

Section I

Notices of Development of Proposed Rules
and Negotiated Rulemaking**DEPARTMENT OF STATE****Division of Library and Information Services**

RULE TITLE:

Library Grant Programs

RULE NO.:

1B-2.011

PURPOSE AND EFFECT: The purpose of this amendment is to modify application and administrative guidelines for the State Aid to Libraries grant program. The changes are being made to reflect revisions to Chapter 257, Florida Statutes, regarding program eligibility and grant requirements. Guidelines for this grant program are outlined in the application packet that contains information on eligibility requirements, application and review procedures, grant administration procedures and application forms.

SUBJECT AREA TO BE ADDRESSED: Guidelines for the State Aid to Libraries grant program administered by the Division of Library and Information Services.

SPECIFIC AUTHORITY: 257.14-.25 FS.

LAW IMPLEMENTED: 257.15-.25 FS.

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

TIME AND DATE: 10:00 a.m., Wednesday, July 9, 2003

PLACE: Third Floor Training Room, Division of Library and Information Services, R. A. Gray Building, 500 South Bronough Street, Tallahassee, FL

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT, IF AVAILABLE, IS: Judith Ring, Director, Division of Library and Information Services, R. A. Gray Building, 500 South Bronough Street, Tallahassee, FL 32399-0250, (850)245-6600, Suncom 205-2600

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

DEPARTMENT OF INSURANCE**Division of Workers' Compensation**

RULE TITLE:

Florida Workers' Compensation Health Care
Provider Reimbursement Manual

RULE NO.:

4L-7.020

PURPOSE AND EFFECT: To amend Rule 4L-7.020, F.A.C., to adopt the new version on the Florida Workers' Compensation Health Care Provider Reimbursement Manual 2003 Edition.

SUBJECT AREA TO BE ADDRESSED: The 2003 Edition of the Florida Workers' Compensation Health Care Provider Reimbursement Manual.

SPECIFIC AUTHORITY: 440.13(7),(8),(11)-(14), 440.591 FS.

LAW IMPLEMENTED: 440.13(6)-(8),(11)-(14) FS.

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

TIME AND DATE: 9:30 a.m., Tuesday, July 15, 2003

PLACE: Room 143, Larson Building, 200 East Gaines Street, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Don Davis, Division of Workers' Compensation, Office of Data Quality and Collection, Department of Insurance, 200 East Gaines Street, Tallahassee, Florida 32399-0316, (850)922-4480

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 PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

4L-7.020 Florida Workers' Compensation Health Care Provider ~~Fee for Service~~ Reimbursement Manual.

(1) The Florida Workers' Compensation Health Care Provider ~~Fee for Service~~ Reimbursement Manual, 2003 ~~2002~~ Edition, is adopted by reference as part of this rule. The manual contains reimbursement policies, guidelines, codes and maximum reimbursement allowances for medical physician services, non-physician services, pharmaceutical and medical supplies, provided by health care providers as well as basic instructions and information for all providers and insurance carriers in the preparation and reimbursement of bills for medical services. The manual provides reimbursement policies and payment methodologies for pharmacists and medical suppliers. The Florida Workers' Compensation Health Care Provider ~~Fee for Service~~ Reimbursement Manual, 2003 ~~2002~~ Edition, is available for inspection during normal business hours at the State of Florida Department of Insurance, Division of Workers' Compensation, Document Processing Section Center, 200 East Gaines Street, Tallahassee, Florida 32399-0311 4230, or via the Department's Division's web site at <http://www.fldfs.com> ~~<http://www2.myflorida.com/les/we/>~~.

(2) The Physicians' Current Procedural Terminology (CPT®), Fourth Edition, Copyright 2002 ~~2001~~, American Medical Association (cover states "Current Procedural Terminology CPT® 2003 ~~2002~~, Standard Edition"), the Current Dental Terminology (CDT-43), Fourth Third Edition, Copyright 2002 ~~1999~~, American Dental Association (cover states "Current Dental Terminology (CDT-43), Version 2000"); and 2002 HCPCS 2003 Level II Professional (HCPCS), ~~2002 HCPCS 2003 Level II Professional (HCPCS)~~,

- (b) 40 percent crude fiber, maximum;
- (c) 1.5 percent phosphorus, minimum;
- (d) 2.0 percent calcium, minimum;

(3) Production and Testing Requirements.

The product is processed by drying, ensiling, composting, physical and chemical fractionation, or other methods to produce an ingredient meeting the following requirements:

(a) Salmonella – Less than 30 percent of 10 random samples of 100 grams each from one day's production run or other identifiable separate unit of the ingredient shall be positive for Salmonella when analyzed in accordance with AOAC or FDA "BAM" (Bacteriological Analytical Manual) methods.

(b) Mycotoxins – 10 random 2 kilogram samples from one day's production run or other identifiable separate unit of the ingredient shall be blended together and analyzed by AOAC methods. No more than 20 ppb aflatoxins shall be present.

(c) Heavy Metals – 10 random 25 gram samples from one day's production run or other identifiable separate unit of the ingredient shall be blended together and analyzed for mercury, lead, copper, cadmium, arsenic, and fluorine by AOAC methods or other applicable validated methods. Results of such analyses shall be recorded and submitted to the department, and kept as permanent records. The manufacturer or producer is required to submit the initial sequential testing results for heavy metals and annual analyses of the same to the department. These analytical data will be evaluated to assess changes in heavy metal(s) resulting from the recycling process. When necessary, limitations for heavy metals will be established if experience demonstrates that such limitations are required to assure the safety of the ingredient.

(d) Feed Medications

1. The manufacturer of the ingredient shall obtain, and maintain on a current basis, a list of the drugs used in the animals from which the waste material used as a source of the ingredient is obtained.

2. 10 random samples of 100 grams from one production run of the ingredient blended together shall be analyzed for residues of the drugs listed by the manufacturer under paragraph (3)(d)1. above. If no such list is maintained, each of the drugs listed in sub-subparagraph (3)(d)3.b. shall be analyzed for by AOAC methods or other appropriate analytical procedures. As necessary, the manufacturer or producer of the ingredient shall develop a practical method to determine the amount of drug residue(s) in the ingredient.

3. The ingredient may be marketed for the following uses:

a. If there is no detectable residue of any drug, the ingredient may be fed to all species of livestock and poultry without a withdrawal period.

b. If there is a detectable residue of any drug(s), and the level of the drug in the ingredient is no greater than the use level shown in the table below, the ingredient may be fed to all species of livestock and poultry except that it (i) Shall not be used within 15 days of slaughter; and

(ii) Shall not be used 15 days prior to or during the food production of dairy animals and laying hens.

Drug in the Processed Maximum Level of Drug Animal Waste Permitted in Processed Animal Waste (grams/ton)

<u>Aklomide</u>	<u>220</u>
<u>Amprolium</u>	<u>36</u>
<u>Arsanilic Acid or Sodium Arsanilate</u>	<u>45</u>
<u>Bacitraci</u>	<u>3</u>
<u>Bacitracin Methylene Disalicylate</u>	<u>4</u>
<u>Butynorate</u>	<u>180</u>
<u>Zinc</u>	<u>3</u>
<u>Buquinolat</u>	<u>75</u>
<u>Carbarson</u>	<u>220</u>
<u>Chlortetracyclin</u>	<u>10</u>
<u>Clopidol</u>	<u>110</u>
<u>Coumaphos</u>	<u>0.9</u>
<u>Decoquinat</u>	<u>27</u>
<u>Dichlorvo</u>	<u>350</u>
<u>Dimetridazol</u>	<u>130</u>
<u>Erythromycin</u>	<u>4</u>
<u>Ethopabate</u>	<u>3.5</u>
<u>Hygromcycin B</u>	<u>8</u>
<u>Ipronidazole</u>	<u>57</u>
<u>Levamisole Hydrochloride</u>	<u>720</u>
<u>Lincomycin</u>	<u>2</u>
<u>Melengestrol Acetate</u>	<u>0.025</u>
<u>Monensin Sodium</u>	<u>90</u>
<u>Nequinat</u>	<u>18</u>
<u>Nicarbazi</u>	<u>90</u>
<u>Nihydrazon</u>	<u>100</u>
<u>Nitarson</u>	<u>170</u>
<u>Nitromid</u>	<u>220</u>
<u>Nystatin</u>	<u>50</u>
<u>Oleandomycin</u>	<u>1</u>
<u>Oxytetracycline</u>	<u>5</u>
<u>Penicilli</u>	<u>1.5</u>
<u>Pryantel Tartrate</u>	<u>96</u>
<u>Reserpine</u>	<u>0.18</u>
<u>Robenidine Hydrochloride</u>	<u>30</u>
<u>Ronnel</u>	<u>4</u>
<u>Roxarsone</u>	<u>22</u>
<u>Streptomycin</u>	<u>7</u>

Sulfadimethoxin 55
 Ormetoprim 34
 Sulfamethazine 100
 Sulfantran 270
 Sulfathiazole 100
 Sulfaquinoxalin..... 130
 Tylosin 4
 Zoalen 36

(iii) Shall not be used at levels exceeding 25 percent of the total ration.

c. If there is a detectable residue of any drug(s), and the level of the drug in the feed ingredient is greater than the lowest approved use level as shown in the table in sub-subparagraph (3)(d)3.b., such ingredient shall not be marketed for animal feed use.

(e) Pesticide Residues

(1) 10 random samples of 100 grams from one day's production run or other identifiable separate unit of the feed ingredient shall be blended together and analyzed for pesticide residues by AOAC methods of appropriate analytical procedures ("Pesticides Analytical Methods", Food and Drug Administration, or methods promulgated by the Environmental Protection Agency). Multi-residue methods for testing for organochlorine and organophosphate pesticides shall be adequate for determining if the ingredient complies with the requirements for these groups of pesticides.

(2) Action levels for pesticide residues in the feed ingredients are the same as those promulgated by the Food and Drug Administration for finished feeds.

(3) Animal wastes to which a pesticide has been applied directly (as, for example, for fly control) shall not be marketed for animal feed use until such time as the tolerance is established by the Environmental Protection Agency or an action level established by the Food and Drug Administration.

(f) Parasite Larvae and Ova-10 random samples of 100 grams from one day's production run or other identifiable separate unit of the ingredient shall be analyzed in accordance with AOAC procedures, by routine flotation and microscopic examination. The material must be negative for parasite larvae and ova.

(4) Sampling and Testing Frequency, Reporting and Record Keeping. The manufacturer or producer of any such ingredient shall conform to the following sample and analysis requirements:

(a) The analyses specified in paragraph (c) of this section shall be conducted on sequential production runs sufficient to establish that three consecutive daily production runs of the feed ingredient are consistently within the limitations specified.

(b) Following the initial sequential testing, periodic analyses shall be conducted sufficient to assure continued compliance with subsection (3) of this section. The frequency

of testing will be determined by the results of the analyses. This frequency may range from 0.5 to 10 percent or more of the production runs and in no event be run less than once each calendar quarter. Less frequent testing will be required where the analytical results show continued uniformity and a wide margin of compliance, whereas more frequent tests will be required where the analytical results show a wide range or show levels close to the limitations established.

(c) Sequential testing described in paragraph (4)(a) of this section shall again be required when the periodic analyses required by paragraph (4)(b) of this section or other information available to the manufacturers of the ingredient indicates that:

1. The ingredient is not within the limitations established in subsection (3) of this section.

2. Changes are made in the manufacturing process.

3. New or expanded sources of the raw ingredients are used.

4. Changes occur in the drug or pesticide used by a supplier of the raw ingredient.

(d) All records shall be maintained for at least two years following the production of such ingredient. Such records shall document the source of waste material and levels of the drugs, pesticides, or heavy metals and these records shall contain the analyses required to be conducted by this section. Such records shall be made available upon request at all reasonable hours by any inspector or authorized agent of the department.

(e) The results of heavy metal analyses determined during the initial sequential testing shall be reported to the department within 30 days. In December of each year, the manufacturer of the ingredient shall submit to the department the heavy metal analyses conducted pursuant to paragraph (3)(c) of this section.

(5) Labeling

The label and labeling of the ingredient shall bear:

(a) The name of the ingredient, as specified in paragraph (6) below for the particular product involved. The phrase "For animal feed use" shall appear immediately under the ingredient name. Any product not complying with provisions of paragraph (3) of this section shall not be sold as an animal feed ingredient, but may be diverted for fertilizer use or destroyed. If diverted as a fertilizer, the product shall have the statement "WARNING DO NOT FEED TO ANIMALS. FOR FERTILIZER USE ONLY" immediately following the ingredient name at the top of the label.

(b) The minimum percentage of protein and fat and the maximum percentage of fiber and moisture.

(c) The mineral content, if the feed ingredient contains 6.5 percent or more of mineral matter or any label claim is made with respect to mineral content, or if any mineral is added to the ingredient.

(d) The vitamin content, if any claim is made with respect to vitamin content or if any vitamin is added to the ingredient.

(e) Adequate directions for use as an animal feed ingredient including any limitation required by reason of its content.

(f) If it contains any drug residue, the name of the ingredient shall immediately be preceded or followed, in at least half-size type, by the statements: "Contains drug residue(s). Do not use within 15 days of slaughter" and "Do not use 15 days prior to or during the food production period of dairy animals and laying hens."

(g) If it contains any drug residue subject to paragraph (3)(d)3.b. of this section, the statement "Do not use this ingredient as more than 25 percent of the total ration" shall be prominently displayed in the directions for use.

(6) Specific Definitions and Limits for Allowable Products
All definitions for Recycled Animal Waste Products as listed in the current edition (2003) of the Official Publication of the Association of American Feed Control Officials, Incorporated, and those adopted thereafter by the same Association shall be deemed acceptable in Florida under this Regulation.

Specific Authority 570.07(23), 580.036(2) FS. Law Implemented 580.041(1), 580.051(2), 580.071(1), 580.081, 580.112 FS. History—New _____.

DEPARTMENT OF LAW ENFORCEMENT

Criminal Justice Standards and Training Commission

RULE CHAPTER TITLE: Certification and Employment

RULE CHAPTER NO.: 11B-27

or Appointment

11B-27

RULE TITLE: Maintenance of Officer Certification

RULE NO.: 11B-27.00212

PURPOSE AND EFFECT: To require that certified law enforcement officers complete Weapons of Mass Destruction and Basic Incident Command System continuing training prior to June 30, 2008 by submitting through the Commission's automated training management system (ATMS) a completed Mandatory Retraining Report, form CJSTC-74.

SUBJECT AREA TO BE ADDRESSED: Weapons of Mass Destruction and Basic Incident Command System continuing training.

SPECIFIC AUTHORITY: 943.03(4), 943.12(1) FS.

LAW IMPLEMENTED: 943.12, 943.13(11), 943.135, 943.1395(3), 943.1701, 943.1715, 943.1716, 943.253 FS.

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

TIME AND DATE: 10:00 a.m., Tuesday, July 8, 2003

PLACE: 2331 Phillips Road, Elevator Conference Room, Quad C, 3rd Floor, Tallahassee, Florida 32308-1489

NOTICE UNDER THE AMERICANS WITH DISABILITIES ACT: Pursuant with 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 days prior to the workshop by contacting: Donna Hunt, (850)656-9597 (TDD).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Donna Hunt, Florida Department of Law Enforcement, Criminal Justice Professionalism Program, 2331 Phillips Road, Tallahassee, Florida 32308-1489

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

11B-27.00212 Maintenance of Officer Certification.

(1) through (12) No change.

(13) Weapons of Mass Destruction (WMD) and Basic Incident Command System (ICS) continuing training. Certified law enforcement officers shall complete WMD and Basic ICS training prior to June 30, 2008.

(a) Certified law enforcement officers who have completed WMD and Basic ICS training, prior to the effective date of this rule section, shall have satisfied the mandatory WMD and Basic ICS training requirements.

1. Certified law enforcement officers who have completed WMD training shall be required to complete only Basic ICS training prior to June 30, 2008.

2. Certified law enforcement officers who have completed Basic ICS training shall be required to complete only WMD training prior to June 30, 2008.

(b) Certified law enforcement officers who complete the Prepare Florida Basic WMD and Basic ICS Course shall have satisfied the mandatory training requirements. This course contains separate modules that can be used separately to satisfy WMD and Basic ICS training.

1. The following "learning competency requirements" satisfy Weapons of Mass Destruction training:

a. Understanding and recognizing terrorism.

b. Weapons of Mass Destruction and the methods of dissemination.

c. Incident scene security.

d. Self-protection.

e. Personal protective equipment (PPE).

f. Decontamination.

2. The following "learning competency requirements" satisfy Basic ICS training:

a. Incident Command System and Unified Command training.

b. Field operations and tactical considerations.

(c) Courses that satisfy the "learning competency requirements" for Basic ICS training include:

1. Incident Command System course number IS-195.

2. Federal Emergency Management Institute.

3. National Incident Management System Incident Command (NIMS).

4. Hospital Incident Command System (HICS).

(d) Emergency Response to Terrorism by the U.S. Department of Justice satisfies WMD training only.

(e) Students who began the CMS Law Enforcement Basic Recruit Training Program on or after September 10, 2001, will have satisfied both WMD and Basic ICS training requirements.

(f) The CMS Law Enforcement Basic Recruit Training Program, Module 13: Bombs and Explosives satisfies both WMD and Basic ICS training requirements.

(g) If an officer fails to meet the required WMD and Basic ICS training, his or her certification shall become inactive until such time the employing agency submits to Commission staff, through the Commission's ATMS, a completed Mandatory Retraining Report, form CJSTC-74.

Specific Authority 943.03(4), 943.12(1) FS. Law Implemented 943.12, 943.13(11), 943.135, 943.1395(3), 943.1701, 943.1715, 943.1716, 943.253 FS. History—New 11-5-02, Amended _____.

Editorial Note: See 11B-27.0023, F.A.C.

DEPARTMENT OF LAW ENFORCEMENT

Division of Criminal Justice Information Systems

RULE CHAPTER TITLE: Criminal History Records
RULE CHAPTER NO.: 11C-6

Dissemination Policy
RULE TITLE: 11C-6
RULE NO.: 11C-6.004

Procedures for Requesting Criminal History Records

PURPOSE AND EFFECT: To update Chapter 11C-6, F.A.C., to reflect legislative amendments to Criminal history fees.

SUBJECT AREA TO BE ADDRESSED: Criminal History Record fees.

SPECIFIC AUTHORITY: 943.03(4), 943.042 FS.

LAW IMPLEMENTED: 943.031, 943.042 FS.

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

TIME AND DATE: 10:00 a.m., Tuesday, July 8, 2003

PLACE: 2331 Phillips Road, Elevator Conference Room, Quad C, 3rd Floor, Tallahassee, Florida 32308-1489

NOTICE UNDER THE AMERICANS WITH DISABILITIES ACT: Persons needing an accommodation to participate in any proceeding should call (850)410-7900 (Voice) or (850)656-9597 (TDD), at least five working days before such proceeding.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Martha Wright, Bureau

Chief, User Services Bureau, Criminal Justice Information Services, Florida Department of Law Enforcement, 2331 Phillips Road, Tallahassee, Florida 32308

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

11C-6.004 Procedures for Requesting Criminal History Records.

(1) Requests for Florida criminal history records contained in the systems of the Florida Department of Law Enforcement are to be directed to the following address:

Florida Department of Law Enforcement
Division of Criminal Justice Information Services
User Services Bureau
Post Office Box 1489
Tallahassee, Florida 32302-1489.

(2) All requests will be subject to processing in the following declining order of priorities:

(a) Requests from law enforcement and criminal justice agencies for criminal justice purposes, including criminal justice agency applicant processing;

(b) Requests for a personal record review pursuant to Rule 11C-8.001, F.A.C.;

(c) Requests from the Judicial Qualifications Commission, the Governor, and the President of the Senate or the appropriate Senate standing committee, select committee or subcommittee thereof relating to the appointment of officers;

(d) Requests from non-criminal justice agencies having specific statutory authority to receive criminal history information;

(e) Requests from other governmental agencies relying upon the Public Records Law (Ch. 119, F.S.);

(f) Requests from private individuals, businesses or organizations relying upon the Public Records Law.

(3) Fees.

(a) There shall be no charge for conducting record checks under paragraphs (2)(a) through (c).

(b) As provided in subsection 943.053(3), F.S., a processing fee of \$23 ~~45~~ shall be charged for each subject inquired upon under paragraphs (2)(d) through (f), except that a fee of \$8 shall be charged for each subject inquired upon for vendors of the Department of Children and Family Services, the Department of Juvenile Justice, and the Department of Elderly Affairs; a fee of \$15 shall be charged for each subject inquired upon pursuant to a state criminal history record check required by law to be performed by the Department of Agriculture and Consumer Services; a fee of \$18 shall be charged for each volunteer subject inquired upon under the National Child Protection Act of 1993, as amended; and no fee shall be charged for Florida criminal history information or wanted person information requested by the state offices of the Public Defender. If ~~unless~~ the Executive Director of the

Department determines that conducting the record check would be in the interest of law enforcement or criminal justice or that good cause otherwise exists, the prescribed fee may be waived or reduced if the fee is otherwise waivable, as provided in subsection 943.053(3), F.S.

(c) ~~The A~~ processing fee of ~~\$15.00~~ shall be charged for each subject inquired upon ~~under paragraphs (2)(d) through (f)~~ via the internet shall be the fee authorized for inquiries from persons in the private sector in subsection 943.053(3), F.S. This fee shall be assessed based on the inquiry regardless of whether the results show no criminal history record or some possible records. When an inquiry on one subject is made and more than one person is presented as possibly the same person, the customer will receive one criminal history record as a result of the prescribed ~~\$15.00~~ payment. If the customer wants additional criminal history records from the list of persons presented for this same inquiry, a processing fee of \$ 8.00 shall be charged for each additional criminal record.

(4) Entities applying to the Florida Department of Law Enforcement to be qualified to receive criminal history records under the National Child Protection Act of 1993, as amended, must first complete and submit the following documents to the Florida Department of Law Enforcement, in accordance with the instructions provided: VECHS Qualified Entity Application – Volunteer & Employee Criminal History System (NCPA 1; Rev. January 1, 2001); and VECHS User Agreement – Volunteer & Employee Criminal History System (NCPA 2; Rev. January 1, 2001). Entities that are qualified through the Florida Department of Law Enforcement to receive criminal history records under the National Child Protection Act must complete and submit the following documents to the Florida Department of Law Enforcement with each request for a criminal history record, in accordance with the instructions provided: An authorized fingerprint card for each person whose criminal history record is requested; and a VECHS Waiver Agreement and Statement – Volunteer & Employee Criminal History System (NCPA 3; Rev. January 1, 2001). Qualified entities that release to another qualified entity any criminal history record information received pursuant to the National Child Protection Act must complete and maintain the following document, in accordance with the instructions provided: VECHS Dissemination Log – Volunteer & Employee Criminal History System (NCPA 4, Rev. January 1, 2001). These forms are incorporated by reference.

Specific Authority 943.03(4), 943.053(3), 943.0542, 943.056 FS. Law Implemented 943.053(3), 943.0542, 943.056 FS. History New 12-30-76, Amended 11-7-83, Formerly 11C-6.04, Amended 9-1-88, 4-1-93, 7-7-99, 8-22-00, 7-29-01,_____.

DEPARTMENT OF LAW ENFORCEMENT

Medical Examiner’s Commission

RULE CHAPTER TITLE: Standard Investigation Procedures
RULE TITLE: Investigation
RULE CHAPTER NO.: 11G-2
RULE NO.: 11G-2.003

PURPOSE AND EFFECT: Removes the provision that allows a medical examiner’s designee to sign a death certificate.

SUBJECT AREA TO BE ADDRESSED: Autopsies conducted by the Office of the Medical Examiner.

SPECIFIC AUTHORITY: 406.04 FS.

LAW IMPLEMENTED: 406.11, 406.13 FS.

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

TIME AND DATE: 10:00 a.m., Tuesday, July 8, 2003

PLACE: 2331 Phillips Road, Elevator Conference Room, Quad C, 3rd Floor, Tallahassee, Florida 32308-1489

NOTICE UNDER THE AMERICANS WITH DISABILITIES ACT: Persons needing an accommodation to participate in any proceeding should call (850)410-7900 (Voice) or (850)656-9597 (TDD), at least five working days before such proceeding.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Jim Luten, Staff, Medical Examiners Commission, Florida Department of Law Enforcement, 2331 Phillips Road, Tallahassee, Florida 32308

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

11G-2.003 Investigation.

(1) No change.

(2) Medical examiner autopsies performed pursuant to Section 406.11, Florida Statutes, shall be performed by pathologists or directly supervised residents in pathology. Performance shall require in situ examination of the tissues pertinent to determining the cause of death and the removal of viscera pertinent to the determination of the cause of death. Removal of other organs and tissues during the autopsy shall be under the direct supervision of the pathologist. Direct supervision requires the presence of the supervising pathologist in the autopsy room. A medical examiner shall not sign a death certificate unless he or she has ~~or his designee has observed the body and~~ made such ~~other~~ investigation as needed to assure the accuracy of the findings.

(3) through (5) No change.

Specific Authority 406.04 FS. Law Implemented 406.11, 406.13 FS. History–New 10-18-81, Formerly 11G-2.03, Amended 8-27-87, 9-23-93,_____.

DEPARTMENT OF LAW ENFORCEMENT

Office of Inspector General

RULE CHAPTER TITLE: Violent Crime Investigative
Emergency and Drug
Control Strategy
Implementation Account
RULE CHAPTER NO.: 11N-1

RULE TITLES:	RULE NOS.:
Matching Drug Control	
Investigative Funding	11N-1.0022
Limitations on Matching Drug	
Control Investigative Funding	11N-1.0031
Procedures for Emergency Violent	
Crime Investigative Funding	11N-1.004
Procedures for Formal Funding Requests	
for Violent Crime Investigative	
Reimbursement Funding	11N-1.005
Procedures for Funding Requests for	
Matching Drug Control	
Investigative Funding	11N-1.0051
Victim/Witness Protection Program	11N-1.009

PURPOSE AND EFFECT: To update Chapter 11N-1, F.A.C., funding procedures and forms and create a new rule section addressing the Victim/Witness Protection Program.

SUBJECT AREA TO BE ADDRESSED: Florida Violent Crime and Drug Control Council funding and the Victim/Witness Protection Program.

SPECIFIC AUTHORITY: 943.03(4), 943.042 FS.

LAW IMPLEMENTED: 943.031, 943.042 FS.

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

TIME AND DATE: 10:00 a.m., Tuesday, July 8, 2003

PLACE: Florida Department of Law Enforcement, 2331 Phillips Road, Conference Room, 3rd Floor, Quad C, Tallahassee, Florida

NOTICE UNDER THE AMERICANS WITH DISABILITIES ACT: Persons needing an accommodation to participate in any proceeding should call (850)410-7900 (Voice) or (850)656-9597 (TDD), at least five working days before such proceeding.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Joyce Gainous-Harris, Florida Department of Law Enforcement, 2331 Phillips Road, Tallahassee, Florida 32308

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

11N-1.0022 Matching Drug Control Investigative Funding.

(1) In determining whether requests for matching funding relate to multi-agency or statewide drug control or illicit money laundering investigative or task force efforts that:

(a) through (b) No change.

(c) Otherwise significantly support statewide strategies developed by the Statewide Drug Policy Council, the following criteria shall be considered:

1. Mandatory Factors:

a. through g. No change.

h. The proposed investigative effort shall provide that all known targets in a drug investigation proposed to be funded by the Council funds shall be entered into the "DrugNet" database maintained by the Florida Department of Law Enforcement. The funding request shall indicate that such entry has been accomplished. All targets becoming known after application to the Council or after funding by the Council or both shall be promptly entered into "DrugNet." The proposed investigative effort shall provide that all known targets in a drug investigation proposed to be funded by the Council funds shall be entered into the "DrugNet" database maintained by the Florida Department of Law Enforcement. The funding request shall indicate that such entry has been accomplished. All targets becoming known after application to the Council or after funding by the Council or both shall be promptly entered into "DrugNet." Upon failure to make such entry, the Council is authorized to suspend funding not yet provided and to direct refund of all unexpended funds previously provided by the Council.

2. No change.

Specific Authority 943.03(4), 943.042 FS. Law Implemented 943.031, 943.042 FS. History--New 10-25-01, Amended 11-5-02,_____.

11N-1.0031 Limitations on Matching Drug Control Investigative Funding.

(1) through (2) No change.

(3) If an additional agency is brought into the investigation after funding has already been appropriated and no additional monies are being sought and there is no change of focus of the investigation, a lead investigative agency is authorized to request that the additional agency be permitted to share in council funds for the investigation.

(a) The lead agency shall verify and endorse both that matching funding is available from the new agency and that all requirements of Rule 11N-1.0031, F.A.C., will be fulfilled by the new agency.

(b) Pursuant to Rule 11N-1.0031, F.A.C., the new agency shall guarantee its agreements are completed and obtain matching funding before presenting its package, with the lead agency's endorsement, to the Chairman of the Council.

(c) The Council shall have the ability to make interim ratification of additional agencies participation in a specific funded investigation until the next regularly scheduled council meeting at which time the entire Council shall vote upon the issue.

(4) Supplemental funding requests shall be presented by the lead investigative agency at the next regularly scheduled Council meeting. Mutually agreed upon investigations may be adopted by reference by the Council when there is no change in the original investigative focus and mission of the originally funded investigation.

~~(5)(3)~~ Matching funding from the Violent Crime Investigative Emergency and Drug Control Strategy Implementation Account is available only to a Florida state or local law enforcement agency, and such funding shall be used for investigative purposes directly linked to the investigative effort approved for funding by the Council. As used herein, "law enforcement agency" includes a Florida police department, a Florida sheriff's office, a regional office of the Florida Department of Law Enforcement or other Florida state law enforcement agency, the Florida Comptroller's Office of Financial Investigations, or a troop of the Florida Highway Patrol. However, the term excludes state attorneys' offices and the Office of Statewide Prosecution except for resources provided by such offices exclusively dedicated to investigative efforts approved for funding by the Council.

~~(7)(4)~~ Limits Upon Matching Funding.

(a) through (d) No change.

(e) Previously-approved drug investigation initiatives are eligible for additional funding from the council, up to the funding limits set by Rules 11N-1.003 and 11N-1.0031, F.A.C., and Section 943.031, F.S. In order to receive consideration for additional funding, an entity seeking such consideration must demonstrate:

1. That it has compiled fully with reporting and accountability obligations for the initial funding, and;

2. That the request for additional funding conforms with Council requirements for funding, and comports with the originally-funded request, and;

3. That any supplemental funds sought must be matched dollar for dollar by the requesting entity as required for any drug investigation funding.

Specific Authority 943.03(4), 943.042 FS. Law Implemented 943.031, 943.042 FS. History--New 10-25-01, Amended _____.

11N-1.004 Procedures for Emergency Violent Crime Investigative Funding.

(1) Requests for violent crime investigative emergency funding up to the maximum of \$25,000 shall be made by a detailed written request demonstrating how emergency funding criteria established in this rule are satisfied and certifying that the requesting agency cannot initiate or continue the investigation without immediate supplemental funding. The request shall be accompanied by Form FDLE/OSI-001, Violent Crime Investigative Reimbursement Application, 20-003, Violent Crime Investigative Emergency and Drug Control Strategy Implementation Account Application Cover Sheet, revised 10/08/02 8/22/01, hereby incorporated by reference, and shall be mailed to the chairperson of the Florida Violent Crime and Drug Control Council, c/o Florida Department of Law Enforcement, Post Office Box 1489, Tallahassee, Florida 32302. This form can be obtained by written request to the above address.

(2) No change.

(3) Agencies receiving emergency violent crime investigative funding from the Violent Crime Investigative Emergency and Drug Control Strategy Implementation Account shall provide a written quarterly report to the chairperson of the Florida Violent Crime and Drug Control Council of all expenditures from the Account funds. The report shall be accompanied by Form FDLE/OSI-002, Violent Crime Investigative Quarterly Report, 20-004, Violent Crime Investigative Emergency and Drug Control Strategy Implementation Account Quarterly Report, revised 10/08/02 8/22/01, hereby incorporated by reference, and shall be mailed to the chairperson of the Florida Violent Crime and Drug Control Council, c/o Florida Department of Law Enforcement, Post Office Box 1489, Tallahassee, Florida 32302. This form can be obtained by written request to the above address. Requesting agencies shall retain documentation supporting expenditures from the Account and make these available during the annual evaluation and audit of the trust fund.

(4) No change.

Specific Authority 943.03(4), 943.042 FS. Law Implemented 943.031, 943.042 FS. History--New 3-10-94, Amended 10-10-95, 8-22-00, 10-25-01, _____.

11N-1.005 Procedures for Formal Funding Requests for Violent Crime Investigative Reimbursement Funding.

(1) through (2) No change.

(3) Agencies making formal funding requests under this section, shall submit to the Council via the Regional Violent Crime Investigative Coordinating Team a detailed and itemized written request and the head of the requesting agency shall certify in writing that the request complies with the requirements established by this rule for funding. The request shall be accompanied by Form FDLE/OSI-001 ~~20-003~~. The request shall describe the violent crime case in relation to the criteria established in this rule chapter and shall state details and specifics demonstrating that the resources of each requesting agency are insufficient to meet the investigative or trial expenses in the agency's current fiscal year.

(4) through (5) No change.

(6) Agencies receiving advance funding under this section from the Violent Crime Investigative Emergency and Drug Control Strategy Implementation Account shall provide a written quarterly report to the chairperson of the Florida Violent Crime and Drug Control Council of all expenditures from the Account funds. The report for such advance funding shall be accompanied by Form FDLE/OSI-002 ~~20-004~~. Requesting agencies shall retain documentation supporting expenditures from the Account and make these available during the annual evaluation and audit of the trust fund.

(7) through (9) No change.

