

## Section I Notices of Development of Proposed Rules and Negotiated Rulemaking

**DEPARTMENT OF EDUCATION**

**State Board of Education**

RULE TITLES:	RULE NOS.:
Development of Educational Plans for Exceptional Students Who are Gifted	6A-6.030191
Specially Designed Instruction for Students Who Are Homebound or Hospitalized	6A-6.03020
Development of Individual Educational Plans for Students with Disabilities	6A-6.03028
Development of Services Plans for Students with Disabilities Enrolled in Private School by their Parents and Provided with Specially Designed Instruction and Related Services by the Local School Board	6A-6.030281
Development of Family Support Plans for Children with Disabilities Ages Birth through Five Years	6A-6.03029
Procedural Safeguards for Children with Disabilities Ages Birth through Two Years Identification and Determination of Eligibility of Exceptional Students for Specially Designed Instruction	6A-6.03032
Procedural Safeguards for Students with Disabilities	6A-6.03311
Discipline Procedures for Students with Disabilities	6A-6.03312
Procedural Safeguards for Exceptional Students Who Are Gifted	6A-6.03313
Procedural Safeguards for Students with Disabilities Enrolled in Private Schools by Their Parents	6A-6.03314
Policies and Procedures for the Provision of Specially Designed Instruction and Related Services for Exceptional Students	6A-6.03411

**PURPOSE AND EFFECT:** The purpose of this rule development is to propose revisions to existing rules and make recommendations for new rules to incorporate the revisions required for programs for students with disabilities by the amendments to the federal law, the Individuals with Disabilities Education Act, and its implementing regulations. The effect of the amended and new rules will be consistency with the federal requirements in a more consumer-friendly manner.

**SUBJECT AREA TO BE ADDRESSED:** Federal requirements for programs for students with disabilities and state requirements for programs for students who are gifted, including procedures for identification, evaluation, determination of eligibility, development of individual plans,

and reevaluation, discipline, and the accompanying procedural safeguards. Rules address policies and procedures for the Provision of Specially Designed Instruction and Related Services for Exceptional Students.

**SPECIFIC AUTHORITY:** 1001.02(1), 1003.57(5) FS.  
**LAW IMPLEMENTED:** 1001.03, 1002.38, 1003.57(5), 1003.01(3), 1011.62(1)(c) FS.

**A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE TIMES, DATES AND PLACES SHOWN BELOW:**

**TIMES AND DATE:** 1:00 p.m. – 3:00 p.m.; 6:00 p.m. – 8:00 p.m., October 1, 2003

**PLACE:** Manhattan Center-Media Center, 4210 W. Bay Villa Avenue, Tampa, Florida

**TIMES AND DATE:** 1:00 p.m. – 3:00 p.m.; 6:00 p.m. – 8:00 p.m., October 2, 2003

**PLACE:** Seminole County School Board Room, 400 E. Lake Mary Blvd., Sanford, Florida

**TIMES AND DATE:** 1:00 p.m. – 3:00 p.m.; 6:00 p.m. – 8:00 p.m., October 7, 2003

**PLACE:** Aquilina Howell Center, District Office Building, 3955 W. Pensacola Street, Tallahassee, Florida

**TIMES AND DATE:** 1:00 p.m. – 3:00 p.m.; 6:00 p.m. – 8:00 p.m., October 9, 2003

**PLACE:** K.C. Wright Administration Building, 600 S. E. 3rd Avenue, Ft. Lauderdale, Florida

**TIMES AND DATE:** 1:00 p.m. – 3:00 p.m.; 6:00 p.m. – 8:00 p.m., October 9, 2003

**PLACE:** Duval County School Board Room, 1701 Prudential Drive, Jacksonville, Florida

**THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS:** Shan Goff, Chief, Bureau of Instructional Support and Community Service, Florida Department of Education, 325 West Gaines Street, Room 614, Tallahassee, Florida 32399-0400, (850)245-0475

**THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:**

6A-6.030191 Development of Educational Plans for Exceptional Students who are Gifted.

Educational Plans (EPs) are developed for students identified solely as gifted. Parents are partners with schools and school district personnel in developing, reviewing, and revising the educational plan (EP) for their child. Procedures for the development of the EPs for exceptional students who are gifted, including procedures for parental involvement, shall be set forth in each district's Policies and Procedures for the Provision of Specially Designed Instruction and Related Services to Exceptional Students document and shall be consistent with the following requirements.

(1) Role of parents. The role of parents in developing EPs includes:

(a) Providing critical information regarding the strengths of their child;

(b) Expressing their concerns for enhancing the education of their child so that they receive a free appropriate public education;

(c) Participating in discussions about the child's need for specially designed instruction;

(d) Participating in deciding how the child will be involved and progress in the general curriculum; and

(e) Participating in the determination of what services the school district will provide to the child and in what setting.

(2) Parent participation. Each school board shall establish procedures which shall provide for parents to participate in decisions concerning the EP. Such procedures shall include the following:

(a) Each district shall take the following steps to ensure that one (1) or both of the parents of a student who is gifted is present or is afforded the opportunity to participate at each EP meeting:

1. Notifying parents of the meeting early enough to ensure that they will have an opportunity to attend; and

2. Scheduling the meeting at a mutually agreed on time and place.

(b) A written notice to the parents must indicate the purpose, time, location of the meeting, and who, by title and or position, will be attending. The notice must also include a statement informing the parents that they have the right to invite an individual with special knowledge or expertise about their child.

(c) If neither parent can attend, the school district shall use other methods to ensure parent participation, including individual or conference telephone calls.

(d) A meeting may be conducted without a parent in attendance if the school district is unable to obtain the attendance of the parents. In this case, the district must have a record of its attempts to arrange a mutually agreed on time and place such as:

1. Detailed records of telephone calls made or attempted and the results of those calls;

2. Copies of correspondence sent to the parents and any responses received; or

3. Detailed records of visits made to the parents' home or place of employment and the results of those visits.

(e) The district shall take whatever action is necessary to ensure that the parents understand the proceedings at an EP meeting, which may include arranging for an interpreter for parents and students who are deaf or whose native language is a language other than English.

(f) The district shall give the parents a copy of the EP at no cost to the parents.

(3) Educational plan (EP) team participants. The EP team shall include the following participants:

(a) The parents of the student in accordance with subsection (2) of this rule;

(b) One regular education teacher of the student who, to the extent appropriate, is involved in the development and review of a student's EP. Involvement may be the provision of written documentation of a student's strengths and needs.

(c) At least one teacher of the gifted program;

(d) A representative of the school district who is qualified to provide or supervise the provision of specially designed instruction to meet the unique needs of students who are gifted, is knowledgeable about the general curriculum, and is knowledgeable about the availability of resources of the school district. At the discretion of the school district, one of the student's teachers may be designated to also serve as the representative of the school district;

(e) An individual who can interpret the instructional implications of evaluation results who may be a member of the team as described in paragraphs (3)(b)-(d) of this rule;

(f) At the discretion of the parent or the school district, other individuals who have knowledge or special expertise regarding the student. The determination of knowledge or special expertise of any individual shall be made by the party who invites the individual to be a member of the EP team; and

(g) The student, as appropriate.

(4) Contents of Educational Plans (EPs). EPs for students who are gifted must include:

(a) A statement of the student's present levels of performance which may include, but is not limited to, the student's strengths and interests, the student's needs beyond the general curriculum, results of the student's performance on state and district assessments, and evaluation results;

(b) A statement of goals, including benchmarks or short term objectives;

(c) A statement of the specially designed instruction to be provided to the student;

(d) A statement of how the student's progress toward the goals will be measured and reported to parents; and

(e) The projected date for the beginning of services, and the anticipated frequency, location, and duration of those services;

(5) Considerations in EP development, review and revision. The EP team shall consider the following:

(a) The strengths of the student and needs resulting from the student's giftedness.

(b) The results of recent evaluations, including class work and state district assessments.

(c) In the case of a student with limited English proficiency, the language needs of the student as they relate to the EP.

(6) Timelines. Timelines for EP meetings for students who are gifted shall include the following:

(a) An EP must be in effect at the beginning of each school year.

(b) An EP shall be developed within thirty (30) calendar days following the determination of eligibility for specially designed instruction and shall be in effect before the provision of these services.

(c) Meetings shall be held to develop and revise the EP at least every three (3) years for students in grades K-8 and at least every four (4) years for students in grades 9-12. EPs may be reviewed more frequently as needed, such as when the student transitions from elementary to middle school and middle to high school.

(7) EP Implementation. An EP must be in effect before specially designed instruction is provided to an eligible student and is implemented as soon as possible following the EP meeting.

(a) The EP shall be accessible to each of the student's teachers who are responsible for the implementation.

(b) Each teacher of the student shall be informed of specific responsibilities related to implementing the student's EP.

Specific Authority 1001.02(1), 1001.42(4)(l) FS. Law Implemented 1003.01(3)(a)-(b), 1001.42(4)(l), 1011.62(1)(c), 1001.03(8) FS. History—New

6A-6.03020 Specially Designed Instruction for Special Programs for Students Who are Homebound or Hospitalized.

(1) Homebound or hospitalized. A homebound or hospitalized student is a student who has a medically diagnosed physical or ~~psychiatric mental~~ condition which is acute or catastrophic in nature, or a chronic illness, or a repeated intermittent illness due to a persisting medical problem and which confines the student to home or hospital, and restricts whose activities are restricted for an extended period of time. The medical diagnosis shall be made by a licensed physician.

(2) The term licensed physician, as used in this rule, is defined in Chapters 458 and 459, Florida Statutes, and Rule 6A-6.03020, FAC., is one who is qualified to assess the student's physical or mental condition.

(3) Criteria for eligibility. A student, who is homebound or hospitalized, is eligible for specially designed instruction special programs for homebound or hospitalized if the following criteria are met:

(a) A Certification by a licensed physician(s) must certify that the student, as specified in Rule 6A-6.03020(2), FAC.,

1. Is that the student is expected to be absent from school due to a physical or mental condition for at least fifteen (15) consecutive school days, or the equivalent on a block schedule, or due to a chronic condition, for at least fifteen (15) school days, or the equivalent on a block schedule, which need not run consecutively;

2. Is confined to home or hospital; and

3. Will ~~will~~ be able to participate in and benefit from an instructional program; ~~and~~

(b) ~~Student is~~ Is under medical care for illness or injury which is acute, or catastrophic, or chronic in nature; and

(e) ~~Certification by a licensed physician as specified in Rule 6A-6.03020(2), FAC., that the student can~~ Can receive an instructional ~~services program~~ without endangering the health and safety of the instructor or other students with whom the instructor may come in contact; ~~and~~

(2)(d) The student is five (5) years of age or older and Student is enrolled in a public school prior to the referral for the homebound or hospitalized services or program, unless the student meets criteria for eligibility under Rules 6A-6.03011, 6A-6.03012, 6A-6.03013, 6A-6.03014, 6A-6.03015, 6A-6.03016, 6A-6.03018, 6A-6.03019, 6A-6.03021, 6A-6.03022, 6A-6.03023, 6A-6.03024, and 6A-03025, and 6A-6.03027, FAC., and

(e) A parent, guardian or primary caregiver signs parental agreement concerning homebound or hospitalized policies and parental cooperation.

(4) Procedures for student evaluation.

(a) The minimum evaluation for a student to determine eligibility shall be an annual medical statement from a licensed physician(s) as specified in Rule 6A-6.03020(2), FAC., including a description of the disabling handicapping condition or diagnosis with any medical implications for instruction. This report shall state that the student is unable to attend school and give an estimated duration of condition or prognosis.

(b) A physical reexamination and a medical report by a licensed physician(s) as specified in Rule 6A-6.03020(2), FAC., may be requested by the administrator of exceptional student education or the administrator's designee on a more frequent basis than required in paragraph (4)(a) of this rule Rule 6A-6.0331(1)(e), FAC., and may shall be required if the student is scheduled to attend school part of a day during a recuperative period of readjustment to a full school schedule. This physical reexamination and medical report shall be provided at no cost to the parent.

(5) Procedures for determining eligibility. Procedures for determining eligibility shall be in accordance with Rule 6A-6.0331, FAC.

(a) ~~For a student who is medically diagnosed as chronically ill or who has repeated intermittent illness due to a persisting medical problem, staffing as required in Rule 6A-6.0331(2) and (4)(b), (c), (d), and (e), FAC., shall be held annually to establish continuing eligibility for homebound or hospitalized services.~~

(b) ~~A student may be alternately assigned to the homebound or hospitalized program and to a school-based program due to a severe, chronic or intermittent condition as certified by a licensed physician, as specified in Rule 6A-6.03020(2), FAC.~~

(6) Procedures for providing an individual educational plan.

(a) ~~For the homebound or hospitalized student who meets the eligibility criteria for programs as listed in Rule 6A-6.03020(3)(d), FAC., the individual educational plan shall be developed or revised prior to assignment to the homebound or hospitalized program placement as required in Rule 6A-6.03028, FAC. A student may be alternatively assigned to the homebound or hospitalized program and to a school-based program due to an acute, chronic, or intermittent condition as certified by a licensed physician, as specified in subparagraph (3)(a)1., of this rule. This decision shall be made by the individual educational plan (IEP) team in accordance with the requirements of Rule 6A-6.03028, FAC.~~

~~(b) For the homebound or hospitalized student who does not meet the eligibility criteria for programs as listed in Rule 6A-6.03020(3)(d), FAC., whose physician expects the placement in the homebound or hospitalized program to exceed thirty (30) consecutive school days, the individual educational plan shall be developed prior to assignment but may be developed without a formal meeting, as required in Rule 6A-6.0331, FAC.~~

~~(c) For the homebound or hospitalized student who does not meet the eligibility criteria for programs as listed in Rule 6A-6.03020(3)(d), FAC., whose physician expects the placement in the homebound or hospitalized program not to exceed thirty (30) consecutive school days, the individual educational plan may be developed after assignment and without the formal meeting required in Rule 6A-6.0331, FAC.~~

(7) ~~Instructional services program.~~ The following settings and instructional modes, or a combination thereof, are ~~acceptable for this program~~ appropriate methods for providing instruction to students determined eligible for these services:

(a) Instruction in a home. The parent, guardian or primary caregiver shall provide a quiet, clean, well-ventilated setting where the teacher and student will work; ensure that a responsible adult is present; and establish a schedule for student study between teacher visits which takes into account the student's medical condition and the requirements of the student's coursework.

(b) Instruction in a hospital. The hospital administrator or designee shall provide appropriate space for the teacher and student to work and allow for the establishment of a schedule for student study between teacher visits.

(c) Instruction through telecommunications or computer devices. When instruction is by telecommunications or computer devices ~~telephone, the parent, guardian, or primary caregiver shall provide~~ an open, uninterrupted telecommunication link shall be provided at no additional cost to the parent, ~~telephone line~~ during the instructional period. The parent ~~and~~ shall ensure that the student is prepared to actively participate in learning.

(8) ~~Funding. Students shall be counted for the homebound or hospitalized cost factor when instruction is by any of the following methods: individual instruction on a one-to-one basis, group instruction when all students in the group are members of the same family, and instruction provided through telecommunications.~~

Specific Authority 1001.02(1), 1001.42(4)(l) 228.041(18)(19), 229.053(1), 230.23(4)(m) FS. Law Implemented 1003.01(3)(a)-(b), 1001.03(8), 1003.57(5), 1011.62(1)(c) 228.041(18)(19), 229.565(3)(b)(c), 230.23(4)(m)4., 232.01(1)(e), 236.081(1)(e) FS., PL 105-17, (20 USC 1401, 1412, 1414, 1415). History--New 7-1-77, Amended 7-2-79, 4-27-82, Formerly 6A-6.3020, Amended 5-18-86, \_\_\_\_\_.

(Substantial rewording of Rule 6A-6.03028 follows. See Florida Administrative Code for present text.)

6A-6.03028 Development of Individual Educational Plans for ~~Exceptional~~ Students with Disabilities.

Parents are partners with schools and school district personnel in developing, reviewing, and revising the individual educational plan (IEP) for their child. Procedures for the development of the individual educational plan, including procedures for parental involvement, and the required contents for the IEP shall be set forth in each district's Policies and Procedures for the Provision of Specially Designed Instruction and Related Services for Exceptional Students document and shall be consistent with the following requirements:

(1) Role of parents. The role of parents in developing IEPs includes, but is not limited to:

(a) Providing critical information regarding the strengths of their child;

(b) Expressing their concerns for enhancing the education of their child so that their child can receive a free appropriate public education;

(c) Participating in discussions about the child's need for specially designed instruction and related services;

(d) Participating in the determination of how the child will be involved and progress in the general curriculum, including participation in the statewide assessment program and in district-wide assessments;

(e) Participating in the determination of what services the school district will provide to the child and in what setting; and

(f) Participating in the determination of whether the child is pursuing a course of study leading towards a standard diploma, consistent with Section 1003.43, Florida Statutes, or a special diploma, consistent with Section 1003.438, Florida Statutes.

(2) Definitions.

(a) General curriculum. The general curriculum is a curriculum or course of study that addresses the Florida Sunshine State Standards and state and district requirements for a standard diploma.

(b) Assistive technology service. Assistive technology service means any service that directly assists a student with a disability in the selection, acquisition, or use of an assistive technology device. This term includes:

1. The evaluation of the needs of a student with a disability, including a functional evaluation of the student in the student's customary environment;

2. Purchasing, leasing, or otherwise providing for the acquisition of assistive technology devices;

3. Selecting, designing, fitting, customizing, adapting, applying, maintaining, repairing, or replacing assistive technology devices;

4. Coordinating and using other therapies, interventions, or services with assistive devices;

5. Training or technical assistance for a student with a disability or, if appropriate, that student's parents;

6. Training or technical assistance for professionals, employers, or other individuals who provide services to, employ, or are otherwise substantially involved in the major life functions of the student.

(c) Assistive technology device. Assistive technology device means any item, piece of equipment, or product system, whether acquired commercially off the shelf, modified, or customized, that is used to increase, maintain, or improve the functional capabilities of a student with a disability.

(d) Extended school year. Extended school year means specially designed instruction and related services that are provided to a student with a disability beyond the normal school year of the school district, in accordance with the student's individual educational plan (IEP), and at no cost to the parents.

(e) Accommodations. Accommodations are changes that are made in the way the student learns and accesses information and demonstrates performance.

(f) Modifications. Modifications are changes in what a student is expected to learn and may include changes to content, requirements, and expected level of mastery.

(g) Transition services. Transition services means a coordinated set of activities for a student with a disability designed within an outcome-oriented process and based upon the student's desired post-school outcomes that promotes movement from school to post-school activities which may include postsecondary education, vocational training, integrated employment (including supported employment), continuing and adult education, adult services, independent living, or community participation. Transition services for students with disabilities may be special education, if provided as specially designed instruction, or related services, if required to assist the student to benefit from special education.

(3) Parent participation for students with disabilities. Each school board shall establish procedures that shall provide for parents, guardians, surrogate parents or persons acting in loco parent is to participate in decisions concerning the IEP. Parents

of each student with a disability must be members of any group that makes decisions on the educational placement of their child. Such procedures shall include the following:

(a) Each district shall take the following steps to ensure that one (1) or both of the parents of the student is present at each meeting or is afforded the opportunity to participate at each meeting, including:

1. Notifying parents of the meeting early enough to ensure that they will have an opportunity to attend; and

2. Scheduling the meeting at a mutually agreed on time and place.

(b) A written notice to the parents must indicate the purpose, time, and location of the meeting, and who, by title or position, will be attending. The notice must also include a statement informing the parents that they have the right to invite individuals with special knowledge or expertise about their child.

1. For a student with a disability beginning at age 14, or younger if determined appropriate by the IEP team, the notice must also indicate that a purpose of the meeting will be the development of a statement of the transition services needs of the student as required in paragraph (7)(i) of this rule and the notice must indicate that the school district will invite the student.

2. For a student with a disability, beginning at age 16, or younger if determined appropriate by the IEP team, the notice must indicate that a purpose of the meeting is the consideration of needed transition services for the student as required in paragraphs (7)(i) and (j) of this rule, indicate that the school district will invite the student, and indicate any other agency that will be invited to send a representative.

(c) If neither parent can attend, the school district shall use other methods to ensure parent participation, including individual or conference telephone calls.

(d) A meeting may be conducted without a parent in attendance if the school district is unable to obtain the attendance of the parents. In this case, the district must have a record of its attempts to arrange a mutually agreed on time and place, such as:

1. Detailed records of telephone calls made or attempted and the results of those calls;

2. Copies of correspondence sent to the parents and any responses received; or

3. Detailed records of visits made to the parents' home or place of employment and the results of those visits.

(e) The district shall take whatever action is necessary to ensure that the parents and the student, beginning at age fourteen (14), understand the proceedings at a meeting, which may include arranging for an interpreter for parents and students who are deaf or whose native language is a language other than English.

(f) The district shall give the parents a copy of the IEP at no cost to the parents.

(4) IEP team participants. The IEP team, with a reasonable number of participants, shall include:

(a) The parents of the student in accordance with subsection (3) of this rule;

(b) At least one (1) regular education teacher of the student, if the student is or may be participating in the regular education environment. The regular education teacher of a student with a disability must, to the extent appropriate, participate in the development, review, and revision of the student's IEP, including assisting in the determination of:

1. Appropriate positive behavioral interventions and strategies for the student; and

2. Supplementary aids and services, classroom accommodations, modifications or supports for school personnel that will be provided for the student consistent with paragraph (7)(c) of this rule.

(c) At least one (1) special education teacher of the student;

(d) A representative of the school district who is qualified to provide or supervise the provision of specially designed instruction to meet the unique needs of students with disabilities, is knowledgeable about the general curriculum, and is knowledgeable about the availability of resources of the school district. At the discretion of the school district, the student's special education teacher may be designated to also serve as the representative of the school district if the teacher meets the requirements described in this paragraph;

(e) An individual who can interpret the instructional implications of evaluation results who may be a member of the team as described in paragraphs (4)(b)-(d) of this rule;

(f) At the discretion of the parent or the school district, other individuals who have knowledge or special expertise regarding the student, including related services personnel as appropriate. The determination of the knowledge or special expertise of any such individual shall be made by the party who invited the individual to be a member of the IEP team; and

(g) The student, if appropriate. If the student does not attend the IEP meeting consistent with paragraphs (4)(h)-(i) of this rule, the school district shall take other steps to ensure that the student's preferences and interests are considered.

(h) The student, beginning by the student's fourteenth birthday or younger if determined appropriate by the IEP team, when the purpose of the meeting is to consider the student's transition service needs, as described in paragraphs (7)(i)-(j) of this rule. If the student does not attend, the school district shall take other steps to ensure that the student's preferences and interests are considered.

(i) To implement the requirements of paragraph (7)(j) of this rule, the school district shall invite a representative of any other agency that may be responsible for providing or paying for transition services, when the purpose of the IEP meeting is to consider transition services. If an agency invited to send a

representative to a meeting does not do so, the school district shall take other steps to obtain the participation of the agency in the planning of any transition services.

(5) Timelines. Timelines for IEP meetings for students with disabilities shall include the following:

(a) An IEP, which has been reviewed, and if appropriate, revised within the past year, must be in effect at the beginning of each school year for each eligible student with a disability.

(b) An IEP must be developed within thirty (30) calendar days following the determination of a student's eligibility for specially designed instruction and related services and be in effect prior to the provision of these services.

(c) Meetings shall be held to develop, review and revise the IEP. A meeting shall be held at least once every twelve (12) months to review each IEP and, as appropriate, revise its provisions in accordance with all aspects of this rule.

(6) Considerations in IEP development, review, and revision for students with disabilities. The IEP team shall consider the following in IEP development, review, and revision:

(a) The strengths of the student and the concerns of the parents for enhancing the education of their child;

(b) The results of the initial or most recent evaluation of the student;

(c) As appropriate, the results of the student's performance on any general state or district assessment;

(d) In the case of a student whose behavior impedes learning or the learning of others, if appropriate, strategies, including positive behavioral interventions, strategies, and supports to address that behavior;

(e) In the case of a student with limited English proficiency, the language needs of the student as those needs relate to the student's IEP;

(f) In the case of a student who is blind or visually impaired, provision of instruction in Braille and the use of Braille unless the IEP team determines, after an evaluation of the student's reading and writing skills, needs, including future needs, and appropriate reading and writing media, that instruction in Braille or the use of Braille is not appropriate for the student;

(g) The communication needs of the student, and in the case of a student who is deaf or hard of hearing, the student's language and communication needs, opportunities for direct communications with peers and professional personnel in the student's language and communication mode, academic level, and full range of needs, including opportunities for direct instruction in the student's language and communication mode;

(h) Whether the student requires assistive technology devices and services. On a case-by-case basis, the use of school-purchased assistive technology devices in a student's

home or in other settings is required if the IEP team determines that the student needs access to those devices in order to receive a free appropriate public education; and

(i) At least annually, whether extended school year services are necessary for the provision of a free appropriate public education to the student consistent with the following:

1. Extended school year services (ESY) must be provided if a student's IEP team determines, on an individual basis, that the services are necessary for the provision of a free appropriate public education to the student.

2. Criteria that can be used to determine whether a student requires ESY may include, but are not limited to:

a. Regression and recoupment;

b. Critical points of instruction;

c. Emerging skills;

d. Nature and/or severity of the disability;

e. Interfering behaviors;

f. Rate of progress; or

g. Special circumstances.

3. School districts may not limit ESY to particular categories of disability or unilaterally limit the type, amount, or duration of those services.

(j) If, after consideration of the factors in paragraphs 6(a)-(i), the IEP team determines that a student needs a particular device or service, including an intervention, accommodation or other program modification, in order for the student to receive a free appropriate public education, the IEP must include a statement to that effect.

(7) Contents of the IEP for students with disabilities. Each district, in collaboration with the student's parents, shall develop an IEP for each student with a disability. For children with disabilities ages three (3) through five (5) years, districts may develop an IEP or a family support plan in accordance with Rule 6A-6.03029, FAC. The IEP for each student with a disability must include:

(a) A statement of the student's present levels of educational performance, including how the student's disability affects the student's involvement and progress in the general curriculum. For students with disabilities who participate in the general statewide assessment program, consistent with the provisions of Rule 6A-1.0943, FAC., a statement of the remediation needed for the student to achieve a passing score on the statewide assessment, or for prekindergarten students, as appropriate, how the disability affects the student's participation in appropriate activities;

(b) A statement of measurable annual goals, including benchmarks or short term objectives related to meeting the student's needs that result from the student's disability to enable the student to be involved in and progress in the general curriculum or for preschool children, as appropriate, to

participate in appropriate activities and meeting each of the student's other educational needs that result from the student's disability;

(c) A statement of the specially designed instruction and related services and supplementary aids and services to be provided to the student, or on behalf of the student, and a statement of the classroom accommodations, modifications or supports for school personnel that will be provided for the student to advance appropriately toward attaining the annual goals; to be involved and progress in the general curriculum in accordance with paragraph (7)(a) of this rule; to participate in extracurricular and other nonacademic activities; and to be educated and participate with other students with disabilities and nondisabled students in the activities described in this paragraph;

(d) An explanation of the extent, if any, to which the student will not participate with nondisabled students in the regular class and in the activities described in paragraph (7)(c);

(e) A statement of any individual accommodations in the administration of the state or district assessments of student achievement that are needed in order for the student to participate in state or district assessments. If the IEP team determines that the student will not participate in a particular state or district assessment of student achievement or part of an assessment, a statement of why that assessment is not appropriate for the student and how the student will be assessed;

(f) The projected date for the beginning of the specially designed instruction, services, accommodations and modifications described in paragraph (7)(c) of this rule and the anticipated frequency, location, and duration of those services;

(g) A statement of how the student's progress toward the annual goals will be measured and how the student's parents will be regularly informed (at least as often as parents are informed of their nondisabled children's progress) of the student's progress toward the annual goals and the extent to which that progress is sufficient to enable the student to achieve the goals by the end of the year;

(h) During the student's eighth grade year or during the school year of the student's fourteenth birthday, a statement of whether the student is pursuing a course of study leading to a standard diploma or a special diploma.

(i) Beginning by the student's fourteenth birthday or younger, if determined appropriate by the IEP team, including the student and the student's parents, and updated annually:

1. A statement of the student's desired post-school outcome which shall be developed through a student-centered process;

2. A statement of the student's transition service needs under the applicable components of the student's IEP that focuses on the student's courses of study, such as participation in advanced-placement courses or a vocational education program; and

3. Consideration of instruction or the provision of information in the area of self-determination to assist the student to be able to actively and effectively participate in IEP meetings and self-advocate, if appropriate.

(j) Beginning by the student's sixteenth birthday or younger, if determined appropriate by the IEP team, including the student and the student's parents and updated annually and thereafter, a statement of needed transition services for the student including, if appropriate, a statement of the interagency responsibilities or any needed linkages.

(k) Beginning at least one (1) year before the student's eighteenth birthday, a statement that the student has been informed of his or her rights under Part B of the Individuals with Disabilities Education Act that will transfer from the parent to the student on reaching the age of majority, which is eighteen years of age. The transfer of these rights is described in subsection (10) of Rule 6A-6.03311, FAC.

(8) Transition services for students beginning at age sixteen (16), or younger, if determined appropriate by the IEP team.

(a) The coordinated set of activities described in paragraphs (7)(i) and (j) of this rule must be based on the student's needs, take into account the student's preferences and interests, and focus on the student's desired post-school outcome and shall include:

1. Activities in the areas of instruction, related services, community experiences, the development of employment, and other post-school adult living objectives; and

2. Acquisition of daily living skills and functional vocational evaluation, if appropriate.

(b) If an agency responsible for transition services, other than the school district, fails to provide the transition services described in the IEP, the school district shall reconvene the IEP team to identify alternative strategies to meet the transition objectives for the student set out in the IEP.

(c) Nothing in this part relieves any participating agency, including Vocational Rehabilitation Services, of the responsibility to provide or pay for any transition service that the agency would otherwise provide to students with disabilities who meet the eligibility criteria of that agency. When a student is provided services by Vocational Rehabilitation Services or another agency, the Individual Plan for Employment or other agency plan should be coordinated with the development of the IEP as appropriate.

(d) The district shall identify an IEP team member or designee who will follow-up with agencies, as needed, and verify the provision of services by other agencies to the student and/or the student's parents as provided for in the IEP.

(e) If the IEP team determines that transition services are not needed as described in subparagraph (8)(a)1. of this rule, the IEP shall include a statement to that effect.

(9) Transition of children with disabilities from infants and toddlers early intervention programs to pre-kindergarten programs that provide specially designed instruction and related services operated by the school district.

(a) By the third birthday of a child participating in the early intervention program for infants and toddlers with disabilities, an IEP consistent with this rule or a family support plan consistent with Rule 6A-6.03029, FAC., must be developed and implemented.

(b) For the purpose of implementing the requirement of paragraph (9)(a) of this rule, each school district will participate in transition planning conferences arranged by the state lead agency for infants and toddlers with disabilities early intervention programs.

(c) If the child's third birthday occurs during the summer, the child's IEP team shall determine the date when services under the IEP or family support plan will begin.

(10) Review and revision of the IEP. The school district shall ensure that the IEP team:

(a) Reviews the student's IEP periodically, but not less than annually, to determine whether the annual goals for the student are being achieved; and

(b) Revises the IEP as appropriate to address:

1. Any lack of expected progress toward the annual goals and in the general curriculum, if appropriate,

2. The results of any reevaluation conducted,

3. Information about the student provided to, or by, the parents, and

4. The student's anticipated needs or other matters,

5. Consideration of the factors described in subsection (6) of this rule.

6. The remediation of skills needed to obtain a passing score on the statewide assessment.

(11) IEP implementation and accountability. The school district is responsible for providing the specially designed instruction and related services to students with disabilities in accordance with the students' IEPs. An IEP must be in effect before specially designed instruction and related services are provided to an eligible student and is implemented as soon as possible following the IEP meeting.

(a) The student's IEP shall be accessible to each regular education teacher, special education teacher, related service provider, and other service provider who is responsible for its implementation.

(b) Each teacher and provider described in paragraph (11)(a) of this rule shall be informed of their specific responsibilities related to implementing the student's IEP and the specific accommodations, modifications, and supports that must be provided for the student in accordance with the IEP.

(c) The school board must make a good faith effort to assist the student to achieve the goals and objectives or benchmarks listed on the IEP.



(12) Students with disabilities placed in private schools or community facilities through contractual arrangements by the school district, consistent with the requirements of Rule 6A-6.0361, FAC., and in consultation with the students' parents.

(a) If a student with a disability is placed in a private school by the school district, in consultation with the student's parents, the school district shall:

1. Initiate and conduct meetings to develop, review, and revise an IEP for the student, in accordance with subsections (2) through (11) of this rule or for students ages three (3) through five (5), a family support plan in accordance with Rule 6A-6.03029, FAC.; and

2. Ensure the attendance of a representative of the private school at each meeting. If the representative cannot attend, the school district shall use other methods to ensure participation by the private school, including individual or conference telephone calls.

(b) If a student with a disability is placed in a private school by the school district in consultation with the student's parents and if IEP meetings are initiated and conducted by the private school, the school district's representative and the parents shall be involved in decisions about the IEP and shall agree to proposed changes in IEP before those changes are implemented by the private school.

Specific Authority 1001.02(1), 1001.42(4)(l), 229.053(1)(2)(i), 230.23(4)(m), 1003.01(3)(a)-(b), 1003.57(5), 1011.62(1)(c), 1011.62(e), 1001.03(8), 120.53(1)(b), 228.041(18)(19), 229.053(2)(i), 230.23(4)(m), 236.081(1)(e) FS., PL 105-17 (20 USC 1401, 1412, 1413, 1414, 1415), History—New 7-13-93, Amended \_\_\_\_\_.

6A-6.030281 Development of Services Plans for Students with Disabilities Enrolled in Private School by their Parents and Provided with Specially Designed Instruction and Related Services by the Local School Board.

The provision of specially designed instruction and related services to eligible students with disabilities enrolled in private schools by their parents shall be consistent with the requirements of paragraph (3)(n) of Rule 6A-6.03411, FAC., and as described in the district's Policies and Procedures for the Provision of Specially Designed Instruction and Related Services for Exceptional Students document. The provision of these services shall be consistent, to the extent appropriate, with the following requirements:

(1) Each school board shall establish procedures which shall provide for parents, guardians, surrogate parents or persons acting in loco parentis to participate in decisions concerning the service plans. Such procedures shall include the following:

(a) Each district shall take the following steps to ensure that one (1) or both of the parents of the student is present at each services plan meeting or is afforded the opportunity to participate in each meeting:

1. Notifying parents of the meeting early enough to ensure that they will have an opportunity to attend; and

2. Scheduling the meeting at a mutually agreed on time and place.

(b) A written notice to the parent must indicate the purpose, time, and location of the meeting, and who, by title or position, will be attending. The notice must also include a statement informing the parents that they have the right to invite other individuals with special knowledge or expertise about their child.

1. If transition services will be provided to a student with a disability beginning at age fourteen (14), or younger, if determined appropriate by the services plan team, the notice must also indicate that a purpose of the meeting will be the development of a statement of the transition services needs of the student and indicate that the school district will invite the student.

2. If transition services will be provided to a student with a disability, beginning at age sixteen (16), or younger, if determined appropriate by the services plan team, the notice must indicate that a purpose of the meeting is the consideration of needed transition services for the student, indicate that the school district will invite the student, and indicate any other agency that will be invited to send a representative.

(c) If neither parent can attend, the school district shall use other methods to ensure parent participation, including individual or conference telephone calls.

(d) A meeting may be conducted without a parent in attendance if the school district is unable to obtain the attendance of the parents. In this case, the district must have a record of its attempts to arrange a mutually agreed on time and place such as:

1. Detailed records of telephone calls made or attempted and the results of those calls;

2. Copies of correspondence sent to the parents and any responses received; or

3. Detailed records of visits made to the parents' home or place of employment and the results of those visits.

(e) The district shall take whatever action is necessary to ensure that the parents and the student beginning at age 14, understand the proceedings at a meeting, which may include arranging for an interpreter for parents and students who are deaf or whose native language is a language other than English.

(f) The district shall give the parents a copy of the services plan at no cost to the parents.

(g) The district shall ensure that a representative of the private school attends each services plan meeting. If the private school's representative cannot attend, the district shall use other methods to ensure participation, including individual or conference calls.

(2) Services plan team participants. The services plan team shall include the following participants:

(a) The parents of the student in accordance with subsection (1) of this rule;

(b) At least one (1) regular education teacher of the student from the private school;

(c) At least one special education teacher of the student;

(d) A representative of the school district who is qualified to provide or supervise the provision of specially designed instruction to meet the unique needs of students with disabilities, is knowledgeable about the general curriculum, and is knowledgeable about the availability of resources of the school district. At the discretion of the school district, the student's special education teacher may be designated to also serve as the representative of the school district if the teacher meets the requirements described in this paragraph;

(e) An individual who can interpret the instructional implications of evaluation results, who may be a member of the team as described in paragraphs (2)(b)-(d) of this rule;

(f) At the discretion of the parent, the private school, or the school district, other individuals who have knowledge or special expertise regarding the student, including related services personnel, as appropriate. The determination of the knowledge or special expertise of any such individual shall be made by the party who invited the individual to be a member of the services plan team;

(g) The student, if appropriate. If the student does not attend the IEP meeting consistent with paragraphs (2)(h)-(i) of this rule, the school district shall take other steps to ensure that the student's preferences and interests are considered.

(h) If transition services are to be provided, the student, beginning by the student's fourteenth birthday or younger, if determined appropriate by the services plan team, when the purpose of the meeting is to consider the student's transition service needs. If the student does not attend, the school district and the private school shall take other steps to ensure that the student's preferences and interests are considered.

(i) If transition services are to be provided, a representative of any other agency that may be responsible for providing or paying for transition services, when the purpose of the services plan meeting is to consider transition services. If an agency invited to send a representative to a meeting does not do so, the school district shall take other steps to obtain the participation of the other agency in the planning of any transition services.

(3) Timelines. Timelines for services plans shall include the following:

(a) Each private school student with a disability who has been designated to receive specially designed instruction and related services from the school district shall have a services plan that describes the services to be provided. This services plan, which has been reviewed, if appropriate, within the past year, must be in effect at the beginning of each school year for each eligible private school student with a disability.

(b) A services plan must be developed within thirty (30) calendar days following the determination of a student's eligibility and must be in effect before specially designed instruction and related services are provided.

(c) Meetings shall be held to develop, review, and revise the services plan. A meeting shall be held at least once every twelve (12) months to review each services plan and, as appropriate, revise its provisions in accordance with all aspects of this rule.

(4) Considerations in services plan development, review, and revision for private school students with disabilities. The services plan team shall consider the following in development, review, and revision of the services plan:

(a) The strengths of the student and the concerns of the parents for enhancing the education of their child;

(b) The results of the initial or most recent evaluation of the student;

(c) As appropriate, the results of the student's performance on any general state or district assessment;

(d) In the case of a student whose behavior impedes learning or the learning of others, if appropriate, strategies including positive behavioral interventions, and supports to address that behavior;

(e) In the case of a student with limited English proficiency, the language needs of the student as those needs relate to the student's services plan;

(f) In the case of a student who is blind or visually impaired, provision of instruction in Braille and the use of Braille unless the services plan team determines, after an evaluation of the student's reading and writing skills, needs (including future needs), and appropriate reading and writing media that instruction in Braille or the use of Braille is not appropriate for the student;

(g) The communication needs of the student, and in the case of a student who is deaf or hard of hearing, the student's language and communication needs, opportunities for direct communications with peers and professional personnel in the student's language and communication mode, academic level, and full range of needs, including opportunities for direct instruction in the student's language and communication mode; and

(h) Whether the student requires assistive technology devices and services. On a case-by-case basis, the use of school-district purchased assistive technology devices in a student's home or in other settings is required if the services plan team determines that the student needs access to those devices.

(5) Contents of the services plans for students with disabilities, enrolled in private schools, who are provided services by the school district. In collaboration with the parents and private school personnel of each student with a disability

who is provided services from the school district, each district shall develop a services plan that must include with respect to services provided:

(a) A statement of the student's present levels of educational performance including how the student's disability affects the student's involvement and progress in the general curriculum or for preschool children, as appropriate, how the disability affects the child's participation in appropriate activities;

(b) A statement of measurable annual goals, including benchmarks or short term objectives related to meeting the student's needs that result from the student's disability to enable the student to be involved and progress in the general curriculum or for preschool children, as appropriate, to participate in appropriate activities and meeting each of the student's other educational needs that result from the student's disability;

(c) A statement of the specially designed instruction and related services and supplementary aids and services to be provided to the student, or on behalf of the student, and a statement of the program modifications or supports for school personnel that will be provided for the student to advance appropriately toward attaining the annual goals; to be involved and progress in the general curriculum in accordance with paragraph (5)(a) of this rule; to participate in extracurricular and other nonacademic activities; and to be educated and participate with other students with disabilities and nondisabled students in the activities described in this paragraph;

(d) An explanation of the extent, if any, to which the student will not participate with nondisabled students in the regular class and in the activities described in paragraph (5)(c) of this rule;

(e) The projected date for the beginning of the services, accommodations and modifications described in paragraph (5)(c) of this rule and the anticipated frequency, location, and duration of those services;

(f) A statement of how the student's progress toward the annual goals will be measured and how the student's parents will be regularly informed (at least as often as parents are informed of their nondisabled children's progress) of the student's progress toward the annual goals and the extent to which that progress is sufficient to enable the student to achieve the goals by the end of the year;

(g) If transition services are provided, the requirements of paragraphs (7)(h)-(j) and subsection (8) of Rule 6A-6.03028, FAC., regarding transition services must be met.

(h) Beginning at least one year before the student's eighteenth birthday, a statement that the student has been informed of rights under Part B of the Individual with Disabilities Education Act that will transfer from the parent to

the student on reaching the age of majority (eighteen (18) years of age). The transfer of these rights are described in subsection (10) of Rule 6A-6.03311, FAC.

(6) Review and revision of the services plan. The school district shall ensure that the services plan team:

(a) Reviews the student's services plan periodically, but not less than annually, to determine whether the annual goals for the student are being achieved; and

(b) Revises the services plan, as appropriate, to address:

1. Any lack of expected progress toward the annual goals and in the general curriculum, if appropriate,

2. The results of any reevaluation conducted,

3. Information about the student provided to, or by, the parents, and

4. The student's anticipated needs or other matters.

5. Consideration of the factors described in subsection (4) of this rule.

(7) Services plan implementation. A services plan must be in effect before specially designed instruction and related services are provided by the local school district to an eligible student and must be implemented as soon as possible following the services plan meeting.

(a) The student's services plan shall be accessible to each regular education teacher, special education teacher, related service provider, and other service provider who is responsible for its implementation.

(b) Each teacher and provider described in paragraph (7) (a) of this rule shall be informed of specific responsibilities related to implementing the student's services plan and the specific accommodations, modifications, and supports that must be provided for the student in accordance with the services plan.

Specific Authority 1001.02(1), 1001.42(4)(l) FS. Law Implemented 1003.01(3)(a)-(b), 1003.57(5), 1011.62(1)(c), 1001.03(8) FS., PL 105-17 (20 USC 1401, 1412, 1413, 1414, 1415). History—New \_\_\_\_\_.

6A-6.03029 Development of Family Support Plans for Children with Disabilities Ages Birth Through Five Years.

Parents are a child's first teachers and must be partners with school and school district personnel to identify their specific concerns and priorities of the family related to enhancing their child's development. Procedures for developing family support plans shall be set forth in each district's Policies and Procedures for the Provision of Specially Designed Instruction and Related Services to Special Programs and Procedures for Exceptional Students document consistent with the following requirements:

(1) No change.

(2) Use of family support plans. For children with disabilities ages birth through two (2) years, a family support plan consistent with the requirements of Subsections (3), (4), (6), (8), and (9) of this rule shall be used. For children with disabilities ages three (3) through five (5) years, school

districts may utilize, at the option of the school district and with written parental consent, a family support plan, consistent with the requirements of subsections (3), (5), (7), and (9) of this rule, ~~with parental consent in lieu of an individual educational plan (IEP)~~. Parents must be provided with a detailed explanation of the difference between a family support plan and an IEP in lieu of an individual educational plan.

(3) Contents. The family support plan shall be in writing and include:

(a) through (c) No change.

(d) A statement of the specific early intervention services, or for children ages three (3) through five (5) years, the specially designed instruction and related services, necessary to meet the unique needs of the child and the family including the frequency, intensity, and the method of delivering services;

(e) A statement of the natural environments in which early intervention services, or for children ages three (3) through five (5) years, specially designed instruction and related services are to be provided, and a justification of the extent, if any, to which the services will not be provided in a natural environment;

(f) through (4) No change.

(5) ~~Requirements~~ Timelines for family support plans for children with disabilities ages three (3) through five (5). These family support plans ~~timelines~~ shall be consistent with the requirements of subsections 6A-6.03028(3)-(6)(8),(10), and (11), FAC.

(6) Participants for family support plans for children with disabilities ages birth through two (2) years. The participants shall include the following:

(a) Each initial meeting and each annual meeting to evaluate the family support plan must include the following participants:

1. through 4. No change.

5. For initial family support plan meetings, at least two professionals from two different disciplines directly involved in conducting the evaluations and assessments. For subsequent family support plan meetings, at least two professionals from two different disciplines; A person or persons directly involved in conducting the evaluations and assessments; and

6. through (8) No change.

(9) Nonpublic schools ~~and integration of plans~~. For children with disabilities ages birth through five (5), the procedures described in Rule 6A-6.03028(6) and (8)-(9), (12), FAC., shall be followed.

(10) No change.

Specific Authority 1001.02(1), 1001.42(4) 229.053(1)(2)(i), 230.23(4)(m), 236.081(1)(e) FS. Law Implemented 1003.01(3)(a)-(b), 1003.21(1)(e), 1003.57(5), 1011.62(1)(c), 1001.03(8), 228.041(18)(19), 229.053(2)(i), 230.23(4)(m), 236.081(1)(e) FS., P.L. 105-17 (20 USC 1436). History--New 7-13-93, Amended 1-4-94, \_\_\_\_\_.

6A-6.03032 Procedural Safeguards for Children with Disabilities Ages Birth through Two Years ~~with Disabilities~~. Providing parents with information regarding their rights under this rule is critical to ensuring that their specific concerns and the priorities of the family related to enhancing their child's development are addressed. The establishment and maintenance of policies and procedures to ensure that children with disabilities, ages birth through two years, and their parents are provided with procedural safeguards is required in order for school boards to receive state funds for the provision of these services. The school board's policy and procedures for procedural safeguards shall be set forth in the district's Policies and Procedures for the Provision of Specially Designed Instruction and Related Services for Special Programs and Procedures for Exceptional Students document and shall include adequate provisions for the following:

(1) Prior notice. Parents shall be provided prior written notice a reasonable time before a school district proposes, or refuses, to initiate or change the identification, evaluation, or placement of the child, or the provision of appropriate early intervention services to the child and the child's family. The procedures described in Rule 6A-6.03311(1), FAC., shall be followed.

(2) Content of notice. ~~The procedures described in Rule 6A-6.03311(2)(a)-(b), FAC., shall be followed.~~ The content of the notice must be in sufficient detail to inform the parents about shall include:

(a) ~~The A~~ full explanation of all the procedural safeguards available to the parents as provided in this rule Rules 6A-6.0333 and 6A-6.03032, FAC., and Section 1003.57(5), Florida Statutes.

(b) ~~The A~~ description of the action proposed or refused by the district and the reasons for taking the action.

(c) The state complaint procedures, including how to file a complaint with the Department of Health, Children's Medical Services, the lead agency for this program, and the timelines under those procedures.

(3) Native language.

(a) The notice described in subsection (2) of this rule must be:

1. Written in language understandable to the general public.

2. Provided in the native language of the parents, unless it is clearly not feasible to do so.

(b) If the native language or other mode of communication of the parents is not a written language, the school district shall take steps to ensure that:

1. The notice is translated orally or by other means to the parents in the parents' native language or other mode of communication;

2. The parents understand the notice, and;

3. There is written evidence that the requirements of subsection (3) of this rule have been met.

(c) If a parent is deaf or blind, or has no written language, the mode of communication must be that normally used by the parent, (such as sign language, Braille, or oral communication).

~~(4)(3) Parent consent. The procedures described in Rule 6A-6.03311(3)(a)-(e), FAC., shall be followed except that the procedures described in Rule 6A-6.03311(3)(e)1., 2., FAC., may be initiated by the school district only if the parent has refused to consent to the initial evaluation.~~

~~(a) Written parental consent must be obtained before:~~

~~1. Conducting the initial evaluation and assessment of a child; and~~

~~2. Initiating the provision of early intervention services.~~

~~(b) If consent is not given, the school district shall make reasonable efforts to ensure that the parent:~~

~~1. Is fully aware of the nature of the evaluation and assessment or the services that would be available; and~~

~~2. Understands that the child will not be able to receive the evaluation and assessment or services unless consent is given.~~

~~(5) Examination of records. The procedures described in paragraphs (4)(a)-(c) of Rule 6A-6.03311, FAC., shall be followed.~~

~~(6) Mediation. Parents shall be provided the opportunity to resolve disputes involving their child through mediation in accordance with procedures established by the Department of Health, Children's Medical Services, the lead agency for this program.~~

~~(7)(4) Due process hearings. The procedures described in subsection (11) of Rule 6A-6.03311(5), FAC., shall be followed with the exception that the school district may not initiate a hearing to challenge the parents' decision regarding the placement or the provision of early intervention services for their child.~~

~~(5) Examination of records. The procedures described in Rule 6A-6.03311(7), FAC., shall be followed.~~

Specific Authority 120.53(1)(b), 228.041(18)(19), 230.23(4)(m), 232.01(1)(e) 1003.01(3)(a)-(b), 1001.42(4)(l), 1003.21(1)(e) FS. Law Implemented 120.53(1)(b), 228.041(18)(19), 230.23(4)(m), 232.01(1)(e) 1003.01(3)(a)-(b), 1003.57(5), 1003.21(1)(e), 1001.03(8), 1011.62(1)(c) FS., P.L. 105-17, 20 USC 1439, History--New 1-4-94, Amended \_\_\_\_\_.

