

Section I

Notices of Development of Proposed Rules and Negotiated Rulemaking

DEPARTMENT OF EDUCATION

State Board of Education

RULE TITLE: Employment of School Bus Drivers
 RULE NO.: 6A-3.0141

PURPOSE AND EFFECT: The purpose of this rule development is to revise the current Department of Education Form ESE 479, Physical Examination for School Bus Driver and Medical Examiners Certificate, to allow physicians more room to provide notes or explanations of possible conditions of school bus drivers during required annual physical examinations, and to conform with revised federal requirements under Title 49 CFR, Part 391, adopted by reference in Section 1012.45, Florida Statutes. The proposed revision also updates the Form ESE 479 expiration date. The effect is to clarify acceptable criteria and procedures for annual physical examination and condition of school bus drivers.

SUBJECT AREA TO BE ADDRESSED: Physical Examination For School Bus Driver And Medical Examiners Certificate.

SPECIFIC AUTHORITY: 1001.02, 1012.45, 1006.22, 316.615 FS.

LAW IMPLEMENTED: 112.044(3), 1012.32(2)(a), 1006.22, 322.03(1)-(3) FS.

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

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Ronnie H. McCallister, Director, Operations Audits & Safety, School Transportation Management Section, Department of Education, 325 West Gaines Street, Room 1114, Tallahassee, FL 32399-0400, (850)488-4405

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

6A-3.0141 Employment of School Bus Drivers.

(1) School bus drivers are defined as any persons employed or contracted to the school district to transport prekindergarten through grade 12 students in school buses as defined in Section ~~1006.25, 234.051~~, Florida Statutes.

(2) No change.

(3) Form ESE 479, Physical Examination for School Bus Driver and Medical Examiners Certificate is hereby incorporated by reference and made a part of this rule to become effective ~~June 2003~~ ~~November 1994~~. This form may be obtained from the Administrator of School Transportation Management Section or Information Services and Accountability, Division of Planning, Budgeting, and Management, Department of Education, 325 West Gaines Street, The Florida Education Center, Tallahassee, Florida 32399.

Specific Authority ~~1001.02(1), 1006.22, 1012.45 229.053(1), 234.02, 234.091, 234.101, 316.615(3) FS. Law Implemented 112.044(3), 1012.32(2)(a), 1006.22, 1012.45 231.02(2)(a), 234.02, 234.091, 234.101, 322.03(1), 322.03(3) FS. History—New 8-1-86, Amended 7-5-89, 11-15-94, 4-19-96,~~

DEPARTMENT OF EDUCATION

State Board of Education

RULE TITLE: School Bus Driver Physical Examination and Medical Examiners Certificate
 RULE NO.: 6A-3.0151

PURPOSE AND EFFECT: The purpose this rule development is to update technical references to Form ESE 479, Physical Examination for School Bus Driver and Medical Examiners Certificate, to conform with proposed changes to Rule 6A-3.0141, FAC. The effect is consistency among rules of the State Board of Education.

SUBJECT AREA TO BE ADDRESSED: Physical Examination for School Bus Driver and Medical Examiners Certificate.

SPECIFIC AUTHORITY: 1001.02, 1012.45, 1006.22, 316.615 FS.

LAW IMPLEMENTED: 112.044(3), 1012.32(2)(a), 1006.22, 322.03(1)-(3) FS.

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

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Ronnie H. McCallister, Director, Operations Audits & Safety, School Transportation Management Section, Department of Education, Room 1114, Turlington Building, Tallahassee, Florida, (850)488-4405

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

6A-3.0151 School Bus Driver Physical Examination and Medical Examiners Certificate.

(1) The physical standards established by the Federal ~~Motor Carrier Safety Highway~~ Administration pursuant to 49 CFR Sections 391.41 and 391.43 shall be applicable to all school bus drivers within the state. Any individual who has been performing as a school bus driver who is disqualified as a result of the enactment of this rule shall be afforded a priority in reemployment with the school district in another capacity as positions become available for such employment.

(2) No change.

(3) Waiver of certain physical conditions. A person who is not physically qualified under 49 CFR Section 391.41(b)(1) or (2) and other standards which may be included in Federal Code and who is otherwise qualified to drive a motor vehicle, may drive a school bus if granted a waiver using 49 CFR Section 391.41 as a guideline for evaluation by the ~~Chief Financial Officer Deputy Commissioner for Planning, Budgeting and Management~~ or designee. Applications for waiver shall be made following the procedures and requirements contained in 49 CFR Section 391.49 except that applications shall be made to and administered by the ~~Chief Financial Officer Deputy Commissioner for Planning, Budgeting and Management~~ or designee.

(4) No change.

(5) The physical examination shall be performed according to the School Bus Driver Physical Standards: Medical Regulatory Criteria for Physical Examinations which is hereby incorporated by reference and made a part of this rule to become effective November 1994. This document may be obtained from the Bureau of Career Development, Department of Education, 325 West Gaines Street, The Florida Education Center, Tallahassee, Florida 32399. This document is a compilation of physical evaluation criteria and guidelines which have been published in the Federal Register and which contain specific instructions for medical examiners performing examinations. The procedures for obtaining a waiver referenced in the document shall be consistent with those found in subsection (2) of this rule.

Specific Authority 1001.02(1), 1012.45 229.053(1), 234.091, 234.101 FS. Law Implemented 1012.45 234.091, 234.101 FS. History--New 11-15-94, Amended

DEPARTMENT OF EDUCATION

State Board of Education

RULE TITLE:

RULE NO.:

Student Activities

6A-14.057

PURPOSE AND EFFECT: The purpose of amending this rule is to provide students with defined procedures for participating in the development of the student activity and service fee budget and to stipulate that all expenditures funded from this

fee must be included in the approved budget. The effect is the development of procedures by trustees for student participation in the budget development process for expenditures funded from the student activity and service fee. The procedures will enable students to have a comprehensive knowledge of revenues available for the budget. These changes will provide a more meaningful participation in the budget development of these fee revenues.

SUBJECT AREA TO BE ADDRESSED: Student Fees – Student Activity and Services Fee.

SPECIFIC AUTHORITY: 1001.02(9) FS.

LAW IMPLEMENTED: 1001.64, 1009.23(7), 1010.02 FS.

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

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: J. David Armstrong Jr., Chancellor, Division of Community Colleges, 325 West Gaines Street, Tallahassee, Florida 32399-0400

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

6A-14.057 Student Activities.

(1) Expenditures from student activity and service fees shall be according to a budget prepared jointly by students and college staff and approved by the president. Each board of trustees shall adopt procedures for student participation in the development of the budget for expenditures funded from the student activity and service fee. Such procedures shall require the budget to be based upon an estimate of total funds generated from this fee as well as an estimate of funds carried forward from the prior year. All lawful expenditures which benefit the student body in general may be funded from the student activity and service fee fund if such expenditures are included in the approved budget for this fee. Sponsors shall be appointed for student activities so financed.

(2) Student organizations not so financed may be permitted on campus with faculty or staff advisors and under rules of the board of trustees. A college as a service to the organizations, or if necessary for the protection of student members, may provide that organization funds be placed with the college business office to be held in a custodial account and to be withdrawn and expended upon requisition according to the organization’s approved budget.

Specific Authority 1001.02(9), 229-053(1), 240.325 FS. Law Implemented 1001.64, 1009.23(7), 1010.02, 240.319, 240.325(5), 240.35(5), 240.363 FS. History—Formerly 6A-8.19, Repromulgated 12-19-74, Amended 12-26-77, 4-17-85, Formerly 6A-14.57, Amended 12-18-94, _____.

DEPARTMENT OF COMMUNITY AFFAIRS

Florida Building Commission

RULE CHAPTER TITLE: Florida Building Energy Rating System

RULE CHAPTER NO.: 9B-60

RULE TITLES: Department Activities

RULE NOS.: 9B-60.003

Florida Building Energy Rating System, Adopted

9B-60.004

Training and Certification Program

9B-60.005

Guidelines for Uniformity, Adopted

9B-60.008

PURPOSE AND EFFECT: Section 553.992, Part XI, F.S., requires the Department of Community Affairs (the Department) to update the Building Energy-Efficiency Rating System in accordance with the procedures of Chapter 120, F.S. Further, Sec. 553.995(1)(c), F.S., requires that the energy rating system be compatible with standard federal rating systems and state building codes, where applicable. The purposes of this rule change are to 1) adopt by reference the Mortgage Industry National Home Energy Rating Systems Accreditation Standards, promulgated by the National Association of State Energy Officials (NASEO)/Residential Energy Services Network (RESNET), June 15, 2002, 2) amend the rating system calculation procedures so that they are consistent with the new revisions to Chapter 13 of the Florida Building Code, Building, and the National Home Energy Rating Technical Guidelines, 3) to require written disclosure of financial or other conflict of interest in accordance with Section 4.C.6 of the National Accreditation Procedures for Home Energy Rating Systems, 4) to expand recertification requirements for residential raters to require satisfactory demonstration of the skills necessary to perform a Class 1 rating and attend a refresher course if a rater fails to pass the recertification test in his/her rating classification, 5) to require a written report be provided to the client for every rating performed, 6) to remove the Department from software development and maintenance, and 7) to add the Florida Solar Energy Center and its address to the written report.

SUBJECT AREA TO BE ADDRESSED: The National Association of State Energy Officials has published technical guidelines and accreditation procedures for home energy ratings, and the Department has amended the multipliers contained in EnergyGauge/ResFREE to reflect those in Form 600A-01 (all climate zones) as found in Chapter 13 of the Florida Building Code, Building. Also, in this rule change, the Department is proposing to revise the provisions for criteria contained in the report to the consumer, require disclosure of financial or other conflict of interest, and expand the criteria for recertification as a BERS rater.

SPECIFIC AUTHORITY: 553.992, 553.995(1)(c), 553.998 FS.

LAW IMPLEMENTED: 553.992, 553.994, 553.995(1)(c),(4), 553.996 FS.

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

TIME AND DATE: 10:00 a.m. – 12:00 Noon, March 26, 2003

PLACE: The Randall Kelley Training Center, Third Floor, Room 305, Sadowski Building, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100

Any person requiring special accommodations at the workshop because of a disability or physical impairment should contact Ila Jones, Community Program Administrator, Department of Community Affairs, 2555 Shumard Oak Boulevard, Sadowski Building, Tallahassee, Florida 32399-2100, (850)487-1824, at least seven days before the date of the workshop. 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)955-8771 (TDD).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Ann Stanton, Building Codes Analyst, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100, (850)488-0964, SunCom 278-0964

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

9B-60.003 Department Activities.

(1) No change.

(2) Within three (3) years of the date of adoption of the rating system, and at least triennially thereafter in conjunction with the triennial review of Chapter 13 of the Florida Building Energy Efficiency Code, Building For Construction (the Code), the Department shall review the energy rating system program criteria and the calculation tools used in common by both the BERS and the Code that are adopted herein to determine the need for revision or modification. The residential rating system methodology is based on Method A of Sub-Chapter 6 of Chapter 13 of the Code, while the commercial rating system methodology is based on Method A of Sub-Chapter 4 of the Code. At a minimum, the Department shall update the rating system by adopting modifications to the current editions of the Code and the National Home Energy Rating Technical System (HERS) Guidelines promulgated by the National Association of State Energy Officials. Copies of the Code and the Technical HERS Guidelines are available from the Florida Department of Community Affairs, Building Codes and Standards Office, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100, (850)487-1824.

(3) through (4) No change.

Specific Authority 553.992, 553.998 FS. Law Implemented 553.992, 553.996 FS. History—New 7-1-94, Amended 12-27-98, _____.

9B-60.004 Florida Building Energy Rating System, Adopted.

(1) No change.

(2) The energy rating for new residential buildings (Class 3) shall be determined using only the Florida Residential Building Energy Rating System software (EnergyGauge/ResFREE, Version ~~3 2~~) ~~developed and maintained by the Department~~, which produces the Florida Building Energy Rating Guide forms: Form #11A-~~0197~~ for the North climate zone, Form #11B-~~0197~~ for the Central climate zone, and Form #11C-~~0197~~ for the South climate. The rating system software (EnergyGauge/ResFREE, Version ~~3 2~~) that produces these forms is hereby incorporated by reference. A Class 3 rating shall be clearly labeled as a “projected rating based on plans”.

(3) through (4) No change.

(5) The energy rating for new public and new commercial buildings shall be determined using only the Florida Commercial Building Energy Rating System software (EnergyGauge/ComFREE ~~97~~, Version ~~1 2.2~~) ~~developed and maintained by the Department~~ which produces the Florida Building Energy Rating Guide forms: Form #12A-~~01 97~~ for the North climate zone, Form #12B-~~01 97~~ for the Central climate zone and Form #12C-~~01 97~~ for the South climate zone. The Florida Commercial Building Energy Rating System software (EnergyGauge/ComFREE ~~97~~, Version ~~1 2.2~~) is hereby incorporated by reference. Public buildings owned or leased by state agencies and units of local government that are governed by Section 255.254, F.S., may utilize this rating system as one of the annual energy usage and cost methods approved by those agencies.

(6) The energy rating for existing commercial buildings shall be determined using only the Florida Commercial Building Energy Rating software (EnergyGauge/ComFree ~~97~~, Version ~~1 2.2~~) ~~developed and maintained by the Department~~ which produces the Florida Commercial Building Energy Rating Guide forms listed in subsection 9B-60.004(5), F.A.C. The Florida Commercial Building Energy Rating System software (EnergyGauge/ComFREE ~~97~~, Version ~~1 2.2~~) is hereby incorporated by reference.

(7) No change.

Specific Authority 553.992 FS. Law Implemented 553.994, 553.995(1) FS. History—New 7-1-94, Amended 10-3-94, 1-11-95, 12-27-98, _____.

9B-60.005 Training and Certification Program.

(1) General Provisions.

(a) Beginning with the implementation date of this rule, no person may provide a rating for buildings in Florida unless such a person has been certified as provided by this part. To perform a rating for any building as required by this Rule, the person performing the rating must be certified by the Department of Community Affairs. In accordance with Section 4.C.6 of the “National Accreditation Procedures for Home Energy Rating Systems,” a Florida Certified Rater who has a

financial or other conflict of interest resulting from the energy Rating results (including any recommended improvements resulting from the Rating) shall provide written disclosure of the nature of the financial or other conflict of interest to the owner of the property being rated.

(b) No change.

(c) An application for annual certification renewal shall be submitted on Form 500B-~~01 98~~, herein incorporated by reference, with a renewal fee of \$50. In addition to the annual renewal fee, a certified residential rater must, over a three year period, have completed twelve credit hours of continuing education in courses accepted by the Department for certification renewal. Acceptable courses shall, in general, be those dealing with energy use in buildings or building systems (including heating, ventilating and air conditioning), building design or construction, codes or plan review, financing or selling buildings, and courses on energy rating systems.

(2) The following qualifications, at a minimum, are required for certification as a rater:

(a) The individual shall submit an application on the Department of Community Affairs Form #500A-~~01 98~~, herein incorporated by reference, and pay the appropriate application fee of \$150.00. The form is available by writing to the Department of Community Affairs, Energy Rating System Program, 2555 Shumard Oak Blvd., Tallahassee, Florida 32399-2100.

(b) through (d) No change.

(e) Recertification is required within six months of the effective date of major revisions to Chapter 13 of the Florida Building Energy Efficiency Code, For Building Construction or at least every three years from the rater’s last date of certification. For recertification, the applicant shall attend training on changes impacting the rating system provided by the Department of Community Affairs and demonstrate achievement of a level of knowledge and proficiency so as to successfully rate buildings by passing a Department test applicable to the buildings being rated. The fee for recertification shall be the annual certification renewal fee. Notwithstanding the written test, Class 1 residential raters shall be required to satisfactorily demonstrate skills necessary to perform a Class 1 rating as part of the recertification at the time of training and testing. Class 1 residential raters shall be required to satisfactorily perform and complete one Class 1 rating, accompanied and evaluated by another randomly chosen Class 1 rater, as a requirement for recertification and to comply with the National Home Energy Rating Technical HERS Guidelines requirement for periodic peer review and reevaluation of raters. Class 1 raters shall also be required to serve as a Class 1 peer evaluator at least once within three years before being recertified. These regulations in no way exempt any person from other state and local occupational licensure requirements. Any rater who fails to pass the recertification test to perform a rating in his or her rating

PURPOSE AND EFFECT: Eliminating requirement to test for color-break of fruit before it is sent to coloring rooms and allowing inspection for color-break to take place anytime after grade and prior to packing.

SUBJECT AREA TO BE ADDRESSED: Requirements for color-break test.

SPECIFIC AUTHORITY: 601.10(1),(7), 601.24, 601.44 FS.

LAW IMPLEMENTED: 601.24, 601.44 FS.

IF REQUESTED 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: Alice P. Wiggins, License & Regulation Specialist, Legal Department, Florida Department of Citrus, P. O. Box 148, Lakeland, Florida 33802-0148

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

DEPARTMENT OF CORRECTIONS

RULE TITLES:	RULE NOS.:
Inmate Property	33-602.201
Control of Contraband	33-602.203

PURPOSE AND EFFECT: The purpose and effect of the proposed rules is to provide for the handling of excess inmate legal materials, to revise the list of permissible property items, and to clarify requirements for the possession of property items and the classification and handling of contraband items.

SUBJECT AREA TO BE ADDRESSED: Inmate property, contraband.

SPECIFIC AUTHORITY: 944.09, 945.215 FS.

LAW IMPLEMENTED: 944.09, 944.47, 945.215 FS.

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

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

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

33-602.201 Inmate Property.

(1) The reception center Chief of Security shall ensure that property files are established for all new inmates. The inmate property file shall become part of the inmate's institutional file. All forms and correspondence pertaining to inmate property

shall be placed in this file in chronological order. The Chief of Security or his designee shall be responsible for the maintenance of the inmate property file. An addendum will be made to the Inmate Personal Property List, Form DC6-224, any time the status of inmate personal property changes. Examples of changes include when an inmate receives additional property through an approved source or when the inmate chooses to dispose of a broken or worn out item. Form DC6-224 is incorporated by reference in subsection (17) of this rule.

(2) No change.

(3) Upon receipt at any facility of the department, a written receipt for personal property that is in excess of that allowed shall be given to the inmate. When it becomes necessary to confiscate and impound the authorized personal property of an inmate subsequent to his reception in the institution, it will be immediately inventoried by an officer in the presence of the inmate, and a written, signed receipt, Form DC6-220, Inmate Impounded Personal Property List, itemizing the property will be given to the inmate. Form DC6-220 is incorporated by reference in subsection (17) of this rule. If the inmate's behavior is such that the security and order of the institution is jeopardized by his presence during the inventory process, the inmate's presence shall not be required. In such cases a second officer shall witness the inventory process. Proper procedures will be taken to safeguard and store such property so as to prevent its loss, damage or theft. Upon release of the property, a signed receipt will be obtained from the inmate. Money in excess of the amount allowed by institutional policies found in the possession of an inmate will be handled in accordance with paragraph 33-602.203(5)(a), F.A.C.

(4) Authorized Property.

(a) The property reflected on the Approved Property List (Appendix One), in the indicated quantities, is authorized within the department once an inmate is permanently assigned, provided the inmate has sufficient storage space. An inmate may not use other inmates' storage space, ~~or~~ or other non-authorized storage containers, or store property in locations other than their assigned housing unit.

(b) through (c) No change.

(d) Inmates shall be required to maintain receipts for items purchased from the canteen for as long as they possess the items. In instances where items purchased from the canteen are added to the Inmate Personal Property List, Form DC6-224, by the property officer, the inmate will not be required to maintain the original canteen receipt.

(5) Unauthorized property. Also see Control of Contraband, Rule 33-602.203, F.A.C.

(a) Property which is ~~Unauthorized property shall be~~ considered contraband pursuant to Rule 33-602.203, F.A.C., shall be ~~considered contraband~~ and handled as provided for in Rule 33-602.203, F.A.C. If an inmate receives postage stamps in

the mail which, added to the number already in his possession, place him over the maximum allowed, he shall be allowed to send the excess stamps out at his own expense. It is the inmate's responsibility to make arrangements with staff to send out the extra stamps as soon as they are received. The stamps must be sent out; the institution will not store excess stamps for inmates. Excess stamps found in an inmate's property will be considered contraband. An inmate who is in possession of the maximum number of articles allowed by this rule and who wishes to replace a worn item must contact the property officer to arrange to discard or send the worn item out at his own expense before purchasing a replacement item. This includes any item or article on the grounds of the department or in the possession of the inmate that was neither:

1. Issued;
2. Received through approved methods from an authorized vendor;
3. Purchased in the canteen; or
4. Has been altered from its original design.

(b) Not later than January 1, 1998, all property not on the approved property list must be disposed of either through donation to a charitable organization, mailed to a designated individual at state expense, or discarded.

(b)(e) Property that is authorized for inmates in general population such as shaving powders, oils and lotions shall be unauthorized or restricted based upon an inmate's confinement or other high security status when that item presents a security risk. Further limits on personal items for inmates in confinement or other high security statuses are authorized as referenced in Rules 33-602.220, 33-602.221, 33-602.222 and 33-601.800 33-601.811, F.A.C.

(6) Storage of Excess Legal Materials.

(a) Definitions.

1. Active Legal Material: Pleadings (i.e., complaint, petition or answer), legal motions and memoranda, affidavits, court orders and judgments, correspondence, and other documents (including discovery and exhibits), in or directly pertaining to an inmate's own pending, active or prospective cases or lawsuits before the courts or administrative agencies.

2. Inactive Legal Material: Legal material not related to the inmate's ongoing litigation, or not directly pertaining to an inmate's pending, active or prospective cases or lawsuits before the courts or administrative agencies.

3. Excess Active Legal Material: Active legal material that exceeds the capacity of storage available in the inmate's locker.

4. Excess Inactive Legal Material: Inactive legal material that exceeds the capacity of storage available in the inmate's locker.

(b) Storage of Legal Material. Each inmate is authorized to possess in his or her assigned housing area his own active or inactive legal material not exceeding the capacity of storage available in the inmate's assigned locker.

(c) Storage of Excess Active Legal Material.

1. A secure space for storing excess active legal material will be provided for inmates to use to store active legal material that cannot be contained in the inmate's locker. Each facility will identify a secure area for such storage.

2. When it is determined by staff that an inmate has legal material that cannot be contained in the inmate's assigned locker, the inmate shall be given a written order from an employee of the department providing:

a. The inmate shall have one week (seven calendar days), to organize and inventory his or her legal material and separate excess inactive legal material from excess active legal material; and

b. If, after organizing and inventorying his or her legal material the inmate will not be able to fit his active legal material in his assigned inmate locker, the inmate shall complete a Request for Storage of Excess Active Legal Material, Form DC6-2006, and an Excess Active Legal Material Inventory List, Form DC6-2008, to be submitted to the warden for review. Forms DC6-2006 and DC6-2008 are incorporated by reference in subsection (17) of this rule.

3. If time is needed in excess of seven calendar days for the inmate to organize and inventory his or her legal material, the inmate shall, prior to the expiration of the seven calendar day period, submit an inmate request to the department employee ordering the review to ask for additional time to complete his review. The inmate shall specify the basis for the request for additional time and how much additional time will be required to complete the inmate's organizing and inventorying of his or her legal material. The total period of time for the inmate to complete this review shall not exceed 30 calendar days.

4. In the event the inmate refuses to organize and inventory his or her legal material as ordered, the inmate shall receive a disciplinary report.

5. Prior to placing an inmate's active legal material into excess storage, the inmate's legal material shall be subject to a cursory review by department staff to ensure compliance with department rules regarding utilization of excess storage, approved property and contraband. This review will only be conducted in the presence of the inmate. Only the case style, signature on the document (if any) and letterhead (if any) may be read. Any material that is determined by staff to not be active legal material, shall be collected by two designated employees and placed in storage box(es) with interlocking flap for storage pending disposition. The warden or designee shall notify the inmate on Form DC6-2007, Excessive Inactive Legal Material Disposition Determination, of the determination that the inmate has 30 days to make arrangements to have the excess inactive legal material picked up by an approved visitor or sent to a relative or friend at the inmate's expense, or the institution will destroy it. This notification shall be provided to the inmate within three calendar days of the determination unless the inmate provides

verification of a deadline that cannot be met with the three day waiting period. The 30 day limit shall not include any time that a grievance appeal is pending provided the inmate has provided the warden or the warden's designee with the written notice required in subparagraph (7)(c)6. Form DC6-2007 is incorporated by reference in subsection (17) of this rule. For purposes of this subparagraph, the warden's designee may include the property room supervisor.

6. If the inmate intends to appeal the determination and wishes to have the order to dispose of the excess inactive legal material within 30 days stayed while the appeal is proceeding, the inmate must provide written notice to the warden on Form DC6-236, Inmate Request, that he or she intends to appeal the determination to the office of the secretary. The written notice must be filed within 15 calendar days of the determination and shall include a statement by the inmate that the inmate intends to appeal the determination and must specifically identify the documents or papers on which the appeal is to be based. Form DC6-236 is incorporated by reference in Rule 33-103.019, F.A.C.

7. If the inmate fails to file written notice with the warden within 15 calendar days, fails to provide Form DC6-2007 as an attachment to his or her appeal, addresses more than one issue or in any other way violates the grievance procedure as described in Chapter 33-103, F.A.C., his or her appeal shall be returned without response to the issue raised.

8. If the inmate's appeal is denied, he or she shall have 30 days to make arrangements to have the material picked up by an approved visitor, relative or friend, or pay to have the material sent to one of these approved individuals. If the material is not picked up or mailed out within 30 days, the institution shall destroy it.

9. Prior to being stored in excess storage, excess active legal material shall be placed in storage box(es) with interlocking flap, shall be numbered in sequential order and shall have the inmate's name and department of corrections number clearly written on the top and side of each box. Prior to being sealed, the box(es) shall be inspected by staff, in the presence of the inmate, for contraband. Each box shall be sealed in the presence of the inmate prior to being placed into excess storage. An Excess Active Legal Material Inventory List, Form DC6-2008, shall be completed or updated by the inmate before the box(es) are sent or returned to excess storage.

10. In no event will an inmate's active legal material be destroyed or removed from the facility except, in accordance with procedures for disposition of inmate personal property provided in this rule, as authorized and directed in writing by the inmate.

11. The department will not store case law, legal texts or books, or multiple copies of legal material as excess active legal material.

(d) Excess Inactive Legal Material. Excess inactive legal material shall be sent out of the facility by the inmate at the inmate's expense. If the inmate does not want to pay to send the excess inactive legal material out, this material will be destroyed in accordance with this rule and Rules 33-602.201 and 33-602.203, F.A.C., regarding inmate property and contraband.

(e) Inmate Access to Excess Active Legal Material.

1. When an inmate wants access to a box of his or her legal material stored in excess storage, the inmate shall:

a. Notify the property room officer by Inmate Request, Form DC6-236; and

b. Clearly indicate by number the box to be requested.

2. Barring an emergency need demonstrated by the inmate, e.g., a court deadline that requires an immediate response by the inmate, the property room officer shall provide the requested box to the inmate within three workdays from date of receipt of the request, which shall be date stamped when received.

3. After receipt of a box of his or her legal materials from excess storage, the inmate shall then be permitted to exchange those active legal materials in the requested box with other active legal materials in the inmate's assigned locker.

4. The legal material to be exchanged shall be inspected for contraband by staff and sealed in the presence of the inmate prior to the box being returned to excess storage.

5. An Excess Active Legal Material Inventory List, Form DC6-2008, shall be used and updated each time legal material is stored in or exchanged with legal material from excess storage.

(f) Transfer. An inmate being transferred to another institution shall be permitted to take along with his or her other personal property all his legal material. The transferred inmate's legal material must be maintained and possessed in accordance with the receiving institution's available locker storage space.

(7)(6) Impounded Property.

(a) When it is necessary to take and impound items of personal property belonging to or in the possession of an inmate, that property shall be taken, handled, processed, and secured in a manner which will safeguard it from loss, damage, destruction or theft while it is under the control of the Department. If the property impounded does not belong to the inmate in possession of the property, an investigation shall be conducted to determine if the owner of the property knowingly permitted the use of the property. If so, the property shall be handled as contraband. If it can be determined that the property was stolen or otherwise taken, the impounded property shall be returned to the rightful owner. Inmates must report stolen items immediately to the housing officer. The officer shall complete an incident report and an attempt will be made to locate the missing property.

(b) When personal property of an inmate is taken, it will be inventoried according to the following procedure on Form DC6-220, Inmate Impounded Personal Property List, and, whenever practical, in the presence of the inmate. Exceptions may be made when the inmate's presence during this process jeopardizes institutional security or in times of an emergency such as a general disturbance creating security concerns. New inmates being processed into the department at one of the reception centers will have their property recorded on DC6-220 with a copy being given to the inmate. Unauthorized property will be stored pending final disposition as provided in this rule. At the time of receipt into the department each inmate will also sign an Authorization for Disposition of Mail and Property, Form DC6-226, which authorizes the department to dispose of the property should the inmate abandon it. Form DC2-226 is incorporated by reference in subsection (17) of this rule.

1. through 5. No change.

(c) through (d) No change.

(e) If it is appropriate to return part, but not all, of the impounded property to the inmate, the following procedure will be followed:

1. That part of the property being returned will be listed on the approved release Form DC6-225, Inmate Partial Property Return Receipt, and any property found to be missing at that time will be noted on the form. Form DC6-225 is incorporated by reference in subsection (17) of this rule. The employee making the release and the inmate will date and sign the release form each in the presence of the other. One signed copy of the release form shall be given to the inmate. One copy shall be attached to the original inventory list and kept with the remaining impounded property until all property is returned to the inmate, and then to the inmate's property file.

2. The remaining unauthorized impounded property shall be held by the institution for 30 days. It shall be the responsibility of the inmate to make arrangements to have the property picked up by an approved visitor, relative or friend. In the alternative, the inmate may pay to have the property mailed to one of these approved individuals. The 30-day time period shall not include any time during which an appeal or grievance proceeding relating to the impounded property is pending. This paragraph does not apply to property that will be returned to the inmate pursuant to paragraph ~~(7)(6)~~(d) after release from close management, administrative or disciplinary confinement.

3. No change.

(f) No change.

(g) When an inmate whose personal property has been taken and impounded is transferred to another facility, that property shall be transported with the inmate or as soon as possible thereafter. It is the responsibility of the sending location to ensure that only authorized property is transported and that the inmate has signed the proper receipt for the property, Form DC6-227, Receipt for Personal Property. Form

DC6-227 is incorporated by reference in subsection (17) of this rule. The procedures for returning property listed in paragraph (f) shall be followed. When the inmate has excessive authorized property which cannot be transported with the inmate, the procedures for making a partial return listed in paragraph (e) shall be followed.

(h) through (i) No change.

~~(8)(7)~~ Any inmate transferring to an outside community hospital for treatment or to a court appearance shall take only items of personal clothing and hygiene items except in those cases in which the inmate is expected to be absent for a period of more than 30 days. If the inmate is to return within 30 days, remaining personal property shall be inventoried utilizing Form DC6-220, Inmate Impounded Personal Property List, and stored in a secure location. When the inmate returns, only those items that he possessed before transfer will be allowed.

(8) through (9) renumbered (9) through (10) No change.

~~(11)(10)~~ When an inmate dies, escapes, or otherwise voluntarily abandons his or her property, the procedures listed below will be followed:

(a) through (c) No change.

(d) If the effort to locate the person or persons is not successful, or if the person or persons listed fail to make arrangements to take possession, property ~~other than money~~ will be given to charity. Funds in the inmate bank trust fund will be handled in accordance with Rule 33-203.201, F.A.C. Money will be placed in the Central Office Dormant Account.

(e) No change.

~~(12)(11)~~ No change.

~~(13)(12)~~ The warden or his designee is authorized to require an inmate to bring all of his personal property to the disciplinary hearing if he determines that this is necessary after evaluating the factors set out in subsection ~~(12)(11)~~ above.

~~(14)(13)~~ Missing Inmate Property.

(a) through (c) No change.

(d) The Department of Corrections Environmental Health, Safety and Risk Management Office shall review and forward the claim to the Department of Insurance, Division of Risk Management, for review and reimbursement consideration. Form DC6-238, Report of Risk Management Claim for Inmate Property, shall be used to notify the institution of action taken on the claim by the Department of Corrections Environmental Health, Safety and Risk Management Office. Form DC6-238 is incorporated by reference in subsection (17) of this rule.

(e) No change.

~~(15)(14)~~ No change.

~~(16)(15)~~ Approved Religious Property. Inmates shall be permitted to possess the following religious items or material:

(a) No change.

(b) Items required by the tenets of a particular religion, including:

1. through 3. No change.

4. Native American – medicine bag, headband.

(c) through (g) No change.

~~(17)~~(16) Forms. The following forms referenced in this rule are hereby incorporated by reference. Copies of any of these forms are available from the Forms Control Administrator, Office of the General Counsel, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500.

(a) through (f) No change.

(g) DC6-2006, Request for Storage of Excess Legal Material, effective date _____.

(h) DC6-2008, Excess Active Legal Material Inventory List, effective date _____.

(i) DC6-2007, Excess Inactive Legal Material Disposition Determination, effective date _____.

Specific Authority 944.09 FS. Law Implemented 944.09 FS. History—New 6-4-81, Formerly 33-3.025, Amended 11-3-87, 11-13-95, 5-20-96, 1-8-97, 6-1-97, 7-6-97, 10-15-97, 2-15-98, 3-16-98, 8-4-98, 12-7-98, Formerly 33-3.0025, Amended 11-21-00, 9-12-01, 5-16-02, _____.

APPENDIX ONE
PROPERTY LIST

This list incorporates all property authorized to be possessed by inmates in all Department institutions and facilities except community correctional centers. Except for items specified below as “exemptions”, property received must be in compliance with this list. Inmates in possession of previously approved property which meets the description of property on the list shall be allowed to retain the property.

Definitions.

The “quantity” establishes a maximum possession limit. This does not mean that all state issue items will be issued to each inmate, or that the maximum number of items will be issued. Items found in the possession of an inmate that are in excess of the established “quantity” shall be treated as contraband in accordance with Rule 33-602.203, F.A.C. Where there is a “value” indicated, the authorized item shall not exceed that value. The terms “canteen” and “state issue” refer to the sources from which property can be obtained after January 1, 1996. All items with the “canteen” designation shall be available in all institutional canteens or through canteen order. All canteen items are transferable between institutions. “State issue” means that the institution has the authority to issue this item to inmates based upon the character of the institution, the location of the institution, the housing or work assignment of the inmate, or other factors related to institution or inmate needs. Institutions housing death row inmates shall make adjustments to this property list when possession of listed items by death row inmates would create a threat to the security of the institution.

Exemptions.

Inmates already in possession of the following previously approved items shall be allowed to retain the items until they are no longer serviceable, but shall not be allowed to replace them with like items.

- Clothing items of a different color than specified on the property list.
- Locks other than V68 series
- Plastic bowls, tumblers, cups and lids
- Pantyhose
- Nail clippers larger than 2-1/2"

AUTHORIZED PROPERTY LIST

CLOTHING

Quantity	Unit	Value	Articles
1	each		Athletic Bra (canteen – female only)
1	each		Belt (state issue)
4	each		Bras (state issue or canteen – female only)
1	each		Coat (state issue)
3	each		Dresses (state issue – female only)
1	pair		Gloves, work (state issue)
4	each		Handkerchief, cotton, white only (canteen)
1	each		Hats (state issue)
2	pair		Pajamas-long (light blue or white only) (state issue or canteen) <u>Light blue or white – female only</u> <u>Light blue – male</u>
7	each		Panties (state issue or canteen – female only)
3	each		Pants (state issue)
1	each		Raincoat – clear (state issue or canteen)
1	each		Robe (state issue – female only)

3	each	Shirt, outer (state issue)
4	each	Shirt, T-Shirt (state issue or canteen <u>order – gray</u>) <u>*inmates may possess both state-issue and canteen-purchased shirts, but the total combined number cannot exceed 4.</u>
1	pair	Shoes, Athletic (canteen)
1	pair	Shoes, Work (state issue)
2	each	Shorts, athletic (navy blue) (canteen)
1	each	Shower cap, clear only (canteen)
1	pair	Shower slides (canteen)
3	each	Slips (state issue – female only)
6	pair	Socks (state issue or canteen)
1	each	Supporter, athletic (canteen)
2	each	Sweatshirts (gray only) (canteen order)
4	each	Undershorts (male only) (state issue or canteen)
2	each	Underwear, thermal (state issue or canteen)

PERSONAL ARTICLES

Quantity	Unit	Value	Articles
Number in use			Batteries (canteen)
25	each		Bobby pins, roller clips – plastic only (females only), (canteen)
*			Books (legal, educational, religious, fiction) – * Quantity as specified by Rule 33-501.401, F.A.C.
1	package		Breath tablets (canteen)
1	each		Calendar, as specified by Rule 33-501.401, F.A.C.
*			Canteen purchases – * limited by storage space; <u>includes:</u> – <u>Food and drink perishable items – limited to possession of 10 total items, food sold in packages count as one item; food that requires refrigeration must be those which can be reasonably consumed within two 24 hours; once a food item is opened it must be consumed or thrown away, opened items cannot be stored.</u> – <u>Condiments – limited to possession of 20 of each item; if sold prepackaged or bundled by the canteen, maximum not to exceed the quantity in the package or bundle.</u> – <u>Tobacco items – includes cigarettes, cigars, tobacco, snuff, and chewing tobacco; limited to any combination of 5 items.</u>
1	Set		Checkers (light wood or plastic, standard checkers only (canteen order)
1	set		Chess (light wood or plastic, 2 inches max. height) (canteen order)
<u>1</u>	<u>each</u>		<u>Coffee mug – plastic (canteen)</u>
1	each		Comb-pocket type, no handles (non-metal) (state issue or canteen)
*			Correspondence – * limited by storage space limitations.
1	pack		Cotton swabs (plastic or paper stems only) (canteen)
<u>2+</u>	each		<u>Crème rinse and conditioner (canteen)</u>
1	each		Cup, drinking – plastic (canteen)
1	each		Cuticle remover (non-alcohol base) (canteen)
1	package		Dental floss, (floss loops only), unwaxed (canteen)
<u>1</u>	<u>package</u>		<u>Dental floss strips, Rx only (canteen order)</u>
1	each		Denture adhesive (state issue or canteen)
<u>1</u>	<u>Each</u>		<u>Denture cup (canteen order)</u>
<u>2+</u>	each		<u>Deodorant (no aerosols) (canteen)</u>
1	set		Domino (light wood or plastic, standard size) (canteen order)
<u>1</u>	<u>Pair</u>		<u>Earphone pads (replacement) (canteen order)</u>
1	pair		Ear rings, post type (female only) (canteen order)
1	pack		Emery board – cardboard (canteen)
1	pack each		Envelopes – legal and oversized (canteen)
*			Envelopes, self-addressed stamped – * the total in the inmate’s possession shall not exceed the limit of 1 pack of envelopes or 25 1-ounce 1st class stamps as set for the individual items.

1	each		Erasers (canteen)
2	each		Eyeglasses, case, contact lens and solutions (state issue or personal; "personal" means that inmates already in possession of these items will be allowed to retain them, but any future items will be provided by the institution if needed.) Contact lenses will only be provided if medically indicated.
1	each		Eye shadow, eyeliner, mascara, eyebrow pencil, blemish preparation, lipstick, blemish and spot cover-up, lip coloring (female only) (canteen)
1	box		Facial tissue (canteen) Feminine hygiene products (internal and external) (female only) (state issue or canteen)
*			File Folders (*limited by storage space)
1	each		Hairbrush – nonmetal, handles for females only (canteen)
2	each		Hairdressing (no aerosols) (state issue or canteen)
1	each		Hair net (female only) (canteen)
25	each		Hair rollers (female only) (canteen)
<u>2</u>	<u>each</u>		<u>Handballs (canteen)</u>
1	each		Headphones for use with radio (canteen)
1	each		Health aids – headache and cold remedies, antacids, laxatives, eye wash, antifungal preparations, cough drops, nasal spray, etc. No imidazoline, tetrahydrozoline, or hydrochlorida compounds (canteen – as approved by health services)
2	each		Hearing aid (state issue or personal)
*			Hobby craft – at locations where program exists and subject to storage space limitations
1	each		Insect repellent (canteen)
1	each		Jigsaw puzzle (canteen order)
1	each		Laundry bag (canteen or state issue)
1	each		Lighter, disposable (approved type) (canteen)
1	each		Lip balm (canteen)
1	each		Locks, combination (V68, V85 or V643 series) (canteen)
1	each		Make-up bag, clear only (female only) (canteen)
1	each		Mirror – plastic, non-breakable, 5" x 7" max. (canteen)
1	each		Moisturizer – no mineral oils (canteen)
1	each		Mouthwash (canteen)
1	each		Nail clippers, not to exceed 2 1/2" (canteen)
2	pack		Notebook paper (canteen)
4	each		Pens, ballpoint, flair-type, pencils, or security pens, no markers (canteen)
*			Periodicals – * as specified by Rule 33-501.401, F.A.C., and storage space limitations
1	each		Photo album, non-metal (canteen)
50	each		Photographs (personal)
2	decks		Playing cards (standard) (canteen)
1	each		P.R.I.D.E. service pin (issued to inmate from P.R.I.D.E.)
*			Prosthesis – * as approved by health services
1	each	50.00	Radio, DC/AM/FM only, "Walkman" type, maximum 4" x 5" (canteen)
1	each		Razor, disposable (state issue)
1	each	50.00	Razor, battery operated, non-rechargeable (canteen order)
<u>1</u>	<u>Each</u>		<u>Razor, battery operated, replacement blades (canteen order)</u>
*			Religious requirements – as approved by chaplaincy services, (examples: head covering, prayer rug)
1	Each	<u>50.00</u> 25.00	Religious medallion with chain (personal or canteen order)
1	Each	100.00	Ring, engagement (personal, female only)
1	Each	100.00	Ring, wedding (personal)
1	each		Roller cap, clear only (female only) (canteen)
1	set		Scrabble (canteen order)
2	each		Shampoo (canteen)
1	each		Shaving cream (canteen)

1	each		Shaving powder (canteen)
1	pair		Shoe laces (canteen)
1	each		Shoe wax (Liquid only, non flammable, no nitrobenzene; canteen)
2	each		Soap, bath (state issue or canteen)
1	each		Soap dish (canteen)
1	each		Soap, laundry (canteen)
*			Special needs – * special devices as approved for compliance with medical needs
1	each		Spoon, plastic
40 25	each		Stamps (1-ounce 1st class) (canteen)
1	each		Sunglasses, no mirror type (canteen)
1	each		Sunscreen lotion (canteen)
1	each		Talcum powder (canteen)
1	each		Toothbrush (state issue or canteen)
1	each		Toothbrush holder (canteen)
2	each		Toothpaste (state issue or canteen)
2	each		Towels (state issue)
1	each		Wallet (canteen)
1	each	50.00	Watch (personal or canteen)
1	each		Watch band (canteen)
<u>1</u>	<u>Each</u>		<u>Watch batteries, replacement (canteen order) *only for old style sold in institutional canteens</u>
2	each		Washcloths (state issue or canteen)

33-602.203 Control of Contraband.

(1) General Definition of Contraband.

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

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

(b) No change.

(c) Any item or article which is altered from its original design or is being used for a purpose other than that for which it was designed or authorized.

(d) Any item or article which is in excess of property limits provided in Rule 33-602.201, F.A.C.

(2) through (4) No change.

(5)(a) No money shall be given directly to or received by an inmate assigned to a ~~work release community correctional center~~ unless authorized by the chief of security or his designated representative. On a case by case basis, each chief of security may authorize a draw of funds from the inmate's account that has not been drawn from the inmate's bank fund or that exceeds the approved amount authorized under subsection 33-203.201(3), F.A.C., if a specific request is made and a review determines it is warranted. Any money found in the possession of an inmate in excess of \$75 ~~50~~ in ~~work release community correctional centers~~ shall be considered contraband and shall be confiscated and deposited in the inmate welfare trust fund.

(b) No change.

(6) No inmate shall manufacture or have in his possession any alcohol or alcoholic beverage, or have in his possession any drug such as a narcotic or barbiturate or hallucinogenic drug or central nervous system stimulant or substance prohibited by law, except when authorized to do so by a physician or other authorized medical personnel. When medication is found in an inmate's possession that is beyond the labeled expiration date, or for which the inmate does not have a valid prescription, or is in quantities indicative of hoarding, the medication will be handled as contraband and turned over to the medical department for disposition.

(7) Disposition of Contraband.

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

(b) Contraband items to be used during outside court cases as evidence will be referred to the Inspector General's Office for handling held as evidence by the institution inspector or senior inspector assigned to the criminal investigation. The Inspector General's Office will either assume custody of the contraband or instruct the institution to hold it as evidence. In

either case, the initial confiscating authority will establish the chain of evidence, and ensure it is properly followed. Form DC1-801, Chain of Custody, shall be used for this purpose. Form DC1-801 is hereby incorporated by reference. Copies of this form are available from the Forms Control Administrator, Office of the General Counsel, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500. The effective date of this form is _____.

(c) No change.

(d) Legal material belonging to another inmate shall be returned to the owner.

(e)(d) Except as described in paragraphs (c) and (d) above, any contraband found upon, or in the possession of, any inmate, shall be confiscated and the proceeds deposited in the Inmate Welfare Fund. Items containing no monetary value or that cannot be liquidated will be disposed of in one of the following manners:

1. through 3. No change.

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

(g)(e) No change.

(h) A seized contraband item that results in criminal charges shall be stored for six months or until the conclusion of the court proceedings. Confiscated weapons shall be stored for six months pending the outcome of the disciplinary charges and conclusion of the grievance process or the court proceedings. Staff shall obtain the approval of the warden or assistant warden prior to the item being destroyed or disposed of unless the item is in the possession of the Inspector General's Office, wherein that office's destruction of evidence process will be followed.

(i) Regardless of whether or not the seized contraband results in a disciplinary report or criminal charges, the inmate is authorized to appeal the action through the grievance process to have the property returned. If the inmate chooses to file a grievance, the inmate must notify the warden of his intent on an Inmate Request, Form DC6-236, within 20 days of the seizure of the items. If no notice is received and the inmate has not been temporarily impeded from sending such notice due to unavoidable circumstances such as court appearances or hospitalization, the warden or assistant warden is authorized to approve disposal of the contraband. Form DC6-236 is incorporated by reference in Rule 33-103.019, F.A.C.

(8)(a) All cells, lockers, dormitories and other areas of an institution may be searched in a reasonable manner at any time. A copy of Form DC6-220, Inmate Impounded Personal Property List, shall be given for any property taken in such a search if the inmate acknowledges possession or if the property was taken from an area occupied by the inmate or under his control. The inmate's acceptance of his copy of Form DC6-220

shall not constitute admission of possession of contraband. Form DC6-220 is hereby incorporated by reference in subsection 33-602.201(16), F.A.C. Copies of the form are available from the Forms Control Administrator, Office of the General Counsel, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500. Requests for copies to be mailed must be accompanied by a self-addressed stamped envelope. The effective date of this form is March 2, 2000.

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

2. Copies of Form DC6-220 do not have to be given immediately for property taken during such a mass search ~~shakedown~~. However, the property taken shall be kept and preserved, identified as to the area from which it was taken, and the inmate shall receive a copy of Form DC6-220 as soon as practicable after the emergency has ceased. Property unclaimed after 30 days shall be disposed of as provided in subsection (7).

3. If items of inmate personal property are damaged or destroyed by Department staff during routine searches ~~shakedowns~~, emergency searches ~~shakedowns~~ or while impounded, the warden or his designee shall cause an investigation to be made to determine:

a. through e. No change.

4. No change.

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Florida Real Estate Appraisal Board

RULE TITLE: Continuing Education
 RULE NO.: 61J1-4.003

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

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

SPECIFIC AUTHORITY: 475.614 FS.

LAW IMPLEMENTED: 475.613, 475.618 FS

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

TIME AND DATE: 8:30 a.m., or as soon thereafter as possible, April 1, 2003

PLACE: Division of Real Estate, Room 901, North Tower, 400 West Robinson Street, Orlando, Florida 32801

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Lori Crawford, Deputy Clerk, Division of Real Estate, 400 West Robinson Street, Hurston Building, North Tower, Suite N802, Orlando, Florida 32801

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS AVAILABLE FROM THE CONTACT PERSON LISTED ABOVE.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

DOCKET NO.: 03-10R

RULE CHAPTER TITLE: Total Maximum Daily Loads
 RULE CHAPTER NO.: 62-304

RULE TITLES: Scope and Intent
 RULE NOS.: 62-304.100
 Definitions 62-304.200

Total Maximum Daily Loads in the Northwest Florida District 62-304.300

Total Maximum Daily Loads in the Northeast Florida District 62-304.400

Total Maximum Daily Loads in the Central Florida District 62-304.500

Total Maximum Daily Loads in the Southeast Florida District 62-304.700

The Florida Department of Environmental Protection announces the initiation of rule development, and five rule development workshops (dates set out below), in preparation for rulemaking to establish Total Maximum Daily Loads, as follows: Lake Lafayette (March 21, 2003), the Fenholloway River (March 20, 2003), the Orange Creek Basin (March 18, 2003), Lake Apopka, the Upper Ocklawaha Chain of Lakes area, the Ocklawaha River (March 19, 2003) and several tributaries to Lake Okeechobee (March 18, 2003).

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 entitled "Official Notices."

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Jan Mandrup-Poulsen, Administrator, Watershed Assessment Section, Mail Station 3555, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400

DEPARTMENT OF HEALTH

Board of Medicine

RULE TITLE: Organization
 RULE NO.: 64B8-40.004

PURPOSE AND EFFECT: The Board proposes to set forth criteria for council member attendance at Council Meetings.

SUBJECT AREA TO BE ADDRESSED: Organization.

SPECIFIC AUTHORITY: 468.507 FS.

LAW IMPLEMENTED: 456.011 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Kaye Howerton, Executive Director, Board of Medicine, Dietetics and Nutrition Practice Council/MQA, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3253

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

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

Family Safety and Preservation Program

RULE TITLES: Definitions
 RULE NOS.: 65C-16.001

Adoptive Family Selection 65C-16.002

Case Reviews 65C-16.003

Recruitment, Screening and Application Process for Adoptive Applicants 65C-16.004

Evaluation of Applicants 65C-16.005

Abuse Hotline and Criminal Records Checks 65C-16.007

Dispute Resolutions and Appeals 65C-16.008

Adoption Placement 65C-16.009

Adoption Placement – Post Placement Services 65C-16.010

Confidentiality – Human Immunodeficiency Virus (HIV) Infected Clients 65C-16.011

Types of Adoption Assistance 65C-16.012

Determination of Maintenance Subsidy Payments 65C-16.013

Determination of Medical Subsidy 65C-16.014

Non-Recurring Adoption Expenses 65C-16.015

Access to Closed Adoption Records 65C-16.016

Florida Adoption Reunion Registry 65C-16.017

PURPOSE AND EFFECT: These substantial rule modifications will reflect changes to state and federal law, internal departmental procedural and policy and changes and will eliminate interest of individuals in the area of adoptions. The rule recognizes community based providers as providers of adoption services under contract with the department, modifies and clarifies the role and operation of the adoptive Family Review Committee, provides for rejection of applicants wishing to adopt if they have prior findings of abuse, neglect or abandonment; determining maintenance adoption subsidy.

SUBJECT AREA TO BE ADDRESSED: Adoptions.

SPECIFIC AUTHORITY: 39.021, 63.126, 63.233, 120, 240.235(5)(a), 381.004, 382.003(10), 401.301, 409.031, 409.145, 409.165, 409.166(2),(6),(7), 409.919, 435.045 FS.

LAW IMPLEMENTED: 39.021, 63.126, 63.233, 120, 240.235(5)(a), 381.004, 382.003(10), 401.301, 409.031, 409.145, 409.165, 409.166(2),(6),(7), 409.919, 435.045 FS.

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

TIME AND DATE: 10:00 a.m., March 25, 2003

PLACE: 1317 Winewood Blvd., Building 8, Room 232, Tallahassee, FL 32399

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Carol Hutcheson, Senior Management Analyst Supervisor, Adoptions Unit, Family Safety Program Office, 1317 Winewood Blvd., Building 7, Suite 208, Tallahassee, Florida 32399, (850)921-2177

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

(Substantial rewording of Rule 65C-16.001 follows. See Florida Administrative Code for present text.)

65C-16.001 Definitions.

(1) “Abuse Hotline” means the department’s single statewide toll-free telephone number established for the purpose of receiving reports of child abuse, abandonment or neglect.

(2) “Adoption” means “adoption” as defined in Section 63.032(2), F.S.

(3) “Adoption Assistance” means payments and services provided to a special needs child and his or her adoptive family, as specified in the adoption assistance agreement. Such assistance may include maintenance subsidy, medical subsidy, Medicaid and reimbursement of non-recurring expenses associated with the legal adoption. College tuition exemption is also available. State employees may be eligible for an employee adoption benefit.

(4) “Adoption Entity” means “adoption entity” as defined in Section 63.032(2), F.S.

(5) “Adoption Exchange” means a mechanism for linking adoptive family resources with children needing adoption placement. The Exchange serves all department adoption and foster care staff, and the staff of licensed child placing agencies in Florida.

(6) “Adoption Home Study” means a written evaluation of the adoptive parents’ capacity for adoptive parenthood. The study assesses the applicants’ home and living environment, their marriage, family and social activities and relationships.

(7) “Adoption Reunion Registry” means a voluntary computer data base which acts as a repository for current names, addresses and telephone numbers of parties to any Florida adoption.

(8) “Agency” means “agency” as defined in Section 63.032(5), F.S.

(9) “At-Risk Adoptive Placement” means a placement of a minor in the home of an approved adoptive parent prior to the termination of the minors’ parents’ parental rights.

(10) “Children’s Case Manager” means a person who is responsible for participating in the development and implementation of a service plan, linking the behavioral health service providers to a child or adolescent and his or her family, monitoring the delivery of behavioral health services, providing advocacy services, and collecting information to determine the effect of the behavioral health services and treatment.

(11) “Community Based Provider” means a private agency which has entered into a contract with the department to provide supervision of and services to children in out-of-home placements.

(12) “Court” means “court” as defined in Section 63.032(7), F.S.

(13) “Custodian” means a person or entity in whom the legal right to custody of a child is vested.

(14) “Department” means the Department of Children and Families.

(15) “Disruption” means the termination of an adoption placement prior to legal finalization.

(16) “Dissolution” means a termination of an adoption following legal finalization.

(17) “District/Region” means a geographic area through which the department plans and administers its programs.

(18) “Intermediary” means “intermediary” as defined in Section 63.032(9), F.S.

(19) “Interstate Compact” means an agreement among states, enacted into law in all 50 states, the District of Columbia and the Virgin Islands, which governs the interstate movement of children. It establishes orderly procedures for the interstate adoptive or out of home placement of children, including post-placement supervision.

(20) “Lead Agency” means “eligible lead community-based provider” as defined in Section 409.1671(1)(b), Florida Statutes.

(21) “Mental health multidisciplinary team” means the group of people brought together by the child’s mental health case manager to plan and coordinate mental health and related services to meet the child’s needs in the most appropriate, least restrictive setting. Members of the team should include the child, unless contraindicated, the child’s parent or legal guardian, caregiver, targeted case manager, psychiatrist,

therapist or behavioral specialists, family safety counselor and any other agency representative who is providing mental health or related services to the child.

(22) “Non-Recurring Adoption Expenses” means reasonable and necessary adoption fees, court costs, attorney fees, and other expenses that are directly related to the legal adoption of a special needs child, that were incurred prior to adoption finalization.

(23) “Placement” means the act of physically moving a minor into the physical custody of the prospective adoptive parent, or in the case of adoption by a foster parent, relative, or other current caretaker, the date the placement agreement is signed.

(24) “Primary Residence and Place of Employment in Florida” means “Primary Residence and Place of Employment” as defined in Section 63.032(17), F.S.

(25) “Relative” means “relative” as defined in Section 39.01(60), F.S.

(26) “Significant Emotional Tie” means the relationship between a child and his or her caretaker family when a child is bound to that family in such a vital and ardent manner that removal of the child from that family would have detrimental consequences for the child. This term is also used in evaluating a child’s eligibility for adoption subsidy when the question of eligibility rests solely on his adoption by the current caretaker.

(27) “Sibling” means one of two or more individuals having one or both parents in common.

(28) “Single Point of Access” means the designated district/region staff person or Alcohol, Drug Abuse and Mental Health or the authorized agent designated by the department within a geographical area who is identified as the point of contact to assist the family services counselor in accessing mental health assessments and other mental health services for children in the care and custody of the department.

(29) “Special Needs Child” means “special needs child” as defined in Section 409.166(2), F.S.

(30) “Suitability of Intended Placement” means the fitness of the intended placement with primary consideration given to the welfare of the child and the fitness and capabilities of the adoptive parents for a particular child.

(31) “To Place” means the process of giving up a child for adoption and the prospective parents’ receiving and adopting the child including all actions by any person or agency participating in the process.

Specific Authority 63.233, 409.166(7), 409.167(6) FS. Law Implemented 39.01, 63.032, 63.092, 63.122, 63.165, 63.192, 63.212, 409.166, 409.167, 409.401 415.508 FS. History—New 4-28-92, Amended 4-19-94, Formerly 10M-8.0013, Amended 12-4-97, _____.

(Substantial rewording of Rule 65C-16.002 follows. See Florida Administrative Code for present text.)

65C-16.002 ~~Adoption Placement— Children Placement~~
Adoptive Family Selection.

(1) The authority of the Department regarding adoption is limited to facilitating the adoption of children with special needs. Persons seeking to adopt non-special needs children will be referred to private agencies. Birth parents seeking adoption planning for their non-special needs children will be referred to private adoption agencies. Any non-special needs children in the care of the department for whom adoption is the goal, will be referred to private adoption agencies for placement planning, unless there is a plan for adoption by the current custodian.

(2) General Policy. A person or government involved in adoption may not deny to any individual the opportunity to become an adoptive parent on the basis of race, color or national origin of the individual or the child. A person or government may not delay or deny the placement of a child for adoption on the basis of race, color or national origin of the adoptive parent or the child.

(3) It is the policy of the state and of the department that adoption placements must be made consistent with the best interest of the child. The role of good judgment in assessing the best interest of the child cannot be replaced by rote policy decrees. The exercise of that judgement must be shaped by the following considerations:

(a) Grandparent priority. Grandparents with whom a child has lived for at least six months must be notified that their grandchild is being considered for adoption as specified in Section 63.0425, F.S. Such grandparents must be afforded the opportunity to have a home study completed and to petition for adoption, and the court is required to give first priority to that petition.

(b) Other relative priority. Other relatives may wish to be considered as an adoption placement for the child. If such a relative is identified and requests consideration for adoption placement, the application of the relative must be evaluated to determine suitability through an adoptive home study.

(c) Current custodian priority. The current custodian of the child may wish to adopt. If the custodian applies to adopt the child, the application must be evaluated to determine suitability through an adoptive home study. The homestudy must assess the length of time the child has lived in a stable, satisfactory environment and the depth of the relationship existing between the child and the custodian. It should be recognized that individuals who might not be considered the placement of choice for children not known to them, can be the placement of choice for children with whom they have an existing stable relationship. There are some situations in which adoption by the current custodian may not be in the best interest of the child. Examples of these situations include:

1. The current custodians want to adopt a child but not his or her siblings and it is in the best interest of the sibling group to be placed together.

2. The current custodian has returned other adopted children to the department, or has arranged for some other out-of-home informal long-term placement for a previously adopted child.

(d) Non-custodian with whom child has a relationship. Persons known to the child, but who do not have custody of the child, may wish to be considered for adoption. If such persons apply to adopt the child, the application must be evaluated to determine suitability through an adoptive home study. In addition, the depth of the relationship existing between the child and the non-custodial applicant must be examined.

(e) Family new to the child. Many families who pursue adoption do not have a specific child in mind when they apply. These families must be provided information about the children available for adoption through the department, and must be helped, through training, preparation, and the homestudy process, to determine if special needs adoption is appropriate for their family.

(4) Siblings.

(a) When considering adoption placement of a sibling group, the department must consider the fact that placing siblings together, whenever possible, preserves the family unit.

(b) In situations where consideration is being given to separating siblings, the adoption unit must staff the case as a team. The team must consider the emotional ties existing between and among the siblings and the degree of harm which each child is likely to experience as a result of separation. The positives and negatives of keeping the children together must be thoroughly explored, and at least one member of the team must be assigned the role of defending the position of placing the children together. In particularly difficult cases, professionals who have expertise in this area can be consulted.

(c) The decision to separate siblings must be approved in writing by the district/region Family Safety Program Office or the community based provider staff charged with this responsibility. Adoption staff will prepare a memorandum directed to the district/region Family Safety Program Office or the appropriate community based provider staff describing efforts made to keep the siblings together and an assessment of the short term and long range effects of separation on the children. The memorandum must also include a description of the plan for future contact between the children if separation is approved. The plan must be one to which each adoptive parent and caretaker can commit.

(d) If after placement as a sibling group, one child does not adjust to the family, a decision must be made regarding what is best for all of the children. The adoption staff must review this situation as a team, and choose the plan that will be least detrimental to the children. The decision must be documented

in the children's files. This documentation must also include the plan for future contact if the decision is to pursue separate placements.

(e) Sometimes the department may take into custody a child who is a sibling to previously adopted children. The department shall advise the adoptive parents of this occurrence. If this child becomes available for adoption, the adoptive parents of the previously placed sibling shall be given an opportunity to apply to adopt this child. The application of these adoptive parents will be given the same consideration as an application for adoption by a relative, as described above.

(5) Occasionally a child whose parental rights have been terminated, for whom there is a plan for foster parent adoption, has relatives who indicate an interest in adopting after the termination process is completed. The following factors must be considered in making a decision that represents the best interest of the child in this situation.

(a) Attachment. Consideration must be given to the quality and length of the attachment to the foster parent. The age of the child at placement and the current age must be considered in assessing attachment. The ease with which the child attached to the current family and any indications of attachment difficulty in the child's history must be evaluated. The number of moves the child has experienced will be an important factor in determining the likelihood that the child will form a healthy attachment to the relative.

(b) Kinship. Children have a shared history with extended family and cultural values and traditions are more likely to be passed on to the child when there is opportunity to grow up in the care of family members. Consideration must be given to the quality of the relationship with the relative. Some children will already know and trust the relative seeking to adopt. If not, the willingness of the relative to participate in pre-placement activities to promote the development of a relationship must be considered.

(c) Permanence. The capacity of the relative and the foster parent to meet the child's need for permanence must be evaluated. The ability of the prospective parent to understand the needs of adoptive children in different developmental stages and their awareness of the inherent challenges of parenting an adopted child must be carefully considered.

(6) In any adoptive placement of a Native American child, the federal "Indian Child Welfare Act" governs the order of placement preference. While the Indian Child Welfare Act gives a placement preference, it allows each tribe to establish a different order of preference by resolution, and that order must be followed. The Act lists the placement preference for adoption of an Indian child in the following order:

(a) A member of the child's extended family;

(b) Other members of the Indian child's tribe; or

(c) Other Indian families.

(7) Study of the Child. Completing the study of the child is an important part of the preparation needed to find an adoptive family. Before preparing the study of the child, the counselor must be thoroughly familiar with the content of the child's foster care record. The record must include all available information regarding the child and the birth family's medical and social history. All available social and medical history information must be provided to the adoptive parents prior to or at the time of the adoption placement. The study of the child, with identifying information removed, will be a part of the written background information provided to the adopting family. A study of the child will include:

(a) Developmental History. A developmental history must be obtained from the birth parents whenever possible. When the child has been in care for a period of time, developmental history obtained from birth parents must be supplemented by direct study and observation by the counselor, foster parents, pediatrician, and if indicated, psychologist, teacher and other consultants. The developmental history must include:

1. Birth and health history.
2. Early development.
3. Child's characteristic way of responding to people.
4. Deviations from the normal range of development.
5. Child's prior experiences, including continuity of care, separations, and information regarding other known significant relationships the child has had prior to and since entering foster care.

(b) Medical History. A medical examination must be completed by a qualified physician, preferably a pediatrician, to determine the child's state of health and significant health factors which may interfere with normal development. The medical history must take into consideration the following:

1. Circumstances of birth and possible birth trauma.
2. Congenital conditions which may have been corrected or need additional correction or treatment.
3. Physical handicaps that may interfere with normal activity and achievement.
4. Significant illnesses and health of the child, parents and other family members.
5. Immunization record of the child.

(c) Family History. Family history will be obtained from birth parents when possible and will include any significant information about both parents and any siblings. Material about the child's birth family, which will be shared with the adoptive family and later with the child, must be carefully and accurately recorded. This information should include:

1. Age of both parents.
2. Race, national origin or ethnicity.
3. Religion.
4. Physical characteristics.
5. Educational achievements and occupations.

6. Health, medical history and possible hereditary problems.

7. Personality traits, special interests and abilities.

8. Child's past and present relationship with family members and the significance of these relationships.

(d) Psychological and Psychiatric Evaluations. Psychological or psychiatric evaluations of children known or suspected of having mental health problems must be obtained prior to the adoption placement. Any child who will be placed for adoption with medical subsidy for treatment of a psychological or psychiatric condition must have had such an evaluation within the 12 month period preceding the adoption placement.

(e) Heredity. There are no hereditary factors that rule out adoptive planning for a child. Genetic and medical professionals will assist in deciding which hereditary conditions entail significant risk because they limit life expectancy or adversely effect normal development. With the recognition that there are adoptive parents who are willing to accept children with special needs, such conditions must be carefully evaluated. An unfavorable diagnosis does not rule out adoption for the child when there are families willing to assume the risks.

(f) Pre-placement Physical Examination. Prior to placement every child must be given a complete physical examination. This will be completed when a specific family is being considered for a child and they express interest in proceeding after having received specific information about the child. Should placement with an identified family not occur after the physical has been completed, another examination will not be necessary if the child is placed with a subsequent family within six months of the date of the physical. No child will be placed without a physical which has been conducted within six months of placement. The department will arrange to have the examination completed or if the adoptive family prefers, the examination may be completed by the family's pediatrician at their expense, and a copy provided to the department. It is important that this examination be thorough and provide the potential adoptive family and the counselor with a clear understanding of the child's physical condition.

(8) The information discussed in (a) through (f) must be shared in writing with the adoptive parents. The identity of the birth family must be protected when providing this written material to the family.

Specific Authority 39.012, 63.233, 409.026 FS. Law Implemented 39.41, 39.464, 39.467(2)(k), 63.0425, 63.052, 63.062(3), 409.145 FS. History—New 2-14-84, Formerly 10M-8.02, Amended 5-20-91, 4-28-92, 4-19-94, 8-17-94, 1-8-95, Formerly 10M-8.002, Amended 12-4-97, _____.

(Substantial rewording of Rule 65C-16.003 follows. See Florida Administrative Code for present text.)

65C-16.003 Case Reviews.

(1) The purpose of case reviews is to ensure that appropriate permanent plans are developed and executed for every child at the earliest possible time.

(2) The case review requirements for children in adoption planning consist of three types of reviews:

(a) Judicial Review. All children served by the department's adoption units, including those for whom a termination of parental rights has not been completed and those for whom termination of parental rights has been completed are subject to periodic court review. Children in adoption placements that have not yet finalized are subject to court review until legal finalization of the adoption. Judicial Review reports for children in adoption planning must include information about reasonable efforts to recruit an adoptive family, place the child for adoption and finalize the adoption.

(b) Quarterly Case Staffings. Local case management staff responsible for planning for children in need of adoption will meet together as a team to staff and assess the needs of waiting children and available families. The teams will meet as often as necessary to assure that permanency needs are met. Each waiting child is to be staffed at least quarterly.

(c) Supervisory Consultation. Supervisory consultation is an on-going function of direct service supervision. Consultation must be directed at ensuring thorough case assessment, case planning and service delivery. Supervisory consultation must be provided to every direct service staff member regardless of prior training and experience, and must include individual supervisory case conferences, at least monthly.

Specific Authority 39.12 FS. Law Implemented 39.701, 39.703, 39.451, 39.453, 409.145, 409.175, 409.1955 FS. History--New 4-28-92, Amended 4-19-94, Formerly 10M-8.0023, Amended 12-4-97.

(Substantial rewording of Rule 65C-16.004 follows. See Florida Administrative Code for present text.)

65C-16.004 Recruitment, Screening and Application Process for Adoptive Applicants.

(1) The department or community based care provider will ensure that an assessment of adoptive parent resource needs is done in each district at the beginning of each calendar year, and that recruitment activities are planned for the year based on the results of the assessment. The districts' annual recruitment plan will be submitted to the headquarters Family Safety Program Office by February 15 of each year. The headquarters Family Safety Program Office staff will develop a statewide recruitment plan, based on the needs of individual districts, as reflected in the district plans.

(2) The recruitment activities must be designed to meet the needs of all children in foster care who need adoptive homes and must include informational meetings for potential adoptive applicants to be held at least every 90 days.

(3) The department and its designees shall recruit adoptive families that reflect the ethnic and racial diversity of children needing adoptive placement.

(4) The prospective adoptive parents' initial inquiry to the Department of Children and Families local office, or to the community based provider, whether written or verbal, will receive a written response or a telephone call within seven (7) working days. Prospective adoptive parents who indicate an interest in adopting special needs children must be offered the opportunity to participate in the department's approved adoptive parent training program. If space is limited in scheduled classes, slots in the classes will be assigned in the following priority order:

(a) Persons with an existing relationship with a specifically identified child who is waiting for adoption placement, or that child's sibling.

(b) Persons who have expressed an interest in adopting a specifically identified child waiting for adoption, or that child's sibling.

(c) Persons who have explicitly stated their willingness to adopt children available for placement through the department or its designee; and

(d) Persons expressing a general willingness to adopt special needs children.

(5) An application to adopt must be made on a form approved by the department, which includes necessary identifying information and information required by statute.

Specific Authority 39.012, 63.233 FS. Law Implemented 63.022(2)(c), 409.145, 409.401 FS. History--New 7-18-95, Formerly 10M-8.0042, Amended _____.

(Substantial rewording of Rule 65C-16.005 follows. See Florida Administrative Code for present text.)

65C-16.005 ~~Adoption~~ Placement Evaluation of Applicants.

(1) No person shall be denied the opportunity to become an adoptive parent on the basis of race, color or national origin. The placement of a child with a particular family must not be denied or delayed on the basis of race, color or national origin of the family or the child.

(2) A social study which involves careful observation, screening and evaluation shall be made of the child and adoptive applicants prior to the placement of the child. The aim of this evaluation is to select families who will be able to meet the physical, emotional, social, educational and financial needs of a child, while safeguarding the child from further loss and separation from primary caretakers.

(3) In determining which applications for adoption should be approved, all of the following criteria, not listed in any order of priority, must be considered:

(a) The child's choice, if the child is developmentally able to participate in the decision. The child's consent to the adoption is required if the child is age 12 or older.

(b) The ability and willingness of the adoptive family to adopt some or all of a sibling group, although no individual child shall be impeded or disadvantaged in receiving a loving and nurturing home due to the inability of the adoptive family to adopt all siblings. The needs of each individual child must be promoted.

(c) The commitment of the applicant to value, respect, appreciate, and educate the child regarding his or her racial and ethnic heritage and to permit the child the opportunity to know and appreciate that ethnic and racial heritage.

(d) The family's child rearing experience. Applicants with previous child-rearing experience who exhibit the energy, physical stamina, and life expectancy which would allow them to raise the child to adulthood and who have a demonstrated history of having provided consistent financial support to other minor children, either birth or adopted, will be considered. Applicants who do not have previous child rearing experience but who demonstrate the capacity to parent a special needs child will also be considered. Applicants who have experienced an adoption disruption or dissolution in the past must be carefully evaluated. When evaluating the previous disruption or dissolution experience, staff must assess the reasons for the disruption or dissolution, the family's openness in dealing with the problems that led to the disruption, their willingness to accept help with the problems, and their willingness to help the child move to the next placement.

(e) Marital Status. The department and its designees will accept applications to adopt from married couples and from single adults. Couples married less than two years must be given particularly careful evaluation.

(f) Residence. Florida families must be prepared to remain in Florida long enough to have the adoption study completed, the child placed, and the adoption finalized. Families from other states wishing to adopt Florida children may apply and be studied by an agency authorized or licensed to practice adoption in their state of residence. Out of state placements will be facilitated through established regional or national adoption exchanges or directly with out of state agencies, and will comply with the requirements of the Interstate Compact for the Placement of Children.