Specific Authority 943.03(4), 943.042 FS. Law Implemented 943.031, 943.042 FS. History--New 3-10-94, Amended 10-10-95, 10-25-01, _____.

11N-1.0051 Procedures for Funding Requests for Matching Drug Control Investigative Funding.

(1) through (12) No change.

(13) Agencies seeking matching funding under this section shall cooperate with the Team in the agencies' area, and provide all information as requested by the Team to assist in the preparation of a funding request, including information to identify the amounts of funds being committed by each participating agency to be matched by Council matching funds. The head of each requesting agency that seeks to receive Council matching funds shall include in the submission to the Team a certification in writing that to the agency head's best knowledge and belief, the request complies with the requirements established by law and this rule for funding. The agency head shall also agree to provide requested information to the Council to assist the Council in its performance-monitoring obligations and shall agree to retain proof and documentation as may be required by the Council and to submit to any audits or reviews of agency utilization of Council funds or funds derived from any Council-funded investigative effort as may be performed. The request shall be accompanied by Form FDLE/OSI-001 ~~20-003~~.

(14) Funding Calculations.

(a) In calculating the amount being provided by a requesting agency for which matching Council funds may be provided, the Council shall consider:

1. The base salary (~~including excluding~~ benefits and taxes) and overtime compensation pledged (~~including excluding~~ benefits and taxes) of agency employees for that portion of the employees' efforts dedicated exclusively to the proposed investigative effort, and

2. Normal operating costs directly attributable to the proposed investigative effort as specifically identified by the requesting agency, subject to the exclusions listed below.

(b) In calculating the amount being provided by a requesting agency for which matching Council funds may be provided, the Council shall not consider:

1. No change.

2. Funding utilized for:

a. No change.

b. The cost of purchased vehicles, vessels, aircrafts, or conveyances;

c. through e. No change.

(15) Council-provided funds shall not be used for any purposes used by the requesting agency in calculating its contribution to be matched by Council Funds. Where an employee's overtime has been pledged by an agency as a contribution to be matched by Council funds, no Council-provided funds may be used for the employee's overtime until such time as the agency's pledged overtime funding has been completely expended. Matching funds shall not be used to purchase or lease vehicles, vessels, aircrafts or conveyances, computer equipment, or buildings or the

maintenance or repair of any such property or equipment. Matching funds shall not be used to pay employee base salaries. In each agency's fiscal year, up to \$10,000 in matching funds may be applied to an employee's overtime (~~including excluding~~ benefits and taxes) for efforts dedicated exclusively to the funded investigative effort. Matching Council funds may be used for the temporary rental of property or equipment for an undercover operation in support of the investigative effort, or for use in surveillance activities tied to the investigative effort. Matching Council funds may be utilized to pay overtime of agency employees' efforts directly in support of the funded investigative effort, limited to \$10,000 per employee in the employee's agency's fiscal year.

(16) Matching Funding Documentation.

(a) Agencies receiving matching funding under this section shall provide a written quarterly report of expenditures of Council funds and of the progress of the investigative effort. The report shall be prepared in consultation with the Regional Drug Enforcement Coordinating Team and submitted by that Team through the Office of Statewide Intelligence for compilation and presentation to the Council at a quarterly meeting. Form FDLE/OSI-002 ~~20-004~~ shall be utilized to make the report. In addition, the Council may require oral progress reports to be made at Council meetings by a representative of the Regional Drug Enforcement Coordinating Team or a designee of the lead investigative agency in a funded investigative effort.

(b) through (c) No change.

(17) through (18) No change.

Specific Authority 943.03(4), 943.042 FS. Law Implemented 943.031, 943.042 FS. History--New 10-25-01, Amended _____.

11N-1.009 Victim/Witness Protection Program.

(1) Requests for Victim Witness Protection funding, pursuant to Section 943.031(6), F.S., must be made using the Victim/Witness Protection Program Application, form FDLE/OSI-005, revised 10/8/02 and incorporated by reference.

(2) In order to be considered for funding, completed applications shall be submitted to the Victim and Witness Protection Review Committee at least 15 days prior to the next scheduled Violent Crime and Drug Control Council (VCDCC) meeting. Application information and dates of scheduled VCDCC meetings can be found at <http://osiweb.fdle.flcjn.net/VCDCC/vwcases/vwapplication.htm>.

(3) Completed forms shall be mailed to:

Chairman, Florida Violent Crime & Drug Control Council
c/o Florida Department of Law Enforcement

Post Office Box 1489

Tallahassee, Florida 32302-1489

Attn: SA Kris Cullen/ Office of Statewide Intelligence

Specific Authority 943.03(4) FS. Law Implemented 943.031(6), 914.25 FS. History—New _____.

DEPARTMENT OF CORRECTIONS

RULE TITLE: Inmate Grievances – Terminology and Definitions

RULE NO.: 33-103.002

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to provide consistency between Rules 33-103.002 and 33-501.401, F.A.C., which is being amended to change the membership of the literature review committee.

SUBJECT AREA TO BE ADDRESSED: Literature review committee membership.

SPECIFIC AUTHORITY: 20.315, 944.09 FS.

LAW IMPLEMENTED: 944.09 FS.

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

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

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

33-103.002 Inmate Grievances – Terminology and Definitions.

The following terms, as defined, shall be standard usage throughout the department:

(1) through (10) No change.

(11) Literature Review Committee: The final reviewing authority for appeals regarding rejected reading material. The committee is composed of the Bureau Chief of Security Operations or his or her representative, the Bureau Chief of Inmate Grievance Appeals or his or her representative, the Bureau Chief of Classification or his or her representative, and the Library Services Administrator or his or her representative.

(12) through (14) No change.

Specific Authority 20.315, 944.09 FS. Law Implemented 944.09 FS. History—New 10-12-89, Amended 1-15-92, 12-22-92. 4-10-95, 12-7-97, Formerly 33-29.002, Amended 10-11-00, 1-2-03, _____.

DEPARTMENT OF CORRECTIONS

RULE TITLES: Staff Development – Definitions

RULE NOS.: 33-209.101

Training Development and Delivery 33-209.1015

Minimum Training Requirements 33-209.102

Firearms Training and Other Certification Requirements 33-209.103

Training Requests and Assignments 33-209.104

Training Attendance, Performance and Conduct 33-209.105

Contracting for Training Services 33-209.106

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to clarify responsibilities and requirements for staff training.

SUBJECT AREA TO BE ADDRESSED: Staff training.

SPECIFIC AUTHORITY: 20.315, 944.09 FS.

LAW IMPLEMENTED: 20.315, 943.10, 943.13, 943.135, 943.17, 943.175, 943.22, 944.09, 944.105 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:

(Substantial rewording of Rule 33-209.101 follows. See Florida Administrative Code for present text.)

33-209.101 Staff Development – Definitions.

For the purposes of this chapter:

(1) "Academy", where used herein, means the Florida Corrections Academy, within the Department of Corrections, which is a certified criminal justice training school.

(2) "Alternate Firearms", where used herein, refers to the 9mm pistol, shotgun, or rifle issued or authorized by the Department of Corrections for use by correctional officers while on duty.

(3) "Automated Training Management System (ATMS II)", where used herein, means the statewide training and certification database maintained by the Florida Department of Law Enforcement (FDLE) for all certified officers.

(4) "Basic Recruit Training", where used herein, means the basic training approved by the CJSTC for correctional officer recruits and correctional probation officer recruits.

(5) "Basic Recruit Firearms Training", where used herein, refers to the training program approved by the CJSTC to teach officers how to handle firearms safely and how to fire them accurately.

(6) "Certified Firearms Instructor", where used herein, refers to an individual certified by the CJSTC and designated by the department to teach commission-approved basic, advanced, and specialized firearm training courses.

(7) "Circuit Administrator", where used herein, means a Department of Corrections employee who is the administrator in charge of a circuit's community facilities.

(8) "Commission Approved Firing Range", where used herein, refers to a firing range that is approved for use in teaching CJSTC basic, advanced, and specialized firearm courses.

(9) “Correctional Officer”, where used herein, means a Department of Corrections employee in the Correctional Officer occupational class series.

(10) “Correctional Probation Officer”, where used herein, means a Department of Corrections employee in the Correctional Probation Officer occupational class series assigned to community supervision.

(11) “Correctional Probation Officer Basic Firearms Training”, where used herein, refers to the training program approved by the CJSTC to teach correctional probation officers how to handle firearms safely and how to fire them accurately.

(12) “Course of Fire”, where used herein, refers to the specific directions given by firearm instructors to an officer to fire a firearm such as number of rounds to be fired, from what position, and at what type of target.

(13) “Criminal Justice Standards and Training Commission (CJSTC)”, where used herein, refers to the Governor-appointed commission that oversees minimum employment and training standards for all law enforcement officers, correctional officers and correctional probation officers in Florida.

(14) “Criminal Justice Training School”, where used herein, means a private or public school or an agency academy certified by CJSTC to conduct criminal justice training courses.

(15) “C-TEC”, where used herein, refers to the correctional training and education centers that are located in each region and operated by the office of staff development in the Bureau of Human Resources.

(16) “Department” means the Department of Corrections.

(17) “Electronic Firearms System”, where used herein, refers to a computer-assisted firearms simulator utilizing a laser marking system to track and identify target hits. The system is used indoors in controlled settings and designed to improve basic marksmanship skills and reduce live fire training cost. These machines are used to conduct specialized and advanced courses approved by the Criminal Justice Standards and Training Commission.

(18) “Firearm Card”, where used herein, means the document issued to correctional probation officers and correctional officers who have been authorized by the department to carry a firearm. The card will expire the following year, on the last day of the month the firearms card was issued, unless written documentation of re-qualification is submitted to authorizing entity prior to the expiration date. For correctional officers, Form DC6-277, Weapons Qualification Card, is used for this purpose. Form DC6-277 is incorporated by reference in Rule 33-209.103, F.A.C. For correctional probation officers, Form DC3-223, Firearms Qualification and Authorization Card, is used for this purpose. Form DC3-223 is incorporated by reference in Rule 33-302.104, F.A.C.

(19) “Firearms Initial Qualification”, where used herein, refers to the academic and performance test approved by the CJSTC to measure firearms proficiency.

(20) “Firearms Pre-Qualification Training”, where used herein, refers to the training provided by the department to prepare for annual firearms re-qualification.

(21) “Firearms Remedial Training”, where used herein, refers to training provided by the department for an officer to increase proficiency or accuracy with firearms after individual deficiencies have been demonstrated.

(22) “Firearms Re-qualification”, where used herein, refers to the academic, performance test, and course of fire approved by the department to annually measure proficiency with firearms.

(23) “Florida Department of Corrections Training Database (DTD)”, where used herein, refers to the single, official, filing system for all training attendance for employees of the department.

(24) “In-service Training”, where used herein, means all training approved by the office of staff development in the Bureau of Human Resources or the CJSTC for all Department of Corrections employees and other specified personnel to enhance their knowledge, skills and abilities for the jobs they perform. All approved training except orientation training and pre-employment firearms training shall be recorded toward the department's annual in-service training requirement.

(25) “Mandatory Retraining”, where used herein, means the training or education required to maintain active certification by the CJSTC as a Correctional Officer or Correctional Probation Officer. This requirement must be met from successfully completed advanced courses, career development courses, specialized courses, agency in-service courses, or courses at colleges, community colleges and vocational-technical centers, all of which must be approved by the Commission for mandatory retraining. Advanced and career development courses taken for salary incentive pay cannot be counted for mandatory retraining.

(26) “Mission Essential Skills, Knowledge and Abilities”, where used herein, refers to those skills, knowledge and abilities required to execute the organization's core process.

(27) “Orientation Training”, where used herein, means the training approved by Staff Development for all new Department of Corrections employees and other specified personnel to orient them to the department's operations.

(28) “Primary Firearm”, where used herein, refers to the revolver issued or authorized by the department for use by a correctional officer or correctional probation officer in the course of their duties.

(a) Wardens may designate any or all weapons in the arsenal as the primary firearm for a correctional officer based upon the duties to be performed.

(b) The primary firearm for senior inspectors is the approved weapon designated by the Office of the Inspector General.

(c) The primary firearm for a correctional probation officer is the approved weapon as defined in paragraph 33-209.104(4)(b), F.A.C.

(29) “Range Master”, where used herein, refers to the CJSTC firearms certified instructor who meets the eligibility requirements and is responsible for all facets of firearm training on the firing range. Staff development, institutions, or circuits may designate more than one range master at each facility.

(30) “Regional Training Coordinator”, where used herein, refers to the staff development employee who has overall responsibility for managing training programs in a particular geographic location.

(31) “Staff Development”, where used herein, means the office, located within the Bureau of Human Resources of the Department of Corrections, responsible for development and management of training, within the Department of Corrections.

(32) “Training”, where used herein, means an organized, planned, and evaluated activity designed to achieve specific learning objectives and enhance the job performance of personnel. Training may occur on site, at an academy or training center, an institution of higher learning, during professional meetings, or through contract service or closely supervised on-the-job training. It includes a formal agenda and instruction by a teacher, manager, or official; physical training; or other instruction programs that include a trainer/trainee relationship. Training programs usually include requirements for completion, attendance recording, and a system for recognition of completion.

(33) “Training Year”, where used herein, is defined as the period from July 1 of one year through June 30 of the following calendar year.

(34) “Warden”, where used herein, means the Department of Corrections employee who is the administrator in charge of a correctional institution.

Specific Authority 20.315, 944.09 FS. Law Implemented 20.315, 440.109, 943.10, 943.13, 943.135, 943.17, 943.175, 943.22, 944.09 FS. History—New 8-26-87, Formerly 33-25.001, Amended _____.

33-209.1015 Training Development and Delivery.

(1) Training shall be developed and provided based on continuous review of regulatory guidelines, laws, organizational mandates including American Correctional Association (ACA) standards, Criminal Justice Standards and Training Commission (CJSTC) policy and procedure directives, Department of Corrections rules and procedures, and on-going needs assessments which will identify current job-related training needs.

(2) The Office of Staff Development in the Bureau of Human Resources will develop the department’s master training plan. The master training plan will be reviewed and updated annually based on an annual needs assessment which identifies current job related training needs. In addition, the plan will provide for on-going written evaluations of all

departmental training courses including orientation, pre-service, in-service, mandatory, and specialized training. The plan will also identify resources to facilitate career development and provide a formal evaluation of the training program.

(3) Training curriculums will be developed based on clear, concise, and measurable written statements of intended learning outcomes. The content and instructional methods selected for a training program will be consistent with the stated learning objectives, sequenced to facilitate learning and incorporate strategies to evaluate the learning. All training will be delivered from standardized lesson plans with specific course outlines, learning objectives, materials, and evaluation instruments.

(4) Each regional area and central office will be assigned a qualified individual to facilitate and coordinate training for employees assigned within that location. Full-time training personnel shall complete the CJSTC instructor techniques course and meet the minimum requirements for general instructors as established by CJSTC. Space and equipment for training will be designated within each regional area and central office. Library and reference services will also be available to compliment the training and staff development program.

Specific Authority 20.315, 944.09 FS. Law Implemented 20.315, 943.10, 943.13, 943.135, 943.17, 943.175, 943.22, 944.09 FS. History—New _____.

33-209.102 Minimum Training Requirements.

The following minimum training requirements are for the effective operation of the Department:

(1) All full-time Department employees involved in the American Correctional Association (ACA) accreditation, excluding designated clerical and support employees, shall successfully complete 40 hours of in-service training each calendar year, with the first year prorated by the number of training year ~~calendar~~ quarters worked. Clerical and support employees who are assigned to community corrections and institutional work locations involved in the American Correctional Association (ACA) accreditation and have minimum contact with inmates or probationers ~~designated by the Bureau of Personnel~~ shall successfully complete ~~16~~ 20 hours of in-service training each ~~calendar~~ training year year, with the first year prorated by the number of ~~calendar~~ training year quarters worked. All part-time employees, volunteers and contract personnel shall receive formal orientation as appropriate to their assignments and additional training as needed shall have a training requirement equal to the number of hours in their normal workweek, with the first year prorated by the number of ~~calendar~~ calendar quarters worked.

(2) All new ~~Department~~ employees assigned to community corrections and institutional facilities shall successfully complete a minimum of 40 hours of orientation training prior to their first job assignment. This training shall

include pre-employment or basic recruit firearms training and qualification for untrained Correctional Officer recruits as specified in subsection 33-209.103(1), F.A.C.

(3) All new department employees who are not employed in the correctional officer or correctional probation officer occupational series are assigned to areas within central office, and offices that do not have contact with offenders shall successfully complete orientation training as appropriate to their duties and responsibilities. Orientation training shall be completed within thirty days of the employee's initial employment. In addition, these employees shall be required to complete in-service training each year thereafter as determined by the department and identified within the department's master training plan.

(4) Supervisors at all levels shall be responsible for ensuring that assigned employees obtain and maintain mission essential skills, knowledge and abilities. Training shall be included and addressed through the employee's performance standards. Supervisors at all levels shall cooperate with staff development personnel in designing measurable learning objectives for all new training requested.

(3) through (4) renumbered (5) through (6) No change.

~~(7)(5)~~ All members of Rapid Response Teams Confrontation Control Force Squads and Corrections Emergency Response Teams shall successfully complete, respectively, 8 and 16 hours per month of training unique to their missions. This training is separate from annually as part of the Department's in-service training requirement of 40 hours each calendar year.

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

Specific Authority 20.315, 944.09 FS. Law Implemented 20.315, 943.10, 943.13, 943.135, 943.17, 943.175, 943.22, 944.09, 944.105 FS. History--New 8-26-87, Amended 7-4-88, Formerly 33-25.002, Amended _____.

(Substantial rewording of Rule 33-209.103 follows. See Florida Administrative Code for present text.)

33-209.103 Firearms Training and Other Certification Requirements.

(1) All firearms training will be conducted in compliance with department rules and guidelines. All pre-qualification, re-qualification, remedial, basic recruit and other Criminal Justice Standards and Training Commission (CJSTC) approved firearms training will be conducted under the supervision of certified range masters; only CJSTC certified firearms instructors will be permitted to deliver firearms training. Instructors and students shall adhere strictly to all safety requirements when involved in firearms training whether in the classroom or on the firing range. Documentation of firearms training courses attended by department employees will be maintained in the Florida Department of Corrections Training Database (DTD). The following firearms training requirements are for the effective operation of the Department:

(2) Initial Firearms Qualification.

(a) All employees authorized to use a firearm shall successfully complete basic recruit firearms training and qualification on their primary (approved) firearm, and if required by their potential duties, with approved alternate firearms before being assigned duties requiring them to carry or use a firearm. Students in firearms training courses will successfully complete all Criminal Justice Standards and Training Commission or department-standards required for passing the firearm qualification course.

(b) Correctional officers must attend and successfully complete the auto-transition course prior to being issued or qualifying with the 9 MM pistol. Correctional officers will also attend the Department's standardized AR-15 training prior to being issued or qualifying with the AR-15.

(c) In order to be authorized to carry a firearm, a correctional probation officer will satisfy all requirements outlined in Rule 33-302.104, F.A.C. and annually complete one hour of department-approved firearm safety training as part of the annual re-qualification process.

(d) All correctional probation officers authorized to use a firearm will successfully complete the CJSTC approved 44 hour correctional probation basic firearms training course and the department-approved 16 hour correctional probation basic firearms training phase II course prior to being authorized to carry a firearm. Any correctional probation officer who has already completed the 44 hour correctional probation basic firearms training course must complete the 16 hour phase II course within 24 months from the effective date of this rule revision.

(e) Prior to being allowed to possess a firearm, except during firearms training, a correctional probation officer's certification must be verified through ATMSII by the regional training coordinator or designee.

(3) Firearms Re-qualification.

(a) All staff authorized to carry a firearm must be provided the opportunity to prepare for annual firearm re-qualification by participating in firearms pre-qualification training if requested.

1. Firearm pre-qualification training will be for a period of four hours scheduled within thirty calendar days prior to annual firearm re-qualification excluding holidays.

2. Firearm pre-qualification training will consist of those hands-on skills required to safely handle, maintain, and accurately shoot a firearm as provided herein and in accordance with Rule 33-602.210, F.A.C.

3. Any employee who is qualified or authorized to carry a firearm who declines the opportunity to participate in firearms pre-qualification training will sign the Refusal of Firearms Pre-qualification Training, Form DC2-902, indicating that the opportunity was provided and was declined. Form DC2-902 is hereby incorporated by reference. Copies of this form are

available from the Forms Control Administrator, Office of the General Counsel, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500. The effective date of this form is _____.

4. If an officer fails to re-qualify, (or does not attempt to re-qualify), the warden or circuit administrator will immediately suspend authorization for the officer to carry a firearm except for firearm training purposes. The range master will secure the Weapons Qualification Card (Institutions), Form DC6-277, and the DC3-223 Firearms Qualification and Authorization Card, Form DC3-223, (community corrections) for that officer who has failed to re-qualify prior to the date of expiration of the card (the following year, on the last day of the month the firearms card was issued). Form DC3-223 is incorporated by reference in Rule 33-302.104, F.A.C. Form DC6-277 is hereby incorporated by reference. Copies of the form are available from the Forms Control Administrator, Office of the General Counsel, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500. The effective date of this form is _____.

(b) The department will pay for the pre-qualification training, the firearms re-qualification, any remedial training, and any subsequent qualification attempt if required.

(c) The department will provide training ammunition for firearms pre-qualification training, firearms re-qualification, and remedial firearms training for all departmental employees who are authorized to carry a firearm.

(d) In order to remain qualified to carry a firearm after the initial qualification, a correctional officer will complete the required annual re-qualification course using the Department approved standardized lesson plan and course of fire. The warden is authorized to require transport officers and K-9 officers to complete re-qualification on a quarterly rather than annual basis.

1. The warden or designee will inform a correctional officer of the need to attend firearms re-qualification.

2. Upon successful completion of firearms re-qualification, the range master or designee will complete and submit a copy of the State Firearms Re-qualification, Form DC2-907, and the Weapons Qualification Card (Institutions), Form DC6-277 to be filed at the facility where the training was conducted. Form DC2-907 is hereby incorporated by reference. Copies of this form are available from the Forms Control Administrator, Office of the General Counsel, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500. The effective date of this form is _____.

3. The range master or designee will retain the DC6-277 weapons qualification card from any officer failing to meet minimum qualification standards and notify the warden via interoffice memorandum or e-mail advising that the officer should not be placed in any position that requires the use of that weapon and will be scheduled for remedial training.

4. Whenever the officer successfully re-qualifies, a new DC6-277 will be issued and will expire the next year on the last day of the month from the month and year of issuance.

(e) In order to remain qualified to carry a firearm after the initial qualification, a correctional probation officer will complete the required annual re-qualification courses.

1. The circuit administrator or designee will inform the correctional probation officer of the need to attend firearms re-qualification.

2. The correctional probation officer will certify that the referenced firearm on Form DC3-241, Firearms Re-qualification Certification, is the firearm used in the course of their duties and that they use only authorized ammunition. Form DC3-241 is incorporated by reference in Rule 33-302.104, F.A.C.

3. Upon successful completion of firearms re-qualification, the range master or designee will complete and submit a copy of the Firearms Re-qualification Certification, Form DC3-241, and Firearms Qualification and Authorization Card, Form DC3-223, to be filed at the community corrections circuit office.

4. The range master or designee will retain Form DC3-223 from any correctional probation officer failing to meet minimum qualification standards and notify the circuit administrator via interoffice memorandum or e-mail advising that the officer should not be placed in any position that requires the use of that weapon and will be scheduled for remedial training.

5. If the correctional probation officer does not attempt to re-qualify prior to the expiration of the Firearms Qualification and Authorization Card, the officer may attempt to re-qualify within a 12 month period from the date of expiration of the card with no additional training required. If, after the 12 months, the officer does not attempt to re-qualify, the officer will be required to re-attend and successfully complete the department-approved basic correctional probation officer firearms course.

6. If the correctional probation officer successfully re-qualifies after remedial training or after the card expires, a new DC3-223 will be issued with an expiration date the following year, on the last day of the month the firearms card was issued.

(4) Remedial Firearms Training.

(a) After an unsuccessful initial firearm re-qualification attempt, the correctional officer must attend remedial training at a time approved by the warden. A correctional probation officer that elects to continue attempts at re-qualification after an unsuccessful initial firearm re-qualification attempt shall attend remedial training at a time approved by the circuit administrator.

(b) Remedial firearms training will be for a period of 16 work hours and will begin as soon as possible, but no later than 10 calendar days from the date of initial attempt. Remedial firearms training will be completed no later than 30 days after remedial training begins.

(c) A correctional probation officer that fails to successfully re-qualify after remedial training has been provided, and who wishes to renew authorization to carry a firearm, must re-attend and successfully complete the department-approved correctional probation officer basic firearms training courses.

(d) In the event a correctional officer fails to qualify after remedial firearms training, the range master will notify the warden.

1. The warden will notify the regional director and the regional training coordinator.

2. The regional director will assign the officer to a C-TEC within ten days from the date of failure to qualify.

3. The correctional officer will be enrolled in specialized individual training prior to reassignment out of the correctional officer series or termination.

(5) Approved Firearms and Ammunition.

(a) A correctional officer will:

1. Use a .38 caliber Smith and Wesson Revolver when qualifying with factory reload 158 grain semi-wadcutter ammunition;

2. Use a Remington 870 Shotgun when qualifying with twelve-gauge factory grade #00 Buck ammunition (CERT will re-qualify annually with twelve-gauge factory grade tactical slug rounds ammunition);

3. Use a Smith and Wesson Semi-Automatic 9mm with 9mm Luger reload 125 grain round nose ammunition when designated by the warden or designee or;

4. Use a Colt AR-15 when qualifying with .223 caliber factory grade 55 grain full metal jacket ammunition as designated by the warden or designee.

(b) A correctional probation officer will use one of the following types of firearms when qualifying:

1. A five shot revolver with a maximum barrel length of four inches, .38 or .357 caliber;

2. A six shot revolver with a maximum barrel length of four inches, .38 or .357 caliber;

3. Factory new .38 caliber special ammunition at standard velocity, or Plus-P velocities with either 125 to 158 grain hollow point;

4. Plus-P rated ammunition only in firearms rated for that type of ammunition or;

5. Reload .38 caliber 158-grain semi-wadcutter ammunition.

(c) Ammunition will be provided by the department.

(6) Electronic Firearms Systems. Electronic firearms systems may be used during firearms pre-qualification training and remedial training to enhance marksmanship and reduce ammunition and instructor costs. If used for remedial training, instructors must verify through live-fire (9 rounds) that deficiencies have been corrected prior to another re-qualification attempt. Department employees will not be allowed to qualify or re-qualify with these systems.

(7) Other Certifications.

(a) All employees issued chemical agents shall successfully complete Staff Development-approved annual training covering the deployment of chemical agents and the treatment of persons exposed to chemical agents.

(b) Employees administering urine screen drug tests shall be trained in the particular technology, procedure or methodology. Certification of that training issued by the manufacturer or distributor of the technology in use or by another person specifically authorized to provide such training and certification shall be placed in each employee's personnel file prior to his being authorized to perform any urine screen drug test.

Specific Authority 20.315, 944.09 FS. Law Implemented 20.315, 440.109, 943.10, 943.13, 943.135, 943.17, 943.175, 943.22, 944.09 FS. History--New 8-26-87, Amended 11-1-90, Formerly 33-25.003, Amended _____.

33-209.104 Training Requests and Assignments.

All employees may request training to satisfy minimum training requirements, and appropriate Department authorities may assign employees to any training at any location to meet the needs of the employee or the Department, subject to the following:

(1) All training shall be obtained through the following procedures:

(a) No change.

(b) All approved requests and assignments shall be processed through the appropriate regional training coordinator Correctional Training Officers or Managers prior to employees attending training sessions.

(c) The availability of funds and relief staff as well as the relevance and suitability of the training shall be considered at all stages of approval and processing of requests and assignments. An employee whose training request has been disapproved based on lack of relevance or suitability may request review and input from the appropriate senior manager Assistant Secretary.

(d) No change.

(2) All employees who take approved training by request or assignment for purposes other than for salary incentive pay shall observe the following conditions:

(a) through (b) No change.

(c) Training shall be attended on state time as hours worked ~~except that administrative leave with pay shall be utilized for meetings and conferences that are approved for~~

~~training credit~~. However, an employee whose training request has been approved contingent upon personally paying for registration fees and tuition or travel, meals and lodging, as specified in (a) and (b) above, shall be credited only for the actual hours spent in training.

(3) No change.

Specific Authority 20.315, 944.09 FS. Law Implemented 20.315, ~~40.109, 943.10, 943.13, 943.135, 943.17, 943.175, 943.22, 944.09 FS.~~ History--New 8-26-87, Formerly 33-25.004, Amended _____.

33-209.105 Training Attendance, Performance and Conduct.

All employees shall observe the following conditions regarding attendance, performance and conduct while taking training:

(1) No change.

(2) Absences may be excused at the discretion of the instructor, training coordinator, or Academy Director, subject to the following conditions:

(a) A trainee who is absent, due to non-work related reasons, from a training session being taken on state time must use personal leave from the appropriate leave category to cover the absence.

(b) through (c) No change.

(3) An accuracy rate of ~~80~~ 75 percent out of a possible 100 percent shall be achieved on all examinations or performance tests in order to successfully complete each course.

(4) No change.

Specific Authority 20.315, 944.09 FS. Law Implemented 20.315, ~~40.109, 943.10, 943.13, 943.135, 943.17, 943.175, 943.22, 944.09 FS.~~ History--New 8-26-87, Formerly 33-25.005, Amended _____.

33-209.106 Contracting for Training Services.

All contracts for Department training needs shall be coordinated by ~~the Bureau of~~ Staff Development under the following conditions:

(1) through (3) No change.

(4) The training coordinator of staff development Chief of the Bureau, or a designee, shall serve as Contract Manager for contractual training agreements.

Specific Authority 20.315, 944.09 FS. Law Implemented 20.315, ~~40.109, 943.10, 943.13, 943.135, 943.17, 943.175, 943.22, 944.09 FS.~~ History--New 8-26-87, Formerly 33-25.006, Amended _____.

DEPARTMENT OF CORRECTIONS

RULE TITLES:	RULE NOS.:
Preparation of Disciplinary Reports	33-601.304
Inmate Discipline – Investigation	33-601.305
Disciplinary Hearings	33-601.307
Inmate Discipline – Forms	33-601.313
PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to delete unnecessary language from the rules, to incorporate a new form and provide guidelines for handling	

documentary or physical evidence, and to clarify the manner and time in which inmates must offer witness names and evidence.

SUBJECT AREA TO BE ADDRESSED: Inmate discipline.

SPECIFIC AUTHORITY: 944.09 FS.

LAW IMPLEMENTED: 20.315, 120.55, 944.09, 944.34, 945.04, 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:

33-601.304 Preparation of Disciplinary Reports.

(1) No change.

(2) The statement of facts shall include.

(a) through (d) No change.

~~(e) Any staff witnesses;~~

~~(e)(f)~~ No change.

~~(f)(g) Any immediate action taken, including use of force;~~ and

~~(g)(h)~~ No change.

(3) No change.

Specific Authority 944.09 FS. Law Implemented 20.315, 944.09, 944.34, 945.04 FS. History--New 3-12-84, Formerly 33-22.05, Amended 12-30-86, 10-01-95, Formerly 33-22.005, Amended 5-21-00, 2-11-01, _____.

33-601.305 Inmate Discipline – Investigation.

The investigating officer shall initiate the investigation of the infraction within 24 hours of the writing of the disciplinary report. The investigating officer is responsible for the following:

(1) No change.

(2) Interviewing the charged inmate. When interviewing the charged inmate the investigator is responsible for the following:

(a) through (d) No change.

(e) Asking the inmate if there are any witnesses or evidence to offer in the inmate's behalf.

(f) Completing and obtaining the inmate's signature on the Witness Disposition, Form DC6-112B, and the Documentary or Physical Evidence Disposition, Form DC6-151. Form DC6-112B and Form DC6-151 are ~~is~~ incorporated by reference in Rule 33-601.313, F.A.C.

(3) No change.

(4) Reviewing documentary or physical evidence referenced by the charging staff person or identified by the charged inmate on Form DC6-6-151, Documentary or Physical Evidence Disposition. When the evidence is a videotape identified by the inmate, the investigator shall first determine whether the tape described by the inmate would show any evidence of the activity at issue. The investigator shall either review the tape and prepare a summary for the investigative report or indicate why the tape was not appropriate for review.

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

Specific Authority 944.09 FS. Law Implemented 20.315, 944.09, 944.34, 945.04 FS. History—New 10-01-95, Formerly 33-22.0055, Amended 5-21-00, 2-11-01, _____.

33-601.307 Disciplinary Hearings.

(1)(a) No change.

(b) The inmate charged shall be present at the disciplinary hearing unless substantial reasons precluding the inmate's presence exist or the inmate has waived his right to be present. If the inmate waives the right to be present or refuses to be present, the 24 Hour/Refusal to Appear, Form DC6-112D, shall be signed by the inmate and witnessed by an employee. If the inmate refuses to sign the form, this shall be noted and signed by the employee. When an inmate waives the right to be present at the hearing, the inmate also waives the right to submission of may submit at the time of the refusal a written statement ~~which shall be delivered~~ to the disciplinary team or hearing officer. If the inmate's disruptive conduct makes it necessary to remove the inmate from the hearing, the hearing shall be conducted in the inmate's absence. The reason for the inmate's absence shall be explained in the basis of findings section of the disciplinary report.

(c) through (i) No change.

(2) No change.

(3) The inmate may request that witnesses appear at the hearing, but inmate witnesses shall not be routinely called before the disciplinary team or hearing officer to provide live testimony for the following reasons:

(a) through (c) No change.

(d) Failure to sign and complete the witness disposition form, DC6-112B, during the investigation constitutes waiver of the opportunity to call witnesses either live or by written statement. Form DC6-112B must be used for listing witnesses. Listing witness names on any other document, including the Witness Statement, Form DC6-112C, will not result in their being considered.