(Substantial rewording of Rule 6A-6.0331 follows. See Florida Administrative Code for present text.)

6A-6.0331 Identification and Determination of Eligibility of Eligible Special Programs for Exceptional Students for Specially Designed Instruction.

Local school boards have the responsibility to ensure that students suspected of having a disability or being gifted are identified, evaluated, and provided appropriate specially designed instruction and related services if it is determined that the student meets the eligibility criteria specified in Rules 6A-6.03011 through 6A-6.03023 and 6A-6.03027, FAC. Additionally, local school boards that elect to serve children with disabilities below the age of three (3) years in

collaboration with the Part C Early Intervention Program have the responsibility to ensure that infants and toddlers suspected of having a disability are identified, evaluated, and provided appropriate early intervention services if it is determined that the child meets the eligibility criteria specified in subparagraph (2)(a)1., of Rule 6A-6.03026, FAC. The procedures and criteria for identification, evaluation, and determination of eligibility of exceptional students by local school boards shall be set forth in the school district's Policies and Procedures for the Provision of Specially Designed Instruction and Related Services for Exceptional Students document consistent with the following requirements.

(1) Prekindergarten Children. For children below entry age to kindergarten, the activities specified in subsection (2) of this rule are not required. The following requirements apply to this population of children.

(a) For children being considered for eligibility as an infant or toddler with a disability, prior to determining eligibility, existing medical, psychological, social and other related data must be reviewed in addition to the completion of a vision and hearing screening.

(b) For children being considered for eligibility for school district programs for children ages three to kindergarten entry age, prior to referral for evaluation the following activities shall occur:

1. A review of existing social, psychological, and medical data with referral for a health screening when the need is indicated; and

2. A screening for vision, hearing, and communication functioning with referral for complete evaluations when the need is indicated.

(2) Kindergarten Through Grade Twelve Students. It is the local school board's responsibility to address through appropriate interventions and, to the extent possible, resolve a student's learning or behavioral areas of concern in the general education environment prior to a referral for evaluation to determine eligibility as a student with a disability. Notwithstanding the provisions of paragraphs 6A-6.03011(3)(a)-(e), 6A-6.03016(5)(a)-(f), and 6A-6.03018(3)(a)-(b), FAC., prior to the submission of a referral for evaluation to determine eligibility as a student with a disability, the activities in paragraphs (2)(a)-(f) of this rule must be completed. The general education interventions described in paragraph (2)(f) of this rule are not required for students who demonstrate severe speech disorders, severe cognitive, physical or sensory disorders, or severe social/behavioral deficits that require immediate intervention to prevent harm to the student or others. The activities described in paragraphs (2)(a)-(f) are not required for students considered for eligibility for specially designed instruction for students who are homebound or hospitalized as defined in Rule 6A-6.03020, FAC.

(a) Parent conferences. Two (2) or more conferences concerning the student's specific learning or behavioral areas of concern shall be held and shall include the parents, the student's regular education teacher, and may include other educators with special expertise in the areas of concern such as special education teachers, administrators, and student services personnel. The initial conference with the parents must include discussion of the student's learning or behavioral areas of concerns, the general education interventions planned, and the anticipated effects of the interventions. Other conferences must include discussion of the student's responses to interventions and anticipated future actions to address the student's learning and/or behavioral areas of concern.

(b) Anecdotal records or behavioral observations made by at least two (2) persons, one (1) of whom is the student's classroom teacher, in more than one (1) situation which cite the specific behaviors indicating the need for a referral for evaluation shall be reviewed.

(c) Social, psychological, medical, and achievement data in the student's educational records shall be reviewed;

(d) Attendance records shall be reviewed, and where appropriate, investigation of reasons for excessive absenteeism shall be conducted.

(e) Screening for speech, language, hearing, and vision for the purpose of ruling out sensory deficits that may interfere with the student's academic and behavioral progress shall be conducted. Notwithstanding the provisions of Rules 6A-6.03011 through 6A-6.03018, 6A-6.03021 through 6A-6.03023, and 6A-6.03027, FAC., screening for speech, language, hearing, and vision screening shall be required prior to conducting an evaluation to determine the student's eligibility as a student with a disability.

(f) A minimum of two (2) general education interventions or strategies, including instructional modifications, shall be attempted. These general education interventions or strategies may include: supplemental academic instruction; change in student's class schedule or teacher; change in instructional strategies and techniques; interventions provided by student services personnel or state or community agency. For students whose learning problems are in reading or math, the general education interventions must include the use of an academic improvement plan, as required by Section 1008.25(4)(a)-(c), Florida Statutes, and the provision of remedial instruction for a reasonable period of time. Pre- and post-intervention measures of the academic and behavioral areas of concern may be conducted to assist in identifying appropriate interventions and measuring their effects.

(3) Referral. Referral is the process whereby a written request is made for a formal individual evaluation to determine a student's eligibility for specially designed instruction and related services. Prior to a referral for students suspected of

having a disability, school personnel must make one of the following determinations and include appropriate documentation in the student's educational record:

(a) For students who demonstrate severe speech disorders, severe cognitive, physical or sensory disorders, or severe social/behavioral deficits, the activities described in paragraph (2)(f) of this rule would be inappropriate in addressing the immediate needs of the student;

(b) The activities, as described in paragraph (2)(f) of this rule, have been implemented but were unsuccessful in addressing the areas of concern for the student; or

(c) The parents of the child receiving general education interventions requested, prior to the completion of these interventions, that the school conduct an evaluation to determine the student's eligibility for specially designed instruction and related services as a student with a disability. In this case, the activities described in paragraphs (2)(a)-(f) must be completed concurrently with the evaluation but prior to the determination of the student's eligibility for specially designed instruction.

(4) Student evaluation.

(a) The school board shall be responsible for the medical, physical, psychological, social, and educational evaluations of students, who are suspected of being exceptional students, by competent evaluation specialists. Evaluation specialists shall include, but not be limited to, persons such as physicians, psychologists, speech/language pathologists, teachers, audiologists, and social workers with each such person licensed in the professional's field as evidenced by a valid license or certificate to practice such a profession in Florida. Educational evaluators not otherwise covered by a license or certificate to practice a profession in Florida shall either hold a valid Florida teacher's certificate or be employed under the provisions of Rule 6A-1.0502, FAC.

1. Notwithstanding the provisions of subparagraph (6)(a)2., of Rule 6A-6.03016, FAC., and subparagraph (4)(a)1., of Rule 6A-6.03011, FAC., tests of intellectual functioning shall be administered and interpreted by a professional person qualified in accordance with Rule 6A-4.0311, FAC., or licensed under Chapter 490, Florida Statutes.

2. Notwithstanding the provisions of subparagraph 6A-6.03011(4)(a)2., FAC, the standardized assessment of adaptive behavior of students suspected of having a mental handicap, shall include parental input regarding their child's adaptive behavior.

(b) The school board shall ensure that students suspected of having a disability are evaluated within a period of time, not to exceed sixty (60) school days of which the student is in attendance, after:

1. The completion of the activities required in subsection (2) of this rule;

2. The receipt of the referral for evaluation; and

3. The receipt of parental consent for the evaluation.

(c) Circumstances that cause a delay, so that the evaluation cannot be completed within the timeframe required by paragraph (4)(b) of this rule, shall be documented in the student's educational record and communicated to the student's parents.

(d) The school board shall ensure that students suspected of being gifted are evaluated within a reasonable period of time.

(e) Tests and other evaluation materials used to assess a student shall be selected and administered so as not to be discriminatory on a racial or cultural basis and shall be provided and administered in a student's native language or other mode of communication, unless it is clearly not feasible to do so.

(f) Materials and procedures used to assess a student with limited English proficiency shall be selected and administered to ensure they measure the extent to which the student has an exceptionality and needs specially designed instruction and related services rather than measuring the student's English language skills.

(g) Any standardized tests that are given shall have been validated for the specific purpose for which they are used and shall be administered by trained and knowledgeable personnel in accordance with any instructions provided by the producer of the tests.

(h) If an assessment tool is not conducted under standard conditions, a description of the extent to which it varied from standard conditions shall be included in the evaluation report.

(i) Tests and other evaluation materials shall include those tailored to assess specific areas of educational need and not merely those that are designed to provide a single general intelligence quotient.

(j) Tests shall be selected and administered so as to best ensure that if a test is administered to a student with impaired sensory, manual, or speaking skills, the test results accurately reflect the student's aptitude or achievement level or whatever other factors the test purports to measure, rather than reflecting the student's sensory, manual, or speaking skills unless those are the factors the test purports to measure.

(k) No single assessment shall be used as the sole criterion for determining whether a student is a student with a disability or is a student who is gifted and for determining appropriate educational services for the student.

(l) The school district shall use technically sound instruments that may assess the relative contribution of cognitive and behavioral factors, in addition to physical or developmental factors.

(m) The school district shall use assessment tools and strategies that provide relevant information that directly assists persons in determining the educational needs of the student.

(n) In evaluating a student suspected of having a disability:

1. A variety of assessment tools and strategies shall be used to gather relevant functional and developmental information about the student including information:

a. Provided by the parents;

b. Related to enabling the student to be involved in and progress in the general education curriculum (or for a prekindergarten child to participate in appropriate activities);

c. That may assist in determining whether the student is a student with a disability; and

d. That may assist in the writing of the individual educational plan or family support plan.

2. The student shall be assessed in all areas of the suspected disability, including, if appropriate, health, vision, hearing, social and emotional status, general intelligence, academic performance, communicative status, and motor abilities.

3. The evaluation shall be sufficiently comprehensive to identify all of the student's specially designed instruction and related services needs, whether or not commonly linked to the disability category in which the student is identified.

(5) Determination of eligibility for exceptional students.

(a) A minimum of three (3) professional personnel, one (1) of whom shall be the district administrator of exceptional student education or designee, shall meet as a staffing committee. The parents of a student being considered for eligibility as a student with a disability shall be invited and encouraged to participate as equal members of the staffing committee. Additional personnel may be involved in determining eligibility by providing information or by attending staffing meetings.

(b) In interpreting evaluation data the staffing committee shall:

1. Draw upon information from a variety of sources, including aptitude and achievement tests, parent input, student input as appropriate, teacher recommendations, physical condition, social or cultural background, and adaptive behavior;

2. Ensure that information obtained from all of these sources is documented and carefully considered; and

3. Determine eligibility in accordance with the criteria specified in Rules 6A-6.03011 through 6A-6.03019, FAC., Rules 6A-6.03020 through 6A-6.03027, FAC., and Rules 6A-6.03030 through 6A-6.03031, FAC., and the procedures in subparagraphs (3)(f)1. and 2., of Rule 6A-6.03411, FAC.

(c) If a determination is made that a student has a disability and needs specially designed instruction and related services, an individual educational plan (IEP) shall be developed for the student in accordance with Rule 6A-6.03028, FAC. For children ages three (3) through five (5) years, a family support plan (FSP) may be developed, in accordance with Rule 6A-6.03029, FAC. in lieu of an IEP.

(d) A student may not be determined eligible as a student with a disability if the determinant factor is lack of instruction in reading or math or limited English proficiency or lack of attendance for a student of compulsory school attendance age and the student does not otherwise meet the eligibility criteria specified in Rules 6A-6.03011 through 6A-6.03019, 6A-6.03020 through 6A-6.03027, and 6A-6.03030 through 6A-6.03031, FAC.

(e) For students identified as gifted, an educational plan (EP) in accordance with Rule 6A-6.030191, FAC., shall be developed.

(f) The school district shall provide a copy of the evaluation reports and the documentation of the eligibility determination to the parents at no cost.

(6) Determination of needed evaluation data for a student suspected of having a disability. As part of an initial evaluation, if appropriate, and as part of any reevaluation, a group that includes the IEP team participants as described in subsection (4) of Rule 6A-6.03028, FAC., and other qualified professionals, as appropriate, shall:

(a) Review existing evaluation data on the student, including:

1. Evaluations and information provided by the student's parents and the student as appropriate;

2. Current classroom-based assessments and observations; and

3. Observations by teachers and related services providers.

(b) Identify, on the basis of that review and input from the student's parents and the student as appropriate, what additional data, if any, are needed to determine the following:

1. Whether the student has a particular disability, as defined in Section 1003.01(3)(a), Florida Statutes, or in the case of reevaluation, whether the student continues to have a disability;

2. The present levels of performance and educational needs of the student;

3. Whether the student needs specially designed instruction and related services, or in the case of reevaluation, whether the student continues to need specially designed instruction and related services; and

4. Whether any additions or changes to the specially designed instruction and related services are needed to enable the student to meet the measurable annual goals set out in the student's IEP and to participate, as appropriate, in the general curriculum.

(c) The IEP team described in subsection (6) of this rule may conduct its review without a meeting.

(d) The school district shall administer tests and other evaluation materials as may be needed to produce the data identified in subsection (6) of this rule.

(e) If the determination under paragraphs (6)(a)-(b) of this rule is that no additional data are needed to determine whether the student continues to be a student with a disability, the school district shall notify the student's parents of:

1. That determination and the reasons for the determination; and,

2. The right to request an evaluation to determine whether the student continues to be an eligible student with a disability. The school district is required to conduct the assessment described in subsection (4) of this rule if requested to do so by the student's parents.

(7) Reevaluation. The reevaluation of each student with a disability is conducted, in accordance with paragraphs (4)(a) and (4)(e)-(n) and subsection (6) of this rule, at least once every three (3) years or more frequently if conditions warrant a reevaluation, in accordance with Rules 6A-6.03011 through 6A-6.03018 and 6A-6.03020, 6A-6.03022, 6A-6.03023, and 6A-6.03027, FAC., or if the student's parent or teacher requests a reevaluation, or prior to the determination that the student is no longer a student with a disability in need of specially designed instruction.

(a) The results of any testing administered during the reevaluation process shall be considered by the IEP team including the parent, when reviewing and, as appropriate, revising the student's IEP.

(b) The IEP team, including the parent, and other qualified professionals, as appropriate, shall determine that the student is no longer a student with a disability based on the results of the reevaluation process.

(c) Reevaluation is not required for a student before the termination of eligibility due to graduation with a standard diploma or exiting from school upon reaching the student's twenty-second birthday.

(8) Each school district shall designate a staff member as administrator of exceptional student education who shall be responsible for the following:

(a) Coordinating all school district services for exceptional students;

(b) Reviewing the eligibility determinations of staffing committees for exceptional students in accordance with the procedures and criteria outlined in Policies and Procedures for the Provision of Specially Designed Instruction and Related Services for Exceptional Students developed pursuant to Rule 6A-6.03411, FAC.

(c) Ensuring that parents have been appropriately informed of their child's eligibility determination and their procedural safeguards in accordance with Rules 6A-6.03311, 6A-6.03032, and 6A-6.03313, FAC.

(d) Informing, in writing, the appropriate school principal of the student's eligibility for specially designed instruction and related services; and

(e) Implementing the district's policies, as required by Rule 6A-6.03411, FAC.



(9) The administrator of exceptional student education is authorized to delegate the responsibilities in paragraphs (8)(b)-(d) of this rule.

Specific Authority 1001.02(1), 1001.42(4)(l) 120.53(1)(b), 229.053(1)(2)(i), 230.23(4)(m) FS. Law Implemented 1003.01(3)(a)-(b), 1001.02(2)(i), 1003.57(5) 120.53(1)(b), 228.041(18)(19), 229.053(2)(i), 230.23(4)(m)4., 236.081(1)(e) FS. History—New 6-17-74, Repromulgated 12-5-74, Amended 7-1-77, 3-28-78, 7-12-78, 8-31-78, 11-29-78, 10-7-81, 7-13-83, 6-2-85, Formerly 6A-6.331, Amended 7-13-93, 1-2-95, c.f. P.L. 105-17, 20 USC 1401; 1412, 1413, 1414, 1415, 94-142, 20 USC 1401 (19); 1412 (2)(b); (4), (6); 1413 (a)(4)(A); 1414 (a)(5). Federal Register, Volume 42, Number 163, Regulations 121a.345 and 121a.348.

(Substantial rewording of Rule 6A-6.03311 follows. See Florida Administrative Code for present text.)

6A-6.03311 Procedural Safeguards for Exceptional Students with Disabilities.

Providing parents with information regarding their rights under this rule is critical to ensuring that they have the opportunity to be partners in the decisions regarding their children. It is also critical that local school boards provide information on these rights to appropriate district and school personnel so that the needs of the students with disabilities can be identified and appropriately met. Parents and school district personnel are encouraged to use methods such as mediation or the state complaint process described in subsections (5) and (6) of this rule respectively, to resolve disagreements regarding the provision of specially designed instruction and related services to students with disabilities. The establishment and maintenance of policies and procedures to ensure that students with disabilities, as defined in Section 1003.01(3)(a), Florida Statutes, and their parents are provided procedural safeguards with respect to the provision of a free appropriate public education is required in order for school boards to receive state and federal funds for the provision of specially designed instruction and related services to these students. The school board policy and procedures for procedural safeguards shall be set forth in accordance with Rule 6A-6.03411, FAC., and shall include adequate provisions for the following:

(1) Prior notice. The school district shall provide parents with prior written notice a reasonable time before any proposal or refusal to initiate or change the identification, evaluation, educational placement of the student or the provision of a free appropriate public education to the student.

(a) The prior notice to the parents shall be written in language understandable to the general public and shall be provided in the native language or other mode of communication commonly used by the parents unless such communication is clearly not feasible to do so.

(b) If the parents' mode of communication is not a written language, the school district shall ensure:

1. That the notice is translated orally or by other means to the parents in their native language or other mode of communication;

2. That the parents understand the content of the notice;  
and

3. That there is written documentation that the requirements of subparagraphs (1)(b)1. and (1)(b)2. of this rule have been met.

(c) The notice to the parents shall include:

1. A description of the action proposed or refused by the district, an explanation of why the district proposes or refuses to take the action, and a description of any other options the district considered and the reasons why those options were rejected;

2. A description of each evaluation procedure, test, record, or report the district used as a basis for the proposed or refused action;

3. A description of any other factors that are relevant to the district's proposal or refusal;

4. A statement that the parents of a child with a disability have protections under the procedural safeguards specified in this rule;

5. The means by which a copy of a description of the procedural safeguards can be obtained; and

6. Sources for parents to contact to obtain assistance understanding their procedural safeguards specified in this rule.

(2) Provision of Procedural Safeguards to Parents.

(a) Parents must be provided a copy of their procedural safeguards which provides a full explanation of the provisions of subsections (1)-(12) of this rule relating to:

1. Prior written notice;

2. Provision of the procedural safeguards;

3. Informed parental consent;

4. Opportunity to examine records and participate in meetings;

5. Mediation;

6. State complaint procedures, including a description of how to file a complaint and the timelines under these procedures;

7. Independent educational evaluation;

8. Discipline procedures;

9. Placement of student with disabilities in private school by their parents when the provision of free appropriate public education is at issue;

10. Transfer of rights at the age of majority;

11. Due process hearings, including the student's placement during the pendency of due process proceedings and requirements for disclosure of evaluation results and recommendations; and

12. Attorney's fees;

13. Civil Action;

14. Placement in an interim alternative educational setting;

15. Unilateral placement by parents of children in private schools at public expense.

(b) A copy of the procedural safeguards must be available to the parents of a child with a disability and must be given to the parents, at a minimum:

1. Upon initial referral for evaluation;
2. Upon refusal of a parent's request to conduct an initial evaluation;
3. Upon each notification of an IEP meeting;
4. Upon consent for reevaluation of the student; and,
5. Upon receipt of a request for a due process hearing by either the school district or the parent in accordance with subsection (11) of this rule.

(3) Informed parental consent.

(a) Parents shall be fully informed of all information relevant to the activity for which consent is sought in his or her native language or other mode of communication unless it is clearly not feasible to do so.

(b) Parents shall understand and agree in writing to the carrying out of the activity for which consent is sought, and the consent describes that activity and list the records, if any, that will be released and to whom.

(c) Written parental consent shall be obtained prior to conducting an initial individual evaluation to determine eligibility, prior to initial provision of specially designed instruction and related services to a student with a disability, and prior to conducting a reevaluation for students with disabilities except as provided in paragraph (3)(e) of this rule. Consent for initial evaluation may not be construed as consent for initial placement for receiving specially designed instruction and related services.

(d) School districts shall document their attempts to secure consent from the parent as required by paragraphs (3)(a) and (c) of this rule. If consent is not obtained, and the school district maintains that such services are required in order for the student to be provided a free appropriate public education, school district personnel may use the mediation procedures as described in subsection (5) of this rule or may request a hearing as provided in subsection (11) of this rule. The district may evaluate or initially provide specially designed instruction and related services to the student without the parent's consent only if an administrative law judge provides for such in the final decision in a due process hearing held in accordance with subsection (11) of this rule.

(e) Parental consent is required for reevaluation except when the school district can demonstrate that it has taken reasonable measures, consistent with those described in paragraph (3)(d) of Rule 6A-6.03028, FAC., to obtain that consent and the student's parents have failed to respond.

(f) Parental consent is voluntary and may be revoked at any time before the action occurs.

(g) A school district can not use a parent's refusal to consent to one service or activity under subsection (3) of this rule to deny the parent or the student any other service, benefit, or activity. Parents must be provided prior written notice, as

defined by subsection (1) of this rule prior to any proposal or refusal to initiate or change the identification, or educational placement of the student, or the provision of a free appropriate public education to the student after the initial provision of specially designed instruction.

(h) Parental consent is not required before:

1. Reviewing existing data as part of an evaluation or reevaluation; or

2. Administering a test or other evaluation that is administered to all students unless, before administration of that test or evaluation, consent is required of parents of all students.

(4) Parents' opportunity to examine records and participate in meetings.

(a) The parents of a child with a disability shall be afforded, in accordance with Rule 6A-1.0955, FAC., Section 228.093, Florida Statutes, and this rule, an opportunity to inspect and review their child's educational records including all records related to the identification, evaluation, and educational placement of the child and the provision of a free appropriate public education to the child.

(b) The right to inspect and review education records under this rule includes the right to have a representative of the parent inspect and review the records.

(c) The school district must inform parents when personally identifiable information collected, maintained, or used is no longer needed to provide educational services to their child. This information must be destroyed at the request of the parent. However, a permanent record of a student's name, address, and phone number, his or her grades, attendance record, classes attended, grade level completed, and year completed may be maintained without time limitation.

(d) The parents of a child with a disability must be afforded an opportunity to participate in meetings with respect to the identification, evaluation, educational placement of their child or the provision of a free appropriate public education to their child. Parents shall be provided notice of such meetings early enough to ensure that they will have an opportunity to attend. The written notice to the parents must include the purpose, time, location of the meeting, and who, by title or position, will be attending. The notice must also include a statement informing the parents that they have the right to invite individuals with special knowledge or expertise about their child.

(e) A meeting does not include informal or unscheduled conversations involving school district personnel and conversations on issues such as teaching methodology, lesson plans, or coordination of service provision, if those issues are not addressed in the student's individual educational plan. A meeting also does not include preparatory activities that the school district personnel engage in to develop a proposal or response to a parent proposal that will be discussed at a later meeting.

(5) Mediation. The Department of Education shall provide parents of children with disabilities and school district personnel the opportunity to resolve disputes involving any matter related to a proposal or refusal to initiate or change the identification, evaluation, educational placement of the student or the provision of a free appropriate public education to the student through a mediation process. To promote the resolution of disputes, both parties should consider limiting the number of participants in a mediation session.

(a) Requirements. The mediation process must:

1. Be voluntary on the part of both parties;
2. Not be used to deny or delay a parent's right to a due process hearing under subsection (11) of this rule or any other rights under this rule;
3. Be conducted by a qualified and impartial mediator who is trained in effective mediation techniques.

(b) The Department of Education shall maintain a list of individuals who are qualified mediators and knowledgeable in laws and regulations relating to the provision of special education and related services.

(c) If a mediator is not selected on a random or rotational basis from the list described in paragraph (5)(b) of this rule, both the parent and the school district must be involved in selecting the mediator and agree with the selection of the individual who will mediate.

(d) The Department of Education shall bear the cost of the mediation process described in subsection (5) of this rule.

(e) Each session in the mediation process must be scheduled in a timely manner and must be held in a location that is agreeable to both the parent and the school district.

(f) An agreement reached by the parent and the school district to settle the dispute in the mediation process must be set forth in a written mediation agreement.

(g) Discussions that occur during the mediation process must be confidential and may not be used as evidence in any subsequent due process hearings or civil proceedings. Both the parent and the school district may be required to sign a confidentiality pledge prior to the commencement of the mediation process.

(h) Impartiality of the Mediator. An individual who serves as a mediator:

1. May not be an employee of any school district or any state agency that receives a subgrant of Individuals with Disabilities Education Act funds through the Department of Education.
2. Must not have a personal or professional conflict of interest.
3. An individual who otherwise qualifies as a mediator is not an employee of a school district, or state agency solely because he or she is paid by the Department of Education to serve as a mediator.

(6) State Complaint Procedures. The Department of Education shall provide parents and other interested persons the opportunity to resolve allegations that a school district has violated state or federal requirements regarding the education of students with disabilities through the establishment of state complaint procedures. The Department of Education shall disseminate to parents and other interested individuals, including the parent training and information centers, protection and advocacy agencies, and independent living centers, its state complaint procedures.

(a) Within sixty (60) calendar days after a complaint is filed under the provisions of this rule, the Department of Education shall:

1. Carry out an independent on-site investigation, if the Department of Education determines that an investigation is necessary;
2. Give the complainant the opportunity to submit additional information, either orally or in writing, about the allegations in the complaint;
3. Review all relevant information and make an independent determination as to whether the school district is violating a state or federal requirement regarding the education of students with disabilities;
4. Issue a written decision to the complainant that addresses each issue presented in the complaint and contains findings of fact, conclusions, and the reason(s) for the Department of Education's final decision; and
5. Extend the time limit established in paragraph (6)(a) of this rule if exceptional circumstances exist with respect to a particular complaint.

(b) Procedures for the effective implementation of the Department of Education's final decision include the following:

1. Technical assistance activities;
2. Negotiations; and,
3. Corrective actions to achieve compliance.

(c) Relationship to due process hearings.

1. If a written complaint is received that is also the subject of a due process hearing requested pursuant to subsection (11) of this rule, or the complaint contains multiple issues, of which one or more are part of that hearing, the Department of Education shall set aside any part of the complaint that is being addressed in the due process hearing until the conclusion of the hearing. However, any issue in the complaint that is not a part of the due process action must be resolved in compliance with the procedures described in subsection (6) of this rule.

2. If an issue is raised in a complaint filed under this subsection that has previously been decided in a due process hearing involving the same parties, the administrative law judge's decision is binding and the Department of Education shall inform the complainant to that effect.

3. The Department of Education shall resolve any complaint which alleges that a school district has failed to implement a due process hearing decision.

(7) Independent educational evaluation.

(a) The parents of a child with a disability have the right to obtain an independent educational evaluation for their child and be provided upon request for an independent educational evaluation information about where an independent educational evaluation may be obtained and of the qualifications of the evaluation specialist in accordance with paragraph (4)(a) of Rule 6A-6.0331, FAC.

(b) Independent educational evaluation is defined to mean an evaluation conducted by a qualified evaluation specialist as prescribed in paragraph (4)(a) of Rule 6A-6.0331, FAC., who is not an employee of the district school board.

(c) Public expense is defined to mean that the school district either pays for the full cost of the evaluation or ensures that the evaluation is otherwise provided at no cost to the parent.

(d) Whenever an independent educational evaluation is conducted, the criteria under which the evaluation is obtained, including the location of the evaluation and the qualifications of the evaluation specialist, shall be the same as the criteria prescribed by paragraph (4)(a) of Rule 6A-6.0331, FAC., for use by the school district when it initiates an evaluation to the extent that those criteria are consistent with the parent's right to an independent educational evaluation.

(e) The school district may not impose conditions or timelines for obtaining an independent educational evaluation at public expense other than those criteria described in paragraph (7)(d) of this rule.

(f) A parent has the right to an independent educational evaluation at public expense if the parent disagrees with an evaluation obtained by the school district.

(g) If a parent requests an independent educational evaluation at public expense, the school district must, without unnecessary delay either:

1. Ensure that an independent educational evaluation is provided at public expense; or

2. Initiate a hearing under subsection (11) of this rule to show that its evaluation is appropriate or that the evaluation obtained by the parent did not meet the school district's criteria. If the school district initiates a hearing and the final decision from the hearing is that the district's evaluation is appropriate then the independent educational evaluation obtained by the parent will be at the parent's expense.

(h) If a parent requests an independent educational evaluation, the school district may ask the parent to give a reason why he or she objects to the school district's evaluation. However, the explanation by the parent may not be required and the school district may not unreasonably delay either providing the independent educational evaluation at public

expense or initiating of a due process hearing to defend the school district's evaluation as described in subsection (11) of this rule.

(i) Evaluations obtained at private expense. If the parent obtains an independent educational evaluation at private expense:

1. The school district shall consider the results of such evaluation in any decision regarding the student if it meets the appropriate criteria described in paragraph (7)(d) of this rule; and.

2. The results of such evaluation may be presented as evidence at any hearing authorized under subsection (11) of this rule.

(j) If an administrative law judge requests an independent educational evaluation as part of a hearing, the cost of the evaluation must be at public expense.

(8) Discipline Procedures. Discipline procedures for students with disabilities must be in accordance with the provisions of Rule 6A-6.03312, FAC.

(9) Placement of students with disabilities in private schools by their parents when the provision of a free appropriate public education by the school district is at issue.

(a) If the school district has made a free appropriate public education available to a student with a disability and the parents elect to place the child in a private school or facility, the school district is not required to pay for the cost of education, including specially designed instruction and related services.

(b) Disagreements between a parent and a school district regarding the availability of a program appropriate for the student, and the question of financial responsibility, are subject to the due process procedures described in subsection (11) of this rule.

(c) If the parents of a child with a disability, who previously received specially designed instruction and related services under the authority of a public agency, enroll the student in a private preschool, elementary, or secondary school without the consent of or referral by the school district, a court or an administrative law judge may require the school district to reimburse the parents for the cost of that enrollment; if the court or administrative law judge finds that the school district had not made a free appropriate public education available to the student in a timely manner prior to that enrollment, and that the private placement is appropriate. A parental placement may be found to be appropriate by an administrative law judge or a court even if it does not meet the state standards that apply to education by the Department of Education and the school district.

(d) The cost of reimbursement described in paragraph (9)(c) of this rule may be reduced or denied in accordance with the requirements of Sections 300.403(d)-(e) of Title 34 of the Code of Federal Regulations.

(10) Transfer of Rights of Students with Disabilities at the Age of Majority. The purpose of this section is to establish procedures for school districts to inform parents and students of the long standing provisions of state law regarding the rights and responsibilities that transfer to an individual upon attaining the age of eighteen (18). The right to notice under this rule is retained as a shared right of the parent and the student except as provided in paragraph (10)(d) of this rule.

(a) At age eighteen (18), all other rights afforded to parents under Part B of the Individuals with Disabilities Education Act transfer to the student, unless the student has been determined to be incompetent under state law as established by Chapter 744, Florida Statutes, or a guardian advocate has been appointed to make decisions affecting educational services as provided by Section 393.12, Florida Statutes.

(b) The school district shall notify the student and the parent of the transfer of rights, when the student attains the age of eighteen (18).

(c) The school district shall provide all notices required by Rules 6A-6.03311 and 6A-6.03028, FAC., to both the student who has attained age eighteen (18) and the student's parent.

(d) For students who have attained age eighteen (18) and are incarcerated in a juvenile justice facility or local correctional facility, all rights accorded to parents under this rule transfer to the student, including the right to notice as described in paragraph (10)(a) of this rule.

(e) If a student with a disability has reached the age of majority and does not have the ability to provide informed consent with respect to his or her educational program, procedures established by statute may be used by the parent to:

1. Have their child declared incompetent and the appropriate guardianship established in accordance with the provisions of Chapter 744, Florida Statutes;

2. Be appointed to represent the educational interests of their child throughout the child's eligibility for a specially designed instruction and related services consistent with Rules 6A-6.03011 through 6A-6.03018, and Rules 6A-6.03020 through 6A-6.03023, FAC., in accordance with Section 393.12, Florida Statutes; or,

3. Have another appropriate individual appointed to represent the educational interests of their child throughout the child's eligibility for specially designed instruction and related services consistent with Rules 6A-6.03011 through 6A-6.03018, and Rules 6A-6.03020-6A-6.03025, FAC., if the parent is not available in accordance with Section 393.12, Florida Statutes.

(11) Due process hearings. While use of mediation and the state complaint procedure may be preferable and less litigious, due process hearings are required to be available to parents of students with disabilities and to school districts to resolve

matters related to the identification, evaluation, or educational placement of the student or the provision of a free appropriate public education.

(a) Such hearings may be initiated by a parent or a school district on the proposal or refusal to initiate or change the identification, evaluation, or educational placement of the student or the provision of a free appropriate public education to the student.

(b) A hearing shall be conducted by an administrative law judge from the Division of Administrative Hearings, Department of Management Services, on behalf of the Department of Education.

(c) An administrative law judge (ALJ) shall use subsection (11) of this rule for any such hearings and shall conduct such hearings in accordance with the Uniform Rules for Administrative Proceedings, Chapter 28-106, FAC. The procedures for these hearings shall include:

1. Prehearing summary of facts. Prior to the prehearing conference set forth below, the moving party or petitioner shall submit to the ALJ assigned to the case, a brief summary of facts setting forth the facts which the petitioner believes are related to the ALJ's determination of the petitioner's entitlement to the relief sought. The summary shall also include a description of the relief sought by the petitioner and the reasons petitioner is entitled to the relief sought.

2. Prehearing Conference. A prehearing conference shall be scheduled within ten (10) days of the Division of Administrative Hearings' (DOAH's) receipt of the request for a due process hearing. The purpose of the prehearing conference shall be to consider any of the following, as deemed appropriate by the ALJ:

a. Specifying and simplifying the issues;

b. Proposing resolutions;

c. Admitting facts to which both parties agree. A joint written statement specifying the facts to which both parties agree shall be provided to the ALJ within two (2) weeks of the prehearing conference;

d. Preparation of documents that will be submitted by both parties. An authenticated set of these documents shall be exchanged by each party and one combined set shall be filed with the ALJ within two (2) weeks of the prehearing conference;

e. Preparation of a list of the witnesses to be used during the hearing. The list of witnesses shall be filed with the ALJ within two (2) weeks of the prehearing conference;

f. Establishing reasonable limitations and/or guidelines on discovery between the parties. In setting the parameters for discovery, the ALJ should consider the expedited nature of the hearing process, the relative burden on the parties, and whether the discovery sought is necessary or whether it could be obtained by other, less burdensome means;

g. Determining whether unusual circumstances exist that would require the use of expedited discovery prior to the hearing such as depositions, document production, or interrogatories;

h. Determining whether unusual circumstances exist that would require the filing of any motions or pleadings prior to or during the hearing;

i. Determining the date, time, and place of the hearing and how many days the parties may require to present their case.

j. Discussing other matters which may aid in simplifying the proceeding or disposing of matters in dispute, including settling matters in dispute.

3. Upon conclusion of the prehearing conference, the ALJ shall issue a prehearing order setting forth the following:

a. The date, time and location of the hearing.

b. The issues to be resolved at the hearing.

c. The relief being sought.

d. The deadline, no later than five (5) days before the hearing, for the parties to disclose their witness lists and evidence to be used at the hearing.

e. Any reasonable limits on the amount of time for the hearing.

f. Limitations or parameters for discovery.

g. The filing and dispositions of any requests or motions, and

h. Other matters or relevant information as determined by the ALJ.

4. No pleadings, other than the request for hearing, are mandatory unless ordered by the ALJ.

5. The ALJ has the authority to issue subpoenas to compel the attendance of witnesses and the production of records, to issue summary rulings in absence of a disputed issue of material fact.

6. If there is conflict between the due process provisions set forth in subsection (11) of this rule and Chapter 28-106, FAC., the provisions of subsection (11) shall govern.

(d) Status of student during proceedings. Except as provided in subsection (9) of Rule 6A-6.03312, FAC., during the time that an administrative or subsequent judicial proceeding regarding a due process hearing is pending, unless the parent of the student and the district agree otherwise, the student involved in the proceeding must remain in the present educational placement. If the proceeding involves an application for an initial admission to public school, the student, with the consent of the parent, must be placed in a public school program until the completion of all proceedings. If the administrative law judge agrees with the parent and finds that a change of placement is appropriate, that placement becomes the agreed-upon placement during the pendency of the appeal.

(e) Hearing rights for all parties.

1. Any party to a hearing conducted pursuant to subsection (11) of this rule has the right:

a. To be represented by counsel or to be represented by a qualified representative under the qualifications and standards set forth in Rules 28-106.106 and 28-106.107, FAC., or to be accompanied and advised by individuals with special knowledge or training with respect to the problems of students with disabilities, or any combination of the above;

b. To present evidence, and to confront, cross-examine, and compel the attendance of witnesses;

c. To prohibit the introduction of any evidence at the hearing that has not been disclosed to that party at least five (5) business days before the hearing;

d. To obtain written, or at the option of the parents, electronic verbatim record of the hearing at no cost to the parents; and

e. To obtain written, or at the option of the parents, electronic findings of fact and decisions at no cost to the parents.

2. Additional disclosure of information.

a. At least five (5) business days prior to a hearing conducted pursuant to subsection (11) of this rule, each party shall disclose to all other parties all evaluations completed by that date and recommendations based on the offering party's evaluations that the party intends to use at the hearing.

b. An administrative law judge may bar any party that fails to comply with sub-subparagraph (11)(e)2.a. of this rule from introducing the relevant evaluation or recommendation at the hearing without the consent of the other party.

(f) Parental rights at hearings. In addition to the rights identified in paragraph (11)(e) of this rule, parents involved in hearings must be given the right to:

1. Have their child who is the subject of the hearing present.

2. Open the hearing to the public.

(g) Duties and responsibilities of the superintendent or designee shall include:

1. Implementing procedures that require the parent of a child with a disability or the attorney representing the child, to provide notice. The notice, must remain confidential and must include: the name of the child; the address of the residence of the child; the name of the school that the child is attending; a description of the nature of the problem of the child relating to the proposed or refused initiation or change, including facts relating to the problem; and, a proposed resolution of the problem to the extent known and available to the parents at the time. However, the school district may not deny or delay a parent's right to a due process hearing for failure to provide this notice.

2. Immediately forwarding the Division of Administrative Hearings by facsimile transmission of the parents' request for a hearing upon its receipt.

3. Notifying all parties regarding their rights and responsibilities before, during, and after the hearing. This notice should include information to the parent of any free or low cost legal and other relevant services, including mediation services, which are available, if the parent requests this information or if the parent or school district initiates a hearing.

4. Complying with the administrative law judge's rulings regarding requests for and exchanges of evidence; discovery; the filing of motions; and, scheduling, so as to meet the requirements of subsection (11) of this rule, and the deadlines established herein.

5. Arranging for the provision and payment of clerical assistance, the hearing, use of facilities, and a verbatim transcript of the hearing.

6. Completing other responsibilities specified by the school board.

7. To determine whether an interpreter is needed and arranging for the interpreter as required;

(h) Duties and responsibilities of the Department of Education shall include:

1. Maintaining a list of persons who serve as administrative law judges, including a statement of the qualifications of each of these persons;

2. Maintaining an index of the final orders of such hearings and providing this information to the public upon request; and,

3. Transmitting the findings and decisions, after deleting any personally identifiable information, of any such hearings to the Commissioner of Education for review by the State Advisory Committee for the Education of Exceptional Students.

4. Developing a model notice to assist parents in filing a request for a due process hearing that includes the information required in subparagraph (11)(g)1. of this rule.

(i) Duties and responsibilities of an administrative law judge shall be:

1. To establish the date, time, and location of the hearing and any pre-hearing conference calls and motion hearings. Each hearing involving oral arguments must be conducted at a time and place that is reasonably convenient to the parents and their child;

2. To conduct the hearing in a fair and impartial manner;

3. To ensure that all discovery, motion practice, and pre-trial procedures are conducted in an expedited manner, consistent with the deadlines established by this rule concerning the exchange of evidence and the issuance of the final decision established by this rule.

4. To determine if the parent wants an electronic or written copy of the final decision and the administrative record of the hearing;

5. To determine whether the parent wants the hearing open to the public and whether the parent wants their child to attend the hearing;

6. To determine whether the parent's advisor or counsel is sufficiently knowledgeable about or trained with respect to the problems of students with disabilities;

7. To determine how evidence may be exchanged prior to and during the hearing;

8. To determine how witnesses may be compelled to attend, be cross-examined, and confronted during discovery and at the hearing;

9. To determine how evaluations and recommendations may be disclosed prior to and during a hearing;

10. To summarize the facts and findings of the case and to arrive at an impartial decision based solely on information presented during the hearing;

11. To reach a final decision and mail to all parties copies of the facts, findings, and decision regarding the hearing within forty-five (45) days of the district's receipt of the parent's request or the filing of the district's request for a hearing, whichever is sooner;

12. To be accountable for all deadlines and procedures established by the statutes and rules for such hearings;

13. To maintain the confidentiality of all information; and

14. To rule on requests for specific extensions of time beyond the periods set forth in subparagraph (11)(i)13. of this rule, at the request of either party.

(j) Civil Action. A decision made in a hearing conducted under subsection (11) of this rule shall be final; unless, within thirty (30) days, a party aggrieved by the decision brings a civil action in federal district or state circuit court without regard to the amount in controversy, as provided in Section 1003.57(5), Florida Statutes. The state circuit or federal district court shall: receive the records of the administrative proceedings; hear, as appropriate, additional evidence at the request of a party; and basing its decision on the preponderance of the evidence, shall grant the relief it determines appropriate. In the alternative, any party aggrieved by the administrative law judge's decision shall have the right to request an impartial review by the appropriate state district court of appeal as provided by Sections 120.68 and 1003.57(5), Florida Statutes.

(12) Attorneys' Fees.

(a) A district court of the United States or a state circuit court may award reasonable attorneys' fees as part of the costs to the parents of a child with disabilities who is a prevailing party in a due process hearing or in a subsequent judicial proceeding.

(b) A parent of a child with a disability who is a prevailing party in the due process hearing or in a further proceeding may bring an action in a federal district court or a state circuit court for attorneys' fees within the time determined by law.

(c) The determination of the amount of attorneys' fees by the court shall be consistent with the provisions of 300.513(c) of Title 34 of the Code of Federal Regulations.

Specific Authority 1001.02(1), 1001.42(4) +20.53(1)(b), 228.041(18)(19), 229.053(1), 230.23(4)(m), 236.081(1)(e) FS., Law Implemented 1003.01(3)(a)-(b), 1001.03(8), 1101.62(1)(c), 1003.57(5) +20.53(1)(b), 228.041(18)(19), 229.053(1), 230.23(4)(m) FS., P.L. 105-17 94-142, 20 USC 1414 and 1415. History--New 7-13-83, Amended 12-20-83, 4-26-84, Formerly 6A-6.3311, Amended 7-17-90.

6A-6.03312 Discipline Procedures for Students with Disabilities.

For students whose behavior impedes their learning or the learning of others, strategies, including positive behavioral interventions and supports to address that behavior must be considered in the development of the students' individual educational plans (IEPs). Procedures for providing discipline for students with disabilities must be consistent with the requirements of this rule.

(1) Definitions.

(a) Change of placement. For the purpose of removing a student with a disability from the student's current educational placement as specified in the student's individual educational plan (IEP) under this rule, a change of placement occurs when:

1. The removal is for more than ten (10) consecutive school days, or

2. A series of removals constitutes a pattern because the removals cumulate to more than ten (10) school days in a school year, and because of factors such as the length of each removal, the total amount of time the student is removed, and the proximity of the removals to one another.

(b) Positive behavioral support. Positive behavioral support is a process for designing and implementing individualized behavioral intervention plans based on understanding relationships between the student's behavior and his or her environment as determined through a functional behavioral assessment.

(c) Functional behavioral assessment. A functional behavioral assessment (FBA) is a process for developing a useful understanding of how behavior relates to the environment and may include any or all of the following: review of records, interviews, observations, and the collection of data using formal or informal measurement procedures.

(d) Controlled substance. A controlled substance is a drug or other substance identified through the Controlled Substances Act, 21 U.S.C. 812(c), and Section 893.02(4), Florida Statutes.

(e) Illegal Drug. An illegal drug means a controlled substance but does not include a substance that is legally possessed or used under the supervision of a licensed health-care professional or that is legally possessed or used under any other authority under the Controlled Substances Act, 21 U.S.C. 812(c) or under any other provision of federal law.

(f) Weapon. A weapon is defined in Section 790.001(13), Florida Statutes, and includes a dangerous weapon, device, instrument, material, or substance, animate or inanimate, that is used for, or is readily capable of, causing death or serious bodily injury.

(g) Firearm. A firearm is defined in Section 790.001(6), Florida Statutes.

(h) Individual Educational Plan (IEP) Team. An IEP team must meet the requirements specified in subsection (4) of Rule 6A-6.03028, FAC.

(i) Manifestation Determination. A manifestation determination examines the relationship between the student's disability and a specific behavior that may result in disciplinary action.

(j) Interim Alternative Educational Setting. An interim alternative educational setting (IAES) is a different location where educational services are provided for a specific time period due to disciplinary reasons and that meets the requirements of paragraph (6)(a) of this rule.

(k) Expedited Due Process Hearings. Expedited due process hearings shall be conducted by an administrative law judge for the Division of Administrative Hearings, Department of Management Services, on behalf of the Department of Education, and shall be held at the request of either the parent or the school district regarding disciplinary actions. These hearings must meet the requirements prescribed in subsection (11) of Rule 6A-6.03311, FAC., except that the written decision must be mailed to the parties within forty-five (45) calendar days of the school district's receipt of the parent's request for the hearing or the filing of the district's request for the hearing without exceptions or extensions.

(l) Short Term Removals. A short term removal is the removal of a student with a disability from the student's current placement for a total of ten (10) school days or less in a school year that does not constitute a change in placement as defined in paragraph (1)(a) of this rule.

(m) Long Term Removals. A long term removal is the removal of a student with a disability from the student's current placement for more than ten (10) school days in a school year which may or may not constitute a change in placement as defined in paragraph (1)(a) of this rule. Substantial evidence.

(n) Substantial evidence shall be defined to mean beyond a preponderance of the evidence.

(2) Authority of School Personnel. Consistent with the school board's Code of Student Conduct and to the extent that removal would be applied to students without disabilities, school personnel may order:

(a) The removal of a student with a disability from the student's current placement for not more than ten (10) consecutive school days.



(b) Additional removals of a student with a disability of not more than ten (10) consecutive school days in that same school year for separate incidents of misconduct as long as those removals do not constitute a change in placement as defined in paragraph (1)(a) of this rule.

(3) Manifestation Determination. A manifestation determination, consistent with the following requirements, must be made any time disciplinary procedures result in a change of placement.

(a) In conducting the review, the IEP team and other qualified personnel shall:

1. Consider all relevant evaluation and diagnostic information including information supplied by the parents of the student, observations of the student, the student's current IEP and placement, and any other relevant information, then

2. Determine, in relationship to the behavior subject to disciplinary action:

a. Whether the student's IEP and placement were appropriate and whether the special education services, supplementary aids and services, accommodations and modifications as defined in paragraphs (2)(e) and (f) of Rule 6A-6.03028, FAC., and positive behavior intervention strategies were provided consistent with the student's IEP and placement;

b. Whether the student's disability impaired the ability of the student to understand the impact and consequences of the behavior subject to disciplinary action; and

c. Whether the student's disability impaired the student's ability to control the behavior subject to disciplinary action.

(b) If the IEP team and other qualified personnel determine that the student's behavior was not related to the disability, the relevant disciplinary procedures applicable to students without disabilities may be applied to the student in the same manner in which they would be applied to students without disabilities. However, services consistent with subsection (5) of this rule must be provided.

(c) With the exception of placement in an interim alternative educational setting, as described in paragraphs (1)(j) and (6)(b) of this rule, if the IEP team determines that the student's behavior was a manifestation of the disability, the student's placement cannot be changed by school personnel as a disciplinary intervention. However, the IEP team may determine that a change of placement is necessary to provide the student a free, appropriate public education in the least restrictive environment.

(d) If the IEP team and other qualified personnel determine that any of the requirements of subparagraph (3)(a)2. of this rule were not met, the behavior subject to disciplinary action must be considered a manifestation of the student's disability.

(e) The review described in paragraph (3)(a) of this rule may be conducted at the same IEP meeting that is required by paragraph (4)(b) of this rule.

(f) Immediate steps must be taken to remedy any deficiencies in the student's IEP or placement or in their implementation that were identified during the manifestation determination.

(g) If a parent disagrees with the manifestation determination decision made by the IEP team pursuant to this rule, the parent may request an expedited due process hearing as described in subsection (7) of this rule.

(4) Long Term Removals. For all such removals contemplated:

(a) The school district must notify the parent of the removal decision and provide the parent with a copy of the notice of procedural safeguards as referenced in Rule 6A-6.03311, FAC., on the same day as the date of the removal decision;

(b) An IEP meeting must be held immediately if possible but in no case later than ten (10) school days after the removal decision to conduct a manifestation determination review as described in subsection (3) of this rule;

(c) Services consistent with subsection (5) of this rule must be provided;

(d) Either before or not later than ten (10) business days after either first removing the student for more than ten (10) school days in a school year or beginning with a removal that constitutes a change in placement:

1. If the school district did not conduct a functional behavioral assessment (FBA) and implement a positive behavior intervention plan (PBIP) for the student before the behavior that resulted in the removal, the IEP team must meet to develop an assessment plan.

