

Section I

Notices of Development of Proposed Rules and Negotiated Rulemaking

DEPARTMENT OF INSURANCE

RULE TITLE: Arbitration Provisions **RULE NO.:** 4-149.025

PURPOSE AND EFFECT: In reaction to a recent increase in the number of insurance policy form filings containing misleading mandatory arbitration clauses the Department seeks to initiate rulemaking to address this situation. Problems to be addressed include:

The risk that policyholders may be misled into believing that they have waived legal rights which, as a matter of law, are not waivable.

The risk that a consumer may buy a policy with no notice that the policy contains a mandatory arbitration provision. As a result of this, the consumer may be misled into buying a policy which, because of the mandatory arbitration provision, has less value than policies without arbitration provisions against which the policy was being compared.

The Department seeks public input in the development of rules in this area.

SUBJECT AREA TO BE ADDRESSED: Mandatory arbitration provisions in insurance policies.

SPECIFIC AUTHORITY: 624.308(1), 626.9611 FS.

LAW IMPLEMENTED: 624.155, 624.307(1), 626.9541(1)(a)1.,(b), 627.411 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: 9:30 a.m., October 23, 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 below.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Rich Robleto, Chief, Bureau of Life and Health Forms and Rates, Department of Insurance, 200 East Gaines Street, Tallahassee, Florida 32399-0328, (850)413-5110

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

DEPARTMENT OF INSURANCE

RULE TITLE: Records and Reports of Information by Workers' Compensation Insurers Required **RULE NO.:** 4-189.0055

PURPOSE AND EFFECT: This rule is required by HB 1803 (2001), to implement reporting and recording duties of workers' compensation insurers.

SUBJECT AREA TO BE ADDRESSED: The new required rule concerns the promulgation of reporting and record keeping requirement of workers' compensation insurers. A previous workshop was noticed in Vol. 28, No. 1, January 4, 2002, and held on January 31, 2002.

SPECIFIC AUTHORITY: 624.308(1), 627.914(1) FS.

LAW IMPLEMENTED: 624.308(1), 627.914(1) 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: 9:30 a.m., November 19, 2002

PLACE: Room 143, 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 DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Sherry Marson, Division of Insurer Services, Department of Insurance, 200 East Gaines Street, Tallahassee, Florida 32399-0330, (850)413-5372

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

DEPARTMENT OF INSURANCE

RULE TITLES: Rates **RULE NOS.:** 4-191.054
Actuarial Memorandum and Definitions 4-191.055

PURPOSE AND EFFECT: The amendments to Rules 4-191:

- Remove the requirements for information that is not needed upon initial review of an HMO filing
- Allow for a streamlined filing of trend for business with less than 1,000 Florida subscribers in force
- Clarify details that are needed in order to adequately review a filing

SUBJECT AREA TO BE ADDRESSED: Filing and approval of health maintenance organization rate filings.

SPECIFIC AUTHORITY: 641.31, 641.36 FS.
 LAW IMPLEMENTED: 641.21(1)(e), 641.22(2),(4),(6), 641.31(2),(3), 641.31074, 641.3922(3) 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., October 16, 2002
 PLACE: Room 143, 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 RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT 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 PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

4-191.054 Rates.

(1) Before charging or quoting premiums to subscribers, an HMO shall file for approval the rating methodology by which those premiums were determined with the Department.

(a) No change.

(b) For purposes of this rule, ~~and~~ Rule 4-191.055, F.A.C., and the time periods established in Section 641.31, Florida Statutes, a filing is considered "filed" with the Department upon receipt of the material required in paragraph (2)(a), below. For purposes of this rule and Rule 4-191.055, F.A.C., the term "filed" does not mean "approved".

(2) Filings of rating methodologies shall provide adequate information, so that the Department, in accordance with generally accepted actuarial principles as applied to Health Maintenance Organizations, may verify that the rating methodology does not produce inadequate, excessive, or unfairly discriminatory premiums. All rate classifications should be clearly identified, and the formulas and/or methods of calculating premiums adequately described, as defined in Rule 4-191.055, F.A.C.

(a) The components of HMO rate filings shall consist of one copy of all of the items in subparagraphs 1. through 4. Filings for small group coverage subject to s. 627.6699, F.S. shall be filed pursuant to, and comply with, Chapter 4-149, F.A.C.

1. A brief letter explaining the type and nature of the filing. The letter shall indicate if the filing is for a new product, a rate revision or a resubmission. If the filing is a resubmission,

the letter should indicate when the previous filing was submitted, the Florida filing number, and the date of the disapproval. ~~Letters requiring a reference to a Florida filing number will not be processed without the inclusion of the Florida filing number.~~

2. No change.

3. Rate pages which define all proposed rates, rating factors, and methodologies for determining rates applicable in the state.

4. No change.

(b) through (c) No change.

(3) through (4) No change.

(5) HMOs with fewer than 1,000 Florida subscribers, for all individual forms combined or for all group forms combined, may, at their option, file a streamlined rate increase filing not exceeding medical trend as provided in paragraph 4-149.003(7), F.A.C. The filing shall be made in accordance with paragraph 4-191.054(2)(a), F.A.C., with a certification that the filing includes all individual forms or all group forms in lieu of the actuarial memorandum required by Rule 4-191.055, F.A.C. Rate filings shall be signed by a qualified actuary.

(6)(a) Rates for group conversion contracts, issued on a group or on an individual basis are exempt from the loss ratio requirements below. The loss ratio for group conversion contracts shall not be less than 120 percent %. The premium for a converted contract may not exceed 200 percent of the standard risk rate, as published in Chapter 4-149, Part X, F.A.C.

(b) Rates for contracts, including riders and endorsements, issued to individual (non-group) ~~s~~ subscribers shall be deemed excessive if anticipated loss ratios for such contracts are less than 70%.

(c) Rates for contracts, including riders and endorsements, issued to group subscribers shall be deemed excessive if ~~anticipated target~~ loss ratios anticipated over the rating period for such contracts are less than the following: those indicated in the Loss Ratio Table – Group Contracts:

~~1. Loss Ratio Table – Group Contracts~~

Group Size	Loss Ratio in %
51 to 100	70%
101 to 500	75%
over 500	80%

~~2. No rate shall be deemed excessive if the anticipated loss ratio is greater than or equal to 80%. Loss ratio shall be calculated as 3. divided by 4. where 3. and 4. are calculated as follows:~~

3. The anticipated costs attributable to items (a) through (h) less the anticipated revenues associated with items (i) and (j). Such items shall be determined according to the definitions included in the instructions for the filing of financial reports with the Department.

- a. Physician services;
- b. Other professional services;
- e. Outside referrals;
- d. Emergency room, out-of-area, other;
- e. Occupancy, depreciation and amortization (medical and hospital);
- f. In-patient;
- g. Other medical;
- h. Incentive pool adjustment;
- i. Co-payments;
- j. C.O.B. and subrogation.

4. The anticipated revenues attributable to items (a) through (e). Such items shall be determined according to the definitions included in the instructions for the filing of financial reports with the Department.

- a. Premium;
- b. Fee for services;
- e. Title XVIII — Medicare.

(d) Rates for contracts providing home health care coverage pursuant to Section 641.2018, Florida Statutes, shall comply with the provisions of Chapters 4-157 and 4-149, F.A.C.

(7) Rates are inadequate if ~~the following condition is not met:~~

(a) The premiums derived from the rating structure, plus investment income, co-payments, and revenues from coordination of benefits and subrogation, fees-for-service and reinsurance recoveries are not set at a level at least equal to the anticipated cost of medical and hospital benefits during the period for which the rates are to be effective, and the other expenses which would be incurred if other expenses were at the level for the current or nearest future period during which the HMO is projected to make a profit. For this analysis, investment income shall not exceed 3% of total projected revenues. In order that the Department may determine HMO other expense levels at the time of profitability, HMOs which have never reported a profit for twelve consecutive months shall maintain on file with the Department a financial projection for future periods until the HMO is projected to be profitable for 12 consecutive months.

(b) Individual contracts do not incorporate the projected entire effects of insurance trend.

(c) The premium schedule is determined such that if all assumptions are satisfied, the annual rate increase needed will exceed medical trend.

(8) Premiums as to a risk or group of risks are unfairly discriminatory if:

(a) For individual non-group subscribers, the premiums charged deviate from the filed rating methodology.

(b) For group subscribers not subject to experience rating, the premiums charged are designed to produce total revenue for that group which differs from the revenue requirements for its rating class, as filed with the Department of Insurance. For group subscribers subject to experience rating, the premiums charged deviate from the filed rating methodology.

(c) Changes to the underlying age/gender slope, or reduction in the anticipated loss ratio for the form, or durational slope for individual contract forms, resulting in subscriber impact greater than 150 percent of medical trend, as defined by subsection 4-149.003(7), F.A.C., unless phased-in over a 3 year period.

(d) When an insurer discontinues offering a particular policy form for health insurance coverage pursuant to Sections 627.6425(3)(a) or 641.31074(3)(a), Florida Statutes, the nonrenewal of coverage shall occur on the policy anniversary, and the offer of new coverage pursuant to Section 627.6425(3)(a)2., or 641.31074(3)(a)2., Florida Statutes, shall be considered a renewal of coverage and shall be renewed on the policy anniversary at the same class basis as the coverage being discontinued. If the forms do not have consistent class definitions, the class shall be determined based on the original application and underwriting status of the individual when the discontinued coverage was first issued.

(9) No change.

(10) Prohibitions. A premium schedule is unfairly discriminatory if it incorporates any of the following:

(a) Select and Ultimate Premium Schedules, as defined in paragraph 4-191.055(4)(j), F.A.C., are prohibited. Select and ultimate premium schedules are premium schedules that have premiums that vary based on the time elapsed since issuance of the contract.

(b) Attained age premium schedules where the slope by age is substantially different from the slope of the ultimate claim cost curve are prohibited. Attained age premium schedules are defined in paragraph 4-191.055(4)(a), F.A.C. An attained-age premium schedule is one in which the subscriber's premium rate is dependent upon his or her age at contract renewal. The aging component of the claim cost is not pre-funded. These schedules shall be constructed so that the slope by age is substantially similar to the slope of the ultimate claim cost curve. The premiums must form a smooth progression and, to eliminate jumps in premium caused by bracketed age groups, HMOs shall use each available renewable age. These requirements do not apply to any group contract where the final premium charged is an average of the individual members.

(c) Premium structures that provide for retroactive cost determination, or if the subscriber or policyholder participate in the experience under the form.

Specific Authority 641.31, 641.36 FS. Law Implemented 641.21(1)(e), 641.22(2), ~~(4)~~, (6), 641.31(2), (3), 641.31074, 641.3922(3) FS. History—New 2-22-88, Amended 10-25-89, Formerly 4-31.054, Amended 10-8-96, 8-15-02,

4-191.055 Actuarial Memorandum and Definitions.

(1)(a) In order for a rate filing to be reviewed properly by the Department, the actuarial memorandum required by subparagraph 4-191.054(2)(a)2., F.A.C., shall contain the items listed in subsection (2), below, for a new product filing, a rate revision or justification of existing rates.

(b)1. Pricing assumptions shall reflect assumptions based on sound actuarial principles reflecting actual anticipated experience. Pricing assumptions shall be based on the HMO experience to the degree credible, and industry experience where HMO experience is not credible, available or appropriate.

~~2. Assumptions shall reflect what the HMO fully expects to occur, rather than assumptions developed primarily for rate filing purposes, based on sound actuarial principles.~~

~~2.3. All such items shall be adequately justified by supporting data. In reviewing these assumptions, the Department will use, as an initial point of reference, comparisons of the assumptions with those from similar products of the same HMO, similar products of other HMO's and independent studies.~~

3. New forms shall include a rate and benefit comparison to other similar forms of the HMO. The HMO shall demonstrate that the premium rate schedules represent an actuarially sound relationship between the forms and between benefit options within forms.

~~4. Rate revision filings shall clearly list and justify all rating factors and methods proposed to be changed. Additional information will be required, if, given the particular facts and circumstances of the filing, the Department determines that the additional information is necessary to properly complete its review of the filing to determine if the benefits are reasonable in relation to the premiums charged.~~

(c) No change.

(2) Note that the numbers preceding the item names refer to the descriptions in subsection (3), below.

(a) through (b) No change.

~~(e) Item 3. Renewability Clause.~~

~~(d) Item 4. Applicability.~~

~~(c)(e) Item 3.5. Morbidity.~~

~~(d)(f) Item 4.6. Retention Expenses.~~

~~(g) Item 7. Marketing Method.~~

~~(h) Item 8. Underwriting.~~

~~(e)(i) Item 5.9. Rate Classes.~~

~~(j) Item 10. Issue Age Range.~~

~~(f)(k) Item 6.11. Area Factors.~~

~~(l) Item 12. Average Monthly Premium.~~

~~(g)(m) Item 7.13. Premium Modalization Rules.~~

~~(n) Item 14. Claim Liability and Reserves.~~

~~(h)(o) Item 8.15. Trend Assumption – Medical and Insurance.~~

~~(i)(p) Item 9.16. Minimum Required Loss Ratio for the Form.~~

~~(j)(q) Item 10.17. Anticipated Loss Ratio for the Form.~~

~~(r) Item 18. Distribution of Business.~~

~~(s) Item 19. Contingency & Risk Margins.~~

~~(k)(t) Item 11.20. Experience – Past and Future.~~

~~(l)(u) Item 12.21. History of Rate Adjustments.~~

~~(m)(v) Item 13.22. Number of Subscribers.~~

~~(n)(w) Item 14.23. Proposed Effective Date.~~

~~(o)(x) Item 15.24. Actuarial Certification.~~

(3) Descriptions.

(a) No change.

(b) The descriptions, by item number, of the terms listed above in subsection (2) follow:

1. through 2. No change.

~~3. Renewability Clause: This section shall identify the renewability classification of the form.~~

~~4. Applicability: This section shall specify whether the HMO anticipates new issues under the form or renewals only.~~

~~3.5. Morbidity: This section shall describe the morbidity basis for the form, including the source or sources used. Any substantive adjustments from either the source or earlier assumptions shall be explained. For new plans or forms, a PMPM development shall be provided. Utilization or claim cost assumption differences from other plans or prior filings shall be explained and justified. The morbidity assumed shall be adequately justified by supporting data.~~

~~4.6. Retention Expenses: This section shall include a brief description of any expense assumptions used, including for example, per contract and percentage of premium expense for acquisition, maintenance, and commissions, contingency, and risk margins. These must be provided separately for each contract year. This section shall provide the reason and basis for any differences in retention between groups issued coverage under the same form.~~

~~7. Marketing Method: This section shall provide a brief description of the market and the marketing method. An example of an acceptable brief description is: "This product is sold to employee-employer groups by a captive agency force." The information requested is not intended to compromise the HMO's proprietary interests but rather to inform the Department's consideration of allocation of expenses and acquisition costs.~~

~~8. Underwriting: This section shall provide a brief description of the extent to which this product will be underwritten, if any, and the expected impact by duration and in total, on the claim costs. The HMO shall state separately the effects of different types of underwriting: medical, financial and plan appropriateness. An example of an acceptable brief~~

description is: "This Policy form is subject to limited underwriting with yes/no questions. The expected impact is: Duration 1 = .15; duration 2 = .05; overall = .03 decrease in claim costs." The information requested is not intended to compromise the HMO proprietary interests but rather to permit the Department to evaluate past and prospective loss experience.

5.9. Rate Classes: This section shall state all the attributes upon which the rates vary. Rate classifications may include but not necessarily be limited to age, sex, subscriber type (single, couple or family), industry, effective date, charges or discounts for group size, riders, co-payments, limitations on benefits, retention and any rate guarantees for extended period. This section shall indicate the issue age range of the form.

10. Issue Age Range: This section shall specify the issue age range of the form. A statement shall be made as to whether the premiums are on an issue age, attained age or other basis.

6.11. Area Factors: This section shall include a brief description for any area factors used, and an explanation of any changes since the last filing. The area factors and definitions must also be displayed, including a definition of which counties are included in each area. Area factors shall reflect the relative cost differences between the areas.

12. Average Monthly Premium: This section shall display the average monthly premium by county. If a rate adjustment is proposed, average monthly premiums reflecting the Premium Schedule both before and after the proposed adjustment shall be provided. The average monthly premium per policy for individual coverage or per certificate for group coverage shall be calculated based on the distribution of Florida business considering all criteria having a rate difference. This distribution is the anticipated issue distribution if the filing is a new policy form, and the actual in force distribution if the filing is for a rate revision or rate justification. Premiums for riders, endorsements and amendments must be added to the base plan premiums to yield this average.

7.13. Premium Modalization Rules: This section shall display the modalization factors and fees as applicable. For premium modes other than monthly, the level of the fees and factors shall be adequately justified by supporting data.

14. Claim Liability and Reserves: This section represents the present value of future claim payments on claims incurred prior to the valuation date. This includes both the accrued and unaccrued portions of the liability and reserve as of the valuation date. A complete description of the development of these reserves shall be presented. A display which compares the reserve held to the actual claim runoff shall be included. For loss ratio purposes, the interest rates used to determine these reserves and liabilities shall be consistent with the HMO's premium determination interest rates, which may be different from rates used for valuation purposes. Claim runoff is a common insurance industry term which means the pattern of claims payout after the establishment of reserves.

8.15. Trend Assumptions: This section must describe the trend assumptions used in pricing. These assumptions must be appropriate for the specific HMO, product design, benefit configuration, and time period. Any and all factors affecting the projection of future claims must be presented. In no case will trend be approved for rating periods in excess of one year. The trend assumptions shall be presented under two categories: Medical and Insurance.

a. through b. No change.

c. In determining medical trend, the HMO shall use credible data and make appropriate adjustments to claims data to isolate the effects of medical trend only. This shall not include the effects of underwriting wearoff, aging, changes to claim costs due to changes in demographics, policy coverages, geographic distribution, or reinsurance.

d. An HMO without fully credible data may, at its option, use an annual medical trend assumption not to exceed the values in subsection 4-149.003(7), F.A.C., for the medical trend assumption without providing explicit trend justification.

9.16. Minimum Required Loss Ratio for the Form: This section shall provide the loss ratio standard for the form as approved in the original or subsequent filing for the form, state the minimum required loss ratio for the form as defined in subsection 4-191.054(6), F.A.C.

10.17. Anticipated Loss Ratio for the Form: This loss ratio is defined in paragraph 4-191.054(6)(e), F.A.C.

a. This section shall provide the anticipated loss ratio for the form.

b. For individual contracts, this section shall also include the approved or proposed durational loss ratio table for the form. For new filings or changes to the durational table, the actuary shall explain and justify the underwriting impact and the resulting durational loss ratio pattern. Applying pricing persistency and interest assumptions, the durational loss ratio table shall develop the loss ratio standard for the form.

c. The target loss ratio may not be reduced from the loss ratio in the prior approved filing without approval. If the HMO proposes to reduce the target loss ratio for the form from the approved target loss ratio, this section shall provide justification for such change. This shall include detailed expense information and the areas and reasons for expense increases.

18. Distribution of Business: This section shall provide the anticipated issue distribution for new policy forms and the actual in force distribution for rate revisions. All criteria having a rating difference shall be included.

19. Contingency and Risk Margins: This section shall describe the contingency and risk margins anticipated for the Policy Form at the time of the filing.

11.20. Experience on the Policy Form.

a. (Past Experience): This section shall display the actual experience on the form. Experience from inception-to-date (or the last three years for group coverages, with no separation of

~~experience data by issue year required~~) shall be displayed; although, with proper interest adjustment, the experience for calendar years more than five years in the past may be combined. For each calendar year and, where appropriate, for individual contracts each contract year or issue year, the following information shall be displayed:

- ~~(I)a.~~ Calendar Year,
- ~~(II)b.~~ Earned premium,
- ~~(III)c.~~ Paid claims, including capitation,
- ~~(IV)d.~~ Paid loss ratio ~~(=III/II) (=c)/(b)~~,
- ~~(V)e.~~ Change in claim liability and reserve, reflecting actual runoff.
- ~~(VI)f.~~ Incurred claims ~~(=III+V) (=e)+(e)~~,
- ~~(VII)g.~~ Incurred loss ratio ~~(=VI/II) (=f)/(b)~~,
- ~~(VIII)~~ Expected claims
- ~~(IX)~~ Expected loss ratio ~~(=VIII/II)~~
- ~~(X)~~ Actual to expected ratio ~~(=VI/VIII or =VII/IX)~~
- ~~(XI)~~ Earned premium restated to a manual premium rate basis for the last three years; i.e., removing the impact of adjustments to the actual earned premium due to the impact of rate limits, experience rating or retention differences from the target loss ratio.

~~For periods where the actual claim runoff is complete, that data shall be displayed to replace (f).~~

b. Future periods:

~~(I) This section shall be the basis and demonstration that the proposed rate change is in compliance with the standards of this rule.~~

~~(II) This section shall provide the anticipated experience over the rating period, and shall provide the method, formulas and assumptions used in determining the projected values from the experience period used.~~

~~(III) The experience period shall be the most current available 12-month period. The experience period data used shall be the earned premium restated to the current manual rate basis for the entire experience period, indifferent of the anniversary dates of the underlying contracts. The HMO shall also provide the actual experience over the rating period.~~

~~(IV) The HMO shall indicate how the experience period data has been adjusted for large nonrecurring claims, reinsurance recoveries, coordination of benefits and subrogation, benefit changes or other actuarial consideration that affect the determination of anticipated claims.~~

~~(V) Alternatively, the HMO may chose to develop the proposed rate without the use of premiums based on claim PMPM divided by the target loss ratio.~~

~~c. A rate which results in an actual to expected ratio over the rating period which is less than 1.0 shall be deemed to be excessive.~~

~~12.24.~~ History of Rate Adjustments: This section shall list the approval dates and average percentage rate adjustments in Florida by county or rating region, from inception.

~~13.22.~~ Number of Subscribers: This section shall report the number of Florida subscribers/~~certificateholders~~ who will be affected by the proposed rate revision.

~~14.23.~~ Proposed Effective Date: This section shall state the proposed effective date and method of the proposed rate revision implementation. Rate changes may occur only on contract renewal.

~~15.24.~~ Actuarial Certification: A signed cCertification by a qualified actuary that to the best of the actuary's knowledge and judgment:

a. The rates are neither inadequate nor excessive nor unfairly discriminatory,

b. The rates are appropriate for the classes of risks for which they have been computed,

c. The entire rate filing is in compliance with the applicable laws of the State of Florida and with the rules of the Department of Insurance, and complies with Actuarial Standard of Practice No. 8 "Regulatory Filings for Rates and Financial Projections for Health Plans," as adopted by the Actuarial Standards Board, January, 1989, and Actuarial Standard of Practice No. 16 "Actuarial Practice concerning Health Maintenance Organizations and Other Managed-Care Health Plans," as adopted by the Actuarial Standards Board, July, 1990, which standards are ~~is~~ hereby adopted and incorporated by reference. A copy of the standard may be obtained from the Bureau of Life & Health Forms and Rates, Division of Insurer Services, Department of Insurance, Larson Building, Tallahassee, FL 32399-0328.

~~d. If the actuary is unable to provide such an opinion, a detailed explanation and reason for any qualification shall be provided as part of the certification.~~

~~e. In providing the actuarial opinion and certification, the actuary shall consider actuarial standards of practice and the qualification standards for prescribed statements of actuarial opinion.~~

(4) Definitions.

(a) Actual to expected ratio:

1. This is the ratio of actual incurred claims divided by expected claims. This is equivalent to the actual loss ratio divided by the expected loss ratio.

2. For projected periods, the actual to expected ratio is the ratio of the projected claims divided by the expected claims.

~~Attained Age Premium Schedule: An attained age premium schedule is one in which the subscriber's premium rate is dependent upon his or her age at contract renewal. The aging component of the claim cost is not pre-funded. These schedules shall be constructed so that the slope by age is substantially similar to the slope of the ultimate claim cost curve. The premiums must form a smooth progression and, to eliminate jumps in premium caused by bracketed age groups, HMOs shall use each available renewable age. These~~

~~requirements do not apply to any group contract where the final premium charged is an average of the individual members.~~

(b) Anticipated loss ratio: The present value of future benefits divided by the present value of future premiums computed over the entire future lifetime of the policy form. For group insurance, this is over the rating period and alternatively referred to as "target loss ratio."

(c)(b) Credible Data:

1. If a policy form has 2,000 or more subscribers in force, then full (100%) credibility is given to the experience; if fewer than 500 subscribers are in force, then zero (0%) credibility is given. Linear interpolation is used for in force amounts between 500 and 2,000.

2. For group policy forms, the numbers in this definition refer to group subscribers.

3. The complement of the credibility factor, for data that is not fully credible, shall be medical trend. A combination of Florida and industry data shall be used only if Florida only data is not fully credible.

(d) Earned premiums: The portion of the total premium paid by the insured attributable to the period of coverage elapsed. This includes all modal loadings, fees, or charges that are required to be paid by the insured.

(e) Expected claims:

1. The actual earned premium, or for projected periods the projected premium, times the applicable policy durational loss ratio from the approved durational loss ratio table which was in effect for the time period covered by the premiums. For group policies, the durational loss ratio is the target loss ratio.

2. For group policies, this reflects the aggregation of the actual target loss ratio for the group; i.e., reflecting actual different retention loads by group, and not the assumed aggregate target loss ratio for the form.

(f) Expected loss ratio: This is the ratio of expected claims divided by earned premium.

(g)(e) Group HMO Policy Form: This means any insurance provided by a group master contract issued to any entity.

(h)(d) Group Size: For Group HMO Policy Forms, the group size is the average number of subscribers per employer.

(i) Incurred claims: Incurred claims are claims occurring within a fixed period, whether or not paid during the same period, under the terms of the policy form.

1. Claims include scheduled benefit payments, capitation payments, reimbursement benefit payments, or services provided by a provider or through a provider network for medical, dental, vision, disability, and similar health benefits.

2. Claims do not include state assessments, taxes, HMO expenses, or any expense incurred by the HMO for the cost of adjusting and settling a claim, including the review,

qualification, oversight, management or monitoring of a claim or incentives or compensation to providers for other than the provision of health care services.

3. An HMO may, at its discretion, include costs that are demonstrated to reduce claims, such as a fraud intervention program or case management costs, which are identified in each filing, and are demonstrated to reduce claims costs and do not result in increasing the experience period loss ratio by more than 5 percent.

(e) through (h) renumbered (j) through (m) No change.

~~(i) Renewal Clauses: Guaranteed Renewable means that renewal cannot be declined by the HMO for any reason other than those detailed in Sections 641.31074, and 627.6425, Florida Statutes, but the HMO can revise rates on a class basis.~~

(n) Renewal: This is the date 12 months after the original effective date of the policy and each subsequent anniversary period.

~~(j) Select and Ultimate Premium Schedule: This is any premium schedule which has premiums that vary based on the time elapsed since issuance of the contract.~~

(o)(k) No change.

Specific Authority 641.31, 641.36 FS. Law Implemented 641.22(2), 641.31(2),(3) FS. History—New 10-8-96, Amended 4-20-98, 8-15-02.

DEPARTMENT OF EDUCATION

Florida School for the Deaf and The Blind

RULE TITLES:

Code of Student Conduct

Grounds for Disciplinary Action

PURPOSE AND EFFECT: These rules establish the responsibilities, rights and conduct of the students enrolled in the Florida School for the Deaf and the Blind.

SUBJECT AREA TO BE ADDRESSED: Amendment of language in the rules to bring changes needed to meet today's standards.

SPECIFIC AUTHORITY: 242.331(3) FS.

LAW IMPLEMENTED: 120.53(1)(b), 242.331(4), 230.23(6)(d) FS.

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

TIME AND DATE: 9:00 a.m., Saturday, October 19, 2002

PLACE: Wilson Music Building Auditorium, FSDB Campus, St. Augustine, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT, IF AVAILABLE, IS: Elaine F. Ocuto, Executive Assistant to the President, Florida School for the Deaf and the Blind, 207 N. San Marco Avenue, St. Augustine, FL 32084-2799

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

DEPARTMENT OF EDUCATION

State Board of Independent Colleges and Universities

RULE TITLES:	RULE NOS.:
Introduction to the Rules	6E-1.001
Authority of the Board	6E-1.002
Definition of Terms	6E-1.003
Licensure Required; Exemptions from Licensure	6E-1.0031
Fair Consumer Practices	6E-1.0032
Diploma Programs	6E-1.0033
Fees and Expenses	6E-1.0034
Permission to Operate	6E-1.0035
Honorary Degrees	6E-1.0041
Minimum Standards for Use of the Term "College" or "University"	6E-1.0045

PURPOSE AND EFFECT: Substantive amendments to rules are required as a result of amendments to Chapter 246, Florida Statutes, which merged the State Board of Independent Colleges and Universities with the State Board of Nonpublic Career Education to create the Commission for Independent Education. The amended rules will implement the new Chapter 1005, Florida Statutes, and both will become effective at the same time, January 7, 2003.

SUBJECT AREA TO BE ADDRESSED: The subjects to be discussed in the Rule Development process are: updating the rules to reflect the new Commission instead of the two previous boards wherever the agency is referenced; adding definitions required to implement the new law; bringing rules from 6F, State Board of Nonpublic Career Education, to be combined into one title; rewriting the requirements for licensure for independent postsecondary education institutions to reflect the new statute; updating the fair consumer practices to fit all levels of institutions under the purview of the Commission; revising the fee schedule to reflect current and future costs of the new Commission; removing references to permission to operate, as that status is repealed in the new law, and institutions currently holding the status are given 90 days after the effective date to become licensed or cease operating in Florida; and updating the requirements for using the terms "college" and "university."

SPECIFIC AUTHORITY: 1005.04(1)(f), 1005.22(1)(e)1., 1005.31, 1005.33(3), 1005.34 FS.

LAW IMPLEMENTED: 1005.01, 1005.02(7), 1005.03, 1005.04, 1005.05, 1005.06, 1005.21(1), 1005.22, 1005.31, 1005.33, 1005.34, 1005.35 FS.

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

TIME AND DATE: 10:00 a.m., Monday, October 21, 2002
PLACE: Keiser College, 1700 Halstead Blvd., Tallahassee, FL
THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Sandra

Knight, Assistant Executive Director, Commission for Independent Education, 2650 Apalachee Parkway, Suite A, Tallahassee, FL 32301, Telephone (850)487-3673

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

DEPARTMENT OF EDUCATION

State Board of Independent Colleges and Universities

RULE TITLES:	RULE NOS.:
Temporary Licensure of Colleges	6E-2.001
Other Types of College Licensure	6E-2.002
Minimum Standards for Licensure	6E-2.004
Nontraditional College Programs	6E-2.0041
Medical Clinical Clerkship Programs	6E-2.0042
Denial, Probation, or Revocation of Licensure or Other Status	6E-2.0061
Amendments to Applications	6E-2.008
Colleges which Discontinue Operation	6E-2.009
Agents; License Required; Procedures for Licensure	6E-2.010
Designating Resident Agent	6E-2.015

PURPOSE AND EFFECT: Substantive amendments to rules are required as a result of amendments to Chapter 246, Florida Statutes, which merged the State Board of Independent Colleges and Universities with the State Board of Nonpublic Career Education to create the Commission for Independent Education. The amended rules will implement the new Chapter 1005, Florida Statutes, and both will become effective at the same time, January 7, 2003.

SUBJECT AREA TO BE ADDRESSED: The subjects to be discussed in the Rule Development process are: updating the rules to reflect the new Commission instead of the two previous boards wherever the agency is referenced; bringing rules from 6F, State Board of Nonpublic Career Education, to be combined into one title; rewriting the standards for licensure for independent postsecondary education institutions to reflect the new statute; adding provisions implementing new types of licensure; revising the standards for distance learning to fit all levels of institutions under the purview of the Commission; updating the rule regarding medical clinical clerkship programs provided in Florida hospitals by foreign medical schools; revising the rule regarding actions against a licensee to reflect the provisions in the new law; combining the best parts of both former boards' rules regarding modifications to programs offered by institutions; specifying proper procedures for the orderly closing of an institution; revising the rules relating to recruiters; and updating the rule regarding designation of resident agents for out-of-state institutions or corporations operating in Florida.

SPECIFIC AUTHORITY: 1005.22(1)(e)1., 1005.31, 1005.32, 1005.33, 1005.38, 1005.39 FS.

LAW IMPLEMENTED: 1005.21(1), 1005.22(1)(e),(h), 1005.31, 1005.33, 1005.34, 1005.35, 1005.36, 1005.38, 1005.39 FS.

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

TIME AND DATE: 10:00 a.m., Monday, October 21, 2002

PLACE: Keiser College, 1700 Halstead Blvd., Tallahassee, FL
 THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Sandra Knight, Assistant Executive Director, Commission for Independent Education, 2650 Apalachee Parkway, Suite A, Tallahassee, FL 32301, Telephone (850)487-3673

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

DEPARTMENT OF EDUCATION

State Board of Independent Colleges and Universities

RULE TITLE: Administration of the Board
 RULE NO.: 6E-3.002

PURPOSE AND EFFECT: Substantive amendments to rules are required as a result of amendments to Chapter 246, Florida Statutes, which merged the State Board of Independent Colleges and Universities with the State Board of Nonpublic Career Education to create the Commission for Independent Education. The amended rules will implement the new Chapter 1005, Florida Statutes, and both will become effective at the same time, January 7, 2003.

SUBJECT AREA TO BE ADDRESSED: The subjects to be discussed in the Rule Development process are the organization and administration of the new Commission for Independent Education, including officers and terms, committees, quorum and voting, agendas, rulemaking, and parliamentary procedures.

SPECIFIC AUTHORITY: 1005.22(1)(d) FS.

LAW IMPLEMENTED: 1005.22(1)(d) FS.

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

TIME AND DATE: 10:00 a.m., Monday, October 21, 2002

PLACE: Keiser College, 1700 Halstead Blvd., Tallahassee, FL
 THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Sandra Knight, Assistant Executive Director, Commission for Independent Education, 2650 Apalachee Parkway, Suite A, Tallahassee, FL 32301, Telephone (850)487-3673

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

DEPARTMENT OF EDUCATION

State Board of Independent Colleges and Universities

RULE CHAPTER TITLES: Fiscal Matters
 RULE CHAPTER NOS.: 6E-4

RULE TITLES: Fees and Expenses
 RULE NOS.: 6E-4.001

Fines 6E-4.003

Student Protection Fund 6E-4.005

Institutional Assessment Trust Fund 6E-4.007

PURPOSE AND EFFECT: Substantive amendments to rules are required as a result of amendments to Chapter 246, Florida Statutes, which merged the State Board of Independent Colleges and Universities with the State Board of Nonpublic Career Education to create the Commission for Independent Education. The amended rules will implement the new Chapter 1005, Florida Statutes, and both will become effective at the same time, January 7, 2003.

SUBJECT AREA TO BE ADDRESSED: The subjects to be discussed in the Rule Development process are the fiscal considerations for the Commission, gathering into one new chapter all matters related to finances; setting a new fee schedule to cover the expenses of the Commission's operations, as no General Revenue funds are used in its budget; and reflecting the provisions of the new statute.

SPECIFIC AUTHORITY: 1005.22(1)(e)1., 1005.35, 1005.38(1) FS.

LAW IMPLEMENTED: 1005.22, 1005.35, 1005.37, 1005.38 FS.

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

TIME AND DATE: 10:00 a.m., Monday, October 21, 2002

PLACE: Keiser College, 1700 Halstead Blvd., Tallahassee, FL
 THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Sandra Knight, Assistant Executive Director, Commission for Independent Education, 2650 Apalachee Parkway, Suite A, Tallahassee, FL 32301, Telephone (850)487-3673

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

DEPARTMENT OF REVENUE

Sales and Use Tax

RULE TITLES: Assignment of Service Addresses to Local
 RULE NOS.: Taxing Jurisdictions; Liability for Errors;

Avoidance of Liability Through Use of Specified Methods; Reduction in Collection Allowance for Failure to Use Specified Methods 12A-19.070

Department of Revenue Electronic Database 12A-19.071

Certification of Service Address Databases 12A-19.072
 Use of Enhanced Zip Code Method to Assign Service Addresses to Local Taxing Jurisdictions 12A-19.073

PURPOSE AND EFFECT: The Communications Services Tax Simplification Law (Chapter 202, F.S.) requires that communications services dealers must collect and remit local communications services taxes based on the rate of the local taxing jurisdiction in which customer service addresses are located. The Department of Revenue is required to develop and maintain an electronic database in which local service addresses are assigned to local jurisdictions, and local governments are required to provide information for inclusion in the database. Use of certain methods to assign service addresses, including use of a database that has been certified by the Department of Revenue as meeting statutory accuracy standards, entitles a dealer to a higher collection allowance and to protection against liability for taxes, interest, and penalties resulting from erroneous service address assignments. The promulgation of these proposed rules ensures the following: 1) that communications services tax dealers are informed of their obligations concerning the assignment of customer service addresses, of the methods of assigning addresses that will entitle dealers to protection against liability, and of the methods of assigning addresses that will entitle a dealer to a higher collection allowance; 2) that the procedures for the Department and local governments to maintain the accuracy of the database on an on-going basis are available; 3) that the procedures for application for certification by the Department of databases used by communications services tax dealers are available; and 4) that interested parties are aware that the applicable forms have been incorporated into Rule 12A-19.100, F.A.C.

The purposes of the proposed creation of Rule 12A-19.070, F.A.C., Assignment of Service Addresses to Local Taxing Jurisdictions; Liability for Errors; Avoidance of Liability Through Use of Specified Methods; Reduction in Collection Allowance for Failure to Use Specified Methods, are to provide guidelines on: 1) the requirement that communications services dealers assign customer service addresses to local taxing jurisdictions; 2) the use of certain databases to avoid liability for errors in customer service address assignments; 3) the due diligence standard applicable to dealers using databases that provide protection for liability for errors in assigning customer service addresses; and 4) the collection allowance available depending on the database used by a communications services dealer.

The purposes of the proposed creation of Rule 12A-19.071, F.A.C., Department of Revenue Electronic Database, are to provide guidelines on: 1) the electronic customer service database maintained by the Department of Revenue; 2) the procedures for local taxing jurisdictions to request changes to the Department of Revenue database; and 3) procedures for

any substantially affected person to object to the assignment of a customer service address in the Department of Revenue database.

The purpose of the proposed creation of Rule 12A-19.072, F.A.C., Certification of Service Address Databases, is to provide guidelines on the standards and procedures for certification of a customer service address database developed by a communications services dealer or a vendor.

The purpose of the proposed creation of Rule 12A-19.073, F.A.C., Use of Enhanced Zip Code Method to Assign Service Addresses to Local Taxing Jurisdictions, is to provide guidelines on the use of an enhanced zip code method to assign customer service addresses.

These proposed rules adopt and incorporate by reference two (2) sets of instructions that are incorporated into the on-line Department of Revenue service address database. The on-line instructions incorporated by reference are the "Guide for Address Change Requests" and the "Instructions for Preparing and Submitting Customer Address Files for Certification Testing." These proposed rules also reference the incorporation of four (4) forms required for administration of the Communications Services Tax Simplification Law in Rule 12A-19.100, F.A.C. The forms are: DR-700012, "Application for Certification of Communications Services Database"; DR-700020, "Notification of Method Employed to Determine Taxing Jurisdiction (Communications Services Tax)"; DR-700022, "Local Communications Services Tax Notification of Jurisdiction Change"; and DR-700025, "Objection to Communications Services Tax Electronic Database Service Address Assignment."

SUBJECT AREA TO BE DISCUSSED: The subject of this rule development workshop is to develop the requirements to be used by the Department regarding situsing service addresses to the appropriate local taxing jurisdiction and the procedures for certification of databases.

SPECIFIC AUTHORITY: 202.26(3)(b),(f),(g), 202.28(1) FS.
LAW IMPLEMENTED: 202.22, 202.23, 202.28, 202.34(1)(a) FS.

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

TIME AND DATE: October 17, 2002, 10:00 a.m.
PLACE: Room 116, Larson Building, 200 E. Gaines Street, Tallahassee, Florida 32399-0100

Copies of the agenda for the rule development workshop may be obtained from Jennifer Silvey, Senior Attorney, Technical Assistance and Dispute Resolution, Department of Revenue, P. O. Box 7443, Tallahassee, Florida 32314-7443, telephone (850)922-4727.

NOTICE UNDER THE AMERICANS WITH DISABILITIES ACT: Any person requiring special accommodations to participate in any proceeding before the Technical Assistance and Dispute Resolution Office is asked to advise the Department at least five (5) calendar days before such

proceeding by contacting Jamie Phillips at (850)488-0717. If you are hearing or speech impaired, please contact the Department by using the Florida Relay Service, which can be reached at (800)955-8770 (voice) and (800)955-8771 (TDD). THE PERSONS TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT ARE: Linda Bridges, Revenue Program Administrator I ((850)488-7157), and Jennifer Silvey, Senior Attorney, ((850)922-4727), Technical Assistance and Dispute Resolution, Office of the General Counsel, Department of Revenue, P. O. Box 7443, Tallahassee, Florida 32314-7443

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

12A-19.070 Assignment of Service Addresses to Local Taxing Jurisdictions; Liability for Errors; Avoidance of Liability Through Use of Specified Methods; Reduction in Collection Allowance for Failure to Use Specified Methods.

(1)(a) Dealers of communications services that are required to collect local communications services taxes must assign each customer service address to a specific local taxing jurisdiction for purposes of determining the appropriate local communications services tax rate to be applied to sales made to that address. Local communications services taxes must be collected and remitted for each service address in accordance with the service address assignments in the most current version of the electronic database maintained by the Department, as discussed in Rule 12A-19.071, F.A.C. Except as otherwise provided in subsection (2), a dealer is liable for any taxes, interest, and penalties that are due as a result of errors in the assignment of service addresses to local taxing jurisdictions.

(b) In determining the liability for taxes, interest, and penalties of a dealer who has failed to assign a service address to the correct local taxing jurisdiction, the Department will take into account any amount of tax that was collected and erroneously assigned by the dealer to another local taxing jurisdiction. The Department will reallocate and redistribute such amounts between the local taxing jurisdictions involved to apply the payment of taxes to the correct local taxing jurisdiction. Interest and penalties will be applied only to the excess of the correct amount of local communications services tax due on the sale over the amount of local communications services tax collected and erroneously assigned to an incorrect local taxing jurisdiction.

(2)(a) A dealer will not be liable for any local communications services taxes, interest, or penalty due solely because of an error in assigning a service address to a local taxing jurisdiction if the dealer exercised due diligence in employing one of the following methodologies in assigning that service address:

1. The electronic database maintained by the Department, as provided in Rule 12A-19.071, F.A.C.:

2. a database that has been certified by the Department, as provided in Rule 12A-19.072, F.A.C.;

3. an enhanced zip code method, as discussed in Rule 12A-19.073, F.A.C.; or

4. a database that, upon audit by the Department, is determined to have met the accuracy rate criterion required for certification under Rule 12A-19.072, F.A.C., at the time of the sale on which local communications services taxes are due.

(b) A dealer must timely notify the Department of the method or methods to be used in assigning service addresses on form DR-700020, Notification of Method Employed to Determine Taxing Jurisdiction (Communications Services Tax) (incorporated by reference in Rule 12A-19.100, F.A.C.). If a dealer changes the method or methods to be used, the dealer must notify the Department on form DR-700020 of the change in method or methods and of the effective date of the change.

(c) Due Diligence. In order to avoid liability for tax, penalty, and interest resulting from errors in the assignment of customer service addresses to local taxing jurisdictions under paragraph (a), a dealer must exercise due diligence in employing one of the methodologies described. The dealer must exercise the care and attention that is expected from and ordinarily exercised by a reasonable and prudent person when ascertaining the correct amount of tax due on sales made by that person.

1. A dealer is exercising due diligence if that dealer expends reasonable resources to accurately and reliably implement a method described in paragraph (a) and maintains adequate internal controls in the assignment of service addresses. Internal controls in the assignment of service addresses are adequate if the dealer has in place and consistently follows procedures to obtain and incorporate accurate updates to its database at least once every six months and corrects errors in assignments of service addresses within 120 days from discovering such errors.

2. A communications services dealer must maintain records establishing that the dealer has exercised due diligence for the period of time during which the Department is authorized to assess taxes on sales of communications services by that dealer. Such records include instructions or procedures provided to employees, contracts and correspondence with third-party vendors or service providers concerning the acquisition or maintenance of data, documentation establishing that the data was consistently updated at least once every six months, records concerning customer or local taxing jurisdiction objections to the assignment of service addresses and responses to those objections, and any other records that pertain to the acquisition, maintenance, and revision of the data upon which service address assignments are based.

3. If a communications services dealer uses a certified database provided by a third party vendor, the communications services dealer must exercise due diligence in its own conduct in using the database. For example, the dealer must follow the

vendor's instructions on use of the database and promptly incorporate any updates supplied by the vendor. As part of its due diligence, the dealer has a duty to take reasonable steps to ascertain that the vendor maintains the database so as to ensure continuing qualification for certification. For example, if a vendor failed to provide an update to the database when scheduled to do so, a reasonable and prudent dealer relying on that vendor's database would contact the vendor and make inquiry.

(d) If a communications services dealer uses multiple databases or methodologies, such dealer is protected from liability for tax, interest, and penalty only as to service addresses assigned as specified in paragraph (a) of this subsection. Such a dealer is liable as provided in subsection (1) for taxes, interest, and penalties in regard to erroneous jurisdictional assignments for any service address assigned by any other methodology. A dealer that uses multiple databases must maintain documents that demonstrate that a service address has been assigned employing a methodology described in paragraph (a) in order to be held harmless for local communications services taxes resulting from erroneous assignment of that service address.

(e)1. Employing a method described in paragraph (a) protects a dealer from liability for local communications services taxes and related interest and penalties that would otherwise have been due to a local taxing jurisdiction. A dealer's employment of a method described in paragraph (a) does not deprive a purchaser of the right to a refund of overpayment of local communications services taxes resulting from an erroneous assignment of that customer's service address to a local taxing jurisdiction with a higher rate than that in effect in the correct local taxing jurisdiction. If a purchaser complies with the procedural requirements of Section 202.23, F.S., and establishes that the dealer has incorrectly assigned the purchaser's service address and that an overpayment of local communications services tax has resulted, the dealer must refund the amount of the overpayment to the purchaser. Upon making such refund, the dealer would be entitled to an equal credit or refund from the Department upon proper reporting to the Department of the amount and jurisdictions involved.

2. For purposes of this paragraph, a purchaser that establishes that a dealer has assigned the purchaser's service address to a different local taxing jurisdiction from the one to which that address was assigned in the electronic database maintained by the Department as of the date of the sale has established a presumption that the dealer's assignment was erroneous. If a dealer believes that the assignment of the purchaser's address in the Department's database is incorrect, the dealer should refer that refund claim to the Department for a determination in accordance with the procedures in Section 202.23, F.S. A dealer who assigned a purchaser's service address in accordance with the most recent information available from the electronic database maintained by the

Department at the time of the sale on which the purchaser asserts that tax was overpaid shall not be liable to make a refund to the purchaser unless the Department has subsequently revised the assignment of that address to correct an error and such revision had retroactive effect as of the date of the sale involved pursuant to paragraph 12A-19.071(3)(c), F.A.C.

(3) Collection Allowance.

(a) Any communications services dealer that employs a methodology described in subparagraph (2)(a)1., (2)(a)2., or (2)(a)3. for assigning service addresses to local taxing jurisdictions is entitled to a collection allowance of .75 percent on taxes collected on service addresses assigned using the described methodologies. Any communications services dealer that employs any methodology that is not described in subparagraph (2)(a)1., (2)(a)2., or (2)(a)3. for assigning service addresses to local taxing jurisdictions is entitled to a collection allowance of .25 percent on taxes collected on service addresses assigned using such other methodology. A communications services dealer that is not liable for an assessment of taxes, interest, and penalties by reason of employing a database that is found upon audit to meet the accuracy criteria for certification, as described in subparagraph (2)(a)4., is entitled to a collection allowance of .25 percent until such time as an application for certification is made and approved.

(b) A communications services dealer must maintain adequate records to demonstrate that a .75 percent collection allowance was claimed only in regard to taxes that were collected for service addresses that were assigned employing a methodology that qualifies for that allowance. If a communications services dealer's records do not clearly establish the correct collection allowance for each service address, the dealer shall be entitled to only a .25 percent collection allowance on sales made to any service address that the dealer cannot establish was assigned using a database or methodology that qualifies for the .75 percent collection allowance.

(c) A communications services dealer must also timely and correctly remit all tax and meet all the other requirements of Section 202.28, F.S., in order to be entitled to any collection allowance. This rule deals only with determining the amount of collection allowance available to a dealer who otherwise qualifies to receive the allowance. It does not create any separate entitlement to an allowance other than that set forth in Section 202.28, F.S.

Specific Authority 202.26(3)(b),(f),(g), 202.28(1) FS. Law Implemented 202.22(1),(4),(5),(6), 202.23, 202.28, 202.34(1)(a) FS. History—New

12A-19.071 Department of Revenue Electronic Database.

(1)(a) The Department will maintain an electronic database that assigns service addresses to local taxing jurisdictions in a format that satisfies the requirements of Section 202.22(2)(a), F.S. The electronic database will be

maintained on the Department's website at the address inside the parentheses (<http://www.myflorida.com/dor>). Local taxing jurisdictions and communications services providers will be provided with access codes to permit them to register as users of the database. Registered local taxing jurisdictions and communications services dealers will have the capability of downloading databases of addresses assigned to each local taxing jurisdiction. Local taxing jurisdictions will also have access to an on-line form for requesting changes in service address assignments. The database will also have a single address lookup feature that will permit any person to enter an address and ascertain to which local jurisdiction it is assigned. Use of the single address lookup feature will not require an access code or registration.

(b) When a change to the database has been approved, it will be stored in an auxiliary file pending its inclusion in the next scheduled update of the database. The individual address lookup feature will search this auxiliary file as well as the current database and may therefore reflect information that has not yet been incorporated into the database available for downloading and use by local taxing jurisdictions and communications services dealers. In such cases, the individual address lookup page will carry a statement notifying the viewer that it reflects a pending change to the database.

(c) The availability of the initial database and of subsequent updates will be announced in the Florida Administrative Weekly. Updates will incorporate corrections of any errors discovered since the last preceding update as well as changes in addresses or jurisdictional boundaries based on information provided by local taxing jurisdictions. Updates will be posted on the Department's website at least 90 days prior to the effective date of the update and will also be available to dealers of communications services and vendors of databases in magnetic or electronic media for a fee equal to the cost of furnishing the update in such media. Requests for electronic or magnetic media copies should be addressed to Communications Services Tax, Local Government Jurisdiction Unit, Post Office Box 5885, Tallahassee, Florida 32314-5885.

