

Section I Notices of Development of Proposed Rules and Negotiated Rulemaking

DEPARTMENT OF BANKING AND FINANCE

Division of Securities and Finance

RULE TITLE: Sales of Certificates of Deposit
 RULE NO.: 3E-600.0132

The Department of Banking and Finance and the Department of Insurance jointly announce the following rule development workshop to which all persons are invited.

PURPOSE AND EFFECT: The purpose of the workshop will be to consider rules relating to recently enacted legislation that affects insurance agents and the sale of certificates of deposit issued by certain types of financial institutions.

SUBJECT AREA TO BE ADDRESSED: Regulation of the sale of certificates of deposit by insurance agents.

SPECIFIC AUTHORITY: 517.03(1) FS.

LAW IMPLEMENTED: 517.12 (20), 517.201, 517.211, 517.191, 517.221, 517.301(1), 517.302, 517.311(1)-(3), 517.312 FS.

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

TIME AND DATE: 10:00 a.m. – 1:00 p.m., September 6, 2002

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Don B. Saxon, Director, Department of Banking and Finance, Office of the Comptroller, Tallahassee, Florida 32399-0350, (850)410-9805

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

3E-600.0132 Sales of Certificates of Deposit.

(1) Any person licensed under s. 626.041 or s. 626.051 and not otherwise registered under 517.12, who offers or sells a security defined in s. 517.021(19)(g), pursuant to the authority in s. 517.12(20), shall comply with or be subject to:

(a) The provisions of s. 517.301(1), s. 517.302, s. 517.311(1)-(3) and s. 517.312;

(b) Investigations, examinations, and subpoenas pursuant to 517.201;

(c) The remedies contained in s. 517.211;

(d) Injunctions issued pursuant to 517.191;

(e) Cease and desist orders issued pursuant to s. 517.221; and

(f) Rule 4-235.003, Florida Administrative Code.

(2) Any person who violates any of the provisions of chapter 517 is guilty of a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(3) Nothing in this rule shall be deemed to limit any other departmental authority existing under Chapter 517.

Specific Authority 517.03(1) FS. Law Implemented 517.12(20), 517.201, 517.211, 517.191, 517.221, 517.301(1), 517.302, 517.311(1)-(3), 517.312 FS. History—New _____.

DEPARTMENT OF INSURANCE

RULE TITLE: Sale of Certificates of Deposit
 RULE NO.: 4-235.003

The Department of Banking and Finance and the Department of Insurance jointly announce the following rule development workshop to which all persons are invited.

PURPOSE AND EFFECT: The purpose of the workshop will be to consider rules relating to recently enacted legislation that affects insurance agents and the sale of certificates of deposit issued by certain types of financial institutions.

SUBJECT AREA TO BE ADDRESSED: Regulation of the sale of certificates of deposit by insurance agents.

SPECIFIC AUTHORITY: 624.308(2) FS.

LAW IMPLEMENTED: 624.307(1), 517.12, 626.611, 626.621 FS.

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

TIME AND DATE: 10:00 a.m. – 1:00 p.m., September 6, 2002

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Phil Fountain, Assistant Director, Division of Agent and Agency Services, Department of Insurance, 200 E. Gaines Street, Tallahassee, Florida 32399-0318, (850)413-5416

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

4-235 SALE OF NON-INSURANCE PRODUCTS BY INSURANCE REPRESENTATIVES

4-235.003 Sale of Certificates of Deposit.

(1) Activities of licensed general lines and life insurance agents authorized by Section 517.12(20), Florida Statutes, are considered activities under the agents' licenses for purposes of Sections 626.611 and 626.621, Florida Statutes.

(2) In determining whether an agent has been a source of injury or loss to the public or detrimental to public interest within the meaning of Section 626.621(6), Florida Statutes, the Department will consider the facts applicable to each transaction.

(a) Conduct determined by the Department of Banking and Finance to violate Rule 3E-600.0132, F.A.C., constitutes conduct that is a source of injury or loss to the public or detrimental to public interest within the meaning of Section 626.621(6), Florida Statutes.

(b) The Department will apply the standards established in Part IX of Chapter 626, Florida Statutes, against engaging in unfair methods of competition or in unfair or deceptive acts or practices in the conduct of business under an agent's license to agent transactions authorized under Section 517.12(20), Florida Statutes.

Specific Authority 624.308(2) FS. Law Implemented 624.307(1), 517.12, 626.611, 626.621 FS. History--New

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Agricultural Environmental Services

RULE CHAPTER TITLE:	RULE CHAPTER NO.:
Feed	5E-3
RULE TITLES:	RULE NOS.:
Ingredient Statement	5E-3.004
Labels	5E-3.005
Customer – Formula Feed	5E-3.014

PURPOSE AND EFFECT: The purpose of the proposed rule is to require full disclosure as to the nature and origin of any and all products derived from animal sources that are utilized as ingredients in feed for animals. Such disclosure will facilitate the effective enforcement of the BSE Code of Federal Regulations 589.2000 through feed product label inspection at the marketplace and consumer levels. The effect of the proposed rule will be that manufacturers of feed that contains animal derived products will be required to identify the specific animal sources of such products in the ingredient statement of the feed product labeling.

SUBJECT AREA TO BE ADDRESSED: Animal feed labeling requirements.

SPECIFIC AUTHORITY: 570.07(23), 580.036(2) FS.

LAW IMPLEMENTED: 580.051(2), 580.071(1),(3), 580.081, 580.112 FS.

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

TIME AND DATE: 9:00 a.m., September 6, 2002

PLACE: AES Conference Room, 3125 Conner Blvd., Tallahassee, FL 32399-1650

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

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

5E-3.004 Ingredient Statement.

(1) Each ingredient shall be specifically named (the names and definitions identified in "Official Publication 2001" published by the Association of American Feed Control Officials shall be used as the common or usual names unless

the Department of Agriculture and Consumer Services designates otherwise by rule), except that collective terms for a group of ingredients which perform a similar function may be used on labels for all commercial feed except horse feed and commercial feed or feedstuff that contains or consists of animal products, animal protein products, or recycled animal waste products. Collective terms recognize a general classification of ingredient origin but do not imply equivalent nutritional values. The following collective terms may be used in lieu of each ingredient term provided that only those ingredients defined by Association of American Feed Control Officials within each collective term are included:

Animal Protein Products

- Grain Products
- Plant Protein Products
- Processed Grain By-Products
- Forage Products
- Roughage Products
- Molasses Products

(a) For any given lot the manufacturer shall provide the department or consumer, upon request, the specific names of the ingredients used within each collective term.

(b) When a collective term for a group of ingredients is used on the label, individual ingredients within that group shall not be listed, except that labels for customer formula feeds shall show the names of specific ingredients within a collective term, when the customer requests that certain ingredients be added to a regular brand.

(c) Commercial feed or feedstuff that contains or consists of animal products, animal protein products, or recycled animal waste products, shall specify, in the ingredient statement, the animal(s) from which the product(s) are derived.

(2) When added in the preparation of canned foods for animals, water shall be listed as an ingredient.

(3) The term "dehydrated" may precede the name of any product that has been artificially dried.

(4) No reference to quality or grade of an ingredient shall appear in the ingredient statement of a feed.

(5) Copyrighted brand, trade, or proprietary names shall not be used in the ingredient statement.

(6) A single ingredient product defined by the Association of American Feed Control Officials is not required to have an ingredient statement provided it is identified in the brand or product name.

(7) "Official Publication 2001" published by The Association of American Feed Control Officials is hereby incorporated by reference. Copies may be obtained from AAFCO Assistant Secretary-Treasurer, P. O. Box 478, Oxford, IN 47971.

Specific Authority 570.07(23), 580.036(2) FS. Law Implemented 580.051(1)(f) FS. History--Amended 12-30-70, 4-1-76, Formerly 5E-3.04, Amended 6-1-95, 11-14-01,_____.

5E-3.005 Labels.

(1) The information required in Section 580.051, Florida Statutes, shall appear in its entirety on one side of the label, or on one side of the container, except as provided in Rules 5E-3.008 and 5E-3.014, F.A.C., and further provided that precautions and directions for use may appear on the reverse side of the label. The information shall not be subordinated or obscured by other statements and designs.

(2) A package or a bulk lot of feed shall not be accompanied by conflicting labeling on tags, containers, delivery ticket or invoice.

(3) The month, day and year of manufacture of the commercial feed, for ratites only, which information shall appear on the label or the container in a conspicuous place, plainly written or printed in the English language when distributed in bags and when sold at retail.

(4) The label or labeling for a packaged or bulk feed that contains or consists of animal products, animal protein products, or recycled animal waste products shall specify, in the ingredient statement, the animal(s) from which the product(s) are derived.

Specific Authority 570.07(23), 580.036(2) FS. Law Implemented 580.051, 580.081, 580.112 FS. History—Amended 12-30-70, Formerly 5E-3.05, Amended 3-5-89, 9-19-94, 6-1-95,_____.

5E-3.014 Customer – Formula Feed.

(1) The label for a customer-formula feed shall show, in addition to the information required by Section 580.051(2), Florida Statutes, the words “mixed for” followed by the name and address of the customer, except that the brand name may be omitted. When the customer requests that certain ingredients be added to a regular brand, the base feed label may be used along with the names of other ingredients added, provided that the protein, fat and fiber guarantees are not affected. Where appropriate, the words “added drug ingredient(s)” shall be shown, followed by the name(s) and amount(s) of the drug(s). If it is necessary to use the reverse side of a tag to show added labeling, the words “Customer-formula feed – see reverse side” shall be stamped on the front of the label, in such a manner as not to obscure the base feed labeling. The label or labeling for a customer formula feed that contains or consists of animal products, animal protein products, or recycled animal waste products, shall specify, in the ingredient statement, the animal(s) from which the product(s) are derived.

(2) A customer-formula feed may contain any ingredients requested by the customer subject to the limitation in subsection 5E-3.008(1), F.A.C.

(3) The mixer of a customer-formula feed shall keep the signed formula in his records for a period of twelve months following the last delivery of such feed.

Specific Authority 570.07(23), 580.036(2) FS. Law Implemented 580.051(2), 580.071(1),(3), 580.081, 580.112 FS. History—Amended 12-30-70, Formerly 5E-3.14, Amended 6-1-95, 11-14-01,_____.

DEPARTMENT OF CORRECTIONS

RULE TITLE: Inmate Welfare Trust Fund and Canteen Operations

RULE NO.: 33-203.101

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to: increase the maximum amount of weekly canteen purchases for inmates; to clarify the purposes for which inmate welfare trust funds may be disbursed; to delete obsolete provisions concerning the operation of inmate welfare trust fund activities; to provide for a state-wide policy regarding canteen items and pricing; and to set a maximum rate of pay for inmate canteen workers.

SUBJECT AREA TO BE ADDRESSED: Inmate welfare trust fund, canteen.

SPECIFIC AUTHORITY: 20.315, 944.09, 945.215 FS.

LAW IMPLEMENTED: 20.315, 944.09, 945.215 FS.

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

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

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

33-203.101 Inmate Welfare Trust Fund and Canteen Operations.

(1) No change.

(2) Each inmate shall be allowed to purchase \$65.00 ~~\$45.00~~ of canteen merchandise on a weekly basis, exclusive of any items obtained through special mail order procedures.

(3) Budgeting and Disbursement of Inmate Welfare Trust Funds.

(a) No change.

(b) Inmate welfare trust funds shall be budgeted and disbursed exclusively:

1. through 5. No change.

6. For operating and fixed-capital expenses associated with the delivery to inmates of literacy programs, vocational training programs, and academic programs that comply with standards of the Department of Education;

7. through 8. No change.

9. For expenses associated with various inmate clubs; ~~and~~

10. For expenses associated with legal services for inmates;

11. To employ personnel to provide inmate substance abuse treatment and transition and life skills training programs;
and

12. For operating and fixed-capital expenses associated with the delivery of inmate substance abuse treatment and transition and life skills training programs.

(c) Expenditures for items listed in subparagraphs 5. through ~~12.10.~~ above are categorized as inmate benefit program expenditures. Expenditures for correctional education programs in subparagraphs 5. and 6. must exceed the total of all other inmate benefit program expenditures.

(4) through (5) No change.

~~(6) Copies of annual Inmate Welfare Trust Fund financial statements and Inmate Welfare Trust Fund Committee meeting minutes or equivalent information will be made available to inmates.~~

~~(6)(7) Inmate Welfare Trust Fund Procedures.~~

(a) Department wide. The Office of Administration shall develop procedures Secretary shall appoint members to the Inmate Welfare Trust Fund Policy Committee whose responsibilities will include development of policies to govern the operation of Inmate Welfare Trust Fund activities and annual review of institutional inmate welfare trust fund budgets.

(b) ~~Regional Level: Each Regional Director will appoint a Regional Inmate Welfare Trust Fund Committee which will review, revise, and recommend approval of institutional Inmate Welfare Trust Fund budgets for that region. The Department and Regional Inmate Welfare Trust Fund committees will strive to maintain uniform sales prices throughout the Department within the bounds of good purchasing practices. The regional committee will assist the Regional Director in investigating and reporting Inmate Welfare Trust Fund shortages or losses which occur in the region's community facilities. In cases wherein the shortage is recovered, the report need not be processed further than the Regional Office. If shortages are not recovered, the report will be forwarded to the Department Inspector General for review and action.~~

~~(b)(e) Institutional Level: Service center support staff are responsible for overseeing Each institutional warden will appoint an inmate Welfare Trust Fund Committee to oversee the operation of the institution's Inmate Welfare Trust Fund and canteen operations, to assist in the development of operating budgets and to approve expenditures for inmate benefit programs. The committee will also assist the warden in the investigation and reporting of shortages or losses. The committee shall include at least one inmate representative who will be present for all meetings where expenditures of monies from the Inmate Welfare Trust Fund are decided upon.~~

(7)(8) A standard mark-up policy implemented through the department's cashless canteen system will be used to price canteen resale items. Inmate Welfare Trust Fund committees will determine the prices for which items are to be sold at canteens. Current price lists will be posted in the proximity of the canteen for inmate viewing purposes.

~~(9) Budgeting and Use of Telephone Commission Revenues. Commission revenue derived from telephones designated for inmate use is a funding source for inmate welfare trust fund activity as authorized under s. 945.215, F.S. Telephone commissions shall be directed to and accumulated by the Central Office Bureau of Finance and Accounting to be budgeted by the inmate welfare trust fund policy committee for authorized department-wide purposes identified as follows:~~

~~(a) Canteen construction and canteen start-up cost for new facilities;~~

~~(b) Installation of the department's automated cashless canteen/inmate banking system at new facilities and the maintenance of the system at existing facilities;~~

~~(c) Special construction projects such as educational buildings and facilities, chapels, libraries, and visiting pavilions;~~

~~(d) Maintenance of inmate law libraries, including the establishment of law libraries at new facilities and required upgrades at existing facilities;~~

~~(e) Other uses authorized by s. 945.215, F.S., and approved by the central office inmate welfare trust fund policy committee.~~

~~(8)(10) Items Authorized for Sale in Canteens.~~

~~(a) A list of items authorized for resale in canteens at Department institutions will be posted on bulletin boards at each institution. This list has been generated from input from throughout the Department and has been approved by the Inmate Welfare Trust Fund Policy Committee and the Secretary of the Department.~~

(b) through (e) renumbered (a) through (d) No change.

~~(9)(11) Inmate Salaries. An inmate may receive compensation from the Inmate Welfare Trust Fund if the inmate is actually performing canteen or canteen support functions. The monthly rate of pay shall not exceed \$75.00 the maximum amount established by the Inmate Welfare Trust Fund Policy Committee.~~

(12) through (14) renumbered (10) through (12) No change.

Specific Authority 20.315, 944.09, 945.215 FS. Law Implemented 20.315, 944.09, 945.215 FS. History-New 1-20-86, Formerly 33-3.035, Amended 11-22-91, 5-25-95, 11-13-95, 5-28-96, 2-12-97, Formerly 33-3.0035, Amended _____.

AGENCY FOR HEALTH CARE ADMINISTRATION

Medicaid

RULE TITLE: Ambulatory Surgical Center Services
 RULE NO.: 59G-4.020
 PURPOSE AND EFFECT: The purpose of the rule amendment is to incorporate by reference the Florida Medicaid Ambulatory Surgical Center Services Coverage and Limitations Handbook, January 2002. Appendix A of the handbook contains the 2002 procedure codes and payment groups in effect for dates of service beginning on January 1,

2002. The effect will be to incorporate in the rule the current Florida Medicaid Ambulatory Surgical Center Services Coverage and Limitations Handbook.

SUBJECT AREA TO BE ADDRESSED: Ambulatory Surgical Center Services.

SPECIFIC AUTHORITY: 409.919 FS.

LAW IMPLEMENTED: 409.906, 409.908 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. – 11:00 a.m., September 3, 2002

PLACE: Agency for Healthcare Administration, 2728 Fort Knox Boulevard, Building 3, Conference Room C, Tallahassee, Florida 32308

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Ouida Mazzoccoli, Medical/Health Care Program Analyst, Medicaid Health Systems Development, 2728 Fort Knox Boulevard, Building 3, Tallahassee, FL 32308, (850)922-7351

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

59G-4.020 Ambulatory Surgical Center Services.

(1) No change.

(2) All ambulatory surgical center providers enrolled in the Medicaid program must be in compliance with the Florida Medicaid Ambulatory Surgical Center Services Coverage and Limitations Handbook, January 2002 ~~January 2001~~, 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 FS. History—New 10-25-84, Formerly 10C-7.531, Amended 5-13-92, 7-12-92, 7-27-93, Formerly 10C-7.0531, Amended 9-8-94, 7-3-95, 11-18-97, 10-27-98, 1-1-01, 7-26-01, _____.

DEPARTMENT OF MANAGEMENT SERVICES

Division of Administrative Hearings

RULE CHAPTER TITLE: RULE CHAPTER NO.:

Workers' Compensation

Adjudications

60Q-6

PURPOSE AND EFFECT: The rules will implement the mandate in Section 440.45, Florida Statutes, as amended by Chapter 2002-236, Laws of Florida, that the Division of Administrative Hearings adopt procedural rules for workers' compensation claims resolution. The rules will be patterned after the existing procedural rules adopted by the Supreme Court of Florida, but will eliminate unnecessary procedural

requirements in those rules in an effort to simplify the process and effectuate the legislative intent in Sections 440.015 and 440.44(2), Florida Statutes, as amended by Chapter 2002-194, Laws of Florida, that the workers' compensation system be efficient and self-executing and that the Division of Administrative Hearings assume an active and forceful role in the administration of Chapter 440. Upon adoption, the rules will replace the procedural rules adopted by the Supreme Court of Florida.

SUBJECT AREA TO BE ADDRESSED: Procedural rules applicable to workers' compensation adjudications before the judges of compensation claims.

SPECIFIC AUTHORITY: 440.015, 440.25(4)(h),(i), 440.44, 440.45(1),(4) FS.

LAW IMPLEMENTED: Chapter 440, 440.192, 440.20, 440.25, 440.29, 440.33, 440.34, 440.44, 440.45(4) FS.

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

TIME AND DATE: 1:00 p.m., September 26, 2002

PLACE: City Hall, Commission Chambers, 100 North Andrews Avenue, Fort Lauderdale, Florida 33301

TIME AND DATE: 1:00 p.m., October 2, 2002

PLACE: DeSoto Building (check the bulletin board in the lobby for room assignment), 1230 Apalachee Parkway, Tallahassee, Florida 32399

TIME AND DATE: 1:00 p.m., October 9, 2002

PLACE: City Hall, Agenda Conference Room, Second Floor, 400 South Orange Avenue, Orlando, Florida 32801

NOTICE UNDER THE AMERICANS WITH DISABILITIES ACT: None.

Any person requiring special accommodations to participate in the workshops is requested to contact the person listed below at least 5 calendar days before the workshop. Hearing or speech impaired persons may contact the person listed below by using the Florida Relay Service, which can be reached at 1(800)955-8700 (Voice) and 1(800)955-8771 (TDD).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Linda M. Rigot, Administrative Law Judge, Division of Administrative Hearings, 1230 Apalachee Parkway, Tallahassee, Florida 32399, (850)488-9675

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT WILL BE AVAILABLE ON AUGUST 26, 2002, AT NO CHARGE FROM THE CONTACT PERSON LISTED ABOVE OR THROUGH THE INTERNET AT WWW.JCC.STATE.FL.US.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Professional Geologists

RULE TITLE: Probable Cause Panel

RULE NO.: 61G16-1.011

PURPOSE AND EFFECT: The Board proposes to review the rule on the Probable Cause Panel to clarify the membership of the panel.

SUBJECT AREA TO BE ADDRESSED: Probable Cause Panel.

SPECIFIC AUTHORITY: 455.225(4), 492.103 FS.

LAW IMPLEMENTED: 455.225(4) FS.

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

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

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

DEPARTMENT OF ENVIRONMENTAL PROTECTION

DOCKET NUMBER: 02-35R

RULE CHAPTER TITLE: State Revolving Loan Program for Water Pollution Control

RULE NO.: 62-503

SUMMARY: Rule development will address extended term financing of wastewater management systems for local governments having financial hardships; loan collateral, pledged revenue coverage, reserve funds, and other loan security related provisions; planning, design, and procurement loan prerequisites; fees and assessments associated with loans; federal requirements emerging as a result of the federal authorization for the SRF program; audit requirements; and rule clarification and organization.

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 Richard Smith, (850)488-8313.

DEPARTMENT OF HEALTH

Division of Medical Quality Assurance Boards

RULE TITLES:	RULE NOS.:
Application Deadlines; Examination Rescheduling	64B-1.001
Notification of Applicants	64B-1.002
Examination Administration	64B-1.003
Conduct at Test Site	64B-1.004
Licensure Examinations Format; Examination Procedures for Candidates with Disabilities	64B-1.005
Practical Examinations	64B-1.006
Selection Criteria for Examiners and Examination Consultants; Term of Service of Examiners	64B-1.007

Grading of Examinations; Grade Notification; Chiropractic Examination Grading	64B-1.008
Requesting a Pre-hearing Review	64B-1.009
Security and Monitoring Procedures	64B-1.010
Requirements and Standards of a National Examination	64B-1.011
Procedures for Certification of National Examinations	64B-1.0115
Guidelines for Sharing Department-Developed Examinations with Other State Licensing Authorities and Testing Entities	64B-1.012
Post-Examination Review of Examination Questions, Answers, Papers, Grades and Grading Keys	64B-1.013
Use of Pilot Test Items in Examinations	64B-1.014

PURPOSE AND EFFECT: The Department of Health is proposing amendments to the rules governing examinations in order to revise and clarify the existing rules, add new language with regard to special testing accommodations, post examination review fees, requirements and standards of a national examination and procedures for certification of national examinations.

SUBJECT AREA TO BE ADDRESSED: The subject matter covered in this rule affects all state-developed licensure examinations administered by the Division of Medical Quality Assurance, Department of Health.

SPECIFIC AUTHORITY: 456.004(5), 456.013(1), 456.014, 456.017(1), 456.017(1)(d), 456.017(2), 458.347 FS.

LAW IMPLEMENTED: 456.013(1), 456.014, 456.017(1)(d), 456.017(2), 458.347 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND TO RECEIVE A PRELIMINARY DRAFT IS: Karen Eaton, Bureau of Operations, Division of Medical Quality Assurance, 4052 Bald Cypress Way, Bin #C10, Tallahassee, FL 32399-1703

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

- 64B-1.001 Application Deadlines; Examination Rescheduling.
 - (1) No change.
 - (2) The original examination fee paid by the applicant shall be applied to a rescheduled examination in the following situations:
 - (a) If the applicant is unable to sit for the originally scheduled examination by reason of the military service and submits to the board or the department, where there is no board, a copy of the applicant's military orders or a letter from

the applicant's commanding officer, no later than twenty-one (21) days following the examination date the applicant was scheduled for; or

(b) If the applicant demonstrates to the board or to the department, where there is no board, that serious injury, illness, or other physical impairment prevented the candidate from taking the examination. Any such request to reschedule sitting for an examination shall include a statement from the applicant's treating physician, which must be received no later than twenty-one (21) days following the examination date for which the applicant was scheduled, and shall include:

1. A description of the injury, illness, or physical impairment;
2. The dates of treatment and/or confinement; and
3. An attestation that such injury, illness, or physical impairment prevented the applicant from taking the examination; or

(c) If it is determined that a candidate's examination or portion thereof cannot be scored through no fault of the candidate; or

(d) If the department or contract provider:

1. Provides insufficient time for completion of an examination or clinical procedure through some mechanical or clerical error; ~~of the department insufficient time is allowed for completion of an examination or clinical procedure; or~~

2. Loses examination materials; ~~are lost by the department,~~ or

3. Has other problems ~~occur which are~~ due to the department's inaction or negligence.

(3) Examination Administrator is defined as a person(s) responsible for the administration or the delivery of the examination to the candidate either in person or electronically.

Specific Authority 456.004(5), 456.013(1), 456.017(1) FS. Law Implemented 456.013(1), 456.017(1) FS. History—New 9-7-98, Amended.

64B-1.002 Notification of Applicants.

(1) Unless otherwise specified by board rule after a decision is made that an applicant meets the lawful requirements for the licensure examination, the department or contract provider will schedule the applicant for the next examination for which space is available that begins at least forty-five (45) days after the applicant is certified or after ninety (90) days from receipt of a complete application.

(2) If all certified candidates cannot be scheduled for the next subsequent examination due to space, time or other limitations beyond the control of the department or contract provider, the candidates will be scheduled chronologically according to the date the application was complete.

(3) The department or contract provider ~~its designee~~ will notify candidates of the place, date and time of the examination and provide the candidate with verification of scheduling. For department developed examinations, a candidate will also receive an official admission slip which will be required for

admission to sit for the examination. The department or contract provider shall inform the candidate of the length of the examination, patient criteria when a patient is needed for a practical examination and any special equipment or materials the candidate needs to bring to the examination. Except with regard to national examinations, the department or contract provider shall also inform a candidate of the major content areas tested on the examination.

Specific Authority 456.004(5), 456.017(1) FS. Law Implemented 456.017(1) FS. History—New 9-7-98, Amended.

64B-1.003 Examination Administration.

Unless the national examination requires a different set of administration procedures, the following procedures shall be followed for any examination administered by the department or its contract provider.

(1) All examinations ~~administered by the department~~ will be administered in accordance with the department's "General Administration Manual for Examinations," 1996 form DH MQA, revised , which is hereby adopted and incorporated ~~herein~~ by reference, and can be obtained from the Division of Medical Quality Assurance, Bureau of Operations, Testing Services, at: 4052 Bald Cypress Way, Bin C-90, Tallahassee, Florida 32399-3290. Administration requirements set forth by national examination will be compiled within the administration of the specific examination.

(2) During the examination, the candidates will follow the instructions given by ~~of~~ the examination administrator supervisor. The instructions shall be provided to the candidate in either written or verbal form and shall be read to the candidates by the examination administrator supervisor. ~~The candidates will be permitted to ask the examination supervisor or proctor reasonable questions relating to the instructions.~~

(3) The department's valid admission slip for the specified examination and a government-issued photo identification I.D. such as a valid driver's license or passport, must be presented in order to gain admission to the examination. ~~A valid government-issued photo I.D. such as a driver's license, A government-issued photograph identification defined in the aforementioned sentence shall be acceptable in the absence of the admission slip provided the candidate's name appears on the examination admission roster that has been prepared by the department or its contract provider for the specific examination.~~

(4) If the candidate arrives at a the designated testing location after the designated starting time, the examination administrator will attempt reasonable accommodations. Candidates sitting for paper and pencil examinations the candidate will be permitted to take the examination only after signing a statement indicating the candidate's late arrival time, and the candidate's agreement that he/she and agreeing that the candidate will have only the remaining designated time to complete the examination. Candidates sitting for computer-based testing examinations may be re-scheduled for

the examination by the examination administrator. Candidates sitting for practical or clinical examinations will not be allowed to take the examination. No late arriving candidate for paper and pencil examinations will be permitted to take that examination if:

(a) The ~~Any~~ candidate who refuses to sign such a statement ~~or, will be disqualified from the examination and may apply to the department for scheduling for the next available examination. If,~~

(b) At the time ~~when~~ the late candidate arrives, any other candidate has already finished the examination and left the examination room,;

In either case, if the late candidate wants to take the examination, he or she must ~~will not be permitted to sit for the examination and must~~ apply to the department for scheduling for the next available examination.

(5) If through some mechanical or clerical error of the department or the contract provider, the candidate does not receive the allotted time to complete the examination, additional time shall be allowed upon approval of the examination administrator supervisor.

(6) All examination questions, booklets, answer sheets, electronic files and other examination papers and materials, in any form, are the sole property of the department or the national provider. No candidate shall take any of the examination questions, booklets, portions thereof, answers sheets, electronic files and other examination papers and materials, in any form, from the examination room, retain, reproduce or compromise the examination in whole or in part by any means or method whatsoever.

Specific Authority 456.004(5), 456.017(1)(d) FS. Law Implemented 456.017(1)(d) FS. History--New 9-7-98, Amended.

64B-1.004 Conduct at Test Site.

For ~~professions directly regulated by the department and for professions regulated by a board, if incorporated into the rules of the appropriate board,~~ examinations that are administered by the department or a contract provider the conduct at the test site shall be as follows:

(1) The examination administrator supervisor and proctors are the department's designated agents in maintaining a secure and proper examination administration. Failure to comply with the written or oral instructions provided by the department's designated agents shall result in the removal of the examinee from the examination room.

(2) through (4) No change.

Specific Authority 456.004(5), 456.017(1)(d) FS. Law Implemented 456.017(1)(d) FS. History--New 9-7-98, Amended.

64B-1.005 Licensure Examinations Format; Examination Procedures for ~~Disabled~~ Candidates with Disabilities.

(1) Definitions.

(a) A person with a disability means any person who:

1. Has a physical, mental or specific learning disability which at present substantially limits one or more major life activities;

2. Has a record of such a disability;

3. Is regarded as having such a disability

(b) Major life activities are activities that an average person can perform with little or no difficulty which include: walking, talking, hearing, breathing, learning, working, caring for one's self and performing manual tasks.

(c) An individual with a physical disability means any person who has a documented permanent or temporary physical or psychomotor disability.

(d) An individual with a learning disability is a person who has permanent or temporary mental disabilities such as brain damage, brain dysfunction, dyslexia or a perceptual disorder. The term does not include learning problems that are primarily the result of visual, hearing or motor disabilities, mental retardation, emotional disturbance, English as a foreign language, or of environmental, cultural or economical disadvantage.

(2)(+) The department will provide reasonable and appropriate accommodations to candidates with physical, mental or specific learning disabilities to the extent permitted by cost, administration restraints, security considerations and availability of resources. Accommodations made will vary depending upon the nature and the severity of the disability impairment. Each case will be dealt with on an individual basis within the limits prescribed herein. In instances of national examinations, guidance will be sought from the national provider. Reference information and guidelines regarding the process of documenting disabilities are contained in the document titled "Information Booklet, Special Testing Accommodations for Examinees with Disabilities," Form DH 1320, revised December 2001, which is hereby adopted and incorporated by reference, and can be obtained from the Division of Medical Quality Assurance, Bureau of Operations, Testing Services, at: 4052 Bald Cypress Way, Bin C-90, Tallahassee, Florida 32399-3290.

(3)(a)(2) Candidates requesting accommodation special assistance must file a ~~their~~ request for special testing accommodation on the Application For Candidates Requesting Special Testing Accommodation in Accordance with the Americans with Disabilities Act, form DH 1307, assistanee with their completed application for the licensure examination, (by the final published application deadline) 60 days prior to the examination for which special testing accommodation is requested. Form DH 1307, effective April 2002 is hereby adopted and incorporated by reference, and can be obtained from the Division of Medical Quality Assurance, Bureau of Operations, Testing Services, at: 4052 Bald Cypress Way, Bin C-90, Tallahassee, Florida 32399-3290. Exceptions to the 60 day deadline for requesting special accommodations include:

1. If a candidate becomes disabled during the 60 day deadline period, and has not requested special accommodations, the Department will provide, on a case-by-case basis, any such requested accommodations that can be made available without posing undue burdens which unreasonably affect the security and integrity of the examination.

2. No accommodations will be provided to exam candidates requesting special accommodations ten (10) days or less before the examination.

(b) In addition to the Application for Candidates Requesting Special Testing Accommodation in Accordance with Americans with Disabilities Act form DH 1307, the candidate must provide the department with documentation of their disability completed by a practitioner psychologist licensed pursuant to Chapter 490, (Psychology), Florida Statutes or physician licensed pursuant to Chapter 458 (Medical Practice), Chapter 459 (Osteopathy), Chapter 461 (Podiatry), Chapter 463 (Optometry), or and Chapter 468, Part I (Speech Language Pathology & Audiology Part I), Florida Statutes or by a comparable practitioner licensed in another jurisdiction in the United States. The candidate's documentation shall include:

- (a) The diagnosis and length of time with the condition;
- (b) The name of the test(s) used for diagnosis; and
- (c) Recommended accommodations and testing environment.

(4)(3) Reasonable accommodations shall be made for candidates who qualify. All accommodations must be directly linked to the amelioration of the identified functional limitations caused by the asserted disability and must be reasonable and effective. To be considered for such an accommodation a candidate must submit to the department a recommendation for accommodation from a licensed practitioner as identified in paragraph 64B-1.005(3)(b), F.A.C. Permissible accommodations include:

(a) Flexible Additional Time; Provided for candidates requiring extra time to take an for the examination must submit a recommendation of such from a Florida licensed practitioner as identified in 64B-1.005(2), F.A.C. However, in no event, shall a candidate be provided an untimed examination. Untimed examinations will not be provided.

(b) Flexible Alternate Setting; Individual and small group settings examination administrations shall be available to candidates test takers when such service is recommended by a Florida licensed practitioner as identified in 64B-1.005(2).

(c) Flexible Alternate Recording of Responses; The candidate's test taker's responses can be recorded by a proctor, a typewriter, a Braille writer, or marked on the test booklet, or by another method approved by the department. The test takers will be allowed also to point to the correct response. In the event answer sheets are machine-scored, The proctor shall may transcribe the candidate's responses onto a machine scannable

answer sheet. In these instances, the candidate will verify that the correct answer was marked was the candidate's intended option.

(d) Flexible Alternate Format; The test booklet may be produced in large print, high quality regular print, Braille, or read aloud, in another manner approved by the department on a case-by-case basis. For hearing impaired candidates, an interpreter shall be provided who interprets and reads instructions or examination questions simultaneously.

(e) Assistive Devices: The candidate will be allowed to use appropriate assistive devices approved by the department based on the practitioner's recommendation.

(5)(e) The department reserves the right to request further evidence on the necessity of the accommodation when, according to the practitioner's opinion, the information submitted to substantiate a candidate's need for the requested accommodation is insufficient, incomplete, inconclusive, unclear, or does not substantiate the need for the requested accommodation. Based on its judgement, the department may request that the applicant submit to another professional examination to verify the disability and/or to determine what accommodations are most appropriate and effective.

(6)(4) In no case shall any modifications authorized herein be interpreted or construed as an authorization to provide a candidate with assistance in determining the answer to any test question item. No accommodation or modification shall be made that adversely affects the security or integrity of the examination.

(7) If a candidate approved for special testing accommodations receives a failing grade on his or her examination and requests an examination review, the candidate will receive the same approved accommodation at the review.

(5) Definition of Terms-

(a) A disabled person with a disability means any person who:

1. Has a physical or mental impairment which substantially limits one or more major life activities;
2. Has a record of such a disability an impairment;
3. Is regarded as having such impairment.

(b) Major life activities are activities that an average person can perform with little or no difficulty which include: walking, talking, hearing, breathing, learning, working, caring for one's self and performing manual tasks.

(c) A physically disabled individual means any person who has permanent or temporary physical or psychomotor impairments. The candidate might be in a wheelchair, wear braces, or use crutches, be hearing impaired or blind or may need special assistance to move about.

(d) A learning disabled individual is a person who has permanent or temporary mental disabilities such as brain damage, brain dysfunction, dyslexia or a perceptual disorder. The term does not include learning problems that are primarily

~~the result of visual, hearing or motor disabilities, mental retardation, emotional disturbance, or of environmental, cultural or economical disadvantage.~~

Specific Authority 456.004(5), 456.017(1) FS. Law Implemented 456.017(1) FS. History—New 9-7-98, Amended _____.

64B-1.006 Practical Examinations.

Unless specified in board rule, the following procedures shall be used with regard to department-developed practical examinations:

(1) Candidates required to take a practical/clinical examination shall be informed by the department in writing of the applicable performance criteria, patient criteria and any special equipment required for such performance.

(2) In the event professional examiners are employed to evaluate candidate performance on ~~in~~ practical examinations, no less than two (2) examiners shall independently evaluate the performance of each candidate pursuant to the Board's rule. ~~The independent grades of the examiners shall be averaged to produce a final score.~~

(3) The examiners shall not discuss ~~the candidates'~~ candidate's performance with anyone at any time during the examination or before the grades are recorded.

(4) The department's contract provider ~~examiners or their designee~~ shall provide instructions to the candidates.

(5) The examiners shall grade the candidates only with regard to the prescribed performance criteria.

(6) The candidates ~~candidate~~ and examiners ~~examiner~~ shall not engage in conversation during the practical performance, unless said conversation is part of the practical examination.

Specific Authority 456.004(5), 456.017(1) FS. Law Implemented 456.017 FS. History—New 9-7-98, Amended _____.

64B-1.007 Selection Criteria for Examiners and Examination Consultants: Term of Service of Examiners.

~~(4) Unless otherwise specified in board rule For professions directly regulated by the department and for professions regulated by a board, if incorporated into the rules of the appropriate board, in order to be eligible to serve as an examiner or an examination consultant for department-developed examination a clinical/practical examination, the prospective examiner or examination consultant must have meet the following criteria:~~

~~(1)(a) Three (3) years of continuous practice in the respective field in the state;~~

~~(2)(b) An active license in the respective field in the state at the time of the examination;~~

~~(3)(c) Must nNot have had his/her license in the respective field that has not been suspended or revoked. If the prospective examiner's or examination consultant's license has been acted against otherwise, other than with suspension or revocation the department reserves the right to evaluate his/her selection as deemed appropriate;~~

~~(4)(d) Must not have been be currently under investigation by the department; and~~

~~(5)(e) Not have been currently involved in teaching in an academic setting in the respective field in the state or any examination preparation course in the respective field in the state.~~

~~(2) The examiners serve solely at the discretion of the department. The department shall select the required number of examiners or consultants from the examiner pool for a particular examination administration. The department reserves the right to cancel an examiner's contract with or without cause with a thirty (30) day notice.~~

Specific Authority 456.004(5), 456.017(1) FS. Law Implemented 456.017(1) FS. History—New 9-7-98, Amended _____.

64B-1.008 Grading of Examinations; Grade Notification; Chiropractic Examination Grading.

(1) Pursuant to Section 456.017, Florida Statutes, grading of all examinations shall be processed as follows:

(a) National examinations shall be graded solely and exclusively by the national examination provider or its contract provider.

(b) Department-developed objective, multiple choice examinations shall be graded by the department or its contract provider. The department or its contract provider shall review any statistically questionable items ~~or procedures via the item analysis for their~~ psychometric soundness via the item analysis after the examination has been administered. Based upon this review and the examination consultant's for subject matter experts recommendations, the department or its contract provider shall adjust the scoring key by totally disregarding the psychometrically unsound questions ~~items~~ for grading purposes, or by giving credit for more than one correct answer per question. The department or its contract provider shall calculate each candidate's grade utilizing the scoring key or adjusted scoring key, if applicable, and shall provide each candidate a grade report.

(c) Department-developed practical examinations shall be graded by the department or its contract provider ~~designee~~.

1. The department shall review any statistically questionable items or procedures via the examiner agreement report for their psychometric soundness after the examination has been administered. Based upon this review and/or the examination consultant's subject matter experts recommendations, the department shall may adjust the scoring key by rejecting, crediting, or giving partial credit for any question or procedure which does not adequately and reliably measure the applicant's ability to practice the profession. The department or its contract provider shall calculate each candidate's grade using the scoring key or adjusted scoring key, if applicable, and shall provide ~~mail~~ each candidate a grade report.

2. In the event professional examiners are employed to evaluate candidate performance on practical examinations, no less than two (2) examiners shall independently evaluate the performance of each candidate.

3. Examiners shall attend a standardization session to discuss the scoring criteria and standards preceding each examination administration.

~~(d) With regard to the Chiropractic examination, each practical examination shall be graded by no less than two (2)~~

1. Examiners shall ~~examiners who~~ meet the qualifications of Rule 64B2-11.007, Florida Administrative Code ~~and have attended a standardization session prior to grading to discuss the scoring criteria and standards. During the scoring of the examination, the~~

2. The practical examinations of candidates whose total score is less than the minimum passing score shall be reevaluated during the scoring of the examination by the following procedure.

a. If the score obtained by computing the total score using the highest score awarded by either of the two (2) examiners for each criteria is equal to or greater than the minimum passing score for the practical examination, the candidate's practical examination shall be reevaluated by a committee of at least no fewer than three (3) members.

b. The committee shall include ~~ing~~ at least two (2) examiners other than the two (2) original examiners.

c. This committee shall reevaluate the candidate's performance based on the examiner scan sheets of the candidate and the videotape of the candidate's examination on those criteria used by on which the original two (2) examiners, did not award the same scores;

d. The committee will conduct the evaluation using the examiner scan sheets, the videotape of the candidate's examination, and any other related information.

e. The final score awarded ~~arrived at~~ by the evaluation committee shall be the official score reported to the candidate.

(2)(e) If, after the mailing of grades for a particular examination there are additional adjustments to the scoring key due to mechanical or clerical miscalculations after the grades have been provided for a particular examination, amended grade reports shall be provided mailed to all candidates whose status changes from fail to pass scores are increased due to the adjustment unless the candidate has taken and passed a subsequent administration of the examination.

(3)(f) Examinations developed for the department or by a professional testing entity other than a national examination provider shall be graded by that testing entity or by its contract provider. Grading procedures shall be in compliance with the provisions of this rule.

(4)(2) The department or its contract provider shall notify the candidate of the results of the candidate's examination no later than sixty (60) days after the examination date, except when the grades are computed by the national examination

provider responsible for a national examination in Florida. The grades of the national examination shall be sent to the candidate no later than thirty (30) days after the receipt of the grades from the national examination provider responsible for the national examination in Florida.

(5) If the official grades posted on the Department's official website, the website shall indicate the official notification date of grades posted on the internet.

(6)(3) The department shall inform each passing candidate of the candidate's status and provide necessary instructions for the receipt of a license.

(7)(4) Any candidate failing to receive a passing score on a licensure or certification examination shall be notified of the examination or part(s) failed, the requirements for re-examination. For department-developed examinations, failing candidates shall also receive, post-examination review and Election of Hearing rights forms appeal fights.

(8) For Computer-based testing examinations, candidates shall receive a grade report at the computer-based testing site along with information about the Post-exam Review and Administrative Hearing Rights. The candidate must acknowledge receipt of such by signing an acknowledgement form.

Specific Authority 456.004(5), 456.017(1) FS. Law Implemented 456.017(1) FS. History—New 9-7-98, Amended _____.

64B-1.009 Requesting a Pre-hearing Review.

(1) After the candidate's petition, which is (a written statement requesting a hearing pursuant to 120.57, Florida Statutes, and setting out the information required under Rule 28-106.201 of the Florida Administrative Code), has been filed, the candidate, and the candidate's attorney shall be permitted to one pre-hearing review of the disputed the examination questions and answers at the department's headquarters for the purpose of preparing for the administrative hearing, under the following conditions: as specified in board rule or by the department when there is no board.

(1) However, Pre-hearing Hearing reviews Reviews will not be conducted during the thirty (30) day period immediately prior to the next examination.

(2) The written request for such review shall be submitted to the department's attorney in writing at least fourteen (14) days prior to the hearing date.

(3)(2) The candidate will be required to pay the examination review fee, unless the candidate has previously paid the post-examination review fee for the examination administration in question.

(4)(3) The department will not respond to any oral or written comments made about the examination during the pre-hearing review. Any comments made during the prehearing review will not be responded to by the Department.

(5) All pre-hearing reviews shall be conducted at the department's headquarters in Tallahassee.

(6) All ~~security~~ procedures outlined in Rules 64B-1.004, 64B-1.010 and 64B-1.013, Florida Administrative Code, shall apply to the candidate and the candidate's attorney, if present, for the pre-hearing review.

Specific Authority 456.004(5), 456.017, 456.014 FS. Law Implemented 456.017, 456.014 FS. History--New 9-7-98, Amended 2-21-00, _____.

64B-1.010 Security and Monitoring Procedures.

Unless otherwise specified by board rule, Except as specified as national examination, for professions directly regulated by the department and for professions regulated by a board, if incorporated into the rules of the appropriate board, examinations that are developed and administered by the department shall be governed by security and monitoring procedures shall be as follows:

(1) Examination Development Security. Security measures shall commence immediately when a question an item is drafted or developed using these procedures:

(a) Each question item, as drafted or developed, shall be secured by the responsible development staff person.

(b) Completed questions items, as well as questions items in the development stage shall be placed in a locked secure area in the office on each occasion when the development staff leaves the work area for any reason and shall be secured in the vault at the end of each working day. A check-in and check-out log shall be utilized for this process.

(c) Only authorized persons shall draft, review or develop questions or item banks. An "authorized person" is defined as an individual who is:

1. A member of the respective board for which the examination is being developed.
2. An examiner or examination consultant to the department who assists in the development of the examination.
3. An employee of the department who has a bona fide need to review the questions.
4. A person who has been approved by the manager of testing services and has a bona fide need to review questions. Such a person shall provide identification and complete a designated affidavit prior to reviewing any confidential material.

(d)(e) No ~~unauthorized~~ person shall be admitted to the development staff's office or work area without announcement and approval by the manager of Testing Services.

1. An "authorized person" is defined as any individual who is:

- a. ~~A member of the board's examination committee designated by the board to work on the examination.~~
- b. ~~A member of the respective board for which the examination is being developed.~~
- e. ~~A consultant to the department who has been hired to assist in the development of the examination.~~

d. ~~An employee of the department who has a bona fide need to review the questions.~~

(d) ~~On any occasion when any of the above defined authorized persons requests an individual review or any question or questions for any professional examination, the development staff receiving the request shall require the authorized person to present a photo I.D. identifying the person requesting the review.~~

(e) All individuals reviewing questions, examinations or item banks shall complete and sign a designated affidavit of confidentiality. The designated affidavit is not required in the following circumstances:

1. A scheduled examination committee review.
2. A pre-arranged review by department consultants.
3. An examination or item bank review by the respective board.

(f) It shall be the development staff's responsibility to ensure the appropriate individuals follow the security procedures outlined in this section insure defined above until such time as the printing of the examination is required.

(2) Printing of Confidential Material Security. Printing of examinations for department-developed in-house developed examinations shall be secured in the following manner:;

(a) Testing ~~service unit~~ personnel will remain with the examination in the secured area during the entire time the examination is being printed printing.

(b) ~~The printing~~ Testing services personnel will record on the print log request the beginning and the ending number of the copying machine for auditing purposes.

(c) Prior to leaving the secured area print shop, testing ~~services unit~~ personnel will count and verify that all material printed agrees with the print request.

(d) ~~All Defective~~ copies will be recorded on a destruction form and destroyed in the secured area by printing personnel and witnessed by testing services unit personnel in a manner sufficient to ensure the copies cannot be read or re-assembled.

