

Section I

Notices of Development of Proposed Rules and Negotiated Rulemaking

DEPARTMENT OF EDUCATION

State Board of Education

RULE TITLE: Florida Teacher Certification Examination RULE NO.: 6A-4.0021

PURPOSE AND EFFECT: The purpose of the rule development is to review the existing application form for necessary changes, to establish a test fee for the General Knowledge Test, and to establish transitional passing scores for the Middle Grades Integrated Curriculum and Physical Education K-12 subject area tests and the Professional Education Test. The effect is that the Florida Teacher Certification Examination application form will be available for applicants and will contain current and accurate information, a fee will be established for the General Knowledge Test, and transitional passing scores will be established for the Middle Grades Integrated Curriculum and Physical Education K-12 subject area tests and the Professional Education Test.

SUBJECT AREA TO BE ADDRESSED: Florida Teacher Certification Examination.

SPECIFIC AUTHORITY: 1012.56(8), 1012.59 FS.

LAW IMPLEMENTED: 1012.56, 1012.59 FS.

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

TIME AND DATE: 4:00 – 6:00 p.m., April 30, 2003

PLACE: Broward County Board Room, District Office, 600 S.E. 3rd Avenue, Fort Lauderdale, Florida 33301, and

TIME AND DATE: 2:00 – 4:00 p.m., April 30, 2003

PLACE: Department of Education, 325 West Gaines Street, Room 403, Tallahassee, Florida 32399

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: Kathy Fearon, Accountability, Research, and Measurement, Department of Education, 325 West Gaines Street, Suite 414, Tallahassee, Florida 32399-0400, (850)488-8198

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

DEPARTMENT OF EDUCATION

State Board of Education

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

PURPOSE AND EFFECT: The purpose of this rule development is to review the existing application form for persons to use when registering for the Florida Educational Leadership Examination. The effect will be a form that is current and contains accurate information relating to the examination.

SUBJECT AREA TO BE ADDRESSED: Florida Educational Leadership Examination.

SPECIFIC AUTHORITY: 1012.56(8) FS.

LAW IMPLEMENTED: 1012.56 FS.

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

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

DEPARTMENT OF TRANSPORTATION

RULE CHAPTER TITLE: Highway Beautification and Landscape Management RULE CHAPTER NO.: 14-40

RULE TITLES: Grant Application Process Florida Highway Beautification Council Grant Award Process RULE NOS.: 14-40.020 14-40.022

Funding, Construction, and Maintenance of Beautification Projects 14-40.023

PURPOSE AND EFFECT: This amendment to Part II of Rule Chapter 14-40, F.A.C., addresses several changes that were not included in the March 20, 2003, amendment. The Florida Highway Beautification Council Grant Application also is being revised to include these changes.

SUBJECT AREA TO BE ADDRESSED: This is an amendment to Part II of Rule Chapter 14-40.

SPECIFIC AUTHORITY: 339.2405 FS.

LAW IMPLEMENTED: 339.2405 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: 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 PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

14-40.020 Grant Application Process.

(1) Definitions.

~~(a)~~ “Agreement” means the contract between the Applicant and the Department setting forth the terms of the grant.

~~(b)(a)~~ “Applicant” means a local governmental entity, as defined in Section 11.45(1)(d), Florida Statutes, or a local highway beautification council.

~~(c)(b)~~ “Department” means the Florida Department of Transportation.

~~(d)(c)~~ “FHBC” means the Florida Highway Beautification Council.

~~(e)(d)~~ “Grant” means funds provided by the Department to Applicants, pursuant to this Rule Chapter.

~~(e)~~ “Grant Agreement” means the contract between the Applicant and the Department setting forth the terms of the Grant.

(f) “Grant Application” means the Florida Highway Beautification Council Grant Application, Form 850-060-01, Rev. 04/03 03/03, incorporated herein by reference. Copies of the grant application form and instructions for completing the grant application may be obtained from Department District Maintenance Offices, District Public Information Offices, Area Maintenance Offices, Central Public Information Office, by writing to the Environmental Management Office, 605 Suwannee Street, Mail Station 37, Tallahassee, Florida 32399-0450, or through the Department website at <http://www11.myflorida.com/emo/>.

(g) “Grant Coordinator” means the Department District employee responsible for the FHBC grant program.

(2) Grant Application.

(a) Grant applications for highway beautification grants from the FHBC must be filed and processed in accordance with this Rule Chapter. When preparing a grant ~~an~~ application for the next fiscal year, applicants should meet and work with the

Grant Coordinator on or about October 1, to give adequate time for review and revisions before the February 1, application deadline.

(b) Previous recipients of grants are eligible to submit a grant application if their previous FHBC grant projects are maintained according to the terms of previous grant agreements, and any construction or maintenance agreements.

(c) Applicants must submit grant requests on a completed grant application to the Grant Coordinator ~~Department District Maintenance Engineer~~ having jurisdiction over the state highway on which the beautification project is proposed. Grant applications must be accompanied by the following supporting documents: location map, photographs of existing conditions, one page written project narrative, written or graphic conceptual plan (in accordance with Part I of this Rule Chapter), one paragraph descriptions of each evaluation attribute, photographs or sketches of examples of proposed improvements, list of proposed plant species (scientific and botanical names) and anticipated quantities, anticipated maintenance schedule, proposed means of providing supplemental water, project schedule, and resolutions required in section (g) below.

(d) In order for the FHBC to consider a grant application for any Department fiscal year, ten paper copies or electronic file copies of the completed grant application and supporting documents must be received by the Grant Coordinator by February 1 of the Department fiscal year. When requested by the Grant Coordinator, additional copies will be provided. Incomplete grant applications, or grant applications that do not comply with state or federal regulations, will be returned to the applicant. An applicant may amend and resubmit any returned grant application by the February 1 deadline.

(e) In accordance with Section 215.01, Florida Statutes, the Department’s fiscal year begins on July 1 and ends on June 30.

(f) Applicants may submit an unlimited number of grant applications, for any number of project sites.

(g) The applicant’s governing body must have passed a resolution approving the grant application and authorizing the individual who signs the grant application for the applicant to execute agreements and documents associated with the grant; ~~including a grant agreement.~~ A copy of such resolution must be included with the application.

Specific Authority 339.2405 FS. Law Implemented 339.2405 FS. History—New 1-19-99, Amended 11-22-01, 3-20-03,\_\_\_\_\_.

14-40.022 Florida Highway Beautification Council Grant Award Process.

(1) The FHBC will consider all grant applications submitted by each Grant Coordinator.

(a) The FHBC will evaluate the applications based on the following attributes:

1. Aesthetic value and imaginative conceptual design.

- 2. Level of local support and community involvement.
- 3. Cost effectiveness.
- 4. Feasibility of installation and maintenance.
- 5. Contribution to improvement of environmental conditions, including litter prevention, erosion control, visual screening, and noise abatement.
- 6. Use of Florida native wildflowers, and diversity of other desirable native, hybrid native, or noninvasive plant species.
- 7. Emphasis on low maintenance, irrigation, and water conservation.
- 8. Use of recycled materials such as mulch, reuse water, or solid yard waste compost.
- 9. Contribution to an area wide or regional beautification plan.
- 10. Value to the community.

(b) The FHBC will assign a numerical score to each application by:

- 1. Reviewing each grant application and assigning a numerical score using the established range of 0 to 10 points for each attribute for a total possible score of 100 points.
- 2. Totaling all the attribute scores for a total application numerical score.

(c) Grant aApplications will be ranked in priority by numerical score, the highest numerical score being ranked the highest priority.

(2) The FHBC will provide the Department with a list of prioritized grant applications, with recommended funding levels, and conditions for grant awards, by the first day of the fiscal year in which the funds are available.

Specific Authority 339.2405 FS. Law Implemented 339.2405 FS. History—New 3-9-99, Amended 11-22-01, 3-20-03,\_\_\_\_\_.

14-40.023 Funding, Construction, and Maintenance of Beautification Projects.

(1) Award of Grants.

(a) Each grant will be limited to a maximum of 10% of the total Department’s FHBC grants budget. Applicants are encouraged to submit grant applications for projects supported with equal (50%) matching funds from other sources. Other match percentages will be considered.

(b) Official notice of each grant award will be made by the Department by certified mail to the applicant named in the grant application.

(c) To accept a grant, an applicant must send a letter of acceptance by certified mail to the Grant Coordinator within 15 days from the date of receipt of the offer of the award.

(d) Funds will be released by the Department when ~~the grant agreement and any construction and maintenance~~ agreements are executed, the project is constructed as per plans approved by the Department (see Part I of this Rule Chapter), there is written final acceptance by the Department, and receipts for grant expenses are reviewed and approved by the Department.

(e) All funding of grants is contingent upon legislative appropriations.

(2) Execution of ~~Grant~~ Agreements.

(a) ~~The applicant must execute a grant agreement within 90 days after the agreement is received from the Grant Coordinator. Construction and maintenance~~ Agreements associated with the grant must be executed within one year from date of the letter of acceptance grant agreement, and meet the requirements of paragraph 14-40.003(3)(c), F.A.C. Failure to execute the required agreements will result in the grant award being withdrawn. Future grant applications from an applicant who fails to comply with this subsection will not be accepted for a period of two fiscal years.

(b) The grant agreement(s) between the applicant and the Department must state:

- 1. The intended use of the grant, as described in the grant application.
- 2. The payment terms for the grant (e.g., lump sum reimbursement or progress payments for long term work).
- 3. Any actions which the Department will take in the event of noncompliance by the applicant.
- 4. The methods to be used by the Department to determine compliance with the terms of ~~the grant and~~ the agreement.

(c) The individual(s) who sign the agreements on behalf of the grant applicant, or the grant applicant’s designee, shall certify that the project is implemented as specified in the ~~grant agreement, and any construction and maintenance~~ agreements, and shall provide a certification of completion before the final invoices are submitted for the project.

Specific Authority 339.2405 FS. Law Implemented 339.2405 FS. History—New 3-20-03, Amended\_\_\_\_\_.

**DEPARTMENT OF CORRECTIONS**

RULE TITLE: Inmate Telephone Use  
 RULE NO.: 33-602.205

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to clarify requirements for attorney/client telephone calls.

SUBJECT AREA TO BE ADDRESSED: Inmate telephone calls to attorneys.

SPECIFIC AUTHORITY: 944.09 FS.

LAW IMPLEMENTED: 20.315, 944.09 FS.

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

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

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

33-602.205 Inmate Telephone Use.

- (1) through (2) No change.
- (3) Calls to attorneys.

(a) Inmates shall be allowed to make private telephone calls to attorneys upon presentation to the warden or his designee of ~~evidence that the call is necessary. Such evidence shall be a letter from the attorney (transmission by FAX is acceptable) requesting the return call or a court order containing a deadline the inmate cannot meet if he must communicate by letter with the attorney. Due to the burden placed on staff, telephone calls between attorneys and inmates are not intended to be a substitute for written correspondence. Requests for calls should be limited to those situations where written communication is not feasible due to the need for immediate communication of information. Attorneys and inmates who abuse telephone means of communication through repeated requests shall be subject to being required by the warden to provide a statement in each request that the need for the call is based upon a deadline or other need for immediate communication that cannot be met through written communications.~~ Except as authorized by warrant or order of court, telephone calls to attorneys made pursuant to this section shall not be monitored or electronically recorded. These calls will be placed on telephones designated for this purpose and shall be collect calls; there shall be at least one telephone at each institution that is not connected to the monitoring system for these calls.

- (b) through (14) No change.

Specific Authority 944.09 FS. Law Implemented 20.315, 944.09 FS. History--New 11-19-81, Formerly 33-3.125, Amended 11-21-86, 1-6-92, 3-24-97, 7-22-97, 12-21-98, Formerly 33-3.0125, Amended 2-7-00, 6-18-02, 2-4-03, \_\_\_\_\_.

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Asbestos Consultants/Asbestos Consultant Examination**

RULE TITLES: RULE NOS.:

Asbestos Consultants/Contractors;	
Licensure Requirements	61E1-1.001
Continuing Education Requirements	
for Asbestos Consultants/Contractors	61E1-1.002

PURPOSE AND EFFECT: The purpose of this rule development is to revise the Specific Authority for Rule 61E1-1.001, F.A.C.; to revise the Law Implemented for Rule 61E1-1.002, F.A.C.; to clarify the time period prescribed in Rule 61E1-1.002, F.A.C., in which asbestos consultants and contractors applying for biennial renewal of a license must complete refresher courses and for which asbestos contractors must maintain records demonstrating that asbestos abatement workers and onsite supervisors have completed a refresher course; and to delete the requirement to perform random audits of asbestos consultants and contractors to verify compliance with the continuing education requirements for license

renewal. The effect is to restate that a refresher course be completed in each year of the preceding biennial period for asbestos consultants, asbestos surveyors, management planners, project designers, project monitors, asbestos contractors, asbestos abatement workers and onsite supervisors and to no longer require the Department to perform random audits of at least five percent of asbestos consultants and contractors to verify compliance with continuing education requirements.

SUBJECT AREA TO BE ADDRESSED: Specific Authority, Law Implemented, and Refresher Course Time Periods for Biennial Renewal.

SPECIFIC AUTHORITY: 469.011 FS.

LAW IMPLEMENTED: 61E1-1.001, 469.004, 469.005 FS., 61E1-1.002, 469.004(6) 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: Charles J. Pellegrini, Assistant General Counsel, Office of the General Counsel, Department of Business and Professional Regulation, 1940 North Monroe Street, Tallahassee, Florida 32399.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Anthony Spivey, Executive Director, Asbestos Licensing Unit, Department of Business and Professional Regulation, 1940 North Monroe Street, Tallahassee, Florida 32399, (850)487-9597

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

61E1-1.001 Asbestos Consultants/Contractors; Licensure Requirements.

(1) The Department will accept as meeting the requirements for licensure as an asbestos consultant as defined in Section 469.001(5), Florida Statutes, any individual who meets the requirements set forth in Sections 469.004(1) and 469.005, Florida Statutes.

(2) The Department will accept as meeting the requirements for licensure as an asbestos contractor as defined in Section 469.001(7), Florida Statutes, any individual who meets the requirements set forth in Sections 469.004(2) and 469.005, Florida Statutes.

(3)(a) The Department shall accept as evidence of financial stability, as required in Section 469.005(5)(4), Florida Statutes, a statement from the applicant that he/she has not had any asbestos projects which were not satisfactorily completed and that no claims exist on asbestos projects that have been completed; and compliance with paragraph 61E1-4.001(1)(c), Florida Administrative Code.

(b) The Department shall accept as meeting the requirements of Section 469.005(6)(5), Florida Statutes, an applicant who has paid the appropriate examination fee and passed the Department administered examination set forth in Rules 61E1-2.001 through 61E1-2.005, Florida Administrative Code.

(4) To satisfy the requirements of Section 469.005(4)(3), Florida Statutes, the applicant must submit evidence of ten asbestos projects within the last five years, with said evidence containing a description of the project, the level of responsibility, the dates of the engagement and a statement that no claims of unsatisfactory professional services have been sustained against the professional activities of the applicant. This statement must be certified by the owner or entity for who the service was rendered.

(a) Distribution of the ten projects for an asbestos consultant shall be as follows:

1. Two projects involving asbestos surveys;
2. Two projects involving the development of operations and maintenance plans;
3. Two projects involving asbestos abatement project management and supervision;
4. Two projects involving the design of asbestos abatement projects; and
5. Two additional projects from any of the above categories.

(b) The ten projects for an asbestos contractor shall involve asbestos abatement activities.

Specific Authority 469.011, ~~469.008~~ FS. Law Implemented 469.004, 469.005 FS. History—New 6-14-89, Formerly 21-25.001, Amended 11-11-97, \_\_\_\_\_.

61E1-1.002 Continuing Education Requirements for Asbestos Consultants/Contractors.

(1) Each applicant for biennial renewal of a license as an asbestos consultant ~~Asbestos Consultant~~ shall;

(a) Complete 2 days of refresher courses in each preceding year ~~for each calendar year~~ related to any of the courses as outlined in Section 469.005(2), Florida Statutes, which have been approved by the Department; and

(b) Maintain records demonstrating that each asbestos surveyor, management planner, project designer, and project monitor has completed an approved refresher course each calendar year for each biennial renewal period. The refresher courses must have met the requirements of Section 469.013, Florida Statutes, and such records shall be furnished upon request pursuant to Rule 61-6.010, Florida Administrative Code.

(2) Each applicant for renewal of an asbestos contractor license shall;

(a) Complete 1 day of an asbestos abatement project management and supervisor refresher courses in each preceding year ~~for each calendar year~~ which has been approved by the Department; and

(b) Maintain records demonstrating that each asbestos abatement worker and onsite supervisor has completed a 1 day refresher course in each calendar year of each biennial period ~~refresher course each calendar year for each biennial period~~. The refresher courses must have met the requirements of Section 469.012, Florida Statutes, and been approved by the Department, and the records related to such course shall be furnished upon request pursuant to Rule 61-6.010, Florida Administrative Code.

~~(3) The Department shall perform random audits of not less than five (5%) percent of asbestos contractors and five (5%) percent of asbestos consultants in accordance with Rule 61-6.010, Florida Administrative Code, to verify compliance with continuing education required for license renewal.~~

Specific Authority 469.011 FS. Law Implemented 469.004 (6) ~~455.004(6)~~ FS. History—New 8-13-90, Formerly 21-25.002, Amended 11-11-97, \_\_\_\_\_.

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Asbestos Consultants/Asbestos Consultant Examination**

RULE TITLES:	RULE NOS.:
Written Examination General Requirements	61E1-2.001
Asbestos Training Courses and Providers	61E1-2.006

PURPOSE AND EFFECT: The purpose of this rule development in Rule 61E1-2.001, Florida Administrative Code, is 1) to state that the Department shall administer a written examination to applicants for licensure as asbestos consultants and asbestos contractors procured by the Department in accordance with Section 455.217, Florida Statutes, or provided by a computer-based testing vendor approved by the Department and 2) to revise the Specific Authority and Law Implemented. The purpose of this rule development in Rule 61E1-2.006, Florida Administrative Code, is 1) to require registration with the Department of training course providers and training courses, limiting the time of validity of registration and requiring reapplication for approval of training courses if substantially changed; 2) to revise the definition of Training Course for consistency with Sections 469.005, 469.012 and 469.013, Florida Statutes; 3) to revise the definition of Refresher Course for asbestos consultants and asbestos contractors; 4) to revise the definition of Training Course Provider to include refresher courses as well as training courses; 5) to require training course providers and training courses registered by a state with an Environmental Protection Agency-approved accreditation program to be registered with the Department and comport with Chapter 469, Florida Statutes, and Rule 61-6.015, Florida Administrative Code; 6) to require training course providers and training courses registered by a state with a reciprocating agreement with the Department to be registered with the

Department and comport with Rule 61-6.015, Florida Administrative Code; 7) to state that the information required in applications for course provider and training course approval is not limited to the information specified; 8) to require that the Asbestos Abatement Worker, Building Asbestos Abatement Surveys and Mechanical Systems and Asbestos Management Planner refresher courses contain a course review including a multiple choice test with 70 percent as the minimum passing score; 9) to specify Asbestos Abatement Project Designer initial and refresher courses; 10) to state that worker training for work with asbestos containing flooring material is described in Section 469.002(3), Florida Statutes, and that the training course shall address noticing requirements as prescribed in Section 469.002(3)(d), Florida Statutes; 11) to correct the statutory reference for exemption from licensure for roofing contractors as Section 469.002(2), Florida Statutes; 12) to provide provisions regulating the advertising of training and refresher courses; 13) to revise the requirements for Department training course audits; and 14) to require training course providers to maintain course attendee records for a minimum period of time; to state compliance requirements for course providers; and to state requirements for reporting course attendance to the Department. The effect is to clarify and augment the qualification requirements for course providers and for training and refresher courses for asbestos abatement professionals.

SUBJECT AREA TO BE ADDRESSED: Course Providers, Training Courses, Refresher Courses.

SPECIFIC AUTHORITY: 455.203(5), 469.111 FS.

LAW IMPLEMENTED: 469.405(6), 455.217, 455.2171, 469.014 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: Charles J. Pellegrini, Assistant General Counsel, Office of the General Counsel, Department of Business and Professional Regulation, 1940 North Monroe Street, Tallahassee, Florida 32399.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Anthony Spivey, Executive Director, Asbestos Licensing Unit, Department of Business and Professional Regulation, 1940 North Monroe Street, Tallahassee, Florida 32399, (850)487-9597

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

61E1-2.001 Written Examination ~~Designated~~; General Requirements.

~~The Department of Professional Regulation hereby determines that a~~ A written examination shall be given and passed prior to any applicant receiving a license to practice as an asbestos consultant or an asbestos contractor as provided in Chapter 469 455.303(1)(a), ~~(b) and (2)~~, Florida Statutes. The examination shall be provided by the Department pursuant to Section 455.217, Florida Statutes or a computer based testing vendor contract consultant approved by the Department. The written examination shall consist of one day (approximately 8 hours). Examinations are closed book and; ~~that is~~, the use of notes and reference books are prohibited. All materials including pens and pencils are to be furnished by the applicant. The examination security requirements as set forth by the Department in Rule 61-11.014, Florida Administrative Code, shall be followed throughout the administration of the examination.

Specific Authority 469.011 455.307 FS. Law Implemented 469.405(6), 455.217, 455.2171 455.217, 455.303 FS. History—New 2-15-89, Formerly 21-23.001, Amended.

61E1-2.006 Asbestos Training Courses and Providers.

(1) Each training course provider must be registered with the Department as a course provider and each training course must be registered with the Department. Provider registration and courses are valid until May 31st of odd numbered years and must be renewed prior to expiration. Any substantial change in the course content will require the provider to reapply to the Department for approval.

~~(2)(f)~~ Definitions.

(a) Training Course: An initial ~~A~~ course of study which provides the educational experience required for asbestos related occupational certification pursuant to Sections 469.005, 469.012 and 469.013 ~~s. 469.001—469.015~~, Florida Statutes.

(b) Refresher Course: Refresher training required each year to maintain accreditation. For an asbestos consultant, the refresher courses shall include one half day of Asbestos Survey and Mechanical Systems Course, one half day of Asbestos Management Planning Course, and one full day of Project Designer Course. For an asbestos contractor, the refresher course shall include one full day of Asbestos Contractor/Supervisor Course. Survey and Mechanical Systems Course, one half day of Management Planning Course

~~(c)(b)~~ Training Course Provider: An entity and any of its agents engaged in providing training courses and refresher courses ~~as~~ required by this chapter.

~~(d)(e)~~ Training day: The equivalent of 8 hours including breaks and lunch. Breaks and lunches are not to exceed 1.5 hours of each training day.

~~(c)(d)~~ Training Instructor: Any person approved by the department to conduct asbestos training for a department approved asbestos course. Outside experts brought in to address a specific topic or subset of the course are not considered training instructors.

~~(f)(e)~~ Regulatory Review: As used in this rule, regulatory review means review concerning applicable regulations including but not limited to the EPA Worker Protection Rule, Toxic Substance Control Act Title II, OSHA 29 CFR 1926, 1101, NESHAP 40 CFR part 61, subpart M, chapter 469, Florida Statutes, Sections 255.551-255.565, Florida Statutes, the Florida Department of Environmental Protection Fee Chapter 62-257, Florida Administrative Code, and local regulations.

~~(3)(2)~~ A training course provider must meet the standard set forth in Chapter 469 s. 469.001-469.015, Florida Statutes, and those set forth in 40 CFR Part 763, subpart E of Appendix C, which are incorporated herein by reference. Copies can be obtained by writing the department at Department of Business and Professional Regulation, Asbestos Licensing Unit, 1940 North Monroe Street, Tallahassee, Florida 32399. The following providers and courses shall be approved.

(a) Training providers and courses registered approved by a state with an Environmental Protection Agency-approved accreditation program must register with the department and meet the requirements of Chapter 469, Florida Statutes and Rule 61-6.015, F.A.C.

(b) Training providers and courses registered approved by a state that has a written reciprocating agreement with the department must register with the department and meet the requirements in subsection 61-6.015(5), F.A.C.

(c) Training courses completed prior to July 1, 1995, that are recognized by the Environmental Protection Agency and listed in the National Directory of Asbestos Hazard Emergency Response Act Accredited Courses as set forth in 40 CFR Part 763, as it existed on September 1, 1997, which are incorporated herein by reference.

~~(4)(3)~~ The application for the provider and course approval shall include but is not limited to the following information.

(a) The course provider's name, address, telephone number, and social security number or federal tax identification number.

(b) A list of states that currently approve the training course.

(c) The course curriculum. Courses must at a minimum demonstrate the inclusion of the following curriculum content areas for initial training and refresher courses:

1. Asbestos abatement worker course (initial) shall include a minimum of 4 training days with a minimum of 14 hours of hands-on training. Additionally an examination of at least 50

multiple choice questions, with a passing score of 70 percent must be given to each person seeking accreditation. The training course shall address the following topics:

- a. Physical characteristics of asbestos;
- b. Potential health effects related to asbestos exposure;
- c. Employee personal protection equipment;
- d. State-of-the-art work practices;
- e. Personal hygiene;
- f. Additional safety hazards;
- g. Medical monitoring;
- h. Air monitoring;
- i. Regulatory review;
- j. Establishment of respiratory protection programs; and
- k. Course review.

2. Asbestos abatement worker course (refresher) shall include a minimum of 1 training day. The training course shall address the following topics:

- a. Physical characteristics of asbestos;
- b. Potential health effects related to asbestos exposure;
- c. Employee personal protective equipment;
- d. State-of-the-art work practices;
- e. Personal hygiene;
- f. Additional safety hazards;
- g. Air monitoring;
- h. Regulatory review; and
- i. Course review to include a multiple choice test with a minimum 70% passing score.

3. Asbestos abatement project management and supervision course (initial) shall include a minimum of 5 training days with a minimum of 14 hours of hands-on training. This course also fulfills the requirements of an asbestos roofing course as required in Section 469.012(3), Florida Statutes. Additionally an examination of at least 100 questions in an objective test format, with a passing score of 70 percent must be given to each person seeking accreditation. The training course shall address the following topics:

- a. Physical characteristics of asbestos and asbestos-containing material;
- b. Potential health effects related to asbestos exposure;
- c. Employee personal protective equipment;
- d. State-of-the-art work practices;
- e. Personal hygiene;
- f. Additional safety hazards;
- g. Medical monitoring;
- h. Air monitoring;
- i. Regulatory review;
- j. Respiratory protection and medical surveillance programs;
- k. Insurance and liability issues;
- l. Record keeping for asbestos abatement projects;

m. Supervisory techniques for asbestos abatement activities;

n. Contract specifications; and

o. Course review.

4. Asbestos abatement project management and supervision course (refresher) shall include a minimum of 1 training day. The training course shall address the following topics:

a. Employee personal protective equipment;

b. State-of-the-art work practices;

c. Personal hygiene;

d. Additional safety hazards;

e. Medical monitoring;

f. Air monitoring;

g. Regulatory review;

h. Respiratory protection and medical surveillance programs;

i. Insurance and liability issues;

j. Record keeping for asbestos abatement projects;

k. Supervisory techniques for asbestos abatement activities; and

l. Course review to include a multiple choice test with a minimum 70% passing score.

5. Building asbestos abatement surveys and mechanical systems (initial) shall include a minimum of 3 training days, with a minimum of 4 hours of hands-on-training (to include conducting a simulated building walk-through inspection and respirator fit testing). The training course shall address the following topics:

a. Background information on asbestos;

b. Potential health effects related to asbestos exposure;

c. Functions/qualifications and role of inspectors;

d. Legal liabilities and defenses;

e. Understanding building systems;

f. Public/employee/building occupant relations;

g. Pre-inspection and review of previous inspection records;

h. Inspecting for friable and non-friable asbestos containing material and assessing the condition of friable asbestos containing material;

i. Bulk sampling/documentation of asbestos;

j. Inspector respiratory protection and personal protective equipment;

k. Record keeping and writing the inspection report;

l. Regulatory review; and

m. Course review.

6. Building asbestos abatement surveys and mechanical systems (refresher) shall include a minimum of one-half training day. The training course shall address the following topics:

a. Functions/qualifications and role of inspectors;

b. Legal liabilities and defenses;

c. Understanding building systems;

d. Public/employee/building occupant relations;

e. Review of previous inspection records;

f. Inspecting for friable and non-friable asbestos containing material and assessing the condition of friable asbestos hazard emergency;

g. Bulk sampling/documentation of asbestos;

h. Regulatory review; and

i. Course review to include a multiple choice test with a minimum 70% passing score.

7. Asbestos abatement management planner course (initial) shall include a minimum of 2 training days, with hands-on training (to include analysis and application of an operation and maintenance plan). Completion of the building asbestos abatement surveys and mechanical systems or inspector course must be demonstrated prior to attendance. The training course shall address the following topics:

a. Course overview;

b. Evaluation and interpretation of survey results;

c. Hazard assessment;

d. Legal implications;

e. Evaluation and selection of control options;

f. Role of other professionals;

g. Developing an operations and maintenance plan;

h. Regulatory review;

i. Record keeping for the management planner;

j. Assembling and submitting the management plan;

k. Financing abatement actions; and

l. Course review.

8. Asbestos abatement management planner course (refresher) shall include a minimum of one-half training day. The training course shall address the following topics:

a. Legal implications;

b. Evaluation and selection of control options;

c. Role of other professionals;

d. Developing an operations and maintenance plan;

e. Regulatory review;

f. Record keeping for the management planner; and

g. Assembling and submitting the management plan.

i. Course review to include a multiple choice test with a minimum 70% passing score.

9. Asbestos abatement respiratory protection course shall include a minimum of 3 training days, to include a minimum of 8 hours hands-on training. The training course shall address the following topics:

a. Course overview;

b. Terminology;

c. Respiratory system/medical recommendations;

d. Respiratory hazards and overview;

e. Selection of respirators and decision making;



f. Establishing and maintaining a respiratory protection program; and

g. Cleaning, maintenance, storage, and inspection of respirators, fit testing (qualitative and quantitative), and protection factors.

10. Asbestos Abatement Project Designer course (initial) shall include a minimum of 3 training days. The project designer course shall include lectures, demonstrations, a field trip, course review, and a written examination of least 100 multiple choice questions, with a passing score of 70 percent correct. The abatement project designer training course shall adequately address the following topics:

- a. Background information on asbestos.
- b. Potential health effects related to asbestos exposure.
- c. Overview of abatement construction projects.
- d. Safety system design specifications.
- e. Field trip.
- f. Employee personal protective equipment.
- g. Additional safety hazards.
- h. Fiber aerodynamics and control.
- i. Designing abatement solutions.
- j. Final clearance process.
- k. Budgeting cost estimating.
- l. Writing abatement specifications.
- m. Preparing abatement drawings.
- n. Contract preparation and administration.
- o. Legal/liabilities/defenses.
- p. Replacement.
- q. Role of other consultants.
- r. Occupied buildings.
- s. Relevant Federal, State, and local regulatory requirements, procedures, and standards.
- t. Course review.

11. Asbestos Abatement Project Designer (refresher) shall include a minimum of one full day of training. The refresher course shall include the review and discussion of changes in Federal, State and local regulations, developments in state-of-the-art procedures as well as the following:

- a. Potential health effects related to asbestos exposure overview.
- b. Safety system design specifications review.
- c. Additional safety hazards (review of safety considerations).
- d. Fiber aerodynamics and control (review of air monitoring requirements).
- e. Abatement materials and methods update.
- f. Writing abatement specifications review.
- g. Legal/liabilities/defenses.
- h. Course review to include a multiple choice test with a minimum 70% passing score.

12.10. Asbestos abatement sampling course shall include a minimum of 4 training days, to include a minimum of 16 hours hands-on training. The training course shall address the following topics:

- a. Course overview;
- b. Sampling and air flow calibration equipment;
- c. Microscopes, accessories, adjustments, calibration and 1-hour review, sampling procedures and calibrations, sampling equipment (pump) placement, statistical calculations and counting procedures, image quality investigation, slide counting procedures and analysis, comprehensive lab and quality control; and
- d. Course review.

13.11. Worker training for work with asbestos containing flooring material as described in Section 469.002(3) 469.004(4), Florida Statutes, shall include hands on training and a minimum of 1 training day. Additionally an examination of at least 25 objective (i.e. multiple choice or true/false) questions, with a passing score of 70 percent must be given to each person seeking certification. The training course shall address the following topics:

- a. Physical characteristics and methods of recognizing asbestos;
- b. Potential health effects related to asbestos exposure;
- c. Relationship between smoking and asbestos related diseases including a list of names, addresses and phone numbers of public health organizations which provide information and conduct programs concerning smoking cessation;
- d. Employee personal protective equipment including decontamination and emergency procedures;
- e. Regulatory review;
- f. State-of-the-art work practices including removal procedures for resilient floor tile, resilient sheet flooring, and residual asphaltic adhesive as prescribed by OSHA;
- g. Medical surveillance program requirements;
- h. Waste disposal procedures and requirements;
- i. Sign posting and labeling requirements; and
- j. Noticing requirement as prescribed in Section 469.002(3)(d) 469.004(4)(d), Florida Statutes.

14.12. Supervisor training for the supervision of intact removal of resilient flooring material shall include a minimum of one half day training in addition to successful completion of the 1 day worker training in subparagraph 61E1-2.006(3)(c)11., Florida Administrative Code. The additional one half day training will include an examination of at least 25 objective (i.e. multiple choice or true/false) questions on the following topics, with a passing score of 70 percent for certification:

b. Assessment of the work area including site preparation and safety hazards; a. Prework activities and considerations including a list of common building materials containing asbestos;

c. Supervising workers which includes goal setting, establishing expectations, motivating, and providing clear instructions;

d. Course review.

~~15.13-~~ On site roofing supervisor training for the purpose of meeting the exemption of Section ~~469.002(2)~~ ~~469.004(3)~~, Florida Statutes, and described in Section 469.012(3), Florida Statutes, shall be equivalent to the requirements of the competent person as defined by OSHA for work with Class II roofing material under 29 CFR, Part 1926.1101, as it existed on September 1, 1997, which is hereby incorporated by reference and made a part of this rule.

(d) A statement from the course provider clearly indicating compliance with the requirements of subsection 61E1-2.006(2), F.A.C., and:

1. The length of training days;
2. The amount and a description of hands-on training;
3. The length, format and passing score of the examination; and
4. The topics covered in the course.

(e) A copy of all course materials, including student manuals, instructor notebooks, handouts, videotapes and any other materials requested by the department.

1. Pursuant to 40 CFR, Part 763, subpart E of appendix C, the asbestos worker courses are the only courses approved to be conducted in a language other than English.

2. Any course provider who wishes to conduct a course in a language other than English must comply with the following:

- a. Translate the course into other language;
- b. Provide the translated course material to the Department;
- c. Give written assurance with the submission of the course that the translation has been checked for accuracy; and
- d. Give assurance that the instructor is fluent in the language that the course is being taught and that no additional translator is being used.

(f) A detailed statement about the development of the examination used in the course, including the number of questions in the item bank, the names and qualifications of the persons or entities who developed the examination, and the psychometric data used to support the validity of the examination.

(g) The names and qualifications of course instructors. Instructors must have academic credentials or certification, and field experience in asbestos abatement. Instructors must have completed both initial and refresher courses from an approved provider in the course(s) they instruct. Such proof of course completion will be required to be documented in the

application. The list of instructors and their qualifications must be updated and submitted to the department whenever changes are made. Outside experts may address topics including but not limited to legal liabilities and defenses, insurance and liability issues, and regulatory review.

(h) A description and example of the certificate of successful completion issued to students who attend the course and pass examination.

(i) A fee as provided in this rule, which must be received by the department in order for the application for approval to be deemed complete.

(5) Advertising of Training and Refresher Courses:

(a) A course provider may not advertise a course as one approved by the Department until such approval is granted.

(b) A course provider may not include any false or misleading information regarding the contents, instructors, or number of classroom hours of any course approved under this rule.

(c) Once approved, the course provider shall use the course number in the course syllabus, in all other course materials used in connection with the course, and in all written advertising materials used in connection with the course.

(d) Upon completion of an initial or refresher course, the provider shall issue a completion certificate listing the name and license number of the attendee, the name and course number, the provider name and registration number, the date the course was offered, the instructor name, and the length of the course.

~~(6)(4)~~ Training course audits.

(a) The department shall, at its discretion ~~least once every three years following the date that approval was granted by the department or other approval agencies~~, conduct on-site ~~random~~ audits of training courses to ensure compliance with subsection 61E1-2.006(2), Florida Administrative Code., which shall include, but not be limited to an evaluation of the following:

1. Training course content;
2. Technical accuracy;
3. Instructor effectiveness; and
4. Course administration.

(b) Such audits may be conducted without advance notice if the department has reasonable cause to believe that a violation of this rule or Chapter ~~469.001-469.015~~, Florida Statutes, has occurred.

(c) The department shall pursue administrative action to suspend or revoke approval of the course if the on-site reviewer finds the course not in compliance with the requirements of this rule as set forth in paragraph 61E-2.006(2)(a)., Florida Administrative Code.

(d) Training course providers who are located outside this state must meet the requirements of this section in either of the following ways;

1. The training course provider will make arrangements for the department representatives to conduct an on-site review of the training course located outside the state at no charge, including travel, subsistence, and lodging costs as provided in Section 112.061, Florida Statutes.

2. Another state in which the training provider is approved has reciprocal agreement with this state for auditing of training courses for compliance with the standards set forth in this rule.

~~(7)(5)~~ Upon a change of instructors, the provider shall submit the credentials of the new instructor to the department for approval.

~~(8)(6)~~ The department will seek written reciprocal agreements with other states where equivalency of asbestos accreditation requirements with the Florida requirements can be demonstrated.

~~(9)(7)~~ Fees.

(a) Fees for initial training course review shall be \$350.00 per training day. Courses with a duration of eight hours will be assessed at the 8 hour day rate (\$350.00). An additional \$350.00 will be assessed for each 8-hour day of training above the minimum days of training specified in Sections 469.001 through 469.015, Florida Statutes, and those set forth in 40 CFR Section 763, subpart E of Appendix C, as it existed on September 1, 1997. Courses with a duration of four hours of training will be assessed \$175.00. Courses with a duration of eight hours will be assessed at the 8-hour day rate (\$350.00).

(b) Fees for refresher training course approval shall be as follows:

1. \$175.00 – per 4 hour day
2. \$250.00 – per 8 hour day

(c) All application fees are non-refundable.

~~(10)(8)~~ Records.

(a) Training course providers shall be responsible for maintaining records of all persons taking approved courses for a minimum of 3 years from the date of the course. Copies of such records shall be released upon written request by the trainee and shall be made available to the department at any time upon request of the department.

(b) Upon ceasing to provide training and/or refresher courses, the provider shall forward all records relating to persons trained to the department within 60 days. Such records shall include class rosters, examination scores, certificates issued, and any other record which may be used to verify training. Upon receipt of the records, the department shall void the provider's certificate.

(c) Any changes in the course provider name, address, telephone number, course curriculum and/or instructors must be submitted in writing to the department, within 30 days of such change.

(d) The provider must comply with the requirements stated in subsection 61-6.015(5), Florida Administrative Code, as a condition of approval as a course provider and provide the attendee list to the Department in the prescribed electronic

format of all licensees who attended refresher courses to obtain continuing education credits. The provider is required to resolve reporting conflicts with the licensee by the expiration date.

(e) The course provider shall not offer any training courses if the provider status is expired or under discipline.

(f) The provider must submit attendance rosters of all Florida licensed consultants and contractors who have attended refresher courses within 30 days of completion of such course(s). The roster should include the licensee name, course number, course name, date the course was administered and the provider number.

(g) If the provider status is revoked by the Department, the provider cannot reapply to be registered as a provider for two years from the date of the Final Order revoking the registration.

Specific Authority 455.203(5), 469.111 FS. Law Implemented 469.014 FS. History—New 5-12-93, Formerly 21-23.006, Amended 8-17-94, 11-24-97,

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Asbestos Consultants/Asbestos Consultant Examination**

RULE TITLE: RULE NO.:

Fees; License Renewal; Active, Inactive and Delinquent Licenses; Change of Status 61E1-3.001

PURPOSE AND EFFECT: The purpose of this rule development is 1) to provide a fee for training provider and course renewals; 2) to provide that fees due a testing vendor for computer-based testing shall be paid directly to the vendor; 3) to provide that any license not renewed before the end of the biennial period shall become delinquent; 4) to require licensees on inactive status to meet the requirements of Sections 469.004(3) and 469.005(6), Florida Statutes; and 5) to require a fee to add a qualifying agent; and 6) to revise the Specific Authority. The effect is to require a registration fee for added qualifying agents, a registration renewal fee for training course providers and a registration initial and renewal fee for training and refresher courses, to clarify that business and qualifying agent licenses that are not renewed before the end of the biennial period shall become delinquent, and to require licensees on inactive status to meet examination and continuing education requirements.

SUBJECT AREA TO BE ADDRESSED: Course Provider Fee, Course Fees, Delinquent Licenses, Inactive Licenses, Qualifying Agents.

SPECIFIC AUTHORITY: 469.011, 469.004, 469.006, 469.008 FS.

LAW IMPLEMENTED: 455.271, 469.006, 469.008 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: Charles J. Pellegrini, Assistant General Counsel, Office of the General Counsel, Department of Business and Professional Regulation, 1940 North Monroe Street, Tallahassee, Florida 32399.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Anthony Spivey, Executive Director, Asbestos Licensing Unit, Department of Business and Professional Regulation, 1940 North Monroe Street, Tallahassee, Florida 32399, (850)487-9597

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

61E1-3.001 Fees; License Renewal; Active, Inactive and Delinquent Licenses; Change of Status.

(1) The following fee schedule is adopted by the Department regarding the applications, initial licensure, examinations, delinquent licenses, reactivation, change of status, active and inactive licenses, renewals, late renewals, unlicensed activities, transfers, and changing a qualifying agent or financially responsible officer, for asbestos consultants and asbestos contractors, and for business organizations or qualified agents proposing to engage in consulting or contracting under a name other than the applicant's legal name, training provider and course renewal pursuant to Sections 455.203(1), 455.271, 455.2281, 469.006, 469.008, F.S.:

(a) Application fee	\$300.00
(b) Initial License fee	\$500.00
(c) Delinquent fee	\$250.00
(d) Reactivation fee	\$100.00
(e) Biennial License Renewal fee for Asbestos Consultants, Asbestos Contractors	\$300.00
(f) Biennial License Renewal fee for Asbestos Business Organizations	\$500.00
(g) Biennial Inactive License Renewal fee for Asbestos Consultants, Asbestos Contractors	\$200.00
(h) Examination fee	\$400.00
(i) Reexamination fee	\$400.00
(j) Change of Status fee	\$100.00
(k) Unlicensed Activity fee	\$5.00
(l) To change a Financial Officer	\$100.00
(m) To <u>add or</u> change a Qualifying Agent	\$100.00

(n) Transfer fee	\$200.00
(o) Provider renewal fee	\$100.00
(p) <u>Training course initial or refresher renewal fee</u>	\$100.00

(2) ~~All~~ The fees shall be made payable to: ~~the~~ Department of Business and Professional Regulation. Any fee due to the testing vendor for computer based testing shall be made payable directly to the vendor.

(3) An asbestos consultant, asbestos contractor, business organization or qualifying agent shall renew his or her license on or before November 30 of each biennial year. If an asbestos consultant, asbestos contractor, business organization or qualifying agent makes a written request to change a qualifier or financially responsible officer during the biennial period, the department shall charge the respective changing fee and a transfer fee.

(4) Any license, ~~other than a business organization or qualifying agent license~~, which is not renewed prior to the end of each biennium renewal period, shall automatically revert to a delinquent status.

(a) A licensee may change a delinquent status license by remitting a delinquent fee and the applicable biennial license renewal fee(s) to the department.

(b) If a licensee makes a written request during the renewal period to activate a delinquent status license to active or inactive, the department shall impose a delinquent fee, a reactivation fee, a renewal fee that will be applied to the delinquent biennium period, and a biennial license renewal fee.

(c) If a licensee makes a written request to the department to activate a delinquent status license to active or inactive status at a time other than the renewal period, the department shall impose a delinquent fee, a reactivation fee, a change of status fee, a renewal fee that will be applied to the delinquent biennium period, and a biennial license renewal fee.

(d) The failure of a delinquent status licensee to change the status of the license to active or inactive before the expiration of the current licensure period, shall render the license null without any further action by the department. Thereafter, any subsequent licensure shall be as a result of applying for and meeting all requirements imposed on an applicant for new licensure.

(e) A business organization shall not be required to take an examination or reexamination.

(f) The department shall conduct an investigation to determine whether an applicant, whose license has become null, has met the minimum qualifications for new licensure.

(5) A licensee may make written request during the renewal period to place his or her license in an inactive status and remit the biennial inactive license renewal fee. The department shall then change the status of the license to inactive status.

(a) An inactive license may be maintained during each subsequent biennium period by the department in an inactive status upon the payment of a biennial inactive license renewal fee. However, the department shall require a licensee, who has been on an inactive status to meet the requirements of ss. 469.004(3) and 469.005(6), for more than two consecutive biennial licensure periods, F.S.

(b) If a licensee makes a written request to the department during the renewal period to activate his or her license from an inactive status to an active status, the department shall impose a reactivation fee in addition to the biennial license renewal fee.

(c) If a licensee makes a written request to the department at a time other than during the renewal period to activate his or her license from an inactive status to an active status, the department shall impose a reactivation fee, a change of status fee, and a biennial license renewal fee.

(d) The department shall conduct an investigation to determine whether a licensee has met the minimum qualifications for active licensure.

(6) An asbestos consultant, asbestos contractor, business organization or qualifying agent shall not work with an inactive, delinquent, or null license.

Specific Authority 455.271, 469.004, 469.006, 469.008, 469.011 FS. Law Implemented 455.271, 469.006, 469.008 FS. History—New 9-22-94, Amended 10-17-95, 10-29-97, \_\_\_\_\_.

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Asbestos Consultants/Asbestos Consultant Examination**

RULE TITLES: RULE NOS.:

Licensure of Business Organizations and Qualifying Agents	61E1-4.001
Financial Responsibility; Definitions; Grounds for Denial	61E1-4.002
Public Liability and Property Damage Insurance	61E1-4.003

PURPOSE AND EFFECT: The purpose of this rule development in Rule 61E1-4.001, F.A.C., is 1) to specify more fully the contents required of credit reports and financial statements to be submitted with the applications of business organizations or qualifying agents for licensure; 2) to require a signed statement of the prescribed amounts of public liability and property damage insurance; 3) to delete a provision making it a violation to fail to continually maintain public liability and property damage insurance; 4) to require that applicants for licensure provide answers pertaining to the organization and its responsible persons to specified questions concerning past financial settlements, unpaid past-due bills and claims, liens, suits or judgments of record or pending, bankruptcy proceedings, past assignment of assets in settlement, disciplinary proceedings, and criminal proceedings; and 5) to define “responsible person.” The effect is to provide the Department with more comprehensive information with which to determine the fitness of applicants for licensure. The

purpose of this rule development in Rule 61E1-4.002, F.A.C., is to define “financial responsibility” and to set forth grounds based on financial responsibility for denying applicants for licensure. The effect is to make more clear what the Department shall consider in assessing an applicant’s fitness for licensure. The purpose of this rule development in Rule 61E1-4.003, F.A.C., is to require that applicants for licensure certify that they have obtained and will maintain public liability and property damage insurance in the amounts specified in the rule and to authorize the Department to conduct random audits of at least ten percent of licensees directing them to submit proof of coverage by means of a Certificate of Insurance as prescribed in the rule. The effect is to provide assurance that licensees procure and maintain adequate insurance coverage. Both Rules 61E1-4.002 and 61E1-4.003, F.A.C., provide that failure to meet certain of their provisions constitutes a violation of the rule.

SUBJECT AREAS TO BE ADDRESSED: Business Organizations, Qualifying Agents, Applications, Credit Reports, Financial Statements, Financial Responsibility, Public Liability and Property Damage Insurance, Responsible Persons.

SPECIFIC AUTHORITY: 455.203(5), 469.011 FS.

LAW IMPLEMENTED: 469.006, 469.007 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: Charles J. Pellegrini, Assistant General Counsel, Office of the General Counsel, Department of Business and Professional Regulation, 1940 North Monroe Street, Tallahassee, Florida 32399.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Anthony Spivey, Executive Director, Asbestos Licensing Unit, Department of Business and Professional Regulation, 1940 North Monroe Street, Tallahassee, Florida 32399, (850)487-9597

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

61E1-4.001 Licensure of Business Organizations and Qualifying Agents.

(1)(a) As a prerequisite to the initial issuance of a license to a qualifying agent, business organization, or a change in the status of an active business organization license, the applicant shall pay the required fee as provided for in Rule 61E1-3.001, F.A.C., of this Chapter, and submit a signed, completed application on a form approved by the department. The form is entitled “Application For Business Organizations or Qualifying Agents,” Form AB/LP, effective 6-20-95, and incorporated herein by reference. Copies of the application and

other forms required by this Rule can be obtained by contacting the Department at the following address: Asbestos Licensing Unit, 1940 North Monroe Street, Tallahassee, Florida 32399-1006. If the applicant proposes to engage in asbestos consulting or asbestos contracting as a partnership, corporation, business trust or other legal entity, or in any name other than the applicant's legal name, the legal entity must comply with Section 469.006(2), F.S. The applicant must furnish evidence of statutory compliance of Section 865.09, F.S., if a fictitious name is used.

(b) The application shall contain the information contained in Section 469.006(2)(a)1., 2. & 3., F.S.

1. If a limited partnership is formed for the purposes of a joint venture, the qualifying business organization or individual must be a general partner of the joint venture.

2. The applicant's street and mailing address, and where applicable, a current license number. A post office box, by itself, is not acceptable as an address.

3. A list of the previous three completed asbestos projects, including the date of completion, address of the project, and the name of the owner.

4. If the business organization has a financially responsible officer, the financially responsible officer, rather than the qualifying contractor or consultant, shall sign and complete the application. The application shall include the requirements of s. 469.006(2)(a)2., F.S.

5. If the qualifying agent is a primary qualifying agent, the application shall include the requirements of s. 469.006(2)(a)1., F.S.

6. If the qualifying agent is a secondary qualifying agent, the application shall include the requirements of s. 469.006(2)(a)3., F.S.

