Key to City Island from the northwesterly end of said bridge, and southwesterly of a line 3250 feet northeasterly of and parallel with the centerline of the aforementioned John Ringling Parkway (running northwesterly from St. Armands Key);

5. through 18. No change.

(b) through (e) No change.

(3) For the purpose of establishing safe havens and regulating the speed and operation of motorboats within the Myakka River-Big Slough area of Sarasota County and associated waters of Charlotte County, the following year-round and seasonal slow speed zones are established, which shall include all associated and navigable tributaries, lakes, creeks, coves, bays, backwaters, canals, channels and boat basins, unless otherwise designated or excluded:

(a) SLOW SPEED ZONE

1. Myakka River Area: All waters of the Myakka River northwesterly of the Sarasota County/Charlotte County line and southwesterly of the westerly line of the Myakka River State Park, said line being the westerly line of Section 7, Township 38 South, Range 20 East, including any associated waters in and around the Warm Mineral Springs development,

and Deer Prairie Creek to its headwaters, excluding the section of Salt Creek and Warm Mineral Springs upstream (northeast) of the weir (approximate latitude 27° 03' 16.8" North, approximate longitude 82° 15' 51.7" West) located approximately 2300 feet downstream (southwest) of the headwaters of Warm Mineral Springs and also excluding the area otherwise designated for seasonal regulation under (3)(b) when said seasonal zone is in effect; and

2.(b) SLOW SPEED ZONE— Big Slough Area: Those waters of Big Slough (Myakkahatchee Creek per various plats of Port Charlotte Subdivision recorded in the Public Records of Sarasota County, Florida), inclusive of all channels, northeasterly of the Myakka River, and southwesterly of the dam northerly of U.S. Highway 41 (State Route 45).

(b) NO ENTRY ZONE (November 15 – March 31) – Warm Mineral Springs / Salt Creek Area: Those waters of Salt Creek and Warm Mineral Springs north of U.S. Highway 41, south of the weir (approximate latitude 27° 03' 16.8" North, approximate longitude 82° 15' 51.7" West) located approximately 2300 feet downstream (southwest) of the headwaters of Warm Mineral Springs, and west of a line bearing 7° from a point (approximate latitude 27° 02' 56.3" North, approximate longitude 82° 15' 42.9" West) on the southern shoreline of Salt Creek approximately 2600 feet east of the confluence with the Warm Mineral Springs run.

(4) No change.

(5) The following conditions shall apply to the "Watersports Area" so described as exempt from speed zone restrictions in subparagraph (2)(a)4.: The local government may adopt, by ordinance, provisions restricting and/or conditioning use of this area as appropriate to establish additional manatee protection and human safety measures within this area. Should a local ordinance not be adopted within one year from the effective date of this rule, then the Commission shall undertake measures to establish by rule conditions to promote manatee protection within this area.

(5)(6) No change.

(6)(7) The zones described in subsections Rule 68C-22.026(2) and (3), F.A.C. herein are depicted on the following maps labeled "Sarasota County Manatee Protection Zones." The maps, Coastal Waters, Sarasota and Manatee Counties," Map 1," Manatee Protection Zones, Coastal Waters, Sarasota County," Maps 2-7, "Manatee Protection Zones, Myakka River Basin, Sarasota County," Map A, and "Manatee Protection Zones, Myakka River Basin, Sarasota and Charlotte Counties," Map B, and dated November 1991 for identification: (Maps provided are intended as depictions of the above-described zones. In the event of conflict between the maps and descriptions two, the above descriptions shall prevail. The November 1991 maps shall become effective for purposes of this rule concurrent with its effective date.)

(INSERT MAPS – 1 page)

Specific Authority 370.12(2)(f),(m),(n),(o) FS. Law Implemented 370.12(2)(d),(f),(j),(m),(n),(o) FS. History—New 1-27-92, Formerly 16N-22.026, 62N-22.026, Amended _____

NAME OF PERSON ORIGINATING PROPOSED RULE: Mr. Bradley J. Hartman, Director of the Office of Environmental Services

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: May 29, 2002

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: February 1, 2002

Section III Notices of Changes, Corrections and Withdrawals

DEPARTMENT OF STATE

Division of Historical Resources

RULE NO.: 1A-46.001 RULE TITLE: Standards and Guidelines for Reports

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 28, No. 7, February 15, 2002, issue of the Florida Administrative Weekly.

ARCHAEOLOGICAL AND HISTORICAL REPORT
STANDARDS AND GUIDELINES

1A-46.001 Standards and Guidelines for Reports.

(1) Purpose. This rule specifies criteria by which the Division of Historical Resources (Division) will review reports of cultural resource activities on federally assisted, licensed or permitted projects; on projects on state owned or controlled property or state assisted, licensed, or permitted projects; and on local projects for which the Division has review authority.

(2)(+) Definitions. The following words and terms shall have the meanings indicated:

(a) "Agency" or "Applicant" means any unit of federal, state, county, municipal or other local government; any corporation, partnership or other organization, public or private, whether or not for profit; or any individual or representative of any of the foregoing proposing undertakings.

(b) "Archaeological fieldwork" means actions undertaken for the purpose of recovering data about or from an archaeological site in order to evaluate and determine National Register eligibility; or to document through archaeological excavation the archaeological site prior to proposed alteration, damage or destruction.

~~(c)(b)~~ "Archaeological site" means the complex of associated physical remains and features contained in the ground that evidence past use or modification by people.

(d) "Area of potential effect" means the geographic area or areas within which an undertaking may directly or indirectly cause changes in character or use of historic resources, if any such properties exist.

(e) "Certified Local Government" means a local government that has been certified to meet Federal and State standards, as set forth in the "Florida Certified Local Government Guidelines" (Form HR3E03204-02) herein incorporated by reference, and can participate in the nationwide program of financial and technical assistance to preserve properties.

(f)(+) "Completeness" means the inclusion in the report of archaeological and historical activities of all applicable sections of the prescribed content, but does not mean that said sections are sufficient in comprehensiveness of data or in quality of information provided.

(g) "Days" means calendar days.

(h) "Determination of eligibility" means the process of determining whether identified historical resources are deemed significant using the criteria for significance established by the National Park Service, U.S. Department of the Interior for the National Register of Historic Places.

~~(d) "Documentation activities" means actions, such as mitigation of potential impact, undertaken for the purpose of recovering data about or from archaeological sites to evaluate and determine significance or to document through archaeological excavation the archaeological site, fully or by means of representative samples, as it existed prior to proposed alteration, damage or destruction.~~

~~(e) "Evaluation activities" means actions, such as inventory and assessment, undertaken for the purpose of determining whether identified archaeological sites are historically significant.~~

~~(f) "Federally involved projects" means federal or federally assisted, licensed or permitted actions.~~

(i) "Federal undertaking" means a project, activity, or program funded in whole or in part under the direct or indirect jurisdiction of a federal agency, including those carried out with federal assistance; those requiring a federal permit, license or approval; and those subject to state or local regulation administered pursuant to a delegation or approval by a federal agency.

~~(j)(g) "Florida Master Site File" or "FMSF" means the record list of identified historical resources maintained by the Division all recorded archaeological and historical sites, buildings and other real properties of historical, archaeological or architectural value.~~

(k) "Historical fieldwork" means actions undertaken for the purpose of recovering data about or from a building(s) or structure(s) to evaluate and determine eligibility; or to

document using the Historic American Buildings Survey (HABS) or Historic Engineering Record (HAER) standards and guidelines prior to proposed alteration or destruction.

(l) “Historical resource” means a building, structure, site, object or collection thereof (a prehistoric or historic district) which is generally at least fifty years old of historical, architectural, or archaeological value.

~~(m) “Historic context” means the organizational format that groups information about related historical resources based on theme, geographical limits and chronological period. A single historic context describes one or more aspects of the historic development of an area, considering history, architecture, archaeology, engineering and culture, and identifies significant patterns that individual historical resources represent. A set of historic contexts is a comprehensive summary of all aspects of the history of an area. “Identification activities” means actions, such as survey, undertaken for the purpose of locating and identifying archaeological sites.~~

~~(n)(+) “Local undertaking projects” means a project, activity or program undertakings subject to the provisions of a local ordinance or regulation for which the Division has been assigned review authority responsibility.~~

~~(o)(+) “National Register” means the National Register of Historic Places, the list of historical resources significant in American history, architecture, archaeology, engineering and culture and authorized by the National Historic Preservation Act of 1966 as amended and administered by the U.S. Department of the Interior, National Park Service.~~

~~(p)(*) “Principal Investigator” means the person or persons responsible for supervising archaeological fieldwork and historical fieldwork identification, evaluation, and documentation investigations.~~

~~(t) “Significance” means historical importance judged according to criteria of National Register eligibility or other criteria specified in applicable law or rule.~~

~~(q) “State undertaking” means a project, activity or program in which a state agency of the executive branch has direct or indirect jurisdiction; those in which a state agency provides financial assistance to a project or entity; and those in which a state agency is involved through the issuance of state permits or licenses.~~

~~(r)(*) “Sufficiency” means determining whether a report meets the Secretary of the Interior’s Standards and Guidelines for Archaeology and Historic Preservation (published in the Federal Register, Vol. 48, No. 190, pp. 44716-44740, September 29, 1983), herein incorporated by reference, with respect to identification, evaluation, and documentation.~~

~~(3)(2) Reports. Reports of the results of archaeological fieldwork and historical fieldwork identification, evaluation and documentation activities shall include the topics in (a)-(h)(+) below in sufficient detail for the Division of Historical Resources (Division) to review for completeness~~

and sufficiency. For projects of limited scope, topics that are not applicable may be omitted when a justification for this decision is provided. In addition, all reports shall be consistent with and meet the terms of the standards and guidelines for identification, evaluation and documentation contained in the “Secretary of the Interior’s Standards and Guidelines for Archaeology and Historic Preservation”. This section shall apply to federal, state and local undertakings ~~federally involved projects, state involved projects and local projects for which the Division has been assigned review responsibility.~~ This section shall not apply to activities permitted by the Division in accordance with Chapter 1A-31, Florida Administrative Code. ~~Principal Investigators for reports of projects on state-owned or controlled land and for Division grant-in-aid projects shall meet the minimum qualifications for archaeologists~~ archaeology, history, architecture, architectural history, or historic architecture contained in 36 C.F.R. 61 (“Procedures for Approved State and Local Historic Preservation Programs, Appendix A, Professional Qualifications Standards”), herein incorporated by reference, effective ~~10-97~~ 7-94. ~~While not required, these minimum qualifications are recommended for principal investigators on state and state-assisted undertakings. For purposes of this rule, a “state undertaking” is a project in which a state agency performs the majority, if not all of the project activities. A “state-assisted undertaking” is a project in which a state agency provides financial assistance to a project or entity, or is involved through the issuance of state permits or licenses.~~

(a) General Description. The description of the project shall address the project location (including boundary map) and description; the purpose of the project; the area of potential effect; and the pertinent federal, state or local laws and regulations.

(b) Archival Research. Archival research shall address past field surveys in the project area and the relevance of the major findings to the area currently under study; pertinent data in the Florida Master Site File; pertinent environmental and paleoenvironmental data; pertinent data in other studies appropriate for the research problem; pertinent historical data from records such as plat maps, tract books, subdivision maps, Sanborn maps, city directories, building permits and architectural plans; and pertinent information from informants, which shall include the Certified Local Government within whose boundaries the project lies. Research results shall be presented in a chronologically arranged narrative of the prehistory and history of the project area and of the significant historical events or developments (including important individuals and institutions) which are necessary to place sites and properties in historic contexts within the project area.

(c) Research Design. The description of the research design shall address the objectives; methods; expected results; and procedures to deal with unexpected discoveries including the discovery of human remains in accordance with chapter 872.05, Florida Statutes.

(d) Archaeological Fieldwork. The description of archaeological fieldwork activities shall address the types kinds of sites encountered and looked for, evaluated or documented; the boundaries of the area investigated; fieldwork methodology and the rationale for its selection; the location of all tests and or excavations, including maps depicting testing locations and results used to establish site boundaries, site components, integrity of sites and subareas within the portions of sites, and other relevant topics; information on the location and appearance of features and artifacts, as well as the integrity and boundaries of sites and site components; information on any portions of the project area and any portions of identified sites which were not investigated and a statement explaining the reason why investigation did not occur; photographs of each site; photographs and illustrations representative of site subareas or features, and or formal excavation units; identification of portions of the project area that were examined but that did not contain archaeological remains; special survey techniques; and information on changes in research design or methodology. Special survey techniques may be necessary to search for certain subsurface or underwater archaeological sites. The description of special survey techniques shall address the following topics: equipment, field methodologies, areas surveyed and not surveyed, a record of the nature and location of all potential historical resources identified and a description of any potential historical resources investigated by examination to determine their nature. Underwater archaeological surveys shall be conducted in accordance with the "Florida Division of Historical Resources Performance Standards for Submerged Remote Sensing Surveys" (Form HR6E06304-02) herein incorporated by reference.

(e) Historical Fieldwork. The description of historical fieldwork activities shall address the boundaries of the area investigated; fieldwork methodology and the rationale for its selection; the types of resources identified and evaluated; a list of all historical resources within the survey area, including the Florida Master Site File number, with all identified resources plotted on a U.S. Geological Survey (1:24,000) 7.5 minute series topographic quadrangle map; descriptions for all identified resources; photographs or illustrations representative of resources located in the project area; information on any portions of the project area which were not investigated and a statement explaining the reason why investigation did not occur; and an explanation about those portions of the project area that were examined but that did not contain historical, architectural, engineering or cultural resources.

(f)(e) Archaeological Results and Conclusions. The description of analysis the results and conclusions of the archaeological resource investigations shall address laboratory methods used to analyze artifacts and other site materials recovered collected during the archaeological investigations in the project area; project, and the curation location of artifacts and project records; findings in relation to the stated objectives of the investigations project; how sites are disturbed and an assessment of site their integrity; methods used to apply National Register criteria for a determination of eligibility and historic context as contained in 36 C.F.R. 60 ("National Register of Historic Places"), herein incorporated by reference; the significance of evaluated sites; a discussion of completeness of project efforts and the need for any additional identification, evaluation or documentation efforts; conclusions and analysis of the findings, including a discussion on how the findings contribute to an understanding of the historic work or treatment of the site; and a bibliography of those sources utilized including preservation, excavation, or no action.

(g) Historical Results and Conclusions. The description of the results and conclusions of the historical, architectural, engineering or cultural resource investigations shall address findings in relation to the stated objectives; an assessment of the integrity of evaluated sites; methods used to apply National Register criteria for a determination of eligibility and historic context; a description of the constituent elements that constitute the complete property (e.g. outbuildings, landscape features, etc.) which is determined eligible for listing in the National Register; the National Register property boundaries depicted on a scaled site plan sketch; conclusions and analysis of the findings; a discussion of the manner in which the resources contribute to an understanding of local, regional, state, or national history and/or architectural history; recommendations regarding the treatment of the resource(s) including but not limited to preservation or avoidance, minimization or mitigation of potential impacts, or no action; a discussion of the scope and completeness of the project efforts and the need for any additional identification, evaluation or documentation efforts; the location of all curated project records and location of all project records (e.g. photographs, oral interviews, etc.); and a bibliography of those sources used.

(h)(f) Florida Master Site File (FMSF) Requirements. Reports of archaeological fieldwork and historical fieldwork identification, evaluation and documentation activities will be deemed incomplete if they do not contain FMSF survey log sheets for each report and site forms for each site identified, evaluated or documented. All archaeological fieldwork and historical fieldwork identification, evaluation and documentation reports shall ~~should~~ include the following, either as part of the report or as accompanying documents:

1. ~~Completed~~ FMSF Survey Log Sheets (Form HR6E06610-97, effective 9-1-97) (~~Form AH6E03002-89, effective 6-10-92~~), completed in accordance with the "Guide to the Survey Log Sheet" (Form HR6E05904-02) with project boundaries depicted on an attached original or photocopy portion of a U.S. Geological Survey (1:24,000) 7.5 minute series topographic quadrangle map, the Florida Department of Transportation County Highway Map; and

2. ~~Completed~~ FMSF archaeological site forms (Form HR6E06401-97, effective 3-1-97), completed in accordance with the "Guide to the Archaeological Site Form, Version 2.2 (Form HR6E05804-02) (Form AH6E03002-89, effective 6-10-92) and supplement for site forms (Form AH6E03202-89, effective 6-10-92), as appropriate.

3. FMSF historical structure forms (Form HR6E06308-96, effective 11-1-96), completed in accordance with the "Guide to the Historical Structure Form, Version 3.0" (Form HR6E06004-02) as appropriate.

4. FMSF historical bridge forms (Form HR6E06510-97, effective 10-1-97), completed in accordance with the "Guide to the Historical Bridge Form (Form HR6E06104-02), as appropriate.

5. FMSF historical cemetery forms (Form HR6E04806-92, effective 8-1-98), completed in accordance with the "Guide to the Historical Cemetery Form" (D HR6E0620402), as appropriate.

6. ~~Completed~~ FMSF shipwreck forms (Form HR6E05006-92, effective 7-1-92) as appropriate.

7. ~~Completed~~ FMSF archaeological short form (Form HR6E04906-92, effective 12-1-95) as appropriate.

8. ~~Completed~~ FMSF resource group forms (Form HR6E05711-01, effective 7-1-00) as appropriate.

9. An with original or photocopy portion of U. S. Geological Survey (1:24,000) 7.5 minute quadrangle series topographic quadrangle maps for all identified sites showing site locations. These forms are herein incorporated by reference and are available by writing the Division at R. A. Gray Building, 500 South Bronough Street, Tallahassee, Florida 32399-0250. These forms may also be obtained from the Division's website at www.flheritage.com.

(4)(3) Review Procedures. The following procedures shall be followed in the review of archaeological fieldwork and historical fieldwork identification, evaluation, and documentation reports:

(a) Reports and accompanying documentation shall be submitted to the Bureau of Historic Preservation at the Division.

(b) The Division shall notify the agency or applicant in writing within fifteen ten (10) working days of receipt of a review request, of any additional information required.

(c) Upon its determination that the report information is complete, the Division shall complete its review of the report for sufficiency based on the criteria specified in 1A-46.001(3)(2), FAC., within thirty ~~calendar~~ days.

(d) The Division shall notify the agency or applicant of its decision as to whether the reports meets the requirements of this rule with respect to completeness and sufficiency, and shall include a statement of the reason for determining a report to be incomplete or insufficient.

Specific Authority 267.031(1), ~~267.061(3)~~ FS. Law Implemented 267.031 267.061 FS. History--New 6-10-92, Amended 7-21-96, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Wm. Brian Yates, Office Automation Analyst, Division of Historical Resources

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Janet Snyder Matthews, Ph.D., Director, Division of Historical Resources

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 10, 2001

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: July 27, 2001

DEPARTMENT OF STATE

Division of Cultural Affairs

RULE NO.: IT-1.001
RULE TITLE: Division of Cultural Affairs
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., in response to comments received from the Joint Administrative Procedures Committee. The rule was originally published in Vol. 28, No. 18, of the May 3, 2002 issue of the Florida Administrative Weekly.