(e) All above described material shall be released only to the authorized testing unit personnel.

(f) ~~When in-house printed examinations booklets and original copy of the examination are received by the vault supervisor, the supervisor shall take the following action:~~

1. ~~Immediately receive the material and store same in the vault;~~
2. ~~Immediately inventory the materials and describe in written form the number of booklets received.~~

(3) Secured receipt and shipment. Secured receipt of and shipment of examination test booklets to examination sites or back to the department from the site (a) ~~Shall~~ shall be the responsibility of the testing ~~services unit;~~ and

(a) Shipping shall be made using:

1. ~~May be by Ppersonal~~ delivery by testing service personnel or

2. by an approved delivery agent or service.

(b) When examinations provided to the state by contract or purchase order are received by testing services personnel, the testing services personnel shall take the following action:

1. Immediately store the material in the vault;

2. Immediately inventory the materials and describe in written form the number of booklets received.

3. Ship the material to an examination site or back to the provider using an approved delivery agent or service.

(c) If other testing services personnel receive examination booklets or an original, print ready copy of an examination provided to the state by contract or otherwise, they are to deliver it immediately to the vault for storage and recording as received.

(d) Upon receipt of examination booklets and answer sheets from the examination site, testing services personnel shall immediately audit the materials received.

(4) Security at examination sites. Security at department-administered examination sites shall be ensured insured in the following manner:

(a) ~~Test booklets, upon~~ Upon arrival at the examination site, examination booklets shall be audited and accounted for. ~~This audit and shall balance with the audits specified conducted in other applicable sections of this rule above;~~

(b) ~~The department~~ Department shall provide at least one examination administrator supervisor for every examination and one proctor for every twenty-five (25) candidates; and

(c) ~~The Examination~~ examination administrator supervisor shall ensure insure that the examination security procedures are followed to be sure that the examination is not compromised in any manner.

(d) The examination administrator shall prepare a report documenting irregularity of any kind following each examination administration.

(e) National examinations administered by the department shall be subject to the examination site security guidelines set forth in this rule and any examination site security guidelines provided to the department by the organization developing the examination.

(f)(5) ~~The secure transportation~~ Secured return of examination test booklets and answer sheets from the examination site shall be arranged accomplished by the examination administrator supervisor, and an audit shall be performed by the vault supervisor immediately upon the return of the test booklets and answer sheets.

(6) Proper handling of examination booklets and processing of answer sheets. Proper handling ~~The filing and disposition of~~ department-developed examination test booklets and ~~the secured~~ processing of answer sheets shall be handled in according to the following manner procedures:

(a) The original print ready examination document and one examination Test booklets shall be retained by the Department, filed in accordance with the following procedure: 1. Ten copies and the original booklet of the examination shall be retained for ninety (90) days; four copies after ninety (90) days; and only the original after one hundred eighty (180) days. 2. In the event any irregularity with the an examination booklet occurs, the examination administrator supervisor shall prepare a detailed report of such irregularity and retain the booklet in question in the secured file for a period of two years ninety (90) days.

(b) Completed cCandidate answer sheets shall be processed and secured as follows in accordance with the following procedure:

1. Answer sheets for national examinations shall be returned to the national provider by the examination administrator supervisor in accordance with procedures defined by the national provider.

2. Answer sheets for the department-developed examinations shall be forwarded to the testing services personnel Testing unit or its contract provider, designee responsible for scoring.

3. When the answer sheets are returned to the testing services personnel unit, testing services personnel the staff shall inventory all answer sheets and cause all to be filed them in a secured filing system. ~~Removal of~~ If an answer sheet is removed from the files, shall require completion of a check-out log shall be completed form providing the date of check-out and the name of the individual who is receiving or removing the answer sheet.

(c) Destruction of examination booklets and related materials shall be recorded by Testing services personnel the vault supervisor or his/her contract provider on a log form indicating the date of destruction. The form shall be signed by the official in charge of such destruction and by a witness.

(7) Examinations developed by a vendor for the department shall follow security procedures and guidelines that are substantially equivalent to those required by the department.

(8) Security of Candidate Examination Grades. In accordance with Chapter 456.017(2), Florida Statutes, the grades achieved by candidates on an examination shall remain confidential unless the candidate waives such confidentiality in writing.

Specific Authority 456.004(5), 456.017(1)(d) FS. Law Implemented 456.017(1)(d) FS. History—New 9-7-98, Amended _____.

64B-1.011 Requirements and Standards Definition of a National Examination.

(1) In compliance with Section 456.017(1)(c), 455.574(1)(e) Florida Statutes, the department shall use any national examination that is available and approved by the board, and certified by the department.

(2) A national examination is an examination developed either by or for a national or multi-state professional association, board, council or society, (hereinafter referred to as organization), and administered for the purpose of assessing entry-level skills necessary to protect the health and safety and welfare of the public from incompetent practice. Such examinations shall meet the following requirements:

(a) The national organization must be generally recognized by practitioners in the form of representation by the state regulatory boards or shall have a substantial number of the nation's or state's practitioners licensed or certified through the examination.

(a) The practice of the profession at the national level must be defined through a job/task analysis with a representative sample of all practitioners and professional practices.

(b) The examination must test the scope of practice and the entry-level skills defined by a national job/task analysis.

(3) The national organization must be generally recognized by practitioners across the nation in the form of representation by the state regulatory boards or shall have membership representing a substantial number of the nation's practitioners who have been licensed through the national examination.

(b)(4) The national organization or its test provider shall be the responsible body for overseeing the development and scoring of the national examination.

(c)(5) The national organization or its test provider shall provide security guidelines for the development, administration and scoring grading of the national examination and shall oversee the enforcement of these guidelines.

(3) A national examination shall meet the following generally accepted testing standards:

(a) The practice of the profession at the national or multi-state level is defined through a job/task analysis or similar study with a representative sample of practitioners and professional practices.

(b) The examination tests the scope of practice and entry-level knowledge, skills and abilities defined by a national or multi-state job/task analysis or similar study.

(c) The examination is justified in terms of the protection of the health and safety of the patient or client.

(d) That scores, subscores or combination of scores are statistically reliable.

(e) That acceptable methods for determining the passing score are psychometrically sound.

(f) That there are standardized procedures for administering and scoring the examination.

(g) That there are standardized procedures to ensure the security of the examination.

Specific Authority 456.004(5), 456.017(1)(c) FS. Law Implemented 456.017(1)(c) FS. History—New 9-7-98, Amended _____.

64B-1.0115 Procedures for Certification of National Examinations.

(1) If a provider requests the department to certify a national examination, the provider shall:

(a) Complete the department's applicable "Examination Evaluation Questionnaire," Form DH xxxx, incorporated herein by reference and dated February 2001, made available by writing to the Department of Health, Attention: Medical Quality Assurance, Bureau of Operations, Testing Services, 4052 Bald Cypress Way, Bin C#-90, Tallahassee, Florida 32399-3260.

(b) Provide supporting documentation requested in the Questionnaire.

(c) Submit a non-refundable fee of \$500.00 for Form A, \$1,200.00 for Form B or \$2,500.00 for Form C to the department for evaluating the examination.

(2) The department shall evaluate the responses to the questionnaire and the supporting documentation to certify whether the examination meets the requirements specified in section 64B-1.011, Florida Administrative Code.

(3) No fee shall be charged for certifying an examination if the request for certification was initiated by the department or the respective board.

Specific Authority 456.004(5), 456.017(1)(c) FS. Law Implemented 456.017(1)(c) FS. History—New _____.

64B-1.012 Guidelines for Sharing Department-Developed Examinations with Other State Licensing Authorities and Testing Entities.

The department shall, under the conditions listed below, and with concurrence of the appropriate board, share department developed examinations and item banks for a fee with other state licensing authorities and testing entities.

(1) Upon receipt of an expressed interest from another state's licensing authority or testing entity that a department-developed examination or item bank be shared, the department shall require completion of a questionnaire that will gather specific and pertinent information concerning the other state's or testing entity's need for an examination, security procedures, examination administration procedures and the resources available to the other state or testing entity for sharing the department-developed examination.

(2) A ~~contractual~~ agreement shall be entered into between the department and the state licensing authority or testing entity that will require the state licensing authority or testing entity to adhere to the security and examination administration procedures outlined by the department. The ~~other~~ state licensing authority or testing entity shall not sell or share the examinations or item bank to any other individual or entity.

(3) Absent a board and department agreed-upon exception, the ~~other~~ state licensing authority or testing entity shall not be permitted to use security procedures, examination

administration procedures and operating procedures that are less stringent or specific than those required and utilized by the department.

(4) The agreement with the other state licensing authority shall be monitored by the department to ensure full compliance with the department's requirements.

Specific Authority 456.004(5), 456.017(1)(c) FS. Law Implemented 456.017(1)(c) FS. History--New 9-7-98, Amended _____.

64B-1.013 Post-examination Exam Review of Examination Questions, Answers, Papers, Grades and Grading Keys.

(+) Pursuant to Section 456.017(2), 455.574(2) Florida Statutes, a candidate who has taken and failed a department-developed objective multiple choice examination, a department-developed practical examination, or an examination developed for the department by a professional testing entity shall have the right to one post-examination review of the examination questions answered incorrectly, answers, papers, grades and grading keys.

(1) When review of a national examination administered by the department is permitted, the review ~~Review of national examinations~~ shall be conducted in accordance with national examination security procedures guidelines.

(2) Post-examination Examination reviews shall be conducted in the presence of a representative of the department at its Tallahassee headquarters during regular working hours which are defined as 8:00 a.m. through 4:30 p.m., Monday through Friday, excluding official state holidays. For opticianry neutralization and computer-based testing examinations, post-examination reviews may be conducted at another location.

(3)(a) All security procedures rules defined in Rule 64B-1.004 and 64B-1.010 shall apply to all the review sessions.

(4) If a candidate violates such procedures the review session shall be terminated and the candidate ~~Any candidate violating said rule shall be dismissed from the review session and~~ shall be subject to other sanctions as determined by the board, pursuant to the appropriate board's disciplinary guidelines.

(5)(b) All Post-examination reviews by candidates shall be scheduled and completed no later than sixty (60) days subsequent to the date on the grade notification.

(6) ~~However,~~ Post-examination reviews will not be conducted during the thirty (30) day period immediately prior to the next administration of the examination.

(7) The candidate must request a post-examination review in writing to the department. The request must be post-marked or received within twenty-one (21) days from the date on the grade notification. If the official grade is posted on the Department's official website, the candidate's request for post-examination review must be post-marked within

twenty-one (21) days from the date the official grades are posted as indicated on the Department's official website bulletin.

(8) The candidate shall pay the applicable, non-refundable post examination review fee as shown in the following table.

<u>Profession</u>	<u>Exam</u>	<u>Review Fee</u>
<u>Chiropractic</u>	<u>X-Ray Interpretation</u>	<u>\$ 75.00</u>
	<u>Technique</u>	<u>\$100.00</u>
	<u>Physical Diagnosis</u>	<u>\$100.00</u>
	<u>Acupuncture Certification</u>	<u>\$ 75.00</u>
	<u>Laws and Rules</u>	<u>\$ 75.00</u>
<u>Dental</u>	<u>Clinical</u>	<u>\$125.00</u>
	<u>Laws and Rules</u>	<u>\$ 75.00</u>
<u>Dental Hygiene</u>	<u>Clinical</u>	<u>\$100.00</u>
	<u>Laws and Rules</u>	<u>\$ 75.00</u>
<u>Hearing Aid Specialist</u>	<u>Written</u>	<u>\$150.00</u>
<u>Massage</u>	<u>Colonics</u>	<u>\$100.00</u>
<u>Nursing Home Administrator</u>	<u>Laws and Rules</u>	<u>\$ 75.00</u>
<u>Opticianry</u>	<u>Practical</u>	<u>\$ 75.00</u>
	<u>Laws and Rules</u>	<u>\$ 75.00</u>
	<u>Neutralization</u>	<u>\$100.00</u>
<u>Optometry</u>	<u>Laws and Rules</u>	<u>\$ 75.00</u>
	<u>Pharmacology</u>	<u>\$100.00</u>
	<u>Clinical Practical</u>	<u>\$100.00</u>
<u>Podiatry</u>	<u>National Exam</u>	<u>\$150.00</u>
<u>Psychology</u>	<u>Laws & Rules</u>	<u>\$ 75.00</u>

(9)(e) A representative from the department shall remain with all candidates throughout all post-examination reviews. The representative shall inform candidates that he or she the representative cannot defend the examination or attempt to answer any examination questions during the review.

(10) For written examinations, the candidate will be provided one-half the time given for the examination administration for completion of a post-examination review. For clinical examinations, the time provided will be determined for each specific profession.

(11)(d) Prior to a post-examination review, candidates shall be provided written instructions concerning the conduct, rules and guidelines for the review. Each candidate shall acknowledge in writing receipt of these rules and affirm that they will to abide by all such rules.

(e) The department shall videotape the review session.

~~(12)(f)~~ Upon completion of each review, the candidate shall acknowledge in writing the starting and ending time of the review, ~~reviews start time, the review end time~~, all materials reviewed and other relevant review information.

~~(13)(3)~~ In addition to the other provisions of this rule ~~(2) (a) through (2) (g)~~, candidates shall be prohibited from leaving a post-examination review with written notes, grade sheets, or any other examination materials, ~~unless the respective board determines by rule that examination security will not be undermined by doing so.~~

Specific Authority 456.004(5), 456.017(1) FS. Law Implemented 456.017(1) FS. History–New 9-7-98, Amended.

64B-1.014 Use of Pilot Test Items in Examinations.

~~Written~~ Multiple choice examinations developed by or for the department may include pilot test or experimental questions for the purpose of evaluating the statistical and psychometric qualities of new or revised questions prior to their use in an examination.

(1) Pilot test or experimental questions will not be identified to the candidates as pilot test questions on the examination.

~~(2)(4)~~ The maximum number of pilot test questions included on an examination form shall not exceed 20 percent of the number of scored questions on the examination ~~scored~~ or ten (10) questions, whichever is greater.

~~(3)(2)~~ Pilot test questions shall not be counted toward the candidate's score on the examination. Answers to pilot test questions shall not be subject to review by the candidates during the candidates' post-examination review session.

Specific Authority 456.004(5), 456.017(1) FS. Law Implemented 456.017(1) FS. History–New 9-7-98, Amended.

DEPARTMENT OF HEALTH

Board of Hearing Aid Specialists

RULE TITLE: Continuing Education Fees

RULE NO.: 64B6-4.010

PURPOSE AND EFFECT: The Board proposes to create a new rule.

SUBJECT AREA TO BE ADDRESSED: Continuing Education Fees.

SPECIFIC AUTHORITY: 484.0447 FS.

LAW IMPLEMENTED: 484.0447, 456.025(7) 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 TO BE ANNOUNCED.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND FOR A COPY OF THE PRELIMINARY DRAFT IS: Sue Foster, Executive Director, Board of Hearing Aid Specialists, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3258

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B6-4.010 Continuing Education Fees.

(1) The application for seeking approval to provide a continuing education program shall be \$100, which shall be non-refundable.

(2) The biennial fee for renewal of the providership of an approved program shall be \$100.

Specific Authority 484.0447 FS. Law Implemented 484.0447, 456.025(7) FS. History–New _____.

DEPARTMENT OF HEALTH

Board of Hearing Aid Specialists

RULE TITLE: Continuing Education Programs

RULE NO.: 64B6-5.002

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

SUBJECT AREA TO BE ADDRESSED: Continuing Education Programs.

SPECIFIC AUTHORITY: 456.013(6),(8), 484.044, 484.047(4) FS.

LAW IMPLEMENTED: 484.047(4) 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 TO BE ANNOUNCED.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND FOR A COPY OF THE PRELIMINARY DRAFT IS: Sue Foster, Executive Director, Board of Hearing Aid Specialists, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3258

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B6-5.002 Continuing Education Programs.

(1) through (2) No change.

(3) A continuing education program shall only be considered for approval if the sponsor meets the Board's criteria by providing all of the following:

(a) A statement of the educational goals and objectives of the program.

(b) A detailed course outline or syllabus, including method of instruction, written materials, and any testing materials.

(c) A current curriculum vitae of each speaker or lecturer appearing in the program.

(d) A sample certificate of completion.

(3) through (7) renumbered (4) through (8) No change.

Specific Authority 456.013(6)-(9), 484.044, 484.047(4) FS. Law Implemented 456.013(6)-(9), 484.047(4) FS. History–New 4-1-85, Formerly 21JJ-15.002, Amended 8-5-87, 2-16-89, 6-21-89, 1-10-90, 8-19-91, 10-21-91, Formerly 21JJ-5.006, Amended 11-20-95, Formerly 61G9-5.006, Amended 9-23-99, 11-9-00, 3-24-02, _____.

DEPARTMENT OF HEALTH

Board of Opticianry

RULE TITLE: Duplicate License Fee
 RULE NO.: 64B12-11.017

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

SUBJECT AREA TO BE ADDRESSED: Duplicate license fee.

SPECIFIC AUTHORITY: 456.025(7), 484.005 FS.

LAW IMPLEMENTED: 456.025(7) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Sue Foster, Executive Director, Board of Opticianry, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3258

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

DEPARTMENT OF HEALTH

Board of Opticianry

RULE TITLE: Standards for Continuing Professional
 Education
 RULE NO.: 64B12-15.003

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

SUBJECT AREA TO BE ADDRESSED: Standards for continuing professional education.

SPECIFIC AUTHORITY: 456.013(7), 484.005, 484.008(3) FS.

LAW IMPLEMENTED: 456.013(7), 484.008(3) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Sue Foster, Executive Director, Board of Opticianry, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3258

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

DEPARTMENT OF HEALTH

Division of Disease Control

RULE TITLES: Notifiable Diseases or Conditions to be
 Reported, Human
 RULE NOS.: 64D-3.002

Procedures for Control of Specific
 Communicable Diseases 64D-3.013

Diseases Designated as Sexually Transmissible
 Reporting Requirements for Practitioners for
 Sexually Transmitted Diseases (STDs) 64D-3.015

Including HIV and AIDS 64D-3.016

Reporting Requirements for Laboratories 64D-3.017

Partner Notification 64D-3.018

Blood Testing of Pregnant Women 64D-3.019

PURPOSE AND EFFECT: Amendments to the sexually transmitted disease (STD) rule are necessary to provide improved care for neonates and infants exposed to diseases through their mother. More timely reporting of certain conditions will enable health care providers to provide more preventive care to the affected infants. Other changes to the rule are being made to clarify responsibilities for agencies and professionals working with STDs.

SUBJECT MATTER TO BE ADDRESSED: These proposed rule amendments of Rule 64D-3 add herpes simplex virus and human papillomavirus to the list of notifiable diseases; designate herpes simplex virus and human papillomavirus as sexually transmissible and specify the reporting requirements for neonates and children diagnosed with these diseases; clarify the meaning of early prenatal visit; clarify the specific data elements needed when reporting STD cases; and add hepatitis B Antigen testing and offering of HIV testing.

SPECIFIC AUTHORITY: 381.003(2), 381.006(16), 381.0011(6),(13), 381.0031(6), 384.25(2), 384.33, 392.53(2), 392.66 FS.

LAW IMPLEMENTED: 381.003(1), 381.0011(4),(6),(8), 381.0031(1),(2),(6), 384.23, 384.25, 384.26, 384.27, 384.31, 385.202, 392.53 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Maresa R. Corder, R.N, MPA (850)245-4605, Maresa_Corder@doh.state.fl.us

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

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

Mental Health Program Office

RULE TITLE: State Civil Mental Health Treatment Facilities
RULE NO.: 65E-5.600

PURPOSE AND EFFECT: The purpose and effect of the rule development is to establish procedures to be followed by the staff of state operated mental health treatment facilities under the Baker Act where the substantial interests of the residents of the facilities are impacted. To amend Chapter 65E-5, F.A.C., to conform to current titles, laws or regulations.

SUBJECT AREAS TO BE ADDRESSED: The subject matter to be addressed at the public workshop includes: rights and privileges of individuals in state mental health facilities, including voting in public elections, abuse reporting, confidentiality, and patient grievance process, operation and administration of state mental health facilities,

SPECIFIC AUTHORITY: 394.457(5),(a),(b),(c), 394.459 (d),(f) FS.

LAW IMPLEMENTED: 394.461(7) FS.

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

TIME AND DATE: 1:00 p.m. – 5:00 p.m., September 5, 2002
PLACE: Mental Health Program Office, Department of Children and Families, Building 6, Conference Room A, 1317 Winewood Boulevard, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Charles M. Kimber, Mental Health Program Office, Department of Children and Families, 1317 Winewood Boulevard, Building 6, Room 223, Tallahassee, FL 32399-0700, (850)921-6275, Fax (850)413-0876

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

**Section II
Proposed Rules**

DEPARTMENT OF INSURANCE

RULE TITLES: Purpose 4-149.001
Scope and Applicability 4-149.002
Rate Filing Procedures 4-149.003

PURPOSE, EFFECT, AND SUMMARY: Amendments to Chapter 4-149, F.A.C. Part I, dealing with filing and approval of health rate filings, address the following:

- Implement HB 385, which exempts large group rate schedules from filing and prior approval.
- Exempt riders that accelerate the death benefit of a life insurance policy from filing and approval of rates where the coverage is immaterial to the policy coverage.
- Amend the scope section to clarify that HMO filings covering small group are subject to the rule.
- Allow for streamlined filing of trend for business with less than 1,000 Florida policies in force.
- Publish acceptable trend which may be used in lieu of company specific development of trend and for noncredible blocks of business.
- Make technical edits that do not change current rule standards.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: No SERC has been prepared.

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

SPECIFIC AUTHORITY: 624.308(1), 624.316, 627.410(6)(b)-(e), 627.411(1)(e) FS.

LAW IMPLEMENTED: 119.07(1)(b), 624.307(3), 624.310; 624.404, 626.9521, 626.9541(1)(a),(b),(c), 626.9641, 627.410(1),(2),(6),(7), 627.411(1)(e),(2), 627.411(1)(e),(2), 627.6515(2)(a), 627.6699, 631.001, 631.011(11) FS.

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

TIME AND DATE: 9:30 a.m., September 17, 2002
PLACE: Room 142, Larson Building, 200 East Gaines Street, Tallahassee, Florida

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

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

THE FULL TEXT OF THE PROPOSED RULES IS:

4-149.001 Purpose.

Specific Authority 624.308(1), 624.316, 627.410(6)(b)-(e), 627.411(1)(e) FS. Law Implemented 624.307(3), 624.310, 624.404, 626.9521, 626.9541(1)(a),(b),(c), 626.9641, 627.410, 627.411(1)(e),(2), 631.001, 631.011(11) FS. History—New 7-1-85, Formerly 4-58.01, 4-58.001, Amended 4-18-94, Repealed.

4-149.002 Scope and Applicability.

(1)(a)1. Every policy, rider or endorsement form affecting benefits which is submitted for approval shall be submitted in accordance with the provisions of Part II of this rule chapter and shall be accompanied by a rate filing or an actuarial certification that such policy, rider, or endorsement form does not require a change in rates.

2. Any subsequent addition to or change in rates applicable to such policy, rider, or endorsement form shall also be filed. ~~At such time as Part III of Rule Chapter 4-156, F.A.C., is adopted, this rule will not apply to Medicare Supplement policies, as defined in subparagraph 4-149.006(4)(i)3., F.A.C.~~

(b) Unless the context specifically states otherwise, this Part I of this rule chapter applies to:

1. through 3. No change.

4. All Group Health Insurance and Health Maintenance Organization contracts insuring the residents of Florida where the master contract is issued to an association group or a group trust, in or outside the State of Florida, and the insurance is provided to the employees of a small employer as defined in Section 627.6699, Florida Statutes.

(c)1. Insurers may make filings that incorporate prospective premium schedule rate changes in which the future change period is up to one year. Examples include increasing the new issue premium by a predetermined amount each month or each quarter, or implementing a rate increase in segments over a one-year period.

2. The renewal premium schedule shall be consistent with any adjustments in the new premium schedule in a predefined and approved fashion.

3. All prospective rate changes or methodologies for rate changes must be approved ~~in their entirety~~ before implementation in accordance with this part.

(2) As required by Section 627.410(7), Florida Statutes, all health insurers shall comply with the annual rate filing requirements in Rule 4-149.007, F.A.C. including for forms subject to subsection (5) below.

(3) Rule Chapter 4-149, F.A.C., does not apply to:

(a) Credit disability insurance as defined in Section 627.677, Florida Statutes;:-

(b) Contract forms as defined in Section 627.601(3), Florida Statutes.

(4) through (5) No change.

(6) Pursuant to the provisions of Section 627.410(6)(b), Florida Statutes, filings required by Rules 4-149.003 and 4-149.007, F.A.C., shall not apply to the following:

(a)1. Annually rated group policies issued in this state that provide availability of coverage only to groups with 51 or more employees/members.

2. This filing exemption does not apply to franchise policies issued pursuant to Section 627.663, Florida Statutes.

(b)1. Forms that provide for the acceleration of the benefits of a life insurance policy that is incidental to the total life insurance coverage.

2. The acceleration is considered incidental if the value of the accelerated benefit is less than 10 percent of the total value of the benefits provided by the life insurance coverage. These values shall be measured as:

a. The present values of the benefits determined as of the date of issue; or

b. The relationship between the premiums if the premiums are separable and fixed at issue. Nothing in this part shall be construed as requiring prior approval by the Department of any rate change where such was not otherwise required by rule on October 1, 1993.

(7) Notwithstanding the above, the rating standards contained in this Part I and applicable statutes shall apply to policies exempt from filing pursuant to subsection (6) above.

Specific Authority 624.308(1), 627.410(6)(b) FS. Law Implemented 624.307(1), 627.410(1),(2),(6),(7), 627.411(1)(e),(2), 627.6515(2)(a), 627.6699 FS. History—New 7-1-85, Formerly 4-58.02, 4-58.002, Amended 4-18-94, 4-9-95,_____.

4-149.003 Rate Filing Procedures.

(1) through (5) No change.

(6)(a) Insurers with fewer than 1,000 Florida policyholders, under any form or pooled group of medical expense forms with coverage meeting the definition of Section 627.6561(5)(a)2, Florida Statutes, may at their option, file a streamlined rate increase filing not exceeding medical trend as provided in subsection (7) below.

(b) The number indicated in paragraph (6)(a) above represents the individual primary insureds and does not include spouses or dependants.

(c) For group coverage, the number indicated in paragraph (6)(a) above represents the individual certificateholders or subscribers.

(d) The only Medicare supplement business to which this provision applies is Standard or Select Medicare supplement coverage where:

1. At least one plan is currently available for sale; and

2. The 1,000 reference above is measured as Florida policies or certificateholders for all plans, whether open or closed, combined.

(e) The filing:

1. Shall be made in accordance with paragraph 4-149.003(2)(b), F.A.C.; and

2. Shall provide a certification that the filing includes all forms with similar benefits in lieu of the actuarial memorandum referenced in subparagraph 4-149.003(2)(b)3., F.A.C.

(f) This provision is an option available to the company. The company may choose, at its option, to make a complete filing in accordance with paragraph 4-149.003(2)(b), F.A.C., including a complete actuarial memorandum in accordance with Rule 4-149.006, F.A.C.

(7)(a) The following tables shall apply to filings made pursuant to subsection (6) above.

(b) A company without fully credible data may, at its option, use an annual medical trend assumption not to exceed the values in the following tables for the medical trend assumption used in a complete filing made pursuant to paragraph 4-149.003(2)(b), F.A.C., including the actuarial memorandum required by Rule 4-149.006, F.A.C., without providing explicit trend justification.

(c) Use of an annual medical trend assumption exceeding the maximum medical trend in the following tables shall be filed pursuant to subparagraph 4-149.006(3)(b)18., F.A.C.

(d) The maximum medical trend for medical expense coverage described in Section 627.6561(5)(a)2., Florida Statutes, is:

Category	Individual Without Rx	Individual With Rx	Group Without Rx	Group With Rx
Major Medical	15%	16%	15%	16%
Health Maintenance Organizations	13%	14.5%	17%	18%

(e) The maximum medical trend for Medicare supplement coverage is:

Medicare supplement	5.5%	10%	5.5%	10%
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Specific Authority 624.308(1), 627.410(6)(b),(e) FS. Law Implemented 119.07(1)(b), 624.307(1), 627.410 FS. History—New 7-1-85, Formerly 4-58.03, 4-58.003, Amended 8-23-93, 4-18-94, 8-22-95,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Frank Dino, Bureau of Life and Health Forms and Rates, Division of Insurer Services, Department of Insurance

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Richard Robleto, Bureau Chief, Bureau of Life and Health Forms and Rates, Division of Insurer Services, Department of Insurance

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: May 31, 2002

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: June 14, 2002

DEPARTMENT OF INSURANCE

RULE TITLES:	RULE NOS.:
PART V GROUP HEALTH INSURANCE POLICIES	
Applicability and Scope	4-154.402
Definition of Terms	4-154.403
Certificate of Creditable Coverage	4-154.404
Alternative Method of Determining Creditable Coverage	4-154.405
Demonstration of Creditable Coverage if Certificate is Not Provided	4-154.406
Notice of Plan's Pre-existing Condition Exclusion Period	4-154.407
Pre-Existing Condition	4-154.4071
Special Enrollment Period Notification	4-154.408
Prohibited Discrimination	4-154.411
Group Conversion Election and Premium Notice Form	4-154.412
PART VI SMALL GROUP HEALTH INSURANCE POLICIES	
Applicability and Scope	4-154.502
Definitions	4-154.503
Requirement to Insure Entire Groups	4-154.504
Certificate of Creditable Coverage	4-154.506
Alternative Method of Determining Creditable Coverage	4-154.507
Demonstration of Creditable Coverage if Certificate is Not Provided	4-154.508
Discontinuance or Modification of Policy Form	4-154.511
Prohibited Discrimination	4-154.512
Employee Health Care Access Act Annual and Quarterly Statement Reporting Requirement	4-154.513
Designation of Election to Become a Risk-Assuming or Reinsuring Carrier	4-154.514
Change of Status of Small Employer Carrier's Election to Become Risk-Assuming Carrier or Reinsuring Carrier	4-154.515
Prohibited Discrimination	4-154.516
Group Conversion Election and Premium Notice Form	4-154.517
Notice of Plan's Pre-existing Condition Exclusion Period	4-154.518
Pre-Existing Condition	4-154.5181
PURPOSE AND EFFECT: The purpose and effect of the rules is to assure portability of group health insurance and small group health insurance.	
SUMMARY: The proposed rules and amendments implement Chapter 97-179, Laws of Florida, which was passed to conform Florida law with the Federal Health Insurance Portability and Accountability Act of 1996	

(Kennedy-Kassebaum). This act established certain minimum standards for health insurance coverage and it required that state law be amended to comply with the federal law, which was accomplished in Chapter 97-179. Federal regulations have been adopted and the proposed rules substantially conform to the federal requirements.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: None.

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

SPECIFIC AUTHORITY: 624.308, 624.308(1), 627.6561(8)(a),(e),(9)(b), 627.6699(5)(i)3.a.,4.a.,(9)(b),(16), 641.31071(7)(b),(8)(e),(10)(b), 641.36, 641.38 FS.

LAW IMPLEMENTED: 624.307(1), 624.418, 624.4211, 624.424(6), 626.9541, 627.40, 627.410, 627.6561, 627.65615, 627.65625, 627.6571, 627.6699, 627.6699(4)(a),(5),(f),(g)1., (i)3.a.,4.a.,(7),(9),(10),(11), 641.31071, 641.31072, 641.31073 FS.

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

TIME AND DATE: 9:30 a.m., September 19, 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 below.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Richard Robleto, Chief, Bureau of Life and Health Forms and Rates, Division of Insurer Services, Department of Insurance, 200 East Gaines Street, Tallahassee, Florida 32399-0328, (850)413-5110

THE FULL TEXT OF THE PROPOSED RULES IS:

PART V GROUP HEALTH INSURANCE POLICIES

4-154.402 Applicability and Scope.

(1) These rules apply to all group health insurance policies and all group health maintenance contracts issued or issued for delivery in the state on or after the effective date of this rule.

(2) Group health insurance policies are policies for groups identified in Sections 627.653 through 627.656, Florida Statutes, except those groups to which Section 627.6699 applies.

Specific Authority 624.308, 627.6561(8)(a),(e),(9)(b), 641.36 FS. Law Implemented 624.307(1), 627.6561, 641.31071 FS. History—New.

4-154.403 Definition of Terms.

For purposes of this part:

(1) “Categories of benefits” means the following benefits:

(a) Mental health coverage;

(b) Substance abuse coverage;

(c) Prescription drugs coverage;

(d) Dental coverage; and

(e) Vision coverage.

(2) “COBRA” means Title X of the Consolidated Omnibus Budget Reconciliation Act of 1985, as amended.

(3) “Dependent” means a person designated by an employee, or by the terms of an employee benefit plan, who is or may become entitled to a benefit under the plan.

(4) “Employee” means any employee or former employee of an employer, or any member or former member of an employee organization, who is or may become eligible to receive health insurance coverage from a group health plan that covers employees of the employer or members of the organization, or whose dependents may be eligible to receive such benefits.

(5) “Exhaustion of COBRA or other continuation coverage” means that an individual’s continuation coverage ceases for any reason other than either failure of the individual to pay premium on a timely basis, or for cause. An individual is considered to have exhausted continuation coverage if:

(a) Coverage ceases due to the failure of the employer or other responsible entity to remit premiums on a timely basis; or

(b) The individual no longer resides, lives, or works in a service area of an HMO or similar program and there is no other continuation coverage available to the individual.

(6) “Group health plan” means an employee welfare plan as defined in the Employment Retirement Income Security Act (ERISA) of 1974 to the extent that the plan provides medical care as defined in subsection (8), including items and services paid for as medical care, to employees or their dependents directly or through insurance, reimbursement, or otherwise.

(7) “Health insurance issuer” or “issuer” means an authorized insurer or a health maintenance organization.

(8) “Medical care or condition” means amounts paid for any of the following:

(a) The diagnosis, cure, mitigation, or prevention of disease, or amounts paid for the purpose of affecting any structure or function of the body;

(b) Transportation primarily for and essential to medical care described in paragraph (a);

(c) Insurance covering medical care described in paragraphs (a) and (b);

(9)(a) “Placement, or being placed, for adoption” as defined in Section 63.032(9), Florida Statutes;

(b) The child’s placement for adoption terminates upon the termination of the legal obligation of the adopting parent.

(10) "Service area" means the geographic area approved by the Agency for Health Care Administration within which:

(a) An insurer is authorized pursuant to Section 627.6472, Florida Statutes, to offer a health insurance policy; or

(b) An HMO is authorized pursuant to Section 641.495, Florida Statutes, to provide or arrange for comprehensive health care services.

(11) "Short-term, limited duration insurance" means health insurance coverage with an issuer that has specified in the contract an expiration date that is within 12 months of the date the contract becomes effective, taking into account any extensions that may be elected by the policyholder without the issuer's consent and shall be considered credible coverage as defined in Section 627.6561(5)(a) and 641.31071(5)(a), Florida Statutes.

Specific Authority 324.308, 627.6561(8)(a),(e),(9)(b), 641.36 FS, Law Implemented 624.307(1), 627.6561, 641.31071 FS, History—New

4-154.404 Certificate of Creditable Coverage.

(1)(a) A health insurance issuer in the group health insurance market shall provide a certificate of creditable coverage (certificate), and, if required, make certain other disclosures regarding an employee's coverage under a group insurance policy.

(b) The certificate and other disclosures are intended to enable employees to avoid or reduce pre-existing conditions exclusions included under subsequent group health insurance coverage which may be obtained by the individual.

(2) Issuers shall establish procedures by which individuals and dependents shall request and receive certificates.

(3)(a) The certificate shall read as indicated on Form DI4-1362 (rev. 2/00), Certificate of Group Health Insurance Coverage, which is hereby adopted and incorporated by reference, and may be obtained from the Bureau of Life and Health Forms & Rates, 200 East Gaines Street, Tallahassee, Florida 32399-0328; or

(b) An issuer may develop its own form which shall contain all of the information contained in Form DI4-1362.

(4)(a) Employees shall receive a certificate automatically, without charge, when they lose coverage under a group policy.

(b) A certificate shall also be provided when a request is made within 24 months after coverage ceases by, or on behalf of, an employee.

(c) The certificate shall be provided at the earliest time that an issuer, acting in a reasonable and prompt fashion, can provide the certificate.

(5)(a) An issuer of a group health policy shall prepare certificates with respect to the coverage on any of an employee's dependents that are covered under a policy.

(b) If requested to provide a certificate related to a dependent, the issuer shall make reasonable efforts to obtain the name of the dependent and provide a certificate.

(c) An issuer shall use reasonable efforts to determine any information needed for a certificate relating to the dependent coverage.

(d) In any case in which an automatic certificate is required to be furnished with respect to a dependent under this section, no individual certificate is required to be furnished until the issuer knows, or after making reasonable efforts should know, of the dependent's cessation of coverage under the plan.

(6)(a) The certificate shall be provided, without charge, to each employee or an entity requesting the certificate on behalf of the employee.

(b) The certificate may be provided by first-class mail.

(c) If the certificate or certificates are provided to the employee and the employee's spouse at the employee's last known address, the requirements of this section are satisfied with respect to all employees and dependents residing at that address.

(d) If a dependent does not reside at the employee's last known address, a separate certificate shall be provided to the dependent at the dependent's last known address.

(e) If separate certificates are provided by mail to employees and dependents who reside at the same address, mailing the certificates in the same envelope is permissible.

(7)(a) If an automatic certificate is required to be provided, and the employee or dependent entitled to receive the certificate designates another individual or entity to receive the certificate, the issuer responsible for providing the certificate may provide the certificate to the designated party.

(b) If a certificate must be provided upon request of another issuer, and the employee entitled to receive the certificate designates another individual or entity to receive the certificate, the issuer responsible for providing the certificates shall provide the certificate to the designated party.

(8) An automatic certificate shall be provided, without charge, for employees or dependents who are or were covered under a group policy upon the occurrence of any of the following:

(a)1. In the case of an individual who is a qualified individual entitled to elect COBRA continuation coverage, an automatic certificate shall be provided at the time the individual would lose coverage under the plan in the absence of COBRA continuation coverage, or alternative coverage elected instead of COBRA continuation coverage.

2. A plan or issuer satisfies this requirement if it provides the automatic certificate no later than the time a notice is required to be furnished for a qualifying event under COBRA.

(b) In the case of an individual who is entitled to elect to continuation coverage under Section 627.6692, Florida Statutes (state continuation coverage), an automatic certificate shall be provided at the time the individual would lose coverage under the plan in the absence of state continuation coverage.

(c) In the case of an individual who is not a qualified individual entitled to elect COBRA or state continuation coverage, an automatic certificate shall be provided at the time the individual ceases to be covered under the plan.

(d)1. In the case of an individual who is a qualified individual and has elected COBRA or state continuation coverage, or whose coverage has continued after the individual became entitled to elect COBRA or state continuation coverage, an automatic certificate is to be provided at the time the individual's coverage under the plan ceases.

2. A plan or issuer satisfies this requirement if it provides the automatic certificate within a reasonable time after coverage ceases, or after the expiration of any grace period for nonpayment of premiums. A reasonable time is the amount of time that person acting diligently and in good faith within the context of a specific set of facts and circumstances would take to accomplish the task.

3. An automatic certificate shall be provided to the individual regardless of whether the individual has previously received an automatic certificate under paragraph (a) of this subsection.

Specific Authority 624.308, 627.6561(8)(a),(e), 641.36 FS. Law Implemented 624.307(1), 627.6561, 641.31071 FS. History—New

4-154.405 Alternative Method of Determining Creditable Coverage.

(1)(a) Under the alternative method, a health insurance issuer or group health plan offering group health insurance coverage determines the amount of creditable coverage based on coverage within any category of benefits described in (2)(b) below and not based on coverage for any other benefits.

(b) The issuer or group health plan may use the alternative method for these categories.

(c) The plan may apply a different pre-existing condition exclusion period with respect to each category and may apply a different pre-existing condition exclusion period for benefits that are not within any category.

(d) The creditable coverage determined for a category of benefits applies only for purposes of reducing the pre-existing condition exclusion period with respect to that category.

(e) An individual's creditable coverage for benefits that are not within any category for which the alternative method is being used is determined under the standard method described in Rule 4-154.404, F.A.C.

(2)(a) An issuer or group health plan using the alternative method shall apply it uniformly to all employees and individuals under the plan or policy. The use of the alternative method shall be set forth in the plan.

(b) The alternative method for counting creditable coverage may be used for coverage for any of the following categories of benefits:

1. Mental health.
2. Substance abuse treatment.
3. Prescription drugs.
4. Dental care.
5. Vision care.

(c) If the alternative method is used, the plan shall:

1. State prominently to each enrollee at the time of enrollment under the plan, in disclosure statements concerning the plan, that the plan is using the alternative method of counting creditable coverage; and

2. Include in these statements a description of the effect of using the alternative method, including an identification of the categories used.

(d) This requirement applies separately to each type of coverage offered by the health insurance issuer.

(e) Coverage under a reimbursement account or arrangement, such as a flexible spending arrangement as defined in Section 106(c)(2) of the Internal Revenue Code, does not constitute coverage within any category.

(f)1. An entity that uses the alternative method of counting creditable coverage may request that the entity that issued the certificate of creditable coverage disclose additional information in order for the requesting entity to determine the individual's creditable coverage with respect to any category of benefits.

2. The requested entity is not prohibited from charging the requesting entity the reasonable cost of disclosing the information.

3. The requesting entity may request a copy of the summary plan description (SPD) that applied to the individual's coverage or may request the following information:

- a. Date of original certificate;
- b. Name of group health policy providing the coverage;
- c. Name of participant;
- d. Identification number of participant;
- e. Name of individual(s) to whom this information applies;
- f. Information applicable to the coverage in the certificate that was provided to the individual(s) identified including coverage for:

- (I) Mental health;
- (II) Substance abuse treatment;
- (III) Prescription drugs;
- (IV) Dental care;
- (V) Vision Care.

g. The beginning and ending dates of the individual's coverage within a category.

Specific Authority 624.308, 627.6561(9)(b), 641.31071(7)(b) FS. Law Implemented 624.307(1), 627.6561, 641.31071 FS. History—New

4-154.406 Demonstration of Creditable Coverage if Certificate is not Provided.

(1) An employee or a dependent may establish creditable coverage through means other than certificates. If the accuracy of a certificate is contested or a certificate is unavailable when needed by the employee, the employee has the right to demonstrate creditable coverage and waiting periods through the presentation of documents or other means.

(2)(a) An issuer shall take into account all information that it obtains or that is presented on behalf of an employee or dependent to make a determination, based on the relevant facts and circumstances, whether or not the employee or dependent has 18 months of creditable coverage.

(b) An issuer shall treat the employee as having furnished a certificate if the employee:

1. Attests to the period of creditable coverage;
2. Presents relevant corroborating evidence of some creditable coverage during the period; and
3. Cooperates with the issuer's efforts to verify the employee's coverage.

(3)(a) For this purpose, cooperation includes:

1. Providing, upon the issuer's request, a written authorization for the issuer to request a certificate on behalf of the employee; and
2. Cooperating in efforts to determine the validity of the corroborating evidence and the dates of creditable coverage.

(b) An issuer may refuse to credit coverage if the employee fails to cooperate with the issuer's efforts to verify coverage; however, the issuer may not consider an employee's inability to obtain a certificate to be evidence of the absence of creditable coverage.

(4) If any of the following documents credibly indicate the existence of creditable coverage, they shall be acceptable to establish the existence of creditable coverage in the absence of a certificate:

- (a) Explanations of benefit (EOB) claims or other correspondence from a group health plan or issuer indicating coverage;
- (b) Pay stubs showing a payroll deduction for health coverage;
- (c) A health insurance identification card;
- (d) A certificate of coverage under a group health policy;
- (e) Records from medical care providers indicating health coverage;
- (f) Third party statements verifying periods of coverage; and
- (g) Any other relevant documents that evidence periods of health coverage.

(5) Creditable coverage and waiting period information may be established through means other than documentation, such as by a telephone call from the issuer to a third party verifying creditable coverage.

(6) If, in the course of providing evidence including a certificate of creditable coverage, an employee demonstrates dependent status, the issuer shall treat the employee as having furnished a certificate showing the dependent status if the employee:

- (a) Attests to the dependency and the period of the status; and
- (b) Cooperates with the issuer's efforts to verify the dependent status.

Specific Authority 624.308, 627.6561(9)(b), 641.31071(8)(e),(10)(b), 641.36 FS. Law Implemented 624.307(1), 627.6561, 641.31071 FS. History--New _____.

4-154.407 Notice of Plan's Pre-Existing Condition Exclusion Period.

(1) A health insurance issuer offering group health insurance coverage shall not impose a pre-existing condition exclusion period with respect to an employee or dependent of the employee before notifying the employee, in writing, if not contained in the evidence of coverage, of:

(a) The existence and terms of any pre-existing condition exclusion period under the plan; and

(b) The rights of individuals to demonstrate creditable coverage and any applicable waiting periods as required by Section 627.6561(5), Florida Statutes.

(2) The description of the rights of individuals to demonstrate creditable coverage includes:

(a) A description of the right of the individual to request a certificate from a prior plan or issuer, if necessary; and

(b) A statement that the current plan or issuer will assist in obtaining a certificate from any prior plan or issuer, if necessary.

Specific Authority 624.308(1), 627.6561(8)(a),(9)(b), 641.31071(8)(e),(10)(b), 641.36 FS. Law Implemented 624.307(1), 627.6561, 641.31071 FS. History--New _____.

4-154.4071 Pre-Existing Condition.

(1) When an employee has been employed for less than 12 months and acquires a medical condition during that period and the employer changes carriers, the condition will not be considered to be a pre-existing condition for the new carrier.

(2) When a one person group becomes a two person group the pre-existing waiting period changes from 24 months to 12 months.

Specific Authority 624.308(1), 641.36 FS. Law Implemented 624.307(1), 627.65615, 641.31072 FS. History--New _____.

4-154.408 Special Enrollment Period Notification.

(1) Certain persons shall be permitted special enrollment periods under Sections 627.65615 and 641.31072, Florida Statutes.

(2) On or before the time an employee is offered the opportunity to enroll in group health insurance coverage, the employee shall be provided the following description of eligibility for these special enrollment periods: "If you are

declining enrollment for yourself or your dependents (including your spouse) because of other health insurance coverage, you may in the future be able to enroll yourself or your dependents in this plan, provided that you request enrollment within 30 days after your other coverage ends. In addition, if you have a new dependent as a result of marriage, birth, adoption or placement for adoption, you may be able to enroll yourself and your dependents, provided that you request enrollment within 30 days after the marriage, birth, adoption, or placement for adoption.“

Specific Authority 624.308(1), 641.36 FS. Law Implemented 624.307(1), 627.65615, 641.31072 FS. New

4-154.411 Prohibited Discrimination.

An issuer shall not include in a group insurance policy an “actively at work” provision that delays coverage as a result of any health status-related factor pursuant to Sections 627.65625 and 641.31073, Florida Statutes.

Specific Authority 624.308(1), 641.36 FS. Law Implemented 624.307(1), 627.65625, 641.31073 FS. History–New

4-154.412 Group Conversion Election and Premium Notice Form.

(1) The form shall be titled group conversion election and premium notice and provide in the heading of the form the name of the company, the address to return the form, and a telephone number to call for further information.

