

Section I
Notices of Development of Proposed Rules
and Negotiated Rulemaking

DEPARTMENT OF INSURANCE

RULE TITLE: Use of Credit Reports and Credit Scores by Insurers
RULE NO.: 4-125.005

PURPOSE AND EFFECT: To develop rules to implement the provisions of Section 626.9741, F.S., created by Senate Bill 40-A, which address compliance; statistical detail standards to ensure that rates or premiums associated with credit reports or scores are not unfairly discriminatory; and standards for review of models, methods, programs, or other processes that produce credit scores.

SUBJECT AREA TO BE ADDRESSED: Standards and requirements for the use of credit reports or scores by insurers.

SPECIFIC AUTHORITY: 624.308(1), 626.9741(8) FS.

LAW IMPLEMENTED: 624.307(2), 626.9741 FS.

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

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

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Michael Milnes, Senior Management Analyst/Supervisor, Bureau of Property and Casualty Forms and Rates, Office of Insurance Regulation, 200 East Gaines Street, Tallahassee, Florida 32399-0330, E-mail milnesm@dfs.state.fl.us.

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

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT WILL BE AVAILABLE UPON PUBLICATION OF THIS NOTICE BY E-MAIL REQUEST FROM THE ABOVE CONTACT PERSON.

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Plant Industry

RULE CHAPTER TITLE: Plant Quarantine and Certification
RULE CHAPTER NO.: 5B-3

RULE TITLE: Definitions
RULE NO.: 5B-3.001

PURPOSE AND EFFECT: The purpose of this rule amendment is to add a definition for Shippers. The effect will define the Shipper as the producer or firm where the pest infested plant or plant products originated.

SUBJECT AREA TO BE ADDRESSED: The addition of a definition for shippers.

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

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

IF REQUESTED 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., November 17, 2003

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

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

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

5B-3.001 Definitions.

For the purpose of this chapter, the definitions in Section 581.011, Florida Statutes, and the following definitions shall apply:

(1) Agricultural inspection station. An official inspection station operated by the department to assist in monitoring the intrastate and interstate movement of agricultural commodities.

(2) Club orders. Shipments of plant material directed through an organization or club which are consigned to their individual members or clients.

(3) House plants. Plants commonly known and recognized as house plants, grown or intended to be grown indoors which may be included as part of a passenger's baggage or household effects.

(4) Interstate movement. Movement into Florida from another state, U.S. possession or territory.

(5) International movement. Movement into Florida from any country or area outside the United States.

(6) Shippers. The producer or firm where the pest infested plant or plant products originated.

(7)(6) Sugarcane. All species of the genus Saccharum and all species of its close relatives Imperata, Miscanthidium, Miscanthus, Rapidium, Erianthus, and Sorghum and all hybrids, selections, varieties, or clones thereof.

Specific Authority 570.07(23), 581.031(1),(4),(5) FS. Law Implemented 581.011, 581.031 FS. History-Repromulgated 12-31-74, Formerly 5B-3.01, Amended 3-16-92, 7-2-95, 4-1-97, _____.

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Plant Industry

RULE CHAPTER TITLE: Pests of Honeybees and Unwanted

RULE CHAPTER NO.: 5B-54

RULE TITLES: Regulated Honeybee Pests 5B-54.003

Registration with the Department 5B-54.010

Special Inspection and Certification Fees 5B-54.0115

Compensation for Infested or Infected Colonies 5B-54.018

PURPOSE AND EFFECT: The purpose of this rule revision is to change old scientific names to those currently in use, increase registration and certification fees to cover more of the cost and to parallel wording in the statute. The effect will be to change *Bacillus larvae* to *Paenibacillus larvae* and to change *Varroa jacobsoni* (Oudemans) to *Varroa spp.* Categories for registration will be reduced from seven to five with the following fee increases: 1-5 colonies will increase from \$5 to \$10, 6-40 colonies will increase from \$10 to \$20, 41-200 colonies will increase from \$20 to \$40, 201-500 will increase to \$70, and 501 or more will increase to \$100, which is the cap set by statute. The \$10 per yard fee for Special Inspection and Certification is eliminated and a \$25 fee per certificate issued or special inspection made for out-of-state movement of honeybee colonies is established. Tracheal mite certification is eliminated.

Under Compensation for Infested or Infected Colonies, the word "shall" is being replaced by "may" to parallel the wording of the statute. The words "per colony" are being added following the phrase "compensation shall not exceed \$30.00". To prevent a few beekeepers who are careless from bankrupting the funds for compensation, the following is added, "Compensation will be paid in full for the first 10 diseased colonies, after which payment will be discounted as follows: If the disease rate exceeds 50 percent of the total colony inventory, then the payment will be discounted 50 percent".

SUBJECT AREA TO BE ADDRESSED: The rule will be amended to change *Bacillus larva* to *Paenibacillus larvae* and to change *Varroa jacobsoni* (Oudemans) to *Varroa spp.* Categories for registration will be reduced from seven to five with the following fee increases: One to five colonies will increase from \$5 to \$10, six to 40 colonies will increase from \$10 to \$20, 41 to 200 colonies will increase from \$20 to \$40 and 201-500 will increase from \$35 to \$70 and 501 or more will be a flat rate of \$100, which is the cap set by statute. The \$10 per yard fee for Special Inspection and Certification is eliminated and a \$25 fee per certificate or special inspection made is issued for out-of-state movement of honeybee colonies being established. Tracheal mite certification is eliminated. Under Compensation for Infested or Infected Colonies the word "shall" is being replaced by "may" to parallel the

wording of the statute and "per colony" is being added following the phrase "compensation shall not exceed \$30.00". Also, the following is added, "Compensation will be paid in full for the first 10 diseased colonies, after which payment will be discounted as follows: If the disease rate exceeds 50 percent of the total colony inventory, then the payment will be discounted 50 percent".

SPECIFIC AUTHORITY: 586.10(2) FS.

LAW IMPLEMENTED: 586.025, 586.03(3), 586.035(1), 586.045, 586.09, 586.10(1),(2),(4),(6),(7),(9),(11),(12), 586.11, 586.115, 586.13(1), 586.14, 586.15 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., November 24, 2003

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Connie Riherd, Assistant Director, Division of Plant Industry, Post Office Box 147100, Gainesville, Florida 32614-7100, (352)372-3505

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

5B-54.003 Regulated Honeybee Pests.

Each of the following honeybee pests is found to be capable of damaging or causing abnormalities to honeybees, colonies of honeybees or beeswax and is declared to constitute a nuisance:

- (1) American foulbrood. The disease organism known as Paenibacillus ~~Bacillus~~ larvae.
- (2) The mite *Tropilaelaps clareae*.
- (3) Varroa mite, Varroa spp ~~Varroa jacobsoni (Oudemans)~~.
- (4) Any other honeybee pest determined by the department to be a threat to the state.

Specific Authority 586.10(2) FS. Law Implemented 586.10(5) FS. History--New 11-22-88, Amended 11-4-92, 7-9-95, _____.

5B-54.010 Registration with the Department.

Each beekeeper having honeybee colonies within the state must register with the department utilizing the following procedures:

- (1) Application for registration of beekeeping operations shall be made upon a form furnished by the department. The form shall contain provisions with which the applicant must comply and must be signed by the applicant or applicant's representative. Form DACS-08176, Application for Beekeeping Registration, revised 7/03 ~~7/99~~, is hereby incorporated in this rule by reference. A copy of DACS-08176 may be obtained from the Division of Plant Industry, Bureau of Plant and Apiary Inspection, Post Office Box 147100, Gainesville, Florida 32614-7100.

(2) Applicant's honeybees shall have been inspected by an authorized representative of the department within a 12-month period preceding the date of application and found to be apparently free from honeybee pests listed under Rule 5B-54.003, F.A.C., and unwanted races of honeybees listed under Rule 5B-54.004, F.A.C., and to be reasonably free from common honeybee pests.

(3) By signing the application the beekeeper agrees to comply with appropriate rules of the department. Each application for registration (DACS-08176) or renewal of registration must be accompanied by the proper registration fee based on the total number of colonies operated by the registrant as follows:

Number of Colonies	Fee
1 - 5	\$10 \$5
6 - 40	\$20 10
41 - 200	\$40 20
201 - 500	\$70 35
501 - 2000	\$100 50
2001 - 5000	75
Over 5000	100

(4) Upon approval of the application, the department will issue to the beekeeper a Certificate of Beekeeping Registration. Form DACS-08177, Certificate of Beekeeping Registration, revised 4/99, is hereby incorporated in this rule by reference. A copy of DACS-08177 may be obtained from the Division of Plant Industry, Bureau of Plant and Apiary Inspection, Post Office Box 147100, Gainesville, Florida 32614-7100.