(2)(a) Local taxing jurisdictions have a continuing obligation to provide the Department with information to update the database, such as changes in service addresses, annexations, incorporations, reorganizations, and any other changes to jurisdictional boundaries. Local taxing jurisdictions must inform the Department of the identity of the jurisdictions' officers or employees who are authorized to act as contact persons with the Department on database matters. Each local jurisdiction may designate up to two contact persons for this purpose. Unless the Department is notified otherwise, the Department is authorized to accept either contact person's signature for purposes of this rule.

(b) Local taxing jurisdictions must submit information requesting changes to the database electronically following the on-line Guide for Address Change Requests (hereby

incorporated by reference). The information must also be submitted on form DR-700022, Local Communications Services Tax Notification of Jurisdiction Change (incorporated by reference in Rule 12A-19.100, F.A.C.).

(c) The local taxing jurisdiction must specify the effective date of any information to be incorporated in the database. The effective date must be the next January 1 or July 1 after the date of submission of the information to the Department. Changes must be submitted no later than the date that is 120 days prior to the January 1 or July 1 on which changes are to be effective.

(d)1. Each requested change or addition to the database must be supported by competent evidence. Competent evidence is documentation that establishes that the service addresses affected by the requested change or addition are located in the local taxing jurisdiction indicated on the request. Examples of competent evidence include annexation ordinances, articles of incorporation of a new municipality, or the plat filed for a newly approved subdivision. Competent evidence must clearly designate the service addresses that are affected.

2. If a requested change is to move an address from one local taxing jurisdiction to another, competent evidence includes the consent of the local taxing jurisdiction that did not request the change. To facilitate processing of the change, the local taxing jurisdiction requesting the change should attempt to obtain a written consent to the change signed by an authorized contact person of the non-requesting jurisdiction. Form DR-700022 contains an authorization statement that will serve as the written consent of the non-requesting local taxing jurisdiction when signed by that jurisdiction's authorized contact person. If the requesting jurisdiction has not obtained the written consent of the non-requesting jurisdiction, the Department will contact the non-requesting jurisdiction before making the change. Based upon the response of the non-requesting jurisdiction, the Department will take the following action in regard to the requested change:

a. If the non-requesting jurisdiction consents in writing, the Department will accept and process the change.

b. If the non-requesting jurisdiction objects in writing, the Department will treat the requested change as one that must be resolved by the local taxing jurisdictions involved as provided in subsection (3).

c. If the non-requesting jurisdiction fails to either consent or object in writing within 20 days after the date on which the Department notified that jurisdiction of the requested change, the Department will accept and process the change. This will not preclude the non-requesting jurisdiction from subsequently objecting to the new address assignments after they have been processed.

(e) Examples.

1. A local taxing jurisdiction approves the plat and grants the permits necessary for development of a new subdivision on February 1, 2005. The plat indicates street names but no address numbers have yet been assigned by the postal authorities. In order for the addresses to be added to the electronic database effective the following July 1, the local taxing jurisdiction must file form DR-700022 with a copy of the approved subdivision plat and submit on-line address change information by March 3, 2005. If that deadline is not met, the earliest date on which the new service addresses can be added to the database is January 1, 2006. In order to meet the deadline and be certain that the actual address numbers are included, the contact person for the local taxing jurisdiction may request the addition of a range of numbers that is certain to include the actual numbers. Because the development of the subdivision affects only the requesting jurisdiction, no consent from any other jurisdiction is required.

2. A municipality annexes an area with 1500 service addresses that was formerly in an unincorporated area of the county. The annexation will be effective July 1, 2003. The municipality's database contact person timely enters address change requests for 1525 addresses on-line and files a form DR-700022 on February 15, 2003. Included with the form are a copy of the annexation ordinance and a map with the annexed area outlined, with street address ranges included in the annexed area noted. The county database contact person has not signed the form DR-700022 or otherwise given written consent to the changes. On February 20, 2003, the Department notifies the county of the requested changes and provides copies of the municipality's form DR-700022, annexation ordinance, and map. The county does not respond with written consent or a written objection. On March 14, 2003, the Department processes the changes, and they are included in an update available on April 1, 2003, to take effect July 1, 2003. The county's database contact person notifies the Department on July 15, 2003, that the county believes the database now incorrectly assigns 25 service addresses to the municipality. The Department will handle this as an objection to the database, as discussed in subsection (3).

(3)(a) Any substantially affected party may object to information contained in the initial electronic database or any update to the electronic database by submitting form DR-700025, Objection to Communications Services Tax Electronic Database Service Address Assignment (incorporated by reference in Rule 12A-19.100, F.A.C.), along with competent evidence to support the party's objection. Examples of substantially affected parties include purchasers of communications services who pay local communications services taxes, dealers who are required to collect local communications services taxes, and local taxing jurisdictions that object to a change to the database proposed by another local taxing jurisdiction. Examples of competent evidence include an electric utility bill from a provider that operates only within a particular local taxing jurisdiction, a voter registration

card indicating the voter residing at a service address is entitled to vote in municipal elections or only in county elections, or a map that includes the boundaries of a local taxing jurisdiction and clearly places a service address inside or outside those boundaries. For example, if a map shows that a street is entirely within the boundaries of a municipality, that map is competent evidence that a service address on that street should be assigned to that municipality in the database. The Department will notify the affected party of any deficiencies in the objection or competent evidence.

(b) Upon receipt of an objection on a completed form DR-700025, including competent evidence to support the objection, the Department will forward copies of the form, along with the associated documentation, to the database contact person in each affected taxing jurisdiction. The Department will instruct each local taxing jurisdiction to indicate in writing its determination in regard to the objection. If the affected local taxing jurisdictions each indicate agreement with the objection, the Department will revise the electronic database accordingly. If a local taxing jurisdiction fails to respond within a reasonable time, which shall be no less than 30 days, such jurisdiction shall be deemed to have indicated agreement with the objection. If either local taxing jurisdiction notifies the Department in writing that it does not agree with the objection, the Department will immediately reassign the address with a special designation that indicates that the jurisdictional assignment of the address is in dispute. The service address will be reassigned to a local taxing jurisdiction when one of the following events occurs:

1. The Department receives written notification from the local taxing jurisdiction that did not agree with the change requested in the objection that such local taxing jurisdiction has subsequently determined that the change should be made;

2. The Department receives written notification from the party that filed the form DR-700025 that the objection was erroneous and the assignment in the database was correct; or

3. The Department is provided with a copy of a final order, judgment, or other binding written determination resolving the jurisdictional assignment of the contested address.

(c) No communications services provider who relies on the assignment of a service address in the database will be held liable for any tax, interest, or penalty in regard to that service address if the assignment is later determined to be erroneous under this subsection. For purposes of making refunds to purchasers, a correction to the database will have retroactive effect to the July 1 or January 1 on which the erroneous assignment took effect if the form DR-700025 objecting to the assignment is filed no later than the August 31 following an assignment that took effect on July 1 or the February 28 following an assignment that took effect on January 1.

Specific Authority 202.26(3)(b),(g) FS. Law Implemented 202.22(2), 202.23 FS. History—New

12A-19.072 Certification of Service Address Databases.

(1) A communications services dealer that develops and maintains its own database for assigning service addresses to local taxing jurisdictions or a third party vendor that provides a database for sale to communications services dealers or uses such a database in providing billing or other services to communications services dealers may apply to the Department for certification of the database. A database will be certified if it assigns street addresses, address ranges, post office boxes, and post office box ranges to the proper local taxing jurisdictions with an overall accuracy rate of 95 percent with a 95 percent level of confidence, based on a statistically reliable sample. Accuracy must be measured based on the entire geographic area within the state of Florida covered by the database for which certification is sought.

(2)(a) Application for certification must be made to the Department on form DR-700012, Application for Certification of Communications Services Database (incorporated by reference in Rule 12A-19.100, F.A.C.) and in accordance with the on-line Instructions for Preparing and Submitting Customer Address Files for Certification Testing (available at the Department's website, www.myflorida.com/dor, and hereby incorporated by reference). All applicable portions of the application must be completed.

(b) The Department will notify the applicant of any errors or omissions in the application and of all additional information or documentation required within 90 days of receipt of the application. The Department will review the application and contact the individual designated in the application concerning any additional information required and the format in which such information must be submitted. The applicant shall provide access to all records, facilities, and processes reasonably required to review, inspect, or test the database within 10 working days of the Department's request for such access.

(c) The Department will test the applicant's database by comparing the assignments of service addresses to the assignments of service addresses in the Department's on-line database described in Rule 12A-19.071, F.A.C. The Department will notify the applicant of all service addresses that do not match the Department's database regardless of whether the applicant's database meets the accuracy criterion for certification.

(d) Within 180 days of receipt of a completed application, the Department will issue a written determination.

1. If the notice grants certification, it will specify the expiration date, which will be three years or four years from the date of the notice.

2. If the notice denies certification, it must specify the grounds, inform the applicant of any available remedy, and set forth procedures for protesting the denial. If the applicant cures all of the defects that formed the basis for denial, the Department will issue a notice certifying the database. The

Department is authorized to grant certification of the database even in cases where the applicant has filed a petition and a proceeding is pending under Chapter 120, F.S.

(3) An application for recertification of a database must be submitted on form DR-700012 when the certification period expires. If an application for recertification is received prior to the stated expiration date of the certification period, the prior certification will not expire until the Department takes final action on the application for recertification. In such cases, if the Department denies recertification, the prior certification will remain in effect until the time for administrative or judicial review of the Department's denial of recertification has expired or, if later, the date fixed by order of the reviewing court.

(4) Certification or recertification of a database is effective upon the date of the Department's notice approving the application. Except when extended as provided under subsection (3), when a timely application for recertification has been filed, a certification or recertification is effective through the date stated on the notice, which shall be either three years or four years from the date of the notice. The database will be assigned a three-year expiration date if the applicant's business partner number assigned by the Department's accounting system program ends in an even number and a four-year expiration date if the applicant's business partner number ends in an odd number.

(5) In determining whether a database qualifies for certification, the Department will consider whether the applicant will implement procedures designed to maintain the accuracy level required for certification throughout the certification period. If the Department obtains information indicating that a certified database is not being properly maintained and updated to insure on-going accuracy at the required levels, the Department will notify the applicant and review the operation and maintenance of that database. If the Department determines that a database no longer qualifies for certification and remedial steps are not promptly taken, the Department will revoke the certification. The Department shall first provide notice to the applicant of its intent to revoke the certification, as provided in Section 120.60, F.S., and afford the applicant a point of entry under Chapter 120, F.S., to contest the notice of intent.

(6) Certification is contingent upon there being no material changes to the database or procedures for its updating and maintenance. If there are such changes, the applicant should inform the Department and request a determination whether a new form DR-700012 should be submitted. If practicable, the Department will test the effect of the changes rather than require a new certification procedure for the entire database. A material change is any change that could reasonably be expected to affect whether the database would still meet the 95 percent accuracy level required for certification. Examples of changes that could be material would be an expansion of the service area covered by a database, the merger of two or more

databases, a change in the sources from which information for the database is obtained, or alteration of the methods by which service addresses are assigned, updated, or corrected. Changes made in the course of consistently followed procedures to obtain and incorporate accurate updates and to correct errors in assignments of service addresses as required to satisfy the due diligence standards set forth in paragraph 12A-19.070(2)(c), F.A.C., are not material changes that require Department review of a database.

Specific Authority 202.26(3)(g) FS. Law Implemented 202.22(3) FS. History—New _____.

12A-19.073 Use of Enhanced Zip Code Method to Assign Service Addresses to Local Taxing Jurisdictions.

(1) An enhanced zip code method is a method of assigning service addresses to local taxing jurisdictions based on United States postal zip codes of at least nine digits.

(2) A communications services dealer may avoid liability as provided in Rule 12A-19.070, F.A.C., for tax, penalty, and interest resulting from errors in assigning service addresses to local taxing jurisdictions by employing an enhanced zip code method only if the requirements of this rule are satisfied.

(3) The dealer or the vendor providing the database is not permitted to rely solely on the location of the post office to which an enhanced zip code is assigned by the United States Postal System if the area covered by the enhanced zip code is not entirely located within the same local taxing jurisdiction as the post office. In some cases, the area included in an enhanced zip code overlaps local jurisdictional boundaries or is outside the local taxing jurisdiction where the post office to which a zip code is assigned is located. In addition, a dealer may provide services to customer service addresses for which an enhanced zip code is not available, because the service address is in a rural area or is without postal delivery. The dealer or the vendor must use a reasonable methodology to assign service addresses in such circumstances. The dealer or vendor will be considered to have used a reasonable methodology if it relies on information obtained from one or more of the following sources:

(a) The Department’s electronic database as described in Rule 12A-19.071, F.A.C.;

(b) A database that has been certified by the Department as provided in Rule 12A-19.072, F.A.C.;

(c) Representatives of relevant local taxing jurisdictions whose responsibilities entail knowledge of the location of addresses as within or without their jurisdictions;

(d) The United States Census Bureau; or

(e) The United States Postal Service.

The dealer must maintain records that establish the methodology used to assign service addresses, as provided in this subsection.

(4) The dealer employing an enhanced zip code method to assign service addresses to local jurisdictions must satisfy the notification and due diligence requirements set forth in paragraphs 12A-19.070(2)(b) and (c), F.A.C. For purposes of due diligence requirements, a communications services dealer or an enhanced zip code database vendor is deemed to have expended reasonable resources to accurately and reliably implement an enhanced zip code method if the requirements of subsection (3) have been met. The database vendor or dealer must also maintain adequate internal controls to assure the on-going accuracy of an enhanced zip code database as described in subparagraph 12A-19.070(2)(c)1., F.A.C.

(5) In order to be entitled to the 0.75 percent collection allowance, a communications services dealer that employs an enhanced zip code method to assign service addresses must satisfy the requirements of subsection 12A-19.070(3), F.A.C.

Specific Authority 202.26(3)(b),(f), 202.28(1) FS. Law Implemented 202.22(1),(4),(6),(7), 202.28(1)(b)2. FS. History—New _____.

STATE BOARD OF ADMINISTRATION

Florida Prepaid College Board

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

PURPOSE AND EFFECT: To revise the requirements for minimum contributions to the Florida College Savings Program so that the minimum contributions will be to the Program, rather than to individual investment options within the Program.

SUBJECT AREA TO BE ADDRESSED: The minimum contribution requirements applicable to the Florida College Savings Program.

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

LAW IMPLEMENTED: 240.553 FS.

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

TIME AND DATE: 2:00 p.m., October 14, 2002

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

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

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

STATE BOARD OF ADMINISTRATION

Florida Prepaid College Board

RULE TITLE: Contingent Benefactor
 RULE NO.: 19B-16.008

PURPOSE AND EFFECT: To delete the requirement that changes to the person named as the contingent benefactor for an account in the Florida College Savings Program be notarized.

SUBJECT AREA TO BE ADDRESSED: The requirements for changing the contingent benefactor of an account in the Florida College Savings Program.

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

LAW IMPLEMENTED: 240.553 FS.

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

TIME AND DATE: 2:00 p.m., October 14, 2002

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

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

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

DEPARTMENT OF CORRECTIONS

RULE TITLES:	RULE NOS.:
Inmate Grievances – Terminology and Definitions	33-103.002
Inmate Grievances – Miscellaneous Provisions	33-103.015

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to clarify the definition of ‘grievance of reprisal’ and to clarify which reviewing authority is designated to respond to each type of grievance.

SUBJECT AREA TO BE ADDRESSED: Inmate grievances.

SPECIFIC AUTHORITY: 20.315, 944.09 FS.

LAW IMPLEMENTED: 944.09 FS.

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

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

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

33-103.002 Inmate Grievances – Terminology and Definitions.

Terminology and Definitions. The following terms, as defined, shall be standard usage throughout the department:

(1) through (8) No change.

(9) Grievance of Reprisal: refers to a grievance submitted by an inmate alleging that staff have or are threatening to take retaliatory action against the inmate for good faith participation in the inmate grievance procedure ~~or for a particular incident.~~

(10) through (12) No change.

(13) Reviewing Authority: Staff who are authorized to sign grievances as the final authority for review, e.g., warden, assistant warden, deputy warden, or the Secretary’s representative.

(a) Formal Level: Major Institutions – warden or assistant warden;

(b) Private correctional facilities – warden, deputy warden, or, when determined by staff in the Bureau of Inmate Grievance Appeals that further review is required, the warden, deputy warden, or the Executive Director of the Privatization Commission;

(c) Road prisons, vocational centers, work camps, community correctional centers, and contract community facilities – warden or assistant warden of the supervising institution.

(d) Grievance Appeals: Bureau chief, inmate grievance administrator, or correctional services administrator designated by the Secretary to serve as his representative.

(e) The warden is authorized to designate the assistant warden or deputy warden (deputy warden applicable to private facilities only) to grant and implement relief as approved by the warden, except as to grievances involving discipline, grievances alleging violation of the Americans With Disabilities Act, grievances challenging placement in close management, grievances of an emergency nature, grievances of reprisal or grievances of a sensitive nature.

(14) No change.

Specific Authority 20.315, 944.09 FS. Law Implemented 944.09 FS. History– New 10-12-89, Amended 1-15-92, 12-22-92, 4-10-95, 12-7-97, Formerly 33-29.002, Amended 10-11-00,_____.

33-103.015 Inmate Grievances – Miscellaneous Provisions.

(1) through (5) No change.

(6) At no time will an inmate who is alleging that he was physically abused as described in Section 944.35(3), Florida Statutes, or alleging reprisal by staff, as defined in subsection 33-103.002(9), F.A.C., be directed to submit his or her grievance to the staff person who is the subject of the complaint, nor will the grievance be referred to a staff person who is the subject of the complaint.

(7) through (11) No change.

Specific Authority 20.315, 944.09 FS. Law Implemented 944.09 FS. History—New 10-12-89, Amended 1-15-92, 1-29-92, 9-3-92, 12-22-92, 7-11-93, 5-3-94, 4-10-95, 9-23-96, 8-10-97, 12-7-97, 5-10-98, 2-17-99, Formerly 33-29.015, Amended 8-1-00, 10-11-00, 2-7-01, 5-27-02.

AGENCY FOR HEALTH CARE ADMINISTRATION

Division of Managed Care and Health Quality

RULE CHAPTER TITLE: Minimum Standards for Home Health Agencies

RULE CHAPTER NO.: 59A-8

PURPOSE AND EFFECT: The purpose of this rule amendment is to update the rule, including items required by the Florida Statute changes and language clarification. Conforming to changes in the Florida Statutes includes adding language on do not resuscitate orders and revising language on the cost assessment for confirmed investigations. Language is added to further clarify such areas as tuberculin skin tests for staff, in-service training requirements, emergency relocations, and reasons for denial of renewal of licenses. The home health agency application for licensing is also updated.

SUBJECT AREA TO BE ADDRESSED: Minimum Standards for Home Health Agencies.

SPECIFIC AUTHORITY: 400.461-.497, 400.512-.518 FS.

LAW IMPLEMENTED: 400.461-.497, 400.512-.518 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., October 16, 2002

PLACE: Agency for Health Care Administration, 2728 Mahan Drive, Building 3, Conference Room D, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Anne Menard, Agency for Health Care Administration, Home Care Unit, 2728 Mahan Drive – Mail Stop 34, Tallahassee, FL 32308 or menarda@fdhc.state.fl.us

DEPARTMENT OF HEALTH

Division of Medical Quality Assurance

RULE CHAPTER TITLE: Examinations

RULE CHAPTER NO.: 64B-1

PURPOSE AND EFFECT: The Department of Health proposes to review the existing language in the entirety of this chapter to address all matters pertaining to examinations.

SUBJECT AREA TO BE ADDRESSED: Examinations.

SPECIFIC AUTHORITY: 456.004, 456.013, 456.014, 456.017, 458.347 FS.

LAW IMPLEMENTED: 456.013, 456.014, 456.017, 458.347 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: Christie Brown, Department of Health/MQA, 4052 Bald Cypress Way, Bin #C90, Tallahassee, Florida 32399

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

DEPARTMENT OF HEALTH

Board of Nursing Home Administrators

RULE TITLE: Criteria for Approved Continuing Education

RULE NO.: 64B10-15.002

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

SUBJECT AREA TO BE ADDRESSED: Criteria for approved continuing education.

SPECIFIC AUTHORITY: 468.1685(1), 468.1715(3) FS.

LAW IMPLEMENTED: 456.013, 456.036(7),(8), 468.1715, 468.1725 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: John Taylor, Executive Director, Board of Nursing Home Administrators, 4052 Bald Cypress Way, Bin #C04, Tallahassee, Florida 32399-1753

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

DEPARTMENT OF HEALTH

Board of Occupational Therapy

RULE TITLE: Requirements for License Renewal

RULE NO.: 64B11-5.001

PURPOSE AND EFFECT: The Board proposes to conduct a rules workshop to review and discuss the existing language in this rule to determine if amendments are necessary.

SUBJECT AREA TO BE ADDRESSED: Continuing education hour requirements and other requirements, including but not limited to, changing the number of hours of home study courses allowed for renewal.

SPECIFIC AUTHORITY: 456.036, 468.219 FS.
 LAW IMPLEMENTED: 456.013, 456.033, 456.036, 468.219 FS.

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

TIME AND DATE: 9:00 a.m., Tuesday, December 3, 2002
 PLACE: 4042 Bald Cypress Way, Room 301, Tallahassee, Florida 32399-3255

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact the Board's Executive Director at least five (5) calendar days prior to the meeting. If you are hearing or speech impaired, please contact the Board office using the Florida Dual Party Relay System which can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

Section 286.0105, Florida Statutes, provides that, if a person decides to appeal any decision made by the department with respect to any matter considered at this meeting, they will need a record of proceedings, and for such purposes, 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 based.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Kaye Howerton, Executive Director, Board of Occupational Therapy, 4052 Bald Cypress Way, BIN #C05, Tallahassee, Florida 32399-3255

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

DEPARTMENT OF HEALTH

Division of Disease Control

RULE TITLE: Control of Communicable Diseases, Public and Nonpublic Schools, Grades Preschool, and Kindergarten Through 12; Forms and Guidelines
 RULE NO.: 64D-3.011

PURPOSE AND EFFECT: The Bureau proposes an amendment to update rule text related to material incorporated by reference.

SUBJECT AREA TO BE ADDRESSED: The subject area to be addressed is updating rule text related to material incorporated by reference.

SPECIFIC AUTHORITY: 381.003(1)(e)2. FS.

LAW IMPLEMENTED: 232.032 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 PLACE: 1:00 p.m. (EST), October 11, 2002

PLACE: Room 340N, 2585 Merchants Row Blvd., Tallahassee, FL 32399-1719

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Susan Lincicome, Senior Management Analyst Supervisor, Department of Health, Bureau of Immunization, Room 210N, 2585 Merchants Row Blvd., Tallahassee, FL 32399-1719, (850)245-4342 (Mailing address: 4052 Bald Cypress Way, Bin #A-11, Tallahassee, FL 32399-1719)

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64D-3.011 Control of Communicable Diseases, Public and Nonpublic Schools, Grades Preschool, and Kindergarten Through 12; Forms and Guidelines.

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

(2) Documentation Requirements

(a) Certification of Immunization – Only fully immunized children shall be issued a Florida Certification of Immunization, which must be provided on DH Form 680 Florida Certification of Immunization, Certificate of Immunization for K-12 Excluding 7th Grade Requirements (Part A-1), and/or Certificate of Immunization Supplement for 7th Grade Requirement (Part A-2), incorporated by reference in subsection 64D-3.011(5), F.A.C. DH Form 680, Florida Certification of Immunization, shall be completed per instructions for the appropriate school year provided in Immunization Guidelines Florida Schools, and Child Care Facilities Effective July 2001 ~~August 2000~~, or Immunization Guidelines Florida Schools, Child Care Facilities and Family Day Care Homes Effective July 2001 ~~2002~~, as incorporated by reference in subsection 64D-3.011(5), F.A.C. A child may attend school only after an authorized school official has examined the certificate for validity. A valid Florida Certification of Immunization shall be properly dated and signed or authorized by a physician. Data elements transferred through the Florida Automated System for Transferring Education Records (FASTER) will include all antigen doses by dates of immunization. The original paper DH Form 680, the Florida Certification of Immunization, shall remain in the student's cumulative health record.

(b)1. through (9) No change.

Specific Authority 232.032(1), 381.0011(13), 381.003(1),(2), 381.005(2) FS. Law Implemented 232.032(1), 381.0011(4), 381.003(1), 381.005(1)(i) FS. History–New 12-29-77, Amended 6-7-82, 11-6-85, Formerly 10D-3.88, Amended 2-26-92, 9-20-94, 9-21-95, 4-7-96, Formerly 10D-3.088, Amended 7-14-99, 1-22-01, 7-23-01, 8-7-02, _____.

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

Economic Self-Sufficiency Program

RULE TITLE: Overpayment and Benefit Recovery
 RULE NO.: 65A-1.900

PURPOSE AND EFFECT: This proposed amendment sets thresholds for establishing or pursuing food stamp claims.

SUBJECT AREA TO BE ADDRESSED: This rule amendment sets food stamp program claim thresholds for establishing claims in general and pursuing claims specifically under bankruptcies.

SPECIFIC AUTHORITY: 414.45 FS.

LAW IMPLEMENTED: 414.41 FS.

IF REQUESTED IN WRITING AND DEEMED NECESSARY 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., October 14, 2002

PLACE: Building 3, Room 100, 1317 Winewood Boulevard, Tallahassee, Florida 32399-0700

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT, IF AVAILABLE, IS: John Bowman, Program Administrator, Building 3, Room 417, 1317 Winewood Boulevard, Tallahassee, FL 32399-0700, (850)921-5549

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

FLORIDA HOUSING FINANCE CORPORATION

RULE TITLES:	RULE NOS.:
Definitions	67-37.002
Fund Availability and Allocation	67-37.003
Local Housing Assistance Plans	67-37.005
Review of Local Housing Assistance Plans and Amendments	67-37.006
Uses of and Restrictions Upon SHIP Local Housing Distribution Funds for Local Housing Assistance Plans	67-37.007
Local Housing Assistance Trust Fund	67-37.008
Local Affordable Housing Incentive Strategies	67-37.010
Interlocal Entities	67-37.011
Compliance Monitoring for Housing Developed With SHIP Local Housing Distribution Funds	67-37.015
Reporting Requirements	67-37.016

PURPOSE AND EFFECT: This Rule establishes the procedures by which the Florida Housing Finance Corporation shall administer the State Housing Initiatives Partnership (SHIP) Program which provides funds to local governments as an incentive to create partnerships to produce and preserve affordable housing. Revisions to the Rule are required to implement technical and clarifying changes. The adoption of these revisions will increase the efficiency and effectiveness of local program service delivery and will provide greater clarification of the program.

SUBJECT AREA TO BE ADDRESSED: The Rule Development Workshops will be held to receive comments and suggestions from interested persons relative to program requirements as specified in Rule Chapter 67-37, Florida Administrative Code.

SPECIFIC AUTHORITY: 420.907 FS.

LAW IMPLEMENTED: 420.9071, 420.9072, 420.9073, 420.9075, 420.9076, 420.9078, 420.9079 FS.

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

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

PLACE: East Central Florida Regional Planning Council, Council Meeting Room, North Wymore Road, Suite 100, Maitland, Florida 32751

TIME AND DATE: 2:00 p.m., October 17, 2002

PLACE: Florida Housing Finance Corporation, Sixth Floor Conference Room, 227 North Bronough Street, Tallahassee, Florida 32301

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT, IF AVAILABLE, IS: Thomas W. Burt, SHIP Administrator, Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32301-1329

Any person requiring special accommodation at this workshop because of a disability or physical impairment should contact Laurie Camp at the above address. If you are hearing or speech impaired, please use the Florida Dual Party Relay system which can be reached at 1(800)955-8770 (Voice) or 1(800)955-8771 (TDD).

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS AVAILABLE ON FLORIDA HOUSING FINANCE CORPORATION'S WEB SITE WWW.FLORIDAHOUSING.ORG

FISH AND WILDLIFE CONSERVATION COMMISSION

Freshwater Fish and Wildlife

RULE CHAPTER TITLE:	RULE CHAPTER NO.:
Boats and Vehicles	68A-11

PURPOSE AND EFFECT: The purpose of the proposed rule is to delete provisions of the rule that are now inconsistent with changes made to Chapter 375, F.S. during the 2002 legislative session. Specific changes include the deletion of the requirement to annually register off-road vehicles used on public lands.

SUBJECT AREA TO BE ADDRESSED: Registration and use of off-road vehicles.

SPECIFIC AUTHORITY: Art. IV, Sec. 9, Fla. Const.

LAW IMPLEMENTED: Art. IV, Sec 9, Fla. Const.

A HEARING ON THE PROPOSED RULE DEVELOPMENT WILL BE HELD IN CONJUNCTION WITH THE COMMISSION'S REGULARLY SCHEDULED PUBLIC MEETINGS AT THE TIME, DATES AND PLACE SHOWN BELOW:

TIME AND DATES: 8:30 a.m. each day, November 20-22, 2002

PLACE: Hawk's Cay Resort, 61 Hawk's Cay Boulevard, Duck Key, Florida 33050

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT, IF AVAILABLE, IS: Timothy A. Breault, Division of Wildlife, 620 South Meridian Street, Tallahassee, Florida 32399-1600, (850)488-3831; James Antista, General Counsel, Florida Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600, (850)487-1764

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

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

THE FULL TEXT OF THE PROPOSED RULE IS:

5F-6.001 Performance Specifications and Standards for Motor Vehicle Brake Fluid.

(1) The performance specifications and standards for brake fluid adopted by the United States Department of Transportation and contained in Motor Vehicle Safety Standard No. 116, Motor Vehicle Brake Fluid, revised October 1, 2001 ~~March 15, 1994~~, are hereby adopted as rules of the Department of Agriculture and Consumer Services.

(2) The violation of any provisions or standards of this rule is subject to penalties, provided in Chapter 526, Part II, Florida Statutes.

Specific Authority 526.52(1) FS. Law Implemented 526.53(1)(2), 526.54 FS. History—New 5-8-78, Formerly 5F-6.01, Amended 12-9-98.

Section II Proposed Rules

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Standards

RULE TITLE: Performance Specifications and Standards

RULE NO.:

for Motor Vehicle Brake Fluid 5F-6.001

PURPOSE AND EFFECT: The purpose of Rule 5F-6.001, F.A.C., is to adopt the most recent version of Motor Vehicle Safety Standard No. 116, Motor Vehicle Brake Fluid, revised October 1, 2001.

SUMMARY: Proposed Rule 5F-6.001, F.A.C., will specify that the Motor Vehicle Safety Standard No. 116, Motor Vehicle Brake Fluid, revised October 1, 2001, is the accepted standard for implementation of Chapter 526, Florida Statutes.

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: 526.52(1) FS.

LAWS IMPLEMENTED: 526.53(1),(2), 526.54 FS.

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

TIME AND DATE: 10:00 a.m., Monday, October 21, 2002

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

NAME OF PERSON ORIGINATING PROPOSED RULE: Eric Hamilton

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 9, 2002

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 30, 2002

DEPARTMENT OF COMMUNITY AFFAIRS

Division of Community Planning

RULE CHAPTER TITLE: Local Government Comprehensive Planning Certification Program

RULE CHAPTER NO.:

9J-35

RULE TITLES: Purpose 9J-35.001

Definitions 9J-35.002

Application Period 9J-35.003

Application Submission 9J-35.004

Application Review 9J-35.005

Identification of Eligible Applicants 9J-35.006

Certification Agreement 9J-35.007

PURPOSE AND EFFECT: The proposed rulemaking implements requirements of section 163.3246(6), F.S. The effect of the rulemaking is a proposed new rule chapter to set forth procedures governing local government applications for participation in the Local Government Comprehensive Planning Certification Program and the review and evaluation of those applications by the Department of Community Affairs, Division of Community Planning.

SUMMARY: The proposed rule implements requirements of section 163.3246(6), Florida Statutes, creating a new rule chapter to set forth program procedures, including the following: an annual application period from January 5 to February 4; the application submission process; application review and assessment by the Department within 90 days of receipt, local government response to the assessment within 30 days of receipt, and Departmental determination of an applicant's eligibility for certification within 45 days of the local response; prioritization of eligible applications in the order received and providing that the first eight qualifying applications will be eligible to become certified that fiscal year; procedures regarding Department action to offer the next eligible applicant the opportunity to become certified when an eligible applicant withdraws or is disqualified through administrative challenge; procedures giving highest priority for certification in subsequent fiscal years to applications that meet eligibility criteria but are not included in the first eight for which agreements are executed in a fiscal year; and procedures for such applicants to renew their applications during the subsequent application cycle.

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: 163.3246(6) FS.

LAW IMPLEMENTED: 163.3246 FS.

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

TIME AND DATE: 10:00 a.m., October 21, 2002

PLACE: Department of Community Affairs, Kelley Training Center, Room 305, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100

Any person requiring special accommodation at the workshop because of a disability or physical impairment should contact Beth Frost, Senior Analyst, Division of Community Planning, 2555 Shumard Oak Boulevard, (850)488-4925, Suncom 278-4925, at least seven days before the date of the hearing. If you are hearing or speech impaired, please contact the Department of Community Affairs using the Florida Dual Party Relay System which can be reached at 1(800)955-8770 (Voice) or 1(800)955-9771 (TDD).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: James L. Quinn, State Planning Administrator, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100, (850)488-4925

THE FULL TEXT OF THE PROPOSED RULES IS:

9J-35.001 Purpose.

This rule chapter sets forth procedures governing local government applications for participation in the Local Government Comprehensive Planning Certification Program and the review and evaluation of those applications by the Department of Community Affairs, Division of Community Planning.

Specific Authority 163.3246(6) FS. Law Implemented 163.3246 FS. History--New _____.

9J-35.002 Definitions.

(1) "Agreement" means a written instrument between the Department and one or more local governments that certifies all or part of the local government(s) and includes the components specified in section 163.3246(5), F.S.

(2) "Applicant" means one or more local governments that submit an application for certification pursuant to the Local Government Comprehensive Planning Certification Program.

(3) "Application" means a written request for certification in which an applicant provides all necessary information and documentation to demonstrate that it meets the eligibility criteria of section 163.3246(2), F.S., and that the area sought to be certified meets the criteria of section 163.3246(5), F.S.

(4) "Certification" means the selection of local governments for participation in the Local Government Comprehensive Planning Certification Program by execution of a written Agreement.

(5) "Local Government Comprehensive Planning Certification Program" means the program established in section 163.3246, F.S.

Specific Authority 163.3246(6) FS. Law Implemented 163.3246 FS. History--New _____.

9J-35.003 Application Period.

Local governments may submit applications for certification only during the period beginning January 5 (or the first business day following January 5) and ending February 4 (or the first business day following February 4) each year. Applications received prior to 8:00 a.m. (EST) January 5 or after 5:00 p.m. (EST) February 4 will not be considered for certification in the subsequent state fiscal year and will be returned to the applicant local government(s), unless the application has been previously determined to be eligible for certification pursuant to subsection 9J-35.006(2), F.A.C.

Specific Authority 163.3246(6) FS. Law Implemented 163.3246 FS. History--New _____.

9J-35.004 Application Submission.

(1) Applications for certification shall be submitted in accordance with sections 163.3246(2) and (4), F.S., and must provide all information and address all eligibility criteria listed in those sections.

(2) Applications shall be mailed or delivered to: Plan Review and Processing Administrator, Florida Department of Community Affairs, Division of Community Planning, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100. Facsimile transmissions will not be accepted.

(3) Applications must be transmitted by cover letter on the applicant's letterhead. This cover letter must bear an original signature by the chief elected official or designee, must affirm the accuracy of the information contained in the application, and must identify the employee or representative who will serve as the contact person for the applicant.

(4) Applicants must submit three (3) complete sets of application materials, at least one of which must contain a cover letter with an original signature. Applicants are encouraged to provide access to the application through their official local government websites as a means of encouraging public awareness of the application, if desired.

Specific Authority 163.3246(6) FS. Law Implemented 163.3246 FS. History--New _____.

9J-35.005 Application Review.

(1) Each application shall be time and date stamped when received by the Plan Review and Processing Administrator.

(2) The identified contact person for each applicant will be notified in writing of the receipt and timeliness of the application.

(3) Within ninety (90) days of receipt, the Division shall prepare a written assessment of each application. The assessment will state whether the application demonstrates that the applicant meets the eligibility criteria of section 163.3246(2), F.S., and whether the area sought to be certified meets the criteria of section 163.3246(5), F.S. The assessment will describe the basis for finding that the applicant does or does not meet the eligibility criteria, and the basis for finding that the area does or does not qualify for certification. Each applicant shall be provided a copy of the assessment.

(4) Within thirty (30) days of the date of an assessment indicating one or more eligibility criteria have not been satisfied, the applicant may submit written explanations of information contained in its application to demonstrate that the application meets the questioned criteria. Such clarifying information may be submitted only in response to the Division's assessment. No new information may be submitted.

Specific Authority 163.3246(6) FS. Law Implemented 163.3246 FS. History--New _____.

9J-35.006 Identification of Eligible Applicants.

(1) Not later than forty-five (45) days after receipt of any information submitted pursuant to subsection 9J-35.005(4), F.A.C., or after expiration of the 30-day period to submit such information, whichever occurs first, the Director of the Division of Community Planning shall determine whether the application demonstrates that the applicant meets the eligibility

criteria of section 163.3246(2), F.S., and whether the area sought to be certified meets the criteria of section 163.3246(5), F.S.

(2) The Division shall prioritize applications meeting eligibility criteria in the order received. Local governments submitting the first eight qualifying applications will be eligible to become certified in any fiscal year.

(3) The Division shall notify each applicant whether its application satisfies eligibility criteria and whether it is included among the eight applicants selected to become certified.

Specific Authority 163.3246(6) FS. Law Implemented 163.3246 FS. History--New _____.

9J-35.007 Certification Agreement.

(1) Following the selection of applications described above, the Division shall certify all or part of each selected local government through a written agreement containing the components specified in section 163.3246(5), F.S.

(2) If an applicant selected for certification in section 9J-35.006, F.A.C., chooses not to become certified or is disqualified through a challenge filed under section 120.569, F.S., or the Division and a selected applicant fail to reach an agreement, the Division shall offer the next eligible applicant, as determined pursuant to subsection 9J-35.006(2), F.A.C., the opportunity to become certified through a written agreement.

(3) Local government applications that meet eligibility criteria but are not included in the first eight for which agreements are executed in a fiscal year will be given highest priority, in the order received, for certification in the subsequent fiscal year. Local governments wishing to retain such priority shall, during the application period described in section 9J-35.003, F.A.C. submit the following to the Plan Review and Processing Administrator pursuant to section 9J-35.004, F.A.C.:

(a) A letter of intent to renew the application, which is submitted on the applicant's letterhead and signed by the chief elected official or designee;

(b) Documentation of the public hearing on the renewal of the application held pursuant to section 163.3246(2)(d), F.S.; and

(c) Three (3) complete sets of materials that provide the information needed to update the application to reflect any changes within the jurisdiction, including amendments to the local government comprehensive plan or implementing regulations that were adopted subsequent to the submittal of the original application.

Specific Authority 163.3246(6) FS. Law Implemented 163.3246 FS. History--New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
James L. Quinn, State Planning Administrator
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: H.E. "Sonny" Timmerman, Director, Division of Community Planning

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 18, 2002
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 9, 2002

DEPARTMENT OF REVENUE

Division of Child Support Enforcement

RULE TITLES:	RULE NOS.:
Lottery Intercept	12E-1.011
Internal Revenue Service Tax Refund Offset Program; Passport Denial; Administrative Offset Program; Internal Revenue Service Full Collection Services	12E-1.014
Financial Institution Data Matches	12E-1.029

PURPOSE AND EFFECT: A) The purpose of the proposed amendments to Rule 12E-1.011, F.A.C., is to describe current departmental policies and procedures concerning the method that is used to intercept the lottery prize winnings of obligors who owe past-due child support. The effect of the proposed amendments is to provide: definitions of obligor and past-due support; procedures for certification of the amount of past-due support that is owed; notification that is received by the obligor prior to the lottery prize winnings being intercepted; methodology required to be used for the notification; time period for when the lottery prize winnings will be applied to past-due support; methodology for requesting an administrative hearing; and methodology for application of the lottery prize winnings if the obligor has multiple support cases. B) The purpose of the proposed amendments to Rule 12E-1.014, F.A.C., is to describe current departmental policies and procedures concerning the method that is used to intercept Internal Revenue Service income tax refunds, refer obligors who owe past-due child support for passport denial, explain that we do not participate in the Administrative Offset Program, and refer cases for Internal Revenue Service full collection services. The effect of the proposed amendment is to provide definitions of "offset" and "past-due" support for the offset program; methodology for certifying cases to the offset program; methodology of sending notification of pending offset; methodology for contesting certification; ability to request an administrative review; methodology for hearing when the obligor lives out of state; distribution of the offset; holding offsets for six months to allow for injured spouse claims; amounts and methodology of certification for passport denial; notification to obligor of passport denial; methodology to restore passport eligibility; choice to not participate in the Administrative Offset Program; ability to request full collection services from the Internal Revenue Service. C) The purpose of proposed Rule 12E-1.029, F.A.C., is to establish procedures for conducting data matches on obligors who owe past-due support by entering into memorandums of agreement with financial institutions. The effect of the proposed rule is to establish: methodology for entering into memorandums of

agreement with financial institutions; require certain terms to be included in the memorandums of agreement; ability to participate in the Federal Office of Child Support Enforcement's national data match; methodology for selecting cases for data match; and amount and methodology of paying fees to financial institutions for conducting data matches.

SUMMARY: The proposed amendment to Rule 12E-1.011, F.A.C., provides definitions for the terms "obligor" and "past-due support;" requires the department to certify the amount of past-due support that is owed to the Department of the Lottery; requires the department to give notice of the intercept by certified mail to the obligor; provides for requesting a hearing based on a mistake of fact; provides for refusal of service of the certified mail as being proper service; provides that a second notice be sent by regular mail if there is no response to the first notice within 30 days; provides for application of the lottery prize winnings after 30 days if there is no response to the second letter; provides requirements for requesting an administrative hearing and where the request should be sent; and explains that if the obligor has more than one child support case, the prize will be applied based on the ratio of past-due support owed in each case. The proposed amendment to Rule 12E-1.014, F.A.C., provides definitions for the terms "offset" and "past-due support." The proposed rule requires the department to certify cases for income tax refund offset and passport denial, revocation, restriction, or limitation using federally established criteria; establishes notice requirements to the obligor when certifying cases; provides for the obligor to pay off past-due support within 30 days in order to avoid offset; explains that notice of offset will only be sent once and will be sent by the Federal Office of Child Support Enforcement; explains that certification continues until past-due support has been paid in full; explains that to contest certification the obligor must contact the department; explains that an administrative hearing can be requested; provides a method for the obligor to request that the hearing be held in the state which issued the support order; provides for withdrawing or amending the certification amount if the administrative hearing is found in the obligor's favor; provides for a second notice to be sent when the offset has occurred and the money has been transferred to the department; explains how the money will be distributed when the offset is completed; explains that the distribution will be delayed six months from the receipt date to allow for the filing of an obligor's spouse claim; explains that past-due amounts over \$5000 will be certified to the U. S. Department of State for passport denial, revocation, restriction, or limitation; explains that the department must be contacted if a passport is needed; explains how the obligor can restore passport eligibility by reducing the amount owed, proving it was an error, or providing emergency documentation of death or illness; provides that the department can request that certification be withdrawn; states that the department does not participate in the Administrative Offset Program; and allows the department to make a request to the

Federal Office of Child Support Enforcement for full collection services through the Internal Revenue Service. The proposed new Rule 12E-1.029, F.A.C., provides that the department shall send a memorandum of agreement for the operation of the data match system to each financial institution doing business in the state that has elected not to participate in the Federal Office of Child Support Enforcement's national data match program; incorporates the memorandum of agreement by reference in the rule; lists the major provisions set forth in the memorandum of agreement; provides that a financial institution's data match records shall be prepared according to the Federal Office of Child Support Enforcement's specifications; incorporates the federal specification handbook by reference in the rule; explains that the department has selected the Federal Office of Child Support Enforcement to be its agent to enter into written agreements for data matching with multi-state financial institutions for the data match but not for the amount of fees the department will pay; explains what amounts must be past-due in Temporary Aid for Needy Families and non-Temporary Aid for Needy Families cases in order to be submitted for data matching; explains the fees that will be paid to financial institutions for conducting data matches, with fees being based on whether the department or the financial institution performs the data match and whether the financial institution participates in the national data match program; and provides that the department will pay the fees quarterly.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: Because these proposed rules create no new regulatory costs, no statement of estimated regulatory cost has been prepared.

Any person who wants to provide information regarding a statement of estimated regulatory costs must do so in writing within 21 days of this notice.

SPECIFIC AUTHORITY: 409.2557(3)(i), 409.25657(6) FS.

LAW IMPLEMENTED: 24.115(4), 61.17, 409.2564, 409.25657 FS.

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

TIME AND DATE: 9:00 a.m., October 22, 2002

PLACE: Room 301, 4040 Esplanade Way, Tallahassee, Florida 32399-3150

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Mike Vergenz, Government Analyst II, Department of Revenue, P. O. Box 8030, Tallahassee, Florida 32314-8030, telephone (850)922-9568

NOTICE UNDER THE AMERICANS WITH DISABILITIES ACT: Any person requiring special accommodations to participate in any proceeding is asked to advise the department at least five (5) calendar days before such proceeding by contacting Lynn D. Chang, (850)922-9573. If you are hearing or speech impaired, please contact the department by calling 1(800)DOR-TDD1 (1(800)367-8331).

THE FULL TEXT OF THE PROPOSED RULES IS:

12E-1.011 Lottery Intercept.

(1) Pursuant to ~~s. Section~~ 24.115(4), F.S., the ~~department child support enforcement program~~ shall intercept the Florida lottery prize of any obligor who owes past-due support and noncustodial parent who claims or is awarded a lottery prize or a portion of a lottery prize when the total lottery prize equals wins \$600 or more. The and use the prize shall be applied toward any past-due support or costs owed by the obligor for a Title IV-D case, not to exceed the enforce an obligation amount which is owed.

(2) Definitions. As used in this rule:

(a) "Obligor" means a person responsible for making payments pursuant to an order establishing, enforcing, or modifying an obligation for child support, spousal support, or for child and spousal support when enforced by the department.

(b) "Past-due support" means the amount of support owed pursuant to an order for child support, spousal support, or for child and spousal support when enforced by the department that has not been paid. Also included in past-due support are amounts that are owed to the department for court or administrative costs.

(3) Certification of Past-Due Support. Prior to the payment of a prize ~~of \$600 or more to any obligor owing past-due support, claimant having such an outstanding obligation,~~ the Department of the Lottery shall verify check the information computer terminal provided to it by the department to determine if the lottery prize claimant has a child past-due support is owed. delinquency. If the lottery prize claimant has a child support arrearage, Upon the request of the Department of the Lottery, shall contact CSE and ask them to verify whether the lottery prize claimant is a noncustodial parent who has an arrearage. the department The Department of Lottery shall request CSE to provide written certification that the obligor owes past-due support claimant has an arrearage and to specify the amount owed of the arrearage. Upon receipt of such the written certification from the department, CSE that the lottery prize claimant has an arrearage and the amount of the arrearage, the Department of the Lottery shall transmit the prize money, not to exceed the amount certified as past-due support, to the department Comptroller, Department of Banking and Finance, who shall make the intercept.

(4) Notification of Intercept.

(a) The ~~department Comptroller~~ shall notify inform the obligor by certified mail, return receipt requested, that the prize money is being intercepted and will be applied to the balance of past-due support. The certified mail will be sent to the address provided by the obligor to the Department of the Lottery. The notice will state affected individuals that the obligor may request they have a right to an administrative hearing as set forth in Chapter 120, F.S. Florida Statutes, to

contest a mistake of fact regarding the amount of past-due support or the identity of the obligor. Refusal of the notice sent to the obligor by certified mail, return receipt requested, shall constitute proper service of the notice.

(b) If a return receipt is not received within 30 days from the mailing date of the notice specified in paragraph (4)(a) above, if the notice is returned unclaimed, or if no written petition for a hearing is received, the department shall send the notice to the obligor by regular mail to the address provided to the Department of the Lottery and to the last known address according to the department's records. If there is no response from the obligor to the second notice as provided for in this paragraph, the prize received from the Department of the Lottery will be applied to the obligor's past-due support 30 days from the mailing date of the second notice.

(c) A written petition for an administrative hearing must be received by The Department of Revenue, Child Support Enforcement Program, Deputy Agency Clerk, P. O. Box 5556, Tallahassee, FL 32314-5556, within 21 days of the date the obligor received or refused the notice sent by certified mail, or within 30 days from the date of mailing of the notice sent by regular mail. If a return receipt request is received from the certified notice and no petition for administrative hearing is received within 21 days, the obligor will be deemed to have waived the right to a hearing and the intercept will be applied to the obligor's past-due support obligation. Administrative hearings will be conducted pursuant to Chapter 120, F.S.

(5) Application of Lottery Prize when Obligor owes Past-Due Support on Multiple Cases. If the obligor owes past-due support on more than one Title IV-D case, the prize shall be applied to each case based on the ratio of the past-due amount for each individual case to the total past-due support owed by the obligor for all Title IV-D cases.

Specific Authority 409.2557(3) 409.026 FS. Law Implemented 24.115(4) FS. History—New 6-17-92, Amended 7-20-94, Formerly 10C-25.008, Amended _____.

(Substantial Rewording of Rule 12E-1.014 follows. See Florida Administrative Code for present text.)

12E-1.014 Internal Revenue Service Tax Refund Offset Program; Passport Denial; Administrative Offset Program; Internal Revenue Service Full Service Collection Services.

(1) Definitions. As used in this rule:

(a) "Offset" means the complete or partial interception of an Internal Revenue Service income tax refund or rebate.

(b) "Past-due support" means support owed as defined in 45 CFR 301.1.

(2) Certification for offset and passport denial. The department shall certify obligors for offset and passport denial to the federal Office of Child Support Enforcement when they meet the criteria in paragraphs (5)(b) and (6)(a).

(3) Notification that obligor has been certified for offset and passport denial. At the department's request, the Federal Office of Child Support Enforcement will send a notice to each obligor submitted by the department under subsection (2). The notice provides the obligor 30 days from the date of the notice to pay the past-due amount in full to the department in order to avoid certification for offset. No additional notice of certification for offset will be sent. The offset certification will continue until the past-due amount is paid in full. If the amount of past-due support increases, the increased amount will be certified to the Federal Office of Child Support Enforcement and is subject to offset. The notice also advises the obligor of the right to contest the determination of the amount of past-due support. To contest the determination of the amount of the past-due support owed, the obligor must contact the department at the address or telephone number provided in the notice within 30 days from the date of the notice.

(4) Right to informal review and administrative review.