(2) The group conversion election and premium notice form shall include the following:

- (a) The applicant’s name (last, first, middle);
- (b) The applicant’s sex;
- (c) Applicant’s address;
- (d) Applicant’s date of birth;
- (e) Coverage for:
 - 1. Employee only;
 - 2. Employee/spouse;
 - 3. Spouse only;
 - 4. Employee/spouse/children;
 - 5. Employee/children only;
 - 6. Spouse/children;
 - 7. Children only;
- (f) For each dependent:
 - 1. Name (last, first, middle);
 - 2. Sex;
 - 3. Date of birth; and
 - 4. Relationship;
- (g) Employer’s name and address;
- (h) Employer’s group number;
- (i) Employer’s contract/ID/plan number;
- (j) Signature of employee/eligible individual;
- (k) An identifying form number for the group conversion election and premium notice form.

Specific Authority 624.308(1), 641.36 FS. Law Implemented 624.307(1), 627.6561, 627.6675(17), 641.31071, 641.3922(14) FS. History–New

PART VI SMALL GROUP HEALTH INSURANCE POLICIES

4-154.502 Applicability and Scope.

The provisions of this part shall apply, to the extent provided in Section 627.6699, Florida Statutes, to small employer health benefit plans insuring residents of this state.

Specific Authority 624.308(1), 627.6699(16) FS. Law Implemented 624.307(1), 624.418, 624.4211, 627.6699(4)(a),(5),(5)(g)1.(7) FS. History–New

4-154.503 Definitions.

As used in this part:

(1) “Categories of benefits” means the following benefits:

- (a) Mental health coverage;
- (b) Substance abuse coverage;
- (c) Prescription drugs coverage;
- (d) Dental coverage; and
- (e) Vision coverage.

(2) “COBRA” means Title X of the Consolidated Omnibus Budget Reconciliation Act of 1985, as amended.

(3) “Employee” means any person presently or formerly employed by an employer, or any member or former member of an employee organization, who is or may become eligible to receive a benefit of any type from an employee benefit plan that covers employees of the employer or members of the organization.

(4) “Exhaustion of COBRA or other continuation coverage” means that an individual’s continuation coverage ceases for any reason other than either failure of the individual to pay premium on a timely basis, or for cause. An individual is considered to have exhausted continuation coverage if:

(a) Coverage ceases due to the failure of the employer or other responsible entity to remit premiums on a timely basis.

(b) The individual no longer resides, lives, or works in a service area of an HMO or similar program and there is no other continuation coverage available to the individual.

(5) “Group health plan” means an employee welfare plan as defined in the Employment Retirement Income Security Act (ERISA) of 1974, to the extent that the plan provides medical care as defined in subsection (7), including items and services paid for as medical care, to employees or their dependents directly or through insurance, reimbursement, or otherwise.

(6) “Medical advice, diagnosis, care, or treatment” means advice, diagnosis, care or treatment recommended by, or received from an individual licensed or similarly authorized to provide such services under state law and operating within the scope of practice authorized by state law.

(7)(a) “Placement, or being placed, for adoption” as defined in Section 63.032(9), Florida Statutes.

(b) The child's placement for adoption terminates upon the termination of the legal obligation of the adopting parent.

(8) "Reasonable period of time" means the amount of time that a person acting diligently and in good faith within the context of a specific set of facts and circumstances would take to accomplish the task.

(9) "Service area" means the geographic area approved by the Agency for Health Care Administration within which:

(a) An insurer is authorized pursuant to Section 627.6472, Florida Statutes, to offer a health insurance policy; or

(b) An HMO is authorized pursuant to Section 641.495, Florida Statutes, to provide or arrange for comprehensive health care services.

(10) "Short-term, limited duration insurance" means health insurance coverage with an issuer that has specified in the contract an expiration date that is within 12 months of the date the contract becomes effective, taking into account any extensions that may be elected by the policyholder without the issuer's consent and shall be considered credible coverage as defined in Sections 627.6561(5)(a) and 641.31071(5)(a), Florida Statutes.

Specific Authority 624.308(1), 627.6699(16), 641.36 FS. Law Implemented 624.307(1), 627.6699 FS. History—New

4-154.504 Requirement to Insure Entire Groups.

(1) A small employer carrier may offer the small employer the option of choosing among one or more health benefit plans, provided that each employee is permitted to choose any of the offered plans.

(2) New entrants to a small employer group shall be offered coverage under the health benefit plans provided to the group.

Specific Authority 624.308(1), 627.6699(16), 641.36 FS. Law Implemented 624.307(1), 627.6699 FS. History—New

4-154.506 Certificate of Creditable Coverage.

(1)(a) A small employer carrier in the small group health insurance market shall provide a certificate of creditable coverage, and, if required, make certain other disclosures regarding an employee's coverage under a small group insurance policy.

(b) The certificate and other disclosures are intended to enable employees to avoid or reduce pre-existing conditions exclusions included under subsequent group health insurance coverage which may be obtained by the individual.

(2) Small employer carriers shall establish procedures by which individuals and dependents shall request and receive certificates.

(3)(a) The certificate shall read as indicated on Form DI4-1362, Certificate of Group Health Insurance Coverage, as adopted in Rule 4-154.404, F.A.C.

(b) An issuer may develop its own form which must contain all of the information contained in Form DI4-1362.

(4)(a) Employees shall receive a certificate automatically, without charge, when they lose coverage under a group policy.

(b) A certificate shall also be provided when a request is made within 24 months after coverage ceases by, or on behalf of, an employee.

(c) The certificate shall be provided at the earliest time that a carrier, acting in a reasonable and prompt fashion, can provide the certificate.

(5)(a) A carrier of a group health policy shall prepare certificates with respect to the coverage on any of an employee's dependents that are covered under policy.

(b) If requested to provide a certificate related to a dependent, the carrier shall make reasonable efforts to obtain the name of the dependent and provide a certificate.

(c) A carrier shall use reasonable efforts to determine any information needed for a certificate relating to the dependent coverage.

(d) In any case in which an automatic certificate is required to be furnished with respect to a dependent under this section, no individual certificate is required to be furnished until the carrier knows, or after making reasonable efforts should know, of the dependent's cessation of coverage under the plan.

(6)(a) The certificate shall be provided, without charge, to each employee or an entity requesting the certificate on behalf of the employee.

(b) The certificate may be provided by first-class mail.

(c) If the certificate or certificates are provided to the employee and the employee's spouse at the employee's last known address, the requirements of this section are satisfied with respect to all employees and dependents residing at that address.

(d) If a dependent does not reside at the employee's last known address, a separate certificate shall be provided to the dependent at the dependent's last known address.

(e) If separate certificates are provided by mail to employees and dependents who reside at the same address, mailing the certificates in the same envelope is permissible.

(7)(a) If an automatic certificate is required to be provided, and the employee or dependent entitled to receive the certificate designates another individual or entity to receive the certificate, the carrier responsible for providing the certificate may provide the certificate to the designated party.

(b) If a certificate shall be provided upon request of another carrier, and the employee entitled to receive the certificate designates another individual or entity to receive the certificate, the carrier responsible for providing the certificates shall provide the certificate to the designated party.

(8) An automatic certificate must be provided, without charge, for employees or dependents who are or were covered under a group policy upon the occurrence of any of the following:

(a)1. In the case of an individual who is a qualified individual entitled to elect COBRA continuation coverage, an automatic certificate shall be provided at the time the individual would lose coverage under the plan in the absence of COBRA continuation coverage, or alternative coverage elected instead of COBRA continuation coverage.

2. A plan or carrier satisfies this requirement if it provides the automatic certificate no later than the time a notice is required to be furnished for a qualifying event under COBRA.

(b) In the case of an individual who is entitled to elect to continue coverage under Section 627.6692, Florida Statutes (state continuation coverage), an automatic certificate shall be provided at the time the individual would lose coverage under the plan in the absence of state continuation coverage.

(c) In the case of an individual who is not a qualified individual entitled to elect COBRA or state continuation coverage, an automatic certificate shall be provided at the time the individual ceases to be covered under the plan.

(d)1. In the case of an individual who is a qualified individual and has elected COBRA or state continuation coverage, or whose coverage has continued after the individual became entitled to elect COBRA or state continuation coverage, an automatic certificate is to be provided at the time the individual's coverage under the plan ceases.

2. A plan or carrier satisfies this requirement if it provides the automatic certificate within a reasonable time after coverage ceases, or after the expiration of any grace period for nonpayment of premiums.

3. An automatic certificate shall be provided to the individual regardless of whether the individual has previously received an automatic certificate under paragraph (a) of this subsection.

Specific Authority 624.308(1), 627.6561(9)(b), 627.6699(16) FS. Law Implemented 624.307(1), 627.6561, 627.6699(5)(f) FS. History—New

4-154.507 Alternative Method of Determining Creditable Coverage.

(1)(a) Under the alternative method, a health insurance carrier or group health plan offering small group health insurance coverage determines the amount of creditable coverage based on coverage within any category of benefits described in paragraph (2)(b) below and not based on coverage for any other benefits.

(b) The carrier or group health plan may use the alternative method for these categories.

(c) The plan may apply a different pre-existing condition exclusion period with respect to each category and may apply a different pre-existing condition exclusion period for benefits that are not within any category.

(d) The creditable coverage determined for a category of benefits applies only for purposes of reducing the pre-existing condition exclusion period with respect to that category.

(e) An individual's creditable coverage for benefits that are not within any category for which the alternative method is being used is determined under the standard method described in Rule 4-154.506, F.A.C.

(2)(a) A carrier or group health plan using the alternative method shall apply it uniformly to all employees and individuals under the plan or policy. The use of the alternative method shall be set forth in the plan.

(b) The alternative method for counting creditable coverage may be used for coverage for any of the following categories of benefits:

1. Mental health.
2. Substance abuse treatment.
3. Prescription drugs.
4. Dental care.
5. Vision care.

(c) If the alternative method is used, the plan shall:

1. State prominently to each enrollee at the time of enrollment under the plan, in disclosure statements concerning the plan, that the plan is using the alternative method of counting creditable coverage; and

2. Include in these statements a description of the effect of using the alternative method, including an identification of the categories used.

(d) This requirement applies separately to each type of coverage offered by the health insurance carrier.

(e) Coverage under a reimbursement account or arrangement, such as a flexible spending arrangement as defined in Section 106(c)(2) of the Internal Revenue Code, does not constitute coverage within any category.

(f)1. An entity that uses the alternative method of counting creditable coverage may request that the entity that issued the certificate of creditable coverage disclose additional information in order for the requesting entity to determine the individual's creditable coverage with respect to any category of benefits.

2. The requested entity is not prohibited from charging the requesting entity the reasonable cost of disclosing the information.

3. The requesting entity may request a copy of the summary plan description (SPD) that applied to the individual's coverage or may request the following information:

- a. Date of original certificate;
- b. Name of group health policy providing the coverage;
- c. Name of participant;
- d. Identification number of participant;
- e. Name of individual(s) to whom this information applies;
- f. Information applicable to the coverage in the certificate that was provided to the individual(s) identified including coverage for:

- (I) Mental health;
- (II) Substance abuse treatment;
- (III) Prescription drugs;
- (IV) Dental care;
- (V) Vision Care.

g. The beginning and ending dates of the individual's coverage within a category.

Specific Authority 624.308, 627.6561(9)(b), 627.6699(16) FS. Law Implemented 624.307(1), 627.6561, 627.6699(5)(f) FS. History--New _____.

4-154.508 Demonstration of Creditable Coverage if Certificate is Not Provided.

(1) Employees may establish creditable coverage through means other than certificates. If the accuracy of a certificate is contested or a certificate is unavailable when needed by the employee, the employee has the right to demonstrate creditable coverage and waiting periods through the presentation of documents or other means.

(2)(a) A small employer carrier shall take into account all information that it obtains or that is presented on behalf of an employee to make a determination, based on the relevant facts and circumstances, whether or not the employee has 18 months of creditable coverage.

(b) A carrier shall treat the employee as having furnished a certificate if the employee:

- 1. Attests to the period of creditable coverage;
- 2. Presents relevant corroborating evidence of some creditable coverage during the period; and
- 3. Cooperates with the carrier's efforts to verify the employee's coverage.

(3)(a) For this purpose, cooperation includes:

- 1. Providing, upon the carrier's request, written authorization for the carrier to request a certificate on behalf of the employee; and
- 2. Cooperating in efforts to determine the validity of the corroborating evidence and the dates of creditable coverage.

(b) A carrier may refuse to credit coverage if the employee fails to cooperate with the carrier's efforts to verify coverage; however, the carrier may not consider an employee's inability to obtain a certificate to be evidence of the absence of creditable coverage.

(4) If any of the following documents credibly indicate the existence of creditable coverage, they shall be acceptable to establish the existence of creditable coverage in the absence of a certificate:

(a) Explanations of benefit (EOB) claims or other correspondence from a group health plan or carrier indicating coverage;

(b) Pay stubs showing a payroll deduction for health coverage;

(c) A health insurance identification card;

(d) A certificate of coverage under a group health policy;

(e) Records from medical care providers indicating health coverage;

(f) Third party statements verifying periods of coverage; and

(g) Any other relevant documents that evidence periods of health coverage.

(5) Creditable coverage and waiting period information may be established through means other than documentation, such as by a telephone call from the carrier to a third party verifying creditable coverage.

(6) If, in the course of providing evidence such as a certificate of creditable coverage, an employee shall demonstrate dependent status, the carrier shall treat the employee as having furnished a certificate showing the dependent status if the employee:

(a) Attests to the dependency and the period of the status; and

(b) Cooperates with the carrier's efforts to verify the dependent status.

Specific Authority 624.308(1), 627.6561(9)(b), 627.6699(16) FS. Law Implemented 624.307(1), 627.6561, 627.6699(5)(f) FS. History--New _____.

4-154.511 Discontinuance or Modification of Policy Form.

If a carrier elects to discontinue a group health insurance policy form by consolidation with another policy form, the rate for the benefits shall be actuarially justified and approved by the Department for the consolidated group.

Specific Authority 624.308(1) FS. Law Implemented 624.307(1), 627.410, 627.6571 FS. History--New _____.

4-154.512 Prohibited Discrimination.

An issuer shall not include in a group insurance policy an "actively at work" provision that delays coverage as a result of any health status-related factor pursuant to Sections 627.65625 and 641.31073, Florida Statutes.

Specific Authority 624.308(1), 641.36 FS. Law Implemented 624.307(1), 627.410, 627.6571, 627.65625 FS. History--New _____.

4-154.513 Employee Health Care Access Act Annual and Quarterly Statement Reporting Requirement.

(1)(a) Pursuant to Section 627.6699, Florida Statutes, each carrier that provides health benefit plans in this state shall file with its annual statement each year, on or before March 1 for the preceding year ending December 31, information on health benefit plans written in this state, using Form DI4-1094, Report of Gross Annual Premiums and Plan Policy Exhibits for Health Benefit Plans Issued in Florida, as adopted in Rule 4-149.004, F.A.C.

(2) Quarterly Reports: Within 30 days following each calendar quarter each small employer carrier shall file a report on Form DI4-1117, Florida Employee Health Care Access Act Enrollment Report, as adopted in Rule 4-149.004, F.A.C.

Specific Authority 624.308(1), 627.6699(5)(i)3.a.,4.a.(16) FS. Law Implemented 624.307(1), 624.424(6), 627.6699(5)(i)3.a. FS. History—New _____.

4-154.514 Designation of Election to Become a Risk-Assuming or Reinsuring Carrier.

(1)(a) All small employer carriers shall file a designation with the Department of their election to become either a risk-assuming or a reinsuring carrier.

(b) The small employer carrier desiring to be a risk-assuming or reinsuring carrier pursuant to Section 627.6699(9), Florida Statutes, shall use Form DI4-1093, State of Florida/Small Employer Carrier's Application to Become a Risk Assuming Carrier or a Reinsuring Carrier, as adopted in Rule 4-149.044, F.A.C.

(2)(a) The Department shall provide notice by publication of a small employer carrier's designation of election to become a risk assuming or reinsuring carrier, and shall allow 21 days from the date of publication to receive comment prior to making its decision on the election.

(b) The Department shall hold a hearing on the election if requested by the carrier.

(3) The Department shall approve or disapprove any application within 60 days of receipt of the application, based on the criteria in Section 627.6699(10), Florida Statutes.

Specific Authority 624.308(1), 627.6699(16) FS. Law Implemented 624.307(1), 627.6699(9),(10) FS. History—New _____.

4-154.515 Change of Status of Small Employer Carrier's Election to Become Risk-Assuming Carrier or Reinsuring Carrier.

(1) Any small employer carrier seeking to change the election made by the carrier under Section 627.6699(9)(a), Florida Statutes, to become either a risk-assuming carrier or a reinsuring carrier shall request a change of status on Form DI4-1095, State of Florida/Small Employer Carrier's Application to Modify Previous Election to Become a Risk Assuming or a Reinsuring Carrier, as adopted in Rule 4-149.004, F.A.C.

(2)(a) Within 60 days from the date on which the form and its attached information is filed with the Department, the Department shall hold a hearing on the request.

(b) Within 30 days after the conclusion of the hearing and the submission of any post-hearing documentation or argument, the Department shall approve or disapprove the request, based on the criteria set forth in Section 627.6699(10)(b), Florida Statutes.

Specific Authority 624.308(1), 627.6699(9)(b),(16) FS. Law Implemented 624.307(1), 627.6699(9),(10),(11) FS. History—New _____.

4-154.516 Prohibited Discrimination.

An issuer shall not include in a group insurance policy an "actively at work" provision that delays coverage as a result of any health status-related factor pursuant to Sections 627.65625 and 641.31073, Florida Statutes.

Specific Authority 624.308(1), 641.36 FS. Law Implemented 624.307(1), 627.65625, 626.9541 FS. History—New _____.

4-154.517 Group Conversion Election and Premium Notice Form.

(1) The form:

(a) Shall be titled "Group Conversion Election and Premium Notice"; and

(b) Shall provide in the heading of the form:

1. The name of the company;

2. The address to which to return the form; and

3. A telephone number to call for further information.

(2) The group conversion election and premium notice form shall include the following:

(a) Applicant's name (last, first, middle);

(b) Applicant's sex;

(c) Applicant's address;

(d) Applicant's date of birth;

(e) Applicant's social security number;

(f) Coverage for:

1. Employee only;

2. Employee/spouse;

3. Spouse only;

4. Employee/spouse/children;

5. Employee/children only;

6. Spouse/children;

7. Children only;

(g) For each dependent:

1. Name (last, first, middle);

2. Sex;

3. Social security number;

4. Date of birth; and

5. Relationship:

(h) Employer's name and address;

(i) Employer's group number;

(j) Employers contract/ID/plan number;

(k) Signature of employee/eligible individual:

(l) An identifying form number for the group conversion election and premium notice form.

Specific Authority 624.308(1), 641.36 FS. Law Implemented 624.307(1), 627.6561, 627.6675(17), 641.31071, 641.3922(14) FS. History--New

4-154.518 Notice of Plan's Pre-existing Condition Exclusion Period.

(1) A health insurance issuer offering group health insurance coverage shall not impose a pre-existing condition exclusion period with respect to an employee or dependent of the employee before notifying the employee, in writing, if not contained in the evidence of coverage, of:

(a) The existence and terms of any pre-existing condition exclusion period under the plan; and

(b) The rights of individuals to demonstrate creditable coverage and any applicable waiting periods as required by Section 627.6561(2)(c), Florida Statutes.

(2) The description of the rights of individuals to demonstrate creditable coverage includes:

(a) A description of the right of the individual to request a certificate from a prior plan or issuer, if necessary; and

(b) A statement that the current plan or issuer will assist in obtaining a certificate from any prior plan or issuer, if necessary.

Specific Authority 624.308(1), 627.6561(8)(a),(9)(b), 641.31071(8)(c),(10)(b), 641.36 FS. Law Implemented 624.307(1), 627.6561, 641.31071 FS. History--New

4-154.5181 Pre-Existing Condition.

(1) When an employee has been employed for less than 12 months and acquires a medical condition during that period and the employer changes carriers, the condition will not be considered to be a pre-existing condition for the new carrier.

(2) When a one person group becomes a two person group the pre-existing waiting period changes from 24 months to 12 months.

Specific Authority 624.308(1), 627.6561(8)(a),(9)(b), 641.31071(8)(c),(10)(b), 641.36 FS. Law Implemented 624.307(1), 627.6561, 641.31071 FS. History--New

NAME OF PERSON ORIGINATING PROPOSED RULE:
Don Dillard, Bureau of Life and Health Forms and Rates,
Division of Insurer Services, Department of Insurance

NAME OF PERSON OR SUPERVISOR WHO APPROVED
THE PROPOSED RULE: Richard Robleto, Bureau Chief,
Bureau of Life and Health Forms and Rates, Division of
Insurer Services, Department of Insurance

DATE PROPOSED RULE APPROVED BY AGENCY
HEAD: August 2, 2002

DATE NOTICE OF PROPOSED RULE DEVELOPMENT
PUBLISHED IN FAW: October 9, 1998

DEPARTMENT OF INSURANCE

Division of Workers' Compensation

RULE TITLE: Scope of Exemption

RULE NO.: 4L-6.021

PURPOSE, EFFECT AND SUMMARY: The purpose of the rule is to clarify the applicability of the exemption established in Section 440.05, F.S. for work performed at a commercial building project valued at \$250,000 or greater by interpreting Section 440.02(14)(b)2., (c)2., and (d)1., F.S. The rule does this by identifying specific employment classification codes to which the exemption is applicable.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: None.

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

SPECIFIC AUTHORITY: 440.591 FS.

LAW IMPLEMENTED: 440.02(14)(b)2., 440.02(14)(c)2., 440.02(14)(d)1. FS.

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

TIME AND DATE: 1:30 p.m., September 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 IS: Philip Wilcox, Investigations Manager, Bureau of Compliance, 200 East Gaines Street, Tallahassee, FL 32399-4228, (850)488-2333, Ext. 173

THE FULL TEXT OF THE PROPOSED RULE IS:

4L-6.021 Scope of Exemption.

(1) For work performed at a commercial building project estimated to be valued at \$250,000 or greater, the Division shall utilize the contracting classifications eligible for the Florida Contracting Classification Premium Adjustment Program (FCCPAP) included in the Florida exception pages of the National Council on Compensation Insurance, Inc.'s Basic

Manual effective January 1, 2002, to determine whether a workers' compensation exemption issued pursuant to Section 440.05, Florida Statutes is applicable.

(a) For any person whose activities are included under a contracting classification identified in this rule, the exemption is not applicable for work performed at a commercial building project estimated to be valued at \$250,000 or greater.

(b) For any person whose activities are not included under a contracting classification identified in this rule, the exemption is applicable, including for work performed at a commercial building project estimated to be valued at \$250,000 or greater.

(c) The contracting classifications identified in this rule are as follows:

1. 0042 Landscape Gardening and Drivers
2. 0050 Farm Machinery Operation – By Contractor and Drivers
3. 1322 Oil or Gas Well: Cleaning or Swabbing of Old Wells Having Previously Produced Gas or Oil – By Contractor – No Drilling – and Drivers
4. 3365 Welding or Cutting NOC and Drivers
5. 3719 Oil Still Erection or Repair
6. 3724 Machinery or Equipment Erection or Repair NOC and Drivers
7. 3726 Boiler Installation or Repair – Steam
8. 5020 Ceiling Installation – Suspended Acoustical Grid Type
9. 5022 Masonry NOC
10. 5037 Painting: Metal Structures – Over Two Stories in Height – and Drivers
11. 5040 Iron or Steel: Erection – Frame Structures
12. 5057 Iron or Steel: Erection NOC
13. 5059 Iron or Steel: Erection – Frame Structures Not Over Two Stories in Height
14. 5069 Iron or Steel: Erection – Construction of Dwellings Not Over Two Stories in Height
15. 5102 Door, Door Frame or Sash Erection – Metal or Metal Covered
16. 5146 Furniture or Fixtures Installation – Portable – NOC
17. 5160 Elevator Erection or Repair
18. 5183 Plumbing NOC and Drivers
19. 5188 Automatic Sprinkler Installation and Drivers
20. 5190 Electrical Wiring – Within Buildings and Drivers
21. 5213 Concrete Construction NOC
22. 5215 Concrete Work – Incidental to the Construction of Private Residence
23. 5221 Concrete or Cement Work – Floors, Driveways, Yards, and Sidewalks – and Drivers.
24. 5222 Concrete Construction in Connection with Bridges or Culverts
25. 5223 Swimming Pool Construction – Not Iron or Steel – and Drivers
26. 5348 Stone, Mosaic or Terrazzo or Ceramic Tile Work – Inside
27. 5402 Hothouse Erection – All Operations
28. 5403 Carpentry NOC
29. 5437 Carpentry – Installation of Cabinet Work or Interior Trim
30. 5443 Lathing and Drivers
31. 5445 Wallboard Installation Within Buildings and Drivers
32. 5462 Glazier – Away From Shop and Drivers
33. 5472 Asbestos Contractor – Pipe and Boiler Work Exclusively and Drivers
34. 5473 Asbestos Contractor – NOC and Drivers
35. 5474 Painting or Paperhanging NOC and Shop Operations, Drivers
36. 5478 Carpet, Linoleum, Vinyl, Asphalt, or Rubber Floor Title Installation
37. 5479 Insulation Work NOC and Drivers
38. 5480 Plastering NOC and Drivers
39. 5491 Paperhanging and Drivers
40. 5506 Street or Road Construction: Paving or Repaving and Drivers
41. 5507 Street or Road Construction: Subsurface work and Drivers
42. 5508 Street or Road Construction: Rock Excavation and Drivers
43. 5509 Street or Road Maintenance, County or State Department – and Drivers
44. 5536 Heating and Air Conditioning Duct Work – Shop and Outside – and Drivers
45. 5538 Sheet Metal Work – Shop and Outside – NOC and Drivers
46. 5551 Roofing – All kinds and Yard Employees, Drivers
47. 5606 Contractor – Executive Supervisor or Construction Superintendent
48. 5610 Cleaner – Debris Removal
49. 5613 Cleaner – Debris Removal – Temporary Labor Service
50. 5645 Carpentry – Detached One or Two Family Dwellings
51. 5651 Carpentry – Dwellings – Three Stories or Less
52. 5703 Building Raising or Moving and Drivers
53. 5705 Salvage Operation – No Wrecking or Any Structural Operations
54. 6003 Pile Driving
55. 6005 Jetty or Breakwater Construction – All Operations to Completion and Drivers
56. 6017 Dam or Lock Construction: Concrete Work – All Operations
57. 6018 Dam or Lock Construction: Earth Moving or Placing – All Operations

- 58. 6045 Levee Construction – All Operations to Completion and Drivers
- 59. 6204 Drilling NOC and Drivers
- 60. 6206 Oil or Gas Well: Cementing and Drivers
- 61. 6213 Oil or Gas Well: Specialty Tool Operation NOC – By Contractor – All Employees and Drivers
- 62. 6214 Oil or Gas Well: Perforating of Casing – All Employees and Drivers
- 63. 6216 Oil or Gas Lease Work NOC – By Contractor and Drivers
- 64. 6217 Excavation and Drivers
- 65. 6229 Irrigation or Draining System Construction and Drivers
- 66. 6233 Oil or Gas Pipeline Construction and Drivers
- 67. 6235 Oil or Gas Well: Drilling or Redrilling and Drivers
- 68. 6236 Oil or Gas Well: Installation or Recovery of Casing and Drivers
- 69. 6237 Oil or Gas Well: Instrument Logging or Survey Work and Drivers
- 70. 6251 Tunneling – Not Pneumatic – All Operations
- 71. 6252 Shaft Sinking – All Operations
- 72. 6260 Tunneling – Pneumatic – All Operations
- 73. 6306 Sewer Construction – All Operations and Drivers
- 74. 6319 Gas Main or Connection Construction and Drivers
- 75. 6325 Conduit Construction – For Cable or Wires – and Drivers
- 76. 6400 Fence Erection – Metal
- 77. 7538 Electric Light or Power Line Construction and Drivers
- 78. 7601 Telephone, Telegraph or Fire Alarm Construction and Drivers
- 79. 7605 Burglar Alarm Installation or Repair and Drivers
- 80. 7611 Telephone or Cable TV Line Installation – Contractors, Underground and Drivers
- 81. 7612 Telephone or Cable TV Line Installation – Contractors, Overhead, and Drivers
- 82. 7613 Telephone or Cable TV Line Installation – Contractors, Service Lines and Connections and Drivers
- 83. 7855 Railroad Construction: Laying or Relaying of Tracks or Maintenance of Way By Contractor – No Work On Elevated Railroads – and Drivers
- 84. 8227 Construction or Erection – Permanent Yard
- 85. 9534 Mobile Crane and Hoisting Service Contractors – NOC – All Operations – Including Yard Employees and Drivers.
- 86. 9554 Sign Installation, Maintenance, Repair, Removal, or Replacement NOC & Drivers

Specific Authority 440.591 FS. Law Implemented 440.02(14)(b)2., 440.02(14)(c)2., 440.02(14)(d)1., 440.05 FS. History–New

NAME OF PERSON ORIGINATING PROPOSED RULE:
Philip Wilcox, Investigations Manager, Bureau of Compliance,
200 East Gaines Street, Tallahassee, FL 32399-4228,
(850)488-2333, Ext. 173

NAME OF SUPERVISOR OR PERSON WHO APPROVED
THE PROPOSED RULE: Tanner Holloman, Director,
Division on Workers’ Compensation, Department of Insurance
DATE PROPOSED RULE APPROVED BY AGENCY
HEAD: August 7, 2002

DATE NOTICE OF PROPOSED RULE DEVELOPMENT
PUBLISHED IN FAW: Pursuant to §120.54(2)(c), F.S., the
Department explains that a workshop is unnecessary because
of the urgent need for the clarity that the rule provides, and the
fact that the public hearing will provide ample opportunity for
public comment on the proposed rule

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Animal Industry

RULE CHAPTER TITLE:	RULE CHAPTER NO.:
Cervidae Movement	5C-26
RULE TITLES:	RULE NOS.:
Definitions	5C-26.001
Adoption by Reference Code of Federal Regulations, Title 9, Part 54.7 (2002)	5C-26.002
General Requirements for Importation	5C-26.003
General Requirements for Intrastate Movement	5C-26.004
Testing Requirements and Exceptions	5C-26.005
Cervidae Herd Health Plan	5C-26.006
Quarantine and Disposition of Chronic Wasting Disease (CWD) Positive, Exposed, or Suspect Herds	5C-26.007
Exceptions	5C-26.008
Dangerous Transmissible Disease	5C-26.009

PURPOSE AND EFFECT: The purpose and effect of this rule is to establish procedures for the movement of Cervidae, a Cervidae Herd Health Plan, and Quarantine and Disposition of Chronic Wasting Disease Positive, Exposed or Suspect Herds. These procedures establish requirements for the importation of cervidae into the state of Florida and establish requirements for the intrastate movement of cervidae.

SUMMARY: The proposed new rule establishes requirements regarding the movement of cervidae into and within the state of Florida, Cervidae Herd Health Plans and the Quarantine and Disposition of Chronic Wasting Disease Positive, Exposed, or Suspect Cervidae Herds.

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

(2) The Florida exception pages of the National Council on Compensation Insurance, Inc.’s Basic Manual are herein incorporated by reference.

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

SPECIFIC AUTHORITY: 585.002, 585.004, 585.08, 585.145 FS.

LAW IMPLEMENTED: 585.004, 585.08, 585.145 FS.

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

TIME AND DATE: 10:00 a.m., September 10, 2002

PLACE: Florida Farm Bureau Federation Building, 5700 Southwest 34th Street, Gainesville, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Dr. Ashby Green, Chief, Bureau of Animal Disease Control, Division of Animal Industry, Room 332, Mayo Building, 407 South Calhoun Street, Tallahassee, Florida 32399-0800, (850)410-0940 or Fax (850)410-0957

THE FULL TEXT OF THE PROPOSED RULES IS:

5C-26.001 Definitions.

For the purpose of this chapter, the following words shall have the meaning indicated:

(1) Authorized Representative. A veterinarian, licensed and accredited by the authorities of the state of origin, or a regulatory veterinarian employed by the United States Department of Agriculture (USDA) or by the state of origin.

(2) Brucellosis. An infectious disease of animals and humans caused by bacteria of the genus *Brucella*. The disease is characterized by abortion and impaired fertility in its principal animal hosts.

(3) Cervid(ae). Any member of the cervidae family which includes deer, elk, moose, or their hybrids or related species. Cervidae mentioned in this rule are privately or publicly maintained or held for economic or other purposes within a perimeter fence or confined space.

(4) Cervidae Herd Health Plan. The Cervidae Herd Health Plan is a written herd management agreement between the Florida Department of Agriculture and Consumer Services (FDACS) and the herd owner.

(5) Cervidae Herd CWD Management Plan. The Cervidae Herd CWD Management Plan is a written herd management agreement between FDACS and the herd owner used when positive, exposed or suspected animals have been found or traced into a Cervidae herd. This will supersede all relevant parts of the Cervidae Herd Health Plan until the herd is found negative or certified free of CWD.

(6) Chronic Wasting Disease (CWD). CWD is a progressive neurological, debilitating disease affecting cervidae. CWD belongs to a family of diseases known as Transmissible Spongiform Encephalopathies (TSEs) or prion diseases.

(7) FDACS. Florida Department of Agriculture and Consumer Services.

(8) FWC. Florida Fish and Wildlife Conservation Commission.

(9) Import, Imported, Importation. The movement of animals into the State of Florida, from another state, United States territories or possessions or a foreign country.

(10) Intrastate Movements. Cervidae movement within the State of Florida from one county to another or within the same county.

(11) Movement Risk Assessment. Cervids are classified for movement as follows: High Risk cervids are from herds where CWD has been diagnosed or from herds that have been exposed to CWD. Medium Risk cervids are from herds without known exposure in states where CWD has been diagnosed in captive or free-ranging cervids but do not originate in a prescribed physical proximity where CWD has been diagnosed. Low risk cervids are from CWD monitored herds in states or prescribed physical areas where CWD has not been diagnosed but which have a surveillance/prevention program(s).

(12) Official Certificate of Veterinary Inspection (OCVI). A legible certificate made on an official form from the state of origin or from the United States Department of Agriculture (USDA), issued by an authorized representative, and approved by the chief animal health official of the state of origin.

(13) Trace-forward herd. A herd that has received an animal from a CWD positive herd within sixty (60) months prior to the diagnosis of CWD in the positive herd.

(14) Trace-back herd. A herd in which a CWD positive animal resided in any of the sixty (60) months prior to diagnosis of CWD in the positive herd.

(15) Tuberculosis. The contagious, infectious and communicable disease caused by the bacteria *Mycobacterium bovis*. (Also referred to as bovine tuberculosis).

(16) USDA. United States Department of Agriculture.

Specific Authority 585.002, 585.004, 585.08, 585.145 FS. Law Implemented 585.004, 585.08, 585.145 FS. History—New

5C-26.002 Adoption by Reference Code of Federal Regulations, Title 9, Part 54.7 (2002).

By reference, Code of Federal Regulations, (CFR), 9 CFR 54.7 (2002) is adopted. The family of diseases known as Transmissible Spongiform Encephalopathies (TSEs) includes CWD as well as Scrapie. The management of positive or exposed animals is the same for each disease.

Specific Authority 585.002, 585.004, 585.08, 585.11, 585.145 FS. Law Implemented 585.004, 585.11, 585.145 FS. History—New

5C-26.003 General Requirements for Importation.

(1) All cervidae for importation shall originate from a herd which has a CWD surveillance/prevention program approved by FDACS and currently holds a (CWD) free status. The originating herd status shall be CWD free for sixty (60) months prior to importation of any animals into Florida.

(2) OCVI Required. All cervidae imported into the state, except cervidae consigned directly to a recognized slaughtering establishment, shall be accompanied by an OCVI. The OCVI shall be attached to the waybill or be in the possession of the driver of the vehicle or person otherwise in charge of the animals. The OCVI shall accompany the animals to their final destinations in Florida. Animals entering the state without an OCVI or otherwise entering the state in violation of the provisions of this chapter shall be stopped by an agent, servant, or employee of the FDACS or by any law enforcement officer of the state of Florida or any subdivision of the state. Any person, firm, or association having charge, custody, or control of animals imported in violation shall remove the animals from the state as directed by the FDACS.

(a) All information required on the OCVI shall be fully completed by the issuing veterinarian and shall include the following:

1. The name, physical address and phone number of the consignor;
2. The name, physical address and phone number of the consignee;
3. The point of origin;
4. The point of destination;
5. The date of examination;
6. The number of animals examined;
7. The individual permanent identification number(s) or other identification approved by the FDACS, for each animal;
8. The sex, age, and breed of each identified animal;
9. Test results and herd or state status on CWD, brucellosis and tuberculosis as specified in Rule 5C-26.005;
10. A statement by the issuing veterinarian that the animals identified on the OCVI are free of signs of infectious, communicable or neurologic disease, and;
11. The phone number of the issuing veterinarian.

(b) A copy of the OCVI, approved by the chief animal health official of the state of origin, shall be forwarded immediately to the Florida Department of Agriculture and Consumer Services, Division of Animal Industry, Tallahassee, Florida.

(c) The OCVI shall be void thirty (30) days after issuance.

(3) All cervidae shall have prior permission from the State Veterinarian or FDACS representative prior to importation. This permission will be recorded by a number or certificate which shall accompany the OCVI during any animal movement.

(4) Consignee shall possess, and provide for inspection, a valid FWC license or permit to possess wildlife, as required by rule or law.

(5) Consignee's herd shall be registered and comply with the requirements of the FDACS Cervidae Herd Health Plan.

Specific Authority 585.002, 585.004, 585.08, 585.17, 585.145 FS. Law Implemented 585.004, 585.17, 585.145 FS. History-New

5C-26.004 General Requirements for Intrastate Movement.

(1) Animals being transported totally within the state shall be accompanied by evidence of ownership or authority for possession of the animals or a notarized affidavit of authority to transport. These documents shall disclose:

- (a) The name, physical address and phone number of the consignor;
- (b) The name, physical address and phone number of the consignee;
- (c) The point of origin;
- (d) The point of destination, and;
- (e) The individual permanent identification number(s) or other identification approved by the FDACS for each animal and;

(2) All cervidae shall have prior permission from the State Veterinarian or FDACS representative prior to movement. This permission will be recorded by a number or certificate which shall accompany the animals during movement.

(3) Consignee and consignor shall possess, and provide for inspection, a valid FWC license or permit to possess wildlife, as required by rule or law.

(4) Consignee's and consignor's herds shall be registered and comply with the requirements of the FDACS Cervidae Herd Health Plan.

Specific Authority 585.002, 585.004, 585.08, 585.145 FS. Law Implemented 585.004, 585.17, 585.145 FS. History-New

5C-26.005 Testing Requirements and Exceptions.

(1) Chronic Wasting Disease Test. No test is presently required for importation. To date there is no approved live animal test to detect CWD in cervidae. A positive diagnosis is based on postmortem brain testing at a laboratory certified by USDA for CWD testing. When an approved live animal test is available, a negative test will be required for importation.

(2) Tuberculosis Test.

(a) Cervidae from an Accredited Tuberculosis-Free Herd. No test is required for cervidae which originate from an Accredited Tuberculosis-Free Herd program that is accepted by FDACS. The statement of herd status shall be recorded on the OCVI accompanying the cervidae.

(b) Cervidae not known to be affected with or exposed to tuberculosis may be imported if they:

1. Are under one (1) month of age, or

2. Originate from a herd which has been classified negative to an official tuberculosis test of all eligible animals conducted within the past twelve (12) months, and the animals to be imported have been classified negative to an official tuberculosis test, conducted within ninety (90) days prior to importation, or

3. Have been classified negative to two (2) official tuberculosis tests conducted not less than ninety (90) days apart; the second test was conducted within ninety (90) days prior to importation; and the animals were isolated from all other members of the herd during the testing period.

(c) The tuberculosis test results must be recorded on the OCVI accompanying the cervidae.

(3) Brucellosis Test.

(a) Cervidae from an Accredited Brucellosis-Free Herd. No test is required for cervidae which originate from an Accredited Brucellosis-Free Herd program that is accepted by FDACS. The statement of herd status shall be recorded on the OCVI accompanying the cervidae.

(b) Cervidae not known to be affected with or exposed to brucellosis may be imported if they:

1. Are less than one (1) month of age, or

2. Have a negative official brucellosis test conducted within ninety (90) days prior to importation.

(c) The brucellosis test results shall be recorded on the OCVI accompanying the cervidae.

Specific Authority 585.002, 585.004, 585.08, 585.145 FS. Law Implemented 585.004, 585.16, 585.145 FS. History—New

5C-26.006 Cervidae Herd Health Plan.

It is required that all Cervidae in Florida as defined in subsection 5C-26.001(3), F.A.C., have a Cervidae Herd Health Plan. The Cervidae Herd Health Plan is a written herd management agreement between FDACS and the herd owner. This plan is based upon a thorough epidemiological investigation and risk assessment of the herd and their facility. This plan analyzes the risk of continued disease transmission by clinical and subclinical animals and/or environmental contamination. This plan sets out specific actions to be followed to monitor or survey the herd for specific disease(s) or eradicate specific disease(s) from the herd.

Specific Authority 585.002, 585.004, 585.08, 585.145 FS. Law Implemented 585.004, 585.16, 585.145 FS. History—New

5C-26.007 Quarantine and Disposition of Chronic Wasting Disease (CWD) Positive, Exposed, or Suspect Herds.

Immediate quarantine shall be imposed on all herds diagnosed positive, exposed or suspect for CWD. A Cervidae Herd CWD Management Plan is required for any herds found to have a positive, exposed or suspect animal. Herd plans will be developed for any CWD positive, exposed, or suspect herds by the State and Federal officials in conjunction with the owner and will be subject to approval by the State Veterinarian. Such

plans contain the following options for positive or trace-forward or trace-back herds and shall be adopted within sixty (60) days of a diagnosis of CWD.

(1) For CWD positive herds where whole herd depopulation with/without repopulation occurs, the following shall apply:

(a) Depopulation of the whole herd is the preferred option for this program.

(b) CWD positive animals that are depopulated shall be disposed of according to 9 CFR 54.7 (2002).

(c) The Cervidae Herd CWD Management Plan for a CWD positive herd shall include a premise plan because of possible environmental contamination. Premise plans will include: cleaning and disinfecting actions, future land use in terms of repopulation, maintenance of fencing to limit free-ranging cervid access to the land, and the time period for surveillance before interstate animal movement is allowed if repopulation occurs.

(2) For CWD positive herds where quarantine with/without selective culling of animals occurs, the following shall apply:

(a) Euthanasia, testing and disposal of selected animals; CWD positive animals that are culled shall be disposed of according to 9 CFR 54.7 (2002).

(b) Monthly herd inspection by State or Federal personnel with removal and CWD testing of any suspect animals.

(c) Herd inventory with individual animal identification(s) and annual verification of inventory by State or Federal veterinarians.

(d) Perimeter fencing adequate to prevent fence line contact with captive and free-ranging cervids.

(e) Quarantine of herd for sixty (60) months from the last case.

(f) Herd surveillance (mandatory death reporting and CWD testing of all age animals which die) shall be conducted during the quarantine and shall continue for sixty (60) months from the last case.

(3) For CWD exposed trace-forward herds the following shall apply:

(a) Removal and testing of the exposed animal traced to the herd.

1. If the animal is CWD positive, the herd is considered to be positive and an appropriate Cervidae Herd CWD Management Plan shall be developed as listed above for CWD positive herds.

2. If the animal is negative the Cervidae Herd CWD Management Plan shall contain:

a. Herd inspection by State or Federal personnel with removal and CWD testing of any suspect animals; disposal of CWD positive animals shall be according to 9 CFR 54.7 (2002).

b. Herd inventory with individual animal identification(s) and annual verification(s) by accredited State or Federal veterinarian(s).

c. Herd surveillance (mandatory death reporting and CWD testing of all age animals which die for sixty (60) months from date of removal of the trace animal from the herd.

(b) If the exposed animal traced to the herd is not removed the herd shall become a positive quarantined herd and the following shall apply:

1. Herd surveillance (mandatory death reporting and CWD testing of all age animals which die) shall be conducted during the quarantine and shall continue for sixty (60) months from the last case.

2. Quarantine of herd for sixty (60) months from date of arrival of the exposed animal traced to the herd. However, if the herd has been participating in surveillance as part of a herd certification program, surveillance done after the arrival of the exposed animal may count as time in quarantine at the discretion of the State Veterinarian.

(4) For CWD exposed trace-back herds the following shall apply:

(a) Monthly herd inspection by State or Federal personnel with removal and CWD testing of any suspect animals; disposal of these animals shall follow 9 CFR 54.7(2002).

(b) Herd inventory with individual animal identification(s) and annual verification(s) by accredited State or Federal veterinarian(s).

(c) Quarantine of herd for sixty (60) months from the last case traced back to the herd. Length of quarantine may be altered by the State Veterinarian if epidemiology suggests the herd is not the herd of origin of disease for the positive animal traced-back to the herd. Also, if the herd has been participating in surveillance as part of the herd certification program, surveillance done after arrival of the exposed animal may count as time in quarantine at the discretion of the State Veterinarian.

(d) Herd surveillance (mandatory death reporting and CWD testing of all age animals shall be conducted during the quarantine and shall continue for sixty (60) months from date the CWD positive animal left the herd.

(5) A suspect herd is a herd with any cervid exhibiting neurologic or other symptoms consistent with CWD.

Specific Authority 585.002, 585.004, 585.08, 585.145 FS. Law Implemented 585.004, 585.17, 585.145, 585.23 FS. History–New

5C-26.008 Exceptions.

Exceptions to the movement requirements in this rule shall be determined by the State Veterinarian or FDACS representative. Cervids that are classified by the Movement Risk Assessment as Low Risk for CWD may be considered for waiver of this rule based upon sound scientific information then available. Cervids that are classified as High Risk for CWD or Medium Risk for CWD shall not be subject to a waiver.

Specific Authority 585.002, 585.004, 585.08, 585.145 FS. Law Implemented 585.004, 585.17, 585.145 FS. History–New

5C-26.009 Dangerous Transmissible Disease.

Chronic Wasting Disease, or signs of any neurological disease in Cervidae, is declared to be a dangerous, transmissible disease of animals and constitutes a public nuisance. Any person who has knowledge of the existence of this disease, or signs of any neurological disease in Cervidae in the state, shall immediately report same to the State Veterinarian.

Specific Authority 585.002, 585.004, 585.08, 585.145, 585.15, 585.18 FS. Law Implemented 585.004, 585.145, 585.15, 585.18 FS. History–New

NAME OF PERSON ORIGINATING PROPOSED RULE: Dr. Ashby Green, Chief, Bureau of Animal Disease Control, Division of Animal Industry

NAME OF PERSON OR SUPERVISOR WHO APPROVED THE PROPOSED RULE: Dr. Lee Coffman, Director, Division of Animal Industry

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: May 1, 2002

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: May 10, 2002

DEPARTMENT OF CORRECTIONS

RULE TITLE: News Media Visitors
 RULE NO.: 33-104.101

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to clarify the definition of news media and the process for arranging news media visits.

SUMMARY: The proposed rule is to clarify the definition of news media and the process for arranging news media visits.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None.

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

SPECIFIC AUTHORITY: 20.315, 944.09 FS.

LAW IMPLEMENTED: 944.09, 944.23 FS.

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

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

THE FULL TEXT OF THE PROPOSED RULE IS:

33-104.101 News Media Visitors.

