

Section I

Notices of Development of Proposed Rules and Negotiated Rulemaking

DEPARTMENT OF BANKING AND FINANCE

Division of Securities and Finance

RULE TITLE: Definitions
 RULE NO.: 3E-200.001

PURPOSE AND EFFECT: The rule is being amended to change the reference date to a federal statute to July 1, 2003.

SUBJECT AREA TO BE ADDRESSED: Reference date.

SPECIFIC AUTHORITY: 517.03(1) FS.

LAW IMPLEMENTED: 517.07, 517.12, 517.021, 517.051, 517.061, 517.081, 517.161 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 procedure for requesting a hearing is governed by subsection 28-103.004(2), F.A.C., as follows: a request for a public hearing must be in writing and filed with the Agency Clerk during normal business hours, at the address below, within 21 days of publication of this notice. The request must specify how the requestor would be affected by the proposed rule. Any affected person who fails to timely file a request for hearing waives the right to request a hearing on the proposed rule.

Although Rule Development Workshops may be 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 any appeal is to be based.

Persons with disabilities or handicaps who need assistance may contact: Mary Howell, Agency Clerk, (850)410-9896, at least two business days in advance to make appropriate arrangements.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Bill Reilly, Financial Administrator, Division of Securities, 200 East Gaines Street, Fletcher #604, Tallahassee, Florida 32399-0350, (850)410-9805

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

3E-200.001 Definitions.

As used in the Rules and Regulations of the Division of Securities and Investor Protection, pursuant to Chapter 517, F.S., unless the context otherwise specifically requires:

(1) through (6) No change.

(7)(a) "Associated person" as defined in Section 517.021(2), F.S., shall include any person who for compensation refers, solicits, offers, or negotiates for the purchase or sale of securities and/or of investment advisory services. A person whose activities fall within this definition is required to register with the Department as an associated person pursuant to Sections 517.12(1) or (4), F.S.

(b) Notwithstanding the provisions of paragraph (a), an associated person registered with the Department and operating in compliance with subsection 3E-600.003(2), F.A.C., shall not be deemed an associated person of any investment adviser other than the investment adviser or dually registered dealer/investment adviser with which such associated person is registered.

(c) Any person acting in compliance with SEC Rule 206(4)-3 (17 CFR 275.206(4)-(3), as it existed on July 1, 2003 ~~March 1, 1999~~, shall not be deemed an associated person of an investment adviser.

(8) through (33) No change.

Specific Authority 517.03(1) FS. Law Implemented 517.07, 517.12, 517.021(11), 517.051, 517.061, 517.081 FS. History—New 12-5-79, Amended 9-20-82, Formerly 3E-200.01, Amended 12-8-87, 10-14-90, 7-31-91, 6-16-92, 1-11-93, 5-5-94, 10-20-97, 8-9-98, 8-19-99, _____.

DEPARTMENT OF BANKING AND FINANCE

Division of Securities and Finance

RULE TITLE: Financial Statements and Reports
 RULE NO.: 3E-300.002

PURPOSE AND EFFECT: The rule is being amended to change the reference date of a federal statute to July 1, 2003.

SUBJECT AREA TO BE ADDRESSED: Reference date.

SPECIFIC AUTHORITY: 517.03 FS.

LAW IMPLEMENTED: 517.081, 517.12 FS.

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THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

3E-300.002 Financial Statements and Reports.

(1) through (3)(c) No change.

(d) The Department shall deem those financial statements and reports, prepared and filed in accordance with the provisions of SEC Rule 17a-5 (17 CFR 240.17a-5) and SEC Rule 17a-10 (17 CFR 240.17a-10) (as such provisions existed on July 1, 2003 ~~March 1, 1999~~), to be in compliance with, and fulfill the requirements of, this Rule as applicable to a dealer.

(e) No change.

(4) through (7) No change.

Specific Authority 517.03 FS. Law Implemented 517.081, 517.12 FS. History—New 12-5-79, Amended 9-20-82, Formerly 3E-300.02, Amended 6-28-93, 11-22-93, 12-24-95, 9-19-00,_____.

DEPARTMENT OF BANKING AND FINANCE

Division of Securities and Finance

RULE TITLE: Examinations/Qualifications

RULE NO.: 3E-600.005

PURPOSE AND EFFECT: Change the reference to Certified Financial Planner and the initials CFP to denote their special status as trademarks.

SUBJECT AREA TO BE ADDRESSED: Examination requirements for investment advisers and investment adviser representatives.

SPECIFIC AUTHORITY: 517.03(1) FS.

LAW IMPLEMENTED: 517.12(8) FS.

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The procedure for requesting a hearing is governed by subsection 28-103.004(2), F.A.C., as follows: a request for a public hearing must be in writing and filed with the Agency Clerk during normal business hours, at the address below, within 21 days of publication of this notice. The request must specify how the requestor would be affected by the proposed rule. Any affected person who fails to timely file a request for hearing waives the right to request a hearing on the proposed rule.

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THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

3E-600.005 Examinations/Qualifications.

(1) through (4) No change.

(5) The examination requirement for investment adviser principals, investment adviser representatives, and associated persons of issuer dealers shall not apply to an individual who currently holds one of the following professional designations: 1. CERTIFIED FINANCIAL PLANNER™ or CFP® ~~Certified Financial Planner (CFP)~~ awarded by the Certified Financial Planner Board of Standards, Inc.; 2. Chartered Financial Consultant (ChFC) awarded by the American College, Bryn Mawr, PA; 3. Personal Financial Specialist (PFS) awarded by the American Institute of Certified Public Accountants; 4. Chartered Financial Analyst (CFA) awarded by the Institute of Chartered Financial Analysts; 5. Chartered Investment Counselor (CIC) awarded by the Investment Counsel Association of America, Inc.

Specific Authority 517.03(1) FS. Law Implemented 517.12(8) FS. History—New 12-5-79, Amended 9-20-82, Formerly 3E-600.05, Amended 8-1-91, 1-11-93, 4-18-96, 4-2-00,_____.

DEPARTMENT OF BANKING AND FINANCE

Division of Securities and Finance

RULE TITLE: Rules of Conduct

RULE NO.: 3E-600.012

PURPOSE AND EFFECT: The rule is being amended to change the reference dates of federal statutes and self regulatory association rules to July 1, 2003.

SUBJECT AREA TO BE ADDRESSED: Reference date.

SPECIFIC AUTHORITY: 517.03(1) FS.

LAW IMPLEMENTED: 517.121, 517.301(1) 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.

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THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

3E-600.012 Rules of Conduct.

(1) Confirmation of Transactions: Every dealer registered in this state, including those defined as issuer/dealers under Rule 3E-200.001, F.A.C., shall give or send to the customer a written confirmation at or before completion of each transaction. Such confirmation shall set forth at least the following:

(a) through (c) No change.

(d) Compliance with Rule 10b-10 (17 CFR 240.10b-10) and the confirmation, preparation and disclosure requirements of SEC Rule 17a-3 (17 CFR 240.17a-3) or MSRB Rules G-8 and G-15, as those rules existed on July 1, 2003 ~~March 1, 1999~~, shall be deemed compliance with this Rule.

(2) through (4) No change.

(5) It shall be unlawful and a violation of Section 517.301(1), F.S., for any dealer or associated person to engage in any "device, scheme, or artifice to defraud" which shall include selling or effecting the purchase of any security into, in, or from offices in this state in violation of Sections 9, 10, 11A, or 15(c) of the Securities Exchange Act of 1934 or of S.E.C. Rules 9b-1, 10b-1 et seq., 11Aa3-1, 15c1-1 et seq., or 15c2-1 et seq. (17 CFR 240.9b-1; 17 CFR 240.10b-1 et seq.; 17 CFR 240.11Aa3-1; 17 CFR 240.15c1-1 et seq.; or 17 CFR

240.15c2-1 et seq., respectively), as such provisions existed on July 1, 2003 ~~March 1, 1999~~; or Section 15(g) of the Securities Exchange Act of 1934 or of SEC Rules 15g-1, et seq. (17 CFR 240.15g-1 et seq.) as such provisions existed on July 1, 2003 ~~August 11, 1993~~; or Regulation M (17 CFR 242.100-.105) as such provisions existed on July 1, 2003 ~~March 4, 1997~~.

Specific Authority 517.03(1) FS. Law Implemented 517.121, 517.301(1) FS. History—New 12-5-79, Amended 9-20-82, Formerly 3E-600.12, Amended 12-25-89, 10-14-90, 8-1-91, 6-16-92, 1-11-93, 4-11-94, 1-3-99, _____.

DEPARTMENT OF BANKING AND FINANCE

Division of Securities and Finance

RULE TITLE: Prohibited Business Practices for Dealers and Their Associated Persons

RULE NO.: 3E-600.013

PURPOSE AND EFFECT: The reference date for federal and self-regulatory organization rules is being changed to July 1, 2003.

SUBJECT AREA TO BE ADDRESSED: Reference dates.

SPECIFIC AUTHORITY: 517.03(1) FS.

LAW IMPLEMENTED: 517.161(1), 517.081 FS.

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THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

3E-600.013 Prohibited Business Practices for Dealers and Their Associated Persons.

(1) The following are deemed demonstrations of unworthiness by a dealer under Section 517.161(1)(h), F.S., without limiting that term to the practices specified herein:

(a) through (e) No change.

(f) Extending, arranging for, or participating in arranging for credit to a customer in violation of the provisions of Regulation T (12 CFR 220.1-220.131, inclusive) promulgated by the Federal Reserve Board, as such provisions existed on July 1, 2003 ~~March 1, 1999~~;

(g) through (h) No change.

(i) Hypothecating a customer's securities in violation of SEC Rule 8c-1 (17 CFR 240.8c-1), as such rule existed on July 1, 2003 ~~March 1, 1999~~;

(j) through (o) No change.

(p) With respect to any customer, transaction or business in this state, violating:

1. Any by-law, schedule thereto, rule or appendix thereto, of the National Association of Securities Dealers ("NASD"), interpreted in accordance with the guidelines, policies, and interpretations of the NASD or SEC, including: the Conduct Rules; the Marketplace Rules; and the Uniform Practice Code, as published in the NASD Manual as of July 1998 and any amendments as existed on July 1, 2003 ~~March 1, 1999~~;

2. For members of the New York Stock Exchange, Rules 405, 412 or 435 of the New York Stock Exchange, as such rules existed on July 1, 2003 ~~March 1, 1999~~, interpreted in accordance with the guidelines, policies, and interpretations of the NYSE or SEC;

3. Sections 2, 4, 5, or 6 of the Securities Act of 1933 or SEC Rules 134 (17 CFR 230.134); 134a (17 CFR 230.134a); 135a (17 CFR 230.135a); 144 (17 CFR 230.144); 144A (17 CFR 230.144A); 156 (17 CFR 230.156); 419 (17 CFR 230.419); 481 (17 CFR 230.481); or 482 (17 CFR 230.482) promulgated pursuant thereto, as such provisions existed on July 1, 2003 ~~March 1, 1999~~, interpreted in accordance with the guidelines, policies, and interpretations of the NASD or SEC;

4. Section 15(b)(4)(E) of the Securities Exchange Act of 1934 as it existed on July 1, 2003 ~~March 1, 1999~~; or

5. Any rule of the Municipal Securities Rulemaking Board ("MSRB") including the Definitional Rules (Rules D-1 through D-11, inclusive), and the General Rules with the exception of Rule G-35 (Rules G-1 through G-34, inclusive), promulgated pursuant to Section 15B of the Securities Exchange Act of 1934, as such rules existed on July 1, 2003 ~~March 1, 1999~~, interpreted in accordance with the guidelines, policies, and interpretations of the MSRB, NASD, or SEC.

6. To the extent that any of the rules described in subparagraphs 1. through 5. of this section or their interpretation by the NASD, NYSE, MSRB, or SEC, as appropriate, conflict or are inconsistent with other provisions of the Florida Securities and Investor Protection Act or rules promulgated pursuant thereto, this paragraph of this rule shall not be deemed controlling.

(q) through (t) No change.

(u) Selling or offering for sale any security in a transaction exempt from registration pursuant to Section 517.061(17)(a)1., F.S., where the issuer of such securities has not filed with the SEC within the specified period of time all reports required by Sections 13 or 15(d) of the Securities Exchange Act of 1934, as such sections existed on July 1, 2003 ~~March 1, 1999~~.

(v) No change.

(2) The following are deemed demonstrations of unworthiness by an associated person of a dealer under Section 517.161(1)(h), F.S., without limiting that term to the practices specified herein:

(a) through (g) No change.

(h) Engaging in any of the practices specified in paragraphs (1)(b), (c), (d), (e), (f), (g), (m), (n), (o), (p), (q), (s), (t), (u), or (v).

Specific Authority 517.03(1) FS. Law Implemented 517.161(1), 517.081 FS. History—New 12-5-79, Amended 9-20-82, Formerly 3E-600.13, Amended 8-1-91, 6-16-92, 1-11-93, 11-7-93, 5-5-94, 9-9-96, 10-20-97, 1-25-00,

DEPARTMENT OF BANKING AND FINANCE

Division of Securities and Finance

RULE TITLE: RULE NO.:

Prohibited Business Practices for Investment 3E-600.0131
Advisers and Their Associated Persons

PURPOSE AND EFFECT: The reference date for federal rules is being changed to July 1, 2003.

SUBJECT AREA TO BE ADDRESSED: Reference dates.

SPECIFIC AUTHORITY: 517.03(1) FS.

LAW IMPLEMENTED: 517.161(1), 517.081 FS.

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THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

3E-600.0131 Prohibited Business Practices for Investment Advisers and Their Associated Persons.

(1) The following are deemed demonstrations of unworthiness by an investment adviser or an associated person of an investment adviser under Section 517.161(1)(h), F.S., without limiting that term to the practices specified herein:

(a) With respect to any customer, transaction or business in, to or from this state, engaging in any conduct prohibited by, or failing to comply with the requirements of, the following:

1. Sections 204, 204A, 205, 206, 207, 208 of the Investment Advisers Act of 1940 or SEC Rules 204-3 (17 CFR 275.204-3); 205-1 (17 CFR 275.205-1); 205-2 (17 CFR 275.205-2); 205-3 (17 CFR 275.205-3), 206(3)-1 (17 CFR 275.206(3)-1); 206(3)-2 (17 CFR 275.206(3)-2); 206(4)-1 (17 CFR 275.206(4)-1); 206(4)-2 (17 CFR 275.206(4)-2); 206(4)-3 (17 CFR 275.206(4)-3); and 206(4)-4 (17 CFR 275.206(4)-4) promulgated pursuant thereto, as such provisions existed on July 1, 2003 ~~March 1, 1999~~, interpreted with the guidelines, policies, no-action letters, and interpretations of the SEC;

(b) through (r) No change.

(2) The federal statutory and regulatory provisions referenced herein shall apply to investment advisers and federal covered advisers, to the extent permitted by the National Securities Markets Improvement Act of 1996.

Specific Authority 517.03(1) FS. Law Implemented 517.12, 517.161(1) FS. History—New 1-25-00, Amended.

DEPARTMENT OF BANKING AND FINANCE

Division of Securities and Finance

RULE TITLE: Books and Records Requirements
 PURPOSE AND EFFECT: The rule is being amended to update the reference date for federal and regulatory agency rules to July 1, 2003.

RULE NO.: 3E-600.014

SUBJECT AREA TO BE ADDRESSED: Dealer, investment adviser, branch office, and associated person books and records requirements.

SPECIFIC AUTHORITY: 517.03(1) FS.

LAW IMPLEMENTED: 517.12, 517.161(1) FS.

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THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

3E-600.014 Books and Records Requirements.

Except as otherwise provided herein, every dealer, investment adviser, branch office, and associated person conducting business in this state shall prepare and maintain on a current basis, and preserve for the periods of time specified, such records, prescribed hereinafter, as are appropriate for said dealer's, investment adviser's, branch office's, or associated person's course of business, and are sufficient to provide an audit trail of all business transactions by said dealer, investment adviser, associated person, or branch office. Associated persons who conduct business from a registered branch office in this state shall be exempt from the provisions of this rule.

(1) All dealers are required to prepare and maintain appropriate books and records relating to their business as described in either SEC Rules 17a-3 (17 CFR 240.17a-3) and

17a-4 (17 CFR 240.17a-4) or MSRB Rules G-7 and G-8, as such rules existed on May 2, 2003 ~~March 1, 1999~~; and records evidencing compliance with NASD Conduct Rule 3000, as published in the NASD Manual as of July 2002 ~~1998~~, and any amendments as existed on May 2, 2003.

(2) All issuer/dealers are required to maintain at least the following records:

(a) Ledgers, journals (or other records) reflecting all assets, liabilities, income and expenses, and capital accounts properly maintained in accordance with generally accepted accounting principles;

(b) Copies of all promotional sales materials and correspondence used in connection with the sales of all securities as distributed;

(c) A record of all sales of securities made by, or on behalf of, said issuer, including but not necessarily limited to name and address of purchaser, date of transaction, money amount involved, and name of agent or principal executing such transaction;

(d) Securities certificate and securities holder records reflecting names and addresses of all holders of record, certificates issued to such holders, number of shares or bonds issued, and full details as to transfers or cancellations;

(e) In lieu of the issuer/dealer preparing and maintaining such records as detailed in paragraph (d) above, a qualified transfer agent/registrar may be appointed, provided such information is accessible to the issuer/dealer.

(3) All investment advisers, notwithstanding the fact that the investment adviser is not registered or required to be registered under the Investment Advisers Act of 1940, shall prepare and maintain true, accurate and current records relating to their business as described in SEC Rule 204-2 (17 CFR 275.204-2) as it existed on July 1, 2003 ~~March 1, 1999~~, and general rules and regulations promulgated by the Securities and Exchange Commission; and have available for the Department at least the following records:

(a) All trial balances, financial statements prepared in accordance with generally accepted accounting principles, and internal audit working papers relating to the investment adviser's business as an investment adviser. For purposes of this paragraph, "financial statements" means balance sheets, income statements, cash flow statements and net worth computations as required by Rule 3E-300.002, F.A.C.

(b) A list or other record of all accounts with respect to the funds, securities, or transactions of any client.

(c) A copy in writing of each agreement entered into by the investment adviser with any client.

(d) A file containing a copy of each record required by SEC Rule 204-2(11) (17 CFR 275.204-2(11)) as it existed on July 1, 2003 ~~March 1, 1999~~ including any communication by electronic media that the investment adviser circulates or distributes, directly or indirectly, to two or more persons, other than persons connected with the investment adviser.

(e) A copy of each written statement and each amendment or revision given or sent to any client or prospective client of the investment adviser in accordance with the provisions of SEC Rule 204-3 (17 CFR 275.204-3) as it existed July 1, 2003 ~~March 1, 1999~~ and a record of the dates that each written statement, and each amendment or revision was given or offered to be given to any client or prospective client who subsequently becomes a client.

(f) For each client that was obtained by the adviser by means of a solicitor to whom a cash fee was paid by the adviser, records required by SEC Rule 206(4)-3 (17 CFR 275.206(4)-3) as it existed on July 1, 2003 ~~March 1, 1999~~.

(g) All records required by SEC Rule 204-2(16) (17 CFR 275.204-2(16)) as it existed on July 1, 2003 ~~March 1, 1999~~, including but not limited to electronic media that the investment adviser circulates or distributes, directly or indirectly, to two or more persons, other than persons connected with the investment adviser.

(h) A file containing a copy of all communications received or sent regarding any litigation involving the investment adviser or any investment adviser representative or employee, and regarding any customer or client complaint.

(i) Written information about each investment advisory client that is the basis for making any recommendation or providing any investment advice to such client.

(j) Written procedures to supervise the activities of employees and investment adviser representatives that are reasonably designed to achieve compliance with applicable securities laws and regulations.

(k) A file containing a copy of each document, other than any notices of general dissemination, that was filed with or received from any state or federal agency or self regulatory organization and that pertains to the registrant or its investment adviser representatives. Such file should contain, but is not limited to, all applications, amendments, renewal filings, and correspondence.

(4) No provisions of this Rule, unless specifically designated as a required form, shall be deemed to require the preparation, maintenance, or preservation of a dealer's or investment adviser's books and records in a particular form or system, provided that whatever form or system utilized by such dealer's or investment adviser's course of business is sufficient to provide an audit trail of all business transactions.

(5) Every investment adviser that has its principal place of business in a state other than this state shall be exempt from the requirements of this rule, provided the investment adviser is licensed in such state and is in compliance with that state's record keeping requirements.

(6) All books and records described in this Rule shall be preserved in accordance with the following:

(a) Those records required under subsection (1) of this Rule shall be preserved for such periods of time as specified in either SEC Rule 17a-4 (17 CFR 240.17a-4), or MSRB Rule G-9, as such rules existed on July 1, 2003 ~~March 1, 1999~~.

(b) Those records required under subsection (2) of this rule shall be preserved for a period of not less than five (5) years while effectively registered with the Department, nor for less than five (5) years after withdrawal or expiration of registration in this State.

(c) Books and records required to be prepared under the provisions of subsection (3) shall be maintained and preserved in an easily accessible place for a period of not less than five years from the end of the fiscal year during which the last entry was made on such record, the first two years in the principal office of the investment adviser.

(d) Books and records required to be made under the provisions of subsection (3), shall be maintained and preserved for a period of not less than five years from the end of the fiscal year during which the last entry was made on such record or for the time period during which the investment adviser was registered or required to be registered in the state, if registered less than five years.

(e) Each investment adviser registered or required to be registered in this state and which has a business location in this state shall maintain at such business location:

1. The records or copies required under the provisions of paragraphs (a)(3), (a)(7)-(10), (a)(14)-(15), (b) and (c) of SEC Rule 204-2 (17 CFR 275.204-2); and

2. The records or copies required under the provisions of paragraphs (3)(a)-(j) above related to customers or clients for whom the investment adviser representative provides or has provided investment advisory services; and

3. The records or copies required under the provisions of paragraphs (a)(11) and (a)(16) of SEC Rule 204-2 (17 CFR 275.204-2) which records or related records identify the name of the investment adviser representative or which identify the business locations' physical address, mailing address, electronic mailing address, or telephone number. The records will be maintained for the period described in subsections (d) and (e) of SEC Rule 204-2 (17 CFR 275.204-2). The investment adviser shall be responsible for ensuring compliance with the provisions of this subsection.

(7) To the extent that the U.S. Securities and Exchange Commission promulgates changes to the above-referenced rules of the Investment Advisers Act of 1940, investment advisers in compliance with such rules as amended shall not be subject to enforcement action by the Department for violation of this rule to the extent that the violation results solely from the investment adviser's compliance with the amended rule.

Specific Authority 517.03(1), 517.121(1) FS. Law Implemented 517.121(1) FS. History—New 12-5-79, Amended 9-20-82, Formerly 3E-600.14, Amended 10-14-90, 8-1-91, 6-16-92, 1-11-93, 9-9-96, 6-22-98, 1-25-00, _____.

DEPARTMENT OF BANKING AND FINANCE

Division of Securities and Finance

RULE TITLE: RULE NO.:

Financial Reporting Requirements – Statement
of Financial Condition – Dealers
and Investment Advisers 3E-600.015

PURPOSE AND EFFECT: The reference date for federal rules is being changed to July 1, 2003.

SUBJECT AREA TO BE ADDRESSED: Reference date.

SPECIFIC AUTHORITY: 517.03(1), 517.12(9), 517.121(2) FS.

LAW IMPLEMENTED: 517.12(9), 517.121(2) 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 procedure for requesting a hearing is governed by subsection 28-103.004(2), F.A.C., as follows: a request for a public hearing must be in writing and filed with the Agency Clerk during normal business hours, at the address below, within 21 days of publication of this notice. The request must specify how the requestor would be affected by the proposed rule. Any affected person who fails to timely file a request for hearing waives the right to request a hearing on the proposed rule.

Although Rule Development Workshops may be 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 any appeal is to be based.

Persons with disabilities or handicaps who need assistance may contact: Mary Howell, Agency Clerk, (850)410-9896, at least two business days in advance to make appropriate arrangements.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Bill Reilly, Financial Administrator, Division of Securities, 200 East Gaines Street, Fletcher #604, Tallahassee, Florida 32399-0350, (850)410-9805

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

3E-600.015 Financial Reporting Requirements – Statement of Financial Condition – Dealers and Investment Advisers.

(1) Except as otherwise specifically noted in this rule, an applicant filing an application for registration as a dealer or investment adviser shall file a balance sheet in accordance with Rule 3E-300.002, F.A.C.

(2) Every dealer registered pursuant to Section 517.12, F.S., and Rules thereunder shall file annually with the Department, within ninety (90) days after the conclusion of said registrant's fiscal year, audited financial statements as prepared by an independent outside auditor, unless exempted under Rule 3E-300.002, F.A.C.

(a) The Department may allow up to a thirty (30) day extension of the filing requirement as set forth in this subparagraph provided written request is made prior to the date such audited report is due to be filed, and provided further that good cause for such delay is shown.

(b) Every dealer defined as a broker/dealer under Rule 3E-300.002, F.A.C., shall be required to include in such audited financial statements filed verification of said broker/dealer's compliance with the provisions of Rules 3E-600.016 and 3E-600.017, F.A.C.

(c) In lieu of the provisions of paragraph (b) above, the Department will accept those statements prepared and filed by a dealer in accordance with the provisions of S.E.C. Rule 17a-5 (17 CFR 240.17a-5) and S.E.C. Rule 17a-10 (17 CFR 240.17a-10), as such rules existed on July 1, 2003 ~~February 28, 1992~~.

(3) Every investment adviser registered pursuant to Section 517.12, F.S., and Rules thereunder shall file annually with the Department, within ninety (90) days after the conclusion of said registrant's fiscal year, financial statements as of fiscal year end, such statements prepared in accordance with the provisions of Rule 3E-300.002, F.A.C.

(4) The provisions of paragraph (2)(a) of this Rule apply to the filing requirements set forth in subsection (3).

Specific Authority 517.03(1), 517.12(9), 517.121(2) FS. Law Implemented 517.12(9), 517.121(2) FS. History—New 12-5-79, Amended 9-20-82, Formerly 3E-600.15, Amended 6-16-92, _____.

DEPARTMENT OF BANKING AND FINANCE

Division of Securities and Finance

RULE TITLE: Continuing Education Requirements
 RULE NO.: 3E-600.020
 PURPOSE AND EFFECT: The reference date for self-regulatory organizations is being changed to July 1, 2003.
 SUBJECT AREA TO BE ADDRESSED: Reference dates.
 SPECIFIC AUTHORITY: 517.03(1) FS.
 LAW IMPLEMENTED: 517.12, 517.161(1) 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 procedure for requesting a hearing is governed by subsection 28-103.004(2), F.A.C., as follows: a request for a public hearing must be in writing and filed with the Agency Clerk during normal business hours, at the address below, within 21 days of publication of this notice. The request must

specify how the requestor would be affected by the proposed rule. Any affected person who fails to timely file a request for hearing waives the right to request a hearing on the proposed rule.

Although Rule Development Workshops may be 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 any appeal is to be based.

Persons with disabilities or handicaps who need assistance may contact: Mary Howell, Agency Clerk, (850)410-9896, at least two business days in advance to make appropriate arrangements.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Bill Reilly, Financial Administrator, Division of Securities, 200 East Gaines Street, Fletcher #604, Tallahassee, Florida 32399-0350, (850)410-9805

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

3E-600.020 Continuing Education Requirements.

Failure to comply with any of the applicable continuing education requirements set forth in any one of the following shall be deemed a demonstration of unworthiness by a dealer or associated person under Section 517.161(1)(h), F.S.:

(1) Membership and Registration Rule 1120 of the National Association of Securities Dealers, as such provisions existed on July 1, 2003 ~~March 1, 1999~~;

(2) Rule 345 A of the New York Stock Exchange, as such provisions existed on July 1, 2003 ~~March 1, 1999~~;

(3) Rule G-3(h) of the Municipal Securities Rulemaking Board, as such provisions existed on July 1, 2003 ~~March 1, 1999~~;

(4) Rule 341 A of the American Stock Exchange, as such provisions existed on July 1, 2003 ~~March 1, 1999~~;

(5) Rule 9.3A of the Chicago Board of Options Exchange, as such provisions existed on July 1, 2003 ~~March 1, 1999~~;

(6) Article VI, Rule 9 of the Chicago Stock Exchange, as such provisions existed on July 1, 2003 ~~March 1, 1999~~;

(7) Rule 9.27(c) of the Pacific Stock Exchange, as such provisions existed on July 1, 2003 ~~March 1, 1999~~; or

(8) Rule 640 of the Philadelphia Stock Exchange, as such provisions existed on July 1, 2003 ~~March 1, 1999~~.

Specific Authority 517.03(1) FS. Law Implemented 517.12(18), 517.161(1) FS. History—New 12-21-95, Amended 8-19-99, _____.

DEPARTMENT OF INSURANCE

RULE TITLES: Universal Life Valuation and Nonforfeiture Valuation of Life Insurance Policies
 RULE NOS.: 4-164.010 4-164.020

PURPOSE, EFFECT AND SUBJECT AREA TO BE ADDRESSED: Section 625.121(5)(j), F.S., gave the Financial Services Commission authority to adopt a rule to adopt the valuation of life insurance policies model regulation including tables of select mortality factors, and allowed the regulation to be made effective as of January 1, 2000. The rule adopts NAIC guidelines as is provided in Section 625.121(5)(j), F.S. The purpose of the retroactive date is based upon the fact that other states had adopted the NAIC model with an effective date of January 1, 2000. The objective is to have uniformity with the other states; i.e., uniform adoption dates. The effect will not be retroactive in the sense reserves reported prior to adoption are not affected. The rule does not abrogate any contracts.

SPECIFIC AUTHORITY: 624.308(1), 625.121(5)(j),(12)(b), 627.476(10)(c) FS.

LAW IMPLEMENTED: 624.307(1), 625.121(5)(j), 627.476 FS.

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

TIME AND DATE: 9:00 a.m., August 6, 2003

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

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Kerry Krantz, Bureau of Life and Health Insurer Solvency, Office of Insurance Regulation, 200 East Gaines Street, Tallahassee, Florida 32399-0327, (850)413-5038

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

4-164.010 Universal Life Valuation and Nonforfeiture.

(1) through (2) No change.

(3) Valuation.

(a) Requirements. The minimum valuation standard for universal life insurance policies shall be the Commissioners' Reserve Valuation Method, as described below, for such policies, and the tables and interest rates specified below.

1. No change.

2. Interest and mortality rates. ~~a.~~ All present values shall be determined using:

~~a.i.~~ An interest rate (or rates) specified in subsections 625.121(5) and 625.121(6), Florida Statutes, for policies issued in the same year;

~~b.ii.~~ The mortality rates specified in subsection 625.121(5), Florida Statutes, for policies issued in the same year; and

~~c.iii.~~ Any other tables needed to value supplementary benefits provided by a rider which is being valued together with the policy.

~~b.~~ In no event, however, shall the present values be less than those determined using the guarantees of interest and mortality contained in the policy.

(b) No change.

(4) No change.

Specific Authority 624.308(1), 625.121(12)(b), 627.476(10)(c) FS. Law Implemented 624.307(1), 625.121, 627.476 FS. History—New 6-30-94, Amended 3-9-95, _____.

4-164.020 Valuation of Life Insurance Policies.

(1) Purpose.

(a) The purpose of this rule is to provide:

1. Tables of select mortality factors and rules for their use;

2. Rules concerning a minimum standard for the valuation of plans with nonlevel premiums or benefits; and

3. Rules concerning a minimum standard for the valuation of plans with secondary guarantees.

(b) The method for calculating basic reserves defined in this rule will constitute the Commissioners' Reserve Valuation Method for policies to which this rule is applicable.

(2)(a) This rule is consistent with Appendix A-830 of the NAIC Accounting Practices and Procedures Manual as adopted in Rule 4-137.001, F.A.C.

(b) This rule applies to policies issued during calendar year 2000 in addition to those issued on or after January 1, 2001.

(3) Applicability. This rule shall apply to all life insurance policies, with or without nonforfeiture values, issued on or after January 1, 2000, subject to the following exceptions and conditions:

(a) Exceptions.

1. This rule shall not apply to any individual life insurance policy issued on or after the effective date of this rule if the policy is issued in accordance with and as a result of the exercise of a reentry provision contained in the original life insurance policy of the same or greater face amount, issued before January 1, 2000, that guarantees the premium rates of the new policy. This rule also shall not apply to subsequent policies issued as a result of the exercise of such a provision, or a derivation of the provision, in the new policy.

2. This rule shall not apply to any universal life policy that meets all the following requirements:

a. Secondary guarantee period, if any, is 5 years or less;

b. Specified premium for the secondary guarantee period is not less than the net level reserve premium for the secondary guarantee period based on the CSO valuation tables as defined in paragraph (4)(f) and the applicable valuation interest rate; and

c. The initial surrender charge is not less than 100 percent of the first year annualized specified premium for the secondary guarantee period.

3. This rule shall not apply to any variable life insurance policy that provides for life insurance the amount or duration of which varies according to the investment experience of any separate account or accounts.

4. This rule shall not apply to any variable universal life insurance policy that provides for life insurance the amount or duration of which varies according to the investment experience of any separate account or accounts.

5. This rule shall not apply to a group life insurance certificate unless the certificate provides for a stated or implied schedule of maximum gross premiums required in order to continue coverage in force for a period in excess of one year.

(b) Conditions.

1. Calculation of the minimum valuation standard for policies with guaranteed nonlevel gross premiums or guaranteed nonlevel benefits (other than universal life policies), or both, shall be in accordance with the provisions of subsection (6).

2. Calculation of the minimum valuation standard for flexible premium and fixed premium universal life insurance policies that contain provisions resulting in the ability of a policyholder to keep a policy in force over a secondary guarantee period shall be in accordance with the provisions of subsection (7).

(4) Definitions. For purposes of this rule:

(a) "Basic reserves" means reserves calculated in accordance with Section 625.121(7), Florida Statutes.

(b)1. "Contract segmentation method" means the method of dividing the period from issue to mandatory expiration of a policy into successive segments, with the length of each segment being defined as the period from the end of the prior segment (from policy inception for the first segment) to the end of the latest policy year as determined below. All calculations are made using the 1980 CSO valuation tables, as defined in paragraph (f), and, if elected, the optional minimum mortality standard for deficiency reserves stipulated in paragraph (5)(b) of this rule.

2. The length of a particular contract segment shall be set equal to the minimum of the value t for which G_t is greater than R_t (if G_t never exceeds R_t the segment length is deemed to be the number of years from the beginning of the segment to the mandatory expiration date of the policy), where G_t and R_t are defined as follows:

$$G_t = \frac{GP_{x+k+t}}{GP_{x+k+t-1}}$$

where:

x = original issue age;

k = the number of years from the date of issue to the beginning of the segment;

t = 1, 2, ...; t is reset to 1 at the beginning of each segment;

$GP_{x+k+t-1}$ = Guaranteed gross premium per thousand of face amount for year t of the segment, ignoring policy fees only if level for the premium paying period of the policy.

$R_t = \frac{q_{x+k+t}}{100}$. However, R_t may be increased or decreased by one

$q_{x+k+t-1}$ percent in any policy year, at the company's option,

but R_t shall not be less than one;

where:

x, k and t are as defined above, and

$q_{x+k+t-1}$ = valuation mortality rate for deficiency reserves in policy year k+t but using the mortality of Section 5B(2) if Section 5B(3) is elected for deficiency reserves.

However, if GP_{x+k+t} is greater than 0 and $GP_{x+k+t-1}$ is equal to 0, G_t shall be deemed to be 1000. If GP_{x+k+t} and $GP_{x+k+t-1}$ are both equal to 0, G_t shall be deemed to be 0.

(c) "Deficiency reserves" means the excess, if greater than zero, of

1. Minimum reserves calculated in accordance with Section 625.121(11), Florida Statutes, over

2. Basic reserves.

(d) "Guaranteed gross premiums" means the premiums under a policy of life insurance that are guaranteed and determined at issue.

(e) "Maximum valuation interest rates" means the interest rates defined in Section 625.121(6), Florida Statutes, (Computation of Minimum Standard by Calendar Year of Issue) that are to be used in determining the minimum standard for the valuation of life insurance policies.

(f) "1980 CSO valuation tables" means the Commissioners' 1980 Standard Ordinary Mortality Table (1980 CSO Table) without ten-year selection factors, incorporated into the 1980 amendments to the NAIC Standard Valuation Law, and variations of the 1980 CSO Table approved by the NAIC, such as the smoker and nonsmoker versions approved in December 1983.

(g) "Scheduled gross premium" means the smallest illustrated gross premium at issue for other than universal life insurance policies. For universal life insurance policies,

scheduled gross premium means the smallest specified premium described in subparagraph (7)(a)3., if any, or else the minimum premium described in subparagraph (7)(a)4.

(h)1. "Segmented reserves" means reserves, calculated using segments produced by the contract segmentation method, equal to the present value of all future guaranteed benefits less the present value of all future net premiums to the mandatory expiration of a policy, where the net premiums within each segment are a uniform percentage of the respective guaranteed gross premiums within the segment. The uniform percentage for each segment is such that, at the beginning of the segment, the present value of the net premiums within the segment equals:

a. The present value of the death benefits within the segment, plus

b. The present value of any unusual guaranteed cash value (see paragraph (6)(d)) occurring at the end of the segment, less

c. Any unusual guaranteed cash value occurring at the start of the segment, plus

d. For the first segment only, the excess of the Item (I) over Item (II), as follows:

(I) A net level annual premium equal to the present value at the date of issue of the benefits provided for in the first segment after the first policy year; divided by the present value at the date of issue of an annuity of 1 per year payable on the first and each subsequent anniversary within the first segment on which a premium falls due. However, the net level annual premium shall not exceed the net level annual premium on the 19 year premium whole life plan of insurance of the same renewal year equivalent level amount at an age one year higher than the age at issue of the policy.

(II) A net 1 year term premium for the benefits provided for in the first policy year.

2. The length of each segment is determined by the "contract segmentation method," as defined in this rule.

3. The interest rates used in the present value calculations for any policy shall not exceed the maximum valuation interest rate, determined with a guarantee duration equal to the sum of the lengths of all segments of the policy.

4. For both basic reserves and deficiency reserves computed by the segmented method, present values shall include future benefits and net premiums in the current segment and in all subsequent segments.

a. The segmentation requirement shall not be limited to plans with no cash surrender values; otherwise companies could avoid segmentation entirely by designing policies with minimal (positive) cash values.

b. Segmentation for plans with cash surrender values shall be based solely upon gross premium levels.

c. Basing segmentation upon the level of cash surrender values introduces complications because of the inter-relationship between minimum cash surrender values and gross premium patterns.

d. The requirements of this rule relating to reserves for plans with unusual cash values and to reserves if cash values exceed calculated reserves serve to link required reserves and cash surrender values.

e. The calculation of segmented reserves shall not be linked to the occurrence of a positive unitary terminal reserve at the end of a segment.

f. The requirement of this rule to hold the greater of the segmented reserve or the unitary reserve eliminates the need for any linkage.

(i) "Tabular cost of insurance" means the net single premium at the beginning of a policy year for 1 year term insurance in the amount of the guaranteed death benefit in that policy year.

(j) "Ten-year select factors" means the select factors adopted with the 1980 amendments to the NAIC Standard Valuation Law.

(k)1. "Unitary reserves" means the present value of all future guaranteed benefits less the present value of all future modified net premiums, where:

a. Guaranteed benefits and modified net premiums are considered to the mandatory expiration of the policy; and

b. Modified net premiums are a uniform percentage of the respective guaranteed gross premiums, where the uniform percentage is such that at issue the present value of the net premiums equals the present value of all death benefits and pure endowments, plus the excess of Item (I) over Item (II), as follows:

(I) A net level annual premium equal to the present value at the date of issue of the benefits provided for after the first policy year, divided by the present value, at the date of issue, of an annuity of one per year payable on the first and each subsequent anniversary of the policy on which a premium falls due. However, the net level annual premium shall not exceed the net level annual premium on the 19 year premium whole life plan of insurance of the same renewal year equivalent level amount at an age 1 year higher than the age at issue of the policy.

(II) A net 1 year term premium for the benefits provided for in the first policy year.

2. The interest rates used in the present value calculations for any policy shall not exceed the maximum valuation interest rate, determined with a guarantee duration equal to the length from issue to the mandatory expiration of the policy.

(l) "Universal life insurance policy" means any individual life insurance policy under the provisions of which separately identified interest credits (other than in connection with dividend accumulations, premium deposit funds, or other supplementary accounts) and mortality or expense charges are made to the policy.

(5) General Calculation Requirements for Basic Reserves and Premium Deficiency Reserves.

(a) At the election of the company for any one or more specified plans of life insurance, the minimum mortality standard for basic reserves may be calculated using the 1980 CSO valuation tables with select mortality factors. If select mortality factors are elected, they may be:

1. The 10 year select mortality factors incorporated into the 1980 amendments to the NAIC Standard Valuation Law; or
2. The select mortality factors in the Appendix.

(b) Deficiency reserves, if any, are calculated for each policy as the excess, if greater than zero, of the quantity A over the basic reserve.

1. The quantity A is obtained by recalculating the basic reserve for the policy using guaranteed gross premiums instead of net premiums when the guaranteed gross premiums are less than the corresponding net premiums.

2. At the election of the company for any one or more specified plans of insurance, the quantity A and the corresponding net premiums used in the determination of quantity A may be based upon the 1980 CSO valuation tables with select mortality factors. If select mortality factors are elected, they may be:

1. The 10 year select mortality factors incorporated into the 1980 amendments to the NAIC Standard Valuation Law;
2. The select mortality factors in the Appendix of this rule;
3. For durations in the first segment, X percent of the select mortality factors in the Appendix, subject to the following:

a. X may vary by policy year, policy form, underwriting classification, issue age, or any other policy factor expected to affect mortality experience;

b. X shall not be less than 20 percent;

c. X shall not decrease in any successive policy years;

d. X is such that, when using the valuation interest rate used for basic reserves, Item (I) is greater than or equal to Item (II);

(I) The actuarial present value of future death benefits, calculated using the mortality rates resulting from the application of X;

(II) The actuarial present value of future death benefits calculated using anticipated mortality experience without recognition of mortality improvement beyond the valuation date;

e. X is such that the mortality rates resulting from the application of X are at least as great as the anticipated mortality experience, without recognition of mortality improvement beyond the valuation date, in each of the first 5 years after the valuation date;

f. The appointed actuary shall increase X at any valuation date where it is necessary to continue to meet all the requirements of subparagraph (b)3.;

g. The appointed actuary may decrease X at any valuation date as long as X does not decrease in any successive policy years and as long as it continues to meet all the requirements of subparagraph (b)3.; and

h. The appointed actuary shall specifically take into account the adverse effect on expected mortality and lapsation of any anticipated or actual increase in gross premiums.

i. If X is less than 100 percent at any duration for any policy, the following requirements shall be met:

(I) The appointed actuary shall annually prepare an actuarial opinion and memorandum for the company in conformance with the requirements of Rule Chapter 4-138, F.A.C.; and

(II) The appointed actuary shall annually opine for all policies subject to this rule as to whether the mortality rates resulting from the application of X meet the requirements of subparagraph (b)3.

(A) The opinion shall be supported by an actuarial report, subject to appropriate Actuarial Standards of Practice promulgated by the Actuarial Standards Board of the American Academy of Actuaries.

(B) The X factors shall reflect anticipated future mortality without recognition of mortality improvement beyond the valuation date, taking into account relevant emerging experience.

(c) This subsection applies to both basic reserves and deficiency reserves. Any set of select mortality factors may be used only for the first segment. However, if the first segment is less than 10 years, the appropriate 10 year select mortality factors incorporated into the 1980 amendments to the NAIC Standard Valuation Law may be used thereafter through the tenth policy year from the date of issue.

(d) In determining basic reserves or deficiency reserves, guaranteed gross premiums without policy fees may be used where the calculation involves the guaranteed gross premium, but only if the policy fee is a level dollar amount after the first policy year. In determining deficiency reserves, policy fees may be included in guaranteed gross premiums even if not included in the actual calculation of basic reserves.

(e) Reserves for policies that have changes to guaranteed gross premiums, guaranteed benefits, guaranteed charges, or guaranteed credits that are unilaterally made by the insurer after issue and that are effective for more than 1 year after the date of the change shall be the greatest of the following:

1. Reserves calculated ignoring the guarantee;
 2. Reserves assuming the guarantee was made at issue;
- and
3. Reserves assuming that the policy was issued on the date of the guarantee.

(f) The company shall document the extent of the adequacy of reserves for material blocks, including policies issued prior to the effective date of this rule. The documentation shall include:

1. A demonstration of the extent to which aggregation with immaterial blocks of business is relied upon in the formation of the appointed actuary opinion pursuant to and consistent with the requirements of Chapter 4-138, F.A.C.; and

2. A definition of material.

(6) Calculation of Minimum Valuation Standard for Policies with Guaranteed Nonlevel Gross Premiums or Guaranteed Nonlevel Benefits (Other than Universal Life Policies).

(a) Basic Reserves. Basic reserves shall be calculated as the greater of the segmented reserves and the unitary reserves. Both the segmented reserves and the unitary reserves for any policy shall use the same valuation mortality table and selection factors. At the option of the insurer in calculating segmented reserves and net premiums either of the adjustments described in subparagraph 1. or 2. below may be made:

1. Treat the unitary reserve, if greater than zero, applicable at the end of each segment as a pure endowment and subtract the unitary reserve, if greater than zero, applicable at the beginning of each segment from the present value of guaranteed life insurance and endowment benefits for each segment.