(c) In order that the department may carry out its statutory duty to investigate the financial responsibility, credit and business reputation of a new applicant for licensure or a change of status of a licensee, an applicant shall be required to forward the following, in addition to the signed, completed application for licensure, to the Department for review:

1. A credit report ~~on, not older than six months,~~ from any recognized credit bureau which includes but is not limited to liens, judgments, suits and bankruptcy obtained from county, state, and federal records. The credit report must be dated within six (6) months of the date of filing the application. Reports which are limited to only information obtained from the qualifying agent or past or present employers are not acceptable.

2. A comprehensive financial statement reflecting the financial condition of the business entity in its previous fiscal year, provided the statement is prepared within 12 months of the date of the filing of the application. The financial statement shall include the following: balance sheet, income statement, capital statement, and statement of changes in financial position. Unless prepared by a certified public accountant, the

financial statement shall be signed, in the presence of a notary, by a responsible officer of the business entity as representing the financial condition of the business entity for the period reflected in the statement. The financial statement must indicate a positive networth. A financial statement, not older than 12 months and showing a positive net worth, which shall contain information indicating the current assets, current liabilities, total assets, total liabilities, and total net worth.

3. A letter of bond ability, a letter of credit or a compliance bond established to reimburse the appropriate parties for diversion of funds, abandonment, and all other statutory violations. These instruments must be written in the amount of \$10,000 dollars or more and are not to be construed as performance bonds.

4. A signed statement indicating ~~that~~ the applicant has obtained and will maintain public liability and property damage insurance in the amounts set forth herein during the life of each asbestos job.

~~5. It shall be considered a violation of this rule for any licensee to fail to continually maintain public liability and property damage insurance in amounts set forth herein for the life of each asbestos job.~~

5. Answers to the following questions on the application:

(a) Has any bonding or surety company ever completed or made a financial settlement upon any construction contract or work undertaken by any person named in (i) below or any organization in which such person was a responsible person as defined in paragraph (j)? Yes ( ) No ( ).

(b) Are there any unpaid past-due bills or claims for labor, materials, or services, as a result of the consultant or construction operations of any person named in (i) below or any organization in which any such person was a responsible person as defined in paragraph (j)? Yes ( ) No ( ).

(c) Are there now any liens, suits or judgments of record or pending against any person named in (i) below or any organization in which such person was a responsible person as defined in paragraph (j), as a result of the consultant or construction operations of such persons or organization? Yes ( ) No ( ).

(d) Are there now any liens of record by the U.S. Internal Revenue Service or the State of Florida Corporate Tax Division against any person named in (i) below or any organization in which such a person was a responsible person as defined in paragraph (j)? Yes ( ) No ( ).

(e) Has any person named in (i) below or has any organization in which any such person was a responsible person as defined in paragraph (j) been adjudicated as bankrupt, within the past five years or is any such person or organization presently in the process of bankruptcy proceedings? Yes ( ) No ( ).

(f) Has any person named in (i) below or has any organization in which any such person was a responsible person as defined in paragraph (j) ever made an assignment of assets in settlement of consultant or construction obligations for less than the total amount of indebtedness? Yes ( ) No ( )

(g) Has any person named in (i) below or has any business organization in which any such person was a member been convicted of acting in the capacity of a consultant or contractor without a license or if licensed as a consultant or contractor in this or any other state, has any disciplinary action (including probation, fine or reprimand) ever been taken against such license by a state, county, or municipality? Yes ( ) No ( )

(h) Has any person in (i) below or has any business organization in which any such person was a responsible person as defined in paragraph (j) ever been convicted of any offense in this state or elsewhere, other than a traffic violation? Yes ( ) No ( )

(i) Required signatures: if an individual, the qualifying consultant or contractor; if a partnership, the qualifying consultant or contractor and the partners; if a corporation, the qualifying consultant or contractor, the president, vice-president and secretary.

(j) For purposes of this rule, "responsible person" includes any partner, officer, trustee, qualifying consultant or contractor, or any person having managerial or supervisory role in a business organization as defined in s. 469.006, F.S.

Specific Authority 455.203(5), 469.011 FS. Law Implemented 469.006, 469.007 FS. History--New 10-17-95, Amended 10-29-97, \_\_\_\_\_.

#### 61E1-4.002 Financial Responsibility; Definitions; Grounds for Denial.

(1) For purposes of this rule, the phrase "financial responsibility" is defined as the ability to insure the public, laborers, materialmen, suppliers and other parties with whom the applicant will do business as an asbestos consultant or contractor, will not sustain economic losses resulting from the consultant or contractors inability to pay his or her lawful contractual obligations.

(2) The financial responsibility grounds on which the Department may refuse to qualify an applicant can include:

(a) Failure to submit any of the items required by Rule 61E1-4.001, F.A.C.

(b) The existence, within the past five years preceding the application, of an unsatisfied court judgement rendered against the applicant based upon the failure of the applicant to pay its just obligations to parties with whom the applicant conducted business as a consultant or contractor.

(c) An unfavorable credit report or history as indicated by any of the documents submitted.

(d) A determination by the Department that the applicant lacks the financial stability necessary to assure compliance with the standards set forth in section (1) of this rule. As guidelines for the determination of financial stability the

Department shall consider the applicant's financial statement and responses to the questions set forth in subsection 61E1-4.001(1), F.A.C.

(3) The applicant's history of bankruptcy is included in the statutory definition of financial responsibility and shall be considered by the Department; however, the fact that an applicant has been or is a debtor in bankruptcy shall not be the sole basis of the Department's determination to deny the issuance of a license.

Specific Authority 455.203(5), 469.011 FS. Law Implemented 469.006, 469.007 FS. History--New \_\_\_\_\_.

#### 61E1-4.003 Public Liability and Property Damage Insurance.

(1) As a prerequisite to the issuance of a license, the applicant shall submit a signed affidavit attesting the applicant has obtained and will maintain public liability and property damage insurance, in the amounts stated herein. It shall be a violation of this rule for any licensee to fail to continually maintain liability and property damage insurance in amounts set forth herein.

(2) To verify the accuracy of the signed affidavit, the Department will conduct random audits of at least 10% of the total number of licensees. Upon written request by the Department, by certified mail, each selected licensee must within thirty days submit proof of coverage, in the form of an original Certificate of Insurance, showing the licensee obtained and continually maintained the proper amount of public liability and property damage within the specified time period set forth in the Department's request.

(3) The Certificate of Insurance must be prepared by a licensed insurance agency and must contain the following information.

(a) Date the Certificate of Insurance was issued.

(b) Name and license number of insurance agent.

(c) Name of insured must reflect the exact name of the entity qualified by applicant.

(d) Name of insurance company.

(e) Policy number must be on certificate. Binder numbers are not acceptable.

(f) Expiration date of policy.

(g) The minimum amount of liability and property damage insurance required as a prerequisite to the issuance of a license is:

1. Liability Insurance (including completed operations and products) \$100,000/\$300,000 and,

2. Property Damage Insurance (including completed operations and products) \$100,000/\$300,000.

(h) Certificate holder must be the Department of Business and Professional Regulation.

(i) The cancellation notice shall stipulate that, should the public liability and property damage coverage described above, be canceled before the expiration date, the issuing company will mail a thirty-day written notice to the Certificate holder on the Certificate.

(j) The agent's signature.

(k) The licensee's correct license number.

(4) The insurance must be in the name of the licensee or the business name appearing on the license.

(5) Failure to comply with the Department's request to submit proof of coverage, which meets the requirements of the Department, will be a violation of this rule.

Specific Authority 455.203(5), 469.011 FS. Law Implemented 469.006, 469.007 FS. History—New \_\_\_\_\_.

**DEPARTMENT OF HEALTH**

**Board of Osteopathic Medicine**

RULE TITLE: Performance of Pro bono Medical Services      RULE NO.: 64B15-13.005

PURPOSE AND EFFECT: The Board proposes the rule amendments to clarify and to update continuing education credits for pro bono services provided by osteopathic physicians.

SUBJECT AREA TO BE ADDRESSED: The proposed rule amendments specify pro bono services for continuing education credits as pro bono medical services, and establish the health entities where provision of pro bono medical services for continuing education credits may be obtained.

SPECIFIC AUTHORITY: 456.013(7), 459.005 FS.

LAW IMPLEMENTED: 456.013(7) FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE SCHEDULED AT THE BOARD'S NEXT MEETING TO BE HELD ON JUNE 7, 2003 IN MIAMI, FLORIDA.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Pam King, Executive Director, Board of Osteopathic Medicine/MQA, 4052 Bald Cypress Way, Bin # C06, Tallahassee, Florida 32399-3256

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B15-13.005 Performance of Pro bono Medical Services.

(1) Up to 10 hours, per biennium, of continuing education credit may be fulfilled by the performance of pro bono medical services to the indigent or to underserved populations or in areas of critical need within the state where the licensee practices. The standard for determining indigency shall be low-income (no greater than 150% of the federal poverty level) or uninsured persons. Credit shall be given on an hour per hour

~~basis, that recognized by the Federal Poverty Income Guidelines produced by the Department of Health and Human Services~~

(2) The Board approves for credit under this rule, the following entities:

(a) The Department of Health;

(b) Community and Migrant Health Centers funded under section 330 of the United States Public Health Service Act; and

(c) Volunteer Health Care provider programs contracted to provide uncompensated care under the provisions of section 766.1115, Florida Statutes, with the Department of Health.

~~(3)(2) For services provided to an entity not specified under this rule a licensee must apply for prior approval in order to receive credit, under this rule, licensees must make application to the Board and receive approval in advance. Credit shall be given on an hour per hour basis. In the application for approval, licensees shall disclose the type, nature and extent of services to be rendered, the facility where the services will be rendered, the number of patients expected to be served, and a statement indicating that the patients to be served are indigent. If the licensee intends to provide services in underserved or critical need areas, the application shall provide a brief explanation as to those facts.~~

~~(4)(3) Unless otherwise provided through Board order, no licensee who is subject to a disciplinary action that requires additional continuing education as a penalty, shall be permitted to use pro-bono medical services as a method of meeting the additional continuing education requirements.~~

Specific Authority 456.013(7), 459.005 FS. Law Implemented 456.013(7) FS. History—New 12-7-92, Formerly 21R-13.005, 61F9-13.005, Amended 10-25-95, Formerly 59W-13.005, Amended \_\_\_\_\_.

**DEPARTMENT OF HEALTH**

**Board of Osteopathic Medicine**

RULE TITLE: Reinstatement of License      RULE NO.: 64B15-19.0055

PURPOSE AND EFFECT: The Board proposes the new rule, similar to the Board of Medicine's, to set requirements for reinstatement of license after an inactive period for disciplinary reasons.

SUBJECT AREA TO BE ADDRESSED: The Board's proposed new rule addresses the requirements and conditions for reinstatement of license after revocation, suspension or other restrictions, and the requirements to demonstrate the ability to safely engage in the practice of osteopathic medicine.

SPECIFIC AUTHORITY: 459.005, 459.015 FS.

LAW IMPLEMENTED: 456.013(6), 459.015 FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE SCHEDULED AT THE BOARD'S NEXT MEETING TO BE HELD ON JUNE 7, 2003 IN MIAMI, FLORIDA.



THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Pam King, Executive Director, Board of Osteopathic Medicine/MQA, 4052 Bald Cypress Way, Bin # C06, Tallahassee, Florida 32399-3256

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B15-19.0055 Reinstatement of License.

(1) No license to practice osteopathic medicine in Florida which was revoked by the Board after June 5, 1983, or which was voluntarily relinquished after July 1, 1988, shall be subject to reinstatement unless leave to petition for reinstatement was specifically authorized in the final order. An osteopathic physician whose license was revoked or relinquished may, however, apply for relicensure unless, in the case of relinquishment, the osteopathic physician explicitly agreed never to reapply for licensure.

(2) When disciplinary action is taken against a licensee which results in the licensee's being unable to use the license for a period of time for reasons including, but not limited to, suspension, inactivation, or other restriction, but not including revocation subsequent to June 5, 1983, the licensee may petition for reinstatement of the license as follows:

(a) When the suspension, inactivation, or restriction is for a definite period of time and is not based upon the osteopathic physician's ability to safely engage in the practice of osteopathic medicine pursuant to Section 459.015(3), F.S., the license shall be reinstated upon expiration of the period of suspension if full compliance with the final order has been shown and the licensee has submitted documentation of completion of the continuing medical education requirements imposed on an active status licensee for all biennial licensure periods in which the licensee was suspended, inactive or under other restriction;

(b) When the suspension, inactivation, or other restriction is for a definite period of time, is based upon the osteopathic physician's ability to safely engage in the practice of osteopathic medicine, or both, the licensee shall demonstrate to the Board at the expiration of the period of suspension, or immediately prior thereto, compliance with the terms and conditions of the final order, completion of the continuing medical education requirements imposed on an active status licensee for all biennial licensure periods in which the licensee was suspended, inactive or under other restriction, and, where applicable, the ability to safely engage in the practice of osteopathic medicine in order to obtain reinstatement. The Board shall consider reinstatement at either the Board meeting immediately preceding expiration or at any Board meeting subsequent thereto. If the licensee is able to demonstrate compliance with the terms of the final order and, where applicable, the ability to safely engage in the practice of osteopathic medicine, the Board shall reinstate the license.

(c) When the suspension, inactivation, or other restriction is for a definite period of time or for an indefinite period of time, the licensee may petition the Board to consider reinstatement of a license acted against for an indefinite period of time or early reinstatement of a license acted against for a definite period of time. When such a petition is filed, it must include all documentation of the petitioner's compliance with the final order, completion of the continuing medical education requirements imposed on an active status licensee for all biennial licensure periods in which the licensee was suspended, inactive or under other restriction, petitioner's ability to safely engage in practice, petitioner's plan for the return to practice, and any other information which the petitioner would want the Board to consider if it grants the petition for consideration. If the plan for return to practice includes a period of supervised practice, the documentation should include the name of the proposed supervising physician and a written statement from the proposed supervising physician of his or her willingness to serve in that capacity. No oral testimony or personal appearance will be permitted at the time the Board hears a petition to consider reinstatement or early reinstatement. Upon the granting by the Board of the petition to consider such reinstatement or early reinstatement, the licensee shall, at a subsequent meeting, have an opportunity to demonstrate his or her ability to safely engage in the practice of osteopathic medicine and compliance with the terms of the final order. The Board shall reinstate the license upon a proper demonstration of competency and of compliance with the final order by the licensee.

(3) In order to demonstrate the ability to safely engage in the practice of osteopathic medicine, a licensee shall show compliance with all terms of the final order and may, in addition, present evidence of additional matters, including, but not limited to:

(a) Completion of continuing education courses approved by the Board;

(b) Participation in medical educational programs, including post-graduate training, internships, residencies, or fellowships;

(c) Submission of reports of mental or physical examination by appropriate professionals;

(d) Completion of treatment within a program designed to alleviate alcohol, chemical, or drug dependencies, including necessary aftercare measures or a plan for continuation of such treatment, as appropriate;

(e) If action was taken against a Florida license based on action taken against the license or the authority to practice osteopathic medicine by the licensing authority of another jurisdiction, proof that the licensee has a license in the jurisdiction which took action and that license is in good standing and unencumbered;

(f) If action was taken against the license based on conviction of, being found guilty of, or entry of a plea of nolo contendere to a crime, proof that all criminal sanctions imposed by the court have been satisfied; and,

(g) Other factors, not enumerated, which would demonstrate the osteopathic physician's ability to safely engage in the practice of osteopathic medicine.

Specific Authority 459.005, 459.015 FS. Law Implemented 456.013(6), 459.015 FS. History—New

**DEPARTMENT OF CHILDREN AND FAMILY SERVICES**

**Developmental Disabilities Program**

RULE CHAPTER TITLE: Supported Living  
 RULE CHAPTER NO.: 65B-11

PURPOSE AND EFFECT: This rule amendment will repeal sections identified in Rule Chapter 65B-11, F.A.C., for which the Department does not have sufficient rule making authority. The specific sections proposed for repeal are: paragraphs 65B-11.005(2)(a) and (d), F.A.C. The repeal of these rules will have no affect on supported living programs funded by the Medicaid Home and Community Based waiver as identical rules are provided for in the Agency for Health Care Administration's Coverage and Limitations Handbook covering the Developmental Disabilities Supported Living program.

SUBJECT AREA TO BE ADDRESSED: This proposed rule amendment addresses the criteria for the selection of housing for the Developmental Disabilities Supported Living program. This amendment removes the criteria limiting the size and location of such housing. Size and location criteria for the Developmental Disabilities Supported Living program are, however, included in the Agency for Health Care Administration's Coverage and Limitations Handbook, Rule 59G-8.200, F.A.C., Home and Community Based Services Waiver.

SPECIFIC AUTHORITY: 393.501(1) FS.

LAW IMPLEMENTED: 393.066, 393.063(50) FS., 42 USC 1396u.

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

TIME AND DATE: 10:00 a.m., April 29, 2003

PLACE: Building 3, Room 313, 1317 Winewood Boulevard, Tallahassee, Florida 32399-0700

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Ed Rousseau, Building 3, Room 302, 1317 Winewood Boulevard, Tallahassee, FL. 32399-0700

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

**FISH AND WILDLIFE CONSERVATION COMMISSION**

**Marine Fisheries Commission**

RULE CHAPTER TITLE: Gear Specifications and Prohibited Gear

RULE TITLE: Carriage of Proscribed Nets Across

Florida Waters

PURPOSE AND EFFECT: The purpose of this proposed rule development is to provide clarification and readopt portions of Section 370.092, Florida Statutes, a statute implementing the prohibitions of Article X, Section 16 of the Florida Constitution. Minimum sizes for vessels transporting proscribed nets are retained. The effect of the effort will be to assist enforcement and assure that persons operating vessels to transport nets otherwise illegal in the waters of the State of Florida to federal waters (or other jurisdictions where legal) proceed to such destinations as directly and expeditiously as possible, minimizing opportunities for illegal use.

SUBJECT AREA TO BE ADDRESSED: Carriage of nets proscribed by Article X, Section 16 of the Florida Constitution, on Florida waters.

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

LAW IMPLEMENTED: Art. IV, Sec. 9 and Art. X, Sec. 16, Fla. Const.

IF REQUESTED AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT A TIME, DATE AND PLACE TO BE LATER ANNOUNCED IN THIS PUBLICATION.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: James V. Antista, General Counsel, 620 South Meridian Street, Tallahassee, FL 32399-1600

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

68B-4.0082 Carriage of Proscribed Nets Across Florida Waters.

(1) Except as provided in subsection (3), the transport aboard any vessel of any of the following gear is prohibited, unless such transport is as direct, continuous, and expeditious as possible from the place where the vessel is regularly docked, moored, or otherwise stored to waters where the use of said gear is lawful, and from waters where the use of said gear is lawful back to the place where the vessel is regularly docked, moored, or otherwise stored or back to the licensed wholesale dealer where the catch is to be sold:

(a) Gill net.

(b) Entangling net.

(c) Any seine containing more than 500 square feet of mesh area.

(d) Any net, other than a cast net, with a mesh size greater than 2 inches stretched mesh.

(e) More than four seines, regardless of the number of persons also on board or whether one or more additional vessels are carried aboard or are towed.

(2) Hovering, drifting, and other similar activities inconsistent with the direct, continuous, and expeditious transit of such vessels shall constitute a violation of subsection (1) by each person present aboard the vessel. The presence of fish in such a proscribed net shall not constitute a violation of this rule if the persons on board the vessel are otherwise in compliance with its provisions.

(3) Subsection (1) shall not apply to:

(a) Persons with docked vessels meeting the length requirements of subsection (4).

(b) Persons operating vessels containing or otherwise transporting dry nets that are rolled, folded, or otherwise properly and securely stowed in sealed containers or compartments so as to make their immediate use as fishing implements impracticable.

(c) Persons with vessels using nets in a licensed aquaculture operation.

(d) Persons operating vessels containing or transporting trawl nets, as long as the trawl's doors or frame are not deployed.

(4) Notwithstanding any other provision of this rule, the possession of any gill or entangling net, any seine larger than 500 square feet in mesh area, or any net other than a cast net with mesh size larger than 2 inches stretched mesh, on any airboat, or on any other vessel less than 22 feet in length or on any vessel less than 25 feet in length if the primary power of the vessel is mounted forward of the vessel center point, is prohibited.

(5) Except as provided in subsection (1), the possession aboard any vessel of more than four seines is prohibited, regardless of the number of persons also aboard. For the purpose of this subsection, possession aboard any vessel shall include nets stored in any vessel being towed by or otherwise connected to, or transported aboard, the primary vessel. Any vessel being towed by or otherwise connected to, or transported aboard a primary vessel, if it is to be used to deploy or retrieve seines or harvest commercial quantities of fish, shall be no less than 8 feet in length and shall have a commercial vessel registration as required by Section 370.06(2)(i), Florida Statutes.

(6) For purposes of this rule, "vessel length" means the straight line horizontal measurement of the overall length from the foremost part of the vessel to the aftermost part of the vessel, measured from end to end over the deck excluding sheer, and measured parallel to the centerline. Bow sprits, bumpkins, rudders, outboard motor brackets, handles, and other similar fittings, attachments, and extensions are not included in the measurement.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9 and Art X, Sec. 16, Fla. Const. History—New\_\_\_\_\_.

**FISH AND WILDLIFE CONSERVATION COMMISSION**

**Marine Fisheries Commission**

RULE CHAPTER TITLE: Stone Crabs

RULE TITLES:

RULE NOS.:

Designation as Restricted Species; Season;

Repeal of Special Act 68B-13.005

Stone Crab Trap Limitation Program 68B-13.010

PURPOSE AND EFFECT: The purpose of this rule development effort is to implement minor changes to the stone crab trap limitation program to apply in the 2003-2004 season. The Stone Crab Trap Certificate Advisory and Appeals Board, having finished its task of helping the Commission sort out appeals of initial trap certificate allocations, is being transitioned into an industry advisory board to assist in solving problems as the program matures over the next few years. An archaic special act is being repealed and clarifications are made to unpaid certificate and incidental take endorsement provisions. The effect of this effort should be to continue progress toward a healthy stone crab industry, while maintaining the health and abundance of the species.

SUBJECT AREA TO BE ADDRESSED: Stone Crabs.

SPECIFIC AUTHORITY: Art. IV, Sec. 9, Florida Constitution.

LAW IMPLEMENTED: Art. IV, Sec. 9, Florida Constitution.

IF REQUESTED AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT A TIME, DATE AND PLACE TO BE LATER ANNOUNCED IN THIS PUBLICATION.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 calendar days before the workshop/meeting by contacting Cindy Hoffman, ADA Coordinator at (850)488-6411. If you are hearing or speech impaired, please contact the agency by calling (850)488-9542.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: James V. Antista, General Counsel, Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600, (850)487-1764

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

68B-13.005 Designation as Restricted Species; Season; Repeal of Special Act.

(1) Stone crabs are hereby designated as a restricted species pursuant to Section 370.01(21), Florida Statutes.

(2) The season for the harvest, possession and sale of stone crab claws shall be from October 15 through May 15, each year. No person, firm or corporation, shall harvest, or have in his or her possession, regardless of where taken, or sell or offer for sale, any stone crab of any size, or any parts thereof, from May 16 through October 14, each year, except for stone crab claws, placed in inventory by a wholesale or retail dealer as defined in Section 370.07, Florida Statutes, prior to May 16 of each year.

(3) Chapter 73-432, Laws of Florida, relating to the maximum allowed number of stone crab traps fished per boat in Citrus, Dixie, Levy, and Taylor Counties, is hereby repealed.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art IV, Sec. 9, Fla. Const. History—New 7-1-00, Amended \_\_\_\_\_.

68B-13.010 Stone Crab Trap Limitation Program.

(1) No change.

(2) CERTIFICATES AND TRAP TAGS. Each holder of a stone crab trap endorsement must have a certificate on record for each stone crab trap used or possessed in or on the water. In addition, attached to each trap shall be a tag, issued annually by the Commission, which corresponds to a valid certificate.

(a) Certificates.

1. through 13. No change.

14. After the 2002/2003 fishing year, the fees for unpaid certificates will accumulate each year a certificate holder fails to pay his or her annual certificate fee. Partial payment of accumulated certificate fees will not be accepted. In the event a holder's annual certificate fee is not paid for a period of 3 years, the certificates shall be considered abandoned and permanently removed from the pool of available certificates. All prior certificate fees must be paid in order to keep certificates current and avoid a declaration of abandonment.

(b) through (e) No change.

(3) through (4) No change.

(5) INCIDENTAL TAKE ENDORSEMENT. Persons possessing valid crawfish or blue crab endorsements, but who do not also possess a valid stone crab endorsement, may land and sell 5 gallons of stone crab claws per day if the stone crab claws are harvested from legal crawfish or blue crab traps and the crawfish or blue crab endorsement holder also possesses a valid stone crab incidental take endorsement. Application for an incidental take endorsement shall be on Commission Form DMF-SL2800 (07-01) (Application for a Stone Crab Incidental Take Endorsement (I#)), incorporated herein by reference.

(6) No change.

(7) STONE CRAB TRAP CERTIFICATE ADVISORY AND APPEALS BOARD. There is hereby established the Stone Crab Trap Certificate Advisory and Appeals Board. Such board shall consider and advise the Commission on disputes and other problems arising from the implementation

of the stone crab trap limitation program. The board may also provide information to the Commission on the operation of the trap limitation program and any problems in the fishery.

(a)1. Board Composition. The board shall consist of a member of the Commission staff appointed by the executive director, and eight members appointed by the executive director according to the following criteria, except as otherwise provided in subparagraph 2.:

a. All appointed members other than the commission staff person, shall be stone crab trap certificate holders, ~~none of whom are appealing their trap certificate allotment.~~ At least two shall hold fewer than 1000 200 certificates, at least two shall hold at least 1000 200 but no more than 3000 750 certificates, and at least two shall hold more than 3000 750 but not more than 2,000 certificates, and two shall hold more than 2,000 certificates.

b. At least one member shall come from each of the following regions:

(I) Wakulla, Taylor, Dixie, or Levy Counties;

(II) Citrus, Hernando, Pasco, Pinellas, or Hillsborough Counties; and

(III) Manatee, Sarasota, Charlotte, or Lee Counties.

~~(IV)e. The remaining five members of the board shall come from Collier, Monroe and Dade Counties.~~

~~c.d.~~ At least one appointed member shall be a person of Hispanic origin capable of speaking conversational English and Spanish.

d. The initial Board members will consist of the members of the stone crab Trap Certificate Advisory and Appeals Board, which Board sunsets on July 1, 2003.

2. If there are not enough individuals that meet the above-referenced criteria, the executive director of the Commission may fill any position on the initial board with an individual who does not fulfill the requirements of subparagraph 1. However, as soon as individuals are available that meet the requirements of subparagraph 1., the executive director may replace any individual who does not meet the above-referenced criteria, and fill the position on the board with the qualified appointees. The executive director of the commission shall replace any board member who is cited for and convicted of a violation of Chapter 68B-13, F.A.C., or who misses more than two scheduled meetings of the board without approval from the board chair with another stone crab fisherman from any region.

3. Stone crab endorsement holders wanting to be considered for appointment to the Stone Crab Trap Certificate Technical Advisory and Appeals Board shall make their request on Commission form DMF-SL3080 (07-01) (Application for Stone Crab Trap Certificate Technical Advisory and Appeals Board), incorporated herein by reference.

(b) Meetings. The staff member of the Commission appointed by the executive director shall sit on the board as a voting member, and shall call the organizational meeting of the board. The board shall annually elect a chair and a vice chair. There shall be no limitation on successive terms that may be served by a chair or vice chair. The board shall meet at the call of its chair, at the request of a majority of its membership, at the request of the Commission, or at such times as may be prescribed by its procedural rules. Official action of the board shall require a majority vote of the total membership of the board present at the meeting.

(c) Terms. Board members shall serve staggered terms of three years, provided however that this shall not apply to the commission staff member who serves at the pleasure of the executive director. Three terms will expire on July 1, 2004, three terms will expire on July 1, 2005, and two terms will expire on July 1, 2006.

~~(d)~~(e) Expenses. Members of the board shall receive no compensation, however, they shall be reimbursed for per diem and travel expenses as provided in Section 112.061, Florida Statutes.

~~(e)~~(d) Final Action. Upon reaching a decision on any dispute or problem brought before it, including any decision involving the initial allocation of certificates under paragraph (f); the board shall submit such decision as a recommendation to the executive director of the Commission. The executive director may submit said recommendation(s) to the Commission at his or her discretion. The executive director may accept, alter, or disapprove any decision of the board, with notice given in writing to the board and to each party in the dispute explaining the reasons for the alteration or the disapproval. The action of the executive director of the Commission constitutes final agency action, and is appealable pursuant to the requirements of Chapter 120, Florida Statutes.

(f)(e) Board Authority. The Board shall have the authority to conduct workshops with fishermen to determine what problems exist in the fishery and to make recommendations to solve those problems. In addition to those certificates allotted pursuant to the initial eligibility provisions established in paragraph (2)(a), up to 180,000 trap certificates may be allotted by the board to make recommendations on allocations to settle disputes or other problems arising from implementation of the trap limitation program, and for special circumstances.

1. ~~Disputes arising from the implementation of the trap limitation program shall cover those problems arising from implementation of the program during the 2000-2001 and 2001-2002 fishing seasons.~~

2. Special circumstances shall include but are not limited to the following:

a. Fishermen who can demonstrate that they were affected by Chapter 73-432, Laws of Florida (1973), which limited fishermen in Citrus, Dixie, Levy, and Taylor Counties to 600 stone crab traps per boat.

b. Persons who had landings, but did not record any traps on their saltwater products license application during the qualifying years and therefore did not receive an initial trap certificate allocation.

~~e. Persons who can demonstrate through copies of trip tickets, legitimate sales to a licensed wholesale dealer which were not reported by the dealer or included in the agency landings database.~~

~~d. Persons who worked together on the same boat but operated as separate business entities, each with their own SPL and stone crab endorsement, but who reported their landings or who had their landings reported on a single SPL. Under such circumstances the boards may divide the number of certificates allotted between the two people; however, each person must agree to the division prescribed by the board.~~

~~e. Persons displaced by Article X, Section 16, of the Florida Constitution who do not otherwise qualify for the stone crab limited entry program and who can demonstrate through landings that their net fishing occurred from Wakulla through Monroe Counties. Such persons shall qualify for 100 trap certificates if they can demonstrate that they:~~

~~(I) Sold nets to the state according to the provisions of the net buy back program, Section 370.0805(5), Florida Statutes;~~

~~(II) Invested money in the stone crab fishery by the 1999/2000 fishing season;~~

~~(III) Produced at least 300 pounds of claws since July 1, 1995; and~~

~~(IV) Have no record of net violations since July 1, 1995.~~

3. Any trap certificates not allotted by July 1, 2002, shall become permanently unavailable.

4. All appeals for additional certificates or other disputes must be filed with the board, on a form established by the commission, before October 1, 2001.

~~(f) In determining eligibility and initial allotment of traps for the trap reduction program, when a fisherman disagrees with commission records regarding the number of traps fished by the fisherman during a particular qualifying year, the burden of proof shall be on the fisherman to establish the number of traps fished, through trip tickets or copies of his or her SPL applications.~~

(g) Dissolution. On July 1, 2008 ~~2003~~, the board shall be dissolved.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art IV, Sec. 9, Fla. Const. History-New 7-1-00, Amended 7-22-01, 6-2-02, \_\_\_\_\_.

**FISH AND WILDLIFE CONSERVATION COMMISSION**

**Marine Fisheries Commission**

RULE CHAPTER TITLE: Spiny Lobster (Crawfish) and

Slipper Lobster

RULE TITLES:

Definitions

Bag Limit

RULE NOS.:

68B-24.002

68B-24.004

Commercial Licensing Requirements 68B-24.0055  
 Gear: Traps, Buoys, Identification

Requirements, Prohibited Devices 68B-24.006

PURPOSE AND EFFECT: The purpose of this rule development is to improve the program to preserve and protect Florida's spiny lobster resources. Spiny lobsters are an important resource heavily exploited by recreational and commercial users. Several lobster allocation issues have been raised. These issues are the division of the resource between the recreational and commercial user groups, and the allocation between the commercial trap fishery and the commercial dive fishery. These allocation issues are important as they may affect the goals of the trap reduction program. The trap reduction program was designed to reduce the number of traps, and reduce biological and environmental problems associated with excessive trap numbers, in the fishery while maintaining historical catches. Shifts in allocations could affect catch per unit effort in the trap fishery depending upon the magnitude of the shifts. The effect of these rule amendments should be to equitably address the allocation shifts of spiny lobster among user groups.

SUBJECT AREA TO BE ADDRESSED: Spiny Lobster.

SPECIFIC AUTHORITY: Art. IV, Sec. 9, Florida Constitution.

LAW IMPLEMENTED: Art. IV, Sec. 9, Florida Constitution.

IF REQUESTED AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT A TIME, DATE AND PLACE TO BE LATER ANNOUNCED IN THIS PUBLICATION.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 calendar days before the workshop/meeting by contacting Cindy Hoffman, ADA Coordinator at (850)488-6411. If you are hearing or speech impaired, please contact the agency by calling (850)488-9542.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: James V. Antista, General Counsel, Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600, (850)487-1764

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

68B-24.002 Definitions.

As used in this rule chapter:

(1) "Artificial habitat" means any material placed in the waters of the state that is reasonably suited to providing cover and habitat for spiny lobster. Such material may be constructed of, but is not limited to, wood, metal, fiberglass, concrete, or plastic, or any combination thereof, and may be fabricated for this specific purpose or for some other purpose. The term does not include fishing gear allowed by rule of the Commission.

legally permitted structures, or artificial reef sites constructed pursuant to permits issued by the United States Army Corps of Engineers or by the Florida Department of Environmental Protection.

(2) "Biscayne National Park" means all state waters lying within the boundaries of Biscayne National Park, a legal description of which can be found in subsection 68B-28.004(2), F.A.C.

(3)(1) "Bully net" means a circular frame attached at right angles to the end of a pole and supporting a conical bag of webbing. The webbing is usually held up by means of a cord which is released when the net is dropped over a lobster.

(4)(2) "Commercial harvester" means a person who holds a valid crawfish license or trap number, lobster trap certificates if traps are used to harvest spiny lobster, and a valid saltwater products license issued by the Fish and Wildlife Conservation Commission.

Beginning August 1, 1994, "commercial harvester" shall mean a person who holds a valid crawfish license or trap number, lobster trap certificates if traps are used to harvest spiny lobster or a valid commercial dive permit if harvest is by diving, and a valid saltwater products license with a restricted species endorsement issued by the Fish and Wildlife Conservation Commission.

(5)(3) "Diving" means swimming at or below the surface of the water.

(6)(4) "Harvest" means the catching or taking of spiny lobster by any means whatsoever, followed by a reduction of such spiny lobster to possession. Spiny lobster that are caught but immediately returned to the water free, alive and unharmed are not harvested. In addition, temporary possession of a spiny lobster for the purpose of measuring it to determine compliance with the minimum size requirements of this chapter shall not constitute harvesting such lobster, provided that it is measured immediately after taking, and immediately returned to the water free, alive and unharmed if undersized.

(7)(5) "Hoop net" means a frame, circular or otherwise, supporting a shallow bag of webbing and suspended by a line and bridles. The net is baited and lowered to the ocean bottom, to be raised rapidly at a later time to prevent the escape of lobster.

(8)(6) "Land," when used in connection with the harvest of a spiny lobster, means the physical act of bringing the harvested lobster ashore.

(9)(7) "Lobster trap certificates" means those certificates allotted by the Fish and Wildlife Conservation Commission pursuant to Section 370.142(2), Florida Statutes.

(10)(8) "Person" means any natural person, firm, entity, or corporation.

(11)(9) "Recreational harvester" means any person other than a commercial harvester.

~~(12)(10)~~ “Slipper lobster,” also known as Spanish, sand, shovelnose, and bulldozer lobster, means any crustacean of the species *Scyllarides nodifer*, or any part thereof.

~~(13)(11)~~ “Spiny lobster” or “crawfish” means any crustacean of the species *Panulirus argus*, or any part thereof.

~~(14)(12)~~ “Untreated pine” means raw pine wood that has been treated with any preservative or pine wood that has been pressure treated with no more than 0.40 pounds of chromated copper arsenate (CCA) compounds per cubic foot of wood.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History—New 7-2-87, Amended 7-2-90, 3-1-92, 6-1-94, 10-4-95, Formerly 46-24.002, Amended \_\_\_\_\_.

68B-24.004 Bag Limit.

(1) Except as provided in subsections (2), (3), and (4), the harvest from state waters, or possession while on or below such water, of more than 6 spiny lobster per recreational harvester per day ~~or 24 spiny lobster per boat, whichever is greater, is prohibited.~~

(2)(a) Except in Monroe County and in Biscayne National Park, during the first day of the two-day sport season specified in Rule 68B-24.005, F.A.C., no recreational harvester shall harvest more than 12 spiny lobster, or possess more than 12 spiny lobster, whether on or off the waters of the state. During the second day of the two-day sport season, no recreational harvester shall harvest or possess while in or on state waters more than 12 spiny lobster, or possess more than 24 spiny lobster once such harvester has landed and departed the state waters.

(b) In Monroe County and in Biscayne National Park, during the first day of the two-day sport season specified in Rule 68B-24.005, F.A.C., no recreational harvester shall harvest more than 6 spiny lobster, or possess more than 6 spiny lobster, whether on or off the waters of the state. During the second day of the two-day sport season, no recreational harvester shall harvest or possess while in or on the waters of Monroe County or Biscayne National Park more than 6 spiny lobster, or possess more than 12 spiny lobster in said county or in said park once such harvester has landed and departed those the Monroe County waters. Pursuant to Rule 68B-24.0065, F.A.C., John Pennekamp Coral Reef State Park in Monroe County is closed to spiny lobster harvest during the two-day sport season.

(3) Special Recreational Crawfish (Spiny Lobster) Bag Limit – No person who possesses a valid special recreational crawfish license issued by the Fish and Wildlife Conservation Commission pursuant to Section 370.063, Florida Statutes, shall harvest in any one day during the regular season specified in subsection 68B-24.005(1), F.A.C., ~~more than 50~~ spiny lobster than the amounts specified below for the respective fishing seasons; provided, however, when one or more persons possessing a valid special recreational crawfish license are aboard a single vessel in or on state waters, together with any

number of regular recreational harvesters, no more than the specified amount of 50 spiny lobster for the applicable fishing season shall be possessed aboard such vessel.

(a) 2003-2004 – 50.

(b) 2004-2005 – 45.

(c) 2005-2006 – 40.

(d) 2006-2007 – 35.

(e) 2007-2008 – 30.

(f) 2008-2009 – 25.

(g) 2009-2010 – 20.

(h) 2010-2011 – 15.

(i) 2011-2012 – 10.

(j) Beginning with the 2012-2013 season and for each season thereafter, no Special Recreational Crawfish Licenses shall be issued or renewed. All recreational harvesters shall be subject to the bag limit specified in subsection (1).

(4) No person shall harvest or possess, while on or below the water, more spiny lobster than the limit established in subsection (1), unless such person:

(a) Is engaged in the lawful importation of spiny lobster pursuant to Rule 68B-24.0045, F.A.C.;

(b) Is a commercial harvester as defined in Rule 68B-24.002(4) ~~Possesses a current valid crawfish license or trap number issued by the Fish and Wildlife Conservation Commission pursuant to Section 370.14(2)(a), Florida Statutes, and a current valid saltwater products license with a restricted species endorsement;~~ or

(c) Until March 31, 2012, possesses a current valid special recreational crawfish license issued by the Fish and Wildlife Conservation Commission pursuant to Section 370.063, Florida Statutes.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History—New 7-2-87, Amended 7-2-90, 7-1-92, 6-1-94, 10-4-95, Formerly 46-24.004, Amended 7-9-02, \_\_\_\_\_.

68B-24.0055 Commercial Licensing Requirements.

(1) Section 370.14, Florida Statutes, requires each person using traps to harvest spiny lobster or taking spiny lobster in commercial quantities to purchase and possess a trap number, also known as a crawfish endorsement or crawfish license. A crawfish endorsement is hereby required to harvest spiny lobster for commercial purposes, and shall only be issued to a person, firm, or corporation that possesses a valid saltwater products license with a restricted species endorsement. “Harvest for commercial purposes” means the taking or harvesting of spiny lobster for purposes of sale or with intent to sell or in excess of established bag limits.

(2) Beginning in the 2004-2005 fishing season, in addition to a valid saltwater products license with a restricted species endorsement and a valid crawfish endorsement, a commercial dive permit is required to harvest spiny lobster in commercial quantities by diving. Application for issuance of a commercial dive permit shall be made on a form provided by the

Commission (Form DMF-SL4040), incorporated herein by reference. The applicant must have documented commercial dive lobster landings pursuant to Commission trip ticket records generated under the provisions of Rule Chapter 68E-5, F.A.C., during any one license year between July 1, 2001 and June 30, 2002, or during the period between July 1, 2002 and June 30, 2003. No commercial harvester with a commercial dive permit may hold one or more trap certificates. Effective March 31, 2005, no new commercial dive permits will be issued and no commercial dive permit will be renewed or replaced except those that were active during the 2004-2005 fishing season.

Specific Authority Art IV, Sec. 9, Fla. Const. Law Implemented Art IV, Sec. 9, Fla. Const. History—New 7-1-01, Amended \_\_\_\_\_.

68B-24.006 Gear: Traps, Buoys, Identification Requirements, Prohibited Devices.

(1) through (5) No change.

(6) Each commercial harvester who harvests spiny lobster by diving shall permanently and conspicuously display on the boat used in such diving a “divers-down flag” symbol on an identification placard, which symbol shall have dimensions no less than 16 inches by 20 inches. The term “divers-down flag” shall have the meaning ascribed in Section 861.065(3), Florida Statutes. The commercial harvester’s current crawfish license or trap number shall be permanently affixed to the diagonal stripe on the placard in legible figures to provide ready identification from the air and water.

(7) During any time of the year when it is legal to transport spiny lobster traps, a harvester may obtain permission from the Division of Law Enforcement to allow another person to transport, deploy, pull, or retrieve his or her traps. Permission may be granted upon receipt of a written statement signed by both the commercial harvester seeking to have his or her traps pulled and the person designated to pull the traps. Such written statement shall contain the following: Permission to pull or work traps belonging to another, during the regular season, may be granted by the Division of Law Enforcement. Such permission shall be granted by the Division only upon receipt of a written statement signed by the commercial harvester detailing license or trap number and buoy colors. Additionally, the harvester shall list the license or trap number, buoy colors, and audit numbers of the harvester and general locations of the pulling activity of the boat engaged in pulling or working the traps. Permission to pull traps in this manner shall be obtained daily; however, extension of permission may be obtained by telephone for up to a maximum of 5 days.

(a) The reason the harvester needs to have his or her traps pulled;

(b) The numbers of the saltwater products license and crawfish endorsement of both, the harvester seeking to have the traps pulled and the person who will be pulling the traps;

(c) The buoy colors of the harvester seeking such permission;

(d) The name and number of the vessel to be used by the person who will be pulling the traps;

(e) The general locations of the pulling activity of the vessel to be engaged in pulling the traps; and

(f) The dates the other person will be transporting, deploying, pulling or retrieving the traps. Permission to pull traps in this manner shall be obtained daily by telephone from the Division of Law Enforcement for a maximum of 5 days without renewal or extension of the request. Permission to have traps pulled by another person for a longer period of time, must be based on extraordinary circumstances such as severe personal or family illness or accident or major equipment problem, and shall be obtained through petition to the Division of Law Enforcement on Commission Form DMF-SL3040 (07-03) (Spiny Lobster Trap Pulling Petition), herein incorporated by reference, and will be granted upon such conditions as the division deems appropriate for the protection of the resource. It shall be the responsibility of the commercial harvester, or a member of the harvester’s immediate family, to petition the division. The petition shall include a complete description of the extraordinary circumstances with corroborating documentation, the amount of additional time requested, the number of traps to be pulled, and a signed statement from the other person, attesting to his/her willingness and ability to pull these traps during this time period as well as an awareness of all rules governing the spiny lobster fishery. If the person designated to pull the petitioner’s traps does not possess a saltwater products license with restricted species and a crawfish endorsement, the petitioner, as the license holder of record must possess a vessel saltwater products license and shall be held accountable for the designee’s compliance with all regulations governing the spiny lobster fishery. Permission to pull another’s traps shall not be granted to a person holding a commercial dive permit.

(8) through (9) No change.

(10) No person shall harvest any spiny lobster from artificial habitat.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History—New 7-2-87, Amended 7-2-90, 3-1-92, 7-1-92, 6-1-94, 10-4-95, 9-30-96, 6-1-99, Formerly 46-24.006, Amended 7-1-01, 7-9-02, \_\_\_\_\_.

**FISH AND WILDLIFE CONSERVATION COMMISSION**

**Marine Fisheries Commission**

RULE CHAPTER TITLE: Pompano, African Pompano, and Permit

RULE TITLES:	RULE NOS.:
Definitions	68B-35.002
Size and Bag Limits; Prohibition of Sale	68B-35.003



Gear Specifications and Prohibited Gear 68B-35.004  
 Commercial Pompano Harvest Requirements:  
 Pompano Endorsement Criteria; State and  
 Federal Waters Pompano Daily Harvest  
 Limits and License Requirements for  
 Sale or Purchase 68B-35.005

PURPOSE AND EFFECT: A Florida Marine Research Institute stock assessment concluded that pompano are undergoing overfishing on both coasts and that reductions in fishing mortality following implementation of the 1995 net limitation amendment have dissipated. The purpose of this rule development is to implement management measures that would reduce pompano harvest by approximately 10%. The effect of this effort will be to assure the continuing availability of pompano to commercial and recreational harvesters who rely on the species.

SUBJECT AREA TO BE ADDRESSED: Pompano.  
 SPECIFIC AUTHORITY: Art. IV, Sec. 9, Florida Constitution.  
 LAW IMPLEMENTED: Art. IV, Sec. 9, Art. X, Sec. 16, Florida Constitution.

IF REQUESTED AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT A TIME, DATE, AND PLACE TO BE LATER ANNOUNCED IN THIS PUBLICATION.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 calendar days before the workshop/meeting by contacting Cindy Hoffman, ADA Coordinator at (850)488-6411. If you are hearing or speech impaired, please contact the agency by calling (850)488-9542.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: James V. Antista, General Counsel, Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600, (850)487-1764

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

68B-35.002 Definitions.

As used in this rule chapter:

(1) through (2) No change.

(3) "Fork length" means the length of a fish as measured from the most forward point of the head to the rear center edge of the tail.

(4) through (7) No change.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History—New 7-1-89, Amended 1-1-96, Formerly 46-35.002, Amended \_\_\_\_\_.

68B-35.003 Size and Bag Limits; Prohibition of Sale.

(1) Size Limits.

(a) No person shall harvest in or from state waters, or possess while in or on state waters, any pompano or permit, with a fork length less than 10 inches, or greater than 20 inches, except that a person harvesting pursuant to the bag limit specified in paragraph (2)(a) of this rule may harvest and possess one pompano or permit greater than 20 inches in fork length. No person shall purchase, sell, or exchange any pompano or permit with a fork length less than 10 inches, or greater than 20 inches.

(b) No person shall harvest in or from state waters, or possess while in or on state waters, any African pompano with a fork length less than 24 inches.

(c) No change.

(2) Bag Limits.

(a) Except for persons harvesting pompano or permit pursuant to a valid saltwater products license with a restricted species endorsement, persons harvesting pompano from federal EEZ waters pursuant to Rule 68B-35.005, F.A.C., or persons harvesting pompano as bycatch in a federal gill net fishery for other species pursuant to paragraph 68B-35.004(3)(b)(e), F.A.C., no person shall harvest in or from state waters more than a total of 5 10 pompano or permit per day, in any combination of species, nor possess while in or on state waters more than 5 10 such fish. ~~No more than one (1) of such fish shall exceed 20 inches length.~~

(b) No change.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History—New 7-1-89, Amended 1-1-96, Formerly 46-35.003, Amended 11-1-01, \_\_\_\_\_.

68B-35.004 Gear Specifications and Prohibited Gear.

(1) through (2) No change.

(3) Except as provided in this subsection, no person shall simultaneously possess aboard any vessel in state waters any pompano together with any gill or entangling net.

(a) Such possession is allowed by persons who have harvested pompano in adjacent federal Exclusive Economic Zone (EEZ) waters and who possess a valid saltwater products license with a restricted species endorsement and a pompano endorsement issued pursuant to subsection 68B-35.005(1), F.A.C., only in the ~~following areas of state waters:~~

~~1. In the area of state waters between 25°09' North Latitude and 26°00' North Latitude, between Cape Sable and Hurricane Pass.~~

~~2. In specified state waters, upon designation by the Executive Director of the Commission, after a total of at least 1,500 pounds of pompano have been landed on two different observer trips where pompano are caught, by a person taking pompano pursuant to subsection 68B 35.005(2), F.A.C., harvested with a gill or entangling net in federal EEZ waters adjacent to such specified state waters on each trip.~~

~~(b) Such possession is allowed by persons who have harvested pompano in adjacent federal EEZ waters and who possess a valid Pompano Special Activity License issued pursuant to subsection 68B-35.005(2), F.A.C.~~

~~(b)(e) Such possession is allowed by persons who have harvested pompano in adjacent federal EEZ waters as an incidental bycatch in gill or entangling nets fished for other species, which persons possess a valid saltwater products license with a restricted species endorsement and provided the amount of all pompano aboard such vessel at any time does not exceed 100 individual fish.~~

~~(c)(d) Paragraphs (a) and (b), and (e) shall not apply to any person or vessel returning from federal EEZ waters that stops to fish in state waters or otherwise fails to meet all requirements of Section 370.092, Florida Statutes.~~

(4) Each pompano gill or entangling net possessed in state waters or used in federal EEZ waters pursuant to subsection (3) shall meet the following specifications, except that the mesh size requirement in paragraph (c) shall not apply to the exception in paragraph (3)(b)(e):

(a) Such net shall not be less than 400 yards in length, along the cork line and along the lead line.

(b) Such net shall be at least 70 meshes deep at its shallowest point.