(1) Permission for visits by bona fide news media representatives shall not be unreasonably withheld. This shall apply for visits to inmates other than those confined under

sentence of death. Section 33-104.201-204, Florida Administrative Code, shall govern procedures for media interviews with inmates under sentence of death. It shall be the responsibility of the news media representatives requesting the visitation to present to the public affairs office warden, or his designee, evidence sufficient to establish that such person is a bona fide news media representative, and to provide the information sufficiently in advance that it may be verified.

(a) News media representatives consist of persons whose principal employment is gathering and reporting news for a:

1. Radio or television program whose primary purpose is news reporting for a licensee of the Federal Communications Commission;

2. Newspaper reporting general interest information news and circulated to the public in the community where it is published;

3. News magazine that has a national circulation, is sold by mail subscriptions, or on newsstands to the general public; and

4. National or international news service.

(b) News media visits to correctional facilities shall be pre-arranged with the public affairs office. News media representatives shall request access to the facility in writing and shall provide the following information:

1. Full name, date of birth, race and gender for all persons entering the facility;

2. Purpose of visit;

3. Identity of staff or offender to be seen, if applicable; and

4. Proposed use of camera or other recording devices. The warden must approve possession of news media cameras and recording devices before they are allowed into the facility.

(c) News media representatives must provide positive identification. Foreign media must have an "I" Visa on their passports.

(d) Representatives of news media visiting a facility are subject to search per Rule 33-601.726, F.A.C.

(e) News media representatives must be escorted by staff. Random access not specific to the purpose of the visit is prohibited.

(f) During an emergency, news media representatives will be restricted to a designated media center.

(g) Interviews and photographs of on-duty staff shall be permitted only with prior authorization of the public affairs office and the staff member.

1. Department employees are not permitted to accept compensation for on-duty news media interviews.

2. Photographing on-duty staff without their permission is prohibited.

(2) No change.

(3) A request from a news media representative for an interview with a specific inmate shall include the name of the inmate and such other identification as the media

representative might possess. The request for an interview shall be made to the Department of Corrections Public Affairs Information Services Office in Tallahassee. Interviews may be granted, subject to prior approval of such interview by the inmate. The time and duration of the interview shall be determined by the public affairs office. Such interviews may be refused if:

(a) through (e) No change.

(4) News media representatives desiring to visit must be fully clothed, which includes shoes. Visitors shall not be admitted to the visiting area if they are not appropriately clothed or are dressed in revealing attire. Examples of inappropriate attire are: miniskirts, see-through blouses, bra-less attire, tank tops, swimsuits, shorts, undershirts, and other like attire.

Specific Authority 20.315, 944.09 945.24 FS. Law Implemented 944.09, 944.23, 945.24 FS. History—New 10-6-83, Formerly 33-5.14, Amended 6-20-85, Formerly 33-5.014, Amended.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Sterling Ivey

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Michael W. Moore

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: July 29, 2002

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: July 5, 2002

**AGENCY FOR HEALTH CARE ADMINISTRATION
Medicaid**

RULE CHAPTER TITLE: Ron Silver Senior Drug Program
RULE CHAPTER NO.: 59G-12

RULE TITLES: Purpose 59G-12.001
Definitions 59G-12.002
Eligibility/Enrollment 59G-12.003
Program Administration 59G-12.004
Program Forms 59G-12.005

PURPOSE AND EFFECT: The purpose of this rule is to provide a framework by which the Agency for Health Care Administration will administer subsections (1) and (2) of Section 409.9065, Florida Statutes, the Ron Silver Senior Drug Program.

SUMMARY: The purpose of these rules is to enable the Agency to implement the Ron Silver Senior Drug Program, to replace the Emergency rules, in order to provide a pharmacy benefit to low-income elderly residents of Florida and help address the need for prescription drug coverage.

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

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

SPECIFIC AUTHORITY: 409.965(4)(b) FS.

LAW IMPLEMENTED: 409.965(4)(b) 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., September 9, 2002

PLACE: Conf Room C, Bldg 3, 2727 Mahan Drive, Tallahassee, FL 32308

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Matthew Dull, Medicaid Pharmacy Services, 2727 Mahan Drive, MS 38, Tallahassee, Florida 32317-2600, (850)487-4441

THE FULL TEXT OF THE PROPOSED RULES IS:

CHAPTER 59G-12 – RON SILVER SENIOR
DRUG PROGRAM

59G-12.001 Purpose.

The purpose of these rules is to implement the Ron Silver Senior Drug Program (program) to be administered by the Agency for Health Care Administration as directed in subsections (1) and (2) of Section 409.9065, Florida Statutes. The program will provide a pharmacy benefit to low-income elderly residents of Florida to help address the need for prescription drug coverage.

Specific Authority 409.9065(4)(b) FS. Law Implemented 409.9065(4)(b) FS. History–New

59G-12.002 Definitions.

(1) The Agency for Health Care Administration (agency) is the single state Medicaid agency and the state agency designated to administer the Ron Silver Senior Drug Program, which will be known as the ‘Silver Saver’ program.

(2) The Department of Children and Families, in accordance with section 409.902, Florida Statutes, will determine the eligibility of individuals applying for enrollment in the Ron Silver Senior Drug Program.

(3) The Department of Elder Affairs will assist the Agency for Health Care Administration in designing and implementing outreach and education for the program through the SHINE (Serving Health Insurance Needs of Elders) toll-free hotline and other outreach and educational initiatives.

(4) The Ron Silver Senior Drug Program is a Medicaid program providing prescribed drug benefits to individuals aged 65 and older meeting certain other eligibility criteria and who do not otherwise receive a pharmacy benefit from Medicaid.

The program is being implemented under an approved Federal Section 1115 waiver. The program shall be known as the ‘Silver Saver’ program.

(5) Under the Silver Saver Program eligible and enrolled individuals may receive a pharmacy benefit of up to \$160 per month.

Specific Authority 409.9065(4)(b) FS. Law Implemented 409.9065(4)(b) FS. History–New

59G-12.003 Eligibility/Enrollment.

For state fiscal year 2002-03, enrollment in the Silver Saver Program will be limited to a monthly enrollment ceiling of 58,472. An individual may be determined eligible for the program but not enrolled if there is no available enrollment space. Enrollment will occur each month comparing enrollment against the enrollment ceiling. If additional enrollment spaces are available because of terminations, eligibles will be added to the enrollment roster in the date order of eligibility determinations. An individual will not have access to the pharmacy benefits in this program until determined both eligible and enrolled. Enrollment will begin in the month in which the agency notifies an individual that he is enrolled.

(1) To be eligible for the Silver Saver Program an individual must meet the following criteria:

(a) Be a Florida resident and age 65 or older;

(b) Be eligible for Medicare;

(c) Have an income level between 88 and 120 percent of the federal poverty level;

(d) Not be enrolled in a Medicare health maintenance organization that provides a pharmacy benefit; and

(e) Be already enrolled in the Medicaid program under the Qualified Medicare Beneficiaries eligibility category, the Specified Low-Income Medicare Beneficiaries eligibility category, or meet the income and other qualifying criteria for either category but has not been subject to an assets test in determining eligibility. If eligibility was established without an assets test the individual is eligible for a drug only benefit and not the other benefits afforded to Qualified Medicare Beneficiaries or Specified Low-Income Medicare Beneficiaries.

(2) To be enrolled in the Silver Saver Program an individual must be determined eligible for the program, notified by the agency of enrollment in the program and activation of the drug benefit, and provided with a Medicaid identification card if the enrollee does not already have one.

(3) Eligibility for the Silver Saver Program will be determined by the Department of Children and Families.

(4) Individuals who meet the eligibility requirements are not mandated to participate in the program.

Specific Authority 409.9065(4)(b) FS. Law Implemented 409.9065(4)(b) FS. History–New

59G-12.004 Program Administration.

(1) The agency shall administer the Silver Saver Program.

(2) The agency will implement the beneficiary cost-sharing requirement as follows:

(a) No premium, enrollment fee or annual deductible will be charged to the beneficiary; and

(b) A mandatory three-tiered co-payment as follows: \$2.00 for generic drugs; \$5.00 for brand name drugs listed on the Medicaid Preferred Drug List (PDL); and \$15.00 for brand name drugs not listed on the Medicaid PDL.

(3) All current Medicaid pharmacy benefit management programs will be used with this population, including, a limit of four brand-name prescriptions per month with prior authorizations required for exceptions to the limit, clinical and PDL prior authorizations, drug utilization review (DUR), intensified benefits management and other cost control measures;

(4) All drugs must be purchased through Medicaid participating pharmacies.

(5) A Medicaid participating pharmacy is not required to dispense a Medicaid reimbursable drug until the beneficiary has met his cost-sharing requirement.

(6) All drugs will qualify for all federal and state supplemental rebate agreements.

(7) Medicaid will be considered the payer of last resort as any other insurance benefits must be used prior to payment by Medicaid.

(8) The agency, through the Medicaid fiscal agent, will maintain a waiting list for individuals determined to be eligible by the Department of Children and Families but who cannot be enrolled due to the enrollment ceiling.

(9) The agency will review the status of eligibles each month and move eligible individuals into enrollment status as openings occur.

(10) The Department of Children and Families, in accordance with section 409.902, Florida Statutes, shall

(a) Determine eligibility;

(b) Develop and distribute applications for the program; and

(c) Receive and process applications to determine eligibility.

(11) The Department of Elder Affairs will assist the agency in coordinating outreach to and education for potential eligibles through the SHINE (Serving Health Insurance Needs of Elders) toll-free hotline and other marketing and educational approaches.

Specific Authority 409.9065(4)(b) FS. Law Implemented 409.9065(4)(b) FS. History—New

59G-12.005 Program Forms.

The following forms shall be used by the Silver Saver program, and are hereby incorporated by reference and available through either the agency or the Department of Children and Families:

(1) Silver Saver Application form, developed by the Department of Children and Families.

(2) Recipient notifications of eligibility and enrollment, developed by the Department of Children and Families and the agency, respectively.

Specific Authority 409.9065(4)(b) FS. Law Implemented 409.9065(4)(b) FS. History—New

NAME OF PERSON ORIGINATING PROPOSED RULE:
Sandy Berger

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 7, 2002

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: July 19, 2002

DEPARTMENT OF ENVIRONMENTAL PROTECTION

DOCKET NO.: 02-36R

RULE CHAPTER TITLE: Air Pollution Control – General

RULE CHAPTER NO.:

Provisions 62-204

RULE TITLE: Federal Regulations Adopted by Reference

RULE NO.:

62-204.800

PURPOSE, EFFECT AND SUMMARY: The proposed rule amendments update through June 30, 2002, the adoptions by reference of air pollution regulations promulgated by the U.S. Environmental Protection Agency (EPA) at 40 CFR Parts 50, 55, 59, 60, 61, and 63.

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

DEPARTMENT OF ENVIRONMENTAL PROTECTION

DOCKET NO.:02-28R

RULE CHAPTER TITLE: Stationary Sources – General

RULE CHAPTER NO.:

Requirements 62-210

RULE TITLE: Citrus Juice Processing Facilities

RULE NO.:

62-210.340

PURPOSE: The department is providing an opportunity for public participation in the rule adoption process for proposed Rule 62-210.340, FAC., and an opportunity for public comment on its intent to submit to the U.S. Environmental Protection Agency (EPA), as a proposed revision to the State Implementation Plan (SIP) under the Clean Air Act, as a

revision to, and the Department’s approved Title V Permit Program. The new rule language, along with legislation enacted in 2000 and codified at Section 403.08725 of the Florida Statutes, is being proposed as “Part 70 General Permit” under the Title B Permit Program. The statute and rule set emission limits and testing and compliance requirements for the twenty-five existing citrus juice processing facilities in Florida.

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

DEPARTMENT OF ENVIRONMENTAL PROTECTION

DOCKET NO.: 02-29R

RULE CHAPTER TITLE: Stationary Sources – Emissions
 RULE CHAPTER NO.: 62-297

Monitoring
 RULE TITLE: 62-297.440
 Supplementary Test Procedures

PURPOSE AND EFFECT: The Department is updating its adoption by reference of the American Society for Testing and Materials test methodologies.

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

DEPARTMENT OF HEALTH

Board of Clinical Laboratory Personnel

RULE TITLES: Supervisor 64B3-5.002
 Technologist 64B3-5.003
 Technician 64B3-5.004
 Director; Limitations and Qualifications 64B3-5.007

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

SUMMARY: The Board determined that Cytogenetics Technologists may qualify for licensure by passage of the national examination. Additionally, the Board shall require one (1) hour of HIV/AIDS education for all categories of clinical laboratory licensure.

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

Any person who wishes to provide information regarding the statement of estimated costs, or 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), 483.811(2), 483.823 FS.

LAW IMPLEMENTED: 381.0034, 483.800, 483.809, 483.815, 483.823 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE HELD AT A TIME, DATE AND PLACE TO BE PUBLISHED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.

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

64B3-5.002 Supervisor.
 Qualifications and Responsibilities.

(1) Qualification. Degrees or semester hours of academic credit required in this section shall be obtained at a regionally accredited college or university or by foreign education equated pursuant to subsection 64B3-6.002(6), F.A.C. In order to be licensed as a supervisor, an applicant shall have one hour ~~four hours~~ of Board approved HIV/AIDS continuing education and one of the following:

- (a) through (i) No change.
- (2) No change.

Specific Authority 483.805(4), 483.823 FS. Law Implemented 381.0034, 483.800, 483.809, 483.815, 483.823 FS. History—New 12-6-94, Amended 7-12-95, 12-4-95, Formerly 59O-5.002, Amended 5-26-98, 1-11-99, 6-10-99, 3-11-01, 9-19-01, 5-23-02, _____.

64B3-5.003 Technologist.

(1) Technologist Qualifications. Degrees or semester hours of academic credit required in this section shall be obtained at a regionally accredited college or university or, if foreign education, equated pursuant to subsection 64B3-6.002(6), F.A.C. All associate degrees used to qualify shall include, at a minimum, 60 semester hours of academic credit including a total of 16 semester hours of academic biological and/or chemical science. Applicants for technologist licensure in the categories of microbiology, serology/immunology, chemistry, hematology, immunohematology, radioassay, histocompatibility, blood banking and blood gas analysis shall have one hour ~~four hours~~ of Board approved HIV/AIDS continuing education and at a minimum have one of the following:

- (a) through (k) No change.
- (2) through (3) No change.

(4) Qualifications for Cytogenetics Technologists. In the category of cytogenetics, applicants for technologist licensure shall have a minimum of a baccalaureate degree in clinical laboratory, chemical or biological science, four hours of Board approved HIV/AIDS continuing education and have one of the following:

- (a) Successfully completed a technologist level, accredited or Board approved program in cytogenetics.
- (b) One year of pertinent clinical laboratory experience in cytogenetics.

(c) Successfully passed the cytogenetics examination given by NCA (National Certification Agency for Medical Laboratory Personnel).

(5) through (6) No change.

Specific Authority 483.805(4), 483.811(2), 483.823 FS. Law Implemented 381.0034, 483.800, 483.809, 483.811(2), 483.815, 483.823 FS. History—New 12-6-94, Amended 7-12-95, 9-10-95, 12-4-95, Formerly 59O-5.003, Amended 5-26-98, 1-11-99, 7-5-01, 3-24-02,_____.

64B3-5.004 Technician.

(1) No change.

(2) Qualifications for General Laboratory Technicians. In order to be licensed as a general laboratory technician which includes the categories of microbiology, serology/immunology, chemistry, hematology, and immunohematology, an applicant shall have one hour ~~four (4) hours~~ of Board approved HIV/AIDS continuing education, a minimum of a high school diploma or a high school equivalency diploma and one of the following:

(a) through (e) No change.

(3) through (6) No change.

Specific Authority 483.805(4), 483.811(2), 483.823 FS. Law Implemented 381.0034, 483.800, 483.809, 483.811(2), 483.815, 483.823 FS. History—New 12-6-94, Amended 7-12-95, 12-4-95, Formerly 59O-5.004, Amended 5-26-98, 9-20-98, 1-11-99, 8-31-99, 9-27-00, 12-26-00, 4-29-02,_____.

64B3-5.007 Director; Limitations and Qualifications.

(1) through (3) No change.

(4) Qualifications – Non-Physician Directors. Degrees or semester hours of academic credit required in this section shall be obtained at an accredited college or university or by foreign education equated pursuant to subsection 64B3-6.002(6), F.A.C. Currently licensed directors who no longer meet the provisions of Rule 64B3-5.007, F.A.C., can retain and renew their director’s license. In order to be licensed as a director, an applicant shall have one hour ~~four hours~~ of Board approved HIV/AIDS continuing education and shall meet the following requirements: holds an earned doctoral degree with a chemical, biological or clinical laboratory science as a major and is certified in one of the laboratory specialties by an agency recognized by the U.S. Department of Education or the U.S. Department of Health and Human Services which includes the American Board of Medical Microbiology, the American Board of Clinical Chemistry, the American Board of Medical Genetics, the American Board of Bioanalysis, the American Board of Medical Laboratory Immunology, and the American Board of Histocompatibility and Immunogenetics.

Specific Authority 483.051, 483.805(4) FS. Law Implemented 483.041(5), 483.051(1), 483.811(2), 483.823(1), 483.824 FS. History—New 6-6-85, Formerly 10D-41.67, Amended 3-11-90, Formerly 10D-41.067, Amended 7-1-97, Formerly 59O-5.007, Amended 5-26-98, 3-2-99, 3-24-02,_____.

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: June 21, 2002

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

DEPARTMENT OF HEALTH

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

RULE TITLE: Examination for Licensure
RULE NO.: 64B4-3.003

PURPOSE AND EFFECT: The Board proposes to amend the rule to eliminate unnecessary language.

SUMMARY: Rule 64B4-3.003, F.A.C., eliminates the objective multiple choice examination for licensure for Mental Health counselors.

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

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

SPECIFIC AUTHORITY: 456.017, 491.004(5) FS.

LAW IMPLEMENTED: 456.017, 491.005 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Sue Foster, Executive Director, Board of Clinical Social Work, Marriage and Family Therapy and Mental Health/MQA, 4052 Bald Cypress Way, Tallahassee, Florida 32399

THE FULL TEXT OF THE PROPOSED RULE IS:

64B4-3.003 Examination for Licensure.

(1) through (3)(a)1. No change.

2. An applicant for licensure as a clinical social worker is not required to take the theory and practice Part II of subparagraph 64B4-3.003(5)(a)1., F.A.C., of the licensure examination if the following conditions are met:

a. The applicant has taken the Clinical Level objective multiple choice ASWB ~~AASSWB~~ examination within the last five years; and

b. The applicant earned the national passing score on the Clinical Level objective multiple choice ASWB ~~AASSWB~~ examination.

~~(b)~~ MENTAL HEALTH COUNSELORS

~~1. The national counselor examination shall be an objective multiple choice examination developed by the National Board of Certified Counselors (NBCC). All items shall be weighed equally in scoring the examination. The minimum passing score shall be the recommended cut off score provided by the national vendor and established according to the Angoff procedure. Candidates' raw scores are converted to a scaled score. The passing score is a scaled score of 75.~~

~~2. An applicant for licensure as a mental health counselor is not required to take the theory and practice of paragraph 64B4-3.003(3)(b), F.A.C., of the licensure examination if the following conditions are met:~~

~~a. The applicant has taken the National Counselor Examination within the last five years; and~~

~~b. The applicant earned the national passing score on the National Counselor Examination.~~

~~(b)(e)~~ MENTAL HEALTH COUNSELORS.

The National Clinical Mental Health Counseling Examination (NCMHCE) shall be a clinical simulation examination developed by the National Board for Certified Counselors (NBCC). All options are given a weight based upon the level of appropriateness for good client care. The minimum pass level shall be the recommended cut-off score provided by the NBCC and established according to a content-based modified Angoff procedure.

~~(c)(d)~~ MARRIAGE AND FAMILY THERAPISTS.

1. through 2.b. No change.

Specific Authority 456.017, 491.004(5) FS. Law Implemented 456.017, 491.005 FS. History--New 3-21-90, Amended 7-31-91, 3-10-92, 6-1-92, 1-27-93, Formerly 21CC-3.003, Amended 3-14-94, 7-20-94, Formerly 61F4-3.003, Amended 12-22-94, 9-18-95, 11-13-96, 6-1-97, Formerly 59P-3.003, Amended 8-8-99, 1-11-00, 7-2-00, 8-24-00.

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

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 30, 2002

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: June 14, 2002

DEPARTMENT OF HEALTH

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

RULE TITLES:	RULE NOS.:
Application, Examination and Initial Active Status License Fee for Licensure by Examination	64B4-4.002
Registered Intern Registration Fee and Subsequent Examination Fee	64B4-4.015

PURPOSE AND EFFECT: The Board proposes to amend these rules to remove or replace obsolete language, clarify fees for licensure, and establish the guidelines for fee refunds.

SUMMARY: Rule 64B4-4.002, F.A.C., reduces the amount of fees Marriage and Family Therapists and Mental Health Counselors have to pay. The rule also specifies that only applicants that are ruled ineligible for licensure may receive a fee refund. Rule 64B4-4.015, F.A.C., eliminated the subsequent examination fees that registered interns had to pay.

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

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

SPECIFIC AUTHORITY: 491.004(5), 491.005 FS.

LAW IMPLEMENTED: 491.0045(2)(a), 491.005 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Sue Foster, Executive Director, Board of Clinical Social Work, Marriage and Family Therapy and Mental Health/MQA, 4052 Bald Cypress Way, Tallahassee, Florida 32399

THE FULL TEXT OF THE PROPOSED RULES IS:

64B4-4.002 Application, Examination and Initial Active Status License Fee for Licensures by Examination.

(1) (a) No change.

(b) Marriage and Family Therapy – \$100 application fee, ~~\$224~~ \$475 national examination fee and \$105 initial licensure fee for a total of ~~\$680~~. The above-stated fees shall also be applicable to dual licensure applicants.

(c) Mental Health Counseling – \$100 application fee, ~~\$120~~ \$300 national examination fee, and \$105 initial licensure fee.

~~(2) The examination fees are refundable only if the applicant is ruled ineligible to take the examination or the applicant notifies the Department of cancellation in writing at least 45 days prior to the examination date for which the applicant was scheduled and submits a written request to the Department for a refund.~~

~~(2)(3) The initial licensure fee is refundable only if the applicant is ruled ineligible for licensure and the applicant submits a written request to the Department for a refund.~~

~~(4) The fees for reexamination which are in addition to the \$100 application are:~~

~~(a) Marriage and Family Therapy — for the national examination only — \$475.~~

~~(b) Mental Health Counseling — for the national examination only — \$150~~

~~(5) The reexamination fees are refundable only if the applicant notifies the Department of a cancellation at least 45 days prior to the examination for which the applicant was scheduled and submits a written request to the Department for a refund.~~

Specific Authority 491.004(5), 491.005 FS. Law Implemented 491.005 FS. History—New 4-3-89, Amended 4-19-92, Formerly 21CC-4.002, 61F4-4.002, Amended 12-22-94, 7-6-95, 1-7-96, 3-5-96, Formerly 59P-4.002, Amended 1-25-98, 10-18-99, 8-9-00, 10-9-00, _____.

64B4-4.015 Registered Intern Registration Fee and Subsequent Examination Fee.

(4) The nonrefundable application for registered intern registration is \$150.

~~(2) The fees for application and examination for a registered intern who has completed the post graduate clinical experience requirements specified in Section 491.005, F.S., are:~~

~~(a) for clinical social work — \$75 laws and rules examination fee,~~

~~(b) for marriage and family therapy — \$250 for the national examination plus \$75 for the laws and rules examination,~~

~~(3) The examination fees are refundable only if the applicant is ruled ineligible to take the examination or if the applicant notified the Department of a cancellation at least 45 days prior to the examination for which the applicant was scheduled.~~

Specific Authority 491.004(5) FS. Law Implemented 491.0045(2)(a), 491.005 FS. History—New 3-2-98, Amended 10-9-00, _____.

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 30, 2002

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: June 14, 2002

DEPARTMENT OF HEALTH

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

RULE TITLE: Disciplinary Guidelines RULE NO.: 64B4-5.001

PURPOSE AND EFFECT: The Board proposes to amend the disciplinary guidelines.

SUMMARY: Rule 64B4-5.001, F.A.C., is being amended to remove or replace obsolete language and to provide more guidance in the area of disciplinary guidelines.

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: 456.079, 491.004(5) FS.

LAW IMPLEMENTED: 456.079, 491.009 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Sue Foster, Executive Director, Board of Clinical Social Work, Marriage and Family Therapy and Mental Health/MQA, 4052 Bald Cypress Way, Tallahassee, Florida 32399

THE FULL TEXT OF THE PROPOSED RULE IS:

64B4-5.001 Disciplinary Guidelines.

(1) When the Board finds an applicant, licensee, registered intern, provisional licensee, or certificate holder whom it regulates under Chapter 491, Florida Statutes, has committed any of the acts set forth in Section 456.072(1), Florida Statutes, or Section 491.009(2), Florida Statutes, it shall issue a final order imposing appropriate penalties as recommended in the following disciplinary guidelines.

(a) Attempting to obtain, obtaining, or renewing a license under Chapter 491, Florida Statutes, by bribery or fraudulent misrepresentation or through an error of the Board or the Department.

(s. 456.072(1)(h)(a) & s. 491.009(1)(a))

	MINIMUM	MAXIMUM
FIRST OFFENSE:	\$500 fine and reprimand	denial or \$1000 fine and revocation
SECOND OFFENSE:	\$1000 fine and probation	permanent denial and \$1000 fine and permanent revocation;

(b) through (p) No change.

(q) Violating provisions of Chapter 491, Florida Statutes, or of Chapter ~~456~~ **455, Part II**, Florida Statutes, or any rule adopted pursuant thereto.

(s. 491.009(1)(w))

	MINIMUM	MAXIMUM
FIRST OFFENSE:	\$500 fine and reprimand	\$1000 fine and probation
SECOND OFFENSE	\$1000 fine and probation	\$1000 fine and 1 year suspension followed by probation;
THIRD OFFENSE	\$100 fine and 1 year suspension followed by probation	denial or \$1000 fine and revocation;

(r) through (hh) No change.

~~(ii) Using information about people involved in motor vehicle accidents for the purposes of solicitation. (s. 456.072(1)(x))~~

	MINIMUM	MAXIMUM
FIRST OFFENSE:	reprimand	\$500 fine;
SECOND OFFENSE:	\$500 fine	\$1000 fine;
THIRD OFFENSE:	reprimand and \$1000 fine	probation and \$1000 fine

~~(ii)(j)~~ Testing positive for any drug on any confirmed preemployment or employer-ordered drug screening. (s. 456.072(1)(a), F.S.)

	MINIMUM	MAXIMUM
FIRST OFFENSE:	probation and \$500 fine	suspension followed by probation and \$750 fine;
SECOND OFFENSE:	suspension to be followed by probation and \$750 fine	revocation and \$1000 fine;

~~(j)(k)~~ Having a license or certificate to practice any regulated profession revoked, suspended, or otherwise acted against, including the denial of certification or licensure by another state, territory, or country. (s. 456.072(1)(f))

	MINIMUM	MAXIMUM
FIRST OFFENSE:	\$1000 fine and reprimand	denial or \$1000 fine and revocation;
SECOND OFFENSE:	\$1000 fine and probation	permanent denial or \$1000 fine and revocation;
THIRD OFFENSE:	\$1000 fine, year suspension followed by probation	permanent denial or \$100 fine and revocation;

(2) In instances when a registrant or applicant is found guilty of any of the above offenses involving fraud or making a false or fraudulent representation, the Board shall impose a fine of \$10,000.00 per count or offense.

~~(3)(2)~~ 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. The Board shall consider as aggravating or mitigating factors the following:

(a) through (l) No change.

~~(4)(3)~~ The provisions of Sections (1) through (2) above shall not be constructed so as to prohibit civil action or criminal prosecution as provided in Section 456.072 or Section 491.012, Florida Statutes, and the provisions of Sections (1) through (2) above shall not be construed so as to limit the ability of the Board to enter into binding stipulations with accused parties as per Section 120.57(4), Florida Statutes.

Specific Authority 456.079, 491.004(5) FS. Law Implemented 456.079, 491.009 FS. History--New 3-5-89, Amended 1-3-91, 6-1-92, Formerly 21CC-5.001, Amended 1-9-94, Formerly 61F4-5.001, Amended 12-22-94, Formerly 59P-5.001, Amended 12-11-97, 10-1-00, 2-5-01, _____.

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

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 30, 2002

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: June 14, 2002

DEPARTMENT OF HEALTH

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

RULE TITLES: Documentation of Continuing Education Credits

RULE NOS.: 64B4-6.003

Approval of Continuing Education Courses on Prevention of Medical Errors

64B4-6.009

PURPOSE AND EFFECT: The Board proposes to amend these rules to provide specific guidance in the area of continuing education credits and courses.

SUMMARY: Rules 64B4-6.003 and 64B46.009, F.A.C., are amended to update the continuing education information for this chapter and to meet the requirements of the statutory mandate of Section 456.013(7), Florida Statutes. Rule 64B4-6.003, F.A.C., provides for precicensure audits of the continuing education requirements. Rule 64B4-6.009, F.A.C., details the new requirement for a course on Prevention of Medical Errors.

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

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

SPECIFIC AUTHORITY: 456.013(7), 491.004(5), 491.0085 FS.

LAW IMPLEMENTED: 456.013(7), 491.0085 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Sue Foster, Executive Director, Board of Clinical Social Work, Marriage and Family Therapy and Mental Health/MQA, 4052 Bald Cypress Way, Tallahassee, Florida 32399

THE FULL TEXT OF THE PROPOSED RULES IS:

64B4-6.003 Documentation of Continuing Education Credits.

(1) through (4) No change.

(5) The Board shall also conduct prelicensure renewal audits of randomly selected licenses. Within 21 days of a request from the Board or Department, the licensee must provide evidence of completion of the continuing education courses that have been completed by the licensee to date in the manner outlines in paragraphs (4)(a)-(d).

Specific Authority 491.004(5), 491.0085 FS. Law Implemented 491.0085 FS. History--New 4-4-89, Formerly 21CC-6.003, 61F4-6.003, Amended 1-7-96, Formerly 59P-6.003, Amended.

64B4-6.009 Approval of Continuing Education Courses on Prevention of Medical Errors.

(1) All licensees must complete a two hour course on prevention of medical errors, which meets the criteria of s. 456.013(7), F.S., as part of the total hours of continuing education required for initial licensure and biennial renewal.

Specific Authority 456.013(7), 491.004(5), 491.0085 FS. Law Implemented 456.013(7), 491.0085 FS. History--New

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

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 30, 2002

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: June 14, 2002

DEPARTMENT OF HEALTH

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

RULE TITLE: Course Content RULE NO.: 64B4-22.110

PURPOSE AND EFFECT: The Board is amending these rules to add language regarding course requirements for substance abuse courses.

SUMMARY: Rule 64B4-22.110, F.A.C., includes an addition of course content on a substance abuse course which the Board has added to rule.

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

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

SPECIFIC AUTHORITY: 491.004(5) FS.

LAW IMPLEMENTED: 491.005(3) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Sue Foster, Executive Director, Board of Clinical Social Work, Marriage and Family Therapy and Mental Health/MQA, 4052 Bald Cypress Way, Tallahassee, Florida 32399

THE FULL TEXT OF THE PROPOSED RULES IS:

64B4-22.110 Course Content.

The course requirements set forth in Section 491.005(3), F.S., shall contain the following content:

(1) through (12) No change.

(13) Substance Abuse. This course includes research and theories of substance use and abuse; principles and practices for the treatment of substance abuse and addiction; and the promotion of responsible behavior.

Specific Authority 491.004(5) FS. Law Implemented 491.005(3) FS. History--New 8-20-92, Amended 1-27-93, Formerly 21CC-22.110, Amended 2-22-94, Formerly 61F4-22.110, 59P-22.110, Amended.

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

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 30, 2002

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: June 14, 2002

DEPARTMENT OF HEALTH

Board of Psychology

RULE TITLE: Mediation RULE NO.: 64B19-17.007

PURPOSE AND EFFECT: The Board proposes to add text to give the specific instances in which mediation will be allowed.

SUMMARY: The specific instances in which mediation is allowed upon approval of a designee of the board are violations of Section 490.009(1)(t), Section 490.009(1)(n), and Section 490.009(1)(r), 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 to provide a proposal for a lower cost regulatory alternative must do so in writing within 21 days of this notice.

SPECIFIC AUTHORITY: 490.004(4),(5), 456.078 FS.
LAW IMPLEMENTED: 490.009(2)(i),(n),(r),(t), 456.078 FS.
IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE FAW.
THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Kaye Howerton,, Executive Director, Board of Psychology, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3255

THE FULL TEXT OF THE PROPOSED RULE IS:

64B19-17.007 Mediation.

The following offenses may be mediated upon approval of a designee of the board:

(1) Violation of Section 490.009(1)(t), F.S. (a licensee’s failure to pay an administrative fine on time, and within 30 days of the due date: payment of fine and cost of mediation) assuming that payment has been made.

(2) Violation of Section 490.009(1)(n), F.S. (failing to make available a report of examination or treatment upon written request from the service user – first offense): cost of mediation.

(3) Violation of Section 490.009(1)(r), F.S. (regarding allegations arising from a court-appointed evaluation).

Specific Authority 490.004(4),(5), 456.078 FS. Law Implemented 490.009(2)(i),(n),(r),(t), 456.078 FS. History–New 3-20-95, Formerly 59AA-18.009, 59AA-17.007, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Board of Psychology
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Psychology
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 8, 2002
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: July 12, 2002

DEPARTMENT OF HEALTH

Board of Psychology

RULE TITLE: Qualifications to Practice Juvenile Sexual Offender Therapy
RULE NO.: 64B19-18.0025

PURPOSE AND EFFECT: The Board proposes to better define the requirements for certification for the practice of juvenile sex offender therapy.

SUMMARY: This Rule gives specific course work to be completed in order to be certified to practice juvenile sex offender therapy.

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: 490.004(4), 490.012(8), 490.0145 FS.

LAW IMPLEMENTED: 490.012(8), 490.0145 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Kaye Howerton, Executive Director, Board of Psychology, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3253

THE FULL TEXT OF THE PROPOSED RULE IS:

64B19-18.0025 Qualifications to Practice Juvenile Sexual Offender Therapy.

In order for a psychologist licensed pursuant to Chapter 490, Florida Statutes, to hold herself or himself out as one certified to practice juvenile sex offender therapy, the licensee must: An individual, prior to holding oneself out as a juvenile sexual offender therapist, must be a Florida licensed psychologist, except as otherwise provided within Chapter 98-158, Laws of Florida. The individual shall have education, training, and experience that demonstrates competency and interest in this area of practice. The training of a juvenile sexual offender therapist must include at least nine hours of coursework in child behavior and development, and in child psychopathology, integrated with juvenile assessment, diagnosis, and treatment.

(1) Complete continuing education training, or demonstrate coursework taken as part of the licensee’s doctoral program, in the following subject areas:

- (a) Child behavior and development,
- (b) Child psychopathology,
- (c) Juvenile assessment, diagnosis, and treatment,
- (d) Theories of child and adolescent development and psychopathology,
- (e) Developmental sexuality, including sexual and reproductive anatomy and physiology, gender and sexual identity, and sexual diversity,
- (f) Interaction between sexuality and the dynamics of interpersonal and family relationships,
- (g) Sexual arousal patterns, including both typical and deviant fantasy patterns,
- (h) Sexual dysfunctions, disorders, and deviancy, including sexual abuse patterns and the thinking errors that support the cycle of abuse,
- (i) Victim empathy and victimology,
- (j) Use and misuse of defense mechanisms,
- (k) Dynamics of power and control,

(l) Compulsivity management, arousal control, anger regulation, and relapse prevention.

(m) Social resilience, competence and interpersonal effectiveness of juveniles.

(n) Group therapy and biomedical approaches in treating sexual dysfunctions, disorders and deviancy.

(o) Legal, ethical, and forensic issues in treating juvenile sex offenders.

(2) Complete 20 hours of continuing education credits each license renewal biennium in any of the above subject areas. The 20 hours completed for the purposes of satisfying the requirements of this rule shall be included in the 40 hours of continuing education required of each licensee per biennium.

Specific Authority 490.004(4), 490.012(8), 490.0145 FS. Law Implemented 490.012(8), 490.0145 FS. History–New 2-21-99, Amended.

NAME OF PERSON ORIGINATING PROPOSED RULE:

Board of Psychology

NAME OF SUPERVISOR OR PERSON WHO APPROVED

THE PROPOSED RULE: Board of Psychology

DATE PROPOSED RULE APPROVED BY AGENCY

HEAD: June 8, 2002

DATE NOTICE OF PROPOSED RULE DEVELOPMENT

PUBLISHED IN FAW: July 12, 2002

FLORIDA HOUSING FINANCE CORPORATION

RULE TITLES:	RULE NOS.:
Definitions	67-44.001
Notice of Funds Availability (“NOFA”)	67-44.002
General Program Restrictions	67-44.003
Application Procedures	67-44.004
Application and Selection Procedures	67-44.005
Administrative Appeal Procedures	67-44.006
Credit Underwriting Procedures and Loan Origination	67-44.007
Construction Disbursements and Loan Servicing	67-44.008
Terms and Conditions of Loans	67-44.009
Compliance and Monitoring Provisions	67-44.010
Fees	67-44.011

PURPOSE, EFFECT AND SUMMARY: This Rule Chapter is being repealed due to the creation of the Homeownership Loan Program, Rule Chapter 67-50, which establishes the procedures for administering the HAP Construction, HAP Permanent, and HOME Homeownership Loan Programs.

SPECIFIC AUTHORITY: 420.507(12),(23),(14) FS.

LAW IMPLEMENTED: 420.5088 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):

DATE AND TIME: 10:00 a.m., September 4, 2002

PLACE: Florida Housing Finance Corporation, Sixth Floor Conference Room, 227 North Bronough Street, Tallahassee, Florida 32301

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, 1(800)955-8770 (Voice) or 1(800)955-9771 (TDD).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Bridget Warring, HAP Manager, Florida Housing Finance Corporation, 227 North Bronough Street, Tallahassee, Florida 32301, (850)488-4197

THE FULL TEXT OF THE PROPOSED RULES IS:

67-44.001 Definitions.

Specific Authority 420.507(12),(23) FS. Law Implemented 420.507(23), 420.5088 FS. History–New 8-7-95, Amended 11-28-96, Formerly 9I-44.001, Amended 3-26-98, 7-5-00, Repealed.

67-44.002 Notice of Funds Availability (“NOFA”).

Specific Authority 420.507(12),(23) FS. Law Implemented 420.5088 FS. History–New 8-7-95, Amended 11-28-96, Formerly 9I-44.002, Amended 3-26-98, 7-5-00, Repealed.

67-44.003 General Program Restrictions.

Specific Authority 420.507(12),(23) FS. Law Implemented 420.5088 FS. History–New 8-7-95, Amended 11-28-96, Formerly 9I-44.003, Amended 3-26-98, 7-5-00, Repealed.

67-44.004 Application Procedures.

Specific Authority 420.507(12),(23) FS. Law Implemented 420.5088(2) FS. History–New 8-7-95, Amended 11-28-96, Formerly 9I-44.004, Amended 3-26-98, 7-5-00, Repealed.

67-44.005 Application and Selection Procedures.

Specific Authority 420.507(12),(23) FS. Law Implemented 420.5088(2) FS. History–New 8-7-95, Formerly 9I-44.005, Amended 3-26-98, 7-5-00, Repealed.

67-44.006 Administrative Appeal Procedures.

Specific Authority 420.507(12),(23) FS. Law Implemented 120.57, 420.507(23) FS. History–New 8-7-95, Amended 11-28-96, Formerly 9I-44.006, Amended 3-26-98, 7-5-00, Repealed.

67-44.007 Credit Underwriting Procedures and Loan Origination

Specific Authority 420.507(12),(23) FS. Law Implemented 420.5088(1) FS. History–New 8-7-95, Formerly 9I-44.007, Amended 3-26-98, 7-5-00, Repealed.

67-44.008 Construction Disbursements and Loan Servicing.

Specific Authority 420.507(12),(23) FS. Law Implemented 420.507(18), 420.5088 FS. History–New 8-7-95, Amended 11-28-96, Formerly 9I-44.008, Amended 3-26-98, 7-5-00, Repealed.

67-44.009 Terms and Conditions of Loans.

Specific Authority 420.507(12),(23) FS. Law Implemented 420.5088 FS. History--New 8-7-95, Amended 2-20-96, 11-28-96, Formerly 9I-44.009, Amended 3-26-98, 7-5-00, Repealed.

67-44.010 Compliance and Monitoring Provisions.

Specific Authority 420.507(12),(23) FS. Law Implemented 420.5088 FS. History--New 8-7-95, Formerly 9I-44.010, Amended 3-26-98, 7-5-00, Repealed.

67-44.011 Fees.

Specific Authority 420.507(12),(23) FS. Law Implemented 420.507(19) FS. History--New 8-7-95, Amended 11-28-96, Formerly 9I-44.011, Amended 3-26-98, 7-5-00, Repealed.

NAME OF PERSON ORIGINATING PROPOSED RULE: Bridget E. Warring, HAP Manager, Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32301-1329, (850)488-4197

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Esrone McDaniels, III, Deputy Development Officer, Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32301-1329, (850)488-4197

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 8, 2000, Corporation Board Meeting

FLORIDA HOUSING FINANCE CORPORATION

RULE TITLES:	RULE NOS.:
Definitions	67-46.001
Notice of Funding Availability	67-46.002
General Program Restrictions	67-46.003
Application Procedures	67-46.004
Terms and Conditions of Loans	67-46.005
Loan Processing	67-46.006
Fees	67-46.007

PURPOSE, EFFECT AND SUMMARY: This Rule Chapter is being repealed due to the creation of the Homeownership Loan Program, Rule Chapter 67-50, which establishes the procedures for administering the HAP Permanent, HAP Construction, and HOME Homeownership Loan Programs.

SPECIFIC AUTHORITY: 420.507(12),(14),(23) FS.

LAW IMPLEMENTED: 420.5088 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):

DATE AND TIME: 10:00 a.m., September 4, 2002

PLACE: Florida Housing Finance Corporation, Sixth Floor Conference Room, 227 North Bronough Street, Tallahassee, Florida 32301

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, 1(800)955-8770 (Voice) or 1(800)955-9771 (TDD).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Bridget Warring, HAP Manager, Florida Housing Finance Corporation, 227 North Bronough Street, Tallahassee, Florida 32301, (850)488-4197

THE FULL TEXT OF THE PROPOSED RULES IS:

67-46.001 Definitions.

Specific Authority 420.507(12),(23) FS. Law Implemented 420.507(23), 420.5088 FS. History--New 8-7-95, Formerly 9I-46.002, Amended 12-26-99, Repealed.

67-46.002 Notice of Funding Availability.

Specific Authority 420.507(12),(23) FS. Law Implemented 420.5088 FS. History--New 8-7-95, Formerly 9I-46.002, Amended 12-26-99, Repealed.

67-46.003 General Program Restrictions.

Specific Authority 420.507(12),(23) FS. Law Implemented 420.5088 FS. History--New 8-7-95, Formerly 9I-46.003, Amended 12-26-99, Repealed.

67-46.004 Application Procedures.

Specific Authority 420.507(12),(23) FS. Law Implemented 420.5088(2) FS. History--New 8-7-95, Formerly 9I-46.004, Repealed.

67-46.005 Terms and Conditions of Loans.

Specific Authority 420.507(12),(23) FS. Law Implemented 420.507(23), 420.5088 FS. History--New 8-7-95, Formerly 9I-46.005, Repealed.

67-46.006 Loan Processing.

Specific Authority 420.507(12),(23) FS. Law Implemented 420.5088 FS. History--New 8-7-95, Formerly 9I-46.006, Amended 12-26-99, Repealed.

67-46.007 Fees.

Specific Authority 420.507(12),(23) FS. Law Implemented 420.507(19) FS. History--New 8-7-95, Formerly 9I-46.007, Repealed.

NAME OF PERSON ORIGINATING PROPOSED RULE: Bridget E. Warring, HAP Manager, Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32301-1329, (850)488-4197

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Esrone McDaniels, III, Deputy Development Officer, Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32301-1329, (850)488-4197

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 8, 2000, Corporation Board Meeting

FLORIDA HOUSING FINANCE CORPORATION

RULE TITLES:	RULE NOS.:
Definitions	67-47.010
Notice of Funds Availability (“NOFA”)	67-47.020
Match Contribution Requirement	67-47.030
Reallocation for Disaster Areas	67-47.035
Minimum Set-Aside for Community Housing Development Organizations (CHDO’s)	67-47.040
Income Targeting	67-47.050
Eligible Activities	67-47.060
Eligible Applicant’s Responsibilities	67-47.070
Eligible and Ineligible Development Costs	67-47.080
General Program Restrictions	67-47.090
Application and Selection Procedures	67-47.100
Administrative Appeal Procedures	67-47.110
Sale or Transfer of a HOME Development	67-47.115
Terms and Conditions of Loans Made to Housing Providers	67-47.120
Terms and Conditions of HOME Permanent Loans Made to Eligible Home Buyers or Home Owners	67-47.130
Credit Underwriting Procedures and Loan Origination	67-47.140
Disbursement of Funds	67-47.150
Fees	67-47.160
Compliance Procedures	67-47.170

PURPOSE, EFFECT AND SUMMARY: This Rule Chapter is being repealed due to the creation of the Homeownership Loan Program, Rule Chapter 67-50, which establishes the procedures for administering the HOME Homeownership, HAP Permanent, and HAP Construction Loan Programs.

SPECIFIC AUTHORITY: 420.507(12) FS.

LAW IMPLEMENTED: 420.5089(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):

DATE AND TIME: 10:00 a.m., September 4, 2002

PLACE: Florida Housing Finance Corporation, Sixth Floor Conference Room, 227 North Bronough Street, Tallahassee, Florida 32301

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, 1(800)955-8770 (Voice) or 1(800)955-9771 (TDD).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Bridget Warring, HAP Manager, Florida Housing Finance Corporation, 227 North Bronough Street, Tallahassee, Florida 32301, (850)488-4197

THE FULL TEXT OF THE PROPOSED RULES IS:

67-47.010 Definitions.

Specific Authority 420.507(12),(14) FS. Law Implemented 420.5089(2) FS. History–New 8-7-95, Amended 11-28-96, 10-5-97, Formerly 9I-47.010, Amended 10-20-98, 12-26-99, 1-8-01, Repealed.

67-47.020 Notice of Funds Availability (“NOFA”).

Specific Authority 420.507(12) FS. Law Implemented 420.5089(2) FS. History–New 8-7-95, Amended 11-28-96, 10-5-97, Formerly 9I-47.020, Amended 10-20-98, 12-26-99, 1-8-01, Repealed.

67-47.030 Match Contribution Requirement.

Specific Authority 420.507(12) FS. Law Implemented 420.5089(2) FS. History–New 8-7-95, Amended 11-28-96, 10-5-97, Formerly 9I-47.030, Amended 10-20-98, 12-26-99, 1-8-01, Repealed.

67-47.035 Reallocation for Disaster Areas.

Specific Authority 420.507(12) FS. Law Implemented 420.5089(2) FS. History–New 11-28-96, Formerly 9I-47.035, Repromulgated 10-20-98, Amended 12-26-99, 1-8-01, Repealed.

67-47.040 Minimum Set-Aside of Funds for Community Housing Development Organizations (CHDO’s).

Specific Authority 420.507(12) FS. Law Implemented 420.5089(2) FS. History–New 10-20-98, Amended 12-26-99, 1-8-01, Repealed.