2. Treat the guaranteed cash surrender value, if greater than zero, applicable at the end of each segment as a pure endowment; and subtract the guaranteed cash surrender value, if greater than zero, applicable at the beginning of each segment from the present value of guaranteed life insurance and endowment benefits for each segment.

(b) Deficiency Reserves.

1. The deficiency reserve at any duration shall be calculated:

a. On a unitary basis if the corresponding basic reserve determined by paragraph (a) is unitary;

b. On a segmented basis if the corresponding basic reserve determined by paragraph (a) is segmented; or

c. On the segmented basis if the corresponding basic reserve determined by paragraph (a) is equal to both the segmented reserve and the unitary reserve.

2. This subsection shall apply to any policy for which the guaranteed gross premium at any duration is less than the corresponding modified net premium calculated by the method used in determining the basic reserves, but using the minimum valuation standards of in paragraph (5)(b) and rate of interest.

3. Deficiency reserves, if any, shall be calculated for each policy as the excess if greater than zero, for the current and all remaining periods, of the quantity A over the basic reserve, where A is obtained as indicated in paragraph (5)(b).

4. For deficiency reserves determined on a segmented basis, the quantity A is determined using segment lengths equal to those determined for segmented basic reserves.

(c) Minimum Value.

1. Basic reserves shall not be less than the tabular cost of insurance for the balance of the policy year if mean reserves are used.

2. Basic reserves shall not be less than the tabular cost of insurance for the balance of the current modal period or to the paid-to-date, if later, but not beyond the next policy anniversary, if mid-terminal reserves are used.

3. The tabular cost of insurance shall use the same valuation mortality table and interest rates as that used for the calculation of the segmented reserves.

4. However, if select mortality factors are used, they shall be the 10 year select factors incorporated into the 1980 amendments of the NAIC Standard Valuation Law.

5. In no case may total reserves (including basic reserves, deficiency reserves and any reserves held for supplemental benefits that would expire upon contract termination) be less than the amount that the policyowner would receive (including the cash surrender value of the supplemental benefits, if any, referred to above), exclusive of any deduction for policy loans, upon termination of the policy.

(d) Unusual Pattern of Guaranteed Cash Surrender Values.

1. For any policy with an unusual pattern of guaranteed cash surrender values, the reserves actually held prior to the first unusual guaranteed cash surrender value shall not be less than the reserves calculated by treating the first unusual guaranteed cash surrender value as a pure endowment and treating the policy as an n year policy providing term insurance plus a pure endowment equal to the unusual cash surrender value, where n is the number of years from the date of issue to the date the unusual cash surrender value is scheduled.

2. The reserves actually held subsequent to any unusual guaranteed cash surrender value shall not be less than the reserves calculated by treating the policy as an n year policy providing term insurance plus a pure endowment equal to the next unusual guaranteed cash surrender value, and treating any unusual guaranteed cash surrender value at the end of the prior segment as a net single premium, where:

a. n is the number of years from the date of the last unusual guaranteed cash surrender value prior to the valuation date to the earlier of:

(I) The date of the next unusual guaranteed cash surrender value, if any, that is scheduled after the valuation date; or

(II) The mandatory expiration date of the policy; and

b. The net premium for a given year during the n year period is equal to the product of the net to gross ratio and the respective gross premium; and

c. The net to gross ratio is equal to Item I divided by Item II as follows:

(I)(A) The present value at the beginning of the n year period of death benefits payable during the n year period, plus

(B) The present value at the beginning of the n year period of the next unusual guaranteed cash surrender value, if any, minus.

(C) The amount of the last unusual guaranteed cash surrender value, if any, scheduled at the beginning of the n year period.

(II) The present value at the beginning of the n year period of the scheduled gross premiums payable during the n year period.

3. For purposes of this subsection, a policy is considered to have an unusual pattern of guaranteed cash surrender values if any future guaranteed cash surrender value exceeds the prior year's guaranteed cash surrender value by more than the sum of:

a. 110 percent of the scheduled gross premium for that year;

b. 110 percent of one year's accrued interest on the sum of the prior year's guaranteed cash surrender value and the scheduled gross premium using the nonforfeiture interest rate used for calculating policy guaranteed cash surrender values; and

c. 5 percent of the first policy year surrender charge, if any.

(e) Optional Exemption for Yearly Renewable Term Reinsurance. At the option of the company, the following approach for reserves on YRT reinsurance may be used:

1. Calculate the valuation net premium for each future policy year as the tabular cost of insurance for that future year.

2. Basic reserves shall never be less than the tabular cost of insurance for the appropriate period, as defined in paragraph (c).

3. Deficiency reserves.

a. For each policy year, calculate the excess, if greater than zero, of the valuation net premium over the respective maximum guaranteed gross premium.

b. Deficiency reserves shall never be less than the sum of the present values, at the date of valuation, of the excesses determined in accordance with paragraph (a) above.

4. For purposes of this subsection, the calculations use the maximum valuation interest rate and the 1980 CSO mortality tables with or without 10 year select mortality factors.

5. A reinsurance agreement shall be considered YRT reinsurance for purposes of this subsection if only the mortality risk is reinsured.

6. If the assuming company chooses this optional exemption, the ceding company's reinsurance reserve credit shall be limited to the amount of reserve held by the assuming company for the affected policies.

(f) Optional Exemption for Attained-Age-Based Yearly Renewable Term Life Insurance Policies. At the option of the company, the following approach for reserves for attained-age-based YRT life insurance policies may be used:

1. Calculate the valuation net premium for each future policy year as the tabular cost of insurance for that future year.

2. Basic reserves shall never be less than the tabular cost of insurance for the appropriate period, as defined in paragraph (6)(c).

3. Deficiency reserves.

a. For each policy year, calculate the excess, if greater than zero, of the valuation net premium over the respective maximum guaranteed gross premium.

b. Deficiency reserves shall never be less than the sum of the present values at the date of valuation of the excesses determined in accordance with sub-subparagraph a. above.

4. For purposes of this subsection, the calculations use the maximum valuation interest rate and the 1980 CSO valuation tables with or without 10 year select mortality factors.

5. A policy shall be considered an attained-age-based YRT life insurance policy for purposes of this subsection if:

a. The premium rates on both the initial current premium scale and the guaranteed maximum premium scale are based upon the attained age of the insured such that the rate for any given policy at a given attained age of the insured is independent of the year the policy was issued; and

b. The premium rates on both the initial current premium scale and the guaranteed maximum premium scale are the same as the premium rates for policies covering all insureds of the same sex, risk class, plan of insurance, and attained age.

6. For policies that become attained-age-based YRT policies after an initial period of coverage, the approach of this subsection may be used after the initial period if:

a. The initial period is constant for all insureds of the same sex, risk class, and plan of insurance; or

b. The initial period runs to a common attained age for all insureds of the same sex, risk class, and plan of insurance; and

c. After the initial period of coverage, the policy meets the conditions of subparagraph 5. above.

7. If this election is made, this approach shall be applied in determining reserves for all attained-age-based YRT life insurance policies issued on or after the effective date of this rule.

(g) Exemption from Unitary Reserves for Certain n-Year Renewable Term Life Insurance Policies. Unitary basic reserves and unitary deficiency reserves need not be calculated for a policy if the following conditions are met:

1. The policy consists of a series of n-year periods including the first period and all renewal periods where n is the same for each period, except that for the final renewal period, n may be truncated or extended to reach the expiry age; provided that:

a. This final renewal period is less than 10 years and less than twice the size of the earlier n-year periods, and

b. For each period, the premium rates on both the initial current premium scale and the guaranteed maximum premium scale are level;

2. The guaranteed gross premiums in all n-year periods are not less than the corresponding net premiums based upon the 1980 CSO Table with or without the 10 year select mortality factors; and

3. There are no cash surrender values in any policy year.

(h) Exemption from Unitary Reserves for Certain Juvenile Policies. Unitary basic reserves and unitary deficiency reserves need not be calculated for a policy if the following conditions are met, based upon the initial current premium scale at issue:

1. At issue, the insured is age 24 or younger;

2. Until the insured reaches the end of the juvenile period, which shall occur at or before age 25, the gross premiums and death benefits are level, and there are no cash surrender values; and

3. After the end of the juvenile period, gross premiums are level for the remainder of the premium paying period, and death benefits are level for the remainder of the life of the policy.

(7) Calculation of Minimum Valuation Standard for Flexible Premium and Fixed Premium Universal Life Insurance Policies that Contain Provisions Resulting in the Ability of a Policyowner to Keep a Policy in Force Over a Secondary Guarantee Period.

(a) General.

1. Policies with a secondary guarantee include:

a. A policy with a guarantee that the policy will remain in force at the original schedule of benefits, subject only to the payment of specified premiums;

b. A policy in which the minimum premium at any duration is less than the corresponding 1 year valuation premium, calculated using the maximum valuation interest rate and the 1980 CSO valuation tables with or without 10 year select mortality factors; or

c. A policy with any combination of subparagraph a. and b.

2. A secondary guarantee period is the period for which the policy is guaranteed to remain in force subject only to a secondary guarantee.

a. When a policy contains more than one secondary guarantee, the minimum reserve shall be the greatest of the respective minimum reserves at that valuation date of each unexpired secondary guarantee, ignoring all other secondary guarantees.

b. Secondary guarantees that are unilaterally changed by the insurer after issue shall be considered to have been made at issue.

c. Reserves described in paragraphs (b) and (c) below shall be recalculated from issue to reflect these changes.

3. Specified premiums mean the premiums specified in the policy, the payment of which guarantees that the policy will remain in force at the original schedule of benefits but which otherwise would be insufficient to keep the policy in force in

the absence of the guarantee if maximum mortality and expense charges and minimum interest credits were made and any applicable surrender charges were assessed.

4.a. For purposes of this section, the minimum premium for any policy year is the premium that, when paid into a policy with a zero account value at the beginning of the policy year, produces a zero account value at the end of the policy year.

b. The minimum premium calculation shall use the policy cost factors (including mortality charges, loads, and expense charges) and the interest crediting rate which are all guaranteed at issue.

5.a. The 1 year valuation premium means the net 1 year premium based upon the original schedule of benefits for a given policy year.

b. The 1 year valuation premiums for all policy years are calculated at issue.

c. The select mortality factors defined in subparagraphs (5)(b)2., 3., and 4. shall not be used to calculate the 1 year valuation premiums.

6. The 1 year valuation premium shall reflect the frequency of fund processing, as well as the distribution of deaths assumption employed in the calculation of the monthly mortality charges to the fund.

(b) Basic Reserves for the Secondary Guarantees.

1. Basic reserves for the secondary guarantees shall be the segmented reserves for the secondary guarantee period.

2. In calculating the segments and the segmented reserves, the gross premiums shall be set equal to the specified premiums, if any, or otherwise to the minimum premiums that keep the policy in force.

3. The segments will be determined according to the contract segmentation method as defined in paragraph (4)(b).

(c) Deficiency Reserves for the Secondary Guarantees. Deficiency reserves, if any, for the secondary guarantees shall be calculated for the secondary guarantee period in the same manner as described in paragraph (6)(b) with gross premiums set equal to the specified premiums, if any, or otherwise to the minimum premiums that keep the policy in force.

(d) Minimum Reserves. The minimum reserves during the secondary guarantee period are the greater of:

1. The basic reserves for the secondary guarantee plus the deficiency reserve, if any, for the secondary guarantees; or

2. The minimum reserves required by Rule 4-164.010, F.A.C., governing universal life plans.

(9) Effective Date.

(a) This rule shall be effective for policies issued on or after January 1, 2000 for valuation dates on or after the date this rule is adopted.

(b) For valuation dates prior to the effective date of this rule, at the option of the company, the company may report reserves for policies issued in calendar year 2000 based upon this rule.

Specific Authority 624.308(1), 625.121(5)(j) FS. Law Implemented 624.307(1), 625.121(5)(j) FS. History–New _____.

DEPARTMENT OF TRANSPORTATION

RULE CHAPTER TITLE: Highway Traffic Safety Program
 RULE CHAPTER NO.: 14-98
 RULE TITLES: Application and Award Procedures
 14-98.005
 Forms 14-98.008

PURPOSE AND EFFECT: Subsections 14-98.005(7),(10) and 14-98.008(6), F.A.C., are amended because of a revision to the Subgrant Application for Highway Safety Funds, FDOT Form 500-065-01. Part V. Acceptance and Agreement of that form has been extensively revised.

SUBJECT AREA TO BE ADDRESSED: Subsection 14-98.008(6), F.A.C., is amended to incorporate by reference a revised version of the Subgrant Application for Highway Safety Funds, FDOT Form 500-065-01. Subsections 14-98.005(7) and (10), F.A.C., also are being amended to update the revision date references to the same form.

SPECIFIC AUTHORITY: 334.044(2),(25) FS.
 LAW IMPLEMENTED: 334.044(25) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: James C. Myers, Clerk of Agency Proceedings, Florida Department of Transportation, Office of the General Counsel, 605 Suwannee Street, Mail Station 58, Tallahassee, Florida 32399-0458

THE PRELIMINARY TEXT OF THE PROPOSED RULES DEVELOPMENT IS:

- 14-98.005 Application and Award Procedures.
- (1) through (6) No change.
- (7) Two copies of the application form, Subgrant Application for Highway Safety Funds, FDOT Form 500-065-01, Rev. 06/03 ~~05/02~~, will be sent to those applicants whose concept papers are selected for funding. Applicants whose concept papers were not selected for funding will be notified by the Office.
- (8) through (9) No change.
- (10) The Office shall review all applications and will reject any applications not meeting the requirements of these rules and applicable Federal and State laws, within ten working days of receipt of said applications. In the event that an applicant submits a Subgrant Application for Highway Safety Funds, FDOT Form 500-065-01, Rev. 06/03 ~~05/02~~, for an activity that is not included in the Highway Safety Plan, the

application shall be rejected. Failure to reject any application within ten days shall not result in the automatic award of a subgrant. All subgrants are subject to funds availability.

(11) No change.

Specific Authority 334.044(2) FS. Law Implemented 334.044(25) FS. History–New 12-30-84, Amended 6-10-85, Formerly 9B-32.05, 9B-32.005, 11-19-89, Formerly 9G-15.005, Amended 12-7-93, 11-29-94, 1-17-99, 4-16-02, 8-6-02, _____.

14-98.008 Forms.

The following forms used in the Highway Traffic Safety Program are hereby incorporated by reference:

- (1) through (5) No change.
- (6) Subgrant Application for Highway Safety Funds – FDOT Form 500-065-01, Rev. 06/03 ~~05/02~~.
- (7) through (8) No change.

Copies of these forms may be obtained by writing or calling the Florida Department of Transportation, State Safety Office, 605 Suwannee Street, MS-17, Tallahassee, Florida 32399-0450; Telephone (850)488-5455.

Specific Authority 334.044(2),(25) FS. Law Implemented 334.044(25) FS. History–New 6-10-85, Formerly 9B-32.08, 9B-32.008, Amended 11-19-89, Formerly 9G-15.008, Amended 12-7-93, 6-14-94, 11-29-94, 4-16-02, 8-6-02, _____.

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

Pursuant to Chapter 2003-145, Laws of Florida, all notices for the Board of Trustees of the Internal Improvement Trust Fund are 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 CORRECTIONS

RULE TITLE: Control of Contraband
 RULE NO.: 33-602.203

PURPOSE AND EFFECT: The purpose of the proposed rule is to delete obsolete language from the rule. The effect is to remove reference to the Inmate Welfare Trust Fund and replace it with the General Revenue Fund which pursuant to Senate Bill 954 (2003).

SUBJECT AREA TO BE ADDRESSED: Contraband.

SPECIFIC AUTHORITY: 944.09, 945.215 FS.

LAW IMPLEMENTED: 944.47, 945.215 FS.

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

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

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

33-602.203 Control of Contraband.

(1) through (4) No change.

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

(b) In any facility in which inmate identification cards are used to authorize and initiate canteen transactions, any cash found in the possession of an inmate shall be considered contraband and deposited in the general revenue inmate welfare trust fund. An inmate identification card is contraband in the possession of anyone other than the inmate it identifies.

(6) through (8) No change.

Specific Authority 944.09, 945.215 FS. Law Implemented 944.47, 945.215 FS. History--New 10-8-76, Amended 2-24-81, 4-18-82, 8-13-84, 2-13-85, 6-2-85, Formerly 33-3.06, Amended 2-9-87, 11-3-87, 8-14-90, 11-22-91, 1-6-94, 5-28-96, 10-26-97, Formerly 33-3.006, Amended 3-2-00, 7-8-03, _____.

WATER MANAGEMENT DISTRICTS

Southwest Florida Water Management District

RULE TITLE: Forms and Instructions

RULE NO.: 40D-1.659

PURPOSE AND EFFECT: Forms that the District uses in its dealings with the public must be formally adopted by rule pursuant to Section 120.55(1)(a),(4), Florida Statutes. Section J of the Joint Application for Environmental Resource Permit/Authorization to use State Owned Submerged Lands/Federal Dredge and Fill Permit FORM 547.27/ERP (/) has not previously been incorporated into the District's rules. The purpose and effect of this rulemaking is to incorporate this form into the District's rules in compliance with the requirements of the above-referenced statutory provision.

SUBJECT AREA TO BE ADDRESSED: The incorporation into the District's rules of a new Section J of the Environmental Resource Permit Application.

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

LAW IMPLEMENTED: 373.116, 373.206, 373.207, 373.209, 373.216, 373.219, 373.229, 373.239, 373.306, 373.308, 373.309, 373.313, 373.323, 373.324, 373.339, 373.413, 373.414, 373.416, 373.419, 373.421 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: Jack R. Pepper, Senior Attorney, Office of General Counsel, Southwest Florida Water Management District, 2379 Broad Street, Brooksville, FL 34604-6899, (352)796-7211, Extension 4651

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

40D-1.659 Forms and Instructions.

The following forms and instructions have been approved by the Governing Board and are incorporated by reference into this Chapter. Copies of these forms may be obtained from the District.

GROUND WATER

(1) through (20) No change.

SURFACE WATER

Application for Permit – Used for Docks or Piers and Bulkheads

(1) JOINT APPLICATION FOR: ENVIRONMENTAL RESOURCE PERMIT/AUTHORIZATION TO USE STATE OWNED SUBMERGED LANDS/FEDERAL DREDGE AND FILL PERMIT FORM 547.27/ERP (/)

(2) through (14) No change.

Specific Authority 373.044, 373.113, 373.149, 373.171 FS. Law Implemented 373.116, 373.206, 373.207, 373.209, 373.216, 373.219, 373.229, 373.239, 373.306, 373.308, 373.309, 373.313, 373.323, 373.324, 373.339, 373.413, 373.414, 373.416, 373.419, 373.421 FS. History--New 12-31-74, Amended 10-24-76, Formerly 16J-0.40, 40D-1.1.901, 40D-1.901, Amended 12-22-94, 5-10-95, 10-19-95, 5-26-95, 7-23-96, 2-16-99, 7-12-99, 7-15-99, 12-2-99, 5-31-00, 10-26-00, 6-26-01, 11-4-01, 6-12-02, 8-25-02, 2-26-03, _____.

AGENCY FOR HEALTH CARE ADMINISTRATION

State Center for Health Statistics

RULE TITLES:	RULE NOS.:
Purpose of Ambulatory Patient Data Reporting	59B-9.010
Definitions	59B-9.013
Schedule for Submission of Ambulatory Patient Data and Extensions	59B-9.014
Reporting Instructions	59B-9.015
Ambulatory Patient Data Format – Data Elements, Codes and Standards	59B-9.018
Ambulatory Patient Data Format – Record Layout	59B-9.019
Data Standards	59B-9.020

PURPOSE AND EFFECT: The proposed rule amendments require emergency department patient data reporting beginning January 1, 2005. The rule amendments add ambulatory data elements, modify ambulatory data elements and codes, modify

ambulatory data formats, and eliminate data elements. The rule amendments require reporting by Internet transmission starting January 1, 2006 for emergency department patient data and ambulatory surgery patient data.

SUBJECT AREA TO BE ADDRESSED: The agency is proposing amendments to Rules 59B-9.010, 59B-9.013, 59B-9.015, 59B-9.018, 59B-9.019, and 59B-9.020, F.A.C., that require the reporting of emergency department data and modify ambulatory surgery reporting requirements.

SPECIFIC AUTHORITY: 408.15(8) FS.

LAW IMPLEMENTED: 408.061, 408.15(11) FS.

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

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

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Beth C. Dye, Bureau Chief, State Center for Health Statistics, Agency for Health Care Administration, Building 3, 2727 Mahan Drive, Tallahassee, Florida 32308

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

59B-9.010 Purpose of Ambulatory Patient Data Reporting.

The reporting of ambulatory patient data will provide a statewide integrated database that includes ~~of~~ ambulatory surgery surgical procedures and hospital emergency department services for the permit assessment of variations in utilization, disease surveillance practice parameters, access to ~~ambulatory care and estimates of cost trends for ambulatory procedures~~. The amendments appearing herein are effective with the reporting period starting January 1, 2005 ~~2003~~.

Specific Authority 408.15(8) FS. Law Implemented 408.061, 408.062, 408.063 FS. History--New 9-6-93, Formerly 59B-7.010, Amended 6-29-95, 12-28-98, 2-25-02,_____.

59B-9.013 Definitions.

(1) through (4) No change.

(5) "Visit" means a face to face encounter between a health care provider and a patient who is not formally admitted as an inpatient in an acute care hospital setting ~~and who is not treated in the emergency room~~. Visits which require the patient to appear in an ambulatory setting prior to the actual procedure (even if this occurs one or more days before the procedure) shall be counted as one visit.

(6) No change.

(7) "Attending Physician" means a licensed physician, dentist, podiatrist or chiropractor who has primary responsibility for the patient's medical care and treatment or

who certifies as to the medical necessity of the services rendered. The attending physician may be the ~~referring physician or the~~ operating or performing physician.

(8) "~~Other Operating or Performing~~ Physician" means a licensed physician, dentist, podiatrist, or chiropractor other than the attending physician who rendered care to the patient ~~has primary responsibility for the surgery or procedure performed~~.

(9) No change.

Specific Authority 408.15(8) FS. Law Implemented ~~395-002~~, 408.061, 408.062, 408.063 FS. History--New 9-6-93, Formerly 59B-7.013, Amended 6-29-95, 12-28-98, 7-11-01, 2-25-02,_____.

59B-9.014 Schedule for Submission of Ambulatory Patient Data and Extensions.

(1) ~~Ambulatory All ambulatory~~ centers ~~reporting their ambulatory patient data~~ shall report ambulatory patient data, as described in subsection 59B-9.015(2) and in the format set forth in Rule 59B-9.018 ~~59B-9.019~~, F.A.C., according to the following schedule:

(a) Each report covering patient visits ending ~~occurring~~ between January 1 and March 31, inclusive of each year, shall be submitted no later than June 10 of the calendar year during which the visit occurred.

(b) Each report covering patient visits ending ~~occurring~~ between April 1 and June 30, inclusive of each year, shall be submitted no later than September 10 of the calendar year during which the visit occurred.

(c) Each report covering patient visits ending ~~occurring~~ between July 1 and September 30, inclusive of each year, shall be submitted no later than December 10 of the calendar year during which the visit occurred.

(d) Each report covering patient visits ending ~~occurring~~ between October 1 and December 31, inclusive of each year, shall be submitted no later than March 10 of the calendar year following the year in which the visit occurred.

(2) No change.

Specific Authority 408.15(8) FS. Law Implemented 408.006(5), 408.061 FS. History--New 9-6-93, Formerly 59B-7.014, Amended 6-29-95,_____.

59B-9.015 Reporting Instructions.

(1) Ambulatory centers shall submit ambulatory patient data according to Rules 59B-9.018 ~~59B-9.018, 59B-9.019, and 59B-9.020~~, F.A.C.

(2) Ambulatory centers shall report data for:

(a) All ~~for all~~ non-emergency ~~room ambulatory or outpatient~~ visits in which surgery services were performed and the services provided correspond to a Current Procedural Terminology (CPT) code codes 10000 through 69999 or ~~and~~ 93500 through 93599. Codes must be valid in the current or the immediately preceding year's code book to be accepted.

(b) All emergency department visits in which emergency department registration occurs and the patient is not admitted for inpatient care at the reporting entity. Include all visits for which a billing record is created.

(3) Ambulatory centers shall ~~exclude report one record for each patient per visit, excluding records of any patient visit in which the outpatient and inpatient billing record is combined because the patient was transferred from ambulatory care and admitted to inpatient care within a facility at the same location per Rule 59A-3.203, F.A.C. If more than one visit for the same patient occurs on the same date, report one record which includes all required data for all visits of that patient to the ambulatory center occurring on that date. If more than one visit occurs on different dates by the same patient, Report report one record for each date of visit, except pre-operation visits may be combined with the record of the associated ambulatory surgery visit unless the dates of visits are directly associated to the service. See subsection 59B-9.013(5), F.A.C.~~

(4) For each patient visit, ambulatory centers shall report all services provided using procedural codes specified in subsection 59B-9.018(2), F.A.C. CPT or the Health Care Financing Administration Common Procedure Coding System (HCPCS) codes.

(5) ~~Ambulatory Beginning with the report of patient visits occurring between January 1 and March 31, 2002, inclusive, and thereafter, ambulatory centers shall submit ambulatory patient data reports to the agency using one of the following methods described in (a) or in (b) below except that for patient visits ending on or after January 1, 2006, January 1, 2002, the methods described in (b) data tapes must not be used except that an alternative method may be used if an exception is requested by the ambulatory center due to extraordinary or hardship circumstances and the exception is approved by the agency.~~

(a) Internet Transmission. The Internet address established for receipt of ambulatory patient data is www.fdhc.state.fl.us. Reports sent to the Internet address shall be electronically transmitted with the ambulatory data in a text (XML) (ASCII) file using the XML schema corresponding to the report period at www.fdhc.state.fl.us. The file shall contain a complete set of ambulatory patient data for the calendar quarter. Each record of the text file must be terminated with a carriage return (hex '0D') and line feed mark (hex '0A'). The data in the text file shall contain the same data elements, elements and codes, the same record layout and meet the same data standards required for tapes or diskettes mailed to the agency as described in Rules 59B-9.018 59B-9.018, 59B-9.019 and 59B-9.020, F.A.C.

(b) ~~Tapes, CD-ROM or diskettes shall be sent to the agency's mailing address: Agency for Health Care Administration, 2727 Mahan Drive, Tallahassee, Florida 32308. Attention: State Center for Health Statistics. Electronic media specifications are:~~

~~1. Tape:~~

- ~~a. Density—1600 or 6250 BPI, 9 track~~
- ~~b. Collating Sequence—EBCDIC or ASCII~~
- ~~c. Record Length—400 Characters, Fixed~~
- ~~d. Blocking—Unblocked~~
- ~~e. Labeling—No Label~~

~~2. Diskette and CD-ROM:~~

~~1.a. MS-DOS formatted~~

~~2.b. PC Text File (XML) with the schema corresponding to the report period described at www.fdhc.state.fl.us (ASCII)~~

~~e. Record Length:—Header Record—400 Characters, Ambulatory Data Record—400 Characters, Trailer Record—400 Characters. Carriage return and line feed are not included in the stated record length.~~

~~3.d. Type: 3.5" diskette, 1.4MB, hd; or CD-ROM.~~

~~4.e. FILENAME: (e.g., AS10QYY.XML AS10QYY.TXT)~~

The 5th position shall should contain the quarter (1-4) and the 6th and 7th position shall contain the year. XML TXT indicates an XML a text file.

~~f. Each record must be terminated with a carriage return of hex '0D' and line feed mark of hex '0A'.~~

~~5.g. Only one (1) file per diskette set or CD-ROM is allowable. Data requiring more than one diskette shall have the same internal file name. Data requiring more than one (1) diskette shall be externally labeled 1 of x, 2 of x, etc. (x = total number of diskettes).~~

(6) Ambulatory centers submitting diskettes tapes or diskettes, shall affix the following external identification, or for CD-ROM, use a standard CD-ROM external label with the following information:

- (a) Ambulatory center name
- (b) AHCA center identification in the AHCA format
- (c) Reporting period
- (d) Number of records excluding the header record and the trailer record

~~(e) Tape Density: 1600/6250 BPI~~

~~(f) Tape Collating Sequence~~

~~(e)(g) Diskette or CD-ROM Filename as in Rule 59B-9.015, F.A.C., above.~~

~~(f)(h) The description: "AMBULATORY PATIENT DATA"~~

Specific Authority 408.15(8) FS. Law Implemented 408.061, 408.062, 408.063 FS. History—New 9-6-93, Formerly 59B-7.015, Amended 6-29-95, 12-28-98, 1-4-00, 7-11-01, 2-25-02, _____.

59B-9.018 Ambulatory Patient Data Format – Data Elements, Codes, and Standards Data Elements Codes.

(1) Header Record: The first record in the data file shall be a header record ~~with a logical record length of 400 characters,~~ containing the ~~following information described below in the prescribed format. This record must precede any documentation submitted for ambulatory patient data records.~~ If diskettes are submitted, the header record must be placed as

the first record on the first diskette of the data set. A header record must accompany each data set and must be placed as the first record on the first diskette of the data set.

DATA ELEMENT	DESCRIPTION
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(a) Transaction Code – Enter Q for a calendar quarter report or S for a report period other than a calendar quarter where the special report is requested or authorized by the agency to receive data corrections “H” for header record in the first position.

(b) Report Reporting Year – Enter A 4 digit field specifying the year of the data in the format YYYY.

(c) Report Reporting Quarter – Enter A 1 digit field specifying the quarter of the data, 1,2,3 or 4, where 1 corresponds to the first quarter of the calendar year, 2 corresponds to the second quarter of the calendar year, 3 corresponds to the third quarter of the calendar year, and 4 corresponds to the fourth quarter of the calendar year, that the data pertains to:

- 1= Jan. 1 through Mar. 31
- 2= Apr. 1 through Jun. 30
- 3= Jul. 1 through Sept. 30
- 4= Oct. 1 through Dec. 31

(d) Data Type – Enter A required four character alphanumeric code. Use AS10 for Ambulatory Data.

(e) Submission Type – Enter I, R, or C A 1 character field for submission where I indicates an initial submission of data or resubmission of previously rejected data, R indicates a replacement submission of previously processed and accepted ambulatory patient data, and C indicates an individual record correction or set of individual record corrections where submission of a correction or corrections is requested or authorized by the agency. type: I = Initial. This is the first submission for the time period. All submissions which are not “I” will be “R” R = re-submission. This code is used to replace previously submitted records for the specified time period. All existing data for the time period will be deleted and replaced with the new data set.

(f) Processing Date – Enter MMDDYYYY; the date that the data file was created by the submitter in the format YYYY-MM-DD where MM represents numbered months of the year from 1 to 12, DD represents numbered days of the month from 1 to 31, and YYYY represents the year in four digits.

(g) AHCA Ambulatory Center Number – Enter the eight A 10 digit identification number of the ambulatory center as assigned by AHCA for reporting purposes. A numeric field, right justify.

(h) Florida License Number Zero fill for this header record only.

(i) Provider Medicaid Number A 10 digit number provided for Medicaid providers. If not a Medicaid provider, zero fill.

(j) Provider Medicare Number A 10 digit number provided for Medicare providers. If not a Medicare provider, zero fill.

(h)(k) Provider Organization Name – Enter the name of the ambulatory center that performed the ambulatory services represented by the data, and which is responsible for reporting the data. All questions regarding data accuracy and integrity will be referred to this entity. Up to a forty character field. The name of the health care entity reporting the patient data records.

(i)(l) Provider Contact Person Name – Enter the name of the contact person at the ambulatory center. Submit name in the Last, First format. Up to a twenty-five character field. The name of the contact person at the health care entity providing the patient data records.

(j)(m) Provider Contact Person Telephone Number – The area code, business telephone number, and if applicable required, extension for the contact person at the health care entity providing the patient data records. Enter the contact person telephone number in the format (AAA)XXX-XXXX-EEEE where AAA is the area code, and EEEE is the extension. Zero fill if no extension.

(k) Contact Person E-Mail Address – The e-mail address of the contact person.

(l) Contact Person Address – Enter the mailing address of the contact person. Up to a forty character field.

(m) Mailing Address City – Enter the city of the address of the contact person. Up to a twenty-five character field.

(n) Mailing Address State – Enter the state of the address of the contact person using the U.S. Postal Service state abbreviation in the format XX. Use the abbreviation FL for Florida.

(o) Mailing Address Zip Code – Enter the zip code of the address of the contact person in the format XXXXX-XXXX. Zero fill if no extension.

(n) Submitter Organization Name The name of the organization that produced the data file that is being submitted.

(o) Submitter Contact Person Name The name of the person at the submitting organization responsible for submitting the data file.

(p) Submitter Contact Person Telephone Number The area code, telephone number, and if required, extension for the contact person at the organization submitting the data file.

(q) Filler A field of 183 spaces, to be left blank.

(2) Individual Data Records: All data elements and data element codes listed below shall be reported consistent with the records of the reporting entity. Data elements and codes are listed with a description of the data to be reported and data standards.

DATA ELEMENT	DESCRIPTION
(a) AHCA Ambulatory Center ID Number	= An eight 8 digit ambulatory center identification number assigned by for AHCA for reporting purposes. <u>The number must match the ambulatory center number recorded on the CD-ROM or diskette external label and header record.</u> A required entry.
(b) Record Identification Number	= An alpha-numeric code <u>containing standard letters or numbers</u> assigned by the facility at the time of reporting as a unique identifier for each record submitted in the reporting period for each reporting period , to facilitate storage and retrieval of individual case records. Up to seventeen <u>twelve</u> characters. <u>A required entry.</u> Duplicate record identification numbers are not permitted.
(c) Patient Social Security Number	= The social security number (SSN) of the patient who received treatment/services . A nine 9 digit field to facilitate retrieval of individual case records, to be used to track <u>multiple patient visits readmissions</u> , and for <u>medical epidemiological</u> research. <u>Reporting 000000000 is acceptable for newborns and infants up to 2 years of age who do not have a SSN. For patients not from the United States, use 555555555 if a SSN is not assigned. For those patients where efforts to obtain the SSN have been unsuccessful or where one is unavailable, and the patient is 2 years of age or older and not known to be from a country other than the United States, use 777777777.</u> A required entry.
(d) Patient Race or Ethnicity	Racial Background = Self-designated by the patient or patient's parent or guardian except code 8 indicating no response may be reported where efforts to obtain the information have been unsuccessful. <u>A required entry. Must be a A one digit code as follows:</u>
1. 1 – American Indian or Alaska Native	4 – American Indian/Eskimo/Aleut. 2. 2 – Asian or Pacific Islander. 3. 3 – Black or African American. 4. 4 – White. 5. 5 – White Hispanic. 6. 6 – Black Hispanic. 7. 7 – Other. Use 7 – Other (Use if the patient's self-designated race or ethnicity patient is not described by the above categories. categories.) 8. 8 – No response. Use 8 – No response (Use if the patient refuses or fails to disclose.)
(e) Patient Birth Date	= The date of birth of the patient. MMDDYYYY An A ten character 8-digit field in the format YYYY-MM-DD where MM represents the numbered months of the year from 1 to 12, DD represents numbered days of the month from 1 to 31, and YYYY represents the year in four digits field. Use 9999-99-99 where efforts to obtain the patient's birth date have been unsuccessful. Age greater than 120 years is not permitted unless verified by the reporting entity. A birth date after the patient visit ending date is not permitted. A required entry.
(f) Patient Sex	= The gender of the patient. A required entry. <u>Must be a A one digit code as follows:</u>
1. 1 – Male.	
2. 2 – Female.	
3. 3 – Unknown	<u>shall be reported where efforts to obtain the information have been unsuccessful or where the patient's sex cannot be determined due to a medical condition. (Use if unknown due to medical condition.)</u>
(g) Patient Zip Code	= The five digit United States Postal Service ZIP Code of the patient's permanent residence. Use 00009 for foreign residences. Use 00007 for homeless patients. Use 00000 where efforts to obtain the information have been unsuccessful. A required entry. A five digit zip code of the patient's permanent address: XXXXX
(h) Patient Visit Beginning Date	= The date at the beginning of the patient's visit for ambulatory surgery or the date at the time of registration in the emergency department. MMDDYYYY An A ten character 8 digit field in the format YYYY-MM-DD where MM represents the numbered months of the year from 1 to 12, DD represents numbered days of the month from 1 to 31, and YYYY represents the year in four digits field. Patient visit beginning date must equal or precede the patient visit ending date. A required entry.
(i) Principal Payer Code	= Describes the primary source of expected reimbursement for services rendered. A required entry. <u>Must be a A one character field using upper case as follows:</u>
1. A – Medicare.	
2. B – Medicare HMO.	
3. C – Medicaid.	
4. D – Medicaid HMO.	
5. E – Commercial Insurance.	
6. F – Commercial HMO.	
7. G – Commercial PPO.	
8. H – Workers' Compensation.	
9. I – CHAMPUS.	
10. J – VA.	
11. K – Other State/Local Government Govt.	
12. L – Self Pay. No third party coverage.	Self Pay (No third party coverage).
13. M – Other.	
14. N – Charity.	
15. O – KidCare.	<u>Includes KidCare (Report Healthy Kids, MediKids and Children's Medical Services. Required for ambulatory visits occurring on or after January 1, 2003.)</u>
16. P – Unknown.	<u>Unknown shall be reported if principal payer information is not available and type of service is "2" and patient status is "07".</u>
(j) Principal Diagnosis Code	= The code representing the diagnosis chiefly responsible for the services performed during the visit. <u>Must contain a valid ICD-9-CM or ICD-10-CM diagnosis code if type of service is "1" indicating ambulatory</u>

surgery. Must contain a valid ICD-9-CM or ICD-10-CM diagnosis code if type of service is "2" indicating an emergency department visit unless patient status is "07" indicating that the patient left against medical advice or discontinued care. A blank field is permitted if type of service is "2" and patient status is "07" consistent with the records of the reporting entity. If not space filled, must contain a valid ICD-9-CM diagnosis code or valid ICD-10-CM diagnosis code for the reporting period. Inconsistency between the principal diagnosis code and patient sex must be verified by the reporting entity. Inconsistency between the principal diagnosis code and patient age must be verified by the reporting entity. A diagnosis code cannot be used more than once as a principal or other diagnosis for each visit reported. The code must be entered with a decimal point that is included in the valid code and without use of a zero or zeros that are not included in the valid code. The ICD-9-CM codes(s). Enter the primary diagnosis related to the services provided. Left justified, space filled, no decimal. Make certain that blank spaces are not interspersed between codes.

(k) through (n) Other Diagnosis Code (1), Other Diagnosis (2), Other Diagnosis (3), Other Diagnosis (4), Other Diagnosis (5), Other Diagnosis (6), Other Diagnosis (7), Other Diagnosis (8), Other Diagnosis (9) Codes – A code representing a diagnosis related to the services provided during the visit. If no principal diagnosis code is reported, other diagnosis code must not be reported. No more than nine other diagnosis codes may be reported. Less than nine entries or no entry is permitted consistent with the records of the reporting entity. If not space filled, must contain a valid ICD-9-CM code or valid ICD-10-CM code for the reporting period. Inconsistency between the diagnosis code and patient sex must be verified by the reporting entity. Inconsistency between the diagnosis code and patient age must be verified by the reporting entity. A diagnosis code cannot be used more than once as a principal or other diagnosis for each visit reported. The code must be entered with use of a decimal point that is included in the valid code and without use of a zero or zeros that are not included in the valid code. The ICD-9-CM codes(s). Enter all other diagnoses related to the services provided. Left justified, space filled, no decimal, includes E codes. Make certain that blank spaces are not interspersed between codes.

(l)(+) Principal CPT or HCPCS Primary Procedure Code = The code representing the procedure or service most related to the principal diagnosis. Must contain a valid CPT code between 10000 and 69999, inclusive, or between 93500 and 93599, inclusive if type of service is "1" indicating ambulatory surgery. Must contain a valid HCPCS or CPT evaluation and management code if type of service is "2" indicating an emergency department visit and patient status is not "07." Must contain a valid HCPCS or CPT evaluation and management code, or a blank field, consistent with the records of the reporting entity, if type of service is "2" indicating an emergency department visit and patient status is "07"

indicating that the patient left against medical advice or discontinued care. If not space filled, must contain a valid CPT or HCPCS procedure code. Inconsistency between the principal procedure code and patient sex must be verified by the reporting entity. Inconsistency between the principal procedure code and patient age must be verified by the reporting entity. The code must be five digits and valid for the reporting period. The CPT codes(s). Enter the primary procedure codes for services provided. Enter five digits. Make certain that blank spaces are not interspersed between codes. CPT codes must be recent. Codes must be valid in the current or immediately preceding year's code book to be accepted. This code is directly related to the primary diagnosis.

(p) Primary Procedure Modifier Code (Optional) The CPT modifier code. Enter primary procedure modifier.

(q) Primary Procedure Modifier Code (Optional) The CPT modifier code. Enter primary procedure modifier.

(m)(+) Other CPT Procedure Code (1), Other CPT Procedure Code (2), Other CPT Procedure Code (3), Other CPT Procedure Code (4), Other CPT Procedure Code (5), Other CPT Procedure Code (6), Other CPT Procedure Code (7), Other CPT Procedure Code (8), Other CPT Procedure Code (9) – A code representing a procedure or service provided during the visit. If no principal CPT or HCPCS procedure is reported, other CPT procedure code must not be reported. No more than nine other CPT procedure codes may be reported. Less than nine entries or no entry is permitted consistent with the records of the reporting entity. If not space filled, must be a valid CPT or HCPCS code. Inconsistency between the procedure code and patient sex must be verified by the reporting entity. Inconsistency between the procedure code and patient age must be verified by the reporting entity. The code must be five digits and valid for the reporting period. The CPT or HCPCS code. Enter all procedure codes for services provided. Enter five characters. Make certain that blank spaces are not interspersed between codes. CPT codes must be recent. Codes must be valid in the current or immediately preceding year's code book to be accepted.

(s) Other Procedure Modifier Code (Optional) The CPT modifier code. Enter other procedure (r) modifier.

(t) Other Procedure Modifier Code (Optional) The CPT modifier code. Enter other procedure (r) modifier.

(u) Other Procedure Code The CPT or HCPCS code. Enter all procedure codes for services provided. Enter five characters. Make certain that blank spaces are not interspersed between codes. CPT codes must be recent. Codes must be valid in the current or immediately preceding year's code book to be accepted.

(v) Other Procedure Modifier Code (Optional) The CPT modifier code. Enter other procedure (u) modifier.

(w) Other Procedure Modifier Code (Optional) The CPT modifier code. Enter other procedure (u) modifier.

(x) ~~Other Procedure Code The CPT or HCPCS code. Enter all procedure codes for services provided. Enter five characters. Make certain that blank spaces are not interspersed between codes. CPT codes must be recent. Codes must be valid in the current or immediately preceding year's code book to be accepted.~~

(y) ~~Other Procedure Modifier Code (Optional) The CPT modifier code. Enter other procedure (x) modifier.~~

(z) ~~Other Procedure Modifier Code (Optional) The CPT modifier code. Enter other procedure (x) modifier.~~

(aa) ~~Other Procedure Code The CPT or HCPCS code. Enter all procedure codes for services provided. Enter five characters. Make certain that blank spaces are not interspersed between codes. CPT codes must be recent. Codes must be valid in the current or immediately preceding year's code book to be accepted.~~

(bb) ~~Other Procedure Modifier Code (Optional) The CPT modifier code. Enter other procedure (aa) modifier.~~

(cc) ~~Other Procedure Modifier Code (Optional) The CPT modifier code. Enter other procedure (aa) modifier.~~

(dd) ~~Other Procedure Code The CPT or HCPCS code. Enter all procedure codes for services provided. Enter five characters. Make certain that blank spaces are not interspersed between codes. CPT codes must be recent. Codes must be valid in the current or immediately preceding year's code book to be accepted.~~

(ee) ~~Other Procedure Modifier Code (Optional) The CPT modifier code. Enter other procedure (dd) modifier.~~

(ff) ~~Other Procedure Modifier Code (Optional) The CPT modifier code. Enter other procedure (dd) modifier.~~

(gg) ~~Other Procedure Code The CPT or HCPCS code. Enter all procedure codes for services provided. Enter five characters. Make certain that blank spaces are not interspersed between codes. CPT codes must be recent. Codes must be valid in the current or immediately preceding year's code book to be accepted.~~

(hh) ~~Other Procedure Modifier Code (Optional) The CPT modifier code. Enter other procedure (gg) modifier.~~

(ii) ~~Other Procedure Modifier Code (Optional) The CPT modifier code. Enter other procedure (gg) modifier.~~

(jj) ~~Other Procedure Code The CPT or HCPCS code. Enter all procedure codes for services provided. Enter five characters. Make certain that blank spaces are not interspersed between codes. CPT codes must be recent. Codes must be valid in the current or immediately preceding year's code book to be accepted.~~

(kk) ~~Other Procedure Modifier Code (Optional) The CPT modifier code. Enter other procedure (jj) modifier.~~

(ll) ~~Other Procedure Modifier Code (Optional) The CPT modifier code. Enter other procedure (jj) modifier.~~

(mm) ~~Other Procedure Code The CPT or HCPCS code. Enter all procedure codes for services provided. Enter five characters. Make certain that blank spaces are not interspersed between codes. CPT codes must be recent. Codes must be valid in the current or immediately preceding year's code book to be accepted.~~

(nn) ~~Other Procedure Modifier Code (Optional) The CPT modifier code. Enter other procedure (mm) modifier.~~

(oo) ~~Other Procedure Modifier Code (Optional) The CPT modifier code. Enter other procedure (mm) modifier.~~

(pp) ~~Other Procedure Code The CPT or HCPCS code. Enter all procedure codes for services provided. Enter five characters. Make certain that blank spaces are not interspersed between codes. CPT codes must be recent. Codes must be valid in the current or immediately preceding year's code book to be accepted.~~

(qq) ~~Other Procedure Modifier Code (Optional) The CPT modifier code. Enter other procedure (pp) modifier.~~

(rr) ~~Other Procedure Modifier Code (Optional) The CPT modifier code. Enter other procedure (pp) modifier.~~

(ss) ~~Other Procedure Code The CPT or HCPCS code. Enter all procedure codes for services provided. Enter five characters. Make certain that blank spaces are not interspersed between codes. CPT codes must be recent. Codes must be valid in the current or immediately preceding year's code book to be accepted.~~

(tt) ~~Other Procedure Modifier Code (Optional) The CPT modifier code. Enter other procedure (ss) modifier.~~

(uu) ~~Other Procedure Modifier Code (Optional) The CPT modifier code. Enter other procedure (ss) modifier.~~

(vv) ~~Other Procedure Code The CPT or HCPCS code. Enter all procedure codes for services provided. Enter five characters. Make certain that blank spaces are not interspersed between codes. CPT codes must be recent. Codes must be valid in the current or immediately preceding year's code book to be accepted.~~

(ww) ~~Other Procedure Modifier Code (Optional) The CPT modifier code. Enter other procedure (vv) modifier. (xx) Other Procedure Modifier Code (Optional) The CPT modifier code. Enter other procedure (vv) modifier.~~

(yy) ~~Other Procedure Code The CPT or HCPCS code. Enter all procedure codes for services provided. Enter five characters. Make certain that blank spaces are not interspersed between codes. CPT codes must be recent. Codes must be valid in the current or immediately preceding year's code book to be accepted.~~

(zz) ~~Other Procedure Modifier Code (Optional) The CPT modifier code. Enter other procedure (yy) modifier.~~

(aaa) ~~Other Procedure Modifier Code (Optional) The CPT modifier code. Enter other procedure (yy) modifier.~~

(bbb) ~~Other Procedure Code The CPT or HCPCS code. Enter all procedure codes for services provided. Enter five characters. Make certain that blank spaces are not interspersed~~

between codes. CPT codes must be recent. Codes must be valid in the current or immediately preceding year's code book to be accepted.