2. As soon as practicable after developing the assessment plan and completing the FBA, as prescribed in subparagraph (4)(d)1., of this rule, the IEP team must meet to develop an appropriate PBIP to address the behavior and shall implement the PBIP.

3. If the student has a PBIP, the IEP team shall meet to review the plan and its implementation and revise the plan and its implementation as necessary to address the behavior.

(e) If subsequently, a student with a disability who has a PBIP and who has been removed from the student's current placement for more than ten (10) school days in a school year is subjected to a removal that does not constitute a change in placement as described in paragraph (1)(a) of this rule:

1. The IEP team shall review the PBIP and its implementation to determine if revisions are necessary.

2. If one or more of the IEP team members believe that revisions are needed, the IEP team shall revise the plan and its implementation to the extent that the IEP team determines is necessary.

(5) Free Appropriate Public Education for Students with Disabilities who are Suspended or Expelled.

(a) A school district is not required to provide services to a student with a disability during short-term removals totaling ten (10) school days or less in a school year, if services are not provided to students without disabilities during such removals.

(b) Beginning on the eleventh cumulative school day of removal in a school year, a school district must provide a free appropriate public education (FAPE) to a student with a disability, consistent with the requirements of this rule and the following:

1. A school district must provide services to such a student to the extent necessary to enable the student to appropriately progress in the general curriculum and appropriately advance toward achieving the goals in the student's IEP.

2. If the removal is not for more than ten (10) consecutive school days in a school year and is not considered a change in placement, consistent with paragraph (1)(a) of this rule, school personnel, in consultation with the student's special education teacher(s), shall determine the extent to which services are necessary to enable the student to appropriately progress in the general curriculum and appropriately advance toward achieving the student's IEP goals.

(c) If the removal is due to behavior that was determined not to be a manifestation of the student's disability, the IEP team shall determine the extent to which services are necessary to enable the student to appropriately progress in the general curriculum and appropriately advance toward achieving the student's IEP goals.

(6) Interim Alternative Educational Setting (IAES).

(a) The IEP team must determine the IAES, unless it is determined by an administrative law judge in accordance with paragraph (8)(a) of this rule.

1. The IAES must be selected so as to enable the student to continue to progress in the general curriculum and to continue to receive these services, accommodations, and modifications, including those described in the student's current IEP, that will enable the student to meet the IEP goals.

2. The IAES must include services, accommodations, and modifications to address the behavior that resulted in the change of placement and that are designed to prevent the misconduct from recurring.

(b) School personnel may place a student in an IAES without the consent of the parent for the same amount of time a student without a disability would be placed, but for not more than forty-five (45) calendar days. Such a placement can only occur if the student:

1. Carries a weapon or firearm to school or to a school function, or

2. Knowingly possesses or uses illegal drugs or sells or solicits the sale of a controlled substance while at school or a school function.

(c) School personnel must notify the parent of any IAES placement contemplated and provide the parent with a copy of the notice of procedural safeguards, referenced in Rule 6A-6.03311, FAC., on the day the placement decision is made.

(7) Expedited Hearings.

(a) An expedited hearing may be requested:

1. By the student's parent if the parent disagrees with a manifestation determination or with any decision not made by an administrative law judge regarding a change in placement under this rule.

2. By the school district if school personnel maintain that the current placement of the student is substantially likely to result in injury to the student or to others (prior to removal to an interim alternative education setting) during the pendency of a due process hearing or an appeal as prescribed in subsection (11) of Rule 6A-6.03311, FAC.

(b) School district personnel may request subsequent expedited hearings for alternative placements if a forty-five (45) day term has expired, the district maintains that the student's behavior continues to be and is dangerous and still likely to result in injury to the student or others.

(c) The decision of the administrative law judge rendered in an expedited hearing may be appealed by bringing a civil action in a federal district or state circuit court, as provided in Section 1003.57(5), Florida Statutes or by requesting an impartial review by the appropriate district court of appeal as provided by Sections 120.68 and 1003.57(5), Florida Statutes.

(8) Authority of an administrative law judge.

(a) An administrative law judge may order a change in the placement of a student with a disability to an appropriate interim alternative or another educational setting for not more than forty-five (45) calendar days if the administrative law judge, in an expedited due process hearing:

1. Determines that the school district has demonstrated by substantial evidence that maintaining the current placement of the student is substantially likely to result in injury to the student or to others;

2. Considers the appropriateness of the student's current placement;

3. Considers whether the school district has made reasonable efforts to minimize the risk of harm in the student's current placement, including the use of supplementary aids and services; and

4. Determines that the interim alternative educational setting (IAES) that is proposed by school personnel who have consulted with the student's special education teacher meets the requirements of subparagraphs (6)(a)1.-2. of this rule.

(b) In reviewing a decision with respect to the manifestation determination, the administrative law judge shall determine whether the school district has demonstrated that the student's behavior was not a manifestation of the student's disability consistent with the requirements of subsection (3) of this rule.

(c) In reviewing a decision to place a student in an IAES, the administrative law judge shall apply the requirements of subsection (6) and paragraph (8)(a) of this rule.

(9) Student's Placement During Proceedings.

(a) If a parent requests a hearing or an appeal to challenge an IAES placement, a manifestation determination or disciplinary action resulting from the student's involvement with a weapon, illegal drugs, or a controlled substance, the student must remain in the IAES pending the decision of the administrative law judge or until the expiration of the forty-five (45) day time period, whichever occurs first, unless the parent and the school district agree otherwise.

(b) If the school district proposes to change the student's placement after the expiration of the forty-five day period of the IAES placement, and the parent challenges that proposed change of placement, the student must return to his or her placement prior to the IAES, except as provided in paragraph (7)(b) of this rule.

(c) In accordance with paragraph 6A-6.03311(11)(d), FAC., and Section 1003.57(5), Florida Statutes, except as specified in paragraphs (9)(a)-(b) of this rule, if a parent requests for a hearing to challenge a manifestation determination, the student must remain in the current educational placement, unless the parent of the student and the district agree otherwise.

(10) Protections for Students not Yet Eligible for Special Education. A regular education student who is the subject of disciplinary actions may assert any of the protections afforded to a student with a disability if the school district had knowledge of the student's disability before the misbehavior occurred for which the disciplinary action is being taken.

(a) Basis of knowledge. A school district is determined to have knowledge that a student may have a disability if:

1. The parent has expressed concerns in writing or orally, if the parent does not know how to write or has a disability that prevents a written statement, to school district personnel that the student needs special education and related services;

2. The behavior or performance of the student demonstrates the need for special education;

3. The parent has requested an evaluation to determine a need for possible special education; or

4. The teacher of the student or other school district personnel have expressed concern about the student's behavior or performance to the special education director or to other appropriate school district personnel in accordance with the school district's child find or special education referral system.

(b) Exception. A school district would not be deemed to have knowledge if, as a result of receiving the information specified in paragraph (10)(a) of this rule, the school district:

1. Conducted an evaluation and determined that the student was not a student with a disability; or

2. Determined that an evaluation was not necessary; and

3. Provided notice to the student's parents of the determination that the student was not a student with a disability as required by Rule 6A-6.03311, FAC.

(c) Conditions that Apply if No Basis of Knowledge.

1. If the school district has no knowledge that the student is a student with a disability prior to disciplinary action, the student may be disciplined in the same manner as a student without a disability.

2. If an evaluation request is made for the student during the time period of the disciplinary action, the evaluation shall be conducted in an expedited manner. Until the evaluation is completed, the student remains in the educational placement determined by school authorities, which can include suspension or expulsion without educational services. After considering the evaluation results and information provided by the parents, if the student is determined to be a student with a disability, the school district shall provide special education and related services consistent with the requirements of this rule.

(11) Student Records in Disciplinary Procedures. School districts shall ensure that the special education and disciplinary records of students with disabilities are transmitted, consistent with the provisions of Section 1002.22, Florida Statutes, and Rule 6A-1.0955, FAC:

(a) For consideration by the person making the final determination regarding the disciplinary action, and

(b) For consideration by the appropriate authorities to who school districts report crimes.

(12) Disciplinary Records of Students with Disabilities. School districts shall include in the records of students with disabilities a statement of any current or previous disciplinary action that has been taken against the student and transmit the statement to the same extent that the disciplinary information is included in, and transmitted with the student records of nondisabled students.

(a) The statement may be a description of any behavior engaged in by the student that required disciplinary action, a description of the disciplinary action taken, and any other information that is relevant to the safety of the student and other individuals involved with the student.

(b) If the student transfers from one school to another, the transmission of any of the student's records must include both the student's current individual educational plan (IEP) and any statement of current or previous disciplinary action that has been taken against the student.

Specific Authority 1001.02(1), 1003.57(5), 1006.09 FS, Law Implemented 1006.09, 1003.01(3)(a)-(b), 1003.57(5), 1001.03(8) FS., P.L. 105-17, 20 USC 1401, 1414, and 1415. History—New \_\_\_\_\_.

6A-6.03313 Procedural Safeguards for Exceptional Students who are Gifted.

Providing parents with information regarding their rights under this rule is critical to ensuring that they have the opportunity to be partners in the decisions regarding their children. It is also

critical that local school boards provide information about these rights to appropriate district and school personnel so that the needs of the student can be identified and appropriately met. The school board's policy and procedures for procedural safeguards shall be set forth in accordance with Rule 6A-6.03411, FAC., and shall include adequate provisions for the following:

(1) Prior notice. The school district shall provide parents with prior written notice a reasonable time before any proposal or refusal to initiate or change the identification, evaluation, educational placement of the student or the provision of a free appropriate public education to the student.

(a) The prior notice to the parents shall be written in language understandable to the general public and shall be provided in the native language or other mode of communication commonly used by the parent unless such communication is clearly not feasible to do so.

(b) If the parents' mode of communication is not a written language, the school district shall ensure:

1. That the notice is translated to the parents orally or by other means in their native language or mode of communication;

2. That the parents understand the content of the notice; and

3. That there is written documentation that the requirements of subparagraphs (1)(b)1. and 2. of this rule have been met.

(c) The notice to the parents shall include:

1. A description of the action proposed or refused by the district, an explanation of why the district proposes or refuses to take the action, and a description of any other options the district considered and the reasons why those options were rejected;

2. A description of each evaluation procedure, test, record, or report the district used as a basis for the proposed or refused action;

3. A description of any other factors that are relevant to the district's proposal or refusal; and

4. Information on how the parent can obtain a copy of the procedural safeguards specified in this rule.

(2) Content and Provision of the Procedural Safeguards to Parents.

(a) Parents must be provided a copy of their procedural safeguards which provides a full explanation of the provisions included in this rule.

(b) A copy of the procedural safeguards must be available to the parents of a child who is gifted, and must be given to the parents, at a minimum:

1. Upon initial referral for evaluation;

2. Upon refusal of a parent's request to conduct an initial evaluation;

3. Upon notification of each EP meeting; and

4. Upon receipt of a request for a due process hearing by either the school district or the parent in accordance with subsection (7) of this rule.

(3) Informed parental consent.

(a) Parents shall be fully informed of all information relevant to the action for which consent is sought in their native language or other mode of communication unless such communication is clearly not feasible.

(b) Written parental consent shall be obtained prior to conducting an initial evaluation to determine eligibility and prior to initial provision of services to students who are gifted.

(c) School districts shall document the attempts to secure consent from the parent as required by paragraph (3)(b) of this rule.

(d) Parental consent is voluntary and may be revoked at any time before the action occurs.

(e) Except for formal, individual evaluation and the initial provision of services to the student, consent may not be required as a condition of any other benefit to the parent or child. Any proposal or refusal to initiate or change the identification, evaluation, or educational placement or the provision of a free appropriate public education to the student after the initial placement is not subject to parental consent but is subject to prior notice as defined by subsection (1) of this rule.

(f) Parental consent is not required before:

1. Reviewing existing data as part of an evaluation; or

2. Administering a test or other evaluation that is administered to all students unless, before administration of that test or evaluation, consent is required of parents of all children.

(4) Parents' opportunity to examine records and participate in meetings.

(a) The parents of students who are gifted shall be afforded, in accordance with Rule 6A-1.0955, FAC., Section 1002.22, Florida Statutes, and this rule, an opportunity to inspect and review their child's educational records.

(b) The right to inspect and review education records under this rule includes the right to have a representative of the parent inspect and review the records including all records related to the identification, evaluation, and educational placement of the child and the provision of a free appropriate public education to the child.

(c) The parents of a student who is gifted must be afforded an opportunity to participate in meetings with respect to the development of their child's educational plan.

(5) Evaluations obtained at private expense. If the parent obtains an independent evaluation at private expense which meets the requirements of subsection (4) of Rule 6A-6.0331, FAC., the results of the evaluation must be considered by the school district in any decision made with the respect to the determination of eligibility for exceptional student education services.

(a) The results of such evaluation may be presented as evidence at any hearing authorized under subsection (7) of this rule.

(b) If an administrative law judge requests an independent educational evaluation as part of a hearing, the cost of the evaluation must be at public expense, as defined in paragraph (7)(c) of Rule 6A-6.03411, FAC.

(6) State Complaint Procedures. The Department of Education shall provide parents and other interested persons the opportunity to resolve allegations that a school district has violated state requirements regarding the education of students who are gifted through the establishment of state complaint procedures.

(a) Within ninety (90) calendar days after a complaint is filed, under the provisions of this rule, the Department of Education shall:

1. Carry out an independent on-site investigation, if the Department of Education determines that to be necessary;

2. Give the complainant the opportunity to submit additional information, either orally or in writing, about the allegations in the complaint;

3. Review all relevant information and make an independent determination as to whether the school district is violating a state requirement regarding the education of students who are gifted;

4. Issue a written decision on the complaint that addresses each issue presented in the complaint and contains findings of fact, conclusions, and the reason(s) for the Department of Education's final decision; and

5. Extend the time limit established in paragraph (6)(a) of this rule if exceptional circumstances exist with respect to a particular complaint.

(b) Procedures for the effective implementation of the Department of Education's final decision include the following:

1. Technical assistance activities;

2. Negotiations; and,

3. Corrective actions to achieve compliance.

(c) Relationship to due process hearings.

1. If a written complaint is received that is also the subject of a due process hearing requested pursuant to subsection (7) of this rule, or the complaint contains multiple issues, of which one or more are part of that hearing, the Department of Education shall set aside any part of the complaint that is being addressed in the due process hearing until the conclusion of the hearing. However, any issue in the complaint that is not a part of the due process action must be resolved in compliance with the procedures described in subsection (6) of this rule.

2. If an issue is raised in a complaint filed under this subsection that has previously been decided in a due process hearing involving the same parties, the administrative law judge's decision is binding and the Department of Education shall inform the complainant to that effect.

3. The Department of Education shall resolve any complaint that alleges that a school district has failed to implement a due process hearing decision.

(7) Due process hearings. Due process hearings shall be available to parents of students who are gifted and to school districts to resolve matters related to the identification, evaluation, or educational placement of the student or the provision of a free appropriate public education.

(a) Such hearings may be initiated by a parent or a school district on the proposal or refusal to initiate or change the identification, evaluation, or educational placement of the student or the provision of a free appropriate public education to the student.

(b) A hearing shall be conducted by an administrative law judge from the Division of Administrative Hearings, Department of Management Services, on behalf of the Department of Education.

(c) An administrative law judge (ALJ) shall use subsection (7) of this rule for any such hearings and shall conduct such hearings in accordance with the Uniform Rules for Administrative Proceedings, Chapter 28-106, FAC., as deemed appropriate by the ALJ including, but not limited to: the authority of a party to request a pre-hearing conference, the authority of the ALJ to issue subpoenas to compel the attendance of witnesses and the production of records, and the authority of the ALJ to issue summary rulings in absence of a disputed issue of material fact.

(d) Status of student during proceedings.

1. During the time that an administrative or subsequent judicial proceeding regarding a due process hearing is pending, unless the district and the parent of the student agree otherwise, the student involved in the proceeding must remain in the present educational assignment. If the proceeding involves an application for an initial admission to public school, the student, with the consent of the parent, must be placed in a public school program until the completion of all proceedings.

2. If the administrative law judge agrees with the parent and finds that a change of placement is appropriate, that placement becomes the agreed-upon placement during the pendency of the appeal.

(e) Hearing rights for all parties.

1. Any party to a hearing conducted pursuant to subsection (7) of this rule has the right:

a. To be accompanied and advised by counsel, or a qualified representative under the rules of the Division of Administrative Hearings or by individuals with special knowledge or training with respect to students who are gifted or any combination of the above;

b. To present evidence, and to confront, cross-examine, and compel the attendance of witnesses;

c. To prohibit the introduction of any evidence at the hearing that has not been disclosed to that party at least five (5) business days before the hearing;

d. To obtain written, or at the option of the parents, electronic, verbatim record of the hearing at no cost to the parents; and

e. To obtain written, or at the option of the parents, electronic findings of fact and decisions at no cost to the parents.

2. Additional disclosure of information.

a. At least five (5) business days prior to a hearing conducted pursuant to subsection (7) of this rule, each party shall disclose to all other parties all evaluations completed by that date and recommendations based on the offering party's evaluations that the party intends to use at the hearing.

b. An administrative law judge may bar any party that fails to comply with subparagraph (7)(e)2. of this rule from introducing the relevant evaluation or recommendation at the hearing without the consent of the other party.

(f) Parental rights at hearings. Parents involved in hearings must be given, in addition to the rights described in paragraph (7)(e) of this rule, the right to:

1. Have their child who is the subject of the hearing present; and

2. Open the hearing to the public.

(g) Duties and responsibilities of the superintendent or designee shall include:

1. Implementing procedures that require the parent of a child who is gifted, or the attorney representing the child, to provide notice to the school district. The notice required, which must remain confidential, must include: the name of the child; the address of the residence of the child; the name of the school the child is attending; a description of the nature of the problem relating to the proposed or refused initiation or change, including facts relating to the problem; and, a proposed resolution of the problem to the extent known and available to the parents at the time. However, the school district may not deny or delay a parent's right to a due process hearing for failure to provide this notice.

2. Immediately forwarding the Division of Administrative Hearings by facsimile transmission of the parent's request for a hearing upon its receipt;

3. Notifying all parties regarding their rights and responsibilities before, during, and after the hearing. This notice should include information to the parent of any free or low cost legal and other relevant services, which are available, if the parent requests this information or if the parent or school district initiates a hearing.

4. Determining whether an interpreter is needed and arranging for the interpreter as required;

5. Complying with the administrative law judge's rulings regarding requests for and exchanges of evidence; discovery; the filing of motions and scheduling, so as to meet the requirements of this rule, and the deadlines established herein.

6. Arranging for the provision and payment of clerical assistance, the hearing, use of facilities, and a verbatim transcript of the hearing;

7. Completing other responsibilities specified by the school board.

(h) Duties and responsibilities of the Department of Education shall include:

1. Maintaining a list of persons who serve as administrative law judges including a statement of the qualifications of each of these persons; and

2. Maintaining an index of the final orders of such hearings and providing this information to the public upon request.

(i) Duties and responsibilities of an administrative law judge shall be:

1. To establish the date, time, and location of the hearing and any pre-hearing conference calls and motion hearings. Each hearing involving oral arguments must be conducted at a time and place that is reasonably convenient to the parents and their child;

2. To conduct the hearing in a fair and impartial manner;

3. To ensure that all discovery, motion practice, and pre-hearing procedures are conducted in an expedited manner, consistent with the deadlines established by this rule concerning the exchange of evidence and the issuance of the final decision.

4. To determine if the parent wants an electronic or written copy of the final decision and the administrative record of the hearing;

5. To determine whether the parent wants the hearing open to the public and whether the parent wants their child to attend the hearing;

6. To determine whether the parent's advisor or representative is sufficiently knowledgeable about or trained regarding students who are gifted;

7. To determine how evidence may be exchanged prior to and during the hearing;

8. To determine how witnesses may be compelled to attend, be cross-examined, and confronted during discovery and at the hearing;

9. To determine how evaluations and recommendations may be disclosed prior to and during a hearing;

10. To summarize the facts and findings of the case and to arrive at an impartial decision based solely on information presented during the hearing;

11. To reach a final decision and mail to all parties copies of the facts, findings and decision regarding the hearing within forty-five (45) days of the district's receipt of the parent's request or the filing of the district's request for a hearing, whichever is sooner;

12. To be accountable for compliance with all deadlines and procedures established by the statutes and rules for such hearings;

13. To maintain the confidentiality of all information; and

14. To rule on requests for specific extensions of time beyond the periods set forth in subsection (7) of this rule, at the request of either party.

(j) Civil action. A decision made in a hearing conducted under subsection (7) of this rule shall be final, unless, within thirty (30) days, a party aggrieved by the decision brings a civil action in state circuit court without regard to the amount in controversy, as provided in Section 1003.57(5), Florida Statutes. The state circuit court shall: receive the records of the administrative proceedings; hear, as appropriate, additional evidence at the request of a party; and, basing its decision on the preponderance of the evidence, shall grant the relief it determines appropriate. In the alternative, any party aggrieved by the administrative law judge's decision shall have the right to request an impartial review by the appropriate district court of appeal as provided by Sections 120.68 and 1003.57(5), Florida Statutes.

Specific Authority 1001.02(1), 1001.42(4)(l) FS. Law Implemented 1003.01(3)(a)-(b), 1003.57(5), 1001.03(8) FS. History--New \_\_\_\_\_

6A-6.03314 Procedural Safeguards for Students with Disabilities Enrolled in Private Schools by Their Parents. Providing parents, who have enrolled their children in private schools, and private school personnel with information regarding parents' rights under this rule is necessary so that they have information regarding the school district services that continue to be available to their children.

(1) Rights of children with disabilities enrolled by their parents in private schools. Except as provided in subsection (9) of Rule 6A-6.03311, FAC., a child with a disability who has been enrolled in a private school by his or her parent does not have an individual right to receive some or all of the specially designed instruction and related services that the child would receive if enrolled in a public school.

(2) Prior notice. The district shall provide parents with prior written notice a reasonable time before a school district proposes or refuses to initiate or change the identification, evaluation or educational placement of the student.

(a) The prior notice to the parents shall be written in language understandable to the general public and shall be provided in the native language or other mode of communication commonly used by the parents unless such communication is clearly not feasible to do so.

(b) If the parents' mode of communication is not a written language, the school district shall ensure:

1. That the notice is translated orally to the parents in their native language or mode of communication;

2. That the parents understand the content of the notice; and

3. That there is written documentation that the requirements of subparagraphs (2)(b)1. and (2)(b)2. of this rule have been met.

(c) The notice to the parents shall include:

1. A description of the action proposed or refused by the district, an explanation of why the district proposes or refuses to take the action, and a description of any options the district considered and the reasons why those options were rejected;

2. A description of each evaluation procedure, test, record, or report the district used as a basis for the proposal or refusal;

3. A description of any other factors relevant to the district's proposal or refusal;

4. A statement that the parents of a child with a disability have protections under the procedural safeguards specified in this rule.

5. The means by which a copy of a description of the procedural safeguards can be obtained.

6. Sources for parents to contact to obtain assistance understanding their procedural safeguards specified in this rule.

(3) Informed parental consent.

(a) Parents shall be fully informed of all information relevant to the activity for which consent is sought in his or her native language or other mode of communication unless it is clearly not feasible to do so.

(b) Written parental consent shall be obtained prior to the school district conducting a formal, individual evaluation to determine eligibility for specially designed instruction and related services, prior to initial provision of specially designed instruction and related services, and prior to conducting a reevaluation for students with disabilities except as provided in paragraph (3)(e) of this rule.

(c) School districts shall document the attempts to secure consent from the parent as required by paragraphs (3)(a)-(b) of this rule.

(d) Parental consent is voluntary and may be revoked at any time before the school district's action occurs.

(e) Parental consent is required for reevaluation except when the school district can demonstrate that it has taken reasonable measures, consistent with those described in paragraph (3)(d) of Rule 6A-6.03028, FAC., to obtain that consent and the student's parents have failed to respond.

(4) Parents' opportunity to examine records and participate in meetings.

(a) The parents of a child with a disability shall be afforded, in accordance with Rule 6A-1.0955, FAC., Section 1002.22, Florida Statutes, and this rule, an opportunity to inspect and review their child's educational records maintained by the local school district.

(b) The right to inspect and review education records under this rule includes the right to have a representative of the parent inspect and review the records.

(c) The parents of a child with a disability must be afforded an opportunity to participate in meetings with school district personnel with respect to the identification, evaluation, or educational placement of their child.

(5) Mediation. The Department of Education provides parents of children with disabilities and school district personnel the opportunity to resolve disputes involving any matter related to a proposal or refusal to initiate or change the identification, evaluation or educational placement of the student through a mediation process. This mediation process is described in subsection (5) of Rule 6A-6.03311, FAC.

(6) State Complaint Procedures. The Department of Education shall provide parents of a child with a disability, enrolled in a private school by their parents, and other interested persons, the opportunity to resolve allegations that a school district has failed to meet the requirements of Sections 300.451 through 300.462 of Title 34 of the Code of Federal Regulations. The Department of Education's complaint procedures are described in subsection (6) of Rule 6A-6.03311, FAC.

(7) Independent educational evaluation. The parents of a child with a disability, enrolled in a private school by their parents, have the right to an independent educational evaluation as described in subsection (7) of Rule 6A-6.03311, FAC.

(8) Due Process Hearings. Administrative due process hearings, as described in subsection (11) of Rule 6A-6.03311, FAC., are available if the parent of a child with a disability, enrolled in a private school by their parents, alleges that the school district failed to comply with the requirements for the identification and evaluation of students with disabilities as described in Sections 300.451 and 300.530 through 300.543 of Title 34 of the Code of Federal Regulations. Such due process hearings are not available if the parent alleges that the school district failed to comply with the requirements of Section 300.452-300.462 of Title 34 of the Code of Federal Regulations including the provision of services indicated on the student's services plan.

(9) Placement of students with disabilities in private schools by their parents through participation in the Opportunity Scholarship Program.

(a) Funding for the scholarship shall be consistent with Section 1002.38(6), Florida Statutes.

(b) Specially designed instruction and related services provided to students participating in the Opportunity Scholarship Program shall be consistent with the requirements of 300.450-300.457 of Chapter 34 of the Code of Federal Regulations, and paragraph (3)(o) of Rule 6A-6.03411, FAC.

Specific Authority 1001.02(1), 1001.42(4)(l) FS., Law Implemented 1003.01(3)(a)-(b), 1003.57(5) FS., P.L. 105-17, 20 USC 1414 and 1415. History—New

(Substantial rewording of Rule 6A-6.03411 follows. See Florida Administrative Code for present text.)

6A-6.03411 ~~Special Programs and Policies and Procedures for the Provision of Specially Designed Instruction and Related Services for Exceptional Students.~~

This rule shall apply beginning with the procedures documents submitted for the 2003-04 school year and thereafter, in accordance with Section 1003.57(4), Florida Statutes. For a school district or agency to be eligible to receive state or federal funding for specially designed instruction and related services for exceptional students, it shall: develop a written statement of policies for providing an appropriate program of specially designed instruction and related services, as required by Section 1003.57(4), Florida Statutes; submit its written statement of procedures to the designated office in the Department of Education; and report the total number of exceptional students in the manner prescribed by the Department. Applicable state statutes, State Board of Education rules, and federal laws and regulations relating to the provision of specially designed instruction and related services to exceptional students shall serve as criteria for the review and approval of the procedures documents. This procedures document is intended to provide district and school-based personnel, parents of exceptional students, and other interested persons information regarding the implementation of the state's and local school board's policies regarding exceptional student education programs. The procedures document shall be submitted in accordance with timelines required by the Department and shall include, but not be limited to, the requirements specified in subsections (2)-(5) of this rule.

(1) Definitions.

(a) Exceptional Student Education (ESE). ESE refers to the specially designed instruction that is provided to meet the unique needs of exceptional students who meet the eligibility criteria described in Rules 6A-6.03011 through 6A-6.03027, FAC.

(b) Early Intervention. Early intervention means developmental services that are designed to meet the developmental needs of an infant or toddler with a disability in any one (1) or more of the following areas:

1. Physical development;
2. Cognitive development;
3. Communication development;



4. Social or emotional development; or

5. Adaptive development.

(2) Special education. Special education refers to the specially designed instruction and related services, as defined in paragraphs (1)(d) and (e) of this rule, provided, at no cost to the parents, to meet the unique needs of students with disabilities. Special education includes instruction in the classroom, the home, in hospitals and institutions, and in other settings.

(3) Specially-Designed Instruction. Specially-designed instruction means adapting, as appropriate to the needs of an eligible student, the content, methodology, and/or delivery of instruction:

(a) To address the unique needs of the student that result from the student's disability or giftedness; and

(b) To ensure access to the general curriculum, so that the student can meet the district's expected proficiency levels, as appropriate.

(c) Related Services. Related services means transportation and such developmental, corrective, and other supportive services as are required to assist a child with a disability to benefit from special education, and includes audiology services, psychological services, physical and occupational therapy, recreation, including therapeutic recreation, early identification and assessment of disabilities in children, counseling services, including rehabilitation counseling, orientation and mobility services, and medical services for diagnostic or evaluation purposes. The term also includes school health services, social work services in schools, and parent counseling and training.

(d) Free Appropriate Public Education (FAPE). FAPE refers to special education and related services that:

1. Are provided at public expense under the supervision and direction of the local school board without charge to the parent;

2. Meet the standards of the Department of Education;

3. Include preschool, elementary, or secondary programs in the state; and

4. Are provided in conformity with an individual educational plan (IEP) for students with disabilities that meet the requirements of Rule 6A-6.03028, FAC., or an educational plan (EP) for students who are gifted that meet the requirements of Rule 6A-6.030191, FAC.

(e) Screening. Screening is a process for ruling out sensory deficits that may interfere with the student's academic and behavioral progress as described in paragraph (2)(e) of Rule 6A-6.0331, FAC.

(f) General education interventions. General education interventions are required activities to address and resolve a student's learning or behavioral areas of concern prior to a referral for evaluation to determine eligibility for a student suspected of having a disability.

(g) Referral. Referral is the process whereby a written request is made by a parent or a teacher for a formal evaluation of a student who is suspected of needing specially designed instruction and related services.

(h) Student evaluation. Student evaluation is the systematic examination of all areas related to the student's needs, including, if appropriate, health, vision, hearing, social and emotional status, general intelligence, academic and classroom performance, communicative status, and motor abilities.

(i) Dismissal. Dismissal is the process whereby a student is determined to no longer be in need of exceptional student education after the completion of the reevaluations described in subsection (7) of Rule 6A-6.0331, FAC.

(4) Provision of Specially Designed Instruction and Related Services. Specially designed instruction is required for each exceptional student and may be provided directly, in cooperation with other school districts or agencies, or through contractual arrangements with private schools.

(5) General Procedures. General procedures shall be implemented in accordance with Rule 6A-6.0331, FAC.

(a) Procedures for placement in the least restrictive environment. Procedures for placement determination shall include consideration of the following:

1. To the maximum extent appropriate, students with disabilities in public or private institutions or other facilities are educated with students who are not disabled;

2. Special classes, separate schooling or other removal of exceptional students from the regular educational environment occurs only if the nature or severity of the exceptionality is such that education in regular classes with the use of supplementary aids and services cannot be achieved satisfactorily; and

3. A continuum of alternative placements is provided for exceptional students consistent with subsection (1) of Rule 6A-6.0311, FAC.

(b) Procedures for screening. Minimum requirements are:

1. Screening for vision and hearing problems shall be in accordance with the school district's school health plan and consistent with the requirements of paragraph (2)(c) of Rule 6A-6.0331, FAC.

2. Notwithstanding the provisions of Rules 6A-6.03011 through 6A-6.03018, 6A-6.03021 through 6A-6.03023, and 6A-6.03027, FAC., screening for speech, language, hearing, and vision shall be required prior to conducting an evaluation to determine the student's eligibility as a student with a disability.

(c) Procedures for general education interventions. The procedures for general education interventions shall be consistent with the requirements of subsection 6A-6.0331(2), FAC.

(d) Procedures for referral. Procedures for referral shall be consistent with the requirements of subsection 6A-6.0331(3), FAC.

(e) Procedures for student evaluation shall be implemented in accordance with the requirements of Rule 6A-6.0331, FAC.

(f) Procedures for determining eligibility. Procedures for determining eligibility shall include:

1. Determining eligibility for students with disabilities, in accordance with subsection (5) of Rule 6A-6.0331, FAC., whereby the staffing committee determines that the student has a disability, in accordance with eligibility criteria specified in Rules 6A-6.03011 through 6A-6.03018, 6A-6.03020 through 6A-6.03027, and 6A-6.03030 through 6A-6.03031, FAC., and needs specially designed instruction and related services.

2. Determining eligibility for students who are gifted, in accordance with subsection (5) of Rule 6A-6.0331, FAC., whereby the staffing committee determines that the student is gifted in accordance with eligibility criteria specified in Rule 6A-6.03019, FAC., and needs specially designed instruction.

3. For local school boards who elect to serve children with disabilities below the age of three (3) years in collaboration with the Part C Early Intervention Program, determining eligibility for infants and toddlers with disabilities in accordance with subsection (5) of Rule 6A-6.0331, FAC., whereby the staffing committee determines that the infant or toddler has a disability in accordance with the definition found in subparagraph (2)(a)1. of Rule 6A-6.03026, FAC. and needs early intervention services.

(g) Procedures for providing an individual educational plan (IEP), educational plan (EP), or family support plan (FSP), in accordance with Rules 6A-6.03028, 6A-6.030191, and 6A-6.03029, FAC.

(h) Procedures for temporary assignment of transferring exceptional students, in accordance with Rule 6A-6.0334, FAC.

(i) Procedures for reevaluation of students with disabilities in accordance with the requirements of subsection (7) of Rule 6A-6.0331, FAC.

(j) Procedures for participation of students with disabilities in statewide assessment, as required by Section 1008.22, Florida Statutes, including alternate assessment, in accordance with Rule 6A-1.0943, FAC.

(k) Procedures for dismissal.

(l) Procedures for the provision of procedural safeguards, in accordance with Rules 6A-6.03311, 6A-6.03032, and 6A-6.03313, FAC.

(m) Procedures for the transfer of rights for students with disabilities, in accordance with subsection (10) of Rule 6A-6.03311, FAC.

(n) Procedures for the provision of specially designed instruction and related services to students with disabilities enrolled in private schools by their parents.

1. Upon request, school districts shall provide parents of students with disabilities enrolled in private schools information regarding the availability of specially designed instruction and related services from the local school board consistent with the provisions of 300.450-300.455 of Title 34 of the Code of Federal Regulations.

2. The location of any specially designed instruction and related services provided to these students shall be consistent with the requirements of 300.456 of Title 34 of the Code of Federal Regulations, determined as a component of the service plan, and made in consultation with the parents and the participating private school. The determination of location shall be made after consideration of the needs of the student, the scheduling of the services to minimize disruption of instruction and the associated costs to the school board.

3. Specially designed instruction provided by the local school board to these students shall be consistent with the students' services plans, in accordance with Rule 6A-6.030193, FAC.

(o) Procedures for providing information and services to parents of students with disabilities eligible for opportunity scholarships, in accordance with Section 1002.38, Florida Statutes, and participating private schools. The Department of Education shall provide information and assistance to private schools regarding the identification and provision of special services to participating students and the creation of a fee schedule for these services. The Department of Education shall also provide parents of students with disabilities eligible for opportunity scholarships information on the availability of specially designed instruction and related services from the local school board. School districts shall:

1. Include representatives from participating private schools in determining the specially designed instruction and related services that will continue to be available to participating students with disabilities.

2. Provide parents of students with disabilities eligible for opportunity scholarships information on the availability of specially designed instruction and related services from the local school board.

3. Determine the location of the specially designed instruction and related services consistent with subparagraph (3)(n)2., of this rule. Special education services provided by the local school board to students with disabilities participating in the opportunity scholarship program shall be consistent with the students' services plans and Rule 6A-6.030281, FAC.

4. Expenditure of funds for services provided to these students shall be made in accordance with 300.453 of Title 34 of the Code of Federal Regulations.

(p) Procedures for evaluating exceptional student education programs which shall include those areas identified by the Department of Education's continuous monitoring activities.

(q) Procedures for the provision of training to district and school-based administrators regarding the provision of specially designed instruction and related services to exceptional students.

(r) Discipline procedures for students with disabilities in accordance with Rule 6A-6.03312, FAC.

(s) Provision of extended school year services to eligible students with disabilities.

(t) Procedures for the provision of surrogate parents in accordance with Rule 6A-6.0333, FAC.

(6) Procedures for the delivery of specially designed instruction and related services to eligible exceptional students or early intervention services to eligible infants and toddlers with disabilities in accordance with Rules 6A-6.03011 through 6A-6.03027, and 6A-6.03030 through 6A-6.03031, FAC., which shall include:

(a) Criteria for eligibility.

(b) Any procedures for screening, referral, student evaluation, determination of eligibility, development of the individual educational plan, educational plan, or family support plan, reevaluation, or dismissal which are different from or in addition to the procedures described in subsection (3) of this rule.

(c) Instructional program to include philosophy, curriculum, and instructional support.

(7) Assurances. Assurances of the district school board or agency for meeting the requirements regarding:

(a) Written agreements in accordance with paragraphs 6A-6.0311(3)(a)-(b), FAC..

(b) Contractual arrangements with private schools or community facilities in accordance with Rule 6A-6.0361, FAC..

(c) Child find activities to include the identification, location, and evaluation of all children residing in the state, including children with disabilities attending private schools, regardless of the severity of their disability, who are in need of specially designed instruction and related services. These procedures apply to highly mobile children with disabilities (such as migrant or homeless children) and children suspected of having a disability and in need of specially designed instruction even though they are advancing from grade to grade.

(d) Confidentiality of student records in accordance with Section 1002.22, Florida Statutes, Rule 6A-1.0955, FAC., and the notice to parents required by 300.573 of Title 34 of the Code of Federal Regulations.

(e) Transition of children with disabilities from an early intervention program for infants and toddlers with disabilities to specially designed instruction and related services provided by the school board.

(f) Specially designed instruction and related services provided to students with disabilities enrolled in private schools by the school board in consultation with the students' parents and consistent with the requirements of Rule 6A-6.0361, FAC.

(g) Opportunity scholarships that are provided in accordance with Section 1002.38, Florida Statutes. The local school board or the private school who provides the specially designed instruction and related services to participating students with disabilities shall receive the funding for these services as provided by Sections 1011.62(1)(e) and 1002.38(6), Florida Statutes.

Specific Authority 1001.02(1), 1003.57(4) ~~229.053(1), 230.23(4)(m)4~~. FS. Law Implemented 1003.01(3)(a)-(b), 1002.38, 1001.03(8), 1003.57(4), 1011.62(1)(c) ~~228.041(18)(19), 229.565(3)(b)(c), 230.23(4)(m)4~~, 236.081(1)(e) FS. History—New 11-18-84, Amended 10-1-85, Formerly 6A-6.3411, Amended 12-14-93, \_\_\_\_\_, c.f. PL 94-142, 20 USC S.1401 et seq., 34 C.F.R. Parts 76 and 300.

**DEPARTMENT OF EDUCATION**

**Florida School for the Deaf and the Blind**

RULE TITLE: Admission and Enrollment Requirements  
 RULE NO.: 6D-3.002  
 PURPOSE AND EFFECT: This rule indicates procedures and requirements to be followed in the enrollment process for students seeking admission into the Florida School for the Deaf and the Blind.

SUBJECT AREA TO BE ADDRESSED: Amendments to outdated language in order to comply with IDEA amendments of 1999.

SPECIFIC AUTHORITY: 1002.36(4)(c) FS.

LAW IMPLEMENTED: 1002.36(4) FS.

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

TIME AND DATE: 9:00 a.m., September 27, 2003

PLACE: Music Building Auditorium, FSDB Campus, St. Augustine, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Elaine F. Ocuto, Executive Assistant to the President, Florida School for the Deaf and the Blind, 207 N. San Marco Avenue, St. Augustine, FL 32084-2799

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

**DEPARTMENT OF EDUCATION**

**Florida School for the Deaf and the Blind**

RULE TITLE: Individual Educational Plan  
 RULE NO.: 6D-3.0021  
 PURPOSE AND EFFECT: This rule indicates procedures and requirements to be followed in the development/review/revision of a student's Individual Educational Plan.

SUBJECT AREA TO BE ADDRESSED: Amendments to outdated language in order to comply with IDEA amendments of 1999 and Florida’s School Code.

SPECIFIC AUTHORITY: 1002.36(4)(c) FS.

LAW IMPLEMENTED: 1002.36(4) FS.

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

TIME AND DATE: 9:00 a.m., September 27, 2003

PLACE: Music Building Auditorium, FSDB Campus, St. Augustine, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Elaine F. Ocuto, Executive Assistant to the President, Florida School for the Deaf and the Blind, 207 N. San Marco Avenue, St. Augustine, FL 32084-2799

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

**DEPARTMENT OF EDUCATION**

**Florida School for the Deaf and the Blind**

RULE TITLE: Provision of Non-Academic and Extracurricular

RULE NO.:

Services and Activities 6D-3.007

PURPOSE AND EFFECT: This rule indicates procedures and requirements to be followed in providing extra-curricular, non-academic services and activities for students enrolled in the Florida School for the Deaf and the Blind.

SUBJECT AREA TO BE ADDRESSED: Technical change made to this rule.

SPECIFIC AUTHORITY: 1002.36(4)(c) FS.

LAW IMPLEMENTED: 1002.36(4) FS.

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

TIME AND DATE: 9:00 a.m., September 27, 2003

PLACE: Music Building Auditorium, FSDB Campus, St. Augustine, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Elaine F. Ocuto, Executive Assistant to the President, Florida School for the Deaf and the Blind, 207 N. San Marco Avenue, St. Augustine, FL 32084-2799

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

**DEPARTMENT OF EDUCATION**

**Florida School for the Deaf and the Blind**

RULE TITLE: Students Infected with the HIV Virus

RULE NO.:

6D-9.006

PURPOSE AND EFFECT: This rule indicates policy and procedures dealing with students infected with the HIV Virus/AIDS.

SUBJECT AREA TO BE ADDRESSED: Updating language, removing terminology no longer used.

SPECIFIC AUTHORITY: 1002.36(4)(c) FS.

LAW IMPLEMENTED: 1002.36(4) FS.

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

TIME AND DATE: 9:00 a.m., September 27, 2003

PLACE: Music Building Auditorium, FSDB Campus, St. Augustine, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Elaine F. Ocuto, Executive Assistant to the President, Florida School for the Deaf and the Blind, 207 N. San Marco Avenue, St. Augustine, FL 32084-2799

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

**BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND**

Pursuant to Chapter 2003-145, Laws of Florida, all notices for the Board of Trustees of the Internal Improvement Trust Fund are published on the Internet at the Department of Environmental Protection’s home page at <http://www.dep.state.fl.us/> under the link or button titled “Official Notices.”

**AGENCY FOR HEALTH CARE ADMINISTRATION**

**Medicaid**

RULE TITLE: Intermediate Care Facility for the

RULE NO.:

Developmentally Disabled Services, ICF/DD

59G-4.170

PURPOSE AND EFFECT: The purpose of this rule amendment is to incorporate by reference the Florida Medicaid Intermediate Care Facility for the Developmentally Disabled Services (ICF/DD) Coverage and Limitations Handbook, as revised October 2003. The revised handbook contains changes required by the Health Insurance Portability and Accountability Act (HIPAA). The effect will be to incorporate by reference in the rule the revised, most current Florida Medicaid Intermediate Care Facility for the Developmentally Disabled Services (ICF/DD) Coverage and Limitations Handbook.

SUBJECT AREA TO BE ADDRESSED: Intermediate Care Facility for the Developmentally Disabled Services, ICF/DD.

SPECIFIC AUTHORITY: 409.919 FS.

LAW IMPLEMENTED: 409.906(13), 409.908, 409.913(5)(e), 409.913 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. – 11:00 a.m., Tuesday, October 7, 2003

PLACE: AHCA Headquarters, 2727 Mahan Drive, Building #3, Conference Room C, Tallahassee, FL 32308-2600  
 THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Karen Henderson, Medicaid Services, 2727 Mahan Drive, Building 3, Mail Stop 20, Tallahassee, Florida 32308-5407, (850)414-9756

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

59G-4.170 Intermediate Care Facility for the Developmentally Disabled Services, ICF/DD.

(1) No change.

(2) All ~~Intermediate Care Facility for the Developmentally Disabled (Intermediate Care Facility for the Developmentally Disabled (ICF/DD))~~ services providers enrolled in the Medicaid program must comply with the Florida Medicaid Intermediate Care Facility for the Developmentally Disabled (ICF/DD) Services Coverage and Limitations Handbook, October 2003 July 2000, incorporated by reference, and the Florida Medicaid Provider Reimbursement Handbook, Institutional 021, October 2003 September 1996, which is incorporated by reference in Rule 59G-4.200, F.A.C. Both handbooks are available from the Medicaid fiscal agent.

(3) through (11) No change.

Specific Authority 409.919 FS. Law Implemented 409.906(13), 409.908, 409.913(5)(e), 409.913 FS. History—New 8-31-76, Amended 1-1-77, 10-16-77, 7-7-81, 4-12-83, 1-12-84, 7-2-84, 7-1-85, Formerly 10C-7.49, Amended 7-19-88, 6-4-92, 5-11-93, Formerly 10C-7.049, Amended 11-27-95, 10-4-01,

**DEPARTMENT OF MANAGEMENT SERVICES**

**Personnel Management System**

RULE CHAPTER TITLE:	RULE CHAPTER NO.:
Florida State Employees	
Charitable Campaign	60L-39
RULE TITLES:	RULE NOS.:
Scope and Purpose	60L-39.001
General Requirements	60L-39.002
Statewide Steering Committee	60L-39.003
Eligibility Criteria for Participation by	
Charitable Organizations	60L-39.004
Application Procedures	60L-39.005
Duties and Responsibilities	
of the Fiscal Agent	60L-39.006
Appeals	60L-39.007

PURPOSE AND EFFECT: To consider amendments to the Rules listed above.

SUBJECT AREA TO BE DISCUSSED: Scope and Purpose of Chapter 60L-39, General Requirement, Statewide Steering Committee, Eligibility Criteria for Participation by Charitable Organizations, Application Procedures, Duties and Responsibilities of the Fiscal Agent and Appeals.

SPECIFIC AUTHORITY: 110.181(3)(a) FS.

LAW IMPLEMENTED: 110.181 FS.

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

TIME AND DATE: 10:00 a.m., Monday, September 29, 2003  
 PLACE: Room 101, 4050 Esplanade Way, Tallahassee, Florida 32399-0950

Pursuant to the Americans with Disabilities Act, persons needing special accommodations to participate in this meeting should advise the Department at least 2 calendar days before the workshop, by contacting: Julie Shaw, (850)487-3423.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: John Kuczwanski, Chairman, Florida State Employees Charitable Campaign, Department of Management Services, 4050 Esplanade Way, Suite 280L, Tallahassee, Florida 32399-0950, (850)414-6736

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

**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 Pharmacy**

RULE TITLE: Internet Pharmacy Permit  
 RULE NO.: 64B16-28.871

PURPOSE AND EFFECT: The Board proposes a new rule to establish a special internet pharmacy permit required for filling prescriptions authorized outside of Florida or generated through the internet.

SUBJECT AREA TO BE ADDRESSED: The proposed new rule sets forth the standards of practice required for filling prescriptions generated through the internet.

SPECIFIC AUTHORITY: 465.005, 465.0155 FS.

LAW IMPLEMENTED: 465.003, 465.015(2)(c), 465.0155, 465.0196, 465.026 FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE SCHEDULED AT THE BOARD'S NEXT MEETING TO BE HELD ON OCTOBER 15, 2003 IN TALLAHASSEE, FLORIDA.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Lucy Gee, Acting Executive Director, Board of Pharmacy/MQA, 4052 Bald Cypress Way, Bin #C04, Tallahassee, Florida 32399-3254

## THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B16-28.871 Internet Pharmacy Permit.

(1) As used herein the term "internet" means:

(a) The computer network commonly known as the Internet and any other computer network that is similar to or is a predecessor or successor of the Internet; and.

(b) Any identifiable site on the Internet or such other computer network.

(2) The term "internet" includes, without limitation:

(a) A website or other similar site on the World Wide Web;

(b) A site that is identifiable through a Uniform Resource Location;

(c) A site on a computer network that is owned, operated, administered, or controlled by a provider of Internet service;

(d) An electronic bulletin board;

(e) A list server;

(f) A newsgroup; or.

(g) A chat room.