(g) Income. The family must have income and resources to assure financial stability and security to meet expenses incurred in adequate care of the family. While a family's income must meet the needs of its current members, a family interested in a special needs child must not be precluded from consideration if the availability of an adoption subsidy would enable them to adopt a special needs child. Management of

current income and the ability to plan for future changes in income so that the child's social, physical and financial needs will be met are as important as the amount of income.

(h) Housing and neighborhood. Housing and neighborhoods must provide adequate space and the living conditions necessary to promote the health and safety of the family.

(i) Health. Applicants will be required to fully disclose health history, current health status, including any condition that is progressive and debilitating in its course, and any past and current treatment and services received for such condition, regarding themselves and each member of the household. The physical, mental and emotional health of the prospective adoptive household members must not jeopardize the safety and permanency of the child's placement and will be considered in determining the best interest of the child.

(j) Other Children in the Family. When families have children by birth or adoption, the anticipated impact of a new child on the family must be considered.

(k) Working Parents. The willingness and ability of prospective adoptive parents who are employed outside the home to make arrangements to be with the child during the transition period must be considered. It is desirable that one parent be free to devote full time to the care of the child for a period of time after placement. The exact length of time is determined by the needs and the age of the child, and the needs of the child must be given priority over the employment situation of the parent.

(l) Department Employees. Employees of the department and the community based care provider will be considered as adoptive applicants. In situations where the employee has a close working relationship with the foster care or adoption staff in his or her district or provider agency, or had such a relationship in the recent past, the applicants study shall be conducted by another district or a licensed adoption agency. The district Family Safety Program Office or the appropriate entity in the provider agency must be notified immediately when an application to adopt is received from a departmental or provider agency employee. The office or the provider entity will make a decision regarding whether the adoption study for the employee will be completed by the district or provider agency, or if the services of another district or agency will be sought. If the decision is to have the employees adoption study and subsequent placement handled by another district or agency, the district Family Safety Program Office or the provider entity will make the necessary arrangements with the Family Safety program office in the other district or the chosen agency. When an adoptive applicant is a member of a board or group which has actual or perceived authority over the department, its community based provider, its staff or operations, such applicant will be referred to another district or a local licensed child placing agency for handling.

(m) Affidavit of Good Moral Character. All adoptive parent applicants must complete an affidavit of good moral character attesting to their own good moral character. Foster parents who are adopting a foster child in their home and who have completed this affidavit as a part of their licensing requirements need not complete it again.

(n) All adoptive applicants must complete the requirements for background screening as outlined in Rule 65C-16.007, F.A.C.

(o) Use of References. A minimum of five written references will be required. At least two of the references will be non-relatives. References must be obtained from persons who have had the opportunity to observe the applicants in situations that may give some indication for their capacity for parenthood or who would have documented knowledge of deviant behavior or immoral character. References should be obtained from employers of applicants and from schools or day care providers who have had an opportunity to know the family.

(4) Family Preparation and Study Process.

(a) Adoption staff must explain to applicants what to expect during the preparation and study process. The process must also help to establish a relationship with adoptive applicants which will make it possible for them to ask for and use help during the presentation, pre-placement, placement and the post-placement adjustment period.

(b) The department's approved adoptive parent training program provides a format through which prospective foster, shelter and adoptive parents can be selected and prepared to work with the department as team members in permanency planning.

(c) At the beginning of each year districts and community based care organizations responsible for adoption services must establish a 12 month training calendar so that inquiring families can be aware of when they can expect to begin the preparation process. Districts and providers must also maintain the ability to conduct extra training groups when there is a need. This will be particularly important when there are significantly higher numbers of families waiting for group than can be accommodated in the regularly scheduled sessions. Districts and providers who assure that all appropriate adoption licensing and foster care staff are trained and certified in the delivery of the adoption training will be prepared to deal with such emergency situations.

(5) Family Preparation Through Use of the Individual Study Process.

(a) Although the most preferred method of preparing applicants for adoptive parenthood is the group process, there will be exceptional cases in which an individual study approach must be used. Some examples of factors which might lead to a decision to prepare an applicant family via an individual study are as follows:

1. Extreme distance which would cause hardship for the family.

2. Small numbers of inquiring families at irregular times.

3. Families who are adopting subsequent children and have already been trained.

4. Cases in which the child has been living in the home for an extended period and there is evidence of well functioning relationships.

(b) Each decision to use the individual study approach must be approved in writing by the district Family Safety Program Office, or the appropriate entity in the community based agency, and the family's record must include justification for use of this method.

(c) The focus of the individual study, as in group preparation, must be on education and preparation of the family.

(6) Families Who Adopt Again. Prior approval of a family to adopt does not automatically deem the family appropriate to adopt again. Families previously approved in other states or districts/regions should be carefully evaluated. Consideration of any family for placement of a subsequent child requires an updating of the previous study. Such an update will include an assessment of the following:

(a) Issues Related to the Previously Adopted Child. This should include a brief description of the child, his or her incorporation into the family, and the skills the parents have demonstrated in providing for this child.

(b) Motivation of the family in seeking to adopt another child at this time.

(c) School adjustment of the previously adopted child.

(d) Health Needs. Any significant medical problems and any impact they have had on the previous adoption or might be expected to have on subsequent placements must be discussed.

(e) Housing needs and the capacity of the home to comfortably accommodate another child.

(f) Income. Any major changes in the family income must be discussed. A determination should be made as to whether or not the addition of another child, even with adoption subsidy, will tax the family's ability to manage within their current income.

(g) Marriage. The effect of the previous adoption on the marriage must be discussed.

(h) Extended Family and Neighbors. How the previous adoption has been perceived, received or rejected by family and/or neighbors and, if applicable, the coping skills of the adoptive family in dealing with adverse reactions to the adoption.

(i) Updated References. References should be asked to address how the family seems to have managed with the previously adopted child and how they believe the family will cope with additional children.

(j) Abuse Hotline/Criminal Records Check. Abuse Hotline and criminal records checks must be conducted as part of each subsequent application to adopt.

(k) Other Major Changes. Address any additional family members not considered in the initial study. Also address any other major changes such as job changes, deaths, and serious illness or medical conditions which may have had an effect on the family or which may compromise the applicants ability to meet the needs of another child.

(7) The Written Adoption Study. Whether or not the parent preparation is conducted in a group process or in an individual study, a written report, generally referred to as the adoption home study, must be prepared for each studied family. The written home study must address the issues discussed in (1) through (6) above.

(8) At the conclusion of the preparation and study process, the counselor and supervisor will make a decision about the family's appropriateness to adopt. That decision will be reflected in the final recommendation included in the written study. If the recommendation is for approval, the study and written recommendation will be submitted to the Family Safety Program Administrator or designee or the appropriate entity in the community based care agency for approval. If the counselor and supervisor do not recommend approval the case will be reviewed by Adoption Review Committee according to the directions provided in subsection 65C-16.0061(9), F.A.C.

(9) Adoption Review Committee. Each district and community based care provider responsible for providing adoption services for children in the department's custody must establish an Adoption Review Committee. The committee will consist of at least three (3) persons, and may include the district adoption specialist. The district or community based care agency will select a committee member to serve as the committee chair.

(a) The committee will provide consultation and assistance to the adoption counselor on any adoptive homestudy in which the counselor and supervisor are recommending rejection, or adoption case situations which present challenging issues. Requests for committee review may be made by the adoption counselor, the adoption specialist, the family safety program administrator or the appropriate entities with the community based provider. Requests for committee review will be made in writing and forwarded to the adoption specialist or the appropriate entity in the community based care agency. While the committee is available to review any challenging case, cases with the following issues must be referred to the committee.

1. Health. Cases in which it is determined that the adoptive applicant is experiencing a serious or chronic medical condition and such condition predictably compromises or could compromise the applicant's ability to provide the physical, emotional, social and economic support necessary for the child to thrive.

2. Abuse History. Cases in which the Abuse Hotline clearance reveals verified findings of abuse, neglect, or abandonment which did not result in a disqualifying felony conviction, and cases in which there were some indicators of abuse or neglect.

3. Criminal History. In cases in which the required criminal history checks pursuant to s. 435.045(1), F.S. reveal that the applicant(s) have been convicted of crimes specified in s. 435.045(1)(a)1., F.S., their application must be rejected. A referral to the adoptive applicant review committee will not be required. The applicant must be advised that he or she cannot be approved. If the criminal history check reveals that the applicant was convicted of a law violation listed in s. 435.045(1)(a)2., F.S., within the last five years, the applicant cannot be considered for approval, until five years after the violation was committed. These applicants must be referred to the committee.

4. Cases in which the applicant is a current or former foster parent and the review of the foster parent file reveals that there have been care and supervision concerns or a violation of licensing standards.

5. With the exception of those applicants convicted of a crime specified in s. 435.045(1)(a), F.S., counselors must seek the assistance of the committee prior to a decision to reject an applicant.

(b) The adoptive applicant review committee chairperson will convene the committee and issue a written recommendation to district legal counsel or the appropriate entity within the community based care agency within 30 days of receipt of the request. Following input from district legal counsel or the community based care entity, the chairperson will prepare a written report summarizing consensus of the committee and the recommendation from district legal counsel or the community based care agency entity. This recommendation will be submitted to the district administrator or the chief executive officer of the community based care agency.

(c) The district administrator or chief executive officer will make the final decision to approve or reject the application. The adoptive applicant will be notified in writing within 10 working days of the decision. The written notice must include the reason for the rejection, and must advise the applicant of his/her judicial option as described in the Administrative Procedures Act, Chapter 120, F.S.

Specific Authority 39.012, 63.233 FS. Law Implemented 63.022(2)(c), 63.122, 409.145, 409.401, 415.51(2)(a), (6); 435.045 FS. History—New 2-14-84, Formerly 10M-8.05, Amended 4-28-92, 4-19-94, 8-17-94, 1-8-95, 7-18-95 Formerly 10M-8.005, Amended _____.

(Substantial rewording of Rule 65C-16.007 follows. See Florida Administrative Code for present text.)

65C-16.007 Abuse Hotline and Criminal Records Checks.

(1) Abuse Hotline checks must be conducted on all adoptive applicants. The applicants must be informed of this part of the investigation early in the homestudy process and must provide written consent for the check to be completed. For applicants who have previously been foster parents or have adopted in other states, Abuse Hotline checks must be completed in the previous state. Abuse Hotline checks must be current within 30 days of placement of an adoptive child in the home.

(a) The counselor must submit to the district background screening coordinator, sufficient information to conduct a search of the Florida Abuse Hotline Information System. Abuse Hotline record checks must also be conducted on all other household members who are 12 years of age or older.

(b) Any request for information from the Abuse Hotline must be in writing and must include a statement of statutory authorization to receive the information.

(c) All Department of Children and Families personnel and other agencies and professionals using information from the Abuse Hotline, or any child abuse case record should be informed that misuse of such information may cause them to be held personally liable, and any person injured or aggrieved by such disclosure may be entitled to damages. Unauthorized release of abuse reports may result in criminal prosecution. The offense is a misdemeanor in the third degree.

(2) Criminal background checks through local, state and federal law enforcement agencies will be conducted on all persons age 18 or older residing in the prospective adoptive home. For applicants who have been foster parents or who have adopted in other states, local and state checks must be completed in the state of previous residence. Should the background reveal that the applicant has been convicted of a crime specified in Section 435.045(1)(a)1., F.S., the application must be rejected. Juvenile delinquency checks through the Florida Department of Law Enforcement must be conducted on all household members twelve through seventeen years of age as a public record search. If this check reveals a Juvenile Justice record, this information must be addressed in the homestudy and a determination must be made regarding possible impact on the adopted child.

(3) For foster parents and relative caregivers who are adopting a department child, federal background checks must be current within 5 years at the time of adoption placement. For potential adoptive parents who are not foster parents or relative caregivers, federal background checks must be current within one year at the time of adoption placement. All potential adoptive parents must have state and local background checks that are current within 90 days of the date of adoption placement.

(4) Applicants who have been convicted of any crime specified under s. 435.045(1)(a)2., F.S., within the last five years cannot be considered for approval until five years after the violation was committed. At that time these applicants must also be referred to the adoption review committee. Applicants who have been found guilty or entered a plea of guilty or nolo contendere for crimes not listed in s. 435.045(1)(a), F.S., shall be carefully evaluated as to the extent of their rehabilitation. Factors to be considered will include the severity of the action resulting in the record, how much time has lapsed since the offense, circumstances surrounding the incident, and whether records indicate single or repeated offenses. Referral of these applicants to the adoption review committee is not required but they must be submitted to the district Family Safety Program Administrator or the appropriate entity in the community based care agency for approval.

(5) Abuse Complaints Against Adoptive Parents.

(a) When the department receives reports of abuse or neglect by adoptive parents whose adoptions have been finalized, they will be handled as any other family on whom a report has been received.

(b) In cases where such reports are received on families whose adoptions are not finalized, the protective investigator will consult with the adoption counselor or supervisor who knows the family and children.

(c) Should an allegation of abuse, neglect or abandonment be made directly to the adoption counselor, the Florida Abuse Hotline must be notified immediately. The report will be transmitted to the district Protective Investigation unit. Complaints which do not contain allegations of abuse, neglect or abandonment and are made directly to the adoption counselor must be investigated by the counselor.

(d) If an investigation of an abuse, neglect or abandonment report by protective investigations reveals that the subject of the report is an adoptive parent whose adoption has not been finalized, the adoption counselor must be notified immediately and must assume responsibilities in the investigation as outlined above. The child should be removed from the adoptive home if he or she meets the criteria for removal pursuant to Section 39.401, F.S.

(e) If abuse or neglect is established but does not warrant immediate or permanent removal of the children, careful consideration should be given to providing services to the family for a specified period of time. Services may be provided by the department's Protective Services unit and a referral to the mental health multidisciplinary team may be appropriate. Prior to the expiration of the specified period of time, input from the district adoption specialist or the appropriate entity in the community based care agency must be sought to assess progress being made and the likelihood that the consent to the adoption may safely be issued. The district adoption specialist or the appropriate entity in the community based care agency

shall convene a meeting to include the protective services counselor and supervisor and the adoption counselor and supervisor. These individuals must decide if the placement will be terminated and the child returned to foster care or if a recommendation to issue consent for finalization of the adoption will be made to the district administrator for the adoption to finalize. The district administrator must provide written approval of the plan to issue consent.

(f) Whether the department recommends finalization of the adoption or removal of the children, information about the complaint, services provided to the family, and reasons for the department's final decision must be documented and provided to the court.

Specific Authority 39.012, 63.233, 409.026(8) FS. Law Implemented 63.022, 63.092(2)(b), 409.145, 415.51(1)(a),(2)(a), 435.045 FS. History—New 5-20-91, Formerly 10M-8.00513, Amended 4-28-92, 4-18-94, 8-17-94, 1-8-95, Formerly 10M-8.0053, Amended _____.

(Substantial rewording of Rule 65C-16.008 follows. See Florida Administrative Code for present text.)

65C-16.008 ~~Complaints~~— Dispute Resolutions and Appeals.

(1) When an adoptive applicant or parent is adversely affected by a decision or action taken by the department, or by a community based agency acting for the department, efforts should be made to settle the dispute at the counselor/supervisor level. If this attempt is unsuccessful, the Adoption Review Committee will be convened as outlined in subsection 65C-16.005(9), F.A.C. If this review results in a decision by the district administrator that supports the departments/agency's original decision, the applicant or parent must be told of that decision in writing and advised of their judicial option as described in the Administrative Procedures Act, Chapter 120.68, F.S. and of their right to a hearing pursuant to s. 120.57, F.S.

(2) Adoptive applicants do not have the right to appeal the department's decision on the selection of and adoptive home for a particular child.

Specific Authority 120.57, 120.68, ~~409.026(8)~~, 409.145 FS. Law Implemented 120.68, 409.145 FS. History—New 5-20-91, Formerly 10M-8.00514, Amended 4-19-94, 7-18-95, Formerly 10M-8.0054, Amended _____.

(Substantial rewording of Rule 65C-16.009 follows. See Florida Administrative Code for present text.)

65C-16.009 Adoption Placement.

(1) The adoption placement process incorporates the following:

- (a) Selection of the family.
- (b) Presentation of the information to the family regarding the child and to the child regarding the family.
- (c) First meeting.
- (d) Get acquainted period and pre-placement visits.
- (e) Day of placement.

(2) The decision on final placement is based on the child's readiness and the cues given by the child to the counselor that he is ready to move into his new home.

(3) The mechanics of final placement include:

(a) An assessment of the child and family's adjustment during the transition activities, and their readiness for placement.

(b) A decision regarding the appropriate geographical location for placement. Depending on the child's developmental age, the placement may occur in the foster home, the adoptive home, or another location determined suitable by the parties. The child's counselor will be present regardless of the selected location.

(c) An opportunity for the child to say good-bye to each member of the foster family.

(4) When it is necessary for the child to travel to the home of the adoptive parent for placement, the child should be accompanied by the counselor and the person with whom he or she has the most meaningful relationship. If this person is a member of the foster family the department will provide financial reimbursement for any costs incurred.

(5) Occasionally it may be in the child's best interest to be placed in a prospective adoptive applicant's home prior to completion of legal termination of parental rights. Examples of situations where at-risk placement may be appropriate include:

(a) The child's termination of parental rights is on appeal.

(b) The child has been voluntarily surrendered and termination of parental rights by the court is anticipated.

(c) A petition for termination of parental rights has been filed, as it appears unlikely that the child can be returned to the biological parents within a reasonable period of time.

(d) The child must be moved from his or her current foster home placement, and the placement in a pre-adoptive home will result in one less move for the child.

(6) Consideration of a placement under one of the above situations presumes that relatives as placement resources have been considered and found not available or inappropriate. Such placements must only occur with approved adoptive families. These placements must be carefully planned and must have written approval of the district Family Safety Program Office or the appropriate entity with the community based care provider, prior to discussion with the family. The prospective adoptive family must clearly understand the risks involved in such a placement. This is particularly critical if the termination of parental rights is being appealed or if it can be anticipated that the biological family will seek to prevent the severance from occurring. The pre-adoptive family must be given the opportunity to consider the risks and allowed to decide if they are willing to proceed. Families entering into an at-risk placement must indicate in writing that they understand and accept the risks involved.

Specific Authority 39.012, 63.233 FS. Law Implemented 63.022, 63.042, 409.145 FS. History—New 4-28-92, Formerly 10M-8.0058, Amended

(Substantial rewording of Rule 65C-16.010 follows. See Florida Administrative Code for present text.)

65C-16.010 Adoption Placement – Post Placement ~~Supervision~~ Services.

(1) The department has a legal responsibility to provide services until the finalization of an adoption. This period is no less than 90 days from the date the child was placed in the physical custody of the adoptive parent. The first home visit must be made within one week after placement. There shall be a minimum of three supervisory visits in placements which are non-problematic. For placements which do not proceed smoothly, additional and more frequent contacts are necessary. The adoptive child or children must be contacted a minimum of once every calendar month until adoption finalization. The entire family must be seen together at least once during the post placement supervision period.

(2) Some placements are, by nature, complex and will require additional services during the post-placement period. Examples of these placements include:

(a) Sibling placements. Incorporating a large sibling group into an adoptive family is complex due to the number of new relationships this entails. Another difficult situation occurs when one child in a sibling group experiences difficulty in establishing a relationship with the adoptive family and the other child or children appear to be adjusting well. The counselor must decide whether to separate the siblings. Before making a decision to separate siblings, the adoption unit must staff the case as a team. The positives and negatives of keeping the children together must be thoroughly explored and the team must decide what is in the best interest of the children. If it is determined that the removal of only one child is best, arrangements must be made for continuing contact among the children. Refer to Rule 65C-16.002, F.A.C., for criteria to assist in decision making for sibling placements. The decision and the reasons for the decision must be documented in the case file. The file must also include documentation of a plan to assure on-going contact among separated siblings.

(b) Children with severe emotional and behavioral difficulties. Children who required specialized services to maintain stability in their foster home often need the same services in the adoptive home.

(c) Adolescents. Adoption placement of adolescents can be difficult because the developmental task for this age group is to become free of close family ties and establish independence. This can make the task of attaching to an adoptive family challenging and additional services for the family and the adopted youth may be required.

(d) Children placed transracially. Families adopting children of a different race will face challenges specific to this situation. It is important for adoption staff to assist the family

in understanding the importance of race and ethnic heritage and to assist the family in accessing resources to help meet the specific needs of the child who is adopted transracially.

(3) Mental Health Multidisciplinary Team. During the post-placement supervision period, adoptive families may access the services of the Mental Health Multidisciplinary Team. When the services of the team are needed, the adoption counselor should initiate contact with the identified single point of access in the district Alcohol, Drug Abuse and Mental Health Program Office.

(4) Although emotional ties through the parent/child relationship are being established through living together, the legal finalization procedure gives the relationship sanction and protection. Legalization of the adoption assures the child who is adopted the rights and responsibilities of membership in a permanent family.

(a) At the end of the supervisory period, the department adoption supervisor and the counselor, or the appropriate community based provider entity, must make a final assessment of the placement. Before the final adoption hearing, or within 90 days after the adoption petition is filed with the court by the adoptive family, whichever occurs first, a final home evaluation must be completed as directed in s. 63.125, F.S., and a written report on the findings, including a recommendation on the granting of the adoption petition, must be filed with the court. In addition to the requirements of s. 63.125, F.S., the following must be addressed in the written report to the court:

1. A summary of issues discussed in Rule 65C-16.0061, F.A.C., Evaluation of Applicants and Rule 65C-16.007, F.A.C., Abuse Hotline and Criminal Checks.

2. Full discussion and disclosure regarding any unusual circumstances in the adoptive family including health records and findings, and financial problems.

(b) After the post-placement period has been completed, the department supervisor or appropriate community based provider entity, signs the consent to adoption and forwards it to the adoptive parents' attorney. Attached to the consent must be the family medical history containing such information concerning the medical history of the child and birth parents as is available or readily obtainable. This information must be made available to the adopting parents. With the consent and medical history, the attorney can proceed with the filing of the petition for adoption in court. If not previously provided, the adoptive parents must be provided with a copy of the study of the child at this time. If the study contains identifying information about the biological family, that information must be deleted prior to presenting it to the family.

(c) The counselor or community based provider case manager completes the original and two copies of Section A and B of the Certified Statement of Final Decree of Adoption to be used by the Clerk of the Court to obtain the new birth certificate. As soon as the petition is filed, and a copy is routed

to the adoption unit, that unit will forward the Certified Statement to the Clerk of the Court for completion and certification and will notify the attorney that the form has been forwarded.

(d) When a placement disrupts the counselor or community based provider case manager must record a disruption summary, which provides an evaluation and assessment of the reasons for the disruption. In addition to assessing and summarizing the reasons for the disruption, the summary must also assess the impact the failed placement had on the child and issues which must be resolved before another placement can be considered. Any specific attributes which will be necessary in the next adoptive parents must also be included. This summary must be recorded within 10 days after the disruption occurs.

Specific Authority 39.012, 63.233 FS. Law Implemented 63.022, 63.122, 63.152, 63.162(1)(f), 382.015, 382.025, 409.145 FS. History—New 2-14-84, Formerly 10M-8.06, Amended 4-28-92, 4-14-94, 1-8-95, Formerly 10M-8.006, Amended 12-4-97.

65C-16.011 Confidentiality – Human Immunodeficiency Virus (HIV) Infected Clients.

(1) The department or the community based provider agency shall disclose to adopting parents the name of a child who has been tested for HIV and the results of that test when the decision to adopt the child has been confirmed by the adopting parent and the agency. Prior to the confirmation of the decision, the adoptive parents shall be told that the child being considered by them has tested positive for HIV but may ~~cannot~~ be told the child's name until after the decision to place has been made.

(2) The adopting parents who have accepted an HIV infected child into their home must be given a written statement ~~statement in writing~~ which includes the following language: "This information has been disclosed to you from records whose confidentiality is protected by state law. State law prohibits you from making any further disclosure of such information without the specific written consent of the person to whom such information pertains, or as otherwise permitted by state law. A general authorization for the release of medical or other information is NOT sufficient for this purpose."

(3) The adoption record must contain documentation that the written statement was given to the adoptive family.

Specific Authority 389.004(3)(f)11. FS. Law Implemented 381.004(3)(f)11. FS. History—New 5-20-91, Amended 4-19-94, Formerly 10M-8.006, Amended _____.

(Substantial rewording of Rule 65C-16.012 follows. See Florida Administrative Code for present text.)

65C-16.012 Types of Adoption Assistance Subsidies.

(1) The intent of adoption assistance is to promote the adoption of special needs children who are in the department's foster care program or in the care of a licensed private child placing agency. It is the responsibility of the department or the

community based care agency adoption staff to inform prospective adoptive parents of the availability of all of the benefits listed below.

(2) Maintenance Subsidy. A monthly payment may be made for support and maintenance of a special needs child until the child's 18th birthday. Unless approved by the Secretary of the Department pursuant to subsection 65C-16.013(9), F.A.C., the amount of the payment may not exceed the standard foster care board rate for which the child would have been eligible had the adoption placement not taken place. Annual reevaluations of the continued need for subsidy are required.

(3) Medical Subsidy. The cost of medical, surgical, hospital and related services needed as a result of a physical or mental condition of the child which existed prior to the adoption may be subsidized. The need for medical services for a condition recognized prior to adoption must be established and authorized prior to the placement for adoption, although the service might not be delivered until some time after finalization of the adoption. The need for medical subsidy must be supported by documentation of that need from the appropriate professional, such as a licensed physician or dentist, or qualified mental health professional, and must be reassessed annually.

(4) Other Medical Services. Other medical services available may include on-going Medicaid coverage and continuing eligibility with Children's Medical Services for children who were receiving such services prior to adoption.

(5) Reimbursement for Non-recurring Adoption Expenses. Nonrecurring adoption expenses are those reasonable and necessary adoption fees, court costs, attorneys fees, and other expenses that are directly related to the legal adoption of a special needs child.

(6) Adoption Benefit for State Employees. State employees who adopt a dependent child are entitled to financial assistance.

(7) Tuition Waiver. Children who were in the custody of the department and who were adopted after May 5, 1997 are eligible for an exemption of undergraduate college tuition fees at Florida universities or community colleges.

(8) Adoption assistance for eligible children will be paid irrespective of the child's state of residence. Adoptive parents receiving adoption assistance are obligated to notify the department of any change of address.

(9) The provision of all adoption assistance is contingent upon the availability of state and federal funds.

Specific Authority 409.166 FS. Law Implemented 409.166 FS. History—New 2-14-84, Formerly 10M-8.18, 10M-8.018, Amended _____.

(Substantial rewording of Rule 65C-16.013 follows. See Florida Administrative Code for present text.)

65C-16.013 Determination of Maintenance Subsidy Payments.

(1) The purpose of adoption subsidy is to make available to prospective adoptive parents financial aid which could enable them to adopt a special needs child. Every adoptive family must be advised of the availability of adoption subsidy and the purpose for which it is intended. Placement without subsidy must be the placement of choice unless it can be shown that such placement is not in the best interest of the child.

(2) The child's and the family's need for subsidy must be determined prior to placement. When this need is not determined prior to placement, and the adoptive parents feel they have been wrongly denied subsidy benefits on behalf of an adopted child, they have the right to request a fair hearing pursuant to Chapter 120, F.S. If, through the fair hearing process, subsidy is approved, the effective date of the subsidy will be the date the family officially requested subsidy. Retroactive payment dating back to the date of placement will not be approved.

(3) Children with income of less than 200% of the Federal Poverty Level and who reside in Florida may have their subsidies funded with Temporary Assistance for Needy Families (TANF), pursuant to s. 414.045, F.S., and the Title IV-A State Plan. A TANF funded subsidy must be changed to another funding source if the child moves out of Florida. Families receiving TANF funded subsidy must keep the department informed of all changes to the child's income.

(4) Medical or mental health evaluations may be required to document the need for maintenance subsidy. When this is the case, these evaluations must be no more than 12 months old at the time of initial subsidy determination.

(5) Efforts to place the child in a non-subsidized placement must be documented in the child's record. Documentation of this exploration shall be one of the following:

(a) List of other families considered.

(b) Letters to agencies specifically seeking a home for the child.

(c) Registration of the child on the adoption exchange.

It is not the intent of this requirement that a child remain unnecessarily in foster care while the department searches for a non-subsidized placement, if a family who can meet the special needs of the child is available, but requires a subsidy.

(6) The one exception to the requirement to explore placement without subsidy is when it has been determined that the child's adoption by his current caretaker, with whom he/she has established significant emotional ties, is the placement of choice. However, the current caretaker must be asked if he/she will adopt the child without subsidy. This exploration must be documented in the child's record. The caretaker must understand that being an adoptive parent includes different

parental rights and responsibilities. Some of these responsibilities are financial, and adoption subsidy, unlike foster care board rate payments, is not intended to cover the complete cost of the child's care. The maintenance subsidy payment is intended to assist the adoptive parent in supporting the extra costs associated with adopting a child with special needs.

(7) Initial Basic Maintenance Subsidy. The initial determination of the monthly basic maintenance payment will be based on the department's published standard foster care board rates. This initial basic subsidy will be 80% of the standard foster care board rate at the time the payment determination is being made, or, if the child is in medical foster care, 80% of the medical foster care board rate at the time the determination is made. It is important to remember that basic subsidy determination is based on standard board rates, not actual board rates that may have been paid for a particular child.

(8) Supplemental Maintenance Payment. An additional supplemental amount may be added to the child's basic subsidy when a child has a specific and diagnosed physical, mental, emotional, or behavioral problem which requires care, supervision, and structure beyond that ordinarily provided in a family setting. The total of the basic subsidy amount and the supplemental amount may not exceed the standard foster care board rate for which the child was eligible as a foster child, unless an exception is granted by the Secretary as discussed in (9) below. This payment is not intended to cover services which may be obtained through family insurance, Medicaid, Children's Medical Services, medical subsidy, or through special education plans provided by the public school district.

(9) The proposed amount of subsidy, including the supplemental amount must be submitted to the district Family Safety Program Administrator or designee, or the appropriate entity with the community based care provider for approval. Documentation supporting the request for a supplemental payment must be included.

(10) When the Secretary of the Department determines that it is appropriate, an exception may be granted to the policy limiting subsidy to the standard board rate. No adoption subsidy may exceed the actual amount of the foster care board paid for the child. Any request for this policy exception must come in writing to the Secretary from the district or region administrator.

(11) Each authorization for subsidy will be for a period of twelve months, effective on the date of placement, or in the case of adoption by the current caregiver, on the date the placement agreement is signed. There must always be a current adoption assistance agreement signed by the parent and the department's representative. Payments may not be made for any months in which there is no current adoption assistance agreement in place.

(12) The family must be advised that it is their responsibility to notify the department immediately of any change in circumstances, including changes in the child's need for services covered by the supplemental payment.

(13) Maintenance subsidy payment will be terminated when the child reaches 18 years of age or if the parents cease having responsibility for the child or the child is no longer receiving support from the parents.

(14) Subsidy redeterminations. At redetermination the basic monthly maintenance subsidy amount will remain the same as the amount initially determined. If the child is receiving a supplemental payment, the continued need for the supplemental payment will also be determined at this time. A new or updated prognosis will be required to document the continued need for service and support. If the service is no longer required, the supplemental payment must be discontinued. The total adoption assistance agreement must be re-negotiated with the adoptive parent at each scheduled or unscheduled change to the subsidy payment.

(15) No child will have his or her subsidy payment reduced based on application of this rule.

(16) Any child who has been determined eligible for adoption subsidy whose adoption has been dissolved by termination of parental rights or by the death of the adoptive parents will retain his or her original subsidy eligibility if subsequently placed for adoption.

Specific Authority 409.166(7), 409.026(8), 409.031 FS. Law Implemented 409.031, 409.166 FS. History--New 2-14-84, Formerly 10M-8.20, Amended 5-20-91, 4-19-94, Formerly 10M-8.020, Amended _____.

(Substantial rewording of Rule 65C-16.013 follows. See Florida Administrative Code for present text.)

65C-16.014 Determination of Medical Subsidy.

(1) The department may pay the adopting parents a subsidy for medical, surgical, hospital and related services needed as a result of a physical or mental condition of the child which existed prior to the adoption. The need for medical subsidy must be established and authorized prior to the adoption placement, although the service might not actually be needed until a later date. When this need is not established prior to placement and the adoptive parents feel they have been wrongly denied subsidy benefits on behalf of an adopted child, they have the right to request a fair hearing. If, through the fair hearing process, subsidy is approved, the effective date of the subsidy will be the date the family officially requested subsidy. Retroactive payment dating back to the date of placement will not be approved.

(2) Medical subsidy must be terminated when the condition for which it was granted no longer exists or on the child's 18th birthday, whichever occurs first. Children needing residential mental health services will be referred to the district's Alcohol, Drug Abuse and Mental Health Program Office, children's program for services.

(3) The medical subsidy is not to include those costs which can be or are covered by the adopting family's medical insurance, Children's Medical Services, Children's Mental Health Services, Medicaid or local school districts.

(4) The adoptive parents must obtain the approval of the department or the community based care provider agency prior to planning for the use of medical subsidy funds. The adoptive parents must submit a copy of the bill for the service to the department or to the community based care provider agency to initiate reimbursement. The bill must be clearly legible and must specify the name of the child, the service rendered and the date of the service, in addition to the charge for the service.

Specific Authority 409.166 FS. Law Implemented 409.166 FS. History--New 2-14-84, Formerly 10M-8.21, 10M-8.021, Amended _____.

(Substantial rewording of Rule 65C-16.015 follows. See Florida Administrative Code for present text.)

65C-16.015 Non-Recurring Adoption Expenses.

(1) Under any adoption assistance agreement with adoptive parents of a special needs child, the state is required to make payments to the adoptive parents for non-recurring, one time, expenses incurred in connection with adoption of the special needs child. Nonrecurring adoption expenses are those reasonable and necessary adoption fees, court costs, attorney fees, and other expenses which are directly related to the legal adoption of the special needs child. Such costs may include expenditures for physical and psychological examinations of the adoptive parents required as a part of the adoption process as well as transportation, lodging and food for the child or adoptive parents when necessary to complete the placement or adoption process.

(2) Agency adoption fees must be waived for families adopting children who are in custody of the department for whom subsidies will be paid. Such fees need not be waived for families adopting children who are in the custody of licensed child-placing agencies. If these children are otherwise eligible, agency fees shall be counted as allowable expense under non-recurring adoption expenses. It is not necessary that the family be receiving a money payment to be eligible for this program.

(3) The maximum payment allowable under this program is \$1,000 per adoption placement. In cases where siblings are placed and adopted either separately or as a unit, each child is treated as an individual with separate reimbursement for nonrecurring expenses up to the maximum amount of \$1,000 per child.

(4) There can be no income eligibility requirements for adoptive parents in determining whether payments for non-recurring expenses of adoption will be made.

(5) Parents cannot be reimbursed for out-of-pocket expenses for which they have been otherwise reimbursed.

(6) Except where it would be contrary to the best interest of the child, a reasonable but unsuccessful effort must be made to place the child without adoption assistance prior to reimbursement for non-recurring adoption expenses.

(7) The following procedures will initiate payments for reimbursement of nonrecurring adoption expenses.

(a) All adoptive parents of special needs children will be advised of the availability of nonrecurring expense reimbursement.

(b) Reimbursement for eligible costs may be made to the adoptive parent or directly to a vendor. All parents will be advised to keep copies of receipts of expenditures related to the adoption. Copies of such receipts must be available in the subsidy record. Eligible expenses include court costs, attorney fees, birth certificates, costs of required physicals and psychological examinations, costs of transportation, lodging and food for the child and/or adoptive parents when necessary to complete the adoption process, and the cost of the homestudy if the child is in the custody of a private agency.

(c) When a placement decision has been made, the adoption assistance agreement will be negotiated with the family and will include a statement of the projected cost to be reimbursed for nonrecurring adoption expenses, as well as proposed maintenance and medical subsidy amounts if appropriate.

(d) Payments for nonrecurring expenses can be made up to two years following the finalization of the adoption. However, every effort should be made to complete these transactions within three months following adoption finalization.

Specific Authority 409.301, 409.166 FS. Law Implemented 409.166, 409.301 FS. History—New 5-20-91, Amended 4-19-94, 7-18-95, Formerly 10M-8.0054, Amended _____.

(Substantial rewording of Rule 65C-16.016 follows. See Florida Administrative Code for present text.)

65C-16.016 Access to Closed Adoption Records.

(1) The confidentiality of adoption records, original birth records, and court files is protected by sealing them upon adoption finalization. Persons seeking information from those records will be referred to the headquarters Office of Family Safety for assistance. Florida law requires non-identifying information to be released to adoptive parents and adult adoptees but does not allow access to the record by other parties.

(2) Requests for information from closed adoption records must be written, and no information will be released by telephone. Because records must be indexed by names of the adoptive parents, that information must be included in the letter requesting release of information as well as some form of identification such as a photocopy of the client's driver's license or birth certificate.

(3) In order to respond to written requests from adoptive parents or adult adoptees for non-identifying information, the department or the community based care provider agency must be able to access the adoption records and other records which concern the adoptee. The department or community based care provider agency shall retain as confidential all records relating to each child who became adopted through the department's adoption program. These confidential records shall be referred to as department closed adoption records and shall be retained in the district/region or in the community based care provider agency until called for by the headquarters Office of Family Safety for permanent storage.

(4) The department will assume responsibilities for the closed adoption records of private licensed child placing agencies in Florida who cease to operate.

Specific Authority 63.162, 63.233 FS. Law Implemented 63.162, 63.233 FS. History—New 5-20-91, Amended 4-28-92, 4-19-94, Formerly 10M-8.024, Amended _____.

65C-16.017 Florida Adoption Reunion Registry.

(1) The state registry of adoption information created in s. 63.165, F.S., is also known as the Florida Adoption Reunion Registry. The purpose of the registry is to reunite adult adopted persons with members of their family without either party having to take court action to accomplish this goal. The department shall retain and maintain the registry records on a permanent basis. The registry shall be open with respect to all adoptions in the state, regardless of when they took place. The registry shall be available for those persons choosing to enter information, but no one shall be required to do so.

(2) The department operates the state-wide registry for persons who have come forward to voluntarily register information about themselves for release to specified other parties to that adoption. The registry is the mechanism whereby individuals from families separated by adoption may be reunited should each party seek that reunion. All birth and adoptive parents who are parties to an adoption shall be advised of registry services prior to adoption finalization.

(3) Procedures for Registration.

(a) Any person may register by completing and submitting the application for registry services, indicating to whom they consent to release identifying information about themselves.

(b) Persons to whom identifying information may be released are limited by section 63.165, F.S., to the following:

1. Adoptee.
2. Birth father.
3. Birth mother.
4. Adoptive mother.
5. Adoptive father.
6. Birth siblings.
7. Maternal birth grandparents of the adoptee.
8. Paternal birth grandparents of the adoptee.

(4) Adoptee birth data will be verified by registry staff, with the assistance of the Vital Records section of the Office of Vital Statistics in the Department of Health. In cases where birth information cannot be verified and registration is not possible, applicants will be notified of data used as a basis for search and given opportunity to correct or change that data for resubmission. Should verification of the birth information still not be possible, no further attempts will be made to process that application. If the applicant desires to submit new or different information, a new application and accompanying fee must be submitted.

(5) Original applications, signed by registrants, will be placed on file permanently.

(6) Updating of Registry Information.

(a) Any registrant may change the name, address or telephone number associated with their registration, may limit or restrict their consent to release information, or may completely withdraw from the registry at any time.

(b) Responsibility for update rests with registrants and only the most current information on file will be disclosed to designated recipients upon their completion of registration procedures.

(7) All registry documents containing identifying information shall be handled and stored in accordance with procedures for the handling of confidential information.

(8) The department will offer counseling services to registrants at the time of registration. Counseling, as specified in s. 63.165(2), F.S., consists of professional advice provided by the department, by counselors employed by the department, by agencies licensed by the State of Florida to provide adoption services, or by other persons who have adoption training or experience.

(9) Fee for Service.

(a) The registry shall establish a fee for initial filing of identifying information with the registry. This fee shall be submitted in the form of a money order, bank draft, or personal check by the registrant and shall be deposited in a trust account specified by the department. These fees shall be used to defray the direct and indirect costs of operating the registry.

(b) The registry shall establish a fee for updating information previously filed or for changing, limiting or withdrawing consent to release identifying information. These fees shall be deposited in a trust fund specified by the department. These fees shall be used to defray the direct and indirect costs of operating the registry.

(c) Receipts will be mailed to registrants to acknowledge the processing of fees. Accompanying letters of acknowledgement will state the status of the applicant's registration.

(d) Fees are collected to offset costs of researching birth information, processing applications, and providing staff to service client information and other requests. When an

application has been accepted by the registry for processing, fees will be deposited and will not be returned to the applicants, even if registration proves to be impossible.

(e) Fees for counseling services shall be set and collected by the department, licensed agency, or other professional who provides the service.

(f) The department shall waive fees in cases where need and hardship can be documented. Acceptable documentation of hardship includes verification that applicant is receiving unemployment benefits, public assistance, social security income or food stamps.

(10) Applications for Registry Services, and applications to change or update information are available upon request.

Specific Authority 63.162, 63.233, 382.003(10) FS. Law Implemented 63.162, 63.165, 63.233 FS. History—New.

Section II Proposed Rules

DEPARTMENT OF STATE

Division of Library and Information Services

RULE TITLE:

Electronic Recordkeeping

RULE NO.:

1B-26.003

PURPOSE AND EFFECT: The purpose of this amendment is to update guidelines for managing public records created or maintained in electronic form. Updated guidelines reflect current technologies and best practices in managing electronic records and ensuring their retention and accessibility in accordance with public records provisions of Florida Statutes, Chapter 119.

SUMMARY: The primary changes in the proposed revision are a reorganization of some subsections and updating of the language and some technical requirements. Below is a summary of the changes to the revised rule.

Subsection (1) Purpose. – Changed terminology here and throughout the rule to refer to “record (master) copies”. This change is consistent with the definitions in Chapter 1B-24, FAC. Removed reference to “records which have a retention value of more than ten years.”; Subsection (2) Authority. – Changed a statutory citation.; Subsection (3) Scope. – Expanded the applicability of the rule to include analog, as well as digital, records. Removed references to “long term and permanent electronic records” and “records which have a retention period of ten years or less.”; Subsection (4) Intent. – Provided that existing recordkeeping systems may be used, even if those systems are not in compliance with the rule, until they are replaced or upgraded.; Subsection (5) Definitions. – Added a definition for “electronic recordkeeping system”, and removed the definition of “electronic records system.” Deleted the definition for “information system.” Defined “record (master) copy.” Added definitions for “geographic information system” and “open format.”; Subsection (6) Agency duties and

responsibilities. – Added an explicit requirement for agencies to ensure that all records are covered by a records retention schedule. Reorganized the order in which some of the requirements appear, in an attempt to place like requirements together. Added a requirement for agencies to establish and document security controls for electronic recordkeeping systems.; Subsection (7) Documentation standards. – Added a requirement for agencies to maintain documentation for electronic recordkeeping systems in printed and computer-readable forms.; Subsection (8) Creation and use of electronic records as record (master) copies. – Added a detailed section on required security controls “in accordance with the requirements of Chapter 282, Florida Statutes”, which emphasizes electronic integrity controls. Added the term “open format” as an alternative to “standard interchange format” for exchanging records between disparate systems.; Subsection (9) Legal authentication. – This section is largely unchanged. A requirement is added for state agencies to follow the computer security requirements of Chapter 282, Florida Statutes; Subsection (10) Selection of electronic records storage media. – Raised the minimum scanning density from 200 dots per inch to 300 dots per inch for electronic documents. Updated the reference to the Tagged Information File Format (TIFF) to the current version of the standard. Added specific requirements for magnetic tape media.; Subsection (11) Maintenance of electronic records. – Added a reference to a standard of the Audio Engineering Society for the storage of magnetic tapes. Reworded much of this subsection to improve clarity. Added a requirement for human-readable metadata records. Added specific storage requirements for magnetic tapes and disks.; Subsection (12) Retention of electronic records. – This subsection is substantially the same as the current rule.

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 lower cost regulatory alternative, must do so within 21 days of this notice.

SPECIFIC AUTHORITY: 257.14, 257.36 FS.

LAW IMPLEMENTED: 257.14, 257.36 FS.

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

TIME AND DATE: 9:00 a.m., April 3, 2003

PLACE: Training Room, State Records Storage Center, 4319 Shelfer Road, Tallahassee, FL

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Jim Berberich, Chief, Bureau of Archives and Records Management, Division of Library and

Information Services, R. A. Gray Building, 500 South Bronough Street, Tallahassee, FL 32399-0250, (850)245-6700, Suncom 205-6700

THE FULL TEXT OF THE PROPOSED RULE IS:

1B-26.003 Electronic Recordkeeping.

(1) PURPOSE. These rules provide standards for record (master) copies of public records which have a retention value of more than ten years which reside in electronic recordkeeping systems will be recorded and stored on electronic media. Record keeping requirements must be incorporated in the design and implementation of new systems and enhancements to existing systems. Public records are those as defined by Section 119.011(1), Florida Statutes.

(2) AUTHORITY. The authority for the establishment of these rules is Section 257.36(1) and ~~(6)(7)(c)~~, Florida Statutes.

(3) SCOPE.

(a)1. These rules are applicable to all agencies as defined by Section 119.011(2), Florida Statutes.

2. These rules establish ~~the~~ minimum requirements for the creation, utilization, maintenance, retention, preservation, storage and disposition of record (master) copies long-term and permanent electronic records, regardless of the media utilized.

3. Electronic records include numeric, graphic, sound, video, and textual information which is recorded or transmitted in analog or digital form may be recorded in any machine readable media form which includes, but is not limited to, magnetic media, such as tapes and disks (hard or floppy), and optical disks.

4. These rules apply to all electronic recordkeeping records systems, including, but not limited to, microcomputers, minicomputers, main-frame computers, and of optical image recording systems (regardless of storage media) in network or stand-alone configurations.

(b) Before existing records with a retention period of 10 years or less are committed to an electronic recordkeeping system, ~~with the intent of destroying the original record, the agency shall conduct a cost benefit analysis shall be prepared and reviewed by the agency~~ to insure that the project or system contemplated is cost effective. ~~Public records with a retention of 10 years or less, or which are kept voluntarily beyond the established retention period, which are committed to electronic recordkeeping systems, are not subject to the provisions of rules 1B-26.003(10)(e), (d), (e) and (11)(a).~~

(c) Any electronic recordkeeping system not meeting the provisions of these rules may be utilized for long-term or permanent records provided the record (master) copy original public record is maintained or microfilmed in accordance with the provisions of Rule 1B-26.0021, Florida Administrative Code, prior to disposition.

(4) INTENT. Electronic recordkeeping systems in use at the effective date of this rule, that are not in compliance with the requirements of this rule, may be used until the systems are replaced or upgraded. New and upgraded electronic recordkeeping systems created after the effective date of this rule shall comply with the requirements contained herein. ~~In enacting these rules, the Department of State is cognizant of the fact that there may be instances where an agency may be utilizing electronic recordkeeping systems and destroying public records. The Department is further aware that it may not be possible to implement this rule in its entirety immediately upon its enactment, and it is not the intent by this rule to disrupt existing such recordkeeping practices provided that such agencies make no further disposition of public records without approval of the Division of Library and Information Services of the Department of State.~~

(5) DEFINITIONS. For the purpose of these rules:

(a) "Database" means an organized collection of automated information.

(b) "Database management system" means a set of software programs that controls the organization, storage and retrieval of data (fields, records and files) in a database. It also controls the security and integrity of the database.

(c) "Data file" means related numeric, textual, sound, video, or graphic information that is organized in a prescribed form and format.

(d) "Electronic record" means any information that is recorded in machine readable form.

(e) "Electronic recordkeeping records system" means an automated information system for the organized collection, processing, transmission, and dissemination of information in accordance with defined procedures ~~scheme.~~

(f) "System design" means the design of the nature and content of input, files, procedures, and output and their interrelationships.

~~(g) "Information system" means the organized collection, processing, transmission, and dissemination of information in accordance with defined procedures, whether automated or manual.~~

~~(g)(h) "Permanent or long-term records" means any public records which have an established retention period of more than 10 years. See section 119.011(1), Florida Statutes, for the definition of a public record. Each record series shall be considered on an individual basis by the Division of Library and Information Services in establishing this retention period. See Rule 1B-24.002(13), Florida Administrative Code for the definition of a record series.~~

(h) "Record (master) copy" means public records specifically designated by the custodian as the official record.

(i) "Geographic information system" means a computer system for capturing, storing, checking, integrating, manipulating, analyzing and displaying data related to positions on the Earth's surface.

(j) "Open format" means a data format that is defined in complete detail and that allows transformation of the data to other formats without loss of information. An open format may be either standards-based or proprietary.

(6) AGENCY DUTIES AND RESPONSIBILITIES. The head of each agency shall:

(a) Develop and implement a program for the management of electronic records created, received, maintained, used, or stored on electronic media.

(b) Ensure that all records are included within records retention schedules, either by being included within an applicable General Records Schedule, or by developing and obtaining approval for a specific records retention schedule. Each record series shall be considered on an individual basis by the Division of Library and Information Services in establishing this retention period. See subsection 1B-24.001(3), Florida Administrative Code, for the definition of a record series.

~~(c)(b)~~ Integrate the management of electronic records with other records and information resources management programs of the agency.

~~(d)(e)~~ Incorporate electronic records management objectives, responsibilities, and authorities in pertinent agency directives, or rules, as applicable.

~~(e)(d)~~ Establish procedures for addressing records management requirements, including recordkeeping requirements and disposition, before approving, recommending, adopting, or implementing new electronic recordkeeping records systems or enhancements to existing systems.

~~(f)(e)~~ Provide training for users of electronic recordkeeping records systems in the operation, care, and handling of the equipment, software, and media used in the system.

(g) Ensure that electronic record keeping systems meet state requirements for public access to records.

1. STANDARD. Each agency which maintains public records in an electronic recordkeeping system shall provide, to any person making a request pursuant to Chapter 119, Florida Statutes, a copy of any data in such records which is not specifically exempt. Said copy shall be on paper, disk, tape, optical disk, or any other electronic storage device or media requested by the person, if the agency currently maintains the record in that form, or as otherwise required by Chapter 119, Florida Statutes. Except as otherwise provided by state statute, the cost for providing a copy of such data shall be in accordance with the provisions of Sections 119.07(1)(a) and (b), Florida Statutes.

2. STANDARD. Except as otherwise provided by law, no agency shall enter into a contract with, or otherwise obligate itself to, any person or entity if such contract or obligation impairs the right of the public under state law to inspect or copy the agency's nonexempt public records existing on-line

in, or stored on a device or media used in connection with, a computer system or optical imaging system owned, leased or otherwise used by an agency in the course of its governmental functions.

3. STANDARD. Each agency shall ensure that current and proposed electronic recordkeeping systems adequately provide for the rights of the public to access public records under Chapter 119, Florida Statutes.

4. STANDARD. In addition to ensuring that electronic record keeping systems meet requirements for public access to public records, agencies shall ensure that procedures and controls maintain confidentiality for information which is exempt from public disclosure.

(h) Develop and maintain documentation about electronic recordkeeping records systems used by the agency to specify technical characteristics necessary for reading or processing the records. Documentation for electronic records systems shall meet the following standards:

1. STANDARD. Each agency shall identify all inputs and outputs of the system; define the organization and contents of the files and records; define policies on access and use; define the purpose and function of the system; define update cycles or conditions and rules for adding information to the system, changing information in it, or deleting information; and ensure the timely, authorized disposition of the records in accordance with Chapter 1B-24, Florida Administrative Code.

2. STANDARD. Each agency shall specify the location and media in which electronic records are maintained to meet retention requirements, establish and document security controls for the protection of the records, and maintain inventories of electronic recordkeeping records systems to facilitate disposition.

3. STANDARD. Each agency which maintains public records in an electronic records system shall provide, to any person making a request pursuant to Chapter 119, Florida Statutes, a copy of any data in such records which is not specifically exempt. Said copy shall be on paper, disk, tape, optical disk, or any other electronic storage device or media requested by the person, if the agency currently maintains the record in that form, or as otherwise required by Chapter 119, Florida Statutes. Except as otherwise provided by state statute, the cost for providing a copy of such data shall be in accordance with the provisions of section 119.07(1)(a) and (b), Florida Statutes. Agencies should not reproduce, or permit reproduction of, or distribute copies of, copyrighted work or material to the public but shall permit public access to copyrighted work in their possession for examination and inspection purposes only.

4. STANDARD. Except as otherwise provided by law, no agency shall enter into a contract with, or otherwise obligate itself to, any person or entity if such contract or obligation impairs the right of the public under state law to inspect or copy the agency's nonexempt public records existing on-line

in, or stored on a device or media used in connection with, a computer system or optical imaging system owned, leased or otherwise used by an agency in the course of its governmental functions.

5. STANDARD. Before any agency acquires or makes a major modification to any computer or imaging system, equipment or software to store or retrieve public records, it shall assure such proposed system, equipment or software adequately provides for the rights of the public to access public records under Chapter 119, Florida Statutes.

6. STANDARD. Each agency shall develop and obtain approval of records retention schedules, and ensure the implementation of their provisions as prescribed by Chapter 1B-24, Florida Administrative Code.

(7) DOCUMENTATION STANDARDS. CREATION AND USE OF DATA FILES. For electronic records systems that produce, use, or store data files, disposition instructions for the data shall be incorporated into a system's design.

(a) STANDARD. Agencies shall maintain adequate and up-to-date technical documentation for each electronic recordkeeping records system. Documentation for electronic records systems shall be maintained in printed form, and should also be maintained in computer-readable form to facilitate access to the records. The minimum documentation required is:

1. A Narrative description of the system;

2. The physical and technical characteristics of the records, including a record layout or markup language that describes each file or field including its name, size, starting or relative position, and description of the form of the data (such as alphabetic, decimal, or numeric), or a data dictionary or the equivalent information associated with a database management system including a description of the relationship between data elements in databases data bases;

3. For information coming from geographic information systems, the physical and technical characteristics of the records must be described including a data dictionary, a quality and accuracy report and a description of the graphic data structure, such as recommended by the federal Spatial Data Transfer Standards; and

4. Any other technical information needed to read or process the records.

(8) CREATION AND USE OF ELECTRONIC RECORDS AS RECORD (MASTER) COPIES. CREATION AND USE OF TEXT DOCUMENTS. Electronic recordkeeping records systems that maintain record (master) the official file copies copy of public records text documents on electronic media shall meet the following minimum requirements:

(a)1. Provide a method for all authorized users of the system to retrieve desired records documents;

2. Provide an appropriate level of security to ensure the integrity of the records documents, in accordance with the requirements of Chapter 282, Florida Statutes. Security controls should include, at a minimum, physical and logical access controls, backup and recovery procedures, and training for custodians and users. Automated methods for integrity checking should be incorporated in all systems that generate and use official file copies of records. Hashing algorithms and digital signatures should be considered for all official file copies of electronic records. The use of automated integrity controls, such as hashing algorithms and digital signatures, can reduce the need for other security controls. Hashing algorithms used to protect the integrity of official file copies of records should meet the requirements of U.S. Federal Information Processing Standard Publication 180-1 (FIPS-PUB 180-1) entitled "Secure Hash Standard," which is hereby incorporated by reference, and made a part of this rule. This publication is available from the National Technical Information Service (NTIS), 5285 Port Royal Road, U.S. Department of Commerce, Springfield, VA 22161, and at the Internet Uniform Resource Locator: <http://www.itl.nist.gov/fipspubs/fip180-1.htm>. Agencies should also consider using only validated implementations of hashing algorithms in cases where the data being protected are of great intrinsic value or where the content and authenticity of the records are likely to be at issue in litigation in accordance with the provisions of Chapter 44-4, Florida Administrative Code;

3. Identify the open format or standard interchange format when necessary to permit the exchange of records documents on electronic media between agency electronic recordkeeping systems computers using different software/operating systems and the conversion or migration of records documents on electronic media from one system to another. For text records, in the absence of other conversion capabilities, the word processing or text creation system should be able to import and export files in the ASCII format as prescribed by Federal Information Processing Standard Publication (FIPS PUB) Number 1-2; Title: Code For Information Interchange, Its Representation, Subsets, and Extensions, which is hereby incorporated by reference, and made a part of this rule. This publication is available from the National Technical Information Service (NTIS), 5285 Port Royal Road, U.S. Department of Commerce, Springfield, VA 22161; and

4. Provide for the disposition of the records documents including, when appropriate, transfer to the Florida State Archives.

(b) STANDARD. Before a record (master) an official file copy document is created on an electronic recordkeeping system records systems, the record document shall be uniquely identified to enable authorized personnel to retrieve, protect, and carry out the disposition of records documents in the

system. Agencies shall ensure that records maintained in such systems can be correlated with any existing related records on paper, microfilm, or other media.

(9) LEGAL AUTHENTICATION. Agencies shall will implement the following procedures to enhance the legal admissibility of electronic records:

(a) Document that similar kinds of records generated and stored electronically are created by the same processes each time and have a standardized retrieval approach.

(b) Substantiate that security procedures prevent unauthorized addition, modification, or deletion of a record and ensure systems protection against such problems as power interruptions.

(c) Identify the electronic media on which records are stored throughout their life cycle, the maximum time span that records remain on each storage media, and the official retention requirements as approved by the Division of Library and Information Services Department of State.

(d) State agencies shall, and other agencies are encouraged to, establish and maintain integrity controls for record (master) copies of electronic records in accordance with the requirements of Chapter 282, Florida Statutes.

(10) SELECTION OF ELECTRONIC RECORDS STORAGE MEDIA. For storing record (master) copies of electronic public records throughout their life cycle, agencies shall select appropriate media and systems which meet the following requirements:

(a) Permit easy and accurate retrieval in a timely fashion; and

(b) Retain the records in a usable format until their authorized disposition and, when appropriate, meet the requirements necessary for transfer to the Florida State Archives.

(c) Obtain recording media Optical disks will be obtained only from vendors whose guarantee of 10 years or more of readability is based upon documented accelerated aging tests which are linked to specific locations on of the media disk surface.

(d) STANDARD. A scanning density with a minimum of 300 200 dots per inch is will be required for recording electronic records normal office documents on optical disk.

(e) STANDARD. A scanning density with a minimum of 300 dots per inch will be required for engineering drawings, maps, and other documents with background detail.

(e)(f) STANDARD. Record (master) copies of digital images must be stored in accordance with the TIFF 6.0 specification, which is hereby incorporated by reference and made a part of this rule. This specification is available from the Aldus Corporation, 411 First Avenue South, Seattle, WA 98104-2871. If use of a proprietary image format is unavoidable, the agency must provide a gateway to lossless conversion to the TIFF 6.0 specification. Any optical media application will support either Group 3 or Group 4 compression

techniques as specified in the Consultative Committee on International Telegraphy and Telephones "Blue Book, Volume 7.3", which is hereby incorporated by reference and made a part of this rule. This volume is available from the International Telecommunications Union, Consultative Committee, Place des Nations, CH-1211, Geneva 20, Switzerland. If use of a proprietary compression technique is unavoidable, the vendor should be required to provide a gateway to either Group 3 or Group 4 compression techniques.

(f) The following factors are to be considered before selecting a storage media or converting from one media to another:

1. The authorized retention of the records as determined during the scheduling process;
2. The maintenance necessary to retain the records;
3. The cost of storing and retrieving the records;
4. The access time to retrieve stored records; and
5. The portability of the medium (that is, selecting a medium that can be read by will run on equipment offered by multiple manufacturers); and
6. The ability to transfer the information from one medium to another, such as, from optical disk to magnetic tape.

(g) Agencies will not use floppy disks for the exclusive storage of long-term or permanent records.

(h) Agencies will ensure that all authorized users can identify and retrieve information stored on diskettes, removable disks, tapes, or optical disks by establishing and adopting procedures for external labeling of the contents of such diskettes, disks, tapes, or optical disks.

(i) Agencies will ensure that information is not lost due to changing technology or deterioration of storage media by converting storage media to provide compatibility with the agency's current hardware and software. Before conversion of information to a different media, agencies must determine that authorized disposition of the electronic records can be implemented after conversion.

(j) Agencies will back up electronic records on a regular basis to safeguard against the loss of information due to equipment malfunctions or human error. Duplicate copies of long-term or permanent records will be maintained in storage areas located in buildings separate from the location of the records that have been copied.

(11) MAINTENANCE OF ELECTRONIC RECORDS.

(a) STANDARD. Agencies shall maintain all long-term and permanent backup/security electronic recording media in a storage facility, either on-site or off-site, with constant temperature (below 68 degrees Fahrenheit) and relative humidity (20 to 30 to 40 percent) controls. Storage and handling of long-term and permanent records on magnetic tape shall conform to the standards contained in Standard AES22-1997 "AES recommended practice for audio preservation and restoration – Storage and handling – Storage of polyester-base magnetic tape," which is hereby incorporated

by reference and made a part of this rule. This publication is available from the Audio Engineering Society, Incorporated, 60 East 42nd Street, Room 2520, New York, New York 10165-2520.

(b) STANDARD. Agencies shall annually read a statistical sample of all electronic media containing long-term or permanent records to identify any loss of information and to discover and correct the cause of data loss.

(c) STANDARD. Agencies shall test copy all long-term or permanent electronic records at least every before the media are 10 years and old onto tested and verified new media. The test will verify that the media are is free of permanent errors.

(d) STANDARD. Agencies shall only rewind tapes only when necessary. Stored tapes are to be rewound only immediately before use to restore proper tension to the tape. When Only tapes with extreme cases of degradation are discovered, they should be rewound when they are discovered to avoid more permanent damage. Tapes shall be played continuously from end to end to ensure even packing. Tapes shall be stored so that the tape is all on one reel or hub.

(e) STANDARD. Agencies shall prohibit smoking, and eating, and drinking in areas where electronic records are created, stored, used, or tested electronic media storage libraries and test or evaluation areas which contain long term or permanent records.

(f) STANDARD. External labels (or the equivalent automated management system) for electronic recording media used to store long-term or permanent records shall provide unique identification for each storage media, including:

1. The name of the organizational unit responsible for the data;
2. System title, including the version number of the application;
3. Special security requirements or restrictions on access, if any; and
4. Software in use at the time of creation.

(g) STANDARD. For each electronic records series, agencies shall maintain human readable information specifying the metadata associated with the series, and technical documentation specifying recording methods, formats, languages, dependencies, and schema sufficient to ensure continued access to, and intellectual control over, the series. Additionally, the following information shall be maintained for each media used to store long-term or permanent electronic records:

1. File title;
2. Dates of creation;
3. Dates of coverage; and
4. The recording density;
5. Type of internal labels;
6. Volume serial number, if applicable;
7. The number of tracks;

- 4.8. Character code/software dependency;
- 9. Information about block size; and
- 10. Sequence number, if the file is part of a multi-media set.

(h) STANDARD. Electronic records shall not be stored closer than 2 meters from sources of magnetic fields, including generators, elevators, transformers, loudspeakers, microphones, headphones, magnetic cabinet latches and magnetized tools.

(i) STANDARD. Electronic records on magnetic tape or disk shall not be stored in metal containers unless the metal is non-magnetic. Storage containers shall be resistant to impact, dust intrusion and moisture. Compact disks shall be stored in hard cases, and not in cardboard, paper or flimsy sleeves.

(j) STANDARD. Agencies shall ensure that record (master) copies of electronic records are maintained by personnel properly trained in the use and handling of the records and associated equipment.

(k) STANDARD. Agencies shall not use floppy disks, audio cassettes, or VHS-format video cassettes for the storage of record (master) copies of long-term or permanent records. Long-term and permanent records on magnetic tape shall be stored on polyester-based media. Agencies shall use only previously unrecorded videotape for original record (master) copies of long-term or permanent video recordings. For long-term or permanent audio recordings of record (master) copies, agencies shall use only one quarter inch open-reel tapes at three and three-quarters or seven and one half inches per second, full track, using professional unrecorded polyester splice-free tape stock. For long term or permanent digital recordings of record (master) copies, agencies may use open reel one-half inch tape reels recorded at 1600 or more bits-per-inch; 3480, 3490, or 3590-type tape cartridges; or compact disk read-only-memory (CD-ROM) media.

(l) Agencies shall establish and adopt procedures for external labeling of the contents of diskettes, disks, tapes, or optical disks so that all authorized users can identify and retrieve the stored information.

(m) Agencies shall convert storage media to provide compatibility with the agency's current hardware and software to ensure that information is not lost due to changing technology or deterioration of storage media. Before conversion of information to different media, agencies must determine that authorized disposition of the electronic records can be implemented after conversion. Long-term or permanent electronic records stored on magnetic tape shall be transferred to new media as needed to prevent loss of information due to changing technology or deterioration of storage media.

(n) Agencies shall back up electronic records on a regular basis to safeguard against the loss of information due to equipment malfunctions or human error. Duplicate copies of

long-term or permanent records shall be maintained in storage areas located in buildings separate from the location of the records that have been copied.

(12) RETENTION OF ELECTRONIC RECORDS. Agencies shall establish policies and procedures to ensure that electronic records and their documentation are retained as long as needed. These retention procedures ~~shall~~ will include provisions for:

(a) STANDARD. Scheduling the retention and disposition of all electronic records, as well as related access documentation and indexes, in accordance with the provisions of Chapter 1B-24, Florida Administrative Code.

(b) STANDARD. Transferring a copy of the electronic records and any related documentation and indexes to the Florida State Archives at the time specified in the records retention schedule, if applicable. Transfer may take place at an earlier date if convenient for both the agency and the Archives.

(c) STANDARD. Establishing procedures for regular recopying, reformatting, and other necessary maintenance to ensure the retention and usability of the electronic records throughout their authorized life cycle.

(13) DESTRUCTION OF ELECTRONIC RECORDS. Electronic records may be destroyed only in accordance with the provision of Chapter 1B-24, Florida Administrative Code. At a minimum each agency should ensure that:

(a) Electronic records scheduled for destruction must be disposed of in a manner that ensures protection of any sensitive, proprietary, or security information; and

(b) ~~Magnetic~~ Recording media previously used for electronic records containing sensitive, proprietary, or security information are not reused if the previously recorded information can be compromised in any way by reuse.

Specific Authority 257.14, 257.36(6) FS. Law Implemented 257.36(1)(a) FS. History—New 8-16-92, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
 Elisabeth A. Golding, Archivist
 NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Jim Berberich, Chief, Bureau of Archives and Records Management
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 21, 2003
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: December 27, 2002

DEPARTMENT OF INSURANCE

Division of State Fire Marshal

RULE CHAPTER TITLE:	RULE CHAPTER NO.:
The Arson Laboratory	4A-63
RULE TITLE:	RULE NO.:
Arson Laboratory Requirements and Procedures for Submission of Evidence	4A-63.001

PURPOSE AND EFFECT: To provide uniform procedures and requirements for submission of evidence to the Arson Laboratory for analysis of evidence found at fire scenes.

SUMMARY: This new rule provides for procedures and requirements for submission of evidence to the State Fire Marshal's Arson Laboratory.

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

Any person who wishes to provide information regarding the statement of 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: 633.01(1) FS.

LAW IMPLEMENTED: 633.03, 633.111 FS.

IF REQUESTED A HEARING WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW. IF A HEARING IS NOT REQUESTED, NO HEARING WILL BE HELD.

DATE AND TIME: 9:30 a.m., Wednesday, April 2, 2003

PLACE: Conference Room 142, Larson Building, 200 East Gaines Street, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Carl Chasteen, Supervisor, Division of State Fire Marshal Arson Laboratory, 38 Academy Drive, Havana, Florida 32333, phone (850)539-8446

In accordance with the Americans with Disabilities Act and Section 286.26, Florida Statutes, persons needing a special accommodation to participate in this meeting or workshop should contact Kimberly Riordan, (850)413-3607 no later than 48 hours prior to the meeting or workshop.

THE FULL TEXT OF THE PROPOSED RULE IS:

4A-63 THE ARSON LABORATORY

4A-63.001 Arson Laboratory Requirements and Procedures for Submission of Evidence.

(1) Evidence will be accepted from public law enforcement agencies and fire service agencies in matters related to criminal investigations. Other evidence is permitted to be accepted from other public agencies in special circumstances, but must be approved by the laboratory supervisor. The criteria that will be considered for approval are the urgency of the evidence submitted, the use to which the evidence will be put after analysis, the importance of the evidence, and any other relevant factor bearing on the need for the laboratory to analyze the evidence.

(2) The following are requirements for packaging samples.

(a) Containers – general considerations. The essential properties of the containers are that they must be unused, airtight, clean, with no hydrocarbon or other chemical residue, and inert so that they will not break down when heated or in contact with solvents.

(b) A properly packaged container satisfies the following criteria:

1. It seals the sample so that any trace volatile ignitable liquids are contained.

2. It avoids contamination from one sample to another.

3. It protects the chain of custody for the collected material.

(c) The seals must meet the following requirements:

1. A clean seal is essential. For cans, clean the "V" channel of the can rim before placing the lid on the can.

2. Containers must be completely sealed to prevent any passage of vapors or contaminants into or out of the container. Can lids must be tight all the way around.

3. For approved plastic bags, they must be heat sealed completely with no flaws in the seam.

4. Tamper evident tape, also referred to as tamper proof tape, must be placed across the container lid/seam in such a manner that the item cannot be partially or completely opened without tearing the tape.

5. Seals and Tape must be initialed or signed by the investigator of record. The date of the seal must also be included.

(d) The following requirements apply to the container types as indicated.

1. Metal cans:

a. Only clean, non-rusted, containers shall be used. Use unused metal cans with tight fitting lids. Cans with lids that do not fit or holes rusted through shall be returned.

b. To combat rusting, it is permissible to use epoxy lined cans. Can linings other than epoxy must not be used until after the laboratory has tested a sample for the presence of interferences.

c. Submit an unused comparison can when lined cans are used.

d. Do not refer to cans as "paint cans" on official forms, since they did not hold paint. They shall be referred to as "metal cans."

2. Plastic Bags:

a. The only plastic bags acceptable for evidence submitted to the Fire and Arson Laboratory are:

(I) KAPAC® polyester bags.

(II) SOPLARIL® polyamide (nylon 11) bags.

(III) Grand Rivers Products (nylon 6) bags.

All other plastic bags submitted shall be returned.

b. Such plastic bags are permitted to be used after consultation with the laboratory and only with samples of a size or shape that will not fit into a metal can.

c. Avoid puncture. Punctured bags shall be returned.

d. Due to a reformulation by the manufacturer, KAPAC® bags manufactured in 1987 or before shall not be used.

e. Plastic bags shall not be left in a hot area (such as a car's trunk) for any extended period of time, and in no case longer than one month. Doing so increases the potential that certain chemicals will bleed off the plastic and allow it to crack.

3. Glass jars:

a. Teflon® lined caps shall be used. Non Teflon® seals that are in contact with solvent may dissolve and contaminate samples.

b. Each jar must be precleaned and, if possible, certified free from hydrocarbon residue.

c. Care must be used in the storage and transport of glass jars because they are breakable.

(d) The following containers are unsuitable and shall not be used:

1. Paper bags.

2. Plastic containers, including cans with plastic lids, gaskets, or plastic bags.

3. Previously used containers, such as pickle jars, which could contain traces of a contaminating substance.

4. Containers that may be contaminated by manufacturing process residues.

5. Nylon bags other than SOPLARIL® or Grand River Products unless the lab has tested the item.

To test other products for contamination, contact the Arson Laboratory at (850)530-8446.

(3)(a) Following are the general submission and shipping requirements.

1. Place only one case in each box. Placing several samples in plastic bags or small vials in one large container can lead to cross-contamination. Items packaged together in this manner will be treated as a single submission.

2. Use plain boxes.

a. Labels shall not state or imply that the box contains specific ignitable liquids unless they are standards for comparison.

b. Do not write anything that is not specific to the case.

c. Boxes returned by the laboratory shall not be used.

3. Do not delay in shipping the evidence to the laboratory. The time between the fire, sealing of the evidence in the container, and shipping to the laboratory can affect the laboratory's ability to recover any ignitable liquid residues. Collect and send the samples as soon as possible.

4. With debris samples, do not fill the container to more than 75% of capacity. Each can shall not contain more than 75% of the can's capacity. The method used in the laboratory for recovering ignitable liquid residues requires an adequate headspace above the debris for the volatilization of trace ignitable liquids. If the can is too full, the quality of the analysis will suffer.