(5) Application for annual renewal of the certificate must be made not later than the anniversary date of the certificate and must be accompanied by the appropriate registration fee.

(6) An application received after the anniversary date shall be accompanied by a \$10 late filing fee.

(7) Failure to register is a violation of Section 586.045, Florida Statutes, and is subject to the penalties set forth in Section 586.15, Florida Statutes.

Specific Authority 586.10(2) FS. Law Implemented 586.045, 586.10(9),(12), 586.15 FS. History--New 11-22-88, Amended 11-4-92, 6-20-00,_____.

5B-54.0115 Special Inspection and Certification Fees.

Special inspection and certification fees shall be as follows:

Special honeybee colony inspection or certification	\$25 \$10 per certificate issued or special inspection made at apiary or location inspected plus mileage, \$10 minimum.
Tracheal mite sampling	\$10 per sample plus mileage ¹ , \$10 minimum.
Honey sampling	\$10 per sample plus mileage ¹ , \$10 minimum.

¹Mileage shall be based on the prevailing state mileage rate.

Specific Authority 586.10(2) FS. Law Implemented 586.03(3) FS. History--New 11-4-92, Amended _____.

5B-54.018 Compensation for Infested or Infected Colonies.

(1) Florida resident owners of colonies and regulated articles destroyed due to infection or infestation with American foulbrood ~~may shall~~ be compensated at the rate of 1/2 the estimated value of the honeybees and equipment, provided funding is available for this purpose; however, compensation shall not exceed \$30.00 per colony. Also, compensation will be paid in full for the first 10 diseased colonies, after which payment will be discounted as follows: If the disease rate exceeds 50 percent of the total colony inventory, then the payment will be discounted 50 percent. The condition of the equipment to be destroyed shall be rated by the inspector and the beekeeper as good, fair, or poor. Any disagreement over the condition or value of equipment to be destroyed shall be arbitrated by the Chief of Apiary Inspection, the Cooperative Extension Service Apiary Specialist, and the Chairman of the Honeybee Technical Council. A Compensation Agreement, including the owner's Social Security number, must be signed by the owner. The Compensation Agreement form, DACS-08062, Revised 7/99, is hereby incorporated in this rule by reference. A copy of DACS-08062 may be obtained from the Division of Plant Industry, Bureau of Plant and Apiary Inspection, Post Office Box 147100, Gainesville, Florida 32614-7100.

(2) Other Honeybee Pests and Unwanted Races of Honeybees. Owners shall not be awarded compensation for depopulation of colonies due to the presence of honeybee pests or unwanted races of honeybees in the colonies or their possible subjection to infestation by these organisms, except by special provisions for compensation that may be established by state or federal legislation for damages incurred as a result of control or eradication procedures by the department.

Specific Authority 586.10(2) FS. Law Implemented 586.13, 586.14 FS. History--New 11-22-88, Amended 11-4-92, 6-20-00,_____.

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Plant Industry

RULE CHAPTER TITLE:	RULE CHAPTER NO.:
Citrus Budwood Protection Program	5B-60
RULE TITLES:	RULE NOS.:
Citrus Budwood Technical Advisory Committee	5B-60.005
Citrus Nursery Stock Propagation and Planting	5B-60.006
Scion Trees	5B-60.009
Increase Trees	5B-60.010
Procedure for Identifying and Recording Citrus Nursery Stock	5B-60.013
Fees	5B-60.015
Exemptions	5B-60.016

PURPOSE AND EFFECT: The purpose of these rule revisions is to incorporate recommendations of changes made by the Citrus Budwood Technical Advisory Committee to the Citrus Budwood Protection Program. These changes are made to protect the Florida Citrus Industry from graft-transmissible pathogens.

SUBJECT AREA TO BE ADDRESSED: Additional members are added to the Citrus Budwood Technical Advisory Committee. The dooryard nursery reporting requirements are made the same as those that the commercial citrus nurseries have been using. The "Source Tree Nursery Plat" (DACS-08073) is eliminated as it is consolidated into the "Source Tree Bud Cutting Report" (DACS-08172). The evaluation fruit on screenhouse trees is clarified. Designated scion trees are required to be screen enclosed to be used for increase trees. Language is included to clarify how long records should be kept. Fees are adjusted to reflect actual costs. The labeling of Calamondins for out of state sales is clarified. These changes necessitate updating the Citrus Budwood Protection Manual and the Citrus Budwood Testing Manual, and, therefore, changing of the rule to reflect the new revision dates of those manuals. Other changes correct rule effective dates.

SPECIFIC AUTHORITY: 570.07(23), 581.031(1),(3),(8) FS.
LAW IMPLEMENTED: 570.07(2),(13), 570.0705, 581.031(1),(14),(17),(23) FS.

IF REQUESTED WITHIN 14 DAYS OF THE DATE OF THIS NOTICE, A WORKSHOP WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW:

TIME AND DATE: 10:00 a.m., November 19, 2003
PLACE: Shaw Building, 3027 Lake Alfred Road, Winter Haven, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Michael Kesinger, Chief, Bureau of Citrus Budwood Registration, Division of Plant Industry, 3027 Lake Alfred Road, Winter Haven, Florida 33881-1438, telephone (863)298-7712

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

5B-60.005 Citrus Budwood Technical Advisory Committee.

The Commissioner of Agriculture shall name a Citrus Budwood Technical Advisory Committee of ~~sixteen~~ thirteen members selected as follows:

- (1) Four members who shall be owners or employees of citrus nurseries;
- (2) Four members who shall be commercial citrus fruit producers or employees of producers;

- (3) ~~Four~~ Three members who shall represent the Institute of Food and Agricultural Sciences of the University of Florida or the USDA Agricultural Research Service, and who shall be non-voting advisors to the committee;

- (4) ~~Four~~ Two members who shall be employees of the department, and who shall be non-voting advisors to the committee;

(5) Two alternate members, one who shall be from (1) and one who shall be from (2), and who shall be non-voting members to the committee and have voting rights only on the absence of members (1) or (2):

~~(6)~~ (5) The above appointed committee may meet when called by the committee chairman. This committee shall make recommendations to the department on matters pertaining to this rule chapter such as germplasm introduction, testing procedures, laboratory certification and other Citrus Budwood Protection Program procedures. In appointing the committee, the Commissioner will select members from various geographical areas who represent a broad cross-section of the industry and impacted businesses.

Specific Authority 570.07(23), 581.031(1),(3),(8) FS. Law Implemented 570.07(2),(23), 570.0705, 581.031(1),(14),(17),(23) FS. History—New 9-30-96, Amended 11-4-98, _____.

5B-60.006 Citrus Nursery Stock Propagation and Planting.

(1) ~~Effective January 1, 1997,~~ It shall be unlawful for anyone to propagate or plant citrus nursery stock which is not produced in accordance with the provisions of the Citrus Budwood Protection Program. ~~Citrus nursery stock propagated prior to January 1, 1997, shall not be subject to these provisions.~~ Participation in the Citrus Budwood Protection Program shall not imply any warranty on the part of the nurserymen, certified laboratories, the department, or any employee thereof.

(2) Prior to propagating all dooryard, own-use and commercial citrus nursery stock, unless exempted in Rule 5B-60.016, F.A.C., nurserymen and growers shall make application to produce citrus nursery stock on Form DACS-08066. Form DACS-08066, Revised 9/99, is hereby adopted and incorporated by reference herein. The form may be obtained by writing or visiting the Florida Department of Agriculture and Consumer Services, Division of Plant Industry, Bureau of Citrus Budwood Registration, 3027 Lake Alfred Road, Winter Haven, FL 33881-1438. Applicants must agree to comply with all the conditions which apply to the Citrus Budwood Protection Program as specified in this rule chapter.

(3) Commercial citrus nursery stock shall be propagated according to the following provisions unless exempted in Rule 5B-60.016, F.A.C.

(a) Propagative material including budwood, air-layers, and cuttings shall be from parent trees, foundation trees, scion trees, increase or validated trees for which a Certificate of Source Tree Registration (DACS-08072) has been issued as specified in Rule 5B-60.012, F.A.C. Form DACS-08072, Revised 1/02 ~~4/00~~, is hereby adopted and incorporated by reference herein. The form may be obtained by writing or visiting the Florida Department of Agriculture and Consumer Services, Division of Plant Industry, Bureau of Citrus Budwood Registration, 3027 Lake Alfred Road, Winter Haven, Florida 33881-1438.