When changed, Chapter IT-1 will read as follows:

(2)(b) Florida Artists Hall of Fame and Florida Arts Recognition Awards. This section provides nomination or application and selection procedures for the Florida Artists Hall of Fame and the Florida Arts Recognition Awards. Nominations or applications to these awards programs shall meet the eligibility and application requirements as set forth in the Florida Artists Hall of Fame Nomination Form CA1E021, eff. 8/02 6/97, and the Florida Arts Recognition Awards Nomination Form CA1E015, eff. 8/02 10/98, both incorporated by reference and available from the Division.

(2)(d) Florida Arts License Plate Program. This section provides guidelines for revenue distributions from the sales of Florida Arts License Plates. The Florida Arts License Plate Program Guidelines (Form CA1E006, eff. 8/02 2/96), incorporated by reference and available from the Division, outline procedures for the administration and distribution of license plate revenues to counties in Florida.

(5)(c) submit a completed and signed application form (CA2E009, eff. 8/02), incorporated by reference and available from the Division, for each program to which application is made, including the required number of application copies, on or before the announced postmark deadline for that program;

(5)(e)2. The Division of Cultural Affairs will waive the financial matching requirements on Division grants, except those noted in section 3, for an applicant that has been designated as REDI qualified in accordance with Sections 288.0656 and 288.06561, Florida Statutes. A written request for waiver of matching requirements must be submitted with each grant application.

(7)(b)3. For this program, a complete application is one that has a fully completed Organization Grant Application Form (CA2E009, eff. 8/02, incorporated by reference and available from the Division); support documentation in the form of financial statements or audits, investment account statements, and program materials as appropriate to substantiate specific program eligibility; and a response to at least one of the application narrative questions.

(11)(a)1. Applicants must submit a completed State Touring Program application form (CA3E013, eff. 8/02, incorporated by reference and available from the Division) with all required attachments and samples of work as described in the program guidelines, on or before the announced postmark deadline for the roster appointment program component;

(11)(b) Eligibility for presenter fee support applications. Organizations who wish to apply to present one of the companies or individual artists featured in the State Touring Program roster must meet the basic eligibility criteria described in paragraph (5), and must submit a completed State Touring Program presenter application form (CA2E014, eff. 8/02, incorporated by reference and available from the Division), and documentation of roster company or artist intent to contract, on or before the announced postmark deadline for the presenter fee support program component. Private schools may qualify under Chapter 623, Florida Statutes.

(11)(b)1. Applicants are eligible to request up to one-third of the company or artist fee as stated on the company or artist contract. For performances that occur in underpopulated counties, presenters are eligible to apply for up to two-thirds of the fee. Underpopulated counties are those that have populations of 75,000 or less, or those counties that are REDI qualified. REDI qualified means counties or communities designated pursuant to sections 288.0656 and 288.0651, Florida Statutes. In consideration of available funds, funding priority will be given to underpopulated county applications.

(12)(b)3. For this program, a complete application will be considered as the Organization Grant Application form, incorporated by reference in paragraph (5), with the exception

of Operating Results and Projections, and responses to all narrative questions. Incomplete applications will not be forwarded to the panel for review.

(13)(e) Applicants must submit a completed and signed application, using form CA2E050, eff. 8/02, incorporated by reference and available from the Division, including the required number of copies, on or before the announced postmark deadline.

(16)(a)2.a. A completed and signed Cultural Endowment Application Form (#CA2E037, eff. 8/02), incorporated by reference and available from the Division.

(16)(b)2.a. A completed and signed Cultural Endowment Application Form (#CA2E037, eff. 8/02), incorporated by reference and available from the Division, and submitted on or before the annual June 1 deadline.

(16)(b)10. Each organization shall enter into a trust agreement (CA2E039, eff. 8/02), incorporated by reference and available from the Division, with the State of Florida for the management of the endowment fund. The trust agreement shall include:

(17)(b)1. A completed and signed Cultural Facilities Program Application Form (#CA2E020, eff. 8/02), incorporated by reference and available from the Division, including the number of required application copies, submitted to the Division on or before the announced postmark deadline.

(17)(k) Grant Award Agreement. The Grant Award Agreement (CA2E038, eff. 8/02) incorporated by reference and available from the Division, is the document by which the organization enters into a contract with the State of Florida for the management of grant funds which shall include:

(18)(b) Eligible applicants must submit a completed Fellowship application form (CA2E012, eff. 8/02, incorporated by reference and available from the Division) with all required samples of work in the discipline appropriate formats described in the program guidelines, on or before the announced postmark deadline. Samples of work must be original and authentic representations of the applicant's work.

(19)(m) Reporting. For all programs, unless otherwise specified, the grantee shall file a final report no more than 30 days following the project ending date. Interim reports will be required for grants with ending dates after June 30. These interim reports shall contain program financial and statistical results as of June and must be submitted no later than July 30. A final report will also be required 30 days after the project ending date. Requests for report due date extensions must be submitted in writing prior to the original due date. Interim and final reports shall be completed and submitted on the Grant Report Form (CA2E004, eff. 8/02), incorporated by reference and available from the Division.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Linda Downey, Chief, Bureau of Grant Services, Division of Cultural Affairs, 1001 DeSoto Park Drive, Tallahassee, Florida 32301

DEPARTMENT OF INSURANCE

RULE NOS.:	RULE TITLES:
4-149.037	Calculation of Premium Rates
4-149.038	Employee Health Care Access Act Annual and Quarterly Statement Reporting Requirement
4-149.039	Designation of Election to Become a Risk-Assuming or Reinsuring Carrier
4-149.040	Change of Status of Small Employer Carrier's Election to Become Risk-Assuming or Reinsuring Carrier
4-149.041	Marketing Communication Material and Marketing Guidelines
4-149.044	Forms

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 28, No. 12, March 22, 2002, of the Florida Administrative Weekly. These changes are being made to address concerns expressed

4-149.037 Calculation of Premium Rates.

Paragraph (a) of Subsection (2) has been deleted, and the remaining paragraphs renumbered accordingly.

Paragraph (b) of subsection (3) is changed to read:

(3)(b) Premiums for health benefit plans shall recognize benefit, deductible, and copay differentials as well as other plan structures that can be demonstrated to have a direct impact on costs. As an example, if the Standard Plan is enriched by the addition of riders for a particular employer by 20 percent, then the premium shall be 20 percent higher than a Standard Plan issued to the same employer. This does not prohibit reflecting appropriate premium differences due to cost differences of provider networks between plans....

Subsection (6) is changed to read:

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

b. A small employer carrier may make an adjustment to a small employer's renewal premium, not to exceed 10 percent annually due to claims experience, health status, or duration of coverage subject to a maximum 15 percent differential from the modified community rate pursuant to Section 627.6699(6)(b)5., Florida Statutes.

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

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

4. A small employer carrier may require completion of an application including health questions, but shall not decline to offer coverage if the employer is unwilling or unable to provide prior claims experience.

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

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

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

(d) Coverage available to an Alliance or other group association pursuant to Section 627.6699(6)(b), Florida Statutes, is subject to the provisions of Section 627.6699, Florida Statutes, and shall be available to the Alliance or other group association on a guaranteed issue basis. Any rate adjustments made pursuant to paragraph (b) above shall be applied uniformly to all members of the Alliance or other group association and not on an individual employer basis. Rate adjustments pursuant to paragraph (a) above shall be determined and applied on an individual employer group basis. Subsection (7) has been deleted.

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

Subsection (1) is changed to read:

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

(b) The company shall file an actuarial certification that the carrier is in compliance with the provisions of Section 627.6699(6), Florida Statutes as required by Section

627.6699(8)(b), Florida Statutes, and that the rating methods of the carrier are actuarially sound. The actuary shall provide a detailed explanation if this certification cannot be made.

Subsection (2): The revision date of form DI4-1117 has been deleted.

4-149.039 Designation of Election to Become a Risk-Assuming or Reinsuring Carrier.

Subsection (1): The revision date of form DI4-1093 has been deleted.

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

Subsection (1): The revision date of form DI4-1095 has been deleted.

4-149.041 Marketing Communication Material and Marketing Guidelines.

Paragraph (f) of Subsection (2) is changed to read:

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

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

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

2. This does not restrict carriers from quoting rates to groups based on estimated enrollment or demographics provided by the employer.

4-149.044 Forms.

Subsection (1) is changed to read:

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

(a) DI4-1094, rev. 11/01, Report of Gross Annual Premiums and Enrollment Data for Health Benefit Plans Issued to Florida Residents.

(b) DI4-1117, rev. 5/02, Florida Employee Health Care Access Act Enrollment Report.

(c) DI4-1093, rev. 5/02, State of Florida/Small Employer Carrier's Application to Become a Risk Assuming Carrier or a Reinsuring Carrier, As Required by Section 627.6699(9), Florida Statutes.

(d) DI4-1095, rev. 5/02, State of Florida/Small Employer Carrier's Application to Modify Previous Election to Become a Risk Assuming or a Reinsuring Carrier, As Required by Section 627.6699(9), Florida Statutes.

The remainder of the rule reads as previously published.

DEPARTMENT OF CORRECTIONS

RULE NOS.:	RULE TITLES:
33-210.101	Routine Mail
33-210.102	Legal Documents and Legal Mail
33-210.103	Privileged Mail

NOTICE OF PUBLIC HEARING

Notice is hereby given that a public hearing on the above referenced proposed rules, as noticed in the Florida Administrative Weekly, Vol. 28, No. 21, May 24, 2002, will be held at 9:00 a.m. on Wednesday, July 10, 2002, at the Department of Corrections Central Office located at 2601 Blair Stone Road, Tallahassee, Florida 32399-2500.

WATER MANAGEMENT DISTRICTS

Southwest Florida Water Management District

RULE NO.:	RULE TITLE:
40D-1.6105	Limiting Conditions

NOTICE OF CHANGE

Notice is hereby given in accordance with subparagraph 120.54(3)(d)1., F.S., that the following changes have been made to the proposed amendments of subsection 40D-1.6105(2), F.A.C., published in Vol. 28, No. 16, April 19, 2002, issue of the Florida Administrative Weekly:

Subsection 40D-1.6105(2), F.A.C., is changed as follows:

A permit may be assigned to a subsequent owner subject to all terms and conditions contained in such permit upon notification in writing to the Board of such assignment, provided ownership, lease, or other control of all such lands is conveyed to the assignee and further provided that the assignee, by accepting such assignment, does assume responsibility for complying with all such terms and conditions. To assign a permit a subsequent owner must submit an appropriate Notification and Request for Transfer form, ~~incorporated by reference in 40D-1.659~~, that includes the signature of the permittee(s) or a copy of the legally recorded deed(s) to all of the land covered by the permit. Notification and Request for Transfer of Environmental Resource Permit Form No. 04.10R-022 (07/01) and Notification and Request for Transfer of a Water Use Permit Form No. 04.10R-025 (/02) are incorporated herein by this reference. Copies of these forms may be obtained from the District. The Board may withhold its approval of the permit assignment if it has been demonstrated to the Board that the assignee has failed to properly manage another such facility within the District.

Specific Authority 373.044, 373.113, 373.149, 373.171 FS. Law Implemented 373.219, 373.413, 373.416 FS. History-Readopted 10-5-74, Formerly 16J-0.12, Amended 2-10-93, Formerly 40D-0.381, Amended 12-16-97,

indicates the child is not fully immunized and cannot receive any more of a particular vaccine due to medical reasons. Medical reasons must be stated for each vaccine that is contraindicated as described above.

THE PERSON TO BE CONTACTED REGARDING THE NOTICE OF CHANGE IS: Susan Lincicome, Senior Management Analyst Supervisor, Department of Health, Bureau of Immunization, Room 210N, 2585 Merchants Row Blvd., Tallahassee, FL 32399-1719, (850)245-4342 (Mailing address: 4052 Bald Cypress Way, Bin #A-11, Tallahassee, FL 32399-1719)

FLORIDA HOUSING FINANCE CORPORATION

RULE NOS.:	RULE TITLES:
67-50.001	Purpose and Intent
67-50.005	Definitions
67-50.010	Fees
67-50.020	Notice of Funding Availability (NOFA)
67-50.030	General Program Eligible Activities
67-50.040	General Program Restrictions
67-50.050	HAP Program Restrictions
67-50.060	HOME Program Restrictions
67-50.070	Application and Selection Procedures
67-50.080	Credit Underwriting Procedures
67-50.090	Disbursement of Funds, Draw Requests, and Loan Servicing
67-50.100	Compliance and Monitoring

NOTICE OF CHANGE

The Florida Housing Finance Corporation announces the rescheduling of the Rule Hearing for Rule Chapter 67-50, which was originally noticed in Vol. 28, No. 22.

DATE AND TIME: 10:00 a.m., July 2, 2002

PLACE: Florida Housing Finance Corporation, Sixth Floor Conference Room, 227 North Bronough Street, Tallahassee, Florida 32301

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct a public hearing regarding the newly proposed Homeownership Loan Program.

For additional information contact: Esrone McDaniels, Deputy Development Officer, Homeownership Programs, Florida Housing Finance Corporation, 227 North Bronough Street, Tallahassee, Florida 32301, (850)488-4197

Any person requiring special accommodation at this hearing because of a disability or physical impairment should contact Laurie Camp at the above address. If you are hearing or speech impaired, please use the Florida Dual Party Relay System, which can be reached at 1(800)955-8770 (Voice) or 1(800)955-9771 (TDD).

**Section IV
Emergency Rules**

DEPARTMENT OF THE LOTTERY

RULE TITLE: RULE NO.:

UNIVERSAL RULES Retailer Promotion Contest 53ER02-33
SUMMARY OF THE RULE: This emergency rule sets for the provisions for the UNIVERSAL RULES Retailer Promotion Contest which will be conducted from July 7, 2002 through August 9, 2002.

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:

53ER02-33 UNIVERSAL RULES Retailer Promotion Contest.

(1) From July 7, 2002, through August 9, 2002, the Florida Lottery will conduct a UNIVERSAL RULES Retailer Promotion Contest. A total of one hundred twenty (120) live radio remote broadcasts ("remotes"); one (1) Universal Orlando® Vacation Prize Package for four persons; and eleven (11) pairs of Universal Orlando 2-Day/2-Park passes will be awarded among the winning retailers.

(2) To enter the contest, retailers must submit a signed UNIVERSAL RULES Retailer Promotion Contest Entry Form agreeing to participate in the contest to a Florida Lottery sales representative or to their local Florida Lottery District Office, on or before July 7, 2002. UNIVERSAL RULES Retailer Promotion Contest Entry Form DOL-462, Effective 6/02, is incorporated herein by reference and may be obtained at any Lottery district office or by writing the Florida Lottery, Marketing and Sales Division, 250 Marriott Drive, Tallahassee, Florida 32399-4042.

(3) To be eligible to win any of the prizes included in the UNIVERSAL RULES Retailer Promotion Contest, participating retailers must:

(a) Create a store promotion for Instant Game Number 435, UNIVERSAL RULES and maintain it throughout the promotion period;

(b) Submit one or two photographs of their UNIVERSAL RULES instant ticket promotion to a Lottery sales representative or their local Florida Lottery district office, on or before August 10, 2002. The photograph dimensions may not exceed 4" x 6" and the photographs will become the property of the Florida Lottery; and

(c) Manage all stocked instant lottery games as detailed on the UNIVERSAL RULES Retailer Promotion Contest Entry Form.

A Florida Lottery sales representative will visit each participating retailer at least twice during the promotion period to monitor the retailer's promotion and ticket stock management.

(4) Prizes.

(a) Radio Remote Broadcasts.

1. A Radio Remote Broadcast consists of talent from a select radio station promoting the retailer's business through intermittent live radio broadcasts from the retailer's store location. The duration of a remote is approximately two hours. Retailers will be responsible for scheduling the date and time of a remote with a Florida Lottery sales representative. Date requests are subject to availability at the time of scheduling. The retail value of a remote is between approximately \$1,500-\$6,000, depending upon the market for and location of the remote and includes engineering and talent costs. Retailers will also receive a check in an amount equal to 20% of the retail value of the remote. Retailers will be responsible for paying any applicable federal, state, and/or local taxes or other fees on the prize. A retailer must use the remote on or before November 23, 2002. If the retailer is unable to use the remote during the time frame detailed above, the retailer will forfeit the remote; however, the value of the remote will remain taxable income to the retailer.

2. In each of the eleven (11) Florida Lottery district offices, Florida Lottery sales representatives will conduct the judging of all UNIVERSAL RULES retailer promotions from the submitted promotion photographs in their district. Retailer promotions will be judged based upon creativity in the use of point-of-sale Lottery items and other materials that best promote the theme of Instant Game Number 435, UNIVERSAL RULES. The top-judged eligible retailers will be awarded the remotes in accordance with the distribution criteria set forth in subparagraph (4)(a)3. below. A winning retailer must be in good financial standing as set forth in subsection (7) in order to receive an awarded prize.

3. The one hundred twenty (120) remotes will be distributed among the eleven (11) districts as set forth in the table below. The allocation of the remotes is based upon the percentage of the total number of retailers in each district to the total number of retailers statewide.

DISTRICT	NUMBER OF REMOTES
Tallahassee	4
Pensacola	7
Jacksonville	10
Gainesville	7
Orlando	20
St. Petersburg	10
Tampa	12
Fort Myers	11
West Palm Beach	12
Fort Lauderdale	11
Miami	16

The winning retailers will be announced on August 23, 2002.

4. In the event an insufficient number of retailers within a district enters the contest to award all remotes allocated to that district, the total number of remotes for that district will be reduced to the total number of eligible entries and awarded in accordance with subparagraph (4)(a) 2., above. The remaining remotes will not be awarded, and the total number of remotes awarded statewide will be reduced accordingly.

(b) Universal Orlando® 2-Day/2-Park Passes.

1. The Florida Lottery will award in accordance with the drawing provisions set forth in subparagraph (4)(b) 2. below, eleven (11) pairs (one pair per district) of Universal Orlando 2-Day/2-Park passes (retail value \$201.30). Passes are valid through June 30, 2003.

2. Eleven district drawings will be conducted on August 21, 2002, to award the park passes. All eligible participating retailers will be grouped according to district and included in their respective district drawing. In each drawing, a total of five (5) entries will be drawn. The first entry drawn will be the winner, provided the retailer is in good financial standing as set forth in subsection (7), and the remaining entries will be alternates. The winning retailers will be announced on August 23, 2002, and the park passes will be delivered by Florida Lottery sales representatives during the last week of August, 2002.

(c) Universal Orlando® Vacation Prize Package.

1. The Universal Orlando Vacation Prize Package ("vacation prize package") is valued at \$1,446.27, and includes the following:

a. Three nights' hotel accommodations (room and room tax charges only) for up to four people in one room at an on-site Universal Orlando hotel (based on availability) which includes: Universal ExpressSM ride access at Universal Studios® and Islands of AdventureSM theme parks; free on-site transportation to and from the theme parks and CityWalk®; and, priority seating at select Universal Orlando Resort® restaurants;

b. Universal Orlando Length-of-Stay Passes for up to four people valid for admission to Universal Studios and Islands of Adventure theme parks;

c. Universal CityWalk Cineplex Movie Tickets for up to four people; and

d. \$100 (total) CityWalk CityBucks to be used for food or merchandise at select Universal CityWalk locations. A complete listing of the select Universal CityWalk locations may be obtained from the Florida Lottery, Marketing and Sales Division, 250 Marriott Drive, Tallahassee, Florida 32399-4042, or is available on the Florida Lottery's website at www.flalottery.com. Locations are subject to change.