(c) Such net shall have a mesh size of at least 4 1/2 inches stretched mesh, throughout the net.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const., Art. X, Sec. 16, Fla. Const., 370.021(3) FS. History—New 7-1-89, Amended 1-1-96, Formerly 46-35.004, Amended 11-1-01, \_\_\_\_\_.

68B-35.005 Commercial Pompano Harvest Requirements: Pompano Endorsement Criteria; ~~Pompano Special Activity License Criteria~~; State and Federal Waters Pompano Daily Harvest Limits and License Requirements for Sale or Purchase.

(1) No change.

~~(2) POMPANO SPECIAL ACTIVITY LICENSE (PSAL) — The Fish and Wildlife Conservation Commission intends to issue PSALs to qualified commercial fishers to allow them to use gill and entangling nets for an exploratory fishery to harvest pompano in federal Exclusive Economic Zone (EEZ) waters adjacent to state waters, for the sole purpose of establishing that a federal waters fishery exists in specific areas. No person shall be issued a PSAL without first meeting each of the following criteria and conditions:~~

~~(a) The applicant must possess a Vessel Saltwater Products License with a Restricted Species Endorsement.~~

~~(b) The applicant must own a commercially registered vessel no smaller than 22 feet in documented length, except in the case of a vessel with the primary power mounted forward of the center point of the vessel, the vessel shall not be smaller than 25 feet in documented length.~~

~~(c) The applicant must have documented landings of pompano of at least 2,000 pounds from state waters or from federal EEZ waters during any continuous 24-month period.~~

~~(d) No applicant shall receive a PSAL who, in the previous three license years, has been charged with violating any provision of Article X, Section 16 of the State Constitution, Section 370.092 or 370.093, Florida Statutes, or subsection 68B-4.0081(2), F.A.C., and who has received a judicial disposition other than acquittal or dismissal on such charges.~~

~~(e) Any person issued a PSAL must agree to notify the Division of Law Enforcement, by submission of a float plan, at least 24 hours prior to all exploratory fishing trips pursuant to the license. The licenseholder shall submit a trip report, after all exploratory fishing trips using the trip ticket record, to the Division of Marine Fisheries within 72 hours of completion of each trip. The licenseholder must agree to take an FWC observer aboard once she/he has used the PSAL to determine the extent of the fishery. The PSAL will contain a condition requiring notification of FWC's Marine Research Institute at least 48 hours prior to any trip the licenseholder intends to allow placement of an observer on board the vessel. The named licenseholder/vessel owner must always be on board during exploratory fishing trips.~~

~~(f) PSALs will be issued at any time during the fishing year and they will be valid for a period of six (6) months. The licenseholder may apply for a single six-month extension of the PSAL. If during that extension, no federal waters gill or entangling net fishery is established pursuant to subparagraph 68B-35.004(3)(a)2., F.A.C., the licenseholder is barred for a period of one year from the expiration of the extension from applying for another PSAL.~~

~~(g) The licenseholder must acknowledge that violation of any of the terms or conditions stated in the license may result in the revocation of the license or denial of a requested extension.~~

~~(2)(3) STATE AND FEDERAL WATERS DAILY COMMERCIAL HARVEST LIMITS — Persons harvesting pompano in state and federal waters pursuant to a saltwater products license with a restricted species endorsement, but who do not possess a pompano endorsement, shall be subject to a daily harvest and landing limit of 175 250 individual pompano; provided, however, that no more than 175 250 pompano harvested pursuant to this subsection shall be possessed aboard any vessel at any time. Such persons are subject to the gear limitations of paragraph 68B-35.004(2)(b), F.A.C.~~

~~(a) No person shall sell more than 175 250 individual pompano per day, unless such person possesses either a valid PSAL or a valid Pompano Endorsement, in addition to a saltwater products license with a restricted species endorsement.~~

~~(b) No wholesale dealer shall purchase more than 175 250 individual pompano per day from any person who does not possess and present to the dealer either a valid PSAL or a valid Pompano Endorsement, in addition to a saltwater products license with a restricted species endorsement.~~

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const., Art. X, Sec. 16, Fla. Const., 370.021(3) FS. History--New 11-1-01, Amended \_\_\_\_\_.

**FISH AND WILDLIFE CONSERVATION COMMISSION**

**Marine Fisheries Commission**

RULE CHAPTER TITLE: Shrimping and Trapping: Closed Areas and Seasons

RULE TITLE: Citrus-Hernando Shrimping and Trapping Closed Areas and Seasons RULE NO.: 68B-38.001

PURPOSE AND EFFECT: This rule development effort is in conjunction with proposed changes to rules governing the stone crab trap fishery. The purpose of this effort is to expand the scope of existing rules governing areas and times when shrimping and stonecrabbing are allowed to occur off the coast of Citrus and Hernando Counties on the west coast of Florida. The changes would prohibit all trap fishing in specific existing delineated zones on a seasonal basis. A secondary objective is to remove from the rule advisory Loran coordinates no longer useful to fishers in defining the boundaries of the zones in the rule. The effect of this effort will be to assure that fishers would not be able to avoid complying with the areal-seasonal closures of this rule by using trap gear used for other fisheries.

SUBJECT AREA TO BE ADDRESSED: Shrimping and Trapping in waters of the Gulf of Mexico off Citrus and Hernando Counties.

SPECIFIC AUTHORITY: Art. IV, Sec. 9, Florida Constitution.

LAW IMPLEMENTED: Art. IV, Sec. 9, Florida Constitution.

IF REQUESTED AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT A TIME DATE AND PLACE TO BE LATER ANNOUNCED IN THIS PUBLICATION.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 calendar days before the workshop/meeting by contacting Cindy Hoffman, ADA Coordinator at (850)488-6411. If you are hearing or speech impaired, please contact the agency by calling (850)488-9542.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: James V. Antista, General Counsel, Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600, (850)487-1764

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

**SHRIMPING AND TRAPPING STONECRABBING: CLOSED AREAS AND SEASONS**

68B-38.001 Citrus-Hernando Shrimping and ~~Trapping Stonecrabbing~~ Closed Areas and Seasons.

(1) For purposes of regulating shrimping and ~~trapping stonecrabbing~~ in the state waters of Citrus and Hernando Counties, five zones are hereby established as described in subsection (2) and depicted on the following map: (MAP NOT BEING CHANGED)

(2) The zones established in subsection (1) are described as follows:

(a) ZONE I – Bounded by a continuous line connecting the following points expressed by latitude and longitude (~~Loran notations are unofficial and are included only for the convenience of fishermen~~):

Point	Latitude	Longitude	W	X	Y	Z
A	28° 59.500'	82° 50.410'	14416.5	31409.4	45259.1	62895.3
B	28° 59.500'	83° 00.166'	14396.0	31386.3	45376.8	63000.0
C	28° 26.016'	82° 59.783'	14301.5	31205.9	45103.2	63000.0
D	28° 26.016'	82° 56.900'	14307.0	31212.2	45080.0	62981.3
T	28° 27.766'	82° 55.150'	14315.2	31225.8	45080.0	62970.0
E	28° 41.650'	82° 55.416'	14353.7	31300.2	45193.9	62970.0
F	28° 41.650'	82° 56.150'	14352.4	31298.6	45199.4	62975.0
G	28° 48.933'	82° 56.316'	14372.6	31337.2	45260.0	62975.0
H	28° 54.080'	82° 51.100'	14393.9	31371.8	45260.0	62937.0
I	28° 54.080'	82° 47.500'			45229.5	62910.0
W	28° 57.910'	82° 47.530'	14410			62910
X	28° 59.410"	82° 50.410"	14410			62930

Thence northerly to Point A

(b) ZONE II – Bounded by a continuous line connecting the following points expressed by latitude and longitude (~~Loran notations are unofficial and are included only for the convenience of fishermen~~):

Point	Latitude	Longitude	W	X	Y	Z
I	28° 54.080'	82° 47.500'	45229.5			62910.0
H	28° 54.080'	82° 51.100'	45260.0			62937.0
K	28° 50.983'	82° 54.266'	14381.6	31351.8	45260.0	62960.0
L	28° 41.650'	82° 53.933'	14356.2	31303.0	45181.7	62960.0
M	28° 41.650'	82° 45.100'			45111.5	62900.0
J	28° 43.530'	82° 45.220'	14375.0			62900.0
Z	28° 44.380'	82° 46.710'	14375.0			62910.0

Thence northerly to Point I

(c) ZONE III – Bounded by a continuous line connecting the following points expressed by latitude and longitude (~~Loran notations are unofficial and are included only for the convenience of fishermen~~):

Point	Latitude	Longitude	W	X	Y	Z
P	28° 40.000'	82° 53.133'	14352.9	31295.7	45161.8	62955.0
Q	28° 40.000'	82° 47.966'	14361.3	31305.4	45120.0	62920.0
R	28° 35.233'	82° 47.783'	14348.6	31280.6	45080.0	62920.0
U	28° 30.850'	82° 52.150'	14329.1	31248.6	45080.0	2949.9
S	28° 30.850'	82° 52.916'	14327.7	31247.0	45086.6	62955.0

Thence northerly to Point P

(d) ZONE IV – Bounded by a continuous line connecting the following points expressed by latitude and longitude (~~Loran notations are unofficial and are included only for the convenience of fishermen~~):

Point	Latitude	Longitude W	X	Y	Z
E	28° 41.650'	82° 55.416'	14353.7	31300.2	45193.9 62970.0
N	28° 41.650'	82° 53.200'	14357.4	31304.4	45176.0 62955.0
S	28° 30.850'	82° 52.916'	14327.7	31247.0	45086.6 62955.0
O	28° 30.850'	82° 55.183'	14323.7	31242.4	45104.9 62970.0

Thence northerly to Point E

(e) ZONE V – Bounded by a continuous line connecting the following points expressed by latitude and longitude (~~Loran notations are unofficial and are included only for the convenience of fishermen~~):

Point	Latitude	Longitude W	X	Y	Z
F	28° 41.650'	82° 56.150'	14352.4	31298.6	45199.4 62975.0
G	28° 48.933'	82° 56.316'	14372.6	31337.2	45260.0 62975.0
K	28° 50.983'	82° 54.266'	14381.6	31351.8	45260.0 62960.0
L	28° 41.650'	82° 53.933'	14356.2	31303.0	45181.7 62960.0

Thence west to Point F

(3) No person shall operate any trawl in the following zones during the time periods indicated:

(a) ZONES I and III – Beginning on October 5 of each year and continuing through May 20 of the following year.

(b) ZONE IV – Beginning on December 2 of each year and continuing through April 1 of the following year.

(c) ZONE V – Beginning on December 1 of each year and continuing through March 15 of the following year.

(4) No person shall fish with, set, or place any ~~stone crab~~ trap in the following zones during the time periods indicated:

(a) ZONE II – Beginning on October 5 of each year and continuing through May 20 of the following year.

(b) ZONE IV – Beginning on October 5 of each year and continuing through December 1 of the same year and beginning on April 2 of each year and continuing through May 20 of the same year.

(c) ZONE V – Beginning on October 5 of each year and continuing through November 30 of the same year and beginning on March 16 of each year and continuing through May 20 of the same year.

(5) This rule shall not be construed as allowing shrimping or ~~trapping stone crabbing~~ in areas or during times as may be otherwise prohibited by law or rule.

(6) “Trawl” means a net in the form of an elongated bag with the mouth kept open by various means and fished by being towed or dragged on the bottom.

(7) “Trapping” means deployment of any device for harvesting crabs, fish, or other animals, which device captures by entrapping such animals within its walls, including, but not limited to any trap authorized in Rules 68B-13.008, 68-14.005, 68B-24.006, or 68B-45.004, or in Section 370.1105, Florida Statutes.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History--New 10-1-89, Amended 2-24-98, Formerly 46-38.001, Amended \_\_\_\_\_.

**FISH AND WILDLIFE CONSERVATION COMMISSION**

**Marine Fisheries Commission**

RULE CHAPTER TITLE: Mullet

RULE TITLES:

Designation as Restricted Species

Definitions

Size Limit; Exception

Bag Limit

Seasonal Bag Limit for Portion of

Pinellas County

Seasonal Night Closure for Portion of

Charlotte County (Punta Gorda)

Allowable Harvesting Gear

Commercial Harvest, Statewide Regulations

Pasco-Lee Region; Seasons; Closed Areas

PURPOSE AND EFFECT: The Fish and Wildlife Conservation Commission has received comments from commercial fishers expressing concern about an apparent decline in silver mullet abundance on Florida’s Atlantic Coast since the mid-1990s. A Florida Marine Research Institute stock assessment confirmed the decline and concluded that the Atlantic fishery is approaching overfishing. The Gulf of Mexico stock appears healthy. The purpose of this rule development is to expand the existing mullet rule chapter to implement management measures to achieve at least a 10% reduction in harvest in the Atlantic silver mullet fishery. The effect of this effort will be to assure the continuing availability of silver mullet to commercial and recreational harvesters who rely on the species.

SUBJECT AREA TO BE ADDRESSED: Silver mullet.  
 SPECIFIC AUTHORITY: Art. IV, Sec. 9, Florida Constitution.  
 LAW IMPLEMENTED: Art. IV, Sec. 9, Florida Constitution.  
 IF REQUESTED AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT A TIME, DATE AND PLACE TO BE LATER ANNOUNCED IN THIS PUBLICATION.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 calendar days before the workshop/meeting by contacting Cindy Hoffman, ADA Coordinator at (850)488-6411. If you are hearing or speech impaired, please contact the agency by calling (850)488-9542.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: James V. Antista, General Counsel, Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600, (850)487-1764

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

~~68B-39.001 Purpose and Intent; Repeal of Certain General and Special Acts; Designation as Restricted Species.~~

~~(1) The purpose and intent of this chapter are to protect and conserve Florida's mullet resources and assure the continuing health and abundance of the species.~~

~~(2) It is the intent of this chapter to expressly effect the repeal of and replace Section 370.11(2)(a)7., Florida Statutes, and the remainder of Section 370.11(2)(a), Florida Statutes, as it pertains to mullet.~~

~~(3) It is the intent of this chapter to repeal and replace the following special acts (local laws), which are rules of the Department of Environmental Protection pursuant to subsection (5) of Section 2 of Chapter 83-134, as amended by Chapter 84-121, Laws of Florida:~~

~~(a) Chapter 21429, Laws of Florida (1941), which regulates the taking of mullet in Okaloosa County.~~

~~(b) Chapter 26115, Laws of Florida (1949), which regulates the taking of mullet in Palm Beach County.~~

~~(c) Chapter 57-1320, Laws of Florida (1957), which allows the taking of mullet smaller than 12 inches in length for bait and provides for the licensing of mullet dealers, in Flagler County.~~

~~(d) Chapter 61-1998, Laws of Florida (1961), which regulates the taking of mullet in Citrus County.~~

~~(e) Chapter 69-948, Laws of Florida (1969), which allows the taking of mullet smaller than 12 inches in length for bait and provides for the licensing of mullet dealers, in Clay County.~~

~~(4) Striped mullet and silver mullet are hereby designated as a restricted species pursuant to Section 370.01(21), Florida Statutes.~~

Specific Authority Art. IV, Sec. 9, Fla. Const., Chapter 83-134, Laws of Fla., as amended by Chapter 84-121, Laws of Fla.; Law Implemented Art. IV, Sec. 9, Fla. Const., Chapter 83-134, Laws of Fla., as amended by Chapter 84-121, Laws of Fla.; History—New 10-19-89, Amended 9-1-91, 11-16-98, Formerly 46-39.001, Amended \_\_\_\_\_.

68B-39.002 Definitions.

As used in this rule chapter:

(1) “East region” means all state waters along the east coast of Florida and the Florida Keys lying between the Florida-Georgia border and the Monroe-Collier county line, and adjacent federal Exclusive Economic Zone waters.

~~(2)(1) No change.~~

~~(3)(2) No change.~~

~~(4)(3) “Harvest for commercial purposes” means the taking or harvesting of any striped or silver mullet for purposes of sale or with intent to sell. Striped or silver mullet harvested in excess of the recreational bag limit, shall constitute harvest for commercial purposes.~~

~~(5)(4) No change.~~

(6) “Silver mullet” means any fish of the species *Mugil curema* (white mullet), *Mugil gyrans* (fantail mullet), or *Mugil gaimardianus* (redeye mullet), or any part thereof.

~~(7)(5) “Striped mullet,” also commonly known as black mullet, means any fish of the species *Mugil cephalus*, or any part thereof.~~

~~(6) “Skimmer net” means a net in the form of an elongated bag kept open by a rigid L-shaped frame together with a weight. Such nets are deployed in tandem on either side of a vessel and are not towed or dragged along the sea bottom.~~

~~(8)(7) No change.~~

~~(9)(8) No change.~~

~~(10)(9) No change.~~

(11) “West region” means all state waters along the west coast of Florida lying between the Alabama-Florida line and the Collier-Monroe county line, and all adjacent Exclusive Economic Zone waters.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History—New 10-19-89, Amended 10-1-90, 11-16-93, 7-15-96, 3-3-97, 1-1-98, Formerly 46-39.002, Amended 10-7-01, \_\_\_\_\_.

68B-39.003 Size Limit; Exception.

(1) A person harvesting pursuant to Rules 68B-39.005 and 68B-39.008, F.A.C., shall not harvest or possess, while in or on the waters of the state, a quantity of striped mullet smaller in size than 11 inches fork length, which quantity exceeds 10 percent of the total whole weight of all striped mullet in possession of the harvester at any time.

(2) All striped and silver mullet harvested for commercial purposes within or without the waters of the state shall be landed in a whole condition. The possession, while in or on state waters, of a mullet harvested for commercial purposes that has been deheaded, sliced, divided, filleted, ground, skinned, scaled, or deboned is prohibited. Mere evisceration or “gutting” of striped or silver ~~such~~ mullet, or mere removal of gills before landing is not prohibited.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History—New 10-19-89, Formerly 46-39.003, Amended \_\_\_\_\_.

68B-39.004 Bag Limit.

Except as provided in Rules 68B-39.0045-.008:

(1) No person shall harvest within or without the waters of the state, more than 50 striped or silver mullet per day, in any combination of species; provided, however, that two or more harvesters aboard a single vessel in or on the waters of the state shall be subject to the vessel possession limit specified in subsection (2).

(2)(a) During the period beginning September 1 each year and continuing through January 31 of the following year, the possession of more than 50 striped or silver mullet aboard a vessel in or on the waters of the state at any time is prohibited.

(b) During the period beginning February 1 and continuing through August 31 each year, the possession of more than 100 striped or silver mullet aboard a vessel in or on the waters of the state at any time is prohibited.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History—New 10-19-89, Amended 9-1-91, 10-5-92, Formerly 46-39.004, Amended 3-30-00, \_\_\_\_\_.

68B-39.0045 Seasonal Bag Limit for Portion of Pinellas County.

(1) During the period beginning October 1 and continuing through the following January 31 each year, no person, including those harvesting pursuant to Rules 68B-39.005 and 68B-39.008, F.A.C., shall harvest within the areas described in subsection (3), more than five striped mullet per day. However, if there are two or more harvesters aboard a single vessel in the areas described in subsection (3), the vessel possession limit specified in subsection (2) shall apply.

(2) The possession of more than 5 striped mullet aboard a vessel in the areas described in subsection (3) is prohibited.

(3) No change.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History—New 10-5-92, Formerly 46-39.0045, Amended \_\_\_\_\_.

68B-39.0046 Seasonal Night Closure for Portion of Charlotte County (Punta Gorda).

(1) During the period beginning on November 1 each year and continuing through the last day of February of the following year, no person, including those harvesting pursuant to Rules 68B-39.005 and 68B-39.008, F.A.C., shall harvest or attempt to harvest, within the area described in subsection (2), any striped mullet during the period beginning 6:00 p.m. each evening and continuing until 6:00 a.m. the following morning. No person shall possess any striped mullet in, on, or above the waters of the area during this nightly closure.

(2) No change.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History—New 2-24-98, Formerly 46-39.0046, Amended \_\_\_\_\_.

68B-39.0047 Allowable Harvesting Gear.

(1) The harvest or attempted harvest of any striped and silver mullet by or with the use of any gear or method other than the following is prohibited.

(a) No change.

(b) No change.

~~(c) Until January 1, 2000, skimmer net meeting the following specifications:~~

~~1. No skimmer net shall have an opening larger than 28 feet around the perimeter.~~

~~2. No more than two skimmer nets shall be attached to or fished from a single vessel.~~

~~3. No skimmer net shall have a total area (mesh area plus the area of any other attached material that adds to the fishing surface of the net) larger than 500 square feet. No skimmer net shall be longer than 30 feet long in a stretched condition.~~

~~4. The bag of any skimmer net shall be constructed of no smaller than #12 dipped nylon mesh. The use of monofilament netting material in any part of the net is prohibited. The mesh size in the final 8 feet of the net shall not exceed 3 1/2 inches stretched mesh and the mesh size in the remainder of the net shall not exceed 4 1/2 inches stretched mesh.~~

~~5. No skimmer net shall come in contact with the sea bottom while being deployed from a vessel under power.~~

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

~~(d)(e) No change.~~

(2) No person shall possess or sell or offer for sale any striped or silver mullet harvested in state waters with any gear not specifically allowed in subsection (1) of this rule.

(3) No change.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History—New 3-3-97, Amended 1-1-98, 11-16-98, 12-31-98, Formerly 46-39.0047, Amended 12-2-99, 7-1-01, \_\_\_\_\_.

68B-39.005 Commercial Harvest, Statewide Regulations.

(1) Any person harvesting striped or silver mullet in excess of the bag limit established by Rule 68B-39.004, F.A.C. shall be governed by the statewide regulations contained in this rule and by the specific regional requirements contained in Rule 68B-39.008, F.A.C. Such person shall either possess a valid saltwater products license with a restricted species endorsement or be aboard a vessel with another person so qualified.

(2) No person shall harvest striped or silver mullet for commercial purposes in water of the Atlantic Ocean or Gulf of Mexico offshore of the “three nautical mile line” (formerly known as the territorial sea line) except that, in the Collier-Monroe Gulf Region, no person shall harvest striped or silver mullet for commercial purposes offshore of the Everglades National Park Line. Such line shall commence at a point on the three nautical mile line due southwest of the West Pass Marker, 81° 31' 12" W longitude, 25° 49' 03" N latitude, thereafter going due northeast to the West Pass Marker, thereafter going in a southerly direction following the Western boundary of the Everglades National Park to the lighted buoy #2 at 80° 52.9' W longitude, 24° 52.3' N latitude, thereafter 240° True (or 242° magnetic) to the three nautical mile line, at which point it shall terminate.

(3)(a) Except as provided in paragraph ~~(c)~~(e) of this subsection, no person shall harvest, possess while in or on the waters of the state, or land in any one day striped or silver mullet in quantities greater than the bag limit specified in Rule 68B-39.004, F.A.C. on any weekend during the period beginning on July 1 of each year and ending on January 31 of the following year.

(b) No person shall purchase, sell, or exchange, or offer to purchase, sell, or exchange any striped or silver mullet harvested on any weekend during the period beginning on July 1 of each year and ending on January 31 of the following year.

(c) A person who has lawfully harvested striped or silver mullet for commercial purposes prior to the beginning of a weekend may possess, aboard a vessel, mullet in quantities greater than the bag limit after the weekend begins, if the vessel is tied up to the docking facilities of a licensed wholesale saltwater products dealer, the vessel was docked at the facility prior to the beginning of the weekend, and the person is in the process of landing the striped or silver mullet at the dealer's facility.

(d) No person shall harvest or possess silver mullet in or on waters of the east region in quantities greater than the bag limit specified in Rule 68B-39.004, F.A.C. during the period beginning February 1 and continuing through the last day of February each year. During this period, no person shall purchase, sell, or exchange, or offer to purchase, sell, or exchange any silver mullet harvested from waters of the east region.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History—New 10-19-89, Amended 10-1-90, 9-1-91, 11-16-93, 3-3-97, 11-16-98, Formerly 46-39.005, Amended.

68B-39.008 Pasco-Lee Region; Seasons; Closed Areas.

(1) No change.

(2) During the period beginning November 1 of each year and continuing through January 31 of the following year, the following waters shall be closed to the harvest of striped mullet in excess of the bag limit established by Rule 68B-39.004, F.A.C., during the period specified above. These closures shall not affect operation of existing closures of the same areas established by law or rule, during the remainder of the year.

(a) through (c) No change.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History—New 10-19-89, Amended 10-1-90, 10-5-92, 9-1-93, 11-29-93, 3-3-97, Formerly 46-39.008, Amended.

**FISH AND WILDLIFE CONSERVATION COMMISSION**

**Marine Fisheries Commission**

RULE CHAPTER TITLE: Sharks and Rays

RULE TITLES:	RULE NOS.:
Definitions	68B-44.002
Bag Limit Applicable to State Waters,	
Gear Restriction	68B-44.003
Practice of Finning Prohibited; Removal	
of Fins from Sharks Harvested in State	
Waters Prohibited; Compliance With Federal	
Requirements, Filleting Prohibited	68B-44.004
Commercial Harvest of Sharks: Federal	
Permit Required	68B-44.005

Commercial Season; Season Closure;  
Prohibition of Sale 68B-44.006

Protected Species: Sawfishes, Basking Shark,  
Whale Shark, White Shark, Sand Tiger  
Shark, Bigeye Sand Tiger Shark, Manta Ray,  
and Spotted Eagle Ray; Prohibition of Harvest,  
Landing, and Sale 68B-44.008

PURPOSE AND EFFECT: The Atlantic States Marine Fisheries Commission, an interstate compact regulatory organization authorized to adopt fishery management plans for Atlantic coast interstate fisheries, has asked the Florida Fish and Wildlife Conservation Commission to prohibit the harvest of spiny dogfish, a species of shark more prevalent in states to the north of Florida. The purpose of this rule development effort is to implement that rule change for Florida and to add shark species to the list of prohibited species that have also been prohibited by federal regulations in adjacent EEZ waters. The effect of this effort should be to contribute to the collective goals of reestablishing abundance to the Atlantic Spiny dogfish fishery and recovering overfished species of sharks.

SUBJECT AREA TO BE ADDRESSED: Shark species protected from harvest, possession, and sale.

SPECIFIC AUTHORITY: Art. IV, Sec. 9, Florida Constitution.

LAW IMPLEMENTED: Art. IV, Sec. 9, Florida Constitution.

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Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 calendar days before the workshop/meeting by contacting Cindy Hoffman, ADA Coordinator at (850)488-6411. If you are hearing or speech impaired, please contact the agency by calling (850)488-9542.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: James V. Antista, General Counsel, Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600, (850)487-1764

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

**FISH AND WILDLIFE CONSERVATION COMMISSION**

**Marine Fisheries Commission**

RULE CHAPTER TITLE: Blue Crab

RULE TITLES:	RULE NOS.:
Definitions	68B-45.002
Other Prohibitions	68B-45.006

PURPOSE AND EFFECT: This rule development effort is in conjunction with proposed changes to rules governing the stone crab trap fishery. The purpose of this effort is to close an area of the blue crab fishery seasonally in northwest Florida where blue crab fishers might be able to stockpile stone crabs in blue crab traps just prior to the opening of stone crab season. The effect should be to assure that stone crab fishers participating in the trap certificate program in northwest Florida will realize the benefits of the effort limitation program implemented for their fishery.

SUBJECT AREA TO BE ADDRESSED: Blue crab seasonal closure area for northwest Florida.

SPECIFIC AUTHORITY: Art. IV, Sec. 9, Florida Constitution.

LAW IMPLEMENTED: Art. IV, Sec. 9, Florida Constitution.

IF REQUESTED AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT A TIME, DATE, AND PLACE TO BE LATER ANNOUNCED IN THIS PUBLICATION.

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THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: James V. Antista, General Counsel, Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600, (850)487-1764

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

68B-45.002 Definitions.

As used in this rule chapter:

(1) through (8) No change.

(9) “Northwest Seasonal Closure Region” means all state waters of the Gulf of Mexico seaward of three nautical miles and north and west of latitude 29 degrees, 17 minutes, and 02 seconds North (from the south bank of the mouth of the Suwannee River to near channel marker 21 westward to the outer limits of state waters).

(10)(9) “Peeler crab” means a hard blue crab in pre-molt condition having a new soft shell developed under the hard shell and having a definite white, pink, or red line or rim on the outer edge of the back fin or flipper, and retained specifically for soft crab shedding operations and marketed only after molting and prior to the hardening of the new shell.

(11)(10) “Push scrape” means a mesh net or bag attached to the outer edges of a triangular or rectangular rigid frame with a handle attached that is fished by being pushed across the bottom by a person wading.

(12)(11) “Trotline” means a submerged line with bait at repetitive intervals.

(13)(12) “Untreated pine” means raw pine wood that has not been treated with any preservative or pine wood that has been pressure treated with no more than 0.40 pounds of chromated copper arsenate (CCA) compounds per cubic foot of wood.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History—New 12-14-93, Amended 6-1-94, 10-4-95, Formerly 46-45.002, Amended.

68B-45.006 Other Prohibitions.

(1) through (2) No change.

(3) In the Northwest Seasonal Closure Region, no blue crab trap, including any trap used to harvest peeler crabs, may be placed in the water, fished, or soaked during the period beginning September 20 and continuing through October 4 each year.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History—New 12-14-93, Formerly 46-45.006, Amended.

**FISH AND WILDLIFE CONSERVATION COMMISSION**

**Marine Fisheries Commission**

RULE CHAPTER TITLE: Trap Retrieval and Trap Debris

Removal

RULE TITLES:	RULE NOS.:
Definitions	68B-55.001
Retrieval of Trap Debris	68B-55.002
Trap Retrieval Program Funded Pursuant to Section 370.143, Florida Statutes	68B-55.003
Retrieval of Derelict Traps	68B-55.004

PURPOSE AND EFFECT: The purpose of this rule development effort is to promote the retrieval of derelict traps and trap debris from Florida’s coastal waters. These traps are used to harvest five marine species: spiny lobster (crawfish), stone crabs, blue crabs, black sea bass, and pinfish. Trap debris and derelict traps have many negative impacts on the marine environment. Existing programs for the funded retrieval of traps during closed seasons are inadequate to effectively deal with the problem. This effort reflects the cooperation of commercial fishing groups and representatives, environmental organizations engaged in shoreline and reef cleanups, and government entities such as the Department of Environmental Protection and the Florida Keys National Marine Sanctuary. The effect of this effort should be to reduce the negative environmental impacts of lost and abandoned traps and trap debris.



SUBJECT AREA TO BE ADDRESSED: Trap Retrieval and Debris Removal.

SPECIFIC AUTHORITY: Art. IV, Sec. 9, Florida Constitution.

LAW IMPLEMENTED: Art. IV, Sec. 9, Florida Constitution.

IF REQUESTED AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT A TIME, DATE, AND PLACE TO BE LATER ANNOUNCED IN THIS PUBLICATION.

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THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: James V. Antista, General Counsel, Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600, (850)487-1764

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

#### TRAP RETRIEVAL AND TRAP DEBRIS REMOVAL

##### 68B-55.001 Definitions.

As used in this chapter:

(1) "Closed season," means that specified period of time during which harvest is prohibited.

(2) "Trap debris," means any piece of a trap, or any combination of such pieces not constituting a fishable trap.

(3) "Derelict trap" means any trap during any closed season for the species, or any fishable trap during the open season that lacks more than two of the following elements:

(a) Buoy.

(b) Line.

(c) Current trap tag (spiny lobster or stone crab) or identification (blue crabs).

(d) Current license.

(4) "Fishable trap" means a trap that has 6 intact sides and at least two of the following elements:

(a) Buoy.

(b) Line.

(c) Current trap tag (if required).

(d) Identification.

(5) "Fishery Participant Organization" means a group of commercial fishermen all of whom possess a current saltwater products license and a blue crab, stone crab or spiny lobster endorsement. For the purpose of participation in the retrieval of derelict traps this means participants who receive and possess written permission from each other to bring their traps

into land or move them back into line, who work under law enforcement supervision to retrieve traps, or who prepare a plan for Commission authorization pursuant to this rule.

(6) "Trap" means legal harvesting gear as defined in Rule 68B-13.008, F.A.C.; Rule 68B-24.006, F.A.C.; Rule 68B-45.004, F.A.C.; Section 370.1105(1)(b), F.S.; or Section 370.1105(1)(c), F.S.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History--New \_\_\_\_\_.

##### 68B-55.002 Retrieval of Trap Debris.

(1) Local, state, or federal governmental entities, nonprofit nongovernmental organizations, fishery participant organizations, or other community or citizens groups are hereby authorized to remove trap debris from shoreline areas landward of mean low water, and from mangroves or other shoreline vegetation when they organize, promote, and participate in coastal cleanup events for the purpose of removing marine debris.

(2) Other coastal cleanup events for the purpose of removing trap debris from all other areas of state waters shall only be undertaken with prior authorization from the Commission, to assure that such removal is adequately supervised.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History--New \_\_\_\_\_.

68B-55.003 Trap Retrieval Program Funded Pursuant to Section 370.143, Florida Statutes.

(1) Traps shall be retrieved by Commission personnel or by a contractor under direct oversight of such personnel, by any approved persons through either a cooperative agreement with federal, state, or local governments, or with fishery participant organizations acting in conjunction with the Commission.

(2) For each trap retrieved pursuant to this section, the following information shall be documented:

(a) The intended species targeted by the trap.

(b) Owner identification.

(c) Presence or absence of a required tag.

(d) Commercial or recreational trap.

(e) Location of retrieval.

(f) Buoy colors.

(3) The Commission's Division of Law Enforcement office, in the area most appropriate to the cleanup, shall be notified by the Commission program administrator, no less than 24 hours prior to commencement of trap retrieval under this program, and on each day thereafter until cleanup ceases.

(4) Trap owners affected by a disaster, pursuant to Chapter 370.143(4), Florida Statutes, will be allowed ten calendar days after notification to claim traps from a Commission authorized storage area. Unclaimed traps will be properly disabled and disposed of as trap debris.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History--New \_\_\_\_\_.

**68B-55.004 Retrieval of Derelict Traps.**

(1) During the closed season for the harvest of any species for which traps are allowable gear, and after any authorized trap retrieval period together with any extensions, traps are considered to be derelict and may be retrieved as part of coastal cleanup events conducted by local, state, or federal government entities, nonprofit nongovernmental organizations, fishery participant organizations, or other community or citizens groups. Such events shall only be undertaken with prior authorization from the Commission, to assure that such removal is adequately supervised but without the mandatory reporting required in Rule 68B-55.003, F.A.C.

(2) During the open season for harvest of any species for which traps are allowable gear, retrieval of derelict traps may occur at any time deemed appropriate by the Commission. Commission employees, local, state, or federal personnel, or members of a fishery participant organization may retrieve derelict traps. Retrieval other than by Commission personnel shall only be pursuant to a Commission approved plan. The plan shall include the operational area and time period proposed, authorized personnel, the number of vessels, methods of disposition, and number and qualifications of supervisory personnel. An approved plan also include notification of the Commission's Division of Law Enforcement no less than 24 hours prior to commencement of retrieval under this program with final float plan information including contact information, vessel registration numbers, trip times, and number of days.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History--New \_\_\_\_\_.

**Section II  
Proposed Rules**

**DEPARTMENT OF BANKING AND FINANCE**

**Division of Finance**

RULE TITLE: Examination Fees  
PURPOSE, EFFECT AND SUMMARY: Rule 3D-30.028, F.A.C., sets the examination fee for examiners engaged in examinations of cemetery companies, pre-need sales certificate holders and agents, and guaranteeing organizations. It also sets forth compensation for travel time, per diem subsistence allowance, and report writing off premises. The rule is no longer necessary because the Florida Legislature enacted Chapter 2000-195, Laws of Florida that amended sections 497.103, 497.245 and 497.431, Florida Statutes, to delete the requirement that the examinee pay the expenses of the examination. Travel expense and per diem subsistence allowance for out of state travel by state employees in

RULE NO.: 3D-30.028

connection with an examination is still included. Sections 497.213 and 497.407, Florida Statutes, were amended to increase the cemetery license and certificate of authority fees.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: None.

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

SPECIFIC AUTHORITY: 497.103(1), 497.105(5) FS.

LAW IMPLEMENTED: 497.103(4), 497.213, 497.245, 497.407, 497.431 FS.

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

TIME AND DATE: 9:00 a.m., May 14, 2003

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Diana Evans, Chief, Bureau of Funeral and Cemetery Services, Division of Consumer Services, 200 East Gaines Street, Tallahassee, Florida 32399-0316, (850)413-5790

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

THE FULL TEXT OF THE PROPOSED RULE IS:

**3D-30.028 Examination Fees.**

Specific Authority 497.103(1), 497.105(5) FS. Law Implemented 497.431 FS. History--New 7-14-81, Formerly 3D-30.28, Amended 3-22-95, Repealed \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Diana Evans, Chief, Bureau of Funeral and Cemetery Services

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Marta Arrington, Director, Division of Consumer Services, Department of Insurance

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: March 28, 2003

**DEPARTMENT OF INSURANCE**

RULE TITLE: Guaranteed Availability of Individual  
RULE NO.: 4-154.112

PURPOSE, EFFECT AND SUMMARY: The proposed rule implements and makes mandatory electronic filing of health insurance form filings.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: None.

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

SPECIFIC AUTHORITY: 624.308, 627.6487(4)(b) FS.

LAW IMPLEMENTED: 624.307(1), 627.6487 FS.

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

TIME AND DATE: 9:00 a.m., May 14, 2003

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Frank Dino, Bureau of L&H Forms & Rates, Office of Insurance Regulation, 200 East Gaines Street, Tallahassee, Florida 32399-0328, (850)413-5014

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

THE FULL TEXT OF THE PROPOSED RULE IS:

4-154.112 Guaranteed Availability of Individual Health Coverage to Eligible Individuals.

(1) through (2) No change.

(3)(a) To enable the Department to monitor this coverage, the issuer shall file, no later than March 1 of each year, Form D14-1386, (rev. 11/01), Individual Health Coverage Policy Forms Issued/Renewed in Florida, which is hereby adopted and incorporated by reference. Copies of the form may be obtained from and shall be submitted to the Bureau of Life and Health Forms and Rates, Division of Insurer Services, Department of Insurance, Tallahassee, FL 32399-0328, or submitted electronically through <https://portal.fldoi.com>. Forms are also available and may be printed from the Department's website: [www.doi.state.fl.us](http://www.doi.state.fl.us).

(b) Subsequent to July 1, 2003, all filings shall be submitted electronically to <https://portal.fldfs.com>, or by computer diskette meeting the compatibility requirements mandated by Section 624.424(1)(c), F.S. Deadlines for filing will not be extended due to shipping delays, format incompatibility, data corruption, or any other impediment which results from an election to file by diskette.

(4) through (8) No change.

Specific Authority 624.308, 627.6487(4)(b) FS. Law Implemented 624.307(1), 627.6487 FS. History—New 9-19-00, Amended 9-30-01, 2-13-03, \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Frank Dino, Bureau of Life and Health Forms and Rates, Office of Insurance Regulation

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Rich Robleto, Chief, Bureau of Life and Health Forms and Rates, Office of Insurance Regulation

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 20, 2002

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: November 8, 2002

**DEPARTMENT OF INSURANCE**

RULE TITLE: Standard and Basic Health Benefit Plans

RULE NO.: 4-154.525

PURPOSE, EFFECT, AND SUMMARY: To implement the standard and basic benefit plans to be used in the small group market as provided by s. 627.6699(12), F.S.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: None.

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

SPECIFIC AUTHORITY: 624.308(1), 627.6699(16) FS.

LAW IMPLEMENTED: 624.307(1), 627.6699(12) FS.

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

TIME AND DATE: 10:00 a.m., May 14, 2003

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Frank Dino, Bureau of Life and Health Forms and Rates, Office of Insurance Regulation, 200 East Gaines Street, Tallahassee, Florida 32399-0328, phone (850)413-5014

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

THE FULL TEXT OF THE PROPOSED RULE IS:

HEALTH INSURANCE POLICIES  
PART VI SMALL GROUP HEALTH  
INSURANCE POLICIES

4-154.525 Standard and Basic Health Benefit Plans.

(1) The standard and basic health benefit plans as designated herein are those plans referred to in Sections 627.6675(11), 627.6699(12) and 641.3922(10), F.S., and as approved effective April 1, 2003 by the Department of

Financial Services. Such plans are available through the Department's web site: [http://www.fldfs.com/companies/lh\\_fr/is\\_lhfr\\_FAC.htm](http://www.fldfs.com/companies/lh_fr/is_lhfr_FAC.htm).

(2) Each carrier shall file standard and basic health benefit plan forms and rates for approval, pursuant to Section 627.410, F.S. and Rule Chapter 4-149, F.A.C., for one or more of the following four categories prior to delivery or issuance for delivery in this state. Any carrier offering a small employer any health benefit plan in any one or more of the following categories must also offer the standard and basic plans for that category:

- (a) PPO;
- (b) Indemnity;
- (c) HMO – copay design; or
- (d) HMO – coinsurance design.

(3) The mandatory offer of the standard and basic plans as specified in Sections 627.6699(12)(b) and 627.6699(5)(c)3., F.S., shall comply with the following:

(a) The standard plan shall include the offering of both \$3,000/\$6,000 and \$5,000/\$10,000 out-of-pocket maximum expense limits. Notwithstanding the above, for the HMO coinsurance plan, the 20% allowance may be used in lieu of the indicated copay.

(b) The basic plan offering shall include the offering of at least two risk-sharing options.

1. One option shall be the \$2,500/\$7,500 deductible, \$7,500/\$15,000 out-of-pocket and 60%/40% allowance. Notwithstanding the above, for the HMO coinsurance plan, the 40% allowance may be used in lieu of the indicated copay.

2. The second offering shall be any other risk-sharing option provided by the approved plans referenced in (1) above.

(4) The plans offered to a small employer shall include at least two standard and two basic plans as identified in subsection (3) above for each category of coverage available in the small group market as identified in subsection (2) above. This results in a multiple offering of plans in each category of coverage. For example, this means that an HMO offering both copay and coinsurance health benefit plans must offer each of these designs in the standard and basic plan offering, resulting in the requirement to offer at least four standard and four basic plans. An insurer offering both PPO and indemnity health benefit plans must offer each of these designs in the standard and basic plan offering, resulting in the requirement to offer at least four standard and four basic plans.

(5)(a) A carrier may file standard and basic health benefit plans using the suggested language indicated in the approved plans referenced in (1) above.

1. Use of such suggested language shall result in an expedited filing process.

2. The carrier shall provide a certification by an officer of the company that the suggested language was used without modification, or if modified, the certification shall specify the modifications made by use of underline and strikethrough.

(b)1. In lieu of using the suggested language in the approved plans referenced in (1) above, a carrier may file a health benefit plan form using the same administrative language as used in its other health benefit plans that are available in the small group market. Any deviation from the approved plans referenced in (1) above shall be limited to administrative processes and may not alter sections relating to benefits, exclusions or glossary of terms.

(6) Existing coverage under the standard or basic benefit plans in effect before the effective date of these rules shall be guaranteed renewable at the option of the insured. Pursuant to Sections 627.6571(4) and 641.31074(4), F.S., a carrier may modify the existing health insurance coverage. Carriers that offer such modified coverage to existing insureds shall offer the insured the choice of at least all standard or basic plans required by Rule 4-154.525(4), F.A.C.

(7)(a) When carriers offer the standard plan to individuals electing group conversion pursuant to Sections 627.6675(11) and 641.3922(10), F.S., the carrier shall offer the plan required in paragraph (3)(a) above, which represents the closest coverage to the converttee's group coverage.

(b) The renewal of existing group conversion coverage is not subject to the provisions of Section 627.6571(4) or 641.31074(4), F.S. Such existing coverage is subject to the provisions of Section 627.6675(7)(b), F.S., which provides the basis of renewal and does not include provisions similar to Section 627.6571(4) or 641.31074(4), F.S. to modify existing coverage, therefore, existing group conversion coverage may not be modified as indicated in subsection 4-154.525(7), F.A.C., for small group coverage.

Specific Authority 624.308(1), 627.6699(16) FS. Law Implemented 624.307(1), 627.6699(12) FS. History—New \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Frank Dino, Bureau of Life and Health Forms and Rates, Office of Insurance Regulation

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Rich Robleto, Chief, Bureau of Life and Health Forms and Rates, Office of Insurance Regulation

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 9, 2003

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

**DEPARTMENT OF INSURANCE**

RULE TITLE: Filing Requirements RULE NO.: 4-163.0045

PURPOSE, EFFECT AND SUMMARY: The proposed rule implements and makes mandatory electronic filing of credit life and credit disability insurance form filings.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: None.

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

SPECIFIC AUTHORITY: 624.308(1), 627.678, 627.410 FS.

LAW IMPLEMENTED: 624.307(1), 624.410, 627.6785, 627.682 FS.

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

TIME AND DATE: 9:00 a.m., May 14, 2003

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Frank Dino, Bureau of L&H Forms & Rates, Office of Insurance Regulation, 200 East Gaines Street, Tallahassee, Florida 32399-0328, (850)413-5014

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

THE FULL TEXT OF THE PROPOSED RULE IS:

4-163.0045 Filing Requirements.

(1)(a)1. All forms of Credit Life and Credit Disability policies, certificates of insurance, statements of insurance, applications for insurance, enrollment forms, binders, endorsements and riders delivered or issued for delivery in this state and the schedules of premium rates pertaining thereto, shall be filed for approval in accordance with Sections 627.6785 and 627.682, Florida Statutes.

2. Filings shall be mailed to: Bureau of Life and Health Forms & Rates, Office of Insurance Regulation ~~Division of Insurer Services, Department of Insurance~~, Post Office Box 8040, Tallahassee, FL 32301-8040 or submitted electronically to <https://iportal.fldfs.com> ~~<https://portal.fldoi.com>~~. All filings sent to the ~~Office Department~~ by Federal Express or any other form of special delivery shall be delivered to: Bureau of Life and Health Forms and Rates, Office of Insurance Regulation ~~Division of Insurer Services, Department of Insurance~~, 1st Floor, Larson Building, 200 East Gaines Street, Tallahassee, FL 32399-0328.

(b) Subsequent to July 1, 2003, all filings shall be submitted electronically to <https://iportal.fldfs.com>, or by computer diskette meeting the compatibility requirements mandated by Section 624.424(1)(c), F.S. Deadlines for filing

will not be extended due to shipping delays, format incompatibility, data corruption, or any other impediment which results from an election to file by diskette.

(2) through (5) No change.

Specific Authority 624.308(1), 627.678 FS. Law Implemented 624.307(1), 627.682, 627.6785 FS. History--New 2-11-03, Amended \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Frank Dino, Bureau of Life and Health Forms and Rates, Office of Insurance Regulation

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Rich Robleto, Chief, Bureau of Life and Health Forms and Rates, Office of Insurance Regulation

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 20, 2002

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: November 8, 2002

**DEPARTMENT OF INSURANCE**

RULE TITLE: CURRICULUM STANDARDS FOR SPECIAL DESIGNATIONS

RULE NO.: 4-211.320

PURPOSE, EFFECT AND SUMMARY: To designate what material should be included in the course work for the Professional Customer Service Representative (PCSR) and Professional Claims Adjuster (PCA) designations.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: None.

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

SPECIFIC AUTHORITY: 626.221 FS.

LAW IMPLEMENTED: 626.221 FS.

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

TIME AND DATE: 9:00 a.m., Tuesday, May 13, 2003

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Jeff Odom, Bureau of Agent and Agency Licensing, Department of Insurance, 200 East Gaines Street, Tallahassee, Florida 32399-0316, (850)413-3134

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

THE FULL TEXT OF THE PROPOSED RULE IS:

4-211.320 Curriculum Standards for Special Designation. Pursuant to Section 626.221(1), Florida Statutes, the Department of Insurance establishes the following curriculum standards:

(1) For designation as a Certified Customer Service Representative (CCSR), Professional Customer Service Representative (PCSR) or Registered Customer Service Representative (RCSR), the requirement is at least 40 course hours:

(a) through (b) No change.

(2) For designation as an Accredited Claims Adjuster (ACA) or Professional Claims Adjuster (PCA), the requirement is at least 40 course hours:

(a) through (b) No change.

Specific Authority 626.221 FS. Law Implemented 626.221 FS. History--New 11-6-01, Amended.

NAME OF PERSON ORIGINATING PROPOSED RULE: Audrey Huggins, Bureau Chief, Licensing, Division of Agent and Agency Services, Department of Insurance

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Mary Alice Palmer, Director, Division of Agent and Agency Services, Department of Insurance

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: March 25, 2003

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

**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 amendment is to revise Form 476, Physical Examination for School Bus Driver and Medical Examiners Certificate, to provide more flexibility in space allowed for physicians to make notes to 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 effect is an updated form to better meet the intended need and which complies with federal requirements.

SUMMARY: This rule is amended to update the current public school bus operator physical examination form.

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 the notice.

SPECIFIC AUTHORITY: 1001.02(1), 1006.22, 1012.45 FS. LAW IMPLEMENTED: 112.044(3), 1012.32(2)(a), 1006.22, 1012.45 FS.

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

TIME AND DATE: 8:30 a.m., May 20, 2003

PLACE: 400 South Monroe Street, Room LL03, The Capitol, Tallahassee, Florida 32399

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

THE FULL TEXT OF THE PROPOSED RULE 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 ~~229.053(1), 234.02, 234.091, 234.101,~~ 316.615(3), 1001.02(1), 1006.22, 1012.45 FS. Law Implemented 112.044(3), ~~231.02(2)(a), 234.02, 234.091, 234.101,~~ 322.03(1), 322.03(3), 1012.32(2)(a), 1006.22, 1012.45 FS. History--New 8-1-86, Amended 7-5-89, 11-15-94, 4-19-96, \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: David Morris, School Support Services, Department of Education

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Wayne V. Pierson, Chief Financial Officer, Department of Education

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 4, 2003

DATE NOTICE OF PROPOSED DEVELOPMENT PUBLISHED IN FAW: March 7, 2003

**DEPARTMENT OF EDUCATION**

**State Board of Education**

RULE TITLE: RULE NO.:

Specialization Requirements for Certification in  
Physical Education (Grades K-8) and Physical  
Education (Grades 6-12) – Academic Class 6A-4.028

PURPOSE AND EFFECT: The purpose is to repeal the certification rule for Physical Education (Grades K-8 and 6-12) that is superceded by the new Physical Education (Grades K-12) certification area effective July 1, 2003 as adopted in Rule 6A-4.0283, F.A.C.