(eee) Other Procedure Modifier Code (Optional) The CPT modifier code. Enter other procedure (bbb) modifier.

(ddd) Other Procedure Modifier Code (Optional) The CPT modifier code. Enter other procedure (bbb) modifier. (eee) Other Procedure Code The CPT or HCPCS code. Enter all procedure codes for services provided. Enter five characters. Make certain that blank spaces are not interspersed between codes. CPT codes must be recent. Codes must be valid in the current or immediately preceding year's code book to be accepted.

(fff) Other Procedure Modifier Code (Optional) The CPT modifier code. Enter other procedure (eee) modifier.

(ggg) Other Procedure Modifier Code (Optional) The CPT modifier code. Enter other procedure (eee) modifier.

(n)(hhh) Attending Ordering Physician Identification Number ID # – The Florida license number of the attending physician, dentist, podiatrist or chiropractor. Report the physician who had primary responsibility for the patient's care during the visit. Enter the Florida license number of the attending physician, beginning with "FL". An eleven character alpha-numeric field of up to eleven characters (e.g., FLME1234567). If out of state physician, fill with the physician's state two letter abbreviation and 9's (e.g., NY999999999 for a physician from New York). For non-U.S. physicians (a physician licensed and practicing in another country and not licensed in the U.S.), fill with "XX" and 9's (e.g., XX999999999). For military physicians not licensed in Florida, use US, fill with "US" and 9's (e.g., US999999999). Use NA if the patient was not treated by a physician, dentist, podiatrist or chiropractor. A required entry.

(iii) Blank Field A six character alpha-numeric field to be left blank.

(o)(jjj) Other Operating or Performing Physician Identification Number ID # – The Florida license number of a physician, dentist, podiatrist or chiropractor who rendered care to the patient other than the physician, dentist, podiatrist or chiropractor reported in (n) above. Enter the Florida license number of the operating or performing physician, beginning with "FL". An eleven character alpha-numeric field of up to eleven characters (e.g., FLME1234567). A blank or no entry is permitted consistent with the records of the reporting entity.

(kkk) Blank Field A six character alpha-numeric field to be left blank.

(p)(HH) Pharmacy Charges – Charges for medication, reported in dollars numerically without dollar signs or commas, excluding cents. Report 0 (zero) if there are no pharmacy charges. Negative amounts are not permitted unless verified separately by the reporting entity. A required entry. Enter up to 6 digits to reflect total pharmacy charges.

(q) Medical and Surgical Supply Charges – Charges for supply items required for patient care, reported in dollars numerically without dollar signs or commas, excluding cents. Report 0 (zero) if there are no medical and surgical supply charges. Negative amounts are not permitted unless verified separately by the reporting entity. A required entry.

(mmm) Med./Surgical Supp. Charges Enter up to 6 digits to reflect total medical and surgical supply charges.

(nnn) Radiation Oncology Charges Enter up to 6 digits to reflect total oncology charges.

(r)(ooo) Laboratory Charges – Charges for the performance of diagnostic and routine clinical laboratory tests, reported in dollars numerically without dollar signs or commas, excluding cents. Report 0 (zero) if there are no laboratory charges. Negative amounts are not permitted unless verified separately by the reporting entity. A required entry. Enter up to 6 digits to reflect total laboratory charges.

(s) Radiology and Other Imaging Charges – Charges for the performance of diagnostic and therapeutic radiology services including computed tomography, mammography, magnetic resonance imaging, nuclear medicine, and chemotherapy, reported in dollars numerically without dollar signs or commas, excluding cents. Report 0 (zero) if there are no radiology or computed tomography charges.

(ppp) CT Scan Charges Enter up to 6 digits to reflect total computerized axial tomography (CAT) scan charges.

(t) Cardiology Charges – Charges for cardiac procedures rendered such as heart catheterization, reported in dollars numerically without dollar signs or commas, excluding cents. Report 0 (zero) if there are no cardiology charges. Negative amounts are not permitted unless verified separately by the reporting entity. A required entry.

(u)(qqq) Operating Room Charges – Charges for the use of the operating room, reported in dollars numerically without dollar signs or commas, excluding cents. Report 0 (zero) if there are no operating room charges. Negative amounts are not permitted unless verified separately by the reporting entity. A required entry. Enter up to 6 digits to reflect total operating room charges.

(rrr) Anesthesia Charges Enter up to 6 digits to reflect total anesthesia charges.

(sss) MRI Charges Enter up to 6 digits to reflect total magnetic resonance imaging (MRI) charges.

(v) Emergency Room Charges – Charges for medical examinations and emergency treatment, reported in dollars numerically without dollar signs or commas, excluding cents. Report 0 (zero) if there are no emergency room charges. Negative amounts are not permitted unless verified separately by the reporting entity. A required entry.

(ttt) Recovery Room Charges Enter up to 6 digits to reflect total recovery room charges.

(w)(uuu) Treatment or Observation Room Charges – Charges for use of a treatment room or for the room charge associated with observation services, reported in dollars numerically without dollar signs or commas, excluding cents. Report 0 (zero) if there are no treatment or observation room charges. Negative amounts are not permitted unless verified separately by the reporting entity. A required entry. Enter up to 6 digits to reflect total treatment or observation room charges.

(x)(vvv) Other Charges – Other facility charges not included in (p) to (u) above, reported in dollars numerically without dollar signs or commas, excluding cents. Report 0 (zero) if there are no other charges. Negative amounts are not permitted unless verified separately by the reporting entity. A required entry. Enter up to 6 digits to reflect any other charges that do not fall into any of the categories above.

(y)(www) Total Gross Charges – The total of undiscounted A required field. Enter up to 8 digits. Total billed charges to the patient for services rendered for the visit by the reporting entity, reported in dollars numerically without dollar signs or commas, excluding cents. Include charges for services rendered by the ambulatory center excluding professional fees. Zero (0) or negative amounts are not permitted unless verified separately by the reporting entity. Amounts exceeding 50000 must be verified separately by the reporting entity if type of service is “1” indicating ambulatory surgery. Amounts exceeding 100000 must be verified separately by the reporting entity if type of service is “2” indicating an emergency department visit. The sum of pharmacy charges, medical and surgical supply charges, laboratory charges, operating room charges, emergency room charges, treatment or observation room charges, and other charges must equal total charges, plus or minus 10. A required entry. Include charges for the standard package of surgical procedure services as defined by CPT and charges for all other technical services and professional radiological services if facility bills globally, provided for this encounter. Round to the nearest dollar. No negative numbers.

(z) Type of Service Code – A code designating the type of service, either ambulatory surgery or emergency department visit. A required entry. Must be a one digit code as follows:

1. 1 – Ambulatory surgery, as described in paragraph 59B-9.015(2)(a), F.A.C.

2. 2 – Emergency department visit, as described in paragraph 59B-9.015(2)(b), F.A.C.

(aa) Patient Visit Ending Date – The date at the end of the patient’s visit. MMDDYYYY A ten character 8 digit field in the format YYYY-MM-DD where MM represents the numbered months of the year from 1 to 12, DD represents numbered days of the month from 1 to 31, and YYYY represents the year in four digits, field. Patient visit ending date must equal or follow the patient visit beginning date. Patient visit ending data must occur within the calendar quarter recorded on the CD-ROM or diskette external label and header record. A visit exceeding 2 days as determined by the patient

visit beginning date and patient visit ending date must be verified by the reporting entity. A blank field is not permitted unless type of service is “2” indicating an emergency department visit and patient status is “07” indicating the patient left against medical advice or discontinued care.

(bb) Hour of Arrival – The hour on a 24-hour clock during which the patient’s visit for ambulatory surgery began or during which registration in the emergency department occurred. A required entry. Use 99 where efforts to obtain the information have been unsuccessful. Must be two digits as follows:

1. 00 – 12:00 midnight to 12:59

2. 01 – 01:00 to 01:59

3. 02 – 02:00 to 02:59

4. 03 – 03:00 to 03:59

5. 04 – 04:00 to 04:59

6. 05 – 05:00 to 05:59

7. 06 – 06:00 to 06:59

8. 07 – 07:00 to 07:59

9. 08 – 08:00 to 08:59

10. 09 – 09:00 to 09:59

11. 10 – 10:00 to 10:59

12. 11 – 11:00 to 11:59

13. 12 – 12:00 noon to 12:59

14. 13 – 01:00 to 01:59

15. 14 – 02:00 to 02:59

16. 15 – 03:00 to 03:59

17. 16 – 04:00 to 04:59

18. 17 – 05:00 to 05:59

19. 18 – 06:00 to 06:59

20. 19 – 07:00 to 07:59

21. 20 – 08:00 to 08:59

22. 21 – 09:00 to 09:59

23. 22 – 10:00 to 10:59

24. 23 – 11:00 to 11:59

25. 99 – Unknown.

(cc) Patient’s Reason for Visit (Admitting Diagnosis) – The code representing the patient’s chief complaint or stated reason for seeking care. Must contain a valid ICD-9-CM code or valid ICD-10-CM code for the reporting period if type of service is “2” indicating an emergency department visit unless the patient fails to disclose or the information is unavailable. A blank field is permitted if the patient fails to disclose or efforts to obtain the information have been unsuccessful consistent with the records of the reporting entity. If not space filled, must contain a valid ICD-9-CM or ICD-10-CM diagnosis code. The code must be entered with use of a decimal point that is included in the valid code and without use of a zero or zeros that are not included in the valid code. Space fill if type of service is “1” indicating ambulatory surgery.

(xxx) Radiology Professional Fees Indicator A required field. A one digit code. 1 = Yes. 2 = No. "Yes" means total charges reported in the data field (www) include professional fees for radiology. "No" means total charges in data field (www) do not include professional fees for radiology services.

(yyy) Blank Field A two character alpha numeric field to be left blank.

(dd)(zzz) Principal ICD Procedure Code (Optional) – The code representing the procedure or service most related to the principal diagnosis. A blank field is permitted if type of service is "1" indicating ambulatory surgery. A blank or no entry is permitted consistent with the records of the reporting entity if type of service is "2" indicating an emergency department visit. If not space filled, must contain a valid ICD-9-CM or ICD-10-CM procedure code for the reporting period. Inconsistency between the principal procedure code and patient sex must be verified by the reporting entity. Inconsistency between the principal procedure code and patient age must be verified by the reporting entity. The code must be entered with use of a decimal point that is included in the valid code and without use of a zero or zeros that are not included in the valid code. The ICD-9-CM code. Enter the principal procedure code related to the primary procedure. Left justified, space filled, no decimal.

(ee) Other ICD Procedure Code (1), Other ICD Procedure Code (2), Other ICD Procedure Code (3), Other ICD Procedure Code (4) – A code representing a procedure or service provided during the visit. If no principal ICD procedure is reported, other ICD procedure code must not be reported. No more than four other ICD procedure codes may be reported. A blank or no entry is permitted if type of service is "1." Less than four or no entry is permitted if type of service is "2" consistent with the records of the reporting entity. If not space filled, must be a valid ICD-9-CM or ICD-10-CM procedure code for the reporting period. Inconsistency between the procedure code and patient sex must be verified by the reporting entity. Inconsistency between the procedure code and patient age must be verified by the reporting entity. The code must be entered with use of a decimal point that is included in the valid code and without use of a zero or zeros that are not included in the valid code.

(ff) External Cause of Injury Code (1), External Cause of Injury Code (2), and External Cause of Injury Code (3) – A code representing circumstances or conditions as the cause of the injury, poisoning, or other adverse effects recorded as a diagnosis. No more than three external cause of injury codes may be reported. Less than three or no entry is permitted consistent with the records of the reporting entity. If not space filled, must be a valid ICD-9-CM or ICD-10-CM cause of injury code for the reporting period. An external cause of injury code cannot be used more than once for each visit

reported. The code must be entered with use of a decimal point that is included in the valid code and without use of a zero or zeros that are not included in the valid code.

(gg)(aaaa) Patient Status – Patient disposition at end of visit. A required entry. Must be a Required for ambulatory visits occurring on or after January 1, 2003. A two digit code indicating patient disposition as follows:

1. 01 – Released home or self care (with or without planned outpatient medical care). 01 Home
2. 02 – Transferred to a short-term general hospital.
3. 03 – Transferred to a skilled nursing facility.
4. 04 – Transferred to an intermediate care facility. 04– Other
5. 05 – Transferred to another type of institution (psychiatric, cancer or children's hospital or distinct part unit).
6. 06 – Home under care of home health care organization.
7. 07 – Left against medical advice or discontinued care.
8. 08 – Home under care of home IV provider.
9. 20 – Expired.
10. 50 – Discharged to hospice – home.
11. 51 – Discharged to hospice – medical facility.
12. 62 – Transferred to an inpatient rehabilitation facility including distinct part units of a hospital.

(bbbb) Data Type Enter "AS10" for ambulatory patient data.

(cccc) Filler A blank field of 66 spaces.

(3) Trailer Record: The last record in the data file shall be a trailer record and must accompany each data set. If diskettes are submitted, the trailer record must be placed as the last record on the last diskette of the data set. One data element, number of records, must be entered in the trailer record. Report the total number of patient data records contained in the file, excluding header and trailer records. The number entered must equal the number of records processed.

This record must follow any documentation submitted for ambulatory patient data records. This record is entered into the file once. All fields are required unless otherwise specified.

DATA ELEMENT DESCRIPTION

- (a) Transaction Code "T" for the trailer record.
- (b) AHCA Number A 10 digit identification number assigned by AHCA for reporting purposes. A numeric field, right justify.
- (c) Florida License Number Zero fill for the trailer record only.
- (d) Provider Medicaid Number A 10 digit number provided for Medicaid providers. If not a Medicaid provider, zero fill.
- (e) Provider Medicare Number A 10 digit number provided for Medicare providers. If not a Medicare provider, zero fill.

- ~~(f) Provider Mailing Address The address of the health care entity providing the patient data records.~~
- ~~(g) Provider Mailing Address City The city of the address of the health care entity providing the patient data records.~~
- ~~(h) Provider Mailing Address State The mailing address of the health care entity providing the patient data records.~~
- ~~(i) Provider Mailing Address Zip Code The zip code of the health care entity providing the patient data records.~~
- ~~(j) Submitter Mailing Address The address of the organization that is submitting the data file.~~
- ~~(k) Submitter Mailing Address City The city of the organization that is submitting the data file.~~
- ~~(l) Submitter Mailing Address State The state of the organization submitting the data file.~~
- ~~(m) Submitter Mailing Address Zip Code The zip code of the organization submitting the data file.~~
- ~~(n) Number of Records The total number of patient data records contained in the file, excluding header and trailer records. Must equal the number of records processed.~~
- ~~(o) Filler A blank field of 206 spaces.~~
- ~~(4) The effective date of all data reporting changes in Rule 59B-9.018, F.A.C., as amended after 12-28-98, shall be for discharges occurring on or after January 1, 2002 unless a later date is indicated in Rule 59B-9.018, F.A.C.~~

Specific Authority 408.15(8) FS. Law Implemented 408.061, 408.062, 408.063 FS. History—New 9-6-93, Formerly 59B-7.018, Amended 6-29-95, 12-28-98, 7-11-01, 2-25-02, _____.

59B-9.019 Ambulatory Patient Data Format – Record Layout.

Specific Authority 408.15(8) FS. Law Implemented 408.061, 408.062, 408.063 FS. History—New 9-6-93, Formerly 59B-7.019, Amended 6-29-95, 12-28-98, 7-11-01, 2-25-02, Repealed _____.

59B-9.020 Data Standards.

Specific Authority 408.15(8) FS. Law Implemented 408.061, 408.062, 408.063 FS. History—New 9-6-93, Formerly 59B-7.020, Amended 6-29-95, 12-28-98, 7-11-01, 2-25-02, Repealed _____.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Architecture and Interior Design

RULE CHAPTER TITLE: RULE CHAPTER NO.:

Certificate of Authorization for

Architecture or Interior

Design Businesses

61G1-26

RULE TITLES:

RULE NOS.:

Individual Licensee Responsibilities

61G1-26.001

Business Responsibilities

61G1-26.002

PURPOSE AND EFFECT: The Board proposes the development of new rules to reiterate the necessity of certificates of authorization for a design business and to emphasize the responsibilities of those licensees qualifying for the business or providing responsible supervisory control.

SUBJECT AREA TO BE ADDRESSED: Certificates of authorization for architecture or interior design businesses.

SPECIFIC AUTHORITY: 481.2055, 481.219 FS.

LAW IMPLEMENTED: 481.219 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Juanita Chastain, Executive Director, Board of Architecture and Interior Design, Northwood Centre, 1940 North Monroe Street, Tallahassee, Florida 32399-0750

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

61G1-26.001 Individual Licensee Responsibilities.

(1) Any application for certificate of authorization must contain the name of the architect or interior designer who will be in responsible supervisory control at each office as well as the name of the qualifier for the business.

(2) The architect or interior designer providing responsible supervisory control must be a full time employee of that business.

(3) An architect or interior designer may be a qualifier of several business entities but can only provide responsible supervisory control over one business location.

(4) Any changes to the person in responsible supervisory control or the qualifier must be reported in writing within thirty (30) days. The qualifier of record is responsible for such notification.

(5) The qualifier has the responsibility to assure each business location/office has a person in responsible supervisory control.

Specific Authority 481.2055, 481.219 FS. Law Implemented 481.219 FS. History—New _____.

61G1-26.002 Business Responsibilities.

The failure of a qualifier to notify the Board of changes in responsible supervisory control or of his or her termination as qualifier does not relieve the partnership or corporation of its duty under Section 481.219(10), F.S. The business entity's failure to notify the Board in a timely fashion in writing of such changes will constitute grounds for disciplinary action against the certificate of authorization.

Specific Authority 481.2055, 481.219 FS. Law Implemented 481.219 FS. History—New _____.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Pursuant to Chapter 2003-145, Laws of Florida, all notices for the Department of Environmental Protection are published on the Internet at the Department of Environmental Protection's home page at <http://www.dep.state.fl.us/> under the link or button titled "Official Notices."

DEPARTMENT OF HEALTH

Board of Respiratory Care

RULE TITLE: Provider Approval and Renewal Procedures
 RULE NO.: 64B32-6.005

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

SUBJECT AREA TO BE ADDRESSED: Provider Approval and Renewal Procedures.

SPECIFIC AUTHORITY: 456.025(4), 468.361(3) FS.

LAW IMPLEMENTED: 456.025(7), 468.361(3) FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE TIME, DATE AND PLACE TO BE PUBLISHED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Kaye Howerton, Board Executive Director, Board of Respiratory Care, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3255

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B32-6.005 Provider Approval and Renewal Procedures.

(1) through (4) No change.

(5) Every provider shall:

(a) through (d) No change.

~~(e) Shall provide the board with semi-annual reports of all offerings provided for the previous six months.~~

(6) through (8) No change.

(9) The provider seeking approval for home study courses also shall understand and agree:

(a) through (b) No change.

(c) Instead of the information submitted in in-person programs, the provider shall submit the following for pre-approval:

1. A statement of the educational goals and objectives of the program, including the criteria for successful completion of the program and the number of correct answers required on the test by a participant to receive credit for having taken the program;

2. All materials to be read by the participant, and the testing questions to be answered for successful completion;

3. A current curriculum vitae of each person substantially involved in the preparation of the substance of the program;

4. The identification procedures for verification that the named licensee has taken the home study course;

5. A sample certificate of completion; and

6. If not completely original, references and permission for use or reprint of any copyrighted materials regardless of source.

(10) No change.

Specific Authority 456.025(4), 468.361(3) FS. Law Implemented 456.025(7), 468.361(3) FS. History--New 4-24-96, Amended 5-7-97, Formerly 59R-75.0041, Amended 4-23-98, 6-9-99, Formerly 64B8-75.0041, Amended 7-4-02,_____.

**Section II
Proposed Rules**

DEPARTMENT OF INSURANCE

Division of State Fire Marshal

RULE CHAPTER TITLE: Uniform Fire Safety Standards for
 RULE CHAPTER NO.: 4A-41

Residential Child Care Facilities
 RULE NOS.: 4A-41

RULE TITLES: PART I: RESIDENTIAL CHILD CARE
 FACILITIES FOR SIX OR
 MORE CHILDREN

PART II: RESIDENTIAL CHILD CARE
 FACILITIES FOR FIVE OR
 FEWER CHILDREN

Scope 4A-41.101
 Definitions 4A-41.102

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

Occupancy Capacity of Each Facility 4A-41.104
 Emergency Egress and Relocation Drills 4A-41.105

Inspections 4A-41.106
 Cooking Equipment; Exception 4A-41.107

Special Requirements 4A-41.108

PURPOSE AND EFFECT: Provide firesafety standards for residential child care homes for facilities with five or fewer children, based upon changes to Chapter 409, Florida Statutes, and Rule Chapter 65C-14, Florida Administrative Code.

SUMMARY: Provides firesafety standards for residential child care homes for facilities with five or fewer children.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: None.

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

SPECIFIC AUTHORITY: 409.175(6)(f), 633.01(1) FS.

LAW IMPLEMENTED: 409.175(6)(f), 633.022 FS.

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

TIME AND DATE: 9:00 a.m., Thursday, August 7, 2003

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

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: James Goodloe, Chief, Bureau of Fire Prevention, Division of State Fire Marshal, Department of Insurance, 200 East Gaines Street, Tallahassee, Florida 32399-0342, (850)413-3620

THE FULL TEXT OF THE PROPOSED RULES IS:

UNIFORM FIRE SAFETY STANDARDS FOR
RESIDENTIAL CHILD CARE FACILITIES
PART II RESIDENTIAL CHILD CARE FACILITIES
FOR FIVE OR FEW CHILDREN

4A-41.101 Scope.

(1) These rules apply to any residential child care facility required to be licensed by the Florida Department of Children and Family Services, pursuant to Section 409.175, Florida Statutes, in which full-time residence is provided to five or fewer children who are unrelated to the proprietor and who are under age 18. Programs which use such a facility include, for example, group homes which are administered by an agency, wilderness camps, maternity homes, emergency shelters, and runaway shelters.

(2) These rules address life safety during fires and similar emergencies. They address particular matters of construction, protection, and occupancy of buildings to minimize danger to life from fire, smoke, fumes or panic before buildings are vacated.

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

4A-41.102 Definitions.

As used in this part of these rules:

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

(2) “Agency” means a residential child caring agency or a child-placing agency.

(3) “AHJ” means the local authority having firesafety and fire prevention jurisdiction which employs or contracts with at least one firesafety inspector certified under Chapter 633, Florida Statutes.

(4) “Division” means the Division of State Fire Marshal of the Department of Insurance.

(5) “NFPA” means the National Fire Protection Association.

(6) “Child” means any unmarried person under the age of 18 years.

(7) “Owner” means the person who is licensed to operate the child-placing agency, family foster home, or residential child-caring agency.

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, known as the Life Safety Code, 2003 edition, are hereby adopted and incorporated herein by reference:

(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) The codes and standards published by the National Fire Protection Association may be obtained by writing to the NFPA at: 1 Batterymarch Park, Quincy, Massachusetts 02269-9101. All standards adopted and incorporated by reference in this rule are also available for public inspection during regular business hours at the Bureau of Fire Prevention, Division of State Fire Marshal, Department of Insurance, 325 John Knox Road, The Atrium, Third Floor, Tallahassee, Florida 32303.

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

4A-41.104 Occupancy Capacity of Each Facility.

The total number of children shall be as determined in accordance with Section 409.175(3)(a), F.S.

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) An emergency egress and relocation drill shall be conducted by each owner at each facility at least three (3) times per year. Each emergency egress and relocation drill shall be conducted at least 90 days after the previous emergency egress and relocation drill. The AHJ is permitted to require an additional emergency egress and relocation drill in conjunction with an annual firesafety inspection.

(2) The purpose of each emergency egress and relocation drill is to familiarize each occupant with the procedures required for the safe, orderly, and expeditious exiting of the building or structure. All occupants shall exit the building or structure to a predetermined area of safety. The climate and weather conditions shall be taken into consideration when scheduling any emergency egress and relocation drill.

(3) Each emergency egress and relocation drill shall be conducted at an unexpected time and under varying conditions that may occur in the case of fires.

(4) During each emergency egress and relocation drill, all occupants shall evacuate the building independently or with staff assistance or any other available assistance, as needed.

(5) Each emergency egress and relocation drill shall be applicable to all occupants of the facility with emphasis on the safe, orderly, and expeditious exiting under proper discipline.

(6) Any occupant subject to an emergency egress and relocation drill shall proceed to a predetermined location outside the building and remain there until all occupants are accounted for. Occupants are permitted to return to the building only when allowed by the person conducting the emergency egress and relocation drill.

(7) The owner shall keep a record of each emergency egress and 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) The date the drill was conducted.

(b) The time of day the drill was conducted.

(c) The amount of time, in minutes and seconds, that was required for all occupants to safely exit the building.

(d) Any unusual circumstance, in narrative or outline form, affecting the safe, orderly and expeditious exit from the building.

(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 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.

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

(3) The AHJ or the Division is permitted to require additional firesafety inspections.

(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) Each required firesafety inspection shall be completed by the AHJ, where available.

(6) Any time there is no AHJ to perform a firesafety inspection, the owner shall notify the Division in writing or in an electronic format. The Division shall inspect or cause the facility to be inspected in accordance with Section 633.022, Florida Statutes.

(7) A local firesafety inspector, or if no local firesafety inspector is available, a special state firesafety inspector, certified in accordance with Chapter 633, Florida Statutes, shall complete each required firesafety inspection.

(8) The inspecting authority shall provide a copy of each inspection report to the licensing agency 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, Florida Administrative Code, 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-41.107 Cooking Equipment; Exception.

Notwithstanding any previous construction or interpretation of any law, rule, or code provision, any time a single domestic range or stove is used in an arrangement similar to that of a single family residence, the facility shall not be required to comply with NFPA 96, Standard for Ventilation Control and Fire Protection of Commercial Cooking Operations, the edition as adopted in Rule 4A-3.012, Florida Administrative Code.

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 _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Jim Goodloe, Chief, Bureau of Fire Prevention, Division of State Fire Marshal, 200 East Gaines Street, Tallahassee, FL 32399-0342, (850)413-3620

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Randall A. Napoli, Director, Division of State Fire Marshal, Department of Insurance

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: March 7, 2003

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: July 3, 2003

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

Pursuant to Chapter 2003-145, Laws of Florida, all notices for the Board of Trustees of the Internal Improvement Trust Fund are 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.”

WATER MANAGEMENT DISTRICTS

St. Johns River Water Management District

RULE TITLES:	RULE NOS.:
Definitions	40C-1.002
Interagency Agreements	40C-1.106
Delegations of Authority	40C-1.135
Licenses or Permits Required	40C-1.602
Fees	40C-1.603
Protest of Action	40C-1.708
Protest of Action	40C-1.721
Protest of Action	40C-1.801
Forms and Instructions	40C-1.900

PURPOSE AND EFFECT: The purpose and effect of this proposed rule amendment is to (1) delete certain definitions that are unnecessary because the terms are defined by statute, (2) delete certain references to obsolete rules and statutes, (3)

correct certain erroneous citations to rules or statutes, (4) correct certain rule deficiencies to make the rule consistent with other rule provisions, (5) clarify rule provisions on permit fees by adding the form concerning request for reduction in permit fees to the rule, in accordance with Section 120.74, F.S. SUMMARY: The proposed rule amendment would delete the definition of the terms “agency head”, “DOAH”, and “Presiding Officer” in Rule 40C-1.002, F.A.C., delete the reference to Rules 40C-1.125 in 40C-1.106, F.A.C., replace the reference to Section 403.812, F.S., with Section 403.805(1), F.S., in Rule 40C-1.135, F.A.C., add provisions making clear that a mitigation bank permit must be obtained in order to establish a mitigation bank and that such application for a mitigation bank permit constitutes an application for any permit required under Chapters 40C-4, 40C-40, 40C-41, 40C-42, or 40C-400, F.A.C., add the form concerning requests for reduction in permit fees to the permit fee rule in Rule 40C-1.603, F.A.C., and replace references to the old Rule 40C-1.801, F.A.C., with Chapter 28-110, F.A.C., in Rules 40C-1.708, 40C-1.721, and 40C-1.801, F.A.C.

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

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

SPECIFIC AUTHORITY: 120.53(1), 373.044, 373.046, 373.109, 373.113 373.171 373.421(2) FS.

LAW IMPLEMENTED: 120.52, 120.53, 373.016. 373.019, 373.046, 373.085, 373.103, 373.106, 373.109, 373.118, 373.171, 373.203, 373.219. 373.303, 373.308, 373.323, 373.403, 373.413, 373.416, 373.421(2)-(7), 373.426, 373.463, 403.031, 403.803, 403.812, 403.911 FS., Ch. 94-278, Fla Laws.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Norma Messer, Rules Coordinator, Office of General Counsel, St. Johns River Water Management District, P. O. Box 1429, Palatka, Florida 32178-1429, (386)329-4459, Suncom 860-4459

THE FULL TEXT OF THE PROPOSED RULES IS:

40C-1.002 Definitions.

Definitions in Chapters 120, 373, and 403, F.S. and all other District rules promulgated to implement the Florida Statutes shall apply in this chapter. The following words and phrases shall have the meanings set forth below unless a different meaning is plainly required by the context:

~~(1) The “agency head” of the District as defined by subsection 120.52(3), F.S. means the Governing Board.~~

~~(1)(2)~~ “Department” means the Department of Environmental Protection.

~~(2)(3)~~ “District” or “Water Management District” means the St. Johns River Water Management District or its successor agency

~~(4)~~ “D.O.A.H.” means the Division of Administrative Hearings.

~~(3)(5)~~ “Executive Director” means the Executive Director of the District.

~~(4)(6)~~ “Governing Board” or “Board” means the Governing Board of the District.

~~(7)~~ “Presiding Officer” means the Board, or member thereof, who conducts a hearing on behalf of the Board; a hearing officer assigned by the D.O.A.H., or any other person authorized to conduct administrative hearings.

Specific Authority 373.044, 373.113 FS. Law Implemented 120.52, 373.019, 373.203, 373.303, 373.403, 403.031, 403.803, 403.911 FS. History—New 1-22-76, Amended 3-1-77, Formerly 161-1.03, 40C-1.03, 40C-1.031, Amended 8-1-89, 10-3-95, _____.

40C-1.106 Interagency Agreements.

(1) No change.

(2) Interagency agreements may be inspected in the office of the District Clerk pursuant to section 40C-1.125.

(3) No change.

Specific Authority 373.044, 373.046, 373.113 FS. Law Implemented 120.53, 373.016, 373.046, 373.103 FS. History—New 8-1-89. Amended 11-12-92, 10-3-95, 12-3-98, _____.

40C-1.135 Delegations of Authority.

(1) The District is delegated authority by the Department to assume certain responsibilities of Chapters 373 and 403, F.S. This delegation is pursuant to authority contained in Sections 373.016, 373.103 and ~~403.805(1)~~ ~~403.812~~, F.S., and is described in Rule 62-113.200, F.A.C.

(2) No change.

Specific Authority 120.53(1), 373.044, 373.113 FS. Law Implemented 120.53, 373.016, 373.103, 373.113 FS. History—New 8-1-89, Amended 1-4-96, _____.

40C-1.602 Licenses or Permits Required.

Unless expressly exempted by law or District rule, permits or licenses must be obtained from the District prior to commencement of the following activities:

(1) through (9) No change.

(10) A mitigation bank permit must be obtained in order to establish a mitigation bank. An application for a mitigation bank permit shall also constitute an application for any permit required under Chapters 40C-4, 40C-40, 40C-41, 40-42, or 40C-400, F.A.C., to construct, alter, operate, maintain, abandon, or remove any surface water management system proposed as part of the bank.

(11) A mitigation bank conceptual approval permit may be obtained in order to estimate the legal and financial requirements for establishment of a mitigation bank, the information needed for the mitigation bank application, and the

potential mitigation credits for the bank. A mitigation bank conceptual approval permit does not authorize construction or establishment of a bank.

Specific Authority 120.53(1), 373.044, 373.113 FS. Law Implemented 373.085, 373.103, 373.106, 373.118, 373.171, 373.219, 373.308, 373.323, 373.413, 373.416, 373.426, 403.812 FS. History—New 1-22-76, Amended 1-15-80, Formerly 161-1.04, 40C-1.04, 40C-1.041, Amended 8-1-89, 8-11-91, 9-25-91, 10-3-95, _____.

40C-1.603 Fees.

A fee is required and shall be paid to the District when certain applications or petitions are filed pursuant to District rules or permit programs delegated to the District. Effective October 1, 1990, governmental entities shall be required to submit the fees established except as provided in subsection ~~(13)~~~~(12)~~. This fee recovers some of the District’s costs of processing applications.

The fee schedule is:

(1) through (12) No change.

~~(13)~~ Pursuant to Section 218.075, F.S. Chapter 94-278, Laws of Florida, the District shall, for each fiscal year beginning October 1st and ending September 30th, reduce all permit application fees to \$100, or, if a permit application fee is less than \$100, by 50 percent, for any county, municipality, or third party under contract with a county or municipality, to apply for a permit on the county or municipality’s behalf, which qualifies under this subsection. A county, municipality, or third party as described above, may apply to reduce the permit application fees by submitting form ~~40C-1.603(13)~~ ~~40C-1.900(1)~~ entitled “Request to the St. Johns River Water Management District to Reduce Permit Application fees,” which is hereby incorporated by reference, for each fiscal year certifying:

(a) That the county ~~had~~ ~~has~~ a population of 50,000 or less on April 1, 1994, and that the county’s population has not yet exceeded 75,000, that the municipality has a population of 25,000 or less, or that the county or municipality is not included within a metropolitan statistical area; and

(b) through (c) No change.

Specific Authority 373.044, ~~373.109~~, 373.113, ~~373.171~~, 373.421(2) FS. Law Implemented 218.075, 373.109, 373.421(2)-~~(7)~~ FS., ~~Ch. 94-278, Fla. Laws~~. History—New 10-1-87, Amended 6-1-88, 10-17-88, Formerly 40C-1.202, Amended 8-1-89, 10-19-89, 8-19-90, 7-21-91, 7- 23-91, 8-11-91, 9-25-91, 11-12-91, 10-20-92, 11-30-92, 1-6-93, 12-6-93, 1-23-94, 4-12-95, 1-4-96, 4-25-96, 10-2-96, 10-11-01, 4-10-02, _____.

40C-1.708 Protest of Action.

Protest under this sub-part shall be subject to Chapter 28-110, Section 40C-1.801, F.A.C.

Specific Authority 373.044, 373.113 FS. Law Implemented 120.53 FS. History—New 9-25-90, Amended _____.

40C-1.721 Protest of Action.

Protest under this subpart shall be subject to Chapter 28-110, section 40C-1.801, F.A.C.

Specific Authority 373.044, ~~373.113~~ ~~373.411~~ FS. Law Implemented 120.53 FS. History—New 9-25-90, Amended _____.

40C-1.801 Protest of Action.

Specific Authority 373.044, 373.113 FS. Law Implemented 120.53 FS. History—New 9-25-90, Amended 6-17-91, Repealed _____.

40C-1.900 Forms and Instructions.

Specific Authority 373.044, 373.113 FS. Law Implemented Ch. 94-278, Fla. Laws. History—New 4-12-95, Repealed _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Mary Jane Angelo, Sr. Asst. General Counsel, St. Johns River Water Management District, P. O. Box 1439, Palatka, Florida 32178-1429, (386)329-4838, Suncom 860-4838

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Governing Board of the St. Johns River Water Management District

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 10, 2003

DATE NOTICE OR PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: June 27, 2003

WATER MANAGEMENT DISTRICTS

St. Johns River Water Management District

RULE TITLES:	RULE NOS.:
Permits Required	40C-2.041
Exemptions	40C-2.051
Duration of Permit	40C-2.321

PURPOSE AND EFFECT The purpose and effect of this proposed rule amendment is to (1) delete references to obsolete rules, and (2) delete rule provisions that are unnecessary or obsolete, in accordance with Section 120.74, FS.

SUMMARY: The proposed rule amendment would delete the reference to Chapter 40C-1, F.A.C., delete the reference to the Florida Electrical Power Plant Siting Act and Florida Industrial Siting Act, and delete the rule that extends the duration of certain consumptive use permits in Rule 40C-2.321, F.A.C.

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

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

SPECIFIC AUTHORITY: 373.044, 373.113, 373.171, 373.216 FS.

LAW IMPLEMENTED: 373.103, 373.171, 373.216, 373.219, 373.226, 373.243, 373.244 FS.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Norma Messer, Rules Coordinator, Office of General Counsel, St. Johns River Water Management District, P. O. Box 1429, Palatka, Florida 32178-1429, (386)329-4459, Suncom 860-4459

THE FULL TEXT OF THE PROPOSED RULES IS:

40C-2.041 Permits Required.

(1) through (4) No change.

(5)(a) The Governing Board may designate specific geographic areas in which permits shall be required for amounts less than those specified in subsection (1) above.

(b) Such designation shall be adopted by rule pursuant to Chapters 120 and 373, Florida Statutes, ~~and Chapter 40C-1, Florida Administrative Code.~~ regarding the anticipated impacts of such designation.

Specific Authority 373.113, 373.216 FS. Law Implemented 373.219, 373.226 FS. History—New 1-2-77, Amended 1-1-83, 6-1-84, Formerly 40C-2.04, Amended 5-31-84, Formerly 40C-2.041, 40C-2.0041, Amended 7-23-91, 1-20-93, 12-6-93, 2-15-95, 4-25-96, 1-7-99, _____.

40C-2.051 Exemptions.

No permit shall be required under the provisions of this rule or Chapters 40C-20 or 40C-22, F.A.C., for the following water uses:

(1) No change.

~~(2) Those uses for which certification has been obtained pursuant to the provisions of the Florida Electrical Power Plant Siting Act or the Florida Industrial Siting Act.~~

(3) through (10) renumbered (2) through (9) No change.

Specific Authority 373.044, 373.113, 373.171 FS. Law Implemented 373.103, 373.171, 373.216, 373.219, ~~288.501 et seq., 403.501 et seq.~~ FS. History—New 1-1-83, Formerly 40C-2.051, 40C-2.0051, Amended 8-18-87, 11-19-87, 9-12-89, 12-6-93, 8-18-94, 4-25-96, 10-2-96, _____.

40C-2.321 Duration of Permit.

(1) through (2) No change.

~~(3) The Governing Board extends the duration of the following consumptive use permits according to the following schedule:~~

~~(a) All consumptive use permits issued for fern irrigation for land in Putnam, Volusia or Lake Counties which will expire after January 1, 1992, but before December 31, 1992, are extended until 1993. These permits shall expire on the same month and day in 1993 as they would have expired in 1992 but for this extension.~~

~~(b) All consumptive use permits issued for citrus irrigation for land in Lake, Marion or Indian River Counties which will expire after January 1, 1992, but before December 31, 1993, are extended until 1994, except for permits for citrus irrigation in Indian River County that are also subject to an Industrial Waste (Agricultural Discharge) permit or consent order authorizing operation issued by the Department of Environmental Regulation pursuant to the provisions of former chapter 17-6, F.A.C., renumbered as chapters 62-660 and 62-670, F.A.C., or issued by the District pursuant to the provisions of former chapter 17-6, F.A.C., renumbered as chapters 62-660 and 62-670, F.A.C., and pursuant to subparagraph 62-101.040(12)(a)3., F.A.C., and the Operating Agreement concerning Stormwater Discharge Regulation and Dredge and Fill Regulation between the St. Johns River Water Management District and Department of Environmental~~

Regulation dated January 4, 1988. These permits shall expire on the same month and day in 1994 as they would have expired in 1992 or 1993 but for this extension.

(c) All consumptive use permits issued for cabbage or potato irrigation for land in Putnam, Flagler or St. Johns Counties which will expire after January 1, 1992, but before December 31, 1994, are extended until 1995. These permits shall expire on the same month and day in 1995 as they would have expired in 1992, 1993, or 1994 but for this extension.

Specific Authority 373.044, 373.113 FS. Law Implemented 373.236, 373.243 FS. History—New 1-1-83, Amended 5-31-84, Formerly 40C-2.321, 40C-2.0321, Amended 7-23-91, 11-12-91, 1-20-93, 4-25-96, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Mary Jane Angelo, Sr. Asst. General Counsel, St. Johns River Water Management District, P. O. Box 1439, Palatka, Florida 32178-1429, (386)329-4838, Suncom 860-4838

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Governing Board of the St. Johns River Water Management District

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 10, 2003

DATE NOTICE OR PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: June 27, 2003

WATER MANAGEMENT DISTRICTS

St. Johns River Water Management District

RULE TITLES:	RULE NOS.:
Variances	40C-3.455
Violations of Permits	40C-3.492
Explosives	40C-3.525
Abandoned Well Plugging	40C-3.531
Violations of Well Construction Standards	40C-3.532

PURPOSE AND EFFECT: The purpose and effect of this proposed rule amendment is to (1) delete rules that are redundant with other existing rules, (2) delete obsolete rule provisions, (3) correct obsolete or erroneous rule citations, in accordance with Section 120.74, F.S.

SUMMARY: The proposed rule amendment would delete the rule on variances in Rule 40C-3.455, F.A.C., because it is redundant to Rule 40C-1.1003, F.A.C., delete the references to Chapter 40C-1, F.A.C., and Rule 40C-3.492, F.A.C., replace the reference to the old Rule 17-21.040, F.A.C., with the current Rule 62-532.400, F.A.C., replace the reference to the old subsection 40C-1.181(8), F.A.C., with the current reference to form number 41.01-410(1), and replace the reference to the incorrect Chapter 62-212, F.A.C., with the correct Chapter 62-532, F.A.C.

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

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

SPECIFIC AUTHORITY: 373.044, 373.113, 373.171, 373.309 FS.

LAW IMPLEMENTED: 373.113, 373.303, 373.306, 373.308, 373.309, 373.313, 373.316, 373.319, 373.326, 373.342 FS.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Norma Messer, Rules Coordinator, Office of General Counsel, St. Johns River Water Management District, P. O. Box 1429, Palatka, Florida 32178-1429, (386)329-4459, Suncom 860-4459

THE FULL TEXT OF THE PROPOSED RULES IS:

40C-3.455 Variances.

Specific Authority 373.044, 373.113, 373.171 FS. Law Implemented 373.303, 373.308, 373.309, 373.313, 373.316, 373.326 FS. History—New 10-14-84, Amended 12-5-85, Formerly 40C-3.501, 40C-3.0501, Amended 9-17-89, Formerly 40C-3.501, Amended 1-22-90, Repealed _____.

40C-3.492 Violations of Permits.

(1) No change.

(2) ~~Actions which may be taken by District staff once a violation is determined to have occurred, are set forth in chapter 40C-1, F.A.C.~~ Violations may be reported by any person, including District staff.

Specific Authority 373.044, 373.113, 373.171 FS. Law Implemented 373.308, 373.309, 373.342 FS. History—New 10-14-84, Amended 12-5-85, Formerly 40C-3.492, 40C-3.0492. Amended 8-1-89, 9-17-89, _____.

40C-3.525 Explosives.

The use of explosives in well construction or development is prohibited unless specifically approved by the District with the concurrence of the Department pursuant to Rule 62-532.400, F.A.C., ~~in effect on July 1, 1989.~~

Specific Authority 373.044, 373.309 FS. Law Implemented 373.306, 373.308, 373.309, 373.113 FS. History—New 10-14-84. Formerly 40C-3.525, 40C-3.0525, Amended 8-1-89, _____.

