

Section I

Notices of Development of Proposed Rules and Negotiated Rulemaking

DEPARTMENT OF INSURANCE

Division of Workers' Compensation

RULE TITLE: RULE NO.:

Notice of Election to be Exempt and Revocation of Election to be Exempt by Sole Proprietors, Partners or Corporate Officers 4L-6.012

PURPOSE AND EFFECT: The rule is being amended to reflect amendments to Sections 440.02(15) and 440.05, Florida Statutes, contained in Chapter 2003-412, Laws of Florida. Amendments to Sections 440.02(15) and 440.05, F.S., delete authority for sole proprietors engaged in the construction industry, partners in partnerships engaged in the construction industry, and corporate officers who own less than 10% of the stock of a corporation engaged in the construction industry to elect to be exempt pursuant to Section 440.05, Florida Statutes. A purpose is also to interpret by rule the status of certificates of election to be exempt issued by the Department of Financial Services prior to January 1, 2004 to certain individuals engaged in the construction industry.

SUBJECT AREA TO BE ADDRESSED: Elections to be exempt, and the status of certain certificates of election to be exempt issued by the Department of Financial Services prior to January 1, 2004.

SPECIFIC AUTHORITY: 440.05(9), 440.591 FS.

LAW IMPLEMENTED: 440.02(15), 440.05 FS.

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

TIME AND DATE: 1:00 p.m., September 24, 2003

PLACE: Room 104J, Hartman Building, 2012 Capital Circle, Southeast, Tallahassee, Florida

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Bruce Brown, Bureau Chief, Bureau of Compliance, Division of Workers' Compensation, Department of Financial Services, 200 East Gaines Street, Tallahassee, Florida 32399-4228, (850)488-2333

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

DEPARTMENT OF INSURANCE

Division of Worker's Compensation

RULE TITLE: RULE NO.:

Scope of Exemption 4L-6.021

PURPOSE AND EFFECT: The rule is being amended to reflect amendments to Sections 440.02(8) and 440.02(15), Florida Statutes, contained in Chapter 2003-412, Laws of Florida. The amendment to Section 440.02(8), Florida Statutes, authorizes the Division of Workers' Compensation to by rule establish standard industrial classification codes and definitions thereof which meet the criteria of the term "construction industry" as set forth in Section 440.02, Florida Statutes. Amendments to Section 440.02(15), Florida Statutes, delete provisions of law that made exemptions obtained by corporate officers of a corporation actively engaged in the construction industry, and sole proprietors or partners actively engaged in the construction industry, inapplicable to work performed at commercial building projects estimated to be valued at \$250,000 or greater.

SUBJECT AREA TO BE ADDRESSED: Applicability of exemptions to commercial building projects estimated to be valued at \$250,000 or greater, and the establishment of standard industrial classification codes and definitions thereof that meet the criteria of the term "construction industry".

SPECIFIC AUTHORITY: 440.02(8), 440.591 FS.

LAW IMPLEMENTED: 440.02(8), 440.02(15), 440.05 FS.

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

TIME AND DATE: 1:00 p.m., September 24, 2003

PLACE: Room 104J, Hartman Building, 2012 Capital Circle, Southeast, Tallahassee, Florida

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

DEPARTMENT OF COMMUNITY AFFAIRS

Florida Communities Trust

RULE CHAPTER TITLE: Land Acquisition Procedures with Florida Forever Program

RULE CHAPTER NO.: 9K-8

RULE TITLES: Preparation and Acceptance of Project Plans

RULE NOS.: 9K-8.011

Trust Governing Board Action

9K-8.013

PURPOSE, EFFECT AND SUBJECT AREA TO BE ADDRESSED: Notice of Florida Communities Trust Project Plans.

SPECIFIC AUTHORITY: 380.507(11) FS.

LAW IMPLEMENTED: 259.105, 380.501-.515, 380.507(11), 380.510 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 (IF NOT REQUESTED, THIS WORKSHOP WILL NOT BE HELD):

TIME AND DATE: 1:00 p.m., September 23, 2003

PLACE: Randall Kelley Training Center, Sadowski Building, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100

Any person requiring special accommodation at the hearing because of a disability or physical impairment should contact Janice Browning, Executive Director, Florida Communities Trust, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100, (850)922-2207, SunCom 292-2207, at least seven days before the date of the workshop. If you are hearing or speech impaired, please contact the Department of Community Affairs using the Florida Dual Party System which can be reached at 1(800)955-8770 (Voice) or 1(800)955-9771 (TDD).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Janice Browning, Executive Director, Florida Communities Trust, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100, (850)922-2207, SunCom 292-2207

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

9K-8.011 Preparation and Acceptance of Project Plans.

(1) through (3) No change.

~~(4) The Trust shall publish a Notice of Approval for Florida Forever Funds in the Florida Administrative Weekly that shall list each approved Project Plan and the amount of funding to be released. Any person with substantial interests that are or may be determined by the decision of the Trust to reject or approve the Project Plan may request an administrative proceeding pursuant to Section 120.57, F.S., within 21 days from publication of the Notice of Approval for Florida Forever Funds.~~

Specific Authority 380.507(11) FS. Law Implemented 259.105, 380.507(11), 380.508, 380.510 FS. History--New 5-27-01, Amended 5-20-02, _____.

9K-8.013 Trust Governing Board Action.

The Trust shall approve the terms under which the interest in land is acquired. Such approval shall be evidenced by the Trust execution of the Purchase Agreement. ~~Notice of approval shall be published in the Florida Administrative Weekly, which shall notify the public that any person with substantial interests that are or may be determined by the approval or denial of funds for projects by the Trust may request an administrative proceeding pursuant to Section 120.57, F.S., within 21 days from publication of the Notice of Approval for Florida Forever Funds.~~

Specific Authority 380.507(11) FS. Law Implemented 259.105, 380.501-.515 FS. History--New 5-27-01, Amended _____.

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: Correctional Probation Officers:

RULE NO.: 33-302.103

Appointment and Responsibility

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to provide a cross-reference to rule provisions governing use of correctional probation officer badges.

SUBJECT AREA TO BE ADDRESSED: Correctional probation officer badges.

SPECIFIC AUTHORITY: 944.09 FS.

LAW IMPLEMENTED: 944.09 FS.

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

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

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

33-302.103 Correctional Probation Officers: Appointment and Responsibility.

(1) No change.

(2) The use of Department of Corrections issued credentials and badges is only authorized when conducting official duties. Provisions addressing correctional probation officer badges are located in subsection 33-208.101(9), F.A.C.

(3) through (4) No change.

Specific Authority 944.09 FS. Law Implemented 944.09 FS. History—New 5-28-86, Amended 2-15-98, 4-28-99, Formerly 33-24.011, Amended 11-12-01, _____.

DEPARTMENT OF CORRECTIONS

RULE TITLE: Offender Classification System
 RULE NO.: 33-302.107

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to provide for use of a model-based objective system for offender classification.

SUBJECT AREA TO BE ADDRESSED: Offender classification.

SPECIFIC AUTHORITY: 944.09 FS.

LAW IMPLEMENTED: 20.315, 944.09, 948.015, 948.12 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:

33-302.107 Offender Classification System.

(1) ~~Correctional probation officers shall utilize~~ The “Offender Classification System” is a model-based objective system. The supervision level is assigned using models based upon a formula derived to calculate the ~~to evaluate an offender placed on supervision. The system:~~

(a) ~~Is a methodology used to ensure that each offender placed on active supervision is systematically assessed and evaluated in order to place the offender in the appropriate level of supervision; and,~~

(b) ~~Evaluates an offender’s level of need in specific treatment or service areas and evaluates the offender’s potential risk of re-offending or violating supervision in order to ensure the offender is monitored at an appropriate level of supervision.~~

(2) ~~Criteria used to evaluate an offender’s needs include:~~

- (a) ~~Academic level;~~
- (b) ~~Vocational skills;~~
- (c) ~~Employment needs;~~
- (d) ~~Alcohol or drug usage;~~
- (e) ~~Mental illness;~~
- (f) ~~Mental ability;~~
- (g) ~~Sexual behavior; and,~~

~~(h) The evaluating officer’s impression of the offender’s problems and the amount of officer intervention time the offender will require.~~

~~(3) Criteria used to evaluate an offender’s risk of committing a new offense, risk of absconding from supervision, and risk of committing technical violations. The models use variables including re-offending or violating supervision include:~~

- (a) ~~Prior convictions;~~
- (b) ~~Prior incarceration;~~
- (c) ~~Age at admission first commitment;~~
- (d) ~~Commitment offense, number of counts, and sentencing guideline category;~~
- (e) ~~Any supervision revoked;~~
- (f) ~~Treatment ordered by the sentencing or releasing authority Drug or alcohol dependence; and,~~
- (g) ~~The Employment;~~
- (h) ~~Education;~~ and
- (i) ~~Residence supervision plan for the offender.~~

~~(2)(4) An initial assessment shall be system generated once offender identification information and sentence information is entered into the database. This information shall be obtained from the offender, criminal history records, and the sentencing or releasing authority and entered in the database conducted by the correctional probation officer within thirty days of the onset of supervision or acceptance of supervision from another state.~~

~~(a) There are programmed system overrides due to some unique supervision types or requirements for offenders with sex offenses, offenders on community control, offenders on administrative probation, offenders on administrative control release, offenders on administrative conditional release, offenders on mail-in status, and offenders reduced to quarterly, semi-annual, or annual reporting.~~

~~(b) Offenders who are not system overridden shall be assigned a supervision level by the modeling system. There are three supervision levels for probation and post-release offenders and two supervision levels for offenders placed on community control.~~

~~(3) As variables are entered or updated, the supervision level is subject to being impacted over the offender’s supervision period. The supervision level is also subject to being impacted by scheduled reassessments systematically programmed during each offender’s period of supervision. The correctional probation officer is responsible for supervising each offender at the supervision level determined by the offender classification system.~~

~~(4) Manual overrides used to reduce or increase an offender’s supervision require the approval of the circuit administrator or deputy circuit administrator.~~

~~(a) The correctional probation officer shall utilize the Case Assessment, Form DC3-265, and Classification Reassessment, Form DC3-266, to record the needs and risk information relating to each offender. Form DC3-265 and Form DC3-266 are hereby incorporated by reference. Copies of these forms are available from the Forms Control Administrator, Office of the General Counsel, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500. The effective date of these forms is August 28, 2001.~~

~~(b) Scores are then assessed to each area on the forms and are calculated to determine the offender's final supervision level.~~

~~(5) Reassessments will be conducted by the correctional probation officer six months after the initial assessment, and every six months thereafter. The reassessment is conducted to evaluate the offender's adjustment in each area since the previous assessment.~~

~~(a) The same criteria used to evaluate the offender's needs is utilized in the reassessment.~~

~~(b) Criteria used to evaluate an offender's risk of re-offending or violating supervision in the reassessment include:~~

- ~~1. Employment;~~
- ~~2. Financial status;~~
- ~~3. Alcohol usage;~~
- ~~4. Other drug usage;~~
- ~~5. Interpersonal relationships;~~
- ~~6. Living arrangements;~~
- ~~7. Address change since last reassessment;~~
- ~~8. Officer's assessment; and~~
- ~~9. Use of community resources.~~

~~(6) The correctional probation officer shall make referrals to treatment and community resources available based on individual offender needs identified during the assessment and reassessment. The correctional probation officer cannot require or impose conditions or restrictions that are not included in the supervision order.~~

~~(7) The following offenders are not included in the Offender Classification System's minimum, medium, and maximum levels of supervision due to their unique supervision requirements:~~

- ~~(a) Sex offenders and sexual predators;~~
- ~~(b) Offenders on community control supervision;~~
- ~~(c) Offenders on administrative probation;~~
- ~~(d) Offenders on administrative control release;~~
- ~~(e) Offenders on administrative conditional release; and,~~
- ~~(f) Offenders on "Mail in" status; and~~
- ~~(g) Offenders reduced to quarterly, semi-annual, or annual reporting.~~

Specific Authority 944.09 FS. Law Implemented 20.315, 944.09, 948.015, 948.12 FS. History--New 8-28-01, Amended _____.

DEPARTMENT OF CORRECTIONS

RULE TITLE: Monitoring Sex Offender Conditions of Supervision
 RULE NO.: 33-302.108

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to clarify responsibilities of staff supervising sex offenders.

SUBJECT AREA TO BE ADDRESSED: Sex offender conditions of supervision.

SPECIFIC AUTHORITY: 944.09 FS.

LAW IMPLEMENTED: 944.09, 947.1405, 948.03 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:

33-302.108 Monitoring Sex Offender Conditions of Supervision.

(1) No change.

(2) Prohibition of ~~Living w~~Within 1000 feet of a school, day care center, park, playground, or other Place Where Children Regularly Congregate, as prescribed by the court or releasing authority – If the court or releasing authority imposes this condition of supervision, the supervisor shall ensure:

(a) through (b) No change.

(3) No change.

(4) ~~Sex Offender~~ Driving Log – If the court or releasing authority imposes a condition of supervision requiring maintenance of a driving log and a prohibition against driving a motor vehicle alone without the prior approval of the supervising officer, the officer shall:

(a) through (8) No change.

Specific Authority 944.09 FS. Law Implemented 944.09, 947.1405, 948.03 FS. History--New 12-18-01, Amended 6-18-02, _____.

DEPARTMENT OF CORRECTIONS

RULE TITLE: Offender Orientation
 RULE NO.: 33-302.109

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to clarify procedures for notifying offenders of the restoration of civil rights review process.

SUBJECT AREA TO BE ADDRESSED: Review for restoration of civil rights.

SPECIFIC AUTHORITY: 944.09 FS., 45 CFR 164.520

LAW IMPLEMENTED: 20.315, 944.09 FS., 45 CFR Part 160

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:

33-302.109 Offender Orientation.

(1) through (3) No change.

(4) Restoration of Civil Rights

(a) No change.

(b) If the offender was adjudicated guilty, the officer shall advise the offender that more information regarding the restoration of civil rights process shall be provided within 60 to 90 days of as the offender's scheduled termination date approaches. Within 60 to 90 days of the scheduled termination date, the officer shall utilize Form NII-027, Notification of Civil Rights Review Process, to review this process. Form NII-027 is incorporated by reference in Rule 33-302.111, F.A.C.

(c) through (7) No change.

Specific Authority 944.09 FS., 45 CFR 164.520 Law Implemented 20.315, 944.09 FS., 45 CFR Part 160, 164. History--New 7-19-01, Amended 9-15-02, 7-30-03, _____.

AGENCY FOR HEALTH CARE ADMINISTRATION

Division of Managed Care and Health Quality

RULE CHAPTER TITLE: RULE CHAPTER NO.:

Intermediate Care Facilities for the 59A-26
Developmental Disabled

PURPOSE AND EFFECT: The Agency proposes to establish a rule consistent with provisions of Section 400.967(2), Florida Statutes, which became effective May 7, 1999. The legislation provides for development of rules regarding specific criteria involving minimum standards of program quality and adequacy of care for Intermediate Care Facilities for the Developmentally Disabled.

SUBJECT AREA TO BE ADDRESSED: Specific criteria pertaining to minimum standards of program quality and adequacy of care for Intermediate Care Facilities for the Developmentally Disabled.

SPECIFIC AUTHORITY: 400.967(2) FS.

LAW IMPLEMENTED: 400.967 FS.

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

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

PLACE: Agency for Health Care Administration, 2727 Mahan Drive, Building #3, Conference Room D, Tallahassee, FL 32303

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Jim White, Long-Term Care Unit, 2727 Mahan Drive, Tallahassee, Florida or (850)488-5861

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

AGENCY FOR HEALTH CARE ADMINISTRATION

Medicaid

RULE CHAPTER TITLE: RULE CHAPTER NO.:
Silver Lifesaver Rx 59G-12

RULE TITLES: RULE NOS.:

Purpose 59G-12.001

Definitions 59G-12.002

Eligibility/Enrollment 59G-12.003

Program Administration 59G-12.004

Program Forms 59G-12.005

PURPOSE AND EFFECT: The purpose of this rule is to provide a framework by which the Agency for Health Care Administration will administer Section 409.9065, Florida Statutes, the Silver Lifesaver Rx.

SUBJECT AREA TO BE ADDRESSED: Silver Lifesaver Rx.

SPECIFIC AUTHORITY: 409.9065 (4)(a) FS.

LAW IMPLEMENTED: 409.906(20), 409.9065(4)(a), 409.908, 409.912(38)(a) 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: 1:00 p.m., September 22, 2003

PLACE: Conference Room C, Bldg 3, 2727 Mahan Drive, Tallahassee, FL 32308

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Michele Hudson or Matthew Dull, Medicaid Pharmacy Services, 2727 Mahan Drive, MS #38, Tallahassee, Florida 32308, (850)487-4441

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

SILVER LIFESAVER RX ~~RON SILVER SENIOR DRUG PROGRAM~~

59G-12.001 Purpose.

The purpose of these rules is to implement the Silver Lifesaver Rx ~~Ron Silver Senior Drug Program~~ (program) to be administered by the Agency for Health Care Administration as directed in Section 409.9065, Florida Statutes. The program will provide a pharmacy benefit through two separate components to low-income elderly residents of Florida to help address the need for prescription drug coverage.

Specific Authority 409.9065(4)(a)(b) FS. Law Implemented 409.906(20), 409.9065(4)(a)(b), 409.908, 409.912(38)(a) FS. History--New 1-9-03, Amended _____.

59G-12.002 Definitions.

(1) The Agency for Health Care Administration (agency) is the single state Medicaid agency and the state agency designated to administer the Silver Lifesaver Rx Program.

(2) The Department of Children and Families Services, in accordance with section 409.902, Florida Statutes, will determine the eligibility of individuals applying for enrollment in the Silver Lifesaver Rx ~~Ron Silver Senior Drug Program~~.

(3) The Department of Elder Affairs will assist the Agency for Health Care Administration in designing and implementing outreach and education for the program through the SHINE (Serving Health Insurance Needs of Elders) toll-free hotline and other outreach and educational initiatives.

(4) Silver Lifesaver Rx ~~The Ron Silver Senior Drug Program~~ is a Medicaid program providing prescribed drug benefits to individuals aged 65 and older meeting certain other eligibility criteria and who do not otherwise receive a pharmacy benefit from Medicaid. ~~The program is being implemented under an approved Federal, Section 1115 waiver.~~ The program shall be known as the Silver Lifesaver Rx ~~‘Silver Saver’~~² program.

(5) Under the Silver Lifesaver Rx ~~Silver Saver~~ Program eligible and enrolled individuals may receive a pharmacy only benefit ~~of up to \$160 per month.~~ There will be two separate components of the program:

(a) A monetary benefit of up to \$160 per month (component 1);

(b) A discount of up to 50 percent per drug per month (component 2).

Specific Authority 409.9065(4)(a)(b) FS. Law Implemented 409.906(20), 409.9065(4)(a)(b), 409.908, 409.912(38)(a) FS. History--New 1-9-03, Amended _____.

59G-12.003 Eligibility/Enrollment.

For state fiscal year ~~2003-04~~ 2002-03, enrollment in the Silver Lifesaver Rx ~~Silver Saver~~ Program will be limited to a monthly enrollment ceiling for each component ~~of 58,472.~~

(1) Component 1 will be limited to a monthly enrollment ceiling of 58,472.

(2) Component 2 will be limited to a monthly enrollment ceiling of 100,000.

An individual may be determined eligible for the program but not enrolled if there is no available enrollment space. Enrollment will occur each month comparing enrollment against the enrollment ceiling. If additional enrollment spaces are available because of terminations, eligibles will be added to the enrollment roster in the date order of eligibility determinations. An individual will not have access to the pharmacy benefits in this program until determined both

eligible and enrolled. Enrollment will begin in the month in which the individual is notified that he is enrolled ~~agency notifies an individual that he is enrolled.~~

(3) To be eligible for the Silver Lifesaver Rx ~~Silver Saver~~ Program an individual must meet the following criteria:

(a) Be a Florida resident and age 65 or older;

(b) Be eligible for Medicare;

(c) Have an income level at or below 200 ~~between 88 and 120~~ percent of the federal poverty level;

1. Individuals with an income at or below 120 percent of the federal poverty level are eligible for component 1 and/or component 2;

2. Individuals with an income greater than 120 percent of the federal poverty level are eligible for component 2 only; and

(d) Be already enrolled in the Medicaid program under the Qualified Medicare Beneficiaries eligibility category, the Specified Low-Income Medicare Beneficiaries eligibility category, the Qualified Individuals 1 eligibility category, or meet the income and other qualifying criteria ~~for either category~~ but has not been subject to an assets test in determining eligibility. If eligibility was established without an assets test the individual is eligible for a drug only benefit and not the other benefits afforded to Qualified Medicare Beneficiaries, ~~or~~ Specified Low-Income Medicare Beneficiaries, or Qualified Individuals 1.

(4) To be enrolled in the Silver Lifesaver Rx ~~Silver Saver~~ Program an individual must be determined eligible for the program, notified ~~by the agency~~ of enrollment in the program and activation of the drug benefit, and provided with a Medicaid identification card if the enrollee does not already have one.

(5) Eligibility for the Silver Lifesaver Rx ~~Silver Saver~~ Program will be determined by the Department of Children and Families Services.

(6) Individuals who meet the eligibility requirements are not mandated to participate in the program.

Specific Authority 409.9065(4)(a)(b) FS. Law Implemented 409.906(20), 409.9065(4)(a)(b), 409.908, 409.912(38)(a) FS. History--New 1-9-03, Amended _____.

59G-12.004 Program Administration.

(1) The agency shall administer the Silver Lifesaver Rx ~~Silver Saver~~ Program.

(2) The agency will implement the beneficiary cost-sharing requirement as follows:

(a) No premium, enrollment fee or annual deductible will be charged to the beneficiary; and

(b) Mandatory co-payments for each component:

1. Component 1: a mandatory three-tiered co-payment as follows: \$2.00 for generic drugs; \$5.00 for brand name drugs listed on the Medicaid Preferred Drug List (PDL); and \$15.00 for brand name drugs not listed on the Medicaid PDL.

2. Component 2: a mandatory co-insurance of the remaining balance per prescription after the allowed discount has been applied.

(3) Many All current Medicaid pharmacy benefit management programs will be used with this population, including, a limit of four brand name prescriptions per month with prior authorizations required for exceptions to the limit, clinical and PDL prior authorizations, drug utilization review (DUR), intensified benefits management and other cost control measures;

(4) All drugs must be purchased through Medicaid participating pharmacies.

(5) A Medicaid participating pharmacy is not required to dispense a Medicaid reimbursable drug until the beneficiary has met his cost-sharing requirement.

(6) All drugs will qualify for all federal and state supplemental rebate agreements.

(7) Medicaid will be considered the payer of last resort as any other insurance benefits must be used prior to payment by Medicaid.

(8) The agency, through the Medicaid fiscal agent, will maintain a waiting list for individuals determined to be eligible by the Department of Children and Families Services but who cannot be enrolled due to the enrollment ceilings.

(a) For individuals with an income at or below 120 percent of the federal poverty level: if the enrollment ceiling for component 1 has been reached, the eligible individual will be placed on the component 1 waiting list. If the enrollment ceiling for component 2 has not been reached, the individual will be enrolled in only component 2. If the enrollment ceiling for component 2 has been reached, the individual will be placed on the waiting list for component 2.

(b) For individuals with an income above 120 percent up to 200 percent of the federal poverty level: if the enrollment ceiling for component 2 has been reached, the eligible individual will be placed on the component 2 waiting list.

(9) The agency will review the status of eligibles each month and move eligible individuals into enrollment status as openings occur for each component.

(10) The Department of Children and Families Services, in accordance with section 409.902, Florida Statutes, shall:

(a) Determine eligibility;
 (b) Develop and distribute applications for the program; and

(c) Receive and process applications to determine eligibility.

~~(11)~~(7) The Department of Elder Affairs will assist the agency in coordinating outreach to and education for potential eligibles through the SHINE (Serving Health Insurance Needs of Elders) toll-free hotline and other marketing and educational approaches.

Specific Authority 409.9065(4)(a)(b) FS. Law Implemented 409.906(20), 409.9065(4)(a)(b), 409.908, 409.912(38)(a) FS. History--New 1-9-03, Amended _____.

59G-12.005 Program Forms.

The following forms shall be used by the Silver Lifesaver Rx Silver Saver program, and are hereby incorporated by reference and available through either the agency or the Department of Children and Families Services:

(1) Silver Lifesaver Rx Silver Saver Application form, Silver Lifesaver Rx CF-ES 2935, effective January 2004 July 2002, may be obtained by calling (888)419-3456.

(2) Recipient notifications of eligibility, form CF-ES 2936, effective January 2004 August 2002, is mailed to the applicant after eligibility is determined. Upon receiving eligibility status from DCF, recipient notifications of enrollment letter, form AHCA SSEAL 01, effective January 2004 July 2002, notifies the applicant that he/she has been enrolled or placed on a waiting list.

Specific Authority 409.9065(4)(a)(b) FS. Law Implemented 409.906(20), 409.9065(4)(a)(b), 409.908, 409.912(38)(a) FS. History--New 1-9-03, Amended _____.

DEPARTMENT OF MANAGEMENT SERVICES

Division of Purchasing

RULE TITLES:	RULE NOS.:
Definitions and Incidental Policies	60A-1.001
Purchase of Commodities and	
Contractual Services	60A-1.002
Vendors and Contractors	60A-1.006
Standards and Specifications	60A-1.007
Term Contracts and Price Agreements	60A-1.008
Emergency Purchases of	
Commodities/Contractual Services	60A-1.009
Single Source Purchases of Commodities	
or Contractual Services	60A-1.010
Identical (Tie) Bids/Proposals,	
Commodities/Contractual Services	60A-1.011
Insurance	60A-1.015
Contract Requirements for Contractual Services	60A-1.016
Acquisition of Commodities through	
Construction Contracts or	
Contracts Which Include Services	60A-1.017
Delegation to State University System	60A-1.019
MyFloridaMarketPlace Vendor Registration	60A-1.030
MyFloridaMarketPlace Transaction Fee	60A-1.031
MyFloridaMarketPlace Transaction	
Fee Exceptions	60A-1.032

PURPOSE AND EFFECT: To update the rules identified above, including related forms, to incorporate recent legislative changes (e.g., chs. 2001-278 and 2002-207) and to implement best practices associated with MyFloridaMarketPlace, the statewide electronic procurement system. If necessary to achieve these ends, new rules may be adopted and added to this

chapter. Related changes may also be made to Chapters 60D-5 or 60D-13, F.A.C., which are being separately noticed simultaneously with this notice.

SUBJECT AREA TO BE ADDRESSED: General rules governing state purchasing.

SPECIFIC AUTHORITY: 282.102(2), 282.102(16), 287.017(2), 287.032(2), 287.042(13), 287.055(9), 287.057(23), 287.0572(2), 287.083(3), 287.0943(15), 287.09451(4) FS.

LAW IMPLEMENTED: 282.102, 287.001, 287.017, 287.032, 287.042, 287.055, 287.057, 287.0572, 287.058, 287.083, 287.0943, 287.09451, 287.133 FS.

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

TIME AND DATE: 4:30 p.m., September 24, 2003

PLACE: Tampa Convention Center, Room 23, 333 South Franklin Street, Tampa, Florida (Interested persons may attend via telephone, (850)921-6623, Suncom 291-6623)

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Frederick J. Springer, Department of Management Services, Office of State Purchasing, 4050 Esplanade Way, Suite 335, Tallahassee, FL 32399-0950, (850)487-1898, Fred.Springer@MyFlorida.com

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT WILL BE ACCESSIBLE AT www.myflorida.com, (under "Hot Topics" in the bottom center of your screen, click on "MyFloridaMarketPlace/e-Pro" and then click on "Proposed Rules"), **OR AT NOT CHARGE FROM THE CONTACT PERSON LISTED ABOVE.**

DEPARTMENT OF MANAGEMENT SERVICES

Division of Building Construction

RULE TITLES:	RULE NOS.:
Purpose	60D-5.001
Definitions	60D-5.002
Public Announcement	60D-5.003
Bidder's Qualification Requirements and Procedures	60D-5.004
Waiver of Bond Requirements	60D-5.0041
Contractor Evaluation and Disqualification Procedures	60D-5.006
Determination of Successful Bidder	60D-5.007
Rejection of Bid(s)	60D-5.0071
Contract Levels, Limits of Public Advertising, Negotiation and Bidding	60D-5.0073
Waiver of Competitive Bidding; Contractor Selection and Negotiation Procedures for Projects Within Level Four and Level Five Contracts	60D-5.008
Waiver of Competitive Bidding in Cases of Valid Emergencies; Selection and Negotiation Procedures for Projects Within Level Four and Level Five	60D-5.0081

Competitive Selection	60D-5.0082
Competitive Negotiation	60D-5.0091
Changes in the Contract	60D-5.0092

Notice and Protest Procedures for Projects

Bid by the Department of Management

Services Only 60D-5.010

PURPOSE AND EFFECT: To update the rules identified above, including related forms, as necessary or advisable in conjunction with changes to Chapter 60A-1, F.A.C., which are being separately noticed simultaneously with this notice.

SUBJECT AREA TO BE ADDRESSED: Procedures for construction contract bidding, award, negotiation, and changes.

SPECIFIC AUTHORITY: 255.05, 255.29, 255.30 FS.

LAW IMPLEMENTED: 255.05, 255.29, 255.30 FS.

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

TIME AND DATE: 4:30 p.m., September 24, 2003

PLACE: Tampa Convention Center, Room 23, 333 South Franklin Street, Tampa, Florida. Interested persons may attend via telephone at (850)921-6623 (SC 291-6623)

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Frederick J. Springer, Department of Management Services, Office of State Purchasing, 4050 Esplanade Way, Suite 335, Tallahassee, FL 32399-0950, (850)487-1898, Fred.Springer@MyFlorida.com

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT WILL BE ACCESSIBLE AT www.myflorida.com, (under "Hot Topics" in the bottom center of your screen, click on "MyFloridaMarketPlace/e-Pro" and then click on "Proposed Rules"), **OR AT NOT CHARGE FROM THE CONTACT PERSON LISTED ABOVE.**

DEPARTMENT OF MANAGEMENT SERVICES

Division of Building Construction

RULE TITLES:	RULE NOS.:
Purpose	60D-13.001
Definitions	60D-13.002
Selection of the Design Criteria Professional	60D-13.003
Design Criteria Package Requirements	60D-13.004
Minimum Qualification Requirements for Firms Providing Design-Build Services	60D-13.005
Public Announcement Procedures	60D-13.006
Certification and Competitive Selection	60D-13.007
Competitive Proposals for Design-Build Services	60D-13.008
Competitive Negotiation for Design-Build Services	60D-13.009

PURPOSE AND EFFECT: To update the rules identified above, as necessary or advisable in conjunction with changes to Chapter 60A-1, F.A.C., which are being separately noticed simultaneously with this notice.

SUBJECT AREA TO BE ADDRESSED: Procedures for contracting for design-build services.
 SPECIFIC AUTHORITY: 255.29, 287.055(9)(c) FS.
 LAW IMPLEMENTED: 255.29, 287.055 FS.
 A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW:
 TIME AND DATE: 4:30 p.m., September 24, 2003
 PLACE: Tampa Convention Center, Room 23, 333 South Franklin Street, Tampa, Florida. Interested persons may attend via telephone at (850)921-6623, SC 291-6623
 THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Frederick J. Springer, Department of Management Services, Office of State Purchasing, 4050 Esplanade Way, Suite 335, Tallahassee, FL 32399-0950, (850)487-1898, Fred.Springer@MyFlorida.com
 THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT WILL BE ACCESSIBLE AT www.myflorida.com, (under "Hot Topics" in the bottom center of your screen, click on "MyFloridaMarketPlace/e-Pro" and then click on "Proposed Rules"), OR AT NOT CHARGE FROM THE CONTACT PERSON LISTED ABOVE.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Alcoholic Beverages and Tobacco

RULE CHAPTER TITLE:	RULE CHAPTER NO.:
Florida Clean Indoor Air Act and Stand-Alone Bar Smoking Designations	61A-7
RULE TITLES:	RULE NOS.:
Definitions	61A-7.001
Criteria for Smoking Designation	61A-7.002
Licenses Not Eligible For Smoking Designation	61A-7.003
Annual Certification Requirements	61A-7.004
Triennial Renewal Requirements	61A-7.005
Records Required to Maintain the Designation Formula for Compliance With Required Percentage of Gross Food Sales Revenues For Percentage of Gross Alcohol Sales Revenue Formula	61A-7.007
Method Used to Determine Whether an Establishment is Predominantly Dedicated to the Serving of Alcoholic Beverages	61A-7.008
Penalty Guidelines for Chapter 386, Florida Statutes – Florida Clean Indoor Air Act	61A-7.010
Aggravating or Mitigating Circumstances for Chapter 386, Florida Statutes – The Florida Clean Indoor Air Act	61A-7.011
Investigation and Notification Procedures for Florida Statute 386.207	61A-7.012
Penalty Guidelines for Florida Statute 561.695 – Stand-Alone Bar Enforcement	61A-7.013

Aggravating or Mitigating Circumstances for 561.695 – Stand-Alone Bar Violations 61A-7.014
 Appeals 61A-7.015
 PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to implement statutory provisions relating to the Florida Clean Indoor Air Act and smoking in stand-alone bars.

SUBJECT AREA TO BE ADDRESSED: The subject areas to be addressed are definitions of basic terms related to stand-alone bars, requirements for designation as a stand-alone bar, requirements to maintain designation as a stand-alone bar, licenses not eligible for smoking designation, annual certification and triennial renewal requirements, reporting requirements, record-keeping requirements, access to records by division employees, formula used to determine compliance, formula used to determine percentage of gross alcohol sales revenue, method used to determine whether an establishment is predominantly dedicated to the serving of alcoholic beverages, penalty guidelines, aggravating and mitigating circumstances, investigation and notification procedures, violations and appeals.

SPECIFIC AUTHORITY: 386.2125, 386.207 FS.
 LAW IMPLEMENTED: 386.203, 386.206, 386.207, 561.695 FS.

A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW:
 TIME AND DATE: 10:00 a.m. – 1:00 p.m., Thursday, September 25, 2003

PLACE: Zora Neale Hurston Building, North Tower, Suite 901-N, 400 West Robinson Street, Orlando, Florida
 THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Michael Martinez, Chief Attorney, Department of Business and Professional Regulation, 1940 North Monroe Street, Tallahassee, Florida 32399-2202

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

STAND-ALONE BAR SMOKING DESIGNATIONS

61A-7.001 Definitions.

The basic terms utilized in this rule are defined as follows:

(1) "Customary bar snack" means popcorn and any ready to eat food item, commercially prepared and packaged off the premises, served without additions or preparations, that is not a potentially hazardous food. The definition of potentially hazardous food, provided in subparagraph 1-201.10(B)(61), Food Code, 1999 Recommendations of the United States Public Health Service/Food and Drug Administration, incorporated herein by reference, shall apply to Chapter 61A-7, F.A.C.

(2) “Noncommercial activities” mean social gatherings, which encompass activities in compliance with s. 849.0935, Florida Statutes, meetings, dining, dances and the services performed in furtherance of these activities can only be conducted by members, whether compensated or not.

(3) “Nonperishable snack food items” means food items commercially packaged off the premises of the stand-alone bar and served without any additions or further preparations of any kind. Popcorn is the only exception to the requirement of being a nonperishable snack food item, and can be prepared on the premises, provided that the equipment used to pop the popcorn is not used to prepare any other food for patrons.

(4) “Predominantly bounded by physical barriers” means:

(a) More than fifty percent covered from above, to be calculated when fully extended, by a physical barrier, that excludes rain, and

(b) More than fifty percent on the sides with surfaces that block air flow. Railings are not to be considered in making side surface calculations.

(5) “Stand-alone bar” means those licensed premises defined in s. 386.203(11), Florida Statutes.

(6) “Stand-alone smoking (ss)” means those licensed premises that operate a business that meets the definition of a stand-alone bar in s. 386.203(11), Florida Statutes, if the only food provided is limited to nonperishable snack food items.

(7) “Stand-alone smoking with food (ssf)” means those licensed premises that operate a business that meets the definition of a stand-alone bar in s. 386.203(11), Florida Statutes, in which the serving of food is merely incidental and the licensed premises derive no more than ten percent of its gross revenue from the sale of food consumed on the licensed premises.

Specific Authority 386.2125, 561.695(3),(9) FS. Law Implemented 386.203(5),(11),(12), 561.695(3),(6) FS. History–New _____.

61A-7.002 Criteria for Smoking Designation.

Stand-alone bars with an alcoholic beverage consumption on premises license shall be issued a smoking designation of “ss” or “ssf” upon meeting the following criteria:

(1) The premises meet the definition of a stand-alone bar in s. 386.203(11), Florida Statutes.

(2) Licensee provides the division with a notice of election, using the division’s Internet site accessible at www.myflorida.com, Interactive Voice Response system at (850)487-1395, the Customer Call Center at (850)487-1395, or by delivering in person or through the mail form DBPR ABT 6039, incorporated herein by reference. Form DBPR ABT 6039, Notification of Election to Permit Tobacco Smoking in the Licensed Premises, effective July 1, 2003, may be obtained by writing the division at 1940 North Monroe Street, Tallahassee, FL 32399-1021, or may be downloaded from the internet at <http://www.state.fl.us/dbpr/abt/forms/index.shtml>.

Specific Authority 386.2125, 561.695(9) FS. Law Implemented 386.203(11), 561.695(1) FS. History–New _____.

61A-7.003 Premises Not Eligible For Smoking Designation.

Licensed premises shall not be designated as a stand-alone bar if the qualifications for licensure require the premises be devoted predominantly to activities other than the service of alcohol. The following licenses are not eligible for a stand-alone bar designation:

S – Special Hotel

SH – Special Hotel in counties with population of 50,000 or less

SR – Special Restaurant issued on or after January 1, 1958

SRX – Special Restaurant

SBX – Special Bowling

SAL – Special Airport

SCX – Special Civic Center

SCC – Special County Commission

SAX – Special Act Licenses (See Special Act for Specifics)

SPX – Pleasure, Excursion, Sightseeing, or Charter boats

X – Airplanes, Buses, and Steamships

IX – Railroad Cars

XL – Passenger Waiting Lounge operated by an airline

PVP – Passenger Vessels engaged in foreign commerce

FEX – Special Public Fairs/Expositions

HBX – Special Horse Breeders

11AL – American Legion Post permitted to sell to general public

11C – Social, Tennis, Racquetball, Beach, or Cabana Club

11CE – Licensed vendors exempt from payment of surcharge tax

11CS – Special Act Club License

11CT – John and Mable Ringling Museum

11GC – Golf Club

11PA – Symphony, Live Performance Theatre, Performing Arts Center

12RT – Dog or Horse Track or Jai Alai Fronton

13CT – Catering

14BC – Bottle Club

Specific Authority 386.2125, 561.695(9) FS. Law Implemented 386.203(11) FS. History–New _____.

61A-7.004 Annual Certification Requirements.

A qualifying stand-alone bar receiving an “ssf” designation shall file an annual affidavit certifying that, on or before the licensee’s annual beverage license renewal, for the preceding twelve months, no more than ten percent of total gross revenue was derived from retail sales of food consumed on the licensed premises. The percentage of food sales shall be computed by dividing gross revenues from the sale of food the licensee sells for consumption on premises by the gross revenue of the licensed premises.

Specific Authority 561.695(9) FS. Law Implemented 561.695(5) FS. History—New _____.

61A-7.005 Triennial Renewal Requirements.

Every third year after the initial designation, on or before the licensee's annual beverage license renewal, in order to renew the designation, a licensed vendor holding an "ssf" designation shall provide to the division a Procedures Report, prepared by a Florida certified public accountant, on DBPR Form ABT 4000A-400 and containing the license name, license number, physical location address, the owner of the license and the period of the report, along with the CPA company name, accountant name and signature and the accountant's license number with date of expiration, DBPR Form ABT 4000A-400, herein incorporated by this reference, effective _____, may be obtained by writing the division at 1940 North Monroe Street, Tallahassee, FL 32399-1022 or may be downloaded from _____ the internet at <http://state.fl.us.dbpr/abt/contact/index.shtml>. The report must:

(1) Provide the actual percentage of food sales calculated pursuant to section (3) of this rule; and

(2) Provide information for the preceding 36-month period from the renewal date; and

(3) Provide the total gross sales revenue for each year, with a total for the 3-year period, as well as the total gross sales revenue from food for each year and a total for the 3-year period, and the percentage of food to total revenue for each year and for the 3-year period.

Specific Authority 386.2125, 561.695(9) FS. Law Implemented 386.203(11), 561.695(6) FS. History—New _____.

61A-7.006 Records Required to Maintain the Designation.

Stand-alone bars holding an "ssf" designation shall maintain records to substantiate reports, affidavits and designation qualifications. Records of all purchases of food, gross retail sales of food consumed on premises and gross retail sales of alcohol shall be separately documented.

(1) Each business licensed for consumption on premises and electing to allow smoking on those premises shall maintain complete and accurate records of all sales. Records shall include, but are not limited to, purchase invoices, sales tickets, inventory records, receiving records, cash register journal tapes, on premises food sales records, computer records generated from automatic dispensing devices, and any other record documenting sales. Department of Revenue Sales Tax Returns are acceptable as a record of total monthly sales revenues.

(2) The records required in Rules 61A-7, F.A.C., shall be maintained on the premises in the same county where the alcoholic beverage license is issued, or other designated place approved in writing by the division for a period of 3 years and shall, upon demand, be made available to an officer of the division, for inspection within fourteen days. The division shall approve written requests to maintain the aforementioned

records off the premises when the place to be designated is the business office, open eight business hours per work day, of a corporate officer, attorney, or accountant; the place to be designated is located in the State of Florida; and the place to be designated is identified by complete mailing address. The burden is on the holder of the smoking designation to demonstrate compliance with the requirements for the permit, and the records required shall be legible, clear, and in the English language.

(3) The Licensee shall provide employees of the division access to examine the accounting records, invoices, or any other source documents used to determine compliance with this rule during business hours or at any other time the licensee or other persons occupy such premises. Each licensee is required to give the division the means, facilities, and opportunity to review the records required by Rules 61A-7, F.A.C.

Specific Authority 386.2125, 561.695(9) FS. Law Implemented 386.203(11), 561.695(6) FS. History—New _____.

61A-7.007 Formula For Compliance With Required Percentage of Gross Food Sales Revenues.

In order to determine compliance, the division shall use the formula of gross food sales revenue divided by gross total sales revenue, in any consecutive six-month period. The results of the formula will represent the percentage of food sales revenues as defined herein and in s. 561.695, Florida Statutes.

Specific Authority 386.2125, 561.695(9) FS. Law Implemented 386.203(11), 561.695(6) FS. History—New _____.

61A-7.008 For Percentage of Gross Alcohol Sales Revenue Formula.

In order to determine compliance, the division shall use the formula of gross alcohol sales revenue divided by gross total sales revenue, in any consecutive six-month period.

Specific Authority 386.2125, 561.695(9) FS. Law Implemented 561.695(6), 386.203(11) FS. History—New _____.

61A-7.009 Method Used to Determine Whether an Establishment is Predominantly Dedicated to the Serving of Alcoholic Beverages.

In order to determine whether an establishment, other than one holding a specialty license designated in Rule 61A-7.003, F.A.C., is predominantly dedicated to the serving of alcoholic beverages, the division shall compare the percentage of gross food sales revenue with the percentage of gross alcohol sales revenue. If the percentage of gross alcohol sales revenue is greater than that of the gross food sales revenue, an establishment is deemed predominantly dedicated to the serving of alcoholic beverages.

Specific Authority 386.2125, 561.695(9) FS. Law Implemented 386.203(11), 561.695(9) FS. History—New _____.

61A-7.010 Penalty Guidelines for Chapter 386, Florida Statutes – Florida Clean Indoor Air Act.

(1) This rule sets forth the penalties which shall be routinely imposed upon licensees who are supervised by the Division Alcoholic Beverages and Tobacco, Department of Business and Professional Regulation. Enforcement supervisors and bureau chiefs are authorized to accept settlement offers that do not deviate from the penalty guidelines. The penalties below shall be assessed for violations occurring thirty days after a notice to comply is issued. If a

person refuses to comply with this part after having been assessed such penalty the department may file a complaint in the circuit court of the county in which the enclosed indoor workplace is located to require compliance.

(2) The penalty guidelines set forth in the table that follows shall serve to provide field offices and licensees or permittees with penalties that the division will routinely impose for violations.

<u>STATUTE</u>	<u>VIOLATION</u>	<u>FIRST OCCURRENCE</u>	<u>SECOND OCCURRENCE</u>	<u>THIRD OCCURRENCE</u>	<u>FOURTH OCCURRENCE</u>
386	Failure to comply with Florida Clean Indoor Air Act within Florida Statute 386.	\$250	\$500	\$750	\$1,750

Specific Authority 386.2125, 561.695(9) FS. Law Implemented 386.205, 386.206, 386.207(3) FS. History–New _____.

61A-7.011 Aggravating or Mitigating Circumstances for Chapter 386, Florida Statutes – The Florida Clean Indoor Air Act.

When either the petitioner or respondent is able to demonstrate aggravating or mitigating circumstances to the division by clear and convincing evidence, the division shall be entitled to impose adjusted penalties within the guidelines. Based upon the following factors, the division may impose a disciplinary action within the statutory guidelines:

- (1) The number of counts in the administrative complaint;
- (2) The disciplinary history of the applicant or licensee;
- (3) The applicant or licensee has corrected the violation and implemented written corrective policies and procedures;
- (4) The degree of financial hardship incurred by a licensee as a result of the imposition of suspension or a fine.

(2) If the premises are not designated as a standalone bar a notice to comply shall be issued.

(3) If the initial complaint is based on an observed violation then the premise shall be rechecked for compliance.

(4) A notice to show cause shall be issued for violations occurring at least thirty days after a notice to comply has been issued.

Specific Authority 386.207(1), 386.2125, 561.695(9) FS. Law Implemented 386.206(2), 386.207(3) FS. History–New _____.

61A-7.013 Penalty Guidelines for Florida Statute 561.695 – Stand-Alone Bar Enforcement.

(1) This rule sets forth the penalties which shall be imposed upon licensees who are supervised by the Division of Alcoholic Beverages and Tobacco, Department of Business and Professional Regulation. Enforcement supervisors and bureau chiefs are authorized to accept settlement offers that do not deviate from the penalty guidelines. The penalties provided below are for violations one through three, within a two-year period, and a fourth violation occurring anytime within the aforementioned time period or thereafter.

(2) The penalty guidelines set forth in the table that follows shall serve to provide field offices and licensees or permittees with penalties that the division will routinely impose for violations.

Specific Authority 386.2125, 561.695(9) FS. Law Implemented 386.206(2), 386.207(3) FS. History–New _____.

61A-7.012 Investigation and Notification Procedures for Florida Statute 386.207.

The following procedures shall be followed by division personnel when investigating complaints and notifying alleged violators.

- (1) Upon recite of a complaint of a violation of 386 the division shall determine if the premises is designated as a standalone bar. If the premises are designated as a stand alone bar the complaint shall be closed.

<u>STATUTE</u>	<u>VIOLATION</u>	<u>FIRST OCCURRENCE</u>	<u>SECOND OCCURRENCE</u>	<u>THIRD OCCURRENCE</u>	<u>FOURTH OCCURRENCE</u>
561.695	Failure to comply with stand-alone bar designation requirements within Florida statute 561.695	Warning	\$500	Suspension of designation for 14 days and \$1000	60 days suspension of designation and \$2000

<u>STATUTE</u>	<u>VIOLATION</u>	<u>FIRST OCCURRENCE</u>	<u>EACH SUBSEQUENT OCCURRENCE</u>
561.695(5)	Failure to file annual affidavit upon renewal	Loss of smoking designation	Loss of smoking designation

Specific Authority 561.695(9) FS. Law Implemented 561.695(5),(8) FS. History–New _____.

61A-7.014 Aggravating or Mitigating Circumstances for 561.695 – Stand-Alone Bar Violations.

When either the petitioner or respondent demonstrates aggravating or mitigating circumstances by clear and convincing evidence, the division may adjust penalties within statutory guidelines. Aggravating or mitigating circumstances may include, but are not limited to, the following:

- (1) The number of counts in the administrative complaint;
- (2) The disciplinary history of the applicant or licensee;
- (3) The applicant or licensee has corrected the violation and implemented written corrective policies and procedures;
- (4) The degree of financial hardship incurred by a licensee as a result of the imposition of suspension or a fine.

Specific Authority 561.695(9) FS. Law Implemented 561.695(8) FS. History–New _____.

61A-7.015 Appeals.

The procedure for appeal under Rule 61A-7, F.A.C., shall be as provided in s. 120.68, Florida Statutes.

Specific Authority 386.207(1), 386.2125, 561.695(9) FS. Law Implemented 561.695 FS. History–New _____.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Barbers’ Board

RULE TITLES:	RULE NOS.:
Biennial Barbershop Licensure Renewal Fee	61G3-20.010
Barbershop Delinquent Renewal Fee	61G3-20.0105

PURPOSE AND EFFECT: The Board proposes the development of rules to increase the cost of the biennial licensure and delinquent renewal fees for barber shops.

SUBJECT AREA TO BE ADDRESSED: The cost of the biennial licensure and delinquent renewal fees for barber shops.

SPECIFIC AUTHORITY: 476.064(4), 476.192, 476.184 FS.
LAW IMPLEMENTED: 476.192, 476.184 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: Julie Malone, Executive Director, Barbers’ Board, 1940 North Monroe Street, Tallahassee, FL 32399-0783

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

61G3-20.010 Biennial Barbershop Licensure Renewal Fee.

The biennial barbershop licensure renewal fee shall be one hundred fifty ~~seventy-five~~ dollars (\$150.00 ~~75.00~~).

Specific Authority 476.064(4), 476.192 FS. Law Implemented 476.192 FS. History–New 7-16-80, Amended 10-17-85, Formerly 21C-20.10, Amended 12-15-87, 5-11-88, Formerly 21C-20.010, Amended _____.

61G3-20.0105 Barbershop Delinquent Renewal Fee.

The delinquent renewal fee for barbershops shall be one hundred ~~seventy-five~~ dollars (\$100.00 ~~75.00~~) and shall be paid simultaneously with and in addition to those fees referred to in Rule 61G3-20.010, F.A.C., which were not paid in accordance with Rule 61G3-19.003, F.A.C.

Specific Authority 476.064(4), 476.184, 476.192 FS. Law Implemented 476.184, 476.192 FS. History–New 10-17-85, Formerly 21C-20.105, Amended 12-15-87, 5-11-88, Formerly 21C-20.0105, Amended _____.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Construction Industry Licensing Board

RULE TITLE:	RULE NO.:
Qualification for Certification	61G4-15.001
PURPOSE AND EFFECT: The Board proposes the development of rules to address changes for certification.	
SUBJECT AREA TO BE ADDRESSED: Qualifications for certification.	