(b) Budwood shall be taken under the direct supervision of a witness authorized by the department. Budwood from each source tree shall be wrapped separately. Each bundle shall be labeled showing variety, the tree identification number, and the number of buds counted or estimated.

(c) All propagative material data shall be recorded on a Source Tree Bud Cutting Report (DACS-08172) and submitted to the Bureau of Citrus Budwood Registration at the time of collection. Form DACS-08172, Revised 7/03 ~~10/99~~ is hereby adopted and incorporated by reference herein. Persons authorized to fill out a Source Tree Bud Cutting Report (DACS-08172), shall sign a Certification To Witness Registered Budwood form, DACS-08111, Revised 12/99, and incorporated in this rule by reference. These forms may be obtained by writing or visiting the Florida Department of Agriculture and Consumer Services, Division of Plant Industry, Bureau of Citrus Budwood Registration, 3027 Lake Alfred Road, Winter Haven, Florida 33881-1438.

(d) Propagations from each source tree shall be maintained in nursery rows or on greenhouse benches so that each group can be traced back to an individual source tree. Nurserymen shall use permanent tags to label each separate group of propagation with the source tree registration number.

(e) When budding seedlings, only seedlings that previously have not had a bud inserted in them shall be used. If rebudding is necessary, buds from the same registered source as the original bud shall be used.

(f) Propagative material used for topworking shall be from parent trees, foundation trees, scion trees, increase trees, or validated trees.

(g) Seed used for propagation shall be from parent trees, foundation trees, scion trees, or from a seed source tree. Seed imported into the State for propagation shall be certified by an authorized representative of the department of agriculture of the state or country of origin as meeting the requirements of a seed source tree.

(h) The nurseryman may at his own risk propagate trees from a prospective scion tree at any time after the parent tree is registered and the prospective scion tree has been tested and found free of severe strains of citrus tristeza virus (registration pending). If the prospective scion tree is found not to be horticulturally true-to-type or to have any other genetic

deficiency that would disqualify it for registration, the progeny of the prospective scion tree shall be destroyed by and at the expense of the owner within 30 days of the detection.

(i) Commercial citrus nursery stock shall be in compliance with Rule Chapter 5B-44, F.A.C. Nematodes of Citrus and, based on a visual inspection by the department, free of psorosis.

(j) Laboratories that submit citrus tristeza virus test results to the Citrus Budwood Protection Program shall sign a Citrus Tristeza Virus Testing Laboratory Certification Compliance Agreement DACS-08031, Revised 5/99, incorporated in this rule by reference. Form DACS-08031 may be obtained from the Bureau of Citrus Budwood Registration, 3027 Lake Alfred Road, Winter Haven, FL 33881-1438.

(4) Dooryard citrus nursery stock shall be propagated according to the following provisions unless exempted in Rule 5B-60.016, F.A.C.

(a) Propagative material including budwood, air-layers, and cuttings shall be taken from a parent, scion, foundation, increase, validated tree, or from a dooryard source tree which meets the following conditions:

1. Based on an annual visual inspection, free of recognizable symptoms of psorosis, citrus viroids, tatterleaf virus, Florida gummosis, citrus blight, decline, leprosis, and other quarantinable pests;

2. Tested within the past 12 months and found free of severe strains of citrus tristeza virus, ~~effective May 1, 1998~~;

3. Vigorous, adequately identified to horticultural type and has borne fruit;

4. Registered on a Certificate of Source Tree Registration (DACS-08072) as specified in Rule 5B-60.012, F.A.C ~~effective January 1, 1998~~.

(b) Tests for severe strains of citrus tristeza virus as required in (a)2. shall be performed by certified laboratories or the department. The testing costs shall be the responsibility of the owner. Test results shall be provided by the certified laboratories to the office of the Bureau of Citrus Budwood Registration, Winter Haven, FL within 30 days of determination and not later than the expiration date of the Certificate of Source Tree Registration (DACS-08072).

(c) Budwood shall be taken under the direct supervision of a witness authorized by the department. Budwood from each source tree shall be wrapped separately. Each bundle shall be labeled showing variety, the tree identification number, and the number of buds counted or estimated.

(d) All propagative material data shall be recorded on a Source Tree Bud Cutting Report DACS-08172, Revised 7/03 and submitted to the Bureau of Citrus Budwood Registration at the time of collection. Persons authorized to fill out a Source Tree Bud Cutting Report DACS-08172, shall sign a Certification To Witness Registered Budwood form, DACS-08111, Revised 12/99.

~~(e)~~ Propagations from each dooryard source tree shall be maintained in nursery rows or greenhouse benches so that each group can be traced back to an individual source tree. Nurserymen shall use permanent tags to label each separate group of propagation with the dooryard source tree registration number.

(5) Dooryard sources are initially recorded on a Record of Validated/Dooryard Source Trees Form DACS-08255, Revised 12/99, which is adopted and incorporated herein by reference. The form may be obtained by writing or visiting the Department of Agriculture and Consumer Services, Division of Plant Industry, Bureau of Citrus Budwood Registration, 3027 Lake Alfred Road, Winter Haven, FL 33881-1438.

Specific Authority 570.07(23), 581.031(1),(3),(8) FS. Law Implemented 570.07(2),(13), 570.0705, 581.031(1),(14),(17),(23) FS. History--New 9-30-96, Amended 11-4-98, 2-1-00, 6-12-00,_____.

5B-60.009 Scion Trees.

Scion trees shall be propagated from selected parent or foundation trees, be registered on a Certificate of Source Tree Registration (DACS-08072) as specified in Rule 5B-60.012, F.A.C., and must meet the following requirements:

(1) The layout, design and planting of the scion grove shall meet the requirements specified in the Citrus Budwood Protection Procedure Manual and shall be done under the supervision of the department. Scion tree planting is witnessed by the department on Growers Record of Registered Scion Tree Movement Form DACS-08071, Revised 12/99, which is adopted and incorporated herein by reference. The form may be obtained by writing or visiting the Department of Agriculture and Consumer Services, Division of Plant Industry, Bureau of Citrus Budwood Registration, 3027 Lake Alfred Road, Winter Haven, FL 33881-1438;

(2) Scion trees shall not exceed 350 trees of any one variety per registered nursery;

(3) Budwood used to propagate scion trees shall be taken under the direct supervision of the department and shall be reported on Form DACS-08172, Source Tree Bud Cutting Report, Revised 7/03 ~~10/99~~.

(4) The scion trees shall have been budded on nursery rootstocks which have not previously had a bud inserted in them. If rebudding is necessary, buds from the same registered source tree as the original shall be used;

(5) The nurseryman shall furnish the Bureau of Citrus Budwood Registration within 30 days following date of budding, the budding record location portion a nursery plat on Form DACS-08073, ~~revised 10/99, which is adopted and incorporated herein by reference.~~ 08172, Source Tree Bud Cutting Report, Revised 7/03.

The form may be obtained by writing or visiting the Department of Agriculture and Consumer Services, Division of Plant Industry, Bureau of Citrus Budwood Registration, 3027 Lake Alfred Road, Winter Haven, FL 33881-1438. The budding record location on the Source Tree Bud Cutting

Report nursery plat shall identify the location in the nursery of the each progeny trees, indicating the variety, rootstock, and the source tree registration number of the source;

(6) The scion trees, as well as their registered parents, shall have at no time shown symptoms of graft-transmissible pathogens;

(7) The scion trees shall be tested negatively ~~effective January 1, 1998~~ for psorosis, citrus viroids, and tatterleaf virus, by the department at its expense and discretion, and shall be apparently free, based on an annual visual inspection, from Florida gummosis, citrus blight, decline, leprosis, evidence of unacceptable bud mutation, and other quarantinable pests;

(8) The scion trees shall be tested negatively by certified laboratories at the owner's expense annually for severe strains of citrus tristeza virus ~~effective May 1, 1997~~. Test results shall be provided by the certified laboratories to the office of the Bureau of Citrus Budwood Registration, Winter Haven, FL, within 30 days of determination and not later than the expiration date of the Certificate of Source Tree Registration (DACS-08072);

(9) The scion trees shall be vigorous, productive, and horticulturally true-to-type and have borne fruit. Screenhouse scion trees shall have a representative sample bear fruit.