SUMMARY: The current model for certification in physical education is replaced by a new comprehensive, grades K-12, physical education certification area effective July 1, 2003.

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 the notice.

SPECIFIC AUTHORITY: 229.053(1), 231.15(1), 231.17(3) FS.

LAW IMPLEMENTED: 231.02, 231.145, 231.15, 231.17 FS.

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

TIME AND DATE: 8:30 a.m., May 20, 2003  
PLACE: 400 South Monroe Street, Room LL03, The Capitol, Tallahassee, Florida 32399

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Beverly Gregory, Bureau of Teacher Certification, Department of Education, 325 West Gaines Street, Tallahassee, FL., (850)488-6159

THE FULL TEXT OF THE PROPOSED RULE IS:

6A-4.028 Specialization Requirements for Certification in Physical Education (Grades K-8) and Physical Education (Grades 6-12) – Academic Class.

Specific Authority 229.053(1), 231.15(1), 231.17(3) FS. Law Implemented 231.02, 231.145, 231.15, 231.17 FS. History–New 4-20-64, Amended 4-8-68, 7-7-68, Revised 8-17-74, Repromulgated 12-5-74, Amended 11-5-84, Formerly 6A-4.28, Amended 12-4-89, 7-17-00, Repealed.

NAME OF PERSON ORIGINATING PROPOSED RULE: Betty Coxe, Deputy Chancellor

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Jim Horne, Commissioner of Education

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 3, 2003

**DEPARTMENT OF EDUCATION**

**State Board of Education**

RULE TITLE: RULE NO.:

Specialization Requirements for Certification  
in Science (Grades 6-12) – Academic Class 6A-4.0323

PURPOSE AND EFFECT: The purpose is to repeal a certification rule for a new general science certification area prior to the effective date for implementation. The effect is that a new general science certification area will not be offered.

SUMMARY: A new certification subject area in general science was approved by the State Board of Education to be effective July 1, 2003. Leadership of the agency has since determined that the current system of offering certification in the four separate areas of science: physics, biology, chemistry, and earth-space science would be retained, and that an additional science area requiring the development of a subject area test would not be needed.

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 the notice.

SPECIFIC AUTHORITY: 229.053, 231.15(1), 231.17(6) FS.

LAW IMPLEMENTED: 229.053, 231.145, 231.15(1), 231.17(6) FS.

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

TIME AND DATE: 8:30 a.m., May 20, 2003  
PLACE: 400 South Monroe Street, Room LL03, The Capitol, Tallahassee, Florida 32399

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Beverly Gregory, Bureau of Teacher Certification, Department of Education, 325 West Gaines Street, Tallahassee, FL., (850)488-6159

THE FULL TEXT OF THE PROPOSED RULE IS:

6A-4.0323 Specialization Requirements for Certification in Science (Grades 6-12) – Academic Class.

Specific Authority 229.053, 231.15(1), 231.17(6) FS. Law Implemented 229.053, 231.145, 231.15(1), 231.17(6) FS. History–New 7-1-03, Repealed.

NAME OF PERSON ORIGINATING PROPOSED RULE: Betty Coxe, Deputy Chancellor

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Jim Horne, Commissioner of Education

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 3, 2003

DEPARTMENT OF EDUCATION

State Board of Education

RULE TITLE: Specialization Requirements for Certification in Social Science (Grades 6-12) and Separate Areas of Social Science (Grades 6-12) – Academic Class
RULE NO.: 6A-4.0332

PURPOSE AND EFFECT: The purpose is to repeal the current Social Science certification rule that is superceded a new streamlined Social Science (Grades 6-12) rule effective July 1, 2003.

SUMMARY: The current model of social science certification is replaced by a new comprehensive social science certification effective July 1, 2003. The new social science certification allows various social science majors, such as history, political science, etc. eligibility for the general Social Science (Grades 6-12) certification.

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 the notice.

SPECIFIC AUTHORITY: 229.053(1), 231.15(1), 231.17(3) FS.

LAW IMPLEMENTED: 231.02, 231.145, 231.15, 231.17, 232.246(1)(b), 233.061, 233.0651, 233.064 FS.

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

TIME AND DATE: 8:30 a.m., May 20, 2003
PLACE: 400 South Monroe Street, Room LL03, The Capitol, Tallahassee, Florida 32399

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Beverly Gregory, Bureau of Teacher Certification, Department of Education, 325 West Gaines Street, Tallahassee, FL., (850)488-6159

THE FULL TEXT OF THE PROPOSED RULE IS:

6A-4.0332 Specialization Requirements for Certification in Social Science (Grades 6-12) and Separate Areas of Social Science (Grades 6-12) – Academic Class.

Specific Authority 229.053(1), 231.15(1), 231.17(3) FS. Law Implemented 231.02, 231.145, 231.15, 231.17, 232.246(1)(b), 233.061, 233.0651, 233.064 FS. History–New 7-1-90, Amended 7-17-00, Repealed\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Betty Coxe, Deputy Chancellor
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Jim Horne, Commissioner of Education
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 3, 2003

DEPARTMENT OF EDUCATION

State Board of Education

RULE TITLE: Student Activities
RULE NO.: 6A-14.057

PURPOSE AND EFFECT: The purpose is to require each board of trustees to adopt procedures for student participation in the development of the budget for expenditures funded from the student activity and service fee. 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.

SUMMARY: The amendment to the rule requires each board of trustees to adopt procedures for student participation in the development of the budget for expenditures funded from the student activity and service fee.

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: 1001.02(9), 1009.23(7), 1010.02 FS.

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

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

TIME AND DATE: 8:30 a.m., May 20, 2003
PLACE: 400 South Monroe Street, Room LL03, The Capitol, Tallahassee, Florida 32399

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: J. David Armstrong Jr., Chancellor, Division of Community Colleges, 325 West Gaines Street, Room 1314, Tallahassee, Florida 32399-0400

THE FULL TEXT OF THE PROPOSED RULE 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), 1009.23(7), 1010.02 229.053(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, \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Edward L. Cisek, Vice Chancellor for Financial Policy  
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: J. David Armstrong Jr., Chancellor of Community Colleges  
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: March 19, 2003  
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: March 7, 2003

**STATE BOARD OF ADMINISTRATION**

RULE TITLE: Reimbursement Premium Formula  
RULE NO.: 19-8.028

PURPOSE AND EFFECT: This rule is promulgated to implement Section 215.555, Florida Statutes, regarding the Florida Hurricane Catastrophe Fund, for the 2003-2004 contract year.

SUMMARY: Proposed amended Rule 19-8.028, F.A.C., establishes the premium formula and adopts the rates 2003-2004 contract year.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: The Board has prepared a statement and found the cost to 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: 215.555(3) FS.

LAW IMPLEMENTED: 215.555(2), (3), (4), (5), (6), (7) FS.

REGARDLESS OF WHETHER OR NOT REQUESTED, A HEARING WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW:

TIME AND DATE: 9:00 a.m. to Noon, Eastern Standard Time, Tuesday, May 20, 2003

PLACE: Room 116 (Hermitage Conference Room), 1801 Hermitage Blvd., Tallahassee, FL 32308

Any person requiring special accommodations to participate in this proceeding is asked to advise Patti Elsbernd at least five (5) calendar days before such proceeding. Patti Elsbernd may be reached by telephone at (850)413-1346 or by mail at P. O. Box 13300, Tallahassee, FL 32317-3300

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Jack E. Nicholson, Senior FHCF Officer of the Florida Hurricane Catastrophe Fund, State Board of Administration, P. O. Box 13300, Tallahassee, FL 32317-3300; telephone (850)413-1340

THE FULL TEXT OF THE PROPOSED RULE IS:

19-8.028 Reimbursement Premium Formula.

(1) Purpose. The purpose of this rule is to adopt the Premium Formula to determine the Actuarially Indicated Reimbursement Premium to be paid to the Florida Hurricane Catastrophe Fund (FHCF or Fund), as required by Section 215.555(5)(b), Florida Statutes.

(2) Definitions. The terms defined below will be capitalized in this rule.

(a) Actuarially Indicated Premium- ~~means This term refers to Premiums~~ which are derived according to or consistent with accepted actuarial standards of practice. Actuarially Indicated means an amount determined according to principles of actuarial science to be adequate, but not excessive, in the aggregate, to pay current and future obligations and expenses of the Fund, and determined according to principles of actuarial science to reflect each insurer's relative exposure to hurricane losses.

(b) Board or SBA ~~means the Florida State Board of Administration Independent Consultant. This term means the independent individual, firm, or organization with which the SBA contracts to prepare the premium formula and any other actuarial services for the FHCF, as determined under the contract with the consultant.~~

(c) Citizens Property Insurance Corporation (Citizens) ~~means the entity formed under Section 627.351, Florida Statutes, and refers to both Citizens Property Insurance Corporation High Risk Account (formerly the Florida Windstorm Underwriting Association) and Citizens Property Insurance Corporation Personal Lines and Commercial Lines Accounts (formerly the Florida Residential Property and Casualty Joint Underwriting Association. Excess Insurance. This term means insurance protection for large commercial property risks that provide a layer of coverage above a primary layer that acts much the same as a very large deductible. The primary layer is insured through another policy. The excess policy does not reimburse losses unless the losses exceed the primary layer. Several excess policies may be used to cover high value properties, each with different but coordinating primary layers.~~

(d) Contract Year means the time period which begins June 1 of each calendar year and ends May 31 of the following calendar year. ~~Formula or the Premium Formula.~~ This term means the formula approved by the SBA for the purpose of determining the Actuarially Indicated Premium to be paid to the FHCF. The Premium Formula is defined as an approach or methodology which leads to the creation of premium rates. The resulting rates are therefore incorporated as part of the Premium Formula, and are the result of the approach or methodology employed.

(e) Covered Policy is defined in Section 215.555(2)(c), Florida Statutes, and the Reimbursement Contract adopted by and incorporated into Rule 19-8.010, F.A.C. ~~New Companies.~~ The term means all Companies which write Covered Policies and which are granted a certificate of authority by the Department of Insurance after the beginning of the FHCF's Contract Year on June 1; or which already have a certificate of authority but begin writing Covered Policies on or after the beginning of the FHCF's Contract Year on June 1 and did not or was not required to enter into a contract on June 1 of the contract year. A Company is writing new business if it writes Covered Policies after the beginning of the FHCF's Contract Year on June 1 and did not do so prior to the beginning of the Contract Year, or if it removes exposure from the Florida Residential Property and Casualty Joint Underwriting Association "RPCJUA" or the Florida Windstorm Underwriting Association "FWUA" pursuant to an assumption agreement effective after June 1 and had written no other Covered Policies on or before June 1.

(f) Data Call means the annual reporting of insured values forms. These forms, incorporated into and adopted by Rule 19-8.029, F.A.C., are the FHCF-D1A for Contract Years after the 2002/2003 year and the FHCF-D1A and FHCF-D1B for the Contract Year 2002/2003 and all prior years. ~~Premium.~~ This term means the same as Reimbursement Premium, which is the premium which is determined by multiplying each \$1,000 of insured value reported by the Company in accordance with paragraph (5)(b) of the Statute, by the rate as derived from the Premium Formula.

(g) Excess Insurance is defined in the Reimbursement Contract adopted by and incorporated into Rule 19-8.010, F.A.C. ~~Section I as described in the Data Call.~~ This term means policies other than Excess Insurance policies, as defined herein.

(h) Formula or the Premium Formula means the Formula approved by the SBA for the purpose of determining the Actuarially Indicated Premium to be paid to the FHCF. The Premium Formula is defined as an approach or methodology which leads to the creation of premium rates. The resulting rates are therefore incorporated as part of the Premium Formula, and are the result of the approach or methodology employed. ~~Section II as described in the Data Call.~~ This term means Excess Insurance policies as defined herein.

(i) FHCF or Fund means the Florida Hurricane Catastrophe Fund.

(j) Independent Consultant or Consultant means the independent individual, firm, or organization with which the SBA contracts to prepare the Premium Formula and any other actuarial services for the FHCF, as determined under the contract with the Consultant.

(k) New Participants. The term means all Companies which are granted a certificate of authority by the Department of Financial Services after the beginning of the FHCF's Contract Year on June 1 and which write Covered Policies, or which already have a certificate of authority and begin writing Covered Policies on or after the beginning of the FHCF's Contract Year on June 1 and did not or was not required to enter into a Contract on June 1 of the Contract Year. A Company that pursuant to an assumption agreement effective after June 1 and had written no other Covered Policies on or before June 1 is also considered a New Participant.

(l) Premium means the same as Reimbursement Premium, which is the Premium which is determined by multiplying each \$1,000 of insured value reported by the Company in accordance with paragraph (5)(b) of the Statute, by the rate as derived from the Premium Formula.

(m) Section I as described in the Data Call.

(n) Section II as described in the Data Call.

(3) The Premium Formula.

(a) Because of the diversity of the insurers and the risks they insure which are affected by Section 215.555, Florida Statutes, the Premium Formula is adopted in this subsection and special circumstances are addressed in subsection (4), below. The Formula for determining the Actuarially Indicated Premium to be paid to the Fund, as required by Section 215.555(5)(b), Florida Statutes, is the rate times the exposure per \$1,000 of insured value and this equals the Premium to be paid in dollars. The rates adopted below were determined by taking into account four factors: geographic location by zip code; construction type; policy deductible; and type of insurance. The Formula is developed by an Independent Consultant selected by the Board, as required by Section 215.555(5)(b), Florida Statutes.

(b) For the 1999-2000 Contract Year, the Formula developed by the Board's Independent Consultant, "Florida Hurricane Catastrophe Fund: 1999 Ratemaking Formula Report to the Florida State Board of Administration, March 5, 1999," which is supplemented by the "Florida Hurricane Catastrophe Fund Addendum to the March 5, 1999 Ratemaking Report, May 26, 1999," both of which are hereby adopted and incorporated by reference. The basic premium rates developed in accordance with the Premium Formula methodology approved by the Board on May 11, 1999 5/11/99, are hereby adopted and incorporated by reference in Form FHCF-Rates1999, "Florida Hurricane Catastrophe Fund/1999-2000 Rates," rev. 8/99.

(c) For the 2000-2001 Contract Year, the Formula developed by the Board's Independent Consultant, "Florida Hurricane Catastrophe Fund: 2000 Ratemaking Formula Report to the Florida State Board of Administration, March 2, 2000," and the addendum thereto, "Florida Hurricane Catastrophe Fund: Addendum to the March 2, 2000 Ratemaking Report, April 6, 2000," are hereby adopted and incorporated by reference. The basic premium rates developed in accordance with the Premium Formula methodology approved by the Board on April 25, 2000 4/25/00, are hereby adopted and incorporated by reference in Form FHCF-Rates 2000, "Florida Hurricane Catastrophe Fund/2000-2001 Rates," rev. 5/00.

(d) For the 2001-2002 Contract Year, the Formula developed by the Board's Independent Consultant, "Florida Hurricane Catastrophe Fund: 2001 Ratemaking Formula Report to the Florida State Board of Administration, March 15, 2001, as revised May 4, 2001" and the "Addendum to the March 15, 2001 Ratemaking Report," are hereby adopted and incorporated by reference. The basic premium rates developed in accordance with the Premium Formula methodology approved by the Board on May 30, 2001 5/30/01, are hereby adopted and incorporated by reference in Form FHCF-Rates 2001, "Florida Hurricane Catastrophe Fund/2001-2002 Rates," rev. 5/01.

(e) For the 2002-2003 Contract Year, the Formula developed by the Board's Independent Consultant, "Florida Hurricane Catastrophe Fund: 2002 Ratemaking Formula Report to the Florida State Board of Administration, March 28, 2002" is hereby adopted and incorporated by reference. The basic premium rates developed in accordance with the Premium Formula methodology approved by the Board on April 9, 2002, are hereby adopted and incorporated by reference in Form FHCF-Rates 2002, "Florida Hurricane Catastrophe Fund Proposed 2002 Rates, March 28, 2002."

(f) For the 2003-2004 Contract Year, the Formula developed by the Board's Independent Consultant, "Florida Hurricane Catastrophe Fund: 2003 Ratemaking Formula Report to the Florida State Board of Administration, March 18, 2003 (Revised)" is hereby adopted and incorporated by reference. The basic premium rates developed in accordance with the Premium Formula methodology approved by the Board on April 8, 2003, are hereby adopted and incorporated by reference in Form FHCF-Rates 2003, "Florida Hurricane Catastrophe Fund Proposed 2003 Rates, March 18, 2003."

(4)(a) Special Circumstances.

1. Allocation of Premium. Premiums paid to the FHCF with reference to property covered by Quota Share Primary Insurance Arrangements, as that phrase is defined in Section 627.351(6)(c)2.a.(I), Florida Statutes, will be allocated by the FHCF between the Insurer and Citizens in accordance with the

percentages specified in the Quota Share Primary Insurance Arrangement for the purposes of premium billing, calculating retentions and determining reimbursement payments.

2. Section II Exposure. The Premium Formula for Section II exposure will be based on the use of computer modeling for each individual Company for which it is applicable. Because of the difference in potential loss exposure between Section I and Section II, it is not equitable to apply FHCF rates developed for Section I exposures to Section II exposures. Because of the wide variations in attachments, retentions, limits, and participation levels for excess insurance, it is generally not practical to develop separate rates for all the potential combinations of per policy excess exposures. Therefore, the Independent Consultant will recommend guidelines for individual company Section II portfolio modeling to estimate individual company FHCF expected losses. Individual company FHCF expected losses for Section II exposures will be loaded for investments and expenses on the same basis as the FHCF premium rates used for Section I exposures, but will also include a loading for the additional cost of individual company modeling. The minimum exposure threshold for FHCF Section II rating will be sufficient to generate FHCF premium greater than the cost of modeling and other considerations. Upon the Board's approval of the FHCF rates, the Independent Consultant will calculate the minimum threshold of Section II exposure required for the separate coverage levels of 45%, 75%, and 90%. This The methodology used by the Independent Consultant will be based on sound actuarial principles to establish greater actuarial equity in the premium structure. The calculated thresholds will be included in the Data Call, as adopted and incorporated by reference in Rule 19-8.029, F.A.C. Companies with exposure meeting the definition of Section II, but with an aggregate of such exposure under the applicable threshold, shall report the said exposure under Section II ¶ using Section II ¶ reporting specifications.

(b) Forfeiture or Surrender of Certificates of Authority.

1. Insurers which have forfeited their certificates of authority or which have withdrawn from the state or discontinued writing all kinds of insurance in this state after the beginning of the Contract Year shall have their Premiums determined in accordance with subsection (3), above. Special recognition is not given to insurers which do not have exposure for Covered Policies for an entire Contract Year, except for New Participants companies as described in paragraph (c) of this subsection (4).

2. Any insurer which has forfeited its certificate of authority or which has discontinued writing in accordance with an order issued by the Department of Financial Services Insurance effective prior to June 1 of each calendar year shall not be required to execute a Reimbursement Contract with the Board provided that the insurer has no exposure to hurricane loss after June 1.

(c) New Participants.

1. All New Participants shall enter into a Reimbursement Contract with the Fund. For purposes of this rule, the term "new companies" refers to:

a. All companies which write covered policies, as that term is defined in Section 215.555(2)(e), Florida Statutes, and b. Which are granted a certificate of authority by the Department of Insurance on or after the beginning of the Fund's contract year on June 1; or which already have a certificate of authority but begin writing covered policies on or after the beginning of the Fund's contract year on June 1 and did not or was not required to enter into a contract on June 1 of the contract year.

2. All New Participants shall pay a Reimbursement Premium to the Fund in accordance with the applicable subparagraphs below and in accordance with the applicable provisions of the Reimbursement Contract adopted in Rule 19-8.010, F.A.C. For purposes of this rule, a company is writing new business if it writes covered policies on or after the beginning of the Fund's contract year on June 1 and did not do so prior to the beginning of the contract year, or if it removes exposure from the RPCJUA or the FWUA pursuant to an assumption agreement on or after June 1 and had written no other covered policies before June 1.

3. This subparagraph applies to Companies writing new business after June 1 but prior to December 1 of the Contract Year. All new companies shall enter into a reimbursement contract with the Fund.

a. All New Participants writing new business during the period specified above shall pay a provisional Premium of \$1,000 to provide consideration for the contract.

b. On or before March 1 of the Contract Year, the Company shall report its actual exposure as of December 31 of the Contract Year to the Administrator on Form FHCF-D1A, "Florida Hurricane Catastrophe Fund Data Call" which is hereby adopted and incorporated by reference in Rule 19-8.029, F.A.C., and is available from the Administrator as described in subsection (5), below. The Administrator shall calculate the Company's actual Reimbursement Premium for the period specified in subparagraph c.2. based on its actual exposure. To recognize that New Participants have limited exposure during this period, the actual Premium as determined by processing the Company's exposure data shall then be divided in half, the provisional Premium shall be credited, and the resulting amount shall be the total Premium due for the Company for the remainder of the Contract Year. However, if that amount is less than \$1,000, then the Company shall pay \$1,000. The Premium payment is due no later than May 1 of the Contract Year. The Company's retention and coverage will be determined based on the total Premium due which is the Premium calculated based on the Company's 12/31 exposure and divided in half as described in this sub-subparagraph.

4. This subparagraph applies to Companies writing new business on or after December 1 but up to and including May 31. All New Participants writing new business during this period shall pay a Premium of \$1,000 to provide consideration for the Contract. The Company shall pay no other Premium for the remainder of the Contract Year. The Company shall not report its exposure data for this period to the Board. The Premium shall be paid upon signing the Reimbursement Contract. All new companies shall pay a reimbursement premium to the Fund in accordance with the applicable subparagraphs below and in accordance with the applicable provisions of the reimbursement contract adopted in Rule 19-8.010, F.A.C.

5. For purposes of this sub-subparagraph (4)(c), the requirement that a report is due on a certain date means that the report shall be in the physical possession of the Fund's Administrator in Minneapolis no later than 5 p.m., Central Time, on the due date applicable to the particular report. If the applicable due date is a Saturday, Sunday or legal holiday, then the applicable due date will be the day immediately following the applicable due date which is not a Saturday, Sunday or legal holiday. For purposes of the timeliness of the submission, neither the United States Postal Service postmark nor a postage meter date is in any way determinative. Reports sent to the Board in Tallahassee, Florida, will be returned to sender. Reports not in the physical possession of the Fund's Administrator by 5 p.m., Central Time, on the applicable due date are late. This subparagraph applies to companies writing new business after June 1 but prior to December 1 of the contract year.

a. All new companies writing new business during the period specified above shall pay a provisional premium of \$1,000 to provide consideration for the contract.

b. On or before March 1 of the contract year, the company shall report its actual exposure as of December 31 of the contract year to the Administrator on Forms FHCF-D1B, "Florida Hurricane Catastrophe Fund Data Call" and in accordance with the FHCF computer validation software provided on diskette, which are hereby adopted and incorporated by reference in Rule 19-8.029, F.A.C., and are available from the Administrator as described in subsection (5), below. The Administrator shall calculate the company's actual reimbursement premium for the period specified in subparagraph c.2. based on its actual exposure. To recognize that new companies have limited exposure during this period, the actual premium as determined by processing the company's exposure data shall then be divided in half, the provisional premium shall be credited, and the resulting amount shall be the total premium due for the company for the remainder of the contract year. However, if that amount is less than \$1,000.00, then the insurer shall pay \$1,000.00. The premium payment is due no later than May 1 of the contract year. The company's retention and coverage will be determined based on the total

premium due which is the premium calculated based on the company's 12/31 exposure and divided in half as described in this sub-subparagraph.

6. This subparagraph applies to companies writing new business on or after December 1 but up to and including May 31. All new companies writing new business during this period shall pay a premium of \$1,000 to provide consideration for the contract. The company shall pay no other premium for the remainder of the contract year. The company shall not report its exposure data for this period to the Board. The premium shall be paid upon signing the reimbursement contract.

7. For purposes of this subparagraph, the requirement that a report is due on a certain date means that the report shall be in the physical possession of the Fund's Administrator in Minneapolis no later than 5 p.m., Central Time, on the due date applicable to the particular report. If the applicable due date is a Saturday, Sunday or legal holiday, and if the due date's being a Saturday, Sunday or legal holiday means that neither the United States Postal Service nor private delivery services are operating that day, then the applicable due date will be the day immediately following the applicable due date which is not a Saturday, Sunday or legal holiday. For purposes of the timeliness of the submission, neither the United States Postal Service postmark nor a postage meter date is in any way determinative. Reports sent to the Board in Tallahassee, Florida, will be returned to the sender. Reports not in the physical possession of the Fund's Administrator by 5 p.m., Central Time, on the applicable due date are late.

(d) Specialized Fine Arts Risks. Any policy or endorsement exclusively covering Specialized Fine Arts Risks and not covering any residential structure and/or contents thereof other than such specialized fine arts items covered in the fine arts policy, shall be exempt from the Fund as a risk meeting specialized loss control requirements if the insurer employs underwriting criteria and requires its policyholders to adhere to sub-subparagraphs 1.a. through 7.g., immediately below. For purposes of the exemption in this paragraph, a "Specialized Fine Arts Risk" is a policy or endorsement which insures paintings, works on paper, etchings, art glass windows, pictures, statuary, sculptures, tapestries, antique furniture, antique silver, antique rugs, rare books, and other bona fide works of art, of rarity, of historic value, or artistic merit; which charges a minimum Premium of \$500.00; which insures scheduled items valued, in the aggregate, at no less than \$100,000; and which requires an investment by the insured in loss control measures to protect the Fine Arts Risks being insured.

1. The policyholder must demonstrate a willingness and determination to reduce the probability of loss.

2. The insurer must perform a periodic and thorough specialized inspection and must provide a specialized loss prevention service designed to prevent or minimize loss.

3. Insurable values must be sufficient to produce a Premium amount to warrant the furnishing of special inspection and loss prevention service by the insurer. For purposes of this rule, the insurable value of the scheduled items must be, in the aggregate, no less than \$100,000 and the minimum Premium amount must be no less than \$500.00.

4. The structural design of the residence and the degree of protection, together with efficient specialized inspection and loss protection service, must have the effect of reducing the relative importance of such otherwise applicable rating factors as exposure and quality of public fire protection.

5. The structure in which the fine arts being insured are housed must be fire-resistive or incombustible, made of heavy timber or other approved construction, and in good state of preservation and repair.

6. The structure and its fine arts contents must be provided with satisfactory watchman or alarm service or its equivalent where necessary.

7. The insurer must maintain a force of trained and competent loss prevention specialists, who perform the following tasks:

- a. Make complete loss prevention surveys of each Specialized Fine Arts Risk;
- b. Make available specialized loss prevention service for the purpose of providing consultation regarding hazards to the fine arts being insured;
- c. Confirm through periodic and unannounced inspections that loss prevention devices are properly maintained;
- d. Investigate reported losses; and
- e. Confer with the policyholder and confirm through periodic and unannounced inspections that recommended safety and loss control improvements are actually made.

(5) All the forms adopted and incorporated by reference in this rule may be obtained from: Administrator, Florida Hurricane Catastrophe Fund, Paragon Reinsurance Risk Management Services, Inc., 3600 West 80th Street, Minneapolis, Minnesota 55431.

Specific Authority 215.555(3) FS. Law Implemented 215.555(2), (3), (4), (5), (6), (7) FS. History—New 9-20-99, Amended 7-3-00, 9-17-01, 7-17-02,\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Jack E. Nicholson, Senior FHCF Officer, Florida Hurricane Catastrophe Fund, State Board of Administration

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: The Trustees of the State Board of Administration

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 8, 2003

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: December 13, 2002, Vol. 28, No. 50

**DEPARTMENT OF CITRUS**

RULE CHAPTER TITLE: Processing Applications for Citrus Fruit Dealers Licenses

RULE CHAPTER NO.: 20-108

RULE TITLE: General Provisions

RULE NO.: 20-108.001

PURPOSE AND EFFECT: Amendment requiring all citrus fruit dealers to file all applications and supporting documentation with the Department of Citrus by June 15 of each year.

SUMMARY: Setting a date certain requirement for filing of citrus fruit dealer applications and supporting documentation.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No Statement of Regulatory Cost has been prepared.

SPECIFIC AUTHORITY: 601.10(1),(7), 601.56 FS.

LAW IMPLEMENTED: 601.03(8), 601.10(1),(5),(7), 601.55, 601.56, 601.57, 601.58, 601.60, 601.61 FS.

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

TIME AND DATE: 10:30 a.m., May 28, 2003

PLACE: Department of Citrus Building, 1115 East Memorial Boulevard, Lakeland, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Alice P. Wiggins, License & Regulation Specialist, Legal Department, Florida Department of Citrus, P. O. Box 148, Lakeland, Florida 33802-0148

**THE FULL TEXT OF THE PROPOSED RULE IS:**

20-108.001 General Provisions.

(1) All citrus fruit dealer license application forms must be properly completed and timely filed by the applicant by June 15 of each year. Each properly completed application shall be carefully reviewed and appropriate investigation made by the staff as hereinafter provided and any errors or omissions noticed to the applicant in accordance with the provisions of the Administrative Procedures Act, Section 120.60, F.S.

(2) If the staff is unable to complete processing of an application because the applicant has failed to properly or fully complete the application, or has failed to meet all applicable requirements of the law and rules, and staff has timely notified the applicant of such deficiencies, the application shall be placed in the inactive file and reported to the Department of Agriculture and Consumer Services, Bond and License Section, for appropriate action. The applicant shall be notified of such action.

Specific Authority 601.10(1),(7), 601.56 FS. Law Implemented 601.03(8), 601.10(1),(5),(7), 601.55, 601.56, 601.57, 601.58, 601.60, 601.61 FS. History-Revised 12-18-74, Amended 12-31-74, Formerly 105-2.02(1), Formerly 20-108.01, Amended 4-23-95,\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Ken Keck, General Counsel

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Ken Keck, General Counsel

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 19, 2003

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: March 14, 2003

**PUBLIC SERVICE COMMISSION**

DOCKET NO. 030163-GU

RULE TITLE: Code of Conduct

RULE NO.: 25-7.072

PURPOSE AND EFFECT: The purpose and effect of the proposed amendment is to ensure that no natural gas utility or marketing affiliate gain an unfair competitive advantage over non-affiliated competitors.

SUMMARY: Subparagraph 25-7.072(2)(c)1.-5., F.A.C., is being deleted and part of that subparagraph is being added to paragraph 25-7.072(2)(a), F.A.C. Subparagraph 25-7.072(2)(c)1.-5., F.A.C., currently requires that a regulated gas utility not share, with a marketing affiliate, "employees having direct responsibility over the day-to-day operations of the gas utility's transportation operations". A non-exclusive list identifies five specific areas of operation (numbered 1 through 5 in the rule) in which employees may not be shared. Paragraph 25-7.072(2)(a), F.A.C., provides that a gas utility will not "give its Marketing Affiliate, or its Marketing Affiliate's customers, preference over non-affiliated marketers or their customers in matters relating to gas transportation or curtailment priority specifically including the manner and timing of the processing of requests for transportation service". The effect of this change is that a gas utility will no longer be directed on how to handle its employees involved in day-to-day transportation operations. Instead the rule will delineate areas in which preference cannot be shown to marketing affiliates. It will be up to each utility to decide how to ensure it avoids giving preference to its marketing affiliate. The new provision will be paragraph 25-7.072(2)(d), F.A.C., and requires that a gas utility "[w]ill prevent the flow of any type of subsidy from the utility to the Marketing Affiliate." This provides another mechanism for ensuring that gas utilities and their market affiliates maintain a degree of independence from each other. Here again, it is up to the gas utility to decide how best to ensure this does not happen.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: A statement was not prepared.

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

SPECIFIC AUTHORITY: 350.127(2), 366.05(1) FS.

LAW IMPLEMENTED: 366.05(1) FS.

WRITTEN COMMENTS OR SUGGESTIONS ON THE PROPOSED RULE MAY BE SUBMITTED TO THE FPSC, DIVISION OF THE COMMISSION CLERK AND ADMINISTRATIVE SERVICES, WITHIN 21 DAYS OF THE DATE OF THIS NOTICE FOR INCLUSION IN THE RECORD OF THE PROCEEDING.

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: Marlene Stern, Florida Public Service Commission, 2540 Shumard Oak Blvd., Tallahassee, Florida 32399-0862, (850)413-6245

THE FULL TEXT OF THE PROPOSED RULE IS:

25-7.072 Code of Conduct.

(1) Definition. Marketing Affiliate means ~~an~~ business entity, unregulated by the Commission, business entity that is a subsidiary of a gas utility or is owned by or subject to control by the gas utility's parent company, and sells gas at the retail level to a transportation customer on the gas utility's system.

(2) Application of Tariff Provisions. A gas utility will apply tariff provisions relating to gas transportation service in the same manner to similarly situated marketers, brokers, or agents, whether or not they are affiliated with the gas utility. In addition, each ~~a~~ gas utility:

(a) Will not, through a tariff provision or otherwise, give its Marketing Affiliate or its Marketing Affiliate's customers, preference over non-affiliated marketers or their customers in matters relating to: ~~gas transportation or curtailment priority, specifically including the manner and timing of the processing of requests for transportation service;~~

1. Receiving and processing transportation service requests or tariff sales requests from customers (customer service inquiry employees);

2. Scheduling gas deliveries on the gas utility's system;

3. Making gas scheduling or allocation decisions;

4. Purchasing gas or capacity; or

5. Selling gas to end users behind the city gate.

(b) 1. through 2. No change;

~~(c) Will not share with its Marketing Affiliate any of its employees having direct responsibility for the day-to-day operations of a gas utility's transportation operations, including employees involved in:~~

~~1. Receiving transportation service requests or tariff sales requests from customers (customer service inquiry employees);~~

~~2. Scheduling gas deliveries on the gas utility's system;~~

~~3. Making gas scheduling or allocation decisions;~~

~~4. Purchasing gas or capacity; or~~

~~5. Selling gas to end users behind the city gate, and such employees will be physically separated from the gas utility's Marketing Affiliate.~~

~~(c)(d) Will charge the Marketing Affiliate the fully allocated costs for any general and administrative and support services provided to Marketing Affiliate.~~

(d) Will prevent the flow of any type of subsidy from the utility to the Marketing Affiliate;

(e) through (h) No change.

Specific Authority 350.127(2), 366.05(1) FS. Law Implemented 366.05(1) FS. History--New 7-23-02, Amended.

NAME OF PERSON ORIGINATING PROPOSED RULE: Wayne Makin

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Florida Public Service Commission  
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: March 18, 2003

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: Vol. 28, No. 51, December 20, 2002

If any person decides to appeal any decision of the Commission with respect to any matter considered at the rulemaking hearing, if held, a record of the hearing is necessary. The appellant must ensure that a verbatim record, including testimony and evidence forming the basis of the appeal is made. The Commission usually makes a verbatim record of rulemaking hearings.

Any person requiring some accommodation at this hearing because of a physical impairment should call the Division of the Commission Clerk and Administrative Services at (850)413-6770 at least 48 hours prior to the hearing. Any person who is hearing or speech impaired should contact the Florida Public Service Commission by using the Florida Relay Service, which can be reached at: 1(800)955-8771 (TDD).

**WATER MANAGEMENT DISTRICTS**

**Southwest Florida Water Management District**

RULE CHAPTER TITLE: Regulation of Wells  
RULE CHAPTER NO.: 40D-3

RULE TITLE: Rules and Publications Incorporated  
RULE NO.: 40D-3.037

PURPOSE AND EFFECT: The purpose of the amendment is to adopt updated versions of the Florida Department of Environmental Protection's (DEP) Water Well Contractor Disciplinary Guidelines and Procedures Manual (October 2002), the Florida Unified Citations Dictionary for Water Well Construction (October 2002), and Chapter 62-531, F.A.C., the DEP rule chapter that pertains to the licensing requirements for water well contractors.

SUMMARY: The rule incorporates by reference the current version of Florida Department of Environmental Protection's Water Well Contractor Disciplinary Guidelines and Procedures

Manual (October 2002), the Florida Unified Citations Dictionary for Water Well Construction (October 2002), and Chapter 62-531, F.A.C.

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-3.037, 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, 373.309 FS.

LAW IMPLEMENTED: 373.046, 373.308, 373.309, 373.323, 373.324, 373.333 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Karen E. West, Deputy General Counsel, 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-3.037 Rules and Publications Incorporated by Reference.

(1) The regulations promulgated by the Department governing the construction of water wells as set forth in Chapter 62-532, F.A.C., the construction of water wells in delineated areas as set forth in Chapter 62-524, F.A.C., the licensing requirements for Water Well Contractors as set forth in Chapter 62-531, F.A.C., and the construction of public supply water wells as set forth in Chapter 62-555, F.A.C., are hereby incorporated by reference and made a part of this rule and shall apply to all water wells constructed, repaired, modified or abandoned in the District.

(2) The Department's Water Well Contractor Disciplinary Guidelines and Procedures Manual (October 2002) and the Department's Florida Unified Citations Dictionary for Water Well Construction (October 2002) are hereby incorporated by reference and made a part of this rule.

(3) Well Construction Forms are incorporated by reference into Rule 40D-1.659, F.A.C., and are available from the District upon request.

Specific Authority 373.044, 373.113, 373.309 FS. Law Implemented 373.046, 373.308, 373.309, 373.323, 373.324, 373.333 FS. History--New 7-1-90, Amended 12-31-92, 4-11-94, 6-27-94, 9-22-94, 7-5-95, 10-19-95, 7-15-99,\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Karen E. West, Deputy General Counsel, 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: February 25, 2003

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: April 11, 2003

**AGENCY FOR HEALTH CARE ADMINISTRATION**

**Certificate of Need**

RULE TITLE: Certificate of Need Application Procedures  
 RULE NO.: 59C-1.008

PURPOSE AND EFFECT: The agency proposes to amend paragraphs (1)(f)and (g) of Rule 59C-1.008, F.A.C., adding a new Schedule 12 required as part of the application for a certificate of need, and updating the batching cycle calendar used to establish deadlines for comparative reviews, as required by s. 408.039(1), F.S. New Schedule 12 provides information necessary to implement s. 408.831, F.S., which describes certain circumstances where the agency may deny a certificate of need to any applicant who has outstanding fines assessed by the agency or by the Centers for Medicare and Medicaid Services. The updated batching cycle calendar adds deadlines for calendar years 2004 and 2005, with no modification to the current calendar for 2003.

SUMMARY: The amendments specify additional information required in a certificate of need application, and also provide an updated batching cycle calendar for comparative reviews.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None prepared.

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

SPECIFIC AUTHORITY: 408.034(6), 408.15(8) FS.

LAW IMPLEMENTED: 408.033, 408.037, 408.038, 408.039 FS.

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

TIME AND DATE: 2:00 p.m., May 13, 2003

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: John Davis, Certificate of Need, 2727 Mahan Drive, Building 1, Tallahassee, Florida



THE FULL TEXT OF THE PROPOSED RULE IS:

59C-1.008 Certificate of Need Application Procedures.

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

(f) Certificate of Need Application Submission. An application for a certificate of need shall be submitted on AHCA Form CON-1, July 2000, which includes Schedules A or A-Trn, B or B-Trn, C, D, D-1, 1 or 1-Trn, 2, 3, 4, 5, 6, 6A, 7, 7A, 7B, 8, 8A, 9, 10, ~~and 11-Trn, and 12~~, which are incorporated by reference herein. A copy of Form CON-1 and the Schedules may be obtained from:

Agency for Health Care Administration

Certificate of Need

2727 Mahan Drive, ~~Building 1 Mail Stop 28 Building 3~~

Tallahassee, FL 32308

An electronic version of Form CON-1 and the Schedules is also available at [www.fdhc.state.fl.us](http://www.fdhc.state.fl.us).

1. The application must be actually received by the agency by 5 p.m. local time on or before the application due date. The Local Health Council must receive a copy of the application bearing a postmark or shipping date that is no later than the application due date.

2. Applications for projects which exceed the proposed number of beds contained in the letter of intent shall not be deemed complete for review by the agency.

3. Applications may propose a lesser number of beds than that contained in the letter of intent.

(g) Applications Subject to Comparative Review-Batching Cycles. In order that applications pertaining to similar types of services or facilities affecting the same service district or subdistrict may be considered in relation to each other for purposes of comparative review, letters of intent and applications shall be received by the agency no later than dates prescribed in the following schedule:

Hospitals and Other Projects

2nd Batching Cycle—2001

Summary Need Projections Published in F.A.W.	7-27-01
Letter of Intent Deadline	8-13-01
Application Deadline	9-12-01
Completeness Review Deadline	9-19-01
Application Omissions Deadline	10-17-01
Agency Initial Decision Deadline	12-14-01

Hospital Beds and Facilities

1st Batching Cycle—2002

Summary Need Projections Published in F.A.W.	1-25-02
Letter of Intent Deadline	2-11-02
Application Deadline	3-13-02
Completeness Review Deadline	3-20-02
Application Omissions Deadline	4-17-02
Agency Initial Decision Deadline	6-14-02

Hospital Beds and Facilities

2nd Batching Cycle—2002

Summary Need Projections Published in F.A.W.	7-26-02
Letter of Intent Deadline	8-12-02
Application Deadline	9-11-02
Completeness Review Deadline	9-18-02
Application Omissions Deadline	10-16-02
Agency Initial Decision Deadline	12-13-02

Hospital Beds and Facilities

1st Batching Cycle—2003

Summary Need Projections Published in F.A.W.	1-24-03
Letter of Intent Deadline	2-10-03
Application Deadline	3-12-03
Completeness Review Deadline	3-19-03
Application Omissions Deadline	4-16-03
Agency Initial Decision Deadline	6-13-03

Hospital Beds and Facilities

2nd Batching Cycle—2003

Summary Need Projections Published in F.A.W.	7-25-03
Letter of Intent Deadline	8-11-03
Application Deadline	9-10-03
Completeness Review Deadline	9-17-03
Application Omissions Deadline	10-15-03
Agency Initial Decision Deadline	12-12-03

Hospital Beds and Facilities

1st Batching Cycle—2004

Summary Need Projections Published in F.A.W.	1-23-04
Letter of Intent Deadline	2-09-04
Application Deadline	3-10-04
Completeness Review Deadline	3-17-04
Application Omissions Deadline	4-14-04
Agency Initial Decision Deadline	6-11-04

Hospital Beds and Facilities

2nd Batching Cycle—2004

Summary Need Projections Published in F.A.W.	7-23-04
Letter of Intent Deadline	8-09-04
Application Deadline	9-08-04
Completeness Review Deadline	9-15-04
Application Omissions Deadline	10-13-04
Agency Initial Decision Deadline	12-10-04

Hospital Beds and Facilities

1st Batching Cycle—2005

Summary Need Projections Published in F.A.W.	1-28-05
Letter of Intent Deadline	2-14-05
Application Deadline	3-16-05
Completeness Review Deadline	3-23-05
Application Omissions Deadline	4-20-05
Agency Initial Decision Deadline	6-17-05

Hospital Beds and Facilities  
2nd Batching Cycle – 2005

<u>Summary Need Projections Published in F.A.W.</u>	<u>7-29-05</u>
<u>Letter of Intent Deadline</u>	<u>8-15-05</u>
<u>Application Deadline</u>	<u>9-14-05</u>
<u>Completeness Review Deadline</u>	<u>9-21-05</u>
<u>Application Omissions Deadline</u>	<u>10-19-05</u>
<u>Agency Initial Decision Deadline</u>	<u>12-16-05</u>

Nursing Facilities  
2nd Batching Cycle – 2004

<u>Summary Need Projections Published in F.A.W.</u>	<u>10-12-04</u>
<u>Letter of Intent Deadline</u>	<u>10-29-04</u>
<u>Application Deadline</u>	<u>11-28-04</u>
<u>Completeness Review Deadline</u>	<u>12-05-04</u>
<u>Applicant Omissions Deadline</u>	<u>1-02-05</u>
<u>Agency Initial Decision Deadline</u>	<u>3-01-05</u>

Other Beds and Programs  
1st Batching Cycle – 2002

<u>Summary Need Projections Published in F.A.W.</u>	<u>4-12-02</u>
<u>Letter of Intent Deadline</u>	<u>4-29-02</u>
<u>Application Deadline</u>	<u>5-29-02</u>
<u>Completeness Review Deadline</u>	<u>6-05-02</u>
<u>Applicant Omissions Deadline</u>	<u>7-03-02</u>
<u>Agency Initial Decision Deadline</u>	<u>8-30-02</u>

Other Beds and Programs  
2nd Batching Cycle – 2002

<u>Summary Need Projections Published in F.A.W.</u>	<u>10-11-02</u>
<u>Letter of Intent Deadline</u>	<u>10-28-02</u>
<u>Application Deadline</u>	<u>11-27-02</u>
<u>Completeness Review Deadline</u>	<u>12-04-02</u>
<u>Applicant Omissions Deadline</u>	<u>1-02-03</u>
<u>Agency Initial Decision Deadline</u>	<u>2-28-03</u>

Other Beds and Programs  
1st Batching Cycle – 2003

<u>Summary Need Projections Published in F.A.W.</u>	<u>4-11-03</u>
<u>Letter of Intent Deadline</u>	<u>4-28-03</u>
<u>Application Deadline</u>	<u>5-28-03</u>
<u>Completeness Review Deadline</u>	<u>6-04-03</u>
<u>Applicant Omissions Deadline</u>	<u>7-02-03</u>
<u>Agency Initial Decision Deadline</u>	<u>8-29-03</u>

Other Beds and Programs  
2nd Batching Cycle – 2003

<u>Summary Need Projections Published in F.A.W.</u>	<u>10-10-03</u>
<u>Letter of Intent Deadline</u>	<u>10-27-03</u>
<u>Application Deadline</u>	<u>11-26-03</u>
<u>Completeness Review Deadline</u>	<u>12-03-03</u>
<u>Applicant Omissions Deadline</u>	<u>1-02-04</u>
<u>Agency Initial Decision Deadline</u>	<u>2-27-04</u>

Other Beds and Programs  
1st Batching Cycle – 2004

<u>Summary Need Projections Published in F.A.W.</u>	<u>4-09-04</u>
<u>Letter of Intent Deadline</u>	<u>4-26-04</u>
<u>Application Deadline</u>	<u>5-26-04</u>
<u>Completeness Review Deadline</u>	<u>6-02-04</u>
<u>Applicant Omissions Deadline</u>	<u>6-30-04</u>
<u>Agency Initial Decision Deadline</u>	<u>8-27-04</u>

Other Beds and Programs  
2nd Batching Cycle – 2004

<u>Summary Need Projections Published in F.A.W.</u>	<u>10-08-04</u>
<u>Letter of Intent Deadline</u>	<u>10-25-04</u>
<u>Application Deadline</u>	<u>11-24-04</u>
<u>Completeness Review Deadline</u>	<u>12-01-04</u>
<u>Applicant Omissions Deadline</u>	<u>12-29-04</u>
<u>Agency Initial Decision Deadline</u>	<u>2-25-05</u>

Other Beds and Programs  
1st Batching Cycle – 2005

<u>Summary Need Projections Published in F.A.W.</u>	<u>4-08-05</u>
<u>Letter of Intent Deadline</u>	<u>4-25-05</u>
<u>Application Deadline</u>	<u>5-25-05</u>
<u>Completeness Review Deadline</u>	<u>6-01-05</u>
<u>Applicant Omissions Deadline</u>	<u>6-29-05</u>
<u>Agency Initial Decision Deadline</u>	<u>8-26-05</u>

Other Beds and Programs  
2nd Batching Cycle – 2005

<u>Summary Need Projections Published in F.A.W.</u>	<u>10-07-05</u>
<u>Letter of Intent Deadline</u>	<u>10-24-05</u>
<u>Application Deadline</u>	<u>11-23-05</u>
<u>Completeness Review Deadline</u>	<u>11-30-05</u>
<u>Applicant Omissions Deadline</u>	<u>12-28-05</u>
<u>Agency Initial Decision Deadline</u>	<u>2-24-06</u>

(h) through (j) No change.  
(2) through (6) No change.

Specific Authority 408.034(5), 408.15(8) FS. Law Implemented 408.033, 408.037, 408.038, 408.039 FS. History—New 1-1-77, Amended 11-1-77, 9-1-78, 6-5-79, 2-1-81, 4-1-82, 7-29-82, 9-6-84, Formerly 10-5.08, Amended 11-24-86, 3-2-87, 6-11-87, 11-17-87, 3-23-88, 5-30-90, 12-20-90, 1-31-91, 9-9-91, 5-12-92, 7-1-92, 8-10-92, Formerly 10-5.008, Amended 4-19-93, 6-23-94, 10-12-94, 10-18-95, 2-12-96, 7-18-96, 9-16-96, 11-4-97, 7-21-98, 12-12-00, 4-2-01, 1-10-02,\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
John Davis, Health Services and Facilities Consultant  
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Karen Rivera, Consultant Supervisor  
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 7, 2003  
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: March 14, 2003

**AGENCY FOR HEALTH CARE ADMINISTRATION  
Hospital and Nursing Home Reporting Systems and Other  
Provisions Relating to Hospitals**

RULE TITLES:	RULE NOS.:
Budget Report and Interim Report Requirements	59E-5.301
Requirements Relating to Change of Ownership or Change in Fiscal Year End	59E-5.302
Revisions of Budgets or Amended Budgets	59E-5.303
Notice of Violation and Response in the review of Budgets and Budget Amendments	59E-5.304
Determination of Base GRAA for Review of Detailed and Amended Budget reports and Budget Letters	59E-5.305
Determination of Maximum Allowable Rate of Increase (MARI)	59E-5.306
Review of Budget Letters; GRAA Banked Points	59E-5.307
Amended Budget Report Review	59E-5.308
Justification of Cost Credits	59E-5.309
Analysis of Hospital Operating costs and Efficiencies	59E-5.310
Analysis of the Hospital's Ability to Earn a reasonable Rate of Return	59E-5.311
Determination of Gross Revenue Per Adjusted Admission	59E-5.312
Evaluation of Changes in Severity and Intensity of Illness	59E-5.314
Staff Findings and Recommendations	59E-5.315
Effective Date of Budgets/Amendments Approved After the Beginning of a Hospital's Fiscal Year	59E-5.316
Corrected Budget Reports	59E-5.317
Amended and Corrected Budget Letters	59E-5.318
Prior Year Report Comparisons; Earning Gross Revenue Percentage Points, Earning Net Revenue Percentage Points, and Penalties	59E-5.401
Fine For Exceeding Approved Gross Revenue per Adjusted Admission	59E-5.402
Purpose of Grouping	59E-5.501
Formation of Specialty Groups	59E-5.502
Formation Of Short Term Acute Care Hospital Groups	59E-5.503
Formation Of Short-Term Psychiatric Hospital Groups	59E-5.504
Identification And Procedure For Calculating Variable Weights	59E-5.505
Group Assignments	59E-5.506
Grouping Resource Data	59E-5.507
Consumer Complaints	59E-5.607

PURPOSE AND EFFECT: The Agency intends to repeal certain sections of Chapter 59E-5, F.A.C. The rules are being repealed, as they are no longer needed since Chapter 98-89, Laws of Florida, repealed Sections 408.003 and 408.072, F.S.;

The Health Care Board and budget review, amended Sections 408.08 and 408.40, F.S. eliminating references to budget review. Since the statutory authority for hospital budget review has been rescinded the rules implementing the program are no longer needed.