40C-3.531 Abandoned Well Plugging.

(1) through (2) No change.

(3) Request to abandon a well shall be submitted on the application form ~~41.10-410(1) 40C-1.181(8)~~, provided by the District unless the well is exempt from permitting under Rule 40C-3.051, F.A.C.

Specific Authority 373.044, 373.309 FS. Law Implemented 373.306, 373.308, 373.309, 373.113 FS. History—New 10-14-84. Formerly 40C-3.531, 40C-3.0531, Amended 9-17-89, _____.

40C-3.532 Violations of Well Construction Standards.

(1) Actions, omissions, or conduct which may be considered as violations for the purposes of this part shall include, but are not limited to, the following:

(a) Failure to comply with any of the construction standards outlined in this part, or Chapters ~~62-532~~ ~~62-212~~ and 62-555, F.A.C., ~~in effect on July 1, 1989.~~

(b) through (2) No change.

Specific Authority 373.044, 373.113, 373.171 FS. Law Implemented 373.306, 373.308, 373.309, 373.319 FS. History—New 10-14-84, Formerly 40C-3.532, 40C-3.0532, Amended 8-1-89, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Mary Jane Angelo, Sr. Asst. General Counsel, St. Johns River Water Management District, P. O. Box 1439, Palatka, Florida 32178-1429, (386)329-4838, Suncom 860-4838

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Governing Board of the St. Johns River Water Management District

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 10, 2003

DATE NOTICE OR PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: June 27, 2003

WATER MANAGEMENT DISTRICTS

St. Johns River Water Management District

RULE TITLES:	RULE NOS.:
Implementation	40C-4.031
Exemptions	40C-4.051
Publications Incorporated by Reference	40C-4.091
Permit Processing Fee	40C-4.201
Limiting Conditions	40C-4.381
Inspection	40C-4.461
Abatement and Abandonment	40C-4.471
Remedial and Emergency Measures	40C-4.481
Enforcement	40C-4.751

PURPOSE AND EFFECT: The purpose and effect of this proposed rule amendment is to (1) delete certain unnecessary rule provisions, (2) clarify certain rules by removing unnecessary language and by providing other clarifying information and deleting unnecessary language, in accordance with Section 120.74, F.S.

SUMMARY: The proposed rule amendment would delete certain unnecessary rule provisions and would clarify that the exemptions in subsection 40C-4.051(12)(f), F.A.C., include the installation and repair of piers and recreational docking facilities. The rule would also clarify that the permit fee referred to in Rule 40C-4.201, F.A.C., is specified by Rule 40C-1.603, F.A.C. In Rule 40C-4.381, F.A.C., the rule would refer to Rule 40C-1.1006, F.A.C., which sets forth the provisions for formal determination. The proposed rule amendment would clarify section 12.2.2.1(d), A.H., to make clear that the value of the wetland to fish and wildlife is based on the factors listed in subsection 12.2.2.3, Applicant’s Handbook. The rule would also make clear that the provision in 12.2.2.5(c) shall not apply to certain activities specified in the rule. In addition, the rule would amend section 12.3.1.8, Applicant’s Handbook, to make clear that applicants may

propose innovative mitigation proposals, however, to receive District approval, such proposals must offset the adverse impacts to the functions identified in sections 12.2 through 12.3.8.2 caused by regulated activities. The proposed rule amendment would also clarify section 12.3.7.4(a), Applicant’s Handbook, to make clear the form and content of all financial responsibility mechanisms shall be approved by the District only if they satisfy the requirements specified in subsections 12.3.7 through 12.3.7.9, A.H.

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

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

SPECIFIC AUTHORITY: 373.044, 373.046(4), 373.109, 373.113, 373.119, 373.171, 373.413, 373.4136, 373.414, 373.415, 373.416, 373.418, 373.421(2), 373.461(3) FS.

LAW IMPLEMENTED: 373.016(2), 373.046, 373.109, 373.113, 373.119, 373.136, 373. 373.406, 373.409, 373.413, 373.4135, 373.4136 373.414, 373.415, 373.416, 373.418, 373.419, 373.421(2)-(6), 373.422, 373.423. 373.426, 373.429, 373.433, 373.436, 373.439, 373.461(3), 373.603, 373.613, 403.813(2) FS.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Norma Messer, Rules Coordinator, Office of General Counsel, St. Johns River Water Management District, P. O. Box 1429, Palatka, Florida 32178-1429, (386)329-4459, Suncom 860-4459

THE FULL TEXT OF THE PROPOSED RULES IS:

- 40C-4.031 Implementation.
- (1) through (2) No change.

~~(3) If the validity of any provision of Chapter 40C 4, F.A.C., as amended on December 7, 1983 or the application thereof to any person or circumstance is challenged pursuant to Chapter 120, Florida Statutes, or pursuant to any other basis in law, it is the intent of the Governing Board of the St. Johns River Water Management District that neither a challenge to the validity of a provision or application thereof nor the invalidation of a provision or application thereof shall affect the validity or application of other provisions of the rule which can be given effect without the challenged or invalidated provision or application and to this end the provisions of Chapter 40C 4, F.A.C., as amended on December 7, 1983 are declared severable.~~

Specific Authority 373.044, 373.113, 373.171 FS. Law Implemented 373.413, 373.416, 373.426 FS. History—New 1-31-77, Formerly 161-4.03, 40C-4.03, Amended 2-3-81, 12-7-83, Formerly 40C-4.031, 40C-4.0031, Amended 8-11-91, 10-3-95, _____.

- 40C-4.051 Exemptions.
- (1) through (11) No change.

(12) No permit shall be required under Chapters 40C-4, 40C-40, 40C-42, 40C-44, or 40C-400, F.A.C., for the following activities:

(a) through (c) No change.

(d) The restoration of less than 100 feet in length of existing insect control impoundment dikes and the connection of such impoundments to tidally influenced waters. Such impoundments shall be connected to tidally influenced waters for at least 6 months each year, beginning September 1 and ending February 28 ~~if feasible, or operated in accordance with an impoundment management plan approved by the District.~~ The connection shall be of sufficient cross-sectional area to allow beneficial tidal influence. Restoration shall involve no more dredging than needed to restore the dike to original design specifications, and the final elevation of the dredge area shall be within two feet of immediately adjacent bottom elevations. For the purposes of this paragraph, restoration shall not include maintenance of impoundment dikes of insect control impoundments.

(e) The installation, replacement or repair of mooring pilings and dolphins associated with private docking facilities or piers.

(f) The installation and repair of private docks, piers, and recreational docking facilities, or piers and recreational docking facilities of local governmental entities when the local governmental entity's activities will not take place in any manatee habitat, which structures have of 1000 square feet or less of surface area over wetlands or other surface waters or 500 square feet or less of surface area over wetlands or other surface waters ~~for docks~~ which are located in Outstanding Florida Waters. This exemption shall include the construction and repair of structures above the dock area, such as gazebos and boat shelters, provided such structures are not enclosed with walls and doors, are not used for living, commercial purposes, or storage of materials other than those associated with recreational use, and provided the structures do not exceed, together with the docking facility, the total area limitations above. To qualify for this exemption, any such dock and associated structure:

1. through 3. No change.

4. Shall be the sole dock constructed pursuant to this exemption as measured along the shoreline for a minimum distance of 65 feet, unless the parcel of land or individual lot as platted is less than 65 feet in length along the shoreline, in which case there may be one exempt dock allowed per parcel or lot. For the purposes of this paragraph, multi-family living complexes and other types of complexes or facilities associated with the proposed private dock shall be treated as one parcel of property regardless of the legal division of ownership or control of the associated property. Construction of a ~~private~~ dock under this exemption does not require the District to issue a subsequent permit to construct a channel to provide navigational access to the dock. Activities associated with a

~~private~~ dock shall include the construction of structures attached to the dock pier which are only suitable for the mooring or storage of boats (i.e., boatlifts). Nothing in this paragraph shall prohibit the Department from taking appropriate enforcement action pursuant to Chapter 403, F.S., to abate or prohibit any activity otherwise exempt from permitting pursuant to this paragraph, if the Department can demonstrate that the exempted activity has caused water pollution in violation of Chapter 403, F.S.

(g) through (s) No change.

(t) The construction or maintenance of culverted driveway or roadway crossings and bridges of artificial waterways, provided:

1. through 14. No change.

15. This exemption shall not apply to activities involving relocation or other alteration of all or part of the artificial waterway, or construction for other than the proposed culvert crossing, ~~except as exempted by Chapter 373, F.S., or section 40C 4.051, F.A.C.~~

(u) No change.

(13) through (15) No change.

Specific Authority 373.044, 373.113, 373.414, 373.415, 373.418 FS. Law Implemented 373.406, 373.413, 373.414, 373.415, 373.416, 373.418, 373.426, 403.813(2) FS. History—New 1-31-77, Formerly 16I-4.05 and 40C-4.06, Amended 2-3-81, 12-7-83, Formerly 40C-4.051, 40C-4.0051, Amended 4-3-91, 8-11-91, 9-25-91, 5-17-94, 10-3-95, 11-25-98, 7-8-01, 10-11-01, _____.

40C-4.091 Publications Incorporated by Reference.

(1) The Governing Board hereby adopts by reference:

(a) Part I “Policy and Procedures,” Part II “Criteria for Evaluation,” subsections 18.0, 18.1, 18.2, and 18.3 of Part III and Appendix K “Legal Description Upper St. Johns River Hydrologic Basin,” “Legal Description Ocklawaha River Hydrologic Basin,” “Legal Description of the Wekiva River Hydrologic Basin,” “Legal Description of the Econlockhatchee River Hydrologic Basin,” “Legal Description of the Sensitive Karst Areas Basin, Alachua County,” “Legal Description Tomoka River Hydrologic Basin,” “Legal Description Spruce Creek Hydrologic Basin,” “Legal Description of the Sensitive Karst Areas Basin, Marion County,” and “Legal Descriptions of the Lake Apopka Drainage Basin,” and Appendix M “Regional Watersheds for Mitigation Banking,” of the document entitled “Applicant’s Handbook: Management and Storage of Surface Waters,” effective _____ ~~9-26-02.~~

(b) through (c) No change.

(2) No change.

Specific Authority 373.044, 373.046(4), 373.113, 373.413, 373.4136, 373.414, 373.415, 373.416, 373.418, 373.421(2), 373.461(3) FS. Law Implemented 373.016(2), 373.046, 373.413, 373.4135, 373.4136 373.414, 373.415, 373.416, 373.421(2)-(6), 373.426, 373.461(3), 403.813(2) FS. History—New 12-7-83, Amended 10-14-84, Formerly 40C-4.091, Amended 5-17-87, Formerly 40C-4.0091, Amended 8-20-87, 10-1-87, 10-11-87, 11-26-87, 8-30-88, 1-1-89, 8-1-89, 10-19-89, 4-3-91, 8-11-91, 9-25-91, 11-12-91, 3-1-92, 7-14-92, 9-8-92, 9-16-92, 11-12-92, 11-30-92, 1-6-93, 1-23-94, 2-27-94, 11-22-94, 10-3-95, 8-20-96, 11-25-98, 12-3-98, 1-7-99, 1-11-99, 8-21-00, 7-8-01, 10-11-01, 4-10-02, 9-26-02, _____.

40C-4.201 Permit Processing Fee.

There shall be a non-refundable permit processing fee as specified by Rule 40C-1.603, F.A.C., Chapter 40C-1, payable to the District at the time that an application for a general or individual permit or for a conceptual approval permit is submitted.

Specific Authority 373.044, 373.109, 373.113, 373.171 FS. Law Implemented 373.109, 373.413, 373.416, 373.426 FS. History--New 1-31-77, Formerly 16I-4.10 and 40C-4.20, Amended 2-3-81, 12-7-83, Formerly 40C-4.201, 40C-4.0201, Amended 10-1-87, 8-1-89, _____.

40C-4.381 Limiting Conditions.

(1) The following general conditions shall be a part of all permits issued pursuant to this chapter and Chapter 40C-40, F.A.C., unless ~~waived or modified by the Governing Board upon a determination that~~ the conditions are inapplicable to the activity authorized by the permit.

(a) through (n) No change.

(o) Any delineation of the extent of a wetland or other surface water submitted as part of the permit application, including plans or other supporting documentation, shall not be considered specifically approved unless a specific condition of this permit or a formal determination under Rule 40C-1.1006, F.A.C., section 373.421(2), F.S., provides otherwise.

(p) through (s) No change.

(2) No change.

Specific Authority 373.044, 373.113, 373.171 FS. Law Implemented 373.409, 373.413, 373.416, 373.419, 373.422, 373.423, 373.426 FS. History--New 12-7-83, Formerly 40C-4.381, 40C-4.0381, Amended 8-1-89, 10-19-89, 3-14-90, 2-27-94, 10-3-95, 1-4-96, 1-11-99, _____.

40C-4.461 Inspection.

Specific Authority 373.044, 373.113, 373.171 FS. Law Implemented 373.423, 373.429 FS. History--New 2-3-81, Amended 12-7-83, Formerly 40C-4.461, 40C-4.0461, Repealed _____.

40C-4.471 Abatement and Abandonment.

Specific Authority 373.044, 373.113, 373.171 FS. Law Implemented 373.433, 373.426 FS. History--New 1-31-77, Formerly 16I-4.47, 40C-4.47, Amended 2-3-81, 12-7-83, Formerly 40C-4.471, 40C-4.0471, Repealed _____.

40C-4.481 Remedial and Emergency Measures.

Specific Authority 373.044, 373.113, 373.171 FS. Law Implemented 373.436, 373.439 FS. History--New 2-3-81, Amended 12-7-83, Formerly 40C-4.481, 40C-4.0481, Repealed _____.

40C-4.751 Enforcement.

~~(1) Enforcement actions shall be taken in accordance with the provisions of Chapter 373, Florida Statutes and Chapter 40C-1, F.A.C.~~

~~(2) A system which is constructed or altered without a permit and which requires a permit and the permit, when applied for after the initiation of construction, is denied, must be restored to its pre-construction condition.~~

Specific Authority 373.119, 373.113 FS. Law Implemented 373.119, 373.113, 373.136, 373.603, 373.613 FS. History--New 2-3-81, Amended 12-7-83, Formerly 40C-4.751, 40C-4.0751, Amended _____.

APPLICANT’S HANDBOOK SECTION:

12.2.2.1 Compliance with subsections 12.2.2 – 12.2.3.7, 12.2.5 – 12.3.8 will not be required for regulated activities in isolated wetlands less than one half acre in size, unless:

(a) through (c) No change.

(d) The District establishes that the wetland to be impacted is, or several such isolated wetlands to be impacted are cumulatively, of more than minimal value to fish and wildlife based on the factors in subsection 12.2.2.3.

12.2.5 The special value and importance of shellfish harvesting waters to Florida’s economy as existing or potential sites of commercial and recreational shellfish harvesting and as a nursery area for fish and shellfish is recognized by the District. In accordance with paragraph 12.1.1(d), the District shall:

(a) through (b) No change.

(c) Deny a permit for a regulated activity that is located directly in Class II or Class III waters which are classified by the Department as approved, restricted, conditionally approved or conditionally restricted for shellfish harvesting. This provision shall not apply to ~~However, the District may issue permits or certifications for~~ maintenance dredging of navigational channels, the construction of shoreline protection structures, the installation of transmission and distribution lines for carrying potable water, electricity or communication cables in rights-of-way previously used for such lines, for clam and oyster culture, and for private, single family boat docks that meet the following criteria for installation in such waters:

12.3.1.8 Innovative mitigation proposals which deviate from the standard practices described in sections 12.3-12.3.6 may be proposed by an applicant; however to receive District approval they must offset the adverse impacts to the functions identified in section 12.2-12.3.8.2 caused by regulated activities shall be considered on a case-by-case basis. The donation of money is not considered to be an acceptable method of mitigation, unless cash payments are specified for use in a District or Department of Environmental Protection endorsed environmental preservation, enhancement or restoration project and the payments initiate a project or supplement an ongoing project. The project or portion of the project funded by the donation of money must offset the impacts of the proposed system.

12.3.7.4 General Terms for Financial Responsibility Mechanisms.

In addition to the specific provisions regarding financial responsibility mechanisms set forth in subsection 12.3.7.6 below, the following, as they relate to the specific mechanism proposed, shall be complied with:

(a) The form and content of all financial responsibility mechanisms shall be approved by the District if they satisfy the requirements specified in subsections 12.3.7 – 12.3.7.9.

12.5.4 Duration.

The formal determination shall be binding for five years provided physical conditions on the property do not change so as to alter the wetlands and other surface waters during that

period. Changes in surface water or wetland boundaries resulting from work authorized by a permit pursuant to Part IV, Chapter 373, F.S., will not be considered as altering the boundary for the purposes of this subsection. ~~The Governing Board may revoke a formal determination upon a finding that the petitioner has submitted inaccurate information to the District.~~

12.5.5 Formal Determinations for Properties with an Existing Formal Determination.

Within sixty days prior to the expiration of a formal determination, the property owner, an entity that has the power of eminent domain, or any other person who has a legal or equitable interest in the property may petition for a new formal determination for the same parcel of property and such determination shall be issued, approving the same extent of surface waters and wetlands in the previous formal determination, as long as physical conditions on the property have not changed, other than changes which have been authorized by a permit pursuant to this part, so as to alter the boundaries of surface waters or wetlands and the methodology for determining the extent of surface waters and wetlands authorized by Section 373.421(1), F.S., has not been amended since the previous formal determination. ~~The application fee for such a subsequent petition shall be less than the application fee for the original determination.~~

12.5.6 Nonbinding Determinations.

The District may issue informal nonbinding pre-application determinations or otherwise initiate nonbinding determinations on its own initiative ~~as provided by law.~~

NAME OF PERSON ORIGINATING PROPOSED RULE:
Mary Jane Angelo, Sr. Asst. General Counsel, St. Johns River Water Management District, P. O. Box 1439, Palatka, Florida 32178-1429, (386)329-4838, Suncom 860-4838

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Governing Board of the St. Johns River Water Management District

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 10, 2003

DATE NOTICE OR PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: June 27, 2003

WATER MANAGEMENT DISTRICTS

St. Johns River Water Management District

RULE TITLES:	RULE NOS.:
Declaring a Water Shortage Emergency	40C-21.331
Implementing a Water Shortage Emergency Declaration	40C-21.391

PURPOSE AND EFFECT: The purpose and effect of this proposed rule amendment is to delete citations to certain rules which are obsolete because the referenced rules have been repealed, in accordance with Section 120.74, F.S.

SUMMARY: The proposed rule amendment would delete the reference to Rule 40C-2.0531, F.A.C., in Rule 40C-21.331, F.A.C., and would delete the reference to Rule 40C-2.0541, F.A.C., in Rule 40C-21.391, F.A.C.

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

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

SPECIFIC AUTHORITY: 373.044, 373.113 FS.

LAW IMPLEMENTED: 373.119, 373.175, 373.246 FS.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Norma Messer, Rules Coordinator, Office of General Counsel, St. Johns River Water Management District, P. O. Box 1429, Palatka, Florida 32178-1429, (386)329-4459, Suncom 860-4459

THE FULL TEXT OF THE PROPOSED RULES IS:

40C-21.331 Declaring a Water Shortage Emergency.

(1) through (3) No change.

~~(4) Declaration of a water shortage emergency will be conducted in accordance with Section 40C 2.0531, Florida Administrative Code.~~

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

Specific Authority 373.044, 373.113 FS. Law Implemented 373.119, 373.175, 373.246 FS. History–New 1-1-84, Amended _____.

40C-21.391 Implementing a Water Shortage Emergency Declaration.

~~(1) Declaration of a water shortage emergency shall be conducted in accordance with Section 40C 2.0541, Florida Administrative Code.~~

(2) through (5) renumbered (1) through (4) No change.

Specific Authority 373.044, 373.113 FS. Law Implemented 373.175, 373.246 FS. History–New 1-1-84, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Mary Jane Angelo, Sr. Asst. General Counsel, St. Johns River Water Management District, P. O. Box 1439, Palatka, Florida 32178-1429, (386)329-4838, Suncom 860-4838

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Governing Board of the St. Johns River Water Management District

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 10, 2003

DATE NOTICE OR PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: June 27, 2003

WATER MANAGEMENT DISTRICTS

St. Johns River Water Management District

RULE TITLE: Incentive Program – Qualifying
 RULE NO.: 40C-24.020

PURPOSE AND EFFECT: The purpose and effect of this proposed rule amendment is to delete an obsolete rule citation and replace it with a correct citation, in accordance with Section 120.74, F.S.

SUMMARY: The proposed rule amendment would delete the obsolete reference to section 12.4.5.1, of the Applicant’s Handbook: Consumptive Uses of Water, with the correct citation of 12.2.5.1, Applicant’s Handbook: Consumptive Uses of Water, in Rule 40C-24.020, F.A.C.

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

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

SPECIFIC AUTHORITY: 373.044, 373.113 FS.

LAW IMPLEMENTED: 373.185 FS.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Norma Messer, Rules Coordinator, Office of General Counsel, St. Johns River Water Management District, P. O. Box 1429, Palatka, Florida 32178-1429, (386)329-4459, Suncom 860-4459

THE FULL TEXT OF THE PROPOSED RULES IS:

40C-24.020 Incentive Program – Qualifying.

- (1) No change.
- (2) The District’s Xeriscape Landscaping Incentive Program consists of the following:
 - (a) through (c) No change.

(d) For those local governments which own or operate water supply utilities, or otherwise are required to obtain a consumptive use permit, the District will allow these local governments to include adoption of a xeriscape landscape ordinance as part of their Water Conservation Plan which is required pursuant to Rule 40C-2.301, F.A.C., and section ~~12.4.5.1~~ 12.2.5.1 of the Applicant’s Handbook: Consumptive Uses of Water adopted by reference in Rule 40C-2.101, F.A.C.

Specific Authority 373.044, 373.113 FS. Law Implemented 373.185 FS. History—New 11-30-92, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Mary Jane Angelo, Sr. Asst. General Counsel, St. Johns River Water Management District, P. O. Box 1439, Palatka, Florida 32178-1429, (386)329-4838, Suncom 860-4838

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Governing Board of the St. Johns River Water Management District

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 10, 2003

DATE NOTICE OR PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: June 27, 2003

WATER MANAGEMENT DISTRICTS

St. Johns River Water Management District

RULE TITLES: Implementation 40C-40.031
 Revocation of Permits 40C-40.351
 Limiting Conditions 40C-40.381

PURPOSE AND EFFECT: The purpose and effect of this proposed rule amendment is to delete certain rule provisions which are unnecessary or redundant of statutes cited, in accordance with Section 120.74, F.S.

SUMMARY: The proposed rule amendment would delete unnecessary language in Rules 40C-40.031, 40C-40.351, and 40C-40.381, F.A.C. The proposed rule amendment would also make clear that the limiting conditions for general permits in Rule 40C-40.381, F.A.C., shall be subject to other reasonable conditions as are necessary to assure that the permitted work will meet the conditions for issuance in Rules 40C-4.301 and 40C-4.302, F.A.C.

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

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

SPECIFIC AUTHORITY: 373.044, 373.113 FS.

LAW IMPLEMENTED: 120.60, 373.413, 373.416, 373.419, 373.423, 373.426, 373.429 FS.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Norma Messer, Rules Coordinator, Office of General Counsel, St. Johns River Water Management District, P. O. Box 1429, Palatka, Florida 32178-1429, (386)329-4459, Suncom 860-4459

THE FULL TEXT OF THE PROPOSED RULES IS:

40C-40.031 Implementation.

(1) This rule specifies the effective dates for standard environmental resource permits granted in this chapter. If the surface water management system meets the conditions of this chapter, the effective date is December 7, 1983.

(2) ~~If the validity of any provision of chapter 40C-40, F.A.C., or the application thereof to any person or circumstance is challenged pursuant to chapter 120, F.S., or pursuant to any other basis in law, it is the intent of the Governing Board of the St. Johns River Water Management District that neither a challenge to the validity of a provision or application thereof nor the invalidation of a provision or~~

DATE NOTICE OR PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: June 27, 2003

WATER MANAGEMENT DISTRICTS

St. Johns River Water Management District

RULE TITLES: PERMITS REQUIRED IMPLEMENTATION
RULE NOS.: 40C-42.022 40C-42.033

PURPOSE AND EFFECT: The purpose and effect of this proposed rule amendment is to (1) delete rule provisions that are obsolete, and (2) delete certain unnecessary rule provisions, in accordance with Section 120.74, F.S.

SUMMARY: The proposed rule amendment would delete the obsolete rule provision in subsection 40C-42.022(5), F.A.C., and would delete the unnecessary rule provision in subsection 40C-42.033(3), F.A.C.

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

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

SPECIFIC AUTHORITY: 373.044, 373.113, 373.171, 373.404, 373.406, 373.418, 373.429 FS.

LAW IMPLEMENTED: 373.118, 373.406, 373.413, 373.414, 373.416, 373.418, 373.426 FS.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Norma Messer, Rules Coordinator, Office of General Counsel, St. Johns River Water Management District, P. O. Box 1429, Palatka, Florida 32178-1429, (386)329-4459, Suncom 860-4459

THE FULL TEXT OF THE PROPOSED RULES IS:

40C-42.022 Permits Required.

(1) through (4) No change.

~~(5) Applications received by the District for which a permit has not been issued prior to the rule revisions effective April 11, 1994, and which do not require a permit pursuant to sections (1) or (2), above, may be withdrawn by the applicant.~~

~~(5)(6) No change.~~

Specific Authority 373.044, 373.113, ~~373.171~~, 373.404, 373.406, 373.414, 373.418, ~~373.417~~ FS. Law Implemented 373.118, 373.406, 373.413, 373.414, 373.416, 373.418, 373.426 FS. History—New 9-25-91, Amended 4-11-94, 11-22-94, 10-11-01, _____.

40C-42.033 Implementation.

(1) through (2) No change.

~~(3) If the validity of any provisions of chapter 40C-42, F.A.C., or the application thereof to any person or circumstance is challenged pursuant to Chapter 120 or 373, F.S., or pursuant to any other basis in law, it is the intent of the Governing Board of the St. Johns River Water Management District that neither a challenge to the validity of a provision or~~

~~application thereof nor the invalidation of a provision or application thereof shall affect the validity or application of other provisions of the rule which can be given effect without the challenged or invalidated provision or application and to this end the provisions of chapter 40C-42, F.A.C., are declared severable.~~

Specific Authority 373.044, 373.113, 373.171, 373.429 FS. Law Implemented 373.416 FS. History—New 9-25-91, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Mary Jane Angelo, Sr. Asst. General Counsel, St. Johns River Water Management District, P. O. Box 1439, Palatka, Florida 32178-1429, (386)329-4838, Suncom 860-4838

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Governing Board of the St. Johns River Water Management District

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 10, 2003

DATE NOTICE OR PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: June 27, 2003

WATER MANAGEMENT DISTRICTS

St. Johns River Water Management District

RULE TITLES: IMPLEMENTATION
RELATIONSHIP TO OTHER PERMITTING REQUIREMENTS
RULE NOS.: 40C-44.031 40C-44.071

PURPOSE AND EFFECT: The purpose and effect of this proposed rule amendment is to (1) delete certain unnecessary rule provisions, and (2) to replace an obsolete rule citation with a correct citation, in accordance with Section 120.74, F.S.

SUMMARY: The proposed rule amendment would delete unnecessary language in subsection 40C-44.031(2), F.A.C., and would replace the obsolete citation to section 10.7.2, A.H., in subsection 40C-44.071(2), F.A.C., with the correct citation of section 12.2.2, A.H.

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

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

SPECIFIC AUTHORITY: 373.044, 373.113, 373.171, 373.416, 373.418, 373.429 FS.

LAW IMPLEMENTED: 373.416 FS.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Norma Messer, Rules Coordinator, Office of General Counsel, St. Johns River Water Management District, P. O. Box 1429, Palatka, Florida 32178-1429, (386)329-4459, Suncom 860-4459

THE FULL TEXT OF THE PROPOSED RULES IS:

40C-44.031 Implementation.

(1) This chapter shall become effective on 8-11-91.

(2)(a) Permits and consent orders which authorize operation of agricultural operations, issued by the Department of Environmental Regulation, or pending on June 1, 1991, pursuant to the provisions of former Chapter 17-6, F.A.C., renumbered as Chapters 62-660 and 62-670, F.A.C., shall remain valid after 8-11-91, subject to all limiting conditions contained therein, until final District action on a timely filed permit application made pursuant to this chapter. Ninety days prior to the expiration date of the permit or consent order, an application for the modification of a permit issued pursuant to Chapter 40C-4, F.A.C., and prior to June 1, 1988, or for a general or individual permit, as appropriate, pursuant to this chapter, must be submitted to the District.

(3)(b) Permits and consent orders which authorize operation of agricultural operations, issued by the District or executed by all parties to the consent order by 8-11-91, pursuant to the provisions of former Chapter 17-6, F.A.C., renumbered as Chapters 62-660 and 62-670, F.A.C., and pursuant to subparagraph 62-101.040(12)(a)3., F.A.C., and the Operating Agreement Concerning Stormwater Discharge Regulation and Dredge and Fill Regulation between the St. Johns River Water Management District and Department of Environmental Regulation dated January 4, 1988, shall remain valid after 8-11-91, subject to all limiting conditions therein, until final District action on a timely filed permit application made pursuant to this chapter. Ninety days prior to the expiration date of the permit or consent order, an application for the modification of a permit issued pursuant to Chapter 40C-4, F.A.C., and prior to June 1, 1988, for a general or individual permit, as appropriate, pursuant to this chapter must be submitted to the District.

(4)(c) Any permit application received prior to 8-11-91, will be processed and evaluated pursuant to the provisions of the chapters and Operating Agreement referenced in paragraph (2)(b) above.

~~(2) If the validity of any provisions of chapter 40C-44, F.A.C., or the application thereof to any person or circumstance is challenged pursuant to Chapter 120 or 373, F.S., or pursuant to any other basis in law, it is the intent of the Governing Board of the St. Johns River Water Management District that neither a challenge to the validity of a provision or application thereof nor the invalidation of a provision or application thereof shall affect the validity or application of other provisions of the rule which can be given effect without the challenged or invalidated provision or application and to this end the provisions of chapter 40C-44, F.A.C., are declared severable.~~

Specific Authority 373.044, 373.113, 373.171, 373.429 FS. Law Implemented 373.416 FS. History—New 8-11-91, Amended 10-20-92,_____.

40C-44.071 Relationship to Other Permitting Requirements.

(1) No change.

(2) Alterations of existing agricultural surface water management systems, which would otherwise require permits pursuant to Rule 40C-4.041, F.A.C., will be considered minor alterations and will qualify for a standard general or individual environmental resource agricultural system permit, as appropriate, pursuant to this chapter, provided they do not increase the peak discharge rate and total discharge volume, when applicable (Applicant’s Handbook: Management and Storage of Surface Waters, section 10.3 and 10.4), or alter off-site storage and conveyance capabilities of the water resource (Applicant’s Handbook: Management and Storage of Surface Waters, section 10.5), or adversely affect wetland functions, (Applicant’s Handbook: Management and Storage of Surface Waters, section 12.2.2) or increase the off-site pollutant loading (Applicant’s Handbook: Management and Storage of Surface Waters, section 10.7.2).

(3) through (6) No change.

Specific Authority 373.044, 373.113, 373.171, 373.416, 373.418 FS. Law Implemented 373.416 FS. History—New 8-11-91, Amended 10-20-92, 10-3-95,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Mary Jane Angelo, Sr. Asst. General Counsel, St. Johns River Water Management District, P. O. Box 1439, Palatka, Florida 32178-1429, (386)329-4838, Suncom 860-4838

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Governing Board of the St. Johns River Water Management District

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 10, 2003

DATE NOTICE OR PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: June 27, 2003

WATER MANAGEMENT DISTRICTS

Southwest Florida Water Management District

RULE CHAPTER TITLE: Year-Round Water Conservation

RULE CHAPTER NO.:

Measures 40D-22

RULE TITLES: RULE NOS.:

Policy and Purpose 40D-22.011

Definitions 40D-22.101

Year-Round Water Conservation Measures 40D-22.201

Variance and Waivers 40D-22.303

Enforcement 40D-22.401

PURPOSE AND EFFECT: Update the District’s year-round water conservation rule chapter which was first adopted in 1992, including incorporation of existing measures required by Board Orders Nos. 92-12, 92-21, 92-60, 93-105, and 01-83.

SUMMARY: The District’s Year-Round Water Conservation Measures Rule (Chapter 40D-22, F.A.C.) contains the mandatory measures that apply when no water shortage event is declared. These baseline measures were first adopted by Rule in 1992 and, as originally written, consist primarily of a daytime ban on lawn watering. The proposed amendments update the Rule to incorporate measures included in Board

Orders Nos. 92-12, 92-21, 92-60, 93-105, and 01-83. The proposed amendments also 1) update definitions, 2) streamline language for specific measures, 3) recognize the water-conserving features of Water Use Permits and published Best Management Practices, 4) recognize the need for, and in some cases the desirability of, variances 5) provide for grandfathering of existing variances for a limited period of time, and 6) clarify the District's expectations regarding reclaimed water blends and local enforcement assistance.

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: 120.542, 373.044, 373.113, 373.171 FS.

LAW IMPLEMENTED: 120.542, 120.69, 373.119, 373.171, 373.223, 373.246(7), 373.609 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Lois Sorensen, Water Shortage Coordinator, 2379 Broad Street, Brooksville, FL 34604-6899, (352)796-7211, Extension 4335

THE FULL TEXT OF THE PROPOSED RULES IS:

40D-22.011 Policy and Purpose.

(1) This Chapter comprises the Southwest Florida Water Management District's (District) Year-Round Conservation Measures. It is the policy of the District to promote and require water conservation during times of average and above average rainfall as well as during declared water shortages. To that end, the purpose of this Chapter is to promote long-term sustainability of the water resources of the District through water use efficiency by regulatory means during times when no water shortage has been declared. The measures contained in this Chapter are intended to reduce wasteful irrigation practices and encourage lawn and landscape drought conditioning. In addition to these measures, the District also uses Chapter 40D-2, Florida Administrative Code, provisions and education and incentive programs to promote water conservation. These measures are intended to increase water use efficiency for all irrigation uses. The measures prevent irrigation during periods of the day when water loss is highest.

(2) This Chapter applies to all water sources as provided herein and all water users as defined herein engaged in irrigation, including those not subject to permitting pursuant to Chapter 40D-2, Florida Administrative Code. This Chapter

applies to all water users and sources, including those not subject to permitting pursuant to Chapter 40D-2, Florida Administrative Code.

Specific Authority 373.044, 373.113, 373.171 FS. Law Implemented 373.171 FS. History—New 3-24-92, Amended _____.

(Substantial rewording of Rule 40D-22.101 follows. See Florida Administrative Code for present text.)

40D-22.101 Definitions.

When used in this Chapter:

(1) "Address" means the "house number" (a numeric or alphanumeric designation) that, together with the street name, describes the physical location of a specific property. This includes "rural route" numbers but excludes post office box numbers. If a lot number in a mobile home park or similar community is used by the U.S. Postal Service to determine a delivery location, the lot number shall be the property's address. If a lot number in a mobile home park or similar residential community is not used by the U.S. Postal Service (e.g., the park manager sorts incoming mail delivered to the community's address), then the community's main address shall be the property's address.

(2) "Agriculture" means the science and art of production of plants and animals useful to humans, including to a variable extent the preparation of these products for human use and their disposal by marketing or otherwise, and includes aquaculture, horticulture, floriculture, zoological and botanical specimen exhibits, viticulture, forestry, dairy, livestock, pasture, poultry, bees, and any and all forms of farm products and farm production. Plant nurseries and Turfgrass production ("sod farming") are agriculture; however, the care of new or Existing Lawns, non-edible Landscapes, Cemeteries, Golf Courses and Athletic Play Areas are not classified as Agriculture for the purpose of this Chapter.

(3) "Athletic Play Area" means all golf course fairways, tees, and greens, and other athletic play surfaces; for example, football, baseball, soccer, polo, tennis and lawn bowling fields, and rodeo, equestrian and livestock arenas. A turfgrass area in a public park, when used for a festival or other scheduled event that includes heavy foot traffic, is also considered an athletic play area for a period ending two weeks after the event.

(4) "Cemeteries" means a place dedicated to and used or intended to be used for the permanent interment of human or pet remains. A Cemetery may contain land or earth interment; mausoleum, vault, or crypt interment; a columbarium, ossuary, scattering garden, or other structure or place used or intended to be used for the interment or disposition of cremated human or pet remains; or any combination of one or more of such structures or places.

(5) "Domestic" and Other Sanitary Uses" means the use of water for the individual personal household purposes of drinking, bathing, cooking, laundry, household cleaning, or

other sanitation. Other uses often associated with domestic activities, such as Lawn Irrigation are classified elsewhere in this Chapter within appropriate use classes.

(6) “Driving Range” is the turfgrass at a practice or instructional facility that provides a simulated golf fairway, simulated golf tee and simulated golf green. The simulated golf green associated with a simulated golf fairway is primarily a visual target instead of a regulated play surface, and so does not receive the foot traffic and related turfgrass damage normally associated with an actual golf green.

(7) “Even Numbered Address” means an Address, ending in the numbers 0, 2, 4, 6, 8 or the letters A-M.

(8) “Existing” means any Lawn or Landscape, or portion thereof, which has been in existence in the same location for a period of 60 days or more.

(9) “Frost/Freeze or Heat Stress” means the symptoms caused to plants or crops by extreme cold or hot weather unless an irrigation event occurs; for example, permanent wilt damage, yield reductions and/or plant death.

(10) “Golf Course” means an area of land laid out for the express purpose of playing golf, including all greens, tees, fairways, and roughs.

(11) “Hand Watering” means watering plants or crops with one hand held hose, fitted with a self-canceling or automatic shutoff nozzle, or a watering can or pail.

(12) “Irrigation” means the application of water to plants for the purpose of sustaining plant life, promoting plant growth or to facilitate crop production.

(13) “Landscape” means a section of ground adorned or improved by flowering plants (whether annual or perennial), vines, shrubs, palms, trees, ferns, ornamental grasses and groundcover other than Lawn.

(14) “Landscape Use” means the application of water to Lawns and associated Landscape surrounding homes, commercial or industrial buildings, government or other non-commercial buildings, parks, recreational areas, Cemeteries, non-play areas of Golf Courses, public and private right-of-ways and medians but excluding Athletic Play Areas.

(15) “Lawn” means a plot of Turfgrass, usually tended or mowed, surrounding homes, commercial or industrial buildings, government or other non-commercial buildings, parks, recreational areas, Cemeteries, and public or private rights-of-way and medians, but excludes Athletic Play Areas, whether such areas are free-standing or within a park or other setting.

(16) “Low-Volume Irrigation” means the use of Hand Watering, Micro-irrigation or other equipment and devices specifically designed to allow the volume of water delivered to be limited to a level consistent with the water requirement of the plant being irrigated and designed to allow that water to be placed with a high degree of efficiency within the root zone of the plant.

(17) “Micro-irrigation” means any Irrigation device that distributes water near or within the root zone through low flow rate and emitters. Examples of Micro-irrigation devices include drip, line source, microspray, microsprinkler, bubbler and similar types of systems. The term specifically includes propagation mist heads, capillary mats and soaker hoses. The term also includes water use in Mist Houses and similar establishments for plant propagation and production, but excludes any form of turf irrigation other than in a sod production (“turf farming”) setting.

(18) “New Plant Material” means any Lawn or Landscape, or portion thereof, which has been in existence in the same location for less than 60 days.

(19) “Odd Numbered Address” means an Address ending in the numbers 1, 3, 5, 7, 9 or the letters N-Z.

(20) “Reclaimed Water” means water that has received at least secondary treatment and basic disinfection and is reused after flowing out of a wastewater treatment facility.

(21) “Spot Treatment” is the Hand Watering of isolated areas of turfgrass or other plant material, such as golf course greens, in order to efficiently deliver water needed to provide uniform moisture content. This practice is a water-conserving means of compensating for differences in sun exposure, sprinkler coverage, and other site-specific factors.

(22) “Sprigged turf area” means a turf area being established vegetatively by placing Sprigs in furrows or small holes.

(23) “Sprigs” means individual stems of grass with one to four nodes (joints) from which roots can develop. Sprigs may also be called runners, rhizomes, or stolons. Sprigs are a means of vegetative propagation that is sometimes used to produce Golf Course greens, Golf Course fairways, other Athletic Play Areas, and Lawns. Bermuda grass is the most common type of turfgrass propagated in this manner.

(24) “Syringing” is the watering of turfgrass or other plant material in order to lower the air temperature around the leaf surfaces. This generally involves the use of Hand Watering or “fogging” irrigation equipment. The purpose of the special watering technique is to cool-off the leaf tissue, not to wet the soil.

(25) “Turfgrass” means a dense growth of grass (any of numerous plants of the botanical family Gramineae) being used as a ground cover to provide one or more of the following benefits: erosion control, dust reduction, beautification, or as a playing surface for sports or recreation. Common turfgrasses in Florida include, but are not limited to: Bahiagrass, Bermudagrass, and St. Augustinegrass.

(26) “User” means any person, individual, firm, association, organization, partnership, business trust, corporation, company, agent, employee or other legal entity, the United States of America, and the State and all political subdivisions, regions, districts, municipalities, and public

agencies thereof, which directly or indirectly takes water from the water resource, including but not limited to uses from groundwater wells and private or public utility systems.

(27) “Vertical Mowing” means a form of thatch removal involving the use of special equipment that makes multiple vertical cuts into the Lawn or other turfgrass. Vertical Mowing may also be referred to as verticutting.

(28) “Water resource” means any and all water on or beneath the surface of the ground, including natural or artificial water courses, lakes, ponds, or diffused surface water and water percolating, standing, or flowing beneath the surface of the ground, specifically including water withdrawn from wells, but excluding seawater.

(29) “Water shortage or water shortage emergency” means that situation within all or part of the District when the Governing Board or Executive Director has declared a water shortage pursuant to Sections 373.175 or 373.246, F.S. or Chapter 40D-21, F.A.C.

(30) “Water Use Permit” (WUP) means a permit issued pursuant to Chapter 40D-2, F.A.C., authorizing the use of water.

Specific Authority 373.044, 373.113, 373.171 FS. Law Implemented 373.171, 373.223 FS. History—New 3-24-92, Amended _____.

(Substantial rewording of Rule 40D-22.201 follows. See Florida Administrative Code for Present text.)

40D-22.201 Year-Round Water Conservation Measures.

(1) General Requirements – The year-round water conservation measures contained in this section are applicable to all water Users, including end Users served by public or private water systems. The water conservation measures contained herein shall be effective throughout all geographical areas within the District. Any restrictions or other measures declared pursuant to Chapter 40D-21, F.A.C., or any Board or Executive Director order that is more restrictive than a water conservation measure contained within this Chapter shall supersede the water conservation measure for the duration of the applicable water shortage declaration.

(2) Wasteful and Unnecessary – In addition to the specific restrictions enumerated below, the following wasteful and unnecessary water uses are prohibited:

(a) Allowing water to flow from an unattended hose, unless that water is discharge from a functional water-to-air air conditioning unit, residential reverse osmosis treatment system, or similar device.

(b) Handwatering a Lawn on an otherwise restricted day or more than once a day, except when used for Spot Treatment or other practices specified in this Rule.

(c) Hosing-down a driveway or other impervious surface to remove grass clippings or other debris that can be removed with a broom or other dry methods.

(d) Hosing-down a building or other structure to remove cobwebs or other material that can be removed with a broom or other dry methods.

(e) Allowing water to flow from a broken sprinkler head, outdoor faucet, or other malfunctioning plumbing or irrigation system component, after receiving verbal or written notice of the malfunction from the District, water utility, or local government.

(3) Irrigation Uses – The following requirements shall apply to all Irrigation except Agriculture, for example: Lawns, Landscapes, Golf Courses, and other Athletic Play Areas.

(a) Irrigation shall be prohibited daily between the hours of 10:00 a.m. and 4:00 p.m., except as otherwise provided herein.

(b) Irrigation systems may be operated during restricted days and/or times for cleaning and maintenance purposes with an attendant on site in the area being tested. Irrigation systems may routinely be operated for such purposes no more than once per week, and the run time for any one test should not exceed 10 minutes.

(c) Irrigation for the purpose of watering-in fertilizers, insecticides, fungicides and herbicides, where such watering-in is required by the manufacturer, or by federal, state or local law, shall not be restricted, with two exceptions when associated with a Lawn or Landscape: In the absence of specific alternative instructions from the manufacturer, such watering-in shall be limited to one application of one-quarter inches; and, such watering-in shall be accomplished during allowable watering times unless a professional applicator has posted a temporary sign containing the date of application and the date(s) of needed watering-in activity.

(d) Landscape may be watered using Low-Volume Irrigation methods on an as-needed basis instead of being restricted to certain days or times.

(e) Lawns may be Spot Treated without regard to the normally allowable watering days or times. Lawns may only be Spot Treated by Hand-Watering or other targeted, manual means.

(f) In order to promote necessary rhizome repair, extra watering of turfgrass may occur on any day of the week for a 14-day period after Vertical Mowing has occurred. An entire zone of an Irrigation system, may only be used for extra rhizome repair watering if the zone in question is for an area that contains at least 50% Turfgrass recovering from Vertical Mowing. If a zone contains less than 50% recovering Turfgrass, or if the recovering Turfgrass area is typically not watered by an Irrigation system, only the recovering Turfgrass is eligible for this 14-day exemption. Targeted watering may be accomplished by Hand Watering, or any appropriate method which isolates and waters only the recovering Turfgrass.