(10) Seed used to propagate scion trees shall be from parent trees, scion trees, foundation trees, or from a seed source tree. Seed imported into the State for propagation shall be certified by an authorized representative of the department of agriculture of the state or country of origin as meeting the requirements of a seed source tree;

(11) Prospective scion trees may be propagated from prospective parent trees any time after the parent tree has passed the preliminary inspection and has been tested for citrus tristeza virus and indexing is in progress for psorosis, citrus viroids, and tatterleaf virus. The prospective scion tree shall not be eligible for registration until the tree has been planted for at least two years, negatively tested for severe strains of citrus tristeza virus, has borne fruit, and the prospective parent tree has been registered. If the prospective parent tree is found to be infested with the above pathogens, the prospective scion trees will be destroyed by and at the expense of the owner within 30 days of the detection.

Specific Authority 570.07(23), 581.031(1),(3),(8) FS. Law Implemented 570.07(2),(13), 570.0705, 581.031(1),(14),(17),(23) FS. History--New 9-30-96, Amended 11-4-98, 2-1-00, 6-12-00,_____.

5B-60.010 Increase Trees.

Increase trees shall be registered on a Certificate of Source Tree Registration (DACS-08072) as specified in Rule 5B-60.012, F.A.C., provided they have been propagated as follows:

(1) Budwood must have been obtained under the direct supervision of the department from parent, foundation, or designated screen-enclosed scion trees effective January 1, 2006; ~~(scion trees tested negatively for citrus exocortis viroid~~

within the past 6 years) and which have borne fruit and which tested negatively for severe isolates of citrus tristeza virus within the past 12 months.

(2) Seed used to propagate increase trees must have come from parent trees, scion trees, or foundation trees, or from a seed source tree. Seed imported into the State for propagation must have been certified by an authorized representative of the department of agriculture of the state or country of origin as meeting the requirements of a seed source tree.

(3) Only seedlings that previously have not had a bud inserted in them must have been used. If rebudding is necessary, buds from the same registered source tree as the original bud must be used.

(4) Increase trees must be vigorous, productive, and horticulturally true-to-type and free of recognizable symptoms of other graft-transmissible pathogens and apparently free based on an annual visual inspection from Florida gummosis, citrus blight, decline, leprosis, evidence of unacceptable bud mutation, and other quarantinable pests.

(5) Field-grown increase trees must have been propagated in single rows, separated from other propagations, and identified with plainly visible permanent markers.

(6) There must be a minimum vacant space of 24 inches between each clone of increase trees in a field grown nursery and 12 inches between each clone of plants grown on greenhouse benches with each clone individually identified.

(7) The nurseryman must furnish the Bureau of Citrus Budwood Registration within 30 days following the date of budding, a Source Tree Bud Cutting Report, DACS-08172 Revised 7/03 ~~nursery plat (DACS-08073)~~, indicating the variety, rootstock, number of trees budded, registration number of source, location of block, and date of budding.

(8) Trees propagated as increase trees under this rule chapter must only serve as registered sources of budwood with no testing required for a period of up to 24 months from budding. Increase trees can be used for twelve additional ~~more~~ months if tested negatively between the 22nd and 24th month for severe strains of citrus tristeza virus. Test samples must be as follows:

(a) A 10 percent systematic composite sample that results in a 90 percent probability of detection of a one percent citrus tristeza virus infection rate is required;

(b) If over one percent severe isolate infection rate is found, then all individual trees being used for budwood must be tested prior to budwood being removed;

(c) All trees not tested will not qualify as source trees and shall be removed and destroyed by and at the expense of the owner within 30 days of the detection;

(d) Tests must be performed by certified laboratories or the department. The testing costs shall be the responsibility of the owner. Test results must be provided by the certified laboratories to the office of the Bureau of Citrus Budwood Registration, Winter Haven, FL not later than the expiration date of the Certificate of Source Tree Registration (DACS-08072).

(9) Nursery stock propagated from increase trees shall not serve as further sources of registered budwood.

(10) Increase trees from foundation or parent trees used for increase budwood shall qualify for scion grove planting in accordance with Rule 5B-60.009, F.A.C.

(11) Increase trees grown under protected screen enclosures can be used as budwood sources for 48 months if tested as required in (8) and then again between the 34th and 36th month.

Specific Authority 570.07(23), 581.031(1),(3),(8) FS. Law Implemented 570.07(2),(13), 570.0705, 581.031(1),(14),(17),(23) FS. History—New 9-30-96, Amended 11-4-98, 2-1-00, 3-31-02, _____.

5B-60.013 Procedure for Identifying and Recording Citrus Nursery Stock.

(1) Identification and record of movement for commercial citrus nursery stock. For the benefit of the buyer, the nurseryman or grower shall identify registered nursery stock as being the progeny of registered source trees by completing the Citrus Nursery Stock Inspection Tag (DACS-08038) at the time of delivery. If the nursery stock was propagated from a validated tree, the Citrus Nursery Stock Inspection Tag (DACS-08038) must contain this information and the statement that the validated tree was only tested for citrus tristeza virus. The nurseryman or grower shall keep a systematic record of the movement of citrus trees (DACS-08038) which shall be available for examination by the department for a period of three years. All movements of nursery stock shall comply with all department requirements pertaining to the inspection and certification as to freedom from plant pests, as well as the use and recording of citrus invoice certificates (tags) (DACS-08038). Form DACS-08038, Revised 6/03 ~~7/99~~, is hereby adopted and incorporated by reference herein. The form may be obtained by writing or visiting the Florida Department of Agriculture and Consumer Services, Division of Plant Industry, Bureau of Plant and Apiary Inspection, P. O. Box 147100, Gainesville, Florida 32614-7100.

(2) Dooryard citrus nursery stock shall have each individual tree identified with a slip-on label bearing the producing nursery's certificate of nursery registration number issued by the department.

Specific Authority 570.07(23), 581.031(1),(3),(8) FS. Law Implemented 570.07(2),(13), 570.0705, 581.031(1),(14),(17),(23) FS. History—New 9-30-96, Amended 2-1-00, _____.

5B-60.015 Fees.

An annual source tree registration fee shall be paid as follows:

Parent tree	\$ <u>2.00</u> 5.00 per tree per year
Scion tree	\$2.00 per tree per year
Dooryard source tree	\$ <u>2.00</u> 4.00 per tree per year
Validated source tree	\$ <u>2.00</u> 4.00 per tree per year
Seed source tree	\$ <u>2.00</u> 4.00 per tree per year
Additional fee:	
Reinstate a tree	\$ <u>2.00</u> 5.00 plus the back annual registration fee

Miscellaneous fees for division services:

Witnessing budwood cutting	Mileage ¹ and \$5.00 per 1000 budeyes cut, \$10 minimum, <u>\$50 maximum</u>
Citrus viroid or psorosis testing	\$60 per test
Parent tree indexing	\$175 per tree
Shoot-tip grafting	\$500 <u>per selection</u>
Budwood ²	25 cents/eye, \$5.00 minimum
Cut from Citrus Budwood Foundation Groves, Screenhouses and/or Florida Citrus Arboretum	
Tip cuttings (6 inches)	\$ <u>1.00</u> each 50 cents
Tip cuttings (6 inches)	\$ <u>2.00</u> each (Out-of-State) \$1.50 cents
New Division of Plant Industry releases	\$1.00/eye (first two years)
Budwood shipment	\$ <u>2.00</u> 75 cents /eye, <u>plus a \$100 processing fee</u> \$50.00 minimum

(Out-of-State/Foreign)

Shipping and handling fee for budwood and seed in Florida.	Actual cost
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¹ Mileage shall be based on the prevailing State mileage rate.
² Requests for budwood are submitted on a Budwood Order Form DACS-08218, Revised 4/03 ~~12/99~~, which is adopted and incorporated herein by reference. The form may be obtained by writing or visiting the Department of Agriculture and Consumer Services, Division of Plant Industry, Bureau of Citrus Budwood Registration, 3027 Lake Alfred Road, Winter Haven, FL 33881-1438.

(1) Fees shall be paid prior to obtaining a Certificate of Source Tree Registration (DACs-08072) and annually thereafter on the anniversary date of the certificate.

(2) Fees not paid within 30 days of billing shall be considered past-due. A penalty of \$10.00 or 20 percent of the unpaid balance, whichever is greater, shall be assessed on all past-due fees.

(3) Cooperating research agencies whose registered citrus trees are used exclusively for planting on government property are exempt from payment of an annual registration fee.

Specific Authority 570.07(23), 581.031(1),(3),(8) FS. Law Implemented 570.07(2),(13), 570.0705, 581.031(1),(14),(17),(23) FS. History—New 9-30-96, Amended 11-4-98, 2-1-00, 6-12-00,_____.