TIME AND DATE: 8:30 a.m. or as soon thereafter as possible, September 17, 2003

PLACE: Division of Real Estate, Commission Meeting Room, N901, North Tower, 400 West Robinson Street, Orlando, Florida 32801

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Lori Crawford, Deputy Clerk, Division of Real Estate, 400 West Robinson Street, Hurston Building, North Tower, Suite N801, Orlando, Florida 32801

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Florida Real Estate Commission

RULE TITLES:	RULE NOS.:
Registration Requirements	61J2-4.007
Successor Partnerships	61J2-4.010

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

SUBJECT AREA TO BE ADDRESSED: The proposed rule change affects rule provisions relating to registration requirements and successor partnerships.

SPECIFIC AUTHORITY: 475.05 FS.

LAW IMPLEMENTED: 475.01, 475.05, 475.15 FS.

A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW (IF REQUESTED, AN ADDITIONAL WORKSHOP WILL BE NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY):

TIME AND DATE: 8:30 a.m. or as soon thereafter as possible, September 17, 2003

PLACE: Division of Real Estate, Commission Meeting Room, N901, North Tower, 400 West Robinson Street, Orlando, Florida 32801

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Lori Crawford, Deputy Clerk, Division of Real Estate, 400 West Robinson Street, Hurston Building, North Tower, Suite N801, Orlando, Florida 32801

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Florida Real Estate Commission

RULE TITLES:	RULE NOS.:
Vacancies of Office	61J2-5.018
Responsibility for Registration Status	61J2-5.019
Execution of Papers by Corporation	61J2-5.020

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

SUBJECT AREA TO BE ADDRESSED: The proposed rule change affects rule provisions relating to licensure designation.

SPECIFIC AUTHORITY: 475.05 FS.

LAW IMPLEMENTED: 475.01, 475.15, 475.42 FS.

A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW (IF REQUESTED, AN ADDITIONAL WORKSHOP WILL BE NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY):

TIME AND DATE: 8:30 a.m. or as soon thereafter as possible, September 17, 2003

PLACE: Division of Real Estate, Commission Meeting Room, N901, North Tower, 400 West Robinson Street, Orlando, Florida 32801

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Lori Crawford, Deputy Clerk, Division of Real Estate, 400 West Robinson Street, Hurston Building, North Tower, Suite N801, Orlando, Florida 32801

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Florida Real Estate Commission

RULE TITLE:	RULE NO.:
Employment by More Than One Entity	61J2-6.006

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

SUBJECT AREA TO BE ADDRESSED: The proposed rule change affects rule provisions relating to licensure designation and licensure status with employer.

SPECIFIC AUTHORITY: 455.2123, 475.05 FS.

LAW IMPLEMENTED: 475.01(1)(d) FS.

A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW (IF REQUESTED, AN ADDITIONAL WORKSHOP WILL BE NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY):

TIME AND DATE: 8:30 a.m. or as soon thereafter as possible, September 17, 2003

PLACE: Division of Real Estate, Commission Meeting Room, N901, North Tower, 400 West Robinson Street, Orlando, Florida 32801

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Lori Crawford, Deputy Clerk, Division of Real Estate, 400 West Robinson Street, Hurston Building, North Tower, Suite N801, Orlando, Florida 32801

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Florida Real Estate Commission

RULE TITLES:	RULE NOS.:
Office	61J2-10.022
Advance Fee Accounting and Reporting Procedures	61J2-10.029

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

SUBJECT AREA TO BE ADDRESSED: The proposed rule change affects rule provisions relating to licensure designation.

SPECIFIC AUTHORITY: 475.05 FS.

LAW IMPLEMENTED: 475.22, 475.452(1),(2) FS.

A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW (IF REQUESTED, AN ADDITIONAL WORKSHOP WILL BE NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY):

TIME AND DATE: 8:30 a.m. or as soon thereafter as possible, September 17, 2003

PLACE: Division of Real Estate, Commission Meeting Room, N901, North Tower, 400 West Robinson Street, Orlando, Florida 32801

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Lori Crawford, Deputy Clerk, Division of Real Estate, 400 West Robinson Street, Hurston Building, North Tower, Suite N801, Orlando, Florida 32801

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Florida Real Estate Commission

RULE TITLES:	RULE NOS.:
Real Estate Salesperson	61J2-14.009
Real Estate Broker	61J2-14.010
Rights of Broker in Deposits	61J2-14.011
Broker's Records	61J2-14.012

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

SUBJECT AREA TO BE ADDRESSED: The proposed rule change affects rule provisions relating to licensure designation, escrow accounts and deposits.

SPECIFIC AUTHORITY: 475.05 FS.

LAW IMPLEMENTED: 475.25(1)(d)1.,(k) FS.

A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW (IF REQUESTED, AN ADDITIONAL WORKSHOP WILL BE NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY):

TIME AND DATE: 8:30 a.m. or as soon thereafter as possible, September 17, 2003

PLACE: Division of Real Estate, Commission Meeting Room, N901, North Tower, 400 West Robinson Street, Orlando, Florida 32801

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Lori Crawford, Deputy Clerk, Division of Real Estate, 400 West Robinson Street, Hurston Building, North Tower, Suite N801, Orlando, Florida 32801

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Florida Real Estate Commission

RULE TITLE:	RULE NO.:
Minimum Standard for Prelicense	61J2-17.009

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

SUBJECT AREA TO BE ADDRESSED: The proposed rule change affects the rule title.

SPECIFIC AUTHORITY: 475.04, 475.05 FS.

LAW IMPLEMENTED: 475.451 FS.

A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW (IF REQUESTED, AN ADDITIONAL WORKSHOP WILL BE NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY):

TIME AND DATE: 8:30 a.m. or as soon thereafter as possible, September 17, 2003

PLACE: Division of Real Estate, Commission Meeting Room, N901, North Tower, 400 West Robinson Street, Orlando, Florida 32801

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Lori Crawford, Deputy Clerk, Division of Real Estate, 400 West Robinson Street, Hurston Building, North Tower, Suite N801, Orlando, Florida 32801

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Florida Real Estate Commission

RULE TITLES:	RULE NOS.:
Disciplinary Guidelines	61J2-24.001
Citation Authority	61J2-24.002
Revocation	61J2-24.005

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

SUBJECT AREA TO BE ADDRESSED: The proposed rule change affects rule provisions relating to licensure designation, disciplinary guidelines and issuance of citations.

SPECIFIC AUTHORITY: 475.05 FS.

LAW IMPLEMENTED: 475.01, 475.15, 475.42 FS.

A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW (IF REQUESTED, AN ADDITIONAL WORKSHOP WILL BE NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY):

TIME AND DATE: 8:30 a.m. or as soon thereafter as possible, September 17, 2003

PLACE: Division of Real Estate, Commission Meeting Room, N901, North Tower, 400 West Robinson Street, Orlando, Florida 32801

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Lori Crawford, Deputy Clerk, Division of Real Estate, 400 West Robinson Street, Hurston Building, North Tower, Suite N801, Orlando, Florida 32801

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

Board of Psychology

RULE TITLE:	RULE NO.:
Examination	64B19-11.001

PURPOSE AND EFFECT: The Board proposes to review the existing rule to determine if changes are necessary.

SUBJECT AREA TO BE ADDRESSED: Examination.

SPECIFIC AUTHORITY: 456.017(1)(b),(c), 490.004(4) FS.

LAW IMPLEMENTED: 456.017(1)(b),(c),(d), 490.005 FS.

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

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

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

**Section II
Proposed Rules**

DEPARTMENT OF INSURANCE

RULE TITLES:	RULE NOS.:
Group Conversion Premium	4-149.203
Outline of Coverage	4-149.204
Health Maintenance Organization Standard Risk Rates	4-149.207

PURPOSE, EFFECT AND SUMMARY: Rule Chapter 4-149 Part X governs group conversion rates. Section 627.6675, F.S., requires that the Office annually survey the market and publish the standard risk rates representing the average of 80 percent of the market. The rates are published for a particular benefit design. This design is the state mandated "standard" plan. With the adoption of the new standard plans this year, the rule is being amended to provide maximum group conversion rates for that plan design.

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: 624.308, 627.410(6)(b), 627.6675(3)(c) FS.

LAW IMPLEMENTED: 624.307(1), 627.410(6)(a), 627.6498(4), 627.6675(3), 641.3922(3) 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., October 1, 2003

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

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Frank Dino, Bureau of Life and Health Forms and Rates, Office of Insurance Regulation, 200 East Gaines Street, Tallahassee, Florida 32399-0328, (850)413-5014, e-mail dinof@dfs.state.fl.us

THE FULL TEXT OF THE PROPOSED RULES IS:

4-149.203 Group Conversion Premium.

(1) through (4) No change.

(5) Terminating employees or members shall be offered the same "category of coverage" (see subsection 4-149.202(1), F.A.C.) as the underlying group policy form from which they are being offered conversion coverage. The provisions of Sections 627.6675 and 641.3922, F.S., provide for the following plan designs:

(a) The statutory health benefit plan required by Section 627.6675(10), F.S., and

(b) The standard health benefit plan required by Section 627.6675(11), or 641.3922(10), F.S.

1. The standard health benefit plan designs are summarized in Rule 4-149.204, F.A.C.

2. The reference to the 2003 Standard Health Benefit Plan refers to the plan recommended by the health benefit committee pursuant to Section 627.6699(12), F.S. and approved by the Office of Insurance Regulation. These plan designs can be found by accessing: http://www.fldfs.com/comapnies/lh_fr/is_LHFR_Small_Emp_Benefit_Plan.htm.

3. If the company has more than one 2003 standard plan option approved, the standard plan option offered to an individual shall be the option providing coverage nearest to the insured's current group coverage.

(6) The following benefit adjustment factors to reflect the benefit difference from the \$1,000 deductible plan provided in this part, for PPO/EPO and indemnity Plans A, B and C, and for HMO Plans D and E, will be accepted without further justification required by subsection (8):

(a) through (g) No change.

(7) No change.

(8) Group conversion rate schedules are subject to all filing and approval requirements of Section 627.410(6), or 641.31(3), F.S., and Chapter 4-149 or 4-191.054, F.A.C.

(9) The following benefit adjustment factors shall be used to reflect the benefit differences from Plan A, which is the published rate for each category, to Plan options B through E:

(a) 0.871 for PPO/EPO Plan B

(b) 0.917 for Indemnity Plan B

(c) 0.846 for PPO/EPO Plan C

(d) 0.891 for Indemnity Plan C

(e) 0.834 for HMO Plan B

(f) 0.828 for HMO Plan C

(g) 0.762 for HMO Plan D

(h) 0.752 for HMO Plan E.

(i) Benefit adjustment factors for other 2003 standard benefit plan designs shall be filed and reviewed to be consistent with subsections (a) through (h) above.

(10)(a) Existing conversion plans shall be guaranteed renewable at the option of the insured.

(b) The coverage may be non-renewed only for the reasons delineated in Sections 627.6675(7)(b) or 641.3922(7), F.S.

(c) The 2003 health benefit plans may be offered to existing insureds, but existing policies may not be modified to a new plan without the written consent of the insured.

Specific Authority 624.308, 627.410(6)(b), 627.6675(3)(c) FS. Law Implemented 624.307(1), 627.410(6)(a), 627.6498(4), 627.6675(3), 641.3922(3) FS. History—New 3-2-00, Amended 4-2-01, _____.

4-149.204 Outline of Coverage.

(1) No change.

(2) It is noted that this list is an outline and not intended to be a comprehensive description of all policy benefits. The statutory sections indicated should be reviewed for more comprehensive information.

	Plan A	Plan B	Plan C
PPO/EPO and Indemnity	Standard Health Benefit Plan (Section 627.6675(11))	2003-Standard Health Benefit Plan	2003-Standard Health Benefit Plan
Lifetime Limit	\$1,000,000	\$5,000,000	\$5,000,000
Annual Deductible* Single/Family	\$1,000/\$3,000	\$1,000, \$3,000	\$1,000, \$3,000
Out-of-Pocket Maximum Single/Family	\$2,000/\$4,000	\$3,000/\$6,000	\$5,000/\$10,000
Plan Coinsurance Amount: (1) Preferred Provider	(1) 80% of allowance in-network/60% of allowance out-of-network 80% in-network/60% out-of-network of the first \$10,000 per individual, then 100%. For family coverage, the aggregate coinsurance limit is two times the individual coinsurance limit.	(1) 80% of allowance in-network/60% of allowance out-of-network	(1) 80% of allowance in-network/60% of allowance out-of-network
(2) Indemnity Plan	(2) 80% of allowance of the first \$10,000 per individual, then 100%. For family coverage, the aggregate coinsurance limit is 2 times the individual coinsurance.	(2) 80% of allowance.	(2) 80% of allowance
Physician	Coinsurance	Coinsurance	Coinsurance
Specialist	Coinsurance	Coinsurance	Coinsurance
Maternity	Coinsurance	Coinsurance	Coinsurance
Prescription Drug	Covered \$7/\$14 Copay	\$10/\$30/\$50 Copay*	\$10/\$30/\$50 Copay*
In-patient Hospital	Covered Coinsurance	Coinsurance	Coinsurance
Out-patient Hospital	Covered Coinsurance	Coinsurance	Coinsurance
Out-Patient Rehabilitation	Coinsurance, 10 visits per year	Coinsurance, 20 visits per year	Coinsurance, 20 visits per year
Out-of-Network	Covered		
Emergency	Covered Coinsurance +\$50 Copay per visit	Coinsurance	Coinsurance
Mental and Nervous Disorders, In-Patient	Coinsurance, 10 days per year	Coinsurance, 10 days per year	Coinsurance, 10 days per year
Mental and Nervous Disorders, Out-Patient	Coinsurance, 20 visits per year, \$50 per visit maximum reimbursement	Coinsurance, 20 visits per year, \$50 per visit maximum reimbursement	Coinsurance, 20 visits per year, \$50 per visit maximum reimbursement
Alcohol/Substance Abuse, In-Patient	Not covered	Coinsurance, \$2,000 maximum benefit	Coinsurance, \$2,000 maximum benefit
Alcohol/Substance Abuse Out-Patient	Not covered	Coinsurance, \$2,000 maximum benefit	Coinsurance, \$2,000 maximum benefit
Preventive Medical Services	Coinsurance, \$150 maximum per year	Coinsurance, \$250 maximum per year	Coinsurance, \$250 maximum per year
Organ Transplant	\$200,000 lifetime maximum	Coinsurance	Coinsurance
Home Health Care	Coinsurance, 60 visits per year, maximum \$60 per visit	Coinsurance, 60 visits per year	Coinsurance, 60 visits per year

*Not included in out of pocket maximum

	Plan A	Plan B -HMO plan	Plan C- HMO plan
HMO	Standard Health Benefit Plan (Section 641.3922(10))	2003-Standard Health Benefit Plan	2003-Standard Health Benefit Plan
Lifetime Limit	None	\$5,000,000	\$5,000,000
Out-of-Pocket Maximum Single/Family	\$1,500/\$3,000	\$3,000/\$6,000	\$5,000/\$10,000
Office visit co-pay Primary Care Physician	\$10.00 Copay per visit	\$25 Copay per visit	\$25 Copay per visit
In-Patient	\$100.00		
Emergency Room co-pay (if not admitted)	\$100.00		
Specialist	\$10 Copay per visit	\$50 Copay per visit	\$50 Copay per visit
Rx generic	\$7.00		
Rx brand	\$14.00		
Maternity	Covered	\$300 Copay per day for five days	\$300 Copay per day for five days
Prescription Drug	Covered \$7/\$14 Copay	\$10/\$30/\$50 Copay*	\$10/\$30/\$50 Copay*
In-Patient Hospital	Covered \$100 Copay per day	\$300 Copay per day for five days	\$300 Copay per day for five days
Out-Patient Hospital	Covered \$50 Copay per procedure	\$200 Copay per procedure	\$200 Copay per procedure
Out Patient Rehabilitation	\$20 Copay per visit, 10 visits per year	\$25 Copay per visit, 20 visits per year	\$25 Copay per visit, 20 visits per year
Out-of-Network (emergency only)	Covered	Covered	Covered
Emergency	Covered \$100-Copay (if not admitted)	\$150 Copay (if not admitted)	\$150 Copay (if not admitted)
Mental and Nervous Disorders, In-Patient	\$100 Copay per day for first 5 days, 10 days per year	\$100 Copay per day, 10 days per year	\$100 Copay per day, 10 days per year
Mental and Nervous Disorders, Out-Patient	\$10 Copay per visit, 20 visits per year, \$50 per visit maximum reimbursement	\$25 Copay per visit, 20 visits per year, \$50 per visit maximum reimbursement	\$25 Copay per visit, 20 visits per year, \$50 per visit maximum reimbursement
Alcohol/Substance Abuse, In-Patient	Not covered	\$100 Copay per day, \$2,000 maximum benefit	\$100 Copay per day, \$2,000 maximum benefit
Alcohol/Substance Abuse Out-Patient	Not covered	\$25 Copay per visit, \$2,000 maximum benefit	\$25 Copay per visit, \$2,000 maximum benefit
Preventive Medical Services	\$150 maximum	\$250 maximum	\$250 maximum
Organ Transplant	\$200,000 lifetime maximum	Covered	Covered
Home Health Care	Covered in full, 60 visits per year	\$25 Copay per visit, 60 visits per year	\$25 Copay per visit, 60 visits per year

*Not included in out of pocket maximum

	Plan A	Plan D – coins plan	Plan E – coins plan
HMO	Standard Health Benefit Plan (Section 641.3922(10))	2003-Standard Health Benefit Plan	2003-Standard Health Benefit Plan
Lifetime Limit	None	\$5,000,000	\$5,000,000
Annual Deductible* Single/Family	Not applicable	\$1,000/\$3,000	\$1,000/\$3,000
Out-of-Pocket Maximum Single/Family	\$1,500/\$3,000	\$3,000/\$6,000	\$5,000/\$10,000
Plan Coinsurance Amount:	Not applicable	80% of allowance	80% of allowance
Primary Care Physician	\$10 Copay per visit	Coinsurance	Coinsurance
Specialist	\$10 Copay per visit	Coinsurance	Coinsurance
Maternity	Covered	Coinsurance	Coinsurance
Prescription Drug	\$7/\$14 Copay	\$10/\$30/\$50 Copay*	\$10/\$30/\$50 Copay*
In-Patient Hospital	\$100 Copay	Coinsurance	Coinsurance
Out-Patient Hospital	Covered	Coinsurance	Coinsurance
Out-of-Network (emergency only)	Covered	Coinsurance	Coinsurance
Emergency	\$100-Copay (if not admitted)	Coinsurance	Coinsurance
Mental and Nervous Disorders In-Patient	\$100 Copay per day for first 5 days, 10 days per year	Coinsurance, 10 days per year	Coinsurance, 10 days per year
Mental and Nervous Disorders Out-Patient	\$10 Copay per visit, 20 visits per year, \$50 per visit maximum reimbursement	Coinsurance, 20 visits per year, \$50 per visit maximum reimbursement	Coinsurance, 20 visits per year, \$50 per visit maximum reimbursement
Alcohol/Substance Abuse, In-Patient	Not covered	Coinsurance, \$2,000 maximum benefit	Coinsurance, \$2,000 maximum benefit
Alcohol/Substance Abuse Out-Patient	Not covered	Coinsurance, \$2,000 maximum benefit	Coinsurance, \$2,000 maximum benefit
Preventive Medical Services	\$150 maximum	Coinsurance, \$250 maximum per year	Coinsurance, \$250 maximum per year
Organ Transplant	\$200,000 lifetime maximum	Coinsurance	Coinsurance
Home Health Care	Covered in full, 60 visits per year	Coinsurance, 60 visits per year	Coinsurance, 60 visits per year

*Not included in out of pocket maximum

Specific Authority 624.308, 627.6675(3)(c) FS. Law Implemented 624.307(1), 627.6498(4), 627.6675(3), 641.3922(3) FS. History–New 3-2-00, Amended 4-2-01, 4-17-02,_____.

4-149.207 Health Maintenance Organization Standard Risk Rates.

(1) through (2) No change.

(3) Standard risk rates for coverage providing benefits coordinating with Medicare shall be determined by multiplying the standard risk rates identified herein by .278.

[Table – No change]

Specific Authority 624.308, 627.6675(3)(c) FS. Law Implemented 624.307(1), 627.6498(4), 627.6675(3), 641.3922(3) FS. History–New 3-2-00, Amended 4-2-01, 4-17-02, 1-20-03,_____.

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

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 11, 2003

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: May 9, 2003

DEPARTMENT OF INSURANCE

RULE TITLE:

RULE NO.:

Notification of Insured’s Rights

and Standard Disclosure Form;

Personal Injury Protection Benefits

4-176.013

PURPOSE, EFFECT AND SUMMARY: To develop a standardized disclosure form to be used in connection with personal injury protection insurance as required by SB 32A adopted by the Legislature, and correct references in the Notification of Insured’s Rights form resulting from the legislation.

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: 624.308(1), 627.7401(1) FS.

LAW IMPLEMENTED: 624.307(1), 627.736, 627.7401, 627.745 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., September 29, 2003

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

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Mike Milnes, Bureau of Property and Casualty Forms and Rates, Office of Insurance Regulation, 200 East Gaines Street, Tallahassee, Florida 32399-0330, (850)413-5306, E-mail MilnesM@dfs.state.fl.us

THE FULL TEXT OF THE PROPOSED RULE IS:

4-176.013 Notification of Insured’s Rights and Standard Disclosure Form; Personal Injury Protection Benefits.

(1) Each insurer issuing a policy in this state providing personal injury protection benefits shall mail or deliver form OIR-B1-~~DI4~~-1149 10/01/01 “Notification of Personal Injury Protection Benefits” ~~which is hereby incorporated herein by reference,~~ to an insured within 21 days after receiving from the insured notice of an automobile accident or claim involving personal injury to an insured who is covered under the policy.

Form DI4-1149 is available from the Bureau of Property and Casualty Forms and Rates, 200 E. Gaines St., Tallahassee, FL 32399-0330.

(2) Form OIR-B1-____, “Standard Disclosure and Acknowledgement Form – Personal Injury Protection – Initial Treatment or Service Provided” shall be utilized by providers as described in Section 627.736(5)(e), F.S.

(3) The forms in subsections (1) and (2) are incorporated herein by reference, and are available from the Bureau of Property and Casualty Forms and Rates, 200 E. Gaines St., Tallahassee, FL 32399-0330, or from the Department of Financial Services website at www.fldfs.com.

Specific Authority 624.308(1), 627.7401(1) FS. Law Implemented 624.307(1), 627.736, 627.7401, 627.745 FS. History—New 10-1-94, Amended 12-6-00, 1-20-02,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Mike Milnes, Bureau of Property and Casualty Forms and Rates, Office of Insurance Regulation

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Shirley Kerns, Bureau Chief, Bureau of Property and Casualty Forms and Rates, Office of Insurance Regulation

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 27, 2003

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 8, 2003

DEPARTMENT OF LAW ENFORCEMENT

Criminal Justice Standards and Training Commission

RULE CHAPTER TITLE: Certification and Employment
 RULE CHAPTER NO.: 11B-27

or Appointment
 RULE TITLE: Maintenance of Officer Certification
 RULE NO.: 11B-27.00212

PURPOSE AND EFFECT: To require completion of Weapons of Mass Destruction and Basic Incident Command System continuing training prior to June 30, 2008.

SUMMARY: Revisions to this rule chapter are necessary to train officers in the learning competency requirements for weapons of mass destruction and basic incident command training.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None.

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

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

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

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

TIME AND DATE: 10:00 a.m., Tuesday, September 30, 2003
 PLACE: 2331 Phillips Road, Elevator Conference Room, Quad A, 3rd Floor, Tallahassee, Florida 32308-1489

NOTICE UNDER THE AMERICANS WITH DISABILITIES ACT: Pursuant with the provisions of the Americans with Disabilities Act, persons requiring special accommodations to participate in this program are requested to please advise the Department at least five days prior to the workshop by contacting: Donna Hunt, (850)410-7900 (Voice) or (850)656-9597 (TDD).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Donna Hunt, Florida Department of Law Enforcement, Criminal Justice Professionalism Program, 2331 Phillips Road, Tallahassee, Florida 32308-1489, (850)410-8615

THE FULL TEXT OF THE PROPOSED RULE IS:

11B-27.00212 Maintenance of Officer Certification.

(1) through (12) No change.

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

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

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

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

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

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

a. Understanding and recognizing terrorism.

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

c. Incident scene security.

d. Self-protection.

e. Personal protective equipment (PPE).

f. Decontamination.

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

a. Incident Command System and Unified Command training.

b. Field operations and tactical considerations.

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

1. Incident Command System course number IS-195.

2. Federal Emergency Management Institute.

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

4. Hospital Incident Command System (HICS).

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

(e) Law enforcement officers who have successfully completed a CMS Application-Based Law Enforcement Basic Recruit Training Program have satisfied both WMD and Basic ICS training requirements.

(f) The CMS Law Enforcement Basic Recruit Training Program satisfies both WMD and Basic ICS training requirements.

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

Specific Authority 943.03(4), 943.12(1) FS. Law Implemented 943.12, 943.13(11), 943.135, 943.1395(3), 943.1701, 943.1715, 943.1716, 943.253 FS. History--New, 11-5-02, Amended _____. Editorial Note: See 11B-27.0023, F.A.C.

NAME OF PERSON ORIGINATING PROPOSED RULE: Ms. Donna Hunt, Government Operations Consultant, Florida Department of Law Enforcement, Criminal Justice Professionalism Program, 2331 Phillips Road, 2331 Phillips Road, Tallahassee, Florida 32308-1489, (850)410-8615

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Manager Vickie Marsey, Florida Department of Law Enforcement, Criminal Justice Professionalism Program

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: July 18, 2003

DEPARTMENT OF LAW ENFORCEMENT

Division of Criminal Justice Information Systems

RULE CHAPTER TITLE: Criminal History Records

RULE CHAPTER NO.: 11C-6

Dissemination Policy

11C-6

RULE TITLE:

RULE NO.:

Procedures for Requesting Criminal

History Records

11C-6.004

PURPOSE AND EFFECT: To update Rule 11C-6.004, F.A.C., to reflect legislative amendments to criminal history fees.

SUMMARY: Revisions to this rule chapter increase the fee for criminal history records requested by persons or entities other than criminal justice agencies to \$23 per record. The amendments also provide that the fee for criminal history records requested by vendors of the Departments of Children and Families, Juvenile Justice, and Elder Affairs will be \$15 per name submitted, and that the fee for requests for volunteers under the National Child Protection Act shall be \$18 per name submitted. Further, the amendment states that Public Defender offices will not be assessed a fee for Florida criminal history information.

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 working days of this notice.

SPECIFIC AUTHORITY: 943.03(4), 943.042 FS.

LAW IMPLEMENTED: 943.031, 943.042 FS.

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

TIME AND DATE: 10:00 a.m., Tuesday, September 30, 2003

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

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Cynthia McGollie, Florida Crime Information Bureau, Criminal Justice Information Services, Florida Department of Law Enforcement, 2331 Phillips Road, Tallahassee, Florida 32308, (850)410-8681

THE FULL TEXT OF THE PROPOSED RULE IS:

11C-6.004 Procedures for Requesting Criminal History Records.

(1) through (2) No change.

(3) Fees.

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

(b) As provided in subsection 943.053(3), F.S., a A processing fee of \$23 ~~15~~ shall be charged for each subject inquired upon under paragraphs (2)(d) through (f), except that a fee of \$8 shall be charged for each subject inquired upon for vendors of the Department of Children and Family Services,

the Department of Juvenile Justice, and the Department of Elderly Affairs; a fee of \$15 shall be charged for each subject inquired upon pursuant to a state criminal history record check required by law to be performed by the Department of Agriculture and Consumer Services; a fee of \$18 shall be charged for each volunteer subject inquired upon under the National Child Protection Act of 1993, as amended; and no fee shall be charged for Florida criminal history information or wanted person information requested by the state offices of the Public Defender. If ~~unless~~ the Executive Director of the Department determines that conducting the record check would be in the interest of law enforcement or criminal justice or that good cause otherwise exists, the prescribed fee may be waived or reduced if the fee is otherwise waivable, as provided in subsection 943.053(3), F.S.

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

(4) No change.

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

NAME OF PERSON ORIGINATING PROPOSED RULE:
John Booth, Assistant General Counsel, Florida Department of Law Enforcement, 2331 Phillips Road, Tallahassee, Florida 32308, (850)410-7676

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Martha Wright, Bureau Chief, User Services, Criminal Justice Information Services, Florida Department of Law Enforcement, 2331 Phillips Road, Tallahassee, Florida 32308

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: July 18, 2003

DEPARTMENT OF LAW ENFORCEMENT

Medical Examiner’s Commission

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

RULE TITLE: Investigation
RULE NO.: 11G-2.003

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

SUMMARY: Revisions to this rule chapter remove the provisions that allow a medical examiner’s designee to sign a death certificate and the requirement that the medical examiner observe the body.

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 working days of this notice.

SPECIFIC AUTHORITY: 406.04 FS.

LAW IMPLEMENTED: 406.11, 406.13 FS.

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

TIME AND DATE: 10:00 a.m., Tuesday, September 30, 2003

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

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Jim Luten, Staff, Medical Examiners Commission, Florida Department of Law Enforcement, 2331 Phillips Road, Tallahassee, Florida 32308

THE FULL TEXT OF THE PROPOSED RULE IS:

11G-2.003 Investigation.

(1) No change.

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

(3) through (5) No change.

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

NAME OF PERSON ORIGINATING PROPOSED RULE: Craig Rockenstein, Regional Legal Advisor, Florida Department of Law Enforcement, 2331 Phillips Road, Tallahassee, Florida 32308, (850)410-7676
 NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Jim Lutten, Staff, Medical Examiners Commission, Florida Department of Law Enforcement, 2331 Phillips Road, Tallahassee, Florida 32308
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 25, 2003
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: July 18, 2003

DEPARTMENT OF LAW ENFORCEMENT

Office of Inspector General

RULE CHAPTER TITLE:	RULE CHAPTER NO.:
Violent Crime Investigative Emergency and Drug Control Strategy Implementation Account	11N-1
RULE TITLES:	RULE NOS.:
Matching Drug Control Investigative Funding	11N-1.0022
Limitations on Violent Crime Investigative Reimbursement Funding	11N-1.003
Limitations on Matching Drug Control Investigative Funding	11N-1.0031
Procedures for Emergency Violent Crime Investigative Funding	11N-1.004
Procedures for Formal Funding Requests for Violent Crime Investigative Reimbursement Funding	11N-1.005
Procedures for Funding Requests for Matching Drug Control Investigative Funding	11N-1.0051
Victim/Witness Protection Program	11N-1.009

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

SUMMARY: Rule 11N-1.0022, F.A.C., adds the provision that the names of targets in drug investigations funded in part by Council funds shall be entered in DrugNet. Rule 11N-1.003, F.A.C., expands the date that violent crime investigations are authorized to receive reimbursement from the Violent Crime and Drug Control Council. Rule 11N-1.0031, F.A.C., provides that drug investigations that have been previously approved by the Council for funding may be considered for additional funding if the requesting agency. Rule 11N-1.004, F.A.C., amends the titles of forms used to gather information from participating agencies. Forms are revised to include definitions and rule references. Rule 11N-1.005, F.A.C., amends the titles of forms used to gather information from participating agencies. Forms are revised to include rule references. Rule 11N-1.0051, F.A.C., amends the titles of forms used to gather information from participating agencies. Forms are revised to exclude "benefits" from overtime calculations and titles,

signature lines rule references. Rule 11N-1.009, F.A.C., filing deadlines and filing address. Form revisions include rule references to definitions. Certain language is amended to conform to Joint Administrative Procedures Committee (JAPC) guidelines.

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 working days of this notice.

SPECIFIC AUTHORITY: 943.03(4), 943.042 FS.

LAW IMPLEMENTED: 943.031, 943.042 FS.

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

TIME AND DATE: 10:00 a.m., Tuesday, September 30, 2003

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

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Joyce Gainous-Harris, Florida Department of Law Enforcement, 2331 Phillips Road, Tallahassee, Florida 32308

THE FULL TEXT OF THE PROPOSED RULES IS:

11N-1.0022 Matching Drug Control Investigative Funding.

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

(a) through (b) No change.

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

1. Mandatory Factors:

a. through g. No change.

h. The proposed investigative effort shall provide that all known targets in a drug investigation proposed to be funded by the Council funds shall be entered into the "DrugNet" database maintained by the Florida Department of Law Enforcement. The funding request shall indicate that such entry has been accomplished. All targets becoming known after application to the Council or after funding by the Council or both shall be promptly entered into "DrugNet." Upon failure to make such

entry, the Council is authorized to suspend funding not yet provided and to direct refund of all unexpended funds previously provided by the Council.

2. No change.

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

11N-1.003 Limitations on Violent Crime Investigative Reimbursement Funding.

(1) Requests for Violent Crime Investigative Reimbursement Funding.

(a) through (e) No change.

(f) Funding provided under this section from the Violent Crime Investigative Emergency and Drug Control Strategy Implementation Account ~~is available only for investigations of violent crime incidents which occurred on or after July 1, 1993. Such funding shall not be used to supplant, take the place of, or substitute for existing appropriations of state and local law enforcement agencies and counties.~~

(2) No change.

(3)(a) through (b) No change.

(c) ~~No R~~ Reimbursement shall be available only for funding for expenses incurred in an agency's current fiscal year, and shall not be provided for expenses incurred in an agency's previous fiscal years shall be provided.

(d) No change.

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

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

(1) through (2) No change.

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

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

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

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

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

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

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

(a) through (d) No change.

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

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

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

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

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

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

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

and shall be mailed to the chairperson of the Florida Violent Crime and Drug Control Council, c/o Florida Department of Law Enforcement, Post Office Box 1489, Tallahassee, Florida 32302. This form can be obtained by written request to the above address.

(2) No change.

(3) Agencies receiving emergency violent crime investigative funding from the Violent Crime Investigative Emergency and Drug Control Strategy Implementation Account shall provide a written quarterly report to the chairperson of the Florida Violent Crime and Drug Control Council of all expenditures from the Account funds. The report shall be accompanied by Form FDLE/OSI-002, Violent Crime Investigative Quarterly Report, 20-004, Violent Crime Investigative Emergency and Drug Control Strategy Implementation Account Quarterly Report, revised 10/08/02 & 2/22/01, hereby incorporated by reference, and shall be mailed to the chairperson of the Florida Violent Crime and Drug Control Council, c/o Florida Department of Law Enforcement, Post Office Box 1489, Tallahassee, Florida 32302. This form can be obtained by written request to the above address. Requesting agencies shall retain documentation supporting expenditures from the Account and make these available during the annual evaluation and audit of the trust fund.

(4) No change.

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

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

(1) through (2) No change.

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

(4) through (5) No change.

(6) Agencies receiving advance funding under this section from the Violent Crime Investigative Emergency and Drug Control Strategy Implementation Account shall provide a written quarterly report to the chairperson of the Florida Violent Crime and Drug Control Council of all expenditures from the Account funds. The report for such advance funding shall be accompanied by Form FDLE/OSI-002 ~~20-004~~.

Requesting agencies shall retain documentation supporting expenditures from the Account and make these available during the annual evaluation and audit of the trust fund.

(7) through (9) No change.

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

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

(1) through (12) No change.

(13) Agencies seeking matching funding under this section shall cooperate with the Team in the agencies' area, and provide all information as requested by the Team to assist in the preparation of a funding request, including information to identify the amounts of funds being committed by each participating agency to be matched by Council matching funds. The head of each requesting agency that seeks to receive Council matching funds shall include in the submission to the Team a certification in writing that to the agency head's best knowledge and belief, the request complies with the requirements established by law and this rule for funding. The agency head shall also agree to provide requested information to the Council to assist the Council in its performance-monitoring obligations and shall agree to retain proof and documentation as may be required by the Council and to submit to any audits or reviews of agency utilization of Council funds or funds derived from any Council-funded investigative effort as may be performed. The request shall be accompanied by Form FDLE/OSI-003, Matching Drug Control and Money Laundering Application, revised 10/08/02, incorporated by reference.

(14) Funding Calculations.

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

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

2. No change.

(b) No change.

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

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

(16) Matching Funding Documentation.

(a) Agencies receiving matching funding under this section shall provide a written quarterly report of expenditures of Council funds and of the progress of the investigative effort. The report shall be prepared in consultation with the Regional Drug Enforcement Coordinating Team and submitted by that Team through the Office of Statewide Intelligence for compilation and presentation to the Council at a quarterly meeting. Form FDLE/OSI-004, Matching Drug Control Quarterly Report, revised 10/08/02, incorporated by reference, shall be utilized to make the report. In addition, the Council may require oral progress reports to be made at Council meetings by a representative of the Regional Drug Enforcement Coordinating Team or a designee of the lead investigative agency in a funded investigative effort.

(b) through (c) No change.

(17) through (18) No change.

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

11N-1.009 Victim/Witness Protection Program.

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

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

(3) Completed forms shall be mailed to:

Chairman, Florida Violent Crime & Drug Control Council
c/o Florida Department of Law Enforcement
Post Office Box 1489
Tallahassee, Florida 32302-1489
Attn: SA Kris Cullen/ Office of Statewide Intelligence

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

NAME OF PERSON ORIGINATING PROPOSED RULE: Fern Rosenwasser, Assistant Legal Counsel, Florida Department of Law Enforcement, 2331 Phillips Road, Tallahassee, Florida 32308, (850)410-7676

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Michael Ramage, General Counsel, Florida Department of Law Enforcement, 2331 Phillips Road, Tallahassee, Florida 32308

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: July 18, 2003

DEPARTMENT OF REVENUE

Communications Services Tax

RULE TITLE: RULE NO.:

Homes for the Aged and Religious and Educational Institutions Exemptions from the Communications Services Tax 12A-19.043

PURPOSE AND EFFECT: The purpose of the proposed amendments to Rule 12A-19.043, F.A.C. (Homes for the Aged and Religious and Educational Institutions Exemptions from the Communications Services Tax) is to implement 2003 legislative changes providing an exemption from the Florida communications services tax and the local communications services tax to qualified homes for the aged.

SUMMARY: The proposed amendments to Rule 12A-19.043, F.A.C.: (1) change the rule title to "Homes for the Aged and Religious and Educational Institutions Exemptions from the Communications Services Tax"; (2) define the term "homes for the aged" for purposes of the exemption; (3) provide that a qualified home for the aged is required to issue an exemption certificate to the selling dealer to purchase communications services tax-exempt; and (4) provide a suggested exemption certificate for such purchases.

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

Any person who wishes to provide information regarding 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: 202.26(3)(c) FS.

LAW IMPLEMENTED: 92.525(2), 202.125(4), 202.13(2), 202.16(4), 202.26(2), 202.34(1),(3), 213.37 FS.

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

TIME AND DATE: 9:00 a.m., September 29, 2003

PLACE: Room 435, Carlton Building, 501 S. Calhoun Street, Tallahassee, Florida

NOTICE UNDER THE AMERICANS WITH DISABILITIES ACT: Any person requiring special accommodations to participate in any proceeding before the Technical Assistance

and Dispute Resolution Office is asked to advise the Department at least 48 hours before such proceeding by contacting Larry Green, (850)922-4830. Persons with hearing or speech impairments may contact the Department by using the Florida Relay Service, which can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

The Department's proposed rules are available on the Department's web site: www.myflorida.com/dor/rules.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Jennifer Silvey, Senior Attorney, Department of Revenue, P. O. Box 7443, Tallahassee, Florida 32314-7443, (850)922-4727

THE FULL TEXT OF THE PROPOSED RULE IS:

12A-19.043 Homes for the Aged and Religious and Educational Institutions Exemptions ~~Exemption~~ from the Communications Services Tax.

(1)(a) The sale of communications services, as defined in Section 202.11(3), F.S., is subject to the Florida communications services tax and the local communications services tax, unless specifically exempt.

(b) This rule provides guidelines regarding sales by religious institutions and the documentation and recordkeeping requirements regarding the exemption for sales to homes for the aged and to religious or educational institutions from the communications services taxes.

(2) SALES TO HOMES FOR THE AGED.

(a) The sale of communications services to a home for the aged, as defined by Section 202.125(4), F.S., is exempt from the Florida communications services tax and the local communications services tax when the home for the aged is exempt from federal income tax under s. 501(c)(3) of the Internal Revenue Code, holds a valid Consumer's Certificate of Exemption (form DR-14) issued by the Department for sales and use tax purposes, and meets one of the following provisions:

1. The home for the aged is licensed as a nursing home or an assisted living facility under Chapter 400, F.S.; or

2. At least 75 percent of the occupants in the home for the aged are 62 years of age or older or totally and permanently disabled and the home for the aged qualifies for an ad valorem property tax exemption under Section 196.196, 196.197, or 196.1975, F.S.

(b) DOCUMENTATION REQUIREMENTS.

1. To be entitled to exemption as a home for the aged at the time of purchase, the purchaser must issue to the selling dealer a certificate signed by an authorized representative stating that the purchases are for a home for the aged, as defined by Section 202.125(4), F.S., that is exempt from federal income tax under s. 501(c)(3) of the Internal Revenue Code. Dealers are not required to obtain copies of Internal

Revenue Service determination letters granting the home for the aged an exemption under s. 501(c)(3) of the Internal Revenue Code.

2. The following is a suggested format to be provided by a home for the aged to the selling dealer.

EXEMPTION CERTIFICATE FOR PURCHASES OF COMMUNICATIONS SERVICES BY HOMES FOR THE AGED

DATE: _____
TO: _____ (Selling Dealer's Business Name)
_____ (Selling Dealer's Address)

I, the undersigned, am a representative of the exempt home for the aged identified below. The purchases of communications services made on or after _____ from the business identified above are for use by the home for the aged identified below.

The charges for the purchases of communications services from the dealer identified above will be billed to and paid directly by the exempt home for the aged identified below. These purchases are exempt from the Florida communications services tax and the local communications services tax because the entity is exempt from federal income tax under s. 501(c)(3) of the Internal Revenue Code, holds a valid Florida Consumer's Certificate of Exemption, and is a "home for the aged," as defined by Section 202.125(4), F.S.

Under penalties of perjury, I declare that I have read the foregoing and that the facts stated in it are true.

AUTHORIZED SIGNATURE ON BEHALF OF THE EXEMPT HOME FOR THE AGED

PRINTED NAME OF AUTHORIZED SIGNATORY AND TITLE

NAME OF THE EXEMPT HOME FOR THE AGED

ADDRESS OF EXEMPT HOME FOR THE AGED
(2) through (4) renumbered (3) through (5) No change.

Specific Authority 202.26(3)(c) FS. Law Implemented 92.525(2), 202.125(4), 202.13(2), 202.16(4), 202.26(2), 202.34(1)(3), 213.37 FS. History--New 1-31-02, Amended 4-17-03,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Jennifer Silvey, Senior Attorney, Department of Revenue, P. O. Box 7443, Tallahassee, Florida 32314-7443, (850)922-4727

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Linda Bridges, Revenue Program Administrator I, Technical Assistance and Dispute Resolution, P. O. Box 7443, Tallahassee, Florida 32314-7443, (850)488-7157

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: Proposed changes to Rule Chapter 12A-19, F.A.C. (Communications Services Tax), were noticed for a rule development workshop in the Florida Administrative Weekly on July 3, 2003 (Vol. 29, No. 27, pp. 2627-2632). A rule development workshop for the proposed amendments to Rule 12A-19.020 (Tax Due at Time of Sale; Tax Returns and Regulations), the proposed creation of Rule 12A-19.036, F.A.C. (Substitute Communications Systems), the proposed amendments to Rule 12A-19.043, F.A.C. (Homes for the Aged and Religious and Educational Institutions Exemptions from the Communications Services Tax), and the proposed amendments to Rule 12A-19.100, F.A.C. (Public Use Forms), was held on August 1, 2003. No comments were received regarding the proposed amendments to Rule 12A-19.043, F.A.C., from persons appearing at the rule development workshop. No written comments have been received by the Department. Technical changes have been made by the Department.

DEPARTMENT OF TRANSPORTATION

RULE CHAPTER TITLE: Incorporation by Reference
RULE TITLE: Toll Facilities Description and Toll Rate Schedule
RULE CHAPTER NO.: 14-15
RULE NO.: 14-15.0081

PURPOSE AND EFFECT: The purpose of this rulemaking to allow the public an opportunity to provide input to changes in the Toll Facilities Description and Toll Rate Schedule required by the construction of a partial interchange on Florida's Turnpike at Jog Road in Palm Beach County. Tolls are proposed to be collected from vehicles entering and exiting the Turnpike southbound. This new interchange is on the Ticket System, approximately one mile north of the SR 80 interchange and approximately one mile south of the existing West Palm Beach interchange.

SUMMARY: The proposed action is being taken to determine the Toll Rate Schedule resulting from the Florida Department of Transportation's construction of a partial interchange at Jog Road and Florida's Turnpike. The Toll Rate Public Hearing is being held in conjunction with the Design Public Hearing for the Jog Road Partial Interchange on Florida's Turnpike, Financial Project ID 406112-1. The required Toll Rate Rule Development Workshop was held on June 24, 2003.

SPECIFIC AUTHORITY: 334.044(2) FS.

LAW IMPLEMENTED: 338.222, 338.231, 338.155 FS.

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.

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

TIMES AND DATE: 6:00 p.m. – Informal Open House; 6:30 p.m. – Formal Hearing, Thursday, October 9, 2003

PLACE: Wynnebrook Elementary School, 1167 Drexel Road, West Palm Beach, Florida

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

14-15.0081 Toll Facilities Description and Toll Rate Schedule.

The Toll Facilities Description and Toll Rate Schedule, adopted November 15, 1987, and amended on February 8, 1988, August 1, 1988, February 2, 1989, May 10, 1989, July 1, 1991, August 1, 1991, November 6, 1991, July 11, 1993, November 28, 1993, September 18, 1994, June 6, 1995, July 9, 1995, January 1, 1996, March 31, 1996, April 28, 1996, June 2, 1996, July 28, 1996, September 23, 1997, November 24, 1997, February 12, 1998, June 30, 1998, July 29, 1998, January 6, 1999, February 9, 1999, April 29, 1999, June 21, 1999, September 4, 2001, March 26, 2002, and April 10, 2003, and _____, is hereby incorporated by this rule and made a part of the rules of the Department. Copies of this Department of Transportation Toll Facilities Description and Toll Rate Schedule and any amendments thereto are available at no more than cost.

Specific Authority 334.044(2), 338.155(1) FS. Law Implemented 338.222, 338.231, 338.155 FS. History—New 11-15-87, Amended 2-8-88, 8-1-88, 2-2-89, 5-10-89, 7-1-91, 8-1-91, 11-6-91, 7-11-93, 11-28-93, 9-18-94, 6-6-95, 7-9-95, 1-1-96, 3-31-96, 4-28-96, 6-2-96, 7-28-96, 9-23-97, 11-24-97, 2-12-98, 6-30-98, 7-29-98, 1-6-99, 2-9-99, 4-29-99, 6-21-99, 9-4-01, 3-26-02, 4-10-03, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: James Ely, Executive Director, Turnpike Enterprise

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: José Abreu, P.E., Secretary

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 26, 2003

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: June 6, 2003

DEPARTMENT OF HIGHWAY SAFETY AND MOTOR VEHICLES

Division of Driver Licenses

RULE CHAPTER TITLE: Breath Alcohol Ignition Interlock Devices
RULE CHAPTER NO.: 15A-9

RULE TITLES:	RULE NOS.:
Authority	15A-9.001
Purpose	15A-9.002
Definitions	15A-9.003
When Ignition Interlock Devices are Required	15A-9.004
Specifications	15A-9.005
Procedure for Ignition Interlock Device Approval	15A-9.006
Certification	15A-9.007
Installation and De-installation	15A-9.008
Servicing	15A-9.009
Monitoring	15A-9.010
Warning Label	15A-9.011
Auditing of Administrative Offices and Service Providers	15A-9.013
Forms	15A-9.014

PURPOSE AND EFFECT: The purpose of the proposed rule action is to amend the current rule to add the implementation and use of ignition interlock devices as specified in Section 316.193, 316.1937 and 316.1938, Florida Statutes. The 2002 Legislature amended Section 316.193, F.S., to require the ignition interlock device to be installed on the vehicles used by certain persons convicted of driving under the influence (DUI). This rule is amended to set minimum specifications for the ignition interlock device, to establish the process for approving a device, and to set servicing and monitoring requirements.

SUMMARY: The proposed rule action allows for the implementation of the use of the breath alcohol ignition interlock devices. The proposed rule sets minimum specifications for the ignition interlock device, including fail points, lockouts, and violations; establishes the process for device approval; outlines servicing requirements, including intervals and data to be collected; and describes monitoring requirements for convicted persons who violate the ignition interlock requirements.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: The costs of the rule actions to the agency will be those normally associated with the administrative processing of rulemaking activity. The proposed rule action will have minimal impact on small entities.

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: 316.193, 316.1937, 316.1938 FS. and Federal Register Vol. 57, No. 67, pages 11772-11787.

LAW IMPLEMENTED: 316.193, 316.1937, 316.1938 FS. and Federal Register Vol. 57, No. 67, pages 11772-11787.

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: Barbara Lauer, Bureau of Driver Education and DUI Programs, Division of Driver Licenses,

Department of Highway Safety and Motor Vehicles, Room B211, Neil Kirkman Building, Tallahassee, Florida 32399-0571, (850)487-1227

THE FULL TEXT OF THE PROPOSED RULES IS:

15A-9.001 Authority.

This chapter is promulgated pursuant to Sections 316.193, 316.1937, and 316.1938, Florida Statutes.

Specific Authority 316.193, 316.1937, 316.1938 FS., Federal Register Vol. 57, No. 67, pages 11772-11787. Law Implemented 316.193, 316.1937, 316.1938 FS., Federal Register Vol. 57, No. 67, pages 11772-11787. History--New 10-12-92, Amended _____.

15A-9.002 Purpose.

The purpose of this chapter is to establish guidelines for certification and installation of Breath Alcohol Ignition Interlock Devices and implementing the use of such devices as required by Sections 316.193, 316.1937, and 316.1938, Florida Statutes.

Specific Authority 316.193, 316.1937, 316.1938 FS., Federal Register Vol. 57, No. 67, pages 11772-11787. Law Implemented 316.193, 316.1937, 316.1938 FS., Federal Register Vol. 57, No. 67, pages 11772-11787. History--New 10-12-92, Amended _____.

15A-9.003 Definitions.

(1) Alcohol. Any substance containing any form of alcohol including, but not limited to, ethanol, methanol, propanol, and isopropanol as defined in Section 322.01(2), Florida Statutes.

(2) Breath alcohol concentration (BrAC). The number of grams of alcohol per 210 liters of breath as defined in Section 322.01(3)(b), Florida Statutes.

(3) Breath test. An analysis of the breath alcohol concentration of an deep lung breath sample.

(4) Calibration. The process which ensures an accurate alcohol concentration reading on an ignition interlock device.

(5)(+) Certification. The testing and approval process required by the Department of Highway Safety and Motor Vehicles.

(6) Convicted person. The person required by the court or the department to drive only motor vehicles that have certified ignition interlock devices installed.

(7) Deep lung breath sample. Also called "alveolar breath sample." An air sample which is the last portion of a prolonged, uninterrupted exhalation and which gives a quantitative measurement of alcohol concentration from which breath alcohol concentrations can be determined. "Alveolar" refers to the aveoli, which are the smallest air passages in the lungs, surrounded by capillary blood vessels and through which an interchange of gases occurs during respiration.