SUMMARY: Rules 59E-5.301 thru 59E-5.318, F.A.C., are concerned with the requirements for budget review, the determination of Gross Revenue per Adjusted Admission (GRAA) the determination of the Maximum Allowable Rate of Increase (MARI), requirements and information necessary to mediate penalties. Rules 59E-5.401 and 59E-5.402, F.A.C., are concerned with the mechanisms for determining and accessing penalties, earning gross and net revenue percentage points and the fines for exceeding approved GRAA. Rules 59E-5.501 thru 59E-5.507, F.A.C., concerns the grouping process and its relation to budget review, the formation of groups, the mechanism of grouping and the data required for grouping. Rule 59E-5.607, F.A.C., deals with the Health Care Cost Containment Board's consumer complaints mechanism. This activity has been assigned to a different division within the agency and therefore this rule has become redundant and unnecessary.

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

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: 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 RULES IS:

59E-5.301 Budget Report and Interim Report Requirements.

Specific Authority 408.15 FS, Chapter 88-394, Laws of Florida. Law Implemented 408.061, 408.062, 408.072, 408.08 FS. History--New 6-11-92, Formerly 10N-5.301, Repealed.

59E-5.302 Requirements Relating to Change of Ownership or Change in Fiscal Year End.

Specific Authority 408.061, 408.15, 408.15 FS., Chapter 88-394, Laws of Florida. Law Implemented 408.061, 408.072, 408.08 FS. History--New 6-11-92, Formerly 10N-5.302, Repealed.

59E-5.303 Revisions of Budgets or Amended Budgets.

Specific Authority 408.061, 408.15 FS, Chapter 88-394, Laws of Florida. Law Implemented 408.061, 408.072, 408.08 FS. History--New 6-11-92, Formerly 10N-5.303, Repealed.

59E-5.304 Notice of Violation and Response in the Review of Budgets and Budget Amendments.

Specific Authority 408.061, 408.15 FS., Chapter 88-394, Laws of Florida. Law Implemented 408.061, 408.072, 408.08 FS. History—New 6-11-92, Formerly 10N-5.304, Repealed.

59E-5.305 Determination of Base GRAA for Review of Detailed and Amended Budget Reports and Budget Letters.

Specific Authority 408.15 FS., Chapter 88-394, Laws of Florida. Law Implemented 407.02, 408.061, 408.072, 408.08, 408.15 FS. History—New 6-11-92, Formerly 10N-5.305, Repealed.

59E-5.306 Determination of Maximum Allowable Rate of Increase (MARI).

Specific Authority 408.061 FS., Chapter 88-394, Laws of Florida. Law Implemented 408.061, 408.072, 408.08, 408.15 FS. History—New 6-11-92, Formerly 10N-5.306, Repealed.

59E-5.307 Review of Budget Letters; GRAA Banked Points.

Specific Authority 408.15 FS., Chapter 88-394, Laws of Florida. Law Implemented 408.061, 408.072, 408.08, 408.15 FS. History—New 6-11-92, Formerly 10N-5.307, Repealed.

59E-5.308 Amended Budget Report Review.

Specific Authority 408.15 FS., Chapter 88-394, Laws of Florida. Law Implemented 408.072, 408.08 FS. History—New 6-11-92, Formerly 10N-5.308, Repealed.

59E-5.309 Justification of Cost Credits.

Specific Authority 408.15 FS., Chapter 88-394, Laws of Florida. Law Implemented 408.072, 408.08 FS. History—New 6-11-92, Formerly 10N-5.309, Repealed.

59E-5.310 Analysis of Hospital Operating Costs and Efficiencies.

Specific Authority 408.15 FS., Chapter 88-394, Laws of Florida. Law Implemented 408.061, 408.072, 408.08, 408.15 FS. History—New 6-11-92, Formerly 10N-5.310, Repealed.

59E-5.311 Analysis of the Hospital's Ability to Earn a Reasonable Rate of Return.

Specific Authority 408.15 FS., Chapter 88-394, Laws of Florida. Law Implemented 408.061, 408.072, 408.08, 408.15 FS. History—New 6-11-92, Formerly 10N-5.311, Repealed.

59E-5.312 Determination of Gross Revenue Per Adjusted Admission.

Specific Authority 408.15 FS., Chapter 88-394, Laws of Florida. Law Implemented 408.061, 408.072, 408.08, 408.15 FS. History—New 6-11-92, Formerly 10N-5.312, Repealed.

59E-5.314 Evaluation of Changes in Severity and Intensity of Illness.

Specific Authority 408.15 FS., Chapter 88-394, Laws of Florida. Law Implemented 408.061, 408.072, 408.08, 408.15 FS. History—New 6-11-92, Formerly 10N-5.314, Repealed.

59E-5.315 Staff Findings and Recommendations.

Specific Authority 408.15 FS., Chapter 88-394, Laws of Florida. Law Implemented 408.072, 408.08 FS. History—New 6-11-92, Formerly 10N-5.315, Repealed.

59E-5.316 Effective Date of Budgets/Amendments Approved After the Beginning of a Hospital's Fiscal Year.

Specific Authority 408.15 FS., Chapter 88-394, Laws of Florida. Law Implemented 408.072, 408.08 FS. History—New 6-11-92, Formerly 10N-5.316, Repealed.

59E-5.317 Corrected Budget Reports.

Specific Authority 408.15 FS., Chapter 88-394, Laws of Florida. Law Implemented 408.061, 408.072, 408.08, 408.15 FS. History—New 6-11-92, Formerly 10N-5.317, Repealed.

59E-5.318 Amended and Corrected Budget Letters.

Specific Authority 88-394 Laws of Florida, 408.15 FS. Law Implemented 408.061, 408.072, 408.08, 408.15 FS. History—New 6-11-92, Formerly 10N-5.318, Repealed.

59E-5.401 Prior Year Report Comparisons; Earning Gross Revenue Percentage Points, Earning Net Revenue Percentage Points, and Penalties.

Specific Authority 408.15 FS, Chapter 88-394, Laws of Florida. Law Implemented 408.08 FS. History—New 6-11-92, Formerly 10N-5.401, Repealed.

59E-5.402 Fine for Exceeding Approved Gross Revenue Per Adjusted Admission.

Specific Authority 408.15 FS., Chapter 88-394, Laws of Florida. Law Implemented 407.003, 408.061, 408.072, 408.08, 408.15 FS. History—New 6-11-92, Formerly 10N-5.402, Repealed.

59E-5.501 Purpose of Grouping.

Specific Authority 408.15 FS. Law Implemented 408.061, 408.072, 408.08 FS. History—New 6-11-92, Formerly 10N-5.501, Repromulgated, Repealed.

59E-5.502 Formation of Specialty Groups.

Specific Authority 408.15 FS. Law Implemented 408.061, 408.072, 408.08 FS. History—New 6-11-92, Formerly 10N-5.502, Amended 10-10-94, 10-4-95, Repealed.

59E-5.503 Formation of Short Term Acute Care Hospital Groups.

Specific Authority 408.15 FS. Law Implemented 408.061, 408.072, 408.08 FS. History—New 6-11-92, Formerly 10N-5.503, Amended 10-10-94, Repealed.

59E-5.504 Formation of Short-Term Psychiatric Hospital Groups.

Specific Authority 408.15 FS. Law Implemented 408.061, 408.072, 408.08 FS. History—New 6-11-92, Formerly 10N-5.504, Amended 10-10-94, Repealed.

59E-5.505 Identification and Procedure for Calculating Variable Weights.

Specific Authority 408.15 FS. Law Implemented 408.061, 408.072, 408.08 FS. History—New 6-11-92, Formerly 10N-5.505, Amended 10-10-94, Repealed.

59E-5.506 Group Assignments.

Specific Authority 408.15 FS. Law Implemented 408.061, 408.072, 408.08 FS. History—New 6-11-92, Formerly 10N-5.506, Amended 10-10-94, Repealed.

59E-5.507 Grouping Resource Data.

Specific Authority 408.15 FS. Law Implemented 408.061, 408.072, 408.08 FS. History–New 10-10-94, Amended 10-4-95, Repealed \_\_\_\_\_.

59E-5.607 Consumer Complaints.

Specific Authority 408.15 FS., Chapter 88-394, Laws of Florida. Law Implemented 408.072 FS. History–New 6-11-92, Formerly 10N-5.607, Repealed \_\_\_\_\_.

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: April 7, 2003

**DEPARTMENT OF MANAGEMENT SERVICES**

**Agency for Workforce Innovation**

RULE TITLE: Florida Unemployment Compensation  
 Tax – Indian Tribe

RULE NO.: 60BB-2.036

PURPOSE AND EFFECT: This rule implements Section 443.1315, Florida Statutes (2002), which allows Indian Tribes to be liable for payments of unemployment compensation in lieu of making contributions. In order to qualify under this provision, the tribe or tribal unit must submit a surety bond.

SUMMARY: Currently, Indian Tribes pay contributions/taxes under the same terms and conditions as other employers pursuant to Sections 443.131 and 443.1715, Florida Statutes, allows an Indian Tribe an election to directly reimburse the Unemployment Compensation Trust Fund instead of paying the contribution/tax. If an Indian Tribe elects to become a “reimbursable employer”, the Tribe would be required to post a bond based upon their immediate past experience of benefits paid to former employees. The bond is required to facilitate the Department of Revenue in any collection of delinquent reimbursements.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None prepared.

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

SPECIFIC AUTHORITY: 443.1315(7) FS.

LAW IMPLEMENTED: 443.1315 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: Robin S. Westcott, Senior Attorney, 107 E. Madison Street, MSC 150, The Caldwell Building, Tallahassee, Florida 32399-4128, (850)245-7150

THE FULL TEXT OF THE PROPOSED RULE IS:

60BB-2.036 Unemployment Compensation Tax – Indian Tribe.

(1) Each Tribe or tribal unit that elects to become liable for payments in lieu of contributions must submit a completed form UCT-28T in accordance with Section 443.131, F.S. The Tribe or tribal unit must also submit a surety bond. The surety bond must be issued by a bonding company or insurance company authorized by the Department of Insurance to do business in this state. If the bond is signed by an out-of-state agent it shall be countersigned by a Florida resident agent. The surety bond must be submitted on form UCT-40 within 90 days of the effective date of an Indian tribe or tribal unit’s election to become liable for payments in lieu of contributions. The bond must be effective as of January 1 of that calendar year. The Department will not grant final approval of the election application until the bond is timely received and approved. The bond is to be conditioned upon the Indian tribe or tribal unit’s timely compliance with the payment provisions of Section 443.131(5), F.S. Forms UCT-28T and UCT-40 are hereby incorporated by reference and are available by:

(a) Writing to the Florida Department of Revenue, Central Registration-Unemployment Tax, Post Office Box 6510, Tallahassee, Florida 32314-6510;

(b) Faxing a request to the Department of Revenue’s Unemployment Tax Registration Unit at (850)488-5833;

(c) Calling the Department of Revenue’s Unemployment Tax Registration Unit at (850)488-5079; or

(d) Dialing the TDD number for the Department of Revenue at 1(800)367-8331 for persons with hearing or speech impairments.

(2) The bond shall be duly executed by the principal and the surety. The amount of the bond shall be calculated by determining the average amount of benefits charged to the applicant per quarter during the previous calendar year and multiplying that average by two. If there is insufficient employer history to determine the average, the amount of the bond shall be thirty percent of the number of the applicant’s employees, multiplied by three thousand dollars. The Department may review the bond annually to determine if there is a need to adjust the face amount. If the Department determines that the bond amount needs to be increased it shall advise the Indian tribe or tribal unit which shall have 90 days from the date of notification to increase the amount of the bond. The Department may seek recovery from the surety on the bond at any time subsequent to the failure of the Indian tribe or tribal unit to pay any bill within 30 days of the mailing date of the bill pursuant to Section 443.131(5), F.S.

(3) The bond shall be effective until it is canceled. The surety company must give the DOR at least 90 days written notice if it intends to cancel the surety bond. The cancellation shall not be effective until 90 days after the Department

receives written notice of the cancellation. Any cancellation of the bond shall not affect any liability incurred or accrued prior to the effective date of the cancellation. Failure of the Indian tribe or tribal unit to have in effect a surety bond in the amount determined necessary by the Department will cause the Indian tribe or tribal unit to lose the option to make payments in lieu of contributions effective the following calendar year.

Specific Authority 443.1315(7) FS. Law Implemented 443.1315 FS. History–New\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Robin S. Westcott, Senior Attorney, 107 E. Madison Street, MSC 150, The Caldwell Building, Tallahassee, Florida 32399-4128, (850)245-7150

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Tom Clendenning, UC Service Manager, Agency for Workforce Innovation, 107 E. Madison Street, Tallahassee, Florida 32399

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: March 31, 2003

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: February 21, 2003

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Board of Engineering**

RULE TITLE: Exemption from Renewal Requirements for Spouses of Members of the Armed Forces of the United States  
RULE NO.: 61G15-22.0003

PURPOSE AND EFFECT: The Board proposes to add this rule to set forth the conditions of exemption from renewal requirements for spouses of members of the Armed Forces of the United States.

SUMMARY: This rule explains the requirements for exemption when a spouse is absent from the state because of duties with the armed forces, sets forth steps for claiming the exemption, tells the duration of the exemption, and how to reactivate the license once the licensee returns to the state.

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

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

SPECIFIC AUTHORITY: 455.02(2) FS.

LAW IMPLEMENTED: 455.02(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: Julie Baker, Acting Executive Director, Board of Professional Engineers, 1940 North Monroe Street, Tallahassee, Florida 32399-0750

THE FULL TEXT OF THE PROPOSED RULE IS:

61G15-22.0003 Exemption from Renewal Requirements for Spouses of Members of the Armed Forces of the United States.

Spouses of members of the Armed Forces of the United States are exempt from licensure renewal provisions, but only in cases of absence from the state because of their spouses' duties with the Armed Forces. Copies of the military orders requiring the change in duty station must be sent to the Board office in order to qualify for the exemption. Upon receipt of the military orders by the Board office confirming exemption eligibility, the spouse's license will be placed on inactive status with no fee required. Reactivation of the inactive license will not require payment of the fee set forth in paragraph 61G15-24.001(2)(m), F.A.C. The license will remain in inactive status for up to two renewal cycles at which time the licensee must either renew this exemption, before expiration, by submitting a current set of orders establishing eligibility for the exemption or reactivate the license. The licensee may reactivate the license by submitting an application for change of status from inactive to active and will not be required to pay the fee set forth in paragraph 61G15-24.001(2)(l), F.A.C., nor be required to comply with any rules setting conditions for reactivation of licensure, including continuing education requirements imposed by Section 455.271(10), F.S. If a license is not reactivated nor the exemption renewed by the expiration date, the license shall become delinquent. Reactivation of the delinquent license will not require payment of the fee set forth in paragraph 61G15-24.001(2)(f), F.A.C.

Specific Authority 455.02(2) FS. Law Implemented 455.02(2) FS. History–New\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Professional Engineers

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 18, 2003

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: March 21, 2003

**DEPARTMENT OF ENVIRONMENTAL PROTECTION**

DOCKET NO.: 02-23R

RULE CHAPTER TITLE: Stationary Sources – General  
 RULE CHAPTER NO.: 62-210

Requirements  
 RULE TITLE: 62-210.900  
 Forms and Instructions 62-210.900

**PURPOSE AND EFFECT:** The Department is proposing to expand the scope of the application for air permit (DEP Form 62-210.900(1)) to accommodate air operation permit renewal for Title V sources and initial air operation permitting for sources assuming federally enforceable restrictions to stay below federal regulation applicability thresholds, and to clarify form use for major-source air construction permitting. In addition, the Department is proposing to amend the application for air permit (DEP Form 62-210.900(1)) in response to comments received September 10, 2002, from the Joint Administrative Procedures Committee (JAPC) and update the Phase II Acid Rain part application (DEP Form 62-210.900(1)(a)) in accordance with the U.S. Environmental Protection Agency’s recent updates to the corresponding federal Acid Rain Program form.

The full text of this notice is published on the Internet at the Department of Environmental Protection’s home page at <http://www.dep.state.fl.us/> under the link or button titled “Official Notices”.

**DEPARTMENT OF HEALTH**

**Division of Medical Quality Assurance**

RULE TITLE: Practitioner Profile  
 RULE NO.: 64B-2.001

**PURPOSE AND EFFECT:** The Division proposes to update the statutory references in this rule.

**SUMMARY:** This proposed amendment broadens the definition of financial responsibility by adding reference to s. 456.048, Florida Statutes.

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

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

**SPECIFIC AUTHORITY:** 456.044, 456.004 FS.

**LAW IMPLEMENTED:** 456.039, 456.0391, 456.041, 456.042, 456.043, 456.044, 456.045, 456.046 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Lola Pouncey, MQA Bureau of Operations, 4052 Bald Cypress Way, Bin C10, Tallahassee, Florida 32399-3270

THE FULL TEXT OF THE PROPOSED RULE IS:

64B-2.001 Practitioner Profile.

The Practitioner Profile shall consist of:

(1) through (5) No change.

(6) “Financial Responsibility” shall consist of the practitioner’s chosen method of demonstrating financial responsibility in accordance with ~~ss. 456.048, s. 458.320 or s. 459.0085, F.S.~~

(7) through (10) No change.

Specific Authority 456.044, 456.004 FS. Law Implemented 456.039, 456.041, 456.042, 456.043, 456.044, 456.045, 456.046, 456.0391 FS. History—New 8-12-99, Amended 9-2-01,\_\_\_\_\_.

**NAME OF PERSON ORIGINATING PROPOSED RULE:** Lola Pouncey, Bureau of Operations, Licensure

**NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE:** Amy Jones, Division Director

**DATE PROPOSED RULE APPROVED BY AGENCY HEAD:** April 2, 2003

**DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW:** February 21, 2003

**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 and other organizational matters.

**SUMMARY:** This rule addresses the requirements for attendance at Council Meetings and specifies the location of the principle office, normal hours and agent for service of process.

**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:** 468.507 FS.

**LAW IMPLEMENTED:** 456.011 FS.

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

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

THE FULL TEXT OF THE PROPOSED RULE IS:

64B8-40.004 Organization.

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

(a) No Council member may be absent from three consecutive regularly scheduled Council meetings unless the absence is excused for one of the reasons stated in subsection (2) of this rule. An absence for any reason other than the reasons stated in subsection (2) constitutes an unexcused absence for the purpose of declaring a vacancy on the Council. An otherwise excused absence is not excused if the Council member fails to notify the Board office of the impending absence prior to the regularly scheduled Council meeting at which the absence will occur or unless the failure to notify the Board office is the result of circumstances surrounding the reason for the absence which the Council itself excuses after the absence has occurred.

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

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

(2) Principal office, normal hours, service of process.

(a) The principal office of the Council is in Tallahassee.

(b) The office is open from 8:00 a.m to 5:00 p.m. on weekdays, excluding holidays.

(c) The Executive Director of the Council, at the Council's address, is the Council's agent for service of process for all matters relating to the Council.

Specific Authority 468.507 FS. Law Implemented 456.011 FS. History—New

NAME OF PERSON ORIGINATING PROPOSED RULE: Dietetics and Nutrition Practice Council

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Dietetics and Nutrition Practice Council

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 5, 2003

**DEPARTMENT OF HEALTH**

**Board of Medicine**

RULE TITLE: Licensure of Electrologists and Electrology Facilities

RULE NO.: 64B8-51.006

PURPOSE AND EFFECT: The Board proposes to amend the existing rule to add a requirement to the Electrology Facility Safety and Sanitary Requirements.

SUMMARY: This rule amendment adds the requirement of at least one piece of properly registered laser equipment located within the electrology facility to the Electrology Facility Safety and Sanitary 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 regulatory cost alternative must do so in writing within 21 days of this notice.

SPECIFIC AUTHORITY: 456.037, 478.43(1), (4), 478.51(3) FS.

LAW IMPLEMENTED: 456.037(2), (3), (5), 478.49, 478.51 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Kaye Howerton, Executive Director, Board of Medicine, Electrolysis Council/MQA, 4052 Bald Cypress Way, Bin # C05, Tallahassee, Florida 32399-3253

THE FULL TEXT OF THE PROPOSED RULE IS:

64B8-51.006 Rule Governing Licensure and Inspection of Electrology Facilities.

(1) through (2) No change.

(3) Electrology Facility Safety and Sanitary Requirements

(a) through (f) No change.

(g) In electrology facilities wherein laser equipment is used for hair removal, the following shall be provided:

1. through 9. No change.

10. At least one piece of properly registered laser equipment located within the electrology facility.

(4) through (7) No change.

Specific Authority 456.037, 478.43(1), (4), 478.51(3) FS. Law Implemented 456.037(2), (3), (5), 478.49, 478.51 FS. History—New 11-16-93, Formerly 61F6-76.006, Amended 5-11-95, 6-26-96, Formerly 59R-51.006, Amended 12-23-97, 12-22-98, 2-17-00, 3-25-01, 4-8-02.

NAME OF PERSON ORIGINATING PROPOSED RULE: Electrolysis Council

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Electrolysis Council



DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 5, 2003  
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: February 28, 2003

**DEPARTMENT OF HEALTH**

**Board of Medicine**

RULE TITLE: Requirements for Approval of Training Courses for Laser and Light-based Hair Removal or Reduction  
RULE NO.: 64B8-52.004

PURPOSE AND EFFECT: The Board proposes to amend this rule to say that the laser training course be conducted at a licensed electrology facility.

SUMMARY: This rule amendment adds language that the laser training course be conducted at a licensed electrology facility.

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

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

SPECIFIC AUTHORITY: 478.43 FS.  
LAW IMPLEMENTED: 478.42(5), 478.43(3), 478.50 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Kaye Howerton, Executive Director, Board of Medicine/MQA, 2020 Capital Circle, S. E., Bin #C05, Tallahassee, Florida 32399-3253

THE FULL TEXT OF THE PROPOSED RULE IS:

64B8-52.004 Requirements for Approval of ~~Continuing Education~~ Training Courses for Laser and Light-based Hair Removal or Reduction.

The Electrolysis Council will approve laser and light-based hair removal or reduction continuing education ~~training~~ courses upon application if the following requirements are met:

(1) Continuing education providers seeking initial approval by the Council shall pay a fee of \$250.00, and shall complete and submit to the Council the application form entitled "Application for Laser and Light Based Hair Removal or Reduction Continuing Education Provider", form DOH/MQA/EO/LASER/CEU/07/23/01, which is hereby incorporated by reference and became effective July 23, 2001, copies of which may be obtained from the Council office. Continuing education providers seeking renewal of provider status shall also pay a \$250.00 fee each biennium. To receive Council approval, a continuing program:

- (a) No change.

(b) Shall have its sponsor submit to the council at least the following:

- 1. through 5. No change.

6. The laser training course will be conducted at a licensed electrology facility.

- (2) No change.

Specific Authority 478.43 FS. Law Implemented 478.42(5), 478.43(3), 478.50 FS. History--New 10-3-00, Amended 12-24-01, \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Electrolysis Council

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Electrolysis Council

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 5, 2003

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 23, 2002

**DEPARTMENT OF HEALTH**

**Board of Osteopathic Medicine**

RULE TITLE: Definitions  
RULE NO.: 64B15-6.001

PURPOSE AND EFFECT: The Board proposes to update the rule text to conform with Board of Medicine's corresponding Rule 64B8-30.001, F.A.C.

SUMMARY: The proposed rule amendments update physician assistant designation from "certification" to "licensure" to conform with Board of Medicine's corresponding physician assistant 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: 459.005 FS.

LAW IMPLEMENTED: 459.022 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AT THE BOARD'S NEXT MEETING TO BE HELD ON JUNE 7, 2003 IN MIAMI, FLORIDA.

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

THE FULL TEXT OF THE PROPOSED RULE IS:

64B15-6.001 Definitions.

- (1) through (5) No change.

(6) The term "recent graduate" as used herein refers to a person who completed the approved program no more than two years (24 months) prior to the date the application for licensure certification as a physician assistant was received.

(7) The term "fully licensed certified physician assistant" as used herein refers to those physician assistants who have successfully passed the NCCPA examination or other examination approved by the Board and have been issued a license other than a temporary license authorized under certificate pursuant to Sections 459.022(7), 458.347(7)(b)2. and 458.347(7)(f), F.S.

Specific Authority 459.005 FS. Law Implemented 459.022 FS. History--New 10-18-77, Formerly 21R-6.01, Amended 10-28-87, 4-18-89, 9-26-90, 3-16-92, Formerly 21R-6.001, Amended 2-20-94, Formerly 61F9-6.001, 59W-6.001, Amended 6-7-98, 3-17-99, \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Osteopathic Medicine  
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Osteopathic Medicine  
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 21, 2003  
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: January 24, 2003

**DEPARTMENT OF HEALTH**  
**Board of Osteopathic Medicine**

RULE TITLE: Change in Employment Status  
RULE NO.: 64B15-6.0031  
PURPOSE AND EFFECT: The Board proposes to update the rule text to conform with Board of Medicine's corresponding Rule 64B8-30.004, F.A.C.

SUMMARY: The proposed rule amendments update the requirements for a change in employment status and the physician assistant designation from "certification" to "licensure" to conform with Board of Medicine's corresponding physician assistant 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: 459.005, 458.309, 458.347(13), 459.022(13) FS.

LAW IMPLEMENTED: 459.022(7)(d), 458.347 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AT THE BOARD'S NEXT MEETING TO BE HELD ON JUNE 7, 2003 IN MIAMI, FLORIDA.

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

THE FULL TEXT OF THE PROPOSED RULE IS:

64B15-6.0031 Change in Employment Status.

(1) No change.

(2) ~~Each~~ All persons applying for certification as a ~~prescribing~~ physician assistant shall submit changes an application to the Department Council on the a form approved by the Council and Boards, and provided by the Department within 30 days of any change of employment status. ~~The application shall be accompanied by the application fee.~~

(3) Upon any change in employment status the licensed certified physician assistant's prescribing privileges shall immediately be stayed until such time as a new written agreement is entered into pursuant to Rule 64B8-30.007 or Rule 64B15-6.0037, F.A.C., and a new form ~~PAX-004~~ is filed with the Department Council.

Specific Authority 459.005, 458.309, 458.347(13), 459.022(13) FS. Law Implemented 459.022(7)(d), 458.347 FS. History--New 10-28-87, Amended 1-3-93, Formerly 21R-6.0031, 61F9-6.0031, 59W-6.0031, Amended 6-7-98, \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Osteopathic Medicine  
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Osteopathic Medicine  
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 21, 2003  
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: January 24, 2003

**DEPARTMENT OF HEALTH**  
**Board of Osteopathic Medicine**

RULE TITLE: Disciplinary Guidelines  
RULE NO.: 64B15-6.011  
PURPOSE AND EFFECT: The Board proposes to update the rule text to conform with Board of Medicine's corresponding Rule 64B8-30.015, F.A.C.

SUMMARY: The proposed rule amendments update the violations and penalties for false, deceptive or misleading advertising and failure to keep legible written medical records to conform with Board of Medicine's corresponding physician assistant 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: 456.079, 459.0015, 459.015(5) FS.  
 LAW IMPLEMENTED: 456.072, 456.079, 459.015(5),  
 459.022(4)(e)1., (7)(f) FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AT THE BOARD'S NEXT MEETING TO BE HELD ON JUNE 7, 2003 IN MIAMI, FLORIDA.

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

THE FULL TEXT OF THE PROPOSED RULE IS:

64B15-6.011 Disciplinary Guidelines.

(1) No change.

(2) Violations and Range of Penalties. In imposing discipline upon physician assistant applicants and licensees, in proceedings pursuant to Sections 120.57(1) and (2), Florida Statutes, the Board shall act in accordance with the following disciplinary guidelines and shall impose a penalty within the range corresponding to the violations set forth below. The verbal identification of offenses are descriptive only; the full language of each statutory provision cited must be consulted in order to determine the conduct included.

VIOLATIONS	RECOMMENDED PENALTIES	
	First Offense	Subsequent Offenses
(a) through (c) No change. (d) False, deceptive, or (459.015(1)(d), F.S.)	(d) From a letter of concern licensure, and an administrative fine ranging from \$1,000.00 to \$2,500.00	(d) From a letter of concern misleading advertising to reprimand, or denial of to reprimand to suspension or denial of licensure, and an administrative fine ranging from \$1,000.00 to \$2,500.00 to \$2,500.00 to \$5,000.00.
(e) through (n) No change. (o) Failure to keep legible written medical records. (459.015(1)(o), F.S.)	(o) From letter of concern to a reprimand, or denial of licensure, and an administrative fine ranging from \$1,000.00 to \$5,000.00	(o) From a reprimand to suspension followed by probation, and an administrative fine ranging from \$2,500.00 to \$5,000.00, or denial of licensure.

1. through 2. No change.

(p) though (ll) No change.

(3) through (4) No change.

Specific Authority 456.079, 459.0015, 459.015(5) FS. Law Implemented 456.072, 456.079, 459.015(5), 459.022(4)(e)1., (7)(f) FS. History--New 4-18-89, Formerly 21R-6.011, Amended 11-4-93, Formerly 61F9-6.011, 59W-6.011, Amended 6-7-98, 4-9-01,\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
 Board of Osteopathic Medicine

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Osteopathic Medicine

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 21, 2003

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: January 24, 2003

**DEPARTMENT OF HEALTH**

**Board of Osteopathic Medicine**

RULE TITLE: \_\_\_\_\_ RULE NO.: \_\_\_\_\_

Citations 64B15-19.007

PURPOSE AND EFFECT: The Board proposes the rule amendments to delete continuing education penalties no longer needed to conform to a recent rule amendment.

SUMMARY: The proposed rule amendments eliminate the penalties for non-compliance with the HIV/AIDS and domestic violence continuing education requirements which are specifically addressed in subsections 64B15-19.002(48), (50), F.A.C.

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

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

SPECIFIC AUTHORITY: 456.073, 456.077 FS.

LAW IMPLEMENTED: 456.073, 456.077 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED FOR THE BOARD'S NEXT MEETING TO BE HELD ON JUNE 7, 2003 IN MIAMI, FLORIDA.

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

THE FULL TEXT OF THE PROPOSED RULE IS:

64B15-19.007 Citations.

(1) through (2) No change.

(3) The following violations with accompanying fines may be disposed of by citation.

(a) through (e) No change.

~~(f) The fine for falsely certifying compliance with or failing to satisfy the HIV/AIDS course requirement shall be \$2,000.~~

~~(g) The fine for falsely certifying compliance with or failing to satisfy the domestic violence course requirement shall be \$2,000.~~

(h) through (o) renumbered (f) through (m) No change.

(4) through (7) No change.

Specific Authority 456.073, 456.077 FS. Law Implemented 456.073, 456.077 FS. History--New 10-28-91, Amended 8-24-92, 11-17-92, Formerly 21R-19.007, 61F9-19.007, 59W-19.007, Amended 11-27-97, 11-12-00, 1-29-03,\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Board of Osteopathic Medicine  
NAME OF SUPERVISOR OR PERSON WHO APPROVED  
THE PROPOSED RULE: Board of Osteopathic Medicine  
DATE PROPOSED RULE APPROVED BY AGENCY  
HEAD: February 21, 2003  
DATE NOTICE OF PROPOSED RULE DEVELOPMENT  
PUBLISHED IN FAW: February 7, 2003

**DEPARTMENT OF HEALTH**

**Council of Licensed Midwifery**

RULE TITLES:	RULE NOS.:
Definitions	64B24-4.001
Approval of Training Program	64B24-4.002
Educational Objectives	64B24-4.004
Curriculum Guidelines, and Educational Objectives	64B24-4.006
Clinical Training	64B24-4.007
Four-Month Pre-Licensure Course	64B24-4.010

PURPOSE AND EFFECT: Revision is proposed for Rule Chapter 64B24, F.A.C., in order to provide clarification with regard to training program requirements.

SUMMARY: Rule 64B24-4.001, F.A.C., is amended to indicate the statutory definition for preceptor, provide a definition for "approved program," and clarify the concept of supervision. Amendment is proposed for Rule 64B-24-4.002, F.A.C., to update references to the proper licensing and approval organizations for institutions seeking to provide midwifery education, and to reflect another proposed change to the Rule Chapter. Repeal is proposed for Rule 64B24-4.004, F.A.C., and the language therein is moved to Rule 64B24-4.006, F.A.C. Additional amendment is proposed to provide statutory reference and indicate the necessity for a training program to have a Florida laws and rules component. Finally, clarifying amendments are proposed for Rules 64B24-4.007 and 64B24-4.010, F.A.C.

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

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

SPECIFIC AUTHORITY: 456.004(5), 467.205(2) FS.  
LAW IMPLEMENTED: 467.009(3), 467.0125, 467.205 FS.  
IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE NEXT AVAILABLE ISSUE OF THE FLORIDA ADMINISTRATIVE WEEKLY.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Pamela King, Executive Director, 4052 Bald Cypress Way, Tallahassee, Florida 32399-3256

THE FULL TEXT OF THE PROPOSED RULE IS:

- 64B24-4.001 Definitions.
  - (1) through (4) No change.
  - (5) "Direct supervision" means the physical presence within the patient care unit of a preceptor as defined in section 467.033(12), Florida Statutes, or faculty member who assumes clinical legal responsibility for the practice of the student midwife being supervised, and who provides direction and consultation for the actions of such student midwife in the preceptor's ~~or faculty members~~ area of clinical expertise.
  - (6) through (8) No change.
  - (9) ~~"Supervision of students" means oversight and direction of student activities by program faculty who are responsible for the results of students' services.~~
  - (10) through (12) renumbered as (9) through (11) No change.
  - (12) "Approved program" means a midwifery school or a midwifery training program which is approved by the department pursuant to Section 467.205, Florida Statutes.

Specific Authority 467.205(2) FS. Law Implemented 467.205 FS. History-New 1-26-94, Formerly 61E8-4.001, Amended 7-25-96, Formerly 59DD-4.001, Amended \_\_\_\_\_.

- 64B24-4.002 Approval of Training Program.
  - (1) Provisional approval shall be granted by the department to an organization to initiate a midwifery training program when it has presented documentation satisfactory to the department that it meets the following criteria:
    - (a) The training program shall be conducted in either an accredited public institution, or in a non-public institution licensed by the Commission for Independent Education, State Board of Independent Postsecondary Vocational, Technical, Trade and Business Schools and which is actively seeking accreditation by an accreditation agency recognized and approved by member of the Council for Higher Education or Postsecondary Accreditation or the United States Department of Education. All training programs shall include both classroom instruction and clinical training;
    - (b) The time required to complete the training program shall be pursuant to Section 467.009(2), F.S.;
    - (c) ~~Educational Objectives pursuant to Rule 64B24-4.004, F.A.C.;~~
    - (c)~~(d)~~ No change.
    - (d)~~(e)~~ Curriculum Guidelines and Educational Objectives pursuant to Rule 64B24-4.006, F.A.C.;
    - (f) through (g) renumbered (e) through (f) No change.
    - (2) through (6) No change.

Specific Authority 456.004(5), 467.205(2) FS. Law Implemented 467.205 FS. History-New 1-26-94, Formerly 61E8-4.002, 59DD-4.002, Amended \_\_\_\_\_.

64B24-4.004 Educational Objectives.

Specific Authority 456.004(5), 467.205(2) FS. Law Implemented 467.205 FS. History—New 1-26-94, Formerly 61E8-4.004, 59DD-4.004, Repealed \_\_\_\_\_.

64B24-4.006 Curriculum Guidelines, and Educational Objectives.

(1) No change.

(2) Standards for midwifery programs shall encompass classroom instruction and clinical training in all aspects of antepartal, intrapartal, postpartal, and neonatal care pursuant to Section 467.009(1), Florida Statutes, and shall include a component on the law and rules that govern the practice of midwifery in Florida.:

(a) The core competencies established by the American College of Nurse Midwives and the Midwives Alliance of North America incorporated herein by reference and effective 1-26-94, and can be obtained upon request from the Council of Licensed Midwifery, Department of Health, 4052 Bald Cypress Way, Bin C06, Tallahassee, Florida 32399-3256; and

(b) A component on the law and rules which govern the practice of midwifery in Florida.

(3) The administration and faculty of the training program shall formulate and adopt educational objectives that ensure curriculum guideline requirements will be met. Such objectives shall be based on a clearly stated philosophy that is in keeping with currently accepted midwifery standards, and which is consistent with the philosophy of the institution of which the training program is a part.

(4) Training program objectives shall identify competencies expected of graduates from the program. Such objectives shall serve as the basis of program development. Course objectives shall state expected behavioral outcomes of the student, serve as the basis for course development and student evaluation, and evidence direct relationship to training program objectives.

(5) All training program objectives shall be reviewed annually by the administration, faculty and students and revised if necessary.

Specific Authority 467.005, 467.205(2) FS. Law Implemented 467.205 FS. History—New 1-26-94, Formerly 61E8-4.006, 59DD-4.006, Amended 9-10-02, \_\_\_\_\_.

64B24-4.007 Clinical Training.

(1) No change.

(2) Clinical learning experiences based on program objectives shall include a variety of clinical settings such as homes, birth centers, clinics, offices and hospitals.

(3) No change.

(4) The faculty shall select clinical learning experiences and provide the student midwife with a variety of preceptor role models who shall be physically present at every birth and shall be available to the student at all times when the student is

performing in a midwifery capacity with patients. No preceptor shall be assigned more than two students during any clinical experience.

(5) The student midwife, during training, shall undertake, under the direct supervision of a preceptor, the care of 50 women in each of the antepartal, intrapartal and postpartal periods, but the same women need not be seen through all 3 periods. The intrapartum period includes labor, birth, and the immediate postpartum. No more than five percent (5%) of the required intrapartal managements shall include transfers in active labor.

(6) During training under the direct supervision of a preceptor, the student midwife shall undertake the neonatal examination of 50 newborns.

(7) through (8) No change.

Specific Authority 467.005, 467.205(2) FS. Law Implemented 467.205 FS. History—New 1-26-94, Formerly 61E8-4.007, 59DD-4.007, Amended 9-10-02, \_\_\_\_\_.

64B24-4.010 Four-month Pre-Licensure Course.

(1) The 4-month pre-licensure course shall be approved by the department and shall include, at a minimum:

(a) Content review and demonstration of proficiency in the core competencies established by the American College of Nurse Midwives and the Midwives Alliance of North America;

(b) Florida Laws and Rules Component;

(c) Provisions for five (5) supervised labor and deliveries and ten (10) supervised prenatal visits by each course participant.

(2)(1) Applicants who are applying for licensure as a midwife through endorsement pursuant to Rule 64B24-2.004, F.A.C., shall successfully complete a four (4) month pre-licensure course conducted within an approved midwifery training program pursuant to Rule 64B24-4.002, F.A.C.

(3)(2) The applicant shall provide evidence to the department of having completed a four (4) month pre-licensure course which shall include the following:

(a) An official transcript sent directly from the institution, or midwifery training program where the course was taken which shall include course titles, grade received and dates of the program, and;

(b) An original letter on letterhead stationery from the director of the training program which states that the applicant successfully completed the pre-licensure course, the grade earned and the dates of attendance; or

(c) A certificate stating the successful completion of the pre-licensure course and the dates of attendance. Such certificate shall be signed by the director of the midwifery training program.

(4)(3) To be admitted to the 4-month pre-licensure course, a person shall meet admission requirements as established by the approved training program and requirements pursuant to Rule 64B24-4.003, F.A.C.

~~(4) The 4-month pre-licensure course shall be approved by the department and shall include the following:~~

~~(a) Content review and demonstration of proficiency in the core competencies established by the American College of Nurse-Midwives and the Midwives Alliance of North America;~~

~~(b) Florida Law and Rules Component;~~

~~(c) Provisions for 5 supervised labor and deliveries and 10 supervised prenatal visits by each course participant.~~

Specific Authority 456.004(5) FS. Law Implemented 467.0125 FS. History--New 1-26-94, Formerly 61E8-4.010, 59DD-4.010, Amended \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Pamela King, Executive Director

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Amy Jones, Division Director

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 2, 2003

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

**DEPARTMENT OF HEALTH**

**Council of Licensed Midwifery**

RULE TITLES: RULE NOS.:

Responsibilities of Midwives During the Antepartum Period 64B24-7.007

Responsibilities of Midwives During Intrapartum 64B24-7.008

PURPOSE AND EFFECT: The Department of Health is proposing amendments to rules regulating the responsibilities of licensed midwives during the course of their professional duties.

SUMMARY: Clarification is provided regarding a midwife's responsibilities during the antepartal and intrapartal periods of care.

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: 409.908(12), 456.004(5), 467.005, 467.203(1)(e), (f) FS.

LAW IMPLEMENTED: 382.013, 409.908(12), 467.005, 467.006(2), 467.014, 467.015, 467.016, 467.019, 467.203(1)(f) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Pamela King, Executive Director, 4052 Bald Cypress Way, Tallahassee, Florida 32399-3256

THE FULL TEXT OF THE PROPOSED RULES IS:

64B24-7.007 Responsibilities of Midwives During the Antepartum Period.

(1) No change.

(2) The following procedures and examinations shall be completed and recorded at each prenatal visit:

(a) through (b) No change.

(c) Urine dip stick for protein and glucose each visit with, leukocytes, ~~glucose~~, ketones, and nitrites as indicated.

(d) through (j) No change.

(3) through (6) No change.

(7) If the conditions listed pursuant to this section are resolved satisfactorily and the physician and midwife deem that after consultation with the midwife deems the patient is expected to have a normal pregnancy, labor and delivery, then the care of the patient shall continue with the licensed midwife.

Specific Authority 456.004(5), 467.005 FS. Law Implemented 467.015 FS. History--New 7-14-94, Formerly 61E8-7.007, 59DD-7.007, Amended 9-11-02, \_\_\_\_\_.

64B24-7.008 Responsibilities of Midwives During Intrapartum.

(1) No change.

(2) Throughout active labor the midwife shall:

(a) through (c) No change.

(d) Measure the blood pressure every hour ~~until cervix is dilated to 8 cm., then every half hour~~ unless significant changes or symptoms require more frequent assessments.

(e) through (h) No change.

(3) through (4) No change.

(5) The midwife shall not perform any operative procedure other than:

(a) through (b) No change.

(c) Episiotomy ~~Midline episiotomy~~, when indicated.

(d) No change.

(6) through (8) No change.

Specific Authority 467.005 FS. Law Implemented 467.015 FS. History--New 7-14-94, Formerly 61E8-7.008, 59DD-7.008, Amended 9-11-02, \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Pamela King, Executive Director

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Amy Jones, Division Director

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 2, 2003

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

**DEPARTMENT OF CHILDREN AND FAMILY SERVICES**

**Economic Self-Sufficiency Program**

<b>RULE TITLES:</b>	<b>RULE NOS.:</b>
Definitions	65A-1.701
Special Provisions	65A-1.702
Family-Related Medicaid Coverage Groups	65A-1.703
SSI-Related Medicaid Coverage Groups	65A-1.710
SSI-Related Medicaid Non-Financial Eligibility Criteria	65A-1.711
SSI-Related Medicaid Resource Eligibility Criteria	65A-1.712
SSI-Related Medicaid Income Eligibility Criteria	65A-1.713
SSI-Related Medicaid Post- Eligibility Treatment of Income	65A-1.714

**PURPOSE AND EFFECT:** These proposed rule amendments implement a standard income disregard for certain Medically Needy filing unit members, implement the Medicaid Cystic Fibrosis Home and Community-Based Services and Statewide Inpatient Psychiatric Program (SIPP) Waiver programs, add re-mailing the department’s Medicaid eligibility notice to SSI denied individuals as good cause criteria for failure to respond to the notice and, due to action of the 2002 Legislature, provide that Medicaid will not pay for expenses used to meet the Medically Needy share of cost. Additionally, due to a change in federal policy, the budgeting of VA payments including VA aid and attendance, in determining patient responsibility for institutionalized individuals is changed for individuals in VA nursing homes.

**SUMMARY:** The Medically Needy program amendments provide for a \$270 income disregard from the countable income of the filing unit when determining the Medically Needy eligibility of a pregnant woman, a non-relative child under 19, other children under 21 living with parents or relatives who exercise parental control, or an aged, blind, or disabled individual. Only one disregard is applied to the filing unit no matter how many individuals in the filing unit have income. Additionally, 2002 legislation is implemented to provide that Medicaid will not pay any bill or the portion of any bill used to meet the Medically Needy share of cost. Once bill tracking for the month is completed to determine the share of cost, in the absence of agency error, any new bills presented will be used to meet the share of cost in a future month and will not be paid by Medicaid. The bills must be unpaid and still owed in the future month.

Rule 65A-1.701, F.A.C., provides a definition for the Medicaid Cystic Fibrosis Home and Community-Based Services Waiver program. This program provides coverage for Florida residents age 18 through 59, who have a diagnosis of Cystic Fibrosis, meet disability criteria, are at risk of institutional care and have incomes up to 300% of the Federal Benefit Rate.

Rule 65A-1.702, F.A.C., provides that re-mailing “undelivered” department notices returned to the department after being sent to individuals whose SSI application has been denied is considered good cause for failing to contact the department within 30 days.

This rule amendment also implements the Statewide Inpatient Psychiatric Program (SIPP) waiver for individuals under age 19 who are at high risk of inpatient mental health services. Medically Needy and Medicare recipients are not eligible for this program.

The proposed rule amendments applicable to post-eligibility treatment of VA pension income require that the amount of certain individuals’ veteran’s pension, including any payment made for aid and attendance, that is in excess of \$90 per month will be considered available to meet the individual’s patient responsibility to the VA nursing facility. This provision applies only to the following individuals: a veteran who does not have a spouse or child and who resides in a state veterans’ home to which the Secretary of Veterans Affairs makes per diem payments for nursing home care; and, a surviving spouse (with no child) of a veteran in the same living arrangement indicated above.

Additionally, Rule 65A-1.710, 65A-1.711, 65A-1.712, and 65A-1.713, F.A.C., amendments implement the Medicaid Cystic Fibrosis Home and Community-Based Waiver program. **SPECIFIC AUTHORITY:** 409.919 FS.

**LAW IMPLEMENTED:** 409.902, 409.904, 409.906, 409.919 FS.

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

**TIME AND DATE:** 2:00 p.m., May 12, 2003

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

**THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS:** Audrey Mitchell, Program Administrator, 1317 Winewood Boulevard, Building 3, Room 421, Tallahassee, FL 32399-0700, telephone (850)488-3090

**THE FULL TEXT OF THE PROPOSED RULES IS:**

65A-1.701 Definitions.

(1) through (8) No change.

(9) Cystic Fibrosis Waiver Program: A Home and Community-Based Services (HCBS) waiver program for individuals ages 18 through 59 who are diagnosed with cystic fibrosis and who would require hospitalization were it not for the receipt of home and community-based services.

(9) through (29) renumbered (10) through (30) No change.

(31)(30) Share of Cost (SOC): SOC represents the amount of recognized medical expenses that a Medically Needy enrolled individual or family must incur be responsible to pay

each month before becoming eligible to receive Medicaid benefits for medical expenses incurred during the remainder of the month. Medicaid does not pay for medical expenses used to meet the share of cost.

(31) through (36) renumbered (32) through (37) No change.

Specific Authority 409.919 FS. Law Implemented 409.902, 409.903, 409.904, 409.906, 409.919 FS. History—New 10-8-97, Amended 2-15-01, 4-1-03, \_\_\_\_\_.

65A-1.702 Special Provisions.

(1) through (3)(b) No change.

(c) Good cause includes severe illness of the individual or a family member, an accident involving the individual or a family member, hospitalization of the individual or a family member, death of a family member, natural disaster, being away from home, ~~or~~ unexpected closure of the department's offices or when the department re-mails a notice regarding the individual's pending Medicaid eligibility to an individual previously denied SSI benefits, if the notice was returned to the department marked "undelivered".

(d) through (12) No change.

(13) Determining Share of Cost (SOC). The SOC is determined by deducting the Medically Needy income level from the ~~an~~ individual's or family's income that remains after the Medically Needy disregard, as specified in Rule 65A-1.703, F.A.C. Medicaid does not pay for medical expenses used to meet the share of cost.

(14) through (15) No change.

(16) Statewide Inpatient Psychiatric Program (SIPP) waiver. This program provides inpatient mental health treatment and comprehensive case management planning to enable discharge to less restrictive settings in the community for children under the age of 18 who are placed in an inpatient psychiatric program. Those who are Medically Needy and those who are Medicare recipients are excluded from this program. Services must be received from a designated provider selected by AHCA. This program provides an exception to provisions that residents of an institution for mental disease (IMD) are not eligible for Medicaid.

Specific Authority 409.919 FS. Law Implemented 409.902, 409.903, 409.904, 409.906, 409.919 FS. History—New 10-8-97, Amended 4-22-98, 2-15-01, 9-24-01, \_\_\_\_\_.

65A-1.703 Family-Related Medicaid Coverage Groups.

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

(b) The following provisions apply to Medically Needy.

1. The individual or family must have income, after the Medically Needy disregard, if applicable, equal to or less than the respective Medically Needy income standards prescribed in subsection 65A-1.716(2), F.A.C. If income exceeds the Medically Needy income standards refer to subsection 65A-1.707(2), F.A.C. The Medically Needy disregard of \$270

is applicable to a filing unit when determining the Medically Needy eligibility of a pregnant woman, a non-relative child under 19, other children under 21 living with parents or relatives who exercise parental control, or an aged, blind, or disabled individual. Only one disregard is applied to the filing unit no matter how many individuals in the filing unit have income. Refer to Rule 65A-1.713, F.A.C., for additional income criteria applicable to the Medically Needy Program.