(e) through (5) No change.

Specific Authority 944.09 FS. Law Implemented 20.315, 944.09, 944.34, 945.04 FS. History—New 3-12-84, Formerly 33-22.06, Amended 12-30-86, 10-01-95, 12-10-97, 5-19-98, Formerly 33-22.006, Amended 5-21-00, 2-11-01, _____.

33-601.313 Inmate Discipline – Forms.

(1) The following forms used in implementing the provisions of this chapter are hereby incorporated by reference:

(a) through (f) No change.

(g) DC6-151, Documentary or Physical Evidence Disposition, effective date

(g) through (h) renumbered (h) through (i) No change.

(2) No change.

Specific Authority 944.09 FS. Law Implemented 20.315, 120.55, 944.09, 944.34, 945.04 FS. History—New 10-01-95, Formerly 33-22.0117, Amended 5-21-00, 2-11-01, _____.

AGENCY FOR HEALTH CARE ADMINISTRATION

Medicaid

RULE TITLE: RULE NO.:

Payment Methodology for Inpatient

Hospital Services 59G-6.020

PURPOSE AND EFFECT: The purpose of the proposed amendment is to incorporate changes to the Florida Title XIX Inpatient Hospital Reimbursement Plan payment methodology. Effective June 21, 2003, the proposed rates for Medicaid inpatient hospitals will be rates resulting from the current methodology used to calculate per diem rates including the following appropriations from the Senate Bill 22-A, 2003-04 Florida Legislature:

Effective upon this act becoming a law, for the 2002-2003 state fiscal year, the Agency for Health Care Administration may make additional payment of up to \$18,410,286 to hospitals as special Medicaid payments in order to use the full amount of the upper payment limit available in the public hospital category. These funds shall be distributed as follows:

(a) Statutory teaching hospitals – \$1,355,991.

(b) Family practice teaching hospitals – \$181,291.

(c) Primary care hospitals – \$1,355,991.

(d) Trauma hospitals – \$1,290,000.

(e) Rural hospitals – \$931,500.

(f) Hospitals receiving specific special Medicaid payments not included in a payment under paragraphs (a)-(e), \$4,359,417.

(g) Hospitals providing enhanced services to low-income individuals – \$8,884,298.

The payments shall be distributed proportionately to each hospital in the specific payment category based on the hospital's actual payments for the 2002-2003 state fiscal year. These payment amounts shall be adjusted downward in a proportionate manner as to not exceed the available upper payment limit in the public hospital category. Payment of these amounts are contingent on the state share being provided through grants and donations from state, county, or other local funds and approval by the Centers of Medicare and Medicaid Services.

The effect of the proposed amendment will be: effective June 21, 2003, the proposed rates for Medicaid inpatient hospitals will be rates resulting from the current methodology used to calculate per diem rates including the following appropriations from the Senate Bill 22-A, 2003-04 Florida Legislature.

SUBJECT AREA TO BE ADDRESSED: The subject areas to be addressed are: Effective upon this act becoming a law, for the 2002-2003 state fiscal year, the Agency for Health Care Administration may make additional payment of up to \$18,410,286 to hospitals as special Medicaid payments in order to use the full amount of the upper payment limit available in the public hospital category.

SPECIFIC AUTHORITY: 409.919 FS.

LAW IMPLEMENTED: 409.908, 409.9117 FS.

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

DATE AND TIME: 2:00 p.m., July 9, 2003

PLACE: Agency for Health Care Administration, 2727 Mahan Drive, Building 3, Conference Room C, Tallahassee, Florida 32308

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Robert Butler, Chief, Medicaid Program Analysis, Agency for Health Care Administration, 2727 Mahan Drive, Building 3, Room 2120B, Tallahassee, Florida 32308, (850)414-2759

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Hotels and Restaurants

RULE CHAPTER TITLE: PUBLIC FOOD SERVICE RULE CHAPTER TITLE:

Establishments 61C-1

RULE TITLES: RULE NOS.:

Licensing and Inspection Requirements 61C-1.002

License Fees 61C-1.008

PURPOSE AND EFFECT: The purpose of this rule development is to implement the statutory requirements of Section 509.032, Florida Statutes, as amended by CS/CS for SB 990 during the 2002 Legislature. This rule provides revisions to licensing requirements for temporary event food vendors, inspection frequency of transient and non-transient apartments, and license fees for establishments licensed by the Division of Hotels and Restaurants.

SUBJECT AREA TO BE ADDRESSED: The requirements for licensing of temporary event food vendors, the inspection frequency for transient and non-transient apartments and license fees for establishments licensed by the Division of Hotels and Restaurants.

Copies of the rule may be obtained from: Lee Cornman, Division of Hotels and Restaurants, Tallahassee Office, (850)488-9263.

SPECIFIC AUTHORITY: 509.032(6), 509.251, 509.302 FS.

LAW IMPLEMENTED: 509.032(2)(a), 509.032(3)(c), 509.251(1), 509.251(2), 509.302(3) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Lee M. Cornman, Management Review Specialist, Department of Business and Professional Regulation, Division of Hotels and Restaurants, 1940 North Monroe Street, Tallahassee, FL 32399-1012, (850)488-9263

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

61C-1.002 Licensing and Inspection Requirements.

(1) through (3) No change.

(4) No change

(a) through (b) No change.

(c) Resort Condominium and Resort Dwelling – each public lodging establishment classified as a resort condominium or resort dwelling as defined in Section 509.242, F.S., shall obtain a single, group or collective license pursuant to Section 509.251, F.S., prior to commencing operation.

1. A single license may include multiple units within a building or group of buildings owned and operated by an individual person or entity, but not an agent licensed under Chapter 475, F.S.

2. A group license is a license issued by the division to a licensed agent to cover all rooms or units within a building or group of buildings in a single complex. A group license shall only cover those rooms or units which are held out to the public as a place regularly rented to guests as defined in Chapter 509, F.S.

3. A collective license is a license issued by the division to a licensed agent who represents a collective group of rooms or units found on separate locations of resort condominiums or resort dwellings. A collective license may not be issued for more than 475 units per license and is restricted to counties within one district.

4. through 5. No change.

(d) No change.

(5) No change.

(a) Nonseating:

1. through 3. No change.

4. Temporary public food service establishments and vendors

a. Temporary public food service establishments are classified as those establishments operated at temporary food service events as defined in section 509.013(8), F.S. Each temporary public food service establishment shall be inspected by the division each time the establishment sets up for operation. If the temporary public food service establishment does not meet minimum sanitation standards as provided in Chapters 61C-1 and 61C-4, F.A.C., food service operations shall be discontinued until corrections are complete and verified by the division.

b. Public food service establishments that have a current license may operate one facility at a temporary event of three days or less in duration as part of the existing license. Each additional facility operated at a temporary food service event by the same licensee must acquire a separate temporary food service event license.

5. through 6. No change.

~~(c)(b)~~ Seating – seating establishments are classified as those public food service establishments that provide and maintain accommodations for consumption of food on the premises of the establishment or under the control of the establishment. The operator of the establishment is responsible for providing the number of seats available to the public to the division prior to licensing. Any changes in the number of seats provided which may affect the license fee, the Florida Clean Indoor Air Act, fire safety, bathroom requirements or any other sanitation and safety requirements provided in law or rule, shall be reported immediately to the division by the operator.

~~(d)(e)~~ Plan Reviews and Variances.

1. through 4. No change.

(d) No change.

(6) through (7) No change.

(8) General Inspection Requirements.

(a) through (c) No change

(d) Inspection Frequency.

1. Except as otherwise provided in this section, public lodging and food service establishments shall be inspected a minimum of three times annually.

2. Nontransient rooming houses establishments and vending machines shall be inspected a minimum of twice annually.

3. Vendors at Resort condominiums, resort dwellings, and temporary food service events shall be inspected at the time of licensure and shall be inspected at such other times as the division determines is necessary to ensure the public's health, safety, and welfare a minimum of once annually.

4. Nontransient and transient apartments shall be inspected once annually.

5.4. Establishments licensed for a partial year will receive a prorated number of inspections, including the opening inspection, during the first partial year of operation.

Specific Authority 509.032(2)(d), 509.032(6), 509.241(1) FS. Law Implemented 213.0535, 509.032(2)(a),(d),(e), 509.032(6), 509.241(1), 509.241(3), 509.251, 559.79(1), FS. History—Amended 1-20-63, 9-19-63, 5-20-64, 2-23-66, 8-9-68, Revised 2-4-71, Amended 10-18-71, Repromulgated 12-18-74, Amended 9-1-83, 10-1-83, Formerly 7C-1.02, Amended 1-30-90, 12-31-90, 2-27-92, 6-15-92, Formerly 7C-1.002, Amended 3-31-94, 3-15-95, 10-9-95, 9-25-96, 5-11-98, _____.

61C-1.008 License Fees.

(1) through (3) No change.

(4) Amount of License Fee – Public Lodging Establishment. The license fee to conduct a public lodging establishment shall be in accordance with the following schedule exclusive of the categories of fee adjustments set forth in subsections 61C-1.008(1) and (3), F.A.C.:

(a) TRANSIENT LODGING/EXCLUDING TRANSIENT APARTMENTS AND RESORT CONDOMINIUMS AND DWELLINGS

NUMBER OF UNITS	BASIC FEE	INCREMENTAL UNIT FEE	HEP FEE	TOTAL FEE
SINGLE UNIT	\$170+25	\$10	\$106	\$190+44
2-25	\$170+25	\$20	\$106	\$200+54
26-50	\$170+25	\$35	\$106	\$215+66
51-100	\$170+25	\$50	\$106	\$230+84
101-200	\$170+25	\$75	\$106	\$255+206
201-300	\$170+25	\$105	\$106	\$285+236
301-400	\$170+25	\$135	\$106	\$315+266
401-500	\$170+25	\$160	\$106	\$340+294
OVER 500	\$170+25	\$190	\$106	\$370+324

(b) TRANSIENT APARTMENTS

NUMBER OF UNITS	BASIC FEE	INCREMENTAL UNIT FEE	HEP FEE	TOTAL FEE
SINGLE UNIT	\$125	\$10	\$10	\$145
2-25	\$125	\$20	\$10	\$155
26-50	\$125	\$35	\$10	\$170
51-100	\$125	\$50	\$10	\$185
101-200	\$125	\$75	\$10	\$210
201-300	\$125	\$105	\$10	\$240
301-400	\$125	\$135	\$10	\$270
401-500	\$125	\$160	\$10	\$295
OVER 500	\$125	\$190	\$10	\$325

~~(c)(b)~~ RESORT CONDOMINIUMS AND RESORT DWELLINGS

1. through 2. No change.

3.a. RESORT CONDOMINIUMS AND DWELLINGS/COLLECTIVE LICENSE

BASIC FEE	PER UNIT FEE	HEP FEE	TOTAL FEE
\$150405	\$105	\$106	VARIES

b. RESORT CONDOMINIUMS AND DWELLINGS/GROUP AND SINGLE LICENSE

NUMBER OF UNITS	BASIC FEE	INCREMENTAL UNIT FEE	HEP FEE	TOTAL FEE
SINGLE UNIT	\$150405	\$10	\$106	\$170421
2-25	\$150405	\$20	\$106	\$180441
26-50	\$150405	\$35	\$106	\$195446
51-100	\$150405	\$50	\$106	\$210461
101-200	\$150405	\$75	\$106	\$235486
201-300	\$150405	\$105	\$106	\$265216
301-400	\$150405	\$135	\$106	\$295246
401-500	\$150405	\$160	\$106	\$320271
OVER 500	\$150405	\$190	\$106	\$350301

~~(d)(e)~~ NONTRANSIENT APARTMENTS LODGING

NUMBER OF UNITS	BASIC FEE	INCREMENTAL UNIT FEE	HEP FEE	TOTAL FEE
4 OR LESS	0	0	0	0
5-25	\$95	\$20	\$106	\$125421
26-50	\$95	\$35	\$106	\$140436
51-100	\$95	\$50	\$106	\$155451
101-200	\$95	\$75	\$106	\$180476
201-300	\$95	\$105	\$106	\$210206
301-400	\$95	\$135	\$106	\$240236
401-500	\$95	\$160	\$106	\$265261
OVER 500	\$95	\$190	\$106	\$295291

(e) NONTRANSIENT ROOMING HOUSES

NUMBER OF UNITS	BASIC FEE	INCREMENTAL UNIT FEE	HEP FEE	TOTAL FEE
4 OR LESS	0	0	0	0
5-25	\$140	\$20	\$10	\$170
26-50	\$140	\$35	\$10	\$185
51-100	\$140	\$50	\$10	\$200
101-200	\$140	\$75	\$10	\$225
201-300	\$140	\$105	\$10	\$255
301-400	\$140	\$135	\$10	\$285
401-500	\$140	\$160	\$10	\$310
OVER 500	\$140	\$190	\$10	\$340

(5) Amount of License Fee – Public Food Service Establishment. The license fee for a public food service establishment shall be in accordance with the following schedule exclusive of the categories of fee adjustments set forth in subsections 61C-1.008(1) and (3), F.A.C.:

(a) Nonseating:

1.

	BASIC FEE	SERVICE TYPE FEE	EPIDEMIOLOGICAL FEE	HEP FEE	TOTAL FEE
Permanent	\$220475	\$0	\$1240	\$106	\$242491
Mobile Food Dispensing Vehicle	\$185440	\$135	\$1744	\$106	\$347295
Catering	\$185440	\$55	\$1340	\$106	\$263241

2.

	BASIC FEE	EPIDEMIOLOGICAL FEE	HEP FEE	TOTAL FEE
Temporary Public Food Service Establishments and Vendors				
1-3 Day events				
4 through 30-day events	\$77	\$42	\$106	\$9185
Annual vendor	\$9095	\$54	\$106	\$105
	\$942	\$48	\$10	\$1000
Vending Machines	\$10	\$1	\$106	\$2147

3. Theme Park Food Carts

No. of Carts	Basic Fee	Capacity Fee	Epidemiological Fee	HEP Fee	Total Fee
1-5	\$185440	\$55	\$1240	\$106	\$262211
6-10	\$185440	\$65	\$1340	\$106	\$273221
11-15	\$185440	\$85	\$1441	\$106	\$294242
16-20	\$185440	\$105	\$1542	\$106	\$315263
21-25	\$185440	\$125	\$1643	\$106	\$336284
26 or more	\$185440	\$145	\$1744	\$106	\$357305

(b) Seating:

No. of Seats	Basic Fee	Capacity Fee	Epidemiological Fee	HEP Fee	Total Fee
1-49	\$185440	\$55	\$1240	\$106	\$262211
50-149	\$185440	\$65	\$1340	\$106	\$273221
150-249	\$185440	\$85	\$1441	\$106	\$294242
250-349	\$185440	\$105	\$1542	\$106	\$315263
350-499	\$185440	\$125	\$1643	\$106	\$336284
500 or more	\$185440	\$145	\$1744	\$106	\$357305

(c) No change.

1. through 2. No change.

(6) No change.

Specific Authority 509.032(6), 509.251 FS. Law Implemented 509.013, 509.032(2)(e), 509.032(3) (c), 509.251, 509.302(3) FS. History-New 7-31-79, Revised 9-1-80, Formerly 7C-1.08, Amended 5-10-89, 9-10-89, 10-31-89, 4-3-90, 12-31-90, 9-11-91, 2-27-92, 7-6-9, 8-23-92, 11-4-92, 4-4-93, Formerly 7C-1.008, Amended 9-20-93, 12-22-93, 6-29-95, 10-9-95, 9-25-96, 5-11-98, 9-21-00, _____.

Section II
Proposed Rules

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Plant Industry

RULE CHAPTER TITLE: Florida Nursery Stock and Certification Fees

RULE TITLES: Definitions

Registering with the Division

Certification and Quarantine of Nursery Stock

PURPOSE AND EFFECT: The purpose of this rule revision is to provide a definition for certified turfgrass. The effect will be, upon request, to provide certification to producers of turfgrass in order that they may comply with plant quarantine restrictions or phytosanitary requirements. Pasture or forage grasses are specifically excluded from this definition. This amendment will also specifically exempt lawn and pasture grasses not produced as certified turfgrass from nursery stock classification for registration purposes, when apparently free from injurious plant pests. In addition, this proposed rule revision will amend the list of plant pests of limited distribution in Florida to remove those plant pests that have now become widely distributed throughout the state, and to add those plant pests that have recently been introduced into the state and are of limited distribution.

SUMMARY: To provide certification, when requested, to turfgrass producers so they may comply with plant quarantine restrictions imposed by other states or countries, and to specifically exclude those lawn and pasture grasses not produced as certified from nursery stock classification when apparently free from injurious plant pests. In addition, the list of plant pests of limited distribution in Florida requiring immediate quarantine action is being amended to remove three insect pests, one plant disease and two plant parasitic nematodes that have now become widely distributed throughout the state, and to add eight insect pests, one plant disease and one plant parasitic nematode that have recently been introduced into the state and are of limited distribution.

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: 570.07(13),(23), 581.031(1) FS.

LAW IMPLEMENTED: 581.031(1),(4),(5),(6),(7), 581.083, 581.101, 581.131, 581.141 FS.

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

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

PLACE: Doyle Conner Building, 1911 Southwest 34th Street, Gainesville, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Connie Riherd, Assistant Director, Division of Plant Industry, Department of Agriculture and Consumer Services, P. O. Box 147100, Gainesville, FL 32614-7100

THE FULL TEXT OF THE PROPOSED RULES IS:

5B-2.001 Definitions.

For the purpose of this chapter, the definitions in Section 581.011, F.S., and the following definitions shall apply:

(1) Balled and burlapped. A term used to describe a horticultural practice whereby plants are extracted from the soil with a portion of the roots and the growing medium intact forming the ball. The ball is wrapped with burlap or other materials appropriate for supporting the ball during handling.

(2) Bare-root. Plants with roots from which the growing medium in which it was grown has been removed.

(3) Certified turfgrass. Turfgrass produced for purposes of ornamental ground cover by an individual who has requested certification in order to comply with plant quarantine restrictions or phytosanitary requirements. Pasture or forage grasses are specifically excluded from this definition.

(4)(3) Container nursery stock. Plants established in growing media contained in containers such as clay pots, plastic pots, cans, etc.

(5)(4) Exposed. Subject to infestation because of proximity to or contact with a plant pest.

(6)(5) Outlet. A nursery, stock dealer, plant broker or agent offering nursery stock for sale or distribution under the control of a parent organization, corporation, partnership, personal business, cooperative, or other legal business entity.

(7)(6) Propagating material. Unrooted scions and cuttings in the process of developing root systems; seedlings and asexually produced plants which are being developed to a saleable size.

(8)(7) Psorosis complex of viruses. A combination of viruses (psorosis-A, psorosis-B, and ringspot) that induce bark-scaling, internal wood staining, ringspots or irregular chlorotic patterns in the foliage, or eventual tree decline. The disease is spread primarily by propagation using infected budwood.

Specific Authority 570.07(23), 581.031(1) FS. Law Implemented 581.031 FS. History—Repromulgated 12-31-74, Amended 6-15-81, 10-28-85, Formerly 5B-2.01, Amended 6-7-95, _____.

5B-2.002 Registering with the Division.

Every nurseryman, stock dealer, plant broker, and agent shall register with the division before moving, distributing or offering nursery stock for sale. All aquatic plants offered for sale or distribution at the retail level, seeds, ~~lawn and pasture grasses~~, cut flowers, cut fern, and cut foliage (greens) not for propagation, and lawn and pasture grasses not produced as certified turfgrass are specifically exempted from nursery stock classification for registration purposes, when apparently free from injurious plant pests.

(1) NURSERY REGISTRATION REQUIREMENTS.

(a) Application for registration of nurseries shall be made upon a form, DACS-08004, revised 5/99, incorporated herein by reference, to be furnished by the division, which shall contain provisions with which the applicant must comply, and must be signed by the applicant or applicant's representative. Application form DACS-08004, revised 5/99, is supplied by the division for this purpose and is incorporated herein by reference. Copies of DACS-08004, Application For Certificate of Registration, may be obtained from the Division of Plant Industry, Bureau of Plant and Apiary Inspection, P. O. Box 147100, Gainesville, Florida 32614-7100.

(b) Nurserymen desiring to move, sell, distribute, or offer nursery stock for sale and obtain a certificate of registration shall request an inspection by the division at least thirty (30) days in advance of the date upon which they desire to move or offer nursery stock for sale. Nurserymen requesting immediate inspection may be charged an additional fee sufficient to defray the cost of inspection.

(c) The nursery stock must be inspected by an authorized representative of the division and found to be apparently free from plant pests of quarantine significance and to be reasonably free from common plant pests.

(d) The nursery must be in such condition, in regard to spacing, growth, and weed control, as to permit an efficient inspection for plant pests.

(e) The nurseryman must agree to comply with all rules of the division.

(f) Nurserymen, unless exempted under paragraph 5B-2.002(1)(g), F.A.C., must pay an annual certificate of registration fee. Such fee shall be determined by the amount of nursery stock inventoried in the nursery by an authorized representative during the first inspection after July 1; or for field-produced vegetable transplants, field-produced bulbs, and field-produced corms and tubers, the certificate of registration fee shall be based on the amount of planted acreage provided that the total fee does not exceed four hundred and sixty dollars (\$460). Upon meeting registration requirements, a certificate of registration may be issued by the division which shall expire twelve (12) months following date of issue. For fee purposes nursery stock shall be grouped into two categories, except for field-produced vegetable transplants, field-produced bulbs, and field-produced corms and tubers which shall be determined by planted acreage. The two categories for nursery stock shall

include standard stock and propagating material. Standard stock shall include all nursery stock inventoried by unit for sale or distribution; i.e., pot, balled and burlapped, or tray (for seedlings and liners). Propagating material shall include breeding stock, stock plants, rooting beds or other growing units, production beds for seeds and aquatic plants. The fee for nurseries having both standard stock and propagating material shall be determined by converting propagative material to standard stock at a ratio of 10 to 1. The figure so determined will be added to the standard stock inventory and the fee shall be determined on the combined total. Nurseries having standard stock, propagating material and field-produced vegetable transplants, field-produced bulbs, and field-produced corms or tubers shall have the planted acreage fee added to the fee determined for standard stock and propagating material. The combined fees shall not exceed four hundred and sixty dollars (\$460).

1. Schedule of fees determined by nursery stock inventory shall be as follows:

Number of Plant	Amount of Fee
1 – 1,000	\$25.00
1,001 – 2,500	35.00
2,501 – 5,000	46.00
5,001 – 10,000	69.00
10,001 – 25,000	92.00
25,001 – 50,000	115.00
50,001 – 100,000	173.00
100,001 – 150,000	219.00
150,001 – 200,000	265.00
200,001 – 250,000	311.00
250,001 – 300,000	357.00
300,001 – 350,000	403.00
350,001 – 400,000	449.00
Over 400,000	460.00

2. Schedule of fees determined by planted acreage for field-produced vegetable transplants, field-produced bulbs, and field-produced corms and tubers shall be as follows:

Number of Acres	Amount of Fee
1 – 5	\$25.00
6 – 10	35.00
11 – 15	46.00
16 – 20	69.00
21 – 25	92.00
26 – 30	115.00
31 – 35	172.00
36 – 40	218.00
41 – 45	265.00
46 – 50	311.00
51 – 60	357.00
61 – 70	403.00
71 – 80	449.00
Over 81	460.00

3. Schedule of fees determined by planted acreage for certified turfgrass shall be as follows:

<u>Number of Acres</u>	<u>Amount of Fee</u>
<u>1 – 50</u>	<u>25.00</u>
<u>51 – 100</u>	<u>35.00</u>
<u>101 – 200</u>	<u>46.00</u>
<u>201 – 300</u>	<u>69.00</u>
<u>301 – 400</u>	<u>92.00</u>
<u>401 – 500</u>	<u>115.00</u>
<u>501 – 600</u>	<u>172.00</u>
<u>601 – 700</u>	<u>218.00</u>
<u>701 – 800</u>	<u>265.00</u>
<u>801 – 900</u>	<u>311.00</u>
<u>901 – 1000</u>	<u>357.00</u>
<u>1001 – 2000</u>	<u>403.00</u>
<u>2001 – 3000</u>	<u>449.00</u>
<u>Over 3000</u>	<u>460.00</u>

(g) Governmental agency nurseries whose nursery stock is used exclusively for planting on government property are exempt from payment of a certificate of registration fee.

(h) All annual renewal documents for certificate of registration shall be returned not later than the anniversary date of the certificate being renewed, and accompanied by the appropriate fee.

(2) STOCK DEALERS, PLANT BROKERS, AND AGENTS. Stock dealers, plant brokers, and agents shall comply with the following stipulations to meet certification requirements:

(a) Those persons who desire to apply for certification and registration as a stock dealer, plant broker, or agent may make application by completing division form DACS-08004, revised 5/99. This application form should be filed with the division thirty (30) days prior to the date the stock dealer, plant broker, or agent desires to begin operation. The completed application shall be accompanied by payment of the fee as designated in paragraph 5B-2.002(2)(e), F.A.C.;

(b) All annual renewal documents for certificate of registration shall be returned not later than the anniversary date of the certificate being renewed, and accompanied by the appropriate fee;

(c) Stock dealers with more than one outlet supplied with nursery stock from a central location may register outlets by listing or attaching a list of outlets, with complete mailing address and geographical location, to the application or document for renewal form (DACs-08004, revised 5/99 or DACs-08022, revised 5/99) and remitting of the total fee payment for all outlets to be registered. Application for Renewal of Nursery Stock Dealer’s Certificate of Registration form, DACs-08022, revised 5/99, is supplied by the division for this purpose and are incorporated herein by reference. Copies of DACs-08022, may be obtained from the Division of Plant Industry, Bureau of Plant & Apiary Inspection, P. O. Box 147100, Gainesville, Florida 32614-7100;

(d) Stock dealers with an independent source of nursery stock supply, regardless of their affiliation with a parent person, shall apply for a certificate of registration as a separate unit and shall remit the designated fee payment;

(e) The certificate of registration fee for stock dealer, plant broker, and agent establishments shall be \$25.00 per outlet with a \$460 maximum charge;

(f) A stock dealer, plant broker, or agent shall comply with all the provisions of Chapter 581, Florida Statutes, and the rules of the department and shall obtain nursery stock only from certified nurseries;

(g) Stock dealer, plant broker, and agent certificate of registration shall expire twelve (12) months after the date of issuance.

Specific Authority 570.07(23), 581.031(1) FS. Law Implemented 581.131, 581.141 FS. History—Amended 12-31-74, 6-24-75, 3-25-79, 6-15-81, 10-28-85, Formerly 5B-2.02, Amended 5-17-92, 6-7-95, 11-29-95, 6-12-00,

5B-2.0025 Certification and Quarantine of Nursery Stock.

(1) Foreign plant pests requiring immediate quarantine action. All nursery stock found to be infested or infected with or exposed to a plant pest not known to be established in the state will be quarantined and will not be eligible for certification until the plant pest has been eliminated.

(2) Plant pests of limited distribution in Florida requiring immediate quarantine action. All nursery stock found infested or infected with or exposed to a plant pest listed below shall be subject to immediate quarantine action and will not be eligible for certification until treated as prescribed by the department and released from quarantine.

(a) Insects_

1. Diaphorina citri (Asian citrus psyllid) ~~Ceroplastis sp. (scale insect)~~

2. Diaprepes abbreviatus (diaprepes root weevil)

3. Maconellicoccus hirsutus (pink mealybug) ~~Metamasius spp. (weevil)~~

4. Metamasius callizona (bromeliad weevil)

5. Metamasius hemipterus (palm and sugarcane weevil)

~~6.4.~~ Morganella longispina sp. (scale insect) (plumose scale)

7. Myllocerus undatus (weevil)

~~8.5.~~ Opuntiaspis spp.sp. (scale insect)

9. Paratachardina lobata (lobate lac scale)

~~10.6.~~ Parlatoria ziziphi (black parlatoria scale insect)

~~11.7.~~ Philephedra sp. (scale insect)

12. Phoenicococcus marlatti (red date scale)

8. ~~Toxoptera citricida (brown citrus aphid)~~

13. Vinsonia stellifera (stellate scale)

(b) Diseases

1. Agrobacterium tumefaciens (crown gall)

2. Lethal yellowing of palms

3. Phomopsis gardeniae (gardenia canker)

4. Psorosis complex of viruses

- 5. *Puccinia pelargonii - zonalis* (geranium rust)
- 6. *Sphaceloma poinsettia* (poinsettia scab)
- 7. Tomato yellow leaf curl virus

(c) Mollusks (Snails)

- 1. *Otala lactea* (milk snail)
- 2. *Zachrysia provisoria* (Cuban land snail)

(d) Nematodes

- 1. ~~*Heterodera schachtii* (sugar beet nematode)~~
- 2. ~~*Heterodera glyeines* (soybean cyst nematode)~~

1. *Meloidogyne mayaguensis*

(3) Common Plant Pests. All nursery stock found infested or infected with a common plant pest shall be subject to immediate quarantine action when the population of the plant pest is adversely affecting the nursery stock. The nursery stock will not be eligible for certification until treated as prescribed by the department and released from quarantine.

Specific Authority 570.07(13),(23) FS. Law Implemented 581.031(4),(5),(6),(7), 581.083, 581.101 FS. History—New 6-7-95, Amended 10-8-96, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Constance C. Riherd, Assistant Director, Division of Plant Industry, Department of Agriculture and Consumer Services, Doyle Conner Building, 1911 S. W. 34th Street, Gainesville, Florida 32614-7100, (352)372-3505

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Craig Meyer, Deputy Commissioner for Agricultural Services, Commissioner’s Office Staff, Florida Department of Agriculture and Consumer Services, PL 10, The Capitol, Tallahassee, FL 32399-0810

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: MAY 30, 2003

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

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Plant Industry

RULE CHAPTER TITLE: Plant Quarantine and Certification

RULE CHAPTER NO.: 5B-3

Entry Requirements

5B-3

RULE TITLES: Requirements for the Interstate Movement

RULE NOS.: 5B-3.003

of Nursery Stock and Other Plants and Plant Products

5B-3.003

Requirements for the International Movement of Plants and Plant Products

5B-3.0032

Restrictions on Host Fruit of Fruit Flies Quarantine Action

5B-3.0035

5B-3.0038

PURPOSE AND EFFECT: The purpose of this rule amendment is to revise documentation requirements for plants and plant products entering Florida by road from other states or countries, and to provide a provision for suspending shippers

responsible for pests not known to occur in Florida to be introduced into the State. Additional quarantine pests are also being added to the list of pests not known to occur in Florida, and to the list of quarantine pests of limited distribution. The effect would be that in most instances, importers of foreign produce will have less documentation to present when entering the agricultural inspection stations maintained by the Office of Agricultural Law Enforcement. This revision will also make bill of lading requirements consistent with U.S. Custom rules that require such documentation of foreign products to be in the English language, or be accompanied by an English translation. In addition, this revision will have the effect of clarifying that products moved interstate in violation of Federal restrictions will also be considered in violation of Florida law. Furthermore, the ability to suspend shippers of products infested with pests not known to occur in Florida will give added protection against additional introductions into the State.

SUMMARY: Determining certification requirements for international or domestic plant products is dependant upon the ability of the Department to identify that product. Bill of lading and other documentation not in the English language may prevent proper identification, leading to the entry of product not properly certified.

The requirement for foreign origin plants and plant products to be accompanied by supporting documentation verifying inspection and clearance by the USDA has become outdated. It is difficult for many shippers to obtain the proper documentation as the USDA has moved increasingly toward a paperless entry system for product entering many U.S. ports. In addition, as imported product is brokered and redistributed in smaller lots among different entities and transported throughout the U.S., the original clearance documentation resides with the importer and is difficult to locate. In addition, there is no method available to clearly reconcile product which has been redistributed any number of times from the original importer with documentation that is provided upon entry into the State. The effect is the documentation is of little value for demonstrating inspection and clearance by USDA, and shipments are often delayed while brokers try to locate it.

Florida agriculture is at risk each time a pest not known to occur in the State enters with infested plants and plant products. By suspending shippers for a suitable period who cause new pests to be introduced, we hope to prevent repeated introductions which would add greatly to the opportunity for the new pest to become established in Florida. The assistance of agriculture officials in the shipper’s state of origin will be enlisted to help mitigate the pest risk of future shipments before shipments to Florida may resume.

SPECIFIC AUTHORITY: 570.07(23), 581.031(4), 581.091, 581.101 FS.

LAW IMPLEMENTED: 581.031(7), 581.083, 581.101 FS.

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

TIME AND DATE: 10:00 a.m., July 11, 2003

PLACE: Doyle Conner Building, 1911 Southwest 34th Street, Gainesville, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Connie Riherd, Assistant Director, Division of Plant Industry, Department of Agriculture and Consumer Services, P. O. Box 147100, Gainesville, FL 32614-7100

THE FULL TEXT OF THE PROPOSED RULES IS:

5B-3.003 Requirements for the Interstate Movement of Nursery Stock and Other Plants and Plant Products.

Any person, nurseryman, stock dealer, agent, or plant broker doing business outside the State of Florida who desires to ship into this state nursery stock and other plants and plant products from any state, U. S. possession, territory, or district of the United States, shall comply with the following regulations:

(1) If shipping nursery stock, the nurseryman, stock dealer, agent, or plant broker must be registered with the department of agriculture of the state where such nursery stock originated and listed in that state's directory of registered or certified nurseries, agents, stock dealers, and plant brokers.

(2) For nursery stock, a valid certificate of inspection issued by the state of origin must be attached to each separate package, bundle, box, or shipment of nursery stock shipped into Florida. The certificate of inspection shall certify that the nursery stock is apparently free of plant pests and is in compliance with the rules of the department. In club orders, one tag must be attached to each individual order and another to the package containing the individual orders.