5. Liquid samples must be placed in clean glass vials with screw-on lids. Do not use rubber stoppered serum vials. Do not fill the container more than 50% full. Do not send more than

one-half a fluid ounce (15 milliliters) of a suspected petroleum product to the laboratory. Add sufficient absorbent material such as paper towels or gauze pads to the liquid sample in the vial to take up the free liquid.

6. Seal the vial lid. Do not use paraffin to secure the lid. Tamper evident tape shall be used whenever possible. Then package the vial with additional absorbent material on the outside of the vial and sealed inside a pint or quart can.

7. Submit comparison samples of any absorbent material used to absorb free liquids.

8. Cans and containers found on the scene shall have any liquid removed. If the liquid is suspected of being an ignitable liquid, follow the instructions in subparagraph 5. above. Seal the holes on the container with a cork stopper and tape over, then place the evidence into an approved container of appropriate size. CAUTION: If the can is suspected to have fingerprints, do not use a plastic bag. Package it according to Florida Department of Law Enforcement or Federal Bureau of Investigations procedures. It will not be appropriate for ignitable liquid analysis. It is the investigator's responsibility to choose the forensic method that would provide the best evidence.

9. Tissue and body parts should be preserved only by freezing the sample. Caution the coroner or medical examiner that you do not want any preservatives placed on the tissue. Contact the laboratory BEFORE shipping. The tissue should first be frozen and packed in a sealed ice chest. Water Ice and Dry Ice are not recommended as there are distinct shipping issues with either. Freezing followed by overnight hand or courier delivery allows the frozen items to slowly thaw. They will then be ready for analysis when they arrive at the laboratory.

10. Body parts or other items contaminated by bodily fluids such as a victim's or suspect's clothing shall be prominently labeled as containing a BIOHAZARD before shipping to the laboratory.

11. Once the sample has been selected and placed in a container, seal the container tightly so as to remove the possibility of the evaporation of any ignitable liquid residues or the contamination of the evidence sample.

12. Mark the outside of the container with the investigator's initials, the incident location, the investigator's agency case number, the contents, and the location where found. This information may be placed either on an evidence label or written directly on the container's surface using a permanent waterproof marker. Other valuable information that may be included are the incident date, the date and time the sample was collected, and the exhibit number. Be certain to leave some room on the container for the laboratory to place its own markings.

(b) The following procedures are applicable to shipping flammable liquids.

1. Packaging for flammable liquids.

a. The laboratory recommends that you ship all known flammable liquids under the FedEx Excepted Quantities guidelines or a similar service.

b. Do not ship more than 30 ml (1 oz.) per vial or no more than 500 ml (16.6 oz.) per box.

c. Each vial must be packed in a metal can with surrounding packing material.

d. Each can in the box must also have surrounding packing material.

e. The airbill must be marked for overnight express and for dangerous goods, shipper's declaration not required

f. The outside of the box must be labeled with an excepted quantities label.

g. The label must be marked with the appropriate class. Nearly everything sent to the lab will be a class 3.

h. The label must also have the appropriate UN or ID number as well:

(I) Petroleum Distillates UN 1268.

(II) Gasoline UN 1203.

(III) Kerosene UN 1223.

(IV) For all other UN numbers, call the laboratory for assistance.

(4) The following are requirements for transportation of evidence to the laboratory:

(a) Regardless of the method of delivery used, insure that the requirements for a proper chain-of-custody are fulfilled.

(b) Hand Delivery. The laboratory is open between 8:00 am to 5:00 pm, Monday through Friday, and any person hand delivering samples must plan to arrive within those time periods. If, due to unusual circumstances, evidence cannot be delivered within those time periods, call the laboratory at (850)539-8446 to make alternative arrangements. When evidence is brought in, one of the Laboratory's evidence submission forms must be completed.

(c) Courier. A completed evidence submission form must accompany the evidence. Only certified carrier services should be used (example: United Parcel Services, Federal Express, Purolator, United States Postal Service, Airborne). Evidence must be traceable through the carrier such as having a certified or registered mail receipt number.

(d) The Evidence Submission Form. By completely and properly filling out the submission form, Form DI4-1096 (rev. 10/02), Evidence Submission Form, which is hereby adopted and incorporated by reference, the investigator is documenting all the information necessary for the laboratory to track and process the case. Form DI4-1096 also provides a chain of custody for the evidence's receipt and return. This laboratory uses a computerized laboratory information management system. Because of this, there are certain items of information that are required to properly log the case. The following information is provided with respect to the evidence form. Please refer to Form DI4-1096.

1. Mark the appropriate box to indicate whether this is a new case or additional evidence to an older one. If this is an additional submission to an older case, include the case number of the older case.

2. Lab Number. Leave this space blank unless an addition to a previous submission is being sent and the old laboratory case number is known. Otherwise, a laboratory case number will be assigned by the laboratory.

3. Agency Number. Provide the investigator's agency number for the case, if any. This is a necessary identifier for the laboratory's database.

4. Submitting Agent. Provide the first and last name of the individual to whom all communications regarding the case is to be directed. Also indicate alternate submitters in this area, otherwise information will only be released to the listed agent.

5. Agency. Provide the name of the agency by whom the submitting agent is employed.

6. Telephone Number. Provide the submitting agent's full telephone number, including the area code and/or extensions. SUNCOM numbers may be included but are not required.

7. Agency Address. Provide the complete address including the street, city, and zip code of the agency location where reports and evidence may be shipped.

8. Property Owner/Occupant. Provide the full name of the owner or occupant of the item or property involved in the incident. If this information is undetermined, write "UNKNOWN" in the space. If the owner or occupant becomes known at a later date, contact the laboratory so that the laboratory can update its records.

9. Incident Address. Provide the full address of where the incident occurred or where the evidence was taken. Include street address, city or village, and zip code. If it is a fire involving a movable object such as a car, boat, or motorcycle, give a description of where the property was found.

10. Nature of Incident. Provide the nature of the incident, such as "suspicious fire of a dwelling," "business fire," "automobile fire," "criminal damaging."

11. Date. Provide the date the incident occurred.

12. List of laboratory tests. This is the list of the tests to be performed by the Fire and Arson Laboratory. Use the letter code beside them to designate the test or tests requested on the "List of Evidence Submitted."

a. (A) "Determine presence and/or identity of ignitable liquid residues." The code A in the "list of evidence submitted" indicates that you want the analyst to determine if an ignitable liquid is present in that particular sample.

b. (c) "Comparison Sample." Should be unburned material from the fire scene of the same matrix as the suspect sample and which the investigator is relatively certain contains no ignitable liquid. It may also be a known liquid or other material, obtained by the investigator, to be compared with the unknown.

c. (HO) “Hold Only – No Test Requested.” Items the investigator does not need to have tested, but which he/she wishes to maintain with the other evidence to preserve the chain-of-custody.

d. (O) “Other Requests.” Other tests on the evidence that may be required. This must be explained in the remarks section or cleared by an analyst before being used. These requests may require the laboratory to send the evidence to a different laboratory. Please call the laboratory prior to using this designation.

e. (F) “Flash Point Determination.” In certain cases with liquids that cannot be identified by the laboratory’s normal methods, a characterization of the Flash Point of the material may be useful. Be advised that 50 ml of free liquid is required to do a flash point determination. This presents issues as to the proper shipping of any material with this request.

f. (CRB) “Chemical Reaction Bomb.” A battery of tests will be conducted to ascertain if the item and materials submitted contain components or residues of chemical reaction/pop bottle bombs.

g. (E/I) “Explosives/Incendiaries.” A battery of tests to determine the presence and identity of un-reacted materials or the presence of residues consistent with explosives or incendiaries.

h. (P) “Prints.” Using chemical methods, examine items for the presence of latent fingerprints. Lift and hold for submission to FDLE for comparison with known prints.

13. List of Evidence Submitted. Provide a complete description of each item of evidence including container, contents, and location obtained. Use only one line for each piece of evidence. Do not refer to suspect liquids by name such as gasoline or kerosene unless the investigator personally purchased the liquid. The laboratory recommends that it simply be called a liquid.

14. Tests. Indicate the test letter code pursuant to subparagraph 12. to be performed on each item submitted. Typically, only one test per item will be indicated.

15. Chain of Custody. This area will show the chain of custody of the evidence from the time it is collected, through submission to the laboratory, to the time it is either returned or stored by the laboratory.

16. Agent. Provide the name of the individual initiating an action.

17. Transfer. Provide the action taken, for example, “sent to lab,” “received by lab.”

18. Date/time. Provide the date and time of the action.

19. Remarks – This space is for explanations or additional comments by the submitting agent about the case. These can often help the analyst in examining the investigator’s case. For example, if a canine team was used to assist in the sample selection, this would be an appropriate place to note that fact. This is where the submitter would request the case to be a

RUSH case. A reason must be given and the investigator must be available for results. The criteria that the laboratory will consider in making a case a RUSH consists of the following:

a. Fatality. If a fatality occurred in the fire it should have rush priority.

b. Injured victims or firefighters. Victims or firefighters injured in any phase of the fire including suppression, investigation, or clean-up.

c. Major fires with significant dollar losses.

d. The suspect is in custody.

20. Received Via and Disposition Status. This area will be used by the laboratory to note the method of receipt, courier ID, or disposition of the evidence.

(5) Sample Disposition.

(a) The space available in the Laboratory’s evidence storage area is limited. All case samples submitted by agencies outside of the Division of State Fire Marshal will be returned to the submitter. Case samples submitted by Division of State Fire Marshal’s Bureaus will be placed in the Laboratory’s long term storage area. Evidence held in the Laboratory’s long term evidence storage area will be reviewed periodically. The laboratory requires the investigator’s permission to dispose of evidence. A form letter will be sent to the investigator either electronically or by mail. If after six months the laboratory has not received notification from the investigator, the laboratory will contact the investigator as to the disposition of the evidence.

(b) While evidence from homicides should be held indefinitely, evidence that is negative or which will not be part of a criminal prosecution should be either destroyed or returned to the owner. Evidence that will not be used in a criminal prosecution, but may have value in a civil action should not be held by the laboratory, but should be shipped to the owner of record such as the homeowner or the insurance company. Only through the active assistance of the investigators of the Bureau of Fire and Arson Investigations can we ensure that adequate storage space is maintained at the laboratory.

(c) Most metal cans decompose and rust through after a short period. The evidence placed in them would thus have no appreciable value. Evidence of no appreciable value may be destroyed sixty days after the conclusion of court proceedings under Section 705.105, Florida Statutes.

(d) The laboratory’s preparation process extracts any ignitable liquid from the debris. This extract is held on a carbon membrane. After analysis this membrane is stored and the extract may be re-constituted. The strip then becomes the “evidence” with value. The laboratory will hold the carbon strips associated with each case sample for a minimum of five years.

result of a failure to comply with the provisions of said Act or who has been determined ineligible, a replacement community action agency will be designated in accordance with provisions of Federal Law.

(b) ~~“Migrant and seasonal farmworker organization” means an organization funded to provide direct services to a target population of migrant and seasonal farmworkers under the Community Services Block Grant Program and having a Board of Directors composed of at least 51 percent representatives of migrant and seasonal farmworkers.~~

(e) ~~“Local government” or “local governing authority” means the governing body of a county or municipality.~~

(5) “Eligible entity” means those entities defined in 42 USC 9902.

(9) through (10) renumbered (6) through (7) No change.

(11) ~~“Eligible activities” include the following:~~

(a) ~~Provide a range of services and activities having a measurable and potentially major impact on causes of poverty in the community or those areas of the community where poverty is a particularly acute problem;~~

(b) ~~Provide activities designed to assist low income participants including the elderly poor to:~~

1. ~~Secure and retain meaningful employment;~~

2. ~~Attain an adequate education;~~

3. ~~Make better use of available income;~~

4. ~~Obtain and maintain adequate housing and a suitable living environment;~~

5. ~~Obtain emergency assistance through loans or grants to meet immediate and urgent individual and family needs, including the need for health related assistance;~~

6. ~~Remove obstacles and solve problems that block the achievement of self sufficiency;~~

7. ~~Achieve greater participation in the affairs of the community; and~~

8. ~~Make more effective use of other programs related to the purposes of the Community Services Block Grant Act.~~

(c) ~~Provide, on an emergency basis, for the provision of such supplies and services, nutritious foodstuffs, and related services, as may be necessary to counteract conditions of starvation and malnutrition among the poor;~~

(d) ~~Coordinate and establish linkages between governmental and other social services programs to assure the effective delivery of such services to low income individuals; and~~

(e) ~~Encourage the use of entities in the private sector of the community in efforts to ameliorate poverty in the community.~~

(12) through (13) renumbered (8) through (9) No change.

(10) “Programs” mean the Weatherization Assistance Programs, Community Services Block Grant Program and the Community Development Block Grant Program.

(14) ~~“Match” means those resources, cash or in-kind, required from the grantee in order to receive a grant.~~

(15) ~~“Population” means total number of residents for each county, excluding inmates of institutions, as extrapolated from the latest official State estimate of population by the University of Florida Bureau of Economic Research and Development. For limited purpose agencies as designated under title II of the Economic Opportunity Act of 1964 for fiscal year 1981 which served the general purposes of a community action agency under title II of such Act, “population” means the total estimated number of residents for each county or service area meeting the definition of that limited program.~~

(16) ~~“SFY” means State Fiscal Year.~~

(17) ~~“FFY” means Federal Fiscal Year.~~

(18) ~~“Public entity representatives” means individuals representing units of state, county or municipal government, including state agencies.~~

(19) ~~“Consumers of services” means any person eligible to receive services under the Community Services Block Grant Program, or any person whose income is at or below the federal poverty line, including persons who are elderly, persons with disabilities or children.~~

(20) ~~“Advocates” means those persons or groups whose mission is to advance the rights of persons defined in subparagraph (19) above, including advocates for the elderly, children, consumers of services and persons with disabilities.~~

Specific Authority 120.53, 163.03(3) FS. Law Implemented 120.53, 163.03(3) FS. History—New 11-8-82, Amended 2-29-84, Formerly 9B-22.02, Amended 10-23-89, 7-13-94, 12-17-95, 1-19-98, _____.

9B-22.004 Community Assistance Services Block Grant Advisory Council Committee.

(1) Purpose.

(a) Provide technical assistance and citizen input to the Department of Community Affairs in the area of issues relating to low to moderate income persons and the Programs; To advise the Secretary in administering the program.

(b) Offer suggestions for policies affecting the administration of grants; To assist the Department in statewide public hearings held to solicit local input prior to formulating recommendations for the distribution and administration of funds.

(c) Provide consultation on ways to promote understanding of the needs of low to moderate income populations, particularly the elderly, disabled, homeless, Native Americans and Migrant and Seasonal Farmworkers for The Programs;

(d) Review and comment on the State Weatherization Plan, Community Services Block Grant State Plan and the State Consolidated Plan; and

(e) Facilitate maximum development of resources to meet the needs of the low to moderate income residents of the State of Florida.

(2) Composition. The Advisory Council shall be broadly representative of individuals, organizations and agencies, including but not limited to, those that represent low to moderate income persons, the elderly, disabled, homeless, Native Americans and Migrant and Seasonal Farmworkers for The Programs. The Advisory Committee shall be composed of three members who are currently executive directors of community action agencies, one member who shall be the president of the Florida Association for Community Action, four members who are designated representatives of public entities, and four members who are consumers of services and/or their advocates (of which one shall represent the elderly, one shall represent the interests of Florida's children, and one shall represent migrant and seasonal farmworker organizations).

(a) Appointment. The Secretary shall appoint thirteen ~~twelve~~ voting members.

(b) No change.

(c) Compensation. Members shall receive no compensation for services, but may be paid for travel in accordance with Section 112.061, F.S. Rule 9B-22.004(4), F.A.C.

(d) Replacement. A committee member may be replaced when, in the judgment of the Chairperson, continued absences or conduct impair the performance of the Advisory Committee, or when the member no longer acts in the capacity for which he or she was originally appointed.

(e) Chairperson. The Advisory Committee shall be chaired by the Secretary, or in his or her absence by his or her designee, as a nonvoting member, except when required to break a tie vote of the Committee.

(f) Other Officers. Other officers shall be elected by the members of the Committee as necessary and shall serve for the remainder of their term from date of election.

(3) Sub Committees. May be formed as necessary.

(4) Travel. Subject to availability of funds, members shall be reimbursed for travel to attend meetings, hearings, or other legal purposes as authorized by the Advisory Committee and approved by the Chairperson according to Section 112.061, F.S.

(3)(5) Meetings. The Advisory Committee will hold at least one meeting annually.

(a) Additional meetings may be called as needed by the Chairperson.

(b) Prior to each meeting, an agenda will be prepared by the Department and distributed to each Advisory Committee member. The Department will notify the Committee of meetings at least 21 days in advance. Twenty-one days prior to each meeting, a proposed agenda will be prepared by the department and distributed to each Advisory Committee member. Requests for consideration and inclusion of agenda items must be received by the Department no later than two weeks prior to the meeting date.

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

(c) Special meetings may be called by the Secretary of the Department of Community Affairs, given at least (5) days notice.

(e) ~~A quorum will consist of seven voting members present after due notice. The Committee will act upon having a quorum.~~

(f) ~~The Chairperson shall not vote, but every other member shall have one vote. There will be no votes by proxy.~~

(g) ~~Roberts Rules of Order will be used to govern meetings.~~

(h) ~~If there is an immediate danger to the public health, safety or welfare requiring emergency action, the Chairperson may schedule a CSBG Advisory Committee meeting by any procedure that is fair under the circumstances and necessary to protect the public interest.~~

(4) Governance. The Advisory Council shall have the authority to create and adopt by-laws which will govern the internal affairs of the Council.

Specific Authority 120.53, 163.03(3) FS. Law Implemented 163.03(3)(d) FS. History—New 11-8-82, Amended 2-29-84, Formerly 9B-22.04, Amended 10-23-89, 7-13-94, 12-17-95,_____.

9B-22.006 Match Requirements.

Specific Authority 120.53, 163.03(3) FS. Law Implemented 163.03(3)(d) FS. History—New 11-8-82, Amended 2-29-84, Formerly 9B-22.06, Amended 10-23-89, 7-13-94, 12-17-95, 1-19-98, Repealed _____.

9B-22.007 Funds Distribution.

(1) As required by 42 USC 9907, at At least 90 percent of the funds will be available for distribution in accordance with the CSBG State plan required by the Federal government to eligible entities qualified grantees, as defined in subsection Rule 9B-22.002(5)(a) and (b) paragraphs 9B-22.002(8)(a) and (b), F.A.C.

(2) No change.

(3) Up to 0.5 percent of the CSBG funds will be used to provide training and technical assistance to CSBG eligible entities for issues related to farmworkers. If funds remain after all grants have been processed, they may be distributed by the Department for demonstration and research programs or carried over to the next fiscal year.

(4) An amount equal to \$100,000 will be provided annually for emergency farmworker assistance statewide in the event of a declared emergency.

(5) If funds remain after the items in subsections 9B-22.007(1), (2) and (3), F.A.C., are budgeted, the funds will be used for activities permitted under 42 USC 9907.

(6)(4) No change.

(7)(5) Community Services Block Grant (CSBG) funds distributed by the Department to eligible entities, which have not been expended, shall be returned to the eligible entity for carryover into the next fiscal year for program activities consistent with the CSBG program. Prior to carryover of unexpended funds, these monies must be returned to the

Department at the time of close-out. Unobligated funds which total less than twenty percent (20%) of the amount allocated to the eligible entity for that year will be re-contracted to the eligible entity which returned the funds. Unobligated funds in excess of twenty percent (20%) of the amount allocated to the eligible entity for that year will be redistributed to all eligible entities during the second quarter of the next contract period.

(8) Administrative Limit. Community Services Block Grant (CSBG) Administrative expenses shall not exceed twenty five percent (25%) of the total allocation to the eligible entity.

Specific Authority 120.53, 163.03(3) FS. Law Implemented 163.03(3)(d) FS. History—New 11-8-82, Amended 2-29-84, Formerly 9B-22.07, Amended 10-23-89, 7-13-94, 12-17-95, 1-19-98, _____.

9B-22.008 Contracting Procedures.

Specific Authority 120.53, 163.03(3) FS. Law Implemented 163.03(3)(d) FS. History—New 11-8-82, Amended 2-29-84, Formerly 9B-22.08, Amended 10-23-89, 7-13-94, 12-17-95, Repealed _____.

9B-22.011 Agency Board Requirements.

(1) Private Nonprofit Entities. In the case of a community action agency or nonprofit private organization receiving CSBG 90 percent funds, each board will be selected by the community action agency or nonprofit private organization and constituted so as to assure that:

(a) Board. In order for a private, nonprofit entity to be considered an eligible entity for purposes of subsection 9B-22.007(1), F.A.C., the entity shall administer the CSBG program through a tripartite board that fully participates in the development, planning, implementation, and evaluation of the program to serve low-income communities. One third of the members of the board are elected public officials, currently holding office, or their representatives. Letters reaffirming the delegation, signed by the elected officials, shall be required each year regardless of the number of years the terms run. Agencies providing services in multi-county areas are required to submit to the department a plan to assure representation of every county served. When an entity expands to include a new county into its service area, the new county must be represented on the board by an elected public official currently holding office, or his representative for the first two years.

(b) Selection and Composition of Board. The composition of the board shall meet the requirements of 42 USC 9910. At least one third of the members are persons chosen in accordance with democratic selection procedures adequate to assure that they are representatives of the poor in the area served.

(c) Letters reaffirming the delegation of the elected public official's responsibilities to his/her representative, signed by the elected officials, shall be required each year regardless of the number of years the terms run. The remainder of the members are officials or members of business, industry, labor, religious, welfare, education, or other major groups and interests in the community. Interest groups are organizations

with non-profit status, incorporated and registered with the office of the Florida Secretary of State. Agency by-laws shall specify categories or interest groups represented by each member. In no case shall by-laws be acceptable that do not specify membership categories as indicated.

(d) Agencies providing services in multi-county areas are required to submit to the department a plan to assure representation of every county served. When an entity expands to include a new county into its service area, the new county must be represented on the board by an elected public official currently holding office, or his/her representative for the first two years.

(2) Public Organizations. In the case of a public organization receiving funds under subsection 9B-22.007(1), F.A.C., 90 percent CSBG funds, such organization shall establish a board meeting the requirements of 42 U.S.C. 9910 9901.

(a) Board members may not be the paid staff of any public, private, or nonprofit organization receiving CSBG funds, including employees of the eligible public entity.

(b) Board members must be selected to represent a balanced cross section of all geographic areas the organization is funded to serve.

(3) No change.

Specific Authority 120.53, 163.03(3) FS. Law Implemented 163.03(3)(d) FS. History—New 12-17-95, Amended 1-19-98, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Alexander Mack, Operations Manager, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Shirley Collins, Director, Division of Housing and Community Development, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 14, 2003

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: June 25, 2003

DEPARTMENT OF TRANSPORTATION

RULE CHAPTER TITLE: Utilities Installation or Adjustment
RULE CHAPTER NO.: 14-46

RULE TITLES: Responsibility for the Cost of
RULE NOS.:

Railroad/Highway Crossings 14-46.002

Highway/Railroad at-Grade Intersections – Authorization for Opening and Closing 14-46.003

PURPOSE AND EFFECT: With the adoption of Part II of Rule Chapter 14-57, F.A.C., these rules are now obsolete and need to be repealed. The railroad crossings reference also is being removed from the chapter title as the chapter will be limited to utilities installation or adjustment.

SUMMARY: Two rules relating to railroad grade crossings are being repealed in this rule chapter because they are superseded by new rules in Part II of Rule Chapter 14-57, F.A.C. The reference to railroad grade crossings is also being removed from the chapter title.

SPECIFIC AUTHORITY: 334.044(2) FS.

LAW IMPLEMENTED: 335.141(3), 339.05 FS.

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

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

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: James C. Myers, Management Analyst 4, Florida Department of Transportation, Office of the General Counsel, 605 Suwannee Street, Mail Station 58, Tallahassee, Florida 32399-0458

THE FULL TEXT OF THE PROPOSED RULES IS:

14-46.002 Responsibility for the Cost of Railroad/ Highway Crossings.

Specific Authority 334.044(2) FS. Law Implemented 335.141(3), 339.05 FS. History—New 2-3-71, Amended 5-27-72, 8-20-78, 7-22-82, Formerly 14-46.02, Repealed _____.

14-46.003 Highway/Railroad At-Grade Intersections – Authorization for Opening and Closing.

Specific Authority 120.53(1)(a),(b),(2)(a), 334.044(2) FS. Law Implemented 335.141 FS. History—New 12-10-77, Amended 1-25-79, 7-22-82, Formerly 14-46.03, Amended 12-18-88, Repealed _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Janice Bordelon, Rail Office

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Thomas F. Barry, Jr., P.E., Secretary
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 20, 2003

WATER MANAGEMENT DISTRICTS

Southwest Florida Water Management District

RULE CHAPTER TITLE: Procedural
 RULE CHAPTER NO.: 40D-1

RULE TITLE: Permit Processing Fee
 RULE NO.: 40D-1.607

PURPOSE AND EFFECT: This proposed rule amendment establishes a fee for the processing of a single application for both an Individual Environmental Resource Permit and a General Environmental Resource Permit for Incidental Site Activities.

SUMMARY: This proposed rulemaking will amend Rule 40D-1.607, Florida Administrative Code, to provide that a fee of \$3,300.00 is required for the processing of an application for both an Individual Environmental Resource Permit and a General Environmental Resource Permit for Incidental Site Activities.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: A Statement of Estimated Regulatory Cost is not being prepared based on the District’s determination that the proposed revisions to Rule 40D-1.607, F.A.C., will not result in a substantial increase in the costs to affected parties and there will not be significant adverse effects on competition, employment, investment or productivity.

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: 373.044, 373.113, 373.149, 373.171 FS.

LAW IMPLEMENTED: 373.109, 373.421(2) 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: Jack R. Pepper, Senior Attorney, Office of General Counsel, 2379 Broad Street, Brooksville, FL 34604-6899, (352)796-7211, Extension 4651

THE FULL TEXT OF THE PROPOSED RULE IS:

40D-1.607 Permit Processing Fee.

A permit application processing fee is required and shall be paid to the District when certain applications are filed pursuant to District rules. These fees are assessed in order to defray the cost of evaluating, processing, advertising, mailing, compliance monitoring and inspection, required in connection with consideration of such applications. Fees are non-refundable in whole or part unless the activity for which an application is filed is determined by the District to qualify for a permit with a lower fee or not require a permit ~~be incorrect~~. Failure to pay the application fees established herein

is grounds for the denial of an application or revocation of a permit. The District’s permit application processing fees are as follows:

- (1) Environmental Resource or Management and Storage of Surface Waters Permit Applications.
 - (a) through (a)3. No change.
- 4. Application for Individual Permit and General Permit for Incidental Site Activities \$3300.00
 - 4. through 13. renumbered 5. through 14. No change.
- (2) through (12) No change.

Specific Authority 373.044, 373.113, 373.149, 373.171 FS. Law Implemented 373.109, 373.421(2) FS. History–Readopted 10-5-74, Amended 12-31-74, 10-24-76, 7-21-77, Formerly 16J-0.111, Amended 10-1-99, 1-22-90, 12-27-90, 11-16-92, 1-11-93, 3-23-94, Formerly 40D-0.201, Amended 12-22-94, 10-19-95, 3-31-96, 7-23-96, 10-16-96, 10-26-00, 3-15-01, 9-26-02.

NAME OF PERSON ORIGINATING PROPOSED RULE: Jack R. Pepper, Senior Attorney, Office of General Counsel, 2379 Broad Street, Brooksville, FL 34604-6899, (352)796-7211, Extension 4651

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Governing Board of the Southwest Florida Water Management District

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 19, 2002

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: February 28, 2003

WATER MANAGEMENT DISTRICTS

Southwest Florida Water Management District

RULE CHAPTER TITLE: Individual Environmental Resource Permits

RULE CHAPTER NO.: 40D-4

RULE TITLE: Publications and Agreements

RULE NO.: 40D-4.091

PURPOSE AND EFFECT: The proposed amendments to the Basis of Review for Environmental Resource Permits are intended to provide guidance and specifications for the development of surface water management plans that are implemented during construction of surface water management systems.

SUMMARY: This proposed rulemaking will amend the Basis of Review for Environmental Resource Permits to add a Section 2.8 that will contain guidance and specifications for the development of construction surface water management plans.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: A Statement of Estimated Regulatory Cost is not being prepared based on the District’s determination that the proposed revisions to Rule 40D-4.091, F.A.C., will not result in a substantial increase in the costs to affected parties and there will not be significant adverse effects on competition, employment, investment or productivity.

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: 373.044, 373.046, 373.113, 373.171, 373.414 FS.

LAW IMPLEMENTED: 373.0361, 373.114, 373.171, 373.403, 373.413, 373.414, 373.416, 373.429, 373.441 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: Jack R. Pepper, Senior Attorney, Office of General Counsel, 2379 Broad Street, Brooksville, FL 34604-6899, (352)796-7211, Extension 4651

THE FULL TEXT OF THE PROPOSED RULE IS:

40D-4.091 Publications and Agreements Incorporated by Reference.

The following documents are hereby incorporated into this chapter and Chapters 40D-40 and 40D-400, F.A.C.:

(1) "Basis of Review for Environmental Resource Permit Applications with the Southwest Florida Water Management District, ~~September 26, 2002~~. This document is available from the District upon request.

(2) through (4) No change.

Specific Authority 373.044, 373.046, 373.113, 373.171, 373.414 FS. Law Implemented 373.0361, 373.114, 373.171, 373.403, 373.413, 373.414, 373.416, 373.429, 373.441 FS. History–New 4-2-87, Amended 3-1-88, 9-11-88, 10-1-99, 4-1-91, 11-16-92, 1-30-94, 10-3-95, 12-26-95, 5-26-96, 7-23-96, 4-17-97, 4-12-98, 7-2-98, 12-3-98, 7-28-99, 8-3-00, 9-20-00, 6-12-01, 10-11-01, 2-27-02, 7-29-02, 9-26-02.

ENVIRONMENTAL RESOURCE PERMITTING
INFORMATION MANUAL
BASIS OF REVIEW
CHAPTER 2

CHAPTER TWO – ADMINISTRATIVE CRITERIA

2.1 through 2.7 No change.

2.8 Construction Surface Water Management

2.8.1 a. A construction surface water management plan for the proposed system and related activities shall be designed to provide reasonable assurance that the project construction activities will not result in erosion and sediment deposition in wetlands or off-site, adverse impacts to wetlands, off-site flooding, or violations of state water quality standards.

b. Discharge control and erosion protection measures shall be employed and operated at all times during construction to avoid adverse impacts to receiving waters or adjacent property. Detention/retention storage structures, sediment barriers, flow conveyances, revetment, discharge control structures, and other stormwater management structures should be built and continuously maintained during project construction in a

manner such that, to the extent possible, the structures are incorporated into and become part of the permanent surface water management system.

c. The owner/permittee shall ensure that the surface water and stormwater management measures proposed in the plan are effectively implemented until completion of the project or until the permanent surface water management system is operational.

2.8.2 a. For non-agricultural systems, the construction surface water management plan shall be designed and implemented to include site specific measures adapted from conceptual practices and guidelines described in the following publications. In addition, the applicant may propose equivalent protection measures that meet the requirements of Rules 40D-4.301 and 40D-4.302, F.A.C.

(i) The guidelines set forth in Chapter 6, "The Florida Development Manual: A Guide to Sound Land and Water Management," (FDER 1988).

(ii) The guidelines set forth in "The Florida Stormwater, Erosion, and Sediment Control Inspector's Manual," (FDEP and FDOT 1999).

b. For non-agricultural systems with a project area of 5 acres or more, or construction activities that result in the disturbance of less than five acres, but are part of a larger common plan of development or sale within a total land area, the construction surface water management plan shall, in addition to the requirements of Section 2.8.2(a) above, be designed and implemented to function in accordance with the technical standards, conceptual practices and guidelines for a stormwater pollution prevention plan described in Part V of the Florida Department of Environmental Protection (FDEP) document, "Generic Permit for Stormwater Discharge from Construction Activities that Disturb Five or More Acres of Land." FDEP document number 62-621.300(4)(a), effective October 22, 2000.

c. For agricultural systems, a conservation plan shall be designed and implemented for the proposed activities that is the functional equivalent of a construction surface water management plan. As used herein, "conservation plan" means a formal document describing the stormwater and surface water management practices for a specific parcel of property. Such practices must comply with USDA-NRCS standards for the control of soil erosion and sediment transport, avoidance of off-site flooding, protection of wetlands and prevention of state water quality standard violations during construction and operation.

2.8.3 For projects located wholly or partially within 100 feet of an Outstanding Florida Water (OFW), or within 100 feet of any wetland abutting an OFW, applicants must provide reasonable assurance that the proposed construction or alteration of a system will not cause sedimentation in the OFW or adjacent wetlands and that filtration of all runoff will occur prior to discharge into the OFW or adjacent wetlands.

Reasonable assurance is presumed if in addition to implementation of the requirements in section 2.8.2, any one or more of the following measures are implemented:

a. Maintenance of a vegetative buffer, consisting of an area of undisturbed vegetation that is a minimum of 100 feet in width, landward of the OFW or adjacent wetlands. During construction or alteration of the system, all runoff, including turbid discharges from dewatering activities, must be allowed to sheet flow across the buffer area. Concentrated or channelized runoff from upstream areas must be dispersed before flowing across the vegetative buffer. Construction activities of limited scope that are necessary for the placement of outfall structures may occur within the buffer area.

b. The installation or construction of the structures described below at all outfalls to the OFW or adjacent wetlands must be completed prior to beginning any construction or alteration of the remainder of the system. These structures must be operated and maintained throughout construction or alteration of the permanent system. Although these structures may be located within the 100 foot buffer described in sub-paragraph (a) above, a buffer area of undisturbed vegetation that is a minimum of 25 feet in width must be maintained between the OFW or adjacent wetlands and any structure.

(i) Stormwater discharge facilities constructed in accordance with the conditions of the permit for the permanent surface water management system;

(ii) Interim sedimentation traps or basins located immediately upstream of the stormwater discharge facilities described above; and

(iii) Spreader swale(s) that reduce the velocity and disperse the amount of discharges from the stormwater facilities to allow non-erosive rates and sheet flow depth before discharging to wetlands adjacent to the OFW.

c. No direct discharges to the OFW or adjacent wetlands may occur during the 10-year 24-hour storm event or as the result of dewatering activities. Any on-site storage constructed to prevent such discharges must recover within 14 days of the rainfall event. A vegetative buffer, consisting of an area of undisturbed vegetation that is a minimum of 25 feet in width must be maintained landward of the OFW or adjacent wetlands. Construction activities of limited scope and necessary for the placement of outfall structures may occur within the buffer area.

2.8.4 a. A complete construction surface water management plan for the project must be submitted with the permit application or prior to beginning construction.

(i) If a complete plan is not submitted as a part of the permit application, a preliminary plan for the project area must be submitted with sufficient content and detail to demonstrate compliance with the requirements and technical standards set

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Jack R. Pepper, Senior Attorney, Office of General Counsel, 2379 Broad Street, Brooksville, FL 34604-6899, (352)796-7211, Extension 4651

THE FULL TEXT OF THE PROPOSED RULES IS:

40D-40.021 Definitions.

As used in this chapter:

(1) No change.

(2) “Incidental Site Activities” means the following activities in uplands that are conducted as part of the construction of a system proposed in an environmental resource permit application: land clearing, grading, excavation of borrow areas for on-site grading, road and building subgrade construction (excluding foundation construction), unpaved access road construction, utility installation, fence installation, construction trailer installation, construction phase surface water management, erosion and sediment control measures, and similar approved activities.

(3)(2) ~~Other~~ The terms have the same meaning as defined in Rule 40D-4.021, F.A.C.

Specific Authority 373.044, 373.113, 373.118 FS. Law Implemented 373.413, 373.416, 373.419, 403.031(3) FS. History—New 10-1-84, Amended 3-1-88,

40D-40.302 Conditions for Issuance of General Permits.

To qualify for a general permit for construction and operation under this chapter, the applicant must provide reasonable assurances that the surface water management system meets all conditions of subsection 40D-40.302(1), F.A.C., all thresholds in subsection (2), and the conditions of at least one other subsection. To obtain a site conditions assessment permit under this chapter, the applicant must provide reasonable assurances that all conditions of subsection 40D-40.302(5), F.A.C., are met. To obtain a permit for construction of incidental site activities under this chapter, the applicant must provide reasonable assurances that all conditions of subsections 40D-40.302(1) and 40D-40.302(6), F.A.C., are met.

(1) through (4) No change.

(5) Conditions for a ~~Standard~~ General Site Conditions Assessment Permit.

(a) through (b) No change.

(6) Additional Conditions for an Incidental Site Activities Permit.

(a) Notwithstanding the threshold conditions of subsection (2), a permit shall be authorized for incidental site activities that are conducted in connection with a surface water management system proposed in an individual environmental resource permit application provided:

1. Section J of the Environmental Resource Permit Application, Supplemental Information for Authorization to Conduct Incidental Site Activities, was filed concurrently with the individual environmental resource permit application for the overall system;

2. The applicant submitted an individual environmental resource permit application which incorporates the proposed incidental site activities, including specific descriptions, locations and alignments to identify the incidental site activities and to show that the work will be conducted in conjunction and conformance with the overall project system;

3. The application is complete.

a. For the purposes of this requirement, an application is complete when the applicant has submitted the information required by Form 547.27/ERP (8/94), including Section J, and all additional information timely requested by District staff, all required notice of the application’s receipt has been given and all review periods are concluded, and a letter of completeness has been issued by the District.

b. This general permit is not authorized for projects where the applicant has submitted a written request to proceed with processing the permit application in accordance with Section 373.4141(1), Florida Statutes.

4. The proposed incidental site activities do not involve construction located in, on or over wetlands or other surface waters and will not be conducted within 50 feet of the landward extent of wetlands, other surface waters, or upland preservation areas, unless another setback is specified in the permit or shown on the permitted construction drawings;

5. Any proposed incidental site activities involving excavation will not be located within 200 feet of the landward extent of wetlands or other surface waters, unless another setback is specified as a condition in the permit or shown on the permitted construction drawings;

6. District staff has reviewed the individual environmental resource permit application and is recommending approval of the individual permit. For the purpose of this section, District staff is recommending approval of the individual permit when the Regulation Department Director has issued a letter informing the applicant that the application is complete and the staff will be recommending approval of the application to the Governing Board;

7. The District has not received any substantial objections to the proposed incidental site activities or the associated individual environmental resource permit application; or all such objections have been withdrawn prior to the time this general permit is issued. As used herein “substantial objection” means a written statement directed to the District regarding a permit which identifies the objector, concerns hydrologic or environmental impacts of the proposed activity, and relates to applicable rule criteria;

8. The applicant has submitted a construction phase surface water management plan for the proposed system and related activities that provides reasonable assurance that the incidental site activities will not result in erosion and sediment deposition in wetlands or off-site, adverse impacts to wetlands, off-site flooding, or violations of state water quality standards;

9. The project area is not in violation of any District rule at the time this general permit is issued; and

10. Public notice of receipt of the individual permit application stated that a request for a general permit for incidental site activities was filed concurrently with the individual application, and if approved, the general permit would allow incidental site activities, as defined in Rule 40D-40.021, F.A.C., to begin prior to final action on the individual permit. The public notice must also state that Rule 40D-40.381, F.A.C., requires that in the event the individual permit is not issued, the permittee cease incidental site activities and restore the site to previous conditions.

Specific Authority 373.044, 373.113, 373.118 FS. Law Implemented 373.413, 373.414, 373.416, 373.419 FS. History—New 10-1-84, Amended 3-1-88, 5-10-88, 9-13-88, 10-3-95, 7-23-96, _____.

40D-40.321 Duration of Permits.

Unless revoked or otherwise modified, or specifically stated as a limiting condition of the permit, the duration of all a general permits issued pursuant to this Chapter, other than those authorizing incidental site activities, is as specified in Rule 40D-4.321, F.A.C. The duration of a general permit authorizing incidental site activities shall be 90 days.

Specific Authority 373.044, 373.113, 373.118 FS. Law Implemented 373.413, 373.416, 373.419(2) FS. History—New 10-1-84, Amended 3-1-88, 10-3-95, _____.

40D-40.381 General Conditions.

The standard general permits issued pursuant to this chapter shall be subject to the following limiting conditions:

- (1) through (2) No change.
- (3) For general permits authorizing incidental site activities, the following limiting general conditions shall also apply:

(a) If the decision to issue the associated individual permit is not final within 90 days of the issuance of the incidental site activities permit, the site must be restored by the permittee within 90 days after notification by the District. Restoration must be completed by re-contouring the disturbed site to previous grades and slopes and re-establishing and maintaining suitable vegetation and erosion control to provide stabilized hydrologic conditions. The period for completing restoration may be extended if requested by the permittee and determined by the District to be warranted due to adverse weather conditions or other good cause. In addition, the permittee shall institute stabilization measures for erosion and sediment control as soon as practicable, but in no case more than 7 days after notification by the District.

(b) The incidental site activities are commenced at the permittee’s own risk. The Governing Board will not consider the monetary costs associated with the incidental site activities or any potential restoration costs in making its decision to approve or deny the individual environmental resource permit application. Issuance of this permit shall not in any way be construed as a commitment to issue the associated individual environmental resource permit.

(4)(3) No change.

Specific Authority 373.044, 373.113, 373.118 FS. Law Implemented 373.117, 373.413, 373.414, 373.416, 373.419 FS. History—New 10-1-84, Amended 3-1-88, 10-3-95, 7-23-96, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Jack R. Pepper, Senior Attorney, Office of General Counsel,
2379 Broad Street, Brooksville, FL 34604-6899,
(352)796-7211, Extension 4651

NAME OF SUPERVISOR OR PERSON WHO APPROVED
THE PROPOSED RULE: Governing Board of the Southwest
Florida Water Management District

DATE PROPOSED RULE APPROVED BY AGENCY
HEAD: November 19, 2002

DATE NOTICE OF PROPOSED RULE DEVELOPMENT
PUBLISHED IN FAW: February 28, 2003

**AGENCY FOR HEALTH CARE ADMINISTRATION
Hospital and Nursing Home Reporting Systems and Other
Provisions Relating to Hospitals**

RULE TITLE: _____ RULE NO.:

Public Medical Assistance Trust
Fund Assessments 59E-5.605

PURPOSE AND EFFECT: The Agency intends to establish and adopt procedures and specifications for the implementation of Section 16 of Chapter 2000-256, Laws of Florida. Existing rules are being amended to comply with the statutory provisions of section 395.701, F.S.

SUMMARY: The 2000 Session of the Florida Legislature reduced the amount hospitals are assessed annually for the Public Medical Assistance Trust Fund (“PMATF”) by amending section 395.701(2), F.S., to lower the assessment percentage based on outpatient hospital net revenues. The proposed changes being made to the Agency’s Florida Hospital Uniform Reporting System are necessary to implement certain of the changes made to section 395.701, F.S. The Agency previously conducted rule development workshops and public hearings leading to publication of earlier forms of these proposed rules. After publication and a second challenge, the most recent proposed rules were withdrawn by publication of notice in the FAW on May 31, 2002.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: There should be no additional cost to the Agency for Health Care Administration, any agency of state or local government, small counties, small cities, small businesses, or individuals. The effect on state revenues has

already been considered by the Legislature. Estimated costs consist of only the cost for each hospital in preparation time for the revised Form C-3a, as described in a Notice of Proposed Rulemaking published January 4, 2003. In the initial year, start up costs are estimated to be 80 to 160 hours per hospital at approximately \$25.00 per hour; this will be reduced in subsequent years. An estimated 233 hospitals will be expected to comply with the amendments.

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

SPECIFIC AUTHORITY: 408.15(8) FS.

LAW IMPLEMENTED: 395.701(2), 408.061(2),(3),(4)(a),(7) FS.

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

TIME AND DATE: 10:00 a.m., April 1, 2003

PLACE: Agency for Health Care Administration, Conference Room C, Building 3, 2727 Mahan Drive, Tallahassee, Florida 32308

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Chris Augsburger, Regulatory Analyst Supervisor, Bureau of Health Facility Regulation/Financial Analysis, 2727 Mahan Drive, MS #28, Tallahassee, FL 32308-5403

THE FULL TEXT OF THE PROPOSED RULE IS:

59E-5.605 Public Medical Assistance Trust Fund Assessments.

(1) Within six months after the end of each hospital's fiscal year, the Agency's Bureau of Health Facility Regulation will certify to the Bureau of Finance and Accounting ~~the Board shall certify to the Department of Health and Rehabilitative Services (HRS)~~ the amount of each hospital's public medical assistance trust fund assessment. The amount certified shall be equal to the sum of 1.5 percent of the annual net inpatient operating revenue of each hospital and 1.0 percent of the annual net outpatient revenue of each hospital, based upon the actual data filed with the Agency for the reporting period ~~Board~~.

(2) Each hospital shall be notified of the assessment amount being certified to the Bureau of Finance and Accounting HRS.

(3) Within 21 days of receipt of notification of the assessment amount, a hospital may request a hearing pursuant to Section 120.57, F.S.

(4) If a hearing is timely requested, the Agency Board shall certify to the Bureau of Finance and Accounting HRS an interim assessment amount which shall equal the assessment

amount last certified to the Bureau of Finance and Accounting HRS. Upon resolution of the issues regarding certification, the proper assessment amount shall be certified. The assessment amount for the year shall not be affected by the issuance of an interim assessment.

(5) Initial assessments against new hospitals will be certified upon approval of the first Prior Year Report ~~shall be paid at the time a hospital is licensed. The assessment shall be based on the hospital's projected net operating revenue during its first year of operation and until it's first Prior Year Report is accepted by the Board. Upon approval of the first Prior Year Report, the assessment shall be based upon actual net operating revenue as reflected in that report.~~

(6) In the event a hospital fails to file its Prior Year Report or the report is not accepted by the Agency Board, the quarterly assessment shall be based on the most recently filed Prior Year Report accepted by the Agency Board. ~~Upon approval of the first Prior Year Report, the assessment shall be based upon actual net operating revenue as reflected in that report.~~

(7) If the data contained in the Prior Year Report is based upon a fiscal period of less than one calendar year, the data provided shall be annualized and the assessment will be calculated on an annualized basis.

(8) Assessments during the first year of operation under new ownership shall be based on the hospital's net operating revenue for the last fiscal year under previous ownership.

(9) Assessments are made against facilities, accordingly the amount of the assessment and liability for the assessment remains with the facility regardless of any change in ownership.

Specific Authority 408.061(2),(3),(4)(a),(7), 408.15(8) FS., Chapter 00-256, Laws of Florida. Law Implemented 395.701(2) FS. History--New 6-11-92, Formerly 10N-5.606, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Christopher J. Augsburger, Regulatory Analyst Supervisor

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Jeffrey N. Gregg, Bureau Chief, Health Facility Regulation

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 17, 2003

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 4, 2000

**AGENCY FOR HEALTH CARE ADMINISTRATION
Medicaid**

RULE TITLE: Portable X-ray Services
RULE NO.: 59G-4.240

PURPOSE AND EFFECT: The purpose of this rule amendment is to incorporate by reference the Florida Medicaid Portable X-ray Services Coverage and Limitations Handbook, January 2002. The handbook changes include the January 2002 Portable X-ray Services Fee Schedule and replaces the Health

Care Financing Administration (HCFA) with the new name Centers for Medicare and Medicaid Services (CMS). The effect will be to incorporate by reference in the rule the current Florida Medicaid Portable X-ray Services Coverage and Limitations Handbook.

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

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

SPECIFIC AUTHORITY: 409.919 FS.

LAW IMPLEMENTED: 409.905, 409.908, 409.9081 FS.

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

TIME AND DATE: 9:00 a.m., March 24, 2003

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

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

THE FULL TEXT OF THE PROPOSED RULE IS:

59G-4.240 Portable X-ray Services.

(1) This rule applies to all suppliers of portable x-ray services enrolled in the Medicaid program.

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

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

NAME OF PERSON ORIGINATING PROPOSED RULE: Susan Rinaldi

NAME OF PERSON WHO APPROVED THE PROPOSED RULE: Rhonda M. Medows, MD, AHCA Secretary

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 4, 2003

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: March 7, 2003

DEPARTMENT OF MANAGEMENT SERVICES

Division of Retirement

RULE CHAPTER TITLE: Municipal Police Officers' Retirement Trust Fund

RULE CHAPTER NO.:

60Z-1

RULE TITLE: Use of State Premium Tax Revenues

RULE NO.:

60Z-1.026

PURPOSE AND EFFECT: To clarify the use of state premium tax revenues to provide extra benefits to police officers as provided in Chapter 99-1, Laws of Florida.

SUMMARY: This rule describes the use of the state premium tax revenues to fund Police Officers' Retirement Plans established by municipalities pursuant to Chapter 185, Florida Statutes.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST:

The rule relates to the use of premium tax revenues derived from casualty insurance to subsidize the funding of approximately 173 police pensions plans of municipalities that voluntarily have elected to participate in Chapter 185, F.S. No additional fiscal impact should accrue as a result of these rules, as all municipalities, irrespective of their size, are currently in compliance with Chapter 185, Florida Statutes. There are no additional costs to the state. Transactional costs should be minimal.

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: 120.54, 185.105, 185.23 FS.

LAW IMPLEMENTED: 185.10, 185.16, 185.35 FS.

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

TIME AND DATE: 1:00 p.m., April 3, 2003

PLACE: Room 220, 2nd Floor Conference Room, Building B, Cedars Executive Center, 2639 North Monroe Street, Tallahassee, Florida 32399-1560

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Patricia F. Shoemaker, Benefits Administrator, Police & Fire Pension Fund Office, Division of Retirement, Post Office Box 3010, Tallahassee, Florida 32315-3010, (850)922-0667

THE FULL TEXT OF THE PROPOSED RULE IS:

60Z-1.026 Use of State Premium Tax Revenues.

(1) For pension plans that were in effect on October 1, 1998, that have not met the minimum benefit requirements described in Section 185.16, Florida Statutes, benefits shall be increased incrementally as additional premium tax revenues become available.

(2) For pension plans that were in effect on October 1, 1998, that provide benefits that meet or exceed the minimum benefits described in Section 185.16, Florida Statutes, increases in premium tax revenues over the amount collected for calendar year 1997, must be used in their entirety to provide extra benefits in addition to those benefits provided prior to the effective date of Chapter 99-1, Laws of Florida.

(3) For local law plans that were not in existence on October 1, 1998, premium tax revenues must be used in their entirety to provide extra benefits.

Specific Authority 120.54, 185.105, 185.23 FS. Law Implemented 185.10, 185.16, 185.35 FS. History—New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Patricia F. Shoemaker, Benefits Administrator, Municipal Police Officers' and Firefighters' Retirement Trust Funds, Division of Retirement

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: David S. Jones, Bureau Chief, Bureau of Local Retirement Systems, Division of Retirement
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 21, 2003

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: February 21, 2003

DEPARTMENT OF MANAGEMENT SERVICES

Division of Retirement

RULE CHAPTER TITLE: Municipal Firefighters' Pension Trust Fund

RULE CHAPTER NO.: 60Z-2

RULE TITLE: Use of Premium Tax Revenues

RULE NO.: 60Z-2.017

PURPOSE AND EFFECT: To clarify the use of state premium tax revenues to provide extra benefits to firefighters as provided in Chapter 99-1, Laws of Florida.

SUMMARY: This rule describes the use of the state premium tax revenues to fund Firefighters' Pension Plans established by municipalities or special fire control districts pursuant to Chapter 175, Florida Statutes.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: The rule relates to the use of premium tax revenues derived from property insurance to subsidize the funding of approximately 170 firefighter pensions plans of municipalities and fire control districts that voluntarily have elected to participate in Chapter 175, F.S. No additional fiscal impact should accrue as a result of these rules, as all municipalities and fire control districts, irrespective of their size, are currently in compliance with Chapter 175, Florida Statutes. There are no additional costs to the state. Transactional costs should be minimal.

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: 120.54, 175.1215, 175.341 FS.

LAW IMPLEMENTED: 175.121, 175.162, 175.351 FS.

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

TIME AND DATE: 1:00 p.m., April 3, 2003

PLACE: Room 220, 2nd Floor Conference Room, Building B, Cedars Executive Center, 2639 North Monroe Street, Tallahassee, Florida 32399-1560

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Patricia F. Shoemaker, Benefits Administrator, Police & Fire Pension Fund Office, Division of Retirement, Post Office Box 3010, Tallahassee, Florida 32315-3010, (850)922-0667

THE FULL TEXT OF THE PROPOSED RULE IS:

60Z-2.017 Use of Premium Tax Revenues.

(1) For pension plans that were in effect on October 1, 1998, that have not met the minimum benefit requirements described in Section 175.162, Florida Statutes, benefits shall be increased incrementally as additional premium tax revenues become available.

(2) For pension plans that were in effect on October 1, 1998, that provide benefits that meet or exceed the minimum benefits described in Section 175.162, Florida Statutes, increases in premium tax revenues over the amount collected for calendar year 1997, must be used in their entirety to provide extra benefits in addition to those benefits provided prior to the effective date of Chapter 99-1, Laws of Florida.

(3) For local law plans that were not in existence on October 1, 1998, premium tax revenues must be used in their entirety to provide extra benefits.

Specific Authority 120.54, 175.1215, 175.341 FS. Law Implemented 175.121, 175.162, 175.351 FS. History—New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Patricia F. Shoemaker, Benefits Administrator, Municipal Police Officers' and Firefighters' Retirement Trust Funds, Division of Retirement

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: David S. Jones, Bureau Chief, Bureau of Local Retirement Systems, Division of Retirement
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 21, 2003

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: February 21, 2003

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Professional Surveyors and Mappers

RULE TITLES:	RULE NOS.:
Continuing Education Requirements for Reactivation of Inactive License	61G17-5.001
Continuing Education Credit for Biennial Renewal	61G17-5.0031
Board Approval of Continuing Education Providers	61G17-5.0041
Obligations of Continuing Education Providers	61G17-5.0043
Evaluations of Providers	61G17-5.0044
Duration of Provider Status	61G17-5.0045
Proof of Completion of Continuing Education Hours	61G17-5.0051

PURPOSE AND EFFECT: The Board proposes to amend Rule 61G17-5.001, F.A.C., to clarify the continuing education requirements for reactivation of an inactive license; Rule 61G17-5.0031, F.A.C., is being substantially rewritten, to clarify course credits, and how they are obtained, and what is required to show proof of completion; Rule 61G17-5.0041, F.A.C., is amended to change the deadline to be approved under this rule from February 28 to May 31st of every odd-numbered year; Rule 61G17-5.0043, F.A.C., sets out the requirements and obligations of the provider to maintain status as a continuing education provider and provides information on electronic, internet and online courses; Rule 61G17-5.0044, F.A.C., is being amended to allow for a designee of the Board to evaluate providers, courses and seminars being offered; and Rule 61G17-5.0051, F.A.C., is a new rule which sets forth requirements to show proof of completion of the continuing education hours.

SUMMARY: The rules in this chapter set forth requirements for reactivation of inactive licenses; how to obtain continuing education approval for biennial renewal; Board approval for continuing education providers; how providers are evaluated; the duration of provider status approval and how to get renewed approval; clarifies the obligations of the continuing education provider; and what is proof of completion of the continuing education hours.

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

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

SPECIFIC AUTHORITY: 455.219, 472.008, 472.011(2),(3),(5), 472.018, 472.019(2) FS.

LAW IMPLEMENTED: 455.219; 472.011(2),(3),(4), 172.018, 472.019(2), 472.033, 455.271(9) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Leon Biegalski, Executive Director, Board of Professional Surveyors and Mappers, Northwood Centre, 1940 N. Monroe Street, Tallahassee, Florida 32399-0750

THE FULL TEXT OF THE PROPOSED RULES IS:

61G17-5.001 Continuing Education Requirements for Reactivation of Inactive License.

A license which has been inactive for more than one year may be reactivated upon application to the Department and demonstration to the Board by the licensee of having completed one (1) continuing education credit in surveying and mapping related courses or seminars per inactive month up to a maximum of twenty-four (24) continuing education credits which must be completed within one year prior to the date of application for reactivation. This education shall be related to the licensee's field of practice. Verification of the above-mentioned education shall be in the form of a continuing education course certificate of completion that complies with paragraph 61-6.015(4)(a), F.A.C tuition or registration receipts, records, or letters of verification from the institutions or entities which provided the training in question.

Specific Authority 472.019(2) FS. Law Implemented 455.271(9), 472.019(2) FS. History—New 10-29-80, Formerly 21HH-5.01, Amended 2-7-91, Formerly 21HH-5.001, Amended 3-28-94, 5-30-95, 10-13-97, 6-29-00,_____.

(Substantial rewording of Rule 61G17-5.0031 follows. See Florida Administrative Code for present text.)

61G17-5.0031 Continuing Education Credit for Biennial Renewal.

Every person licensed pursuant to Chapter 472, Florida Statutes, must obtain at least twenty-four (24) continuing education credits per biennium. At least six (6) credits must be obtained by completing an approved provider's course or seminar on Florida's minimum technical standards, an approved provider's course or seminar on Florida's laws affecting the practice of surveying and mapping, or an approved provider's course combining the aforementioned subject matters.

(1) Continuing education credits may be obtained for:

(a) The completion of courses in surveying and mapping subjects at universities and colleges which are regionally accredited by an accrediting agency that is recognized by the United States Department of Education. Six (6) continuing education credits may be obtained for each semester hour or quarter hour equivalent thereof. A "course in a surveying and mapping subject" is a course such as: civil engineering, forestry, mathematics, photogrammetry, land law, physical sciences, basic surveying and mapping, route surveying,

mapping, control surveying, legal principles of boundaries, geodetic astronomy, subdivisions and cartography. An official transcript from the registrar of the academic institution shall be submitted to the Board office as documentation of course completion at least 45 days prior to the end of the biennium:

(b)1. The completion of courses or seminars offered by continuing education providers approved by the Board for the provision of continuing education credit hours. A list of such providers is available from the Board office upon request.

2. A licensee may obtain continuing education credits in the amount of the credits allowed for that course or seminar for his/her first presentation of such course or seminar presentation of such course or seminar:

(c) A licensee's attendance at a regularly scheduled meeting of the Board of Professional Surveyors and Mappers. Only two (2) continuing education credits will be allowed for each day of such attendance during the biennium. Licensees shall sign in with a Board designee immediately prior to each day of the Board meeting. Upon adjournment of each meeting day, licensees shall sign out and be provided with a certificate of completion from the Board.

(d)1. No more than six (6) continuing education credits shall be awarded to a licensee who has researched, written, and published a book, paper, article, or other scholarly work related to surveying and mapping. Continuing education credits shall be awarded only for the biennium in which the work is initially published and approved for credit.

2. The licensee shall submit the published work along with proof of publication to the Board's Continuing Education Committee, or its designee, for review and approval at least sixty (60) days prior to the expiration of the biennium for which the licensee seeks credits.

(e)1. A licensee's attendance at a local chapter, state or national professional association meeting whose primary purpose is to promote the profession of surveying and mapping. One-half (1/2) credit shall be awarded for attendance at a local chapter meeting and two (2) credits shall be awarded for attendance at a state or national professional association meeting during each biennium. No more than six (6) continuing education credits shall be awarded in one biennium for attendance at local chapter, state or national professional association meetings.

2. Licensees who attend national professional association meetings shall submit a dated letter on official stationary from the national association confirming the dates of the licensee's attendance to the Board's Continuing Education Committee, or its designee, for review and approval at least sixty (60) days prior to the expiration of the biennium for which the licensee seeks credits.

3. Licensees who attend local chapter and state professional association meetings shall submit a certificate of completion confirming the dates of the licensee's attendance to

the Board's Continuing Education Committee, or its designee, for review and approval at least sixty (60) days prior to the expiration of the biennium for which the licensee seeks credits.

(2) No licensee may claim credit until after the credit has been earned by that licensee. Likewise, no credit earned after a biennium renewal date may be used to satisfy an earlier biennial requirement.

(3) Licensees need not comply with continuing education requirements prior to the licensee's first licensure renewal.

(4) Licensees shall retain, and make available to the Department, the Board or their designees, upon request, continuing education course certificates of completion that comply with paragraph 61-6.015(4)(a), F.A.C., for four (4) years following course completion.

Specific Authority 472.008, 472.018 FS. Law Implemented 472.018 FS. History--New 3-28-94, Amended 5-30-95, 9-21-98, 7-27-00, _____.

61G17-5.0041 Board Approval of Continuing Education Providers.

(1) Applicants for continuing education provider status must meet the requirements of subsections (2) and (3) of this rule to demonstrate the education and/or the experience necessary to instruct professional surveyors and mappers in the conduct of their practice, and they must ~~renew~~ ~~reapply~~ and be approved under this rule by ~~May 31st February 28~~ of every odd-numbered year ~~after the effective date of this rule.~~

(2) To demonstrate the education and/or the experience necessary to instruct professional surveyors and mappers in the conduct of their practice for continuing education credit, an applicant for continuing education provider status must be either a vendor of equipment or software used in the practice of surveying and mapping, a regionally accredited educational institution, a commercial educator, a governmental agency, a state or national professional association whose primary purpose is to promote the profession of surveying and mapping, or a surveyor and mapper with a Florida license to practice surveying and mapping who is not under disciplinary restrictions pursuant to any order of the Board. In addition, the applicant must demonstrate particular education, experience or skill which sets the applicant apart from the surveyors and mappers whom the applicant proposes to instruct.

(3) To allow the Board to evaluate an initial application for continuing education provider status, the applicant must submit the following:

(a) The name, address and telephone number of the prospective provider;

(b) A description of the type of courses or seminars the provider expects to conduct for credit ~~over the next two years;~~

(c) The particular qualifications of the prospective provider to conduct the proposed courses or seminars, which qualifications set the applicant apart from the surveyors and mappers whom the applicant proposes to instruct;

(d) A sample certificate of completion for the course or seminar to be conducted by the applicant which certificate shall state the provider number and the course or seminar number assigned to the provider by the Board office for that course or seminar;

(e) A nonrefundable application fee of \$250;

(f) A licensure fee of \$200, which, upon request, will be refundable if the applicant is denied provider status.

(4) No surveyor and mapper may conduct continuing education courses or seminars for credit upon the surveyor and mapper's receipt of any disciplinary order from any professional regulatory board in any jurisdiction. Rather, the surveyor and mapper must notify the Board office within ten (10) days of the surveyor and mapper's receipt of any such order.

(5) No provider may conduct a continuing education course or seminar for credit upon written notice that the Board, through its Executive Director, objects to the course or seminar. Rather, upon receipt of the objection, the provider may request to appear before the Continuing Education Committee of the Board to resolve the objection.

(6) No provider may allow a surveyor and mapper to conduct any course or seminar offered by the provider if that surveyor and mapper has been disciplined and has not been released from the terms of the final order in the disciplinary case. Upon receipt of notice that an instructor is under discipline, the provider shall, within seven (7) days, write to the Board office and confirm that the surveyor and mapper is no longer conducting any course or seminar offered by the provider. For the purpose of this subsection, a letter of guidance or a reprimand shall not constitute "under discipline."

(7) The Board and the Department retains the right and authority to audit and/or monitor programs and review records and course materials given by any provider approved pursuant to this rule. The Department Board shall rescind the provider status or reject individual programs given by a provider if the provider disseminates any false or misleading information in connection with the continuing education programs, or if the provider fails to conform to and abide by the rules of the Board.

Specific Authority 455.219, 472.008, 472.011(2),(3),(5), 472.018, 472.033 FS. Law Implemented 455.219, 472.018, 472.011(2),(3),(5), 472.033 FS. History—New 3-28-94, Amended 5-30-95, 5-31-00,_____.

61G17-5.0043 Obligations of Continuing Education Providers.

To maintain status as a continuing education provider, the provider must:

(1) Require each licensee to complete the entire course or seminar in order to receive a certificate of completion for the course or seminar.

(2) Furnish each participant with an individual certificate of attendance that complies with paragraph 61-6.015(4)(a), F.A.C. An attendance record shall be maintained by the

provider for four (4) years and shall be available for inspection by the Board, its designee, the Department, or the Department's designee. Providers must electronically provide to the Department a list of attendees taking a course within five (5) business days of the completion of the course. The list shall include the provider's name, the name and license number of the attendee, the date the course was completed, the course number and the total number of hours successfully completed. If the instructor is receiving credit as set forth in paragraph 61G17-5.0031(2)(c), F.A.C., the instructor shall be listed as an attendee with the same information required above. Providers shall maintain security of attendance records and certificates. For correspondence study courses, the provider must electronically supply the list of those individuals successfully completing the course by the 5th of the month following the calendar month in which the provider received documentation and was able to determine the successful completion of the course by the individual. Ensure that all promotional material for courses or seminars offered to professional surveyors and mappers for credit contain the provider number;

(3) Ensure that all promotional material for courses or seminars offered to professional surveyors and mappers for credit contain the provider number. Send to the Board office, so that it is received at least fourteen (14) days before the first date on which the course or seminar is to be conducted for professional surveyors and mappers, a description for any course or seminar that has not previously been sent to the Board from the provider;

(4) Allow only one continuing education credit for each hour of classroom, audio or video instruction, an "hour of classroom, audio or video instruction" being no less or no more than sixty (60) minutes of instruction.;

(5) Allow only one continuing education credit for each "hour of correspondence study." The "hour of correspondence study" must be based on the average completion time of each course as established by the provider. For correspondence study, provide to each participating licensee a written exam. In order to complete the course, the licensee must sign, date and seal the exam and receive a minimum grade of seventy percent (70%). If a licensee fails the exam, they will be permitted to take the exam again until a passing grade is achieved.

(6) Notify the Board within fourteen (14) thirty (30) days of any change in the address or telephone number of the provider.;

(7) Allow the Department's of Business and Professional Regulation and the Board's designee to have access to information concerning courses or seminars conducted by the provider for continuing education credit.;

(8) Provide courses or seminars designed to enhance the education of surveyors and mappers in the practice of surveying and mapping.;

(9) Discontinue any course or seminar objected to under subsection 61G17-5.0041(5), F.A.C.;

(10) Discontinue allowing an instructor to conduct a course or seminar upon receipt of notice pursuant to subsection 61G17-5.0041(6), F.A.C., and provide timely confirmation of same as required by that rule.

(11) A course or seminar on minimum technical standards must focus on each minimum technical standard in Board rules and give examples of the practical application of each standard in the performance of a survey. A course or seminar on minimum technical standards does not focus on case law.

(12) All information or documentation, including electronic course rosters, submitted to the Board or the Department shall be submitted in a format acceptable to the Board and the Department. Failure to comply with time and form requirements will result in disciplinary action taken against the provider. No provider may reapply for continuing education provider status until at least two (2) years have elapsed since the entry of any final order against the provider.

(13) On-line/internet courses shall be treated as correspondence courses for continuing education purposes.

Specific Authority 455.219, 472.008, 472.011, 472.018 FS. Law Implemented 472.018 FS. History—New 3-28-94, Amended 5-30-95, 7-27-00, _____.

61G17-5.0044 Evaluations of Providers.

(1) The Board, or its designee, shall will evaluate continuing education courses or seminars offered to professional surveyors and mappers for credit by:

- (a) Observing such courses or seminars; and
- (b) Reviewing the files of the provider to gain information about any course or seminar offered to professional surveyors and mappers for credit.

(2) The Board will not revoke the continuing education credit given to any professional surveyor and mapper for completion of any continuing education course or seminar about which the professional surveyor and mapper registers a complaint with the Board.

Specific Authority 472.008, 472.018 FS. Law Implemented 472.018 FS. History—New 3-28-94, Amended 5-30-95, 5-31-00, _____.

61G17-5.0045 Duration of Provider Status.

(1) Continuing education providers are approved only for the biennium during which they applied and must renew their reapply for provider status at the beginning of each biennium. The biennium for continuing education providers ends on May 31st February 28th of each odd-numbered year.

(2) Providers seeking renewal reapproval may continue to offer programs to licensees of the Board for credit until such time as expiration of provider status occurs or an order denying renewal a final order denying reapproval of continuing education provider status is filed with the Agency clerk.

Specific Authority 472.008, 472.018 FS. Law Implemented 472.018 FS. History—New 3-28-94, Amended 5-30-95, 5-31-00, _____.

61G17-5.0051 Proof of Completion of Continuing Education Hours.

(1) Continuing education courses shall be valid for purposes of the continuing education requirement only if such courses have received prior approval from the Board. The Board shall approve a course as a continuing education course for the purpose of this rule when the following requirements are met:

(a) Written application for course approval shall be received by the Board prior to the date the course is offered, on BPR form SM-4758, entitled “Course Approval Application Form” incorporated herein by reference and effective _____, which copies may be obtained from the Board.

(b) A detailed course outline is submitted to the Board, along with the application, which describes the course’s content and subject matter.

(c) Continuing education courses must address surveying and mapping subjects. Such subjects shall include but are not limited to civil engineering, forestry mathematics, photogrammetry, land law, physical sciences, basic surveying and mapping, route surveying, mapping, control surveying, legal principles of boundaries, geodetic astronomy, subdivisions, cartography, managing surveying businesses and operations and any other subject matter that directly enhances the surveying and mapping profession.

(d) The course provider shall submit to the Board a sample continuing education course certificate of completion that complies with paragraph 61-6.015(4)(a), F.A.C., that is given to each course participant if the participant completes the course.

(e) Instructor curriculum vitae demonstrating particular education, knowledge, experience or skill which sets the applicant apart from those he or she will instruct.

(2) Course approvals are valid for 24 months from the date of issuance. Providers must reapply for course approval within 90 days prior to the expiration of the 24 month period. Written application and course approval shall be in the same form as set forth in (1) above.

(3) The Board shall be notified of any substantive changes made to approved courses during this period, which shall include instructor changes. Course approval shall be rescinded by the Board if such notification is not made or the changes fail to otherwise conform to this rule.

(4) Course approvals shall be automatically rescinded if the provider status expires or is rescinded by disciplinary action or otherwise.

Specific Authority 472.008, 472.018 FS. Law Implemented 472.018 FS. History—New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Board of Professional Surveyors and Mappers

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Professional Surveyors and Mappers

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: July 13, 2002

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: June 28, 2002

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Accountancy

RULE TITLE: College or University Requirements

RULE NO.: 61H1-27.001

PURPOSE AND EFFECT: The Board proposes this amendment to add Australian academic accounting programs approved by the provincial education bodies to the list of regional accrediting agencies.

SUMMARY: This rule sets forth the college and university requirements pursuant to 473.306, F.S.

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

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

SPECIFIC AUTHORITY: 473.304, 473.306 FS.

LAW IMPLEMENTED: 473.306 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE FAW (IF NOT REQUESTED, IN WRITING, A HEARING WILL NOT BE HELD):

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: John W. Johnson, Executive Director, Board of Accountancy, 240 N. W. 76 Drive, Suite A, Gainesville, Florida 32607

THE FULL TEXT OF THE PROPOSED RULE IS:

61H1-27.001 College or University Requirements.

(1) through (g) No change.

(h) Canadian and Australian academic accounting programs approved by the provincial education bodies.

(2) through (5)(b) No change.

Specific Authority 473.304, 473.306 FS. Law Implemented 473.306 FS. History—New 12-4-79, Amended 2-3-81, 3-21-84, 10-28-85, Formerly 21A-27.01, Amended 4-8-86, 9-1-87, 8-25-88, 12-28-89, 3-29-90, Formerly 21A-27.001, Amended 1-11-95,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Accountancy

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 6, 2002

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Accountancy

RULE TITLE: Experience for Licensure by Endorsement

RULE NO.: 61H1-29.003

PURPOSE AND EFFECT: The Board proposes to amend this rule to clarify that the “five years of experience in the practice...” needs to be after licensure as a Certified Public Accountant or Chartered Accountant.

SUMMARY: This rule sets forth requirements for experience for licensure by endorsement.

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: 473.304, 473.308 FS.

LAW IMPLEMENTED: 473.308 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE FAW (IF NOT REQUESTED, IN WRITING, A HEARING WILL NOT BE HELD):

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: John W. Johnson, Executive Director, Board of Accountancy, 240 N. W. 76 Drive, Suite A, Gainesville, Florida 32607

THE FULL TEXT OF THE PROPOSED RULE IS:

61H1-29.003 Experience for Licensure by Endorsement.