2. No change.

Specific Authority 409.919 FS. Law Implemented 409.902, 409.903, 409.904, 409.906, 409.919 FS. History—New 10-8-97, Amended 9-28-98, 2-15-01, \_\_\_\_\_.

65A-1.710 SSI-Related Medicaid Coverage Groups.

The department covers all mandatory coverage groups and the following optional coverage groups:

(1) through (4) No change.

(5) Medically Needy Program. A Medicaid coverage group, as allowed by 42 U.S.C. §§1396a and 1396d, for aged, blind or disabled individuals (or couples) who do not qualify for categorical assistance due to their level of income or resources. The program does not cover nursing facility care, intermediate care for the developmentally disabled services, or other long-term care services. This program requires a share of cost (SOC) and Medicaid does not pay medical expenses used to meet the SOC. Additionally, the standard disregard specified in Rule 65A-1.703, F.A.C., is allowed in determining applicable income.

(6) through (7) No change.

(8) Cystic Fibrosis Waiver Program. The Cystic Fibrosis (CF) Waiver provides services to individuals who are diagnosed with cystic fibrosis and would require hospitalization were it not for the receipt of home and community based services (HCBS). Individuals must meet Medicaid eligibility criteria under one of the following allowable Medicaid programs: SSI (may be directly enrolled in the CF Waiver by the case manager); or, MEDS-AD (may be directly enrolled in the CF Waiver by the case manager); or, HCBS (must meet additional ICP-related criteria with the exception of an institutional living arrangement).

Specific Authority 409.919 FS. Law Implemented 409.902, 409.903, 409.904, 409.906, 409.9065, 409.919 FS. History—New 10-8-97, Amended 1-27-99, 4-1-03, \_\_\_\_\_.

65A-1.711 SSI-Related Medicaid Non-Financial Eligibility Criteria.

To qualify for Medicaid an individual must meet the general and categorical requirements in 42 C.F.R. Part 435, subparts E and F, with the exception that individuals who are neither aged nor disabled may qualify for breast and cervical cancer treatment, and the following program specific requirements as appropriate:

(1) through (4)(f) No change.



(g) Be ages 18 through 59 and disabled in accordance with SSI disability criteria set forth in 42 CFR §§ 435.540 and 435.541, with a diagnosis of cystic fibrosis, and have a need for medically necessary services. Additionally, individuals must meet a level of care of being at risk of hospitalization and must be currently enrolled in the Cystic Fibrosis Waiver.

(5) through (9) No change.

Specific Authority 409.919 FS. Law Implemented 409.902, 409.903, 409.904, 409.906, 409.9065, 409.919 FS. History—New 10-8-97, Amended 4-1-03, \_\_\_\_\_.

65A-1.712 SSI-Related Medicaid Resource Eligibility Criteria.

(1) Resource Limits. If an individual's total resources are equal to or below the prescribed resource limits at any time during the month the individual is eligible on the factor of resources for that month. The resource limit is the SSI limit specified in Rule 65A-1.716, F.A.C., with the following exceptions:

(a) through (g) No change.

(h) For the Cystic Fibrosis Waiver Program an individual cannot have countable assets that exceed \$2,000, unless the individual's income falls within the MEDS-AD limit. If their income is within the MEDS-AD limit, the individual can have assets up to \$5,000. Transfer of assets policy applies as if the individual was applying for the Institutional Care Program (ICP). Spousal impoverishment policies apply. However assets belonging solely to an ineligible spouse must be considered in the initial eligibility determination.

(2) through (4) No change.

Specific Authority 409.919 FS. Law Implemented 409.902, 409.903, 409.904, 409.906, 409.9065, 409.919 FS. History—New 10-8-97, Amended 1-27-99, 4-1-03, \_\_\_\_\_.

65A-1.713 SSI-Related Medicaid Income Eligibility Criteria.

(1) Income limits. An individual's income must be within limits established by federal or state law and the Medicaid State Plan. The income limits are as follows:

(a) through (g) No change.

(h) For Medically Needy, income must be less than or equal to the Medically Needy income standard after the standard disregard specified in Rule 65A-1.703, F.A.C. and deduction of allowable medical expenses.

(i) through (m) No change.

(n) For the Cystic Fibrosis Waiver Program an individual cannot have income that exceeds 300% of the federal benefit rate as defined in subsection 65A-1.701(13), F.A.C. An income trust may be established to qualify for this assistance. The CF Waiver has a patient responsibility. The individual is entitled to a personal needs allowance equal to 300% of the FBR. Because the personal needs allowance and income limit are the same, i.e. 300% of the federal benefit rate, only those who become eligible using an income trust will have a patient

responsibility. Payment for waiver services is not available to individuals under Medically Needy coverage, even if the share of cost is met.

(2) through (4)(b) No change.

(c) Medically Needy. The amount by which the individual's income, after deduction of the standard disregard, as specified in Rule 65A-1.703, F.A.C., exceeds the Medically Needy income level, called the "share of cost", shall be considered available for payment of medical care and services. The department computes available income for each month eligibility is requested to determine the amount of excess countable income available to meet medical costs. If countable income exceeds the Medically Needy income level the department shall deduct allowable medical expenses in chronological order, by date day of service. ~~Countable income is determined in accordance with Rule 65A-1.713(2), F.A.C.~~ To be deducted the expenses must be unpaid, or if paid, must have been paid in the month for which eligibility is being determined. If the individual brings in a new bill after bill tracking for a month has been completed, in the absence of agency error, no re-tracking will be done for the month. The new bill will be used to meet the share of cost in a future month and will not be paid by Medicaid. The new bill must be unpaid and still owed in the future month. Medical expenses reimbursed by a state or local government not funded in full by federal funds, excluding Medicaid program payments, are allowable deductions. Any other expenses reimbursable by a third party are not allowable deductions. Examples of recognized medical expenses include:

1. through 2. No change.

Specific Authority 409.919 FS. Law Implemented 409.902, 409.903, 409.904, 409.906, 409.9065, 409.919 FS. History—New 10-8-97, Amended 1-27-99, 4-1-03, \_\_\_\_\_.

65A-1.714 SSI-Related Medicaid Post-Eligibility Treatment of Income.

After an individual satisfies all non-financial and financial eligibility criteria for Hospice, institutional care services or ALW/HCBS, the department determines the amount of the individual's patient responsibility. This process is called post-eligibility treatment of income.

(1) For Hospice and institutional care services, the following deductions are applied to the individual's income to determine patient responsibility:

(a) No change.

(b) Single veterans or surviving spouses with no dependents residing in medical institutions who receive a reduced VA Improved Pension of \$90, or less, are entitled to keep their reduced VA pension payment and shall have \$35 of their income protected for their personal need allowance. Single veterans and veterans' surviving spouses with no child residing in a state veterans' home to which the Secretary of Veteran's Affairs makes per diem payments for nursing care shall have the amount of the veteran's pension, including any

payment made for aid and attendance, that is in excess of \$90 per month count in determining total income available to meet the individual's patient responsibility to the VA nursing facility.

- (c) through (g) No change.
- (2) No change.

Specific Authority 409.919 FS. Law Implemented 409.902, 409.903, 409.904, 409.906, 409.919 FS. History--New 10-8-97, Amended.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Rodney McInnis, Operations Review Specialist  
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Audrey Mitchell, Program Administrator, Public Assistance Policy Bureau – Policy Support Unit  
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 7, 2003  
DATE NOTICES OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: November 27, 2002 and January 31, 2003

### Section III Notices of Changes, Corrections and Withdrawals

**STATE BOARD OF ADMINISTRATION**

RULE NO.: 19-8.013                      RULE TITLE: Revenue Bonds Issued Pursuant to Section 215.555(6), Florida Statutes

**NOTICE OF CHANGE**

NOTICE IS HEREBY GIVEN by the State Board of Administration of Florida that the following changes to Rule 19-8.013, F.A.C. have been made in accordance with subparagraph 120.54(3)(d)1., F.S., published in the Florida Administrative Weekly on February 21, 2003, in Vol. 29, No. 8. The changes noticed are numbered 1. through 3., below.

19-8.013 Revenue Bonds Issued Pursuant to Section 215.555(6), Florida Statutes.

1. The first sentence in paragraph (3) improperly struck the word "Fund." Also, the word "of" has been stricken and replaced with the word "for." This sentence now reads as follows:

The Florida Hurricane Catastrophe Fund's (Fund or FHCF) liability under the Reimbursement Contracts entered into, pursuant to Section 215.555(4)(a), Florida Statutes, paragraph (a) of subsection (4), with Participating Insurers writing Covered Policies, is limited to the Balance of the Fund for as of December 31 of the Contract Year in which the Covered Events have occurred, any reinsurance purchased by the FHCF,

plus the amount the Board has raised or is able to raise through the issuance of revenue bonds pursuant to the provisions of Section 215.555(6), Florida Statutes, ~~subsection (6).~~

2. A reference to "any reinsurance purchased by the FHCF" has been added to the first sentence in paragraph (3)(a). This sentence now reads as follows:

~~(a)2-~~ The Board notes the requirement in Section 215.555(4)(c)2., Florida Statutes paragraph (c) of subsection (4) to publish estimates of the Fund's anticipated borrowing capacity in May and October of each year and states that, although the Board will in good faith attempt to sell revenue bonds up to the amounts estimated, the Fund's liability is nevertheless limited to the Balance of the Fund as of December 31, any reinsurance purchased by the FHCF and the amount which the Board is able to raise through the issuance of revenue bonds, not the amount which the Board estimates it is able to raise through such issuance.

3. The first sentence in paragraph (4)(c)1. has been reworded as follows:

1. If the Board determines that the amount of revenue produced under Section 215.555(5), Florida Statutes, is insufficient to fund the obligations, costs, and expenses of the Fund and the Corporation, including repayment of revenue bonds, and the Balance of the Fund is likely to be exhausted, the Board shall direct the Office of Insurance Regulation to levy an Emergency Assessment on each insurer writing property and casualty business in this state. The Board interprets the word "insufficient" in the first sentence of subparagraph 1. of paragraph (a) of subsection (6), which reads: "Upon the occurrence of a hurricane and a determination that the moneys in the fund are or will be insufficient to pay reimbursement at the levels promised in the reimbursement contract, the board may take the necessary steps under paragraph (b) or paragraph (c) for the issuance of revenue bonds for the benefit of the fund;" and in the first sentence of subparagraph 3. of paragraph (a) of subsection (6), which reads:

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Building Code Administrators and Inspectors Board**

RULE NO.: 61G19-6.0035                      RULE TITLE: Application for Provisional and/or Standard Certification

**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)1., F.S., published in Vol. 28, No. 48, of the November 27, 2002, issue of the Florida Administrative Weekly. The change is in response to written comments submitted by the staff of the Joint Administrative Procedures Committee. The Building Code Administrators and Inspectors

Board, at its meeting held on March 6, 2003, in Hollywood, Florida, voted to make a change to the rule. The change is as follows:

(1) Each individual who wishes to obtain a provisional and/or standard certificate in any certificate category shall submit the following to the Board:

(a) A completed application form for the category in which certification is sought. The form that shall be used for this purpose shall be provided by the Department and available on the Department's website.

(b) An affidavit describing in detail each separate period of work experience listed in the application form, signed by a licensed architect, engineer, contractor, or building code administrator who has knowledge of the applicant's duties and responsibilities during the period indicated. The form that shall be used for this purpose shall be provided by the Department and available on the Department's website. Each affidavit must include the name and address of the applicant's employer during the work experience period, the dates of employment, and a description of the applicant's duties and responsibilities during the employment including any supervisory responsibilities, in sufficient detail to enable the Board to determine whether or not the applicant has the experience required for certification.

(c) Each applicant for certification as an inspector or plans examiner shall demonstrate that he or she has at least one (1) year of hands-on experience in the category of certification sought.

(d) Each applicant seeking to qualify for certification through a combination of postsecondary education and work experience shall submit an official copy of all college or university transcripts which document the applicant's education in addition to all required affidavits of work experience.

(e) Each applicant who is not employed by a local government agency having responsibility for building code inspection, building construction regulation, and enforcement of building, plumbing, mechanical, electrical, gas, fire prevention, energy, accessibility, and other construction codes at the time of the application shall submit payment of all applicable application, examination and certification fees as specified in Chapter 61G19-10, F.A.C.

(2) In addition to all other required items, each applicant for an inspector or plans examiner certificate shall submit with the application a statement from the applicant's current employer which shall indicate the applicant's present status with the employer. Each applicant employed by local government agency having responsibility for building code inspection, building construction regulation, and enforcement of building, plumbing, mechanical, electrical, gas, fire prevention, energy, accessibility, and other construction codes at the time the application is submitted must include on the

statement the signature and license number of the building code administrator or building official for the applicant's employing agency.

(3) In addition to all other required items, each applicant for a building code administrator certificate shall submit with the application a statement from the applicant's current employer which shall indicate the applicant's present status with the employer.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Anthony Spivey, Executive Director, Building Code Administrators and Inspectors Board, 1940 North Monroe Street, Tallahassee, FL 32399-2202.

## **DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

### **Building Code Administrators and Inspectors Board**

RULE NO.: RULE TITLE:

61G19-6.008 Reexamination

#### **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)1., F.S., published in Vol. 28, No. 48, of the November 27, 2002, issue of the Florida Administrative Weekly. The change is in response to written comments submitted by the staff of the Joint Administrative Procedures Committee. The Building Code Administrators and Inspectors Board, at its meeting held on March 6, 2003, in Hollywood, Florida, voted to make a change to the rule. The change is as follows:

(1) All applicants who have taken and failed the licensure examination for a standard certificate and who wish to apply for reexamination in that certificate category shall submit the following to the Board:

(a) A completed application form for reexamination in the category in which certification is sought. The form that shall be used for this purpose shall be provided by the Department and available on the Department's website.

(b) Those individuals who are not employed by a local government agency having responsibility for building code inspection, building construction regulation, and enforcement of building, plumbing, mechanical, electrical, gas, fire prevention, energy, accessibility, and other construction codes at the time of their application for reexamination shall submit payment of the applicable reexamination fees as specified in Chapter 61G19-10, F.A.C.

(2) All application forms, reexamination forms, and any other required forms and documents must be received by the Board at least sixty (60) days prior to the date of the examination for which the individual is applying.

(3) A candidate for certification in the category of 1 and 2 family dwelling must pass a test in each trade in which he or she has not received prior certification.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Anthony Spivey, Executive Director, Building Code Administrators and Inspectors Board, 1940 North Monroe Street, Tallahassee, Florida 32399-2202.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Sue Foster, Executive Director, Board of Hearing Aid Specialist, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3258

**DEPARTMENT OF HEALTH**

**Board of Hearing Aid Specialists**

RULE NOS.:	RULE TITLES:
64B6-8.001	Definitions
64B6-8.002	Qualifications for Trainees, Sponsors and Designated Hearing Aid Specialists

**CORRECTED NOTICE OF CHANGE**

Notice is hereby given that the following changes have been made to the above proposed rules in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 28, No. 52, December 27, 2002, and a Notice of Change published in Vol. 29, No. 14, April 4, 2003 issue of the Florida Administrative Weekly. The changes are in response to comments received from the Joint Administrative Procedures Committee.

Subsection (2) of Rule 64B6-8.001, F.A.C., shall now read as follows:

(2) Sponsor: An active, licensed hearing aid specialist under whose direct supervision one or more trainees are studying hearing aid dispensing for the purpose of qualifying for certification to sit for the licensure examination.

Subsections (2)(a) and (3)(a) of Rule 64B6-8.002, F.A.C., shall now read as follows:

(2)(a) The prospective sponsor must have possessed an active license and have been actively practicing for at least two (2) consecutive years immediately prior to sponsorship, and must be Board certified by the National Board for Certification in Hearing Instrument Sciences (NBCHIS), except that audiologists who are also licensed hearing aid specialists licensed under Chapter 484, Part II, Florida Statutes, are not required to be NBCHIS certified. Compliance with national board certification will take effect three (3) years from the time this rule takes effect;

(3)(a) The designated person must have possessed an active hearing aid specialist license and have been actively practicing for at least two (2) consecutive years immediately prior to being designated to assist in a training program; and must be Board certified by the National Board for Certification in Hearing Instrument Sciences, except that audiologists who are also licensed hearing aid specialists licensed under Chapter 484, Part II, Florida Statutes, are not required to be NBCHIS certified. Compliance with national board certification will take effect three (3) years from the time this rule takes effect; and

**DEPARTMENT OF HEALTH**

**Board of Massage Therapy**

RULE NO.:	RULE TITLE:
64B7-32.003	Minimum Requirements for Board of Massage Therapy Approval

**NOTICE OF CORRECTION**

Notice is hereby given that when the Notice of Proposed Rulemaking for Rule 64B7-32.003, F.A.C., was published in Vol. 28, No. 31, August 2, 2002, issue of the Florida Administrative Weekly, the course of study “Kinesiology, and System Related Pathology” was not underlined, thereby erroneously denoting that the language was existent before the proposed amendment was prepared. This Notice of Correction is to advise the public of the amended language with the correct strikeouts and underlines of the rule.

Subsection (1)(b) of the rule as Noticed shall now read as follows:

(1)(b) Effective July 1, 2004, offers a course of study that includes, at a minimum, the 700 classroom hours listed below, completed at the rate of no more than 40 classroom hours per calendar week ~~Offer a course of study that includes, at a minimum, the 500 classroom hours listed below, completed at the rate of no more than 6 classroom hours per day and no more than 30 classroom hours per calendar week:~~

Course of Study	Classroom Hours
Anatomy and Physiology (Western/Nonwestern)	<u>190</u> <del>150</del>
<u>Kinesiology, and System Related Pathology</u>	
<u>Massage Related Pathology</u>	<u>45</u>
<del>Basic</del> Massage Theory and <del>Clinical</del> Practicum	<u>315</u> <del>225</del>
<u>Professional and Personal Development</u>	<u>36</u>
<u>Medical Errors</u>	<u>2</u>
Florida Statutes/Rules <del>and History of Massage</del>	10
Theory and Practice of Hydrotherapy	15
Allied Modalities	<u>80</u> <del>97</del>
<u>Professional Ethics</u>	<u>4</u>
HIV/AIDS Education	3
<u>Total</u>	<u>700</u>

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Pamela King, Executive Director, 4052 Bald Cypress Way, Tallahassee, Florida 32399-3256

**DEPARTMENT OF HEALTH**

**Board of Medicine**

RULE NO.: 64B8-55.004  
 RULE TITLE: Mediation  
 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)1., F.S., published in Vol. 28, No. 38, of the September 20, 2002, issue of the Florida Administrative Weekly. The change is in response to written comments submitted by the staff of the Joint Administrative Procedures Committee. The Board of Medicine, at its meeting held on April 5, 2003, in West Palm Beach, Florida, voted to make a change to the rule. The change is as follows:

- (1) No change.
- (2) For purposes of Section 456.078, F.S., the board designates the following as being appropriate for mediation:
  - (a) Failure to respond timely to a continuing education audit;
  - (b) Failure to comply with advertising requirements, where there has been no harm to any patients;
  - (c) Permitting a license to become delinquent for fewer than 30 days, provided the licensee has not practiced, attempted to practice, or offered to practice the profession during the delinquency period; and
  - (d) Offering discounted or free professional services without providing the statement required by Section 456.062, F.S., where there has been no harm to any patients.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Kaye Howerton, Executive Director, Board of Medicine, Electrolysis Council, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3253

**DEPARTMENT OF CHILDREN AND FAMILY SERVICES**

**Mental Health Program**

RULE NOS.: 65E-14.014  
 RULE TITLES: Contractor's Financial Management Responsibilities  
 65E-14.019 Methods of Paying for Services  
 65E-14.020 Cost Reimbursement Method of Payment  
 65E-14.021 Unit Cost Method of Payment  
 65E-14.022 Data 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. 10, March 7, 2003, issue of the Florida Administrative Weekly.

- 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 CF-MH Form 3084, Jan. 98 ~~HRS-MH Form 3084, Oct. 84~~, known as **PUBLIC BAKER ACT SERVICE ELIGIBILITY**.

(b) No change.

(2) An individual's diagnostic and financial eligibility shall be documented on CF-MH Form 3084, Jan. 98 ~~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. CF-MH Form 3084, Jan. 98 ~~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 CF-MH Form 3084, Jan. 98 ~~HRS-MH Form 3084, Oct. 84~~, may be obtained from the Substance Abuse Program Office, 1317 Winewood Blvd., Building 6, Tallahassee, Florida ~~department~~.

(3) through (7) No change.

(8) Monitoring of contractors for Baker Act services shall include the following:

(a) No change.

(b) The completion of CF-MH Form 3084, Jan. 98 ~~HRS-MH Form 3084, Oct. 84~~, for all applicants of public Baker Act services.

(c) No change.

65E-14.019 Methods of Paying for Services.

(1) No change.

(2) Cost Reimbursement Contracts.

(a) through (b) No change.

(c) All supporting documentation shall comply with the Reference Guide for State Expenditures ~~Comptroller Memorandum No. 10 (1991-1992)~~ and any requirements which are a condition of the receipt of state or federal grant funds as specified in the contract ~~other applicable state and federal requirements~~.

(3) No change.

(4) The Reference Guide for State Expenditures (Updated March 2003) is hereby incorporated by reference and may be obtained from the Substance Abuse Program Office, 1317 Winewood Blvd., Building 6, Tallahassee, Florida.

65E-14.020 Cost Reimbursement Method of Payment.

(1) through (3) No change.

(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

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) through (4) No change.
- (5) Unit Measurements:
  - (a) No change.

(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. For case management, if the time interval required by Medicaid is different than described above, the Medicaid interval may be used instead.

- (c) No change.
- (6) No change.
- (7) The descriptions, applicable programs, units of measure, and documentation requirements for state-designated cost centers are as follows:
  - (a) through (p) No change.
  - (q) Mental Health Clubhouse Services.
    - 1. through 4. No change.
    - 5. Maximum Unit Cost Rate: ~~\$10.50~~ ~~\$6.63~~ for up to ~~5~~ ~~8~~ hours per day.
  - (r) through (kk) No change.
  - (8) through (11) No change.

Specific Authority 394.78(1),(6), 397.321(5) FS. Law Implemented ~~216.181(16)~~, 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, ~~Apr. Jan.~~ 2003 ~~Substance Abuse and Mental Health and Substance Abuse Measurement and Data Pamphlet~~

Section IV  
Emergency Rules

NONE

Section V  
Petitions and Dispositions Regarding Rule Variance or Waiver

**WATER MANAGEMENT DISTRICTS**

NOTICE IS HEREBY GIVEN that on March 25, 2003, the South Florida Water Management District (SFWMD) received a Petition for Variance (Application 030325-5) from Palm Beach Aggregates for a project known as Temporary Disposal Area B, located in Palm Beach County. The petition seeks relief from the Surface Water Management Basin and Related Criteria, subsection 40E-41.263(3), Florida Administrative Code, pertaining to flood plain encroachment.

A copy of the petition may be obtained from Beth Colavecchio at (561)682-6905 or e-mail at bcolavec@sfwmd.gov.

The SFWMD will accept comments concerning the petition for 14 days from the date of publication of this notice. To be considered, comments must be received by the end of business on the 14th day at the South Florida Water Management District, 3301 Gun Club Road, West Palm Beach, FL 33401, Attn: District Clerk.

NOTICE IS HEREBY GIVEN that on April 1, 2003, South Florida Water Management District (District) received a petition for waiver from the Town of Lake Clarke Shores, Application No. 03-0328-4, for utilization of Works or Lands of the District known as the C-51 Canal, Palm Beach County, for revegetation adjacent to the proposed I-95 sound walls along the District's easterly right-of-way along the C-51 canal. The petition seeks relief from Rules 40E-6.011(4) and (6), Fla. Admin. Code, and 40E-6.221(9), 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 and which require an applicant own or lease the land adjacent to or served by the portion of the works or lands of the District involved. A copy of the petition may be obtained from Jan. Sluth at (561)682-6299 or e-mail at jsluth@sfwmd.gov. The District will accept comments concerning the petition for 14 days from the date of publication of this notice. To be considered, comments must be received by the end of business on the 14th day at the South Florida Water Management District, 3301 Gun Club Road, MSC 1410, West Palm Beach, FL 33406, Attn.: Jan Sluth, Office of Counsel.

**DEPARTMENT OF ENVIRONMENTAL PROTECTION**

On December 30, 2002, the Department received a request, pursuant to Section 120.542, F.S., from Weaver Oil Company, Hogly Wogly #8 facility site, seeking to extend the temporary waiver of the requirement for the annual operability testing of release detection systems contained in subparagraph 62-761.700(1)(c)3., F.A.C. On March 27, 2003, the Department approved the request.

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."

On December 30, 2002, the Department received a request, pursuant to Section 120.542, F.S., from Weaver Oil Company, Citgo-End Zone facility site, seeking to extend the temporary waiver of the requirement for the annual operability testing of release detection systems contained in subsection 62-761.700(1)(c)3., F.A.C. On March 27, 2003, the Department approved the request.

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."

On December 30, 2002, the Department received a request, pursuant to Section 120.542, F.S., from Weaver Oil Company, Citgo Half-Time facility site, seeking to extend the temporary waiver of the requirement for the annual operability testing of release detection systems contained in subparagraph 62-761.700(1)(c)3., F.A.C. On March 27, 2003, the Department approved the request.

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."

On March 21, 2003, the Department received a request, pursuant to Section 120.542, F.S. (2000), from Motiva Enterprises, LLC, seeking a temporary waiver of the requirement for the repair of a secondary containment system contained in subparagraph 62-761.700(1)(a)1., F.A.C.

The full text of this notice is published on the Internet at the Department of Environmental Protection's home page at <http://www.dep.state.fl.us/> under the link or button titled "Official Notices."

**DEPARTMENT OF HEALTH**

The Board of Medicine hereby gives notice that it has received a petition for waiver filed on April 2, 2003, by Mark A. Eberbach, M.D., seeking a waiver from sub-subparagraph 64B8-9.009(6)(b)1.a., F.A.C., with regard to utilizing the

services of a certified nurse anesthetist (CRNA) in the administration of Level III office anesthesia under the direct supervision of the operating surgeon. Comments on this petition should be filed with Board of Medicine, MQA, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3253, within 14 days of publication of this notice.

For a copy of the petition, contact: Larry G. McPherson, Jr., Executive Director, Board of Medicine, at above address or telephone (850)245-4131.

The Board of Medicine hereby gives notice that it has received a petition for waiver filed on April 2, 2003, by Bruce N. Landon, M.D., seeking a waiver from Rule 64B8-9.009(6)(b)1.a., F.A.C., with regard to utilizing the services of a certified nurse anesthetist (CRNA) in the administration of Level III office anesthesia under the direct supervision of the operating surgeon. Comments on this petition should be filed with Board of Medicine, MQA, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3253, within 14 days of publication of this notice.

For a copy of the petition, contact: Larry G. McPherson, Jr., Executive Director, Board of Medicine, at above address or telephone (850)245-4131.

**FLORIDA HOUSING FINANCE CORPORATION**

NOTICE IS HEREBY GIVEN that on April 8, 2003, Florida Housing Finance Corporation received a Petition for Waiver from St. Johns Housing Partnership, Inc., requesting a waiver of subsection 67-50.080(2), F.A.C., which states the applicant shall submit the required information to the credit underwriter within sixty days. Petitioner is requesting an extension of the sixty day deadline.

A copy of the Petition can be obtained from Sherry Green, Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32399-1329.

Florida Housing will accept comments concerning the Petition for 14 days from the date of publication of this notice. To be considered, comments must be received on or before 5:00 p.m., Eastern Standard Time, on the 14th day after publication of this notice at Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32399-1329.

**Section VI  
Notices of Meetings, Workshops and Public Hearings**

**DEPARTMENT OF STATE**

The **Department of State, Division of Elections** announces a public meeting to which all persons are invited:

DATE AND TIME: April 25, 2003, 9:00 a.m.– 3:00 p.m.

PLACE: Room 166, Betty Easley Conference Center, 4075 Esplanade Way, Tallahassee, Florida

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** First meeting of the Florida Help America Vote Act State Planning Committee created pursuant to the federal Help America Vote Act of 2002. The objective of the meeting is to help the committee members familiarize themselves with the federal legislation and the state planning process. The committee will also begin the process of creating the state plan.

A copy of the State Planning Committee Meeting agenda may be obtained by contacting Mark Pritchett, Collins Center for Public Policy, Inc. 1415 East Piedmont Drive, Suite One, Tallahassee, FL 32308, (850)219-0082, Ext. 105.

Pursuant to the Americans with Disabilities Act, persons needing special accommodations to participate in this meeting should contact Mark Pritchett at (850)219-0082, Ext. 105, at least three days in advance of the meeting.

**DEPARTMENT OF LEGAL AFFAIRS**

The Legislative Advocacy Committee of the Florida **Commission on the Status of Women** will hold a telephone conference on Friday, May 2, 2003, 2:00 p.m. to discuss general issues. Please call (850)414-3300 for instructions on participation.

DATE AND TIME: May 2, 2003, 2:00 p.m.

PLACE: Call (850)414-3300 for information on participation

If you need an accommodation because of disability in order to participate, please notify FCSW in writing at least five days in advance at Office of the Attorney General, The Capitol, Tallahassee, FL 32399-1050.

**DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES**

The **Animal Industry Technical Council (AITC)** announces a public meeting to which all persons are invited:

DATE AND TIME: June 20, 2003, 1:00 p.m. – 4:00 p.m.

PLACE: Marriott/Marco Island Resort Golf/Spa, Marco Island, FL. The hotel's phone # is (239)394-2511.

The **Department of Agriculture and Consumer Services** announces a meeting of the Pest Control Enforcement Advisory Council to which all persons are invited:

DATE AND TIME: May 8, 2003, 10:00 a.m. – 4:00 p.m.

PLACE: Department of Agriculture and Consumer Services, Division of Plant Industry's Conference Room, 1911 S.W. 34th Street, Gainesville, Florida 32614, telephone (352)372-3505

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** To discuss the 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 **Forestry Arson Alert Association Inc.** announces a public meeting to which all persons are invited:

DATE AND TIME: Friday, May 23, 2003, 1:00 p.m.

PLACE: Florida Farm Bureau Federation Office, Gainesville, Florida

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** To consider the following agenda items: 1) Arson rewards; 2) Budget; 3) Prevention Items; 4) Elections; 5) New Business.

A copy of the agenda may be obtained by writing: Mr. L. Earl Peterson, Division of Forestry, 3125 Conner Blvd., Tallahassee, Florida 32399-1650, telephone (850)488-6111.

**DEPARTMENT OF EDUCATION**

The public is invited to a meeting of the Florida **Board of Governors**:

DATE AND TIME: April 30, 2003, 11:00 a.m.

PLACE: Florida State University, Tallahassee, Florida

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** 2003-2004 Operating Budgets and Building Repair and Renovation Reserve Reports for Auxiliary Facilities that have Bond Covenants requiring Board Approval; Resolution of the Board of Governors requesting the Division of Bond Finance of the State Board of Administration to issue Revenue Bonds on behalf of Florida State University to Finance the Construction of a Parking Garage at the University; Resolution of the Board of Governors requesting the Division of Bond Finance of the State Board of Administration to Issue Revenue Bonds on Behalf of Florida Atlantic University to Finance the Construction of a Student Housing Complex at the Boca Raton Campus of the University; Adoption of New Degree Program Criteria for Board of Trustees and Board of Governors approved programs; Ph.D., Nursing, UCF; Ph.D., Industrial and Systems Engineering, FIU; Ph.D., Music, USF; and other matters pertaining to the Board of Governors.

Persons with disabilities who require assistance to participate in the meeting are requested to notify the Office of Access and Equity, (850)201-7443 (Voice), at least 7 days in advance, so that their needs can be accommodated.

The Florida **Center for Advising & Academic Support (FCAAS)** announces a public meeting to which all persons are invited.

DATE AND TIME: April 29, 2003, 9:30 a.m. – 12:30 p.m.

PLACE: Turlington Building, 325 W. Gaines Street, Room 1414, Tallahassee, FL

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** FCAAS Executive Committee will meet to discuss the agenda for the upcoming FCAAS Board meeting.



A copy of the agenda may be obtained by writing FCAAS, 325 West Gaines Street, Suite 1414, Tallahassee, Florida 32399-0400.

Any persons requiring special accommodations to attend this meeting because of a disability or physical impairment may contact Yvette Hargreaves, FCAAS, (850)201-7363.

**Florida Atlantic University/Florida's Art in State Buildings Program**, announces the following public meeting, to which all persons are invited:

DATE AND TIME: May 6, 2003, 11:00 a.m.

PLACE: Florida Atlantic University/Florida's Art in State, Buildings Program, Boca Campus, 777 Glades Road, Library, 2nd Floor, Director's Office, Boca Raton, FL 33431

GENERAL SUBJECT MATTER TO BE CONSIDERED: To hold an Orientation Meeting regarding Florida's Art in State Buildings Program for BR-649 Library Remodeling.

COMMITTEE: Art Selection Committee

For more information or to obtain a copy of the agenda, please contact Patty Singer, Program Administrator for Florida's Art in State Buildings Program, Florida Atlantic University, 777 Glades Road, ADM Bldg., Rm 392, Boca Raton, Florida 33431, (561)297-1064 or (561)297-2539.

Should any person wish to appeal any decision made with respect to any matter considered at the above referenced meeting, he/she may need to ensure verbatim recording of the proceeding to provide a record for judicial review. This meeting will not be taped by the Florida's Art in State Buildings Program.

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 Patty Singer at (561)297-1064 or (561)297-2539. If you are hearing or speech impaired, please contact the agency by calling TT: 1(800)955-8770.

The **Commission for Independent Education** announces a Foreign Medical School committee meeting to which all persons are invited.

DATE AND TIME: May 7, 2003, 10:00 a.m.

PLACE: City College – Casselberry, 853 East Highway 436, Suite 200, Casselberry, Florida 32707

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss and implement Rule 6E-2.0042, F.A.C., and consider any Foreign Medical School application before the Commission.

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 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). For information regarding this meeting please contact Ms. Sandy Knight at (850)488-9504.

The **Department of Education, Division of Vocational Rehabilitation**, the Florida Rehabilitation Council, and the Florida Independent Living Council announce a series of public meetings to which all persons are invited and to which all interested individuals are encouraged to attend:

DATE AND TIME: April 29, 2003, 5:30 p.m. – 7:30 p.m.

PLACE: Holiday Inn Select, St. Petersburg – Clearwater International Airport, 3535 Ulmerton Road, Clearwater, FL 33762

GENERAL SUBJECT MATTER TO BE CONSIDERED: State Plan Public Meeting: Information Gathering (Cycle 1)

DATE AND TIME: May 1, 2003, 5:30 p.m. – 7:30 p.m.

PLACE: Pensacola Jr. College, Baroco Center, Building 21, Room 2142, 1000 College Blvd., Pensacola, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: State Plan Public Meeting: Information Gathering (Cycle 1)

DATE AND TIME: May 20, 2003, 5:30 p.m. – 7:30 p.m.

PLACE: Miami Dade Community College, Homestead Campus, 500 College Terrace, Room F222-223, Homestead, FL 33030

GENERAL SUBJECT MATTER TO BE CONSIDERED: State Plan Public Meeting: Plan Review (Cycle 2)

DATE AND TIME: May 21, 2003, 5:30 p.m. – 7:30 p.m.

PLACE: Orlando City Hall, Council Chambers, Second Floor, 400 S. Orange Avenue, Orlando, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: State Plan Public Meeting: Plan Review (Cycle 2)

DATE AND TIME: May 22, 2003, 5:30 p.m. – 7:30 p.m.

PLACE: Florida Department of Transportation, Burns Building Auditorium, 605 Suwannee Street, Tallahassee, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: State Plan Public Meeting: Plan Review (Cycle 2)

STATE PLAN PUBLIC MEETINGS

Sponsored by the Florida Department of Education, Division of Vocational Rehabilitation, the Florida Rehabilitation Council (FRC), and the Florida Independent Living Council (FILC), the first cycle of public meetings will gather information relative to updating the Division's FFY 2004 State Plan.

During the second cycle of meetings, share your opinions and recommendations on the Division of Vocational Rehabilitation's (DVR) proposed draft of the FFY 2004 State Plan Amendment which addresses the needs, services, and employment of Floridians with disabilities.

For further information regarding the meetings, please contact DVR's office, (850)488-6210 or 1(800)451-4327 (Voice/TDD).

Please note that the following accommodations will be provided: American Sign Language Interpreters, Assistive Listening Devices, Real-Time Captioning, Large Print, and Braille materials.

In accordance with the Americans with Disabilities Act, persons needing special accommodations to participate in the meeting should contact V. Virginia Rhoden, (850)488-0059 x207, seven days before the meeting.

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#### DEPARTMENT OF LAW ENFORCEMENT

The **Criminal Justice Professionalism Program** announces the following meeting date, time, and location for the Criminal Justice Standards and Training Commission and Commission-related meetings:

DATE AND TIME: Training Center Directors' Committee Meetings, Tuesday, May 6, 2003, 9:30 a.m.

DATE AND TIME: Training Center Directors' Business Meeting, Tuesday, May 6, 2003, 1:30 p.m.

DATE AND TIME: Commission Workshop, Wednesday, May 7, 2003, 2:00 p.m.

DATE AND TIME: Probable Cause Determination Hearings, Wednesday, May 7, 2003, 8:30 a.m.

DATE AND TIME: CJS&T Commission meeting business agenda, Thursday, May 8, 2003, 8:30 a.m. – Open

DATE AND TIME: Officer Discipline Case Proceedings, Thursday, May 8, 2003, 10:30 a.m. – Open

PLACE: Marriott at Sawgrass Resort, 1000 PGA Tour Boulevard, Ponte Vedra Beach, FL 32082

GUESTROOM RATE: \$85.00 for a single or double occupancy from May 4-10, 2003

TELEPHONE NUMBER FOR HOTEL RESERVATIONS: Phone: (904)285-7777; Fax: (904)285-0259

GENERAL SUBJECT MATTER TO BE CONSIDERED: These meetings are held to discuss issues relating to standards, training, certification, de-certification, and record management for law enforcement, correctional, and correctional probation officers, Commission rules, and certification and recertification of criminal justice training schools. All parties are invited to attend.

COMMISSION MEETING AGENDAS: A copy of the May 8, 2003 Commission Meeting agenda may be obtained by contacting Donna Hunt, at (850)410-8615, or Commission information may be accessed at: [http://www.fdle.state.fl.us/cjst/commission/cjstc\\_meeting.html](http://www.fdle.state.fl.us/cjst/commission/cjstc_meeting.html)

on April 18, 2003. A copy of the Officer Discipline Agenda may be obtained by contacting Brenda Presnell, at (850)410-8648.

If you wish to write the Commission for a copy of the above meeting agendas, please write to Florida Department of Law Enforcement, Criminal Justice Professionalism Program, Post Office Box 1489, Tallahassee, Florida 32302, Attention: Donna Hunt or Brenda Presnell.

If you wish to call or write for a copy of the Training Center Directors' Association agenda, please write or call Training Center Director Association Chairman Ray Newman at (863)297-1030, Polk Community College, 999 Avenue H, Northeast, Winter Haven, Florida 33881-4299.

SPECIAL ACCOMMODATIONS: Any person requiring a special accommodation at this meeting because of a disability or physical impairment, should contact Donna Hunt at (850)410-8615, at least 5 days prior to the meeting.

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#### DEPARTMENT OF TRANSPORTATION

The **Department of Transportation** announces a Public Hearing to which all persons are invited.

DATE AND TIME: Tuesday, May 13, 2003, Project information from 5:00 p.m. – 6:00 p.m.; 6:00 p.m., the formal portion of the public hearing begins with a project presentation followed by a public testimony period.

PLACE: Sanford Municipal Civic Center, 401 East Seminole Boulevard, Sanford, Florida 32771

GENERAL SUBJECT MATTER TO BE CONSIDERED: This hearing is being held to afford interested persons the opportunity to express their views concerning the location, conceptual design, social, economic, and environmental effects of Financial Management Number 240163 and Federal-Aid Number XA-314-1(20), otherwise known as the SR 46 Lake Jesup Bridge Replacement Project Development and Environment (PD&E) Study. The project is located along SR 46 just east of Sanford, in Seminole and Volusia Counties, Florida. The project study limits on SR 46 extend from approximately 0.43 miles west to 1.25 miles east of the Lake Jesup Bridge; a total length of approximately 1.68 miles.

Anyone needing project or Public Hearing information or special accommodations under the Americans With Disabilities Act of 1990 should write to Ms. Michele Gumm, SR 46 Public Involvement Coordinator, c/o CH2M HILL, 225 East Robinson Street, Suite 505, Orlando, Florida 32801 or contact Ms. Gumm at (407)423-0030, or email [mgumm@ch2m.com](mailto:mgumm@ch2m.com). 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 to: Ms. Michele Gumm, SR 46 Public Involvement Coordinator, c/o CH2M HILL, 225 East Robinson Street, Suite 505, Orlando, Florida 32801.

The **Department of Transportation**, District 7 invites you to attend and participate in a public hearing for C.R. 581/S.R. 581 (Bruce B. Downs Boulevard), WPI Segment No. 405492 1, Federal-Aid Number 7585 006 S:

DATE AND TIME: May 15, 2003, Open House: 5:30 p.m. with Formal Presentation: 6:30 p.m.

PLACE: Benito Middle School, 10100 Cross Creek Boulevard, Tampa, Florida

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** This hearing is being held to afford interested persons the opportunity to express their views concerning the proposed capacity improvements to C.R. 581/S.R. 581 (Bruce B. Downs Boulevard). The limits of the project corridor are from Bearss Avenue in Hillsborough County to S.R. 54 in Pasco County, Florida.

Project documents and conceptual design plans for the recommended Build Alternative developed by the Department will be available for public review from April 24, 2003, through May 27, 2003, at the New Tampa Regional Library, 10001 Cross Creek Boulevard, Tampa, Florida, Sunday 12:30 to 5:00 p.m., Monday – Thursday 9:00 a.m. to 9:00 p.m., Friday 9:00 a.m. to 6:00 p.m. and Saturday 9:00 a.m. to 5:00 p.m. These materials will also be available at the hearing Site beginning at 5:30 p.m. on the day of the Hearing.

This public hearing is being held in accordance with 23 CFR 711, Section 339.155, Florida Statutes, and Titles VI and VIII of the Civil Rights Act and the Americans with Disabilities Act. Individuals who may require special accommodations at the Hearing under ADA, may contact Ming Gao, P.E., Project Manager, at least three days prior to the meeting by calling (800)226-7220 or (813)975-6454, or by e-mail to ming.gao@dot.state.fl.us.

A copy of the agenda may be obtained from and written correspondence may be sent to: Ming Gao, P.E., District Seven Project Manager, Florida Department of Transportation, 11201 N. McKinley Drive, M.S. 7-500, Tampa, Florida 33612-6456.

### FLORIDA PAROLE COMMISSION

The **Florida Parole Commission** announces a public meeting to which all persons are invited:

DATE AND TIME: Wednesday, April 30, 2003, 9:00 a.m.

PLACE: Florida Parole Commission, 2601 Blairstone Road, Bldg. C., Third Floor, Tallahassee, Florida

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** Regularly Scheduled Meeting for all Parole, Conditional Release, Conditional Medical Release, Addiction Recovery and Control Release Matters.

Any person who decides to appeal a decision of the Florida Parole Commission with respect to a matter considered at this meeting may need to ensure that a verbatim record of the proceedings is made, Chapter 80-150, Laws of Florida (1980). A copy of the Agenda may be obtained by writing to the Florida Parole Commission, 2601 Blairstone Road, Building C, Tallahassee, Florida 32399-2450.

In accordance with the Americans with Disabilities Act, persons needing a special accommodation to participate in this proceeding should contact the agency sending the notice not later than five working days prior to the proceeding at the address given on the notice. Telephone: (850)488-3417.

### PUBLIC SERVICE COMMISSION

The Florida **Public Service Commission** announces a prehearing to be held in the following docket, to which all interested persons are invited.

Docket No. 020010-WS – Application for staff-assisted rate case in Highlands County by The Woodlands of Lake Placid, L.P.

DATE AND TIME: May 5, 2003, 1:30 p.m.

PLACE: Commission Hearing Room 152, Betty Easley Conference Center, 4075 Esplanade Way, Tallahassee, Florida

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** To consider (1) the simplification of the issues; (2) the identification of the positions of the parties on the issues; (3) the possibility of obtaining admissions of fact and of documents which will avoid unnecessary proof; (4) the identification of the exhibits; (5) the establishment of an order of witnesses; and (6) such other matters as may aid in the disposition of the action. Any person requiring some accommodation at this prehearing because of a physical impairment should call the Division of the Commission Clerk and Administrative Services at (850)413-6770 at least 48 hours prior to the prehearing. Any person who is hearing or speech impaired should contact the Commission by using the Florida Relay Service, which can be reached at 1(800)955-8771 (TDD).

The Florida **Public Service Commission** announces a hearing to be held in the following docket, to which all interested persons are invited.

Docket No. 0020919-TP – Request for arbitration concerning complaint of AT&T Communications of the Southern States, LLC, Teleport Communications Group, Inc., and TCG South Florida for enforcement of interconnection agreements with BellSouth Telecommunications, Inc.

DATE AND TIME: May 7, 2003, 9:30 a.m.

PLACE: Commission Hearing Room 148, The Betty Easley Conference Center, 4075 Esplanade Way, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: To permit parties to present testimony and exhibits relative to the request for arbitration concerning the complaint of AT&T Communications of the Southern States, LLC, Teleport Communications Group, Inc., and TCG South Florida for enforcement of interconnection agreements with BellSouth Telecommunications, Inc., and for such other purposes as the Commission may deem appropriate. All witnesses shall be subject to cross-examination at the conclusion of their testimony on the issues identified by the parties at the prehearing conference held on April 21, 2003. The proceedings will be governed by the provisions of Chapter 120, F.S., and Chapter 25-28, F.A.C. Any person requiring some accommodation at this hearing because of a physical impairment should call the Division of the Commission Clerk and Administrative Services at (850)413-6770 at least 48 hours prior to the hearing. Any person who is hearing or speech impaired should contact the Commission by using the Florida Relay Service, which can be reached at 1(800)955-8771 (TDD).

The Florida **Public Service Commission** announces its regularly scheduled conference to which all interested persons are invited.

DATE AND TIME: May 6, 2003, 9:30 a.m.

PLACE: Commission Hearing Room 148, The Betty Easley Conference Center, 4075 Esplanade Way, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: To consider those matters ready for decision.

LEGAL AUTHORITY AND JURISDICTION: Chapters 120, 350, 364, 366, and 367, F.S.

Persons who may be affected by Commission action on certain items on this agenda for which a hearing has not been held will be allowed to address the Commission concerning those items when taken up for discussion at this conference.

A copy of the agenda may be obtained by any person who requests a copy, and pays the reasonable cost of the copy. (\$1.00 per copy, Statement of Agency Organization and Operations), by contacting the Division of the Commission Clerk and Administrative Services at (850)413-6770 or writing to the Director, Division of the Commission Clerk and Administrative Services, Florida Public Service Commission 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850. The agenda and recommendations are also accessible on the PSC Homepage, at <http://www.floridapsc.com>, at no charge. If a person decides to appeal any decisions made by the Commission with respect to any matter considered at this conference, he will need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which appeal is based. Any person requiring some accommodation at this conference because of a physical impairment should call the Division of the Commission Clerk and Administrative Services

at (850)413-6770 at least 48 hours prior to the conference. Any person who is hearing or speech impaired should contact the Commission by using the Florida Relay Service, which can be reached at 1(800)955-8771 (TDD).

The Florida **Public Service Commission** announces its Internal Affairs Meeting to which all interested persons are invited.

DATE AND TIME: \*May 5, 2003, 9:30 a.m.

PLACE: Room 140, The Betty Easley Conference Center, 4075 Esplanade Way, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss and make decisions on matters which affect the operation of the Commission.

A copy of the agenda of the Internal Affairs Meeting may be obtained by contacting the Division of the Commission Clerk and Administrative Services, Florida Public Service Commission, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850. Any person requiring some accommodation at this meeting because of a physical impairment should call the Division of the Commission Clerk and Administrative Services at (850)413-6770 at least 48 hours prior to the conference. Any person who is hearing or speech impaired should contact the Commission through the Florida Relay Service by using the following numbers: 1(800)955-8770 (VOICE) or 1(800)955-8771 (TDD).

\* In the event of a scheduling conflict, this meeting may be rescheduled to May 6, 2003, in Room 140, immediately preceding or immediately following the Commission Conference.

\*\*THIS MEETING IS SUBJECT TO CANCELLATION WITHOUT NOTIFICATION.\*\*

#### EXECUTIVE OFFICE OF THE GOVERNOR

Volunteer Florida, the **Governor's Commission on Volunteerism and Community Service**, Grant Oversight Council, announces a public conference call to which all persons are invited.

DATE AND TIME: April 23, 2003, 2:00 p.m.

PLACE: Please call (850)921-5172 for call-in number and passcode.

GENERAL SUBJECT MATTER TO BE CONSIDERED: Grant Oversight activities update. Please Contact Gwen Erwin at Volunteer Florida, 115 progress Drive, Tallahassee, Florida 32304, for a copy of the agenda.

Volunteer Florida, the **Governor's Commission on Volunteerism and Community Service**, Grants Oversight Council, announces a public conference call to which all persons are invited.

DATE AND TIME: April 24, 2003, 2:00 p.m.

PLACE: Call (850)921-5172 for call-in number and passcode.

GENERAL SUBJECT MATTER TO BE CONSIDERED:  
Update on Grants Oversight activities.

Volunteer Florida, the **Governor's Commission on Volunteerism and Community Service**, Capital and Partnership Development Council, announces a public conference call to which all persons are invited.

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

PLACE: Call (850)921-5172 for call-in number and passcode.

GENERAL SUBJECT MATTER TO BE CONSIDERED:  
Update on Capital and Partnership Development activities.

Volunteer Florida, the **Governor's Commission on Volunteerism and Community Service**, announces a public meeting to which all persons are invited.

DATE AND TIME: May 1, 2003, 1:00 p.m.

PLACE: Embassy Suites near Busch Gardens, Tampa, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED:  
AmeriCorps Program site visit, bus will depart from the hotel at approximately 1:15 p.m.