The retailer will also receive a check in the amount of \$500. The retailer will be responsible for paying any applicable federal, state, and/or local taxes or other fees on the vacation prize package.

The vacation prize package does not include travel (other than the on-site transportation described in subparagraph (4)(c) 1. a.), meals, incidentals, tips, telephone calls, or other personal expenses incurred during the vacation.

2. One statewide drawing in which all eligible participating retailers will be included will be conducted to award the Universal Orlando Vacation Prize Package. A total of ten (10) entries will be drawn. The first entry drawn will be the winner, provided that the retailer is in good financial standing as set forth in subsection (7) below, and the remaining entries will be alternates. The drawing will be conducted on August 21, 2002, and the winning retailer will be announced on August 23, 2002.

3. Award of the Vacation Prize Package. The retailer who is the winner of the vacation prize package will be contacted in person by a Florida Lottery sales representative during the last week of August 2002, and delivered a Florida Lottery Retailer Universal Orlando® Vacation Prize Package Acceptance and Designation Form DOL-463. The Florida Lottery Retailer Universal Orlando® Vacation Prize Package Acceptance and Designation Form DOL-463, Effective 6/02, is incorporated herein by reference and may be obtained from the Florida Lottery, Marketing and Sales Division, 250 Marriott Drive, Tallahassee, Florida 32399-4042 (“Acceptance and Designation Form”). The deadline for the retailer to complete and return the Acceptance and Designation Form is September 13, 2002. If the retailer does not return the completed Acceptance and Designation Form by the September 13, 2002, deadline, the retailer will forfeit the vacation prize package and cash award and the Florida Lottery will award the vacation prize package and cash award to the next eligible alternate retailer, who will have until September 30, 2002, to return the completed Acceptance and Delivery Form. If the next eligible alternate retailer does not return the form, further attempts will be made to award the vacation prize package and cash award to the next eligible retailers until an Acceptance and Designation Form is received or until November 27, 2002. Upon the Florida Lottery’s receipt of the retailer’s executed Acceptance and Designation Form, the Florida Lottery will deliver a \$500.00 check to the retailer and a congratulatory letter and vacation prize package certificate to the retailer’s designated vacation prize package recipient, which may be the retailer him- or herself. The congratulatory letter will provide the vacation prize package recipient an explanation of the vacation prize package redemption process.

4. The retailer will be responsible for making vacation prize package reservations directly with Universal Orlando a minimum of forty-five (45) days prior to retailer’s desired travel dates. All date requests are subject to availability at the

time of booking and may be capacity controlled during any holiday period. The retailer and his or her guests must travel at the same time, and travel must be completed on or before June 30, 2003. If the retailer is unable to use the vacation prize package during the time frame detailed above, the retailer will forfeit the vacation prize package; however, the value of the vacation prize package will remain taxable income to the retailer. The vacation prize package may be transferred one time by the retailer to another person only in its entirety; however, the value of the vacation prize package will remain taxable income to the retailer. The vacation prize package is not redeemable for cash. The winning retailer must be 18 years of age or older.

(5) Cash will not be awarded in lieu of prizes, except as follows. The Florida Lottery reserves the right, if necessary due to unforeseen circumstances beyond the control of the Florida Lottery, to award a cash prize or substitute an element or elements of a prize in lieu of any prize offered in this contest. In the event cash prizes are awarded, the cash prize amount shall be equivalent to the fair market value of the unavailable prize element or elements.

(6) The retail value of a prize won, plus cash awarded, will be considered compensation to the retailer for Internal Revenue Service purposes.

(7) A retailer must be in good financial standing at the time prizes are awarded in order to receive its prize. Good financial standing is defined as having no dishonored unpaid electronic funds transfers or associated penalties, or any other accounts receivable outstanding for more than sixty (60) days. In the event a winning retailer is not in good financial standing at the time prizes are awarded, the next ranked or next drawn retailer will be substituted for the ineligible retailer until all prizes are awarded or there are no other eligible retailer entries in the district.

(8) A retailer who is selected for award of a prize but whose Florida Lottery contract is terminated or inactivated subsequent to the promotion period and prior to the award of the prize, shall be awarded the prize provided said termination or inactivation was not due to violation of Chapter 24, Florida Statutes, Chapter 53, Florida Administrative Code, or retailer Contract terms.

Specific Authority 24.105(9)(i), 24.109(1) FS. Law Implemented 24.105(9)(i), 24.112(1) FS. History—New 6-12-02.

THIS EMERGENCY RULE TAKES EFFECT IMMEDIATELY UPON BEING FILED WITH THE DEPARTMENT OF STATE.

EFFECTIVE DATE: June 12, 2002

Section V Petitions and Dispositions Regarding Rule Variance or Waiver

DEPARTMENT OF LAW ENFORCEMENT

Notice is hereby given that the Officer Professionalism Program, Florida Department of Law Enforcement has received from Thomas E. Murphy, on June 6, 2002, an emergency petition for Waiver of subparagraph 11B-27.0023(2)(h)2., F.A.C., pursuant to Section 120.542, F.S. Petitioner has requested that the Department waive the requirement that an officer take certain courses for recertification.

Comments on this Petition should be filed with: Office of General Counsel, Florida Department of Law Enforcement, P. O. Box 1489, Tallahassee, Florida 32302, Attention: Assistant General Counsel Grace A. Jaye.

A copy of the Petition may be obtained by contacting Assistant General Counsel Grace A. Jaye at the above address, or by calling (850)410-7676.

WATER MANAGEMENT DISTRICTS

NOTICE IS HEREBY GIVEN that on May 29, 2002, South Florida Water Management District (District) received a petition for waiver from Osceola Farms Company, for utilization of Works or Lands of the District known as the L-10 Canal, Palm Beach County, for construction of a new foundation and two-sided lighted sign at the entrance to Osceola Farms Company. The petition seeks relief from subsections 40E-6.011(4),(5) and (6), Fla. Admin. Code, which governs the placement of permanent and semi-permanent above-ground structures within forty feet of the top of canal bank within Works or Lands of the District, and seeks relief from paragraph 40E-6.221(2)(j), Fla. Admin. Code, and the Basis of Review for Use or Occupancy of the Works or Lands of the District Permit Applications within the South Florida Water Management District, incorporated by reference in subsection 40E-6.091(1), Fla. Admin. Code, which governs the placement of above-ground structures within the District's designated 100 foot equipment staging area within Works or Lands of the District.

A copy of the petition may be obtained from: Jan Sluth, (561)682-6299 or e-mail: jsluth@sfwmd.gov.

The District will accept comments concerning the petition for 14 days from the date of publication of this notice. To be considered, comments must be received by the end of business on the 14th day at the South Florida Water Management District, 3301 Gun Club Road, MSC 1410, West Palm Beach, FL 33406, Attn: Jan Sluth, Office of Counsel.

NOTICE IS HEREBY GIVEN that on June 5, 2002, South Florida Water Management District (District) received a petition for waiver from Rio Ranch Corporation, for utilization of Works or Lands of the District known as the L-62 Canal, Okeechobee County, for temporary use of the north right of way for temporary access beginning at S. W. 87th Terrace and running westerly approximately 3800 feet and for installation of 12' and 6' PVC intake pipes and 1-24' discharge pipe through the north right of way located 3800' and 4460' respectively west of S.W. 87th Terrace in conjunction with the District's Joint Venture Project (S-154 APBWT Prototype Phase 1). The petition seeks relief from subsections 40E-6.011(4),(5) and (6), Fla. Admin. Code and paragraph 40E-6.221(2)(j), Fla. Admin. Code and paragraph 40E-6.221(2)(j), Fla. Admin. Code, and the Basis of Review for Use or Occupancy of the Works or Lands of the District Permit Applications within the South Florida Water Management District, incorporated by reference in subsection 40E-6.091(1), Fla. Admin. Code, which governs the placement of permanent and semi-permanent above-ground structures within forty feet of the top of canal bank within Works or Lands of the District.

A copy of the petition may be obtained from: Jan Sluth, (561)682-6299 or e-mail: jsluth@sfwmd.gov.

The District will accept comments concerning the petition for 14 days from the date of publication of this notice. To be considered, comments must be received by the end of business on the 14th day at the South Florida Water Management District, 3301 Gun Club Road, MSC 1410, West Palm Beach, FL 33406, Attn: Jan Sluth, Office of Counsel.

NOTICE IS HEREBY GIVEN that the South Florida Water Management District (District) received a request for withdrawal of the Petition for Waiver from the Cornerstone Group on behalf of the San Marino Club of Naples, Florida on May 2, 2002. The petition for waiver was received by the District on November 30, 2001. Notice of receipt of the petition requesting the waiver was published in the Florida Administrative Weekly, Vol. 27, No. 52, on December 28, 2001.

A copy of the request for withdrawal can be obtained from: Jan Sluth, South Florida Water Management District, 3301 Gun Club Road, MSC 1410, West Palm Beach, FL 33406-4680; telephone number (561)682-6299 or by e-mail: jsluth@sfwmd.gov.

The South Florida Water Management District (SFWMD) provides Notice of Proposed Agency Action to grant to the City of Kissimmee (Kissimmee Commerce Park, Runway 15-33 Safety Area Drainage Improvements), at its meeting of July 11, 2002, a Variance (Application 020417-2, received on April 17, 2002) of littoral zone and side slope criteria contained in Section 7.4(c) and (d), Basis of Review for

Environmental Resource Permit Applications Within the South Florida Water Management District – January 2001, incorporated by reference in paragraph 40E-4.091(1)(a), Florida Administrative Code.

A copy of the Proposed Agency Action, the Petition for Variance (Application 020417-2), a description of the project, a staff analysis of the project, and the rules referenced in this Notice, are available for inspection at the South Florida Water Management District, Environmental Resource Regulation Department, 3301 Gun Club Road, West Palm Beach, FL 33406, or a copy may be obtained by contacting: Ralph Pena, (561)682-6906.

Interested persons may comment upon the proposed agency action and are entitled to request a hearing regarding the proposed agency action by writing to the Governing Board of the South Florida Water Management District, P. O. Box 24680, West Palm Beach, FL 33416-4680, but such comments or requests must be received within 14 days from the date of this publication.

DEPARTMENT OF THE LOTTERY

NOTICE IS HEREBY GIVEN THAT the Department of the Lottery has received a Petition for Waiver of Rule 53ER02-12(5), F.A.C., *Procedures for Awarding Prizes*, from each of the following petitioners:

Petitioner	Date Filed
Joseph B. Abrams, New Port Richey, Florida	June 6, 2002
Gaetana Sanicola, Sunrise, Florida	June 6, 2002

Emergency Rule 53ER02-12, F.A.C, sets forth the provisions for payment of prizes to players. A copy of the Petitions can be obtained from the Florida Lottery, Office of the General Counsel, 250 Marriott Drive, Tallahassee, Florida 32399-4011.

Section VI
Notices of Meetings, Workshops and Public Hearings

DEPARTMENT OF BANKING AND FINANCE

The Florida **Board of Funeral and Cemetery Services** announces a telephone conference Board Meeting, to which all persons are invited to attend.

DATE AND TIME: July 23, 2002, 9:00 a.m. – 12:00 Noon

PLACE: Telephone conference

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regular Board Business.

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

To obtain further information on how to participate contact: Frances Restifo, Administrative Assistant II, Division of Securities and Finance, Room 649B, Fletcher Bldg., 101 East Gaines St., Tallahassee, FL 32399-0350, (850)410-9853. An agenda will be available seven days prior to the meeting.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this meeting is asked to advise Frances Restifo, (850)410-9853, at least 48 hours before the meeting. If you are hearing or speech impaired, contact Frances Restifo via the Florida Relay Service at 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice), for assistance.

DEPARTMENT OF INSURANCE

The **Department of Insurance** announces a public meeting to which all persons are invited:

DATE AND TIME: July 9, 2002, 9:00 a.m.

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

GENERAL SUBJECT MATTER TO BE CONSIDERED: The proposed conversion of First Commercial Mutual Company, an assessable mutual, to a Florida domestic stock insurer.

A copy of the agenda may be obtained by contacting: Tamika Anderson, Insurance Examiner, Department of Insurance, 200 East Gaines Street, Tallahassee, Florida 32399-0300, (850)413-5282.

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

The **Department of Insurance** announces a series of public meetings to which all persons are invited:

DATES AND TIME: July 12, 19, 2002; August 9, 16, 23, 2002, 9:00 a.m. – 5:00 p.m.

PLACE: The Florida Department of Insurance, Room 116, 200 East Gaines Street, Tallahassee, Florida 32399-0328

GENERAL SUBJECT MATTER TO BE CONSIDERED: Florida Small Group Standard and Basic Benefit Plan Review.

A copy of agendas may be obtained by contacting: Rich Robleto, Chief, Florida Department of Insurance, Bureau of Life and Health Forms and Rates, 200 East Gaines Street, Tallahassee, Florida 32399-0328, (850)413-5110.

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

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

The **Department of Agriculture and Consumer Services** announces a meeting of the Florida Agriculture Center and Horse Park Authority, Executive Committee

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

PLACE: Ocala/Marion County Chamber of Commerce, Conference Room, Second Floor, 110 East Silver Springs Boulevard, Ocala, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct routine duties of the Authority including reports on the goals and objectives previously discussed and assigned.

A copy of the agenda can be obtained by contacting: Richard Gunnels, Lower Level 28, The Capitol, Tallahassee, Florida 32399-0810, (850)488-3022.

If special accommodations are needed to attend this meeting because of a disability, please contact Richard Gunnels as soon as possible.

DEPARTMENT OF EDUCATION

The Florida **Board of Education** announces a public meeting of the Governor's Blue Ribbon Task Force on Accommodations and Access for Students with Disabilities to which all interested persons are invited.

DATES AND TIMES: Thursday, June 27, 2002, 9:00 a.m. – 5:00 p.m.; Public input is scheduled for Thursday, June 27, 2002, 3:00 p.m. – 4:00 p.m.; Friday, June 28, 2002, 8:30 a.m. – 3:00 p.m.

PLACE: Omni Jacksonville Hotel, 245 Water Street, Jacksonville, Florida 32202, (904)355-6664

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Task Force will gather information through expert presentations and public testimony relevant to Executive Order No. 02-108, Office of the Governor, State of Florida. Such information will include reasonable assessment accommodations, high school credentials and diploma options, and access to postsecondary education for students with disabilities.

A copy of the agenda may be obtained by writing: Florida Department of Education, Room 432, Turlington Building, Tallahassee, Florida 32399-0400, by calling the Bureau of School Improvement, (850)487-8780 or Suncom 278-8780 or from the web page at www.flboe.org.

Any person requiring special accommodations to participate in this meeting is asked to advise the Bureau at least 48 hours in advance by calling the number indicated above.

DEPARTMENT OF COMMUNITY AFFAIRS

The **Florida Building Commission** announces the following meetings to which all persons are invited. The meetings will be held at:

PLACE: The Rosen Plaza, 9700 International Drive, Orlando, Florida 32819, 1(800)627-8258

DATE AND TIMES: June 30, 2002

9:00 a.m. Meeting of the Code Administration Technical Advisory Committee, the Residential Rehabilitation Subcommittee, and the Commercial Rehabilitation Subcommittee which will include consideration of requests for Declaratory Statements on the Florida Building Code.

4:00 p.m. Meeting of the subgroup on attachment corrosion.

DATE AND TIME: July 1, 2002, 9:00 a.m.

Meeting of the Accessibility Advisory Council to consider the following applications for waiver from accessibility code requirements: Colony Theater Restoration and Stage House Improvements, 1040 Lincoln Road, Miami Beach, Florida 33139; Crazy Conch Café, 763 Monte Cristo Boulevard, Tierra Verde, Florida 33715; McFarlain Cassidy Law Firm Renovation, 305 South Gadsden Street, Tallahassee, Florida 32301; Super 8 Motel, 5929 Ramona Boulevard, Jacksonville, Florida 32205; Pediatric Associates of Orlando, 414 North Mills Avenue, Orlando, Florida 32802; Davie Campus – Jewish Federation of Broward County, 5850 Pine Island Road, Davie, Florida; General Hauling Services, Inc., 1451 N. W. 20 Street, Miami, Florida; Baldwin House, 11 S. E. Second Avenue, Gainesville, Florida 32601; Wade Raulerson Pontiac GMC Truck, 2101 North Main Street, Gainesville, Florida; Marco Island Marriott Resort, 400 South Collier Boulevard, Marco Island, Florida 34145.

DATE AND TIMES: July 1, 2002

8:00 a.m. Meeting of all Technical Advisory Committees on Sunshine Law Training.

8:30 a.m. Meeting of the Mechanical Technical Advisory Committee which will include consideration of requests for Declaratory Statements on the Florida Building Code.

8:30 a.m. Meeting of the Roofing Subcommittee of the Structural TAC.

9:30 a.m. Meeting of the Structural TAC which will include consideration of requests for Declaratory Statements on the Florida Building Code.

10:00 a.m. Meeting of the Education TAC.

11:00 a.m. Meeting of the Education Program Oversight Committee.

1:00 p.m. Meeting of the Accessibility Technical Advisory Committee.

1:00 p.m. Meeting of the Product Approval/Prototype Buildings/Manufactured Buildings Program Oversight Committee which will include consideration of requests for Declaratory Statements on the Florida Building Code.

- 1:00 p.m. Meeting of the Energy TAC which will include consideration of requests for Declaratory Statements on the Florida Building Code.
- 3:00 p.m. Meeting of the Structural TAC continued which will include consideration of requests for Declaratory Statements on the Florida Building Code.
- 5:00 p.m. Meeting of all Technical Advisory Committees and the Commission Chairman on the code amendment process.

DATE AND TIME: July 2, 2002

- 8:30 a.m. Meeting of the Plenary Session of the Florida Building Commission.

Agenda review and approval. Review and approval of May 14, 2002 Meeting minutes. Review and update of Commission work-plan. Consideration of requests for waiver from accessibility code requirements: Colony Theater Restoration and Stage House Improvements, 1040 Lincoln Road, Miami Beach, Florida 33139; Crazy Conch Café, 763 Monte Cristo Boulevard, Tierra Verde, Florida 33715; McFarlain Cassedy Law Firm Renovation, 305 South Gadsden Street, Tallahassee, Florida 32301; Super 8 Motel, 5929 Ramona Boulevard, Jacksonville, Florida 32205; Pediatric Associates of Orlando, 414 North Mills Avenue, Orlando, Florida 32802; Davie Campus – Jewish Federation of Broward County, 5850 Pine Island Road, Davie, Florida; General Hauling Services, Inc., 1451 N. W. 20 Street, Miami, Florida; Baldwin House, 11 S. E. Second Avenue, Gainesville, Florida 32601; Wade Raulerson Pontiac GMC Truck, 2101 North Main Street, Gainesville, Florida; Marco Island Marriott Resort, 400 South Collier Boulevard, Marco Island, Florida 34145.

Consideration of Committee Reports and Recommendations: Fire TAC Report (from the June 19, 2002 meeting); Code Administration TAC Report; Mechanical TAC Report; Structural TAC Report; Energy TAC Report; Product Approval/Prototype Buildings/Manufactured Buildings Program Oversight Committee Report; Education Program Oversight Committee and TAC Report and Accessibility TAC Report.