5B-60.016 Exemptions.

(1) Calamondins and other citrus produced from cuttings or seed for out-of-state shipment shall be exempt from the provisions of this rule chapter. All plants propagated under this exemption must be labeled “not for sale or planting in Florida”.

(2) Citrus trees produced for research purposes in field plantings shall not be exempt from the program requirements contained in this rule chapter. Research facilities shall sign a Citrus Budwood Protection Program Research Facility Compliance Agreement, DACS-08031, Revised 5/99, incorporated in this rule by reference. Form DACS-08031 may be obtained from the Bureau of Citrus Budwood Registration, 3027 Lake Alfred Road, Winter Haven, FL 33881-1438. Requests to plant pathogen infected material for research projects shall be made on an Application and Permit To Plant Citrus Pathogen Infected Stock, DACS-08274, Revised 1/00, and incorporated in this rule by reference. Form DACS-08274 may be obtained from the Bureau of Citrus Budwood Registration, 3027 Lake Alfred Road, Winter Haven, FL 33881-1438.

~~(3) Lime trees until five (5) years following the effective date of this Rule Chapter.~~

~~(3)(4)~~ Citrus nursery stock produced north of the Suwannee and St. Mary’s Rivers, provided it is not moved south of these rivers.

Specific Authority 570.07(23), 581.031(1),(3),(8) FS. Law Implemented 570.07(2),(13), 570.0705, 581.031(1),(14),(17),(23) FS. History—New 9-30-96, Amended 11-4-98, 2-1-00, 6-12-00,_____.

DEPARTMENT OF COMMUNITY AFFAIRS

Florida Building Commission

RULE CHAPTER TITLE:	RULE CHAPTER NO.:
Product Approval	9B-72
RULE TITLES:	RULE NOS.:
Local Product Approval Generally	9B-72.030
Approval of Product Evaluation Entities, Product Validation Entities, Testing Laboratories, Certification Agencies, Quality Assurance Agencies and Accreditation Bodies	9B-72.100
Equivalence of Standards	9B-72.180

PURPOSE AND EFFECT: Eliminate statement as to products not subject to the requirements of the rule; recognize a product evaluation entity as a successor entity to those already listed in rule and thereby authorize the successor entity to participate in the product approval system; and to provide for standards recognized as equivalent to those adopted in the Florida Building Code and this rule.

SUBJECT AREA TO BE ADDRESSED: Product evaluation and approval by local jurisdictions and the Commission.

SPECIFIC AUTHORITY: 553.842(1),(9) FS.

LAW IMPLEMENTED: 553.842(1),(2),(5),(6),(8),(9) FS.

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

TIME AND DATE: 9:00 a.m., November 18, 2003

PLACE: Rosen Plaza, 9700 International Drive, Orlando, Florida 32819

Any person requiring special accommodations at the workshop because of a disability of physical impairment should contact Ila Jones, Community Program Administrator, Department of Community Affairs, 2555 Shumard Oak Boulevard, Sadowski Building, Tallahassee, Florida 32399-2100, (850)487-1824, at least seven days prior to the date of the workshop using the Florida Dual Party Relay System, 1(800)955-8770 (Voice) or 1(800)955-9771 (TDD).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Ila Jones, Community Program Administrator, Department of Community Affairs, 2555 Shumard Oak Boulevard, Sadowski Building, Tallahassee, Florida 32399-2100, (850)487-1824
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."

DEPARTMENT OF CORRECTIONS

RULE TITLE: Substance Abuse Program Services –

RULE NO.: 33-507.201

Determination of Need

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to update a form incorporated by reference.

SUBJECT AREA TO BE ADDRESSED: Refusal of mandatory substance abuse services.

SPECIFIC AUTHORITY: 397.754, 944.09 FS.

LAW IMPLEMENTED: 397.754, 944.09 FS.

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

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

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

33-507.201 Substance Abuse Program Services – Determination of Need.

(1) through (4) No change.

(5) If an inmate refuses to participate in mandatory substance abuse program services, the classification officer shall ensure that this refusal is documented on Form DC5-705, ~~Statement of Refusal of Mandatory to Participate in Substance Abuse Program Services.~~ Form DC5-705 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 ~~July 4, 2000.~~ Inmates who refuse to participate in mandated substance abuse services shall be subject to disciplinary action.

(a) through (9) No change.

Specific Authority 397.754, 944.09 FS. Law Implemented 397.754, 944.09 FS. History—New 1-18-95, Formerly 33-37.003, Amended 7-1-00, 4-1-01, _____

DEPARTMENT OF CORRECTIONS

RULE TITLE: Discharge Gratuity

RULE NO.: 33-601.502

PURPOSE AND EFFECT: The purpose of the proposed rule is to clarify the purpose of the discharge gratuity. The effect is to specify that the inmate's discharge transportation cost cannot be subtracted from the discharge gratuity.

SUBJECT AREA TO BE ADDRESSED: Discharge gratuity.

SPECIFIC AUTHORITY: 20.315, 944.09 FS.

LAW IMPLEMENTED: 944.09 FS.

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

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

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

33-601.502 Discharge Gratuity.

(1) through (3) No change.

(4) An inmate's discharge gratuity shall not be used to pay for any amount of an inmate's discharge transportation.

Specific Authority 20.315, 944.09 FS. Law Implemented 944.09 FS. History—New 10-8-76, Formerly 33-7.06, Amended 1-4-87, 1-1-89, 1-18-89, 12-20-91, 4-14-92, 4-28-99, Formerly 33-7.006, Amended 8-28-01, _____

DEPARTMENT OF CORRECTIONS

RULE TITLE: Community Release Programs
 RULE NO.: 33-601.602
 PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to clarify requirements for transportation of inmates in community release programs.
 SUBJECT AREA TO BE ADDRESSED: Community release programs – transportation.
 SPECIFIC AUTHORITY: 945.091 FS.
 LAW IMPLEMENTED: 945.091 FS.

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

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

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

- 33-601.602 Community Release Programs.
- (1) through (8) No change.
- (9) Transportation.
- (a) Transportation for inmates engaged in community release programs ~~shall will~~ be secured by the following means ~~depending upon safety concerns and which method or combination of methods is most feasible in the given situation:~~

- 1. through 6. No change.

~~(b) Transportation by motorized enclosed vehicle shall be mandatory after dark unless an exception is granted. For the purpose of this rule, "after dark" is defined as 30 minutes after sunset and extends until 30 minutes before sunrise. Exceptions to this requirement shall be granted on a case by case basis following review and approval by the warden over the work release center who shall assess whether the rehabilitative benefit to the inmate outweighs the risks to public safety. In making this assessment, the following factors shall be taken into account:~~

- ~~1. The type of employment, the salary, and the probability of keeping the employment upon release;~~
- ~~2. Criminal history of the inmate;~~
- ~~3. Circumstances of current and prior convictions; and~~
- ~~4. Time of departure and return to the community release facility.~~

~~(b)(c)~~ In order to ensure that inmates are not working long distances from the center, the warden over the work release center shall establish maximum boundaries for employment sites by center geographic location. The maximum boundaries

shall not exceed one hour travel time to the employment site from the facility unless an exception has been granted. Any exceptions must be reviewed and approved on a case by case basis by the warden over the work release center, who shall assess whether the rehabilitative benefit to the inmate outweighs risks to public safety. ~~In making the assessment, the factors listed in paragraph 33-601.602(9)(b), F.A.C., shall be taken into account.~~

(10) through (16) No change.

Specific Authority 945.091 FS. Law Implemented 945.091 FS. History--New 12-7-97, Amended 4-13-98, 10-20-98, Formerly 33-9.023, Amended 3-14-01, 9-2-01, 10-27-03, _____.

AGENCY FOR HEALTH CARE ADMINISTRATION

Medicaid

RULE TITLE: Outpatient Hospital Services
 RULE NO.: 59G-4.160

PURPOSE AND EFFECT: The purpose of this rule amendment is to incorporate by reference the Florida Medicaid Hospital Services Coverage and Limitations Handbook, October 2003. The October 2003 update is for the purpose of incorporating the Health Insurance Portability and Accountability Act (HIPAA) policy and coding changes to comply with the HIPAA requirements. The update is also for the purpose of incorporating the narrative for the newborn hearing screening policy, the inpatient prior authorization program policy, rewrite other sections of policy already incorporated, and update codes in Appendices A through J. The effect will be to incorporate in the rule the current Florida Medicaid Hospital Services Coverage and Limitations Handbook.