Experience used to meet the requirements of Section 473.308(4), F.S., must include five years experience in the practice of public accounting after licensure as a Certified Public Accountant or Chartered Accountant ~~as a certified public accountant or chartered accountant~~. In addition, the applicant must have practiced at least two years of the last three years immediately preceding application for licensure. The applicant shall, during those three years, complete continuing education in public accountancy at least equivalent to that required in Florida during that period.

Specific Authority 473.304, 473.308 FS. Law Implemented 473.308 FS. History—New 4-24-88, Amended 6-12-88, Formerly 21A-29.003, Amended 2-12-98,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Accountancy

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Accountancy
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 6, 2002
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: December 20, 2002

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Accountancy

RULE TITLE: Reactivation of Inactive Licenses
RULE NO.: 61H1-33.007

PURPOSE AND EFFECT: The Board proposes to amend the language of this rule to clarify when and how a licensee is entitled to reactivate the license in a conditional manner.

SUMMARY: This Rule sets forth the requirements for reactivation of a conditional license, and explains that in addition to payment of fees there are time limits and continuing education requirements.

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

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

SPECIFIC AUTHORITY: 473.304, 473.313 FS.

LAW IMPLEMENTED: 473.313 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE FAW (IF NOT REQUESTED IN WRITING, A HEARING WILL NOT BE HELD):

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: John W. Johnson, Executive Director, Board of Accountancy, 240 N. W. 76 Drive, Suite A, Gainesville, Florida 32607

THE FULL TEXT OF THE PROPOSED RULE IS:

61H1-33.007 Reactivation of Inactive Licenses.

Any licensee who has not practiced public accountancy on an inactive or suspended license is and who has become inactive may be permitted to reactivate the his license in a conditional manner. The conditions of reactivation shall require that in addition to payment of fees, the licensee shall complete all required continuing education shall be completed within 120 days of receipt of the conditional license and pass the examination approved by the Board on Chapters 455 and 473, F.S., and the related administrative rules. A grade of at least 80 is a passing grade. Prior to receiving his license on the above-mentioned basis a licensee must agree in writing that failure to successfully complete all continuing education requirements within the 120 days shall cause his license to

automatically revert to its previous an involuntarily inactive status. Such involuntarily inactive licensees shall not thereafter be eligible to reactivate on the above-mentioned terms. Any licensee who voluntarily becomes inactive during the 120-day period set forth above shall also be precluded from seeking conditional licensure in the future.

Specific Authority 473.304, 473.313 FS. Law Implemented 473.313 FS. History New 8-9-82, Amended 11-6-84, Formerly 21A-33.07, Amended 4-8-86, Formerly 21A-33.007, Amended

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Accountancy

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 6, 2002

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Accountancy

RULE TITLE: Citations
RULE NO.: 61H1-36.005

PURPOSE AND EFFECT: This rule is being amended to add an additional violation that may be disposed of by payment of a fine.

SUMMARY: The rules sets out citations which may be disposed of by payment of a fine when there is no substantial threat to the health safety and welfare of the public.

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

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

SPECIFIC AUTHORITY: 455.225, 473.304 FS.

LAW IMPLEMENTED: 455.224 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE FAW (IF NOT REQUESTED IN WRITING, A HEARING WILL NOT BE HELD):

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: John W. Johnson, Executive Director, Board of Accountancy, 240 N. W. 76th Drive, Suite A, Gainesville, Florida 32607

THE FULL TEXT OF THE PROPOSED RULE IS:

61H1-36.005 Citations.

(1) Pursuant to Section 455.224, F.S. (1991), the Board sets forth in (3) of this rule those violations for which there is no substantial threat to the public health, safety and welfare; or,

if there is a substantial threat to the public health, safety and welfare, such potential for harm has been removed prior to the issuance of the citation. Next to each violation is the fine to be imposed.

(2) Prior to issuance of the citation, the Department must confirm that the violation has been corrected or is in the process of being corrected. If the violation is a substantial threat to the public health, safety and welfare, such potential for harm must be removed prior to issuance of the citation.

(3) The following violations with accompanying fines may be disposed of by citation:

- (a) Practicing on inactive license (473.323(1)(i), F.S.) Reprimand and fine based on length of time in practice while inactive; \$100/month or \$5,000 maximum (penalty will require licensure or cease practice).
- (b) Licensees practicing in an unlicensed firm (including sole proprietors) or otherwise in violation of 473.309, 473.3101, and 473.323(1)(g), F.S. Reprimand and \$100 per month fine to maximum of \$5,000 and suspension of right to practice until corrected.
- (c) Licensees who complete continuing professional education requirements timely but who are found deficient after December 1st of their renewal year (subsection 61H1-33.003(5), F.S.) Submit documentation that deficient hours have been completed and pay \$50 fine within 60 days.
- (d) Licensees who fail to timely submit complete documentation for a CE audit finned \$100 per month

(4) Once the citation becomes a final order, the citation and complaint become a public record pursuant to Chapter 119, F.S., unless otherwise exempt from the provisions thereof. The citation and complaint may be considered as aggravating circumstances in future disciplinary actions pursuant to paragraph 61H1-36.004(3)(a), F.A.C.

(5) The procedures described herein apply only for an initial offense of the alleged violation. Subsequent violation(s) of the same rule or statute shall require the procedures of Section 455.225, F.S., to be applied. In addition, should an initial offense for which a citation could be issued occur in conjunction with violations not described herein, then the procedures of Section 455.225, F.S., shall apply.

Specific Authority 455.224, 455.225, 473.304 FS. Law Implemented 455.224 FS. History—New 12-30-91, Formerly 21A-36.005, Amended 12-7-93, 5-23-94, 8-16-99, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Accountancy
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Accountancy
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 6, 2002
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: December 20, 2002

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Florida Real Estate Appraisal Board

RULE TITLE: Disciplinary Guidelines
RULE NO.: 61J1-8.002

PURPOSE AND EFFECT: The purpose of the proposed rule is to clarify or modify the disciplinary guideline recommendations.

SUMMARY: The proposed rule change affects rule provisions relating to disciplinary guidelines.

SUMMARY OF STATEMENT OF ESTIMATE OF REGULATORY COSTS: No Statement of Estimated Regulatory Costs was prepared.

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

SPECIFIC AUTHORITY: 455.2273, 475.614 FS.

LAW IMPLEMENTED: 475.227, 475.622, 475.624, 475.626 FS.

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

TIME AND DATE: 8:30 a.m., or as soon thereafter as possible, April 1, 2003

PLACE: Division of Real Estate, Commission Meeting Room 901, North Tower, 400 West Robinson Street, Orlando, Florida 32801

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Lori Crawford, Deputy Clerk, Division of Real Estate, 400 West Robinson Street, Hurston Building, North Tower, Suite N809, Orlando, Florida 32801

THE FULL TEXT OF THE PROPOSED RULE IS:

61J1-8.002 Disciplinary Guidelines.

(1) Pursuant to s. 455.2273, Florida Statutes, the Florida Real Estate Appraisal Board sets forth below a range of disciplinary guidelines from which disciplinary penalties will be imposed upon licensees guilty of violating chapter 455 or part II, chapter 475, Florida Statutes. (For purposes of this rule, the term licensee shall refer to registrants, license holders or certificate holders.) The purpose of the disciplinary guidelines is to give notice to licensees of the range of

penalties which normally will be imposed for each count during a formal or an informal hearing. For purposes of this rule, the order of penalties, ranging from lowest to highest, is: reprimand, fine, probation, suspension, and revocation or denial. Pursuant to s. 475.624, Florida Statutes, combinations of these penalties are permissible by law. Nothing in this rule shall preclude any discipline imposed upon a licensee pursuant to a stipulation or settlement agreement, nor shall the ranges of penalties set forth in this rule preclude the probable cause panel from issuing a letter of guidance upon a finding of probable cause, where appropriate.

(2) As provided in s. 475.624, Florida Statutes, the Florida Real Estate Appraisal Board may, in addition to other disciplinary penalties, place a licensee on probation. The placement of the licensee on probation shall be for such a period of time and subject to such conditions as the Board may specify. Standard probationary conditions may include, but are not limited to, requiring the licensee: to attend pre-licensure courses; to satisfactorily complete a pre-licensure course; to attend and satisfactorily complete continuing education courses; to submit to reexamination through the state-administered examination, which must be successfully completed; to be subject to periodic inspections and interviews by an investigator of the Department of Business & Professional Regulation.

(3) The penalties are as listed unless aggravating or mitigating circumstances apply pursuant to paragraph (4):

VIOLATIONS	RECOMMENDED RANGE OF PENALTY
(a) 475.622(1) Failed to place the registration, license or certification number adjacent to or immediately beneath the state designation	Up to 90 days suspension
(b) 475.622(1) Failed to include the appropriate designation and number in an advertisement	Up to 90 days suspension
(c) 475.622(2) Failed to use the state registration, license or certification designation in any appraisal report	Up to 90 days suspension
<u>(d) 475.624(1) Violated any provisions of this part of s. 455.227(1).</u>	<u>The usual action of the Board shall be to impose a penalty up to revocation and an administrative fine up to \$5,000.</u>
(e) (d) 475.624(2) Guilty of fraud, misrepresentation, concealment, false promises, false pretenses, dishonest dealing by trick, scheme or device, culpable negligence or breach of trust	In case of fraud, misrepresentation and dishonest dealing, the usual action of the Board shall be to impose a penalty of revocation.

~~(f)~~(e) 475.624(3) False, deceptive or misleading advertising

In the case of concealment, false promises and false pretenses, the usual action of the Board shall be to impose a penalty of a 3 to 5 year suspension and an administrative fine of \$1000.

In the case of culpable negligence and breach of trust, the usual action of the Board shall be to impose a penalty from a \$1000 fine to a 1 year suspension.

The usual action of the Board shall be to impose a penalty from \$1000 fine to a 1 year suspension.

(g) 475.624(4) – Violated any of the provisions of this section or any lawful order or rule issued under the provisions of this section or Chapter 455

The usual action of the Board shall be to impose a penalty up to revocation and an administrative fine up to \$5,000.

~~(h)~~(f) 475.624(5) Convicted or found guilty of a crime related to appraising or involves moral turpitude or fraudulent or dishonest dealing

The usual action of the Board shall be to impose a penalty from suspension to revocation.

~~(i)~~(g) 475.624(6) Has license disciplined or acted against an application denied by another jurisdiction

Imposition of discipline comparable to the discipline which would have been imposed if the substantive violation had occurred in Florida or suspension of the license until the license is unencumbered in the jurisdiction in which the disciplinary action was originally taken, and an administrative fine of \$1000.

~~(j)~~(h) 475.624(7) Impairment by drunkenness, or use of drugs or temporary mental derangement

The usual action of the Board shall be to impose a penalty of suspension for the period of incapacity.

~~(k)~~(i) 475.624(8) Confined in jail, prison or mental institution; or through mental disease can no longer practice with skill or in a confidential capacity

The usual action of the Board shall be to impose a penalty of revocation.

<p>(l)(f) 475.624(9) Failed to give the Board written notice within 30 days after a guilty or nolo contendere plea or having been convicted of any felony</p>	<p>The usual action of the Board shall be to impose a penalty from a 5 year suspension to revocation and an administrative fine of \$1000.</p>	<p>(t)(e) 475.624(17) Has accepted an appraisal assignment contingent upon the licensee reporting a predetermined result, analysis or opinion</p>	<p>The usual action of the Board shall be to impose a penalty of revocation.</p>
<p>(m)(h) 475.624(10) Guilty for the second time of misconduct in the practice of real estate appraisal that demonstrates incompetent, dishonest or negligent dealings with those persons with whom the licensee sustains a confidential relationship</p>	<p>The usual action of the Board shall be to impose a penalty of revocation.</p>	<p>(u)(s) 475.624(18) Has failed to timely notify the department of any change in business location, or has failed to fully disclose all business locations from which he operates as an appraiser</p>	<p>Up to 90 days suspension</p>
<p>(n)(t) 475.624(11) Has made or filed a report or record which the licensee knows to be false or willfully failed to file a report or record or willfully impeded such filing as required by state or federal law</p>	<p>The usual action of the Board shall be to impose a penalty of revocation.</p>	<p>(v)(t) 475.626(1)(a) Has practiced without a valid and current license, registration or certification</p>	<p>The usual action of the Board shall be to impose a penalty from a 5 year suspension to revocation and an administrative fine of \$1000.</p>
<p>(o)(m) 475.624(12) Obtained a license by fraud, mis-representation or concealment</p>	<p>The usual action of the Board shall be to impose a penalty of revocation.</p>	<p>(w)(t) 475.626(1)(b) Has violated any order or rule of the Board</p>	<p>The usual action of the Board shall be to impose a penalty of revocation.</p>
<p>(p)(n) 475.624(13) Has paid money or other consideration to a member of the Board or employee of the Board to obtain a license, registration or certification</p>	<p>The usual action of the Board shall be to impose a penalty of revocation.</p>	<p>(x)(v) 475.626(1)(d) Made a false affidavit or affirmation or gave false testimony before the Board</p>	<p>The usual action of the Board shall be to impose a penalty of revocation.</p>
<p>(q)(e) 475.624(14) Has violated any standard for the development or communication of a real estate appraisal or other provision of the Uniform Standards of Professional Appraisal Practice</p>	<p>The usual action of the Board shall be to impose a penalty from a 5 year suspension to revocation and an administrative fine of \$1000.</p>	<p>(y)(w) 475.626(1)(e) Failed to comply with subpoena issued by the Department of Business & Professional Regulation</p>	<p>Up to 5 years suspension</p>
<p>(r)(p) 475.624(15) Has failed or refused to exercise reasonable diligence in developing or preparing an appraisal report</p>	<p>The usual action of the Board shall be to impose a penalty from a 5 year suspension to revocation and an administrative fine of \$1000.</p>	<p>(z)(*) 475.626(1)(f) Obstructed or hindered the enforcement of part II of Chapter 475, Florida Statutes F.S.</p>	<p>The usual action of the Board shall be to impose a penalty of revocation.</p>
<p>(s)(q) 475.624(16) Has failed to communicate an appraisal without good cause</p>	<p>The usual action of the Board shall be to impose a penalty from a \$1000 fine to a 1 year suspension.</p>	<p>(aa)(y) 475.626(1)(g) Knowingly concealed information relating to violations of Chapter 475, Florida Statutes, F.S. Part II</p>	<p>Up to 90 days suspension</p>

(4)(a) When either the petitioner or respondent is able to demonstrate aggravating or mitigating circumstances to the Board by clear and convincing evidence, the Board shall be entitled to deviate from the above guidelines in imposing discipline upon a licensee. Whenever the petitioner or respondent intends to introduce such evidence to the Board in s. 120.57(2), Florida Statutes, F.S. hearing, advance notice of no less than seven (7) days shall be given to the other party or else the evidence can be properly excluded by the Board.

(b) Aggravating or mitigating circumstances may include, but are not limited to, the following:

~~1. The severity of the offense.~~

~~1.2.~~ The degree of harm to the consumer or public.

~~2.3.~~ The number of counts in the administrative complaint.

~~4. The number of times the offenses previously have been committed by the licensee.~~

~~3.5.~~ The disciplinary history of the licensee.

~~4.6.~~ The status of the license at the time the offense was committed.

~~5.7.~~ The degree of financial hardship incurred by a licensee as a result of the imposition of a fine or suspension of the license.

~~6.8.~~ Violation of the provision of part II of Chapter 475, Florida Statutes, wherein a letter of guidance as provided in s. 455.225(3), Florida Statutes, previously has been issued to the licensee.

Specific Authority 475.2273, 475.614 FS. Law Implemented 455.227, 475.622, 475.624, 475.626 FS. History--New 1-7-92, Formerly 21VV-8.002, Amended 1-9-94, 8-17-97, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Florida Real Estate Appraisal Board

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 4, 2003

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: January 17, 2003, Section I

DEPARTMENT OF HEALTH

Board of Medicine

RULE TITLE: Licensure Denial
RULE NO.: 64B8-4.022

PURPOSE AND EFFECT: The proposed rule amendment is intended to delete subsection (1) from the rule in response to the *Rousch* case.

SUMMARY: The proposed rule amendment deletes subsection (1) from the rule.

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

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

SPECIFIC AUTHORITY: 458.309, 458.310, 458.311, 458.3115, 458.3124, 458.313, 458.3135, 458.3145, 458.315, 458.316, 458.3165, 458.317 FS.

LAW IMPLEMENTED: 458.311, 458.313, 458.331 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Larry G. McPherson, Jr., Executive Director, Board of Medicine/MQA, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3253

THE FULL TEXT OF THE PROPOSED RULE IS:

64B8-4.022 Licensure Denial.

In most cases the Board evaluates applicants on a case-by-case basis; however, in the following circumstances the Board, as a matter of policy, shall deny the application for licensure in Florida:

~~(1) When the applicant has had action taken against a medical license or the authority to practice medicine by the licensing authority of another jurisdiction and the applicant does not demonstrate that the applicant has a license in the jurisdiction which took action and that license is in good standing and unencumbered.~~

~~(2) When the applicant has been convicted of, been found guilty of, or entered a plea of nolo contendere to a crime and the applicant does not demonstrate that all criminal sanctions imposed by the court have been satisfied.~~

Specific Authority 458.309, 458.310, 458.311, 458.3115, 458.3124, 458.313, 458.3135, 458.3145, 458.315, 458.316, 458.3165, 458.317 FS. Law Implemented 458.311, 458.313, 458.331 FS. History--New 11-4-93, Formerly 61F6-22.022, 59R-4.022, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Rules Committee, Board of Medicine

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 6, 2002

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: February 7, 2003

DEPARTMENT OF HEALTH

Division of Family Health Services

RULE TITLES: RULE NOS.:
General Regulations; Definitions 64F-12.001
Records of Drugs, Cosmetic and Devices 64F-12.012
Prescription Drugs; Receipt,
Storage and Security 64F-12.013
Administrative Enforcement 64F-12.024

PURPOSE AND EFFECT: This notice of proposed rulemaking replaces the notice previously published in the Florida Administrative Weekly, February 14, 2003, Vol. 29, No. 7, regarding amendments to the same rules listed above. That notice has been withdrawn. This notice of rulemaking also supercedes the effective date published in that notice and the effective date contained in the notice of rule development published in the Florida Administrative Weekly, February 7, 2003, Vol. 29, No. 6. The purpose and effect of the proposed rule amendments is to refine a definition and define a new term thereby facilitating the Section 499.0121(6)(d), F.S., recordkeeping requirements on prescription drug wholesalers that are intended to assist certain purchasers of prescription drugs that are specified drugs to determine a specified drug's distribution history, effective 60 days after rulemaking is completed; to require prescription drug wholesalers to review for completeness and accuracy the distribution history and other required records prior to the purchase of a prescription drug; and to provide guidelines for purposes of assessing an administrative fine for a violation of these new requirements. These amendments are intended to assist the department and the industry to better prevent the distribution and consumption of diverted or counterfeit prescription drugs, and to assist both in the investigating and finding of prescription drugs that are, or have been, diverted from channels of wholesale distribution or counterfeit. The department thereby expects these amendments to substantially reduce the public health threat that exists because of the recurrence of diversion or counterfeiting of specified drugs in the wholesale marketplace in Florida. The department believes that the proposed rule amendments, which are based on the department's experience with certain expensive prescription drugs that the department has found to be at risk for diversion and counterfeiting, will enable the department and industry to more effectively identify drugs that have been diverted or are counterfeit, prior to their consumption.

SUMMARY: The definition of "ongoing relationship" is being revised for a list of "specified drugs". This term is used with respect to an authorized distributor of record in Section 499.0121(6)(d), F.S. A definition of "specified drug" is being added and consists of a list of specific prescription drugs. The definition of "affiliated group" is being added since this term will be used in the new recordkeeping requirement provisions. Additional recordkeeping and verification requirements will be imposed on prescription drug wholesalers and repackagers. Finally, guidelines are provided which the department will apply when assessing an administrative fine for a violation of these new requirements.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: The department did not prepare a statement of estimated regulatory cost.

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

SPECIFIC AUTHORITY: 499.0121, 499.05 FS.

LAW IMPLEMENTED: 499.0121(6), 499.066 FS.

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

TIME AND DATE: 11:00 a.m. – 4:00 p.m. (EST), Friday, April 4, 2003

PLACE: 4052 Bald Cypress Way, Room 301, Tallahassee, Florida

If special accommodations are needed to attend this workshop because of a disability, please contact: Maxine Wenzinger, (850)922-5190

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Sandra Stovall, Compliance Officer, 2818-A Mahan Drive, Tallahassee, Florida 32308, (850)487-1257, Ext. 210, sandra_stovall@doh.state.fl.us

THE FULL TEXT OF THE PROPOSED RULES IS:

64F-12.001 General Regulations; Definitions.

(1) No change.

(2) In addition to definitions contained in sections 499.003, 499.012(1), 499.0122(1), 499.028(1), and 499.61, F.S., the following definitions apply to Rule Chapter 64F-12, F.A.C.:

(a) No change.

(b) "Affiliated group" – means the definition set forth in sec. 1504 of the Internal Revenue Code, which is incorporated by reference.

(b) through (h) renumbered (c) through (i) No change.

(j) ~~(j)~~ "Ongoing relationship" means:

1. For a prescription drug other than a specified drug, an association that exists when a manufacturer and a distributor enter into a written agreement under which the distributor is authorized to distribute the manufacturer's product(s) for a period of time or for a number of shipments, at least one sale is made under that agreement, and the name of the authorized distributor of record is entered on the manufacturer's list of authorized distributors of record or equivalent list. An ongoing relationship may also be documented by at least three purchases of a manufacturer's product(s) directly from that manufacturer within a six month period from the date for which the authorized distributor of record relationship is claimed and the distributor's name is entered on the manufacturer's list of authorized distributors of record or equivalent list.

2. Effective 60 days after the effective date of this sub-paragraph (j)2., for a specified drug, an association that exists for each transaction involving the specified drug between a manufacturer and a prescription drug wholesaler

such that the prescription drug wholesaler has purchased the specific unit of the specified drug directly from the manufacturer for further distribution of that specific unit of the specified drug.

(j) through (s) renumbered (k) through (t) No change.

(v) "Specified drug" means all dosage forms, strengths and container sizes of the following prescription drugs:

1. Combivir (lamivudine/zidovudine)
2. Crixivan (indinavir sulfate)
3. Diflucan (fluconazole)
4. Epivir (lamivudine)
5. Epogen (epoetin alfa)
6. Gamimune (globulin, immune)
7. Gammagard (globulin, immune)
8. Immune globulin
9. Lamisil (terbinafine)
10. Lupron (leuprolide acetate)
11. Neupogen (filgrastim)
12. Nutropin AQ (somatropin, e-coli derived)
13. Panglobulin (globulin, immune)
14. Procrit (epoetin alfa)
15. Retrovir (zidovudine)
16. Risperdal (risperidone)
17. Rocephin (ceftriaxone sodium)
18. Serostim (somatropin, mammalian derived)
19. Sustiva (efavirenz)
20. Trizivir (abacavir sulfate/lamivudine/zidovudine)
21. Venoglobulin (globulin, immune)
22. Videx (didanosine)
23. Viracept (nelfinavir mesylate)
24. Viramune (nevirapine)
25. Zerit (stavudine)
26. Ziagen (abacavir sulfate)
27. Zocor (simvastatin)
28. Zofran (ondansetron)
29. Zoladex (goserelin acetate)
30. Zyprexa (olanzapine)

(t) through (v) renumbered (u) through (w) No change.

Specific Authority 499.05, 499.61, 499.701 FS. Law Implemented 499.003, 499.004, 499.005, 499.0054, 499.0057, 499.006, 499.007, 499.008, 499.009, 499.01, 499.012, 499.0121, 499.0122, 499.013, 499.014, 499.015, 499.023, 499.024, 499.025, 499.028, 499.03, 499.033, 499.035, 499.039, 499.041, 499.05, 499.051, 499.052, 499.06, 499.066, 499.067, 499.069, 499.61, 499.62, 499.63, 499.64, 499.65, 499.66, 499.67, 499.71, 499.75 FS. History—New 1-1-77, Amended 12-12-82, 1-30-85, Formerly 10D-45.31, Amended 11-26-86, 2-4-93, 7-1-96, Formerly 10D-45.031, Amended 1-26-99, 4-18-01, _____.

64F-12.012 Records of Drugs, Cosmetics and Devices.

(1) through (2) No change.

(3)(a) For drugs other than specified drugs, the pedigree papers required by s. 499.0121(6)(d) must include either the proprietary name or the generic name with the name of the manufacturer (manufacturer, distributor or relabeler) or

distributor reflected on the label of the product; dosage form; strength; container size; quantity by lot number; the name and address of each owner of the prescription drug; the name and address of each location from which it was shipped if different from the owner's; and the transaction dates. A copy of the pedigree paper must be maintained by each recipient.

(b) Effective 60 days after the effective date of this paragraph (b), for a specified drug:

1. Any person who distributes a specified drug that it did not manufacture must provide to each purchaser and recipient that is a wholesale distributor either:

a. upon the wholesale distribution, a statement on the invoice or transfer document as follows:

i. If the establishment is not a member of an affiliated group: "This establishment purchased the specific unit(s) of the prescription drug(s) represented on this document directly from the manufacturer as an authorized distributor of record."

or

ii. If the establishment is a member of an affiliated group: "This establishment or a member of our affiliated group that is licensed or permitted as a drug wholesaler purchased the specific unit(s) of the prescription drug(s) represented on this document directly from the manufacturer as an authorized distributor of record."

or

b. before the wholesale distribution, a written statement ("pedigree paper") identifying each previous wholesale distribution of that unit of the specified drug back to the manufacturer.

2. The pedigree papers required by s. 499.0121(6)(d) must include either the proprietary name or the generic name with the name of the manufacturer (manufacturer, distributor or relabeler) or distributor reflected on the label of the product; dosage form; strength; container size; quantity by lot number; the name and address of each prior owner of the prescription drug; consistent with (b)1.a. or (b)1.b., above; the name and address of each location from which it was shipped if different from the owner's; and the transaction dates for all distributions subsequent to the distribution by the wholesaler, or its affiliated group member that purchased that unit of the prescription drug from the manufacturer. The pedigree paper must clearly identify the invoice to which it relates. A copy of the pedigree paper must be maintained by each recipient.

(c) A repackager must comply with this subsection.

(4) through (15) No change.

Specific Authority 499.05, 499.012, 499.0121, 499.0122, 499.013, 499.014, 499.052 FS. Law Implemented 499.012, 499.0121, 499.0122, 499.013, 499.014, 499.05, 499.051, 499.052 FS. History—New 1-1-77, Amended 12-12-82, 7-8-84, 1-30-85, Formerly 10D-45.53, Amended 11-26-86, 2-7-93, 7-1-96, Formerly 10D-45.053, Amended 1-26-99, 4-18-01, _____.

64F-12.013 Prescription Drugs; Receipt, Storage and Security.

(1) through (4) No change.

(5) Examination of Prescription Drugs.

(a) Every person receiving prescription drugs other than the consumer receiving dispensed prescription drugs pursuant to Chapter 465, F.S., has a duty to examine the product to prevent acceptance of prescription drugs that are unfit for distribution or use. The extent of the examination should be predicated on the conditions surrounding the transaction, including but not limited to any previous sales of the product, i.e., purchase and delivery is not direct from the manufacturer; the conditions of transport; and environmental conditions to which the product may have been subjected. Upon receipt a prescription drug wholesaler must review the records required to be provided by subsection 64F-12.012(3), F.A.C., related to the purchase of prescription drugs for accuracy and completeness.

(b) through (c) No change.

Specific Authority 499.0121(1), 499.05 FS. Law Implemented 499.004, 499.006, 499.007, 499.0121, 499.052 FS. History—New 7-8-84, Amended 1-30-85, Formerly 10D-45.535, Amended 11-26-86, 7-1-96, Formerly 10D-45.0535, Amended 1-26-99, 4-18-01, _____.

64F-12.024 Administrative Enforcement.

(1) through (3) No change.

(4) The following codes outline department policy under s. 499.066(3)(a), F.S., and are used to designate the general severity in terms of the threat to the public health for violation and the range of action which the department will initiate.

3 = Warning Letter,

Letter of Violation with no fine or Notice of Violation or Administrative Complaint with a fine ranging from \$250* to \$1,000 per violation per day.

(*) If medical oxygen is the prescription drug involved, the range of the fine is \$50 to \$1,000.

2 = Notice of Violation or Administrative Complaint with a fine ranging from \$500 to \$2,500 per violation per day.

1 = Notice of Violation or Administrative Complaint with a fine ranging from \$1,000-\$5,000 per violation per day;

Suspension of the permit with a fine; or

Revocation of the permit with a fine.

CITE	VIOLATION	GENERAL SEVERITY
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499 refers to Chapter 499, F.S.

12 refers to Rule 64F-12

FACILITY, STORAGE:

No change.

MISCELLANEOUS:

No change.

OPERATING:

No change.

RECORDKEEPING:

499.005(18); 499.0121(6);

499.028; 499.052; 499.66;

499.67;

12.012 & 12.022(3)	Failing to maintain records, inventories	3 – 1
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499.66; 499.67; &

12.012

499.0121(6)	Failing to make records available	3 – 1
	Absence of or not providing pedigree papers	2

12.012(1)

12.012(1)	Not maintaining a complete audit trail	3
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12.012(12)

12.012(12)	Separate records, multiple businesses	3
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12.007(2)

12.007(2)	No written procedures for medical oxygen	3
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12.012(3)(a)

12.012(3)(a)	<u>Absence of or failing to obtain or pass on a pedigree paper for a prescription drug</u>	<u>3 – 2</u>
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12.012(3)(b)

12.012(3)(b)	<u>Absence of or failing to obtain or pass on a statement or a pedigree paper for a specified drug</u>	1
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12.013(5)

12.013(5)	<u>Failing to examine the transaction documentation and failing to determine their accuracy for a prescription drug, other than a specified drug</u>	1
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12.013(5)

12.013(5)	<u>Failing to examine the transaction documentation and failing to determine their accuracy for a specified drug</u>	1
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SAMPLES:

No change.

ADULTERATED & MISBRANDED:

No change.

COUNTERFEIT:

No change.

FALSE & MISLEADING:

499.005(5) & 12.002	Disseminating false/misleading ad	3
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499.005(7)

499.005(7)	Giving a false guaranty or undertaking	2
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499.005(10)

499.005(10)	Forging, counterfeiting, falsely representing a product	2 – 1
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499.005(11)

499.005(11)	Labeling or advertisement of effectiveness when not	3
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499.005(19);

499.005(23);

499.005(19); 499.005(23);	Making false or fraudulent statements	2 – 1
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499.66 & 499.67

499.005(19),

499.005(19),	Providing department with false/fraudulent records/statements	2 – 1
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499.64(4), 499.67

499.0054

499.64(4), 499.67 499.0054	Advertising Violations	3
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499.005(23)

499.005(23)	Obtaining/attempting to obtain by fraud,	2 – 1
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deceit, misrepresentation,

499.005(13)	subterfuge Activity w/self-testing HIV/AIDS products	2
<u>12.012(3)(a)</u>	<u>Providing a false pedigree paper for a prescription drug, other than a specified drug</u>	3-1
<u>12.012(3)(b)</u>	<u>Providing a false statement or a pedigree paper for a specified drug</u>	1

UNAUTHORIZED SOURCE OR RECIPIENT:

No change.

POSSESSION:

No change.

(5) No change.

Specific Authority 499.05 FS. Law Implemented 499.066 FS. History—New 7-1-96, Formerly 10D-45.0595, Amended 1-26-99, 4-18-01,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:

Jerry Hill, Chief of Statewide Pharmaceutical Services

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE:

Annie R. Neasman, R.N., M.S., Deputy Secretary for Health

DATE PROPOSED RULE APPROVED BY AGENCY HEAD:

February 12 , 2003

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW:

February 7, 2003

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

Mental Health Program

RULE TITLES:	RULE NOS.:
Applicability	65E-14.001
Audits of Contractors Participating in the Substance Abuse and Mental Health Programs	65E-14.003
Program Income	65E-14.004
Matching	65E-14.005
Appraisal of Real Property	65E-14.007
Programmatic Changes and Budget Revisions	65E-14.011
Contractor’s Financial Management Responsibilities	65E-14.014
Transactions Resulting in Additional Cost to the Program	65E-14.016
Cost Principles	65E-14.017
Sliding Fee Scale	65E-14.018
Methods of Paying for Services	65E-14.019
Cost Reimbursement Method of Payment	65E-14.020
Unit Cost Method of Payment	65E-14.021
Data Requirements	65E-14.022

PURPOSE AND EFFECT: Chapter 65E-14, F.A.C, is being amended to streamline the financial processes related to unit cost performance contracting for purchased services and to update and clarify budgeting, accounting, invoicing, and auditing requirements to reflect changes in the substance abuse and mental health area.

SUMMARY: Chapter 65E-14, F.A.C., is being amended to change the program name; modify the definition of approved budget; add new definitions; delete obsolete definitions; place current and additional independent audit requirements in the rule, including special audit schedules; combine and modify expenditure and revenue audit schedules and require reporting of all revenues and expenditures; clarify application of special audit requirements; require independent auditors to review cost allocation plans; modify program income requirements; clarify local match requirements; eliminate outdated program and budget revision provisions; clarify application of cost principles to unit cost performance contracts; place current accounting principles, standards, systems, and controls in the rule; eliminate debt collection and related legal costs as unallowable costs; eliminate a limitation regarding fringe benefits; clarify timesheet service documentation requirements; add requirements for establishing a sliding patient fee scale and schedule of discounts; place current methods for paying for services in the rule; clarify the allowable use client-specific performance contracts; place current cost reimbursement contract fiscal report and invoicing requirements in the rule; place current unit cost performance contracting cost center definitions, units of measure, and service documentation requirements in the rule and make minor clarifications; place current factors used in setting maximum rates for cost centers in the rule; establish procedure for adding cost centers for limited period of time; place current unit cost performance contracting requirements pertaining to budgeting and accounting, setting unit cost rates, and payment for service in the rule; require contractors to submit a general description of their overall program and organization and to notify the department of changes to specified information; require fiscal reports to display information separately by program under certain circumstances; establish an alternative method of setting unit cost rates for client-specific contracts and small client non-specific contracts; authorize state program directors to approve unit cost rates in excess of the maximum under specified circumstances; allow contractors limited flexibility in invoicing for individual cost centers; refer to Rule 65-29.001, F.A.C., for financial penalties; specify units to be deducted from the total units of service when preparing a request for payment; require data used on requests for payment to be consistent with the electronic data system; clarify that failure to meet a special funding requirement may result in an overpayment; incorporate CFP 155-2, Substance Abuse and Mental Health Measurement and Data Pamphlet, by reference. SPECIFIC AUTHORITY: 394.493(2), 394.674(4), 394.74, 394.76, 394.77, 394.78(1),(3),(6), 397.321(5) FS. LAW IMPLEMENTED: 394.457(3), 394.493(2), 394.66(9),(12), 394.674(3),(4), 394.74, 394.76, 394.77, 394.78(1),(3),(6), 397.321(10), 397.431, 397.481, 402.73(7) FS.

SUMMARY OF THE STATEMENT OF ESTIMATED REGULATORY COST: An estimate of the regulatory cost was not prepared for this rule.

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

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

TIME AND DATE: 9:00 a.m., March 31, 2003

PLACE: 1317 Winewood Blvd., Building 6, 2nd Floor, Mental Health Conference Room A, Tallahassee, Florida 32301

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Larry Ochalek, Senior Management Analyst, Substance Abuse Program Office, 1317 Winewood Blvd., Building 6, Room 307, Tallahassee, Florida 32399-0700, (850)414-1500, E-mail: larry_ochalek@dcf.state.fl.us

THE FULL TEXT OF THE PROPOSED RULES IS:

COMMUNITY ~~SUBSTANCE ALCOHOL, DRUG~~
ABUSE AND MENTAL HEALTH SERVICES –
FINANCIAL RULES

65E-14.001 Applicability.

(1) Except where inconsistent with State statutes, this part applies to all community ~~substance alcohol, drug~~ abuse and mental health funds appropriated by the Legislature to the Department of Children and Family Services through the ~~substance alcohol, drug~~ abuse and mental health budget ~~entities~~ entity.

(2) Definitions as used in this part, unless the context clearly requires otherwise.

(a) "Contractor" means parties which contract directly with the department under the provisions of the Community ~~Substance Alcohol, Drug~~ Abuse; and Mental Health Services Act, Chapter 394, Part IV, F.S.; the Substance Abuse Services Act, Chapter 397, F.S.; and any other agency or entity which contracts with the department directly to provide services to clients.

~~(b) "Subcontractor" means an agency or entity which provides direct services and receives funds from a state funded agency or entity under the Community Alcohol, Drug Abuse, and Mental Health Services Act and the Substance Abuse Services Act. This definition does not apply to certain subcontractors such as maintenance, transportation, equipment or lease purchase.~~

~~(b)(e)~~ "Prior approval" means securing the department's permission in advance to incur cost for those items that are designated as requiring prior approval. This permission will be in writing and shall not be construed as occurring through the normal budget approval process.

~~(c)(d)~~ "Audit" means direct examination of the books, records and accounts supporting amounts reported in the year-end report to determine correctness and propriety.

~~(d)(e)~~ "Program income" means income earned by a contractor from activities where part of the cost of those activities is paid for by the state.

~~(e)(f)~~ "Matching" means the value of third-party in-kind contributions and resources received, expended and identified by the contractor to defray 25 percent of allowable costs as a result of operating contracted programs pursuant to these rules.

~~(f)(g)~~ "Donated equipment" has the same meaning given to that term in "Equipment," below, except that instead of value, the words "market value at the time of donation" shall be substituted.

~~(g)(h)~~ "Supply" means all tangible personal property other than "equipment" as defined in this section.

~~(h)(i)~~ "Third-party in-kind contribution" means property or services which benefit a state-supported service program or project, and which are contributed by non-state and federal third parties without charge to the contractor.

~~(i)(j)~~ "Acquisition of property" means purchase, construction, or fabrication of property, but does not include rental of property or alterations and renovations of real property.

~~(j)(k)~~ "Acquisition cost of an item" means the net invoice price of the equipment, including the cost of modifications, attachments, accessories, or auxiliary apparatus necessary to make the equipment usable for the purpose for which it was acquired. Other charges such as the cost of installation, transportation, taxes, duty or protective in-transit insurance shall be included in or excluded from the unit acquisition cost in accordance with the regular accounting practices of the organization purchasing the equipment. If the item is acquired by trading in another item and paying an additional amount, "acquisition cost" means the amount received for trade-in plus the additional outlay. "Amount received for trade-in" of an item of equipment traded in for replacement equipment means the amount that would have been paid for the replacement equipment without a trade-in minus the amount paid with the trade-in. The term refers to the actual difference, not necessarily the trade-in value shown on an invoice.

~~(k)(l)~~ "Equipment" means fixtures, and other tangible personal property of a nonconsumable and nonexpendable nature, the value of which is \$500 or more and the normal expected life of which is two years or more, and hardback covered bound books, the value of which is \$100 or more. "Personal property" means property of any kind except real property.

~~(l)(m)~~ “Real property” means land, building, appurtenances thereto, fixtures and fixed equipment, structures, including additions, replacements, major repairs and renovations to real property which materially improve or change its functional use.

~~(m)(n)~~ “Supply” means all tangible personal property other than equipment.

~~(n)(o)~~ “Budget” means the contractor's financial plan for carrying out the program.

~~(o)(p)~~ “Approved budget” means a budget, including any revised budget, which has been approved by the contractor's governing body and, where required, the department, and is included as a part of the District Alcohol, Drug Abuse and Mental Health Plan. The budget is to be a line item total operating budget which displays total projected revenues and expenditures for the fiscal year ending June 30, and shall include program description, budget narrative and cost allocation methodology. The departmental approval of the budget shall not interfere with other contracts the contractor may have with other funding agencies or sources. The intent is to approve the projected expenditure of the state and required local matching funds as they relate to the contractor's agency's entire operating budget.

~~(p)(q)~~ “Contract closeout” means the process by which the parties determine that all applicable administrative actions and all required work of the contract have been completed by the contractor and the department. “Suspension” of a contract means temporary withdrawal of the contractor's authority to obligate contracted funds pending corrective action by the contractor or a decision to terminate the contract.

~~(q)(r)~~ “Termination of a contract” means permanent withdrawal of the contractor's authority to obligate previously contracted funds before that authority would otherwise expire. It also means the voluntary relinquishment of that authority by the contractor. Termination does not include:

1. Withdrawal of funds contracted on the basis of the contractor's underestimate of the unobligated balance in a prior period;
2. Withdrawal of the unobligated balance as of the expiration of a contract;
3. Annulment, that is, voiding, of a contract upon determination that the contract was obtained fraudulently or was otherwise illegal or invalid from inception.

~~(r)(s)~~ “Facility” means land and buildings or any portion thereof, equipment, individually or collectively, or any other tangible capital asset, wherever located, and whether owned or leased by the organization.

1. “Idle facility” means a completely unused facility that is excess to the organization's current needs.

2. “Idle capacity” means the unused capacity of partially used facilities. It is the difference between that which a facility could achieve under 100 percent operating time on a one-shift basis, less operating interruptions resulting from time lost for

repairs, setups, unsatisfactory materials, and other normal delays, and the extent to which the facility was actually used to meet demands during the accounting period. A multishift basis may be used if it can be shown that this amount of usage could normally be expected for the type of facility involved.

~~(s)~~ “Cost Center” means a grouping of services that are similar in time, intensity, and function, and whose average unit cost is generally the same.

~~(t)~~ “State-Designated Substance Abuse and Mental Health Cost Center” means a cost center identified and defined by the department in accordance with subsections 65E-14.021(2) and (7), F.A.C., for the purposes of accounting for substance abuse and mental health services.

~~(u)~~ “Client Non-specific Performance Contract” means a contract used to purchase units of service within state-designated cost centers at unit cost rates, and where client eligibility and service determinations, unless otherwise specified, are the responsibility of the contractor based on eligibility criteria and services purchased.

~~(v)~~ “Client-specific Performance Contract” means a contract used to purchase services for a specific individual or group in special circumstances and where individual clients or groups to be served must either be specified in the contract or otherwise approved by the department in advance of receiving service.

~~(w)~~ “Patient or Client Fees” means compensation received by a community substance abuse or mental health facility for services rendered to a specific client from any source of funds, including local, state, federal and private sources.

~~(x)~~ “First Party Payer” means the client.

~~(y)~~ “Second Party Payer or Responsible Party” means any person legally responsible for the financial support of the client, and may include parents of a minor client; spouse, regardless of the age of either party; a guardian; or representative payee and trustee, not as an individual, but in the fiduciary capacity for handling benefit payments, trusts and estates established or received for the financial support of the client.

~~(z)~~ “Third Party Payer” means commercial insurers such as workers' compensation, CHAMPUS/VA, Medicare, or other payers that are liable to pay for services on behalf of a specific client. Third party payers are liable to the extent that they are required by contract or law to participate in the cost of providing services to a specific client.

~~(aa)~~ “Sliding Fee Scale” means a schedule of fees for identified services provided by a contractor which are based on a uniform schedule of discounts deducted from the contractor's usual and customary charges.

~~(bb)~~ “Usual and Customary” means the contractor's own charge for a given service which is in the range of charges by similar providers for such services. These charges must be consistent with the prevailing market rates in the community for comparable services.

(cc) “Gross Family Income” means the amount, before any payroll deductions, of wages and salaries, overtime pay, commissions, fees, tips, bonuses, and other compensation for personal services of all adult family members of the household, as well as interest, dividends, and other net income of any kind from real or personal property, including:

1. The share received by adult family members of the household from income distributed from a trust fund;

2. A withdrawal of cash or assets from investment except to the extent the withdrawal is reimbursement of cash or assets invested by an adult family member of the household; and

3. The full amount of periodic payments received from social security (including social security received by adults on behalf of minors intended for their own support), annuities, insurance policies, retirement funds, pensions, disability or death benefits, and other similar types of periodic receipts.

(dd) “Net Family Income” means gross family income less federal, state or local payroll taxes (income and Social Security). Deductions for payroll saving plans, bond purchases, or contributions to retirement systems may not be used to determine net income.

(ee) “Adult Family Members of the Household” means persons 18 years or older who are related by birth, marriage, or adoption and who live together in the same household.

(ff) “Programs” mean the Adult Substance Abuse, Children’s Substance Abuse, Adult Mental Health, and Children’s Mental Health programs administered by the Department of Children and Families.

(t) “Program service component” means the services that are to be provided by contract through community alcohol, drug abuse and mental health agencies. The program service components are outpatient, residential, case management, day or night, inpatient, emergency or stabilization, consultation and education, prevention, and administration.

(u) “Mental Health Rate” shall mean the contracting methodology which recognizes a provisional rate established by the department which is based upon the best available cost data. It may be used, subject to departmental approval, by new facilities where there are no cost or utilization data; for receiving facilities which provide service in noninpatient settings; and for inpatient facilities which desire a rate that is always less than their usual and customary charges or approved Medicaid rate.

PROPOSED EFFECTIVE DATE: July 1, 2003

Specific Authority 394.74, 394.77, 394.78(1), 397.321(5) FS. Law Implemented 394.74, 394.77, 397.481 FS. History—New 2-23-83, Amended 2-25-85, Formerly 10E-14.01, Amended 7-29-96, Formerly 10E-14.001, Amended 7-1-03.

65E-14.003 Audits of Contractors Participating in the Substance Alcohol, Drug Abuse and Mental Health Programs.

(1) The independent auditor selected by the contractor shall conduct a review of the contractor’s record-keeping and billing procedures and practices to ensure that the documentation of services billed to the department is complete and accurate.

(2) The independent audit shall disclose to the department any unallowable costs specified in Rule 65E-14.017, F.A.C., or the contract.

(3) Special requirements for client non-specific unit cost performance contracts:

(a) The independent audit for all client non-specific unit cost performance contracts shall contain the following schedules, which shall be in accordance with Generally Accepted Accounting Principles and state and federal requirements:

1. Schedule of State Earnings. This schedule ensures that local match requirements are met and identifies and calculates any amounts due to the department.

2. Schedule of Related Party Transaction Adjustments. This schedule indicates, by cost center, those related party transaction adjustments that were above cost.

3. Schedule of Financial Assistance. This schedule discloses the contractor’s federal and state grants and assistance, sub-contracting, and funding from the beginning of the fiscal year through the balance sheet date. This schedule shall comply with chapter 10.650, Rules of the Auditor General, entitled State Single Audits Nonprofit and For-Profit Organizations, and with the rules of the Department of Banking and Finance, chapter 3A-5, F.A.C., Schedule of Expenditures of State Financial Assistance, regarding format.

4. Program/Cost Center Actual Expenses & Revenues Schedule. This schedule shall be in accordance with Generally Accepted Accounting Principles and state and federal requirements. It displays expenditures by line-item category and revenues by source for each program and cost center funded through the state substance abuse and mental health program contract. The schedule also displays expenditures by line-item category and revenues by source for all other state-designated substance abuse and mental health cost centers as a group, for all other programs as a group, and for administrative and support functions, and displays totals for the agency as a whole.

5. Schedule of Bed-Day Availability Payments. This schedule ensures that bed-days paid for by the department on the basis of availability were not also paid for by a third-party contract or funds from a local government or another state agency for services that include bed-day availability or utilization.

(b) The schedules in subparagraphs 65E-14.003(3)(a)1., 2., 4. and 5., F.A.C., shall be based on revenues and expenditures recorded during the state's fiscal year. The schedule in subparagraph (3)(a)3., F.A.C., shall be based on the contractor's fiscal year.

(c) For unit cost performance contracts, the auditor shall conduct a review of the contractor's written plan for allocating direct and indirect costs to cost centers to ensure that it complies with Generally Accepted Accounting Principles and state and federal requirements, and the audit report shall contain a statement of assurance that the number of units of service paid for by the department was not materially misstated by the contractor or a statement that no such assurance can be made.

(4) The department will notify the contractor by certified mail, return receipt requested, of the amount of the audit liabilities and the due date. Payment is due within 30 days of the date of receipt.

(5) Nothing in this section shall preclude the department from performing its duties, including contract monitoring, to ensure that payments for services are made in accordance with the contract for services, the rules of the department, and applicable law.

(6) The following special audit schedules are hereby incorporated by reference and may be obtained from the Substance Abuse Program Office, 1317 Winewood Blvd., Building 6, Tallahassee, Florida:

- (a) CF-MH 1034, Jul 2003 Schedule of State Earnings
- (b) CF-MH 1035, Jul 2003 Schedule of Related Party Transaction Adjustments
- (c) CF-MH 1036, Jul 2003 Schedule of Bed-Day Availability Payments
- (d) CF-MH 1037, Jul 2003 Program/Cost Center Actual Expenses & Revenues Schedule

PROPOSED EFFECTIVE DATE: July 1, 2003

Specific Authority 394.74, 394.77, 394.78(1),(3), 397.321(5) FS. Law Implemented 394.74, 394.66(9), 394.76(5), 394.77, 394.78(3), 397.481 FS. History--New 2-23-83, Amended 2-25-85, Formerly 10E-14.03, Amended 7-29-96, Formerly 10E-14.003, Amended 7-1-03.

~~65E-14.004 Program Income and Interest Earned on Advanced Funds.~~

(1) Program Income. The following shall not be considered program income:

(a) Revenues. The following shall not be considered program income: revenues raised by a government contractor under its governing powers, such as taxes, special assessments, levies, fines, and fees.

(b) Tuition and related fees received by an institution of higher education for a regularly offered course taught by an employee of the contractor.

(2) Uses. For cost reimbursement contracts, program income shall be retained by the contractor and used in accordance with the approved summary operating budget.

PROPOSED EFFECTIVE DATE: July 1, 2003

Specific Authority 394.77, 394.78(1), 397.321(5) FS. Law Implemented 394.66(9), 394.77, 397.481 FS. History--New 2-23-83, Amended 2-25-85, Formerly 10E-14.04, Amended 7-29-96, Formerly 10E-14.004, Amended 7-1-03.

65E-14.005 Matching.

This chapter contains rules for satisfying State requirements for matching. ~~These rules apply whether matching is required by State statute or by the terms of the contract.~~

(1) Allowable for Matching. With the exceptions listed in subsection 65E-14.005(2), F.A.C., matching requirements may be satisfied by any or all of the following:

(a) Allowable costs supported by non-State or Federal grants incurred by the contractor during the effective period of the contract;

(b) The value of third-party in-kind contributions applicable to the matching requirement period;

(c) The value of volunteer services up to and including 10 percent of the total budget for the contractor's entire organization, when ~~When~~ a contractor does not receive sufficient tax support from a public agency or where that support does not meet the 25 percent match requirement; ~~volunteer services may be counted as local match up to and including 10 percent of the total budget; and~~

(d) Costs supported by general ~~General~~ revenue sharing funds under 31 U.S.C. 1221, except as otherwise provided by Federal statute; ~~and are not considered a Federal grant. Therefore, in the absence of any provisions of Federal statute to the contrary, allowable costs supported by these funds may count towards satisfying a matching requirement.~~

(e) Costs supported by fees ~~Fees~~ and program income may be used towards satisfying matching requirements.

(2) Unallowable for Matching.

(a) ~~Costs paid for by another State, Federal or other governmental agency contract or grant except~~ ~~Except~~ as provided by State or Federal statute, ~~a matching requirement may not be met by costs supported by another State, Federal or other governmental agency contract or grant.~~

(b) ~~Costs~~ ~~No~~ cost or third-party in-kind contributions ~~that may count towards satisfying a matching requirement of a Department contract if they are used to satisfy a matching requirement of another State contract or Federal grant.~~

(c) Expenditures of Medicaid Funds.

(d) Expenditures for services not related to the state-designated cost centers for substance abuse and mental health services.

(e) Unallowable costs specified in subsection 65E-14.017(4), F.A.C.

~~(f)~~(b) Income from sale of printed material, food, and books purchased with State funds.

(3) Not Requiring Matching. The following contracted services and funds do not require local match:

(a) Deinstitutionalization projects, which are defined as adult mental health programs in the following cost centers:

1. Residential-Levels I-IV;
2. Short-term Residential Treatment;
3. Supportive Housing/Living;
4. Case Management;
5. Intensive Case Management; and
6. Florida Assertive Community Treatment (FACT)

Teams.

(b) Children's Mental Health (100435) and Purchased Residential Treatment Services (102780) appropriation categories that were transferred to Alcohol, Drug and Mental Health from the Family Safety and Preservation Program.

(c) Addition in the General Appropriations Act of alcohol, drug abuse, and mental health block grant funds for local community mental health centers. The original amount of Mental Health Block Grant budget that did not require local match is given in the 1985 Approved Operating Budget. The Mental Health Block Grant, however, has significantly decreased since 1985, and the amount that continues to not require match is equal to the proportionate decrease.

(d) Drug abuse service funding, as determined by the following calculations:

1. For the most recent 12-month period available, calculate the number of clients served by primary, secondary, and tertiary alcohol and drug diagnosis for the contractor from the substance abuse enrollment and admission data in the department's Mental Health and Substance Abuse Data System.

2. From the data, count the total number of persons presenting with alcohol as a primary, secondary, or tertiary problem.

3. Divide the result in subparagraph 2. by the result in subparagraph 1. to arrive at the percentage of alcohol clients served.

4. Subtract the result of subparagraph 3. from 1.00 to arrive at the percentage of drug abuse clients served.

5. Multiply the result in subparagraph 4. by the total amount of substance abuse funds in the contract to arrive at the amount that does not require match. Substance abuse funds in the contract are those appropriated to either the Community Substance Abuse Services or Children and Adolescent Substance Abuse Services appropriations, special categories 100618 and 100420, respectively.

(4) Calculating the Total Match Amount.

(a) Add the amounts from paragraphs 65E-14.005(3)(a), (b), (c) and sub-paragraph 65E-14.005(3)(d)5., F.A.C., together and subtract that total from the total amount of the contract.

(b) Divide the result in paragraph (a) above by 3 to arrive at the total match amount required.

(5) Records. Costs and third-party in-kind contributions counting towards satisfying a matching requirement must be verifiable from the contractor's records. These records must show how the value placed on third-party in-kind contributions was derived.

~~(6)~~(4) Special Standards for Third-party In-kind Contributions.

(a) Third-party in-kind contributions shall conform to allowable cost provision to satisfy a matching requirement.

(b) When a third-party in-kind contribution is made at a reduced charge, the contractor's records must provide documentation as specified in paragraph (d), below, to verify that portion of the cost donated.

(c) The values placed on third-party in-kind contributions for matching purposes shall conform to other appropriate sections of this rule.

(d) Documentation of in-kind contributions. All third-party in-kind contributions must be documented. The following standards will be applied to all claims for in-kind match:

1. Service. A statement from the employer of the person who provided the donated service detailing the nature of the service, basis for computing cost of those services, dates and number of hours the services were provided and certification that the services were provided and certification that the services were not and will not be paid for by the contractor but were donated at no charge. This statement should be prepared on the letterhead stationery of the donor and signed by a responsible party of that organization.

2. Volunteers. A statement from the volunteer certifying that required services were performed for the contractor free of charge and the minimum training and experience requirements were met for the service performed. Time logs should be prepared and signed by the volunteer. In addition, a schedule should be prepared by the contractor which indicates the basis for establishing the value of these services.

3. Supplies. A statement from the person or organization donating the supplies detailing the description, condition and value of the supplies and a certification that the donor was not and will not be paid for the supplies. This statement should be on the letterhead stationery of the donor. If no letterhead is available, the statement should include the name, address and telephone number of the donor, and signed by a responsible party of that organization.

4. Use of equipment. A signed statement from the owner of the equipment detailing the description of the loaned equipment, responsibilities for repairs, maintenance and insurance, beginning and ending dates of the use of the equipment; the valuation of the use of the equipment and a certification that no payment has been or will be received for the use of the equipment. This statement should be on appropriate letterhead stationery.

5. Use of building or space. A signed statement from the owner of the property, building or space detailing the description of the property; dimensions; times available and used; responsibilities for repairs, maintenance, insurance, utilities and janitorial services; the valuation of the use of the property and a certification that no payment has been or will be received for the use of the property. This statement should be on appropriate letterhead stationery.

~~(7)(5)~~ Contractors are responsible for meeting matching requirements for alcohol, ~~drug abuse~~ and mental health funds. Matching requirements, as specified in Chapter 394, Part IV, F.S., shall be based on the total amount of contracted funds.

(8) Client-specific unit cost performance contracts shall not require local matching funds.

PROPOSED EFFECTIVE DATE: July 1, 2003

Specific Authority 394.76, ~~397.03~~ 397.321(5) FS. Law Implemented ~~394.457(3), 394.76, 397.03~~ FS. History—New 2-23-83, Amended 2-25-85, Formerly 10E-14.05, 10E-14.005, Amended 7-1-03.

65E-14.007 Appraisal of Real Property.

(1) It will be necessary to establish the market value of land or a building or the fair rental rate of land or of space in a building. In cases where there is a dispute between the Department and a ~~contractor provider~~ regarding the value of land or a building, or the fair rental rate of land or a building, the Department shall require that the market value or fair rental rate be established by a certified real property appraiser and that the value or rate be certified by a responsible official of the party to which the property or its use is donated. The appraisal needs to include the appraiser's estimate of the remaining useful life of the property.

(2) A certified real property appraiser must be a member in good standing of one of the following associations:

- (a) American Institute of Real Estate Appraisers;
- (b) American Association of Certified Appraisers;
- (c) American Society of Appraisers;
- (d) National Association of Independent Fee Appraisers;
- (e) National Society of Fee Appraisers; or
- (f) Society of Real Estate Appraisers; and have five years of professional experience in multipurpose appraisals of plants assets involving the establishing or reconstructing of the historical cost of such assets.

PROPOSED EFFECTIVE DATE: July 1, 2003

PROPOSED EFFECTIVE DATE: July 1, 2003

Specific Authority 394.74, 397.321(5) FS. Law Implemented 394.74, 397.481 FS. History—New 2-23-83, Formerly 10E-14.07, Amended 7-29-96, Formerly 10E-14.007, Amended 9-17-97, 7-1-03.

65E-14.011 Programmatic Changes and Budget Revisions.

~~Programmatic Changes. This subsection contains requirements for prior notification of departures, other than budget revisions, from approved district plans.~~

~~(1) Changes to program scope or objectives. The contractor shall submit prior notification for any significant change to the scope or objectives of the approved program service components as listed in the approved district plan. Significant change means:~~

- ~~(a) Any deviations of 25 percent or more of the total approved program service component budget;~~
- ~~(b) Where there is a change in the geographic location of services; and~~
- ~~(c) Where the availability or accessibility of services to any population group will be affected.~~

~~(2) Changes in key personnel. The contractor shall provide notification to the department:~~

- ~~(a) When the executive director of the program changes; and~~
- ~~(b) When the executive director or principal program person devotes substantially less effort to the program than was anticipated when the contract was executed.~~

PROPOSED EFFECTIVE DATE: July 1, 2003

Specific Authority 394.76, 397.321(5) FS. Law Implemented 394.76, 397.481 FS. History—New 2-23-83, Amended 2-25-85, Formerly 10E-14.11, Amended 7-29-96, Formerly 10E-14.011, Repealed 7-1-03.

65E-14.014 Contractor's Financial Management Responsibilities.

(1) Financial Eligibility.

(a) Patients receiving Baker Act services must meet financial eligibility criteria based on current federal Poverty Income Guidelines published in the Federal Register, and the criteria on HRS-MH Form 3084, Oct 84, known as PUBLIC BAKER ACT SERVICE ELIGIBILITY.

(b) Each public receiving facility may provide public Baker Act services to acutely ill individuals who are financially ineligible if:

1. The total number of days of service paid for with public Baker Act funds for financially ineligible individuals shall not exceed 20 percent of the total number of days paid for with public Baker Act funds when combining all 24-hour care services. The total number of patient days equals the aggregated number of hours of care for each client from admission to discharge divided by 24.
2. Services are provided based upon an individual's acute need for mental health services; and
3. The provision of this service is consistent with the available capacity of the program.

(2) An individual's diagnostic and financial eligibility shall be documented on HRS-MH Form 3084, Oct 84, known as PUBLIC BAKER ACT SERVICE ELIGIBILITY, and which is included by reference. This form requires justification and description of the manner in which the individual's condition specifically met the required diagnostic eligibility criteria as well as documentation of the individual's financial eligibility. HRS-MH Form 3084, Oct 84, must be completed at the time of admission or shortly thereafter, at which time the patient or significant others must be advised of the individual's eligibility status and of its meaning. This documentation shall be maintained in the patient clinical record. Copies of HRS-MH Form 3084, Oct 84, may be obtained from the department.

(3) All contractors ~~and subcontractors~~ shall refund to the state any monies paid for ineligible services, and for services to ineligible individuals which exceed the standards set forth under paragraph Rule 65E-14.014(1)(b), F.A.C., above. Refunds shall also be made for services not actually performed or not documented and any funds owed to the department because of violation of rules. Refunds may be recovered from future payments if the contractor is to be funded to provide eligible services.

(4) All public Baker Act service contracts are subject to review by the department for documentation as to incurring the least prospective cost to the state. This review includes, at a minimum, those documents submitted as required under subsections Rule 65E-14.014(6) and (7), F.A.C., below. The total anticipated cost of services to be purchased under a proposed contract shall be equal to or less than the total costs of those same services which otherwise could be purchased at the usual and customary rate by the cumulative total of state, local, and anticipated third party monies. The contract payment methodology approved must be the one which represents the least prospective cost to the state.

(5) The review and approval of public receiving facilities' subcontracts by the district administrator shall not diminish the liability for each public receiving facility to perform in accordance with these rules.

(6) A public receiving facility, as defined in Rule 65E-5.024, Florida Administrative Code, which is a hospital licensed under Chapter 395, Florida Statutes, may elect to participate in an invoice billing basis in lieu of the inpatient cost center billing basis described under these rules. In the event of this election, inpatient services will not be subject to audit pursuant to the allowable and disallowable mental health costs as defined under these rules. The negotiated cost per day for these services, based upon the submission of an inpatient service component budget, and as approved by the district administrator, shall be stated in the service ~~contractor provider~~ contract. The department will not be responsible for any cost in excess of the service ~~contractor provider~~ contract amount for any public receiving facility electing to contract in this manner.

(7) The following shall apply to all Baker Act public receiving facility contracts and subcontracts:

(a) Contracts ~~and subcontracts~~ shall specify the manner in which financial transactions and service provisions are to be documented. The specification of clearly auditable financial transaction procedures and service documentation procedures for subcontractors is the contractor's responsibility.

(b) The district administrator shall exercise prior approval of the provisions and wording of all subcontracts entered into by a public receiving facility.

(c) Each contract or subcontract shall, at a minimum, specify:

1. The type of services purchased; a description of the manner in which the services are to be provided.

2. The setting, circumstance, and other operational aspects of the agreement.

3. The billing and payment mechanism; third party billings and fee collection procedures which prevent duplicate payments for services provided.

4. Documentation of the performance of billed services.

5. The duration of the contract.

6. The mechanism by which any overpayment will be recovered.

7. Any subcontracts let by a public receiving facility shall ensure that public Baker Act funds are utilized as the payor of last resort after individual and third party billings have failed to provide the contracted payment amount for contractual services to eligible patients.

(d) Except as the result of an emergency or nonroutine situation, all payments for purchased services shall be made upon the basis of an existing contract with the service ~~contractor provider~~.

(e) All contractors shall assure that the negotiated price and performance of purchased services are commensurate with or are less than prevailing local prices for similar types of services.

(8) Monitoring of contractors ~~and subcontractors~~ for Baker Act services shall include the following:

(a) That billings adequately reflect the contracted unit costs or the actual costs of the provision of eligible services to eligible patients.

(b) The completion of HRS-MH Form 3084, Oct 84, for all applicants of public Baker Act services.

(c) Compliance with patient diagnostic and financial eligibility criteria. At a minimum, representative sampling of patient records, by departmental staff, from each 24-hour care service shall be combined to determine if more than 20 percent of the total number of days paid for with public Baker Act funds, as defined under paragraph Rule 65E-14.014(1)(b), F.A.C., above; were provided to financially ineligible persons. Members of the district planning council shall not be given access to patient records and client identifying information.

PROPOSED EFFECTIVE DATE: July 1, 2003

Specific Authority 394.74, 397.321(5) FS. Law Implemented 394.74, 397.481 FS. History—New 2-23-83, Amended 2-25-85, Formerly 10E-14.14, Amended 7-29-96, Formerly 10E-14.014, Amended 8-17-97, 7-1-03.

65E-14.016 Transactions Resulting in Additional Cost to the Program.

(1) Definitions.

(a) Ownership costs – Those costs incurred in relation to ownership of real and personal property which include allowable interest, depreciation, taxes, insurance and normal maintenance.

(b) Related party – Related parties mean affiliates of the service contractor provider; entities which investments are accounted for by the equity method by the service contractor provider; trusts for the benefit of employees such as pension, health and welfare benefits, etcetera, that are managed by or under the trusteeship of the contractor provider board or management; and parties with which the contractor provider may deal if one party controls or can significantly influence the management or operating policies of the other to an extent that one of the parties would be prevented from fully pursuing its own separate interest. This definition will be interpreted in accordance with the “Statement on Auditing Standards # 6,” issued by the Auditing Standards Executive Committee of the American Institute of Certified Public Accountants, entitled "Related Party Transactions."

(2) Transactions between a contractor and a related party that appear to result, as determined by the department, in additional cost to the program shall be reimbursed to the contractor in an amount equal to the eligible cost which would have been allowed had no related party been involved. Any cost in excess of what would have been allowable by the department shall be disallowed.

(3) If, in the judgment of the Department, related party involvement has caused an increase in cost, the Department shall have access to the financial records of the related party in order to determine the allowable cost of the transaction. If the Department is not allowed full and unrestricted access to the records of the related party, all payments to the related party questioned by the Department shall be disallowed.

(4) The following related party transactions may be questioned by the Department:

(a) Transactions between a contractor provider and related party who have common ownership or control.

(b) The existence of a related party primarily for the benefit or purpose of a contractor. Primary benefit or purpose is defined to be when 50 percent or more of the gross revenues of the related party are received from or for the contractor or 50 percent of the expenditures of the related party are made to or for the benefit of the contractor. The department shall carefully review the documentation provided in all such situations before making a decision. The final determination shall rest with the department.

(c) If real or personal property has ever been transferred between a related party and contractor, reimbursement for the use of the property transferred shall not exceed cost to the transferor, unless determined to be an arm's length transaction by the department.

(d) If a related party leases property to a contractor and subsequently makes a cash or in-kind donation to the lessee, the lease transaction will be carefully reviewed by the department to determine if the lease is an arm's length transaction. If found not to be an arm's length transaction, the department shall disallow any amount that exceeds the ownership costs of the related party.

(e) One contractor leasing property or delivering services to another contractor shall do so at cost. The cost incurred must be reasonable and delivered at the lowest available cost for the service. The lowest available cost shall be documented by evidence that the contractor solicited services from other contractors providers and selected the lowest cost available. Documentation for the decision shall be maintained by the contractor for audit by the department.

(f) If a contractor loans money to a related party and subsequently leases property or buys services from the related party, the contractor and related party shall be deemed to be related parties.

(g) If a contractor leases property from one or more of its board members and it can be demonstrated that the rent increased as a result of this transaction, the department may determine that the lease is a related party transaction and reduce the rent to ownership costs.

(h) Space donated by a related party in a building previously owned by a contractor or by a related party who exists primarily for the benefit of the contractor shall be valued for match and reimbursable cost purposes at the lesser of ownership costs of the donor or fair market value of the space as determined by the State Department of Management General Services' guidelines.

PROPOSED EFFECTIVE DATE: July 1, 2003

Specific Authority 394, Part IV, Section 1 FS. Law Implemented 394, Part IV, Section 1 FS. History—New 2-23-83, Amended 2-25-85, Formerly 10E-14.16, 10E-14.016, Amended 7-1-03.

65E-14.017 Cost Principles.

(1) Applicability. ~~These principles shall be used by all contractors in determining the costs of work performed under contracts, and other contracts in which costs are used in pricing, administration, or settlement. Allowable cost means approved program cost in accordance with Section 394.76(3), F.S.~~

(a) For cost reimbursement contracts, these principles shall be used in determining the costs of work performed, identifying the appropriate use of state funds and local matching funds, and accounting for the expenditure of such funds.

(b) Application to Unit Cost Performance Contracts.

1. Subsections 65E-14.017(2) and (3), F.A.C., shall be used to account for the expenditure of funds.

2. Where rates are negotiated pursuant to paragraph 65E-14.021(9)(a), F.A.C., subsection 65E-14.017(4), F.A.C., shall be used in identifying costs that are to be deducted from the total cost of a cost center when negotiating rates and in determining whether allowable expenditures of state funds and local matching funds by the contractor were sufficient to meet the matching requirements of Rule 65E-14.005, F.A.C., and s. 394.76, F.S., as calculated on the schedule prescribed in subparagraph 65E-14.003(3)(a)1., F.A.C.

3. Where rates are established pursuant to paragraph 65E-14.021(9)(b), F.A.C., the provisions of subsection 65E-14.017(4), F.A.C., shall only apply to the determination of whether allowable expenditures of state funds and local matching funds by the contractor were sufficient to meet the matching requirements of Rule 65E-14.005, F.A.C., and s. 394.76, F.S., as calculated on the schedule prescribed in subparagraph 65E-14.003(3)(a)1., F.A.C.

4. The requirement for prior approval by the department of specified cost items in subsection 65E-14.017(4), F.A.C., shall not apply to unit cost performance contracts.

(2) General Principles – Basic Considerations.

(a) Composition of total costs. The total cost of a contract is the sum of the allowable costs less any applicable credits.

(b) Factors affecting allowability of costs. To be allowable, costs must meet the following general criteria:

1. Be reasonable for the performance of the contract and be allocable thereto under these principles;

2. Conform to any limitations or exclusions set forth in these principles or in the contract as to types or amount of cost items;

3. Be consistent with policies and procedures that apply uniformly to both State and federally financed and other activities of the organization;

4. Be accorded consistent treatment;

5. Be determined in accordance with generally accepted accounting principles unless specifically excepted by this rule;

6. Not be included as a cost or used to meet matching requirements of any other State financed program in either the current or a prior period; and,

7. Be adequately documented.

(c) Reasonable costs. A cost is reasonable if, in its nature or amount, it does not exceed that which would be incurred by a prudent person under the circumstances prevailing at the time the decision was made to incur the costs. In determining the reasonableness of a given cost, consideration shall be given to:

1. Whether the cost is of a type generally recognized as ordinary and necessary for the operation of the organization or the performance of the contract;

2. The restraints or requirements imposed by such factors as generally accepted sound business practices, arm's length bargaining, Federal and State laws and regulations, and terms and conditions of the contract;

3. Whether the individuals concerned acted with prudence in the circumstances, considering their responsibilities to the organization, its members, employees, clients, and the public at large; and

4. Significant deviations from the established practices of the organization which may unjustifiably increase the contract costs.

(d) Allocable costs. For unit cost performance contracts, each contractor shall develop a written plan for allocating direct and indirect costs to each cost center.

1. A cost is allocable to a particular ~~program service component or other~~ activity, in accordance with relative benefits received.

2. Any cost allocable to a particular ~~program service component or other~~ activity may not be shifted to other State or Federal contracts or grants to overcome funding deficiencies, or to avoid restrictions imposed by law or by the terms of the contract.

3. A direct cost is any cost that can be identified specifically to a particular activity. Direct costs are readily identified on a transaction by transaction basis as necessary, reasonable, and benefiting or supporting one or more activities and can be directly assigned to such activities. A direct cost assigned to a cost center should be directly related to the activities within that cost center and be reasonable in both amount and nature.

4. Indirect Cost.

a. Indirect costs are those incurred for the accomplishment of common or joint purposes that benefit more than one activity and are not readily assignable only to the activity benefited without efforts which are disproportionate to the result achieved. These costs shall be accumulated and allocated so that each activity bears its fair share of the accumulated total indirect costs.

b. Indirect costs are accumulated by logical cost groupings which consider the reasons for incurring the costs and the need to distribute each grouping's costs on the basis of relative benefits accruing to activities.

c. Indirect costs shall be further categorized as support costs related to client services or administrative costs necessary for operating the organization.

d. Administration is to be treated as a cost center that will be allocated to all other cost centers in accordance with the written cost allocation plan developed pursuant to paragraph 65E-14.017(2)(d), F.A.C., and reviewed by the independent auditor pursuant to paragraph 65E-14.003(3)(c), F.A.C.

e. To facilitate equitable distribution of indirect costs to the activities served, a contractor may establish a number of pools of indirect cost. In general, the cost pools established

shall constitute an aggregation of those items of expense that are considered to be of like nature in terms of their relative contribution to (or degree of remoteness from) the particular activity to which distribution is appropriate. Each such pool shall then be distributed individually to the related activities using the distribution basis or method most appropriate in the light of the guides set forth in the contractor's written cost allocation plan.

f. Where the contractor elects to treat fringe benefits as indirect costs, such costs shall be set aside as a separate cost pool for distribution to related activities.