(3) All commercial shipments of nursery stock or other plants and plant products entering peninsular Florida by road are required to stop at an agricultural inspection station where they will be screened for proper certification and subject to cargo inspection by the department. Each shipment shall be accompanied with a bill of lading, or other valid documentation which contains, at least, the following information:

- (a) Name and address of shipper or consignor;
- (b) Name and physical address of receiver or consignee;
- (c) Description of Plants or plant products in shipment;
- (d) Place and state of origin;
- (e) Ultimate destination of shipment if other than receiver or consignee.

(4) The bill of lading or other valid document and all attachments shall be in the English Language, or shall have attached thereto an accurate English translation containing adequate information for examination of the product.

~~(5)(4)~~ A report of Plant and Plant Material In Transit, DACS-08003, revised 1/00, will be completed on any shipment of nursery stock or other plants or plant products entering Florida that is subject to additional inspection upon reaching its destination. Report of Plant and Plant Material In Transit form, DACS-08003, revised 1/00, is supplied by the division for this purpose and is incorporated herein by reference. Copies of DACS-08003, Report of Plant and Plant Material In Transit, may be obtained from the Division of Plant Industry, Bureau of Plant and Apiary Inspection, P. O. Box 147100, Gainesville, Florida 32614-7100.

~~(6)(5)~~ Non-commercial shipments of house plants which are part of a passenger's baggage or household effects may enter the state provided the plants are accompanied with a certificate of inspection. Should the plants originate from a state that does not offer an inspection and certification service for house plants, the owner must be able to furnish the department a Florida address where the plants will be located. This information will enable the department to conduct a follow-up inspection if deemed necessary. If sufficient information is given, the plants will be allowed to proceed.

~~(7)(6)~~ The movement of propagative parts of sugarcane into the State of Florida is prohibited unless accompanied by a special permit issued by the department. A special permit may be requested by completing an Application for Special Permit to Import Sugarcane, DACS-08083, revised 10/99, and submitting it to the division director. Special Permit to Import Sugarcane, DACS-08083, revised 10/99, is supplied by the division for this purpose and is incorporated herein by reference. Copies of An Application for Special Permit to Import Sugarcane, may be obtained from the Division of Plant Industry, P. O. Box 147100, Gainesville, Florida 32614-7100. Sorghum seed is exempt from this requirement provided it is apparently free from plant pests.

~~(8)(7)~~ It is unlawful for any person to introduce into this state from another state, territory, or foreign country any citrus plant or citrus plant product or propagation there from without a permit issued by the department, unless specifically excluded by the rules of the department. A permit may be requested by completing an Application to Introduce Citrus Plants and Citrus Plant Parts, DACS-08084, revised 1/00, and submitting it to the division director. Application to Introduce Citrus Plants and Citrus Plant Parts, DACS-08084, revised 1/00, is supplied by the division for this purpose and is incorporated herein by reference. Copies of Application to Introduce Citrus Plants and Citrus Plant Parts, may be obtained from the Division of Plant Industry, P. O. Box 147100, Gainesville, Florida 32614-7100. Any such citrus plant or citrus plant product or propagation there from introduced into the state from another state, territory, or foreign country without a permit issued by the department, or any plants propagated thereafter from such materials, are unlawful and declared to be

contraband and shall be confiscated and destroyed. No compensation shall be allowed for any plant, product, or propagation confiscated and destroyed pursuant to this section.

Specific Authority 570.07(23), 581.031(1),(4),(5) FS. Law Implemented 581.031, 581.182 FS. History—New 3-16-92, Amended 7-2-95, 4-1-97, 6-12-00, _____.

5B-3.0032 Requirements for the International Movement of Plants and Plant Products.

~~(1) All shipments of foreign origin plants and plant products shall be prohibited entry into the state of Florida unless accompanied by supporting documentation verifying inspection and clearance by the USDA.~~

~~(1)(2)~~ All shipments of foreign origin plants and plant products entering ~~peninsular~~ Florida by road are required to stop at an agricultural inspection station where they will be screened for proper certification and subject to cargo inspection by the department.

~~(2)(3)~~ All shipments of foreign origin plants and plant products shall be accompanied with a bill of lading, or other valid documentation which contains, at least, the following information:

- (a) Name and physical address of the shipper or consignor;
- (b) Name and physical address of receiver or consignee;
- (c) Description of plants or plant products in shipment;
- (d) Place and country of origin;
- (e) Ultimate destination of shipment if other than receiver or consignee.

(3) The bill of lading or other valid document and all attachments shall be in the English language, or shall have attached thereto an accurate English translation containing adequate information for examination of the product.

(4) It shall be unlawful to ship plants and plant products into Florida which are in violation of Federal law, including restricted foreign origin plants and plant products that require treatment or the distribution is limited to specified states.

Specific Authority 570.07(23), 581.031(4) FS. Law Implemented 581.031(15),(19),(20) FS. History—New 4-1-97, Amended _____.

5B-3.0035 Restrictions on Host Fruit of Fruit Flies.

All host fruit listed in (1) through (52) from an area infested with the fruit flies *Anastrepha* spp. (except *A. suspensa*), *Bactrocera* spp., *Dacus* spp., *Rhagoletis* spp., and *Ceratitidis* spp. is prohibited entry into the State of Florida, unless accompanied by a certificate issued by an authorized representative of the USDA or the state of origin denoting the absence of fruit flies listed above, or having complied with a treatment established by the department or USDA to insure freedom from fruit flies. The following host list does not exclude from restriction any movement into Florida of other fruit or articles that may be infested. The purpose of the list is to provide information as to the preferred hosts of fruit flies which most commonly move in commerce.

- (1) *Actinidia chinensis* – kiwi fruit
- (2) *Annona* spp. – soursop, cherimoya, pond-apple, and sugar-apple
- (3) *Arenga pinnata* – sugar palm
- (4) *Argania spinosa* – Argan tree, Morocco ironwood
- (5) *Blighia sapida* – akee
- (6) *Capsicum* spp. – peppers
- (7) *Carica papaya* – papaya
- (8) *Carissa macrocarpa* – carissa, Natal-plum
- (9) *Casimiroa* spp. – white-sapote and other species of this genus
- (10) *Chrysophyllum* spp. – star-apple and other species of this genus
- (11) *Citrus* spp. – orange, grapefruit, tangerine, and other citrus relatives as defined in Rule 5B-46.001, F.A.C., above.
- (12) *Coffea arabica* – coffee
- (13) *Cucumis* spp. – cucumber, muskmelon, melon, and other species of this genus
- (14) *Cydonia oblonga* – common quince
- (15) *Cyphomandra betacea* – tree tomato
- (16) *Dimocarpus longana* – longan
- (17) *Diospyros* spp. – Japanese and American persimmons and other species of this genus
- (18) *Dovyalis* spp. – Ceylon-gooseberry, kei-apple
- (19) *Eriobotrya japonica* – loquat
- (20) *Eugenia* spp. – Surinam cherry and other species of this genus
- (21) *Acca sellowiana* (≡ *Feijoa sellowiana*) – feijoa, pineapple guava
- (22) *Ficus carica* – fig
- (23) *Fortunella japonica* – kumquat
- (24) *Geoffroea decorticans* – chanar, Chilean palo verde
- (25) *Juglans* spp. – walnut with husk
- (26) *Litchi chinensis* – lychee
- (27) *Lycopersicon esculentum* – tomato
- (28) *Malpighia* spp. – Barbados cherry, West Indies cherry
- (29) *Malus ~~sylvestris~~ pumila*-apple
- (30) *Mangifera indica* – mango
- (31) *Manilkara zapota* – sapodilla
- (32) *Mimusops elengi* – Spanish cherry
- (33) *Murraya paniculata* – orange jasmine
- (34) *Ochrosia elliptica* – ~~bourbon orange~~ kopsia, elliptic yellowwood
- (35) *Olea europea* – olive
- (36) *Opuntia* spp. – prickly pear
- (37) *Passiflora edulis* – passion fruit
- (38) *Persea americana* – avocado
- (39) *Phoenix dactylifera* – date palm
- (40) *Pouteria campechiana* – canistel
- (41) *Pouteria sapota* – mamee, sapote

- (42) Prunus spp. – peach, plum, apricot, cherry, and other stone fruit relatives
- (43) Psidium spp. – common guava and cattley guava
- (44) Punica granatum – pomegranate
- (45) Pyrus communis – pear
- (46) Solanum melongena var. esculentum – eggplant
- (47) Spondias spp. – hog plum, yellow mombin, red mombin, purple mombin, Spanish plum, jocote
- (48) Syzygium spp. – rose-apple, jambolan-plum, mountain apple
- (49) Terminalia catappa – tropical almond
- (50) Thevetia peruviana – yellow oleander
- (51) Vaccinium angustofolium (including V. pennsylvanicum) – lowbush blueberry
- (52) Vaccinium corymbosum (including V. ashei and V. atrococcum) – highbush blueberry
- (53)(51) Vitis spp. – wine grape or European grape
- (54)(52) Any other fruit which is known to be or found to be a host of any fruit flies listed above.

Specific Authority 570.07(23), 581.031(1),(4),(5) FS. Law Implemented 581.031 FS. History—New 7-2-95, Amended _____.

5B-3.0038 Quarantine Action.

(1) Plant pests not known to occur in the state of Florida. Plants and plant products which do not meet Florida regulations or are found to be infested or infected with, or exposed to a plant pest not known to be established in the state shall be subject to being refused entry, returned to the owner, quarantined, treated, or destroyed as specified by the department, or destroyed or treated by an authorized representative of the department. The destruction, quarantine, treatment, or return of a shipment shall be under the direction of an authorized representative of the department and at the expense of the owner. Payment to the department for such expense shall be required before shipping can resume. Shippers shall be immediately suspended from shipping into Florida when shipments of plants and plant products are found to be infested or infected with a plant pest not known to be established in the state, and the pest is determined to be potentially damaging to Florida agriculture. This suspension shall remain in effect until the Florida Department of Agriculture and Consumer Services, Division of Plant Industry, and the state of origin department of agriculture agree the problem has been resolved and that shipping may resume. An Agreement For Treatment, Destruction, Forfeiture, or Return of Plants and/or Plant parts, DACS-08029, revised 8/02 ~~12/99~~, will be completed on all shipments requiring regulatory action. An Agreement For Treatment, Destruction, Forfeiture, or Return of Plants and/or Plant Parts form, DACS-08029, revised 8/02 ~~12/99~~, is supplied by the division for this purpose and is incorporated herein by reference. Copies of DACS-08003, Report of Plant and Plant Material In Transit, and DACS-08029, Agreement For Treatment, Destruction,

Forfeiture, or Return of Plants and/or Plant Parts, may be obtained from the Division of Plant Industry, Bureau of Plant and Apiary Inspection, P. O. Box 147100, Gainesville, Florida 32614-7100. The following are examples of plant pests that would require immediate quarantine action:

(a) Insects

- 1. Aceria litchii (currently in Hawaii (Litchi mite))
- 2. Anoplophora spp. (Asian longhorned beetles)
- 3. Biprorulus bibax (spined orange bug)
- ~~4.1.~~ Bostrichidae Bostrichidae (Bostrichid beetles)
- 5. Brevipalpus chilensis (Chilean false red mite)
- 6. Ceratovacuna lanigera (sugarcane woolly aphid)
- ~~7.2.~~ Diaphora eutri (Asian citrus psyllid)
- 8. Eutetranychus orinetalis (Oriental red mite)
- 9. Exophthalmus spp. (Caribbean citrus weevils)
- ~~10.3.~~ Liriomyza huidobrensis (pea leaf miner)
- ~~11.4.~~ Maconellicoccus hirsutus (pink mealybug)
- 12. Metamasius spp. (Neotropical palm and bromeliad weevils)

13. Musgraveia sulciventris (bronze orange bug)

14. Myllocerus spp. (Asian weevils)

15. Nephotettix spp. (Green leafhoppers on rice)

16. Nilaparvata lugens (brown plant hopper)

17. Oxycarenus hyalinipennis (dusky cottonseed bug)

18. Prymnotrypes spp. (Andean potato weevils)

19. Russelliana solanicola (a potato psyllid)

~~20.5.~~ Siphoninus pluvialleae (Ash whitefly)

21. Trioza anceps (avocado psyllid)

22. Trioza perseae (avocado psyllid)

~~23.6.~~ Trioza erytrae (African citrus psyllid)

24. Tropilaelaps clareae (Tropilaelaps mite)

~~7.~~ Vinsonia stellifera (stellate scale)

(b) Diseases

1. Citrus chlorotic dwarf

2. Citrus leprosis virus

3. Citrus variegated chlorosis

4. Citrus yellow mosaic virus

5. Huanglongbing (citrus greening disease)

6. Phytophthora ramorum (sudden oak death)

~~7.1.~~ Puccinia horiana (chrysanthemum white rust)

~~8.2.~~ Sugarcane bacilliform badnavirus

~~9.3.~~ Sugarcane yellowleaf syndrome

~~10.4.~~ Xanthomonas axonopodis pv. citri (citrus canker)

(c) Mollusks

1. Achatina spp. fulica (giant African snail and others)

2. Archachatina marginata (banana rasp snail)

~~3.2.~~ Cryptomphalus spp. (brown garden snail and others)

Helix aspersa

4. Megalobulimus oblongus (giant South American snail)

5. Theba pisana (white garden snail)

(d) Nematodes

1. Anguina tritici (wheat gall nematode)
- ~~2. Bursaphelenchus cocophilus (red ring nematode)~~
3. Ditylenchus destructor (potato rot nematode)
4. Ditylenchus dispaci (bud and stem nematode)
- ~~5. Globodera rostochiensis and G. Pallida (potato cyst nematode)~~
6. Hemicyclophora arenaria (citrus sheath nematode)
7. Heterodera carotae (carrot cyst nematode)
8. Heterodera cruciferae (cabbage cyst nematode)
9. Heterodera goettingiana (pea cyst nematode)
- ~~10. Heterodera zeae (corn cyst nematode)~~
11. Hoplolaimus columbus (Columbia lance nematode)
12. Longidorus africanus (a needle nematode)
13. Longidorus belondriodes (a needle nematode)
14. Meloidogyne chitwoodi (Columbia root-knot nematode)
15. Meloidogyne citri (a citrus root-knot nematode)
- ~~16. Meloidogyne fujianensis (citrus root-knot nematode)~~
17. Meloidogyne naasi (cereal root-knot nematode)
18. Nacobbus aberrans (false root-knot nematode)
19. Pratylenchus convallariae (a lesion nematode)
20. Pratylenchus crenatus (a lesion nematode)
21. Pratylenchus goodeyi (a lesion nematode)
22. Xiphinema brevicolle (a dagger nematode)
23. Xiphinema bricolensis (a dagger nematode)
24. Xiphinema californicum (a dagger nematode)
25. Xiphinema diversicaudatum (a dagger nematode)
26. Xiphinema index (California dagger nematode)
27. Xiphinema insigne (a dagger nematode)
28. Xiphinema vuittenezi (a dagger nematode)
29. Zygotylenchus spp. (a lesion nematode)

(2) Plant pests of limited distribution in the state of Florida. Plants and plant products found infested or infected with or exposed to a plant pest of limited distribution in the state shall be subject to immediate quarantine action and will not be eligible for certification until treated as prescribed by the department and released from quarantine.

An Agreement for Chemical Treatment, DACS-08081, revised 10/99, may be required for plants and plant products requiring treatment. Agreement for Chemical Treatment form, DACS-08081, revised 10/99, is supplied by the division for this purpose and is incorporated herein by reference. Copies of DACS-08081, Agreement for Chemical Treatment, may be obtained from the Division of Plant Industry, Bureau of Plant and Apiary Inspection, P. O. Box 147100, Gainesville, Florida 32614-7100. The following are examples of plant pests that would require immediate quarantine action:

(a) Insects

1. Diaphorina citri (Asian citrus psyllid) ~~Ceroplastes rusei (scale insect) (fig wax scale)~~

2. Diaprepes abbreviatus (diaprepes root weevil)
3. Maconellicoccus hirsutus (pink mealybug)
- ~~3. Metamasius spp. (weevil)~~
4. Metamasius callizona (bromeliad weevil)
5. Metamasius hemipterus (palm and sugarcane weevil)
- ~~6.4. Morganella longispina (scale insect) (plumose scale)~~
7. Myllocerus undatus (weevil)
- ~~8.5. Opuntiaspis spp. (scale insect)~~
9. Paratachardina lobata (lobate lac scale)
- ~~10.6. Parlatoria ziziphi (black parlatoria scale)~~
11. Philephedra sp. (scale insect)
12. Phoenicococcus marlatti (red date scale)
8. Toxoptera citricida (brown citrus aphid)
13. Vinsonia stellifera (stellate scale)

(b) Diseases

1. Agrobacterium tumefaciens (crown gall)
2. Lethal yellowing of palms
3. Phomopsis gardeniae (gardenia canker)
4. Puccinia pelargonii – zonalis (geranium rust)
5. Sphaceloma poinsettiae (poinsettia scab)
6. Tomato yellow leaf curl virus

(c) Mollusks (Snails)

1. Otala lactea (milk snail)
2. Zachrysis provisorica (Cuban land snail)

(d) Nematodes

1. Heterodera schachtii (sugar beet nematode)
2. Heterodera glyeines (soybean cyst nematode)
1. Meloidogyne mayaguensis

(3) Common Plant Pests. All nursery stock and other plants and plant products found infested or infected with a common plant pest shall be subject to immediate quarantine action when the population of the plant pest is adversely affecting the plant or plant product. The plant or plant product will not be eligible for certification until treated as prescribed by the department and released from quarantine. An Agreement for Chemical Treatment, DACS-08081, revised 10/99, may be required for plants and plant products requiring treatment.

Specific Authority 570.07(23), 581.031(4), 581.101 FS. Law Implemented 581.031(7), 581.083, 581.101 FS. History—New 4-1-97, Amended 6-12-00,

NAME OF PERSON ORIGINATING PROPOSED RULE: Constance C. Riherd, Assistant Director, Division of Plant Industry, Department of Agriculture and Consumer Services, Doyle Conner Building, 1911 S.W. 34th Street, Gainesville, Florida 32614-7100, (352)372-3505

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Craig Meyer, Deputy Commissioner for Agricultural Services, Commissioner's Office Staff, Florida Department of Agriculture and Consumer Services, PL 10, The Capitol, Tallahassee, FL 32399-0810

Retirement Cost shall be kept by function and recorded in a separate subaccount as intangible plant. The utility shall subsequently allocate that Asset Retirement Cost to expense over its useful life. The expense shall be recorded in a separate subaccount.

(5) Asset Retirement Costs do not qualify for Allowance for Funds Used During Construction.

(6) Pursuant to SFAS 143, in periods subsequent to the initial measurement, a utility shall recognize period-to-period changes in the liability for an Asset Retirement Obligation resulting from accretion or revisions to either the timing or the amount of the original estimate of undiscounted cash flows.

(a) A utility shall measure the accretion cost in the liability for an Asset Retirement Obligation due to passage of time by applying the interest method of allocation to the amount of the liability at the beginning of the period. This amount shall be recognized as an increase in the carrying amount of the liability.

(b) The accretion expense shall be recorded in a separate subaccount.

(c) Revisions to a previously recorded Asset Retirement Obligation will result from changes in the assumptions used to estimate the cash flows required to settle the Asset Retirement Obligation, including changes in estimated probabilities, amounts, and timing of the settlement of the Asset Retirement Obligation, as well as changes in the legal requirements of an obligation. Upward revisions to the undiscounted estimated cash flows shall be treated as a new liability and discounted at the current rate. Downward revisions will result in a reduction of the Asset Retirement Obligation. The amount of the liability to be removed shall be discounted at the rate that was used at the time the obligation was originally recorded. The concurrent debit or credit shall be made to the Asset Retirement Cost.

(7) Differences between amounts prescribed by the Commission and those used in the application of SFAS 143 shall be recorded as Regulatory Liabilities or Regulatory Assets in separate subaccounts.

(8) The Regulatory Debit and Regulatory Credit accounts shall be used to record the differences between the Commission prescribed amounts and the amounts which are reported as expense under SFAS 143.

(9) Each utility shall keep records supporting the calculation and the assumptions used in the determination of the Asset Retirement Obligation and the related Asset Retirement Cost and the related Regulatory Assets and Regulatory Liabilities established in accordance with this rule and the implementation of SFAS 143.

(10) If a utility is not required to establish an Asset Retirement Obligation for an asset or group of assets, the cost of removal shall continue to be included in the calculation of the depreciation expense and accumulated depreciation.

Specific Authority 350.127(2) FS. Law Implemented 364.03, 364.035(5), 366.05(1), 367.121(1)(a) FS. History—New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Christine Romig

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Florida Public Service Commission
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 3, 2003

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: January 31, 2003

WATER MANAGEMENT DISTRICTS

Southwest Florida Water Management District

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

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

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

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

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

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

SPECIFIC AUTHORITY: 373.044, 373.113, 373.149, 373.171 FS.

LAW IMPLEMENTED: 373.109, 373.421(2) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Jack R. Pepper, Senior Attorney, Office of General Counsel, 2379 Broad Street, Brooksville, FL 34604-6899, (352)796-7211, Extension 4651

THE FULL TEXT OF THE PROPOSED RULE IS:

40D-1.607 Permit Processing Fee.

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

(1) Environmental Resource or Management and Storage of Surface Waters Permit Applications.

(a) through 3. No change.

4. Application for Individual Permit and General Permit for Incidental Site Activities

\$3300.00

4. through 13. renumbered 5. through 14. No change.

(2) through (12) No change.

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

NAME OF PERSON ORIGINATING PROPOSED RULE:

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

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

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

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

DEPARTMENT OF ENVIRONMENTAL PROTECTION

DOCKET NO.: 03-10R

RULE CHAPTER TITLE: RULE CHAPTER NO.:

Total Maximum Daily Loads 62-304

RULE TITLES: RULE NOS.:

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

Lake Apopka 62-304.510

SUMMARY: This TMDL addresses the nutrient impairment in Lake Apopka, Lake Apopka Outlet and Gourd Neck Springs, all of which were listed as impaired by nutrients in the 2002 Update to Florida's 303(d) list of impaired waters. The TMDL

is based on the Pollutant Load Reduction Goal (PLRG) for the lake established by the St. Johns River Water Management District (SJRWMD). The SJRWMD used the steady-state formulation of Vollenweider's 1969 input-output model to determine the allowable phosphorus loading for the lake that would achieve the Total Phosphorus criterion for the lake of 55 parts per billion. While this TMDL is specifically for phosphorus, the resultant limitations on algal growth will have additional benefits with respect to other parameters of concern, including dissolved oxygen and biochemical oxygen demand. This TMDL for Total Phosphorus also serves as the TMDL for Dissolved Oxygen and Biochemical Oxygen Demand for Lake Apopka Outlet.

If requested, a public hearing shall be held as follows:

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

PLACE: Department of Environmental Protection, Twin Towers Building, Room 609, 2600 Blair Stone Road, Tallahassee, Florida

SUBJECT MATTER TO BE CONSIDERED: Subject: Lake Apopka TMDL

Copies of the proposed rule may be requested from, Pat Waters, Department of Environmental Protection, 2600 Blair Stone Road, Bureau of Watershed Management, MS 3555, Tallahassee, Florida 32399-2400 or by calling (850)245-8449.

The full text of the notice is published on the Internet at the DEP homepage at <http://www.dep.state.fl.us/> under the link or button entitled "Official Notices."

DEPARTMENT OF HEALTH

Board of Dentistry

RULE TITLE: RULE NO.:

Continuing Education Requirements 64B5-12.013

PURPOSE AND EFFECT: The Board proposes the rule amendment to set a time limit for earning continuing education credit hours allowed for participation in pro bono service programs.

SUMMARY: The proposed rule amendment specifies the per biennium requirements of providing pro bono dental and dental hygiene services for continuing education credit hours.

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

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

SPECIFIC AUTHORITY: 456.013(8), 456.031, 466.004(4), 466.0135, 466.014, 466.017(3),(4) FS.

LAW IMPLEMENTED: 456.013(8), 456.031, 466.0135, 466.014, 466.028(1)(i),(bb), 466.017(3),(5) 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 JULY 11, 2003 IN ORLANDO, FLORIDA.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Sue Foster, Executive Director, Board of Dentistry/MQA, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3258

THE FULL TEXT OF THE PROPOSED RULE IS:

64B5-12.013 Continuing Education Requirements.

(1) through (2) No change.

(3) Continuing education credit shall be awarded only for educational experiences that are specifically appropriate for, and contain useful information directly pertinent to, dentistry and only if received through the following methods:

(a) through (d) No change.

(e) By participating in programs approved by the Board pursuant to Rule 64B5-12.0185, F.A.C., that provide substantial pro bono dental and dental hygiene services to the indigent, to dentally underserved populations or to persons who reside in areas of critical need within Florida. Dentists and dental hygienists may obtain a maximum of 5 hours per biennium of required continuing education credit for participating in such programs. Continuing education credit shall be calculated at a ratio of 1 continuing education credit for each 3 hours of patient services provided to approved programs.

(4) through (6) No change.

Specific Authority 456.013(8), 456.031, 466.004(4), 466.0135, 466.014, 466.017(3),(4) FS. Law Implemented 456.013(8), 456.031, 466.0135, 466.014, 466.028(1)(i),(bb), 466.017(3),(5) FS. History—New 4-2-86, Amended 12-31-86, 4-26-87, 7-20-87, 9-16-87, 11-18-89, 7-9-90, Formerly 21G-12.013, Amended 5-19-94, 7-18-94, Formerly 61F5-12.013, Amended 11-15-95, 4-8-96, Formerly 59Q-12.013, Amended 2-17-98, 2-15-99, 3-11-99, 11-9-00, 5-20-01, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Board of Dentistry

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Dentistry

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: May 16, 2003

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: May 2, 2003

DEPARTMENT OF HEALTH

Board of Dentistry

RULE TITLE: _____ RULE NO.:

Courses Required of Licensees for
Renewal and Reactivation 64B5-12.020

PURPOSE AND EFFECT: The Board proposes rule amendments to update continuing education requirements for life-saving techniques.

SUMMARY: The proposed rule amendments address new developments in life-saving procedures for inclusion in continuing education requirements.

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

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

SPECIFIC AUTHORITY: 466.004 FS.

LAW IMPLEMENTED: 456.013(6),(7),(8), 466.0135, 466.014 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 JULY 11, 2003 IN ORLANDO, FLORIDA.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Sue Foster, Executive Director, Board of Dentistry/MQA, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3258

THE FULL TEXT OF THE PROPOSED RULE IS:

64B5-12.020 Courses Required of Licensees for Renewal and Reactivation.

Licensed dentists and dental hygienists are required to complete the following continuing education during each license renewal biennium.

(1) Training in cardiopulmonary resuscitation (CPR) at the basic support level, including one-rescuer and two-rescuer CPR for adults, children, and infants; the relief of foreign body airway obstructions for adults, children, and infants; the use of an automatic external defibrillator (AED); and the use of ambu-bags resulting in including one-person, two-person and child techniques, which results in certification or recertification in CPR by the American Heart Association, the American Red Cross or an entity with equivalent requirements.

(2) through (3) No change.

Specific Authority 466.004 FS. Law Implemented 456.013(6),(7),(8), 466.0135, 466.014 FS. History—New 4-11-94, Amended 7-18-94, Formerly 61F5-12.020, 59Q-12.020, Amended 1-23-01, 6-7-01, 9-27-01, 12-23-02, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Board of Dentistry

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Dentistry

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: May 16, 2003

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: May 2, 2003

DEPARTMENT OF HEALTH

Board of Dentistry

RULE TITLE: Disciplinary Guidelines
 RULE NO.: 64B5-13.005

PURPOSE AND EFFECT: The Board proposes the rule amendment to update the amount of the administrative fine for practice violations.

SUMMARY: The proposed rule amendment increases the administrative fine from \$3,000 to \$10,000 per offense.

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(1) FS.

LAW IMPLEMENTED: 456.072(2)(d), 456.079(1), 466.028 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 JULY 11, 2003 IN ORLANDO, FLORIDA.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Sue Foster, Executive Director, Board of Dentistry/MQA, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3258

THE FULL TEXT OF THE PROPOSED RULE IS:

64B5-13.005 Disciplinary Guidelines.

(1) Unless relevant mitigating factors are demonstrated the Board shall always impose a reprimand and an administrative fine of ~~\$10,000.00~~ ~~\$3,000.00~~ per count or offense when disciplining a licensee for any of the disciplinary grounds listed in subsections (2) or (3) of this rule. The reprimand and administrative fine is in addition to the penalties specified in subsections (2) and (3) for each disciplinary ground.

(2) through (7) No change.

Specific Authority 456.079(1) FS. Law Implemented 456.072(2)(d), 456.079(1), 466.028 FS. History--New 12-31-86, Amended 2-21-88, 1-18-89, 12-24-91, Formerly 21G-13.005, 61F5-13.005, 59Q-13.005, Amended 4-2-02,

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Dentistry

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Dentistry

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: May 16, 2003

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

DEPARTMENT OF HEALTH

Board of Dentistry

RULE TITLE: Unlicensed Practice of Dentistry
 RULE NO.: 64B5-17.010

PURPOSE AND EFFECT: The Board proposes the rule amendments to specify requirements for verification of patient shade-selection outside the dentist's direct supervision.

SUMMARY: The proposed rule amendments address shade selection verification for fixed partial prosthesis performed outside the dentist's direct supervision.

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: 466.004(4) FS.

LAW IMPLEMENTED: 466.026(1)(a), 466.028(1)(g),(bb) 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 JULY 11, 2003 IN ORLANDO, FLORIDA.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Sue Foster, Executive Director, Board of Dentistry/MQA, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3258

THE FULL TEXT OF THE PROPOSED RULE IS:

64B5-17.010 Unlicensed Practice of Dentistry.

For the purposes of interpreting Sections 466.003(3), 466.026(1)(a), and 466.028(1)(g)(bb), F.S., the Board shall not consider it to be the unlicensed practice of dentistry for an unlicensed person to furnish, supply, construct or reproduce an appliance to be worn in the human mouth or to verify the patient's shade-selection outside the dentist's direct supervision for fixed partial prosthesis if:

(1) through (2) No change.

(3) The appliance does not adjust or otherwise affect the natural features of the face or mouth or affect any appliance placed in the mouth by a licensed dentist; ~~and~~

(4) No change.

(5) The request for the shade verification is accompanied by a prescription form or work order written by a licensed dentist to meet the requirements of Section 466.021, Florida Statutes;

(6) The dentist has previously completed the initial shade selection;

(7) The shade verification site is approved by the dentist and meets all requirements of Sections 466.028(1)(u), 466.031(1) and 466.032(1), Florida Statutes;

(8) During shade verification, no appliances or prosthetic devices are to be placed, removed or sealed in the oral cavity at the site except by a licensed dentist on a patient of record in accordance with the requirements of Sections 466.024(5) and 466.028(1)(m), Florida Statutes;

(9) During shade verification, contact to the patient is limited to visual contact only;

(10) During shade verification, soft or hard tissue shall not be manipulated;

(11) During shade verification, the patient shall be instructed on how to retract his or her own lip, and the shade tab shall only be held in proximity, but without physical contact to the patient's dentition; and,

(12) During shade verification, photography shall be limited to the patient's visible dentition during smile and the patient's dentition with the patient retracting their lips.

Specific Authority 466.004(4) FS. Law Implemented 466.026(1)(a), 466.028(1)(g),(bb) FS. History--New 9-5-91, Formerly 21G-17.010, 61F5-17.010, Amended 5-9-95, 59Q-17.010, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Board of Dentistry

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Dentistry

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: May 16, 2003

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: May 2, 2003

DEPARTMENT OF HEALTH

Board of Nursing Home Administrators

RULE TITLE: RULE NO.:

Criteria for Approved Continuing Education 64B10-15.002

PURPOSE AND EFFECT: To update the rule text regarding electronic-type courses.

SUMMARY: The Board proposes to update the language in this rule by clarifying internet courses are acceptable for continuing education credit.

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

LAW IMPLEMENTED: 456.013, 468.1715, 468.1725 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Joe Baker, Jr., Interim Executive Director, Board of Nursing Home Administrators, 4052 Bald Cypress Way, Bin C04, Tallahassee, Florida 32399

THE FULL TEXT OF THE PROPOSED RULE IS:

64B10-15.002 Criteria for Approved Continuing Education.

(1) through (5) No change.

(6) A maximum of 10 hours credit in any biennium for correspondence courses, home study courses, tape and/or video cassette courses, internet courses, or teleconferencing courses in the domains of practice will be accepted provided the course requires passing a test to be graded by the provider and the passing score is verified by the provider of the course. Video cassette courses shall not exceed 5 hours per subject and must be in one of the domains of practice listed in paragraphs 64B10-15.002(1)(a) through (f), F.A.C. A validation form shall be signed by the vendor and the licensee verifying the specific domains of practice covered in the video cassette course and total viewing time. Such verification/validation shall clearly indicate the course is a "correspondence course," "home study course," "tape or video cassette course," or "teleconferencing course," "internet course" and that the licensee passed the course, in order to be accepted as proof of attendance.

(7) through (10) No change.