SUBJECT AREA TO BE ADDRESSED: Outpatient Hospital Services.

SPECIFIC AUTHORITY: 409.919 FS.

LAW IMPLEMENTED: 409.905, 409.908, 409.9081 FS.

IF REQUESTED IN WRITING WITHIN 14 DAYS AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW.

TIME AND DATE: 9:00 a.m. – 10:00 a.m., November 17, 2003

PLACE: Agency for Health Care Administration, 2727 Mahan Drive, Building 3, Mail Stop 20, Conference Room C, Tallahassee, Florida 32308

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Ouida Mazzoccoli, Bureau of Medicaid Services, 2727 Mahan Drive, Building 3, Mail Stop 20, Tallahassee, Florida 32308, (850)922-7351

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

59G-4.160 Outpatient Hospital Services.

(1) This rule applies to all hospital providers enrolled in the Medicaid program.

(2) All hospital providers enrolled in the Medicaid program must comply with the Florida Medicaid Hospital Services Coverage and Limitations Handbook, ~~October March~~ 2003, and the Florida Medicaid Provider Reimbursement Handbook, UB-92, October 1998, both incorporated by reference in this rule. Both handbooks are available from the Medicaid fiscal agent ~~contractor~~.

Specific Authority 409.919 FS. Law Implemented 409.905, 409.908, 409.9081 FS. History--New 1-1-77, Revised 12-7-78, 1-18-82, Amended 7-1-83, 7-16-84, 7-1-85, 10-31-85, Formerly 10C-7.40, Amended 9-16-86, 2-28-89, 5-21-91, 5-13-92, 7-12-92, 1-5-93, 6-30-93, 7-20-93, 12-21-93, Formerly 10C-7.040, Amended 6-13-94, 12-27-94, 2-21-95, 9-11-95, 11-12-95, 2-20-96, 10-27-98, 5-12-99, 10-18-99, 3-22-01, 8-12-01, 2-25-03, 8-14-03, _____.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Construction Industry Licensing Board

RULE TITLE: Requirements for Certification and Registration
RULE NO.: 61G4-15.005

PURPOSE AND EFFECT: The Board proposes a review of this rule to determine whether amendments to the net worth amounts is necessary.

SUBJECT AREA TO BE ADDRESSED: Requirements for Certification and Registration.

SPECIFIC AUTHORITY: 489.115(5),(6), 489.129(1), 489.132(5) FS.

LAW IMPLEMENTED: 489.113(1), 489.115(5),(6), 589.129(1), 489.132(5) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Timothy Vaccaro, Executive Director, Construction Industry Licensing Board, 1940 N. Monroe Street, Tallahassee, Florida 32399-1039

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 Nursing Home Administrators

RULE TITLE: Criteria for Approved Continuing Education
RULE NO.: 64B10-15.002

PURPOSE AND EFFECT: The Board proposes to review the existing language in this rule to determine if amendment(s) are necessary.

SUBJECT AREA TO BE ADDRESSED: Criteria for approved continuing education.

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

LAW IMPLEMENTED: 456.013, 468.1715, 468.1725 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Joe Baker, Jr., Interim Executive Director, Board of Nursing Home Administrators, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399

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

DEPARTMENT OF HEALTH

School Psychology

RULE TITLE: Exemption of Spouses of Members of
RULE NO.: 64B21-502.006

Armed Forces from Licensure
Renewal Requirements

PURPOSE AND EFFECT: To set forth the requirement of Section 456.024, Florida Statutes.

SUBJECT AREA TO BE ADDRESSED: Exemption of spouses of members of armed forces from licensure renewal requirements.

SPECIFIC AUTHORITY: 456.024, 490.015 FS.

LAW IMPLEMENTED: 456.024 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Kaye Howerton, Executive Director, Department of Health, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3255
THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE.

DEPARTMENT OF HEALTH

Division of Health Awareness and Tobacco

RULE TITLE: General Regulations; Definitions
 RULE NO.: 64F-12.001

PURPOSE AND EFFECT: The proposed rule adds the prescription drug, Lipitor, to the specified list of prescription drugs for which a pedigree paper back to the manufacturer is required for the wholesale distribution of Lipitor to a wholesale distributor pursuant to Section 499.0121(6)(e), F.S.

SUBJECT AREA TO BE ADDRESSED: The proposed rule will amend the definition of a specified drug by adding the prescription drug Lipitor, in all strengths and sizes, to the list of prescription drugs qualifying as a specified drug. The Prescription Drug Advisory Council recommended to the Secretary of the Department of Health, by unanimous vote on October 8, 2003, to place Lipitor on the list of specified drugs in accordance with the procedures established in Section 499.0121(6)(e), F.S., in order to protect the public health.

SPECIFIC AUTHORITY: 499.0121(6)(e), 499.05 FS.

LAW IMPLEMENTED: 499.0121 FS.

A RULE DEVELOPMENT WORKSHOP WILL NOT BE HELD. THE AGENCY HEAD HAS DETERMINED THAT A RULE DEVELOPMENT WORKSHOP IS UNNECESSARY DUE TO THE EXTENSIVE INPUT THE DEPARTMENT RECEIVED ON THE SUBJECT AS PART OF THE DRUG WHOLESALER ADVISORY COUNCIL MEETING ON OCTOBER 8, 2003, TO WHICH THE PUBLIC WAS NOTICED. IN ADDITION, THIS AMENDMENT ADDRESSES AN URGENT NEED TO HELP DETECT AND DETER COUNTERFEIT AND DIVERTED PRESCRIPTION DRUGS IN THE FLORIDA MARKETPLACE THAT POSE A SIGNIFICANT HEALTH RISK TO PERSONS IN FLORIDA.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Sandra Stovall, Compliance Officer, 2818-A Mahan Drive, Tallahassee, Florida 32308; (850)487-1257 ext. 210; sandra_stovall@doh.state.fl.us.fl.

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64F-12.001 General Regulations; Definitions.

(1) No change.

(2) In addition to definitions contained in Sections 499.003, 499.012(1), 499.0122(1), 499.028(1), and 499.61, F.S., the following definitions apply to Rule Chapter 64F-12, F.A.C.:

(a) through (u) No change.

(v) "Specified drug" means all dosage forms, strengths and container sizes of the following prescription drugs:

1. through 9. No change.

10. Lipitor (atorvastatin calcium).

10. through 30. renumbered 11. through 31. No change.

(w) through (x) No change.

Specific Authority 499.05, 499.61, 499.701 FS. Law Implemented 499.003, 499.004, 499.005, 499.0054, 499.0057, 499.006, 499.007, 499.008, 499.009, 499.01, 499.012, 499.0121, 499.0122, 499.013, 499.014, 499.015, 499.023, 499.024, 499.025, 499.028, 499.03, 499.033, 499.035, 499.039, 499.041, 499.05, 499.051, 499.052, 499.06, 499.066, 499.067, 499.069, 499.61, 499.62, 499.63, 499.64, 499.65, 499.66, 499.67, 499.71, 499.75 FS. History—New 1-1-77, Amended 12-12-82, 1-30-85, Formerly 10D-45.31, Amended 11-26-86, 2-4-93, 7-1-96, Formerly 10D-45.031, Amended 1-26-99, 4-17-01, 6-30-03, 10-7-03.

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

Economic Self-Sufficiency Program

RULE TITLE: Form for Client Notice and Contact
 RULE NO.: 65A-1.400

PURPOSE AND EFFECT: This proposed amendment of Rule 65A-1.400, F.A.C., replaces an outdated edition of form CF-ES 2514, Authorization to Release Medical Information, with a revised edition.

SUBJECT AREA TO BE ADDRESSED: This rule amendment will incorporate a new edition of form CF-ES 2514 by reference to advise clients of requirements for the Health Insurance Portability and Accountability Act (HIPAA) of 1996.

SPECIFIC AUTHORITY: 409.919, 410.033, 414.45 FS.

LAW IMPLEMENTED: 400.903, 409.904, 410.033, 414.065, 414.075, 414.085, 414.095, 414.105, 414.115, 414.122, 414.125, 414.13, 414.16, 414.21, 414.28, 414.31 FS.