(g) New Plant Material shall only be irrigated as follows:

1. Any New Plant Material may be irrigated on any day of the week as needed, for the purpose of maintaining plant health and encouraging root grow-in, during a 60-day establishment period.

2. This establishment period begins the day the New Plant Material is installed, and is limited to areas containing New Plant Materials only. An entire zone of an Irrigation system may only be used for establishment period watering if the zone in question is for an area that contains at least 50% New Plant Material. If a zone contains less than 50% New Plant Material, or if the New Plant Material is in an area that will be typically not be watered by an Irrigation system, only the New Plant Material is eligible for this 60-day exemption. Targeted watering may be accomplished by Hand Watering, or any appropriate method which isolates and waters only the New Plant Material.

3. On the day any New Plant Material is installed, it may be irrigated once without regard to the normally allowable watering times. Irrigation of the soil immediately prior to the installation of New Plant Material is also allowable without regard to the normally allowable watering times.

4. Irrigation of Sprigged turfgrass areas is allowable without regard to the normally allowable watering times for the entire 60-day establishment period.

5. Irrigation of new Turfgrass areas or other New Plant Material associated with a public works project, when and where conducted using tanker trucks or other vehicles, is allowable without regard to the normally allowable watering times for the entire 60 day establishment period.

6. Landscape may continue to be irrigated on an as-needed basis without regard to the normally allowable watering days or times after the establishment period ends if Low-Volume Irrigation technology is used, pursuant to paragraph 40D-22.201(1)(d), F.A.C.

7. Except as otherwise provided herein, all other such establishment period watering shall occur during normally allowable watering times.

(h) Irrigation using Reclaimed Water shall not be restricted except as further restricted by a local government or other Reclaimed Water provider, as necessary, to promote conservation of this alternative water source. However, all properties should voluntarily conserve Reclaimed Water by not irrigating between the hours of 10:00 a.m. and 4:00 p.m. In addition, if Irrigation is done with a source that contains a blend of Reclaimed Water and potable water, ground water, pond water or some other supply, the use of this blended water shall be subject to the restrictions that apply to that other supply, except for the following circumstances:

1. The other supply is incidental stormwater runoff that enters a Reclaimed Water storage pond;

2. The other supply is a withdrawal regulated by a District Water Use Permit, provided that the quantity being blended with the Reclaimed Water is specifically authorized for

blending purposes. For example, this other supply may be withdrawals from an un-augmented stormwater system or water recovered from a permitted ASR well that stores seasonal diversions from a surface water body, including ASR well testing authorized in preparation for permit issuance;

3. The other supply is water recovered from a Reclaimed Water ASR well permitted by the Florida Department of Environmental Protection, including Reclaimed Water ASR well testing authorized in preparation for permit issuance; or

4. The applicable Reclaimed Water provider is implementing a District-authorized variance from the provisions of Rule 40D-22.201, F.A.C., which addresses use of the reclaimed water blend.

(i) The operation of an Irrigation system for the discharge of water from a water-to-air air conditioning unit or other water-dependent cooling system shall not be subject to the provisions of this Rule.

(j) Irrigation of established Turfgrass and Landscape associated with a public works project, when and where conducted using tanker trucks or other vehicles, is allowable without regard to the normally allowable watering days and times, except that Irrigation of Turfgrass by this method is limited to a maximum of two applications of 3/4 inches of water in any seven-day period after conclusion of the establishment period exemption specified above.

(4) Lawn and Landscape Use – The following additional requirements or exceptions to subsections 40D-22.201(1)-(3), F.A.C., shall apply to the Irrigation of Lawns and Landscape.

(a) Except as otherwise specified in this Chapter, Even Numbered Addresses may accomplish necessary Lawn and Landscape Irrigation on only Tuesday and/or Saturday.

(b) Except as otherwise specified in this Chapter, Odd Numbered Addresses and rights-of-way or other locations without an Address may accomplish necessary Lawn and Landscape Irrigation on only Wednesday and/or Sunday.

(c) Cemeteries and other Users irrigating property two acres or greater may water one-half of the property on the days allowed for Even Numbered Addresses and may water the remaining one-half on the days allowed for Odd Numbered Addresses. Each such User is required to maintain a map or sketch on site that indicates which days each part of the property will be watered, and the District or applicable local government may require that a copy of this same map or sketch be provided for verification or enforcement purposes. If a specific property is unable to comply with this schedule, the variance process may be used to register an alternative schedule acceptable to the District.

(5) Golf Courses – The following additional requirements or exceptions to subsections 40D-22.201(1)-(3), F.A.C., shall apply to Golf Course Irrigation as appropriate:

(a) Users whose uses require and are authorized by a WUP have been evaluated by the District and required to maintain compliance with all WUP conditions and terms, including

those designed to require the utilization of water conserving practices. Compliance with all WUP conditions and terms shall constitute compliance in lieu of other measures specified in subsections 40D-22.201(2)-(5), F.A.C.

(b) Except as excluded by paragraph 40D-22.201(5)(a), F.A.C., all individual Users for Golf Course Irrigation shall use:

1. Best Management Practices For Florida Golf Courses, University of Florida, Institute of Food and Agricultural Sciences, Cooperative Extension Service, Department of Environmental Horticulture, 1993, as amended; or

2. The following measures:

a. Irrigation shall be limited to the times specified in subsection 40D-22.201(3), F.A.C.

b. Fairways, roughs and Driving Ranges, shall be watered no more than two times per week.

c. Tees and greens shall be watered no more than three times per week.

d. The Irrigation of tees and greens shall not be restricted when such Irrigation is for plant protection, including Frost/Freeze or Heat Stress, except as limited by subsection 40D-22.201(2), F.A.C.

e. Spot Treatment and Syringing are not restricted.

f. Irrigation related to overseeding that is a component of a fall transition program shall not be restricted to a certain number of applications each week.

(6) Other Athletic Play Area Irrigation – The following additional requirements or exceptions to subsections 40D-22.201(1)-(3), F.A.C., shall apply to the play areas of Athletic Play Areas:

(a) Operation of an Irrigation system for plant protection of Athletic Play Areas turfgrass fields, including Frost/Freeze or Heat Stress prevention, shall not be restricted, except in accordance with subsection 40D-22.201(2), F.A.C.;

(b) The wetting of clay tennis courts, baseball/softball infields, livestock or rodeo areas and other non-turf grass Athletic Play Areas immediately prior to play is allowable to ensure athlete/animal safety, comply with sport standards and control dust.

(c) Baseball, softball, football, soccer, polo and other similar turfgrass playing field surfaces may receive one extra Irrigation application immediately after heavy league play if necessary to encourage turf repair needed to maintain safe play conditions.

(d) Spot Treatment and Syringing are not restricted.

(e) One-half of Athletic Play Areas may be irrigated on Mondays and/or Thursdays; the other half may be irrigated on Tuesdays and/or Fridays for the purpose of meeting normal supplemental Irrigation needs. A map or sketch shall be maintained on site that indicates which days each part of the property will be watered, and the District or applicable local

government may require that a copy of this same map or sketch be provided for verification or enforcement purposes. If a specific property is unable to comply with this schedule, the variance process may be used to register an alternative schedule acceptable to the District.

(7) Agriculture – The following additional requirements or exceptions to subsection 40D-22.201(1), F.A.C., shall apply to Agriculture as appropriate:

(a) Users whose uses require and are authorized by a WUP have been evaluated by the District and required to maintain compliance with all WUP conditions and terms, including those designed to require the utilization of water conserving practices. Compliance with all WUP conditions and terms shall constitute compliance in lieu of other measures specified in subsections 40D-22.201(1)-(2) and (7), F.A.C.

(b) Except as excluded by paragraph 40D-22.201(7)(a), F.A.C., all individual Users for Agricultural Irrigation shall follow these measures:

1. Use of Micro-irrigation and other Low-Volume Irrigation methods shall not be restricted.

2. Operation of an Irrigation system for plant protection, including Frost/Freeze or Heat Stress prevention, shall not be restricted.

3. Irrigation for the purpose of watering-in fertilizers, insecticides, fungicides and herbicides, where such watering-in is required by the manufacturer, or by federal, state or local law, shall not be restricted.

4. All other Irrigation shall be prohibited daily between the hours of 10:00 a.m. and 4:00 p.m.

5. The variance process may be used to register an alternative Irrigation program acceptable to the District, such as the ability to irrigate in accordance with a published document detailing Best Management Practices for the applicable crop or commodity.

Specific Authority 373.044, 373.113, 373.171 FS. Law Implemented 373.171, 373.223 FS. History—New 3-24-92, Amended _____.

40D-22.303 Variances and Waivers.

(1) Users may request relief from the provisions of this Chapter 40D-22, F.A.C., by filing a petition for variance or waiver pursuant to Section 120.542, Florida Statutes and Chapter 28-104, F.A.C. Examples of circumstances, which, subject to the above referenced statute and Rule and the provisions below, may be candidates for the issuance of a variance or waiver are:

(a) Properties with Irrigation systems that water both Odd and Even Numbered Addresses at the same time.

(b) Two or more properties which share a common source of water.

(c) A local government providing water to Users or a Reclaimed Water provider providing Reclaimed Water blend to Users that desires to sponsor an alternative year-round irrigation conservation plan approved by the District.

(d) A public or private water system experiencing, or anticipating, pressure problems associated with subsection 40D-22.201(4), F.A.C.

(2) A variance is invalid if it has expired or if the property owner or agent violates terms of the variance.

(3) Users requiring relief from measures in a local government's alternative year-round Irrigation conservation plan approved by the District must petition that local government for relief.

(4) Variances and plans issued in accordance with Board Orders 92-12, 92-21, 92-60, 93-105, SWF 01-83 and Executive Director Order 00-18 are hereby ratified and affirmed, and shall remain in full force and effect except that they shall expire 10 years after the original issuance, or one (1) year from [effective date of rule], whichever is later, unless an earlier date is specified in the letter granting the original variance or plan. These variances and plans are also subject to the following provisions:

(a) Any property with a valid District variance issued after March 2, 1992 but prior to April 26, 2000 may use both of the two watering days specified for each section of the property.

(b) Any property with a valid District variance issued after April 26, 2000 but prior to October 30, 2001, which contained provisions for a second water day for each section of property may also use the second watering day.

(c) Any property with a valid District variance issued after April 26, 2000 that did not specify a second watering day for each section of the property is modified as follows: each section of the property may also be irrigated on the day of the week that occurs three days following the originally specified day. (For example, if an alternative Irrigation plan stipulates that a certain section of property can be watered on Fridays, it may now also be watered on Mondays).

Specific Authority 120.542, 373.044, 373.113, 373.171 FS. Law Implemented 120.542, 373.119, 373.171, 373.175(4), 373.246(7), 373.609 FS. History--New

40D-22.401 Enforcement.

(1) This Chapter shall be effective year round. Provided, however, that in the event of conflict, the measures, provisions and restrictions imposed when a water shortage has been declared pursuant to Chapter 40D-21, F.A.C., or related Board or Executive Director order that is more restrictive than a water conservation measure contained within this Chapter, shall supersede the water conservation measures contained in this Chapter 40D-22, F.A.C. for the duration of the applicable water shortage declaration. This Chapter shall be effective year round. The provisions of this Chapter shall be temporarily

superseded by any water shortage or water shortage emergency orders imposed by the Governing Board or Executive Director with the concurrence of the Board.

(2) As required by Section 373.609, F.S., but only upon specific request by the District, each county and city commission, state and county attorney, sheriff, police officer or other appropriate local government official shall assist the District in enforcing this Chapter. Local governments may voluntarily elect to provide additional local enforcement assistance, such as a violation reporting telephone number for citizens' use or a system of proactive enforcement patrols. The District shall continue to only request assistance with address-specific or location-specific violation complaints that do not involve a Water Use Permit holder and constitute either an emergency or a repeat violation situation. It is the policy of the District to seek the cooperation of state, county and municipal officials, law enforcement officials, and police officers in the enforcement of the Year Round Water Conservation Measures contained within this Chapter.

(3) Irrigation of Lawns and Landscapes, as described in this Chapter, may be further restricted by local governments in response to a local water supply system concern. In the event any county or city within the District adopts or implements such local measures, the measures contained therein shall be at least as restrictive as those imposed by this Chapter and the county or city shall promptly notify the District of all local measures imposed and the effective date. Irrigation of established lawns and landscaping, as established above, may be further restricted by local governments. In the event that any county or city within the District adopts or implements such measures, the measures contained therein shall be at least as restrictive as those imposed by this Chapter. In addition, the allowed watering days and hours under such local ordinance shall coincide with the District's measures as contained in this Chapter.

(4) No change.

Specific Authority 373.044, 373.113, 373.171 FS. Law Implemented 373.119, 373.171, 373.175, 373.246, 373.609, 373.603 FS. History--New 3-24-92, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
B. J. Jarvis, Records and Data Director, 2379 Broad Street, Brooksville, FL 34604-6899, (352)796-7211, Extension 4299

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: June 24, 2003

DATE NOTICES OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: December 14, 2001, March 29, 2002 and May 10, 2002

PLACE: Room 1802M, The Capitol, Tallahassee, Florida
 Any person requiring a special accommodation to participate in the workshop because of a disability should contact Barbara Leighty, (850)487-1884, at least five (5) business days in advance to make appropriate arrangements.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Barbara Leighty, Senior Policy Analyst, Florida Land and Water Adjudicatory Commission, The Capitol, Room 1802, Tallahassee, Florida 32399-0001, (850)487-1884

THE FULL TEXT OF THE PROPOSED RULE IS:

TOMOKA COMMUNITY DEVELOPMENT DISTRICT

42LL-1.001 Establishment.

The Tomoka Community Development District is hereby established.

Specific Authority 190.005 FS. Law Implemented 190.004 and 190.005 FS. History—New _____.

42LL-1.002 Boundary.

The boundaries of the district are as follows:

A portion of sections, 3, 4, 5, 8, 9, 10, 15, 16, 21, and 22, Township 13 south, range 31 east, Flagler County, Florida, and a portion of Bunnell Development Company Subdivision, as recorded in plat book 1, page 1, of the Public Records of Flagler County, Florida, and a portion of sections 14, 22 and 23, Township 13 south, range 31 east, Volusia County, Florida, described as follows:

From the southwest corner of said section 3, run north 01 degrees 46 minutes 36 seconds west along the west line of said section 3 a distance of 451.12 feet to the point of beginning; thence continue north 01 degrees 46 minutes 36 seconds west along said line a distance of 535.72 feet; thence departing said line, run north 87 degrees 27 minutes 53 seconds east a distance of 150.00 feet; thence north 01 degree 46 minutes 33 seconds west a distance of 1287.05 feet to the southerly right of way line of Old Dixie Highway, a 66 foot right of way; thence north 89 degrees 28 minutes 05 seconds east along said right of way line a distance of 1181.54 feet; thence departing said right of way line, run south 01 degree 48 minutes 15 seconds east along the east line of lot 4, block C, section 3, said Bunnell Development Company subdivision a distance of 1287.00 feet; thence north 89 degrees 28 minutes 22 seconds east along the north line of lot 10, block C, section 3, said Bunnell Development Company subdivision a distance of 110.00 feet; thence departing said line, run south 01 degree 48 minutes 15 seconds east along the easterly line of a 110 foot Florida Power & Light Company easement as recorded in deed book 116, page 128, of the Public Records of Flagler County, Florida, and the boundary of Plantation Bay phase I-A, as recorded in plat book 29, pages 40-48, of the Public Records of Flagler County, Florida, a distance of 782.92 feet; thence

departing said line, run south 89 degrees 35 minutes 22 seconds west a distance of 236.07 feet; thence north 01 degree 48 minutes 15 seconds west a distance of 399.99 feet; thence south 82 degrees 12 minutes 14 seconds west a distance of 1212.70 feet to the point of beginning.

Together with the following:

From the southwest corner of said section 3, as the point of beginning, run south 02 degrees 08 minutes 04 seconds east along the east line of said section 9 a distance of 473.67 feet; thence departing said line, run south 62 degrees 28 minutes 42 seconds west a distance of 334.23 feet to a point on the arc of a curve, concave westerly, having a radius of 1380.00 feet, central angle of 40 degrees 46 minutes 36 seconds, and a chord bearing of south 06 degrees 49 minutes 43 seconds west; thence run southerly along the arc of said curve a distance of 982.13 feet; thence south 27 degrees 13 minutes 01 seconds west a distance of 704.67 feet to the p.c. of a curve, concave easterly, having a radius of 571.65 feet and a central angle of 34 degrees 23 minutes 14 seconds; thence run southerly along the arc of said curve a distance of 343.09 feet to the p.r.c. of a curve, concave northwest, having a radius of 658.75 feet and a central angle of 32 degrees 59 minutes 14 seconds; thence run southerly along the arc of said curve a distance of 379.27 feet; thence south 25 degrees 49 minutes 00 seconds west a distance of 502.83 feet to the p.c. of a curve, concave southeast, having a radius of 670.00 feet and a central angle of 39 degrees 19 minutes 27 seconds; thence run southerly along the arc of said curve a distance of 459.84 feet; thence south 13 degrees 30 minutes 26 seconds east a distance of 180.63 feet to the p.c. of a curve, concave northeast, having a radius of 25.00 feet and a central angle of 88 degrees 29 minutes 15 seconds; thence run easterly along the arc of said curve a distance of 38.61 feet to the p.r.c. of a curve, concave southwest, having a radius of 2058.75 feet, central angle of 33 degrees 31 minutes 32 seconds, and a chord bearing of south 85 degrees 13 minutes 55 seconds east; thence run easterly along the arc of said curve a distance of 1204.64 feet; thence south 02 degrees 08 minutes 04 seconds east along the east line of said section 9 a distance of 1175.28 feet to the southeast corner thereof; thence south 02 degrees 02 minutes 03 seconds east along the east line of said section 16 a distance of 3104.20 feet; thence departing said line, run north 87 degrees 57 minutes 57 seconds east a distance of 860.71 feet to a point to be reference as point "A"; thence south 13 degrees 56 minutes 20 seconds west a distance of 973.88 feet to the p.c. of a curve, concave easterly, having a radius of 2550.00 feet and a central angle of 31 degrees 08 minutes 05 seconds; thence run southerly along the arc of said curve a distance of 1385.68 feet; thence south 17 degrees 11 minutes 45 seconds east a distance of 731.09 feet to the p.c. of a curve, concave northwest, having a radius of 625.00 feet and a central angle of 61 degrees 22 minutes 11 seconds; thence run westerly along the arc of said curve a distance of 669.44 feet; thence south 44 degrees 10 minutes 26 seconds west a distance of 234.53 feet to the p.c. of a curve, concave northerly, having

a radius of 25.00 feet, central angle of 90 degrees 16 minutes 05 seconds, and a chord bearing of south 89 degrees 33 minutes 29 seconds west; thence run northerly along the arc of said curve a distance 39.61 feet to the p.c.c. of a curve, concave northeast, having a radius of 5619.59 feet, central angle of 03 degrees 58 minutes 40 seconds, and a chord bearing of north 43 degrees 04 minutes 09 seconds west; said point being on the easterly right of way line of U.S. Highway No. 1, a 160 foot right of way; thence northerly along said right of way line and the arc of said curve a distance of 390.13 feet; thence north 48 degrees 55 minutes 11 seconds east a distance of 35.00 feet to a point on the arc of a curve, concave northeast, having a radius of 5584.59 feet, central angle of 1 degree 40 minutes 40 seconds, a chord bearing of north 40 degrees 14 minutes 29 seconds west; thence run northerly along the arc of said curve a distance of 163.53 feet; thence north 39 degrees 24 minutes 09 seconds west a distance of 276.47 feet; thence south 50 degrees 35 minutes 51 seconds west a distance of 35.00 feet; thence north 39 degrees 24 minutes 09 seconds west a distance of 7995.87 feet; thence departing said right of way line, run north 89 degrees 11 minutes 58 seconds east along the south line of lots 8 and 9, block C, section 9, said Bunnell Development Company subdivision, a distance of 999.49 feet; thence north 02 degrees 00 minutes 32.5 seconds west along the east line of lot 9, block C, said section 9 a distance of 1320.83 feet; thence north 89 degrees 12 minutes 05 seconds east along the north line of lots 10 and 12, block C, said section 9 a distance of 1325.60 feet; thence north 02 degrees 04 minutes 45 seconds west along the west line of lots 5 and 6, block D, said section 9 a distance of 1320.83 feet; thence south 89 degrees 12 minutes 11 seconds west along the south line of lots 10 and 11, block B, said section 9 a distance of 1323.99 feet; thence south 02 degrees 00 minutes 32.5 seconds east along the east line of lot 4, block C, said section 9 a distance of 1320.83 feet; thence south 89 degrees 12 minutes 05 seconds west along the south line of lot 4, block C, said section 9 a distance of 662.80 feet; thence north 01 degree 58 minutes 26 seconds west along the west line of lot 4, block C, and lot 9, block D, said section 9 a distance of 19381.25 feet; thence south 89 degrees 12 minutes 14 seconds west along the south line of lot 7, block B, said section 9, and the south line of lot 12, block A, said section 8 and the westerly extension thereof, a distance of 1396.16 feet; thence north 07 degrees 21 minutes 09.5 seconds west a distance of 442.07 feet; thence south 72 degrees 34 minutes 37 seconds west a distance of 267.61 feet to the easterly right of way line of said U.S. Highway No. 1; thence north 17 degrees 23 minutes 09 seconds west along said right of way line a distance of 311.39 feet; thence departing said line, run north 89 degrees 14 minutes 31 seconds east along the northerly line of lot 12, block A, said section 8, and the westerly extension thereof a distance of 310.90 feet; thence north 17 degrees 18 minutes 16 seconds west a distance of 690.36 feet; thence north 01 degree 07 minutes 55 seconds west a distance of 235.10 feet; thence south 89 degrees 19 minutes 05 seconds west a distance

of 280.00 feet; thence north 01 degree 07 minutes 55 seconds west a distance of 425.00 feet to the north line of said section 8; thence south 89 degrees 19 minutes 05 seconds west along said north line a distance of 152.45 feet; thence north 01 degree 02 minutes 20 seconds west along the west line of lots 3 and 10, block D, said section 5, a distance of 2338.83 feet; thence north 89 degrees 18 minutes 57 seconds east along the north line of lots 2 and 3, block D, said section 5 a distance of 1328.19 feet; thence north 89 degrees 33 minutes 19 seconds east along the north line of lot 5, block C, said section 4 a distance of 668.21 feet; thence south 02 degrees 54 minutes 51 seconds east along the east line of lot 5, block C, said section 4 a distance of 660.00 feet; thence south 89 degrees 33 minutes 49 seconds west along the south line of lot 5, block C, said section 4 a distance of 666.05 feet; thence south 03 degrees 06 minutes 06 seconds east along the east line of lots 1, 11 and 12, block D, said section 5, being the east line of said section 5, a distance of 1680.93 feet; thence north 89 degrees 09 minutes 34 seconds east along the north line of lots 4 and 5, block B, said section 9, being the north line of said section 9, a distance of 1320.73 feet; thence north 02 degrees 43 minutes 34 seconds west along the west line of lot 10, block C, said section 4, a distance of 1011.14 feet; thence north 89 degrees 33 minutes 56 seconds east along the north line of lots 10 and 12, block C, and lots 7 and 9, block D, said section 4 a distance of 2657.49 feet; thence south 02 degrees 04 minutes 00 seconds east along the east line of lot 9, block D, said section 4 a distance of 994.19 feet; thence north 89 degrees 15 minutes 13 seconds east along the north line of lots 2 and 3, block A, said section 9, being the north line of said section 9, a distance of 1324.71 feet to the point of beginning.

Together with the following:

From previously reference point "A", run south 84 degrees 30 minutes 42 seconds east a distance of 101.10 feet to the point of beginning; thence north 87 degrees 57 minutes 57 seconds east a distance of 2815.27 feet to a point on the boundary of Eagle Rock Ranch subdivision, as recorded in map book 26, pages 51 and 52, of the Public Records of Flagler County, Florida; thence south 40 degrees 11 minutes 55 seconds west along said boundary a distance of 640.75 feet; thence south 88 degrees 27 minutes 37 seconds west along said boundary a distance of 45.18 feet; thence south 40 degrees 11 minutes 55 seconds west along said boundary a distance of 2189.93 feet; thence south 49 degrees 47 minutes 54 seconds east along said boundary a distance of 1171.20 feet; thence south 40 degrees 14 minutes 04 seconds west along said boundary a distance of 2222.60 feet to the easterly right of way line of U.S. Highway No. 1; thence along said right of way line, run north 49 degrees 47 minutes 21 seconds west a distance of 637.20 feet to the p.c. of a curve, concave northeast, having a radius of 5619.59 feet and a central angle of 3 degrees 11 minutes 42 seconds; thence run northerly along the arc of said curve a distance of 373.37 feet to the p.c. of a curve, concave southeast, having a radius of 25.00 feet and a central angle of 90 degrees 46 minutes 05

seconds; thence departing said right of way line, run easterly along the arc of said curve a distance of 39.61 feet; thence north 44 degrees 10 minutes 26 seconds east a distance of 234.53 feet to the p.c. of a curve, concave northwest, having a radius of 725.00 feet and a central angle of 61 degrees 22 minutes 11 seconds; thence run northerly along the arc of said curve a distance of 776.55 feet; thence north 17 degrees 11 minutes 45 seconds west a distance of 731.09 feet to the p.c. of a curve, concave southeast, having a radius of 2450.00 feet and a central angle of 31 degrees 08 minutes 05 seconds; thence run northerly along the arc of said curve a distance of 1331.34 feet; thence north 13 degrees 56 minutes 20 seconds east a distance of 163.86 feet to the point of beginning.

Together with the following:

From the southeast corner of said section 22, run south 89 degrees 26 minutes 56 seconds west along the south line of said section 22 a distance of 757.21 feet to the easterly right of way line of U.S. Highway No. 1, a 160 foot right of way, thence north 49 degrees 48 minutes 44 seconds west along said right of way line a distance of 509.05 feet to the point of beginning; thence continue along said right of way line north 49 degrees 46 minutes 07 seconds west a distance of 100.10 feet; thence departing said right of way line, run north 42 degrees 47 minutes 46 seconds east, parallel with the southerly line of Eagle Rock Ranch subdivision, as recorded in map book 26, pages 51 & 52 of the Public Records of Flagler County, Florida, a distance of 2222.97 feet; thence north 49 degrees 46 minutes 12 seconds west a distance of 428.53 feet; thence north 40 degrees 11 minutes 55 seconds east a distance of 5473.32 feet to the westerly right of way line of Interstate No. 95, a 300 foot right of way; thence south 20 degrees 43 minutes 11 seconds east along said right of way line a distance of 5003.89 feet to the east line of said section 23; thence south 01 degree 50 minutes 39 seconds east along said east line a distance of 1773.40 feet to the southeast corner of said section 23; thence south 89 degrees 46 minutes 01 seconds west along the south line of said section 23 a distance of 2661.49 feet; thence departing said line, run north 49 degrees 46 minutes 12 seconds west a distance of 3006.16 feet; thence south 42 degrees 47 minutes 46 seconds west a distance of 2222.97 feet to the point of beginning.

Excepting therefrom the plat of Plantation Bay School site, as recorded in plat book 29, page 49 of the Public Records of Flagler County, Florida.

And excepting the following:

A portion of section 9 and 16, Township 13 south, range 31 east, Flagler County, Florida, described as follows; from the northeast corner of said section 16, run south 89 degrees 11 minutes 50 seconds west along the north line of said section 16, a distance of 4981.16 feet to the east right of way line of U.S. 1, a 160 foot right of way; thence south 39 degrees 24 minutes 09 seconds east, along said right of way line a distance of 1525.00 feet to and the p.c. of a curve, concave northerly,

having a radius of 25.00 feet and a central angle of 90 degrees 00 minutes 00 seconds; thence departing said right of way line, run easterly along the arc of said curve a distance of 39.27 feet; thence north 50 degrees 35 minutes 51 seconds east a distance of 353.91 feet to the p.c. of a curve, concave southeast, having a radius of 425.24 feet, central angle of 37 degrees 57 minutes 36 seconds, and a chord bearing of north 69 degrees 34 minutes 39 second east; thence run easterly along the arc of said curve a distance of 281.73 feet to the P.R.C. of a curve, concave northerly, having a radius of 390.67 feet and a central angle of 54 degrees 14 minutes 32 seconds; thence run easterly along the arc of said curve a distance of 369.83 feet to the P.C.C. of a curve, concave northerly, having a radius of 2818.85 feet, central angle of 2 degrees 04 minutes 29 seconds; and a chord bearing of north 33 degrees 16 minutes 41 second east; thence run easterly along the arc of said curve a distance of 102.00 feet; thence south 49 degrees 15 minutes 56 second east a distance of 142.40 feet to the P.C. of a curve, concave easterly, having a radius of 25.00 feet, central angle of 80 degrees 21 minutes 26 seconds, and a chord bearing of north 08 degrees 00 minutes 29 seconds west, thence run northerly along the arc of said curve a distance of 35.06 feet to the P.R.C. of a curve, concave northwest, having a radius of 2938.85 feet, central angle of 8 degrees 19 minutes 23 seconds, and a chord bearing of north 28 degrees 00 minutes 33 second east; thence run northerly along the arc of said curve a distance of 126.91 feet; thence north 23 degrees 50 minutes 51 seconds east a distance of 125.00 feet; to the point of beginning; thence continue north 23 degrees 50 minutes 51 seconds east a distance of 227.35 feet to the north line of said section 16; thence continue north 23 degrees 50 minutes 51 seconds east a distance of 123.65 feet; thence south 76 degrees 52 minutes 06 seconds was a distance of 462.98 feet to the north line of said section 16; thence continue south 76 degrees 52 minutes 06 seconds east a distance of 216.11 feet; thence south 48 degrees 20 minutes 31 seconds east a distance of 1737.34 feet; thence south 04 degrees 12 minutes 29 seconds east a distance of 450.94 feet; thence north 60 degrees 12 minutes 29 seconds west a distance of 698.75 feet; thence north 79 degrees 12 minutes 29 seconds west a distance of 393.78 feet; thence north 31 degrees 58 minutes 15 seconds west a distance of 463.90 feet; thence north 64 degrees 20 minutes 47 seconds west a distance of 474.24 feet; thence north 48 degrees 09 minutes 28 seconds west a distance of 628.10 feet to the point of beginning.

Also less and except the property described in Official Records Book 561, page 358; Official Records Book 318, page 1002, 1007; Official Records Book 276, page 61; Official Records Book 595, page 196; and Official Records Book 600, page 52, all of the public records of Flagler County, Florida.

Specific Authority 190.005 FS. Law Implemented 190.004, 190.005 FS. History—New _____.

42LL-1.003 Supervisors.

The following five persons are designated as the initial members of the Board of Supervisors: Mark Ambach, Doug Ross, Andy Hagen, Dick Smith, and Jean Trindler.

Specific Authority 190.005 FS. Law Implemented 190.004, 190.005 FS. History—New _____.

NAME OF PERSON ORIGINATING THE PROPOSED RULE: Teresa Tinker, Florida Land and Water Adjudicatory Commission, Room 1802, The Capitol, Tallahassee, Florida 32399-0001

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Teresa Tinker, Florida Land and Water Adjudicatory Commission

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN THE FAW: July 3, 2003

AGENCY FOR HEALTH CARE ADMINISTRATION

Health Facility and Agency Licensing

RULE TITLE: HMO and PHC Penalty Categories

RULE NO.: 59A-12.0073

PURPOSE AND EFFECT: The purpose and effect of the rule to be developed is to establish penalty categories that specify varying ranges of monetary fines for willful and nonwillful violations of applicable provisions of Chapter 641, Parts II and III, or applicable rules promulgated thereunder.

SUMMARY: The creation of this rule will establish penalty categories that specify specific varying ranges of fines for willful and nonwillful violations of applicable provisions of Chapter 641, Parts II and III, F.S., or rules promulgated under Chapter 641, Parts II and III.

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

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

SPECIFIC AUTHORITY: 641.56 FS.

LAW IMPLEMENTED: 641.52, 641.511, 641.55, 641.58 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: Hazel Greenberg, Medical Health Care Program Analyst, Agency for Health Care Administration, Bureau of Managed Health Care, Data Analysis Unit, 2727 Mahan Drive, Mail Stop Code 26, Tallahassee, FL 32308, (850)414-9444

THE FULL TEXT OF THE PROPOSED RULE IS:

59A-12.0073 HMO and PHC Penalty Categories.

(1) Purpose. The purpose of this rule is to establish penalty categories that specify varying ranges of monetary fines for willful and nonwillful violations of applicable provisions of Chapter 641, Parts II and III, or rules promulgated thereunder.

(2) Scope. This rule developed by the Agency for Health Care Administration governs the issuance of penalties against health maintenance organizations and prepaid health clinics pursuant to the authority set forth in Chapter 641, F.S. It applies to all violations of the provisions of Chapter 641, Parts II and III, F.S., or rules promulgated thereunder.

(3) Definitions. All terms defined in the Health Maintenance Organization Act, Chapter 641, F.S., which are used in this rule shall have the same meaning as in the act:

(a) "Action" means an event or events leading to the commission of a violation.

(b) "Harm" means any physical or economic damages to a subscriber, member, covered person, or provider.

(c) "HMO" means a health maintenance organization as defined in Section 641.19(13), F.S., and licensed pursuant to the provisions of Chapter 641, F.S.

(d) "Investigation", "examination", "inspection" means any official Agency review, analysis, inquiry, or research into referrals, complaints, or inquiries to determine the existence of a violation pursuant to Section 641.515, F.S.

(e) "Knowing and willful" means any act or omission, which is committed intentionally as opposed to accidentally and which is committed with knowledge of the act's unlawfulness or with reckless disregard as to the unlawfulness of the act.

(f) "Mitigating Factors" means a condition that moderates, lessens, or alleviates a determination of penalties for violations not listed in this rule.

(g) "PHC" means a prepaid health clinic as defined in Section 641.02(5), F.S., and licensed pursuant to the provisions of Chapter 641, F.S.

(h) "Provider" means any physician, hospital, or other institution, organization, or person that furnishes health care services and is licensed or otherwise authorized to practice in the state.

(i) "Repeat Violations" means a second or subsequent offense of any given violation under this rule within the preceding four years.

(j) "Subscriber" means an individual who has contracted, or on whose behalf a contract has been entered into, with a HMO or PHC for health care services.

(k) "Violation" means any finding by the Agency of noncompliance by a HMO or PHC with any applicable provisions of Chapter 641, Parts II and III, F.S., rules or orders of the Agency governing HMOs or PHCs.

(4) General Provisions:

(a) Rule Not All-Inclusive. This rule contains illustrative violations. This rule does not, and is not intended to, encompass all possible violations of statute or Agency rule that might be committed by a HMO or PHC. The absence of any violation from this rule shall in no way be construed to indicate that the HMO or PHC is not subject to penalty. In any instance wherein the violation is not listed in this rule, the penalty shall be determined by consideration of:

1. The aggravating and mitigating factors specified in this rule; and

2. Any similar or analogous violation that is listed in this rule, if applicable.

(b) Rule and Statutory Violations Included. This rule applies whether the violation is of an applicable statute or Agency rule, or an order implementing such a statute or rule.

(c) Relationship to Other Rules. The provisions of this rule shall be subordinated in the event that any other rule more specifically addresses a particular violation or violations.

(d) Other Licensees. The imposition of a penalty upon any HMO or PHC in accordance with this rule shall in no way be interpreted as barring the imposition of a penalty upon any agent, or other licensee in connection with the same conduct.

(5) Aggravating Factors. The following aggravating factors are considered in determining penalties for violations not listed in this rule, and, as to listed violations, the placement of the penalty within the range specified. The factors are not necessarily listed in order of importance:

(a) Willfulness and knowledge of the violation.

(b) Actual harm or damage to any recipient, subscriber, claimant, applicant, or other person or entity caused by the violation, as determined by the Agency's examination, inspection, or investigation.

(c) Degree of harm to which any recipient, subscriber, claimant, applicant, or other person or entity was exposed by the violation, as determined by the Agency's examination, inspection, or investigation.

(d) Whether the HMO or PHC reasonably should have known of the action's unlawfulness.

(e) Financial gain or loss to the HMO or PHC or its affiliates from the violation.

(f) Whether the violation is a repeat violation.

(g) The number of occurrences of a violation found during an examination, inspection, or investigation.

(6) Mitigating Factors. Examples of mitigating factors are as follows:

(a) Whether corrective activities were actually and substantially initiated (not just planned) and implemented by the HMO or PHC before the violation was noted by or brought to the attention of the Agency and before the HMO or PHC was made aware that the Agency was investigating the alleged violation. Such corrective activities must be implemented to assure that the violation does not recur and include but not be

limited to the following: personnel changes, reorganization or discipline, and making any injured party whole as to harm suffered in relation to the violation.

(b) Destruction of records by fire, hurricane, or other natural disaster.

(c) Sudden unexpected death or incapacitation of key personnel.

(d) Error ratios of less than 5%.

(7) Penalty Categories and Fines Assessed. Violations are divided into three categories. Category I violations are the most serious and Category III violations are the least serious. Category I violations are violations that will cause harm; Category II violations are violations that have the potential to cause harm; and, Category III violations are violations that would cause no harm. The Agency will use the factors in subsections (5) and (6) above, and any similar or analogous violation listed in this rule, if applicable, to determine, within the penalty ranges specified below, the fine for each violation within a category. The penalty amount does not include any examination or investigative costs that may be assessed in addition to the fine.

(a) CATEGORY I. When a fine is imposed within this category for a knowing and willful violation, the amount shall not exceed \$20,000 per violation. Additionally, fines for knowing and willful violations may not exceed an aggregate amount of \$250,000 for all such violations arising out of the same action. When a fine is imposed for a nonwillful violation within this category, the fine shall not exceed \$2,500 per violation. Additionally fines for non-willful violations may not exceed an aggregate amount of \$25,000 for all such violations arising out of the same action.

1. Violation by the HMO or PHC of any lawful rule or order of the Agency.

2. Failure by the HMO or PHC to acquire a health care provider certificate from the Agency pursuant to Section 641.49, F.S.

3. Failure by the HMO or PHC to notify the Agency at least 60 days prior to the date it plans to begin providing health care services in a new geographic area pursuant to Section 641.495, F.S.

4. Failure of the HMO or PHC to provide health care services to subscribers as required by Sections 641.495 and 641.51, F.S.

5. Failure by the HMO or PHC to provide referrals to out-of-network specially qualified providers or for ongoing specialty care to subscribers pursuant to Sections 641.51(6) and (7), F.S.

6. Failure by the HMO or PHC to allow subscribers access to a grievance process for the purpose of addressing complaints and grievances pursuant to Section 641.511, F.S.

7. Failure by the HMO or PHC to notify subscribers of appeal rights under the plan's grievance process pursuant to Section 641.511(10), F.S.

8. Failure of the HMO or PHC to provide or otherwise cover emergency services and care to subscribers pursuant to Section 641.513, F.S.

(b) CATEGORY II. If the violation is knowing and willful, the fine assessed shall not exceed \$10,000 per violation. If the violation is nonwillful, the fine assessed shall not exceed \$1,000 per violation.

1. Failure by the HMO or PHC to provide to the subscriber the right to a second medical opinion pursuant to Section 641.51(5), F.S.

2. Failure by the HMO or PHC to take appropriate action as prescribed by the written policies and procedures of the HMO or PHC whenever inappropriate or substandard services have been provided or services that should have been provided have not been provided as determined under the quality assurance program pursuant to Section 641.51, F.S.

3. Failure by the HMO or PHC to investigate and analyze as prescribed by the written policies and procedures of the HMO or PHC, the frequency and causes of adverse incidents causing injury to patients pursuant to Section 641.55, F.S.

4. Failure by the HMO or PHC to analyze patient grievances relating to patient care and quality of medical services pursuant to Section 641.55, F.S.

5. Failure by the HMO or PHC to pay a claim pursuant to Section 641.513, F.S. Assignment by the HMO or PHC of claim processing and/or payment to a third party administrator or other entity does not relieve the managed care plan of its responsibilities to pay claims.

(c) CATEGORY III. If the violation is knowing and willful, the fine assessed shall not exceed \$2,500 per violation. If the violation is nonwillful, the fine assessed shall not exceed \$500 per violation.

1. Failure by the HMO or PHC to timely and accurately submit data to the Agency pursuant to Section 641.51(9), F.S., and Chapter 59B-13.001, Florida Administrative Code. The penalty period will begin on the first day following the due date at \$200 a day for purposes of penalty assessments.

2. Failure by the HMO or PHC to resolve a grievance within the statutory requirements pursuant to Section 641.511, F.S.

3. Failure by the HMO or PHC to file with the Agency a copy of the quarterly grievance report pursuant to Section 641.511(7), F.S. The penalty period will begin on the first day following the due date at \$200 a day for purposes of penalty assessments.

4. Failure by the HMO or PHC to report to the Agency any adverse or untoward incident within the mandated time frames pursuant to Section 641.55(6), F.S. In addition to any penalty imposed the Agency may impose an administrative fine not to exceed \$5,000 per violation pursuant to Section 641.55(7), F.S.

5. Failure by the HMO or PHC to timely pay the regulatory assessment as required by Section 641.58, F.S., by April 1. The penalty period will begin on the first day

following the due date and continue until such time as the assessment is received by the Agency. During such penalty period the HMO or PHC shall be penalized at a rate of \$200 per day for each calendar day during the penalty period. The failure to timely pay will be classified as non-willful for the first 30 days that payment has not been received. Starting with day 31, the failure to pay will be classified as a willful violation.

Specific Authority 641.56 FS. Law Implemented 641.52(5) FS. History—New

NAME OF PERSON ORIGINATING PROPOSED RULE:
Hazel Greenberg

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Tom Warring, Bureau Chief

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 26, 2003

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: April 11, 2003

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Architecture and Interior Design

RULE TITLE: RULE NO.:

Disciplinary Guidelines; Range of Penalties; Aggravating and Mitigating Circumstances 61G1-12.004

PURPOSE AND EFFECT: The proposed rule amendments are intended to address additional violations of the practice act and set forth penalties for said violations.

SUMMARY: The proposed rule amendments set forth additional violations and set forth the penalties accompanying said violations.

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

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

SPECIFIC AUTHORITY: 455.2273 FS.

LAW IMPLEMENTED: 455.227(1), 455.2273 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: Juanita Chastain, Executive Director, Board of Architecture and Interior Design, 1940 North Monroe Street, Tallahassee, Florida 32399-0750

THE FULL TEXT OF THE PROPOSED RULE IS:

61G1-12.004 Disciplinary Guidelines; Range of Penalties; Aggravating and Mitigating Circumstances.

(1) No change.

(2) The following disciplinary guidelines shall be followed by the board in imposing disciplinary penalties upon licensees for violation of the below mentioned statutes and rules:

VIOLATION	PENALTY RANGE	
	MINIMUM	MAXIMUM
(a) through (b) No change.		
(c) "Plan stamping" (481.221(4), (5), F.S.)		
First Offense	Reprimand and \$1000 <u>\$2000</u> fine	\$1000 fine <u>\$5000</u> and one (1) year suspension followed by two (2) years probation
Second Offense	\$2000 <u>\$5000</u> fine, <u>1 year suspension followed by and two (2) years probation</u>	\$3000 <u>\$5000 fine and revocation</u> and two (2) years suspension followed by two (2) years probation
Third Offense	\$5000 <u>\$5000 fine and one (1) year suspension followed by two (2) years probation</u> and <u>revocation</u>	\$5000 fine and revocation <u>\$5000 fine and revocation</u>
(d) Plans not sufficiently detailed (481.221(6), (7), F.S.)		
First Offense	Reprimand, two (2) years <u>probation</u> and \$1000 fine	\$1000 fine and one (1) year suspension followed by two years probation
Second Offense	\$2000 fine and one (1) year suspension followed by two (2) years probation	\$5000 fine, two (2) years suspension followed by two (2) years probation
Third Offense	\$5000 fine and two (2) years suspension followed by two (2) years probation	\$5000 fine and revocation
(e) through (i) No change.		
(j) Practice on revoked <u>license</u> (481.225(1)(k), F.S.)	Refer to State Attorney for criminal prosecution	
(k) through (u) No change.		
(v) <u>Failure to perform statutory or legal obligation</u> (481.225(1)(j), 481.2251(1)(g), or 455.227(1)(k), FS.)		
First Offense	Reprimand and <u>\$2000 fine</u>	<u>\$5000 fine and one (1) year suspension followed by two (2) years probation</u>
Second Offense	<u>\$5000 fine, one (1) year suspension followed by two (2) years probation</u>	<u>\$5000 fine and revocation</u>
Third Offense	<u>\$5000 fine and revocation</u>	

(w) <u>Improper use of seal (61G1-16.003)</u>		
First Offense	<u>Reprimand</u>	<u>\$250 fine</u>
Second Offense	<u>\$500 fine</u>	<u>Probation and \$500 fine</u>
Third Offense	<u>Probation and \$1000 fine</u>	<u>Suspension and \$5000 fine</u>
(x) <u>Improper title block (61G1-16.004)</u>		
First Offense	<u>Reprimand</u>	<u>\$250 fine</u>
Second Offense	<u>\$500 fine</u>	<u>Probation and \$500 fine</u>
Third Offense	<u>Probation and \$1000 fine</u>	<u>Suspension and \$5000 fine</u>
(y) <u>Failure to exercise responsible supervisory control (61G1-23.010 and 61G1-23.040)</u>		
First Offense	<u>Reprimand and \$2000 fine</u>	<u>\$5000 fine and one (1) year suspension followed by two (2) years probation</u>
Second Offense	<u>\$5000 fine, one (1) year suspension followed by two (2) years probation</u>	<u>\$5000 fine and revocation</u>
Third Offense	<u>\$5000 fine and revocation</u>	
(z) <u>Failure to notify Board of qualifier change (481.219(10))</u>		
First Offense	<u>Reprimand</u>	<u>\$5000 fine</u>
Second Offense	<u>\$5000 fine</u>	<u>Revocation of the certificate</u>
Third Offense	<u>Revocation of the certificate</u>	
<u>Individual Architect or Interior Design License</u>		
First Offense	<u>Reprimand</u>	<u>\$5000 fine</u>
Second Offense	<u>\$5000 fine</u>	<u>Suspension</u>
Third Offense	<u>Suspension</u>	<u>Revocation</u>
(aa) <u>Failure to comply with Final Order (481.225(1)(j), 481.2251(1)(k), 455.227(1)(q))</u>		
First Offense	<u>Suspension</u>	<u>Revocation</u>
Second Offense	<u>Revocation</u>	

(3) No change.