(e) Applicable credits. The term applicable credits refers to those receipts, or reduction of expenditures which operate to offset or reduce expense items that are allocable as direct or indirect costs. Typical examples of such transactions are: purchase discounts, rebates or allowances, recoveries or indemnities on losses, insurance refunds, and adjustments of overpayments or erroneous charges. To the extent that such credits accruing or received by the organization relate to allowable cost, an appropriate portion of the cost shall be credited to the Department.

(f) Advance Understandings. Under any given contract, the reasonableness and allocability of certain items of cost may be difficult to determine. In order to avoid subsequent disallowance or dispute based on unreasonableness or nonallocability, it is often desirable to seek a written agreement with the Department in advance of the incurrence of special or usual costs. The absence of an advance agreement on any element of cost will not, in itself, affect the reasonableness or allocability of that element.

(3) Accounting Standards Program Costs.

(a) Accounting Systems and Internal Control. The contractor shall develop and maintain is responsible for developing and maintaining accounting systems and internal controls to provide reasonable assurance that assets are safeguarded against loss from unauthorized use or disposition, and that transactions are executed in accordance with management's authorization and properly recorded to permit the preparation of financial statements in accordance with generally accepted accounting principles.

(b) Accounting Principles. Generally Accepted Accounting Principles (GAAP), as adopted by the Financial Accounting Standards Board, shall be used in the preparation of all financial statements and reports unless otherwise specifically provided in these rules. As contemplated by GAAP, expenditures shall be reported on the accrual basis, which consists of liabilities incurred for goods and services received, other assets acquired and performance accepted, and other liabilities incurred not involving the furnishing of goods and services, whether or not payment has been made and whether or not invoices have been received. The cost or

consumption of accrued expenditures is recognized when an operation, function, or activity makes use of the asset or expense.

(c) The Base Period. The base accounting period for the allocation of indirect costs is the period during which such costs are incurred and accumulated for distribution to work performed in that period. Normally, the base period is the contractor's fiscal year; however, a shorter period may be appropriate for a particular activity whose performance involves only a portion of the fiscal year. Program costs are those that can be identified specifically with a particular final cost objective; that is, a particular program service component, or other activity of an organization. Program costs identified specifically to a program service component are to be assigned directly thereto.

(b) The program costs of activities performed primarily as a service to members, clients, or the general public when significant and necessary to the organization's mission must be treated whether or not allowable and be allocated an equitable share of indirect costs. Some examples of these types of activities include:

1. Maintenance of membership rolls; subscriptions, publications, and related functions;
2. Providing services and information to members, legislative or administrative bodies, or the public;
3. Promotion, lobbying, and other forms of public relations;
4. Meetings and conferences, except those held to conduct the general administration of the organization;
5. Maintenance, protection, and investment of special funds not used in operation of the organization; and
6. Administration of group benefits on behalf of members or clients including life and hospital insurance, annuity or retirement plans, financial aid, et cetera.

(4) Selected Items of Cost. The following paragraphs provide principles to be applied in establishing the allowability of certain items of cost. Note: Failure to mention a particular item of cost is not intended to imply that it is unallowable; rather, determination as to allowability in each case should be based on the treatment or principles provided for similar or related items of cost.

(a) Advertising.

1. Advertising cost means the cost of media services and associated costs. Media advertising includes magazines, newspapers, radio and television programs, direct mail, exhibits, and the like.

2. The only advertising costs allowable are those which are solely for:

a. The recruitment of personnel when considered in conjunction with all other recruitment costs, as set forth in conjunction with all other recruitment costs, as set forth in paragraph 65E-14.017(4)(ii), F.A.C.;

- b. The procurement of goods and services;
- c. The disposal of surplus materials acquired in the performance of the contract;
- d. Advertising the service availability; and
- e. Legal notices.

(b) Bad debts. Bad debts, including losses, whether actual or estimated, arising from uncollectible accounts and other claims, related collection costs, and related legal costs, are unallowable.

(c) Bargain purchases or services. For the purpose of this rule, third-party in-kind contributions will be accepted for matching only when the donor has certified that no payment has been or will be received for the donation. The only exception will be where an agreement must be executed between the donor and the contractor to satisfy legal requirements and only then when no material amount of consideration passes between the parties.

(d) Bonding costs.

1. Bonding costs arise when the Department requires assurance against financial loss to itself or others by reason of the act or default of the organization. They arise also in instances where the organization requires similar assurance. Included are such bonds as bid, performance, payment, advance payment, infringement, and fidelity bonds.

2. Costs of bonding required pursuant to the terms of the contract or statute are allowable.

3. Costs of bonding required by the organization in the general conduct of its operations are allowable to the extent that such bonding is in accordance with sound business practice and the rates and premiums are reasonable under the circumstances.

(e) Communication costs. Costs incurred for telephone services, local and long distance telephone calls, telegrams, radiograms, postage and the like, are allowable.

(f) Compensation for personal services.

1. Definition. Compensation for personal services includes all compensation paid currently or accrued by the organization for services of employees rendered during the period of the contract, except as otherwise provided below. It includes salaries, wages, incentive awards, fringe benefits, pension plan costs, and competitive area differentials.

2. Allowability. Except as otherwise specifically provided in this paragraph, the costs of such compensation are allowable to the extent that:

a. Total compensation to individual employees is reasonable for the services rendered and conforms to the established policy of the organization consistently applied to both State supported programs, and other program activities; and

b. Charges to contracts, whether treated as direct or indirect costs, are determined and supported as required in this paragraph.

3. Unallowable costs. Costs which are unallowable under other paragraphs of this Rule shall not be allowable under this paragraph solely on the basis that they constitute personal compensation.

4. Fringe benefits.

a. Fringe benefits in the form of regular compensation paid to employees during periods of authorized absences from the job, such as vacation leave, sick leave, military leave, and the like, are allowable provided such costs are absorbed by all organization activities in proportion to the relative amount of time or effort actually devoted to each.

b. Fringe benefits in the form of employer contributions or expenses for social security, employee insurance, pension plan costs, and the like, are allowable ~~provided such benefits are granted in accordance with comparable coverage authorized for State employees in the State Career Service benefit package for career service employees.~~ Such benefits shall be distributed to particular ~~program service components and other~~ activities in a manner consistent with the pattern of benefits accruing to the individuals or group of employees whose salaries and wages are chargeable to those activities.

c. Where an organization follows a consistent policy of expending actual payments to, or on behalf of, employees or former employees for unemployment compensation or workers' compensation, such payments are allowable in the year of payment provided they are allocated to all activities of the organization.

5. Pension plan costs. Costs of the organization's pension plan which are incurred in accordance with the contractor's established policies are allowable, provided:

a. Such policies meet the test of reasonableness;

b. The methods of cost allocation are not discriminatory;

c. The cost assigned to each fiscal year is determined in accordance with generally accepted accounting principles as prescribed in Accounting Principles Board Opinion No. 8 issued by the American Institute of Certified Public Accountants, which is incorporated by reference and may be obtained from American Institute of Certified Public Accountants, Harborside Financial Center, 201 Plaza Three, Jersey City, New Jersey 07311-3881; and

d. The costs assigned to a given fiscal year are funded for all plan participants within six months after the end of that year. However, increases to normal and past service pension costs caused by a delay in funding the actuarial liability beyond 30 days after each quarter of the year to which such costs are assignable are unallowable.

e. Pension plan termination insurance premiums paid pursuant to the Employee Retirement Income Security Act of 1974, P. L. 93406, are allowable. Late payment charges on such premiums are unallowable.

f. Excise taxes on accumulated funding deficiencies and other penalties imposed under the Employee Retirement Income Security Act are unallowable.

g. Incentive compensation to employees based on cost reduction, or efficient performance, suggestion awards, safety awards, etcetera, are allowable to the extent that the overall compensation is ~~determined to be~~ reasonable and such costs are paid or accrued pursuant to an agreement entered into in good faith between the organization and the employees before the services were rendered, or pursuant to a written plan established by the organization to make such payments.

(I) Overtime premiums. See paragraph 65E-14.017(4)(z), F.A.C.

(II) Severance pay is not an allowable cost.

(III) Training and education costs. See paragraph 65E-14.017(4)(oo), F.A.C.

(IV) Support of salaries and wages.

(V) A contractor may record compensation for personnel services to the applicable cost center program component based upon the approved ~~operating~~ budget. Further, non-salary costs may also be allocated to the applicable cost centers program components based upon the approved ~~operating~~ budget. For this to be applicable, it must be included in the contractor's written cost allocation plan must be included as part of the proposed operating budget and approved by the department.

(VI) Reports reflecting the distribution of activity of each employee must be maintained for all staff members, professionals and nonprofessionals, whose compensation is charged, in whole or in part, directly to the cost center program service component. In addition, charges for the salaries and wages of each employee must also be supported by reports indicating the total number of hours worked each day.

(VII) The reports must be signed by the individual employee, and by a responsible supervisory official having firsthand knowledge of activities performed by the employee. Time sheets signed by individual employees are not required to document the provision of service units under unit cost performance contracts.

(g) Contingency provisions. Contributions to a contingency reserve or any similar provision made for events, the occurrence of which cannot be foretold with certainty as to time, intensity, or with an assurance of their happening, are unallowable. The term "contingency reserve" excludes self-insurance reserves and pension funds.

(h) Contributions. Contributions and donations by the organization to others are unallowable.

(i) Depreciation.

1. Compensation for the use of buildings, other capital improvements, and equipment on hand may be made through depreciation.

2. The computation of depreciation shall be based on the acquisition cost of the assets involved. The acquisition cost of an asset donated to the organization by a third party shall be its fair market value at the time of the donation.

3. The computation of depreciation will exclude:

a. The cost of land;

b. Any portion of the cost of buildings and equipment borne by or donated by the State or Federal Government, irrespective of where title was originally vested or where it presently resides; and

c. Any portion of the cost of buildings and equipment contributed by or in satisfaction of a statutory matching requirement.

4. Where depreciation method is followed, the period of useful service, useful life established in accordance with guidelines as published by the American Hospital Association, 1973 Edition of the Chart of Accounts for Hospitals, "Estimated Useful Life of Land Improvements, Buildings and Fixed Equipment." The method of depreciation used to assign the cost of an asset, or group of assets, to accounting periods shall reflect the pattern of consumption of the asset during its useful life. In the absence of clear evidence indicating that the expected consumption of the asset will be significantly greater or lesser in the early portions of its useful life than in the later portions, the straight-line method shall be presumed to be the appropriate method. Depreciation methods once used shall not be changed unless approved in advance by the Department. When the depreciation method is introduced for application to assets previously subject to a use allowance, the combination of use allowances and depreciation applicable to such assets must not exceed the total acquisition cost of the assets. When the depreciation method is used for buildings, a building's shell may be segregated from each building component, for example, plumbing system, heating, and air conditioning system, etcetera, and each item depreciated over its estimated useful life; or the entire building, that is, the shell and all components, may be treated as a single asset and depreciated over a single useful life.

5. When the depreciation method is used for a particular class of assets, no depreciation may be allowed on any such assets that would be viewed as fully depreciated.

6. Charges for depreciation must be supported by adequate property records and physical inventories must be taken at least once every two years to ensure that assets exist and are usable and needed. When the depreciation method is followed, adequate depreciation records indicating the amount of depreciation taken each period must also be determined.

(j) Donations.

1. Services received. Donated or volunteer services may be furnished to an organization by professional and technical personnel, consultants, and other skilled and unskilled labor. The value of these services are allowable up to 10 percent of the total budget. Fair market value of donated services shall be computed as follows:

a. Rates for volunteer services. Rates for volunteers shall be consistent with those regular rates paid for similar work in other activities of the organization. In cases where the kinds of skills involved are not found in the other activities of the

organization, the rates used shall be consistent with those paid for similar work in the labor market in which the organization competes for such skills.

b. Services donated by other organizations. When an employer donates the services of an employee, these services shall be valued at the employee's regular rate of pay provided the services are in the same skill for which the employee is normally paid. If the services are not in the same skill for which the employee is normally paid, fair market value shall be computed in accordance with sub-subparagraph 65E-14.017(4)(f)2.a., F.A.C.

2. Goods and space.

a. Donated goods; i.e., expendable personal property and supplies, and donated use of space may be furnished to an organization. The value of the goods and space is an allowable cost.

b. The value of the donations may be used to meet matching requirements.

(k) Employee morale, health, and welfare costs and credits. The costs of house publications, health or first-aid clinics or infirmaries, employees' counseling services, and other expenses incurred in accordance with the organization's established practice or custom for the improvement of working conditions, employer-employee relations, employee morale, and employee performance are allowable. Such costs will be equitably apportioned to all activities of the organization. Income generated from any of these activities will be credited to the cost thereof unless such income has been irrevocably set over to employee welfare organizations.

(l) Entertainment costs. Costs of amusement, diversion, social activities, ceremonials, and costs relating thereto, such as meals, lodging, rentals, transportation, and gratuities are unallowable.

(m) Equipment and other capital expenditures.

1. As used in this paragraph, the following terms have the meanings set forth below:

a. "Equipment" means an article of nonexpendable tangible personal property having a useful life of more than two years and an acquisition cost of \$500 or more per unit. An organization may use its own definition provided that it, at least, includes all nonexpendable tangible personal property as defined herein.

b. Ancillary charges, such as taxes, duty, protective intransit insurance, freight, and installation shall be included in or excluded from acquisition cost in accordance with the organization's regular written accounting practices.

c. "General purpose equipment" means equipment which is usable for other than research, medical, scientific, or technical activities, whether or not special modifications are needed to make them suitable for a particular purpose. Examples of general purpose equipment include office

equipment and furnishings, air conditioning equipment, reproduction and printing equipment, motor vehicles, and automatic data processing equipment.

2. Capital expenditures for general purpose equipment are unallowable, except with the prior approval of the Department.

3. Capital expenditures for land or buildings are unallowable, except with the prior approval of the Department.

4. Capital expenditures for improvements to land, buildings, or equipment which materially increase their value or useful life are unallowable, except with the prior approval of the Department.

5. Equipment and other capital expenditures are unallowable as indirect costs. However, see paragraph 65E-14.017(4)(m), F.A.C., for allowability of use allowances or depreciation on buildings, capital improvements, and equipment.

(n) Fines and penalties. Costs of fines and penalties resulting from violations of, or failure of the organization to comply with Federal, State, and local laws and regulations are unallowable, except when incurred as a result of compliance with specific provisions of a contract or instructions in writing from the Department.

(o) Fringe benefits. See subparagraph 65E-14.017(4)(f)5., F.A.C.

(p) Idle facilities and idle capacity.

1. The costs of idle facilities are unallowable except to the extent that:

a. They are necessary to meet fluctuations in workload; or

b. Although not necessary to meet fluctuations in workload, they were necessary when acquired and are now idle because of changes in program requirements, efforts to achieve more economical operations, reorganization, termination, or other causes which could not have been reasonably foreseen. Under the exception stated in this subparagraph, costs of idle facilities are allowable for a reasonable period of time, ordinarily not to exceed one year, depending upon the initiative taken to use, lease, or dispose of such facilities.

2. The costs of idle capacity are normal costs of doing business and are a factor in the normal fluctuations of usage or cost from period to period. Such costs are allowable, provided the capacity is reasonably anticipated to be necessary or was originally reasonable and is not subject to reduction or elimination by subletting, renting, or sale, in accordance with sound business, economics, or security practices. Widespread idle capacity throughout an entire facility, or among a group of assets having substantially the same function, may be idle facilities.

(q) Insurance and indemnification. Insurance includes insurance which the organization is required to carry, and any other insurance which the organization maintains in connection with the general conduct of its operations. This paragraph does

not apply to insurance which represents fringe benefits for employees, see ~~subparagraphs paragraphs~~ 65E-14.017(4)(f)4. and ~~(4)(f)5.~~ F.A.C.

1. Costs of insurance required or approved, and maintained, pursuant to the contract are allowable.

2. Costs of other insurance maintained by the organization in connection with the general conduct of its operations are allowable subject to the following limitations:

a. Types and extent of coverage shall be in accordance with sound business practice and the rates and premiums shall be reasonable under the circumstances.

b. Costs allowed for business interruption or other similar insurance shall be limited to exclude coverage of management fees.

c. Provisions for a reserve under a self-insurance program are allowable to the extent that types of coverage, extent of coverage, rates, and premiums would have been allowed had insurance been purchased to cover the risks. However, provision for known or reasonably estimated self-insured liabilities, which do not become payable for more than one year after the provision is made, shall not exceed the present value of the liability.

3. Actual losses which could have been covered by permissible insurance, through the purchase of insurance or a self-insurance program, are unallowable unless expressly provided for in the contract, except:

a. Costs incurred because of losses not covered under nominal deductible insurance coverage provided in keeping with sound business practice are allowable.

b. Minor losses not covered by insurance, such as spoilage, breakage, and disappearance of supplies, which occur in the ordinary course of operations, are allowable.

(r) Interest, fund raising and investment management costs.

1. Necessary and proper interest on both current and capital indebtedness is an allowable cost, if the interest is:

a. Supported by evidence of an agreement that funds were borrowed and that payment of interest and repayment of the funds are required;

b. Identifiable in the agency's accounting records;

c. Related to the reporting period in which the costs are incurred; and

d. Necessary and proper for the operation, maintenance, or acquisition of the agency's facilities.

2. Costs of contracted professionally organized fund raising, including financial campaigns, endowment drives, solicitation of gifts and bequests, and similar expenses incurred solely to raise capital or obtain contributions are unallowable.

3. Costs of investment counsel and staff and similar expenses incurred solely to enhance income from investments are unallowable.

(s) Labor relations costs. Costs incurred in maintaining satisfactory relations between the organization and its employees, including costs of labor management committees, employee publications, and other related activities are allowable.

(t) Losses on other awards. Any excess of costs over income on any contract is unallowable as a cost of any other contract. This includes, but is not limited to, the organization's contributed portion by reason of cost sharing agreements or any underrecoveries through negotiation of lump sums for, or ceilings on, indirect costs.

(u) Maintenance and repair costs. Costs incurred for necessary maintenance, repair, or upkeep of buildings and equipment which neither add to the permanent value of the property nor appreciably prolong its intended life, but keep it in an efficient operating condition, are allowable. Costs incurred for improvements which add to the permanent value of the buildings and equipment, or appreciably prolong their intended life, shall be treated as capital expenditures.

(v) Materials and supplies. The costs of materials and supplies necessary to carry out a contract are allowable. Such costs should be charged at their actual prices after deducting all cash discounts, trade discounts, rebates, and allowances received by the organization. Withdrawals from general stores or stockrooms should be charged at cost under any recognized method of pricing consistently applied. Incoming transportation charges may be a proper part of material cost. Materials and supplies charged as a cost should include only the materials and supplies actually used for the performance of the contract, and due credit should be given for any excess materials or supplies retained, or returned to vendors.

(w) Meetings, conferences.

1. Costs associated with the conduct of meetings and conferences include the cost of renting facilities, meals, speakers' fees, and the like.

2. To the extent that these costs are identifiable with a particular cost objective, they should be charged to that objective. These costs are allowable, provided that they meet the general tests of allowability, in accordance with this rule.

3. Costs of meetings and conferences held to conduct the general administration of the organization are allowable.

(x) Memberships, subscriptions, and professional activity costs.

1. Costs of the organization's membership in certain civic, business, technical and professional organizations are allowable. The costs of individual dues and memberships are unallowable.

2. Costs of the organization's subscriptions to civic, business, professional, and technical periodicals are allowable, if delivered to a contractor's ~~contractor or subcontractor's~~ business address.

3. Subject to the appropriate provisions of this rule, costs of attendance at meetings and conferences sponsored by others, when the primary purpose is the dissemination of technical information, are allowable. This includes costs of meals, transportation, and other items incidental to such attendance.

(y) Organization costs. Expenditures, such as incorporation fees, brokers' fees, fees to promoters, organizers or management consultants, attorneys, accountants, or investment counselors, whether or not employees of the organization, in connection with establishment or reorganization of an organization, are unallowable, except with prior approval of the Department.

(z) Overtime premiums are allowable when the following conditions exist:

1. When it is required that services be available on a 24-hour 7 days a week basis, and paid to those 24-hour services; or

2. When paid to non-exempt employees consistent with Federal wage and hour requirements.

(aa) Participant support costs. Participant support costs are allowable. Items such as stipends or subsistence allowances, travel allowances, and registration fees paid to or on behalf of participants or trainees, but not employees, in connection with meetings, conferences, symposia, or training projects. These costs are allowable with the prior approval of the Department.

(bb) Plant security costs. Necessary expenses incurred to comply with State security requirements or for facilities protection, including wages, uniforms, and equipment of personnel are allowable.

(cc) Professional service costs.

1. Costs of professional and consultant services rendered by persons who are members of a particular professional or possess a special skill, and who are not officers or employees of the organization, are allowable when reasonable in relation to the services rendered and when not contingent upon recovery of the costs from the State.

2. In addition to paragraph 65E-14.017(4)(cc), F.A.C., above, retainer fees to be allowable must be supported by evidence of bona fide services rendered.

3. Cost of legal, accounting, and consulting services, and related costs incurred in connection with defense and prosecution of legal action against the contractor or Department, are unallowable. Costs of legal, accounting and consulting services, and related costs, incurred in connection with patent infringement litigation, organization and reorganization, are unallowable unless prior approval is otherwise provided by the Department.

(dd) Profits and losses on disposition of depreciable property or other capital assets are to be excluded from State participation.

(ee) Public information service costs.

1. Public information service costs include the costs associated with pamphlets, news releases, and other forms of information services. Such costs are normally incurred to:

a. Inform or instruct individuals, groups, or the general public;

b. Interest individuals or groups in participating in a service program of the organization; and

c. Disseminate the results of sponsored and nonsponsored activities.

2. Public information service costs are allowable.

(ff) Publication and printing costs, including the costs of printing, including the processes of composition, plate-making, press work, binding, and the end products produced by such processes, distribution, promotion, mailing, and general handling are allowable.

(gg) Rearrangement and alteration costs. Costs incurred for rearrangement and alteration of facilities are allowable with the prior approval of the Department.

(hh) Reconversion costs. Costs incurred in the restoration or rehabilitation of the organization's facilities to approximately the same condition existing immediately prior to commencement of Department's contract are not allowable.

(ii) Recruiting costs. The following recruiting costs are allowable:

1. Cost of "help wanted" advertising,

2. Operating costs of an employment office,

3. Costs of operating an educational testing program,

4. Travel expenses including food and lodging of employees while engaged in recruiting personnel,

5. Travel costs of applicants for interviews for prospective employment. Where the organization uses employment agencies, costs not in excess of standard commercial rates for such services are allowable.

(jj) Relocation costs. Relocation costs are costs incident to the permanent change of duty assignment, for an indefinite period or for a stated period of not less than 12 months, of an existing employee or upon recruitment of a new employee. Relocation costs are allowable with prior approval of the Department.

(kk) Rental costs.

1. Subject to the limitations described in subparagraphs 65E-14.017(4)(kk)2., 3. and 4., F.A.C., rental costs are allowable to the extent that the rates are reasonable and take into account consistent with the Department of General Services Guidelines in light of such factors as:

a. Rental costs of comparable property, if any;

b. Market conditions in the area;

c. Alternatives available;

d. And the type, life expectancy, condition, and value of the property leased.

2. Rental costs under sale and leaseback arrangements are allowable only up to the amount that would be allowed had the organization continued to own the property.

3. Rental costs under less-than-arm's-length leases are allowable only up to the amount that would be allowed had title to the property vested in the organization. For this purpose, a less-than-arm's-length lease is one under which one party to the lease agreement is able to control or substantially influence the actions of the other. Such leases include, but are not limited to, those between:

- a. Divisions of an organization;
- b. Organizations under common control through common officers, directors, or members; and
- c. An organization and a director, trustee, officer, or key employee of the organization or his immediate family either directly or through corporations, trusts, or similar arrangements in which they hold a controlling interest.

4. Rental costs under leases which create a material equity in the leased property are allowable only up to the amount that would be allowed had the organization purchased the property on the date the lease agreement was executed; for example, depreciation or use allowances, maintenance, taxes, insurance and interest expense but excluding other unallowable costs. For this purpose, a material equity in the property exists if the lease is noncancelable or is cancelable only upon the occurrence of some remote contingency and has one or more of the following characteristics:

- a. The organization has the right to purchase the property for a price which at the beginning of the lease appears to be substantially less than the probably fair market value at the time it is permitted to purchase the property, commonly called a lease with a bargain purchase option.
- b. Title to the property passes to the organization at some time during or after the lease period.
- c. The term of the lease, initial term plus periods covered by bargain renewal options, if any, is equal to 75 percent or more of the economic life of the leased property; that is, the period the property is expected to be economically usable by one or more users.

(ll) Specialized service facilities.

1. The costs of services provided by highly complex or specialized facilities operated by the organization, such as electronic computers, are allowable provided the charges for the services meet the conditions of either sub-subparagraphs 65E-14.017(4)(ll)2.a. or b., F.A.C., of this rule and, in addition, take into account any items of income or State financing that qualify as applicable credits.

2. The costs of such services, when material, must be charged directly to contracts based on actual usage of the services on the basis of a schedule of rates or established methodology that:

a. Does not discriminate against departmental supported activities of the organization, including usage by the organization for internal purposes; and

b. Is designed to recover only the aggregate costs of the program. ~~Advance agreements are particularly important in this situation.~~

(mm) Taxes.

1. In general, taxes which the organization is required to pay and which are paid or accrued in accordance with generally accepted accounting principles, and payments made to local governments in lieu of taxes which are commensurate with the local government services received are allowable, except for:

a. Taxes from which exemptions are available to the organization directly or which are available to the organization based on an exemption afforded the State and in the latter case when the Department makes available the necessary exemption certificates; and

b. Federal income taxes.

2. Any refund of taxes, and any payment to the organization of interest thereon, which were allowed will be credited either as a cost reduction or cash refund, as appropriate to the Department.

(nn) Termination costs are allowable only if required in accordance with union contracts and bargaining agreements with which the contractor must comply.

(oo) Allowable training and education costs.

1. Preparation and maintenance of a program of instruction including, but not limited to:

a. On-the-job, classroom, and apprenticeship training, designed to increase the vocational effectiveness of employees, including training materials, textbooks, and salaries of the director of training and staff when the training program is conducted by the organization; or

b. Tuition and fees when the training is in an institution not operated by the organization.

2. Costs of part-time education, at an undergraduate or postgraduate college level, including that provided at the organization's own facilities, are allowable only when the course pursued is relative to the field in which the employee is now working, and are limited to:

a. Training materials;

b. Textbooks;

c. Fees charged by the educational institution; and

d. Tuition charged by the educational institution, or in lieu of tuition, instructors' salaries and the related share of costs of the educational institution to the extent that the sum thereof is not in excess of the tuition which would have been paid to the participating education institution.

3. Contributions or donations to education or training institutions, including the donation of facilities or other properties, and scholarships or fellowships, are unallowable.

4. Training and education costs in excess of those otherwise allowable under subparagraph 65E-14.017(4)(oo)2., F.A.C., may be allowed with prior approval of the Department. To be considered for approval, the organization must demonstrate that such costs are consistently incurred pursuant to an established training and education program, and that the course or degree pursued is relative to the field in which the employee is now working or may reasonably be expected to work.

(pp) Transportation costs. Transportation costs include freight, express, cartage, and postage charges relating either to goods purchased, in process, or delivered. The costs are allowable. When such costs can readily be identified with items involved, they may be charged as transportation costs or added to the cost of such items. Where identification with the materials received cannot readily be made, transportation costs may be charged to the appropriate program cost accounts if the organization follows a consistent, equitable procedure in this respect.

(qq) Travel costs.

1. Travel costs are the expenses for transportation, lodging, subsistence, and related items incurred by employees who are in travel status on official business of the organization. Travel costs are allowable subject to subparagraphs 65E-14.017(4)(qq)2. through 4., F.A.C., when they are directly attributable to specific work or are incurred in the normal course of administration of the organization.

2. Such costs may be charged on a basis consistent with Section 112.061, F.S.

3. The difference in cost between first-class air accommodations and less than first-class air accommodations is unallowable except when less than first-class accommodations are not reasonably available to meet necessary mission requirements, such as where less than first-class accommodations would:

- a. Require circuitous routing;
- b. Require travel during unreasonable hours;
- c. Greatly increase the duration of the flight;
- d. Result in additional costs which would offset the transportation savings; or
- e. Offer accommodations which are not reasonably adequate for the medical needs of the traveler.

4. Direct charges for foreign travel costs are allowable only when the travel has received prior written approval of the Department. Each separate foreign trip must be approved. For purposes of this provision, foreign travel is defined as any travel outside the United States and its territories and possessions.

(rr) Facility owned vehicle costs. A trip log showing date, driver, destination and purpose and odometer readings shall be maintained for each vehicle used in the operation of the contractor. Personal use of vehicles is unallowable.

(ss) Treatment. Excluded is the cost of electroconvulsive therapy.

PROPOSED EFFECTIVE DATE: July 1, 2003

Specific Authority 394.74, 394.78(1), 397.321(5) FS. Law Implemented 394.74, 394.77, 394.78(1), 397.481 FS. History--New 2-23-83, Amended 2-25-85, Formerly 10E-14.17, Amended 7-29-96, Formerly 10E-14.017, Amended 9-17-97, 7-1-03.

65E-14.018 Sliding Fee Scale.

(1) It is not the intent of this section to prohibit or regulate the collection of fees on behalf of a client from third party payers and commercial insurers such as Worker's Compensation, CHAMPUS/VA or Medicare. However, contractors must make every reasonable effort to identify and collect benefits from third party payers for services rendered to eligible clients.

(2) Sliding Fee Scale.

(a) The contractor shall develop a sliding fee scale that applies to persons for services that are paid for by state, federal, or local matching funds who have an annual gross family income at or above 150 percent of the Federal Poverty Income Guidelines. The sliding fee scale does not apply to services paid for by Medicaid.

(b) The contractor shall update the sliding fee scale annually. If payments from a third party payer and client or responsible party exceed the usual and customary charge, the client or responsible party must be refunded the excess recovered.

(c) The contractor shall make a determination of ability to pay in accordance with the sliding fee scale for all clients seeking substance abuse and mental health services. Payment of fees shall not be a pre-requisite to treatment or the receipt of services.

(d) The contractor shall inform clients and responsible parties of the state laws that require the assessment and collection of fees.

(e) The contractor shall retain fees collected for children mental health services and use them to expand child and adolescent treatment services in the service district.

(f) The contractor shall require payment of fees from persons not eligible for Medicaid and whose gross family income is less than 150 percent of the federal poverty income guidelines in accordance with s. 409.9081, F.S. Nominal co-payments for the following substance abuse and mental health services shall apply:

1. Outpatient treatment services – \$3 per day.
2. Residential treatment services – \$2 per day.

(g) The contractor shall require persons meeting the criteria listed below to contribute to their treatment costs consistent with the provisions in s. 409.212, F.S.:

1. Persons who receive optional supplementation payments or are receiving a supplemental security income check.

2. Persons determined to be eligible for optional supplementation by the department.

3. Persons who meet program eligibility criteria for assisted living facilities, foster care family placements, long-term residential care, or any other special living arrangements.

(h) The contractor shall require persons who are involuntarily admitted for substance abuse treatment and mental health examination pursuant to s. 397.675 and s. 394.463, F.S., to contribute to the cost of care in accordance with the sliding fee scale, unless charging a fee is contraindicated because of the crisis situation. The contractor shall inform the client and responsible party when the fee is not charged for this reason and shall document such circumstances in the client's file.

(i) The contractor shall have written procedures for determining annual gross family income for the purpose of assessing, billing and collecting client fees.

1. Current income, from either part-time or full-time employment, received by an adult client and all other adult family members of the household, including the spouse, is derived by multiplying:

- a. An hourly wage by 2080 hours (for part-time employment use anticipated annual hours); or
- b. A weekly wage by 52 weeks; or
- c. A biweekly wage by 26 weeks; or
- d. A monthly wage by 12 months.

2. Income from such sources as seasonal type work or other work of less than 12 months duration, commissions, overtime, bonuses and unemployment compensation will be computed as the estimated annual amount of such income for the ensuing 12 months. Historical data based on the past 12 months may be used if a determination of expected income cannot logically be made.

3. The contractor shall accept the client's statements related to income and family size at the initial assessment.

(3) Fee Liability Exceptions. The following parties shall not be liable for payment of fees:

(a) Parents of minor clients, when the client has been permanently committed to the department and parental rights have been permanently terminated.

(b) Parents of a minor child, when the child has requested and is receiving services without parental consent.

(4) Uniform Schedule of Discounts.

(a) The contractor shall develop a sliding fee scale that reflects the uniform discounts in paragraph (b) below, applied to the contractor's usual and customary charges.

(b) The applicable discount to be applied to a contractor's usual and customary charges to create the contractor's sliding fee scale is determined at the intersection of the row for percentage of poverty level with the column for the applicable type of uniform discount.

Percent of Poverty Level	Uniform Discounts	
	Standard Discount Percentage	Accelerated Discount
0% to 150%	Co-pay	0
150% to 165%	96%	See 4. Below
165% to 180%	94%	See 4. Below
180% to 195%	89%	See 4. Below
195% to 210%	81%	See 4. Below
210% to 225%	70%	See 4. Below
225% to 240%	56%	See 4. Below
240% to 255%	39%	See 4. Below
255% to 270%	19%	See 4. Below
270% to 285%	10%	See 4. Below
285% to 300%	5%	See 4. Below
300% and above	0%	0

1. The "Percent of Poverty Level" shall be calculated by dividing the declared gross family income by the Department of Health and Human Services (DHHS) Annual Update of the Health and Human Services Poverty Guidelines. The poverty guidelines establish poverty income levels for various family sizes.

2. If the calculated percent of poverty level percentage is rounded and equals a percentage that appears in two adjacent rows in the Percent of Poverty Level column of the table above, the greater of the two discounts shall apply.

3. The total negotiated charges to a client shall not exceed 5% of gross household income.

4. Nothing in this section shall prevent a contractor from further discounting or writing off charges individually or in the aggregate.

PROPOSED EFFECTIVE DATE: July 1, 2003

Specific Authority 394.493(2), 394.674(4), 394.78(1), 397.321(5) FS. Law Implemented 394.493(2), 394.674(3),(4), 394.74(3)(c), 397.431 FS. History--New 7-1-03.

65E-14.019 Methods of Paying for Services.

(1) Unit Cost Performance Contracts. When purchasing substance abuse and mental health services on a unit cost basis, the department may use the following methods of payment:

(a) Client Non-specific Performance Contracts. These contracts shall be used to purchase units of service within state-designated cost centers at unit cost rates. Client eligibility and service determinations, unless otherwise specified, are the responsibility of the contractor based on eligibility criteria and services purchased.

(b) Client-specific Performance Contracts.

1. These contracts may be used to purchase services for a specific individual or group, but only in the following circumstances:

a. When specialized services are needed from a contractor to serve clients in more than one district;

b. When specialized services are not available from contractors with whom the department already has client non-specific performance contracts; or

c. When emergency care is required and providers with whom the department has client non-specific performance contracts have no available capacity.

2. Individual clients or groups to be served must either be specified in the contract or otherwise approved by the department in advance of receiving service.

(2) Cost Reimbursement Contracts.

(a) These contracts may only be used to reimburse for operational start-up costs for new services or for specific fixed capital outlay projects appropriated by the legislature.

(b) Funds paid to the contractor shall be treated as "restricted funds" as defined in the Generally Accepted Accounting Principles and reported as such in the contractor's annual audit.

(c) All supporting documentation shall comply with Comptroller Memorandum No. 10 (1991-1992) and any other applicable state and federal requirements.

(3) Nothing in subsections (1) and (2) shall be construed to preclude the department from developing and demonstrating alternative financing systems for substance abuse and mental health services in accordance with s. 394.76(4), F.S.

PROPOSED EFFECTIVE DATE: July 1, 2003

Specific Authority 394.74(2), 394.76(4), 394.78(1),(6), 397.321(5) FS. Law Implemented 394.66(9),(12), 394.74(2), 394.76(4), 394.78(1),(6) FS. History—New 7-1-03.

65E-14.020 Cost Reimbursement Method of Payment.

(1) Required Fiscal Reports. The contractor shall prepare and submit the following fiscal reports to the department for approval prior to the start of the contract period:

(a) Line-Item Operating Budget. This budget displays projected expenditures by line-item category, along with the amount of each line item to be reimbursed through the contract and through other funds.

(b) Budget Narrative. The narrative shall explain and justify the need for each identifiable component that constitutes a proposed line-item category.

(2) These fiscal reports, once approved by the department, shall be finalized and incorporated into the service provision contract between the department and the contractor.

(3) Report of Expenditures & Request for Payment or Advance. The contractor shall request payment by preparing and submitting this report, which shall show actual, allowable expenditures by line-item category. Requests for payment shall be based on and cannot exceed the amounts specified in the line-item budget and shall be for the purposes specified in the budget narrative.

(4) The following forms are hereby incorporated by reference and may be obtained from the Substance Abuse Program Office, 1317 Winewood Blvd., Building 6, Tallahassee, Florida:

(a) CF-MH 1038, Jul 2003 Cost Reimbursement Line Item Operating Budget

(b) CF-MH 1039, Jul 2003 Cost Reimbursement Budget Narrative

(c) CF-MH 1040, Jul 2003 Cost Reimbursement Report of Expenditures & Request for Payment or Advance

PROPOSED EFFECTIVE DATE: July 1, 2003

Specific Authority 394.78(1),(6), 397.321(5) FS. Law Implemented 394.66(9), 394.74(2)(c), (3)(d),(4), 394.78(1),(6), 397.321(10) FS. History—New 7-1-03.

65E-14.021 Unit Cost Method of Payment.

This section provides guidelines and requirements for implementing a unit cost method of payment for substance abuse and mental health services.

(1) Cost Centers shall be used to account for the expenditure of state funds, patient fees, and other funds earned and used by contractors for substance abuse and mental health services.

(2) List of State-Designated Substance Abuse and Mental Health Cost Centers. The department may contract for adult and children's mental health and adult and children's substance abuse program services in the following state-designated cost centers:

(a) Aftercare

(b) Assessment

(c) Case Management

(d) Crisis Stabilization

(e) Crisis Support/Emergency

(f) Day Care

(g) Day/Night

(h) Drop-In/Self Help Centers

(i) FACT (Florida Assertive Community Treatment) Team

(j) Incidental Expenses

(k) Information and Referral

(l) In-Home and On-Site

(m) Inpatient

(n) Intensive Case Management

(o) Intervention

(p) Medical Services

(q) Mental Health Clubhouse Services

(r) Methadone Maintenance

(s) Outpatient

(t) Outpatient Detoxification

(u) Outreach

(v) Prevention

(w) Prevention/Intervention – Day

(x) Residential Level I

- (y) Residential Level II
- (z) Residential Level III
- (aa) Residential Level IV
- (bb) Respite Services
- (cc) Room and Board with Supervision Level I
- (dd) Room and Board with Supervision Level II
- (ee) Room and Board with Supervision Level III
- (ff) Sheltered Employment
- (gg) Short-term Residential Treatment (SRT)
- (hh) Substance Abuse Detoxification
- (ii) Supported Employment
- (jj) Supportive Housing/Living
- (kk) TASC (Treatment Accountability for Safer Communities)

(ll) Any other cost centers the department may establish temporarily pursuant to paragraph (3) to ensure adequate provision of service.

(3) The Directors of the Substance Abuse and Mental Health Programs may temporarily establish additional state-designated substance abuse and mental health cost centers for statewide use, including their definitions, units of measure, service documentation, and maximum unit cost rates, as necessary to ensure the adequate provision of client services. At a minimum, affected parties shall be notified of the department's intended action and provided an opportunity to comment at least 30 days prior to the establishment of a temporary cost center. If the temporary cost center is used for more than 240 days, the department shall initiate rule-making to make the cost center permanent.

(4) Other Cost Centers. For all client non-specific performance contracts and those client-specific performance contracts where unit rates are set pursuant to paragraph 65E-14.021(9)(a), F.A.C., if a contractor provides services that are not in a state-designated substance abuse and mental health cost center, it shall establish a non-substance abuse and mental health cost center to account for all expenditures and revenues related to these services. For the purpose of identifying indirect costs allocable to service delivery cost centers, the contractor shall also establish an administration cost center to account for the general administrative overhead costs that indirectly contribute to or benefit the service delivery cost centers. The contractor may establish an "other support" cost center to account for costs such as billing and data processing that indirectly contribute to or benefit the service delivery cost centers and administration. If not treated separately, the "other support" costs shall be treated as administration. The contractor's total expenditures for services in state-designated substance abuse and mental health cost centers, the non-substance abuse and mental health cost center, and the administration and other support cost centers shall equal the total expenditures reported in the contractor's fiscal reports and audit.

(5) Unit Measurements:

(a) Types of Units. The following units of measure apply to state-designated substance abuse and mental health cost centers funded through a state substance abuse and mental health program contract:

1. Staff Hour. This unit measure represents the actual time a staff person is available at the work site to perform assigned tasks.

2. Contact Hour. This unit measure represents the actual time spent in face-to-face or direct telephone contact with a client or a collateral where the contact is charted. For children's services, it may also include telephone contact with parents or teachers and actual time spent in a courtroom or juvenile detention facility on behalf of a child.

3. Direct Staff Hour. This unit measure represents the actual time spent on activities directly associated with a single client, including case staffings. Time may include travel if the travel is integral to a service event otherwise billable to the department.

4. Non-Direct Staff Hour. This measure represents the actual time spent on activities that cannot be directly associated with a single client, but are integral to the program and described in the program description.

5. Bed-Day. This unit measure represents an actual bed, or if licensure is required, the lesser of the actual or licensed bed, available each day in the contract period.

6. Facility Day. This unit measure represents a day in which a facility is open for use a minimum of 4 hours a day.

7. 24-Hour Day. This unit measure represents a day in which a client is physically present at the midnight census. The day of admission shall be counted and the day of discharge shall not.

8. 4-Hour Day. This unit measure represents a day in which a client is physically present for at least four hours.

9. Dosage. This unit measure represents the receipt of a methadone dosage by a client and includes the provision of all other services related to Methadone Maintenance and described in a program description. Such program description shall indicate which of the related services, if any, may also be delivered in another cost center and why.

(b) Definition of Hour. An hour is a measurement of time rounded to the nearest 10-minute interval. When used to document intermittent services to or on behalf of a specific client during a single day, the actual cumulative time spent providing the service during that day shall be rounded to the nearest 10-minute interval. The cumulative, rounded number of minutes shall be divided by 60 to derive the number of units.

(c) Except for prevention, units of service measured in terms of hours and days shall not include the time direct service delivery staff are absent from the work place or spend in training, supervision, clinical supervision, administrative activities, or charting. This exclusion of time spent in training does not apply to training and orientation specifically required

in the department's contract for Florida Assertive Community Treatment. These units shall include time direct service delivery staff spend administering client functional assessments and client satisfaction surveys.

(6) The maximum unit cost rate to be paid for each state-designated substance abuse and mental health cost center when rates are set in accordance with paragraphs 65E-14.021(9)(a) or (b), F.A.C., shall be established using cost models that take into account the types and number of service delivery personnel, salary and benefit levels, and ratios of service delivery personnel costs to operating and administrative overhead costs required to provide services needed by clients.

(7) The descriptions, applicable programs, units of measure, and documentation requirements for state-designated cost centers are as follows:

(a) Aftercare.

1. Description – Aftercare services, including but not limited to relapse prevention, are a vital part of recovery in every treatment level. Aftercare activities include client participation in daily activity functions that were adversely affected by mental illness and/or substance abuse impairments. New directional goals such as vocational education or re-building relationships are often priorities. Relapse prevention issues are key in assisting the client's recognition of triggers and warning signs of regression. Aftercare services help families and pro-social support systems reinforce a healthy living environment.

2. Programs – Adult Mental Health, Children's Mental Health, Adult Substance Abuse, and Children's Substance Abuse.

3. Unit of Measure – Direct Staff Hour.

4. Data Elements:

a. Service Documentation – Activity Log:

- (I) Cost center
- (II) Staff name and identification number
- (III) Recipient name and identification number
- (IV) Service date
- (V) Duration
- (VI) Service (specify)
- (VII) Group Indicator
- (VIII) Program

b. Audit Documentation – Recipient Service Chart:

- (I) Recipient name and identification number
- (II) Staff name and identification number
- (III) Service date
- (IV) Duration
- (V) Service (specify)

5. Maximum Unit Cost Rate: \$63.21.

(b) Assessment.

1. Description – Assessment services assess, evaluate, and provide assistance to individuals and families to determine level of care, motivation, and the need for services and supports to assist individuals and families identify their strengths.

2. Programs – Adult Mental Health, Children's Mental Health, Adult Substance Abuse, and Children's Substance Abuse.

3. Unit of Measure – Contact Hour.

4. Data Elements:

a. Service Documentation – Service Ticket:

- (I) Recipient name and identification number
- (II) Staff name and identification number
- (III) Service date
- (IV) Duration
- (V) Cost center
- (VI) Service (Specify)
- (VII) Program

b. Audit Documentation – Recipient Service Chart:

- (I) Recipient name and identification number
- (II) Staff name and identification number
- (III) Service date
- (IV) Duration
- (V) Service (Specify)

5. Maximum Unit Cost Rate: \$85.91.

(c) Case Management.

1. Description – Case management services consist of activities aimed at identifying the recipient's needs, planning services, linking the service system with the person, coordinating the various system components, monitoring service delivery, and evaluating the effect of the services received.

2. Programs – Adult Mental Health, Children's Mental Health, Adult Substance Abuse, and Children's Substance Abuse.

3. Unit of Measure – Direct Staff Hour.

4. Data Elements:

a. Service Documentation – Activity Log:

- (I) Cost center
- (II) Staff name and identification number
- (III) Recipient name and identification number
- (IV) Service date
- (V) Duration
- (VI) Service (Specify)
- (VII) Program

b. Audit Documentation – Recipient Service Chart:

- (I) Recipient name and identification number
- (II) Staff name and identification number
- (III) Service date
- (IV) Duration
- (V) Service (Specify)

e. Maximum Unit Cost Rate: \$63.21.

(d) Crisis Stabilization.

1. Description – These acute care services, on a twenty-four (24) hours per day, seven (7) days per week basis, provide brief, intensive mental health residential treatment services. These services meet the needs of individuals who are experiencing an acute crisis and who, in the absence of a suitable alternative, would require hospitalization.

2. Programs – Adult Mental Health and Children's Mental Health.

3. Unit of Measure – Bed-Day.

4. Data Elements:

a. Service Documentation – Number of licensed bed-days.

b. Audit Documentation – License:

(I) Beginning date

(II) Ending date

(III) Number of beds

5. Maximum Unit Cost Rate: \$291.24.

(e) Crisis Support / Emergency.

1. Description – These non-residential care services are generally available twenty-four (24) hours per day, seven (7) days per week, or some other specific time period, to intervene in a crisis or provide emergency care. Examples include: mobile crisis, crisis support, crisis/emergency screening, crisis telephone, and emergency walk-in.

2. Programs – Adult Mental Health, Children's Mental Health, Adult Substance Abuse, and Children's Substance Abuse.

3. Unit of Measure – Staff Hour.

4. Data Elements:

a. Service Documentation – Duty Roster:

(I) Staff name and identification number

(II) Date

(III) Hours on Duty – Beginning and ending time

(IV) Cost center

(V) Program

(VI) Signature of Clinical Director

b. Audit Documentation – Time Sheet:

(I) Staff name and identification number

(II) Date

(III) Hours worked – Beginning and ending time

(IV) Program

(V) Cost Center

(VI) Signature of Supervisor

5. Maximum Unit Cost Rate: \$43.17.

(f) Day Care.

1. Description – Day care services provide a structured schedule of activities for four (4) or more consecutive hours per day for children of persons who are participating in a mental health and substance abuse day-night service and residential services.

2. Programs – Adult Mental Health and Adult Substance Abuse.

3. Unit of Measure – Day (4 hour).

4. Data Elements:

a. Service Documentation – Census Log:

(I) Cost center

(II) Program

(III) Recipient (Parent) name and identification number and child's date of birth

(IV) Service date

b. Audit Documentation – Recipient Service Chart:

(I) Cost center

(II) Recipient (Parent) name and identification number and child's date of birth

(III) Service date

5. Maximum Unit Cost Rate: \$30.30.

(g) Day-Night.

1. Description – Day-Night services provide a structured schedule of non-residential services for four (4) or more consecutive hours per day. Activities for children and adult mental health programs are designed to assist individuals to attain skills and behaviors needed to function successfully in living, learning, work, and social environments. Generally, a person receives three (3) or more services a week. Activities for substance abuse programs emphasize rehabilitation, treatment, and education services, using multidisciplinary teams to provide integrated programs of academic, therapeutic, and family services.

2. Programs – Adult Mental Health, Children's Mental Health, Adult Substance Abuse, and Children's Substance Abuse.

3. Unit of Measure – Day (4 hour).

4. Data Elements:

a. Service Documentation – Census Log:

(I) Cost center

(II) Program

(III) Recipient name and identification number

(IV) Service date

b. Audit Documentation – Recipient Service Chart:

(I) Cost center

(II) Recipient name and identification number

(III) Service date

5. Maximum Unit Cost Rate: \$71.48.

(h) Drop-in / Self-Help Centers.

1. Description – These centers are intended to provide a range of opportunities for persons with severe and persistent mental illness to independently develop, operate, and participate in social, recreational, and networking activities.

2. Programs – Adult Mental Health.

3. Unit of Measure – Facility-Day.

4. Data Elements:

a. Service Documentation – Number of Facility Days.

b. Audit Documentation – Occupancy License:

(I) Beginning date

(II) Ending date

5. Maximum Unit Cost Rate: \$296.30 for a 30-slot facility, and a 10% increase for every additional 5 slots.

(i) Florida Assertive Community Treatment (FACT) Team.

1. Description – These non-residential care services are available twenty-four (24) hours per day, seven (7) days per week, and include community-based treatment, rehabilitation, and support services provided by a multidisciplinary team to persons with severe and persistent mental illness.

2. Programs – Adult Mental Health and Adult Substance Abuse.

3. Unit of Measure –Staff Hour.

4. Data Elements:

a. Service Documentation – Duty Roster:

(I) Staff name and identification number

(II) Date

(III) Hours on Duty – Beginning and ending time

(IV) Cost center

(V) Program

(VI) Signature of Clinical Director

b. Audit Documentation – Time Sheet:

(I) Staff name and identification number

(II) Date

(III) Hours worked – Beginning and ending time

(IV) Program

(V) Cost center

(VI) Signature of Supervisor

5. Maximum Unit Cost Rate: \$45.47.

(j) Incidental Expenses.

1. Description – This cost center provides for incidental expenses, such as clothing, medical care, educational needs, developmental services, FACT Team housing subsidies and pharmaceuticals (if not required by the RFP to be reimbursed through a separate cost reimbursement contract), and other approved costs. All incidental expenses must have prior written authorization by the department's authorized staff member or be authorized in the contract.

2. Programs – Adult Mental Health, Children's Mental Health, Adult Substance Abuse, and Children's Substance Abuse.

3. Unit of Measure – \$50.00.

4. Data Elements:

a. Service Documentation – Census Log:

(I) Cost center

(II) Program

(III) Recipient name and identification

(IV) Invoice date

b. Audit Documentation – Recipient Service Chart:

(I) Cost Center

(II) Recipient name and identification number

(III) Invoice date

(IV) Associated treatment plan goal

(V) Department authorization documentation

5. Maximum Unit Cost Rate: \$50.00.

(k) Information and Referral.

1. Description – These services maintain information about resources in the community, link people who need assistance with appropriate service providers, and provide information about agencies and organizations that offer services. The information and referral process involves: being readily available for contact by the individual; assisting the individual with determining which resources are needed; providing referral to appropriate resources; and following up to ensure the individual's needs have been met, if the individual agrees to such follow-up activities.

2. Programs – Adult Mental Health, Children's Mental Health, Adult Substance Abuse, and Children's Substance Abuse.

3. Unit of Measure –Staff Hour.

4. Data Elements:

a. Service Documentation – Duty Roster:

(I) Staff name and identification number

(II) Date

(III) Hours on Duty – Beginning and ending time

(IV) Cost center

(V) Program

(VI) Signature of Clinical Director

b. Audit Documentation – Time Sheet:

(I) Staff name and identification number

(II) Date

(III) Hours worked – Beginning and ending time

(IV) Program

(V) Cost center

(VI) Signature of Supervisor

5. Maximum Unit Cost Rate: \$34.75.

(l) In-Home and On-Site.

1. Description – Therapeutic services and supports are rendered in non-provider settings such as nursing homes, alternative living facilities (ALF), residences, school, detention centers, commitment settings, foster homes, and other community settings.

2. Programs – Adult Mental Health, Children's Mental Health, Adult Substance Abuse, and Children's Substance Abuse.

3. Unit of Measure – Direct Staff Hour.

4. Data Elements:

a. Service Documentation – Activity Log:

- (I) Cost center
- (II) Staff name and identification number
- (III) Recipient name and identification number
- (IV) Service date
- (V) Duration
- (VI) Service (specify)
- (VII) Program
- b. Audit Documentation – Recipient Service Chart:
- (I) Recipient name and identification number
- (II) Staff name and identification number
- (III) Service date
- (IV) Duration
- (V) Service (specify)
- 5. Maximum Unit Cost Rate: \$70.20.
- (m) Inpatient.

1. Description – Inpatient services are provided in hospitals, licensed under Chapter 395, Florida Statutes, as general hospitals and psychiatric specialty hospitals. They are designed to provide intensive treatment to persons exhibiting violent behaviors, suicidal behaviors, and other severe disturbances due to substance abuse or mental illness.

2. Programs – Adult Mental Health and Children’s Mental Health.

3. Unit of Measure – Day (24 hour).

4. Data Elements:

a. Service Documentation – Census Log:

- (I) Name of hospital
- (II) Recipient name and identification number
- (III) Service date
- (IV) Program

b. Audit Documentation – Recipient Service Chart:

- (I) Name of hospital
- (II) Recipient name and identification number
- (III) Service date

5. Maximum Unit Cost Rate: \$456.00.

(n) Intensive Case Management.

1. Description – Case management services consist of activities aimed at assessing recipient needs, planning services, linking the service system to a recipient, coordinating the various system components, monitoring service delivery, and evaluating the effect of services received. These services are typically offered to persons who are being discharged from a hospital or crisis stabilization unit who are in need of more professional care and who will have contingency needs to remain in a less restrictive setting.

2. Programs – Adult Mental Health and Children’s Mental Health.

3. Unit of Measure – Direct Staff Hour.

4. Data Elements:

a. Service Documentation – Activity Log:

- (I) Cost center

- (II) Staff name and identification number
- (III) Recipient name and identification number
- (IV) Service date
- (V) Duration
- (VI) Service (specify)
- (VII) Program

b. Audit Documentation – Recipient Service Chart:

- (I) Recipient name and identification number
- (II) Staff name and identification number
- (III) Service date
- (IV) Duration
- (V) Service (specify)

5. Maximum Unit Cost Rate: \$72.21.

(o) Intervention.

1. Description – Intervention services focus on reducing risk factors generally associated with the progression of substance abuse and mental health problems. Intervention is accomplished through early identification of persons at risk, performing basic individual assessments, and providing supportive services, which emphasize short-term counseling and referral. These services are targeted toward individuals and families.

2. Programs – Adult Mental Health, Children’s Mental Health, Adult Substance Abuse, and Children’s Substance Abuse.

3. Unit of Measure – Direct Staff Hour.

4. Data Elements:

a. Service Documentation – Activity Log:

- (I) Cost center
- (II) Staff name and identification number
- (III) Recipient name and identification number
- (IV) Service date
- (V) Duration
- (VI) Service (specify)
- (VII) Group Indicator
- (VIII) Program

b. Audit Documentation – Recipient Service Chart:

- (I) Recipient name and identification number
- (II) Staff name and identification number
- (III) Service date
- (IV) Duration
- (V) Service (specify)

5. Maximum Unit Cost Rate: \$67.44.

(p) Medical Services.

1. Description – Medical services provide primary medical care, therapy, and medication administration to improve the functioning or prevent further deterioration of persons with mental health or substance abuse problems. Included is psychiatric mental status assessment. For adults with mental illness, medical services are usually provided on a regular schedule, with arrangements for non-scheduled visits during

times of increased stress or crisis. This service includes medication administration of psychotropic drugs, including Clozaril and other new medications, and psychiatric services.

2. Programs – Adult Mental Health, Children’s Mental Health, Adult Substance Abuse, and Children’s Substance Abuse.

3. Unit of Measure – Contact Hour.

4. Data Elements:

a. Service Documentation – Service Ticket:

(I) Recipient name and identification number or, if non-recipient, participant’s name, address, and relation to recipient

(II) Staff name and identification number

(III) Service date

(IV) Duration

(V) Cost center

(VI) Service (specify)

(VII) Group Indicator

(VIII) Program

b. Audit Documentation – Recipient Service or Non-Recipient Chart:

(I) Recipient name and identification number or, if non-recipient, participant’s name, address, and relation to recipient

(II) Staff name and identification number

(III) Service date

(IV) Duration

(V) Service (specify)

5. Maximum Unit Cost Rate: \$369.55.

(q) Mental Health Clubhouse Services.

1. Description – Structured, community-based services designed to both strengthen and/or regain the client interpersonal skills, provide psycho-social therapy toward rehabilitation, develop the environmental supports necessary to help the client thrive in the community and meet employment and other life goals and promote recovery from mental illness. Services are typically provided in a community-based program with trained staff and members working as teams to address the client’s life goals and to perform the tasks necessary for the operations of the program. The emphasis is on a holistic approach focusing on the client’s strengths and abilities while challenging the client to pursue those life goals. This service would include, but not be limited to, clubhouses certified under the International Center for Clubhouse Development.

2. Programs – Adult Mental Health.

3. Unit of Measure – Contact Hour.

4. Data Elements:

a. Service Documentation – Service Ticket:

(I) Recipient name and identification number

(II) Staff name and identification number

(III) Service date

(IV) Duration

(V) Cost center

(VI) Service (specify)

(VII) Program

b. Audit Documentation – Recipient Service Chart:

(I) Cost center

(II) Recipient name and identification number

(III) Service date

5. Maximum Unit Cost Rate: \$6.63 for up to 8 hours per day.

(r) Methadone Maintenance.

1. Description – Methadone medication maintenance consists of a group of outpatient services which utilize methadone and other opioid replacement therapies, where permitted, in conjunction with assessment, rehabilitation and treatment services.

2. Programs – Adult Substance Abuse.

3. Unit of Measure – Dosage.

4. Data Elements:

a. Service Documentation – Dosage Log:

(I) Recipient name and identification number

(II) Dosage date

(III) Prescribed dosage

(IV) Cost center

(V) Service (specify)

(VI) Program

b. Audit Documentation – Recipient Service Chart:

(I) Client name and identification number

(II) Dosage date

(III) Dosage received

(IV) Cost center

5. Maximum Unit Cost Rate: \$13.63.

(s) Outpatient.

1. Description – Outpatient services provide a therapeutic environment, which is designed to improve the functioning or prevent further deterioration of persons with mental health and/or substance abuse problems. These services are usually provided on a regularly scheduled basis by appointment, with arrangements made for non-scheduled visits during times of increased stress or crisis. Outpatient services may be provided to an individual or in a group setting. The group size limitations applicable to the Medicaid program shall apply to all Outpatient services funded through a state substance abuse and mental health program contract.

2. Programs – Adult Mental Health, Children’s Mental Health, Adult Substance Abuse, and Children’s Substance Abuse.

3. Unit of Measure – Contact Hour.

4. Data Elements:

a. Service Documentation – Service Ticket:

(I) Recipient name and identification number or, if non-recipient, participant's name, address, and relation to recipient

(II) Staff name and identification number

(III) Service date

(IV) Duration

(V) Cost center

(VI) Service (specify)

(VII) Group Indicator

(VIII) Program

b. Audit Documentation – Recipient Service or Non-Recipient Chart:

(I) Recipient name and identification number or, if non-recipient, participant's name, address, and relation to recipient

(II) Staff name and identification number

(III) Service date

(IV) Duration

(V) Service (specify)

5. Maximum Unit Cost Rate: \$91.09.

(t) Outpatient Detoxification.

1. Description – Outpatient detoxification services utilize medication or a psychosocial counseling regimen that assists recipients in their efforts to withdraw from the physiological and psychological effects of the abuse of additive substances. They provide structured activities four (4) hours per day, seven (7) days per week.

2. Programs – Adult Substance Abuse and Children's Substance Abuse.

3. Unit of Measure – Day (4 hour).

4. Data Elements:

a. Service Documentation – Census Log:

(I) Cost center

(II) Program

(III) Recipient name and identification

(IV) Service date

(V) Residential type

b. Audit Documentation – Recipient Service Chart:

(I) Cost Center

(II) Recipient name and identification number

(III) Service date

5. Maximum Unit Cost Rate: \$78.90.

(u) Outreach.

1. Description – Outreach services are provided through a formal program to both individuals and the community. Community services include education, identification, and linkage with high-risk groups. Outreach services for individuals are designed to: encourage, educate, and engage prospective clients who show an indication of substance abuse and mental health problems or needs. Client enrollment is not included in Outreach services.

2. Programs – Adult Mental Health, Children's Mental Health, Adult Substance Abuse, and Children's Substance Abuse.

3. Unit of Measure – Non-Direct Staff Hour.

4. Data Elements:

a. Service Documentation – Time Sheet:

(I) Staff name and identification number

(II) Description of activity, including time to plan and prepare

(III) Duration

(IV) Activity date

(V) Program

(VI) Cost center

b. Audit Documentation:

(I) Activity list

(II) Duration

(III) Supervisor's staff schedule

5. Maximum Unit Cost Rate: \$43.20.

(v) Prevention.

1. Description – Prevention services are those involving strategies that preclude, forestall, or impede the development of substance abuse and mental health problems, and include increasing public awareness through information, education, and alternative-focused activities. These services may be directed either at an indicated and selective prevention target where the client has been identified or at a universal prevention target.

2. Programs – Adult Mental Health, Children's Mental Health, Adult Substance Abuse, and Children's Substance Abuse.

3. Unit of Measure – Non-Direct Staff Hour.

4. Data Elements:

a. Universal Prevention Target Service Documentation – Time Sheet:

(I) Staff name and identification number

(II) Description of activity, including time to plan and prepare

(III) Duration

(IV) Activity date

(V) Program

(VI) Cost center

b. Universal Prevention Target Audit Documentation:

(I) Attendance records with date

(II) Program material

(III) Agenda with date

(IV) Duration of activity

(V) Advertisements

(VI) Supervisor instructions

c. Indicated and Selective Prevention Target Service Documentation – Activity Log:

- (I) Cost center
- (II) Staff name and identification number
- (III) Recipient name and identification number
- (IV) Service date
- (V) Duration
- (VI) Service (specify)
- (VII) Program

d. Indicated and Selective Prevention Target Audit Documentation – Recipient Service Chart:

- (I) Recipient name and identification number
- (II) Staff name and identification number
- (III) Service date
- (IV) Duration
- (V) Service (specify)

5. Maximum Unit Cost Rate: \$43.20.

(w) Prevention / Intervention – Day.

1. Description – This cost center includes school-based day services for children and adolescents for four (4) or more consecutive hours per day. For children with mental health problems, these services include school-based mental health services for children who have been identified by the school as having, or are at risk of developing, mental health problems. Services are individualized and may be provided in a self-contained classroom, a regular classroom, or as a component of a full service school. For children and adolescents with substance abuse problems, it includes Alpha and Beta targeted prevention programs serving students in grades 4-6 and 6-8, respectively, who are identified as at risk for alcohol or other drug abuse. These services consist of multiple, structured contacts over time to specific individuals or groups identified as having behavioral, biological or environmental at-risk characteristics. These programs promote skills building and reduce the risk of establishing patterns of use. Services are provided through community provider agencies in partnership with county school boards. Counselors provide individual, group, and family counseling, and school personnel implement an intensive education program.

2. Programs – Children’s Mental Health and Children’s Substance Abuse.

3. Unit of Measure – Day (4 hour).

4. Data Elements:

a. Service Documentation – Census Log:

- (I) Cost center
- (II) Program
- (III) Recipient name and identification number
- (IV) Service date

b. Audit Documentation:

- (I) Cost center
- (II) Recipient name and identification number
- (III) Service date

5. Maximum Unit Cost Rate: \$92.43.

(x) Residential Level I.

1. Description – These licensed services provide a structured, live-in, non-hospital setting with supervision on a twenty-four (24) hour, seven (7) days per week basis. A nurse is on duty in these facilities at all times. For adult mental health, these services include group homes. Group homes are for longer-term residents. These facilities offer nursing supervision provided by, at a minimum, licensed practical nurses on a twenty-four (24) hours a day, seven (7) days per week basis. For children with serious emotional disturbances, Level 1 services are the most intensive and restrictive level of residential therapeutic intervention provided in a non-hospital or non-crisis support unit setting, including residential treatment centers. Medicaid Residential Treatment Centers (MRTC) and Residential Treatment Centers (RTC) are reported under this cost center. On-call medical care must be available for substance abuse programs. Level 1 provides a range of assessment, treatment, rehabilitation, and ancillary services in an intensive therapeutic environment, with an emphasis on treatment, and may include formal school and adult education programs.

2. Programs – Adult Mental Health, Children’s Mental Health, Adult Substance Abuse, and Children’s Substance Abuse.

3. Unit of Measure – Day (24 hour).

4. Data Elements:

a. Service Documentation – Census Log:

- (I) Cost center
- (II) Program
- (III) Recipient name and identification number
- (IV) Service date
- (V) Residential type

b. Audit Documentation – Recipient Service Chart:

- (I) Cost center
- (II) Recipient name and identification number
- (III) Service date

5. Maximum Unit Cost Rate: \$241.10, or \$330.00 for Children’s Mental Health. The unit cost may be increased by \$8.21 if services include psychotropic medication.

(y) Residential Level II.

1. Description – Level II facilities are licensed, structured rehabilitation-oriented group facilities that have twenty-four (24)-hours per day, seven (7) days per week, supervision. Level II facilities house persons who have significant deficits in independent living skills and need extensive support and supervision. For children with serious emotional disturbances, Level II services are programs specifically designed for the purpose of providing intensive therapeutic behavioral and treatment interventions. Therapeutic Group Home (TGH), Specialized Therapeutic Foster Home (STFH) – Level II and Therapeutic Foster Home (TFH) – Level 2 are reported under this cost center. For substance abuse, Level II services provide

a range of assessment, treatment, rehabilitation, and ancillary services in a less intensive therapeutic environment with an emphasis on rehabilitation, and may include formal school and adult educational programs.

2. Programs – Adult Mental Health, Children’s Mental Health, Adult Substance Abuse, and Children’s Substance Abuse.

3. Unit of Measure – Day (24 hour).

4. Data Elements:

a. Service Documentation – Census Log:

(I) Cost center

(II) Program

(III) Recipient name and identification number

(IV) Service date

(V) Residential type

b. Audit Documentation – Recipient Service Chart:

(I) Cost Center

(II) Recipient name and identification number

(III) Service date

5. Maximum Unit Cost Rate: \$174.03.

(z) Residential Level III.

1. Description – These licensed facilities provide twenty-four (24) hours per day, seven (7) days per week supervised residential alternatives to persons who have developed a moderate functional capacity for independent living. For children with serious emotional disturbances, Level III services are specifically designed to provide sparse therapeutic behavioral and treatment interventions. Therapeutic Group Home (TGH), Specialized Therapeutic Foster Home (STFH) – Level I and Therapeutic Foster Home (TFH) – Level I are reported under this cost center. For adults with serious mental illness, this cost center consists of supervised apartments. For substance abuse, Level III provides a range of assessment, rehabilitation, treatment and ancillary services on a long-term, continuing care basis where, depending upon the characteristics of the clients served, the emphasis is on rehabilitation or treatment.

2. Programs – Adult Mental Health, Children’s Mental Health, Adult Substance Abuse, and Children’s Substance Abuse.

3. Unit of Measure – Day (24 hour).

4. Data Elements:

a. Service Documentation – Census Log:

(I) Cost center

(II) Program

(III) Recipient name and identification number

(IV) Service date

(V) Residential type

b. Audit Documentation – Recipient Service Chart:

(I) Cost center

(II) Recipient name and identification number

(III) Service date

5. Maximum Unit Cost Rate: \$108.35.

(aa) Residential Level IV.

1. Description – This type of facility may have less than twenty-four (24) hours per day, seven (7) days per week on-premise supervision. Residential Level IV services are the least intensive level of residential care. It is primarily a support service and, as such, treatment services are not included in this cost center. For adult mental health, this includes satellite apartments, satellite group homes, and therapeutic foster homes. For substance abuse, Level IV services provide a range of assessment, rehabilitation, treatment, and ancillary services in a transitional living environment with an emphasis on habilitation and rehabilitation. For children with serious emotional disturbances, Level IV services are the least intensive and restrictive level of residential care provided in group or foster home settings, therapeutic foster homes, and group care with treatment. NOTE: Regular therapeutic foster care can be provided either through Residential Level IV “Day of Care: TFH” or by billing in-home/non-provider setting for a child in a foster home.

2. Programs – Adult Mental Health, Children’s Mental Health, Adult Substance Abuse, and Children’s Substance Abuse.

3. Unit of Measure – Day (24 hour).

4. Data Elements:

a. Service Documentation – Census Log:

(I) Cost center

(II) Program

(III) Recipient name and identification number

(IV) Service date

(V) Residential type

b. Audit Documentation – Recipient Service Chart:

(I) Cost center

(II) Recipient name and identification number

(III) Service date

5. Maximum Unit Cost Rate: \$49.72.

(bb) Respite Services.

1. Description – Respite care services are designed to sustain the family or other primary care giver by providing time-limited, temporary relief from the ongoing responsibility of care giving.

2. Programs – Adult Mental Health, Children’s Mental Health, Adult Substance Abuse, and Children’s Substance Abuse.

3. Unit of Measure – Contact Hour.

4. Data Elements:

a. Service Documentation – Service Ticket:

(I) Recipient name and identification number

(II) Staff name and identification number

(III) Service date

(IV) Duration

(V) Cost center

(VI) Service (specify)

(VII) Program

b. Audit Documentation – Recipient Service Chart:

(I) Cost Center

(II) Recipient name and identification number

(III) Service date

5. Maximum Unit Cost Rate: \$12.84.

(cc) Room and Board with Supervision Level I.

1. Description – This cost center solely provides for room and board with supervision on a twenty-four (24) hours per day, seven (7) days per week basis. It corresponds to Residential Level I. This cost center is not applicable for provider facilities which meet the definition of an Institute for Mental Disease (IMD) as defined in the Center for Medicaid Services' State Medicaid Manual, Section 4, March 1994.

2. Programs – Adult Mental Health, Children's Mental Health, Adult Substance Abuse, and Children's Substance Abuse.

3. Unit of Measure – Day (24 hour).

4. Data Elements:

a. Service Documentation – Census Log:

(I) Cost center

(II) Program

(III) Recipient name and identification

(IV) Service date

(V) Residential type

b. Audit Documentation – Recipient Service Chart:

(I) Cost center

(II) Recipient name and identification number

(III) Service date

5. Maximum Unit Cost Rate: \$238.13.

(dd) Room and Board with Supervision Level II.

Corresponds to Residential Level II. Same programs, units, and data elements as Room and Board with Supervision Level I. Maximum Unit Cost Rate: \$155.61.

(ee) Room and Board with Supervision Level III.

Corresponds to Residential Level III. Same programs, units, and data elements as Room and Board with Supervision Level I. Maximum Unit Cost Rate: \$103.08.

(ff) Sheltered Employment.