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

TIME AND DATE: 9:00 a.m., November 17, 2003

PLACE: Building 3, Room 100, 1317 Winewood Boulevard, Tallahassee, Florida 32399-0700

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Nathan Lewis, Program Administrator, Economic Self-Sufficiency Services, Program Policy Bureau, 1317 Winewood Boulevard, Building 3, Room 448, Tallahassee, Florida 32399-0700, (850)414-5927

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

FLORIDA HOUSING FINANCE CORPORATION

RULE TITLES:	RULE NOS.:
Definitions	67-21.002
Application and Selection Process for Loans	67-21.003
Applicant Administrative Appeal Procedures	67-21.0035
Federal Set-Aside	67-21.004
Public Policy Criteria Requirements and Qualified Resident Programs	67-21.0041
Determination of Method of Bond Sale	67-21.0045
Selection of Qualified Lending Institutions as Credit Underwriters, Originators and Servicers	67-21.005
Development Requirements	67-21.006
Fees	67-21.007
Terms and Conditions of Loans	67-21.008
Interest Rate on Mortgage Loans	67-21.009
Issuance of Revenue Bonds	67-21.010
No Discrimination	67-21.011
Advertisements	67-21.012
Private Placements of Multifamily Mortgage Revenue Bonds	67-21.013
Credit Underwriting Procedures	67-21.014
Use of Bonds with Other Affordable Housing Finance Programs	67-21.015
Compliance Procedures	67-21.016
Transfer of Ownership	67-21.017
Refundings and Troubled Development Review	67-21.018
Issuance of Bonds for 501(c)(3) Entities	67-21.019

PURPOSE AND EFFECT: The purpose of this Rule is to establish the procedures by which the Corporation shall administer the Application process, determine loan amounts, make and service mortgage loans for new construction or rehabilitation of affordable rental units under the Multifamily Mortgage Revenue Bond (MMRB) Program authorized by Section 42 of the Code and Section 420.509, Florida Statutes.

SUBJECT AREA TO BE ADDRESSED: The Rule Development workshop will be held to receive comments and suggestions from interested persons relative to the development of the 2004 application and program requirements for the MMRB Program, as specified in Rule Chapter 67-21, Florida Administrative Code (F.A.C.).

SPECIFIC AUTHORITY: 420.507, 420.508 FS.

LAW IMPLEMENTED: 420.502, 420.503, 420.507, 420.508, 420.509 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: 11:00 a.m., November 18, 2003

PLACE: Tallahassee City Hall, Commission Chambers, 891 South Adams Street, Tallahassee, Florida 32301

Any person requiring special accommodation at this workshop because of a disability or physical impairment should contact: Jean Salmonsens, (850)488-4197. If you are hearing or speech impaired, please use the Florida Dual Party Relay System, 1(800)955-8771 (TDD).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Wayne Conner, Deputy Development Officer, Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32301-1329, (850)488-4197

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS AVAILABLE ON FLORIDA HOUSING'S WEB SITE www.floridahousing.org.

FLORIDA HOUSING FINANCE CORPORATION

RULE TITLES:	RULE NOS.:
Definitions	67-39.002
Guarantee Program	67-39.0025
Feasibility Studies	67-39.003
Eligibility Criteria for Qualified Obligations	67-39.004
Required Submissions for Qualified Lending Institutions	67-39.0045
Fees and Rates	67-39.005
Contractual Provisions of Qualified Obligation Documents	67-39.006
Reimbursable Costs	67-39.008
Program Documents	67-39.010
Guarantee Program	67-39.011
Guarantee Coverage	67-39.012
Guarantee Program Payments	67-39.014
Audit Requirement	67-39.015

PURPOSE AND EFFECT: The purpose of this Rule is to establish the procedures by which the Corporation shall administer its provision of credit enhancement through the Florida Affordable Housing Guarantee Program (Guarantee Program) authorized by Section 420.5092, Florida Statutes (F.S.).

SUBJECT AREA TO BE ADDRESSED: The Rule Development workshop will be held to receive comments and suggestions from interested persons relative to the development of the program requirements for the Guarantee Program, as specified in Rule Chapter 67-39, Florida Administrative Code (F.A.C.).

SPECIFIC AUTHORITY: 420.507(25), 420.5092(4) FS.

LAW IMPLEMENTED: 420.5092 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: 11:00 a.m., Tuesday, November 18, 2003

PLACE: Tallahassee City Hall, Commission Chambers, 891 South Adams Street, Tallahassee, Florida 32301

Any person requiring special accommodation at this workshop because of a disability or physical impairment should contact Donna Light at (850)488-4197. If you are hearing or speech impaired, please use the Florida Dual Party Relay system which can be reached at 1(800)955-8771 (TDD).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Junious D. Brown III, Director of Asset Management and Guarantee Program, Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32301-1329, (850)488-4197

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS AVAILABLE ON FLORIDA HOUSING'S WEB SITE www.floridahousing.org.

FLORIDA HOUSING FINANCE CORPORATION

RULE TITLES:	RULE NOS.:
Purpose and Intent	67-48.001
Definitions	67-48.002
Application and Selection Procedures for Developments	67-48.004
Applicant Administrative Appeal Procedures	67-48.005
Compliance and Reporting Requirements	67-48.006
Fees	67-48.007
SAIL General Program Procedures and Restrictions	67-48.009
Additional SAIL Application Ranking and Selection Procedures	67-48.0095
Terms and Conditions of SAIL Loans	67-48.010
Sale, Refinancing or Transfer of a SAIL Development	67-48.0105
SAIL Credit Underwriting and Loan Procedures	67-48.012
SAIL Construction Disbursements and Permanent Loan Servicing	67-48.013
HOME General Program Procedures and Restrictions	67-48.014
Match Contribution Requirement for HOME Allocation	67-48.015
Eligible HOME Activities	67-48.017
Eligible HOME Applicants	67-48.018
Eligible and Ineligible HOME Development Costs	67-48.019
Terms and Conditions of Loans for HOME Rental Developments	67-48.020
Sale or Transfer of a HOME Development	67-48.0205
HOME Credit Underwriting and Loan Procedures	67-48.021
HOME Disbursements Procedures and Loan Servicing	67-48.022
Housing Credits General Program Procedures and Requirements	67-48.023
Qualified Allocation Plan	67-48.025
Housing Credit Underwriting Procedures	67-48.026

Tax-Exempt Bond-Financed Developments	67-48.027
Carryover Allocation Provisions	67-48.028
Extended Use Agreement	67-48.029
Sale or Transfer of a Housing Credit Development	67-48.030
Termination of Extended Use Agreement and Disposition of Housing Credit Developments	67-48.031

PURPOSE AND EFFECT: The purpose of this Rule is to establish the procedures by which the Corporation shall: (1) administer the Application process, determine loan amounts, make and service mortgage loans for new construction or rehabilitation of affordable rental units under the State Apartment Incentive Loan (SAIL) Program authorized by Section 420.5087, Florida Statutes (F.S.), and the HOME Investment Partnerships (HOME) Program authorized by Section 420.5089, Florida Statutes; and (2) administer the Application process, determine Housing Credit (HC) amounts and implement the provisions of the Housing Credit Program authorized by Section 42 of the Code and Section 420.5099, Florida Statutes.

SUBJECT AREA TO BE ADDRESSED: The Rule Development workshop will be held to receive comments and suggestions from interested persons relative to (1) the development of the 2004 application and program requirements for the SAIL, HOME, HC Programs, as specified in Rule Chapter 67-48, Florida Administrative Code (F.A.C.) and (2) amendments to the Florida Housing Finance Corporation's 2003 Qualified Allocation Plan (QAP).

SPECIFIC AUTHORITY: 420.507 FS.

LAW IMPLEMENTED: 420.5087, 420.5089, 420.5099 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: 11:00 a.m., November 18, 2003

PLACE: Tallahassee City Hall, Commission Chambers, 891 South Adams Street, Tallahassee, Florida 32301

Any person requiring special accommodation at this workshop because of a disability or physical impairment should contact: Jean Salmons, (850)488-4197. If you are hearing or speech impaired, please use the Florida Dual Party Relay system which can be reached at 1(800)955-8771 (TDD).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Kerey Carpenter, Deputy Development Officer, Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32301-1329, (850)488-4197

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS AVAILABLE ON FLORIDA HOUSING'S WEB SITE www.floridahousing.org.

Section II
Proposed Rules

DEPARTMENT OF INSURANCE

RULE TITLE: Cancellation Refunds
 RULE NO.: 4-200.007

PURPOSE, EFFECT AND SUMMARY: To repeal a rule which is in conflict with Section 634.121(5), F.S.

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: 634.021 FS.