(8)(2) Department. The Department of Highway Safety and Motor Vehicles.

(9)(3) Device. A breath alcohol ignition interlock device.

(4) Driver. The person required by the department to drive only vehicles, which have certified devices installed.

(5) Vendor. The retail supplier of the approved devices. Vendor is also referred to as service provider.

(10) Emergency bypass. A one-time event, authorized by a service provider, that permits the ignition interlock device-equipped motor vehicle to be started without the requirement of passing the breath test.

(11) Fail point. A preset or predetermined breath alcohol level, defined in Section 316.1937, Florida Statutes.

(12) Free restart. The ability to start the engine again within three (3) minutes without completion of another breath test, when the condition exists where a breath test is successfully completed and the motor vehicle is started, but then the engine stops for any reason (including stalling).

(13) Ignition interlock device. A breath alcohol analyzer connected to a motor vehicle's ignition. In order to start the motor vehicle engine, a convicted person must blow a deep lung breath sample into the analyzer, which measures the breath alcohol concentration. If the breath alcohol concentration exceeds the fail point on the ignition interlock device, the motor vehicle engine will not start.

(14) Lockout. The ability of the ignition interlock device to prevent a motor vehicle's engine from starting.

(15)(6) Manufacturer. The actual producer of the ignition interlock device who assembles the product and who may provide distribution and services. ~~The person, company or corporation who produced the device, or a recognized representative thereof.~~

(16) Motor vehicle. Any self-propelled motor vehicle not operated upon rails or guideway, but not including any motorcycle, bicycle, motorized scooter, electric personal assistive mobility device, or moped.

(17) Permanent lockout. A feature of the ignition interlock device in which a motor vehicle will not start until the ignition interlock device is reset by a service provider.

(18) Retest. An additional chance to provide an deep lung breath sample below the alcohol fail point.

(19) Rolling retest. Additional deep lung breath samples required while the motor vehicle is in operation.

(20) Service provider. The retail supplier of the approved ignition interlock devices.

(21) Tampering. An unlawful act or attempt to disable or circumvent the legal operation of the ignition interlock device.

(22) Temporary lockout. A feature of the ignition interlock device which will not allow the motor vehicle to start for time periods specified in Rule 15A-9.005, F.A.C., after a breath test result indicating a BrAC above the fail point.

(23) Violation. An event, such as two (2) breath tests above the fail point upon initial startup, a refusal to provide a rolling retest deep lung breath sample, a rolling retest above the fail point, or tampering, which breaches the guidelines for use of the ignition interlock device.

(24) Violation reset. A feature of the ignition interlock device in which a service reminder is activated due to a violation.

Specific Authority 316.193, 316.1937, 316.1938 FS., Federal Register Vol. 57, No. 67, pages 11772-11787. Law Implemented 316.193, 316.1937, 316.1938 FS., Federal Register Vol. 57, No. 67, pages 11772-11787. History—New 10-12-92, Amended _____.

15A-9.004 When Ignition Interlock Devices Are Required.

(1) When required pursuant to Section 316.193, Florida Statutes. ~~Drivers whose driving privileges have been revoked five years or more for driving under the influence of alcoholic beverages, chemical substances or controlled substances prior to reinstatement on a restricted basis pursuant to Section 322.271, Florida Statutes.~~

(2) When court ordered in accordance with Section 316.1937, Florida Statutes.

(3) When required by the department pursuant to Section 322.271, Florida Statutes.

Specific Authority 316.193, 316.1937, 316.1938, 322.271 FS., Federal Register Vol. 57, No. 67, pages 11772-11787. Law Implemented 316.193, 316.1937, 316.1938, 322.271 FS., Federal Register Vol. 57, No. 67, pages 11772-11787. History—New 10-12-92, Amended _____.

15A-9.005 Specifications.

(1) All ignition interlock devices will be required to meet or exceed the standards set forth in the model specifications published in the Federal Register, Volume 57, No. 67, page 11772 by the National Highway Traffic Safety Administration ~~with the exception of the rolling retest.~~

(2) Technical specifications for the operation and installation of the ignition interlock device shall be described in the contract between the department and the manufacturer(s).

(3)(2) The ignition interlock devices alcohol fail point shall be the level specified by Section 316.1937, Florida Statutes 0.03% w/v, with a virtual lockpoint of 0.05% w/v.

(4) For initial startup of the motor vehicle.

(a) The first breath test above the fail point shall result in a five (5) minute temporary lockout.

(b) The second breath test above the fail point is a violation and shall result in a 30-minute temporary lockout.

(c) The violations reset message shall instruct the convicted person to return the ignition interlock device to the service provider for servicing within five (5) days.

(d) If the ignition interlock device is not reset within five (5) days, a permanent lockout will occur.

(5) A rolling retest feature is required for all ignition interlock devices.

(a) An ignition interlock device shall require a rolling retest within the first five (5) minutes after the start of the motor vehicle and randomly thereafter at least once every 45 minutes but no more than once every 15 minutes as long as the motor vehicle is in operation.

(b) A free restart shall not apply if the ignition interlock device was awaiting a rolling retest that was not delivered.

(c) Any deep lung breath sample above the fail point or any failure to provide a rolling retest deep lung breath sample shall activate the motor vehicle's horn and/or cause the motor vehicle's emergency lights to flash until the engine is shut off by the convicted person.

(d) The first breath test above the fail point shall result in a five (5) minute temporary lockout.

(e) The second breath test above the fail point is a violation and shall result in a 30-minute temporary lockout.

(f) The violations reset message shall instruct the convicted person to return the ignition interlock device to the service provider for servicing within five (5) days.

(g) If the ignition interlock device is not reset within five (5) days, a permanent lockout will occur.

(6) In the case of an emergency bypass, the ignition interlock device must record the event. The ignition interlock device must be reset by a service provider within five (5) days of the emergency bypass to avoid a permanent lockout.

Specific Authority 316.193, 316.1937, 316.1938 FS., Federal Register Vol. 57, No. 67, pages 11772-11787. Law Implemented 316.193, 316.1937, 316.1938 FS., Federal Register Vol. 57, No. 67, pages 11772-11787. History-New 10-12-92, Amended _____.

15A-9.006 Procedure For Ignition Interlock Device Approval Requirement Waiver.

(1) All ignition interlock devices used pursuant to Sections 316.193 and 316.1937, Florida Statutes must be approved by the department.

(2) The department shall contract with a manufacturer or manufacturers of ignition interlock devices for the services and commodities required for implementation of Sections 316.193, 316.1937, and 316.1938, Florida Statutes.

(3) The department shall maintain a list of approved ignition interlock devices.

Any driver may have the device requirement waived by producing evidence that their resident city is more than seventy five miles from the nearest location where a device service center is situated. Mileage will be computed by using a department of transportation map mileage. This waiver is not applicable in court ordered installations.

Specific Authority 316.193, 316.1937, 316.1938 FS., Federal Register Vol. 57, No. 65, pages 11772-11787. Law Implemented 316.193, 316.1937, 316.1938 FS., Federal Register Vol. 57, No. 67, pages 11772-11787. History-New 10-12-92, Amended _____.

15A-9.007 Certification.

(1) Each manufacturer under contract with the department will submit a certification from an independent laboratory certifying that their ignition interlock device has been tested in accordance with the model specifications published in the Federal Register, Volume 57, No. 67, page 11772 by the National Highway Traffic Safety Administration and the ignition interlock device meets or exceeds those specifications, as well as criteria set forth in the contract with the department. The only exception to the specifications is the rolling retest. Federal Register as published in Volume 57, No. 67, page 11772, Tuesday, April 7, 1992 is hereby incorporated by reference.

(2) The manufacturer shall be responsible for the continuing certification of ignition interlock device service providers for use of an approved ignition interlock device. Upon receiving the appropriate documentation the department will issue a certificate (HSMV 72124) to the manufacturer showing the device has been certified for use.

Specific Authority 316.193, 316.1937, 316.1938 FS., Federal Register Vol. 57, No. 65, pages 11772-11787. Law Implemented 316.193, 316.1937, 316.1938 FS., Federal Register Vol. 57, No. 67, pages 11772-11787. History-New 10-12-92, Amended _____.

15A-9.008 Installation and De-installation.

(1) The ignition interlock device must be installed by a manufacturer or his representative in accordance with the Federal Guidelines published in the Federal Register, Volume 57, No. 67, page 11772 by the National Highway Traffic Safety Administration.

(2) An orientation to the ignition interlock device will be developed and delivered by the service provider to the convicted person driver and other persons any family members who may drive the vehicle, including information on all servicing locations, procedures for regular servicing and emergency situations.

(3) Whenever an ignition interlock device is de-installed, the vehicle must be restored to its original condition. All severed wires must be permanently reconnected and insulated with heat shrink tubing or its equivalent.

(4) Prior to installation of the ignition interlock device, the convicted person must provide to the service provider: Upon installation, the manufacturer or his representatives shall complete a notice of proof of installation (HSMV 72122) and submit to Department of Highway Safety and Motor Vehicles within 15 days of installation date.

(a) Photo identification;

(b) The VIN numbers of all motor vehicles owned and/or routinely driven by the convicted person; and

(c) A statement disclosing the names of all other operators of the motor vehicles owned and/or driven by the convicted person

(5) No later than the first service appointment, the convicted person must provide to the service provider a statement from each licensed driver living at the same address as the convicted person acknowledging their understanding of the requirements of the use of the ignition interlock device. De-installation shall be completed after the date indicated on Form HSMV 72125.

Specific Authority 316.193, 316.1937, 316.1938 FS., Federal Register Vol. 57, No. 65, pages 11772-11787. Law Implemented 316.193, 316.1937, 316.1938 FS., Federal Register Vol. 57, No. 67, pages 11772-11787. History—New 10-12-92, Amended _____.

15A-9.009 Servicing.

(1) The convicted person must present photo identification to the service provider for all required services. All BAHD devices will be serviced at 60 day intervals. Servicing entails ensuring precision and accuracy of the device and completion of Form HSMV 72123.

(2) The service provider must ~~The service provider will be required to maintain service centers and will have a 24 hour, toll free number in the event of emergencies with the ignition interlock device.~~

(a) Provide service at intervals specified in the contract with the department;

(b) Calibrate the ignition interlock device;

(c) Retrieve data from the ignition interlock device data log for the previous period and electronically submit it to the department within 3 days of calibration;

(d) Record the odometer reading of the motor vehicle in which the ignition interlock device is installed; and

(e) Check for signs of tampering and electronically report to the department any violation within 48 hours of servicing.

(3) All malfunctions of the ignition interlock device will be repaired or the ignition interlock device replaced by the service provider within 48 hours.

(4) A service provider will be available at the service center during specified hours, to answer questions and to deal with any mechanical concerns that may arise with a vehicle as a result of the ignition interlock device.

(5) The ignition interlock device shall record, at a minimum, the following data:

(a) The time and date of each failed breath test;

(b) The time and date of each passed breath test;

(c) The breath alcohol level of each test; and

(d) The time and date of any attempt to tamper or circumvent the ignition interlock device.

(6) The manufacturer or service provider must maintain a toll-free 24-hour emergency phone service that may be used to request assistance in the event of failure of the ignition interlock device or motor vehicle problems related to operation of the ignition interlock device. The assistance provided by the authorized service provider shall include technical information,

tow service, or road service. The ignition interlock device shall be made functional within 48 hours of the call for assistance or the ignition interlock device shall be replaced.

Specific Authority 316.193, 316.1937, 316.1938 FS., Federal Register Vol. 57, No. 65, pages 11772-11787. Law Implemented 316.193, 316.1937, 316.1938 FS., Federal Register Vol. 57, No. 67, pages 11772-11787. History—New 10-12-92, Amended _____.

15A-9.010 Monitoring.

(1) The licensed DUI programs shall, prior to each periodic update, review the summary report of the ignition interlock device data for each convicted person who is in the Special Supervision Services Program, as described in Chapter 15A-10, Florida Administrative Code. In addition to the periodic update fee listed in Chapter 15A-10, Florida Administrative Code, the fee to be charged by the DUI program shall not exceed \$10. All BAHD devices shall be monitored at 60 day intervals.

(2) The department will refer the convicted person who is not in the Special Supervision Services Program to a licensed DUI program. A record of all tests where alcohol is detected must be recorded by day, date and time.

(a) Upon the first violation, as defined in subsection 15A-9.003(23), F.A.C.

1. The convicted person must schedule an appointment with the DUI program within twenty (20) days from the date of the referral letter. The DUI program shall notify the department within 10 days of when the convicted person contacts the DUI program. If notification is not received within 45 days from the date of the referral letter, the department will cancel the convicted person's driver license.

2. The DUI program shall complete the Ignition Interlock Device Interview Report, HSMV Form 77136 to document the face-to-face interview.

3. The interview fee to be charged by the DUI programs shall not exceed \$25. This is the only fee to be charged for the services except for department-approved ancillary fees, as provided in Chapter 15A-10, Florida Administrative Code.

(b) Upon the second violation, as defined in subsection 15A-9.003(23), F.A.C.

1. The convicted person must schedule an appointment with the DUI program within twenty (20) days from the date of the referral letter. The DUI program shall notify the department within 10 days of when the convicted person contacts the DUI program. If notification is not received within 45 days from the date of the referral letter, the department will cancel the convicted person's driver license.

2. For the remainder of the convicted person's ignition interlock requirement, the convicted person must report monthly to the DUI program.

3. The DUI program shall complete the Ignition Interlock Device Interview Report, HSMV 77136 to document the monthly face-to-face interview. The fee for the initial appointment shall not exceed \$55 and shall include the

development of a case management plan. The monthly fee shall not exceed \$25. These are the only fees to be charged for the services, except for department-approved ancillary fees, as provided in Chapter 15A-10, Florida Administrative Code.

4. Prior to each monthly appointment, the DUI program shall review the summary report of the ignition interlock device data for the convicted person.

5. There shall be no less than 20 days and no more than 40 days between the convicted person's appointments with the DUI program.

6. Failure to contact the DUI program within five (5) business days after the missed appointment to reschedule the appointment shall result in notification to the department of failure to comply.

7. If the convicted person misses two consecutive appointments, the DUI program shall recommend cancellation of the license unless the convicted person has good cause for missing the appointment. Good cause is defined as natural disaster, death in the immediate family, or illness documented by the attending physician. The DUI program shall notify the department on the Letter Recommending Cancellation, HSMV Form 77137, unless good cause is documented.

~~(3) The device must provide a notice to the user that a servicing is scheduled three days in advance of required servicing.~~

~~(4) The device shall remain on interlock if not serviced within seven days following the scheduled servicing requirement.~~

~~(5) The device must be able to record tampering. If disconnected or otherwise tampered with, it must be recorded.~~

~~(6) The device must record day, date, time, BAC level, and test result.~~

~~(7) A report (HSMV 72123) shall be provided to the department by the recognized representative of the manufacturer summarizing all problems related to monitoring/servicing checks and all complaints received by the manufacturer.~~

Specific Authority 316.193, 316.1937, 316.1938, 322.292 FS., Federal Register Vol. 57, No. 65, pages 11772-11787. Law Implemented 316.193, 316.1937, 316.1938, 322.292 FS., Federal Register Vol. 57, No. 67, pages 11772-11787. History—New 10-12-92, Amended _____.

15A-9.011 Warning Label.

All ignition interlock devices that have been approved by the Department shall have affixed a warning label containing the following: "WARNING – Any person tampering, circumventing, or otherwise misusing this device is guilty of a violation of the law and may be subject to civil liability." The cost and supply of the warning labels to be affixed to the ignition interlock devices shall be borne by the manufacturer vendor. The manufacturer vendor shall submit to the department a prototype of the warning label for approval.

Specific Authority 316.193, 316.1937, 316.1938 FS., Federal Register Vol. 57, No. 65, pages 11772-11787. Law Implemented 316.193, 316.1937, 316.1938 FS., Federal Register Vol. 57, No. 67, pages 11772-11787. History—New 10-12-92, Amended _____.

15A-9.013 Auditing of Administrative Offices and Service Providers Listing of Approved Devices.

~~The department may conduct on-site audits of administrative offices and service providers to ensure compliance with the contract. The Department shall maintain a list of approved devices. This list is available upon request by any person, laboratory or court.~~

Specific Authority 316.193, 316.1937, 316.1938 FS., Federal Register Vol. 57, No. 65, pages 11772-11787. Law Implemented 316.193, 316.1937, 316.1938 FS., Federal Register Vol. 57, No. 67, pages 11772-11787. History—New 10-12-92, Amended _____.

15A-9.014 Forms.

The forms identified by this rule are listed below by number, title, and effective date. Each form is incorporated by reference. Copies may be obtained by contacting the nearest office of the Division of Driver Licenses, Bureau of Driver Improvement. The forms are not provided by the department but rather shall be used in the same format and content.

(1) Ignition Interlock Device Interview Report, HSMV Form 77136 (effective _____). ~~Letter Authorizing Restricted Reinstatement of Driving Privilege for "BUSINESS PURPOSES ONLY" HSMV 72120 (07-01-92).~~

(2) Letter Recommending Cancellation, HSMV Form 77137 (effective _____). ~~Authorizing Restricted Reinstatement of Driving Privilege for "EMPLOYMENT PURPOSES ONLY" HSMV 72121 (07-01-92).~~

~~(3) Ignition Interlock Device Installation Verification HSMV 72122 (07-01-92).~~

~~(4) Ignition Interlock Device Report HSMV 72123 (07-01-92).~~

~~(5) Certificate to Manufacturer Showing Device Has Been Certified For Use HSMV 72124 (07-01-92).~~

~~(6) Ignition Interlock Device De-installation Authorization HSMV 72125 (07-01-92).~~

Specific Authority 316.193, 316.1937, 316.1938 FS., Federal Register Vol. 57, No. 65, pages 11772-11787. Law Implemented 316.193, 316.1937, 316.1938 FS., Federal Register Vol. 57, No. 67, pages 11772-11787. History—New 10-12-92, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Barbara Lauer, Bureau of Driver Education and DUI Programs, Division of Drivers Licenses, Department of Highway Safety and Motor Vehicles, Room B211, Neil Kirkman Building, Tallahassee, Florida 32399-0571, (850)487-1227

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Sandra C. Lambert, Director, Division of Drivers Licenses

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 26, 2003

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 8, 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."

PUBLIC SERVICE COMMISSION

DOCKET NO. 030426-EI

RULE TITLE: Definitions
 RULE NO.: 25-6.003

PURPOSE AND EFFECT: The purpose of the amendments is to: 1) update the rules to reflect definitions in The Authoritative Dictionary of IEEE Standard Terms, 7th Edition, published in 2000 (IEEE Standard 100); 2) revise definitions for clarity and consistency; and, 3) eliminate unnecessary definitions.

SUMMARY: Rule 25-6.003, F.A.C., provides definitions for terms that are most commonly used throughout Chapter 25-6, F.A.C.. The rule change provides that the terms used to regulate electric service are defined within Rule 25-6.003, F.A.C., or IEEE Standard 100, the Authoritative dictionary of IEEE Standards Terms, 7th Edition, except to the extent and for the purposes that terms are defined elsewhere in Chapter 25-6, F.A.C., Florida Administrative Code. In addition, the definition of 'point of delivery' was revised so that the definitions of 'service conductors' and 'service entrance conductors' were not needed. The definition of the term 'customer installation' was deleted.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: A Statement of Estimated Regulatory Costs was not prepared for this proposed rule.

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

SPECIFIC AUTHORITY: 366.05(1) FS.

LAW IMPLEMENTED: 366.05(1) FS.

WRITTEN COMMENTS OR SUGGESTIONS ON THE PROPOSED RULE MAY BE SUBMITTED TO THE FPSC, DIVISION OF THE COMMISSION CLERK AND ADMINISTRATIVE SERVICES, WITHIN 21 DAYS OF THE DATE OF THIS NOTICE FOR INCLUSION IN THE RECORD OF THE PROCEEDING.

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

If any person decides to appeal any decision of the Commission with respect to any matter considered at the rulemaking hearing, if held, a record of the hearing is necessary. The appellant must ensure that a verbatim record,

including testimony and evidence forming the basis of the appeal is made. The Commission usually makes a verbatim record of rulemaking hearings.

Any person requiring some accommodation at this hearing because of a physical impairment should call the Division of the Commission Clerk and Administrative Services, (850)413-6770, at least 48 hours prior to the hearing. Any person who is hearing or speech impaired should contact the Florida Public Service Commission by using the Florida Relay Service, which can be reached at 1(800)955-8771 (TDD).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Jim Breman, Florida Public Service Commission, 2540 Shumard Oak Blvd., Tallahassee, Florida 32399-0862, (850)413-6664

THE FULL TEXT OF THE PROPOSED RULE IS:

25-6.003 Definitions.

(1) Definitions of general applicability.

The definitions of terms used in this chapter shall be as stated in the Authoritative Dictionary of IEEE Standard Terms, 7th edition, published in December 2000, except to the extent and for the purposes that the terms are defined elsewhere in this chapter. The definitions in Section(2) shall be used for all purposes in this chapter.

~~Unless otherwise defined in Rule 25-6.003, F.A.C., below, Rule 25-6.075, F.A.C., or in adopted national codes, pursuant to Rule 25-6.034, F.A.C., the definition of the terms used in Chapter 25-6, F.A.C., shall be as stated in the IEEE Dictionary of Electrical and Electronic terms.~~

(2) Definitions of terms.

(1) through (2) renumbered (a) through (b) No change.

~~(3) "Customer's Installation." Wires, enclosures, switches, appliances, and other apparatus, including the service entrance and service equipment, forming the customer's facilities utilizing service for any purpose on the customer's side of the point of delivery.~~

~~(c)(4) No change.~~

(d)(5) "Point of Delivery." The first point of connection between the facilities of the serving utility and the premises wiring. first point of attachment where the utility's service drop or service lateral is connected to the customer's service entrance conductors either at a riser, in a terminal box, or meter or other enclosure inside or outside the building wall.

~~(e)(6) No change.~~

~~(7) "Service Conductors." The overhead conductors from the last pole or other aerial support to the point of delivery including the splices, if any, connecting the service drop to the service entrance conductors.~~

~~(f)(8) No change.~~

~~(9) "Service Entrance Conductors, Underground System." The service conductors between the terminals of the service equipment and the point of connection of the service lateral.~~

~~(10) "Service Equipment." The customer's equipment, usually consisting of circuit breaker or switch and fuses, and their accessories, connected to the supply conductors of a building.~~

(11) through (12) renumbered (g) through (h) No change.

Specific Authority 366.05(1) FS. Law Implemented 366.05(1) FS. History--New 7-29-69, Amended 4-13-80, Formerly 25-6.03, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
 Jim Breman, Florida Public Service Commission, 2540 Shumard Oak Blvd., Tallahassee, Florida 32399-0862, (850)413-6664

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Florida Public Service Commission
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 19, 2003

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: May 9, 2003

PUBLIC SERVICE COMMISSION

DOCKET NO. 030712-GU

RULE TITLES:	RULE NOS.:
Records and Reports in General	25-7.014
Location and Preservation of Records	25-7.015
Annual Reports	25-7.135
Diversification Reports	25-7.1351
Earnings Surveillance Report	25-7.1352
Forecasted Earnings Surveillance Report	25-7.1353

PURPOSE AND EFFECT: Rule 25-7.014, F.A.C., is to be amended to update the reference to the most recent Uniform System of Accounts, Code of Federal Regulations, Part 201, as of April 1, 2002. Rule 25-7.015, F.A.C., is to be amended to update the reference to the most recent "Preservation of Records of Natural Gas Companies," Code of Federal Regulations (CFRs), Part 225, as of April 1, 2002. Also, the rule has been amended to included seven exceptions to the retention periods incorporated in the CFRs, Part 225, as of April 1, 2002. Due to the time between rate proceedings, audits, and other matters before the Commission a longer retention period is necessary for these records. Rule 25-7.135, F.A.C., is to be amended to update the reference to the revised Commission Form PSC/ECR 020-G, entitled "Annual Report of Natural Gas Utilities." In an effort to simplify the reporting requirements, some schedules have been deleted while other schedules have been consolidated. Rule 25-7.1351, F.A.C., is to be repealed as the information provided in this report has been incorporated as part of Commission Form 020-G, as adopted by Rule 25-7.135, F.A.C. This repeal eliminates a reporting requirement that is currently included in the utility's annual report. Rule 25-7.1352, F.A.C., is to be amended to update the reference to the revised Commission Form PSC/ECR 013-G, entitled "Investor-Owned Natural Gas Utility Earnings Surveillance Report (ESR)." The year end schedules have been deleted since average schedules are used

to monitor earnings. Also, the amendment changes the filing of monthly ESRs to quarterly filings. Rule 25-7.1353, F.A.C., is to be amended to require each investor-owned natural gas utility with more than 50,000 customers to file with the Commission its forecasted financial information on Commission Form PSC/ECR 023-G, entitled "Investor-Owned Natural Gas Utility Forecasted Earnings Surveillance Report." Changing the monthly ESR to quarterly makes the forecasted ESR more crucial for monitoring earnings.

SUMMARY: Rule 25-7.014, F.A.C., is to be amended to update the reference to the most recent Uniform System of Accounts, Code of Federal Regulations, Part 201, as of April 1, 2002. Rule 25-7.015, F.A.C., is to be amended to update the reference to the most recent "Preservation of Records of Natural Gas Companies," Code of Federal Regulations (CFRs), Part 225, as of April 1, 2002. Also, the rule has been amended to included seven exceptions to the retention periods incorporated in the CFRs, Part 225, as of April 1, 2002. Due to the time between rate proceedings, audits, and other matters before the Commission a longer retention period is necessary for these records. Also, a definition of good cause was added to the rule. Rule 25-7.135, F.A.C., is to be amended to update the reference to the revised Commission Form PSC/ECR 020-G, entitled "Annual Report of Natural Gas Utilities." In an effort to simplify the reporting requirements, some schedules have been deleted while other schedules have been consolidated. Also, a definition of good cause was added to the rule. Rule 25-7.1351, F.A.C., is to be repealed as the information provided in this report has been incorporated as part of Commission Form 020-G, as adopted by Rule 25-7.135, F.A.C. This repeal eliminates a reporting requirement that is currently included in the utility's annual report. Rule 25-7.1352, F.A.C., is to be amended to update the reference to the revised Commission Form PSC/ECR 013-G, entitled "Investor-Owned Natural Gas Utility Earnings Surveillance Report (ESR)." The year end schedules have been deleted since average schedules are used to monitor earnings. Also, the amendment changes the filing of monthly ESRs to quarterly filings. Also, a definition of good cause was added to the rule. Rule 25-7.1353, F.A.C., is to be amended to require each investor-owned natural gas utility with more than 50,000 customers to file with the Commission its forecasted financial information on Commission Form PSC/ECR 023-G, entitled "Investor-Owned Natural Gas Utility Forecasted Earnings Surveillance Report." Changing the monthly ESR to quarterly makes the forecasted ESR more crucial for monitoring earnings. Also, a definition of good cause was added to the rule.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: A Statement of Estimated Regulatory Costs was not 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: 366.05(1), 350.127(2) FS.

LAW IMPLEMENTED: 366.05(1)(9),(11), 366.08, 366.093(1), 350.117(1), 366.04(2)(f) FS.

WRITTEN COMMENTS OR SUGGESTIONS ON THE PROPOSED RULE MAY BE SUBMITTED TO THE FPSC, DIVISION OF THE COMMISSION CLERK AND ADMINISTRATIVE SERVICES, WITHIN 21 DAYS OF THE DATE OF THIS NOTICE FOR INCLUSION IN THE RECORD OF THE PROCEEDING.

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

If any person decides to appeal any decision of the Commission with respect to any matter considered at the rulemaking hearing, if held, a record of the hearing is necessary. The appellant must ensure that a verbatim record, including testimony and evidence forming the basis of the appeal is made. The Commission usually makes a verbatim record of rulemaking hearings.

Any person requiring some accommodation at this hearing because of a physical impairment should call the Division of the Commission Clerk and Administrative Services, (850)413-6770, at least 48 hours prior to the hearing. Any person who is hearing or speech impaired should contact the Florida Public Service Commission by using the Florida Relay Service, which can be reached at 1(800)955-8771 (TDD).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Dale Mailhot, Florida Public Service Commission, 2540 Shumard Oak Blvd., Tallahassee, Florida 32399-0862, (850)413-6418

THE FULL TEXT OF THE PROPOSED RULES IS:

25-7.014 Records and Reports in General.

(1) Each natural gas utility shall maintain its accounts and records in conformity with the Uniform System of Accounts for Natural Gas Companies (USOA) as found in the Code of Federal Regulations, Title 18, Subchapter F, Part 201, for Major Utilities as revised, April 1, ~~2002~~ 2000, and as modified below. All inquiries relating to interpretation of the USOA shall be submitted to the Commission's Division of Economic Regulation in writing.

(2) through (6) No change.

Specific Authority 366.05(1), 350.127(2) FS. Law Implemented 366.05(1) FS. History—Amended 7-19-72, Repromulgated 1-8-75, 5-4-75, Amended 12-30-75, 9-28-81, 11-18-82, Formerly 25-7.14, Amended 10-1-86, 4-4-88, 7-20-89, 12-27-94, 4-22-96, _____.

25-7.015 Location and Preservation of Records.

(1) through (2)(b) No change.

1. For any utility that makes its out-of-state records available at the utility's office located in Florida or at another mutually agreed upon location in Florida within 10 working days from the Commission's initial request. If a utility would like more than 10 working days, it must submit a request for approval of a time extension stating the date by which it would like to make the records available. A request for approval of a time extension shall only be granted for good cause. To establish good cause for a time extension, the utility must show that:

a. The nature of the issues, the volume of the records, or the type of record is such that assembling and providing the records requires more than 10 days;

b. The utility has worked diligently to assemble the records; and

c. The additional time requested is both reasonable and necessary given the utility's particular circumstances.

~~If 10 working days is not reasonable because of the complexity and nature of the issues involved or the volume and type of material requested, the Commission may establish a different time frame for the utility to bring records into the state.~~ For individual data requests made during an audit, the response time frame established in Rule 25-7.0151, Florida Administrative Code, shall control; or

2. No change.

(3) All records shall be preserved in accordance with the Federal Energy Regulatory Commission's regulations, Title 18, Subchapter F, Part 225, Code of Federal Regulations, entitled "Preservation of Records of Natural Gas Companies" as revised, April 1, ~~2002~~ 1994, which is incorporated by reference into this rule, with the exception of the records listed in section (3)(a) of this rule. Item 64 (Records of predecessors and former associates) of the Schedule of records and periods of retention contained in Title 18, Subchapter F, Section 225.3, Code of Federal Regulations. Instead, utilities shall retain records listed in section (3)(a) of this rule for the periods indicated of acquired companies until permission for disposal is petitioned for and approved by the Florida Public Service Commission.

(a) The Code of Federal Regulations Items listed below are exceptions to the Schedule of Records and Periods of Retention contained in Title 18, Subchapter F, Section 225.3, Code of Federal Regulations:

1. Item 2(a), minute books of stockholders', directors', and directors' committee meetings, earlier of 20 years or termination of corporation's existence;

2. Item 6(a)(1), general ledgers, 20 years;

3. Item 6(a)(2), ledgers subsidiary or auxiliary, 20 years;

- 4. Item 7, journals: general and subsidiary, 20 years;
- 5. Item 8(a), journal vouchers and journal entries, 20 years;

6. Item 20(a), appraisals and valuations made by the company of its properties or investments or of the properties or investments of any associated companies (includes all records essential thereto.), 10 years after appraisal.

~~(b)(a)~~ However, all source documents retained as required by Title 18, Subchapter F, Part 225, Code of Federal Regulations shall be maintained in their original form for a minimum of three years, or for any lesser period of time specified for that type of record in Title 18, Subchapter F, Part 225, Code of Federal Regulations, after the date the document was created or received by the utility. This paragraph does not require the utility to create paper copies of documents where the utility would not otherwise do so in the ordinary course of its business. A utility may request approval to The Commission may waive the requirement that documents be retained in their original form. Such request must show upon a showing by a utility that the utility it employs a storage and retrieval system that consistently produces clear, readable copies that are substantially equivalent to the originals, and clearly reproduces handwritten notations on documents.

~~(c)(b)~~ No change.

Specific Authority 366.05(1)(9),(11), 366.08, 366.093(1), 350.127(2) FS. Law Implemented 366.05(1)(9),(11), 366.08, 366.093(1) FS. History—Amended 7-19-72, Repromulgated 1-8-75, Amended 12-30-75, 9-28-81, 11-28-82, 10-1-86, 4-4-88, 11-13-95, _____.

25-7.135 Annual Reports.

(1) Each investor-owned natural gas utility shall file annual reports with the Commission on Commission Form PSC/ECR ~~020-G(/) 20 (4/96)~~ which is incorporated by reference into this rule. Form PSC/ECR ~~020-G 20~~, entitled “Annual Report of Natural Gas Utilities”, may be obtained from the Commission’s Division of Economic Regulation. These reports shall be verified by a responsible accounting officer of the company making the report and shall be due on or before April 30 for the preceding calendar year. A utility may file a written request for an extension of time with the Division of Economic Regulation no later than April 30. One extension of 31 days will be granted upon request. A request for Commission approval of a longer extension must be accompanied by a statement of good cause and shall specify the date by which the report will be filed. Good cause means a demonstration that the utility has worked diligently to prepare the report and that the additional time period requested to submit the report is both reasonable and necessary.

(2) The utility shall also file with the original and each copy of the annual report form, or separately within 30 days, a letter or report, signed by an independent certified public accountant, attesting to the conformity in all material respects of the Comparative Balance Sheet, Statement of Income, ~~and~~

~~Statement of Cash Flows~~ and any applicable notes from Form PSC/ECR ~~020-G 20~~ with the Commission’s applicable uniform system of accounts and published accounting releases.

(3) No change.

Specific Authority 366.05(1), 350.127(2) FS. Law Implemented 366.05(1) FS. History—New 12-27-94, Amended 4-15-96, _____.

25-7.1351 Diversification Reports.

Specific Authority 366.05(1), 350.127(2) FS. Law Implemented 366.05(1) FS. History—New 12-27-94, Amended 4-15-96, ~~Repealed~~ _____.

25-7.1352 Earnings Surveillance Report.

(1) Each investor-owned natural gas utility shall file rate of return data using Commission Form PSC/ECR ~~013-G (/) 13 (5/96)~~, which is incorporated by reference into this rule. Form PSC/ECR ~~013-G 13~~, entitled “Investor-Owned Natural Gas Utility Earnings Surveillance Report,” may be obtained from the Commission’s Division of Economic Regulation.

(2) The report shall be filed:

(a) ~~Quarterly~~ Monthly, by the 15th day of the second month following the reported ~~quarter~~ month for natural gas utilities with 25,000 ~~50,000~~ or more customers.

~~(b) Quarterly, by the 15th day of the second month following the reported quarter for natural gas utilities with fewer than 50,000 customers and more than 5,000 customers.~~

~~(b)(e)~~ Semiannually, by the 15th day of the second month following the reported period for natural gas utilities with 25,000 ~~5,000~~ or fewer customers.

(3) A utility may file a written request for an extension of time with the Division of Economic Regulation prior to the due date of the report. One extension of 31 days will be granted upon request. A request for Commission approval of a longer extension must be accompanied by a statement of good cause and shall specify the date by which the utility proposes to file the report the report will be filed. Good cause means a demonstration that the utility has worked diligently to prepare the report and that the additional time period requested to submit the report is both reasonable and necessary.

Specific Authority 350.127(2) FS. Law Implemented 350.117(1), 366.04(2)(f) FS. History—New 11-18-82, Formerly 25-7.24, Amended 4-23-92, Formerly 25-7.024, Amended 6-10-94, 5-8-96, _____.

25-7.1353 Forecasted Earnings Surveillance Report.

(1) Each investor-owned natural gas utility with more than 50,000 customers ~~that is not under an incentive regulation plan or not subject to an earnings cap~~ shall file with the Commission its forecasted financial information on Commission Form PSC/ECR ~~023-G (/) 23 (1/95)~~ which is incorporated into this rule by reference. Form PSC/ECR ~~023-G 23~~, entitled “Investor-Owned Natural Gas Utility Forecasted Earnings Surveillance Report”, may be obtained from the Commission’s Division of Economic Regulation. The report shall be verified by the responsible officer of the utility making the report. The

report shall be due no later than 60 days after the end of the fiscal year, and shall contain the forecasted financial information for the following fiscal year.

(2) A utility may file a written request for an extension of time with the Division of Economic Regulation no later than 60 days after the end of the fiscal year. One extension of 15 days will be granted upon request. A request for approval of a longer extension must be accompanied by a statement of good cause and shall specify the date by which the utility proposes to file the report ~~report will be filed.~~ Good cause means a demonstration that the utility has worked diligently to prepare the report and that the additional time period requested to submit the report is both reasonable and necessary.

(3) No change.

Specific Authority 350.127(2), 366.05(1) FS. Law Implemented 350.117(1), 366.05(1) FS. History—New 1-11-95, Amended

NAME OF PERSON ORIGINATING PROPOSED RULE:
Dale Mailhot, Florida Public Service Commission, 2540 Shumard Oak Blvd., Tallahassee, Florida 32399-0862, (850)413-6418

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Florida Public Service Commission
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 19, 2003

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: June 13, 2003

PUBLIC SERVICE COMMISSION

DOCKET NO. 030575-PU

RULE TITLE: Customer Complaints
RULE NO.: 25-22.032

PURPOSE AND EFFECT: To streamline the process for handling customer complaints; to put utility companies in more direct contact with their customers for resolution of complaints; to clarify that the complaint procedure is designed to address only those complaints that fall within the Commission’s jurisdiction; to delineate information filing deadlines where the rule is currently silent; to implement the e-mail transfer connection program; to allow for a company’s use of a customer complaint liaison; to establish a Commission staff complaint review panel; and to allow for extensions of time for filing information in emergency circumstances.

SUMMARY: The rule amendments clarify that the complaint procedure is designed to address only those complaints that fall within the Commission’s jurisdiction; it will require that telephone, e-mail and written complaints be forwarded directly to the utility company for resolution in most instances; it will provide response dates to Commission staff inquiries for additional information from companies; it reflects the implementation of the e-mail transfer connection program; it allows for the use of a complaint liaison; it establishes the Process Review Team, which will review complaints before

they are forwarded to an informal conference; it will ensure that the issues addressed at the informal conference are clearly delineated; and it provides for extensions of time for filing required information in emergency situations.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No statement of estimated regulatory costs was prepared.

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

SPECIFIC AUTHORITY: 350.127(2), 364.19, 364.0252, 366.05, 367.121 FS.

LAW IMPLEMENTED: 364.01, 364.0252, 364.03(1), 364.183, 364.185, 364.15, 364.19, 364.337(5), 366.03, 366.04, 366.05, 367.011, 367.111, 367.121, 120.54, 120.569, 120.57, 120.573 FS.

WRITTEN COMMENTS OR SUGGESTIONS ON THE PROPOSED RULE MAY BE SUBMITTED TO THE FPSC, DIVISION OF THE COMMISSION CLERK AND ADMINISTRATIVE SERVICES, WITHIN 21 DAYS OF THE DATE OF THIS NOTICE FOR INCLUSION IN THE RECORD OF THE PROCEEDING.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Samantha Cibula, Florida Public Service Commission, 2540 Shumard Oak Blvd., Tallahassee, Florida 32399-0862, (850)413-6202

THE FULL TEXT OF THE PROPOSED RULE IS:

25-22.032 Customer Complaints.

(1) Intent; Application and Scope.

It is the Commission’s intent that disputes between regulated companies and their customers be resolved as quickly, effectively, and inexpensively as possible. This rule establishes informal customer complaint procedures that are designed to address disputes, subject to the Commission’s jurisdiction, that occur between regulated companies and individual customers ~~accomplish that intent. This rule applies to all companies regulated by the Commission.~~ It provides for expedited processes for customer complaints that can be resolved quickly by the customer and the company ~~without extensive Commission participation.~~ It also provides a process for informal Commission staff resolution of complaints that cannot be resolved by the company and the customer.

(2) Processing of Complaints.

(a) Any customer of a Commission regulated company may file a complaint with the Division of Consumer Affairs whenever the customer has an unresolved dispute with the company regarding electric, gas, telephone, water, or

wastewater service that is subject to the Commission's jurisdiction. The complaint may be communicated orally or in writing. The complaint shall include the name of the company against which the complaint is made, the name of the customer of record, and the customer's service address. Upon receipt of ~~a~~ the complaint by telephone, Commission a staff member will determine if the customer has contacted the company ~~and,~~

(b) In the case of complaints made by telephone, if the customer agrees, Commission staff will put the customer in contact with the company for resolution of the complaint using the telephone transfer-connect system described in subsection (4)(3), or by other appropriate means if the company does not subscribe to the telephone transfer-connect system. If the customer does not agree to be put in contact with the company, then, in the case of for those companies subscribing to the telephone transfer-connect system, the staff member will submit the complaint to the company for resolution in accordance with the provisions three-day complaint resolution process set forth in subsection (5)(4).

(c) For those companies not subscribing to the telephone transfer-connect or to the E-mail transfer system described in subsection (4), the staff member will submit the complaint to the company for resolution in accordance with the provisions of subsection (6)(5).

(3) Protection from Disconnection. During the complaint process described in sections (5)-(9), a company shall not discontinue service to a customer because of any unpaid disputed amount until the complaint is closed by Commission staff. However, the company may require the customer to pay that part of a bill which is not in dispute. If the company and the customer cannot agree on the amount in dispute, Commission staff will make a reasonable estimate to establish an interim disputed amount until the complaint is closed by Commission staff. If the customer fails to pay the undisputed portion of the bill, the company may discontinue the customer's service pursuant to Commission rules.

(4)(3) Telephone Transfer-connect and E-mail Transfer systems.

(a) Each company subject to regulation by the Commission may provide a telephone transfer-connect (warm transfer) telephone number by which the Commission may directly transfer a customer to that company's customer service personnel. When the telephone transfer is complete, any further charges for the call shall be the responsibility of the company and not the Commission or the customer. Each company that subscribes to the telephone transfer-connect system must provide customer service personnel to handle transferred calls during the company's normal business hours and at a minimum from Monday through Friday, 9:00 a.m. to 4:00 p.m., Eastern time, excluding all holidays observed by the company. Telephone transfer-connect calls shall not be initially answered by a recorded voice but shall be answered by a person ready to receive information about the complaint.

(b) A company may also provide to the Commission an E-mail address by which the customer may directly E-mail a complaint to the company's customer service personnel from the Commission's Internet Web site. The company shall acknowledge the customer's E-mail to the customer by no later than the working day after the date of receipt.

(5)(4) Complaints resolved within three (3) days by companies participating in the Telephone Transfer-Connect System or the E-mail Transfer System. Companies that subscribe to the telephone transfer-connect or E-mail transfer system may resolve a customer complaints within three days in the following manner:

(a) The Commission staff member handling the complaint will forward a description of the complaint to the company for response and resolution. The three day period will begin the working day after at 5:00 p.m. on the day the information is sent to the company and end at 5:00 p.m. Eastern time on the third working day, excluding weekends and company holidays. If the company satisfactorily resolves the complaint, the company shall notify Commission the staff member of the resolution in writing by no later than 5:00 p.m. Eastern time on the third day.

(b) The Commission will contact the customer to confirm that the complaint has been resolved. If the customer does not object to the company's resolution to the complaint confirms that the complaint has been resolved, the complaint will not be reported in the total number of complaints shown for that company in the Commission's Consumer Complaint Activity Report. However, the Commission will retain the information for use in enforcement proceedings, or for any other purpose necessary to perform its regulatory obligations.

(c) If the customer informs the Commission staff member that the complaint has not been resolved, the Commission staff will notify the company and require a full report as prescribed in subsection (6)(5).

(d) For purposes of this subsection a complaint will be considered "resolved" if the company report indicates that the problem has been corrected or the company report indicates that the company and the customer have agreed to a plan to correct the problem, and the customer indicate that the problem has been corrected, or the company and the customer indicate that they have agreed to a plan to correct the problem.

(6)(5) General Commission Staff Complaint Investigation. Complaints not resolved within three days.

If the customer is not placed in direct contact with the company by means of the telephone transfer connect or E-mail transfer system for resolution of his complaint, does not agree to contact the company directly, if the customer is not satisfied with the company's proposed resolution of the complaint, or if the company does not subscribe to the transfer-connect system, a Commission staff member will investigate the complaint and attempt to resolve the dispute in the following manner:

(a) Commission The staff member will acknowledge receipt of the complaint to the customer, notify the company of the complaint and request a written response from the company. Notification to the company by Commission staff will be to the primary Commission liaison for each certificate unless the company has provided to the Director of the Division of Consumer Affairs a name, address, telephone and facsimile numbers and E-mail address for a separate point of contact for complaint handling for each certificate. It is preferable for a company to have a single point of contact for complaint handling but a company may identify up to a maximum of three points of contact for complaint handling per certificate. However, if Commission staff directs a complaint to any one of the identified multiple complaint handling contacts, the company shall process the complaint and not return the complaint to Commission staff for redirecting the complaint to other company points of contact. The company shall provide its response to the complaint within fifteen (15) working days.

(b) Unless the Commission staff requests that the company not contact the customer directly, the company shall make direct contact with the customer verbally or in writing and provide to the customer its response to the complaint within 15 working days after the Commission staff sends the complaint to the company. Responses sent by mail must be postmarked within the 15 working day time period. The company shall also provide to the Commission staff, within 15 working days after the Commission staff sends the complaint to the company, a written response to the customer's complaint. However, in the case of those complaints where the company has proposed, under the provisions of subsection (5) of this rule (complaints resolved in 3 days), a resolution with which the customer is not satisfied, the company shall respond within twelve (12) working days of the case being resent to the company.

(c) The company's response to the Commission staff shall explain the company's likely cause of the problem, all actions taken by the company to resolve the customer's complaint, and the company's resolution or proposed resolution of the complaint and shall answer any specific questions raised by Commission staff. The company response shall also include letters or E-mails sent to the customer that contain the company's proposed resolution of the complaint or statement of position in addressing or resolving the complaint. Upon Commission staff request, other documentation related to the complaint shall be provided to Commission staff. ~~actions in the disputed matter and the extent to which those actions were consistent with applicable statutes and regulations. The response shall also describe all attempts to resolve the customer's complaint. If the company's proposed resolution has not yet been implemented at the time of the response to the Commission staff and customer, the company shall fully set forth in its response the steps that will be taken by the company to resolve the complaint and the dates by which each step will be taken by the company. The company shall promptly notify~~

the customer if it is subsequently unable to take its proposed action as scheduled and shall provide to the customer and, upon request, to Commission staff, a new resolution schedule for the complaint.

(d) Commission staff will not normally further respond to the customer. However, if a customer objects to the company response to the complaint, the customer may request further review of the complaint by Commission staff. Commission staff will then propose a resolution of the complaint. The proposed resolution to the customer may be either oral or written. Upon request of either the customer or the company, Commission staff shall provide the proposed resolution in writing.

(e)(b) Commission The staff member investigating the complaint may request copies of bills, billing statements, field reports, written documents, or other information in the participants' possession that may be necessary to resolve the dispute. The company shall respond in 7 working days to each subsequent request by staff after the initial company response. If a complete response cannot be provided in the 7 working days, the company shall provide an update regarding the response every 15 working days until the response is completed. Such update shall identify all actions taken since the last report, an explanation of why a complete response cannot be provided, and a time schedule for providing a complete response. Commission The staff member may perform, or request the company to perform, any tests, on-site inspections, and reviews of company records necessary to aid in the resolution of the dispute.

(6) ~~During the complaint process, a company shall not discontinue service to a customer because of any unpaid disputed bill. However, the company may require the customer to pay that part of a bill which is not in dispute. If the company and the customer cannot agree on the amount in dispute the staff member will make a reasonable estimate to establish an interim disputed amount until the complaint is resolved. If the customer fails to pay the undisputed portion of the bill the company may discontinue the customer's service pursuant to Commission rules.~~

(7) Process Review Team.

(a) If the customer or the company is not in agreement with Commission staff's proposed resolution, the Division of Consumer Affairs will refer the complaint to a Process Review Team consisting of staff from the Office of the General Counsel, the Division of Consumer Affairs, and the appropriate technical division. This Process Review Team will review the complaint file to determine further handling of the complaint.

(b) If the Process Review Team finds that the subject matter of the complaint may be within the Commission's jurisdiction, that the relief sought can possibly be granted by the Commission, that the basis of the complaint is not an objection to current statutes, rules, company tariffs, or orders

of the Commission, and that a violation of an applicable statute, rule, company tariff or order of the Commission may have occurred, the Division of Consumer Affairs shall schedule an informal conference. The fact that an informal conference is scheduled shall not preclude any participant or Commission staff from later taking a position that the complaint does not fall into one or more of the above categories.

(c) The Process Review Team will recommend that the Office of the General Counsel send a closure letter to the participants if the team finds that:

1. The case involves issues or concerns that fall outside the jurisdiction of the Commission,

2. The relief sought cannot be provided by the Commission,

3. The basis of the complaint is an objection to current statutes, rules, company tariffs, or orders of the Commission, or

4. It does not appear that a violation of applicable statutes, rules, company tariffs, or orders of the Commission occurred.

(d) Once the closure letter has been sent, the case will be closed. The staff member will propose a resolution of the complaint based on the information provided by all participants to the complaint and applicable statutes and regulations. The proposed resolution may be either oral or written. Upon request, either participant shall be entitled to a written copy of the proposed resolution.

(8) Informal Conference.

(a) If the Process Review Team identifies a complaint for an informal conference, Division of Consumer Affairs staff will notify the company and provide to the customer a Dispute Resolution form (PSC/CAF10) via certified mail. The customer shall return the completed Dispute Resolution Form (PSC/CAF10) to the Division of Consumer Affairs postmarked within 15 working days after the date of its being sent to the customer. If the completed Dispute Resolution Form (PSC/CAF10) is not received from the customer with a postmark within the required 15 working days, the customer's complaint will be closed at that point. If the Dispute Resolution Form is completed and returned by the customer, Commission staff will provide a copy to the company.

(b) A customer's completed Dispute Resolution Form (PSC/CAF10) shall consist of:

1. A statement describing the facts that give rise to the complaint and, to the extent known, an explanation of why the basis of the complaint may be a violation of the applicable statutes, rules, company tariffs, or orders of the Commission. The statements filed by the customer should not raise any new issues not addressed in the initial complaint.

2. A statement of the issues to be resolved.

3. Any dollar amount in dispute.

4. A statement of the relief requested.

If a participant objects to the proposed resolution, the participant may request an informal conference on the complaint.

(a) The request for an informal conference shall be in writing and filed with the Division of Consumer Affairs within 30 days after the proposed resolution is sent to the participants.

(b) When the request for an informal conference is received, the Director of the Division of Consumer Affairs will assign a Commission staff member to process the request for an informal conference. The staff member will advise the participants to complete Form X (PSC/CAF Form X), incorporated by reference herein, and return the form to the Commission within fifteen (15) days. A copy of Form X may be obtained from the Division of Consumer Affairs. At a minimum, the participants shall provide the following information on the form:

1. A statement describing the facts that give rise to the complaint;

2. A statement of the issues to be resolved; and

3. A statement of the relief requested.

The informal conference shall be limited to the complaint and the statement of facts and issues identified by the participants in the form. The Commission staff will notify the requesting participant that the request for an informal conference will be denied if the requesting participant's form is not received within the 15 days.