(a) If the department is contacted by the obligor within 30 days from the date of the notice, the department will review the obligor's records and will attempt to resolve the obligor's concerns informally.

(b) If the department is unable to resolve the obligor's concerns through the informal review process, the obligor may request an administrative review.

1. If the past-due amount is based on a Florida order, the obligor can request an administrative review of the proposed certification in Florida. This review will be conducted by the Department of Children and Families, Office of Administrative Hearings, pursuant to Chapter 120, F.S.

2. If the past-due amount is based on an order issued by another state, the obligor can request that a hearing be held either in Florida or in the state which issued the order. If the obligor requests the review be held in the issuing state, the department will contact the state which issued the order within 10 days of receiving the obligor's request and the state which issued the order will notify the obligor of the date, time, and place of the administrative review.

(c) If an administrative review is held and a final order is issued in the obligor's favor, the Federal Office of Child Support Enforcement will be notified to withdraw the obligor's certification or amend the certification to reflect the correct past-due amount. If the final order is issued in the department's favor, the Federal Office of Child Support Enforcement shall notify the U. S. Department of the Treasury and the U.S. Department of State of the past-due support owed by the obligor.

(d) If the obligor fails to request a review within 30 days from the date of the notice, the obligor is deemed to have waived the right to contest the certification and the Federal Office of Child Support Enforcement shall notify the U. S. Department of the Treasury and the U.S. Department of State of the past-due support owed by the obligor.

(5) Internal Revenue Service Tax Refund Offset Program.

(a) As provided by 45 CFR 303.72, obligors who owe past-due support in Title IV-D cases are subject to offset.

(b) Certification for Offset. The department shall certify an obligor for offset if the obligor owes past-due support in amounts meeting either or both of the following criteria:

1. For support assigned to the State, the amount past-due is not less than \$150 and has been unpaid for three months or longer.

2. For support owed to the obligee, the amount past-due is not less than \$500.

(c) Notification of offset. Once offset occurs, the U. S. Department of the Treasury will send the obligor a notice that the tax refund will be forwarded to the department.

(d) Distribution of Offset.

1. Pursuant to 42 U.S.C. 657 (a)(1) and (a)(2)(B)(iv), the department shall retain federal income tax refund offset payments in current and former assistance cases up to the amount of past-due support assigned to the department as a condition of eligibility for temporary cash assistance, but not to exceed the total amount of temporary cash assistance provided to the family. After the amount of past-due support assigned to the department has been paid in full, the excess will be mailed to the obligee.

2. Pursuant to 42 U.S.C. 664 (a)(3)(B), the department has implemented the State option to delay distribution of a refund from a joint federal income tax return that is offset to satisfy non-assistance past-due support. In these instances, distribution will be delayed until one of the following occurs:

a. The department is provided a copy of the written verification received from the Internal Revenue Service that the obligor's spouse's claim to the tax refund has been resolved.

b. The obligor pays off all past-due amounts owed.

c. Six months has elapsed from notification of the offset.

(6) Passport Denial.

(a) In accordance with 42 U.S.C. 652(k), if the past-due amount exceeds \$5000, obligors certified under paragraph (2) of this rule are also submitted by the Federal Office of Child Support Enforcement to the U. S. Department of State who shall deny, and may revoke, restrict, or limit a U.S. passport.

(b) If an obligor needs a passport from the U.S. Department of State, the obligor must contact the department at the address or telephone number provided in the notice. In order to restore passport eligibility, the obligor must:

1. Reduce the amount of past-due support owed to \$5000 or less;

2. Prove that the obligor's name and/or the amount of past-due support was submitted in error; or

3. Provide written verification of a death or medical emergency requiring issuance of a passport.

(c) When one of the above occurs, the department will request that the passport certification be withdrawn.

(d) The U. S. Department of State will send the obligor a notice that the obligor is ineligible to receive a passport when the U. S. Department of State takes action to deny, revoke, restrict, or limit the obligor's passport.

(7) Administrative Offset Program. The department does not participate in the Administrative Offset program described in 31 U.S.C. 3716.

(8) Internal Revenue Service Full Collection Services. Pursuant to 45 CFR 303.71, the department may request the Federal Office of Child Support Enforcement to certify past-due support amounts owed to the Secretary of the Treasury for full collection services under the Internal Revenue Code.

Specific Authority 409.2557(3), ~~409.026~~ FS. Law Implemented 61.17, 409.2564 FS. History--New 6-17-92, Amended 7-20-94, Formerly 10C-25.011, Amended _____.

12E-1.029 Financial Institution Data Matches.

(1) Procedures for Entering into Agreements with Financial Institutions.

(a) The department shall send a Memorandum of Agreement (Form CS-EF100), incorporated herein by reference with a revision date of May 20, 2002, for the operation of the data match system described in s. 409.25657(2), F.S., to each financial institution doing business in the state that meets the definition of a financial institution in s. 409.25657(1)(a), F.S., and which has not elected to participate in the Federal Office of Child Support Enforcement's national data match process specified in paragraph (c) below. Members of the public may obtain a copy of the Memorandum of Agreement by writing to: Department of Revenue, Child Support Enforcement Program, Attn.: Forms Coordinator, P. O. Box 8030, Tallahassee, FL 32314-8030.

(b) At a minimum, the Memorandum of Agreement specified in paragraph (a) above shall identify the records that will be compared, the methods of accomplishing the record comparisons, the methods for electronic or other transmission of records between the department and the financial institution, fees to be paid to the financial institution for services provided, and the financial institution's contact persons. The financial institution's electronic files containing data match records shall be prepared according to the specifications prescribed by the Federal Office of Child Support Enforcement's Financial Institution Data Match Specifications Handbook, incorporated herein by reference. Members of the public may view the Financial Institution Data Match Specifications Handbook or obtain a copy through the Internet at: <http://www.acf.dhhs.gov/programs/cse/fct/fidm/dataspecs.pdf>.

(c) The department has designated the Federal Office of Child Support Enforcement as its agent authorized to enter into operational agreements for data matching, on behalf of the

department, with financial institutions doing business in two or more states that elect to participate in the Federal Office of Child Support Enforcement's national data match process. The authorization extends to entering into agreements only with financial institutions doing business in this state and excludes the authority to negotiate fees to be paid to financial institutions for the costs of participating in the data match.

(2) Selecting Cases for Data Matching. The department shall include the following cases in the data match system provided by s. 409.25657(2), F.S.:

(a) Temporary cash assistance cases in which the amount of past-due support is equal to or greater than \$150;

(b) Non-temporary cash assistance cases in which the amount of past-due support is equal to or greater than \$500.

(3) Fees for Conducting Data Matches. The department shall pay quarterly fees to financial institutions doing business in the state that submit an invoice to the department for payment of the costs of conducting the data match during a quarter, as follows:

(a) To financial institutions that enter into the Memorandum of Agreement specified in paragraph (a) of subsection (1) of this rule:

1. Not more than \$250 per quarter if the financial institution performs the data match provided by s. 409.25657(2)(a), F.S.; or

2. Not more than \$50 per quarter if the financial institution selects the option provided by s. 409.25657(2)(b), F.S., to have the department match each individual who maintains an account at the financial institution.

(b) To financial institutions that elect to participate in the Federal Office of Child Support Enforcement's national data match process specified in paragraph (c) of subsection (1) of this rule, not more than \$100 per quarter.

(c) The department shall not pay quarterly fees to financial institutions not doing business in this state.

Specific Authority 409.2557(3)(i), 409.25657(6) FS. Law Implemented 409.25657 FS. History--New

NAME OF PERSON ORIGINATING PROPOSED RULE:
Lynn D. Chang, Government Analyst II, (850)922-9573 (for Rules 12E-1.011 and 12E-1.014, F.A.C.); Mike Vergenz, Government Analyst II, (850)922-9568 (for Rule 12E-1.029, F.A.C.), Department of Revenue, P. O. Box 8030, Tallahassee, FL 32314-8030

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Tom Mato, Chief Counsel, Child Support Enforcement Program Legal Section, Department of Revenue, P. O. Box 8030, Tallahassee, FL 32314-8030; (850)414-9966

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 10, 2002

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: These proposed rules were noticed for a Rule Development Workshop in the Florida Administrative Weekly on January 11, 2002 (Vol. 28, No. 2, pp. 67-71). The workshop was held on January 28, 2002. No one appeared at the workshop. The department received no written comments on the proposed rule amendments.

STATE BOARD OF ADMINISTRATION

Florida Prepaid College Board

RULE TITLE: Application
RULE NO.: 19B-4.001

PURPOSE AND EFFECT: To clarify that Rule Chapters 19B-4 through 19B-13 and 19B-15, F.A.C, apply to advance payment contracts for the prepayment of postsecondary registration, local fees and or dormitory residency fees under the Florida Prepaid College Program, to adopt The Florida Prepaid College Plan and Florida College Investment Plan New Account Application by reference and establish the effective date of the form, and to update the Master Covenant for the Florida Prepaid College Program and establish the effective date of the form.

SUMMARY: This rule change is being made to provide greater clarity for the rules that apply to the Florida Prepaid College Program, to adopt The Florida Prepaid College Plan and Florida College Investment Plan New Account Application and to update the Master covenant for the Florida Prepaid College Program.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None prepared.

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

SPECIFIC AUTHORITY: 240.551(7)(a) FS.

LAW IMPLEMENTED: 240.551 FS.

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

TIME AND DATE: 2:00 p.m., October 21, 2002

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

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

THE FULL TEXT OF THE PROPOSED RULE IS:

19B-4.001 Application.

Rule Chapters 19B-4 through 19B-13 and 19B-15, F.A.C. ~~These rules~~ apply to purchasers of advance payment contracts for the prepayment of postsecondary registration, local fees and/or dormitory residency fees under the Florida Prepaid College Program, the "Program". The application period shall commence and terminate on dates set annually by the Board and published in the Florida Administrative Weekly. Applications for advance payment contracts purchased through the Board's direct support organization, The Florida Prepaid College Foundation, Inc., for purchasers participating in employer participation programs or by purchases pursuant to a court order may be submitted to the Board at any time. After acceptance by the Board of the purchaser's application, a participation and payment schedule ~~and master covenant~~ shall be mailed to the purchaser. The advance payment contract shall be composed of the application, master covenant, and participation and payment schedule. The Florida Prepaid College Plan and Florida College Investment Plan New Account Application Program, Form No. FPCB 2002-1 FPCP 2001-1, is hereby incorporated by reference and may be obtained by calling 1-800-552-GRAD (4723) (prompt 1). The effective date of the form is October 21, 2002 ~~October 15, 2001~~. The Florida Prepaid College Plan Program Master Covenant, Form No. FPCB 2002-2 FPCP 2001-2, is hereby incorporated by reference with an effective date of October 21, 2002 ~~October 15, 2001~~.

Specific Authority 240.551(6),(7)(a), 240.553(6),(7) FS. Law Implemented 240.551, 240.553 FS. History--New 3-29-89, Amended 2-6-90, 3-19-92, Formerly 4G-4.001, Amended 12-5-93, 5-31-95, 6-20-96, 10-20-96, 12-16-97, 2-18-99, 6-6-99, 2-8-00, 5-21-00, 1-7-01, 10-9-01,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Florida Prepaid College Board

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

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 20, 2002

STATE BOARD OF ADMINISTRATION

Florida Prepaid College Board

RULE TITLE: Payment Options

RULE NO.: 19B-4.003

PURPOSE AND EFFECT: To provide that payments for advance payment contracts may be made through check, automated clearinghouse check, money order and employer payroll deductions, and may not be made by means of credit card, electronic funds transfer, rollover distributions, third party checks of \$10,000.00 or more, traveler's checks or cashier's checks.

SUMMARY: This rule change adds provisions to the rule to specify the forms of payment that are acceptable for advance payment contracts and the forms of payment that are not acceptable.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None prepared.

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

SPECIFIC AUTHORITY: 240.551(5) FS.

LAW IMPLEMENTED: 240.551 FS.

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

TIME AND DATE: 2:00 p.m., October 21, 2002

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

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

THE FULL TEXT OF THE PROPOSED RULE IS:

19B-4.003 Payment Options.

Purchasers may make payments through a variety of means. Checks, automated clearinghouse checks, money orders, employer payroll deductions or payments via coupon books will be acceptable. State employees may elect payroll deduction from the commencement of the contract application period. Other organizations and entities may apply to the Board to establish payroll deduction plans. Payments may not be made by credit cards or other means of credit, electronic funds transfers, rollover distributions, third party checks of \$10,000.00 or more, traveler's checks or cashier's checks.

(1) Payments for applications received during the application period may be made under any schedule, on such specific date as specified by the Board and advertised in the Florida Administrative Weekly. Payments are due in full within the specified dates as published in the Florida Administrative Weekly.

(2) Payments for applications received from purchasers pursuant to an employer participation agreement may be made as specified by the agreement. The payment schedule will correspond with the employer's payroll schedule.

(3) An implied interest rate for installment payment plans will be calculated and approved by the Board and published annually in the Florida Administrative Weekly.

(4) The Board's direct support organization, The Florida Prepaid College Foundation, Inc., may purchase advance payment contracts by providing a lump sum payment on or

before March 1 of the Fall Semester of the anticipated enrollment year designated in the contract. Such payment shall be comprised of the lump sum price of the advance payment contract plus seven and one-half percent (7 1/2%) interest compounded per annum from the date of the first payment due date.

Specific Authority 240.551(5) FS. Law Implemented 240.551 FS. History--New 3- 29-89, Amended 2-6-90, 3-19-92, Formerly 4G-4.003, Amended 6-20-96, 6-6-99,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Florida Prepaid College Board

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

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 20, 2002

STATE BOARD OF ADMINISTRATION

Florida Prepaid College Board

RULE TITLE: Maximum Account Balance Limit

RULE NO.: 19B-4.005

PURPOSE AND EFFECT: To establish a maximum account balance limit for the Florida Prepaid College Program. Section 529 of the Internal Revenue Code requires that qualified tuition programs limit the amount of contributions to such programs. The maximum account balance limit will apply to the sum of the redemption value of an advance payment contract for a beneficiary and the account balance of any account in the Florida College Savings Program for the same beneficiary.

SUMMARY: This new rule provides that the maximum account balance limit for the Florida Prepaid College Program will be calculated by multiplying the qualified higher education expenses at the most expensive eligible institution as reported in the College Cost and Financial Aid Handbook, 2003, published by the College Board, by seven (7) and rounding the product down to the nearest \$1,000 increment. It provides that the Board will publish the amount of the maximum account balance limit annually in the Florida Administrative Weekly. It requires the Board to notify the purchaser that the Board cannot accept an application if the sum of the redemption value of the advance payment contract for the beneficiary, the redemption value of any existing contract and the account balance of an account in the Florida College Savings Program exceeds the maximum account balance limit.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None prepared.

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

SPECIFIC AUTHORITY: 240.551(7),(8),(11) FS.

LAW IMPLEMENTED: 240.551 FS.

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

TIME AND DATE: 2:00 p.m., October 21, 2002

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

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

THE FULL TEXT OF THE PROPOSED RULE IS:

19B-4.005 Maximum Account Balance Limit.

(1) The maximum account balance limit shall be determined annually by the Board. The maximum account balance limit shall be calculated by multiplying the qualified higher education expenses, including tuition fees, room and board, and supplies, at the most expensive eligible educational institution, as reported in College Cost and Financial Aid Handbook 2003, published by the College Board, by seven (7), and rounding the resulting product downward to the nearest \$1,000.00 increment. The maximum account balance limit shall not exceed the amount permitted pursuant to s. 529 of the Internal Revenue Code. The Board will publish the amount of the maximum account balance limit annually in the Florida Administrative Weekly. The redemption value of an advance payment contract plus the account balance in an account of the Florida College Investment Plan, for the same beneficiary shall not exceed the maximum account balance limit.

(2) For purposes of the maximum account balance limit, the redemption value of an advance payment contract for:

(a) Tuition and local fee plans shall be the then-current average amount of tuition and local fees, respectively, charged by the state universities or community colleges for the number of semester credit hours reflected in the contract.

(b) Dormitory plans shall be the then-current average of the state university dormitory fees for the dormitories specified for inclusion in the Prepaid Program and the number of semesters reflected in the contract.

(3) If the Board receives an application for a contract for a beneficiary and the sum of the redemption value of that contract, the redemption value of any existing contract for that beneficiary and the account balance of an account in the Florida College Investment Plan for that beneficiary exceeds the maximum account balance limit, the Board will notify the purchaser that the Board cannot accept the application.

Specific Authority 240.551(7),(8),(11) FS. Law Implemented 240.551 FS. History--New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
 Florida Prepaid College Board
 NAME OF SUPERVISOR OR PERSON WHO APPROVED
 THE PROPOSED RULE: Florida Prepaid College Board
 DATE PROPOSED RULE APPROVED BY AGENCY
 HEAD: June 23, 2002
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT
 PUBLISHED IN FAW: September 20, 2002

STATE BOARD OF ADMINISTRATION

Florida Prepaid College Board

RULE TITLE: Contract Purchasers
 RULE NO.: 19B-5.004
 PURPOSE AND EFFECT: To provide that any natural person named as the purchaser or co-purchaser of an advance payment contract must be at least 18 years of age or older and a United States citizen or a resident alien.

SUMMARY: This rule change will require that natural persons named as the purchaser or co-purchaser of an advance payment contract must be at least 18 years of age or older and either a United States citizen or a resident alien.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None prepared.

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

SPECIFIC AUTHORITY: 240.551(5) FS.

LAW IMPLEMENTED: 240.551 FS.

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

TIME AND DATE: 2:00 p.m., October 21, 2002
 PLACE: Suite 210, Hermitage Building, 1801 Hermitage Boulevard, Tallahassee, Florida

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

THE FULL TEXT OF THE PROPOSED RULE IS:

19B-5.004 Contract Purchasers.

Any person, corporation, or organization may purchase an advance payment contract for a qualified beneficiary. Co-purchasers are permitted, and will enjoy a right of survivorship. However, the purchaser may, without the consent or authorization of the co-purchaser, execute all contract changes, conversions, transfers, cancellations, and refund requests. Any request to change the purchaser designated on the advance payment contract must be signed by the purchaser and notarized by a notary. Refunds shall be made payable to

the purchaser only. If a purchaser terminates a contract pursuant to Rule 19B-10.002, the co-purchaser must be notified in writing. Any natural person named as the purchaser and co-purchaser must be 18 years of age or older and must be either a United States citizen or a resident alien.

Specific Authority 240.551(5) FS. Law Implemented 240.551 FS. History--New 3- 29-89, Amended 3-19-92, Formerly 4G-5.004, Amended 12-5-93, 6-20-96, 7-28-98,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
 Florida Prepaid College Board

NAME OF SUPERVISOR OR PERSON WHO APPROVED
 THE PROPOSED RULE: Florida Prepaid College Board
 DATE PROPOSED RULE APPROVED BY AGENCY
 HEAD: June 23, 2002
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT
 PUBLISHED IN FAW: September 20, 2002

STATE BOARD OF ADMINISTRATION

Florida Prepaid College Board

RULE TITLE: Fee Schedule
 RULE NO.: 19B-6.001
 PURPOSE AND EFFECT: To revise the fees applicable to the Florida Prepaid College Program.

SUMMARY: This rule change revises the fee schedule for the Florida Prepaid College Program to: (1) implement an increase in the Application Fee for the Florida Prepaid College Program; (2) provide an Application Fee for applications for both the Prepaid Program and the Florida College Savings Program and for applications to add an advance payment contract for a beneficiary of an account in the Florida College Savings Program; and (3) increase the amount of the Reinstatement Fee and the Insufficient Funds Fee.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None prepared.

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

SPECIFIC AUTHORITY: 240.551(5) FS.

LAW IMPLEMENTED: 240.551 FS.

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

TIME AND DATE: 2:00 p.m., October 21, 2002
 PLACE: Suite 210, Hermitage Building, 1801 Hermitage Boulevard, Tallahassee, Florida

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

THE FULL TEXT OF THE PROPOSED RULE IS:

19B-6.001 Fee Schedule.

The following fee schedule will apply for all advance payment contract applicants and purchasers:

(1) Application Fee

(a) A fifty dollar (\$50.00) ~~forty-two dollar (\$42.00)~~ nonrefundable application fee will be collected at the time an application is submitted for the Program.

(b) If the purchaser named on the application for the Program has a Florida College Investment Plan account and the designated beneficiary of that account is the same as beneficiary named on the application for the advanced payment contract, a thirty dollar (\$30.00) nonrefundable application fee will be collected at the time the application is submitted.

(c) If an application for both the Program and the Florida College Investment Plan is submitted on the same application, an eighty dollar (\$80.00) nonrefundable application fee will be collected at the time the application is submitted.

(d) A fee of ten dollars (\$10.00) will be assessed for any purchaser of a tuition plan who subsequently adds a dormitory plan to the previously purchased tuition plan.

(e) A fee of ten dollars (\$10.00) will be assessed for any purchaser of a tuition plan who subsequently adds the corresponding local fee plan to the previously purchased tuition plan.

(2) Termination Fee – Fifty percent (50%) of the amount paid into the plan up to a cap of fifty dollars (\$50.00) will be assessed upon termination of any plan purchased, unless:

(a) The purchaser or beneficiary dies or is disabled; or

(b) The beneficiary receives a scholarship which renders the plan unusable; or

(c) The purchaser holds the advance payment contract for a period of at least two years immediately preceding the request for termination and refund. The purchaser shall request a waiver of the termination fee at the time of the refund request. Only one termination fee will be assessed for a single termination request for both the university and dormitory plan. Documentation of one of the above events permitting the fee waiver shall also be submitted with the request.

(3) Cancellation Fee – In verifying the residency of a beneficiary, if the Board discovers that a purchaser has committed fraud, a cancellation fee of one hundred percent (100%) of the amount paid into the plan up to a maximum of two hundred fifty dollars (\$250.00) will be assessed, and the remainder of the amount paid into the plan will be automatically refunded to the purchaser.

(4) Late Fee.

(a) A late fee of ten dollars (\$10.00) will be assessed on each monthly payment received twenty (20) days past the due date. This charge shall be separate from and in addition to any termination fee that might be imposed pursuant to subsection

(2) of this rule. If both the tuition and local fee payments are received twenty (20) or more days past the due date, only the tuition account will be assessed a ten dollar (\$10.00) late fee. The Board will grant an additional four (4) days grace period when a federal holiday occurs within the twenty (20) days mentioned above.

(b) When a contract is terminated, not more than seventy dollars (\$70.00) in outstanding late fees may be deducted from the refund for the contract.

(c) When a contract is paid-in-full, the Board will waive:

1. Any outstanding late fees in excess of seventy dollars (\$70.00).

2. The outstanding late fee balance when the outstanding late fee balance is fifty dollars (\$50.00) or less.

(5) Insufficient Funds – Purchasers will automatically be assessed a twenty ten dollar (\$20.00 ~~40.00~~) fee for all payments returned for insufficient funds.

~~(6) Addition of a dormitory contract – A fee of ten dollars (\$10.00) will be assessed for any purchaser of a tuition plan who subsequently adds a dormitory plan to the previously purchased tuition plan.~~

~~(7) Addition of a local fee contract – A fee of ten dollars (\$10.00) will be assessed for any purchaser of a tuition plan who subsequently adds the corresponding local fee plan to the previously purchased tuition plan.~~

~~(6)(8) Outstanding fees – All outstanding fees must be paid by March 1 of the anticipated enrollment year in order for the qualified beneficiary to receive the contract benefits. Fees assessed after March 1 of the anticipated enrollment year and remaining unpaid on February 1 of the succeeding year will result in a suspension of the contract benefits.~~

~~(7)(9) Reinstatement Fee – A fifty dollar \$50.00 ~~\$42.00~~ fee shall be assessed for the reinstatement of a voluntarily canceled or involuntarily canceled account. This fee shall be due on each tuition, local fee and dormitory account. The fee shall be due from the purchaser at the time the request for reinstatement is made and shall be in addition to all payments and fees required to bring an account current.~~

Specific Authority 240.551(5) FS. Law Implemented 240.551 FS. History–New 3-29-89, Amended 2-6-90, 3-19-92, 8-23-92, Formerly 4G-6.001, Amended 12-5-93, 6- 20-96, 12-16-97, 2-18-99, 2-8-00, 11-6-01,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Florida Prepaid College Board

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

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 20, 2002

STATE BOARD OF ADMINISTRATION

Florida Prepaid College Board

RULE TITLE: Beneficiary Defined
 RULE NO.: 19B-7.001

PURPOSE AND EFFECT: To provide that the qualified beneficiary of an advance payment contract must be either a United States citizen or a resident alien.

SUMMARY: This rule change will require that the qualified beneficiary of an advance payment contract be either a United States citizen or resident alien.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None prepared.

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

SPECIFIC AUTHORITY: 240.551(2),(5) FS.

LAW IMPLEMENTED: 240.551 FS.

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

TIME AND DATE: 2:00 p.m., October 21, 2002

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

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

THE FULL TEXT OF THE PROPOSED RULE IS:

19B-7.001 Beneficiary Defined.

For each annual application period, a qualified beneficiary is defined as an individual who is under the age of 21 on the first day of the month in which the application period begins, has not completed the 11th grade, and is either:

- (1) A resident of Florida, or
- (2) A non-resident who is the child of a non-custodial parent who is a resident of this state. Documentation shall be in such form as required by the Board and may include a copy of the court order.

The qualified beneficiary must be either a United States citizen or a resident alien.

Specific Authority 240.551(2),(5) FS. Law Implemented 240.551 FS. History—New 3-29-89, Amended 2-6-90, Formerly 4G-7.001, Amended.

NAME OF PERSON ORIGINATING PROPOSED RULE: Florida Prepaid College Board
 NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Florida Prepaid College Board
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 23, 2002

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 20, 2002

STATE BOARD OF ADMINISTRATION

Florida Prepaid College Board

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

PURPOSE AND EFFECT: To revise the definitions that apply to the Florida College Savings Program and Rule Chapter 19B-16, F.A.C.

SUMMARY: This rule change revises the definitions of terms used in Rule Chapter 19B-16, F.A.C., or that apply to the Florida College Savings Program.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None prepared.

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

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

LAW IMPLEMENTED: 240.553 FS.

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

TIME AND DATE: 2:00 p.m., October 21, 2002

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

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

THE FULL TEXT OF THE PROPOSED RULE IS:

19B-16.001 Application of Rule Chapter; Definitions.

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

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

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

(b) “Account balance” means the amount remaining in an account, including all contributions to the account, investment gains or losses, after deduction of any applicable fees authorized in Rule 19B-16.012, F.A.C ~~the management fee.~~

(c) "Application" means the Florida Prepaid College Plan and Florida College Investment Plan New Account Application and the Florida College Investment Plan Add-On Application, Savings Program form adopted pursuant to Rule 19B-16.002, F.A.C.

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

(e) "Benefactor" means the a person who is designated on the application as the account owner, unless the benefactor was subsequently changed pursuant to Rule 19B-16.006, F.A.C who submitted a completed application together with the minimum contribution to the Program required pursuant to Rule 19B-16.004. The benefactor is the owner of the account established for the designated beneficiary named in the application.

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

(g) "Contingent benefactor" means a person designated on the application as the survivor, unless the benefactor has subsequently changed the contingent benefactor pursuant to Rule 19B-16.008. The contingent benefactor enjoys only the rights set forth in Rule 19B-16.008, F.A.C.

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

(i) "Designated beneficiary" means the same as that term is defined in s. 529 of the Internal Revenue Code and is the person designated on the application as the beneficiary, unless the benefactor changed the designated beneficiary pursuant to Rule 19B-16.007, F.A.C.

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

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

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

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

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

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

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

~~(p)(q)~~ "Program" means the Florida College Savings Program (the "Florida College Investment Plan").

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

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

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

~~(s)(u)~~ "Rollover distribution" means the transfers described in Rule 19B-16.009, F.A.C. Rollover distributions into the Program must be made by check, money order or electronic funds transfer.

Specific Authority 240.553(6)(a),(7),(8) FS. Law Implemented 240.553 FS. History--New 5-30-02, Amended.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Florida Prepaid College Board

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

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 20, 2002

STATE BOARD OF ADMINISTRATION

Florida Prepaid College Board

RULE TITLE: RULE NO.:

Maximum Account Balance Limit 19B-16.005

PURPOSE AND EFFECT: To revise and update the information source used to determine the maximum account balance limit for the Florida College Savings Program and revise how the maximum account balance limit applies to the Florida College Savings Program and the Florida Prepaid College Program.

SUMMARY: This rule change: (1) revises and updates the information source used to determine the maximum account balance limit for the Florida College Savings Program; (2) provides that the redemption value of an advance payment contract in the Florida Prepaid College Program and the account balance of an account in the Florida College Savings Program, for the same beneficiary may not exceed the maximum account balance limit; and (3) provides that if the Board receives a contribution for a designated beneficiary and the sum of that contribution, the account balance of an account in the Florida College Savings Program for that beneficiary and the redemption value of an advance payment contract under the Florida Prepaid College Program for the same beneficiary exceeds the maximum account balance limit, the Board will return the excess.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None prepared.

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

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

LAW IMPLEMENTED: 240.553 FS.

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

TIME AND DATE: 2:00 p.m., October 21, 2002

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

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

THE FULL TEXT OF THE PROPOSED RULE IS:

19B-16.005 Maximum Account Balance Limit.

(1) The maximum account balance limit shall be determined annually by the Board. The maximum account balance limit shall be calculated by multiplying the qualified higher education expenses, including tuition fees, room and board, and supplies, at the most expensive eligible educational institution, as reported in College Cost and Financial Aid Handbook 2003 2002, published by the College Board, by seven (7), and rounding the resulting product downward to the nearest \$1,000.00 increment. The maximum account balance limit shall not exceed the amount permitted pursuant to s. 529 of the Internal Revenue Code. The Board will publish the amount of the maximum account balance limit annually in the Florida Administrative Weekly. The account balance for a designated beneficiary plus the redemption value of an advance payment contract under the Florida Prepaid College Plan for the same beneficiary shall not exceed the account balance limit. However, accounts for a designated beneficiary that have reached the maximum account balance limit may continue to accrue investment earnings. The redemption value of an advance payment contract shall be as provided in Rule 19B-4.005(2), F.A.C.

(2) If the Board receives contributions for a designated beneficiary and the sum of the new contribution, the account balance for that designated beneficiary, and the redemption value of any advance payment contract under the Florida Prepaid College Plan for that beneficiary exceeds that exceed the maximum account balance limit, the Board shall return the excess to the person making the contribution.

Specific Authority 240.553(6),(7),(8) FS. Law Implemented 240.553 FS. History--New 5-30-02, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Florida Prepaid College Board

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

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 20, 2002

STATE BOARD OF ADMINISTRATION

Florida Prepaid College Board

RULE TITLE: Termination and Withdrawal; Distributions

RULE NO.: 19B-16.010

PURPOSE AND EFFECT: To provide for additional circumstances when an account in the Florida College Savings Program may be voluntarily terminated and will be involuntarily terminated, to revise the requirements for requesting a distribution from an account and for extending the period for the use of an account.

SUMMARY: This rule change provides that an account in the Florida College Savings Program may be voluntarily terminated by the benefactor at any time by submitting a notarized request for a rollover distribution of the entire account balance to another qualified tuition program and will be involuntarily terminated by the Board if the benefactor fails to provide the Board with all information required to complete the benefactor's application for 120 days after the Board receives the application. In addition, this rule change deletes the requirement that requests for distributions be notarized and that requests to extend the time to use an account be notarized.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None prepared.

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

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

LAW IMPLEMENTED: 240.553 FS.

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

TIME AND DATE: 2:00 p.m., October 21, 2002

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

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

THE FULL TEXT OF THE PROPOSED RULE IS:

19B-16.010 Termination and Withdrawal; Distributions.

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

(b) A benefactor may voluntarily terminate a participation agreement at any time by submitting a written, notarized request for a rollover distribution of the entire Account Balance. Any written request for a rollover distribution of the entire Account Balance must indicate the qualified tuition program to which said rollover distribution is to be made and will be processed within thirty (30) days following receipt of the request by the Board.

~~(c)~~(b) A participation agreement shall be deemed to have been voluntarily cancelled when the benefactor requests a distribution of all funds in the account so that the account balance is zero. However, the benefactor of an account that has been voluntarily cancelled may reactivate the account and the participation agreement at any time by making a contribution to the account.

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

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

(b) When a benefactor has failed to provide the Board with all information required to complete the benefactor's application for 120 days after the Board receives the application. The Board will notify the benefactor in writing of any information that is required to complete the application.

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

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

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

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

Specific Authority 240.553(6),(8),(9) FS. Law Implemented 240.553 FS. History--New 5-30-02, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Florida Prepaid College Board
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Florida Prepaid College Board
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 23, 2002
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 20, 2002

**STATE BOARD OF ADMINISTRATION
Florida Prepaid College Board**

RULE TITLE: Fee Schedule
RULE NO.: 19B-16.012

PURPOSE AND EFFECT: To establish the fees that apply to the Florida College Savings Program and accounts in the Program.

SUMMARY: This rule establishes the following fees for the Florida College Savings Program: (1) the Application Fee; (2) Insufficient Funds Fees; (3) Administration Fee; and (4) the Termination Fee. The rule establishes the amount of each fee or how each fee will be determined.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None prepared.

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

SPECIFIC AUTHORITY: 240.551(5),(7), 240.553(6),(7) FS.
LAW IMPLEMENTED: 240.551, 240.553 FS.

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

TIME AND DATE: 2:00 p.m., October 21, 2002
 PLACE: Suite 210, Hermitage Building, 1801 Hermitage Boulevard, Tallahassee, Florida
 THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Thomas J. Wallace, Executive Director, 1801 Hermitage Boulevard, Suite 210, Tallahassee, Florida 32308, (850)488-8514

THE FULL TEXT OF THE PROPOSED RULE IS:

19B-16.012 Fee Schedule.

The following fee schedule will apply to all participation agreements, benefactors and designated beneficiaries:

(1) Application Fee.

(a) A fifty dollar (\$50.00) nonrefundable application fee will be collected at the time an application is submitted.

(b) If a benefactor named on an application has a Florida Prepaid College Plan advance payment contract and the qualified beneficiary of that contract is the same as designated beneficiary named on the application for the Program, a thirty dollar (\$30.00) nonrefundable application fee will be collected at the time the application is submitted.

(c) If an application for both the Florida Prepaid College Plan and the Program is submitted on the same application, an eighty dollar (\$80.00) nonrefundable application fee will be collected at the time the application is submitted.

(2) Insufficient Funds – Benefactors will automatically be assessed a twenty dollar (\$20.00) fee for all payments returned for insufficient funds.

(3) Administration Fee – The Board will annually determine the amount of the administration fee that will apply to all accounts. The amount of the administration fee will be published annually in the Florida Administrative Weekly. The Board will determine the amount of the administration fee based on the total amount invested in the Program by all benefactors, the amounts of the fees that the Board must pay for investment management services, trustee services, records administration services, marketing services, and customer services and the annual budget of the Board, which has been approved by the State Board of Administration. The administration fee will be expressed as a basis point charge against the account balance (a percentage of the account balance). The administration fee will be deducted from each account automatically on a daily basis.

(4) Termination Fee – Benefactors will automatically be assessed a fifty dollar (\$50.00) for the termination of any account pursuant to paragraphs 19B-16.010(1)(a) or (b), (2)(a) or (c), or (3), F.A.C. The termination fee will not be collected when an account is terminated due to the death or disability of the designated beneficiary or the receipt by the designated beneficiary of a scholarship; provided the Board receives documentation of those circumstances.

Specific Authority 240.551(5),(7), 240.553(6),(7) FS. Law Implemented 240.551, 240.553 FS. History–New

NAME OF PERSON ORIGINATING PROPOSED RULE: Florida Prepaid College Board
 NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Florida Prepaid College Board
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 23, 2002
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 20, 2002

WATER MANAGEMENT DISTRICTS

Suwannee River Water Management District

RULE CHAPTER TITLE:	RULE CHAPTER NO.:
Environmental Resource and Works	40B-4
of the District Permits	
RULE TITLE:	RULE NO.:
Publications and Agreements	
Incorporated by Reference	40B-4.1090

PURPOSE AND EFFECT: The District references the floodway as a Work of the District consistent with Section 373.019(23), F.S. This amendment will identify the floodway referred to in 40B-4, part III, F.A.C., as described in the Final Survey – Review Report Suwannee River Georgia and Florida, July 1989, US Army Corps of Engineers, Jacksonville District and will help the public identify the floodway as required for the Aucilla, Alapaha, Santa Fe, Suwannee and Withlachochee rivers.

SUMMARY: This change will identify the District’s reference to the floodway in Chapter 40B-4, part III, F.A.C., as described by the Final Survey – Review Report Suwannee River, Georgia and Florida, July 1989, US Army Corps of Engineers, Jacksonville District.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None.

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

SPECIFIC AUTHORITY: 373.044, 373.083, 373.084, 373.085, 373.086, 373.114 FS.

LAW IMPLEMENTED: 373.413, 373.416 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):

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Linda Welch, Suwannee River Water Management District Headquarters, 9225 County Road 49, Live Oak, Florida 32060, (386)362-1001

THE FULL TEXT OF THE PROPOSED RULE IS:

40B-4.1090 Publications and Agreements Incorporated by Reference.

The Governing Board hereby adopts by reference: Final Survey – Review Report Suwannee River Georgia and Florida, July 1989, US Army Corps of Engineers, Jacksonville District used to establish the floodway for the Works of the District identified in Chapter 40B-4, part III, F.A.C.

Specific Authority 373.044, 373.083, 373.084, 373.085, 373.086, 373.114 FS. Law Implemented 373.413, 373.416 FS. History–New

NAME OF PERSON ORIGINATING PROPOSED RULE:
David Still, Director, Department of Resource Management, 9225 CR 49, Live Oak, Florida 32060, (386)362-1001

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Suwannee River Water Management District Governing Board

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 10, 2002

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: November 30, 2001

WATER MANAGEMENT DISTRICTS

South Florida Water Management District

RULE CHAPTER TITLE:	RULE CHAPTER NO.:
Public Use Guide	40E-7
RULE TITLES:	RULE NOS.:
Policy and Purpose	40E-7.511
Scope and Applicability	40E-7.520
Definitions	40E-7.521
Access to Management Areas; Closures	40E-7.523
Use of Vehicles, Airboats, and Aircraft;	
Navigational Restrictions	40E-7.525
Equestrian Activities; Use of Saddle Animals	40E-7.526
Hunting; Possession and Use of Firearms	40E-7.527
Overnight Camping	40E-7.529
Operating Hours	40E-7.532
Special Use Licenses	40E-7.534
General Prohibitions	40E-7.537
Establishment of South Florida Water	
Management District Management	
Areas Open to the Public	40E-7.538
Penalties	40E-7.539

PURPOSE AND EFFECT: This rule making concerns proposed revisions to the document entitled, “Public Use Guide for Designated Land Management Areas” (PUG). The proposed revisions provide that lands acquired by the District under the Save Our Rivers and Preservation 2000 programs are made available to the public for recreational use and enjoyment, while protecting natural resources and ecosystems. Regulations concerning the use of certain existing management areas are to be amended and new management areas are to be added, and others may be deleted.

SUMMARY: Changes to the rule and PUG may be considered based upon the Rule Making process, including public input and additional staff analysis.

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 within 21 days of this notice.

SPECIFIC AUTHORITY: 279.101, 373.044, 373.113, 373.171 FS.

LAW IMPLEMENTED: 259.101, 373.016, 373.056, 373.103, 373.59 FS.

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

TIME AND DATE: 9:00 a.m., November 14, 2002

PLACE: South Florida Water Management District Headquarters, Auditorium, 3301 Gun Club Road, West Palm Beach, Florida

Although Governing Board meetings, hearings, and workshop are normally recorded, affected person are advised that it may be necessary for them to ensure that a verbatim record of the proceeding is made, including the testimony and evidence upon which any appeal is to be based. Persons with disabilities who need assistance may contact the District Clerk, (561)686-8800, at least two business days in advance of the meeting to make appropriate arrangements.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Fred Davis, South Florida Water Management District, Post Office Box 24680, Mail Stop Code 5720, West Palm Beach, FL 33416-4680, telephone 1(800)432-2045, Extension 6636, or (561)682-6636, internet: fdavis@sfwmd.gov

THE FULL TEXT OF THE PROPOSED RULES IS:

40E-7.511 Policy and Purpose.

The purpose of the rule in this part is to further implement the legislative intent expressed in Sections 259.101, 373.016(2)(h), 373.1391, 373.1395, and 373.59(11), F.S., and District Land Management Policy 5.001, and therefore, to establish regulations governing public access to certain District lands and use of said lands for ~~outdoor general public~~ recreational and allied purposes. It is the intent of these regulations to protect the water resources, native plant communities, fish and wildlife populations, and related natural ~~related~~ features of these lands together with any cultural improvements thereon.

Nothing contained in these regulations shall be construed as an assurance by the District that said management areas are safe for any purpose, that the District has a duty of care toward any person entering said lands or that the District is responsible for

any injuries or damage to persons or property caused by an act or omission of any person who enters said management areas, including invitees, licensees, trespassers or other persons.

Specific Authority 279.101, 373.044, 373.113, 373.171 FS. Law Implemented 259.101, 373.016, 373.056, 373.103, 373.1391, 373.1395, 373.59 FS. History--New 5-24-94, Amended 9-10-98.

40E-7.520 Scope and Applicability.

(1) Everglades Water Conservation Areas One, Two and Three are exempt and will not be affected or governed by these rules.

(2) The general regulations contained herein are broad in scope and applicable to all management areas.

(3) The regulations are applicable to all persons entering upon, using, or visiting said management areas.

(4) A copy of the regulations contained herein shall be posted at entry points, activity areas, and recreation sites equipped with bulletin boards or otherwise made reasonably available to the public.

(5) The District shall publish and make available to the public, upon request, a "Public Use Guide for Designated Land Management Areas". The Public Use Guide will be considered by the Governing Board at a public meeting advertised in accordance with Chapter 120, F.S. Only rules adopted by the Governing Board shall be effective. Copies of the Public Use Guide are available during working hours from the District headquarters.

(6) Consistent with the environmental sensitivity of these areas and the purposes for which the lands were acquired, and all rights, privileges, and protections afforded by the provisions of Section 373.1395, F.S., all management areas (including park areas, other land areas, and water areas) are hereby deemed open and available to the public for outdoor general public recreational purposes and access unless otherwise limited, restricted, or prohibited by special provision in this Rule, by specific provision included in the Governing Board's designated boundary change to an existing management area or the Governing Board's creation of a new management area, or as set forth in the Public Use Guide. Nothing in this rule shall prevent other federal, state, or local agencies, including but not limited to those with management contracts with the District, from requiring compliance with their own rules, regulations, or laws to the fullest extent of their lawful authority.

(7) Any signage restricting the use of portions of the management areas (including District land areas, park areas, or water areas) shall only apply to the property or area set forth in or delineated by such signage and a presumption shall exist that all other portions of the management areas (including District lands, park areas and water areas) specifically identified are open and available for outdoor recreational purposes unless otherwise limited, restricted or prohibited by the Governing Board. This provision shall not be construed to impede enforcement of trespass statutes including but not limited to Chapter 810, F.S.

Specific Authority 373.044, 373.113 FS. Law Implemented 373.016, 373.056, 373.1391, 373.139, 373.1395, 373.1401, 373.59 FS. History--New 5-24-94, Amended 11-12-95, 1-7-97, 11-13-97, 9-10-98.

40E-7.521 Definitions.

When used in this part:

(1) "Activity area" means a zone within a management area designated for specific recreational activities.

~~(2)~~(4) "Access Entry point means a designated location or boundary for public access to a management area.

~~(3)~~(2) "Allied purposes" means other related outdoor activities including, but not limited to, frogging, photography, painting, environmental education, and nature study.

(4) "Camping" means to use a vehicle, tent or shelter, or to arrange bedding or both with the intent to stay overnight.

~~(5)~~(3) "Designated road" means any road, path, lane, or trail officially designated by name or number for public vehicular travel.

~~(6)~~(5) "Outdoor General-public recreational purposes" means natural resource based outdoor recreational activities including, but not limited to, fishing, hunting, horseback riding, bicycling, swimming, camping, hiking, canoeing, boating, airboating, diving, birding, sailing, ~~and~~ jogging, picnicking, pleasure driving, nature study, water skiing, motorcycling, and visiting historical, archaeological, scenic or scientific sites.

~~(7)~~(6) "Management area" means:

(a) Any Save Our Rivers land, other District land, or combination thereof, listed in the Public Use Guide and managed as a single and distinct unit for the purpose of restoring, preserving, and protecting the water and related environmental resources of said area, including regulating the public uses thereon; and

(b) Any such lands, acquired by the District since the most recent update of the Public Use Guide and designated by the Governing Board as a boundary change of contiguous lands to an existing management area, or by the creation of a new management area.

~~(8)~~(7) "Management Unit means a portion of any Save Our Rivers land or other District land within a management area that requires a specific public use regulation due to legal, cultural or environmental factors uniquely affecting the specific unit of land, but which is not applicable to the entire management area.

~~(9)~~(8) "Natural Resources" mean water, soils, flora, and fauna.

(10) "Primitive Camping" means no amenities are provided.

~~(11)~~(9) "Public Use Guide" means the document updated and approved Bi-annually by the Board which sets forth management areas, the general rules and regulations governing public use, and any special provisions applicable thereto, and

shall also include periodic supplements as to those management area lands referenced in paragraph 40E-7.521(6)(b), F.A.C., above.

~~(12)(10)~~ "Recreation site" means an improved or unimproved site established to facilitate public use of a designated management area.

~~(13)(11)~~ "Recreational trail" means riding, hiking, canoeing, bicycling, or jogging trails for use by the public.

~~(12) "Primitive Camping" means no amenities are provided.~~

(14) "Saddle animal" means any animal used to transport a person or property.

Specific Authority 373.019, 373.044, 373.113, 373.171 FS. Law Implemented 373.016, 373.056, 373.069, 373.0693, 373.073, 373.079, 373.083, 373.103, 373.1391, 373.59 FS. History--New 5-24-94, Amended 9-10-98, _____.

40E-7.523 Access to Management Areas; Closures.

(1) Access to management areas by the general public is only authorized at designated entry points. Designated entry points for specific management areas shall be set forth in the Public Use Guide, or by specific provisions included in the Governing Board's designated boundary change to an existing management area or the Governing Board's creation of a new management area or management unit.

(2) Management areas or portions of management areas shall be closed to public use under the following conditions:

(a) When necessary for public safety such as during wildfires or prescribed burns.

(b) When necessary during emergency conditions such as floods severe weather events, or wildfire danger for public safety and the protection of natural resources. Such closures shall require the approval of the Executive Director and concurrence of the Governing Board. In no event shall such closures exceed thirty (30) days duration absent reconsideration and approval by the Governing Board.

(c) When necessary, in the District's judgement, based upon available information at the time, on a temporary, seasonal or permanent basis to protect natural, historic or archaeological resources. Such closures, to the extent they exceed thirty (30) days, shall require advance public notice and approval by the Governing Board.

(d) When necessary for construction, operation or maintenance activities, such as the Kissimmee River restoration project.

(3) Temporary closures of management areas or portions of management areas will be posted at authorized points of entry to said areas.

Specific Authority 373.044, 373.113 FS. Law Implemented 373.016, 373.119, ~~373.1391~~ ~~373.139~~, 373.59 FS. History--New 5-24-94, Amended 1-1-01, Repromulgated.

40E-7.525 Use of Vehicles, Airboats, and Aircraft; Navigational Restrictions.

(1) Vehicular travel within management areas is limited to the operation of vehicles licensed for highway use by licensed drivers on designated roads unless otherwise specified in the Public Use Guide.

(2) Management areas or portions of management areas open to off-road travel by licensed or unlicensed swamp buggies, tracked vehicles, and other types of off-road or all terrain vehicles, shall be specified in the Public Use Guide.

(3) Under Section 316.192, F.S., driving a vehicle in willful and wanton disregard for the safety of persons or property is reckless driving. Pursuant to Section 316.1925, F.S., any persons who drive vehicles on management areas shall drive in a careful and prudent manner, having regard for the width, grade, curves, corners, traffic and all other attendant circumstances, so as not to endanger the life, limb or property of any person. Failure to drive in such a manner is punishable under Section 316.655, F.S.

(4) Motorized vehicle operators shall comply with posted speed limits on management area roads. If no speed limit is posted, the speed limit is 20 mph. Speed limits are not applicable to airboats and off-road vehicles, except when the latter are operated on management area roads.

(5) Bicycles, horse-drawn carriages and buggies are considered motorized vehicles for the purpose of this rule except that the operators of these conveyances are not required to possess a valid driver's license.

~~(6) Saddle Horses and other saddle animals are not considered to be vehicles for the purpose of this rule.~~

(7) Airboats may be operated in management area floodplains and littoral zones unless otherwise specified in the Public Use Guide.

(8) The take off or landing of either motorized or non-motorized conventional or model aircraft such as airplanes, helicopters, ultra lights, gliders, and hang gliders, on management units is prohibited unless otherwise specified in the Public Use Guide.

(9) Any restrictions to navigation established pursuant to state or federal law, applicable to management areas, shall be specified in the Public Use Guide and reasonably identified in the field by appropriate signs.

Specific Authority 373.044, 373.113 FS. Law Implemented 316.192, 316.1925, 316.655, 373.016, 373.1391 ~~373.139~~, 373.59 FS. History--New 5-24-94, Amended 9-10-98, _____.

40E-7.526 Equestrian Activities; Use of Saddle Animals.

(1) Management areas open to equestrian activities and the use of saddle animals shall be specified in the Public Use Guide.

(2) Where authorized, the use of horses and other saddle animals shall be permitted on all designated roads, other roads, firebreaks, dikes, and ditch banks unless otherwise specified in the Public Use Guide.

(3) The use of ~~horses and other~~ saddle animals on designated hiking trails shall be prohibited.

(4) Saddle animals on District owned land must possess proof of negative Coggins test.

Specific Authority 373.044, 373.113 FS. Law Implemented 316.192, 316.1925, 316.655, 373.016, 373.1391 ~~373.139~~, 373.59 FS. History—New 5-24-94 Amended 9-10-98, _____.

40E-7.527 Hunting; Possession and Use of Firearms.

(1) Consistent with Chapter 790, F.S., and other applicable provisions of local, state and federal law, such as the rules of the Florida Fish and Wildlife Conservation Commission and the United States Department of Interior, Fish and Wildlife Service, hunting, unlawful possession, discharge, and use of firearms, archery equipment, trapping devices and the releasing of free-running hunting dogs are prohibited on management areas unless the land is opened as a public hunting area and these uses are authorized in the specific public hunting area regulations.