Legal staff report including requests for Declaratory Statements.

Second Hearing: DCA02DEC063 by Door and Access Systems Manufacturers Association on garage door wind load guide; DCA02DEC070 by Philip J. Childs on a skimmer as a pool inlet; DCA02DEC071 by Leisure Bay on pool skimmers; DCA02DEC073 by Mermaid Pools on pool drains; DCA02DEC077 by Vac-Alert on vacuum relief; DCA02DEC078 by Josam Company on grease recovery devices; DCA02DEC087 by Sioux Chief Manufacturing Inc. on water hammer arresters; DCA02DEC092 by H & H Mechanical Inc., on water closet fixtures; DCA02DEC114 by Florida Extruders International on design pressure on windows; DCA02DEC115 by Florida Extruders International

on design pressure on windows and sliding glass doors; DCA02DEC125 by Florida Home Builders Association on emergency escape and rescue openings; DCA02DEC127 by Mike Morello on clothes dryer exhaust; DCA02DEC130 by Dr. Jack Reinhardt Inc. on termiticides; DCA02DEC131 by Pinellas County on water heaters installed in garages; DCA02DEC132 by Icynene Inc. on interior foam plastic; DCA02DEC133 by Affordable Fence & Screen Inc. on screen doors and pool gates; DCA02-DEC-048 by Lake County on pool drains.

First Hearing: DCA02DEC062 by Airtemp on balanced return air; DCA02-DEC-124 by Miami-Dade Water and Sewer Department; DCA02-DEC-128 by Richard Johnston; DCA02-DEC-138 by Bellsouth Telecommunications; DCA02-DEC-142 by DASMA Inc.; DCA02-DEC-162 by Florida Extruders International, Inc.; DCA02-DEC-166 by Florida Building Material Association; DCA02-DEC-167 by Florida Building Material Association; DCA02-DEC-169 by Florida Extruders International, Inc.; DCA02-DEC-170 by International Engineering Associations, Inc.; DCA02-DEC-171 by Leon County Community Development Department of Growth and Environmental Management Building Inspection; DCA02-DEC-173, DCA02-DEC-174, and DCA02-DEC-175 by Florida Power & Light; DCA02-DCA-176, DCA02-DCA-177, DCA02-DCA-178, and DCA02-DCA-179 by Larry Banks; DCA02-DCA-180 by the Florida Portable Building Manufacturers Association; DCA02-DCA-182 by BLISS & NYTTRAY, INC; DCA02-DEC-183 by Master Consulting Engineering, Inc.; and DCA02-DEC-184 by GVANS groups.

Commission/BOAF project to develop a non-binding code interpretation process. Legislative Report. Workshop on Development of Policy for a Relationship of the Florida Building Code to the International Codes. Review of Proposed Procedures for Advisory Opinion. Receive Public Comment.

A copy of the Committee and Commission meeting agendas and other documents may be obtained by sending a request in writing: Betty Stevens, Building Codes and Standards Office, Division of Housing and Community Development, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100, Fax (850)414-8436, or looking on the web site at www.floridabuilding.org.

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

Any person requiring a special accommodation at the meetings because of a disability or physical impairment should contact Ms. Kathryn Willis, Department of Community Affairs, (850)487-1824, at least ten days before the meetings. If you are hearing or speech impaired, please contact the Department of

Community Affairs using the Florida Dual Party Relay System which can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

DEPARTMENT OF LAW ENFORCEMENT

The **Criminal Justice Professionalism Program** announces a Criminal Justice Standards and Training Commission Meeting Conference Call. All parties are invited to participate.

DATE AND TIME: Monday, July 1, 2002, 11:00 a.m.

PLACE: Call (850)921-6623 or Suncom 291-6623. Please dial the conference call number five minutes prior to 11:00 a.m.

GENERAL SUBJECT MATTER TO BE CONSIDERED: For discussion of a request for rule waiver from Thomas E. Murphy.

COMMISSION MEETING AGENDAS: A copy of the July 1, 2002, Conference Call agenda and issue may be obtained by contacting Donna Hunt, (850)410-8615.

SPECIAL ACCOMMODATIONS: Any person requiring a special accommodation at this meeting because of a disability or physical impairment, should contact Donna Hunt, (850)410-8615.

DEPARTMENT OF TRANSPORTATION

The **Department of Transportation**, District 4 announces a public hearing to which all persons are invited.

DATE AND TIME: Thursday, July 18, 2002, 6:00 p.m.

PLACE: North County Regional Library, 11303 Campus Drive, Palm Beach Gardens, Florida 33410

GENERAL SUBJECT MATTER TO BE CONSIDERED: This hearing is being held to afford interested persons the opportunity to express their views concerning the location, conceptual design, social, economic, and environmental effects of Financial Project I.D. Number: 406870-1-22-01/406870-2-22-01, Federal-Aid Number: 0951-554-I, otherwise known as I-95 (SR 9). The limits of the project corridor are from south PGA Boulevard to south of Indiantown Road in Palm Beach County, Florida.

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 telephone number (954)777-4336, or call the Nationwide Toll Free access number 1(866)336-8435, Extension 4336.

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: Beatriz Caicedo-Maddison, P.E., Project Manager, Florida Department of Transportation, District 4, Office of Planning and Environmental Management, 3400 West Commercial Boulevard, Fort Lauderdale, Florida 33309-3421.

The **Florida High Speed Rail Authority** announces a public meeting to which all persons are invited.

DATE AND TIME: Thursday, July 11, 2002, 8:00 a.m. – Conclusion

PLACE: City of Lakeland, City Hall, Council Chambers, Third Floor, 228 South Massachusetts Avenue, Lakeland, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct Florida High Speed Rail Authority business.

Information may be obtained by contacting: Nazih Haddad, 605 Suwannee Street, Tallahassee, Florida 32399-0450, (850)414-4500.

Pursuant to provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in these meetings is asked to advise the Authority at least 48 hours before the meetings by contacting: Betty Sizemore, (850)414-5244.

DEPARTMENT OF CITRUS

The **Department of Citrus** announces a public meeting of the Fruit Classification and Standards Committee to which all persons are invited.

DATE AND TIME: Friday, June 28, 2002, 10:00 a.m.

PLACE: Florida Department of Citrus, 1115 East Memorial Blvd., Lakeland, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Committee will review recommendations for a new fruit classification as well as several declassifications.

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 its regularly scheduled conference to which all interested persons are invited.

DATE AND TIME: July 9, 2002, 9:30 a.m.

PLACE: The Betty Easley Conference Center, Commission Hearing Room 148, 4075 Esplanade Way, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: To consider those matters ready for decision.

LEGAL AUTHORITY AND JURISDICTION: Chapters 120, 350, 364, 366 and 367, F.S.

Persons who may be affected by Commission action on certain items on this agenda for which a hearing has not been held will be allowed to address the Commission concerning those items when taken up for discussion at this conference.

A copy of the agenda may be obtained by any person who requests a copy, and pays the reasonable cost of the copy. (\$1.00 per copy, Statement of Agency Organization and Operations) by contacting: Division of the Commission Clerk and Administrative Services, Director, Florida Public Service Commission, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0870, (850)413-6770. The agenda and recommendations are also accessible on the PSC Homepage, at <http://www.floridapsc.com>, at no charge.

If a person decides to appeal any decisions made by the Commission with respect to any matter considered at this conference, he will need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which appeal is based.

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

The Florida **Public Service Commission** announces its Internal Affairs Meeting to which all interested persons are invited.

DATE AND TIME: July 9, 2002, Immediately following the Commission Conference which commences at 9:30 a.m. in Commission Hearing Room 148

PLACE: The Betty Easley Conference Center, Conference Room 140, 4075 Esplanade Way, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss and make decisions on matters which affect the operation of the Commission.

A copy of the agenda of the Internal Affairs Meeting may be obtained by contacting: Division of the Commission Clerk and Administrative Services, Florida Public Service Commission, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0870.

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

THIS MEETING IS SUBJECT TO CANCELLATION WITHOUT NOTIFICATION.

NOTICE OF CANCELLATION – The Florida **Public Service Commission** hereby gives notice of the cancellation of the prehearing and hearing previously scheduled in the following docket:

Docket No. 980744-WS – Investigation into ratemaking considerations of gain on sale from sale of facilities of Florida Water Services Corporation to Orange County.

The prehearing was scheduled to take place on June 10, 2002, 1:30 p.m., Room 152, Betty Easley Conference Center, 4075 Esplanade Way, Tallahassee, Florida.

The hearing was scheduled to take place on June 26, 2002, 9:30 a.m., Room 148, Betty Easley Conference Center, 4075 Esplanade Way, Tallahassee, Florida.

If rescheduled, a subsequent notice of prehearing and hearing will be issued.

NOTICE IS HEREBY GIVEN that the Florida **Public Service Commission** will conduct a Workshop.

Dockets Nos.: 960786B-TL and 981834-TP

DATE AND TIME: July 12, 2002, 8:30 a.m. (EST)

PLACE: The Betty Easley Conference Center, Room 148, 4075 Esplanade Way Tallahassee, FL 32399

GENERAL SUBJECT MATTER TO BE CONSIDERED: The purpose of this workshop is to allow KPMG Consulting to address questions regarding the draft Final OSS Test Report produced by KPMG Consulting.

All participants are requested to file a list of questions and their representative's name with the Commission's Division of the Commission Clerk and Administrative Services, 2540 Shumard Oak Boulevard Tallahassee, FL 32399-0850, by July 9, 2002.

Preliminarily, it is anticipated that the workshop discussion will proceed by domain, as follows: 8:30 a.m. – 10:00 a.m., Order Management; 10:30 a.m. – 12:00 Noon, Provisioning, and Maintenance and Repair; 12:30 p.m. – 2:00 p.m., Billing; 2:15 p.m. – 3:45 p.m., Relationship Management; and 4:00 p.m. – 5:00 p.m., Metrics. A workshop agenda will be made available in the Division of the Commission Clerk and Administrative Services, by 5:00 p.m., Wednesday, July 10, 2002.

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

For additional information, please contact: Beth Keating, Office of General Counsel, 2540 Shumard Oak Boulevard, Tallahassee, FL 32399-0850, (850)413-6212.

The Florida **Public Service Commission** announces a Workshop on Industrial or Commercial Interruptible and Curtailable Service to be held in the following docket, to which all interested persons and parties are invited to attend.

DOCKET NO.: Undocketed

DATE AND TIME: Thursday, July 18, 2002, 9:30 a.m.

PLACE: The Betty Easley Conference Center, Room 154, 4075 Esplanade Way, Tallahassee, Florida

A copy of the agenda for this meeting may be obtained by writing: Director of Division of the Commission Clerk and Administrative Services, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850.

Any person requiring some accommodation at this workshop 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 workshop. Any person who is hearing or speech impaired should contact the Commission by using the Florida Relay Service, which can be reached at 1(800)955-8771 (TDD).

REGIONAL PLANNING COUNCILS

The **Northeast Florida Regional Planning Council**, Personnel, Program Planning and Budget Committee announces the following public meeting to which all persons are invited:

DATE AND TIME: Wednesday, July 10, 2002, 9:00 a.m.

PLACE: Northeast Florida Regional Planning Council, 6850 Belfort Oaks Place, Jacksonville, FL 32216

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss pending personnel, program planning and budget matters.

A copy of the agenda may be obtained by contacting: Northeast Florida Regional Planning Council, 6850 Belfort Oaks Place, Jacksonville, FL 32216.

Notice is also given that two or more members of the Boards of County Commissioners, City/Town Councils/Commissions and other entities covered under Chapter 286, Florida Statutes, may attend and speak at the meeting.

The **Northeast Florida Regional Planning Council**, Comprehensive and Project Planning Committee announces the following public meetings to which all persons are invited:

DATE AND TIME: Wednesday, July 10, 2002, 9:00 a.m.

PLACE: Northeast Florida Regional Planning Council, 6850 Belfort Oaks Place, Jacksonville, FL 32216

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss pending comprehensive and project planning items.

A copy of the agenda may be obtained by contacting: Northeast Florida Regional Planning Council, 6850 Belfort Oaks Place, Jacksonville, FL 32216.

Notice is also given that two or more members of the Boards of County Commissioners, City/Town Councils/Commissions and other entities covered under Chapter 286, Florida Statutes, may attend and speak at the meeting.

The **Northeast Florida Regional Planning Council** announces the following public meeting to which all persons are invited:

DATE AND TIME: Wednesday, July 10, 2002, 10:00 a.m.

PLACE: Northeast Florida Regional Planning Council, 6850 Belfort Oaks Place, Jacksonville, FL 32216

GENERAL SUBJECT MATTER TO BE CONSIDERED: Monthly Meeting.

A copy of the agenda may be obtained by contacting: Northeast Florida Regional Planning Council, 6850 Belfort Oaks Place, Jacksonville, FL 32216.

If a person decides to appeal any decision made by the Council with respect to any matter considered at this meeting, he/she will have to ensure that a verbatim record of the proceedings is made, which includes the testimony and evidence upon which the appeal is to be based.

Individuals needing materials in alternate format, sign language interpreter or other meeting information, call Peggy Conrad, (904)279-0880, Extension 145, at least three working days prior to the meeting. Hearing-impaired callers use Florida Relay Service, 1(800)955-8771.

Notice is also given that two or more members of the Boards of County Commissioners, City/Town Councils/Commissions and other entities covered under Chapter 286, Florida Statutes, may attend and speak at the meeting.

The **Central Florida Regional Planning Council** announces a public meeting of the Local Emergency Planning Committee (LEPC), and its Membership Sub-Committee, Spill Review Sub-Committee, Public Relations Sub-Committee, Exercise Sub-Committee and Risk Management Program Sub-Committee, to which all persons are invited.

DATE AND TIME: Wednesday, July 10, 2002, 9:00 a.m.

PLACE: Bob Crawford Agriculture Center, 605 East Main Street, Bartow, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regular Bi-Monthly Meeting of the LEPC, and Special Sub-Committee Meetings.

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 **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, July 10, 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, July 1, 2002, 10:30 a.m.

PLACE: South Florida Regional Planning Council, Suite 140, 3440 Hollywood Boulevard, Hollywood, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Development of Regional Impact Assessment Report for Downtown Miami Increment II – City of Miami; Beacon Lakes Development Order – Miami-Dade County; 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; Proposed Local Government Comprehensive Plan Amendment for Bay Harbor Islands, Dania Beach and Wilton Manors; Any proposed Local Government Comprehensive Plan Amendment received prior to the meeting; Adopted Local Government Comprehensive Plan Amendment for Miami-Dade County; 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.

WATER MANAGEMENT DISTRICTS

The **St. Johns River Water Management District** announces the following Projects and Land Committee meetings and tour. PROJECTS AND LAND COMMITTEE WORKSHOP

DATE AND TIME: June 27, 2002, 2:00 p.m. – 5:00 p.m.

PROJECTS AND LAND COMMITTEE PUBLIC MEETING

DATE AND TIME: June 27, 2002, 6:30 p.m.

GENERAL SUBJECT MATTER TO BE CONSIDERED: For a Northern Coastal Basin Project Overview.

PROJECTS AND LAND COMMITTEE BUSINESS MEETING

DATE AND TIME: June 28, 2002, 9:00 a.m.

PLACE: City of Port Orange Library, Library Auditorium, 1005 City Center Circle, Port Orange, FL 32129

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Business meeting will be followed by a tour of Rose Bay.

A copy of the agenda can be obtained by writing: St. Johns River Water Management District, P. O. Box 1429, Palatka, FL 32178-1429 or by calling Sonia Kuecker, BRS IV/Water Resources, (904)312-2330.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this meeting is asked to advise the agency at least 48 hours before the meeting by contacting Mrs. Linda Lorenzen, (904)329-4262. If you are hearing or speech impaired, please contact the agency by calling (904)329-4450 (TDD).

The **South Florida Water Management District** announces a public meeting of the Lake Belt Mitigation Committee, which will be conducted by means of or in conjunction with communications technology, specifically by telephonic conference, to which all interested parties are invited:

DATE AND TIME: July 12, 2002, 9:00 a.m.

PLACE: South Florida Water Management District Headquarters, Conference Room 3B, 3301 Gun Club Road, West Palm Beach, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Meeting of the Lake Belt Mitigation Committee, created pursuant to Section 373.41492, Florida Statutes, to discuss committee activities for 2002 and other related committee business.

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 Lake Belt Mitigation Committee decision require a record of the proceedings. Affected persons are advised 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)682-6447, at least two business days in advance of the meeting to make appropriate arrangements.

For more information, contact the Project Manager, Jim Jackson, (561)682-6334.

REGIONAL UTILITY AUTHORITIES

The **Peace River/Manasota Regional Water Supply Authority** announces the following meeting to which the public is invited.

DATE AND TIME: Wednesday, July 3, 2002, 10:00 a.m.

PLACE: Sarasota County Administration Center, 1660 Ringling Boulevard, Sarasota, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Conduct regular business of the Authority.

A copy of the agenda may be obtained by writing: Peace River/Manasota Regional Water Supply Authority, Suite A, 1645 Barber Road, Sarasota, Florida 34240.

Although Authority board meetings are normally recorded, affected persons are advised it may be necessary for them to ensure a verbatim record of the meeting is made, including testimony and evidence upon which an appeal is to be based.

Persons with disabilities who need assistance may call (941)316-1776, at least two business days in advance to make appropriate arrangements.

DEPARTMENT OF ELDER AFFAIRS

The Florida **Department of Elder Affairs** announces a workshop to which all persons are invited.

DATE AND TIME: July 8, 2002, 10:00 a.m. – 11:00 a.m.

PLACE: Department of Elder Affairs, Conference Room 335M, 4040 Esplanade Way, Tallahassee, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Refer to the Notice of Rule Development published in Vol. 28, No. 11, March 15, 2002 issue of the Florida Administrative Weekly to amend Rules 58A-2.004, 58A-2.005, 58A-2.0236, Florida Administrative Code and propose Rule 58A-2.025.

A copy of the agenda may be obtained by contacting: Linda Macdonald, Office of General Counsel, Department of Elder Affairs, 4040 Esplanade Way, Tallahassee, Florida 32399-7000, (850)414-2000.

AGENCY FOR HEALTH CARE ADMINISTRATION

The **Agency for Health Care Administration** announces a public meeting to which all persons are invited.

DATE AND TIME: Friday, July 12, 2002, 9:00 a.m. – 4:00 p.m.

PLACE: Orlando Airport Hyatt

GENERAL SUBJECT MATTER TO BE CONSIDERED: Certificate of Need (CON) Workgroup as authorized by Chapter 2000-318, Laws of Florida.

A copy of the agenda may be obtained by writing: Agency for Health Care Administration, 2727 Mahan Drive, MS #28A, Tallahassee, Florida 32308. Agendas can also be requested via e-mail at colvinl@fdhc.state.fl.us.

In accordance with the Americans with Disabilities Act, persons needing a special accommodation to participate in this proceeding should contact the agency sending the notice not later than five working days prior to the proceeding at the address given on the notice. Telephone: (850)922-0791.

The **Agency for Health Care Administration** announces a meeting of the Comprehensive Health Information System Advisory Council to which all interested parties are invited.

DATE AND TIME: Tuesday, July 16, 2002, 10:00 a.m.