1. Description – Sheltered employment service is non-competitive employment within a work-based facility.

2. Programs – Adult Mental Health.

3. Unit of Measure – Day (4 hour).

4. Data Elements:

a. Service Documentation – Census Log or Service Ticket:

(I) Cost Center

(II) Recipient name and identification

(III) Service date

b. Audit Documentation – Recipient Service Chart:

(I) Cost center

(II) Recipient name and identification number

(III) Service date

5. Maximum Unit Cost Rate: \$74.59.

(gg) Short-term Residential Treatment (SRT).

1. Description – These individualized, stabilizing acute and immediately subacute care services provide short and intermediate duration intensive mental health residential and habilitative services on a twenty-four (24) hour per day, seven days per week basis. These services must meet the needs of individuals who are experiencing an acute or immediately subacute crisis and who, in the absence of a suitable alternative, would require hospitalization.

2. Programs – Adult Mental Health.

3. Unit of Measure – Bed-Day.

4. Data Elements:

a. Service Documentation – Number of licensed bed-days.

b. Audit Documentation – License:

(I) Beginning date

(II) Ending date

(III) Number of beds

5. Maximum Unit Cost Rate: \$291.24.

(hh) Substance Abuse Detoxification.

1. Description – Detoxification programs that utilize medical and clinical procedures to assist adults, children, and adolescents with substance abuse problems in their efforts to withdraw from the physiological and psychological effects of substance abuse. Residential detoxification and addiction receiving facilities provide emergency screening, evaluation, short-term stabilization, and treatment in a secure environment. The maximum unit cost rate for a Juvenile Addiction Receiving Facility that is integrated with a Children's Crisis Stabilization Unit shall be the maximum unit cost rate for the Crisis Stabilization cost center rather than for the Substance Abuse Detoxification cost center.

2. Programs – Adult Substance Abuse and Children's Substance Abuse.

3. Unit of Measure – Bed-Day.

4. Data Elements:

a. Service Documentation – Number of Bed-days.

b. Audit Documentation – License:

(I) Beginning date

(II) Ending date

(III) Number of beds

5. Maximum Unit Cost Rate: \$204.94.

(ii) Supported Employment.

1. Description – Supported employment services are community-based employment services in an integrated work setting which provides regular contact with non-disabled

co-workers or the public. A job coach provides long-term, ongoing support for as long as it is needed to enable the recipient to maintain employment.

2. Programs – Adult Mental Health, Children’s Mental Health, Adult Substance Abuse, and Children’s Substance Abuse.

3. Unit of Measure – Direct Staff Hour.

4. Data Elements:

a. Service Documentation – Time Sheet:

(I) Cost center

(II) Staff name and identification number

(III) Recipient name and identification number

(IV) Service date

(V) Duration

(VI) Service (specify)

b. Audit Documentation – Recipient Service Chart:

(I) Recipient name and identification number

(II) Staff name and identification number

(III) Service date

(IV) Duration

(V) Service (specify)

5. Maximum Unit Cost Rate: \$51.99, or \$81.99 for Enclave.

(jj) Supportive Housing/Living.

1. Description – Supported housing/living services assist persons with substance abuse and psychiatric disabilities in the selection of housing of their choice. These services also provide the necessary services and supports to assure their continued successful living in the community and transitioning into the community. For children with mental health problems, supported living services are a process which assists adolescents in housing arrangements and provides services to assure successful transition to independent living or with roommates in the community. Services include training in independent living skills. For substance abuse, services provide for the placement and monitoring of: recipients who are participating in non-residential services; recipients who have completed or are completing substance abuse treatment; and those recipients who need assistance and support in independent or supervised living within a “live-in” environment.

2. Programs – Adult Mental Health, Children’s Mental Health, Adult Substance Abuse, and Children’s Substance Abuse.

3. Unit of Measure – Direct Staff Hour.

4. Data Elements:

a. Service Documentation – Time Sheet:

(I) Cost center

(II) Staff name and identification number

(III) Recipient name and identification number

(IV) Service date

(V) Duration

(VI) Service (specify)

b. Audit Documentation – Recipient Service Chart:

(I) Recipient name and identification number

(II) Staff name and identification number

(III) Service date

(IV) Duration

(V) Service (specify)

5. Maximum Unit Cost Rate: \$51.99, or \$62.92 including rent and commodities.

(kk) Treatment Accountability for Safer Communities (TASC).

1. Description – TASC provides for identification, screening, court liaison, referral and tracking of persons in the criminal justice system with a history of drug abuse or addiction.

2. Programs – Adult Substance Abuse and Children’s Substance Abuse.

3. Unit of Measure – Direct Staff Hour.

4. Data Elements:

a. Service Documentation – Time Sheet:

(I) Cost center

(II) Staff name and identification number

(III) Recipient name and identification number

(IV) Service date

(V) Duration

(VI) Service (specify)

(VII) Program

b. Audit Documentation – Recipient Service Chart:

(I) Recipient name and identification number

(II) Staff name and identification number

(III) Service date

(IV) Duration

(V) Service (specify)

5. Maximum Unit Cost Rate: \$63.44.

(8) Budgeting and Accounting for Revenues and Expenditures.

(a) The contractor shall budget and account for revenues and expenditures in the state-designated cost centers for substance abuse and mental health services and a non-substance abuse and mental health cost center for all other services provided by the contractor.

(b) The contractor shall develop a written plan for allocating direct and indirect costs to the cost centers, which complies with Generally Accepted Accounting Principles and Rule 65E-14.017, F.A.C., Cost Principles.

(c) Revenue shall be accounted for in the cost center where it is generated. If it is not possible to determine the cost center where revenue is generated, the revenue shall be allocated to cost centers pursuant to a written methodology.

(d) Required Fiscal Reports.

1. The contractor shall prepare and submit the following proposed fiscal reports to the department for approval prior to the start of the contract period:

a. Personnel Detail Record. This report displays the proposed allocation of staff time and corresponding salary expenses to cost centers by program and reconciles with the salary amounts in the Projected Cost Center Operating and Capital Budget. This report displays each cost center funded through the state substance abuse and mental health program contract. It also displays all other state-designated substance abuse and mental health cost centers as a group, all other programs as a group, and administrative and support functions separately. Totals are provided for the contractor's organization as a whole.

b. Projected Cost Center Operating and Capital Budget. This report displays projected line-item expenditures for cost centers by program and projected revenues by funding source by cost center for the contractor's entire budget. This report displays each cost center funded through the state substance abuse and mental health program contract. It also displays all other state-designated substance abuse and mental health cost centers as a group, all other programs as a group, and administrative and support functions separately. Totals are provided for the contractor's organization as a whole.

c. Agency Capacity Report. This report displays the contractor's projected direct service staffing and facility capacity in terms of units of service, total costs, and unit cost rate or rates for each state-designated substance abuse and mental health cost center funded in the contract with the department.

d. Program Description.

(I) General Information. This includes a narrative or graphic description of the following:

(i) Services provided by the contractor.

(ii) A chart of the contractor's major organizational units.

(iii) Names and contact information for the Chief Executive Officer, Chief Operating Officer, and Chief Finance Officer.

(II) Detailed Information. This shall include a narrative description of the following for each program and cost center funded in the substance abuse and mental health contract:

(i) A general description of the cost center services to be provided.

(ii) Geographic area to be served.

(iii) Target populations to be served, including the projected number of clients for each target population.

(iv) Primary referral sources.

(v) List of facility licenses.

(vi) Average length of client participation.

(vii) Minimum qualifications for each type of service delivery position.

(viii) Staffing levels by type of service delivery position, unless the unit cost rate for the cost center is negotiated pursuant to paragraph 65E-14.021(9)(a), F.A.C.

(ix) Service capacity – beds, funded in the contract.

(x) Admissions and discharge criteria.

(xi) Name and contact information for the program/service director.

(III) Service Locations. This shall include the following:

(i) Addresses of all service locations where contracted services will be provided.

(ii) Days and hours of operation for each service location identified in (i) above.

(iii) Listing of all contracted cost centers provided at each service location.

2. If a contractor proposes different unit cost rates for each program applicable to a cost center, the fiscal reports in sub-subparagraphs 65E-14.021(8)(d)1.a.-c., F.A.C., shall display information separately for each program. If the contractor proposes the same rate for every program applicable to a cost center, these reports may combine the information for all programs for that cost center.

3. If the department sets the unit cost rates under the provisions in paragraph 65E-14.021(9)(b), F.A.C., for all of the cost centers covered by a contract, the contractor may submit an Alternative Projected Operating and Capital Budget displaying costs by line-item and total revenues by fund source for all state-designated cost centers funded through the state substance abuse and mental health contract as a group, all other state-designated substance abuse and mental health cost centers as a group, and a non-substance abuse and mental health cost center in lieu of the cost center-specific documents specified in sub-subparagraphs 65E-14.021(8)(d)1.a.-c., F.A.C.

4. Once a contract has been signed, the contractor shall prepare a final version of the reports specified in subparagraphs 1. and 3. and submit them to the department.

5. Advance notification must be given to the department before any of the Program Description elements specified in sub-sub-sub-subparagraphs 65E-14.021(8)(d)1.d.(II)(ix) and (x), and (III)(i)-(iii), F.A.C., may be changed. The Program Description shall be updated and resubmitted to the department within 10 days of the end of any quarter in which a change in the Program Description occurs, except changes that pertain to sub-sub-sub-subparagraphs 65E-14.021(8)(d)1.d.(II)(iv), (vi), or (viii), F.A.C.

(9) Setting Unit Cost Rates.

(a) Negotiated Unit Cost Rates Based on Projected Costs and Units of Service.

1. The department and contractor may agree to unit rates that are based on projected expenditures and number of units of service to be furnished during the contract period, not to exceed maximum state rates.

2. The fiscal reports required in sub-subparagraphs 65E-14.021(8)(d)1.a.-c., F.A.C., shall be used to determine the unit cost rates. The contractor shall submit a budget narrative explaining any major changes in projected expenditures from the previous year, including any proposed changes to the quality or quantity of service to be provided.

3. When calculating the projected unit cost rate for each cost center on the Agency Capacity Report, the contractor shall use the number of units derived using the minimum productivity and utilization standards in subparagraph 4. below.

4. Productivity and Utilization Standards. The following standards shall be used to project the contractor's minimum service capacity on the Agency Capacity Report:

<u>Unit of Measure</u>	<u>Standard Units (Annualized)</u>	<u>Standard %</u>
<u>Contact Hour</u>	<u>1,073 hours per FTE</u>	<u>52%</u>
<u>Direct Staff Hour</u>	<u>1,252 hours per FTE</u>	<u>60%</u>
<u>Non-Direct Staff Hour</u>	<u>1,413 hours per FTE</u>	<u>70%</u>
<u>Staff Hour (Crisis Support/ Emergency and Information and Referral)</u>	<u>2,080 hours per FTE</u>	<u>100%</u>
<u>Staff Hour (FACT)</u>	<u>1,788 hours per FTE</u>	<u>86%</u>
<u>Bed-Day</u>	<u>365 Days</u>	<u>100%</u>
<u>24-hour Day</u>	<u>365 Days</u>	<u>85%</u>
<u>Facility Day</u>	<u>*</u>	<u>100%</u>
<u>4-hour Day</u>	<u>-</u>	<u>90%</u>
<u>Dosage</u>	<u>*</u>	<u>100%</u>

* To be established through negotiation between the district and the contractor.

5. Nothing herein shall preclude the department from using audited data on actual expenditures to analyze the projected unit cost rates submitted by the contractor.

(b) In lieu of negotiating unit rates under the provisions of paragraph (a) above for client-specific performance contracts and for client non-specific performance contracts under \$200,000 annually, the department may instead set a unit cost rate at a level not in excess of a district's average or median unit cost rate negotiated under the provisions of paragraph (a) for the same year. If no such rate exists for a particular cost center, the rate may be set at a level not in excess of the maximum unit cost rate established pursuant to subsection 65E-14.021(6), F.A.C., or the contractor's usual and customary charge, whichever is less.

(c) The Directors of the Substance Abuse and Mental Health Programs may approve a unit cost rate for a cost center in excess of the state maximum rate established pursuant to subsection 65E-14.021(6), F.A.C., if it can be demonstrated that the needed service cannot otherwise be purchased.

(d) Special Rates for Group Treatment. The state rate for group treatment for Outpatient Services is equal to 25 percent of the state rate for individual Outpatient Services.

(10) Payment for Service.

(a) Eligibility for Payment.

1. Allowable Units. The department shall only pay a contractor for units of services that:

a. Are within a cost center that has been contractually specified;

b. Have been delivered during the contract period; and

c. Have been delivered to an eligible, properly enrolled person belonging to a target population designated pursuant to s. 394.674(1), F.S.

2. Unallowable Units. The department shall not pay for units of service, or those parts of units, that have been paid for by any other source of funds.

3. For Medicaid purposes, the department shall not be considered a liable third party payer for Mental Health and Substance Abuse program payments funded through the department, and a Medicaid enrolled contractor shall not bill the department for Medicaid covered services provided to Medicaid eligible recipients. To ensure that the department does not reimburse for any Medicaid service to a Medicaid eligible client, the contractor shall:

a. Enroll into the department's Mental Health and Substance Abuse Data System, by social security number, all Medicaid eligible and non-Medicaid clients whose services are being paid for by a state substance abuse and mental health program contract, Medicaid, and local match, and code Medicaid services in accordance with the department's data requirements pursuant to Rule 65E-14.022, F.A.C., or federal requirements.

b. Report all mental health and substance abuse services provided to enrolled clients.

c. Deduct all Medicaid services from the total number of units of services specified on a request for payment.

(b) Request for Payment.

1. Advances. The department may advance funds for services one month at a time for up to the first three months of a contract period based on documented and anticipated cash needs of the contractor. The amount advanced shall be based on a prorated share of contract funds. The unused portion of any advance shall be temporarily invested by the contractor in an insured interest bearing account. Interest earned on these deposits shall be returned to the department on a monthly basis.

2. Prorated Payments.

a. After the initial advance period, the contractor shall request payment based on actual units of service delivered. The department shall pay for allowable units of service delivered, up to the prorated share as calculated by dividing the balance of remaining contracted funds by the number of months remaining in the contract period.

b. Requests for advances shall not require documentation of the provision of units of service; however, the department and the Office of the Comptroller reserve the right to request supporting documentation on particular requests for payment at any time after expenditures have occurred.

c. The contractor's final request for payment, which is due 45 days after the contract period, shall reconcile the actual units provided during the contract period with the number of units the department paid.

d. The department may, if funds are available, release more than the prorated monthly share of the contract amount when the provider submits written justification for the release of additional funds.

3. Funding Flexibility for Individual Cost Centers.

a. Except for cost centers designated pursuant to sub-subparagraph 3.c. below, a contractor may invoice and be paid up to 15 percent more than the amount specified in the contract for an individual cost center within a program; however, a contractor may not invoice and be paid more than the aggregate amount provided in the contract for all cost centers within the program, but not across programs. The department may combine cost centers into groups within a program, and the aggregate amount of payment that may not be exceeded is the total contract amount associated with the cost centers within each group, but not across groups.

b. The district or regional administrator may increase from 15 percent to up to 30 percent the amount contractors may exceed the total specified in the contract for an individual cost center within a program.

c. The Directors of the Substance Abuse and Mental Health Programs may identify specific cost centers where the flexibility specified in sub-sub paragraphs a. and b. above shall not exist. In each such cost center, payment for units of service shall not exceed the contracted amount, and the contracted funds are restricted to payment for units of service in only that cost center. The District or Regional Administrator, upon a finding in the District or Regional Substance Abuse and Mental Health Plan that an extraordinary need exists to provide a precise number of service units in a particular cost center, may add that cost center to those identified by the Program Directors.

d. When entering into a contract with a particular contractor, a District or Regional Administrator may deny flexibility for all cost centers if the contractor is currently under a corrective action plan or has failed to implement a corrective action plan pursuant to Rule 65-29.001, F.A.C., or if the District or Regional Administrator presents a justification to and obtains the approval of the Directors of the Substance Abuse and Mental Health Programs.

4. Financial Penalties. The department shall apply the provisions of Rule 65-29.001, F.A.C., if a contractor fails to comply with a department-approved corrective action plan in

response to a finding of unacceptable performance, nonperformance, or noncompliance to the terms and conditions of a contract.

5. Deducting Units Paid for by Other Sources of Funds. When preparing a request for payment for services provided, the contractor shall:

a. Indicate the total number of units of service billed to or paid for by the department, Medicaid, or local matching funds.

b. Then deduct the units of service billed to or paid for by Medicaid; and

c. Deduct the units of service paid for with local matching funds.

6. Submission of Request for Payment.

a. To be paid by the department, the contractor shall submit a properly completed request for payment and any associated worksheets.

b. The year-to-date number of units of service reported on a request for payment or any associated worksheet shall not exceed the total number of units reported and accepted in the department's data system pursuant to Rule 65E-14.022, F.A.C. The year-to-date number of units of service reported on the request for payment or any associated worksheet as billed to or paid for by Medicaid shall be no fewer than the number reported and accepted in the department's data system, and the year-to-date number of units reported on the request for payment as provided to Temporary Assistance to Needy Families (TANF) clients and billed to the department shall not exceed the number reported and accepted in the department's data system. If the department, through no fault of the contractor, is unable to validate compliance with this requirement within 10 days of receipt of the request for payment, the processing of the contractor's request for payment shall not be delayed further.

(c) Overpayments by the Department. Upon notification of overpayments by the department, the contractor shall have 30 days to remit the amount of the overpayment to the department.

(d) Service Documentation.

1. Contractors shall establish procedures for documenting and reporting service events in such a manner as to provide a clear and distinguishable audit trail. Such procedures shall ensure that documents and reports are complete and accurate, service documentation requirements are met for each cost center, and the department is not billed for unallowable units or more units than are eligible to be paid.

2. If a contractor fails to meet the client eligibility and service delivery regulatory requirements of a federal or state funding source provided by the department and the contractor receives payment from the department for such service, the amount of the payment shall be considered an overpayment and be remitted to the department or offset by the contractor providing additional contracted substance abuse or mental

health services of comparable or more value that comply with the client eligibility and service delivery regulatory requirements.

(11) The following forms are hereby incorporated by reference and may be obtained from the Substance Abuse Program Office, 1317 Winewood Blvd., Building 6, Tallahassee, Florida:

- (a) CF-MH 1041, Jul 2003 Personnel Detail Record
- (b) CF-MH 1042, Jul 2003 Projected Cost Center Operating and Capital Budget
- (c) CF-MH 1043, Jul 2003 Agency Capacity Report
- (d) CF-MH 1044, Jul 2003 Alternative Projected Operating and Capital Budget
- (e) CF-MH 1045, Jul 2003 Program Description
- (f) CF-MH 1047, Jul 2003 Monthly Request for Payment or Advance
- (g) CF-MH 1046, Jul 2003 Monthly Request for Payment Worksheet
- (h) CF-MH 1048, Jul 2003 Integrated Rate/Purchase of Service Invoice
- (i) CF-MH 1049, Jul 2003 Integrated Rate/Purchase of Services Invoice Attachment

PROPOSED EFFECTIVE DATE: July 1, 2003

Specific Authority 394.78(1),(6), 397.321(5) FS. Law Implemented 394.66(9),(12), 394.74(2)(b), (3)(d),(e),(4), 394.77, 394.78(1),(6), 397.321(10), 402.73(7) FS. History—New 7-1-03.

65E-14.022 Data Requirements.

The following document is hereby incorporated by reference and may be obtained from the Substance Abuse Program Office, 1317 Winewood Blvd., Building 6, Tallahassee, Florida:

- (1) CFP 155-2, Jan 2003 Substance Abuse and Mental Health Measurement and Data Pamphlet

PROPOSED EFFECTIVE DATE: July 1, 2003

Specific Authority 394.78(1), 397.321(5) FS. Law Implemented 394.66(9), 394.74(3)(e), 394.77, 397.321(3)(c),(10) FS. History—New 7-1-03.

NAME OF PERSON ORIGINATING PROPOSED RULE: Jim Ochalek, Senior Management Analyst, Substance Abuse Program Office

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Ken DeCerchio, Program Director of Substance Abuse, and Celeste Putnam, Program Director of Mental Health

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 20, 2003

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 10, 2001, Vol. 27, No. 32

Purchase Order No.: HA0058

FLORIDA HOUSING FINANCE CORPORATION

RULE TITLES:	RULE NOS.:
Definitions	67-32.002
General Program Restrictions	67-32.004
Application Procedures	67-32.005
Terms and Conditions of Loan	67-32.006
Scoring, Ranking, and Funding Guidelines	67-32.007
EHCL Credit Underwriting Procedures	67-32.009
Right to Inspect and Monitor	
Funded Developments	67-32.010
Fees	67-32.011

PURPOSE AND EFFECT: Pursuant to Florida Statutes Chapter 420.5087(3)(c)2., F.S., the Florida Housing Finance Corporation administers the Elderly Housing Community Loan (EHCL) Program. This program provides loans to sponsors of affordable rental housing for very low income elderly households. Chapter 67-32, F.A.C., provides the procedures for the administration of this loan program and criteria for receiving, evaluating, and competitively ranking all applications for loans under the EHCL Program.

The intent of this Rule is to provide loans to sponsors of housing for the elderly to make building preservation, health, or sanitation repairs or improvements which are required by federal, state, or local regulation or code, or life-safety or security-related repairs or improvements to such housing.

SUMMARY: The proposed Rule with its amendments sets out the procedures by which projects will be selected to participate in the Elderly Housing Community Loan Program and receive funds under the State Apartment Incentive Loan Program's allocation. This proposed Rule provides the procedures for program administration and will enable the corporation to make or participate in the making of mortgage loans for life-safety, building preservation, health, sanitation, and security-related repairs or improvements to eligible developers of rental housing projects for the elderly community.

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: 420.5087 FS.

LAW IMPLEMENTED: 420.5087 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: 9:30 a.m., March 28, 2003

PLACE: Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32301

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Kerey Carpenter, Deputy Development Officer, Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32031-1329, (850)488-4197

THE FULL TEXT OF THE PROPOSED RULES IS:

67-32.002 Definitions.

For the purposes of this rule the following definitions shall apply:

(1) "Act" means the Florida Housing Finance Corporation Act as found in Chapter 420, Part V, of the Florida Statutes.

(2) "Applicant" means any person or entity, public or private, for-profit or not-for-profit non-profit that provides Housing for the Elderly who is requesting funding from the Elderly Housing Community Loan Program (EHCL).

(3) "Application" means the completed forms together with all exhibits submitted to Florida Housing in accordance with this rule chapter for the purpose of requesting funds from the EHCL Program.

(4) "Application Package" means the forms, threshold requirements, instructions and other information necessary for submission of an Application to Florida Housing for the EHCL Program.

(5) "Corporation" or "FHFC" or "Florida Housing" means the Florida Housing Finance Corporation.

(6) "Development," "Project," or "Property" means the rental housing unit or units to be repaired or improved by the funds received from the Program.

(7) "EHCL" or "EHCL Program" or "Program" means the Elderly Housing Community Loan Program created pursuant to Section 420.5087(3)(d).

(8) "Elderly" means elderly as defined in Section 420.503, Florida Statutes ~~describes a person 62 years of age or older. Persons meeting the Fair Housing Act requirements for Elderly, pursuant to Section 760.29(4), Florida Statutes, shall be considered Elderly for purposes of this Program.~~

(9) "Housing for the Elderly" means any housing community as defined in Section 420.503, Florida Statutes.

(10) "Received" means delivery by hand, U.S. Postal Service, or other courier service, unless otherwise indicated, to the offices of the Florida Housing no later than 5:00 p.m., Eastern time, on the day of the Application deadline.

(11) "Review Committee" means a committee of Florida Housing staff and one Department of Community Affairs person who will make recommendations to Florida Housing's Board of Directors regarding Program participation.

Specific Authority 420.5087(3)(c)2. FS. Law Implemented 420.5087(3)(c) FS. History—New 10-2-89, Amended 2-25-96, Formerly 91-32.002, Amended 11-9-98, 1-2-00, 12-31-00, 3-17-02, _____.

67-32.004 General Program Restrictions.

(1) The proceeds of all loans shall be used for life-safety, building preservation, health, sanitation, or security-related repairs or improvements which result in making the Development safe and secure, and meeting requirements of state, federal, or local regulation.

(2) Funding provided under the EHCL Program may not exceed \$200,000 per Housing Community for the Elderly per funding cycle.

(3) Loan proceeds shall not be used to pay for administrative costs, routine maintenance or new construction.

Specific Authority 420.5087(3)(c)2. FS. Law Implemented 420.5087(3)(c) FS. History—New 10-2-89, Amended 1-9-92, 2-25-96, Formerly 91-32.004, Amended 11-9-98, 1-2-00, 12-31-00, 3-17-02, Repromulgated _____.

67-32.005 Application Procedures.

(1) Florida Housing hereby adopts and incorporates by reference the EHCL Program Application Package, effective on the date of the latest amendment of this rule chapter.

(2) Application Packages may be obtained from Florida Housing located at Suite 5000, City Centre Building, 227 North Bronough Street, Tallahassee, Florida 32301-1329.

(3) All Applications must be complete, accurate, legible and timely when submitted.

(4) An original and two photocopies of the original Application must be submitted on or before the Application deadline noticed in a publication of general circulation throughout the state.

(5) Any Application which is not Received with the appropriate fee and number of copies by the Application deadline will be rejected and no action will be taken to score the Application.

Specific Authority 420.5087(3)(c)2. FS. Law Implemented 420.5087(3)(c) FS. History—New 10-2-89, Amended 1-9-92, 2-25-96, Formerly 91-32.005, Amended 11-9-98, 1-2-00, 12-31-00, 3-17-02, Repromulgated _____.

67-32.006 Terms and Conditions of Loan.

(1) The loan shall be in compliance with this rule chapter and the Act, and loan documents shall, at a minimum, contain the following terms and conditions:

(a) The loan shall be non-amortizing and shall have an interest rate of one percent;

(b) Repayment of principal and interest shall be deferred until maturity of the note;

(c) The loan term shall not exceed fifteen years but may be for a shorter period of time as recommended by the credit underwriter.

(2) Unless otherwise approved by the Corporation Florida Housing's Board of Directors, the loan must close within 6 months of the date of issuance of the firm EHCL loan commitment.

(3) The loan shall not be assumable upon Development sale, transfer or refinancing of the Development.

(4) If the loan is repaid due to sale, transfer, or refinancing of the Development, all available proceeds shall be applied to pay the following items in order of priority:

- (a) First mortgage debt service and fees;
- (b) Expenses of the sale;
- (c) EHCL principal and accrued interest.

(5) Florida Housing or an authorized representative of Florida Housing shall monitor compliance of all terms and conditions of the loan as provided in the loan documents.

(6) Insurance shall be maintained on the Development as determined by the first mortgage lender, but which shall, in any case, include fire and hazard insurance, with Florida Housing listed as a loss payee, in an amount sufficient to cover the amount of the EHCL loan and all superior mortgage loans and other insurance sufficient to meet the standards established in Part V, Section 106 of the Fannie Mae DUS Guide, effective September 10, 2002, which is adopted and incorporated herein by reference by the U.S. Department of Housing and Urban Development or United States Department of Agriculture (formerly the Farmers Home Administration) in the Program providing the first mortgage loan for the Development.

(7) Any violation of the terms and conditions required by Rule Chapter 67-32, F.A.C., or the loan documents constitutes a default under the loan documents allowing Florida Housing to accelerate its loan and to seek foreclosure as well as any other remedies legally available to it.

Specific Authority 420.5087(3)(c)2. FS. Law Implemented 420.5087(3)(c) FS. History—New 10-2-89, Amended 1-9-92, 2-25-96, Formerly 91-32.006, Amended 11-9-98, Repromulgated 1-2-00, Amended 12-31-00, 3-17-02,

67-32.007 Scoring, Ranking, and Funding Guidelines.

(1) Each Application received by the Application deadline shall be scored by Florida Housing staff based on the factors specified in the Application Package. Preliminary scores shall be transmitted to all Applicants.

(2) Failure to submit an Application following instructions provided in the Application Package and this rule chapter will result in rejection of the Application or a score less than the maximum available.

(3) With the exception of those items specified in the Application as mandatory elements which cannot be changed once the Application deadline has passed, Applicants will have 15 days from the date Florida Housing sends the preliminary scores to the Applicant to submit additional documentation, revised pages, and any such information the Applicant deems appropriate to address issues raised during scoring that could result in rejection of the Application or a score less than the maximum available. Where specific pages of the Application are revised or additional information is provided, each new page must be marked "revised" and an original and two copies of this additional documentation must be submitted by the deadline for Florida Housing to consider it in determining final scores. Pages of the Application that are not revised or

otherwise changed may not be resubmitted, except those documents signed by third parties shall be submitted in their entirety.

(4) Following the receipt and review of the documentation described in paragraph (3) above, Florida Housing shall then prepare final scores. In determining the final scores, no Application shall be rejected or receive a point reduction as a result of any issues not previously identified in the preliminary scores transmitted to the Applicant.

(5) The Review Committee shall prepare a scoring and ranking recommendation based on final scores and submit it to Florida Housing's Board of Directors for approval.

(6) Following the Board's action regarding the scoring and ranking, Florida Housing will transmit the scoring and ranking to each Applicant along with a notice of appeal rights.

(7) Following the Board's action on recommended orders received for all appeals resolved pursuant to Section 120.57, Florida Statutes, Florida Housing staff shall implement the Board's action by adjusting the scoring and ranking to reflect the outcome of the final orders.

(8) Applications shall be funded in the order of their scoring and ranking until all allocated funding has been awarded. However, an Application shall not be considered for funding if it does not meet threshold requirements as provided in the Application Package.

(9) Each Application received by the Application Deadline will be assigned an Application number. Each Application that is assigned an Application number will receive a lottery number at or prior to the issuance of final scores. Lottery numbers will be assigned by having Florida Housing's internal auditors run the total number of assigned Application numbers through a random number generator program. Tie-breakers will be applied to Applications with tied scores in the order listed below. For purpose of this tie-breaker, "non-profit" is defined as an Applicant or Developer whose general partner is 100% non-profit and all partners are 100% non-profit. In addition, for purposes of this provision, a limited liability company will not be considered a nonprofit unless all of its members are 100% non-profit. If two or more Applications have a tied score and fall within the funding range, Florida Housing shall fund all Applicants with tied scores. Should there be insufficient funds available to fully fund all Applications with tied scores, an award of funding will be offered to each Applicant with a tied score on a pro rata basis such that all Applicants with tied scores will be offered an equal percentage of their request amount so that remaining funds are divided among the tied Applications.

1. Preference will be given to the Application from an Applicant that has not been previously funded through the Florida Housing EHCL program.

2. Preference will be given to the Application from an Applicant that is 100% non-profit.

3. Lottery – Preference will be given to the Application with the lowest lottery number.

(10) If an Applicant rejects an offer of funding, Florida Housing will offer the funding to remaining eligible Applications in order of ranking.

(11) An EHCL Application will not be funded if there are not enough funds available to fund at least 60% of the Application’s request amount. In the event that an Application is not funded for this reason, a lower ranked Application will be considered for funding

~~(12)~~(11) After all eligible Applications have been funded, any funds which have not been awarded shall be made available to Applicants under the State Apartment Incentive Loan Program.

Specific Authority 420.5087(3)(c)2. FS. Law Implemented 420.5087(3)(c) FS. History–New 10-2-89, Formerly 9I-32.007, Amended 11-9-98, 1-2-00, Repromulgated 12-31-00, Amended 3-17-02, _____.

67-32.009 EHCL Credit Underwriting Procedures.

(1) Following the appeals process, the Corporation shall issue preliminary commitment letters to those Applicants whose Developments were awarded final scores and ranking which placed them into the funding range.

(a) The preliminary commitment shall be subject to a positive recommendation by the Corporation’s Credit Underwriter and approval by the Corporation’s Board of Directors.

(b) The invitation to credit underwriting shall require that the Applicant submit the credit underwriting fee to the Credit Underwriter within 7 calendar days of the date of the invitation. The Corporation will, within the specified 7 calendar days, submit a copy of the Applicant’s Application to the Credit Underwriter. Unless a written extension is obtained from the Corporation, failure to submit the fee by the specified deadline shall result in rejection of the Application.

(2) The Credit Underwriter shall verify all information in the Application, including information relative to the Applicant, Developer and Contractor.

(a) The Credit Underwriter shall report any inconsistencies or discrepancies or changes made to the Applicant’s Application during credit underwriting. If the Board determines at any time that the changes made are prejudicial to the Development or if any discrepancy or misrepresentation is found, the Application will be rejected.

(b) If the Credit underwriter determines that special expertise is required to review information submitted to the Credit Underwriter which is beyond the scope of the Credit Underwriter’s expertise, the fee for such services shall be borne by the Applicant.

(3) The Credit Underwriter shall make a written report and recommendation to the Corporation.

(4) After approval of the Credit Underwriter’s recommendation by the Board of Directors or a committee appointed by the Board, the Corporation shall issue a firm EHCL loan commitment.

Specific Authority 420.5087(3)(c)2. FS. Law Implemented 420.5087(3)(c) FS. History–New _____.

67-32.010 Right to Inspect and Monitor Funded Developments.

Florida Housing or its agents shall have the right to inspect and monitor the records and facilities of all Developments. Inspections shall occur while the repairs or improvements are being made and may occur after completion of the repairs or improvements.

Specific Authority 420.5087(3)(c)2. FS. Law Implemented 420.5087(3)(c) FS. History–New 10-2-89, Formerly 9I-32.010, Amended 11-9-98, 1-2-00, Repromulgated 12-31-00, Amended 3-17-02, Repromulgated _____.

67-32.011 Fees.

(1) The following fees are required in conjunction with the Program:

(a) Application Package fee of \$20 payable to Florida Housing.

(b) Application fee of \$50 payable to Florida Housing for each Application submitted.

(c) Credit underwriting fee pursuant to contract between Florida Housing and the credit underwriter payable to the credit underwriter on or before the seventh calendar day following issuance of the preliminary commitment letter. The Credit Underwriter will not begin credit underwriting until this fee has been paid. If a Development involves units at scattered sites within a single county, a single credit underwriting fee shall be charged.

(d) A non-refundable commitment fee of \$250.00 payable to Florida Housing upon acceptance of the firm commitment. Applicants who provide a letter signed by the Applicant with an explanation of why funds will not be available prior to closing shall be permitted to pay the commitment fee at closing.

(e) Loan Servicing fees to be paid by the Applicant to the servicer pursuant to contract between Florida Housing and the servicer.

(2) Fees are part of Development cost and may be included as an eligible expense in determining total cost of the repairs or improvements.

(3) Failure to pay any fee shall cause the firm commitment to be terminated or shall constitute a default on the loan.

Specific Authority 420.5087(3)(c)2. FS. Law Implemented 420.507(19), 420.5087(3)(c) FS. History–New 10-2-89, Amended 2-25-96, Formerly 9I-32.011, Amended 11-9-98, 1-2-00, 12-31-00, 3-17-02, Repromulgated _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Vicky Brady, Multifamily Loans Manager
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Kerey Carpenter, Deputy Development Officer
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: March 17, 2002
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: December 27, 2002

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), F.S., published in Vol. 29, No. 3, January 17, 2003, issue of Florida Administrative Weekly.

WHEN AMENDED THE PROPOSED RULE WILL READ AS FOLLOWS:

5E-14.108 Fumigation Requirements - General Fumigation.

(2) During a general fumigation, whenever the presence of two (2) persons trained in the use of the fumigant is required by the fumigant label, at least one of these persons must be either the certified operator in charge of fumigation or his designated special fumigation cardholder, and the second trained person can be a certified fumigation operator, a special identification cardholder or an identification cardholder. Two (2) trained persons shall be present at each fumigation site for the introduction of the fumigant, entry during fumigation and from the start of aeration (first opening of the seal) until the active aeration period with all operable doors and windows open, if required by the fumigant label is completed and the structure is secured for the remaining aeration period. The certified operator in charge of fumigation or his designated special identification cardholder shall be present at those times required by the fumigant label or by subsections 5E-14.108(1), 5E-14.111(4), 5E-14.112(1), and 5E-14.113(1) and (2), FAC.

(5) When crew members are present on the fumigation site, two properly functioning, positive pressure, self-contained breathing apparatus (SCBA) must be available at the fumigation site at all times when the structure is under fumigation (fumigant release, exposure period, aeration and at other times when state law or the fumigant label requires the use or presence of a SCBA). Two SCBA do not need to be present at the fumigation site for activities that do not involve worker exposure to fumigant concentrations above thresholds permitted by the fumigant label. Such activities could include, but would not be limited to, remote monitoring, using a Fumiscope, TIF leak detection, job site cleanup, DACS inspections, and Quality Assurance Reviews.

(6) Each business licensee location when performing fumigation must possess and maintain at least two, label approved, clearance devices so that at least one is properly functioning at all times in accordance with either the device manufacturer or the fumigant label directions, whichever is more restrictive.

Specific Authority 482.051 FS. Law Implemented 482.021(7)(6), (25)(20), 482.051(1), 482.152 FS. History--New 1-1-77, Amended 6-22-83, Formerly 10D-55.108, Amended 7-5-95, _____.

Section III

Notices of Changes, Corrections and Withdrawals

DEPARTMENT OF LEGAL AFFAIRS

Division of Victim Services and Criminal Justice Programs

RULE NO.: 2A-2.002
RULE TITLE: Claims

NOTICE OF PUBLIC HEARING

The Bureau of Victim Compensation hereby gives notice of a public hearing on the above-referenced rule to be held on:

TIME AND DATE: 2:00 p.m., March 17, 2003

PLACE: Collins Building, Room G43J, 107 West Gaines Street, Tallahassee, Florida, 32301

The rule was originally published in Vol. 29, No. 4, of the January 24, 2003, Florida Administrative Weekly.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Gwen Roache, Chief, Bureau of Victim Compensation, PL-01, The Capitol, Tallahassee, Florida 32399-1050

Any person requiring a special accommodation at this hearing because of a disability or physical impairment should contact Ms. Roache at least five calendar days prior to the hearing. If you are hearing or speech impaired, please contact the 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 AGRICULTURE AND CONSUMER SERVICES

Division of Agricultural Environmental Services

RULE NOS.: 5E-14.108
RULE TITLES: Fumigation Requirements - General Fumigation

5E-14.112
Fumigation Requirements - Prefumigation Inspections, Evacuation, Warning Notices (Signs), Special Safety Precautions and Responsibilities

5E-14.112 Fumigation Requirements – Prefumigation Inspections, Evacuation, Warning Notices (Signs), Special Safety Precautions and Responsibilities.

(7)(d) If multi-unit dwellings with internal stairwells accessing each floor can be secondarily locked or secured, barred or barricaded at all ground level entrances, then no other secondary locking devices are necessary, provided that the requirements of subsection 5E-14.112(1), F.A.C., are met. Multi-unit dwellings with exterior stairwells or fire escapes must be secured or otherwise barricaded or barred to prevent entry from both ground and first floor levels and from any entrance to the structure accessed from the stairwell or fire escape. If neither of these conditions can be met, then all entrances to individual units and all exterior entrances must be locked or secured, barricaded or barred with secondary locking devices.

Specific Authority 482.051 FS. Law Implemented 482.051(1), 482.152 FS. History—New 1-1-77, Amended 6-27-79, Formerly 10D-55.112, Amended _____.

DEPARTMENT OF REVENUE

Sales and Use Tax

RULE NO.: RULE TITLE:
12A-1.060 Registration
12A-1.097 Public Use Forms

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to proposed Rules 12A-1.060 and 12A-1.097, F.A.C., as published in the November 15, 2002 edition of the Florida Administrative Weekly (Vol. 29, No. 1, pp. 13-21). These changes are in accordance with s. 120.54(3)(d)1., F.S. These changes are in response to written comments received by the Department from the Joint Administrative Procedures Committee.

The proposed amendments to subparagraph 15. of paragraph (a) of subsection (1) of Rule 12A-1.060, F.A.C. (Registration), have been changed so that, when adopted, that subparagraph will read:

15. Purchasing diesel fuel for consumption, use, or storage by a trade or business, as provided in s. 212.0501, F.S.:

The proposed amendments to subsection (4) of Rule 12A-1.097, F.A.C. (Public Use Forms), have been changed so that, when adopted, that subsection will read:

Form Number	Title	Effective Date
(4)(a) DR-5	Application for Consumer’s Certificate of Exemption <u>with Instructions</u> (R. <u>02/03</u> 10/00)	_____ <u>10/01</u>
(b) DR-5N	Information and Instructions for Completing Application for Consumer’s Certificate of Exemption (R. 10/00)	10/01

The proposed amendments to paragraphs (i) and (j) of subsection (6) of Rule 12A-1.097, F.A.C. (Public Use Forms), have been changed so that, when adopted, those paragraphs will read:

Form Number	Title	Effective Date
(i) DR-15SA	Sales and Use Tax Return [Semi-Annual] (R. <u>06/02</u> 06/01)	_____ <u>08/02</u>
(j) DR-15SAN	Annual and Semiannual Sales and Use Tax Return Instructions (R. <u>12/02</u> 01/02)	_____ <u>08/02</u>

The following provisions of Form DR-5, Application for Consumer’s Certificate of Exemption, have been revised, so that, when adopted, those provisions will read:

Exemption category for which you are applying (check only one):

• **Citizen Support Organization**

The following provisions of the Instructions for Completing Application for Consumer’s Certificate of Exemption, have been revised, so that, when adopted, those provisions will read: On page 1, EXEMPTION CATEGORIES:

~~Citizen Support Organizations [s. 212.08(7)(hh), F.S.]~~
~~Who qualifies? Nonprofit organizations incorporated under Chapter 617, F.S., that have been designated citizen support organizations in support of state funded environmental programs or the management of state-owned lands in accordance with s. 20.2551, F.S., or in support of one or more state parks in accordance with s. 258.015, F.S.~~

~~What is exempt? Purchases by and leases directly to the organization.~~

~~What must be proven? Incorporation pursuant to Ch. 617, F.S.; designation pursuant to s. 258.015, F.S.~~

~~What documents must be sent? Copy of articles of incorporation as filed with the Florida Secretary of State; certificate/letter of designation pursuant to s. 258.015, F.S.~~

Florida Fire and Emergency Services Foundation [s. 212.08(7)(~~aaa~~)(~~ddd~~), F.S.]

Florida Retired Educators Association [s. 212.08(7)(g), F.S.]

Who qualifies? The Florida Retired Educators Association and its local chapters.

What is exempt? Purchases of office supplies, equipment, and publications directly by the Association and its local chapters by and leases directly to the foundation.

Library Cooperatives [s. 212.08(7)(uu)(~~www~~), F.S.]

Nonprofit Cooperative Hospital Laundries [s.212.08(7)(ii)(~~kk~~), F.S.]

Nonprofit Water Systems [s. 212.08(7)(tt)(~~vv~~), F.S.]

Parent-Teacher Organization or Association [s. 212.08(7)(ll)(~~mm~~), F.S.]

DEPARTMENT OF REVENUE

Sales and Use Tax

RULE CHAPTER NO.:	RULE CHAPTER TITLE:
12A-13	Fee on the Sale or Lease of Motor Vehicles
RULE NOS.:	RULE TITLES:
12A-13.001	Scope of Rules
12A-13.002	Collection and Remittance of Fee

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed amendments to Rules 12A-13.001 and 12A-13.002, F.A.C., as published in the January 3, 2003, edition of the Florida Administrative Weekly (Vol. 29, No. 1, pp. 23-25). These changes are in accordance with s. 120.54(3)(d)1., F.S., and are in response to written comments received by the Department from the Joint Administrative Procedures Committee.

The proposed amendments to Rule 12A-13.001, F.A.C. (Scope of Rules), have been changed, so that, when adopted, that rule will read:

(1) These rules govern the remittance ~~and distribution~~ of the two dollar (\$2.00) fee which is to be collected by each motor vehicle dealer and by each person engaged in the business of leasing motor vehicles, from the consumer, including business entities, at the consummation of the sale of a motor vehicle, or at the time a lease agreement for a motor vehicle is entered into pursuant to the provisions of s. Section 681.117, F.S. Florida Statutes.

(2) For purposes of this rule chapter, the term "motor vehicle" shall have the same meaning as that term is defined in s. 681.102(15), F.S.

The law implemented section of Rule 12A-13.001, F.A.C., has been changed, so that, when adopted, that section will read: Law Implemented 681.102(15), 681.117 FS.

The proposed amendments to Rule 12A-13.002, F.A.C. (Collection and Remittance of Fee), have been changed, so that, when adopted, that rule will read:

(1) Each motor vehicle dealer licensed under s. Section 320.27, F.S., and each person engaged in the business of leasing motor vehicles, is required to collect a \$2 shall remit the fee collected from the consumer at the consummation of the sale of a motor vehicle or at the time of entry into a lease agreement for a motor vehicle to the county tax collector or private tag agency acting as agent for the Department of Revenue at the time of application for certificate of title.

(2) All fees collected for motor vehicles that are titled and registered in this state must be remitted to the county tax collector or private tag agency acting as agent for the Department of Revenue.

(a) Each county tax collector is required to file a Motor Vehicle Warranty Remittance Fee Report (form DR-35) and remit such fees to the Department at or within the time or times prescribed in s. 219.07, F.S.

(b) Each private tag agent is required to file a Motor Vehicle Warranty Remittance Fee Report (form DR-35) and remit such fees to the Department not later than seven (7) working days from the close of the week in which the private tag agency received the fees.

(3) All fees collected for motor vehicles sold or leased by motor vehicle dealers in this state for titling and registering outside this state must be remitted directly to the Department. Dealers are required to file a Motor Vehicle Warranty Remittance Fee Report with the Department and remit the collected fees monthly. Dealers who have not sold or leased a motor vehicle for titling and registering outside this state during the monthly reporting period are not required to file a report for that reporting period.

(4)(2) Form DR-35, Motor Vehicle Warranty Remittance Fee Report (R. 02/03), is hereby incorporated, by reference, in this rule. Each county tax collector shall file a Motor Vehicle Warranty Remittance Fee (DR-35), dated January 1989, which is hereby incorporated in this rule and made part of the rule by reference, showing the amount of such fees received, and shall remit such fees to the Department of Revenue at or within the time or times prescribed in Section 219.07, Florida Statutes. The form entitled Motor Vehicle Warranty Remittance Fee Report (form DR-35) is available, without cost, by one or more of the following methods: 1) writing the Florida Department of Revenue, Forms Distribution Center, 168A Blountstown Highway, Tallahassee, Florida 32304; or, 2) faxing the Forms 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.

~~(3) Each private tag agent shall file a Motor Vehicle Warranty Remittance Fee (DR-35), showing the amount of such fees received, and shall remit such fees to the Department of Revenue not later than seven (7) working days from the close of the week in which the private tag agency received the fees.~~

The following provisions of Form DR-35, Motor Vehicle Warranty Remittance Fee Report, have been revised, so that, when adopted, those provisions will read:

Warranty fees collected and remitted from Motor Vehicle Dealers on Sales/Leases of ~~specified new~~ Motor Vehicles.

Motor Vehicle Warranty Fee: Each motor vehicle dealer and each person engaged in the business of selling or leasing ~~new~~ motor vehicles shall collect a \$2.00 fee at the time of sale or

upon entering into a lease agreement. Motor vehicles dealers, who sell or lease a new motor vehicle in this state, must collect the fee from the purchaser or lessee at the time of sale or lease. Who must file this form: For new vehicles sold or leased to be titled in Florida, the fee is remitted by the seller or lessor to the county tax collector or private tag agency at the time of application for certificate of title. The county tax collector or private tag agency shall remit total fees collected to the Department of Revenue using this form.

Effective July 1, 2002, for new vehicles sold or leased and removed from Florida for titling or registration in another state, the selling dealer or lessor will remit the fee collected directly to the Department of Revenue using this form. This payment method can only be used by motor vehicle dealers when the sale or lease of a new motor vehicle occurs in Florida and the purchaser or lessee removes the motor vehicle from Florida to be titled and registered in another state.

DEPARTMENT OF REVENUE

Sales and Use Tax

RULE NO.:	RULE TITLE:
12A-15.003	Admissions; Tangible Personal Property; Services; Service Warranties; Real Property and Transient Accommodations; Use Tax

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed amendments to Rule 12A-15.003, F.A.C., as published in the January 3, 2003, edition of the Florida Administrative Weekly (Vol. 29, No. 1, pp. 25-36). These changes are in accordance with s. 120.54(3)(d)1., F.S., and are in response to written comments received by the Department from the Joint Administrative Procedures Committee.

The proposed amendments to subsection (7) of Rule 12A-15.003, F.A.C., have been changed, so that, when adopted, that subsection will read:

(7) SERVICE WARRANTIES.

(a) Any person who is located within a surtax county and who receives consideration for the issuance of a service warranty from the agreement holder is required to collect surtax at the rate imposed by the county where the tangible personal property indemnified by the service warranty is delivered or located.

(b)1. Example: The person receiving consideration for the issuance of a service warranty is located in County A (a county imposing a 1% surtax). The service warranty covers a television located within County B (a county not imposing the surtax). The person receiving consideration for the service warranty is required to collect sales tax on the sales price of the service warranty at the rate of 6%. The person receiving the consideration is not required to collect surtax.

2. Example: The person receiving consideration for the issuance of a service warranty is located in County A (a county imposing a 1/2% surtax). The service warranty covers a motor vehicle, and the resident address of the owner identified on the title document is located in County B (a county imposing a 1% surtax). The person receiving consideration for the service warranty is required to collect sales tax and surtax on the sales price of the service warranty at the rate of 7% (6% state sales tax and 1% surtax).

DEPARTMENT OF CITRUS

RULE CHAPTER NO.:	RULE CHAPTER TITLE:
20-2	Identification When Transporting Citrus Fruit and Records to be Kept on Citrus Fruit Received; Bond Disclaimer
RULE NOS.:	RULE TITLES:
20-2.002	Form of Required Trip Ticket
20-2.003	Trip Ticket Required for Each Load of Citrus Fruit

NOTICE OF CHANGE

Notice is hereby given that the following change has been made to the proposed rule in accordance with subparagraph 120.54(3)(d), F.S., published in Vol. 29, No. 1, January 3, 2003, issue of the Florida Administrative Weekly:

20-2.002 Form of Required Trip Ticket.

The documentation required to be in possession of anyone operating a motor vehicle hauling citrus fruit in bulk or in unclosed containers for commercial purposes on the highways of this State shall be either:

(a) Numbered in sequence and in a form approved by the Division of Fruit and Vegetable Inspection; or

(b) For organic organically-certified citrus fruit, numbered in sequence and in a form approved and issued by the Florida Department of Agriculture, Division of Fruit & Vegetables. Such form shall contain the following statement in bold type in a conspicuous place: "IN ADDITION TO THE PENALTIES PROVIDED FOR IN CHAPTER 601, FLORIDA STATUTES, ANY PERSON WHO MAKES A FALSE STATEMENT OR WHO KNOWINGLY SELLS OR LABELS A PRODUCT AS ORGANIC IN VIOLATION OF THE FEDERAL ORGANIC FOODS PRODUCTION ACT AND/OR USDA NATIONAL ORGANIC PROGRAM IS SUBJECT TO A FEDERAL PENALTY OF UP TO \$10,000 PER VIOLATION."

Specific Authority 601.731(2) FS. Law Implemented 601.731(2) FS. History—Formerly 105-1.16(2), Revised 1-1-75, Formerly 20-2.02, Amended

20-2.003 Trip Ticket Required for Each Load of Citrus Fruit.

(1) through (5) No change.

(6) Prior to hauling any organic organically-certified citrus fruit for commercial purposes on the highways of this State, an organic trip ticket ~~shall~~ must be completed in quadruplicate.

(a) The trip ticket shall indicate the USDA accredited certifying agent name ~~approved certifying agency name~~, organic certificate number ~~grove registration number~~, grove owner's name ~~grower name~~, name of the handler dealer, trailer number, driver's name and such other information as deemed necessary.

(b) No organic fruit shall be commingled with non organic fruit in a mixed load.

(c) Each load made up of lots from more than one grove shall be accompanied by organic trip tickets from each respective grove.

(d)~~(b)~~ One copy of the trip ticket shall be given to the grower, one copy retained by harvester/handler dealer, one copy delivered to the Florida Department of Agriculture, Division of Fruit & Vegetables and one copy delivered to the scale operator.

(e)~~(c)~~ The trip ticket shall be completed prior to the hauling of citrus fruit on the highways of this state.

Specific Authority 601.10(1),(7), 601.69, 601.731(2) FS. Law Implemented 601.731(2) FS. History—Formerly 105-1.16(2), Revised 1-1-75, Formerly 20-2.03, Amended _____.

DEPARTMENT OF CITRUS

RULE CHAPTER NO.: 20-15
RULE CHAPTER TITLE: Equalization Tax on Non-Florida, United States Juice

RULE NOS.: 20-15.001
RULE TITLES: Intent
20-15.003 Collection

NOTICE OF CHANGE

Notice is hereby given that the following change has been made to the proposed rule in accordance with subparagraph 120.54(3)(d), F.S., published in Vol. 28, No. 46, November 15, 2002, issue of the Florida Administrative Weekly:

20-15.001 Intent.

(1) No change.

(2) It is the Florida Department of Citrus' intent by promulgating the following remedial rule, ~~20ER02-01~~ and chapter 20-15, F.A.C., to implement a non-discriminatory tax scheme, which does not impose a significant tax burden that is so harsh and oppressive as to transgress constitutional limitations. These rules shall be applicable to those previously favored persons who received favorable tax treatment under the statutory sections cited above.

20-15.003 Collection.

(1) The Florida Department of Citrus shall calculate the tax liability for each person or entity that exercised an enumerated Equalization Tax privilege outlined in section 601.155, Florida Statutes, upon non-Florida, United States juice based upon inspection records maintained by Florida Department of Agriculture and Consumer Services and the United States Department of Agriculture. ~~Additionally, the Florida Department of Citrus will provide notice of the calculation to the previously favored persons by certified mail. The notice of the calculation shall contain a statement including the following categories:~~

- ~~(a) Tax liability;~~
 - ~~(b) Gallons;~~
 - ~~(c) Brix;~~
 - ~~(d) Type of product;~~
 - ~~(e) Total solids;~~
 - ~~(f) Conversion rate;~~
 - ~~(g) Total boxes;~~
 - ~~(h) Delineation of non-Florida, United States juice.~~
- (2) through (3) No change.

DEPARTMENT OF CITRUS

RULE CHAPTER NO.: 20-39
RULE CHAPTER TITLE: Containers, Packs, Stamping and Labeling of Fresh Fruit

RULE NO.: 20-39.017
RULE TITLE: Organic Grove Registration Program

NOTICE OF CHANGE

Notice is hereby given that the following change has been made to the proposed rule in accordance with subparagraph 120.54(3)(d), F.S., published in Vol. 29, No. 1, January 3, 2003, issue of the Florida Administrative Weekly:

20-39.017 Organic Grove Registration Program.

To aid enforcement of proper citrus fruit labeling and to assist with estimates of organic citrus fruit volumes, an Organic Grove Registration Program shall be established as herein provided.

(1) All groves from which organic citrus fruit is placed ~~placing certified organic citrus fruit~~ into commercial channels shall, upon certification and by August 1, 2003 and August 1 of each year thereafter, be registered with Division of Fruit & Vegetables, License and Bond ~~as an organic grove by August 1 of each year~~.

(2) The registration form shall include documentation of current organic certification ~~proof of organic certification~~, the USDA accredited certifying agent name ~~approved certifying agency name~~, organic certificate number ~~grove registration number~~, the name of the grove property owner, the grove location referenced in as established by Global Positioning System ~~G.P.S.~~ coordinates, the varieties of citrus fruit, an

estimate of current season production in boxes ~~production by volume~~, and such other information as may be deemed necessary by Florida Department of Citrus.

(3) All organic citrus fruit placed in commercial channels shall be harvested from groves certified by a USDA accredited certifying agent and shall be accompanied by an organic trip ticket when transported on highways of this state. ~~Any citrus fruit placed in commercial channels as certified organic citrus fruit shall come from a registered organic grove and shall be moved on an organic trip ticket.~~

Specific Authority 601.10(7), 601.99, 601.731 FS. Law Implemented 601.10(7), 601.99, 601.731 FS. History—New _____.

DEPARTMENT OF CITRUS

RULE CHAPTER NO.:	RULE CHAPTER TITLE:
20-114	Ownership and Use of “Florida Xtra Sweet” Certification Mark
RULE NOS.:	RULE TITLES:
20-114.001	Ownership
20-114.002	Permission Required for Use
20-114.003	General Restrictions and Standards on the Use of “Florida Xtra Sweet” Mark
20-114.004	Use on Fruit, Containers and Merchandise
20-114.005	Withdrawal of License or Permission

NOTICE OF WITHDRAWAL

Notice is hereby given that the above proposed rules published in the Florida Administrative Weekly, Vol. 29, No. 1, January 3, 2003 has been withdrawn.

LAND AND WATER ADJUDICATORY COMMISSION

Bellalago Community Development District

RULE CHAPTER NO.:	RULE CHAPTER TITLE:
42II-1	Bellalago Community Development District
RULE NOS.:	RULE TITLES:
42II-1.001	Establishment
42II-1.002	Boundary
42II-1.003	Supervisors

NOTICE OF WITHDRAWAL

Notice is hereby given that the Notice of Proposed Rulemaking regarding the above rules, as noticed in Vol. 28, No. 43, October 25, 2002, Florida Administrative Weekly, has been withdrawn.

AGENCY FOR HEALTH CARE ADMINISTRATION

Medicaid

RULE NO.:	RULE TITLE:
59G-5.010	Provider Enrollment

NOTICE OF CHANGE

Notice is hereby given that the following correction has been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 29, No. 8, February 21, 2003, issue of the Florida Administrative Weekly.

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: July 26, 2002 and August 2, 2002

AGENCY FOR HEALTH CARE ADMINISTRATION

Medicaid

RULE NO.:	RULE TITLE:
59G-11.003	Florida 211 Provider Certification Requirements

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. 29, No. 1, January 3, 2003, issue of the Florida Administrative Weekly.

59G-11.003(2)(a) is changed to: provides 24-hour coverage, 7 days a week either on-site or through written arrangements with organizations for after hours coverage, that shall be provided by personnel monitoring the 211 phone line and shall not be answered through an answering service or answering machine. 59G-11.003(2)(d) is changed to: works collaboratively and has written agreements with specialized information and referral systems which shall include crisis centers, child care resource and referral programs, elder help-lines, homeless coalitions, designated emergency management systems, 911 and 311 systems. 59G-11.003(2)(e) is changed to: has an established automated information tracking system that maintains call center data that shall include the following statistics: call volume, number of abandoned calls, average speed of answering, and the average call length. 59G-11.003(2)(j) is changed to: has formal agreements with clearing house agencies that provide volunteer or donation management services. 59G-11.003(2)(k) is changed to: ensures quality of service and caller and customer satisfaction through follow-up and written outcome evaluations. 59G-11.003(11) is changed to: Any dispute related to the Agency’s certification of a Florida 211 Network Provider shall be resolved pursuant to Chapter 120, Florida Statutes.

AHCA form 5700-0001, Sept 02, second paragraph, second sentence on page 2 is changed to: Documentation must include signed written agreements with collaborating agencies which must be submitted with this application. AHCA form 5700-0001, Sept 02, page 2, first standard is changed to: provides 24-hour coverage, 7 days a week either on-site or through written arrangements with organizations for after hours coverage, that shall be provided by personnel monitoring the 211 phone line and shall not be answered through an answering service or answering machine. AHCA form 5700-0001, Sept 02, page 2 last standard is changed to: works collaboratively and has written agreements with specialized

information and referral systems which shall include crisis centers, child care resource and referral programs, elder help-lines, homeless coalitions, designated emergency management systems, 911 and 311 system. AHCA form 5700-0001, Sept 02, page 3, first standard is changed to: has an established automated information tracking system that maintains call center data that shall include the following statistics: call volume, number of abandoned calls, average speed of answering, and average call length. AHCA form 5700-0001, Sept 02, page 3, last standard is changed to: has formal agreements with clearinghouse agencies that provide volunteer or donation management services. AHCA form 5700-0001, Sept 02, page 4, first standard is changed to: ensures quality of service and caller and customer satisfaction through follow-up and written outcome evaluations. AHCA form 5700-0001, Sept 02, page 4, fifth standard is changed to: submits to the Agency an annual report documenting the information and referral services provided. The annual report shall include: geographical areas served, call volume, number of abandoned calls, average speed of answering, average call length, information on inquirer needs, unmet needs, and barriers to services. This report shall cover the previous year's activities and shall follow the state's fiscal year from July 1st through June 30th. The report shall be due to the Division of Medicaid in the Agency on or before August 1st of each year.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

DOCKET NO.: 01-59R

RULE CHAPTER NO.:	RULE CHAPTER TITLE:
62-621	Generic Permits
RULE NO.:	RULE TITLE:
62-621.300	Permits

NOTICE OF WITHDRAWAL

Notice is hereby given that the above referenced rule amendments published on December 27, 2002 in Vol. 28, No. 52, of the Florida Administrative Weekly, and on the Department's official notice internet site, www.dep.state.fl.us, under the link entitled "Official Notices," has been withdrawn.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

DOCKET NO.: 01-57R

RULE CHAPTER NO.:	RULE CHAPTER TITLE:
62-624	Municipal Separate Storm Sewer System
RULE NOS.:	RULE TITLES:
62-624.100	Policy and Purpose
62-624.200	Definitions
62-624.300	General Provisions
62-624.310	General Conditions, Individual Permits
62-624.400	Application Procedures for New Individual MS4 Permits
62-624.420	Re-application Procedures for Individual MS4 Permits

62-624.440	Contents of Re-application for Individual MS4 Permits
62-624.460	Application Processing, Individual Permits
62-624.500	Standards for Issuing or Denying Individual Permits
62-624.600	Annual Reports, Individual Permits
62-624.700	Transfer of Operational Authority
62-624.800	Regulated Phase II MS4s
62-624.810	Permit Application Procedures for Phase II MS4s

NOTICE OF WITHDRAWAL

Notice is hereby given that the above referenced rule proposed rule amendments published on December 27, 2002 in Vol. 28, No. 52, of the Florida Administrative Weekly, and on the Department's official notice internet site, www.dep.state.fl.us, under the link entitled "Official Notices," has been withdrawn.

DEPARTMENT OF HEALTH

Board of Opticianry

RULE NO.:	RULE TITLE:
64B12-9.0016	Demonstrating Knowledge of Laws and Rules for Licensure

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. 47, November 22, 2002, issue of the Florida Administrative Weekly. The changes are in response to comments received from the Joint Administrative Procedures Committee and from the Board meeting held on February 12, 2003.

New subsection (6) shall now read as follows:

64B12-9.0016 Demonstrating Knowledge of Laws and Rules for Licensure.

(1) through (5) No change.

(6) A Board approved course is one that meets the criteria set forth herein and is offered by a course provider who has requested approved provider status as set forth in the applicable portions of Rule 64B12-15.004, F.A.C.

Specific Authority 484.005, 484.002(6) FS. Law Implemented 456.017(6) FS. History--New _____.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Sue Foster, Executive Director, Board of Opticianry, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3258

DEPARTMENT OF HEALTH

Board of Opticianry

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

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. 45, November 8, 2002, issue of the Florida Administrative Weekly. The changes are in response to comments received from the Joint Administrative Procedures Committee.

Subsections (f) and (g) of the rule shall now read as follows:

(f) Two hours of continuing education in risk management per biennium shall be granted for attendance at a regularly scheduled board meeting where disciplinary action is being taken except that licensees appearing before the board on any disciplinary proceeding shall not be entitled to claim two hours of continuing education for that particular board meeting. Any licensee claiming two hours of continuing education under this section shall prepare a written statement detailing the date and location of said board meeting and the hours attended at said board meeting. Said written statement shall be used to report continuing education pursuant to Rule 64B12-5.001, F.A.C.

(g) Two (2) hours shall be electives consisting of courses in one or more of the subjects of categories (a) through (c) above or subjects relating to management of a practice from a business perspective including sales and marketing, business and finance, personnel management, stress management, risk management, fire prevention or disaster planning, or for attending a board meeting as provided herein.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Sue Foster, Executive Director, Board of Opticianry, 4052 Bald Cypress Way Bin #C08, Tallahassee, Florida 32399-3258

DEPARTMENT OF HEALTH

Board of Osteopathic Medicine

RULE NO.: 64B15-15.003 RULE TITLE: Costs of Reproducing Medical Records

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. 29, No. 2, January 10, 2003, issue of the Florida Administrative Weekly. The changes are the result of comments from the Joint Administrative Procedures Committee.

The changes are in Paragraph (1) which shall read as follows:

(1) Any Osteopathic Physician who makes an examination of or administers treatment to any person shall upon request of such person or his/her legal representative release copies of all reports and patient medical records made of such examination or treatment, including x-rays and insurance information. The furnishing of such copies shall not be conditioned upon payment of an unpaid or disputed fee for services rendered, but may be conditioned upon payment by the requesting party of the reasonable costs of reproducing the records.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Pam King, Executive Director, Board of Osteopathic Medicine/MQA, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3256

Section IV
Emergency Rules

NONE

Section V
Petitions and Dispositions Regarding Rule
Variance or Waiver

WATER MANAGEMENT DISTRICTS

NOTICE IS HEREBY GIVEN that on February 14, 2003, South Florida Water Management District (District) received a petition for waiver from Harbor 1 Realty d/b/a Harbor 1, aka American Offshore Marina, Application No. 02-0205-2M, for utilization of Works or Lands of the District known as the C-10 Canal, Broward County, for existing chain-link fence, roof overhang, concrete slab with step and ramp, and concrete wall enclosure. The petition seeks relief from subsections 40E-6.011(4), (5) and (6) and paragraph 40E-6.221(2)(j), Fla. Admin. Code, and the Basis of Review for Use or Occupancy of the Works or Lands of the District Permit Applications within the South Florida Water Management District, incorporated by reference in subsection 40E-6.091(1), Fla. Admin. Code, which 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: jsluth@sfwmd.gov.

The District will accept comments concerning the petition for 14 days from the date of publication of this notice. To be considered, comments must be received by the end of business on the 14th day at the South Florida Water Management District, 3301 Gun Club Road, MSC 1410, West Palm Beach, FL 33406, Attn: Jan Sluth, Office of Counsel.

NOTICE IS HEREBY GIVEN that on February 13, 2003, South Florida Water Management District (District) received a petition for waiver from Merrell United Methodist Church, Application No. 03-0211-2, for utilization of Works or Lands of the District known as the C-13 Canal, Broward County, for placement of a parking lot within the District's right of way. The petition seeks relief from subsections 40E-6.011(4), (5) and (6) and paragraph 40E-6.221(2)(j), Fla. Admin. Code, and the Basis of Review for Use or Occupancy of the Works or Lands of the District Permit Applications within the South Florida Water Management District, incorporated by reference in

subsection 40E-6.091(1), Fla. Admin. Code, which govern the placement of permanent and semi-permanent above-ground structures within forty feet of the top of canal bank and within 100 feet of the District's designated equipment staging areas within Works or Lands of the District.

A copy of the petition may be obtained from: Jan Sluth, (561)682-6299 or e-mail: jsluth@sfwmd.gov.

The District will accept comments concerning the petition for 14 days from the date of publication of this notice. To be considered, comments must be received by the end of business on the 14th day at the South Florida Water Management District, 3301 Gun Club Road, MSC 1410, West Palm Beach, FL 33406, Attn: Jan Sluth, Office of Counsel.

NOTICE IS HEREBY GIVEN that on February 10, 2003, South Florida Water Management District (District) received a petition for waiver from Olen Development Corporation, Application No. 03-0207-2M, for utilization of Works or Lands of the District known as the C-15 Canal, Palm Beach County, for placement of a chain-link fence, trees, gazebo, BBQ grill, berm and pavers. The petition seeks relief from subsections 40E-6.011(4), (5) and (6) and paragraph 40E-6.221(2)(j), Fla. Admin. Code, and the Basis of Review for Use or Occupancy of the Works or Lands of the District Permit Applications within the South Florida Water Management District, incorporated by reference in subsection 40E-6.091(1), Fla. Admin. Code, which 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: jsluth@sfwmd.gov.

The District will accept comments concerning the petition for 14 days from the date of publication of this notice. To be considered, comments must be received by the end of business on the 14th day at the South Florida Water Management District, 3301 Gun Club Road, MSC 1410, West Palm Beach, FL 33406, Attn: Jan Sluth, Office of Counsel.

NOTICE IS HEREBY GIVEN that on February 14, 2003, South Florida Water Management District (District) received a petition for waiver from Richard A. Aron, Application No. 03-0212-4, for utilization of Works or Lands of the District known as the Golden Gate Canal, Collier County, for placement of a dock. The petition seeks relief from paragraph 40E-6.221(2)(j), Fla. Admin. Code, and the Basis of Review for Use or Occupancy of the Works or Lands of the District Permit Applications within the South Florida Water Management District, incorporated by reference in subsection 40E-6.091(1), Fla. Admin. Code, which established a minimum low member elevation requirement for pile-supported docking facilities within Works or Lands of the District.

A copy of the petition may be obtained from: Jan Sluth, (561)682-6299 or e-mail: jsluth@sfwmd.gov.

The District will accept comments concerning the petition for 14 days from the date of publication of this notice. To be considered, comments must be received by the end of business on the 14th day at the South Florida Water Management District, 3301 Gun Club Road, MSC 1410, West Palm Beach, FL 33406, Attn: Jan Sluth, Office of Counsel.

AGENCY FOR HEALTH CARE ADMINISTRATION

The Agency for Healthcare Administration has received an application from Winter Haven Hospital for an exemption for providing emergency services pursuant to Section 395.1041(3), Florida Statutes, and 59A-3.255, Florida Administrative Code. The service category for which the exemption is requested is Plastic Surgery. Comments received within 15 days of publication will be considered by the Agency prior to making a determination of exemption status.

Additional information may be obtained by writing: Agency for Health Care Administration, 2727 Mahan Drive, MS #31, Tallahassee, Florida 32308, (850)487-2717 or by e-mailing Pat Underwood, Hospital and Outpatient Services Unit, underwop@fdhc.state.fl.us.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

NOTICE IS HEREBY GIVEN that on February 24, 2003, the Florida Department of Environmental Protection (FDEP) received a petition for a variance under Sections 120.542 and 403.201, Florida Statutes, from certain land disposal restrictions under Rule 62-730.183, Florida Administrative Code, in order to allow disposal of appropriately treated sediments in a Class I lined landfill. FTI's request has been assigned File No. 03-0358. FDEP intends to grant the variance. Copies of the petition and order granting variance may be received from, and written comments submitted to: Department of Environmental Protection, Hazardous Waste Regulation Section, 2600 Blair Stone Road, MS 4560, Tallahassee, Florida 32399-2400, Attention: Shelton Grave or Department of Environmental Protection, Southwest District Office, Waste Program Administrator, 3804 Coconut Palm Blvd., Tampa, FL 33619-8318.

Comments must be received no later than 14 days from the date of publication of this notice.

This notice is also published on the Internet at the Department of Environmental Protection's home page at <http://www.dep.state.fl.us/> under the link or button titled "Official Notices."

Notice of rights with respect to the petition was or will be published in a newspaper of general circulation in the Polk County area on or about March 3, 2003.

The Department of Environmental Protection received, on February 12, 2003, a petition from the Broward County Office of Environmental Services (OGC Case Numbers 03-0309 and 03-0310) seeking a variance under section 120.542 of the Florida Statutes from the two-year limit for operational testing under paragraph 62-528.450(3)(e), 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 variance petition call: Cathy McCarty, (850)245-8654.

The Department of Environmental Protection gives notice of its intent to grant a variance (File No. 0196204-003-EV) to the King's Bay Naval Submarine Base, from subsection 62-4.244(5)(c), Florida Administrative Code (F.A.C.) to establish a temporary mixing zone greater than 150 meters.

The full text of this notice is published on the Department's official internet noticing site at <http://www.dep.state.fl.us/> under the link or button entitled "Official Notices".

Questions or comments concerning this notice should be directed to: Jamie Christoff, Bureau of Beaches and Wetland resources 3900 Commonwealth Boulevard, MS #300, Tallahassee, FL 32399-3000, (850)487-4471, Ext. 122.

The Department of Environmental Protection gives notice of its intent to grant a variance (File No. 0126215-003-EV) to St. Lucie County, from subsection 62-4.244(5)(c), Florida Administrative Code (F.A.C.) to establish a temporary mixing zone of 150 meters offshore and 1,323 meters downcurrent from the point of sand discharge onto the beach disposal area.