Please Contact Gwen Erwin at Volunteer Florida, 115 progress Drive, Tallahassee, Florida 32304 for a copy of the schedule.

Volunteer Florida, the **Governor's Commission on Volunteerism and Community Service**, Executive Committee, announces a public meeting to which all persons are invited.

DATE AND TIME: May 1, 2003, 4:00 p.m.

PLACE: Embassy Suites near Busch Gardens, Tampa, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED:  
General Commission Business. Please Contact Gwen Erwin at Volunteer Florida, 115 progress Drive, Tallahassee, Florida 32304, for a copy of the agenda.

Volunteer Florida, the **Governor's Commission on Volunteerism and Community Service**, announces a public meeting to which all persons are invited.

DATE AND TIME: May 2, 2003, 9:00 a.m.

PLACE: Embassy Suites near Busch Gardens, Tampa, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED:  
General Commission Business. Please Contact Gwen Erwin at Volunteer Florida, 115 progress Drive, Tallahassee, Florida 32304, for a copy of the agenda.

**REGIONAL PLANNING COUNCILS**

The **Northeast Florida Regional Planning Council** Personnel, Program Planning and Budget Committee announces the following public meeting to which all persons are invited:

DATE AND TIME: Thursday, May 1, 2003, 9:00 a.m.

PLACE: Northeast Florida Regional Planning Council, 6850 Belfort Oaks Place, Jacksonville, FL 32216

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss pending personnel, program planning, and budget matters.

A copy of the agenda may be obtained by contacting the Northeast Florida Regional Planning Council, 6850 Belfort Oaks Place, Jacksonville, FL 32216.

Notice is also given that two or more members of the Boards of County Commissioners, City/Town Councils/Commissions and other entities covered under Chapter 286, Florida Statutes, may attend and speak at the meeting.

The **Northeast Florida Regional Planning Council** Comprehensive and Project Planning Committee announces the following public meetings to which all persons are invited:

DATE AND TIME: Thursday, May 1, 2003, 9:00 a.m.

PLACE: Northeast Florida Regional Planning Council, 6850 Belfort Oaks Place, Jacksonville, FL 32216

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss pending comprehensive and project planning items.

A copy of the agenda may be obtained by contacting the Northeast Florida Regional Planning Council, 6850 Belfort Oaks Place, Jacksonville, FL 32216.

Notice is also given that two or more members of the Boards of County Commissioners, City/Town Councils/Commissions and other entities covered under Chapter 286, Florida Statutes, may attend and speak at the meeting.

The **Northeast Florida Regional Planning Council** Transportation Committee announces the following public meeting to which all persons are invited:

DATE AND TIME: Thursday, May 1, 2003, 9:00 a.m.

PLACE: Northeast Florida Regional Planning Council, 6850 Belfort Oaks Place, Jacksonville, FL 32216

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss pending transportation issues.

A copy of the agenda may be obtained by contacting the Northeast Florida Regional Planning Council, 6850 Belfort Oaks Place, Jacksonville, FL 32216.

Notice is also given that two or more members of the Boards of County Commissioners, City/Town Councils/Commissions and other entities covered under Chapter 286, Florida Statutes, may attend and speak at the meeting.

The **Northeast Florida Regional Planning Council** Economic Development Committee announces the following public meeting to which all persons are invited:

DATE AND TIME: Thursday, May 1, 2003, 9:00 a.m.

PLACE: Northeast Florida Regional Planning Council, 6850 Belfort Oaks Place, Jacksonville, FL 32216

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss economic development issues.

A copy of the agenda may be obtained by contacting the Northeast Florida Regional Planning Council, 6850 Belfort Oaks Place, Jacksonville, FL 32216.

Notice is also given that two or more members of the Boards of County Commissioners, City/Town Councils/Commissions and other entities covered under Chapter 286, Florida Statutes, may attend and speak at the meeting.

The **Northeast Florida Regional Planning Council** announces the following public meeting to which all persons are invited:

DATE AND TIME: Thursday, May 1, 2003, 10:00 a.m.

PLACE: Northeast Florida Regional Planning Council, 6850 Belfort Oaks Place, Jacksonville, FL 32216

GENERAL SUBJECT MATTER TO BE CONSIDERED: Monthly Meeting.

A copy of the agenda may be obtained by contacting the Northeast Florida Regional Planning Council, 6850 Belfort Oaks Place, Jacksonville, FL 32216.

If a person decides to appeal any decision made by the Council with respect to any matter considered at this meeting, he/she will have to ensure that a verbatim record of the proceedings is made, which includes the testimony and evidence upon which the appeal is to be based.

Individuals needing materials in alternate format, sign language interpreter, or other meeting information, call Peggy Conrad at (904)279-0880, extension 145, at least three working days prior to the meeting. Hearing-impaired callers use Florida Relay Service, 1(800)955-8771.

Notice is also given that two or more members of the Boards of County Commissioners, City/Town Councils/Commissions and other entities covered under Chapter 286, Florida Statutes, may attend and speak at the meeting.

The **South Florida Regional Planning Council** announces a public meeting to which all persons are invited.

DATE AND TIME: Monday, May 5, 2003, 10:30 a.m.

PLACE: South Florida Regional Planning Council, 3440 Hollywood Boulevard, Suite 140, Hollywood, FL 33021

GENERAL SUBJECT MATTER TO BE CONSIDERED: Any Development Order received prior to the meeting; Any proposed Local Government Comprehensive Plan received prior to the meeting; Any adopted Local Government Comprehensive Plan received prior to the meeting; Proposed Local Government Comprehensive Plan Amendment for North Bay Village; Any proposed Local Government Comprehensive Plan Amendment received prior to the meeting; Any adopted Local Government Comprehensive Plan Amendment received

prior to the meeting; Meeting on monthly Council business; Executive Committee meeting at 10:00 a.m. at the above location.

A copy of the agenda may be obtained by writing to the South Florida Regional Planning Council, 3440 Hollywood Boulevard, Suite #140, Hollywood, Florida 33021.

Anyone deciding to appeal any decision made by the board with respect to any matter considered at this meeting, will need to ensure that a verbatim record of the proceedings is made, including the testimony and evidence upon which the appeal is to be based.

Council related committees may meet periodically before (9:00 a.m.) and following the regularly scheduled Council meetings. Any party desirous of ascertaining schedules of the sub-committees should call the Council Offices at (954)985-4416 (Broward).

If you are hearing or speech impaired, please contact the South Florida Regional Planning Council at (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 at (954)985-4416 at least five calendar days prior to the meeting.

The **District II Local Emergency Planning Committee (LEPC)** announces a public meeting to which all persons are invited.

DATE AND TIME: April 30, 2003, 10:00 a.m. Eastern Time, 9:00 a.m. Central Time

PLACE: Fire Department Training Division Classroom, 2964 Municipal Way, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: To hold the regularly scheduled LEPC meeting

An agenda may be obtained by writing the Apalachee Regional Planning Council, 20776 Central Avenue East, Suite 1, Blountstown, FL 32424 or calling (850)674-4571. If special accommodations at the meeting are required because of a disability or impairment, please contact Council Offices at (850)674-4571 prior to the meeting.

If any person desires to appeal any decision with respect to any matter considered at the above-cited meeting, such person will need a record of the proceedings. For such purpose, he/she will need to ensure that a verbatim record of the proceeding is made to include the testimony and evidence upon which the appeal is to be based.

**WATER MANAGEMENT DISTRICTS**

The **Southwest Florida Water Management District** announces the following meetings to which all interested parties are invited:

GREEN INDUSTRY ADVISORY COMMITTEE

DATE AND TIME: Thursday, May 1, 2003, 9:30 a.m.

PLACE: Tampa Service Office, 7601 U. S. 301 North, Tampa, Florida

AGRICULTURAL ADVISORY COMMITTEE

DATE AND TIME: Tuesday, May 6, 2003, 4:00 p.m.

PLACE: Tampa Service Office, 7601 U. S. 301 North, Tampa, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED:  
Conduct Committee Business

Some members of the District's Governing and Basin Boards may attend the meetings.

Copies of the agendas may be obtained by writing: Planning Department, Southwest Florida Water Management District, 2379 Broad Street, Brooksville, Florida 34604

The District does not discriminate based on disability. Anyone requiring reasonable accommodation under the American's with Disability Act (ADA) should call 1(800)423-1476(Florida) or (352)796-7211, extension 4718; FAX: (352)754-6875; TDD ONLY 1(800)231-6103 (Florida).

The **South Florida Water Management District** announces a public meeting to which all interested parties are invited:

DATE AND TIME: Tuesday, April 29, 2003 from 9:00 a.m. until completed.

PLACE: Westin Key Largo Resort, 97000 Overseas Highway, Key Largo, Florida 33037

GENERAL SUBJECT MATTER TO BE CONSIDERED:  
Governing Board Workshop on FY2004 Budget.

A copy of the agenda may be obtained at the (1) District Website (<http://www.sfwmd.gov/agenda.html>) or (2) by writing to the South Florida Water Management District, Mail Stop 6115, P. O. Box 24680, West Palm Beach, FL 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 District Clerk, at (561)686-8800, at least two business days in advance of the meeting to make appropriate arrangements.

Those who want more information, please contact Paula Moree, Deputy District Clerk, in the Office of District Clerk, Phone Number (561)682-6447. District Headquarters, 3301 Gun Club Road, Mail Stop Code 6115, West Palm Beach, FL 33406.

## COMMISSION FOR THE TRANSPORTATION DISADVANTAGED

The Florida **Commission for the Transportation Disadvantaged** announces a Rate Review Committee Meeting to which all persons are invited.

DATE AND TIME: Wednesday, April 30, 2003, 9:00 a.m. – until completion

PLACE: 2740 Centerview Drive, Suite 1A, Rhyne Building, Tallahassee, FL

Please call (850)410-5700 for the Conference Call Number.

GENERAL SUBJECT MATTER TO BE CONSIDERED: To review rate increase requests.

In accordance with the Americans with Disabilities Act, persons in need of special accommodation to participate in the meeting or an agenda should contact Tiffany McNabb at the following address and telephone number: Commission for the Transportation Disadvantaged, 605 Suwannee Street, MS-49, Tallahassee, 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.

The Florida **Commission for the Transportation Disadvantaged** announces a Rural Capital Equipment Grant Selection Committee Meeting to which all persons are invited.

DATE AND TIME: Monday, May 5, 2003, 9:00 a.m. – until completion.

PLACE: 2740 Centerview Drive, Suite 1A, Rhyne Building, Tallahassee, FL., (850)410-5700

GENERAL SUBJECT MATTER TO BE CONSIDERED: To review grant applications and make recommendations for award. In accordance with the Americans with Disabilities Act, persons in need of special accommodation to participate in the meeting or an agenda should contact Tiffany McNabb at the following address and telephone number: Commission for the Transportation Disadvantaged, 605 Suwannee Street, MS-49, Tallahassee, 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.

## FLORIDA SPACE AUTHORITY

The **Florida Commercial Space Financing Corporation** (FCSFC) announces a Special Board of Directors meeting and teleconference in which the public is invited:

DATE AND TIME: April 24, 2003, 10:00 a.m. – 12:00 p.m.

PLACE: Room 580, 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 discuss pending litigation strategies. The majority of the session will be closed. There are no other agenda items for this meeting.

For more information, contact Ms. Judy Blanchard at (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.

**AGENCY FOR HEALTH CARE ADMINISTRATION**

The **Agency for Health Care Administration** will hold an Advocacy and Consumer Workgroup meeting:

DATE AND TIME: April 22, 2003, 10:00 a.m. – 12:00 p.m.

PLACE: Agency for Health Care Administration, Conference Room D., Building 3, 2727 Mahan Drive, Tallahassee, FL.

The anticipated agenda includes the following topics: Legislative update pertaining to managed care plans; amendments to the 2002-2004 Medicaid HMO contract; quality improvement measures; and changes of HMOs through acquisitions and mergers.

Please contact Mr. Michael Alsentzer at (850)414-8964 with any questions.

The next meeting the **PPRP Committee** will be:

DATE AND TIME: Saturday, May 3, 2003, 9:30 a.m. – 2:00 p.m.

PLACE: Tampa Airport Marriott. Please RSVP by April 25, 2003

Please be advised that Julie Davis, Government Analyst, will be assuming the duties of Emily Fritz. She can be reached at (850)922-1140.

The **Agency for Health Care Administration** announces a meeting of the Pharmaceutical and Therapeutics Committee to which all interested parties are invited.

DATE AND TIME: Wednesday, June 18, 2003, 10:30 a.m. – 3:00 p.m.

PLACE: Marriott Hotel, Tampa International Airport, Tampa, FL.

GENERAL SUBJECT MATTER TO BE CONSIDERED: Make recommendations for drugs to be included on Preferred Drug List. Any attendee requiring special accommodation because of a disability or physical impairment should contact the Marriott at (813)879-5151 at least five days prior to the meeting. Members of the public who wish to testify at this meeting must call Julie Davis at (850)487-4441 by June 11, 2003. The number of speakers will be limited and will be accommodated in order of notification to Ms. Davis. The procedures for speakers to follow are available on the Agency's website at [www.fdhc.state.fl.us](http://www.fdhc.state.fl.us).

**DEPARTMENT OF MANAGEMENT SERVICES**

The **Florida Partnership for School Readiness** announces a meeting of their Board to which all interested parties are invited.

DATE AND TIME: May 22, 2003, 9:30 a.m. – 3:30 p.m.

PLACE: The Ramada Inn and Conference Center, 2900 North Monroe Street, Tallahassee, Florida 32303. For overnight accommodations, please call (850)386-1027 and ask for the Florida Partnership for School Readiness room block rate of \$70.00 per night.

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct Board business.

For more information, please contact Lisa Barnes at (850)922-4200 or [lisa.barnes@schoolreadiness.org](mailto:lisa.barnes@schoolreadiness.org)

In accordance with the Americans with Disabilities Act, persons needing a special accommodation to participate in this meeting should contact Lisa Barnes at (850)922-4200 or toll free 1(866)357-3239 or 1(800)955-8770 (Voice) Florida Relay Service at least 48 hours prior to the meeting.

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

The Florida **Board of Architecture and Interior Design** announces the following meetings, to which all persons are invited to attend:

DATE AND TIME: April 24, 2003, 9:30 a.m.

PLACE: Smith, Thompson, Shaw & Manausa, P.A., 2075 Centre Pointe Boulevard, Tallahassee, FL 32308

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:

Rami Argov; Case Nos. 2003-002389 & 2003-050456

Rick Argov; Case No. 2003-002640

Uri Gavish; Case No. 2003-02387

Interior Design Center; Case No. 2003-01382

Dean Bolaris; Case No. 2002-001268

Erhard J. Stritzel; Case No. 2003-02794

Carl Gaiser; Case No. 2002-10810



Helmuth Geiser; Case No. 2002-12622  
 Leonard Nobrega; Case No. 2002-01990  
 Jeffrey Platt; Case No. 2002-08597  
 Wally Ryerson; Case No. 2003-042414  
 Artisan Enterprises, Inc.; Case No. 2003-42507  
 Dave Dabria; Case No. 2003-042515  
 James Aerts; Case No. 2003-01242  
 IDA Architects & Engineers; Case No. 2003-03818  
 Jillian-Douglas Architects; Case No. 2002-01717  
 Garth L. Chester; Case No. 2003-02213  
 Mark Robinson; Case No. 2002-00011  
 Graham Gould; Case No. 2002-00391  
 Kenneth Conner; Case No. 2002-00834  
 Elena Cosicher; Case No. 2001-09095  
 John Dawson; Case No. 2002-00985

To obtain a copy of the agenda, further information, or submit written or other physical evidence, contact in writing to: 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. at (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 which can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

The Probable Cause Panel of the **Construction Industry Licensing Board** announces a meeting:

DATES AND TIMES: April 22, 2003, beginning at approximately 9:00 a.m. and 10:00 a.m. or soon thereafter.

PLACE: Department of Business and Professional Regulation, 725 South Bronough Street, Tallahassee, Florida 32301, (850)488-0062

GENERAL SUBJECT MATTER TO BE CONSIDERED: To review complaints in which a determination of the existence of probable cause has already been made.

A copy of the PUBLIC portion of the agenda may be obtained by writing to Patrick Creehan, Chief Construction Attorney, Department of Business and Professional Regulation, Office of the General Counsel, 1940 N. Monroe Street, Suite 60, Tallahassee, Florida 32399-2202, or by phone at (850)488-0062.

NOTE: In accordance with the Americans with Disabilities Act, persons needing a special accommodation to participate in this proceeding should contact the Construction Prosecution Section no later than seven (7) days prior to the proceeding or meeting at which such special accommodation is required. The Construction Prosecution Section may be contacted at the address and phone number listed above.

The Florida **Electrical Contractors' Licensing Board** announces Official Board Meetings to which all interested persons are invited.

DATE AND TIME: May 14, 2003, Beginning at 8:30 a.m. or soon thereafter

GENERAL SUBJECT MATTER TO BE CONSIDERED: Legislative and Rules Workshop

DATE AND TIME: May 15, 2003, Starting at 8:30 a.m., or soon thereafter

GENERAL SUBJECT MATTER TO BE CONSIDERED: Probable Cause Panel Meeting (closed to the public)

DATE AND TIME: May 15, 2003, Starting at 10:00 a.m., or soon thereafter

GENERAL SUBJECT MATTER TO BE CONSIDERED: Official Board Meeting

DATE AND TIME: May 16, 2003, Starting at 8:30 a.m., or soon thereafter

GENERAL SUBJECT MATTER TO BE CONSIDERED: Official Board Meeting

PLACE: Crowne Plaza Hotel Orlando Airport, 5555 Hazeltine National Drive, Orlando, FL 32812, Tel: (407)856-0100

A copy of the agenda may be obtained by writing the Board Office at 1940 North Monroe Street, Tallahassee, Florida 32399-0771.

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting, he/she may need to ensure that a verbatim record of the proceedings is made, which will include the testimony and evidence upon which the appeal is to be based. For further information, contact the Florida Electrical Contractors' Licensing Board at 1940 North Monroe Street, Tallahassee, Florida 32399-0771. Any persons requiring special accommodations at this meeting because of a disability or physical impairment should contact Gregory Spence at the Electrical Contractors' Licensing Board at least five calendar days prior to the meeting. If you are hearing or speech impaired, please call Gregory Spence using the Florida Dual Party Relay System which can be reached at 1(800)955-8770 (voice) and 1(800)955-8771 (TDD)

The Florida **Building Code Administrators and Inspectors Board** announces a telephone conference call to which all persons are invited to participate:

DATE AND TIME: May 7, 2003, 10:00 a.m.

PLACE: Department of Business and Professional Regulation, 1940 N Monroe Street, Tallahassee, FL, (850)488-5778 Suncom 278-5778

GENERAL SUBJECT MATTER TO BE CONSIDERED: General Board and Business Meeting

Any person deciding to appeal a decision made with respect to any matter considered at this meeting will need to ensure that a verbatim record of the proceeding is made. Such record must include testimony and evidence upon which the appeal is to be based.

Any person requiring special accommodations at this meeting because of a disability or physical impairment should contact Department of Business and Professional Regulation, Building Code Administrators and Inspectors Board, at (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 Florida **Building Code Administrators and Inspectors Board** announces the following meetings to which all persons are invited to attend:

DATES AND TIME: June 5-6, 2003, 9:00 a.m.

PLACE: Radisson Hotel Orlando, 5780 Major Boulevard, Orlando, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: General Board and Business Meeting

Any person deciding to appeal a decision made with respect to any matter considered at this meeting will need to ensure that a verbatim record of the proceeding is made. Such record must include testimony and evidence upon which the appeal is to be based.

Any person requiring special accommodations at this meeting because of a disability or physical impairment should contact Department of Business and Professional Regulation, Building Code Administrators and Inspectors Board, at (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 Accountancy**, Committee on Continuing Professional Education announces the following public meeting to which all persons are invited:

DATE AND TIME: Tuesday, May 13, 2003, 9:00 a.m.

PLACE: Via Conference Call

GENERAL SUBJECT MATTER TO BE CONSIDERED: To review reporting forms and requests for course approval.

If you wish to participate in this meeting or receive a copy of the agenda, please contact Karan Lee at the Board of Accountancy, 240 N. W. 76th Drive, Suite A, Gainesville, Florida 32607, (352)333-2500.

**DEPARTMENT OF ENVIRONMENTAL PROTECTION**

NOTICE OF CANCELLATION – The **Department of Environmental Protection** (DEP) announces the cancellation of the public meeting of the Environmental Regulation Commission:

DATES AND TIME: previously scheduled for April 24-25, 2003

GENERAL SUBJECT MATTER TO BE CONSIDERED: Which was to continue the rule adoption proceeding on Rules 62-302.530 and 62-302.540, F.A.C., proposed phosphorus criterion for the Everglades Protection Area.

The meeting and rule adoption proceeding will be renoticed and continued at a later date. For more information contact Jacqueline McGorty at email: jackie.mcgorty@dep.state.fl.us or phone: (850)245-2231.

The full text of this notice, which includes specific information about meeting time, location and anticipated subject matter to be covered, is published on the Internet at the Department of Environmental Protection's home page at <http://www.dep.state.fl.us/> under the link or button titled "Official Notices."

The Florida **Department of Environmental Protection**, Division of Recreation and Parks announces an advisory group meeting to which all persons are invited:

DATE AND TIME: Friday, May 2, 2003, 9:00 a.m.

PLACE: Rookery Bay National Estuarine Research Reserve, Conference Room, 300 Tower Road, Naples, Florida 34113

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss the proposed land management plan for Collier-Seminole 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: Wednesday, May 7, 2003, 7:00 p.m. (CT)

PLACE: Gulf Coast Community College, Student Union East Building, Conference Center (Second Floor), 5230 West Highway 98, Panama City, Florida 32401

GENERAL SUBJECT MATTER TO BE CONSIDERED: To present the proposed land management plan for Camp Helen 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: Thursday, May 8, 2003, 9:00 a.m. (CT)

PLACE: Gulf Coast Community College, Student Union East Building, Private Dining Room (First Floor), 5230 West Highway 98, Panama City, Florida 32401

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss the proposed land management plan for Camp Helen 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, May 1, 2003, 7:00 p.m.

PLACE: Rookery Bay National Estuarine Research Reserve, Conference Room, 300 Tower Road, Naples, Florida 34113

GENERAL SUBJECT MATTER TO BE CONSIDERED: To present the proposed land management plan for Collier-Seminole 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".

## DEPARTMENT OF HEALTH

The **Department of Health**, Bureau of Emergency Medical Services, announces a public meeting call to which all persons are invited.

DATE AND TIME: April 30, 2003, 9:30 a.m. – 10:30 a.m.

PLACE: Conference Call. Toll Free Number: 1(800)416-4132

GENERAL SUBJECT MATTER TO BE CONSIDERED: A subcommittee (Interfacility Transfer Criteria Subcommittee) appointed by the State Trauma System Plan Implementation Committee is holding a meeting to assist the Department of Health to develop educational materials for acute care hospitals on all aspects of the hospital partnership concept.

A copy of the agenda may be obtained by writing to Department of Health, Bureau of Emergency Medical Services, 4052 Bald Cypress Way, Bin C-18, Tallahassee, FL 32399-1738 or by calling George Schaffer at (850)245-4440.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this conference call is asked to advise the agency before April 23, 2003, by contacting George Schaffer at (850)245-4440. If you are hearing or speech impaired, please contact the agency using the Florida Dual Party Relay System which can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD). Purchase Order Number B00829.

The **Board of Chiropractic Medicine Probable Cause Panel** will hold a duly noticed conference call meeting, to which all persons are invited to attend.

DATE AND TIME: Tuesday, April 29, 2003, commencing at 9:30 p.m.

PLACE: Department of Health, 4042 Bald Cypress Way, Tallahassee at Meet Me Number (850)921-6599.

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 at (850)245-4355 at least 48 hours prior to the meeting. If you are 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 to: 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 Clinical Social Work, Marriage and Family Therapy and Mental Health Counseling**, announces a telephone conference call in which reconsiderations will be heard.

DATE AND TIME: May 1, 2003, 3:00 – 4:00 p.m.

TELEPHONE NUMBER: (850)245-4474 to inquire about call-in number

GENERAL SUBJECT MATTER TO BE CONSIDERED: Probable Cause Panel Meeting

A copy of the agenda may be obtained by writing to Sue Foster, Executive Director, Department of Health, Board of Clinical Social Work, Marriage and Family Therapy and Mental Health Counseling, 4052 Bald Cypress Way, Bin #C08, Tallahassee, FL 32399-3258.

If a person decides to appeal any decision made by the Board with respect to any matter considered at this meeting, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence upon which the appeal is to be made. Those who are hearing or

speech impaired, using TDD equipment, can call the Florida Dual Party Relay system at 1(800)955-8770 (voice) and 1(800)955-8771 (TDD).

The **Department of Health, Board of Dentistry** will hold committee and general business meetings to which all persons are invited:

DATES AND TIME: May 15-17, 2003, 8:00 a.m.

PLACE: Embassy Suites Hotel, 1100 SE 17th Street, Fort Lauderdale, FL 33316, (954)527-2700

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct board business.

If a person decides to appeal any decision made by the Board with respect to any matter considered at this meeting, he may need to ensure that a verbatim record of the proceedings is made, which records include the testimony and evidence upon which the appeal is to be based.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact Linda Barber (850)245-4474, at least five calendar days prior to the meeting. Persons who are hearing or speech impaired, can contact Ms. Barber using the Florida Dual Party Relay System which can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

The Florida **Board of Medicine**, announces a telephone conference call to be held via meet me number.

DATE AND TIME: Wednesday, May 7, 2003, commencing at 12:00 p.m.

PLACE: Meet me Number: Contact Florida Board of Medicine at (850)245-4131 for the meet me number.

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct general business of the Board.

286.0105 Notices of meetings and hearings 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. The requirements of this section do not apply to the notice provided in s. 200.065(3), F.S.

History.--s. 1, ch. 80-150; s. 14, ch. 88-216; s. 209, ch. 95-148.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact the Florida Board of Medicine at (850)245-4131 at least five (5) calendar days prior to the meeting. If you are hearing or

speech impaired, please call the Florida Board of Medicine using the Florida Dual Party Relay System which can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

A copy of the agenda may be obtained by writing to Larry McPherson, Board Director, Medical Quality Assurance, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3253.

Please note that if a person decides to appeal any decision made by the Board with respect to any matter considered at the above cited meeting or hearing, he will need a record of the proceedings, and for such purpose, may need to insure that a verbatim record of the proceeding is made, which record includes the testimony and evidence upon which the appeal is to be based. A verbatim tape record of the proceeding may be obtained from a court reporter, if present, or an audio record from the Board Director.

Florida **Board of Medicine's**, Probable Cause Panel (South), announces a telephone conference call to be held via meet me number.

DATE AND TIME: May 9, 2003, 2:00 p.m.

PLACE: Meet Me Number: (850)488-5776, Suncom Number: 278-5776

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct a private meeting to review cases for which a determination of probable cause is to be made and to conduct a public meeting to review cases on which probable cause has been made.

A copy of the agenda may be obtained by writing to Gaynetta Rosier, Regulation Specialist II, Agency for Health Care Administration, Medical Services, Palmer Building, P. O. Box 14229, Tallahassee, Florida 32317-4229.

If any 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.

NOTE: In accordance with the Americans with Disabilities Act, persons needing a special accommodation to participate in this proceeding should contact the Medical Litigation Section no later than seven (7) days prior to the proceeding or meeting at which such special accommodation is required. The Medical Litigation Section may be contacted at P. O. Box 14229, Tallahassee, Florida 322317-4229: Telephone (850)922-2414; 1(800)955-8771(TDD) or 1(800)955-8770 (VOICE) via Florida Relay Service.

The **Council on Physician Assistants** announces a meeting to which all persons are invited.

DATE AND TIME: Friday, May 9, 2003 commencing at 1:00 or soon thereafter.

PLACE: Hilton Tampa Airport, 2225 North Lois Avenue, The Palm Boardroom, Tampa, Florida 33607, (813)877-6688

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct Council business.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact the Council on Physician Assistants (850)245-4131 at least five (5) calendar days prior to the meeting.

If you are hearing or speech impaired, please call the Council on Physician Assistants the Florida Dual Party Relay System which can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

A copy of the agenda may be obtained by writing to Margaret Anglin, Program Administrator, Council on Physician Assistants, Medical Quality Assurance, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3253. If any person decides to appeal any decision made by the Council 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.

The **Board of Nursing** Probable Cause Panel will hold a duly noticed conference call meeting, to which all persons are invited to attend.

DATE AND TIME: May 22, 2003, 5:30 p.m.

PLACE: Department of Health, Tallahassee at Meet Me Number (850)488-5778

GENERAL SUBJECT MATTER TO BE CONSIDERED: For cases previously heard by the panel.

Any person requiring special accommodations at this meeting because of a disability or physical impairment should contact the Board at (850)245-4125 at least 48 hours prior to the meeting. If you are a hearing or speech impaired, please contact the Board office using the Dual Party Relay System at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

A copy of the agenda item may be obtained by writing to: Dan Coble, Executive Director, 4052 Bald Cypress Way, Bin #C02, Tallahassee, FL 32399-3257.

The **Board of Nursing** Probable Cause Panel will hold a duly noticed conference call meeting, to which all persons are invited to attend.

DATE AND TIME: May 19, 2003, 6:30 p.m.

PLACE: Department of Health, Tallahassee at Meet Me Number (850)488-5778

GENERAL SUBJECT MATTER TO BE CONSIDERED: For cases previously heard by the panel.

Any person requiring special accommodations at this meeting because of a disability or physical impairment should contact the Board at (850)245-4125 at least 48 hours prior to the meeting. If you are a hearing or speech impaired, please contact the Board office using the Dual Party Relay System at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD). If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

A copy of the agenda item may be obtained by writing to: Dan Coble, Executive Director, 4052 Bald Cypress Way, Bin #C02, Tallahassee, FL 32399-3257.

The **Department of Health, Board of Psychology** announces a meeting to which all persons are invited.

DATES AND TIME: June 20-21, 2003, beginning at approximately 9:00 a.m. or soon thereafter.

PLACE: Radisson Hotel Tallahassee, 415 North Monroe Street, Tallahassee, FL 32301, (850)224-6000

GENERAL SUBJECT MATTER TO BE CONSIDERED: General Business Meeting and Rules Review.

A copy of the agenda may be obtained by writing to Department of Health, Board of Psychology, 4052 Bald Cypress Way, BIN #C05, Tallahassee, Florida 32399-3255, or by contacting the board office at (850)245-4373.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/hearing/meeting is asked to advise the department at least 48 hours before the workshop/hearing/meeting by contacting the board office at (850)245-4373. If you are hearing or speech impaired, please contact the department by calling 1(800)955-8770 (Voice) or 1(800)955-8771 (TDD).

Please note that if a person decides to appeal any decision made by the Board with respect to any matter considered at the above-cited meeting or hearing, he/she will need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

The **Florida Brain and Spinal Cord Injury Advisory Council** announces a Council Meeting.

DATES AND TIMES: Thursday, May 15, 2003, 8:30 a.m. – 5:00 p.m.; Friday, May 16, 2003, 9:00 a.m. – 3:00 p.m. (E.S.T.)

PLACE: Safety Harbor Resort and Spa, 105 N. Bayshore Drive, Safety Harbor, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: To provide a status update on the activities of the Florida Bureau of Brain and Spinal Cord Injury and to conduct general business of the Advisory Council and its committees (EMS/Acute Care, Inpatient/Outpatient Rehabilitation, Residential/Community-Based/Long-Term Care, Pediatric, and Prevention/Education Research).

Any persons requiring a special accommodation at this meeting because of a disability or physical impairment should contact the Florida Bureau of Brain and Spinal Cord Injury, (850)245-4045, at least 48 hours prior to the meeting. If you are hearing or speech impaired, please call the Florida Bureau of Brain and Spinal Cord Injury using the Florida Dual Party Relay System which can be reached at 1(800)955-8770 (voice) and 1 (800)955-8771 (TDD).

For further information, write to Thom DeLilla at 4052 Bald Cypress Way, Bin C25 (BSCI), Tallahassee, Florida 32399-1744 or call (850)245-4045.

P.O. # B01734

The Florida **Department of Health** announces a meeting of the Florida KidCare Coordinating Council to which all persons are invited:

DATE AND TIME: Monday, May 19, 2003, 1:00 p.m. – 4:00 p.m.

PLACE: Betty Easley Conference Center, 4075 Esplanade Way (Room 166), Tallahassee, FL 32399

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Florida KidCare Coordinating Council, an advisory body appointed by the Secretary of the Florida Department of Health, will meet on Monday, May 19, 2003, 1:00 p.m. – 4:00 p.m. in Tallahassee to discuss Florida KidCare, the state children's health insurance program. The Council is charged with making recommendations to the Department, the Governor and the Legislature, as well as other state government groups about possible changes and adjustments to the Florida KidCare Program which may result in recommendations for legislative action, state agency rule change, federal agency rule or policy change, or Congressional action.

A copy of the agenda may be obtained from: Gail Vail, The Chiles Center, (850)487-0037, gvail@hsc.usf.edu.

#### DEPARTMENT OF CHILDREN AND FAMILY SERVICES

The **Department of Children and Families, Mental Health Program Office**, District 3, announces a public meeting to which all persons are invited. The public hearing will be:

DATE AND TIME: Tuesday, April 22, 2003, 6:00 p.m.

PLACE: Columbia County Public Library, 308 N. W. Columbia Avenue, Lake City, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Department is seeking public input and information regarding the re-designation of a public receiving facility in District 3. Meridian Behavioral Healthcare Crisis Stabilization Unit, known as Gateway, provides acute care services under the provision of Chapter 394, Part I, F.S., known as the Baker Act. The Baker Act allows persons who may be a danger to themselves or others due to mental illness to be admitted for evaluation and treatment.

Persons with disabilities requiring accommodations in order to participate in this event should contact Carolyn TeStrake, Dept. of Children and Families, Interoffice Box 2, P. O. Box 390, Gainesville, FL 32602-0390. Telephone number (352)955-5045. For further information regarding the hearing, contact Carolyn TeStrake, at (352)955-5045.

The **Department of Children and Families, Alcohol, Drug Abuse and Mental Health Program Office**, announces a public meeting to which all persons are invited:

DATE AND TIME: May 5, 2003, 10:00 a.m. – 11:00 a.m.

PLACE: Hurston Building (South Tower), Conference Room B, 400 West Robinson Street, Orlando, Florida 32801

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Department is seeking public input and information regarding the re-designation of District 7 Baker Act receiving facilities.

#### A G E N D A

WUESTHOFF MEMORIAL HOSPITAL, a private receiving facility located at 110 Longwood Avenue, Rockledge, Florida.

SEMINOLE COMMUNITY MENTAL HEALTH CENTER, INC., a public receiving facility located at 300 South Bay Avenue, Sanford, Florida.

NOTE: Persons with disabilities requiring accommodations in order to participate in this event should contact the following person(s) by telephone or in writing: Anna Fedeles, 400 West Robinson Street, S930, Orlando, Florida 32801, Telephone (407)245-0420, or (800)955-8771 (TDD/TTY) or 1(800)955-8770 (VOICE), by close of business (5:00 p.m.) on Friday, May 2, 2003.

FOR FURTHER INFORMATION CONTACT: Anna Fedeles, 400 West Robinson Street, Suite S930, Orlando, Florida 32801, telephone (407)245-0420

The **Department of Children and Families**, Office on Homelessness, is issuing a cancellation notice for its Health Care, Housing, and Financial Resources committee meetings that were previously noticed. The Health Care Committee meetings scheduled for May 15, 2003 and June 19, 2003, 9:00-10:30 a.m.; the Housing committee meetings scheduled for May 15, 2003 and June 19, 2003 from 2:00-3:00 p.m.; and the Financial Resources Committee meetings scheduled for

May 19, 2003, 2:00-3:00 p.m. and June 16, 2003, 2:00-3:00 p.m., are hereby cancelled. For more information, contact Thomas Pierce, Office on Homelessness at (850)922-9850.

The **Florida Local Advocacy Council**, Service Area 6 (Daytona Multi-Program) announces the following public meetings to which all persons are invited.

DATE AND TIME: Thursday, June 26, 2003, 9:30 a.m.

PLACE: ACT Corporation, 1251 N. Stone Street, Deland, Florida

A copy of the agenda for each meeting may be obtained by writing to the Department of Children and Families at 210 N. Palmetto Avenue, Suite 430, Daytona Beach, FL 32114-3284 (Attn.: Lotta Mapp).

If you need special accommodations (i.e.assisted listening devices, sign language interpreter, etc.), please notify Lotta Mapp at (386)258-4437 at least 48 hours in advance of the meeting.

If you are hearing or speech impaired, please use Florida Relay Service for TDD or TTY at 1(800)955-8771.

#### **FISH AND WILDLIFE CONSERVATION COMMISSION**

The **Fish and Wildlife Conservation Commission, Division of Law Enforcement**, announces the following Boating Advisory Council public meeting, to which all persons are invited:

DATE AND TIME: May 20, 2003, 9:00 a.m.

PLACE: Sheraton Sand Key Resort, 1160 Gulf Boulevard, Clearwater Beach, Florida 33767

GENERAL SUBJECT MATTER TO BE CONSIDERED: Meeting of the Boating Advisory Council. An agenda of the meeting may be obtained by contacting the Division of Law Enforcement, Boating Advisory Council, 620 South Meridian Street, Bryant Building, Tallahassee, Florida 32399-1600, or by calling Ms. Shelly Gurr at (850)488-5600.

In accordance with the Americans with Disabilities Act, persons needing a special accommodation to participate in this meeting should notify Cindy Hoffman at (850)488-6411, at least five calendar days before the meeting.

#### **DEPARTMENT OF FINANCIAL SERVICES**

The **Office of Insurance Regulation** announces a public hearing to which all persons are invited:

DATE AND TIME: May 13, 2003, 9:00 a.m., during a regular meeting of the Financial Services Commission

PLACE: Cabinet Meeting Room, Lower Level, The Capitol, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Adoption of Rules 4-149.003, and .021, Filing of Forms and Rates for Health Insurance, Florida Administrative Code.

Notice of the proposed amendments was published in Vol. 29, No. 1, January 3, 2003 of the Florida Administrative Weekly. A notice of change was published in Vol. 29, No. 12, March 21, 2003 of the Florida Administrative Weekly.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this program, please advise the Office at least 5 calendar days before the program by contacting Frank Dino at (850)413-5014.

The **Office of Insurance Regulation** announces a public hearing to which all persons are invited:

DATE AND TIME: May 13, 2003, 9:00 a.m., during a regular meeting of the Financial Services Commission

PLACE: Cabinet Meeting Room, Lower Level, The Capitol, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Adoption of Rule 4-156.011, Loss Ratio Standards and Refund or Credit of Premium, Florida Administrative Code. Notice of the proposed amendments was published in Vol. 29, No. 1, January 3, 2003 of the Florida Administrative Weekly. A notice of change was published in Vol. 29, No. 12, March 21, 2003 of the Florida Administrative Weekly.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this program, please advise the Office at least 5 calendar days before the program by contacting Frank Dino at 850-413-5014.

The **Office of Insurance Regulation** announces a public hearing to which all persons are invited:

DATE AND TIME: May 13, 2003, 9:00 a.m., during a regular meeting of the Financial Services Commission

PLACE: Cabinet Meeting Room, Lower Level, The Capitol, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Adoption of Rule 4-191.051, Filing, Approval of Subscriber Contract and Related Forms, Florida Administrative Code. Notice of the proposed amendments was published in Vol. 29, No. 1, January 3, 2003 of the Florida Administrative Weekly. A notice of change was published in Vol. 29, No. 12, March 21, 2003 of the Florida Administrative Weekly.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this program, please advise the Office at least 5 calendar days before the program by contacting Frank Dino at (850)413-5014.

The **Office of Insurance Regulation** announces a public hearing to which all persons are invited:

DATE AND TIME: May 13, 2003, 9:00 a.m., during a regular meeting of the Financial Services Commission

PLACE: Cabinet Meeting Room, Lower Level, The Capitol, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Adoption of Rule 4-203.042, Filing, Approval of Subscriber Contract and Related Forms, Florida Administrative Code. Notice of the proposed amendments was published in Vol. 29, No. 1, January 3, 2003 of the Florida Administrative Weekly. A notice of change was published in Vol. 29, No. 12, March 21, 2003 of the Florida Administrative Weekly.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this program, please advise the Office at least 5 calendar days before the program by contacting Frank Dino at (850)413-5014.

**SUNSHINE STATE GOVERNMENTAL FINANCING COMMISSION**

The **Sunshine State Governmental Financing Commission** announces a public meeting, where all interested parties are invited:

DATE AND TIME: Friday, May 2, 2003, 11:00 a.m.  
 PLACE: McEaddy Conference Room, 12th Floor, Palm Beach County Governmental Center, 301 North Olive Avenue, West Palm Beach, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Meeting of Board of Directors  
 Note: A copy of the agenda may be obtained by contacting Mr. Richard C. Dowdy, Program Administrator, at (850)878-1874.

**INDIAN RIVER COMMUNITY COLLEGE**

**Indian River Community College**, Criminal Justice Training Institute announces a public meeting for the Region XI Training Council, to which the public is invited.

DATE AND TIME: May 28, 2003, 10:00 a.m.  
 PLACE: Indian River Community College, Indian River Academy, 5900 Tedder Road, Fort Pierce, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: To review information gathered at the May State Commission meeting, provide update on training classes, elect officers, and any other issues involving the region.

**ORANGE COUNTY RESEARCH AND DEVELOPMENT AUTHORITY**

The **Orange County Research and Development Authority** announces a public meeting to which all persons are invited:

DATE AND TIME: May 14, 2003, 8:00 a.m.  
 PLACE: Lowndes, Drosdick, Doster, Kantor & Reed, 215 North Eola, Orlando, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: General Business Meeting.

**ADVOCACY CENTER**

The **Advocacy Center, Inc.**, Florida's Protection and Advocacy Programs will be holding their Quarterly Board of Directors meeting on:

DATES AND TIME: May 2-3, 2003, 2:00 p.m.  
 PLACE: Radisson Lido Beach Resort, Cypress Room, 700 Benjamin Franklin Drive, Sarasota, Florida 34236.  
 For additional information, please contact Dawn D. Williams at (850)488-9071 ext. 218.

**MEDICAL MALPRACTICE JOINT UNDERWRITING ASSOCIATION**

The Florida **Medical Malpractice Joint Underwriting Association** announces a Claims & Underwriting Committee meeting to which all persons are invited.

DATE AND TIME: Tuesday, April 29, 2003, 4:00 p.m.  
 PLACE: Killearn Country Club & Inn, Tallahassee, Florida  
 GENERAL SUBJECT MATTER TO BE CONSIDERED: The Committee will receive and consider reports from the Association's General Counsel, General Manager, Servicing Carrier, and such other business properly brought before the Committee.

A copy of the Agenda may be obtained two weeks prior to the meeting by writing the FMMJUA, 1836 Hermitage Blvd., Suite 201, Tallahassee, FL 32308

The **Florida Medical Malpractice Joint Underwriting Association** announces a Board of Governors meeting to which all persons are invited.

DATE AND TIME: Wednesday, April 30, 2003, 9:00 a.m.  
 PLACE: Killearn Country Club & Inn, Tallahassee, Florida  
 GENERAL SUBJECT MATTER TO BE CONSIDERED: The Board will receive and consider quarterly reports from the Association's Investment Counsel, General Counsel, Servicing Carrier, Claims Committee, General Manager, and such other business properly brought before the Board.

A copy of the Agenda may be obtained two weeks prior to the meeting by writing the FMMJUA, 1836 Hermitage Blvd., Suite 201, Tallahassee, FL 32308.

**FLORIDA AUTOMOBILE JOINT UNDERWRITING ASSOCIATION**

The **Florida Automobile Joint Underwriting Association** announces an FAJUA public meeting to which all persons are invited:

FAJUA ad hoc Rate Filing Meeting  
 DATE AND TIME: Wednesday, April 23, 2003, 4:00 p.m.



PLACE: Tampa Airport Marriott, Tampa, FL.  
 GENERAL SUBJECT MATTER TO BE CONSIDERED:  
 Discuss rate making and rate filing procedures, and any other matters.

Additional information may be obtained from: Lisa B. Stoutamire, FAJUA, 1113 East Tennessee Street, Suite 401, Tallahassee, FL 32308, (850)681-2003, stoutamire@fajua.org.

**FLORIDA ALZHEIMER'S CENTER AND RESEARCH INSTITUTE**

The Florida Alzheimer's Center and Research Institute announces a public meeting of its Board of Directors to which all persons are invited.

DATE AND TIME: Monday, April 21, 2003, 5:00 p.m.  
 PLACE: Broad and Cassel, P.A., 100 N. Tampa Street, Suite 3500, Tampa, Florida 33602

GENERAL SUBJECT MATTER TO BE CONSIDERED: To receive Committee reports and to discuss and consider matters relating to the organization of the Florida Alzheimer's Center and Research Institute.

A copy of the agenda may be obtained in writing by contacting: Linda Sanchez, de la Parte & Gilbert, P.A., 101 East Kennedy Boulevard, Suite 3400, Tampa, Florida 33602.

**Section VII**  
**Notices of Petitions and Dispositions**  
**Regarding Declaratory Statements**

**DEPARTMENT OF COMMUNITY AFFAIRS**

NOTICE IS HEREBY GIVEN that the Florida Building Commission received a Petition for Declaratory Statement on March 28, 2003, from United FireSpray regarding whether the Flamebar BW11 ductwork system complies with the intent of Chapter 7 of the Building Volume of the Florida Building Code. It has been assigned the number DCA03-DEC-086.

A copy of the request may be obtained by writing: Paula P. Ford, Commission Clerk, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100.

NOTICE IS HEREBY GIVEN that the Florida Building Commission has issued an Order Retracting Declaratory Statement in the matter of Fawley Bryant Architects, Inc. The Declaratory Statement was issued in error on February 6, 2003, in response to a request received on January 6, 2003. The Building Commission had tabled the matter at its January meeting. The Petitioner subsequently withdrew his petition. It was assigned the number DCA02-DEC-352.

A copy of the Order may be obtained by writing: Paula P. Ford, Commission Clerk, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100.

NOTICE IS HEREBY GIVEN that the Florida Building Commission received a Petition for Declaratory Statement on April 3, 2003, from Bliss & Nyitray, Inc., regarding allowable stress increase when designing masonry governed by the High Velocity Hurricane Zone requirements of the Florida Building Code, Building Volume. It has been assigned the number DCA03-DEC-091.

A copy of the request may be obtained by writing: Paula P. Ford, Commission Clerk, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100.

NOTICE IS HEREBY GIVEN that the Florida Building Commission has issued a Declaratory Statement in response to the request received on December 16, 2002, from Door and Access Systems Manufacturers Association. It was assigned the number DCA02-DEC-369. The Commission found that the appropriate kd factor for the garage doors identified by the Petitioner is 0.85.

A copy of the Declaratory Statement may be obtained by writing: Paula P. Ford, Commission Clerk, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100.

NOTICE IS HEREBY GIVEN that the Florida Building Commission has issued a Declaratory Statement in response to the request received on November 13, 2002, from Miami-Dade County Code Compliance Office. It was assigned the number DCA02-DEC-357. The Commission found that the pole lights described in the Petition are structures and electrical systems subject to the requirements of the Florida Building Code, including the National Electrical Code. The pole lights are also subject to the requirements for permitting and inspection whether they are installed by a contractor or the city electrical department.

A copy of the Declaratory Statement may be obtained by writing: Paula P. Ford, Commission Clerk, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100.

NOTICE IS HEREBY GIVEN that the Florida Building Commission has issued a Declaratory Statement in response to the request received on January 6, 2003, from Wayne Automatic Fire Sprinklers, Inc. It was assigned the number DCA03-DEC-001. The Commission found that Chapter 9, Florida Building Code, Building Volume, enforced by the local building official, dictates that NFPA 13, Standard for the Installation of Sprinkler Systems, is applicable to the Petitioner's project.

A copy of the Declaratory Statement may be obtained by writing: Paula P. Ford, Commission Clerk, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100.

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**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

NOTICE IS HEREBY GIVEN that the Department of Business and Professional Regulation, Division of Alcoholic Beverages and Tobacco, received a Petition for Declaratory Statement filed by Alan J. Perlman, Esquire, on behalf of Superior Liquors, Inc., and assigned number DS2003-001. An Order dismissing the petition for failure to meet the requirements of the Uniform Rules in Administrative Code Rule 28-105.001 and Section 120.565(2), Florida Statutes, was entered by the Agency Clerk on April 2, 2003.

A copy of the Order may be obtained by writing Sarah Wachman, Agency Clerk, Department of Business and Professional Regulation, 1940 North Monroe Street, Tallahassee, Florida 32399-1020.

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NOTICE IS HEREBY GIVEN that the Division of Florida Land Sales, Condominiums, and Mobile Homes, Department of Business and Professional Regulation, State of Florida, received a petition for declaratory statement In Re: Petition for Declaratory Statement, Irwin Ross, Unit Owner, Palm Greens at Villa Del Ray, Petitioner, on April 2, 2003.

The Petitioner request a declaratory statement as to whether general correspondence from the association counsel is exempt from unit owner access under Section 718.111(12)(c)1., Florida Statutes.

A copy of the Petition for Declaratory Statement, Docket Number 2003052730, may be obtained by writing to the Agency Clerk, Department of Business and Professional Regulation, Division of Florida Land Sales, Condominiums, and Mobile Homes, 1940 North Monroe Street, Tallahassee, Florida 32399-2217. Please refer all comments to Janis Sue Richardson, Chief Assistant General Counsel, Department of Business and Professional Regulation, Division of Florida Land Sales, Condominiums, and Mobile Homes, 1940 North Monroe Street, Tallahassee, Florida 32399-2202.

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NOTICE IS HEREBY GIVEN that the Division of Florida Land Sales, Condominiums, and Mobile Homes, Department of Business and Professional Regulation, State of Florida, received a petition for declaratory statement In Re: Petition for Declaratory Statement, Sidney H. Firestone, Vice President, Palm Greens at Villa Del Ray No. 2 Condominium Association, Petitioner, on March 25, 2003.