(2) An Internet Pharmacy is a pharmacy that utilizes the Internet for the reception of prescriptions which it will then dispense to patients in this State. Such a pharmacy shall obtain a Special Permit issued by the Board and comply with the following requirements: provided however, that a community pharmacy permittee may perform internet pharmacy functions without obtaining an additional permit under this section so long as such permittee complies with the following provisions:

(a) The Internet Pharmacy shall comply with all requirements of Chapter 64B16, F.A.C., and Chapter 465, Florida Statutes, which apply to community pharmacies;

(b) The Internet Pharmacy shall maintain and enforce policies and procedures that assure the integrity, legitimacy, and authenticity of the prescription order. When a prescription order is transmitted to the pharmacy by way of facsimile transmission or other means as described in Rule 64B16-28.130, F.A.C., the facsimile shall serve as the original prescription and the pharmacy shall advise the patient at the time of delivery of the medication that the prescription has been filled and may not be presented to another pharmacy for filling;

(c) The Internet Pharmacy shall maintain and enforce policies and procedures that assure that prescription medications are not dispensed based solely upon telephonic, electronic or online consultations or questionnaires since, as provided in subsection 64B16-27.104(6), F.A.C., such communications cannot form the basis for a valid prescription for the dispensing of prescription medications;

(d) The Internet Pharmacy shall maintain and enforce policies and procedures ensuring reasonable verification of the identity of the patient, prescribing health care practitioner, and if appropriate the caregiver, in accordance with Chapters 465 and 893, Florida Statutes, and these rules;

(e) The Internet Pharmacy shall obtain and maintain in a readily accessible format, patient medication profiles and other related data in a manner that facilitates consultation with the prescribing health care practitioner, the patient or the caregiver;

(f) The Internet Pharmacy shall conduct a prospective drug use review prior to the dispensing of a medication;

(g) The Internet Pharmacy shall maintain and enforce policies and procedures to assure patient confidentiality and the protection of patient identity and patient-specific information from inappropriate or nonessential access, use or distribution while such information is being transmitted via the internet and while the pharmacy possesses such information;

(h) The Internet Pharmacy shall maintain and enforce policies and procedures to assure that the prescription being filled was written and issued by a health care practitioner authorized to prescribe medicinal drugs and to assure that the medication dispensed is pursuant to such a prescription;

(i) The Internet Pharmacy shall maintain and enforce policies and procedures requiring pharmacists to offer meaningful interactive consultation to the patient or caregiver;

(j) The Internet Pharmacy shall maintain and enforce policies and procedures establishing a mechanism for patients to report suspected adverse drug reactions and errors and to provide for the pharmacy to take appropriate action regarding such suspected adverse drug reactions and errors;

(k) The Internet Pharmacy shall maintain and enforce policies and procedures that provide a mechanism to contact the patient and if necessary the prescribing health care practitioner if an undue delay is encountered in delivering the prescribed medications. "Undue delay" is defined as an extension of the normal delivery cycle sufficient to jeopardize or alter the patient treatment plan;

(l) The Internet Pharmacy shall maintain and enforce policies and procedures establishing mechanisms to inform patients or caregivers about drug recalls;

(m) The Internet Pharmacy shall maintain and enforce policies and procedures establishing mechanisms to educate patients and caregivers about appropriate means to dispose of expired, damaged or otherwise unusable medications;

(n) The Internet Pharmacy may not pay or receive any commission, bonus, kickback, or rebate or engage in any split fee arrangement in any form whatsoever which would violate the provisions of Section 465.185, Florida Statutes; and.

(o) In accordance with State and Federal laws and regulations, the Internet Pharmacy shall:

1. Ship controlled substances via a secure and traceable means;

2. Assure that medications are maintained with appropriate temperature, light, and humidity standards, as established by the United States Pharmacopoeia, during drug storage and shipment;

3. Comply with all applicable State and Federal law and regulations regarding the sale of over-the-counter products identified as precursors to the manufacture of or compounding of illegal drugs; and,

4. Maintain a Continuous Quality Improvement Program as described in Rule 64B16-27.300, Florida Administrative Code.

Specific Authority 465.005, 465.0155 FS. Law Implemented 465.003, 465.015(2)(c), 465.0155, 465.0196, 465.026 FS. History—New \_\_\_\_\_.

**DEPARTMENT OF HEALTH**

**Board of Speech-Language Pathology and Audiology**

RULE TITLE: RULE NO.:

Licensure by Certification of Credentials 64B20-2.001

PURPOSE AND EFFECT: The Board proposes to review the existing language in this rule to determine if amendments are necessary.

SUBJECT AREA TO BE ADDRESSED: Licensure by certification of credentials.

SPECIFIC AUTHORITY: 468.1135(4), 456.013(7) FS.

LAW IMPLEMENTED: 456.013(7), 468.1145(2), 468.1185 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Pamela E. King, Executive Director, Board of Speech-Language Pathology and Audiology, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399

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

**Section II  
Proposed Rules**

**DEPARTMENT OF INSURANCE**

RULE TITLES: RULE NOS.:

Part III Minimum Reserve Standards for Individual and Group Health Insurance Contracts

Scope 4-154.201

Definitions 4-154.202

Categories of Reserves 4-154.203

Specific Minimum Standards for Morbidity, Mortality and Interest 4-154.204

Tables 4-154.210

PURPOSE, EFFECT AND SUMMARY: To update Health Reserves to be consistent with new NAIC Standards. This involves minimum reserve standards for individual group health insurance contracts.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: None.

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

SPECIFIC AUTHORITY: 624.308(1), 625.121(14), 625.081 FS.

LAW IMPLEMENTED: 624.307(1), 625.081, 625.121 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 8, 2003

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

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Kerry Krantz, Bureau of Life and Health Insurer Solvency, Office of Insurance Regulation, 200 East Gaines Street, Tallahassee, Florida 32399-0333, (850)413-5038

THE FULL TEXT OF THE PROPOSED RULES IS:

4-154.201 Scope.

(1)(a) This rule chapter applies to all individual and group health insurance policies, including single premium credit disability insurance. All other credit insurance is not subject to this rule chapter. Credit disability is defined under Section 627.677(2), Florida Statutes ~~except for credit disability insurance as defined under Section 627.677(2), Florida Statutes.~~

(b) No change.

(2) through (5) No change.

Specific Authority 624.308(1), 625.121(14), 625.081 FS. Law Implemented 624.307(1), 625.081, 625.121 FS. History—New 4-14-99, Amended \_\_\_\_\_.

4-154.202 Definitions.

As used in this rule chapter, the following terms have the following meaning:

(1) through (26) No change.

(27) Commonly Accepted Actuarial Practice. Practices consistent with standards of practice established by the Actuarial Standards Board as of December 31, 2002 ~~June 30, 1998~~ as embodied in "Actuarial Standards of Practice" which are hereby incorporated herein by reference.

(28) through (31) No change.

(32) Rating Block. A grouping of contracts determined by the valuation actuary based on common characteristics, such as a policy form or forms having similar benefit designs.

Specific Authority 624.308(1), 625.121(14), 625.081 FS. Law Implemented 624.307(1), 625.081, 625.121 FS. History—New 4-14-99, Amended \_\_\_\_\_.

4-154.203 Categories of Reserves.

Adequacy of an insurer's health insurance reserves shall be determined on the basis of all three categories combined. However, these standards emphasize the importance of determining appropriate reserves for each of the three categories separately.

(1) Claim Reserves.

(a) No change.

(b) Minimum Standards for Claim Reserves.

1. No change.

2.~~(2)~~ All Other Benefits.

a.~~(a)~~ Interest. The maximum interest rate for claim reserves is specified in subsection 4-154.204(2), F.A.C.

b.~~(b)~~ Morbidity or other Contingency. The reserve shall be based on the insurer's experience, if that experience is considered credible, or upon other assumptions used by the company designed to place a sound value on the liabilities.

c.~~(c)~~ Claim Reserve Methods Generally.

(1)~~(1)~~ A reserving method shall be used to estimate claim liabilities if it is:

(A)~~(A)~~ A generally accepted actuarial reserving method following commonly accepted actuarial practice; or

(B)~~(B)~~ A reasonable method approved by the Department after a public hearing prior to the statement date; or

(C)~~(C)~~ A combination of these methods.

(II)~~2.~~ At its option, an insurer may estimate some of all of its claim liabilities either separately or by using aggregate methods. Approximations based on groupings and averages may also be employed. Adequacy of the claim reserves, however, shall be determined in the aggregate.

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

(3)~~(4)~~ Contract Reserves.

(a) General.

1. Contract reserves shall be required, unless otherwise specified in subparagraph 2. below, for:

a. No change.

b.(I) All individual and group contracts for which, due to the gross premium pricing structure at issue, the value of the future benefits at any time exceeds the value of any appropriate future valuation net premiums at that time.

(II)(A) This evaluation may be applied on a rating block basis if the total premiums for the block were developed to support the total risk assumed and expected expenses for the block each year, and a qualified actuary certifies the premium development.

(B) The actuary shall state in the certification that premiums for the rating block were developed such that each year's premium was intended to cover that year's costs without any prefunding.

(C) For group policies having retrospective pricing agreements, if the premium is also intended to recover costs for any prior years, the actuary shall also disclose the reasons for and magnitude of such recovery.

(III) The values specified in this sub-subparagraph shall be determined on the basis specified in paragraph (b) below entitled "Minimum Standards for Contract Reserves".

2. through 4. No change.

(b) through (c) No change.

(d) Tests for Adequacy and Reasonableness of Contract Reserves.

1. A review shall be made annually by a qualified actuary of the insurer's prospective contract liabilities on contracts valued by tabular reserves to determine the continuing adequacy and reasonableness of the tabular reserves, giving consideration to future gross premiums. If the review indicates that the prospective reserves are no longer adequate subject to the minimum standards at paragraph (3)~~(4)~~(b) above, the insurer shall add increments to the tabular reserves in order to meet or exceed the minimum standard.

2. No change.

Specific Authority 624.308(1), 625.121(14), 625.081 FS. Law Implemented 624.307(1), 625.081, 625.121 FS. History—New 4-14-99, Amended \_\_\_\_\_.

4-154.204 Specific Minimum Standards for Morbidity, Mortality and Interest.

Specific minimum standards for morbidity, mortality and interest which apply to claim reserves according to year of incurral and to contract reserves according to year of issue:

(1) Morbidity.

(a) Minimum morbidity standards for valuation of specified individual contract health insurance benefits are as follows:

1. Disability Income Benefits Due to Accident or Sickness.

a. No change.

b. Claim Reserves:

(I) For claims incurred on or before December 31, 2002, the minimum morbidity standard in effect for contract reserves on currently issued contracts as of the date the claim is incurred.



(II)(A) For claims incurred on or after January 1, 2003, the 1985 Commissioners Individual Disability Table A (85CIDA) with claim termination rates multiplied by the following adjustment factors:

<u>Duration</u> <u>Week</u>	<u>Adjustment Factor</u>	<u>Adjusted Termination Rates*</u>
1	0.366	0.04831
2	0.366	0.04172
3	0.366	0.04063
4	0.366	0.04355
5	0.365	0.04088
6	0.365	0.04271
7	0.365	0.04380
8	0.365	0.04344
9	0.370	0.04292
10	0.370	0.04107
11	0.370	0.03848
12	0.370	0.03478
13	0.370	0.03034
<u>Month</u>		
4	0.391	0.08758
5	0.371	0.07346
6	0.435	0.07531
7	0.500	0.07245
8	0.564	0.06655
9	0.613	0.05520
10	0.663	0.04705
11	0.712	0.04486
12	0.756	0.04309
13	0.800	0.04080
14	0.844	0.03882
15	0.888	0.03730
16	0.932	0.03448
17	0.976	0.03026
18	1.020	0.02856
19	1.049	0.02518
20	1.078	0.02264
21	1.107	0.02104
22	1.136	0.01932
23	1.165	0.01865
24	1.195	0.01792
<u>Year</u>		
3	1.369	0.16839
4	1.204	0.10114
5	1.199	0.07434
6 and later	1.000	**

\* The adjusted termination rates derived from the application of the adjustment factors to the DTS Valuation Table termination rates shown in exhibits 3a, 3b, 3c, 4, and 5 (Transactions of the Society of Actuaries (TSA) XXXVII, pp.

457-463) is displayed. The adjustment factors for age, elimination period, class, sex, and cause displayed in exhibits 3a, 3b, 3c, and 4 should be applied to the adjusted termination rates shown in this table.

\*\* Applicable DTS Valuation Table duration rate from exhibits 3c and 4 (TSA XXXVII, pp. 462-463).

(B) The 85CIDA table so adjusted for the computation of claim reserves shall be known as 85CIDC (The 1985 Commissioners Individual Disability Table C).

2. through 4. No change.

5. Single Premium Credit Disability.

a. Contract Reserves:

(I) For contracts issued on or after January 1, 2003:

(A) For plans having less than a 30 day elimination period, the 1985 Commissioners Individual Disability Table A (85CIDA) with claim incidence rates increased by 12 percent.

(B) For plans having a 30 day and greater elimination period, the 85CIDA for a 14 day elimination period with the adjustment in (A).

(II) For contracts issued prior to January 1, 2003, each insurer may elect either (A) or (B) to use as the minimum standard. Once an insurer elects to calculate reserves for all contracts on the standard defined in (I), all future valuations must be on that basis.

(A) The minimum morbidity standard in effect for contract reserves on currently issued contracts, as of the date the contract was issued, or

(B) The standard as defined in (I), applied to all contracts.

b. Claim Reserves: Claim reserves are to be determined as provided in paragraph 4-154.203(1)(c), F.A.C.

6.5. No change.

(b) Minimum morbidity standards for valuation of specified group contract health insurance benefits shall be as follows:

1. No change.

2. Single Premium Credit Disability.

a. Contract Reserves:

(I) For contracts issued on or after January 1, 2003:

(A) For plans having less than a 30 day elimination period, the 1985 Commissioners Individual Disability Table A (85CIDA) with claim incidence rates increased by 12 percent.

(B) For plans having a 30 day and greater elimination period, the 85CIDA for a 14 day elimination period with the adjustment in (A).

(II) For contracts issued prior to January 1, 2003, each insurer may elect to use either (I) or (II) as the minimum standard. Once an insurer elects to calculate reserves for all contracts on the standard defined in (I), all future valuations must be on that basis.

(A) The minimum morbidity standard in effect for contract reserves on currently issued contracts, as of the date the contract was issued, or

(B) The standard as defined in (I), applied to all contracts.

b. Claim Reserves: Claim reserves are to be determined as provided in paragraph 4-154.203(1)(c), F.A.C.

3.2. No change.

(c) No change.

(2) No change.

(3) Mortality.

(a) through (d) No change.

(e) For single premium credit insurance using the 85 CIDA table, no separate mortality shall be assumed.

Specific Authority 624.308(1), 625.121(14), 625.081 FS. Law Implemented 624.307(1), 625.081, 625.121 FS. History—New 4-14-99, Amended \_\_\_\_\_.

4-154.210 Tables.

(1) No change.

(2) The tables in subsection (1) above are available from the Bureau of Life & Health Insurer Solvency and Market Conduct Review, 200 East Gaines Street, Tallahassee, Florida 32399-0327.

Specific Authority 624.308(1), 625.121(14), 625.081 FS. Law Implemented 624.307(1), 625.081, 625.121 FS. History—New 4-14-99, Amended \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Kerry Krantz, Bureau of Life and Health Insurer Solvency, Office of Insurance Regulation

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Tom Streukens, Chief, Bureau of Life and Health Insurer Solvency, Office of Insurance Regulation

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

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

**DEPARTMENT OF INSURANCE**

RULE TITLES:	RULE NOS.:
General Eligibility Requirements	4-202.008
Annual Statement	4-202.012
Forms Incorporated by Reference	4-202.015

PURPOSE, EFFECT AND SUMMARY: The amendments update the forms used for donor annuity agreements. The changes are being made to reflect that the forms are now Office of Insurance Regulation forms rather than Department of Insurance forms. The amendment also provides a website address where the forms can be obtained.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: None.

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

SPECIFIC AUTHORITY: 624.308 FS.

LAW IMPLEMENTED: 624.307(1), 627.481 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 7, 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: Bruce Lulofs, Bureau of Specialty Insurers, Office of Insurance Regulation, 200 East Gaines Street, Tallahassee, Florida 32399-0331, (850)413-2490

THE FULL TEXT OF THE PROPOSED RULES IS:

4-202.008 General Eligibility Requirements.

(1) Any person engaging in the business of issuing donor annuity agreements ~~must shall~~ notify the ~~Office Department~~ in writing in a form prescribed by the ~~Office Department~~ in Form ~~OIR-C1 DI4-1208 (rev. 6/96)~~, Notification to the Florida ~~Office of Insurance Regulation Department of Insurance~~ as a Qualifying Issuer of Donor Annuity Agreements Pursuant to Section 627.481, Florida Statutes, adopted in paragraph 4-202.015(1)(a), F.A.C. The notice ~~must shall~~ be made ~~on by~~ ~~August 13, 1996~~, or the date on which the person first enters into a donor annuity agreement.

(2) Any person subject to Section 627.481, Florida Statutes, that fails to submit the required notification form is subject to penalty as provided in Section 626.9521, Florida Statutes.

Specific Authority 624.308 FS. Law Implemented 624.307(1), 627.481 FS. History—New 6-23-92, Amended 1-7-97, \_\_\_\_\_.

4-202.012 Annual Statement.

(1) Within 60 days of the end of each fiscal year, each qualifying issuer of donor annuity agreements in this state must submit a sworn statement on the form prescribed by the ~~Office Department~~ in Form ~~OIR-A3 DI4-1209 (rev. 6/96)~~, Sworn Statement in Lieu of Annual Statements for Issuers of Donor Annuity Agreements, adopted in paragraph 4-202.015(1)(c), F.A.C., attesting that the issuer has met all requirements of law.

(2) ~~Issuers that fail to submit the sworn statement in subsection (1) shall submit Failure to submit the statement referenced in (1) shall result in the Department requiring the issuer to submit an annual report in a form prescribed by the Department in Form DI4-485 (rev. 6/96), Annual Report, adopted in Rule 4-202.015(1)(b), F.A.C., including audited financial statements, and any information relating to the operations of the issuer necessary to determine compliance.~~

Specific Authority 624.308 FS. Law Implemented 624.307, 624.307(1), 627.481 FS. History—New 6-23-92, Amended 1-7-97, \_\_\_\_\_.

4-202.015 Forms Incorporated by Reference.

(1) The following forms are incorporated ~~into this rule chapter~~ by reference to implement the provisions of Section 627.481, Florida Statutes:

Title	Form Number
(a) Notification to the Florida <u>Office of Insurance Regulation Department of Insurance</u> as a Qualifying Issuer of Donor Annuity Agreements Pursuant to Section 627.481, Florida Statutes	<u>OIR-C1 D14-1208</u> (rev. <u>07/03 6/96</u> )
(b) Annual Report	DI4-485 (rev. 6/96)
<del>(b)(e)</del> Sworn Statement in Lieu of Annual Statements For Issuers of Donor Annuity Agreements	<u>OIR-A3 D141209</u> (rev. <u>07/03 6/96</u> )

(2) ~~These forms shall become effective on the date this rule becomes effective.~~ Copies of the forms may be obtained from the Office of Insurance Regulation Department of Insurance, Bureau of Specialty Insurers, Larson Building, Tallahassee, FL 32399-0331 ~~0300~~, or on the Department of Financial Services website at www.fldfs.com.

Specific Authority 624.308 FS. Law Implemented 624.307(1), 627.481 FS. History—New 7-15-90, Formerly 4-117.015, Amended 6-23-92, 1-7-97, \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Bruce Lulofs, Bureau of Specialty Insurers, Office of Insurance Regulation

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Al Willis, Bureau Chief, Bureau of Specialty Insurers, Office of Insurance Regulation

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 15, 2003

**DEPARTMENT OF INSURANCE**

**Division of State Fire Marshal**

RULE CHAPTER TITLE: Fire Extinguishers and Preengineered Systems

RULE CHAPTER NO.: 4A-21

RULE TITLE: "Appropriate Training" for Servicing Fire Extinguishers and Preengineered Systems

RULE NO.: 4A-21.115

PURPOSE AND EFFECT: Provides direction for fire equipment dealers when servicing fire extinguishers and preengineered systems in obtaining "appropriate training" as used in Section 633.061, Florida Statutes.

SUMMARY: Provides a definition for, and clarifies the meaning of, "appropriate training" as used in Section 633.061, Florida Statutes.

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

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

SPECIFIC AUTHORITY: 633.01 FS.

LAW IMPLEMENTED: 633.061, 633.065 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., October 7, 2003

PLACE: Jimmie B. Keel Regional Library, 2902 Bearss Avenue, Tampa, Florida 33618

Pursuant to the provisions of the Americans with Disabilities Act and Section 286.26, Florida Statutes, any person requiring special accommodations to participate in this program, please advise the Department at least 5 calendar days before the program by contacting: Millicent King, (850)413-3619.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: James Goodloe, Chief, Bureau of Fire Prevention, Division of State Fire Marshal, 200 East Gaines Street, Tallahassee, Florida 32399-0342, (850)413-3171

THE FULL TEXT OF THE PROPOSED RULE IS:

4A-21.115 "Appropriate Training" for Servicing Fire Extinguishers and Preengineered Systems Defined; Limitations; Restrictions.

(1) The following training constitutes "appropriate training" as used in subsection (1) of Section 633.061, Florida Statutes, for the purpose of servicing fire extinguishers and preengineered systems:

(a) Any training provided by the manufacturer of the fire extinguisher or preengineered system for the servicing of the fire extinguisher or preengineered system being serviced or to be serviced; or

(b) Any training which provides competence in the servicing of fire extinguishers and preengineered systems in accordance with the manufacturer's maintenance procedures and with the applicable National Fire Protection Association standards, as determined and confirmed by written approval of the division. To obtain written approval from the division, it is the responsibility of the individual or firm providing the training to demonstrate to the division that the training is equivalent to the manufacturer's specifications and training.

(2)(a) For purposes of this section, "servicing" means the inspection, testing, and repair a fire extinguisher or preengineered system.

(b) This section only applies to the servicing of fire extinguishers and preengineered systems.

(c) This section is not applicable to installing, recharging, marking, or hydrotesting any fire extinguisher or preengineered system subject to Sections 633.061 and 633.065, Florida Statutes.

(3) If the servicing of any equipment based on any training provided for in paragraphs (1)(b) or (1)(c) is performed within one year of installation of the fire extinguisher or preengineered system or within the period of time of the manufacturer's warranty if longer than one year, and such servicing voids or in any manner negatively affects the manufacturer's warranty required by Section 633.065(1)(d), Florida Statutes, or a longer warranty if provided by the manufacturer, such servicing is prohibited.

(4) If maintaining the UL or other nationally recognized listing of any equipment as required by Section 633.065(1)(b), Florida Statutes, is contingent upon servicing being performed by a person who is trained by the manufacturer, and if servicing performed by someone other than a person trained by a manufacturer negatively affects the UL or other nationally recognized listing of any equipment, such servicing is prohibited.

Specific Authority 633.01 FS. Law Implemented 633.061, 633.065 FS. History—New \_\_\_\_\_.

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

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

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: April 11, 2003

**DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES**

**Division of Consumer Services**

RULE TITLE: Registration  
RULE NO.: 5J-12.002

PURPOSE AND EFFECT: The purpose and effect of this rule change is to identify the current Registration Application and set the guideline to change the registration period from annually to biennially.

SUMMARY: This rule identifies the current Registration Application and sets new registration guidelines for a biennial registration period.

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: 559.2201, 570.07(23) FS.

LAW IMPLEMENTED: 559.904, 559.916 FS.

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

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

PLACE: Department of Agriculture and Consumer Services, Division of Consumer Services, Terry L. Rhodes Building, 2005 Apalachee Parkway, Tallahassee, Florida 32399-6500

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Dee Keck, Regulatory Program Administrator, Division of Consumer Services, Terry L. Rhodes Building, 2005 Apalachee Parkway, Tallahassee, Florida 32399-6500, (850)410-3679

THE FULL TEXT OF THE PROPOSED RULE IS:

5J-12.002 Registration.

(1)(a) Any person who intends to operate a motor vehicle repair shop shall, before engaging in such activities, ~~annually~~ apply for and obtain a registration certificate from the Department using form DACS 10900, Registration Application, Motor Vehicle Repair Act, effective 1-18-95, revised 9-13-01 ~~and 5-3-03~~, hereby incorporated by reference. Copies of this form may be obtained from the Department of Agriculture and Consumer Services, Division of Consumer Services, Motor Vehicle Repair, 2005 Apalachee Parkway, Terry L. Rhodes Building, Tallahassee, Florida 32399-6500.

(b) through (d) No change.

(2) No change.

(3) The Department will register motor vehicle repair shops whose current registration expires on or after September 1, 2003, and who have fully complied with Section 559.901-559.9221, Florida Statutes, and the Rules adopted thereunder in the following manner:

(a) All motor vehicle repair shops renewing their registration with the Department and whose name begins with a number or the letter A through J will be registered for a period of one year. All motor vehicle repair shops registering under this section will be required to pay a one year registration fee;

(b) All motor vehicle repair shops renewing their registration with the Department whose name begins with the letter K through Z will be registered for a period of two years. All motor vehicle repair shops registering under this section will be required to pay a two year registration fee;

(c) All motor vehicle repair shops registering with the Department for the first time will be required to be registered for a two year period and pay a two year registration fee;

(d) Subsection (3) will expire on July 1, 2004.

Specific Authority 559.2201, 570.07(23) FS. Law Implemented 559.904, 559.916 FS. History—New 1-18-95, Amended 5-24-95, 2-11-98, 1-20-03,

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Dee Keck, Regulatory Program Administrator, Division of Consumer Services, Department of Agriculture and Consumer Services

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: James R. Kelly, Director, Division of Consumer Services, Department of Agriculture and Consumer Services

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: July 23, 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.”

**DEPARTMENT OF CORRECTIONS**

RULE TITLE: Transition Assistance Program

RULE NO.: 33-601.504

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to implement Section 944.7065, F.S., which requires that each inmate released from incarceration be provided with a 100 hour comprehensive transition course that covers job readiness and life management skills.

SUMMARY: The proposed rule establishes a transitions skills program for inmates being released from incarceration.

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, 944.701, 944.706, 944.708 FS.

LAW IMPLEMENTED: 20.315, 944.291, 944.708, 944.611, 944.613, 944.7065 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:

33-601.504 Transition Assistance Program.

(1) through (2) No change.

(3)(a) The department shall provide participation in a standardized release orientation program to every eligible inmate within 6 months prior to the inmate’s release date. The release orientation program shall consist of pre-release or post-release instruction that includes, ~~but is not limited to:~~

1. through 6. No change.

(b) The transition skills program will be provided to all inmates and all inmates will be required to complete the course prior to release except for the following:

1. Emergency releasees;

2. Inmates who are not to be released from incarceration such as those released to detainers to other state or federal authorities where the inmate will be detained or incarcerated. However, pursuant to Section 944.703, F.S., the Department of Corrections shall determine whether cancellation of the detainer is likely or that the incarceration for which the detainer was issued will be of short duration.

3. Inmates who are unable to attend due to mental or medical conditions as supported by written medical staff direction or opinion.

4. Inmates who are in the reception process.

5. Inmates who have completed the reception process but cannot complete the course.

6. Inmates who are serving a Florida sentence in another jurisdiction.

(c) The classification officer shall review all inmates at the facility who are within 180 days of release to verify completion of the transition skills program.

(d) The Institutional Classification Team (ICT) shall ensure that inmates mandated for the 100-Hour Transition Skills Program are informed of this assignment in accordance with classification procedures and that the consequences of the refusal are explained. The explanation shall include:

1. The inmate is required to participate in the mandatory transition skills program.

2. Disciplinary action in accordance with Chapter 33-601, F.A.C., will be imposed as a consequence of the inmate refusing to work or participate in mandatory programs.

3. In addition to disciplinary action, no inmate will be eligible to participate in a work release center assignment or work release program if he or she refuses to participate in the mandatory transition skills program or has not subsequently completed the program.

4. Disciplinary action will also be taken if the inmate agrees to enter the mandatory transition skills program but is subsequently reassigned due to behavior problems or the inmate's unwillingness to actively participate in program activities and follow program rules as determined by transition services staff.

(e) If an inmate refuses to participate after program enrollment, the refusal shall be documented in the Offender Based Information System (OBIS).

1. The inmate shall be required to sign Form DC5-415, Refusal of Mandatory 100-Hour Transition Skills Program. Form DC5-415 is hereby incorporated by reference. Copies of this form are available from the Forms Control Administrator, Office of the General Counsel, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500. The effective date of this form is \_\_\_\_\_.

2. If the inmate refuses to sign Form DC5-415, the refusal shall be noted on the referral form and witnessed by two staff members.

3. If the inmate refuses to participate and later recants, the inmate shall be allowed to request to participate by completing an Inmate request, Form DC6-236, and submitting it to the classification officer. Form DC6-236 is incorporated by reference in Rule 33-103.019, F.A.C.

(b) through (c) renumbered (f) through (g) No change.

(4) through (7) No change.

(8) The department is authorized to enter into contracts with the Agency for Workforce Innovation ~~Department of Labor and Employment Security~~ for the provision of job placement. The department is authorized to enter into contracts with the Department of Children Health and Family Rehabilitative Services, the Salvation Army, and other public or private organizations, including faith-based service groups, for the provision of basic support services in the various counties of the state for other provisions and special needs as the receiving agencies for inmate releasees.

Specific Authority 944.09, 944.701, 944.706, 944.708 FS. Law Implemented 20.315, 944.291, 944.701-708, 944.611, 944.613, 944.7065 FS. History--New 1-19-86, Amended 11-8-86, 5-18-87, 4-20-89, 1-29-92, 5-21-92, 1-5-93, 11-16-97, Formerly 33-7.008, Amended \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Bernard Cohen

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: James V. Crosby, Jr.

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: February 14, 2003

**DEPARTMENT OF CORRECTIONS**

RULE TITLE:  
Special Management Meal

RULE NO.:  
33-602.223

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to correct staff titles and provide clarification of the process for placement of inmates on the special management meal.

SUMMARY: The proposed rule corrects staff titles and clarifies the process for placement of inmates on the special management meal.

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 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:

33-602.223 Special Management Meal.

(1) No change.

(2) Requirements for Utilization of Special Management Meal.

(a) through (e) No change.

(f) The special management meal shall be utilized at all institutions with the exception of those designated for youthful offenders. The Bureau of Food Services shall provide orientation in the preparation and service of the special management meal. The Director Bureau of Security and Institutional Support Food Services, based on documentation from the administrator of the food services section, shall certify to the Assistant Secretary Director of Institutions, the warden, and the contractor food service director the successful completion of special management meal preparation and service that training. Certification is required before the institution is authorized to utilize the special management meal. The special management meal will then be authorized for use on a case-by-case basis at those institutions as provided in this rule.

(3) through (7) No change.

(8) An inmate may be placed on the special management meal for a maximum of 7 days before being returned to regular meals for a minimum of one day. If an inmate engages in any of the behavior described in subsection (2) above after being returned to regular meals ~~or at the end of a 7 day period on~~

~~special management meal status~~, the inmate may be placed on special management meal status again by following the above procedures.

Specific Authority 20.315, 944.09 FS. Law Implemented 20.315, 944.09 FS. History—New 1-11-88, Amended 3-4-92, 5-27-97, 11-25-98, Formerly 33-3.0085, Amended 8-1-00, 1-2-02,\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Greg Drake

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: James V. Crosby, Jr.

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

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

RULE TITLE: Board Certification Course Requirements and Course Approval

RULE NO.: 64B12-14.004

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

SUMMARY: The Board is adding a new section to the rule clarifying that certification courses that are taken to acquire Board certification may not also be used to satisfy the biennial continuing education course requirements.

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

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

SPECIFIC AUTHORITY: 484.002(6), 484.005(4) FS.

LAW IMPLEMENTED: 484.002(6) 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: Sue Foster, Executive Director, Board of Opticianry, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3258

THE FULL TEXT OF THE PROPOSED RULE IS:

64B12-14.004 Board Certification Course Requirements and Course Approval.

Applicants for Board certification must submit with their application proof of satisfactory completion of Board approved courses which meet the requirements of this rule.

(1) through (6) No change.

(7) Board certification courses may be taken for the purpose of fulfilling continuing education course requirements, but only if they are not taken to obtain Board certification as described herein.

Specific Authority 484.002(6), 484.005(4) FS. Law Implemented 484.002(6) FS. History—New 7-7-87, Formerly 21P-14.004, 61G13-14.004, 59U-14.004, Amended\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Board of Opticianry

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 6, 2003

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

**DEPARTMENT OF HEALTH**

**Board of Pharmacy**

RULE TITLE: Executive Director

RULE NO.: 64B16-25.130

PURPOSE AND EFFECT: The Board proposes the rule amendment to follow Emergency Rule 64BER03-1, F.A.C., which expanded the qualifications of the Board’s executive director.

SUMMARY: The proposed rule amendment removes the requirement that the executive director be an actively licensed Florida pharmacist.

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: 465.005 FS.

LAW IMPLEMENTED: 48.111(2), 456.004, 456.009 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 15, 2003 IN TALLAHASSEE, FLORIDA.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Lucy C. Gee, Acting Executive Director, Board of Pharmacy/MQA, 4052 Bald Cypress Way, Bin #C04, Tallahassee, Florida 32399-3254

THE FULL TEXT OF THE PROPOSED RULE IS:

64B16-25.130 Executive Director.

The Executive Director is hereby designated as the agent of the Board for the service of legal process upon the Board. ~~The Executive Director shall be a pharmacist actively licensed in the State of Florida.~~

Specific Authority 465.005 FS. Law Implemented 48.111(2), 456.004, 456.009 FS. History—New 10-17-79, Formerly 21S-8.04, 21S-8.004, Amended 7-30-91, Formerly 21S-25.130, 61F10-25.130, 59X-25.130, Amended 10-29-97, \_\_\_\_\_

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Board of Pharmacy

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

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

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

**DEPARTMENT OF HEALTH**

**Board of Pharmacy**

RULE TITLE: Definition of Compounding

RULE NO.: 64B16-27.700

PURPOSE AND EFFECT: The Board proposes the rule amendment to implement Section 465.0265, Florida Statutes, and to conform with Rule 64B16-28.450, F.A.C., to allow the transfer of patient specific compounded prescriptions.

SUMMARY: The proposed rule amendment updates the definition of compounding to include the transfer of patient specific compounded prescriptions from one pharmacy to another pharmacy when authorized as centralized prescription filing pursuant to Section 465.0265, Florida Statutes, and Rule 64B16-28.450, F.A.C.

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

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

SPECIFIC AUTHORITY: 465.0265 FS.

LAW IMPLEMENTED: 465.0265 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 15, 2003 IN TALLAHASSEE, FLORIDA.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Lucy C. Gee, Acting Executive Director, Board of Pharmacy/MQA, 4052 Bald Cypress Way, Bin #C04, Tallahassee, Florida 32399-3254

THE FULL TEXT OF THE PROPOSED RULE IS:

64B16-27.700 Definition of Compounding.

“Compounding” is the professional act by a pharmacist or other practitioner authorized by law, employing the science or art of any branch of the profession of pharmacy, incorporating ingredients to create a finished product for dispensing to a patient or for administration by a practitioner or his agent; and shall specifically include the professional act of preparing a unique finished product containing any ingredient or device defined by Sections 465.003(7),(8), F.S. The term also includes the preparation of nuclear pharmaceuticals and diagnostic kits incident to use of such nuclear pharmaceuticals. The term “commercially available products,” as used in this section, means any medicinal product as defined by Section 465.003(7),(8), F.S., that are legally distributed in the State of Florida by a drug manufacturer or wholesaler.

(1) No change.

(2) The preparation of drugs or devices for sale or transfer to pharmacies, practitioners, or entities for purposes of dispensing or distribution is not compounding. Except that the supply of patient specific compounded prescriptions to another pharmacy under the provisions of Section 465.0265, Florida Statutes, and Rule 64B16-28.450, F.A.C., is authorized.

Specific Authority 465.005 FS. Law Implemented 465.003(12), 465.0155, 465.0265 FS. History—New 10-1-92, Formerly 21S-27.700, 61F10-27.700, 59X-27.700, Amended \_\_\_\_\_

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Board of Pharmacy

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 5, 2003

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: December 27, 2002

**DEPARTMENT OF HEALTH**

**Board of Speech-Language Pathology and Audiology**

RULE TITLE: Examination Fee

RULE NO.: 64B20-3.003

PURPOSE AND EFFECT: The board proposes to repeal the rule requiring a fee for examination applicants.

SUMMARY: The Department of Health is no longer administering an examination for initial licensure. The exam is a national exam and the applicants pay the exam fee directly to the provider.

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

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



SPECIFIC AUTHORITY: 468.1145(1) FS.

LAW IMPLEMENTED: 468.1145(3) FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE NEXT AVAILABLE ISSUE OF THE FLORIDA ADMINISTRATIVE WEEKLY.

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

THE FULL TEXT OF THE PROPOSED RULE IS:

64B20-3.003 Examination Fee.

Specific Authority 468.1145(1) FS. Law Implemented 468.1145(3) FS. History--New 3-14-91, Formerly 21LL-3.003, 61F14-3.003, Amended 2-13-95, Formerly 59BB-3.003, Repealed \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Speech-Language Pathology and Audiology

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Speech-Language Pathology and Audiology

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 21, 2003

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

Mental Health Program

RULE TITLES:	RULE NOS.:
Operation and Administration of State Mental Health Treatment Facilities	65E-5.601
Rights of Residents of State Mental Health Treatment Facilities	65E-5.602

PURPOSE AND EFFECT: The purpose and effect of the rule development is to establish procedures to be followed by the staff of state civil mental health treatment facilities under the Baker Act where the substantial interests of the residents of the facilities are impacted. The rules will amend Chapter 65E-5, F.A.C., to conform to current titles, laws, or regulations.

SUMMARY: The subject matter to be addressed in this proposed rule includes: rights and privileges of individuals in state civil mental health facilities, including voting in public elections, abuse reporting, confidentiality, and resident grievance process, operation and administration of state civil mental health facilities.

SPECIFIC AUTHORITY: 394.457(5) FS.

LAW IMPLEMENTED: 394.457(2), 394.459(5) FS.

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.

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

TIME AND DATE: 10:00 a.m., October 15, 2003

PLACE: Mental Health Program Office, Department of Children and Family Services, 1317 Winewood Blvd., Building, 6, Conference Room A, Tallahassee, FL 32399-0700

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Charles M. Kimber, Mental Health Program Office, Department of Children and Families, 1317 Winewood Blvd., Building, 6, Room 223, Tallahassee, FL 32399-0700

THE FULL TEXT OF THE PROPOSED RULES IS:

65E-5.601 Operation and Administration of State Mental Health Treatment Facilities.

(1) In order to protect the health and safety of individuals residing in state civil mental health facilities, the department shall specify the procedure for reporting critical incidents in Departmental Operating Procedure.

(2)(a) In order to protect the welfare of the individuals residing in state civil mental health facilities, the department shall establish a uniform grievance procedure for residents of all state civil mental health treatment facilities. At a minimum, the policy should address the process for filing a grievance and establish accountability for managing the issue to resolution. This procedure shall be explained during the orientation process and in written orientation materials.

(b) Any grievance may be verbal or written. When the grievance is verbal, the facility will provide a party not named in the dispute to assist the resident in writing the grievance. The grievance shall detail the issue and the remedy sought. All resident grievances shall be addressed to the resident advocate and the unit director or treatment team leader. The Resident Advocacy Office shall monitor all grievances.

(c) The grievance shall be date-stamped upon receipt by the unit director or treatment team leader. Where possible, the grievance should be resolved in the shortest period. At a minimum, the resident shall receive a written response to the grievance within 14 calendar days from date of receipt. The resident or the resident's representative may appeal the disposition of a grievance to the facility administrator.

(d) The procedure for filing a grievance shall be conspicuously posted in the living areas where the residents can read the procedure. The procedure shall be available in other languages of the resident population.

(3) The department shall specify, in operating procedure, the format for the clinical records of individuals residing in state civil mental health treatment facilities.

(4) The department shall develop statewide operating procedures for the management and operations of state civil mental health treatment facilities.

(5) The department shall require each state civil mental health treatment facility to develop a system of quality improvement or performance improvement.

Specific Authority 394.457(5) FS. Law Implemented 394.457(2), 394.459(5) FS. History—New \_\_\_\_\_

65E-5.602 Rights of Residents of State Mental Health Treatment Facilities.

(1) Residents shall have ready access to telephones. Any restriction on telephone usage shall be documented in the clinical record. Such documentation shall specify the reason for the restriction, its duration, and the treatment goals and interventions aimed at lifting the restriction. At no time, shall there be a restriction of telephone access to his or her legal counsel, the Florida Abuse Registry, Local or Statewide Advocacy Councils, or the Advocacy Center for Persons with Disabilities.

(2) The Department shall develop operating procedures to protect the confidentiality of records within the facility and in transport to other facilities and other therapeutic services.

(3) Each state civil mental health treatment facility shall post instructions conspicuously in living areas and visiting areas where residents and visitors can read the instructions on how to report a complaint.

(4) Each state civil mental health treatment facility shall establish visiting hours for each of its residential units. The visiting hours shall be based on the needs of residents and their visitors and shall minimize interruption of the individual's treatment program schedules. Each state civil mental health treatment facility shall post its visiting hours in places where residents and visitors frequent. Visiting hours shall be provided to the resident, family, and representatives at the time of admission. Visitors may request exceptions to posted visiting hours with the Unit Director or treatment team leader.

(5) Each state civil mental health treatment facility shall establish with the local county supervisor of elections, a process for allowing eligible residents to register and to vote in public elections. The process shall be published and provided to each resident and conspicuously posted in living areas where residents can read it. The resident's representative shall also be informed of the process. The facility shall make available voter registration forms, applications for absentee ballots, and absentee ballots.

(6) No state civil mental health treatment facility shall initiate any mental health treatment, including psychotropic medication, until express and informed consent for psychiatric treatment is obtained from a person legally qualified to give it, except in the following situations:

(a) Where emergency treatment is ordered by a physician, as defined in s. 394.455(21), F.S., to preserve the immediate safety of the resident or others in the facility;

(b) When a person is admitted to a state mental health treatment facility and has a current prescription for psychotropic medication(s), is unable to provide express and informed consent, is determined by the admitting physician to be in need of the medication prescribed prior to admission and an alternative decision maker is being pursued through the court; or

(c) When a Court Order is obtained after adequate notice and hearing.

(7)(a) Any limitation or restriction of a resident's access to the grounds or treatment program shall be based on clearly documented evidence of risks to self or others.

(b) The time span during which residents are allowed access to the grounds shall be specified conspicuously and posted in living areas. Access to grounds may be limited during the hours a resident is scheduled to attend prescribed programming. Access to grounds status shall be established and documented in the clinical record for all newly admitted persons within 72 hours of admission.

(c) An individualized plan shall be developed and documented in the clinical record for residents who have been identified by the treatment team as experiencing significant loss of independent access to grounds.

(d) Those residents certified by the facility as experiencing long-term loss of independent access to grounds based on physical health issues or adaptive deficits shall be provided opportunities to go outside unless medically contraindicated.

(e) Any change to access to the grounds status shall be based on the treatment team's assessment.

(f) Decisions about changes in access to grounds status shall be based in part on an assessment of risk, with criteria influencing access changes being documented and filed in the person-centered record.

(g) An assessment of risk shall consider, at a minimum, the following categories of risk:

1. Suicide attempts or threats;

2. Intentional self-injury;

3. Homicide;

4. Assault;

5. Elopement;

6. Substance abuse;

7. Physically vulnerable;

8. Psychotropic medication issues; and

9. Other potentially harmful behaviors.

(h) With the exception of emergency situations, physicians write treatment orders prescribing a change in access to grounds status.

(i) Residents who are restricted to their residence shall not leave without a specific order designating a location, the level of staff supervision required, and the length of time to be spent at the location.

(j) Teams shall show progressive actions taken to manage significant, recurring issues for residents in the least restrictive manner possible. The exception shall be those changes where a resident's access to the grounds is limited due to serious, acute health/safety matters. Interventions must be documented in order to show the use of the least intrusive, most positive methods for the restoration of freedom of movement and follow through with treatment before the use of more restrictive options.

(k) Residents who disagree with limitations to grounds access shall have a right to a review of those limitations. Each treatment facility shall publish procedures to insure the limitations are reviewed. The resident or the resident's representative may appeal the restriction to the facility administrator through the grievance process.

(l) Residents shall retain their access to grounds status when transferred from one residential area to another, unless their psychological or physical condition has changed, requiring a limitation to grounds access by a physician's order and based on a comprehensive risk assessment.

(m) Residents who do not have full access to the grounds shall be provided the opportunity to exit the building for outside time and physical exercise on a daily basis, excluding severe weather conditions, for at least a half-hour per day. Residents have the right to decline to go outside, if they so chose.

(n) All residents with full or prescribed access to grounds (as indicated in their individualized service plan) shall be provided with an orientation to grounds and boundaries of the facility.

(8) Restraint and seclusion shall be used only in situations of emergency as a safety measure, when there is imminent and substantial danger of bodily harm to the individual or others. Where possible, behavioral crises shall be prevented. The use of restraint or seclusion shall be individualized to the needs of the resident and his or her ability to regain control.

Specific Authority 394.457(5) FS. Law Implemented 394.457(2), 394.459(5),(12) FS. History--New \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Charles Kimber

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Sally Cunningham

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 29, 2003

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 16, 2003

**FLORIDA HOUSING FINANCE CORPORATION**

RULE TITLES:	RULE NOS.:
Definitions	67-25.002
Notice of Program and Invitation and Application to Participate	67-25.005
Program Documents	67-25.006
Allocation of Proceeds	67-25.007
Program Fees	67-25.008
Commitment and Origination Periods	67-25.009
Builders Commitments	67-25.010
Loan Processing	67-25.011
Eligible Persons	67-25.012
Transfer of Single-Family Residence by Eligible Borrower	67-25.013
Rental of Bond Financed Residences	67-25.014
Interest Rate on Program Loans and Financing Programs	67-25.015
Private Mortgage Insurance	67-25.0155
Rating of Bonds	67-25.017

PURPOSE AND EFFECT: The purpose of Rule Chapter 67-25, Florida Administrative Code (F.A.C.), is to establish the procedures by which the Florida Housing Finance Corporation shall: administer and implement the Single Family Mortgage Revenue Bond Program provisions authorized by Florida Statutes, Section 420.507(12), F.S., and identify the definitions for terms.

SUMMARY: Currently, Rule Chapters 67-8, 67-14, 67-19 and 67-25, F.A.C., set forth the policies and procedures implemented by the Florida Housing Finance Corporation in the use of the Single Family Mortgage Revenue Bond Program. The Corporation made the decision to consolidate, conform and compile all of the information prescribing the policies and procedures implemented for the Single Family Mortgage Revenue Bond program into Rule Chapter 67-25, F.A.C. Additionally, the Corporation has reviewed the contents of this rule to ensure that the language contained therein is still in line with the Statute, current goals of the Corporation and reflects any material changes that have taken place within the structure of the Single-Mortgage Revenue Bond Program.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None.

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

SPECIFIC AUTHORITY: 420.507 FS.

LAW IMPLEMENTED: 120, 420.502, 420.503, 420.507, 420.508, 420.509 FS.

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

TIME AND DATE: 11:00 a.m., October 3, 2003

PLACE: Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Formal Conference Room, Tallahassee, Florida 32301-1329

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Keantha Belton, Single Family Bonds Manager, Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32301-1329, (850)488-4197

THE FULL TEXT OF THE PROPOSED RULES IS:

67-25.002 Definitions.

(1) "Act" means the Florida Housing Finance Corporation Act, as found in Chapter 420, Part V sections 420.501 through 420.516, part V, Florida Statutes, as amended.

(2) "Acquisition Price" means the cost of acquiring a single-family residence from the seller as a completed residential unit. "Agency" means the Florida Housing Finance Agency, created pursuant to the act.

(3) "Annual Family Income" means the mortgagor's annualized gross income. Annualized gross income is gross monthly income multiplied by twelve (12). Gross monthly income is the sum of monthly gross pay; any additional income from overtime, part-time employment, bonuses, dividends, interest royalties, pensions, Veterans Administration (VA) compensation, net rental income, etc.; and other income (such as alimony, child support, public assistance, sick pay, social security benefits, unemployment compensation, income received from trusts, and income received from business activities or investments.) The income to be taken into account in determining the gross monthly income is the income of the mortgagor (or mortgagors) and any other person who is expected to principally and permanently reside in the residence being financed the current annual income, as determined by federal regulations, if any, for eligible persons or families residing or intending permanently to reside in the single family residence.

(4) through (5) No change.

(6) "Average Area Purchase Price" means the average purchase price of single-family residences in the county wherein the single-family residence is located. "Acquisition Cost" means the cost of acquiring a single family residence from the seller as a completed residential unit.

(7) through (11) No change.

(12) "Conventional Mortgage Loan" means a Mortgage Loan other than an FHA Insured Mortgage Loan, USDA-RD Guaranteed Mortgage Loan, VA Guaranteed Mortgage Loan or HUD Section 184 Guaranteed Mortgage Loan, satisfying the requirements of Freddie Mac, Fannie Mae or a private mortgage insurance provider, as applicable. Qualified mortgage loan which is not insured by FHA or guaranteed by VA.

(13) "Correspondent Lender" means a lender which does not meet all of the qualification requirements for designation as, or has not made an Application as a Participating Lender pursuant to the terms of the Mortgage Purchase Agreement, but wishes to originate loans under the Program under an agreement executed by a Participating Lender, wherein such Correspondent Lender is approved by the Participating Lender to originate and sell, transfer, or assign to the Participating Lender, Mortgage Loans under the Indenture.

(14)(13) "Eligible Person or Families" or "Eligible Borrower" means a person or persons or family or families:

(a) Who intend to ~~intending~~ intending principally and permanently to reside as a household in the Home as their principal a single-family residence;

(b) Whose total annual family income does not exceed the appropriate maximum annual family income established by the Corporation under the specific Single-Family Mortgage Revenue Bond particular single family program for which a qualified mortgage loan is being applied; and

(c) To the extent required by applicable federal law, if any, with respect to each person who purchases a single-family residence not located within a targeted area, each such person who is executing the mortgage is a first time home buyer.

(15)(14) "Eligible Properties" or "Home" means single-family attached or detached residential units:

(a) ~~That are those properties for single family attached or detached residences~~ financed by Qualified Mortgage Loans whose acquisition prices costs do not exceed the maximum acquisition prices costs as defined in subsection 67-25.002(23), F.A.C., of this rule shall be established by the Corporation in its program documents for a particular bond issue;

(b) Which are taxed as real property under the laws of the State of Florida and is located within the State, including a condominium unit and a manufactured home meeting conventional or FHA standards, which is acceptable to any insurer providing private mortgage insurance, FHA, VA or RD;

(c) That may consist of two-, three-, four-family dwelling units and all of which units were first occupied as homes at least five (5) years before the Loan with respect to such Home which:

1. Is designed and intended primarily for residential housing;

2. Is determined by a qualified appraisal to have an expected useful life of not less than 30 years or term of the First Mortgage, whichever is less; and

3. Will be occupied by the owner as his or her principal residence within a 60 days after financing is provided. Such amounts shall in no event exceed amounts allowable under applicable federal law, if any. In establishing the maximum acquisition costs the Corporation shall take into consideration applicable federal law relating to maximum acquisition costs;

market conditions, the cost and condition of available housing, private housing market conditions and the total median income and assets of persons and families within the state.