Specific Authority 468.1685(1), 468.1715(3) FS. Law Implemented 456.013, 468.1715, 468.1725 FS. History--New 12-11-80, Amended 2-20-83, Formerly 21Z-15.02, Amended 6-22-87, 2-26-89, 12-6-89, 11-11-92, Formerly 21Z-15.002, 61G12-15.002, 59T-15.002, Amended 10-12-97, 12-2-02, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Board of Nursing Home Administrators

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Nursing Home Administrators

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: May 30, 2003

FLORIDA HOUSING FINANCE CORPORATION

RULE CHAPTER TITLE: RULE CHAPTER NO.:

Procurement of Commodities
or Contractual Services 67-49

RULE TITLES: RULE NOS.:

Definitions 67-49.001

Procurement of Commodities or Contractual Services 67-49.002

Withdrawal of Invitation to Bid, Invitation to Negotiate, Request for Proposals or Request for Qualifications 67-49.003

Emergency Purchases 67-49.0031

Modification of Terms of Invitation to Bid, Invitation to Negotiate, Request for Proposals or Request for Qualifications 67-49.004
 Responsibility of Bidders and Offerors 67-49.005
 Evaluation of Responses 67-49.007
 Identical (Tie) Responses 67-49.008
 Right to Waive Minor Irregularities 67-49.009
 Nonresponsive Bids 67-49.011
 Contract Administrator 67-49.012

PURPOSE AND EFFECT: The purpose of this Rule Chapter is to establish the guidelines for the procurement of materials and services for use by the Corporation.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None.

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

SPECIFIC AUTHORITY: 420.507 FS.

LAW IMPLEMENTED: Chapter 420, Part V FS.

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

TIME AND DATE: 10:00 a.m., Friday, July 11, 2003

PLACE: Florida Housing Finance Corporation, Rick Seltzer Conference Room, 227 North Bronough Street, Suite 6000, Tallahassee, Florida 32301-1329

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Robin Grantham, Contract Administrator, Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32031-1329, (850)488-4197

THE FULL TEXT OF THE PROPOSED RULES IS:

67-49.001 Definitions.

(1) "Act" means the Florida Housing Finance Corporation Act, Sections 420.501 through 420.517, Florida Statutes, as amended.

(2) "Bidder" or "Offeror" means a person who has the capability in all respects to perform fully the requirements contained in the Invitation to Bid, Invitation to Negotiate, Request for Proposals or Request for Qualifications.

(3) "Commodity" means any supplies, materials, goods, merchandise, food, equipment, and other personal property contracted for by the Corporation, unless purchased exclusively for resale.

(4) "Competitive Sealed Bids" or "Competitive Sealed Proposals" refers to the receipt of two or more sealed bids or proposals submitted by responsive Bidders or Offerors.

(5) "Contractor" means a person or entity who enters into a written contract to sell commodities or provide contractual services to the Corporation.

(6) "Contractual Service" means the rendering by a contractor of its time, skill and effort rather than the furnishing of specific commodities. The term applies only to those services rendered by individuals and firms who are independent contractors, and such services may include, ~~but are not limited to~~, evaluations; consultations; maintenance; accounting; security; management systems; management consulting; educational training programs; research and development studies or reports on the findings of consultants engaged there under; and professional, technical, and social services.

(7) "Corporation" means the Florida Housing Finance Corporation ~~as created by the Act~~.

(8) "Corporation Mailing Date" means the date on which the Corporation mails the Invitation to Bid, Invitation to Negotiate, Request for Proposals or Request for Qualifications to prospective Bidders and Offerors as referenced in paragraph 67-49.002(3), F.A.C., hereof.

(9) "Days" means calendar days unless otherwise specified.

(10) "FAW" means the Florida Administrative Weekly.

(11) "Good Purchasing Practices" means obtaining at least two (2) written quotations or making a written record of at least two quotes obtained verbally for Contractual Services or Commodities that exceed \$3,000 and are not available through a vendor under a contract negotiated by the Florida Department of Management Services. If an employee of the Corporation receives verbal quotations, they will include the name and address of the company and amount quoted in the required written record. If the Corporation does not obtain at least two (2) quotations, the Corporation shall document as to why they were not obtained.

(12) "Invitation to Bid" means a written solicitation, which includes a solicitation published or transmitted by electronic means, requesting competitive sealed bids specifically defining the commodity, service, group of commodities or group of services for which bids are sought. It includes instructions prescribing all conditions for bidding and shall be available to all prospective Bidders simultaneously. A written solicitation includes a solicitation published or transmitted by electronic means.

(13) "Invitation to Negotiate" means a written solicitation, which includes a solicitation published or transmitted by electronic means, requesting competitive sealed responses to select one or more persons or business entities with which to commence negotiations for the procurement of commodities or contractual services.

(14) "Minority Business Enterprise" has the same definition as in Section 288.703, F.S.

(15) "Minor Irregularity" means a variation in a mandatory term or condition of an Invitation to Bid, Invitation to Negotiate, Request for Proposal or Request for Qualifications that does not materially affect the price of the commodity or service, or give the Bidder or Offeror an advantage or benefit not enjoyed by other Bidders or Offerors, and does not adversely impact the interests of the Corporation or the public.

(16) "Publication Date" means the date on which the Corporation publishes the notice of the availability of the Invitation to Bid, Invitation to Negotiate, Request for Proposals or Request for Qualifications in the FAW or by such other means designated by Florida statute or by rule of the Florida Department of State or Florida Department of Management Services as an acceptable alternative means of publication. All references to the FAW in this rule chapter shall also be read to include any other written or electronic publication or information delivery system designated by Florida statute or by rule of the Florida Department of State or Florida Department of Management Services as an acceptable alternative means of publication.

(17) "Request for Proposals" means a written solicitation, which includes a solicitation published or transmitted by electronic means, requesting competitive sealed proposals. The Request for Proposals is used when the Corporation is incapable of specifically defining the scope of work for which the commodity, group of commodities or contractual service is required and when the corporation is requesting that a qualified Offeror propose a commodity, group of commodities or contractual service to meet the specifications of the solicitation document. The Request for Proposals includes general information, applicable laws and rules, functional or general specifications, statement of work, proposal instructions and evaluation criteria.

(18) "Request for Qualifications" means a written solicitation, which includes a solicitation published or transmitted by electronic means, requesting competitive sealed qualifications. The Request for Qualifications is utilized when the Corporation does not have a specific immediate need for a particular service, but desires to have qualified individuals or firms under contract which can be assigned duties as the need arises over a period of time. The Request for Qualifications includes general information, applicable laws and rules, functional or general specifications, statement of work, instructions and evaluation criteria.

(19) "Response" means the written submission by a Bidder or Offeror to an Invitation to Bid, Invitation to Negotiate, Request for Proposals or Request for Qualifications.

(20) "Valid Emergency" means a circumstance caused by an unexpected turn of events beyond the control of the Corporation involving the security, integrity or the financial status of the Corporation; or involving public health, welfare, safety, injury or loss.

(21) "Website" means the Florida Housing Finance Corporation website, the Universal Resource Locator (URL) home address of which is www.floridahousing.org.

Specific Authority 420.507(12) FS. Law Implemented 420.507(13),(27) FS. History—New 1-31-99, Amended 3-12-02,_____.

67-49.002 Procurement of Commodities or Contractual Services.

(1)(a) When the purchase price of a commodity or contractual service does not exceed twenty-five thousand dollars (\$25,000) in any fiscal year, including all delivery costs and administrative costs, then the Corporation may proceed with the procurement of commodities or contractual services without a competitive bid or proposal, but the Corporation must use Good Purchasing Practices.

(b) When the purchase price of commodities or contractual services exceeds or is estimated to exceed twenty-five thousand dollars (\$25,000), in any twelve (12) month period, purchases of these commodities or contractual services, except as otherwise provided in subsection 67-49.002(4),(5) and (6), F.A.C., must be made pursuant to an Invitation to Bid, Invitation to Negotiate, Request for Proposals or Request for Qualifications.

(2) Public notice of any Invitation to Bid, Invitation to Negotiate, Request for Proposals or Request for Qualifications shall be given in advance of the due date of the Responses as provided herein to permit Offerors to prepare and submit Responses in a timely fashion. Notice shall include, at a minimum, publication in the FAW.

(3) The Corporation shall post any Invitation to Bid, Invitation to Negotiate, Request for Proposals or Request for Qualifications on its Website on or prior to the publication of the FAW notice. There will be a minimum of fourteen (14) days between the publication date of the notice in FAW and the due date of the responses. The Invitation to Bid, Invitation to Negotiate, Request for Proposals or Request for Qualifications shall describe the commodities or services and require prices to be stated and include the contract period(s).

(a) For those contracts that are subject to renewal, the contract award shall include an evaluation of bids for the entire contract period, including the renewal(s).

(4) Commodities or contractual services which exceed or are estimated to exceed twenty-five thousand dollars (\$25,000), in any twelve (12) month period, are exempt from competitive solicitation upon a written determination by the Executive Director of the Corporation that such commodities or services are most readily available from a single source or that the best interests of the Corporation or the public are served by obtaining such commodities or services from a single source. The purchase of commodities or contractual services are exempt from competitive solicitation if the Corporation purchases such services or commodities from a vendor under a contract negotiated and executed by the Florida Department of Management Services.

(6) The following contractual services and commodities are not subject to the competitive sealed bid requirements of paragraph (1)(b):

- (a) Artistic services.
- (b) Lectures by individuals.
- (c) Auditing services, except for annual audit of the Corporation's financial statements.
- (d) Legal services, including attorney, paralegal, expert witness, appraisal, or mediation services.
- (e) Services or commodities provided by governmental agencies, including, but not limited to, Florida State Universities and Community Colleges.

Specific Authority 420.507(12) FS. Law Implemented 420.507(13),(27) FS. History—New 1-31-99, Amended 3-12-02, _____.

67-49.003 Withdrawal of Invitation to Bid, Invitation to Negotiate, Request for Proposals or Request for Qualifications.

(1) The Corporation may withdraw an Invitation to Bid, Invitation to Negotiate, Request for Proposals or Request for Qualifications at any time prior to the due date of the Responses when the withdrawal is determined by the Executive Director to be in the best interest of the Corporation or the public. Notice of such determination shall be posted on the Corporation's Website and published in the next available FAW.

(2) Any Bidder or Offeror may request to withdraw its Response in writing, at any time prior to a vote by the Corporation's Board of Directors regarding any Responses received.

Specific Authority 420.507(12) FS. Law Implemented 420.507(13),(27) FS. History—New 1-31-99, Amended 3-12-02, _____.

67-49.0031 Emergency Purchases.

The Corporation's Executive Director may waive any requirement of this rule and permit emergency purchases of commodities and contractual services where a Valid Emergency exists and is documented in writing.

Specific Authority 420.507(12) FS. Law Implemented 420.507(13),(27) FS. History—New 1-31-99, Amended 3-12-02, Repromulgated _____.

67-49.004 Modification of Terms of Invitation to Bid, Invitation to Negotiate, Request for Proposals or Request for Qualifications.

(1) The Corporation may modify the terms of the Invitation to Bid, Invitation to Negotiate, Request for Proposals or Request for Qualifications at any point prior to the due date of the Responses. A notice of modification will be posted on the Corporation's Website and sent to all Bidders and Offerors by facsimile or email. Any Bidder or Offeror shall have at least seven (7) days from the date of the posting of the notice of the modification to submit or modify its Response.

(2) Any Bidder or Offeror may modify its Response at any time prior to the Response deadline.

Specific Authority 420.507(12) FS. Law Implemented 420.507(13),(27) FS. History—New 1-31-99, Amended 3-12-02, _____.

67-49.005 Responsibility of Bidders and Offerors.

The failure of a Bidder or Offeror to supply required information in connection with an Invitation to Bid, Invitation to Negotiate, Request for Proposals or Request for Qualifications shall be grounds for a determination of nonresponsiveness with respect to its Response. If a determination of nonresponsiveness is made by the Corporation, the Response will not be considered.

Specific Authority 420.507(12) FS. Law Implemented 420.507(13),(27) FS. History—New 1-31-99, Amended 3-12-02, Repromulgated _____.

67-49.007 Evaluation of Responses.

The Corporation shall establish a review committee composed only of employees of the Corporation to evaluate responses to Invitations to Bid, Invitations to Negotiate, Requests for Proposals or Requests for Qualifications, which committee shall provide findings, recommendations, or both to the Board of Directors of the Corporation.

Specific Authority 420.507(12) FS. Law Implemented 420.507(13),(27) FS. History—New 1-31-99, Amended 3-12-02, Repromulgated _____.

67-49.008 Identical (Tie) Responses.

In the event of a tie, the Corporation shall give preference in the award process to the Response certifying a drug-free workplace has been implemented in accordance with Section 287.087, Florida Statutes. If a tie continues to exist, Florida Housing shall give preference to minority business enterprises as defined in Section 288.703, Florida Statutes.

Specific Authority 420.507(12) FS. Law Implemented 420.507(13),(27) FS. History—New 1-31-99, Amended 3-12-02, Repromulgated _____.

67-49.009 Right to Waive Minor Irregularities.

The Corporation may waive Minor Irregularities in a Response when it is in the Corporation's or the public's best interest to do so.

Specific Authority 420.507(12) FS. Law Implemented 420.507(13),(27) FS. History—New 1-31-99, Amended 3-12-02, Repromulgated _____.

67-49.011 Nonresponsive Bids.

If not more than one responsive Bid, Proposal, or response to Invitation to Negotiate, and Request for Qualifications is received, the Corporation shall negotiate for the commodities or services sought, on the best terms and conditions. The Corporation shall document the reasons that such action is in the best interest of the state in lieu of resoliciting Invitation to Bid, Invitation to Negotiate, Request for Proposals or Request for Qualifications.

Specific Authority 420.507(12) FS. Law Implemented 420.507(13),(27) FS. History—New _____.

67-49.012 Contract Administrator.

For each contract, the Corporation shall designate an employee to function as contract administrator who shall be responsible for maintaining a file containing all financial information concerning the contract, enforcing performance of the contract terms and conditions, and serve as liaison with the contractor.

Specific Authority 420.507(12) FS. Law Implemented 420.507(13),(27) FS. History—New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Robin Grantham, Contract Administrator, Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32031-1329, (850)488-4197

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Wellington Meffert, General Counsel, Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32031-1329, (850)488-4197

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: May 2, 2003

DATE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: Vol. 29, No. 21, May 23, 2003

Section III
Notices of Changes, Corrections and Withdrawals

DEPARTMENT OF INSURANCE

RULE NO.:	RULE TITLE:
4-154.525	Standard and Basic Health Benefit Plans

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. 16, April 18, 2003, of the Florida Administrative Weekly. These changes are being made to address concerns expressed at the public hearing. The rule has been changed to read:

CHAPTER 4-154

HEALTH INSURANCE POLICIES

PART VI SMALL GROUP HEALTH INSURANCE POLICIES

4-154.525 Standard and Basic Health Benefit Plans.

(1)(a) 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., as approved effective April 1, 2003 by the Department of Financial Services and incorporated herein by reference. The plans are available through the Department's web site at http://www.fldfs.com/companies/lh_fr/is_lhfr_FAC.htm.

(b) The approved plans incorporated by reference are as follows:

1. [Basic] [Standard] [Pure Indemnity] [Preferred Provider Organization (PPO)] Plan, effective 4/1/03.

2. Standard Indemnity Plan Schedule of Benefits, effective 4/1/03.

3. Basic Indemnity Plan Schedule of Benefits, effective 4/1/03.

4. Standard PPO Plan Schedule of Benefits, effective 4/1/03.

5. Basic PPO Plan Schedule of Benefits, effective 4/1/03.

6. [Standard] [Basic] HMO Plan, effective 4/1/03.

7. Standard HMO Plan Schedule of Benefits, effective 4/1/03.

8. Basic HMO Plan Schedule of Benefits, effective 4/1/03.

9. Standard HMO Coinsurance Plan Schedule of Benefits, effective 4/1/03.

10. Basic HMO Coinsurance Plan Schedule of Benefits, effective 4/1/03.

(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. Any carrier offering a small employer any health benefit plan in any one of the categories must also offer the standard and basic plans for that category.

(a) PPO

(b) Indemnity

(c) HMO – copay design

(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 offering shall include the offering of both \$3,000/\$6,000 and \$5,000/\$10,000 single/family out-of-pocket maximum expense limits. Notwithstanding the above, for the HMO coinsurance plan, the 20 percent 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. The \$2,500/\$7,500 single/family deductible, \$7,500/\$15,000 single/family out-of-pocket and 60 percent allowance paid by the carrier. Notwithstanding the above, for the HMO coinsurance plan, the 40 percent allowance may be used in lieu of the indicated copay.

2. Any other risk-sharing option provided by the approved plans referenced in subsection (1).

(4) The standard and basic plans offered to a small employer shall be at least two standard and two basic plans as identified in subsection (3) for each category of coverage available in the small group market as identified in subsection (2). 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 plan forms using the suggested language indicated in the approved plans referenced in subsection (1).

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, to identify the specific modifications made by use of underline and strikethrough.

(b)1. In lieu of using the suggested language in the approved plans referenced in subsection (1), a carrier may file a health benefit plan form using the same language as used in its other health benefit plans that are available in the small group market.

2.a. If a carrier uses the language in its other health benefit plans in lieu of the approved language, the carrier shall submit a certification by an officer of the company that the language was reviewed against the suggested language and determined that the coverage, terms, and conditions of the submitted form are substantially equivalent to the suggested language.

b. Substantially equivalent shall mean that coverage and benefits provided to an insured shall result in the same level of coverage and benefits determined as though the suggested language had been used.

3. The carrier shall include in the form, or as an endorsement, language that advises the insured that any conflict in determining benefits under the contract between the carrier's contract language and the approved plan referenced in subsection (1) shall be resolved in favor of the insured.

(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.

(a) Pursuant to Sections 627.6571(4) and 641.31074(4), F.S., a carrier may modify the existing health insurance coverage.

(b) Carriers that offer such modified coverage to existing insureds shall:

1. Modify the coverage to all existing insureds to the same new standard or basic plan design in the same category as their current coverage; and

2. Clearly disclose to the insured that the current coverage is being modified, and advise the insured that the insured has a choice of other standard or basic plans, in the same category as their current coverage, as required by subsection 4-154.525(3), F.A.C., at their option and upon their request.

Specific Authority 624.308(1), 627.6699(16) FS. Law implemented 624.307(1), 627.410, 627.6571(4), 627.6699(5), (12), 641.31074, 641.3922 FS. History--New _____.

DEPARTMENT OF INSURANCE

RULE NO.: 4-193.065
 RULE TITLE: Forms Incorporated by Reference
 NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule, as noticed in Vol. 27, No. 27, July 6, 2001, of the Florida Administrative Weekly, has been withdrawn.

DEPARTMENT OF INSURANCE

Division of State Fire Marshal

RULE CHAPTER NO.:	RULE CHAPTER TITLE:
4A-41	Uniform Fire Safety Standards for Residential Child Care Facilities
RULE NOS.:	RULE TITLES:
PART II:	RESIDENTIAL CHILD CARE FACILITIES FOR FIVE OR FEWER CHILDREN
4A-41.102	Definitions
4A-41.103	Standards of the National Fire Protection Association Adopted
4A-41.105	Emergency Egress and Relocation Drills
4A-41.106	Inspections
4A-41.108	Special Requirements

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rules published in Vol. 29, No. 12, March 21, 2003, edition of the Florida Administrative Weekly, in accordance with subparagraph 120.54(3)(d)1., F.S.

4A-41.102 Definitions.

As used in this part of these rules:

(1) “Facility” means a residential child caring agency, a child placing agency, or a “Community Residential Group Home”, or “facility” A “Family Foster Home” as defined in Section 409.175(2)(e), Florida Statutes.

(2) through (7) No change.

Specific Authority 409.175(6)(f), 633.01(1) FS. Law Implemented 409.175(6)(f), 633.022 FS. History--New _____.

4A-41.103 Standards of the National Fire Protection Association Adopted.

(1) The following portions of NFPA 101, ~~the Code for Safety to Life from Fire in Buildings and Structures~~, known as the Life Safety Code, ~~2003~~ 2000 edition, are hereby adopted and incorporated herein by reference: ~~Sections 32-3.3.4.7, 32-3.3.4.8, and 32-3.3.5.5 only, of Chapter 32.~~

(a) Section 24.2.1;

(b) Section 24.2.2, except that an approved means of escape shall be equivalent to an outside window or door which shall be openable from the inside, without the use of tools or a key and shall provide a clear opening of not less than 22 inches

in the least dimension and a minimum of 5 square feet in area. The bottom of the opening shall be not more than 48" above the finished floor:

- (c) 24.2.3, 24.2.4, 24.3.4, 24.3.4.1, and 24.3.4.3.
- (2) No change.

Specific Authority 409.175(6)(f), 633.01(1) FS. Law Implemented 409.175(6)(f), 633.022(1)(b) FS. History--New _____.

4A-41.105 Emergency Egress and Relocation Drills.
 (1) through (6) No change.

(7) The owner shall keep a record of each emergency egress & relocation drill on Form DI4-1557, (rev. 02/2003), Record of Emergency Egress and Relocation Drill, which is hereby adopted and incorporated into these rules by reference. Copies of the form may be obtained by writing to the Department of Insurance, Division of State Fire Marshal, Bureau of Fire Prevention, 200 East Gaines Street, Tallahassee, Florida 32399-0342. The record shall list as a minimum:

- (a) through (d) No change.
- (8) If the owner does not keep the record required by subsection (6), or keeps it in a manner that is incomplete, incorrect, or otherwise does not contain the required information, another Emergency Egress and Relocation Drill must be performed as soon as possible and the results correctly recorded. In addition, the firesafety inspector shall advise the licensing agency ~~Department of Children and Families~~ that the facility is not maintaining compliance with the firesafety requirements.

Specific Authority 409.175(6)(f), 633.01(1) FS. Law Implemented 409.175(6)(f), 633.022(1)(b) FS. History--New _____.

4A-41.106 Inspections.

(1) The appropriate firesafety inspector shall conduct a firesafety inspection, which must be determined to be satisfactory for each facility prior to its initial licensure and prior to the annual renewal of its license ~~occupancy as Community Residential Group Home.~~

(2) The owner shall request from the AHJ a firesafety inspection at least 30 days in advance of license expiration ~~renewal.~~

- (3) No change.
- (4) The owner shall be responsible for requesting all required firesafety inspections in writing or electronic format, except for any additional firesafety inspections which may be required as provided in subsection (3). All verbal inspection requests shall be followed by a written or electronic verification.
- (5) through (7) No change.

(8) The inspecting authority shall provide a copy of each inspection report to the licensing agency ~~Department of Children and Families~~ within thirty days after completing the inspection.

(9) For the purpose of meeting the fire safety inspection requirements of this subsection, a family foster home shall comply with the following:

- (a) Install smoke detectors in accordance with section 24.3.4.1 of NFPA 101, 2003 edition;
- (b) Fireplaces, heaters, radiators and other hot surfaces shall be shielded against accidental contact;
- (c) Sleeping rooms shall have a primary and secondary means of escape in accordance with paragraph 4A-41.103(1)(b), Florida Administrative Code;
- (d) All heating appliances and other heating devices shall be properly vented;
- (e) Emergency evacuation instructions must be posted in a conspicuous location;
- (f) Conduct emergency egress and relocation drills in accordance with Rule 4A-41.105, Florida Administrative Code;
- (g) Be free of improperly stored combustible materials;
- (h) All exits and stairs shall be free of storage or obstructions affecting its use;
- (i) Be free of temporary electrical wiring;
- (j) Have at least one working flashlight for each sleeping room;
- (k) Comply with Rules 4A-41.107 and 4A-41.108, F.A.C., of this rule chapter;

Specific Authority 409.175(6)(f), 633.01(1) FS. Law Implemented 409.175(6)(f), 633.022(1)(b) FS. History--New _____.

4A-41.108 Special Requirements.

- (1) Each facility shall have installed at least one portable fire extinguisher with a minimum rating of 2A-10BC.
- (2) No unvented fuel-fired heaters shall be permitted unless the heater is listed and approved for such use.

Specific Authority 409.175(6)(f), 633.01(1) FS. Law Implemented 409.175(6)(f), 633.022(1)(b) FS. History--New _____.

DEPARTMENT OF COMMUNITY AFFAIRS
Division of Housing and Community Development

RULE CHAPTER NO.: 9B-3
 RULE CHAPTER TITLE: Florida Building Commission Operational Procedures

RULE NO.: 9B-3.054
 RULE TITLE: Non-Binding Interpretations of the Florida Building Code

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. 13, March 28, 2003, issue of the Florida Administrative Weekly.

9B-3.054 Non-Binding Interpretations of the Florida Building Code.

- (1) No change.
- (2) Procedure.
- (a) through (b) No change.
- (c) The Contractor shall review the request and,
 - 1. No change.

2. If the request for informal interpretation is proper, initiate a review process which solicits comments for development of a response from building code enforcement officials, industry experts, Commission staff, and the State Fire Marshall as necessary.*

- (d) through (e) No change.

(f) Responses shall be posted to the online database maintained by the Organization and shall be accessible from the Building Code Information System website at <http://www.floridabuilding.org>. The responses are the opinion of the Organization, not the Commission, and shall create no legal duty on the part of any individual or the Commission.

~~* RFP says vendor shall consult with SBCCI and DCA staff and coordinate with State Fire Marshall.~~

THE PERSON TO BE CONTACTED REGARDING THE NOTICE OF CHANGE IS: Mo Madani, Manager, Codes and Standards, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100, (850)487-1824

DEPARTMENT OF COMMUNITY AFFAIRS

Division of Housing and Community Development

RULE CHAPTER NO.:	RULE CHAPTER TITLE:
9B-22	Community Services Block Grant Program
RULE NOS.:	RULE TITLES:
9B-22.002	Definitions
9B-22.004	Community Assistance Advisory Council
9B-22.006	Match Requirements
9B-22.007	Funds Distribution
9B-22.008	Contracting Procedures
9B-22.011	Agency Board Requirements

NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule, as noticed in Vol. 29, No. 10, March 7, 2003, Florida Administrative Weekly, has been withdrawn.

DEPARTMENT OF TRANSPORTATION

RULE CHAPTER NO.:	RULE CHAPTER TITLE:
14-12	Classification of Roads
RULE NO.:	RULE TITLE:
14-12.021	Scenic Highways

NOTICE OF CHANGE

SUMMARY OF CHANGE: The Department is making changes to Appendix F in response to a review by the Joint Administrative Procedures Committee, dated March 11, 2003. There are no changes to the rule itself. The changes to Appendix F, the incorporated document, are summarized as follows:

1. Paragraph VI.A., Page F-13: Correction of a typographical error in a reference to the “Florida Fish and Wildlife Conservation Commission.

2. Paragraph VI. C.5., Page F-15: A sentence is added to clarify the meaning of “highly endorsed by the State.” The sentence is modified to read: “. . . is highly endorsed by the state, meaning the SHAC membership deems this project to be of statewide importance in promoting the mission of the FSHP.”

3. Paragraph VIII. C.1.(d), Page F-19: The phrase “significant, exceptional, and distinctive features” is explained. The sentences were added to define the terms significant, exceptional, and distinctive. “Significant means the corridor features are regionally recognized, meaning more than one county, and valued by the community. Exceptional means the corridor are outstanding in quality and composition within the landscape. “Distinctive” means the features are representative of the geographical region in which they are located; the resources are associated with the characteristic of a particular area of the state.

4. Paragraph VII C.1.(f), Page F-19: A sentence was added to explain the term “strong local support.” “Such support shall be demonstrated by a broad spectrum of government ordinances, resolutions, petitions, policies, surveys, newspaper articles, or letters of support from the community.”

5. Paragraph VIII. C.2. (f)(3), Page F-22: The reference to the term “viewshed” is clarified as follows: “Viewshed means the area of the landscape that is visible from any point along the road, and should be determined through community based surveys, opinion polls, or letters of support.”

6. Paragraph IX. D., Page F-25: The sentence relating to determining whether the highway is at the federal level has been deleted.

Notice of rulemaking was published in Florida Administrative Weekly, Vol. 29, No. 6, dated February 7, 2003. There was no request for hearing and no hearing was conducted. The rulemaking process was tolled under the provisions of 120.54(3)(e)6., Florida Statutes, pending resolution of the comments and questions resulting from the Joint Administrative Procedures Committee review.

DEPARTMENT OF CORRECTIONS

RULE NO.:	RULE TITLE:
33-302.104	Correctional Probation Officers Carrying Firearms

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. 20, May 16, 2003, issue of the Florida Administrative Weekly:

33-302.104 Correctional Probation Officers Carrying Firearms.

- (1) No change.
- (2) Definitions.
- (a) through (c) No change.

(d) "Firearm card" means the document issued by the department pursuant to this rule to a correctional probation officer who has been authorized by the department to carry a firearm while on duty. Form DC3-223, Firearms Qualification and Authorization, shall be used for this propose. Form DC3-223 is hereby incorporated by reference. A copy of this form may be obtained from Department of Corrections, Forms Control Administrator, Office of the General Counsel, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500. The effective date of this form is March 4, 2001.

- (e) through (f) No change.
- (3) Authorization Procedures.

(a) through (e) No change.

(f) The firearms authorization card, Form DC3-223, shall expire the following year, on the last day of the month the firearms card was issued one year from the date of firearms card issuance unless written documentation of re-qualification is submitted to the authorizing entity prior to the expiration of the firearms card. The officer shall be required to successfully re-qualify each year thereafter pursuant to Rule 33-209.103, F.A.C., and this rule in order to remain qualified to carry a firearm. All correctional probation officers shall be provided the opportunity to prepare for annual firearms re-qualification by participating in ~~re-qualification~~ firearms pre-qualification training if requested. A correctional probation officer who declines the opportunity to participate in ~~re-qualification~~ firearms pre-qualification training shall sign a statement indicating that the opportunity was provided and was declined. Form DC2-902, Refusal of ~~Re-qualification~~ Firearms Pre-Qualification Training, shall be used for this purpose. Form DC2-902 is ~~hereby~~ incorporated by reference in Rule 33-209.103, F.A.C. A copy of the form is available from the Forms Control Administrator, Office of the General Counsel, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500. The effective date of this form is March 4, 2001.

(g) Re-qualification must occur prior to the employee's firearm card expiration date. Upon re-qualification, the firearms instructor will complete the Firearm Re-qualification Certificate, Form DC3-241, with the re-qualification score, and will sign the form as the trainer. The officer will certify that the firearm referenced on this form is the firearm used in the course of his or her duties and that he or she uses only authorized ammunition, and shall return the form to the

reviewing authority for issuance of a new Firearms Qualification and Authorization Card, Form DC3-223. An FCIC/NCIC check shall be conducted during the re-qualification process. The new firearm card will be issued effective the date of re-qualification. The DC3-223 will expire the following year, on the last day of the month the firearms card was issued one year from the date of requalification.

(h) No change.

(i) A correctional probation officer who fails to complete firearm pre-qualification ~~re-qualification~~ after remedial training has been provided, and who wishes to renew authorization to carry a firearm, must re-attend and successfully complete the department approved basic correctional probation officer firearm course qualification training at the officer's own expense.

(j) A correctional probation officer who does not re-qualify prior to the date of expiration of the firearm card shall not be permitted to carry a firearm while on duty, except for firearm training purposes and must surrender the firearms card immediately to the range master. The range master or designee shall retain the firearms card from any officer failing to meet minimum qualification standards and notify the circuit administrator via interoffice memorandum or e-mail advising that the officer will be scheduled for remedial training. The officer shall have one year from the date the firearm card expired to successfully re-qualify to continue to carry a firearm. If the officer successfully re-qualifies, after the card expires, a new firearm card will be issued with an expiration date the following year, on the last day of the month the firearms card was issued one year from the date of re-qualification. If the officer does not successfully re-qualify within that year, the officer will be required to re-attend and successfully complete the department approved correctional probation officer basic firearms training courses firearm qualification training at his or her own expense if he or she wishes to carry a firearm. The department shall pay for the pre-qualification training, the firearms re-qualification, any remedial training, and any subsequent qualification attempt if required.

(k) through (11) No change.

Specific Authority 20.315, ~~420.53(1)(a)~~; 790.06, 944.09 FS. Law Implemented 20.315, ~~420.53(1)(a)~~; 790.06, 944.09 FS. History--New 5-28-86, Amended 7-7-92, 12-20-92, 3-30-94, 9-27-94, 12-19-94, 3-8-95, 2-15-98, Formerly 33-24.013, Amended 3-4-01, 12-5-01, _____.

WATER MANAGEMENT DISTRICTS

Southwest Florida Water Management District

RULE CHAPTER NO.: 40D-1
 RULE NO.: 40D-1.607
 RULE CHAPTER TITLE: Procedural
 RULE TITLE: Permit Processing Fee

NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule, as noticed in Vol. 29, No. 10, page 972, on March 7, 2003, in the Florida Administrative Weekly has been withdrawn.

WATER MANAGEMENT DISTRICTS

South Florida Water Management District

RULE NO.: RULE TITLE:
40E-1.659 Forms and Instructions

NOTICE OF CORRECTION

The South Florida Water Management District caused to be published in the June 6, 2003, Vol. 29, No. 23, issue of the Florida Administrative Weekly, a notice of proposed rule amendments to Rule 40E-1.659, F.A.C., which inadvertently omitted that No Formal Statement of Estimated Regulatory Cost Has Been Prepared. Any person who wishes to provide information regarding the statement of estimated regulatory costs, or to provide a proposal for a lower cost regulatory alternative, must do so within 21 days of this notice.

This notice does not affect the public hearing on July 10, 2003, beginning at 8:30 a.m., South Florida Water Management District, B-1 Auditorium, 3301 Gun Club Road, West Palm Beach, FL 33406

Further information may be obtained from: The South Florida Water Management District, Office of Counsel, Attn: Jan Sluth, Paralegal, Post Office Box 24680, West Palm Beach, FL 33406-4680, 1(800)432-2045, Extension 6299 or (561)682-6299, internet: jsluth@sfwmd.gov.