(c) Staff handling the informal conference may permit any participant to file additional information, documentation, or arguments; however, such additional information, documentation or arguments shall be limited to the issues from the customer's original complaint which are identified in the customer's Dispute Resolution request form (PSC/CAF10). The Director of the Division will review the statements and either appoint a staff member to conduct the informal conference, or make a recommendation to the Commission for dismissal based on a finding that the complaint states no basis upon which relief may be granted.

(d) When an informal conference is scheduled, the presiding staff member appointed to conduct the conference shall not have participated in the investigation or proposed resolution of the complaint. The appointed staff shall be comprised of a representative of the Division of Consumer Affairs staff, an attorney from the Office of the General Counsel, and a staff member from appropriate technical staff. The representative from the Division of Consumer Affairs will preside at the informal conference.

(e) After receiving the Dispute Resolution Form from the customer, Commission staff will consult with the participants, the staff member will send a written notice to the participants setting forth the unresolved issues, the procedures to be followed at the informal conference, and the dates by which written materials are to be filed and the time and place for the conference. A company may at this time respond to

information contained on the customer's Dispute Resolution Form. Each participant may be represented at the informal conference by an attorney or other representative or may represent himself. Each participant shall be responsible for his own expenses in the handling of the complaint. The conference may be held no sooner than ten days following a notice, unless all participants agree to an earlier date. The conference may be held by telephone conference, video teleconference, or in person, no sooner than ten days following the notice.

(f) At the conference, the participants shall have the opportunity to present information, orally or in writing, in support of their positions. During the conference, ~~the staff member~~ may encourage the parties to resolve the dispute. The Commission staff will be responsible for tape-recording, but not transcribing, the informal conference. A participant may arrange for transcription at his own expense.

~~(g) The staff member may permit any participant to file additional information, documentation, or arguments. The opposing participant shall have an opportunity to respond.~~

~~(g)(h)~~ If a settlement is not reached within 20 working days following the informal conference and if the complaint is not withdrawn, or the last post-conference filing, whichever is later, the staff member shall submit a recommendation to the Commission for consideration at the next available Commission Agenda Conference. Copies of the recommendation shall be sent to the participants by the Office of the General Counsel.

~~(i) If the Director denies the request for an informal conference, the participants shall be notified in writing. Within 20 days of giving notice, the staff shall submit a recommendation for consideration at the next available Agenda Conference. Copies of the recommendation shall be sent to the participants.~~

~~(h)(j)~~ The Commission will address the matter by issuing a notice of proposed agency action or by setting the matter for hearing pursuant to section 120.57, Florida Statutes.

~~(9)~~ At any point during the complaint proceedings, a participant has the right to be represented by an attorney or other representative. For purposes of this rule a representative may be any person the party chooses, unless the Commission sets the matter for hearing. If the Commission sets the matter for hearing, the participants may be represented by an attorney or a qualified representative as prescribed in Rule 28-106.106, Florida Administrative Code, or may represent themselves. Each participant shall be responsible for his own expenses in the handling of the complaint.

(9)(10) Settlement.

At any time the participants may agree to settle their dispute. If a settlement is reached, the participants or their representatives shall file with the Division of Consumer Affairs a written statement to that effect. The statement shall indicate that the settlement is binding on all both participants, and that the participants waive any right to further review or action by the

Commission. If the complaint has been docketed, the Division of Consumer Affairs shall submit the settlement to the Commission for approval. If the complaint has not been docketed, the Division of Consumer Affairs will acknowledge the statement of settlement by letter to the participants.

(10)(11) Record Retention, Reports, and Auditing.

(a) All companies shall retain ~~notes or~~ documentation relating to each Commission complaint for two years after the date beginning when the complaint was closed by the Commission first received.

(b) All companies that participate in the telephone-transfer connect, E-mail transfer or three day complaint resolution options shall file with the Commission's Division of Consumer Affairs, by the fifth working day of each month beginning 60 days after the effective date of this rule and monthly thereafter, a report in tabular form that summarizes the following information for the preceding calendar month:

1. The ~~total~~ number of calls handled via telephone transfer, connect, including the date received, customer's name, a brief description of the complaint, and whether ~~or not~~ the complaint was addressed;

2. The number of complaints handled via E-mail transfer, including the date received, the customer's name, the Commission assigned tracking number, a brief description of the complaint, and whether the complaint was addressed.

~~3.2.~~ The number of complaints handled under the three day complaint resolution procedure, including the date received, the customer's name, the Commission assigned filing number, a brief description of the complaint, and whether the complaint was resolved.

(c) Companies shall provide access to the Commission to all such records for audit purposes. The Commission shall have access to all such records for audit purposes.

(11) Extensions of Time.

(a) In the event of a storm named by the National Hurricane Center, a tornado recorded by the National Weather Service, a flood, a telephone cable cut, a severe gas or water main break, a major electrical outage, an extreme weather disturbance or fire causing activation of the county emergency operation center, acts of terrorism, or work stoppage, any of which substantially affects its operations and resources, a company may file a notice which will automatically extend by three working days the time for filing responses, forms, reports and other submissions required by this rule. Such notice shall be submitted in writing to the Director of the Division of Consumer Affairs and shall state a reason for the three day extension. The utility will send one written request that will apply to all complaints or reports pending or received during the extension period. When the company does provide complaint responses or reports containing information on complaints affected by an extension of time, the extension must be noted on the complaint or report. For complaints, the three day extension shall apply to any complaints pending at

the time such notification is given and to new complaints received during the extension period. A company may also seek an additional extension of time upon application to the Director of the Division of Consumer Affairs. The request for additional extension of time must be accompanied by a statement of good cause and shall specify the date by which the information will be filed. "Good cause" means a demonstration that the company has worked diligently to prepare the information and that the additional time period requested to complete and submit the information is both reasonable and necessary given the company's particular circumstances.

(b) If the company participates in the transfer connect system described in subsection (4), and the circumstances described in paragraph (11)(a) affect the operation of the transfer connect system, the company may establish an alternative, temporary means of transmitting customer concerns from the Commission to the company for handling within the transfer connect program.

Specific Authority 350.127(2), 364.19, 364.0252, 366.05, 367.121 FS. Law Implemented 364.01, 364.0252, 364.03(1), 364.183, 364.185, 364.15, 364.19, 364.337(5), 366.03, 366.04, 366.05, 367.011, 367.111, 367.121, 120.54, 120.569, 120.57, 120.573 FS. History--New 1-3-89, Amended 10-28-93, 6-22-00,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Richard Tudor
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Florida Public Service Commission
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 19, 2003
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: May 9, 2003, Vol. 29, No. 19

DEPARTMENT OF CORRECTIONS

RULE TITLE: Employee Grooming, Uniform and Clothing Requirements
RULE NO.: 33-208.101

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to clarify the department's policy on the wearing of uniform skirts by correctional officers.

SUMMARY: The proposed rule clarifies that female correctional officers can substitute brown uniform skirts for trousers for religious reasons only.

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: 944.09 FS.

LAW IMPLEMENTED: 20.315, 944.09 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: Perri King Dale, Office of the General Counsel, Department of Corrections, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500

THE FULL TEXT OF THE PROPOSED RULE IS:

33-208.101 Employee Grooming, Uniform and Clothing Requirements.

(1) through (3) No change.

(4) The following provisions shall apply to employees in the positions of correctional officer colonel, correctional officer major, correctional officer captain, correctional officer lieutenant, correctional officer sergeant and correctional officer. For the purposes of this rule, "correctional officer" is used to refer to the individual position or the class which includes all of the above-listed positions.

(a) through (g) No change.

(h) The following items may be worn with the correctional officer uniform as defined below:

1. through 8. No change.

9. Brown skirt for females can be substituted for trousers for religious reasons only upon written authorization of the regional director of institutions following review of the officer's written request. The skirts will be the same fabric as the trousers with no stripe.

10. through (10) No change.

Specific Authority 944.09 FS. Law Implemented 20.315, 944.09 FS. History--New 2-27-85, Amended 6-19-85, Formerly 33-4.07, Amended 3-6-88, 8-15-89, 2-12-91, 10-13-91, 4-19-98, 12-7-98, Formerly 33-4.007, Amended 10-5-99, 3-21-00, 12-18-00, 4-30-02, 2-20-03, 6-26-03,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Michael Rathmann

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: James V. Crosby, Jr.

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 19, 2003

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 1, 2003

DEPARTMENT OF CORRECTIONS

RULE TITLE: Routine Mail
RULE NO.: 33-210.101

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to specify circumstances under which free postage is provided for routine mail, to clarify possession limits for postage stamps and delivery of routine mail consistent with other department rules, and to prohibit the use of padded envelopes.

SUMMARY: The proposed rule specifies circumstances under which free postage is provided for routine mail, clarifies possession limits for postage stamps and delivery of routine mail consistent with other department rules, and prohibits the use of padded envelopes.

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: 944.09 FS.

LAW IMPLEMENTED: 20.315, 944.09 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: Perri King Dale, Office of the General Counsel, Department of Corrections, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500

THE FULL TEXT OF THE PROPOSED RULE IS:

33-210.101 Routine Mail.

(1) through (2) No change.

(3) No other items may be received through incoming routine mail. If an impermissible item is found (other than items of an illegal nature), the entire correspondence will be returned to the sender pursuant to subsection (13) of this rule. For example, the following items are not permissible for inclusion in or attachment to routine mail:

(a) through (e) No change.

(4) through (15) No change.

(16) No postage or writing materials shall be provided to inmates for routine mail except as provided in this subsection ~~that~~ Postage and writing materials shall be provided to any inmate with insufficient funds for mailing one first class letter weighing one ounce or less each month to be used for mailing one first class letter weighing one ounce or less each month. Local procedures may be established to require the inmate to request the free postage and writing materials or to establish a specific day of the month for the free letters to be processed. Postage shall also be provided to any inmate with insufficient funds for the purpose of mailing a complaint to the Florida Bar concerning ineffective assistance of counsel in the inmate's criminal case. Inmates shall be permitted to receive U.S. postage stamps in their routine mail so long as the value of the stamps does not exceed the equivalent of 20 (1 oz.) first class stamps. Inmates may not possess more than the maximum number of stamps permitted by Rule 33-602.201, F.A.C ~~equivalent of 25 (1 oz.) first class stamps.~~ Due care shall be

exercised in processing mail, however, the department shall not be responsible for any postage stamps sent through the mail.

(17) through (18) No change.

(19) Inmates shall not be permitted to receive routine mail in padded envelopes.

(20) Routine mail shall be delivered to the institution or facility by the U.S. Postal Service only.

Specific Authority 944.09 FS. Law Implemented 20.315, 944.09 FS. History—New 10-8-76, Amended 10-11-77, 4-19-79, 11-19-81, 3-12-84, 10-15-84, Formerly 33-3.04, Amended 7-8-86, 9-4-88, 3-9-89, 9-1-93, 9-30-96, 5-25-97, 6-1-97, 10-7-97, 5-10-98, Formerly 33-3.004, Amended 12-20-99, Formerly 33-602.401, Amended 12-4-02, 8-5-03,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Joel Anderson

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: James V. Crosby, Jr.

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 15, 2003

DEPARTMENT OF CORRECTIONS

RULE TITLE:

Law Libraries

RULE NO.:

33-501.301

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to: correct titles and provide definitions of terms associated with the department's law library program; clarify provisions concerning operation of institutional law libraries and associated inmate work assignments; and provide a standard process and form for inmate law clerk retention of legal papers in the law library.

SUMMARY: The proposed rule corrects titles and provides definitions of terms associated with the department's law library program; clarifies provisions concerning operation of institutional law libraries and associated inmate work assignments; and provides a standard process and form for inmate law clerk retention of legal papers in the law library.

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: 20.315, 944.09, 944.11 FS.

LAW IMPLEMENTED: 944.09, 944.11 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: Perri King Dale, Office of the General Counsel, Department of Corrections, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500

THE FULL TEXT OF THE PROPOSED RULE IS:

33-501.301 Law Libraries.

(1) No change.

(2) Definitions.

(a) Central office library services: where used herein, refers to library services section in the bureau of programs, office of classification and programs, in the department's central office headquarters.

(b) Deadline: where used herein, refers to any requirement imposed by law, court rule or court order that imposes a maximum time limit on the filing of legal documents with the court.

(c) Functionally illiterate: where used herein, refers to inmates who demonstrate academic competence below the 9th grade level, as measured by means approved for this purpose by the Florida State Board of Education.

(d) Incompetence or incompetent: where used herein, refers to oral or written statements or conduct that demonstrates to departmental staff that an inmate law clerk does not have ability or knowledge to research and use the law library collection, to provide inmates with accurate information on the law and civil or criminal procedure, or to assist inmates in the preparation of legal documents or legal mail.

(e) Inmate law clerk: where used herein, refers to any inmate that an institution has assigned to work in a law library in departmental inmate work assignment codes L04 and L09. Inmate law clerks have successfully completed the department's law clerk training program, or have equivalent legal training, and have "LEGAL" or "LAW" certificate entries recorded in the department's offender database.

(f) Inmate law clerk trainee: where used herein, refers to any inmate that an institution has assigned to work in a law library in departmental inmate work assignment codes L03 and L08. Inmates must meet all of the qualifications established in paragraph (7)(d) to be assigned as a law clerk trainee.

(g) Inmate library clerk: where used herein, refers to any inmate that an institution has assigned to work in the law library in departmental work assignment codes L01 and L06.

(h) Interstate Corrections Compact: where used herein, refers to an interstate agreement that permits the State of Florida to transfer custody of Florida inmates to other state correctional systems in accordance with Sections 941.55-941.57, F.S.

(i) Law library supervisor: where used herein, refers to a library program specialist, librarian specialist, library technical assistant, and, whenever these positions are vacant, any other employee that the warden or designee appoints to oversee operation of the institution's law library program.

(j) Legal assistance: where used herein, refers to those services that the law library program or inmate law clerks provide to the inmate population. They include: providing inmates access to law library materials; assisting inmates in

conducting legal research; assisting inmates with the preparation of legal documents and legal mail associated with the filing of post-conviction petitions filed in the state or federal courts, civil rights actions filed in the state or federal courts, and administrative actions filed with the Florida Parole Commission or the Florida Bar; assisting inmates with the preparation of grievances filed with the Department of Corrections; providing inmates with access to grievance and court forms; providing indigent inmates with access to legal writing supplies pursuant to Rule 33-210.102, F.A.C.; and providing copying services to inmates pursuant to Rule 33-501.302, F.A.C.

(k) Library services administrator: where used herein, refers to departmental employee in the bureau of programs who is responsible for statewide coordination of library and law library services.

(l) Major collection: where used herein, refers to a law library that includes the following legal publications: an annotated edition of the Florida Statutes; an annotated edition of the U.S. Constitution and federal statutes governing habeas corpus and prisoner's rights; Florida and federal case reporters; Florida and federal Shepard's citation indexes; Florida and federal practice digests; forms manuals; and secondary source materials providing research guidance in the areas of federal habeas corpus, Florida post-conviction and post-sentence remedies, and prisoner's rights. Major collection law libraries also maintain current copies of departmental rules and regulations as provided in paragraph (4)(b).

(m) Minor collection: where used herein, refers to a law library that includes the following legal publications: an annotated edition of the Florida Statutes; Florida case reporters; Shepard's Florida Citations; Florida and federal practice digests; an annotated edition of the U.S. Constitution and federal statutes governing habeas corpus and prisoner's rights; forms manuals; and secondary source materials providing research guidance in the areas of federal habeas corpus, Florida post-conviction and post-sentence remedies, and prisoner's rights. Minor collection law libraries also maintain current copies of departmental rules and regulations as provided in paragraph (4)(b).

(n) Official state holiday: where used herein, refers to any day that the governor or the state legislature of the state of Florida designates a state holiday.

(o) Open population inmates: where used herein, refers to inmates housed in general population at a institution or unit with a major or minor collection law library and any inmates housed at satellite correctional facilities if major or minor collection law libraries are not located there.

(p) Personal legal papers: where used herein, refers to legal documents, legal correspondence, research notes, and transcripts relating to ongoing civil or criminal litigation where the inmate is a named plaintiff or defendant.

(q) Priority access: where used herein, refers to the act of providing an inmate with exceptional access to the law library collection, inmate law clerks, interlibrary loan services, or to copying services.

(r) Research items: where used herein, refers to photocopies of cases and statutes, and tables of contents, sections, or chapters from other reference titles in the institution's law library collection, which are loaned to inmates for legal research purposes. These do not include the inmate's personal legal papers, pleadings, or transcripts.

(s) Satellite correctional facilities: where used herein, refers to a medium or minimum custody correctional facility, such as an annex, work camp, road prison, forestry camp, or drug treatment center. Satellite correctional facilities do not include work release centers.

(t) Starter collection: where used herein, refers to a law library that includes the following legal publications: an annotated edition of the Florida Statutes; an annotated edition of the Title 42, United States Code, Section 1983; the Florida and federal rules of court; and a legal dictionary.

(u) Working day, where used herein, refers to any weekday, i.e., Monday to Friday, except when the day is an official state holiday.

(3)(2) Law Library Access – General.

(a) Hours of Operation. Major and minor collection law libraries shall be open for inmate use a minimum of 25 hours per week, except weeks which include official state holidays. The law library's operating schedule shall be designed to permit each inmate access to legal materials consistent with:

1. through 4. No change.

(b) Inmates at satellite correctional facilities work camps, road prisons, forestry camps, vocational centers and drug treatment centers attached to institutions with major or minor law collections shall be provided access to the law library and inmate law clerks research aides by means of correspondence, except as otherwise provided in paragraphs (3)(2)(d), (3)(2)(e) and (3)(2)(f).

(c) No change.

(d) Law libraries shall provide interpreters for any language, other than English, native to 5 five percent or more of the statewide inmate population. Such inmates at work camps and satellite correctional facilities shall be provided an opportunity to visit the law library within 1 one week of submitting an oral request or Form DC6-236, Inmate Request, for legal assistance to the law library supervisor or other facility staff. Form DC6-236 is incorporated by reference in Rule 33-103.019, F.A.C.

(e) Inmates who are functionally illiterate, mentally disordered, or have other disabilities that hinder their ability to research the law and prepare legal documents and legal mail, and need research assistance, shall be provided access to the law library and to inmate law clerks research aides. These inmates may request legal assistance by making an oral request

for same to the correctional staff working in their housing or confinement units, classification staff, work supervisors, mental health staff, or to the law library supervisor. Staff shall relay oral requests for legal assistance to the law library supervisor. Upon receipt of an oral request or Form DC6-236, Inmate Request, the law library supervisor shall schedule the inmate for a visit to the law library or a visit with an inmate law clerk research aide.

(f) Inmates who must meet deadlines imposed by law, court rule or court order of court in legal proceedings challenging convictions, sentences or prison conditions shall be given priority in the use of the law library and related legal services. However, the inmate shall be responsible for notifying the department of the deadline in a timely manner. Department staff shall respond to a request for special access to meet a deadline within 3 working days of receipt of the request, not including the day of receipt. For purposes of this rule, "working day" shall mean any weekday not including holidays or weekends. This period shall not be shortened due to the failure of the inmate to give timely notice of the deadline. A court deadline is any requirement imposed by law, rule or order of court that establishes a maximum time limit on the filing of legal documents with a court.

1. For purposes of this rule, Ppriority access shall only be granted if the maximum time limit is 20 or fewer calendar days.

2. Law library supervisors shall not excuse an inmate in open population at any institution, work camp, road prison, or forestry camp from a work or program assignment to use the law library for more than one-half of the inmate's workweek. The warden or designee is authorized to afford individual inmates in open population additional research time in the law library when the inmate demonstrates an exceptional need for it. The inmate bears sole responsibility for proving why additional research time in the law library should be provided. No inmate shall be excused from work, or excused from work and transported from a work camp, road prison, or forestry camp, for more than two days per work week.

3. Upon confirmation of the deadline, the law library supervisor shall contact the classification department and schedule an appointment by call-out to enable excusing an inmate from his or her work or program assignment, and, where necessary, transportation from a satellite correctional facility, the work camp, forestry camp, or road prison, when:

4.1. Inmates who only need priority The inmate needs to secure access to law library services, such as copying or interlibrary loan services. In such instances, the inmate shall only be excused for as long as is necessary to request or receive the necessary assistance, or,

2. The inmate needs access to legal research materials only available in the law library collection, and the time available to the inmate to use the law library during off-duty hours is determined to be less than six hours per week.

(g) No inmate shall be excused from a work or program assignment solely for the purpose of drafting legal documents and legal mail; such activities shall be performed during off-duty hours. Inmates in open population who do not have court deadlines as described in paragraph (3)(f) above shall be expected to use the law library or access law library services during off-duty hours.

(h) Inmates who mutilate, deface or pilfer law library materials shall be subject to formal disciplinary action as provided in Rules 33-601.301-601.314, F.A.C., and penalties for infraction may include a temporary suspension of the inmate's privilege of on-site use of the law library of up to 30 days. The disciplinary team which presides over the disciplinary hearing shall determine the length of the suspension after considering the inmate's past record of rule infractions while in the law library, assessing the material damage to the legal research collection, and determining whether the damage to the collection was intentional or inadvertent. Inmates who have been suspended from the law library shall conduct business through correspondence or through inmate law clerks research aides rather than through personal visits to the law library. However, steps shall be taken to ensure that the inmate is not denied access to legal material during this suspension.

~~(4)(3)~~ Law Library Access for Inmates in Administrative Confinement, Disciplinary Confinement, Close Management, Protective Management, on Death Row, and in Medical or Mental Health Units.

(a) Inmates in administrative confinement, disciplinary confinement, and close management shall be permitted to have access to their personal legal papers and law books, to correspond with the law library, to have the law library deliver legal materials to their cells, and, as provided in paragraphs sections (3)(2)(e) and (3)(f), to visit with inmate law clerks research aides. Efforts shall be made to accommodate the research needs of inmates who have filing deadlines imposed by law, court rule or court order of court in legal proceedings challenging convictions, sentences or prison conditions.

~~1. Inmates in administrative confinement, disciplinary confinement and close management at Florida State Prison Main Unit who need research assistance from the law library shall submit Form DC6-236, Inmate Request, to the law library supervisor. Inmates shall be permitted to visit the law library if security requirements permit it. If security requirements prevent a personal visit to the law library, the inmate shall be required to secure legal assistance through visits with inmate law clerks research aides or by means of correspondence.~~

~~2. At all other institutions, inmate law clerks shall visit the confinement unit at least once per week to provide assistance to inmates. Illiterate and disabled inmates shall be permitted to request a visit with an inmate law clerk by making an oral request for legal assistance to the correctional staff working in the confinement unit. Upon receipt of an oral request, the~~

~~correctional staff shall permit the inmate to visit with an inmate law clerk at the next scheduled law clerk visit. All other inmates shall request law clerk visits by submitting Form DC6-236, Inmate Request, to the law library supervisor. The law library supervisor shall develop a list of the inmates in confinement who are approved for a law clerk visit, and shall provide a copy of that list to security staff on or before the inmate law clerk's visit to the confinement unit.~~

(b) Inmates in mental health units shall be provided access to the law library and provided opportunities to visit with inmate law clerks research aides. These inmates shall be permitted to have access to their personal legal papers and law books, to correspond with the law library, and to have the law library deliver legal materials to their cells. These inmates may request legal assistance by submitting Form DC6-236, Inmate Request, to the law library supervisor or by making an oral request for legal assistance same to the security or mental health staff working in the unit. Security and mental health staff shall relay oral requests for legal assistance to the law library supervisor. Upon receipt of a request, the law library supervisor shall arrange for an inmate law clerk research aide to visit the inmate. Efforts shall be made to accommodate the research needs of inmates who have filing deadlines imposed by law, court rule or court order of court in legal proceedings challenging convictions, sentences or prison conditions.

(c) Inmates in protective management shall be permitted to have access to their personal legal papers and law books, to correspond with the law library, and to have the law library deliver legal materials to their cells. Inmates in protective management shall have access to the law library, to include access to at least 1 inmate law clerk one research aide, during evening or other hours when general population inmates are not present. If security reasons prevent a visit to the law library, access shall be provided through visits with inmate law clerks research aides or by means of correspondence. Efforts shall be made to accommodate the research needs of inmates who have filing deadlines imposed by law, court rule or court order of court in legal proceedings challenging convictions, sentences or prison conditions.

(d) Inmates on death row shall be permitted to have access to their personal legal papers and law books, to correspond with the law library, to have the law library deliver legal materials to the inmate's cell, and to visit with inmate law clerks research aides. Inmates on death row who have filing deadlines imposed by law, court rule or court order of court, in legal proceedings challenging convictions, sentences, or prison conditions, shall be permitted to visit the unit's law library at least once per week for up to two hours if the law library has research cells and if security requirements permit it. If security requirements prevent a personal visit to the law library, the inmate shall be required to secure legal assistance through visits with inmate law clerks research aides or by means of correspondence.

(e) Inmates who are temporarily housed in institutional infirmaries or hospitals, or who are on medical or dental lay-in, and who are unable to visit the law library due to medical or treatment reasons, shall be permitted to have access to their personal legal papers and law books, to correspond with the law library, to have the law library materials delivered to them, and to visit with inmate law clerks ~~research aides~~ unless medical or security requirements ~~reasons~~ prevent it. These inmates may secure legal assistance by contacting the law library supervisor. Upon receipt of an oral request or Form DC6-236, Inmate Request, or a referral from medical or dormitory staff, the law library supervisor shall assign an inmate law clerk ~~research aide~~ to provide legal assistance to the inmate.

(f) Inmates shall be limited to possession of no more than 15 research items from the law library. ~~Research items are defined as photocopies of cases, statutes and other reference materials provided by the law library and do not include the inmate's personal legal papers, pleadings, or transcripts.~~ Institutions shall also limit the accumulation of research materials when possession of same in an inmate's cell creates a safety, sanitation or security hazard.

~~(5)(4)~~ Major, mMinor and sStarter cCollection Law Libraries.

(a) Major or minor collection law libraries shall be established at all institutions and satellite correctional facilities; annexes, work camps and forestry camps housing more than 400 inmates. Starter collection law libraries shall be established at institutions and satellite correctional facilities; work camps, forestry camps and road prisons housing less than 400 inmates and located 50 or more miles from the main unit of the institution or other institutions with major or minor law library collections.

~~(a) A major collection law library contains: an annotated edition of the Florida Statutes; an annotated edition of the U.S. Constitution and federal statutes governing habeas corpus and prisoner's rights; Florida and federal case reporters; Florida and federal Shepard's citation indexes; Florida and federal practice digests; forms manuals; and secondary source materials providing research guidance in the areas of federal habeas corpus, Florida post conviction and post sentence remedies, and prisoner's rights.~~ In determining whether a major collection shall be established at an institution, consideration shall be given to the following factors:

1. through 5. No change.

(b) ~~A minor collection law library contains: an annotated edition of the Florida Statutes; Florida case reporters; Shepards Florida Citations; Florida and federal practice digests; an annotated edition of the U.S. Constitution and federal statutes governing habeas corpus and prisoner's rights; forms manuals; and secondary source materials providing research guidance in the areas of federal habeas corpus, Florida post conviction and post sentence remedies, and prisoner's rights.~~

~~(e) A starter collection law library contains: an annotated edition of the Florida Statutes; an annotated edition of the Title 42, United States Code, Section 1983; the Florida and federal rules of court; and a legal dictionary.~~

~~(b)(4)~~ Major and minor collection law libraries shall ~~also~~ maintain current copies of the following departmental rules and regulations:

1. through 3. No change.

(e) through (f) renumbered (c) through (d) No change.

~~(e)(g)~~ The contents of legal collections shall be reviewed annually by the library services administrator to ensure continued compliance with applicable federal and state laws and American Correctional Association standards. When the library services administrator believes that titles need to be added or deleted from the collections, he or she shall make such recommendation to the chief director of the bureau of programs services. If the recommendation is approved ~~director of program services approves the request~~, the material shall be ordered and placed in the appropriate law library collections.

~~(f)(4)~~ Requests for the addition or deletion of titles in major, minor, and starter law library collections shall be submitted in writing to the library services administrator in the central office. The library services administrator shall review all requests and make a recommendation to the chief director of the bureau of programs services. Requests shall be reviewed according to the material's primary research value and whether it substantively provides additional information, or merely duplicates what is in the current collection. If the recommendation request is approved, the materials shall be ordered and placed in the appropriate law library collections.

~~(g)(1)~~ No change.

~~(6)(5)~~ Interlibrary Loan services for Law Libraries.

(a) Major collection law libraries shall provide research assistance to minor and starter collection libraries and to inmates housed at satellite correctional facilities without law libraries. On receipt of Form DC5-~~152609~~, Law Library Interlibrary Loan Request, the law library supervisor shall immediately assign an inmate law clerk ~~research aide~~ to provide legal assistance. Form DC5-152 ~~DC5-609~~ is ~~hereby~~ incorporated by reference in subsection (11) of this rule. ~~Copies of this form are available from the Forms Control Administrator, Office of the General Counsel, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500. The effective date of this form is November 5, 2001.~~ All assistance that can be provided through use of that institution's major collection shall be completed within 3 working days of receipt, not including the day of receipt, except where the request requires the researching of complex or multiple legal issues or is so broad in scope that work can not be initiated without further information from the requesting inmate.

(b) Inmates at facilities with minor collection law libraries who need access to legal research materials only available in major collection law libraries, shall submit Form DC5-~~152609~~,

Law Library Interlibrary Loan Request, for the material or assistance to the law library supervisor. Within two working days of receipt of Form DC5-~~152609~~, not including the day of receipt, the law library supervisor shall forward the request to the law library supervisor at a major collection law library for completion.

(c) Inmates at facilities with starter collection law libraries, who need access to legal materials in major or minor collection law libraries, shall submit Form DC5-~~152609~~, Law Library Interlibrary Loan Request, to the law library supervisor at the main unit of the institution. The law library supervisor shall review the request to determine whether it can be completed by that institution's law library.

1. If the law library has the information that the inmate has requested, the request shall be completed within three working days of receipt, not including the day of receipt, except when the request requires the researching of complex or multiple legal issues or is so broad in scope that work cannot be initiated without further information from the requesting inmate. The law library supervisor shall provide a copy of Form DC5-~~152609~~, Law Library Interlibrary Loan Request, and the requested material to the inmate.

2. If the law library does not have the information that the inmate has requested, then within 2 ~~two~~ working days of receipt, not including the day of receipt, the law library supervisor shall forward the request to the law library supervisor at a major collection law library for completion.

(d) Inmate requests to secure law materials not in the department's major collection libraries shall be submitted to the library services administrator for review and approval. Only requests for primary source materials, such as statutes, rules, and court decisions, that relate to ~~Florida criminal law, state Florida~~ post-conviction and post-sentence remedies, federal habeas corpus, or the rights of prisoners, shall be approved.

1. Inmates needing such materials are to submit Form DC5-~~152609~~, Law Library Interlibrary Loan Request, to the institution's law library supervisor. Form DC5-~~152609~~, Law Library Interlibrary Loan Request, is to include the full and complete citation of the material needed, and a written justification on why the material is needed to litigate any of the above types of actions. If any deadlines apply, the date of the deadline is to be noted on Form DC5-~~152609~~, Law Library Interlibrary Loan Request. The law library supervisor is then to forward the request to the library services administrator in the central office. The correct mailing address is: Department of Corrections, ATTN: Library Services, 2601 Blair Stone Road, Tallahassee, FL 32399-2500.

2. The library services administrator or designee shall review the request and either approve it or disapprove it. If the request is disapproved, the reason for disapproval will be noted on the request and the request shall be returned to the requesting law library. The law library supervisor will provide

a copy of Form DC5-~~152609~~, Law Library Interlibrary Loan Request, to the inmate. If the request is approved, the request shall be forwarded to the Florida State University law library for completion. When the completed work is received from the Florida State University law library, it shall be mailed to the requesting law library. The law library supervisor will provide a copy of Form DC5-~~152609~~, Law Library Interlibrary Loan Request, and the requested material to the inmate.

(e) Inmates with deadlines imposed by law, court rule or court order ~~of court~~ in legal proceedings challenging convictions and sentences or prison conditions shall be given priority in the handling of interlibrary loan requests, and such requests shall be submitted separately from requests not involving deadlines.

(f) No change.

(g) No limits shall be placed on the number of requests for interlibrary loan service submitted by inmates. However, inmates in confinement and other special management housing shall be limited to possession of no more than 15 items at a any ~~one~~ time.

~~(7)(6)~~ Use of inmates as clerks in law libraries ~~Research Aides~~.

(a) Inmate library clerks: ~~major and minor collection law libraries shall be assigned inmates as library clerks to perform work of a clerical nature and for training as research aides.~~

~~1-~~ Duties of library clerks include circulating legal materials, maintaining law library files, keeping the law library clean and orderly, and assisting the law library supervisor in collecting statistics, preparing typing reports and correspondence, and other job tasks related to program operations. Library clerks who are assigned only such work shall not be required to complete the law clerk research aide training program.

~~2- Inmates who have no formal training in legal research and who wish to work as research aides shall be assigned to the law library as library clerks and shall be required to attend and successfully complete the research aide training program.~~

~~3- Inmates assigned as library clerks shall not assist inmates in the preparation of legal documents and legal mail, and nor shall not they be assigned to conduct used in conducting confinement visits unless they are accompanied by an inmate law clerk research aide.~~

(b) Inmate law clerk trainees: inmates who have no formal training in legal research and who wish to work as inmate law clerks in major and minor collection law libraries shall be assigned as law clerk trainees, and shall be required to attend and successfully complete the law clerk training program. Inmates assigned as law clerk trainees shall not assist inmates in the preparation of legal documents and legal mail, and shall not be assigned to conduct confinement visits unless accompanied by an inmate law clerk.

~~(c)(b)~~ Inmate law clerks: Major and minor collection law libraries shall be assigned ~~one or more~~ inmates as inmate law clerks ~~research aides~~ to assist inmates in open population, in confinement, at work camps, or at institutions without law libraries, in the research and use of the law library collection, and in the drafting of legal documents, and legal mail associated with the filing of post-conviction petitions or civil rights actions filed in the state or federal courts, administrative actions filed with the Florida Parole Commission, the Florida Bar and other administrative bodies, and inmate grievances filed with the Department of Corrections. A minimum of ~~2~~ two inmate law clerks ~~research aides~~ shall be assigned to major and minor collection law libraries in adult institutions, and a minimum of 1 research aide shall be assigned to minor collection law libraries in youthful offender institutions. Institutions shall assign additional inmate law clerks ~~research aides~~ to the law library as needed to ensure that illiterate and impaired inmates are provided research assistance.

~~(d)(e)~~ Qualifications. Inmate law clerks ~~Research aides~~ shall:

1. Have a high school diploma, ~~or~~ general educational development equivalency diploma (GED), or ~~TABE~~ (Test of Adult Basic Education) total battery scores of grade 9.0 or higher, or otherwise demonstrate that he or she possesses the reading and language skills necessary to read and understand the law, to conduct legal research, and to assist other inmates in legal research and the preparation of legal documents.
2. Have a release date that indicates that he or she has sufficient time remaining on his or her sentence to complete the law clerk ~~research aide~~ training program and to perform work in the law library;
3. Have a satisfactory record of institutional adjustment;
4. Display a willingness to work and cooperate with others and the ability to perform the general duties of an inmate law clerk ~~research aide~~, including good oral and written communication skills, good comprehension and intelligence.

~~(e)(d)~~ Law clerk ~~Research Aide~~ Training Program. ~~Central~~ The office of library services shall develop a training program to provide inmates who work in law libraries with knowledge of legal research and writing, use of specific legal research materials, the law and rules of criminal law and post-conviction remedies, prisoners' civil rights, and other subject matter identified as necessary for an inmate law clerk ~~research aide~~ to provide meaningful assistance to inmates.

~~1. Library clerks who have no formal training in legal research and who wish to work as research aides shall be required to successfully complete the research aide training program.~~

~~1.2.~~ Successful completion of the law clerk ~~research aide~~ training program shall be evidenced by attendance at the law clerk ~~research aide~~ training seminar, completion of all writing assignments and practice exercises included as part of the law

clerk ~~research aide~~ training seminar, and receipt of a passing score (80%) on the law clerk ~~research aide~~ training seminar's final examination.

~~2.3.~~ Inmates who successfully complete the law clerk ~~research aide~~ training seminar shall be given a certificate by central ~~the~~ office of library services documenting successful completion of the program, and a notation shall be recorded in the department's offender database.

~~4. Inmates who have been awarded an associate degree in paralegal research or a juris doctorate degree shall not have to attend the research training program to be certified as a research aide. The office of library services shall certify any such inmate upon verification of educational achievements and successful completion of a written examination that verifies that he or she possesses current knowledge of the law, knowledge of legal research materials and how to use them, and can communicate effectively in writing. If the inmate demonstrates to the office of library services that he or she has the requisite knowledge and skills to work as a research aide, he or she shall be certified.~~

~~(f)(e)~~ Central ~~The~~ office of library services shall be responsible for the scheduling of law clerk ~~research aide~~ training programs. When training programs are scheduled, institutions shall be notified of the upcoming training, and requested to identify inmates in need of training. The library services administrator shall review the requests and verify that the inmates satisfy the minimum qualifications established in paragraph (7)(d) section (6)(e); only inmates who meet the minimum qualifications shall be accepted for training. No inmate shall attend the law clerk ~~research aide~~ training program unless his or her participation has been approved by the library services administrator. Central ~~The~~ office of library services shall arrange for the temporary transfer of the approved inmate participants to the institution where the seminar is to be conducted.

(g) Inmates, who have prior educational or work experience in the law, or who possess current knowledge of the law, knowledge of legal research materials and how to use them, may be certified by the office of library services without having to attend a law clerk training seminar. Admissible educational achievements or work experiences include:

1. Receipt of an associate or bachelor's degree in paralegal research or pre-law;
2. Receipt of a juris doctorate degree;
3. One or more years of verifiable work experience as a paralegal working under the direct supervision of an attorney; or
4. Successful completion a written examination developed by the office of library services that verifies that an inmate possesses current knowledge of the law, knowledge of legal research materials and how to use them, and can communicate effectively in writing.

~~(h)(f)~~ No change.

~~(i)(g)~~ The ~~Law Library~~ ~~Supervisor~~ shall immediately remove an inmate law clerk research aide from his or her work assignment in the law library upon demonstration that the inmate law clerk research aide is incompetent. Central ~~Office~~ ~~Library~~ ~~Services~~ shall also have the authority to order the removal of an inmate law clerk research aide from his or her work assignment in the law library for incompetence. ~~For purposes of this rule, incompetence is defined as a demonstrated inability to research and use the law library collection, to provide inmates with accurate information on the law and civil or criminal procedure, or to assist inmates in the preparation of legal documents or legal mail.~~

~~(j)(h)~~ Prohibited ~~Conduct~~: inmate law clerks Research Aides. Violation of any of the provisions of this section shall result in the immediate removal of the inmate law clerk research aide from his or her work assignment in the law library, and disciplinary action pursuant to rules 33-601.301-601.314, F.A.C. The library services administrator will be informed whenever an institution removes an inmate law clerk research aide from the law library for any of the following reasons.

1. Inmate law clerks Research aides shall not act as legal representatives or in any way appear to be engaged in the unauthorized practice of law, to include participation in judicial and administrative hearings or telephonic hearings conducted for other inmates;

2. Inmate law clerks Research aides shall not sign or include their names, work assignment title, or a reference to certification as an inmate law clerk research aide or trained paralegal in any legal document, legal mail, privileged mail, routine mail, or grievance prepared on behalf of an inmate;

3. Inmate law clerks Research aides shall not include their work assignment title or a reference to certification as an inmate law clerk research aide or trained paralegal in the return address of their outgoing correspondence, or in legal documents, legal mail, privileged mail, routine mail and grievances;

4. Inmate law clerks Research aides shall not use department or institution letterhead stationary or memoranda to prepare personal letters or legal documents;

5. Inmate law clerks Research aides shall not charge nor shall they receive payment of any kind for providing legal assistance to inmates;

6. Inmate law clerks Research aides shall not disclose information about an inmate's legal work to other inmates;

7. Inmate law clerks Research aides shall not conduct legal research or prepare legal documents for staff;

8. Inmate law clerks shall not use department-owned typewriters, word processors, personal computers, or like equipment to prepare legal documents and legal mail; and

9. Inmate law clerks shall not display an unwillingness to work and cooperate with others or refuse or fail to perform the general duties of that work assignment. Such conduct shall be defined as a failure to follow departmental rules and procedures relating to law library program operations, or violation of the rules of prohibited conduct, Rule 33-601.314, F.A.C., while in the law library or performing work-related tasks.

~~(k)(i)~~ Upon receipt of notice that an inmate law clerk research aide has been found guilty of a disciplinary infraction concerning violation of any of the provisions of paragraph (7)(j) section (h), the library services administrator will review the matter to determine whether the inmate's law clerk research aide certificate should be revoked. The determination as to whether the inmate's certificate shall be revoked shall be based on a consideration of the following factors: the findings of the disciplinary report; discussions with institution staff about the infraction; a record of prior counseling or disciplinary action for violation of the provisions of paragraph (7)(j) section (h); a record of multiple violations of the provisions of paragraph (7)(j) section (h); and a determination that the violations of paragraph (7)(j) section (h) were intentional rather than inadvertent. If the library services administrator determines that revocation is warranted, the inmate's law clerk training certificate shall be revoked and his or her certificate entry will be deleted from the offender database.

~~(l)(j)~~ No action shall be taken against an inmate law clerk research aide for assisting, preparing, or submitting legal documents to the courts or administrative bodies, to include complaints against the department or staff. Good faith use or good faith participation in the administrative or judicial process shall not result in formal or informal reprisal against the inmate law clerk research aide.

~~(m)(k)~~ An inmate law clerk research aide who wishes to correspond in writing with inmate law clerks research aides at other institutions regarding legal matters shall be required to obtain prior approval from the warden at his or her institution. The approved correspondence shall be mailed through institution mail from ~~one~~ law library supervisor to ~~another~~ law library supervisor.

~~(n)(l)~~ Inmate law clerks Research aides shall give all work files to inmates who are being transferred or released. If the inmate law clerk research aide is unable to give the inmate the file prior to transfer, he or she shall give it to the law library supervisor. As soon as the inmate's destination is known, the law library supervisor shall forward the file to the law library supervisor or other designated employee at the inmate's new location for forwarding to the inmate. Work files for inmates who have escaped, died, or been released shall be handled in accordance with subsection 33-602.201(10), F.A.C. If the inmate has been released from the custody of the Department

of Corrections, then the law library supervisor shall give the file to the institution's inmate property officer for return to the released inmate.

~~(o)(m)~~ The law library supervisor at the institution from which an inmate is transferred may authorize an inmate law clerk research aide at that institution to continue assistance to the transferred inmate on a pending matter if the inmate's new institution or facility does not have a major or minor collection law library and the inmate requests continued assistance in writing.

~~(p)(n)~~ Central The office of library services shall suspend the law clerk research aide certificate of an inmate when ~~2 two~~ years have passed since he or she worked in a law library as an inmate law clerk research aide. Whenever a law clerk research aide certificate is suspended, central the office of library services shall remove the certificate entry from the offender database. Provided that no more than ~~5 five~~ years have passed since an inmate has worked as an inmate law clerk research aide, a law library supervisor may request that an inmate's suspended law clerk research aide certificate be reinstated. In such cases, central the office of library services shall require that the inmate demonstrate, through successful completion of a written examination, that he or she still possesses current knowledge of the law, knowledge of legal research materials and how to use them, and can communicate effectively in writing. If the inmate demonstrates to central the office of library services that he or she still has the requisite knowledge and skills to work as an inmate law clerk research aide, the suspension shall be lifted and the law clerk research aide certificate shall be re-entered in the offender database.

~~(o)~~ The office of library services shall revoke the research aide certificate of an inmate who demonstrates that he or she is incompetent, or when five or more years have passed since he or she has worked in a law library as a research aide. Whenever a research aide certificate is revoked, the office of library services shall remove the certificate entry from the offender database. Such action is not deemed to be judgmental or prejudicial. However, the inmate shall be required to attend and successfully complete the research aide training program to be re-certified as a research aide.

(q) Inmate law clerks must secure prior, written approval from the law library supervisor, on Form DC5-153, Personal Legal Papers Authorization, to retain their own or another inmate's personal legal papers in the law library. Form DC5-153 is incorporated by reference in subsection (11) of this rule. At a minimum, the following information shall be documented on Form DC5-153: the committed name and DC number of the inmate who owns the papers; a list of all documents and papers to be retained in the law library and the number of pages for each; and, the committed name and dc number of the inmate law clerk who is assisting the inmate. The inmate shall then sign and date the form and submit it to the law library supervisor for approval. If the law library

supervisor approves the request, he or she shall sign the form and enter the date when the personal legal papers must be removed from the law library. Inmates who do not remove their personal legal papers from the law library by that date shall be subject to formal disciplinary action as provided in Rules 33-602.301-.314, F.A.C.

1. Only those personal legal papers that are specifically needed for research, or to prepare the necessary legal documents or mail, shall be stored in the law library. The personal legal papers may be retained in the law library for only as long as it takes to prepare the needed legal documents or legal mail or for 20 calendar days, whichever is shorter.

2. Inmates' personal legal papers shall be secured in a locked file cabinet in the law library when the inmate law clerk is not present or using them. Inmate law clerks shall not take another inmate's personal legal papers out of the law library unless approved in writing by the law library supervisor. Approval shall be limited to instances where the inmate law clerk is visiting the inmate in confinement or other special housing units and needs access to the papers during the visit to provide the needed legal assistance. Inmate law clerks who otherwise take another inmate's personal legal papers out of the law library shall be subject to formal disciplinary action as provided in Rules 33-601.301-.314, F.A.C.

(r) Inmate law clerks normally shall not be permitted to conduct legal research or prepare legal documents and legal mail on personal legal matters during work hours. However, law library supervisors are authorized to make exceptions when:

1. The inmate law clerk has a legal deadline imposed by law, court rule, or court order to prepare legal documents in legal proceedings challenging convictions, sentences or prison conditions, and qualifies for priority access as provided in paragraph (3)(f); or

2. The inmate law clerk's work schedule does not afford him or her any off-duty time during which to use the law library.

~~(8)(7)~~ Circulation and control of legal materials.

(a) No change.

(b) The law library's shelves shall be closed to direct access by inmates not assigned as library clerks, law clerk trainees, or inmate law clerks research aides. Inmates needing access to legal materials shall direct a request to a library clerk, law clerk trainee, or inmate law clerk research aide who shall then retrieve the material and issue it to him or her. Inmates shall sign for all legal research materials issued to them for use in the law library or library. At a minimum, inmates shall be permitted to sign out at least 1 case reporter and 1 other volume at a ~~any one~~ time.

(c) No change.

~~(9)(8)~~ Grievance and Court Forms.

(a) Major and minor collection law libraries shall provide inmates access to Form DC6-236, Inmate Request, and Form DC1-303, Request for Administrative Remedy or Appeal. Form DC1-303 is incorporated by reference in Rule 33-103.019, F.A.C. Inmates shall not be required to submit a Form DC6-236, Inmate Request, in order to secure grievance forms. Inmates who request more than 5 grievance forms at a time may be required to explain how the forms will be used.

(b) Major and minor collection law libraries shall provide inmates access to court-approved forms needed to ~~file~~ prepare Rule 3.800 and Rule 3.850, Florida Rules of Criminal Procedure, post-conviction relief petitions with the Florida courts. Federal habeas corpus, affidavits of insolvency, and civil rights complaint forms shall only be supplied if copies of the forms are provided to the law library by the federal courts. In all instances, law libraries are obligated to provide only ~~1~~ one copy of the form. If additional copies are required for submission to the courts, the inmate shall secure them using the procedures established in Rule 33-501.302, F.A.C.

~~(10)(9)~~ All institutions having major and minor law libraries shall prepare a monthly law library report detailing at a minimum the days and hours that the law library was open to inmate use, the circulation of law library materials, the volume of legal services provided to inmates, the number of inmate law clerks ~~research aides~~ on staff, and legal materials added to the law library collection during the month. This report shall be submitted to the library services administrator by the tenth day of each calendar month for the previous month's activities. The library services administrator shall be responsible for developing the report and ~~for disseminating it~~ instructions to law libraries ~~all institutions for accurately completing the report.~~

(11) Forms. The following forms relevant to this section are hereby incorporated by reference. A copy of any of these forms is available from the Forms Control Administrator, Office of the General Counsel, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500.

(a) Form DC5-152, Law Library Interlibrary Loan Request, effective _____.

(b) Form DC5-153, Personal Legal Papers Authorization, effective _____.

Specific Authority 20.315, 944.09, 944.11 FS. Law Implemented 944.09, 944.11 FS. History--New 4-6-93, Amended 7-3-94, 11-2-94, 4-28-96, 9-30-96, 12-7-97, Formerly 33-3.0055, Amended 2-15-01, 11-5-01, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Allen Overstreet

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: James V. Crosby, Jr.

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 22, 2003

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 1, 2003

DEPARTMENT OF CORRECTIONS

RULE TITLE: Community Release Programs
RULE NO.: 33-601.602

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to clarify restitution requirements for inmates working at paid employment and to revise provisions related to transportation of inmates in community release programs.

SUMMARY: The proposed rule clarifies that restitution will be provided for damage or loss caused by current or prior offenses, and limits community release inmate methods of transportation in accordance with SB 278.

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: 945.091 FS.

LAW IMPLEMENTED: 945.091 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: Perri King Dale, Office of the General Counsel, Department of Corrections, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500

THE FULL TEXT OF THE PROPOSED RULE IS:

33-601.602 Community Release Programs.

(1) through (8) No change.

(9) Transportation.

(a) Transportation for inmates engaged in community release programs will be secured by the following means depending upon safety concerns and which method or combination of methods is most feasible in the given situation:

1. Employer furnished transportation;

2. Public conveyance;

3. Employee car pools;

4. Bicycling;

5.4. Walking Transportation furnished by the facility; or

6.5. Sponsor furnished transportation.

(b) Transportation by motorized enclosed ~~department~~ vehicle shall be mandatory after dark unless an exception is granted. For the purpose of this rule, "after dark" is defined as 30 minutes after sunset and extends until 30 minutes before sunrise. Exceptions to this requirement shall be granted on a case by case basis following review and approval by the warden over the work release center who shall assess whether the rehabilitative benefit to the inmate outweighs the risks to public safety. In making this assessment, the following factors shall be taken into account:

1. If a patient, or a person who is legally responsible for the patient and acting on the patient's behalf, after being informed of the hospital's obligation under Chapter 395, F.S., and of the risk of transfer, requests that the transfer be effected; or

2. If a physician has signed a certification that, based upon the reasonable risks and benefits to the patient, and based upon the information available at the time of transfer, the medical benefits reasonably expected from the provision of appropriate medical treatment at another hospital outweigh the increased risks to the individual's medical condition from effecting the transfer; or

3. If a physician is not physically present in the emergency services area at the time an individual is transferred, a qualified medical person may sign a certification that a physician with staff privileges at the transferring hospital, in consultation with such personnel, has determined that the medical benefits reasonably expected from the provision of appropriate medical treatment at another medical facility outweigh the increased risks to the individual's medical condition from effecting the transfer. The certification shall summarize the basis for such determination. The consulting physician must sign the certification within 72 hours of the transfer.