(16)(15) “Existing Home” means any residential dwelling which has been occupied and is not considered new construction.

(17)(16) “FHA” means the Federal Housing Administration of the U.S. Department of Housing and Urban Development or other Corporation or instrumentality created or chartered by the U.S. to which the powers of the Federal Housing Administration have been transferred.

(18)(17) “FHA Insurance” means FHA mortgage insurance on residences issued under one of the following FHA programs pursuant to the National Housing Act of 1937, as amended:

- (a) Section 203(b) – home unsubsidized;
- (b) Section 234(c) – condominiums;
- (c) Section 203(v) – veterans status.

(19)(18) “First Time Home Buyer” means eligible persons or families, except eligible persons or families acquiring a single-family residence in a targeted area, who have not had an ownership interest in a principal single-family residence at any time during the preceding 3-year period prior to ending on the date the mortgage is executed, other than a construction period loan, bridge loan or other similar temporary initial financing with a term generally not exceeding 24 months with respect to the single-family residence.

(20)(19) “Laws” means all applicable statutes, laws, ordinances, regulations, orders, rules or directives of the United States, the state of Florida or any county therein.

(21) “Lender Guide” means the guide prepared by the Servicer for the origination and delivery of Mortgage Loans to be purchased by the Servicer and the eligibility, credit and security underwriting standards applicable thereto.

(22)(20) “Low Income” means 80 percent of the median income for the county in which the single-family residence is located or of the median income of the state, whichever is greater.

(23)(21) “Maximum Acquisition Price Cost” means the maximum purchase price of a Single Family Residence, as prescribed in the IRS Revenue Procedures 94-55, hereby incorporated by reference. A copy may be obtained by contacting the Single Family Bonds Program Administrator at 227 North Bronough Street, Suite 5000, Tallahassee, FL 32301-1329. Acquisition Price limits are also subject to the applicable FHA/VA/RD limits for the Counties, maximum acquisition cost for new one-family dwellings and existing one-family dwellings in the targeted and non-targeted areas in each county, as determined by the Corporation pursuant to the 1954 code and the code, as applicable.

(24)(22) “Maximum Annual Family Income” means, with respect to Mortgage Loans originated on new and existing Single Family Residences, the applicable limits announced by

the Corporation which amounts shall be based on state and area median income figures published by the United States Department of Housing and Urban Development annually, hereby incorporated by reference, and any other requirements relating to a particular county in the State. A copy of these figures may be obtained by contacting the Single Family Program Administrator at 227 North Bronough Street, Suite 5000, Tallahassee, FL 32301-1329. The the maximum annual family income limits are as established by the Corporation under a specific bond program as set forth in the Program Documents, such determination being based on the market conditions, the amount of total income and assets of persons or families which are available for housing needs, family size, the cost and condition of available housing facilities, the ability of persons or families to compete successfully in the normal private housing market and to pay the amounts at which private enterprise is providing decent, safe and sanitary housing. However, such maximum annual family income for any program shall not exceed applicable federal law, if any, and in no event shall it exceed 150 percent of the median family income in the county in which the single family residence is located, or the median family income of the state, whichever is greater.

(23) through (25) renumbered (25) through (27) No change.

(28) “Mortgage Loan” an interest-bearing obligation secured by a mortgage constituting a first lien on a Single Family Residence in the State which is in the form of a mortgage or other instrument approved by the FHA in the case of an FHA insured loan, VA in the case of a loan guaranteed by VA, RD in the case of a loan guaranteed by RD, Fannie Mae or Freddie Mac in the case of a conventional loan, or as approved by Florida Housing for other loans, which incorporates the Tax-Exempt Financing Rider in the form in the Lender Guide, if applicable (or such other rider as may be applicable), and which meets the requirements set forth in the Master Mortgage Purchase Agreement. As used herein, “Mortgage Loan” does not include loans generated under the Corporation’s second mortgage loan programs.

(29) “Mortgage Note” means the then-effective form of mortgage note required by FHA for FHA insured loans and the form required by VA for VA guaranteed loans, and the form required by Fannie Mae or Freddie Mac for conventional loans and by RD for RD loans, as applicable, with appropriate riders, executed to evidence the mortgagor’s obligation to repay the Mortgage Loan.

(30)(26) “New Construction” means a residential dwelling unit which has not previously been occupied as a residence.

(31)(27) “Participating Lender” means the entity signing a Master Mortgage Purchase Agreement and all applicable Supplements to the Master Mortgage Purchase Agreement, which by virtue of executing represents that it is a home mortgage lending institution or entity.

(a) Participating in the local private home lending market;

(b) That is an FHA-approved mortgagee (with direct endorsement underwriting authority preferred), or a VA-approved lender (with automatic approval authority preferred), or an RD approved lender (unless waived by the Corporation or its designee);

(c) With respect to Conventional Mortgage loans, is a Fannie Mae and/or Freddie Mac approved lender in good standing, has errors and omissions coverage of at least \$300,000, meets the requirements of the Corporation or its designee with respect to financial status and is acceptable to a Fannie Mae and/or Freddie Mac PMI Insurer, if applicable;

(d) Which can make the representations and warranties and covenants set forth in the Master Mortgage Purchase Agreement; and

(e) Which has agreed to and will originate Mortgage Loans itself or through Correspondent Lenders. ~~“Participant means a Qualified Lending Institution participating in the Corporation’s single family bond program.”~~

(32)(28) “Program” or “Single-Family Bond Program” means the Corporation’s ~~Single-Family Mortgage Revenue Bond Program~~ pursuant to which a trustee, on behalf of the Corporation, will purchase Qualified Mortgage Loans from the participating ~~lenders~~ or obligations secured by Qualified Mortgage Loans from Qualified Lending Institutions.

(33)(29) “Qualified Appraiser” means an individual or firm that is qualified as an appraiser by the society of real estate appraisers or the American Institute of Real Estate Appraisers and acceptable or approved by FHA, VA, ~~Fannie Mae, Freddie Mac NMA or FHLMC~~ or any private mortgage insurance provider to provide appraisal reports.

(34)(30) “Qualified Lending Institution” means any bank or trust company, mortgage banker, savings bank, credit union, national banking association, savings and loan association, building and loan association, insurance company, the First Housing Development Corporation of Florida, or other financial institution or governmental Corporation authorized to transact business in the state of Florida which institution customarily provides services in the financing of mortgages for real property in Florida. All Qualified Lending Institutions must be qualified FHA, VA, FNMA or FHLMC originators and servicers as required by the program documents. The Corporation shall have the right to require representatives of the Qualified Lending Institution to attend educational programs related to their participation in the bond programs in order for the Qualified Lending Institution to remain eligible to participate in Corporation programs.

(35)(31) “Qualified Mortgage Loan” means any loan under ~~an~~ the Corporation programs made to an eligible borrower and evidenced by a mortgage note which is secured by a related mortgage on the eligible property.

(36)(32) “Single-Family Residence” or “Home” means a residential unit used as a single-family residence, which is taxed as real property under the laws of the state and is located in the Sstate, including a condominium unit and a manufactured home meeting conventional or FHA FNMA standards, ~~each of which is acceptable to any insurer providing private mortgage insurance, under the program or FHA, VA or RD as applicable, but not a.~~ The dwelling structure may consist of two-, three- or four-family dwelling units, one unit of which is to be occupied by the mortgagor of the units and all of which units were first occupied as homes at least five (5) years before the Loan with respect to such Home which residence: unless each unit in such residence is owner occupied, and land appurtenant to the residential unit which:

(a) Is designed and intended primarily for residential housing;

(b) Is determined by qualified appraisal as provided herein to have an expected useful life of not less than 30 years or the term of the mortgage, whichever is less;

(c) Will be occupied by the owner as his or her principal residence within a reasonable time after financing is provided. For purposes of this subparagraph, 60 days shall be deemed a reasonable time;

(d) Acquisition ~~price cost~~ does not exceed the maximum acquisition ~~price cost~~; and

(e) Appurtenant land reasonably maintains the basic livability of the residence and does not provide, other than incidentally, a source of income to the Eeligible Bborrower, including child care services on a regular basis for compensation.

(37)(33) “Targeted Area” means ~~the territory or area within the state which the Corporation determines to be a qualified census tract or an area of chronic economic distress within the meaning of the code and, if applicable, the 1954 code and regulations thereunder: those areas within the State listed as Federally Designated Census Tracts, Areas of Chronic Economic Distress (if any) and areas in need of economic revitalization as determined by local government officials and adopted by Resolution, hereby incorporated by reference. A copy of the listing of such areas can be obtained by contacting the Single Family Bonds Program Administrator at 227 North Bronough Street, Suite 5000, Tallahassee, FL 32301-1329.~~

(38)(34) “VA” means the Department of Veterans Affairs Administration, an agency of the United States of America, or any successor to its functions, or other agency or instrumentality created or chartered by the U.S. to which the powers of the Veterans Administration have been transferred.

Specific Authority 420.507(12)(24) FS. Law Implemented 420.5093, 420.509(11)(c) FS. History—New 4-15-87, Formerly 91-25.002, Amended

67-25.005 Notice of Program and Invitation and Application to Participate Offer to Originate.

(1) No change.

(2) The Corporation shall establish a minimum ~~offer allocation amount~~ for participation in a program ~~based upon the amount of the bond issue, prior to origination history and market conditions or make funds available on a first-come, first-served basis based upon the amount of the bond issue, prior origination history and current market conditions.~~ The Invitation and Application to Participate offer to originate shall be accompanied by a statement from the Qualified Lending Institution indicating its experience in originating the Qualified Mortgage Loans in categories and areas requested, indicating the current financial condition of the ~~Qualified Lending Institution and indicating~~ the location of the office or offices that will be originating Qualified Mortgage Loans. (1) The Corporation shall publish a notice in the Florida Administrative Weekly announcing its intention to provide funding for Qualified Mortgage Loans and inviting ~~Qualified Lending Institutions~~ to submit the Invitation and Application to Participate offers to originate to the Corporation within the time frame designated by the Corporation under a specific bond issue at least 7 days prior to selection. The ~~offer to originate~~ Invitation and Application to Participate submitted by the ~~Qualified Lending Institution~~ shall indicate to the Corporation the amount of Qualified Mortgage Loans the Qualified Lending Institution anticipates originating for each type of qualified mortgage loan permitted under the program, unless funding is being offered by the Corporation on a first-come, first-served basis in which case lenders will not be required to specify an allocation amount.

Specific Authority 420.507 (12) FS. Law Implemented 420.502, 420.507, 420.508 FS. History—New 4-15-87, Formerly 91-25.005, Amended \_\_\_\_\_.

67-25.006 Program Documents.

(1) The following documents are required for the marketing of the bonds. The marketing of the bonds requires the generation and approval of certain program documents, including but not limited to:

~~(a)(1)~~ Trust indenture;

~~(b)(2)~~ Program administration and mortgage servicing agreement; and

~~(3)~~ Mortgage origination agreement; and

~~(c)(4)~~ Preliminary and final official statements.

(2) The following documents pertain to the Qualified Lending Institutions:

(a) Invitation and Application to Participate;

(b) Master Mortgage Purchase Agreement;

(c) Supplement to the Master Mortgage Purchase Agreement; and

(d) Lender Guide.

(3) The program parameters and guidelines to be used shall be determined by the Corporation shall be based on market conditions, housing needs of the public and the best interest of the public prior to the issuance of the bonds and shall be published at bond closing. The documents shall be binding on the Corporation and shall fully describe the specific bond program, its parameters and procedures.

Specific Authority 420.507 (12) FS. Law Implemented 420.502, 420.507, 420.508 FS. History—New 4-15-87, Formerly 91-25.006, Amended \_\_\_\_\_.

67-25.007 Allocation of Proceeds.

(1) The Corporation shall determine if funds will be made available statewide for Qualified Lending Institutions on a first-come, first-served basis or via allocations to Qualified Lending Institutions based upon the amount of the bond issue, prior origination history and current market conditions. In the event that the Corporation does not make funds available on a first-come, first-served basis, ~~The Corporation shall review all offers to originate~~ Invitations and Applications to Participate and shall designate those qualified lending institutions that shall receive allocations of the bond proceeds for purchasing Qualified Mortgage Loans and the amount of allocation that each such institution will be allocated. Participating Lenders will be notified of their acceptance via the Notice of Acceptance.

(2) In determining the allocations the Corporation shall consider:

(a) The ability of the Qualified Lending Institution to originate, process and, if applicable, service program loans.

(b) The location of the Qualified Lending Institution.

(c) The financial stability, origination and servicing experience of the Qualified Lending Institution.

(d) The overall origination history of the Qualified Lending Institution.

(e) The origination history of the Qualified Lending Institution under Corporation programs.

(f) The availability of decent, safe and sanitary housing persons or families of low, moderate, or middle income in the geographic area for which the funds have been requested.

(g) The availability, cost and stability of a supply of adequate funds for housing financing in the areas and categories for which funds have been requested.

(h) The effect of the allocation on the marketability of the funds.

(i) The requirements of state and federal law regarding the use of the proceeds.

(j) The effect of the allocation on creating a stable and viable source of funding for housing financed throughout the state of Florida.

Specific Authority 420.507(12) FS. Law Implemented 420.507(14), 420.508 FS. History—New 4-15-87, Formerly 91-25.007, Amended \_\_\_\_\_.

67-25.008 Program Fees.

(1) No change.

(2) The Corporation shall also charge a commitment fee to the participant at the time of allocation of the proceeds. If funds are made available on a first-come, first-served basis, the Corporation shall not charge a commitment fee. This commitment fee may be recouped by the participant upon the origination and closing of loans under the program by charging a loan origination fee to the eligible borrowers.

Specific Authority 420.507(12) FS. Law Implemented 420.507, 420.508 FS. History—New 4-15-87, Formerly 91-25.008, Amended.

67-25.009 Commitment and Origination Periods.

(1) The Corporation shall determine the length of the commitment period for its bond programs based on the size of the bond issue, market conditions and the best interest of the public. For purposes of this rule, commitment period shall mean the period during which participants may make loan commitments to eligible borrowers. At the end of such commitment period, the Corporation shall forfeit any remaining allocation of a participant which has failed to make commitments up to the amount of its allocation if it determines that it is in the best interest of the program and the public interest and shall make the remaining funds accessible to all Participating Lenders statewide on a first-come, first-served basis, if applicable.

(2) The Corporation shall determine the length of the origination period for its bond programs based on federal requirements as outlined in Internal Revenue Code, Section 143, hereby incorporated by reference, the size of the bond issue, market conditions and the best interest of the public. A copy of the Internal Revenue Code, Section 143, may be obtained by contacting the Single Family Bonds Program Administrator at 227 North Bronough Street, Suite 5000, Tallahassee, FL 32301-1329. For purposes of this rule, origination period shall mean the period during which participants may originate Qualified Mortgage Loans under a bond program.

Specific Authority 420.507(12) FS. Law Implemented 420.507, 420.508 FS. History—New 4-15-87, Formerly 91-25.009, Amended.

67-25.010 Builders Commitments.

(1) The Corporation recognizes the need to encourage new construction through the use of bond proceeds and accordingly may authorize or require the setting aside by Qualified Lending Institutions of portions of the funds available for mortgage origination to finance the purchase of newly constructed, not previously occupied, residences in an amount not to exceed 25% of the bond proceeds. The Corporation shall authorize or require such set-asides based upon a determination by the Corporation that the size of the issue and market conditions will allow such set-asides and that such set-asides would be in

the best interest of the public. If such set-asides are allowed, the Corporation shall allow the Qualified Lending Institution to sub-commit the new construction set-aside to builders and to charge the builders a fee for such sub-commitment not in excess of the commitment fee paid to the Corporation for the same funds.

(2) In the case of set-asides for builders, participants will be given a time period established in the program documents, ~~within which~~ to issue firm commitments to eligible borrowers. ~~FA~~ failure to issue such commitments within the time period prescribed will result in a forfeiture of the remaining portion of the set-aside. In the event of forfeiture, the funds shall be made available to all Participating Lenders statewide on a first-come, first-served basis for spot loans or reallocation pursuant to the program documents.

Specific Authority 420.507(12) FS. Law Implemented 420.507(14), 420.507(21), 420.508 FS. History—New 4-15-87, Formerly 91-25.010, Amended.

67-25.011 Loan Processing.

All applicants for and all Qualified Mortgage Loans shall be processed by the Participating Lenders ~~participants~~ in accordance with the Participating Lenders' participants' standard underwriting criteria and additional ~~other~~ criteria which may be imposed by FHA, VA or other parties insuring and guaranteeing the bonds or the Qualified Mortgage Loans. All closed Qualified Mortgage Loans shall be presented to the trustee or to the Qualified Lending Institution issuing obligations secured by ~~the such~~ Qualified Mortgage Loans for purchase of ~~the such~~ Qualified Mortgage Loans or obligations pursuant to the program documents.

Specific Authority 420.507(12) FS. Law Implemented 420.507, 420.508 FS. History—New 4-15-87, Formerly 91-25.011, Amended.

67-25.012 Eligible Persons.

In determining the maximum annual family income of eligible persons under a single-family bond program, the Corporation shall take into consideration ~~such facts as~~ the following:

- (1) The amount of total income and assets which are available for housing needs of such persons or families;-
- (2) The size of the family;-
- (3) The cost and condition of available housing facilities;-
- (4) The ability of such persons or families to compete successfully in the normal private housing market and to pay the amounts at which private enterprise is providing decent, safe and sanitary housing; and-
- (5) If appropriate, those standards established for various federal programs determining eligibility based on income and such persons or families.

Specific Authority 420.507(12) FS. Law Implemented 420.502, 420.507(14), 420.507(21) FS. History—New 4-15-87, Formerly 91-25.012, Amended.



67-25.013 Transfer of Single-Family Residence by Eligible Borrower.

If all or any part of the single-family residence or an interest therein is sold or transferred by an eligible borrower under the ~~Program mortgage loan program~~ to an individual who does not meet the credit underwriting and eligible borrower standards of the ~~Program mortgage loan program~~, or if the purchase price for which the single-family residence is sold or transferred exceeds that allowed in the program documents, the Corporation shall, if such transfer jeopardizes the tax-exempt status of the bonds, sell the Qualified Mortgage Loan or declare the entire unpaid principal balance of the note including principal and unpaid accrued interest immediately due and payable if such action is in the best interest of the Corporation and the ~~Program bond program~~.

Specific Authority 420.507(12) FS. Law Implemented 420.502, 420.507, 420.508 FS. History—New 4-15-87, Formerly 91-25.013, Amended \_\_\_\_\_.

67-25.014 Rental of Bond Financed Residences.

(1) No bond-financed residence shall be rented without the prior consent of the Corporation or a mortgage servicer designated by the Corporation to service the Qualified Mortgage Loan used to finance the residence, ~~said consent to be based on guidelines set forth in this section.~~

(2) No change.

(3) All requests for rental of a bond-financed residence by a borrower who has occupied the residence for less than 24 months must be submitted by the designated servicer to ~~the executive director of the Corporation. The executive director of the Corporation shall authorize the designated servicer to consent to such request for the following reasons:~~

(a) The necessity of renting the residence is due to an obligatory temporary employment or military transfer and the distance required to commute as a result of such transfer would create an undue hardship on the borrower, and after which the borrower will return to occupy the home; or

(b) The necessity of renting the residence is due to a non-obligatory transfer to take advantage of better employment opportunities and the distance required to commute as a result of such transfer would create an undue hardship on the borrower and good faith efforts to sell the residence on the open market for a sales price which does not exceed the appraised fair market value of the residence, for a minimum period of 3 months have been unsuccessful; or

(c) The necessity of renting the residence is due to difficulty encountered in good faith efforts to sell the residence. For purposes of this subsection, difficulty encountered in good faith efforts to sell the residence shall be deemed to be the inability to sell the residence on the open market for a sales price which does not exceed the appraised fair market value of the residence, for a minimum period of 6 months; or

(d) The necessity of renting the residence is due to a demonstrated extreme economic hardship on the borrower.

(4) Requests for rental of bond-financed residences which have never been occupied by the borrower shall not be granted except in the case of extreme economic hardship. Such request shall be considered by the Corporation ~~at its regularly scheduled Corporation meetings.~~

(5) through (6) No change.

Specific Authority 420.507(12) FS. Law Implemented 420.507, 420.508 FS. History—New 4-15-87, Formerly 91-25.009, Amended \_\_\_\_\_.

67-25.015 Interest Rate on Program Loans and Financing Programs.

(1) The Corporation shall establish the interest rate to be charged eligible borrowers for Qualified Mortgage Loans at the time of sale of the bonds based on market conditions and the best interest of the Corporation and the public. The interest rate established shall be no more than the interest rate on the bonds issued by the Corporation plus such arbitrage as is legally allowed without jeopardizing the Tax-Exempt status of the bonds. ~~However, the interest rate shall not exceed that which is legally allowed.~~ The difference between the interest rate on the bonds and the interest rate on the Qualified Mortgage Loans ~~shall either be retained by the Corporation or shall be utilized by the Corporation for any legal purpose pursuant to the Act aet.~~

(2) Flexible mortgage financing including ~~but not limited to~~ the use of graduated mortgage rates, variable rate mortgages and mortgage buy-downs is authorized so long as the use of such types of financing does not jeopardize the tax-exempt status of the bonds, does not violate any applicable laws, does not jeopardize the Tax-Exempt status of the bonds, does not violate any applicable laws or does not result in an average interest cost that substantially deviates from the fixed interest rate established by the Corporation at the time of the sale of the bonds and is determined to serve an appropriate public purpose in light of market conditions at the time of sale of the bonds. The parameters of such financing shall be specifically set out in the program documents and by Corporation.

Specific Authority 420.507(12) FS. Law Implemented 420.502, 420.507, 420.508 FS. History—New 4-15-87, Amended 2-1-89, Formerly 91-25.014, Amended \_\_\_\_\_.

67-25.0155 Private Mortgage Insurance.

For conventional loans under a whole loan program, all program loans must be insured under a primary policy of private mortgage insurance issued by a private mortgage insurer whose ability to pay claims is rated by a nationally recognized rating service or agency with a rating equivalent to or better than the rating required by Resolution of the Board of Directors of the Corporation or by Program Documents, whichever is higher, and which will write a policy or private mortgage insurance on a form prescribed by the Corporation and approved by the Insurance Commissioner and at rates to be

negotiated. Once the loan-to-value ratio reaches 78% of the original loan amount, the private mortgage insurance premium will be dropped in accordance with the Homeowner's Protection Act of 1998.

Specific Authority 420.507(12) FS. Law Implemented 420.502, 420.507, 420.508 FS. History--New

67-25.017 Rating of Bonds.

The Corporation shall determine what rating, if any, is required on the bonds. In making that determination, the Corporation will take into consideration the current marketing conditions and the best interest of the public.

Specific Authority 420.507(12) FS. Law Implemented 420.502, 420.507, 420.508 FS. History--New 4-15-87, Formerly 9I-25.017, Amended

NAME OF PERSON ORIGINATING PROPOSED RULE: Keantha Belton, Single Family Bonds Manager, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32301-1329, (850)488-4197, Extension 1213

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Esrone McDaniels, Deputy Development Officer, Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32301-1329, (850)488-4197

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 1, 2003, Corporation Board of Director's Meeting

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: Vol. 29, No. 33, August 15, 2003

**FLORIDA HOUSING FINANCE COPORATION**

RULE TITLES:	RULE NOS.:
Definitions	67-45.001
General Program Restrictions	67-45.003
Application Procedures	67-45.004
Terms and Conditions of Loans	67-45.005
Loan Processing	67-45.006
Fees	67-45.007

PURPOSE AND EFFECT: The purpose of Rule Chapter 67-45, Florida Administrative Code (F.A.C.), is to establish the procedures by which the Florida Housing Finance Corporation shall: administer and implement Home Ownership Assistance Program provisions authorized by Florida Statutes, Section 420.5088(4), F.S., and identify the definitions for terms when used in conjunction with the Single Family Revenue Bond program.

SUMMARY: Periodically the Corporation reviews the contents of its Rule Chapters to ensure that the language contained therein is still in line with the Statute, current goals of the Corporation and to reflect any material changes that have taken place within the structure of the Down Payment Assistance Loan Program or the Single-Family Mortgage Revenue Bond Program. The proposed amendments accurately reflect the findings of such review.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: None.

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

SPECIFIC AUTHORITY: 420.507 FS.

LAW IMPLEMENTED: 420.507, 420.5088 FS.

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

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

PLACE: Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Formal Conference Room, Tallahassee, Florida 32301-1329

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Keantha Belton, Single Family Bonds Manager, Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32301-1329, (850)488-4197, Extension 1213

THE FULL TEXT OF THE PROPOSED RULES IS:

67-45.001 Definitions.

(1) "Act" means the Florida Housing Finance Corporation Act as found in Chapter 420, Part V, F.S., as amended.

(2) "Construction Loan" means a loan to a non-profit sponsor or developer under the Homeownership Florida Home Ownership Assistance Program's Construction Loan Program as more fully described in Rule Chapter 67-~~5044~~, F.A.C.

(3) "Corporation" means the Florida Housing Finance Corporation.

(4) "Down Payment Assistance Loan" or "Loan" means a Florida Home Ownership Assistance Program loan for which no interest is charged and which shall be limited to the lesser of 25 percent of the purchase price of the Home house or the amount necessary to enable an Eligible Borrower to meet credit underwriting criteria. The loan shall not exceed 30 years or the term of the First Mortgage of principal is deferred until the expiration of the term of the First Mortgage, or in the event of sale, transfer, refinancing or failure to occupy the Home as the primary residence as outlined in Rule Chapter 67-25.014, F.A.C. rental of the House, in which case the Loan is due and payable in full at that time. The Down Payment Assistance Loan may be used for down payment and ~~or~~ closing costs associated with the purchase of the Home financed with Single-Family Bond Program funds house.

(5) "Eligible Borrower" means a person or persons or family or families:

(a) ~~Who receives a Down Payment Loan;~~

(~~a~~)<sup>(b)</sup> Who intend to permanently reside as a household in the Home house as their principal single-family residence;

~~(b)(e)~~ Whose total annual family income at time of closing does not exceed 72 percent for a family of one or two persons or 80 percent for a family of three or more persons of the State or local median income, whichever is greater, adjusted for family size.

~~(c)(d)~~ Who may or may not be are participating in the Corporation's Single-Family Bond Program.

(6) "Fannie Mae" means the Federal National Mortgage Association, a corporation organized and existing under the Federal National Mortgage Association Charter Act, 12 U.S.C. 1716 et seq., or any successor thereto.

(7) through (9) No change.

(10) "Freddie Mac" means the Federal Home Loan Mortgage Corporation, or any successor thereto.

~~(11)(10)~~ "Home house" means a residential unit used as a single-family residence, which is taxed as real property under the laws of the State of Florida and is located within the State, including a condominium unit and a manufactured home meeting conventional Fannie Mae or FHA standards, which is acceptable to any insurer providing private mortgage insurance, FHA, VA or RDHS. The dwelling structure may consist of, as applicable, but not a two-, three- or four-family dwelling units residence, unless each unit in such residence is owner occupied, and land appurtenant to the residential unit which one unit of which is to be occupied by the mortgagor of the units and all of which units were first occupied as homes at least five (5) years before the Loan with respect to such Home which:

(a) Is designed and intended primarily for residential housing;

(b) Is determined by a qualified appraisal to have an expected useful life of not less than 30 years or the term of the First Mortgage, whichever is less;

(c) Will be occupied by the owner as his or her principal residence within 60 days a reasonable time after financing is provided;

(d) Has a sales price which does not exceed the Maximum Acquisition ~~Price Cost~~ as defined in subsection 67-45.001(12), F.A.C., of this rule set forth in subsection 67-45.001(12), F.A.C.

(e) Maintains the basic livability of the residence and will not be used for business purposes to generate additional income for the Eligible Borrower does not provide, other than incidentally, a source of income to the Eligible Borrower (including child care services, on a regular basis for compensation).

~~(11)~~ "Lender" means any bank or trust company, mortgage banker, savings bank, credit union, national banking association, savings and loan association, building and loan association, insurance company, or other financial institution or governmental agency authorized to transact business within the State of Florida which institution customarily provides services in the financing of mortgages for real property in

~~Florida. Lenders must be qualified FHA, VA, RHS, Government National Mortgage Association (GNMA), FannieMae, or Federal Home Loan Mortgage Corporation Association (FHLMC) originators and servicers or sellers and servicers as required by the program documents and approved as a participant for the particular Single-Family Bond Program, or any other public or private loan program approved by the Corporation's Board of Directors, under which the Down Payment Assistance Loan is subordinated.~~

(12) "Maximum Acquisition ~~Price Cost~~" means the maximum purchase price of a Single Family Residence, as prescribed in the IRS Revenue Procedures 94-55, hereby incorporated by reference. A copy of this document may be obtained by contacting the Single Family Bonds Administrator at 227 North Bronough Street, Suite 5000, Tallahassee, FL 32301-1397. Acquisition Price limits are also subject to the applicable FHA/VA/RD limits for the Counties means the Maximum Acquisition Cost under the Corporation's Single-Family Bond Program.

(13) "Participating Lender" means the entity signing a Master Mortgage Purchase Agreement and all applicable Supplements to the Master Mortgage Purchase Agreement, which, by virtue of executing represents that it is a home mortgage lending institution or entity:

(a) Participating in the local private home lending market;

(b) That is an FHA-approved mortgagee (with direct endorsement underwriting authority preferred), or a VA-approved lender (with automatic approval authority preferred), or an RD approved lender (unless waived by the Corporation or its designee);

(c) With respect to Conventional Mortgage loans, is a Fannie Mae or Freddie Mac approved lender in good standing, has errors and omissions coverage of at least \$300,000, meets the requirements of the Corporation or its designee with respect to financial status and is acceptable to a Fannie Mae or Freddie Mac PMI Insurer, if applicable;

(d) Which can make the representations and warranties and covenants set forth in the Mortgage Purchase Agreement; and

(e) Which has agreed to and will originate Mortgage Loans itself or through correspondent mortgage lending institutions.

~~(14)(13)~~ "Permanent Loan" or "Loan" means a loan to a borrower under the Homeownership Florida Home Ownership Assistance Program's Permanent Loan Program as more fully described in Rule Chapter 67-5046, F.A.C.

~~(15)(14)~~ "RDHS" means Rural Development Services (formerly the Farmer's Home Administration) of the United States Department of Agriculture, its successors and assigns.

~~(16)(15)~~ "Second Mortgage" means the recorded mortgage securing the Construction Loan, Down Payment Assistance Loan or Permanent Loan, which is subordinate only to the lien of the First Mortgage.

~~(17)(16)~~ “Single-Family Bond Program” means the Single-Family Mortgage Revenue Bond Program implemented pursuant to Rule Chapter 67-25, F.A.C., or any other public or private loan program approved by the Corporation’s Board of Directors as a substitute for the Single-Family Mortgage Revenue Bond Program.

~~(18)(17)~~ “VA” means the U.S. Department of Veterans Affairs, an agency of the United States of America, or any successor to its functions.

Specific Authority 420.507(12),(23) FS. Law Implemented 420.507(23), 420.5088 FS. History–New 8-7-95, Formerly 91-45.001, Amended 12-26-99, 10-29-01, \_\_\_\_\_.

67-45.003 General Program Restrictions.

Loans will be subject to the following restrictions:

(1) In no case may an Eligible Borrower receive more than one Down Payment Assistance Loan or any other second mortgage loan offered by the Corporation both a Down Payment Assistance Loan and a Permanent Loan.

(2) Loans shall be made available only to Eligible Borrowers to finance Homes which do not exceed the Maximum Acquisition Price Cost.

(3) through (7) No change.

Specific Authority 420.507(12),(23) FS. Law Implemented 420.5088 FS. History–New 8-7-95, Formerly 91-45.003, Amended 12-26-99, \_\_\_\_\_.

67-45.004 Application Procedures.

(1) Eligible Borrowers ~~shall~~ may apply for a Down Payment Assistance Loan with any Participating Lender which is processing the applicant’s First Mortgage Loan application.

(2) Prior to receiving funding for a Down Payment Assistance Loan, Eligible Borrowers shall meet all eligibility requirements as specified in the relevant Single-Family Bond Program documents. Applicants may apply for a Downpayment Assistance Loan with any Participant which is processing the Applicant’s First Mortgage loan application from funds available from a Corporation’s Single Family Loan Program.

(3) Eligible Borrowers shall execute a note and mortgage for this loan. Prior to funding a Downpayment Assistance Loan, Participants shall make application as required in the program documents of the relevant Single Family Loan Program.

Specific Authority 420.507(12),(23) FS. Law Implemented 420.5088(2) FS. History–New 8-7-95, Formerly 91-45.004, Amended 12-26-99, 10-29-01, \_\_\_\_\_.

67-45.005 Terms and Conditions of Loans.

All Down Payment Assistance Loans must be in compliance with the Act and shall adhere to the terms and conditions outlined in Rule Chapter 67-50, F.A.C.

Specific Authority 420.507(12),(23) FS. Law Implemented 420.507(23), 420.5088 FS. History–New 8-7-95, Formerly 91-45.005, Amended \_\_\_\_\_.

67-45.006 Loan Processing.

(1) All applications and Loans shall be processed by the Participating Lenders in accordance with each Participating Lender’s standard underwriting criteria and any additional criteria ~~in regard to Second Mortgages which may be imposed~~ by FHA, VA, FannieMae, Freddie Mac, RD or other parties insuring or guaranteeing the First Mortgage loan.

(2) No change.

~~(3) Upon approval of an application by a Lender, the Corporation shall be contacted by telephone or telecopy, as provided in the applicable program documents, to ascertain the availability of sufficient funds for making the Loans. The Executive Director, or his or her designee, shall either confirm the availability of sufficient funds to make the Loan or shall inform the Lender that the amount requested for the Loan exceeds the funds available to fund the Loan.~~

~~(3)(4)~~ If sufficient funds are not available ~~in to fund~~ the full amount of the Loan as requested, the application shall be deferred to a waiting list maintained by the Corporation or its designee on a first-come, first-served basis. Such application shall be considered as soon as sufficient funds become available to finance the Loan ~~in full, as requested.~~

~~(5) Confirmation of sufficient available funds for a requested Loan shall be provided first by a telephonic or electronic confirmation by the Corporation or its designee, and then confirmation of fund availability shall be made in writing by the Corporation or its designee to the Lender.~~

Specific Authority 420.507(12),(23) FS. Law Implemented 429.5088 FS. History–New 8-7-95, Formerly 91-45.006, Amended 12-26-99, 10-29-01, \_\_\_\_\_.

67-45.007 Fees.

In connection with the origination of a Down Payment Assistance Loan, the Lender may collect and retain from the Eligible Borrower a \$150.00 ~~\$50.00~~ application fee, payable at the time of application.

Specific Authority 420.507(12),(23) FS. Law Implemented 420.507(19) FS. History–New 8-7-95, Formerly 91-45.007, Amended 10-29-01, \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Keantha Belton, Single Family Bonds Manager, Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32301-1329, (850)488-4197, Extension 1213

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Esrone McDaniels, Deputy Development Officer, Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32301-1329, (850)488-4197

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 1, 2003, Corporation Board of Director’s Meeting

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: Vol. 29, No. 33, August 15, 2003

**FLORIDA HOUSING FINANCE CORPORATION**

RULE TITLES:	RULE NOS.:
Definitions	67-51.001
Notice of Funding Availability	67-51.002
General Program Restrictions	67-51.003
Application Procedures	67-51.004
Terms and Conditions of Loans	67-51.005
Loan Processing	67-51.006
Fees	67-51.007

**PURPOSE AND EFFECT:** The purpose of Rule Chapter 67-51, Florida Administrative Code (F.A.C.), is to establish the procedures by which the Florida Housing Finance Corporation shall: administer and implement the Homeownership Assistance for Moderate Income Loan Program provisions authorized by Florida Statutes, Section 420.507(41), F.S., and identify the definitions for terms when used in conjunction with the Single Family Revenue Bond Program.

**SUMMARY:** The proposed Rule prescribes the processes and procedures used for allocating Homeownership Assistance for Moderate Income Loan Program.

**STATEMENT OF ESTIMATED REGULATORY COST:** None.

**SPECIFIC AUTHORITY:** 420.507(12), 420.507(24) FS.

**LAW IMPLEMENTED:** 420.509, 420.509(11)(c) FS.

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

**TIME AND DATE:** 2:00 p.m., October 3, 2003

**PLACE:** Florida Housing Finance Corporation, Fifth Floor Formal Conference Room, 227 North Bronough Street, Tallahassee, FL 32301-1329

**THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS:** Wallisa Cobb, Single Family Bonds Program Administrator, Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, FL 32301-1329, (850)488-4197

**THE FULL TEXT OF THE PROPOSED RULES IS:**

67-51.001 Definitions.

(1) “Act” means the Florida Housing Finance Corporation Act as found in Chapter 420, Part V, F.S. as amended.

(2) “Corporation” means the Florida Housing Finance Corporation.

(3) “Down Payment Assistance Loan” or “Loan” means a Florida Homeownership Assistance for Moderate Income Program loan in the amount up to \$5,000. The loan is amortized for a 10-year period with the interest rate to set between a minimum of 3 percent and a maximum interest rate of 5 percent, which shall be adjusted to be competitive with market rates. Repayment is due in the event of sale, transfer, refinancing or failure to occupy the Home as the primary residence without prior approval by the Corporation as outlined in Rule Chapter 67-25.014, F.A.C., in which case the

Loan is due and payable in full at that time. The Down Payment Assistance Loan shall be used for down payment and closing costs associated with the purchase of the Home financed with Single-Family Bond Program funds.

(4) “Eligible Borrower” means a person or persons or family or families:

(a) Who intend to permanently reside as a household in the Home as their principal single-family residence:

(b) Whose total annual family income at time of closing is equal to or greater than 80.01 percent of the State or local median income, whichever is greater and does not exceed 115 percent of the local median income limits.

(c) Who are may or may not be participating in the Corporation’s Single-Family Bond Program.

(5) “Fannie Mae” means the Federal National Mortgage Association, a corporation organized and existing under the Federal National Mortgage Association Charter Act, 12 U.S.C. 1716 et seq., or any successor thereto.

(6) “FHA” means the Federal Housing Administration of the U.S. Department of Housing and Urban Development or other Agency or instrumentality created or chartered by the United States government to which the powers of the Federal Housing Administration have been transferred.

(7) “First Mortgage” means the recorded mortgage secured via the Corporation’s First Time Home Buyer Program to which the Down Payment Assistance Loan is subordinated and which is superior to any other lien or encumbrance on the property.

(8) “Freddie Mac” means the Federal Home Loan Mortgage Corporation, or any successor thereto.

(9) “Home” means a residential unit used as a single-family residence, which is taxed as real property under the laws of the State of Florida and is located within the State, including a condominium unit and a manufactured home meeting conventional or FHA standards, which is acceptable to any insurer providing private mortgage insurance, FHA, VA or RD. The dwelling structure shall consist of two-, three- or four-family dwelling units, one unit of which is to be occupied by the mortgagor of the units and all of which units were first occupied as homes at least five (5) years before the Loan with respect to such Home which:

(a) Is designed and intended primarily for residential housing:

(b) Is determined by a qualified appraisal to have an expected useful life of not less than 30 years or the term of the First Mortgage, whichever is less;

(c) Will be occupied by the owner as his or her principal residence within 60 days after financing is provided.

(d) Has a sales price which does not exceed the Maximum Acquisition Price as defined in subsection 67-51.001(10), F.A.C. of this rule.

(e) Maintains the basic livability of the residence and will not be used for business purposes to generate additional income for the Eligible Borrower (including child care services on a regular basis for compensation).

(10) "Maximum Acquisition Price" means the maximum purchase price of a Single Family Residence, as prescribed in IRS Revenue Procedures 94-55, hereby incorporated by reference. A copy may be obtained by contacting the Single Family Bonds Program Administrator at 227 North Bronough Street, Suite 5000, Tallahassee, FL 32301-1329. Acquisition Price limits are also subject to the applicable FHA/VA/RD limits for the Counties.

(11) "Participating Lender" means the entity signing a Master Mortgage Purchase Agreement and all applicable Supplements to the Master Mortgage Purchase Agreement, which by virtue of executing, represents that it is a home mortgage lending institution or entity:

(a) Participating in the local private home lending market;

(b) That is an FHA-approved mortgagee (with direct endorsement underwriting authority preferred), or a VA-approved lender (with automatic approval authority preferred), or an RD approved lender (unless waived by the Corporation or its designee);

(c) That with respect to Conventional Mortgage loans, is a Fannie Mae or Freddie Mac approved lender in good standing, has errors and omissions coverage of at least \$300,000, meets the requirements the Corporation or its designee with respect to financial status and is acceptable to a Fannie Mae or Freddie Mac PMI Insurer, if applicable;

(d) Which can make the representations and warranties and covenants set forth in Section 2 of the Mortgage Purchase Agreement; and

(e) Which has agreed to and will originate Mortgage Loans itself or through correspondent mortgage lending institutions.

(12) "RD" means Rural Development Service (formerly the Farmers Home Administration) of the United States Department of Agriculture, its successors and assigns.

(13) "Second Mortgage" means the recorded mortgage securing the Down Payment Assistance Loan, which is subordinate only to the lien of the First Mortgage.

(14) "Single-Family Bond Program" means the Single-Family Mortgage Revenue Bond Program implemented pursuant to Rule Chapter 67-25, F.A.C., or any other public or private loan program approved by the Corporation's Board of Directors as a substitute for the Single-Family Mortgage Revenue Bond Program.

(15) "VA" means the Department of Veterans Affairs, an agency of the United States of America, or any successor to its functions.

Specific Authority 420.507(12), 420.507(24) FS. Law Implemented 420.509, 420.509(11)(c) FS. History--New \_\_\_\_\_.

#### 67-51.002 Notice of Funding Availability.

The Corporation shall publish a notice in the Florida Administrative Weekly announcing its intent to provide funding for qualified mortgage loans under the Single-Family Bond Program and the Down Payment Assistance Loan Program. Such notice shall be published at least sixty (60) days prior to the anticipated availability of Loan funds.

Specific Authority 420.507(12), 420.507(24) FS. Law Implemented 420.509, 420.509(11)(c) FS. History--New \_\_\_\_\_.

#### 67-51.003 General Program Restrictions.

Loans will be subject to the following restrictions:

(1) In no case shall an Eligible Borrower receive more than one Down Payment Assistance Loan or any other second mortgage loan offered by the Corporation.

(2) Loans shall be made available only to Eligible Borrowers to finance Homes which do not exceed the Maximum Acquisition Price.

(3) Loans will be serviced by the Corporation or its designated servicer.

(4) Loans shall be evidenced by a properly executed note as evidence of the indebtedness and shall be secured by a properly executed and recorded mortgage, subject only to the lien of the First Mortgage.

(5) Prepayment of the Loans shall be permitted without penalty.

(6) Loans are not assumable.

Specific Authority 420.507(12), 420.507(24) FS. Law Implemented 420.509, 420.509(11)(c) FS. History--New \_\_\_\_\_.

#### 67-51.004 Application Procedures.

(1) Eligible Borrowers shall apply for a Down Payment Assistance Loan with any Participating Lender that is processing the applicant's First Mortgage Loan application.

(2) Prior to receiving funding for a Down Payment Assistance Loan, Eligible Borrowers shall meet all eligibility requirements as specified in the relevant Single-Family Bond Program documents.

(3) Eligible Borrowers shall execute a note and mortgage for this loan.

Specific Authority 420.507(12), 420.507(24) FS. Law Implemented 420.509, 420.509(11)(c) FS. History--New \_\_\_\_\_.

#### 67-51.005 Terms and Conditions of Loans.

All Down Payment Assistance Loans must be in compliance with the Act and shall adhere to the terms and conditions outlined in this Rule Chapter.

Specific Authority 420.507(12), 420.507(24) FS. Law Implemented 420.509, 420.509(11)(c) FS. History--New \_\_\_\_\_.

67-51.006 Loan Processing.

(1) All applications and Loans shall be processed by the Participating Lenders in accordance with the Participating Lender's standard underwriting criteria and any additional criteria imposed by FHA, VA, Fannie Mae, RD or other parties insuring or guaranteeing the First Mortgage loan.

(2) Loan applications shall be reviewed by the lender originating the First Mortgage on a first-come, first-served basis.

(3) If funds are not available in the full amount of the Loan as requested, the application shall be deferred to a waiting list maintained by the Corporation or its designee on a first-come, first-served basis. Such application shall be considered as soon as sufficient funds become available to finance the Loan.

Specific Authority 420.507(12), 420.507(24) FS. Law Implemented 420.509, 420.509(11)(c) FS. History—New \_\_\_\_\_.

67-51.007 Fees.

In connection with the origination of a Down Payment Assistance Loan, the Participating Lender shall collect from the Eligible Borrower a \$150 application fee, payable at the time of application.

Specific Authority 420.507(12), 420.507(24) FS. Law Implemented 420.509, 420.509(11)(c) FS. History—New \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Wallisa Cobb, Single Family Bonds Administrator, Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, FL 32301-1329, (850)488-4197

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Esrone McDaniels, Deputy Development Officer, Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, FL 32301-1329, (850)488-4197

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 20, 2003, Corporation Board Meeting

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: Vol. 29, No. 33, August 15, 2003

Any person requiring special accommodations at the Hearing because of a disability or physical impairment should contact Edny Sanchez-Gammons, Florida Housing Finance Corporation, (850)488-4197, at least five days prior to the Hearing. 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)955-9770 (Voice) or 1(800)988-8711 (TDD).

**FLORIDA HOUSING FINANCE CORPORATION**

RULE TITLES:	RULE NOS.:
Corporation Clerk	67-52.002
Final Orders	67-52.003
Custodian	67-52.004

PURPOSE, EFFECT AND SUMMARY: This Rule establishes procedures to address Florida Housing Finance Corporation's administration of official records and pleadings. The adoption of these revisions will increase the efficiency and effectiveness of Florida Housing Finance Corporation's administration of its programs.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None.

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

SPECIFIC AUTHORITY: 420.507 FS.

LAW IMPLEMENTED: 420.53(1) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Maelene Tyson, Corporation Clerk, Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32301-1329

THE FULL TEXT OF THE PROPOSED RULES IS:

67-52.002 Corporation Clerk.

(1) The address for the Corporation Clerk is Clerk, Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32301.

(2) The Corporation Clerk shall receive all administrative petitions, motions, requests, pleadings and other papers and docket them, maintain the files of such proceedings, and prepare the record of any case which is appealed to the First District Court of Appeal.

(3) The Corporation Clerk shall accept for filing administrative petitions, motions, pleadings, requests, in accordance with the following:

(a) All petitions, motions, requests or pleadings must be filed in original with one copy;

(b) Petitions, motions, requests or other pleadings that are sent by facsimile or electronic mail, shall be accepted on the date transmitted. A copy of the original physically signed document shall be delivered within five business days of receipt of the copy sent by facsimile or electronic mail;

(c) All petitions, motions, requests, pleadings and other papers shall be legible, either printed or typed; preferably double-spaced with margins no less than one inch in either Times New Roman 14-point or Courier New 12-point font.

Specific Authority 420.507(12) FS. Law Implemented 420.507, 120.53(1) FS. History—New \_\_\_\_\_.

67-52.003 Final Orders.

(1) The Corporation Clerk shall maintain all Corporation final orders and subject matter index and such orders pursuant to the requirements of Section 120.53, Fla. Stat.

Specific Authority 420.507(12) FS. Law Implemented 420.507, 120.53(1) FS. History—New \_\_\_\_\_.

67-52.004 Custodian.

The Corporation Clerk shall be the custodian of all the Corporation's official records. The Corporation Clerk shall testify as to the authenticity of any Corporate documents maintained pursuant to Part V, Chapter 420, Florida Statutes.

Specific Authority 420.507(12) FS. Law Implemented 420.507, 120.53(1) FS. History—New \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Maelene Tyson, Corporation Clerk, Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, FL 32301-1329

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Wellington Meffert, General Counsel, 227 North Bronough Street, Suite 5000, Tallahassee, FL 32301-1329

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 22, 2003 (The notice was advertised as 67-51 in that edition of the FAW)

**Section III**

**Notices of Changes, Corrections and Withdrawals**

**DEPARTMENT OF STATE**

**Division of Cultural Affairs**

RULE NO.: IT-1.001  
 RULE TITLE: 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. Deleting the language in subsection 1T-1.001(7)(a)2.c. This sub-section was previously noticed with no changes.

Change:

- (7)(a)2.

~~e. The annual application deadline for Specific Project applications will be the first Monday of October.~~

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 INSURANCE**

<b>RULE NOS.:</b>	<b>RULE TITLES:</b>
Part III Minimum Reserve Standards for Individual and Group Health Insurance Contracts	
4-154.201	Scope
4-154.202	Definitions
4-154.203	Categories of Reserves
4-154.204	Specific Minimum Standards for Morbidity, Mortality and Interest
4-154.210	Tables

**NOTICE OF WITHDRAWAL**

Notice is hereby given that the above rule as noticed in Vol. 29, No. 18, May 28, 2003, of the Florida Administrative Weekly, has been withdrawn.

**DEPARTMENT OF INSURANCE**

<b>RULE NO.:</b>	<b>RULE TITLE:</b>
4-189.0055	Records and Reports of Information by Workers' Compensation Insurance Required

**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. 18, May 2, 2003, of the Florida Administrative Weekly. These changes are being made to address concerns expressed by the Joint Administrative Procedures Committee.