WATER MANAGEMENT DISTRICTS

South Florida Water Management District

RULE NOS.: RULE TITLES:
40E-4.091 Publications, Rules and Interagency
 Agreements Incorporated by
 Reference
40E-4.361 Conversion from Construction
 Phase to Operation Phase
40E-4.381 General Conditions

NOTICE OF CORRECTION

The South Florida Water Management District caused to be published in the June 6, 2003, Vol. 29, No. 23, issue of the Florida Administrative Weekly, a notice of proposed rule amendments to Rules 40E-4.091, 40E-4.361, and 40E-4.381, F.A.C., which inadvertently omitted that No Formal Statement of Estimated Regulatory Cost Has Been Prepared. Any person who wishes to provide information regarding the statement of estimated regulatory costs, or to provide a proposal for a lower cost regulatory alternative, must do so within 21 days of this notice.

This notice does not affect the public hearing on July 10, 2003, beginning at 8:30 a.m., South Florida Water Management District, B-1 Auditorium, 3301 Gun Club Road, West Palm Beach, FL 33406

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DEPARTMENT OF ELDER AFFAIRS

Aging and Assisted Living Programs

RULE CHAPTER NO.: RULE CHAPTER TITLE:
58A-2 Hospice
RULE NOS.: RULE TITLES:
58A-2.004 Licensure Procedure
58A-2.005 Administration of the Hospice
58A-2.0236 Residential Units
58A-2.025 Physical Plant Standards

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rules in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 29, No. 19, May 9, 2003, issue of the Florida Administrative Weekly. These changes are in response to comments from the Joint Administrative Procedures Committee, industry representatives, and the Agency for Health Care Administration.

Law Implemented for Proposed Rule 58A-2.004, F.A.C., is changed to Section 400.605(1)(a), Florida Statutes, in response to comments to read:

Law Implemented: ~~Ch. 400.605(1)(a) Part VI~~ F.S.

Subsection (b) of section (2) of proposed Rule 58A-2.005, F.A.C., is changed for purposes of clarification and response to comments to read:

(b) The administrator shall be responsible for maintaining an office facility for the hospice ~~which is large enough for efficient staff work, adequately equipped, and which provides a safe working environment that meets local health and safety ordinances and fire regulations.~~

Section (8) of proposed Rule 58A-2.0236, F.A.C., is deleted in response to comments that the Department of Elder Affairs does not have rule authority to create a two-tiered system for physical plant standards for hospice residential and inpatient facilities and units to read:

~~(8) These requirements do not apply to any residential unit for which a building permit was issued on or before the effective date of this rule.~~

Section (11) of proposed Rule 58A-2.025, F.A.C., is deleted in response to comments that the Department of Elder Affairs does not have rule authority to create a two-tiered system for physical plant standards for hospice residential and inpatient facilities and units to read:

~~(11) These requirements do not apply to any in-patient facility or unit for which a building permit was issued on or before the effective date of this rule.~~

DEPARTMENT OF ENVIRONMENTAL PROTECTION

RULE CHAPTER NO.:	RULE CHAPTER TITLE:
62-302	Surface Water Quality Standards
RULE NOS.:	RULE TITLES:
62-302.530	Table: Surface Water Quality Criteria
62-302.540	Everglades Protection Area Phosphorus Criterion

NOTICE OF CORRECTION

The Department of Environmental Protection (DEP) gives notice of a scrivener's error that appeared in the Notice of Proposed Rulemaking for Docket No. 01-37R, Everglades Protection Area Phosphorus Criterion, as published on March 21, 2003 in Vol. 29, No. 12 of the Florida Administrative Weekly (FAW) at pages 1250-1251, and on the DEP Official Notices website. The Notice referenced an erroneous date for the rule adoption hearing, which should have read April 24-25, 2003, instead of March 27-28, 2003. The April 24-25 hearing was subsequently canceled by notice published April 11, 2003 and April 18, 2003 on the DEP Official Notices website and on April 18, 2003 in Vol. 29, No. 16 of the FAW at page 1634. The hearing was rescheduled to May 28-29 by notice published May 16, 2003 in Vol. 29, No. 20 of the FAW at page 2067, and on the DEP Official Notices website.

Additional hearings are expected to be held on June 25-26, 2003, and July 8, 2003, pursuant to separately published notices in the FAW and on the DEP Official Notices Website.

The full text of this notice is published on the Internet at the Department of Environmental Protection's home page at <http://www.dep.state.fl.us> under the link or button titled "Official Notices."

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Office of the Secretary

DOCKET NO.:	03-01R
RULE CHAPTER NO.:	RULE CHAPTER TITLE:
62S-4	Coastal Management Program Grants
RULE NO.:	RULE TITLE:
62S-4.001	Definitions

NOTICE OF CHANGE

Notice is hereby given that, in accordance with subparagraph 120.54(3)(d)1., F.S., the following change has been made to the proposed rule published, pursuant to Sec. 120.551, F.S., in the Department's official notice Internet site at www.dep.state.fl.us and a summary published in Vol. 29, No. 19 (April 25, 2003), of the Florida Administrative Weekly:

62S-4.001 Definitions.

As used in this rule, except where the context clearly indicates a different meaning, the following terms shall have the meaning indicated:

(9) "306A Checklist" means the January 2003 "Section 306A Guidance and Checklist" required for a ~~questionnaire to be completed by~~ applicants requesting funds for construction projects, capital outlay or land acquisition. NOAA requires submission of the information in the checklist prior to release of funds under Section 306A of the Act.

DEPARTMENT OF HEALTH

Board of Medicine

RULE NO.:	RULE TITLE:
64B8-9.0091	Requirement for Physician Office Registration; Inspection or Accreditation

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. 12, of the March 21, 2003, issue of the Florida Administrative Weekly. The change is in response to written comments submitted by the staff of the Joint Administrative Procedures Committee (JAPC). The Board, at its meeting held on June 7, 2003, voted to change the rule to address JAPC concerns. When changed, the last sentence of subsection (1)(b) shall read:

In addition, the physician shall submit a statement of compliance with Rule 64B8-9.009, F.A.C., "Standard of Care for Office Surgery", and, if applicable, Section 456.0375, F.S., "Registration of certain clinics; requirements; discipline; exemption," when registering with the Department.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Larry McPherson, Jr., Executive Director, Board of Medicine, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3253

DEPARTMENT OF HEALTH

Board of Speech-Language Pathology and Audiology

RULE NO.:	RULE TITLE:
64B20-2.002	Educational 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. 22, May 30, 2003, issue of the Florida Administrative Weekly. The changes are in response to comments received from the Joint Administrative Procedures Committee.

Subsection (2) of the rule shall now read as follows:

(2) The applicant for licensure or provisional licensure as a Speech-Language Pathologist shall have completed the education and supervised clinical clock hour requirements set forth in Sections 468.1155(2)(b),(c) and (4), Florida Statutes. The applicant for licensure or provisional licensure as an audiologist shall have completed the education and supervised clinical clock hour requirements set forth in Sections 468.1155(3)(b),(c) and (4), Florida Statutes.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Pamela E. King, Executive Director, Board of Speech-Language Pathology and Audiology, 4052 Bald Cypress Way, Bin C06, Tallahassee, Florida 32399; Executive Director, Board of Athletic Training, 4052 Bald Cypress Way, Tallahassee, Florida 32399

Section IV Emergency Rules

DEPARTMENT OF THE LOTTERY

RULE TITLE: Instant Game Number 487, "CLASSIC BINGO" RULE NO.: 53ER03-31
 SUMMARY OF THE RULE: This emergency rule relates to the Instant Game Number 487, "CLASSIC BINGO" for which the Department of the Lottery will start selling tickets on a date to be determined by the Secretary of the Department. The rule sets forth the specifics of the game; determination of prizewinners; and the estimated odds of winning, value, and number of prizes in the game.

THE PERSON TO BE CONTACTED REGARDING THE EMERGENCY RULE IS: Diane D. Schmidt, Legal Analyst, Department of the Lottery, 250 Marriott Drive, Tallahassee, Florida 32399-4011

THE FULL TEXT OF THE EMERGENCY RULE IS:

53ER03-31 Instant Game Number 487, "CLASSIC BINGO."

(1) Name of Game. Instant Game Number 487, CLASSIC BINGO.

(2) Price. CLASSIC BINGO lottery tickets sell for \$2.00 per ticket.

(3) CLASSIC BINGO lottery tickets shall have a series of numbers in Machine Readable Code (or bar code) on the back of the ticket, along with a Void If Removed Number under the latex area on the ticket. To be a valid winning CLASSIC BINGO lottery ticket, a combination of essential elements sufficient to validate the ticket must be present as set forth in paragraph 53ER92-63(1)(a), Florida Administrative Code. In the event a dispute arises as to the validity of any CLASSIC BINGO lottery ticket, or as to the prize amount, the Void if Removed Number under the latex shall prevail over the bar code.

(4) The "CALLER'S CARD" play symbols are as follows:

INSERT SYMBOLS

(5) The player's cards play symbols are as follows:

INSERT SYMBOLS

(6) Determination of Prize Winners.

(a) There are four player's cards numbered 1 through 4 and one Caller's Card on each CLASSIC BINGO ticket. A "FREE" space will appear in the center of each player's card. A "FREE" space can substitute as a number in a pattern of which it is a part.

(b) A ticket whose numbers on one of the player's cards match the Caller's Card numbers in one of the following patterns shall entitle the claimant to the prize shown for that pattern on that card:

1. Horizontal line of five numbers (or four numbers and one "FREE" space).

2. Vertical line of five numbers (or four numbers and one "FREE" space).

3. Diagonal line of four numbers and one "FREE" space.

4. Four corners (consisting of four numbers).

5. "X" (consisting of eight numbers and one "FREE" space).

Prizes that appear in the player's cards area are: FREE TICKET, \$3, \$10, \$25, \$50, \$100, \$150, \$200, \$250, \$500, \$10,000. Prize amounts for a particular pattern are different on each player's card.

(7) Players may win on one or more player's cards per ticket; however, players may not win more than one prize on each player's card.

(8) A claimant who is entitled to a prize of a "FREE TICKET" shall be entitled to a prize of a \$2.00 instant ticket or any combination of instant and on-line tickets that totals \$2.00, except as follows. A person who submits by mail a CLASSIC BINGO lottery ticket that entitles the claimant to a prize of a \$2.00 ticket and whose mailing address is outside the state of Florida will receive a check for \$2.00 in lieu of an actual ticket.

(9) The estimated odds of winning, value, and number of prizes in Instant Game Number 487 are as follows:

GAME PLAY	WIN	ODDS OF 1 IN	NUMBER OF WINNERS IN 63 POOLS OF 120,000 TICKETS PER POOL
LINE - CARD 1	\$2 TICKET	25.00	302,400
LINE - CARD 2	\$3	7.89	957,600
LINES - CARD 1, 2	\$3 + \$2 TICKET	150.00	50,400
LINE - CARD 3	\$10	18.75	403,200
LINES - CARD 1, 3	\$10 + \$2 TICKET	150.00	50,400
4 CORNERS - CARD 1	\$25	300.00	25,200
LINE - CARD 4	\$25	300.00	25,200
LINES - CARD 1, 2, 4	\$28 + \$2 TICKET	4,800.00	1,575
LINES - CARD 1, 2, 3, 4	\$38 + \$2 TICKET	4,800.00	1,575
4 CORNERS - CARD 2	\$50	666.67	11,340
4 CORNERS - CARD 3	\$100	37,800.00	200
"X" - CARD 1	\$150	151,200.00	50
4 CORNERS - CARDS 1, 3 + LINE-CARD 4	\$150	151,200.00	50
4 CORNERS - CARD 2 + "X" - CARD 1	\$200	151,200.00	50
4 CORNERS - CARD 4	\$200	756,000.00	10
4 CORNERS - CARDS 1, 2, 3 + LINE-CARD 4	\$200	756,000.00	10
"X" - CARD 2	\$250	472,500.00	16
"X" - CARD 3	\$500	756,000.00	10
"X" - CARD 4	\$1,000	1,890,000.00	4

(10) The estimated overall odds of winning some prize in Instant Game Number 487 are 1 in 4.13. Prizes, including the top prizes, are subject to availability at the time of ticket purchase. Prizes may be unavailable due to prior sale or other causes occurring in the normal course of business including, but not limited to, ticket damage, defect, theft, or loss.

(11) For reorders of Instant Game Number 487, the estimated odds of winning, value, and number of prizes shall be proportionate to the number of tickets reordered.

(12) By purchasing a CLASSIC BINGO lottery ticket the player agrees to comply with and abide by all rules and regulations of the Florida Lottery.

(13) Payment of prizes for CLASSIC BINGO lottery tickets shall be made in accordance with rules of the Florida Lottery governing procedures for awarding prizes. A copy of the current rule can be obtained from the Florida Lottery, Office of the General Counsel, 250 Marriott Drive, Tallahassee, Florida 32399-4011.

Specific Authority 24.105(9)(a),(b),(c), 24.109(1), 24.115(1) FS. Law Implemented 24.105(9)(a),(b),(c), 24.115(1) FS. History—New 6-6-03.

THIS EMERGENCY RULE TAKES EFFECT IMMEDIATELY UPON BEING FILED WITH THE DEPARTMENT OF STATE.

EFFECTIVE DATE: June 6, 2003

Section V Petitions and Dispositions Regarding Rule Variance or Waiver

WATER MANAGEMENT DISTRICTS

NOTICE IS HEREBY GIVEN that on June 6, 2003, South Florida Water Management District (District) received a petition for waiver from Palm Beach County Department of Engineering and Public Works, Application No. 03-0128-1, for utilization of Works or Lands of the District known as the C-18 Canal, Palm Beach County, for placement of drainage structures, exfiltration trenches, fencing and street lights on bridge, in conjunction with new roadway and bridge. The petition seeks relief from subsections 40E-6.011(4) and (6), and 40E-6.221(9), Fla. Admin. Code, which govern the placement of permanent and semi-permanent above-ground structures within 40 feet of the top of canal bank within Works or Lands of the District.

A copy of the petition may be obtained from: Jan Sluth, (561)682-6299 or e-mail at jsluth@sfwmd.gov.

The District will accept comments concerning the petition for 14 days from the date of publication of this notice. To be considered, comments must be received by the end of business on the 14th day at the South Florida Water Management District, 3301 Gun Club Road, MSC 1410, West Palm Beach, FL 33406, Attn: Jan Sluth, Office of Counsel.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

The Department of Environmental Protection gives notice of its intent to grant a variance (File No. 0200803-002-EV) to Lee County from paragraph 62-4.244(5)(c), Florida Administrative Code (F.A.C.) to establish a temporary mixing zone of 150 meters offshore and 850 meters downcurrent from the point of sand discharge onto the beach disposal area.

The full text of this notice is published on the Department's official internet site, <http://www.dep.state.fl.us> under the link entitled "Official Notices."

Questions or comments regarding this notice may be directed to: Cheryl Miller, Environmental Specialist III, Florida Department of Environmental Protection, Bureau of Beaches and Wetland Resources, 3900 Commonwealth Boulevard, Mail Station 300, Tallahassee, FL 32399, (850)487-4471, Ext. 142.

The Florida Department of Environmental Protection received on June 10, 2003, a petition for variance from JEA (applicant), requesting a determination pursuant to Chapters 120 and 403, Florida Statutes (F.S.), and Chapter 62-730, Florida Administrative Code (F.A.C.) that certain contaminated soil does not contain hazardous waste.

The full text of this notice is published on the Internet at the Department of Environmental Protection's home page at <http://www.dep.state.fl.us/> under the link or button titled "Official Notices."

The Department of Environmental Protection acknowledges receipt of a petition for a Section 120.542, F.S., variance from Rule Chapter 62B-33, F.A.C., submitted by Petitioner Robert Bullard on behalf of Arlette Schutte.

The full text of this notice is published on the Internet at the Department of Environmental Protection's home page at <http://www.dep.state.fl.us/> under the link or button entitled "Official Notices."

If you have additional questions please contact: Mark S. Miller, (850)487-4475, Ext. 193.

NOTICE IS HEREBY GIVEN that the Florida Department of Environmental Protection received, on June 4, 2003, a petition from the Office of Greenways and Trails, seeking a variance under Section 120.542, Florida Statutes, from the requirement under paragraph 62C-36.008(1)(d), Florida Administrative Code, that all mandatory reclamation activities through revegetation at the state-owned Columbia City Mine must be completed within three years of the cessation of mining. The petition has been assigned File No.: 03-1005.

Copies may be received from, and written comments submitted to: Department of Environmental Protection, Bureau of Mine Reclamation, 2051 East Dirac Drive, Tallahassee, Florida 32310, Attn: Alan Whitehouse. Comments must be received by the Department no later than 14 days from the date of publication of this notice.

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 issued an Order on the Petition for Waiver filed by Victoria Vitale-Lewis, M.D. The Notice of Petition for Waiver was published in Vol. 29, No. 15, of the April 11, 2003, Florida Administrative Weekly. The Board considered the Petition at its telephone conference meeting held on May 7, 2003. The Board's Order, filed on May 28, 2003, grants the petition for permanent

waiver finding that the underlying purpose of the statute, as implemented by Rule 64B8-9.009, F.A.C., has been met and that the Petitioner has demonstrated a substantial hardship.

A copy of the Board's Order may be obtained by contacting: Board of Medicine, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3753.

Section VI Notices of Meetings, Workshops and Public Hearings

DEPARTMENT OF STATE

The **Division of Historical Resources** announces a public meeting to which all persons are invited:

DATE AND TIME: Friday, June 27, 2003, 10:00 a.m. – 11:00 a.m.

PLACE: Miami-Dade County, Department of Cultural Affairs, 111 N. W. 1st Street, Miami, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Meeting of the Miami Circle Planning Group which will consider public access, interpretation, protection and long and short term management of the Miami Circle/Brickell Point Archaeological site.

People with disabilities wishing to attend this meeting should contact the Division, (850)245-6300, at least 48 hours prior to the meeting in order to request special assistance.

The **Florida Folklife Council** announces a public meeting to which all persons are invited.

DATE AND TIME: Friday, July 18, 2003, 10:00 a.m. – 5:00 p.m.

PLACE: R. A. Gray Building, 500 South Bronough Street, Third Floor, Room 306-B, Tallahassee, Florida 32399

GENERAL SUBJECT MATTER TO BE CONSIDERED: This is the quarterly meeting to conduct business.

A copy of the agenda may be obtained by writing: Florida Folklife Council, Bureau of Historic Preservation, Division of Historical Resources, 500 South Bronough Street, Tallahassee, Florida 32399-0250, (850)245-6333.

Should any person wish to appeal any decision made with respect to the above referenced meeting, she or he may need to ensure verbatim recording of the proceedings in order to provide a record of judicial review.

Pursuant to Chapter 286.26, Florida Statutes, people with disabilities wishing to attend this meeting should contact the agency at least 48 hours prior to the meeting in order to request any special assistance.

The **Department of State, Division of Elections** announces a public meeting, to which all persons are invited.

A joint meeting of: Voter Registration Advisory Board of the Florida State Association of Supervisors of Elections, Voter Registration Technical Advisory Group of the Florida State Association of Supervisors of Elections, Representatives of the Florida Departments of State, Highway Safety and Motor Vehicles, Law Enforcement and the State Technology Office.

DATE AND TIME: July 2, 2003, 10:30 a.m. – 3:00 p.m.

PLACE: Orange County Supervisor of Elections Office, 119 West Kaley Street, Orlando, FL 32806

GENERAL SUBJECT MATTER TO BE CONSIDERED: Design of a Statewide Voter Registration System.

The agenda will include discussion of: all legislation regarding this system which has passed as of the date of the meeting, timelines required for system development, roles and responsibilities or participants, high level system requirements.

Questions about the agenda may be directed to: Paul Craft, Division of Elections, Room 231, The Collins Building, 107 West Gaines Street, Tallahassee, FL 32399-0250, pcraft@dos.state.fl.us, (850)245-6220.

This meeting will work through lunch. We have made arrangements for a caterer to provide a variety of sandwich platters for attendees. We will be collecting \$7.00 per person from those who wish to partake of the sandwiches at the beginning of the meeting. Exact change will be appreciated. Anyone wishing to bring their own lunch or make alternate arrangements for their lunch should feel free to do so.

Pursuant to Section 286.26, Florida Statutes, any person requiring special accommodations to participate in this meeting is asked to advise the agency as soon as possible and at least 48 hours before the meeting by contacting Paul Craft, Division of Elections, Room 231, The Collins Building, 107 West Gaines Street, Tallahassee, FL 32399-0250, pcraft@dos.state.fl.us, (850)245-6220.

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

The Florida **Department of Agriculture and Consumer Services, Division of Forestry** (DOF) and the Little Big Econ State Forest Management Plan Advisory Group announce two public meetings and a public hearing to which all persons are invited.

Little Big Econ State Forest Management Plan Advisory Group

DATE AND TIME: Wednesday, June 25, 2003, 5:00 p.m.

PLACE: Geneva Community Center, 161 First Street, Geneva, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: To allow the Little Big Econ State Forest Management Plan Advisory Group to prepare for a public hearing the evening of

June 25, 2003 and provide recommendations to the DOF to help in preparation of a management plan for the Little Big Econ State Forest.

Public Hearing

DATE AND TIME: Wednesday, June 25, 2003, 6:00 p.m.

PLACE: Geneva Community Center, 161 First Street, Geneva, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: To solicit public comments on management of the Little Big Econ State Forest.

Comments may be presented orally or in writing at the hearing. Written comments may also be submitted to: DOF, Little Big Econ State Forest, 1350 Snowhill Road, Geneva, FL 32732, to the attention of Wil Kitchings and should be mailed so as to arrive at the office by the date of the public hearing.

Little Big Econ State Forest Management Plan Advisory Group

DATE AND TIME: Thursday, June 26, 2003, 9:00 a.m.

PLACE: Geneva Community Center, 161 First Street, Geneva, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: To allow the Little Big Econ State Forest Management Plan Advisory Group to review comments from the public hearing of June 25, 2003 and provide recommendations to the DOF to help in preparation of a management plan for the Little Big Econ State Forest.

Copies of a working draft on the plan are available by contacting: Little Big Econ State Forest in writing at the above address or contacting Wil Kitchings, (407)971-3503.

Special accommodations for persons with disabling condition should be requested in writing at least 48 hours in advance of these proceedings. Any request for special accommodations can be made by writing to the DOF, Little Big Econ State Forest Office at the above listed address.

You are hereby notified in accordance with Section 286.0105, Florida Statutes, should you decide to appeal any decision made as a result of, or take exception to any findings of fact with respect to any matter considered at the hearing and meeting referred to above, you may need to ensure that a verbatim record of the proceedings is made. Such record shall include the testimony and evidence upon which the appeal is to be based.

DEPARTMENT OF EDUCATION

The Florida **Rehabilitation Council for the Blind**, announces the following meeting:

DATES AND TIMES: July 18, 2003, 8:30 a.m. – 5:00 p.m.; July 19, 2003, 8:30 a.m. – 12:00 Noon

PLACE: Crowne Plaza, 1601 Belvedere Road, West Palm Beach, FL 33406

GENERAL SUBJECT MATTER TO BE CONSIDERED: Quarterly Meeting.

A copy of the agenda may be obtained by contacting: Phyllis Dill, Division of Blind Services, 7201 N. 9th Avenue, Suite A-11, Pensacola, FL 32504 or (850)484-5030 or through the Florida Telephone Relay system 711.

In accordance with the Americans with Disabilities Act, persons needing a special accommodation to participate in these meetings should contact the individual listed above no later than five working days prior to the meeting.

DEPARTMENT OF COMMUNITY AFFAIRS

The **Department of Community Affairs** announces a meeting of the State Energy Program (SEP) Clean Fuel Florida Advisory Board (CFF) to which all interested parties are invited.

SEP CFF MEETING

DATE AND TIME: June 20, 2003, 9:00 a.m. – 4:30 p.m.

PLACE: Hampton Inn, 2979 Apalachee Parkway, Tallahassee, Florida 32301

GENERAL SUBJECT MATTER TO BE CONSIDERED: The CFF will consider the following items: 1) Presentation of the CFFAB “Cornerstone Report”; 2) Future Board Activities; 3) Report on State Initiatives; 4) Report on transfer of Energy Office.

APPEAL INFORMATION: If a person decides to appeal any decision of the Department of Community Affairs with respect to any matter considered at this public meeting he or she may need a record or transcript of the proceeding, and for such purposes he or she may need to ensure that a record of the proceeding is made, which record may include testimony and evidence relevant to the appeal.

Anyone who wants a copy of the agenda or additional information on this meeting may write or call: Essie Turner, Administrative Assistant, Department of Community Affairs, 2255 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100, (850)488-2475.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact the SEP, (850)488-2475, at least five calendar days prior to the meeting. If you are hearing impaired, please contact the SEP, (850)488-2475, at least five calendar days prior to the meeting. If you are hearing impaired, please contact the SEP using the Florida Dual Party System which can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

DEPARTMENT OF REVENUE

NOTICE OF CHANGE – The **Department of Revenue** announces a change in the date of the public hearing that was noticed in the May 2, 2003 edition of the Florida Administrative Weekly.

DATE AND TIME: August 26, 2003, during a regular meeting of the Governor and Cabinet, which begins at 9:00 a.m., instead of June 26, 2003

PLACE: Cabinet Meeting Room, Lower Level, The Capitol, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Approval of adoption of amendments to Rule Chapter 12-24, Florida Administrative Code.

Notice of this proposed adoption was published in the Florida Administrative Weekly of February 14, 2003 (Vol. 29, No. 7, pp. 591-601).

NOTICE UNDER THE AMERICANS WITH DISABILITIES ACT: Any person requiring special accommodations to participate in this hearing is asked to advise the Department at least 48 hours before the hearing by contacting: Nancy Purvis, (850)488-0712. If you are hearing-impaired or speech-impaired, please contact the Department by using the Florida Relay Service, which can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

DEPARTMENT OF TRANSPORTATION

The **Florida Scenic Highways Program** announces a Scenic Highways Advisory Committee meeting to which all persons are invited.

DATE AND TIME: Tuesday, July 1, 2003, 2:00 p.m. – 4:00 p.m.

PLACE: Rhyne Building, Room 308, 2740 Centerview Drive, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: The purpose of the meeting is to review and provide a recommendation regarding the Palma Sola Candidate Scenic Highway Eligibility Application.

SPECIAL ACCOMMODATIONS: Special accommodation requests should be made at least seven (7) days prior to the meeting.

INFORMATION: Contact Mr. Mariano Berrios, State Scenic Highways Coordinator, Environmental Management Office, Florida Department of Transportation, 605 Suwannee Street, MS-37, Tallahassee, Florida 32399-0450, (850)410-5894 or e-mail mariano.berrios@dot.state.fl.us or fax (850)410-5808.

The Florida **Department of Transportation**, District 6 announces a public meeting to which all persons are invited.

DATES AND TIMES: July 9, 2003, 2:00 p.m.; reconvening July 10, 2003, 9:00 a.m.

PLACE: 1000 N. W. 111th Avenue, Rear Auditorium, Miami, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED. The Miami Intermodal Center (MIC) Program Technical Review Committee will meet to: (1) discuss proposal(s) submitted in response to the Florida Department of Transportation’s Request for Proposals for Joint Development for the MIC Program, (2) receive answers by proposers to questions from the Committee regarding the feasible proposal(s) submitted in response to the RFP, and (3) evaluate the feasible proposal(s),

and (4) develop a recommendation to the Selection Committee. Some of the Technical Review Committee Members may participate in the meeting by teleconference.

Interested persons may obtain an agenda for this meeting by contacting: Nick Serianni, 200 West College Avenue, Suite 130, Tallahassee, Florida 32301, (850)224-7777.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to attend this meeting is asked to advise the Florida Department of Transportation at least 48 hours before the meeting by contacting: Steven Thompson, (305)716-5214

If a person decides to appeal any decision made by the Department with respect to any matter considered at such meeting or hearing, he or she will need a record of the proceedings, and that for such purpose, he or she may need to ensure that a verbatim record includes the testimony and evidence upon which the appeal is to be based.

The Florida **Department of Transportation**, District 6 announces a public meeting to which all persons are invited.

DATE AND TIME: July 10, 2003, 3:00 p.m.

PLACE: 1000 N. W. 111th Avenue, Rear Auditorium, Miami, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED. The Miami Intermodal Center (MIC) Program Selection Committee will meet to make decisions on the final selection of the Proposer(s) based on the Technical Review Committee's recommendation of the feasible proposal(s) submitted in response to the Florida Department of Transportation's Request for Proposal for Joint Development for the MIC Program.

Interested persons may obtain an agenda for this meeting by contacting: Nick Serianni, 200 West College Avenue, Suite 130, Tallahassee, Florida 32301, (850)224-7777.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to attend this meeting is asked to advise the Florida Department of Transportation at least 48 hours before the meeting by contacting: Steven Thompson, (305)716-5214

If a person decides to appeal any decision made by the Department with respect to any matter considered at such meeting or hearing, he or she will need a record of the proceedings, and that for such purpose, he or she may need to ensure that a verbatim record includes the testimony and evidence upon which the appeal is to be based.

STATE BOARD OF ADMINISTRATION

NOTICE IS HEREBY GIVEN by the Florida Commission on Hurricane Loss Projection Methodology, which is administratively housed within the **State Board of Administration**, of a meeting of the State Board of Administration to which all persons are invited.

TIME AND DATE: 9:00 a.m. (eastern daylight time) – conclusion of meeting, Thursday, June 26, 2003

PLACE: Cabinet Meeting Room, Lower Level, The Capitol, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: To appoint a Chair for the Florida Commission on Hurricane Loss Projection Methodology for the 2003-2004 year.

The Investment Committee of the **Florida Prepaid College Board** announces a public hearing to which all interested parties are invited to attend.

DATE AND TIME: Tuesday, July 1, 2003, 11:30 a.m. or soon thereafter

PLACE: The Hermitage Centre, First Floor, 1801 Hermitage Boulevard, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct the regular business of the Florida Prepaid College Board Investment Committee, to which all persons are invited.

A copy of the agenda may be obtained by writing: Thomas J. Wallace, Executive Director, Florida Prepaid College Program, 1801 Hermitage Blvd, Suite 210, Tallahassee, Florida 32308, (850)488-8514.

If any 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 will include the testimony and evidence upon which the appeal is based.

SPECIAL ACCOMMODATION: Any person requiring special accommodations at the meeting because of a disability should fax a written request for same to Thomas J. Wallace, Executive Director, Florida Prepaid College Board, (850)488-3555, no later than five (5) days prior to the meeting.

The **Florida Prepaid College Program Board** announces a public hearing to which all interested parties are invited to attend.

DATE AND TIME: Tuesday, July 1, 2003, 1:00 p.m. or soon thereafter

PLACE: The Hermitage Centre, First Floor, 1801 Hermitage Boulevard, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct the regular business of the Florida Prepaid College Program Board to which all persons are invited.

A copy of the agenda may be obtained by writing: Thomas J. Wallace, Executive Director, Florida Prepaid College Program, 1801 Hermitage Blvd, Suite 210, Tallahassee, Florida 32308, (904)488-8514

If any 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 will include the testimony and evidence upon which the appeal is based.

SPECIAL ACCOMMODATION: Any person requiring special accommodations at the meeting because of a disability should fax a written request for same to Thomas J. Wallace, Executive Director, Florida Prepaid College Board, (850)488-3555, no later than five (5) days prior to the meeting.

The **Florida Prepaid College Foundation Board** announces a public meeting to which all interested parties are invited to attend.

DATE AND TIME: Tuesday, July 1, 2003, 2:00 p.m. or soon thereafter

PLACE: 1801 Hermitage Blvd., The Hermitage Conference Room, First Floor, Tallahassee, FL 32308

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct the regular business of the Florida Prepaid College Foundation Board.

A copy of the agenda may be obtained by writing: Thomas J. Wallace, Executive Director, Florida Prepaid College Program, 1801 Hermitage Blvd, Suite 210, Tallahassee, Florida 32308, (850)922-6740.

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting, that person 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 based.

SPECIAL ACCOMMODATION: Any person requiring special accommodations at the meeting because of a disability should fax a written request for same to Thomas J. Wallace, Executive Director, Florida Prepaid College Board, (850)922-6740, no later than five (5) days prior to the meeting.

DEPARTMENT OF CITRUS

The **Department of Citrus** announces an emergency meeting via telephone conference of the Advertising Review Committee to which all persons are invited.

DATE AND TIME: June 12, 2003, 3:00 p.m.

PLACE: Florida Department of Citrus, 1115 E. Memorial Blvd., Lakeland, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Advertising Committee will meet to review the final report of the advertising review study.

The Committee will also discuss any other issues that may properly come before the Committee. Please note members of the Committee will attend by telephone. To assure the public has access to this meeting, the Florida Department of Citrus will have a speaker phone available at the Department of Citrus. Additionally, if there is a member of the public that cannot attend the meeting at the Florida Department of Citrus, but wishes to appear by telephone, they may call (850)921-6623. In accordance with the Americans with Disabilities Act, any person requiring special accommodations

to participate in this meeting is asked to advise the Department at least 48 hours before the meeting by contacting: Mr. Art Johnson, (863)499-2510.

PUBLIC SERVICE COMMISSION

The Florida **Public Service Commission** announces a Special Commission Conference in the following docket to which all interested persons are invited.

DOCKET NO.: 000824-EI – Review of Florida Power Corporation's earnings, including effects of proposed acquisition of Florida Power Corporation by Carolina Power & Light.

DATE AND TIME: July 9, 2003, 9:30 a.m.

PLACE: Commission Hearing Room 148, Betty Easley Conference Center, 4075 Esplanade Way, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: For the Commission to decide the Motion for Enforcement of Settlement Agreement.

LEGAL AUTHORITY AND JURISDICTION: Chapters 120, 350 and 367, F.S.

A copy of the Agenda may be obtained by any person who requests a copy, and pays the reasonable cost of the copy, (\$1.00 per copy, Rule 25-22.002, F.A.C.) by writing: Director, Division of the Commission Clerk and Administrative Services, Florida Public Service Commission, 2540 Shumard Oak Boulevard, Tallahassee, Florida. The agenda and recommendation are also accessible on the PSC Homepage, at <http://www.floridapsc.com>, at no charge.