(c) A provision providing that all medically necessary transfers shall be made to the geographically closest hospital with the service capability, unless another prior arrangement is in place or the geographically closest hospital is at service capacity as stated in subsection 395.1041(3)(e), F.S.

(d) Protocols for maintaining records of patient transfers made or received for a period of five years. Patient transfer information shall be incorporated separately in transfer logs and into the patient's permanent medical record as stated in subsection 395.1041(4)(a)1., F.S.

(e) Documentation of all current transfer arrangements that have been made with other hospitals and physicians.

(f) A copy of Section 395.1041, F.S., Access to Emergency Services and Care, and a copy of these rules.

(g) Provisions for informing hospital emergency services personnel and medical staff of the hospital's emergency service policies and procedures, having at a minimum, the requirement to provide emergency services and care pursuant to Section 395.1041, F.S.

(3) OFF-SITE EMERGENCY DEPARTMENTS. A hospital operating an emergency department located other than on the hospital campus shall meet all of the criteria in this section and Chapter 395.1041, Florida Statutes, required of that hospital's on-site emergency department. This criteria includes, but is not limited to:

(a) Inspection by the agency's Office of Plans and Construction prior to occupancy;

(b) Meeting all state and federal emergency access requirements including transfer to the nearest hospital with capability to treat the patient;

(c) Accreditation, consistent with the hospital's accreditation;

(d) The provision of emergency services equal to the services provided at the hospital's on-site emergency department, 24 hours per day, 7 days per week. Actual services may be provided at the off-site emergency department or via transport to the on-site emergency department or hospital. Transportation from the off-site emergency department to hospital's main campus must be provided by the hospital and not rely on the local community EMS system. All services provided by on-call physicians must be available to patients that present at the off-site emergency department as well as the hospital's on-site emergency department.

(e) Outdoor signage must clearly identify the off-site emergency department as an emergency department of the hospital.

(4)(3) INVENTORY REPORTING.

(a) Pursuant to Section 395.1041, F.S., the agency is responsible for compiling an inventory of hospitals with emergency services. This inventory shall list all services within the service capability of the hospital. ~~A copy of this inventory may be obtained by contacting the Agency for Health Care Administration, Division of Health Quality assurance, Ft. Knox Office Building, 2727 Mahan Drive, Tallahassee, Florida. The per page duplication cost will be computed in accordance with Chapter 119, F.S.~~

(b) Every hospital offering emergency services and care shall report to the agency using AHCA Form 3130-8008, December 2002, for inclusion in the emergency services inventory those services ~~that which~~ are within the service capability of the hospital. The following services, when performed on an infrequent and short time limited basis, are not considered to be within the service capability of the hospital:

1. Services performed for investigative purposes under the auspices of a federally approved institutional review board; or
2. Services performed for educational purposes; or
3. Emergencies performed by physicians who are not on the active medical staff of the reporting hospital.

(c) Any addition of service shall be reported to the agency prior to the initiation of the service. The agency will act accordingly to include the service in the next publication of the inventory and to add the service on the face of the hospital license.

(d) If the agency has reason to believe that a hospital offers a service and the service was not reported on the inventory, the agency will notify the hospital and provide the hospital with an opportunity to respond.

1. The agency shall arrange for an on-site visit prior to the agency's determination of capability, with advance notice of the on-site visit.

2. If, after investigation, the agency determines that a service is offered by the hospital as evidenced by the patient medical records or itemized bills, the agency shall amend the inventory and the face of the hospital license.

(e) As services are added or changed, and at the time of the license renewal, each hospital is responsible for updating the inventory of emergency services using the AHCA Form 3130-8008, December 2002. A renewal license will not be issued if the hospital fails to submit a current emergency service inventory with the renewal application.

(f) A copy of the emergency services inventory may be obtained by interested parties by contacting the Agency for Health Care Administration, Hospital & Outpatient Services Unit, Mail Stop #31, 2727 Mahan Drive, Tallahassee, Florida 32308. The per page duplication, mailing and staff costs will be computed in accordance with Chapter 119, F.S.

~~(5)~~(4) EXEMPTIONS.

(a) Every hospital providing emergency services shall ensure the provision of services within the service capability of the hospital, 24 hours per day, 7 days per week either directly or indirectly through:

1. An agreement with another hospital made prior to receipt of a patient in need of the service; or
2. An agreement with one or more physicians made prior to receipt of a patient in need of the service; or
3. Any other arrangement made prior to receipt of a patient in need of the service.

(b) ~~A~~ If a hospital ~~that~~ has determined that it is unable to provide a service on a 24 hour per day, 7 day per week basis, either directly or indirectly through arrangement with another hospital or physician(s), ~~the hospital must file an request for service exemption application with the agency to request a service exemption. The application must identify the service for which the hospital is requesting an exemption. This information shall be submitted to the agency on AHCA Form 3000-1, August 2003, effective July 1993, that which is incorporated by reference and available from the Agency for Health Care Administration, Hospital and Outpatient Services Unit, Division of Health Quality Assurance Mail Stop #31, Ft. Knox Office Building, 2727 Mahan Drive, Tallahassee, Florida 32308. The agency will make a determination of exemption status pursuant to the procedures in paragraph (5) of this rule and notify the hospital of the determination within 45 days of receipt of the request.~~

(c) Upon receipt of a hospital exemption request, the agency must act to approve or deny the exemption request within 45 days, during which time deemed exemption status does not exist. If the agency fails to notify the hospital of the status of the exemption request within the 45-day time frame, the hospital is deemed to be exempt from offering the service until such time that the agency acts to deny the request.

(d) When a hospital has been providing 24 hour per day, 7 day per week coverage either directly or indirectly through an agreement with another hospital or physician(s) for a specialty service as evidenced by the inventory and hospital license, and the circumstances significantly change such that the hospital can no longer provide the service on a 24 hour per day, 7 day per week basis, the hospital must apply for an exemption from the agency. ~~The agency will make a determination of exemption status pursuant to paragraph (5) of this rule and notify the hospital of the determination within 45 days of receipt of the request.~~

(e) When a hospital has been granted an exemption from providing a specialty service 24 hours per day, 7 days per week, either directly or indirectly through an agreement with another hospital or physician(s), and the agency has information to indicate that the circumstances forwarded by the hospital, and accepted by the agency, as the basis for the granting of the exemption have changed, the agency will notify the hospital of this information and shall provide the hospital with an opportunity to respond. If the change in circumstances is confirmed and the hospital failed to report the change, the agency will amend the inventory accordingly and add the service capability to the face of the hospital license accordingly. Revocation of exemption status shall be effective upon the expiration of 21 days following the hospital's receipt of the agency decision or the entry of a final order if appealed.

(f) Each hospital shall immediately report any change in the conditions ~~that which~~ led to the granting of an exemption.

~~If approved by the agency, an exemption request, AHCA Form 3000-1, August 2003, must be completed and resubmitted to the agency biennially with each license renewal or with any change of ownership application. Each resubmission must fully justify the continuation of the exemption to include but not be limited to:~~

~~1. Detailed description of all efforts that have been made to obtain the necessary coverage;~~

~~2. List of current credentialed providers providing the exempt services on staff of the hospital;~~

~~3. Number of times the service has been performed in the emergency room during the time period the exemption has been in effect;~~

~~4. The number of patients who received the service on an inpatient basis in the hospital during the time period the exemption has been in effect;~~

~~5. The number of emergency transfers for that particular service that have been made to other facilities during the time period the exemption has been in effect for the requested exempt service;~~

~~6. Failure to provide an exemption request renewal will result in the emergency service being required of the hospital.~~

~~(6)~~(5) AGENCY REVIEW PROCESS. The review process for exemption requests shall be as follows:

(a) Upon receipt of a completed exemption request application, the agency shall schedule an on-site visit at the hospital when deemed necessary to verify the facts as set forth in the application. The hospital will be notified of the date of the visit in advance. The agency shall have access to all records necessary for the confirmation and substantiation of the information submitted in the application and to any other records deemed necessary by the agency to make a determination.

(b) Upon receipt of an application, the agency shall publish, in the next available Florida Administrative Weekly, notice of receipt of the application, identifying the applicant and the service(s) for which exemption is requested. Comments submitted within 15 days of the date of publication will be considered by the agency prior to making a determination of exemption status.

(c) Within 45 days of receipt of application, the agency shall determine if the hospital has demonstrated that it meets the requirements for service exemption set forth in Section 395.1041, F.S. The agency shall notify the applicant in writing of its decision, and shall provide the applicant with specific reasons in the event that the request is denied.

(d) If the agency fails to notify the hospital of the status of the exemption request within the required 45 day time frame, pursuant to Section 395.1041(3)(d)4., F.S., the hospital is deemed to be exempt from offering the service until such time that the agency acts to deny the request.

~~(7)(6)~~ EMERGENCY SERVICE DELIVERY REQUIREMENTS.

(a) Every hospital offering emergency services and care shall provide emergency care ~~available~~ 24 hours a day within the hospital to patients presenting to the hospital. At a minimum:

1. Emergency services personnel shall be available to ensure that emergency services and care are provided in accordance with Section 395.002(9), F.S.

2. At least one physician shall be available within 30 minutes through a medical staff call roster; initial consultation through two-way voice communication is acceptable for physician presence.

3. Specialty consultation shall be available by request of the attending physician or by transfer to a designated hospital where definitive care can be provided. the transfer manual and maintaining it.

(b) When a patient is transferred from one hospital to another, all pertinent medical information shall accompany the patient being transferred.

(c) Every hospital offering emergency services and care shall maintain a transfer manual, ~~that which~~ shall include in addition to the requirements in paragraph (2) of this Section:

1. Decision protocols for when to transfer a patient;

2. A list of receiving hospitals with special care capabilities, including the telephone number of a contact person;

3. A list of all “on-call” critical care physicians available to the hospital, including their telephone numbers; and

4. Protocols for receiving a call from a transferring hospital, including:

- a. Requirements for specific information regarding the patient’s problem;
- b. Estimated time of patient arrival;
- c. Specific medical requirements;
- d. A request to transfer the patient’s medical record with the patient; and
- e. The name of the transporting service.

(d) Both transferring and receiving hospitals shall assign a specific person on each shift who shall have responsibility for being knowledgeable of the transfer manual and maintaining it.

(e) Each hospital offering emergency services and care shall maintain written policies and procedures specifying the scope and conduct of emergency services to be rendered to patients. Such policies and procedures must be approved by the organized medical staff, reviewed at least annually, revised as necessary, dated to indicate the time of last review, and enforced. Such policies shall include requirements for the following:

1. ~~Direction of the emergency department by a~~ A designated physician who is a member of the organized medical staff directing the emergency department;

2. A defined method of providing for a physician on call at all times.

3. ~~Supervision of the care provided by all nursing service personnel with the emergency department by~~ A designated registered nurse who is qualified by relevant training and experience in emergency care to supervise the care provided by all nursing service personnel within the emergency department;

4. A written description of the duties and responsibilities of all other health personnel providing care within the emergency department.

5. ~~A planned formal training program on emergency access laws, and~~ Participation by all health care personnel working in the emergency department through a planned formal training program on emergency access laws;

6. A control register ~~adequately~~ identifying all persons seeking emergency care ~~to be established, and that a medical record to be maintained and on every patient seeking emergency care that is~~ incorporated into the patient’s permanent medical record along with a copy of the patient care record as defined in subsection 64E-2.001(15), F.A.C., and that Florida EMS Report, HRS 1894, as required by Rule 10D-66.060 be included in the medical record, if the patient

was delivered by ambulance. The control register must be continuously maintained and shall include at least the following for every individual seeking care:

- b. Date, time and means of arrival;
- a. Identification to include patient name, age and sex;
- c. Nature of complaint;
- d. Disposition; and
- e. Time of departure.

(f) Every hospital offering emergency services and care shall have a method for assuring that a review of emergency patient care is performed and documented at least monthly, using the medical record and pre-established criteria.

(g) Every hospital offering emergency services and care shall insure the following:

1. That clinical laboratory services with the capability of performing all routine studies and standard analyses of blood, urine, and other body fluids are readily available at all times to the emergency department.

2. That an adequate supply of blood is available at all times, either in-hospital or from an outside source approved by the organized medical staff, and that blood typing and cross-matching capability and blood storage facilities are readily available to the emergency department.

3. That diagnostic radiology services within the service capability of the hospital are readily available at all times to the emergency department.

4. That the following are available for immediate use to the emergency department at all times:

- a. Oxygen and means of administration;
- b. Mechanical ventilatory assistance equipment, including airways, manual breathing bag, and ventilator;
- c. Cardiac defibrillator with synchronization capability;
- d. Respiratory and cardiac monitoring equipment;
- e. Thoracenteses and closed thoracostomy sets;
- f. Tracheostomy or cricothyrotomy set;
- g. Tourniquets;
- h. Vascular cutdown sets;
- i. Laryngoscopes and endotracheal tubes;
- j. Urinary catheters with closed volume urinary systems;
- k. Pleural and pericardial drainage set;
- l. Minor surgical instruments;
- m. Splinting devices;
- n. Emergency obstetrical pack;
- o. Standard drugs as determined by the facility, common poison antidotes, syringes and needles, parenteral fluids and infusion sets, and surgical supplies;
- p. Refrigerated storage for biologicals and other supplies requiring refrigeration, within the emergency department; and
- q. Stable examination tables.

~~(8)~~(7) COMMUNICATIONS Each hospital offering emergency services and care shall have the capability to communicate via two-way radio with licensed EMS providers and their primary communications centers. The two-way radio communications system must meet the following provisions:

(a) Conform to the State EMS Communications Plan applicable to emergency room or department communications; and

(b) Any new communications system or an expansion of an existing communication system shall be approved by the EMS Communications, State Technology Office ~~Department of Management Services, Division of~~, prior to purchasing.

Specific Authority 395.1031, 395.1041, 395.1055, 401.024 FS. Law Implemented 395.1031, 395.1041, 395.1055 FS. History—New 9-4-95, Formerly 59A-3.207, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Bill McCort, Bureau of Health Facility Regulation, Division of Health Quality Assurance

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Rhonda M. Medows, MD, FAAFP, Secretary

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 11, 2002

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

RULE TITLE: Fees
 RULE NO.: 61-20.504

PURPOSE AND EFFECT: The Council proposed a rule amendment intended to address the increase in the fingerprint processing fee.

SUMMARY: In response to a legislative increase, the Council seeks to increase the fingerprint processing fee.

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

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

SPECIFIC AUTHORITY: 468.4315, 943.053 FS.

LAW IMPLEMENTED: 455.2171, 455.219(3),(6), 455.2281, 455.271, 468.4315(2) FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AT THE BOARD'S NEXT MEETING TO BE HELD ON OCTOBER 10, 2003 IN TALLAHASSEE, FLORIDA.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Julie Malone, Executive Director, Regulatory Council of Community Association Managers, 1940 North Monroe Street, Tallahassee, Florida 32399-0750

THE FULL TEXT OF THE PROPOSED RULE IS:

61-20.504 Fees.

The following fees are adopted by the Council:

- (1) No change
- (2) Fingerprint processing fee ~~\$47.00~~ ~~\$39.00~~
- (3) through (16) No change

Specific Authority 468.4315, 943.053 FS. Law Implemented 455.2171, 455.219(3),(6), 455.2281, 455.271, 468.4315(2), 468.433, 468.435, ~~943.053~~ FS. History--New 5-4-97, Amended 5-10-98, 9-9-98, 2-11-99, 3-13-00, 11-2-00, 1-3-01, 7-15-02, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Regulatory Council of Community Association Managers
 NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Regulatory Council of Community Association Managers
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: July 11, 2003
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: July 25, 2003

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION
Division of Florida Land Sales, Condominiums and Mobile Homes

RULE TITLES:	RULES NOS.:
General Provisions; Forms and Fees	61B-60.002
Application for and Renewal of Broker or Salesperson License	61B-60.003

PURPOSE AND EFFECT: To amend the fee required for national fingerprint processing to align it with changes made during the 2003 Legislative Session.

SUMMARY: Increases the fee required for the processing of fingerprints.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: No statement of estimated regulatory costs 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: 215.405, 326.003, 326.004 FS.

LAW IMPLEMENTED: 326.004 FS.

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

TIME AND DATE: 9:00 a.m., September 29, 2003

PLACE: Warren Building Meeting Room, #B03, 201 W. Bloxham Street, Tallahassee, Florida

Those persons who cannot attend in person may submit their comments in writing to: Sharon A. Elzie, Senior Management Analyst II, Division of Florida Land Sales, Condominiums and Mobile Homes, 1940 North Monroe Street, Tallahassee, Florida 32399-1030, within 21 days of this notice. Written comments received after the hearing may not be considered.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/hearing/meeting is asked to advise the agency at least 48 hours before the workshop/hearing/meeting by contacting: Sharon A. Elzie, Senior Management Analyst II, (850)488-1631. If you are hearing or speech impaired, please contact the agency by calling 1(800)955-8771.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Sharon A. Elzie, Senior Management Analyst II, Division of Florida Land Sales, Condominiums and Mobile Homes, 1940 North Monroe Street, Tallahassee, Florida 32311-1030, (850)488-1631

THE FULL TEXT OF THE PROPOSED RULES IS:

61B-60.002 General Provisions; Forms and Fees.

(1) through (3) No change.

(4) Fees shall be \$500 for application relating to an initial license and \$500 for biennial renewal of a license. The fee for national fingerprint processing shall be ~~\$51~~ ~~\$43~~ and shall apply to the initial application process. The fee for each broker's branch office license and renewal thereof shall be \$100, based upon an effective period of 2 years. The fee for reinstating a license that has been suspended due to termination of the surety, surrendered due to a termination of business at a licensed office address, or cancelled due to a change in affiliation shall be \$100.

(5) through (6) No change.

Specific Authority 215.405, 326.003, 326.004 FS. Law Implemented 326.004 FS. History--New 2-13-90, Amended 11-25-90, 10-11-90, 10-11-92, Formerly 7D-60.002, Amended 3-13-02, 5-15-03, _____.

61B-60.003 Application for and Renewal of Broker or Salesperson License.

(1) Application for License.

(a) All persons desiring to obtain a license to act as a broker or salesperson, shall apply for licensure by filing with the division a completed application on DBPR Form YS 6000-1, APPLICATION FOR A YACHT AND SHIP EMPLOYING BROKER, BROKER OR SALESPERSON LICENSE, incorporated herein by reference and effective ~~_____ 3-13-02~~, a copy of which may be obtained at the address referenced in subsection 61B-60.002(1), F.A.C., accompanied by the \$500 application fee, the ~~\$51~~ ~~\$43~~ fingerprint processing fee, a complete set of fingerprints which

comply with the form provided in the application materials, and by the bond or irrevocable letter of credit as provided by Rule 61B-60.004, F.A.C.

(b) No application for licensure shall be deemed acceptable for purposes of filing unless all of the aforementioned components are tendered therewith. Furthermore, no application for licensure shall be deemed acceptable unless funds are available upon deposit for any negotiable instrument tendered to the division in order to satisfy the respective application and fingerprint processing fee requirements.

(c) Except as to time frames relating to review for form provisions as described within subsection 61B-60.003(2), F.A.C., no operative time-frame within which the division would otherwise be required to act shall be commenced until an acceptable filing has been received by the division.

(2) through (9) No change.

Specific Authority 215.405, 326.003 FS. Law Implemented 326.004, 326.006 FS. History--New 2-13-90, Amended 11-25-90, 10-11-90, Formerly 7D-60.003, Amended 2-13-97, 3-13-02, 5-15-03, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Robert Badger, Yacht and Ship Section Supervisor, Division of Florida Land Sales, Condominiums and Mobile Homes, 1940 North Monroe Street, Tallahassee, Florida 32399-1030

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Diane Carr, Secretary, Department of Business and Professional Regulation

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 8, 2003

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Barbers' Board

RULE TITLES:	RULE NOS.:
Barber License	61G3-16.001
Examination for Barber Licensure	61G3-16.0010
Restricted Barber License	61G3-16.006
Examination for Restricted Licensure	61G3-16.007

PURPOSE AND EFFECT: The proposed rule amendments are intended to address the training qualifications for barber licensure, the examination requirements for barber licensure, training qualifications for restricted barber license, and the examination requirements for restricted barber license.

SUMMARY: The proposed rule amendments set forth criteria for training and examination requirements for barber licensure and restricted barber license.

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: 217, 455, 455.217(1)(b),(c), 476.064(4), 476.114(2), 476.134, 476.144(6) FS., Chapter 98-323, Laws of Florida.

LAW IMPLEMENTED: 217, 455, 455.217(1)(b),(c), 476.114(2), 476.134, 476.144(6) FS., Chapter 98-323, Laws of Florida.

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: Julie Malone, Executive Director, Barbers' Board, 1940 North Monroe Street, Tallahassee, Florida 32399-0750

THE FULL TEXT OF THE PROPOSED RULES IS:

61G3-16.001 Barber License.

(1) through (2) No change.

(3) All barber courses which are taught for the purpose of qualifying an individual for a license to practice barbering shall consist of a minimum of 1200 barber hours of training and instruction in the subjects set forth in subsection (3)(b), ~~and the completion of the minimum number of barber services within those hours set forth in subsection (3)(c).~~

(a) If an applicant for licensure by examination meets all required qualifications except the required minimum hours of training, he or she may ~~shall~~ be entitled to take the licensure examination upon completion of ~~to practice barbering if the applicant has received a minimum of 1,000 hours of training and has been certified by the school or program in which he or she is currently enrolled to have achieved the minimum competency standards of performance as prescribed below in subsection (3)(b) and (e), for the hours completed.~~ If the applicant fails to achieve a passing grade on either or both portions of the licensure examination, he or she shall be entitled to re-examination only upon completion of the full requirements of 1200 hours of training and instruction provided for in Section 476.114(2)(c)2., F.S.

~~(b) All barber courses which are taught for the purpose of qualifying an individual for a license to practice barbering shall provide training and instruction in the following subjects and areas:~~

- ~~1. Florida Law;~~
- ~~2. Sanitation and Sterilization;~~
- ~~3. Hair Cutting;~~
- ~~4. Hair Styling;~~
- ~~5. Shampooing;~~
- ~~6. Hair Structure and Chemistry;~~
- ~~7. Shaving, Mustache and Beard Trim;~~

- 8. Permanent Waving;
- 9. Hair Pieces;
- 10. Coloring and Bleaching;
- 11. Hair Relaxing;
- 12. Scalp Treatment;
- 13. Facials.

(b)(e) A school of barbering shall certify on a student's examination application that said individual student has completed 650 hours of training in barbering skills, services and correlating trade techniques along with 550 hours of classroom instruction and lab studies. All barbering courses which are taught for the purpose of qualifying an individual for a license to practice barbering shall be as specified below performed the minimum number of services specified below:

- 1. Florida Laws and Rules 300 Hair Cuts;
- 2. Safety, Sanitation and Sterilization 50 Shampoos;
- 3. Hair Structure and Chemistry 25 Shaves or Mustache and Beard Trims;
- 4. Hair Cutting 50 Permanent Waves;
 - a. Taper Cuts
 - I. Freehand
 - II. Shear over comb
 - III. Clipper over comb
 - b. Style Cuts (to include blow drying)
- 5. Shampooing 25 Colorings or Bleachings;
- 6. Chemical Services as follows: 10 Hair Relaxings;
 - a. Permanent Waving
 - b. Coloring and Bleaching
 - c. Hair Relaxing and Curling
- 7. Shaving, Beard and Mustache Trimming 30 Scalp Treatments;
- 8. 15 Facials;
- 9. 200 Hair Stylings.

Specific Authority 455.217(1)(b), 476.064(4), 476.114(2), 476.134 FS. Law Implemented 455.217(1)(b), 476.114(2), 476.134 FS. History—New 7-16-80, Amended 7-6-81, 8-31-82, 5-29-85, Formerly 21C-16.01, Amended 9-3-86, 5-30-88, 12-31-89, 1-26-93, 3-15-93, Formerly 21C-16.001, Amended 9-15-94, 11-12-00, _____.

61G3-16.0010 Examination for Barber Licensure.

- (1) No change.
- (2) The following subjects will be tested on the written examination consisting of seventy-five questions and will be weighted approximately as designated:

Category	Weight
(a) Florida Laws and Rules Ethics and Hygiene	25% 8%
(b) Safety, Sanitation, and Sterilization State Barber Laws and Rules	30% 7%
(c) Hair Structure and Chemistry Skin and Scalp (composition, diseases, function, care)	10% 7%

- (d) Hair Cutting and Hair Styling Hair (structure, protein, characteristics, types, services, hairpieces) 10% 16%
- (e) Shampooing Cosmetics Chemistry (emulsions, pH, types) 5% 11%
- (f) Chemical Procedures (Permanent Waving, Coloring and Bleaching, Hair Relaxing and Curling) Scalp and Facial Treatments (including light therapy) 15% 11%
- (g) Shaving, Beard and Mustache Trimming Haircoloring and Lightening 5% 12%
- (h) Permanent Waving, Hair Relaxing, and Soft Curl Permanents 20%
- (i) Shaving, Mustache and Beard Trim 4%
- (j) Implements, Tools and Equipment (including use characteristics) 4%

(3) The practical portion of the examination for licensure shall test the applicant's ability to perform the barbering services authorized by a license to practice barbering. The practical examination shall have a maximum time limit of 1 1/4 hours. The examination shall have a maximum time limit of 1 3/4 hours. All applicants will provide their own model for the practical exam and will be required to shampoo the model's hair, perform a taper haircut, and perform a permanent wave to satisfy the practical portion of the examination. The areas to be tested and the relative weights are as follows:

Grading Area	Relative Weight
(a) Haircut	45
(b) Permanent Wave	8
(b)(e) Shampoo	5
(c)(d) Safety and Sanitation The Bureau of Education and Testing shall be responsible for assigning point value for grading criteria. Any changes to criteria should be brought to the Board for approval prior to implementation	50 42

(4) The grade sheet for the practical examination will contain spaces for comments by the grading examiner. The areas of comment shall be drawn from the following criteria:

- (a) No change.
- (b) Permanent Wave:
 - 1. The blocking of the permanent wave is clean, uniform, and matches rod diameter and length;
 - 2. The bands are placed across the rods to provide the proper amount of tension;
 - 3. The rods are placed parallel to the subsection parting and are on base;
 - 4. The hair is spread evenly on the rods with the end papers extending beyond the hair ends.
- (b)(e) No change.
- (c)(d) Safety and Sanitation:
 - 1. through 8. No change.

- 9. The candidate washed his or her hands before beginning the permanent wave;
 - 10. The candidate used the proper draping for the permanent wave;
 - 11. The candidate used the proper cotton wrap protection for the permanent wave;
 - 12. The candidate applied protective cream for the permanent wave;
 - 13. The candidate kept his or her tools sanitized during the permanent wave;
 - 14. The candidate properly stored clean and dirty linen during the permanent wave.
- (5) through (6) No change.

Specific Authority 455.217(1)(b),(c), 476.064(4), 476.114(2), 476.134 FS. Law Implemented 455.217(1)(b),(c), 476.114(2), 476.134 FS. History—New 11-12-00, Amended 11-27-02, _____.

61G3-16.006 Restricted Barber License.

(1) Individuals who seek to be eligible to take the licensure examination for a restricted license to practice barbering by having completed a restricted barber course shall submit with their application satisfactory proof of their successful completion of such course at a school of barbering licensed pursuant to Chapter 246, Florida Statutes, a barbering program within the public school system, or a government-operated barbering program in the State of Florida. Satisfactory proof of successful completion of the restricted barber course shall consist of the school or program which administers the course certifying that the applicant has successfully completed the restricted barbers course; and, that the course complied with the minimum requirements as set forth below.

(a) All restricted barber courses which are taught for the purpose of qualifying an individual for a restricted license to practice barbering shall consist of a minimum of 1200 ~~1000~~ hours of training, and instruction in the subjects set forth below; and, the completion within those hours of the minimum number of barber services as set forth below. After an individual has completed a minimum of 1000 ~~900~~ hours of training and instruction, a school or program may certify that the individual has completed a stated number of hours in excess of 1000 ~~900~~ hours of training and instruction in the subjects set forth below in section (b), has ~~has~~ The individual must achieved a minimum competency in all subjects; and has ~~has~~ completed the total number of barber hours ~~services~~ as set forth below. Upon such certification by the school or program, the individual shall be eligible to take the licensure examination for a restricted license to practice barbering. However, if the individual fails to achieve a passing grade on either or both portions of the licensure examination, he shall not be eligible to retake either portion of the licensure examination until the individual shall have completed the full 1200 hours of training and instruction.

(b) All restricted barber courses which are taught for the purpose of qualifying an individual for a restricted license to practice barbering shall provide training and instruction in the following subjects and areas:

- 1. The laws and rules governing the practice of barbering in Florida.
- 2. Sanitation and sterilization.
- 3. Hair cutting, including taper hair cuts.
- 4. Hair styling.
- 5. Shampooing.
- 6. Hair, scalp, and skin and their disorders.
- 7. Full facial shaving.
- 8. Beard and mustache trimming.
- 9. Scalp treatments.
- 10. Facials.

(b)(e) A school of barbering shall certify on a student examination application that said student has 650 hours of training in restricted barbering skills, services and correlating trade techniques along with 550 hours of classroom instruction and lab studies. All restricted barber courses which are taught for the purpose of qualifying an individual for a restricted barber license to practice restricted barbering shall be as specified below require that the individual must perform, at a minimum, the following numbers and types of barbering services in order to successfully complete the restricted barber course:

- 1. Florida Laws and Rules ~~Three hundred (300)~~ haircuts, of which a minimum of fifty (50) shall be taper haircuts;
 - 2. Safety, Sanitation and Sterilization ~~One hundred (100)~~ hair stylings, which shall include the shampooing, cutting, and styling of the hair to a finished appearance;
 - 3. Hair Structure and Chemistry ~~One hundred (100)~~ shampoos;
 - 4. Hair Cutting ~~Twenty (20)~~ full facial shaves;
 - a. Taper Cuts
 - I. Freehand
 - II. Shear over comb
 - III. Clipper over comb
 - b. Style Cuts (to include blow drying)
 - 5. Shampooing ~~Fifty (50)~~ outline/neck shaves;
 - 6. Shaving, Beard and Mustache Trimming ~~Fifteen (15)~~ mustache trims;
 - 7. ~~Twenty (20)~~ beard trims;
 - 8. ~~Twenty (20)~~ scalp treatments, and
 - 9. ~~Ten (10)~~ facials.
- (2) through (3) No change.

(4) All applicants who are found to be eligible to take the licensure examination for a restricted license to practice barbering shall be required to take and pass the examination for restricted licensure. Upon achieving a passing grade on all portions of the restricted licensure examination, and the

issuance of a restricted license to practice barbering by the Department, an individual shall be permitted to perform the following barber services for compensation subject to the same terms, conditions, and restrictions imposed on holders of an unrestricted license to practice barbering:

- (a) through (d) No change.
- ~~(e) Scalp treatments, and~~
- ~~(f) Facials.~~

Specific Authority 476.064(4), 476.144(6) FS., Chapter 98-323, Laws of Florida. Law Implemented 476.144(6) FS., Chapter 98-323, Laws of Florida. History—New 11-12-87, Formerly 21C-16.006, Amended 5-23-99.

61G3-16.007 Examination for Restricted Licensure.

(1) No change.

(2) The written portion of the examination for restricted licensure shall consist of 75 questions and will be weighted as designated ~~cover the laws and rules which govern the practice of barbering in Florida, and shall consist of questions on the following:~~

(a) Florida Laws and Rules 25% ~~The function of the Barbers' Board, how its members are appointed, and their duties;~~

(b) Safety, Sanitation and Sterilization 30% ~~The laws and rules of the Board that determine where and when an individual may legally practice barbering;~~

(c) Hair Structure and Chemistry 10% ~~The laws and rules of the Board that protect the health, safety, and welfare of the consumer;~~

(d) Hair Cutting and Styling 15% ~~The laws and rules of the Board which specify prohibited conduct, and the penalties for failure to follow the laws and rules;~~

(e) Shampooing 5% ~~The dates, fees, and requirements for renewal of a license to practice barbering.~~

(f) Shaving, Beard and Mustache Trimming 15%

(3) The practical portion of the examination for restricted licensure shall test the applicant's ability to perform the barbering services authorized by a restricted license to practice barbering. The practical examination for licensure shall have a maximum time limit of 1 1/4 ~~1 3/4~~ hours. All applicants will provide their own model for the practical exam and will be required to shampoo the model's hair, perform a taper haircut, ~~and perform a facial shave~~ to satisfy the practical portion of the examination. The areas to be tested and the relative weights are as follows:

GRADING AREA	RELATIVE WEIGHT
Haircut	45%
Shave	8
Shampoo	5%
Safety and Sanitation	50% 42

~~The Bureau of Education and Testing shall be responsible for assigning point value for grading criteria. Any changes to criteria should be brought to the Board for approval prior to implementation.~~ The grade sheet for the practical examination

will contain spaces for comments by the grading examiner. The areas for comment shall be drawn from the following grading criteria:

(a) No change.

~~(b) Shave:~~

~~1. The candidate used the proper beard softening procedures;~~

~~2. After the shave, the model had a clean shaven appearance;~~

~~3. After the shave, there were no apparent cuts in the model's skin;~~

~~4. After the shave, there were no signs of razor burn on the model's skin.~~

~~(b)(e)~~ No change.

~~(c)(d)~~ Safety and Sanitation:

1. through 8. No change.

~~9. The candidate washed his or her hands before beginning the shave service;~~

~~10. The candidate used the proper draping for the shave service;~~

~~11. The candidate placed a protective covering on the headrest;~~

~~12. The candidate used the razor in a safe manner and without any blood contact during the shave;~~

~~13. The candidate kept tools sanitized during the shave service;~~

~~14. The candidate properly stored clean and dirty linen during the shave service.~~

(4) Failure of the examinee to complete the services required in a particular category tested in the practical examination, e.g., shampoo, haircut, or shave, shall result in the examinee losing the possible points assigned to that area.

(5) No change.

Specific Authority 455.217, 476.064(4), 476.134, 476.144 FS., Chapter 98-323, Laws of Florida. Law Implemented 455.217, 476.134, 476.144 FS., Chapter 98-323, Laws of Florida. History—New 11-12-87, Amended 3-22-92, 1-26-93, Formerly 21C-16.007, Amended 9-15-94, 12-9-98, 11-27-02.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Barbers' Board

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Barbers' Board

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 18, 2003

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: March 21, 2003

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Construction Industry Licensing Board

RULE TITLE:
Public Liability Insurance

RULE NO.:
61G4-15.003

PURPOSE AND EFFECT: The proposed rule amendment sets forth the amounts of liability required for the newly created Glass and Glazing Specialty Contractor.

SUMMARY: The proposed rule amendment adds Glass and Glazing Specialty Contractor and sets forth the amounts of liability.

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: 489.108, 489.115(5), 489.129(3) FS.

LAW IMPLEMENTED: 489.115(5) 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: Timothy Vaccaro, Executive Director, Construction Industry Licensing Board, 1940 North Monroe Street, Tallahassee, Florida 32399-1039

THE FULL TEXT OF THE PROPOSED RULE IS:

61G4-15.003 Public Liability Insurance.

(1) No change.

(2) To verify the accuracy of the signed affidavit, the Board will, from time to time, conduct random sample audits of licensees by zip code area in which the total number of certificates and registrations selected for audit will be in a sufficient amount to insure the validity of the audit. Upon written request by the Board, each selected licensee shall, within thirty days of mailing of request to the licensee, by the Board office, by certified mail, submit proof of coverage, in the form of an original Certificate of Insurance, if available, or in the alternative, a certified copy of the Certificate of Insurance on file with the building department for the period being audited or a copy of the insurance policy in force for the period being audited showing that the licensee had obtained the proper amount of public liability and property damage insurance and that the proper coverage has been continually maintained since the time of the last license renewal. The Certificate of Insurance shall be prepared by an insurance agency and must contain the following information to meet the requirements of the Board:

(a) through (g) No change.

(h) Proper aggregate amount of public liability and property damage as defined below:

	Liability	Property Damage
General Contractor	\$ 300,000	\$ 50,000
Building Contractor	300,000	50,000
Residential Contractor	100,000	25,000
Sheet Metal Contractor	100,000	25,000
Air Conditioning Contractor	100,000	25,000
Roofing Contractor	100,000	25,000
Mechanical Contractor	100,000	25,000
Pool Contractor	100,000	25,000
Plumbing Contractor	100,000	25,000
Residential Solar Water Contractor	100,000	25,000
Underground Utility and Excavation Contractor	100,000	25,000
Specialty Structure Contractor	100,000	25,000
Pollutant Storage System Specialty Contractor	100,000	25,000
Gypsum Drywall Specialty Contractor	100,000	25,000
Response Action Specialty Contractor	300,000	50,000
Solar Contractor	100,000	25,000
Traditional Thatched Structure Contractor	100,000	25,000
Gas Line Specialty Contractor	100,000	25,000
<u>Glass and Glazing Specialty Contractor</u>	<u>100,000</u>	<u>25,000</u>

(i) through (l) No change.

(3) through (5) No change.

Specific Authority 489.108, 489.115(5), 489.129(3) FS. Law Implemented 489.115(5) FS. History—New 1-10-80, Amended 9-15-82, Formerly 21E-15.03, Amended 1-26-88, 1-1-89, 5-23-89, 6-5-90, Formerly 21E-15.003, Amended 7-18-94, 1-10-95, 2-6-96,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Construction Industry Licensing Board

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Construction Industry Licensing Board

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: July 18, 2003

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Construction Industry Licensing Board

RULE TITLE: Requirements for Certification and Registration **RULE NO.:** 61G4-15.005

PURPOSE AND EFFECT: The proposed rule amendment sets forth the net worth required for the newly Glass and Glazing Specialty Contractor.

SUMMARY: The proposed rule amendment adds Glass and Glazing Specialty Contractor and sets forth the required net worth.

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: 489.115(5),(6), 489.129(1), 489.132(5) FS.

LAW IMPLEMENTED: 489.113(1), 489.115(5),(6), 489.129(1), 489.132(5) 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: Timothy Vaccaro, Executive Director, Construction Industry Licensing Board, 1940 North Monroe Street, Tallahassee, Florida 32399-1039

THE FULL TEXT OF THE PROPOSED RULE IS:

61G4-15.005 Requirements for Certification and Registration.

In order that the Board may carry out its statutory duty to investigate the financial responsibility, credit, and business reputation of a new applicant for certification or registration or a change of status of a certification or registration, an applicant shall be required to forward the following to the Department for a review by the Board:

- (1) through (2) No change.
- (3) As a prerequisite to issuance of a certificate, an applicant shall, in addition to the submissions required in subsections (1) and (2) above, submit competent, substantial evidence to the Florida Construction Industry Licensing Board demonstrating the following:
 - (a) Net worth as listed below for the following categories of contractors:
 - 1. through 19. No change.
 - 20. Gas Line Speciality Contractor, \$10,000; ~~or~~
 - 21. Glass and Glazing Specialty Contractor, \$ 10,000; or
 - (b) through (d) No change.
- (4) No change.

Specific Authority 489.115(5),(6), 489.129(1), 489.132(5) FS. Law Implemented 489.113(1), 489.115(5),(6), 489.129(1), 489.132(5) FS. History—New 1-10-80, Amended 4-15-82, 9-5-82, 3-21-83, Formerly 21E-15.05, Amended 4-18-86, 1-19-87, 7-1-87, 1-26-88, 1-1-89, 5-23-89, 6-5-90, 4-16-92, Formerly 21E-15.005, Amended 10-17-93, 7-18-94, 7-19-95, 4-24-96, 9-8-96, 10-31-96, 2-4-97, 8-2-98, 9-15-98, 4-5-00, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Construction Industry Licensing Board
 NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Construction Industry Licensing Board

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: March 21, 2003

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 Medicine

RULE TITLE: Licensure Denial
 RULE NO.: 64B8-4.022

PURPOSE AND EFFECT: The Board proposes the repeal of the rule to address concerns submitted by the Joint Administrative Procedures Committee.

SUMMARY: The rule is being repealed.

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

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

SPECIFIC AUTHORITY: 458.309, 458.310, 458.311, 458.3115, 458.3124, 458.313, 458.3135, 458.3145, 458.315, 458.316, 458.3165, 458.317 FS.

LAW IMPLEMENTED: 458.311, 458.313, 458.331 FS.

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

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

THE FULL TEXT OF THE PROPOSED RULE IS:

64B8-4.022 Licensure Denial.

Specific Authority 458.309, 458.310, 458.311, 458.3115, 458.3124, 458.313, 458.3135, 458.3145, 458.315, 458.316, 458.3165, 458.317 FS. Law Implemented 458.311, 458.313, 458.331 FS. History—New 11-4-93, Formerly 61F6-22.022, 59R-4.022, Repealed _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Rules Committee, Board of Medicine
 NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Medicine
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 2, 2003

DEPARTMENT OF HEALTH

Board of Optometry

RULE TITLE: Manner of Application
 RULE NO.: 64B13-4.004

PURPOSE AND EFFECT: The Board proposes the rule amendment to revise the course requirements for qualifications of the licensure examination.

SUMMARY: The proposed rule amendment intends to notify applicants of the prevention of medical errors course requirement for licensure.

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

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

SPECIFIC AUTHORITY: 456.033, 463.006(1)(b),(2) FS.

LAW IMPLEMENTED: 456.033, 463.006(1)(b),(2) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Joe R. Baker, Jr., Executive Director, Board of Optometry/MQA, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3257

THE FULL TEXT OF THE PROPOSED RULE IS:

64B13-4.004 Manner of Application.

(1) through (4) No change.

(5) Applicants are required to complete a 2-hour course relating to prevention of medical errors as part of the licensure process. The course shall be approved by the Board and shall include a study of root-cause analysis, error reduction and prevention, and patient safety.

Specific Authority 456.033, 463.006(1)(b),(2) FS. Law Implemented 456.033, 463.006(1)(b),(2) FS. History—New 11-13-79, Amended 4-17-80, Formerly 21Q-4.004, Amended 11-20-86, 4-19-89, 6-25-92, 6-6-93, Formerly 21Q-4.004, Amended 6-14-94, Formerly 61F8-4.004, Amended 3-21-95, Formerly 59V-4.004, Amended 7-15-02,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:

Board of Optometry

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 27, 2003

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 1, 2003

DEPARTMENT OF HEALTH

Board of Optometry

RULE TITLE: Fees
 RULE NO.: 64B13-6.001

PURPOSE AND EFFECT: The Board's proposed rule amendment revises the initial and biennial renewal fees for a request to provide continuing education courses and programs.

SUMMARY: The proposed rule amends the fee in paragraph (15) and (16) of the rule.

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

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

SPECIFIC AUTHORITY: 456.013(2), 456.025(7), 456.036, 463.005, 463.0057, 463.006, 463.007, 463.008 FS.

LAW IMPLEMENTED: 456.013(2), 456.025, 456.036, 463.0057, 463.006, 463.007, 463.008 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Joe R. Baker, Jr., Executive Director, Board of Optometry/MQA, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3257

THE FULL TEXT OF THE PROPOSED RULE IS:

64B13-6.001 Fees.

(1) through (14) No change.

(15) The initial fee for any entity seeking approval to provide continuing education courses or programs shall be \$25 ~~\$250~~.

(16) The Biennial renewal fee for any entity seeking approval to provide continuing education courses or programs shall be \$25 ~~\$250~~.

Specific Authority 456.013(2), 456.025(7), 456.036, 463.005, 463.0057, 463.006, 463.007, 463.008 FS. Law Implemented 456.013(2), 456.025, 456.036, 463.0057, 463.006, 463.007, 463.008 FS. History—New 12-13-79, Amended 2-14-82, 8-18-82, 12-2-82, 5-6-84, 7-29-85, Formerly 21Q-6.01, Amended 11-20-86, 7-21-88, 2-5-90, 5-29-90, 7-10-91, 4-14-92, 7-1-93, Formerly 21Q-6.001, Amended 1-24-94, Formerly 61F8-6.001, Amended 12-22-94, 2-13-95, 4-5-95, 5-29-95, 12-31-95, Formerly 59V-6.001, Amended 12-24-97, 3-21-00, 11-18-01, 5-9-02, 9-10-02, 7-3-03,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:

Board of Optometry

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

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

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

Section III
Notices of Changes, Corrections and
Withdrawals

DEPARTMENT OF STATE

Division of Cultural Affairs

RULE NO.: RULE TITLE:
IT-1.001 Division of Cultural Affairs

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., published in the Vol. 29, No. 18, May 2, 2003, issue of the Florida Administrative Weekly.

SUMMARY OF CHANGE: Changes have been made to the proposed rule that address the comments made by the Joint Administrative Procedures Committee. The changes include:

1. Clarification of the language used to describe the method by which Specific Project applications will be recommended for funding by the review panel.

Previously proposed language:

Specific Project award recommendations to the Council will be determined by the review panel and will consider the overall group of applications, the relative merits of each proposal, and the anticipated funds available for the program. The panel is not required to fund all Specific Project proposals that achieve the minimum average score of 75; those funded will receive funding of not less than \$2,500.

New language:

Based on their review, the panel makes funding recommendations for Specific Project grant awards to the Council. In determining which applications to fund, the panel will consider only applications that have achieved the required minimum average score of 75 and other criteria which include the overall group of eligible Specific Project applications, the relative merits of each proposal as demonstrated through scores based on the program review criteria, the anticipated funds available for the program, the perceived needs of the artistic or cultural discipline, the constituency served, and how well the proposed project fulfills the mission of the Cultural Support Grants program. In determining award amounts for those proposals recommended for funding, the panel may not recommend funding of less than \$2,500.

SPECIFIC AUTHORITY: 255.043(4), 265.284(5)(d), 265.285(1)(c), 265.286(1),(4),(6), 265.2861(2)(b), 265.2865(6), 265.51, 265.605(1), 265.608, 265.609(1),(4),(6), 265.701(4) FS.

LAW IMPLEMENTED: 215.97, 255.043, 265.284, 265.285, 265.286, 265.2861, 265.2865, 265.51-56, 265.601-.607, 265.608, 265.609, 265.701, 286.011, 286.012, 286.25 FS.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Linda Downey, Director of the Division of Cultural Affairs,
1001 DeSoto Park Drive, Tallahassee, Florida 32301

DEPARTMENT OF REVENUE

Division of Ad Valorem Tax

RULE NO.:	RULE TITLE:
12D-10.0044	Uniform Procedures for Hearings; Procedures for Information and Evidence Exchange Between the Petitioner and Property Appraiser, Consistent with s. 194.032, F.S.; Organizational Meeting; Uniform Procedures to be Available to Petitioners

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to this proposed rule, as published in Vol. 29, No. 26, pp. 2538-2540, issue of the Florida Administrative Weekly. These changes are in accordance with s. 120.54(3)(d)1., F.S.

Paragraph (a) of subsection (5) of Rule 12D-10.0044, F.A.C., will be changed so that, when adopted, this paragraph will read:

(5)(a) The exchange in subsections (2) and (3) shall be delivered by regular or certified U.S. mail, personal delivery, overnight mail, FAX or email. ~~A party will have prima facie complied with the requirements of this section if the information was deposited in the U.S. mail five (5) calendar days prior to the day of such scheduled delivery, or if emailed or FAXed to an address provided by the other party.~~ It shall be sufficient if at least three FAX or email attempts are made to such address. If more than one FAX number is provided, three (3) attempts must be made for each number to satisfy this requirement. The taxpayer and property appraiser may agree to a different timing and method of exchange. "Provided" means made available in the manner designated by the property appraiser or by the petitioner in his/her submission of information, as via email, facsimile, U.S. mail, or at the property appraiser's office for pick up. If the petitioner does not designate his/her desired manner for receiving the property appraiser's information, the information shall be provided by the property appraiser by depositing it in the U.S. mail.

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 ELDER AFFAIRS

Aging and Assisted Living Programs

RULE CHAPTER NO.: 58L-2
 RULE CHAPTER TITLE: Long-Term Care Ombudsman
 Conflict of Interest

RULE NO.: 58L-2.007
 RULE TITLE: Procedures

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. 30, July 25, 2003, issue of the Florida Administrative Weekly.

In response to comments from the Joint Administrative Procedures Committee the proposed "Conflict of Interest Certification Form, SLTCO Form #1, Dated July 2003, is changed. The SLTCO Form #1 is changed to read:

I, _____, of the _____ Long-Term Care Ombudsman Program, hereby acknowledge and certify that neither I nor any member of my immediate family has a conflict of interest as defined in Chapter 58L-2, Florida Administrative Code, and that I have received a copy of Rule Chapter 58L-2, Florida Administrative Code, relating to Long-Term Care Ombudsman conflict of interest, and I have read and understand same.

Signed this ____ day of _____, 20__.
 Signature _____.

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 Dentistry

RULE NOS.:	RULE TITLES:
64B5-14.001	Definitions
64B5-14.002	Prohibitions
64B5-14.003	Training, Education, Certification, and Requirements for Issuance of Permits
64B5-14.004	Additional Requirements
64B5-14.005	Application for Permit
64B5-14.006	Reporting Adverse Occurrences
64B5-14.007	Inspection of Facilities
64B5-14.009	Parenteral Conscious Sedation

NOTICE OF PUBLIC HEARING

The Board of Dentistry hereby gives notice of a public hearing on the above-referenced rules to be held on September 26, 2003 at 10:00 a.m., or shortly thereafter, at the Hilton University of Florida Conference Center-Gainesville, 1714 S.

W. 34th Street, Gainesville, Florida 32607, (352)371-3600. A Notice of Proposed Rulemaking was published in Vol. 29, No. 26, of the June 27, 2003 Florida Administrative Weekly.

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

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

DEPARTMENT OF HEALTH

Board of Medicine

RULE NO.: 64B8-4.022
 RULE TITLE: Licensure Denial

NOTICE OF WITHDRAWAL

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

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

**Section IV
 Emergency Rules**

NONE

**Section V
 Petitions and Dispositions Regarding Rule
 Variance or Waiver**

**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

NOTICE IS HEREBY GIVEN that the South Florida Water Management District (SFWMD) Governing Board issued an Order Granting Waiver under Section 120.542, Fla. Stat.

(SFWMD 2003-122 DAO-ROW), on August 13, 2003, to Robert and Clarissa Slauter. The petition for waiver was received by the SFWMD on May 9, 2003.

Notice of receipt of the petition requesting the waiver was published in the Florida Administrative Weekly, Vol. 29, No. 21, on May 23, 2003. No public comment was received.