The following sentence is added at the end of subsection (3): Changes or amendments are made when there are economically justifiable reasons made by the industry or the Office.

The remainder of the rule reads as previously published.

**DEPARTMENT OF INSURANCE**

<b>RULE NOS.:</b>	<b>RULE TITLES:</b>
4-202.008	General Eligibility Requirements
4-202.012	Annual Statement
4-202.015	Forms Incorporated by Reference

**NOTICE OF WITHDRAWAL**

Notice is hereby given that the above rules as noticed in Vol. 29, No. 33, August 15, 2003, of the Florida Administrative Weekly has been withdrawn.



**BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND**

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

**AGENCY FOR HEALTH CARE ADMINISTRATION**

**Medicaid**

RULE NO.: 59G-4.130  
 RULE TITLE: Provider Requirements

**NOTICE OF CHANGE**

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 29, No. 32, August 8, 2003, issue of the Florida Administrative Weekly.

In response to comments received from home health providers, 59G-4.130(3) has been revised as follows: "When terminating, reducing, or denying private duty nursing or personal care services, Medicaid will provide written notification to the recipient or the recipient's legal guardian. The notice will provide information and instructions regarding the recipient's right to request a hearing."

In response to comments received from Medicaid Contract Management, the Florida Medicaid Home Health Services Coverage and Limitations Handbook, October 2003, which is being incorporated by reference in 59G-4.130, has been revised as follows:

Handbook Page 3-2, Home Health Visits for Multiple Recipients at One Location, third paragraph was revised to read, "Call your area Medicaid office for billing instructions. The area offices' telephone numbers are listed in Appendix C of the Florida Medicaid Provider General Handbook."

**DEPARTMENT OF ENVIRONMENTAL PROTECTION**

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

**DEPARTMENT OF CHILDREN AND FAMILY SERVICES**

**Developmental Services Program**

RULE NO.: 65B-11.005  
 RULE TITLE: Supported Living, Selection of Housing

**NOTICE OF CORRECTION**

The Department of Children and Family Services hereby publishes this Notice of Correction to the Notice of Proposed Rule Amendment, Rule Chapter 65B-11, F.A.C., which was published in Vol. 29, No. 28, July 11, 2003 issue of the Florida Administrative Weekly.

**FACTS AND CIRCUMSTANCES:** The Department is deleting certain provisions of Rule Chapter 65B-11, F.A.C., for which we do not have sufficient authority.

**FEDERAL STANDARDS STATEMENT:** We are not aware of any federal laws that are affected by this rule change.

**Section IV  
 Emergency Rules**

**DEPARTMENT OF THE LOTTERY**

RULE TITLE: Instant Game Number 499, CASINO NIGHTS  
 RULE NO.: 53ER03-43

**SUMMARY OF THE RULE:** This emergency rule describes Instant Game Number 499, "CASINO NIGHTS," for which the Department of the Lottery will start selling tickets on a date to be determined by the Secretary of the Department. The rule sets forth the specifics of the game, determination of prizewinners; and the estimated odds of winning and number of prizes in the game.

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

**THE FULL TEXT OF THE EMERGENCY RULE IS:**

53ER03-43 Instant Game Number 499, CASINO NIGHTS.

(1) Name of Game. Instant Game Number 499, "CASINO NIGHTS."

(2) Price. CASINO NIGHTS lottery tickets sell for \$5.00 per ticket.

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

(4) Design of Ticket. There are 4 different games in Instant Game Number 499, CASINO NIGHTS. Game 1 is entitled "ROULETTE." Game 2 is entitled "7-11." Game 3 is entitled "SLOTS." Game 4 is entitled "TWO OF A KIND."

(5) The "YOUR NUMBERS" play symbols and play symbol captions in ROULETTE are as follows:

<b>1</b> ONE	<b>2</b> THO	<b>3</b> THR	<b>4</b> FOR	<b>5</b> FIV	<b>6</b> SIX	<b>7</b> SVN
<b>8</b> EGT	<b>9</b> NIN	<b>10</b> TEN	<b>11</b> ELV	<b>12</b> TLV	<b>13</b> THT	<b>14</b> FTN
<b>15</b> FFN	<b>16</b> SXT	<b>17</b> SVT	<b>18</b> ETN	<b>19</b> NTN	<b>20</b> THY	<b>21</b> TWN
<b>22</b> THT	<b>23</b> THR	<b>24</b> THF	<b>25</b> THV	<b>26</b> THX	<b>27</b> THS	<b>28</b> THE
<b>29</b> TNI	<b>30</b> THY	<b>31</b> THN	<b>32</b> TRT	<b>33</b> TTR	<b>34</b> THF	<b>35</b> THV
<b>36</b> THX						

(6) The "WHEEL NUMBER" play symbols and play symbol captions in ROULETTE are as follows:

<b>1</b> ONE	<b>2</b> THO	<b>3</b> THR	<b>4</b> FOR	<b>5</b> FIV	<b>6</b> SIX	<b>7</b> SVN
<b>8</b> EGT	<b>9</b> NIN	<b>10</b> TEN	<b>11</b> ELV	<b>12</b> TLV	<b>13</b> THT	<b>14</b> FTN
<b>15</b> FFN	<b>16</b> SXT	<b>17</b> SVT	<b>18</b> ETN	<b>19</b> NTN	<b>20</b> THY	<b>21</b> TWN
<b>22</b> THT	<b>23</b> THR	<b>24</b> THF	<b>25</b> THV	<b>26</b> THX	<b>27</b> THS	<b>28</b> THE
<b>29</b> TNI	<b>30</b> THY	<b>31</b> THN	<b>32</b> TRT	<b>33</b> TTR	<b>34</b> THF	<b>35</b> THV
<b>36</b> THX						

(7) The prize symbols and prize symbol captions in ROULETTE are as follows:

<b>\$1.00</b> ONE	<b>\$2.00</b> THO	<b>\$3.00</b> THREE	<b>\$5.00</b> FIVE	<b>\$10.00</b> TEN
<b>\$20.00</b> TWENTY	<b>\$25.00</b> THY FIVE	<b>\$50.00</b> FIFTY	<b>\$100</b> ONE HUN	
	<b>\$500</b> FIVE HUN	<b>\$1,000</b> ONE THO		
	<b>\$25,000</b> THY FIV THO			

(8) The legend in ROULETTE is as follows:  
WHEEL #

(9) The play symbols and play symbol captions in 7-11 are as follows:

<b>1</b> ONE	<b>2</b> THO	<b>3</b> THR	<b>4</b> FOR	<b>5</b> FIV	<b>6</b> SIX
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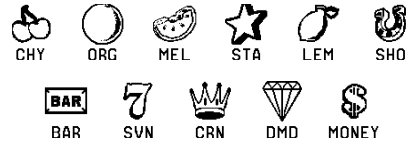
(10) The prize symbols and prize symbol captions in 7-11 are as follows:

<b>\$2.00</b> TWO	<b>\$3.00</b> THREE
<b>\$5.00</b> FIVE	<b>\$10.00</b> TEN
<b>\$20.00</b> TWENTY	<b>\$25.00</b> THY FIVE
	<b>\$50.00</b> FIFTY
<b>\$250</b> TWO HUN FTY	<b>\$500</b> FIVE HUN
<b>\$25,000</b> THY FIV THO	<b>\$100,000</b> HUN THO

(11) The legends in 7-11 are as follows:

- ROLL 1
- ROLL 2
- ROLL 3
- ROLL 4
- +

(12) The play symbols and play symbol captions in SLOTS are as follows:



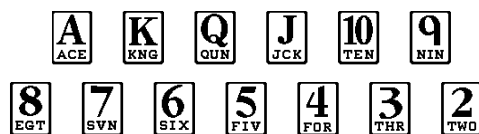
(13) The prize symbols and prize symbol captions in SLOTS are as follows:

<b>\$1.00</b> ONE	<b>\$2.00</b> TWO
<b>\$5.00</b> FIVE	<b>\$10.00</b> TEN
<b>\$25.00</b> THY FIVE	<b>\$50.00</b> FIFTY
<b>\$100</b> ONE HUN	
<b>\$250</b> TWO HUN FTY	<b>\$500</b> FIVE HUN
<b>\$2,000</b> TWO THO	<b>\$5,000</b> FIVE THO
<b>\$25,000</b> THY FIV THO	<b>\$50,000</b> FTY THO

(14) The legends in SLOTS are as follows:

- PULL 1
- PULL 2
- PULL 3
- PULL 4
- PULL 5

(15) The play symbols and play symbol captions in TWO OF A KIND are as follows:



(16) The prize symbols and prize symbol captions in TWO OF A KIND are as follows:

<b>\$1.00</b>	<b>\$2.00</b>		
ONE	TWO		
<b>\$5.00</b>	<b>\$10.00</b>	<b>\$15.00</b>	
FIVE	TEN	FIFTEEN	
<b>\$25.00</b>	<b>\$50.00</b>	<b>\$100</b>	
THY FIVE	FIFTY	ONE HUN	
<b>\$150</b>	<b>\$500</b>	<b>\$1,000</b>	<b>\$5,000</b>
ONE HUN FTY	FIVE HUN	ONE THO	FIVE THO

(17) The legend in TWO OF A KIND is as follows:

YOUR CARDS

(18) Determination of Prizewinners. Each of the four games in Instant Game Number 499, CASINO NIGHTS, uses a different play methodology. Players may win in one or more games. The determination of prizewinners for each game is as follows:

(a) Game 1 – ROULETTE.

In ROULETTE, a ticket having a number in the “YOUR NUMBERS” play area that matches the number in the “WHEEL NUMBER” play area shall entitle the claimant to the corresponding prize shown for that number. The prizes are: \$1.00, \$2.00, \$3.00, \$5.00, \$10.00, \$20.00, \$25.00, \$50.00, \$100, \$500, \$1,000 and \$25,000.

(b) Game 2 – 7-11.

In 7-11 there are four rolls. A ticket having two dice in one roll, the sum of which is 7 or 11, shall entitle the claimant to the corresponding prize shown for that roll. The prizes are: \$2.00, \$3.00, \$5.00, \$10.00, \$20.00, \$25.00, \$50.00, \$250, \$500, \$5,000, \$25,000 and \$100,000.

(c) Game 3 – SLOTS.

In SLOTS, there are five pulls. A ticket having three like symbols in the play area of one pull shall entitle the claimant to the corresponding prize shown for that pull. The prizes are: \$1.00, \$2.00, \$5.00, \$10.00, \$25.00, \$50.00, \$100, \$250, \$500, \$2,000, \$5,000, \$25,000, and \$50,000.

(d) Game 4 – TWO OF A KIND.

In TWO OF A KIND, a ticket having two matching cards in the play area shall entitle the claimant to the prize shown. The prizes are \$1.00, \$2.00, \$5.00, \$10.00, \$15.00, \$25.00, \$50.00, \$100, \$150, \$500, \$1,000, and \$5,000.

(19) The estimated odds of winning, value and number of prizes in Instant Game Number 499 are as follows:

GAME PLAY	WIN	ODDS OF 1 IN	NUMBER OF WINNERS IN 25 POOLS OF 120,000 TICKETS PER POOL
G1- (\$1 x 2) + G2- \$2 + G3- \$1	\$5	10.00	300,000
G1- \$1 + G2- \$2 + G3- \$1 + G4- \$1	\$5	15.00	200,000
G1- \$1 + G2- (\$2 x 2)	\$5	20.00	150,000
G3- \$5	\$5	60.00	50,000
G1- \$2 + G2- (\$2 x 2) + G3- (\$1 x 4)	\$10	30.00	100,000
G1- \$1 + G2- (\$2 x 3) + G3- \$2 + G4- \$1	\$10	120.00	25,000
G1- (\$1 x 2) + G2- (\$3 x 2) + G3- \$1 + G4- \$1	\$10	120.00	25,000
G2- \$2 + \$5 + G3- (\$1 x 3)	\$10	120.00	25,000
G1- \$1 + G2- \$2 + G3- \$5 + G4- \$2	\$10	120.00	25,000
G1- \$1 + G2- (\$5 x 2) + G3- \$2 + G4- \$2	\$15	60.00	50,000
G1- (\$2 x 2) + G2- (\$2 x 2) + G3- \$5 + G4- \$2	\$15	120.00	25,000
G2- \$5 + G3- \$10	\$15	120.00	25,000
G1- \$5 + G2- (\$5 x 2) + G3- \$5 + G4- \$5	\$25	120.00	25,000
G1- \$5 + \$10 + G2- (\$2 x 2) + G3- (\$1 x 4) + G4- \$2	\$25	240.00	12,500
G1- \$5 + G2- \$2 + (\$5 x 2) + G3- (\$2 x 4)	\$25	480.00	6,250
G1- (\$2 x 2) + G2- (\$2 x 2) + G3- (\$5 x 3) + G4- \$2	\$25	480.00	6,250
G1- \$2 + G2- (\$5 x 2) + G3- (\$1 x 3) + G4- \$10	\$25	600.00	5,000
G2- (\$5 x 2) + G3- (\$5 x 3)	\$25	600.00	5,000
G2- (\$20 x 2) + G3- (\$2 x 4) + G4- \$2	\$50	300.00	10,000
G1- \$2 + \$3 + G2- (\$5 x 4) + G3- (\$10 x 2) + G4- \$5	\$50	200.00	15,000
G1- \$5 + G2- (\$5 x 4) + G3- (\$10 x 5)	\$75	15,000.00	200
G1- (\$5 x 2) + G2- (\$20 x 2) + G3- (\$5 x 3) + G4- \$10	\$75	15,000.00	200
G1- (\$5 x 2) + G2- (\$10 x 4) + G3- (\$10 x 2) + G4- \$5	\$75	15,000.00	200
G2- \$25 x 3	\$75	15,000.00	200
G1- (\$10 x 2) + G2- \$10 + G3- (\$10 x 2) + G4- \$25	\$75	15,000.00	200
G1- (\$5 x 2) + G2- \$5 + \$10 + G3- \$25 + G4- \$25	\$75	15,000.00	200
G1- \$10 + G2- \$25 x 3 + G3- \$5 + G4- \$10	\$100	30,000.00	100
G3- \$25 x 4	\$100	30,000.00	100
G1- (\$2 x 5) + G2- (\$10 x 4) + G3- (\$5 x 5) + G4- \$25	\$100	30,000.00	100
G1- \$25 + G2- (\$10 x 2) + (\$5 x 2) + G3- (\$10 x 4) + G4- \$5	\$100	30,000.00	100
G1- \$25 + G2- (\$25 x 2) + G3- \$10 + G4- \$15	\$100	30,000.00	100
G1- (\$5 x 6) + G2- (\$5 x 4) + G3- (\$5 x 5) + G4- \$25	\$100	30,000.00	100
G1- (\$50 x 6) + G3- (\$50 x 4)	\$500	75,000.00	40
G1- (\$20 x 6) + G2- (\$20 x 4) + G3- (\$50 x 5) + G4- \$50	\$500	75,000.00	40
G1- (\$50 x 6) + G2- (\$25 x 2) + G3- \$50 + G4- \$100	\$500	75,000.00	40
G3- (\$100 x 5) + G4- \$500	\$1,000	600,000.00	5
G1- (\$25 x 4) + G2- (\$250 x 2) + G3- (\$50 x 5) + G4- \$150	\$1,000	600,000.00	5
G1- (\$100 x 6) + G2- (\$25 x 4) + G3- (\$50 x 5) + G4- \$50	\$1,000	600,000.00	5
G3- (\$250 x 4)	\$1,000	600,000.00	5
G4- \$1,000	\$1,000	600,000.00	5
G1- (\$100 x 6) + G2- (\$50 x 4) + G3- (\$50 x 4) + G4- \$1,000	\$2,000	600,000.00	5
G1- (\$100 x 5) + G2- (\$250 x 4) + G3- (\$2,000 x 4) + G4- \$500	\$10,000	1,500,000.00	2
G1- (\$500 x 2) + (\$1,000 x 4) + G2- (\$500 x 4) + G3- (\$500 x 5) + G4- \$500	\$10,000	1,500,000.00	2
G3- (\$5,000 x 2)	\$10,000	1,500,000.00	2
G3- \$25,000	\$25,000	1,500,000.00	2
G1- (\$1,000 x 5) + G2- (\$5,000 x 2) + G3- \$5,000 + G4- \$5,000	\$25,000	1,500,000.00	2
G1- \$25,000 + G2- \$25,000 + G3- \$50,000	\$100,000	3,000,000.00	1
G2- \$100,000	\$100,000	3,000,000.00	1

(20) The overall odds of winning some prize in Instant Game Number 499 are 1 in 2.76. Prizes, including the top prizes, are subject to availability at the time of ticket purchase. Prizes may be unavailable due to prior sale or other causes occurring in the normal course of business including, but not limited to, ticket damage, defect, theft, or loss.

(21) For reorders of Instant Game Number 499, the estimated odds of winning, value and number of prizes shall be proportionate to the number of tickets reordered.

(22) By purchasing a CASINO NIGHTS lottery ticket the player agrees to comply with and abide by all rules and regulations of the Florida Lottery.

(23) Payment of prizes for CASINO NIGHTS lottery tickets shall be made in accordance with rules of the Florida Lottery governing procedures for awarding prizes. A copy of the current rule can be obtained from the Florida Lottery, Office of the General Counsel, 250 Marriott Drive, Tallahassee, Florida 32399-4011.

Specific Authority 24.105(9)(a),(b),(c), 24.109(1), 24.115(1) FS. Law Implemented 24.105(9)(a),(b),(c), 24.115(1) FS. History—New 8-29-03.

THIS EMERGENCY RULE TAKES EFFECT IMMEDIATELY UPON BEING FILED WITH THE DEPARTMENT OF STATE.

EFFECTIVE DATE: August 29, 2003

**DEPARTMENT OF THE LOTTERY**

RULE TITLE: Instant Game Number 507, 14 KARAT CASH  
 RULE NO.: 53ER03-44  
 SUMMARY OF THE RULE: This emergency rule describes Instant Game Number 507, "14 KARAT CASH," for which the Department of the Lottery will start selling tickets on a date to be determined by the Secretary of the Department. The rule sets forth the specifics of the game; determination of prizewinners; estimated odds of winning, value, and number of prizes in the game.

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

THE FULL TEXT OF THE EMERGENCY RULE IS:

53ER03-44 Instant Game Number 507, 14 KARAT CASH.


(1) Name of Game. Instant Game Number 507, "14 KARAT CASH."

(2) Price. 14 KARAT CASH lottery tickets sell for \$2.00 per ticket.

(3) 14 KARAT CASH lottery tickets shall have a series of numbers in Machine Readable Code (or bar code) on the back of the ticket, along with a Void If Removed Number under the latex area on the ticket. To be a valid winning 14 KARAT CASH lottery ticket, a combination of essential elements

sufficient to validate the ticket must be present as set forth in paragraph 53ER92-63(1)(a), Florida Administrative Code. In the event a dispute arises as to the validity of any 14 KARAT CASH lottery ticket, or as to the prize amount, the Void If Removed Number under the latex shall prevail over the bar code.

(4) The "YOUR NUMBERS" play symbols and play symbol captions are as follows:

<b>1</b> ONE	<b>2</b> TWO	<b>3</b> THREE	<b>4</b> FOUR	<b>5</b> FIVE	<b>6</b> SIX
<b>7</b> SEVEN	<b>8</b> EIGHT	<b>9</b> NINE	<b>10</b> TEN	<b>11</b> ELEVN	<b>12</b> TWELV
<b>13</b> THRTN	<b>14</b> FORTN	<b>15</b> FIFTN	<b>16</b> SIXTN	<b>17</b> SVNTN	
	<b>18</b> EGHTN	<b>19</b> NINTN	<b>20</b> TENY		
					
			WIN \$50		

(5) The "WINNING NUMBERS" play symbols and play symbol captions are as follows:

<b>1</b> ONE	<b>2</b> TWO	<b>3</b> THREE	<b>4</b> FOUR	<b>5</b> FIVE	<b>6</b> SIX
<b>7</b> SEVEN	<b>8</b> EIGHT	<b>9</b> NINE	<b>10</b> TEN	<b>11</b> ELEVN	<b>12</b> TWELV
<b>13</b> THRTN	<b>14</b> FORTN	<b>15</b> FIFTN	<b>16</b> SIXTN	<b>17</b> SVNTN	
	<b>18</b> EGHTN	<b>19</b> NINTN	<b>20</b> TENY		

(6) The prize symbols and prize symbol captions are as follows:

<b>TICKET</b>	<b>\$1.00</b>	<b>\$2.00</b>	<b>\$5.00</b>	<b>\$10.00</b>	<b>\$25.00</b>
TICKET	ONE	TWO	FIVE	TEN	TWY FIVE
<b>\$50.00</b>	<b>\$100</b>	<b>\$1,000</b>	<b>\$3,000</b>	<b>\$14,000</b>	
FIFTY	ONE HUN	ONE THO	THR THO	FRT THO	

(7) The legends are as follows:

YOUR NUMBERS      WINNING NUMBERS

(8) Determination of Prizewinners.

(a) A ticket having a number in the "YOUR NUMBERS" play area that matches any of the numbers in the "WINNING NUMBERS" play area shall entitle the claimant to the corresponding prize shown for that number. A ticket may have up to ten sets of matching numbers. The prizes are: TICKET, \$1.00, \$2.00, \$5.00, \$10.00, \$25.00, \$50.00, \$100, \$1,000, \$3,000 and \$14,000. A claimant who is entitled to a prize of a "TICKET" shall be entitled to a prize of a \$2.00 instant ticket or any combination of instant and on-line tickets that totals \$2.00, except as follows. A person who submits by mail a 14 KARAT CASH lottery ticket that entitles the claimant to a

prize of a \$2.00 ticket and whose mailing address is outside the state of Florida will receive a check for \$2.00 in lieu of an actual ticket.



(b) A ticket having a “WIN \$50” symbol in the “YOUR NUMBERS” play area shall entitle the claimant to a prize of \$50.

(9) The estimated odds of winning, value, and number of prizes in Instant Game Number 507 are as follows:

GAME PLAY	WIN	ODDS OF	NUMBERS OF
TICKET	\$2 TICKET	1 IN	WINNERS IN
			42 POOLS OF
			180,000 TICKETS
			PER POOL
\$2	\$2	18.75	403,200
\$2 x 2	\$4	15.00	504,000
\$1 + (\$2 x 2)	\$5	21.43	352,800
\$5	\$5	37.50	201,600
\$1 + (\$2 x 2) + \$5	\$10	37.50	201,600
(\$1 x 8) + \$2	\$10	75.00	100,800
\$10	\$10	75.00	100,800
\$5 x 5	\$25	150.00	50,400
(\$5 x 2) + (\$10 x 4)	\$50	150.00	50,400
\$10 x 5	\$50	1,200.00	6,300
\$50 (MONEYBAG)	\$50	1,200.00	6,300
\$10 x 10	\$100	600.00	12,600
(\$25 x 2) + \$50 (MONEYBAG)	\$100	60,000.00	126
\$100	\$100	60,000.00	126
(\$25 x 6) + \$50 (MONEYBAG)	\$200	60,000.00	126
\$100 x 10	\$1,000	252,000.00	30
\$1,000	\$1,000	540,000.00	14
(\$1,000 x 8) + (\$3,000 x 2)	\$14,000	1,260,000.00	6
\$14,000	\$14,000	3,780,000.00	2
		3,780,000.00	2

(10) The estimated overall odds of winning some prize in Instant Game Number 507 are 1 in 3.80. Prizes, including the top prizes, are subject to availability at the time of ticket purchase. Prizes may be unavailable due to prior sale or other causes occurring in the normal course of business including, but not limited to, ticket damage, defect, theft, or loss.

(11) For reorders of Instant Game Number 507, the estimated odds of winning, value, and number of prizes shall be proportionate to the number of tickets reordered.

(12) By purchasing a 14 KARAT CASH lottery ticket the player agrees to comply with and abide by all rules and regulations of the Florida Lottery.

(13) Payment of prizes for 14 KARAT CASH lottery tickets shall be made in accordance with rules of the Florida Lottery governing procedures for awarding prizes. A copy of the current rule can be obtained from the Florida Lottery, Office of the General Counsel, 250 Marriott Drive, Tallahassee, Florida 32399-4011.

Specific Authority 24.105(9)(a),(b),(c), 24.109(1), 24.115(1) FS. Law Implemented 24.105(9)(a),(b),(c), 24.115(1) FS. History—New 8-29-03.

THIS EMERGENCY RULE TAKES EFFECT IMMEDIATELY UPON BEING FILED WITH THE DEPARTMENT OF STATE.  
EFFECTIVE DATE: August 29, 2003

**DEPARTMENT OF THE LOTTERY**

RULE TITLE: Salary Additives  
RULE NO.: 53ER03-45

SUMMARY OF THE RULE: This emergency rule sets forth the salary additives for Lottery employees whose positions are assigned to a shift for which a shift differential is approved.

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

THE FULL TEXT OF THE EMERGENCY RULE IS:

53ER03-45 Salary Additives.

(1) Effective August 30, 2003, at 12:01 a.m. ET, the following salary additives for Lottery employees shall apply:  
Shift Differential.

Hours	Differential Amount
<u>11:00 p.m. to 7:00 a.m. or when the majority of work hours fall after 11:00 p.m.</u>	<u>10%</u>
<u>7:00 a.m. to 3:00 p.m.</u>	<u>0%</u>
<u>3:00 p.m. to 11:00 p.m. or when the majority of work hours fall after 3:00 p.m.</u>	<u>5%</u>
<u>Weekend (Saturday and/or Sunday) when at least 50% of the employee’s scheduled work hours fall on Saturday and/or Sunday</u>	<u>10%</u>
<u>Rotating Shift – when two or more of the employee’s scheduled work days during a workweek fall on different shifts and the employee is scheduled for two or less days off during the workweek.</u>	<u>15%</u>

(2) The above subsection (1) supersedes 53-13.003(1)(a), Florida Administrative Code.

Specific Authority 24.105(9)(j) 24.109(1) FS. Law Implemented 24.105(19)(d) FS. History—New 8-29-03.

THIS EMERGENCY RULE TAKES EFFECT IMMEDIATELY UPON BEING FILED WITH THE DEPARTMENT OF STATE.

EFFECTIVE DATE: August 29, 2003

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

RULE TITLE: Collection and Payment of Fees  
RULE NO.: 61ER03-4 (61-24.004)

SPECIFIC FACTS AND REASONS FOR FINDING AN IMMEDIATE DANGER TO THE PUBLIC HEALTH, SAFETY OR WELFARE: The Board of Athlete Agents is only authorized to regulate professionals to preserve the health, safety and welfare of the public under the police powers of the state. The Board’s ability to maintain its regulatory responsibilities are negatively impacted by the fee increase for

criminal history information records charged by the Florida Department of Law Enforcement. This fee increase was mandated by the 2003 Florida Legislature in Senate Bill 10-A. Currently, the Board must take money from other areas to meet the additional cost for obtaining criminal history information records. The Board must act quickly to prevent a budget shortfall in other areas.

REASONS FOR CONCLUDING THAT THE PROCEDURE USED IS FAIR UNDER THE CIRCUMSTANCES: The emergency rule will allow maximum notice to applicants for licensure and will reduce the current negative impact of the fee increase on the Board's fiscal resources. The bill was approved by the Governor on June 26, 2003 and took effect July 1, 2003.

SUMMARY OF THE RULE: Emergency rule 61ER03-4, F.A.C., increases the fingerprint card processing fee from \$39 to \$47 for persons and entities licensed under Chapter 468, Florida Statutes.

THE PERSON TO BE CONTACTED REGARDING THE EMERGENCY RULE IS: Gail Scott-Hill, Chief Attorney, Department of Business and Professional Regulation, Office of the General Counsel, 1940 North Monroe Street, Tallahassee, Florida 32399

THE FULL TEXT OF THE EMERGENCY RULE IS:

61ER03-4 (61-24.004) Collection and Payment of Fees.

(1) The following fee schedule is adopted by the Department of Business and Professional Regulation for the licensure of persons desiring to practice as an athlete agent pursuant to Section 468.453, Florida Statutes.

- (a) Application Fee – \$500.00.
- (b) Licensure Fee – \$750.00.
- (c) Unlicensed Activity – \$5.00.
- (d) Criminal Records Check Fee – ~~\$47.00~~ ~~\$39.00~~.
- (e) Biennial Renewal Fee – \$440.00.
- (f) Inactive Fee – \$200.00.
- (g) Delinquent Fee – \$100.00.
- (h) Reactivation Fee – \$50.00.
- (i) Change of Status Fee – \$25.00.

(2) All fees indicated by the schedule above shall be paid in the form of a check, bank draft, or money order made payable to the Department of Business and Professional Regulation. Unless specifically authorized by rule, all fees are non-refundable.

Specific Authority 215.405, 468.457 FS. Law Implemented 215.405, 455.203, 455.2281, 455.271, 468.453, 468.4536 FS. History—New 1-4-89, Formerly 21-24.004, Amended 3-28-96, 6-9-03, 8-29-03.

THIS RULE TAKES EFFECT UPON BEING FILED WITH THE DEPARTMENT OF STATE UNLESS A LATER TIME AND DATE IS SPECIFIED IN THE RULE.

EFFECTIVE DATE: August 29, 2003

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

RULE TITLE: Fees  
 RULE NO.: 61ER03-5 (61-20.504)

SPECIFIC FACTS AND REASONS FOR FINDING AN IMMEDIATE DANGER TO THE PUBLIC HEALTH, SAFETY OR WELFARE: The Regulatory Council of Community Association Managers is only authorized to regulate professionals to preserve the health, safety and welfare of the public under the police powers of the state. The Council's ability to maintain its regulatory responsibilities are negatively impacted by the fee increase for criminal history information records charged by the Florida Department of Law Enforcement. This fee increase was mandated by the 2003 Florida Legislature in Senate Bill 10-A. Currently, the Council must take money from other areas to meet the additional cost for obtaining criminal history information records. The Council must act quickly to prevent a budget shortfall in other areas.

REASONS FOR CONCLUDING THAT THE PROCEDURE USED IS FAIR UNDER THE CIRCUMSTANCES: The emergency rule will allow maximum notice to applicants for licensure and will reduce the current negative impact of the fee increase on the Council's fiscal resources. The bill was approved by the Governor on June 26, 2003 and took effect July 1, 2003.

SUMMARY OF THE RULE: Emergency Rule 61ER03-5, F.A.C., increases the fingerprint card processing fee from \$39 to \$47 for persons and entities licensed under Chapter 468, Florida Statutes.

THE PERSON TO BE CONTACTED REGARDING THE EMERGENCY RULE IS: Gail Scott-Hill, Chief Attorney, Department of Business and Professional Regulation, Office of the General Counsel, 1940 North Monroe Street, Tallahassee, Florida 32399

THE FULL TEXT OF THE EMERGENCY RULE IS:

61ER03-5 (61-20.504) Fees.

The following fees are adopted by the Council:

- (1) Application fee for a Community Association Manager's License \$50.00
- (2) Fingerprint processing fee ~~\$47.00~~ ~~\$39.00~~
- (3) Examination fee:

When the examination is not conducted by a professional testing service pursuant to Section 455.2171, Florida Statutes, \$100.00 payable to the department.

When the examination is conducted by a professional testing service pursuant to Section 455.2171, Florida Statutes, \$61.00 payable to the Department plus \$39.00 payable to the testing service.

- (4) Re-examination fee:

When the examination is not conducted by a professional testing service pursuant to Section 455.2171, Florida Statutes, \$100.00 payable to the department.

When the examination is conducted by a professional testing service pursuant to Section 455.2171, Florida Statutes, \$61.00 payable to the Department \$39.00 payable to the testing service.

(5) Examination review fee	\$50.00
(6) Initial license fee	\$100.00
(7) Renewal fees.	
(a) The biennial renewal fee for a licensee renewing as active	\$100.00
(b) The biennial renewal fee for a licensee renewing as inactive	\$100.00
(8) Delinquent license fee. A delinquent status licensee shall pay a delinquent license fee when the licensee applies for active or inactive status	\$50.00
(9) Unlicensed activity fee for initial licensure and license renewal	\$5.00
(10) Reactivation fee for reactivating an inactive license	\$25.00
(11) Change of status processing fee. A licensee shall pay a change of status processing fee to cage the licensee's status at any time other than the beginning of a licensure period	\$10.00
(12) Duplicate license fee in event of loss or destruction	\$25.00
(13) Application fee for continuing education providers	\$250.00
(14) The renewal fee for continuing education providers	\$250.00
(15) Application fee for prelicensure education providers	\$250.00
(16) The renewal fee for prelicensure education providers	\$250.00

Specific Authority 468.4315 FS. Law Implemented 455.2171, 455.219(3),(6), 455.2281, 455.271, 468.4315(2), 468.433, 468.435 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, 8-29-03.

THIS RULE TAKES EFFECT UPON BEING FILED WITH THE DEPARTMENT OF STATE UNLESS A LATER TIME AND DATE IS SPECIFIED IN THE RULE.  
EFFECTIVE DATE: August 29, 2003

**FISH AND WILDLIFE CONSERVATION COMMISSION**

**Vessel Registration and Boating Safety**

RULE TITLE: Emergency Closure of the Withlacoochee River  
RULE NO.: 68DER03-02

STATEMENT OF THE SPECIFIC FACTS AND REASONS FOR FINDING AN IMMEDIATE DANGER TO THE PUBLIC HEALTH, SAFETY AND WELFARE: Recent rains have caused severe flooding on the Withlacoochee River. The river has overflowed its banks in many places and expanded into the flood plain. This flooded condition has created an immediate danger to vessels transiting the area. Objects previously well above the water and objects previously on dry land have become wholly or partially submerged, creating hazards to navigation. These objects include without limitation, dwellings, electrical and telephone wires, utility poles, trees and stumps, docks and wharfs, boat houses, and sheds. The turbulent and muddy water has caused boats to allide dangerously upon submerged objects without warning.

The operation of any vessels, other than emergency or law enforcement vessels will continue to create an immediate danger to property engulfed by the flood waters or adjacent to the swollen river. Vessel operation other than emergency or law enforcement vessels, will continue to increase the damage caused by the floodwaters and will damage property that is marginally above the flood waters.

Vessel operation also presents an immediate danger to persons in or near the river. The flood now submerges the accustomed footpaths and handholds. These submerged areas could cause persons to slip and fall, perhaps into the river. Under these circumstances, there is a substantial likelihood of injury or death.

STATEMENT OF THE AGENCY'S REASONS FOR CONCLUDING THAT THE PROCEDURE USED IS FAIR UNDER THE CIRCUMSTANCES: There is general concurrence from Citrus, Marion, and Sumter Counties, the Florida Fish and Wildlife Conservation Commission Field Office in Crystal River, Florida, and the Office of Boating and Waterways, that closure of the Withlacoochee River as a means to protect against continued flooding of homes, submersion of docks, seawalls, environmental damage including erosion, degradation of water quality, introduction of pollutants into the river system, and the undermining of trees and other vegetation for areas north and south of the State Road 200 Bridge are warranted for the protection of public safety. Additionally, within the area of closure, homes have been evacuated and families displaced to shelters due to flooding.

This emergency rulemaking is being coordinated with the United States Coast Guard and the Army Corps of Engineers. The emergency rule will be forwarded to the United States Coast Guard Seventh District for publication in their weekly Local Notice to Mariners. The boating public will be notified by publication in the local notice, by marine VHF radio broadcast of the Coast Guard's local notice, by personal contact from law enforcement officers, and by signs posted at boat ramps and other access points to the boating restricted areas.

Because the water levels on the Withlacoochee River are in constant flux, varying in response to wind directions, wind speed and accumulated rainfall, the danger to life and property is such that normal rulemaking procedures would not adequately protect the public from the anticipated harm. The procedures used in this emergency rulemaking action are therefore fair under the circumstances.

**SUMMARY OF THE RULE:** This action establishes closure of the Withlacoochee River, shoreline to shoreline, from the State Road 200 Bridge, North to Dunnellon at the State Road 41 Bridge and South to Turner Camp Road (CR 581N).

**THE PERSON TO BE CONTACTED REGARDING THE EMERGENCY RULE IS:** Ms. Tara Alford, Office of Boating and Waterways, Florida Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399

**THE FULL TEXT OF THE EMERGENCY RULE IS:**

68DER03-02 Emergency Closure of the Withlacoochee River.

(1) For the purpose of regulating the operation of vessel traffic on the Withlacoochee River within Citrus, Marion, and Sumter Counties, Florida, a vessel exclusion zone is created on the Withlacoochee River, shoreline to shoreline and including the adjacent flood waters, from the State Road 41 Bridge at Dunnellon on the north and continuing to Turner Camp Road (CR 581N) on the south.

(2) This emergency rule shall be enforced by the Division of Law Enforcement and its officers, the sheriffs of the counties through which these waters flow and their respective deputies, and any other duly constituted law enforcement officers.

(3) Any person failing to comply with the provision of this emergency rule shall be guilty of a noncriminal infraction, punishable as provided in Section 327.73, Florida Statutes.

(4) This emergency rule will continue in effect for 30 days or until the Withlacoochee River has receded below 8.0 feet, which is identified as flood stage by the Southwest Florida Water Management District gauge at Holder (device number 6084), or until the Executive Director of the Agency determines that the flooding conditions have sufficiently abated so that the restrictions are no longer justified. At which time, paragraph 68D-24.109(1)(a), F.A.C. will control the operation of vessels and imposes a restriction of Idle Speed No Wake zone until waters have receded below 6.0 feet.

Specific Authority 327.04, 327.46 FS. Law Implemented 327.46 FS. History—New 8-29-03.

THIS RULE TAKES EFFECT UPON BEING FILED WITH THE DEPARTMENT OF STATE UNLESS A LATER TIME AND DATE IS SPECIFIED IN THE RULE.

EFFECTIVE DATE: August 29, 2003

## Section V Petitions and Dispositions Regarding Rule Variance or Waiver

### DEPARTMENT OF LAW ENFORCEMENT

The Department of Law Enforcement, Criminal Justice Standards and Training has taken action on a petition for waiver received from Johnnie F. Scheib, on July 24, 2003. Notice of receipt of this petition was published in the Florida Administrative Weekly, Vol. 29, No. 32, dated August 8, 2003. No public comment was received.

The petition requested a waiver of Rule 11B-27.002(4), F.A.C., pursuant to Section 120.542, F.S. On August 7, 2003, the Criminal Justice Standards and Training Commission granted a variance or waiver to Johnnie F. Scheib in a final order, OGC File No.: VAR 2003-4.

For a copy of the final order write or call: Grace A. Jaye, Florida Department of Law Enforcement, Box 1489, Tallahassee, FL 32302-1489, (850)410-7687.

### 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 on August 29, 2003, South Florida Water Management District (District) received an Addendum to Petition for Waiver from Joseph H. Seiverd and Rosalind L. Andrews, Application No. 03-0812-1, for utilization of Works or Lands of the District known as the C-1N Canal, Miami-Dade County for the proposed placement of a storage shed, and existing steps and trees, encroaching within the southeast right of way of the C-1N Canal at the rear of 20143 S. W. 103rd Avenue, Miami, FL 33189-1370, Miami-Dade County, Section 8, Township 56 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@sffwmd.gov](mailto:jsluth@sffwmd.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.

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#### **AGENCY FOR HEALTH CARE ADMINISTRATION**

NOTICE IS HEREBY GIVEN that the Agency for Health Care Administration (AHCA) issued an order granting a variance from Florida Administrative Code Rule 59G-6.010, on August 7, 2003. Lafayette Health Investors, LC d/b/a Lafayette Health Care Center, Blountstown Health Investors, LC d/b/a Blountstown Health and Rehabilitation Center, and Pinellas Health Investors, LC d/b/a Crystal Oaks Health Care Center, filed an Emergency Petition for Variance or Waiver from Florida Administrative Code Rule 59G-6.010 on July 2, 2003. The petition concerned the calculation and limitation of the indirect patient care component of the Medicaid reimbursement rate applicable to the respective facilities pursuant to the Florida Title XIX Long-Term Care Reimbursement Plan ("Plan"). The Petitioners and AHCA entered into a Settlement Agreement under which the requested variance is granted with stipulated conditions.

A copy of the Order and the Settlement Agreement is available from: Denny Gordon, The Agency for Health Care Administration, 2727 Mahan Drive, Mail Stop 21, Building 3, Room 2147A, Tallahassee FL 32308.

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#### **DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

NOTICE IS HEREBY GIVEN that on August 28, 2003, Bureau of Elevator Safety received an Emergency Petition for Variance of Section 399.035(2), Florida Statute, from KONE Inc, requesting a variance from the minimum cab size for a 4 stop elevator.

A copy of the Petition can be obtained from: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013.

The Bureau of Elevator Safety will accept comments concerning the Petition for 14 days from the date of publication of this notice. To be considered, comments must be received on or before 5:00 p.m.

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The Electrical Contractors' Licensing Board hereby gives notice that it has received a petition, filed on August 8, 2003, from Robert E. Marshall seeking a waiver or variance of Rule 61G6-9.001, Florida Administrative Code, with respect to the continuing education requirements for renewal of an inactive license.

Comments on this Petition should be filed with Electrical Contractors' Licensing Board, 1940 N. Monroe Street, Northwood Centre, Tallahassee, Florida 32399-0783, within 14 days of publication of this notice.

For a copy of the petition, contact: Anthony B. Spivey, Executive Director, Electrical Contractors' Licensing Board, at above address or telephone (850)487-1395.

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#### **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."

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#### **DEPARTMENT OF HEALTH**

The Board of Medicine hereby gives notice that it has issued an Order on the Petition for Waiver filed on behalf of Keith E. Cook, M.D. The Notice of Petition for Waiver was published in Vol. 29, No. 18, of the May 2, 2003, Florida Administrative Weekly.

The Credentials Committee considered the Petition at its meeting held on May 17, 2003, and the Board considered the Committee's recommendation at its meeting held on June 6-7, 2003, in Miami, Florida.

The Board's Order, filed on June 24, 2003, denies the petition for waiver finding that the Petitioner has not established that he meets the requirements of Section 120.542, F.S., and that the Petitioner has not demonstrated a substantial hardship.

A copy of the Board's Order may be obtained by contacting: Board of Medicine, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3753.

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The Board of Medicine hereby gives notice that it has issued an Order on the Petition for Waiver filed by Burhan R. Kazaal, M.D. The Notice of Petition for Waiver was published in Vol. 29, No. 18, of the May 2, 2003, Florida Administrative Weekly.

The Credentials Committee considered the Petition at its meeting held on May 17, 2003, and the Board considered the Committee's recommendation at its meeting held on June 6-7, 2003, in Miami, Florida.

The Board's Order, filed on June 24, 2003, grants the petition for waiver finding that the underlying purpose of the statute, as implemented by Rule 64B8-5.001, F.A.C., has been met.

A copy of the Board's Order may be obtained by contacting: Board of Medicine, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3753.

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The Board of Medicine hereby gives notice that it has issued an Order on the Petition for Waiver filed by Zuheir B. Mouazzen, M.D. The Notice of Petition for Waiver was published in Vol. 29, No. 18, of the May 2, 2003, Florida Administrative Weekly.

The Credentials Committee considered the Petition at its meeting held on May 17, 2003, and the Board considered the Committee's recommendation at its meeting held on June 6-7, 2003, in Miami, Florida.

The Board's Order, filed on June 24, 2003, denies the petition for waiver finding that the Petitioner has not established that he meets the requirements of Section 120.542, F.S., and Rule 28-104.002, F.A.C. In addition, Petitioner has not demonstrated that he meets the underlying purpose of the statute or that the principles of fairness are violated by the literal application of Rule 64B8-4.027, F.A.C.

A copy of the Board's Order may be obtained by contacting: Board of Medicine, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3753.

The Board of Medicine hereby gives notice that it has issued an Order on the Petition for Waiver filed on behalf of John P. Nadakavukaran, M.D. The Notice of Petition for Waiver was published in Vol. 29, No. 18, of the May 2, 2003, Florida Administrative Weekly.

The Credentials Committee considered the Petition at its meeting held on May 17, 2003, and the Board considered the Committee's recommendation at its meeting held on June 6-7, 2003, in Miami, Florida.

The Board's Order, filed on June 24, 2003, grants the petition for waiver finding that the underlying purpose of the statute, as implemented by Rule 64B8-5.001, F.A.C., has been met.

A copy of the Board's Order may be obtained by contacting: Board of Medicine, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3753.

NOTICE IS HEREBY GIVEN that on June 16, 2003 the Department of Health received a Petition for Variance from subsection 64E-16.007(4), Table 1, 5., Florida Administrative Code, from Gary Urbanowicz on behalf of Condor Healthcare Services, LLC. That rule requires alternative treatment processes to document efficacy of a minimum Log 6 kill of poliovirus or similar organisms. The Petition indicates that Condor Healthcare Services, LLC is the manufacturer of the Condor Medical Waste Treatment System and is the successor to Winfield Industries and WESCO.

Comments on this Petition should be filed with Sam Power, Agency Clerk, Department of Health, Office of the General Counsel, 4052 Bald Cypress Way, Bin #A02, Tallahassee, Florida 32399-1703, within 14 days of publication of this notice.

A copy of the Petition may be obtained from: Edith Coulter, Bureau of Community Environmental Health, 4052 Bald Cypress Way, Bin #A08, Tallahassee, Florida 32399-1710 or by calling (850)245-4277, Extension 2335.

## Section VI Notices of Meetings, Workshops and Public Hearings

The following state governmental agencies, boards and commissions announce a public meeting to which all persons are invited:

- State Board of Administration
- Financial Services Commission
- Department of Veterans' Affairs
- Department of Highway Safety and Motor Vehicles
- Department of Law Enforcement
- Department of Revenue

- Department of Education
- Administration Commission
- Florida Land and Water Adjudicatory Commission
- Board of Trustees of the Internal Improvement Trust Fund
- Department of Environmental Protection

DATE AND TIME: September 30, 2003, 9:00 a.m.

PLACE: Cabinet Meeting Room, Lower Level, The Capitol, Tallahassee, Florida

PURPOSE: Regular scheduled meeting of the Governor and Cabinet

The State Board of Administration will take action on matters duly presented on its agenda, which may include such matters as Executive Director's reports; approval of fiscal sufficiency of state bond issues; approval of sale of local bonds at an interest rate in excess of statutory interest rate limitation; report on investment performance; designation of banks as depositories for state funds; adoption of rules and regulations; investment of state funds pursuant to Chapter 215, F.S.; and consideration of other matters within its authority pursuant to Chapters 215 and 344, F.S., and Section 16 of Article IX of the Florida Constitution of 1885, as continued by subsection 9(c) of Article XII of the Florida Constitution of 1968. The Division of Bond Finance of the State Board of Administration will take action on matters duly presented on its agenda, which will deal with the issuance of State bonds, arbitrage compliance and related matters.

The Financial Services Commission will take action on matters duly presented on its agenda which may include, but not be limited to, matters relating to rulemaking for all activities concerning insurers and other risk bearing entities, including licensing, rates, policy forms, market conduct, claims, adjusters, issuance of certificates of authority, solvency, viatical settlements, premium financing, and administrative supervision, as provided under the Insurance Code or Chapter 636, F.S., and for all activities relating to the regulation of banks, credit unions, other financial institutions, finance companies, and the securities industry.

The Department of Veterans' Affairs will take action on matters duly presented on its agenda which may include the administration of the Department as well as actions taken to further the Department's mission of providing assistance to veterans and their dependents, pursuant to Section 292.05, F.S. The Department of Highway Safety and Motor Vehicles will take action on matters duly presented on its agenda, which may include such matters as approval of agency policies, taking agency action with regard to administrative procedure matters, and considering other matters within its authority pursuant to Florida Statutes.

The Department of Law Enforcement will take action on matters duly presented on its agenda which may include but not be limited to such matters as transfer of agency funds or positions, formulation of Departmental Rules, administrative procedure matters, submittal of reports as required, enter into contracts as authorized and to consider other matters within its authority pursuant to Chapters 20, 23, 120 and 943, F.S.

The Department of Revenue will act on matters duly presented on its agenda which may include approval of rules, legislative concept proposals, contracts over \$100,000, Departmental budgets, taking final action on formal and informal hearings under Chapter 120, F.S., and consideration of other matters within its authority.

The Department of Education will finalize agency action on the business of the Florida Department of Education.

The Administration Commission will take action on matters duly presented on its agenda which may include such matters as to create or transfer agency funds or positions, approve Career Service rules, administrative procedure matters, environmental matters arising under Chapter 380, F.S., comprehensive planning issues pursuant to Section 163.3184, F.S., determine sheriffs' budget matters, and consider other matters within its authority pursuant to Chapters 110, 215 and 216, F.S.

The Florida Land and Water Adjudicatory Commission will take action on matters duly presented on its agenda including appeals of local government development orders in areas of critical state concern or of developments of regional impact under Section 380.07, F.S.; and review of water management matters under Chapter 373, F.S. The Commission will also review Department of Environmental Protection's rules and orders which, prior to July 1, 1993, the Governor and Cabinet, sitting as the head of the Department of Natural Resources, had authority to issue or promulgate.

The Board of Trustees of the Internal Improvement Trust Fund will take action on matters duly presented on its agenda which may include such matters as mineral leases or sales, state or sovereign land leases, sales, exchanges, dedications, and easements, Conservation And Recreation Lands (CARL) and other land purchases; land planning matters and other matters within its authority. Additionally, the Board will take action on matters presented by the Marine Fisheries Commission as set

forth in Sections 370.025, 370.026 and 370.027, F.S., and matters pertaining to the Office of Greenways Management, the Office responsible for the management of lands which formerly fell within the Cross Florida Barge Canal project corridor.

The Department of Environmental Protection, while not a Cabinet agency, will present for consideration on its agenda those matters required by law to be reviewed by the Governor and Cabinet and those pertaining to the siting of power plants, electric and natural gas transmission lines and hazardous waste facilities; coastal zone management consistency and standards adopted by the Environmental Regulation Commission.