67-47.050 Income Targeting.

Specific Authority 420.507(12) FS. Law Implemented 420.5089(2) FS. History–New 10-20-98, Amended 12-26-99, 1-8-01, Repealed.

67-47.060 Eligible Activities.

Specific Authority 420.507(12) FS. Law Implemented 420.5089(2) FS. History–New 8-7-95, Amended 11-28-96, 10-5-97, Formerly 9I-47.060, Amended 10-20-98, 12-26-99, 1-8-01, Repealed.

67-47.070 Eligible Applicant’s Responsibilities.

Specific Authority 420.507(12) FS. Law Implemented 420.5089(2), FS. History–New 8-7-95, Amended 11-28-96, 10-5-97, Formerly 9I-47.070, Amended 10-20-98, 12-26-99, 1-8-01, Repealed.

67-47.080 Eligible and Ineligible Development Costs.

Specific Authority 420.507(12) FS. Law Implemented 420.5089(2) FS. History–New 8-7-95, Amended 11-28-96, 10-5-97, Formerly 9I-47.080, Amended 10-20-98, 12-26-99, 1-8-01, Repealed.

67-47.090 General Program Restrictions.

Specific Authority 420.507(12) FS. Law Implemented 420.5089(2) FS. History–New 8-7-95, Amended 11-28-96, 10-5-97, Formerly 9I-47.090, Amended 10-20-98, 12-26-99, 1-8-01, Repealed.

67-47.100 Application and Selection Procedures.

Specific Authority 420.507(12) FS. Law Implemented 420.5089(2) FS. History–New 8-7-95, Amended 11-28-96, 10-5-97, Formerly 9I-47.100, Amended 10-20-98, 12-26-99, 1-8-01, Repealed.

67-47.110 Administrative Appeal Procedures.

Specific Authority 420.507(12), FS. Law Implemented 420.5089(2) FS. History–New 8-7-95, Amended 11-28-96, 10-5-97, Formerly 9I-47.110, Amended 10-20-98, 12-26-99, 1-8-01, Repealed.

67-47.115 Sale or Transfer of a HOME Development.

Specific Authority 420.507(12) FS. Law Implemented 420.5089(7),(8),(9) FS. History–New 1-8-01, Repealed.

67-47.120 Terms and Conditions of Loans Made to Housing Providers.

Specific Authority 420.507(12) FS. Law Implemented 420.5089(2) FS. History–New 10-20-98, Amended 12-26-99, 1-8-01, Repealed.

67-47.130 Terms and Conditions of HOME Permanent Loans Made to Eligible Home Buyers or Home Owners.

Specific Authority 420.507(12) FS. Law Implemented 420.5089(2) FS. History–New 8-7-95, Amended 11-28-96, Amended 10-5-97, Formerly 91-47.130, Amended 10-20-98, 12-26-99, 1-8-01, Repealed.

67-47.140 Credit Underwriting Procedures and Origination.

Specific Authority 420.507(12) FS. Law Implemented 420.5089(2) FS. History New 8-7-95, Amended 11-28-96, Amended 10-5-97, Formerly 91-47.140, Amended 10-20-98, 12-26-99, 1-8-01, Repealed.

67-47.150 Disbursement of Funds.

Specific Authority 420.507(12) FS. Law Implemented 420.5089(2) FS. History–New 8-7-95, Amended 11-28-96, Amended 10-5-97, Formerly 91-47.150, Amended 10-20-98, 12-26-99, 1-8-01, Repealed.

67-47.160 Fees.

Specific Authority 420.507(12) FS. Law Implemented 420.5089(2) FS. History–New 8-7-95, Formerly 91-47.160, Amended 10-20-98, 12-26-99, 1-8-01, Repealed.

67-47.170 Compliance Procedures.

Specific Authority 420.507(12) FS. Law Implemented 420.5089(2) FS. History–New 8-7-95, Amended 11-28-96, Formerly 91-47.170, Amended 10-20-98, 12-26-99, 1-8-01, Repealed.

NAME OF PERSON ORIGINATING PROPOSED RULE: Bridget E. Warring, HAP Manager, Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32301-1329, (850)488-4197

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Esrone McDaniels, III, Deputy Development Officer, Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32301-1329, (850)488-4197

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 8, 2000, Corporation Board Meeting

FISH AND WILDLIFE CONSERVATION COMMISSION

Marine Fisheries

RULE CHAPTER TITLE:	RULE CHAPTER NO.:
Billfish	68B-33
RULE TITLES:	RULE NOS.:
Purpose and Intent	68B-33.001
Definitions	68B-33.002
Swordfish: Federal Permit Required for Sale	68B-33.0035
Size Limits	68B-33.004

PURPOSE AND EFFECT: The sole purpose of this proposed amendment of Rule Chapter 68B-33, F.A.C., is to amend existing billfish regulations to include rules for swordfish that are substantially identical to current federal rules applicable in federal Exclusive Economic Zone (EEZ) waters adjacent to Florida waters. These measures include requiring the federal Limited Access Permit for sale of swordfish in Florida and imposing the federal size limits for those swordfish that might be harvested in state waters and landed in the state. The effect will be to assure that the rules that are fostering the recovery of the swordfish resource will be uniformly applied and will have their full intended benefit.

SUMMARY: Rule 68B-33.001, F.A.C., is amended to include a statement of intent regarding conservation of swordfish and delete obsolete provisions. Rule 68B-33.002, F.A.C., is amended to include new definitions of the terms “swordfish”, “cleithrum to keel length”, and “dressed weight” and to slightly amend the definition of the term “lower jaw fork length”, all to conform the definitions to federal regulations. Proposed new Rule 68B-33.0035 requires the federal Limited Access Permit for persons selling swordfish in the state. Rule 68B-33.004, F.A.C., is amended to add lower jaw fork length, cleithrum to keel length, and dressed weight minimum sizes for swordfish harvested and landed in the state. These rule amendments and new rule are proposed to be effective October 1, 2002.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None.

Any person who wishes to provide information regarding the statement os 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: Article IV, Section 9, Florida Constitution.

LAW IMPLEMENTED: Article IV, Section 9, Florida Constitution.

THIS RULEMAKING IS UNDERTAKEN PURSUANT TO SECTION 120.54(6), FLORIDA STATUTES.

WRITTEN COMMENTS MAY BE SUBMITTED WITHIN 14 DAYS OF THE DATE OF THIS NOTICE TO: James V. Antista, General Counsel, Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600

SUBSTANTIALLY AFFECTED PERSONS MAY, WITHIN 14 DAYS OF THE DATE OF THIS NOTICE, FILE AN OBJECTION TO THIS RULEMAKING WITH THE AGENCY. THE OBJECTION SHALL SPECIFY THE PORTIONS OF THE PROPOSED RULE TO WHICH THE PERSON OBJECTS AND THE SPECIFIC REASONS FOR THE OBJECTION.

THE FULL TEXT OF THE PROPOSED RULES IS:

68B-33.001 Purpose and Intent.

The purpose and intent of this chapter are to protect and conserve Florida's billfish and swordfish resources and increase public awareness of and concern for billfish ~~these resources~~ through promotion of catch-and-release and other conservation practices and prohibition of sale. ~~It is the intent of this chapter to expressly repeal subsections (5) and (6) of Section 370.11, Florida Statutes, relating to sailfish.~~

PROPOSED EFFECTIVE DATE: October 1, 2002.

~~Specific Authority Art. IV, Sec. 9, Fla. Const., Chapter 83-134, Laws of Fla., as amended by Chapter 84-121, and Chapter 85-163, Laws of Fla. Law Implemented Art. IV, Sec. 9, Fla. Const., Chapter 83-134, Laws of Fla., as amended by Chapter 84-121, and Chapter 85-163, Laws of Fla. History-New 3-31-88, Formerly 46-33.001, Amended 10-1-02.~~

68B-33.002 Definitions.

(1) As used in this chapter, "billfish" means any fish of the following species, or any part thereof:

- (a) *Makaira nigricans* (blue marlin).
- (b) *Tetrapturus albidus* (white marlin).
- (c) *Tetrapturus pfluegeri* (longbill spearfish).
- (d) *Tetrapturus belone* (Mediterranean spearfish).
- (e) *Tetrapturus georgei* (roundscale spearfish).
- (f) *Istiophorus platypterus* (sailfish).

(2) The term "swordfish" means any fish of the species *Xiphias gladius*, or any part thereof. Swordfish shall not be considered a "billfish," for purposes of this chapter, shall not include swordfish (*Xiphias gladius*).

(3) "Harvest" means the catching or taking of a fish by any means whatsoever, followed by a reduction of such fish to possession. Fish that are caught but immediately returned to the water free, alive and unharmed are not harvested. In addition, temporary possession of a fish for the purpose of determining the species or for measuring the fish to determine compliance with the minimum size requirements of this chapter, shall not constitute harvesting such fish, provided that it is examined and measured immediately after taking, and immediately returned to the water free, alive and unharmed if it is a protected species or if undersize.

(4) "Lower jaw fork length" means the straight-line measurement length of a fish ~~as measured~~ from the tip foremost point of the lower jaw to the fork of the caudal fin rear center edge of the tail. The measurement is not made along the curve of the body.

(5) "Cleithrum to keel length" means the length of a fish measured along the body contour, i.e., a curved measurement, from the point of the cleithrum that provides the shortest

possible measurement along the body contour to the anterior portion of the caudal keel. The cleithrum is the semicircular bony structure at the posterior edge of the gill opening.

(6) "Dressed weight" means the weight of a fish after it has been dressed. "Dress" means to process a fish by removal of head, viscera, and fins, but does not include removal of the backbone, halving, quartering, or otherwise further reducing the carcass.

PROPOSED EFFECTIVE DATE: October 1, 2002.

~~Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History-New 3-31-88, Formerly 46-33.002, Amended 8-26-99, 10-1-02.~~

68B-33.0035 Swordfish: Federal Permit Required for Sale.

No person harvesting swordfish within or without the waters of the state shall sell, offer for sale, trade, barter, exchange, or receive anything of value for any swordfish without possessing and presenting to the buyer thereof a valid saltwater products license and a federal Limited Access Permit (LAP) for swordfish issued pursuant to 50 C.F.R. § 635.4(f).

PROPOSED EFFECTIVE DATE: October 1, 2002.

~~Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History-New 10-1-02.~~

68B-33.004 Size Limits.

(1) No person shall harvest, possess in or on the waters of the state, or land, any blue marlin with a lower jaw fork length less than 99 inches.

(2) No person shall harvest, possess in or on the waters of the state, or land, any white marlin with a lower jaw fork length less than 66 inches.

(3) No person shall harvest, possess in or on the waters of the state, or land, any sailfish with a lower jaw fork length less than 63 inches.

(4) No person shall harvest, possess in or on the waters of the state, or land, any swordfish that is less than 47 inches lower jaw fork length, 29 inches cleithrum to keel length, or 33 pounds dressed weight. A swordfish that is damaged by shark bites may be retained only if the remainder of the carcass is at least 47 inches lower jaw fork length, 29 inches cleithrum to keel length, or 33 pounds dressed weight.

PROPOSED EFFECTIVE DATE: October 1, 2002.

~~Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History-New, 8-26-99, Amended 10-1-02.~~

Section III Notices of Changes, Corrections and Withdrawals

DEPARTMENT OF INSURANCE

RULE NOS.:	RULE TITLES:
4-204.004	Form Filings
4-204.006	Forms Review
4-204.010	Viatical Settlement Contracts and Related Forms
4-204.012	Viatical Settlement Purchase Agreements
4-204.022	Required Records in General
4-204.0225	Required Business Records
4-204.025	Department 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. 27, No. 45, November 9, 2001, of the *Florida Administrative Weekly*.

Rules 4-204.004, .006, .010, .012, .022, .0225, .025 are changed to read as follows:

4-204.004 Form Filings.

(1) Any form that had been previously approved that is subsequently changed or modified must be filed with the Department for approval and be approved prior to its use. The new filing must include the Florida file number of the original approved filing.

(2)(a) All form filings shall be made in accordance with paragraph (2)(b) below. All materials submitted shall be legible. A form filed that is illegible or that contains illegible materials will be returned unprocessed.

(b) A form filing must include:

1. A transmittal letter explaining the type and nature of the filing, stating whether the form is an escrow form, a viatical settlement contract, a viatical settlement purchase agreement, or a related form. A related form filing shall indicate the type of form with which it will be used. The transmittal letter shall also indicate if the form filing is a new filing or the resubmission of a previously disapproved form. If the form filing is a resubmission of a previously disapproved form, the transmittal letter shall indicate the date the form was last filed and the date of the disapproval and provide a reference to the previous Department file number. A resubmission shall also include copies of all previous correspondence including the disapproval letter.

2. A copy of the form being submitted

(c) Each form must have a unique identifying form number in the lower left-hand corner of the first page of the form.

(d) Any items on the form that are intended to be variable must be bracketed and the filing must identify all possible variables.

(3) Form filings that are not part of an application for licensure shall be mailed to: Bureau of Life and Health Forms and Rates, Florida Department of Insurance, P. O. Box 8040, Tallahassee, FL 32301-8040. All filings sent to the Department by Federal Express or any other form of special delivery shall be delivered to: Department of Insurance, Bureau of Life and Health Forms and Rates, Larson Building, 200 East Gaines Street, Tallahassee, FL 32399-0331. Form filings may be submitted by email to: LHFRBureau@doi.state.fl.us (Note: address is case sensitive).

(4) Definitions. As used in this rule:

(a) New filing – A new filing is one that is being submitted for the first time. Revisions made to previously approved forms are also considered new filings.

(b) Resubmission of a previously disapproved form – A filing submission in response to a final disapproval from the Department is a resubmission.

Specific Authority 626.9925, 626.9921, 626.9923, 626.9924 FS. Law Implemented 626.9925, 626.9921, 626.9923, 626.9924 FS. History—New

4-204.006 Forms Review.

(1) Form filing intended to be used in multiple jurisdictions, including Florida, shall comply with Florida law and rules.

(2) After reviewing a form filing, in the event the Department has questions, the Department shall issue a letter of clarification. The licensee shall submit the required data by a date certain stated in the letter of clarification to allow the Department sufficient time to perform a proper review. Failure to correct the deficiencies by the date certain in the letter of clarification will result in an affirmative disapproval of the filing by the Department.

Specific Authority 626.9925, 626.9921, 626.9923, 626.9924 FS. Law Implemented 626.9925, 626.9921, 626.9923, 626.9924 FS. History—New

4-204.010 Viatical Settlement Contracts and Related Forms.

(1) The viatical settlement contract must provide the following minimum information:

(a) The name and address of the viator and the name and address of the insured if different from the viator;

(b) The legal name of the insurance company;

(c) The insurance company’s policy number;

(d) The issue date of the insurance policy and, if the policy has been converted, the date of conversion and the new policy number, if there is one;

(e) The face amount of the insurance policy and the percentage of the policy being viaticated;

(f) The type of insurance policy being viaticated (e.g., group, term, universal or whole life);

(g) The name and address of the independent third-party trustee or escrow agent;

(h) The agreed upon payment to the viator, and

(i) The disclosures required by Section 626.9924(1), Florida Statutes, which shall be made on a separate page, and require a separate signature and date by the viator.

(2) The last page of the viatical settlement contract shall be a signature page which contains the following:

(a) The typed or printed name of the viator, the signature of the viator, and the date and place (city and state) the viator signed the viatical settlement contract;

(b) The typed or printed name and signature of the person authorized to act on behalf of the viatical settlement provider, the viatical settlement provider's Florida license number and the date the person signed the viatical settlement contract;

(c) The typed or printed name, address, and Florida license number of the broker, if any, who brokered the viaticated policy; and

(d) The state(s) and dates in which executions of the viatical settlement contract occurred by each party to the viatical settlement contract.

(3) Viatical settlement contracts must be signed and dated by the viatical settlement provider or its approved related provider trust.

(4)(a) The disclosures mandated by Section 626.99181, Florida Statutes, shall be memorialized for all executed viatical settlement contracts by means of the viatical settlement broker completing Form DI4-1508, "Viatical Settlement Broker Compensation Disclosure". The completed form shall be retained by the viatical settlement broker for 3 years after the date of the death of the viator. Form DI4-1508 is adopted in section 4-204.025 of this rule.

(5) A true and accurate copy of the disclosures required by Section 626.9923, Florida Statutes, which were made at the time of the application, shall be attached to any completed viatical settlement contract.

Specific Authority 626.9925, 626.9921, 626.9923, 626.9924 FS. Law Implemented 626.9925, 626.9921, 626.9923, 626.9924 FS. History--New

4-204.012 Viatical Settlement Purchase Agreements.

(1) The viatical settlement purchase agreement shall provide the following minimum information:

(a) The name and address of the viatical settlement purchaser;

(b) The name, address, state of domicile, and license number of the viatical settlement provider who viaticated the policy;

(c) The name and address of the independent third-party trustee or escrow agent utilized or to be utilized in effectuating the transaction;

(d) The name and address of the person responsible for tracking the insured; and

(e) The name and address of the person responsible for paying the premiums until the death of the insured.

(2) The last page of the viatical settlement purchase agreement shall be a signature page that contains the following:

(a) The typed or printed name and signature of the viatical settlement purchaser and the date and place (city and state) the viatical settlement purchaser signed the viatical settlement purchase agreement; and

(b) The typed or printed name, address, signature, and Florida license number of the sales agent who had direct contact with the viatical settlement purchaser in the offering or selling of the viaticated policy.

(3) The disclosures required by Section 626.99235(2), Florida Statutes, shall be contained within the body of the viatical settlement purchase agreement under the heading:

"DISCLOSURES REQUIRED BY FLORIDA LAW"

(4) Each viatical settlement purchase agreement must also give notice to the viatical settlement purchaser of the disclosures mandated by Section 626.99236, Florida Statutes. The notice required by this subsection shall be made in not less than 10 point type, under the heading:

"FURTHER DISCLOSURES TO BE MADE"

Specific Authority 626.9925, 626.9921, 626.99235, 626.99236 FS. Law Implemented 626.9925, 626.9921, 626.99235, 626.99236 FS. History--New

4-204.022 Required Records in General.

For the purpose of this rule, a "viatical settlement transaction" is defined as a transaction in which there is an offer and acceptance to buy or sell, all or any part of the death benefits of a life insurance policy pursuant to an executed viatical settlement contract or a viatical settlement purchase agreement.

(1)(a) Each licensed viatical settlement provider shall establish and maintain a viatical settlement transaction file for:

1. Each viator entering into a viatical settlement contract with the provider; and

2. Each viatical settlement purchaser entering into a viatical settlement purchase agreement with the provider.

(b) The files shall be maintained for at least 3 years after the death of the insured.

(2) Each viatical settlement transaction file established and maintained by the licensed viatical settlement provider for a viator shall contain all information regarding all insurance policies viaticated by the provider for that viator as well as the settlement contract identifier for that viator. The file shall be clearly cross-referenced and identified by the full legal name of all viatical settlement purchasers having an interest in all or any part of the death benefits of an insurance policy viaticated by that viator.

(3) Each viatical settlement transaction file established and maintained by the viatical settlement provider for a viatical settlement purchaser shall contain all information regarding all viaticated policies in which that viatical settlement purchaser has an interest. The file shall be clearly cross-referenced and identified by the full legal name and settlement contract identifier of the viator and the viatical settlement transaction files of all viators and their respective settlement contract identifier in whose policy the viatical settlement purchaser has an interest.

(4) Viatical settlement transaction files for viators maintained by providers shall contain for each viaticated policy, as a minimum, the original or a true and correct copy of the following information:

- (a) The viatical settlement contract;
- (b) The settlement contract identifier;
- (c) The application for a viatical settlement;
- (d) The application for insurance;
- (e) The verification of coverage form from the insurer;
- (f) The release of medical records form signed by the insured;
- (g) A signed and witnessed document as required by Section 626.9924(1), Florida Statutes;
- (h) The escrow agreement;
- (i) All life expectancy certifications issued on the life of the insured;
- (j) If the policy is contestable, the 20 day notice to the insurer as required by Section 626.9924(7), Florida Statutes;
- (k) The identity and methodology used or to be used to track the insured, a record of contacts with the insured, and the insured's current location;
- (l) If the owner is not the insured, the notice to the insured required by Section 626.9924(8), Florida Statutes;
- (m) The name and address of the owner of the policy after viatication;
- (n) The names and addresses of all persons purchasing or having an interest in the viaticated policy;
- (o) The percentage of the face amount of the policy viaticated, the amount paid for the policy, the date and place such funds were deposited, and proof of payment to the viator;
- (p) If the insured is deceased, a copy of the death certificate and proof of payment to all persons having an interest in the death proceeds of the policy;
- (q) The disclosures required by Section 626.9923, Florida Statutes;
- (r) The name, address, city, and state of the viatical settlement broker or person who negotiated the viatical settlement transaction if the transaction was not transacted directly with the viator;
- (s) The name, address, city, and state of the original viatical settlement purchaser of the viaticated policy if the policy was not purchased directly from the viator;

(t) The medical records of the insured;

(u) A copy of any complaint received from the viator or the viator's representative and its resolution if resolved. If unresolved, an explanation as to the status of the complaint;

(v) A copy of any documents that evidence any cash advance to the viator or to any other person involved in negotiating the transaction for the viator;

(w) If the policy was a group policy or certificate, a copy of the application for conversion and the policy conversion number; and,

(x) The life insurance policy.

(5) Viatical settlement transaction files maintained by providers for viatical settlement purchasers shall contain for each viaticated policy, as a minimum, the original or a true and correct copy of the following information:

- (a) The viatical settlement purchase agreement;
- (b) The disclosures required by Section 626.99236, Florida Statutes;
- (c) Proof of deposit of the purchaser's funds;
- (d) Proof of how purchaser's funds were allocated;
- (e) Identity of the insurer and the insurance policy number;
- (f) All status reports on the health condition of the insured provided to the purchaser;
- (g) Proof of payment of proceeds for all policies matured; if a policy has matured and proceeds have not been paid to a purchaser, an explanation as to the status of the payment;
- (h) Evidence that any reinvestment of death proceeds into another viaticated policy was authorized by the purchaser;
- (i) The name, address, city and state of the sales agent or person selling the viaticated policy or an interest therein to the purchaser;
- (j) A record of premium advances, cash withdrawals or policy loans, if any, for which the purchaser is responsible; and,
- (k) Any complaint received from the purchaser or a purchaser's representative and the provider's response thereto.
- (6) Each viatical settlement broker shall establish and maintain a viatical settlement transaction file for each viator for whom the broker performed the functions of a viatical settlement broker. Such files shall be maintained for at least 3 years after the death of the insured.
- (7) Viatical settlement transaction files for viators maintained by brokers shall contain for each viaticated policy, as a minimum, the original or a true and correct copy of the following information:
- (a) The viatical settlement contract;
- (b) The application for a viatical settlement;
- (c) The application for insurance;
- (d) The verification of coverage form from the insurer;
- (e) The release of medical records form signed by the insured;

(f) A signed and witnessed document as required by Section 626.9924(1), Florida Statutes;

(g) All life expectancy certifications issued on the life of the insured;

(h) The identity and methodology used or to be used to track the insured, a record of contacts with the insured, and the insured's current location;

(i) The name and address of the owner of the policy after viatication;

(j) The percentage of the face amount of the policy viaticated, the amount paid for the policy, the date and place such funds were deposited, and proof of payment to the viator;

(k) The disclosures required by Section 626.9923, Florida Statutes;

(l) The medical records of the insured;

(m) A copy of any complaint received from the viator or the viator's representative and its resolution if resolved. If unresolved, an explanation as to the status of the complaint;

(n) A copy of any documents that evidence any cash advance to the viator or to any other person involved in negotiating the transaction for the viator; and,

(o) If the policy was a group policy or certificate, a copy of the application for conversion and the policy conversion number.

(8) Each viatical settlement sales agent shall establish and maintain a viatical settlement transaction file for each viatical settlement purchaser for whom the sales agent performed the functions of a viatical settlement sales agent. Such files shall be maintained for a minimum of 3 years after the death of the insured.

(9) Viatical settlement transaction files maintained by viatical settlement sales agents for viatical settlement purchasers shall contain for each viatical settlement purchase agreement, as a minimum, the original or a true and correct copy of the following information:

(a) The viatical settlement purchase agreement;

(b) The disclosures required by Section 626.99236, Florida Statutes;

(c) Any complaint received from the purchaser or a purchaser's representative and the sales agent's response thereto.

(10) In addition to the requirements of subsections (4) through (9) of this rule, each viatical settlement transaction file for a viator or for a viatical settlement purchaser shall also contain the original or a true and correct copy of: all agreements, correspondence, memoranda, analysis, disclosures, medical reports or evaluations, status reports, underwriting analysis, work papers, fraud reports or documents sent, received, reviewed or obtained by or on behalf of a viatical settlement provider, a broker, a related provider trust, or an escrow agent, including but not restricted to, correspondence, memoranda, and notes, from or to: a viator, a

broker, a sales agent, an independent third party trustee or escrow agent, a medical professional, a viatical settlement provider, an insurer, an insured, a viatical settlement purchaser, a viatical settlement purchaser's representative, an officer, a director, an employee, a financing entity, a special purpose entity, a controlling person, a consultant, a person responsible for tracking an insured, a government agency or regulatory body, or any person acting on behalf of such persons with regard to that specific viatical settlement transaction.

(11) For each viaticated policy that is either not the subject of a viatical settlement purchase agreement, or is a subject of a viatical settlement purchase agreement to which a licensee or approved related provider trust is not a party, the viatical settlement transaction file shall also contain all documentation relating to the disposition of that viaticated policy.

Specific Authority 626.9925, 262.9922 FS. Law Implemented 626.9925, 262.9922 FS. History--New _____.

4-204.0225 Required Business Records.

(1) Every viatical settlement provider shall have and maintain financial records, to include a book of original entry and related subsidiary journals and ledgers.

(2) Every licensed viatical settlement provider shall establish and maintain a medical professional file which contains, at a minimum, information regarding the credentials, qualifications, or license, of each person (the "medical professional") issuing or performing life expectancy certifications for the viatical settlement provider. The information relating to any specific medical professional shall be maintained for at least 3 years after the death of the last insured for whom the medical professional issued a life expectancy certification and whose policy was viaticated by the provider.

(3) Each licensee shall establish and maintain at its office of record an advertising file containing a true copy of every advertisement. The file shall include the source of the advertisement. Each advertisement shall become part of the file as of the date the advertisement is first published or otherwise used, and shall be maintained in the file for at least 3 years after the last date of publication or use of the advertisement.

(4) Each licensee shall establish and maintain as a permanent file a forms file, which file shall contain a true copy of every form approved by the Department.

(5) Each licensee shall establish and maintain a litigation file containing a true and correct copy of any administrative, civil, or criminal action involving the licensee or its business of viatical settlements. The file shall contain petitions, filed complaints, law suits and other charging documents, and information regarding the status of any such action, including disposition. These documents shall be maintained for at least 3 years after the resolution of such action.

(6) Each licensee shall establish and maintain a record of all of its accounts with any financial institutions, regardless of location, and a record of all authorized signatories on such accounts, to include but not restricted to: business accounts, escrow accounts, and premium reserve accounts.

(7) The records required by the Viatical Settlement Act and these rules shall be established and maintained in accordance with Section 626.9922(3), Florida Statutes.

Specific Authority 626.9925, 262.9922 FS. Law Implemented 626.9925, 262.9922 FS. History—New _____.

4-204.025 Department Forms.

(1) The following form is hereby incorporated by reference to administer the provisions of Part X, Chapter 626, Florida Statutes:

<u>Title</u>	<u>Form Number</u>
<u>(a) Viatical Settlement Provider Annual Report</u>	<u>DI4-1288 Rev 3/02</u>
<u>(b) Viatical Settlement Broker Compensation Disclosure</u>	<u>DI4-1508 Rev 8/01</u>

(2) Copies of the form may be obtained from the Department of Insurance, Application Coordination Section, Larson Building, Tallahassee, Florida 32399-0300.

Specific Authority 626.9925 FS. Law Implemented 626.9925 FS. History—New _____.

The remainder of the rule reads as previously published.

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Aquaculture

RULE CHAPTER NO.: 5L-3	RULE CHAPTER TITLE: Aquaculture Best Management Practices
RULE NO.: 5L-3.004	RULE TITLE: Aquaculture Best Management Practices Manual

NOTICE OF WITHDRAWAL

Notice is hereby given that the above proposed rule, as noticed in Vol. 28, No. 32, August 9, 2002, Florida Administrative Weekly has been withdrawn.

ADMINISTRATION COMMISSION

RULE CHAPTER NO.: 28-18	RULE CHAPTER TITLE: Land Planning Regulations for the Florida Keys Area of Critical State Concern – City of Marathon
RULE NO.: 28-18.200	RULE TITLE: Comprehensive Plan

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., originally published in Vol. 27, No. 44,

November 2, 2001, issue of the Florida Administrative Weekly, and most recently amended in Vol. 28, No. 19, May 10, 2002, issue of the Florida Administrative Weekly.

28-18.200 Comprehensive Plan.

The Transitional Comprehensive Plan of the City of Marathon established by Chapter 99-427, Laws of Florida, is amended as follows:

(1) No change.

(a) The number of permits issued for new residential development under the rate of growth ordinance shall not exceed a total unit cap of 24 ~~30~~ new residential units per year. ~~The restored permits (6) are encouraged to be dedicated to affordable housing.~~ This allocation represents the total number of new permits for development that may be issued during a ROGO year. No exemptions or increases in the number of new permits, other than that which may be expressly provided for in the comprehensive plan or for which there is an existing agreement for affordable housing between the Department and the local government, shall be allowed. For Year 5, the interim Permit Allocation System shall allow a minimum of 11 new residential permits. If fewer than 11 nutrient reduction credits are earned in Year 5, the deficit shall be made up in Year 6 prior to issuance of any new permits.

(b) No change.

~~(c) Except as provided below for the Little Venice sewer system, nutrient reduction credits earned by construction of a central sewer system using best available technology or advanced wastewater treatment shall be earned according to the following schedule:~~

~~1. One third of the total credits estimated to be available from the full operation of the system shall be earned when the wastewater construction permit for the system is issued by DEP, the design/build contract for the system has been fully executed, and construction of the system has commenced.~~

~~2. One third of the total estimated credits shall be earned when the construction of the system is 50 percent complete.~~

~~3. All remaining available credits shall be earned when the construction of the system is 100 percent complete, the collection system lines have been installed, and when the final total of credits available from operation of the system has been calculated.~~

The nutrient reduction credits earned by the construction of the Little Venice system shall be earned according to the following schedule:

1. 213 ~~250~~ of the total credits estimated to be available from the full operation of the system shall be earned when the wastewater construction permit for the system is issued by DEP, the design/build contract for the system has been fully executed, and construction of the system has commenced. Of these credits, 54 ~~shall be made available to the Meridian West affordable housing project and 52 shall be made available to Monroe County to the Tradewinds for affordable housing project, and 67~~ 42 ~~for to a proposed affordable housing project~~

in the City of Marathon. Any credits not used for these affordable housing projects shall be available for future allocation pursuant to paragraph 2 below. In addition, ~~52~~ 60 of these credits shall be made available to Monroe County and 42 of these credits shall be made available to the City of Marathon.

2. All remaining available credits shall be earned when the construction of the system is 100 percent complete, the collection system lines have been installed, and when the final total of credits available from operation of the system has been calculated.

The nutrient reduction credits that are earned from the construction of ~~such~~ a central sewer system, in which state or federal funds are used, shall be allocated as follows:

1. The local government shall receive a pro rata share of the earned nutrient reduction credits in proportion to the amount of funds contributed from its jurisdiction to the total construction costs; and

2. The remaining earned nutrient reduction credits shall be allocated between Monroe County, the City of Marathon, and the Islamorada, Village of Islands in proportion to the annual ROGO allocation of each to the total annual ROGO allocation for these local governments.

(d) Beginning ~~September 30, 2003~~ August 1, 2002, and each year of the work program (set out in policy 101.2.13) thereafter, the City and the Department of Community Affairs shall report to the Administration Commission documenting the degree to which the work program objectives for that year have been achieved.

(e) The Work Program in Policy 101.2.13 for Year 4, Year 5, Year 6, and Year 7 shall be modified as follows:

YEAR FOUR (July 13, 2000 through July 12, 2001)

A. through C. No change.

YEAR FIVE (July 13, 2001 through July 12, 2002)

A. through D. No change.

YEAR SIX (July 13, 2002 through July 12, 2003)

A. through D. No change.

E. In cooperation with Monroe County, develop a City-wide master land acquisition plan which shall include:

(1) A strategy for the acquisition of those properties which should be preserved due their habitat value as well as those other properties where future development is to be discouraged;

(2) A management plan for implementing the strategy, and

(3) a reasonable, feasible plan for securing funding for said land acquisition.

Agencies: City, County, Land Authority, DCA, DEP, SFWMD, Army COE, EPA, USFWS and other interested parties to include representatives of environmental organizations and development interests.

F. Initiate and complete a collaborative process for the adoption of land development regulations, and/or comprehensive plan amendments as needed, that will strengthen the protection of terrestrial habitat through processes such as the Permit Allocation System and permitting processes, and the preservation and maintenance of affordable housing stock.

Agencies: City, County, DCA, DEP, FFWC, USFWS, and other interested parties to include representatives of environmental organizations and development interests.

YEAR SEVEN (July 13, 2003 through July 12, 2004)

A. and B. No change.

Specific Authority 380.0552(9) FS. Law Implemented 380.0552 FS. History--New _____.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Jim Quinn, State Planning Administrator, Division of Community Planning, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100, (850)487-4545

ADMINISTRATION COMMISSION

RULE CHAPTER NO.: 28-20
 RULE CHAPTER TITLE: Land Planning Regulations for the Florida Keys Area of Critical State Concern – Monroe County

RULE NO.: 28-20.100
 RULE TITLE: Comprehensive Plan
 NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., originally published in Vol. 27, No. 44, November 2, 2001, issue of the Florida Administrative Weekly, and most recently amended in Vol. 28, No. 19, May 10, 2002, issue of the Florida Administrative Weekly.

The Monroe County Comprehensive Plan Policy Document, as the same exists on May 15, 2001, is hereby amended as follows:

28-20.100 Comprehensive Plan.

(1) through (34) No change.

(35) Policy 101.2.13

Monroe County shall establish an interim Permit Allocation System for new residential development. The interim Permit Allocation System shall supersede Policy 101.2.1 and remain in place until such time as Monroe County determines its future growth capacity based on hurricane evacuation, public safety and environmental needs including water quality and habitat protection, and amends its plan consistent with such determination, based on the results of the work program as set forth below. DEP, DOH, DCA and Monroe County shall develop a coordinated permit review process that will insure that no state agency shall issue a wastewater disposal permit that would allow development in excess of the number of

permits that Monroe County may issue under this interim policy. Similarly, Monroe County shall not issue development permits under this interim policy in excess of wastewater disposal permits that DEP or DOH may issue. For Years 3 and 4 of the Work Program, the interim Permit Allocation System shall allow a minimum of 88 new residential permits per year which may be used to address the backlog of ROGO allocations. Additional new residential permits will be allowed but limited to the number of nutrient reduction credits earned within the same unincorporated ROGO area. Nutrient reduction credits shall be earned consistent with Table 1 below. ~~Except as provided below for the Little Venice sewer system, nutrient reduction credits earned by construction of a central sewer system using best available technology or advanced wastewater treatment shall be earned according to the following schedule:~~

~~1. One-third of the total credits estimated to be available from the full operation of the system shall be earned when the wastewater construction permit for the system is issued by DEP, the design/build contract for the system has been fully executed, and construction of the system has commenced.~~

~~2. One-third of the total estimated credits shall be earned when the construction of the system is 50 percent complete.~~

~~3. All remaining available credits shall be earned when the construction of the system is 100 percent complete, the collection system lines have been installed, and when the final total of credits available from operation of the system has been calculated.~~

The nutrient reduction credits earned by the construction of the Little Venice system shall be earned according to the following schedule:

1. ~~213~~ 250 of the total credits estimated to be available from the full operation of the system shall be earned when the wastewater construction permit for the system is issued by DEP, the design/build contract for the system has been fully executed, and construction of the system has commenced. Of these credits, ~~54~~ shall be made available to the Meridian West affordable housing project and ~~52~~ shall be made available to Monroe County to the Tradewinds for affordable housing project, and ~~67~~ 42 for to a proposed affordable housing project in the City of Marathon. Any credits not used for these affordable housing projects shall be available for future allocation pursuant to paragraph 2 below. In addition, ~~52~~ 60 of these credits shall be made available to Monroe County and 42 of these credits shall be made available to the City of Marathon.

2. All remaining available credits shall be earned when the construction of the system is 100 percent complete, the collection system lines have been installed, and when the final total of credits available from operation of the system has been calculated. The nutrient reduction credits that are earned from the construction of ~~such~~ a central sewer system, in which state or federal funds are used, shall be allocated as follows:

1. The local government shall receive a pro rata share of the earned nutrient reduction credits in proportion to the amount of funds contributed from its jurisdiction to the total construction costs; and

2. The remaining earned nutrient reduction credits shall be allocated between Monroe County, the City of Marathon, and the Islamorada, Village of Islands in proportion to the annual ROGO allocation of each to the total annual ROGO allocation for these local governments. Nutrient reduction credits earned using funds provided by the State and matched by the County in fiscal years 1997-98 and 1998-99 will be used to offset the nutrient impacts of the 88 new residential permits per year, but may not be used for additional new residential permits until such time as these funds generate more than 88 nutrient reduction credits for Years 3 and 4. For Year 5, the interim Permit Allocation System shall allow a minimum of 77 new residential permits. If fewer than 77 nutrient reduction credits are earned in Year 5, the deficit shall be made up in Year 6 prior to issuance of any new permits. For Year 6 and beyond, the interim permit allocation system shall limit the number of permits issued for new residential development to the number of nutrient reduction credits earned within the same unincorporated ROGO area, except as otherwise authorized herein. For all years the number of permits issued for new residential development under the Rate of Growth Ordinance shall not exceed a total unit cap of ~~158~~ 197 new residential units per year. ~~The restored permits (39) are encouraged to be dedicated to affordable housing.~~ This allocation represents the total number of new permits for development that may be issued during a ROGO year. No exemptions or increases in the number of new permits, other than that which may be expressly provided for in the comprehensive plan or for which there is an existing agreement for affordable housing between the Department and the local government in the critical areas, may be allowed. Monroe County shall develop a tracking system for monitoring the nutrient reduction credits earned. The tracking system shall commence upon the effective date of this rule and the number of nutrient reduction credits earned shall be cumulative and may be applied to future years of the interim Permit Allocation System.

Table 1
Nutrient Reduction Credits

	Treatment System Upgraded To			
	On-site Treatment	Centralized System		
OWNR or Equivalent On-site Treatment and Disposal Systems	Secondary Treatment	Best Available Treatment (BAT)	Advanced Wastewater Treatment (AWT)	
Cesspit Credit	1 EDU Credit	1 EDU Credit	1.0 EDU Credit	1.5 EDU
Substandard OSTDS	0.5	0.5	1.0	1.5
Approved OSTDS	0.5	0	1	1.5
Secondary Treatment	n/a	n/a	1	1.5

Additionally, the unit cap for new residential development shall be linked to the following work program which identifies actions necessary to correct existing wastewater and storm water problems, as well as actions necessary to determine appropriate future growth. Beginning September 30, 2003 ~~August 1, 2002~~, and each year of the work program thereafter, Monroe County and the Department of Community Affairs shall report to the Administration Commission documenting the degree to which the work program objectives for that year have been achieved. The Commission shall consider the findings and recommendations provided in those reports and shall determine whether substantial progress has been achieved toward accomplishing the tasks of the work program. If the Commission determines that substantial progress has not been made, the unit cap for new residential development shall be reduced by at least 20 percent for the following year. If the Commission determines that substantial progress has been made, then the Commission shall increase the unit cap for new residential development for the following year up to a maximum of 158 ~~197~~ units. Other agencies identified in the work program, or any interested persons, may likewise report and make recommendations for consideration by the Commission. Notwithstanding any other dates set forth in this plan, the dates set forth in the work program shall control where conflicts exist. For each task in the work program, the Department of Community Affairs shall request of all relevant and appropriate federal, state, regional, and local agencies that they contribute any relevant data, analysis and recommendations, and that they take an active role in assisting the county in completing the task. Each such agency shall prepare, in coordination with the county, a section to be included in Monroe County's reports which indicates the agency's actions relative to the work plan. The Department of

Community Affairs shall specifically request that the Florida Keys National Marine Sanctuary Water Quality Protection Program Steering Committee (Water Quality Steering Committee) take an active role in coordinating with Monroe County, and relevant state and federal agencies, in the implementation of the tasks related to water quality, wastewater and storm water facilities, and in the development and implementation of the carrying capacity study. The Steering Committee will provide technical assistance and substantive comments and recommendations to ensure that the county's wastewater and storm water master plans and the carrying capacity study are consistent with the objectives of the FKNMS Water Quality Protection Program. The Steering Committee will make recommendations on wastewater systems and Hot Spot priorities prior to implementation by the County. It is the intent of this rule to accelerate the pace, and increase the effectiveness of the current cesspit replacement effort through both a regulatory and an incentive-based program. No later than August, 1999 Monroe County shall engage in a public education program to ensure that the public understands that the County is committed to the swift identification and replacement of cesspits, as a full partner with the Department of Health. The public education program shall explain the role of cesspit removal in the overall context of the Work Plan and Wastewater Master Plan. The County and the state shall request the participation of the Steering Committee in the public education program as well as the Florida Keys Aqueduct Authority.

WORK PROGRAM

YEAR ONE (ending December 31, 1997)

A. through G. No change.

YEAR TWO (ending December 31, 1998)

A. through F. No change.

YEAR THREE (January 1, 1999 through July 12, 2000)

A. through I. No change.

YEAR FOUR (July 13, 2000 through July 12, 2001)

A. through F. No change.

YEAR FIVE (July 13, 2001 through July 12, 2002)

A. through E. No change.

YEAR SIX (July 13, 2002 through July 12, 2003)

A. through D. No change.

E. Develop a Keys-wide master land acquisition plan which shall include:

(1) A strategy for the acquisition of those properties which should be preserved due their habitat value as well as those other properties where future development is to be discouraged;

(2) A management plan for implementing the strategy, and
(3) a reasonable, feasible plan for securing funding for said land acquisition.

Agencies: County, Land Authority, DCA, DEP, SFWMD, Army COE, EPA, USFWS and other interested parties to include representatives of environmental organizations and development interests.

F. Initiate and complete a collaborative process for the adoption of land development regulations, and/or comprehensive plan amendments as needed, that will strengthen the protection of terrestrial habitat through processes such as the Permit Allocation System and permitting processes, and the preservation and maintenance of affordable housing stock.

Agencies: County, DCA, DEP, FFWC, USFWS, and other interested parties to include representatives of environmental organizations and development interests.

YEAR SEVEN (July 13, 2003 through July 12, 2004)

A. through B. No change.

(36) through (65) No change.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Jim Quinn, State Planning Administrator, Division of Community Planning, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100, (850)487-4545

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

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

Notice is hereby given that the above rule, as noticed in Vol. 28, No. 17, April 26, 2002, Florida Administrative Weekly has been withdrawn.

DEPARTMENT OF HEALTH

Board of Hearing Aid Specialists

RULE NO.: 64B6-2.002 RULE TITLE: Definitions
NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in the Vol. 27, No. 45, November 9, 2001, issue of the Florida Administrative Weekly. The changes are in response to the Board meeting held on July 26, 2002.

The rule shall now read as follows:

64B6-2.002 Definitions.

For the purpose of this chapter the following definitions apply:

(1) No change.

(2) "At least twelve (12) months of full-time experience as a legally practicing hearing aid specialist in another state" means presenting to the Board:

(a) through (b) No change.

(c) A ~~notarized~~ statement from the applicant's previous employer(s) that the applicant was employed for twelve (12) of the eighteen (18) months immediately preceding the application and had an average of two (2) sales per month for twelve (12) of the eighteen (18) months immediately preceding the application, as evidenced by receipts.

(3) "Next available examination" means the first licensure examination approved by the Department after a trainee fails the examination or "repeats" a training program for the purpose of retaking the examination.

(4) "First available examination" means the first licensure examination approved by the Department after completion of the training program referred to in Section 484.0445, Florida Statutes, or the first licensure examination approved by the Department after the applicant has been certified for examination by the Board.

Specific Authority 484.044, 484.0445, 484.045 FS. Law Implemented 484.0445, 484.045 FS. History--New 12-21-86, Amended 5-22-90, Formerly 21JJ-2.002, 61G9-2.002, Amended _____.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Sue Foster, Executive Director, Board of Hearing Aid Specialists, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3258

DEPARTMENT OF HEALTH

Board of Opticianry

RULE NO.: 64B12-12.009 RULE TITLE: Delinquent license
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. 13, March 29, 2002, issue of the Florida Administrative Weekly. The changes are in response to comments received from the Joint Administrative Procedures Committee and from the Board meeting held on May 8, 2002.

Subsection (3)(b) shall now read as follows:

(b) If active is requested, demonstrate compliance with the continuing education requirements for each year, or part thereof, the license is delinquent, as set forth in Rule 64B12-15.001, F.A.C.,

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Sue Foster, Executive Director, Board of Opticianry, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3258

Section IV Emergency Rules

DEPARTMENT OF STATE

Division of Elections

RULE TITLE: 2002 Primary Election Ballot
RULE NO.: 1SER02-1
SPECIFIC REASONS FOR FINDING AN IMMEDIATE DANGER TO THE PUBLIC HEALTH, SAFETY AND WELFARE: The primary election for the nomination of candidates is currently set for September 10, 2002. During qualifying, no Democratic candidate for Governor listed a running mate. In light of this, section 99.063, Florida Statutes, provides that in the space for Lieutenant Governor, the words "Not Yet Designated" must be printed on the ballot. Rule 1S-2.032, F.A.C., currently provides for uniform ballots and requires that underneath the office heading "Governor and Lieutenant Governor" is to be placed the ballot instruction "Vote for One Pair." There will be confusion regarding what "Vote For One Pair" would mean in terms of a candidate for Governor without a named candidate for Lieutenant Governor. The Department of State was very recently notified of this confusion and the need for a quick procedure is paramount to ensure ballot integrity for the upcoming primary election.

REASONS FOR CONCLUDING THAT THE PROCEDURE USED IS FAIR UNDER THE CIRCUMSTANCES: This action is immediate in nature and the agency is only taking the absolute necessary action to protect the public. The proposed rule provides guidance for the primary ballot as it relates to candidates for Governor and Lieutenant Governor. An emergency rule is the most appropriate means to ensure that the Florida 2002 Primary Election ballots will be uniform and unambiguous.

SUMMARY OF THE RULE: The emergency rules provides guidelines as to what the primary ballot is to read for the offices of Governor and Lieutenant Governor.

THE PERSON TO BE CONTACTED REGARDING THE EMERGENCY RULE IS: Amy Tuck Whitman, Assistant General Counsel, Department of State, Division of Elections, 107 West Gaines Street, Room 100, Tallahassee, Florida 32399-0250, (850)245-6200

THE FULL TEXT OF THE EMERGENCY RULE IS:

1SER02-1 2002 Primary Election Ballot.

For the 2002 Primary Election, the ballots at the polling place shall have "(Vote for One)" under the office heading for Governor and Lieutenant Governor. The supervisor of elections of each county using optical scan voting equipment where ballots have already been printed may accomplish the

revised language by either reprinting their ballots or by blackening out the word "Pair" in the current instruction. All touchscreen systems shall be programmed with "(Vote for One)."