This Order provides a waiver for existing trees and a canoe rack located within the south right of way of C-15 at the rear of 183 Oregon Lane, Boca Raton, Section 32, Township 46 South, Range 43 East, Palm Beach County. Specifically, the Order grants a waiver from Rules 40E-6.011(4) and (6) and 40E-6.221(2)(j), Fla. Admin. Code, and the Basis of Review for Use or Occupancy of the Works or Lands of the District Permit Applications within the South Florida Water Management District, incorporated by reference in Rule 40E-6.091(1), Fla. Admin. Code, which govern the placement of permanent and/or semi-permanent above-ground facilities within 40 feet of the top of canal bank within Works or Lands of the District. Generally, the Order sets forth the basis of the Governing Board decision to grant the waiver, as follows: 1) the existing facilities will not significantly interfere with the SFWMD's ability to perform necessary construction, alteration, operation and maintenance activities; and 2) the Order granting a waiver from the subject rule would prevent Robert and Clarissa Slauter from suffering a violation of the principles of fairness.

A copy of the Order can be obtained from: Jan Sluth, South Florida Water Management District, 3301 Gun Club Road, MSC 1410, West Palm Beach, FL 33406-4680, (561)682-6299 or e-mail: jsluth@sfwmd.gov.

NOTICE IS HEREBY GIVEN that the South Florida Water Management District (SFWMD) Governing Board issued an Order Granting Waiver under Section 120.542, Fla. Stat. (SFWMD 2003-123 DAO-ROW), on August 13, 2003, to the Town of Davie. The petition for waiver was received by the SFWMD on June 11, 2003.

Notice of receipt of the petition requesting the waiver was published in the Florida Administrative Weekly, Vol. 29, No. 27, on July 3, 2003. No public comment was received.

This Order provides a waiver for proposed information bollards in various locations within the north right of way of C-11 beginning approximately 110 feet west of S. W. 61st Avenue and ending at S. W. 76th Avenue, Sections 25, 26 and 27, Township 50 South, Range 40 and 41 East, Broward County. Specifically, the Order grants a waiver from subsections 40E-6.011(4) and (6) and paragraph 40E-6.221(2)(j), Fla. Admin. Code, and the Basis of Review for Use or Occupancy of the Works or Lands of the District Permit Applications within the South Florida Water Management District, incorporated by reference in subsection 40E-6.091(1), Fla. Admin. Code, which govern the placement of permanent and/or semi-permanent above-ground facilities

within 40 feet of the top of canal bank within Works or Lands of the District. Generally, the Order sets forth the basis of the Governing Board decision to grant the waiver, as follows: 1) the proposed facilities will not significantly interfere with the SFWMD's ability to perform necessary construction, alteration, operation and maintenance activities; and 2) the Order granting a waiver from the subject rule would the Town of Davie from a substantial hardship.

A copy of the Order can be obtained from: Jan Sluth, South Florida Water Management District, 3301 Gun Club Road, MSC 1410, West Palm Beach, FL 33406-4680, (561)682-6299 or e-mail: jsluth@sfwmd.gov.

NOTICE IS HEREBY GIVEN that the South Florida Water Management District (SFWMD) Governing Board issued an Order Granting Waiver under Section 120.542, Fla. Stat. (SFWMD 2003-124 DAO-ROW), on August 13, 2003, to Neil F. Lewis. The petition for waiver was received by the SFWMD on June 10, 2003.

Notice of receipt of the petition requesting the waiver was published in the Florida Administrative Weekly, Vol. 29, No. 26, on June 27, 2003. No public comment was received.

This Order provides a waiver for an existing satellite dish within the north right of way of the Hillsboro Canal, at the rear of 10634 Shore Drive, Section 36, Township 47 South, Range 43 East, Palm Beach County. Specifically, the Order grants a waiver from paragraph 40E-6.221(2)(j), F.A.C., and the Basis of Review for Use or Occupancy of the Works or Lands of the District Permit Applications within the South Florida Water Management District, incorporated by reference in subsection 40E-6.091(1), Fla. Admin. Code, which governs the placement of satellite dishes, amateur radio antennas, and other similar above-ground permanent and/or semi-permanent encroachments within Works or Lands of the District. Generally, the Order sets forth the basis of the Governing Board decision to grant the waiver, as follows: 1) the existing facilities will not significantly interfere with the SFWMD's ability to perform necessary construction, alteration, operation and maintenance activities; and 2) the Order granting a waiver from the subject rule would prevent Neil F. Lewis from a substantial hardship.

A copy of the Order can be obtained from: Jan Sluth, South Florida Water Management District, 3301 Gun Club Road, MSC 1410, West Palm Beach, FL 33406-4680, (561)682-6299 or e-mail: jsluth@sfwmd.gov.

NOTICE IS HEREBY GIVEN that the South Florida Water Management District (SFWMD) Governing Board issued an Order Granting Waiver under Section 120.542, Fla. Stat. (SFWMD 2003-125 DAO-ROW), on August 13, 2003, to South Florida Conservancy District. The petition for waiver was received by the SFWMD on June 11, 2003.

Notice of receipt of the petition requesting the waiver was published in the Florida Administrative Weekly, Vol. 29, No. 27, on July 3, 2003. No public comment was received.

This Order provides a waiver for a proposed fence enclosure within the west right of way of L-25 in conjunction with the "EAA Diversion Pump Station Project", Section 2, Township 44 South, Range 35 East, Palm Beach County. Specifically, the Order grants a waiver from subsections 40E-6.011(4) and (6) and paragraph 40E-6.221(2)(j), Fla. Admin. Code, and the Basis of Review for Use or Occupancy of the Works or Lands of the District Permit Applications within the South Florida Water Management District, incorporated by reference in subsection 40E-6.091(1), Fla. Admin. Code, which govern the placement of permanent and/or semi-permanent above-ground facilities within 40 feet of the top of canal bank within Works or Lands of the District. Generally, the Order sets forth the basis of the Governing Board decision to grant the waiver, as follows: 1) the proposed facilities will not significantly interfere with the SFWMD's ability to perform necessary construction, alteration, operation and maintenance activities; and 2) the Order granting a waiver from the subject rule would prevent South Florida Conservancy District from substantial hardship.

A copy of the Order can be obtained from: Jan Sluth, South Florida Water Management District, 3301 Gun Club Road, MSC 1410, West Palm Beach, FL 33406-4680, (561)682-6299 or e-mail: jsluth@sfwmd.gov.

NOTICE IS HEREBY GIVEN that the South Florida Water Management District (SFWMD) Governing Board issued an Order Granting Waiver under Section 120.542, Fla. Stat. (SFWMD 2003-126 DAO-ROW), on August 13, 2003, to South Shore Drainage District. The petition for waiver was received by the SFWMD on April 16, 2003.

Notice of receipt of the petition requesting the waiver was published in the Florida Administrative Weekly, Vol. 29, No. 18, on May 2, 2003. No public comment was received.

This Order provides a waiver for a proposed fence enclosure within the east right of way of L-25 in conjunction with the "EAA Diversion Pump Station Project", Section 2, Township 44 South, Range 35 East, Palm Beach County. Specifically, the Order grants a waiver from subsections 40E-6.011(4) and (6) and paragraph 40E-6.221(2)(j), Fla. Admin. Code, and the Basis of Review for Use or Occupancy of the Works or Lands of the District Permit Applications within the South Florida Water Management District, incorporated by reference in subsection 40E-6.091(1), Fla. Admin. Code, which govern the placement of permanent and/or semi-permanent above-ground facilities within 40 feet of the top of canal bank within Works or Lands of the District. Generally, the Order sets forth the basis of the Governing Board decision to grant the waiver, as follows: 1) the proposed facilities will not significantly interfere with the SFWMD's ability to perform necessary

construction, alteration, operation and maintenance activities; and 2) the Order granting a waiver from the subject rule would prevent South Shore Drainage District from a substantial hardship.

A copy of the Order can be obtained from: Jan Sluth, South Florida Water Management District, 3301 Gun Club Road, MSC 1410, West Palm Beach, FL 33406-4680, (561)682-6299 or e-mail: jsluth@sfwmd.gov.

NOTICE IS HEREBY GIVEN that the South Florida Water Management District (SFWMD) Governing Board issued an Order Granting Waiver under Section 120.542, Fla. Stat. (SFWMD 2003-127 DAO-ROW), on August 13, 2003, to Guy and Faith Nicholls. The petition for waiver was received by the SFWMD on December 13, 2002.

Notice of receipt of the petition requesting the waiver was published in the Florida Administrative Weekly, Vol. 28, No. 52, on December 27, 2002. No public comment was received.

This Order provides a waiver for an existing cross-fence at the western property line extended located at the rear of Lot 5 of Pine Estates Subdivision within the north right of way of C-24, Section 16, Township 37 South, Range 40 East, St. Lucie County. Specifically, the Order grants a waiver from subsections 40E-6.011(4) and (6) and paragraph 40E-6.221(2)(j), Fla. Admin. Code, and the Basis of Review for Use or Occupancy of the Works or Lands of the District Permit Applications within the South Florida Water Management District, incorporated by reference in subsections 40E-6.091(1), Fla. Admin. Code, which govern the placement of permanent and/or semi-permanent above-ground facilities within 40 feet of the top of canal bank within Works or Lands of the District. Generally, the Order sets forth the basis of the Governing Board decision to grant the waiver, as follows: 1) the existing facilities will not significantly interfere with the SFWMD's ability to perform necessary construction, alteration, operation and maintenance activities; and 2) the Order granting a waiver from the subject rule would prevent Guy and Faith Nicholls from a substantial hardship.

A copy of the Order can be obtained from: Jan Sluth, South Florida Water Management District, 3301 Gun Club Road, MSC 1410, West Palm Beach, FL 33406-4680, (561)682-6299 or e-mail: jsluth@sfwmd.gov.

NOTICE IS HEREBY GIVEN that on August 19, 2003, South Florida Water Management District (District) received a petition for waiver from the Florida Department of Transportation, Application No. 03-0711-2M, for utilization of Works or Lands of the District known as the Hillsboro Canal, Palm Beach/Broward County to allow 2 existing outfall pipes within the north and south rights of way adjacent to the Powerline Road (SR 845) bridge crossing the Hillsboro Canal to remain, Section 33/34, Township 47 South, Range 42 East. The petition seeks relief from paragraph 40E-6.221(2)(j), Fla.

Admin. Code, which states that a condition for issuance of a standard permit is that the project "meets the general and specific criteria in the Basis of Review". The criteria states that for culvert connections the crown elevation is 1/2 foot below the design water surface of optimum water control elevation within Works or Lands of the District.

A copy of the petition may be obtained from: Jan Sluth, (561)682-6299 or e-mail: jsluth@sfwmd.gov.

The District will accept comments concerning the petition for 14 days from the date of publication of this notice. To be considered, comments must be received by the end of business on the 14th day at the South Florida Water Management District, 3301 Gun Club Road, MSC 1410, West Palm Beach, FL 33406, Attn: Jan Sluth, Office of Counsel.

NOTICE IS HEREBY GIVEN that on August 25, 2003, South Florida Water Management District (District) received a petition for waiver from Ruth V. and Terrin L. Papineau, Application No. 03-0825-1, for utilization of Works or Lands of the District known as the Golden Gate Main Canal, Collier County for existing trees to remain within the north right of way of the Golden Gate Main Canal at the rear of 2170 10th Avenue, N. E., Naples, FL, Collier County, Section 36, Township 48 South, Range 27 East. The petition seeks relief from subsections 40E-6.011(4),(6), Fla. Admin. Code, which governs the placement of permanent and/or semi-permanent above-ground facilities within 40 feet of the top of the canal bank and placement of permanent and/or semi-permanent above-ground encroachments within Works or Lands of the District.

A copy of the petition may be obtained from: Jan Sluth, (561)682-6299 or e-mail: jsluth@sfwmd.gov.

The District will accept comments concerning the petition for 14 days from the date of publication of this notice. To be considered, comments must be received by the end of business on the 14th day at the South Florida Water Management District, 3301 Gun Club Road, MSC 1410, West Palm Beach, FL 33406, Attn: Jan Sluth, Office of Counsel.

NOTICE IS HEREBY GIVEN that on August 25, 2003, South Florida Water Management District (District) received a petition for waiver from Broward County Board of County Commissioners, Application No. 03-0825-3M, Permit (MOD) No. 11630 for utilization of Works or Lands of the District known as the C-11 Canal, Broward County for the proposed reconfiguration of existing guardrail at the southwest quadrant of the Weston Road Bridge within the south right of way of C-11, Weston, FL, Broward County, Sections 29, Township 50 South, Range 40 East. The petition seeks relief from subsections 40E-6.011(4),(6), Fla. Admin. Code, which governs the placement of permanent and/or semi-permanent above-ground facilities within 40 feet of the top of the canal bank within Works or Lands of the District.

A copy of the petition may be obtained from: Jan Sluth, (561)682-6299 or e-mail: jsluth@sfwmd.gov.

The District will accept comments concerning the petition for 14 days from the date of publication of this notice. To be considered, comments must be received by the end of business on the 14th day at the South Florida Water Management District, 3301 Gun Club Road, MSC 1410, West Palm Beach, FL 33406, Attn: Jan Sluth, Office of Counsel.

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 Clinical Social Work, Marriage and Family Therapy and Mental Health Counseling hereby gives notice that it has issued an Order on the Petition for Waiver filed by Richard Gilot. The Notice of Petition for Waiver was published in Vol. 29, No. 24, of the June 13, 2003, Florida Administrative Weekly. The Board considered the Petition at its meeting held on July 28, 2003, in Tampa, Florida. The Board's Order, filed on August 18, 2003, denies the petition for waiver finding that the underlying purpose of the statute, as implemented by subparagraph 64B4-3.003(3)(d)1., 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 Clinical Social Work, Marriage and Family Therapy and Mental Health Counseling, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3758.

The Board of Dentistry hereby gives notice that it has received a Petition, filed on July 17, 2003, from Andres Bello, D.D.S., Bertha Bravo, D.D.S., Sonia Rocha, D.D.S., and Ivan Terrero, D.D.S., seeking a waiver or variance of subparagraphs 64B5-2.0146(2)(c)1. and 3., Florida Administrative Code, with respect to the requirements applicants from non-accredited schools or colleges present to the Board an official transcript and a letter from the Dean of the sponsoring school.

The Board will consider the Petition September 26, 2003, 9:00 a.m. or shortly thereafter, Hilton University of Florida Conference Center-Gainesville, 1714 S. W. 34th Street, Gainesville, Florida 32607, (352)371-3600.

Comments on this Petition should be filed with the Board of Dentistry/MQA, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3258, within 14 days of publication of this notice.

For a copy of the Petition, contact: Sue Foster, Executive Director, Board of Dentistry, at above address or telephone (850)245-4474.

The Board of Medicine hereby gives notice that it has received a petition filed on August 19, 2003, on behalf of Sadaf Bazargan, M.D., seeking a variance from Rule 64B8-5.001, F.A.C., with regard to the time frames imposed for passage of the USMLE.

Comments on this petition should be filed with Board of Medicine, MQA, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3253, within 14 days of publication of this notice.

For a copy of the petition, contact: Larry G. McPherson, Jr., Executive Director, Board of Medicine, at above address or telephone (850)245-4131.

The Board of Medicine hereby gives notice that it has received a petition filed on July 23, 2003, by Lazar Y. Kaganovsky, M.D., and Elina B. Kaganovsky, M.D., seeking a waiver from Rules 64B8-4.009, 64B8-4.010, F.A.C., with regard to the requirements for the submission of transcripts and diplomas for licensure.

Comments on this petition should be filed with Board of Medicine, MQA, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3253, within 14 days of publication of this notice.

For a copy of the petition, contact: Larry G. McPherson, Jr., Executive Director, Board of Medicine, at above address or telephone (850)245-4131.

The Board of Medicine hereby gives notice that it has received a petition filed on August 18, 2003, by Ahmad Khalifa, M.D., seeking a waiver from Rule 64B8-4.009, F.A.C., with regard to the requirement for official verification of the applicant's medical education.

Comments on this petition should be filed with Board of Medicine, MQA, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3253, within 14 days of publication of this notice.

For a copy of the petition, contact: Larry G. McPherson, Jr., Executive Director, Board of Medicine, at above address or telephone (850)245-4131.

The Board of Psychology hereby gives notice that it has issued an Order on the Petition for Waiver filed by Tanya Quille, Ph.D. The Notice of Petition for Waiver was published in Vol. 29, No. 9 of the February 28, 2003, Florida Administrative Weekly. The Board considered the Petition at its meeting held on March 21, 2003. The Board's Order granted the petition for waiver finding that the underlying purpose of the statute, as

implemented by paragraph 64B19-11.001(4)(c), F.A.C., has been met and that the Petitioner has demonstrated a substantial hardship.

A copy of the Board's Order may be obtained by contacting: Board of Psychology, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3753.

The Board of Psychology hereby gives notice that it has issued an Order on the Petition for Waiver filed by Nancy L. Witt, Ph.D. The Notice of Petition for Waiver was published in Vol. 29, No. 9 of the February 28, 2003, Florida Administrative Weekly. The Board considered the Petition at its meeting held on March 21, 2003. The Board's Order granted the petition for waiver finding that the underlying purpose of the statute, as implemented by paragraph 64B19-11.001(4)(c), F.A.C., has been met and that the Petitioner has demonstrated a substantial hardship.

A copy of the Board's Order may be obtained by contacting: Board of Psychology, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3753.

The Board of Psychology hereby gives notice that it has issued an Order on the Petition for Waiver filed by Brenda Lee, Psy.D. The Notice of Petition for Waiver was published in Vol. 29, No. 21 of the May 23, 2003, Florida Administrative Weekly. The Board considered the Petition at its meeting held on March 21, 2003. The Board's Order granted the petition for waiver finding that the underlying purpose of the statute, as implemented by paragraph 64B19-11.001(4)(c), F.A.C., has been met and that the Petitioner has demonstrated a substantial hardship. A copy of the Board's Order may be obtained by contacting: Board of Psychology, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3753.

The Board of Psychology hereby gives notice that it has issued an Order on the Petition for Waiver filed by Laurie A. LaMonde, Ph.D. The Notice of Petition for Waiver was published in Vol. 29, No. 21 of the May 23, 2003, Florida Administrative Weekly. The Board considered the Petition at its meeting held on March 21, 2003. The Board's Order granted the petition for waiver finding that the underlying purpose of the statute, as implemented by paragraph 64B19-11.001(4)(c), F.A.C., has been met and that the Petitioner has demonstrated a substantial hardship.

A copy of the Board's Order may be obtained by contacting: Board of Psychology, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3753.

The Board of Psychology hereby gives notice that it has issued an Order on the Petition for Waiver filed by Teresa S. Huff, Psy.D. The Notice of Petition for Waiver was published in Vol. 29, No. 21 of the May 23, 2003, Florida Administrative Weekly. The Board considered the Petition at its meeting held

on March 21, 2003. The Board's Order granted the petition for waiver finding that the underlying purpose of the statute, as implemented by paragraph 64B19-11.001(4)(c), F.A.C., has been met and that the Petitioner has demonstrated a substantial hardship.

A copy of the Board's Order may be obtained by contacting: Board of Psychology, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3753.

The Board of Psychology hereby gives notice that it has issued an Order on the Petition for Waiver filed on behalf of Rosalinda Hasbun. The Notice of Petition for Waiver was published in Vol. 29, No. 9, of the February 28, 2003, Florida Administrative Weekly. The Board considered the Petition at its March 21, 2003 meeting. The Board's Order denies the petition for waiver finding that the underlying purpose of the statute, as implemented by paragraph 64B19-11.001(4)(c), F.A.C., has 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 Psychology, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3255

The Board of Psychology hereby gives notice that it has issued an Order on the Petition for Waiver filed on behalf of Mary T. Diaz Granados. The Notice of Petition for Waiver was published in Vol. 29, No. 9, of the February 28, 2003, Florida Administrative Weekly. The Board considered the Petition at its March 21, 2003 meeting. The Board's Order denies the petition for waiver finding that the underlying purpose of the statute, as implemented by paragraph 64B19-11.001(4)(c), F.A.C., has 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 Psychology, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3255.

The Board of Psychology hereby gives notice that it has issued an Order on the Petition for Waiver filed by Maria E. Dominquez, Psy.D. The Notice of Petition for Waiver was published in Vol. 29, No. 22 of the May 30, 2003, Florida Administrative Weekly. The Board considered the Petition at its meeting held on March 21, 2003. The Board's Order granted the petition for waiver finding that the underlying purpose of the statute, as implemented by Rule 64B19-11.001, F.A.C., has been met and that the Petitioner has demonstrated a substantial hardship.

A copy of the Board's Order may be obtained by contacting: Board of Psychology, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3753.

The Board of Psychology hereby gives notice that it has issued an Order on the Petition for Waiver filed by Brenda I. Rivera, Psy.D. The Notice of Petition for Waiver was published in Vol. 29, No. 9 of the February 28, 2003, Florida Administrative Weekly. The Board considered the Petition at its meeting held on March 21, 2003. The Board's Order granted the petition for waiver finding that the underlying purpose of the statute, as implemented by paragraph 64B19-11.001(4)(c), F.A.C., has been met and that the Petitioner has demonstrated a substantial hardship.

A copy of the Board's Order may be obtained by contacting: Board of Psychology, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3753.

Section VI Notices of Meetings, Workshops and Public Hearings

DEPARTMENT OF STATE

The **Department of State, Division of Historical Resources** announces a Historic Marker conference call to which all interested persons are invited to participate.

DATE AND TIME: Thursday, September 25, 2003, 10:00 a.m., EDT

PLACE: Room 409, R. A. Gray Building, 500 S. Bronough Street, Tallahassee, FL 32399-0250

GENERAL SUBJECT MATTER TO BE CONSIDERED: To review Historic Marker applications.

A copy of the agenda may be obtained by writing: Florida State Historic Marker Program, Bureau of Historic Preservation, Division of Historical Resources, 500 S. Bronough Street, Tallahassee, FL 32399-0250.

Should any person wish to appeal any decision made with respect to the above referenced meeting, she or he may need to ensure verbatim recording of the proceedings in order to provide a record for judicial review.

Pursuant to Chapter 288.26, Florida Statutes, people with disabilities wishing to attend this meeting should contact the agency at least 48 hours prior to the meeting in order to request any special assistance.

DEPARTMENT OF LEGAL AFFAIRS

The Executive Committee of the Florida **Commission on the Status of Women** will hold a telephone conference to which all interested persons are invited to participate.

DATE AND TIME: September 18, 2003, 10:00 a.m.

PLACE: Call (850)414-3300 for information on participation

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss general issues.

If you need an accommodation because of disability in order to participate, please notify FCSW, in writing, at least five days in advance, Office of the Attorney General, The Capitol, Tallahassee, FL 32399-1050.

Note: If a quorum of members does not attend, items on this agenda will be discussed as a workshop by those present, and notes will be recorded although no formal action will be taken. If you have any questions, please call (850)414-3300.

DEPARTMENT OF EDUCATION

The public is invited to a workshop of the State **Board of Education**.

DATE AND TIME: September 16, 2003, 9:00 a.m.

PLACE: Tanei Hall, Building S, Community Meeting Room 117, Edison Community College, Fort Myers, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Community Colleges, Baccalaureate degrees.

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 State **Board of Education**.

DATE AND TIME: September 16, 2003, 1:00 p.m.

PLACE: Tanei Hall, Building S, Community Meeting Room 117, Edison Community College, Fort Myers, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Approval of Minutes of meeting held August 19, 2003; Updates on various reports and status on education initiatives by Commissioner and Chairman; Action items will include Consideration of Recommendations for School Improvement Plans for Double "F" Schools; Charter School Appeal of Gulf Coast High School vs. The School Board of Escambia County; 2004-2005 K-20 Fixed Capital Outlay Budget; Proposed Amended Rule 6E-1.0032, F.A.C., Fair Consumer Practices; Proposed Amended Rule 6E-2.0042, F.A.C., Medical Clinical Clerkship; Approval of High School Credit Equivalencies for English Dual Enrollment Courses; and other matters pertaining to the State Board of Education

A copy of the agenda may be obtained from the Commissioner of Education's website at <http://www.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 Executive Committee of the Florida **Board of Governors**.

DATE AND TIME: September 17, 2003, 11:00 a.m. – 2:00 p.m.

PLACE: Graham Center, Room 243, Florida International University, University Park Campus, Miami, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: To consider the Board's Strategic Plan and to begin to develop mission statements for the universities and the State University System; and other issues related to the Executive Committee.

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 State of Florida, **Department of Education, Education Practices Commission** announces two Teacher Hearing Panels, an Administrator Hearing Panel and an Annual Business Meeting to which all persons are invited.

MEETING: Teacher Hearing; Administrator Hearing

DATE AND TIME: September 18, 2003, 9:00 a.m.

MEETING: Annual Business Meeting

DATE AND TIME: September 18, 2003, 1:00 p.m.

MEETING: Teacher Hearing

DATE AND TIME: September 19, 2003, 9:00 a.m.

PLACE: Embassy Suites Hotel, Tampa Airport/Westshore, 555 North Westshore Boulevard, Tampa, Florida 33609, (813)875-1555

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Teacher Hearing Panels of the Education Practices Commission will consider final agency action in matters dealing with the disciplining of certified educators.

If a person decides to appeal any decision made by the Commission with respect to any matter considered at these hearings, he or she will need to ensure that a verbatim record of the proceeding is made. The record will include the testimony and evidence upon which the appeal is to be based.

Additional information may be obtained by writing: Education Practices Commission, 325 W. Gaines Street, 224 Turlington Building, Tallahassee, Florida 32399-0400.

SPECIAL ACCOMMODATION: Any person requiring a special impairment accommodation should contact Kathleen M. Richards, (850)245-0455, at least five (5) calendar days prior to the hearing. Persons who are hearing or speech impaired can contact the Commission using the Florida Dual Party Relay System at 711.

The **Florida Atlantic University**, Florida's Art in State Buildings Program announces the following public meeting, to which all persons are invited:

COMMITTEE: Art Selection Committee

DATE AND TIME: September 25, 2003, 2:00 p.m.– 5:00 p.m.
 PLACE: Florida Atlantic University, Florida's Art in State Buildings Program, Boca Raton Campus, 777 Glades Road, Housing Building #46, Main Office, Boca Raton, FL 33431
 GENERAL SUBJECT MATTER TO BE CONSIDERED: To hold a Slide Review Meeting regarding Florida's Art in State Buildings Program for BR-648 Undergraduate Student Housing.

For more information or to obtain a copy of the agenda, please contact: Patty Singer, Program Administrator, Florida's Art in State Buildings Program, Florida Atlantic University, 777 Glades Road, AD Bldg., Rm 392, Boca Raton, Florida 33431, (561)297-1064, (561)297-2539.

Should any person wish to appeal any decision made with respect to any matter considered at the above referenced meeting, he/she may need to ensure verbatim recording of the proceeding to provide a record for judicial review. This meeting will not be taped by the Florida's Art in State Buildings Program.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this meeting is asked to advise the agency at least 48 hours before the meeting by contacting: Patty Singer, (561)297-1064, (561)297-2539. If you are hearing or speech impaired, please contact the agency by calling TT 1(800)955-8770.

The Probable Cause Panel, **Commission for Independent Education** announces a meeting.

DATE AND TIME: September 15, 2003, 9:00 a.m.

PLACE: By teleconference at the meet me number (850)487-8540

GENERAL SUBJECT MATTER TO BE CONSIDERED: To review the investigative reports and complaints in which the probable cause panel has to make a determination as to whether there is the existence of probable cause or not.

A copy of the public portion of the agenda may be obtained by writing: Margaret O'Sullivan Parker, Deputy General Counsel, Florida Department of Education, Room 1244, Turlington Building, Tallahassee, Florida 32399-0400 or at (850)245-0442.

NOTE: Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact the Area of Critical State Concern, (850)488-4925, at least five calendar days prior to the meeting being held. If you are hearing impaired please contact the Area of Critical State

Concern using the Florida Dual Party Relay System, which can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

The **Gulf Coast Community College**, District Board of Trustees will hold its monthly meeting as follows:

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

PLACE: E. A. Gardner Seminar Room, Panama City, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regular monthly meeting.

Contact person for the meeting is: Dr. Robert L. McSpadden, President.

DEPARTMENT OF COMMUNITY AFFAIRS

The **Department of Community Affairs** announces a meeting of the Affordable Housing Study Commission to which all interested persons are invited.

DATES AND TIMES: September 16, 2003, 1:00 p.m. – 5:00 p.m.; September 17, 2003, 8:00 a.m. – 1:00 p.m. (Times are subject to change)

PLACE: Hilton-Tampa Airport, 2225 N. Lois Avenue, Tampa, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: For the 2003-2004 study year, the Affordable Housing Study Commission has chosen to study housing the extremely low-income (>30% of AMI) statewide, with a special emphasis on farmworker housing in rural areas and housing the extremely low-income in the urban core. Groups and citizens with an interest in these study areas are invited to attend the Commission's meetings. At the September 16-17 meetings, a Public Comment period will take place on Wednesday, September 17, 2003, 8:00 a.m. – 9:00 a.m. Please contact Brenda Smith if you would like to make a presentation to the Commission. Due to time constraints, presentations before the Commission should be limited to no more than six minutes; however, printed support materials are welcome and can be distributed at the meeting.

Any person requiring special accommodations due to disability or physical impairment should contact Brenda Smith, (850)922-1462, at least five calendar days prior to the meeting. People who are hearing impaired should contact Ms. Smith using the Florida Dual Party Relay System, 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

A copy of the agenda may be obtained from: Brenda Smith, Affordable Housing Study Commission, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100, (850)922-1462.

The **Department of Community Affairs, Division of Emergency Management** announces a TWO-DAY meeting for the State of Florida Hazard Mitigation Plan Advisory Team (SHMPAT).

DATES AND TIMES: Wednesday, September 17, 2003, 1:00 p.m. – 4:00 p.m.; Thursday, September 18, 2003, 9:00 a.m. – 4:00 p.m.

PLACE: Kelly Training Center, Department of Community Affairs, 2555 Shumard Oak Boulevard, 3rd Floor, Sadowski Building, Tallahassee, Florida 32399-2100

GENERAL SUBJECT MATTER TO BE CONSIDERED: A facilitated session for state and federal agencies, non-profit organizations, and interested groups that have a stake in:

1. Participating to the development of long-term state hazard mitigation strategy.
2. Contributing to the formulation of the state hazard mitigation plan as required by federal law (DMA2K: the Disaster Mitigation Act of 2000)
3. Identifying policies, plans, and programs that pertain to hazard mitigation (initiatives that help reduce the long-term risk to human life and property from natural and technological hazards);
4. Establishing working groups to further the goals and objectives of the state mitigation strategy.
5. Participate in the process of identifying the state critical facilities.

Meeting Agenda for forthcoming and previous meetings can be found at: <http://www.dca.state.fl.us/brm/State-Mitigation-Strategy/State-Mitigation-Strategy.htm>.

For further information please contact: Kaori Yoshida, (850)922-1422; e-mail: kaori.yoshida@dca.state.fl.us.

DEPARTMENT OF TRANSPORTATION

NOTICE OF RESCHEDULING – The **Florida High Speed Rail Authority**, in conjunction with the Florida Department of Transportation, announces the rescheduling of the series of public hearings, which was published in the Florida Administrative Weekly, Vol. 29, No. 35, dated August 29, 2003. The public hearings, which were scheduled for September 22, 23 and 25, 2003 are rescheduled as follows:

For Hillsborough County:

DATE AND TIME: October 7, 2003, 5:00 p.m. – 8:00 p.m.

PLACE: Armwood High School Auditorium, 12000 US 92, Seffner, Florida (Note: Free parking is available)

For Polk County:

DATE AND TIME: October 8, 2003, 5:00 p.m. – 8:00 p.m.

PLACE: The Lakeland Center, Lake Hollingsworth Ballroom, 700 West Lemon Street, Lakeland, Florida (Note: Free parking is available)

For Osceola County and Orange County:

DATE AND TIME: October 9, 2003, 5:00 p.m. – 8:00 p.m.

PLACE: Hyatt Orlando International Airport, Intercontinental Ballroom, 9300 Airport Boulevard, Orlando, Florida (Note: Free parking vouchers will be distributed to all attendees)

GENERAL SUBJECT MATTER TO BE CONSIDERED: This hearing is being held to afford interested persons the opportunity to express their views concerning the location, conceptual design, social, economic and environmental effects of Financial Project ID Number 411253-2-22-01, otherwise known as Florida High Speed Rail Tampa to Orlando Project Development and Environment (PD&E) Study. The limits of the project corridor are from the Tampa Central Business District, Hillsborough County to the Orlando International Airport, Orange County, Florida. The corridor also includes Polk County and Osceola County, Florida. The public hearing will begin with an open house (5:00 p.m.), at which time the public may review maps, drawings, and other pertinent information developed by the FDOT. The open house will be followed by a formal presentation at 6:00 p.m.

FDOT will present the PD&E Study findings concerning Florida High Speed Rail. The proposed high speed rail alignment would be 44 feet within existing medians of limited access roadways and, where new right-of-way is required, a maximum rail envelope of 75 feet, with an additional 20 feet of temporary construction easement. Encroachment on wetlands and floodplains are anticipated and will be given special consideration under Executive Orders 11990 and 11988. Right-of-way will be required for the railway and retention/detention ponds. This project is being developed in compliance with Title VI and VIII of the Civil Rights Act.

Anyone needing project or Public Hearing information (including the agenda) or special accommodations under the Americans With Disabilities Act of 1990 should write or call: Ms. Laurie Potier-Brown, Community Design Manager, c/o PBSJ, 5300 W. Cypress Street, Suite 300, Tampa, Florida 33607, 1(800)477-7275, Ext. 491 (toll free) or e-mail: lpbrown@pbsj.com.

Special accommodation requests under the American with Disabilities Act should be made at least seven (7) days prior to the public hearing.

The **Florida Seaport Transportation and Economic Development Council** announces a meeting of the Project Review Group in which all interested persons are invited to participate.

DATE AND TIME: September 15, 2003, 10:00 a.m. – 12:00 Noon

PLACE: Florida Department of Transportation, Burns Building, Executive Conference Room, 605 Suwannee Street, Tallahassee, Florida 32399-0450, Call-In Number (850)921-2470

GENERAL SUBJECT MATTER TO BE CONSIDERED: General Business.

Information on the meeting may be obtained by contacting: Toy Keller, Florida Ports Council, 502 East Jefferson Street, Tallahassee, Florida 32301, (850)222-8028.

Any person wishing to appeal any decision made with respect to any matter considered at the above cited meeting will need a record of the proceedings, and for such purpose that 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.

In accordance with provisions of the Americans with Disabilities Act, persons requiring special accommodations to participate in this public meeting should advise Toy Keller, (850)222-8028.

The **Florida Ports Financing Commission** announces a teleconference in which all interested persons are invited to participate.

DATE AND TIME: September 19, 2003, 10:00 a.m. – 12:00 Noon

PLACE: Call-In Number (877)331-6867, Participant Code 154991

GENERAL SUBJECT MATTER TO BE CONSIDERED: General Business.

Information on the meeting may be obtained by contacting: Toy Keller, Florida Ports Council, 502 East Jefferson Street, Tallahassee, Florida 32301, (850)222-8028.

Any person wishing to appeal any decision made with respect to any matter considered at the above cited meeting will need a record of the proceedings, and for such purpose that 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.

In accordance with provisions of the Americans with Disabilities Act, persons requiring special accommodations to participate in this public meeting should advise Toy Keller, (850)222-8028.

The **Lee County Department of Transportation** announces a reevaluation Public Hearing to which all persons are invited.

DATE AND TIME: October 1, 2003, 6:30 p.m. (Formal Hearing – 7:30 p.m.)

PLACE: Cypress Lake Middle School, Cafetorium, 8901 Cypress Lake Drive, Fort Myers, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: This hearing is being conducted to afford interested persons the opportunity to review study documents, ask questions, talk with Lee County DOT staff and express their views concerning the location, conceptual design, social, economic and environmental effects of improvements to CR 867 at the Sanibel Causeway. The limits of the segment of the Sanibel Causeway Improvements Project Development and Environment (PD&E) Study being reevaluated are from the toll booth to Island A, including Structure A (124043). The PD&E Study recommendation for Structure A was rehabilitation. The reevaluation alternatives currently being

considered for Structure A include no-build, a low level bascule (26’), a mid level bascule (50’) and a fixed span bridge (70’).

Anyone needing special accommodations under the Americans with Disabilities Act of 1990 should contact Kris Cella, Cella & Associates, Inc., 2125 First Street, Suite 201, Fort Myers, Florida 33901, (941)0337-1071, at least seven days prior to the hearing. If you have any questions about the project or would like information prior to the hearing, contact Ms. Cella.

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.”

STATE BOARD OF ADMINISTRATION

The **Florida Prepaid College Foundation Board** announces a public meeting to which all interested parties are invited to attend.

DATE AND TIME: Thursday, September 18, 2003, 11:30 a.m. or soon thereafter

PLACE: The Hilton Garden Inn, 3333 Thomasville Road, The Garden Room, First Floor, Tallahassee, FL 32312

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct the regular business of the Florida Prepaid College Foundation Board.

A copy of the agenda may be obtained by writing: Thomas J. Wallace, Executive Director, Florida Prepaid College Program, 1801 Hermitage Blvd, Suite 210, Tallahassee, Florida 32308 or (850)922-6740.

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting, that person may need to ensure that a verbatim record of the proceedings is made, which will include the testimony and evidence upon which the appeal is based.

SPECIAL ACCOMMODATION: Any person requiring special accommodations at the meeting because of a disability should fax a written request for same to Thomas J. Wallace, Executive Director, Florida Prepaid College Board, (850)922-6740, no later than five (5) days prior to the meeting.

DEPARTMENT OF CITRUS

The **Department of Citrus** announces a public meeting of the Florida Citrus Commission to which all persons are invited.

DATE AND TIME: Wednesday, September 17, 2003, 9:00 a.m.

PLACE: Florida Department of Citrus, 1115 East Memorial Blvd., Lakeland, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Commission will convene for the purposes of standing committee meetings and for the regular monthly meeting of the Florida Citrus Commission. The Commission will address issues pertaining to budget items and revisions, contracts, advertising programs, balance scorecards, licensing, rulemaking, and other matters that are addressed during monthly meetings of the Commission. The Commission may also go into closed session pursuant to the provisions of Section 286.011(8), F.S., to address issues related to the Tampa Juice, et. al. & Graves Brothers, et. al. vs. FDOC and The Lakeland Ledger Publishing Company, Publisher of The Ledger vs. FDOC.

The parties attending the closed session will be John R. Alexander, Tristan G. Chapman, W. Cody Estes, Sr., Harry H. Falk, Christopher W. Gargano, William E. Kemper, Anina C. McSweeney, W. Lindsay Raley, Jr., Daniel R. Richey, Ray Smith, Andrew R. Taylor, Bob Crawford, Hank B. Campbell, Esq., Monterey Campbell, Esq. and Kenneth O. Keck, Esq.

In accordance with the Americans with Disabilities Act, any person requiring special accommodations to participate in this meeting is asked to advise the Department at least 48 hours before the meeting by contacting Mr. Art Johnson at the above address or by telephone, (863)499-2510.

FLORIDA PAROLE COMMISSION

The **Florida Parole Commission** announces a public meeting to which all persons are invited.

DATE AND TIME: Wednesday, September 17, 2003, 9:00 a.m.

PLACE: Florida Parole Commission, 2601 Blair stone 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 Blair stone Road, Building C, Tallahassee, Florida 32399-2450.

In accordance with the Americans with Disabilities Act, persons needing a special accommodation to participate in this proceeding should contact the agency sending the notice not later than five working days prior to the proceeding at the address given on the notice. Telephone: (850)488-3417.

PUBLIC SERVICE COMMISSION

The Florida **Public Service Commission** announces a hearing to be held in the following docket, to which all interested persons are invited.

Docket No. 021206-TC – Compliance investigation of Florida Commercial PayFon, Inc. for apparent violation of Rule 25-4.019, F.A.C., Records and Reports in General.

DATE AND TIME: September 24, 2003, 9:30 a.m.

PLACE: Commission Hearing Room 148, The Betty Easley Conference Center, 4075 Esplanade Way, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: To permit parties to present testimony and exhibits relative to the compliance investigation of Florida Commercial PayFon, Inc. for apparent violation of Rule 25-4.019, F.A.C., Records and Reports in General, and for such other purposes as the Commission may deem appropriate. All witnesses shall be subject to cross-examination at the conclusion of their testimony on the issues identified by the parties at the prehearing conference held on September 8, 2003. The proceedings will be governed by the provisions of Chapters 120, F.S. and 25-28, F.A.C. Any person requiring some accommodation at this hearing because of a physical impairment should call the Division of the Commission Clerk and Administrative Services, (850)413-6770, at least 48 hours prior to the hearing. Any person who is hearing or speech impaired should contact the Commission by using the Florida Relay Service, which can be reached at 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

EXECUTIVE OFFICE OF THE GOVERNOR

The **Governor's Commission on Volunteerism and Community Service**, Volunteer Florida, is pleased to announce a public conference call to which all persons are invited.

DATE AND TIME: Thursday, September 11, 2003, 2:00 p.m.

PLACE: Call (850)921-5172 for call-in number and pass code

GENERAL SUBJECT MATTER TO BE CONSIDERED: General Commission Business.

Please contact Gwen Erwin, 401 S. Monroe Street, Tallahassee, FL 32301-2034, for a copy of the agenda.

If you require a reasonable accommodation to participate in the conference call, please contact Gwen Erwin, (850)921-5172, Voice/TTY, 72 hours in advance with your request.

The **Governor's Commission on Volunteerism and Community Service**, Volunteer Florida, Capacity Building Council, is pleased to announce a public conference call to which all persons are invited.

DATE AND TIME: Wednesday, September 17, 2003, 3:00 p.m.

PLACE: Call (850)921-5172 for call-in number and pass code

GENERAL SUBJECT MATTER TO BE CONSIDERED: Planning session.

Please contact Gwen Erwin, 401 S. Monroe Street, Tallahassee, FL 32301-2034, for a copy of the agenda.

If you require a reasonable accommodation to participate in the conference call, please contact Gwen Erwin, (850)921-5172, Voice/TTY, 72 hours in advance with your request.

REGIONAL PLANNING COUNCILS

The District I, **Local Emergency Planning Committee (LEPC)** announces a public meeting to which all persons are invited.

DATE AND TIME: Wednesday, October 22, 2003, 10:00 a.m., CDT

PLACE: Pall Membrane Technology, Conference Room, 8780 Ely Road (Ellyson Industrial Park), Pensacola, FL 32514

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct general business of the District I Local Emergency Planning Committee.

A copy of the agenda may be obtained by contacting: The Executive Director, West Florida Regional Planning Council, P. O. Box 9759, Pensacola, Florida 32513-9759.

The **Withlacoochee Regional Planning Council** announces a meeting of its Executive Committee.

DATE AND TIME: Thursday, September 18, 2003, 6:00 p.m.

PLACE: Withlacoochee Regional Planning Council, 1241 S. W. 10th Street, Ocala, FL 34474-2798

GENERAL SUBJECT MATTER TO BE CONSIDERED: Executive Director's annual performance evaluation.

A copy of the agenda may be obtained by writing: Withlacoochee Regional Planning Council, 1241 S. W. 10th Street, Ocala, FL 34474-2798.

Affected persons are advised that it may be necessary for them to ensure that a verbatim record of the meeting is made, including the testimony and evidence upon which the appeal is to be based.

The **Withlacoochee Regional Planning Council** announces a public meeting of its Board of Directors to which all persons are invited.

DATE AND TIME: Thursday, September 18, 2003, 7:00 p.m.

PLACE: Withlacoochee Regional Planning Council, 1241 S. W. 10th Street, Ocala, FL 34474-2798

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct the regular business of the Council.

A copy of the agenda may be obtained by writing: Withlacoochee Regional Planning Council, 1241 S. W. 10th Street, Ocala, FL 34474-2798.

Affected persons are advised that it may be necessary for them to ensure that a verbatim record of the meeting is made, including the testimony and evidence upon which the appeal is to be based.

The **Southwest Florida Regional Planning Council** announces the State Energy Plan, Southwest Region public hearing workshop to which all persons are invited.

DATE AND TIME: September 15, 2003, 5:00 p.m. – 8:00 p.m.

PLACE: Sarasota County Board of County Commission, Chambers, R. L. Anderson Administration Center, 4000 Tamiami Trail South, Venice, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Goals, objectives and a course of action toward development of a Statewide Energy Plan to address Florida's energy future.

If you have any questions please contact: Mr. David Burr, SWFRPC, Executive Director, (239)656-7720, Ext. 223 or email: dburr@swfrpc.org.

The **Southwest Florida Regional Planning Council** announces a public hearing to which all persons are invited:

DATE AND TIME: September 18, 2003, 9:30 a.m.

PLACE: Southwest Florida Regional Planning Council, Conference Room, 4980 Bayline Drive, 4th Floor, North Fort Myers, FL 33917

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regular meeting of the Regional Planning Council.

A copy of the proposed agenda may be obtained by writing: Mr. David Burr, Executive Director, Southwest Florida Regional Planning Council, Post Office Box 3455, North Fort Myers, FL 33918-3455 or e-mail: dburr@swfrpc.org.

Please note that if a person decides to appeal any decision made by the Council with respect to any matter considered at the above cited meeting or hearing, he will need a record of the proceedings, and for such purpose, he may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is based.

Any person requiring special accommodation due to disability or physical impairment should contact Mr. David Burr, (239)656-7720, at least five calendar days prior to the meeting. Persons who are hearing impaired should contact Mr. Burr using the Florida Dual Party Relay System, 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

The **South Florida Regional Planning Council** announces a public meeting to which all persons are invited.

DATE AND TIME: Monday, September 15, 2003, 8:30 a.m. – 6:00 p.m.

PLACE: Marathon Garden Club, 5270 Overseas Highway, Marathon, FL 33050

GENERAL SUBJECT MATTER TO BE CONSIDERED: Meeting of the Florida Keys Carrying Capacity Study Implementation Work Group to discuss matters related to the study and its implementation.

A copy of the agenda may be obtained by writing: South Florida Regional Planning Council, 3440 Hollywood Boulevard, Suite #140, Hollywood, Florida 33021.

If you are hearing or speech impaired, please contact: South Florida Regional Planning Council, (954)967-4152, Ext. 40 (TDD), if you require additional information regarding the above meeting. If you require special accommodations because of a disability or physical impairment, please contact the Council, (954)985-4416, at least five calendar days prior to the meeting.

The **Treasure Coast Regional Planning Council** announces a meeting of its Building Committee.

DATE AND TIME: September 15, 2003, 12:00 Noon

PLACE: Treasure Coast Regional Planning Council, 301 East Ocean Boulevard, Suite 300, Stuart, FL 34994

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct a meeting of the Council's Building Committee.

A copy of the Agenda may be obtained by contacting: Treasure Coast Regional Planning Council, 301 E. Ocean Boulevard, Suite 300, Stuart, Florida 34994.

If a person decides to appeal any decision made by the Treasure Coast Regional Planning Council with respect to any matter considered at such meeting or hearing, he or she will need a record of proceedings, and that, for such purpose, he or she may need to ensure that a verbatim record of the proceedings is made, which record indicates the testimony and evidence upon which the appeal is to be based.

Any persons needing special accommodations at this meeting because of a disability or physical impairment should contact Liz Gulick, (772)221-4060, at least 48 hours before the meeting.

DEPARTMENT OF CORRECTIONS

The **Florida Corrections Commission** announces the following public meeting to which all interested persons are invited:

DATE AND TIME: Friday, September 12, 2003, 9:00 a.m. – 3:00 p.m.

PLACE: Dept of Corrections Building, Floor 2, Classroom B, 2601 Blair Stone Rd., Tallahassee, Florida 32399

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Commission will discuss issues pertaining to the 2003 Annual Report.

A copy of the agenda may be obtained by writing: Mr. John Fuller, Executive Director, Florida Corrections Commission, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500 or call (850)413-9330.

Pursuant to Chapter 286.26, Florida Statutes, any handicapped person wishing to attend this meeting should contact staff at least 48 hours prior to the meeting in order to request any special assistance.

WATER MANAGEMENT DISTRICTS

The **Northwest Florida Water Management District** announces the following public hearing to which all interested persons are invited:

DATE AND TIME: Wednesday, September 17, 2003, 5:05 p.m., CDT

GENERAL SUBJECT MATTER TO BE CONSIDERED: Consideration of Adoption of Proposed Millage Rate for FY 2003-2004 and Consideration of Adoption of the District's FY 2003-2004 Proposed Tentative Budget

PLACE: DeFuniak Springs City Hall, 71 US Highway 90, West, (Intersection of US Highway 90 West and US Highway 331), DeFuniak Springs, FL 32435

A copy of this agenda can be obtained by contacting: Carolyn Wise, NFWFMD, 81 Water Management Drive, Havana, Florida 32333, (850)539-5999.

Appeal from any NFWFMD Board decision requires a record of the proceedings. Although Governing Board meetings are normally recorded, affected persons are advised that it may be necessary for them to ensure that a verbatim record of the proceedings is made, including 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.

The **St. Johns River Water Management District** announces a Northern Region Recreation Advisory Council Meeting to which all persons are invited. The meeting is scheduled for :

DATE AND TIMES: Tuesday, September 16, 2003, 9:30 a.m. – 3:00 p.m. (MEETING: Northern Region Recreation Advisory Council – 9:30 a.m. – 12:00 Noon; TOUR: Heart Island Conservation Area, 1:00 p.m. – 3:00 p.m.)

PLACE: DeLeon Springs State Park, 601 Ponce De Leon Blvd., DeLeon Springs, FL 32130

GENERAL SUBJECT MATTER TO BE CONSIDERED: To review land management and land acquisition activities in the Northern Region.

If any person decides to appeal any decision with respect to any matter considered at the above listed meeting such person may need to ensure that a verbatim record of the proceeding is made to include testimony and evidence upon which the appeal is to be based.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in the meeting is asked to advise Linda Lorenzen, (386)329-4262 or (386)329-4450 (TDD), at least five work days before the date of the meeting.

The **St. Johns River Water Management District** announces the following public meetings and hearings which may be conducted by means of or in conjunction with communications technology. All persons are invited.

MEETING: Budget, Governing Board, Regulatory

DATE AND TIME: Wednesday, September 24, 2003, 4:00 p.m.

PLACE: District Headquarters, 4049 Reid Street (Hwy. 100, West), Palatka, FL 32177

GENERAL SUBJECT MATTER TO BE CONSIDERED: Staff will recommend approval of external budget amendments that may affect current adopted budget; discussion and consideration of other District business including regulatory and non-regulatory matters.

MEETING: Public Hearing to Approve Florida Forever Work Plan Annual Update

DATE AND TIME: Wednesday, September 24, 2003, 4:00 p.m., immediately following Governing Board/Regulatory agenda items.

PLACE: District Headquarters, 4049 Reid Street (Hwy. 100, West), Palatka, FL 32177

GENERAL SUBJECT MATTER TO BE CONSIDERED: To receive public testimony concerning the District's Florida Forever Work Plan Annual Update for the acquisition and management of lands funded by the Florida Forever Trust Fund pursuant to Section 373.139(3) and 373.199(7), Florida Statutes.

MEETING: Public Hearing on the Final Millage Rate and Budget FOR FY2003-2004

DATE AND TIME: Wednesday, September 24, 2003, 5:05 p.m.