A copy of any of the above agendas (when applicable) may be obtained by contacting each agency.

Accommodations can be made for persons with disabilities provided several days' notification is received. Please notify the Governor's Cabinet Office, (850)488-5152.

The Governor and Cabinet will proceed through each agenda, item by item, in the order given above.

**CABINET AIDES BRIEFING:** On the Wednesday of the week prior to the above meeting, there will be a meeting of the aides to the Governor and Cabinet Members at 9:00 a.m., Cabinet Meeting Room, Lower Level, The Capitol, Tallahassee, Florida. The purpose of this briefing is to review and gather information regarding each agenda to be considered by the Governor and Cabinet.

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#### DEPARTMENT OF STATE

The **Friends of the Museum of Florida History**, Inc. announce a public meeting to which all persons are invited.

**DATE AND TIME** Tuesday, September 23, 2003, 2:00 p.m.

**PLACE:** R. A. Gray Building, 500 South Bronough Street, Education room, lower level, Tallahassee, Florida

**GENERAL SUBJECT MATTER TO BE DISCUSSED:** To conduct the regular business meeting with the Board of Directors.

A copy of the agenda may be obtained by writing: Stephen McLeod, Bureau of Historical Museums, Division of Historical Resources, 500 S. Bronough Street, Tallahassee, Florida 32399-0250 or calling (850)245-6375.

Should any person wish to appeal any decision made with respect to the above mentioned meeting, he or she may need to ensure verbatim recording of the proceedings in order to provide a record of judicial review.

Pursuant to Section 286.26, Florida Statutes, people with disabilities wishing to attend this meeting should contact the agency at least 48 hours prior to the meeting in order to request any assistance.

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The **Friends of the Mission San Luis**, Inc. announce a public meeting to which all persons are invited.

DATE AND TIME: Wednesday, September 24, 2003, 10:00 a.m.

PLACE: Messer House (upstairs), Mission San Luis, 2020 West Mission Road, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE DISCUSSED: To conduct the regular business meeting with the Board of Directors.

A copy of the agenda may be obtained by writing: Stephen McLeod, Bureau of Historical Museums, Division of Historical Resources, 500 S. Bronough Street, Tallahassee, Florida 32399-0250 or calling (850)245-6375.

Should any person wish to appeal any decision made with respect to the above mentioned meeting, he or she may need to ensure verbatim recording of the proceedings in order to provide a record of judicial review.

Pursuant to Section 286.26, Florida Statutes, people with disabilities wishing to attend this meeting should contact the agency at least 48 hours prior to the meeting in order to request any assistance.

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The **Friends of Historic Properties and Museums**, Inc. announce a public meeting to which all persons are invited.

DATE AND TIME Wednesday, September 24, 2003, 2:00 p.m.

PLACE: R. A. Gray Building, 500 South Bronough Street, Director's Conference Room (305), 3rd Floor, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE DISCUSSED: To conduct the regular business meeting with the Board of Directors.

A copy of the agenda may be obtained by writing: Stephen McLeod, Bureau of Historical Museums, Division of Historical Resources, 500 S. Bronough Street, Tallahassee, Florida 32399-0250 or calling (850)245-6375.

Should any person wish to appeal any decision made with respect to the above mentioned meeting, he or she may need to ensure verbatim recording of the proceedings in order to provide a record of judicial review.

Pursuant to Section 286.26, Florida Statutes, people with disabilities wishing to attend this meeting should contact the agency at least 48 hours prior to the meeting in order to request any assistance.

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The **Friends of the Old Florida Capitol**, Inc. announce a public meeting to which all persons are invited.

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

PLACE: R. A. Gray Building, 500 South Bronough Street, Director's Conference Room (305), 3rd Floor, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE DISCUSSED: To conduct the regular business with the Board of Directors.

A copy of the agenda may be obtained by writing: Stephen McLeod, Bureau of Historical Museums, Division of Historical Resources, 500 S. Bronough Street, Tallahassee, Florida 32399-0250 or calling (850)245-6375.

Should any person wish to appeal any decision made with respect to the above mentioned meeting, he or she may need to ensure verbatim recording of the proceedings in order to provide a record of judicial review.

Pursuant to Section 286.26, Florida Statutes, people with disabilities wishing to attend this meeting should contact the agency at least 48 hours prior to the meeting in order to request any assistance.

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The **Friends of the Knott House**, Inc. announce a public meeting to which all persons are invited.

DATE AND TIME: Thursday, September 25, 2003, 2:00 p.m.

PLACE: Knott House Museum, 301 East Park Avenue, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE DISCUSSED: To conduct the regular business meeting with the Board of Directors.

A copy of the agenda may be obtained by writing: Stephen McLeod, Bureau of Historical Museums, Division of Historical Resources, 500 S. Bronough Street, Tallahassee, Florida 32399-0250 or calling (850)245-6375.

Should any person wish to appeal any decision made with respect to the above mentioned meeting, he or she may need to ensure verbatim recording of the proceedings in order to provide a record of judicial review.

Pursuant to Section 286.26, Florida Statutes, people with disabilities wishing to attend this meeting should contact the agency at least 48 hours prior to the meeting in order to request any assistance.

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#### DEPARTMENT OF LEGAL AFFAIRS

The LCSW Task Force 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: Wednesday, September 24, 2003, 3:00 p.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 at 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.

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#### DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

The Florida **Department of Agriculture and Consumer Services** announces a Notice of Public Meeting of the Fertilizer Technical Council, to which all persons are invited:

DATE AND TIME: September 19, 2003, 9:00 a.m.

PLACE: Bob Crawford Agricultural Center, 615 East Main Street, Bartow, Florida 33830, (863)449-2500

GENERAL SUBJECT MATTER TO BE CONSIDERED: Fertilizer Technical Council Meeting.

For a copy of the agenda you may contact: Mr. Dale Dubberly, Florida Department of Agriculture and Consumer Services, 3125 Conner Boulevard, Building 8, L-29, Tallahassee, Florida 32399-1650, (850)488-8731.

If special accommodations are needed to attend this meeting because of a disability, please call Dale Dubberly as soon as possible.

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The Florida **Department of Agriculture and Consumer Services, Division of Forestry**, announces a meeting of the Florida Forestry Council which is open to all interested persons.

DATE AND TIME: Monday, October 27, 2003, 10:00 a.m.

PLACE: Doyle Conner Center, 1911 S. W. 34th Street, Gainesville, FL 32608

GENERAL SUBJECT MATTER TO BE CONSIDERED: Updates on Division of Forestry Programs.

A copy of the agenda may be obtained by contacting: Michael C. Long, Director, Division of Forestry, 3125 Conner Boulevard, Tallahassee, Florida 32399-1650, (850)488-4274.

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The Florida **State Fair Authority** announces a meeting of the Finance Committee, and a combined meeting of the Long Range Planning and Marketing Committees.

DATE AND TIMES: Wednesday, October 1, 2003, 10:30 a.m. – Finance Committee Meeting; 11:00 a.m. – Long Range Planning and Marketing Committees

PLACE: Bob Thomas Equestrian Center, Florida State Fairgrounds, Tampa, Florida 33610

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss old and new business of the Finance, Long Range Planning and Marketing Committees.

AGENDA: A copy of the Agendas may be obtained by contacting: Ms. Ann Menchen, Florida State Fairgrounds, P. O. Box 11766, Tampa, Florida 33680.

If special accommodations are needed to attend this meeting because of a disability, please contact Ms. Ann Menchen, (813)621-7821, as soon as possible.

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The Florida **State Fair Authority** announces a meeting of the Full Authority to which all persons are invited:

DATE AND TIME: Wednesday, October 1, 2003, 1:00 p.m.

PLACE: Bob Thomas Equestrian Center, Florida State Fairgrounds, Tampa, Florida 33610

GENERAL SUBJECT MATTER TO BE CONSIDERED: Committee Reports: Finance, Long Range Planning and Marketing; Report of Independent Auditors; Budget Approval; Amphitheater Project Update; 2004 Fair Preparations

AGENDA: A copy of the Agenda may be obtained by contacting: Ms. Ann Menchen, Florida State Fairgrounds, P. O. Box 11766, Tampa, Florida 33680.

If special accommodations are needed to attend this meeting because of a disability, please contact Ms. Ann Menchen, (813)621-7821, as soon as possible.

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#### DEPARTMENT OF EDUCATION

The public is invited to Committee meetings and the regular meeting of the Florida **Board of Governors**. The Economic Development and the Facilities Committee of the Board will meet. The regular meeting of the Board will follow.

DATE AND TIME: September 24, 2003, 9:00 a.m. – 4:00 p.m.

PLACE: WFSU Broadcast Center, Pottsdamer Street, Florida State University, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Economic Development in Florida and the role of the State University System; State University System Fixed Capital Outlay Legislative Budget Request for 2004-2005; University Enrollment Plans, 2004-2005 through 2008-2009; State Matching Funds for Private Gifts to the universities; Continuing Discussion of the mission of the universities in the State University System; Accountability within the State University System; and other matters pertaining to the Florida Board of Governors.

A copy of the agenda may be obtained from the Commissioner of Education's website at <http://www.fldoe.org>.

Persons with disabilities who require assistance to participate in the meeting are requested to notify the Office of Access and Equity, (850)245-9531 (Voice), at least 7 days in advance, so that their needs can be accommodated.

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The **Florida Atlantic University**, Board of Trustees announces a meeting to which all persons are invited:

DATE AND TIME: Wednesday, September 17, 2003, 2:00 p.m.

PLACE: Boca Raton Campus, Board of Trustees Room, Kenneth R. Williams Administration Bldg., 777 Glades Road, Boca Raton, Florida 33314

GENERAL SUBJECT MATTER TO BE CONSIDERED:  
Governance Committee.

A copy of the agenda may be obtained by contacting: Dr. Anthony Lombardo, Florida Atlantic University, 777 Glades Road, Boca Raton, FL 33431, (561)297-4030.

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: Ms. Paula Behul, (561)297-3004. If you are hearing or speech impaired, please contact the agency by calling TDD via TDD NO. (561)297-2130.

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 Board of Trustees of the **Florida School for the Deaf and the Blind** announces a public meeting to which all persons are invited.

DATE AND TIME: Saturday, September 27, 2003, 9:00 a.m.

PLACE: Wilson Music Building Auditorium, FSDB Campus, St. Augustine, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED:  
Matters pertaining to the Florida School for the Deaf and the Blind, including a Rule Development workshop on the following rules: Rule 6D-3.002, F.A.C., Admission and Enrollment Requirements, Rule 6D-3.0021, F.A.C., Individual Educational Plan, Rule 6D-3.007, F.A.C., Provision of Non-Academic and Extracurricular Services and Activities, and Rule 6D-9.006, F.A.C., Students Infected with the HIV Virus.

A copy of the agenda may be obtained by writing: Elmer L. Dillingham, President, Florida School for the Deaf and the Blind, 207 N. San Marco Avenue, St. Augustine, FL 32084-2799, or by calling (904)827-2000.

Should any person wish to appeal any decision made with respect to any matter considered at the above referenced meeting, he 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. Special accommodations for persons with disabling conditions should be requested at least 48 hours in advance from the aforementioned address.

#### DEPARTMENT OF COMMUNITY AFFAIRS

The **Florida Communities Trust** announces a Public Meeting of the Governing Body to which all persons are invited.

DATES AND TIMES: October 2, 2003, 9:00 a.m.; reconvening October 3, 2003, 9:00 a.m. – conclusion

PLACE: City of Tallahassee Commission Chambers, Tallahassee City Hall, 300 South Adams Street, Tallahassee, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Score, rank and select applications for funding from the Florida Forever Program FF3 application cycle; other business that the governing board deems necessary

ACTION TO BE TAKEN: Consideration of above-stated business. To obtain a copy of the agenda, contact the Trust, (850)922-2207.

If any person desires to appeal any decision with respect to any matter considered at the meeting, such person will need a record of the proceeding and may need to insure that a verbatim record of the proceeding is made to include the testimony and evidence upon which the appeal is to be based.

Persons requiring a special accommodation for a disability or physical impairment should contact Florida Communities Trust, (904)922-2207 (SunCom 292-2207) at least five days prior to the meeting. If hearing or speech impaired, contact Florida Communities Trust using the Florida Dual Party Relay System, 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

**DEPARTMENT OF LAW ENFORCEMENT**

The Florida **Department of Law Enforcement**, announces a public meeting to which all persons are invited.

DATE AND TIME: Thursday, October 9, 2003, 10:00 a.m.

PLACE: The Florida Department of Law Enforcement, 2331 Phillips Road, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Criminal and Juvenile Justice Information Systems Council will conduct its regular meeting to discuss state and national issues in areas of criminal and juvenile justice information and information systems.

Individuals with a disability as defined by the Americans with Disabilities Act (ADA) may call Government Analyst Wayne Quinsey or Christopher Ferris, (850)410-7126, about accommodations that would enable attendance.

A copy of the agenda may be obtained by writing to Government Analysts Wayne Quinsey or Christopher Ferris, Florida Department of Law Enforcement, Division of Criminal Justice Information Systems, Strategic Planning and Systems Integrity, Post Office Box 1489, Tallahassee, Florida 32302, (850)410-7126, Suncom 210-7126.

**DEPARTMENT OF TRANSPORTATION**

The **Department of Transportation**, District 1 announces a public hearing to which all persons are invited:

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

PLACE: Polk County Commission Board Room, 330 West Church Street, Bartow, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: To afford interested persons the opportunity to express their views concerning a proposed Corridor Access Management Plan for US 98 from SR 60A (Van Fleet Drive) in Bartow, Florida to Main Street in Lakeland, Florida, a distance of approximately 12.2 miles. District wide Financial Project ID 202062 1 12 01.

Anyone needing project or public hearing information or special accommodations under the Americans with Disabilities Act of 1990 should call: John Czerepak, 1(800)292-3368. Special accommodation requests under the Americans with Disabilities Act should be made at least seven days prior to the public hearing.

A copy of the hearing agenda may be obtained by writing: John Czerepak, District Growth Management Coordinator, Florida Department of Transportation, District 1, Post Office Box 1249, Bartow, Florida 33831.

Sarasota County and the **Department of Transportation**, District 1, in association with Charlotte County announce a public hearing to which all persons are invited:

DATE AND TIMES: Thursday, October 9, 2003, 4:00 p.m. – 6:00 p.m. – Open house; 6:00 p.m. – Public Hearing

PLACE: Englewood United Methodist Church, 700 E. Dearborn Street, Englewood, Florida 34223

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 Federal Aid Project No.: FL38 001 R, Financial Project I.D. No.: 200610-1-22-01, otherwise known as the Englewood Interstate Connector (EIC) Project Development and Environment (PD&E) Study. The limits of the project corridor are from SR 776 in Charlotte County, Florida, to the I-75/River Road interchange in Sarasota County, Florida. The hearing will begin with an open house at 4:00 p.m., at which time the public may review maps, drawings, and other pertinent information developed by the FDOT, Sarasota County and their consultants. The open house will be followed by a formal presentation at 6:00 p.m.

Anyone needing project or public hearing information or special accommodations under the Americans with Disabilities Act of 1990 should write: Sarasota County Public Works, 1001 Sarasota Center Boulevard, Sarasota, FL 34240 or call Mr. Robert Fakhri, Engineering Section Supervisor, (941)861-0942. You may also contact Mr. Steve Ferrell, P.E., Project Manager, Wilbur Smith Associates, 3535 Lawton Road, Suite 100, Orlando, FL 32803-3729, (941)460-9254, Ext. 357. Special accommodation requests under the Americans with Disabilities Act should be made at least seven (7) days prior to the public hearing.

The **Department of Transportation**, District 4 announces a public hearing to which all interested persons are invited to attend.

DATE AND TIME: Thursday, October 9, 2003, 6:00 p.m.

PLACE: Port Everglades Administration Building, 1850 Eller Drive, Dania, Florida

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 Number 403984-1-22-01, Federal Aid Project Number FL56-001R; the Project Development and Environment (PD&E) Study for Eller Drive. The limits of the project corridor are from east of the I-595/US1 Interchange to McIntosh Road, Broward County. The study will focus on providing an efficient movement to and from the Port facility, while retaining and integrating the local access and traffic movements, and improving the movement of vehicles between the Port and the Airport.

To obtain information concerning this project, or a copy of the agenda, contact: Mr. Richard A. Young, P.E., Project Manager, (954)777-4323, 1(866)336-8435, Extension 4323, or 1(800)955-8771 (TDD).

Anyone needing special accommodations under the Americans with Disabilities Act of 1990 should contact the Project Manager by phone, or by writing Florida Department of Transportation, District 4, Planning and Environmental Management, 3400 West Commercial Boulevard, Ft. Lauderdale, Florida 33309-3421 at least seven (7) days prior to the hearing.

The **Department of Transportation**, Florida's Turnpike Enterprise announces a public hearing to which all persons are invited.

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

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

GENERAL SUBJECT MATTER TO BE CONSIDERED: The hearing is being conducted pursuant to the provisions of Rule Chapter 14-97, Florida Administrative Code, and Section 335.18, Florida Statutes. This hearing is being held in accordance with the Section 339.155, Florida Statutes, and is also consistent with the Americans with Disabilities Act of 1990. This hearing is also in compliance with Title VI of the Civil Rights Act of 1964 and Title VIII of the Civil Rights Act of 1968, as amended. This hearing is being held to afford interested persons the opportunity to express their views concerning the proposed project, Financial Project Identification Number: 406112-1, otherwise known as a New Partial Interchange at Florida's Turnpike and Jog Road. While not anticipated, potential encroachment on wetlands and floodplains may be given special consideration under Executive Orders 11990 and 11988.

A Toll Rate Rulemaking Public Hearing will be held as part of the Project Development and Environment Study Public Hearing to allow the public an opportunity to comment on the proposed toll rates for the Jog Road Turnpike Partial Interchange. Notice of that Toll Rate Rulemaking Public Hearing was published in the September 5, 2003, Florida Administrative Weekly.

Anyone needing project or public hearing information, including a copy of the hearing agenda, may contact: Mr. William Yeager, P.E., Project Manager, Florida's Turnpike Enterprise, P. O. Box 613069, Ocoee, Florida 34761-3069, (407)532-3999, Ext. 3626, e-mail: william.yeager@dot.state.fl.us.

Anyone requiring special accommodations under the Americans With Disabilities Act of 1990 should contact: Mr. Jeffrey LeClaire, P.E., Florida's Turnpike Enterprise, P. O. Box 613069, Ocoee, Florida 34761-3069, (407)532-3999, Ext. 3826, e-mail: jeffrey.leclaire@dot.state.fl.us. Special accommodation requests under the Americans with Disabilities Act should be received at least seven (7) days prior to the hearing.

## DEPARTMENT OF HIGHWAY SAFETY AND MOTOR VEHICLES

The Florida **Department of Highway Safety and Motor Vehicles** announces a meeting of the Florida At Risk Driver Advisory Council to which interested persons are invited:

DATE AND TIME: Wednesday, September 24, 2003, 1:00 p.m. – 4:00 p.m.

PLACE: Conference Room 110, Senate Office Building, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Organizational meeting and planning session.

To obtain a copy of the agenda, please contact: Selma Sauls, 2900 Apalachee Parkway, MS 80, Tallahassee, Florida 32399-0570, (850)487-0867, email: sauls.selma@hsmv.state.fl.us.

Pursuant to the provisions for 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: Selma Sauls, (850)487-0867. If you are hearing or speech impaired, please contact the department by calling (850)487-0867.

## 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

The Florida **Public Service Commission** announces its Internal Affairs Meeting to which all interested persons are invited.

DATE AND TIME: \*September 29, 2003, 9:30 a.m.

PLACE: The Betty Easley Conference Center, 4075 Esplanade Way, Conference Room 140, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss and make decisions on matters which affect the operation of the Commission.

A copy of the agenda of the Internal Affairs Meeting may be obtained by contacting: Division of the Commission Clerk and Administrative Services, Florida Public Service Commission, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850.

Any person requiring some accommodation at this meeting because of a physical impairment should call the Division of the Commission Clerk and Administrative Services, (850)413-6770, at least 48 hours prior to the conference. Any person who is hearing or speech impaired should contact the Commission by using the Florida Relay Service, which can be reached at 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).



\* In the event of a scheduling conflict, this meeting may be rescheduled to September 30, 2003, in Room 140, immediately preceding or immediately following the Commission Conference.

\*\*THIS MEETING IS SUBJECT TO CANCELLATION WITHOUT NOTIFICATION.\*\*

The Florida **Public Service Commission** announces its regularly scheduled conference to which all interested persons are invited.

DATE AND TIME: September 30, 2003, 9:30 a.m.

PLACE: The Betty Easley Conference Center, 4075 Esplanade Way, Commission Hearing Room 148, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: To consider those matters ready for decision.

LEGAL AUTHORITY AND JURISDICTION: Chapters 120, 350, 364, 366 and 367, F.S.

Persons who may be affected by Commission action on certain items on this agenda for which a hearing has not been held will be allowed to address the Commission concerning those items when taken up for discussion at this conference.

A copy of the agenda may be obtained by any person who requests a copy, and pays the reasonable cost of the copy. (\$1.00 per copy, Statement of Agency Organization and Operations), by contacting the Division of the Commission Clerk and Administrative Services, (850)413-6770, or writing: Director, Division of the Commission Clerk and Administrative Services, Florida Public Service Commission, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850. The agenda and recommendations are also accessible on the PSC Homepage, at <http://www.floridapsc.com>, at no charge.

If a person decides to appeal any decisions made by the Commission with respect to any matter considered at this conference, he will need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which appeal is based. Any person requiring some accommodation at this conference because of a physical impairment should call the Division of the Commission Clerk and Administrative Services, (850)413-6770, at least 48 hours prior to the conference. Any person who is hearing or speech impaired should contact the Commission by using the Florida Relay Service, which can be reached at 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

### REGIONAL PLANNING COUNCILS

The **North Central Florida Regional Planning Council** announces the following workshop and meetings to which all persons are invited.

WORKSHOP: Clearinghouse Committee

DATE AND TIME: September 25, 2003, 5:00 p.m.

GENERAL SUBJECT MATTER TO BE CONSIDERED: To review the duties and responsibilities of the Clearinghouse Committee.

MEETING: Executive Committee

DATE AND TIME: September 25, 2003, 6:00 p.m.

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct the regular business of the Executive Committee.

MEETING: Clearinghouse Committee

DATE AND TIME: September 25, 2003, 6:00 p.m.

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct the regular business of the Clearinghouse Committee.

MEETING: North Central Florida Regional Planning Council

DATE AND TIME: September 25, 2003, 7:30 p.m.

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct the regular business of the North Central Florida Regional Planning Council.

PLACE: Holiday Inn Restaurant, I-75 and U.S. 90, Lake City, Florida

Any person deciding to appeal decisions of the Council or its committees with respect to any matter considered at the meetings or workshop, may need to make a verbatim record of the proceedings.

A copy of any of these agendas may be obtained by emailing [ncfrpc@ncfrpc.org](mailto:ncfrpc@ncfrpc.org) or writing: NCFRPC, 2009 N. W. 67 Place, Suite A, Gainesville, Florida 32653.

Persons with disabilities who need assistance may contact us at (352)955-2200, at least two business days in advance to make appropriate arrangements.

The **Tampa Bay Local Emergency Planning Committee**, (LEPC) District VIII announces a public meeting to which all persons are invited.

DATE AND TIME: Wednesday, September 24, 2003, 10:30 a.m.

PLACE: Tampa Bay Regional Planning Council, 9455 Koger Blvd., #219, St. Petersburg, FL 33702

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct a meeting of the Florida District VIII LEPC and discuss and implement provisions of the Emergency Planning and Community Right-to-Know Act (EPCRA).

A copy of the agenda may be obtained by contacting: Bill Lofgren, LEPC Coordinator, Tampa Bay Regional Planning Council, 9455 Koger Blvd, Suite 219, St. Petersburg, FL 33702, (727)570-5151, Ext 248.

Please note that if a person decides to appeal any decision made by the LEPC with respect to any matter considered at the above cited meeting, he/she will need to ensure that verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is based.

Any persons needing special accommodations at this meeting because of a disability or physical impairment should contact the Tampa Bay Regional Planning Council, (727)570-5151, Ext 217, within three working days of the meeting.

The **Tampa Bay Regional Planning Council** announces the following meetings to which all persons are invited.

MEETING: Executive/Budget Committee

DATE AND TIME: Monday, October 13, 2003, 9:00 a.m.

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct the regular business of the Executive/Budget Committee.

MEETING: Tampa Bay Regional Planning Council

DATE AND TIME: Monday, October 13, 2003, 10:00 a.m.

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct the regular business of the Tampa Bay Regional Planning Council.

MEETING: TBRPC Legislative Committee

DATE AND TIME: Monday, October 13, 2003, 11:30 a.m.

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct the regular business of the TBRPC Legislative Committee.

MEETING: Agency on Bay Management

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

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct the regular business of the Agency On Bay Management.

MEETING: Clearinghouse Review Committee

DATE AND TIME: Monday, October 27, 2003, 9:30 a.m.

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct the regular business of the Clearinghouse Review Committee

PLACE: 9455 Koger Blvd., Suite 219, St. Petersburg, FL 33702 (Please call to confirm date, time and location)

Please note that if a person decides to appeal any decision made by Council with respect to any matter considered at the above cited meeting or hearing, he will need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is based.

The **South Florida Regional Planning Council** and Miami-Dade County announce a public kick-off meeting to which all persons are invited:

DATE AND TIME: September 23, 2003, 6:30 p.m. – 8:30 p.m.

PLACE: University of Florida Extension Office, The Miami-Dade County Cooperative Extension (Ag Center), 18710 S. W. 288th Street, Homestead, FL 33303

DATE AND TIME: September 24, 2003, 6:30 p.m. - 8:30 p.m.

PLACE: Dave and Mary Alper Jewish Community Center, The You and Adult Lounge, 11155 S. W. 112th Avenue, Miami, Florida 33176

GENERAL SUBJECT MATTER TO BE CONSIDERED: The South Florida Regional Planning Council and Miami-Dade County have initiated the development of a plan important to the future of South Florida – The South Miami-Dade Watershed Study and Plan. Keith and Schnars, P.A. is proud to begin development of this important land-use study that will shape the future of South Florida. This meeting will acquaint the public with the history, objectives, process and timeline of the study plan, as well as encourage public participation.

A copy of the agenda may be obtained by contacting: Carey Sirianni, Keith and Schnars, P.A., (954)776-1616, or on the web: [www.southmiamidadewatershed.com](http://www.southmiamidadewatershed.com)

The **Apalachee Regional Planning Council** announces a public meeting to which all persons are invited. In addition to its regular business, the agenda will include the review of any Local Government Plan Amendment(s) received in a timely manner.

DATE AND TIME: Thursday, September 25, 2003, 10:30 a.m. (Eastern Time), 9:30 a.m. (Central Time)

PLACE: Holiday Inn Select, 316 W. Tennessee Street, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: To hold the regular monthly meeting of the Apalachee Regional Planning Council's Board of Directors.

An agenda may be obtained by writing: Apalachee Regional Planning Council, 20776 Central Avenue, East, Suite 1, Blountstown, FL 32424 or (850)674-4571.

If special accommodations at the meeting are required because of a disability or impairment, please contact Council Offices, (850)674-4571, prior to the meeting.

If any person desires to appeal any decision with respect to any matter considered at the above-cited meeting, such person will need a record of the proceedings. For such purpose, he/she will need to ensure that a verbatim record of the proceeding is made to include the testimony and evidence upon which the appeal is to be based.

## WATER MANAGEMENT DISTRICTS

The **Northwest Florida Water Management District** announces the following field trip, meetings and public hearings to which all persons are invited:

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

GENERAL SUBJECT MATTER TO BE CONSIDERED: Tour of District land and projects in the Econfina Water Management Area.

PLACE: The field trip will originate from the District's Econfina field office, 6418 East Highway 20, Econfina, Florida

DATE AND TIME: September 25, 2003, 3:00 p.m., CDT

GENERAL SUBJECT MATTER TO BE CONSIDERED: Administration, Budget and Finance Committee – to discuss final current year amendment to budget and revised Administrative Operations and Procedures Manual.

DATE AND TIME: September 25, 2003, 3:30 p.m., CDT

GENERAL SUBJECT MATTER TO BE CONSIDERED: Lands Committee meeting – to discuss District land issues.

DATE AND TIME: September 25, 2003, 4:30 p.m., CDT

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regular monthly meeting of Governing Board – to consider District business.

DATE AND TIME: September 25, 2003, 4:45 p.m., CDT

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regulatory Public Hearing – to consider regulatory matters.

DATE AND TIME: September 25, 2003, 5:05 p.m., CDT

GENERAL SUBJECT MATTER TO BE CONSIDERED: Budget Public Hearing – to consider adoption of FY 2003-2004 Millage Rate and Budget.

PLACE: All meetings and public hearings will be held at City Hall, Commission Chambers, 9 Harrison Avenue, Panama City, Florida

A copy of these agendas 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 **Suwannee River Water Management District** announces the following public meetings to which all interested persons are invited.

DATE AND TIME: September 23, 2003, 3:00 p.m.

PLACE: District Headquarters, 9225 CR 49, Live Oak, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Workshop.

DATE AND TIME: September 23, 2003, 5:30 p.m.

PLACE: District Headquarters, 9225 CR 49, Live Oak, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Final Public Hearing on FY 2003-2004 budget and proposed millage rate.

A copy of the agenda(s) may be obtained by writing: SRWMD, 9225 CR 49, Live Oak, Florida 32060.

If any person decides to appeal any decision with respect to any matter considered at the above cited meeting, such person may need to ensure that a verbatim record of the proceedings is made to include the testimony and evidence upon which the appeal is to be based.

Persons with disabilities who need assistance in order to participate in this meeting may contact Lisa M. Cheshire, (386)362-1001 or 1(800)226-1066 (Florida only), at least two business days in advance to make appropriate arrangements.

The **Southwest Florida Water Management District** (SWFWMD) announces the following public meetings to which all interested persons are invited:

GOVERNING BOARD COMMITTEE MEETINGS, BOARD MEETING AND PUBLIC HEARING

DATE AND TIME: Tuesday, September 23, 2003, 9:00 a.m.

PLACE: SWFWMD, District Headquarters, 2379 Broad Street, Brooksville, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Conduct of Committee meetings, Board meeting and public hearing.

GOVERNING BOARD FINAL BUDGET HEARING

DATE AND TIME: Tuesday, September 23, 2003, 5:01 p.m.

PLACE: SWFWMD, District Headquarters, 2379 Broad Street, Brooksville, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Governing Board adoption of final millage rate and budget for FY2004.

GOVERNING BOARD COMMITTEE MEETINGS, BOARD MEETING AND PUBLIC HEARING (Items not completed at Tuesday's meeting may be carried over to Wednesday's meeting. If all business is concluded at Tuesday's meeting, there will be no meeting on Wednesday.)

DATE AND TIME: Wednesday, September 24, 2003, 9:00 a.m.

PLACE: SWFWMD, Sarasota Service Office, 6750 Fruitville Road, Sarasota, FL (Note: This is a change of location from what was originally scheduled in the published year-long calendar.)

GENERAL SUBJECT MATTER TO BE CONSIDERED: Conduct of meeting and public hearing.

These are public meetings and agendas are available by contacting: Southwest Florida Water Management District, 2379 Broad Street, Brooksville, FL.

The District does not discriminate based on disability. Anyone requiring reasonable accommodation under the ADA should contact 1(800)423-1476 (Florida only), Extension 4609, TDD only 1(800)231-6103 (Florida only), Fax 352-754-6874.

The **South Florida Water Management District** announces a public meeting to which all interested parties are invited:

DATE AND TIME: September 18, 2003, 6:00 p.m. – 8:00 p.m.

GENERAL SUBJECT MATTER TO BE CONSIDERED: To provide the business community information regarding upcoming business opportunities with the South Florida Water Management District (and other local government agencies) within a three to six month time span. Special efforts will be made to reach the minority community in the Miami-Dade area.

PLACE: Offices of Latin Builders Association, Union Planters Building, 2800 Ponce de Leon Blvd., Seventh Floor, Coral Gables, FL, (305)444-9461, Fax (305)444-0981.

A copy of the agenda may be obtained at (1) District Website (<http://www.sfwmd.gov/agend.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 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)686-8800, at least two business days in advance of the meeting to make appropriate arrangements.

Those who want more information, please contact: Alina Delgado, Florida Venture Foundation, in the Miami area Department, (305)444-9461, Florida Venture Foundation, Union Planters Building, 2800 Ponce de Leon Blvd., Seventh Floor, Coral Gables, FL.

The **South Florida Water Management District** announces a public meeting to which all interested parties are invited:

DATE AND TIME: September 20, 2003, 8:00 a.m. – 12:00 Noon

GENERAL SUBJECT MATTER TO BE CONSIDERED: To provide the business community information regarding upcoming business opportunities with the South Florida Water Management District (and other local government agencies) within a three to six month time span. Special efforts will be made to reach the minority community in the Ft. Myers area.

PLACE: The South Florida Water Management, Ft. Myers Service Center, Lower West Coast Service Center, 2301 McGregor Blvd., Ft. Myers, FL 33901, (239)338-2929, 1(800)248-1201, Suncom 748-2929, Fax (239)338-2936

A copy of the agenda may be obtained at the (1) District Website (<http://www.sfwmd.gov/agenad.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 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)686-8800, at least two business days in advance of the meeting to make appropriate arrangements.

Those who want more information, please contact: Ben Harris, Lee County Employment and Economic Development Corporation, 2774 First Street, Ft. Myers, FL 33916, (239)337-2300.

The **South Florida Water Management District** announces a public meeting to which all interested parties are invited:

DATE AND TIME: Monday, September 22, 2003, 8:30 a.m.

GENERAL SUBJECT MATTER TO BE CONSIDERED: Water Resources Advisory Commission Meeting (WRAC) Regular Meeting.

PLACE: South Florida Water Management District, 3301 Gun Club Road, B1 Auditorium, West Palm Beach, FL 33406

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: Paula Moree, District Headquarters, 3301 Gun Club Road, Mail Stop Code 6115, West Palm Beach, FL 33406, (561)682-6447.

The **South Florida Water Management District** announces a public meeting to which all interested parties are invited:

DATE AND TIME: Monday, September 29, 2003, 2:00 p.m.

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regular Meeting of the Loxahatchee River Management Coordinating Council.

PLACE: Town of Jupiter Community Center, 210 Military Trail, Jupiter, FL 33458

A copy of the agenda may be obtained by writing: South Florida Water Management District, Mail Stop 6880, 210 Atlanta Avenue, Stuart, Florida 34994.

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)686-8800, at least two business days in advance of the meeting to make appropriate arrangements.

Those who want more information, please contact: Kathy LaMartina, Martin/St.Lucie Service Center, (772)223-2600, Ext. 3603, 210 Atlanta Avenue, Stuart, FL 34994.

The **South Florida Water Management District** announces a public meeting to which all interested parties are invited:

DATE AND TIME: October 7, 2003, 10:00 a.m. – 3:00 p.m.

GENERAL SUBJECT MATTER TO BE CONSIDERED: To provide the business community information regarding upcoming business opportunities with the South Florida Water Management District (within a three to six month time span.) Special efforts will be made to reach the minority community in Palm Beach, Broward area.

PLACE: South Florida Water Management District, Headquarters and tour of West Palm Beach Field Station, 3301 Gun Club Road, West Palm Beach, FL 33406

A copy of the agenda may be obtained at the (1) District Website (<http://www.sfwmd.gov/agenda.html>) or (2) by writing: South Florida Water Management District, Mail Stop 2130, 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)686-8800, at least two business days in advance of the meeting to make appropriate arrangements.

Those who want more information, please contact: Paul Skyers, Palm Beach County Resource Center, 2001 Broadway, Suite 250, Riviera Beach, FL 33404, (561)863-0895, Fax (561)863-0897.

The **South Florida Water Management District** announces a public meeting(s) to which all interested parties are invited:

DATE AND TIME: September 18, 2003, 9:00 a.m.

PLACE: USDA-ARS-US Horticultural Center, 2001 South Rock Road, Ft. Pierce, FL 34945

GENERAL SUBJECT MATTER TO BE CONSIDERED: Water Resources Advisory Issues Workshop on The Upper East Coast Regional Water Supply Plan.

Information regarding the existing Upper East Coast Water Supply Plan can be found at <http://www.sfwmd.gov/org/wsd/wsp/uecwsp.htm>.

A copy of the agenda may be obtained at District Website seven (7) prior to the meeting at (<http://www.sfwmd.gov/gover/wrac/agenda.html>) or by writing: South Florida Water Management District, Mail Stop 6115, P. O. Box 24680, West Palm Beach, Florida 33416-4680.

Persons with disabilities who need assistance may contact Paula Moree, Deputy District Clerk, (561)682-6447, at least two business days in advance of the meeting to make appropriate arrangements.

Those who desire more information, please contact: Sharon Fowler, Senior Planner, Water Supply Planning and Development Division, (561)682-6155, [sfowler@sfwmd.gov](mailto:sfowler@sfwmd.gov) or Paula Moree, District Clerk's Office, District Headquarters, 3301 Gun Club Road, West Palm Beach, Florida 33406, (561)682-6447.

### **COMMISSION FOR THE TRANSPORTATION DISADVANTAGED**

The Florida **Commission for the Transportation Disadvantaged** announces a Conference Committee Meeting to which all persons are invited.

DATE AND TIME: Tuesday, September 16, 2003, 10:00 a.m. – completion

PLACE: 2740 Centerview Drive, Suite 1A, Rhyne Building, Tallahassee, FL (850)410-5700, Conference Call Number (850)921-6455, Suncom 291-6455

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss plans for 2004 TD conference.

In accordance with the Americans with Disabilities Act, persons in need of special accommodation to participate in the meeting or an agenda should contact: Tiffany McNabb, Commission for the Transportation Disadvantaged, 605 Suwannee Street, MS-49, Tallahassee, FL 32399-0450, (850)410-5700 or 1(800)983-2435 or 1(800)648-6084 (TDD only).

The meeting is subject to change upon chairperson's request.

### **LAND AND WATER ADJUDICATORY COMMISSION**

The **Florida Land and Water Adjudicatory Commission** announces a meeting to which all persons are invited.

DATE AND TIME: September 30, 2003, 9:00 a.m.

PLACE: Cabinet Meeting Room (Room LL-03), The Capitol, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: This meeting is a regularly scheduled Cabinet meeting. The Florida Land and Water Adjudicatory Commission will consider adoption of proposed Rule Chapter 42NN-1, Aberdeen Community Development District. Proposed Rule Chapter 42NN-1, F.A.C., which addresses the establishment, boundaries, and board of supervisors of the Aberdeen

Community Development District, was published in the Florida Administrative Weekly on August 1, 2003, (Vol. 29, No. 31).

For more information about the Cabinet meeting agenda, copies of the proposed rule, or for information concerning special accommodations because of a disability or physical impairment, please contact: Barbara Leighty, Florida Land and Water Adjudicatory Commission, The Capitol, Room 1802, Tallahassee, Florida 32399-0001, (850)487-1884.

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**The Florida Land and Water Adjudicatory Commission** announces a meeting to which all persons are invited.

DATE AND TIME: September 30, 2003, 9:00 a.m.

PLACE: Cabinet Meeting Room (Room LL-03), The Capitol, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: This meeting is a regularly scheduled Cabinet meeting. The Florida Land and Water Adjudicatory Commission will consider adoption of proposed Rule Chapter 42JJ-1, F.A.C., Town Center at Palm Coast Community Development District. Proposed Rule Chapter 42JJ-1, F.A.C., which addresses the establishment, boundaries, and board of supervisors of the Town Center at Palm Coast Community Development District, was published in the Florida Administrative Weekly on November 1, 2002, (Vol. 28, No. 44).

For more information about the Cabinet meeting agenda, copies of the proposed rule, or for information concerning special accommodations because of a disability or physical impairment, please contact Barbara Leighty, Florida Land and Water Adjudicatory Commission, The Capitol, Room 1802, Tallahassee, Florida 32399-0001, (850)487-1884.

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**The Florida Land and Water Adjudicatory Commission** announces a meeting to which all persons are invited.

DATE AND TIME: September 30, 2003, 9:00 a.m.

PLACE: Cabinet Meeting Room (Room LL-03), The Capitol, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: This meeting is a regularly scheduled Cabinet meeting. The Florida Land and Water Adjudicatory Commission will consider adoption of proposed Rule Chapter 42MM-1, F.A.C., Durbin Crossing Community Development District. Proposed Rule Chapter 42MM-1, F.A.C., which addresses the establishment, boundaries, and board of supervisors of the Durbin Crossing Community Development District, was published in the Florida Administrative Weekly on August 1, 2003, (Vol. 29, No. 31).

For more information about the Cabinet meeting agenda, copies of the proposed rule, or for information concerning special accommodations because of a disability or physical

impairment, please contact: Barbara Leighty, Florida Land and Water Adjudicatory Commission, The Capitol, Room 1802, Tallahassee, Florida 32399-0001, (850)487-1884.

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#### **DEPARTMENT OF ELDER AFFAIRS**

The **Department of Elder Affairs** announces a meeting to which all persons are invited.

Alzheimer's Disease Advisory Committee

DATE AND TIME: September 25, 2003, 8:30 a.m. – 3:30 p.m.

PLACE: Embassy Suites Orlando International Airport Hotel, 5835 T.G. Lee Boulevard, Orlando, Florida 32822, (407)888-9339; Contact: Arkeba Bouie, (850)414-2339

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss various issues regarding the Alzheimer's Disease Initiative.

For more information, please contact: Florida Department of Elder Affairs, (850)414-2000.

Note: Pursuant to the provisions of the American with Disabilities Act, any persons requiring special accommodations to participate in this meeting is asked to advise the department at least 48 hours before the meeting by contacting: Arkeba Bouie, (850)414-2339. If you are hearing or speech impaired, please contact the department by calling (850)414-2001.

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The Florida **Department of Elder Affairs** announces a public hearing to which all persons are invited.

DATE AND TIME: September 29, 2003, 9:00 a.m. – 3:00 p.m.

PLACE: Department of Elder Affairs, Room 225F, 4040 Esplanade Way, Tallahassee, FL 32399-7000

GENERAL SUBJECT MATTER TO BE CONSIDERED: A meeting of the Advisory Council for the Office of Long-Term Care Policy to discuss the state of long-term care in Florida and methods for improvement.

To obtain a copy of the agenda, please contact: Jennifer Sindt, 4040 Esplanade Way, Tallahassee, Florida 32399-7000, (850)414-2091, email: [Sindtj@elderaffairs.org](mailto:Sindtj@elderaffairs.org).

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this meeting is asked to advise the department at least 48 hours before the meeting by contacting: Jennifer Sindt, (850)414-2091. If you are hearing or speech impaired, please contact the department by calling (850)414-2001.

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The Florida **Department of Elder Affairs** announces a workshop to which all person are invited.

DATE AND TIME: September 30, 2003, 1:00 p.m. – 4:00 p.m.

PLACE: Department of Elder Affairs, 4040 Esplanade Way, Conf. Rm. 225F, Tallahassee, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Refer to the Notice of Rule Development published in Vol. 29, No. 29, July 18, 2003 issue of the Florida Administrative

Weekly to develop proposed Rules 58A-2.027, F.A.C., Hospice Employee Training Requirements, and 58A-2.028, F.A.C., Hospice Training Provider and Curriculum Approval. A copy of the agenda may be obtained by contacting: Linda Macdonald, Office of General Counsel, Department of Elder Affairs, 4040 Esplanade Way, Tallahassee, Florida 32399-7000, (850)414-2000.

The **Northeast Florida Area Agency on Aging** announces a Budget/Finance Committee meeting, and a Board of Directors meeting to which all persons are invited:

DATE AND TIME: September 17, 2003, 1:00 p.m. – Budget and Finance Committee; 2:30 p.m. – Board of Directors Meeting

PLACE: Houston Conference Room, Flagler Hospital, St. Augustine, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: General Board business and Recommendations from Standing Committees.

A copy of the agenda may be obtained by contacting: The Northeast Florida Area Agency on Aging, Inc., 4401 Wesconnett Blvd., 2nd Floor, Jacksonville, FL 32210, (904)777-2106

#### AGENCY FOR HEALTH CARE ADMINISTRATION

The **Agency of Health Care Administration** announces the first meeting of the Governor's Task Force on Access to Affordable Health Insurance to which all interested persons are invited.

DATE AND TIME: September 22, 2003, 10:45 a.m. – 12:15 p.m.

PLACE: The Biltmore Hotel, Room (TBA), 1200 Anastasia Avenue, Coral Gables, Florida 33134

GENERAL SUBJECT MATTER TO BE CONSIDERED: Introductions and background information for the task force, presentation and review of the national and Florida uninsured problem, review of task force goals and preliminary work plan to achieve these goals, set future schedule of meetings, and general business of the Task Force.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact Ms. Audrey Sumrall, (850)413-2552, at least five calendar days prior to the meeting.

A copy of the agenda may be obtained by writing: Mr. Gary Crayton, Principal, Health Management Associates, 301 S. Bronough Street, Suite 500, Tallahassee, Florida 32301.

#### DEPARTMENT OF MANAGEMENT SERVICES

The **State Technology Office**, Wireless 911 Board and once established, the Subcommittee for Phase II Wireless E911 will hold a telephone conference to which all interested persons are invited.

DATE AND TIME: September 29, 2003, 9:30 a.m. – 11:30 a.m.

PLACE: For participation call conference (850)414-1711 or Suncom 994-1711

GENERAL SUBJECT MATTER TO BE CONSIDERED: The purpose of the telephone conference is to address compliance with the federal Phase II E911 requirements by "officially" establishing the Subcommittee for Phase II Wireless E911 as required by Chapter No. 2003-182, Laws of Florida.

If accommodation due to disability is needed in order to participate, please notify the State Technology Office/Wireless 91 Board in writing at least five (5) days in advance at 4050 Esplanade Way, Tallahassee, Florida 32399-0950.

The **Florida Black Business Investment Board**, Inc. (FBBIB), Florida Black Business Support Corporation (FBBSC), The FBBSC Loan Investment Committee, and the FBBIB Audit Committee will hold a meeting to which all interested persons are invited.

Audit Committee

DATE AND TIME: September 9, 2003, 10:30 a.m.

Loan/Investment Committee

DATE AND TIME: September 11, 2003, 2:00 p.m.

Audit Committee

DATE AND TIME: September 17, 2003, 10:30 a.m.

Combined FBBIB and FBBSC Board of Directors

DATE AND TIME: September 22, 2003, 10:00 a.m.

PLACE: Teleconference

GENERAL SUBJECT MATTER TO BE CONSIDERED: To respond to the findings and recommendations of the Chief Inspector General's August 28 preliminary audit.

A copy of the agenda may be obtained by contacting: The Florida Black Business Investment Board, Inc., 1711 South Gadsden Street, Tallahassee, FL 32301, (850)487-4850.

If a person decides to take an appeal with respect to any matter considered at these meetings, he/she will need a record of the proceedings and, for such purpose, he/she may need to ensure that verbatim record of the proceedings is made, which record should include the testimony and evidence upon which the appeal is to be based.

If an accommodation is needed for a disability in order to attend this meeting, please notify the FBBIB office, (850)487-4850, at least seven (7) days prior to the meeting.

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

The **Department of Business and Professional Regulation** announces a public meeting, under the Government in the Sunshine Law, Chapter 286, Florida Statutes, of the Homeowners' Association Task Force.

DATE AND TIME: September 24, 2003, 1:00 p.m. – 5:00 p.m.

PLACE: Profession's Conference Room, Northwood Centre, 1940 North Monroe Street, Tallahassee, Florida 32399

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Homeowners' Association Task Force, a cross-section of representatives involved with homeowners' associations, was created at the Governor's request to harmonize and improve relations between homeowners, homeowners' associations and other related entities. The members will provide input and make recommendations for legislative change consistent with his vision for government and regulation. Monthly meetings through January are anticipated with locations and dates to be determined.

Attendance may be in person or by telephone by calling (850)921-5230 or Suncom 291-5230. Persons attending by telephone will be charged 6.9 cents per minute in addition to any personal long distance carrier charges. Persons seeking to speak at the meeting must notify the task force at least 2 days in advance of the meeting.

For copies of the agenda and specific issues to be addressed, to register to speak, or for any other information, contact: Department of Business and Professional Regulation, 1940 North Monroe Street, Tallahassee, Florida 32399-2202 in writing or call Marlita Peters, (850)414-9223 or Suncom 214-9223.

Any person requiring special accommodations due to disability or physical impairment should contact the agency at least two business days prior to the meeting in order to request any special assistance by calling (850)414-9223 or TDD 1(800)955-8770.

The Probable Cause Panel of the **Construction Industry Licensing Board** announces a meeting.

DATES AND TIME: September 23, 2003, 9:00 a.m. and 10:00 a.m. or soon thereafter

PLACE: Dept. of Business and Professional Regulation, 201 West Bloxham Street, Tallahassee, Florida 32301, (850)488-0062

GENERAL SUBJECT MATTER TO BE CONSIDERED: To review complaints in which a determination of the existence of probable cause has already been made.

A copy of the public portion of the agenda may be obtained by writing: Patrick Creehan, Chief Construction Attorney, Department of Business and Professional Regulation, Office of the General Counsel, 1940 N. Monroe Street, Suite 60, Tallahassee, Florida 32399-2202 or (850)488-0062.

NOTE: In accordance with the Americans with Disabilities Act, persons needing a special accommodation to participate in this proceeding should contact the Construction Prosecution Section no later than seven (7) days prior to the proceeding or meeting at which such special accommodation is required. The Construction Prosecution Section may be contacted at the address and phone number listed above.