Specific Authority 101.151 FS. Law Implemented 101.151 FS. History--New 8-6-02.

THIS RULE TAKES EFFECT IMMEDIATELY UPON BEING FILED WITH THE DEPARTMENT OF STATE
EFFECTIVE DATE: August 6, 2002

DEPARTMENT OF THE LOTTERY

RULE TITLE: Instant Game Number 437, HIT \$50!
RULE NO.: 53ER02-39
SUMMARY OF THE RULE: This emergency rule describes Instant Game Number 437, "HIT \$50!," for which the Department of the Lottery will start selling tickets on a date to be determined by the Secretary of the Department. The rule sets forth the specifics of the game; determination of prizewinners; estimated odds of winning, value, and number and size of prizes in the game.
THE PERSON TO BE CONTACTED REGARDING THE EMERGENCY RULE IS: Diane D. Schmidt, Legal Analyst, Department of the Lottery, 250 Marriott Drive, Tallahassee, Florida 32399-4011

THE FULL TEXT OF THE EMERGENCY RULE IS:

53ER02-39 Instant Game Number 437, HIT \$50!.

- (1) Name of Game. Instant Game Number 437, "HIT \$50!"
- (2) Price. HIT \$50! lottery tickets sell for \$2.00 per ticket.
- (3) HIT \$50! lottery tickets shall have a series of numbers in Machine Readable Code (or bar code) on the back of the ticket, along with a Void If Removed Number under the latex area on the ticket. To be a valid winning HIT \$50! lottery ticket, a combination of essential elements sufficient to validate the ticket must be present as set forth in paragraph 53ER92-63(1)(a), Florida Administrative Code. In the event a dispute arises as to the validity of any HIT \$50! lottery ticket, or as to the prize amount, the Void If Removed Number under the latex shall prevail over the bar code.
- (4) The "YOUR NUMBERS" play symbols and play symbol captions are as follows:

INSERT SYMBOLS

(5) The “SERIAL NUMBERS” play symbols and play symbol captions are as follows:

INSERT SYMBOLS

(6) The prize symbols and prize symbol captions are as follows:

INSERT SYMBOLS

(7) The legends are as follows:

INSERT SYMBOLS

(8) Determination of Prize Winners.

(a) A ticket having a number in the “YOUR NUMBERS” play area that matches either number in the “SERIAL NUMBERS” play area shall entitle the claimant to the corresponding prize shown for that number. A ticket may have up to ten matching sets of numbers. The prizes are: TICKET, \$2.00, \$3.00, \$5.00, \$10.00, \$25.00, and \$50.00. A claimant who is entitled to a prize of a “TICKET” shall be entitled to a prize of a \$2.00 instant ticket or any combination of instant and on-line tickets that totals \$2.00, except as follows. A person who submits by mail a HIT \$50! lottery ticket which entitles the claimant to a prize of a \$2.00 ticket and whose mailing address is outside the state of Florida will receive a check for \$2.00 in lieu of an actual ticket.

(b) A ticket having a “star” symbol in the “YOUR NUMBERS” play area shall entitle the claimant to the corresponding prize amount shown.

(9) The estimated odds of winning, value, and number of prizes in Instant Game Number 437 are as follows:

GAME PLAY	WIN	ODDS OF	NUMBER OF
			WINNERS IN
		1 IN	28 POOLS OF
			180,000 TICKETS
			PER POOL
TICKET	\$2 TICKET	10.00	504,000
\$2	\$2	21.43	235,200
\$2 x 2	\$4	37.50	134,400
\$2 + \$3	\$5	30.00	168,000
\$5 (STAR)	\$5	30.00	168,000
\$2 x 5	\$10	75.00	67,200
(\$2 x 2) + (\$3 x 2)	\$10	150.00	33,600
\$10 (STAR)	\$10	150.00	33,600
(\$2 x 5) + (\$5 x 3)	\$25	360.00	14,000
\$5 x 5	\$25	360.00	14,000
\$25 (STAR)	\$25	360.00	14,000
\$5 x 10	\$50	1,046.51	4,816
\$25 x 2	\$50	1,363.64	3,696
\$50 (STAR)	\$50	608.11	8,288

(10) The estimated overall odds of winning some prize in Instant Game Number 437 are 1 in 3.59. Some prizes, including the top prizes, may be sold out at time of ticket purchase.

(11) For reorders of Instant Game Number 437, the estimated odds of winning, value, and number of prizes shall be proportionate to the number of tickets reordered.

(12) By purchasing a HIT \$50! lottery ticket the player agrees to comply with and abide by all rules and regulations of the Florida Lottery.

(13) Payment of prizes for HIT \$50! lottery tickets shall be made in accordance with rules of the Florida Lottery governing procedures for awarding prizes. A copy of the current rule can be obtained from the Florida Lottery, Office of the General Counsel, 250 Marriott Drive, Tallahassee, Florida 32399-4011.

Specific Authority 24.105(9)(a),(b),(c), 24.109(1), 24.115(1) FS. Law Implemented 24.105(9)(a),(b),(c), 24.115(1) FS. History—New 8-2-02.

THIS EMERGENCY RULE TAKES EFFECT IMMEDIATELY UPON BEING FILED WITH THE DEPARTMENT OF STATE.

EFFECTIVE DATE: August 2, 2002

DEPARTMENT OF THE LOTTERY

RULE TITLE: Instant Game Number 440, POCKET CASH

RULE NO.: 53ER02-40

SUMMARY OF THE RULE: This emergency rule describes Instant Game Number 440, “POCKET CASH,” for which the Department of the Lottery will start selling tickets on a date to be determined by the Secretary of the Department. The rule sets forth the specifics of the game; determination of prizewinners; estimated odds of winning, value, and number and size of prizes in the game.

THE PERSON TO BE CONTACTED REGARDING THE EMERGENCY RULE IS: Diane D. Schmidt, Legal Analyst, Department of the Lottery, 250 Marriott Drive, Tallahassee, Florida 32399-4011

THE FULL TEXT OF THE EMERGENCY RULE IS:

53ER02-40 Instant Game Number 440, POCKET CASH.

(1) Name of Game. Instant Game Number 440, “POCKET CASH.”

(2) Price. POCKET CASH lottery tickets sell for \$1.00 per ticket.

(3) POCKET CASH lottery tickets shall have a series of numbers in Machine Readable Code (or bar code) on the back of the ticket, along with a Void If Removed Number under the latex area on the ticket. To be a valid winning POCKET CASH lottery ticket, a combination of essential elements sufficient to validate the ticket must be present as set forth in paragraph 53ER92-63(1)(a), Florida Administrative Code. In the event a

dispute arises as to the validity of any POCKET CASH lottery ticket, or as to the prize amount, the Void If Removed Number under the latex shall prevail over the bar code.

(4) The “YOUR NUMBERS” play symbols and play symbol captions are as follows:

INSERT SYMBOLS

(5) The “WINNING NUMBERS” play symbols and play symbol captions are as follows:

INSERT SYMBOLS

(6) The prize symbols and prize symbol captions are as follows:

INSERT SYMBOLS

(7) The legends are as follows:

INSERT SYMBOLS

(8) Determination of Prize Winners.

(a) A ticket having a number in the “YOUR NUMBERS” play area that matches either number in the “WINNING NUMBERS” play area shall entitle the claimant to the corresponding prize shown for that number. A ticket may have up to five matching sets of numbers. The prizes are: TICKET, \$1.00, \$2.00, \$4.00, \$5.00, \$10.00, \$20.00, \$25.00, \$50.00, \$100, \$500, \$1,000, and \$2,500. A claimant who is entitled to a prize of a “TICKET” shall be entitled to a prize of a \$1.00 ticket, except as follows. A person who submits by mail a POCKET CASH lottery ticket which entitles the claimant to a prize of a \$1.00 ticket and whose mailing address is outside the state of Florida will receive a check for \$1.00 in lieu of an actual ticket.

(b) A ticket having a “moneybag” symbol in the “YOUR NUMBERS” play area shall entitle the claimant to the corresponding prize amount shown.

(9) The estimated odds of winning, value, and number of prizes in Instant Game Number 440 are as follows:

GAME PLAY TICKET	WIN \$1 TICKET	ODDS OF 1 IN	NUMBER OF WINNERS IN 56 POOLS OF 180,000 TICKETS PER POOL
\$1	\$1	15.00	672,000
\$2	\$2	25.00	403,200
\$4	\$4	100.00	100,800
\$1 + (\$2 x 2)	\$5	150.00	67,200
\$1 x 5	\$5	75.00	134,400
\$5 (MONEY BAG)	\$5	75.00	134,400
\$1 + (\$2 x 2) + \$5	\$10	300.00	33,600
\$2 x 5	\$10	300.00	33,600
\$10 (MONEY BAG)	\$10	300.00	33,600
\$25 (MONEY BAG)	\$25	1,500.00	6,720
\$5 x 5	\$25	1,682.24	5,992
\$5 + (\$10 x 2)	\$25	1,682.24	5,992
\$10 x 5	\$50	9,000.00	1,120
\$25 x 2	\$50	9,000.00	1,120
\$50 (MONEY BAG)	\$50	9,000.00	1,120
\$20 x 5	\$100	134,400.00	75
\$25 + \$25 + \$50 (MONEY BAG)	\$100	134,400.00	75
\$100 (MONEY BAG)	\$100	134,400.00	75
\$1,000	\$1,000	2,016,000.00	5
\$500 x 5	\$2,500	1,260,000.00	8
\$2,500	\$2,500	2,520,000.00	4

(10) The estimated overall odds of winning some prize in Instant Game Number 440 are 1 in 3.81. Some prizes, including the top prizes, may be sold out at time of ticket purchase.

(11) For reorders of Instant Game Number 440, the estimated odds of winning, value, and number of prizes shall be proportionate to the number of tickets reordered.

(12) By purchasing a POCKET CASH lottery ticket the player agrees to comply with and abide by all rules and regulations of the Florida Lottery.

(13) Payment of prizes for POCKET CASH lottery tickets shall be made in accordance with rules of the Florida Lottery governing procedures for awarding prizes. A copy of the current rule can be obtained from the Florida Lottery, Office of the General Counsel, 250 Marriott Drive, Tallahassee, Florida 32399-4011.

Specific Authority 24.105(9)(a),(b),(c), 24.109(1), 24.115(1) FS. Law Implemented 24.105(9)(a),(b),(c), 24.115(1) FS. History—New 8-2-02.

THIS EMERGENCY RULE TAKES EFFECT IMMEDIATELY UPON BEING FILED WITH THE DEPARTMENT OF STATE.

EFFECTIVE DATE: August 2, 2002

Section V
Petitions and Dispositions Regarding Rule
Variance or Waiver

PUBLIC SERVICE COMMISSION

NOTICE IS HEREBY GIVEN that the Florida Public Service Commission has received a petition from Florida Power & Light Company, filed July 26, 2002, in Docket No. 020824-EI, seeking waiver from Rule 25-6.015(3), Florida Administrative Code.

A copy of the petition can be obtained from the Division of the Commission Clerk and Administrative Services. The rule addresses the preservation of records by a public utility. Comments on the petition should be filed with the Commission's Division of the Commission Clerk and Administrative Services, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, within 14 days after publication of this notice.

For additional information, please contact Adrienne Vining, Office of the General Counsel, at the above address or telephone (850)413-6199.

NOTICE IS HEREBY GIVEN by the Florida Public Service Commission that Florida Public Utilities Company's petition for waiver of the filing deadline set forth in Rule 25-6.0436(8)(a), Florida Administrative Code, filed April 30, 2002, in Docket No. 020327-EI, was approved by the Commission at its June 18, 2002, Agenda Conference. Order No. PSC-02-0918-PAA-EI, issued July 8, 2002, memorialized the decision. The rule provides that investor-owned electric utility companies shall file depreciation studies at least once every four years from the date the previous depreciation study was filed. The petition was approved on the basis that the purpose of the underlying statute would be achieved by other means and application of the rule would create substantial hardship. Notice of the petition was published in the FAW on May 31, 2002.

A copy of the Order can be obtained from: Division of the Commission Clerk and Administrative Services, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, (850)413-6770 or the Commission's Homepage at <http://www.floridapsc.com>.

WATER MANAGEMENT DISTRICTS

NOTICE IS HEREBY GIVEN that the Southwest Florida Water Management District received, on July 31, 2002, a petition from Florida Water Services, Inc., seeking a variance from Rule 40D-2.101(2), Florida Administrative Code, (Content of Application) and Section 2.1, Water Use Permit Information Manual, Part B, Basis of Review (Applicant Control of Property and Activities). These provisions require that an applicant for a Water Use Permit demonstrate

ownership or control of proposed groundwater withdrawal sites. The petition has been assigned Office of General Counsel Case Number 200263.

Copies of the petition may be obtained from, and written comments submitted to: Southwest Florida Water Management District, Office of General Counsel, 2379 Broad Street, Brooksville, Florida 34604-6899, Attention: Margaret M. Lytle, Assistant General Counsel. Comments must be received no later than 14 days from the date of publication of this notice. The Southwest Florida Water Management District does not discriminate on the basis of any individual's disability status. Anyone requiring reasonable accommodation as provided for in the Americans With Disabilities Act should contact Dianne Lee, (352)796-7211 or 1(800)423-1476, Extension 4658, TDD only number 1(800)231-6103, Fax (352)754-6878, Suncom 663-6879.

NOTICE IS HEREBY GIVEN that on July 3, 2002, the South Florida Water Management District (SFWMD) received a request to withdraw the Petition for Variance (Application 010814-9), filed by the Martin County Public Services Department for a project known as Tropic Vista Area Drainage Improvements, located in Martin County, which requested relief from Section 6.2, Basis of Review for Environmental Resource Permit Applications Within the South Florida Water Management District – August 2000, incorporated by reference in Rule 40E-4.091(1)(a), Fla. Admin. Code, pertaining to discharge rates.

A copy of the withdrawal may be obtained from Beth Colavecchio, (561)682-6905 or e-mail: bcolavec@sfwmd.gov. The SFWMD 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, West Palm Beach, FL 33401, Attn: District Clerk.

DEPARTMENT OF THE LOTTERY

NOTICE IS HEREBY GIVEN THAT the Department of the Lottery has received a Petition for Waiver of subsection 53ER02-12(5), F.A.C., *Procedures for Awarding Prizes*, from each of the following petitioners:

Petitioner	Date Filed
Tina Williams, Tampa, Florida	August 5, 2002
Margaret Rita Whalen, Palm Beach Gardens, Florida	August 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.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

The Department of Environmental Protection received, on July 16, 2002, a petition from ARCADIS G&M, Inc., (OGC Case Number 02-1032) seeking a variance under section 120.542 of the Florida Statutes from the prohibition from a zone of discharge under subsection 62-522.300(3), Florida Administrative Code.

The full text of this notice is published on the Internet at the Department of Environmental Protection's home page at <http://www.dep.state.fl.us/> under the link or button titled "Official Notices," under the underground injection control program area.

For information on this final order call: Cathy McCarty, (850)921-9412.

DEPARTMENT OF HEALTH

The Board of Medicine hereby gives notice that it has received a petition for waiver or variance filed on August 5, 2002, by Jeffrey M. Harzog, M.D., seeking a waiver from sub-subparagraph 64B8-9.009(6)(b)1.a., F.A.C., with regard to utilizing the services of a certified nurse anesthetist (CRNA) in the administration of Level III office anesthesia under the direct supervision of the operating surgeon. Comments on this petition should be filed with Board of Medicine, MQA, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3253, within 14 days of publication of this notice.

For a copy of the petition, contact: Larry G. McPherson, Jr., Executive Director, Board of Medicine, at above address or telephone (850)245-4131.

FLORIDA HOUSING FINANCE CORPORATION

NOTICE IS HEREBY GIVEN that on August 2, 2002, Florida Housing Finance Corporation received an Emergency Petition for Variance from, Waiver or Extension of the Ninety Day Limitation of paragraphs 67-47.140(3)(h),(i) and (j). The Petition seeks an extension of the ninety-day requirement wherein all sources of funding must close.

A copy of the Petition can be obtained from: Sherry Green, Public Records Clerk, Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32399-1329.

Florida Housing will accept comments concerning the Petition for 14 days from the date of publication of this notice. To be considered, comments must be received on or before 5:00 p.m., Eastern Standard Time, on the 14th day after publication of this notice at Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32399-1329.

FISH AND WILDLIFE CONSERVATION COMMISSION

Notice is hereby given that the Florida Fish and Wildlife Conservation Commission (Commission) has issued a temporary variance from the Dade County manatee protection subparagraph 68C-22.025(1)(a)8.,9.,10.,11. and 18., Florida Administrative Code (FAC) to Columbia Pictures (Columbia) for the period of August 1-30, 2002. The petition was filed with the Commission on July 22, 2002 requesting issuance of a temporary variance of subparagraphs 68C-22.025(1)(a)9.,10. and 11. and subparagraph 68C-22.025(1)(c)4., FAC. On July 25, 2002, the Commission entered an order denying the Emergency Petition for Variance or Waiver because the petition did not adequately document an emergency situation. On July 29, 2002, Columbia resubmitted information to document that it would suffer immediate adverse effects unless a waiver and variance was issued on an expeditious basis and reduced the use of high-speed powerboats in manatee protection zones, which the Commission considered to be an amendment of the original petition.

A Notice of Receipt of Petition was published in the Florida Administrative Weekly on August 2, 2002. The Second Order on Emergency Petition for Variance or Waiver was issued on July 31, 2002. The Second Order on Emergency Petition for Variance or Waiver authorizes Columbia to operate within portions of the following Miami-Dade County waterways: the mouth of the Miami River; and waters of southern Biscayne Bay in the vicinity of Brickell Key (Claughton Island) and the McArthur and Venetian Causeways; the Port of Miami; and Government Cut that are currently regulated by Commission rule to film a high-speed powerboat chase sequence for a major feature film (motion picture). During the period of the filming of the powerboat chase sequence which was scheduled to be August 1 and 2, 2002, Columbia shall coordinate with the United States Coast Guard, local police and authorities, for safety reasons, to control marine traffic in the area in which filming will take place. Columbia shall obtain all other necessary authorizations and permits from the United States Coast Guard and other local or state agencies. In addition and during the period of the variance, Columbia shall, in accordance with the Protected Marine Species Watch Plan, use aerial-based and ground-based personnel to look for manatees in the proposed high-speed chase filming locations, and shall cease filming until after any sighted manatee(s) leave the area in accordance with the Watch Plan.

Copies of the variance may be obtained by contacting: Florida Fish and Wildlife Conservation Commission, Office of Environmental Services, Bureau of Protected Species Management (OES-BPS), 620 South Meridian Street, Tallahassee, FL 32399-1600, Attn: Dawn Griffin.

NOTICE IS HEREBY GIVEN that the Florida Fish and Wildlife Conservation Commission has received a petition from David W. Spain on behalf of Brevard County Non Motorized Water Sports Association (Association) for a permanent variance or waiver from portions of the Brevard County manatee protection (subparagraph 68C-22.006(d)6.,7., 11.,12.,13.,15., and 18., Florida Administrative Code). The petition was received by the Commission on July 30, 2002, and seeks authorization for groups under the auspices of the Association to operate vessels at speeds greater than those allowed by the rule (but not more than 25 MPH) within certain portions of the Banana River, Canaveral Barge Canal, Indian River, Newfound Harbor and Sykes Creek, while operating as safety vessels for non-motorized water sports such as competition rowing, canoeing and kayaking.

A copy of the petition may be received from, and written comments submitted to: Florida Fish and Wildlife Conservation Commission, Bureau of Protected Species Management, 620 South Meridian Street, Tallahassee, FL 32399-1600; Attn: Scott Calleson or Dawn Griffin.

To be considered, comments must be received no later than 14 days from the date of publication of this notice.

Section VI

Notices of Meetings, Workshops and Public Hearings

DEPARTMENT OF STATE

The **Department of State, Division of Historical Resources** announces a public notice Ad Hoc Advisory Committee Teleconference, to which all persons are invited.

DATE AND TIME: Thursday August 22, 2002, 10:30 a.m.

PLACE: R. A. Gray Building, Room 319, 500 S. Bronough Street, Tallahassee, FL 32399-0250

Should any person wish to appeal any decision made with respect to the above referenced meeting, she or he may need to ensure verbatim recording of the proceedings in order to provide a record for judicial review. "Pursuant to Chapter 286.26, Florida Statutes, people with disabilities wishing to attend this meeting should contact the agency at least 48 hours prior to the meeting in order to request any special assistance."

NOTICE OF CORRECTION – The **Friends of the Knott House**, Inc. announces a public meeting to which all persons are invited.

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

PLACE: The Knott House, 301 E. Park Avenue, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct the regular business meeting with the Board of Directors.

A copy of the agenda may be obtained by writing: Patsy B. McLeod, Bureau of Historical Museums, Division of Historical Resources, 500 South Bronough Street, Tallahassee, Florida 32399-0250 or calling (850)245-6413.

Should any person wish to appeal any decision made with respect to the above-mentioned meeting, he or she may need to ensure verbatim recording of the proceedings in order to provide a record of judicial review.

Pursuant to Rule 286.26, Florida Statutes, people with disabilities wishing to attend this meeting should contact the agency at least 48 hours prior to the meeting in order to request any special assistance.

NOTICE OF CORRECTION – The **Friends of the Mission San Luis**, Inc. announces a public meeting to which all persons are invited.

DATE AND TIME: Tuesday, September 10, 2002, 2:00 p.m.

PLACE: R. A. Gray Building, 3rd Floor, Director's Conference Room, 500 South Bronough Street, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct the regular business with the Board of Directors.

A copy of the agenda may be obtained by writing: Patsy B. McLeod, Bureau of Historical Museums, Division of Historical Resources, 500 South Bronough Street, Tallahassee, Florida 32399-0250 or calling (850)245-6413.

Should any person wish to appeal any decision made with respect to the above-mentioned meeting, he or she may need to ensure verbatim recording of the proceedings in order to provide a record of judicial review.

Pursuant to Rule 286.26, Florida Statutes, people with disabilities wishing to attend this meeting should contact the agency at least 48 hours prior to the meeting in order to request any special assistance.

NOTICE OF CORRECTION – The **Friends of the Old Florida Capitol**, Inc. announces a public meeting to which all persons are invited.

DATE AND TIME: Wednesday, September 11, 2002, 10:00 a.m.

PLACE: R. A. Gray Building, 3rd Floor, Director's Conference Room, 500 South Bronough Street, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct the regular business meeting with the Board of Directors.

A copy of the agenda may be obtained by writing: Patsy B. McLeod, Bureau of Historical Museums, Division of Historical Resources, 500 South Bronough Street, Tallahassee, Florida 32399-0250 or calling (850)245-6413.

Should any person wish to appeal any decision made with respect to the above-mentioned meeting, he or she may need to ensure verbatim recording of the proceedings in order to provide a record of judicial review.

Pursuant to Rule 286.26, Florida Statutes, people with disabilities wishing to attend this meeting should contact the agency at least 48 hours prior to the meeting in order to request any special assistance.

NOTICE OF CORRECTION – The Friends of Historic Properties and Museums, Inc. announces a public meeting to which all persons are invited.

DATE AND TIME: Wednesday, September 11, 2002, 2:00 p.m.

PLACE: R. A. Gray Building, 3rd Floor, Director's Conference Room, 500 South Bronough Street, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct the regular business meeting with the Board of Directors.

A copy of the agenda may be obtained by writing: Patsy B. McLeod, Bureau of Historical Museums, Division of Historical Resources, 500 South Bronough Street, Tallahassee, Florida 32399-0250 or calling (850)245-6413.

Should any person wish to appeal any decision made with respect to the above-mentioned meeting, he or she may need to ensure verbatim recording of the proceedings in order to provide a record of judicial review.

Pursuant to Rule 286.26, Florida Statutes, people with disabilities wishing to attend this meeting should contact the agency at least 48 hours prior to the meeting in order to request any special assistance.

NOTICE OF CORRECTION – The Friends of the Museum of Florida History, Inc. announces a public meeting to which all persons are invited.

DATES AND TIMES: Wednesday, September 11, 2002, 6:30 p.m.; Thursday, September 12, 2002, 8:00 a.m. – 6:00 p.m.

PLACE: R. A. Gray Building, 3rd Floor, Director's Conference Room, 500 South Bronough Street, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE DISCUSSED: To conduct the regular business meeting with the Board of Directors.

A copy of the agenda may be obtained by writing: Patsy B. McLeod, Bureau of Historical Museums, Division of Historical Resources, 500 South Bronough Street, Tallahassee, Florida 32399-0250 or calling (850)245-6413.

Should any person wish to appeal any decision made with respect to the above-mentioned meeting, he or she may need to ensure verbatim recording of the proceedings in order to provide a record of judicial review.

Pursuant to Rule 286.26, Florida Statutes, people with disabilities wishing to attend this meeting should contact the agency at least 48 hours prior to the meeting in order to request any special assistance.

The Department of State, Division of Cultural Affairs announces the following public meetings to which all persons are invited.

COMMITTEE: Art Selection Committee

DATE AND TIME: Wednesday, August 28, 2002, 9:00 a.m.

PLACE: Corporate Park of Miami, Conference Room, Suite 150, 7755 Northwest 48th Street, Miami, FL 33166, (876)845-0110

GENERAL SUBJECT MATTER TO BE CONSIDERED: To hold a Slide Review Meeting to select artwork for Art in State Buildings Project No. DOH 9813/7300, Miami-Dade County Health Department, West Perrine.

For more information or to obtain a copy of the agenda, please contact: Lee Modica, Arts Administrator, Division of Cultural Affairs, The Capitol, Tallahassee, Florida 32399-0250, (850)487-2980, Ext 116.

Should any person wish to appeal any decision made with respect to any matter considered at the above-referenced meeting, he/she may need to ensure verbatim recording of the proceeding to provide a record for judicial review. This meeting will not be taped by the Division of Cultural Affairs.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this meeting is asked to advise the agency at least 48 hours before the meeting by contacting Valerie Ohlsson, (850)487-2980, Ext 117. If you are hearing or speech impaired, please contact the agency by calling TT: (850)488-5779.

DEPARTMENT OF LEGAL AFFAIRS

The Resources Committee of the Florida **Commission on the Status of Women** will hold a telephone conference on:

DATE AND TIME: Wednesday, August 28, 2002, 10:00 a.m.

PLACE: Please call (850)414-3300 for instructions on participation

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss general issues.

If you need an accommodation because of disability in order to participate, please notify FCSW in writing at least five days in advance at Office of the Attorney General, The Capitol, Tallahassee, FL 32399-1050.

The Awards/Recognition Task Force Committee of the Florida **Commission on the Status of Women** will hold a telephone conference on:

DATE AND TIME: Thursday, August 29, 2002, 10:00 a.m.

PLACE: Please call (850)414-3300 for instructions on participation

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss general issues.

If you need an accommodation because of disability in order to participate, please notify FCSW in writing at least five days in advance at Office of the Attorney General, The Capitol, Tallahassee, FL 32399-1050.

DEPARTMENT OF BANKING AND FINANCE

The **Department of Banking and Finance** announces a workshop to which all persons are invited.

DATE AND TIME: Wednesday, September 4, 2002, 9:00 a.m.

PLACE: Department of Banking and Finance, 101 East Gaines Street, The Fletcher Building, G Floor, JAD Room, Tallahassee, Florida 32399-0350

GENERAL SUBJECT MATTER TO BE CONSIDERED: Workshop on rules under Chapter 3D-40, F.A.C., to clarify the implementation of legislative changes to Chapter 494, Florida Statutes, made by Chapter 2001-228, Laws of Florida, which took effect October 1, 2001, as to the designation of a "principal representative," specifically, Sections 494.001(29), 494.0061(8) and 494.0062(11), F.S.

A copy of the agenda may be obtained by contacting: Bob Tedcastle, Financial Administrator, Division of Securities and Finance, The Fletcher Building, 5th Floor, 101 East Gaines Street, Tallahassee, Florida 32399-0350, (850)410-9500.

DEPARTMENT OF INSURANCE

The **Department of Insurance** announces a public forum to which all persons are invited.

DATE AND TIME: August 19, 2002, 3:00 p.m. – 7:00 p.m.

PLACE: Temple Terrace City Hall, City Council Chambers, 11250 North 56th Street, Temple Terrace, FL 33617

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Department of Insurance intends to receive comments from interested parties relative to mold and the impact it is having on Florida's consumers and insurance industry.

A copy of the agenda may be obtained by contacting: J. Steve Roddenberry, Deputy Director, Division of Insurer Services, Department of Insurance, 200 East Gaines Street, Tallahassee, Florida 32399-0326, 413-5104.

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 **Governor's Commission on Workers' Compensation Reform** announces the following public meeting to which all persons are invited.

DATE AND TIME: August 21, 2002, 9:00 a.m. – 5:00 p.m.

PLACE: Orlando World Center Marriott, Canary Room (inside Palms Ballroom, Convention Level), 8701 World Center Drive, Orlando, Florida 32821, (407)239-4200

GENERAL SUBJECT MATTER TO BE CONSIDERED: Workers' Compensation Reform.

Any person requiring special accommodations to participate in this meeting is asked to advise staff at least 48 hours prior to the meeting by contacting Jacki Lawhon, (850)922-8062.

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

The Florida **Department of Agriculture and Consumer Services** announces a business meeting of the subcommittee on Baytex Review a subcommittee of the Florida Coordinating Council on Mosquito Control to which all persons are invited.

DATES AND TIME: August 28, 2002; September 4, 2002; September 11, 2002, 10:00 a.m. – 5:00 p.m., Finalization Meeting

PLACE: Doyle Conner Building, 1911 S. W. 34th Street, Post Office Box 147100 (mail), Gainesville, Florida 32614-7100

GENERAL SUBJECT MATTER TO BE CONSIDERED: Welcome and Introductions; General Comments and Business Items, to include Group Discussion on information collected and reviewed.

Questions and Comments may be directed to: Alex Cordero, Chairman, (850)488-3456 or email alex.cordero@dep.state.fl.us.

The Florida **Department of Agriculture and Consumer Services** announces a meeting to which all persons are invited.

DATE AND TIME: Tuesday, September 10, 2002, 1:30 p.m.

PLACE: 2005 Apalachee Parkway, Tallahassee, Florida 32399-6500

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Florida Motor Vehicle Advisory Council will be meeting to discuss consumer-related issues and proposed legislation for the 2003 Florida session addressing issues of interest to consumers.

A copy of the agenda may be obtained by contacting: Mr. James R. Kelly, Director, Division of Consumer Services, 2005 Apalachee Parkway, Tallahassee, Florida 32399-6500, (850)922-2966.

NOTICE IS HEREBY GIVEN THAT The Florida **Department of Agriculture and Consumer Services, Division of Food Safety** will conduct a public meeting of the Florida Food Safety Task Force at the time, date and place shown below.

DATE AND TIME: September 13, 2002, 10:00 a.m.

PLACE: Florida Department of Agriculture and Consumer Services, Conner Complex, George Eyster Auditorium, 3125 Conner Boulevard, Tallahassee, FL, (850)488-0295

GENERAL SUBJECT MATTER TO BE CONSIDERED: Overview of state and federal food safety biosecurity issues, discussion of antibiotic and other contaminants in foods, updates from state food safety regulatory agencies.

The person to be contacted regarding the meeting is: Dr. Marion Fuller, Director, Division of Food Safety, Florida Department of Agriculture and Consumer Services, 3125 Conner Boulevard, Tallahassee, Florida 32399-1650, (850)488-0295.

An agenda of the meeting is available at no charge from the contact person listed above.

The Florida **Department of Agriculture and Consumer Services** announces a meeting of the Florida Sturgeon Production Working Group to which all interested persons are invited.

DATE AND TIME: Friday, September 13, 2002, 10:00 a.m. – 12:00 Noon

PLACE: University of Florida, Institute of Food and Agricultural Science, 7922 N. W. 71st Avenue, Gainesville, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Florida Sturgeon Production Working Group is responsible for coordinating the implementation of a state sturgeon production management plan to promote the commercial production and stock enhancement of sturgeon. The workshop will address administrative issues, sturgeon research funding priorities, and status of commercial sturgeon production in Florida.

A copy of the agenda may be obtained by writing: Division of Aquaculture, 1203 Governor's Square Blvd., Fifth Floor, Tallahassee, Florida 32301.

ADA NOTICE: If an accommodation is needed for a disability in order to participate in the public workshop, please notify the Division of Aquaculture of the Department of Agriculture and Consumer Services by calling (850)488-5471, at least seven days prior to the public workshop.

DEPARTMENT OF EDUCATION

The **University of North Florida** will hold the initial Art in State Buildings Orientation meeting for the Science & Engineering Building on:

DATE AND TIME: September 12, 2002, 3:30 p.m.

PLACE: University of North Florida, Arts & Sciences Building, Dean's Conference Room (Building 8, Room 2213), Jacksonville, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: The purpose of the meeting is to determine potential sites and the medium for artwork for the new Science & Engineering building and to establish a project schedule.

For additional information, please contact: Patricia Maroney, (904)620-2560.

The public is invited to a workshop meeting of the Florida **Board of Education**.

DATE AND TIME: August 28, 2002, 10:00 a.m.

PLACE: LL-03, Cabinet Meeting Room, The Capitol, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Discussion of Proposed 2002 Constitutional Amendments: Amendment to Reduce Class Size, Voluntary Universal Pre-Kindergarten Education, Local Trustees and Statewide Governing Board to Manage Florida's University System; Discussion of Task Force on Accountability; Discussion of Funding for Higher Education; Presentation from The Center on Measuring Universities; and other matters pertaining to the Florida Board of Education.

A copy of the agenda may be obtained from the Secretary of Education's website at <http://www.flboe.org>.

Persons with disabilities who require assistance to participate in the meeting are requested to notify the Office of Equal Opportunity and Diversity, (850)201-7160 (Voice), (850)201-7164 (TDD), at least 7 days in advance, so that their needs can be accommodated.

The public is invited to a meeting of the Florida **Board of Education**.

DATE AND TIME: August 29, 2002, 8:00 a.m.

PLACE: LL-03, Cabinet Meeting Room, The Capitol, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Proposed 2002 Constitutional Amendments on Education: Class Size, Voluntary Universal Pre-Kindergarten Education, and University System Governing Board; Consideration of Delivery System Action Items, including FAU Campus Master Plan Amendment, USF Campus Master Plan Amendment, FAMU Student Housing Project Authorization to Sell Bonds, UWF Housing Project Authorization to Sell Bonds, UCF Parking Facility Authorization to Sell Bonds, Ratification – PBA and FNA Collective Bargaining Agreement Amendments, UF/IFAS Request to Surplus Property; Consideration of the University System Equity Accountability Report; Update on the Reorganization of the Department of Education; Status of the Management Project Abstracts for the Board's Strategic Plan; Selection of Chancellors: Division of Colleges and Universities, and Division of Community Colleges; Presentation on the Role of the Florida Board under the new School Code; and other matters pertaining to the Florida Board of Education.

A copy of the agenda may be obtained from the Secretary of Education's website at <http://www.flboe.org>.

Persons with disabilities who require assistance to participate in the meeting are requested to notify the Office of Equal Opportunity and Diversity, (850)201-7160 (Voice), (850)201-7164 (TDD), at least 7 days in advance, so that their needs can be accommodated.

The **Florida Rehabilitation Council** announces the following conference call/meeting:

MEETING: Florida Rehabilitation Council: Executive Committee

DATE AND TIME: August 21, 2002, 9:00 a.m. – 11:00 a.m.

PLACE: Headquarters

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct a meeting of the Florida Rehabilitative Council.

A copy of the agenda may be obtained by contacting: Florida Rehabilitative Council, 2002 Old Saint Augustine Road, Building A, Tallahassee, FL 32399-0696, (850)488-6210.

Any interested parties that need further information may contact Vicki Welch, Extension 150 or her Assistant, Yolanda Manning, Extension 128.

COMMITTEE MEETINGS: Please note that committees of the Florida Rehabilitative Council will meet at various times throughout the year to carry out the work of the council; the meeting dates and times will be posted at the above address at least seven days prior to the meeting. Persons who want to be notified of such meeting may request to be put on mailing list for such notices by writing to Yolanda Manning at the Council's address.

Notices of meetings and hearings must advise that a record is required to appeal. Each board, commission, agency of this state or of any political subdivision; thereof shall include in the notice any meeting or hearing, if notice of the meeting or hearing is required of such board, commission or agency, conspicuously on such notice, they advise that if a person decides to appeal any decision made by the board, agency or commission with respect to any matter considered at such meeting or hearing, he or she will need a record of the proceedings, and that, for such purpose, he or she may need to ensure that a verbatim record includes the testimony and evidence upon which the appeal is to be based. (Florida Statutes, 286.0105)

The **Florida Rehabilitation Council** announces the following conference call/meeting:

MEETING: Florida Rehabilitation Council: Evaluation Committee

DATE AND TIME: August 21, 2002, 12:00 Noon

PLACE: Headquarters

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct a meeting of the Florida Rehabilitative Council.

A copy of the agenda may be obtained by contacting: Florida Rehabilitative Council, 2002 Old Saint Augustine Road, Building A, Tallahassee, FL 32399-0696, (850)488-6210.

Any interested parties that need further information may contact Vicki Welch, Extension 150 or her Assistant, Yolanda Manning, Extension 128.

COMMITTEE MEETINGS: Please note that committees of the Florida Rehabilitative Council will meet at various times throughout the year to carry out the work of the council; the meeting dates and times will be posted at the above address at least seven days prior to the meeting. Persons who want to be notified of such meeting may request to be put on mailing list for such notices by writing to Yolanda Manning at the Council's address.

Notices of meetings and hearings must advise that a record is required to appeal. Each board, commission, agency of this state or of any political subdivision; thereof shall include in the notice any meeting or hearing, if notice of the meeting or hearing is required of such board, commission or agency, conspicuously on such notice, they advise that if a person decides to appeal any decision made by the board, agency or commission with respect to any matter considered at such meeting or hearing, he or she will need a record of the proceedings, and that, for such purpose, he or she may need to ensure that a verbatim record includes the testimony and evidence upon which the appeal is to be based. (Florida Statutes, 286.0105)

The **Florida Rehabilitation Council** announces the following conference call/meeting:

MEETING: Florida Rehabilitation Council: Coordination Committee

DATE AND TIME: August 28, 2002, 10:00 a.m.

PLACE: Headquarters

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct a meeting of the Florida Rehabilitative Council.

A copy of the agenda may be obtained by contacting: Florida Rehabilitative Council, 2002 Old Saint Augustine Road, Building A, Tallahassee, FL 32399-0696, (850)488-6210.

Any interested parties that need further information may contact Vicki Welch, Extension 150 or her Assistant, Yolanda Manning, Extension 128.

COMMITTEE MEETINGS: Please note that committees of the Florida Rehabilitative Council will meet at various times throughout the year to carry out the work of the council; the meeting dates and times will be posted at the above address at least seven days prior to the meeting. Persons who want to be notified of such meeting may request to be put on mailing list for such notices by writing to Yolanda Manning at the Council's address.

Notices of meetings and hearings must advise that a record is required to appeal. Each board, commission, agency of this state or of any political subdivision; thereof shall include in the

notice any meeting or hearing, if notice of the meeting or hearing is required of such board, commission or agency, conspicuously on such notice, they advise that if a person decides to appeal any decision made by the board, agency or commission with respect to any matter considered at such meeting or hearing, he or she will need a record of the proceedings, and that, for such purpose, he or she may need to ensure that a verbatim record includes the testimony and evidence upon which the appeal is to be based. (Florida Statutes, 286.0105)

The **Polk County School Readiness Coalition**, Inc. announces the following meeting to which all persons are invited.

DATE AND TIME: Wednesday, August 21, 2002, 8:30 a.m.

PLACE: Citrus & Chemical Bank, 3rd Floor, 600 N. Broadway Avenue, Bartow, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: The regularly scheduled monthly meeting of the Board of Directors to discuss School Readiness issues.

For more information access the following website: www.pcsb.k12.fl.us/parents/coalition.htm.

Members of the **Duval County Research and Development Authority**, Jacksonville, Florida.

In accordance with Section 286.011(8), Florida Statutes, at the request of legal counsel, I am hereby calling a Shade Meeting of the Duval County Research and Development Authority (the "Authority") to be held:

DATE AND TIME: Thursday, September 5, 2002, 9:30 a.m.

PLACE: City Hall Annex, 14th Floor, Conference Room, 220 East Bay Street, Jacksonville, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: To consider settlement negotiations or strategy related to the following matter: Duval County Research and Development Authority vs. Phillip B. Phillips, Jr. and Phillips American Finance Corp., D/B/A Phillips & Company.

Following the commencement of the meeting, the governing body will move into a closed attorney-client session pursuant to Section 286.011(8), Florida Statutes, and only the following listed persons will be entitled to attend this session: Member and Chair Patrick Cusick; Member Marcia Parker-Tjoflat; Member Henry Luke; Member Alford Sinclair; Member James Cobb; Executive Director Earle Traynham; Richard R. Mullaney, General Counsel; Cindy Laquidara, Chief Deputy General Counsel; Karen Chastain, Deputy General Counsel; John F. Germany, Jr., Assistant General Counsel; C. William Curtis, III, Assistant General Counsel; Court Reporter Patrick Cusick, Chair; Duval County Research and Development Authority.

DEPARTMENT OF COMMUNITY AFFAIRS

The **Department of Community Affairs** announces a meeting of the State Energy Program (SEP) Clean Fuel Florida Advisory Board (CFF) to which all interested parties are invited.

SEP CFF MEETING

DATES AND TIME: September 4-5, 2002 from 9:00 a.m. – 4:30 p.m.

PLACE: University of South Florida, Center for Urban Transportation Research, Room CUT – 100, 4202 East Fowler Avenue, Tampa, Florida 33620-5375

ACTIONS TO BE TAKEN: The CFF will consider the following items:

1. Report on State Energy Initiatives.
2. Legislative Outreach Committee Report.
3. Education and Outreach Program.
4. State/Regional/National Transportation Meetings Being Hosted in Florida.
5. CFFAB "Cornerstone" Report.

APPEAL INFORMATION: If a person decides to appeal any decision of the Department of Community Affairs with respect to any matter considered at this public meeting he or she may need a record or transcript of the proceeding, and for such purposes he or she may need to ensure that a record of the proceeding is made, which record may include testimony and evidence relevant to the appeal.

Anyone who wants a copy of the agenda or additional information on this meeting may write or call: Essie Turner, Administrative Assistant, Department of Community Affairs, 2255 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100, (850)488-2475.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact the SEP, (850)488-2475, at least five calendar days prior to the meeting. If you are hearing impaired, please contact the SEP, (850)488-2475, at least five calendar days prior to the meeting. If you are hearing impaired, please contact the SEP using the Florida Dual Party System which can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

DEPARTMENT OF REVENUE

The **Department of Revenue** announces a public meeting of the Property Tax Administration Task Force to which all interested persons are invited.

DATE AND TIME: Tuesday, August 27, 2002, 3:00 p.m.

PLACE: Carlton Building, Room 235, 501 South Calhoun Street, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct a work group meeting of members of the Property Tax Administration Task Force, as authorized by Chapter 2001-137, L.O.F. The Task Force considers proposed

enhancements to the tax roll evaluation process, value adjustment board process, tangible personal property evaluation, and other administrative and legislative issues. During this meeting the work group of the Task Force will form temporarily to work further on enhancements to TRIM and TRIM timeframes.

A copy of the agenda may be obtained by writing: Director, Property Tax Administration Program, P. O. Box 3000, Tallahassee, Florida 32315-3000 or by calling Theda Eaton or Kathy Henley, (850)488-3338 or accessing the Department's website at <http://sun6.dms.state.fl.us/dor/property/ptaac>.

NOTICE UNDER THE AMERICANS WITH DISABILITIES ACT: Any person requiring special accommodations to participate in any proceeding before the Property Tax Administration Task Force is asked to advise the Department at least five (5) calendar days before such proceeding by contacting Kathy Henley or Theda Eaton, (850)488-3338. If you are hearing or speech impaired, please contact the Department using the Florida Relay Service, which can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

The **Department of Revenue** announces a public meeting of the Property Tax Administration Task Force to which all interested persons are invited.

DATE AND TIME: Wednesday, August 28, 2002, 10:00 a.m.

PLACE: McDonnell Douglas Room, Dale Mabry Conference Center, Tallahassee Regional Airport, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct the eleventh meeting of the Property Tax Administration Task Force.

This is the sixth meeting of the Task Force as authorized by Chapter 2001-137, L.O.F. The Task Force will consider proposed enhancements to the tax roll evaluation process, value adjustment board process, tangible personal property evaluation, and other administrative and legislative issues. During this meeting the Task Force will form temporarily into work groups to work further on issue identification, clarification and consolidation. Work groups will address areas of property tax administration, including assessments, assessment appeals, TRIM and tax collection, and exemptions.

A copy of the agenda may be obtained by writing: Director, Property Tax Administration Program, P. O. Box 3000, Tallahassee, Florida 32315-3000 or by calling Theda Eaton or Kathy Henley, (850)488-3338, or accessing the Department's website at <http://sun6.dms.state.fl.us/dor/property/ptaac>.

NOTICE UNDER THE AMERICANS WITH DISABILITIES ACT: Any person requiring special accommodations to participate in any proceeding before the Property Tax Administration Task Force is asked to advise the Department at least five (5) calendar days before such proceeding by contacting Kathy Henley or Theda Eaton, (850)488-3338. If

you are hearing or speech impaired, please contact the Department using the Florida Relay Service, which can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

DEPARTMENT OF TRANSPORTATION

The **Florida High Speed Rail Authority** announces public meetings to which all persons are invited.

DATES AND TIME: Thursday, September 5, 2002, 8:00 a.m. – 1:00 p.m.; Friday, September 6, 2002

PLACE: Mission Inn, Coronado Room, 10400 County Road 48, Howey-in-the-Hills, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Development of the Authority's Long Range Strategic Plan.

FLORIDA HIGH SPEED RAIL AUTHORITY REGULAR MONTHLY MEETING

DATE AND TIME: Friday, September 6, 2002, 1:00 p.m. – Conclusion

PLACE: Mission Inn, Coronado Room, 10400 County Road 48, Howey-in-the-Hills, 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.

STATE BOARD OF ADMINISTRATION

NOTICE IS HEREBY GIVEN by the **State Board of Administration** of a public meeting of the Florida Hurricane Catastrophe Fund to which all persons are invited.

DATE AND TIME: Thursday, August 29, 2002, 1:00 p.m. – 4:00 p.m. (Eastern Standard Time)

PLACE: The Hermitage Centre, Room 116, Hermitage Conference Room, 1801 Hermitage Blvd., Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: This will be a workshop to examine the laws governing the Florida Hurricane Catastrophe Fund and to explore possible changes to these laws.

In compliance with the Americans with Disabilities Act, anyone needing special accommodation to attend any of these meetings is requested to call Patti Elsbernd, (850)413-1346, five days prior to the meeting so that appropriate arrangements can be made.

DEPARTMENT OF CITRUS

The **Department of Citrus** announces a public meeting of the Gift Fruit Advisory Council to which all persons are invited.

DATE AND TIME: Wednesday, September 4, 2002, 3:00 p.m.

PLACE: PGA National Resort & Spa, 400 Avenue of Champions, Palm Beach Gardens, FL 33418-2698

GENERAL SUBJECT MATTER TO BE CONSIDERED: Finalize proposed Marketing and Promotional Plans for Florida Gift Fruit Marketing year 2002-2003. The Council will also discuss any other issues that may properly come before the Council.