The full text of this notice is published on the Department's official internet site, <http://www.dep.state.fl.us/> under the link entitled "Official Notices."

Questions or comments regarding this notice may be directed to: Cheryl Miller, Environmental Specialist III, Florida Department of Environmental Protection, Bureau of Beaches and Wetland Resources, 3900 Commonwealth Boulevard, Mail Station 300, Tallahassee, FL 32399, (850)487-4471, Ext. 142.

DEPARTMENT OF HEALTH

NOTICE IS HEREBY GIVEN that the Department of Health, Bureau of Statewide Pharmaceutical Services received a Petition for Variance from subparagraph 64F-12.015(2)(c)3., F.A.C., on January 2, 2003, from Shepherd's Hope Inc., on behalf of seven of its locations. This rule specifies minimum business hours of 10 hours weekly between the hours of 8:00 a.m. and 5:00, Monday through Friday for the type of permit

the Shepherd's Hope locations have at each establishment, a Restricted Prescription Drug Distributor – Charitable Organization permit.

A copy of the petition can be obtained from: The Bureau of Statewide Pharmaceutical Services, Department of Health, 2818-A Mahan Drive, Tallahassee, Florida 32308 or (850)922-5190.

The Board of Medicine hereby gives notice that it has received a petition filed on February 5, 2003, on behalf of Jorge Melgen, 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.

The Board of Medicine hereby gives notice that it has received a petition filed on February 17, 2003, on behalf of Lazaro R. Martinez, M.D., seeking a waiver from Rule 64B8-5.001, F.A.C., with regard to the limitation on the number of attempts 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.

The Board of Medicine hereby gives notice that it has received a petition filed on February 13, 2003, on behalf of Omaima Mousa, M.D., seeking a variance 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.

The Board of Medicine hereby gives notice that it has received a petition filed on January 23, 2003, by Khondeker Mohammad Masudur Rahman, 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.

The Board of Medicine hereby gives notice that it has received a petition filed on February 4, 2003, by Nobel D. Attipoe, M.D., seeking a waiver from Rule 64B8-5.001, F.A.C., with regard to the limitation on the number of attempts 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.

The Board of Medicine hereby gives notice that it has received a petition filed on February 6, 2003, by Pierre A. Dorsainvil, M.D., seeking a waiver from Rule 64B8-5.001, F.A.C., with regard to the limitation on the number of attempts 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.

The Board of Medicine hereby gives notice that it has received a petition filed on February 13, 2003, on behalf of Lazaro L. Delgado, M.D., seeking a variance from Rule 64B8-5.001, F.A.C., with regard to the limitation on the number of attempts 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.

The Board of Medicine hereby gives notice that it has received a petition filed on February 13, 2003, on behalf of Ata U. Moshin, M.D., seeking a variance from Rule 64B8-5.001, F.A.C., with regard to the limitation on the number of attempts 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.

The Board of Medicine hereby gives notice that it has received a petition filed on February 12, 2003, by Erick Andreu, 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.

The Board of Medicine hereby gives notice that it has received a petition filed on February 17, 2003, by I.S. Vergara, 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.

The Board of Medicine hereby gives notice that it has received a petition filed on February 11, 2003, by Aloma P. Sevilla, M.D., seeking a waiver from Rule 64B8-5.001, F.A.C., with regard to the licensure examination.

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 February 25, 2003, on behalf of Carlos A. Sanchez, 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.

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE IS HEREBY GIVEN that the Department of Children and Family Services has received a Petition for Waiver of subsection 65C-15.010(1), F.A.C. The Petition was received by the Agency Clerk on February 24, 2003, by ChildNet, Inc., and assigned Case Nos. 03-001W. Subsection 65C-15.101(1), F.A.C., requires that a child placing agencies beginning operation shall have the capital necessary for a six-month period of operation.

A copy of the Petition may be obtained by writing: Office of the Agency Clerk, Department of Children and Family Services, 1317 Winewood Blvd., Bldg. 2, Room 204, Tallahassee, FL 32399-0700.

Section VI Notices of Meetings, Workshops and Public Hearings

The following state governmental agencies, boards and commissions announce a public meeting to which all persons are invited:

State Board of Administration
 Financial Services Commission
 Department of Veterans' Affairs
 Department of Highway Safety and Motor Vehicles
 Department of Law Enforcement
 Department of Revenue
 Department of Education
 Administration Commission
 Florida Land and Water Adjudicatory Commission
 Board of Trustees of the Internal Improvement Trust Fund
 Department of Environmental Protection

DATE AND TIME: March 25, 2003, 9:00 a.m.

PLACE: Cabinet Meeting Room, Lower Level, The Capitol, Tallahassee, Florida

PURPOSE: Regular scheduled meeting of the Governor and Cabinet

The State Board of Administration will take action on matters duly presented on its agenda, which may include such matters as Executive Director's reports; approval of fiscal sufficiency of state bond issues; approval of sale of local bonds at an

interest rate in excess of statutory interest rate limitation; report on investment performance; designation of banks as depositories for state funds; adoption of rules and regulations; investment of state funds pursuant to Chapter 215, F.S.; and consideration of other matters within its authority pursuant to Chapters 215 and 344, F.S., and Section 16 of Article IX of the Florida Constitution of 1885, as continued by subsection 9(c) of Article XII of the Florida Constitution of 1968. The Division of Bond Finance of the State Board of Administration will take action on matters duly presented on its agenda, which will deal with the issuance of State bonds, arbitrage compliance and related matters.

The Financial Services Commission will take action on matters duly presented on its agenda relating to rulemaking for all activities concerning insurers and other risk bearing entities, including licensing, rates, policy forms, market conduct, claims, adjusters, issuance of certificates of authority, solvency, viatical settlements, premium financing, and administrative supervision, as provided under the Insurance Code or Chapter 636, F.S., and for all activities relating to the regulation of banks, credit unions, other financial institutions, finance companies, and the securities industry.

The Department of Veterans' Affairs will take action on matters duly presented on its agenda which may include the administration of the Department as well as actions taken to further the Department's mission of providing assistance to veterans and their dependents, pursuant to Section 292.05, F.S. The Department of Highway Safety and Motor Vehicles will take action on matters duly presented on its agenda, which may include such matters as approval of agency policies, taking agency action with regard to administrative procedure matters, and considering other matters within its authority pursuant to Florida Statutes.

The Department of Law Enforcement will take action on matters duly presented on its agenda which may include but not be limited to such matters as transfer of agency funds or positions, formulation of Departmental Rules, administrative procedure matters, submittal of reports as required, enter into contracts as authorized and to consider other matters within its authority pursuant to Chapters 20, 23, 120 and 943, F.S.

The Department of Revenue will act on matters duly presented on its agenda which may include approval of rules, legislative concept proposals, contracts over \$100,000, Departmental budgets, taking final action on formal and informal hearings under Chapter 120, F.S., and consideration of other matters within its authority.

The Department of Education will finalize agency action on the business of the Florida Department of Education.

The Administration Commission will take action on matters duly presented on its agenda which may include such matters as to create or transfer agency funds or positions, approve Career Service rules, administrative procedure matters, environmental matters arising under Chapter 380, F.S.,

comprehensive planning issues pursuant to Section 163.3184, F.S., determine sheriffs' budget matters, and consider other matters within its authority pursuant to Chapters 110, 215 and 216, F.S.

The Florida Land and Water Adjudicatory Commission will take action on matters duly presented on its agenda including appeals of local government development orders in areas of critical state concern or of developments of regional impact under Section 380.07, F.S.; and review of water management matters under Chapter 373, F.S. The Commission will also review Department of Environmental Protection's rules and orders which, prior to July 1, 1993, the Governor and Cabinet, sitting as the head of the Department of Natural Resources, had authority to issue or promulgate.

The Board of Trustees of the Internal Improvement Trust Fund will take action on matters duly presented on its agenda which may include such matters as mineral leases or sales, state or sovereign land leases, sales, exchanges, dedications, and easements, Conservation and Recreation Lands (CARL) and other land purchases; land planning matters and other matters within its authority. Additionally, the Board will take action on matters presented by the Marine Fisheries Commission as set forth in Sections 370.025, 370.026 and 370.027, F.S., and matters pertaining to the Office of Greenways Management, the Office responsible for the management of lands which formerly fell within the Cross Florida Barge Canal project corridor.

The Department of Environmental Protection, while not a Cabinet agency, will present for consideration on its agenda those matters required by law to be reviewed by the Governor and Cabinet and those pertaining to the siting of power plants, electric and natural gas transmission lines and hazardous waste facilities; coastal zone management consistency and standards adopted by the Environmental Regulation Commission.

A copy of any of the above agendas (when applicable) may be obtained by contacting each agency.

Accommodations can be made for persons with disabilities provided several days' notification is received. Please notify the Governor's Cabinet Office, (850)488-5152.

The Governor and Cabinet will proceed through each agenda, item by item, in the order given above.

CABINET AIDES BRIEFING: On the Wednesday of the week prior to the above meeting, there will be a meeting of the aides to the Governor and Cabinet Members at 9:00 a.m., Cabinet Meeting Room, Lower Level, The Capitol, Tallahassee, Florida. The purpose of this briefing is to review and gather information regarding each agenda to be considered by the Governor and Cabinet.

DEPARTMENT OF STATE

The Board of Directors of the **Northeast Florida Preservation, Inc.** announces a public meeting to which all persons are invited.

DATE AND TIME: Friday, March 14, 2003, 1:30 p.m.

PLACE: Florida Dept. of State, Committee Room B, City Hall, St. James Building, 117 West Duval Street, Jacksonville, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: General Business Meeting.

A copy of the agenda may be obtained by writing: St. Augustine Regional Office, P. O. Box 4168, St. Augustine, FL 32085.

Should any person wish to appeal any decision made with respect to the above referenced meeting, he or she may need to ensure verbatim recording of the proceedings in order to provide a record for judicial review.

Pursuant to Chapter 286.26, Florida Statutes, any handicapped person wishing to attend this meeting should contact the agency at least 48 hours prior to the meeting in order to request special assistance.

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

The Florida **Department of Agriculture and Consumer Services** announces a meeting of the Florida Tropical Fruit Advisory Council:

DATE AND TIME: March 13, 2003, 1:30 p.m.

PLACE: Miami-Dade Extension Office, 18710 S. W. 288 Street, Homestead, FL 33030

GENERAL SUBJECT MATTER TO BE CONSIDERED: Board Meeting – The purpose of this meeting is to conduct the general business of the Florida Tropical Fruit Advisory Council.

For additional information or if you need special accommodations, call: Louise King, (305)246-8460

The **Department of Agriculture and Consumer Services** announces a meeting of the Pest Control Enforcement Advisory Council.

DATE AND TIME: March 18, 2003, 10:00 a.m. – 4:00 p.m.

PLACE: Mid-Florida Research and Education Center, 2725 Binion Road, Apopka, Florida 32703, (407)884-2034

GENERAL SUBJECT MATTER TO BE CONSIDERED: Business of the Council.

A copy of the agenda may be obtained by calling: Steven Dwinell, Florida Department of Agriculture and Consumer Services, (850)488-7447.

The Florida **Department of Agriculture and Consumer Services** announces a public meeting to which all persons are invited.

DATE AND TIME: March 25, 2003, 11:30 a.m. – 1:30 p.m.
 PLACE: Homewood Suites, 2987 Apalachee Parkway, Capitol I & II Rooms, Tallahassee, Florida.

GENERAL SUBJECT MATTER TO BE CONSIDERED: This is a meeting of the Florida Propane Education, Safety and Research Council and representatives of the Florida Dept. of Agriculture and Consumer Services to discuss current and proposed Council programs and budget issues.

Additional information may be obtained by writing: Vicki O'Neil, Bureau Chief, Bureau of LP Gas Inspections, 3125 Conner Blvd., Suite N, Tallahassee, FL 32399-1650, (850)921-8001. Pursuant to the Americans with Disabilities Act, any person requiring special accommodations to participate in this meeting is asked to advise the agency at least 48 hours in advance by contacting Ms. O'Neil at the number above.

The Florida **Department of Agriculture and Consumer Services** announces a meeting to which all persons are invited:

DATE AND TIME: Tuesday, April 1, 2003, 10:00 a.m.
 PLACE: 2005 Apalachee Parkway, Tallahassee, Florida 32399-6500

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Florida Motor Vehicle Advisory Council will be meeting to discuss consumer-related issues and proposed legislation for the 2003 Florida session addressing issues of interest to consumers.

A copy of the agenda may be obtained by contacting: Mr. James R. Kelly, Director, Division of Consumer Services, 2005 Apalachee Parkway, Tallahassee, Florida 32399-6500, (850)922-2966.

The Florida **State Fair Authority** announces a meeting of the Finance Committee, and a combined meeting of the Long Range Planning & Marketing Committees.

DATE AND TIME: Monday, March 24, 2003, 10:30 a.m.
 PLACE: Ag Hall of Fame Building, Florida State Fairgrounds, Tampa, Florida 33610

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss old and new business of the Finance, Long Range Planning & Marketing Committees.

AGENDA: A copy of the agendas may be obtained by contacting: Ms. Ann Menchen, Florida State Fairgrounds, P. O. Box 11766, Tampa, Florida 33680.

If special accommodations are needed to attend this meeting because of a disability, please contact Ms. Ann Menchen, (813)621-7821, as soon as possible.

The Florida **State Fair Authority** announces a meeting of the Full Authority to which all persons are invited:

DATE AND TIME: Monday, March 24, 2003, 1:00 p.m.
 PLACE: Ag Hall of Fame Building, Florida State Fairgrounds, Tampa, Florida 33610

GENERAL SUBJECT MATTER TO BE CONSIDERED: Committee Reports: Finance, Long Range Planning & Marketing Post-Fair Report; Status of Amphitheater Contract; Acquisition of Ferman Property

AGENDA: A copy of the Agenda may be obtained by contacting: Ms. Ann Menchen, Florida State Fairgrounds, P. O. Box 11766, Tampa, Florida 33680.

If special accommodations are needed to attend this meeting because of a disability, please contact Ms. Ann Menchen, (813)621-7821, as soon as possible.

DEPARTMENT OF EDUCATION

The public is invited to a workshop meeting of the **State Board of Education**.

DATE AND TIME: March 17, 2003, 10:00 a.m. – 2:00 p.m.
 PLACE: Legislative Research Center and Museum, Tallahassee Community College, 444 Appleyard Drive, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Workshop discussion of State Board's Strategic Imperative 1, Increasing the supply of high quality teachers.

A copy of the agenda may be obtained from the Commissioner of Education's website at <http://www.flboe.org>.

Persons with disabilities who require assistance to participate in the meeting are requested to notify the Office of Access and Equity, (850)201-7390 (Voice), at least 7 days in advance, so that their needs can be accommodated.

The public is invited to a meeting of the **State Board of Education**.

DATES AND TIMES: March 17, 2003, 3:00 p.m. – 5:00 p.m.; continuing March 18, 2003, 8:30 a.m. until adjournment
 PLACE: Legislative Research Center and Museum, Tallahassee Community College, 444 Appleyard Drive, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Minutes of Meeting held February 18, 2003; Commissioner's Report, including Updates on Just Read, Florida!, Implementation of the Constitutional Amendments, 2003 Legislative Session; Presentations on the Application of FACTS (Florida Academic Counseling and Tracking for Students) for High School Students, Recommendations and Action from the Governor's Emerging Technology Commission, Status Report from the Florida Information Resource Network Sourcing, and Proposal from Okaloosa-Walton Community College for Two Baccalaureate Degrees; Consideration and action on the following Charter

School Appeals: Change Agent Programs/MACH 4 vs. the School Board of Osceola County, Florida; Change Agent Programs/MACH 4 vs. the School Board of Orange County, Florida; Round Lake Elementary School vs. the School Board of Lake County, Florida; The Ranch School, Inc. vs. the School Board of Sarasota County, Florida; Progressive C. Learning Center vs. the School Board of Broward County, Florida; and Gulf Coast Academy of Science and Technology vs. the School Board of Hernando County, Florida; Request to increase the Statutorily Imposed Charter School Cap for Select Schools in Miami-Dade County; a Revised 2003-2004 K-20 Fixed Capital Outlay Legislative Budget Request; a Resolution of the State Board requesting the Division of Bond Finance of the State Board of Administration to issue Revenue Bonds on Behalf of FAU to Finance the Construction of a Student Housing Complex at FAU's Boca Raton Campus; Rule 6A-3.0171, Responsibilities of School Districts for Student Transportation; Rule 6A-3.0291, Specifications for New School Buses; and other matters pertaining to the State Board of Education.

A copy of the agenda may be obtained from the Commissioner of Education's website at <http://www.flboe.org>.

Persons with disabilities who require assistance to participate in the meeting are requested to notify the Office of Access and Equity, (850)201-7390 (Voice), at least 7 days in advance, so that their needs can be accommodated.

The **Commission for Independent Education** announces a Workshop for Commission Members. Public comment will not be taken.

DATE AND TIME: Thursday, March 20, 2003, 10:00 a.m.

PLACE: Keiser College, 1700 Halstead Boulevard, Tallahassee, Florida 32309

GENERAL SUBJECT MATTER TO BE CONSIDERED: To present to the Commission Members a detailed outline of the new rules and statutes, and to work on office procedures with Commission members.

A copy of the agenda may be obtained by writing to the Commission for Independent Education, 2650 Apalachee Parkway, Suite A, Tallahassee, Florida 32301.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact the Area of Critical State Concern, (850)488-4925, at least five calendar days prior to the meeting being held. If you are hearing impaired please contact the Area of Critical State Concern using the Florida Dual Party Relay System, which can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

The **Commission for Independent Education** announces a Rules Committee Workshop to consider amending Proposed Rule 6E-2.0041 – Delivery of Programs through Nontraditional Assessments, Modes and Methods.

DATE AND TIME: Thursday, March 20, 2003, 4:00 p.m.

PLACE: Keiser College, 1700 Halstead Boulevard, Tallahassee, Florida 32309

GENERAL SUBJECT MATTER TO BE CONSIDERED: To consider amending the wording for proposed Rule 6E-2.0041, F.A.C.

A copy of the agenda may be obtained by writing to the Commission for Independent Education, 2650 Apalachee Parkway, Suite A, Tallahassee, Florida 32301.

If a person decides to appeal any decision made by the commission with respect to any matter considered at this meeting or hearing, they will need a record of the proceedings, and for such purpose they may need to ensure that a verbatim record of the proceedings is made, which record 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 Area of Critical State Concern, (850)488-4925, at least five calendar days prior to the meeting being held. If you are hearing impaired please contact the Area of Critical State Concern using the Florida Dual Party Relay System, which can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

The **Commission for Independent Education** announces a meeting to which all persons are invited.

DATE AND TIME: Friday, March 21, 2003, 10:00 a.m.

PLACE: Keiser College, 1700 Halstead Boulevard, Tallahassee, Florida 32309

GENERAL SUBJECT MATTER TO BE CONSIDERED: Consider licenses for appropriate institutions, cases for licensure as specified in the agenda, Commission Committee meetings, and other general Commission business.

Any person who decides to appeal a decision of the Commission with respect to any matter considered at this meeting or hearing may need to ensure that a verbatim record of the proceedings is made, which record will include the testimony and evidence upon which the appeal is to be based.

A copy of the agenda may be obtained by writing: Commission for Independent Education, Department of Education, Florida Education Center, Tallahassee, Florida 32399.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact the Area of Critical State Concern, (850)488-4925, at least five calendar days prior to the meeting being held. If you are hearing impaired please contact the Area of Critical State Concern 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 COMMUNITY AFFAIRS

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: Thursday, March 20, 2003, 10:00 a.m. – 4:00 p.m.

PLACE: Kelly Training Center, Department of Community Affairs, 3rd Floor, Sadowski Building, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100

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. Participating to the development of long-term state hazard mitigation strategy.
2. Contributing to the formulation of the state hazard mitigation plan as required by federal law (DMA2K: the Disaster Mitigation Act of 2000).
3. 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).
4. Establishing the goals and objectives of the state mitigation strategy.
5. Participate in the process of identifying the state critical facilities.

For further information please contact: Dr. Arthur Oyola-Yemaiel, (850)413-1422, e-mail: arhur.oyola-yemaiel@dca.state.fl.us.

DEPARTMENT OF LAW ENFORCEMENT

The Florida **Department of Law Enforcement** announces a public meeting to which all persons are invited.

DATES AND TIMES: Tuesday, April 1, 2003, 1:00 p.m. – 5:00 p.m.; Wednesday, April 2, 2003, 8:30 a.m. – 5:00 p.m.

PLACE: The meeting will take place at The Rosen Plaza Hotel, located at 9700 International Drive (adjacent to the Orange County Convention Center, across from Orlando Pointe) Orlando, Florida 32819, (407)996-9700

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Violent Crime and Drug Control Council and any other interested individuals will meet to hear presentations and discuss issues relating to violent crime, and multi-agency or statewide drug control or illicit money laundering investigative or task force efforts.

A copy of the agenda may be obtained by writing: Government Analyst Joyce Gainous-Harris, Florida Department of Law Enforcement, Division of Criminal Investigations and Forensic Science Services, Office of Statewide Intelligence, Post Office Box 1489, Tallahassee, Florida 32302, (850)410-7096.

NOTICE UNDER THE AMERICANS WITH DISABILITIES ACT: Persons needing an accommodation to participate in any proceeding should call (850)410-7900 (Voice) or (850)656-9597 (TDD), at least five working days before such proceeding.

The **Department of Law Enforcement, Criminal Justice Standards and Training** held an emergency meeting:

DATE AND TIME: Tuesday, February 18, 2003, 11:15 a.m.

PLACE: Via teleconference, FDLE headquarters, 2331 Phillips Road, Tallahassee, Florida.

GENERAL SUBJECT MATTER TO BE CONSIDERED: The reason for the emergency meeting was to discuss proposed SB 1000 that would alter the powers, duties, and composition of the Commission. The emergency meeting was appropriate for the following reasons: the Commission's next scheduled meeting takes place after session is over; and, the Commission needs to take an official stand on SB 1000, which, as proposed, affects their powers, duties, and composition. As a result of the emergency meeting, the Commission voted to oppose SB 1000. Also discussed at the meeting was language in an unfiled proposed bill. No action was taken on this language.

For additional information, please contact: Grace A. Jaye, Florida Department of Law Enforcement, Box 1489, Tallahassee, FL 32302-1489, (850)410-7676.

The **Criminal Justice Professionalism Program** announces that the Criminal Justice Standards and Training Commission's Executive Planning Committee is scheduled to meet for the purpose of reviewing future direction and project priorities for the criminal justice standards and training system. All parties are invited to attend.

DATE AND TIME: Thursday, March 20, 2003, 9:30 a.m. – 5:00 p.m.

PLACE: Florida Department of Law Enforcement, Academy Classroom B, 2331 Phillips Road, Tallahassee, Florida 32308

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Executive Planning Committee will be reviewing and discussing issues relating to the training and certification of criminal justice officers.

A copy of the January Executive Planning Committee meeting agenda can be obtained by calling: Doug Culbertson, Florida Department of Law Enforcement, Criminal Justice Professionalism Program, Post Office Box 1489, Tallahassee, Florida 32302-1489, (850)410-8618.

Any person requiring special accommodation at this meeting, because of a disability or physical impairment, should contact Doug Culbertson, (850)410-8658, at least two (2) weeks prior to the meeting.

DEPARTMENT OF TRANSPORTATION

The **Department of Transportation**, District 4 announces a public hearing to which all persons are invited.

DATE AND TIME: Thursday, April 3, 2003, 6:00 p.m.

PLACE: Ramada Inn, Conference Room, 1200 S. E. Federal Highway (US 1), Stuart, Florida 34994

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 State Work Program Item No.: 4116319, Financial Project I.D. No.: 228849-1-22-01, otherwise known as the US 1 (SR 5) Project Development and Environment (PD&E) Study. The limits of the project corridor are from the New Roosevelt Bridge to Jensen Beach Boulevard, in Martin County, Florida.

Anyone needing project or public hearing information or special accommodations under the Americans With Disabilities Act of 1990 should write to the address given below, or call (954)777-4143 or toll free (866)336-8435, Ext. 4143. 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: Steven Braun, PE, Project Manager, Florida Department of Transportation, District IV, Office of Planning and Environmental Management, 3400 West Commercial Boulevard, Fort Lauderdale, Florida 33309-3421.

The **Department of Transportation**, Florida's Turnpike Enterprise announces a Public Hearing to which all persons are invited.

DATE AND TIME: April 3, 2003, 6:00 p.m. – Open House; 7:00 p.m. – Formal Presentation

PLACE: Christa McAuliffe Middle School, 6500 Le Chalet Boulevard, Boynton Beach, Florida 33437

GENERAL SUBJECT MATTER TO BE CONSIDERED: The hearing is being conducted pursuant to the provisions of Rule Chapter 14-97, Florida Administrative Code, and Section 335.18, Florida Statutes. This hearing is being held in accordance with the Section 339.155, Florida Statutes, and is also consistent with the Americans with Disabilities Act of 1990. This hearing is also in compliance with Title VI of the Civil Rights Act of 1964 and Title VIII of the Civil Rights Act of 1968, as amended. This hearing is being held to afford interested persons the opportunity to express their views concerning the proposed project Financial Project Identification Number: 406092-1 otherwise known as the Widening of Florida's Turnpike from South of Atlantic Avenue to Lantana Toll Plaza. This project will also address the reconfiguration of the Atlantic Avenue interchange. Potential

encroachment on wetlands and floodplains may be given special consideration under Executive Orders 11990 and 11988.

Anyone needing project or public hearing information or requesting special accommodations under the Americans with Disabilities Act of 1990 should contact Chris Lory, P.E., Project Manager, Florida's Turnpike Enterprise, P. O. Box 613069, Ocoee, Florida 34761-3069, (407)532-3999, Extension 3493. Special accommodation requests under the Americans with Disabilities Act should be made at least seven days prior to the public hearing.

A copy of the agenda may be obtained by writing: Mr. Chris Lory, P.E., Project Manager, Florida's Turnpike Enterprise, P. O. Box 613069, Ocoee, Florida 34761-3069.

STATE BOARD OF ADMINISTRATION

The **State Board of Administration** announces a public meeting to which all persons are invited.

DATE AND TIME: Friday, March 21, 2003, 9:00 a.m.

PLACE: Hermitage Room, Plaza Level, The Hermitage Center, 1801 Hermitage Boulevard, Tallahassee, Florida 32308, Call in number – (850)488-8295 or Suncom 278-8295

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regularly scheduled quarterly meeting of the Investment Advisory Council (IAC). The IAC is a six-member advisory council, which reviews the investments made by the staff of the Board of Administration and makes recommendations to the board regarding investment policy, strategy and procedures. The IAC operates under s. 215.444 of the Florida Statutes.

A copy of the agenda may be obtained by writing: State Board of Administration, Cheryl D. Creel, 1801 Hermitage Boulevard, Suite 600, Tallahassee, Florida 32308, (850)413-1015.

Accommodations can be made for persons with disabilities provided several days notification is received. Please notify Dorothy Westwood, (850)488-4406.

PUBLIC SERVICE COMMISSION

NOTICE IS HEREBY GIVEN that the Florida **Public Service Commission** will hear Oral Argument in Docket No. 020129-TP at the following time and location:

DATE AND TIME: March 18, 2003, upon conclusion of the Agenda Conference scheduled for 9:30 a.m. (EST)

PLACE: Room 148, Betty Easley Conference Center, 4075 Esplanade Way, Tallahassee, FL 32399

GENERAL SUBJECT MATTER TO BE CONSIDERED: The purpose of this oral argument is to provide the Commission with increased clarity, limited to evidence already contained in the hearing record of Issues 8, 10, and 11 as set forth in the Order Establishing Procedure, Order No.

PSC-02-0853-PCO-TP, issued June 21, 2002, prior to the final disposition thereof or any further actions the Commission may deem appropriate.

Any person requiring some accommodation at this oral argument because of a physical impairment should call the Division of the Commission Clerk and Administrative Services, (850)413-6770, at least 48 hours prior to the hearing. Any person who is hearing or speech impaired should contact the Commission by using the Florida Relay Service, which can be reached at 1(800)955-8771 (TDD).

For additional information, please contact: Adam Teitzman, Office of General Counsel, 2540 Shumard Oak Boulevard, Tallahassee, FL 32399-0850, (850)413-6175.

EXECUTIVE OFFICE OF THE GOVERNOR

The **Governor's Mansion Commission** announces a meeting to which all interested persons are invited:

DATE AND TIME: Tuesday, March 18, 2003, 2:00 p.m.

PLACE: The Governor's Mansion, Tallahassee, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regular Commission Meeting.

A copy of the agenda may be obtained by writing or calling: Department of Management Services, Facilities Management, 4030 Esplanade Way, Suite 380, Tallahassee, Florida 32399-0950, (850)488-2074

Persons wishing to attend must submit written background information to: Traci Gerrell at the address listed above on or before March 13, 2003 to allow for the required security check. This written information must contain the name, address, social security number and date of birth of the person planning to attend.

The Office of Film and Entertainment and the **Florida Film Advisory Council** will convene in a meeting of the Council. This is a public meeting to which all persons are invited.

DATE AND TIME: Tuesday, March 18, 2003, 9:00 a.m.

PLACE: Florida State University, Film School, University Center, Tallahassee, Florida, (850)410-4765

GENERAL SUBJECT MATTER TO BE CONSIDERED: To review projects, discuss committee tasks legislative issues and related general administrative matters of the Council.

A copy of the agenda may be obtained by writing: Ms. Audrey L. Anderson, Special Aide to the State Film Commissioner, Office of Film and Entertainment, State of Florida, Executive Office of the Governor, Suite 2002, The Capitol, Tallahassee, Florida 32399-0001, (850)410-4765.

Should any person wish to appeal any decision made with respect to the above referenced meeting, he may need to ensure verbatim recording of the proceedings in order to provide a record for judicial review.

Pursuant to Chapter 286.26, Florida Statutes, any handicapped person wishing to attend this meeting should contact the Commission at least 48 hours prior to the meeting in order to request any special assistance.

REGIONAL PLANNING COUNCILS

The **Northeast Florida Regional Planning Council**, Economic Development Committee announces the following public meeting to which all persons are invited:

DATE AND TIME: Thursday, March 20, 2003, 10:00 a.m.

PLACE: Northeast Florida Regional Planning Council, 6850 Belfort Oaks Place, Jacksonville, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Bi-monthly meeting.

A copy of the agenda may be obtained by contacting: Northeast Florida Regional Planning Council, 6850 Belfort Oaks Place, Jacksonville, FL 32216.

If a person decides to appeal any decision made by the Council with respect to any matter considered at this meeting, he/she will have to ensure that a verbatim record of the proceedings is made, which includes the testimony and evidence which the appeal is to be based.

Individuals needing materials in alternate format, sign language interpreter, or other meeting information, call Jeanie Palmer, (904)279-0880, at least three working days prior to the meeting. Hearing-impaired callers use Florida Relay Service, 1(800)955-8771.

Notice is also given that two or more members of Boards of County Commissioners, City/Town Councils/Commissions and other entities covered under Chapter 286, Florida Statutes may attend and speak at the meeting.

The **Withlacoochee Regional Planning Council** announces a public meeting of its Board of Directors to which all persons are invited.

DATE AND TIME: Thursday, March 20, 2003, 7:00 p.m.

PLACE: Withlacoochee Regional Planning Council, 1241 S. W. 10th Street, Ocala, FL 34474-2798

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct the regular business of the Council.

A copy of the agenda may be obtained by writing: Withlacoochee Regional Planning Council, 1241 S. W. 10th Street, Ocala, FL 34474-2798.

Affected persons are advised that it may be necessary for them to ensure that a verbatim record of the meeting is made, including the testimony and evidence upon which the appeal is to be based.

The **Southwest Florida Regional Planning Council** announces a public hearing to which all persons are invited:

DATE AND TIME: March 20, 2003, 9:30 a.m.

PLACE: Southwest Florida Regional Planning Council Conference Room, 4980 Bayline Drive, 4th Floor, North Fort Myers, FL 33917

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regular meeting of the Regional Planning Council.

A copy of the proposed agenda may be obtained by writing: Mr. David Burr, Executive Director, Southwest Florida Regional Planning Council, Post Office Box 3455, North Fort Myers, FL 33918-3455.

Please note that if a person decides to appeal any decision made by the Council with respect to any matter considered at the above cited meeting or hearing, he will need a record of the proceedings, and for such purpose, 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 based.

All Council Subcommittee meetings will immediately follow the Council meeting.

Any person requiring special accommodation due to disability or physical impairment should contact Mr. David Burr, (239)656-7720, at least five calendar days prior to the meeting. Persons who are hearing impaired should contact Mr. Burr using the Florida Dual Party Relay System, 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

The **South Florida Regional Planning Council** announces a public meeting to which all persons are invited.

DATE AND TIME: Friday, March 14, 2003, 9:00 a.m. – 4:00 p.m.

PLACE: Key Colony Beach, Auditorium, 600 W. Ocean Drive, Key Colony Beach, FL 33051

GENERAL SUBJECT MATTER TO BE CONSIDERED: Meeting of the Florida Keys Carrying Capacity Study Implementation Work Group to discuss matters related to the study and its implementation.

A copy of the agenda may be obtained by writing: South Florida Regional Planning Council, 3440 Hollywood Boulevard, Suite #140, Hollywood, Florida 33021.

If you are hearing or speech impaired, please contact the South Florida Regional Planning Council, (954)967-4152, Ext. 40 (TDD) if you require additional information regarding the above meeting. If you require special accommodations because of a disability or physical impairment, please contact the Council, (954)985-4416, at least five calendar days prior to the meeting.

WATER MANAGEMENT DISTRICTS

The **St. Johns River Water Management District** announces a Northern Region Recreation Advisory Council Meeting to which all persons are invited. The meeting is scheduled for:

MEETING: Northern Region Recreation Advisory Council

DATE AND TIME: Tuesday, March 18, 2003, 9:30 a.m. – 12:00 Noon

PLACE: Governing Board Meeting Room, St. Johns River Water Management District, 4049 Reid Street, Palatka, FL

TOUR: Rice Creek Conservation Area

DATE AND TIME: Tuesday, March 18, 2003, 1:00 p.m. – 3:00 p.m.

GENERAL SUBJECT MATTER TO BE CONSIDERED: To review land management and land acquisition activities in the Northern Region.

If any person decides to appeal any decision with respect to any matter considered at the above listed meeting such person may need to ensure that a verbatim record of the proceeding is made to include testimony and evidence upon which the appeal is to be based.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in the meeting is asked to advise Linda Lorenzen, (386)329-4262 or (386)329-4450 (TDD), at least five work days before the date of the meeting.

NOTICE OF CORRECTION – The **South Florida Water Management District** announces a public meeting to which all interested parties are invited:

DATE AND TIME: Tuesday, March 18, 2003, 6:00 p.m. – 8:00 p.m.

PLACE: Okeechobee County School Board, Freshman Campus Auditorium, 700 S. W. 2nd Avenue, Okeechobee, FL 34974

GENERAL SUBJECT MATTER TO BE CONSIDERED: Presentation of the Lake Okeechobee Protection Plan draft Evaluation Criteria that will be used to evaluate potential alternatives for reaching compliance with the mandated lake Total Maximum Daily Load (TMDL).

A copy of the agenda may be obtained at the District Website (<http://www.sfwmd.gov/agenda.html>) or by writing: South Florida Water Management District, Mail Stop 2130, P. O. Box 24680, West Palm Beach, FL 33416-4680.

Persons with disabilities who need assistance may contact the Deputy District Clerk, (561)682-6447, at least two business days in advance of the meeting to make appropriate arrangements.

Those who want more information, please contact: Missie Barletto, Okeechobee Service Center, 205 N. Parrott Avenue, Suite 201, Okeechobee, FL 34972, (863)462-5260 or 1(800)250-4200.

The **South Florida Water Management District** announces a public meeting which may be conducted by means of or in conjunction with communications media technology, specifically by telephonic conference to which all interested parties are invited:

DATE AND TIME: March 19, 2003, 10:00 a.m. – 12:00 Noon
 PLACE: South Florida Water Management District Headquarters, B-1 Building, Room 3B, 3301 Gun Club Road, West Palm Beach, Florida 33406

GENERAL SUBJECT MATTER TO BE CONSIDERED: Budget and Finance Advisory Commission meeting to discuss SFWMD Budget and finance-related matters.

A copy of the agenda may be obtained by writing to the South Florida Water Management District, Mail Stop 6260, P. O. Box 24680, West Palm Beach, Florida 33416-4680.

Appeals from any South Florida Water Management District Board decision require a record of the proceedings. Although Governing Board meetings and hearings are normally recorded, affected persons are advised that it may be necessary for them to ensure that a verbatim record of the proceeding is made, including the testimony and evidence upon which the appeal is to be based.

Persons with disabilities who need assistance may contact the Deputy District Clerk, (561)682-6447, at least two business days in advance of the meeting to make appropriate arrangements.

Those who desire more information or wishing to submit written or physical evidence may contact: Marcie Daniel, Budget Department, District Headquarters, 3301 Gun Club Road, West Palm Beach, Florida 33406, (561)682-6469.

COMMISSION FOR THE TRANSPORTATION DISADVANTAGED

The Florida **Commission for the Transportation Disadvantaged** announces a Legislative Workshop to which all persons are invited.

DATE AND TIME: Thursday, March 20, 2003, 8:30 a.m. – completion

PLACE: Ramada Inn, 2900 North Monroe Street, Tallahassee, Florida, (850)386-1027

GENERAL SUBJECT MATTER TO BE CONSIDERED: To update the public on the status of the 2003 legislative session concerning the Florida Commission for the Transportation Disadvantaged.

In accordance with the Americans with Disabilities Act, persons in need of special accommodation to participate in the meeting or an agenda should contact: Tiffany McNabb, Commission for the Transportation Disadvantaged, 605 Suwannee Street, MS-49, Tallahassee, FL 32399-0450, (850)410-5700 or 1(800)983-2435 or 1(800)648-6084 (TDD only). The meeting is subject to change upon chairperson's request.

REGIONAL UTILITY AUTHORITIES

The **Tampa Bay Water** announces the following Regular Board Meeting to which all persons are invited:

DATE AND TIME: Monday, March 17, 2003, 10:00 a.m.

PLACE: Tampa Bay Water, 2535 Landmark Drive, Suite 211-A, Clearwater, Florida 33761

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regular Board Meeting

If a person decides to appeal any decision made by the Board with respect to any matter considered at this meeting, he will need a record of the proceedings, and for such purposes 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.

A copy of the regular meeting agenda may be obtained by writing to Tampa Bay Water or can be accessed on the Web at www.tampabaywater.org.

If an accommodation is needed for a disability, in order to participate in this activity, please notify Holly Wells, (727)796-2355, at least 3 business days prior to the meeting.

FLORIDA SPACE AUTHORITY

The **Florida Commercial Space Financing Corporation** (FCSFC) announces a Board of Directors meeting and teleconference to which the public is invited.

DATE AND TIME: March 18, 2003, 10:00 a.m. – 12:00 Noon

PLACE: The Executive Conference Room, Department of Transportation, 605 Suwannee Street, Tallahassee, Florida 32399 (The number to call for dial-in participation is 1(866)249-5325, participant code #393255)

GENERAL SUBJECT MATTER TO BE CONSIDERED: Board of Directors will meet to review general board business, ratification of agreements, financings, guarantees, budgets, procedures, and to consider other proposed matters related to the business of the Corporation.

For more information, contact: Ms. Judy Blanchard, (321)690-3397.

To obtain a copy of the agenda write: The Florida Commercial Space Financing Corporation, 403 Brevard Avenue, Suite 1, Cocoa, Florida 32922.

Any person requiring special accommodations at this meeting because of disability or physical impairment should contact the Florida Commercial Space Financing Corporation.

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, they will need a record of the proceedings, and for such purpose, they may need to ensure that a verbatim record of the proceeding, which record includes the testimony and evidence upon which the appeal is to be based.

DEPARTMENT OF ELDER AFFAIRS

The **Department of Elder Affairs** and the **Agency for Health Care Administration** announces a public meeting to which all persons are invited.

DATE AND TIME: March 14, 2003, 9:30 a.m. – 4:00 p.m.
 PLACE: Renaissance Fort Lauderdale-Plantation Hotel, 1230 S. Pine Island Road, Plantation, FL 33324, (954)472-2252
 GENERAL SUBJECT MATTER TO BE CONSIDERED: Design of the managed integrated long-term care demonstration project mandated by the Florida Legislature (Section 430.205(6), 2002 Florida Statutes).

If you are unable to attend the meeting, but would like to submit written comments for consideration, please email them to mlduggar@aol.com or Fax (850)222-2575. Please note that all comments will become public documents.

To obtain a copy of the agenda, please contact: Rebekah Bell, (850)222-0080, email: mlduggar@aol.com or mail: Margaret Lynn Duggar & Associates, Inc., 1018 Thomasville Rd., Ste. 110, Tallahassee, FL 32303.

Pursuant to the provisions of the American with Disabilities Act, any person requiring special accommodations to participate in this meeting is asked to contact Rebekah Bell, (850)222-0080, at least three calendar days prior to the meeting.

The **Department of Elder Affairs** and the **Agency for Health Care Administration** announce a public meeting to which all persons are invited.

DATE AND TIME: March 19, 2003, 9:30 a.m. – 4:00 p.m.
 PLACE: University Center Club, Florida State University, Doak Campbell Stadium, Building B, (850)644-8528 (For directions visit www.universitycenterclub.com)
 GENERAL SUBJECT MATTER TO BE CONSIDERED: Design of the managed integrated long-term care demonstration project mandated by the Florida Legislature (Section 430.205(6), 2002 Florida Statutes).

If you are unable to attend the meeting, but would like to submit written comments for consideration, please email them to: mlduggar@aol.com or fax (850)222-2575. Please note that all comments will become public documents.

To obtain a copy of the agenda, please contact: Rebekah Bell, (850)222-0080, email: mlduggar@aol.com or Margaret Lynn Duggar & Associates, Inc., 1018 Thomasville Rd., Ste. 110, Tallahassee, FL 32303.

Pursuant to the provisions of the American with Disabilities Act, any person requiring special accommodations to participate in this meeting is asked to contact Rebekah Bell, (850)222-0080, at least three calendar days prior to the meeting.

The **Northeast Florida Area Agency on Aging** (PSA4) announces a Budget/Finance Committee meeting, and a Board of Directors meeting to which all persons are invited:

DATE AND TIMES: March 19, 2003, 1:30 p.m. – Budget and Finance Committee; 2:30 p.m. – Board of Directors Meeting
 PLACE: Wolfe Conference Room of Flagler Hospital, St. Augustine, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: General Board business; Voting on committee recommendations; Funding distribution

A copy of the agenda may be obtained by contacting: The Northeast Florida Area Agency on Aging, Inc., 4401 Wesconnett Blvd., 2nd Floor, Jacksonville, FL 32210, (904)777-2106.

AGENCY FOR HEALTH CARE ADMINISTRATION

The **Agency for Health Care Administration** announces a meeting of the HMO Report Workgroup to which all interested parties are invited.

DATE AND TIME: Tuesday, April 1, 2003, 10:00 a.m.
 PLACE: Agency for Health Care Administration, 2727 Mahan Drive, Building #3, First Floor Conference Room, Tallahassee, Florida 32308

GENERAL SUBJECT MATTER TO BE CONSIDERED: To study available data on HMO quality indicators, member satisfaction, customer service or other data and make recommendations for publication and dissemination to consumers.

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 **Department of Management Services** announces a meeting of the MyFloridaMarketPlace Steering Committee to which all persons are invited

DATE AND TIME: Monday, March 10, 2003, 9:30 a.m.
 PLACE: The Capitol Building, Room 2107, Tallahassee, FL 32399

GENERAL SUBJECT MATTER TO BE CONSIDERED: General meeting and planning session.

Any person requiring a special accommodation at this meeting because of disability or physical impairment should contact: Kathleen Anders, Department of Management Services, 4050 Esplanade Way, Suite 260, Tallahassee, FL 32399-0950, (850)921-5266, at least 48 hours prior to the workshop.

The **State Technology Office**, Wireless 911 Board announces the following meeting schedule information:

DATES AND TIME: March 12-14, 2003, 9:00 a.m. – 5:00 p.m.

PLACE: Embassy Suites, 9300 Baymeadows Road, Jacksonville, Florida, (904)731-3555

Special Note: Wireless Rural County Grant Committee to meet March 12, 2003, 2:00 p.m. until to review 2003 Grant Applications.

One or more Board Members may participate in this meeting by telephone conference on March 13-14, 2003. Conference Numbers: March 13th – (850)921-5230, SC 291-5230; March 14th – (850)922-2903, SC 292-2903

DATES AND TIME: April 8-10, 2003, 9:00 a.m. – 5:00 p.m.

PLACE: State Technology Office, Room 225A, Tallahassee, Florida

Special Note: Wireless Rural County Grant Committee to meet April 8, 2003, 4:00 p.m. until to review 2003 Grant Applications.

DATES AND TIME: May 20-21, 2003, 9:00 a.m. – 5:00 p.m.

PLACE: Hyatt Hotel, 1000 Boulevard of the Arts, Sarasota, Florida, (941)953-1234

In conjunction with the APCO/NENA State Conference and the 911 Coordinator's Conference May 18-23, 2003 (2 or more Board Members may attend these conferences)

The State of Florida, **State Technology Office** announces a Chief Information Officer (CIO) Council Meeting to which all persons are invited.

DATE AND TIME: Monday, March 17, 2003, 10:00 a.m. – 12:00 Noon

PLACE: Conference Room 124, Shared Resource Center, 2585 Shumard Oak Boulevard, Tallahassee, FL 32399

GENERAL SUBJECT MATTER TO BE CONSIDERED: To enhance communication among the Chief Information Officers of state agencies and assist in identifying critical statewide information technology issues.

If you would like an agenda for this meeting or require special accommodations due to disability or physical impairment, please contact: Elaine Womble, Elaine.womble@myflorida.com or call (850)922-2680.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

The Florida **Board of Architecture and Interior Design** announces the following meeting, which will be held telephonically, to which all persons are invited to attend.

DATE AND TIME: March 20, 2003, 9:30 a.m.

PLACE: Call in number – (850)488-5776 or SC 278-5776

GENERAL SUBJECT MATTER TO BE CONSIDERED: Probable Cause Panel Meeting, portions may be closed to the public.

The following cases are open to the public: Doug Burghardt – Case No. 2003-001706; Jillian Burghardt – Case No. 2003-001714; Anita Dushoff/Dushoff & Stoner – Case No. 2003-002232; Paul Heide – Case No. 2003-002439; Jillian Douglas Architects – Case No. 2003-001717; John Koszalkowski – Case No. 2002-01939; Warren Ser – Case No. 2002-00243; Claudia Stoner/Dushoff & Stoner – Case No. 2003-002164; Suzy Edl – Case No. 2002-006762; Michael Gainey – Case No. 2002-01932; Jack Reese – Case No. 2002-01238; Dan West – Case No. 2002-005299; V Starr Interiors – Case No. 2003-001143; Bonnie Nathan Kowalski – Case No. 2003-001162; Ruby Bissell – Case No. 2002-011021. To obtain a copy of the agenda, further information, or submit written or other physical evidence, contact in writing: Smith, Thompson, Shaw & Manausa, P.A., 2075 Centre Pointe Boulevard, Tallahassee, FL 32308-4893.

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 Smith, Thompson, Shaw & Manausa, P.A., (850)402-1570, 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, 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

The **Department of Business and Professional Regulation** announces a public meeting of the Florida Barbers' Board to which all persons are invited to participate.

DATE AND TIME: Monday, May 19, 2003, 9:00 a.m.

PLACE: Hawthorne Suites Orlando Airport, 7450 Augusta National Drive, Orlando, Florida 32822

GENERAL SUBJECT MATTER TO BE CONSIDERED: General meeting of the board to conduct regular board business. A copy of the agenda may be obtained by writing: Florida Barbers' Board, 1940 North Monroe Street, Suite #60, 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, they will need a record of the proceedings, and for such purpose they may need to ensure that a verbatim record of the proceedings is made, which record 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 Area of Critical State Concern at (850)488-4925, at least

five calendar days prior to the meeting being held. If you are hearing or speech impaired please contact the Area of Critical State Concern using the Florida Dual Party Relay System which can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

The **Construction Industry Licensing Board** will hold the following meetings to which all interested parties are invited.

DATES AND TIMES: Wednesday, April 9, 2003, 2:00 p.m.; Thursday, April 10, 2003, 8:00 a.m.; Friday, April 11, 2003, 8:00 a.m.

PLACE: Radisson Plaza Hotel Orlando, 60 South Ivanhoe Blvd., Orlando, FL 32804

GENERAL SUBJECT MATTER TO BE CONSIDERED: Committee, Disciplinary Actions, and General Session meetings of the Board.

Any person who decides to appeal any decision made by the board with respect to any matter considered at these meetings may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

Additional information and a final agenda may be obtained by writing: Construction Industry Licensing Board, 1940 N. Monroe Street, Tallahassee, Florida 32399-1039.

Any person requiring special accommodations at this meeting because of a disability or physical impairment should contact Stacey Merchant, (850)922-2701, at least seven calendar days prior to the meeting. Hearing or speech impaired please use Florida Relay 1(800)955-8771 (TDD) 1(800)955-8770 (Voice).

The **Construction Industry Licensing Board** will hold the following meetings to which all interested parties are invited.

DATES AND TIMES: Wednesday, May 7, 2003, 2:00 p.m.; Thursday, May 8, 2003, 8:00 a.m.; Friday, May 9, 2003, 8:00 a.m.

PLACE: Embassy Suites Hotel, 4350 PGA Blvd., Palm Beach Gardens, FL 33410

GENERAL SUBJECT MATTER TO BE CONSIDERED: Committee, Disciplinary Actions, and General Session meetings of the Board.

Any person who decides to appeal any decision made by the board with respect to any matter considered at these meetings may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

Additional information and a final agenda may be obtained by writing: Construction Industry Licensing Board, 1940 N. Monroe Street, Tallahassee, Florida 32399-1039.

Any person requiring special accommodations at this meeting because of a disability or physical impairment should contact Stacey Merchant, (850)922-2701, at least seven calendar days

prior to the meeting. Hearing or speech impaired please use Florida Relay 1(800)955-8771 (TDD) 1(800)955-8770 (Voice).

The **Construction Industry Licensing Board** will hold the following meetings to which all interested parties are invited.

DATES AND TIMES: Wednesday, June 11, 2003, 2:00 p.m.; Thursday, June 12, 2003, 8:00 a.m.; Friday, June 13, 2003, 8:00 a.m.

PLACE: Embassy Suites Hotel, 1100 S. E. 17th Street, Fort Lauderdale, FL 33316

GENERAL SUBJECT MATTER TO BE CONSIDERED: Committee, Disciplinary Actions, and General Session meetings of the Board.

Any person who decides to appeal any decision made by the board with respect to any matter considered at these meetings may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

Additional information and a final agenda may be obtained by writing: Construction Industry Licensing Board, 1940 N. Monroe Street, Tallahassee, Florida 32399-1039.

Any person requiring special accommodations at this meeting because of a disability or physical impairment should contact Stacey Merchant, (850)922-2701, at least seven calendar days prior to the meeting. Hearing or speech impaired please use Florida Relay 1(800)955-8771 (TDD) 1(800)955-8770 (Voice).

The **Department of Business and Professional Regulation, Board of Employee Leasing Companies**, announces an official telephone conference call general business meeting to which all persons are invited.

DATE AND TIME: Wednesday, March 19, 2003, 10:00 a.m. or shortly thereafter

PLACE: Meet Me Telephone Number – (850)488-8713 or 278-8713 (Suncom)

GENERAL SUBJECT MATTER TO BE CONSIDERED: General Business Meeting of the Board.

A copy of the agenda may be obtained by writing: Department of Business and Professional Regulation, Board of Employee Leasing Companies, 1940 North Monroe Street, Tallahassee, Florida 32399-0767 or by calling the Board office, (850)487-1395.

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 Board office, (850)487-1395. If you are hearing or speech impaired, please contact the agency by calling 1(800)955-8771 (TDD).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting, they will need a record of the proceedings, and for such purpose they may need to ensure that a verbatim record of the proceedings is made, which record will include the testimony and evidence upon which the appeal is based.

For further information, contact: Florida Board of Employee Leasing Companies, 1940 North Monroe Street, Tallahassee, Florida 32399-0767.

The Florida **Board of Pilot Commissioners** announces a telephone conference call to which all persons are invited to participate.

DATE AND TIME: March 14, 2003, 3:30 p.m.

PLACE: Department of Business and Professional Regulation, 1940 N. Monroe Street, Tallahassee, FL, (850)921-6455, Suncom 291-6455

GENERAL SUBJECT MATTER TO BE CONSIDERED: Deputy Pilot Advancement.

Any person deciding to appeal a decision made with respect to any matter considered at this meeting will need to ensure that a verbatim record of the proceeding is made. Such record must include testimony and evidence upon which the appeal is to be based.

Any person requiring special accommodations at this meeting because of a disability or physical impairment should contact Department of Business and Professional Regulation, Board of Pilot Commissioners, (850)922-5012, at least forty-eight (48) hours prior to the meeting. If you are hearing or speech impaired, please contact the board office using the Florida Dual Party Relay System which can be reached at 1(800)955-8770 (voice) and 1(800)955-8771 (TDD).

The **Board of Professional Surveyors and Mappers** announces a general business meeting by way of a telephone conference call, to which all persons are invited to attend.

DATE AND TIME: March 18, 2003, 10:00 a.m.

PLACE: Meet Me Number – (850)921-2530 or Suncom 291-2530

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct regular business.

A copy of the agenda may be obtained by writing: Board of Professional Surveyors and Mappers, 1940 North Monroe Street, Tallahassee, Florida, or by calling Juanita Chastain, Executive Director, (850)487-8304.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this meeting is asked to advise the agency at least forty-eight (48) hours before the meeting by contacting Juanita Chastain, Executive Director, (850)487-8304. If you are hearing or speech impaired, please contact the agency by calling 1(800)955-8771 (TDD).

Any person who decides to appeal any decision made by the Board with respect to any matter considered at this meeting, will need a record of the proceedings, which record shall include all testimony and evidence upon which the appeal is based; and, for such purpose may need to ensure that a verbatim record of the proceedings is made.

The Probable Cause Panel of the Florida **Real Estate Appraisal Board** announces a meeting to which all interested persons are invited. Portions of the probable cause proceedings are not open to the public.

DATE AND TIME: March 31, 2003, 1:00 p.m. or the soonest thereafter

PLACE: Suite 901, North Tower, Ninth Floor, 400 West Robinson Street, Orlando, Florida

Any person who desires a special accommodation at this meeting because of a disability or physical impairment should contact the Division of Real Estate, (407)481-5632 (between the hours of 9:00 a.m. – 4:00 p.m.) at least five calendar days prior to the meeting. If you are hearing or speech impaired, please call the Real Estate Division using the Florida Dual Party Relay System which can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

The Florida **Real Estate Appraisal Board** (FREAB) announces a meeting to which all persons are invited.

DATE AND TIME: April 1, 2003, 8:30 a.m.

PLACE: Department of Business and Professional Regulation, Division of Real Estate, Room 901, Ninth Floor, North Tower, 400 West Robinson Street, Orlando, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Official business of the Appraisal Board – among topics included, but not limited to, are proposed legislation affecting Chapter 475, Part II, F.S., rule development workshops, Florida Administrative Code 61J1 rule amendments, disciplinary actions and general subject matter.

If a person decides to appeal a decision made by the Board, with respect to any matter considered at this meeting or hearing, a record of the proceedings for such purpose, upon which the appeal is based, may be required.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact the Department of Business and Professional Regulation, (407)481-5632, at least five (5) calendar days prior to the meeting. If you are hearing or speech impaired, please call the Division of Real Estate using the Florida Dual Party Relay System, 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

A copy of the agenda may be obtained by writing: Deputy Clerk, Florida Real Estate Appraisal Board, 400 W. Robinson Street, Orlando, Florida 32801-1772.

The Probable Cause Panel of the Florida **Real Estate Commission** announces a meeting to which all interested persons are invited. Portions of the probable cause proceedings are not open to the public.

DATE AND TIME: March 18, 2003, 1:30 p.m. or the soonest thereafter

PLACE: Zora Neale Hurston Building, North Tower, Suite 901-N, 400 West Robinson Street, Orlando, Florida

Any person who desires a special accommodation at this meeting because of a disability or physical impairment should contact the Division of Real Estate, (407)481-5632, (between the hours of 9:00 a.m. – 4:00 p.m.) at least five calendar days prior to the meeting. If you are hearing or speech impaired, please call the Real Estate Division using the Florida Dual Party Relay System which can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

The Florida **Real Estate Commission** (FREC) announces a meeting to which all persons are invited.

DATE AND TIME: March 19, 2003, 8:30 a.m.

PLACE: Division of Real Estate, Commission Meeting Room 901-N, North Tower, 400 West Robinson Street, Orlando, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Official business of Commission – among topics included, but not limited to, are proposed legislation affecting Chapter 475, Part I, F.S., rule development workshops, Florida Administrative Code 61J2 rule amendments, budget discussions, escrow disbursement requests, Recovery Fund Claims, education issues, petitions for declaratory statement, and disciplinary actions.

If a person decides to appeal a decision made by the Commission, with respect to any matter considered at this meeting or hearing, a record of the proceedings for such purpose, upon which the appeal is based, may be required.

A copy of the agenda may be obtained by writing: Deputy Clerk of the Florida Real Estate Commission, 400 W. Robinson Street, Suite 802, Orlando, Florida 32801-1772.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact the Department of Business and Professional Regulation, (407)481-5632, at least five (5) calendar days prior to the meeting. If you are hearing or speech impaired, please call the Division of Real Estate using the Florida Dual Party Relay System, 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

DEPARTMENT OF ENVIRONMENTAL PROTECTION

The Florida **Department of Environmental Protection, Division of Recreation and Parks** announces a DEP Advisory Group meeting to which all persons are invited.

DATE AND TIME: Thursday, March 20, 2003, 9:00 a.m. (ET)

PLACE: Bahia Honda Sand and Sea Nature Center, Bahia Honda State Park, 36850 Overseas Highway, Big Pine Key, Florida 33043

GENERAL SUBJECT MATTER TO BE CONSIDERED: To review the proposed land management plan for Bahia Honda State Park with the DEP Advisory Group members.

The full text of this notice is published on the Internet at the Department of Environmental Protection’s homepage at <http://www.dep.state.fl.us/> under the link or button titled “Official Notices”.

The Florida **Department of Environmental Protection, Division of Recreation and Parks** announces a public workshop to which all persons are invited.

DATE AND TIME: Thursday, March 20, 2003, 7:00 p.m. (ET)

PLACE: Windley Key Fossil Reef Geological State Park, Visitor Center, Mile Marker 85.5, Overseas Highway, Islamorada, Florida 33036

GENERAL SUBJECT MATTER TO BE CONSIDERED: To present the proposed land management plan for Windley Key Fossil Reef Geological State Park to the public.

The full text of this notice is published on the Internet at the Department of Environmental Protection’s homepage at <http://www.dep.state.fl.us/> under the link or button titled “Official Notices”.

The Florida **Department of Environmental Protection, Division of Recreation and Parks** announces a DEP Advisory Group meeting to which all persons are invited.

DATE AND TIME: Friday, March 21, 2003, 9:00 a.m. (ET)

PLACE: Windley Key Fossil Reef Geological State Park, Visitor Center, Mile Marker 85.5, Overseas Highway, Islamorada, Florida 33036

GENERAL SUBJECT MATTER TO BE CONSIDERED: To review the proposed land management plan for Windley Key Fossil Reef Geological State Park with the DEP Advisory Group members.

The full text of this notice is published on the Internet at the Department of Environmental Protection’s homepage at <http://www.dep.state.fl.us/> under the link or button titled “Official Notices”.

DEPARTMENT OF HEALTH

The **Board of Chiropractic Medicine**, Probable Cause Panel will hold a duly noticed telephone conference call meeting, to which all persons are invited to attend.

DATE AND TIME: Thursday, March 20, 2003, 9:00 a.m.

PLACE: Capital Circle Office Complex, Department of Health, 4042 Bald Cypress Way, Tallahassee, Florida, Meet Me Number (850)921-6433

GENERAL SUBJECT MATTER TO BE CONSIDERED: For cases previously heard by the panel.

Any person requiring special accommodations at this meeting because of a disability or physical impairment should contact the Board, (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., Executive Director, Board of Chiropractic Medicine, 4052 Bald Cypress Way, Bin #C07, Tallahassee, FL 32399-3257.

The **Department of Health, Board of Opticianry**, announces a General Business Meeting to be held via telephone conference call. All interested parties are invited to attend with the information listed below, which is normally open to the public.

DATE AND TIME: March 17, 2003, 10:30 a.m.

PLACE: Call Robin McKenzie, (850)245-4474, to obtain the call in phone number)

A copy of the agenda may be obtained by writing: Sue Foster, Executive Director, Department of Health, Board of Opticianry, 4052 Bald Cypress Way, Bin #C08, Tallahassee, FL 32399-3258.

If a person decides to appeal any decision made by the Board with respect to any matter considered at this meeting, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence upon which the appeal is to be made.

Those who are hearing impaired, using TDD equipment can call the Florida Telephone Relay System, 1(800)955-8771. Persons requiring special accommodations due to disability or physical impairment should contact Robin McKenzie, (850)245-4474, at least one week prior to the meeting date.

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

The Family Care Council, Developmental Disabilities, District 14, **Department of Children and Family Services** announce the following meetings to which all persons are invited.

Meeting of the Family Care Council, Hardee, Highlands and Polk Counties

DATES AND TIMES: Monday, March 17, 2003; Monday, April 21, 2003; Monday, May 19, 2003; Monday, June 16, 2003, 10:00 a.m. – 12:00 Noon (July meeting date to be determined)

PLACE: Department of Children and Family Services, District Fourteen Headquarters, 4720 Old Highway 37, Conference Room F, Lakeland, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Monthly Family Care Council Meeting.

For copies of the agenda, further information, or persons needing accommodation to participate in this meeting please contact, Eric Olsen, (863)619-4228

The Florida **Department of Children and Family Services**, SunCoast Region Mental Health Program Office announces the following public forum to which all persons are invited.

DATE AND TIME: March 12, 2003, 10:00 a.m. – 11:00 a.m.

PLACE: Dept. of Children and Family Services, SunCoast Region, 9393 N. Florida Ave., Room 806, Tampa, FL 33612

GENERAL SUBJECT MATTER TO BE CONSIDERED: The department is seeking public input and involvement regarding facilities who are applying for "Baker ACT re-designation" pursuant to Section 394.461 F.S.

Persons needing accommodation to participate in the forum should call at least 3 days in advance of the forum.

CONTACT FOR THE MEETING: Jeff Hinton, DCF, (813)558-5709.

The **Department of Children and Family Services**, District 11 Mental Health Program Office, announces a public meeting to which all persons are invited:

DATE AND TIME: Wednesday, March 19, 2003, 10:00 a.m. – 12:00 Noon

PLACE: Rhode Building, 401 N. W. 2nd Avenue, Suite N. 1007, Miami, FL 33128, (305)377-5029

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Department is seeking public input and information regarding the re-designation of the following facilities as Baker Act receiving facilities: Bayview Center for Mental Health, Inc. (SRT Program); Community Health of South Dade, Inc. (CHI); Guidance Clinic of the Middle Keys; Larkin Hospital; Mount Sinai Hospital; Palmetto General Hospital; Parkway Regional Medical Center; South Shore Hospital and Medical Center; Westchester Hospital.

Persons with disabilities requiring accommodations in order to participate in this event should contact Deborah Dummitt, Adult Mental Health Manager, (305)377-5029 or in writing by close of business (5:00 p.m.) no later than five working days prior to the meeting.

The **Department of Children and Family Services**, Behavioral Health Services Integration Workgroup announces a meeting to which all persons are invited.

DATE AND TIME: Friday, March 21, 2003, 10:00 a.m. – 3:00 p.m.

PLACE: Department of Children and Family Services, Building 6, Room A, 1317 Winewood Blvd., Tallahassee, FL 32399-0700

FISH AND WILDLIFE CONSERVATION COMMISSION

The Florida **Fish and Wildlife Conservation Commission** has scheduled an attorney-client session pursuant to Section 286.011(8), F.S. To be held in conjunction with the Commission's business meeting which is scheduled for March 26, 2003. This notice announces the meeting to all interested person.

DATE AND TIME: March 28, 2003, 8:30 a.m – no later than 12:00 p.m.

PLACE: Ramada Inn North, 2900 North Monroe Street, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: During this attorney-client session, the Commissioners, The Executive Director and the General Counsel shall meet to discuss settlement negotiations and strategy relating to the Fish and Wildlife Conservation Commission.

This meeting will be recorded by a certified court reporter. Upon conclusion of litigation, a verbatim transcript of the meeting may be obtained from: Office of the General Counsel, Florida Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600.

FLORIDA SPORTS FOUNDATION

The **Florida Sports Foundation** announces a public meeting of the Florida Sports Foundation Regional Grant Committee to which all persons are invited.

DATE AND TIME: Monday, March 10, 2003, 10:00 a.m.

PLACE: Florida Sports Foundation, 2930 Kerry Forest Parkway, Suite 101, Tallahassee, FL 32309

TECHNOLOGICAL RESEARCH AND DEVELOPMENT AUTHORITY

The **Technological Research and Development Authority (TRDA)** announces a general meeting of its Board of Directors to which all persons are invited to participate.

DATE AND TIME: March 12, 2003, 2:00 p.m.

PLACE: Technological Research and Development Authority, 5195 South Washington Avenue, Titusville, Florida 32780

GENERAL SUBJECT MATTER TO BE CONSIDERED: General Board of Director's Meeting.

A copy of the agenda may be obtained by contacting: Linda D. Lundy, TRDA Office Manager, (321)269-6330 or lundy@trda.org.

ALLIANCE FOR ASSISTIVE SERVICES AND TECHNOLOGY

The Florida **Alliance for Assistive Services and Technology, Inc.** Board of Directors announces a public meeting to which all persons are invited to attend:

DATE AND TIME: Thursday, March 13, 2003, 8:00 a.m. – 12:00 p.m.

PLACE: Cabot Lodge, 1653 Raymond Diehl Road, Tallahassee, FL 32308, (850)386-7500

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Board of Directors meets quarterly to conduct such business as specifically on the agenda. Time will be set aside to solicit input from the public concerning assistive technology needs and services.

A copy of the quarterly meeting agenda will be posted at the FAAST, Inc. office and may be obtained by contacting FAAST, Inc. located at 325 John Knox Road, Bldg. B., Tallahassee, FL 32303 or by calling (850)487-3278.

If you would like to present information to the Board of Directors, or if you require reasonable accommodations due to a disability, please contact FAAST, Inc. at the above address in advance of the meeting.

If a person decides to appeal any decision made by the Board of Directors with respect to any matter considered at such meetings, the person will need a record of the proceedings, and for such purpose, the person may need to ensure that a verbatim record of the proceedings is made, which includes the testimony and evidence upon which the appeal is to be based.

Additionally, the Board of Directors conduct committee teleconferences, at the call of the committee Chairs, to accomplish the goals and objectives of the committees between full Board meetings. If you would like to present information to a FAAST committee, attend a committee teleconference, or require reasonable telecommunication accommodations due to a disability, please contact the FAAST, Inc. office in writing at the above address.

SUNSHINE STATE ONE CALL OF FLORIDA

The **Sunshine State One Call of Florida, Inc. (SSOCOF)** announces its Board and Committee meetings to which all interested persons are invited. Dress is business casual.

DATE AND TIME: March 20, 2003, 8:00 a.m. – 5:00 p.m.

8:00 – Operations Committee

Review of the Polygonal Implementation meeting; Underwater Locate Ticket Guidelines; Design Ticket Review; Policy Revisions; Call Center Statistics; Board Web site review
12:00 Lunch – Provided at call center for meeting participants and SSOCOF employees

1:00 – Safety and Compliance Committee

Customer Satisfaction Survey; Video updates; Gas pipeline educational program; Dig Safely Week update

2:00 – Board Development Committee

Review and discuss committee report form

2:30 – Nominations Committee

Review nomination letters recieved

3:00 – By Laws Committee

Review draft revisions
 3:30 – Finance Committee
 Budget review; Develop policy for staff entertainment;
 Develop policy for committee members reimbursement
 4:45 – Executive Review Committee
 Review of Mark Sweet’s mid year goals
 5:00 – Adjourn
 Board Meeting
 DATE AND TIME: March 21, 2003, 8:00 a.m. – 5:00 p.m.
 8:00 – Secretary, Executive Director, Legal and Trip Reports
 10:00 – Committee Reports
 Safety and Compliance Committee; Operations Committee;
 Finance Committee; Legislative Committee; Board
 Development Committee; Executive Review Committee;
 Nominations Committee; By Laws Committee
 Noon Lunch – provided at call center for meeting participants
 and SSOCOF employees
 1:00 – Resume Committee Reports
 5:00 – Adjourn
 PLACE: SSOCOF Call Center, 11 Plantation Road, DeBary,
 FL 32713

Attention: Please deliver this to the primary contact for
 Sunshine State One-Call of Florida and/or someone who plays
 an active role in underground facility damage prevention.

Any person requiring some accommodation at this meeting
 because of a physical impairment should call the One-Call
 Notification Center, (386)575-2000, at least five calendar days
 prior to the activity. Any person who is hearing or speech
 impaired should contact the One-Call Notification Center
 through the Florida Relay Center, 1(800)955-8771.

FLORIDA INDEPENDENT LIVING COUNCIL

The **Florida Independent Living Council** announces the
 following Public Forums:

DATE AND TIME: Thursday, March 20, 2003, 3:30 p.m. –
 5:30 p.m. (EST)

PLACE: The Capitol, 22nd Floor, Tallahassee, Florida

DATE AND TIME: Wednesday, June 18, 2003, 6:00 p.m. –
 8:30 p.m. (EST)

PLACE: Hilton Hotel, 350 S. Northlake Boulevard, Altamonte
 Springs, FL 32715-9004

GENERAL SUBJECT MATTER TO BE CONSIDERED: To
 review the amendments to the State Plan for Independent
 Living and take comments on the current provision of
 independent living services in the state.

A copy of the agenda may be obtained by contacting: Florida
 Independent Living Council, 1018 Thomasville Road, Suite
 100A, Tallahassee, Florida 32303-6271, (850)488-5624 or toll
 free 1(877)822-1993.

Any person who needs an accommodation to participate in this
 meeting because of a disability, including alternative formats,
 should submit a request for such accommodation in writing at
 least one week before the meeting date.

COMMITTEE AND TASK FORCE MEETINGS: Please note
 that committees and task forces of the Florida Independent
 Living Council will meet at various times throughout the year
 to carry out the work of the council; the meeting dates and
 times will be posted at the above address at least seven days
 prior to the meeting. Persons who want to be notified of such
 meetings may request to be put on the mailing list for such
 notices by writing to Beth Schultz at the council address.

Notices of meetings and hearing must advise that a record is
 required to appeal. Each board, commission or agency of this
 state or of any political subdivision thereof shall include in the
 notice of any meeting or hearing, if notice of the meeting or
 hearing is required, of such board, commission or agency,
 conspicuously on such notice, the advice that, if a person
 decides to appeal any decision made by the board, agency or
 commission with respect to any matter considered at such
 meeting or hearing, he or she will need a record of the
 proceedings, and that, for such purpose, he or she may need to
 ensure that a verbatim record of the proceedings is made,
 which record includes the testimony and evidence upon which
 the appeal is to be based. (Florida Statutes, §286.0105)

**FLORIDA LOCAL GOVERNMENT FINANCE
 COMMISSION**

The **Florida Local Government Finance Commission**
 announces a public meeting to which all interested persons are
 invited.

DATE AND TIME: Friday, April 4, 2003, 10:30 a.m.

PLACE: 2502 Rocky Point Drive, Suite 1060, Tampa, Florida
 33607

GENERAL SUBJECT MATTER TO BE CONSIDERED:
 Meeting of the Commission relating to its statewide pooled
 commercial paper program.