The **Florida Engineers Management Corporation** announces a public telephone conference call to which all persons are invited:

DATE AND TIME: Friday, September 19, 2003, 2:00 p.m.

PLACE: Florida Board of Professional Engineers, 2507 Callaway Road, Suite 200, Tallahassee, Florida 32303 (Conference Call Number 1(800)659-8294)

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss any old or new business of the Corporation.

A copy of the agenda may be obtained by writing: Board of Professional Engineers, 2507 Callaway Road, Suite 200, Tallahassee, Florida 32303.

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting, they will need a record of the proceedings, and for such purposes they may need to ensure that a verbatim record of the proceedings is made, which record will include the testimony and evidence upon which the appeal is to be made.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this meeting is asked to advise the Board at least forty-eight (48) hours before the meeting by contacting: Natalie Lowe, (850)521-0500.

The **Board of Professional Geologists** announces a General Business Meeting. All interested parties are invited to attend at the address listed below.

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

PLACE: Embassy Suites Hotel, 9300 Baymeadows Road, Jacksonville, Florida 32256

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct 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 (850)487-8304.

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 Tuesday, October 21, 2003.

The **Board of Professional Surveyors and Mappers** announces a Continuing Education Committee, Application Review Committee, Positional Accuracy Committee and General Business Meeting. All interested parties are invited to attend at the address listed below.

DATE AND TIME: October 8, 2003, 8:00 a.m. – Continuing Education Committee meeting; Application Review Committee meeting; Positional Accuracy Committee meeting; followed by a General Business meeting

DATE AND TIME: October 9, 2003, 8:00 a.m. – Probation Committee meeting; followed by a General Business meeting

PLACE: Hawthorn, 7450 Augusta National Drive, Orlando, Florida 32561

GENERAL SUBJECT MATTER TO BE CONSIDERED: Conduct regular Board business.

A copy of the agenda may be obtained by writing: Board of Professional Surveyors and Mappers, 1940 North Monroe Street, Tallahassee, Florida, or calling Juanita Chastain, (850)487-8309.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this meeting is asked to advise the agency at least forty-eight (48) hours before the meeting by contacting: Juanita Chastain, (850)487-8309. If you are hearing or speech impaired, please contact the agency by calling 1(800)955-8771 (TDD).

Any person who decides to appeal any decision made by the Board with respect to any matter considered at this meeting, will need a record of the proceedings, which record shall include all testimony and evidence upon which the appeal is based; and, for such purpose may need to ensure that a verbatim record of the proceedings is made.

#### 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 **Department of Health** announces a meeting of the Florida KidCare Coordinating Council to which all persons are invited:

DATE AND TIME: Monday, September 29, 2003, 1:00 p.m. – 4:00 p.m.

PLACE: Betty Easley Conference Center, Room 166, 4075 Esplanade Way (Capital Circle Office Center), Tallahassee, FL 32399

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Florida KidCare Coordinating Council, an advisory body appointed by the Secretary of the Florida Department of Health, will meet on Monday, September 29, 2003, 1:00 p.m. – 4:00 p.m. in Tallahassee to discuss Florida KidCare, the state children's health insurance program. The Council is charged with making recommendations to the Department, the Governor and the Legislature, as well as other state government groups about possible changes and adjustments to the Florida KidCare Program which may result in recommendations for legislative action, state agency rule change, federal agency rule or policy change, or Congressional action.

A copy of the agenda may be obtained from: Gail Vail, Department of Health, (850)245-4444, Ext. 2238, [Gail\\_Vail@doh.state.fl.us](mailto:Gail_Vail@doh.state.fl.us).

The Florida **Board of Medicine**, Quality Assurance Committee announces a telephone conference call to be held via meet me number.

DATE AND TIME: Friday, September 26, 2003, 12:00 Noon

PLACE: Contact Florida Board of Medicine, (850)245-4131 for meet me number

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct general business of the Committee.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact the Florida Board of Medicine, (850)245-4131, at least five (5) calendar days prior to the meeting. If you are hearing or speech impaired, please call the Florida Board of Medicine using the Florida Dual Party Relay System which can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

A copy of the agenda may be obtained by writing: Larry McPherson, Board Director, Medical Quality Assurance, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3253.

Please note that if a person decides to appeal any decision made by the Board with respect to any matter considered at the above cited meeting or hearing, he will need a record of the proceedings, and for such purpose, may need to insure that a verbatim record of the proceeding is made, which record includes the testimony and evidence upon which the appeal is to be based. A verbatim tape record of the proceeding may be obtained from a court reporter, if present, or an audio record from the Board Director.

286.0105 Notices of meetings and hearings must advise that a record is required to appeal. Each board, commission, or agency of this state or of any political subdivision thereof shall include in the notice of any meeting or hearing, if notice of the meeting or hearing is required, of such board, commission, or

agency, conspicuously on such notice, the advice that, if a person decides to appeal any decision made by the board, agency, or commission with respect to any matter considered at such meeting or hearing, he or she will need a record of the proceedings, and that, for such purpose, he or she may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. The requirements of this section do not apply to the notice provided in s. 200.065(3), F.S.

History.--s. 1, ch. 80-150; s. 14, ch. 88-216; s. 209, ch. 95-148.

The **Board of Medicine** hereby gives notice that a public workshop for the purposes of rule development on Rule 64B8-9.007, F.A.C., Standards of Practice, to which all interested persons are invited.

DATE AND TIME: October 2, 2003, 3:00 p.m.

PLACE: The Westin Hotel, 400 Corporate Drive, Ft. Lauderdale, Florida 33334

A Notice of Rule Development was published in Vol. 29, No. 30, of the July 25, 2003, Florida Administrative Weekly.

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

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).

The Florida **Board of Medicine**, Surgical Care Committee announces a meeting to which all persons are invited.

DATE AND TIME: Thursday, October 2, 2003, 3:00 p.m.

PLACE: The Westin, 400 Corporate Drive, Ft. Lauderdale, FL, (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, which can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

A copy of the agenda may be obtained by writing: Larry McPherson, Board Director, Medical Quality Assurance, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3253.

Please note that if a person decides to appeal any decision made by the Board with respect to any matter considered at the above cited meeting or hearing, he will need a record of the proceedings, and for such purpose, may need to insure that a verbatim record of the proceeding is made, which record includes the testimony and evidence upon which the appeal is to be based. A verbatim tape record of the proceeding may be obtained from a court reporter, if present, or an audio record from the Board Director.

The Florida **Board of Medicine** announces a meeting to which all persons are invited.

DATES AND TIME: October 3-4, 2003, 8:00 a.m.

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 Board.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact the Florida Board of Medicine, (850)245-4131, at least five (5) calendar days prior to the meeting. If you are hearing or speech impaired, please call the Florida Board of Medicine using the Florida Dual Party Relay System which can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

A copy of the agenda may be obtained by writing: Larry McPherson, Board Director, Medical Quality Assurance, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3253.

Please note that if a person decides to appeal any decision made by the Board with respect to any matter considered at the above cited meeting or hearing, he will need a record of the proceedings, and for such purpose, may need to insure that a verbatim record of the proceeding is made, which record includes the testimony and evidence upon which the appeal is to be based. A verbatim tape record of the proceeding may be obtained from a court reporter, if present, or an audio record from the Board Director.

The Florida **Board of Medicine**, Dietetics-Nutrition/Electrolysis Committee announces a meeting to which all persons are invited.

DATE AND TIME: October 3, 2003, at conclusion of 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 which can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

A copy of the agenda may be obtained by writing: Larry McPherson, Board Director, Medical Quality Assurance, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3253.

Please note that if a person decides to appeal any decision made by the Board with respect to any matter considered at the above cited meeting or hearing, he will need a record of the proceedings, and for such purpose, may need to insure that a verbatim record of the proceeding is made, which record includes the testimony and evidence upon which is to be based.

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The Florida **Board of Medicine**, Expert Witness Credentials Committee announces a meeting to which all persons are invited.

DATE AND TIME: October 3, 2003, at the conclusion of the Full Board meeting or soon there after

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 which can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

A copy of the agenda may be obtained by writing: Larry McPherson, Board Director, Medical Quality Assurance, 4052 Bald Cypress Way, Bin #C03 Tallahassee, Florida 32399-3253.

Please note that if a person decides to appeal any decision made by the committee with respect to any matter considered at the above cited meeting or hearing, he will need a record of the proceedings, and for such purpose, he may need to insure that a verbatim record of the proceeding is made, which record includes the testimony and evidence upon which the appeal is to be based.

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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 25, 2003, 5:30 p.m.

PLACE: Department of Health, Tallahassee, FL at Meet Me Number (850)921-6433

GENERAL SUBJECT MATTER TO BE CONSIDERED: For cases previously heard by the panel.

Any person requiring special accommodations at this meeting because of a disability or physical impairment should contact the Board, (850)245-4125, 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.

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The **Department of Health, Board of Pharmacy**, Rules Committee announces a public meeting to which all persons are invited.

DATE AND TIME: October 13, 2003, 1:00 p.m.

PLACE: Ramada Inn and Conference Center, 2900 N. Monroe Street, Tallahassee, FL 32308, (850)386-1027

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Rules Committee will meet to review Rule Chapter 64B16, F.A.C.

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 which can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

If a person decides to appeal any decision made by the Board with respect to any matter considered at this meeting he will need 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.

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The **Department of Health, Board of Pharmacy**, Public and Professional Affairs Committee announces a public meeting to which all persons are invited.

DATE AND TIME: October 13, 2003, 4:00 p.m.

PLACE: Ramada Inn and Conference Center, 2900 N. Monroe Street, Tallahassee, FL 32308, (850)386-1027

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Public and Professional Affairs Committee will meet to conduct 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 which can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

If a person decides to appeal any decision made by the Board with respect to any matter considered at this meeting he will need 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, Board of Pharmacy** announces a public meeting to which all persons are invited.

DATES AND TIME: October 14-15, 8:00 a.m. – 5:00 p.m.

PLACE: Ramada Inn and Conference Center, 2900 N. Monroe Street, Tallahassee, Florida 32308, (850)386-1027

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Board will conduct disciplinary proceedings and general board 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 which can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

If a person decides to appeal any decision made by the Board with respect to any matter considered at this meeting he will need 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, Board of Psychology** announces a conference call of the board to which all persons are invited:

DATE AND TIME: September 25, 2003, 4:00 p.m. or soon thereafter

PLACE: Call-In Numbers (850)488-8295, Suncom 278-8295

GENERAL SUBJECT MATTER TO BE CONSIDERED: Special committee of the Board of Psychology and Board of Medicine.

A copy of the agenda may be obtained by writing: Department of Health, Board of Psychology, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3255 or (850)245-4373.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/hearing/meeting is asked to advise the department at least 48 hours before the workshop/hearing/meeting by contacting the board office at (850)488-0595. If you are hearing or speech impaired, please contact the department by calling 1(800)955-8770 (Voice) or 1(800)955-8771 (TDD).

Please note that if a person decides to appeal any decision made by the Board with respect to any matter considered at the above-cited meeting or hearing, he/she will need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

The **Department of Health, Board of Respiratory Care**, announces meetings to which all persons are invited.

General Board Meeting

DATE AND TIME: October 15, 2003, 10:00 a.m. or soon thereafter

PLACE: The meet me number may be obtained by contacting: Ivy Shivers, Regulatory Supervisor, Medical Therapies/Psychology, 4052 Bald Cypress Way, Bin #C05, Tallahassee, FL 32399-3255, (850)245-4372

GENERAL SUBJECT MATTER TO BE CONSIDERED: Reconsideration of cases previously heard by the Probable Cause Panel.

Following the public portion of the meeting, the doors will be closed to the public.

A copy of the agenda may be obtained by writing: Department of Health, Board of Respiratory Care, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3255 or (850)245-4373.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/hearing/meeting is asked to advise the department at least 48 hours before the workshop/hearing/meeting by contacting the board office at (850)488-0595. If you are hearing or speech impaired, please contact the department by calling 1(800)955-8770 (Voice) or 1(800)955-8771 (TDD).

Please note that if a person decides to appeal any decision made by the Board with respect to any matter considered at the above-cited meeting or hearing, he/she will need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

The **Department of Health, Board of Respiratory Care**, announces meetings to which all persons are invited.

General Board Meeting

DATE AND TIME: December 2, 2003, 10:00 a.m. or soon thereafter

PLACE: Call-In Number (850)921-2530, Suncom 291-2530

GENERAL SUBJECT MATTER TO BE CONSIDERED: General Business Meeting and Rules Review.

A copy of the agenda may be obtained by writing: Department of Health, Board of Respiratory Care, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3255 or (850)245-4373.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/hearing/meeting is asked to advise the department at least 48 hours before the workshop/hearing/meeting by contacting the board office at (850)488-0595. If you are hearing or speech impaired, please contact the department by calling 1(800)955-8770 (Voice) or 1(800)955-8771 (TDD).

Please note that if a person decides to appeal any decision made by the Board with respect to any matter considered at the above-cited meeting or hearing, he/she will need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

The **Department of Health** announces a public meeting to which all persons are invited.

DATE AND TIME: October 21, 2003, 9:00 a.m.

PLACE: Florida Association of Realtors, 7025 Augusta National Drive, Orlando, FL 32822, (407)438-1400

GENERAL SUBJECT MATTER TO BE CONSIDERED: Identify and discuss issues relating to onsite sewage treatment and disposal systems which may require changes to Chapter 64E-6, Florida Administrative Code.

A copy of the agenda may be obtained by contacting: Shirley Kugler, Department of Health, Bureau of Onsite Sewage Programs, 4052 Bald Cypress Way, Bin #A08, Tallahassee, Florida 32399-1713.

Any person requiring a special accommodation at this meeting because of disability or physical impairment should contact Shirley Kugler, (850)245-4070, at least two weeks prior to the meeting.

The Florida **Department of Health** announces a public meeting to which all persons are invited.

MEETING: Children's Medical Services Network Advisory Council

DATE AND TIME: Wednesday, September 24, 2003, 10:00 a.m.

PLACE: Department of Health, Children's Medical Services, 2390 Phillips Road, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: To provide recommendations to the Children's Medical Services Program office on the implementation of the Children's Medical Services Network.

A copy of the agenda may be obtained by writing: Florida Department of Health, Children's Medical Services, 4052 Bald Cypress Way, Bin #A06, Tallahassee, Florida 32399-1707

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)245-4200.

The Florida **Emergency Medical Services**, Advisory Council Committees, Constituency Groups, Florida Emergency Medical Services for Children Advisory Committee, and the Florida Emergency Medical Advisory Council will hold their quarterly meetings.

DATES AND TIMES: October 8-9, 2003, 8:00 a.m. – 6:00 p.m.; October 10, 2003, 8:00 a.m. – 1:00 p.m.

PLACE: The DoubleTree Hotel Tampa Westshore, 4500 West Cypress Street, Tampa, FL 33607 (813)879-4800

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct general business of the council.

A schedule of meetings or an agenda may be obtained by contacting: Patricia Kenyon, Bureau of Emergency Medical Services, (850)245-4440, Ext. 2686.

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, Ext. 2686, 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: Patricia Kenyon, 4052 Bald Cypress Way, Bin C18 (HEMS), Tallahassee, Florida 32399-1738 or (850)245-4440, Ext. 2686.

#### DEPARTMENT OF CHILDREN AND FAMILY SERVICES

The Florida **Department of Children and Family Services** announces a meeting of the Citrus County Shared Services Alliance Steering Committee to which all persons are invited.

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

PLACE: Citrus County School Board Office, 1007 W. Main Street, Inverness, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: To provide participation and governance of community based services, Section 20.19(6), F.S.

A copy of the agenda may be obtained by writing: Mona Terry, Box 80-O, 1601 W. Gulf-Atlantic Hwy., Wildwood, FL 34785.

Persons needing special accommodations to participate in this proceeding should contact the agency no later than five working days prior to the meeting, telephone (352)330-2177.

#### FLORIDA HOUSING FINANCE CORPORATION

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 a workshop and meeting of the Board of Directors to which all interested parties are invited:

Fiscal Committee; Guarantee Committee; Universal Cycle Committee; Multifamily Revenue Bond Committee; Board Meeting

DATES AND TIME: October 9-10, 2003, 9:00 a.m. – adjourned

PLACE: Tallahassee City Hall Commission Chambers, 300 South Adams Street, Tallahassee, FL 32301, (850)891-0000

GENERAL SUBJECT MATTER TO BE CONSIDERED:

1. Consider, review, and take action on matters brought to the Fiscal Committee and to consider recommendations made by the Fiscal Committee to the Board.
2. Consider, review, and take action on matters brought to the Guarantee Committee and to consider recommendations made by the Guarantee Program Committee to the Board.
3. Consider, review, and take action on matters brought to the Universal Cycle Committee and to consider recommendations made by the Universal Cycle Committee to the Board.
4. Consider, review, and take action on matters brought to the Multifamily Revenue Bond Committee and to consider recommendations made by the Multifamily Revenue Bond Committee to the Board;
5. Authorize the Corporation Staff to proceed with all actions necessary for the sale of bonds of pending multifamily issues, which have satisfied the requirements for funding.
6. Consider financing and acknowledgement resolutions for various multifamily developments, under any multifamily program, including the ranking of developments.
7. Consider appointment of professionals including but not limited to trustee and/or originator/servicer for upcoming and/or past multifamily programs and single-family programs.
8. Consider approval of all bond documents for and terms of all upcoming single-family and multifamily bond sales, including those secured by third-party guarantors, letters-of-credit, insurance or other mechanisms.
9. Consider adopting resolutions authorizing negotiated or competitive sale of bonds on various single-family and multifamily issues.
10. Consider directing Staff to submit summaries of various TEFRA/Public Hearings to the Governor.

11. Consideration of policy issues concerning ongoing and upcoming single-family bond issues including initiation of request for proposals on an emergency basis, and structuring new issues.
12. Consideration of all necessary actions with regard to the Multifamily Bond Program.
13. Consideration of approval of underwriters for inclusion on approved master list and teams.
14. Consideration of all necessary actions with regard to the HOME Rental Program.
15. Consideration of all necessary actions with regard to the HC (Housing Credits) Program.
16. Consideration of all necessary actions with regard to the SAIL (State Apartment Incentive Loan) Program.
17. Consideration of all necessary actions with regard to the SHIP (State Housing Initiatives Partnership) Program.
18. Consideration of all necessary actions with regard to the PLP (Predevelopment Loan) Program.
19. Consideration of all necessary actions with regard to the Home Ownership Programs.
20. Consideration of all necessary actions, for initiating new rules or rule amendments on an emergency or non-emergency basis.
21. Consideration of Appeals from Universal Cycle ranking and grading with entry of final orders.
22. Consideration of workouts or modifications for existing projects funded by the Corporation.
23. Consideration of matters relating to the stated purpose of the Corporation to provide safe and sanitary housing that is affordable for the residents of Florida.
24. Consideration of funding additional reserves for the Guarantee Fund.
25. Consideration of audit issues.
26. Evaluation of Professional and Consultant performance.
27. Such other matters as may be included on the Agenda for the October 9-10, 2003, Board Workshop and Meeting.

A copy of the agenda may be obtained by contacting: Sheila Freaney, Board Liaison, Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32301-1329, (850)488-4197.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact Sheila Freaney at the Florida Housing Finance Corporation, (850)488-4197, at least five calendar days prior to the meeting. If you are hearing or speech impaired, please contact the Corporation using the Florida Dual Party Relay System, which can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

If any person decides to appeal any decision made by the Corporation with respect to any matter considered at this meeting, he or she will need a record of the proceedings, and

for such purpose, he or she may need to ensure that a verbatim record of the proceedings be made, which record includes the testimony and evidence upon which the appeal is to be based.

#### **FISH AND WILDLIFE CONSERVATION COMMISSION**

The **Fish and Wildlife Conservation Commission** announces a public meeting of the Listing Process Stakeholders Panel:

DATE AND TIME: Wednesday, September 24, 2003, 9:00 a.m. – 5:00 p.m.

PLACE: Farris Bryant Building, Room 272, 620 South Meridian Street, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Listing Process Stakeholders Panel will meet to discuss possible changes, if any, that may be considered necessary to improve the listing action process.

For further information, contact: Dr. Brad Gruver, 620 South Meridian Street, Tallahassee, Florida, (850)488-3831 or Brad.Gruver@fwc.state.fl.us.

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

#### **DEPARTMENT OF FINANCIAL SERVICES**

The **Department of Financial Services** announces an annual meeting of the Governor's Continuing Care Advisory Council to which all persons are invited to participate.

DATE AND TIME: Monday, October 6, 2003, 1:00 p.m.

PLACE: Florida Department of Financial Services, Larson Building, 200 East Gaines Street, Larson Building, Tallahassee, FL 32399-0331

GENERAL SUBJECT MATTER TO BE CONSIDERED: To appoint a new chairperson and vice chairperson for the Advisory Council and discuss issues currently facing the Continuing Care industry.

Pursuant to the provisions of the American with Disabilities Act, any person requiring special accommodations to participate in this meeting, please advise at least 5 calendar days before the meeting by contacting: Mr. Gary Mills, (850)413-2476.

The Florida **Board of Funeral and Cemetery Services** announces a public Board Meeting and all persons are invited to attend.

DATE AND TIME: October 16, 2003, 10:00 a.m. – 5:00 p.m.

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regular Board Business.

PLACE: Radisson Riverwalk Hotel – Jacksonville, 1515 Prudential Drive, Jacksonville, FL 32207, (904)396-5100

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 at 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice), for assistance.

**CITIZENS PROPERTY INSURANCE CORPORATION**

The **Citizens Property Insurance Corporation** announces a teleconference meeting of its Audit Committee

DATE AND TIME: Wednesday, September 17, 2003, 10:00 a.m., EDT

PLACE: Dial-In Number 1(888)532-3106

GENERAL SUBJECT MATTER TO BE CONSIDERED: Items on the agenda include, but are not limited to, discussion of the internal audit report and external auditor fees.

For additional information, please call 1(800)807-7647, Extension 3712.

**LOCAL GOVERNMENT INVESTMENT TRUST**

The Board of Trustees for the Florida **Local Government Investment Trust** announce a public meeting to which all persons are invited.

DATE AND TIME: September 19, 2003, 8:30 a.m.

PLACE: Ritz Carlton Hotel, 1111 Ritz Carlton Drive, Sarasota, Florida 34236

GENERAL SUBJECT MATTER TO BE CONSIDERED: General Administrative Operations.

A copy of the agenda may be obtained by contacting the Trust's Administrator, FACC Service Corporation, (850)921-0808.

**H. LEE MOFFITT CANCER CENTER AND RESEARCH INSTITUTE**

The **H. Lee Moffitt Cancer Center and Research Institute**, Inc. announces a public meeting to which all persons are invited.

DATE AND TIME: Tuesday, September 23, 2003, 1:30 p.m.

PLACE: Stabile Trustees Board Room, 12902 Magnolia Drive, Tampa, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct the general business of the Board of Directors.

A copy of the agenda may be obtained by writing: Lori Payne, Administration, Moffitt Cancer Center, 12902 Magnolia Drive, SRB-COO, Tampa, FL 33612.

Persons requiring special accommodations due to disability or physical impairment should contact Ms. Payne by September 19, 2003.

The **H. Lee Moffitt Cancer Center and Research Institute**, Inc. announces a public meeting to which all persons are invited.

DATE AND TIME: Wednesday, September 24, 2003, 1:30 p.m.

PLACE: SRB, Trustees Board Room, 12902 Magnolia Drive, Tampa, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct general business of the Joint Finance and Planning Committee of the Board of Directors.

A copy of the agenda may be obtained by writing: Ms. Barbara Sawyer, Administration, Moffitt Cancer Center, 12902 Magnolia Drive, Tampa, FL 33612

Persons requiring special accommodations due to disability or physical impairment should contact Ms. Barbara Sawyer by Friday, September 19, 2003.

**FLORIDA SELF-INSURERS GUARANTY ASSOCIATION**

The **Florida Self-Insurers Guaranty Association**, Inc. announces a meeting of the Claims Committee of its Board of Directors in which all interested persons are invited to attend.

DATE AND TIME: Thursday, September 25, 2003, 4:00 p.m.

PLACE: Courtyard by Marriott – Tampa Westshore, 3805 W. Cypress, Tampa, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Claims servicing and other matters.

Information on the meeting may be obtained by contacting: Brian Gee, Florida Self-Insurers Guaranty Association, 200 W. College Avenue, Suite 115, Tallahassee, Florida 32301, (850)222-1882.



Section VII
Notices of Petitions and Dispositions
Regarding Declaratory Statements

BOARD OF TRUSTEES OF THE INTERNAL
IMPROVEMENT TRUST FUND

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

DEPARTMENT OF ENVIRONMENTAL PROTECTION

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

Section VIII
Notices of Petitions and Dispositions
Regarding the Validity of Rules

Notice of Petition for Administrative Determination has
been filed with the Division of Administrative Hearings on
the following rules:

NONE

Notice of Disposition of Petition for Administrative
Determination have been filed by the Division of
Administrative Hearings on the following rules:

NONE

Section IX
Notices of Petitions and Dispositions
Regarding Non-rule Policy Challenges

NONE

Section X
Announcements and Objection Reports of
the Joint Administrative Procedures
Committee

NONE

Section XI
Notices Regarding Bids, Proposals and
Purchasing

DEPARTMENT OF EDUCATION

INVITATION TO BID

The Florida State University FO&M Purchasing shall receive
sealed bids until the dates and times shown for the following
projects. Bids may be brought to the bid opening or sent to:

Florida State University
FO&M Maintenance, Purchasing
114F Mendenhall Building A
Tallahassee, Florida 32306

prior to bid opening. Bidder must reference bid number,
opening date and time on outside of bid package to insure
proper acceptance. Bids submitted by facsimile are not
acceptable. For information relating to the Invitation(s) to Bid,
contact the

Bid Number: FO&M 47-3
Purchasing Agent: B.J. Lewis, Facilities, Florida State
University
Mandatory Pre-Bid: September 30, 2003
At 10:00 Central Time
Location: Panama City Campus
Barron Building, Lobby Administration

Building
Public Bid Opening: October 9, 2003 @ 2:00 p.m.
FSU-Facilities
125 Mendenhall Hall, Building A
Tallahassee, Florida 32306-4150
Facilities Maintenance Purchasing
Bid Documents: Fire Alarm System Installation Project
Campus Wide @ Panama City Campus,
Florida State University.

The project includes the installation of
new fully networked, addressable fire
alarm detection systems in both
replacement applications and initial
locations. All panels campus wide shall
be networked over fiber optic cable.
PLANS AND SPECS MAY BE
OBTAINED AT NO CHARGE BY
CONTACTING: BRUCE HARRISON,
(850)644-6801 OR JOE ADAMS,
(850)644-5141.

**CORRECTED NOTICE OF  
INVITATION TO NEGOTIATE**

ITN Document Number: 002

Title: School Readiness Early Care and Education Services

The Purpose: The Lake County School Readiness Coalition, Inc. has released the Invitation to Negotiate in an effort to enter into an agreement with an agency or several agencies to perform early care and education services to children of Lake County ages 0-12 for fiscal year 2003-2004. Services include Child Care Eligibility and Payment Administration Services and Early Childhood Education Support Services (to include technical assistance, program evaluation, developmental screenings, etc.). Total contract amount is approximately \$5.9 million.

This notice withdraws the previously published dates. The correct dates for this ITN are as follows: Letters of Intent to Submit are due to the Coalition by September 19, 2003. An Applicant's Conference will be held on September 24, 2003. Deadlines for all applications will be October 3, 2003. Results will be posted on October 9, 2003.

For information regarding this ITN, please contact: Kim Webb, (352)435-0566. The ITN is available electronically at [www.lakeschoolreadiness.org](http://www.lakeschoolreadiness.org).

**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 MANAGEMENT SERVICES**

**PUBLIC ANNOUNCEMENT FOR PROFESSIONAL  
CIVIL, WATER & SEWER SERVICES FOR  
CONTINUING AREA CONTRACTS AREA 2**

The State of Florida, Department of Management Services, Division of Facilities Management and Building Construction requests qualifications from civil, water and sewer firms to provide professional Services in Area 2, counties of Dixie, Franklin, Gadsden, Hamilton, Jefferson, Lafayette, Leon, Liberty, Madison, Suwannee, Taylor, Wakulla, 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](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."

**TECHNOLOGICAL RESEARCH AND  
DEVELOPMENT AUTHORITY**

The Technological Research and Development Authority (TRDA) is soliciting proposals from qualified Public Relations firms to perform public relations activities for the Space Alliance Technology Outreach Program (SATOP). Activities are focused on developing press releases, garnering media coverage, and developing articles for internal publications.

A complete RFP for this solicitation can be found by visiting [www.trda.org/rfp](http://www.trda.org/rfp). The deadline for submission is Friday, September 19, 2003 at 5:00 p.m., EDT. Any questions regarding the RFP should be addressed to Paul Secor, SATOP Director, (321)269-6330.

**Section XII  
Miscellaneous**

**DEPARTMENT OF STATE**

**PUBLIC NOTICE**

The Division of Historical Resources announces that it is soliciting applications for State and Federal grant-in-aid assistance for historic preservation project.

The deadline for filing application is December 15, 2003 and applications must be delivered to the Bureau of Historic Preservation office by 5:00 p.m. that day or clearly postmarked or show evidence of submission to an express mail service on or before that date.

Further information may be obtained from: Grants and Education Section, Bureau of Historic Preservation, R. A. Gray Building, 500 South Bronough Street, Tallahassee, Florida 32399-0250 or (850)245-6333.

**DEPARTMENT OF COMMUNITY AFFAIRS**

**NOTICE OF INTENT TO FIND**

**PUBLIC SCHOOLS INTERLOCAL AGREEMENT  
CONSISTENT WITH SECTION 163.3177(2) AND (3),  
FLORIDA STATUTES  
DCA DOCKET NO. 26-01**

The Department gives notice of its intent to find the Public Schools Interlocal Agreement ("Agreement") entered into by Hendry County, Clewiston and Labelle and the Hendry 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 33917-3909.

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 Hendry County, Clewiston and Labelle and the Hendry 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.

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Charles Gauthier, AICP  
 Acting Division Director  
 Department of Community Affairs  
 Division of Community Planning  
 2555 Shumard Oak Boulevard  
 Tallahassee, Florida 32399-2100

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NOTICE OF APPROVAL FOR  
 FLORIDA FOREVER FUNDS

The Florida Communities Trust ("Trust") reviewed and approved project plans for land acquisition projects submitted under the Florida Forever Program, Series FF2 funding cycle. The project plan listed below was approved by the Executive Director under authority delegated from the governing body. The Executive Director is authorized to execute the agreements for acquisition of the project site and all other documents necessary to close the project and that funds be released as follows:

Project: 02-043-FF2/Mill Creek Nature Preserve  
 Grantee: Alachua County  
 Amount of Approved Funds: the lesser of 50.00% of the final total project costs or \$1,490,000.00

NOTICE OF ADMINISTRATIVE HEARING RIGHTS

Any person with substantial interests that are or may be determined by the approval of funds for projects by the Trust has a right to an informal administrative proceeding pursuant to Section 120.57(2), F.S., if the person does not dispute issues of material fact raised by this decision. If an informal proceeding is held, the petitioner will have the opportunity to be represented by counsel, to present to the agency written or oral evidence in opposition to the Trust action, or to present a written statement challenging the legal grounds upon which the Trust is justifying its actions.

Alternatively, any person with substantial interests that are or may be determined by the approval of funds for projects by the Trust has a right to a formal administrative hearing pursuant to Section 120.57(1), F.S., if the person disputes any issues of material fact stated in this decision. At a formal hearing the petitioner may be represented by counsel, and will have the opportunity to present evidence and argument on all the issues involved, to conduct cross-examination and submit rebuttal evidence, to submit proposed findings of fact and orders, and to file exceptions to any order or hearing officer's recommended order.

If a person with a substantial interest desires either an informal proceeding or a formal hearing, the person must file with the Trust Clerk a written response or pleading entitled "Petition for Administrative Proceedings" within 21 calendar days of the publication date of this notice of final agency action. The petition must be in the form required by Rule 18-106.201, F.A.C. A petition is filed when it is received by the Trust Clerk at 2555 Shumard Oak Boulevard, Tallahassee, FL 32399-2100. A petition must specifically request an informal proceeding or a formal hearing, it must admit or deny each material fact contained in this decision, and it must state any defenses upon which the petitioner relies. If the petitioner lacks knowledge of a particular allegation of fact, it must so state and that statement will operate as a denial.

Any person with substantial interests that are or may be determined by the approval of funds for projects by the Trust waives the right to an informal proceeding or a formal hearing if a Petition for Administrative Proceeding is not filed with the Trust Clerk within 21 days of the date of publication of the notice of final agency action.

**DEPARTMENT OF HIGHWAY SAFETY AND MOTOR VEHICLES**

Notice of Publication for a New Point

Franchise Motor Vehicle Dealer in a County of Less than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, notice is given that American Performance Cycle intends to allow the establishment of Sockeyes Motorsports, as a dealership for the sale of the American Performance motorcycles at 20011 Emerald Coast Parkway, Destin (Okaloosa County), Florida 32541-3410 on or after August 20, 2003.

The name and address of the dealer operator(s) and principal investor(s) of Sockeyes Motorsports are dealer operator(s) and principal investor(s): Leroy Morrison, 20009 Emerald Coast Parkway, Destin, FL 32541-3410.

The notice indicates intent to establish the new point location in a county of less than 300,000 population, according to the latest population estimates of the University of Florida, Bureau of Economic and Business Research.

Certain dealerships of the same line-make may have standing, pursuant to Section 320.642, Florida Statutes, as amended by Chapter 88-395, Laws of Florida, to file a petition or complaint protesting the application.

Written petitions or complaints must be received by the Department of Highway Safety and Motor Vehicles within 30 days of the date of publication of this notice and must be submitted to: Mr. Ronald D. Reynolds, Administrator, Dealer License Section, Department of Highway Safety and Motor Vehicles, Room A-312, Neil Kirkman Building, 2900 Apalachee Parkway, Tallahassee, Florida 32399-0635.

A copy of such petition or complaint must also be sent by US Mail to: Michael E. Sample, President, American Performance Cycle, 6895 Speedway Blvd., Z101, Las Vegas, NV 89115.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

**BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND**

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

**AGENCY FOR HEALTH CARE ADMINISTRATION**

CERTIFICATE OF NEED EXEMPTIONS

The Agency for Health Care Administration authorized the following exemptions pursuant to Section 408.036(3), Florida Statutes:

County: St. Lucie District: 9  
 ID #: 0300004 Decision: A Issue Date: 8/27/2003  
 Facility/Project: St. Lucie Medical Center  
 Applicant: HCA Health Services of Florida, Inc.  
 Project Description: Convert 24 hospital-based skilled nursing beds to 24 acute care beds  
 Proposed Project Cost: \$0

CERTIFICATE OF NEED GRACE PERIOD LETTERS OF INTENT

The Agency for Health Care Administration received and accepted the following letters of intent for the September 10, 2003 application filing date for Hospital Beds and Facilities batching cycle:

County: Escambia District: 1  
 Date Filed: 8/27/2003 LOI#: H0308032  
 Facility/Project: SemperCare Hospital of Pensacola, Inc.  
 Applicant: SemperCare Hospital of Pensacola, Inc.  
 Project Description: Establish up to 40 long-term care hospital beds at Baptist Hospital Pensacola

County: Alachua District: 3  
 Date Filed: 8/27/2003 LOI#: H0308033  
 Facility/Project: Select Specialty Hospital – Alachua, Inc.  
 Applicant: Select Specialty Hospital – Alachua, Inc.  
 Project Description: Establish a long-term care hospital of up to 60 beds

County: Clay District: 4  
 Date Filed: 8/27/2003 LOI#: H0308034  
 Facility/Project: Kindred Hospital North Florida  
 Applicant: Kindred Hospitals East, L.L.C.  
 Project Description: Add up to 20 long-term care hospital beds

County: Polk District: 6  
 Date Filed: 8/27/2003 LOI#: H0308035  
 Facility/Project: Select Specialty Hospital – Marion, Inc.  
 Applicant: Select Specialty Hospital – Marion, Inc.  
 Project Description: Establish a long-term care hospital of up to 60 beds

County: Dade District: 11  
 Date Filed: 8/27/2003 LOI#: H0308036  
 Facility/Project: South Miami Hospital  
 Applicant: South Miami Hospital, Inc.  
 Project Description: Establish a Level III NICU of up to 10 beds through the conversion of up to six Level II NICU beds and up to four substance abuse beds  
 If requested within 14 days after notice that an application has been filed, a public hearing may be held at the local level within 21 days after October 15, 2003, the date the application is scheduled to be deemed complete. Tentative hearing dates will be published on September 26, 2003.

CERTIFICATE OF NEED

DECISIONS ON BATCHED APPLICATIONS

The Agency for Health Care Administration made the following decisions on Certificate of Need applications for Other Beds and Programs batching cycle with an application due date of May 28, 2003:

County: Citrus Service District: 3  
 CON#: 9678 Decision Date: 8/29/2003 Decision: A  
 Facility/Project: Hernando Pasco Hospice, Inc.  
 Applicant: Hernando Pasco Hospice, Inc.  
 Project Description: Establish a hospice program

County: Sumter Service District: 3  
 CON#: 9679 Decision Date: 8/29/2003 Decision: A  
 Facility/Project: Hospice of Lake & Sumter, Inc.  
 Applicant: Hospice of Lake & Sumter, Inc.  
 Project Description: Establish 12 hospice inpatient beds

County: Volusia Service District: 4  
 CON#: 9683 Decision Date: 8/29/2003 Decision: A  
 Facility/Project: The Huntington, LLP  
 Applicant: The Huntington, LLP  
 Project Description: Add 48 skilled nursing beds through the delicensure of 48 skilled nursing beds at Holiday Care Center

County: Duval Service District: 4  
 CON#: 9684 Decision Date: 8/29/2003 Decision: D  
 Facility/Project: Heartland Hospice Services of Florida, Inc.  
 Applicant: Heartland Hospice Services of Florida, Inc.  
 Project Description: Establish a hospice program

County: Volusia Service District: 4  
 CON#: 9685 Decision Date: 8/29/2003 Decision: D  
 Facility/Project: Heartland Hospice Services of Florida, Inc.  
 Applicant: Heartland Hospice Services of Florida, Inc.  
 Project Description: Establish a hospice program

County: Volusia Service District: 4  
 CON#: 9686 Decision Date: 8/29/2003 Decision: A  
 Facility/Project: Hospice of Volusia-Flagler  
 Applicant: Halifax Hospice, Inc.  
 Project Description: Establish 12 hospice inpatient beds

County: Manatee Service District: 6  
 CON#: 9690 Decision Date: 8/29/2003 Decision: A  
 Facility/Project: Bradenton Hospice House  
 Applicant: Hospice of Southwest Florida, Inc.  
 Project Description: Establish 14 hospice inpatient beds through the conversion of six residential bed and the addition of eight new beds

County: Manatee Service District: 6  
 CON#: 9691 Decision Date: 8/29/2003 Decision: A  
 Facility/Project: Ellenton Hospice House  
 Applicant: Hospice of Southwest Florida, Inc.  
 Project Description: Establish six inpatient hospice beds through the conversion of six residential beds

County: Charlotte Service District: 8  
 CON#: 9692 Decision Date: 8/29/2003 Decision: D  
 Facility/Project: Hope of Southwest Florida, Inc.  
 Applicant: Hope of Southwest Florida, Inc.  
 Project Description: Establish a hospice program

County: Charlotte Service District: 8  
 CON#: 9693 Decision Date: 8/29/2003 Decision: A  
 Facility/Project: Heartland Hospice Services of Florida, Inc.  
 Applicant: Heartland Hospice Services of Florida, Inc.  
 Project Description: Establish a hospice program

County: Charlotte Service District: 8  
 CON#: 9694 Decision Date: 8/29/2003 Decision: A  
 Facility/Project: Port Charlotte Hospice House  
 Applicant: Hospice of Southwest Florida, Inc.  
 Project Description: Establish 12 inpatient hospice beds through the conversion of six residential beds and the addition of six new beds

County: Collier Service District: 8  
 CON#: 9695 Decision Date: 8/29/2003 Decision: D  
 Facility/Project: Hope of Southwest Florida, Inc.  
 Applicant: Hope of Southwest Florida, Inc.  
 Project Description: Establish a hospice program

County: Collier Service District: 8  
 CON#: 9696 Decision Date: 8/29/2003 Decision: D  
 Facility/Project: Heartland Hospice Services of Florida, Inc.  
 Applicant: Heartland Hospice Services of Florida, Inc.  
 Project Description: Establish a hospice program

County: Sarasota Service District: 8  
 CON#: 9697 Decision Date: 8/29/2003 Decision: A  
 Facility/Project: Sarasota Hospice House  
 Applicant: Hospice of Southwest Florida, Inc.  
 Project Description: Add six inpatient hospice beds

County: Sarasota Service District: 8  
 CON#: 9698 Decision Date: 8/29/2003 Decision: A  
 Facility/Project: Venice Hospice House  
 Applicant: Hospice of Southwest Florida, Inc.  
 Project Description: Establish six inpatient hospice beds through the conversion of six residential beds  
 A request for administrative hearing, if any, must be made in writing and must be actually received by this department within 21 days of the first day of publication of this notice in the Florida Administrative Weekly pursuant to Chapter 120, Florida Statutes, and Chapter 59C-1, Florida Administrative Code.

**NOTICE OF LITIGATION**

The Agency for Health Care Administration has received the following petitions for administrative hearings as of the close of business on August 27, 2003, concerning certificate of need decisions. A brief description of these projects is listed below. Resolution of these requests for hearings by way of a grant or denial of their certificate of need at issue will determine substantial interest of person. Those persons whose substantial interest may be determined by these proceedings including settlements, grants, and denials are advised to govern themselves accordingly and may wish to exercise rights including intervention. See Chapter 120, F.S., as well as Rules 28-5.111 and 28-5.207, F.A.C. In deference to rights of substantially affected person, AHCA will not settle or otherwise reach a final resolution of these matters for a period of 30 days from the date of the publication.

CON#	INITIAL DECISION,	PROJECT,	CTY,
	APPLICANT,	PARTY REQUEST	HEARING (PRH)
9660	Denial, establish an 80 bed acute care hospital through the delicensure/transfer of 80 acute care beds, Palm Beach County, Columbia/JFK Medical Center Limited Partnership d/b/a JFK Medical Center, (PRH) Bethesda Healthcare System, Inc. d/b/a West Boynton Community Hospital		
9675	Approval, establish a 100 bed acute care hospital through delicensure of 100 acute care beds, Dade County, Kendall Healthcare Group, Ltd., (PRH) West Kendall Baptist Hospital, Inc.		

**DEPARTMENT OF MANAGEMENT SERVICES**

The State Technology Office, Wireless 911 Board announces the following Rural County Grant Awards, awarded August 13, 2003:

COUNTY	AWARD AMOUNT
Wakulla County	\$127,840.00
Grant Award Total	\$127,840.00

**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 27, 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 certificate of Junior Simon, C.N.A., certificate number 02985892387. 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.

**DEPARTMENT OF FINANCIAL SERVICES**

**NOTICE OF CONSIDERATION OF CEMETERY BYLAWS**

The State of Florida, Board of Funeral and Cemetery Services, will address approval of the amended bylaws of the following cemetery at the regular meeting to be held on October 16, 2003, in Jacksonville, Florida:

Curlew Hills Memorial Gardens  
and

Pensacola Memorial Gardens and Funeral Home

A file pertaining to the above is available for public inspection and copying by any person at the Larson Building, 200 East Gaines Street, 5th Floor, Tallahassee, Florida 32399-0361. Comments may be submitted at the above address without requesting a hearing. Those persons whose substantial interests may be determined by these proceedings, including settlements, grants, and denials, are advised that they may request a hearing concerning the notice of intent to be conducted in accordance with the provisions of Section 120.57, Florida Statutes. The petitions for hearing should comply with Rule 3F-6.003, Florida Administrative Code, and must be filed within twenty-one (21) days of publication of this notice. Petitions shall be filed with: Clerk, Division of Consumer Services, Bureau of Funeral and Cemetery Services, The Larson Building, 200 East Gaines Street, Tallahassee, Florida 32399-0361. In deference to the rights of substantially affected persons, a hearing on these matters will be held at the meeting of the Board of Funeral and Cemetery Services to be held as outlined above. All written comments and requests to address the Board must be received by the Department at least fourteen (14) days prior to the meeting.

**Section XIII**  
**Index to Rules Filed During Preceding Week**

**RULES FILED BETWEEN August 25, 2003  
 and August 29, 2003**

Rule No.	File Date	Effective Date	Proposed Vol./No.	Amended Vol./No.
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**DEPARTMENT OF INSURANCE**  
**Division of State Fire Marshal**

4A-41.101	8/28/03	9/17/03	29/28	
4A-41.102	8/28/03	9/17/03	29/28	
4A-41.103	8/28/03	9/17/03	29/28	
4A-41.104	8/28/03	9/17/03	29/28	
4A-41.105	8/28/03	9/17/03	29/28	
4A-41.106	8/28/03	9/17/03	29/28	
4A-41.107	8/28/03	9/17/03	29/28	
4A-41.108	8/28/03	9/17/03	29/28	

**DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES**

**Division of Consumer Services**

5J-8.003	8/25/03	9/14/03	28/41	29/30
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**DEPARTMENT OF EDUCATION**  
**University of Florida**

6C1-3.0375	8/29/03	9/18/03	Newspaper	
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**Florida Atlantic University**

6C5-4.008	8/27/03	9/16/03	Newspaper	
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**PUBLIC SERVICE COMMISSION**

25-4.017	8/26/03	9/15/03	29/29	
25-4.0405	8/26/03	9/15/03	29/29	
25-4.135	8/26/03	9/15/03	29/29	
25-4.1352	8/26/03	9/15/03	29/29	
25-4.1357	8/26/03	9/15/03	29/29	

**DEPARTMENT OF CORRECTIONS**

33-103.002	8/27/03	9/16/03	29/30	
33-601.721	8/27/03	9/16/03	29/30	

Rule No.	File Date	Effective Date	Proposed Vol./No.	Amended Vol./No.
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**WATER MANAGEMENT DISTRICTS**  
**Southwest Florida Water Management District**

40D-1.659	8/25/03	9/14/03	29/29	
40D-22.011	8/26/03	9/15/03	29/28	
40D-22.101	8/26/03	9/15/03	29/28	
40D-22.201	8/26/03	9/15/03	29/28	
40D-22.303	8/26/03	9/15/03	29/28	
40D-22.401	8/26/03	9/15/03	29/28	

**South Florida Water Management District**

40E-1.659	8/27/03	9/16/03	29/23	29/25
40E-4.091	8/27/03	9/16/03	29/23	29/25
40E-4.361	8/27/03	9/16/03	29/23	29/25
40E-4.381	8/27/03	9/16/03	29/23	29/25

**FLORIDA LAND AND WATER ADJUDICATORY COMMISSION**

**Cocohatchee Community Development District**

42KK-1.001	8/27/03	9/16/03	29/22	
42KK-1.002	8/27/03	9/16/03	29/22	
42KK-1.003	8/27/03	9/16/03	29/22	

**Fiddler's Creek Community Development District**

42X-1.001	8/27/03	9/16/03	29/22	
42X-1.002	8/27/03	9/16/03	29/22	

**DEPARTMENT OF LOTTERY**

53-22.001	8/29/03	9/18/03	29/29	
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**DEPARTMENT OF MANAGEMENT SERVICES**

**Division of Retirement**

60S-1.002	8/28/03	9/17/03	29/17	29/29
60S-1.004	8/28/03	9/17/03	29/17	
60S-1.0045	8/28/03	9/17/03	29/17	
60S-1.005	8/28/03	9/17/03	29/17	
60S-1.0052	8/28/03	9/17/03	29/17	
60S-1.0053	8/28/03	9/17/03	29/17	
60S-1.00535	8/28/03	9/17/03	29/17	29/29
60S-1.0054	8/28/03	9/17/03	29/17	
60S-1.0055	8/28/03	9/17/03	29/17	
60S-1.0057	8/28/03	9/17/03	29/17	
60S-11.001	8/27/03	9/16/03	29/17	
60S-11.002	8/27/03	9/16/03	29/17	29/29
60S-11.003	8/27/03	9/16/03	29/17	
60S-11.004	8/27/03	9/16/03	29/17	29/29

Rule No.	File Date	Effective Date	Proposed Vol./No.	Amended Vol./No.	Rule No.	File Date	Effective Date	Proposed Vol./No.	Amended Vol./No.
<b>DEPARTMENT OF ENVIRONMENTAL PROTECTION</b>					<b>FLORIDA HOUSING FINANCE CORPORATION</b>				
62-620.100	8/25/03	8/25/03	29/31		67-49.001	8/25/03	9/14/03	29/25	
					67-49.002	8/25/03	9/14/03	29/25	
					67-49.003	8/25/03	9/14/03	29/25	
					67-49.0031	8/25/03	9/14/03	29/25	
					67-49.004	8/25/03	9/14/03	29/25	
					67-49.005	8/25/03	9/14/03	29/25	
					67-49.007	8/25/03	9/14/03	29/25	
					67-49.008	8/25/03	9/14/03	29/25	
					67-49.009	8/25/03	9/14/03	29/25	
					67-49.011	8/25/03	9/14/03	29/25	
					67-49.012	8/25/03	9/14/03	29/25	
<b>DEPARTMENT OF HEALTH</b>									
<b>Board of Chiropractic</b>									
64B2-12.020	8/27/03	9/16/03	29/29						
<b>Board of Clinical Laboratory Personnel</b>									
64B3-5.002	8/27/03	9/16/03	29/30						
64B3-6.003	8/27/03	9/16/03	29/30						
<b>Board of Medicine</b>									
64B8-4.004	8/27/03	9/16/03	29/30						
64B8-9.014	8/25/03	9/14/03	29/8	29/30					