In accordance with the Americans with Disabilities Act, any person requiring special accommodations to participate in this meeting is asked to advise the Department at least 48 hours before the meeting by contacting Mr. Art Johnson by telephone at (863)499-2510.

The **Department of Citrus** announces a public meeting of the Florida Citrus Commission to which all persons are invited.

DATE AND TIME: Wednesday, September 18, 2002, 9:00 a.m. The Commission will convene for the purposes of standing committee meetings and for the regular monthly meeting of the Florida Citrus Commission.

PLACE: Florida Department of Citrus, 1115 East Memorial Blvd., Lakeland, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Commission will address issues pertaining to budget items and revisions, contracts, advertising programs, balance scorecards, licensing, rulemaking, modifying the Department's symbol program and other matters that are addressed during monthly meetings of the Commission. The Commission will also go into closed session pursuant to the provisions of Section 286.011(8), F.S., to address issues related to the Equalization Tax litigation. The parties attending the closed session will be John R. Alexander, Walter L. Brewer, Tristan G. Chapman, Harry H. Falk, Christopher W. Gargano, Raymond A. Jackson, William E. Kemper, W. Lindsay Raley, Jr., Daniel R. Richey, Nancy J. Schafer, Ray Smith, Andrew R. Taylor, Bob Crawford, Hank B. Campbell, Esq., Monterey Campbell, Esq., Eric Taylor, Esq., Mia L. McKown, Esq. and Kenneth O. Keck, Esq.

In accordance with the Americans with Disabilities Act, any person requiring special accommodations to participate in this meeting is asked to advise the Department at least 48 hours before the meeting by contacting Mr. Art Johnson at the above address or by telephone 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: September 3, 2002, 9:30 a.m.

PLACE: The Betty Easley Conference Center, Commission Hearing Room 148, 4075 Esplanade Way, Tallahassee, Florida
GENERAL SUBJECT MATTER TO BE CONSIDERED: To consider those matters ready for decision.

LEGAL AUTHORITY AND JURISDICTION: Chapters 120, 350, 364, 366 and 367, F.S.

Persons who may be affected by Commission action on certain items on this agenda for which a hearing has not been held will be allowed to address the Commission concerning those items when taken up for discussion at this conference.

A copy of the agenda may be obtained by any person who requests a copy, and pays the reasonable cost of the copy. (\$1.00 per copy, Statement of Agency Organization and Operations), by contacting: Division of the Commission Clerk and Administrative Services, (850)413-6770 or writing to the Director, Division of the Commission Clerk and Administrative Services, Florida Public Service Commission 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0870. The agenda and recommendations are also accessible on the PSC Homepage, at <http://www.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: September 3, 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.****

The Florida **Public Service Commission** announces a Special Commission Conference in the following docket to which all interested persons are invited.

Docket No. 990649A-TP – Investigation into pricing of unbundled network elements (BellSouth track).

DATE AND TIME: September 6, 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 and make a decision regarding the investigation into pricing of unbundled network elements (BellSouth track).

LEGAL AUTHORITY AND JURISDICTION: Chapters 120, 350 and 367, F.S.

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, Rule 25-22.002, F.A.C.) by writing: Director, Division of the Commission Clerk and Administrative Services, Florida Public Service Commission, 2540 Shumard Oak Boulevard, Tallahassee, Florida. The agenda and recommendation 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 a record of the proceedings and, for such purpose, may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal 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).

REGIONAL PLANNING COUNCILS

The **Northeast Florida Regional Planning Council**, Personnel, Program Planning and Budget Committee announces the following public meeting to which all persons are invited.

DATE AND TIME: Thursday, September 5, 2002, 9:00 a.m.

PLACE: Northeast Florida Regional Planning Council, 6850 Belfort Oaks Place, Jacksonville, FL 32216

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss pending personnel, program planning and budget matters.

A copy of the agenda may be obtained by contacting: Northeast Florida Regional Planning Council, 6850 Belfort Oaks Place, Jacksonville, FL 32216.

Notice is also given that two or more members of the Boards of County Commissioners, City/Town Councils/Commissions and other entities covered under Chapter 286, Florida Statutes, may attend and speak at the meeting.

The **Northeast Florida Regional Planning Council**, Comprehensive and Project Planning Committee announces the following public meetings to which all persons are invited.

DATE AND TIME: Thursday, September 5, 2002, 9:00 a.m.

PLACE: Northeast Florida Regional Planning Council, 6850 Belfort Oaks Place, Jacksonville, FL 32216

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss pending comprehensive and project planning items.

A copy of the agenda may be obtained by contacting: Northeast Florida Regional Planning Council, 6850 Belfort Oaks Place, Jacksonville, FL 32216.

Notice is also given that two or more members of the Boards of County Commissioners, City/Town Councils/Commissions and other entities covered under Chapter 286, Florida Statutes, may attend and speak at the meeting.

The **Northeast Florida Regional Planning Council** announces the following public meeting to which all persons are invited.

DATE AND TIME: Thursday, September 5, 2002, 10:00 a.m.

PLACE: Northeast Florida Regional Planning Council, 6850 Belfort Oaks Place, Jacksonville, FL 32216

GENERAL SUBJECT MATTER TO BE CONSIDERED: Monthly Meeting.

A copy of the agenda may be obtained by contacting: Northeast Florida Regional Planning Council, 6850 Belfort Oaks Place, Jacksonville, FL 32216.

If a person decides to appeal any decision made by the Council with respect to any matter considered at this meeting, he/she will have to ensure that a verbatim record of the proceedings is made, which includes the testimony and evidence upon which the appeal is to be based.

Individuals needing materials in alternate format, sign language interpreter or other meeting information, call Peggy Conrad, (904)279-0880, Extension 145, at least three working days prior to the meeting. Hearing-impaired callers use Florida Relay Service, 1(800)955-8771.

Notice is also given that two or more members of the Boards of County Commissioners, City/Town Councils/Commissions and other entities covered under Chapter 286, Florida Statutes, may attend and speak at the meeting.

The **Tampa Bay Regional Planning Council** announces the following meetings to which all persons are invited.

MEETING: Executive/Budget Committee

DATE AND TIME: Monday, September 9, 2002, 8:30 a.m.

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct the regular business of the Executive/Budget Committee.

MEETING: Tampa Bay Regional Planning Council

DATE AND TIME: Monday, September 9, 2002, 10:00 a.m.

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct the regular business of the Tampa Bay Regional Planning Council.

MEETING: TBRPC Legislative Committee

DATE AND TIME: Monday, September 9, 2002, 11:30 a.m.

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct the regular business of the TBRPC Legislative Committee.

MEETING: Agency On Bay Management

DATE AND TIME: Thursday, September 12, 2002, 9:00 a.m.

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct the regular business of the Agency On Bay Management.

MEETING: Clearinghouse Review Committee

DATE AND TIME: Monday, September 23, 2002, 9:30 a.m.

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct the regular business of the Clearinghouse Review Committee

PLACE: 9455 Koger Blvd., Suite 219, St. Petersburg, FL 33702 (Please call to confirm date, time and location)

Please note that if a person decides to appeal any decision made by Council with respect to any matter considered at the above cited meeting or hearing, he will need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is based.

DEPARTMENT OF CORRECTIONS

The **Florida Corrections Commission** announces the following public meeting to which all interested persons are invited:

DATE AND TIME: Thursday, August 29, 2002, 10:00 a.m. – 3:00 p.m.

PLACE: Lowell Correctional Institution, Training Building, State Road 25A, Lowell, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Commission will meet to discuss issues to be included in the 2002 Annual Report.

A copy of the agenda may be obtained by writing: Mr. John Fuller, Executive Director, Florida Corrections Commission, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500 or call (850)413-9330.

Pursuant to Section 286.26, Florida Statutes, any handicapped person wishing to attend this meeting should contact staff at least 48 hours prior to the meeting in order to request any special assistance.

WATER MANAGEMENT DISTRICTS

The **Southwest Florida Water Management District** announces a public meeting.

DATE AND TIME: Tuesday, August 27, 2002, 9:00 a.m.

PLACE: Southwest Florida Water Management District, Governing Board Room, 2379 Broad Street, Brooksville, FL 34604-6899

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Governing Board agenda for its meeting on August 27, 2002 announced in the Florida Administrative Weekly, Vol. 28, No. 32, dated August 9, 2002 includes continuation of the rulemaking for Category 3 lake levels and rules for the Southern Water Use Caution Area.

A copy of the agenda may be obtained by writing: Southwest Florida Water Management District, 2379 Broad Street, Brooksville, Florida 34604-6899.

The Southwest Florida Water Management District does not discriminate on the basis of any individual's disability status. Anyone requiring reasonable accommodation as provided for in the American's With Disabilities Act should contact Dianne Lee, (352)796-7211 or 1(800)423-1476, Extension 4658, TDD only number 1(800)231-6103, Fax (352)754-6878, Suncom 663-6878.

The **South Florida Water Management District** announces a public meeting(s) to which all interested parties are invited.

DATE AND TIME: September 5, 2002, 8:30 a.m.

PLACE: South Florida Water Management District, Headquarters, Building B-1, Auditorium, 3301 Gun Club Road, West Palm Beach, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Water Resources Advisory Commission Meeting.

TENTATIVE MEETING DATES FOR THE MONTH OF SEPTEMBER

If at the September 5, 2002 meeting, the Water Resources Advisory Commission decides to hold additional meetings and/or Issue Workshops, the following dates are being scheduled and noticed. If you're planning to attend any of the

followings meetings please call the staff identified in this notice prior to the meeting date, to ensure that a meeting has not been cancelled:

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

DATE AND TIME: Monday, September 16, 2002, 10:30 a.m.

DATE AND TIME: Thursday, September 19, 2002, 8:30 a.m.

DATE AND TIME: Monday, September 23, 2002, 10:30 a.m.

DATE AND TIME: Monday, September 30, 2002, 10:30 a.m.

These meetings are scheduled to be held in the SFWMD, Headquarters, 3301 Gun club Road, West Palm Beach, FL 33406.

A copy of the agenda may be obtained at the District Website seven (7) prior to the meeting at <http://www.sfwmd.gov/gover/wrac/agendas.html> or by writing: South Florida Water Management District, Mail Stop 2130, P. O. Box 24680, West Palm Beach, Florida 33416-4680.

Appeals from any South Florida Water Management District Board decision require a record of the proceedings. Although Governing Board meetings and hearings are normally recorded, affected persons are advised that it may be necessary for them to ensure that a verbatim record of the proceeding is made, including the testimony and evidence upon which the appeal is to be based.

Persons with disabilities who need assistance may contact Paula Moree, Deputy District Clerk, (561)682-6447, at least two business days in advance of the meeting to make appropriate arrangements.

Those who desire more information, please contact: Julio Fanjul, (561)682-2769 or Paula Moree, (561)682-6447 in the Governing Board Operations Division, Phone Number District Headquarters, 3301 Gun Club Road, West Palm Beach, Florida 33406.

The Big Cypress Basin, South Florida Water Management District announces a public meeting which may be conducted by means of, or in conjunction with, communications media technology, specifically by telephonic conference, to which all interested persons are invited.

DATE AND TIME: August 30, 2002, 9:00 a.m.

PLACE: Collier County Government Center, Commission Chambers, Building F, 3301 East Tamiami Trail, Naples, Florida. The above address shall be the designated access point for public attendance of the meeting.

GENERAL SUBJECT MATTER TO BE CONSIDERED: Conduct Basin Business and Adoption of FY 2003 Final Budget.

A copy of the agenda may be obtained by writing: Big Cypress Basin, 6089 Janes Lane, Naples, Florida 34109 or by calling Ann Christian, (239)597-1505.

Appeals from any Big Cypress Basin Board decision require a record of the proceedings. Although Basin Board meetings are normally recorded, affected persons are advised that it may be

necessary for them to ensure that a verbatim record of the proceeding is made, including the testimony and evidence upon which the appeal is to be based.

Persons with disabilities who need assistance may contact Ann Christian, (239)597-1505, at least forty-eight (48) hours before the meeting to make appropriate arrangements. If you are hearing or speech impaired, please contact the Big Cypress Basin by calling (561)697-2574. Those persons who desire more information, or those wishing to submit written or physical evidence may contact Ann Christian, Big Cypress Basin, 6089 Janes Lane, Naples, Florida 34109, (239)597-1505.

DEPARTMENT OF ELDER AFFAIRS

The Florida **Department of Elder Affairs** announces a public meeting to which all persons are invited.

DATE AND TIME: Thursday, August 29, 2002, 9:00 a.m. – 4:00 p.m.

PLACE: Embassy Suites Hotel, Tampa-Airport Westshore, 555 N. Westshore Boulevard, Tampa, FL 33609, (813)875-1555

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Destination Florida Commission will convene for its first meeting to discuss and evaluate Florida's competitive position in attracting retirees and to make recommendations for the future that would make Florida more retiree friendly.

A copy of the agenda may be obtained by writing: Mrs. Eloise Williams, Department of Elder Affairs, 4040 Esplanade Way, Suite 270D, Tallahassee, Florida 32399-7000 or by calling Mrs. Williams, (850)414-2080.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this meeting is asked to advise the Department at least 48 hours before the meeting by contacting Mr. Eloise Williams, (850)414-2080. If you are hearing or speech impaired, please contact the Department by calling (850)414-2001.

AGENCY FOR HEALTH CARE ADMINISTRATION

The **Agency for Health Care Administration** announces a telephone conference call to which all persons are invited to call in.

DATE AND TIME: Thursday, August 29, 2002, 9:00 a.m.

PLACE: To access the "Meet-Me" number, call: (850)921-2470 or Suncom 291-2470

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Governor's Panel on Excellence in Long-Term Care will consider recommendations for the Nursing Home Gold Seal Award.

For additional information, contact: Agency for Health Care Administration, 2727 Mahan Drive, MS #33, Tallahassee, FL 32308 or call Richard Kelly, (850)488-5861 or contact him via e-mail at kellyr@fdhc.state.fl.us.

DEPARTMENT OF MANAGEMENT SERVICES

The **Workforce Florida Board of Directors** and Workforce Florida's Councils will meet on:

DATE AND TIME: August 22, 2002, 9:30 a.m. – 4:30 p.m.

PLACE: Embassy Suites Hotel – Downtown, 191 E. Pine Street, Orlando, Florida 32801, (407)841-1000

If you have questions concerning this meeting, please contact Beth Lee, WFI Meeting Planner, (850)921-1119 or blee@workforceflorida.com.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

The Probable Cause Panel of the **Construction Industry Licensing Board** announces a meeting.

DATE AND TIMES: August 27, 2002, 9:00 a.m. and 10:00 a.m. or soon thereafter

PLACE: Department of Business and Professional Regulation, 725 South Bronough Street, Tallahassee, Florida 32301, (850)488-0062

GENERAL SUBJECT MATTER TO BE CONSIDERED: To review complaints in which a determination of the existence of probable cause has already been made.

A copy of the public portion of the agenda may be obtained by writing: Patrick Creehan, Chief Construction Attorney, Department of Business and Professional Regulation, Office of the General Counsel, 1940 N. Monroe Street, Suite 60, Tallahassee, Florida 32399-2202 or by phone, (850)488-0062.

NOTE: In accordance with the Americans with Disabilities Act, persons needing a special accommodation to participate in this proceeding should contact the Construction Prosecution Section no later than seven (7) days prior to the proceeding or meeting at which such special accommodation is required. The Construction Prosecution Section may be contacted at the address and phone number listed above.

The **Construction Industry Licensing Board** will hold the following meetings to which all interested parties are invited.

DATES AND TIMES: Wednesday, September 11, 2002, 2:00 p.m.; Thursday, September 12, 2002, 8:00 a.m.; Friday, September 13, 2002, 8:00 a.m.

PLACE: DoubleTree Hotel in the Gardens, 4431 PGA Boulevard, Palm Beach Gardens, Florida 33410

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, October 9, 2002, 2:00 p.m.; Thursday, October 10, 2002, 8:00 a.m.; Friday, October 11, 2002, 8:00 a.m.

PLACE: Sheraton Fort Lauderdale Airport, 1825 Griffin Road, Dania, FL 33004

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, November 13, 2002, 2:00 p.m.; Thursday, November 14, 2002, 8:00 a.m.; Friday, November 15, 2002, 8:00 a.m.

PLACE: Sheraton Fort Lauderdale Airport, 1825 Griffin Road, Dania, FL 33004

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 Professional Engineers** announces a public meeting of the Educational Advisory and Application Review Committee which all persons are invited.

DATE AND TIME: Wednesday, September 11, 2002, 9:00 a.m.

PLACE: Suite 200, 2507 Callaway Road, Tallahassee, Florida 32303

GENERAL SUBJECT MATTER TO BE CONSIDERED: Review of applications for examination and/or licensure by endorsement and to review applications of foreign educated applicants.

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 **Florida Engineers Management Corporation** announces a public telephone conference call to conduct the business of the Corporation to which all persons are invited.

DATE AND TIME: Friday, August 23, 2002, 9:00 a.m.

PLACE: Conference Call Number: 1(800)659-8290

GENERAL SUBJECT MATTER TO BE CONSIDERED: General Business of the Corporation.

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 Florida **Board of Professional Engineers** announces a 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: Tuesday, September 10, 2002, 10:00 a.m.

PLACE: Suite 200, 2507 Callaway Road, Tallahassee, Florida 32303

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 **Board of Professional Surveyors and Mappers** announces a meeting of the Board to which all persons are invited.

DATE AND TIME: August 27, 2002, 10:00 a.m. or soon thereafter

PLACE: The meeting will be conducted by telephone conference call. The telephone number is (850)488-5778 or Suncom 278-5778

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: Board of Professional Surveyors and Mappers, 1940 North Monroe Street, Tallahassee, Florida or by calling Christa Patterson, (850)922-7155.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this meeting is asked to advise the agency at least

forty-eight (48) hours before the meeting by contacting Christa Patterson, (850)922-7155. If you are hearing or speech impaired, please contact the agency by calling 1(800)955-8771 (TDD).

Any person who decides to appeal any decision made by the Board with respect to any matter considered at this meeting, will need a record of the proceedings, which record shall include all testimony and evidence upon which the appeal is based and, for such purpose, may need to ensure that a verbatim record of the proceedings is made.

The Florida **Board of Veterinary Medicine** announces the following meeting to which all parties are invited to attend.

DATE AND TIME: September 14, 2002, 8:00 a.m.

PLACE: Wyndham Palace Resort, 1900 Buena Vista Drive, Lake Buena Vista, FL 32830-2206, (407)827-2727

GENERAL SUBJECT MATTER TO BE CONSIDERED: General Business meeting.

To obtain a copy of the agenda, further information or submit written or other physical evidence, contact in writing: Board of Veterinary Medicine, 1940 N. 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, (850)922-2404, at least five calendar days prior to the meeting. If you are hearing or speech impaired, please contact the Board office using the Florida Dual Party Relay System which can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

The Florida **Board of Veterinary Medicine** announces the following meeting to which all parties are invited to attend.

DATE AND TIME: September 14, 2002, 2:30 p.m.

PLACE: Wyndham Palace Resort, 1900 Buena Vista Drive, Lake Buena Vista, FL 32830-2206, (407)827-2727

GENERAL SUBJECT MATTER TO BE CONSIDERED: Probable Cause Panel meeting, agenda available on request, portions may be closed to the public.

To obtain a copy of the agenda, further information or submit written or other physical evidence, contact in writing: Board of Veterinary Medicine, 1940 N. 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, (850)922-2404, at least five calendar days prior to the meeting. If you are hearing or speech impaired, please contact the Board office using the Florida Dual Party Relay System which can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

The Florida **Building Code Administrators and Inspectors Board** announces the following meetings to which all persons are invited to attend.

DATES AND TIME: September 19-20, 2002, 9:00 a.m.

PLACE: Hyatt Regency Tampa, Two Tampa City Center, Tampa, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: General Board and Business Meeting.

Any person deciding to appeal a decision made with respect to any matter considered at this meeting will need to ensure that a verbatim record of the proceeding is made. Such record must include testimony and evidence upon which the appeal is to be based.

Any person requiring special accommodations at this meeting because of a disability or physical impairment should contact Department of Business and Professional Regulation, Building Code Administrators and Inspectors Board, (850)922-5012, at least forty-eight (48) hours prior to the meeting. If you are hearing or speech impaired, please contact the Board Office using the Florida Dual Party Relay System which can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

DEPARTMENT OF ENVIRONMENTAL PROTECTION

The **Department of Environmental Protection (DEP)** announces a public meeting of the Environmental Regulation Commission (ERC) on August 28-29, 2002. The purpose of the meeting is to continue the rule adoption proceeding on Section 62-302.540, F.A.C., proposed phosphorus criterion for the Everglades Protection Area. For more information contact: Jacqueline McGorty, email jackie.mcgorty@dep.state.fl.us or phone (850)921-9660.

The full text of this notice, which includes specific information about meeting time, location and anticipated subject matter to be covered, is published on the Internet at the Department of Environmental Protection's home page at <http://www.dep.state.fl.us/> under the link or button titled "Official Notices."

The Florida **Department of Environmental Protection, Division of Recreation and Parks** announces a public workshop to which all persons are invited.

DATE AND TIME: Wednesday, August 28, 2002, 7:00 p.m. (EDT)

PLACE: Sylvan Lake Park (Seminole County Park), 845 Lake Markham Road, Sanford, Florida 32771

GENERAL SUBJECT MATTER TO BE CONSIDERED: To receive comments from the public regarding management and land uses for Katie's Wekiva River Landing before the development of a management plan for the property.

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

The Florida **Department of Environmental Protection, Division of Recreation and Parks** announces a public workshop to which all persons are invited.

DATE AND TIME: Wednesday, September 18, 2002, 7:00 p.m. (EDT)

PLACE: Stephen Foster Folk Culture Center State Park, Auditorium, U.S. Highway 41, North, White Springs, Florida 32096

GENERAL SUBJECT MATTER TO BE CONSIDERED: To present the proposed management plans for Stephen Foster Folk Culture Center State Park and Suwannee River State Park to the public.

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

The Florida **Department of Environmental Protection, Division of Recreation and Parks** announces an Advisory Group meeting.

DATE AND TIME: Thursday, September 19, 2002, 9:00 a.m. (EDT)

PLACE: Stephen Foster Folk Culture Center State Park, Auditorium, U.S. Highway 41, North, White Springs, Florida 32096

GENERAL SUBJECT MATTER TO BE CONSIDERED: To review the proposed management plans for Stephen Foster Folk Culture Center State Park and Suwannee River State Park with the advisory group.

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

DEPARTMENT OF HEALTH

The **Department of Health, Board of Clinical Social Work, Marriage and Family Therapy and Mental Health Counseling** announces a telephone conference call in which reconsiderations will be heard.

DATE AND TIME: August 23, 2002, 9:00 a.m.

PLACE: Call: (850)245-4474 to inquire about call-in number
GENERAL SUBJECT MATTER TO BE CONSIDERED: Probable Cause Panel Meeting.

A copy of the agenda may be obtained by writing: Sue Foster, Executive Director, Department of Health, Board of Clinical Social Work, Marriage and Family Therapy and Mental Health Counseling, 4052 Bald Cypress Way, BIN #C08, Tallahassee, FL 32399-3258.

If a person decides to appeal any decision made by the Board with respect to any matter considered at this meeting, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence upon which the appeal is to be made. Those who are hearing or speech impaired, using TDD equipment, can call the Florida Dual Party Relay System at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

The **Department of Health, Board of Dentistry** will hold a Probable Cause Panel meeting where reconsiderations will be heard.

DATE AND TIME: September 19, 2002, 6:00 p.m.

PLACE: University of Florida, Hotel Conference Center, 1714 Southwest 34th Street, Gainesville, FL 32607, (352)371-3600

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 Nursing**, Probable Cause Panel will hold a duly noticed conference call meeting, to which all persons are invited to attend.

DATE AND TIME: August 21, 2002, 6:30 p.m.

PLACE: Department of Health, Tallahassee at Meet Me Number (850)921-6433

GENERAL SUBJECT MATTER TO BE CONSIDERED: For cases previously heard by the panel.

DATE AND TIME: August 22, 2002, 4:30 p.m.
 PLACE: Department of Health, Tallahassee 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 Nursing, (850)245-4125, at least 48 hours prior to the meeting. If you are a hearing or speech impaired, please contact the Board Office using the Dual Party Relay System, 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).
 If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.
 A copy of the agenda item may be obtained by writing: Dan Coble, Executive Director, 4052 Bald Cypress Way, BIN #C02, Tallahassee, FL 32399-3257.

NOTICE OF CORRECTION – The Department of Health and the Board of Occupational Therapy Practice announces a General Board Meeting to which all persons are invited:

DATE AND TIME: September 9, 2002, 9:00 a.m.
 PLACE: The Homewood Suites/Hilton, 2987 Apalachee Parkway, Tallahassee, FL 32301, (850)402-9400
 GENERAL SUBJECT MATTER TO BE CONSIDERED: General Business Meeting.

A copy of the agenda may be obtained by writing: Department of Health, Board of Occupational Therapy Practice, 4052 Bald Cypress Way, BIN #C05, Tallahassee, Florida 32399-3255 or by calling the Board Office, (850)245-4373.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/hearing/meeting is asked to advise the department at least 48 hours before the workshop/hearing/meeting by contacting the Board Office, (850)245-4373. If you are hearing or speech impaired, please contact the department by calling 1(800)955-8770 (Voice) or 1(800)955-8771 (TDD). Please note that if a person decides to appeal any decision made by the Board with respect to any matter considered at the above-cited meeting or hearing, he/she will need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

NOTICE OF CORRECTION – The Department of Health, Board of Physical Therapy Practice, Probable Cause Panel announces a conference call to which all persons are invited:
 DATE AND TIME: November 19, 2002, 11:30 a.m. or soon thereafter

GENERAL SUBJECT MATTER TO BE CONSIDERED: Reconsideration of cases previously heard by the Probable Cause Panel. Following the public portion of the meeting, the doors will be closed to the public.

PLACE: The meet me number may be obtained by contacting Ivy Shivers, Regulatory Supervisor, Medical Therapies/Psychology, 4052 Bald Cypress Way, BIN #C05, Tallahassee, FL 32399-3255, (850)245-4372

A copy of the agenda may be obtained by writing: Department of Health, Board of Physical Therapy Practice, 4052 Bald Cypress Way, BIN #C05, Tallahassee, Florida 32399-3255 or by calling the Board Office, (850)245-4373.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/hearing/meeting is asked to advise the department at least 48 hours before the workshop/hearing/meeting by contacting the Board Office, (850)488-0595. If you are hearing or speech impaired, please contact the department by calling 1(800)955-8770 (Voice) or 1(800)955-8771 (TDD).

Please note that if a person decides to appeal any decision made by the Board with respect to any matter considered at the above-cited meeting or hearing, he/she will need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF CORRECTION – The Department of Children and Family Services, Office on Homelessness, wishes to correct the notice for the Health Care Committee meetings that will take place August 8, September 12, October 10, and November 14, from 2:00 p.m. – 3:00 p.m. These meetings should be for the Financial Resources Committee and not Health Care Committee. For more information, contact: Thomas Pierce, Office on Homelessness, (850)922-9850.

The Task Force on Children's Justice announces a meeting to which all persons are invited.

DATE AND TIME: Tuesday, August 27, 2002, 10:00 a.m. – 5:00 p.m.

PLACE: The Peabody Orlando, 9801 International Drive, Orlando, FL 32819, (407)352-4000

GENERAL SUBJECT MATTER TO BE CONSIDERED: Quarterly meeting of the Task Force on Children's Justice to discuss ongoing projects and 3 year review and assessment.

Please contact Sondra Williams, Director, (850)488-5808 or Mary Lay, (850)414-8316, if more information is needed or if you have questions.

The Suncoast Region, DeSoto County Community Alliance will meet on:

DATE AND TIME: Tuesday, August 27, 2002, 11:00 a.m.
PLACE: DeSoto County Administration Building, Commissioners Meeting Room, 201 East Oak St., Arcadia, Florida
The public is welcome to attend. For information call (941)741-3682.

The **Council on Homelessness** announces a meeting of its Housing Committee to which all persons are invited.
DATE AND TIME: Tuesday, August 27, 2002, 1:30 p.m. – 3:30 p.m.
PLACE: Department of Children and Family Services, Building 8, Room 232, 1317 Winewood Boulevard, Tallahassee, FL 32399-0700
GENERAL SUBJECT MATTER TO BE CONSIDERED: The Committee will continue its development of recommendations for housing for the homeless for consideration in the Council's 2002 annual report to the Governor and Legislature.
A copy of the agenda may be obtained by contacting: Tom Pierce, State Office on Homelessness, Building 2, Room 103-A, 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 attend this meeting in order to request any needed special assistance should contact the office at least 48 hours in advance of the meeting.

The **Council on Homelessness** announces a series of conference call meetings of its Barriers and Support Services Committees, to which all persons are invited.
DATE AND TIME: Tuesday, September 3, 2002, 2:00 p.m. – 3:00 p.m.
PLACE: Call (850)921-2583 or Suncom 291-2583
DATE AND TIME: Tuesday, October 1, 2002, 2:00 p.m. – 3:00 p.m.
PLACE: Call (850)921-2583 or Suncom 291-2583
DATE AND TIME: Tuesday, November 5, 2002, 2:00 p.m. – 3:00 p.m.
PLACE: Call (850)921-2583 or Suncom 291-2583
The Council on Homelessness announces a series of conference call meetings of its Health Care Committee, to which all persons are invited.
DATE AND TIME: Thursday, September 26, 2002, 9:00 a.m. – 10:30 a.m.
PLACE: Call: (850)488-4377 or Suncom 278-4377
DATE AND TIME: Thursday, October 24, 2002, 9:00 a.m. – 10:30 a.m.
PLACE: Call: (850)488-4377 or Suncom 278-4377
DATE AND TIME: Thursday, November 21, 2002, 9:00 a.m. – 10:30 a.m.

PLACE: Call: (850)488-4377 or Suncom 278-4377
The Council on Homelessness announces a series of conference call meetings of its Data Collections Committee, to which all persons are invited.
DATE AND TIME: Thursday, September 12, 2002, 11:00 a.m. – 12:00 Noon
PLACE: Call: (850)921-5230 or Suncom 291-5230
DATE AND TIME: Thursday, October 10, 2002, 11:00 a.m. – 12:00 Noon
PLACE: Call: (850)921-5230 or Suncom 291-5230
DATE AND TIME: Thursday, November 14, 2002, 11:00 a.m. – 12:00 Noon
PLACE: Call: (850)921-5230 or Suncom 291-5230
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.

The Florida **Department of Children and Family Services** announces the following District 8, Community-Based Care Alliance meetings:
Hendry/Glades Counties Community Alliance:
DATES AND TIME: September 30, 2002; October 29, 2002, 2:00 p.m.
PLACE: LaBelle Service Center, 485 Cowboy Way, LaBelle, Florida
Lee County Community Alliance:
DATES AND TIME: September 18, 2002; October 16, 2002, 11:30 a.m.
PLACE: Lee County Justice Center, 1700 Monroe Street, Hearing Room #6, Fort Myers, Florida
GENERAL SUBJECT MATTER TO BE CONSIDERED: Board meeting to discuss current community-based care issues.
A copy of the agenda may be obtained by contacting: Department of Children and Family Services, Community-Based Care Unit, 2nd Floor, 2295 Victoria Avenue, Fort Myers, Florida 33901, one week prior to each meeting. All persons are invited.
Persons needing additional information should contact the Community-Based Care Unit, (941)338-1343.

FLORIDA HOUSING FINANCE CORPORATION

The **Florida Housing Finance Corporation** announces a public meeting to which all interested persons are invited.

DATE AND TIME: August 23, 2002, following the Board Meeting at a time to be announced at the conclusion of the Board Meeting

PLACE: Tallahassee City Hall, Commission Chambers, 891 South Adams Street, Tallahassee, Florida 32301

GENERAL SUBJECT MATTER TO BE CONSIDERED: To receive comments and suggestions from interested persons relative to Rule Chapters 67-21 and 67-48, F.A.C., and the competitive funding programs of the Corporation, including the Multifamily Mortgage Revenue Bond Program, the State Apartment Incentive Loan (SAIL) Program, the HOME Investment Partnerships (HOME Rental) Program, and the Housing Credit (HC) Program.

Any person requiring a special accommodation at the workshop because of a disability or physical impairment should contact Laurie Camp, (850)488-4197. If you are hearing or speech impaired, please contact the Corporation 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 Housing Finance Corporation** is sponsoring an Application Workshop for all interested parties wishing to apply for funding under the Homeownership Loan Program.

DATE AND TIME: September 4, 2002, 10:00 a.m.

PLACE: Florida Housing Finance Corporation, Sixth Floor, Conference Room, 227 North Bronough Street, Tallahassee, Florida 32301

GENERAL SUBJECT MATTER TO BE CONSIDERED: To inform participants of the application requirements for applying for HAP Construction, HAP Permanent, and HOME Homeownership Loan Program funds, pursuant to the Homeownership Loan Program, Rule Chapter 67-50, F.A.C., 420.5088 and 420.5089, F.S., and HUD regulations, 24 CFR Part 92.

COST: There is no charge for the workshop.

For further information regarding the Program, visit our website at www.floridahousing.org or contact Esrone McDaniels, Florida Housing Finance Corporation, 227 North Bronough Street, Tallahassee, Florida 32301, (850)488-4197, Facsimile (850)922-7253.

Any person requiring special accommodation 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, that can be reached at 1(800)955-8770 (Voice) or 1(800)955-8771 (TDD).

OFFICE OF PROGRAM ANALYSIS AND GOVERNMENT ACCOUNTABILITY

The **Miami-Dade Land Acquisition and Facilities Advisory Board** announces its meeting.

DATE AND TIME: August 22, 2002, 2:00 p.m. – 5:00 p.m.

PLACE: Miami-Dade School Board Administration Building, 1450 N. E. 2nd Ave., Miami, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Advisory Board will consider matters relating to Miami-Dade Land Acquisition and Facilities. These matters may include: discussion relating to release of the funds held; discussion relating to the district's construction program, procurement program, facilities program, and other programs, and district recommendations for improving the efficiency of school maintenance services. The advisory board may also consider information regarding any recommendations it may make to the school district and the Commissioner of Education, as well as other information pertaining to district operations.

A copy of the agenda can be obtained by contacting: Melissa Crawford, Office of Program Policy Analysis and Government Accountability, 111 West Madison Street, Suite 312, Tallahassee, FL 32399-1475, (850)487-9256.

If special accommodations are needed to attend this meeting because of a disability, please contact the above-mentioned individual in advance of the meeting.

FLORIDA INDEPENDENT LIVING COUNCIL

The **Florida Independent Living Council**, Inc. announces the following meetings.

MEETING: Executive Committee Meeting

DATE AND TIME: Tuesday, September 3, 2002, 2:00 p.m. (EST)

PLACE: FILC, Inc., Administrative Offices, Suite 100A, 1018 Thomasville Road, Tallahassee, Florida 32303-6271

MEETING: Executive Committee Meeting

DATE AND TIME: Tuesday, October 1, 2002, 2:00 p.m. (EST)

PLACE: FILC, Inc., Administrative Offices, Suite 100A, 1018 Thomasville Road, Tallahassee, Florida 32303-6271

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct the regular business of the council.

A copy of the agenda may be obtained by contacting: Florida Independent Living Council, 1018 Thomasville Road, Suite 100A, Tallahassee, Florida 32303-6271, (850)488-5624 or Toll Free 1(877)822-1993.

Any person who needs an accommodation to participate in this meeting because of a disability, including alternative formats, should submit a request for such accommodation in writing at least one week before the meeting date.

COMMITTEE AND TASK FORCE MEETINGS: Please note that committees and task forces of the Florida Independent Living Council will meet at various times throughout the year to carry out the work of the council; the meeting dates and times will be posted at the above address at least seven days prior to the meeting. Persons who want to be notified of such meetings may request to be put on the mailing list for such notices by writing to Beth Schultz at the council address.

Notices of meetings and hearing must advise that a record is required to appeal. Each board, commission or agency of this state or of any political subdivision thereof shall include in the notice of any meeting or hearing, if notice of the meeting or hearing is required, of such board, commission or agency, conspicuously on such notice, the advice that, if a person decides to appeal any decision made by the board, agency or commission with respect to any matter considered at such meeting or hearing, he or she will need a record of the proceedings, and that, for such purpose, he or she may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. (Florida Statutes, §286.0105)

FLORIDA COMPREHENSIVE HEALTH ASSOCIATION

The **Florida Comprehensive Health Association** created pursuant to Section 627.6488, Florida Statutes, as amended, announces a public meeting as follows:

DATE AND TIME: Friday, September 6, 2002, 10:00 a.m.
PLACE: Pennington Law Firm, 2nd Floor, 215 S. Monroe Street, Tallahassee, FL 32301

GENERAL SUBJECT MATTER TO BE CONSIDERED: Board of Directors' Meeting.

A copy of the proposed agenda may be obtained by writing: Brenda DeYounks, Florida Comprehensive Health Association, 1210 E. Park Avenue, Tallahassee, Florida 32301, (850)309-1200 or by Facsimile (850)309-1222.

If any person desires to appeal any decision with respect to any matter considered at the above cited meeting, such person 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 includes the testimony and evidence upon which the appeal is to be based.

FLORIDA AUTOMOBILE JOINT UNDERWRITING ASSOCIATION

The **Florida Automobile Joint Underwriting Association** ("FAJUA") announces a public meeting to which all persons are invited:

FAJUA Banking Services Committee
DATE AND TIME: Wednesday, September 18, 2002, 9:00 a.m. – 5:00 p.m.
PLACE: Tampa Airport Marriott Hotel, Tampa, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Review proposals submitted in response to FAJUA's Request for Proposal for Banking Services.

FAJUA Board Meeting
DATE AND TIME: Thursday, September 19, 2002, 8:30 a.m. – 5:00 p.m.

PLACE: Tampa Airport Marriott Hotel, Tampa, Florida
GENERAL SUBJECT MATTER TO BE CONSIDERED: Review proposals submitted in response to FAJUA's Request for Proposal for Banking Services. To receive reports of the general manager, all committees, and counsel; to consider and take actions based on those reports; to consider statutorily required rate filing; to discuss the proposed FY 2002-2003 FAJUA budget; and to consider other matters that may come before the Board.

Additional information may be obtained from: Lisa B. Stoutamire, FAJUA, 1113 East Tennessee Street, Suite 401, Tallahassee, FL 32308, (850)681-2003, fajua@aol.com.

FLORIDA MUNICIPAL INSURANCE TRUST

The **Florida Municipal Insurance Trust**, an interlocal entity created pursuant to Fla. Stat. 768.28 and 163.01, announces a public meeting to which all persons are invited.

DATE AND TIME: Friday, September 27, 2002, 9:00 a.m. – 5:00 p.m.
PLACE: Key West Hilton, 245 Front Street, Key West, Florida, (305)294-4000

GENERAL SUBJECT MATTER TO BE CONSIDERED: Business meeting of the Board of Trustees.

A copy of the proposed agenda may be obtained by contacting: Linda Bridges, Florida League of Cities, Inc. Tallahassee, FL, (850)222-9684

If any person desires to appeal any decision with respect to any matter considered at the above cited meeting, such person may need to ensure that a verbatim record of the proceedings is made to include the testimony and evidence upon which the appeal is based.

**Section VII
 Notices of Petitions and Dispositions
 Regarding Declaratory Statements**

DEPARTMENT OF COMMUNITY AFFAIRS

NOTICE IS HEREBY GIVEN THAT the Petition for Declaratory Statement received from Hartford South, LLC., on June 8, 2002, has been withdrawn. Notice of receipt of this petition, which was assigned the number DCA02-DEC-207, appeared in the July 19, 2002 edition of the Florida Administrative Weekly.

A copy of the withdrawal may be obtained by writing: Paula P. Ford, Agency Clerk, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100.

NOTICE IS HEREBY GIVEN THAT the Petition for Declaratory Statement received from Mouriz/Salazar & Associates, Inc., on June 27, 2002 has been withdrawn. Notice of receipt of this petition, which was assigned the number DCA02-DEC-204, appeared in the July 19, 2002 edition of the Florida Administrative Weekly.

A copy of the withdrawal may be obtained by writing: Paula P. Ford, Agency Clerk, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100.

PUBLIC SERVICE COMMISSION

NOTICE IS HEREBY GIVEN THAT the Florida Public Service Commission has issued an order acknowledging BellSouth Telecommunications, Inc.'s voluntary dismissal of its petition for declaratory statement filed on May 10, 2002. The order acknowledging dismissal was issued on August 7, 2002.

A copy of the order may be obtained at <http://www.psc.state.fl.us/> or by writing: Division of the Commission Clerk and Administrative Services, 4075 Esplanade Way, Tallahassee, FL 32399-0862. DOCKET NO. 020415.

NOTICE IS HEREBY GIVEN THAT the Florida Public Service Commission has granted the petition for declaratory statement filed by Florida Power & Light Company (FPL) on May 3, 2002. The final order was issued on August 6, 2002, stating that FPL's proposal to pay in excess of its avoided costs to a qualifying facility for renewable energy for a Green Energy Program in which FPL's customers voluntarily agree to higher rates covering the costs above FPL's avoided cost does not violate the Public Utilities Regulatory Policy Act of 1978 and its implementing rules, or section 366.051 and its implementing rules.

A copy of the order may be obtained at <http://www.psc.state.fl.us/> or by writing: Division of the Commission Clerk and Administrative Services, 4075 Esplanade Way, Tallahassee, FL 32399-0862. DOCKET NO. 020397.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

NOTICE IS HEREBY GIVEN THAT the Division of Florida Land Sales, Condominiums and Mobile Homes, Department of Business and Professional Regulation, State of Florida, has issued an Order Denying Petition In Re: Petition for Declaratory Statement, Robert Bakerman, Costa Brava Condominium of Belle Isle, Petitioner; Docket Number CD2002-027.

The petition was denied because of insufficient information on which to issue a declaratory statement.

A copy of the order may be obtained by writing: Agency Clerk, Department of Business and Professional Regulation, Division of Florida Land Sales, Condominiums and Mobile Homes, 1940 North Monroe Street, Tallahassee, Florida 32399-2217.

**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:

Florida Pool and Spa Association, Inc. vs. Florida Building Commission; Case No.: 02-2505RX; Rule No.: 9B-3.047

GBS Groves, Inc. and Citrus Growers Associates, Inc. vs. Department of Citrus; Case No.: 02-2936RX; Rule No.: 20-71.005, 20-71.006, 20-72.009

United Mail Pharmacy Services, L.C. vs. Department of Health, Board of Pharmacy; Case No.: 02-2961RP; Rule No.: 28-106.201

Anne Z. Benson, Dr. Andre Benson and Rose Marie Ippolito vs. Department of Children and Family Services; Case No.: 02-2533RX; Rule No.: 65A-1.714

Lifepath Hospice and Palliative Care, Inc. vs. Agency for Health Care Administration; Case No.: 02-2703RU

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

PROJECT FACT SHEET

Christine E. Lynn College of Nursing
BR- 633

Florida Atlantic University

PROJECT DESCRIPTION

The project 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, instruction media center and a 350-seat auditorium. This building will be designed as green/sustainable architecture.

The Construction budget is approximately \$13 million.

SELECTION CRITERIA

Firms will be evaluated in the following areas: 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.

Experience and ability scores will be based on the following criteria:

1. Experience in projects of similar size and scope (identify completed projects that were green/sustainable in design).
2. Experience in working with Universities.

SELECTION COMMITTEE

Bob Friedman, University Architect & Vice President – FAU
Tom Donaudy, Associate Vice President – FAU
Ray Nelson, Director of Facilities Planning – FAI
Dr. Anne Boykin, Dean – FAU
Christine E. Lynn, Donor

SELECTION SCHEDULE

The anticipated schedule for selection, award, and negotiation is as follows:

Submittals Due:	Thursday, September 26, 2002
Shortlist Meeting:	Thursday, October 17, 2002
Final Interviews:	Thursday, November 14, 2002
Contract Negotiation:	Tuesday, November 26, 2002

GENERAL INFORMATION

1. All applicants will be notified of the results of the shortlisting in writing. Finalists will be informed of the interview date and time and will be provided with additional project information, if available.
2. The Selection Committee will make a recommendation to the President of the University. All finalists will be notified in writing of the President's action. Upon approval by the President, negotiations will be conducted in accordance with Section 287.055, Florida Statutes.
3. A copy of the building program may be purchased at Boca Blueprint, 2029 N. W. 2nd Avenue, Boca Raton, FL 33431, (561)395-4944.
4. The selected Architect/Engineer for this project is Walker Parking Consultants, 4901 Eisenhower Boulevard, Suite 281, Tampa, Florida 33634, (813)888-5800.

**A MANDATORY PRE-BID CONFERENCE FOR
PIZZA SERVICE (BID NO: 6040)**

TO BE HELD ON

THURSDAY, AUGUST 22, 2002, 9:00 A.M.

IN THE CONFERENCE ROOM,

SUPPORT SERVICES ANNEX CENTRAL

3308 CANAL STREET, FORT MYERS, FLORIDA

AT TIME OF PRE-BID CONFERENCE, VENDOR(S) MUST PRESENT ONE (1) PIZZA TEMPLATE FOR EACH LOCATION (STORE) THAT PIZZA WILL BE DELIVERED OUT OF.

ONLY VENDORS WHO ATTEND THE PRE-BID CONFERENCE WILL BE ELIGIBLE TO BID.

PHONE: (941)479-4250, FAX: (941)337-8200, IN PERSON OR MAIL: 3308 Canal Street, Fort Myers, Florida 33916-6594

By: Linda Owen, Senior Buyer

DEPARTMENT OF TRANSPORTATION

INVITATION TO BID

Sealed bids will be received in the Conference Room B-1, of the District Seven, Florida Department of Transportation Headquarters Building, 11201 North McKinley Drive, Tampa, Florida 33612, until 2:30 p.m. (Local Time), on Wednesday, September 11, 2002, for the work described below:

Bids will be publicly opened and read aloud on:

DATE AND TIME: September 11, 2002, 2:30 p.m. (Local Time)

PLACE: Conference Room B-1, of the Florida Department of Transportation, Headquarters Building, 11201 North McKinley Drive, Tampa, Florida 33612

Request for Plans, Specifications, and/or Bid Documents should be directed to John D. Ellis, District Contracts Administrator, 11201 North McKinley Drive, Tampa, Florida 33612, phone (813)975-6036. Proposal documents will not be

issued after 2:30 p.m. (Local Time), September 10, 2002. Bids must be submitted in full accordance with the requirements of the Drawings, Specifications, Bidding Conditions, and Contractual Conditions, which may be obtained from the District Seven Contracts Office at the cost of \$33.00 payable upon receipt.

FINANCIAL PROJECT NUMBER: 25909513201 DCN: E-7A80

The Project is the construction of a new office addition to the existing maintenance office building at Clearwater Maintenance. The work consists of masonry addition with a wood framed hip roof. The roofing shall be shingles. Also, there will be toilet rooms and a separate heating/cooling system for the new addition. Lighting will be with lay-in fixtures in acoustical panel ceiling. Drawings and specifications are available. (Approx. 120 Calendar Days allotted for work performance).

MINORITY BUSINESS ENTERPRISE PARTICIPATION GOAL: There is no MBE Participation Goal established for this project however, MBE participation is always encouraged.