(2) Public hunting on management areas is administered by the Florida Fish and Wildlife Conservation Commission, or the U.S. Department of the Interior, Fish and Wildlife Service in cooperation with the District. If a public hunting management area is included in a management public hunting area, it shall be posted as prescribed by Chapter 810, F.S. Management areas currently established as public hunt areas are noticed in the Public Use Guide.

(3) Public hunting areas shall only be established on management areas with approval of the Board. Board approval shall be given at a public meeting, which shall be advertised as required by Chapter 120, F.S. The District may enter into management agreements with the entity to be responsible for managing the public hunting on the management area. Agreements between the District and the Florida Fish and Wildlife Conservation Commission or the United States Fish and Wildlife Service are considered to be authorizations to remove designated game species. The agreements will be available at the District headquarters for review by the public.

Specific Authority 373.044, 373.113 FS. Law Implemented 373.016, 373.1391 373.1401, 373.59, 790, 810.09 FS. History—New 5-24-94, Amended 9-14-00, 1-1-01, _____.

40E-7.529 Overnight Camping.

(1) Overnight, primitive camping on management areas is permitted unless otherwise specified in the Public Use Guide.

(2) Any restrictions applicable to overnight camping shall be specified in the Public Use Guide.

(3) Designated campsites and amenities within specific management areas shall be specified in the Public Use Guide and reasonably identified in the field by appropriate signs or markers.

(4) Overnight camping or the presence of camping equipment shall at all campgrounds will be limited to five (5) consecutive days, unless authorized by Special Use License.

Specific Authority 373.044, 373.113 FS. Law Implemented 373.016, 373.1391 ~~373.139~~, 373.59 FS. History—New 5-24-94, Amended 11-13-97, 9-10-98, _____.

40E-7.532 Operating Hours.

Management areas shall be open to public use twenty-four (24) hours a day except during authorized closures as set forth in subsection 40E-7.523(2) above or unless otherwise specified in the Public Use Guide.

Specific Authority 373.044, 373.113 FS. Law Implemented 373.016, 373.119, 373.1391 ~~373.139~~, 373.59 FS. History—New 5-24-94, Repromulgated _____.

40E-7.534 Special Use Licenses.

(1) A Special Use License, issued at no cost to the public, shall be required to engage in select activities on management areas identified by the Governing Board during the BI-annual update of the Public Use Guide, as set forth in subsection 40E-7.521(9), above, when determined necessary to protect the natural resources of said areas, prevent overuse of facilities, or to avoid conflicts between users. Management Areas with Special Use License requirements, including the daily quota for each management area, shall be specified in the Public Use Guide.

(2) A Special Use Application and License shall be submitted to the District on Form #0830. Upon receipt of a properly completed Special Use Application and License Form #0830, the District's Division Department of Land Stewardship shall issue Special Use Licenses on a first come first served basis until the daily quota established by the District for that activity is reached.

(3) Special Use Licenses shall only be valid for the dates shown on the License and must be in the possession of the applicant while on the management area. If the applicant is a group, then the license must be in the possession of the designated group leader.

(4) Persons wishing to obtain a Special Use License, when required by the District, may apply in person, call, or write to request a copy of Special Use Application and License Form #0830 from the District at the following:

- (a) Division of Department of Land Stewardship
South Florida Water Management District
Post Office Box 24680
3301 Gun Club Road
West Palm Beach, FL 33416-4680
Telephone: (516)686-8800 or Florida WATS
1(800)432-2045, or

(b) From the applicable service center as set forth in the special provisions for the specific management area, or

(c) From the District's web site: www.sfwmd.gov

(5) In the event the daily quota has been reached, the District shall notify the Special Use License applicant that the District intends to deny the application, and the applicant may request further consideration by the Governing Board.

(6) The Executive Director, or his designee, shall revoke a Special Use License if the licensee violates any provisions of this Rule or the Special Use License.

(7) Special Use Licenses shall be issued by the District's Land Stewardship Department in accordance with the provisions of this section, for the purpose of providing mobility impaired persons the opportunity to use motorized vehicles to access portions of the management areas not otherwise open to motorized vehicles. Licenses for this purpose will be issued upon request, including proof of mobility impairment, as long as the requested use will not adversely impact the resource, impair the safety and welfare of the user, interfere with the reasonable use by others, or result in substantial financial obligations by the District to accommodate the user. Mobility impaired hunting permits shall be issued by the Florida Fish and Wildlife Conservation Commission.

(8) Any person prohibited from entering onto District land by a court order shall not be eligible to apply for a Special Use License, during the prohibition period.

Specific Authority 373.044, 373.113 FS. Law Implemented 373.016, ~~373.1391~~ 373.139, 373.59 FS. History—New 5-24-94, Amended 9-10-98, 1-1-01, _____.

40E-7.537 General Prohibitions.

The following shall be prohibited on all management areas:

(1) Parking a motor vehicle in an unauthorized location or in a manner blocking roads, levees, maintenance berms, gates, or water control structures.

(2) Discharging firecrackers, rockets, or any other fireworks.

(3) Pets, other than leashed dogs and service animals under the control of the owner. This prohibition does not apply to hunting dogs utilized in conjunction with an approved hunting program where the use of dogs is permitted.

(4) Destroying, defacing, or removing any natural feature or native plant, including the felling ~~falling~~ of dead trees.

(5) Destroying, injuring, defacing, removing, or disturbing in any manner any public building, tower, recorder, gage, sign, gate, fence, equipment, monument, marker, or other structure or improvement.

(6) Destroying or damaging scientific study plots, photo points, transect lines, or survey markers.

(7) Trespassing on, operating, or interfering with the operation of water control structures.

(8) Discharging or disposing of oil, gasoline, or other chemicals and wastes.

(9) Servicing or maintaining vehicles and equipment except when in conjunction with authorized recreational activities and allied purposes.

(10) Disposing of any garbage, including paper, cans, bottles, waste materials, and rubbish other than in containers provided for such disposition.

(11) Draining or dumping refuse or waste from any travel trailer, camper, mobile home or recreation vehicle other than in places or receptacles designated for such use.

(12) Cleaning fish, game, or food at potable watering stations or in rest rooms, or washing clothing or articles of household use at such facilities.

(13) Using refuse containers or other refuse facilities for disposal of household or commercial garbage or trash.

(14) Installing, erecting, or maintaining any unauthorized camp, building, structure, or sign.

(15) Building a fire other than in an authorized campsite or picnic area or outside of grills, fireplaces, or fire rings provided by the District or other authorized management agency for such purpose. This prohibition does not apply to portable campstoves or grills provided by the user.

(16) Selling or offering for sale any merchandise without the prior written consent of the District's Governing Board. Requests to the District for consent shall be made in writing, directed to the Land Stewardship Division – Land Management Department, and shall be submitted not less than 28 days prior to the regularly scheduled Governing Board Meeting for consideration. Consideration to such consent shall be given at a regularly scheduled meeting of the District's Governing Board. Although the Board's analysis of requests to sell merchandise within a management area is primarily site specific in nature, consideration shall be given to such factors as: immediate and potential impact on the environment, immediate and potential impact on members of the public using the management area, the size of the management area in relation to the area impacted by the proposed sale, and overall benefits to the public.

(17) Operating bicycles on trails closed to such use.

(18) Erecting or maintaining tree stands on District lands more than 10 days before or more than 10 days after any authorized hunting season.

Specific Authority 373.044, 373.113 FS. Law Implemented 373.016, ~~373.1391~~ 373.139, 373.59 FS. History—New 5-24-94, Amended 9-10-98, _____.

40E-7.538 Establishment of South Florida Water Management District Management Areas Open to the Public.

The South Florida Water Management District does hereby establish the following areas as Management Areas that are open to the public for outdoor recreational purposes under the General and Specific Rules of the District, located in Chapter 40E-7, F.A.C., and under Rules and Ordinances of cooperating management entities.

(1) Tibet Butler Management Area located in Orange County.

(a) Public use of the management area is governed primarily by Regulations of the Orange County Parks and Recreation Department and Orange County Ordinance.

(b) District Public Use Rules are supplemental to Regulations of the Orange County Parks and Recreation Department and Orange County Ordinance.

(2) Shingle Creek Management Area located in Osceola and Orange Counties.

(a) Persons may enter the management area at designated access points.

(b) The use and possession of a bicycle is permitted only when in the possession of a Special Use License.

(c) Hunting is prohibited.

(d) Camping is prohibited.

(e) Airboating is prohibited.

(f) The use and possession of a saddle animal is prohibited.

(3)(2) Lake Marion Creek Management Area located in Osceola and Polk Counties.

(a) Certain pPublic uses of the management area are is governed primarily by Regulations of the Florida Fish and Wildlife Conservation Commission.

(b) District Public Use Rules are supplemental to Regulations of the Florida Fish and Wildlife Conservation Commission.

(c) Persons may enter the management area on foot at designated access points off County Road 580, Horseshoe Creek Road, Lake Marion Creek Road and at Baltic Adair Court. Motorized vehicle access is allowed via Huckleberry Island Road, during the established hunting season.

(d) The use or possession of a bicycle Bicycling is permitted only when in the possession of a Special Use License.

(e) Overnight camping at designated campsites is permitted, during non-hunting season, only when in the possession of a Special Use License.

(f) Airboating is prohibited.

(g) The use or possession of a saddle animal Horseback riding is prohibited.

(4)(3) Lake Walk-In-Water Management Area located in Polk County.

(a) Public use of the management area is governed primarily by Polk County Ordinance.

(b) The District's Public Use Rules are supplemental to Polk County Ordinance.

(5)(4) Lower Reedy Creek Management Area located in Osceola and Polk Counties.

(a) Lake Russell Management Unit.

1. Public use of the management area is governed primarily by Rules of the Osceola County School Board and Osceola County Ordinance.

2. District Public Use Rules are supplemental to Rules of the Osceola County School Board and Osceola County Ordinance.

3. Airboating is prohibited. Camping is permitted only when in the possession of a Special Use License.

4. Hunting is prohibited.

5. Vehicular travel is permitted only on the entrance roadway, or as authorized by Special Use License.

(b) Rough Island North and South and Johnson Island Units.

1. Hunting is prohibited beyond the restricted area signs. ~~blue District Management Area signs.~~

2. Airboating is prohibited beyond the restricted area signs ~~blue District Management Area signs.~~

3. Foot travel only is permitted beyond the restricted area signs ~~blue District Management Area signs.~~

4. The use or occupancy of existing buildings, structures, and related improvements is prohibited unless designated as a public use facility.

5. The use and possession of a saddle animal Horseback riding is permitted only when in the possession of a Special Use License.

6. Notwithstanding provisions ~~if~~ through ~~IV~~ above, all public access is prohibited within the posted closed protection zone areas generally located above the divergence of Reedy Creek and the Dead River. ~~Public access to Rough Island North is permitted from August 15 to February 15 only between the hours of 6:00 a.m. to 9:00 p.m. Users of this area must be in possession of a Special Use License, which can be obtained from the District's Orlando Service Center at 1-800-250-4250 (see 40E-7.534 of the General Rules and Regulations). A quota of fifty (50) annual licenses has been established by the District for public access to Rough Island North.~~

7. Seasonal public access to the Rough Island North limited access area is permitted from August 16 to February 14 only between the hours of 6:00 a.m. to 9:00 p.m., via the airboat gate. Users of this area must be in possession of a Special Use License. A quota of fifty (50) annual licenses has been established for this area. Annual licenses are available after June 1st of each year.

~~(6)(5) Upper Reedy Creek Management Area.~~

(a) Intercession City Management Unit.

1. Persons may enter the management unit on foot at the designated access point on Wile Avenue.

2.1. Hunting is prohibited.

3.2. Airboating is prohibited.

4.3. Overnight camping is prohibited.

5.4. The use or possession of a saddle animal Horseback riding is prohibited.

~~6.5: The use or possession of a bicycle Bicycling is prohibited.~~

(b) Poinciana Management Unit.

~~1. Persons may enter the management unit on foot at the designated access point on Burnly Court. Public use of the management area is governed primarily by Rules of the Osecola County School Board and Osecola County Ordinance.~~

~~2.3: Hunting is prohibited.~~

~~3.4: Airboating is prohibited.~~

~~4.5: Overnight camping is prohibited.~~

~~5.6: The use or possession of a saddle animal Horseback riding is prohibited.~~

~~6.7: The use or possession of a bicycle Bicycling is prohibited.~~

(c) Reedy Creek Unit.

~~1. Persons may enter the management unit on foot at the designated access point on Poinciana Boulevard.~~

~~2. Hunting is prohibited.~~

~~3. Airboating is prohibited.~~

~~4. Overnight camping is prohibited.~~

~~5. The use or possession of a saddle animal is prohibited.~~

~~6. The use or possession of a bicycle is prohibited.~~

~~(7)(6) Catfish Creek Management Area located in Polk County.~~

(a) Persons ~~shall may~~ enter ~~and exit~~ the management area from Lake Hatchineha.

(b) Hunting is permitted and regulated by state law and regulations of the Florida Fish and Wildlife Conservation Commission.

(c) Airboating is prohibited only within upland hammock areas and is regulated by state law and Polk County ordinance.

~~(d) The use or possession of a saddle animal is prohibited. Horseback riding is allowed when in the possession of a Special Use License.~~

~~(e) The use or possession of a bicycle is prohibited.~~

~~(f) Motorized vehicles other than airboats are prohibited.~~

~~(8)(7) Lake Kissimmee Management Area located in Osceola and Polk Counties.~~

~~(a) Hunting: Persons may enter the management area from Lake Cypress, Lake Hatchineha, Lake Kissimmee, Canal 36 and from Thomas Landing Road.~~

~~1. Is prohibited in Ike Hammock and from improved roadways in the Gardner Cobb Marsh Unit.~~

~~2. Is prohibited in Drasdo and Lightsey Units beyond the blue District Management Area signs.~~

~~(b) Airboating: is prohibited beyond the restricted area signs, and 1. Is prohibited on or across improved roadways or within hammock areas, except that airboats may cross the main grade at the designated crossing points, in the Gardner Cobb Marsh Unit. 2. Is prohibited in Drasdo and Lightsey Units beyond the blue District Management Area signs.~~

(c) ~~The use or possession of a saddle animal Horseback riding~~ is allowed when in the possession of a Special Use License.

(d) Motorized vehicles other than airboats are prohibited.

~~(e) The use or possession of a bicycle bicycling is permitted only when in possession of a Special Use License authorized in the management area.~~

(f) The use or occupancy of existing buildings, structures, and related improvements is prohibited unless designated as a public use facility.

~~(9)(8) Lower Kissimmee River Management Area located in Polk, Osceola, Highlands, Glades, and Okeechobee Counties.~~

(a) KICCO Management Unit.

1. Public use of the management area is governed primarily by Wildlife Management Area Type I Regulations of the Florida Fish and Wildlife Conservation Commission.

2. District Public Use Rules are supplemental to Regulations of the Florida Fish and Wildlife Conservation Commission.

~~3. Persons may enter the management area from the Kissimmee River and from designated public access points at public roadways.~~

~~4. Overnight camping is permitted at designated campsites only when in the possession of a Special Use License or a Quota Hunt Permit.~~

~~5. Motorized vehicles are prohibited except as authorized by the District and/or the Florida Fish and Wildlife Conservation Commission during Public Hunts.~~

~~6. The use or possession of a bicycle is permitted on the main shellrock road.~~

~~7. The use or possession of a saddle animal is allowed when in possession of a Special Use License.~~

~~8. Airboating is prohibited.~~

(b) Hickory Hammock Management Unit.

1. Public use of the management area is governed primarily by Wildlife Management Area Type I Regulations of the Florida Fish and Wildlife Conservation Commission.

2. District Public Use Rules are supplemental to Regulations of the Florida Fish and Wildlife Conservation Commission.

3. Persons may enter the management area from the Kissimmee River and from designated public access points at public roadways.

4. Airboating is prohibited within posted safety zones and beyond the ~~restricted area~~ blue District Management Area signs.

5. Camping is permitted only at designated campsites when in the possession of a Special Use License ~~or a Quota Hunt Permit.~~

6. Motorized vehicles are prohibited except on named and numbered roads or as authorized by the District and/or the Florida Fish and Wildlife Conservation Commission during Special Opportunity hunts.

7. The use or possession of a bicycle is permitted when in possession of a Special Use License.

8. The use or possession of a saddle animal is permitted when in possession of a Special Use License.

(c) Pool A-East, Pool C, Pool D, Pool E, and Paradise Run Management Units.

1. Public use of the management area is governed primarily by Public Use Area Regulations of the Florida Fish and Wildlife Conservation Commission.

2. District Public Use Rules are supplemental to Regulations of the Florida Fish and Wildlife Conservation Commission.

3. Persons may enter the management area from the Kissimmee River and from designated public access points at public roadways.

4. Hunting is prohibited within posted safety zones.

5. Hunting is permitted only within areas established as Wildlife Management Areas or Public Use Areas by the Florida Fish and Wildlife Conservation Commission.

~~6.5.~~ Airboating is prohibited within posted safety zones and beyond the restricted area ~~blue District Management Area~~ signs.

~~7.6.~~ Camping is permitted only at ~~in~~ designated campsites ~~when in possession of a Special Use License~~ ~~camping area from February 1 through August 31 of each year.~~

~~8.7.~~ The use and possession of a saddle animal ~~Horseback riding~~ is permitted only when in the possession of a Special Use License.

~~9.8.~~ Bicycling is permitted only when in the possession of a Special Use License.

~~10.9.~~ Motorized vehicles other than airboats are prohibited except on named and numbered roads as authorized by the District and/or the Florida Game & Fresh Water Fish Commission during Special Opportunity hunts.

~~11.10.~~ The use or occupancy of existing buildings, structures, and related improvements is prohibited unless designated as a public use facility.

~~(10)(9)~~ Kissimmee Prairie Ecosystem Management Area located in Okeechobee County.

(a) Public use of the management area is governed by Regulations of the Florida Department of Environmental Protection.

(b) District Public Use Rules are supplemental to Regulations of the Florida Department of Environmental Protection.

~~(11)(10)~~ Atlantic Ridge Management Area, South Fork St. Lucie River Management Area located in Martin County.

(a) Public use of this area is governed by Regulations of the Department of Environmental Protection, Division of Recreation and Parks. Persons may enter the management area on foot from the South Fork of the St. Lucie River.

(b) District Public Use Rules are supplemental to Regulations of the Department of Environmental Protection. Overnight camping at the canoe landing is permitted when in the possession of a Special Use License.

~~(c) Hunting is prohibited~~

~~(d) Horseback riding is prohibited.~~

~~(e) Airboating is prohibited.~~

~~(f) The use of motorized vehicles is prohibited.~~

~~(12)(11)~~ Loxahatchee River Management Area located in Palm Beach and Martin Counties.

(a) Northwest Fork Management Unit

1. Public use of the management area is governed by Regulations of the Florida Department of Environmental Protection for Jonathan Dickinson State Park.

2. District Public Use Rules are supplemental to Regulations of the Florida Department of Environmental Protection.

~~3. Hunting is prohibited~~

~~4. Horseback riding is prohibited.~~

~~5. Airboating is prohibited.~~

~~6. The use of motorized vehicles is prohibited.~~

~~7. Bicycling is prohibited.~~

~~8. Overnight camping is prohibited.~~

(b) Riverbend Management Unit.

1. Public use of the management area is governed by Regulations of the Palm Beach County Parks and Recreation Department and Palm Beach County Ordinance.

2. District Public Use Rules are supplemental to Regulations of the Palm Beach County Parks and Recreation Department and Palm Beach County Ordinance.

~~(13)(12)~~ Hungryland Slough Wildlife Management Area West Jupiter Wetlands Management Area located in Martin and Palm Beach Counties.

(a) Public use of this management area is governed by Regulations of the Florida Fish and Wildlife Conservation Commission. Persons may enter the management area on foot at the designated access point off state road 706 (Indiantown Road).

(b) The District's Public Use Rules are supplemental to Regulations of the Florida Fish and Wildlife Conservation Commission.

~~(c) The District's Public Use Rules are supplemental to Regulations of the Florida Fish and Wildlife Conservation Commission.~~

~~(d) Airboating is prohibited.~~

~~(e) Hunting is prohibited.~~

~~(f) Horseback riding is prohibited.~~

~~(g) Camping is allowed only on the rim of the spoil bank on the south side of the canal.~~

~~(h) Swimming, bathing and boating are prohibited on the canals.~~

~~(i) Canoeing is allowed only in the interior ponds.~~

~~(14)(13) DuPuis Management Area located in Martin and Palm Beach Counties.~~

~~(a) Certain public uses of the management area are governed primarily by Regulations of the Florida Fish and Wildlife Conservation Commission.~~

~~(b) The District's Public Use Rules are supplemental to Regulations of the Florida Fish and Wildlife Conservation Commission.~~

~~(c) The use or possession of saddle animals is restricted to the equestrian center, designated equestrian trails, and named or numbered roads.~~

~~(d) Use of the Dupuis Management Area is restricted during hunting periods authorized by the Florida Fish and Wildlife Conservation Commission. Call ahead for current conditions and information on special events.~~

~~(e) Airboating is prohibited.~~

~~(f) Frogging is prohibited.~~

~~(g) Motorized vehicles, horse buggies and bicycles are allowed on named and numbered roads and designated parking areas only.~~

~~(h) The use of off road vehicles is restricted to the designated disabled hunt in accordance with Commission Regulations.~~

~~(i) User registration is required to enter and use the DuPuis Management Area. Self-serve registration stations are located at the designated entry points; gates 1, 2, and 3.~~

~~(j) No dogs are allowed on DuPuis except as authorized by the Florida Fish and Wildlife Conservation Commission.~~

~~(k) Camping at the family campsite:~~

~~1. Is only allowed at designated campsites.~~

~~2. Only tent camping or tent popup camping is allowed.~~

~~3. A maximum of 8 people and in 2 vehicles are allowed per campsite.~~

~~4. Generators are not allowed.~~

~~(l) The use of the A group campsite is available by Special Use License call (561) 924-5310 for information.~~

~~(m) Camping is not allowed at the Governor's House.~~

~~(14) Strazzulla Marsh Management Area located in Palm Beach County.~~

~~(a) Public use of the management area is governed primarily by Regulations of the United States Fish and Wildlife Service.~~

~~(b) The District's Public Use Rules are supplemental to the Regulations of the United States Fish and Wildlife Service.~~

~~(15) Terrytown Management Area located in Palm Beach County~~

~~(a) Public use of the management area is governed primarily by Regulations of the Florida Fish and Wildlife Conservation Commission.~~

~~(b) The District's Public Use Rules are supplemental to the Regulations of the Florida Fish and Wildlife Conservation Commission~~

~~(15)(16) Everglades Buffer Strip Management Area located in Broward County.~~

~~(a) Persons may enter the management area on foot from U.S. Highway 27 or along the existing FP&L access road at the north end of the area.~~

~~(b) Overnight camping is prohibited.~~

~~(c) Hunting is prohibited.~~

~~(d) Motorized vehicles are prohibited.~~

~~(e) Airboating is prohibited.~~

~~(f) Horseback riding is prohibited.~~

~~(16)(17) Southern Glades Management Area located in Dade County.~~

~~(a) Public use of the management area is governed primarily by Regulations of the Florida Fish and Wildlife Conservation Commission.~~

~~(b) The District's Public Use Rules are supplemental to Regulations of the Florida Fish and Wildlife Conservation Commission.~~

~~(17)(18) Crew Marsh Management Area located in Lee and Collier Counties.~~

~~(a) Public use of the management area is governed primarily by Regulations of the Florida Fish and Wildlife Conservation Commission.~~

~~(b) The District's Public Use Rules are supplemental to Regulations of the Florida Fish and Wildlife Conservation Commission.~~

~~(c) Persons may enter and exit the management area each day between sunrise and sunset from any established trailhead off State Road 850 (Corkscrew Road).~~

~~(d) Overnight camping is permitted at the designated primitive campsite when in the possession of a Special Use License from the District (See 40E-7.534) or as authorized by Florida Fish and Wildlife Conservation Commission. A quota of twenty (20) persons per night has been established by the District for use of the designated campsites. A copy of the special use license must be displayed in a readily visible location within the licensee's vehicle while parked on the management area.~~

~~(e) Airboating is prohibited.~~

~~(f) The use or possession of saddle animals is restricted to designated equestrian trails.~~

~~(g) Boating, other than kayaking and canoeing, is prohibited.~~

~~(h) Dogs must be on a leash and under control of the owner at all times.~~

(i) The use or possession of a bicycle is ~~Bicycles are~~ prohibited.

(j) Hunting is restricted to hunting periods authorized by the Florida Fish and Wildlife Conservation Commission.

~~(18)(19)~~ Bird Rookery Swamp Management Area located in Collier County.

(a) Public use of the management area is governed primarily by Regulations of the Florida Fish and Wildlife Conservation Commission.

(b) The District's Public Use Rules are supplemental to Regulations of the Florida Fish and Wildlife Conservation Commission.

(c) Persons may enter the management area on foot at the west end of NW 43 Avenue, Collier County.

(d) Airboating is prohibited.

(e) Boating, other than kayaking and canoeing, is prohibited.

~~(19)(20)~~ Okaloacoochee Slough Management Area located in Hendry County.

(a) Public use of the management area is governed primarily by Regulations of the Florida Division of Forestry.

(b) The District's Public Use Rules are supplemental to Regulations of the Florida Division of Forestry.

~~(20)(21)~~ Six Mile Cypress Management Area located in Lee County.

(a) Public use of the management area is governed primarily by Regulations of the Lee County Parks and Recreation Department and Lee County Ordinance.

(b) The District's Public Use Rules are supplemental to Regulations of the Lee County Parks and Recreation Department and Lee County Ordinance.

~~(21)(22)~~ Nicodemus Slough Management Area located in Glades County.

(a) Persons may enter the management area each day between sunrise and sunset; nighttime activities other than those specified in Special Provision 23(c) below are prohibited.

(b) Overnight camping is prohibited.

(c) Airboating and frogging are permitted on the management area. Airboaters operating on the management area must be in possession of a Special Use License. A quota of five airboats per day has been established by the District. A copy of the Special Use License must be displayed in a readily visible location within the licensee's vehicle while parked on the management area.

(d) Hunting is prohibited.

(e) The use or possession of a saddle animal ~~Horseback riding~~ is prohibited.

(f) The use of motorized vehicles is restricted to the designated access site.

Specific Authority 373.044, 373.113 FS. Law Implemented 373.016, 373.1391, ~~373.439~~, 373.59 FS. History--New 1-1-01, Amended.

40E-7.539 Penalties.

(1) Pursuant to Section 373.609, F.A.S., it shall be the duty of every state and county attorney, sheriff, police officer, and the appropriate city and county official to assist the District, and their agents, in the enforcement of the provisions of this rule.

(2) Any person who violates any provision of this rule is subject to eviction from the premises and/or arrest and prosecution for a second-degree ~~second-degree~~ misdemeanor, punishable as provided in Section 775.082, or Section 775.083, F.S.

(3) The penalties identified in these rules do not supersede other penalties or options available to District such as civil remedies.

Specific Authority 373.044, 373.113 FS. Law Implemented 373.016, 373.129, 373.1391, 373.59, 373.609, 373.613 FS. History--New 5-24-94, Amended 9-10-98, .

NAME OF PERSON ORIGINATING PROPOSED RULE:
Fred Davis

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Tom McCracken

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: May 3, 2002

DEPARTMENT OF ENVIRONMENTAL PROTECTION

DOCKET NO.: 00-47R

RULE CHAPTER TITLE: Noticed General Environmental

Resource Permits 62-341

RULE TITLES: Policy and Purpose 62-341.201

Private Single-Family Residences in Jupiter Farms, Palm Beach County 62-341.476

PURPOSE, EFFECT AND SUMMARY: The intent of this general permit is to streamline the permitting of future residential construction in Jupiter Farms, including authorizing the types and amount (acreage) of on-site residential improvements that have traditionally been constructed, while offsetting wetland losses through regionally significant mitigation. The general permit will not authorize activities undertaken in pending enforcement cases.

Wetlands that are lost as a result of the authorized activities are proposed to be offset in the form of a \$4,000 (per acre of wetland impact) donation made by an owner of a proposed single-family residence to Palm Beach County. The County initially will use the money to implement restoration, enhancement, and management of wetlands within the South Loxahatchee Slough Restoration Project (SLSRP). However, because the SLSRP cannot provide enough mitigation credits to offset all of the wetland impacts that could result from

single-family residential construction within Jupiter Farms, the NGP will need to be modified in the future as those additional mitigation options are finalized.

In addition to the above, the Department plans to amend Rule 62-341.201, F.A.C., to reflect that this and other general permits under Chapter 62-341, F.A.C., may authorize mitigation to offset wetland impacts.

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

TIME AND DATE: 7:00 p.m., October 30, 2002 (Wednesday)
PLACE: Jupiter Farms Elementary School, Media Center, 17400 Haynie Lane, Jupiter, Florida

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this hearing is asked to advise the agency at least 48 hours before the hearing by contacting the Bureau of Personnel Services at (850)488-2996. If you are hearing or speech impaired, please contact the Florida Relay Service by calling (800)955-8771 (TDD).

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: A Statement of Estimated Regulatory Cost (SERC) has not been prepared for the proposed rule.

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

CONTACT: Jeanese McCree, Bureau of Beaches and Wetland Resources, Tallahassee; telephone (850)921-9901; facsimile (850)488-6579; or e-mail jeanese.mccree@dep.state.fl.us.

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 Acupuncture

RULE TITLE: Standards for Approval of Continuing

RULE NO.:

Education Credit 64B1-6.005

PURPOSE AND EFFECT: The Board proposes to amend the existing language in this rule regarding continuing education courses.

SUMMARY: New language promulgated in this rule sets forth the requirements for continuing education courses pursuant to Section 456.013(9), F.S.

SPECIFIC AUTHORITY: 456.013(9), 456.033, 457.104, 457.107(3) FS.

LAW IMPLEMENTED: 456.013(9), 456.033, 457.107(3) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Pamela E. King, Executive Director, Board of Acupuncture, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399

THE FULL TEXT OF THE PROPOSED RULE IS:

64B1-6.005 Standards for Approval of Continuing Education Credit.

(1) A continuing education program must contribute to the advancement, extension or enhancement of the licensee's skills and knowledge related to the practice of acupuncture and oriental medicine. Programs should concern the history and theory of acupuncture, acupuncture diagnosis and treatment techniques, techniques of adjunctive therapies, acupuncturist-patient communication and professional ethics. All continuing education courses are subject to evaluation and approval by the Board to determine that the continuing education course meets the criteria established by the Board which has final determination as to the number of hours of acceptable credit that will be awarded for each program. Any program approved by the Department, or any other board within the Department's jurisdiction under Chapter 456, Florida Statutes, for continuing education credit is approved by the board for all continuing education requirements.

(2) Each program offered for continuing education credit must be presented or taught by a person who at a minimum holds a bachelor's degree from an accredited college or university or a post-secondary education institution licensed by the State of Florida, with a major in the subject matter to be presented; or has graduated from a school of acupuncture, or has completed a tutorial program which has a curriculum equivalent to the requirements in this state and was approved by a state licensing authority, a nationally recognized acupuncture/oriental medicine association or a substantially equivalent accrediting body, and has completed three (3) years of professional experience in the licensed practice of acupuncture; and has a minimum of two (2) years teaching experience in the subject matter to be presented, or has taught the same program for which approval is sought a minimum of three (3) times in the past two (2) years before a professional convention, professional group or at any acupuncture school, or has completed specialized training in the subject matter of the program and has a minimum of two (2) years of practical experience in the subject. ~~be presented or instructed by a person who meets the following minimum criteria:~~

~~(a) Holds a minimum of a bachelor's degree from an accredited college or university or a post-secondary educational institution licensed by the State of Florida, with a major in the subject directly related to the content of the program to be presented; or~~

(b) Has graduated from a school of acupuncture, or has completed a tutorial program, which has a curriculum equivalent to the requirements in this state and was approved by a state licensing authority, a nationally recognized acupuncture/Oriental medicine association or a substantially equivalent accrediting body, and has completed 3 years of professional experience in the licensed practice of acupuncture; and

1. Has a minimum of two years teaching experience in the subject matter to be presented, or

2. Has taught the same program for which approval is sought a minimum of 3 times in the past 2 years before a professional convention, professional group or at an acupuncture school, or

3. Has completed specialized training in the subject matter of the program and has a minimum of 2 years of practical experience in the subject.

(3) In order to meet the continuing education requirements, the continuing education program submitted by the licensee must meet the criteria established by the Board be presented by a provider approved pursuant to Rule 64B1-6.006 or Rule 64B1-6.007, F.A.C.

(4) No change.

(5) To receive credit for programs on HIV/AIDS, the program must be, at a minimum, two (2) 3 hours in length and must address the areas mandated in Section 456.033, F.S. The Board accepts HIV/AIDS programs presented or conducted by the Department of Health and programs approved by other professional regulatory boards for the health professions.

(6) Continuing education programs related to laboratory test or imaging findings shall be designed to provide course content on the clinical relevance of laboratory and diagnostic tests and procedures as well as biomedical physical examination findings and to advance, extend or enhance the licensee's skills and knowledge related to the safe and beneficial use of laboratory test and imaging findings.

Specific Authority 456.013(9), 456.033, 457.104, 457.107(3) FS. Law Implemented 456.013(9), 456.033, 457.107(3) FS. History--New 2-24-88, Amended 8-6-89, Formerly 21AA-6.005, 61F1-6.005, Amended 3-18-97, Formerly 59M-6.005, Amended 6-1-99, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Board of Acupuncture

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

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: December 7, 2001

DEPARTMENT OF HEALTH

Board of Acupuncture

RULE TITLE: Biennial Renewal of License
RULE NO.: 64B1-7.001

PURPOSE AND EFFECT: To update the rule text pertaining to the requirements of licensees' biennial renewal.

SUMMARY: The Board proposes to add language to this rule to update the continuing education criteria for biennial renewal including prevention of medical errors.

SPECIFIC AUTHORITY: 456.013, 456.033, 456.036, 457.104, 457.107, 457.108 FS.

LAW IMPLEMENTED: 456.013, 456.033, 456.036, 457.107, 457.108 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: Pamela E. King, Executive Director, Board of Acupuncture, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399

THE FULL TEXT OF THE PROPOSED RULE IS:

64B1-7.001 Biennial Renewal of License.

(1) No change.

(2) The application for renewal constitutes certification by the licensee that the licensee meets all the eligibility requirements for renewal, including the continuing education requirements of Rule 64B1-7.0015, F.A.C. Each licensee certifies by renewal, completion of a two (2) hour HIV/AIDS program or two (2) hour course on end-of-life care and palliative health care, as authorized by Rule 64B1-7.0015, F.A.C., a two (2) hour course on the prevention of medical errors is required to submit with the application for renewal a certification of completion of an HIV/AIDS and a program on Chapters 456 and 457, Florida Statutes, and Chapter 64B1, F.A.C.

(3) The Department shall not renew the license of any licensee unless the Board has received and recorded confirmation that the licensee has completed an two (2) hour HIV/AIDS education program or two (2) hour program on end-of-life care and palliative health care, as authorized by Rule 64B1-7.0015, F.A.C., the continuing education hours mandated for the prevention of medical errors and a program on Chapters 456 and 457, Florida Statutes, and Chapter 64B1, F.A.C., as required under Rule 64B1-7.0015, F.A.C.

(4) through (6) No change.

Specific Authority 456.013, 456.033, 456.036, 457.104, 457.107, 457.108 FS. Law Implemented 456.013, 456.033, 456.036, 457.107, 457.108 FS. History--New 5-24-87, Formerly 21AA-7.001, 61F1-7.001, Amended 10-25-95, 1-16-97, Formerly 59M-7.001, Amended 10-15-97, 4-25-00, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Acupuncture
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Acupuncture
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 23, 2002
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: December 7, 2001

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.

SUMMARY: In addition to other requirements, the Board is requiring continuing education program applicants to provide goals and objectives, a course outline and materials, speaker qualifications, and a sample certificate of completion.

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

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

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

LAW IMPLEMENTED: 484.047(4) 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 RULE IS: Sue Foster, Board Executive Director, Board of Hearing Aid Specialists, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3258

THE FULL TEXT OF THE PROPOSED RULE 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.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Hearing Aid Specialists
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Hearing Aid Specialists
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: July 26, 2002
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 16, 2002

DEPARTMENT OF HEALTH

Council of Licensed Midwifery

RULE TITLE: Meetings, Quorum, and Absences
RULE NO.: 64B24-1.004
PURPOSE AND EFFECT: The Department of Health proposes amendment to Rule 64B24-1.004, F.A.C. in order to eliminate unnecessary language and clarify existing language.

SUMMARY: Existing subsections (2),(3), and (4) are being stricken and clarity of rule text regarding quorum at council meetings is proposed.

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: 456.004(5) FS.

LAW IMPLEMENTED: 456.011(3), 467.004 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Pamela E. King, Council of Licensed Midwifery, Department of Health/MQA, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399

THE FULL TEXT OF THE PROPOSED RULE IS:

64B24-1.004 Meetings, Notice of Meetings, Agenda and Quorum, and Absences.

(1) The council shall hold such meetings during the year as it may deem necessary, one of which shall be the annual meeting at which the chairperson and vice-chairperson shall be elected. The department, the chairperson or a quorum of the council shall have the authority to call other meetings.

~~(2) Except in the case of emergencies, the council shall give at least 7 days notice of any meeting to the public generally by publication in the Florida Administrative Weekly. The notice shall state the date, time and place of the meeting, a brief description of the purpose of the meeting, and the address where persons may write to obtain a copy of the agenda.~~

~~(3) The council shall prepare an agenda in time to ensure that a copy of the agenda may be received by the public at least 7 days prior to the date of the scheduled meeting. The agenda may be changed prior to the meeting or at the meeting, for good cause, as determined by the person designated to preside and stated in the record.~~

~~(4) Notwithstanding the provisions of subsections (2) and (3) of this rule, the council may hold emergency meetings, pursuant to Section 120.53, Florida Statutes, for the purpose of acting on emergency matters affecting the public health, safety and welfare.~~

~~(2)(5) Fifty-one percent (51%) or more Five members of the appointed members of the council shall constitute a quorum necessary to transact business.~~

~~(3)(6) Three consecutive unexcused absences, or absences constituting 50 percent or more of the council's meetings within any 12-month period shall cause the council membership of the member in question to become void, and the position shall be considered vacant pursuant to Section 456.011(3), Florida Statutes. For the purposes of this rule, an absence shall be deemed excused if the council member's absence is caused by a health problem or condition verified in writing by a physician, or by an accident or similar unforeseeable tragedy or event, and the council member submits to the Executive Director a statement in writing attesting to the event and its circumstances prior to the next council meeting.~~

Specific Authority 456.004(5) FS. Law Implemented 456.011(3), 467.004 FS. History—New 1-26-94, Formerly 61E8-1.004, 59DD-1.004, Amended

NAME OF PERSON ORIGINATING PROPOSED RULE:
 Pamela E. King, Executive Director
 NAME OF SUPERVISOR OR PERSON WHO APPROVED
 THE PROPOSED RULE: Amy Jones, Division Director
 DATE PROPOSED RULE APPROVED BY AGENCY
 HEAD: May 8, 2002
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT
 PUBLISHED IN FAW: September 6, 2002

Section III Notices of Changes, Corrections and Withdrawals

DEPARTMENT OF INSURANCE

RULE NOS.:	RULE TITLES:
4-204.001	Purpose and Scope
4-204.002	Definitions
4-204.004	Form Filings
4-204.006	Forms Review
4-204.010	Viatical Settlement Contracts and 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 ADDITIONAL HEARING AND 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 7, 2001 issue of the Florida Administrative Weekly.

PURPOSE AND EFFECT: To promulgate a rule chapter to implement the Viatical Settlement Act, Part X of Chapter 626, Florida Statutes.

SUMMARY: This rule is mandated by the Viatical Settlement Act, Part X of Chapter 626, Florida Statutes. The rule contains, among other things, definitions of terms used in the act, disclosure for purchases of viatical settlements, record keeping requirements related to executed viatical settlement contracts and viatical settlement purchase agreements, collection of data, advertising and reporting of life expectancies. There have been 3 workshops on this matter, and 3 previous hearings. The hearing held on September 5, 2002 was interrupted by an emergency and could not be completed; therefore an additional hearing is being scheduled.

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: 614.308(1), 626.9921, 626.9922, 626.9923, 626.99235, 626.99236, 626.9924, 626.9925 FS.

LAW IMPLEMENTED: 624.307(1), 626.9911, 626.9922, 626.9923, 626.99235, 626.99236, 626.9924, 626.9925, 626.99277 FS.

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

TIME AND DATE: 9:30 a.m., October 22, 2002

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

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Ted Straughn, Specialty Insurers, Department of Insurance, 200 East Gaines Street, Tallahassee, Florida 32399-0331, phone (850)413-2474

THE PROPOSED RULES HAVE BEEN CHANGED TO READ AS FOLLOWS:

VIATICAL SETTLEMENTS

4-204.001 Purpose and Scope.

The purpose of this rule chapter is to administer the provisions of Part X of Chapter 626, Florida Statutes, governing the issuance of a license and the regulation and operations of viatical settlement transactions as provided therein.

Specific Authority 624.308(1), 626.9925 FS. Law Implemented 624.307(1), 626.9925 FS. History–New

4-204.002 Definitions.

The following terms as used in Part X of Chapter 626, Florida Statutes, are defined as follows:

(1) “Advertising” means any written, electronic, or printed communication or any communication by means of recorded telephone messages or transmitted on radio, television, the Internet, or similar communications media, including film strips, motion pictures, and videos, published, disseminated, circulated, or placed before the public, directly or indirectly, for the purpose of inducing a person to sell a life insurance policy or an interest in a life insurance policy pursuant to a viatical settlement contract or to purchase an interest in an insurance policy pursuant to a viatical settlement purchase agreement.

(2) “Affiliated person” as used in Section 626.9911(2), Florida Statutes, has the same definition as an affiliated party as defined by Section 624.310, Florida Statutes.

(3) “Control,” including the terms “controlling,” “controlled by,” and “under common control”, as used in Section 626.9911(2), Florida Statutes, means the possession, directly or indirectly, of the power to direct or cause the direction of the management or policies of a viatical settlement provider or viatical settlement broker, whether through the ownership of voting securities, by contract, or otherwise.

(4) “Escrow Form” as used in Section 626.9921, Florida Statutes, means a written agreement between a viatical settlement provider and an independent third-party trustee or escrow agent which specifies the duties and responsibilities of the independent third-party trustee or escrow agent with regard to a viatical settlement transaction.

Specific Authority 624.308(1), 626.9925 FS. Law Implemented 624.307(1), 626.9911, 626.9925, 626.99277, 626.9921 FS. History–New

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 624.308(1), 626.9925 FS. Law Implemented 624.307(1), 626.9911, 626.9925, 626.99277, 626.9921 FS. History–New

4-204.006 Forms Review.

(1) Forms to be used in Florida shall comply with Florida law and rules regardless of whether they are to be used in other jurisdictions.

(2) After reviewing a form filing, if 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 624.308(1), 626.9925 FS. Law Implemented 624.307(1), 626.9911, 626.9925, 626.9927, 626.9921 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, residence and mailing address of the viator and the name, residence, and mailing 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) 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's completing Form DI4-1508, "Viatical Settlement Broker Compensation Disclosure", as adopted in Rule 4-204.025, F.A.C. The completed form shall be retained by the viatical settlement broker as provided by law.

(4) A true and accurate copy of the disclosures required by Section 626.9923, Florida Statutes, which were made at the time of the application for the viatical settlement contract, shall be attached to any executed viatical settlement contract.

Specific Authority 624.308(1), 626.9925, 626.9921, 626.9923, 626.9924 FS. Law Implemented 624.307(1), 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, residence, and mailing 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 624.308(1), 626.9925, 626.9921, 626.99235, 626.99236 FS. Law Implemented 624.307(1), 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, signed and dated by both the viator and the viatical settlement provider;

(b) The settlement contract identifier;

(c) The executed 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 signed and dated by the viatical settlement provider, the viatical settlement sales agent, and the viatical settlement purchaser;

(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 624.308(1), 626.9925, 626.9922 FS. Law Implemented 624.307(1), 626.9925, 626.9922 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 624.308(1), 626.9925, 626.9922 FS. Law Implemented 624.307(1), 626.9925, 626.9922 FS. History--New

4-204.025 Department Forms.

(1) The following form are hereby incorporated by reference to administer the provisions of Part X, Chapter 626, Florida Statutes:

(a) DI4-1288 (Rev 3/02) Viatical Settlement Provider Annual Report;

(b) DI4-1508 (Rev 8/01), Viatical Settlement Broker Compensation Disclosure.

(2) Copies of the forms may be obtained from the Department of Insurance, Application Coordination Section, Larson Building, Tallahassee, Florida 32399-0300.

Specific Authority 624.308(1), 626.9925 FS. Law Implemented 624.307(1), 626.9925 FS. History--New

DEPARTMENT OF EDUCATION

State Board of Nonpublic Career Education

RULE NO.: 6F-2.006
 RULE TITLE: Probable Cause Panel

NOTICE OF CHANGE

Notice is hereby given that proposed Rule 6F-2.006, F.A.C., published in Vol. 28, No. 34, pg. 3645, August 23, 2002, Florida Administrative Weekly, has been changed to reflect comments received from the Joint Administrative Procedures Committee, and during public discussion at the Rules Development Workshop on August 23, 2002. The proposed rule has been changed so that when adopted it will read:

6F-2.006 Probable Cause Panel.

(1) The chair of the Commission shall appoint three people to a Probable Cause Panel, and shall designate its chair. At least one panel member shall be a current member of the Commission. Other members may be current Commission members or previous members of the Commission for Independent Education, State Board of Independent Colleges and Universities, or State Board of Nonpublic Career Education. Each Probable Cause Panel shall serve on an ad hoc basis to review specific cases referred to it by the Commission.

(2) Current Commission members who serve on a Probable Cause Panel cannot vote for final agency action on institutions whose current cases they have reviewed while serving on the panel.

(3) If a Commission member has reviewed a case as a member of the Probable Cause Panel, that member, if available, shall be on the panel for reconsideration of that case if reconsideration is necessary.

Specific Authority 246.213(1), 246.226(3) FS. Law Implemented 246.226 FS. History--New

DEPARTMENT OF COMMUNITY AFFAIRS

Division of Community Planning

RULE CHAPTER NO.:	RULE CHAPTER TITLE:
9J-11	Governing the Procedure for Submittal and Review of Local Government Comprehensive Plans and Amendments
RULE NOS.:	RULE TITLES:
9J-11.006	Submittal Requirements for Proposed Local Government Comprehensive Plan Amendments
9J-11.009	Action Upon Receipt of Proposed Local Government Comprehensive Plan Amendment
9J-11.019	Action to Require Local Government to Submit Land Development Regulations for Review

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. 30, July 26, 2002, issue of the Florida Administrative Weekly.

9J-11.006 Submittal Requirements for Proposed Local Government Comprehensive Plan Amendments.

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

p. An amendment to the future land use map identifying school sites pursuant to Subsections 163.3177(6)(a) and 163.3187(1)(~~1~~), Florida Statutes.

q. through r. No change.

8. through 10. No change.

(b) through (c) No change.

(2) through (3) No change.

9J-11.009 Action Upon Receipt of Proposed Local Government Comprehensive Plan Amendment.

(1) through (3) No change.

(4) If the Department receives a request to review from the appropriate regional planning council or an affected person (within 30 calendar days of transmittal of the proposed amendment) or the Department elects to review the amendment, the Department will notify the local government and review agencies listed in subsection 9J-11.009(6), Florida Administrative Code, of its decision to review within 35 calendar days of the Department's completeness determination date as provided for in subsection 9J-11.009(1), Florida Administrative Code. An affected person requesting a review must provide as part of their written request, a statement of facts sufficient to show that the person making the request is an affected person, as defined in Subsection 163.3184(1)(a), Florida Statutes. The Department will ~~may~~ reject a request to review by an individual if it determines there are insufficient facts to demonstrate that the person is an affected person. The request shall be sent to: Florida Department of Community Affairs, Division of Community Planning, Plan Processing Team.

(5) through (7) No change.

9J-11.019 Action to Require Local Government to Submit Land Development Regulations for Review.

(1) The Department shall ~~may~~ require a local government to submit one or more land development regulations for review if it has reasonable grounds to believe that the local government has completely failed to adopt one or more of the regulations required by Section 163.3202, Florida Statutes.

(2) through (5) No change.

THE PERSON TO BE CONTACTED REGARDING THIS NOTICE OF CHANGE IS: Ray Eubanks, Community Program Administrator, Division of Community Planning, Bureau of State Planning, Plan and DRI Processing Unit, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100

WATER MANAGEMENT DISTRICTS

Southwest Florida Water Management District

RULE NO.: 40D-1.659
 RULE TITLE: Forms and Instructions

NOTICE OF PUBLIC HEARING

The Southwest Florida Water Management District hereby gives notice in accordance with subparagraph 120.54(3)(c), F.S., that a public hearing will be held regarding the Notice of Proposed Rulemaking for Rule 40D-1.659, F.A.C., to incorporate the Wholesale Public Supply Water Use Permit Application, Form No. 46.20-014 (___/02) published in Vol. 28, No. 27, Pages 2884 and 2885 on July 5, 2002 of the Florida Administrative Weekly, and subsequent Notice of Change published in Vol. 28, No. 30, Page 3277 on July 26, 2002 of the Florida Administrative Weekly.

A HEARING WILL BE HELD during District's monthly Governing Board Meeting AT THE TIME, DATE AND PLACE SHOWN BELOW:

TIME AND DATE: 9:00 a.m., October 24, 2002

PLACE: Boardroom, Southwest Florida Water Management District's, 6750 Fruitville Road, Sarasota, FL 34232, (941)377-3722

A copy of the agenda may be obtained by writing: the 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 Disability Act should contact Dianne Lee at (352)796-7211 or 1(800)423-1476, Extension 4658, TDD only number 1(800)231-6103, Fax (352)754-6878, Suncom 663-6878.

COMMISSION FOR THE TRANSPORTATION DISADVANTAGED

RULE NO.: 41-2.012
 RULE TITLE: Coordinating Board Structure and Duties

NOTICE OF ADDITIONAL PUBLIC HEARING

The Commission for the Transportation Disadvantaged hereby gives notice of an additional public hearing on the above-referenced rule to be held on November 8, 2002, at 8:45 a.m., or as soon thereafter as can be heard, at the Hyatt Regency Coconut Point, 5001 Coconut Road, Bonita Springs, Florida 34134. The Commission held a public hearing by telephone conference call on this rule on September 12, 2002. The Commission will take additional testimony at the November meeting due to extensive comments and follow-up documentation the public wished the Commission to consider. The rule was originally published in Vol. 28, No. 23, of the June 7, 2002, Florida Administrative Weekly.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Jo Ann Hutchinson, Executive Director, Commission for the Transportation Disadvantaged, Mail Station 49, 605 Suwannee Street, Tallahassee, Florida 32399-0450

Any person requiring a special accommodation at this hearing because of a disability or physical impairment should contact the Executive Director at least five calendar days prior to the hearing. If you are hearing or speech impaired, please contact the Commission office using the Florida Dual Party Relay System which can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

DEPARTMENT OF HEALTH

Board of Acupuncture

RULE NO.: 64B1-7.0015 RULE TITLE: Continuing Education Requirement
 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.