If a person decides to appeal any decisions made by the Commission with respect to any matter considered at this conference, he will need a record of the proceedings and, for such purpose, may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is based.

Any person requiring some accommodation at this conference because of a physical impairment should call the Division of the Commission Clerk and Administrative Services, (850)413-6770 at least 48 hours prior to the conference. Any person who is hearing or speech impaired should contact the Commission by using the Florida Relay Service, which can be reached at 1(800)955-8771 (TDD).

The Florida **Public Service Commission** announces a staff rule development workshop to be held on Rules Nos. 25-4.003, F.A.C., Definitions; 25-4.082, F.A.C., Number Portability; 25-4.083, F.A.C., Preferred Carrier Freeze; 25-24.490, F.A.C., Customer Relations; Rules Incorporated; and 25-24.845, F.A.C., Customer Relations; Rules Incorporated, at the following time and place.

DATE AND TIME: 9:30 a.m., Thursday, July 10, 2003

PLACE: Room 152, Betty Easley Conference Center, 4075 Esplanade Way, Tallahassee, FL 32399-0862

The Notice of Proposed Rule Development and the preliminary text of the rule was published in the April 25, 2003, Florida Administrative Weekly, Vol. 29, No. 17.

A copy of the agenda may be obtained after June 26, 2003, from Samantha M. Cibula, Appeals, Rules and Mediation Section, Florida Public Service Commission, 2540 Shumard Oak Blvd., Tallahassee, FL 32399-0850, (850)413-6202.

Any person requiring some accommodation at this workshop because of a physical impairment should call the Division of the Commission Clerk and Administrative Services, (850)413-6770, at least 48 hours prior to the workshop. Any person who is hearing or speech impaired should contact the Florida Public Service Commission by using the Florida Relay Service, which can be reached at 1(800)955-8771.

NOTICE IS HEREBY GIVEN that the Florida **Public Service Commission** will hear Oral Argument in Docket No. 020129-TP on August 19, 2003, at the following time and location:

DATE AND TIME: To commence upon conclusion of the scheduled 9:30 a.m. (EST), Agenda Conference

PLACE: Room 148, Betty Easley Conference Center, 4075 Esplanade Way Tallahassee, FL 32399

GENERAL SUBJECT MATTER TO BE CONSIDERED: The purpose of this oral argument is to provide the Commission with increased clarity, limited to evidence already contained in the hearing record of Issues 8, 10, and 11 as set forth in the Order Establishing Procedure, Order No. PSC-02-0853-PCO-TP, issued June 21, 2002, prior to the final disposition thereof or any further actions the Commission may deem appropriate.

Any person requiring some accommodation at this oral argument because of a physical impairment should call the Division of the Commission Clerk and Administrative Services, (850)413-6770, at least 48 hours prior to the hearing. Any person who is hearing or speech impaired should contact the Commission by using the Florida Relay Service, which can be reached at 1(800)955-8771 (TDD).

For additional information, please contact: Adam Teitzman, Office of General Counsel, 2540 Shumard Oak Boulevard Tallahassee, FL 32399-0850 or (850)413-6175.

EXECUTIVE OFFICE OF THE GOVERNOR

The **Executive Office of the Governor** announces a Sheriff's Budget Appeal Panel meeting to which all persons are invited:

MEETING: Sheriff's Budget Appeal Panel Meeting

DATE AND TIME: July 7, 2003, 2:30 p.m. – 3:30 p.m.

PLACE: Room 2107, The Capitol, Tallahassee, Florida 32399

GENERAL SUBJECT MATTER TO BE CONSIDERED: A meeting to discuss the matters in the appeal of the budget of the Charlotte County Sheriff and Hendry County Sheriff.

A copy of the agenda may be obtained by writing: Brad Thomas, Public Safety Policy Unit, Office of Policy and Budget, 1801, The Capitol, Tallahassee, Florida 32399-0001.

Anyone requiring a special accommodation to participate in this meeting is requested to advise the Executive Office of the Governor at least 5 workdays before the meeting by contacting Brad Thomas or Sarah Collins, (850)922-4020.

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, July 10, 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: 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, July 10, 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: 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, July 10, 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: 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, July 10, 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: Northeast Florida Regional Planning Council, 6850 Belfort Oaks Place, Jacksonville, FL 32216.

If a person decides to appeal any decision made by the Council with respect to any matter considered at this meeting, he/she will have to ensure that a verbatim record of the proceedings is made, which includes the testimony and evidence upon which the appeal is to be based.

Individuals needing materials in alternate format, sign language interpreter, or other meeting information, call Peggy Conrad, (904)279-0880, Extension 145, at least three working days prior to the meeting. Hearing-impaired callers use Florida Relay Service, 1(800)955-8771.

Notice is also given that two or more members of the Boards of County Commissioners, City/Town Councils/Commissions and other entities covered under Chapter 286, Florida Statutes, may attend and speak at the meeting.

The **Southwest Florida Regional Planning Council** announces a public hearing to which all persons are invited:

DATE AND TIME: July 3, 2003, 9:30 a.m.
PLACE: Southwest Florida Regional Planning Council Conference Room, 4980 Bayline Drive, 4th Floor, North Fort Myers, FL 33917
GENERAL SUBJECT MATTER TO BE CONSIDERED: Regular meeting of the Regional Planning Council.

A copy of the proposed agenda may be obtained by writing: Mr. David Burr, Interim Executive Director, Southwest Florida Regional Planning Council, Post Office Box 3455, North Fort Myers, FL 33918-3455.

Please note that if a person decides to appeal any decision made by the Council with respect to any matter considered at the above cited meeting or hearing, he will need a record of the proceedings, and for such purpose, he may need to ensure that

a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is based.

All Council Subcommittee meetings will immediately follow the Council meeting.

Any person requiring special accommodation due to disability or physical impairment should contact Mr. David Burr, (239)656-7720, at least five calendar days prior to the meeting. Persons who are hearing impaired should contact Mr. Burr using the Florida Dual Party Relay System, 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

The **South Florida Regional Planning Council** announces a public meeting to which all persons are invited.

DATE AND TIME: Friday, June 27, 2003, 8:30 a.m. – 4:30 p.m.
PLACE: Marathon Garden Club, 5270 Overseas Highway, Marathon, FL 33050
GENERAL SUBJECT MATTER TO BE CONSIDERED: Meeting of the Florida Keys Carrying Capacity Study Implementation Work Group to discuss matters related to the study and its implementation.

A copy of the agenda may be obtained by writing: South Florida Regional Planning Council, 3440 Hollywood Boulevard, Suite #140, Hollywood, Florida 33021.

If you are hearing or speech impaired, please contact the South Florida Regional Planning Council, (954)967-4152, Ext. 40 (TDD), if you require additional information regarding the above meeting. If you require special accommodations because of a disability or physical impairment, please contact the Council, (954)985-4416, at least five calendar days prior to the meeting.

The **Treasure Coast Regional Planning Council** announces a meeting of Council's Budget/Personnel Committee to which all persons are invited:

DATE AND TIME: July 2, 2003, 9:30 a.m.
PLACE: Treasure Coast Regional Planning Council, 301 E. Ocean Boulevard, Suite 300, Stuart, FL 34994
GENERAL SUBJECT MATTER TO BE CONSIDERED: The purpose of this meeting is to discuss Council's budget for fiscal year 2003-2004.

A copy of the Agenda may be obtained by contacting: Treasure Coast Regional Planning Council, 301 E. Ocean Boulevard, Suite 300, Stuart, Florida 34994.

If a person decides to appeal any decision made by the Treasure Coast Regional Planning Council with respect to any matter considered at such meeting or hearing, he will need a record of proceedings, and that, for such purpose, he may need to ensure that a verbatim record of the proceedings is made, which record indicates the testimony and evidence upon which the appeal is to be based.

Any persons needing special accommodations at this meeting because of a disability or physical impairment should contact Liz Gulick, (561)221-4060, at least 48 hours before the meeting.

WATER MANAGEMENT DISTRICTS

The **St. Johns River Water Management District** announces the following meeting which may be attended by one or more Governing Board members. All persons are invited:

AMERICAN WATER RESOURCES ASSOCIATION (AWRA), FLORIDA SECTION

DATES AND TIMES: Thursday, July 24, 2003, 11:00 a.m. through Saturday, July 26, 2003, 12:00 Noon

PLACE: Wyndham Casa Marina Resort, 1500 Reynolds Street, Key West, FL 33040

GENERAL SUBJECT MATTER TO BE CONSIDERED: This conference will provide a forum for water managers, elected officials, industry leaders, environmentalists, farmers, and other interested parties to discuss water supply and water management issues.

NOTE: A copy of the agenda for these meetings may be obtained by writing: AWRA, Florida Section, P. O. Box 643, Palatka, FL 32178 or contacting conference management at (386)329-4214.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate is requested to advise conference management at least 48 hours before the meeting.

The **South Florida Water Management District** announces a public meeting to which all interested parties are invited:

DATE AND TIME: June 23, 2003, 6:00 p.m. – 8:00 p.m.

PLACE: Okeechobee Freshman Campus Auditorium, 700 S. W. 2nd Avenue, Okeechobee, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Project Delivery Team (PDT) of the Lake Okeechobee Watershed Project, which is included in the Comprehensive Everglades Restoration Plan, will meet to discuss the development of alternative plans for the four elements included in this project. The public is encouraged to attend and to provide comments at each step of this important process. This PDT meets monthly at the Indian River Community College Dixon-Hendry Campus.

A copy of the agenda may be obtained by writing: South Florida Water Management District, P. O. Box 24680, West Palm Beach, Florida 33416-4680.

Persons with disabilities who need assistance may contact Paula Moree, Assistant District Clerk, (561)682-6447, at least two business days in advance of the meeting to make appropriate arrangements.

For more information, contact Lewis Hornung, Project Manager, (561)682-2007 or Missie Barletto, Public Outreach, 1(800)250-4200, Ext. 3006.

The **South Florida Water Management District** announces a public meeting to which all interested parties are invited:

DATES AND TIME: July 29, 2003; September 4, 2003; October 2, 2003; November 6, 2003; December 4, 2003, 8:30 a.m. (NOTE: Call prior to meeting date to confirm meeting date and time, (561)682-6447)

PLACE: South Florida Water Management, B1 Auditorium, 3301 Gun Club Road, West Palm Beach, FL 33406

GENERAL SUBJECT MATTER TO BE CONSIDERED: Water Resources Advisory Commission Meeting (WRAC).

A copy of the agenda may be obtained at the (1) District Website (<http://www.sfwmd.gov/agenda.html>) or (2) by writing: 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, (561)682-6371, at least two business days in advance of the meeting to make appropriate arrangements.

Those who want more information, please contact Paula Moree, (561)682-6447, District Headquarters, 3301 Gun Club Road, Mail Stop Code 6115, West Palm Beach, FL 33406.

The **South Florida Water Management District** announces a public meeting to which all interested parties are invited:

DATES AND TIME: Every Monday beginning June 16, 2003 and ending on December 29, 2003 (June 16, 23, 30, 2003; July 7, 14, 21, 28, 2003; August 4, 11, 18, 25, 2003; September 1, 2, 8, 15, 22, 29, 2003; October 6, 13, 20, 27, 2003; November 3, 10, 17, 24, 2003; December 1, 8, 15, 22, 29, 2003, 8:30 a.m. (NOTE: Call prior to meeting date to confirm meeting date and time, (561)682-6447)

PLACE: South Florida Water Management, B1 Auditorium, 3301 Gun Club Road, West Palm Beach, Florida 33406

GENERAL SUBJECT MATTER TO BE CONSIDERED: Water Resources Advisory Commission Meeting – Issues Workshop Meeting.

A copy of the agenda may be obtained at the (1) District Website (<http://www.sfwmd.gov/agenda.html>) or (2) by writing: 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, (561)682-6371, at least two business days in advance of the meeting to make appropriate arrangements.

Those who want more information, please contact Paula Moree, District Headquarters, 3301 Gun Club Road, Mail Stop Code 6115, West Palm Beach, FL 33406, (561)682-6447.

The **South Florida Water Management District** announces a public meeting to which all interested parties are invited:

DATE AND TIME: Tuesday, July 29, 2003, 8:30 a.m. (NOTE: Call prior to meeting date to confirm meeting date and time, (561)682-6447)

PLACE: Westin Inn, 97000 South Overseas Highway, Key Largo, Florida 33037

GENERAL SUBJECT MATTER TO BE CONSIDERED: Water Resources Advisory Commission Meeting (WRAC)

A copy of the agenda may be obtained at the (1) District Website (<http://www.sfwmd.gov/agenda.html>) or (2) by writing: South Florida Water Management District, Mail Stop 6115, P. O. Box 24680, West Palm Beach, FL 33416-4680.

Persons with disabilities who need assistance may contact the District Clerk, (561)682-6371, at least two business days in advance of the meeting to make appropriate arrangements.

Those who want more information, please contact Paula Moree, District Headquarters, 3301 Gun Club Road, Mail Stop Code 6115, West Palm Beach, FL 33406, (561)682-6447.

FLORIDA SPACE AUTHORITY

The Florida **Commercial Space Financing Corporation** (FCSFC) announces a Board of Directors meeting and teleconference to which the public is invited.

DATE AND TIME: June 25, 2003, 10:00 a.m. – 12:00 Noon

PLACE: Enterprise Florida, Inc.(EFI), 390 North Orange Avenue, Suite 1300, Orlando, Florida (EFI has reserved one of their conference rooms for the FCSFC Board Meeting (to be posted on site). To attend via telephone, call: 1(866)249-5325, participant code 393255)

GENERAL SUBJECT MATTER TO BE CONSIDERED: Board of Directors will meet to review general board business, ratifications of agreements, financings, guarantees, budgets, procedures and to consider other proposed matters related to the business of the Corporation.

For more information, contact: Mr. Frank DiBello or Ms. Judy Blanchard, (321)690-3397.

To obtain a copy of the agenda write: The Florida Commercial Space Financing Corporation, 403 Brevard Avenue, Suite 1, Cocoa, Florida 32922.

Any person requiring special accommodations at this meeting because of disability or physical impairment should contact the Florida Commercial Space Financing Corporation.

Please note that if a person decides to appeal any decision made by the Board with respect to any matter considered at the above cited meeting, they will need a record of the proceedings, and for such purpose, they may need to ensure that a verbatim record of the proceeding, which record includes the testimony and evidence upon which the appeal is to be based.

DEPARTMENT OF ELDER AFFAIRS

The Florida **Department of Elder Affairs**, Advisory Council announces a conference call to which all persons are invited to join.

DATE AND TIME: July 9, 2003, 12:00 Noon – 2:00 p.m.

PLACE: (850)414-5775 or SunCom 994-5775 or toll-free from outside the Tallahassee area 1(888)461-8118 (Interested individuals may join by notifying Darrick McGhee, Department of Elder Affairs, 4040 Esplanade Way, Tallahassee, FL 32399, (850)414-2085)

GENERAL SUBJECT MATTER TO BE CONSIDERED: A meeting of the Department of Elder Affairs Advisory Council to discuss the department and initiatives the council wants to undertake.

To obtain a copy of the agenda, please contact Darrick McGhee, (850)414-2085, email: McgheeD@elderaffairs.org, or by mail at 4040 Esplanade Way, Tallahassee, Florida 32399-7000.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this meeting is asked to advise the department at least 48 hours before the meeting by contacting: Darrick McGhee, (850)414-2085. If you are hearing or speech impaired, please contact the department by calling (850)414-2001.

AGENCY FOR HEALTH CARE ADMINISTRATION

The **Medicaid Drug Utilization Review Board** announces a meeting to which all persons are invited.

DATE AND TIME: Saturday, July 12, 2003, 9:30 a.m. – 2:00 p.m.

PLACE: Tampa Airport Marriott, Tampa, FL

DEPARTMENT OF MANAGEMENT SERVICES

The Florida **Commission on Human Relations** announces a public meeting to which all persons are invited. The meeting is being conducted by communications media technology (CMT), i.e., by utilizing a telephone conference hookup.

DATE AND TIME: Wednesday, July 9, 2003, 9:00 a.m.

PLACE: Florida Commission on Human Relations, 2009 Apalachee Parkway, Suite 100, Tallahassee, Florida 32301, (850)488-7082, Ext. 1032, The meet-me telephone number: (850)921-2560 or Suncom 291-2560

GENERAL SUBJECT MATTER TO BE CONSIDERED: This meeting will be held to deliberate cases that have come before the Commission for determination.

A copy of the agenda may be obtained by contacting: Ms. Denise Crawford, Clerk of the Commission, Florida Commission on Human Relations, 2009 Apalachee Parkway, Suite 100, Tallahassee, Florida 32301, (850)488-7082, Ext. 1032.

VERBATIM RECORD OF MEETING: If any person decided to appeal any decision made during the meeting, he or she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence upon which the appeal is to be based.

ADA NOTICE: Any person requiring special accommodation at this meeting because of a disability or physical impairment should contact the Clerk of the Commission, (850)488-7082, Ext. 1032, at least five working days prior to the meeting.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

The Florida **Board of Architecture and Interior Design** announces the following meetings, to which all persons are invited to attend.

DATE AND TIME: July 10, 2003, 1:00 p.m. (Eastern Standard Time)

PLACE: Department of Business and Professional Regulation, Board of Architecture and Interior Design, Board Conference Room, 1940 North Monroe Street, Tallahassee, FL 32399-0751, (850)487-8304

GENERAL SUBJECT MATTER TO BE CONSIDERED: General Board and Business Meeting.

To obtain a copy of the agenda, further information, or submit written or other physical evidence, contact in writing: Board of Architecture and Interior Design, 1940 N. Monroe St., Tallahassee, Florida 32399.

If a person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need a record of the proceedings, and for such purpose he/she may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact the Board office, (850)487-8304, at least five calendar days prior to the meeting. If you are hearing or speech impaired, please contact the Board office using the Florida Dual Party Relay System which can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

The Probable Cause Panel of the **Construction Industry Licensing Board** announces a meeting.

DATE AND TIMES: June 24, 2003, 9:00 a.m. and 10:00 a.m. or soon thereafter

PLACE: Department of Business and Professional Regulation, 725 South Bronough Street, Tallahassee, Florida 32301, (850)488-0062

GENERAL SUBJECT MATTER TO BE CONSIDERED: To review complaints in which a determination of the existence of probable cause has already been made.

A copy of the PUBLIC portion of the agenda may be obtained by writing: Patrick Creehan, Chief Construction Attorney, Department of Business and Professional Regulation, Office of the General Counsel, 1940 N. Monroe Street, Suite 60, Tallahassee, Florida 32399-2202, (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 **Board of Funeral Directors and Embalmers** announces the following meeting to be held by telephone conference call, to which all parties are invited to attend.

DATE AND TIME: July 1, 2003, 10:00 a.m.

PLACE: Access Phone #: (850)488-5778, SunCom 278-5778

GENERAL SUBJECT MATTER TO BE CONSIDERED: General Board and Business meeting.

To obtain a copy of the agenda, further information, or submit written or other physical evidence, contact in writing to: Board of Funeral Directors and Embalmers, 1940 N. Monroe St., Tallahassee, Florida 32399.

If a person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need a record of the proceedings, and for such purpose he/she may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact the Board office, (850)487-8304, at least five calendar days prior to the meeting. If you are hearing or speech impaired,

please contact the Board office using the Florida Dual Party Relay System which can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

The Florida **Board of Professional Engineers** announces a public meeting of the Educational Advisory and Application Review Committees to which all persons are invited:

DATE AND TIME: Wednesday, July 16, 2003, 9:00 a.m.

PLACE: Florida Board of Professional Engineers, 2507 Callaway Road, Suite 200, Tallahassee, Florida 32303

GENERAL SUBJECT MATTER TO BE CONSIDERED: Review of applications for examination and/or licensure by endorsement and to review applications of foreign educated applicants.

A copy of the agenda may be obtained by writing: Board of Professional Engineers, 2507 Callaway Road, Suite 200, Tallahassee, Florida 32303.

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting, they will need a record of the proceedings, and for such purposes they may need to ensure that a verbatim record of the proceedings is made, which record will include the testimony and evidence upon which the appeal is to be made.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this meeting is asked to advise the Board at least forty-eight (48) hours before the meeting by contacting: Natalie Lowe, (850)521-0500.

The Florida **Board of Professional Engineers** announces a Probable Cause Panel meeting. Although this meeting is open to the public, portions of the Probable Cause Panel meeting may be closed consistent with law.

DATE AND TIME: Tuesday, July 22, 2003, 8:30 a.m. or as soon thereafter

PLACE: Florida Board of Professional Engineers, 2507 Callaway Road, Suite 200, Tallahassee, Florida 32303

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting, they will need a record of the proceedings, and for such purposes they may need to ensure that a verbatim record of the proceedings is made, which record will include the testimony and evidence upon which the appeal is to be made.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this meeting is asked to advise the Board at least forty-eight (48) hours before the meeting by contacting: Natalie Lowe, (850)521-0500.

The Florida **Board of Professional Engineers** announces a public telephone conference call to which all persons are invited:

DATE AND TIME: Wednesday, July 23, 2003, 2:00 p.m.

PLACE: Florida Board of Professional Engineers, 2507 Callaway Road, Suite 200, Tallahassee, Florida 32303; Conference Call Number: 1(800)659-8290

GENERAL SUBJECT MATTER TO BE CONSIDERED: To act on recommendations from the Educational Advisory and Application Review Committees to approve or deny applications for licensure and any old or new business of the Florida Board of Professional Engineers.

A copy of the agenda may be obtained by writing: Board of Professional Engineers, 2507 Callaway Road, Suite 200, Tallahassee, Florida 32303.

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting, they will need a record of the proceedings, and for such purposes they may need to ensure that a verbatim record of the proceedings is made, which record will include the testimony and evidence upon which the appeal is to be made.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this meeting is asked to advise the Board at least forty-eight (48) hours before the meeting by contacting: Natalie Lowe, (850)521-0500.

The Florida **Board of Professional Engineers** announces a public meeting of the Educational Advisory and Application Review Committees to which all persons are invited:

DATE AND TIME: Wednesday, August 6, 2003, 9:00 a.m.

PLACE: Harbor Beach Marriott, 3030 Holiday Drive, Fort Lauderdale, Florida 33316

GENERAL SUBJECT MATTER TO BE CONSIDERED: Review of applications for examination and/or licensure by endorsement and to review applications of foreign educated applicants.

A copy of the agenda may be obtained by writing: Board of Professional Engineers, 2507 Callaway Road, Suite 200, Tallahassee, Florida 32303.

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting, they will need a record of the proceedings, and for such purposes they may need to ensure that a verbatim record of the proceedings is made, which record will include the testimony and evidence upon which the appeal is to be made.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this meeting is asked to advise the Board at least forty-eight (48) hours before the meeting by contacting: Natalie Lowe, (850)521-0500.

The Florida **Board of Professional Engineers** announces a public meeting to conduct the business of the Board, including committee business, which all persons are invited.

DATES AND TIME: Thursday, August 7, 2003, 8:30 a.m. continuing Friday, August 8, 2003, 8:30 a.m. if the business of the Boards is not concluded

PLACE: Harbor Beach Marriott, 3030 Holiday Drive, Fort Lauderdale, Florida 33316

GENERAL SUBJECT MATTER TO BE CONSIDERED: General Business of the Board.

A copy of the agenda may be obtained by writing: Board of Professional Engineers, 2507 Callaway Rd., Suite 200, Tallahassee, FL 32303.

If any person decides to appeal and decision made by the Board with respect to any matter considered at this meeting, they will need a record of the proceedings, and for such purposes they may need to ensure that a verbatim record of the proceedings is made, which record will include the testimony and evidence upon which the appeal is to be made.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this meeting is asked to advise the Board at least forty-eight (48) hours before the meeting by contacting: Natalie Lowe, (850)521-0500.

The Florida **Real Estate Appraisal Board (FREAB)** announces a meeting to which all persons are invited.

DATE AND TIME: July 7, 2003, 9:30 a.m.

PLACE: Department of Business and Professional Regulation, Division of Real Estate, Room 901, Ninth Floor, North Tower, 400 West Robinson Street, Orlando, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Official business of the Appraisal Board – among topics included, but not limited to, are proposed legislation affecting Chapter 475, Part II, F.S., rule development workshops, Florida Administrative Code 61J1 rule amendments, disciplinary actions and general subject matter.

If a person decides to appeal a decision made by the Board, with respect to any matter considered at this meeting or hearing, a record of the proceedings for such purpose, upon which the appeal is based, may be required.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact the Department of Business and Professional Regulation, (407)481-5632, at least five (5) calendar days prior to the meeting. If you are hearing or speech impaired, please call the Division of Real Estate using the Florida Dual Party Relay System, 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

A copy of the agenda may be obtained by writing to the Deputy Clerk of the Florida Real Estate Appraisal Board, 400 W. Robinson Street, Orlando, Florida 32801-1772.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

The **Department of Environmental Protection**, Clean Boating Partnership announces that the third quarterly meeting for 2003 will be held as follows:

DATES AND TIMES: Thursday, July 10, 2003, 12:00 Noon – 5:00 p.m.; Friday, July 11, 2003, 8:00 a.m. – 12:00 Noon

PLACE: La Quinta Inn and Suites – Airport, 7160 North Frontage Road, Orlando, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: The purpose of the meeting is to review, discuss and recommend to the Florida Department of Environmental Protection policy and implementation strategies for the Clean Marina Program.

A copy of the agenda may be obtained by contacting: Jan R. De Laney, Florida Department of Environmental Protection, Division of Law Enforcement, 3900 Commonwealth Boulevard, M.S. 665, Tallahassee, Florida 32399-3000, (850)245-2847.

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 Division of Law Enforcement within the link or button titled "Official Notices".

DEPARTMENT OF HEALTH

The **Department of Health, Bureau of Emergency Medical Services**, announces a public meeting to which all persons are invited.

DATE AND TIME: July 8, 2003, 11:00 a.m. – 1:00 p.m.

PLACE: The Rosen Centre, 9840 International Drive, Orlando, FL 32819-8122, (407)996-9840, 1(800)800-9840, 1(800)416-4254

GENERAL SUBJECT MATTER TO BE CONSIDERED: A committee appointed by the Bureau of Emergency Medical Services is holding a meeting to assist the Department of Health in the implementation of the 1999 trauma legislation which requires the development of criteria for the consultation and transfer of trauma victims between trauma centers and acute care hospitals.

A copy of the agenda may be obtained by writing: Department of Health, Bureau of Emergency Medical Services, 4052 Bald Cypress Way, Bin #C-18, Tallahassee, FL 32399-1738 or by calling George Schaffer, (850)245-4440.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this meeting is asked to advise the agency before July 1, 2003, by contacting George Schaffer, (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 **Council on Physician Assistants** announces a meeting to which all persons are invited.

DATE AND TIME: Friday, July 11, 2003, 1:00 or soon thereafter

PLACE: Sheraton Suites Tampa Airport, 4400 West Cypress Street, Tampa, Florida 33607 (813)873-8675

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct Council business.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact the Council on Physician Assistants, (850)245-4131, at least five (5) calendar days prior to the meeting. If you are hearing or speech impaired, please call the Council on Physician Assistants the Florida Dual Party Relay System which can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

A copy of the agenda may be obtained by writing: Margaret Anglin, 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 Florida **Board of Medicine**, announces a meeting to which all persons are invited.

DATES AND TIME: July 12-13, 2003, 8:00 a.m.

PLACE: Sheraton Suites Tampa Airport, 4400 West Cypress Street, Tampa, Florida 33607, (813)873-8675

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct general business of the Board.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact the Florida Board of Medicine, (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: 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.

The Florida **Board of Medicine**, Credentials Committee, announces a telephone conference call to be held via meet me number.

DATE AND TIME: Friday, June 27, 2003, 9:00 a.m. or soon thereafter

PLACE: Contact the Florida Board of Medicine, (850)245-4131, for the meet me number

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct general business of the Committee.

A copy of the agenda may be obtained by writing: 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 committee with respect to any matter considered at the above cited meeting or hearing, he will need a record of the proceedings, and for such purpose, he may need to 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.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact the Florida Board of Medicine, (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).

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.

The Florida **Board of Medicine**, Rules/Legislative Committee announces a meeting to which all persons are invited.

DATE AND TIME: July 11, 2003, 11:00 a.m.

PLACE: Sheraton Suites Tampa Airport, 4400 West Cypress Street, Tampa, Florida 33607, (813)873-8675

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct general business of the Committee.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact the Florida Board of Medicine, (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: 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 committee with respect to any matter considered at the above cited meeting or hearing, he will need a record of the proceedings, and for such purpose, he may need to 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.

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.

The **Department of Health, Board of Nursing Home Administrators** announces a Telephone Conference for a Probable Cause Panel Meeting to which all interested persons are invited.

DATE AND TIME: June 30, 2003, 3:00 p.m.

PLACE: Department of Health, 4052 Bald Cypress Way, Tallahassee, FL 32399, (850)921-5510

GENERAL SUBJECT MATTER TO BE CONSIDERED: Probable Cause Panel Meeting where probable cause was previously found.

A copy of the agenda and any probable cause materials which are open to the public may be obtained by writing: Board of Nursing Home Administrators, 4052 Bald Cypress Way, #C04, Tallahassee, Florida 32399-3254.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact Daisy King, Board of Nursing Home Administrators, (850)245-4292, Ext 3602, at least five calendar days prior to the meeting. If you are hearing or speech impaired, please contact the Department using the Florida Dual Party Relay System which can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

If a person decides to appeal any decision made by the Board with respect to any matter considered at this meeting, he will need a record of the proceedings, and for such purpose, he may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be made.

The **Board of Podiatric Medicine** will hold a duly noticed telephone conference call, to which all persons are invited to attend.

DATE AND TIME: Friday, June 27, 2003, 9:00 a.m.

PLACE: Department of Health, 4042 Bald Cypress Way, Bin #C07, Tallahassee, FL, Meet Me Number (850)488-0979

GENERAL SUBJECT MATTER TO BE CONSIDERED: General committee business.

Any person requiring special accommodations at this meeting because of a disability or physical impairment should contact the Board, (850)245-4355, at least 48 hours prior to the meeting. If you are a hearing or speech impaired, please contact the Board office using the Dual Party Relay System, 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

A copy of the agenda item may be obtained by writing: Joe Baker, Jr., Executive Director, Board of Podiatric Medicine, 4052 Bald Cypress Way, Bin #C07, Tallahassee, FL 32399-3257.

The Florida **Emergency Medical Services**, Advisory Council will hold their quarterly meeting.

DATE AND TIME: July 10, 2003, 8:00 a.m. (EST)

PLACE: The Rosen Centre Hotel, 9840 International Drive, Orlando, FL 32819-8122, (407)996-9840

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct general business of the council.

An agenda may be obtained by contacting: Desi Lassiter, Bureau of Emergency Medical Services, (850)245-4055.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment, should contact the Bureau of Emergency Medical Services, (850)245-4055, at least 48 hours prior to the meeting. If you are hearing or speech impaired, please call the Bureau of Emergency Medical Services 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: Desi Lassiter, 4052 Bald Cypress Way, Bin #C18 (HEMS), Tallahassee, Florida 32399-1738 or call (850)245-4055.

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

The Big Bend Community Based Care Alliance and the **Department of Children and Family Services**, Subdistrict 2B, announce a meeting to which all persons are invited. The Alliance encompasses: Leon, Franklin, Gadsden, Liberty, Madison, Jefferson, Taylor and Wakulla counties.

DATE AND TIME: Tuesday, July 15, 2003, 2:30 p.m. – 4:30 p.m. (EST)

PLACE: Department of Children and Family Services, Cedars Executive Center, Building A, Second Floor Conference Room 201, 2639 North Monroe Street, Tallahassee, FL 32399-2949

GENERAL SUBJECT MATTER TO BE CONSIDERED: General meeting to discuss child welfare services for Subdistrict 2B.

A copy of the agenda can be obtained by calling: Anissa Pitti, Department of Children and Family Services, (850)488-0569 or Suncom 278-0569.

Anyone requiring a special accommodation to participate in this meeting is requested to advise District Administration (Anissa Pitti) at least 2 working days prior to the meeting at (850)488-0569 or 1(800)226-6223 (TDD).

The **Council on Homelessness** announces a series of conference call meetings of its Barriers & Support Services, Data Collections, Discharge Planning, Supportive Housing Development, and Planning Committees, to which all persons are invited.

COMMITTEE: Barriers and Support Services

DATE AND TIME: July 8, 2003, 2:00 p.m. – 3:00 p.m. (2nd Tuesday)

PLACE: Call (850)488-5778 or SunCom 278-5778

DATES AND TIME: August 12, 2003; September 9, 2003, 2:00 p.m. – 3:00 p.m. (2nd Tuesday)

PLACE: Call (850)410-8045 or SunCom 210-8045

COMMITTEE: Data Collections

DATES AND TIME: July 10, 2003; August 14, 2003; September 11, 2003, 11:00 a.m. – 12:00 Noon (2nd Thursday)

PLACE: Call (850)487-8540 or SunCom 277-8540

COMMITTEE: Discharge Planning

DATE AND TIME: July 15, 2003, 9:00 a.m. – 10:00 a.m. (3rd Tuesday)

PLACE: Call (850)488-5776 or SunCom 278-5776

COMMITTEE: Planning

DATE AND TIME: July 14, 2003, 3:00 p.m. – 4:00 p.m. (1st Monday)

PLACE: Call (850)488-8295 or SunCom 278-8295

COMMITTEE: Supportive Housing Development

DATES AND TIME: July 21, 2003; August 18, 2003; September 15, 2003, 2:00 p.m. – 3:00 p.m. (3rd Monday)

PLACE: Call (850)487-8856 or SunCom 277-8856

GENERAL SUBJECT MATTER TO BE CONSIDERED: These conference calls will address the committees' continued development of policy recommendations and work tasks to address the Council's Strategic Plan to reduce the number of persons who may be facing homelessness in Florida.