PREQUALIFICATION: Each bidder shall submit a current state contractor's license certification or registration issued by the State of Florida and, if a Florida Corporation, a copy of the Corporate Charter Registration as Prequalification of their eligibility to submit bids prior to the Department releasing the Bid Proposal package. After the bid opening, the lowest responsible bidder must qualify in accordance with Rule 60D-5.004, F.A.C. A copy of the rule requirements is included in the Bid Proposal package.

MANDATORY PRE-BID MEETING: There is no Mandatory Pre-bid Meeting for this project.

BID BOND: If a bid on a project exceeds \$100,000, the bidder must provide with the bid a good faith deposit in the amount of five percent (5%) of the bid. This may be accomplished by way of a bid bond from a surety insurer authorized to do business in this State as a surety, a certified check made payable to Florida Department of Transportation, or a cashier's check, treasurer's check, or bank draft of any national or state bank. A bid bond, check, or draft in an amount less than five percent (5%) of the actual bid will invalidate the bid. Bid bonds shall conform to DOT Form 375-020-09 furnished with the proposal forms. For bids over \$100,000, a letter of intent to provide a Performance Bond in an amount equal to 100% of the Bid Amount will be required at the time of Bid.

PERFORMANCE AND LABOR AND MATERIAL PAYMENT BOND: If the contract award amount exceeds \$100,000, a Performance Bond and a Labor and Material Payment Bond for the full award amount will be required.

BID POSTING: Unless otherwise notified in writing, the Summaries of Bids and Notices of Intent will be posted in the main lobby of the District Seven, Florida Department of Transportation, 11201 North McKinley Drive, Tampa, Florida 33612, 2:30 p.m., October 2, 2002. In the event that the

Summary of Bids and Notice of Intent cannot be posted on this date, then all bidders will be notified by certified mail or express delivery, return receipt requested. Information concerning the posted projects can be obtained by calling the District Contracts Office, (813)975-6036, during the posting period.

BID SOLICITATION/AWARD/NON-AWARD PROTEST RIGHTS: Any person adversely affected by this Bid Solicitation shall file a notice of protest within 72 hours of receipt of the bid documents. Any person adversely affected by the intended decision of the Department to award a contract or to reject all bids shall file a notice of protest within 72 hours after the posting of the Summary of Bids. If notice of intended decision is given by certified mail or express delivery, the adversely affected person must file the notice of protest within 72 hours after receipt of the notice of intent.

A formal written protest must be filed within ten (10) days after filing the notice of protest. The formal written protest shall state with particularity the facts and law upon which the protest is based. All protests must be submitted in accordance with Sections 120.569 and 120.57, Florida Statutes. The required notice of protest and formal protest must each be timely filed with the Clerk of Agency Proceedings, Florida Department of Transportation, 605 Suwannee Street, MS #58, Room 550, General Counsel's Office, Tallahassee, Florida 32399-0458.

Failure to file a protest within the time prescribed in Section 120.57(3), Florida Statutes, shall constitute a waiver of proceedings under Chapter 120, Florida Statutes.

The Department reserves the right to reject any or all bids.

REGIONAL PLANNING COUNCILS

Request for Proposal

Community Transportation Coordinator (CTC)

Transportation Disadvantaged Program

The Panama City Metropolitan Planning Organization, and its advisor, the Bay County Transportation Disadvantaged Coordinating Board, will accept proposals from qualified agencies or firms to coordinate transportation services for the transportation disadvantaged in Bay County. The selected contractor will be recommended as the designated Community Transportation Coordinator to the Florida Commission for the Transportation Disadvantaged (CTD). If approved by the CTD, the selected contractor will coordinate the administration and operation of the Transportation Disadvantaged system, as authorized by Chapter 427, Florida Statutes, and more fully described in Rule 41-2, Florida Administrative Code. Proposers must attend a mandatory pre-proposal conference on August 29, 2002, 10:00 a.m. (CDST), at Panama City Beach City Hall. Proposal deadline is September 16, 2002, 3:00 p.m. (CDST). Interested parties should contact Julia Pearsall, West

Florida Regional Planning Council, 1(800)226-8914, Extension 231 or by email at pearsallj@wfrpc.dst.fl.us for more information.

WATER MANAGEMENT DISTRICTS

Request for Qualifications 01/02-079 LA
 Approved Surveyor List 2002/2003

To ensure a consistent level of quality in surveying services and reduce administrative costs, the Suwannee River Water Management District is initiating a list of surveyors who are pre-qualified for District assignments. The District expects to choose three to four surveyors for this list. The list will be reviewed annually and may, at the District's option, be recommended for re-approval for up to two additional years.

Surveyors or surveying firms interested in being considered for District surveying work should submit a completed Surveyor Respondent Form, located on the District's website www.srwm.d.state.fl.us/services/bids+contracts/default1.htm.

A mandatory pre-qualification meeting will be held at District Headquarters at 2:00 p.m., August 28, 2002. Only those surveyors or surveying firms who attend this meeting will be considered for the Approved Surveyor List.

The District must receive the completed Surveyor Respondent Form and additional information prior to 4:00 p.m., September 12, 2002. Any responses received after that time will not be eligible for consideration. Responses should be clearly marked on the outside as "RFQ 01/02-079 LA." Questions regarding this process should be addressed to Gwen Lord, Administrative Assistant, (386)362-1001 or 1(800)226-1066.

The selection committee will present its list of qualified appraisers to the Governing Board for approval at the October 8, 2002, Governing Board meeting.

INVITATION TO BID

Sealed bids will be received by the Madison County Board of County Commissioners for:

PROJECT TITLE: Four Freedoms Trail, Phase I

PROJECT NUMBER: LWCF 12-00394

PROJECT SCOPE: This project is being constructed through an agreement between the Suwannee River Water Management District and Madison County, Florida. Funding for construction is provided in part by a grant from the Florida Department of Environmental Protection, Land and Water Conservation Fund Program. The project involves improving two miles of abandoned railroad bed to provide a firm and stable trail surface by importing fill and providing an asphalt milling subgrade. The project also includes construction of a concrete parking area, fencing, signage, and a section of gravel trail. Estimated cost is under \$100,000.

PROJECT LOCATION: The project is located in Madison County, Florida, approximately one mile north of Pinetta.

BID DOCUMENTS: Any individual or firm desiring to bid on this project may obtain a copy of the Plans, Specifications and Request for Bid at a cost of approximately \$18.00 by contacting: Hunter Printing Co., 2410 First Street, Lake City, Florida 32025, (386)752-2707.

BID DATE AND TIME: Sealed bids will be received until 4:00 p.m., Friday, September 13, 2002, at the Madison County Commission Board Room, 112 East Pinckney Street, Suite 107, Madison, Florida 32340. Clearly label all bids, "Four Freedoms Trail, Phase I, Bid No. LWCF 12-00394". Faxed bids will not be accepted.

BID REQUIREMENTS: Bids must be submitted in full accordance with the requirements of the drawings, specifications, and bid documents. All contractors that are interested in bidding are required to attend a mandatory pre-bid conference to be held on August 30, 2002, 10:00 a.m., at the Madison County Commission Board Room, 112 East Pinckney Street, Suite 107, Madison, Florida 32340. Failure to attend the pre-bid conference will result in disqualification of that firm's proposal. Attendees will be required to sign an attendance register. Bidders are encouraged to inspect the work site prior to the pre-bid conference.

For further assistance contact: Melanie Sardina, Quality Communities Coordinator, Suwannee River Water Management District, 9225 County Road 49, Live Oak, Florida 32060, (386)362-1001 or 1(800)226-1066, Florida only.

DEPARTMENT OF ELDER AFFAIRS

Advertisement for Bids

The Area Agency on Aging of Central Florida, d/b/a/ the Senior Resource Alliance is soliciting bids for a new Custom Built Mobile Medical Vehicle (Class A) to be used for health and dental screenings in the community. The following specifications are required: 2 equal sized rooms; 30" Chassis; GVWR 25,500; Total WT 17,000; Diesel Engine 220-260 horsepower; Air Ride; Two 13,500 BTU AC's min. 15 KW Diesel Generator. Interested parties may mail their bids to Senior Resource Alliance, 988 Woodcock Rd., Suite 200, Orlando, FL 32803, Attn: MMC.

DEPARTMENT OF MANAGEMENT SERVICES

NOTICE REGARDING ELECTRONIC POSTING

Pursuant to Section 287.042(3)(b)2. of the Florida Statutes, the Department of Management Services hereby provides notice of the following URL for the centralized website that will be used for electronically posting solicitations, decisions or intended decisions, and other matters relating to procurement:

http://fcn.state.fl.us/owa_vbs/owa/vbs_www.main_menu.

NOTICE TO PROFESSIONAL CONSULTANTS
FOR PROFESSIONAL SERVICES FOR

INDOOR AIR QUALITY CONSULTING SERVICES

PROJECT NAME: Continuing Area Contracts for Indoor Air Quality Consulting Services.

PROJECT LOCATION: Florida North Region (All counties in a line across the State north of Manatee, Hardee, Highlands, Okeechobee and St. Lucie).

The Department of Management Services, Division of Facilities Management and Building Construction, requests qualifications from Indoor Air Quality Consultants Services firms. Applicant firm must have a minimum of Seven (7) years documented and verifiable experience in occupant health complaint assessment, knowledge of building construction sciences, air and bulk sampling collection for microbiologicals and chemicals, mechanical and HVAC operating systems, remediation specification writing, building assessment procedures and methodologies, risk communication and project oversight management of contractors. Further, if a corporation, the applicant must be registered by the Department of State, Division of Corporations, to operate in the State of Florida at the time of application.

Scope of Required Services May Include: Indoor air quality investigations, occupant health surveys and epidemiological assessments, bulk and air sampling for microbiologicals and chemicals, carpet microbial assays, remediation clearance sampling, laboratory analysis results evaluations and interpretations, project remediation specifications of building materials and HVAC operating systems, specifications for put back of new building materials and insulations, special coatings applications, project management and oversight of remediation contractors, HVAC operating system assessments, project close out documentation for completion substantiation, project scheduling and expert witness testimony.

Additional Requirements Shall Include: Consultant shall provide evidence of and maintain during the life of the contract a minimum of \$1,000,000 Consultant's Professional Liability Errors and Omissions Insurance, \$1,000,000 General Liability Insurance and \$500,000 Motor Vehicle Liability.

The Department of Management Services may enter into a contract with up to two firms responsible for performance of contracts that will vary in size up to \$500,000. This will be a multiple award contract for an initial period of two years with an option to renew for two additional, one-year periods.

Selection of finalists for interview will be made in accordance with Section 255.29(3), F.S. and the procedures and criteria of the Division of Facilities Management and Building Construction.

INSTRUCTIONS

Firms interested in being considered for this project must submit four (4) copies of their application with a table of contents and tabbed sections containing the following information:

1. Letter of interest which indicates the firm's qualifications, related experience, the firm's abilities to do the work and other pertinent data.
2. Current Professional Qualifications Supplement (PQS) Form DBC5112 revised 2/99.
3. Copies of the firm's current Florida Professional Registration License Renewal and insurance certificates.
4. For Corporations only: If the firm offering services is a corporation, it must be properly chartered with the Department of State to operate in Florida and must provide a copy of the firm's current Florida Corporate Charter.
5. Completed SF-254.
6. Completed SF-255.

RESPONSE DUE DATE: Tuesday, September 24, 2002, by 4:00 p.m. (Local Time)

Applications are to be sent to Mrs. Carole Nichols, Department of Management Services, Division of Facilities Management and Building Construction, Building 4030, Suite 360B, 4050 Esplanade Way, Tallahassee, Florida 32399-0950, telephone (850)487-2824.

DATE AND LOCATION OF SHORTLIST: Tuesday, October 8, 2002, Department of Management Services, Division of Facilities Management and Building Construction, 4030 Esplanade Way, Suite 360L, Tallahassee, FL 32399-0950

DATE AND LOCATION OF INTERVIEWS: Tuesday, October 22, 2002, Department of Management Services, Division of Facilities Management and Building Construction, 4030 Esplanade Way, Suite 360L, Tallahassee, FL 32399-0950

Any person requiring a special accommodation at the meetings because of a disability or physical impairment should contact Ms. Betty Stevens, 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, 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

Any changes to the above dates will be published on our web site, <http://fcn.state.fl.us/dms/dbc/oppor1.html>.

The selected firms will be given official notice of selection results by Fax and/or mail. Failure to file a protest within 72 hours (not including Saturday, Sunday, or a legal holiday) after receipt of notice shall constitute a waiver of proceedings under Chapter 120, Florida Statutes. The selection results will be published in the Florida Administrative Weekly and on our web site.

NOTICE TO PROFESSIONAL CONSULTANTS
FOR PROFESSIONAL SERVICES FOR

INDOOR AIR QUALITY CONSULTING SERVICES

PROJECT NAME: Continuing Area Contracts for Indoor Air Quality Consulting Services.

PROJECT LOCATION: Florida South Region (All counties in a line across the State south of Pinellas, Hillsborough, Polk, Osceola and Indian River).

The Department of Management Services, Division of Facilities Management and Building Construction, requests qualifications from Indoor Air Quality Consultants Services firms. Applicant firm must have a minimum of Seven (7) years documented and verifiable experience in occupant health complaint assessment, knowledge of building construction sciences, air and bulk sampling collection for microbiologicals and chemicals, mechanical and HVAC operating systems, remediation specification writing, building assessment procedures and methodologies, risk communication and project oversight management of contractors. Further, if a corporation, the applicant must be registered by the Department of State, Division of Corporations, to operate in the State of Florida at the time of application.

Scope of Required Services May Include: Indoor air quality investigations, occupant health surveys and epidemiological assessments, bulk and air sampling for microbiologicals and chemicals, carpet microbial assays, remediation clearance sampling, laboratory analysis results evaluations and interpretations, project remediation specifications of building materials and HVAC operating systems, specifications for put back of new building materials and insulations, special coatings applications, project management and oversight of remediation contractors, HVAC operating system assessments, project close out documentation for completion substantiation, project scheduling and expert witness testimony.

Additional Requirements Shall Include: Consultant shall provide evidence of and maintain during the life of the contract a minimum of \$1,000,000 Consultant's Professional Liability Errors and Omissions Insurance, \$1,000,000 General Liability Insurance and \$500,000 Motor Vehicle Liability.

The Department of Management Services may enter into a contract with up to two firms responsible for performance of contracts that will vary in size up to \$500,000. This will be a multiple award contract for an initial period of two years with an option to renew for two additional, one-year periods.

Selection of finalists for interview will be made in accordance with Section 255.29(3), F.S. and the procedures and criteria of the Division of Facilities Management and Building Construction.

INSTRUCTIONS

Firms interested in being considered for this project must submit four (4) copies of their application with a table of contents and tabbed sections containing the following information:

1. Letter of interest which indicates the firm's qualifications, related experience, the firm's abilities to do the work and other pertinent data.
2. Current Professional Qualifications Supplement (PQS) Form DBC5112 revised 2/99.

3. Copies of the firm's current Florida Professional Registration License Renewal and insurance certificates.
4. For Corporations only: If the firm offering services is a corporation, it must be properly chartered with the Department of State to operate in Florida and must provide a copy of the firm's current Florida Corporate Charter.
5. Completed SF-254.
6. Completed SF-255.

RESPONSE DUE DATE: Tuesday, September 24, 2002, by 4:00 p.m. (Local Time)

Applications are to be sent to: Mrs. Carole Nichols, Department of Management Services, Division of Facilities Management and Building Construction, Building 4030, Suite 360B, 4050 Esplanade Way, Tallahassee, Florida 32399-0950, telephone (850)487-2824.

DATE AND LOCATION OF SHORTLIST: Tuesday, October 8, 2002, Department of Management Services, Division of Facilities Management and Building Construction, 4030 Esplanade Way, Suite 360L, Tallahassee, FL 32399-0950

DATE AND LOCATION OF INTERVIEWS: Tuesday, October 22, 2002, Department of Management Services, Division of Facilities Management and Building Construction, 4030 Esplanade Way, Suite 360L, Tallahassee, FL 32399-0950

Any person requiring a special accommodation at the meetings because of a disability or physical impairment should contact Ms. Betty Stevens, 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, 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

Any changes to the above dates will be published on our web site, <http://fcn.state.fl.us/dms/dbc/oppor1.html>.

The selected firms will be given official notice of selection results by Fax and/or mail. Failure to file a protest within 72 hours (not including Saturday, Sunday, or a legal holiday) after receipt of notice shall constitute a waiver of proceedings under Chapter 120, Florida Statutes. The selection results will be published in the Florida Administrative Weekly and on our web site.

**NOTICE TO PROFESSIONAL CONSULTANTS
FOR INDOOR AIR QUALITY
REMEDATION CONTRACTING SERVICES**

PROJECT NAME: Continuing Area Contracts for Indoor Environmental Remediation Contracting for building materials remediation and HVAC Remediation Services

PROJECT LOCATION: Florida NORTH Region (All counties in a line across the State north of Manatee, Hardee, Highlands, Okeechobee and St. Lucie).

The Department of Management Services, Division of Facilities Management and Building Construction, requests qualifications from Licensed Florida Mechanical HVAC

Contractors for Indoor Environmental Remediation Contracting Services. Applicant must be licensed as a Florida Mechanical HVAC Contracting Firm and have a minimum of six (6) years specific experience in the Indoor Environmental Remediation Contracting Field. Contractor must also provide a total of six (6) project references that had third party oversight during remediation activities that is verifiable, three (3) for mold remediation and three (3) for ductwork remediation. These project remediation reference activities must have either exceeded a 75,000 square foot facility or \$100,000 remediation project cost. Further, if a corporation, the applicant must be registered by the Department of State, Division of Corporations, to operate in the State of Florida at the time of application.

Scope of Required Services May Include: Cleaning and remediation of HVAC air handlers and ductwork, coils cleaning, coils replacement, special coatings application, installation of various types of insulations, remediation and construction of building wall materials, erection of sealed containments and negative pressure enclosures, erection of staged decontamination chambers with showers, preparation of pre and post project submittals to consultant, preparation of project scheduling flow charts, collection and bagging of contaminated building materials including proper disposal, removal and tear down of containment system and decontamination facilities. All contracting work shall be done in accordance with consultant specifications. All contracting work shall be done and comply with the Occupational Safety & Health Administration (OSHA) safety regulations for General Industry (1910) and Construction (1926).

Additional Requirements Shall Include: Contractor shall provide evidence of and maintain during the life of the contract a minimum of \$1,000,000 Contractor's Pollution Liability Insurance, \$1,000,000 General Liability Insurance and \$500,000 Motor Vehicle Liability.

The Department of Management Services may enter into a contract with up to two firms responsible for performance of contracts that will vary in size up to \$500,000. This will be a multiple award contract for an initial period of two years with an option to renew for two additional, one-year periods.

Selection of finalists for interview will be made in accordance with Section 255.29(3), F.S. and the procedures and criteria of the Division of Facilities Management and Building Construction.

INSTRUCTIONS

Firms interested in being considered for this project must submit four (4) copies of their application with a table of contents and tabbed sections in the following order:

1. A letter of interest detailing the firm's qualifications to meet the above referenced selection criteria.
2. A current Experience Questionnaire and Contractor's Financial Statement, Form DBC5085 Revised 3/00.
3. Resumes of proposed staff and staff organizations.

4. Any examples of project reporting manuals, schedules, past experience and examples of similar projects completed by the firm.
5. References from prior clients received within the last five years.
6. For Corporations only: If the firm offering services is a corporation, it must be properly chartered with the Department of State to operate in Florida and must provide a copy of the firm's current Florida Corporate Charter.
7. Copies of the firm's current Florida Mechanical HVAC Contracting License and Pollution Liability and General Liability Insurance certificates.

RESPONSE DUE DATE: Tuesday, October 1, 2002, by 4:00 p.m. (Local Time)

Applications are to be sent to: Carole Nichols, Department of Management Services, Division of Facilities Management and Building Construction, Building 4030, Suite 360B, 4050 Esplanade Way, Tallahassee, Florida 32399-0950, Telephone: (850)487-2824, e-mail: nicholc@dms.state.fl.us.

DATE AND LOCATION OF SHORTLIST: Tuesday, October 15, 2002, Department of Management Services, Division of Facilities Management and Building Construction, 4030 Esplanade Way, Suite 360L, Tallahassee, Florida 32399-0950

DATE AND LOCATION OF INTERVIEWS: Tuesday, October 29, 2002, Department of Management Services, Division of Facilities Management and Building Construction, 4030 Esplanade Way, Suite 360L, Tallahassee, FL 32399-0950

Any person requiring a special accommodation at the meetings because of a disability or physical impairment should contact Ms. Betty Stevens, 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, 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

Any changes to the above dates will be published on our web site, <http://fcn.state.fl.us/dms/dbc/oppor1.html>.

The selected firms will be given official notice of selection results by Fax and/or mail. Failure to file a protest within 72 hours (not including Saturday, Sunday, or a legal holiday) after receipt of notice shall constitute a waiver of proceedings under Chapter 120, Florida Statutes. The selection results will be published in the Florida Administrative Weekly and on our web site.

**NOTICE TO PROFESSIONAL CONSULTANTS
FOR INDOOR AIR QUALITY
REMEDATION CONTRACTING SERVICES**

PROJECT NAME: Continuing Area Contracts for Indoor Environmental Remediation Contracting for building materials remediation and HVAC Remediation Services.

PROJECT LOCATION: Florida SOUTH Region (All counties in a line across the State south of Pinellas, Hillsborough, Polk, Osceola and Indian River).

The Department of Management Services, Division of Facilities Management and Building Construction, requests qualifications from Licensed Florida Mechanical HVAC Contractors for Indoor Environmental Remediation Contracting Services. Applicant must be licensed as a Florida Mechanical HVAC Contracting Firm and have a minimum of six (6) years specific experience in the Indoor Environmental Remediation Contracting Field. Contractor must also provide a total of six (6) project references that had third party oversight during remediation activities that is verifiable, three (3) for mold remediation and three (3) for ductwork remediation. These project remediation reference activities must have either exceeded a 75,000 square foot facility or \$100,000 remediation project cost. Further, if a corporation, the applicant must be registered by the Department of State, Division of Corporations, to operate in the State of Florida at the time of application.

Scope of Required Services May Include: Cleaning and remediation of HVAC air handlers and ductwork, coils cleaning, coils replacement, special coatings application, installation of various types of insulations, remediation and construction of building wall materials, erection of sealed containments and negative pressure enclosures, erection of staged decontamination chambers with showers, preparation of pre and post project submittals to consultant, preparation of project scheduling flow charts, collection and bagging of contaminated building materials including proper disposal, removal and tear down of containment system and decontamination facilities. All contracting work shall be done in accordance with consultant specifications. All contracting work shall be done and comply with the Occupational Safety & Health Administration (OSHA) safety regulations for General Industry (1910) and Construction (1926).

Additional Requirements Shall Include: Contractor shall provide evidence of and maintain during the life of the contract a minimum of \$1,000,000 Contractor's Pollution Liability Insurance, \$1,000,000 General Liability Insurance and \$500,000 Motor Vehicle Liability.

The Department of Management Services may enter into a contract with up to two firms responsible for performance of contracts that will vary in size up to \$500,000. This will be a multiple award contract for an initial period of two years with an option to renew for two additional, one-year periods.

Selection of finalists for interview will be made in accordance with Section 255.29(3), F.S., and the procedures and criteria of the Division of Facilities Management and Building Construction.

INSTRUCTIONS

Firms interested in being considered for this project must submit four (4) copies of their application with a table of contents and tabbed sections in the following order:

1. A letter of interest detailing the firm's qualifications to meet the above referenced selection criteria.
2. A current Experience Questionnaire and Contractor's Financial Statement, Form DBC5085 Revised 3/00.
3. Resumes of proposed staff and staff organizations.
4. Any examples of project reporting manuals, schedules, past experience and examples of similar projects completed by the firm.
5. References from prior clients received within the last five years.
6. For Corporations only: If the firm offering services is a corporation, it must be properly chartered with the Department of State to operate in Florida and must provide a copy of the firm's current Florida Corporate Charter.
7. Copies of the firm's current Florida Mechanical HVAC Contracting License, Pollution Liability and General Liability Insurance certificates.

RESPONSE DUE DATE: Tuesday, October 1, 2002, by 4:00 p.m. (Local Time)

Applications are to be sent to: Carole Nichols, Department of Management Services, Division of Facilities Management and Building Construction, Building 4030, Suite 360B, 4050 Esplanade Way, Tallahassee, Florida 32399-0950, telephone (850)487-2824, e-mail: nicholc@dms.state.fl.us.

DATE AND LOCATION OF SHORTLIST: Tuesday, October 15, 2002, Department of Management Services, Division of Facilities Management and Building Construction, 4030 Esplanade Way, Suite 360L, Tallahassee, Florida 32399-0950

DATE AND LOCATION OF INTERVIEWS: Tuesday, October 29, 2002, Department of Management Services, Division of Facilities Management and Building Construction, 4030 Esplanade Way, Suite 360L, Tallahassee, FL 32399-0950

Any person requiring a special accommodation at the meetings because of a disability or physical impairment should contact Ms. Betty Stevens, 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, 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

Any changes to the above dates will be published on our web site, <http://fcn.state.fl.us/dms/dbc/oppor1.html>.

The selected firms will be given official notice of selection results by Fax and/or mail. Failure to file a protest within 72 hours (not including Saturday, Sunday, or a legal holiday) after receipt of notice shall constitute a waiver of proceedings under Chapter 120, Florida Statutes. The selection results will be published in the Florida Administrative Weekly and on our web site.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

NOTICE OF INVITATION TO BID

BID NO. DEP 01-02/03

The Department of Environmental Protection, Division of Water Resource Management, is soliciting formal competitive bids for the project listed below:

PROJECT NAME: Furnish all labor, materials and other costs

SCOPE OF WORK: Required to install water service lines in the Timberland Area, Lake Wales, Polk County, Florida to approximately 250 residences. It is a requirement of the bid conditions that only bids received from "licensed plumbers" be considered.

PROJECT

LOCATION: Timberland area, Lake Wales (Polk County), Florida

PROJECT

MANAGER: Charles Coultas
Division of Water Resource Management
Telephone number: (850)488-8163

INSTRUCTIONS: Any firm interested in obtaining bid specifications for this project may obtain a copy by writing the address or calling the telephone number listed below:

Florida Department of Environmental Protection
Procurement Section
3900 Commonwealth Boulevard, MS 86
Tallahassee, Florida 32399-3000
Attention: Gail O'Kelly
Telephone number: (850)488-6711

ADA

REQUIREMENTS: Any person with a qualified disability shall not be denied equal access and effective communication regarding any bid/proposal documents or the attendance at any related meeting or bid/proposal opening. If accommodations are needed because of a disability, please contact the Purchasing Section at (850)488-6711.

BID SUBMITTAL: 3:00 p.m., Wednesday, September 4, 2002

DUE DATE: To the below address:
Florida Department of Environmental Protection
Purchasing Section, Mail Station 86
3900 Commonwealth Boulevard
Tallahassee, Florida 32399-3000

NOTICE OF CANCELLATION

OF INVITATION TO BID – BDRS 04-02/03

The Department of Environmental Protection, Division of Recreation and Parks, Bureau of Design and Recreation Services announces the cancellation of the Invitation to Bid for site infrastructure construction for 50 cabins at Lake Louisa State Park as published in the Florida Administrative Weekly on August 9, 2002.

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."

HILLSBOROUGH COUNTY AVIATION AUTHORITY

NOTICE TO DESIGN-BUILD FIRMS

The Hillsborough County Aviation Authority hereby requests, pursuant to the Consultants Competitive Negotiation Act, Florida Statutes 287.055, Letters of Interest from Design-Build firms desiring to render Design-Build Services for the following project at Tampa International Airport, Tampa, Florida:

DESIGN AND CONSTRUCTION OF THE SERVICE BUILDING EXPANSION AND RELATED WORK

Services to be furnished shall include, but not be limited to, all architectural design and all engineering related to structural, mechanical, plumbing, fire protection, electrical, electronic and information technology systems; architectural/engineering services during construction; construction by a qualified contractor; and related surveys and testing. A more detailed Scope of Services will be included in the formal Request for Qualifications.

Qualified Design-Build firms desiring consideration for this Project must give written notification in the form of a Letter of Interest to:

William J. Connors, Jr.
Senior Director of Planning and Development
Hillsborough County Aviation Authority
Post Office Box 22287
Tampa, Florida 33622

Interested parties may inquire as to project descriptions, details, and required data submission to William J. Connors, Jr., Senior Director of Planning and Development, telephone number (813)870-8704. ONLY A LETTER EXPRESSING INTEREST IN RECEIVING THE FORMAL REQUEST FOR QUALIFICATIONS IS REQUIRED AT THIS TIME. Subsequent to receiving Letters of Interest, a Request for Qualifications will be sent to all respondents and adequate response time set forth in that package.

The Letters of Interest Only must be received at or before 5:00 p.m. (Local Time), Thursday, September 5, 2002. Subsequent to receiving Letters of Interest, a Request for Qualifications will be sent to all respondents and adequate response time set forth in that package.

A MANDATORY Pre-Qualification Conference will then be held on Thursday, September 19, 2002, 10:00 a.m. (Local Time), in the Hillsborough County Aviation Authority Board Room located in the Landside Terminal Building, Third Floor, Blue Side at Tampa International Airport. Details of this conference will be included in the Request for Qualifications.

HILLSBOROUGH COUNTY AVIATION AUTHORITY

By: /s/ Louis E. Miller

Louis E. Miller, Executive Director

Section XII Miscellaneous

DEPARTMENT OF INSURANCE

IN THE MATTER OF: CASE NO: 61930-02-CO
CITIZENS PROPERTY INSURANCE CORPORATION

/

ORDER APPROVING SECOND SUPPLEMENTAL
INDENTURE, TRANSFER, SECOND AMENDMENT TO
PLEDGE, SECURITY AND TRUST AGREEMENT, FIRST
AMENDMENT TO BANK COLLATERAL AGREEMENT,
SPECIAL ACCOUNT AGREEMENT, AND CITIZENS
LIQUIDITY NOTES AND TERM NOTES

THIS MATTER came before the Treasurer and Insurance Commissioner for consideration and final agency action upon the request of the Citizens Property Insurance Corporation (Citizens), pursuant to Section 19(B) of Citizen's Plan of Operation, for approval of the following:

(i) Second Supplemental Indenture (the "Second Supplemental Indenture") supplementing the Trust Indenture dated as of August 6, 1997, as previously amended and supplemented, between Citizens (formerly named and as successor to the Florida Windstorm Underwriting Association) and Wachovia Bank, N.A., (successor to the Bank of New York) for approval of the following:

(ii) The transfer ("Transfer") of all policies, obligations, rights, assets, and liabilities of the Florida Windstorm Underwriting Association (FWUA), including bonds, notes and other debt obligations thereof, and the financing documents pertaining to them, to Citizens High-Risk Account, as contemplated pursuant to Section 627.351(2), Florida Statutes, and Section 627.351(6), Florida Statutes, as amended in 2002 by S.B. 1418 and H.B. 385,

(iii) Second Amendment to Pledge, Security and Trust Agreement (the "Second Amendment to Pledge, Security and Trust Agreement"), dated as of August 1, 2002, among Citizens, Wells Fargo Bank Minnesota, N.A., as successor Collateral Trustee, and Wells Fargo Bank Minnesota, N.A., in its individual capacity as Custodian,

(iv) First Amendment to Bank Collateral Agreement (the "First Amendment to Bank Collateral Agreement"), dated as of August 1, 2002, among Citizens and JPMorgan Chase Bank, as Collateral Agent,

(v) Special Account Agreement dated as of August 1, 2002, (the "Special Account Agreement") among Citizens, Wells Fargo Bank Minnesota, N.A., as Special Trustee, Wells Fargo Bank Minnesota, N.A., as FWUA Collateral Trustee, and Wells Fargo Bank, Minnesota, N.A., as Collateral Trustee for the Florida Residential Property and Casualty Joint Underwriting Association.

(vi) The Liquidity Notes ("Liquidity Notes") each dated August 1, 2002 referred to in the Fourth Amended and Restated Credit Agreement, dated as of August 6, 1997, as amended and restated as of June 1, 1999, as further amended and restated as of June 16, 2000, as further amended and restated as of August 1, 2001, and as further amended and restated as of July 26, 2002 (as so amended and restated and as further amended, modified or supplemented from time to time, the "Credit Agreement"), among Citizens (formerly named and as successor to the FWUA), the lending institutions from time to time party thereto, Bank of America, N.A. and Wachovia Bank, National Association, as Documentation Agents, and JPMorgan Chase Bank, as Administrative Agent, and

(vii) Term Notes ("Term Notes") each dated August 1, 2002 referred to in the Credit Agreement, copies of all of which are attached hereto and made a part hereof.

The purpose of each of the instruments for which approval is sought is to reflect the Transfer in conformity with the requirements of amendments to Section 627.351(6), Florida Statutes, recently enacted by the Florida Legislature, and to address certain matters relating thereto or arising therefrom.

The Commissioner of Insurance has considered the requests for approval and otherwise apprised himself of all relevant premises, and finds that it is in the public interest and in conformity with Florida law to grant department approval of the same.

IT IS THEREFORE ORDERED:

That the request of Citizens for approval of the Second Supplemental Indenture, approval of the Transfer, Second Amendment to Pledge, Security and Trust Agreement, First Amendment to Bank Collateral Agreement, Special Account Agreement, and the Liquidity Notes and Term Notes, is hereby GRANTED, and the Transfer and all of said instruments are all hereby APPROVED.

DONE AND ORDERED this 1st day of August, 2002.

 Tom Gallagher
 Treasurer and Insurance Commissioner

NOTICE OF RIGHTS

Any party to these proceedings adversely affected by this Order is entitled to seek review of this Order pursuant to Section 120.68, Florida Statutes, and Rule 9.110, Fla. R. App. P. Review proceedings must be instituted by filing a petition or notice of appeal with the General Counsel, acting as the Agency Clerk, Room 612, Larson Building, Tallahassee, Florida, and a copy of the same with the appropriate district court of appeal within thirty (30) days of rendition of this Order.

DEPARTMENT OF TRANSPORTATION

NOTICE OF MEDIATION

The Florida Department of Transportation (FDOT), pursuant to Uniform Rule 28-106.111(5), Florida Administrative Code (F.A.C.), hereby gives notice of the existence of a mediation proceeding to which all persons whose substantial interests may be determined or affected thereby are invited to participate. The mediation proceeding is being conducted pursuant to Section 120.573, Florida Statutes, and Rules 28-106.401 to 28-106.405, F.A.C.

The subject matter of the mediation proceeding is the FDOT Intent to Issue a Permit to open a highway at-grade crossing over the Florida East Coast Railway, at Railroad Mile Post 289.82, for an extension of Kyoto Gardens Drive, Palm Beach Gardens, Florida, pursuant to Section 335.141, Florida Statutes, and Rule 14-46.003, Florida Administrative Code. The controversy subject to the mediation proceeding is whether the Permit should be issued, and if issued, the appropriate conditions for issuance; revisions to the permit application; alternative proposals for achieving the transportation improvements proposed; and any other matter reasonably related to the transportation project in accordance with applicable statutes and rules.

Furthermore, the subject matter of the mediation proceeding embraces all matters raised in the following administrative proceeding before the Division of Administrative Hearings:

FLORIDA EAST COAST RAILWAY, L.L.C., Petitioner, vs. DEPARTMENT OF TRANSPORTATION, Respondent, DOT CASE 02-006; DOAH CASE 02-0321; and

ROGER BLANGY, Petitioner, vs. DEPARTMENT OF TRANSPORTATION, Respondent. DOT CASE NO.: 02-004; DOAH CASE NO.: 02-0327

A copy of the DOT proposed agency action on the permit application, a description of the project, and rules referenced in this notice may be obtained by contacting Jan Bordelan, Rail Specialist, Florida Department of Transportation, Mail Station 25, 605 Suwannee Street, Tallahassee, Florida 32399-0450, telephone (850)414-4500 or Suncom 994-4500.

Any person whose substantial interest may be determined or affected by the subject matter of this proceeding and who desires to participate in the mediation proceeding shall, within twenty-one days from the date of publication of this notice, file a request to participate in the mediation proceeding. The request shall be in writing and shall contain the following information:

1. The name, address, and telephone number of the person requesting to participate in the mediation proceeding and the name, address, and telephone number of that person's representative, if any;
2. A reference to the file numbers of the subject matter of the mediation proceeding, which numbers are DOT Case #02-004 and DOT Case #02-006.
3. An explanation of how the person's substantial interests will be affected by FDOT's determination in the subject matter; and
4. A statement of the relief sought.

The request shall be filed with the Clerk of Agency Proceedings, Office of General Counsel, Florida Department of Transportation, Mail Station 58, 605 Suwannee Street, Room 550, Tallahassee, Florida 32399-0450. (Persons who are named in any of the above-mentioned administrative proceedings and who have been received notice of the mediation proceeding do not need to file a request to continue their participation.)

Please take notice that this mediation proceeding could result in a settlement adopted by final agency action by DOT and that the final action arising from the mediation proceeding may be different from the proposed agency action that is the subject matter of the mediation proceeding.

In the absence of a timely request to participate in the mediation, any person whose substantial interests are or may be affected by the result of the mediation waives any right to participate in the mediation, and that waiver of participation in the mediation is also a waiver of that person's ability to challenge the mediated final agency action pursuant to Chapter 120, Florida Statutes.

DEPARTMENT OF HIGHWAY SAFETY AND MOTOR VEHICLES

Notice of Publication for a New Point Franchise Motor Vehicle Dealer in a County of Less than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, notice is given that Lacaro Auto Distributors, Inc. intends to allow the establishment of Garber Chrysler Plymouth Dodge Truck as a dealership for the sale of Cross Lander vehicles, at 1050 North Orange Ave., Green Cove (Clay County), Florida 32043 on or after July 30, 2002.

The name and address of the dealer operator(s) and principal investor(s) of Garber Chrysler Plymouth Dodge Truck are dealer operator(s): Richard J. Garber, 7 Rust Lane, Saganaw, MI principal investor(s): R. Michael Dicken, 3615 Konchville Rd., Green Cove, FL.

The notice indicates intent to establish the new point location in a county of less than 300,000 population, according to the latest population estimates of the University of Florida, Bureau of Economic and Business Research.

Certain dealerships of the same line-make may have standing, pursuant to Section 320.642, Florida Statutes, as amended by Chapter 88-395, Laws of Florida, to file a petition or complaint protesting the application.

Written petitions or complaints must be received by the Department of Highway Safety and Motor Vehicles within 30 days of the date of publication of this notice and must be submitted to: Mr. Ronald D. Reynolds, Administrator, Dealer License Section, Department of Highway Safety and Motor Vehicles, Room A-312, Neil Kirkman Building, 2900 Apalachee Parkway, Tallahassee, Florida 32399-0635.

A copy of such petition or complaint must also be sent by US Mail to: Christopher H. Warren, Vice President of Operations, Lacaro Auto Distributors, Inc., 3575 N. W. 82nd Avenue, Miami, FL 33122.

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 Less than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, notice is given that General Motors Corporation intends to allow the establishment of Proctor & Proctor, Inc. d/b/a Proctor Hummer as a dealership for the sale of Hummer vehicles at 3122 Mahan Drive, Tallahassee (Leon County), Florida 32308-2208 on or after August 15, 2002.

The name and address of the dealer operator(s) and principal investor(s) of Proctor & Proctor, Inc. d/b/a Proctor Hummer are dealer operator(s): Martin W. Proctor, 3122 Mahan Drive, Tallahassee, FL 32308-5508; principal investor(s): Martin W. Proctor, W. Theo Proctor III and William T. Proctor, Jr., 3122 Mahan Drive, Tallahassee, FL 32308-5508.

The notice indicates intent to establish the new point location in a county of less than 300,000 population, according to the latest population estimates of the University of Florida, Bureau of Economic and Business Research.

Certain dealerships of the same line-make may have standing, pursuant to Section 320.642, Florida Statutes, as amended by Chapter 88-395, Laws of Florida, to file a petition or complaint protesting the application.

Written petitions or complaints must be received by the Department of Highway Safety and Motor Vehicles within 30 days of the date of publication of this notice and must be submitted to: Mr. Ronald D. Reynolds, Administrator, Dealer License Section, Department of Highway Safety and Motor Vehicles, Room A-312, Neil Kirkman Building, 2900 Apalachee Parkway, Tallahassee, Florida 32399-0635.

A copy of such petition or complaint must also be sent by US Mail to: Michelle Mack, Network Development Manager, General Motors Corporation, 100 Renaissance Center, MC 482-A32-B98, Detroit, MI 48265.

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 Less than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, notice is given that General Motors Corporation intends to allow the establishment of Nimnicht Pontiac GMC, Inc. d/b/a Nimnicht Pontiac as a dealership for the sale of Pontiac vehicles at 3919 Philips Hwy., Jacksonville (Duval County), Florida 32207 on or after August 30, 2002.

The name and address of the dealer operator(s) and principal investor(s) of Nimnicht Pontiac GMC, Inc. d/b/a Nimnicht Pontiac are dealer operator(s): Billie N. Nimnicht, III, 3919 Philips Hwy., Jacksonville, FL 32207 principal investor(s): Lee A. Nimnicht, 3919 Philips Hwy., Jacksonville, FL 32207.

The notice indicates intent to establish the new point location in a county of less than 300,000 population, according to the latest population estimates of the University of Florida, Bureau of Economic and Business Research.

Certain dealerships of the same line-make may have standing, pursuant to Section 320.642, Florida Statutes, as amended by Chapter 88-395, Laws of Florida, to file a petition or complaint protesting the application.

Written petitions or complaints must be received by the Department of Highway Safety and Motor Vehicles within 30 days of the date of publication of this notice and must be submitted to: Mr. Ronald D. Reynolds, Administrator, Dealer License Section, Department of Highway Safety and Motor Vehicles, Room A-312, Neil Kirkman Building, 2900 Apalachee Parkway, Tallahassee, Florida 32399-0635.

A copy of such petition or complaint must also be sent by US Mail to: Douglas J. Chandler, Dealer Contractual Group, General Motors Corporation, 100 Renaissance Center, Detroit, MI 48265-1000.

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 INTENT TO ISSUE MODIFICATION

The Department of Environmental Protection announces its intent to issue an Order Modifying the Conditions of Certification for the Indiantown Cogeneration Facility pursuant to the Florida Electrical Power Plant Siting Act, Section 403.516, Florida Statutes.

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

FLORIDA FINDING OF NO SIGNIFICANT IMPACT

The Florida Department of Environmental Protection has determined that the project involving expansion of the wastewater treatment facilities 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 regarding the Finding of No Significant Impact, please call Troy Mullis, (850)488-8163.

NOTICE OF AVAILABILITY

FLORIDA FINDING OF NO SIGNIFICANT IMPACT

The Florida Department of Environmental Protection has determined that the proposed St. Lucie County stormwater facilities will not have a significant adverse affect on the environment.

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

For more information regarding the Finding of No Significant Impact, please contact: Troy M. Mullis, (850)488-8163.

DEPARTMENT OF HEALTH

On July 30, 2002, John O. Agwunobi, M.D. Secretary of the Department of Health, issued an Order of Emergency Suspension, with regard to the license of Jane Faria, R.N. Faria holds license number RN 2747432. Faria's last known address is 4678 Hairland Drive, West Palm Beach, Florida 33415. 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 July 31, 2002, John O. Agwunobi, M.D. Secretary of the Department of Health, issued an Order of Emergency Suspension, with regard to the license of Debora Jean Elwell, license number PN 1342121. Debora Jean Elwell's last known address is 744 College Ave., Lakeland, Florida 33801. 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 August 5, 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 George Kubski, M.D., license number ME 0038198. 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

NOTICE TO COASTAL LOCAL GOVERNMENTS DERELICT VESSEL REMOVAL GRANTS PROGRAM

The Florida Fish and Wildlife Conservation Commission is administering a grant program to provide funding to coastal local governments for the reimbursement of the removal of derelict vessels from coastal waters of the State. An abandoned vessel becomes a derelict only after all available means to have the rightful owner remove the vessel have failed. An investigation is conducted by the local Florida Fish and Wildlife Conservation office and can involve court orders requiring the removal. In many cases the attempt to identify the owner is unsuccessful, and after proper notice the vessel is declared derelict. Only after this declaration, is the vessel eligible for removal under this grant program.

The grant application period for the Derelict Vessel Removal Grant Program previously announced on pages 2091/2092, on May 3, 2002, will be reopened through September 16, 2002. Applications must be received no later than September 16 or delivered in person by 5:00 p.m., September 16. Application packages can be obtained by writing or calling to: Ms. Wendy Huszagh, Florida Fish and Wildlife Conservation Commission, Division of Law Enforcement, 620 South Meridian Street, Tallahassee, Florida 32399-1600, (850)488-5600.

Section XIII
Index to Rules Filed During Preceding Week

**RULES FILED BETWEEN July 29, 2002
 and August 2, 2002**

Rule No.	File Date	Effective Date	Proposed Vol./No.	Amended Vol./No.
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DEPARTMENT OF STATE
Division of Historical Resources

1A-46.001	8/1/02	8/21/02	28/7	28/25
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DEPARTMENT OF INSURANCE

4-137.001	7/29/02	8/18/02	28/24	
4-138.001	7/29/02	8/18/02	28/24	

DEPARTMENT OF REVENUE

12-28.001	7/30/02	8/19/02	28/19	
12-28.002	7/30/02	8/19/02	28/19	
12-28.003	7/30/02	8/19/02	28/19	28/27
12-28.004	7/30/02	8/19/02	28/19	
12-28.005	7/30/02	8/19/02	28/19	
12-28.006	7/30/02	8/19/02	28/19	
12-28.007	7/30/02	8/19/02	28/19	
12-28.008	7/30/02	8/19/02	28/19	
12-28.009	7/30/02	8/19/02	28/19	

**DEPARTMENT OF BUSINESS AND PROFESSIONAL
 REGULATION**

Division of Alcoholic Beverage and Tobacco

61A-3.048	8/1/02	8/21/02	28/20	28/27
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Rule No.	File Date	Effective Date	Proposed Vol./No.	Amended Vol./No.
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DEPARTMENT OF ENVIRONMENTAL PROTECTION

62-730.020	7/30/02	8/1/02	28/24	
62-730.021	7/30/02	8/1/02	28/24	
62-730.030	7/30/02	8/1/02	28/24	
62-730.160	7/30/02	8/1/02	28/24	
62-730.170	7/30/02	8/1/02	28/24	
62-730.180	7/30/02	8/1/02	28/24	
62-730.181	7/30/02	8/1/02	28/24	
62-730.183	7/30/02	8/1/02	28/24	
62-730.184	7/30/02	8/1/02	28/24	
62-730.185	7/30/02	8/1/02	28/24	
62-730.220	7/30/02	8/1/02	28/24	

DEPARTMENT OF HEALTH

Board of Clinical Laboratory Personnel

64B3-7.003	7/30/02	8/19/02	28/25	
64B3-7.004	7/30/02	8/19/02	28/25	
64B3-7.006	7/30/02	8/19/02	28/25	
64B3-7.007	7/30/02	8/19/02	28/25	

Board of Medicine

64B8-5.001	7/31/02	8/20/02	28/26	
64B8-9.003	7/31/02	8/20/02	28/26	
64B8-41.001	7/29/02	8/18/02	27/52	28/26

Board of Podiatric Medicine

64B18-13.006	7/29/02	8/18/02	28/26	
64B18-13.007	7/29/02	8/18/02	28/26	
64B18-13.008	7/29/02	8/18/02	28/26	

Council of Medical Physicists

64B23-2.001	8/1/02	8/21/02	28/20	28/27
64B23-4.001	8/1/02	8/21/02	28/20	28/27