Subsections (3), (4), (5) and (6) shall now read as follows:

(3) For the first renewal period after initial licensure, the licensee is exempt from the continuing education requirements of Rule 64B1-7.0015, F.A.C., except for the continuing education hours mandated for medical errors.

(4) Credit hours are not retroactive or cumulative. All credit hours must be earned within the biennium for which they are claimed.

(5) Continuing education credit up to a maximum of two hours will be awarded for each hour of attendance at a Board meeting at which another licensee is disciplined pursuant to Section 456.013(6), F.S. Only one credit hour will be granted for each hour of attendance.

(6) The Board and/or the Department will audit a number of licensees who are selected at random as is necessary to assure that the continuing education requirements are met. Each licensee shall retain such receipts, vouchers or certificates as may be necessary to document completion of the continuing education requirements for a period of 2 years following the biennium for which they are applied. Failure to document compliance with the continuing education requirements, or furnishing false or misleading information regarding compliance shall be grounds for disciplinary action under Rule 64B1-9.001, F.A.C.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Pamela E. King, Executive Director, Board of Acupuncture, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399

DEPARTMENT OF HEALTH

Board of Hearing Aid Specialists

RULE NO.: 64B6-7.002 RULE TITLE: Guidelines for Disposition of Disciplinary Cases

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in the Vol. 28, No. 34, August 23, 2002, issue of the Florida Administrative Weekly. The changes are in response to comments received from the Joint Administrative Procedures Committee.

Subsection (1)(p) of Proposed Rule 64B6-7.002, F.A.C., shall now read as follows:

64B6-7.002 Guidelines for Disposition of Disciplinary Cases.

(1)(p) Section 484.056(1)(p), F.S.: Implying that use of a hearing aid will improve or preserve hearing or retard impairment – from a minimum letter of concern and/or fine of \$150 to a maximum six months of probation and fine of \$2,500. For a second offense, from a minimum fine of \$300 and/or one year of probation up to a maximum fine of \$5,000 and one year of suspension followed by probation. After the second offense, a fine of up to \$10,000 and/or revocation.

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 Nursing Home Administrators

RULE NO.: 64B10-15.002 RULE TITLE: Criteria for Approved Continuing Education

NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule, as noticed in Vol. 28, No. 37, September 13, 2002 Florida Administrative Weekly has been withdrawn.

DEPARTMENT OF HEALTH

Board of Physical Therapy Practice

RULE NO.: 64B17-3.001 RULE TITLE: Licensure as a Physical Therapist by Examination

NOTICE OF PUBLIC HEARING

The Board of Physical Therapy Practice hereby gives notice of a public hearing on the above-referenced rule to be held on November 2, 2002 at 8:30 a.m., at the Wyndham Miami Airport Hotel, 3900 N.W. 21st Street, Miami, Florida 33142. This public hearing is being held to consider foreign education equivalency, credentialing, and the feasibility of a

credentialing agency approval process. The rule was published in the Vol. 28, No. 36, September 6, 2002 issue of the Florida Administrative Weekly.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Kaye Howerton, Board Executive Director, Board of Physical Therapy Practice, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3255

Any person requiring a special accommodation at this hearing because of a disability or physical impairment should contact the Board Executive Director at least five calendar days prior to the hearing. If you are hearing or speech impaired, please contact the Board office using the Florida Dual Party Relay System which can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

DEPARTMENT OF HEALTH

Board of Physical Therapy Practice

RULE NO.: 64B17-4.001
 RULE TITLE: Licensure as a Physical Therapist Assistant by Examination

NOTICE OF PUBLIC HEARING

The Board of Physical Therapy Practice hereby gives notice of a public hearing on the above-referenced rule to be held on November 2, 2002 at 8:30 a.m., at the Wyndham Miami Airport Hotel, 3900 N.W. 21st Street, Miami, Florida 33142. This public hearing is being held to consider foreign education equivalency, credentialing, and the feasibility of a credentialing agency approval process. The rule was published in the Vol. 28, No. 36, September 6, 2002 issue of the Florida Administrative Weekly.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Kaye Howerton, Board Executive Director, Board of Physical Therapy Practice, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3255

Any person requiring a special accommodation at this hearing because of a disability or physical impairment should contact the Board Executive Director at least five calendar days prior to the hearing. If you are hearing or speech impaired, please contact the Board office using the Florida Dual Party Relay System which can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

FISH AND WILDLIFE CONSERVATION COMMISSION

CHAPTER NO.: 68C-22
 CHAPTER TITLE: Manatees
 RULE NO.: 68C-22.011
 RULE TITLE: Citrus and Associated County (Parts of Levy and Hernando) Zones

NOTICE OF CHANGE

Notice is hereby given that changes have been made to proposed amendments to Rule 68C-22.011, F.A.C., in accordance with §120.54(3)(d)1., Florida Statutes. The proposal was originally published in the Florida Administrative Weekly (Vol. 28, No. 25) on June 21, 2002. Public hearings were held on July 17 (in Lecanto) and on September 12, 2002 (in Kissimmee).

On September 12, the Commission approved the rule as proposed but language was added at the end of the rule regarding when the amended zones would take effect. The rule text that was added is shown below. For additional information, or for a copy of the final amendments in their entirety, please contact Scott Calleson, Environmental Specialist, Florida Fish and Wildlife Conservation Commission, Bureau of Protected Species Management, 620 South Meridian Street, Tallahassee, Florida 32399, (850)922-4330). Rule 68C-22.011, F.A.C., Citrus and Associated County (Parts of Levy and Hernando) Zones.

(1) through (3) No change.

(4) The amendments to Rule 68C-22.011, F.A.C., as approved by the Commission on September 12, 2002, shall take effect as soon as the regulatory markers are posted.

**Section IV
 Emergency Rules**

DEPARTMENT OF REVENUE

Miscellaneous Tax

RULE TITLES:	RULE NOS.:
Assignment of Service Addresses to Local Taxing Jurisdictions; Liability for Errors; Avoidance of Liability Through Use of Specified Methods; Reduction in Collection Allowance for Failure to Use Specified Methods	12BER02-5
Department of Revenue Electronic Database	12BER02-6
Certification of Service Address Databases	12BER02-7
Use of Enhanced Zip Code Method to Assign Service Addresses to Local Taxing Jurisdictions	12BER02-8

SPECIFIC FACTS AND REASONS FOR FINDING AN IMMEDIATE DANGER TO THE PUBLIC HEALTH, SAFETY OR WELFARE: The Communications Services Tax Simplification Law (Chapter 202, F.S.) requires that communications services dealers must collect and remit local communications services taxes based on the rate of the local taxing jurisdiction in which customer service addresses are located. The Department of Revenue is required to develop and maintain an electronic database in which local service addresses are assigned to local jurisdictions, and local governments are required to provide information for inclusion in the database. The initial electronic database has been

developed and the announcement concerning its availability and effective date was included in the April 5, 2002, issue of Florida Administrative Weekly. Use of certain methods to assign service addresses, including use of a database that has been certified by the Department of Revenue as meeting statutory accuracy standards, entitles a dealer to a higher collection allowance and to protection against liability for taxes, interest, and penalties resulting from erroneous service address assignments. The promulgation of these emergency rules ensures the following: 1) that communications services tax dealers are informed of their obligations concerning the assignment of customer service addresses, of the methods of assigning addresses that will entitle dealers to protection against liability, and of the methods of assigning addresses that will entitle a dealer to a higher collection allowance; 2) that the procedures and forms for the Department and local governments to maintain the accuracy of the database on an on-going basis are immediately available; and 3) that the procedures and forms for application for certification by the Department of databases used by communications services tax dealers are available.

REASONS FOR CONCLUDING THAT THE PROCEDURE USED IS FAIR UNDER THE CIRCUMSTANCES: The Legislature expressly authorized promulgation of emergency rules, and the renewal of such rules, to administer the provisions of the Communications Services Tax Simplification Law. Emergency rules are the most appropriate means of ensuring that local governments have procedures and forms in place to assure they can meet the statutory deadline to submit changes for inclusion in the next update of the Department of Revenue database. Emergency rules are also the most appropriate means for providing communications services dealers and others with procedures and forms to apply for certification of service address databases.

The Department of Revenue has sought comment on these emergency rules to the extent possible within the time restraints resulting from the statutory requirements.

SUMMARY OF THE RULES: Emergency Rule 12BER02-5, F.A.C., provides guidelines on: 1) the requirement that communications services dealers assign customer service addresses to local taxing jurisdictions; 2) the use of certain databases to avoid liability for errors in customer service address assignments; 3) the due diligence standard applicable to dealers using databases that provide protection for liability for errors in assigning customer service addresses; and 4) the collection allowance available depending on the database used by a communications services dealer. Emergency Rule 12BER02-6 provides guidelines on: 1) the electronic customer service database maintained by the Department of Revenue; 2) the procedures for local taxing jurisdictions to request changes to the Department of Revenue database; and 3) procedures for any substantially affected person to object to the assignment of a customer service address in the Department of Revenue database. Emergency Rule 12BER02-7, F.A.C., provides

guidelines on the standards and procedures for certification of a customer service address database developed by a communications services dealer or a vendor. Emergency Rule 12BER02-8 provides guidelines on the use of an enhanced zip code method to assign customer service addresses. These emergency rules also adopt and incorporate by reference four (4) forms required for administration of the Communications Services Tax Simplification Law and two (2) sets of instructions that are incorporated into the on-line Department of Revenue service address database. The forms are: DR-700012, "Application for Certification of Communications Services Database"; DR-700020, "Notification of Method Employed to Determine Taxing Jurisdiction (Communications Services Tax)"; DR-700022, "Local Communications Services Tax Notification of Jurisdiction Change"; and DR-700025, "Objection to Communications Services Tax Electronic Database Service Address Assignment." The on-line instructions incorporated by reference are the "Guide for Address Change Requests" and the "Instructions for Preparing and Submitting Customer Address Files for Certification Testing."

THE PERSONS TO BE CONTACTED REGARDING THE EMERGENCY RULES IS: Linda Bridges, Revenue Program Administrator I, (850)488-7157 and Jennifer Silvey, Senior Attorney, (850)922-4727, Technical Assistance and Dispute Resolution, Office of the General Counsel, Department of Revenue, P. O. Box 7443, Tallahassee, Florida 32314-7443

THE FULL TEXT OF THE EMERGENCY RULES IS:

12BER02-5 Assignment of Service Addresses to Local Taxing Jurisdictions; Liability for Errors; Avoidance of Liability Through Use of Specified Methods; Reduction in Collection Allowance for Failure to Use Specified Methods.

(1)(a) Dealers of communications services that are required to collect local communications services taxes must assign each customer service address to a specific local taxing jurisdiction for purposes of determining the appropriate local communications services tax rate to be applied to sales made to that address. Local communications services taxes must be collected and remitted for each service address in accordance with the service address assignments in the most current version of the electronic database maintained by the Department, as discussed in Emergency Rule 12BER02-6, F.A.C.. Except as otherwise provided in subsection (2), a dealer is liable for any taxes, interest, and penalties that are due as a result of errors in the assignment of service addresses to local taxing jurisdictions.

(b) In determining the liability for taxes, interest, and penalties of a dealer who has failed to assign a service address to the correct local taxing jurisdiction, the Department will take into account any amount of tax that was collected and erroneously assigned by the dealer to another local taxing jurisdiction. The Department will reallocate and redistribute

such amounts between the local taxing jurisdictions involved to apply the payment of taxes to the correct local taxing jurisdiction. Interest and penalties will be applied only to the excess of the correct amount of local communications services tax due on the sale over the amount of local communications services tax collected and erroneously assigned to an incorrect local taxing jurisdiction.

(2)(a) A dealer will not be liable for any local communications services taxes, interest, or penalty due solely because of an error in assigning a service address to a local taxing jurisdiction if the dealer exercised due diligence in employing one of the following methodologies in assigning that service address:

1. The electronic database maintained by the Department, as provided in Emergency Rule 12BER02-6, F.A.C.;

2. A database that has been certified by the Department, as provided in Emergency Rule 12BER02-7, F.A.C.;

3. An enhanced zip code method, as discussed in Emergency Rule 12BER02-8, F.A.C.; or

4. A database that, upon audit by the Department, is determined to have met the accuracy rate criterion required for certification under Emergency Rule 12BER02-7, F.A.C., at the time of the sale on which local communications services taxes are due.

(b) A dealer must timely notify the Department of the method or methods to be used in assigning service addresses on form DR-700020, Notification of Method Employed to Determine Taxing Jurisdiction (R. 05/02, incorporated by reference herein). If a dealer changes the method or methods to be used, the dealer must notify the Department on form DR-700020 of the change in method or methods and of the effective date of the change.

(c) Due Diligence. In order to avoid liability for tax, penalty, and interest resulting from errors in the assignment of customer service addresses to local taxing jurisdictions under paragraph (a), a dealer must exercise due diligence in employing one of the methodologies described. The dealer must exercise the care and attention that is expected from and ordinarily exercised by a reasonable and prudent person when ascertaining the correct amount of tax due on sales made by that person.

1. A dealer is exercising due diligence if that dealer expends reasonable resources to accurately and reliably implement a method described in paragraph (a) and maintains adequate internal controls in the assignment of service addresses. Internal controls in the assignment of service addresses are adequate if the dealer has in place and consistently follows procedures to obtain and incorporate accurate updates to its database at least once every six months and corrects errors in assignments of service addresses within 120 days from discovering such errors.

2. A communications services dealer must maintain records establishing that the dealer has exercised due diligence for the period of time during which the Department is authorized to assess taxes on sales of communications services by that dealer. Such records include instructions or procedures provided to employees, contracts and correspondence with third-party vendors or service providers concerning the acquisition or maintenance of data, documentation establishing that the data was consistently updated at least once every six months, records concerning customer or local taxing jurisdiction objections to the assignment of service addresses and responses to those objections, and any other records that pertain to the acquisition, maintenance, and revision of the data upon which service address assignments are based.

3. If a communications services dealer uses a certified database provided by a third party vendor, the communications services dealer must exercise due diligence in its own conduct in using the database. For example, the dealer must follow the vendor's instructions on use of the database and promptly incorporate any updates supplied by the vendor. As part of its due diligence, the dealer has a duty to take reasonable steps to ascertain that the vendor maintains the database so as to ensure continuing qualification for certification. For example, if a vendor failed to provide an update to the database when scheduled to do so, a reasonable and prudent dealer relying on that vendor's database would contact the vendor and make inquiry.

(d) If a communications services dealer uses multiple databases or methodologies, such dealer is protected from liability for tax, interest, and penalty only as to service addresses assigned as specified in paragraph (a) of this subsection. Such a dealer is liable as provided in subsection (1) for taxes, interest, and penalties in regard to erroneous jurisdictional assignments for any service address assigned by any other methodology. A dealer that uses multiple databases must maintain documents that demonstrate that a service address has been assigned employing a methodology described in paragraph (a) in order to be held harmless for local communications services taxes resulting from erroneous assignment of that service address.

(e)1. Employing a method described in paragraph (a) protects a dealer from liability for local communications services taxes and related interest and penalties that would otherwise have been due to a local taxing jurisdiction. A dealer's employment of a method described in paragraph (a) does not deprive a purchaser of the right to a refund of overpayment of local communications services taxes resulting from an erroneous assignment of that customer's service address to a local taxing jurisdiction with a higher rate than that in effect in the correct local taxing jurisdiction. If a purchaser complies with the procedural requirements of s. 202.23, F.S., and establishes that the dealer has incorrectly assigned the purchaser's service address and that an overpayment of local

communications services tax has resulted, the dealer must refund the amount of the overpayment to the purchaser. Upon making such refund, the dealer would be entitled to an equal credit or refund from the Department upon proper reporting to the Department of the amount and jurisdictions involved.

2. For purposes of this paragraph, a purchaser that establishes that a dealer has assigned the purchaser's service address to a different local taxing jurisdiction from the one to which that address was assigned in the electronic database maintained by the Department as of the date of the sale has established a presumption that the dealer's assignment was erroneous. If a dealer believes that the assignment of the purchaser's address in the Department's database is incorrect, the dealer should refer that refund claim to the Department for a determination in accordance with the procedures in s. 202.23, F.S. A dealer who assigned a purchaser's service address in accordance with the most recent information available from the electronic database maintained by the Department at the time of the sale on which the purchaser asserts that tax was overpaid shall not be liable to make a refund to the purchaser unless the Department has subsequently revised the assignment of that address to correct an error and such revision had retroactive effect as of the date of the sale involved pursuant to Emergency Rule 12BER02-6(3)(c), F.A.C.

(3) Collection Allowance.

(a) Any communications services dealer that employs a methodology described in subparagraph (2)(a)1., (2)(a)2., or (2)(a)3. for assigning service addresses to local taxing jurisdictions is entitled to a collection allowance of .75 percent on taxes collected on service addresses assigned using the described methodologies. Any communications services dealer that employs any methodology that is not described in subparagraph (2)(a)1., (2)(a)2., or (2)(a)3. for assigning service addresses to local taxing jurisdictions is entitled to a collection allowance of .25 percent on taxes collected on service addresses assigned using such other methodologies. A communications services dealer who is not liable for an assessment of taxes, interest, and penalties by reason of employing a database that is found upon audit to meet the accuracy criteria for certification, as described in subparagraph (2)(a)4., is entitled to a collection allowance of .25 percent until such time as an application for certification is made and approved.

(b) A communications services dealer must maintain adequate records to demonstrate that a .75 percent collection allowance was claimed only in regard to taxes that were collected for service addresses that were assigned employing a methodology that qualifies for that allowance. If a communications services dealer's records do not clearly establish the correct collection allowance for each service address, the dealer shall be entitled to only a .25 percent collection allowance on sales made to any service address that

the dealer cannot establish was assigned using a database or methodology that qualifies for the .75 percent collection allowance.

(c) A communications services dealer must also timely and correctly remit all tax and meet all the other requirements of s. 202.28, F.S., in order to be entitled to any collection allowance. This rule deals only with determining the amount of collection allowance available to a dealer who otherwise qualifies to receive the allowance. It does not create any separate entitlement to an allowance other than that set forth in s. 202.28, F.S.

(4) All forms referenced in this emergency rule may be obtained by: 1) writing the Florida Department of Revenue, Distribution Center, 168 Blountstown Highway, Tallahassee, Florida 32304; or, 2) faxing the Distribution Center at (850)922-2208; or 3) using a fax machine telephone handset to call the Department's Automated Fax On Demand system at (850)922-3676; or, 4) visiting any local Department of Revenue Service Center to personally obtain a copy; or, 5) calling the Forms Request Line during regular office hours at (800)352-3671 (in Florida only) or (850)488-6800; or 6) downloading selected forms from the Department's Internet site at the address shown inside the parentheses (<http://www.myflorida.com/dor>). Persons with hearing or speech impairments may call the Department's TDD at (800)367-8331.

EFFECTIVE DATE: October 1, 2002.

Specific Authority 202.26(3)(b),(f),(g),(4), 202.28(1) FS. Law Implemented 202.22(1),(4),(5),(6), 202.23, 202.28(1),(2), 202.34(1)(a) FS. History--New 10-1-02.

12BER02-6 Department of Revenue Electronic Database.

(1)(a) The Department will maintain an electronic database that assigns service addresses to local taxing jurisdictions in a format that satisfies the requirements of s. 202.22(2)(a), F.S. The electronic database will be maintained on the Department's website at the address inside the parentheses (<http://www.myflorida.com/dor>). Local taxing jurisdictions and communications services providers will be provided with access codes to permit them to register as users of the database. Registered local taxing jurisdictions and communications services dealers will have the capability of downloading databases of addresses assigned to each local taxing jurisdiction. Local taxing jurisdictions will also have access to an on-line form for requesting changes in service address assignments. The database will also have a single address lookup feature that will permit any person to enter an address and ascertain to which local jurisdiction it is assigned. Use of the single address lookup feature will not require an access code or registration.

(b) When a change to the database has been approved, it will be stored in an auxiliary file pending its inclusion in the next scheduled update of the database. The individual address lookup feature will search this auxiliary file as well as the

current database and may therefore reflect information that has not yet been incorporated into the database available for downloading and use by local taxing jurisdictions and communications services dealers. In such cases, the individual address lookup page will carry a statement notifying the viewer that it reflects a pending change to the database.

(c) The availability of the initial database and of subsequent updates will be announced in the Florida Administrative Weekly. Updates will incorporate corrections of any errors discovered since the last preceding update as well as changes in addresses or jurisdictional boundaries based on information provided by local taxing jurisdictions. Updates will be posted on the Department's website at least 90 days prior to the effective date of the update and will also be available to dealers of communications services and vendors of databases in magnetic or electronic media for a fee equal to the cost of furnishing the update in such media. Requests for electronic or magnetic media copies should be addressed to Communications Services Tax, Local Government Jurisdiction Unit, Post Office Box 5885, Tallahassee, Florida 32314-5885.

(2)(a) Local taxing jurisdictions have a continuing obligation to provide the Department with information to update the database, such as changes in service addresses, annexations, incorporations, reorganizations, and any other changes to jurisdictional boundaries. Local taxing jurisdictions must inform the Department of the identity of the jurisdictions' officers or employees who are authorized to act as contact persons with the Department on database matters.

(b) Local taxing jurisdictions must submit information requesting changes to the database electronically following the on-line Guide for Address Change Requests (hereby incorporated by reference). The information must also be submitted on form DR-700022, Local Communications Services Tax Notification of Jurisdiction Change (R. 04/02, hereby incorporated by reference).

(c) The local taxing jurisdiction must specify the effective date of any information to be incorporated in the database. The effective date must be the next January 1 or July 1 after the date of submission of the information to the Department. Changes must be submitted no later than the date that is 120 days prior to the January 1 or July 1 on which changes are to be effective.

(d)1. Each requested change or addition to the database must be supported by competent evidence. Competent evidence is documentation that establishes that the service addresses affected by the requested change or addition are located in the local taxing jurisdiction indicated on the request. Examples of competent evidence include annexation ordinances, articles of incorporation of a new municipality, or the plat filed for a newly approved subdivision. Competent evidence must clearly designate the service addresses that are affected.

2. If a requested change is to move an address from one local taxing jurisdiction to another, competent evidence includes the consent of the local taxing jurisdiction that did not request the change. To facilitate processing of the change, the local taxing jurisdiction requesting the change should attempt to obtain a written consent to the change signed by an authorized contact person of the non-requesting jurisdiction. Form DR-700022 contains an authorization statement that will serve as the written consent of the non-requesting local taxing jurisdiction when signed by that jurisdiction's authorized contact person. If the requesting jurisdiction has not obtained the written consent of the non-requesting jurisdiction, the Department will contact the non-requesting jurisdiction before making the change. Based upon the response of the non-requesting jurisdiction, the Department will take the following action in regard to the requested change:

a. If the non-requesting jurisdiction consents in writing, the Department will accept and process the change.

b. If the non-requesting jurisdiction objects in writing, the Department will treat the requested change as one that must be resolved by the local taxing jurisdictions involved as provided in subsection (3).

c. If the non-requesting jurisdiction fails to either consent or object in writing within 20 days after the date on which the Department notified that jurisdiction of the requested change, the Department will accept and process the change. This will not preclude the non-requesting jurisdiction from subsequently objecting to the new address assignments after they have been processed.

(e) Examples.

1. A local taxing jurisdiction approves the plat and grants the permits necessary for development of a new subdivision on February 1, 2005. The plat indicates street names but no address numbers have yet been assigned by the postal authorities. In order for the addresses to be added to the electronic database effective the following July 1, the local taxing jurisdiction must file form DR-700022 with a copy of the approved subdivision plat and submit on-line address change information by March 3, 2005. If that deadline is not met, the earliest date on which the new service addresses can be added to the database is January 1, 2006. In order to meet the deadline and be certain that the actual address numbers are included, the contact person for the local taxing jurisdiction may request the addition of a range of numbers that is certain to include the actual numbers. Because the development of the subdivision affects only the requested jurisdiction, no consent from any other jurisdiction is required.

2. A municipality annexes an area with 1500 service addresses that was formerly in an unincorporated area of the county. The annexation will be effective July 1, 2003. The municipality's database contact person timely enters address change requests for 1525 addresses on-line and files a form DR-700022 on February 15, 2003. Included with the form are a

copy of the annexation ordinance and a map with the annexed area outlined with street address ranges included in the annexed area noted. The county database contact person has not signed the form DR-700022 or otherwise given written consent to the changes. On February 20, 2003, the Department notifies the county of the requested changes and provides copies of the municipality's form DR-700022, annexation ordinance, and map. The county does not respond with written consent or a written objection. On March 14, 2003, the Department processes the changes, and they are included in an update available on April 1, 2003, to take effect July 1, 2003. The county's database contact person notifies the Department on July 15, 2003, that the county believes the database now incorrectly assigns 25 service addresses to the municipality. The Department will handle this as an objection to the database as discussed in subsection (3).

(3)(a) Any substantially affected party may object to information contained in the initial electronic database or any update to the electronic database by submitting form DR-700025, Objection to Communications Services Tax Electronic Database Service Address Assignment (N. 04/02 hereby incorporated by reference), along with competent evidence to support the party's objection. Examples of substantially affected parties include purchasers of communications services who pay local communications services taxes, dealers who are required to collect local communications services taxes, and local taxing jurisdictions that object to a change to the database proposed by another local taxing jurisdiction. Examples of competent evidence include an electric utility bill from a provider that operates only within a particular local taxing jurisdiction, a voter registration card indicating the voter residing at a service address is entitled to vote in municipal elections or only in county elections, or a map that includes the boundaries of a local taxing jurisdiction and clearly places a service address inside or outside those boundaries. For example, if a map shows that a street is entirely within the boundaries of a municipality, that map is competent evidence that a service address on that street should be assigned to that municipality in the database. The Department will notify the affected party of any deficiencies in the objection or competent evidence.

(b) Upon receipt of an objection on a completed form DR-700025, including competent evidence to support the objection, the Department will forward copies of the form, along with the associated documentation to the database contact person in each affected taxing jurisdiction. The Department will instruct each local taxing jurisdiction to indicate in writing its determination in regard to the objection. If the affected local taxing jurisdictions each indicate agreement with the objection, the Department will revise the electronic database accordingly. If a local taxing jurisdiction fails to respond within a reasonable time, which shall be no less than 30 days, such jurisdiction shall be deemed to have indicated agreement with the objection. If either local taxing

jurisdiction notifies the Department in writing that it does not agree with the objection, the Department will immediately reassign the database with a special designation that indicates that the jurisdictional assignment of the address is in dispute. The service address will be reassigned to a local taxing jurisdiction when one of the following events occurs:

1. The Department receives written notification from the local taxing jurisdiction that did not agree with the change requested in the objection that such local taxing jurisdiction has subsequently determined that the change should be made;

2. The Department receives written notification from the party that filed the form DR-700025 that the objection was erroneous and the assignment in the database was correct; or

3. The Department is provided with a copy of a final order, judgment, or other binding written determination resolving the jurisdictional assignment of the contested address.

(c) No communications services provider who relies on the assignment of a service address in the database will be held liable for any tax, interest, or penalty in regard to that service address if the assignment is later determined to be erroneous under this subsection. For purposes of making refunds to purchasers, a correction to the database will have retroactive effect to the July 1 or January 1 on which the erroneous assignment took effect if the form DR-700025 objecting to the assignment is filed no later than the August 31 following an assignment that took effect on July 1 or the February 28 following an assignment that took effect on January 1.

(4) All forms referenced in this emergency rule may be obtained by: 1) writing the Florida Department of Revenue, Distribution Center, 168 Blountstown Highway, Tallahassee, Florida 32304; or 2) faxing the Distribution Center at (850)922-2208; or 3) using a fax machine telephone handset to call the Department's Automated Fax On Demand system at (850)922-3676; or 4) visiting any local Department of Revenue Service Center to personally obtain a copy; or 5) calling the Forms Request Line during regular office hours at (800)352-3671 (in Florida only) or (850)488-6800; or 6) downloading selected forms from the Department's Internet site at the address shown inside the parentheses (<http://www.myflorida.com/dor>). Persons with hearing or speech impairments may call the Department's TDD at (800)367-8331.

EFFECTIVE DATE: October 1, 2002.

Specific Authority 202.26(3)(b),(g),(4) FS. Law Implemented 202.22(2), 202.23 FS. History--New 10-1-02.

12BER02-7 Certification of Service Address Databases.

(1) A communications services dealer that develops and maintains its own database for assigning service addresses to local taxing jurisdictions or a third party vendor that provides a database for sale to communications services dealers or uses such a database in providing billing or other services to communications services dealers may apply to the Department for certification of the database. A database will be certified if

it assigns street addresses, address ranges, post office boxes, and post office box ranges to the proper local taxing jurisdictions with an overall accuracy rate of 95 percent with a 95 percent level of confidence, based on a statistically reliable sample. Accuracy must be measured based on the entire geographic area within the state of Florida covered by the database for which certification is sought.

(2)(a) Application for certification must be made to the Department on form DR-700012, Application for Certification of Communications Services Database (R. 07/02, hereby incorporated by reference) and in accordance with the on-line Instructions for Preparing and Submitting Customer Address Files for Certification Testing (available at the Department's website, <http://www.myflorida.com/dor>, and hereby incorporated by reference). All applicable portions of the application must be completed.

(b) The Department will notify the applicant of any errors or omissions in the application and of all additional information or documentation required within 90 days of receipt of the application. The Department will review the application and contact the individual designated in the application concerning any additional information required and the format in which such information must be submitted. The applicant shall provide access to all records, facilities, and processes reasonably required to review, inspect, or test the database within 10 working days of the Department's request for such access.

(c) The Department will test the applicant's database by comparing the assignments of service addresses to the assignments of service addresses in the Department's on-line database described in Emergency Rule 12BER02-6, F.A.C. The Department will notify the applicant of all service addresses that do not match the Department's database regardless of whether the applicant's database meets the accuracy criterion for certification.

(d) Within 180 days of receipt of a completed application, the Department will issue a written determination.

1. If the notice grants certification, it will specify the expiration date, which will be three years or four years from the date of the notice.

2. If the notice denies certification, it must specify the grounds, inform the applicant of any available remedy, and set forth procedures for protesting the denial. If the applicant cures all of the defects that formed the basis for denial, the Department will issue a notice certifying the database. The Department is authorized to grant certification of the database even in cases where the applicant has filed a petition and a proceeding is pending under Chapter 120, F.S.

(3) An application for recertification of a database must be submitted on form DR-700012 when the certification period expires. If an application for recertification is received prior to the stated expiration date of the certification period, the prior certification will not expire until the Department takes final

action on the application for recertification. In such cases, if the Department denies recertification, the prior certification will remain in effect until the time for administrative or judicial review of the Department's denial of recertification has expired or, if later, the date fixed by order of the reviewing court.

(4) Certification or recertification of a database is effective upon the date of the Department's notice approving the application. Except when extended as provided under subsection (3) when a timely application for recertification has been filed, a certification or recertification is effective through the date stated on the notice, which shall be either three years or four years from the date of the notice. The database will be assigned a three-year expiration date if the applicant's business partner number assigned by the Department's accounting system program ends in an even number and a four-year expiration date if the applicant's business partner number ends in an odd number.

(5) In determining whether a database qualifies for certification, the Department will consider whether the applicant will implement procedures designed to maintain the accuracy level required for certification throughout the certification period. If the Department obtains information indicating that a certified database is not being properly maintained and updated to insure on-going accuracy at the required levels, the Department will notify the applicant and review the operation and maintenance of that database. If the Department determines that a database no longer qualifies for certification and remedial steps are not promptly taken, the Department will revoke the certification. The Department shall first provide notice to the applicant of its intent to revoke the certification as provided in s. 120.60, F.S., and afford the applicant a point of entry under Chapter 120, F.S., to contest the notice of intent.

(6) Certification is contingent upon there being no material changes to the database or procedures for its updating and maintenance. If there are such changes, the applicant should inform the Department and request a determination whether a new form DR-700012 should be submitted. If practicable, the Department will test the effect of the changes rather than require a new certification procedure for the entire database. A material change is any change that could reasonably be expected to affect whether the database would still meet the 95 percent accuracy level required for certification. Examples of changes that could be material would be an expansion of the service area covered by a database, the merger of two or more databases, a change in the sources from which information for the database is obtained, or alteration of the methods by which service addresses are assigned, updated, or corrected. Changes made in the course of consistently followed procedures to obtain and incorporate accurate updates and to correct errors in assignments of service addresses as required to satisfy the due

diligence standards set forth in Emergency Rule 12BER02-5(2)(c), F.A.C., are not material changes that require Department review of a database.

(7) Transition Rules. Notwithstanding any provision to the contrary, if a dealer submitted an application for certification of a database on or before May 1, 2002, the following transition rules apply:

(a) The requirement of s. 202.22(3)(d), F.S., that the Department grant or deny the application within 180 days does not apply.

(b) If a notice of intent to deny the application is issued, the dealer is entitled to a collection allowance of .75 percent for taxes collected on service addresses assigned using the database that is the subject of the application until the date the Department's notice of denial is final.

(c) If the application is approved, the effective date of the certification will be the date the application was submitted.

(8) All forms referenced in this emergency rule may be obtained by: 1) writing the Florida Department of Revenue, Distribution Center, 168 Blountstown Highway, Tallahassee, Florida 32304; or 2) faxing the Distribution Center at (850)922-2208; or 3) using a fax machine telephone handset to call the Department's Automated Fax On Demand system at (850)922-3676; or 4) visiting any local Department of Revenue Service Center to personally obtain a copy; or 5) calling the Forms Request Line during regular office hours at (800)352-3671 (in Florida only) or (850)488-6800; or 6) downloading selected forms from the Department's Internet site at the address shown inside the parentheses (<http://www.myflorida.com/dor>). Persons with hearing or speech impairments may call the Department's TDD at (800)367-8331.

EFFECTIVE DATE: October 1, 2002.

Specific Authority 202.26(3)(g),(4) FS. Law Implemented 202.22(3) FS. History—New 10-1-02.

12BER02-8 Use of Enhanced Zip Code Method to Assign Service Addresses to Local Taxing Jurisdictions.

(1) An enhanced zip code method is a method of assigning service addresses to local taxing jurisdictions based on United States postal zip codes of at least nine digits.

(2) A communications services dealer may avoid liability as provided in Emergency Rule 12BER02-5, F.A.C., for tax, penalty, and interest resulting from errors in assigning service addresses to local taxing jurisdictions by employing an enhanced zip code method only if the requirements of this rule are satisfied.

(3) The dealer or the vendor providing the database is not permitted to rely solely on the location of the post office to which an enhanced zip code is assigned by the United States Postal System if the area covered by the enhanced zip code is not entirely located within the same local taxing jurisdiction as the post office. In some cases, the area included in an enhanced

zip code overlaps local jurisdictional boundaries or is outside the local taxing jurisdiction where the post office to which a zip code is assigned is located. In addition, a dealer may provide services to customer service addresses for which an enhanced zip code is not available because the service address is in a rural area or is without postal delivery. The dealer or the vendor must use a reasonable methodology to assign service addresses in such circumstances. The dealer or vendor will be considered to have used a reasonable methodology if it relies on information obtained from one or more of the following sources:

(a) The Department's electronic database as described in Emergency Rule 12BER02-6, F.A.C.;

(b) A database that has been certified by the Department as provided in Emergency Rule 12BER02-7, F.A.C.;

(c) Representatives of relevant local taxing jurisdictions whose responsibilities entail knowledge of the location of addresses as within or without their jurisdictions;

(d) The United States Census Bureau; or

(e) The United States Post Office.

The dealer must maintain records that establish the methodology used to assign service addresses as provided in this subsection.

(4) The dealer employing an enhanced zip code method to assign service addresses to local jurisdictions must satisfy the notification and due diligence requirements set forth in Emergency Rule 12BER02-5(2)(b) and (c), F.A.C. For purposes of due diligence requirements, a communications services dealer or an enhanced zip code database vendor is deemed to have expended reasonable resources to accurately and reliably implement an enhanced zip code method if the requirements of subsection (3) have been met. The database vendor or dealer must also maintain adequate internal controls to assure the on-going accuracy of an enhanced zip code database as described in Emergency Rule 12BER02-5(2)(c)1., F.A.C.

(5) In order to be entitled to the 0.75 percent collection allowance, a communications services dealer that employs an enhanced zip code method to assign service addresses must satisfy the requirements of Emergency Rule 12BER02-5(3), F.A.C.

EFFECTIVE DATE: October 1, 2002.

Specific Authority 202.26(3)(b),(f),(g),(4), 202.28(1) FS. Law Implemented 202.22(1),(4),(6),(7), 202.28(1)(b)2. FS. History—New 10-1-02.

THIS RULE TAKES EFFECT UPON BEING FILED WITH THE DEPARTMENT OF STATE UNLESS A LATER TIME AND DATE ARE SPECIFIED IN THE RULE.

EFFECTIVE DATE: October 1, 2002

DEPARTMENT OF THE LOTTERY

RULE TITLE: Instant Game Number 446, TRIPLE 7'S
 RULE NO.: 53ER02-48

SUMMARY OF THE RULE: This emergency rule describes Instant Game Number 446, "TRIPLE 7'S," for which the Department of the Lottery will start selling tickets on a date to be determined by the Secretary of the Department. The rule sets forth the specifics of the game; determination of prizewinners; and the 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:

53ER02-48 Instant Game Number 446, "TRIPLE 7'S".

(1) Name of Game. Instant Game Number 446, "TRIPLE 7'S."

(2) Price. "TRIPLE 7'S" lottery tickets sell for \$1.00 per ticket.

(3) "TRIPLE 7'S" 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 "TRIPLE 7'S" 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 "TRIPLE 7'S" lottery ticket, or as to the prize amount, the Void if Removed Number under the latex shall prevail over the bar code.

(4) The play symbols and play symbol captions are as follows:

INSERT SYMBOLS

(5) Determination of Prizewinners. A ticket having three "7's" in the play area in any one row, column or diagonal shall entitle the claimant to the corresponding prize shown. The prizes are: FREE TICKET, \$2, \$3, \$7, \$27, \$77, and \$777. A claimant who is entitled to a prize of a "FREE TICKET" shall be entitled to a prize of a \$1.00 ticket, except as follows. A person who submits by mail a TRIPLE 7'S 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.

(6) The estimated odds of winning, value, and number of prizes in Instant Game Number 446 are as follows:

<u>GAME PLAY</u>	<u>WIN</u>	<u>ODDS OF 1 IN</u>	<u>NUMBER OF WINNERS IN 56 POOLS OF 180,000 TICKETS PER POOL</u>
<u>RIGHT COLUMN</u>	<u>\$1 TICKET</u>	<u>10.00</u>	<u>1,008,000</u>
<u>MIDDLE COLUMN</u>	<u>\$2</u>	<u>15.79</u>	<u>638,400</u>
<u>LEFT COLUMN</u>	<u>\$3</u>	<u>23.08</u>	<u>436,800</u>
<u>TOP ROW</u>	<u>\$7</u>	<u>50.00</u>	<u>201,600</u>
<u>CENTER ROW</u>	<u>\$27</u>	<u>234.99</u>	<u>42,896</u>
<u>BOTTOM ROW</u>	<u>\$77</u>	<u>9,000.00</u>	<u>1,120</u>
<u>DIAGONAL</u>	<u>\$777</u>	<u>403,200.00</u>	<u>25</u>

(7) The estimated overall odds of winning some prize in Instant Game Number 446 are 1 in 4.33. Some prizes, including the top prizes, may be sold out at time of ticket purchase.

(8) For reorders of Instant Game Number 446, the estimated odds of winning, value and number of prizes shall be proportionate to the number of tickets reordered.

(9) By purchasing a TRIPLE 7'S lottery ticket the player agrees to comply with and abide by all rules and regulations of the Florida Lottery.

(10) Payment of prizes for TRIPLE 7'S 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 9-13-02.

THIS EMERGENCY RULE TAKES EFFECT IMMEDIATELY UPON BEING FILED WITH THE DEPARTMENT OF STATE.

EFFECTIVE DATE: September 13, 2002

DEPARTMENT OF THE LOTTERY

RULE TITLE: Instant Game Number 445, 4 OF A KIND
 RULE NO.: 53ER02-49

SUMMARY OF THE RULE: This emergency rule describes Instant Game Number 445, "4 OF A KIND," 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:

53ER02-49 Instant Game Number 445, 4 OF A KIND.

(1) Name of Game. Instant Game Number 445, "4 OF A KIND."

(2) Price. 4 OF A KIND lottery tickets sell for \$2.00 per ticket.

(3) 4 OF A KIND 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 4 OF A KIND 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 4 OF A KIND lottery ticket, or as to the prize amount, the Void If Removed Number under the latex shall prevail over the bar code.

(4) The play symbols and play symbol captions are as follows:

GAME PLAY	WIN	ODDS OF 1 IN	NUMBER OF WINNERS IN 42 POOLS OF 180,000 TICKETS PER POOL
FREE TICKET	\$2 TICKET	10.00	756,000
\$2	\$2	25.00	302,400
\$2 x 2	\$4	50.00	151,200
\$4	\$4	50.00	151,200
\$5	\$5	25.00	302,400
\$2 x 4	\$8	150.00	50,400
\$2 x 5	\$10	75.00	100,800
\$10	\$10	75.00	100,800
\$5 x 3	\$15	300.00	25,200
\$15	\$15	300.00	25,200
\$5 x 4	\$20	600.00	12,600
\$5 + \$15	\$20	600.00	12,600
\$20	\$20	600.00	12,600
\$10 + (\$20 x 2)	\$50	480.00	15,750
\$50	\$50	509.92	14,826
\$500	\$500	378,000.00	20
\$10,000	\$10,000	1,512,000.00	5

INSERT SYMBOLS

The heart and diamond play symbols and play symbol captions will appear on the ticket in red ink, and the spade and club play symbols and play symbol captions will appear on the ticket in black ink.

(5) Determination of Prizewinners. There are five hands on a ticket. Each of the five hands plays separately. A ticket having four cards of one kind in the play area of one hand shall entitle the claimant to the corresponding prize shown in the "PRIZE TABLE" for that kind of card. The prizes are: FREE TICKET, \$2, \$4, \$5, \$10, \$15, \$20, \$50, \$500, and \$10,000. A claimant who is entitled to a prize of a "FREE 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 4 OF A KIND 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.

(9) The estimated odds of winning, value, and number of prizes in Instant Game Number 445 are as follows:

(10) The estimated overall odds of winning some prize in Instant Game Number 445 are 1 in 3.72. Some prizes, including the top prizes, may be sold out at time of ticket purchase.

(11) For reorders of Instant Game Number 445, the estimated odds of winning, value, and number of prizes shall be proportionate to the number of tickets reordered.

(12) By purchasing a 4 OF A KIND lottery ticket the player agrees to comply with and abide by all rules and regulations of the Florida Lottery.

(13) Payment of prizes for 4 OF A KIND 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 9-13-02.

THIS EMERGENCY RULE TAKES EFFECT IMMEDIATELY UPON BEING FILED WITH THE DEPARTMENT OF STATE.

EFFECTIVE DATE: September 13, 2002

DEPARTMENT OF THE LOTTERY

RULE TITLE: Instant Game Number 447, GOLD NUGGET
 RULE NO.: 53ER02-50
 SUMMARY OF THE RULE: This emergency rule describes Instant Game Number 447, "GOLD NUGGET," 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:

53ER02-50 Instant Game Number 447, GOLD NUGGET.

(1) Name of Game. Instant Game Number 447, "GOLD NUGGET."

(2) Price. GOLD NUGGET lottery tickets sell for \$2.00 per ticket.

(3) GOLD NUGGET 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 GOLD NUGGET 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 GOLD NUGGET 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 Prizewinners.

(a) A ticket having a number in the "YOUR NUMBERS" play area that matches any of the numbers in the "WINNING NUMBERS" play area shall entitle the claimant to the corresponding prize shown for that number. A ticket may have up to ten matching sets of numbers. The prizes are: TICKET, \$1.00, \$2.00, \$5.00, \$10.00, \$25.00, \$50.00, \$100, \$1,000, \$2,000 and \$15,000. A claimant who is entitled to a prize of a "TICKET" shall be entitled to a prize of a \$2.00 instant ticket or any combination of instant and on-line tickets that totals \$2.00, except as follows. A person who submits by mail a GOLD NUGGET 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 ^{MIN} symbol in the "YOUR NUMBERS" play area shall entitle the claimant to a prize of \$50.00.

(9) The estimated odds of winning, value, and number of prizes in Instant Game Number 447 are as follows:

<u>GAME PLAY</u>	<u>WIN:</u>	<u>ODDS OF</u>	<u>NUMBER OF</u>
<u>FREE TICKET</u>	<u>\$2 TICKET</u>	<u>1 IN</u>	<u>WINNERS IN</u>
			<u>42 POOLS OF</u>
			<u>180,000 TICKETS</u>
			<u>PER POOL</u>
\$2	\$2	10.00	756,000
\$2 x 2	\$4	18.75	403,200
\$1 + (\$2 x 2)	\$5	37.50	201,600
\$5	\$5	37.50	201,600
\$5	\$5	50.00	151,200
\$1 + (\$2 x 2) + \$5	\$10	100.00	75,600
(\$1 x 8) + \$2	\$10	100.00	75,600
\$10	\$10	150.00	50,400
\$5 x 5	\$25	150.00	50,400
(\$5 x 2) + (\$10 x 4)	\$50	900.00	8,400
\$10 x 5	\$50	1,200.00	6,300
\$50 (PICK AXE)	\$50	300.00	25,200
\$10 x 10	\$100	24,387.10	310
(\$25 x 2) + \$50 (PICK AXE)	\$100	24,387.10	310
\$100	\$100	24,387.10	310
(\$25 x 6) + \$50 (PICK AXE)	\$200	151,200.00	50
\$100 x 10	\$1,000	756,000.00	10
\$2,000	\$2,000	1,260,000.00	6
(\$1,000 x 5) + (\$2,000 x 5)	\$15,000	2,520,000.00	3
\$15,000	\$15,000	3,780,000.00	2

(10) The estimated overall odds of winning some prize in Instant Game Number 447 are 1 in 3.77. Some prizes, including the top prizes, may be sold out at time of ticket purchase.

(11) For reorders of Instant Game Number 447, the estimated odds of winning, value, and number of prizes shall be proportionate to the number of tickets reordered.

(12) By purchasing a GOLD NUGGET lottery ticket the player agrees to comply with and abide by all rules and regulations of the Florida Lottery.

(13) Payment of prizes for GOLD NUGGET 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 9-13-02.

THIS EMERGENCY RULE TAKES EFFECT IMMEDIATELY UPON BEING FILED WITH THE DEPARTMENT OF STATE.

EFFECTIVE DATE: September 13, 2002

DEPARTMENT OF THE LOTTERY

RULE TITLE: Replacement of Obsolete Emergency Rules
 RULE NO.: 53ER02-51

SUMMARY OF THE RULE: This emergency rule is replacing other emergency rules that have been determined to be obsolete or unnecessary by the Department of the Lottery.

THE PERSON TO BE CONTACTED REGARDING THE EMERGENCY RULE IS: Diane D. Schmidt, Department of the Lottery, 250 Marriott Drive, Tallahassee, Florida 32399-4011

THE FULL TEXT OF THE EMERGENCY RULE IS:

53ER02-51 Replacement of Obsolete Emergency Rules.

The following Department of the Lottery emergency rules relating to Lottery games or promotions, retailer programs, or personnel rules are being replaced because the games, promotions or programs have concluded, the emergency rule provisions have been adopted by permanent rule, or the provisions of the rule are obsolete. This rule shall replace the following rules: 53ER00-51, 53ER01-13, 53ER01-22, 53ER01-24, 53ER01-29, 53ER01-37, 53ER01-40, 53ER01-41, 53ER01-42, 53ER01-43, 53ER01-45, 53ER01-54, 53ER01-59, 53ER01-63, 53ER01-64, 53ER01-72, 53ER01-80, 53ER01-81, 53ER01-82, 53ER01-83, 53ER01-84, F.A.C.

Specific Authority 24.109(1), 24.105(2) FS. Law Implemented 24.109(1), 120.74(1)(c) FS. History—New 9-13-02. Replaces 53ER00-51, 53ER01-13, 53ER01-22, 53ER01-24, 53ER01-29, 53ER01-37, 53ER01-40, 53ER01-41, 53ER01-42, 53ER01-43, 53ER01-45, 53ER01-54, 53ER01-59, 53ER01-63, 53ER01-64, 53ER01-72, 53ER01-80, 53ER01-81, 53ER01-82, 53ER01-83, 53ER01-84, F.A.C.

THIS EMERGENCY RULE TAKES EFFECT IMMEDIATELY UPON BEING FILED WITH THE DEPARTMENT OF STATE.

EFFECTIVE DATE: September 13, 2002

**Section V
 Petitions and Dispositions Regarding Rule
 Variance or Waiver**

DEPARTMENT OF TRANSPORTATION

NOTICE IS HEREBY GIVEN that, on September 12, 2002, the Florida Department of Transportation (hereinafter Department) issued a Notice of Intent to Deny Request for Variance or Waiver of the Petition of Space Coast Harley-Davidson, seeking a variance from the provisions of Rule 14-85.004, F.A.C. On September 17, 2002, the Department issued a Corrected Notice of Intent to Deny Request for Variance or Waiver (corrected for case number). The Petition was received by the Department on July 11, 2002. The Department published its notice of receipt of the petition in the July 26, 2002, edition of the Florida Administrative Weekly. Rule 14-85.004, F.A.C., establishes the qualifications for participation in the Logo Sign Program in conformity with the provisions of the *Manual on Uniform Traffic Control Devices* published by the Federal Highway Administration. The Department's notice, issued in DOT Case No. 02-083, advised that the Department intended to deny the petition because Space Coast Harley Davidson's business does not fit into any of the federally mandated categories of businesses which are eligible to participate in the Logo Sign Program.

A copy of the Department's notice may be obtained from the Clerk of Agency Proceedings, Department of Transportation, 605 Suwannee Street, M.S. 58, Tallahassee, Florida 32399-0458. For additional information, contact James C. Myers, (850)414-5393.