Specific Authority 455.2273 FS. Law Implemented 455.227(1), 455.2273 FS. History—New 12-11-86, Formerly 21B-12.004, Amended 5-16-94, 10-20-96, 10-7-99, 6-8-00, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Board of Architecture and Interior Design

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Architecture and Interior Design

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: May 23, 2003

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: January 10, 2003

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Architecture and Interior Design

RULE TITLES:	RULE NOS.:
Responsible Supervising Control for Documents for Exempt Buildings Which Require an Architect's Seal and Signature for Building Permit Purposes	61G1-23.025
Standards for Architectural Supervision in Construction or Marketing Offices	61G1-23.030
Responsible Supervising Control Over Interior Design Practice in the Interior Designer's Office	61G1-23.040
Standard's for Interior Design Supervision in Field or Marketing Offices	61G1-23.060

PURPOSE AND EFFECT: The Board has recently reviewed its rules and made changes to said rules for the purpose of clarifying architecture and interior standards of practice.

SUMMARY: The proposed rule amendments provide clarification with regard to standards of practice and appropriate supervision and control as they relate to architecture and interior design.

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: 481.2055 FS.

LAW IMPLEMENTED: 481.223, 481.229, 481.221(5), 481.225, 481.2251 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Juanita Chastain, Executive Director, Board of Architecture and Interior Desing, 1940 North Monroe Street, Tallahassee, Florida 32399-0750

THE FULL TEXT OF THE PROPOSED RULES IS:

61G1-23.025 Responsible Supervising Control for Documents for Exempt Buildings Which Require an Architect's Seal and Signature for Building Permit Purposes. The procedures set forth in Rule ~~61G1-23.015~~ ~~61G1-23.020~~, F.A.C., shall also be followed when an architect is required by local building ordinance to sign and seal plans for buildings which unlicensed persons are authorized to design under the exceptions contained in subsections 481.229(1)(a)-(c), F.S.

Specific Authority 481.2055 FS. Law Implemented 481.221(4), 481.223, 481.225, 481.229 FS. History--New 11-21-94, Amended _____.

61G1-23.030 Standards for Architectural Supervision in Construction or Marketing Offices.

(1) An architectural office which is a construction ~~or~~ field ~~or project~~ office, ~~or is part of an expanded area for the production of architectural documents~~, is not considered as offering architectural services to the public, and therefore, does not need a separate architect assigned directly to such office.

(2) An architect shall not be required to be assigned to a marketing office. A marketing office is defined as an office of an architectural firm wherein no production of drawings, specifications, reports or other professional work occurs and is intended solely for the purpose of advertising or marketing an architectural firm's services to the public. The client contact permitted as a marketing office by non-registered persons shall only include marketing a firm's qualifications and capabilities. No other professional activities shall be performed at this office. ~~Any other activities, including the entering into contracts between the architect and the client or the beginning of conceptual drawings shall require the full time assignment of a registered architect at the office site.~~

(3) Any architect or architectural firm can advertise in any medium, including the telephone directory yellow pages, even if no office is physically present in the area of the advertisement. Such advertisement or listing, however, shall not mislead the public into believing that the phone number and address given is capable of offering architectural services to the public if in fact the phone or address listed is not an architectural office and shall be clearly listed or designated as a marketing office only or a construction ~~or~~ field ~~or project~~ office, as applicable.

(4) No change.

~~(5) All firms shall notify the Board Office of the location of all full service offices and the name of the architect assigned to serve within sixty (60) days of the opening of the office and the assignment of the architect as well as a change of the architect to be assigned to the office. The same architect cannot be assigned to a main office and branch office at the same time.~~

Specific Authority 481.2055 FS. Law Implemented 481.221(4), 481.223, 481.225, 481.229 FS. History--New 11-21-94, Amended _____.

61G1-23.040 Responsible Supervising Control Over Interior Design Practice in the Interior Designer's Office.

(1) Each interior design office maintained for the preparation of drawings, specifications, reports and other professional work shall have an interior designer duly registered with the Board of Architecture and Interior Design within that office with full authority and in responsible charge, having direct knowledge and supervising control over such work. This rule (61G1-23.040) does not address the procedures required of an interior designer in sealing and signing work which falls within the definition of "interior design" as that term is defined in Section 481.203(8), F.S. The responsible supervising control which is required of interior designers prior to sealing and signing interior design documents as that term is used in Section 481.221(5), F.S., shall mean:

(a)(1) Personal supervision by the interior designer exercised throughout the preparation of documents, instruments of service, specifications, reports or other work which requires the seal and signature of a licensed interior designer; or

(b)(2) Review, approval, modification, or adoption, as the interior designer's work of any documents, instruments of service, specifications, reports or other work, so long as the aforesaid were prepared in the interior designer's offices by an employee of the interior designer, or by an agent of the interior designer under a written agreement with the interior designer to assist in the preparation of such documents.

(2) The interior designer providing responsible supervisory control must be a full time employee within that office location in responsible control for projects in that office. Therefore an interior designer can only provide responsible supervisory control over one location.

(3) An interior designer may be the qualifier of several business entities but can only be the interior designer providing responsible supervisory control over one business location pursuant to subsection (2) of this rule. Every office offering interior design services must have a resident full time interior designer meeting the requirements of this rule.

Specific Authority 481.2055 FS. Law Implemented 481.221(5), 481.2251 FS. History--New 8-21-95, Amended _____.

61G1-23.060 Standards for Interior Design Supervision in Field or Marketing Offices.

(1) An interior design office which is a marketing field or project office, or is part of an expanded area for the production of interior design documents, is not considered as offering interior design services to the public, and therefore, does not need a separate interior designer assigned directly to such office.

(2) An interior designer shall not be required to be assigned to a marketing office. A marketing office is defined as an office of an interior design firm wherein no production of drawings, specifications, reports or other professional work occurs and is intended solely for the purpose of advertising or

marketing an interior design firm's services to the public. The client contact permitted as a marketing office by non-registered persons shall only include marketing a firm's qualifications and capabilities. No other professional activities shall be performed at this office. Any other activities, including the entering into contracts between the interior designer and the client or the beginning of conceptual drawings shall require the full time assignment of a licensed interior designer at the office site.

(3) Any interior designer or interior designing firm can advertise in any medium, including the telephone directory yellow pages, even if no office is physically present in the area of the advertisement. Such advertisement or listing, however, shall not mislead the public into believing that the phone number and address given is capable of offering interior design services to the public if in fact the phone or address listed is not an interior design office and must be clearly listed or designated as a marketing office only ~~or a field or project office.~~

(4) All firms shall notify the Board of Architecture and Interior Design of the location of all marketing offices and the individuals who will be assigned to such office within sixty (60) days of such an assignment.

~~(5) All firms shall notify the Board of Architecture and Interior Design of the location of all full service offices and the name of the interior designer assigned to serve within sixty (60) days of the opening of the office and the assignment of the interior designer as well as a change of the interior designer to be assigned to the office. The same interior designer cannot be assigned to a main office and branch office, at the same time.~~

Specific Authority 481.2055 FS. Law Implemented 481.229, 481.221(5), 481.2251 FS. History--New 8-21-95, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Architecture and Interior Design

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Architecture and Interior Design

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: May 23, 2003

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: January 10, 2003

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Building Code Administrators and Inspectors Board

RULE TITLE: Voluntary Certification Categories

RULE NO.: 61G19-6.016

PURPOSE AND EFFECT: The proposed rule amendment is intended to clarify criteria for the one and two family dwelling plans examiner.

SUMMARY: The proposed rule amendment clarifies criteria for the one and two family dwelling plans examiner.

65B-11.005 Selection of Housing.

(1) The individual shall select a home available for lease or sale to any member of the community based on the individual's own choice and personal financial resources with assistance from the supported living coaching provider as needed.

(2) The following criteria identify an eligible supported living setting:

~~(a) No more than three (3) persons who have developmental disabilities live together in a single housing unit;~~

~~(a)(b)~~ The name of the individual appears on the lease or mortgage either singularly, with a roommate(s), or with a guarantor;

~~(b)(e)~~ Neither the supported living provider nor the immediate family of the supported living provider shall serve as landlord or have any interest in the ownership of the housing unit; and

~~(d) The homes of individuals receiving supported living services shall account for no more than ten (10) percent of the housing in the smallest identifiable geographical area in which the homes are located, which may be a city block, subdivision, neighborhood, apartment complex, or mobile home park. The individuals' homes shall be scattered, noncontiguous, and dispersed throughout that area.~~

(3) Waivers of item (d) above shall be granted by the district developmental services program administrator when the waiver is desired by the individuals involved in order to live more closely together.

(4) As part of the housing search, the supported living coaching provider shall assist the individual to complete a survey of the housing being considered. This survey shall be based on the Housing and Urban Development housing quality standards found in 24 C.F.R., Chapter VIII, Subpart F, Section 887.251. The supported living coaching provider shall also assist the individual in a quarterly update of the housing survey based upon the same standards as the initial survey.

(5) The supported living coaching provider shall forward a copy of the completed survey for the housing that was selected by the individual to the individual's support coordinator within ten (10) working days of the selection, and shall make a copy of the quarterly housing survey update available to the support coordinator at the time of the support coordinator's quarterly home visit provided for in subsection 65B-11.009(3), F.A.C.

(6) If the housing selected by the individual does not meet the housing quality standards identified in subsection 65B-11.005(4), F.A.C., a waiver shall be granted by the district developmental services program administrator when the selection is based on the individual's choice and the standard waived does not compromise the client's health and safety.

Specific Authority 393.501(1) FS. Law Implemented 393.066, 393.063(50) FS., 42 USC 1396u. History--New 1-18-95, Formerly 10F-11.005, Amended

NAME OF PERSON ORIGINATING PROPOSED RULE: Ed Rousseau

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Shelly Brantley, Director, Developmental Disability Program

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: April 18, 2003

Section III Notices of Changes, Corrections and Withdrawals

DEPARTMENT OF EDUCATION

Commission for Independent Education

RULE NO.: 6F-1.001 RULE TITLE: General Requirements

NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule, as noticed in Vol. 28, No. 44, November 1, 2002, Florida Administrative Weekly has been withdrawn.

DEPARTMENT OF EDUCATION

Commission for Independent Education

RULE NOS.:	RULE TITLES:
6F-2.001	Certificate of License for Schools
6F-2.0015	Change in Ownership
6F-2.0016	Change in Control
6F-2.0017	Student Protection Fund
6F-2.002	Minimum Standards for Licensure of Schools
6F-2.0024	Fair Consumer Practices
6F-2.0026	Fee Schedule
6F-2.003	School Descriptive Inventory
6F-2.004	Advertising

NOTICE OF WITHDRAWAL

Notice is hereby given that the above rules, as noticed in Vol. 28, No. 44, November 1, 2002, Florida Administrative Weekly have been withdrawn.

DEPARTMENT OF EDUCATION

Commission for Independent Education

RULE NOS.:	RULE TITLES:
6F-3.001	Agents; License Required
6F-3.002	Agents; Qualifications, Training, Limitation of Authority, Responsibilities of Schools, Agents, and Applicants

NOTICE OF WITHDRAWAL

Notice is hereby given that the above rules, as noticed in Vol. 28, No. 44, November 1, 2002, Florida Administrative Weekly have been withdrawn.

DEPARTMENT OF EDUCATION

Commission for Independent Education

RULE NO.: 6F-4.001 RULE TITLE: License Application Package

NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule, as noticed in Vol. 28, No. 44, November 1, 2002, Florida Administrative Weekly has been withdrawn.

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

Pursuant to Chapter 2003-145, Laws of Florida, all notices for the Board of Trustees of the Internal Improvement Trust Fund are 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."

WATER MANAGEMENT DISTRICTS

Southwest Florida Water Management District

RULE CHAPTER NO.: 40D-22 RULE CHAPTER TITLE: Year-Round Water Conservation Measures

RULE NOS.: 40D-22.011, 40D-22.101, 40D-22.201, 40D-22.302, 40D-22.303, 40D-22.401 RULE TITLES: Policy and Purpose, Definitions, Year-Round Water Conservation Measures, Goal-Based Alternative Community Conservation Program, Variance and Waivers, Enforcement

NOTICE OF WITHDRAWAL

Notice is hereby given that the proposed rules and changes to the rules, listed above, as noticed in Vol. 28, No. 47, pages 5207 through 5211 on November 22, 2002 of the Florida Administrative Weekly have been withdrawn.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Pursuant to Chapter 2003-145, Laws of Florida, all notices for the Department of Environmental Protection are published on the Internet at the Department of Environmental Protection's home page at <http://www.dep.state.fl.us/> under the link or button titled "Official Notices."

DEPARTMENT OF HEALTH

Board of Nursing

RULE NO.: 64B9-15.001 RULE TITLE: Definitions

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule, in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 29, No. 1, January 3, 2003, issue of the Florida Administrative Weekly. The changes are being made in response to comments from the Joint Administrative Procedures Committee. The changes are as follows:

1. Proposed subsection (6) shall be deleted in its entirety.
2. Proposed subsection (7) shall be deleted in its entirety.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Dan Coble, Executive Director, Board of Nursing/MQA, 4052 Bald Cypress Way, Bin #C02, Tallahassee, Florida 32399-3252

DEPARTMENT OF HEALTH

Board of Nursing

RULE NO.: 64B9-15.002 RULE TITLE: Certified Nursing Assistant Authorized Duties

NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule, as noticed in Vol. 29, No. 1, January 3, 2003, Florida Administrative Weekly has been withdrawn.

DEPARTMENT OF HEALTH

Board of Nursing

RULE NO.: 64B9-15.007 RULE TITLE: Approval of New Certified Nursing Assistant Training Programs

SECOND NOTICE OF CHANGE

Notice is hereby given that a second change has been made to the proposed rule, in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 29, No. 1, January 3, 2003, issue of the Florida Administrative Weekly. The initial changes, published in Vol. 29, No. 15, April 11, 2003, Florida Administrative Weekly shall remain in effect with the exception of the following second change, being made in response to comments from the Joint Administrative Procedures Committee. The change is as follows:

1. Proposed subsection (4) shall be deleted in its entirety.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Dan Coble, Executive Director, Board of Nursing/MQA, 4052 Bald Cypress Way, Bin #C02, Tallahassee, Florida 32399-3252

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

Family Safety and Preservation Program

RULE NOS.: 65C-25.002, 65C-25.005 RULE TITLES: Admission and Assessment, Personnel Requirements

NOTICE OF WITHDRAWAL

These two rules as published in the February 28, 2003, Vol. 29, No. 9, issue of the Florida Administrative Weekly, is hereby withdrawn.

Section IV Emergency Rules

DEPARTMENT OF THE LOTTERY

RULE TITLE: Code of Ethics

RULE NO.: 53ER03-33

SUMMARY OF THE RULE: This emergency rule sets forth the ethics rules governing employees of the Florida Lottery.

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:

53ER03-33 Code of Ethics.

(1) All employees of the Florida Lottery are subject to the provisions of Chapter 112, Part III, F.S., Chapter 24, F.S., and rules promulgated thereunder. Where there are differences between this rule and the statute, the stricter provisions will apply.

(2) Gifts.

(a) Employees shall not solicit or accept gifts, loans, rewards, promises of future employment, favors, or services of any value that are given in order to influence the employee's official action or judgment.

(b) No employee shall knowingly accept any gift, gratuity, favor, entertainment, lodging, transportation, loan or any other thing of monetary value that is valued at over \$25.00. There are four limited exceptions:

1. Gifts from relatives (gifts can be accepted from relatives, as defined by Chapter 112, F.S., regardless of value).

2. Gifts (including but not limited to birthday and/or anniversary gifts and gifts of hospitality) received from personal friends in the ordinary course of friendship, regardless of value, can be accepted, provided that any such personal friend is not:

a. A lobbyist of the Lottery; or

b. The partner, firm member, employer, employee or principal of a lobbyist of the Lottery; or

c. A person having a special pecuniary interest (either individually or through a corporation or organization) in a matter pending before the Lottery; or

d. A person who (either individually or through a corporation or organization) provides goods or services to the Lottery under contract or agreement; or

e. A person who (either individually or through a corporation or organization) is seeking such business with the Lottery.

3. On-site consumption of food and refreshment at receptions and/or other events (even if valued at over \$25.00), provided the employee's attendance at such event is an appropriate exercise of the employee's official duties.

4. Gifts (regardless of value) accepted on behalf of a governmental entity or charitable organization, or for which a public purpose can be shown, provided the Lottery ethics officer has approved such acceptance.

The above four limited exceptions do not authorize the acceptance of any gift that is otherwise prohibited by Chapter 112, F.S.

(c) All employees shall file with the Secretary of State on the last day of each calendar quarter, for the previous calendar quarter, a list of permissible gifts accepted by the employee that he or she believes to be in excess of \$25 in value (excluding gifts from relatives and gifts from friends received on special occasions, lodging in friends' homes, and meals from friends in their home or at a restaurant) and gifts of \$25 or less received from any of the following persons:

1. A lobbyist of the Lottery; or

2. The partner, firm member, employer, employee or principal of a lobbyist of the Lottery; or

3. A person having a special pecuniary interest (either individually or through a corporation or organization) in a matter pending before the Lottery; or

4. A person who (either individually or through a corporation or organization) provides goods or services to the Lottery under contract or agreement; or

5. A person who (either individually or through a corporation or organization) is seeking such business with the Lottery.

An employee need not file a statement if no gifts have been received during the applicable calendar quarter.

(d) All "reporting individuals" and "procurement employees," as defined in Section 112.3148, F.S., continue to be subject to the reporting requirement for gifts in excess of \$100 contained in that section.

(e) For purposes of this rule, "gift" means anything accepted by a person or on that person's behalf, whether directly or indirectly, for that person's benefit and for which no payment is made including:

1. Real property or the use thereof; or

2. Tangible or intangible personal property or the use thereof; or

3. Preferential rate or terms on a transaction not available to others similarly situated; or

4. Forgiveness of a debt; or

5. Transportation, lodging or parking; or

6. Food or beverage; or

- 7. Dues, fees and tickets; or
- 8. Plants and flowers; or
- 9. Personal services for which a fee is normally charged;

or

- 10. Any other thing or service having an attributable value.
- (f) For purposes of this rule, "gift" does not include:

1. Salary, benefits, services, fees, commissions, gifts or expenses associated primarily with the donee's employment, business, or service as an officer or director of a corporation or organization; or

2. Contributions reported pursuant to Chapter 106, F.S., campaign-related personal services provided by individuals volunteering their time, or any other contribution or expenditure by a political party; or

3. An honorarium or expense related to an honorarium event paid to a person or the person's spouse; or

4. An award, plaque, certificate or similar personalized item given in recognition of the donee's public, civic, charitable or professional service; or

5. Honorary membership in a service or fraternal organization presented as a courtesy by the organization; or

6. Use of a public facility for a public purpose made available by a governmental agency; or

7. Transportation provided by an agency in relation to officially approved governmental business; or

8. Gifts provided directly or indirectly by a state, regional or national organization which promotes the exchange of ideas between, or the professional development of, governmental officials or employees, and whose membership is primarily composed of elected or appointed public officials or staff, to members of that organization, or staff of a governmental agency that is a member of the organization.

(g) Employees shall not solicit anything of value to the employee, based upon any understanding that the official action or judgment of the employee would be influenced thereby.

(h) Employees, their spouses and minor children shall not accept any compensation, payment or thing of value when they know or should know that it was given to influence the official action of the employee.

(3) Other Restrictions During Employment with the Lottery.

(a) Employees shall not use or attempt to use their positions to gain special privileges, benefits or exemptions for themselves or others.

(b) Employees shall not disclose or use information not available to the public and obtained by reason or their public positions for the personal benefit of themselves or others.

(c) Employees shall not solicit or accept an honorarium that is related to their public office or duties.

(d) Employees acting as purchasing agents shall not directly or indirectly purchase, rent, or lease any realty, goods or services for the Lottery from a business in which the employee or the employee's spouse or child owns more than a 5% interest.

(e) Employees acting in a private capacity shall not rent, sell or lease realty, goods or services to the Lottery.

(f) Employees shall not accept employment that would create a conflict of interest between their private interests and the performance of their public duties, or accept other employment with any business entity subject to regulation by, or doing business with, the Lottery.

(g) Employees having decisionmaking authority shall not participate in any decision involving a vendor or retailer with whom they have a financial interest.

(h) Employees having decisionmaking authority shall not participate in any decision involving a vendor or retailer with whom they have discussed employment opportunities, without the prior approval of the Secretary.

(i) No employee shall have any interest, financial or otherwise, direct or indirect, engage in any business transaction or professional activity, or incur any obligation of any nature, which is in potential or substantial conflict with the full and competent performance of the employee's duties in the public interest.

(j) Purchase of lottery tickets by employees or any relatives residing in their household is strictly prohibited.

(4) Post-Employment Restrictions.

(a) Employees employed by the Lottery on or after July 1, 1989, who have authority over policy or procurement shall not, for a period of two (2) years after retirement or termination, personally represent another person or entity for compensation before the Department, unless employed by another agency of state government.

(b) Employees shall not, for a period of two (2) years after retirement or termination, hold any employment or contractual relationship with a business entity other than a state agency in connection with any contract for contractual services that was within the employee's responsibility while employed by the Lottery.

(c) No employee who leaves the Lottery shall represent any vendor or retailer before the Lottery regarding any specific matter in which the employee was involved while employed by the Lottery, for a period of one (1) year following cessation of employment with the Lottery.

(5) Statement of Financial Interests.

A statement of financial interests shall be submitted on forms prescribed by the Commission on Ethics within thirty (30) days after employment, and by July 1 of each year thereafter, by all executive and senior staff; all district managers; all managers one level below director; in financial management, managers two levels below director; and specified purchasing and marketing staff.

(6) All employees shall receive Code of Ethics training upon appointment and thereafter on an annual basis.

(7) This emergency rule shall supersede Chapter 53-22, Code of Ethics, Florida Administrative Code.

Specific Authority 24.105(20), 24.109(1) FS. Law Implemented 24.105(20), 24.105(19)(b), (c) 24.116(2), Chapter 112, Part III FS. History--New 6-26-03.

THIS EMERGENCY RULE TAKES EFFECT IMMEDIATELY UPON BEING FILED WITH THE DEPARTMENT OF STATE.

EFFECTIVE DATE: June 26, 2003

DEPARTMENT OF THE LOTTERY

RULE TITLE: Instant Game Number 490, MEGA INSTANT MONOPOLY™ GAME RULE NO.: 53ER03-34

SUMMARY OF THE RULE: Instant Game Number 490, "MEGA INSTANT MONOPOLY™ GAME," will be sold by Florida Lottery retailers on a date to be determined by the Secretary of the Department. The rule sets forth the specifics of the game; determination of prizewinners; estimated odds of winning, value, and number 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:

53ER03-34 Instant Game Number 490, MEGA INSTANT MONOPOLY™ GAME.

(1) Name of Game. Instant Game Number 490, "MEGA INSTANT MONOPOLY™ GAME."

(2) Price. MEGA INSTANT MONOPOLY™ GAME tickets sell for \$10.00 per ticket.

(3) MEGA INSTANT MONOPOLY™ GAME 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 MEGA INSTANT MONOPOLY™ GAME 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 MEGA INSTANT MONOPOLY™ GAME lottery ticket, or as to the prize amount, the Void If Removed Number under the latex shall prevail over the bar code.

(4) The "YOUR HOUSE NUMBERS" play symbols and play symbol captions are as follows:

INSERT SYMBOLS

(5) The "HOTEL NUMBERS" play symbols and play symbol captions are as follows:

INSERT SYMBOLS

(6) The prize symbols and prize symbol captions are as follows:

INSERT SYMBOLS

(7) The "CHANCE" bonus symbols are as follows:

INSERT SYMBOLS

(8) The legends are as follows:

INSERT SYMBOLS

(9) Determination of Prizewinners.

(a) A ticket having a number in the "YOUR HOUSE NUMBERS" play area that matches any of the numbers in the "HOTEL NUMBERS" play area shall entitle the claimant to the corresponding prize shown for that number. A ticket may have up to twenty sets of matching numbers. The prizes are: \$5.00, \$10.00, \$15.00, \$20.00, \$25.00, \$40.00, \$50.00, \$100, \$200, \$250, \$500, \$1,000, \$10,000 and \$250,000.



(b) A ticket having a "DOUBLE" symbol in the "YOUR HOUSE NUMBERS" play area shall entitle the claimant to double the corresponding prize shown.



(c) A ticket having a "WIN" symbol in the "YOUR HOUSE NUMBERS" play area shall entitle the claimant to a prize of \$200.



(d) A ticket having a "\$50" symbol in the "CHANCE" bonus play area shall entitle the claimant to a prize of \$50.



(e) A ticket having a "\$100" symbol in the "CHANCE" bonus play area shall entitle the claimant to a prize of \$100.

**WIN
\$500**

(f) A ticket having a “**\$500**” symbol in the “CHANCE” bonus play area shall entitle the claimant to a prize of \$500.

(10) The estimated odds of winning, value, and number of prizes in Instant Game Number 490 are as follows:

GAME PLAY	WIN	ODDS OF		NUMBER OF
		1 IN	100 POOLS OF	WINNERS IN
				120,000 TICKETS
				PER POOL
\$5 x 2	\$10	15.00		800.000
\$10	\$10	30.00		400.000
\$5 x 3	\$15	30.00		400.000
\$15	\$15	15.00		800.000
\$5 x 4	\$20	30.00		400.000
\$10 x 2	\$20	30.00		400.000
\$5 x 8	\$40	208.70		57.500
(\$5 x 4) + (\$10 x 2)	\$40	252.63		47.500
\$20 (TRAIN)	\$40	184.62		65.000
\$15 + \$25	\$40	240.00		50.000
\$40	\$40	600.00		20.000
\$50 (CHANCE BOX)	\$50	120.00		100.000
\$5 x 20	\$100	342.86		35.000
\$50 (TRAIN)	\$100	342.86		35.000
(\$10 x 6) + \$40	\$100	342.86		35.000
\$20 x 5	\$100	342.86		35.000
\$100 (CHANCE BOX)	\$100	200.00		60.000
\$10 x 20	\$200	6,000.00		2,000
(\$10 x 10) + (\$20 x 3) + \$40	\$200	12,000.00		1,000
\$100 (TRAIN)	\$200	12,000.00		1,000
(\$25 x 4) + (\$50 x 2)	\$200	24,000.00		500
\$200 (GO)	\$200	2,181.82		5,500
\$25 x 20	\$500	6,000.00		2,000
\$50 x 10	\$500	15,000.00		800
(\$20 x 5) + (\$25 x 12) + (\$50 x 2)	\$500	6,000.00		2,000
\$250 (TRAIN)	\$500	12,000.00		1,000
\$500 (CHANCE BOX)	\$500	6,000.00		2,000
\$50 x 20	\$1,000	120,000.00		100
\$100 x 10	\$1,000	240,000.00		50
\$200 x 5	\$1,000	240,000.00		50
\$500 (TRAIN)	\$1,000	120,000.00		100
\$1,000	\$1,000	480,000.00		25
\$500 x 20	\$10,000	300,000.00		40
\$10,000	\$10,000	1,200,000.00		10
\$250,000	\$250,000	2,000,000.00		6

(11) The overall odds of winning some prize in Instant Game Number 490 are 1 in 3.19. 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.

(12) For reorders of Instant Game Number 490, the estimated odds of winning, value, and number of prizes shall be proportionate to the number of tickets reordered.

(13) By purchasing a MEGA INSTANT MONOPOLY™ GAME lottery ticket the player agrees to comply with and abide by all rules and regulations of the Florida Lottery.

(14) Payment of prizes for MEGA INSTANT MONOPOLY™ GAME 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 6-26-03.

THIS EMERGENCY RULE TAKES EFFECT IMMEDIATELY UPON BEING FILED WITH THE DEPARTMENT OF STATE.

EFFECTIVE DATE: June 26, 2003

DEPARTMENT OF THE LOTTERY

RULE TITLE: Instant Game Number 491, LUCKY DOG
 RULE NO.: 53ER03-35

SUMMARY OF THE RULE: This emergency rule describes Instant Game Number 491, “LUCKY DOG,” for which the Department of the Lottery will start selling tickets on a date to be determined by the Secretary of the Department. The rule sets forth the specifics of the game; determination of prizewinners; estimated odds of winning, value, and number 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:

53ER03-35 Instant Game Numbers 491, LUCKY DOG.

(1) Name of Game. Instant Game Number 491, “LUCKY DOG.”

(2) Price. LUCKY DOG lottery tickets sell for \$1.00 per ticket.

(3) LUCKY DOG 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 LUCKY DOG 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 LUCKY DOG lottery ticket, or as to the prize amount, the Void If Removed Number under the latex shall prevail over the bar code.

(4) The play symbols and play symbol captions are as follows:

INSERT SYMBOLS

(5) The “BONUS SPOT” play symbols and play symbol captions are as follows:

INSERT SYMBOLS

(6) The legend is as follows:

INSERT SYMBOLS

(7) Determination of Prize Winners.

(a) A ticket having three like amounts in the play area shall entitle the claimant to a prize of that amount. The prizes are: \$1.00, \$2.00, \$4.00, \$5.00, \$10.00, \$50.00, \$100, \$500 and \$2,500. A ticket having three "TICKET" symbols in the play area shall entitle the claimant to a prize of a \$1.00 ticket, except as follows. A person who submits by mail a LUCKY DOG lottery ticket that entitles the claimant to a prize of a \$1.00 ticket and whose mailing address is outside the state of Florida will receive a check for \$1.00 in lieu of an actual ticket.



(b) A ticket having a "WIN \$25" symbol in the "BONUS SPOT" play area shall entitle the claimant to a prize of \$25.

(8) The estimated odds of winning, value, and number of prizes in Instant Game Number 491 are as follows:

GAME PLAY TICKET	WIN	NUMBER OF WINNERS IN 56 POOLS OF 180,000 TICKETS	
		ODDS OF 1 IN	PER POOL
\$1	\$1	10.00	1,008,000
\$2	\$2	15.00	672,000
\$4	\$4	25.00	403,200
\$5	\$5	75.00	134,400
\$5	\$5	33.33	302,400
\$10	\$10	150.00	67,200
\$25 BONUS SPOT (BONE)	\$25	300.00	33,600
\$50	\$50	3,600.00	2,800
\$100	\$100	18,327.27	550
\$500	\$500	672,000.00	15
\$2,500	\$2,500	1,120,000.00	9

(9) The estimated overall odds of winning some prize in Instant Game Number 491 are 1 in 3.84. 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.

(10) For reorders of Instant Game Number 491, the estimated odds of winning, value, and number of prizes shall be proportionate to the number of tickets reordered.

(11) By purchasing a LUCKY DOG lottery ticket the player agrees to comply with and abide by all rules and regulations of the Florida Lottery.

(12) Payment of prizes for LUCKY DOG 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 6-26-03.

THIS EMERGENCY RULE TAKES EFFECT IMMEDIATELY UPON BEING FILED WITH THE DEPARTMENT OF STATE.

EFFECTIVE DATE: June 26, 2003

DEPARTMENT OF THE LOTTERY

RULE TITLE: Reduction in Workforce
 RULE NO.: 53ER03-36

SUMMARY OF THE RULE: The emergency rule sets forth provisions regarding procedures to be followed in a reduction in workforce.

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:

53ER03-36 Reduction in Workforce.

(1) When the Department of the Lottery implements a reduction in workforce, the reduction shall be conducted as follows:

(a) Positions Represented for Collective Bargaining – represented positions shall be identified for reduction in accordance with an Agreement to be negotiated by the Florida Lottery and the collective bargaining representative ("Agreement");

(b) Positions Not Represented for Collective Bargaining – positions that are not represented for collective bargaining shall be identified for reduction at the sole discretion of the Lottery.

(2) Benefits. An employee whose position is abolished due to a reduction in workforce shall receive benefits in accordance with the Agreement between the Florida Lottery and the collective bargaining representative. The Florida Lottery shall apply the benefits provisions in the Agreement to both collective bargaining unit employees and non-collective bargaining unit employees. The Lottery reserves the right to provide additional benefits not specifically addressed in the Agreement.

(3) This emergency rule replaces Emergency Rules 53ER00-10 and 53ER00-15, Florida Administrative Code.

Specific Authority 24.105(19)(d), 24.109(1) FS. Law Implemented 24.105(19)(d) FS. History—New 6-26-03, Replaces 53ER00-10 and 53ER00-15, F.A.C.

THIS EMERGENCY RULE TAKES EFFECT IMMEDIATELY UPON BEING FILED WITH THE DEPARTMENT OF STATE.

EFFECTIVE DATE: June 26, 2003

Section V

Petitions and Dispositions Regarding Rule Variance or Waiver

DEPARTMENT OF COMMUNITY AFFAIRS

NOTICE IS HEREBY GIVEN that the Department has issued a Final Order in response to the Petition for Waiver filed by the CITY OF HOMESTEAD. This petition was assigned the number DCA03-WAI-089. Notice of this petition appeared in the May 23, 2003, edition of the Florida Administrative Weekly. It is ordered that the Petition for Waiver by Petitioner the CITY OF HOMESTEAD be, and by this Final Order is, hereby GRANTED.

A copy of the Final Order may be obtained from: Paula P. Ford, Agency Clerk, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100.

NOTICE IS HEREBY GIVEN that the Department has issued a Final Order in response to the Amended Petition for Waiver filed by CHARLOTTE COUNTY. This petition was assigned the number DCA03-WAI-112. Notice of this petition appeared in the May 23, 2003, edition of the Florida Administrative Weekly. It is ordered that the Amended Petition for Waiver by Petitioner CHARLOTTE COUNTY be, and by this Final Order is, hereby GRANTED.

A copy of the Final Order may be obtained from: Paula P. Ford, Agency Clerk, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100.

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

Pursuant to Chapter 2003-145, Laws of Florida, all notices for the Board of Trustees of the Internal Improvement Trust Fund are 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."

PUBLIC SERVICE COMMISSION

NOTICE IS HEREBY GIVEN that the Florida Public Service Commission has received a petition from TL Fontainebleau Tower Limited Partnership, a Florida Limited Partnership, d/b/a Fontainebleau II, filed June 19, 2003, in Docket No. 030557-EU, seeking an emergency variance or waiver from paragraph 25-6.049(5)(a), Florida Administrative Code. The rule provides that individual electric metering by the utility company shall be required for each separate occupancy unit of new condominiums for which construction commenced after January 1, 1981.

Comments on the petition should be filed with the Commission's Division of the Commission Clerk and Administrative Services, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, within 14 days after publication of this notice.

A copy of the petition can be obtained from the Division of the Commission Clerk and Administrative Services.

For additional information, please contact Katherine Fleming, Office of the General Counsel, at the above address or telephone (850)413-6218.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Pursuant to Chapter 2003-145, Laws of Florida, all notices for the Department of Environmental Protection are 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 Patrick M. Kelley, M.D. The Notice of Petition for Waiver was published in Vol. 29, No. 15, of the April 11, 2003, Florida Administrative Weekly. The Surgical Care Committee considered the Petition at its meeting held on June 5, 2003. The Board considered the Committee's recommendation at its meeting held on June 7, 2003, in Miami, Florida. The Board's Order, filed on June 24, 2003, denies the petition for waiver finding that the underlying purpose of the statute, as implemented by Rule 64B8-9.009, F.A.C., has been not been met and that the Petitioner has not 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.

The Board of Medicine hereby gives notice that it has issued an Order on the Petition for Waiver filed by Bruce N. Landon, M.D. The Notice of Petition for Waiver was published in Vol. 29, No. 16, of the April 18, 2003, Florida Administrative Weekly. The Surgical Care Committee considered the Petition at its meeting held on June 5, 2003. The Board considered the Committee's recommendation at its meeting held on June 7, 2003, in Miami, Florida. The Board's Order, filed on June 24, 2003, denies the petition for waiver finding that the underlying purpose of the statute, as implemented by Rule 64B8-9.009, F.A.C., has been not been met and that the Petitioner has not 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.

FLORIDA HOUSING FINANCE CORPORATION

FLORIDA HOUSING FINANCE CORPORATION gives notice of the entry of an Order Granting a Petition for Waiver of subsection 67-50.080(2), Florida Administrative Code.

NAME OF THE PETITIONER: St. Johns Housing Partnership, Inc.

DATE PETITION WAS FILED: April 8, 2003

RULE NUMBER AND NATURE OF THE RULE FROM WHICH THE WAIVER OR VARIANCE IS SOUGHT: Subsection 67-50.080(2), F.A.C., which states the applicant shall submit the required information to the credit underwriter within sixty days.

REFERENCE TO THE PLACE AND DATE OF THE PUBLICATION OF THE NOTICE OF PETITION: Florida Administrative Weekly, April 18, 2003, Vol. 29, No. 16

THE DATE THE BOARD OF DIRECTORS OF FLORIDA HOUSING FINANCE CORPORATION ORDER APPROVED THE VARIANCE OR WAIVER: June 20, 2003

THE GENERAL BASIS FOR THE DECISION: The purpose of the underlying statute is to make loans to Eligible Housing Providers and Eligible Home Buyers for the construction of affordable housing. The waiver will further this purpose.

EXPLANATION OF HOW A COPY OF THE ORDER CAN BE OBTAINED: A copy of the Order is available for public inspection during normal business hours, 8:00 a.m. – 5:00 p.m., Monday through Friday, except legal holidays, at Florida Housing Finance Corporation, 227 N. Bronough St., Suite 5000, Tallahassee, FL 32301-1329. Requests for copies or inspections should be made to Sherry Green, Public Records Clerk, at the above address, telephone (850)488-4198 or e-mail: Sherry.Green@floridahousing.org.

FLORIDA HOUSING FINANCE CORPORATION gives notice of the entry of an Order Granting Petition for Waiver of Chapter 67-32, F.A.C., (section .006)

NAME OF THE PETITIONER: Lake Worth Towers, Inc.

DATE PETITION WAS FILED: March 26, 2003

RULE NUMBER AND NATURE OF THE RULE FROM WHICH THE WAIVER OR VARIANCE IS SOUGHT: Chapter 67-32, F.A.C., (section .006), requesting a waiver of the rule which calls for an interest rate of three percent, reduced down to a one percent rate.

REFERENCE TO THE PLACE AND DATE OF THE PUBLICATION OF THE NOTICE OF PETITION: Florida Administrative Weekly, April 11, 2003, Vol. 29, No. 15

THE DATE THE BOARD OF DIRECTORS OF FLORIDA HOUSING FINANCE CORPORATION ORDER APPROVED THE VARIANCE OR WAIVER: June 20, 2003

THE GENERAL BASIS FOR THE DECISION: The purpose of the underlying statute is to make loans to Eligible Housing Providers and Eligible Home Buyers for the construction of affordable housing. The waiver will further this purpose.

EXPLANATION OF HOW A COPY OF THE ORDER CAN BE OBTAINED: A copy of the Order is available for public inspection during normal business hours, 8:00 a.m. – 5:00 p.m., Monday through Friday, except legal holidays, at Florida Housing Finance Corporation, 227 N. Bronough St., Suite 5000, Tallahassee, FL 32301-1329. Requests for copies or inspections should be made to Sherry Green, Public Records Clerk, at the above address, telephone (850)488-4198 or e-mail: Sherry.Green@floridahousing.org.

FLORIDA HOUSING FINANCE CORPORATION gives notice of the entry of an Order Granting Petition for Waiver of subsections 67-21.002(30) and 67-21.003(15), F.A.C.

NAME OF THE PETITIONER: AIG SunAmerica, Inc. (Palms @ Vero Beach)

DATE PETITION WAS FILED: May 16, 2003

RULE NUMBER AND NATURE OF THE RULE FROM WHICH THE WAIVER OR VARIANCE IS SOUGHT: Subsections 67-21.002(30) and 67-21.003(15), F.A.C., requesting a waiver of the restrictions of these sections regarding the change of developers before construction of a project is completed.

REFERENCE TO THE PLACE AND DATE OF THE PUBLICATION OF THE NOTICE OF PETITION: Florida Administrative Weekly, May 30, 2003, Vol. 29, No. 22

THE DATE THE BOARD OF DIRECTORS OF FLORIDA HOUSING FINANCE CORPORATION ORDER APPROVED THE VARIANCE OR WAIVER: June 20, 2003

THE GENERAL BASIS FOR THE DECISION: The purpose of the underlying statute is to make loans to Eligible Housing Providers and Eligible Home Buyers for the construction of affordable housing. The waiver will further this purpose.

EXPLANATION OF HOW A COPY OF THE ORDER CAN BE OBTAINED: A copy of the Order is available for public inspection during normal business hours, 8:00 a.m. – 5:00 p.m., Monday through Friday, except legal holidays, at Florida Housing Finance Corporation, 227 N. Bronough St., Suite 5000, Tallahassee, FL 32301-1329. Requests for copies or inspections should be made to Sherry Green, Public Records Clerk, at the above address, telephone (850)488-4198, or e-mail: Sherry.Green@floridahousing.org.

FLORIDA HOUSING FINANCE CORPORATION gives notice of the entry of an Order Granting a Petition for Waiver from DFC Homes of Florida, Inc.

NAME OF THE PETITIONER: DFC Homes of Florida, Inc.

DATE PETITION WAS FILED: May 20, 2003

RULE NUMBER AND NATURE OF THE RULE FROM WHICH THE WAIVER OR VARIANCE IS SOUGHT: Subsection 67-50.080(2), F.A.C., which states the applicant shall submit the required information to the credit underwriter within sixty days.

REFERENCE TO THE PLACE AND DATE OF THE PUBLICATION OF THE NOTICE OF PETITION: Florida Administrative Weekly, May 30, 2003, Vol. 29, No. 22

THE DATE THE BOARD OF DIRECTORS OF FLORIDA HOUSING FINANCE CORPORATION ORDER APPROVED THE VARIANCE OR WAIVER: June 20, 2003

THE GENERAL BASIS FOR THE DECISION: The purpose of the underlying statute is to make loans to Eligible Housing Providers and Eligible Home Buyers for the construction of affordable housing. The waiver will further this purpose.

EXPLANATION OF HOW A COPY OF THE ORDER CAN BE OBTAINED: A copy of the Order is available for public inspection during normal business hours, 8:00 a.m. – 5:00 p.m., Monday through Friday, except legal holidays, at Florida Housing Finance Corporation, 227 N. Bronough St., Suite 5000, Tallahassee, FL 32301-1329. Requests for copies or inspections should be made to Sherry Green, Public Records Clerk, at the above address, telephone (850)488-4198, or e-mail: Sherry.Green@floridahousing.org.

FLORIDA HOUSING FINANCE CORPORATION gives notice of the entry of an Order Granting a Petition for Waiver of subsection 67-50.080(2), Florida Administrative Code.

NAME OF THE PETITIONER: Bradenton Village Homeownership, Inc.

DATE PETITION WAS FILED: May 21, 2003

RULE NUMBER AND NATURE OF THE RULE FROM WHICH THE WAIVER OR VARIANCE IS SOUGHT: Subsection 67-50.080(2), F.A.C., which states the applicant shall submit the required information to the credit underwriter within sixty days.

REFERENCE TO THE PLACE AND DATE OF THE PUBLICATION OF THE NOTICE OF PETITION: Florida Administrative Weekly, May 30, 2003, Vol. 29, No. 22

THE DATE THE BOARD OF DIRECTORS OF FLORIDA HOUSING FINANCE CORPORATION ORDER APPROVED THE VARIANCE OR WAIVER: June 20, 2003

THE GENERAL BASIS FOR THE DECISION: The purpose of the underlying statute is to make loans to Eligible Housing Providers and Eligible Home Buyers for the construction of affordable housing. The waiver will further this purpose.

EXPLANATION OF HOW A COPY OF THE ORDER CAN BE OBTAINED: A copy of the Order is available for public inspection during normal business hours, 8:00 a.m. – 5:00 p.m., Monday through Friday, except legal holidays, at Florida Housing Finance Corporation, 227 N. Bronough St., Suite 5000, Tallahassee, FL 32301-1329. Requests for copies or inspections should be made to Sherry Green, Public Records Clerk, at the above address, telephone (850)488-4198, or e-mail: Sherry.Green@floridahousing.org.

NOTICE IS HEREBY GIVEN that on July 1, 2003, Florida Housing Finance Corporation received a Petition for Waiver of subsection 67-48.002(111), F.A.C., from The Carlisle Group, LLC (the "Petition"), seeking a variance from a portion of the Universal Application Instructions (the "Instructions") that have that have been adopted and incorporated by reference through subsection 67-48.002(111). More specifically, Petitioner is seeking a variance from what appears to be designated as Ranking and Selection Criteria subsection B.7.e.(7)(c) on page 85 of the Instructions.

A copy of the Petition can be obtained from: Sherry Green, Public Records Clerk, Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32399-1329.