PLACE: Greenberg Traurig, Suite 650, CNL Bank Building, 450 South Orange Avenue, Orlando, Florida 32801

GENERAL SUBJECT MATTER TO BE CONSIDERED: To study and make recommendations on the collection, analysis and dissemination of health care data.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact Carolyn H. Turner, (850)922-5861, at least five calendar days prior to the meeting.

A copy of the agenda may be obtained by writing: Carolyn H. Turner, Agency for Health Care Administration, Bldg. 3, 2727 Mahan Drive, Mail Stop #16, Tallahassee, FL 32308-5403.

DEPARTMENT OF MANAGEMENT SERVICES

The **Florida Partnership for School Readiness** announces a meeting of their Board to which all interested parties are invited.

DATE AND TIME: July 16, 2002, 10:00 a.m. – 3:00 p.m.

PLACE: The Hyatt Regency Tampa, 211 North Tampa Street, Tampa, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct Board business.

For more information, please contact Lisa Barnes, (850)922-4200 or lisa.barnes@myflorida.com.

For reservations, please contact the hotel at (813)225-1234, and state that you are part of the One Goal Summer Conference in order to get the \$99.00 per night room rate.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

The **Department of Business and Professional Regulation** announces a public meeting of the Florida **Board of Auctioneers** to which all persons are invited.

DATE AND TIME: Wednesday, July 24, 2002, 9:00 a.m. (EST)

PLACE: Via telephone conference (850)488-5776, Suncom 278-5776

GENERAL SUBJECT MATTER TO BE CONSIDERED: General meeting of the board to conduct regular board business.

A copy of the agenda may be obtained by writing: Florida Board of Auctioneers, 1940 North Monroe Street, Tallahassee, Florida 32399-0762 or by calling (850)488-5189.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this meeting is asked to advise the agency at least 48 hours before the meeting by contacting the Florida Board of Auctioneers, (850)488-5189. If you are hearing or speech impaired, please contact the agency by calling 1(800)955-8771(TDD).

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

The **Construction Industry Licensing Board** will hold the following meetings to which all interested parties are invited.

DATES AND TIMES: Wednesday, July 10, 2002, 2:00 p.m.; Thursday, July 11, 2002, 8:00 a.m.; Friday, July 12, 2002, 8:00 a.m.

PLACE: Sheraton Four Points, 151 East Washington Street, Orlando, FL 32801

GENERAL SUBJECT MATTER TO BE CONSIDERED: Committee, Disciplinary Actions, and General Session meetings of the Board.

Any person who decides to appeal any decision made by the board with respect to any matter considered at these meetings 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.

Additional information and a final agenda may be obtained by writing: Construction Industry Licensing Board, 1940 North Monroe Avenue, Tallahassee, Florida 32399-1039.

Any person requiring special accommodations at this meeting because of a disability or physical impairment should contact Stacey Merchant, (850)922-2701, at least seven calendar days prior to the meeting. Hearing or speech impaired please use Florida Relay 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

The **Construction Industry Licensing Board** will hold the following meetings to which all interested parties are invited.

DATES AND TIMES: Wednesday, August 14, 2002, 2:00 p.m.; Thursday, August 15, 2002, 8:00 a.m.; Friday, August 16, 2002, 8:00 a.m.

PLACE: Sheraton Suites Tampa Airport, 4400 West Cypress Street, Tampa, FL 33607

GENERAL SUBJECT MATTER TO BE CONSIDERED: Committee, Disciplinary Actions, and General Session meetings of the Board.

Any person who decides to appeal any decision made by the board with respect to any matter considered at these meetings 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.

Additional information and a final agenda may be obtained by writing: Construction Industry Licensing Board, 1940 North Monroe Avenue, Tallahassee, Florida 32399-1039.

Any person requiring special accommodations at this meeting because of a disability or physical impairment should contact Stacey Merchant, (850)922-2701, at least seven calendar days prior to the meeting. Hearing or speech impaired please use Florida Relay 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

The Florida **Board of Pilot Commissioners** announces the following meetings to which all persons are invited to attend.

DATE AND TIME: July 11, 2002, 1:00 p.m.

GENERAL SUBJECT MATTER TO BE CONSIDERED: Rules Committee Meeting, Finance Committee Meeting, immediately followed by Probable Cause Panel meeting, which portions may be closed to the public.

DATE AND TIME: July 12, 2002, 9:00 a.m.

GENERAL SUBJECT MATTER TO BE CONSIDERED: General Board and Business meeting.

PLACE: Marriott's Harbor Beach Resort & Spa, 3030 Holiday Drive, Ft. Lauderdale, FL, (954)766-6176

To obtain a copy of the agenda, further information or submit written or other physical evidence, contact in writing: Board of Pilot Commissioners, 1940 North Monroe St., Tallahassee, Florida 32399.

If a person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need a record of the proceedings, and for such purpose he/she may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact the Board Office, at least five calendar days prior to the meeting. If you are hearing or speech impaired, please contact the Board Office using the Florida Dual Party Relay System which can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

NOTICE OF CORRECTION – The Florida **Board of Professional Engineers** announces a correction to the location of the Probable Cause Panel meeting. Although this meeting is open to the public, portions of the Probable Cause Panel meeting may be closed consistent with law.

DATE AND TIME: Wednesday, July 31, 2002, 10:00 a.m.

PLACE: The Sawgrass Marriott, 1000 PGA Tour Boulevard, Ponte Vedra Beach, Florida 32082

A copy of the agenda may be obtained by writing: Board of Professional Engineers, 2507 Callaway Road, Suite 200, Tallahassee, Florida 32303.

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

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 Board at least forty-eight (48) hours before the meeting by contacting Natalie Lowe, (850)521-0500.

The Probable Cause Panel of the **Florida Real Estate Commission** announces a meeting to which all interested persons are invited.

DATE AND TIME: July 16, 2002, 1:30 p.m. or the soonest thereafter

PLACE: Suite 301, North Tower, 400 West Robinson Street, Orlando, Florida

Portions of the probable cause proceedings are not open to the public.

Any person who desires a special accommodation at this meeting because of a disability or physical impairment should contact the Division of Real Estate, (407)245-0800 (between the hours of 9:00 a.m. – 4:00 p.m.), at least five calendar days prior to the meeting. If you are hearing or speech impaired,

please call the Real Estate Division using the Florida Dual Party Relay System which can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

The **Florida Real Estate Commission** (FREC) announces a meeting to which all persons are invited.

DATE AND TIME: July 17, 2002, 8:30 a.m.

PLACE: Division of Real Estate, Commission Meeting Room 301, North Tower, 400 West Robinson Street, Orlando, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Official business of Commission – among topics included, but not limited to, are proposed legislation affecting Chapter 475, Part I, F.S., rule development workshops, Florida Administrative Code 61J2 rule amendments, budget discussions, escrow disbursement requests, Recovery Fund Claims, education issues, petitions for declaratory statement, and disciplinary actions.

If a person decides to appeal a decision made by the Commission, with respect to any matter considered at this meeting or hearing, a record of the proceedings for such purpose, upon which the appeal is based, may be required.

A copy of the agenda may be obtained by writing: Deputy Clerk, Florida Real Estate Commission, 400 W. Robinson Street, Orlando, Florida 32801-1772.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact the Department of Business and Professional Regulation, (407)245-0800, at least five (5) calendar days prior to the meeting. If you are hearing or speech impaired, please call the Division of Real Estate using the Florida Dual Party Relay System, 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

NOTICE OF CORRECTION – The Florida **State Boxing Commission** announces a meeting to which all interested persons are invited.

DATE AND TIME: Wednesday, July 10, 2002, 10:00 a.m.

PLACE: 110 S. E. 6th Street, Autonation Tower, Suite 1970, Ft. Lauderdale, FL 33301, (954)761-7201. Access to the meeting may be obtained by attending in person or by calling, at least forty-eight (48) hours prior to the meeting, (850)488-8500 or Suncom 278-8500

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct a general business meeting of the Commission.

A copy of the agenda may be obtained by writing: Florida State Boxing Commission, ATTN: Jason Penley, Assistant Executive Director, 1940 North Monroe Street, Tallahassee, FL 32399-1016.

Any person deciding to appeal a decision made by the Commission with respect to any matter considered at this meeting will need to ensure that a verbatim record of the proceeding is made. Such record must include the testimony and evidence upon which the appeal is to be based.

Any person requiring special accommodation at this meeting because of a disability or physical impairment should contact Kelly Harris, Administrative Assistant, (850)488-8500, at least forty-eight (48) hours prior to the meeting. If you are hearing or speech impaired, please contact the Commission office using the Florida Dual Party Relay System which can be reached at 1(800)955-8770 (Voice) or 1(800)955-8771 (TDD).

DEPARTMENT OF ENVIRONMENTAL PROTECTION

The **Department of Environmental Protection** announces a public meeting to which all persons are invited.

DATE AND TIME: Friday, June 28, 2002, 9:30 a.m. – 5:00 p.m.

PLACE: Department of Environmental Protection, Room 170, Carr Bldg., 3800 Commonwealth Blvd., Tallahassee, Florida 32399-3000

GENERAL SUBJECT MATTER TO BE CONSIDERED: The purpose of the meeting is to review and discuss: 1) options for development of a fiscal impact analysis model (FIAM) that local governments could use when making planning and development decisions; 2) the framework and process alternatives available for local governments' application of a FIAM; and 3) potential local governments that could become pilot communities for testing the model(s) developed.

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."

A copy of the agenda, if any, may be obtained by writing: Department of Environmental Protection, Office of Intergovernmental Programs, 3900 Commonwealth Blvd., MS 47, Tallahassee, Florida 32399-3000.

DEPARTMENT OF HEALTH

The **Department of Health**, Bureau of Emergency Medical Services announces a public meeting to which all persons are invited.

DATE AND TIME: June 24, 2002, 10:00 a.m. – 3:00 p.m.

PLACE: Marriott Tampa Airport, Tampa International Airport, Tampa, FL 33607, (813)879-5151

GENERAL SUBJECT MATTER TO BE CONSIDERED: The purpose of this study is to develop a methodology to assess the costs of providing trauma care to be specifically used for reporting to the Florida Legislature.

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 before June 20, 2002 by contacting Charlotte Sorrell, (850)245-4440.

If you are hearing or speech impaired, please contact the agency using the Florida Dual Party Relay System which can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

Purchase Order Number G10454.

The **Board of Chiropractic Medicine**, Probable Cause Panel will hold a duly noticed telephone conference call, to which all persons are invited to attend.

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

PLACE: Department of Health, 4042 Bald Cypress Way, Tallahassee, FL, at Meet Me Number (850)921-6433

GENERAL SUBJECT MATTER TO BE CONSIDERED: For cases previously heard by the panel.

Any person requiring special accommodations at this meeting because of a disability or physical impairment should contact the Board of Chiropractic Medicine, (850)245-4355, at least 48 hours prior to the meeting. If you are a hearing or speech impaired, please contact the Board office using the Dual Party Relay System at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

A copy of the agenda item may be obtained by writing: Joe Baker, Jr., Board of Chiropractic Medicine, Executive Director, 4052 Bald Cypress Way, BIN #C07, Tallahassee, FL 32399-3257.

The **Department of Health, Board of Dentistry** will hold a Probable Cause Panel meeting to which all persons are invited:

DATE AND TIME: July 18, 2002, 6:00 p.m.

PLACE: Diamond Head All Suite Resort, 2000 Estero Boulevard, Ft. Myers Beach, FL 32812, 1(888)865-5844

GENERAL SUBJECT MATTER TO BE CONSIDERED: To review reconsideration cases.

If a person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he may need to ensure that a verbatim record of the proceedings is made, which records include the testimony and evidence upon which the appeal is to be based.

A copy of the agenda may be obtained by writing: Sue Foster, Executive Director, Board of Dentistry, 4052 Bald Cypress Way, BIN #C08, Tallahassee, Florida 32399-3258, or you may call (850)245-4474. You will be charged seventeen cents per page for the number of copies desired.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact Linda Barber, (850)245-4474, at least five calendar days prior to the meeting. Persons who are hearing or speech impaired, can contact Ms. Barber using the Florida Dual Party Relay System which can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

The **Board of Massage Therapy** announces a General Business Meeting to which you are invited to attend.

DATES AND TIMES: PCP, July 24, 2002, 6:00 p.m. or soon thereafter; GBM, July 25-26, 2002, 9:00 a.m. or soon thereafter

PLACE: Orlando Airport Marriott, 7499 Augusta National Drive, Orlando, FL 32822, (407)851-9000

GENERAL SUBJECT MATTER TO BE CONSIDERED: Probable Cause Panel; General Business Meeting – Board Members will address issues including but not limited to: Rules, Disciplinary, and Request for Declaratory Statement.

Any person requiring special accommodations at this meeting due to disability or physical impairment should contact the Board of Massage Therapy, (850)245-4565, at least five (5) calendar days prior to the meeting. If you are hearing or speech impaired, please contact the Board office using the Florida Dual Party Relay System at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

A copy of the agenda may be obtained by writing: Board of Massage Therapy, 4052 Bald Cypress Way, BIN #C06, Tallahassee, Florida 32399-3266.

Please note, that if a person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he will need a record of the proceedings, and for such purpose he may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

The **Board of Optometry** will hold a duly noticed meeting to which all persons are invited to attend.

DATES AND TIMES: Tuesday, July 9, 2002, 1:00 p.m.; continuing Wednesday, July 10, 2002, 8:30 a.m. if necessary

PLACE: Crowne Plaza, 5555 Hazeltine National Drive, Orlando, FL, (407)856-0100

GENERAL SUBJECT MATTER TO BE CONSIDERED: General board business.

Any person requiring special accommodations at this meeting because of a disability or physical impairment should contact the Board of Optometry, (850)245-4355, at least 48 hours prior to the meeting. If you are a hearing or speech impaired, please contact the Board office using the Dual Party Relay System at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

A copy of the agenda item may be obtained by writing: Joe Baker, Jr., Board of Optometry, Executive Director, 4052 Bald Cypress Way, BIN #C07, Tallahassee, FL 32399-3257.

The **Board of Optometry**, Probable Cause Panel will hold a duly noticed telephone conference call, to which all persons are invited to attend.

DATE AND TIME: Tuesday, July 9, 2002, 6:30 p.m.

PLACE: Crowne Plaza, 5555 Hazeltine National Drive, Orlando, FL, (407)856-0100

GENERAL SUBJECT MATTER TO BE CONSIDERED: For cases previously heard by the panel.

Any person requiring special accommodations at this meeting because of a disability or physical impairment should contact the Board of Optometry, (850)245-4355, at least 48 hours prior to the meeting. If you are a hearing or speech impaired, please contact the Board office using the Dual Party Relay System at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

A copy of the agenda item may be obtained by writing: Joe Baker, Jr., Board of Optometry, Executive Director, 4052 Bald Cypress Way, BIN #C07, Tallahassee, FL 32399-3257.

The Florida **Department of Health**, Board of Athletic Trainers will hold a board meeting via telephone conference call on:

DATE AND TIME: July 31, 2002, 12:00 Noon

PLACE: Robin McKenzie, (850)245-4474, by July 26, 2002, to obtain the meeting telephone number to call

GENERAL SUBJECT MATTER TO BE CONSIDERED: The meeting will be to discuss changes to proposed rule amendments to Rule 64B33-5.001, F.A.C., as previously noticed.

A copy of the agenda may be obtained by writing: Sue Foster, Executive Director, Board of Athletic Trainers, 4052 Bald Cypress Way, BIN #C08, Tallahassee, FL 32399-3258.

The **Council on Physician Assistants** announces a meeting to which all persons are invited.

DATE AND TIME: Friday, July 12, 2002, 1:00 p.m. or soon thereafter

PLACE: Tampa Airport Marriott, Tampa International Airport, Tampa, FL 33607, (813)879-5151

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct Council business.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact the Council on Physician Assistants, (850)245-4131, at least five (5) calendar days prior to the meeting. If you are hearing or speech impaired, please call the Council on Physician Assistants 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: Margaret Anglin, Regulation Administrator, Council on Physician Assistants, 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 or the proceeding is made, which record includes the testimony and evidence upon which is to be based.

The **Florida Diabetes Control Program** announces a meeting of the Governor's Appointed Diabetes Advisory Council.

DATE AND TIME: June 25, 2002, 9:00 a.m. – 12:00 Noon

PLACE: The Hyatt Regency Orlando Airport Hotel, Orlando, Florida, Conference Call Number, 1(888)461-8118

GENERAL SUBJECT MATTER TO BE CONSIDERED: Quarterly Business Meeting.

A copy of the agenda can be obtained by calling: Tammie Johnson, (850)245-4367.

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF CANCELLATION – The Florida **Department of Children and Family Services** announces the following District Eight, Charlotte County Community Alliance meeting has been cancelled:

DATE AND TIME: July 3, 2002, 12:00 Noon

GENERAL SUBJECT MATTER TO BE CONSIDERED: Monthly Community-Based Care Alliance meeting.

For further information, call the Community-Based Care Unit, (239)338-1343.

The **Council on Homelessness** announces a series of conference call meetings of its Data Collection Committee, to which all persons are invited.

DATE AND TIME: Thursday, July 11, 2002, 11:00 a.m. – 12:00 Noon

PLACE: Call (850)488-5776 or Suncom 278-5776

DATE AND TIME: Thursday, August 1, 2002, 11:00 a.m. – 12:00 Noon

PLACE: Call (850)488-5776 or Suncom 278-5776

GENERAL SUBJECT MATTER TO BE CONSIDERED: These conference calls will address the committees' continued development of policy recommendations to accessing supportive services for homeless persons.

A copy of the agenda may be obtained by contacting: Tom Pierce, State Office on Homelessness, 1317 Winewood Boulevard, Tallahassee, FL 32399-0700, (850)922-9850, Tom_Pierce@dcf.state.fl.us.

Pursuant to Section 286.26, Florida Statutes, any disabled person wishing to access this meeting who may be in need of special assistance should contact the Office on Homelessness, (850)922-4691, at least 48 hours in advance of the meeting.

NOTICE OF CHANGE – The Florida **Department of Children and Family Services** announces the District 8, Lee County Community Alliance will meet on the following dates: DATES AND TIME: July 24, 2002; August 27, 2002, 11:30 a.m.

PLACE: Lee County Justice Center, Hearing Room 6, 4th Floor, 1700 Monroe Street, Fort Myers, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Monthly Community-Based Care Alliance meetings.

Please disregard all prior meeting notices for this Alliance.

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 the meeting.

The **Council on Homelessness** announces a conference call meeting of its Barriers and Support Services Committees to which all persons are invited.

DATE AND TIME: Tuesday, August 6, 2002, 2:00 p.m. – 3:00 p.m.

PLACE: Call (850)488-5778 or Suncom 278-5778

GENERAL SUBJECT MATTER TO BE CONSIDERED: This conference call will address the committees' continued development of policy recommendations to accessing supportive services for homeless persons.

A copy of the agenda may be obtained by contacting: Tom Pierce, State Office on Homelessness, 1317 Winewood Boulevard, Tallahassee, FL 32399-0700, (850)922-9850, Tom_Pierce@dcf.state.fl.us.

Pursuant to Section 286.26, Florida Statutes, any disabled person wishing to access this meeting who may be in need of special assistance should contact the Office on Homelessness, (850)922-4691, at least 48 hours in advance of the meeting.