WATER MANAGEMENT DISTRICTS

The St. Johns River Water Management District hereby gives notice that it received a petition on June 3, 2002, from Windsor Properties, Inc., seeking a variance from Rule 40C-4.302(1)(c), F.A.C., and the associated portion of the Applicant's Handbook: Management and Storage of Surface Waters, including Section 12.2.5(c), with respect to Environmental Resource Permit Application 4-061-18758-3 to construct a community observation pier and mitigation area. Some of the planned construction is proposed to occur directly in the Indian River, which is categorized as Class II waters that are classified by the Department of Agricultural and Consumer Services as conditionally restricted for shellfish harvesting. Comments on this petition should be filed with Sandy Bertram, District Clerk, St. Johns River Water Management District, P. O. Box 1429, Palatka, Florida 32178-1429, within 14 days of publication of this notice. The petition has been assigned F.O.R. Number 2002-41.

For a copy of the petition or additional information, contact Mary Ellen Jones, Assistant General Counsel, Office of General Counsel, St. Johns River Water Management District, P. O. Box 1429, Palatka, Florida 32178-1429, or telephone (386)312-2340.

The St. Johns River Water Management District (District) announces its intent to grant a variance from the provisions of Rule 40C-4.302(1)(c), F.A.C., and the associated portion of the Applicant's Handbook: Management and Storage of Surface Waters, including Section 12.2.5(c), (F.O.R. Number 2002-064) to the National Aeronautics and Space Administration (NASA) and the Merritt Island National Wildlife Refuge (Refuge), to perform an impoundment restoration/enhancement project to be used by NASA or the Refuge as mitigation for future development plans (known as the Shiloh Impoundment Restoration Project). Some of the planned construction is proposed to occur directly in the Indian River Lagoon in Brevard County, which is categorized as Class II waters that are classified by the Department of Agriculture and Consumer Services as conditionally approved for shellfish harvesting. This variance is sought in conjunction with St. Johns River Water Management District Permit application number 4-009-84196-1 to perform an impoundment restoration/enhancement project. Notice of the petition for variance was published in the Florida Administrative Weekly on August 23, 2002. The District's Governing Board is scheduled to take final action on the Petition for Variance at its October Regulatory meeting, which begins at 1:00 p.m. on October 8, 2002.

A person whose substantial interests are or may be determined by the District's proposed decision has the right to request an administrative hearing by filing a written petition with the St. Johns River Water Management District (District), or may choose to pursue mediation as an alternative remedy under Sections 120.569 and 120.573, Florida Statutes, before the deadline for filing a petition. Choosing mediation will not adversely affect the rights to a hearing if mediation does not result in a settlement. The procedures for pursuing mediation are set forth in Sections 120.569 and 120.57, Florida Statutes, and Rules 28-106.111 and 28-106.401-.405, Florida Administrative Code. Pursuant to Chapter 28-106 and Rule 40C-1.1007, Florida Administrative Code, the petition must be filed at the office of the District Clerk at District Headquarters, P. O. Box 1429 Palatka, Florida 32178-1429 (4049 Reid St., Palatka, FL 32177) within nineteen (19) days of the District depositing notice of District decision in the mail (for those persons to whom the District mails actual notice) or within fourteen (14) days of newspaper publication of the notice of District decision (for those persons to whom the District does not mail actual notice). A petition for an administrative hearing is deemed filed upon delivery of the petition to the District Clerk at the District Headquarters in Palatka, Florida. Such a

petition must comply with Chapter 28-106, Florida Administrative Code. The right to an administrative hearing and the relevant procedures to be followed are governed by Chapter 120, Florida Statutes, and Chapter 28-106, Florida Administrative Code, and Section 40C-1.1007, Florida Administrative Code.

If the Governing Board takes action which substantially differs from the notice of District decision, a person whose substantial interests are or may be determined has the right to request an administrative hearing or may choose to pursue mediation as an alternative remedy as described above. Pursuant to District Rule 40C-1.1007, Florida Administrative Code, the petition must be filed (received) at the office of the District Clerk at the address described above, within nineteen (19) days of the District depositing notice of final District decision in the mail (for those persons to whom the District mails actual notice) or within fourteen (14) days of newspaper publication of the notice of its final agency action (for those persons to whom the District does not mail actual notice). Such a petition must comply with Chapter 28-106, Florida Administrative Code.

Pursuant to Section 120.68, Florida Statutes, a person who is adversely affected by final District action may seek review of the action in the District Court of Appeal by filing a notice of appeal pursuant to the Florida Rules of Appellate Procedure within 30 days of the rendering of the final District action. For appeals to the District Courts of Appeal, a District action is considered rendered after it is signed on behalf of the District, and is filed by the District Clerk.

A party to the proceeding before the District who claims that a District order is inconsistent with the provisions and purposes of Chapter 373, Florida Statutes, may seek review of the order pursuant to Section 373.114, Florida Statutes, by the Florida Land and Water Adjudicatory Commission, by filing a request for review with the Commission and serving a copy on the Department of Environmental Protection and any person named in the order within 20 days of the rendering of the District order. Review by the Florida Land and Water Adjudicatory Commission is not available for final orders resulting from an evidentiary hearing held under Sections 120.569 and 120.57, F.S., or for rules adopted after issuance of a final order resulting from an evidentiary hearing under Section 120.56, F.S.

Failure to observe the relevant time frames for filing a petition for judicial review or for Commission review as described above, will result in waiver of that right to review.

The Petition for Variance and permit application files are available for public inspection during normal business hours, 8:00 a.m. through 5:00 p.m., Monday through Friday, except legal holidays at St. Johns River Water Management District, 4049 Reid Street, Palatka, Florida 32177. Request for copies or inspection of these files should be made to Mary Ellen Jones,

Assistant General Counsel, Office of General Counsel, St. Johns River Water Management District, P. O. Box 1429, Palatka, Florida 32178-1429, or telephone (386)312-2340.

NOTICE IS HEREBY GIVEN that on August 28, 2002, South Florida Water Management District (District) received a petition for waiver from William A. Waggoner, Application No. 01-052502, for utilization of Works or Lands of the District known as the C-17 Canal, Palm Beach County, for an existing dock with boat lift, electrical service and lights, cross-fencing, temporary shed with slab, flag pole, paver walkways, and landscaping. The petition seeks relief from Rules 40E-6.011(4),(5) and (6), Fla. Admin. Code, and 40E-6.221(2)(j), Fla. Admin. Code, and the Basis of Review for Use or Occupancy of the Works or Lands of the District Permit Applications within the South Florida Water Management District, incorporated by reference in Rule 40E-6.091(1), Fla. Admin. Code, which govern the placement of permanent and semi-permanent above-ground structures within forty feet of the top of canal bank within Works or Lands of the District.

A copy of the petition may be obtained from: Jan Sluth, (561)682-6299 or e-mail at jsluth@sfwmd.gov.

The District will accept comments concerning the petition for 14 days from the date of publication of this notice. To be considered, comments must be received by the end of business on the 14th day at the South Florida Water Management District, 3301 Gun Club Road, MSC 1410, West Palm Beach, FL 33406, Attn: Jan Sluth, Office of Counsel.

NOTICE IS HEREBY GIVEN that the South Florida Water Management District (District) received a request for withdrawal of the Petition for Waiver from the Golden Gate Fire Control District, on August 26, 2002. The petition for waiver was received by the District on March 11, 2002. Notice of receipt of the petition requesting the waiver was published in the Florida Administrative Weekly, Vol. 28, No. 13, on March 29, 2002.

A copy of the request for withdrawal can be obtained from: Jan Sluth, South Florida Water Management District, 3301 Gun Club Road, MSC 1410, West Palm Beach, FL 33406-4680, telephone number (561)682-6299 or by e-mail jsluth@sfwmd.gov.

DEPARTMENT OF THE LOTTERY

NOTICE IS HEREBY GIVEN THAT the Department of the Lottery has received a Petition for Waiver of Rule 53ER02-12(5), F.A.C., *Procedures for Awarding Prizes*, from the following petitioner:

Petitioner	Date Filed
Gwendolyn Moore, Miami, Florida	September 12, 2002

Emergency Rule 53ER02-12, F.A.C, sets forth the provisions for payment of prizes to players. A copy of the Petition can be obtained from the Florida Lottery, Office of the General Counsel, 250 Marriott Drive, Tallahassee, Florida 32399-4011.

AGENCY FOR HEALTH CARE ADMINISTRATION

NOTICE IS GIVEN that the Agency for Health Care Administration approved the request for a waiver of Florida Building Code Chapters 419.4.56.2.2.2 (formerly Chapter 59A-3.081(55)(b)2., F.A.C.) by Lee Memorial Health System to allow a permanent variance from elevation requirements for the expansion and renovation of Health Park to accommodate one hundred twenty-two (122) acute care hospital beds and ancillary facilities.

Notice of the request was given in Vol. 28, No. 18, Page 2046, May 3, 2002. A letter filed with the Agency Clerk on June 17, 2002, granted the variance approval.

For a copy contact: Agency Clerk, 2727 Mahan Drive, Fort Knox Building 3, Suite 3431, Mail Stop 3, Tallahassee, Florida 32308.

NOTICE IS GIVEN that the Agency for Health Care Administration has received a request for variance from The Baldomero Lopez State Veteran's Nursing Home. The request was filed September 12, 2002. The Baldomero Lopez State Veteran's Nursing Home seeks a variance of Florida Building Code Chapters 59A-4.133, F.A.C., requesting a variance to renovations from requiring a maximum of 60 beds per nurses station.

This would allow 62 beds in the Alpha Unit in lieu of Rule 59A-4.133, F.A.C., which allows no more than 60 beds per nurses station to better accommodate their dementia patients.

A copy of the variance may be obtained by writing to Lealand McCharen, Agency Clerk, Agency for Health Care Administration, 2727 Mahan Drive, Mail Stop 3, Tallahassee, FL 32308.

Please refer all comments to: Michael Mathis, General Councils Office, Agency for Health Care Administration, 2727 Mahan Drive, Fort Know Building 3, Mail Stop 3, Tallahassee, Florida 32308.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

The Department of Environmental Protection received, on August 30, 2002, a petition from HSA Engineers & Scientists, Inc., (OGC Case Number 02-1502) 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 at telephone number 850/921-9412.

DEPARTMENT OF HEALTH

The Board of Medicine hereby gives notice that it has received a petition filed on August 21, 2002, by Lee Whitaker, M.D., seeking a waiver from Rule 64B8-5.001, F.A.C., with regard to the limit of the number of attempts required for passage of the USMLE.

Comments on this petition should be filed with Board of Medicine, MQA, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3253, within 14 days of publication of this notice.

For a copy of the petition, contact: Larry G. McPherson, Jr., Executive Director, Board of Medicine, at above address or telephone (850)245-4131.

The Board of Medicine hereby gives notice that it has received a petition filed on August 23, 2002, by Juana H. Brehmer, M.D., seeking a waiver from Rule 64B8-5.001, F.A.C., with regard to the time frames imposed for passage of the USMLE. Comments on this petition should be filed with Board of Medicine, MQA, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3253, within 14 days of publication of this notice.

For a copy of the petition, contact: Larry G. McPherson, Jr., Executive Director, Board of Medicine, at above address or telephone (850)245-4131.

Section VI

Notices of Meetings, Workshops and Public Hearings

DEPARTMENT OF STATE

The **Department of State, Division of Cultural Affairs** announces the following public meetings to which all persons are invited.

COMMITTEE: Art Selection Committee

Thomas Skomski, Artist Presentation

DATE AND TIME: Friday, October 25, 2002, 1:30 p.m. – 2:30 p.m.

PLACE: USF, Contemporary Art Museum, Conference Room, Tampa, Florida

Andy Yoder, Artist Presentation

DATE AND TIME: Friday, November 15, 2002, 1:30 p.m. – 2:30 p.m.

PLACE: USF, Contemporary Art Museum, Conference Room, Tampa, Florida

Wopo Holup, Artist Presentation

DATE AND TIME: Friday, December 13, 2002, 1:30 p.m. – 2:30 p.m.

PLACE: USF, Contemporary Art Museum, Conference Room, Tampa, Florida

Final Artist Selection

DATE AND TIME: Wednesday, December 18, 2002, 9:00 a.m. – 10:00 a.m.

PLACE: USF, Contemporary Art Museum, Conference Room, Tampa, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Art in State Buildings Meeting, BR-511.

For more information, please contact: Vincent Ahern, Coordinator of Public Art, University of South Florida Contemporary Art Museum, 4202 E. Fowler Avenue, CAM101, Tampa, FL 33620, (813)974-4333.

Should any person wish to appeal any decision made with respect to any matter considered in the above-referenced meeting, he/she may need to ensure verbatim recording of the proceedings 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 accommodation to participate in this meeting is asked to advise the agency at least 48 hours before the meeting by contacting Vincent Ahern at the above listed phone number. If you are hearing or speech impaired, please contact the agency.

DEPARTMENT OF INSURANCE

The Florida **Department of Insurance** announces a meeting of the Three-Member Panel to which all persons are invited.

DATE AND TIME: Monday, October 28, 2001, 1:00 p.m. – 5:00 p.m.

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

GENERAL SUBJECT MATTER TO BE CONSIDERED: The purpose of this meeting will be to receive and evaluate information required by Senate Bill 108, adopted by the 2002 Florida Legislature, relative to the development of recommendations on methods to improve the workers' compensation health care delivery system.

CONTACT: Shirley Kerns, Bureau Chief, Bureau of Property and Casualty Forms and Rates, Florida Department of Insurance, 200 East Gaines Street, Tallahassee, Florida 32399-0330, (850)413-5310.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this meeting, please advise the Department at least 5 calendar days before the meeting by contacting Shirley Kerns, (850)413-5310.

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

The Florida **Department of Agriculture and Consumer Services** announces a public meeting of the Pesticide Review Council to which all persons are invited.

DATE AND TIME: Thursday, October 17, 2002, 9:00 a.m.
PLACE: Florida Department of Agriculture and Consumer Services, Division of Plant Industry, Auditorium, 1911 Southwest 34th Street, Gainesville, Florida 32608-1201
GENERAL SUBJECT MATTER TO BE CONSIDERED: Regular meeting of the Council during which there will be a Review of Pertinent Pesticide issues impacting on Human Health and Environment.

A copy of agenda may be obtained by contacting: Bureau of Pesticides, 3125 Conner Boulevard, Mail Station L-29, Tallahassee, Florida 32399-1650.
Please contact Donna C. Hartsfield, (850)410-0797, if you have any questions.

The Florida **Department of Agriculture and Consumer Services** announces a notice of a Public Meeting of the Feed Technical Council, to which all persons are invited.

DATE AND TIME: October 24, 2002, 1:00 p.m.
PLACE: Bob Crawford Agricultural Center, 615 East Main Street, Bartow, Florida 33830, (863)499-2500
GENERAL SUBJECT MATTER TO BE CONSIDERED: Feed Technical Council Meeting.

You may contact: Mr. Dale Dubberly, Florida Department of Agriculture and Consumer Services, 3125 Conner Boulevard, Building 8, Room L-29, Tallahassee, Florida 32399-1650, (850)488-8731.

If special accommodations are needed to attend this meeting because of a disability, please call Dale Dubberly as soon as possible.

The **Honeybee Technical Council** announces a public meeting to which all persons are invited.

DATE AND TIME: Thursday, November 7, 2002, 10:00 a.m.
PLACE: Doyle Conner Building, Auditorium, 1911 Southwest 34th Street, Gainesville, Florida
GENERAL SUBJECT MATTER TO BE CONSIDERED: To consider the following agenda items:
1. American Foulbrood Resistance Update;
2. Varroa Mite Resistance Update;
3. Honey Market Update;
4. Other Issues.

If you need a special accommodation in order to attend this meeting because of a disability, please let us know by November 1, 2002.

A copy of the agenda may be obtained by writing: Mr. Laurence Cutts, Secretary, Honeybee Technical Council, Division of Plant Industry, Post Office Box 147100, Gainesville, Florida 32614-7100, (352)372-3505.

The Florida **Department of Agriculture and Consumer Services, Division of Forestry** announces a meeting of the Florida Forestry Council which is open to all interested persons.

DATE AND TIME: Friday, October 11, 2002, 10:00 a.m.
PLACE: Putnam Lodge, 1980 Northwest Highway 19, Cross City, Florida 32528
GENERAL SUBJECT MATTER TO BE CONSIDERED: Updates on Division of Forestry programs.

A copy of the agenda may be obtained by contacting: L. Earl Peterson, Director, Division of Forestry, 3125 Conner Boulevard, Tallahassee, Florida 32399-1650, (850)488-4264.

The **Friends of Florida State Forests** announces a meeting to which all persons are invited.

DATE AND TIME: Thursday, October 17, 2002, 8:00 a.m. – 12:00 Noon
PLACE: Florida Center for Wildfire and Forest Resources Management Training, 24059 Childs Road, Brooksville, FL 34601

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct the business of the Corporation.
A copy of the agenda can be obtained by contacting: Norm Heintz, FFSF Coordinator, 3125 Conner Blvd., Tallahassee, Florida 32399-1650 or calling (850)414-0869.

If special accommodations are needed to attend this meeting because of a disability, please contact Norm Heintz as soon as possible.

DEPARTMENT OF EDUCATION

The State of Florida, **Education Practices Commission** announces a Teacher Hearing Panel to which all persons are invited.

DATE AND TIME: Teacher Panel, October 25, 2002, 8:30 a.m. or as soon thereafter as can be heard
PLACE: The Crowne Plaza Tampa Airport/Westshore, 555 Hazeltine National Drive, Orlando, Florida 32812, (407)856-0100

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Teacher Hearing Panel of the Education Practices Commission will consider final agency action in matters dealing with the disciplining of certified educators.

If a person decides to appeal any decision made by the Commission with respect to any matter considered at this hearing, he or 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.

Additional information may be obtained by writing: Education Practices Commission, 325 West Gaines Street, Room 224, Turlington Building, Tallahassee, Florida 32399-0400.

SPECIAL ACCOMMODATION: Any person requiring a special impairment accommodation should contact Kathleen M. Richards, (850)488-0547, at least five calendar days prior to the hearing. Persons who are hearing or speech impaired can contact the Commission using the Florida Dual Party Relay System which can be reached at 7-1-1.

The **Florida Atlantic University**, Board of Trustees announces the following meetings to which all persons are invited.

DATE AND TIMES: Thursday, October 10, 2002, 10:00 a.m., Finance and Audit Committee; 1:00 p.m., Committee on Academic and Student Affairs

PLACE: Boca Raton Campus, Kenneth R. Williams Administration Bldg., President's Conference Room 340, 777 Glades Road, Boca Raton, Florida 33431

A copy of the agenda may be obtained by contacting: Dr. Kenneth Jessell, Florida Atlantic University, 777 Glades Road, Boca Raton, FL 33431, (561)297-2011

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 Ms. Paula Behul, (561)297-3004. If you are hearing or speech impaired, please contact the agency by calling TDD via TDD No. (561)297-2130.

The Board of Trustees of the Florida **School for the Deaf and the Blind** announces a public meeting to which all persons are invited.

DATE AND TIME: Saturday, October 19, 2002, 9:00 a.m.

PLACE: Wilson FSDB Campus, Music Building, Auditorium, St. Augustine, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Matters pertaining to the Florida School for the Deaf and the Blind including a Rule Development workshop on Rules 6D-7.007, F.A.C., Code of Student Conduct and 6D-7.0072, F.A.C., Grounds for Disciplinary Action.

A copy of the agenda may be obtained by writing: Elmer L. Dillingham, President, Florida School for the Deaf and the Blind, 207 N. San Marco Avenue, St. Augustine, FL 32084-2799, or by calling (904)827-2000.

Should any person wish to appeal any decision made with respect to any matter considered at the above referenced meeting, he may need to ensure that a verbatim record of the proceedings be made, which record includes the testimony and evidence upon which the appeal is to be based.

Special accommodations for persons with disabling conditions should be requested in writing at least 48 hours in advance from the aforementioned address.

The **Gulf Coast Community College**, District Board of Trustees will hold its monthly meeting as follows.

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

PLACE: Gardner Seminar Room

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regular monthly meeting.

Contact person for the meeting is Dr. Robert L. McSpadden, President.

The **Florida Rehabilitation Council** announces a conference call, to which all interested persons are invited.

MEETING: Florida Rehabilitation Council: Coordination Committee Conference Call

DATE AND TIME: September 30, 2002, 10:00 a.m.

PLACE: Headquarters

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct a conference call for the Planning of the Round Table for the Coordination committee/Florida Rehabilitation Council.

A copy of the agenda may be obtained by contacting: Florida Rehabilitation Council, 2002 Old Saint Augustine Road, Building A, Tallahassee, FL 32399-0696, (850)487-3431. Any interested parties that need further information may contact Yolanda Manning, Extension 128.

COMMITTEE MEETINGS: Please note that committees of the Florida Rehabilitative Council will meet at various times throughout the year to carry out the work of the council; the meeting dates and times will be posted at the above address at least seven days prior to the meeting. Persons who want to be notified of such meeting may request to be put on the mailing list for such notices by writing to Yolanda Manning, at the Council's address.

Notices of meetings and hearings must advise that a record is required to appeal. Each board, commission, agency of this state or of any political subdivision; thereof shall include in the notice any meeting or hearing, if notice of the meeting or hearing is required of such board, commission or agency, conspicuously on such notice, they advise that if a person decides to appeal any decision made by the board, agency or commission with respect to any matter considered at such meeting or hearing, he or she will need a record of the proceedings, and that, for such purpose, he or she may need to

ensure that a verbatim record includes the testimony and evidence upon which the appeal is to be based. (Florida Statutes, 286.0105)

DEPARTMENT OF COMMUNITY AFFAIRS

The **State Emergency Response Commission (SERC)** for Hazardous Materials announces a meeting of the Training Task Force to which all persons are invited.

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

PLACE: Department of Health, Room 301, 4042 Bald Cypress Way, Tallahassee, Florida 32399

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss the ongoing work of the District Response Teams Subcommittee to the Training Task Force and other hazardous materials training issues.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact the Education and Training Section, (850)413-9899, at least five calendar days prior to the meeting. If you are hearing or speech impaired, please call the Education and Training Section using the Florida Dual Party Relay System which can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

If a person decides to appeal any decision with respect to any matter considered at the above cited meeting, you will need a record of the proceedings, and for such purpose you 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 may be obtained by writing: Department of Community Affairs, State Emergency Response Commission for Hazardous Materials, Capital Circle Office Center, Sadowski Building, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100 or by telephoning (850)413-9899.

The **State Emergency Response Commission for Hazardous Materials** announces a meeting of all Local Emergency Planning Committee chairpersons and staff contacts to which all persons are invited.

DATE AND TIME: October 10, 2002, 1:30 p.m.

PLACE: Department of Health, Room 301, 4042 Bald Cypress Way, Tallahassee, Florida 32399

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss the activities and goals of the Local Emergency Planning Committees in implementing the Emergency Planning and Community Right-To-Know Act, also known as Title III of the Superfund Amendments and Reauthorization Act of 1986.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact the Compliance Planning Section, (850)410-1271, at least five

calendar days prior to the meeting. If you are hearing or speech impaired, please call the Compliance Planning Section using the Florida Dual Party Relay System which can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

If a person decides to appeal any decision with respect to any matter considered at the above cited meeting, you will need a record of the proceedings, and for such purpose you 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.

A copy of the agenda may be obtained by writing: Department of Community Affairs, State Emergency Response Commission for Hazardous Materials, Sadowski Building, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100 or by telephoning (850)413-9970.

The **State Emergency Response Commission for Hazardous Materials** announces a meeting to which all persons are invited.

DATE AND TIME: October 11, 2002, 10:00 a.m.

PLACE: Department of Health, Room 301, 4052 Bald Cypress Way, Tallahassee, Florida 32399

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss the requirements of the Emergency Planning and Community Right-To-Know Act, also known as Title III of the Superfund Amendments and Reauthorization Act of 1986.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact the Compliance Planning Section, (850)410-1271, at least five calendar days prior to the meeting. If you are hearing or speech impaired, please call the Compliance Planning Section using the Florida Dual Party Relay System which can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

If a person decides to appeal any decision, with respect to any matter considered at the above cited meeting, you will need a record of the proceedings, and for such purpose you 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.

A copy of the agenda may be obtained by writing: Department of Community Affairs, State Emergency Response Commission for Hazardous Materials, Sadowski Building, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100 or by telephoning (850)413-9970.

The **Department of Community Affairs, Division of Emergency Management** announces a meeting for the State of Florida Hazard Mitigation Plan Advisory Team (SHMPAT).

DATE AND TIME: Wednesday, October 9, 2002, 10:00 a.m.

PLACE: The Betty Easley Conference Center, Room 166, 4075 Esplanade Way, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: A facilitated session for state and federal agencies, non-profit organizations, and interested groups that have a stake in:

1. Identifying policies, plans, and programs that pertain to hazard mitigation (initiatives that help reduce the long-term risk to human life and property from natural and technological hazards);
2. Identifying state and or critical facilities that are vulnerable to hazards and existing/potential mitigation activities/initiatives;
3. Participating/contributing to the development of long-term state hazard mitigation strategy.

For further information please contact: Dr. Arthur Oyola-Yemaiel, (850)413-1422, e-mail arthur.oyola-yemaiel@dca.state.fl.us.

Map and direction to the Betty Easley Conference Center, can be obtained at: <http://www.psc.state.fl.us/contact/map.cfm>.

DEPARTMENT OF TRANSPORTATION

The **Department of Transportation**, District 1 announces a public hearing to which all persons are invited.

DATE AND TIME: Tuesday, October 22, 2002, 7:00 p.m.

PLACE: Three Oaks Banquet and Catering Facility, 20991 Three Oaks Parkway, Estero, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: This hearing is being held to afford interested persons the opportunity to express their views concerning the location, conceptual design, social, economic, and environmental effects of proposed improvements to Interstate 75 (I-75) in Lee County, Financial Project Identification Number 406225 1 22 01, Federal Project Identification Number 0755 068 I.

Anyone needing project or public hearing information or special accommodations under the Americans with Disabilities Act of 1990 should write to the address given below or call Antone Sherrard, (863)519-2304.

Special accommodation requests under the Americans with Disabilities Act should be made at least seven days prior to the public hearing.

A copy of the agenda may be obtained by writing: Dick Combs, District Planning and Environmental Manager, Florida Department of Transportation, District 1, Post Office Box 1249, Bartow, Florida 33831.

The **Department of Transportation**, District 1 and Hendry County announces a public hearing to which all persons are invited.

DATE AND TIME: October 23, 2002, 7:00 p.m.

PLACE: Hendry County Courthouse, 25 East Hickpochee Street, Labelle, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: This hearing is being held to afford interested persons the opportunity to express their views concerning the location,

conceptual design, social, economic and environmental effects of Financial Project I.D. No. 410005-1-54-01, otherwise known as CR 78 at SR 29. The limits of the project are from west of Thigpen Road to SR 29. The proposed improvement consists of the realignment of CR 78 at its approach to SR 29.

Anyone needing project or public hearing information or special accommodations under the Americans With Disabilities Act of 1990 should write to the address given below or contact Mr. Rock Aboujaode by telephone, (863)675-5222. Special accommodation requests under the Americans With Disabilities Act should be made at least seven (7) days prior to the public hearing.

A copy of the agenda may be obtained by writing: Mr. Rock Aboujaode, P. E., Hendry County Engineer, P. O. Box 1607, Labelle, Florida 33975-1607.

The **Department of Transportation**, District 3 announces a public hearing to which all persons are invited.

DATE AND TIME: October 24, 2002, 5:30 p.m. (CST)

PLACE: Vernon Middle School, 3206 Moss Hill Road, Vernon, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: This public hearing is being conducted pursuant to the provisions of rule Chapter 14-97, Florida Administrative Code, and Section 335.18, Florida Statutes. This hearing is also being held in accordance with the Federal-Aid Highway Act of 1968, as amended, 23 U.S.C. 128,40 C.F.R. 1500-1508, 23 C.F.R. 771 and Section 339.15, Florida Statutes, and is also consistent with the Americans With Disabilities Act of 1990.

Anyone needing special accommodations should write to the address given below or call (850)638-0250, Ext. 510. Special accommodation requests under the Americans With Disabilities Act should be made at least seven days prior to the public hearing. This hearing is also in compliance with Title IV of the Civil Rights Act of 1964, and Title VIII of the Civil Rights Act of 1968, as amended.

This public hearing is being conducted exclusively to give all interested parties an opportunity to comment on the proposed access management classification, location, conceptual design, social, economic and environment effects of F.M. Item Nos. 220773-2 and 220773-3; otherwise known as SR-79 from SR-20 to Holmes County Line and SR-79 from Washington County Line to SR-8 (I-10), Washington and Holmes Counties, Florida.

A copy of the agenda may be obtained by writing: Ms. Regina Battles, P. E., District Environmental Management Engineer, Florida Department of Transportation, P. O. Box 607, Chipley, Florida 32428.

STATE BOARD OF ADMINISTRATION

The Florida **State Board of Administration** announces a public hearing to which all persons are invited.

DATE AND TIME: Tuesday, October 8, 2002, 9:00 a.m. – Until conclusion

PLACE: The Capitol, Lower Level, Cabinet Meeting Room, Monroe Street and Apalachee Parkway, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Trustees of the State Board of Administration, on October 8, 2002, will consider two proposed amended rules in rule Chapter 19-10, F.A.C., and will be asked for permission to file this rule for adoption: Rule 19-10.002, F.A.C., Asset Transfer Procedures: True up Transfer for Initial Transfers Occurring between 7/1/02 and 3/31/03, and Rule 19-10.003, F.A.C., Asset Transfer Procedures: For employees who become eligible to participate in PEORP by reason of employment in a regularly established position with a state employer commencing after April 1, 2002; or with a district school board employer after July 1, 2002; or with a local employer commencing after October 1, 2002.

These proposed amended rules implement statutory language enacted during the 2002 legislative session relating to the Public Employee Optional Retirement Program. Proposed amended Rule 19-10.002, F.A.C., reflects statutory changes enacted during the 2002 legislative session. Proposed amended Rule 19-10.003, F.A.C., incorporates the substance of various enrollment choice forms in the body of the rule. The rule development workshop was scheduled for July 16, 2002, but was not held because it was not requested. The rule hearing was scheduled for September 17, 2002, but was not held because it was not requested.

A copy of the State Board of Administration's agenda for the October 8, 2002, Cabinet meeting may be obtained by contacting: Dorothy Westwood, State Board of Administration, 1801 Hermitage Blvd., Tallahassee, Florida 32308, (850)413-1350.

The Florida **State Board of Administration** announces a public hearing to which all persons are invited.

DATE AND TIME: Tuesday, October 8, 2002, 9:00 a.m. – Until conclusion

PLACE: The Capitol, Lower Level, Cabinet Meeting Room, Monroe Street and Apalachee Parkway, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Trustees of the State Board of Administration, on October 8, 2002, will consider a new proposed rule in rule Chapter 19-11, F.A.C., and will be asked for permission to file this rule for adoption: Rule 19-11.001, F.A.C., Procedures regarding Employer Contributions.

This proposed new rule implements a statutory section enacted during the 2002 legislative session relating to employer contributions to the Public Employee Optional Retirement Program. Proposed new Rule 19-11.001, F.A.C., provides definitions; provides a method of allocating penalties; and specifies the method of market loss calculation. The rule development workshop was scheduled for July 16, 2002, but

was not held because it was not requested. The rule hearing was scheduled for September 17, 2002, but was not held because it was not requested.

A copy of the State Board of Administration's agenda for the October 8, 2002, Cabinet meeting may be obtained by contacting: Dorothy Westwood, State Board of Administration, 1801 Hermitage Blvd., Tallahassee, Florida 32308, (850)413-1350.

The Florida **State Board of Administration** announces a public hearing to which all persons are invited.

DATE AND TIME: Tuesday, October 8, 2002, 9:00 a.m. – Until conclusion

PLACE: Cabinet Meeting Room, Lower Level, The Capitol, Monroe Street and Apalachee Parkway, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Trustees of the State Board of Administration, on October 8, 2002, will consider two amended and one new proposed rules in rule Chapter 19-12, F.A.C., and will be asked for permission to file these three rules for adoption: Rule 19-12.001, F.A.C., Definitions; Rule 19-12.006, F.A.C., Distribution of Benefits; Rule 19-12.007, Acceptance of Rollovers.

These proposed rules implement regulations of the Internal Revenue Code to enable the Public Employee Optional Retirement Program to continue to qualify for tax-qualified status. Proposed amended Rule 19-12.001, F.A.C., amends certain definitions. Proposed amended Rule 19-12.006, F.A.C., changes statutory cites to conform with legislation enacted during the 2002 legislative session. Proposed new Rule 19-12.007, F.A.C., establishes procedures for accepting rollovers in conformance with federal statutory requirements and legislation enacted during the 2002 legislative session. The rule development workshop was scheduled for July 16, 2002, but was not held because it was not requested. The rule hearing was scheduled for September 17, 2002, but was not held because it was not requested.

A copy of the State Board of Administration's agenda for the October 8, 2002, Cabinet meeting may be obtained by contacting: Dorothy Westwood, State Board of Administration, 1801 Hermitage Blvd., Tallahassee, Florida 32308, (850)413-1350.

The Board of Directors of the **Florida Water Pollution Control Financing Corporation** announces a public meeting to which all persons are invited.

DATE AND TIME: Tuesday, October 8, 2002, 9:30 a.m.

PLACE: The Capitol, Lower Level, Cabinet Meeting Room, Tallahassee, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Board of Directors of the Florida Water Pollution Control Financing Corporation will meet to vote on the appointment of Barbara Jarriel in her capacity as Chief Investment Officer of the State Board of Administration, as the Treasurer of the

Corporation; to designate the position of Chief Investment Officer of the State Board of Administration as the Treasurer of the Corporation in the future, without the requirement of additional Board of Directors' approval; and to conduct other general business of the Corporation.

A copy of the agenda may be obtained in writing: State Board of Administration, Attention: Dorothy Westwood, 1801 Hermitage Boulevard, Suite 100, Tallahassee, Florida 32308, (850)413-1350.

Accommodations can be made for persons with disabilities provided several days' notification is received. Please notify Tom Beenck, (850)488-4406.

The Board of Directors of the **Inland Protection Financing Corporation** announces a public meeting to which all persons are invited.

DATE AND TIME: Tuesday, October 8, 2002, 9:30 a.m.

PLACE: The Capitol, Lower Level, Cabinet Meeting Room, Tallahassee, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Board of Directors of the Inland Protection Financing Corporation will meet to vote on the appointment of Barbara Jarriel in her capacity as Chief Investment Officer of the State Board of Administration, as the Treasurer of the Corporation; to designate the position of Chief Investment Officer of the State Board of Administration as the Treasurer of the Corporation in the future, without the requirement of additional Board of Directors' approval; and to conduct other general business of the Corporation.

A copy of the agenda may be obtained in writing: State Board of Administration, Attention: Dorothy Westwood, 1801 Hermitage Boulevard, Suite 100, Tallahassee, Florida 32308, (850)413-1350.

Accommodations can be made for persons with disabilities provided several days' notification is received. Please notify Tom Beenck, (850)488-4406.

DEPARTMENT OF CITRUS

The **Department of Citrus** announces a public meeting of the Citrus Abscission Registration Committee to which all persons are invited.

DATE AND TIME: Tuesday, October 8, 2002, 8:30 a.m.

PLACE: Florida Department of Citrus, 1115 East Memorial Blvd., Lakeland, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: The committee will have its monthly meeting to discuss natural abscission compounds, economics of abscission and public relations, recommended research development plans, and other business that might come before the council for consideration.

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.

FLORIDA PAROLE COMMISSION

The **Florida Parole Commission** announces a public meeting to which all persons are invited.

DATE AND TIME: Wednesday, October 9, 2002, 9:00 a.m.

PLACE: Florida Parole Commission, Bldg. C, Third Floor, 2601 Blairstone Road, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regularly Scheduled Meeting for all Parole, Conditional Release, Conditional Medical Release and Control Release Matters.

Any person who decides to appeal a decision of the Florida Parole Commission with respect to a matter considered at this meeting may need to ensure that a verbatim record of the proceedings is made. Chapter 80-150, Laws of Florida (1980). A copy of the agenda may be obtained by writing: Florida Parole Commission, 2601 Blairstone Road, Building C, Tallahassee, Florida 32399-2450.

In accordance with the Americans with Disabilities Act, persons needing a special accommodation to participate in this proceeding should contact the agency sending the notice not later than five working days prior to the proceeding at the address given on the notice. Telephone: (850)488-3417.

PUBLIC SERVICE COMMISSION

The Florida **Public Service Commission** announces a Special Commission Conference in the following docket to which all interested persons are invited.

Docket No.: 990649B-TP – Investigation into pricing of unbundled network elements (Sprint/Verizon track).

DATE AND TIME: October 14, 2002, 9:30 a.m.

PLACE: The Betty Easley Conference Center, Commission Hearing Room 148, 4075 Esplanade Way, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: To consider and make a decision regarding the investigation into pricing of unbundled network elements (Sprint/Verizon 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).

The Florida **Public Service Commission** announces a prehearing to be held in the following docket, to which all interested persons are invited.

Docket No.: 020412-TP – Petition for arbitration of unresolved issues in negotiation of interconnection agreement with Verizon Florida Inc. by US LEC of Florida, Inc.

DATE AND TIME: October 14, 2002, 1:30 p.m.

PLACE: The Betty Easley Conference Center, Hearing Room 148, 4075 Esplanade Way, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: To consider (1) the simplification of the issues; (2) the identification of the positions of the parties on the issues; (3) the possibility of obtaining admissions of fact and of documents which will avoid unnecessary proof; (4) the identification of the exhibits; (5) the establishment of an order of witnesses; and (6) such other matters as may aid in the disposition of the action.

Any person requiring some accommodation at this prehearing because of a physical impairment should call the Division of the Commission Clerk and Administrative Services, (850)413-6770, at least 48 hours prior to the prehearing. Any person who is hearing or speech impaired should contact the Commission by using the Florida Relay Service, which can be reached at 1(800)955-8771 (TDD).

The Florida **Public Service Commission** announces its regularly scheduled conference to which all interested persons are invited.

DATE AND TIME: October 15, 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 the Division of the Commission Clerk and Administrative Services, (850)413-6770 or writing: 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: October 15, 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 hearing to be held in the following docket, to which all interested persons are invited.

Docket No.: 020006-WS – Water and wastewater industry annual reestablishment of authorized range of return on common equity for water and wastewater utilities pursuant to Section 367.081(4)(f), F.S.

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

PLACE: The Betty Easley Conference Center, Commission Hearing Room 148, 4075 Esplanade Way, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: To permit parties to present testimony and exhibits relative to the water and wastewater industry annual reestablishment of authorized range of return on common equity for water and wastewater utilities pursuant to Section 367.081(4)(f), F.S., and for such other purposes as the Commission may deem appropriate. All witnesses shall be subject to cross-examination at the conclusion of their testimony on the issues identified by the parties at the prehearing conference held on September 30, 2002. The proceedings will be governed by the provisions of Chapter 120, F.S., and Chapter 25-28, F.A.C.

Any person requiring some accommodation at this hearing because of a physical impairment should call the Division of the Commission Clerk and Administrative Services, (850)413-6770, at least 48 hours prior to the hearing. Any person who is hearing or speech impaired should contact the Commission by using the Florida Relay Service, which can be reached at 1(800)955-8771 (TDD).

The Florida **Public Service Commission** announces a prehearing to be held in the following docket, to which all interested persons are invited.

Docket No.: 020953-EI – Petition to Determine Need for Hines Unit 3 in Polk County by Florida Power Corporation.

DATE AND TIME: November 18, 2002, 9:30 a.m.

PLACE: The Betty Easley Conference Center, Hearing Room 152, 4075 Esplanade Way, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: To consider (1) the simplification of the issues; (2) the identification of the positions of the parties on the issues; (3) the possibility of obtaining admissions of fact and of documents which will avoid unnecessary proof; (4) the identification of the exhibits; (5) the establishment of an order of witnesses; and (6) such other matters as may aid in the disposition of the action.

Any person requiring some accommodation at this prehearing because of a physical impairment should call the Division of the Commission Clerk and Administrative Services, (850)413-6770, at least 48 hours prior to the prehearing. Any

person who is hearing or speech impaired should contact the Commission by using the Florida Relay Service, which can be reached at 1(800)955-8771 (TDD).

The Florida **Public Service Commission** announces a hearing to be held in the following docket, to which all interested persons are invited.

Docket No.: 020953-EI – Petition to Determine Need for Hines Unit 3 in Polk County by Florida Power Corporation.

DATES AND TIME: Wednesday, December 4, 2002, 9:30 a.m.; Thursday, December 5, 2002, has also been reserved for this proceeding. The hearing may be adjourned early if all testimony is concluded.

PLACE: The Betty Easley Conference Center, Room 148, 4075 Esplanade Way, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: The purpose of this hearing will be for the Commission to take final action to determine the need, pursuant to Sections 403.501-.519, Florida Statutes, for the construction of an electric power plant and related facilities in Polk County, Florida. This proceeding shall allow Florida Power Corporation to present evidence and testimony in support of its petition for a determination of need for its proposed plants and related facilities in Polk County, Florida; to permit any intervenors to present testimony and exhibits concerning this matter; to permit members of the public who are not parties to the need determination proceeding the opportunity to present testimony concerning this matter; and for such other purposes as the Commission may deem appropriate. Any member of the public who wishes to offer testimony should be present at the beginning of the hearing. By providing public testimony, a person does not become a party to the proceeding. To become an official party of record, you must file a Petition for Intervention at least five days before the final hearing, pursuant to the requirements contained in Rule 25-22.039, Florida Administrative Code. All witnesses shall be subject to cross-examination at the conclusion of their testimony. The hearing will be governed by the provisions of Chapter 120, Florida Statutes; Section 403.519, Florida Statutes; and Chapters 25-22 and 28-106, Florida Administrative Code.

Only issues relating to the need for the power plants and their associated facilities will be heard at the December 4, 2002, hearing. Separate public hearings will be held before the Division of Administrative Hearings to consider environmental and other impacts of the proposed plants and associated facilities as required by the "Florida Electrical Power Plant Siting Act," Sections 403.501-.518, Florida Statutes.

Any person requiring some accommodation at the hearing because of a physical impairment should call the Division of Records and Reporting, (850)413-6770, at least 48 hours prior to the hearing. If you are hearing or speech impaired, please

contact the Florida Public Service Commission by using the Florida Relay Service, which can be reached at 1(800)955-8771 (TDD).

EXECUTIVE OFFICE OF THE GOVERNOR

The **Governor's Select Task Force on Healthcare Professional Liability Insurance** announces a conference to which all persons are invited.

DATE AND TIME: Monday, October 21, 2002, 9:00 a.m. – 5:00 p.m.

PLACE: Hyatt Regency Orlando International Airport, 4th Floor, The Briefing Room, 9300 Airport Boulevard, Orlando, Florida 32827, (407)825-1234

GENERAL SUBJECT MATTER TO BE CONSIDERED: The work of the Governor's Select Task Force will make recommendations to protect Floridians' access to high-quality and affordable healthcare. The Governor's Select Task Force shall study the relevant issues and make written recommendations and/or propose legislation. The work product of the Governor's Select Task Force should include, but need not be limited to, the following: (1) findings from an examination of the Florida healthcare liability insurance market, pertinent tort laws, claims and premium data compared to other states of similar size and diversity; (2) an assessment of the impact of the cost, accessibility and availability of healthcare liability insurance on the cost, accessibility and availability of high quality healthcare in this state; and (3) specific strategies to ease the healthcare liability insurance crisis faced by physicians, hospitals and other healthcare providers in the state. A report of such recommendations and/or proposed legislation shall be submitted by January 31, 2003, to the Governor, the President of the Florida Senate and the Speaker of the House of Representatives.

To aid its study of the issues and the development of its recommendations, the Governor's Select Task Force shall take public testimony from experts and stakeholders. In addition, the Governor's Select Task Force is encouraged to take whatever other steps are necessary to gain a full understanding of the medical, legal, insurance and other issues involved.

The **Florida Black Business Investment Board, Inc. (FBBIB)** announces a meeting of its board of directors to which all interested persons are invited.

DATE AND TIME: Thursday, October 10, 2002, 10:00 a.m.

PLACE: DoubleTree Hotel, 101 South Adams Street, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: To further discuss the Board's operations, to identify areas for future Board priorities, loan, audit and development committees, discussion/review/approval of related issues, and approve actions taken by the Chairman and/or President under delegated authority.

A copy of the agenda may be obtained by contacting: The Florida Black Business Investment Board, 1711 South Gadsden Street, Tallahassee, FL 32301, (850)487-4850.

If a person decides to take an appeal with respect to any matter considered at these meetings, he/she will need a record of the proceedings and, for such purpose, he/she may need to ensure that verbatim record of the proceedings is made, which record should include the testimony and evidence upon which the appeal is to be based.

If an accommodation is needed for a disability in order to attend this meeting, please notify the FBBIB Office, (850)487-4850, at least seven (7) days prior to the meeting. If you are hearing or speech impaired, please contact the Office of the Governor, Citizen Service Office, (850)488-4441.

REGIONAL PLANNING COUNCILS

The District I, **Local Emergency Planning Committee (LEPC)** announces a public meeting to which all persons are invited.

DATE AND TIME: October 23, 2002, 10:00 a.m. (CDT)

PLACE: Walton County Emergency Operations Center, 75 South Davis Lane, DeFuniak Springs, FL 32433

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct general business of the District I, Local Emergency Planning Committee.

A copy of the agenda may be obtained by contacting: The Executive Director, West Florida Regional Planning Council, Post Office Box 9759, Pensacola, Florida 32513-9759.

The **Northeast Florida Regional Planning Council**, Transportation Committee announces the following public meetings to which all persons are invited.

DATE AND TIME: Thursday, October 3, 2002, 9:00 a.m.

PLACE: Northeast Florida Regional Planning Council, 6850 Belfort Oaks Place, Jacksonville, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss pending transportation issues.

A copy of the agenda may be obtained by contacting: Northeast Florida Regional Planning Council, 6850 Belfort Oaks Place, Jacksonville, FL 32216.

Notice is given that two or more members of the Boards of County Commissioners, City/Town Councils/Commission and other entities covered under Chapter 286, Florida Statutes, may attend and speak at the meeting.

The **South Florida Regional Planning Council** announces three 3 public meetings of the SR 7/US 441 Collaborative Steering Committee to which all persons are invited.

DATE AND TIME: Thursday, October 10, 2002, 2:00 p.m. – 4:00 p.m.

PLACE: City of Tamarac, City Hall, Room 105, 7525 N. W. 88th Ave., Tamarac, Florida 33321

DATE AND TIME: Thursday, November 7, 2002, 2:00 p.m. – 4:00 p.m.

PLACE: City of Coconut Creek, City Hall, 4800 W. Copans Rd., Coconut Creek, Florida 33063

DATE AND TIME: Thursday, December 12, 2002, 2:00 p.m. – 4:00 p.m.

PLACE: City of North Lauderdale, City Hall, 701 S. W. 71st Ave. (Rock Island Rd.), North Lauderdale, Florida 33068

GENERAL SUBJECT MATTER TO BE CONSIDERED: The purpose of each meeting of the SR 7/US 441 Collaborative Steering Committee will be to continue deliberations regarding economic development, aesthetic improvement, and increased intergovernmental cooperation along the corridor.

Copies of the agendas may be obtained by writing: South Florida Regional Planning Council, 3440 Hollywood Boulevard, Suite 140, Hollywood, Florida 33021.

Anyone deciding to appeal any decision made by the SR 7/US 441 Collaborative Steering Committee with respect to any matter considered at this meeting, will need to ensure that a verbatim record of the proceedings is made, including the testimony and evidence upon which the appeal is to be based.

If you are hearing or speech impaired, please contact the South Florida Regional Planning Council, (954)967-4152, Ext. 40 (TDD), if you require additional information regarding the above meeting. If you require special accommodations because of a disability or physical impairment, please contact the Council, (954)985-4416, at least five calendar days prior to the meeting.

The District XI, **Local Emergency Planning Committee** announces a public meeting to which all persons are invited.

DATE AND TIME: Wednesday, October 16, 2002, 1:00 p.m.

PLACE: Fire Fighters Memorial Hall, Fire Tower Building, 8000 N. W. 21st Street, Miami, Florida 33122-1605

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss the LEPC's ongoing regional hazardous materials training and planning activities for FY 2002/03.

A copy of the agenda may be obtained by writing: South Florida Regional Planning Council, 3440 Hollywood Blvd., Suite 140, Hollywood, FL 33021 or by calling (954)985-4416 in Broward, Suncom 473-4416 or 1(800)985-4416 toll-free statewide.

METROPOLITAN PLANNING ORGANIZATIONS

METROPLAN ORLANDO, The **Metropolitan Planning Organization for the Orlando Urban Area** announces the following public meetings of its Governing Board and Executive Committee to which all persons are invited.

DATE AND TIMES: Wednesday, October 9, 2002, 9:00 a.m. and 11:00 a.m., respectively

PLACE: Metroplan Orlando, Suite 355, 315 East Robinson Street, Orlando, FL 32801

Purpose: Regularly Scheduled Meetings.

AGENDA/GENERAL SUBJECT MATTER TO BE CONSIDERED:

1. Call to Order.
2. Chairman's Announcements.
3. Executive Director's Announcements.
4. Consent Items.
5. Action Items.
6. Other Business.
7. Executive Director's Report.
8. Board Member Comments.
9. Public Comments.
10. Adjournment.

A detailed copy of the agenda may also be obtained by contacting: Ms. Lewis-Whittington, (407)481-5672, Ext. 314 or by written request to Metroplan Orlando, 315 East Robinson Street, Suite 355, Orlando, FL 32801.

Section 286.0105, Florida Statutes, states that if a person decides to appeal any decision made by a board, agency or commission with respect to any matter considered at a meeting or hearing, he will need a record of the proceedings, and that, for such purpose, he may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

In accordance with the Americans with Disabilities Act of 1990, persons needing a special accommodation at this meeting because of a disability or physical impairment should contact Metroplan Orlando, (407)481-5672, at least 48 hours before the meeting.

WATER MANAGEMENT DISTRICTS

The **St. Johns River Water Management District** announces the following public meetings and hearings which may be conducted by means of or in conjunction with communications technology. All persons are invited.

PROJECTS AND LAND COMMITTEE MEETING

DATE AND TIME: Tuesday, October 8, 2002, 8:00 a.m.

PLACE: District Headquarters, Highway 100, West, Palatka, FL 32177

GENERAL SUBJECT MATTER TO BE CONSIDERED: Discussion of Projects and Land agenda items followed by committee recommendations to be approved by the full Governing Board.

MEETING OF GOVERNING BOARD CHAIR AND COMMITTEE CHAIRS

DATE AND TIME: Tuesday, October 8, 2002, 9:30 a.m.

PLACE: District Headquarters, Highway 100, West, Palatka, Florida 32177

GENERAL SUBJECT MATTER TO BE CONSIDERED: Discussion and consideration of District business including regulatory and non-regulatory matters.