PLACE: District Headquarters, 4049 Reid Street (Hwy. 100, West), Palatka, FL 32177

GENERAL SUBJECT MATTER TO BE CONSIDERED: Official presentation of the final FY2003-2004 millage rate and budget and opportunity to receive public comment prior to consideration and adoption by the Governing Board.

NOTE: In the event of a declared emergency or emergency conditions due to an imminent tropical storm or hurricane, this meeting may be conducted by teleconference in order to permit maximum participation of the Governing Board.

A copy of the agenda may be obtained at the SJRWMD website (www.sjrwmd.com) or by writing: SJRWMD, P. O. Box 1429, Palatka, Florida 32178-1429.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in these meetings and hearings is requested to advise the District at least 48 hours before the meeting or

hearing by contacting: Ann Freeman, (386)329-4101. If you are hearing or speech impaired, you may call (386)329-4450 (TDD).

If any person decides to appeal any decision with respect to any matter considered at the above-listed meetings or hearings, such person will need to ensure that a verbatim record of the proceedings is made to include the testimony and evidence upon which the appeal is to be based.

The **St. Johns River Water Management District**, Governing Board members may attend the following meetings: East-Central Florida Water Supply Planning Initiative Meetings

DATE AND TIMES: Thursday, October 16, 2003, 9:00 a.m. – 12:00 Noon; 1:30 p.m. – 4:30 p.m.

PLACE: Winter Park Civic Center, 1050 West Morse Boulevard, Winter Park, FL 32789

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss water supply issues in east-central Florida.

For a copy of the agenda, write: Malissa Dillon, Office of Communications and Governmental Affairs, SJRWMD, P. O. Box 1429, Palatka, FL 32178-1429, (386)329-4571.

Pursuant to the provision of the Americans with Disabilities Act, anyone requiring special accommodations to participate in these meetings is asked to advise the agency at least five working days before each meeting by contacting: Malissa Dillon, (386)329-4571. If you are hearing or speech impaired, please contact the agency by calling (386)329-4450 (TDD).

The **Southwest Florida Water Management District** announces the following meetings to which all interested parties are invited.

ENVIRONMENTAL ADVISORY COMMITTEE

DATE AND TIME: Wednesday, September 10, 2003, 4:00 p.m.

PLACE: Tampa Service Office, 7601 Highway 301 North, Tampa, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Conduct Committee Business

Some members of the District's Governing and Basin Boards may attend the meetings.

Copies of the agendas may be obtained by writing: Community and Legislative Affairs Department, Southwest Florida Water Management District, 7601 Highway 301, North, Tampa, Florida 33637.

The District does not discriminate based on disability. Anyone requiring reasonable accommodation under the American's with Disability Act (ADA) should call 1(800)836-0797 (Florida) or (813)985-7481, Extension 2036, Fax (813)987-6726, TTD ONLY 1(800)231-6103 (Florida).

The **South Florida Water Management District** announces a public meeting to which all interested parties are invited:

DATE AND TIME: Wednesday, September 17, 2003, 4:00 p.m.

PLACE: South Florida Water Management District, 3301 Gun Club Road, B1 Auditorium, West Palm Beach, FL 33406

GENERAL SUBJECT MATTER TO BE CONSIDERED: Water Resources Advisory Commission Meeting (WRAC) Comprehensive Everglades Restoration Project (CERP) Recreational Activities Issues Workshop.

A copy of the agenda may be obtained at: (1) District Website (<http://www.sfwmd.gov/gover/GovBoard/webpage/agenda.html>) or (2) by writing: South Florida Water Management District, Mail Stop 6115, P. O. Box 24680, West Palm Beach, FL 33416-4680.

Persons with disabilities who need assistance may contact the District Clerk, (561)682-6371, at least two business days in advance of the meeting to make appropriate arrangements.

Those who want more information, please contact: Paula Moree, (561)682-6447, District Headquarters, 3301 Gun Club Road, Mail Stop Code 6115, West Palm Beach, FL 33406.

The **South Florida Water Management District** announces a public meeting to which all interested parties are invited:

DATE AND TIME: Wednesday, September 24, 2003, 7:00 p.m. – 8:30 p.m.

PLACE: The South Florida Water Management Headquarters, B-1 Building, Auditorium, 3301 Gun Club Road, West Palm Beach, Florida 33406

GENERAL SUBJECT MATTER TO BE CONSIDERED: Cypress Creek/Pal-Mar and the Groves Basin Study – Public Meeting – Present Model Developed during Phase I and Discuss Phase II of the Project.

A copy of the agenda may be obtained at the (1) District Website

(<http://www.sfwmd.gov/gover/GovBoard/webpage/agenda.html>) or (2) by writing: South Florida Water Management District, Mail Stop 6115, P. O. Box 24680, West Palm Beach, FL 33416-4680.

Persons with disabilities who need assistance may contact the District Clerk, (561)682-6371, at least two business days in advance of the meeting to make appropriate arrangements.

Those who want more information, please contact: Tom Conboy, P.E., Northern District Restoration Department, District Headquarters, 3301 Gun Club Road, Mail Stop Code 4940, West Palm Beach, FL 33406, (561)682-6318.

The **South Florida Water Management District** announces a public meeting to which all interested parties are invited:

DATE AND TIME: Wednesday, October 8, 2003, 8:30 a.m.

PLACE: The South Florida Water Management Headquarters, B-1 Building, Auditorium, 3301 Gun Club Road, West Palm Beach, Florida 33406

GENERAL SUBJECT MATTER TO BE CONSIDERED: Part of the C-43 Basin Storage Reservoir Project consisting of the exchange of 2 parcels referred to as SFWMD Tract Nos. GX-100-006 consisting of approximately 201 acres and GX-100-007 consisting of approximately 196 acres located in Sections 23, 24, 25 and 26, Township 43 South, Range 28 East within Hendry County, Florida.

A copy of the agenda may be obtained at the (1) District Website

(<http://www.sfwmd.gov/gover/GovBoard/webpage/agenda.html>) or (2) by writing: South Florida Water Management District, Mail Stop 6115, P. O. Box 24680, West Palm Beach, FL 33416-4680.

Appeals from any South Florida Water Management District Board decision require a record of the proceedings. Although Governing Board meetings and hearings are normally recorded, affected persons are advised that it may be necessary for them to ensure that a verbatim record of the proceeding is made, including the testimony and evidence upon which the appeal is to be based.

Persons with disabilities who need assistance may contact the District Clerk, (561)682-6371, at least two business days in advance of the meeting to make appropriate arrangements.

Those who want more information, please contact: Thomas Hanaway, Land Resources Department, District Headquarters, 3301 Gun Club Road, Mail Stop Code 7220, West Palm Beach, FL 33406, (561)682-6668.

The **South Florida Water Management District** announces a public meeting to which all interested parties are invited:

DATE AND TIME: Wednesday, October 8, 2003, 8:30 a.m.

PLACE: The South Florida Water Management Headquarters, B-1 Building, Auditorium, 3301 Gun Club Road, West Palm Beach, Florida 33406

GENERAL SUBJECT MATTER TO BE CONSIDERED: Part of the Atlantic Ridge Ecosystem Project comprised of one parcel referred to as SFWMD Tract No. X1-100-038 consisting of approximately 518 acres plus access easement and lying in Gomez Grant, Martin County, Florida.

A copy of the agenda may be obtained at: (1) District Website

(<http://www.sfwmd.gov/gover/GovBoard/webpage/agenda.html>) or (2) by writing: South Florida Water Management District, Mail Stop 2130, P. O. Box 24680, West Palm Beach, FL 33416-4680.

Appeals from any South Florida Water Management District Board decision requires a record of the proceedings. Although Governing Board meetings and hearings are normally recorded, affected persons are advised that it may be necessary for them to ensure that a verbatim record of the proceeding is made, including the testimony and evidence upon which the appeal is to be based.

Persons with disabilities who need assistance may contact the District Clerk, (561)682-6371, at least two business days in advance of the meeting to make appropriate arrangements.

Those who want more information, please contact: Barbara Bernstein, Land Resources Department, (561)682-6837, District Headquarters, 3301 Gun Club Road, Mail Stop Code 7220, West Palm Beach, FL 33406.

REGIONAL UTILITY AUTHORITIES

The **Tampa Bay Water** announces the following regular board meeting to which all persons are invited.

DATE AND TIME: Monday, September 15, 2003, 10:00 a.m.

PLACE: Tampa Bay Water, 2535 Landmark Drive, Suite 211-A, Clearwater, Florida 33761

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regular Board Meeting.

If a person decides to appeal any decision made by the Board with respect to any matter considered at this meeting, he will need a record of the proceedings, and for such purposes he may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

A copy of the regular meeting agenda may be obtained by writing: Tampa Bay Water, or accessed on the Web: www.tampabaywater.org.

If an accommodation is needed for a disability, in order to participate in this activity, please notify Holly Wells, (727)796-2355, at least 3 business days prior to the meeting.

FLORIDA SPACE AUTHORITY

The **Florida Space Research Institute**, Inc. (FSRI) Board of Directors announces a public meeting to which all interested persons are invited.

DATE AND TIME: September 19, 2003, 9:00 a.m. – 4:00 p.m.

PLACE: SOCC Conference Room, Florida Space Authority, 100 Spaceport Way, Cape Canaveral, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: The purpose of this meeting will be to discuss the status of FSRI programs.

Any person requiring special accommodation at this meeting because of a disability or physical impairment should contact FSRI at least seven days prior to the meeting.

If any person decides to appeal any decision made by FSRI with respect to any matter considered at the above cited meeting, they will need a record of the proceedings, and for such purpose, they may need to secure a verbatim record of the proceedings, which record includes the testimony and evidence upon which the appeal is to be based.

For more information, contact: Melissa Glover, (321)452-2653, Ext. 201. To obtain a copy of the agenda, write: Florida Space Research Institute, Inc., Mail Stop: FSRI, Building M6-306, Room 9030, Kennedy Space Center, Florida 32899.

DEPARTMENT OF ELDER AFFAIRS

The Florida **Department of Elder Affairs** announces a public hearing to which all persons are invited.

DATE AND TIME: September 16, 2003, 1:00 p.m. – 2:30 p.m.

PLACE: DoubleTree Hotel Tampa Airport, 4500 West Cypress, Tampa, Florida, (813)879-4800

GENERAL SUBJECT MATTER TO BE CONSIDERED: Public hearing to receive comments on the Department's proposed revision to the Intrastate Funding Formula (IFF) for Older Americans Act programs. The funding formula is being revised to reflect Florida population changes as documented in the 2000 Census. The Department's proposed funding formula is designed to cause no disruption of services and to serve as many elders as possible while also serving rural areas.

The specific details of the proposed IFF are available on the Department's Web site (<http://elderaffairs.state.fl.us>). You may also obtain a copy by contacting: Anne Cooper, Department of Elder Affairs, Planning and Evaluation, 4040 Esplanade Way, Tallahassee, Florida 32399-7000, (850)414-2391, Fax (850)414-2008 or e-mail: Coopera@elderaffairs.org.

In order to ensure adequate accommodations, please make a reservation to attend the hearing by contacting Ms. Cooper (please see above contact information).

Any person requiring special accommodations to participate in this meeting is asked to advise the Department at least 48 hours before the meeting by contacting: Ms. Cooper, (850)414-2391. If you are hearing or speech impaired, please contact the department by calling (850)414-2001.

The **Department of Elder Affairs** announces a workshop for all providers and potential providers of services under the long-term care community diversion pilot projects. Participation is voluntary and all interested parties are invited to attend.

DATE AND TIME: September 17, 2003, 9:30 a.m. – 4:30 p.m.

PLACE: 4040 Esplanade Way, Conference Room 225F, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE DISCUSSED: Capitation rate methodology of the long-term care community diversion projects under Section 430.701-709, F.S. and information of interest to any existing providers or potential providers of services under that section.

Any person requiring a special accommodation at this workshop because of a disability or physical impairment should contact the Division of Statewide Community Based Services, (850)414-2140, at least five calendar days prior to the

meeting. If you are hearing or speech impaired, please contact the Department of Elder Affairs using the Florida Dual Party Relay System which can be accessed by calling 1(800)955-8770 (Voice) or 1(800)955-8771 (TDD).

The State of Florida, **Long-Term Care Ombudsman Program** via its Ways and Means Committee announces its scheduled conference calls to which interested persons are invited. Dates and times are as follows:

DATE AND TIME: September 8, 2003, 9:30 a.m.

PLACE: The call numbers are (850)921-6455 or SC 291-6455

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

PLACE: The call numbers are (850)921-6455 or SC 291-6455

GENERAL SUBJECT MATTER TO BE CONSIDERED: Issues relating to the Long-Term Care Ombudsman Program.

For additional information, you may contact: Office of the Long-Term Care Ombudsman, (850)414-2323.

Pursuant to Section 215.5601(6), Florida Statutes, the **Lawton Chiles Endowment Fund Advisory Council** announces a teleconference call to which all interested persons are invited to participate.

DATE AND TIME: September 15, 2003, 12:00 Noon

PLACE: Call-In Numbers (850)922-7892 Local, 292-7892 Suncom, 1(800)416-4132 Toll Free

GENERAL SUBJECT MATTER TO BE CONSIDERED: The agenda for the meeting has not been set, but the call will last no longer than one hour and thirty minutes (1hr., 30 min)

The Council was established for the purpose of reviewing the funding priorities of the state agencies, evaluating their requests against the mission and goals of the agencies (DOH, AHCA, DCF & DOEA) and legislative intent for the use of endowment funds, and allowing for public input and advocacy.

AGENCY FOR HEALTH CARE ADMINISTRATION

The **Agency for Health Care Administration** announces a public meeting of the Medicaid Disproportionate Share Hospital Program Task Force to which all persons are invited.

DATE AND TIME: September 19, 2003, 10:30 a.m. – 12:30 p.m.

PLACE: Via conference call number (850)921-2470 or Suncom 291-2470

GENERAL SUBJECT MATTER TO BE CONSIDERED: In accordance with Senate Bill 2-A, General Appropriations Act for FY 2003-04, Specific Appropriation 150, the Medicaid Disproportionate Share Hospital Program Task Force, created in Specific Appropriation 196 of the FY 2000-01 General Appropriations Act, has been authorized to continue to convene in FY 2003-04 for the purpose of monitoring the implementation of enhanced Medicaid funding through the Special Medicaid Payment program. The task force will review the federal status of the upper payment limit (UPL) funding

option and recommend how this option may be further used to promote local primary care networks to uninsured citizens in the state, to increase the accessibility of trauma centers to Floridians and to ensure the financial viability of the state's graduate medical education programs and other health care policies determined by the task force to be state health care priorities.

GENERAL SUBJECT MATTER TO BE CONSIDERED: The agenda has not been set.

Contact J. Denny Gordon, (850)488-9354 or Suncom 994-2759, with any questions or to obtain an agenda when it is set.

DEPARTMENT OF MANAGEMENT SERVICES

The Florida **Partnership for School Readiness** announces the following meeting to which all interested parties are invited:

FLORIDA PARTNERSHIP FOR SCHOOL READINESS BOARD MEETING

DATE AND TIME: Thursday, September 18, 2003, 9:30 a.m. – 3:30 p.m.

PLACE: The Radisson Hotel Orlando, 5780 Major Boulevard, Orlando, Florida 32819 (Overnight accommodations are available at the Radisson Hotel Orlando, (407)351-1000. You must state that you are attending the Early Childhood Association (ECA) conference in order to get the \$99.00 per night rate)

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct Board business.

A final agenda will be available on September 11, 2003, and can be downloaded from the Partnership website at www.schoolreadiness.org or by contacting: Partnership Office, (850)922-4200.

For further information, contact: Ginger Tate, (850)922-4200 or Ginger.Tate@schoolreadiness.org.

The State of Florida, **State Technology Office** announces a Chief Information Officer (CIO) Council Meeting to which all persons are invited.

DATE AND TIME: Monday, September 15, 2003, 10:00 a.m. – 12:00 Noon

PLACE: Conference Room 124, Shared Resource Center, 2585 Shumard Oak Boulevard, Tallahassee, FL 32399

GENERAL SUBJECT MATTER TO BE CONSIDERED: To enhance communication among the Chief Information Officers of state agencies and assist in identifying critical statewide information technology issues.

If you would like an agenda for this meeting or require special accommodations due to disability or physical impairment, please contact: Elaine Womble, Elaine.womble@myflorida.com or call (850)922-2680.

The **Department of Management Services** and the State Technology Office announce a meeting to which all persons are invited.

DATE AND TIME: September 25, 2003, 4:30 p.m.

PLACE: Tampa Convention Center, 333 South Franklin Street, Tampa, Florida (in conjunction with Florida Government EXPO event). Interested persons may attend via telephone at (850)921-6623 (SC 291-6623)

GENERAL SUBJECT MATTER TO BE CONSIDERED: Best practices for procurement of Information Technology consulting services via state term contract and other means.

Any written material that an interested person would like DMS to consider in connection with this meeting must be submitted to DMS at least three business days before the meeting. Such material shall be submitted by e-mail to the DMS contact identified below. Any submitted material is subject to the Public Records Act, chapter 119.07 of the Florida Statutes. In addition, DMS reserves the right to electronically post any submitted material for review by others in advance of the meeting, unless the person submitting it expressly indicates that the material should not be electronically posted for review. For more information about the meeting agenda, for information concerning special accommodations because of a disability or physical impairment, or to submit written material in advance of the meeting, please contact: Mr. Ken Granger, itservices@dms.state.fl.us or (850)488-0018.

The State of **Florida Retirement Commission** announces public hearings to which all persons are invited.

DATES AND TIME: September 15-16, 2003, 8:30 a.m.

PLACE: Adam's Mark Hotel Orlando, 1500 Sand Lake Road, Orlando, Florida 32809

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct hearings pursuant to Section 121.23, Florida Statutes, and to consider other matters related to the business of the Commission.

A copy of the Agenda may be obtained by writing: State Retirement Commission, Department of Management Services, 4050 Esplanade Way, Suite 260, Tallahassee, Florida 32399-0950, (850)487-2410.

A party who decides to appeal any decision made at such hearings will need a verbatim record of the hearing and may need to ensure that one is made, including the testimony and evidence, upon which the appeal is to be based.

Persons requiring accommodation because of a physical, visual, auditory, or speech impairment should contact the Commission Clerk at least ten days prior to the hearing. If you are hearing or speech impaired, call by using the Florida Relay Service which can be reached at 1(800)955-8771 (TDD). Hearing rooms and facilities are wheelchair accessible.

The Florida **Commission on Human Relations** announces a public meeting to which all persons are invited. The meeting is being conducted by communications media technology (CMT), i.e., by utilizing a telephone conference hookup.

DATE AND TIME: Tuesday, September 23, 2003, 9:00 a.m.

PLACE: Commission on Human Relations, 2009 Apalachee Parkway, Suite 100, Tallahassee, Florida 32301 (The meet-me telephone number is (850)921-2530 or Suncom 291-2530)

GENERAL SUBJECT MATTER TO BE CONSIDERED: This meeting will be held to deliberate cases that have come before the Commission for determination.

A copy of the agenda may be obtained by contacting: Ms. Denise Crawford, Clerk of the Commission, Florida Commission on Human Relations, 2009 Apalachee Parkway, Suite 100, Tallahassee, Florida 32301, (850)488-7082, Ext. 1032.

VERBATIM RECORD OF MEETING: If any person decided to appeal any decision made during the meeting, he or she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence upon which the appeal is to be based.

ADA NOTICE: Any person requiring special accommodation at this meeting because of a disability or physical impairment should contact the Clerk of the Commission, (850)488-7082, Ext. 1032, at least five working days prior to the meeting.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

The **Division of Hotels and Restaurants** announces a meeting of the Hotels and Restaurants Advisory Council to which all persons are invited:

DATE AND TIME: September 19, 2003, 9:00 a.m. – 12:00 Noon

PLACE: The Orange County Convention Center, Room 224F, International Drive, Orlando, Florida

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop is asked to advise the agency at least 48 hours before the meeting by contacting Lee M. Cornman, Operations Review Specialist, (850)488-1133. If you are hearing or speech impaired, please contact the agency by calling 1(800)955-8771 (TDD).

GENERAL SUBJECT MATTER TO BE CONSIDERED: Routine meeting of the Hotels and Restaurants Advisory Council.

A copy of the agenda may be obtained by contacting: Lee Cornman, Division of Hotels and Restaurants, 1940 North Monroe Street, Tallahassee, Florida 32399-1012, (850)488-1133.

THE PERSON TO BE CONTACTED REGARDING THE PUBLIC MEETING IS: Lee M. Corrman, Operations Review Specialist, Department of Business and Professional Regulation, Division of Hotels and Restaurants, 1940 North Monroe Street, Tallahassee, FL 32399-1012, (850)488-1133; The Johns Building, 725 South Bronough Street, Tallahassee, FL

The Florida **Board of Architecture and Interior Design** announces the following meetings to which all persons are invited to attend.

DATE AND TIME: September 10, 2003, 8:30 a.m.

PLACE: Smith, Thompson, Shaw & Manausa, P.A., 2075 Centre Pointe Boulevard, Tallahassee, FL 32308

GENERAL SUBJECT MATTER TO BE CONSIDERED: Probable Cause Panel Meeting, portions may be closed to the public.

The following cases are open to the public:

Oscar S. Benitez, Case Number 2003-047119

O. Benitez & Associates, Inc., Case Number 2003-064019

Ernest Clay, Case Number 2003-072183

E. Hedric Clay & Associates, Case Number 2003-072187

Theresa D'Amico, Case Number 2003-067773

Felix Gurruchaga, Case Number 2002-007486

Paul Heide, Case Number 2003-002439

Anthony Lauro, Case Number 2002-012528

Pablo A. Monterrey, Case Number 2002-010817

Jeffrey C. Nichols, Case Number 2003-066511

Stephen Mitchell Page, Case Number 2003-066419

Mark Sultana, Case Number 2003-065274

Suzanne Sultana, Case Number 2003-065294

Richard Lee Wu, Case Number 2003-042595

To obtain a copy of the agenda, further information, or submit written or other physical evidence, contact in writing: Smith, Thompson, Shaw & Manausa, P.A., 2075 Centre Pointe Boulevard, Tallahassee, FL 32308-4893.

If a person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need a record of the proceedings, and for such purpose he/she may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact the Smith, Thompson, Shaw & Manausa, P.A., (850)402-1570, at least five calendar days prior to the meeting. If you are hearing or speech impaired, please contact the Board office using the Florida Dual Party Relay System which can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

The **Board of Cosmetology** announces the following general business meeting to which all persons are invited.

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

PLACE: Via telephone conference – To connect, dial (850)410-8045 or Suncom 210-8045

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct general business regarding exam challenge for final order for vote.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this meeting is asked to advise the agency at least forty-eight (48) hours before the meeting by contacting (850)922-6096. If you are hearing and speech impaired, please contact the agency by calling 1(800)955-8771 (TDD).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting they will need a record of the proceedings, and for such purpose they may need to ensure that a verbatim record of the proceedings is made, which record will include the testimony and evidence upon which the appeal is to be based.

The Florida **Board of Landscape Architecture** announces the following meeting, to be held by telephone conference call, to which all persons are invited to attend.

DATE AND TIME: September 19, 2003, 9:00 a.m., Eastern Standard Time

PLACE: Call (850)487-8540, SunCom 277-8540

GENERAL SUBJECT MATTER TO BE CONSIDERED: General Board and Business Meeting.

To obtain a copy of the agenda, further information, or submit written or other physical evidence, contact in writing: Board of Landscape Architecture, 1940 N. Monroe St., Tallahassee, Florida 32399.

If a person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need a record of the proceedings, and for such purpose he/she may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact the Board office, (850)487-8304, at least five calendar days prior to the meeting. If you are hearing or speech impaired, please contact the Board office using the Florida Dual Party Relay System which can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

The **Board of Professional Geologists** announces a General Business Meeting by telephone conference call, to which all interested parties are invited.

DATE AND TIME: September 23, 2003, 10:00 a.m.

PLACE: Meet-Me-Number (850)488-5776 or Suncom 278-5776

GENERAL SUBJECT MATTER TO BE CONSIDERED: Board Business.

A copy of the agenda may be obtained by writing: Juanita Chastain, Executive Director, Department of Business and Professional Regulation, Board of Professional Geologists, 1940 North Monroe Street, Tallahassee, FL 32399 or by calling (850)487-1395.

If a person decides to appeal any decision made by the Board with respect to any matter considered at this meeting, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence upon which the appeal is to be made. Those who are hearing impaired, using TDD equipment can call the Florida Telephone Relay System, 1(800)955-8771.

Persons requiring special accommodations due to disability or physical impairment should contact Juanita Chastain, by Friday, September 19, 2003.

The **Board of Accountancy** announces the following public meetings to which all person are invited:

Probable Cause Panel

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

Meeting of the Board

DATE AND TIME: Friday, October 10, 2003, 9:00 a.m.

PLACE: Hilton Tampa Airport, 2225 Lois Avenue, Tampa, FL
GENERAL SUBJECT MATTER TO BE CONSIDERED: The probable cause panel will meet to conduct hearings on disciplinary matters. These meetings are closed to the public, however, there may be cases where probable cause was previously found which are to be reconsidered. The Board will meet to consider enforcement proceedings including consideration of investigating officer's reports and other general business. This is a public meeting.

A copy of any probable cause materials which are open to the public and a copy of the Board agenda may be obtained by writing: John W. Johnson, Division Director, Division of Certified Public Accounting, 240 N. W. 76 Drive, Suite A, Gainesville, Florida 32607.

Note: Portions of the Probable Cause Panel meeting may be closed to the public. If a person decides to appeal any decision made by the Board with respect to any matter considered at these meetings, he may need to insure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is based.

Pursuant to the provisions of the Americans with Disabilities Act any person requiring special accommodations to participate in this workshop/hearing/meeting is asked to advise the agency at least 48 hours before the workshop/hearing/meeting by contacting: John W. Johnson, (352)333-2500. If you are hearing or speech impaired, please contact the agency by calling 1(800)955-8711.

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 **Florida Emergency Medical Services Advisory Council** announces a telephone conference call to which all interested persons are invited to participate.

DATE AND TIME: September 19, 2003, 10:00 a.m. – 11:00 a.m., EST

PLACE: Florida Bureau of Emergency Medical Services, 4052 Bald Cypress Way, Bin #C18, Tallahassee, FL 32399, via meet me number 1(800)647-7427.

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct general business of the council. Any other related issues will also be discussed.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment, should contact the Bureau of Emergency Medical Services, (850)245-4440, at least 48 hours prior to the meeting. If you are hearing or speech impaired, please call the Bureau of Emergency Medical Services using the Florida Dual Party Relay System which can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

For further information, write: Desi Lassiter, 4052 Bald Cypress Way, Bin C18 (HEMS), Tallahassee, Florida 32399-4881 or (850)245-4440, Ext. 2686.

P.O. # QT0020

The **Division of Medical Quality Assurance**, announces a meeting to which all persons are invited.

DATE AND TIME: September 22, 2003, 10:00 a.m. – completion of agenda

PLACE: 4042 Bald Cypress Way, Room 301, Tallahassee, Florida 32399, (850)245-4444

GENERAL SUBJECT MATTER TO BE CONSIDERED: Workgroup to study the current health care practitioner disciplinary process as mandated in the CS/SB 2D.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact the Division of Medical Quality Assurance, (850)245-4444, at least five (5) calendar days prior to the meeting. If you are hearing or speech impaired, please call the Florida Board of Medicine using the Florida Dual Party Relay System which can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

A copy of the agenda may be obtained by writing: Amy Jones, Division Director, Medical Quality Assurance, 4052 Bald Cypress Way, Bin #C00, Tallahassee, Florida 32399-3253.

The Florida **Board of Medicine**, Rules/Legislative Committee announces a meeting to which all persons are invited.

DATE AND TIME: October 2, 2003, 5:00 p.m. or at the conclusion of the Surgical Care Rule Workshop

PLACE: The Westin, 400 Corporate Drive, Ft. Lauderdale, Florida 33334, (951)772-1331

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct general business of the Committee.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact the Florida Board of Medicine, (850)245-4131, at least five (5) calendar days prior to the meeting. If you are hearing or speech impaired, please call the Florida Board of Medicine using the Florida Dual Party Relay System, 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

A copy of the agenda may be obtained by writing: Larry McPherson, Board Director, Medical Quality Assurance, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3253.

Please note that if a person decides to appeal any decision made by the committee with respect to any matter considered at the above cited meeting or hearing, he will need a record of the proceedings, and for such purpose, he may need to insure that a verbatim record of the proceeding is made, which record includes the testimony and evidence upon which the appeal is to be based.

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence upon which the appeal is to be made.

The Florida **Board of Medicine**, Ad Hoc American Association, Physician Specialists Committee announces a meeting to which all persons are invited.

DATE AND TIME: October 3, 2003, immediately after the Full Board meeting or soon thereafter

PLACE: The Westin, 400 Corporate Drive, Ft. Lauderdale, Florida 33334, (954)772-1331

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct general business of the Committee.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact the Florida Board of Medicine, (850)245-4131, at least five (5) calendar days prior to the meeting. If you are hearing or speech impaired, please call the Florida Board of Medicine using the Florida Dual Party Relay System, 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

A copy of the agenda may be obtained by writing: Larry McPherson, Board Director, Medical Quality Assurance, 4052 Bald Cypress Way, Bin #C03 Tallahassee, Florida 32399-3253.

Please note that if a person decides to appeal any decision made by the committee with respect to any matter considered at the above cited meeting or hearing, he will need a record of the proceedings, and for such purpose, he may need to insure that a verbatim record of the proceeding is made, which record includes the testimony and evidence upon which the appeal is to be based.

The **Board of Nursing**, Probable Cause Panel will hold a duly noticed conference call meeting, to which all persons are invited to attend.

DATE AND TIME: September 15, 2003, 6:30 p.m.

PLACE: Department of Health, Tallahassee at Meet Me Number (850)921-6513

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)245-4125, at least 48 hours prior to the meeting. If you are a hearing or speech impaired, please contact the Board office using the Dual Party Relay System, 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: Dan Coble, Executive Director, 4052 Bald Cypress Way, Bin #C02, Tallahassee, FL 32399-3257.

The **Board of Nursing**, Probable Cause Panel will hold a duly noticed conference call meeting, to which all persons are invited to attend.

DATE AND TIME: September 16, 2003, 4:30 p.m.

PLACE: Department of Health, Tallahassee, Meet Me Number (850)921-5400

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)245-4125, at least 48 hours prior to the meeting. If you are a hearing or speech impaired, please contact the Board office using the Dual Party Relay System at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

A copy of the agenda item may be obtained by writing: Dan Coble, Executive Director, 4052 Bald Cypress Way, Bin #C02, Tallahassee, FL 32399-3257.

The Probable Cause Panel of the **Board of Osteopathic Medicine** announces a meeting:

DATE AND TIME: Friday, September 26, 2003, 9:00 a.m. or soon thereafter

PLACE: Embassy Suites, 1100 S. E. 17th St., Ft Lauderdale, FL 33316, (954)527-2700

GENERAL SUBJECT MATTER TO BE CONSIDERED: To review those cases on which a determination of existence of probable cause has already been made.

A copy of the Public portion of the agenda may be obtained by writing: Richard Shoop, Senior Attorney, Department of Health, Prosecution Services, 4052 Bald Cypress Way, #C65, Tallahassee, FL 32399.

NOTE: In accordance with the Americans with Disabilities Act, persons needing a special accommodation to participate in this proceeding should contact the Practitioner Regulation Section no later than seven (7) days prior to the proceeding or meeting at which such special accommodation is required. The Practitioner Regulation Section may be contacted at 4052 Bald Cypress Way, #C-65, Tallahassee, FL 32399, 1(800)955-8771 (TDD) or 1(800)955-8770 via Florida Relay Service.

The **Department of Health, Board of Pharmacy**, Automation and Institutional Settings Committee announces a public meeting to which all persons are invited.

DATE AND TIME: September 16, 2003, 9:00 a.m. – 5:00 p.m.

PLACE: Department of Health, 4042 Bald Cypress Way, Room 340 N, Tallahassee, FL 32399-3254

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Automation and Institutional Settings Committee will meet to discuss general business.

A copy of the board agenda materials, which are open to the public, may be obtained by writing: Lucy Gee, Interim Executive Director, Board of Pharmacy, 4052 Bald Cypress Way, Bin #C04, Tallahassee, Florida 32399-3254.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact the Board of Pharmacy, Garnet Keller, (850)245-4614, at least five calendar days prior to the meeting. If you are hearing or speech impaired, please contact the Agency using the Florida Dual Party Relay System, 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

If a person decides to appeal any decision made by the Board with respect to any matter considered at this meeting he will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence upon which the appeal is to be based.

The **Department of Health**, Bureau of Emergency Medical Services (EMS) invites the public to attend the following Grant Writing Workshop.

DATE AND TIME: September 19, 2003, 9:00 a.m. – 1:00 p.m., Eastern Standard Time

PLACE: Bureau of EMS, Capital Circle Office Center, Room 301, Third Floor, 4025 Esplanade Way, Tallahassee, FL 32311, (850)245-4440, Extension 2737

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct a grant writing workshop for Emergency Medical Service (EMS) providers and other eligible organizations. The grant workshop will be conducted to provide training and information to potential grant applicants about the Florida EMS matching grant program. Additional workshops will be conducted in other areas of the state and will be noticed at a later date.

There is no cost or pre-registration for this workshop.

ASSISTANCE: Any person requiring special accommodations at this workshop because of a disability or physical impairment should contact Ms. Donna Bruce, Florida Bureau of Emergency Medical Services, (850)245-4440, Extension 2782, at least 48 hours prior to the meeting.

If you are hearing or speech impaired, please call the Bureau of Emergency Medical Services using the Florida Dual Party Relay System which can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

CONTACT PERSON: Ed Wilson, Bureau of Emergency Medical Services, 4052 Bald Cypress Way, Bin #C18, Tallahassee, Florida 32399-1738, (850)245-4440, Extension 2737, e-mail: Ed_Wilson@doh.state.fl.us.

P. O. #QT0020.

The **Department of Health** announces a meeting of the Preventive Health and Health Service (PHHS) Block Grant Advisory Committee followed by a public hearing.

PHHS BLOCK GRANT ADVISORY COMMITTEE MEETING

DATE AND TIME: Wednesday, September 24, 2003, 9:30 a.m. – 11:30 a.m.

PLACE: The Marriott Tampa Airport, Tampa International Airport, Tampa, FL 33607

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Advisory Committee will review and make recommendations on the proposed PHHS Block Grant application (state plan) for Federal Fiscal Year (FFY) 2004.

PUBLIC HEARING FOR THE PHHS BLOCK GRANT APPLICATION FOR FFY 2004

DATE AND TIME: Wednesday, September 25, 2003, 12:00 Noon

PLACE: The Marriott Tampa Airport, Tampa International Airport, Tampa, FL 33607

This public hearing will be accessible via conference call by calling (813)878-6705

GENERAL SUBJECT MATTER TO BE CONSIDERED: To obtain input and recommendations from the public and interested parties concerning the proposed PHHS Block Grant application for FFY 2004, which will be submitted to the Centers for Disease Control and Prevention.

A copy of the current year application and agenda may be obtained by contacting: Janet Baggett, Bureau of Chronic Disease Prevention 4052 Bald Cypress Way, Bin #A18, Tallahassee, Florida 32399-1744, (850)245-4444, Ext. 2837, Suncom 205-4444, Ext. 2837.

If you require special accommodations (i.e., assistive listening devices, etc.) please contact Janet Baggett at least 48 hours prior to the meeting date.

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

The Northwest Florida Community Based Care Alliance and the **Department of Children and Family Services**, Subdistrict 2A, announce a meeting to which all persons are invited. The Alliance encompasses: Bay, Gulf, Washington, Holmes, Calhoun and Jackson counties.

DATE AND TIME: Thursday, September 18, 2003, 2:00 p.m., CST

PLACE: W. T. Neal Civic Center, 17773 North Pear Street, Blountstown, FL 32424, (850)674-4500

GENERAL SUBJECT MATTER TO BE CONSIDERED: General quarterly meeting to discuss regular business.

A copy of the agenda can be obtained by calling: Debra Ervin, Department of Children and Family Services, (850)488-0569 or Suncom 278-0569.

Anyone requiring a special accommodation to participate in this meeting is requested to advise District Administration (Debra Ervin) at least 2 working days prior to the meeting at (850)488-0569 or 1(800)226-6223 (TDD).

The Big Bend Community Based Care Alliance and the **Department of Children and Family Services**, Subdistrict 2B, announce a meeting to which all persons are invited. The Alliance encompasses: Leon, Franklin, Gadsden, Liberty, Madison, Jefferson, Taylor and Wakulla counties.

DATE AND TIME: Thursday, September 25, 2003, 2:30 p.m. – 4:30 p.m., EST

PLACE: Department of Children and Family Services, Cedars Executive Center, Building A, Second Floor Conference Room 201, 2639 North Monroe Street, Tallahassee, FL 32399-2949

GENERAL SUBJECT MATTER TO BE CONSIDERED: General meeting to discuss child welfare services for Subdistrict 2B.

A copy of the agenda can be obtained by calling: Anissa Pitti, Department of Children and Family Services, (850)488-0569 or Suncom 278-0569.

Anyone requiring a special accommodation to participate in this meeting is requested to advise District Administration (Anissa Pitti) at least 2 working days prior to the meeting at (850)488-0569 or 1(800)226-6223 (TDD).

The Florida **Department of Children and Family Services** announces the following District 8, Community-Based Care Alliance meetings:

Collier County Community Alliance

DATES AND TIME: September 16, 2003; October 21, 2003; November 18, 2003; December 16, 2003, 12:00 Noon

PLACE: Collier County Government Complex, 3301 Tamiami Trail East, Building L, Courtroom 4A, Naples, Florida

Hendry/Glades County Community Alliance

DATE AND TIME: December 17, 2003, 9:00 a.m.

PLACE: LaBelle Service Center, 485 Cowboy Way, LaBelle, Florida

The **Council on Homelessness** announces conference call meetings of its Discharge Planning Committee, to which all persons are invited.

COMMITTEE: Discharge Planning

DATE AND TIME: September 23, 2003, 10:00 a.m. – 11:00 a.m.

PLACE: Call (850)488-8295 or Suncom 278-8295

GENERAL SUBJECT MATTER TO BE CONSIDERED: These conference calls will address the committees' continued development of policy recommendations and work tasks to address the Council's Strategic Plan to reduce the number of persons who may be facing homelessness in Florida.

A copy of the agenda may be obtained by contacting: Tom Pierce, State Office on Homelessness, 1317 Winewood Boulevard, Tallahassee, FL 32399-0700, (850)922-9850, Tom_Pierce@dcf.state.fl.us.

Pursuant to Chapter 286.26, Florida Statutes, any disabled person wishing to access this meeting who may be in need of special assistance should contact the Office on Homelessness, (850)922-4691, at least 48 hours in advance of the meeting.

The **Council on Homelessness** announces the following meeting to which all persons are invited:

DATE AND TIME: Tuesday, October 14, 2003, 8:30 a.m. – 11:55 a.m.

PLACE: Department of Children and Family Services, 1317 Winewood Boulevard, Building 8, Room 232, Tallahassee, FL 32399-0700, Conference Call-In Number (850)487-8587 or Suncom 277-8587

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Council will receive reports from its committees and will continue to discuss its strategic plan to reduce homelessness in Florida. The Council will also begin to formulate its recommendations and content of its 2003 annual report.

A copy of the agenda may be obtained by contacting: Tom Pierce, State Office on Homelessness, 1317 Winewood Boulevard, Tallahassee, FL 32399-0700, (850)922-9850, Tom_Pierce@dcf.state.fl.us.

Pursuant to Chapter 286.26, Florida Statutes, any disabled person wishing to attend this meeting in order to request any needed special assistance should contact the office at least 48 hours in advance of the meeting.

FLORIDA HOUSING FINANCE CORPORATION

The **Florida Housing Finance Corporation** announces a public meeting to which all interested persons are invited:

DATE AND TIME: September 12, 2003, following the Board Meeting at a time to be announced at the conclusion of the Board Meeting

PLACE: Clarion Suites Resort and Convention Center, 20 Via DeLuna, Pensacola, Florida 32561

GENERAL SUBJECT MATTER TO BE CONSIDERED: To receive comments and suggestions from interested persons relative to Rule Chapters 67-21 and 67-48, F.A.C., and the competitive funding programs of the Corporation, including the Multifamily Mortgage Revenue Bond Program, the State Apartment Incentive Loan (SAIL) Program, the HOME Investment Partnerships (HOME Rental) Program, and the Housing Credit (HC) Program.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact Jean Salmonsens, (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).

The **Florida Housing Finance Corporation** announces the following Review Committee meeting to which all persons are invited to attend:

DATE AND TIME: Friday, September 19, 2003, 11:00 a.m.

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

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss the evaluations of responses submitted and conduct interviews for Florida Housing Finance Corporation's Invitation to Negotiate # 2003/01 for Section 8 Voucher Program Consulting Services.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact Robin Grantham, Florida Housing Finance Corporation, (850)488-4197, at least 48 hours prior to the meeting. If you are hearing impaired, please contact Florida Housing Finance 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 Florida Housing Finance Corporation with respect to any matter considered at this meeting, he or she will need a record of the proceedings, and for such purpose, may need to ensure that a verbatim record of the proceedings be made, which record shall include the testimony and evidence upon which the appeal is to be based.

Notice is hereby given that the **Florida Housing Finance Corporation** (the "Issuer") will conduct a TEFRA hearing pursuant to Section 147(f) of the Internal Revenue Code of 1986, as amended (the "Code"), to which all interested persons are invited.

DATE AND TIME: September 30, 2003, 10:00 a.m.

PLACE: City Centre Building, 227 North Bronough Street, Fifth Floor, Formal Conference Room, Tallahassee, Florida 32301-1329

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct a public hearing concerning a plan of financing (within the meaning of section 147 (B) of the Code) pursuant to which the Issuer will issue its single family mortgage revenue bonds (the "Bonds") in an amount not to exceed \$400,000,000 in one or more series to finance owner-occupied residences within the State of Florida. Proceeds of the bonds are expected to be available to finance owner-occupied residences for persons or families of low or moderate income within any county of the State, subject to the participation of lending institutions in the counties they elect to serve. If the Bonds are issued in more than one series, each issue subsequent to the initial series will be issued within three years of the date of issuance of the initial series.

All interested parties are invited to submit written comments and/or present oral comments at the public hearing regarding the issuance of the Bonds or the purpose of the financing. Written comments should be received by the Issuer on or before September 23, 2003.

Any persons desiring to present oral comments should appear at the hearing. A public hearing will also be held in the county where an interested person resides only if requested in writing. Requests for local hearings must be received on or before September 23, 2003.

Any person who decides to appeal any decision made by the Issuer with respect to any matter considered at this hearing, will need a record of the proceedings, and for such purpose may need to ensure that a verbatim record of the proceedings be made, which record includes the testimony and evidence upon which the appeal is to be based.

Any questions or comments regarding the proposed issuance of bonds should be directed to: Mr. Orlando Cabrera, Executive Director of the Issuer.

Any person requiring a special accommodation at this hearing because of a disability or physical impairment should contact: Donna Light, Florida Housing Finance Corporation, by September 23, 2003, (850)488-4197. If you are hearing or speech impaired, please contact the Florida Housing Finance Corporation using the Florida Dual Party Relay System which can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

The **Florida Housing Finance Corporation** announces the following Review Committee meeting to which all persons are invited to attend:

DATE AND TIME: Tuesday, September 30, 2003, 2:00 p.m.

PLACE: Formal Conference Room, Suite 5000, Florida Housing Finance Corporation, 227 North Bronough Street, Tallahassee, FL 32301-1329

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss the evaluations of responses submitted for Florida Housing Finance Corporation's Request for Proposals #2003/02 for Securitization services.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact Robin Grantham, Florida Housing Finance Corporation, (850)488-4197, at least five (5) calendar days prior to the meeting. If you are hearing impaired, please contact Florida Housing Finance 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 Florida Housing Finance Corporation with respect to any matter considered at this meeting, he or she will need a record of the proceedings, and for such purpose, may need to ensure that a

verbatim record of the proceedings be made, which record shall include the testimony and evidence upon which the appeal is to be based.

FISH AND WILDLIFE CONSERVATION COMMISSION

The **Fish and Wildlife Conservation Commission**, Division of Wildlife, announces a series of rule development workshops concerning deer management, to which all interested persons are invited:

1. South Region:

DATE AND TIME: September 24, 2003, 8:00 p.m.

PLACE: International Game Fish Association Fishing Hall of Fame and Museum, 300 Gulf Stream Way, Dania Beach, FL 33004

2. Southwest Region:

DATE AND TIME: September 25, 2003, 7:00 p.m.

PLACE: Lake Mirror Auditorium, 121 South Lake Avenue, Lakeland, FL 33801

3. Northeast Region:

DATE AND TIME: September 30, 2003, 7:00 p.m.

PLACE: Rowan Agricultural Complex, Marion County Extension Service, Auditorium, 2232 N.E. Jacksonville Road, Ocala, FL 34470

4. North Central Region:

DATE AND TIME: October 1, 2003, 7:00 p.m.

PLACE: Columbia County School Board Administrative Complex Auditorium, 372 W. Duval Street, Lake City, FL 32055

5. Northwest Region:

DATE AND TIME: October 7, 2003, 6:00 p.m.

PLACE: Chipola Junior College Arts Center, 3094 Indian Circle, Marianna, FL 32446

6. Northwest Region:

DATE AND TIME: October 9, 2003, 6:00 p.m.

PLACE: Pensacola Jr. College Milton Campus, Building 4900, Room 4902, 5988 Highway 90, West, Milton, FL 32583

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss proposed changes to regulations regarding definitions, bag limits, and antler restrictions of antlered and antlerless deer, Rules 68A-13.001 and 68A-13.004, F.A.C. The proposed changes would establish a daily bag limit of one antlered deer, allow the harvest of two antlerless deer per day on antlerless-deer days, and establish a season bag limit of one antlered deer not having at least one antler with three or more points during the entire hunting season (archery, antlered-deer, muzzleloading-gun, and archery/muzzleloading-gun seasons). In addition, an antler point would be defined as any antler projection that is at least one inch in length, a quality deer would be defined as a deer having at least one antler with three or more points, and a hunter-choice deer would be defined as

any antlered deer that is not a quality deer. An antlered deer would be defined as any deer having one or more antlers at least one inch in length and an antlerless deer would be defined as having no antler one inch in length or greater.

Any questions regarding these workshops should be directed to: Deer Management Section Leader, Dr. John Morgan, 8932 Apalachee Parkway, Tallahassee, Florida 32311 or (850)488-5878.

In accordance with the Americans with Disabilities Act, any person requiring special accommodations to participate in this meeting should notify Cindy Hoffman, (850)488-6411, at least five calendar days before the meeting.

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: September 11, 2003, 10:00 a.m. – 12:00 Noon

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regular Board Business.

PLACE: Teleconference, Department of Financial Services, 200 E. Gaines Street, Larson Building, Room 143, Tallahassee, FL

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 Assistant I, 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, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice), for assistance.

The **Department of Financial Services, Division of State Fire Marshal**, announces a public meeting to which all persons are invited.

DATE AND TIME: September 23, 2003, 9:00 a.m.

PLACE: Hurston Building, South Tower, Conference Room C, 400 W. Robinson Street, Orlando, FL 32801

GENERAL SUBJECT MATTER TO BE CONSIDERED: Quarterly meeting of the Florida Fire Safety Board.

A copy of the agenda may be obtained by writing: Nancy Ray, Division of State Fire Marshal, Bureau of Fire Prevention, Regulatory Licensing Section, 200 East Gaines Street, Tallahassee, FL 32399-0342 or (850)413-3622.

In accordance with the American Disabilities Act and Section 286.26, Florida Statutes, persons needing a special accommodation to participate in this meeting or workshop should contact the person listed above no later than 48 hours prior to the meeting or workshop.

FLORIDA STATE COURTS SYSTEM

The **Florida State Courts System** announces a public hearing to which all persons are invited:

DATE AND TIME: Friday, September 12, 2003, 10:00 a.m.

PLACE: Supreme Court Building, Judicial Meeting Room, 500 South Duval Street, Tallahassee, Florida 32399-1900

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Office of the State Courts Administrator will present an overview of the State Courts System's 2004-2005 legislative budget request to the Legislature followed by a time for public questions and comments.

AUTHORITY: Section 216.131, Florida Statutes.

Persons wishing to testify are requested to contact Ms. Charlotte Jerrett, Director of Administrative Services, by September 9, 2003, 10:00 a.m., at the address above. Written comments may be submitted to the hearing officer at the proceeding or mailed to the Office of the State Courts Administrator at the above address.

In accordance with the Americans with Disabilities Act, persons needing a special accommodation to attend the meeting should contact Ms. Charlotte Jerrett, Director of Administrative Services, no later than September 9, 2003, 10:00 a.m., by phone (850)488-9922 or in person at the Supreme Court Building, Room 332.

INDIGENT SERVICES ADVISORY BOARD

The Article V, **Indigent Services Advisory Board** announces a meeting to which all interested persons are invited.

DATE AND TIME: September 15, 2003, 1:00 p.m.

PLACE: Room 404, House Office Building, Tallahassee, Florida 32399

GENERAL SUBJECT MATTER TO BE CONSIDERED: Organizational Meeting of the Board.

In conjunction with the Americans with Disabilities Act, please call (850)488-2415, if special accommodations are needed. For TDD service, please use Dual Party Relay System, 1(800)955-8771.

CLERK OF COURT OPERATIONS CONFERENCE

The **Clerk of Court Operations Conference** announces a public meeting to which all persons are invited.

DATE AND TIME: September 17, 2003, 1:00 p.m.

PLACE: Ritz-Carlton, 1111 Ritz-Carlton Drive, Sarasota, Florida 34236

GENERAL SUBJECT MATTER TO BE CONSIDERED: General Organizational Operations and Review of Clerks' Budgetary Operations.

A copy of the agenda may be obtained by contacting: Beth Allman, Florida Association of Court Clerks, (850)921-0808.

GOVERNMENTAL FINANCING COMMISSION

The **Sunshine State Governmental Financing Commission** announces a public meeting, where all interested parties are invited:

DATE AND TIME: Thursday, September 25, 2003, 11:30 a.m.

PLACE: Conference Room "R", Second Floor, City Hall, City of Orlando, 400 South Orange Avenue, Orlando, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Meeting of Board of Directors.

Note: A copy of the agenda may be obtained by contacting: Mr. Richard C. Dowdy, Program Administrator, (850)878-1874.

The **First Florida Governmental Financing Commission** announces the following public meeting, where all interested parties are invited:

DATE AND TIME: Friday, September 26, 2003, 11:00 a.m.

PLACE: Commission Chambers, City of Clearwater, 112 South Osceola Avenue, Clearwater, Florida

A copy of the agenda may be obtained by contacting: Mr. Richard C. Dowdy, Program Administrator, Post Office Box 14923, Tallahassee, FL 32317-4923 or calling (850)878-1874.