FISH AND WILDLIFE CONSERVATION COMMISSION

The **Fish and Wildlife Conservation Commission**, Division of Wildlife announces the following rule development workshop, to which all persons are invited:

DATE AND TIME: July 8, 2002, 8:30 a.m.

PLACE: Cabot Lodge, 3726 S. W. 40th Boulevard, Gainesville, FL 32608

GENERAL SUBJECT MATTER TO BE CONSIDERED: Discuss proposed changes to the regulations governing the operation of private hunting preserves, Rule 68A-12.010, F.A.C., specifically those regulations pertaining to the release of captive-reared ducks on preserves for shooting purposes. Any questions regarding this meeting should be directed to the Waterfowl Management Section Leader, Ms. Diane Roth Eggeman, 8932 Apalachee Parkway, Tallahassee, Florida 32311 or by calling (850)488-5878.

In accordance with the Americans with Disabilities Act, any person requiring special accommodations to participate in this meeting should notify Cindy Hoffman, (850)488-6411, at least five calendar days before the meeting.

The Florida **Fish and Wildlife Conservation Commission** announces a public meeting of the Advisory Council on Environmental Education. This notice announces the date, time and place of that meeting to which all interested persons are invited:

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

PLACE: Sea World, 7007 Sea World Drive, Security Gate 1 (Zoological Operations), Orlando, Florida

A copy of the proposed agenda may be obtained from: Florida Fish and Wildlife Conservation Commission, Office of Informational Services, Scott Ball, 620 South Meridian Street, Tallahassee, Florida 32399-1600, (850)488-4676.

If any person decides to challenge any decision with respect to any matter considered at the above meeting, a record of the proceeding will be needed. For this purpose, you may need to ensure that a verbatim record of the proceeding is made which includes testimony and evidence upon which the challenge is to be based.

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

ORANGE COUNTY RESEARCH AND DEVELOPMENT AUTHORITY

The **Orange County Research and Development Authority** announces a public meeting to which all persons are invited.

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

PLACE: Lowndes, Drosdick, Doster, Kantor & Reed, 215 North Eola, Orlando, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: General Business Meeting.

LEON COUNTY RESEARCH AND DEVELOPMENT AUTHORITY

The Development Review Committee of the **Leon County Research and Development Authority** announces a public meeting to which all persons are invited:

DATES AND TIME: Every Second Tuesday of each month – December 2002, 8:30 a.m.

PLACE: Innovation Park Administrative Centre, 1673 West Paul Dirac Drive, Tallahassee, Florida 32310

GENERAL SUBJECT MATTER TO BE CONSIDERED: The development and operation of Innovation Park and related matters.

Any person who desires to appeal a decision of the Leon County Research and Development Authority will need a record of the proceedings of the Authority conducted at such meetings.

Special accommodations for persons with disabling conditions should be requested in writing at least 48 hours in advance.

For information regarding the proposed agenda, interested persons may contact Ms. Lewis, (850)575 0031.

The Board of Governors of the **Leon County Research and Development Authority** announces a public meeting to which all persons are invited:

DATES AND TIME: Every Third Tuesday of each month – December 2002, 8:30 a.m.

PLACE: Innovation Park Administrative Centre, 1673 West Paul Dirac Drive, Tallahassee, Florida 32310

GENERAL SUBJECT MATTER TO BE CONSIDERED: The development and operation of Innovation Park and related matters.

Any person who desires to appeal a decision of the Leon County Research and Development Authority will need a record of the proceedings of the Authority conducted at such meetings.

Special accommodations for persons with disabling conditions should be requested in writing at least 48 hours in advance.

For information regarding the proposed agenda, interested persons may contact Ms. Lewis, (850)575-0031.

FLORIDA LOCAL GOVERNMENT INVESTMENT TRUST

The Board of Trustees for the **Florida Local Government Investment Trust** announces a public meeting to which all persons are invited.

DATE AND TIME: July 19, 2002, 10:30 a.m.

PLACE: Nabors, Giblin & Nickerson, P.A., CNL Center, Suite 510, 450 South Orange Ave., Tallahassee, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: General Administrative Operations.

A copy of the agenda may be obtained by contacting: Trust Administrator, FACC Service Corporation, (850)921-0808.

Section VII Notices of Petitions and Dispositions Regarding Declaratory Statements

DEPARTMENT OF COMMUNITY AFFAIRS

NOTICE IS HEREBY GIVEN THAT the Florida Building Commission has issued a Declaratory Statement in response to the request received from Lake County Building Division on February 18, 2002. The request was assigned the number DCA02-DEC-050. This Declaratory Statement was issued May 31, 2002. The Commission concluded that the project being reviewed by the Petitioner complies with the requirements of Section 424.2.2 of the Florida Building Code, Building Volume.

A copy of the Declaratory Statement may be obtained from: Paula P. Ford, Agency Clerk, Department of Community Affairs, Sadowski Building, 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 29, 2002, from Robert J. Amoruso, Florida Extruders International, Inc., regarding application of internal pressure coefficients in the High Velocity Hurricane Zone and the windborne debris region pursuant to Chapter 16, Florida Building Code, Building Volume. It has been assigned the number DCA02-DEC-162.

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 has issued a Declaratory Statement in response to the request received from Certified Windows and Doors, Inc. on December 18, 2001. The request was assigned the number DCA01-DEC-248. This Declaratory Statement was issued

May 31, 2002. The Declaratory Statement clarified the requirements of Chapter 34 and Chapter 16 of the Florida Building Code, Building Volume for window retrofits in existing buildings, and the effect on egress of shutter installation.

A copy of the Declaratory Statement may be obtained from: Paula P. Ford, Agency Clerk, Department of Community Affairs, Sadowski Building, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100.

NOTICE IS HEREBY GIVEN THAT the Florida Building Commission has issued a Declaratory Statement in response to the request received from Door and Access Systems Manufacturers Association International which was received on February 26, 2002. The request was assigned the number DCA02-DEC-064. This Declaratory Statement was issued May 31, 2002. The Declaratory Statement clarified the wind-design requirements for garage doors contained in Section 2411.3.1.5, Florida Building Code, Building Volume.

A copy of the Declaratory Statement may be obtained from: Paula P. Ford, Agency Clerk, Department of Community Affairs, Sadowski Building, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100.

NOTICE IS HEREBY GIVEN THAT the Florida Building Commission has issued a Declaratory Statement in response to the request received from Lake County Building Division on February 18, 2002. The request was assigned the number DCA02-DEC-050. This Declaratory Statement was issued May 31, 2002. The Commission concluded that the project being reviewed by the Petitioner complies with the requirements of Section 424.2.2 of the Florida Building Code, Building Volume.

A copy of the Declaratory Statement may be obtained from: Paula P. Ford, Agency Clerk, Department of Community Affairs, Sadowski Building, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100.

NOTICE IS HEREBY GIVEN THAT the Florida Building Commission has issued a Declaratory Statement in response to the request received from Kenneth R. Pfeiffer, P.E., on January 22, 2002. The request was assigned the number DCA02-DEC-023. This Declaratory Statement was issued May 31, 2002. The Declaratory Statement clarified the provisions of Section 424.2.17.1, Florida Building Code, Building Volume, pertaining to swimming pool barriers.

A copy of the Declaratory Statement may be obtained from: Paula P. Ford, Agency Clerk, Department of Community Affairs, Sadowski Building, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100.

NOTICE IS HEREBY GIVEN THAT the Florida Building Commission has issued a Declaratory Statement in response to the request received from Roll-a-Way Storm & Security Shutters on January 9, 2002. The request was assigned the number DCA02-DEC-007. This Declaratory Statement was issued May 31, 2002. The Declaratory Statement clarified the load combination provisions of Section 1604, Florida Building Code, Building Volume.

A copy of the Declaratory Statement may be obtained from: Paula P. Ford, Agency Clerk, Department of Community Affairs, Sadowski Building, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100.

NOTICE IS HEREBY GIVEN THAT the Florida Building Commission has issued a Declaratory Statement in response to the request received from Russ Schanz, Walker Parking Consultants, on March 1, 2002. The request was assigned the number DCA02-DEC-074. This Declaratory Statement was issued May 31, 2002. The building described was a mixed-use occupancy and, therefore, not a stand-alone parking garage as referenced in Section 553.895(2), F.S.

A copy of the Declaratory Statement can be obtained by contacting: Paula 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 June 5, 2002, from Robert J. Amoruso, Florida Extruders International, Inc. The petition requests clarification of anchorage of window and door assemblies pursuant to Section 1704.4.4, Florida Building Code, Building Volume. It has been assigned the number DCA02-DEC-169.

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 June 5, 2002, from Albert C. Nelson, International Engineering Associates, Inc., regarding whether aircraft hangers can be built in Florida without tested hanger doors and if there are no tested hanger doors, can the Building Official do as suggested in Section 1706.2, Florida Building Code, Building Volume, and allow rational analysis by a licensed professional engineer in the State of Florida? It has been assigned the number DCA02-DEC-170.

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 June 6, 2002, from Ray Burroughs, Director, Building Inspection, Leon County Community Development Department of Growth and Environmental Management Building Inspection Division. The petition requests clarification regarding Section 3401.7.1, Florida Building Code, Building Volume. Specifically, the petitioner requests clarification of the requirement for separation by a fire wall and application of "Additions" requirements to all occupancies. It has been assigned the number DCA02-DEC-171.

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 June 7, 2002, from Miguel Lasaga, Florida Power & Light Company. The Commission is being requested to provide clarification as to who is "a State approved performance tester" as referred to in Section 13-610.A.1, Florida Building Code, Building Volume. It has been assigned the number DCA02-DEC-173.

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 June 7, 2002, from Miguel Lasaga, Florida Power & Light Company. The Commission is being requested to provide clarification as to what "performance testing" methods are acceptable to establish compliance with Section 13-6.1.A.1, Florida Building Code, Building Volume. It has been assigned the number DCA02-DEC-174.

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 June 7, 2002, from Miguel Lasaga, Florida Power & Light Company. The Commission is being requested to provide clarification as to what is "a total duct system" as that phrase is used in Section 13-6.1.A.1, Florida Building Code, Building Volume. It has been assigned the number DCA02-DEC-175.

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 June 10, 2002, from Larry Banks. The Commission is being requested to clarify "approved barrier" in relation to Section 303.4 of the Florida Building Code, Mechanical Volume. It has been assigned the number DCA02-DEC-176.

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 June 10, 2002, from Larry Banks. The required outdoor ventilation air table calls for 100 CFMs per car in private dwellings, both single and multiple. The Commission is being requested to clarify if natural ventilation as defined in Section 402.2, Florida Building Code, Mechanical Volume, would meet this requirement. It has been assigned the number DCA02-DEC-177.

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 June 10, 2002, from Larry Banks. Section 601.4 of the Florida Building Code, Mechanical Volume, calls for no more than 2.5 pascals of pressure differential across closed doors. The Commission is being requested to provide clarification as to whether or not this should apply to bathrooms, laundry rooms and storage closets. It has been assigned the number DCA02-DEC-178.

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 June 10, 2002, from Larry Banks. Section 403.2 of the Florida Building Code, Mechanical Volume, calls for ducted outdoor air on all mechanical systems including single family dwellings. The Commission is being requested to provide clarification as to whether or not a single family dwelling would need this if it had natural ventilation as required in Section 402.2 of the Mechanical Volume. It has been assigned the number DCA02-DEC-179.

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 June 10, 2002, from the Florida Portable Building Manufacturers Association. The Petitioner seeks an interpretation of the statutes, code provisions, and rule which govern the regulation of portable buildings in the State of Florida. Specifically: Sections 553.355, 553.37, 553.38, 553.381, 553.79(3), 553.80, Florida Statutes; Chapter 2000-114, Laws of Florida; Section 428, Florida Building Code and Rule 9B-1, Florida Administrative Code. It has been assigned the number DCA02-DEC-180

A copy of the request may be obtained by writing: Paula P. Ford, Commission Clerk, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100.

DEPARTMENT OF HEALTH

NOTICE IS HEREBY GIVEN THAT on May 28, 2002, the Board of Chiropractic Medicine received a Petition for Declaratory Statement from Dr. Angel Tribuno, Life University. The petition seeks the Agency's opinion as to the applicability of subsection 64B2-13.004(4), F.A.C., and how the statutory provision affects petitioner with regard to a requirement that the licensees remain in the room during a continuing education course.

A copy of the Petition for Declaratory Statement may be obtained by writing: Joe R. Baker, Jr., Board Executive Director, Board of Chiropractic Medicine, 4052 Bald Cypress Way, BIN #C07, Tallahassee, Florida 32399.

**Section VIII
Notices of Petitions and Dispositions
Regarding the Validity of Rules**

Notice of Petition for Administrative Determination has been filed with the Division of Administrative Hearings on the following rules:

NONE

Notice of Disposition of Petition for Administrative Determination have been filed by the Division of Administrative Hearings on the following rules:

NONE

Section IX
Notices of Petitions and Dispositions
Regarding Non-rule Policy Challenges

NONE

Section X
Announcements and Objection Reports of
the Joint Administrative Procedures
Committee

NONE

Section XI
Notices Regarding Bids, Proposals and
Purchasing

DEPARTMENT OF EDUCATION

NOTICE TO PROFESSIONAL CONSULTANTS

Florida State University, State of Florida, announces the rescission of the solicitation for Professional Services advertised in the Florida Administrative Weekly, Vol. 28, No. 12, March 22, 2002 for the project listed below:

Project No. BR-236

Project and Location: New Chemistry Building
Florida State University
Tallahassee, Florida

During the selection process and prior to its conclusion, developments occurred that resulted in a substantial increase in funding and a significant change in the scope of the project. These events were not anticipated prior to the initiation of the selection process. Because the project as currently conceived is a substantial departure from the project as previously advertised, the decision has been made to rescind the original solicitation. The facilities program is being revised and a new solicitation/selection will be advertised for the revised project in the near future. The University sincerely appreciates the interest shown by the design professionals who responded to the original solicitation.

NOTICE TO PROFESSIONAL CONSULTANTS

The University of South Florida announces that Proposal Based Design/Build Services (PB/DB), for the design and construction of a Parking Facility, will be required for the project listed below:

Project Number: 528

Project and Location: Parking Facility II, University of South Florida, Tampa Campus, Tampa, Florida.

The project consists of the design and construction of a new Parking Facility II planned to serve the academic core of the campus. Its location will be prominent on campus and have significant visual impact for visitors, students and staff arriving at the main entry to the campus. The parking facility is planned to hold a minimum of 1,200 automobiles with the possibility of ancillary space for other functions such as a welcome center, retail space or other University functions. The new facility will serve student, visitor and staff parking.

The site for this parking facility is Lot 1, north of the main library adjacent to the Administration and Student Services building. The Design/Build team shall be responsible for management of the process and project to meet project scope, budget, and schedule requirements. The management of the process and project by the Design Build Team shall facilitate Parking Facility II needs, and accomplishing those needs within the mandatory project schedule in order to meet occupancy, debt service and arbitrage requirements.

The Design/Build contract shall be in compliance with the Proposal Based Design/Build selection provisions in subsection 6C-14.0055(8), F.A.C., including pre-construction fees, construction related service costs and a guaranteed maximum price.

The University will contract with the selected team for all services including, but not necessarily limited to, budgeting, labor, materials, and equipment required to design and construct the project. The selection process will consist of two distinct parts, 1) the Request for Qualifications (RFQ) submission and evaluation, and 2) the Request for Proposals (RFP) response and evaluation for the shortlisted teams only. The selected team will be required to provide computer generated drawings in accordance with the standards of the University of South Florida.

Blanket professional design liability insurance will be required for this project in the amount of \$1,000,000 and will be provided as a part of Basic Services.

The proposed contractual value of this project is approximately \$14,000,000. The respondent must be capable of bonding at 100% of the value of the contract with a surety licensed to do business in the State of Florida with a best rating of A, Class VIII.

INSTRUCTIONS

Teams desiring to apply for consideration shall submit a completed "Design and Construction Services Qualifications Supplement (DCSQD)", and other information requested in the RFQ which shall be obtained by contacting: Jayne E. MacPherson, Office Manager, Facilities Planning and Construction, University of South Florida, 4202 East Fowler Avenue, FPC 110, Tampa, Florida 33620-7550, (813)974-1410, (813)974-2625, Fax (813)974-3542 or via email at jpherson@admin.usf.edu.

Teams interested in being considered for this project must submit their qualifications in strict accordance with the "Design and Construction Services Qualification Supplement". A Certification and Selection Committee will review the qualifications of all teams and identify a shortlist of a minimum of three teams. Finalists will be provided with a copy of the Request for Proposal, which is a description of the final submission and interview requirements. The criteria for this final selection will insure that the University is guaranteed the greatest level of quality and scope with the established budget and schedule. All teams must be properly registered at the time of application to practice its profession in the State of Florida. If the applicant is a corporation, it must be chartered by the Florida Department of State to operate in Florida.

Interested teams are invited and encouraged to attend a pre-submittal meeting at the University of South Florida, Tampa Campus, to be held at 9:00 a.m. (Eastern Standard Time), Tuesday, July 2, 2002, at the Marshall Center, Room Number MC 270, 4202 East Fowler Avenue, Tampa, Florida, to review the scope and requirements of this project. Requests for meetings by individual firms will not be granted.

MINORITY PROGRAM: Teams are required to utilize Minority Business Enterprises certified by the Minority Business Advocacy and Assistance Office, State of Florida Department of Labor and Employment Security. A goal of 21% participation has been established.

The plans and specifications for University of South Florida projects are subject to reuse in accordance with the provisions of Section 287.055, Florida Statutes. As required by Section 287.133, Florida Statutes, a consultant may not submit a proposal for this project if it is on the convicted vendor list for a public entity crime committed within the past 36 months. The selected consultant must warrant that it will neither utilize the services of, nor contract with, any supplier, subcontractor, or consultant in excess of \$25,000.00 in connection with this project for a period of 36 months from the date of their being placed on the convicted vendor list.

Six (6) copies of the required information shall be submitted to the attention of the Project Manager: John White, AIA, Project Manager, Division of Facilities Planning and Construction, University of South Florida, FPC110, 4202 East Fowler Avenue, Tampa, Florida 33620-7550 by or no later than 2:00 p.m. (Eastern Standard Time), Friday, July 19, 2002. Facsimile (FAX) submittals are not acceptable and will not be considered.

The University reserves the right to suspend or discontinue the selection process at any time and to return or reject any or all submissions or qualifications or Design/Build proposals without obligation to the respondent. The award of this

contract is subject to availability of funds. If additional funding is realized, the University has the option to incorporate additional scope/funding under this contract.

A/E ADVERTISEMENT – BR-633

NOTICE TO PROFESSIONAL CONSULTANTS

Florida Atlantic University, on behalf of the State of Florida, Board of Regents, announces that Professional Services in the discipline of Architecture, will be required for the project listed below:

Project No. BR-633

Project and Location: Christine E. Lynn College of Nursing consists of site development and construction of a 75,000 gross square feet building. Major space categories within the building include offices, classrooms, teaching labs, instructional media center and a 350-seat auditorium. The building will be located on Florida Atlantic University's Boca Raton Campus, west of Florida Atlantic Boulevard on the north section of Parking Lot 1.