FINANCE AND ADMINISTRATION COMMITTEE MEETING

DATE AND TIME: Tuesday, October 8, 2002, 10:00 a.m.
 PLACE: District Headquarters, Highway 100, West, Palatka, FL 32177

GENERAL SUBJECT MATTER TO BE CONSIDERED: Discussion of Finance, Facilities/Planning/Construction, Information Technology and Personnel agenda items followed by committee recommendations to be approved by the full Governing Board. Staff will recommend approval of external budget amendments which affect the adopted FY 2002-2003 budget.

REGULATORY COMMITTEE MEETING

DATE AND TIME: Tuesday, October 8, 2002, 10:00 a.m.
 PLACE: District Headquarters, Highway 100, West, Palatka, FL 32177

GENERAL SUBJECT MATTER TO BE CONSIDERED: Discussion of Regulatory agenda items followed by committee recommendations to be approved by the full Governing Board.

GOVERNING BOARD AND REGULATORY MEETINGS AND PUBLIC HEARING ON LAND ACQUISITION

DATE AND TIME: Tuesday, October 8, 2002, 1:00 p.m.
 PLACE: District Headquarters, Highway 100, West, Palatka, Florida 32177

GENERAL SUBJECT MATTER TO BE CONSIDERED: Discussion and consideration of District business including regulatory and non-regulatory matters.

GOVERNING BOARD MEETING

DATE AND TIME: Wednesday, October 9, 2002, 9:00 a.m.
 PLACE: District Headquarters, Highway 100, West, Palatka, FL 32177

GENERAL SUBJECT MATTER TO BE CONSIDERED: Discussion and consideration of other District business including regulatory and non-regulatory matters.

REGULATORY COMMITTEE MEETING

DATE AND TIME: Wednesday, October 9, 2002, following the regularly scheduled Governing Board meeting which begins at 9:00 a.m.
 PLACE: District Headquarters, Highway 100, West, Palatka, FL 32177

GENERAL SUBJECT MATTER TO BE CONSIDERED: Briefing on revisions to the proposed Lake Apopka rules.

NOTE: In the event of a declared emergency or emergency conditions due to an imminent tropical storm or hurricane, all or part of these meetings may be conducted as a teleconference in order to permit maximum participation of Governing Board members.

A copy of the agenda may be obtained by writing: St. Johns River Water Management District, P. O. Box 1429, Palatka, Florida 32178-1429. Any item which appears on the agenda for the Governing Board, Regulatory, and/or Committee

meetings may be considered on day one or day two. The order of items appearing on the agenda is subject to change during the meetings.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in these meetings and hearings is requested to advise the District at least 48 hours before the meeting or hearing by contacting Ann Freeman, (386)329-4101. If you are hearing or speech impaired, please contact the District by calling (386)329-4450 (TDD).

If any person decides to appeal any decision with respect to any matter considered at the above-listed meetings or hearings, such person may need to ensure that a verbatim record of the proceedings is made to include the testimony and evidence upon which the appeal is to be based.

The **St. Johns River Water Management District, South Florida Water Management District** and **Southwest Florida Water Management District**, Governing Board members may attend the following meeting.

East-Central Florida Water Supply Planning Initiative Meeting
 DATE AND TIME: Thursday, October 17, 2002, 1:00 p.m. – 5:00 p.m.

PLACE: Orange County Convention Center, Room 340, 9800 International Drive, Orlando, FL 32819-8199

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss water supply issues in East-Central Florida.

For a copy of the agenda, write: SJRWMD, P. O. Box 1429, Palatka, FL 32178-1429 or call Malissa Dillon, Office of Communications and Governmental Affairs, (386)329-4571.

Pursuant to the provision of the Americans with Disabilities Act, anyone requiring special accommodations to participate in this meeting is asked to advise the agency at least five working days before the meeting by contacting Malissa Dillon, (386)329-4571. If you are hearing or speech impaired, please contact the agency by calling (386)329-4450 (TDD).

The **Southwest Florida Water Management District** announces the following meetings to which all interested parties are invited.

INDUSTRIAL ADVISORY COMMITTEE

DATE AND TIME: Tuesday, October 8, 2002, 9:00 a.m.
 PLACE: Tampa Service Office, 7601 Highway 301, North, Tampa, Florida

PUBLIC SUPPLY ADVISORY COMMITTEE

DATE AND TIME: Friday, October 18, 2002, 9:30 a.m.
 PLACE: Tampa Service Office, 7601 Highway 301, North, Tampa, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Conduct Committee Business.

Some members of the District's Governing and Basin Boards may attend the meetings.

Copies of the agendas may be obtained by writing: Community Affairs Department, Southwest Florida Water Management District, 7601 Highway 301, North, Tampa, Florida 33637.

The District does not discriminate based on disability. Anyone requiring reasonable accommodation under the American's with Disabilities Act (ADA) should call 1(800)836-0797 (Florida) or (813)985-7481, Extension 2036, Fax (813)987-6726, TTD ONLY 1(800)231-6103 (Florida).

The **Southwest Florida Water Management District** announces the following public hearing to which all interested persons are invited.

DATES AND TIMES: October 29, 2002, 9:00 a.m. and may be continued; October 30, 2002, 9:00 a.m.

PLACE: Southwest Florida Water Management District, Governing Board Room, 2379 Broad Street, Brooksville, Florida 34604-6899

GENERAL SUBJECT MATTER TO BE CONSIDERED: The acquisition of certain lands eligible to be considered for funding from the Florida Forever Trust Fund which lands are further described as follows:

Part of the Pasco 1 project comprised of one parcel referred to as SWF Parcel No. 15-704-102 consisting of approximately 2,980.56 acres. The parcel is located on the south side of State Road 52, east of US Highway 41 and west of Interstate 75 in Sections 7, 8, 10, 11, 12, 13, 14, 15, 17, 18, 19, 20, 22, 23, 24, 25, 26, 27, 30 and 35, Township 25 South, Ranges 18 and 19 East in Pasco County, Florida; and

Part of the Weekiwachee Preserve project comprised of three parcels referred to as SWF Parcel Nos. 15-773-175, 15-773-176 and 15-773-177 consisting of approximately .344 acres, lying in Section 2, Township 23 South, Range 17 East in Hernando County, Florida; and

Part of the Weekiwachee Preserve project comprised of one parcel referred to as SWF Parcel No. 15-773-183 consisting of approximately 45 acres in Section 1, Township 24 South, Range 16 East in Pasco County, Florida; and

Part of the Annutteliga Hammock project comprised of one parcel referred to as SWF Parcel No. 15-228-1206 consisting of approximately 162 acres located north of Centralia Road and east of U.S. Highway 19, lying in Section 19, Township 21 South, Range 20 East in Hernando County, Florida; and

Part of the Prairie/Shell Creek project comprised of two parcels referred to as SWF Parcel Nos. 20-649-104 and 20-649-105, consisting of approximately 39.549 acres and 116.933 acres, respectively. Parcel no. 104 is located north of Prairie/Shell Creek, west of US Highway 17 and east of the Peace River and lies in Section 13, Township 40 South, Range 23 East and parcel no. 105 is located north of Prairie/Shell Creek, west of US Highway 17 and east of the Peace River and lies in Section 24, Township 40 South, Range 23 East; both parcels are in Charlotte County, Florida; and

Part of the Lake Panasoffkee project comprised of one parcel referred to SWF Parcel No. 19-528-135 consisting of approximately 6,078 acres lying in Sections 16, 19, 20, 21, 28, 29, 30, 31 and 32, Township 20 South, Range 22 East; Sections 25 and 36, Township 20 South, Range 21 East; Sections 5 and 6, Township 21 South, Range 22 East and Section 1, Township 21 South, Range 21 East. Subject property located on the west side of Interstate 75, south of County Road 470 in Sumter County; and

Part of the Lake Manatee Lower Watershed project comprised of one parcel referred to as SWF Parcel No. 21-601-109 A, B and C consisting of approximately 1,764 acres and lying in Sections 14, 15, 22, 23, 26, 27, 28 and 35, Township 34 South, Range 20 East, located east of Interstate 75, north of State Road 64 at its intersection with County Road 675 in Manatee County, Florida; and

Part of the Tampa Bay Estuarine Ecosystem project comprised of one parcel referred to as SWF Parcel No. 21-728-117C consisting of approximately 86 acres and lying in Section 2, Township 35 South, Range 16 East located on the south side of Cortez Road, east of its intersection with Sarasota Bay in Manatee County, Florida; and

Part of the Tampa Bay Estuarine Ecosystem project comprised of one parcel referred to as SWF Parcel No. 21-728-118 consisting of approximately 70 acres and lying in Sections 32 and 33, Township 34 South, Range 18 East located south of State Road 64 being an island in the Braden River in Manatee County, Florida; and

Part of the Tampa Bay Estuarine Ecosystem project comprised of one parcel referred to as SWF Parcel No. 21-728-119 consisting of approximately 26 acres and lying in Section 24, Township 33 South, Range 17 East located on the east side of Bishop Harbor Road, north of Frog Creek in Manatee County, Florida; and

Part of the Tampa Bay Estuarine Ecosystem project comprised of one parcel referred to as SWF Parcel No. 21-728-121 consisting of approximately 128 acres and lying in Section 19, Township 33 South, Range 18 East located on the south side of Rock Payne Road, north of Frog Creek in Manatee County, Florida; and

Part of the Alafia River Corridor project comprised of one parcel referred to as SWF Parcel No. 11-709-131 consisting of approximately 1,500 acres and lying in Sections 29, 30, 31, 32 and 33, Township 30 South, Range 21 East and Sections 4 and 5, Township 31 South, Range 21 East, located on Boyette Road, south of its intersection with Fishhawk Creek in Hillsborough County, Florida.

Any person deciding to appeal any decision made by the District Governing Board concerning the above-referenced hearing will need a record of the proceedings and for such purpose may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal may be based.

A copy of the agenda or a more specific legal description of the lands proposed for acquisition may be obtained by contacting Fritz H. Musselmann, Land Resources Director, Southwest Florida Water Management District, at the above address.

The District does not discriminate based on disability status. Anyone requiring reasonable accommodations under the ADA should call 1(800)423-1476 (Florida only), Extension 4452, Fax: (352)754-6877, TTD only 1(800)231-6103.

The **South Florida Water Management District** announces the following public meetings and hearings, which may be conducted by means of or in conjunction with communications technology, to which all persons are invited.

DATE AND TIME: October 9, 2002, 9:00 a.m.

PLACE: South Florida Water Management District, Headquarters, Auditorium, Building B-1, 3301 Gun Club Road, West Palm Beach, FL 33406

GENERAL SUBJECT MATTER TO BE CONSIDERED:

- A. Regular Governing Board Workshop/Meeting to discuss and consider District business including regulatory and non-regulatory matters.
- B. Audit Committee Meeting, 2:00 p.m.
- C. Human Resources Committee Meeting, 4:00 p.m.

DATE AND TIME: October 10, 2002, 8:30 a.m.

PLACE: South Florida Water Management District, Headquarters, Auditorium, Building B-1, 3301 Gun Club Road, West Palm Beach, FL 33406

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regular Governing Board meeting for consideration of regulatory and non-regulatory matters, including public hearings.

NOTE: Except for public hearings, any item which appears on the agenda for any of the Governing Board meetings that appear in this notice may be discussed and considered at any of the Governing Board Meetings that appear in this notice. The order of items appearing on the agendas is subject to change during the meetings.

A copy of the agenda may be obtained by writing: South Florida Water Management District, P. O. Box 24680, West Palm Beach, Florida 33416-4680, or may be acquired via the SFWMD Web Site at <http://www.sfwmd.gov/agenda.html>.

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 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 to make appropriate arrangements.

NOTE: All or part of this meeting may be conducted as a teleconference in order to permit maximum participation of Governing Board Members.

Any item which appears on the agenda for the Governing Board Workshop/Meeting or Regular Meeting may be considered at the October 9, 2002, Workshop Meeting or October 10, 2002, Regular Meeting of the Governing Board.

The order of items appearing on the agenda is subject to change during the meeting and is at the discretion of the Chair(s) and Governing Board(s). Except for Governing Board hearings that involve the issuance of final orders based on recommended orders received from the Florida Division of Administrative Hearings, public comment will be taken after each presentation and before any Governing Board action(s).

The **South Florida Water Management District** announces the following public meetings and hearings, which may be conducted by means of or in conjunction with communications technology, to which all persons are invited.

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

PLACE: South Florida Water Management District, Headquarters, Auditorium, Building B-1, 3301 Gun Club Road, West Palm Beach, FL 33406

GENERAL SUBJECT MATTER TO BE CONSIDERED: B-List Rulemaking.

A copy of the agenda may be obtained by writing: South Florida Water Management District, P. O. Box 24680, West Palm Beach, Florida 33416-4680, or may be acquired via the SFWMD Web Site at <http://www.sfwmd.gov/agenda.html>.

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 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 to make appropriate arrangements.

NOTE: All or part of this meeting may be conducted as a teleconference in order to permit maximum participation of Governing Board Members.

The order of items appearing on the agenda is subject to change during the meeting and is at the discretion of the Chair(s) and Governing Board(s). Except for Governing Board hearings that involve the issuance of final orders based on recommended orders received from the Florida Division of Administrative Hearings, public comment will be taken after each presentation and before any Governing Board action(s).

COMMISSION FOR THE TRANSPORTATION DISADVANTAGED

The Florida **Commission for the Transportation Disadvantaged** announces a Conference Committee Meeting to which all persons are invited.

DATE AND TIME: Friday, October 11, 2002, 10:00 a.m. – Until completion

PLACE: Rhyne Building, Suite 1A, 2740 Centerview Drive, Tallahassee, FL (850)410-5700. Conference Call: (850)922-2903, Suncom 292-2903 or 1(800)416-4254

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss plans for 2003 TD conference.

In accordance with the Americans with Disabilities Act, persons in need of special accommodation to participate in the meeting or an agenda should contact Tiffany McNabb at the following address and telephone number: Commission for the Transportation Disadvantaged, 605 Suwannee Street, MS #49, Tallahassee, Florida 32399-0450, (850)410-5700 or 1(800)983-2435 or 1(800)648-6084 (TDD only). The meeting is subject to change upon chairperson's request.

AGENCY FOR HEALTH CARE ADMINISTRATION

The **Agency for Health Care Administration** announces a meeting of the Emergency Department Data Advisory Panel to which all interested parties are invited.

DATE AND TIME: Friday, November 1, 2002, 10:00 a.m.

PLACE: Agency for Health Care Administration, Building 3, First Floor, Conference Room A, 2727 Mahan Drive, Tallahassee, Florida 32308

GENERAL SUBJECT MATTER TO BE CONSIDERED: To study and make recommendations on the collection, analysis and dissemination of hospital emergency department data.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact Carolyn H. Turner, (850)922-5861, at least five calendar days prior to the meeting.

A copy of the agenda may be obtained by writing: Carolyn H. Turner, Agency for Health Care Administration, 2727 Mahan Drive, Bldg. 3, Mail Stop #16, Tallahassee, FL 32308-5403.

DEPARTMENT OF MANAGEMENT SERVICES

The Florida **Commission on Human Relations** announces a public meeting to which all persons are invited. The meeting is being conducted by communications media technology (CMT), i.e., by utilizing a telephone conference hookup.

DATE AND TIME: Tuesday, October 22, 2002, 9:00 a.m.

PLACE: Commission on Human Relations, 2009 Apalachee Parkway, Suite 100, Tallahassee, Florida 32301. The meet-me number is (850)921-2470 or Suncom 291-2470

GENERAL SUBJECT MATTER TO BE CONSIDERED: This meeting will be held to deliberate cases that have come before the Commission for determination.

A copy of the agenda may be obtained by contacting: Ms. Denise Crawford, Clerk of the Commission, Florida Commission on Human Relations, 2009 Apalachee Parkway, Suite 100, Tallahassee, Florida 32301, (850)488-7082, Ext. 1032.

VERBATIM RECORD OF MEETING: If any person decided to appeal any decision made during the meeting, he or 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 based.

ADA Notice: Any person requiring special accommodation at this meeting because of a disability or physical impairment should contact the Clerk of the Commission, (850)488-7082, Ext. 1032, at least five working days prior to the meeting.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

The Florida **Board of Architecture and Interior Design** announces the following meeting to which all persons are invited to attend.

DATE AND TIME: October 7, 2002, 11:00 a.m. or shortly thereafter

PLACE: Board of Architecture and Interior Design, Northwood Centre, Board Room, 1940 N. Monroe Street, Tallahassee, FL 32399, (850)487-8304

GENERAL SUBJECT MATTER TO BE CONSIDERED: Probable Cause Panel, 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 Architecture and Interior Design, 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)487-8304, 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 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 the law.

DATES AND TIMES: Wednesday, October 23, 2002, 12:00 Noon or as soon thereafter; Thursday, October 24, 2002, 8:00 a.m.

PLACE: Radisson Mart Plaza Hotel, 711 Northwest 72nd Avenue, Miami, Florida 33126

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.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

NOTICE OF AMENDMENT – The **Department of Environmental Protection** announces an amended time for a previously noticed public meeting to which all persons are invited.

DATE AND TIME: Monday, October 7, 2002, 1:00 p.m. – 4:00 p.m.

PLACE: Orlando International Airport, Hyatt Hotel, Tegel and Tullamarine Rooms, Orlando, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: The purpose of the meeting is to discuss the progress of the seven (7) pilot communities’ respective field-testing of the fiscal impact analysis model (FIAM) being developed. Meeting participants include the project consultant, agency representatives, working group and pilot community representatives.

A copy of the agenda, if any, may be obtained by writing: Ms. Sally B. Mann, Director of Intergovernmental Programs, Department of Environmental Protection, 3900 Commonwealth Blvd., MS #47, Tallahassee, Florida 32399-3000.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this meeting is asked to advise the agency at least 48 hours before the meeting by contacting the Bureau of Personnel Services, (850)488-2996. If you are hearing or speech impaired, please contact the Florida Relay Service by calling 1(800)955-8771 (TDD).

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

The **Department of Environmental Protection** announces three public workshops to take public comment on proposed amendments to Chapter 62-40, F.A.C., Water Resource Implementation Rule. The proposed rule will substantively amend many sections of Chapter 62-40, F.A.C. Topics include watershed management, “local sources first,” minimum flows and levels, regional water supply planning, water shortages, reservations of water, water conservation, reuse of reclaimed water, the Florida Water Plan, and District Water Management Plans.

The Department will hold this second set of rule development workshops on October 14, 2002, in Tallahassee, October 15, 2002, in Miami, and October 16, 2002, in Tampa.

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: Arnetria Thomas, (850)488-0784.

The **Department of Environmental Protection** announces that the Technical Advisory Committee established to assist in revising Chapter 62-503, F.A.C., State Revolving Loan Program, will meet on October 24, 2002, to consider rule issues including 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: Dick Smith, (850)488-8163.

DEPARTMENT OF HEALTH

The **Department of Health, Division of Medical Quality Assurance** announces a meeting to which all persons are invited.

DATE AND TIMES: October 25, 2002, 9:30 a.m. or soon thereafter – 4:30 p.m; Registration, 9:00 a.m.

PLACE: Tallahassee Regional Airport, Observation Room, Tallahassee, Florida, (850)891-7800

GENERAL SUBJECT MATTER TO BE CONSIDERED: Budget Workshop.

A copy of the agenda may be obtained by writing: Department of Health, Division of Medical Quality Assurance, 4052 Bald Cypress Way, BIN #C00, Tallahassee, Florida 32399-3255, or by calling (850)245-4224.

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 (850)245-4224. 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 Department with respect to any matter considered at the above-cited meeting or hearing, he/she will need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

The Florida **Board of Medicine**, Probable Cause Panel (South) announces a telephone conference call to be held via meet me number.

DATE AND TIME: October 11, 2002, 2:00 p.m.

PLACE: Call: (850)488-5778, Suncom 278-5778

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct a private meeting to review cases for which a determination of probable cause is to be made and to conduct a public meeting to review cases on which probable cause has been made.

A copy of the agenda may be obtained by writing: Gaynetta Rosier, Regulation Specialist II, Agency for Health Care Administration, Medical Services, Palmer Building, P. O. Box 14229, Tallahassee, Florida 32317-4229.

NOTE: In accordance with the Americans with Disabilities Act, persons needing a special accommodation to participate in this proceeding should contact the Medical Litigation Section no later than seven (7) days prior to the proceeding or meeting at which such special accommodation is required.

The Medical Litigation Section may be contacted at P. O. Box 14229, Tallahassee, Florida 322317-4229, (850)922-2414, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice) via Florida Relay Service.

The Florida **Board of Medicine**, Probable Cause Panel (North) announces a telephone conference call to be held via meet me number.

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

PLACE: Meet Me Number: (850)488-5778, Suncom 278-5778

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct a private meeting to review cases for which a determination of probable cause is to be made and to conduct a public meeting to review cases on which probable cause has been made.

A copy of the agenda may be obtained by writing: Gaynetta Rosier, Regulation Specialist II, Agency for Health Care Administration, Medical Services, Palmer Building, P. O. Box 14229, Tallahassee, Florida 32317-4229.

NOTE: In accordance with the Americans with Disabilities Act, persons needing a special accommodation to participate in this proceeding should contact the Medical Litigation Section no later than seven (7) days prior to the proceeding or meeting at which such special accommodation is required.

The Medical Litigation Section may be contacted at P. O. Box 14229, Tallahassee, Florida 322317-4229, (850)922-2414, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice) via Florida Relay Service.

The **Department of Health** and the **Board of Occupational Therapy Practice** announces a Conference Call to which all persons are invited.

DATE AND TIME: October 4, 2002, 10:00 a.m. (EST) or soon thereafter

PLACE: Call: (850)488-5776, Suncom 278-5776

GENERAL SUBJECT MATTER TO BE CONSIDERED: Rule Development.

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.

The **Department of Health** and the **Board of Occupational Therapy Practice** announces a meeting to which all persons are invited.

DATE AND TIME: December 3, 2002, 9:00 a.m. (EST) or soon thereafter

PLACE: Conference Room 301, 4042 Bald Cypress Way, Tallahassee, FL 32399-3255

GENERAL SUBJECT MATTER TO BE CONSIDERED:
General Board Meeting and Rules Review.

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.

The **Department of Health, Board of Physical Therapy** announces an orientation to which all persons are invited.

DATE AND TIME: October 23, 2002, 9:30 a.m. or soon thereafter

PLACE: Department of Health, Conference Room 301, 4042 Bald Cypress Way, Tallahassee, FL 32399-3255

GENERAL SUBJECT MATTER TO BE CONSIDERED:
Board Member Orientation.

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.

The **Board of Podiatric Medicine** will hold a duly noticed meeting to which all persons are invited to attend.

DATE AND TIME: Friday, October 11, 2002, 9:00 a.m.

PLACE: Radisson Riverwalk Hotel, 1515 Prudential Drive, Jacksonville, FL 32207, (904)396-5100

GENERAL SUBJECT MATTER TO BE CONSIDERED:
General board business.

Any person requiring special accommodations at this meeting because of a disability or physical impairment should contact the Board of Podiatric Medicine, (850)245-4355, at least 48

hours prior to the meeting. If you are a hearing or speech impaired, please contact the Board office using the Dual Party Relay System at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

A copy of the agenda item may be obtained by writing: Joe Baker, Jr., Board of Podiatric Medicine, Executive Director, 4052 Bald Cypress Way, BIN #C07, Tallahassee, FL 32399-3257.

The Florida **Brain and Spinal Cord Injury Advisory Council** announces a Council Meeting.

DATES AND TIMES: Tuesday, October 1, 2002, 8:30 a.m. – 7:00 p.m.; Wednesday, October 2, 2002, 8:30 a.m. – 3:00 p.m. (EST)

PLACE: Sheraton World Resort, 10100 International Drive, Orlando, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: To provide a status update on the activities of the Florida Bureau of Brain and Spinal Cord Injury and to conduct general business of the Advisory Council and its committees (EMS/Acute Care, Inpatient/Outpatient Rehabilitation, Residential/Community-Based/Long-Term Care, Pediatric and Prevention/Education Research).

Any persons requiring a special accommodation at this meeting because of a disability or physical impairment should contact the Florida Bureau of Brain and Spinal Cord Injury, (850)245-4045, at least 48 hours prior to the meeting. If you are hearing or speech impaired, please call the Florida Bureau of Brain and Spinal Cord Injury using the Florida Dual Party Relay System which can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

For further information, write: Thom DeLilla, 4052 Bald Cypress Way, BIN #C25 (BSCI), Tallahassee, Florida 32399-1744 or call (850)245-4045, Ext. 3178.

P.O. #B00829

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

The **Council on Homelessness** announces a series of conference call meetings of its Discharge Planning and Financial Resources Committees, to which all persons are invited.

COMMITTEE: Discharge Planning

DATE AND TIME: Tuesday, October 15, 2002, 9:00 a.m. – 10:00 a.m.

PLACE: Call: (850)921-6623 or Suncom 291-6623

DATE AND TIME: Tuesday, November 19, 2002, 9:00 a.m. – 10:00 a.m.

PLACE: Call: (850)921-6623 or Suncom 291-6623

COMMITTEE: Financial Resources

DATE AND TIME: Wednesday, October 30, 2002, 1:00 p.m. – 3:00 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: These conference calls and meeting 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.

FLORIDA HOUSING FINANCE CORPORATION

Concerning Issuance of Bonds to Finance Multifamily Residential Rental Developments

Notice is hereby given that the **Florida Housing Finance Corporation** ("Florida Housing") will conduct a public hearing in accordance with the Tax Equity and Fiscal Responsibility Act of 1982 ("TEFRA") to which all interested persons are invited.

DATE AND TIME: Tuesday, October 8, 2002, 11:00 a.m. (EST)

PLACE: The Offices of Florida Housing Finance Corporation, Suite 5000, 227 North Bronough Street, Tallahassee, Florida 32301

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct a TEFRA hearing concerning the potential future issuance of bonds by Florida Housing to refund bonds previously issued to finance the following multifamily residential rental developments in the aggregate face amount, not to exceed the amount listed below:

Victoria Park at Mandarin Phases I, II and III, a 520-unit multifamily residential rental development located at 4083 Sunbeam Road, Jacksonville, Duval County, Florida 32256. The owner of the development is Kings Mandarin Associates, LP, c/o Asset Development, 13575 58th Street, North, Suite 144, Clearwater, Florida 33760, or such successor in interest in which Kings Mandarin Associates, LP, or an affiliate thereof, is a managing member, general partner and/or controlling stockholder. The total tax-exempt bond amount is not to exceed \$19,400,000.

All interested parties may present oral comments at the public TEFRA hearing or submit written comments regarding the potential bond issuance for the development being re-financed. Written comments should be received by Florida Housing, by 5:00 p.m. (EST), Monday, October 7, 2002, and should be addressed to the attention of David Westcott, Multifamily Bond Administrator. Any persons desiring to present oral comments should appear at the hearing.

If requested in writing, a fact-finding hearing will be held in the county where the property is located. When possible, the local hearing will be held before the formal TEFRA hearing and comments received at the local hearing will be placed on record at the TEFRA hearing.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact David Westcott, Multifamily Bond Administrator, Florida Housing Finance Corporation, (850)488-4197, at least five calendar days prior to the meeting. If you are hearing impaired, please contact the Florida Housing using the Dual Party Relay System that can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

Any person who decides to appeal any decision made by Florida Housing with respect to any matter considered at this hearing, will need a record of the proceedings, and for such purpose may need to ensure that a verbatim record of the proceedings be made, which will include the testimony and evidence upon which the appeal is based.

ABLE TRUST

The **Able Trust** (Florida Endowment Foundation for Vocational Rehabilitation) will hold a Board Meeting on:

DATE AND TIME: Saturday, September 28, 2002, 9:00 a.m.

PLACE: The Westin Grand Bohemian, 325 S. Orange Avenue, Orlando, FL 32801

GENERAL SUBJECT MATTER TO BE CONSIDERED: The agenda will include approval of recommended grants to assist citizens with disabilities in achieving employment.

For more information, special accommodations or alternative format request, please call The Able Trust, (850)224-4493 or 1(888)838-2253.

COUNCIL FOR EDUCATION POLICY, RESEARCH AND IMPROVEMENT

The **Council for Education Policy, Research and Improvement** announces a meeting to which all interested persons are invited.

DATES AND TIMES: Wednesday, October 9, 2002, 8:00 a.m. – 5:00 p.m.; Thursday, October 10, 2002, 8:00 a.m. – 12:00 Noon

PLACE: The Academic Village, Pembroke Pines, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Council and its committees will discuss development of the Master Plan, its study of centers and institutes, other ongoing assignments, and education funding in Florida. For further information, contact the Council Office, (850)488-7894.

ORANGE COUNTY RESEARCH AND DEVELOPMENT AUTHORITY

The **Orange County Research And Development Authority** announces a public meeting to which all persons are invited.

DATE AND TIME: October 9, 2002, 8:00 a.m.

PLACE: Central Florida Research Park, Suite 100, 12424 Research Parkway, Orlando, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: General Business Meeting.

STATEWIDE NOMINATING COMMISSION FOR JUDGES OF COMPENSATION CLAIMS

The **Statewide Nominating Commission for Judges of Compensation Claims** announces a public hearing to be held on:

DATE AND TIME: Monday, October 28, 2002, 9:30 a.m.

PLACE: The Orlando Airport Marriott, 7499 Augusta National Drive, Orlando, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: The purpose of the hearing is to conduct the interviews of, and entertain public commentary on, the following applicants for reappointment as Judges of Compensation Claims: The Honorable Judith A. Brechner, District J and The Honorable Doris E. Jenkins, Division D.

Written commentary, pro or con, concerning any applicant by any person may be submitted to the Commission chairperson and a copy to each Commission member. Commission member address lists are available from the Commission chair. All written commentary must be received ten days prior to the hearing date.

Any questions concerning the upcoming Commission public hearing should be directed to: G. Bart Billbrough, Commission Chairperson, 2600 Douglas Road, Douglas Centre, Suite 902, Coral Gables, FL 33134, (305)442-2701, Ext. 105, Fax (305)442-2801.

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: Wednesday, October 30, 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.

**Section VII
Notices of Petitions and Dispositions
Regarding Declaratory Statements**

DEPARTMENT OF INSURANCE

NOTICE IS HEREBY GIVEN THAT the Department of Insurance has issued an order disposing of the petition for declaratory statement filed by Jack W. Mosley, received on June 13, 2002. The following is a summary of the agency's disposition of the petition:

Question: Does the applicable code or standard require a sprinkler system for an area under a canopy, constructed entirely of non-combustible material, used strictly for passenger drop-off and pick up or pedestrian use, but not used for storage.

Response: No. If the area is as described, that is, an area under a canopy, constructed entirely of non-combustible material, used strictly for passenger drop-off and pick up or pedestrian use, but not used for storage, sprinklering is not required under both the exception to 5-13.8.1 and the explanatory note in A-5-13.8.2 of NFPA 13.

A copy of the declaratory statement may be obtained in any of the following ways:

1. Write to, call or send a fax to Gabriel Mazzeo, Attorney, Division of State Fire Marshal, 200 East Gaines Street, Tallahassee, Florida 32399-0340, phone (850)413-3604, fax number (850)922-1235 (please advise if you would like it mailed or faxed to you and please include your phone number on your request in the event any question arises), or
2. E-mail your request to mazzeog@doi.state.fl.us (please be sure to specify if you want an unofficial, unsigned but exact duplicate copy e-mailed back to you, or if you want a copy of the official, signed declaratory statement mailed or faxed to you), or

3. Obtain an unofficial, unsigned but exact duplicate copy by visiting the State Fire Marshal's website at <http://www.doi.state.fl.us/SFM/sfmdeclaratorystatement.htm>.

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

NOTICE IS HEREBY GIVEN THAT the Petition for Declaratory Statement received by the Department on June 7, 2002 and previously noticed in the Florida Administrative Weekly on July 5, 2002 was WITHDRAWN by the Petitioner on September 3, 2002. The withdrawn petition was from the attorney for the Plaintiff in the case of Schubert v. Hudson Farms Citrus and Cattle, Case No. 01-1750-CA pending in the Circuit Court in Charlotte County and sought a declaration that the gross negligence protections of §590.125(3)(c), Florida Statutes, are not available to a person who violates the provisions of §590.125(2), Florida Statutes, during a non-certified burn.

DEPARTMENT OF COMMUNITY AFFAIRS

NOTICE IS HEREBY GIVEN THAT the Florida Building Commission has issued a Declaratory Statement in response to the request received from Lake County Building Division on February 18, 2002. The request was assigned the number DCA02-DEC-048. This Declaratory Statement was issued September 13, 2002. The Commission concluded that a pool with a single main drain and skimmer that are plumbed such that the draw water simultaneously utilizing a common line from the pump complies with section 424.2.6.6.4, Florida Building Code, Building Volume.

A copy of the Declaratory Statement may be obtained from: Paula P. Ford, Agency Clerk, Department of Community Affairs, Sadowski Building, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100.

NOTICE IS HEREBY GIVEN THAT the Florida Building Commission has issued a Declaratory Statement in response to the request received from Philip J. Childs, P.E., P.A. on February 28, 2002. It was assigned the number DCA02-DEC-070. The Commission found the facts to be materially indistinguishable from those presented in case number DCA02-DEC-048 and answered the question accordingly.

A copy of the Declaratory Statement may be obtained by writing: Paula P. Ford, Commission Clerk, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100.

NOTICE IS HEREBY GIVEN THAT the Florida Building Commission has issued a Declaratory Statement in response to the request received from Wayne Harrison, Josam Company, on March 26, 2002. It was assigned the number

DCA02-DEC-078. The statement provided that grease interceptors as proposed by the Petitioner are permitted by the Florida Building Code provided that the product complies with PDI-G101 and that the installation otherwise complies.

A copy of the Declaratory Statement may be obtained by writing: Paula P. Ford, Commission Clerk, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100.

NOTICE IS HEREBY GIVEN THAT the Florida Building Commission has issued a Declaratory Statement in response to the request received from Lee Schneeweiss, Sioux Chief Manufacturing, on March 12, 2002. It was assigned the number DCA02-DEC-087. The statement concludes that access panels are not required by 604.9, Florida Building Code, Plumbing Volume, for water hammer arresters under identified conditions.

A copy of the Declaratory Statement may be obtained by writing: Paula P. Ford, Commission Clerk, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100.

NOTICE IS HEREBY GIVEN THAT the Florida Building Commission has issued a Declaratory Statement in response to the request received from H & H Mechanical, Inc. on March 15, 2002. It was assigned the number DCA02-DEC-092. The Commission concluded that utilizing a double sanitary tee complies with section 706.3, Florida Building Code, Building Volume, under identified circumstances.

A copy of the Declaratory Statement may be obtained by writing: Paula P. Ford, Commission Clerk, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100.

NOTICE IS HEREBY GIVEN THAT the Florida Building Commission has issued a Declaratory Statement in response to the request received from Florida Extruders International on April 5, 2002. The request was assigned the number DCA02-DEC-114. The Commission concluded that mullions must be designed to transfer the design pressure load in accordance with section 1707.4.5.2, Florida Building Code, Building Volume.

A copy of the Declaratory Statement may be obtained by writing: Paula P. Ford, Commission Clerk, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100.

NOTICE IS HEREBY GIVEN THAT the Florida Building Commission has issued a Declaratory Statement in response to the request received from Richard J. Amoroso of Florida Extruders International, Inc. on April 4, 2002, and supplemented and amended on April 11, 2002. It was assigned the number DCA02-DEC-115. The Commission found that the

load combinations sections 2.3 & 2.4 of ASCE 7-98 apply to window and door analysis under the Florida Building Code, but apply independently of the load combinations of section 2405.3, Florida Building Code, Building Volume, that shall be used without adjustments for the Kd value.

A copy of the Declaratory Statement may be obtained by writing: Paula P. Ford, Commission Clerk, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100.

NOTICE IS HEREBY GIVEN THAT the Florida Building Commission has issued a Declaratory Statement in response to the request received from the Florida Home Builders Association on April 17, 2002. It was assigned the number DCA02-DEC-125. This Declaratory Statement was issued September 13, 2002, and determined that an emergency opening that leads to a screened enclosure open to the atmosphere with a door leading away from the residence complies with the Code.

A copy of the Declaratory Statement may be obtained by writing: Paula P. Ford, Commission Clerk, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100.

NOTICE IS HEREBY GIVEN THAT the Florida Building Commission has issued a Final Order Denying Declaratory Statement in response to the request received from Bellsouth Telecommunications, Inc. on May 2, 2002. It was assigned the number DCA02-DEC-138. The Commission concluded that the relief requested via the Petition could only be achieved through rulemaking.

A copy of the Declaratory Statement may be obtained by writing: Paula P. Ford, Commission Clerk, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100.

NOTICE IS HEREBY GIVEN THAT the Florida Building Commission has issued a Declaratory Statement in response to the request received from Door and Access Systems Manufacturers Association International on May 7, 2002. It was assigned the number DCA02-DEC-142. The Commission concluded that pursuant to subsection 9B-72.110(1), Florida Administrative Code, products may be tested at manufacturers' facilities if the test report is not the ultimate documentation evidencing compliance with the Florida Building Code.

A copy of the Declaratory Statement may be obtained by writing: Paula P. Ford, Commission Clerk, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100.

NOTICE IS HEREBY GIVEN THAT the Florida Building Commission has issued a Declaratory Statement in response to the request received from Florida Building Material Association on June 3, 2002. It was assigned the number DCA02-DEC-167. The Commission concluded that a building official has the authority to accept a custom designed, one-of-a-kind entrance door the components of which have been tested and found in compliance with the Code for the purpose intended.

A copy of the Declaratory Statement may be obtained by writing: Paula P. Ford, Commission Clerk, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100.

NOTICE IS HEREBY GIVEN THAT the Florida Building Commission has issued a Declaratory Statement in response to the request received from Robert J. Amoruso of Florida Extruders International, Inc. on June 5, 2002. It was assigned the number DCA02-DEC-169. The Commission concluded that tapered wood bucks of 1.5 inches or less in thickness are not required by section 1707.4.4.2, Florida Building Code, Building Volume, to extend beyond the exterior face of the window.

A copy of the Declaratory Statement may be obtained by writing: Paula P. Ford, Commission Clerk, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100.

NOTICE IS HEREBY GIVEN THAT the Florida Building Commission has issued a Declaratory Statement in response to the request received from International Engineering Associates, Inc., on June 5, 2002. It was assigned the number DCA02-DEC-170. This Declaratory Statement was issued September 13, 2002, and determined that custom fabricated or assembled aircraft hangar doors comprised of approved component parts may be permitted by a local jurisdiction.

A copy of the Declaratory Statement may be obtained by writing: Paula P. Ford, Commission Clerk, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100.

NOTICE IS HEREBY GIVEN THAT the Florida Building Commission has issued a Declaratory Statement in response to the request received from Florida Power and Light on June 7, 2002. It was assigned the number DCA02-DEC-173. This Declaratory Statement was issued September 13, 2002, and determined that the phrase "State approved performance tester" as used in section 13-610.1.A.1, Florida Building Code, Building Volume, means Class 1 Florida Energy Gauge Certified Energy Rater.

A copy of the Declaratory Statement may be obtained by writing: Paula P. Ford, Commission Clerk, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100.

NOTICE IS HEREBY GIVEN that the Florida Building Commission has issued a Declaratory Statement in response to the request received from Florida Power and Light on June 7, 2002. It was assigned the number DCA02-DEC-175. This Declaratory Statement was issued September 13, 2002, and determined that "total duct system leakage" as that term is used in section 13-610.1.A.1., Florida Building Code, Building Volume, means all air leaking from a duct into an unconditioned space.

A copy of the Declaratory Statement may be obtained by writing: Paula P. Ford, Commission Clerk, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100.

NOTICE IS HEREBY GIVEN that the Florida Building Commission has issued a Declaratory Statement in response to the request received from Larry Banks on June 10, 2002. It was assigned the number DCA02-DEC-176. This Declaratory Statement was issued September 13, 2002, and determined that the absence of protection of an air handler located in a garage as required by section 304.4., Florida Building Code, Mechanical Volume, is left to the discretion of the local jurisdiction.

A copy of the Declaratory Statement may be obtained by writing: Paula P. Ford, Commission Clerk, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100.

NOTICE IS HEREBY GIVEN THAT the Florida Building Commission has issued a Declaratory Statement in response to the request received from Larry Banks on June 10, 2002. It was assigned the number DCA02-DEC-177. This Declaratory Statement was issued September 16, 2002, and determined that ventilation of garages may be achieved by mechanical or natural means.

A copy of the Declaratory Statement may be obtained by writing: Paula P. Ford, Commission Clerk, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100.

NOTICE IS HEREBY GIVEN THAT the Florida Building Commission has issued a Declaratory Statement in response to the request received from Larry Banks on June 10, 2002. It was assigned the number DCA02-DEC-179. This Declaratory Statement was issued September 13, 2002, and determined that natural ventilation may be provided to a residential garage in lieu of mechanical ventilation pursuant to section 402.2, Florida Building Code, Mechanical Volume.

A copy of the Declaratory Statement may be obtained by writing: Paula P. Ford, Commission Clerk, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100.

NOTICE IS HEREBY GIVEN THAT the Florida Building Commission has issued a Declaratory Statement in response to the request received from Florida Portable Building Manufacturers Association on August 6, 2002. It was assigned the number DCA02-DEC-180. This Declaratory Statement was issued September 13, 2002, and determined that the Florida Building Code applies to lawn storage buildings and that the Department of Community Affairs has the authority to ensure enforcement thereof.

A copy of the Declaratory Statement may be obtained by writing: Paula P. Ford, Commission Clerk, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100.

NOTICE IS HEREBY GIVEN that the Florida Building Commission has issued a Declaratory Statement in response to the request received from Bliss & Nyitray, Inc., Consulting Engineers June 11, 2002. It was assigned the number DCA02-DEC-182. This Declaratory Statement was issued September 13, 2002, and determined that a masonry wall designed by an engineer in accordance with the standard identified as ACI 530 is not required to comply with the requirements for empirically designed masonry at section 2103.2.1, Florida Building Code, Building Volume.

A copy of the Declaratory Statement may be obtained by writing: Paula P. Ford, Commission Clerk, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100.

NOTICE IS HEREBY GIVEN THAT the Florida Building Commission has issued a Declaratory Statement in response to the request received from Master Consulting Engineers, Inc., on June 12, 2002. It was assigned the number DCA02-DEC-183. This Declaratory Statement was issued September 13, 2002, and determined that approval of a pad for use pursuant to section 304.7, Florida Building Code, Mechanical Volume, is left to the discretion of the building official.

A copy of the Declaratory Statement may be obtained by writing: Paula P. Ford, Commission Clerk, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100.

NOTICE IS HEREBY GIVEN that the Florida Building Commission received a request for Declaratory Statement on September 16, 2002, from SAMCO Plumbing, Inc., with regards to water compatibility testing pursuant to section 605.1, Florida Building Code (FBC), use of water hammer

arresters on residential quick closing valves pursuant to section 604.9, FBC, and corrosion protection for pipes pursuant to section 305.1, FBC. It has been assigned the number DCA02-DEC-252.

A copy of the request may be obtained by writing: Paula P. Ford, Commission Clerk, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100.

NOTICE IS HEREBY GIVEN THAT the Florida Building Commission received a Petition for Declaratory Statement on September 16, 2002, from William T. LeMaster, Okaloosa County Inspection Division. The Petition pertains to the application of section 504 and Table 600 of the Florida Building Code, Building Volume, to a building within a zero lot line subdivision and whether the Code permits the assumed property line separating two buildings on different lots for the determination of the resistance and allowable openings. It has been assigned the number DCA02-DEC-254.

A copy of the request may be obtained by writing: Paula P. Ford, Commission Clerk, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100.

NOTICE IS HEREBY GIVEN THAT the Florida Building Commission received a request for Declaratory Statement on September 17, 2002, from Juliana H. Salas, Deputy Director, Miami-Dade County Building Department, with regards to ventilation of a residential garage through openings which total less than 4% of the floor area of the garage. It has been assigned the number DCA02-DEC-255.

A copy of the request may be obtained by writing: Paula P. Ford, Commission Clerk, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100.

DEPARTMENT OF TRANSPORTATION

NOTICE IS HEREBY GIVEN THAT on September 9, 2002, the Florida Department of Transportation issued a Final Order Dismissing Petition for Declaratory Statement filed by Nancy F. Synder, seeking a variance from the provisions of subsection 14-90.0041(2), F.A.C. The Petition was received by the Department on May 31, 2002. The Department published its notice of receipt of the petition in the July 14, 2002, edition of the Florida Administrative Weekly. The Department's Order, issued in DOT Case No. 02-065, dismissed the petition because the Department does not have jurisdiction to render a declaratory statement on whether the Department rule results in a violation of Nancy F. Synder's constitutional rights.

A copy of the Department's Declaratory Statement may be obtained from: Clerk of Agency Proceedings, Department of Transportation, 605 Suwannee Street, M.S. 58, Tallahassee, Florida 32399-0458.

For additional information contact: James C. Myers, (850)414-5393.

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:

Lynne Shelby vs. Department of Corrections; Case No.: 02-3484RX; Rule No.: 33-601.101(1)(a)5.,(2),(7)

Kissimmee River Valley Sportsman Association, Inc. and Phillip B. Griner vs. South Florida Water Management District; Case No.: 02-3460RX; Rule No.: 40E-7.523

Florida Association of Massage Educators, Suncoast Center/Natural Health, Space Coast Health Institute, and Central Florida School of Massage Therapy vs. Department of Health, Board of Massage Therapy; Case No.: 02-3369RP; Rule No.: 64B7-32.003

Florida Home Builders Association, Florida A.G.C. Council, Inc. and Parrish Group, Inc. vs. Department of Insurance, Division of Workers Compensation; Case No.: 02-3097RU

Avmed, Inc. vs. Agency for Health Care Administration; Case No.: 02-3514RU

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

REQUEST FOR BID

The University of Florida, Purchasing Division will receive sealed bids for the following: 03L-32, W/O 586558, Re-roof Central Stores, estimated budget: \$180,000-\$200,000, to be opened October 23, 2002, 2:00 p.m. (Local Time), in Purchasing, Elmore Hall, Radio Road, Gainesville, FL. Scope of work: Removal of the existing built-up roof, flashing and appurtenances to prepare the roof to receive the new temporary roofing. Temporary dry-in of the sloped deck is included with a base sheet mechanically fastened to the lightweight insulating concrete at I-90 uplift requirements then hot mopped over the entire roof then covered with two plies of Type IV roofing felts hot mopped. A modified bitumen base sheet and granule cap sheet are then hot mopped on. New copper flashing. Specifications and Plans will be available in Purchasing, Elmore Hall, Radio Road, Gainesville, FL, Telephone (352)392-1331, Ext. 319.

A Mandatory Pre-bid Meeting will be held October 8, 2002, 1:30 p.m., in the Physical Plant Division Architecture/Engineering Conference Room, Building 700, Radio Road, Gainesville, FL. All questions should be directed to A. J. Sontag, C.P.M., Assistant Director, UF Purchasing (352)392-1331 Ext. 306.

AMERICANS WITH DISABILITY ACT OF 1991 – If special accommodations are needed in order to attend the Pre-bid or Bid opening, contact Emily J. Hamby, (352)392-1331, Ext. 303, within three (3) days of the event.

REQUEST FOR PROFESSIONAL SERVICES

The University of Florida, Sarasota/Manatee campus requests qualifications from firms to provide architectural and engineering services as follows: Planning, design and contract/project management for an academic and administrative complex to be located upon 28.5 acres in Manatee County. The project consists of a new 96,000+/- SF facility, which is to include classrooms, lecture room, offices and support service

areas, and external, on site surface parking, storm water retention, landscaping, and roadway infrastructure, and other amenities.

Selection of finalists for interview will be held in accordance with the appropriate chapters of the Florida Administrative Code, complying with requires of Florida Statutes.

Finalists may be required to make oral presentations, and the Selection Committee may reject all proposals and stop the selection process at anytime. Award of contract is contingent on the availability of funds.

A copy of the Project Program and Professional Qualifications Supplement are available electronically at www.sarasota.usf.edu/FacilitiesPlanning. The PQS form must be completed as described.

INSTRUCTIONS

Applicants desiring to provide these services shall apply for consideration by submitting original and 7 copies of the following:

1. Letter of interest detailing the firm's competence in various aspects of the discipline, but especially and specifically in the areas of interior and exterior design.
2. A current Professional Qualifications Supplement and Financial Statement.
3. A copy of the firm's current Florida Professional Registration Certificate.
4. A current SF-254
5. A current SF-255 with resumes of proposed personnel to be assigned.
6. For corporations only, a copy of the current Corporate Charter Certificate showing validation date and designation of professionals qualifying the corporation to practice in the discipline for which it is applying.

Submittals must be received by 3:00 p.m., October 21, 2002, and should be mailed to: Mr. Hugo V. Mazzoli, Director of Facilities Planning, University of South Florida, Sarasota/Manatee Campus, 5700 North Tamiami Trail, Sarasota, Florida 34243, (941)359-2494. Reference USF-SM: AE1.

Facsimile (FAX) submittals are not acceptable and will not be considered. Applicants that do not comply with these instructions or those that do not include the requested data will not be considered. Any protests of the selection must be made within 72 hours of receiving notice of the selection results. If no protest is received within 72 hours, the contract award and negotiation will proceed with the selected firms. Selection results will be published in the Florida Administrative Weekly.

BID REQUEST FOR BEVERAGE PRODUCTS
(A LA CARTE) FOR LEE COUNTY SCHOOLS
INCLUDING VENDED BOTTLE WATER

Bid No.: 6047 Opening Date: October 3, 2002, 2:00 p.m. (EST)

Phone: (941)479-4250, Fax: (941)337-8200, In Person or Mail:
 3308 Canal Street, Fort Myers, Florida 33916-6594
 Complete Bid Package available only upon request.
 By: Linda Owen, Senior Buyer

REGIONAL TRANSPORTATION AUTHORITIES

REQUEST FOR PROPOSAL (RFP) NO. 02-711
 INTEGRATED ENTERPRISE FINANCIAL
 MANAGEMENT SYSTEM – SOFTWARE,
 IMPLEMENTATION AND MAINTENANCE AND
 SUPPORT SERVICES

Tri-County Commuter Rail Authority (TRI-RAIL), an agency of the State of Florida, operates a 72-mile commuter railroad with eighteen (18) stations in Miami-Dade, Broward, and Palm Beach Counties.