**Section VII
Notices of Petitions and Dispositions
Regarding Declaratory Statements**

DEPARTMENT OF COMMUNITY AFFAIRS

NOTICE IS HEREBY GIVEN that the Florida Building Commission received a Petition for Declaratory Statement on August 25, 2003, from Structural Systems, Inc. regarding means to achieve natural ventilation of a residential garage space pursuant to Sections 401 and 402, Florida Building Code, Mechanical Volume (2001 as amended 7/1/03).

It has been assigned the number DCA03-DEC-247.

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.

**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."

DEPARTMENT OF FINANCIAL SERVICES

NOTICE IS HEREBY GIVEN that the Office of Insurance Regulation has received a petition for a declaratory statement from David S. Kahn, Administrator, on behalf of Capital Health Plan Single Life Small Group #S1969. The petition seeks the Office's opinion as to the applicability of certain provisions of Sections 120.569, 120.57 and 627.6699, Florida Statutes, as they apply to the petitioner.

A copy of the petition may be obtained by contacting: S. Marc Herskovitz, Esquire, Office of Insurance Regulation, Division of Legal Services, 6th Floor-Larson Building, 200 East Gaines Street, Tallahassee, Florida 32399-0333, (850)413-4122.

**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:

Richard Allen Freiberg vs. Department of Health, Board of Acupuncture; Case No.: 03-2964RX; Rule Nos.: 64B1-2.008, 64B1-6.002, 64B1-6.005, 64B1-6.006, 64B1-6.007, 64B1-6.008, 64B1-6.009, 64B1-6.010

Notice of Disposition of Petition for Administrative Determination have been filed by the Division of Administrative Hearings on the following rules:

Elizabeth Green vs. Department of Corrections; Case No.: 02-4723RP; Rule No.: 33-210; Dismissed

Teresa A. Burns vs. Department of Corrections; Case No.: 02-4604RP; Rule Nos.: 33-210.101, 33-210.102, 33-210.103; Dismissed

Lynne Shelby vs. Department of Corrections; Case No.: 02-3484RX; Rule No.: 33-601.101(1)(a)5.,(2),(7); Dismissed

Florida Association of Massage Educators, Suncoast Center/Natural Health, Space Coast Health Institute and Central Florida School of Massage Therapy vs. Department of Health, Board of Massage Therapy; Case No.: 02-3369RP; Rule No.: 64B7-32.003; Dismissed

Florida Optometric Association, Inc. vs. Department of Health, Board of Optometry; Case No.: 03-0175RP; Rule No.: 64B13-5.002; Dismissed

Florida Optometric Association, Inc. vs. Department of Health, Board of Optometry; Case No.: 03-0406RX; Rule No.: 64B13-5.002; Dismissed

Tammy Tullos vs. Department of Children and Family Services; Case No.: 03-0084RU; Dismissed

Tammy Tullos vs. Department of Children and Family Services; Case No.: 03-0085RU; Dismissed

**Section IX
Notices of Petitions and Dispositions
Regarding Non-rule Policy Challenges**

NONE

**Section X
Announcements and Objection Reports of
the Joint Administrative Procedures
Committee**

NONE

**Section XI
Notices Regarding Bids, Proposals and
Purchasing**

DEPARTMENT OF EDUCATION

REQUEST FOR BID

The University of Florida, Purchasing Division will receive sealed bids for the following: 04L-119, Housing Project BOR131-301, Diamond Village Building 301 Renovation, estimated budget: \$425,000-\$450,000, to be opened September 30, 2003, at 2:00 p.m. Local Time. Scope of work: Interior spaces are vacant and scheduled for partial demolition followed by the reconstruction with new materials. A complete new mechanical split system is included. Portions of the existing electrical and plumbing systems will be re-used. Specifications and Plans are available in Central Purchasing, Elmore Hall, Radio Road, Gainesville, FL 32611, Telephone (352)392-1331. A Mandatory Pre-Bid Meeting will be held September 17, 2003, at 10:00 a.m. in the Diamond Commons Conference Room, corner of S. W. 13th Street and Diamond Road, Gainesville, FL. All questions should be directed to A. J. Sontag, Associate Director, UF Purchasing (352)392-1331, Ext. 304.

AMERICANS WITH DISABILITY ACT OF 1991 – If special accommodations are needed in order to attend the Pre-Bid Meeting or the Bid opening, contact Emily J. Hamby, (352)392-1331, Ext. 303, within three (3) days of the event.

NOTICE TO PROFESSIONAL CONSULTANTS

The University of Florida Board of Trustees, announces that Professional Services in the discipline of architecture will be required for the project listed below:

Project No.: UF-214

Project Name: The Center for Marine Studies

Location: The Whitney Laboratory, Marineland, Florida

The project is for the design and construction of a 16,145 square foot education facility for The Whitney Laboratory of the University of Florida. The facility will consist of teaching laboratories, classrooms, an auditorium, interactive exhibits and displays, and will provide access to the diverse coastal ecosystems surrounding the community of Marineland.

The selected firm will provide design, construction documents and construction administration services for the referenced project. Blanket professional liability insurance will be required for this project in the amount of \$1,000,000, and will be provided as a part of Basic Services.

INSTRUCTIONS

Firms desiring to apply for consideration shall submit a letter of application. The letter of application should have attached:

1. A completed "Professional Qualifications Supplement," the latest project specific version available from the website: www.facilities.ufl.edu. Applications on any other form will not be considered.
2. A copy of the applicant's current Professional Registration Certificate from the appropriate governing board. An applicant must be properly registered at the time of application to practice its profession in the State of Florida. If the applicant is a corporation, it must be chartered by the Florida Department of State to operate in Florida.

Submit 5 copies of the above requested data bound in the order listed above. Applications, which do not comply with the above instructions, may be disqualified. Application materials will not be returned. The plans and specifications for the University of Florida projects are subject to reuse in accordance with the provisions of Section 287.055, Florida Statutes. As required by Section 287.133, Florida Statutes, a consultant may not submit a proposal for this project if it is on the convicted vendor list for a public entity crime committed within the past 36 months. The selected consultant must warrant that it will neither utilize the services of, nor contract with, any supplier, subcontractor, or consultant in excess of \$15,000.00 in connection with this project for a period of 36 months from the date of their being placed on the convicted vendor list. Professional Qualifications Supplement forms, project information, selection criteria, and instructions for registering as an applicant can be found on the Facilities Planning & Construction Division website.

Submittals must be received in the Facilities Planning & Construction office by 3:00 p.m., local time, on Friday, October 3rd, 2003. Facsimile (FAX) submittals are not acceptable and will not be considered.

Facilities Planning and Construction
232 Stadium / P. O. Box 115050
Gainesville, FL 32611-5050
Telephone: (352)392-1256
Fax: (352)392-6378
Internet: www.facilities.ufl.edu

NOTICE TO PROFESSIONAL CONSULTANTS

ADDENDUM NO. 1

The University of South Florida announces that the following amendments are being issued to the "NOTICE TO PROFESSIONAL CONSULTANTS" for Continuing Professional Services in the discipline of Asbestos Abatement Consultant that appeared in the August 22, 2003 publication of the Florida Administrative Weekly.

1. Professional Services may be provided at all of the University of South Florida's Campuses, Entities, and geographically separated facilities.
2. The initial contract period shall be for a period of two fiscal years, (July 1, 2003 to June 30, 2005), with the Owner's option to renew for an additional one (1) year period.
3. Submittals must be received by 2:00 p.m. Eastern Time on October 6, 2003 at the University of South Florida Tampa Campus, Facilities Planning and Construction, FPC 110, 4202 East Fowler Avenue, Tampa, FL 33620-7550.

If you have any questions, please contact: Kathy Bennett, Contracts Administrator, University of South Florida, Facilities Planning and Construction, 4202 East Fowler Avenue, FPC110, Tampa, Florida 33620-7550, Phone (813)974-3098, (813)974-2625 or Fax (813)974-3542.

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."

REGIONAL TRANSPORTATION AUTHORITIESINVITATION TO BID NO. 03-193
SHUTTLE BUS SERVICES

The South Florida Regional Transportation Authority (SFRTA/Tri-Rail), an agency of the State of Florida, operates a seventy-two (72) mile commuter railroad with eighteen (18) stations in Miami-Dade, Broward, and Palm Beach Counties.

THE PURPOSE of this Invitation to Bid (ITB) is to enter into an Agreement with a qualified contractor to provide bus services to complement the SFRTA/Tri-Rail commuter rail service. Bus services as defined in the Scope of Services include fixed route shuttle service, emergency service and, additional "as needed" scheduled service.

A REQUEST FOR DOCUMENTS should be directed to Mr. Robert Becker at SFRTA/Tri-Rail, 800 N. W. 33rd Street, Suite 100, Pompano Beach, FL 33064, (954)788-7909. The cost of the solicitation document is \$50.00, non-refundable. Checks or money orders, made payable to SFRTA/Tri-Rail should be forwarded to Mr. Becker at the address above. Solicitation documents will be available on or about September 3, 2003.

A PRE-BID CONFERENCE will be held in the SFRTA/Tri-Rail Board Room at the address above on September 11, 2003 at 10:00 a.m. The purpose of the meeting will be for SFRTA/Tri-Rail to respond to questions from document holders and clarify requirements in an open forum. Attendance is not mandatory but is recommended.

RECEIPT OF SEALED BIDS: A Two-Step Sealed Bid Process will be utilized for this procurement. Technical submittals and Price bids must be received by 5:00 p.m. on September 26, 2003 at the SFRTA/Tri-Rail office in Pompano Beach. Price Bids are to be submitted in a separate sealed envelope. Price Bids of Bidders deemed responsive and responsible will be opened publicly at the SFRTA/Tri-Rail office on October 3, 2003 at 10:00 a.m.. All bid documents must clearly indicate the Bidder's Name, ITB Number & Title, and Bid Due Date.

SFRTA/Tri-Rail reserves the right to postpone, to accept, or reject any and all Bids in whole or in part. All Bidders must certify that they are not on the State of Florida Comptroller General's List of Ineligible Bidders. All Bids must remain in effect for one hundred eighty (180) days from the date of Bid Opening.

TERM: The term of the Agreement shall be for five (5) years.

DBE PARTICIPATION: SFRTA/Tri-Rail solicits and encourages Disadvantaged Business Enterprise (DBE) participation. DBEs will be afforded full consideration of their responses and will not be subject to discrimination. The Disadvantaged Business Enterprise participation goal for this solicitation is 14%.

EXPRESSWAY AUTHORITIES

NOTICE TO CONSTRUCTION ENGINEERING AND INSPECTION FIRMS REQUEST FOR STATEMENT OF QUALIFICATIONS (RSOQ)

MDX WORK PROGRAM NO. 83615.050

The Miami-Dade Expressway Authority (MDX) is seeking the services of a qualified firm with qualified sub-consultants (the "Firm") to provide Construction Engineering and Inspection (CE&I) services in connection with the construction of MDX Project No. 83615 (the "Project") in the MDX Five-Year Work Program. The Project requires CE&I services for the construction of a westbound auxiliary lane on SR 836 from N. W. 57th Avenue to Palmetto Expressway; including construction of a new bridge for SR 836 WBCD Ramp crossing FEC Rail Corridor and Venetian Canal. The project's overall duration is estimated to be approximately twenty-four (24) months, beginning in April 2004.

FEDERAL AND STATE DEBARMENT: By signing and submitting a Statement of Qualifications (SOQ), the Firm certifies that no principal (which includes shareholders, partners, officers, directors, or executives) is presently suspended, proposed for debarment, declared ineligible or voluntarily excluded from participation in this transaction by any federal, state or local department or agency.

SYSTEM: The Miami-Dade Expressway System is comprised of State Road (SR) 112, SR 836, SR 874, SR 878 and SR 924.

DESCRIPTION OF WORK: The selected Firm will provide Construction Engineering and Inspection services for the Project. The selected Firm will be responsible for the oversight and quality control of all construction related activities for the Project. The Firm shall provide all required materials testing, inspection and related construction engineering services as well as contract administration functions as required by MDX.

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 Monday, October 6, 2003 by 12:00 Noon, Eastern Time (the "Deadline Date"). SOQs submitted past the Deadline Date and time will be deemed non-responsive.

After reviewing the documentation submitted, evaluating the SOQs using the Evaluation Criteria shown herein, and ranking the Firms, MDX will notify all Firms in writing if they have been shortlisted, and will distribute one (1) copy of the RFP package to each shortlisted Firm.

The deadline to submit questions in reference to this Request for Statements of Qualifications (RSOQ) is Monday, September 29, 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 Construction Engineering and Inspection services as described above.
2. As required by Section 287.133, Florida Statute, a firm may not submit a proposal for the Project if it is on the convicted vendor list for a public entity crime committed within the past 36 months. Firms must address this criterion by 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 Rule 14-75 of the Florida Administrative Code (F.A.C.) in the following types of work: Group 10.1, Roadway Construction Engineering inspection; Group 10.2, Major Bridge Construction Engineering Inspection and Group 10.3, Construction Materials Inspection. The Firm shall identify all sub-consultants for all the types of work listed above including documentation that those sub-consultants are also pre-qualified under Rule 14-75 of the F.A.C. Any Firm not identifying pre-qualification with all of the above identified groups shall be deemed non-responsive to the requirements stated in the RSOQ.
5. Certificates of Good Standing evidencing that the Firm is qualified to do business in the State of Florida. Documentation provided to comply with this criterion must be current.
6. Execution of a Commitment Letter (a copy of this form may be obtained from MDX's website) stating that the Firm shall satisfy the 10% Small Business Participation Goal for the Project, in compliance with MDX's Small Business Participation Policy (a copy of this Policy may be obtained from MDX's website). Further documentation addressing this requirement shall be required of the shortlisted Firms, pursuant to requirements in the RFP.

REQUIRED INFORMATION: The SOQ shall contain the following Required Information:

1. Project Name and number.
2. Firm's name and address.
3. Name of contact person, phone number, fax number and Internet e-mail address (one contact person per Firm).
4. An executed Vendor's Certificate (a copy of this form may be obtained from MDX's website).

EVALUATION CRITERIA: The SOQ will be reviewed, evaluated and ranked by the MDX Technical Evaluation Committee using the following Evaluation Criteria:

Qualifications and experience of the Firm and sub-consultants as it relates to the following required services. This criterion will be specifically evaluated based on the depth and breadth of the Firm and sub-consultants experience as a whole in the performance of Construction Engineering and Inspection services on limited access roadway systems. A total of 30 %.

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. Proposed personnel submitted in this RSOQ are considered committed to the project and shall be available on the anticipated date of Notice to Proceed. A total of 35%.

A detailed summary of the Firm's current and proposed workload as well as all available resources as they relate to existing contracts with other agencies. The Firm should specifically address this criterion with respect to the proposed key personnel proposed for this project and detail the total number of hours available, duration of those existing contracts and total of man-hours committed to those projects. A total of 30%.

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 sub-consultants, and the services provided. A total of 5%.

COMMUNICATION: COMMUNICATIONS BETWEEN ANY PROPOSER OR ITS REPRESENTATIVES AND ANY BOARD MEMBER OF MDX, ITS STAFF, ITS CONSULTANTS, AND/OR ITS EVALUATION COMMITTEE MEMBERS ARE STRICTLY PROHIBITED FROM THE DATE OF THE ADVERTISEMENT FOR THE PROJECT THROUGH THE DATE OF EXECUTION OF THE CONTRACT. The only exceptions to this are: (1) written requests regarding information or clarification made to Helen Cordero, MDX Procurement Officer; (2) any communications at the Pre-Proposal Conference, Oral Interviews, or a publicly noticed meeting of MDX or its Operations Committee; (3) written and oral Contract negotiations with the Executive Director or his designated representative; or (4) communications by Proposers not shortlisted under this RSOQ. Exception (4) will only apply seventy-two (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 SECTION SHALL CONSTITUTE GROUNDS FOR IMMEDIATE AND PERMANENT DISQUALIFICATION OF THE OFFENDING PROPOSER.

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 MANAGEMENT SERVICES

PUBLIC ANNOUNCEMENT FOR PROFESSIONAL ARCHITECTURAL SERVICES

FOR CONTINUING AREA CONTRACTS AREA 6

The State of Florida, Department of Management Services, Division of Facilities Management and Building Construction requests qualifications from architectural firms to provide Professional Services in Area 6, counties of Charlotte, Collier, Desoto, Glades, Hendry, Highlands, Lee, Okeechobee, and other counties as may be determined necessary by the owner.

For details please visit the Department's website listed below and click on "Search Advertisements – Division of Facilities Management and Building Construction."

http://fcn.state.fl.us/owa_vbs/owa/vbs_www.main_menu

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."

HILLSBOROUGH COUNTY AVIATION AUTHORITY

NOTICE TO PROFESSIONAL CONSULTANTS

Pursuant to the Consultants Competitive Negotiation Act, Florida Statutes 287.055, letters of interest from airport planning/architectural/engineering firms desiring to render professional services for the following:

MASTER PLAN UPDATE

TAMPA INTERNATIONAL AIRPORT

This project will involve updating the airport safety forecasts, airfield demand/capacity analysis, airfield delay savings analysis, airfield improvements benefit cost analysis, passenger and employee surveys, airfield, terminal and airport support facilities requirements, Part 77 and Terminal Instrument Procedures (TERPS) airspace analysis, airport layout plan drawings, environmental assessments, capital improvement programming, and regional transit needs.

Qualified consultants desiring consideration for this project must give written notification in the form of a letter of interest to: Dan Noettl, Manager, Planning and Development, Hillsborough County Aviation Authority, Post Office Box 22287, Tampa, Florida 33622.

A mandatory pre-proposal conference will be held in the Authority board room, located on the third floor – blue side, on Wednesday, October 29, 2003 at 2:00 p.m. The letters of interest must be received at or before 5:00 p.m., local time, Thursday, September 25, 2003. For additional information go to the Authority website at www.tampaairport.com; Contracts and Business Information; RFP/RFQ/RFI Information on or after Wednesday, October 15, 2003.

FLORIDA DEVELOPMENTAL DISABILITIES COUNCIL

Invitation to Negotiate (ITN 2003-CM-400)

Micro-enterprise Training and Technical Assistance

The Florida Developmental Disabilities Council, Inc. (FDDC) announces the availability of an Invitation to Negotiate (ITN) to be released on September 5, 2003. Copies of the ITN 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 clicking on the "RFP/ITN" button near the top of the page. Then, click on the "Sign up" line and follow the instructions.

The purpose of ITN 2003-CM-400 is to establish a micro-enterprise training and technical assistance project. It is anticipated that individuals with developmental disabilities will receive the training and technical assistance necessary to set up very small businesses, known as micro-enterprises. The proposer is required to partner with a Florida-based organization that follows the principles of self-determination

and represents self-advocates with a variety of disabling conditions. Anticipated funding for this 12-month project will not exceed \$100,000.

The deadline for submitting the mandatory letter of intent for this ITN is 4:00 p.m., EDT, on September 16, 2003. In order for a proposal to be considered, a letter of intent must have been received by the above referenced deadline. The deadline for submitting written questions for this ITN is 4:00 p.m., EDT, on September 19, 2003. The answers to the written questions will be posted on FDDC website on or before October 3, 2003. The deadline for submitting proposals is 2:00 p.m., EDT, on October 24, 2003.

Section XII Miscellaneous

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

The Department of Agriculture and Consumer Services will accept applications for state funding and certification as an agriculture education and promotion facility to be evaluated for inclusion in the Department's budget request. Applications must be submitted to the Department by October 1, 2003. The applicant must be a unit of local government (as defined in s. 18.369, F.S.) or a fair association (as defined in s. 616.001(9), F.S.), which is responsible for the planning, design, permitting, construction, renovation, management, and operation of the agriculture education and promotion facility or holds title to the property of which such facility is to be developed and located.

To obtain an application contact: Mr. Craig Christ, (850)921-1992, by email: christc@doacs.state.fl.us or 407 South Calhoun Street, Mayo Building, Suite 209B, Tallahassee, Florida 32399-0800.

DEPARTMENT OF COMMUNITY AFFAIRS

NOTICE OF INTENT TO FIND DCA DOCKET NO. 16-01

The Department gives notice of its intent to find the Public Schools Interlocal Agreement ("Agreement") entered into by Duval County/City of Jacksonville, Atlantic Beach, Baldwin, Jacksonville Beach, Neptune Beach and the Duval 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 City of Jacksonville, City Hall, St. James Building, 117 West Duval Street, Suite 480, Jacksonville, Florida 32202.

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 Duval County/City of Jacksonville, Atlantic Beach, Baldwin, Jacksonville Beach, Neptune Beach and the Duval 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

NOTICE OF INTENT TO FIND DCA DOCKET NO. 22-01

The Department gives notice of its intent to find the Public Schools Interlocal Agreement ("Agreement") entered into by Glades County and the City of Moore Haven and the Glades

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 Southwest Florida RPC, 4980 Bayline Drive, 4th Floor, North Ft. Myers, Florida 33917-3090.

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 Glades County and the City of Moore Haven and the Glades 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 WITHDRAWAL

Notice is hereby given that the publication for a new point for a franchised dealership in Palm Beach County by Southeast Toyota Distributors, LLC and Toyota Motor Sales, U.S.A., Inc., for a dealership to be announced (TBA), as noticed in Vol. 29, No. 31, p. 3096 of the Florida Administrative Weekly on August 1, 2003, 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."

The Agency for Healthcare Administration has received an application for services exemption from Bethesda Memorial Hospital, Boynton Beach, Florida, pursuant to Section 395.1041 (3), Florida Statutes and Rule 59A-3.207, Florida Administrative Code. The services categories which the exemptions are requested are: Neurosurgery, hand surgery, and Otolaryngology. Comments received within 15 days of publication will be considered by the Agency prior to making a determination exemption status.

Additional information may be obtained by writing: Sonya Longfellow, Hospital and Outpatient Services Unit, Agency for Health Care Administration, 2727 Mahan Drive, MS #31, Tallahassee, Florida 32308, (850)487-2717 or by e-mailing: longels@fdhc.state.fl.us.

AGENCY FOR HEALTH CARE ADMINISTRATION

CERTIFICATE OF NEED EXEMPTIONS

The Agency For Health Care Administration authorized the following exemptions pursuant to Section 408.036(3), Florida Statutes:

County: Pasco District: 5
ID #: 0300002 Decision: A Issue Date: 8/13/2003
Facility/Project: Bridgeview Center
Applicant: Bridgeview Center, LLP
Project Description: Delicense 4 skilled nursing beds
Proposed Project Cost: \$0

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 August 21, 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 Jennifer Elaine McNeal, LPN, license number PN 1240461. 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 August 21, 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 Kelly Vecchitto, R.N., license number RN 3218332. 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 the following application.

Comments may be submitted to the Deputy Director, 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 Chapter 3C-105.100, Florida Administrative Code. Petition must be received by the Clerk within twenty-one (21) days of publication of this notice (by 5:00 p.m., September 26, 2003:

APPLICATION TO ACQUIRE CONTROL

Financial Institution to be Acquired: CommerceSouth Bank of Florida, Santa Rosa Beach, Florida

Proposed Purchaser: BancTrust Financial Group, Inc. Mobile, Alabama

Received: August 22, 2003

Section XIII
Index to Rules Filed During Preceding Week

Rule No.	File Date	Effective Date	Proposed Vol./No.	Amended Vol./No.
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RULES FILED BETWEEN August 18, 2003
 and August 22, 2003

Rule No.	File Date	Effective Date	Proposed Vol./No.	Amended Vol./No.
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DEPARTMENT OF CORRECTIONS

33-602.112	8/20/03	9/9/03		29/29
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DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Hotels and Restaurants

61C-1.002	8/20/03	9/9/03		29/29
61C-1.008	8/20/03	9/9/03		29/29

Rule No.	File Date	Effective Date	Proposed Vol./No.	Amended Vol./No.
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Board of Architecture and Interior Design

61G1-12.004	8/21/03	9/10/03	29/28	
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DEPARTMENT OF HEALTH

Board of Psychology

64B19-11.011	8/19/03	9/8/03	29/1	
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Rule No.	File Date	Effective Date	Proposed Vol./No.	Amended Vol./No.
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School Psychology

64B21-504.001	8/22/03	9/11/03	29/29	
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DEPARTMENT OF CHILDREN AND FAMILY SERVICES

Economic Self Sufficiency Program

65A-1.716	8/21/03	9/10/03	29/21	
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Section XIV
List of Rules Affected

				Rule No.	Proposed Vol./No.	Amended Vol./No.	Adopted Vol./No.
This "List of Rules Affected" is a cumulative list of all rules which have been proposed but not filed for adoption. Beginning with the February 2, 1996 issue, the list will be published monthly for the period covering the last eight weeks.				4-143.015	29/18		
w – Signifies Withdrawal of Proposed Rule(s)				4-149	24/3c		
c – Rule Challenge Filed				4-149.101	24/3c		
v – Rule Declared Valid				4-149.102	24/3c		
x – Rule Declared Invalid				4-149.103	24/3c		
d – Rule Challenge Dismissed				4-149.104	24/3c		
dw – Dismissed Upon Withdrawal				4-149.105	24/3c		
Rule No.	Proposed Vol./No.	Amended Vol./No.	Adopted Vol./No.	4-149.106	24/3c		
STATE				4-149.107	24/3c		
1A-35.005	28/18			4-149.108	24/3c		
1A-35.007	28/18			4-149.109	24/3c		
1B-2.011	29/32			4-149.110	24/3c		
1B-24.002	26/43			4-149.110	24/3c		
1S-2.002	29/34			4-149.1105	24/3c		
1S-2.020	29/34			4-149.111	24/3c		
1S-2.021	29/34			4-149.111	24/3c		
1S-2.030	29/34			4-149.112	24/3c		
IT-1.001	29/18	29/36		4-149.112	24/3c		
IT-1.001(17)	29/18	29/34		4-149.113	24/3c		
IT-1.001(20)	29/18	29/34		4-149.113	24/3c		
BANKING AND FINANCE				4-149.114	24/3c		
3D-40.0271	29/31			4-149.115	24/3c		
3D-40.043	29/31			4-149.116	24/3c		
3E-48.005	28/42			4-149.117	24/3c		
3E-200.001	29/33			4-149.118	24/3c		
3E-300.002	29/33			4-149.119	24/3c		
3E-600.005	29/33			4-149.120	24/3c		
3E-600.012	29/33			4-149.121	24/3c		
3E-600.013	29/33			4-149.121	24/3c		
3E-600.0131	29/33			4-149.122	24/3c		
3E-600.0132	28/40			4-149.122	24/3c		
3E-600.014	29/33			4-149.123	24/3c		
3E-600.015	29/33			4-149.123	24/3c		
3E-600.020	29/33			4-149.124	24/3c		
3F-5.010	28/48	29/27		4-149.125	24/3c		
INSURANCE				4-149.126	24/3c		
4-1	29/33c			4-149.127	24/3c		
4-137.001	29/12		29/30	4-149.128	24/3c		
4-138.001	29/12		29/30	4-149.129	24/3c		
4-138.047	28/41			4-149.130	24/3c		
4-141.0016	21/2c			4-149.131	24/3c		
4-143.007	29/18			4-149.132	24/3c		
4-143.008	29/18			4-149.132	24/3c		

Rule No.	Proposed Vol./No.	Amended Vol./No.	Adopted Vol./No.	Rule No.	Proposed Vol./No.	Amended Vol./No.	Adopted Vol./No.
4-149.133	24/3c 24/3c			5B-58.001(16)	27/50c		
4-149.190	24/3c			5D-1.001	29/26		
4-149.203	29/36			5D-1.003	29/26		
4-149.204	29/36			5D-1.007	29/26		
4-149.207	29/36			5D-1.012	29/26	29/31	
4-154.112	29/16	29/29		5E-1.014	29/32		
4-154.201	29/18			5E-2.011	29/32		
4-154.202	29/18	29/29		5E-2.033	29/35c		
4-154.203	29/18	29/29		5F-11.029	29/26		29/29w
4-154.204	29/18	29/29		5I-4.002	29/34		
4-154.210	29/18			5I-4.003	29/34		
4-154.525	29/16	29/25 29/29		5I-4.005	29/34		
4-163.0045	29/16	29/29		5I-4.006	29/34		
4-164.010	29/34			5I-4.007	29/34		
4-164.020	29/34			5I-4.008	29/34		
4-167.002	27/14		29/31w	5I-4.011	29/34		
4-176.013	29/36			5J-8.003	28/41	29/30	
4-189.003	29/18			5J-9.002	28/41	29/35	
4-189.0055	29/18			5J-9.006	28/41	29/35	
4-193.065	29/18			5J-10.002	28/41	29/35	
4-202.008	29/33			5J-13.002	28/41	29/35	
4-202.012	29/33			5J-13.003	28/41	29/35	
4-202.015	29/33			5M-3.001	29/27	29/34	
4-211.031	27/44			5M-3.002	29/27	29/34	
4-211.042	29/12		29/33w	5M-3.003	29/27	29/34	
4-211.042(8)	29/35c			5M-3.004	29/27		
4-211.320	29/16	29/23 29/29	29/31 29/31	5M-3.005	29/27	29/34	
4-228.055	26/35			5M-3.006	29/27		
4A-3.002	27/12			5M-3.007	29/27		
4A-41.101	29/28			5M-3.008	29/27		
4A-41.102	29/28			5M-3.009	29/27		
4A-41.103	29/28			5M-4.001	29/22		
4A-41.104	29/28			5M-4.002	29/22		
4A-41.105	29/28			5M-4.003	29/22	29/33	
4A-41.106	29/28			5M-4.004	29/22	29/33	
4A-41.107	29/28			5M-4.005	29/33	29/33	
4A-41.108	29/25 29/28						
4A-61.001	29/15		29/32				
4C-40.0055	28/47						
4L-24.0221	29/34						
AGRICULTURE AND CONSUMER SERVICES							
5B-2.001	29/25		29/34	6A-1.09941	29/29		
5B-2.002	29/25		29/34	6A-4.0021	29/20		29/29
5B-2.0025	29/25		29/34	6A-4.00821	29/20		29/29
5B-3.003	29/25			6A-6.080	16/30		
5B-3.0032	29/25			6A-10.024	29/29		
5B-3.0035	29/25			6C3-5.003	Newspaper		29/32
5B-3.0038	29/25			6C4-4.0023	Newspaper		29/31
5B-58.001	27/29 27/42	27/49		6C4-4.0107	Newspaper		29/35
				6C6-4.008	Newspaper		29/33
				6C8-5.006	Newspaper		29/32
				6C8-6.010	Newspaper		29/35
				6C8-11.005	Newspaper		29/35
				6C9-6.1001	Newspaper		29/33
				6C10-7.001	Newspaper		29/35
				6C10-7.003	Newspaper		29/35
				6E-1.0032	29/29		
				6E-2.0042	29/29		

EDUCATION

Rule No.	Proposed Vol./No.	Amended Vol./No.	Adopted Vol./No.	Rule No.	Proposed Vol./No.	Amended Vol./No.	Adopted Vol./No.
6E-3.002	28/43			9B-72.100		27/51	29/35
6F-1.001	29/23		29/32			28/9	29/35
6F-2.001	29/23		29/32		29/11	29/18	29/35
6F-2.0015	29/23		29/32	9B-72.130		27/51	29/35
6F-2.0016	29/23		29/32			28/9	29/35
6F-2.0017	29/23		29/32		29/11		29/35
6F-2.002	29/23		29/32	9G-19.008	29/34		
6F-2.0024	29/23		29/32	9G-19.009	29/34		
6F-2.0026	29/23		29/32	9G-19.010	29/34		
6F-2.003	29/23		29/32	9J-5.0055	18/40		
6F-2.004	29/23		29/32	9K-8.011	28/13		
6F-2.006	29/23		29/32				
6F-3.001	29/23		29/32	HEALTH AND REHABILITATIVE SERVICES			
6F-3.002	29/23		29/32	10-5.011(1)(v)	15/46c		
6F-4.001	29/23		29/32	10M-9.026	22/1		
6L-1.001	28/12			10M-9.045	22/1		
6L-1.002	28/12						
6L-1.004	28/12			LAW ENFORCEMENT			
6L-1.005	28/12			11B-27.00212	29/36		
6L-1.006	28/12			11B-27.006	27/17		
6L-1.007	28/12			11B-30.014	19/40		
6L-1.008	28/12			11C-6.004	29/36		
6L-1.009	28/12			11G-2.003	29/36		
6L-1.010	28/12			11N-1.0022	29/36		
6L-1.011	28/12			11N-1.003	29/36		
6L-1.012	28/12			11N-1.0031	29/36		
6L-1.013	28/12			11N-1.004	29/36		
				11N-1.005	29/36		
				11N-1.0051	29/36		
				11N-1.009	29/36		
COMMUNITY AFFAIRS							
9-1	29/33c		29/35d				
9B-3.054	29/13	29/25	29/33				
9B-72.010		27/44	29/35				
		27/51	29/35				
	29/11	29/18	29/35				
9B-72.030		27/44	29/35	12ER03-5			29/29
		27/51	29/35	12ER03-6			29/35
	29/11		29/35	12-1	29/19c		29/30dw
9B-72.040		27/51	29/35	12-3.0012	28/51	29/31	
		28/9	29/35	12-3.0017	28/51	29/31	
	29/11	29/18	29/35	12-3.012	29/17		29/30
9B-72.045		28/9	29/35	12-16.003	29/35		
	29/11	29/18	29/35	12-16.004	29/35		
9B-72.050		27/51	29/35	12-16.005	29/35		
		28/9	29/35	12-18.004	29/26		
	29/11	29/18	29/35	12-24.001	29/7	29/33	
9B-72.060		27/51	29/35	12-24.002	29/7	29/33	
		28/9	29/35	12-24.003	29/7	29/33	
	29/11		29/35	12-24.004	29/7	29/33	
9B-72.070		27/51	29/35	12-24.005	29/7	29/33	
		28/9	29/35	12-24.006	29/7	29/33	
	29/11	29/18	29/35	12-24.007	29/7	29/33	
9B-72.090		27/51	29/35	12-24.008	29/7	29/33	
		28/9	29/35	12-24.009	29/7	29/33	
	29/11	29/18	29/35	12-24.010	29/7	29/33	
				12-24.021	29/7	29/34	
				12-24.022	28/4		

Rule No.	Proposed Vol./No.	Amended Vol./No.	Adopted Vol./No.	Rule No.	Proposed Vol./No.	Amended Vol./No.	Adopted Vol./No.
12-24.023	29/7	29/33 29/34		14-96.005	29/27		
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33-404.103	29/34			40C-1.900	29/28		
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40D-40.381	29/10		29/31	40E-20.321	29/17		29/35
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40E-4.381	29/23	29/25		42NN-1.001	29/31		
40E-5.011	29/17		29/32	42NN-1.002	29/31		
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46-24.003	21/27			59A-3.2055	22/52	23/10	
46-37.001	20/18			59A-3.255	29/36		
46-37.002	20/18	20/25		59A-5.022	26/39	27/10	29/31w
46-37.003	20/18			59A-7.020	20/25		
46-37.004	20/18	20/25		59A-12.0073	29/28		
46-37.005	20/18			59A-12.020	26/32	26/36	
46-37.006	20/18	20/25		59A-18.003	26/25		
46-42.003	20/35			59B-7.020	19/30		
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53-302.101	29/22			59G-4.040	29/18		29/31
53-302.109	29/22			59G-4.055	21/39	21/45	
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58A-1.004	28/42		29/31w			27/19	29/31
58A-1.006	28/42		29/31w	59G-4.070	29/18		29/31
58A-1.007	28/42		29/31w	59G-4.080	27/6	27/18	
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58A-2.005	29/19	29/25	29/32	59G-4.110	29/32		
58A-2.0236	29/19	29/25	29/32			27/19	29/31
58A-2.025	29/19	29/25	29/32	59G-4.130	29/18		29/31
58L-2.001	29/30			59G-4.160	29/32		29/32
58L-2.005	29/30			59G-4.190	29/6		29/29w
58L-2.007	29/30	29/36			29/22		29/35
58L-2.009	29/30			59G-4.210	29/27	29/31	29/34
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59G-4.240		21/51	29/31w	60-8.002	28/34		
	29/21		29/31w	60-8.003	28/34		
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59G-4.250	29/33c			60-8.005	28/34		
59G-4.270	29/18		29/31	60-8.006	28/34		
59G-4.320	29/33			60-8.007	28/34		
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59G-8.200	29/30			60S-1.0045	29/17		
	29/32			60S-1.005	29/17		
59G-8.201	29/30			60S-1.0052	29/17		
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59G-8.203	29/30			60S-1.00535	29/17	29/29	
59G-8.204	29/30			60S-1.0054	29/17		
59G-8.205	29/30			60S-1.0055	29/17		
59G-8.206	29/30			60S-1.0057	29/17		
59G-8.207	29/30			60S-2.002	29/17		29/32
59G-8.208	29/30			60S-2.004	29/17		29/32
59G-8.209	29/30			60S-2.0041	29/17		29/32
59G-8.210	29/30			60S-2.005	29/17		29/32
59G-8.211	29/30			60S-2.006	29/17		29/32
59G-208.101	27/4	27/16		60S-2.007	29/17		29/32
59H-1.00352	26/3	26/17		60S-2.010	29/17		29/32
59M-3.005	21/25			60S-2.013	29/17		29/32
59O-2.002	22/34	24/49		60S-2.015	29/17		29/32
59O-2.003	22/34	24/49		60S-3.002	29/17		29/32
59O-3.002	22/34	24/49		60S-3.003	29/17		29/32
59O-9.003	22/34	24/48		60S-3.0035	29/17		29/32
59Q-9.002	20/39			60S-3.006	29/17		29/32
59R-62.010	21/5			60S-3.008	29/17		29/32
59R-62.040	21/5			60S-3.008	29/17		29/32
59T-11.013	23/22	23/35		60S-3.011	29/17		29/32
59T-14.004	23/22	23/35		60S-3.012	29/17		29/32
59T-15.002	23/22	23/35		60S-3.013	29/17		29/32
59T-16.001	23/22	23/35		60S-4.002	29/17		29/32
59T-16.002	23/22	23/35		60S-4.0025	29/17		29/32
59U-11.019	20/51	21/7		60S-4.003	29/17		29/32
59U-14.002	23/24	23/35		60S-4.0035	29/17		29/32
59V-3.007	20/34	20/48		60S-4.004	29/17		29/32
59Y-5.001	23/11			60S-4.005	29/17		29/32
				60S-4.006	29/17		29/32
				60S-4.007	29/17		29/32

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61F9-6.0035	19/36			61G16-2.001	23/12		
61F9-6.011	19/36			61G16-5.003	21/43	21/50	
61F9-6.013	19/36			61G17-1.006	21/6		
61F14-3.016	19/36			61G17-1.010	29/4		
61G-3.5082	27/4			61G17-3.004	29/4	29/31	
61G1-12.004		25/33	29/36			29/34	
	29/28		29/36			29/35	
61G1-23.025	29/28			61G17-5.0041	29/10	29/22	29/33
61G1-23.030	29/28			61G17-5.0043		19/29	29/33
61G1-23.040	29/28					19/52	29/33
61G1-23.060	29/28				29/10	29/22	29/33
61G1-26.001	29/35			61G17-5.0044	29/10	29/22	29/33
61G1-26.002	29/35			61G17-5.0051	29/10		29/33
61G2-3.005	21/33			61G18-16.002	26/29		
61G2-3.0055	23/38	24/6		61G18-16.003	26/29		
61G2-4.001	21/29			61G18-16.0035	26/29		
61G3-16.001	29/36			61G18-30.001	29/14		29/29
61G3-16.0010	29/36			61G19-6.008		21/38	29/33
61G3-16.006	29/36				28/48	29/16	29/33
61G3-16.007	29/36					29/27	29/33
61G3-16.0091	27/11			61G19-6.016	29/28		29/35
61G3-20.009	27/11			61G19-7.0010	26/41		
61G3-30.001	28/2			61H1-20.0053	26/28		
61G4-12.011	29/27		29/35w	61H1-28.001	29/27		
61G4-15.002	27/23			61H1-28.0011	29/27		
61G4-15.003	29/36			61H1-28.005	29/27		
61G4-15.005	29/36			61H1-28.0052	29/27		
61G4-17.001	19/29			61H1-28.006	29/27		
61G4-17.002	29/24		29/33	61H1-28.0061	29/27		
61G4-18.011	19/38			61H1-33.007	29/21		29/29
61G4-18.012	19/38			61H1-54.002	21/29		
61G6-5.001	29/5	29/7		61J1ER03-3			29/35
	29/32			61J1-2.005	28/41	28/43	
61G6-5.003	29/32					28/46	29/30w
61G6-5.012	29/32			61J1-3.001	28/41	28/43	
	29/32					28/46	29/30w
61G6-9.001	29/32			61J1-3.002	28/41	28/43	
61G6-9.005	29/32					28/46	29/30w
61G6-10.003	29/32			61J1-4.005	28/41	28/43	
61G7-4.240	29/21					28/46	29/30w
61G7-6.001	29/26	29/31	29/31w	61J1-4.240	27/45		
61G7-10.0013	28/51		29/30	61J1-6.001	28/47		29/30w
61G7-10.011	26/13			61J1-7.004	28/41	28/43	
61G8-30.001	29/23		29/31			28/46	29/30w
61G10-12.001	26/24			61J1-7.005	28/41	28/43	
61G11-25.001	20/22					28/46	29/30w
61G14-15.001	27/43			61J2ER03-2			29/31
61G15-20.001	29/31			61J2-2.027	28/22		
61G15-20.0010	29/31			61J2-2.031	28/22		
61G15-20.002	29/31			61J2-3.008	29/11		
61G15-20.005	29/31			61J2-3.009	29/11		
61G15-20.006	29/31			61J2-3.010	29/11		
61G15-20.007	29/20	29/31		61J2-3.020	29/11		
		29/34		61J2-5.016	28/22		
61G15-22.002	29/20		29/30	61J2-17.012	28/3	28/17	
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62-17.151	24/45	24/45		62-343.030	21/22		
62-17.161	24/45	24/45		62-343.040	21/22		
62-33.0051	27/11			62-343.050	21/22		
62-40	29/7c			62-343.060	21/22		
	29/9c			62-343.070	21/22		
	29/13c			62-343.080	21/22		
	29/13c			62-343.090	21/22		
	29/13c			62-343.100	21/22		
	29/13c			62-343.110	21/22		
	29/18c			62-343.120	21/22		
	29/19c			62-343.130	21/22		
62-40.110	28/51			62-343.140	21/22		
62-40.120	28/51			62-343.900	21/22		
62-40.210	28/51			62-345.200	29/12		29/34
62-40.310	28/51			62-345.300	29/12		29/34
62-40.410	28/51			62-345.400	29/12		29/34
62-40.411	28/51			62-345.500	29/12		29/34
62-40.412	28/51			62-345.600	29/12		29/34
62-40.416	28/51			62-345.900	29/12		29/34
62-40.422	28/51			62-524.400	20/45		
62-40.425	28/51			62-550.310	20/47		
62-40.430	28/51			62-550.730	20/19		
62-40.431	28/51			62-555.310	29/18		29/34
62-40.432	28/51			62-555.312	29/18		29/34
62-40.450	28/51			62-555.314	29/18		29/34
62-40.458	28/51			62-555.315	29/18		29/34
62-40.470	28/51			62-555.320	29/18		29/34
62-40.473	28/51			62-555.322	29/18		29/34
62-40.474	28/51			62-555.325	29/18		29/34
62-40.475	28/51			62-555.330	29/18		29/34
62-40.510	28/51			62-555.335	29/18		29/34
62-40.520	28/51			62-555.340	29/18		29/34
62-40.531	28/51			62-555.345	29/18		29/34
62-40.540	28/51			62-555.348	29/18		29/34
62-40.610	28/51			62-555.350	29/18		29/34
62-210.990	20/36			62-555.357	29/18		29/34
62-213.430	20/52	21/7		62-555.360	29/18		29/34
62-296.401	22/32	22/38		62-555.365	29/18		29/34
62-302.530	29/12			62-555.401	29/18		29/34
	29/35c			62-555.405	29/18		29/34
	29/35c			62-555.500	29/18		29/34
62-302.540	27/52			62-555.510	29/18		29/34
	29/12			62-555.520	29/18		29/34
	29/35c			62-555.525	29/18		29/34
	29/35c			62-555.527	29/18		29/34
	29/35c			62-555.528	29/18		29/34
	29/35c			62-555.530	29/18		29/34
	29/35c			62-555.533	29/18		29/34
62-304.500	29/25		29/32	62-555.536	29/18		29/34
62-304.510	29/25			62-555.540	29/18		29/34
62-312.122	24/18			62-555.900	29/18		29/34
62-330.2001	26/9			62-561.100	24/52		

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64B5-12.013	29/25		29/34	64B9-3.002	29/29		
64B5-12.020	29/25			64B9-3.007	25/9		
64B5-13.005	29/25		29/34	64B9-3.008	29/29		
64B5-14.001	29/26			64B9-15.001	29/1	29/28	29/35
64B5-14.002	29/26			64B9-15.007	29/1	29/15	29/35
64B5-14.003	29/26					29/28	29/35
64B5-14.004	29/26			64B10-11.001	28/37		
64B5-14.005	29/26			64B10-15.002	29/25		29/32
64B5-14.006	29/26			64B11-5.006	29/23		29/30
64B5-14.007	29/26			64B12-19.002	27/11		
64B5-14.009	29/26			64B13-4.004	29/36		
64B5-15.010	27/30			64B13-5.002	28/49	29/27	29/33
64B5-17.010	29/25				29/6c		29/36d
64B6-1.016	28/52				29/8c		29/36d
64B6-55.004	27/41			64B13-6.001	29/36		
64B7ER03-2			29/33	64B14-2.001	28/36		
64B7-26.001	29/22		29/31	64B14-4.110(1)(b)	29/30c		
64B7-27.002	29/7			64B15-13.005	29/26		
64B7-27.012	24/12			64B15-14.0076	29/26		
64B7-28.0042	29/34			64B15-19.0055	29/26		
64B7-28.010	29/34			64B16-27.105	27/4	27/21	
64B7-30.002	29/34			64B16-28.140	24/38		
64B7-30.004	29/34			64B16-28.450	28/52	29/13	
64B7-30.006	29/34			64B16-28.904	29/30		
64B7-32.001	26/6			64B17-3.003	29/35c		
64B7-32.003	28/31	29/16	29/29w		29/35c		
	28/39c		29/36d		29/35c		
64B8-1	29/30c				29/35c		
64B8-3.002	29/30				29/35c		
	29/34			64B18-16.005	29/33		
64B8-3.003	29/30			64B18-17.001	29/17		
	29/34			64B19-11.011	29/1		29/36
64B8-4.004	29/30			64B19-18.0025	28/33		
64B8-4.022	29/10		29/36w	64B20-2.002	25/45	26/30	
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64B8-5.001	29/26			64B21-504.001	29/29		29/36
64B8-8.001	29/26		29/33	64B24-4.001	29/16		
64B8-9.008	27/49c			64B24-4.002	29/16		
64B8-9.0091	29/12	29/25	29/31	64B24-4.004	29/16		
	29/26		29/35	64B24-4.006	29/16		
64B8-9.013	29/34			64B24-4.007	29/16		
64B8-9.014	29/8	29/30		64B24-4.010	29/16		
64B8-13.0045	27/48	28/16		64B24-7.007	29/16		29/29
64B8-13.005	29/30			64B24-7.008	29/16		29/29
64B8-30.002	29/21		29/30	64B32-3.002	29/22		29/30
64B8-30.003	29/21			64B32-5.001	28/3	28/5	
64B8-30.005	29/4	29/34		64B32-6.004	29/22		29/30
		29/35		64B32-6.005	29/34		
64B8-30.007	29/21		29/30	64C-13.018	24/22		
64B8-30.008	29/21		29/30	64C-23.002	27/17		
64B8-30.011	29/30			64C-27.001	27/17		
64B8-30.012	29/23c			64C-27.002	27/17		
64B8-30.019	29/21		29/30	64E-6.007	25/48		

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64F-12.012	29/32			65E-11.003	29/9	29/26	29/35
64F-19.001	28/47		29/30w	65E-11.004	29/9	29/26	29/35
64F-19.002	28/47		29/30w	65E-11.007	29/9	29/26	29/35
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65-1	29/6c		29/36d	65E-14.001	29/35		
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65A-1.205	29/21			65E-14.005	29/35		
65A-1.400	25/21c			65E-14.019	29/35		
65A-1.601	28/11	28/23		65E-14.020	29/35		
		28/31		65E-14.021	29/35		
		28/41		65E-14.022	29/35		
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65A-1.701	29/16			67-18.005	28/42		
65A-1.702	29/16			67-21.002	29/33		
65A-1.703	29/16			67-21.019	24/46	24/46	
65A-1.710	29/16			67-32.009	24/28		
65A-1.711	29/16			67-37.002	29/26	29/32	
65A-1.712	29/16			67-37.003	29/26		
65A-1.713	29/16			67-37.005	29/26		
65A-1.714	29/16			67-37.006	29/26		
65A-1.716	29/21		29/36	67-37.007	29/26	29/32	
65A-4.213	25/32			67-37.008	29/26	29/32	
65A-4.216	25/32			67-37.010	29/26		
65A-15.0095	26/4			67-37.011	25/37		
65B-4.032	29/9				29/26		
65B-11.005	29/28			67-37.015	29/26	29/32	
65C-16.001	29/17	29/27	29/33	67-37.016	29/26	29/32	
65C-16.002	29/17	29/27	29/33	67-38.002	29/12	29/22	29/29
65C-16.003	29/17		29/33	67-38.0025	29/12		29/29
65C-16.004	29/17	29/27	29/33	67-38.003	29/12	29/22	29/29
65C-16.005	29/17	29/27	29/33	67-38.004	29/12	29/22	29/29
65C-16.007	29/17		29/33	67-38.005	29/12	29/22	29/29
65C-16.008	29/17	29/27	29/33	67-38.007	29/12		29/29
65C-16.009	29/17		29/33	67-38.008	29/12		29/29
65C-16.010	29/17		29/33	67-38.010	29/12		29/29
65C-16.011	29/17		29/33	67-38.011	29/12		29/29
65C-16.012	29/17	29/27	29/33	67-38.012	29/12		29/29
65C-16.013	29/17		29/33	67-38.014	29/12		29/29
65C-16.014	29/17		29/33	67-38.0145	29/12		29/29
65C-16.015	29/17		29/33	67-38.015	29/12		29/29
65C-16.016	29/17		29/33	67-38.017	29/12		29/29
65C-16.017	29/17	29/27	29/33	67-43.008	29/35		
65C-21.001	23/20			67-48.005	27/45c		
65C-22.007	29/9			67-49.001	29/25		
65C-22.011	28/25			67-49.002	29/25		
65C-22.013	28/25			67-49.003	29/25		
65C-22.014	28/25			67-49.0031	29/25		
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67-49.008	29/25			68A-24.006	28/17		
67-49.009	29/25			68A-27.004	29/30		
67-49.011	29/25			68A-27.005	29/30		
67-49.012	29/25			68B-13.008	27/31	26/13	
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68-1	29/30c			68B-35.003	29/17		
68A-9.004	29/30			68B-35.004	29/17		
68A-15.005	29/30			68B-35.005	29/17		
68A-15.062	29/30		29/31w	68C-22.001	29/32		
	29/31			68C-22.002	29/32		
68A-15.065	29/30			68C-22.004	29/32		