The total Construction Budget is approximately \$13 million. The selected firm will provide design development, construction documents and construction administration for the referenced project. Blanket professional liability insurance will be required for this project in the amount of \$1,000,000, and will be provided as a part of Basic Services.

INSTRUCTIONS

Firms desiring to apply for consideration shall submit a letter of application. The letter of application should have attached:

1. A completed Board of Regents "Professional Qualifications Supplement" dated 09/99. Applications on any other form will not be considered.
2. A copy of the applicant's current Professional Registration Certificate from the appropriate governing board. An applicant must be properly registered at the time of application to practice its profession in the State of Florida. If the applicant is a corporation, it must be chartered by the Florida Department of State to operate in Florida.

Submit 5 (five) copies of the above requested data bound in the order listed above. Applications which do not comply with the above instructions may be disqualified. Application materials will not be returned.

The plans and specifications for State University System projects are subject to reuse in accordance with the provisions of Section 287.055, Florida Statutes. As required by Section 287.133, Florida Statutes, a consultant may not submit a proposal for this project if it is on the convicted vendor list for a public entity crime committed within the past 36 months. The selected consultant must warrant that it will neither utilize the services of, nor contract with, any supplier, subcontractor, or consultant in excess of \$10,000.00 in connection with this project for a period of 36 months from the date of their being placed on the convicted vendor list.

Professional Qualifications Supplement forms, and Project Fact Sheet are available on our web page located at www.fau.edu/divdept/univarch/, and may also be obtained by contacting: Carla Capeletti, Office of the Associate Vice President to the University Architect, Florida Atlantic University, Building T-10, Room 16, 777 Glades Road, Boca Raton, Florida 33431, Telephone (561)297-2663, Fax (561)297-0224.

Submittals must be received in the Office of the Associate Vice President, Attn: Mr. Tom Donaudy, at the above address, by 5:00 p.m. (Local Time), Wednesday, July 24, 2002. Facsimile (FAX) submittals are not acceptable and will not be considered.

CALL FOR BIDS

made by the University of Central Florida, on behalf of the State of Florida, Division of Colleges and Universities.

PROJECT NAME, NUMBER AND LOCATION: Utilities / Infrastructure / Roadway Expansion / Telecommunications, BR #402, Addition of Southbound Lanes to Gemini Boulevard East and North Orion Boulevard, University of Central Florida
QUALIFICATION: All Bidders must be qualified at the time of bid opening in accordance with the Instructions to Bidders, Article B-2. Sealed bids will be received on:

DATE AND TIME: Tuesday, July 23, 2002, until 2:00 p.m. (Local Time)

PLACE: Physical Plant Complex, 4000 Central Florida Blvd., Building 16, Libra Drive, at which time and place they will be publicly opened and read aloud.

Contract award will be made subject to the availability of funds.

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 at IVEY, HARRIS & WALLS, INC., 631 South Orlando Ave., Suite 200, Winter Park, FL 32789, (407)629-8880.

MINORITY PROGRAM: Bidders are encouraged to utilize Minority Business Enterprises certified by any State or local certifying entity as these will be accepted toward the percentage of MBE participation on this project.

PRE-SOLICITATION/PRE-BID MEETING: The Bidder is encouraged to attend the pre-solicitation/pre-bid meeting. Minority Business Enterprise firms are invited to attend to become familiar with the project specifications and to become acquainted with contractors interested in bidding the project. The meeting has been scheduled for:

DATE AND TIME: Tuesday July 2, 2002, 10:00 a.m. (Local Time)

PLACE: Physical Plant Complex, 4000 Central Florida Blvd., Building 16, Libra Drive.

DEPOSIT: \$125.00 per set of drawings and Project Manual is required with a limit of three (3) sets per general contractor or prime bidder; and two (2) sets of drawings and Project Manuals for plumbing, heating/ventilating/air conditioning and electrical contractors acting as subcontractors.

REFUND: The deposit shall only be refunded to those general contractors, prime bidders, or plumbing, heating/ventilating/air conditioning and electrical contractors acting as either prime or subcontractors, who after having examined the drawings and specifications:

- a. submit a bona fide bid, or
- b. provide written evidence that they have submitted bids as subcontractors for plumbing, heating/ventilating/air conditioning, or electrical work,

and who return the drawings and Project Manual in good condition within fifteen (15) days after receipt of bids.

PURCHASE: Full sets of bidding documents may be at the local plan rooms. Full sets may be purchased through the Architect/Engineer for \$125.00 per set for the printing and handling cost. Partial sets may be purchased at \$3.00 per sheet of the drawings and \$30.00 per copy of the Project Manual, and are sold subject to the provisions of Article B-27 of the Instructions to Bidders.

PUBLIC ENTITY CRIMES: As required by Section 287.133, Florida Statutes, a contractor may not submit a bid for this project if it is on the convicted vendor list for a public entity crime committed within the past 36 months. The successful contractor must warrant that it will neither utilize the services of, nor contract with, any supplier, subcontractor or consultant in excess of \$15,000.00 in connection with this project for a period of 36 months from the date of their being placed on the convicted vendor list.

NOTICE TO CONSTRUCTION MANAGERS

Florida Gulf Coast University, on behalf of the State of Florida, Florida Board of Education, announces that Construction Management Services will be required for the project listed below:

Project No. BR-1029, Project and Location: Student Support Center, Florida Gulf Coast University, Ft. Myers, Florida.

The Student Support Center is intended to be a facility that will welcome prospective students and their families to the FGCU campus in as pleasant and informative way as possible. In addition, the Center will provide a location suitable for student orientations, displays, and general campus/community interface uses. The building will become a focal point from which tours will be originated, kiosks housing audio/visual displays will be available, and computer links to the FGCU website can be accessed.

The Center would consist of: 1) A large reception area, housing the audio/visual display kiosks, computer terminals, literature racks, vending machines, and comfortable seating for up to twenty people; 2) Offices, for the admissions staff, large

enough to hold meetings with individual families; 3) A large theatre style orientation room, to be used for group meetings and student orientation sessions; 4) Bathroom facilities, a kitchen/breakroom, and a storage room.

The Student Support Center will be located in a complex with the Health Education Center and the Environmental Demonstration Lab. The complex is situated on a 13 1/2 parcel south of the main entrance road, and will share access road, parking lot, and utilities. The estimated construction cost is approximately \$1,758,350 and project budget is \$2,190,000.

The contract for construction management services shall consist of two phases. Phase one of the contract is for pre-construction services for which the construction manager will be paid a fixed fee. Phase one services include value engineering, constructability analysis, development of a cost model, estimating, and the development of a Guaranteed Maximum Price (GMP) at 100% Construction Document phase. If the GMP is accepted, phase two, the construction phase, may be implemented. In phase two of the contract, the construction manager shall become the single point of responsibility for performance of the construction contract for the project and shall publicly bid trade contracts, ensuring the inclusion of 20% Minority Business Enterprises (MBEs). Failure to negotiate an acceptable fixed fee for phase one of the contract, or to arrive at an acceptable GMP within the time provided in the agreement may result in the termination of the construction manager's contract.

Selection of finalists for interview will be made on the basis of construction manager's qualifications, including experience and ability; past experience; bonding capacity; record-keeping/administrative ability, critical path scheduling expertise; cost estimating; cost control ability; quality control capability; qualification of the firm's personnel, staff and consultants; and ability to meet the minority business enterprise participation requirements.

Finalists will be provided with a copy of the building program and the latest documentation prepared by the project architect/engineer, a description of the final interview requirements and a copy of the standard State University System's construction management agreement. The Selection Committee may reject all proposals and stop the selection process at any time. The construction manager shall have no ownership, entrepreneurial or financial affiliation with the selected architect/engineer involved with this project.

Firms desiring to provide construction management services for the project shall submit a letter of application and a completed Board of Regents "Construction Manager Qualifications Supplement". Proposals must not exceed 80 pages, including the Construction Manager Qualifications Supplement and letter of application. Pages should be numbered consecutively. Submittals, which do not comply

with these requirements or do not include the requested data, will not be considered. No submittal information will be returned.

All applicants must be licensed to practice as general contractors in the State of Florida at the time of application. Corporations must be registered to operate in the State of Florida by the Department of State, Division of Corporations, at the time of application. As required by Section 287.133, F.S., a construction management firm may not submit a proposal for this project if it is on the convicted vendor list for a public entity crime committed within the past 36 months. The selected construction management firm must warrant that it will neither utilize the services of, nor contract with, any supplier, subcontractor, or consultant in excess of \$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.

The Board of Regents Construction Manager Qualifications Supplement forms and the Project Fact Sheet may be obtained by contacting: Mr. Jack Fenwick, Director of Facilities Planning, Florida Gulf Coast University, 10501 FGCU Blvd., South, Ft. Myers, Florida 33965-6565, Telephone (239)590-1500, Fax (239)590-1505.

Five (5) bound copies of the required proposal data shall be submitted to: Mr. Jack Fenwick, Director of Facilities Planning, Florida Gulf Coast University, 10501 FGCU Blvd., South, Ft. Myers, Florida 33965-6565.

Submittals must be received in the Facilities Planning Office by 2:00 p.m. (Local Time), July 22, 2002. Facsimile (FAX) submittals are not acceptable and will not be considered.

Invitation To Bid (ITB)

For a General Contractor or Building Contractor
Sealed bids will be received by Duval County Public Schools, Division of Facilities Services, Room 535, 1701 Prudential Drive, Jacksonville, FL 32207, until the time and date(s) recorded below and immediately thereafter publicly opened and recorded in the Duval County Public Schools School Board Building, 1701 Prudential Drive, Jacksonville, FL, 5th Floor, Room 513-D.

BIDS ARE DUE ON OR BEFORE Tuesday, July 23, 2002

AND WILL BE ACCEPTED UNTIL 2:00 P.M.

PROJECT TITLE: Additions, Remodeling, Renovations and Site Improvements at Seabreeze Elementary School No. 225
DCPS PROJECT No. C-90950

This project will add a new stand-alone Media Center; remodel the former Media Center and adjacent Administration space into a larger Administration area; upgrade all low voltage systems (by owner/others); and related site improvements. The total construction budget is \$1,532,000.

All contractors interested in bidding are required to attend a mandatory pre-bid conference to be held on July 9, 2002, 9:00 a.m. The meeting location is Seabreeze Elementary School (entrance courtyard), 1400 Seabreeze Avenue, Jacksonville Beach, Florida. 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 \$150 at the office of:

Drake Pattillo & Associates Architects
126 W. Adams St., Suite 602
Jacksonville, FL 32202

Contact: Dean Scott, (904)598-0072

DCSB Point of Contact: Raymond Varas
(varasr@educationcentral.org)

Contract documents for bidding may also be examined, but not obtained at Duval County Public Schools, Facilities Services, 5th Floor, 1701 Prudential Drive.

MBE Participation Goal: 20% Overall

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.

DEPARTMENT OF MANAGEMENT SERVICES

A/E SELECTION RESULTS

The Department of Management Services, Division of Facilities Management and Building Construction announces that on the date listed below, authority was issued to negotiate and enter into a contract for Professional Services in accordance with the Consultants Competitive Negotiation Act for the following:

- DATE: May 31, 2002
- NAME OF CLIENT AGENCY: Department of Education
- PROJECT NUMBER: DOE-20133000
- PROJECT NAME: WMFE-TV/FM Broadcasting Facility
- SAMAS CODE: DOE01CA
- 1. Criswell Blizzard & Blouin Architects, Inc., St. Petersburg
- 2. Harvard Jolly Clees Toppe Architects, P.A., Orlando
- 3. MRI Architectural Group, Inc., Orlando
- 4. Burke, Bales & Mills Architects, Inc., Lake Mary

DEPARTMENT OF ENVIRONMENTAL PROTECTION

BID NO. BDRS 113-01/02

The Department of Environmental Protection, Division of Recreation and Parks, Bureau of Design and Recreation Services is soliciting formal competitive bids for restroom

renovations at Little Talbot Island State Park in Jacksonville, Florida. Construction is for the renovation of two restrooms to meet Florida Accessibility Code. Work to include the removal of concrete flooring, piping, plumbing and fixtures, as approved by the Architect, and the installation of new showers, toilet partitions, plumbing, electrical and other associated work as indicated in the plans and specifications.

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

DEPARTMENT OF HEALTH

INVITATION TO BID

PROPOSALS ARE REQUESTED FROM QUALIFIED GENERAL CONTRACTORS AND/OR BUILDING CONTRACTORS BY THE DEPARTMENT OF HEALTH, HEREINAFTER REFERRED TO AS OWNER, FOR THE CONSTRUCTION OF:

PROJECT NOS.: DOH 97309251

SAMAS CODE: 64-30-1-00314-64200000-00-084093-98

PROJECT NAME AND LOCATION: Sumter County Health Department, One-story Addition to Bushnell Health Clinic; and Minor Repairs at Wildwood Health Clinic (Florida)

FOR: State of Florida, Department of Health

PRE-QUALIFICATION: Each bidder whose field is governed by Chapter 399, 455, 489 and 633 of the Florida Statutes for licensure or certification must submit pre-qualification data of their eligibility. Submit proposals five (5) calendar days prior to the bid opening date if not previously qualified by the Department of Management Services for the current biennium (July 1 through June 30) of odd numbered years. Call (850)488-6233, for information on pre-qualification with the Department of Management Services. After the bid opening, the low bidder must qualify in accordance with Rule 60D-5.004, F.A.C. A copy of rule requirements is included in the Instruction To Bidders under Article B-2 "Bidders Qualification Requirements and Procedures".

PUBLIC ENTITY CRIME INFORMATION STATEMENT: A person or affiliate who has been placed on the convicted vendor list following a conviction for a public entity crime may not submit a bid on a contract to provide any goods or services to a public entity; may not submit a bid on a contract with a public entity for the construction or repair of a public building or public work; may not submit bids on leases of real property to a public entity; may not be awarded or perform work as a contractor, supplier, subcontractor, or consultant under a contract with any public entity; and may not transact business with any public entity in excess of the threshold amount provided in Section 287.017, F.S., for Category Two for a period of thirty-six (36) months from the date of being placed on the convicted vendor list.

PROJECT DESCRIPTION:

Bushnell Health Clinic: Construction of a one-story addition, approximately 1,100 gross square feet similar in design and construction of the existing building. The building construction addition consists of concrete block exterior walls with stucco finish, accented with brick design, gabled roof truss system with shingle finish, windows and entrances are aluminum storefront design, Type V construction, unprotected and unsprinkled. The construction of the addition shall comply with the construction drawings and specifications as prepared by the Architect/Engineer firm for the Sumter County Health Department. The project includes the construction of the addition and all the related site work. The general contractor and/or building contractor shall be licensed in the State of Florida, and bonded for bid, performance, and labor and material payment bonds.

Wildwood Health Clinic: Minor repairs to the WIC area will be part of this contract work as described in the construction documents.

PERFORMANCE BOND AND LABOR MATERIAL PAYMENT BOND: If the construction contract award amount is \$100,000.00 or less, a Performance Bond and a Labor and Material Payment Bond are not required. If the construction contract award amount is more than \$100,000.00, a Performance and a Labor and Material Payment Bond SHALL be required.

MINORITY BUSINESS ENTERPRISES: In accordance with Florida Statutes, Section 287.042(4)(f)1., the Department of Health is encouraged to spend, as a goal, twenty-one (21) percent of the monies actually expended for construction contractors with certified minority business enterprises. In the department's effort to see that this is accomplished, the Department of Health encourages minority businesses to participate in the bidding process including any bidders conferences, pre-solicitation or pre-bid meetings that are scheduled. The Department of Health further encourages contractors to utilize certified minority enterprises as subcontractors or sub-vendors whenever possible. Certified vendors are those firms certified by the State of Florida Minority Business Advocacy & Assistance Office, 2012 Capital Circle, S.E., Hartman Building, Suite 100, Tallahassee, Florida 32399-2152. Telephone (850)487-0915.

Sealed bids will be received, publicity opened and read aloud on:

DATE AND TIME: Tuesday, July 16, 2002, until 2:00 p.m. (Local Time)

PLACE: Sumter County Health Department, Conference Room Building, Room 500, 415 Noble Avenue, Bushnell, Florida 33513, Telephone (352)793-6979, Facsimile (352)793-1506

PROPOSAL: Bids must be submitted in full in accordance with the requirements of the Drawings, Specifications, Addenda, Bidding Conditions, and Contractual Conditions, which may be examined and obtained from the following:

ARCHITECT-ENGINEER: Elements, Architects/Interior Designers, 600 South Magnolia Avenue, Suite 150, Tampa, Florida 33606, Telephone (813)251-0565, Facsimile (813)251-0567

CONTRACT AWARD: The Bid Tabulation and Notice of Award Recommendation will be posted at 4:00 p.m. (Local Time), Tuesday, July 16, 2002, where the bids were opened. In the event that the Bid Tabulation and Notice of Award Recommendation cannot be posted in this manner, then all bidders will be notified by certified United States Mail, return receipt requested. If no protest is filed per Section B-21 of the Instructions To Bidders, "Notice and Protests Procedures", the contract will be awarded to the qualified, responsive low bidder in accordance with Rule 60D-5, F.A.C., by the Owner.

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

Invitation to Negotiate

Lead Agency for Community-Based Care

Advertisement Number:

Commodity Code(s): 913-020-000

Description:

The State of Florida Department of Children and Family Services, District 8, and the Alliances therein, are seeking qualified not-for-profit or governmental community-based organizations that are interested in serving as the lead agency for an integrated system of care for the provision of foster care and related services to include: emergency shelter, in-home protective services, relative care placements, foster care, therapeutic foster care, foster care supervision, case management, post-placement supervision, permanent foster care, intensive residential treatment, independent living, family reunification, family preservation, adoption, and appropriate related services. The lead agency will serve children and families in Lee, Collier, Charlotte, Hendry and Glades Counties.

Copies of the Invitation to Negotiate (ITN) #08-02 will be available on or after June 21, 2002, and may be obtained by contacting:

Florida Department of Children and Family Services

District Eight, Family Safety Contracted Services

ATTN: Mary Lynn Smith

2295 Victoria Avenue, 2nd Floor, Suite 234

P. O. Box 60085, Fort Myers, Florida 33906

Fax (239)338-1409, Phone (239)338-1490

Please reference the ITN number when requesting information.

An applicant's conference will be held on Monday, July 15, 2002, at the Department of Children and Family Services, 2295 Victoria Avenue, Fort Myers, Florida 33901, 10:00 a.m. Attendance at the conference is not a pre-requisite for acceptance of applications.

Any person with a qualified disability requiring special accommodations at the applicant's conference should contact the person named above at least five (5) working days prior to the event. If you are hearing impaired or speech impaired, please contact this office by using the Florida Relay Services which can be reached at 1(800)955-8771 (TDD).

The department reserves the right to reject any and all bids or accept minor irregularities in the best interest of the State of Florida.

**Section XII
Miscellaneous**

DEPARTMENT OF STATE

**GUIDELINES AND APPLICATIONS AVAILABLE
FOR FLORIDA LIBRARY LITERACY GRANTS**

Grant applications and guidelines are available for the following program administered by the Florida Department of State, Division of Library and Information Services:

Florida Library Literacy Grants – Applications due August 1, 2002. The purpose of this state-funded community based grant program is to support the development and implementation of innovative adult literacy program through Florida public libraries. Projects will assist in addressing the outcome of improving adult learners' literacy skills in order to create life long learners and library users supporting their roles as parents, workers and citizens.