THE PURPOSE of this Request for Proposal (RFP) is to enter into an agreement with a firm to replace TRI-RAIL'S existing accounting package with an integrated financial management system. TRI-RAIL would like to implement an integrated Windows-based package that includes, at a minimum:

General Ledger	Project/Grant Accounting
Accounts Payable	Fixed Assets
Human Resources	User Training
Payroll	Follow-On Training
Purchasing	Recurring Maintenance Cost for First Year
Budgeting	Conversion/Implementation Costs
Accounts Receivable	Contract Tracking

The project proposal must include delivery, installation, training, conversion, implementation and maintenance and support services. It is TRI-RAIL's intention to have the conversion process completed by June 1, 2003, and be operational with the new system on July 1, 2003. Due to budget considerations, TRI-RAIL may not procure all of the modules at this time.

A REQUEST FOR DOCUMENTS should be directed to: Mr. Robert Becker, TRI-RAIL, 800 N. W. 33 Street, Suite 100, Pompano Beach, Florida 33064, (954)788-7909. The cost of the solicitation document is Fifty Dollars (\$50.00) non-refundable. Checks or money orders made payable to TRI-RAIL should be forwarded to Mr. Becker at the address above. Solicitation documents will be available on or about September 30, 2002.

A PRE-PROPOSAL CONFERENCE will be held in the TRI-RAIL Board Room at the address above on October 8, 2002, 10:00 a.m. The purpose of the meeting will be for TRI-RAIL to respond to questions from document holders and clarify requirements in an open forum. Attendance is not mandatory but is recommended.

RECEIPT OF SEALED PROPOSALS: All proposals must be received in a sealed envelope no later than 5:00 p.m., November 4, 2002, at the TRI-RAIL office in Pompano Beach.

TRI-RAIL reserves the right to postpone, to accept, or reject any and all proposals in whole or in part. All Proposers must certify that they are not on the State of Florida Comptroller General's List of Ineligible Bidders. All proposals must remain in effect for One Hundred Eighty (180) days from the RFP submission due date.

ESTIMATED BUDGET: \$200,000 - \$400,000

DBE PARTICIPATION: TRI-RAIL solicits and encourages Disadvantaged Business Enterprise (DBE) participation. DBEs will be afforded full consideration of their responses and will not be subject to discrimination. The Disadvantaged Business Enterprise participation goal for this solicitation is 12%.

WATER MANAGEMENT DISTRICTS

REQUEST FOR QUALIFICATIONS 01/02-093 LA
 APPROVED ENVIRONMENTAL
 AUDIT CONSULTANT LIST

To ensure a consistent level of quality in phase 1 environmental assessment reports and environmental baseline documentation reports for real estate transactions, the Suwannee River Water Management District will maintain a list of environmental/engineering consultants who are pre-qualified for District assignments. The list will be reviewed annually, and the District may, at its option, recommend approval of the list for up to two additional years. Schedules A and B have been attached to show guidelines for Phase I environmental assessments and environmental baseline documentation reports.

Environmental/engineering consulting firms interested in being considered for District assignments should submit the completed Environmental Assessment Proposal Respondent Form prior to 3:00 p.m., October 17, 2002.

The form is located on the District's web site at www.mysuwannee.com.

EXPRESSWAY AUTHORITIES

NOTICE TO PROJECT DEVELOPMENT AND
 ENVIRONMENTAL (PD&E) FIRMS
 REQUEST FOR STATEMENT OF QUALIFICATIONS
 (RSOQ) – MDX PROJECT NO. CPK-001

The Miami-Dade Expressway Authority (MDX) is seeking the services of a qualified firm (the "Firm") to perform a State Environmental Impact Report (SEIR) in accordance with the Florida Department of Transportation's Project Development and Environment (PD&E) Manual for a new 8-mile limited access roadway facility that would connect SR 836 (East-West Expressway), SR 112 (Airport Expressway) and SR 924 (Gratigny Parkway) in North-Central Miami Dade County, Florida (the "Project"). MDX, in its Work Program, has named the proposed roadway facility the Central Parkway.

FEDERAL AND STATE DEBARMENT: By signing and submitting a Statement of Qualifications (SOQ), the Firm certifies that no principal (which includes shareholders, partners, officers, directors, or executives) is presently suspended, proposed for debarment, declared ineligible or voluntarily excluded from participation in this transaction by any federal, state or local department or agency.

SYSTEM: The Miami-Dade Expressway System is comprised of State Road (SR) 112, SR 836, SR 874, SR 878 and SR 924.

DESCRIPTION OF WORK: The selected Firm will be required to provide services to develop and complete a State Environmental Impact Report (SEIR) for a new 8-mile limited access roadway facility that would connect SR 836 (East-West Expressway), SR 112 (Airport Expressway) and SR 924 (Gratigny Parkway) in North-Central Miami-Dade County, Florida. The Project will be financed through non-federal funding sources. Therefore, the Firm shall be required to develop and complete the SEIR, pursuant to the Florida Department of Transportation's Project Development and Environment (PD&E) Manual. MDX has developed a Project Concept Report for the Central Parkway and will be available on MDX's website after September 30, 2002: www.mdx-way.com.

SELECTION PROCEDURE: A minimum of three firms will be shortlisted using the Evaluation Criteria detailed below. The shortlisted Firms will be requested to provide a written Technical Proposal based on the information and criteria requirements contained in the Request for Proposals ("RFP") to be issued by MDX. Oral interviews with the shortlisted Firms will be required. **FIRMS THAT DO NOT PROVIDE THE INFORMATION AND/OR DOCUMENTATION NECESSARY TO ADDRESS THE PREREQUISITE CRITERIA DESCRIBED BELOW SHALL BE DEEMED NON-RESPONSIVE.**

RESPONSE PROCEDURE: Qualified firms are encouraged to submit an SOQ package to MDX. One (1) original (unbound) SOQ, and nine (9) copies (ten (10) in total), **MUST** be received by the Miami-Dade Expressway Authority, 3790 N. W. 21 Street, Miami, Florida 33142, Attn: Ms. Helen M. Cordero, MDX Procurement Officer, by, Monday, December 16, 2002 by 12:00 Noon (Eastern Time) (the "Deadline Date"). SOQs submitted past the Deadline Date and time will be deemed non-responsive.

After reviewing the documentation submitted, evaluating the SOQs using the Evaluation Criteria shown herein, and ranking the Firms, MDX will notify all Firms in writing if they have been shortlisted, and will distribute one (1) copy of the RFP package to each shortlisted Firm.

The deadline to submit questions in reference to this Request for Statements of Qualifications (RSOQ) is Friday, November 22, 2002, by 5:00 p.m. Questions should be submitted in compliance with the Communication Provision below. The responses to questions received will be posted on MDX's

website (www.mdx-way.com) as an extension of this advertisement, or may be obtained by contacting MDX's Procurement Officer pursuant to the Communication Provision below. It is the Firm's responsibility to check the website or with MDX's Procurement Officer for these responses.

RESPONSIVENESS OF SOQ'S AND CONDITIONS CAUSING DISQUALIFICATIONS OF FIRMS: A responsive SOQ is one that conforms, in all material respects, to the requirements and instructions of the RSOQ.

SOQs will be rejected if found to be irregular, conditional or not in conformance with the requirements and instructions contained herein.

An SOQ will be found to be irregular or non-responsive for reasons including, but not limited to, violation of the Cone of Silence (as defined below), failure to strictly comply with and satisfactorily address the Prerequisite Criteria, failure to submit the information needed to evaluate the SOQ based on the Evaluation Criteria, incomplete SOQs, failure to provide or complete required forms, improper signatures, submittal of more than one SOQ by the same Firm, evidence of collusion among Firms or evidence that a Firm has a financial interest in another Firm submitting an SOQ for this engagement.

SOQs will be rejected if more than one SOQ is received from an individual, firm, partnership, or corporation, or combination thereof (furnished as the prime proposer), under the same or different names. Such duplicate interest will cause the rejection of all SOQs in which such Firm has participated. A Firm or any of the entities comprising the Firm shall not appear as a Proposer in any other SOQ for the Projects.

MDX, at its sole and absolute discretion, reserves the right to reject any and all SOQs or part of any and all SOQs, re-advertise the RSOQ, postpone or cancel, at any time, this procurement process for the Project, waive irregularities in the SOQs or to withdraw the RSOQ, if it is in the best interest of MDX. All expenses involved with the preparation and submission of an SOQ to MDX, or any work performed in connection therewith, shall be solely the Firm's responsibility.

SUBMITTAL OF STATEMENT OF QUALIFICATIONS: The SOQ shall be in writing, submitted on the Firm's letterhead. The SOQ must not exceed twenty (20) pages. Resumes, MDX forms, and certificates/licenses are not included in the 20-page limit. The SOQ **MUST** include at a minimum, the documentation and/or information required in the Prerequisite Criteria and Evaluation Criteria.

PREREQUISITE CRITERIA: SOQs will not be considered from Firms that do not satisfy, at a minimum, the following Prerequisite Criteria. All requested documentation and/or information must be provided in the SOQ to confirm that the Firm has satisfied all Prerequisite Criteria.

1. Firm shall have a minimum of five (5) years specific experience in providing Project Development and Environment (PD&E) services as described herein.

2. As required by Section 287.133, Florida Statutes, a firm may not submit a proposal for the Project if it is on the convicted vendor list for a public entity crime committed within the past 36 months. At a minimum, an affirmative statement shall be made by the Firm confirming that it is not on such list.
3. Firm must have a full service operational office located in Miami-Dade, Broward, or Palm Beach County. Information must also be provided as to the location of the Firm's office(s) in any of these counties. If the Firm does not have an office in any of these counties, an affirmative statement shall be made by the Firm confirming that, if selected, it will establish such an office in one of these counties.
4. Firms must submit documentation acceptable to MDX (including FDOT "L. Odom" letters) that the Firm is pre-qualified under Rule 14-75 of the Florida Administrative Code in the following types of work: Group 2, Project Development and Environmental (PD&E) Studies; Group 3.3, Complex Highway Design; Group 4.2 Major Bridge Design; Group 6.1 Traffic Engineering Studies; Group 6.3, Intelligent Transportation Systems Analysis, Design and Implementation; Group 8.1, Control Surveying Group 9.1, Soil Exploration. The Firm shall be pre-qualified in all Groups at time of submission of SOQ. If the Firm shall subcontract for some of the types of work, the Firm shall identify those types of work that will be subcontracted and provide acceptable documentation that the subcontractor(s) are pre-qualified.
5. Certificates of Good Standing evidencing that the Firm is qualified to do business in the State of Florida. Certificates must be current to be deemed acceptable by MDX.
6. Execution of a Commitment Letter (a copy of this form may be obtained from MDX's website) stating that the Firm shall satisfy the 10% Small Business Participation Goal for the Project, in compliance with MDX's Small Business Participation Policy (a copy of this Policy may be obtained from MDX's website). Further documentation addressing this requirement shall be required of the shortlisted Firms, pursuant to requirements in the RFP.

REQUIRED INFORMATION: The SOQ shall contain the following Required Information:

1. Project Name and number.
2. Firm's name and address.
3. Name of contact person, phone number, fax number and Internet e-mail address. Please only identify one contact person per Firm. MDX will only send communications to the identified contact person. It is the Firm's responsibility to keep all members of its team informed.
4. An executed Vendor's Certificate (a copy of this form may be obtained from MDX's website).

EVALUATION CRITERIA: The SOQ will be reviewed, evaluated and ranked by the MDX Technical Evaluation Committee using the following Evaluation Criteria:

- Qualifications and experience of the Firm as it relates to the required services. Depth and breadth of the Firm's experience as a whole in the performance of similar engagements. A total of 45 points.
- Proposed key personnel of the Firm, their qualifications, experience and their roles in similar projects (including resumes). A total of 30 points.
- An estimate of the Firm's current workload and available resources. The Firm should specifically address this criterion with respect to the proposed key personnel for this engagement. A total of 20 points.
- A list of similar engagements, in particular, representation of governmental entities, completed NOT EARLIER THAN January 1, 1997, with references and phone numbers, including a general description of the role of the Firm and the services provided. A total of 5 points.

COMMUNICATION: Communications between any respondent and any MDX Board member, MDX consultants and/or staff is strictly prohibited from the date of publication of the RSOQ through the date of final MDX action with respect to the selection of the successful Firm for this engagement (this communication prohibition is also referred to herein as the Cone of Silence). The only exceptions to this are communications at a pre-proposal conference, oral interview, or a publicly noticed meeting of MDX and/or its Operations Committee, and written communications regarding questions about the RSOQ. Such written communication should be directed to: Helen M. Cordero, MDX Procurement Officer, via e-mail hcordero@mdx-way.com or Facsimile (305)637-3298. Any violation of the requirements set forth in this paragraph shall constitute grounds for immediate and permanent disqualification of the offending respondent.

PROTEST RIGHTS:

1. Any Firm must file a written protest with the Secretary of the MDX Board after the MDX Operations Committee's decision on the shortlist for the Project, if the protest is directed towards any part of the procurement process that has occurred as of the time of that decision.

It is intended that this provision be utilized to address any issues concerning the manner or process by which Firms are identified as qualified to receive the Request for Proposal for the Project. Should issues arise after the time period for filing a protest has passed pursuant to this provision, which issues are determined by MDX to be covered by this provision, the protesting party shall be deemed to have waived any right to protest same.

2. A protest bond in the amount of \$20,000.00 will be required for any protest.
3. After the MDX Operations Committee renders its decision regarding the firms to be shortlisted, a copy of the final shortlist of firms invited to submit proposals in response to the Request for Proposals ("Final Shortlist") shall be sent to all firms who submitted a Statement of Qualifications for

the Project by MDX's Chief Purchasing Officer or his designee. To be considered, a protest must be in writing and filed with the Secretary of the MDX Board within seventy-two (72) hours, excluding Saturdays, Sunday and legal holidays, after receipt of the Final Shortlist.

4. Within five (5) calendar days from the date of filing of the protest, the protesting party shall provide MDX with the grounds for its protest.
5. Upon receipt of a timely filed written protest, MDX and the protesting party shall attempt to resolve the protest by mutual agreement within ten (10) business days from the date of filing of the protest.
6. If the protest is not resolved by mutual agreement within ten (10) business days from the date of filing, MDX and the protesting party shall select a mutually agreed-upon mediator and participate in mediation within thirty (30) calendar days after the failure to reach a mutual agreement. All costs of mediation shall be borne by the protesting party, unless otherwise agreed upon by MDX. No court proceedings regarding any protest may be filed until the parties have first participated in mediation.
7. In the event mediation is unsuccessful, the party filing a protest pursuant to this provision shall file and serve the requisite legal action within fifteen (15) calendar days of the date of mediation.
8. In the event that a party serving a protest in accordance with this provision fails to: (1) resolve the protest by mutual agreement within ten (10) business days from the date of filing of the protest; (2) work with MDX to select an agreed-upon mediator and participate in mediation within thirty (30) calendar days after the failure to reach a mutual agreement; or (3) file and serve the requisite legal proceeding within fifteen (15) calendar days after the termination of an unsuccessful mediation, the protest shall be deemed withdrawn and have no further force and effect. Any waiver of this provision must be in writing and signed by MDX's Executive Director.
9. Failure to file a protest in accordance with the requirements set forth herein with respect to any decisions made prior to the issuance of the Final Shortlist in accordance with this provision shall constitute a waiver of any right to initiate any protest proceedings regarding those decisions.

EQUAL EMPLOYMENT OPPORTUNITIES AND SMALL BUSINESS ENTERPRISES PROGRAM: MDX, in accordance with the provisions of Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. §200c et seq., the Florida Civil Rights Act of 1992, as amended, §760.10 et. seq., Fla. Stat. (1996) and other federal and state discrimination statutes, prohibits discrimination on the basis of race, color, sex, age, national origin, religion and disability or handicap. MDX notifies all bidders and individuals that it requires and encourages equal employment opportunities for minorities and women as employees in the work force.

MDX strongly encourages small, minority and women-owned business to have full opportunity to submit bids and proposals in response to solicitation documents issued by MDX, and commits that bidders and proposers will not be discriminated against on the basis of sex, race, color, national origin, religion or disability, or other protected status. The overall goal of MDX is to obtain an M/WBE participation of twenty-five percent (25%) for the aggregate of its projects. However, compliance with MDX's overall goal is not a pre-requisite for bidders or proposers on MDX projects. Please be advised that MDX has adopted a Small Business Enterprise Policy, and a 10% Small Business Goal shall be required for the Project (see Prerequisite Criteria above.)

MDX RESERVES THE RIGHT TO REJECT ANY OR ALL STATEMENTS OF QUALIFICATIONS RECEIVED.

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.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

NOTICE OF CANCELLATION

REQUEST FOR PROPOSALS

RFPBDRS 01-02/03

The Department of Environmental Protection, Division of Recreation and Parks, Bureau of Design and Recreation Services announces the cancellation of the Request for Proposals for the restoration of the lighthouse at Anclote Key as published in the Florida Administrative Weekly on July 12, 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."

REQUEST FOR PROPOSALS

RFPBDRS 02-02/03

Proposal Due Date: 3:30 p.m., Monday, October 28, 2002

This Request for Proposal (RFP) is for licensed contractors, in the State of Florida to provide all labor, material and equipment to restore the lighthouse located on AncloteKey in the Gulf of Mexico, west of Tarpon Springs. The lighthouse is a skeletal, tubularcast iron plate tower. The scope of work will include restoring the lighthouse, installing a solar power light and providing lead-based paint abatement services. Contractors submitting for the RFP will initially demonstrate their

expertise and experience in lighthouse restoration. After selecting qualified contractors the Department will solicit for competitive bids, from the selected qualified contractors, for the work to restore the lighthouse. Construction documents and permits will be provided by the Department of Environmental Protection. Access to the project site will involve crossing wetland areas on the island. All responses to the Request for Proposals are welcome. Contact the Contracts Section, (850)488-5372. Please specify the solicitation package by the DEP Solicitation Number provided above. Minority businesses are encouraged to participate. The Department reserves the right to reject any or all proposals.

The full text of this notice 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."

BID NO. BDRS 23-02/031B

The Department of Environmental Protection, Division of Recreation and Parks, Bureau of Design and Recreation Services is soliciting formal competitive bids for the construction of a lift station and force main to the existing sanitary sewer system at Ft. Clinch State Park in Fernandina Beach, Florida. Minority businesses are encouraged to participate. The Department reserves the right to reject any or all bids.

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."

BID NO. BDRS 22-02/03

The Department of Environmental Protection, Division of Recreation and Parks, Bureau of Design and Recreation Services is soliciting formal competitive bids for construction services at St. Andrews State Park in Panama City, Florida. Construction work to include day use restroom, installation of mechanical exhaust systems, force main sanitary sewer system, 2 bathhouses, 3 RV sites, ranger residence, and remodeling of a concession/restroom building and boardwalk. Demolition to include 3 bathhouses, restroom, and a concession/restroom building. Minority businesses are encouraged to participate. The Department reserves the right to reject any or all bids.

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 NEW AIRSIDE
TERMINAL BUILDING "C" AND RELATED WORK
HCAA PROJECT NO. 3805**

Services to be furnished shall include, but not be limited to, all architectural design and all engineering related to civil, 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. Professional services will also be required by an acoustical engineer, a registered illumination engineer, and an engineer specializing in Security Access Control. 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.**

The Letters of Interest (Only) must be received at or before 5:00 p.m. (Local Time), Tuesday, October 15, 2002. Subsequent to receiving Letters of Interest, a Request for Qualifications will be sent to all respondents and adequate response time set forth in that package.

A MANDATORY Pre-Qualifications Conference will be held on Tuesday, October 29, 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 BANKING AND FINANCE

NOTICE OF FILINGS

Notice is hereby given that the Department of Banking and Finance has received a request by a credit union to expand its field of membership. Specific information regarding the expansion can be found at <http://www.dbf.state.fl.us/banking.html>.

Comments may be submitted to the Director, Division of Banking, 101 East Gaines Street, Suite 636, Tallahassee, Florida 32399-0350, for inclusion in the official record without requesting a hearing; however, any person may request a public hearing by filing a petition with the Clerk, Legal Division, Department of Banking and Finance, 101 East Gaines Street, Suite 526, Tallahassee, Florida 32399-0350, pursuant to provisions specified in Section 3C-105.100, Florida Administrative Code. petition must be received by the Clerk within twenty-one (21) days of publication of this notice (by 5:00 p.m., October 18, 2002):

Name and Address of Applicant: Priority One Credit Union of Florida, Post Office Box 9264, Fort Lauderdale, Florida 33310
Expansion Includes: Residents and employees who work or live in Broward County.

Received: September 12, 2002

DEPARTMENT OF COMMUNITY AFFAIRS

DCA Final Order No.: DCA02-OR-253

In re: CITY OF MARATHON LAND DEVELOPMENT REGULATIONS ADOPTED BY CITY OF MARATHON ORDINANCE NO. 02-07-14

FINAL ORDER

The Department of Community Affairs (the "Department") hereby issues its Final Order, pursuant to §§ 380.05(6) and (11), Fla. Stat., and § 380.0552(9), Fla. Stat. (2001), approving a land development regulation adopted by a local government within the Florida Keys Area of Critical State Concern as set forth below.

FINDINGS OF FACT

1. The Florida Keys Area is a statutorily designated area of critical state concern, and the City of Marathon is a local government within the Florida Keys Area.
2. On August 12, 2002, the Department received for review City of Marathon Ordinance No. 02-07-14 which was adopted by the City of Marathon City Council on July 30, 2002 ("Ord. 02-07-14").

3. Ord. 02-07-14 amends the Section 9.5-434 of the City's Land Development Regulations regulating the placement, construction and modification of wireless communications facilities.
4. Ord. 02-07-14 is consistent with the City's 2010 Comprehensive Plan.

CONCLUSIONS OF LAW

5. The Department is required to approve or reject land development regulations that are enacted, amended or rescinded by any local government in the Florida Keys Area of Critical State Concern. §§ 380.05(6) and (11), Fla. Stat., and § 380.0552(9), Fla. Stat. (2001).
 6. The City of Marathon is a local government within the Florida Keys Area of Critical State Concern. § 380.0552, Fla. Stat. (2001) and Rule 28-29.002 (superseding Chapter 27F-8), Fla. Admin. Code.
 7. "Land development regulations" include local zoning, subdivision, building and other regulations controlling the development of land. § 380.031(8), Fla. Stat. (2001). The regulations adopted by Ord. 02-07-14 are land development regulations.
 8. All land development regulations enacted, amended or rescinded within an area of critical state concern must be consistent with the Principles for Guiding Development (the "Principles") set forth in § 380.0552(7), Fla. Stat. See *Rathkamp v. Department of Community Affairs*, 21 F.A.L.R. 1902 (Dec. 4, 1998), aff'd, 740 So. 2d 1209 (Fla. 3d DCA 1999). The Principles are construed as a whole and no specific provision is construed or applied in isolation from the other provisions.
 9. Ord. 02-07-14 promotes and furthers the following Principles:
 - (a) To strengthen local government capabilities for managing land use and development so that local government is able to achieve these objectives without the continuation of the area of critical state concern designation.
 - (l) To protect the public health, safety, and welfare of the citizens of the Florida Keys and maintain the Florida Keys as a unique Florida resource.
 10. Ord. 02-07-14 is not inconsistent with the remaining Principles. Ord. 02-07-14 is consistent with the Principles for Guiding Development as a whole.
- WHEREFORE, IT IS ORDERED that Ord. 02-07-14 is found to be consistent with the Principles for Guiding Development of the Florida Keys Area of Critical State Concern, and is hereby APPROVED.

This Order becomes effective 21 days after publication in the Florida Administrative Weekly unless a petition is filed as described below.

DONE AND ORDERED in Tallahassee, Florida.

SONNY TIMMERMAN, DIRECTOR
Division of Community Planning
Department of Community Affairs
2555 Shumard Oak Boulevard
Tallahassee, Florida 32399-2100

NOTICE OF ADMINISTRATIVE RIGHTS

ANY PERSON WHOSE SUBSTANTIAL INTERESTS ARE AFFECTED BY THIS ORDER HAS THE OPPORTUNITY FOR AN ADMINISTRATIVE PROCEEDING PURSUANT TO SECTION 120.569, FLORIDA STATUTES, REGARDING THE AGENCY'S ACTION. DEPENDING UPON WHETHER YOU ALLEGE ANY DISPUTED ISSUE OF MATERIAL FACT IN YOUR PETITION REQUESTING AN ADMINISTRATIVE PROCEEDING, YOU ARE ENTITLED TO EITHER AN INFORMAL PROCEEDING OR A FORMAL HEARING.

IF YOUR PETITION FOR HEARING DOES NOT ALLEGE ANY DISPUTED ISSUE OF MATERIAL FACT CONTAINED IN THE DEPARTMENT'S ACTION, THEN THE ADMINISTRATIVE PROCEEDING WILL BE AN INFORMAL ONE, CONDUCTED PURSUANT TO SECTIONS 120.569 AND 120.57(2), FLORIDA STATUTES, AND CHAPTER 28-106, PARTS I AND III, FLORIDA ADMINISTRATIVE CODE. IN AN INFORMAL ADMINISTRATIVE PROCEEDING, YOU MAY BE REPRESENTED BY COUNSEL OR BY A QUALIFIED REPRESENTATIVE, AND YOU MAY PRESENT WRITTEN OR ORAL EVIDENCE IN OPPOSITION TO THE DEPARTMENT'S ACTION OR REFUSAL TO ACT; OR YOU MAY EXERCISE THE OPTION TO PRESENT A WRITTEN STATEMENT CHALLENGING THE GROUNDS UPON WHICH THE DEPARTMENT HAS CHOSEN TO JUSTIFY ITS ACTION OR INACTION.

IF YOU DISPUTE ANY ISSUE OF MATERIAL FACT STATED IN THE AGENCY ACTION, THEN YOU MAY FILE A PETITION REQUESTING A FORMAL ADMINISTRATIVE HEARING BEFORE AN ADMINISTRATIVE LAW JUDGE OF THE DIVISION OF ADMINISTRATIVE HEARINGS, PURSUANT TO SECTIONS 120.569 AND 120.57(1), FLORIDA STATUTES, AND CHAPTER 28-106, PARTS I AND II, FLORIDA ADMINISTRATIVE CODE. AT A FORMAL ADMINISTRATIVE HEARING, YOU MAY BE REPRESENTED BY COUNSEL OR OTHER QUALIFIED REPRESENTATIVE, AND YOU WILL HAVE THE OPPORTUNITY TO PRESENT EVIDENCE AND ARGUMENT ON ALL THE ISSUES INVOLVED, TO CONDUCT CROSS-EXAMINATION AND SUBMIT REBUTTAL EVIDENCE, TO SUBMIT PROPOSED FINDINGS OF FACT AND ORDERS, AND TO FILE EXCEPTIONS TO ANY RECOMMENDED ORDER.

IF YOU DESIRE EITHER AN INFORMAL PROCEEDING OR A FORMAL HEARING, YOU MUST FILE WITH THE AGENCY CLERK OF THE DEPARTMENT OF COMMUNITY AFFAIRS A WRITTEN PLEADING ENTITLED, "PETITION FOR ADMINISTRATIVE PROCEEDINGS" WITHIN 21 CALENDAR DAYS OF PUBLICATION OF THIS NOTICE. A PETITION IS FILED WHEN IT IS RECEIVED BY THE AGENCY CLERK, IN THE DEPARTMENT'S OFFICE OF GENERAL COUNSEL, 2555 SHUMARD OAK BOULEVARD, TALLAHASSEE, FLORIDA 32399-2100.

THE PETITION MUST MEET THE FILING REQUIREMENTS IN SUBSECTION 28-106.104(2), FLORIDA ADMINISTRATIVE CODE. IF AN INFORMAL PROCEEDING IS REQUESTED, THEN THE PETITION SHALL BE SUBMITTED IN ACCORDANCE WITH RULE 28-106.301, FLORIDA ADMINISTRATIVE CODE. IF A FORMAL HEARING IS REQUESTED, THEN THE PETITION SHALL BE SUBMITTED IN ACCORDANCE WITH SUBSECTION 28-106.201(2), FLORIDA ADMINISTRATIVE CODE.

A PERSON WHO HAS FILED A PETITION MAY REQUEST MEDIATION. A REQUEST FOR MEDIATION MUST INCLUDE THE INFORMATION REQUIRED BY RULE 28-106.402, FLORIDA ADMINISTRATIVE CODE. CHOOSING MEDIATION DOES NOT AFFECT THE RIGHT TO AN ADMINISTRATIVE HEARING.

YOU WAIVE THE RIGHT TO AN INFORMAL ADMINISTRATIVE PROCEEDING OR A FORMAL HEARING IF YOU DO NOT FILE A PETITION WITH THE AGENCY CLERK WITHIN 21 DAYS OF PUBLICATION OF THIS FINAL ORDER.

CERTIFICATE OF FILING AND SERVICE

I HEREBY CERTIFY that the original of the foregoing Final Order has been filed with the undersigned designated Agency Clerk, and that true and correct copies have been furnished to the persons listed below by the method indicated this ___ day of September, 2002.

Paula Ford, Agency Clerk

By U.S. Mail:
Honorable John Bartus, Mayor
City of Marathon
10054-55 Overseas Highway
Marathon, Florida 33050
Katherine V. Selchan, City Clerk
City of Marathon
210 University Drive
Coral Springs, Florida 33071

Craig Wrathell
 City Manager
 City of Marathon
 10054-55 Overseas Highway
 Marathon, Florida 33050
 John R. Herin, Jr.
 Weiss, Serota, Helfman, Pastoriza and Guedes, P.A.
 City Attorneys
 City of Marathon
 2665 South Bayshore Drive, Suite 420
 Miami, Florida 33133
 By Hand Delivery or Interagency Mail:
 Jim Quinn, DCA Tallahassee
 Rebecca Jetton, DCA Florida Keys Field Office
 Richard A. Lotspeich, Assistant General Counsel, DCA
 Tallahassee

**NOTICE OF APPROVAL
 FOR FLORIDA FOREVER FUNDS**

The Florida Communities Trust ("Trust") reviewed and approved project plans for land acquisition projects submitted under the Trust Florida Forever Program, Series FF1 funding cycle. The project plan listed below was approved by the Executive Director under authority delegated from the governing body. The Executive Director is authorized to execute the agreements for acquisition of the project sites and all other documents necessary to close the project and that funds be released as follows:

Project: 01-009-FF1/Moultre Creek/Intracoastal (Vaill Point) Tract

Grantee: St. Johns County

Amount of Approved Funds: the lesser of 75.00% of the final total project costs or \$1,942,615.35

Project: 01-039-FF1/Pond Apple Park

Grantee: City of Sanibel

Amount of Approved Funds: the lesser of 40.00% of the final total project costs or \$2,283,920.00

Project: 01-144-FF1/Historic Bayview Park

Grantee: City of Clearwater

Amount of Approved Funds: the lesser of 75.00% of the final total project costs or \$1,726,875.00

NOTICE OF ADMINISTRATIVE HEARING RIGHTS

Any person with substantial interests that are or may be determined by the approval of funds for projects by the Trust has a right to an informal administrative proceeding pursuant to Section 120.57(2), F.S., if the person does not dispute issues of material fact raised by this decision. If an informal proceeding is held, the petitioner will have the opportunity to be represented by counsel, to present to the agency written or

oral evidence in opposition to the Trust action, or to present a written statement challenging the legal grounds upon which the Trust is justifying its actions.

Alternatively, any person with substantial interests that are or may be determined by the approval of funds for projects by the Trust has a right to a formal administrative hearing pursuant to Section 120.57(1), F.S., if the person disputes any issues of material fact stated in this decision. At a formal hearing the petitioner may be represented by counsel, and will have the opportunity to present evidence and argument on all the issues involved, to conduct cross-examination and submit rebuttal evidence, to submit proposed findings of fact and orders, and to file exceptions to any order or hearing officer's recommended order.

If a person with a substantial interest desires either an informal proceeding or a formal hearing, the person must file with the Trust Clerk a written response or pleading entitled "Petition for Administrative Proceedings" within 21 calendar days of the publication date of this notice of final agency action. The petition must be in the form required by Rule 18-106.201, F.A.C. A petition is filed when it is received by the Trust Clerk, 2555 Shumard Oak Boulevard, Tallahassee, FL 32399-2100. A petition must specifically request an informal proceeding or a formal hearing, it must admit or deny each material fact contained in this decision, and it must state any defenses upon which the petitioner relies. If the petitioner lacks knowledge of a particular allegation of fact, it must so state and that statement will operate as a denial.

Any person with substantial interests that are or may be determined by the approval of funds for projects by the Trust waives the right to an informal proceeding or a formal hearing if a Petition for Administrative Proceeding is not filed with the Trust Clerk within 21 days of the date of publication of the notice of final agency action.

DEPARTMENT OF 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 Lotus Cars USA, Inc. intends to allow the establishment of Naples Automotive Toy Store Inc. as a dealership for the sale of Lotus vehicles at 5450 N. Tamiami Trail, Naples (Collier County), Florida 34108, on or after October 1, 2002.

The name and address of the dealer operator(s) and principal investor(s) of Naples Automotive Toy Store Inc. are dealer operator(s) and principal investor(s): Thomas J. Bommarito, 8120 Lowbank, Naples, FL 34109.

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: Arnold A. Johnson, CEO, Lotus Cars USA, Inc., 500 Marathon Parkway, Lawrenceville, GA 30045.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

Notice of Publication for the Relocation of a
Franchise Motor Vehicle Dealer in a County of More
than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, notice is given that BMW of North America, LLC, intends to allow the relocation of Pompano Imports, Inc. d/b/a Vista Motors, as a dealership for the sales and service of BMW passenger cars and light trucks, from its present location at 700 North Federal Highway, Pompano Beach, Florida 33062, to a proposed location at 4401 West Sample Road, Coconut Creek (Broward County), Florida 33073, on or after December 31, 2002.

The name and address of the dealer operator(s) and principal investor(s) of Pompano Imports, Inc. d/b/a Vista Motors are dealer operator(s): Charles Dascal, 16215 South Dixie Highway, Miami, FL 33157; principal investor(s): Charles Dascal, 16215 South Dixie Highway, Miami, FL 33157 and Larry Hoffman, 1221 Brickell Avenue, Miami, FL 33131.

The notice indicates intent to relocate the franchise in a county of more than 300,000 population, according to the latest population estimates of the University of Florida, Bureau of Economic and Business Research.

Certain dealerships of the same line-make may have standing, pursuant to Section 320.642, Florida Statutes, as amended by Chapter 88-395, Laws of Florida, to file a petition or complaint protesting the application.

Written petitions or complaints must be received by the Department of Highway Safety and Motor Vehicles within 30 days of the date of publication of this notice and must be submitted to: Mr. Ronald D. Reynolds, Administrator, Dealer License Section, Department of Highway Safety and Motor Vehicles, Room A-312, Neil Kirkman Building, 2900 Apalachee Parkway, Tallahassee, Florida 32399-0635.

A copy of such petition or complaint must also be sent by US Mail to: Edward Huzyak, Business Development Manager, BMW of North America, LLC, 1280 Hightower Trail, Atlanta, GA 30350.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the relocation of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

AGENCY FOR HEALTH CARE ADMINISTRATION

The Agency for Health Care Administration has received an application for services exemption from Mariners Hospital, Tavernier, Florida pursuant to Section 395.1041(3), Florida Statutes and Rule 59A-3.207, Florida Administrative Code. The service categories for which the exemptions are requested are: Neurology, Gastroenterology, Gynecology, Ophthalmology, Orthopedic Surgery, Otolaryngology, Pediatrics, Urological Surgery.

Comments received within 15 days of publication will be considered by the agency prior to making a determination exemption status.

**NOTICE OF BATCHED APPLICATION RECEIPT
AND NOTICE OF TENTATIVE PUBLIC HEARINGS**

The Agency For Health Care Administration has received and accepted the following Certificate of Need applications for review in the batched Hospital Beds and Facilities review cycle with an application due date of September 11, 2002.

County: Escambia District: 1
CON #9595 Application Receipt Date: September 9, 2002
Facility/Project: Baptist Hospital, Inc.

Applicant: Baptist Hospital, Inc.
Project Description: Establish an acute care satellite hospital with up to 100 beds

County: Bay District: 2
CON #9596 Application Receipt Date: September 10, 2002
Facility/Project: SemperCare Hospital of Panama City, Inc.

Applicant: SemperCare Hospital of Panama City, Inc.
Project Description: Establish a long-term care hospital of up to 45 beds

County: Bay District: 2
 CON #9597 Application Receipt Date: September 10, 2002
 Facility/Project: HealthSouth LTAC of Bay County, Inc.
 Applicant: HealthSouth LTAC of Bay County, Inc.
 Project Description: Establish up to a 40-bed long-term care hospital

County: Bay District: 2
 CON #9598 Application Receipt Date: September 10, 2002
 Facility/Project: HealthSouth Emerald Coast Rehabilitation Hospital
 Applicant: Lakeshore System Services of Florida, Inc.
 Project Description: Add up to 10 CMR beds

County: Citrus District: 3
 CON #9599 Application Receipt Date: September 10, 2002
 Facility/Project: Seven Rivers Community Hospital
 Applicant: Tenet HealthSystems Hospital, Inc.
 Project Description: Add up to 16 CMR beds through the delicensure of up to 8 acute care beds and 8 adult psychiatric beds

County: Duval District: 4
 CON #9600 Application Receipt Date: September 10, 2002
 Facility/Project: St. Vincent's Medical Center, Inc.
 Applicant: St. Vincent's Medical Center, Inc.
 Project Description: Establish a Level II NICU of up to 10 beds through the delicensure of up to 10 Level II NICU beds at St. Luke's Hospital

County: Duval District: 4
 CON #9601 Application Receipt Date: September 10, 2002
 Facility/Project: St. Vincent's Medical Center, Inc.
 Applicant: St. Vincent's Medical Center, Inc.
 Project Description: Establish a new acute care hospital of up to 220 beds

County: Duval District: 4
 CON #9602 Application Receipt Date: September 11, 2002
 Facility/Project: Southern Baptist Hospital of Florida, Inc.
 Applicant: Southern Baptist Hospital of Florida, Inc.
 Project Description: Establish a new acute care hospital of up to 125 beds through the delicensure of 125 acute care beds at Baptist Medical Center

County: Duval District: 4
 CON #9603 Application Receipt Date: September 9, 2002
 Facility/Project: St. Luke's Hospital Association
 Applicant: St. Luke's Hospital Association
 Project Description: Establish a replacement hospital of up to 214 beds and existing cardiac and transplant services

County: Volusia District: 4
 CON #9604 Application Receipt Date: September 9, 2002
 Facility/Project: SemperCare Hospital of Volusia, Inc.
 Applicant: SemperCare Hospital of Volusia, Inc.
 Project Description: Establish a long-term care hospital of up to 45 beds

County: Clay District: 4
 CON #9605 Application Receipt Date: September 10, 2002
 Facility/Project: Kindred Hospital-North Florida
 Applicant: Kindred Hospitals East, L.L.C.
 Project Description: Add up to 20 long-term care hospital beds

County: Volusia District: 4
 CON #9606 Application Receipt Date: September 10, 2002
 Facility/Project: HealthSouth LTAC of Jacksonville, Inc.
 Applicant: HealthSouth LTAC of Jacksonville, Inc.
 Project Description: Establish up to a 40-bed long-term care hospital

County: Pinellas District: 5
 CON #9607 Application Receipt Date: September 10, 2002
 Facility/Project: HealthSouth Rehabilitation Hospital
 Applicant: HealthSouth of Largo Limited Partnership
 Project Description: Add up to 20 CMR beds

County: Pinellas District: 5
 CON #9608 Application Receipt Date: September 10, 2002
 Facility/Project: Palms of Pasadena Hospital
 Applicant: Palms of Pasadena Hospital, L.P.
 Project Description: Establish a comprehensive medical rehabilitation unit of up to 20 beds through the delicensure of up to 13 skilled nursing beds and 7 acute beds

County: Pinellas District: 5
 CON #9609 Application Receipt Date: September 11, 2002
 Facility/Project: All Children's Hospital
 Applicant: All Children's Hospital, Inc.
 Project Description: Add up to 22 Level III NICU beds through the delicensure of up to 15 Level II beds and the addition of up to 7 Level III beds

County: Hillsborough District: 6
 CON #9610 Application Receipt Date: September 11, 2002
 Facility/Project: St. Joseph's Hospital, Inc.
 Applicant: St. Joseph's Hospital, Inc.
 Project Description: Establish a 150-bed acute care satellite hospital through the delicensure of 150 beds at St. Joseph's Hospital

County: Polk District: 6
 CON #9611 Application Receipt Date: September 9, 2002
 Facility/Project: MHC/CSI Florida, Inc.
 Applicant: MHC/CSI Florida, Inc.
 Project Description: Establish a long-term care hospital of up to 40 beds

County: Hillsborough District: 6
 CON #9612 Application Receipt Date: September 10, 2002
 Facility/Project: HealthSouth LTAC of Tampa, Inc.
 Applicant: HealthSouth LTAC of Tampa, Inc.
 Project Description: Establish up to a 40-bed long-term care hospital

County: Charlotte District: 8

CON #9613 Application Receipt Date: September 9, 2002
 Facility/Project: MHC/CSI Florida, Inc.
 Applicant: MHC/CSI Florida, Inc.
 Project Description: Establish a long-term care hospital of up to 30 beds
 County: Orange District: 7

CON #9614 Application Receipt Date: September 11, 2002
 Facility/Project: Arnold Palmer Hospital
 Applicant: Orlando Regional Healthcare System, Inc.
 Project Description: Add up to 34 Level II NICU beds
 County: Orange District: 7

CON #9615 Application Receipt Date: September 11, 2002
 Facility/Project: Arnold Palmer Hospital
 Applicant: Orlando Regional Healthcare System, Inc.
 Project Description: Add up to 127 acute care beds
 County: Charlotte District: 8

CON #9616 Application Receipt Date: September 11, 2002
 Facility/Project: Punta Gorda, H.M.A.
 Applicant: Punta Gorda, H.M.A.
 Project Description: Establish a new acute care hospital of up to 75 beds through the delicensure of up to 75 acute care beds at Charlotte Regional Medical Center
 County: Palm Beach District: 9

CON #9617 Application Receipt Date: September 10, 2002
 Facility/Project: JFK Medical Center
 Applicant: Columbia JFK Medical Center, L.P.
 Project Description: Add up to 75 acute care beds
 County: Palm Beach District: 9

CON #9618 Application Receipt Date: September 6, 2002
 Facility/Project: Wellington Regional Medical Center
 Applicant: Wellington Regional Medical Center, Inc.
 Project Description: Add up to 25 new acute care beds
 County: Broward District: 10

CON #9619 Application Receipt Date: September 11, 2002
 Facility/Project: St. John's Rehabilitation Hospital and Nursing Center
 Applicant: St. John's Rehabilitation Hospital and Nursing Center, Inc.
 Project Description: Add up to 6 CMR beds
 County: Broward District: 10

CON #9620 Application Receipt Date: September 11, 2002
 Facility/Project: Memorial Regional Hospital
 Applicant: South Broward Hospital District
 Project Description: Add up to 6 CMR beds
 County: Broward District: 10

CON #9621 Application Receipt Date: September 10, 2002
 Facility/Project: Kindred Hospital South Florida - Ft. Lauderdale
 Applicant: Kindred Hospitals East, L.L.C.
 Project Description: Add up to 6 long-term care hospital beds

County: Dade District: 11

CON #9622 Application Receipt Date: September 9, 2002
 Facility/Project: Palmetto General Hospital
 Applicant: Lifemark Hospitals of Florida, Inc.
 Project Description: Add up to 5 Level II NICU beds through the delicensure of up to 5 acute care beds
 County: Dade District: 11

CON #9623 Application Receipt Date: September 11, 2002
 Facility/Project: South Miami Hospital
 Applicant: South Miami Hospital, Inc.
 Project Description: Establish a Level III NICU of up to 6 beds through the delicensure of up to 6 Level II NICU beds
 Also, IF REQUESTED, tentative public hearings have been scheduled as follows:

PROPOSALS: District 1
 DATE AND TIME: Wednesday, October 23, 2002, 1:00 p.m. (Central Time)
 PLACE: West Florida Regional Planning Council, Conference Room, 3435 N. 12th Ave., Pensacola, FL 32593

PROPOSALS: District 2
 DATE AND TIME: Wednesday, October 30, 2002, 11:00 a.m. (Central Time)
 PLACE: Big Bend Health Council Office, 431 Oak Avenue, Panama City, FL 32401

PROPOSALS: District 3
 DATE AND TIME: Wednesday, October 23, 2002, 3:00 p.m.
 PLACE: North Central Florida Health Planning Council, Conference Room, 18 N. W. 33rd Court, Gainesville, FL 32607

PROPOSALS: District 4
 DATE AND TIME: Monday, October 28, 2002, 10:00 a.m.
 PLACE: Health Planning Council of N. E. Florida, Inc., 900 University Blvd., North, 2nd Floor Conference Room, Jacksonville, FL 32211

PROPOSALS: District 5 and 6
 DATE AND TIME: Wednesday, October 23, 2002, 1:00 p.m.
 PLACE: Baker Building Conference Room, 888 Executive Center Drive, North, St. Petersburg, FL 33702

PROPOSALS: District 7
 DATE AND TIME: Tuesday, October 29, 2002, 10:00 a.m.
 PLACE: Health Council of East Central Florida, Inc., 1155 South Semoran Boulevard, Building 3, Winter Park, FL 32792

PROPOSALS: District 8
 DATE AND TIME: Monday, October 28, 2002, 6:00 p.m.
 PLACE: Charlotte County Commission Chambers (Room 119), Charlotte County Administration Center, 18500 Murdock Circle, Port Charlotte, FL 33948

PROPOSALS: District 9
 DATE AND TIME: Thursday, October 24, 2002, 9:30 a.m.

PLACE: Treasure Coast Health Council Conference Room, 4152 W. Blue Heron Boulevard, Suite 229, Riviera Beach, FL 33404

PROPOSALS: District 10

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

PLACE: Broward Regional Health Planning Council, Conference Room, 915 Middle River Drive, Suite 120, Fort Lauderdale, FL 33304

PROPOSALS: District 11

DATE AND TIME: Thursday, October 24, 2002, 10:00 a.m.

PLACE: Health Council of South Florida, Conference Room, 8095 N. W. 12th Street, Suite 300, Miami, FL 33126

Public hearing requests must be in writing and be received at the Agency for Health Care Administration, CON Office, 2727 Mahan Drive, Mail Stop 28, Tallahassee, Florida 32308 by 5:00 p.m., October 11, 2002. In lieu of requesting and attending a public hearing, written comments submitted to the department relative to the merits of these applications will become part of the official project application file. Pursuant to subsection 59C-1.010(3), F.A.C., written comments must be received by 5:00 p.m., October 16, 2002.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

FLORIDA CATEGORICAL EXCLUSION NOTIFICATION

The Florida Department of Environmental Protection has determined that the proposed City of South Daytona’s wastewater facilities will not have a significant adverse affect on the environment.

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

For more information regarding the Florida Categorical Exclusion Notification, please contact Troy M. Mullis, (850)488-8163.

DEPARTMENT OF JUVENILE JUSTICE

The Florida Department of Juvenile Justice has posted the following revised policy for review and comment on MyFlorida.com at: <http://www.djj.state.fl.us/reference/policiesandprocedures/policyreview.html>. The department-wide policy (type A) addresses the following issue: Exit Interviews – revises and updates procedures for conducting an exit interview upon the separation of a Career Service, Selected Exempt Service or Senior Management Service. This is the only 20 working day review and comment periods for this policy. Please submit comments to the contact person identified on the above Website. The closure date for submission of comments is October 15, 2002. Responses to comments received will be posted during the review period to the extent possible, but no later than 10 working days after the end of a review period at: <http://www.djj.state.fl.us/reference/policiesandprocedures/policycomments.html>.

DEPARTMENT OF HEALTH

On September 12, 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 Alton Ingram, M.D., license number ME 0072621. 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.

On September 12, 2002, John O. Agwunobi, M.D. Secretary of the Department of Health, issued an Order of Emergency Suspension, with regard to the license of Frances Rothwell, R.N. Rothwell holds license number RN 3175002. Rothwell's last known address is 2575 First Avenue, N. E., Palm Bay, Florida 32905. 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 September 13, 2002, John O. Agwunobi, M.D. Secretary of the Department of Health, issued an Order of Emergency Suspension, with regard to the license of Phillip M. Mebane., CNA, certificate number 9000005616. Phillip M. Mebane's last known address is 5407 Pullman Drive, Orlando, Florida 32812. This Emergency Order was predicated upon the Secretary's findings of an immediate and serious danger to the public health, safety and welfare pursuant Sections 456.073(8) and 120.60(8), Florida Statutes. The Secretary determined that this summary procedure was fair under the circumstances, in that there was no other method available to adequately protect the public.

Section XIII
Index to Rules Filed During Preceding Week

**RULES FILED BETWEEN September 9, 2002
 and September 13, 2002**

Rule No.	File Date	Effective Date	Proposed Vol./No.	Amended Vol./No.
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Rule No.	File Date	Effective Date	Proposed Vol./No.	Amended Vol./No.
61H1-20.0095	9/9/02	9/29/02	28/24	
61H1-20.0096	9/9/02	9/29/02	28/24	
61H1-20.0097	9/9/02	9/29/02	28/24	
61H1-20.0098	9/9/02	9/29/02	28/24	
61H1-20.0099	9/9/02	9/29/02	28/24	

DEPARTMENT OF EDUCATION

Florida Atlantic University

6C5-8.001	9/10/02	9/30/02	Newspaper	
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Florida Real Estate Commission

61J2-10.035	9/11/02	10/1/02	28/29	
61J2-17.012	9/13/02	10/3/02	28/25	

DEPARTMENT OF CORRECTIONS

33-501.401	9/13/02	10/3/02	28/30	
33-601.236	9/13/02	10/3/02	28/32	

DEPARTMENT OF HEALTH

Board of Clinical Laboratory Personnel

64B3-1.008	9/9/02	9/29/02	28/29	
64B3-3.001	9/9/02	9/29/02	28/29	

**FLORIDA LAND AND WATER ADJUDICATORY
 COMMISSION**

Circle Square Woods Community Development District

42S-1.002	9/11/02	10/1/02	28/30	
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Board of Nursing Home Administrators

64B10-11.004	9/10/02	9/30/02	28/32	
64B10-12.003	9/10/02	9/30/02	28/32	

**DEPARTMENT OF BUSINESS AND PROFESSIONAL
 REGULATION**

Board of Accountancy

61H1-20.007	9/9/02	9/29/02	28/24	
61H1-20.008	9/9/02	9/29/02	28/24	
61H1-20.009	9/9/02	9/29/02	28/24	
61H1-20.0091	9/9/02	9/29/02	28/24	
61H1-20.0092	9/9/02	9/29/02	28/24	
61H1-20.0093	9/9/02	9/29/02	28/24	
61H1-20.0094	9/9/02	9/29/02	28/24	

Board of Opticianry

64B12-12.009	9/10/02	9/30/02	28/13	28/33
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School Psychology

64B21-503.003	9/10/02	9/30/02	28/32	
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