**Section VII
 Notices of Petitions and Dispositions
 Regarding Declaratory Statements**

DEPARTMENT OF INSURANCE

NOTICE IS HEREBY GIVEN that the Department of
 Financial Services has disposed of the Petition for Declaratory
 Statement of Petitioner Thomas Edward Pollock. The
 Department found that Section 626.611(14), Florida Statutes,
 requires that an insurance agent’s license must be suspended or
 revoked upon a plea of guilty or nolo contendere to a felony, or
 conviction for a felony, where the agent was previously

disciplined by the Department based upon the same operative facts and circumstances that give rise to the felony plea or felony conviction.

A copy of the petition may be obtained from: Miguel Oxamendi, Senior Attorney, Division of Legal Services, Department of Financial Services, 200 East Gaines Street, Tallahassee, Florida 32399-0307.

NOTICE IS HEREBY GIVEN that the Department of Financial Services has issued an order disposing of the petition for declaratory statement filed by Alfonso Fernandez-Fraga on November 26, 2002.

The following is a summary of the agency's disposition of the petition:

The Florida Fire Prevention Code does not require sprinklers in balconies of residential high-rise apartment buildings.

A copy of the declaratory statement may be obtained in any of the following ways:

1. Write, call or send a fax to Gabriel Mazzeo, Attorney, Division of State Fire Marshal, 200 East Gaines Street, Tallahassee, Florida 32399-0340, (850)413-3604, fax (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](http://www.doi.state.fl.us/SFM/sfmdeclaratorystatement.htm).

NOTICE IS HEREBY GIVEN THAT the Department of Financial Services has issued a response to a Petition to Initiate Rulemaking, #65793-03-RU, from the Fort Lauderdale Landlords Association. The Department denied the Petition to amend Chapter 4A-60, Florida Administrative Code, as implementation of the proposed rule would constitute an invalid exercise of the Department's rulemaking authority.

A copy of the order may be obtained from: Beverly L. Hayes, Senior Attorney, Department of Financial Services, 200 East Gaines Street, Tallahassee, Florida 32399.

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 Florida Roof Deck Association on November 13, 2002. It was assigned the number DCA02-DEC-355. The Commission determined that requiring inspection of lightweight insulating concrete fill systems by

design engineers or architects is within the discretion of the local building authority as is the requirement for a special permit for the installation of said concrete.

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 Petition for Declaratory Statement received from Holmes Newman on January 24, 2003 has been withdrawn. Notice of receipt of this petition, which was assigned the number DCA03-DEC-027, appeared in the February 14, 2003, edition of the Florida Administrative Weekly.

Information regarding this petition may be obtained by writing: Paula P. Ford, Agency Clerk, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100.

DEPARTMENT OF HIGHWAY SAFETY AND MOTOR VEHICLES

On October 25, 2002, the Department of Highway Safety and Motor Vehicles received a Petition for Declaratory Statement from the Florida Game and Fish Commission, pursuant to section 120.565, Florida Statutes. The Commission sought a Declaratory Statement regarding the Department's application of section 328. Notice is given that on February 19, 2003, the Department rendered a Declaratory Statement, which may be summarized as follows:

A docking station used on the waters of the state of Florida must be registered, and titled and must display a Florida registration number unless it comes under one of the exceptions (other than the exception for "non-motor-powered" vessels) set forth in Sections 328.03, 328.48(2) and 328.56, Florida Statutes.

Copies of the request and the Declaratory Statement may be obtained by contacting Michael J. Alderman, Assistant General Counsel, Department of Highway Safety and Motor Vehicles, Neil Kirkman Building, Room A-432, Tallahassee, Florida 32399-0504.

DEPARTMENT OF HEALTH

NOTICE IS HEREBY GIVEN that the Board of Chiropractic Medicine has DENIED a Petition for Declaratory Statement received from Damien Loperfito, D.C. The petition was noticed in the Florida Administrative Weekly on December 20, 2002, in the Vol. 28, No. 51 issue. The Final Order was filed on February 19, 2003 and was given the number DOH-03-0132-DS-MQA.

Written comments from Petitioner and from Beth Moriarty were received and considered.

Petitioner requested the declaratory statement regarding Rule 64B2-16.005, F.A.C. and Petitioner's ability to offer lower, reduced, or discounted fees.

A copy of the final order may be obtained by writing: Amy Thomas, Deputy Agency Clerk, Department of Health, Division of Medical Quality Assurance, 4052 Bald Cypress Way, Bin #C01, Tallahassee, Florida 32399-3251, (850)245-4121.

Section VIII
Notices of Petitions and Dispositions
Regarding the Validity of Rules

Notice of Petition for Administrative Determination has been filed with the Division of Administrative Hearings on the following rules:

NONE

Notice of Disposition of Petition for Administrative Determination have been filed by the Division of Administrative Hearings on the following rules:

NONE

Section IX
Notices of Petitions and Dispositions
Regarding Non-rule Policy Challenges

NONE

Section X
Announcements and Objection Reports of
the Joint Administrative Procedures
Committee

NONE

Section XI
Notices Regarding Bids, Proposals and
Purchasing

DEPARTMENT OF EDUCATION

NOTICE TO PROFESSIONAL CONSULTANTS:

The University of Florida Board of Trustees announces that Professional Services in the discipline of architecture will be required for the project listed below:

Project: UF-218, Gulf Coast Research and Education Center (GCREC)

Location: Balm, Florida (Hillsborough County)

The existing GCREC facilities at Bradenton and Dover will be consolidated and relocated into a new regional center of approximately 38,000 GSF. The facility to house approximately 100 faculty and staff will contain research laboratories, offices and support spaces. The project will be delivered using the Construction Manager-At-Risk (CM) method. The selected firm will provide design, construction documents, and construction administration services, and will participate in the selection of the CM. Blanket professional liability insurance is required for this project in the amount of \$500,000, and shall be provided as a part of Basic Services.

INSTRUCTIONS:

Firms desiring to apply for consideration shall submit a proposal only after thoroughly reviewing the facilities program(s), Project Fact Sheet, and other background information. The proposal shall be limited to 40 single-sided pages and shall include:

1. A Letter of Application that concisely illustrates the applicant's understanding of the scope of services, design intent, and other goals and considerations as outlined in the facilities program.
2. A completed "Professional Qualifications Supplement," using the project-specific version available at the UF Facilities Planning & Construction website. Applications on any other form will not be considered.
3. A copy of the applicant's current Professional Registration Certificate(s) from the appropriate governing board. An applicant must be properly registered at the time of application to practice its profession in the State of Florida. If the applicant is a corporation, it must be chartered by the Florida Department of State to operate in Florida.

Submit five (5) copies of this data, bound in the order listed above. Proposals that do not comply with the above instructions may be disqualified. Application materials will not be returned. The plans and specifications for University of Florida projects are subject to reuse in accordance with the provisions of Section 287.055, Florida Statutes. As required by Section 287.133, Florida Statutes, a consultant may not submit a proposal for this project if it is on the convicted vendor list for a public entity crime committed within the past 36 months. The selected consultant must warrant that it will neither utilize the services of, nor contract with, any supplier, subcontractor, or consultant in excess of \$15,000.00 in connection with this project for a period of 36 months from the date of their being placed on the convicted vendor list.

Submittals must be received in the UF Facilities Planning & Construction Division office by 3:00 PM local time, on Tuesday, April 8, 2003. Facsimile (FAX) submittals are not acceptable and will not be considered.

Facilities Planning & Construction Division
 232 Stadium / P. O. Box 115050
 Gainesville, FL 32611-5050
 Telephone: (352)392-1256
 Fax: (352)392-6378

Professional Qualifications Supplement forms and instructions, project information and selection criteria, and instructions for registering as an applicant can be found on the Facilities Planning and Construction Division website: www.facilities.ufl.edu.

Contractor Prequalification

The Duval County Pubic Schools will start prequalifying all contractors who intend to submit bids for Construction Projects exceeding \$200,000 and Electrical Projects exceeding \$50,000. Prequalifying begins December 2002 and effective April 30, 2003. No bids will be accepted from contractors who are not prequalified with Duval County Public Schools.

Forms and information may be obtained by contacting: Richard Beaudoin or Ronald A. Fagan, 1701 Prudential Dr., Jacksonville, FL 32207, (904)390-2358 or (904)390-2922, Fax (904)390-12265, Email: BeaudoinR@educationcentral.org or Faganr@educationcentral.org.

NOTICE REGARDING ELECTRONIC POSTING

Pursuant to Section 287.042(3)(b)2. of the Florida Statutes, the DeSoto County School District 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://desotoschools.com/purchasing.htm>.

ADDENDUM NUMBER ONE

**NOTICE TO PROFESSIONAL CONSULTANTS
 OFFICE OF FACILITIES PLANNING AND
 CONSTRUCTION**

Duval County Public Schools
 FOR

Request for Qualifications (RFQ)

FISH Report Validation/Educational Plant

Survey 2003-2008/Facilities Master Plan Consultants

The Office of Facilities Planning and Construction issues the following advertisement indicating additional requirements under the RFQ.

1. Time Line: Due date for FISH REPORT VALIDATION and EDUCATIONAL PLANT SURVEY 2003-2008 is September 2003.
2. Staff Requirements: The Consultant will be responsible to secure all staff members necessary to accomplish the scope of work required under this RFQ.

If you have any questions, please contact Karen Kuhlmann, Duval County Public Schools, 1701 Prudential Drive, 5th Floor, Jacksonville, FL 32207-8182, (904)390-2259.

DEPARTMENT OF TRANSPORTATION

The Florida Department of Transportation, District 5 is soliciting bids for building renovations and modifications, described below. Sealed bids will be accepted until 2:00 p.m. (local time) Thursday, April 17, 2003 at: Florida Department of Transportation District Five Office, 719 S. Woodland Boulevard, DeLand, Florida 32720, District Contracts Office, 4th Floor, Room 4C75. Mailed bids, regular or overnight, must be received in the District Five mailroom by the 2:00 p.m. deadline. Address mailed Packages: "Sealed Bid, MS522P, Attention Cindy Maluda." Bids will be publicly opened and read aloud on:

DATE AND TIME: April 17, 2003, (shortly after 2:00 p.m. deadline)

PLACE: Florida Department of Transportation, District Five Office, 719 S. Woodland Boulevard, Seminole Conference Room, 4th Floor, DeLand, Florida

State Project Number: 243359 2 52 02, Contract Number: E5F67

Work under this contract consists of the following: Renovations and Modifications to the existing Pre-Engineered metal building at the Ocala Operations Complex, 627 N. W. 30th Avenue, Ocala, Florida 34475. This project will construct a Conference/Training room, Mens and Womens Rest room facilities, Communications room, Break Room, Storage area and Open Office area, UPS system, major HVAC and Electrical modifications to the existing Pre-Engineered metal building.

A PRE-BID CONFERENCE is scheduled for March 27, 2003 at 10:00 a.m. (local time), at the Departments Ocala Operations Complex, Ocala, Florida 34475, (352)732-1338. Agency representatives will be present to discuss the Plans, Specifications and Contract Documents for this project.

PREQUALIFICATION: Each bidder shall submit with their bid a copy of their current General or Building Contractors License issued by the State of Florida and, if a Florida Corporation, a copy of the Corporate Charter as pre-qualification of their eligibility to submit bids. After the bid opening, the Department will verify that the lowest responsible bidder meets qualifications in accordance with Rule 60D-5.004, F.A.C.

PLANS AND SPECIFICATIONS/BID DOCUMENTS: All orders for Plans, Specifications, and Bid Documents must be submitted on the Departments Fax Request Form and is available by contacting Cindy Maluda in the District Contracts Office, Department of Transportation, District 5, 719 S. Woodland Boulevard, DeLand, Florida 32720, Phone (386)943-5523.

NOTE: Proposal documents will not be issued after 2:00 p.m. (local time), Wednesday, April 16, 2003. Bids must be submitted in full accordance with the requirements of the Plan Drawings, Specifications, Bidding Conditions and Contractual Conditions. Requirements for project noted above:

1. **MINORITY PROGRAM:** The Owner encourages the recruitment and utilization of certified and non-certified minority businesses. The Owner, its contractors, suppliers, and consultants should take all necessary and reasonable steps to ensure that minority businesses have an opportunity to compete for and perform contract work for the Owner in a nondiscriminatory environment.
2. **BID BOND:** If the bid on a project exceeds \$100,000, the bidder must provide with his bid, a good faith deposit in the amount of five percent of the bid. This may be accomplished by way of a bid bond from a surety insurer authorized to do business in this State as surety, a certified check made payable to Florida Department of Transportation, a cashier's check, treasurer's check or bank draft of any national or state bank. A bid bond, check or draft in an amount less than five per cent of the actual bid will invalidate the bid. Bid bonds shall conform to the (Exhibit) furnished with the proposal forms.
3. **PERFORMANCE AND LABOR AND MATERIAL PAYMENT BOND:** If the contract award amount exceeds \$100,000, a Performance Bond and Labor and Material Payment Bond for the full amount will be required.
4. **BID POSTING:** Unless otherwise notified in writing, the Summary of Bids and Notice of Intent will be posted on April 21, 2003. Posting may be viewed in The Main Lobby of the DeLand District Office, 719 S. Woodland Boulevard, DeLand, Florida and on the Internet at: http://fcn.state.fl.us/owa_vbs/_www.search.criteria_form (In the "number" box, enter E5F67, click "Initiate Search") In the event that the Summary of Bids and Notice of Intent cannot be posted on this date, then all bidders will be notified by certified United States mail or express delivery, return receipt requested or by fax transmission, receipt acknowledged. Information concerning posting may be obtained by calling the District Contracts Office, (386)943-5523.
5. **BID SOLICITATION / AWARD / NON-AWARD PROTEST RIGHTS:** Any person adversely affected by this Bid Solicitation shall file a notice of protest within 72 hours of receipt of the bid documents. Any person adversely affected by the intended decision of the Department to award a contract or to reject all bids shall file a notice of protest within 72 hours after the posting of the Summary of Bids. If notice of intended decision is given by certified mail or express delivery, the adversely affected person must file the notice of protest within 72 hours after receipt of the notice of intent. A formal written protest must be filed within ten days after filing the notice of protest. The formal written protest shall state with particularity the facts and

law upon which the protest is based. All protests must be submitted in accordance with Section 120.57(3), Florida Statutes. The required notice of protest and formal protest must each be timely filed with the Clerk of Agency Proceedings, Florida Department of Transportation, 605 Suwannee Street, Mail Station 58, Tallahassee, Florida 32399-0458. Failure to file a protest within the time prescribed in Section 120.57(3), Florida Statutes, shall constitute a waiver of proceedings under Chapter 120, Florida Statutes.

The Department reserves the right to reject any or all bids.

EXPRESSWAY AUTHORITIES

NOTICE TO DESIGN ENGINEERING FIRMS REQUEST FOR STATEMENT OF QUALIFICATIONS (RSOQ) MDX PROJECT NO. 87404

The Miami-Dade Expressway Authority (MDX) is seeking the services of a qualified firm (the "Firm") to provide Design Engineering services in connection with the design and preparation of a complete set of roadway, structures, and toll facility plans for the construction of a project in the MDX Five-Year Work Program, Project No. 87404 in Miami-Dade County (the "Project"). The Project includes the modification of the Killian Parkway Interchange, with an addition of a separate westbound Killian Parkway to northbound S. W. 107th Avenue ramp over State Road (SR) 874, widening of the southbound SR 874 bridge and ramp to northbound SW 107th Avenue, provisions for new northbound and southbound mainline toll plazas, provision for a new northbound SR 874 to Killian Parkway ramp plaza, removal of the existing toll plazas, provisions for noise abatement walls, and reconstruction and or widening of the mainline SR 874 between north of S. W. 117th Avenue to the south side of the structure over Kendall Drive. The Project's overall design preparation period is estimated to be approximately 26 months. The Engineer's Estimate for the Project is approximately \$6,075,011.

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 shall provide Design Engineering services for the design of MDX Project No. 87404. The general scope of work for the Firm is to

prepare a complete set of construction plans and documents to be used by a contractor hired by the MDX to construct the Project.

Elements of work shall include, but may not be limited to: roadway, bridges, building structures, toll facilities, intersections, interchanges, geotechnical activities, surveys, drainage, signing and pavement markings, signalization, lighting, utility coordination and relocation, landscaping, maintenance of traffic/traffic control, cost estimates, environmental permits, public involvement, noise abatement analysis, quantity computation booklets, specifications and all necessary incidental items for a complete design. The Project consists of the design of approximately 30% in structures related work, 30% for toll facility related work and 40% for roadway related work. The selected Firm shall make available the necessary personnel, facilities, supplies, materials and resources to perform the required services. MDX will provide the shortlisted Firms with conceptual layouts as well as relevant design information, including preliminary design surveys, drainage requirements, preliminary geotechnical information, permit information and toll equipment criteria and specifications to a level which the Firm can use towards the final design of the Project. The selected Firm will need to verify the information provided by MDX. The Firm shall also coordinate with other agencies in the completion of the Project. **SELECTION PROCEDURE:** At least three firms will be shortlisted using the Evaluation Criteria shown herein. The shortlisted Firms will be requested to provide written Technical Proposals 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 may be required. **FIRMS THAT DO NOT PROVIDE THE REQUIRED INFORMATION AND/OR DOCUMENTATION TO ADDRESS THE PREREQUISITE CRITERIA DESCRIBED BELOW SHALL NOT BE ELIGIBLE FOR SHORTLISTING EVALUATION.**

RESPONSE PROCEDURE: Qualified firms are encouraged to submit a SOQ package to MDX. One (1) unbounded original SOQ, and nine (9) bounded 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, April 7, 2003 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 Monday, March 17, 2003 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 letterhead of the Firm. 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, Required Information 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 Design Engineering services as described above.
2. As required by Section 287.133, Florida Statute, 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. Firms must address this criterion by making an affirmative statement that the Firm is not on such list.
3. Firm must have a full service operational office located in Miami-Dade County at the time of Notice to Proceed. Information must also be provided as to the location of the Firm's office(s). If a Firm has offices outside Miami-Dade County, the Firm shall make an affirmative statement confirming that, if selected, it will establish such an office in Miami-Dade County.
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 (F.A.C.) in the following types of work: Group 2, Project Development and Environmental Studies; Group 3.2, Major Highway Design; Group 3.3, Complex Highway Design; Group 4.1, Minor Bridge Design; Group 4.3, Complex Bridge Design; Group 6.1, Traffic Engineering Studies; Group 7.1, Signing, Pavement Markings and Channelization; Group 7.2, Lighting; Group 7.3, Signalization; Group 8.1, Control Surveying; Group 8.2, Design Survey; Group 8.3, Photogrammetric Mapping; Group 9.1, Soil Exploration; Group 9.2, Geotechnical Classification Lab Testing; Group 9.4, Foundation Studies; Group 12.1, Right of Way Map Preparation; Group 12.2, Legal Description Preparation, Group 14.0, Architect; and Group 15.0, Landscape Architect. The Firm shall identify all sub-consultants for all the types of work listed above including documentation that those sub-consultants are also pre-qualified under Rule 14-75 of the F.A.C. Any Firm not identifying pre-qualification with all of the above identified groups shall be deemed non-responsive to the requirements stated in the RSOQ.
5. Certificates of Good Standing evidencing that the Firm is qualified to do business in the State of Florida. Documentation provided to comply with this criterion must be current.
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 (one contact person per Firm).
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 and sub-consultants as it relates to the following required services. This criterion will be evaluated based on the depth and breadth of the Firm and sub-consultants experience as a whole in the performance of roadway design, traffic control plans, and structural design (including bridges, retaining walls and noise abatement walls) A total of 30%.
- Depth and breadth of the Firm and sub-consultants experience as a whole in the performance of toll facility design and toll facility plans preparation. A total of 30%.
- Depth and breadth of the Firm and sub-consultants experience as a whole in the implementation of aesthetic enhancements in design, including but not limited to noise walls aesthetics, landscaping, lighting, and overhead signing structural supports. A total of 10%.
- Depth and breadth of the Firm and sub-consultants experience as a whole in the performance of public involvement activities, particularly in project coordination with Community Advisory Committees (CAC's). A total of 5%.
- Proposed key personnel of the Firm and sub-consultants, their qualifications and their roles (including resumes) as they relate specifically to the services requested in this RSOQ. A total of 20%.
- A list of similar engagements, in particular, representation of governmental entities, completed NOT EARLIER THAN January 1, 1998, with references and phone numbers, including a general description of the role of the Firm and the services provided. A total of 5%.

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: 1) communications at a pre-proposal conference; 2) communications at an oral interview, or a publicly noticed meeting of MDX and/or its Operations Committee; 3) written communications regarding questions about the RSOQ. Such written communication should be directed to Ms. Helen M. Cordero, MDX Procurement Officer, via e-mail at hcordero@mdx-way.com or facsimile at (305)637-3298; or 4) communications by Firms that were not shortlisted to submit a Technical Proposal. This exception will only apply 72 hours after approval of the shortlist by the Operations Committee, assuming no protest is filed. 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. 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 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.
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.)

The 25% goal can be satisfied by Disadvantaged Business Enterprises that are currently certified as such with the State or County. Satisfaction of the 10% Small Business Participation Goal can be counted towards this goal.

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 HEALTH**INVITATION TO BID**

PROPOSALS ARE REQUESTED FROM QUALIFIED GENERAL CONTRACTORS BY THE DEPARTMENT OF HEALTH, HEREINAFTER REFERRED TO AS OWNER, FOR THE CONSTRUCTION OF:

PROJECT NO.: DOH 70217000

SAMAS CODE: 64-36-17-99-528

PROJECT NAME AND LOCATION: National Guard Armory Conversion, Pensacola, Florida

FOR: State of Florida, Department of Health

PRE-QUALIFICATION: Each bidder whose field is governed by Chapter 399, 455, 489, and 633 of the Florida Statutes for licensure or certification must submit pre-qualification data of their eligibility. Submit proposals five (5) calendar days prior to the bid opening date if not previously qualified by the Department of Management Services for the current biennium (July 1 through June 30) of odd numbered years. Call (850)488-6233 for information on pre-qualification with the Department of Management Services. After the bid opening, the low bidder must qualify in accordance with Rule 60D-5.004, F.A.C. A copy of rule requirements is included in the Instruction To Bidders under Article B-2 "Bidders Qualification Requirements and Procedures".

PUBLIC ENTITY CRIME INFORMATION STATEMENT: A person or affiliate who has been placed on the convicted vendor list following a conviction for a public entity crime may not do the following:

1. May not submit a bid on a contract to provide any goods or services to a public entity.
2. May not submit a bid on a contract with a public entity for the construction or repair of a public building or public work.
3. May not submit bids on leases of real property to a public entity.
4. May not be awarded or perform work as a contractor, supplier, subcontractor, or consultant under a contract with any public entity.
5. May not transact business with any public entity in excess of the threshold amount provided in Section 287.017, for Category Two, for a period of 36 months from the date of being placed on the convicted vendor list.

PROJECT DESCRIPTION: General demolition and construction to renovate existing one story brick National Guard Armory building for use as Office space. New walls, windows, finishes, and plumbing, mechanical and electrical systems will be installed. Project is located at 1300 West Gregory Street, Pensacola, Florida.

PERFORMANCE BOND AND LABOR MATERIAL PAYMENT BOND: If the construction contract award amount is \$100,000.00 or less, a Performance Bond and a Labor and Material Payment Bond are not required. If the construction contract award amount is more than \$100,000.00, a Performance and a Labor and Material Payment Bond SHALL be required.

MINORITY BUSINESS ENTERPRISES: In accordance with Florida Statutes, Chapter 287.042(4)(f)1., the Department of Health is encouraged to spend, as a "goal," twenty-one (21) percent of the monies actually expended for construction contractors with certified minority business enterprises. In the department's effort to see that this is accomplished, the Department of Health encourages minority businesses to participate in the bidding process including any bidders conferences, pre-solicitation or pre-bid meetings which are scheduled. The Department of Health further encourages contractors to utilize certified minority enterprises as subcontractors or sub-vendors whenever possible. Certified vendors are those firms certified by the State of Florida Minority Business Advocacy & Assistance Office, 2012 Capital Circle, S. E., Hartman Building, Suite 100, Tallahassee, Florida 32399-2152, (850)487-0915.

Sealed bids will be received, publicly opened and read aloud on:

DATE AND TIME: March 28, 2003, 2:00 p.m, local time

PLACE: Escambia County Health Department, 1295 W. Fairfield Drive, Pensacola, Florida 32501

PROPOSAL: Bids must be submitted in full in accordance with the requirements of the Drawings, Specifications, Addenda, Bidding Conditions, and Contractual Conditions, which may be examined and obtained from the following:

ARCHITECT-ENGINEER: Bay Design Associates Architects, P.L., 25 W. Cedar Street, Suite 620, Pensacola, Florida 32501, Telephone (850)432-0706, Facsimile (850)433-0508

The above bidding documents will be available on or about March 7, 2003

DEPOSITS: The cost per set of bid documents is \$150.00. The General Contractor can receive two (2) sets refundable. The Mechanical, Plumbing, and Electrical sub-contractors can receive one (1) set refundable. All other sub-contractors, vendors, manufacturers, etc. must purchase all documents requested.

CONTRACT AWARD: The Bid Tabulation and Notice of Award Recommendation will be posted no later than 4:30 p.m., local time, on March 28, 2003, at the bid opening location. In the event that the Bid Tabulation and Notice of Award

Recommendation cannot be posted in this manner, then all bidders will be notified by certified United States Mail, return receipt requested. If no protest is filed per Section B-21 of the Instructions To Bidders, "Notice and Protests Procedures", the contract will be awarded to the qualified, responsive low bidder in accordance with Rule 60D-5, F.A.C. by the Owner.

CANAVERAL PORT AUTHORITY

**REQUEST FOR PROPOSALS
FOR
CRUISE TERMINAL PARKING STRUCTURE
DESIGN-BUILD SERVICES**

Pursuant to Section 287.055, Florida Statutes, as amended, and the policies and procedures of the Canaveral Port Authority, a sealed proposal for design-build services for the Cruise Terminal Parking Structure Project will be received at the Office of the Director of Construction. Attention: Richard Lombroia, at 200 George King Boulevard, Cape Canaveral, Florida 32920, until 4:00 P.M. local time on March 24, 2003.

PROPOSAL CONTENT

Six (6) copies of the Proposal will be required. The Port's funds budgeted for the development of the project including the construction budget and all other fees and other costs necessary to develop the project is \$9,750,000.00. Proposers must be able to complete the Project within approximately six months of issuance of Notice to Proceed.

SCOPE OF WORK

In accordance with Section 287.055(11), Florida Statutes, the Canaveral Port Authority declares that all, or any portion of the documents and work papers prepared and submitted pursuant to this Notice shall be subjected to reuse by the Port.

Interested parties should contact Richard Lombroia at Canaveral Port Authority office via telephone (321)783-7831 or facsimile (321)783-1063 to obtain copy of Special Instructions to Proposers.

The Canaveral Port Authority reserves the right to waive any informalities, reject any or all proposals or to re-advertise.

PUBLIC MEETING

A committee established by the Chairman will meet on March 28, 2003 at 11:00 a.m. for the purpose of reviewing proposals for Step I and on April 21, 2003 at 11:00 a.m. for Step II. Meetings will be held in the Port Commission Meeting Room.

**Section XII
Miscellaneous**

DEPARTMENT OF BANKING AND FINANCE

NOTICE OF FILINGS

Office of Financial Institutions and Securities Regulation
Notice is hereby given that the Office of Financial Institutions and Securities Regulation has received the following applications. Comments may be submitted to the Deputy Director, Financial Institutions, 200 East Gaines Street, Tallahassee, Florida 32399-0371, 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 Services Office, Office of Financial Institutions and Securities Regulation, 200 East Gaines Street, Tallahassee, Florida 32399-0379, pursuant to provisions specified in Chapter 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., March 28, 2003):

APPLICATION TO MERGE

Constituent Institutions: Millennium Bank, Gainesville, Florida 32607 and MLB Interim Bank, Gainesville, Florida 32607

Resulting Institution: MLB Interim Bank

With Title Of: Millennium Bank

Received: February 20, 2003

INDIRECT ACQUISITION OF CONTROL

Financial Institution to be Acquired: Southern Exchange Bank, Tampa, Florida 33609

Proposed Purchaser: FNB Corporation, Naples, Florida

Received: February 20, 2003

DEPARTMENT OF COMMUNITY AFFAIRS

Final Order No.: DCA03-OR-051

In re: A LAND DEVELOPMENT REGULATION

ADOPTED BY ISLAMORADA,

VILLAGE OF ISLANDS

ORDINANCE NO. 03-03

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. (2002), approving a land development regulation adopted by a local government within the Florida Keys Area of Critical State Concern as set forth below.

FINDINGS OF FACT

1. On January 31, 2003, the Department received for review Islamorada, Village of Islands Ordinance No. 03-03 which was adopted by the Village Council on January 23, 2003 ("Ord. 03-03"). Ord. 03-03 amends Chapter 9.5, Article 3: Decision Making and Administrative Bodies of the Village Code, by adding another subsection which establishes a Local Planning Agency that will have responsibility for the conduct of the comprehensive planning program and hear, review, and make recommendations to the Village Council on proposed amendments to the Village's Land Development Regulations, Comprehensive Plan and changes to the Official Zoning Map. The Agency will review all applications for large-scale development. This Ordinance provides for a broad range of representative individuals to serve terms on the Land Planning Agency.

2. Ord. 03-03 is consistent with the Village Comprehensive Plan.

CONCLUSIONS OF LAW

3. The Department is required to approve or reject land development regulations or portions thereof 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. (2002).

4. Islamorada, Village of Islands is a local government within the Florida Keys Area of Critical State Concern. § 380.0552, Fla. Stat. (2002), and Rule 28-29.002 (superseding Chapter 27F-8), Fla. Admin. Code.

5. "Land development regulations" include local zoning, subdivision, building and other regulations controlling the development of land. § 380.031(8), Fla. Stat. (2002). The regulations adopted by Ord. 03-03 are land development regulations.

6. All land development regulations enacted, amended or rescinded within an area of critical state concern must be consistent with the Principles for Guiding Development (the "Principles") as set forth in § 380.0552(7), Fla. Stat. (2002). The Principles are construed as a whole and no specific provision is construed or applied in isolation from the other provisions.

7. Ord. 03-03 promotes and furthers the following Principle:

(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.

8. Ord. 03-03 is consistent with the Principles for Guiding Development as a whole.

WHEREFORE, IT IS ORDERED that Ord. 03-03 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.

H.E. "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 Agency Clerk of the Department of Community Affairs, and that true and correct copies have been furnished to the persons listed below by the method indicated this 24th day of February, 2003.

Paula Ford, Agency Clerk

By U.S. Mail:
Honorable Mark Gregg, Mayor
Islamorada, Village of Islands
Post Office Box 568
Islamorada, FL 33036
Beverly Raddatz, Village Clerk
Islamorada, Village of Islands
Post Office Box 568
Islamorada, FL 33036

John Herin, Esq.
Weiss, Serota, Helfman, Pastoriza & Guedes, P.A.
2665 South Bayshore Drive
Miami, FL 33133
By Hand Delivery or Interagency Mail:
Jim Quinn, Bureau of State Planning, DCA Tallahassee
Rebecca Jetton, DCA Florida Keys Field Office
David Jordan, Senior Assistant General Counsel, DCA Tallahassee
Timothy E. Dennis, Assistant General Counsel, DCA Tallahassee

NOTICE OF INTENT TO FIND
PUBLIC SCHOOLS INTERLOCAL AGREEMENT
CONSISTENT WITH SECTION 163.31777(2), FLORIDA
STATUTES

DCA DOCKET NO. 36-01

The Department gives notice of its intent to find the Public Schools Interlocal Agreement ("Agreement") entered into by Lee County, Bonita Springs, Cape Coral, Fort Myers, Fort Myers Beach, Sanibel and the School Board of Lee County pursuant to Section 163.31777, F.S., to be consistent with the minimum requirements of Sections 163.31777(2) and (3), F.S.

The Agreement is available for public inspection Monday through Friday, except for legal holidays, during normal business hours, at the Lee County Clerk of the Court, Second Floor of the Courthouse Administration Building, 2115 Second Street, Fort Myers, Florida.

Any affected person, as defined in Section 163.31777(3)(b), F.S., has a right to petition for an administrative hearing to challenge the proposed agency determination that the Agreement is consistent with the minimum requirements of Section 163.31777(2), F.S. The petition must be filed within twenty-one (21) days after publication of this notice in the Florida Administrative Weekly, and must include all of the information and contents described in Uniform Rule 28-106.201, F.A.C. The petition must be filed with the Agency Clerk, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100, and a copy mailed or delivered to Lee County, Bonita Springs, Cape Coral, Fort Myers, Fort Myers Beach, Sanibel and the School Board of Lee County. Failure to timely file a petition shall constitute a waiver of any right to request an administrative proceeding as a petitioner under Sections 120.569 and 120.57, F.S. If a petition is filed, the purpose of the administrative hearing will be to present evidence and testimony and forward a recommended order to the Department. If no petition is filed, this Notice of Intent shall become final agency action.

If a petition is filed, other affected persons may petition for leave to intervene in the proceeding. A petition for intervention must be filed at least twenty (20) days before the

final hearing and must include all of the information and contents described in Uniform Rule 28-106.205, F.A.C. A petition for leave to intervene shall be filed at the Division of Administrative Hearings, Department of Management Services, 1230 Apalachee Parkway, Tallahassee, Florida 32399-1550. Failure to petition to intervene within the allowed time frame constitutes a waiver of any right such a person has to request a hearing under Sections 120.569 and 120.57, F.S., or to participate in the administrative hearing.

If a formal or informal proceeding is commenced as described above, any party to that proceeding may suggest mediation under Section 120.573, F.S. Mediation is not available as of now, and will not occur unless all parties agree to participate in the mediation. Choosing mediation does not affect the right to an administrative hearing.

-s-Charles Gauthier, AICP
 Chief, Bureau of Local Planning
 Department of Community Affairs
 Division of Community Planning
 2555 Shumard Oak Boulevard
 Tallahassee, Florida 32399-2100

NOTICE OF INTENT TO FIND
 PUBLIC SCHOOLS INTERLOCAL AGREEMENT
 CONSISTENT WITH SECTION 163.31777(2), FLORIDA
 STATUTES
 DCA DOCKET NO. 53-01

The Department gives notice of its intent to find the Public Schools Interlocal Agreement (“Agreement”) entered into by Polk County, Auburndale, Bartow, Davenport, Dundee, Eagle Lake, Fort Meade, Frostproof, Haines City, Highland Park, Hillcrest Heights, Lake Alford, Lake Hamilton, Lake Wales, Lakeland, Mulberry, Polk City, Winter Haven and the School Board of Polk County pursuant to Section 163.31777, F.S., to be consistent with the minimum requirements of Sections 163.31777(2) and (3), F.S.

The Agreement is available for public inspection Monday through Friday, except for legal holidays, during normal business hours, at the Polk County Planning Division, Second Floor, Administration Building, 330 West Church Street, Bartow, Florida.

Any affected person, as defined in Section 163.31777(3)(b), F.S., has a right to petition for an administrative hearing to challenge the proposed agency determination that the Agreement is consistent with the minimum requirements of Section 163.31777(2), F.S. The petition must be filed within twenty-one (21) days after publication of this notice in the Florida Administrative Weekly, and must include all of the information and contents described in Uniform Rule 28-106.201, F.A.C. The petition must be filed with the Agency Clerk, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida

32399-2100, and a copy mailed or delivered to Polk County, Auburndale, Bartow, Davenport, Dundee, Eagle Lake, Fort Meade, Frostproof, Haines City, Highland Park, Hillcrest Heights, Lake Alford, Lake Hamilton, Lake Wales, Lakeland, Mulberry, Polk City, Winter Haven and the School Board of Polk County. Failure to timely file a petition shall constitute a waiver of any right to request an administrative proceeding as a petitioner under Sections 120.569 and 120.57, F.S. If a petition is filed, the purpose of the administrative hearing will be to present evidence and testimony and forward a recommended order to the Department. If no petition is filed, this Notice of Intent shall become final agency action.

If a petition is filed, other affected persons may petition for leave to intervene in the proceeding. A petition for intervention must be filed at least twenty (20) days before the final hearing and must include all of the information and contents described in Uniform Rule 28-106.205, F.A.C. A petition for leave to intervene shall be filed at the Division of Administrative Hearings, Department of Management Services, 1230 Apalachee Parkway, Tallahassee, Florida 32399-1550. Failure to petition to intervene within the allowed time frame constitutes a waiver of any right such a person has to request a hearing under Sections 120.569 and 120.57, F.S., or to participate in the administrative hearing.

If a formal or informal proceeding is commenced as described above, any party to that proceeding may suggest mediation under Section 120.573, F.S. Mediation is not available as of now, and will not occur unless all parties agree to participate in the mediation. Choosing mediation does not affect the right to an administrative hearing.

-s-Charles Gauthier, AICP
 Chief, Bureau of Local Planning
 Department of Community Affairs
 Division of Community Planning
 2555 Shumard Oak Boulevard
 Tallahassee, Florida 32399-2100

DEPARTMENT OF HIGHWAY SAFETY AND MOTOR VEHICLES

Notice of Publication for a New Point
 Franchise Motor Vehicle Dealer in a County of More
 than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, Western Golf Car Manufacturing, intends to allow the establishment of Goodwin Motor Company, Inc., as a dealership for the sale of Western/Lido electric vehicles, at 728 South Woodland Blvd., Deland, (Volusia County), Florida 32721, on or after February 19, 2003.

The name and address of the dealer operator(s) and principal investor(s) of Goodwin Motor Company, Inc. are dealer operator(s) Douglas C. Goodwin and Goodwin Motor

Company, Inc., 704 South Dillard Street, Winter Garden, FL 34787; principal investor(s): Douglas C. Goodwin, 2231 Thunderbird Trail, Maitland, FL 32751.

The notice indicates intent to establish the new point location in a county of more than 300,000 population, according to the latest population estimates of the University of Florida, Bureau of Economic and Business Research.

Certain dealerships of the same line-make may have standing, pursuant to Section 320.642, Florida Statutes to file a petition or complaint protesting the application.

Written petitions or complaints must be received by the Department of Highway Safety and Motor Vehicles within 30 days of the date of publication of this notice and must be submitted to: Mr. Ronald D. Reynolds, Administrator, Dealer License Section, Department of Highway Safety and Motor Vehicles, Room A-312, Neil Kirkman Building, 2900, Apalachee Parkway, Tallahassee, Florida 32399-0635.

A copy of such petition or complaint must also be sent by US Mail to: Scott Stevens, President, Western Golf Car Manufacturing, 69-391 Dillon Road, Desert Hot Springs, CA 92241.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

Notice of Publication for a New Point

Franchise Motor Vehicle Dealer in a County of More than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, Classic Motorworks, intends to allow the establishment of Born Free Motorcycles as a dealership for the sale of Royal Enfield Motorcycles, at 1081 North U.S. Highway 1, Ormond Beach (Volusia County), Florida 32174, on or after February 14, 2003.

The name and address of the dealer operator(s) and principal investor(s) of Born Free Motorcycles are dealer operator(s) Thomas Blawn, 1081 North U.S. Highway 1, Ormond Beach, FL 32174 and principal investor(s): Thomas Blawn, James and Veronica Blawn, 1081 North U.S. Highway 1, Ormond Beach, FL 32174.

The notice indicates intent to establish the new point location in a county of more than 300,000 population, according to the latest population estimates of the University of Florida, Bureau of Economic and Business Research.

Certain dealerships of the same line-make may have standing, pursuant to Section 320.642, Florida Statutes, to file a petition or complaint protesting the application.

Written petitions or complaints must be received by the Department of Highway Safety and Motor Vehicles within 30 days of the date of publication of this notice and must be

submitted to: Mr. Ronald D. Reynolds, Administrator, Dealer License Section, Department of Highway Safety and Motor Vehicles, Room A-312, Neil Kirkman Building, 2900 Apalachee Parkway, Tallahassee, Florida 32399-0635.

A copy of such petition or complaint must also be sent by US Mail to: Larry Sahagian, General Manager, Classic Motorworks, 9 Third Street, N. W., Faribault, MN 55021.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

Notice of Publication for a New Point

Franchise Motor Vehicle Dealer in a County of More than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, Classic Motorworks, intends to allow the establishment of Target Motors as a dealership for the sale of Royal Enfield Motorcycles, at 12003 Nebraska Avenue North, Tampa (Hillsborough County), Florida 33612, on or after February 14, 2003.

The name and address of the dealer operator(s) and principal investor(s) of Target Motors are dealer operator(s) and principal investor(s): Julie Kronfeld and Sierra Nevada Group Inc. d/b/a Target Motors, 12003 Nebraska Ave. North, Tampa, FL 33612.

The notice indicates intent to establish the new point location in a county of more than 300,000 population, according to the latest population estimates of the University of Florida, Bureau of Economic and Business Research.

Certain dealerships of the same line-make may have standing, pursuant to Section 320.642, Florida Statutes, to file a petition or complaint protesting the application.

Written petitions or complaints must be received by the Department of Highway Safety and Motor Vehicles within 30 days of the date of publication of this notice and must be submitted to: Mr. Ronald D. Reynolds, Administrator, Dealer License Section, Department of Highway Safety and Motor Vehicles, Room A-312, Neil Kirkman Building, 2900 Apalachee Parkway, Tallahassee, Florida 32399-0635.

A copy of such petition or complaint must also be sent by US Mail to: Larry Sahagian, General Manager, Classic Motorworks, 9 Third Street, N. W., Faribault, MN 55021.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

Notice of Publication for a New Point
Franchise Motor Vehicle Dealer in a County of More
than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, Classic Motorworks intends to allow the establishment of D & D Cycles as a dealership for the sale of Royal Enfield Motorcycles, at 2400 Fernwood Street, Pensacola (Escambia County), Florida 32505, on or after February 14, 2003.

The name and address of the dealer operator(s) and principal investor(s) of D & D Cycles. are dealer operator(s) and principal investor(s): Robert & Julie McLendon, 2400 Fernwood St., Pensacola, FL 32505.

The notice indicates intent to establish the new point location in a county of more than 300,000 population, according to the latest population estimates of the University of Florida, Bureau of Economic and Business Research.

Certain dealerships of the same line-make may have standing, pursuant to Section 320.642, Florida Statutes, to file a petition or complaint protesting the application.

Written petitions or complaints must be received by the Department of Highway Safety and Motor Vehicles within 30 days of the date of publication of this notice and must be submitted to: Mr. Ronald D. Reynolds, Administrator, Dealer License Section, Department of Highway Safety and Motor Vehicles, Room A-312, Neil Kirkman Building, 2900 Apalachee Parkway, Tallahassee, Florida 32399-0635.

A copy of such petition or complaint must also be sent by US Mail to: Larry Sahagian, General Manager, Classic Motorworks, 9 Third Street, N. W., Faribault, MN 55021

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

Notice of Publication for a New Point
Franchise Motor Vehicle Dealer in a County of More
than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, General Motors Company, intends to allow the establishment of Fields Cadillac, Olds, Buick & Pontiac, Inc., as a dealership for the sale of GMC vehicles, at 19150 Hwy. 27, Lake Wales (Polk County), Florida 33853, on or after April 1, 2003.

The name and address of the dealer operator(s) and principal investor(s) of Fields Cadillac, Olds, Buick & Pontiac, Inc. are dealer operator(s): Randolph H. Fields, 19510 Hwy. 27, Lake Wales, FL 33853 and principal investor(s): John R. Fields Small Bus. Trust, Estate of Merit Earl Fields, John R. Fields, 19510 Hwy. 27, Lake Wales, FL 33853.

The notice indicates intent to establish the new point location in a county of more than 300,000 population, according to the latest population estimates of the University of Florida, Bureau of Economic and Business Research.

Certain dealerships of the same line-make may have standing, pursuant to Section 320.642, Florida Statutes, to file a petition or complaint protesting the application.

Written petitions or complaints must be received by the Department of Highway Safety and Motor Vehicles within 30 days of the date of publication of this notice and must be submitted to: Mr. Ronald D. Reynolds, Administrator, Dealer License Section, Department of Highway Safety and Motor Vehicles, Room A-312, Neil Kirkman Building, 2900 Apalachee Parkway, Tallahassee, Florida 32399-0635.

A copy of such petition or complaint must also be sent by US Mail to: Angela M. Helt, Dealer Contractual Manager, General Motors Corporation, 100 Renaissance Center, Detroit, MI 48265-1000.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

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 American IronHorse Motorcycle Company, intends to allow the establishment of Sockeye's Motorsports, LLC, as a dealership for the sale of American IronHorse motorcycles at 20009 Emerald Coast Parkway, Destin, (Okaloosa County), Florida 32541 on or after February 21, 2003.

The name and address of the dealer operator(s) and principal investor(s) of Sockeye's Motorsports, LLC are dealer operator(s): Leroy Morrison, 20009 Emerald Coast Parkway, Destin, FL 32541 principal investor(s): Robert L. Christensen, 20009 Emerald Coast Parkway, Destin, FL 32541.

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: Elizabeth A. Owens, VP/Marketing & Sales, American IronHorse Motorcycle Company, 4600 Blue Mound Road, Ft. Worth, TX 76106.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

**FLORIDA FINDING OF NO SIGNIFICANT IMPACT
ESCAMBIA COUNTY, FLORIDA**

The Florida Department of Environmental Protection has determined that the proposed Escambia County'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 Finding Of No Significant Impact, please contact Troy M. Mullis, (850)245-8358.

DEPARTMENT OF JUVENILE JUSTICE

The Florida Department of Juvenile Justice has posted the following policies for review and comment on MyFlorida.com at: <http://www.djj.state.fl.us/reference/policiesandprocedures/policyreview.html>.

The department-wide policy (type B) addresses the following issue: Youth Funeral Expense Assistance (previously titled Youth Burial Coverage) – establishing a policy in order to assist with funeral expenses on a limited basis for youth/offenders who die while in the physical care and custody of the department. This is the second of two – 20 working day review and comment periods.

The second department-wide policy (type A) addresses the following issue: Moving Expenses, requiring that approval for the payment of such expenses is a prerequisite and may be incurred only upon approval by a Senior Management Service level employee. This policy is posted for a single – 20 working day review and comment period.

Please submit comments to the contact persons identified on the above Website. The closure date for submission of comments on both policies is March 25, 2003. 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 the review period on the above Website.

DEPARTMENT OF HEALTH

On February 24, 2003, 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 Jane Tresize, L.P.N., license number PN 583451. 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.

Section XIII
Index to Rules Filed During Preceding Week

RULES FILED BETWEEN February 17, 2003
 and February 21, 2003

Rule No.	File Date	Effective Date	Proposed Vol./No.	Amended Vol./No.
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DEPARTMENT OF STATE
Division of Historical Resources

1A-36.001	2/20/03	3/12/03	28/47	
1A-36.002	2/20/03	3/12/03	28/47	
1A-36.003	2/20/03	3/12/03	28/47	
1A-36.004	2/20/03	3/12/03	28/47	
1A-36.005	2/20/03	3/12/03	28/47	
1A-36.006	2/20/03	3/12/03	28/47	
1A-36.007	2/20/03	3/12/03	28/47	
1A-36.008	2/20/03	3/12/03	28/47	
1A-36.009	2/20/03	3/12/03	28/47	
1A-36.010	2/20/03	3/12/03	28/47	
1A-36.011	2/20/03	3/12/03	28/47	

Division of Elections

1S-2.035	2/17/03	3/9/03	28/42	28/51
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Rule No.	File Date	Effective Date	Proposed Vol./No.	Amended Vol./No.
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DEPARTMENT OF INSURANCE
Division of State Fire Marshal

4A-64.001	2/21/03	3/13/03	28/42	
4A-64.002	2/21/03	3/13/03	28/42	29/3
4A-64.003	2/21/03	3/13/03	28/42	
4A-64.004	2/21/03	3/13/03	28/42	
4A-64.005	2/21/03	3/13/03	28/42	

DEPARTMENT OF EDUCATION
University of Florida

6C1-1.007	2/20/03	3/12/03	Newspaper	
6C1-1.101	2/20/03	3/12/03	Newspaper	
6C1-1.201	2/20/03	3/12/03	Newspaper	
6C1-2.0031	2/20/03	3/12/03	Newspaper	
6C1-2.012	2/20/03	3/12/03	Newspaper	
6C1-2.019	2/20/03	3/12/03	Newspaper	
6C1-3.021	2/20/03	3/12/03	Newspaper	
6C1-3.030	2/20/03	3/12/03	Newspaper	
6C1-3.037	2/20/03	3/12/03	Newspaper	
6C1-3.0376	2/20/03	3/12/03	Newspaper	
6C1-3.049	2/20/03	3/12/03	Newspaper	
6C1-3.050	2/20/03	3/12/03	Newspaper	
6C1-4.0161	2/20/03	3/12/03	Newspaper	
6C1-4.026	2/20/03	3/12/03	Newspaper	
6C1-6.016	2/20/03	3/12/03	Newspaper	
6C1-7.003	2/20/03	3/12/03	Newspaper	
6C1-7.032	2/20/03	3/12/03	Newspaper	
6C1-7.048	2/20/03	3/12/03	Newspaper	

Rule No.	File Date	Effective Date	Proposed Vol./No.	Amended Vol./No.
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DEPARTMENT OF REVENUE

12-26.005	2/21/03	3/13/03	28/44	
12-26.006	2/21/03	3/13/03	28/44	
12-26.007	2/21/03	3/13/03	28/44	

DEPARTMENT OF CORRECTIONS

33-601.401	2/17/03	3/9/03	28/52	
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DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Construction Industry Licensing Board

61G4-21.002	2/18/03	3/10/03	29/3	
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Board of Professional Surveyors and Mappers

61G17-2.0015	2/21/03	3/13/03	29/4	
61G17-6.002	2/21/03	3/13/03	29/4	
61G17-9.0025	2/21/03	3/13/03	29/4	
61G17-9.003	2/21/03	3/13/03	29/4	

Rule No.	File Date	Effective Date	Proposed Vol./No.	Amended Vol./No.
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DEPARTMENT OF HEALTH

Board of Dentistry

64B5-14.001	2/17/03	3/9/03	28/45	29/2
64B5-14.002	2/17/03	3/9/03	28/45	29/2

Board of Osteopathic Medicine

64B15-12.003	2/17/03	3/9/03	28/47	29/2
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DEPARTMENT OF CHILDREN AND FAMILY SERVICES

Economic Self Sufficiency Program

65A-1.204	2/17/03	3/9/03	28/48	
65A-4.214	2/17/03	3/9/03	28/48	

Section XIV
List of Rules Affected

Rule No.	Proposed Vol./No.	Amended Vol./No.	Adopted Vol./No.
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INSURANCE

This "List of Rules Affected" is a cumulative list of all rules which have been proposed but not filed for adoption. Beginning with the February 2, 1996 issue, the list will be published monthly for the period covering the last eight weeks.

- w - Signifies Withdrawal of Proposed Rule(s)
- c - Rule Challenge Filed
- v - Rule Declared Valid
- x - Rule Declared Invalid
- d - Rule Challenge Dismissed
- dw - Dismissed Upon Withdrawal

Rule No.	Proposed Vol./No.	Amended Vol./No.	Adopted Vol./No.
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4-1	27/16c		29/6d
4-138.040	28/41		29/3
4-138.041	28/41		29/3
4-138.042	28/41		29/3
4-138.043	28/41	28/49	29/3
4-138.044	28/41		29/3
4-138.045	28/41		29/3
4-138.046	28/41	28/49	29/3
4-138.047	28/41	28/49	29/3
	28/41		
4-138.048	28/41		29/3
4-141.0016	21/2c		
4-149	24/3c		
	24/3c		

STATE

1A-35.005	28/18		
1A-35.007	28/18		
1A-36.001	28/47		29/10
1A-36.002	28/47		29/10
1A-36.003	28/47		29/10
1A-36.004	28/47		29/10
1A-36.005	28/47		29/10
1A-36.006	28/47		29/10
1A-36.007	28/47		29/10
1A-36.008	28/47		29/10
1A-36.009	28/47		29/10
1A-36.010	28/47		29/10
1A-36.011	28/47		29/10
1B-24.002	26/43		
1B-26.003	29/10		
1S-2.035	28/42	28/51	29/10
		29/4	29/10

LEGAL AFFAIRS

2A-2.002	29/4		
2A-3.002	29/4		

BANKING AND FINANCE

3C-105.407	28/52		
3E-48.005	28/42		
3E-600.0132	28/40		
3F-5.010	28/48		
3F-7.007	28/44		
3F-7.015	28/44		
3F-8.004	28/48		29/7
3F-8.006	28/48		29/7
3F-9.002	28/52		

4-149.0025	28/51		
4-149.003	29/1		
4-149.006	28/51		
4-149.021	29/1		
4-149.022	28/51		
4-149.037	28/51	29/8	
4-149.038	28/51		
4-149.041	28/51		
4-149.043	28/51	29/8	
4-149.101	24/3c		
	24/3c		
4-149.102	24/3c		
	24/3c		
4-149.103	24/3c		
	24/3c		
4-149.104	24/3c		
	24/3c		
4-149.105	24/3c		
	24/3c		
4-149.106	24/3c		
	24/3c		
4-149.107	24/3c		
	24/3c		
4-149.108	24/3c		
	24/3c		
4-149.109	24/3c		
	24/3c		
4-149.110	24/3c		
	24/3c		
4-149.1105	24/3c		
4-149.111	24/3c		
	24/3c		
4-149.112	24/3c		
	24/3c		
4-149.113	24/3c		
	24/3c		
4-149.114	24/3c		

Rule No.	Proposed Vol./No.	Amended Vol./No.	Adopted Vol./No.	Rule No.	Proposed Vol./No.	Amended Vol./No.	Adopted Vol./No.
4-149.115	24/3c			4-154.518	28/33		
4-149.116	24/3c			4-154.5181	28/33		
4-149.117	24/3c			4-156.011	29/1		
4-149.118	24/3c			4-163.0015	28/49		29/6
4-149.119	24/3c			4-163.0017	28/49		29/6
4-149.120	24/3c			4-163.002	28/49		29/6
	24/3c			4-163.003	28/49		29/6
4-149.121	24/3c			4-163.0045	28/49		29/6
	24/3c			4-163.0055	28/49		29/6
4-149.122	24/3c			4-163.0075	28/49		29/6
	24/3c			4-163.0076	28/49		29/6
4-149.123	24/3c			4-163.008	28/49		29/6
	24/3c			4-163.009	28/49		29/6
4-149.124	24/3c			4-163.010	28/49		29/6
4-149.125	24/3c			4-163.011	28/49		29/6
4-149.126	24/3c			4-163.012	28/49		29/6
4-149.127	24/3c			4-163.013	28/49		29/6
4-149.128	24/3c			4-167.002	27/14		
4-149.129	24/3c			4-170.135(5)	27/49c		29/6d
4-149.130	24/3c			4-191.051	29/1		
	24/3c			4-191.054	28/47		29/3
4-149.131	24/3c			4-191.055	28/47		29/3
	24/3c			4-193.065	27/27		
4-149.132	24/3c			4-203.042	29/1		
	24/3c			4-211.031	27/44		
4-149.133	24/3c			4-221.003	28/30		29/3
	24/3c			4-221.051	28/30	28/49	29/3
4-149.190	24/3c			4-221.055	28/30		29/3
4-149.202	28/48		29/3	4-221.060	28/30		29/3
4-149.205	28/48		29/3	4-221.070	28/30	28/49	29/3
4-149.206	28/48		29/3	4-221.095	28/30		29/3
4-149.207	28/48		29/3	4-221.100	28/30	28/49	29/3
4-154.102	28/43	28/47	29/6	4-221.110	28/30		29/3
		28/52	29/6	4-221.115	28/30		29/3
4-154.112	28/43	28/47	29/6	4-221.120	28/30		29/3
		28/52	29/6	4-221.140	28/30	28/49	29/3
4-154.402	28/33			4-221.145	28/30		29/3
4-154.403	28/33			4-221.150	28/30		29/3
4-154.404	28/33			4-228.055	26/35		
4-154.405	28/33			4A-3.002	27/12		
4-154.406	28/33			4A-50.005	28/23		
4-154.407	28/33			4A-58.001	28/35	28/51	29/7
4-154.4071	28/33			4A-58.002	28/35	28/51	29/7
4-154.408	28/33			4A-58.003	28/35	28/51	29/7
4-154.411	28/33			4A-58.004	28/35	28/51	29/7
4-154.412	28/33			4A-58.005	28/35	28/51	29/7
4-154.502	28/33			4A-58.006	28/35	28/51	29/7
4-154.503	28/33			4A-58.007	28/35	28/51	29/7
4-154.504	28/33			4A-58.008	28/35	28/51	29/7
4-154.506	28/33			4A-58.009	28/35	28/51	29/7
4-154.507	28/33			4A-58.010	28/51	28/51	29/7
4-154.508	28/33			4A-63.001	29/10		
4-154.512	28/33			4A-64.001	28/42		29/10
4-154.516	28/33			4A-64.002	28/42	29/3	29/10
4-154.517	28/33	28/52		4A-64.003	28/42		29/10

Rule No.	Proposed Vol./No.	Amended Vol./No.	Adopted Vol./No.	Rule No.	Proposed Vol./No.	Amended Vol./No.	Adopted Vol./No.
6D-7.0072	28/46		29/8	9J-2.025	29/8		
6D-12.002	29/3		29/6w	9J-2.0251	29/8		
6D-14.002	29/3			9J-2.027	29/8		
6E-2.0041	28/43	29/5		9J-2.029	29/8		
6E-2.008	28/43	29/5		9J-2.041	29/8		
6E-2.0081	28/43	29/5		9J-2.043	29/8		
6E-2.010	28/43	29/5		9J-2.044	29/8		
6E-3.002	28/43			9J-2.045	29/8		
6E-4.005	28/43	29/5		9J-2.046	29/8		
6F-1.001	28/44			9J-2.048	29/8		
6F-2.001	28/44			9J-5.0055	18/40		
6F-2.0015	28/44			9J-11.001	26/42		29/7
6F-2.0016	28/44			9K-8.011	28/13		
6F-2.0017	28/44						
6F-2.002	28/44			HEALTH AND REHABILITATIVE SERVICES			
6F-2.0024	28/44			10-5.011(1)(v)	15/46c		
6F-2.0026	28/44			10M-9.026	22/1		
6F-2.003	28/44			10M-9.045	22/1		
6F-2.004	28/44			LAW ENFORCEMENT			
6F-3.001	28/44						
6F-3.002	28/44						
6F-4.001	28/44			11B-27.006	27/17		
6L-1.001	28/12			11B-30.014	19/40		
6L-1.002	28/12			REVENUE			
6L-1.004	28/12						
6L-1.005	28/12						
6L-1.006	28/12			12-3.0012	28/51		
6L-1.007	28/12			12-3.0017	28/51		
6L-1.008	28/12			12-6.001	28/44	29/2	29/9
6L-1.009	28/12			12-6.0015	28/44		29/9
6L-1.010	28/12			12-6.002	28/44		29/9
6L-1.011	28/12			12-6.0023	28/44		29/9
6L-1.012	28/12			12-6.003	28/44		29/9
6L-1.013	28/12			12-6.0033	28/44		29/9
				12-6.004	28/44		29/9
				12-6.005	28/44		29/9
				12-6.006	28/44		29/9
				12-6.007	28/44		29/9
				12-6.030	28/44		29/9
				12-6.032	28/44		29/9
				12-17.001	29/2		
				12-17.002	29/2		
				12-17.003	29/2		
				12-17.004	29/2		
				12-17.005	29/2		
				12-17.006	29/2		
				12-17.007	29/2		
				12-17.008	29/2		
				12-17.009	29/2		
				12-17.010	29/2		
				12-24.001	29/7		
				12-24.002	29/7		
				12-24.003	29/7		
				12-24.004	29/7		
				12-24.005	29/7		
COMMUNITY AFFAIRS							
9B-3.047	26/7						
	28/33c		29/9x				
	28/46	29/2					
		29/9					
9B-3.053	28/46		29/3				
9B-22.002	29/10						
9B-22.004	29/10						
9B-22.006	29/10						
9B-22.007	29/10						
9B-22.008	29/10						
9B-22.011	29/10						
9B-74.010	28/46		29/3				
9B-74.020	28/46		29/3				
9B-74.030	28/46		29/3				
9J-2.010	29/8						
9J-2.015	29/8						
9J-2.016	29/8						
9J-2.0185	29/8						
9J-2.024	29/8						

Rule No.	Proposed Vol./No.	Amended Vol./No.	Adopted Vol./No.	Rule No.	Proposed Vol./No.	Amended Vol./No.	Adopted Vol./No.
12-24.006	29/7			12A-15.0035	29/1		
12-24.007	29/7			12A-15.004	29/1		
12-24.008	29/7			12A-15.008	29/1		
12-24.009	29/7			12A-15.009	29/1		
12-24.010	29/7			12A-15.013	29/1		
12-24.021	29/7			12A-15.014	29/1		
12-24.022	28/4			12A-15.015	29/1		
12-24.023	29/7			12A-16.004	29/1		
12-25.031	28/27		29/3w	12A-16.006	29/1		
12-25.033	28/27		29/3w	12A-16.007	29/1		
12-25.035	28/27		29/3w	12A-16.008	29/1		
12-25.037	28/27		29/3w	12A-19.010	28/46		
12-25.042	28/27		29/3w	12A-19.020	28/46	29/9	
12-25.047	28/27		29/3w	12A-19.030	28/46		
12-25.048	28/27		29/3w	12A-19.043	28/46		
12-25.049	28/27		29/3w	12A-19.050	28/46		
12-26.005	28/44		29/10	12A-19.100	28/46	29/9	
12-26.006	28/44		29/10	12B-4.001	29/5		
12-26.007	28/44		29/10	12B-4.003	29/5		
12A-1.0015	29/5			12B-4.004	29/5		
12A-1.005	29/1			12B-4.013	29/5		
12A-1.007	28/46			12B-4.031	29/5		
	29/1			12B-4.032	29/5		
12A-1.011	28/46			12B-4.033	29/5		
12A-1.014	29/1			12B-4.051	29/5		
12A-1.0141	29/1			12B-4.052	29/5		
12A-1.0161	29/1			12B-4.053	29/5		
12A-1.022	28/46	29/9		12B-4.054	29/5		
12A-1.034	29/1			12B-6.001	28/46	29/6	
12A-1.038	28/27					29/8	
	29/5			12B-6.002	28/46		
12A-1.039	29/5			12B-6.0021	28/46		
12A-1.051	29/1			12B-6.003	28/46		
12A-1.053	28/46			12B-6.004	28/46		
12A-1.056	29/1			12B-6.005	28/46		
12A-1.0565	29/1			12B-6.0051	28/46		
12A-1.059	28/46			12B-6.006	28/46		
	29/5			12B-6.007	28/46		
12A-1.060	29/1	29/10		12B-6.008	28/46		
	29/5			12B-7.008	29/5		
12A-1.064	29/5			12B-7.026	29/5		
12A-1.0641	29/5			12B-8	23/8c		
12A-1.071	29/5			12B-8.003	29/5		
12A-1.0911	29/5			12B-11.005	29/1		
12A-1.094	28/27	28/41		12B-11.006	29/1		
12A-1.094(1)-(4)	28/35c			12B-11.009	29/1		
12A-1.097	29/1	29/10		12B-12.005	29/1		
	29/5			12B-12.006	29/1		
12A-1.103	29/1			12B-12.007	29/1		
12A-1.107	29/5			12B-12.009	29/1		
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FLORIDA LAND AND WATER
ADJUDICATORY COMMISSION

EXPRESSWAY AUTHORITIES

MARINE FISHERIES COMMISSION

LOTTERY

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62-40.431	28/51			62-550.512	29/2		
62-40.432	28/51			62-550.513	29/2		
62-40.450	28/51			62-550.515	29/2		
62-40.458	28/51			62-550.516	29/2		
62-40.470	28/51			62-550.517	28/52		
62-40.473	28/51			62-550.518	28/52		
62-40.474	28/51			62-550.519	29/2		
62-40.475	28/51			62-550.560	28/52		
62-40.510	28/51			62-550.730	20/19		
62-40.520	28/51				28/52		
62-40.531	28/51			62-550.817	28/52	29/8	
62-40.540	28/51			62-550.824	28/51		29/4w
62-40.610	28/51				29/3	29/9	
62-204.800	29/8			62-555.600	28/52		
				62-555.610	28/52		
				62-555.620	28/52		
				62-555.630	28/52		

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				62-775.500	21/52	22/15	
62-560.610	29/2			62-788.400	25/5		
62-561.100	24/52			62B-2	28/8		
62-610.814	24/52			62B-34.010	28/48		
62-621.100	29/9			62B-34.020	28/48		
62-621.200	21/52			62B-34.030	28/48		
62-621.300	28/52 29/9		29/10w	62B-34.040	28/48		
				62B-34.050	28/48		
62-624.100	28/52 29/9		29/10w	62B-34.060	28/48		
				62B-34.070	28/48	29/3	
62-624.200	28/52 29/9		29/10w	62D-2.014	21/52	29/7	
				62N-3.002	21/43	22/13	
62-624.300	28/52 29/9		29/10w	62N-36.004	21/43		
				62R-7.002	21/17		
62-624.310	28/52 29/9		29/10w	62R-7.010	23/34		
				62R-7.020	21/17		
62-624.400	28/52 29/9		29/10w	62R-7.022	21/17		
				62R-7.025	21/17		
62-624.420	28/52 29/9		29/10w	62R-7.026	21/17		
				62R-7.028	21/17		
62-624.440	28/52 29/9		29/10w		22/47		
				62R-7.032	21/17		
62-624.460	28/52 29/9		29/10w				
62-624.500	28/52 29/9		29/10w				
62-624.600	28/52 29/9		29/10w	64-1	29/7c		
				64B-1.001	28/52		
62-624.700	28/52 29/9		29/10w	64B-1.002	28/52		
				64B-1.003	28/52		
62-624.800	28/52 29/9		29/10w	64B-1.004	28/52		
				64B-1.005	28/52		
62-624.810	28/52 29/9		29/10w	64B-1.006	28/52		
				64B-1.007	28/52		
62-701	22/42c			64B-1.008	28/52		
62-707.500	22/30			64B-1.009	28/52		
62-712.100	21/34			64B-1.010	28/52		
62-712.200	21/34			64B-1.011	28/52		
62-712.300	21/34			64B-1.013	28/52		
62-712.400	21/34			64B-1.016	28/52	29/3	
62-712.410	21/34			64B-1.017	28/52		
62-712.420	21/34			64B-21.0015	27/39		
62-712.430	21/34			64B-21.004	27/39		
62-712.440	21/34			64B-21.006	27/39		
62-712.450	21/34			64B1-31.001	27/51	28/6	
62-712.460	21/34			64B2-13.007	29/9		
62-712.500	21/34			64B2-17.0025(4)	29/3c		
62-712.800	21/34			64B3-2.001	23/51		
62-712.810	21/34			64B3-2.002	22/34	24/49	
62-712.900	21/34			64B3-2.003	22/34	24/49	
62-730.050	23/7			64B3-3.004	23/51		
62-730.220	28/24			64B3-5.004	28/50		29/6
62-761.891	24/14			64B3-6.001	27/5	27/17	
				64B3-8.001	28/50		
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64B4-4.017	25/32			64B11-5.006	28/46		29/6
64B4-4.018	25/32			64B12-9.0016	28/47	29/10	
64B4-5.007	25/32			64B12-11.002	29/7		
64B4-6.0013	25/32			64B12-11.004	29/4		
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64B5-14.001	28/45	29/2	29/10	64B12-19.002	27/11		
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64B5-14.003	28/45	29/2	29/6w	64B13-5.002	28/49		
64B5-14.004	28/45	29/2	29/6w		29/6c		
64B5-14.005	28/45	29/2	29/6w		29/8c		
64B5-14.006	28/45	29/2	29/6w	64B13-6.001	28/45	29/4	
64B5-14.007	28/45	29/2	29/6w	64B13-11.001	28/35	28/38	29/3
64B5-14.009	28/45	29/2	29/6w			28/49	29/3
64B5-15.010	27/30			64B13-11.004	28/35	28/38	29/3
64B5-16.005	29/7					28/49	29/3
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64B6-1.016	28/52			64B15-12.003	28/47	29/2	29/10
64B6-5.001	28/52		29/7	64B15-14.007	28/41	28/52	29/8
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64B6-8.002	28/52			64B16-26.601	28/43		29/4
64B6-8.003	28/52		29/7	64B16-27.105	27/4	27/21	
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64B7-26.001	28/22		29/6w	64B16-27.832	28/27	28/42	29/7w
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64B8-1.007	29/4			64B17-2.003	28/50		
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64B8-9.014	29/8			64B17-4.006	28/50		
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64B9-15.003	29/1			64C-1.003	28/40	28/50	29/4
64B9-15.004	29/1			64C-1.004	28/40		29/4
64B9-15.005	29/1			64C-2.001	28/40		29/3
64B9-15.006	29/1			64C-2.002	28/40		29/3
64B9-15.007	29/1			64C-2.003	28/40		29/3
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		28/51	29/5	65A-1.716	28/41		
64C-4.003(1)(b),(7)	27/25c		29/8d	65A-1.900	28/52		
64C-13.018	24/22			65A-4.213	25/32		
64C-23.002	27/17			65A-4.214	28/48		29/10
64C-27.001	27/17			65A-4.216	25/32		
64C-27.002	27/17			65A-4.220	28/47		29/6
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64D-3.003	29/9			65B-4.032	29/9		
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64D-3.007	29/9			65C-17.003	28/48		
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64D-3.012	29/9			65C-20.008	29/9		
64D-3.013	29/9			65C-20.009	29/9		
64D-3.018	28/37	28/48	29/5w	65C-20.010	29/9		
64E-6.007	25/48			65C-20.011	29/9		
64E-17.006	27/50			65C-20.012	29/9		
64E-19.003	28/41	28/47	29/4	65C-20.013	29/9		
64E-19.005	28/41		29/4	65C-21.001	23/20		
64E-19.006	28/41		29/4	65C-22.001	29/9		
64E-19.007	28/41		29/4	65C-22.002	29/9		
64F-12.001	29/7		29/8w	65C-22.003	29/9		
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64F-12.012	29/7		29/8w	65C-22.005	29/9		
	29/10			65C-22.006	29/9		
64F-12.013	29/7		29/8w	65C-22.007	29/9		
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64F-12.024	29/7		29/8w	65C-22.013	28/25		
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64F-19.001	28/47			65C-22.015	28/25		
64F-19.002	28/47			65C-22.026	28/25		
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65A-1.603	29/9				28/45	29/7	
65A-1.604	28/51		29/4w	65D-30.004	28/45	29/6	
	29/1				28/45	29/7	
65A-1.605	28/44	29/4		65D-30.005	28/45		
65A-1.701	28/41	29/5		65D-30.006	28/45		
65A-1.704	28/41			65D-30.007	28/45	29/6	
65A-1.705	28/41	29/1				29/7	
65A-1.710	28/41	29/1		65D-30.008	28/45	29/7	
		29/5		65D-30.009	28/45	29/7	
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65D-30.012	28/45	29/7		67-21.018	28/51		
65D-30.013	28/45			67-21.019	24/46	24/46	
65D-30.014	28/45	29/6			28/51		
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65E-11.004	29/9			67-32.007	29/10		
65E-11.007	29/9			67-32.009	24/28		
65E-12.110	29/9				29/10		
65E-14.001	29/10			67-32.010	29/10		
65E-14.003	29/10			67-32.011	29/10		
65E-14.004	29/10			67-37.011	25/37		
65E-14.005	29/10			67-48.002	28/51	29/5	
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65E-14.011	29/10			67-48.004	28/51	29/5	
65E-14.014	29/10			67-48.005	27/44c		29/6d
65E-14.016	29/10				27/45c		
65E-14.017	29/10				28/51	29/5	
65E-14.018	29/10			67-48.006	28/51	29/5	
65E-14.019	29/10			67-48.007	28/51		
65E-14.020	29/10			67-48.009	28/51		
65E-14.021	29/10			67-48.0095	28/51		
65E-14.022	29/10			67-48.010	28/51	29/5	
				67-48.012	28/51	29/5	
				67-48.014	28/51	29/5	
				67-48.015	28/51		
				67-48.017	28/51		
				67-48.018	28/51		
				67-48.019	28/51		
				67-48.020	28/51		
				67-48.021	28/51	29/5	
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68A-15.063	29/8			68B-54.002	28/51		29/8
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68A-17.005	29/8			68B-56.003	29/8		
68A-20.005	29/8			68B-56.004	29/8		
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