Guidelines and application forms are also available on the Division's web page at <http://dlis.dos.state.fl.us/bld/grants/Literacy/Literacy.html>. The guidelines and application packet may also be requested by mail from the State and Federal Grants Office, State Library of Florida, R. A. Gray Building, 500 South Bronough Street, Tallahassee, FL 32399-0250, by phone (850)245-6600 or Suncom 205-6600 or by telefacsimile (850)488-2746.

Completed application must be mailed to the address indicated above and be on file with the Division, or postmarked on or before the application due date, August 1, 2002.

DEPARTMENT OF BANKING AND FINANCE

SECURITIES GUARANTY FUND

NOTICE IS HEREBY GIVEN that the Department of Banking and Finance, Division of Securities and Finance, on May 10, 2002, issued a Notice of Intent to Enter a Final Order Approving Payment from the Securities Guaranty Fund in

Administrative Proceeding No. 3460-S-4/02 to numerous claimants, regarding the activities of HERBERT FEINMAN d/b/a FEINMAN AND COMPANY, CRD #205702. Those persons whose substantial interests may also be determined by this proceeding and who desire to become parties are advised that they may petition to intervene in this proceeding in accordance with Rule 28-106.205, Florida Administrative Code. The petition must comply with Sections 517.131 and 517.141, Florida Statutes, and Rules 28-106.201, 28-106.301, or 28-107.004, Florida Administrative Code, and must be received within twenty-one (21) days of the date of publication of this notice. Petitions shall be filed with:

Agency Clerk
Department of Banking and Finance
Suite 526, Fletcher Building
101 East Gaines Street
Tallahassee, Florida 32399-0350

FAILURE TO TIMELY FILE A PETITION TO INTERVENE WITHIN THE 21 DAY TIME PERIOD, SHALL CONSTITUTE A WAIVER OF THAT PERSON'S RIGHT TO REQUEST A HEARING ON ANY MATTER SET FORTH IN THE NOTICE OF INTENT, AND THE DEPARTMENT WILL ISSUE ITS FINAL ORDER TAKING THE ACTIONS SET FORTH IN THE NOTICE OF INTENT.

NOTICE OF FILINGS

Notice is hereby given that the Department of Banking and Finance, Division of Banking, has received the following application and/or other notice. Comments may be submitted to the Director, Division of Banking, 101 East Gaines Street, Suite 636, Fletcher Building, Tallahassee, Florida 32399-0350, for inclusion in the official record without requesting a hearing; however, any person may request a public hearing by filing a petition with the Clerk, Legal Division, Department of Banking and Finance, 101 East Gaines Street, Suite 526, Fletcher Building, Tallahassee, Florida 32399-0350, pursuant to provisions specified in Section 3C-105.100, Florida Administrative Code. Petition must be received by the Clerk within twenty-one (21) days of publication of this notice (by 5:00 p.m., July 12, 2002):

EXPANDED FIELD OF MEMBERSHIP

Name and Address of Applicant: 1st Credit Union of Gainesville, 412 East University Avenue, Gainesville, Florida 32601

Expansion Includes: Persons who live or work in Alachua County, Florida.

Received: June 7, 2002

DEPARTMENT OF HIGHWAY SAFETY AND MOTOR VEHICLES

Notice of Publication for the Relocation of a Franchise Motor Vehicle Dealer in a County of More than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, notice is given that Ford Motor Company, intends to allow the relocation of Bay Ford d/b/a Bay Ford, as a dealership for the sale of Ford cars and light trucks, from its present location at 8702 State Road 52, Hudson, Florida, Pasco County, to a proposed location at 10715 U.S. Hwy. 19, Hudson (Pasco County), Florida, on or after July 5, 2002.

The name and address of the dealer operator(s) and principal investor(s) of Bay Ford d/b/a Bay Ford are dealer operator(s): Jason Kuhn and Khaled Hassan, 8702 State Road 52, Hudson, FL 34667, principal investor(s): Edward Leibowitz, David Leibowitz and Michael G. Lewis, 8702 State Road 52, Hudson, FL 34667.

The notice indicates intent to relocate the franchise in a county of more than 300,000 population, according to the latest population estimates of the University of Florida, Bureau of Economic and Business Research.

Certain dealerships of the same line-make may have standing, pursuant to Section 320.642, Florida Statutes, as amended by Chapter 88-395, Laws of Florida, to file a petition or complaint protesting the application.

Written petitions or complaints must be received by the Department of Highway Safety and Motor Vehicles within 30 days of the date of publication of this notice and must be submitted to: Mr. Ronald D. Reynolds, Administrator, Dealer License Section, Department of Highway Safety and Motor Vehicles, Room A-312, Neil Kirkman Building, 2900 Apalachee Parkway, Tallahassee, Florida 32399-0635.

A copy of such petition or complaint must also be sent by US Mail to: Eric Nelson, Market Representation Manager, Ford Motor Company, 101 Southhall Lane, Suite 300, Maitland, FL 32751.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the relocation of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

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, Ford Motor Company, intends to allow the establishment of Ernie Haire Ford, Inc. d/b/a Quality Care Service Center, as a dealership for servicing vehicles, at 14975 N. Nebraska Avenue, Tampa (Hillsborough County), Florida 33613, on or after July 7, 2002.

The name and address of the dealer operator(s) and principal investor(s) of Ernie Haire Ford, Inc. d/b/a Quality Care Service Center are dealer operator: Ernest B. Haire, III, 9545 North Florida Avenue, Tampa, FL 33612; principal investor(s): Mary K. Haire, 9545 North Florida Avenue, Tampa, FL 33612.

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: J. L. Stone, Regional Market Representation Manager, Ford Motor Company, 101 Southhall Lane, Suite 300, Maitland, FL 32751.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

Notice of Publication for a New Point Franchise Motor Vehicle Dealer in a County of More than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, Panoz Auto Development Co. intends to allow the establishment of Huston Motors, Inc., as a dealership for the sale of Panoz Esperante motorcycles, at 21280 Hwy. 27, Lake Wales (Polk County), Florida 33859, on or after January 2, 2002.

The name and address of the dealer operator(s) and principal investor(s) of Huston Motors, Inc. are dealer operator(s) and principal investor(s): Samuel David Huston, Jr., 261 Ruby Lake Lane, Winter Haven, FL 33844 and Timothy C. Huston, 3850 S. Scenic Hwy., Lake Wales, FL 33853.

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: Merla Sawyer, Controller, Panoz Auto Development Co., 1101 Highway 124, Hoschton, GA 30548.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

Notice of Publication for a New Point
Franchise Motor Vehicle Dealer in a County of More
than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, Daimler Chrysler Motors Company, LLC, intends to allow the establishment of Turnpike Chrysler, Jeep and Dodge, LLC d/b/a Allstar Chrysler Jeep, as a dealership for the sale of Chrysler and Jeep motor vehicles, at a location in Osceola County, St. Cloud, Florida, which is located along the northeast side of U.S. Highway 192 (Partin-Settlement Road), which is bounded by the Florida Turnpike along the southwest boundary of the subject site, on or after September 1, 2002. The legal description of this property is as follows:

Beginning at the Southwest corner of the Southeast 1/4 of the Southwest 1/4 of Section 29, Township 25 South, Range 30 East, Osceola County, Florida, Run North Along the West Line of Said Southeast 1/4 of the Southwest 1/4, to a Point 681.80 Feet, South of the Northwest Corner of Said Southeast 1/4 of Southwest 1/4; Run Thence East to the West Right of Way Line of Florida's Turnpike; Run Southeasterly, Along Said Turnpike Right of Way to a Point 1611.84 Feet, Northwesterly From the Intersection of Said West Right of Way Line and the North Right of Way Line of U.S. Highway No. 441-192; Run Thence West, Parallel to the North Line of the Charles Cotton Lands, to the Easterly Right of Way Line of U.S. Highway No. 441-192; Run Thence Northwesterly, Along Said Right of Way to the West Line of the Northeast 1/4 of the Northwest 1/4 of Section 32, Township 25 South, Range 30 East; Run Thence North 00° 40' West, 720.06 Feet to the Point of Beginning.

Being More Particularly Described As:

Beginning at the Southwest Corner of the Southeast 1/4 of the Southwest 1/4 of Section 29, Township 25 South, Range 30 East, Osceola County, Florida; Thence Run North Along the West Line of Said Southeast 1/4 of the Southeast 1/4, A Distance of 294.11 Feet to a Point 1036.80 Feet, South of the

Northwest Corner of Said Southeast 1/4 of the Southwest 1/4; Run Thence S. 89° 28' 58" E., Parallel to the North Line of Said Southeast 1/4 of the Southwest 1/4, 659.57 Feet to the Westerly Right of Way Line of Florida's Turnpike; Run Thence Southeasterly, Along Said Right of Way Line, On a 8394.37 Foot Radius Curve to the Left, 924.55 Feet, Have a Chord Which Bears S. 13° 01' 04" E., A Chord Distance of 924.10 Feet, To the Point of Tangent; Run Thence S. 09° 51' 45" E., Along Said Right of Way Line, A Distance of 859.71 Feet; Thence Departing Said Right of Way Line, Run N. 89° 39' 24" W. a Distance of 669.26 Feet, To the Easterly Right of Way Line of U.S. Highway No. 441-192; Run Thence Northwesterly, Along Said Right of Way Line, On a 9381.44 Foot Radius Curve to the Right, 89.92 Feet, Having a Chord Which Bears N. 25° 09' 11" W. a Chord Distance of 82.92 Feet, To the Point of Tangent; Run Thence N. 24° 37' 32" W., Along Said Right of Way Line, A Distance of 747.55 Feet to the West Line of the Northeast 1/4 Section 32, Township 25 South, Range 30 East, Osceola County, Florida; Run Thence N. 00° 05' 04" E., Along Said Right of Way Line, Distance of 700.57 Feet to the Point of Beginning.

The name and address of the dealer operator(s) and principal investor(s) of Turnpike Chrysler, Jeep & Dodge, LLC d/b/a Allstar Chrysler Jeep are dealer operator(s) and principal investor(s): Alan Starling, 2499 N. Orange Blossom Trail, Kissimmee, FL 34744.

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: J. J. Browne, Zone Manager, Daimler Chrysler Motors Company, LLC, 10300 Boggy Creek Road, Suite 110, Orlando, FL 32824.

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.

DEPARTMENT OF ENVIRONMENTAL PROTECTION**NOTICE OF AVAILABILITY****FLORIDA FINDING OF NO SIGNIFICANT IMPACT**

The Florida Department of Environmental Protection has determined, under the State Revolving Fund program, that the Golden Gate Utility System's reverse osmosis Water Treatment Plant expansion and distribution system project will not adversely affect the environment.

The full text of this notice is published on the Internet at the Department of Environmental Protection's home page at <http://www.dep.state.fl.us/> under the link or button titled "Official Notices." For more information, call Al Bishop, (850)488-8163.

DEPARTMENT OF HEALTH

On June 11, 2002, John O. Agwunobi, M.D. Secretary of the Department of Health, issued an Order of Emergency Suspension, with regard to the license of Thomas Duncan, R.N. Duncan holds license number RN 2937002. Duncan's last known address is 514 Keen Park Road, Frostproof, Florida 33843. 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.

On June 11, 2002, John O. Agwunobi, M.D. Secretary of the Department of Health, issued an Order of Emergency Suspension, with regard to the license of Karen Guidry, L.P.N. Guidry holds license number PN 1005631. Guidry's last

known address is P. O. Box 3276, Arcadia, Florida 34265. 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.

On June 11, 2002, John O. Agwunobi, M.D. Secretary of the Department of Health, issued an Order of Emergency Suspension, with regard to the license of Julie Keenan, L.P.N. Keenan holds license number PN 1274351. Keenan's last known address is 1200 N. Davis Avenue, #67, Lakeland, Florida 33805. 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.

On June 10, 2002, John O. Agwunobi, M.D., M.B.A., Secretary of the Department of Health, issued an Order of Emergency Suspension with regard to the license of Ignacio Magnan, M.D., license number ME 0047340. This Emergency Suspension Order was predicated upon the Secretary's findings of an immediate and serious danger to the public health, safety and welfare pursuant to Sections 456.073(8) and 120.60(6), Florida Statutes. The Secretary determined that this summary procedure was fair under the circumstances, in that there was no other method available to adequately protect the public.

**FISH AND WILDLIFE CONSERVATION
COMMISSION**

Request for Information – Management Considerations

The Florida Fish and Wildlife Commission determined at its May 29-31, 2002 meeting that reclassifying the Panama City crayfish (*Procambarus* [*Leonticambarus*] *econfina*) from species of special concern status to threatened status was warranted, thereby ending Phase 1 and beginning Phase 2 of the listing action process (Rule 68A-27.0012, F.A.C.) for this species. The Commission now requests information on the conservation needs of the Panama City crayfish and any economic and social factors that should be considered in its management. Comments should be sent to: Dr. Bradley J. Gruver, Florida Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, FL 32399-1600 or brad.gruver@fwc.state.fl.us by 5:00 p.m., August 5, 2002.

Request for Written Comments on Biological Status

The Florida Fish and Wildlife Conservation Commission has been petitioned to re-evaluate the listing status of the Florida manatee (*Trichechus manatus latirostris*), subspecies of the West Indian manatee (*Trichechus manatus*). The Commission hereby requests written comments on the biological status of the Florida manatee pursuant to Section 68A-27.0012, Florida Administrative Code.

Written comments should be sent to: Dr. Elsa Haubold, Florida Fish and Wildlife Conservation Commission, Florida Marine Research Institute, 100 8th Ave. S., St. Petersburg, FL 33701 or Elsa.Haubold@fwc.state.fl.us. Written comments will be accepted until 5:00 p.m., August 5, 2002.

Section XIII
Index to Rules Filed During Preceding Week

Rule No.	File Date	Effective Date	Proposed Vol./No.	Amended Vol./No.
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**RULES FILED BETWEEN June 3, 2002
 and June 7, 2002**

Rule No.	File Date	Effective Date	Proposed Vol./No.	Amended Vol./No.
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DEPARTMENT OF BANKING AND FINANCE

Board of Funeral and Cemetery Services

3F-5.0016	6/6/02	6/26/02	28/8	28/19
3F-5.002	6/6/02	6/26/02	28/8	
3F-5.0022	6/6/02	6/26/02	28/8	
3F-5.004	6/6/02	6/26/02	28/8	
3F-5.005	6/6/02	6/26/02	28/8	
3F-5.006	6/6/02	6/26/02	28/8	
3F-5.007	6/6/02	6/26/02	28/8	
3F-5.008	6/6/02	6/26/02	28/8	
3F-5.009	6/6/02	6/26/02	28/8	

DEPARTMENT OF INSURANCE

Division of State Fire Marshal

4A-2.024	6/4/02	6/24/02	28/14	
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DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Standards

5F-3.001	6/3/02	6/23/02	28/16	
5F-3.016	6/3/02	6/23/02	28/16	
5F-5.001	6/3/02	6/23/02	28/16	
5F-7.005	6/3/02	6/23/02	28/16	

Division of Agricultural Water Policy

5M-2.001	6/4/02	6/24/02	28/13	
5M-2.002	6/4/02	6/24/02	28/13	
(proposed as 5M-2.003)				
5M-2.003	6/4/02	6/24/02	28/13	
(proposed as 5M-2.004)				
5M-2.004	6/4/02	6/24/02	28/13	
(proposed as 5M-2.005)				
5M-2.005	6/4/02	6/24/02	28/13	28/19
(proposed as 5M-2.006)				

DEPARTMENT OF EDUCATION

University of Florida

6C1-1.012	6/7/02	6/27/02	Newspaper	
6C1-3.0022	6/7/02	6/27/02	Newspaper	
6C1-3.047	6/7/02	6/27/02	Newspaper	
6C1-3.056	6/7/02	6/27/02	Newspaper	
6C1-5.076	6/7/02	6/27/02	Newspaper	
6C1-7.013	6/7/02	6/27/02	Newspaper	
6C1-7.055	6/7/02	6/27/02	Newspaper	

DEPARTMENT OF CITRUS

20-104.004	6/3/02	6/23/02	28/15	
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WATER MANAGEMENT DISTRICTS

St. Johns River Water Management District

40C-3.035	6/5/02	6/25/02	28/17	
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South Florida Water Management District

40E-0.113	6/6/02	6/26/02	28/10	
40E-1.607	6/6/02	6/26/02	28/10	
40E-1.659	6/6/02	6/26/02	28/10	
40E-4.0415	6/6/02	6/26/02	28/10	
40E-4.091	6/6/02	6/26/02	28/10	28/19
40E-4.091	6/6/02	6/26/02	28/10	
40E-40.041	6/6/02	6/26/02	28/10	
40E-400.447	6/6/02	6/26/02	28/10	

AGENCY FOR HEALTH CARE ADMINISTRATION

Office of Licensure and Certification

59A-27.001	6/7/02	6/27/02	28/10	28/18
59A-27.002	6/7/02	6/27/02	28/10	28/18
59A-27.003	6/7/02	6/27/02	28/10	28/18
59A-27.004	6/7/02	6/27/02	28/10	28/18
59A-27.005	6/7/02	6/27/02	28/10	28/18
59A-27.006	6/7/02	6/27/02	28/10	28/18
59A-27.007	6/7/02	6/27/02	28/10	
59A-27.008	6/7/02	6/27/02	28/10	
59A-27.009	6/7/02	6/27/02	28/10	28/18

Rule No.	File Date	Effective Date	Proposed Vol./No.	Amended Vol./No.	Rule No.	File Date	Effective Date	Proposed Vol./No.	Amended Vol./No.
DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION					Board of Psychology				
Board of Pilot Commissioners					64B19-11.004	6/6/02	6/26/02	28/17	
61G14-14.002	6/3/02	6/23/02	28/12		64B19-11.012	6/5/02	6/25/02	28/4	28/19
61G14-14.003	6/3/02	6/23/02	28/12		Division of Family Health Services				
61G14-14.004	6/3/02	6/23/02	28/12		64F-5.001	6/4/02	6/24/02	28/16	
61G14-14.0041	6/3/02	6/23/02	28/12		64F-5.003	6/4/02	6/24/02	28/16	
DEPARTMENT OF HEALTH					64F-16.001	6/4/02	6/24/02	28/15	
Board of Medicine					64F-16.006	6/4/02	6/24/02	28/18	
64B8-2.001	6/5/02	6/25/02	28/17		FISH AND WILDLIFE CONSERVATION COMMISSION				
Board of Occupational Therapy					Manatees				
64B11-2.007	6/5/02	6/25/02	28/9	28/19	68C-22.006	6/4/02	6/24/02	27/16	27/24
64B11-3.005	6/5/02	6/25/02	28/11	28/19	68C-22.018	6/4/02	6/24/02	27/16	
64B11-5.001	6/5/02	6/25/02	28/3	28/19	68C-22.021	6/4/02	6/24/02	27/16	
64B11-6.001	6/5/02	6/25/02	28/15	28/19	<hr/>				
Board of Opticianry									
64B12-16.003	6/5/02	6/25/02	28/13						
64B12-16.004	6/5/02	6/25/02	28/13						
64B12-16.006	6/5/02	6/25/02	28/13						