The Petitioner request a declaratory statement as to whether a tape recording of an association board meeting is an "official record" open to unit owner inspection when the tape is an aid

to the association secretary in preparing the official minutes of the board meeting and not retained under section 718.111(12)(c)15., Florida Statutes, and Rule 61B-23.002(5)(b)6., Florida Administrative Code; and whether a master association may amend its bylaws to remove a requirement for approval by a majority of the board of directors of the member condominium associations for a material alteration and addition to the master association common areas.

A copy of the Petition for Declaratory Statement, Docket Number 2003053516, may be obtained by writing to the Agency Clerk, Department of Business and Professional Regulation, Division of Florida Land Sales, Condominiums, and Mobile Homes, 1940 North Monroe Street, Tallahassee, Florida 32399-2217. Please refer all comments to Janis Sue Richardson, Chief Assistant General Counsel, Department of Business and Professional Regulation, Division of Florida Land Sales, Condominiums, and Mobile Homes, 1940 North Monroe Street, Tallahassee, Florida 32399-2202.

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**DEPARTMENT OF FINANCIAL SERVICES**

NOTICE IS HEREBY given that the Office of Financial Institutions and Securities Regulation of the Department of Financial Services, has received a petition filed on March 27, 2003, pursuant to Section 120.565, Fla. Stat., from Albert Glen McNorton, a licensed Registered Representative of A.G. Edwards & Sons, Inc., for a declaratory statement regarding the application of Section 517.021(12)(b)2., Fla. Stat., and paragraph 3E-200.001(7)(c), F.A.C. Specifically, the petitioner has requested a declaratory statement concerning whether a Certified Public Accountant ("CPA") will fall under the definition of "Investment Adviser" for purposes of Section 517.021(12)(b)2., Fla. Stat. and paragraph 3E-200.001(7)(c), F.A.C., where an Investment Adviser ("IA") pays either a one time referral fee or an on-going fee to a CPA who refers clients to that IA under the following circumstances: (1) the IA provides fee-only services, unrelated to commission in any way; (2) the CPA may attend meetings with the client and provide information to the client regarding the general appropriateness of the recommendation as it relates to estate and income tax matters of the client; and (3) the CPA will have no input as to the types of securities to be purchased or provide any information to the client relating to securities.

The Petition for Declaratory Statement is being processed and is available for public inspection during normal business hours, 8:00 a.m. through 5:00 p.m., Monday through Friday, except legal holidays, at the Office of Financial Institutions and Securities Regulation, Department of Financial Services, Legal Services Office, 200 East Gaines Street, Larson Building, Tallahassee, Florida 32399-0333. Requests for copies or inspection should be made to James H. Harris, Attorney Supervisor, at the above address.

Those persons whose substantial interests may be determined by these proceedings, including settlements, grants and denials, are advised that they may intervene concerning this matter in accordance with the provisions of Rule 28-106.205, F.A.C. Petitions for leave to intervene should be in conformance with Rule 28-106.201 or 28-106.301, F.A.C., and shall also include allegations sufficient to demonstrate that the intervenor is entitled to participate in the proceeding as a matter of constitutional or statutory right or pursuant to agency rule, or that the substantial interests of the intervenor are subject to determination or will be affected through the proceeding. Original petitions and two copies shall be filed with the Clerk, Office of Financial Institutions and Securities Regulation, Department of Financial Services, Legal Services Office, 200 East Gaines Street, Tallahassee, Florida 32399-0333. The following statutory chapters and rule chapters directly govern proceedings before the Department: Chapter 120, Fla. Stat., and Chapter 28-106, F.A.C. In deference to the rights of substantially affected persons, the Department will not settle or otherwise reach a final resolution of these matters for a period of twenty-one (21) days from the date of this publication.

**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 CONSTRUCTION MANAGERS**

The University of South Florida announces that continuing construction management services are required for the following discipline: Construction Manager (Up to 3) (Tampa and Lakeland Campuses).

Projects included in the scope of this agreement will be specific projects for new construction, renovations, alterations, and/or additions that have a basic construction budget estimated to be \$1,000,000 or less, or studies for which the fee for services is \$100,000 or less. Individual projects that exceed \$100,000 will require performance and payment bonds. Continuing Service contracts for these projects provide that the construction manager will be available on an as-needed basis for the upcoming fiscal year, July 1, 2003 to June 30, 2004. Award of contract is for an initial period of one (1) year with an Owner’s option to renew for one (1) additional year. The construction managers receiving the award will not have an exclusive contract to perform services for these projects. The university may have additional continuing service construction managers under contract during the same time period. Continuing Service projects shall include projects that are negotiated individually with a specific construction manager and may include projects that are awarded based upon competitive proposals from the Continuing Service construction managers under contract.

Firms desiring to provide construction management services shall submit a letter of application and a completed “USF Construction Manager Qualifications Supplement” dated April 2003. Proposals must not exceed 80 pages, including the Construction Manager Qualifications Supplement and letter of application. Pages must be numbered consecutively. Submittals that do not comply with these requirements or do not include the requested data will not be considered. No submittal material will be returned.

Attach to each letter of application:

1. The "USF Construction Manager Qualifications Supplement" dated April 2003 completed by the applicant. Applications on any other form will not be considered.

2. A copy of the applicant's current Professional Registration Certificate from the appropriate governing board. An applicant must be properly registered at the time of application to practice its profession in the State of Florida. If the applicant is a corporation, it must be properly chartered by the Florida Department of State to operate in Florida.

All applicants must be licensed to practice as general contractors in the State of Florida at the time of application. Corporations must be registered to operate in the State of Florida by the Department of State, Division of Corporations, at the time of application. As required by Section 287.133, Florida Statutes, a construction management firm may not submit a proposal for this project if it is on the convicted vendor list for a public entity crime committed within the past 36 months. The selected construction management firm must warrant that it will neither utilize the services of, nor contract with, any supplier, subcontractor, or consultant in excess of \$25,000.00 in connection with this project for a period of 36 months from the date of placement on the convicted vendor list.

The USF Construction Manager Qualifications Supplement and Fact Sheet, which includes project information, may be obtained by contacting: Kathy Bennett, Contracts Administrator, Facilities Planning and Construction, University of South Florida, FPC110, 4202 East Fowler Avenue, Tampa, Florida 33620-7550, Phone (813)974-3098, (813)973-2625, or Fax (813)974-3542.

Interested firms are invited to and encouraged to attend a Pre-Submittal Meeting to be held at 2:00 p.m., Eastern Time, on Thursday, May 1, 2003, at the University of South Florida, Tampa Campus, Marshall Center Room 270, 4202 East Fowler Avenue, Tampa, Florida, to review the scope and requirements of this project. All interested firms are encouraged to attend. Requests for meetings by individual firms will not be granted.

It shall be noted that no verbal communication shall take place between the applicants and employees of the University of South Florida except as provided at the pre-submittal meeting, the pre-interview meeting and the request for the CMQS and Fact Sheet. Requests for any project information must be in writing to the above address.

Six (6) bound copies of the above required proposal data shall be submitted to: Joseph P. D'Azzo, R.A., Division Head for Quality Assurance, Facilities Planning and Construction, University of South Florida, FPC110, 4202 East Fowler Avenue, Tampa, Florida 33620-7550.

Submittals must be received at the above campus address (FPC110) by 2:00 p.m., Eastern Time, on Wednesday, May 21, 2003. Facsimile (FAX) submittals are not acceptable and will not be considered. The Selection Committee may reject all proposals and stop the selection process at any time.

#### NOTICE TO PROFESSIONAL CONSULTANTS

The University of South Florida announces that continuing professional services are required for the following discipline: Architecture (Minimum of 4) (Tampa and Lakeland campuses).

Projects included in the scope of this agreement will be specific projects for renovations, alterations, and additions that have a basic construction budget estimated to be \$1,000,000 or less, or studies for which the fee for professional services is \$100,000 or less. Continuing Service contracts for these projects provide that the consultant will be available on an as-needed basis for the upcoming fiscal year, July 1, 2003 to June 30, 2004. Award of contract is for an initial period of one (1) year with an Owner's option to renew for one (1) additional year. The consultant receiving the award will not have an exclusive contract to perform services for these projects. The university may have additional continuing service professionals under contract during the same time period.

Firms desiring to provide professional services shall submit a letter of interest specifying the discipline for which they are applying and a completed "USF Professional Qualifications Supplement" dated April 2003. Proposals must not exceed 40 pages, including the "Professional Qualifications Supplement" and letter of interest. Pages must be numbered consecutively. Submittals that do not comply with these requirements or do not include the requested data will not be considered. No submittal material will be returned.

Attach to each letter of interest:

1. The "USF Professional Qualifications Supplement," dated April 2003 completed by the applicant. Applications on any other form will not be considered.

2. A copy of the applicant's current Professional Registration Certificate from the appropriate governing board. An applicant must be properly registered at the time of application to practice its profession in the State of Florida. If the applicant is a corporation, it must be properly chartered by the Florida Department of State to operate in Florida.

Selection of finalists for interview will be made on the basis of professional qualifications, including experience and ability; past experience; design ability; volume of work; and distance from project.

The plans and specifications for University of South Florida projects are subject to reuse in accordance with the provisions of Section 287.055, Florida Statutes. As required by Section 287.133, Florida Statutes, a consultant may not submit a proposal for this project if it is on the convicted vendor list for a public entity crime committed within the past 36 months. The

selected consultant must warrant that it will neither utilize the services of, nor contract with, any supplier, subcontractor, or consultant in excess of \$25,000.00 in connection with this project for a period of 36 months from the date of their being placed on the convicted vendor list.

The "Professional Qualifications Supplement" and Project Fact Sheet which includes project information may be obtained by contacting: Kathy Bennett, Contracts Administrator, University of South Florida, Facilities Planning and Construction, 4202 East Fowler Avenue, FPC110, Tampa, Florida 33620-7550, Phone (813)974-3098, (813)974-2625, or Fax (813)974-3542.

All interested firms are invited and encouraged to attend a Pre-Submittal Meeting to be held at 2:00 p.m., Eastern Time, on Monday, May 5, 2003, at the University of South Florida, Tampa Campus, Marshall Center Room 270, 4202 East Fowler Avenue, Tampa, Florida, to review the scope and requirements of this project. All interested firms are encouraged to attend. Requests for meetings by individual firms will not be granted.

It shall be noted that no verbal communication shall take place between the applicants and the employees of University of South Florida except as provided at the pre-submittal meeting, the pre-interview meeting and the request for the PQS and Fact Sheet. Requests for any project information must be in writing to the above address.

Six (6) bound copies of the above required proposal data shall be submitted to: Ronald D. Hanke, RA, Acting Director and Division Head for Project Management, University of South Florida, Facilities Planning and Construction, 4202 East Fowler Avenue, FPC110, Tampa, Florida 33620-7550. Applications that do not comply with the above instructions may be disqualified. Application materials will not be returned. Submittals must be received at the above campus address (4202 East Fowler Avenue, FPC110, Tampa, FL) by 2:00 p.m., Eastern Time, on Friday, May 16, 2003. Facsimile (FAX) submittals are not acceptable and will not be considered. The Selection Committee may reject all proposals and stop the selection process at any time.

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#### CALL FOR BIDS

Made by the University of North Florida Board of Trustees, a public body corporate.

PROJECT: New UNF CDC Parking Facilities and Site Improvements – Phase 2

FOR: University of North Florida  
4567 St. Johns Bluff Road South  
Jacksonville, Florida 32224

PROJECT SCOPE: The work consists of constructing a new parking lot including clearing, earthwork, storm drainage, asphalt pavement, concrete sidewalks and curbs, pavement marking, roadway signing, lighting, landscaping, erosion control measures and incidental work.

QUALIFICATIONS: All bidders must be qualified at the time of bid opening in accordance with the Instructions to Bidders, Article B-2.

SEALED BIDS WILL BE RECEIVED:

DATE AND TIME: May 20, 2003 until 2:00 p.m., local time

PLACE: University of North Florida, Building 6, Training Room #1225, 4567 St. Johns Bluff Road, South, Jacksonville, Florida 32224, at which time and place they will be publicly opened and read aloud.

PROPOSAL: Bids must be submitted in full and in accordance with the requirements of the drawings and Project Manual which may be obtained or examined at the office of the:

ARCHITECT/ENGINEER: BHR, Inc.

Engineers – Planners – Landscape Architects – Surveyors  
1900 Corporate Square Boulevard

Jacksonville, Florida 32216

Telephone: (904)721-2991

Facsimile: (904)861-2450

MINORITY PROGRAM: Bidders are encouraged to utilize minority business enterprises certified by the Commission on Minority Economic and Business Development (formerly certification done by Department of Management Services).

PRE-SOLICITATION/PRE-BID MEETING: The bidder is required to attend the pre-solicitation/pre-bid meeting. Minority business enterprise firms are invited to attend to become familiar with the project specifications and to become acquainted with contractors interested in bidding the project. The meeting has been scheduled for:

DATE AND TIME: Tuesday, May 6, 2003, 2:00 p.m. local time

PLACE: University of North Florida, Building 6, Training Room #1225, 4567 St. Johns Bluff Road, South, Jacksonville, Florida 32224

BIDDING DOCUMENTS: Full sets of Bidding Documents may be examined at the Engineer's office and local plan rooms. Full sets may be purchased through the Engineer for \$100.00 per set for the printing and handling cost. NO REFUND WILL BE MADE FOR THESE DOCUMENTS.

PUBLIC ENTITY CRIMES: As required by Section 287.133, Florida Statutes, a contractor may not submit a bid for this project if it is on the convicted vendor list for a public entity crime committed within the past 36 months. The successful contractor must warrant that it will neither utilize the services of, nor contract with, any supplier, subcontractor, or consultant in excess of \$15,000.00 in connection with this project for a period of 36 months from the date of their being placed on the convicted vendor list.

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REQUEST FOR PROPOSALS

The School Board of Putnam County is requesting proposals for providing architectural/engineering services for the following project located at Palatka High School, 302 Mellon Road, Palatka, FL 32177:

Renovation and remodeling of classroom spaces according to the Putnam County School District approved facility list for high school spaces. Spaces that are currently utilizing a movable wall system will be changed to a permanent wall system. (Approx. 25,000 SF).

The scope of work includes, but is not limited to the complete design of the project, assisting in the selection of a construction manager-at-risk, and review and approval of the construction manager's guaranteed maximum price for construction.

Architectural firms interested in providing architectural and engineering services to the School Board are hereby notified that five (5) sealed proposals with the following required information will be received no later than 3:30 p.m. local time, May 2, 2003 at the District School Board Maintenance office, 124 West Louis Broer Road, East, Palatka, FL 32131, (386)329-0550:

- A. Letter of Interest.
- B. Federal Government Standard Forms 254 and 255 for architect-engineers.
- C. Certificates evidencing that insurance coverage for professional liability in limits not less than one million dollars (\$1,000,000).
- D. Copies of State of Florida Licensing Board Certificates for the firm.
- E. A sworn statement on public entity crime, as required by Section 287.133(3)(a), Florida Statutes.
- F. An organizational chart listing personnel and consultants proposed for this project.

The School Board may reject all applicants, may stop the selection process at any time, may reject any and all statement of qualifications, and reserves the right to waive any informalities in the selection process.

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>.

ADVERTISEMENT FOR BIDS

The School Board of Pinellas County, Florida will receive sealed bids in the Purchasing Department of the Walter Pownall Service Center, 11111 So. Belcher Road, Largo, Florida until 2:00 p.m. local time, on May 14, 2003, for the purpose of selecting a Contractor for supplying all labor, material, and ancillary services required for the construction of the following per the accompanying drawings and specifications:

Kitchen Piping Renovations – Bid #03-968-669  
St. Petersburg High School  
2501 5th Avenue No.  
St. Petersburg, FL 33713

Provide labor and materials to completely re-pipe the sanitary sewer, natural gas and domestic water piping in kitchen per plans and specifications. This project requires bonding.

A Pre-Bid Conference will be held at the project site on April 23, 2003 at 9:00 a.m. ATTENDANCE IS MANDATORY.

Public opening of the Bids will occur in the Purchasing Conference Room at the above address and all interested parties are invited to be present.

Plans and specifications are available at the office of:

Purchasing Department  
Walter Pownall Service Center  
11111 So. Belcher Road  
Largo, FL 33773

Bonding and insurance are required for this project. The Owner reserves the right to reject all bids.

BY ORDER OF THE SCHOOL BOARD OF PINELLAS COUNTY, FLORIDA

J. HOWARD HINESLEY SUPERINTENDENT OF SCHOOLS AND EX-OFFICIO SECRETARY TO THE SCHOOL BOARD	LINDA S. LERNER CHAIRMAN  MARK C. LINDEMANN DIRECTOR, PURCHASING
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Contractor Prequalification

The Duval County Public Schools has begun prequalifying all contractors who intend to submit bids for all construction projects exceeding \$200,000 and electrical projects exceeding \$50,000. All Contractors must be prequalified on or before May 31, 2003. No bids will be accepted from Contractors who are not prequalified with Duval County Public Schools after this date.

Prequalification forms and information may be obtained by contacting: Richard Beaudoin or Ronald A. Fagan at 1701 Prudential Dr., Jacksonville, FL 32207; Ph. (904)390-2358 or

(904)390-2922, Fax: (904)390-2265, Email: beaudoinr@educationcentral.org or faganr@educationcentral.org.

Invitation To Bid (ITB)  
For a  
General Contractor  
Building Contractor  
Mechanical Contractor  
(CG/CB/CM/CA)

Sealed bids will be received by Duval County Public Schools, Division of Facilities Services, Room 535, 1701 Prudential Drive, Jacksonville, FL 32207, until the time and date(s) recorded below and immediately thereafter publicly opened and recorded in the Duval County Public Schools, School Board Building, located at 1701 Prudential Drive, 5th Floor, Room 513D, Jacksonville, Florida.

BIDS ARE DUE ON OR BEFORE May 20, 2003  
AND WILL BE ACCEPTED UNTIL 2:00 P.M.

PROJECT TITLE: Replacement of Energy Management Control Systems (EMCS) at Frank H. Peterson Academy of Technology No. 280

DCPS PROJECT NO: M-88410

SCOPE OF WORK: Replace EMCS and HVAC at Frank H. Peterson Academy of Technology No. 280  
Budget Not To Exceed \$3,400,000

All contractors that are interested in bidding are required to attend a mandatory pre-bid conference to be held on May 1, 2003, 9:00 a.m., at Frank H. Peterson Academy of Technology No. 280, 7450 Wilson Boulevard, Jacksonville, Florida 32210. Failure to attend the pre-bid conference shall result in disqualification of that firm's proposal. Attendees will be required to sign an attendance register.

All bidders and subcontractors shall be licensed Contractors and registered corporations as required by the laws of the State of Florida.

The Duval County Public Schools has begun prequalifying all contractors who intend to submit bids for all construction projects exceeding \$200,000 and electrical projects exceeding \$50,000. All Contractors must be prequalified on or before May 31, 2003. No bids will be accepted from Contractors who are not prequalified with Duval County Public Schools after this date.

Prequalification forms and information may be obtained by contacting: Richard Beaudoin or Ronald A. Fagan at 1701 Prudential Dr., Jacksonville, FL 32207; Ph. (904)390-2358 or (904)390-2922, Fax (904)390-2265; mail:beaudoinr@educationcentral.orgorfaganr@educationcentral.org.

Contract documents for bidding may be obtained for a refundable fee of \$50.00 at the office of: Estrella Engineering, Inc., 1726 Kingsley Avenue, Suite 21, Orange Park, FL 32073  
DCSB Point of Contact: John McKean, Project Manager, (904)858-6310

Contract documents for bidding may be examined at:  
F.W. Dodge McGraw Hill Plan Room Construction Bulletin  
Construction Market Data, Inc. National Association  
of Minority  
Contractors

MBE Participation Goal: 15% Overall

The Bid Award Recommendation will be posted on the first floor bulletin board at the Duval County School Board Building, 1701 Prudential Drive, Jacksonville, Florida 32207-8182.

**METROPOLITAN PLANNING ORGANIZATIONS**

LEGAL NOTICE  
REQUEST FOR LETTERS OF INTEREST  
AND PROPOSALS

The Hernando County Metropolitan Planning Organization (MPO) is accepting proposals from qualified agencies or firms for the award of a contract to coordinate transportation services for the transportation disadvantaged in Hernando County, Florida. The Hernando County MPO will be administering the competitive procurement process. The selected contractor will be the designated Community Transportation Coordinator for the Transportation Disadvantaged Program, as authorized by Chapter 427, Florida Statutes, and more fully described in Chapter 41-2 of the Florida Administrative Code.

A PRE-PROPOSAL CONFERENCE WILL BE HELD MAY 16, 2003 AT THE HERNANDO COUNTY MPO CONFERENCE ROOM, 20 NORTH MAIN STREET, ROOM 261, BROOKSVILLE, FL 34601, AT 2:00 P.M. TO ANSWER QUESTIONS ABOUT THE RFP.

LETTERS OF INTEREST AND QUALIFICATIONS ARE DUE BY MAY 2, 2003 BY 5:00 P.M. PROPOSALS MUST BE RECEIVED BY 4:00 P.M., May 23, 2003, at the office of the Hernando County MPO. Five (5) copies of the technical and cost proposals must be submitted to: Hernando County MPO, ATTENTION: Steve Diez, Transportation Planner II, 20 N. Main Street, Room 262, Brooksville, Florida 34601. One of these copies must be a clean, single sided original that can be used to make additional copies. The outside of the envelope or box containing the Technical Proposal must be marked "TECHNICAL PROPOSAL FOR COMMUNITY TRANSPORTATION COORDINATOR." In addition to the Technical Proposal, an Annual Budget/Cost Proposal and a Fare Proposal must be submitted in a separate sealed envelope. This envelope shall be clearly marked, "ANNUAL BUDGET/COST PROPOSAL AND FARE PROPOSAL."

**FAXED AND ELECTRONICALLY MAILED RESPONSES WILL NOT BE ACCEPTED.**

The Hernando County MPO will not accept responsibility for proposals that are not marked and submitted in this manner. Proposals are to remain in effect for ninety (90) calendar days from date of submission. The Hernando County MPO reserves the right to reject any or all proposals, to waive any formality concerning proposals or negotiate changes to the proposals whenever such rejection or waiver or negotiation is in the best interest of the State and transportation disadvantaged.

The Hernando County MPO reserves the right to waive any informality in any proposal, to reject any or all proposals in whole or in part, with or without cause, and/or to accept the proposal that in its judgment will be in the best interest of the Hernando County MPO and its citizens. 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.

Hernando County Metropolitan Planning Organization  
/s/Steve Diez  
Transportation Planner

**DEPARTMENT OF ELDER AFFAIRS****INVITATION TO BID**

The Nassau County Council on Aging, Inc., 1367 South 18th Street, Fernandina Beach, FL 32034, invites organizations of qualified food service providers to enter a bid to cater approximately 15,784 congregate meals and 34,000 pre-packaged home delivered meals beginning June 1, 2003 through May 31, 2004 for the Title III-C1, Title III-C2, CCE, Medicaid Waiver, CCDA and Private pay clients in Nassau County. Total contract value is based on meals provided at two (2) congregate dining facilities (Eastside Senior Center at 1367 S. 18th Street, Fernandina Beach, Florida and Westside Senior Center, U. S. 1 and Ingham, Hilliard, Florida) Monday through Friday. Each meal must include one-third (1/3) or more RDA. Bid conditions and specifications will be available at the Eastside Senior Center, 1367 S. 18th Street, Fernandina Beach, FL 32034, phone (904)261-0701. Bids will be publicly opened and read aloud on Friday, May 16, 2003 at 4:00 p.m. at the Fernandina Beach Senior Center facility. We reserve the right to accept or reject any or all bids and or to accept the most advantageous to Nassau County Council on Aging, Inc., price and other factors considered. Awarding of the contract is based on the availability and continuation of funds for Grant year 2003-2004. Sealed bids will be accepted at the Nassau County Council on Aging, Inc., Eastside Senior Center until 3:00 p.m. Monday, May 12, 2003.

John A. Moses, Executive Director

**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](http://fcn.state.fl.us/owa_vbs/owa/vbs_www.main_menu).

Viewers may navigate to this URL via the State portal, [www.myflorida.com](http://www.myflorida.com); from the main page, drill down as follows: Business; Doing Business with the State; Vendor Bid System (VBS).

**DEPARTMENT OF ENVIRONMENTAL PROTECTION****BID NO. BDRS 54-02/03**

The Department of Environmental Protection, Division of Recreation and Parks, Bureau of Design and Recreation Services is soliciting formal competitive bids to construct 3.4 miles of 10 foot wide asphaltic concrete paved pedestrian trail, three timber bridges and multiple covered rest bench areas for the Woodpecker Trail near White Springs, Florida. Sealed bids will be received until 3:30 p.m., Tuesday, May 20, 2003. Minority businesses are encouraged to participate. The Department reserves the right to reject any or all bids. The full text of this notice is published on the Internet at the Department of Environmental Protection's home page at <http://www.dep.state.fl.us/> under the link or button titled "Official Notices."

**NAVIGATION DISTRICTS****REQUEST FOR PROPOSALS**

Notice is hereby given that the West Coast Inland Navigation District (WCIND) will be receiving sealed proposals at its office, 200 East Miami Avenue, Venice, FL 34285 for:

RFP #2003-01 – ENVIRONMENTAL/PROJECT MANAGEMENT CONSULTANT. WCIND is seeking professional experience in the areas of obtaining environmental permits and performing project management, including services during bidding, services during construction, review and analysis of plans, specifications and record drawings, and performance of feasibility studies. Additional services may include operational analysis, modeling and plan evaluation.

PROPOSAL DUE DATE: 1:00 p.m., May 2, 2003, 200 East Miami Avenue, Venice, FL 34285.

Proposal documents may be obtained by contacting WCIND at 200 East Miami Avenue, Venice, FL 34285 or by telephone at (941)485-9402. The proposal document (PDF format) can also



be downloaded from WCIND's website (wcind.net). If you have any questions, please call Charles Listowski, Executive Director, at (941)485-9402.

**TAMPA BAY WORKFORCE ALLIANCE**

Notice of Request for Proposal

RFP Document Number: 10-2003

Title: Workforce Management Services

Description: The Tampa Bay Workforce Alliance, Inc. is issuing this Request for Proposal (RFP) to solicit agencies with the expertise and capacity to design, administer and deliver various Workforce Management services in Hillsborough County. Complete RFP available at website workforcetampa.com.

Issue Date: April 1, 2003

Submittal Deadline: May 12, 2003

Contact: Man M. Le, Director of Procurement, 9250 Bay Plaza Blvd., Suite 320, Tampa, FL 33619, (813)744-5547, ext. 238; (813)744-5764 fax.

Notice of Request for Proposal

RFP Document Number: 11-2003

Title: Employer Services

Description: The Tampa Bay Workforce Alliance, Inc. is issuing this Request for Proposal (RFP) to solicit agencies with the expertise and capacity to design, administer and deliver various Employer Services in Hillsborough County.

Complete RFP available at website workforcetampa.com.

Issue Date: April 1, 2003

Submittal Deadline: May 12, 2003

Contact: Man M. Le, Director of Procurement, 9250 Bay Plaza Blvd., Suite 320, Tampa, FL 33619, (813)744-5547 ext. 238, (813)744-5764 fax.

**Section XII  
Miscellaneous**

**DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES**

**NOTICE OF ACCEPTANCE OF APPLICATIONS  
ENDANGERED AND THREATENED NATIVE FLORA  
GRANTS PROGRAM**

The Florida Department of Agriculture and Consumer Services, Division of Plant Industry announces that it is once again soliciting applications for the Endangered and Threatened Native Flora Grants Program.

Grants may be awarded for activities which provide recognition of those native flora to the state that are endangered and threatened; and activities that encourage,

within a controlled program, the protection, curation, propagation, reintroduction and monitoring of native flora that are identified as endangered or threatened.

Who is eligible to apply? By law, a qualified corporation is a not-for-profit corporation pursuant to s. 501(c)(3) of the Internal Revenue Code of 1954, and which is described in, and allowed to receive contributions pursuant to the provisions of, s. 170 of the Internal Revenue Code of 1954, and which is a corporation not for profit incorporated pursuant to Chapter 617, Florida Statutes, and which can demonstrate, based on program criteria, the ability to protect, conserve, propagate, reintroduce and monitor endangered and threatened native flora.

If the projects receive legislative approval, funds will become available after July 1, 2004. The deadline for filing applications is July 31, 2003 and applications must be delivered to the Division of Plant Industry's Plant Inspection office by 5:00 p.m. on that date or be clearly postmarked on or before that date.

Further information and an application may be obtained from Mr. Dan Phelps, Division of Plant Industry, Bureau of Plant and Apiary Inspection, P. O. Box 147100, Gainesville, Florida 32614-7100 or (352)372-3505 Ext. 162, or Fax (352)955-2301, or E-mail: phelpsd@doacs.state.fl.us

**DEPARTMENT OF EDUCATION**

**DRIVE-IN FUNDING OPPORTUNITIES FOR  
2003-2004 WORKSHOPS**

If you have questions or need assistance, plan to attend one of the Office of Grants Administration Drive-In Workshops. There is no registration fee, but due to room sizes, pre-registration is required. To register, please fax Locester Presha at (850)487-6259 or email her at: Locester.Presha@fldoe.org. For additional information, contact your regional director (see map) or Office of Grants Administration Director, Gloria Spradley-Brown at (850)487-1594 or email Gloria.Spradley@fldoe.org.

April 24 Florida Community College at  
9:00 a.m. – 1:00 p.m. Jacksonville  
Advanced Technology Center,  
Room 140  
401 West State Street  
Jacksonville, Florida 32202

April 25  
9:00 a.m. – 1:00 p.m. Valencia Community College,  
West Campus  
1800 S. Kirkman Road  
Building 6, Room 202  
Orlando, Florida 32802

May 1 Miami-Dade Community College,  
North (Room TBA)

9:00 a.m. – 1:00 p.m. 11380 N.W. 27th Avenue  
Miami, Florida 33167

May 2 Manatee Technical Center, Health  
Occupations Building

9:00 a.m. – 1:00 p.m. 5520 Lakewood Ranch Boulevard  
Bradenton, Florida 34211

May 5 Okaloosa Applied Technology Center

9:00 a.m. – 1:00 p.m. 1976 Lewis Turner Boulevard  
Fort Walton, Florida 32547

**DEPARTMENT OF COMMUNITY AFFAIRS**

**NOTICE OF APPROVAL FOR  
FLORIDA FOREVER FUNDS**

The Florida Communities Trust (“Trust”) reviewed and approved project plans for land acquisition projects submitted under the Florida Forever Program, Series FF1 funding cycle. The project plans listed below were approved by the Executive Director under authority delegated from the governing body. The Executive Director is authorized to execute the agreements for acquisition of the project site and all other documents necessary to close the project and that funds be released as follows:

- Project: 01-026-FF1/South County Regional Park  
Grantee: Charlotte County  
Amount of Approved Funds: the lesser of 40.00% of the final total project costs or \$208,912.00
- Project: 01-029-FF1/Eagle Nest Park  
Grantee: City of Orlando  
Amount of Approved Funds: the lesser of 50.00% of the final total project costs or \$615,438.99
- Project: 01-120-FF1/Jacksonville-Baldwin Rails to Trails  
Grantee: City of Jacksonville  
Amount of Approved Funds: the lesser of 40.00% of the final total project costs or \$2,054,000.00

**NOTICE OF ADMINISTRATIVE HEARING RIGHTS**

Any person with substantial interests that are or may be determined by the approval of funds for projects by the Trust has a right to an informal administrative proceeding pursuant to Section 120.57(2), F.S., if the person does not dispute issues of material fact raised by this decision. If an informal proceeding is held, the petitioner will have the opportunity to be represented by counsel, to present to the agency written or oral evidence in opposition to the Trust action, or to present a written statement challenging the legal grounds upon which the Trust is justifying its actions.

Alternatively, any person with substantial interests that are or may be determined by the approval of funds for projects by the Trust has a right to a formal administrative hearing pursuant to Section 120.57(1), F.S., if the person disputes any issues of material fact stated in this decision. At a formal hearing the petitioner may be represented by counsel, and will

have the opportunity to present evidence and argument on all the issues involved, to conduct cross-examination and submit rebuttal evidence, to submit proposed findings of fact and orders, and to file exceptions to any order or hearing officer’s recommended order.

If a person with a substantial interest desires either an informal proceeding or a formal hearing, the person must file with the Trust Clerk a written response or pleading entitled “Petition for Administrative Proceedings” within 21 calendar days of the publication date of this notice of final agency action. The petition must be in the form required by Rule 18-106.201, F.A.C. A petition is filed when it is received by the Trust Clerk at 2555 Shumard Oak Boulevard, Tallahassee, FL 32399-2100. A petition must specifically request an informal proceeding or a formal hearing, it must admit or deny each material fact contained in this decision, and it must state any defenses upon which the petitioner relies. If the petitioner lacks knowledge of a particular allegation of fact, it must so state and that statement will operate as a denial.

Any person with substantial interests that are or may be determined by the approval of funds for projects by the Trust waives the right to an informal proceeding or a formal hearing if a Petition for Administrative Proceeding is not filed with the Trust Clerk within 21 days of the date of publication of the notice of final agency action.

**DEPARTMENT OF HIGHWAY SAFETY AND MOTOR VEHICLES**

**Notice of Publication for a New Point  
Franchise Motor Vehicle Dealer in a County of Less  
than 300,000 Population**

Pursuant to Section 320.642, Florida Statutes, notice is given that Orange County Choppers, Inc., intends to allow the establishment of House of Thunder Motorcycles, as a dealership for the sale of Orange County Choppers at 2631 Gulf Breeze Parkway, Gulf Breeze, (Santa Rosa County), Florida, 32561 on or after February 5, 2003.

The name and address of the dealer operator(s) and principal investor(s) of House of Thunder Motorcycles are dealer operator(s): Russell B. Maggio, 211 Sabine Dr., Pensacola Beach, FL 32561, principal investor(s): Rodney L. Robello, 2654 Settlers Colony, Gulf Breeze, FL 32561, George C. Breckenridge, 783 Archer Road, Cantonment, FL 32533 and Chad K. Robello, 1900 Jordan Street, Pensacola, FL 32501.

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: Paul Teutul, President, Orange County Choppers, Inc., 27 Stone Castle Road, Rock Tavern, NY 12575.

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, Lafayette County Car Company, LLC, intends to allow the establishment of Custom Carriages, as a dealership for the sale of Lafayette County Car Company, LLC Neighborhood Electric vehicles, at 18754 E. Colonial Drive, Orlando, (Orange County), Florida 32820, on or after April 2, 2003.

The name and address of the dealer operator(s) and principal investor(s) of Custom Carriages, are dealer operator(s) and principal investor(s): Roger Brownell, 18754 E. Colonial Drive, Orlando, FL 32820.

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: Bruce Bellington, Manager, Lafayette County Car Company, LLC Neighborhood Electric, One Action Avenue, P.O. Box 140, Odessa, MO 64076.

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, Pitbull Motorsports intends to allow the establishment of Nations Truck and SUV Center, as a dealership for the sale of Pitbull Prostreets and Pitbull choppers at 4165 N. Hwy. 17-92, Sanford, (Seminole County), Florida 32773, on or after January 1, 2003.

The name and address of the dealer operator(s) and principal investor(s) of Nations Truck and SUV Center, are dealer operator(s): Derik Mackenney, 4165 N. Hwy. 17-92, Sanford, FL 32773, principal investor(s): James Mackenney, Derik Mackenney and Brenda Mackenney, 4165 N. Hwy. 17-92, Sanford, FL 32773.

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: Mark Evans, President, Pitbull Motorsports, 2620 N. OBT, Orlando, FL 32804.

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, Buell Distribution Corporation, an affiliate of Harley-Davidson Motor Company, intends to allow the establishment of Gulf

Coast Harley-Davidson, Inc., as a dealership for the sale of Buell motorcycles, at 5817 State Road 54, New Port Richey, (Pasco County), Florida 34652, on or after April 8, 2003.

The name and address of the dealer operator(s) and principal investor(s) of Gulf Coast Harley-Davidson, Inc. are dealer operator(s) and principal investor(s): Preston Farior, 2907 Villa Rosa, Tampa, FL 33611, James Ferman, Jr., 1814 Richardson Place, Tampa, FL 33609, Stephen Straske, II, 3302 Mullen Avenue, Tampa, FL 33609 and J. Rex Farior, III, 42 Ladoga, Tampa, FL 33606.

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: Anne Redzinski, Regional Dealer Development Rep., Buell Distribution Corporation, an affiliate of Harley-Davidson Motor Company, 3700 West Juneau Ave., P.O. Box 653, Milwaukee, WI 53201.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

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Notice of Publication for the Relocation of a  
Franchise Motor Vehicle Dealer in a County of More  
than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, notice is given that Kawasaki Motors Corp., U.S.A., intends to allow the relocation of J.P. Cycles, Inc. d/b/a Seminole Powersports, as a dealership for the sale of Kawasaki motor vehicles, from its present location at 3401 North Highway 17-92, Longwood, FL 32750, to a proposed location at 1200 Rinehart Road, Sanford, (Seminole County), Florida 32771, on or after June 1, 2003.

The name and address of the dealer operator(s) and principal investor(s) of J.P. Cycles, Inc. d/b/a Seminole Powersports are dealer operator(s): Kirby Mullins, 521 Lanyard Lane, DeBary, FL 32713; principal investor(s): Stephen Parks, 1857 Alaquia Dr., Longwood, FL 32779.

The notice indicates intent to relocate the franchise in a county of more than 300,000 population, according to the latest population estimates of the University of Florida, Bureau of Economic and Business Research.

Certain dealerships of the same line-make may have standing, pursuant to Section 320.642, Florida Statutes, as amended by Chapter 88-395, Laws of Florida, to file a petition or complaint protesting the application.

Written petitions or complaints must be received by the Department of Highway Safety and Motor Vehicles within 30 days of the date of publication of this notice and must be submitted to: Mr. Ronald D. Reynolds, Administrator, Dealer License Section, Department of Highway Safety and Motor Vehicles, Room A-312, Neil Kirkman Building, 2900 Apalachee Parkway, Tallahassee, Florida 32399-0635.

A copy of such petition or complaint must also be sent by US Mail to: Jim Capps, Regional Sales Manager, Kawasaki Motors Corp., U.S.A., 6110 Boat Rock Blvd., S.W., Atlanta, GA 30378.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the relocation of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

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Notice of Publication for a New Point  
Franchise Motor Vehicle Dealer in a County of More  
than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, BMW of North America, LLC, intends to allow the establishment of Ft. Lauderdale Lincoln Mercury, Inc. d/b/a Lauderdale Imports, Ltd., as a sales and service location for the sale of BMW motor vehicles, at 14800 Sheridan Street, Pembroke Pines, (Broward County), Florida 33330, on or after June 30, 2003.

The name and address of the dealer operator(s) and principal investor(s) of Ft. Lauderdale Lincoln Mercury, Inc. d/b/a Lauderdale Imports, Ltd. are dealer operator(s): Glenn Gardner, 7380 NW 4th Street, #201, Plantation, FL 33317; principal investor(s): Holman Family Limited Partnership, Joseph and Jean Holman, 350 Station Avenue, Haddonfield, NJ 08033 and Katherine Mullin, 757 Paddock Path, Moorestown, NJ 08057.

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: Edward Huzyak, Business Development Manager, BMW of North America, LLC, 1280 Hightower Trail, Atlanta, GA 30350.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the 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 Motorcycles & Sidecars, Inc., intends to allow the establishment of C & D Golfcarts, Inc., as a dealership for the sale of TN'G scooters and Flying Tiger Motorcycles, at 116 South Park Ave., Titusville, (Brevard County), Florida 32796, on or after May 7, 2003.

The name and address of the dealer operator(s) and principal investor(s) of C & D Golfcarts, Inc. are dealer operator(s): Terry J. Crocker, 116 S. Park Ave., Titusville, FL 32796; principal investor(s): Terry J. Crocker, 116 S. Park Ave., Titusville, FL 32796 and Virginia Wright, 1562 Pentax Ave., Titusville, FL 32796.

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: Tomas Lynott, President, Classic Motorcycles & Sidecars, Inc., 8146 304th Ave. S. E., Preston, WA 98050.

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.

**AGENCY FOR HEALTH CARE ADMINISTRATION**

NOTICE OF LITIGATION

The Agency for Health Care Administration has received the following petitions for administrative hearings as of the close of business on April 4, 2003, concerning certificate of need decisions. A brief description of these projects is listed below. Resolution of these requests for hearings by way of a grant or denial of their certificate of need at issue will determine substantial interest of person. Those persons whose substantial interest may be determined by these proceedings including settlements, grants, and denials are advised to govern themselves accordingly and may wish to exercise rights including intervention. See Chapter 120, F.S., as well as Section 28-5.111 and 28-5.207, F.A.C. In deference to rights of substantially affected person, AHCA will not settle or otherwise reach a final resolution of these matters for a period of 30 days from the date of the publication.

- | CON# | INITIAL DECISION, PROJECT, CTY, APPLICANT, PARTY REQUEST HEARING (PRH)   |
|------|--|
| 9623 | Denial, establish a 6 bed Level III neonatal intensive care unit, Dade County, Variety Children's Hospital, Inc. d/b/a Miami Children's Hospital, (PRH) same as applicant                              |
| 9627 | Denial, establish an adult open heart surgery program, Pineals County, Trustees of Mease Hospital, Inc. d/b/a Mease Hospital – Countryside, (PRH) same as applicant                                    |
| 9629 | Denial, establish an adult open heart surgery program, Pineals County, Tarpon Springs Hospital Foundation, Inc. d/b/a Helen Ellis Memorial Hospital, (PRH) same as applicant                           |
| 9631 | Denial, addition of 20-community nursing home beds, Pineals County, Fountains Senior Properties of Florida, Inc. d/b/a The Springs AT Boca Ciega Bay, (PRH) same as applicant                          |
| 9632 | Denial, addition of 10 nursing home beds, Senior Living Centers, Inc. d/b/a College Harbor Retirement Community, (PRH) same as applicant   |
| 9633 | Denial, establish an adult open heart surgery program, Polk County, Haines City H.M.A., Inc. d/b/a Heart of Florida Regional Medical Center, (PRH) same as applicant                                   |
| 9634 | Approval, establish an open heart surgery program, Polk County, Winter Haven Hospital, Inc. d/b/a Winter Haven Hospital, (PRH) Haines City H.M.A., Inc. d/b/a Heart of Florida Regional Medical Center |

- 9634 Approval, establish an adult open heart surgery program, Polk County, Winter Haven Hospital, Inc. d/b/a Winter Haven Hospital, (PRH) Lakeland Regional Medical Center, Inc. d/b/a Lakeland Regional Medical Center
- 9635 Denial, establish a 120 bed skilled nursing facility, Hillsborough County, TR & SNF, Inc., a not-for-profit corporation, (PRH) same as applicant
- 9637 Approval, establish a new pediatric cardiac catheterization program, Orange County, Adventist Health System Sunbelt, Inc. d/b/a Florida Hospital, (PRH) Orlando Regional Healthcare System, Inc.
- 9638 Approval, establish a new pediatric cardiac catheterization program, Orange County, Adventist Health System Sunbelt, Inc. d/b/a Florida Hospital, (PRH) Orlando Regional Healthcare System, Inc.
- 9640 Approval, establish an adult open heart surgery program, Dade County, Miami Beach Healthcare Group, Ltd d/b/a Aventura Hospital and medical Center, (PRH) Lifemark Hospitals of Florida, Inc. d/b/a Palmetto General Hospital
- 9640 Approval, establish an adult open heart surgery program, Dade County, Miami Beach Healthcare Group, Ltd d/b/a Aventura Hospital and medical Center, (PRH) Mercy Hospital, Inc.
- 9641 Denial, establish an adult open heart surgery program, Made County, Lifemark Hospitals of Florida, Inc. d/b/a Palmetto General Hospital, (PRH) same as applicant

**CERTIFICATE OF NEED  
EXEMPTIONS**

The Agency For Health Care Administration authorized the following exemptions pursuant to Section 408.036(3), Florida Statutes:

County: Duval District: 4  
 ID #: 0200040 Decision: A Issue Date: 3/21/2003  
 Facility/Project: St. Vincent's Medical Center  
 Applicant: St. Vincent's Medical Center, Inc.  
 Project Description: Convert 34 hospital-based skilled nursing unit beds 34 acute care beds  
 Proposed Project Cost: \$0

**DEPARTMENT OF HEALTH**

On April 2, 2003, John O. Agwunobi, M.D., M.B.A., Secretary of the Department of Health, issued an Order of Emergency Restriction with regard to the license of George Kubski, M.D., license number ME 38198. This Emergency Restriction 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.

**DEPARTMENT OF FINANCIAL SERVICES**

**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 application. 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 Rule 3C-105.100, Florida Administrative Code. Petition must be received by the Clerk within twenty-one (21) days of publication of this notice (by 5:00 p.m., May 9, 2003):

**APPLICATION TO MERGE**

Constituent Institutions: Gaylord Employees Tampa Federal Credit Union, Seffner, Florida and Railroad & Industrial Credit Union, Tampa, Florida  
 Resulting Institution: Railroad & Industrial Credit Union  
 Received: April 3, 2003

The Office of Financial Institutions and Securities Regulation has received a request by a credit union to expand its field of membership. Specific information regarding the expansion can be found at [http://www.dbf.state.fl.us/banking/cu\\_expansion.html](http://www.dbf.state.fl.us/banking/cu_expansion.html).

Name and Address of Applicant: FOCUS Credit Union, 303 East Washington Street, Chattahoochee, Florida 32324  
 Expansion Includes: Employees of three select employer groups located in Leon County.  
 Received: April 2, 2003

**Section XIII**  
**Index to Rules Filed During Preceding Week**

**INDEX TO RULES FILED  
DURING PRECEDING WEEK  
RULES FILED BETWEEN March 31, 2003  
and April 4, 2003**

Rule No.	File Date	Effective Date	Proposed Vol./No.	Amended Vol./No.
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**DEPARTMENT OF EDUCATION  
State Board of Education**

6A-3.0171	4/1/03	4/21/03	29/7	
6A-3.0291	4/1/03	4/21/03	29/7	

**Florida State University**

6C2-2.025	4/1/03	4/21/03	Newspaper	
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**University of Central Florida**

6C7-2.001	4/3/03	4/23/03	Newspaper	
6C7-2.0121	4/3/03	4/23/03	Newspaper	
6C7-2.027	4/3/03	4/23/03	Newspaper	
6C7-2.031	4/3/03	4/23/03	Newspaper	
6C7-3.010	4/3/03	4/23/03	Newspaper	
6C7-3.0121	4/3/03	4/23/03	Newspaper	
6C7-3.0122	4/3/03	4/23/03	Newspaper	
6C7-3.0123	4/3/03	4/23/03	Newspaper	
6C7-3.0133	4/3/03	4/23/03	Newspaper	
6C7-3.0134	4/3/03	4/23/03	Newspaper	
6C7-3.014	4/3/03	4/23/03	Newspaper	
6C7-3.018	4/3/03	4/23/03	Newspaper	
6C7-3.0191	4/3/03	4/23/03	Newspaper	
6C7-3.0262	4/3/03	4/23/03	Newspaper	
6C7-5.0021	4/3/03	4/23/03	Newspaper	
6C7-5.003	4/3/03	4/23/03	Newspaper	
6C7-5.0041	4/3/03	4/23/03	Newspaper	
6C7-5.0042	4/3/03	4/23/03	Newspaper	
6C7-5.0043	4/3/03	4/23/03	Newspaper	
6C7-7.130	4/3/03	4/23/03	Newspaper	

**DEPARTMENT OF COMMUNITY AFFAIRS  
Division of Housing and Community Development**

9B-3.047	3/31/03	6/30/03	28/46	29/2
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**DEPARTMENT OF CITRUS**

20-2.002	4/2/03	4/22/03	29/1	29/10
20-2.003	4/2/03	4/22/03	29/1	29/10
20-39.017	4/2/03	4/22/03	29/1	29/10

Rule No.	File Date	Effective Date	Proposed Vol./No.	Amended Vol./No.
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**METROPOLITAN PLANNING ORGANIZATIONS  
Orlando Urban Area**

35I-1.009	4/2/03	4/22/03	29/2	
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**DEPARTMENT OF THE LOTTERY**

53-16.009	4/1/03	4/21/03	29/7	
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**AGENCY FOR HEALTH CARE ADMINISTRATION  
Medicaid Program Office**

59G-11.001	4/4/03	4/24/03	29/1	
59G-11.002	4/4/03	4/24/03	29/1	
59G-11.003	4/4/03	4/24/03	29/1	29/10
59G-11.004	4/4/03	4/24/03	29/1	

**DEPARTMENT OF MANAGEMENT SERVICES  
Agency for Workforce Innovation**

60BB-4.100	4/1/03	4/21/03	28/34	29/9
60BB-4.200	4/1/03	4/21/03	28/34	29/9
60BB-4.201	4/1/03	4/21/03	28/34	29/9
60BB-4.202	4/1/03	4/21/03	28/34	29/9
60BB-4.203	4/1/03	4/21/03	28/34	29/9
60BB-4.204	4/1/03	4/21/03	28/34	29/9
60BB-4.205	4/1/03	4/21/03	28/34	29/9
60BB-4.206	4/1/03	4/21/03	28/34	29/9
60BB-4.207	4/1/03	4/21/03	28/34	29/9
60BB-4.208	4/1/03	4/21/03	28/34	29/9
60BB-4.209	4/1/03	4/21/03	28/34	29/9
60BB-4.210	4/1/03	4/21/03	28/34	29/9
60BB-4.300	4/1/03	4/21/03	28/34	29/9

**DEPARTMENT OF ENVIRONMENTAL PROTECTION**

62-621.300	4/1/03	5/1/03	29/9	
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**DEPARTMENT OF HEALTH  
Board of Dentistry**

64B5-16.005	4/2/03	4/22/03	29/7	
64B5-17.002	4/2/03	4/22/03	29/7	

**Board of Opticianry**

64B12-15.003	4/3/03	4/23/03	28/45	29/10
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**FISH AND WILDLIFE CONSERVATION  
COMMISSION**

**Marine Fisheries**

68B-33.0034	4/2/03	4/2/03	29/9	
68B-33.004	4/2/03	4/2/03	29/9	
68B-33.005	4/2/03	4/2/03	29/9	