Florida Housing will accept comments concerning the Petition for 14 days from the date of publication of this notice. To be considered, comments must be received on or before 5:00 p.m., Eastern Standard Time, on the 14th day after publication of this notice at Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32399-1329.

Section VI

Notices of Meetings, Workshops and Public Hearings

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

The Florida **Department of Agriculture and Consumer Services** announces a meeting of the Florida Agriculture Center and Horse Park Authority, Inc.

DATE AND TIME: Thursday, July 24, 2003, 1:00 p.m.

PLACE: Ocala/Marion County Chamber of Commerce, 110 E. Silver Springs Blvd., Ocala, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct the general business of the Florida Agriculture Center and Horse Park Authority, Inc.

For directions or if you need special accommodations, please call (352)629-8051.

DEPARTMENT OF EDUCATION

The **Division of Blind Services**, Bureau of Business Enterprises and the State Committee of Vendors announces a meeting to which all persons are invited.

DATES AND TIMES: July 11, 2003, 1:00 p.m.; continuing July 12, 2003, 8:00 a.m.

PLACE: Embassy Suites – Orlando North, 225 E. Altamonte Drive, Altamonte Springs, Florida 32701, (407)834-2400

GENERAL SUBJECT MATTER TO BE CONSIDERED: Topics under discussion will be general as brought up by the District Representatives.

A copy of the quarterly minutes can be obtained at the Division of Blind Services Web Site: www.state.fl.us/dbs/ and going to Business Enterprises Program, Minutes.

The **State University Presidents Association** announces a telephone conference meeting to which all persons are invited.
DATE AND TIME: Tuesday, July 15, 2003, 9:00 a.m. – 11:00 a.m.
PLACE: Telephone Numbers (850)921-2583, 291-2583 (Suncom)
GENERAL SUBJECT MATTER TO BE CONSIDERED: State University System issues.
Contact person: Sandra Cherepow, (407)823-2484

The public is invited to a meeting of the Performance and Accountability Committee of the Florida **Board of Governors**.
DATE AND TIME: July 23, 2003, 9:00 a.m.
PLACE: Key West Ballroom, 2nd Floor, Student Union, University of Central Florida, Orlando, Florida
GENERAL SUBJECT MATTER TO BE CONSIDERED: Organizational meeting.
A copy of the agenda may be obtained from the Commissioner of Education's website at <http://www.fldoe.org>.
Persons with disabilities who require assistance to participate in the meeting are requested to notify the Office of Access and Equity, (850)245-9531 (Voice), at least 7 days in advance, so that their needs can be accommodated.

The public is invited to a meeting of the Facilities Committee of the Florida **Board of Governors**.
DATE AND TIME: July 23, 2003, 10:00 a.m.
PLACE: Key West Ballroom, 2nd Floor, Student Union, University of Central Florida, Orlando, Florida
GENERAL SUBJECT MATTER TO BE CONSIDERED: Organizational meeting.
A copy of the agenda may be obtained from the Commissioner of Education's website at <http://www.fldoe.org>.
Persons with disabilities who require assistance to participate in the meeting are requested to notify the Office of Access and Equity, (850)245-9531 (Voice), at least 7 days in advance, so that their needs can be accommodated.

The public is invited to a meeting of the Finance Committee of the Florida **Board of Governors**.
DATE AND TIME: July 23, 2003, 11:00 a.m.
PLACE: Key West Ballroom, 2nd Floor, Student Union, University of Central Florida, Orlando, Florida
GENERAL SUBJECT MATTER TO BE CONSIDERED: Organizational meeting.
A copy of the agenda may be obtained from the Commissioner of Education's website at <http://www.fldoe.org>.

Persons with disabilities who require assistance to participate in the meeting are requested to notify the Office of Access and Equity, (850)245-9531 (Voice), at least 7 days in advance, so that their needs can be accommodated.

The public is invited to a meeting of the Florida **Board of Governors**.
DATE AND TIME: July 23, 2003, 12:00 p.m.
PLACE: Cape Florida Ballroom, 3rd Floor, Student Union, University of Central Florida, Orlando, Florida
GENERAL SUBJECT MATTER TO BE CONSIDERED: Orientation to the duties and responsibilities of the members of the Board of Governors; Chancellor's Report; Approval of Minutes of meetings held April 30, 2003, and June 23, 2003; Appointment of Trustee to the New College of Florida Board of Trustees; Reports from Board Committees: Performance and Accountability, Facilities, and Finance; Discussion of Strategic Planning Process (including university enrollment planning and projections); Update on 2003 Legislative Session; Discussion of Legislative Budget Request Process; Consideration of Academic Programs; Report from CEPRI; Distribution of the Division of Colleges and Universities 2003-2004 PECO Funds-Maintenance, Repairs, Renovation and Remodeling; Resolution Authorizing the Issuance of Not to Exceed \$32,500,000 Florida State University Financial Assistance, Inc., Refunding Revenue Bonds to Refund Certain Outstanding Obligations; Resolution Approving the Financing of the Construction of a Portion of a Genetics and Cancer Research Facility on the Campus of the University of Florida and Approving the Issuance by the University of Florida Research Foundation, Inc., of Capital Improvement Bonds Not to Exceed \$35,000,000; and other matters pertaining to the Florida Board of Governors.

A copy of the agenda may be obtained from the Commissioner of Education's website at <http://www.fldoe.org>.
Persons with disabilities who require assistance to participate in the meeting are requested to notify the Office of Access and Equity, (850)245-9531 (Voice), at least 7 days in advance, so that their needs can be accommodated.

The public is invited to a meeting of the Florida **Board of Governors Foundation, Inc.**
DATE AND TIME: July 23, 2003, 4:00 p.m. or upon adjournment of the Florida Board of Governors meeting
PLACE: Cape Florida Ballroom, 3rd Floor, Student Union, University of Central Florida, Orlando, Florida
GENERAL SUBJECT MATTER TO BE CONSIDERED: Operating Budget of the Foundation; election of officers; and other matters pertaining to the Foundation.
A copy of the agenda may be obtained from the Commissioner of Education's website at <http://www.fldoe.org>.

Persons with disabilities who require assistance to participate in the meeting are requested to notify the Office of Access and Equity, (850)245-9531 (Voice), at least 7 days in advance, so that their needs can be accommodated.

The **Gulf Coast Community College**, District Board of Trustees will hold a meeting as follows:

DATE AND TIME: August 4, 2003, 10:00 a.m. (EDT)

PLACE: E. A. Gardner Seminar Room, Gulf Coast Community College, Panama City, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: DBOT to discuss Office of the President.

Contact person for the meeting is: Dr. Linda Adair, Acting President

DEPARTMENT OF TRANSPORTATION

Pasco County, in cooperation with the **Department of Transportation**, District Seven announces a public hearing for S.R. 54, WPI Segment Number: 411052 1, to which all persons are invited.

DATE AND TIMES: Wednesday, July 30, 2003, 5:00 p.m. – Open House; 6:00 p.m. – Formal Presentation followed by public comments

PLACE: Zephyrhills City Council Chambers, City Hall, 5335 8th Street, Zephyrhills, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: This hearing is being held to afford interested persons an opportunity to express their views concerning the location, conceptual design; and social, economic, and environmental effects of the proposed improvements to S.R. 54 from west of S.R. 581 to east of C.R. 577 in Pasco County, Florida.

Project documents and conceptual design plans for the recommended Build Alternative developed by Pasco County will be available for public review from July 9, 2003 through August 9, 2003, at New River Branch Library, 34043 SR 54, Zephyrhills, Florida 33543, Monday and Thursday 12:00 Noon – 9:00 p.m., Tuesday and Wednesday 10:00 a.m. -6:00 p.m., and Friday, and Saturday 10:00 a.m. - 5:00 p.m. These materials will also be available at the hearing site beginning at 5:00 p.m. on the day of the hearing.

This public hearing is being held in accordance with 23 CFR 711, Section 339.155, Florida Statutes, and Titles VI and VIII of Civil Rights Act and the American with Disabilities Act (ADA). Individuals, who may require special accommodations at the hearing under ADA, may contact Ms. Rosemary Tommolino, (727)847-8140, at least seven days prior to the public hearing.

A copy of the public handout and project information may be obtained by writing: Mr. E. Loren Midgett, P.E., Project Manager, Pasco County Engineering Services, 7530 Little Road, Suite 320, New Port Richey, Florida 34654-5598.

The **Department of Transportation**, Florida's Turnpike Enterprise announces a Public Hearing to which all persons are invited.

DATE AND TIMES: Tuesday, August 5, 2003, 6:00 p.m. – Open House; 6:30 p.m. – Formal Presentation (In the event that the Public Hearing cannot be held on August 5, 2003, due to unforeseen conditions such as bad weather, it will then be held on August 12, 2003, at the same time and place)

PLACE: Pine Lake Elementary School (Cafeteria), 16700 S. W. 109 Avenue, Miami, Florida 33157

GENERAL SUBJECT MATTER TO BE CONSIDERED: This hearing is being conducted pursuant to the provisions of Rule Chapter 14-97, Florida Administrative Code, and Section 335.18, Florida Statutes. This hearing is being held in accordance with the Section 339.155 Florida Statutes, and is also consistent with the Americans With Disabilities Act of 1990. This hearing is also in compliance with Title VI of the Civil Rights Act of 1964 and Title VIII of the Civil Rights Act of 1968, as amended. This hearing is being held to afford interested persons the opportunity to express their views concerning the location, conceptual design, and social, economic and environmental effects of the proposed project, Financial Project Identification Number 406096-1, otherwise known as the widening of the Homestead Extension of Florida's Turnpike (HEFT) from the Government Center (US-1) to SR 874. Potential encroachment on wetlands and floodplains may be given special consideration under Executive Orders 11990 and 11988. The study area is from S. W. 211 Street to Kendall Drive.

Anyone needing project or Public Hearing information, including a copy of the hearing agenda, may contact by calling or writing: Ms. Rebecca Bolan, P.E., Project Manager, Florida's Turnpike Enterprise, Ms. Bolan, Florida's Turnpike Enterprise, P. O. Box 613069, Ocoee, Florida 34761-3069, (407)532-3999, Extension 3416 or by e-mail: rebecca.bolan@dot.state.fl.us.

Anyone requesting special accommodations under the Americans with Disabilities Act of 1990 should contact by calling or writing: Mr. Jeffrey LeClaire, P.E., Florida's Turnpike Enterprise, P. O. Box 613069, Ocoee, Florida 34761-3069, (407)532-3999, Extension 3826 or by e-mail: jeffrey.leclaire@dot.state.fl.us. Special accommodation requests under the Americans with Disabilities Act should be received at least seven (7) days prior to the Public Hearing.

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

Pursuant to Chapter 2003-145, Laws of Florida, all notices for the **Board of Trustees of the Internal Improvement Trust Fund** are published on the Internet at the Department of Environmental Protection's home page at <http://www.dep.state.fl.us/> under the link or button titled "Official Notices."

FLORIDA PAROLE COMMISSION

The **Florida Parole Commission** announces a public meeting to which all persons are invited.

DATE AND TIME: Wednesday, July 23, 2003, 9:00 a.m.

PLACE: Florida Parole Commission, 2601 Blairstone Road, Bldg. C., Third Floor, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regularly Scheduled Meeting for all Parole, Conditional Release, Conditional Medical Release, Addiction Recovery and Control Release Matters.

Any person who decides to appeal a decision of the Florida Parole Commission with respect to a matter considered at this meeting may need to ensure that a verbatim record of the proceedings is made, Chapter 80-150, Laws of Florida (1980). A copy of the agenda may be obtained by writing: Florida Parole Commission, 2601 Blairstone Road, Building C, Tallahassee, Florida 32399-2450.

In accordance with the Americans with Disabilities Act, persons needing a special accommodation to participate in this proceeding should contact the agency sending the notice not later than five working days prior to the proceeding at the address given on the notice. Telephone: (850)488-3417.

The **Florida Parole Commission** announces a public meeting to which all persons are invited.

DATE AND TIME: July 24, 2003, 9:00 a.m.

PLACE: 2601 Blair Stone Road, Building C, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regularly Scheduled Commission Business Meeting.

A copy of the agenda and subsequent agenda, if any, may be obtained by writing: Florida Parole Commission, 2601 Blair Stone Road, Building C, Tallahassee, Florida 32399-2450, Attention: Frederick B. Dunphy, Commissioner-Vice Chairman.

If you need an accommodation in order to participate in this process, please notify the Commission in advance.

REGIONAL PLANNING COUNCILS

The **North Central Florida Regional Planning Council** announces the following meetings to which all persons are invited.

MEETING: Executive Committee

DATE AND TIME: July 24, 2003, 6:00 p.m.

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct the regular business of the Executive Committee.

MEETING: Clearinghouse Committee

DATE AND TIME: July 24, 2003, 6:00 p.m.

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct the regular business of the Clearinghouse Committee.

MEETING: North Central Florida Regional Planning Council

DATE AND TIME: July 24, 2003, 7:30 p.m.

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct the regular business of the North Central Florida Regional Planning Council.

PLACE: Holiday Inn Restaurant, I-75 and U.S. 90, Lake City, Florida.

Any person deciding to appeal decisions of the Council or its committees with respect to any matter considered at the meetings, may need to make a verbatim record of the proceedings.

A copy of any of these agendas may be obtained by emailing ncfrpc@ncfrpc.org or writing: NCFRPC, 2009 N. W. 67 Place, Suite A, Gainesville, Florida 32653.

Persons with disabilities who need assistance may contact us at (352) 955-2200, at least two business days in advance to make appropriate arrangements

The **Tampa Bay Regional Planning Council** announces the following meetings to which all persons are invited. (Please call to confirm date, time and place)

MEETING: Executive/Budget Committee

DATE AND TIME: Monday, August 11, 2003, 9:00 a.m.

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct the regular business of the Executive/Budget Committee.

MEETING: Tampa Bay Regional Planning Council

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

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct the regular business of the Tampa Bay Regional Planning Council

MEETING: TBRPC Legislative Committee.

DATE AND TIME: Monday, August 11, 2003, 11:30 a.m.

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct the regular business of the TBRPC Legislative Committee.

MEETING: Agency On Bay Management

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

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct the regular business of the Agency On Bay Management

MEETING: Clearinghouse Review Committee

DATE AND TIME: Thursday, August 25, 2003, 9:30 a.m.

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct the regular business of the Clearinghouse Review Committee

PLACE: 9455 Koger Blvd., Suite 219, St. Petersburg, FL 33702

Please note that if a person decides to appeal any decision made by Council with respect to any matter considered at the above cited meeting or hearing, he will need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is based.

The District II, **Local Emergency Planning Committee (LEPC)** announces a public meeting to which all persons are invited.

DATE AND TIME: Wednesday, July 16, 2003, 10:00 a.m. Eastern Time, 9:00 a.m. Central Time

PLACE: Fire Department Training Division Classroom, 2964 Municipal Way, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: To hold the regularly scheduled LEPC meeting.

An agenda may be obtained by writing: Apalachee Regional Planning Council, 20776 Central Avenue East, Suite 1, Blountstown, FL 32424 or calling (850)674-4571.

If special accommodations at the meeting are required because of a disability or impairment, please contact Council Offices, (850)674-4571, prior to the meeting.

If any person desires to appeal any decision with respect to any matter considered at the above-cited meeting, such person will need a record of the proceedings. For such purpose, he/she will need to ensure that a verbatim record of the proceeding is made to include the testimony and evidence upon which the appeal is to be based.

The **Apalachee Regional Planning Council** announces a public meeting to which all persons are invited. In addition to its regular business, the agenda will include the review of any Local Government Plan Amendment(s) received in a timely manner.

DATE AND TIME: Thursday, July 24, 2003, 10:30 a.m. Eastern Time, 9:30 a.m. Central Time

PLACE: Holiday Inn Select, 316 W. Tennessee Street, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: To hold the regular monthly meeting of the Apalachee Regional Planning Council's Board of Directors.

An agenda may be obtained by writing: Apalachee Regional Planning Council, 20776 Central Avenue East, Suite 1, Blountstown, FL 32424 or calling (850)674-4571.

If special accommodations at the meeting are required because of a disability or impairment, please contact Council Offices, (850)674-4571 prior to the meeting.

If any person desires to appeal any decision with respect to any matter considered at the above-cited meeting, such person will need a record of the proceedings. For such purpose, he/she will need to ensure that a verbatim record of the proceeding is made to include the testimony and evidence upon which the appeal is to be based.

COMMISSION ON ETHICS

The Commission on Ethics announces a public meeting to which all interested persons are invited.

DATE AND TIME: Thursday, July 24, 2003, 8:00 a.m.

PLACE: Burns Building Auditorium, Department of Transportation, 605 Suwannee Street, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regular Commission Meeting.

A copy of the agenda may be obtained by writing: Commission on Ethics, Post Office Drawer 15709, Tallahassee, Florida 32317-5709. Meeting materials also will be available from 8:00 a.m. – 5:00 p.m., Monday through Friday, 2822 Remington Green Circle, Suite 101, prior to the meeting.

If a person decides to appeal any decision made by the Commission with respect to a matter considered at this meeting, he will need a record of the proceeding, and for such purpose he may need to ensure that a verbatim record of this proceeding is made, which record includes the testimony and evidence upon which the appeal is to be based.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this meeting is asked to advise the Commission at least 48 hours before the meeting by contacting the Commission on Ethics, (850)488-7864. If you are hearing or speech impaired, please contact the Commission by using the Florida Relay Service which can be reached at 1(800)955-8771 (TDD).

METROPOLITAN PLANNING ORGANIZATION

The Florida **Metropolitan Planning Organization**, Advisory Council (MPOAC) announces a meeting of the Staff Directors' Advisory Committee to which all persons are invited:

DATE AND TIME: July 24, 2003, 1:00 p.m. – 3:00 p.m.

PLACE: Crowne Plaza Hotel – Orlando Airport, 5555 Hazeltine National Drive, Orlando, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Activities related to transportation planning within and adjacent to metropolitan areas in Florida carried out by local, state, and federal agencies.

A copy of the agenda may be obtained by contacting: Heidi Langston, MPOAC, 605 Suwannee Street, MS 28B, Tallahassee, FL 32399-0450, 1(866)374-3368, Ext. 4037 or e-mail: heidi.langston@dot.state.fl.us

The Florida **Metropolitan Planning Organization**, Advisory Council (MPOAC) announces a meeting of the Governing Board to which all persons are invited:

DATE AND TIME: July 24, 2003, 4:00 p.m. – 7:00 p.m.

PLACE: Crowne Plaza Hotel – Orlando Airport, 5555 Hazeltine National Drive, Orlando, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Activities related to transportation planning within and adjacent to metropolitan areas in Florida carried out by local, state, and federal agencies.

A copy of the agenda may be obtained by contacting: Heidi Langston, MPOAC, 605 Suwannee Street, MS 28B, Tallahassee, FL 32399-0450, 1(866)374-3368, Ext. 4037 or e-mail: heidi.langston@dot.state.fl.us

WATER MANAGEMENT DISTRICTS

The **Northwest Florida Water Management District** announces public meetings to which all persons are invited:

DATE AND TIME: July 24, 2003, 1:00 p.m. (EDT)

GENERAL SUBJECT MATTER TO BE CONSIDERED: Governing Board Meeting – To consider District business.

DATE AND TIME: July 24, 2003, 1:15 p.m. (EDT)

GENERAL SUBJECT MATTER TO BE CONSIDERED: Public Hearing on Regulatory Matters – to consider regulatory matters.

PLACE: District headquarters, 10 miles west of Tallahassee on U.S. Highway 90.

A copy of the agendas may be obtained by contacting: Carolyn Wise, NFWFMD, 81 Water Management Drive, Havana, Florida 32333, (850)539-5999 (also available through the Internet at www.state.fl.us/nwfwmd).

If any person decides to appeal any decision with respect to any matter considered at the above-cited meetings, such person may need to ensure that a verbatim record of the proceedings is made to include the testimony and evidence upon which the appeal is to be based.

Persons with disabilities or handicaps who need assistance or reasonable accommodation in order to participate in these meetings should contact Larry Wright at the District at least 72 hours in advance of these meetings to make appropriate arrangements.

DEPARTMENT OF THE LOTTERY

The **Department of the Lottery** announces that for several weeks following publication of this notice, public meetings of the Evaluation Committee for the below-referenced RFP will be held to which all persons are invited:

DATE AND TIME: To be announced

PLACE: Lottery Headquarters, 250 Marriott Drive, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: RFP #04-02/03/C – Request for Proposal for a Lottery Gaming System and Services for the Florida Lottery.

The meetings will be held for the purpose of discussing and evaluating the proposals submitted in response to the RFP. Additional public meetings of the Evaluation Committee may be held at out-of-state locations selected for site visits for the purpose of viewing demonstrations of the functionality of the systems and equipment proposed.

Because timely completion of the evaluation process is a priority, there will not always be sufficient time to publish notice of a meeting in the Florida Administrative Weekly. Therefore, notice of each of the public meetings will be provided by the following methods:

- Posting on the Vendor Bid System at http://fcn.state.fl.us/owa_vbs/owa/vbs_www.main_menu
- Posting on the Lottery’s website at <http://www.flalottery.com>
- Posting at Lottery Headquarters at 250 Marriott Drive, Tallahassee, Florida
- Individual notice to each of the vendors who responded to the RFP
- Publication in the Florida Administrative Weekly whenever possible, considering publication schedules

Information regarding the scheduling of meetings may also be obtained by telephoning the Lottery’s Purchasing Office, (850)487-7710.

The Lottery will provide as much notice of each scheduled meeting as is practicable.

Any person requiring a special accommodation at a public meeting because of a disability should contact the ADA Coordinator, (850)487-7777, Extension 3700 (Voice), or through the Florida Relay Service, 1(800)955-8771 (TDD), at least 24 hours prior to the meeting.

Visitors must take into consideration that Lottery Headquarters is a secure facility. Therefore, all visitors must arrive sufficiently early to register at a security checkpoint and receive visitor identification badges prior to being admitted to a meeting. A photo ID will be required.

If a person decides to appeal any decision made by the Lottery with respect to any matter considered at a meeting, he or she will need a record of the proceedings, and for such purpose, he or she may need to ensure that a verbatim record of the proceedings is made which includes the testimony and evidence upon which the appeal is to be based.

DEPARTMENT OF ELDER AFFAIRS

The **Senior Resource Alliance**, the Area Agency on Aging of Central Florida, Inc. announces that there will be a public hearing on the Area Plan on Aging 2004.

DATE AND TIME: Friday, July 25, 2003, 12:30 p.m. – 2:00 p.m.

PLACE: Senior Resource Alliance, 988 Woodcock Rd., Suite 200, Orlando, FL 32803

For more information, directions, or special accommodations, please call (407)228-1800.

The **Northeast Florida Area Agency on Aging** (PSA4) announces a Budget/Finance Committee meeting, and a Board of Directors meeting to which all persons are invited:

DATE AND TIMES: July 16, 2003, 1:00 p.m. – Budget and Finance Committee; 2:30 p.m. – Board of Directors Meeting

PLACE: Wolfe Conference Room, Flagler Hospital, St. Augustine, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: General Board business; Voting on committee recommendations; Voting on distribution of funds.

A copy of the agenda may be obtained by contacting: The Northeast Florida Area Agency on Aging, Inc., 4401 Wesconnett Blvd., Jacksonville, FL 32210, (904)777-2106.

The **Mid-Florida Area Agency on Aging** announces a public hearing to which all persons are invited.

DATE AND TIME: Friday, July 25, 2003, 1:00 p.m. – 3:00 p.m.

PLACE: Florida Farm Bureau Auditorium, 5700 S. W. 34th St., Gainesville, FL 32608

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Mid-Florida Area Agency on Aging (MFAAA) is seeking public comment on the Information and Assistance services currently being provided by that agency to the 16 counties of Planning and Service Area 3. Section 307(8)(A) of the Older Americans Act permits the State Agency on Aging to allow Area Agencies on Aging to provide direct services under certain circumstances. These circumstances include where, in the judgment of the State Agency on Aging, such services can be provided more economically, and with comparable quality, by the Area Agency on Aging. The MFAAA plans to request a waiver from the Department of Elder Affairs, the State Agency on Aging in the state of Florida, to continue to directly provide information and assistance, a service funded by Title III-B of the Older American Act. A summary of the comments received at the public hearing will accompany the waiver request to the Department of Elder Affairs.

Anyone wanting additional information about this public hearing may contact: Mary Anne Hilker, Mid-Florida Area Agency on Aging, 5700 S. W. 34th St, Suite 222, Gainesville, FL 32608, (352)378-6649.

Anyone requiring special accommodation because of a disability should contact: Mid-Florida Area Agency on Aging, (352)378-6649.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

The Probable Cause Panel of the **Construction Industry Licensing Board** announces a meeting.

DATE AND TIMES: July 22, 2003, 9:00 a.m. and 10:00 a.m. or soon thereafter

PLACE: Dept. 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.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Pursuant to Chapter 2003-145, Laws of Florida, all notices for the **Department of Environmental Protection** are 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 **Office of Public Health Preparedness** will conduct a meeting to which all interested persons are invited.

DATE AND TIME: Thursday, July 17, 2003, 9:00 a.m. – 4:30 p.m.

PLACE: Doubletree Hotel Tampa Westshore Airport, 4500 West Cypress Street, Tampa, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: The purpose of the meeting is to discuss issues with the Hospital Bioterrorism Preparedness Planning Committee and the CDC Advisory Committee that relate to their specific cooperative agreements managed by the Office of Public Health Preparedness.

This is a public meeting, not a public hearing. Testimony will not be taken at this meeting.

Persons wishing to provide input should send their material to: Office of Public Health Preparedness, Florida Department of Health, 4052 Bald Cypress Way, Bin #A23, Tallahassee, FL 32399-1748.

Persons seeking additional information may call: Laura Holden, (850)245-4128.

The **Board of Chiropractic Medicine**, Probable Cause Panel will hold a duly noticed meeting and telephone conference call meeting, to which all persons are invited to attend.

DATE AND TIME: Thursday, July 24, 2003, 9:00 a.m.

PLACE: Department of Health, 4042 Bald Cypress Way, Tallahassee, FL, Meet me number (850)921-6433

GENERAL SUBJECT MATTER TO BE CONSIDERED: For cases previously heard by the panel.

Any person requiring special accommodations at this meeting because of a disability or physical impairment should contact the Board, (850)245-4355, at least 48 hours prior to the meeting. If you are a hearing or speech impaired, please contact the Board office using the Dual Party Relay System at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

A copy of the agenda item may be obtained by writing: Joe Baker, Jr., Executive Director, Board of Chiropractic Medicine, 4052 Bald Cypress Way, Bin #C07, Tallahassee, FL 32399.

The **Board of Podiatric Medicine** will hold a duly noticed meeting and telephone conference call, to which all persons are invited to attend.

DATE AND TIME: Friday, July 25, 2003, 9:00 a.m.

PLACE: Embassy Suites Hotel, 1100 S. E. 17th Street, Ft. Lauderdale, 33316, (954)527-2700

GENERAL SUBJECT MATTER TO BE CONSIDERED: General board business.

Any person requiring special accommodations at this meeting because of a disability or physical impairment should contact the Board, (850)245-4355, at least 48 hours prior to the meeting. If you are a hearing or speech impaired, please contact the Board office using the Dual Party Relay System at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

A copy of the agenda item may be obtained by writing: Joe Baker, Jr., Executive Director, Board of Podiatric Medicine, 4052 Bald Cypress Way, Bin #C07, Tallahassee, FL 32399-3257.

The **Department of Health, Division of Environmental Health**, Mercury Advisory Workgroup announces a meeting to which all persons are invited.

DATE AND TIME: July 16, 2003, 1:00 p.m. – 4:00 p.m.

PLACE: Capital Circle Office Complex, Room 215T, 4042 Bald Cypress Way, Tallahassee, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct general business of the workgroup.

A copy of the agenda may be obtained by writing: Dr. David Johnson, Department of Health, Division of Environmental Health, 4052 Bald Cypress Way, Bin A08, Tallahassee, FL 32399-1712.

Pursuant to the provisions of the American with Disabilities Act, any person requiring special accommodations to participate in this meeting is asked to advise the department at least 5 days before the meeting by contacting: Pam Lewis, (850)245-4444, Ext 2927. If you are hearing impaired or speech impaired, please contact the department by calling 1(800)955-8770 (Voice) or 1(800)955-8771 (TDD).

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

The **Department of Children and Family Services**, District 11, Mental Health Program Office announces a public meeting to which all persons are invited:

DATE AND TIME: Wednesday, July 16, 2003, 10:00 a.m. – 12:00 p.m.

PLACE: Rhode Building, 401 N. W. 2nd Avenue, Suite N-1007, Miami, Florida 33128

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Department is seeking public input and information regarding the re-designation of Public Health Trust-Jackson North Community Mental Health Center as a Baker Act Receiving Facility.

Persons with disabilities requiring accommodations in order to participate in this event should contact: Joanna Cardwell, Adult Mental Health Coordinator, (305)377-5454 or in writing by close of business (5:00 pm) no later than five working days prior to the meeting.

The Suncoast Region, **DeSoto County Community Alliance** will meet as follows:

DATE AND TIME: Tuesday, July 22, 2003, 11:00 a.m.

PLACE: DeSoto County Administration Building, Commissioner's Meeting Room, 201 East Oak St., Arcadia, Florida

The public is welcome to attend. For information call (941)741-3682.

The **Department of Children and Family Services**, Office on Homelessness announces public workshops on two homeless assistance grants for community based homeless services. The Challenge Grant supports the implementation of local homeless assistance continuums of care and the local service delivery. The Homeless Housing Assistance Grant supports the construction of transitional or permanent housing served for occupancy by the homeless. All interested parties are invited to attend any of the workshops.

DATE AND TIME: July 23, 2003, 9:00 a.m. – 12:00 Noon

PLACE: Department of Children and Family Services, 9393 North Florida Avenue, Main Conference Room, Tampa, Florida 33612-7907

DATE AND TIME: July 24, 2003, 9:00 a.m. – 12:00 Noon

PLACE: Department of Children and Family Services, 201 West Broward Boulevard, Suite 408, Fort Lauderdale, Florida 33301

DATE AND TIME: July 25, 2002, 9:00 a.m. – 12:00 Noon

PLACE: Department of Children and Family Services, Building 8, Room 232, 1317 Winewood Boulevard, Tallahassee, FL 32399-0700

GENERAL SUBJECT MATTER TO BE CONSIDERED: The workshops will provide an overview of the upcoming grant application cycle and provide an opportunity to respond to questions on the application instructions.

More information on these workshops may be obtained by contacting: Office on Homelessness, 1317 Winewood Boulevard, Tallahassee, FL 32399-0700, (850)922-4691.

Pursuant to Chapter 286.26, Florida Statutes, any disabled person wishing to attend this meeting, in order to request any needed special assistance, should contact the Office on Homelessness at least 48 hours in advance of the meeting.

The **Department of Children and Family Services**, District 11, Monroe County Community Alliance Committee Meeting announces the following public meeting to which all persons are invited:

DATE AND TIME: Thursday, July 28, 2003, 10:00 a.m.

PLACE: Holiday Inn, 13201 Overseas Highway, Marathon, Florida 33040, (305)293-6394

GENERAL SUBJECT MATTER TO BE CONSIDERED: Monroe Community Alliance Committee Meeting.

For copies of the agenda, further information, or person requiring accommodations in order to participate in this meeting should contact Judy Greene or in writing by close of business (5:00 p.m.) no later than five working days prior to the meeting.

DATES AND TIME: Monday, August 25, 2003; Monday, September 22, 2003; Monday, October 20, 2003; Monday, November 17, 2003; Monday, December 15, 2003, 10:00 a.m.

The **Department of Children and Family Services**, District 11, Miami-Dade Community Based Care Alliance, Quality Assurance (QA) and Evaluation Committee announces the following public meeting to which all persons are invited:

DATE AND TIME: Thursday, August 21, 2003, 9:30 a.m. – 11:00 a.m.

PLACE: Rhode Building, 401 N. W. 2nd Avenue, Suite S-212 Conference Room, Miami, Florida 33128, (305)377-7330

GENERAL SUBJECT MATTER TO BE CONSIDERED: Miami-Dade Community Based Care Alliance Quality Assurance (QA) and Evaluation Committee Meeting.

For copies of the agenda, further information, or person requiring accommodations in order to participate in this meeting should contact Michael S. Bateman, District XI Strategic Planning Manager, (305)377-7330 or in writing by close of business (5:00 p.m.) no later than five working days prior to the meeting.

FLORIDA HOUSING FINANCE CORPORATION

The **Florida Housing Finance Corporation** announces a workshop and meeting of the Board of Directors to which all interested parties are invited:

Fiscal Committee; Guarantee Committee; Universal Cycle Committee; Multifamily Revenue Bond Committee; Board Meeting

DATE AND TIME: August 1, 2003, 9:00 a.m. – adjourned

PLACE: Hyatt Regency Orlando International Airport, 9300 Airport Boulevard, Orlando, FL 32827, (407)825-1234

GENERAL SUBJECT MATTER TO BE CONSIDERED:

1. Consider, review, and take action on matters brought to the Fiscal Committee and to consider recommendations made by the Fiscal Committee to the Board.
2. Consider, review, and take action on matters brought to the Guarantee Committee and to consider recommendations made by the Guarantee Program Committee to the Board.
3. Consider, review, and take action on matters brought to the Universal Cycle Committee and to consider recommendations made by the Universal Cycle Committee to the Board.
4. Consider, review, and take action on matters brought to the Multifamily Revenue Bond Committee and to consider recommendations made by the Multifamily Revenue Bond Committee to the Board.

5. Authorize the Corporation Staff to proceed with all actions necessary for the sale of bonds of pending multifamily issues, which have satisfied the requirements for funding.
6. Consider financing and acknowledgement resolutions for various multifamily developments, under any multifamily program, including the ranking of developments.
7. Consider appointment of professionals including but not limited to trustee and/or originator/servicer for upcoming and/or past multifamily programs and single-family programs.
8. Consider approval of all bond documents for and terms of all upcoming single-family and multifamily bond sales, including those secured by third-party guarantors, letters-of-credit, insurance or other mechanisms.
9. Consider adopting resolutions authorizing negotiated or competitive sale of bonds on various single-family and multifamily issues.
10. Consider directing Staff to submit summaries of various TEFRA/Public Hearings to the Governor.
11. Consideration of policy issues concerning ongoing and upcoming single-family bond issues including initiation of request for proposals on an emergency basis, and structuring new issues.
12. Consideration of all necessary actions with regard to the Multifamily Bond Program.
13. Consideration of approval of underwriters for inclusion on approved master list and teams.
14. Consideration of all necessary actions with regard to the HOME Rental Program.
15. Consideration of all necessary actions with regard to the HC (Housing Credits) Program.
16. Consideration of all necessary actions with regard to the SAIL (State Apartment Incentive Loan) Program.
17. Consideration of all necessary actions with regard to the SHIP (State Housing Initiatives Partnership) Program.
18. Consideration of all necessary actions with regard to the PLP (Predevelopment Loan) Program.
19. Consideration of all necessary actions with regard to the Home Ownership Programs.
20. Consideration of all necessary actions, for initiating new rules or rule amendments on an emergency or non-emergency basis.
21. Consideration of Appeals from Universal Cycle ranking and grading with entry of final orders.
22. Consideration of workouts or modifications for existing projects funded by the Corporation.
23. Consideration of matters relating to the stated purpose of the Corporation to provide safe and sanitary housing that is affordable for the residents of Florida.
24. Consideration of funding additional reserves for the Guarantee Fund.
25. Consideration of audit issues.
26. Evaluation of Professional and Consultant performance.
27. Such other matters as may be included on the Agenda for the August 1, 2003, Board Workshop and Meeting.

A copy of the agenda may be obtained by contacting: Sheila Freaney, Board Liaison, Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32301-1329, (850)488-4197.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact Sheila Freaney at the Florida Housing Finance Corporation, (850)488-4197, at least five calendar days prior to the meeting. If you are hearing or speech impaired, please contact the Corporation using the Florida Dual Party Relay System, which can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

If any person decides to appeal any decision made by the Corporation with respect to any matter considered at this meeting, he or she will need a record of the proceedings, and for such purpose, he or she may need to ensure that a verbatim record of the proceedings be made, which record includes the testimony and evidence upon which the appeal is to be based.

DEPARTMENT OF FINANCIAL SERVICES

The Florida **Board of Funeral and Cemetery Services** announces a telephone conference Board Meeting and all persons are invited to attend.

DATE AND TIME: July 17, 2003, 9:00 a.m. – 11:00 a.m.

PLACE: Teleconference, Department of Financial Services, 200 E. Gaines Street, Larson Building, Room 529, Tallahassee, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regular Board Business.

If a person decides to appeal any decision made by the Board with respect to any matter considered at this meeting, the person will need a record of the proceedings, and for such purpose the person may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

TO OBTAIN FURTHER INFORMATION CONTACT: LaTonya Bryant, Administrative Secretary, Division of Consumer Services, 200 East Gaines St., Tallahassee, FL 32399-0361, (850)413-3039.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this meeting is asked to advise LaTonya Bryant, (850)413-3039, at least 48 hours before the meeting. If you are hearing or speech impaired, contact LaTonya Bryant via the Florida Relay Service at 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice) for assistance.

FLORIDA INDEPENDENT LIVING COUNCIL

The **Florida Independent Living Council** announces the following meetings:

MEETING: Finance Committee Meeting
 DATE AND TIME: Wednesday, July 9, 2003, 10:30 a.m. (EST)
 PLACE: FILC, Inc. Administrative Offices, 1018 Thomasville Road, Suite 100A, Tallahassee, Florida 32303-6271
 MEETING: Executive Committee Meeting
 DATE AND TIME: Wednesday, July 9, 2003, 12:30 p.m. (EST)
 PLACE: FILC, Inc. Administrative Offices, 1018 Thomasville Road, Suite 100A, Tallahassee, Florida 32303-6271
 MEETING: Nominating Committee
 DATE AND TIME: Friday, July 11, 2003, 1:00 p.m. (EST)
 PLACE: FILC, Inc. Administrative Offices, 1018 Thomasville Road, Suite 100A, Tallahassee, Florida 32303-6271
 MEETING: Point Persons for the Grassroots Forum
 DATE AND TIME: Wednesday, July 16, 2003, 9:30 a.m. (EST)
 PLACE: FILC, Inc. Administrative Offices, 1018 Thomasville Road, Suite 100A, Tallahassee, Florida 32303-6271
 MEETING: Advocacy Committee Meeting
 DATE AND TIME: Thursday, July 17, 2003, 3:00 p.m. (EST)
 PLACE: FILC, Inc. Administrative Offices, 1018 Thomasville Road, Suite 100A, Tallahassee, Florida 32303-6271
 MEETING: Steering Committee for the Grassroots Forum
 DATE AND TIME: Friday, July 18, 2003, 1:00 p.m. (EST)
 PLACE: FILC, Inc. Administrative Offices, 1018 Thomasville Road, Suite 100A, Tallahassee, Florida 32303-6271
 MEETING: Development Committee Meeting
 DATE AND TIME: Tuesday, July 22, 2003, 2:00 p.m. (EST)
 PLACE: FILC, Inc. Administrative Offices, 1018 Thomasville Road, Suite 100A, Tallahassee, Florida 32303-6271
 MEETING: Outreach Committee Meeting
 DATE AND TIME: Tuesday, July 22, 2003, 4:00 p.m. (EST)
 PLACE: FILC, Inc. Administrative Offices, 1018 Thomasville Road, Suite 100A, Tallahassee, Florida 32303-6271
 MEETING: Planning Committee Meeting
 DATE AND TIME: Wednesday, August 6, 2003 2:00 p.m. (EST)
 PLACE: FILC, Inc. Administrative Offices, 1018 Thomasville Road, Suite 100A, Tallahassee, Florida 32303-6271
 MEETING: Evaluation Committee Meeting
 DATE AND TIME: Wednesday, August 6, 2003, 3:00 (EST)
 PLACE: FILC, Inc. Administrative Offices, 1018 Thomasville Road, Suite 100A, Tallahassee, Florida 32303-6271
 MEETING: Finance Committee Meeting
 DATE AND TIME: Wednesday, August 13, 2003, 10:30 a.m. (EST)

PLACE: FILC, Inc. Administrative Offices, 1018 Thomasville Road, Suite 100A, Tallahassee, Florida 32303-6271
 MEETING: Executive Committee Meeting
 DATE AND TIME: Wednesday, August 13, 2003, 12:30 p.m. (EST)
 PLACE: FILC, Inc. Administrative Offices, 1018 Thomasville Road, Suite 100A, Tallahassee, Florida 32303-6271
 MEETING: Steering Committee for the Grassroots Forum
 DATE AND TIME: Friday, August 15, 2003, 100 p.m. (EST)
 PLACE: FILC, Inc. Administrative Offices, 1018 Thomasville Road, Suite 100A, Tallahassee, Florida 32303-6271
 MEETING: Orientation Task Force
 DATE AND TIME: Tuesday, August 19, 2003, 1:00 p.m. (EST)
 PLACE: FILC, Inc. Administrative Offices, 1018 Thomasville Road, Suite 100A, Tallahassee, Florida 32303-6271
 MEETING: Point Persons for the Grassroots Forum
 DATE AND TIME: Wednesday, August 20, 2003, 9:30 a.m. (EST)
 PLACE: FILC, Inc. Administrative Offices, 1018 Thomasville Road, Suite 100A, Tallahassee, Florida 32303-6271
 MEETING: Advocacy Committee Meeting
 DATE AND TIME: Thursday, August 21, 2003, 3:00 p.m. (EST)
 PLACE: FILC, Inc. Administrative Offices, 1018 Thomasville Road, Suite 100A, Tallahassee, Florida 32303-6271
 MEETING: Development Committee Meeting
 DATE AND TIME: Tuesday, August 26, 2003, 2:00 p.m. (EST)
 PLACE: FILC, Inc. Administrative Offices, 1018 Thomasville Road, Suite 100A, Tallahassee, Florida 32303-6271
 MEETING: Outreach Committee Meeting
 DATE AND TIME: Tuesday, August 26, 2003, 4:00 p.m. (EST)
 PLACE: FILC, Inc. Administrative Offices, 1018 Thomasville Road, Suite 100A, Tallahassee, Florida 32303-6271
 MEETING: Planning Committee Meeting
 DATE AND TIME: Wednesday, September 3, 2003, 2:00 p.m. (EST)
 PLACE: FILC, Inc. Administrative Offices, 1018 Thomasville Road, Suite 100A, Tallahassee, Florida 32303-6271
 MEETING: Evaluation Committee Meeting
 DATE AND TIME: Wednesday, September 3, 2003, 3:00 (EST)
 PLACE: FILC, Inc. Administrative Offices, 1018 Thomasville Road, Suite 100A, Tallahassee, Florida 32303-6271
 MEETING: Finance Committee Meeting
 DATE AND TIME: Wednesday, September 10, 2003, 10:30 a.m. (EST)
 PLACE: FILC, Inc. Administrative Offices, 1018 Thomasville Road, Suite 100A, Tallahassee, Florida 32303-6271

MEETING: Executive Committee Meeting
DATE AND TIME: Wednesday, September 10, 2003, 12:30 p.m. (EST)
PLACE: FILC, Inc. Administrative Offices, 1018 Thomasville Road, Suite 100A, Tallahassee, Florida 32303-6271
MEETING: FILC QUARTERLY MEETING
DATE AND TIME: Wednesday-Friday, September 17-19, 2003, 9:00 a.m. – 5:00 p.m.
PLACE: Hilton Hotel, 350 South North Lake Blvd., Altamonte Springs, FL 32715-9004
MEETING: Development Committee Meeting
DATE AND TIME: Tuesday, September 23, 2003, 2:00 p.m. (EST)
PLACE: FILC, Inc. Administrative Offices, 1018 Thomasville Road, Suite 100A, Tallahassee, Florida 32303-6271
MEETING: Outreach Committee Meeting
DATE AND TIME: Tuesday, September 23, 2003, 4:00 p.m. (EST)
PLACE: FILC, Inc. Administrative Offices, 1018 Thomasville Road, Suite 100A, Tallahassee, Florida 32303-6271
MEETING: Steering Committee for the Grassroots Forum
DATE AND TIME: Friday, September 26, 2003, 1:00 p.m. (EST)
PLACE: FILC, Inc. Administrative Offices, 1018 Thomasville Road, Suite 100A, Tallahassee, Florida 32303-6271
MEETING: Planning Committee Meeting
DATE AND TIME: Wednesday, October 1, 2003, 2:00 p.m. (EST)
PLACE: FILC, Inc. Administrative Offices, 1018 Thomasville Road, Suite 100A, Tallahassee, Florida 32303-6271
MEETING: Evaluation Committee Meeting
DATE AND TIME: Wednesday, October 1, 2003, 3:00 p.m. (EST)
PLACE: FILC, Inc. Administrative Offices, 1018 Thomasville Road, Suite 100A, Tallahassee, Florida 32303-6271
MEETING: Finance Committee Meeting
DATE AND TIME: Wednesday, October 8, 2003, 10:30 a.m. (EST)
PLACE: FILC, Inc. Administrative Offices, 1018 Thomasville Road, Suite 100A, Tallahassee, Florida 32303-6271
MEETING: Executive Committee Meeting
DATE AND TIME: Wednesday, October 8, 2003, 12:30 p.m. (EST)
PLACE: FILC, Inc. Administrative Offices, 1018 Thomasville Road, Suite 100A, Tallahassee, Florida 32303-6271
MEETING: Point Persons for the Grassroots Forum
DATE AND TIME: Wednesday, October 15, 2003, 9:30 a.m. (EST)
PLACE: FILC, Inc. Administrative Offices, 1018 Thomasville Road, Suite 100A, Tallahassee, Florida 32303-6271
MEETING: Advocacy Committee Meeting
DATE AND TIME: Thursday, October 16, 2003, 3:00 p.m. (EST)

PLACE: FILC, Inc. Administrative Offices, 1018 Thomasville Road, Suite 100A, Tallahassee, Florida 32303-6271
MEETING: Steering Committee for the Grassroots Forum
DATE AND TIME: Friday, October 17, 2003, 3:00 p.m. (EST)
PLACE: FILC, Inc. Administrative Offices, 1018 Thomasville Road, Suite 100A, Tallahassee, Florida 32303-6271
MEETING: Development Committee Meeting
DATE AND TIME: Tuesday, October 21, 2003, 2:00 p.m. (EST)
PLACE: FILC, Inc. Administrative Offices, 1018 Thomasville Road, Suite 100A, Tallahassee, Florida 32303-6271
MEETING: Outreach Committee Meeting
DATE AND TIME: Tuesday, October 21, 2003, 4:00 p.m. (EST)
PLACE: FILC, Inc. Administrative Offices, 1018 Thomasville Road, Suite 100A, Tallahassee, Florida 32303-6271
GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct the regular business of the council.
A copy of the agenda may be obtained by contacting: Florida Independent Living Council, 1018 Thomasville Road, Suite 100A Tallahassee, Florida 32303-6271, (850)488-5624 or toll free 1(877)822-1993.
Any person who needs an accommodation to participate in this meeting because of a disability, including alternative formats, should submit a request for such accommodation in writing at least one week before the meeting date.
COMMITTEE AND TASK FORCE MEETINGS: Please note that committees and task forces of the Florida Independent Living Council will meet at various times throughout the year to carry out the work of the council; the meeting dates and times will be posted at the above address at least seven days prior to the meeting.
Persons who want to be notified of such meetings may request to be put on the mailing list for such notices by writing to Beth Schultz at the council address.
Notices of meetings and hearing must advise that a record is required to appeal. Each board, commission or agency of this state or of any political subdivision thereof shall include in the notice of any meeting or hearing, if notice of the meeting or hearing is required, of such board, commission or agency, conspicuously on such notice, the advice that, if a person decides to appeal any decision made by the board, agency or commission with respect to any matter considered at such meeting or hearing, he or she will need a record of the proceedings, and that, for such purpose, he or she may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. (Florida Statutes, §286.0105)

TECHNOLOGICAL RESEARCH AND DEVELOPMENT AUTHORITY

The **Technological Research and Development Authority** (TRDA) announces a general meeting of its Board of Directors to which all persons are invited to participate.