A copy of the agenda may be obtained by contacting: Tom Pierce, State Office on Homelessness, 1317 Winewood Boulevard, Tallahassee, FL 32399-0700, (850)922-9850, Tom_Pierce@dcf.state.fl.us.

Pursuant to Chapter 286.26, Florida Statutes, any disabled person wishing to access this meeting who may be in need of special assistance should contact the Office on Homelessness, (850)922-4691, at least 48 hours in advance of the meeting.

FISH AND WILDLIFE CONSERVATION COMMISSION

The **Fish and Wildlife Conservation Commission** announces public workshops concerning the pompano fishery to which all interested persons are invited:

DATE AND TIME: Tuesday, July 1, 2003, 6:00 p.m. – 8:00 p.m.

PLACE: The Administration Building, Chambers Room, 1660 Ringling Blvd., Sarasota, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Fish and Wildlife Conservation Commission (FWC) have scheduled a series of public workshops to gather public testimony regarding management options for adjusting bag and trip limits, and/or size limits, for recreational and commercial harvesters of Florida pompano.

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, (850)488-6411. If you are hearing or speech impaired, please contact the agency by calling (850)488-9542.

For further information, contact Mr. Bob Palmer, at 2590 Executive Center Circle East, Suite 201, Tallahassee, Florida 32301, (850)487-0554.

ORANGE COUNTY RESEARCH AND DEVELOPMENT AUTHORITY

The **Orange County Research and Development Authority** announces a public meeting to which all persons are invited:

DATE AND TIME: July 9, 2003, 8:00 a.m.

PLACE: Central Florida Research Park, 12424 Research Parkway, Suite 100, Orlando, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: General Business Meeting.

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, July 16, 2003, 10:00 a.m.

PLACE: Tampa Airport Marriott, Tampa, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Follow up discussion on rate making and rate filing procedures, and any other matters.

Additional information may be obtained from: Lisa B. Stoutamire, FAJUA, 1425 Piedmont Drive East, #201A, Tallahassee, FL 32308, (850)681-2003, lstoutamire@fajua.org.

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 June 9, 2003, from T. A. Krebs Architect, Inc. regarding the balcony guardrail height requirement of Section 1026, Florida Building Code, Building Volume, as applied to a multi-family structure with balconies accessible only from the interior of the residential unit.

It has been assigned the number DCA03-DEC-134.

A copy of the request may be obtained by writing: Paula P. Ford, Commission Clerk, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100.

NOTICE IS HEREBY GIVEN that the Florida Building Commission received a Petition for Declaratory Statement on June 3, 2003, from Initial Engineers regarding requirements for mechanical air handling systems in high rise buildings for removal of products of combustion pursuant to sections 403.6.4 and 412.5, Florida Building Code, Building Volume (2001).

It has been assigned the number DCA03-DEC-131.

A copy of the request may be obtained by writing: Paula P. Ford, Commission Clerk, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100.

NOTICE IS HEREBY GIVEN that the Florida Building Commission received a Petition for Declaratory Statement on June 6, 2003, from C. R. Willis, regarding the requirements of Section 105.6, Florida Building Code, Building Volume (2001) for inspection of re-roof projects.

It has been assigned the number DCA03-DEC-133.

A copy of the request may be obtained by writing: Paula P. Ford, Commission Clerk, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100.

NOTICE IS HEREBY GIVEN that the Florida Building Commission received a Petition for Declaratory Statement on June 6, 2003, from Clearwater Gas System regarding a building official's denial of a permit for a project in Indian Rocks Beach, both procedurally pursuant to Chapter 1, Florida Building Code, Building Volume (2001), and substantially pursuant to sections 301 and 627, Florida Building Code, Fuel Gas Volume (2001).

It has been assigned the number DCA03-DEC-132.

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.

PUBLIC SERVICE COMMISSION

NOTICE IS HEREBY GIVEN that the Florida Public Service Commission has received a petition for a Declaratory Statement from Florida Water Services Corporation. The petitioner inquires whether it is authorized to require individual water metering at Grand Isle condominium pursuant to Order No. PSC-03-0484-TRF-WU and whether the Commission will resolve the issue of individual metering at Grand Isle at the request of Florida Water or Grand Isle if the parties are not successful in negotiating a developer agreement that addresses that issue.

A copy of the petition may be obtained at <http://www.psc.state.fl.us/psc/dockets/> or by writing: Division of the Commission Clerk and Administrative Services, 4075 Esplanade Way, Tallahassee, FL 32399-0862. DOCKET NO. 030470-WS.

DEPARTMENT OF FINANCIAL SERVICES

NOTICE IS HEREBY GIVEN THAT the Office of Insurance Regulation has received a letter dated June 5, 2003 to Withdraw the Petition For Declaratory Statement filed by United Casualty Insurance Company on March 18, 2003.

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

Florida State University announces that construction management services will be required for the project listed below:

Project No.: BR-246
Project and Location: Landis Hall Remodeling
Florida State University
Tallahassee, Florida

The project consists of the renovation and remodeling of Landis Hall. Built in 1939, Landis Hall is a 6-level dormitory providing housing to up to 400 students. The project involves restoration of the building's envelope, replacement of the building's engineering systems, asbestos and lead paint abatement, and life safety and ADA code corrections. Each floor will be remodeled to accommodate a suite arrangement of rooms. The construction budget is approximately \$14,300,000. The contract for construction management services will consist of two phases. Phase one is pre-construction services, for which the construction manager will be paid a fixed fee. Phase one services include value engineering, constructability analyses, development of a cost model, estimating, and the development of a Guaranteed Maximum Price (GMP) at 50% Construction Document phase. If the GMP is accepted, phase two, the construction phase, will be implemented. In phase two of the contract, the construction manager becomes the single

point of responsibility for performance of the construction of the project and shall publicly bid trade contracts, ensuring the inclusion of Minority Business Enterprises (MBEs). Failure to negotiate an acceptable fixed fee for phase one of the contract, or to arrive at an acceptable GMP within the time provided in the agreement may result in the termination of the construction manager's contract.

Selection of finalists for interviews will be made on the basis of construction manager qualifications, including experience and ability; past experience; bonding capacity; record-keeping/administrative ability, critical path scheduling expertise; cost estimating; cost control ability; quality control capability; qualification of the firm's personnel, staff and consultants; and ability to meet the minority business enterprise participation requirements. Finalists will be provided with a copy of the building program and the latest documentation prepared by the project architect/engineer, a description of the final interview requirements and a copy of the standard Florida State University's construction management agreement. The Selection Committee may reject all proposals and stop the selection process at any time. The construction manager shall have no ownership, entrepreneurial or financial affiliation with the selected architect/engineer involved with this project.

Firms desiring to provide construction management services for the project shall submit a letter of application and the completed Florida State University "Construction Manager Qualifications Supplement." Proposals must not exceed 80 pages, including the Construction Manager Qualifications Supplement and letter of application. Pages must be numbered consecutively. Submittals which do not comply with these requirements or do not include the requested data will not be considered. No submittal material will be returned.

All applicants must be licensed to practice as general contractors in the State of Florida at the time of application. Corporations must be registered to operate in the State of Florida by the Department of State, Division of Corporations, at the time of application. As required by Section 287.133, 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 their being placed on the convicted vendor list.

The Florida State University Construction Manager Qualifications Supplement form and the Project Fact Sheet may be obtained on line at www.fpc.fsu.edu or by contacting:

Lynetta Mills, Facilities Planning and Construction, 109 Mendenhall Maintenance Building A, Florida State University, Tallahassee, Florida 32306-4152, (850)644-2843 telephone, (850)644-8351 facsimile

For further information on the project, contact: Lisa Durham, Senior Project Manager, at the address and phone listed above.

Four (4) bound copies of the required proposal data shall be submitted. Submittals must be received in the FSU Facilities Planning and Construction Office by 2:00 p.m., local time, on Wednesday, July 30, 2003. Facsimile (FAX) submittals are not acceptable and will not be considered.

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>

NOTICE OF CORRECTION

RFQ's ARE DUE ON OR BEFORE JULY 15, 2003

NOTICE TO CONSTRUCTION MANAGEMENT FIRMS

Duval County Public Schools
Request for Qualifications (RFQ)
FOR

Construction Management Services

The Office of Facilities Planning and Construction announces that Construction Management services are required for the following project:

Project Number: DCPS PROJECT NO. C-90870
Project Title: NUTRITION SERVICE CENTER
Project Location: (TO BE DETERMINED)
RFQ's ARE DUE ON OR BEFORE JULY 15, 2003
AND WILL BE ACCEPTED UNTIL 4:30 P.M.

The selected Construction Manager will provide preconstruction services including value engineering, constructability analysis, development of a cost model, and estimating and will develop a Guaranteed Maximum Price at the applicable Construction Document phase.

Scope of Work: The construction of a new central production facility with approximately 68,000 square feet to provide a centralized food production system to replace the current "base kitchen" and satellite food production and distribution system. This center will incorporate the centralized food production commissary, supervisory offices and on-site maintenance operations. The estimated construction cost is "Budgeted, Not to Exceed" \$13,800,000.00 including kitchen equipment costs of \$5,800,000.00.

Selection of finalists for interviews will be made on the basis of construction manager qualifications, including but not limited to experience and ability, financial capability, record keeping/administrative ability, critical path scheduling expertise, cost estimating, cost control ability, quality control ability, qualifications of firm's personnel, staff and consultants, and distance from the construction site.

To receive application information and instruction booklet or for additional information contact the Project Manager listed below or visit www.educationcentral.org/facilities.

Applications are to be sent to:

Duval County Public Schools
Facilities Planning and Construction
1701 Prudential Drive, 5th Floor
Jacksonville, FL 32207-8182

PROJECT MANAGER: Kevin Trussell
PHONE NO.: (904)390-2279

RESPONSE DUE DATE: RFQ's ARE DUE ON OR BEFORE JULY 15, 2003

AND WILL BE ACCEPTED UNTIL 4:30 P.M.

MBE GOALS: 10% AA, 5% HANA, 5% WBE

Information on the selection process can be found at www.educationcentral.org/facilities under Forms and Standards then under General Documents, Selection of Construction Manager.

**NOTICE TO CONSTRUCTION MANAGEMENT FIRMS
OFFICE OF FACILITIES PLANNING AND
CONSTRUCTION**

Request for Qualifications (RFQ)
FOR

Construction Management Services

The Office of Facilities Planning and Construction announces that Construction Management services are required for the following project:

Project Number: C-90570
Project Title: Additions, Remodeling, Renovations at Merrill Road Elementary School No. 228
Project Location: Merrill Road Elementary School No. 228, 8239 Merrill Road, Jacksonville, Florida

RFQ's ARE DUE ON OR BEFORE July 22, 2003
AND WILL BE ACCEPTED UNTIL 4:30 P.M.

The selected Construction Manager will provide preconstruction services including value engineering, constructability analysis, development of a cost model, and estimating and will develop a Guaranteed Maximum Price at the applicable Construction Document phase.

Scope of Work: The project scope shall consist of 16 new classrooms, new media center, new group toilets, remodeling of existing media center to enlarge administration and guidance, and site improvements. The estimated construction cost is "Budgeted, Not to Exceed" \$4,022,500.00

Selection of finalists for interviews will be made on the basis of construction manager qualifications, including but not limited to experience and ability, financial capability, record keeping/administrative ability, critical path scheduling expertise, cost estimating, cost control ability, quality control ability, qualifications of firm’s personnel, staff and consultants, and distance from the construction site.

To receive application information and instruction booklet or for additional information contact the Project Manager listed below or visit www.educationcentral.org/facilities.

Applications are to be sent to:

Facilities Planning and Construction
1701 Prudential Drive, 5th Floor
Jacksonville, FL 32207-8182

PROJECT MANAGER: Kevin Trussell
PHONE NO.: (904)390-2279
RESPONSE DUE DATE: July 22, 2003
MBE GOALS: 20% Overall

Information on the selection process can be found at www.educationcentral.org/facilities under Forms and Standards then under General Documents, Selection of Construction Manager.

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

Viewers may navigate to this URL via the State portal, www.myflorida.com; from the main page, drill down as follows: Business; Doing Business with the State; Vendor Bid System (VBS).

PUBLIC ANNOUNCEMENT FOR CONSTRUCTION FOR CONSTRUCTION MANAGEMENT AT RISK REQUEST FOR QUALIFICATIONS (RFQ) – CONSTRUCTION MANAGEMENT AT RISK

The Department of Management Services (DMS), Division of Facilities Management and Building Construction on behalf of the Department of Juvenile Justice (DJJ) is advertising “Construction Management at Risk” opportunities for project DJJ-22002000, ICARE Bay Point Schools Classrooms, Dade County with an estimated construction cost of \$2,250,000.00. For details please visit the Department’s website listed below and click on “Search Advertisements – Division of Facilities

Management and Building Construction.” HYPERLINK “http://fcn.state.fl.us/owa_vbs/owa/vbs_www.main_menu”

http://fcn.state.fl.us/owa_vbs/owa/vbs_www.main_menu

The award will be made in accordance with Section 287.055, F.S. and the procedures and criteria of the Department of Management Services.

SARASOTA MEMORIAL HOSPITAL

ANNOUNCEMENT

of

REQUEST FOR STATEMENTS OF QUALIFICATIONS

for a

PRE-QUALIFIED BIDDING LIST

for

SUB CONTRACTORS

The Sarasota County Public Hospital Board, is accepting statements of qualifications from Sub Contracting firms for the purpose of pre-qualifying sub contractors for various construction projects within the hospital. The Sarasota County Public Hospital Board is requesting submittals in the following trades: Concrete, Masonry, Metals, Roofing (Single Ply), Metal Framing, Insulation, Drywall/Plaster, Acoustical Ceilings, Cabinetry/Casework, Floor Coverings, Paint/Wallpaper, Specialties, Window Treatment/Cubicle Curtains, Fire Sprinkler, Plumbing/Medical Gas, HVAC/Mechanical, Electrical, Telephone/Voice/Data. Firms interested in being considered as candidates are required to submit five bound statements of qualifications that include at least the following data, to be organized in the following order:

1. A copy of Florida professional license and corporate registration certificates, where applicable.
2. Completed AIA Document A305 Contractor’s Qualification Statement latest edition.
3. Proof of general liability and workman’s compensation insurance coverage.
4. A separate statement as to whether the firm is a certified small/or Minority Business Enterprise as defined by the Florida Small Business Assistance Act of 1985.
5. A list of at least five client references consisting of name, title, address, telephone number and project name(s) for each project.
6. Resumes of key personnel that would be used on the projects at Sarasota Memorial and their past experience in projects of similar size and scope.
7. Previous examples of successful completion of hospital Agency for Healthcare Administration projects.
8. Any additional information to be included at the discretion of the submitting firm.

All interested firms are further informed as follows:

1. The hospital reserves the right to reject any or all submittals. No less than three (3) firms will be chosen for inclusion on the pre-qualified list in each trade. Sarasota Memorial Hospital may elect to conduct interviews with firms who have not previously worked in this facility. These candidates may be asked to present additional information about their firm. committee.
2. The basis for selecting candidates includes, but is not limited to, consideration of related project experience, qualifications of proposed team member's and previous Hospital A.H.C.A. experience. The hospital reserves the right to request additional information beyond the data set forth above.
3. Submissions shall be titled "Statement of Qualifications for Sub-Contractors". Submittals must be received by the hospital no later than 3:30 PM, July 22, 2003. Submit statements to Bill Shevlin, Manager of Construction and Renovation Services, Sarasota Memorial Hospital, 1700 South Tamiami Trail, Sarasota, Florida 34239. Submittals received after this deadline will be returned unopened.
4. Interested persons should contact Bill Shevlin (941)917-1899 with questions. A Sub-Contractor Package is available from the construction office, (941)917-1804.

Published: Sarasota Herald Tribune and Florida Administrative Weekly:

Section XII Miscellaneous

DEPARTMENT OF COMMUNITY AFFAIRS

NOTICE OF CHANGE

The notification published in the June 13, 2003 issue of the Florida Administrative Weekly has been changed to read as follows:

NOTICE OF INTENT TO FIND

PUBLIC SCHOOLS INTERLOCAL AGREEMENT CONSISTENT WITH SECTION 163.31777(2) AND (3), FLORIDA STATUTES DCA DOCKET NO. 06-01

The Department gives notice of its intent to find the Public Schools Interlocal Agreement ("Agreement") entered into by Broward County, Coconut Creek, Cooper City, Coral Springs, Dania Beach, Town of Davie, Deerfield Beach, Fort Lauderdale, Hallandale Beach, Hollywood, Lauderdale Lakes, Lauderhill, Lazy Lake, Miramar, Margate, North Lauderdale, Oakland Park, Parkland, Pembroke Park, Pembroke Pines, Plantation, Pompano Beach, Southwest Ranches, Sunrise, Tamarac, Weston, Wilton Manors and the Broward County

School Board, pursuant to Section 163.31777, F.S., to be consistent with the minimum requirements of Sections 163.31777(2) and (3), F.S.

The Agreement is available for public inspection Monday through Friday, except for legal holidays, during normal business hours, at the Broward County Public Schools, 600 S.E. 3rd Avenue, Ft. Lauderdale, FL 33301.

Any affected person, as defined in Section 163.31777(3)(b), F.S., has a right to petition for an administrative hearing to challenge the proposed agency determination that the Agreement is consistent with the minimum requirements of Section 163.31777(2) and (3), F.S. The petition must be filed within twenty-one (21) days after publication of this notice in the Florida Administrative Weekly, and must include all of the information and contents described in Uniform Rule 28-106.201, F.A.C. The petition must be filed with the Agency Clerk, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100, and a copy mailed or delivered to Broward and the Broward School Board. Failure to timely file a petition shall constitute a waiver of any right to request an administrative proceeding as a petitioner under Sections 120.569 and 120.57, F.S. If a petition is filed, the purpose of the administrative hearing will be to present evidence and testimony and forward a recommended order to the Department. If no petition is filed, this Notice of Intent shall become final agency action.

If a petition is filed, other affected persons may petition for leave to intervene in the proceeding. A petition for intervention must be filed at least twenty (20) days before the final hearing and must include all of the information and contents described in Uniform Rule 28-106.205, F.A.C. A petition for leave to intervene shall be filed at the Division of Administrative Hearings, Department of Management Services, 1230 Apalachee Parkway, Tallahassee, Florida 32399-3060. Failure to petition to intervene within the allowed time frame constitutes a waiver of any right such a person has to request a hearing under Sections 120.569 and 120.57, F.S., or to participate in the administrative hearing.

If a formal or informal proceeding is commenced as described above, any party to that proceeding may suggest mediation under Section 120.573, F.S. Mediation is not available as of right, and will not occur unless all parties agree to participate in the mediation. Choosing mediation does not affect the right to an administrative hearing.

-s-Charles Gauthier, AICP
Chief, Bureau of Local Planning
Department of Community Affairs
Division of Community Planning
2555 Shumard Oak Boulevard
Tallahassee, Florida 32399-2100

NOTICE OF INTENT TO FIND
 PUBLIC SCHOOLS INTERLOCAL AGREEMENT
 CONSISTENT WITH SECTION 163.31777(2) AND (3),
 FLORIDA STATUTES
 DCA DOCKET NO. 28-01

The Department gives notice of its intent to find the Public Schools Interlocal Agreement (“Agreement”) entered into by Highlands County, Avon Park, Sebring, Town of Lake Placid and the Highlands County School Board, pursuant to Section 163.31777, F.S., to be consistent with the minimum requirements of Sections 163.31777(2) and (3), F.S.

The Agreement is available for public inspection Monday through Friday, except for legal holidays, during normal business hours, at the Highlands County Development Services Department, 501 South Commerce Avenue Annex, Sebring, Florida 33871

Any affected person, as defined in Section 163.31777(3)(b), F.S., has a right to petition for an administrative hearing to challenge the proposed agency determination that the Agreement is consistent with the minimum requirements of Section 163.31777(2) and (3), F.S. The petition must be filed within twenty-one (21) days after publication of this notice in the Florida Administrative Weekly, and must include all of the information and contents described in Uniform Rule 28-106.201, F.A.C. The petition must be filed with the Agency Clerk, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100, and a copy mailed or delivered to Highlands County and the Highlands County School Board. Failure to timely file a petition shall constitute a waiver of any right to request an administrative proceeding as a petitioner under Sections 120.569 and 120.57, F.S. If a petition is filed, the purpose of the administrative hearing will be to present evidence and testimony and forward a recommended order to the Department. If no petition is filed, this Notice of Intent shall become final agency action.

If a petition is filed, other affected persons may petition for leave to intervene in the proceeding. A petition for intervention must be filed at least twenty (20) days before the final hearing and must include all of the information and contents described in Uniform Rule 28-106.205, F.A.C. A petition for leave to intervene shall be filed at the Division of Administrative Hearings, Department of Management Services, 1230 Apalachee Parkway, Tallahassee, Florida 32399-3060. Failure to petition to intervene within the allowed time frame constitutes a waiver of any right such a person has to request a hearing under Sections 120.569 and 120.57, F.S., or to participate in the administrative hearing.

If a formal or informal proceeding is commenced as described above, any party to that proceeding may suggest mediation under Section 120.573, F.S. Mediation is not available as of right, and will not occur unless all parties agree to participate in the mediation. Choosing mediation does not affect the right to an administrative hearing.

-s-Charles Gauthier, AICP
 Chief, Bureau of Local Planning
 Department of Community Affairs
 Division of Community Planning
 2555 Shumard Oak Boulevard
 Tallahassee, Florida 32399-2100

NOTICE OF 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 plan 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: 01-036-FF1/Lake Park Scrub Natural Area
 Grantee: Palm Beach County and Town of Lake Park
 Amount of Approved Funds: the lesser of 50.00% of the final total project costs or \$1,417,450.00

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 Independence Motorcycle, Co. intends to allow the establishment of Sockeyes Motorsports, as a dealership for the sale of Independence Express motorcycles at 20009 Emerald Coast Pkwy., Destin (Okaloosa County), Florida 32541 on or after May 19, 2003.

The name and address of the dealer operator(s) and principal investor(s) of Sockeyes Motorsports are dealer operator(s) and principal investor(s): Leroy Morrison, 94 Country Club Drive, West, Destin, FL 32541.

The notice indicates intent to establish the new point location in a county of less than 300,000 population, according to the latest population estimates of the University of Florida, Bureau of Economic and Business Research.

Certain dealerships of the same line-make may have standing, pursuant to section 320.642, Florida Statutes, as amended by Chapter 88-395, Laws of Florida, to file a petition or complaint protesting the application.

Written petitions or complaints must be received by the Department of Highway Safety and Motor Vehicles within 30 days of the date of publication of this notice and must be submitted to: Mr. Ronald D. Reynolds, Administrator, Dealer License Section, Department of Highway Safety and Motor Vehicles, Room A-312, Neil Kirkman Building, 2900 Apalachee Parkway, Tallahassee, Florida 32399-0635.

A copy of such petition or complaint must also be sent by US Mail to: Robert Dick, Vice President, Independence Motorcycle, Co., P. O. Box 27374, Tucson, AZ 85726-7337.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

Notice of Publication for the Relocation of a Franchise Motor Vehicle Dealer in a County of More than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, notice is given that American Honda Motor Co., Inc., intends to allow the relocation of JP Cycles, Inc. d/b/a Seminole Powersports, as a dealership for the sale of Honda vehicles, from its present location at 3401 N. Highway 17-92, Longwood, FL 32750-1177, to a proposed location at 1200 Rinehart Road, Sanford, FL 32771.

The name and address of the dealer operator(s) and principal investor(s) of JP Cycles, Inc. d/b/a Seminole Powersports are dealer operator(s) and principal investor(s): Estate of T. Mark Schmidt c/o Seminole Powersports, 3401 N. Highway 17-92, Longwood, FL 32750, Jack Parks, c/o Seminole Powersports, 3401 N. Highway 17-92, Longwood, FL 32750.

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: Silvio Carrara, Vice President Motorcycle Division, American Honda Motor Co., Inc., 1919 Torrance Blvd., Torrance, CA 90501-2746.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the relocation of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

Notice of Publication for a New Point Franchise Motor Vehicle Dealer in a County of More than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, Campagna Moto Sport Inc., intends to allow the establishment of Autobahn-Motors. as a dealership for the sale of T-Rex motorcycles, at 1800 N. Federal Highway, Delray Beach (Palm Beach County), Florida 33483, on or after June 11, 2003.

The name and address of the dealer operator(s) and principal investor(s) of Autobahn-Motors are dealer operator(s) and principal investor(s): Rick R. Cortese, 1800 N. Federal Highway, Delray Beach, FL 33483.

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: Louise T. McCrea for Richard Pelletier, Campagna Moto Sport Inc., 150 Bedell Avenue, Clintondale, NY 12515.

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

CERTIFICATE OF NEED EXEMPTIONS

The Agency for Health Care Administration authorized the following exemptions pursuant to Section 408.036(3), Florida Statutes:

County: Pinellas District: 5
ID #: 0200048 Decision: A Issue Date: 6/4/2003
Facility/Project: Sylvan Health Center
Applicant: Sylvan Health Systems, LLC
Project Description: Delicense 60 sheltered skilled nursing beds
Proposed Project Cost: \$0

CERTIFICATE OF NEED

DECISIONS ON EXPEDITED APPLICATIONS

The Agency For Health Care Administration made the following decisions on Certificate of Need applications for expedited review:

County: Broward Service District: 10
CON #: 9676 Decision Date: 6/6/2002 Decision: D
Facility/Project: Northwest Medical Center, Inc. & Columbia Hospital Corporation
Applicant: Northwest Medical Center & Columbia Hospital Corporation
Project Description: Initiate a shared adult open-heart surgery program
Approved Cost: \$0

A request for administrative hearing, if any, must be made in writing and must be actually received by this department within 21 days of the first day of publication of this notice in the Florida Administrative Weekly pursuant to Chapter 120, Florida Statutes, and Chapter 59C-1, Florida Administrative Code.

The Florida Agency for Health Care Administration (the Agency), Bureau of Medicaid Program Analysis provides the following public notice regarding reimbursement for inpatient hospitals participating in the Florida Medicaid Program.

PURPOSE: To comply with federal public notice requirements in Section 1902(a)(13)(A) of the Social Security Act in changing reimbursement for inpatient hospitals, the Agency is publishing the proposed rates, the methodologies underlying the establishment of such rates, and justifications for the proposed rates. The Agency is in the process of amending its Title XIX Inpatient Hospital Reimbursement Plan (The Plan) to incorporate changes to the reimbursement methodology.

PROPOSED RATES: Effective June 21, 2003, the proposed rates for Medicaid inpatient hospitals will be rates resulting from the current methodology used to calculate per diem rates including the following appropriations from the Senate Bill 22-A, 2003-04 Florida Legislature.

Effective upon this act becoming a law, for the 2002-2003 state fiscal year, the Agency for Health Care Administration may make additional payment of up to \$18,410,286 to hospitals as special Medicaid payments in order to use the full amount of the upper payment limit available in the public hospital category. These funds shall be distributed as follows:

- (a) Statutory teaching hospitals – \$1,355,991.
- (b) Family practice teaching hospitals – \$181,291.
- (c) Primary care hospitals – \$1,355,991.
- (d) Trauma hospitals – \$1,290,000.
- (e) Rural hospitals – \$931,500.
- (f) Hospitals receiving specific special Medicaid payments not included in a payment under paragraphs (a)-(e), \$4,359,417.
- (g) Hospitals providing enhanced services to low-income individuals – \$8,884,298.

The payments shall be distributed proportionately to each hospital in the specific payment category based on the hospital's actual payments for the 2002-2003 state fiscal year. These payment amounts shall be adjusted downward in a proportionate manner as to not exceed the available upper payment limit in the public hospital category. Payment of these amounts are contingent on the state share being provided through grants and donations from state, county, or other local funds and approval by the Centers of Medicare and Medicaid Services.

METHODOLOGIES: The methodology underlying the establishment of the proposed rates for Medicaid inpatient hospitals will be rates resulting from the current methodology used to calculate per diems including the amounts appropriated in Senate Bill 22-A, Section 23, 2003-04 Florida Legislature.

JUSTIFICATION: The justification for the proposed state plan amendment is Senate Bill 22-A, Section 23, 2003-04 Florida Legislature.

The Agency is proposing the above rates and changes in reimbursement, effective June 21, 2003. Providers, beneficiaries and their representatives, and other concerned State residents may provide written comment on the proposed rates, methodologies and justification underlying the establishment of such rates. Written comments may be submitted to: Robert Butler, Agency for Health Care Administration, 2727 Mahan Drive, Building 3, Mail Stop 21, Tallahassee, Florida 32308.

Copies of the proposed reimbursement plan incorporating the above changes are not available at this time. Please contact the person listed above for a copy of the Plan when available.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

NOTICE OF RECEIPT OF APPLICATIONS FOR PERMIT COVERAGE UNDER THE STATE'S GENERIC PERMIT FOR MS4'S

Notice is hereby given that the Department has received applications for permit coverage under the State's Generic Permit for Discharge of Stormwater from Phase II Municipal Separate Storm Sewer Systems.

The full text of this notice is published on the Internet at the Department of Environmental Protection's home page at <http://www.dep.state.fl.us/> under the link or button entitled "Official Notices."

The person to be contacted regarding the notice is: Sarah Jozwiak, NPDES Stormwater Section, Florida Department of Environmental Protection, Mail Station 2500, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400.

NOTICE OF PUBLIC OPPORTUNITY TO COMMENT
ON DRAFT NPDES PERMITS IN THE
EASTERN GULF OF MEXICO

On June 3, 2003, the DEP Office of Intergovernmental Programs received three Draft NPDES Permits for Desoto Canyon Blocks 180 and 224, Ocean Energy and Lloyd Ridge Block 399, Shell Offshore Inc., pursuant to the state consistency requirements of 15 CFR 930. The deadline for public comments is July 11, 2003.

The full text of this notice is published on the Internet at the Department of Environmental Protection's home page at <http://www.dep.state.fl.us/> under the link or button titled "Official Notices". Contact person: Debby Tucker, (850)245-2163, email: Debby.Tucker@dep.state.fl.us.

DEPARTMENT OF JUVENILE JUSTICE

The Florida Department of Juvenile Justice has posted the following policy for review and comment on MyFlorida.com at:

<http://www.djj.state.fl.us/reference/policiesandprocedures/policyreview.html>

The department-wide policy (type B) addresses the following issue: Logbooks in Residential and Correctional Facilities – requiring programs to maintain a permanent, bound logbook to record routine information, emergency situations and incidents. This is the first of two 20 working day review and comment periods. Please submit comments to the contact person identified on the above Website. The closure date for submission of comments on the policy is July 7, 2003. Responses to comments received will be posted during the review period to the extent possible, but no later than 10 working days after the end of the review period on the above Website.

DEPARTMENT OF FINANCIAL SERVICES

NOTICE OF FILINGS

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., July 11, 2003):

APPLICATION AND PLAN FOR THE PURCHASE
OF CERTAIN ASSETS AND ASSUMPTION
OF CERTAIN LIABILITIES

Acquiring Entity: Fairwinds Credit Union, 3087 North Alafaya Trail, Orlando, Florida

Selling Entity: Community Bank of Florida, Inc.

Received: June 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.

EXPANDED FIELD OF MEMBERSHIP

Name and Address of Applicant: City County Credit Union of Fort Lauderdale, 1982 North State Road 7, Margate, Florida 33063-5710

Expansion Includes: Select employee group.

Received: June 3, 2003

Section XIII
Index to Rules Filed During Preceding Week

RULES FILED BETWEEN June 2, 2003
 and June 6, 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-3.0141	6/4/03	6/24/03	29/16	
6A-4.028	6/4/03	6/24/03	29/16	
6A-4.0323	6/4/03	6/24/03	29/16	
6A-4.0332	6/4/03	6/24/03	29/16	
6A-14.057	6/4/03	6/24/03	29/16	

DEPARTMENT OF CORRECTIONS

33-204.005	6/6/03	6/26/03	29/18	
33-208.101	6/6/03	6/26/03	29/11	

WATER MANAGEMENT DISTRICTS
Southwest Florida Water Management District

40D-3.037	6/3/03	6/23/03	29/16	
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AGENCY FOR HEALTH CARE ADMINISTRATION
Certificate of Need

59C-1.008	6/6/03	6/26/03	29/16	
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DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Construction Industry Licensing Board

61G4-16.001	6/5/03	6/25/03	29/18	
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Rule No.	File Date	Effective Date	Proposed Vol./No.	Amended Vol./No.
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Board of Pilot Commissioners

61G14-20.001	6/4/03	6/24/03	29/12	29/19
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Board of Professional Surveyors and Mappers

61G17-5.001	6/2/03	6/22/03	29/10	
61G17-5.0031	6/2/03	6/22/03	29/10	
61G17-5.0045	6/2/03	6/22/03	29/10	

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

Mental Health Program

65E-14.001	6/2/03	7/1/03	29/10	
65E-14.003	6/2/03	7/1/03	29/10	
65E-14.004	6/2/03	7/1/03	29/10	
65E-14.005	6/2/03	7/1/03	29/10	
65E-14.007	6/2/03	7/1/03	29/10	
65E-14.011	6/2/03	7/1/03	29/10	
65E-14.014	6/2/03	7/1/03	29/10	29/16
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65E-14.017	6/2/03	7/1/03	29/10	
65E-14.018	6/2/03	7/1/03	29/10	
65E-14.019	6/2/03	7/1/03	29/10	29/16
65E-14.020	6/2/03	7/1/03	29/10	29/16
65E-14.021	6/2/03	7/1/03	29/10	29/16
65E-14.022	6/2/03	7/1/03	29/10	29/16