DATE AND TIME: July 16, 2003, 2:00 p.m.

PLACE: Technological Research and Development Authority, 5195 South Washington Avenue, Titusville, Florida 32780

GENERAL SUBJECT MATTER TO BE CONSIDERED: General Board of Director's Meeting.

A copy of the agenda may be obtained by contacting Linda D. Lundy, TRDA Office Manager, (321)269-6330 or llundy@trda.org .

FLORIDA MUNICIPAL INSURANCE TRUST

The **Florida Municipal Insurance Trust**, an interlocal entity created pursuant to Fla. Stat. 768.28 and 163.01, announces a public meeting to which all persons are invited.

DATE AND TIME: Friday, July 18, 2003, 1:00 p.m.

PLACE: J. W. Marriott Lenox, 3300 Lenox Road, N. E., Atlanta, Georgia, (404)262-3344

GENERAL SUBJECT MATTER TO BE CONSIDERED: Business meeting of the Board of Trustees.

A copy of the proposed agenda may be obtained by contacting: Linda Bridges, Florida League of Cities, Inc. Tallahassee, FL, (850)222-9684

If any person desires to appeal any decision with respect to any matter considered at the above cited meeting, such person may need to ensure that a verbatim record of the proceedings is made to include the testimony and evidence upon which the appeal is based.

BREVARD COUNTY

The **Brevard County, Department of Transportation Engineering** announces a public hearing to which all persons are invited.

DATE AND TIMES: July 31, 2003, 5:00 p.m. – Open House; 7:00 p.m. – Formal Presentation

PLACE: Brevard County Court House, Brevard Room, 400 South Street, Titusville, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: The hearing is being conducted pursuant to the provisions of Rule Chapter 14-97, Florida Administrative Code, and Section 335.18, Florida Statutes. This hearing is being held in accordance with the Section 339.155 Florida Statutes, Chapter 120 Florida Statutes, 23 CFR 771, 23 USC 128. The hearing is also consistent with the Americans with Disabilities Act of

1990. This hearing is also in compliance with Title VI of the Civil Rights Act of 1964 and Title VIII of the Civil Rights Act of 1968, as amended. This hearing is being held to afford interested persons the opportunity to express their views concerning the proposed project Financial Project Identification Number: 2412001-1 otherwise known as the A. Max Brewer Bridge Replacement Project Development and Environment Study. This study is being coordinated with the Florida Department of Transportation District 5. Potential encroachment on wetlands and floodplains may be given special consideration under Executive Orders 11990 and 11988.

Anyone needing project or public hearing information may contact Ms. Harriet Raymond, Brevard County Transportation Engineering Department, by calling (321)617-7202 or by writing: Ms. Raymond at Brevard County Transportation Engineering Department, 2725 Judge Fran Jamieson Way, Building A, Viera, Florida 32940.

Anyone requesting special accommodations under the Americans with Disabilities Act of 1990 should contact Ms. Raymond, (321)617-7202 or by writing to Ms. Raymond at the address above. Special accommodation requests under the Americans with Disabilities Act should be made at least seven days prior to the public hearing.

A copy of the agenda may be obtained by writing to Ms. Raymond at the address above.

FLORIDA INSURANCE GUARANTY ASSOCIATION

The **Florida Insurance Guaranty Association** announces a Personnel Committee meeting to which all interested parties are invited to attend.

DATE AND TIME: August 5, 2003, 10:00 a.m. – 4:00 p.m. (EST) or as soon as business has been concluded

PLACE: Orlando Hyatt Regency, 9300 Airport Blvd., Orlando, FL 32827

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Personnel Committee of the Florida Insurance Guaranty Association will meet to conduct interviews for the General Manager position.

A copy of the agenda and telephone conference number may be obtained by contacting: Mr. Jerry Service, (904)398-1238, Ext. 109.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate the meeting is asked to advise the Association by contacting Jerry Service, (904)398-1238, Ext. 109, at least 48

hours before the session if the person wishes to participate. A person who is hearing or speech impaired may also contact the TDD, 1(800)955-1339.

STATEWIDE NOMINATING COMMISSION

The **Statewide Nominating Commission** for Judges of Compensation Claims announces a public hearing:

DATE AND TIME: Tuesday, August 19, 2003, 9:30 a.m.

PLACE: Orlando World Center Marriott, 8701 World Center Drive, Vinoy Conference Room, North Tower, Orlando, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: The purpose of the hearing is to conduct the interviews of the following applicants for reappointment as Judges of Compensation Claims: The Honorable Mark H. Hofstad, District F (Lakeland); The Honorable Thomas G. Portuallo, District G (Daytona); The Honorable Shelley H. Punancy, District I-South (West Palm Beach); The Honorable Sylvia Medina Shore, District K (Miami); and The Honorable Paul T. Terlizzese, District L (Melbourne).

Written commentary concerning any applicant by any person may be submitted to the Commission chairperson and a copy to each Commission member. Commission member address lists are available from the Commission chair.

Any questions concerning the upcoming Commission public hearing should be directed to: G. Bart Billbrough, Commission Chairperson, 2600 Douglas Road, Suite 902, Coral Gables, FL 33134, (305)442-2701, Ext. 105, Fax (305)442-2801.

Section VII

Notices of Petitions and Dispositions Regarding Declaratory Statements

DEPARTMENT OF COMMUNITY AFFAIRS

NOTICE IS HEREBY GIVEN that the Florida Building Commission has issued a Declaratory Statement in response to a request received from Sunrise Pools & Spas, on February 3, 2003.

It was assigned the number DCA03-DEC-040.

The Commission determined that §424.2.17.1.13, Florida Building Code, Building Volume (2001), allows a 48 inch fabric barrier between a pool and dwelling to be 20 inches from the waters edge, but the screen enclosure barrier on the other sides of pool to be less than 20 inches to the water edge.

A copy of the Declaratory Statement 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 24, 2003, from Wilson Window Glass & Mirror regarding whether shutters mounted on the inside of a glazed opening, leaving the glazing subject to windborne debris but protecting the opening, complies with Section 1601.1.4, Florida Building Code, Building Volume (2001).

It has been assigned the number DCA03-DEC-179.

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 23, 2003, from Superior Aluminum Installations, Inc. regarding whether acrylic wind break screen enclosures are habitable spaces required to comply with the identified requirements of the electrical code adopted by reference in Chapter 27, Florida Building Code, Building Volume (2001).

It has been assigned the number DCA03-DEC-173.

A copy of the request may be obtained by writing: Paula P. Ford, Commission Clerk, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100.

DEPARTMENT OF TRANSPORTATION

NOTICE IS HEREBY GIVEN that the State of Florida Department of Transportation issued on June 26, 2003, a declaratory statement in response to a request by Richard Davis, P. O. Box 937, Hobe Sound, Florida 33475, and styled: Davis v. Department of Transportation Case #03-049. Notice of the request was published in the Florida Administrative Weekly, Vol. 29, No. 15, April 11, 2003, page 1532. The declaratory statement provided, in summary, that Mr. Davis was not a party to the Final Order issued by the Department in Witham Action Airport Majority v. Department of Transportation, Case #02-129.

A copy of the declaratory statement may be obtained by writing: Department of Transportation, Clerk of Agency Proceedings, Haydon Burns Building, 605 Suwannee Street, M.S. 58, Tallahassee, Florida 32399-0458.

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

Pursuant to Chapter 2003-145, Laws of Florida, all notices for the Board of Trustees of the Internal Improvement Trust Fund are 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

Pursuant to Chapter 2003-145, Laws of Florida, all notices for the Department of Environmental Protection are 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."

**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

ADVERTISEMENT FOR BIDS

Invitation To Bid (ITB)

For a

General or Building Contractor

Sealed bids will be received by Duval County Public Schools, Division of Facilities Services, Room 535, 1701 Prudential Drive, Jacksonville, FL 32207 until the time and date(s) recorded below and immediately thereafter publicly opened and recorded in the Duval County Public Schools, School Board Building, located at 1701 Prudential Drive, , 5th Floor, Room 513D, Jacksonville, Florida.

BIDS ARE DUE ON OR BEFORE AUGUST 12, 2003

AND WILL BE ACCEPTED UNTIL 2:00 P.M.

OFFICIAL PROJECT TITLE New 10-Classroom Wing Addition and Site Improvements at San Jose Elementary School No. 83 DCPS **PROJECT NO.** C-90580

SCOPE OF WORK This project will provide new construction for ten (10) classrooms adjacent to an existing school and extend/reconfigure the bus pick-up and parking area. The estimated construction cost is \$1,800,000.

All contractors that are interested in bidding are required to attend a mandatory pre-bid conference to be held on July 28, 2003, 10:30 a.m., San Jose Elementary #83, 5805 St. Augustine Road, Jacksonville, Florida 32207. Failure to attend the pre-bid conference shall result in disqualification of that firm's proposal. Attendees will be required to sign an attendance register.

All bidders and subcontractors shall be licensed Contractors and registered corporations as required by the laws of the State of Florida.

Contract documents for bidding may be obtained for a refundable fee of \$150.00. For further information please contact:

Daimwood, Derryberry, Pavelchak Architects, P. A.
390 Wilma Street
Longwood, Florida 32750
Telephone (407)834-2110

DCSB Point of Contact: Raymond Varas, (904)390-2279.

Contract documents for bidding may be examined (but not obtained) at Duval County Public School, 1701 Prudential Drive, Jacksonville, Florida 32207.

MBE Participation Goal: 20% Overall

The Duval County Public Schools has begun prequalifying all contractors who intend to submit bids for all construction projects exceeding \$200,000 and electrical projects exceeding \$50,000. Effective May 31, 2003, all Contractors submitting

bids must be prequalified with Duval County Public Schools. No bids will be accepted from Contractors who are not prequalified with Duval County Public Schools.

Prequalification forms and information may be obtained by contacting: Richard Beaudoin or Ronald A. Fagan, 1701 Prudential Dr., Jacksonville, FL 32207, (904)390-2358 or (904)390-2922, Fax (904)390-2265, email: beaudoinr@educationcentral.org or faganr@educationcentral.org.

The Bid Award Recommendation will be posted on the first floor bulletin board at the Duval County School Board Building, 1701 Prudential Drive, Jacksonville, Florida 32207-8182.

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

Pursuant to Chapter 2003-145, Laws of Florida, all notices for the Board of Trustees of the Internal Improvement Trust Fund are 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."

EXPRESSWAY AUTHORITIES

NOTICE TO DESIGN ENGINEERING FIRMS REQUEST FOR STATEMENT OF QUALIFICATIONS (RSOQ)

MDX WORK PROGRAM NO. 83602.020

The Miami-Dade Expressway Authority (MDX) is seeking the services of a qualified firm (the "Firm") to provide Design Engineering services in connection with the design and preparation of a complete set of roadway, structures, and maintenance of traffic plans for the construction of MDX Work Program No. 83602 (the "Project") in the MDX Five-Year Work Program. The Project requires the reconstruction of SR 836 from west of N. W. 57th Avenue to N. W. 34th Avenue, including two Express Lanes in each direction along the center of the corridor. The Project also includes the reconstruction of the interchanges at N. W. 57th Avenue, N. W. 45th Avenue and N. W. 42 Avenue (LeJeune Road). At LeJeune Road the Project will connect to the Florida Department of Transportation (FDOT) Miami Intermodal Center (MIC) Roadway projects. On the west side, the Project will connect to the FDOT SR 826 Section 5 Palmetto Improvement Project.

FEDERAL AND STATE DEBARMENT: By signing and submitting a Statement of Qualifications (SOQ), the Firm certifies that no principal (which includes shareholders, partners, officers, directors, or executives) is presently suspended, proposed for debarment, declared ineligible or voluntarily excluded from participation in this transaction by any federal, state or local department or agency.

SYSTEM: The Miami-Dade Expressway System is comprised of State Road (SR) 112, SR 836, SR 874, SR 878 and SR 924.

DESCRIPTION OF WORK: The selected Firm shall provide Design Engineering services for the design of MDX Project No. 83602. The general scope of work for the Firm is to prepare a complete set of construction plans and documents to be used by a contractor hired by the MDX to construct the Project. Elements of work shall include, but may not be limited to: roadway, bridges retaining walls, geotechnical explorations and analyses, surveys, drainage, signing and pavement markings, lighting, utility relocation and coordination, landscaping, maintenance of traffic/traffic control, cost estimates, environmental permits, wetland mitigation, public involvement, quantity computation booklets, specifications and all necessary incidental items for a complete design. The Project consists of the design of approximately 45% in structures related work and 55 % for roadway related work.

The selected Firm shall make available the necessary personnel, facilities, supplies, materials and resources to perform the required services. The design Project has an estimated duration of thirty months (30) months.

MDX will provide the shortlisted Firms with conceptual layouts as well as relevant design information, including preliminary design, surveys, drainage requirements, permit information and specifications to a level which the Firm can use towards the final design of the Project. The selected Firm shall verify the information provided by MDX. The Firm shall also coordinate with other agencies in the completion of the Project.

SELECTION PROCEDURE: At least three firms will be shortlisted using the Evaluation Criteria shown herein. The shortlisted Firms will be requested to provide written Technical Proposals based on the information and criteria requirements contained in the Request for Proposals ("RFP") to be issued by MDX at a later date. Oral interviews with the shortlisted Firms may be required. **FIRMS THAT DO NOT PROVIDE THE REQUIRED INFORMATION AND/OR DOCUMENTATION TO ADDRESS THE PREREQUISITE CRITERIA DESCRIBED BELOW SHALL NOT BE ELIGIBLE FOR SHORTLISTING EVALUATION.**

RESPONSE PROCEDURE: Qualified firms are encouraged to submit a SOQ package to MDX. One (1) unbounded original SOQ, and nine (9) bounded copies (ten (10) in total), MUST be received by the Miami-Dade Expressway Authority, 3790 N. W. 21 Street, Miami, Florida 33142, Attn: Ms. Helen M. Cordero, MDX Procurement Officer, by Wednesday, September 3, 2003 by 12:00 noon, Eastern Time (the "Deadline Date"). SOQs submitted past the Deadline Date and time will be deemed non-responsive.

After reviewing the documentation submitted, evaluating the SOQs using the Evaluation Criteria shown herein, and ranking the Firms, MDX will notify all Firms in writing if they have been shortlisted, and will distribute one (1) copy of the RFP package to each shortlisted Firm.

The deadline to submit questions in reference to this Request for Statements of Qualifications (RSOQ) is Friday, July 25, 2003 by 5:00 p.m. Questions should be submitted in compliance with the Communication Provision below. The responses to questions received will be posted on MDX's website (www.mdx-way.com) as an extension of this advertisement, or may be obtained by contacting MDX's Procurement Officer pursuant to the Communication Provision below. It is the Firm's responsibility to check the website or with MDX's Procurement Officer for these responses.

RESPONSIVENESS OF SOQ'S AND CONDITIONS CAUSING DISQUALIFICATIONS OF FIRMS: A responsive SOQ is one that conforms, in all material respects, to the requirements and instructions of the RSOQ.

SOQs will be rejected if found to be irregular, conditional or not in conformance with the requirements and instructions contained herein.

An SOQ will be found to be irregular or non-responsive for reasons including, but not limited to, violation of the Cone of Silence (as defined below), failure to strictly comply with and satisfactorily address the Prerequisite Criteria, failure to submit the information needed to evaluate the SOQ based on the Evaluation Criteria, incomplete SOQs, failure to provide or complete required forms, improper signatures, submittal of more than one SOQ by the same Firm, evidence of collusion among Firms, evidence that a Firm has a financial interest in another Firm submitting an SOQ for this engagement or failure to submit an SOQ by the deadline date and time as shown above.

SOQs will be rejected if more than one SOQ is received from an individual, firm, partnership, or corporation, or combination thereof (furnished as the prime proposer), under the same or different names. Such duplicate interest will cause the rejection of all SOQs in which such Firm has participated. A Firm or any of the entities comprising the Firm shall not appear as a Proposer in any other SOQ for the Project.

MDX, at its sole and absolute discretion, reserves the right to reject any and all SOQs or part of any and all SOQs, re-advertise the RSOQ, postpone or cancel, at any time, this procurement process for the Project, waive irregularities in the SOQs or to withdraw the RSOQ, if it is in the best interest of MDX. All expenses involved with the preparation and submission of an SOQ to MDX, or any work performed in connection therewith, shall be solely the Firm's responsibility.

SUBMITTAL OF STATEMENT OF QUALIFICATIONS: The SOQ shall be in writing, submitted on the letterhead of the Firm. The SOQ must be limited to a maximum of twenty (20) pages. Resumes, MDX forms, and certificates/licenses are not included in the 20-page limitation. Resumes are limited to one (1) page per individual. The SOQ MUST include at a minimum, the documentation and/or information required in the Prerequisite Criteria, Required Information and Evaluation Criteria.

PREREQUISITE CRITERIA: SOQs will not be considered from Firms that do not satisfy, at a minimum, the following Prerequisite Criteria. All requested documentation and/or information must be provided in the SOQ to confirm that the Firm has satisfied all of the Prerequisite Criteria.

1. The Firm shall have a minimum of five (5) years specific experience in providing Design Engineering services as described above.
2. As required by Section 287.133, Florida Statutes, a firm may not submit a proposal for the Project if it is on the convicted vendor list for a public entity crime committed within the past 36 months. Firms must address this criterion by completing and submitting with the SOQ a Sworn Statement on Public Entity Crimes Form (a copy of this form may be obtained from MDX's website). Proposed subconsultants shall also complete and submit this form in order to be considered.
3. The Firm must have a full service operational office located in Miami-Dade County at the time the Notice to Proceed is issued. Information must also be provided as to the location of the Firm's office(s). If a Firm has offices outside Miami-Dade County, the Firm shall make an affirmative statement confirming that, if selected, it will establish such an office in Miami-Dade County.
4. Firms must submit documentation acceptable to MDX (including FDOT "L. Odom" letters) that the Firm is pre-qualified under Chapter 14-75 of the Florida Administrative Code (F.A.C.) in the following types of work: Group 2, Project Development and Environmental Studies; Group 3.2, Major Highway Design; Group 3.3, Complex Highway Design; Group 4.1, Minor Bridge Design; Group 4.2, Major Bridge Design; Group 6.1, Traffic Engineering Studies; Group 7.1, Signing, Pavement Marking and Channelization; Group 7.2, Lighting; Group 8.1, Control Surveying; Group 8.2, Design, Right of Way and Construction Surveying; Group 9.1, Soil Exploration; Group 9.2, Geotechnical Classification Lab Testing; Group 9.4, Foundation Studies; Group 9.5, Geotechnical Specialty Lab Testing; and Group 15.0, Landscape Architect. The Firm shall identify all sub-consultants for all the types of work listed above including documentation that those sub-consultants are also pre-qualified under Chapter 14-75 of the F.A.C. Any Firm not identifying pre-qualification with all of the above identified groups shall be deemed non-responsive to the requirements stated in the RSOQ.
5. Certificates of Good Standing evidencing that the Firm is qualified to do business in the State of Florida. Documentation provided to comply with this criterion must be current.
6. Execution of a Commitment Letter (a copy of this form may be obtained from MDX's website) stating that the Firm shall satisfy the 10% Small Business Participation

Goal for the Project, in compliance with MDX's Small Business Participation Policy (a copy of this Policy may be obtained from MDX's website). Further documentation addressing this requirement shall be required of the shortlisted Firms, pursuant to requirements in the RFP.

REQUIRED INFORMATION: The SOQ shall contain the following Required Information:

1. Project Name and number.
2. Firm's name and address.
3. Name of contact person, phone number, fax number and Internet e-mail address (one contact person per Firm).
4. An executed Vendor's Certificate (a copy of this form may be obtained from MDX's website).

EVALUATION CRITERIA: The SOQ will be reviewed, evaluated and ranked by the MDX Technical Evaluation Committee using the following Evaluation Criteria:

- Qualifications and experience of the Firm and sub-consultants as it relates to the following required services. This criterion will be evaluated based on the depth and breadth of the Firm and sub-consultants experience as a whole in the performance of roadway design, traffic control plans design, and structural/geotechnical design including retaining walls, and bridges, with emphasis on bridges with steel box and concrete segmental superstructures. A total of 50 %.
- Proposed key personnel of the Firm and sub-consultants, their qualifications and their roles (including resumes) and their available workload as they relate specifically to the services requested in this RSOQ. A total of 35%.
- Depth and breadth of the Firm and sub-consultants experience as a whole in the implementation of aesthetic enhancements in design, including but not limited to bridges, retaining walls, landscaping, lighting, and overhead signing structural supports. A total of 10%.
- A list of similar engagements, by the Firm and sub consultants; in particular, representation of governmental entities, completed NOT EARLIER THAN January 1, 1998, with references and phone numbers, including a general description of the role of the Firm and subconsultants, and the services provided. A total of 5%.

COMMUNICATION: Communications between any respondent (potential or actual) to an MDX procurement or its representative, and any MDX Board member, MDX consultants, staff and/or its evaluation committee members are strictly prohibited from the date of publication of the RSOQ through the date of final MDX action with respect to the selection of the successful Firm for this engagement (this communication prohibition is also referred to herein as the "Cone of Silence"). The only exceptions to this are: 1) communications at a pre-proposal conference or publicly noticed meeting of MDX; 2) written communications regarding questions about the RSOQ. Such written communication will only be directed to Ms. Helen M. Cordero,

MDX Procurement Officer, via e-mail at hccordero@mdx-way.com or facsimile at (305)637-3281; or 3) communications by Firms that were not shortlisted to submit a Technical Proposal. Exception #3 will only apply 72 hours after approval of the shortlist by the Operations Committee, assuming no protest is filed. Any violation of the requirements set forth in this paragraph shall constitute grounds for immediate and permanent disqualification of the offending respondent.

PROTEST RIGHTS:

1. To be considered, a protest must be in writing and filed with the Secretary of the MDX Board within seventy-two (72) hours, excluding Saturdays, Sunday and legal holidays, after receipt of the Final Shortlist if the protest is directed towards any part of the procurement process that has occurred as of the time of that decision. It is intended that this provision be utilized to address any issues concerning the manner or process by which Firms are identified as qualified to receive the Request for Proposal for the Project. Should issues arise after the time period for filing a protest has passed pursuant to this provision, which issues are determined by MDX to be covered by this provision, the protesting party shall be deemed to have waived any right to protest same.
2. A protest bond in the amount of \$20,000.00 will be required for any protest.
3. After the MDX Operations Committee renders its decision regarding the firms to be shortlisted, a copy of the final shortlist of firms invited to submit proposals in response to the Request for Proposals ("Final Shortlist") shall be sent to all firms who submitted a Statement of Qualifications for the Project by MDX's Chief Purchasing Officer or his designee.
4. Within five (5) calendar days from the date of filing of the protest, the protesting party shall provide MDX with the grounds in detail for its protest.
5. Upon receipt of a timely filed written protest, MDX and the protesting party shall attempt to resolve the protest by mutual agreement within ten (10) business days from the date of filing of the protest.
6. If the protest is not resolved by mutual agreement within ten (10) business days from the date of filing, MDX and the protesting party shall select a mutually agreed-upon mediator and participate in mediation within thirty (30) calendar days after the failure to reach a mutual agreement. All costs of mediation shall be borne by the protesting party, unless otherwise agreed upon by MDX. No court proceedings regarding any protest may be filed until the parties have first participated in mediation.
7. In the event mediation is unsuccessful, the party filing a protest pursuant to this provision shall file and serve the requisite legal action within fifteen (15) calendar days of the date of mediation.

8. In the event that a party serving a protest in accordance with this provision fails to: (1) resolve the protest by mutual agreement within ten (10) business days from the date of filing of the protest; (2) work with MDX to select an agreed-upon mediator and participate in mediation within thirty (30) calendar days after the failure to reach a mutual agreement; or (3) file and serve the requisite legal proceeding within fifteen (15) calendar days after the termination of an unsuccessful mediation, the protest shall be deemed withdrawn and have no further force and effect. Any waiver of this provision must be in writing and signed by MDX's Executive Director.
9. Failure to file a protest in accordance with the requirements set forth herein with respect to any decisions made prior to the issuance of the Final Shortlist in accordance with this provision shall constitute a waiver of any right to initiate any protest proceedings regarding those decisions.

EQUAL EMPLOYMENT OPPORTUNITIES AND SMALL BUSINESS ENTERPRISES PROGRAM: MDX, in accordance with the provisions of Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. §200c et seq., the Florida Civil Rights Act of 1992, as amended, §760.10 et. seq., Fla. Stat. (1996) and other federal and state discrimination statutes, prohibits discrimination on the basis of race, color, sex, age, national origin, religion, and disability or handicap. MDX notifies all bidders and individuals that it requires and encourages equal employment opportunities for minorities and women as employees in the work force.

MDX strongly encourages small, minority and women-owned business to have full opportunity to submit bids and proposals in response to solicitation documents issued by MDX, and commits that bidders and proposers will not be discriminated against on the basis of sex, race, color, national origin, religion or disability, or other protected status. The overall goal of MDX is to obtain an M/WBE participation of twenty-five percent (25%) for the aggregate of its projects. However, compliance with MDX's overall goal is not a pre-requisite for bidders or proposers on MDX projects. Please be advised that MDX has adopted a Small Business Enterprise Policy, and a 10% Small Business Goal shall be required for the Project (see Prerequisite Criteria above.)

The 25% goal can be satisfied by Disadvantaged Business Enterprises that are currently certified as such with the State or County. Satisfaction of the 10% Small Business Participation Goal can be counted towards this goal.

MDX RESERVES THE RIGHT TO REJECT ANY OR ALL STATEMENTS OF QUALIFICATIONS RECEIVED AT ITS DISCRETION AND WITHOUT ANY RECOURSE.

DEPARTMENT OF ELDER AFFAIRS

REQUEST FOR PROPOSAL

2004 OLDER AMERICANS ACT SERVICES

The West Central Florida Area Agency on Aging requests proposals for 2004 Older Americans Act (OAA) Title III social and nutrition services in Planning and Service Area VI which encompasses Hardee, Highlands, Hillsborough, Manatee, and Polk Counties. This RFP includes Title III OAA funding for the following services: Chore, Health Support, Homemaker, Respite (in-home and facility), Outreach, Nutrition Education, Congregate Meals, Congregate Transportation, Home Delivered Meals and Screening and Assessment.

The Request for Proposal document may be obtained at the West Central Florida Area Agency on Aging, Inc., 5911 Breckenridge Parkway, Suite B, Tampa, FL 33610-4240 on or after July 11, 2003, or by calling (813)740-3888. Proposals are due no later than 3:00 p.m. EDT, August 25, 2003. The primary contact person for this RFP is Marika McDaniel, Director of Program Evaluations (Ext. 249).

Date of contract period: January 1, 2004 through December 31, 2004. A pre-proposal conference will be held on Friday, July 18, 2003 at 2:00 p.m. in the West Central Florida Area Agency on Aging conference room.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Pursuant to Chapter 2003-145, Laws of Florida, all notices for the Department of Environmental Protection are 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 CHILDREN AND FAMILY SERVICES

In response to Request for Proposal #03K03BS1, Interpreter and Translation Services for Eligible Limited English Proficient (LEP) Refugee Service Clients and Other LEP Persons in Florida, Notice of Intent to Negotiate Contract Award, posted June 10, 2003 and pursuant to Subsection 120.57(3), F.S., McNeil Technologies Inc. has submitted a Formal Written Protest effective June 19, 2003.

TECHNOLOGICAL RESEARCH AND DEVELOPMENT AUTHORITY

**REQUEST FOR PROPOSAL
AUDITING SERVICES**

The State of Florida's Technological Research and Development Authority (TRDA) is accepting proposals from qualified firms of Certified Public Accountants to audit its financial statements for the year ending September 31, 2003 (TRDA fiscal year), with the option of auditing its financial statements for each of the two subsequent fiscal years. To receive a copy of the guidelines relative to the Request for Proposals, contact the TRDA, attention Cynthia Lennard, Controller:

By mail: 5195 South Washington Ave, Titusville, FL 32780

By Fax: 321-383-5260

By e-mail: clennard@trda.org

Proposals will be accepted until 4:00 p.m., August 15, 2003. TRDA reserves the right to reject any or all proposals.

GAINESVILLE-ALACHUA COUNTY REGIONAL AIRPORT AUTHORITY

REQUEST FOR BIDS

PROJECT # 03-005 – RUNWAY 10-28 REHABILITATION

The Gainesville-Alachua County Regional Airport Authority (GACRAA) is soliciting sealed bids for the rehabilitation of Runway 10-28. The work shall include excavation, installation of storm sewers, subgrade grading, variable depth pavement milling, crack cleaning and sealing, bituminous asphalt paving, hydroseeding, grooving, painting runway and taxiway pavement markings, concrete apron repair and other miscellaneous items. The project is broken into base bid and bid alternates and includes but is not limited to the following:

- a. Base Bid – Runway 10-28 Rehabilitation
 - b. Bid Alternate No. 1 – Drainage Improvements
 - c. Bid Alternate No. 2 – Terminal Apron Repair
 - d. Bid Alternate No. 3 – Reconstruct General Aviation Ramp
- Complete sets of bid documents will be available for review or purchase beginning June 30, 2003 at the office of Eng-Denman & Associates, 2404 N. W. 43rd Street, Gainesville, FL 32606, Phone (352)373-3541.

A payment of One-Hundred, Seventy-Five dollars and 00/cents (\$175.00) will be required to purchase each set of the bid documents.

A mandatory pre-bid conference will be held on Wednesday, July 16, 2003 at 1:30 p.m. at the Gainesville Regional Airport, Passenger Terminal, 3880 N. E. 39th Avenue, Gainesville, FL 32609.

Bids must be signed by an authorized official, enclosed in a sealed envelope or package clearly marked "Project No. 03-005 – Runway 10-28 Rehabilitation" and mailed or delivered to the Authority's Administrative Office, Gainesville Regional Airport, Attn: Director of Aviation, 3880 N. E. 39th Avenue, Suite A, Gainesville, FL 32609. Bids are due at 4:00 p.m., July 30, 2003 and will be publicly opened at this time. The official clock is located in the Authority's Administrative Office. Bids received after 4:00 p.m., July 30, 2003 will not be considered.

GACRAA reserves the right to reject any or all bids received in response to this Request for Bids as determined to be in the best interest of the Airport.

For additional information, contact: Allan Penksa, (352)373-0249.

MANATEE COUNTY TAX COLLECTOR

INVITATION TO BID

The Manatee County Tax Collector seeks interested companies to bid on the following sections of their forms package and related items for mailing:

Sections One, Two, Three & Four: You must be able to: produce multi-color forms and laser print from database tables (.DBF) to be provided via FTP (preferable), e-mail communications or CD media; process forms with NCOA software; produce an OCR scan line and postal bar code; merge multiples, sort, do insertions and mail; provide reply and outgoing envelopes; and print a tax insert in multi-color. Initial mailing on October 31st, with subsequent mailings on November 30th, February 29th, April 15th, May 31st, and August 31st. Approximately 200,000 completed units. 2 week turn-around is required.

Request Bid Package by July 21, 2003. For complete specifications, call (941)741-4864, or write: Ken Burton, Jr., Manatee County Tax Collector, Attn: Technical Dept., P. O. Box 25300, Bradenton, Florida 34206-5300.

DEVELOPMENTAL DISABILITIES COUNCIL

Request for Proposal (RFP)

The Florida Developmental Disabilities Council (FDDC) announces the availability a Request for Proposal (RFP).

Copies of the RFP can be downloaded from the FDDC website (www.fddc.org) or copies may be requested by writing or calling: FDDC, 124 Marriott Drive, Suite 203, Tallahassee, Florida 32301, (850)488-4180 or Toll Free 1(800)580-7801 or TDD toll free 1(888)488-8633.

Register for electronic (email) notice of future FDDC ITNs or RFPs by going to the website (www.fddc.org) and click on the "RFPs" button near the top of the page. Then, click on the "Sign up" line and follow the instructions.

The Florida Developmental Disabilities Council, Inc. (FDDC) is pleased to announce this Request for Proposal (RFP 2003-HC-700) Developing a white paper on the need and importance of neuropsychological services for individuals with developmental disabilities, state comparison, data, cost factors, need and all the other items in Section 3.4 of the RFP.

The deadline for submitting written questions and letters of intent for this Neuropsychological Services project is 4:00 p.m. (EST) on Friday, August 8, 2003. In order for a proposal to be considered, a letter of intent must have been received by the above referenced deadline (See attachment VI for required form). The answers to the written questions will be posted on FDDC website on or before Wednesday, August 13, 2003. The deadline for submitting proposals is 4:00 p.m. EST on Monday, September 15, 2003.

**Section XII
Miscellaneous**

DEPARTMENT OF COMMUNITY AFFAIRS

NOTICE OF APPROVAL FOR
FLORIDA FOREVER FUNDS

The Florida Communities Trust ("Trust") reviewed and approved project plans for land acquisition projects submitted under the Florida Forever Program, Series FF2 funding cycle. The project plan listed below was approved by the Executive Director under authority delegated from the governing body. The Executive Director is authorized to execute the agreements for acquisition of the project site and all other documents necessary to close the project and that funds be released as follows:

Project: 02-003-FF2/Catholic Diocese Tract

Grantee: Volusia County

Amount of Approved Funds: the lesser of 40.00% of the final total project costs or \$314,783.40

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.

NOTICE OF INTENT TO FIND
PUBLIC SCHOOLS INTERLOCAL AGREEMENT
CONSISTENT WITH SECTION 163.31777(2) AND (3),
FLORIDA STATUTES
DCA DOCKET NO. 02-01

The Department gives notice of its intent to find the Public Schools Interlocal Agreement ("Agreement") entered into by Baker County, Glen St. Mary, Macclenny and the Baker 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 Baker County Public Schools, 392 South Boulevard East, Mccalenny, Florida 32063.

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 Baker County, Glen St. Mary, Macclenny and the Baker 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
Acting Division Director
Department of Community Affairs
Division of Community Planning
2555 Shumard Oak Boulevard
Tallahassee, Florida 32399-2100

DEPARTMENT OF HIGHWAY SAFETY AND MOTOR VEHICLES

Notice of Publication for a New Point
Franchise Motor Vehicle Dealer in a County of More
than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, DaimlerChrysler Motors Company intends to allow the establishment of Suncoast Chrysler Jeep, Inc., as a dealership for the sale of Dodge motor vehicles, at 8755 Park Blvd., Seminole, (Pinellas County), Florida 33775, on or after September 1, 2003.

The name and address of the dealer operator(s) and principal investor(s) of Suncoast Chrysler Jeep, Inc. are dealer operator(s) and principal investor(s): Wayne Schmidt, Sr., 8755 Park Blvd., Seminole, FL 33777.

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: P. A. Licina, Director-Orlando Business Center, DaimlerChrysler Motors Company, 10300 Boggy Creek Rd., CIMS 200-01-20, Orlando, FL 32824.

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.

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

Pursuant to Chapter 2003-145, Laws of Florida, all notices for the Board of Trustees of the Internal Improvement Trust Fund are 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.”

AGENCY FOR HEALTH CARE ADMINISTRATION

NOTICE OF LITIGATION

The Agency for Health Care Administration has received the following petitions for administrative hearings as of the close of business on June 24, 2003, concerning certificate of need decisions. A brief description of these projects is listed below. Resolution of these requests for hearings by way of a grant or denial of their certificate of need at issue will determine substantial interest of person. Those persons whose substantial interest may be determined by these proceedings including settlements, grants, and denials are advised to govern themselves accordingly and may wish to exercise rights including intervention. See Chapter 120, F.S., as well as Rules 28-5.111 and 28-5.207, F.A.C. In deference to rights of substantially affected person, AHCA will not settle or otherwise reach a final resolution of these matters for a period of 30 days from the date of the publication.

- CON# INITIAL DECISION, PROJECT, CTY, APPLICANT, PARTY REQUEST HEARING (PRH)
- NA Fixed Need Pool, establish a hospice program, Subdistrict 4A, Vitas Healthcare Corporation of Florida, (PRH) same as applicant
 - 9645 Denial, establish a 40 bed long term acute care hospital, Leon County, Select Specialty Hospital – Leon, Inc., (PRH) same as applicant
 - 9647 Denial, establish a 60 bed long term acute care hospital, Marion County, Select Specialty Hospital – Marion, Inc., (PRH) same as applicant
 - 9654 Denial, establish a 4 bed long term acute care hospital, Orange County, Select Specialty Hospital – Orange, Inc., (PRH) same as applicant

- 9656 Denial, establish a 60 bed long term care hospital, Lee County, Select Specialty Hospital – Lee, Inc., (PRH) same as applicant
- 9657 Denial, establish a 44 bed long term acute care hospital, Sarasota County, Inc., Select Specialty Hospital – Sarasota, Inc., (PRH) same as applicant
- 9661 Denial, establish a 60 bed long term acute care hospital, Palm Beach County, Select Specialty Hospital – Palm Beach, Inc., (PRH) same as applicant

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Pursuant to Chapter 2003-145, Laws of Florida, all notices for the Department of Environmental Protection are 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

On June 11, 2003, John O. Agwunobi, M.D., M.B.A., Secretary of the Department of Health, issued an Order of Emergency Suspension with regard to the license of Frank Lear, LMHC, license number MH 5320. This Emergency Suspension Order was predicated upon the Secretary’s findings of an immediate and serious danger to the public health, safety and welfare pursuant to Sections 456.073(8) and 120.60(6), Florida Statutes. The Secretary determined that this summary procedure was fair under the circumstances, in that there was no other method available to adequately protect the public.

On June 26, 2003, John O. Agwunobi, M.D., M.B.A., Secretary of the Department of Health, issued an Order of Emergency Suspension with regard to the license of Timothy Williams, license number #7245980438. This Emergency Suspension Order was predicated upon the Secretary’s findings of an immediate and serious danger to the public health, safety and welfare pursuant to Sections 456.073(8) and 120.60(6), Florida Statutes. The Secretary determined that this summary procedure was fair under the circumstances, in that there was no other method available to adequately protect the public.

On June 26, 2003, John O. Agwunobi, M.D., M.B.A., Secretary of the Department of Health, issued an Order of Emergency Suspension with regard to the license of Karin Marie Hixson, license number #RN3320492. This Emergency Suspension Order was predicated upon the Secretary's findings of an immediate and serious danger to the public health, safety and welfare pursuant to Sections 456.073(8) and 120.60(6), Florida Statutes. The Secretary determined that this summary procedure was fair under the circumstances, in that there was no other method available to adequately protect the public.

On June 11, 2003, John O. Agwunobi, M.D., M.B.A., Secretary of the Department of Health, issued an Order of Emergency Restriction with regard to the license of Arthur Henson, D.O., license number OS 1441. This Emergency Restriction Order was predicated upon the Secretary's findings of an immediate and serious danger to the public health, safety and welfare pursuant to Sections 456.073(8) and 120.60(6), Florida Statutes. The Secretary determined that this summary procedure was fair under the circumstances, in that there was no other method available to adequately protect the public.

DEPARTMENT OF FINANCIAL SERVICES

NOTICE OF FILINGS

Notice is hereby given that the Office of Financial 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. Comments may be submitted to the Deputy Director, Office of Financial Regulation, 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 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., August 1, 2003):

Name and Address of Applicant: Members First Credit Union, Post Office Box 12983, Pensacola, Florida 32591-2983

Expansion Includes: Three county geographic area.

Received: June 25, 2003

Section XIII
Index to Rules Filed During Preceding Week

**RULES FILED BETWEEN June 23, 2003
 and June 27, 2003**

Rule No.	File Date	Effective Date	Proposed Vol./No.	Amended Vol./No.
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DEPARTMENT OF INSURANCE
Division of State Fire Marshal

4A-63.001	6/23/03	7/13/03	29/10	29/19
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DEPARTMENT OF COMMUNITY AFFAIRS
Division of Housing and Community Development

9B-1.002	6/26/03	7/16/03	29/13	
9B-1.003	6/26/03	7/16/03	29/13	
9B-1.004	6/26/03	7/16/03	29/13	
9B-1.0055	6/26/03	7/16/03	29/13	
9B-1.006	6/26/03	7/16/03	29/13	
9B-1.007	6/26/03	7/16/03	29/13	
9B-1.0085	6/26/03	7/16/03	29/13	
9B-1.009	6/26/03	7/16/03	29/13	
9B-1.0095	6/26/03	7/16/03	29/13	
9B-1.011	6/26/03	7/16/03	29/13	
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9B-1.0211	6/26/03	7/16/03	29/13	
9B-1.027	6/26/03	7/16/03	29/13	
9B-1.028	6/26/03	7/16/03	29/13	

DEPARTMENT OF CORRECTIONS

33-203.201	6/23/03	7/13/03	29/14	29/20
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AGENCY FOR HEALTH CARE ADMINISTRATION
Certificate of Need

59C-2.200	6/26/03	7/16/03	29/20	
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DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Architecture and Interior Design

61G1-11.005	6/23/03	7/13/03	29/20	
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DEPARTMENT OF ENVIRONMENTAL PROTECTION

62-531.200	6/27/03	7/17/03	29/19	
62-531.300	6/27/03	7/17/03	29/19	
62-531.330	6/27/03	7/17/03	29/19	

Rule No.	File Date	Effective Date	Proposed Vol./No.	Amended Vol./No.
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DEPARTMENT OF HEALTH
Board of Medicine

64B8-44.007	6/24/03	7/14/03	29/17	
64B8-55.002	6/26/03	7/16/03	29/19	29/20

Board of Osteopathic Medicine

64B15-6.001	6/23/03	7/13/03	29/16	
64B15-6.0031	6/23/03	7/13/03	29/16	
64B15-6.011	6/23/03	7/13/03	29/16	
64B15-19.007	6/23/03	7/13/03	29/16	

Board of Athletic Training

64B33-2.004	6/24/03	7/14/03	29/21	
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Division of Environmental Health and Statewide Program

64E-11.002	6/24/03	7/14/03	29/13	
64E-11.003	6/24/03	7/14/03	29/13	
64E-11.004	6/24/03	7/14/03	29/13	29/20
64E-11.005	6/24/03	7/14/03	29/13	
64E-11.006	6/24/03	7/14/03	29/13	29/20
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64E-11.012	6/24/03	7/14/03	29/13	
64E-11.013	6/24/03	7/14/03	29/13	
64E-11.014	6/24/03	7/14/03	29/13	

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

Family Safety and Preservation Program

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65C-20.009	6/23/03	7/13/03	29/9	29/21
65C-20.010	6/23/03	7/13/03	29/9	29/21
65C-20.011	6/23/03	7/13/03	29/9	29/21
65C-20.012	6/23/03	7/13/03	29/9	
65C-20.013	6/23/03	7/13/03	29/9	29/21
65C-22.001	6/23/03	7/13/03	29/9	29/21
65C-22.002	6/23/03	7/13/03	29/9	29/21
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65C-22.004	6/23/03	7/13/03	29/9	29/21
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65C-25.004	6/23/03	7/13/03	29/9	29/21
65C-25.006	6/23/03	7/13/03	29/9	29/21
65C-25.007	6/23/03	7/13/03	29/9	29/21
65C-25.008	6/23/03	7/13/03	29/9	29/21