LAW IMPLEMENTED: 634.041, 634.121 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: 9:30 a.m., December 3, 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 RULE IS: Cheryl Jones, Bureau of Property and Casualty Forms and Rates, Office of Insurance Regulation, 200 East Gaines Street, Tallahassee, Florida 32399-0330, E-mail: jonesc@dfs.state.fl.us

THE FULL TEXT OF THE PROPOSED RULE IS:

4-200.007 Cancellation Refunds.

Specific Authority 634.021 FS. Law Implemented 634.041, 634.121(5) FS. History—New 5-26-93, Repealed _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Cheryl Jones, Bureau of Property and Casualty Forms and Rates

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Richard Koon, Bureau of Property and Casualty Forms and Rates

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

DEPARTMENT OF INSURANCE

State Fire Marshal

RULE CHAPTER TITLE: Uniform Minimum Firefighter Employment Standards
 RULE CHAPTER NO.: 4A-62

RULE TITLES: PART I: ADOPTION OF UNIFORM FIREFIGHTER EMPLOYMENT STANDARDS
 RULE NOS.: 4A-62.001

Definitions 4A-62.001

Uniform Minimum Firefighter Employment Standards; Adoption of OSHA Standards 4A-62.001

Uniform Minimum Firefighter Employment Standards; Adoption of National Fire Protection Association Standards 4A-62.002

Uniform Minimum Firefighter Employment Standards; Adoption of 29 C.F.R. Sections 1910.134(g)(3) and 1910.134(g)(4), Including Notes One and Two and Additional Requirements Relating to Fire Scenes 4A-62.003

Requirements for Recognition as a Fire Department 4A-62.006

Minimum Requirements for Class 9 Protection 4A-62.007

PART II: WORKPLACE SAFETY AND HEALTH PROGRAMS

Definitions 4A-62.020

General Guidelines for Firefighter Employer Comprehensive Safety and Health Programs 4A-62.021

Firefighter Employer Comprehensive Safety and Health Remediation Plan 4A-62.022

Criteria for Identifying Firefighter Employers With a High Frequency or Severity of Injuries 4A-62.023

PART III: SAFETY AND HEALTH COMPLIANCE

Definitions 4A-62.030

Right of Entry 4A-62.031

Division Inspection or Investigation 4A-62.032

Recordkeeping Responsibilities of Firefighter Employers 4A-62.033

Notice of Violation 4A-62.034

Safety Training 4A-62.035

Procedures Relating to Penalties 4A-62.036

PART IV: WORKPLACE SAFETY COMMITTEES

Definitions 4A-62.040

Scope 4A-62.041

Firefighter Employer Requirements 4A-62.042

Duties and Functions of the Safety Committee and Workplace Safety Coordinator 4A-62.043

Firefighter Employer Evaluation by the Division 4A-62.044

Penalties 4A-62.045

PURPOSE AND EFFECT: The purpose of these rules is to update existing rules based on statutory revisions and to implement and interpret Sections 633.801-633.821, Florida Statutes, as mandated by the Legislature in those sections. The effect of these rules is to provide for firefighter workplace safety and health programs, and to provide requirements for safety and health compliance by firefighter employers and firefighter employees.

SUMMARY: These rules provide for firefighter workplace safety, as mandated by Sections 633.801-633.821, 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, 633.45(1)(a), 633.804, 633.805, 633.806, 633.808, 633.809, 633.810, 633.811, 633.816, 633.821 FS.

LAW IMPLEMENTED: 633.01, 633.45(1)(a), 633.802, 633.803, 633.804, 633.805, 633.806, 633.807, 633.808, 633.809, 633.810, 633.811, 633.812, 633.813, 633.814, 633.815, 633.816, 633.817, 633.818, 633.819, 633.820, 633.821 FS.

IF REQUESTED A HEARING WILL BE HELD AT THE TIMES, DATES AND PLACES SHOWN BELOW. IF A HEARING IS NOT REQUESTED, NO HEARING WILL BE HELD.

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

PLACE: Agency for Healthcare Administration, Conference Room "A," Building #3, 2727 Mahan Drive, Tallahassee, Florida

TIME AND DATE: 9:00 a.m., December 11, 2003

PLACE: Three Oaks Banquet and Catering, 20991 Three Oaks Parkway, Estero, Florida

TIME AND DATE: 10:00 a.m., December 12, 2003

PLACE: The Florida State Fire College, Main Auditorium, 11655 Northwest Gainesville Road, Ocala, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Dave Casey, Chief, Bureau of Fire Standards and Training, 11655 N. W. Gainesville Road, Ocala, Florida, phone (352)369-2800

In accordance with the Americans with Disabilities Act and Section 286.26, Florida Statutes, persons needing a special accommodation to participate in this meeting or workshop should contact the Bureau of Fire Standards and Training by mail at 11655 N. W. Gainesville Road, Ocala, Florida, or by phone at (352)369-2800, no later than 48 hours prior to the meeting or workshop.

THE FULL TEXT OF THE PROPOSED RULES IS:

PART I: ADOPTION OF UNIFORM MINIMUM FIREFIGHTER EMPLOYMENT STANDARDS

4A-62.0001 Definitions.

Unless the text or context clearly requires otherwise, the definitions in Section 633.802, Florida Statutes, are applicable to this rule chapter. In addition, for purposes of this rule chapter, the following definitions apply.

(1) "Act" means Sections 633.801-633.821, Florida Statutes.

(2) "Division" means the Division of State Fire Marshal of the Department of Financial Services of the State of Florida.

(3) "Exclusionary" zone or "hot" zone means the area immediately around the incident where serious threat of harm exists, which includes the collapse zone for a structure fire. Entry into such zone would require the use of breathing apparatus; protective clothing and specialized training required under Section 633.821(2), Florida Statutes, and this rule chapter.

(4) "Fire department" means any local fire department or fire district in the state responsible for municipal or county fire protection as recognized by the appropriate municipal or county government or the state. A fire department has the intent and purpose of carrying out the duties, functions, powers, and responsibilities normally associated with a fire department, and which is in compliance with Rule 4A-62.006, F.A.C. These duties, functions, powers, and responsibilities include but are not limited to the protection and saving of life and property against fire, explosions, and other hazards, the prevention and extinguishment of fires, and the enforcement of municipal, county, and state fire prevention codes, as well as of any law pertaining to the prevention and control of fires and hazardous materials incident mitigation.

(5) "Firefighter employee" means a firefighter employee as defined in Section 633.802, Florida Statutes, and includes a volunteer firefighter as referred to in Section 633.820, Florida Statutes.

(6) "IDLH" or "IDLH atmosphere" means an atmosphere which is immediately dangerous to life and health.

(7) "Trained commensurate to duty" means that the person must have documented training in the specific task assigned or combination of skills required to accomplish any series of tasks which may be assigned to that individual given a set of circumstances or which that individual may undertake.

(8) "Two-in, two-out rule" or "two-in, two-out" means and refers to 29 C.F.R. Section 1910.134(g)(4), Including Notes One and Two, as modified by Section 633.821(3), Florida Statutes.

Specific Authority 633.01(1), 633.45(1)(a), 633.821 FS. Law Implemented 633.45(1)(a), 633.802, 633.821 FS. History—New _____.

4A-62.001 Uniform Minimum Firefighter Employment Standards; Adoption of OSHA Standards.
No change.

Specific Authority 633.01(1), 633.45(1)(a), 633.821 FS. Law Implemented 633.45(1)(A), 633.821 FS. History—New 11-21-01.

4A-62.002 Uniform Minimum Firefighter Employment Standards; Adoption of National Fire Protection Association Standards.
No change.

Specific Authority 633.01(1), 633.45(1)(a), 633.821 FS. Law Implemented 633.45(1)(A), 633.821 FS. History—New 11-21-01.

4A-62.003 Uniform Minimum Firefighter Employment Standards; Adoption of 29 C.F.R. Sections 1910.134(g)(3) and 1910.134(g)(4), Including Notes One and Two and Additional Requirements Applicable to Fire Scenes.

(1) through (2) No change.

(3) With respect to 29 C.F.R. Section 1910.134(g)(4), the two individuals located outside the IDLH atmosphere may be assigned to an additional role, such as incident commander, pumper operator, engineer, or driver, so long as such individual is able to immediately perform assistance or rescue activities without jeopardizing the safety or health of any firefighter working at an incident.

(a)1. Except as provided in sub-paragraphs 2., 3., and 4., no firefighter or any other person under the authority of the firefighter employer at the scene of a fire is permitted to participate in any operation involving two-in, two-out as one of the two or more persons inside the IDLH atmosphere or as one of the two or more persons outside of the IDLH atmosphere unless such firefighter or other person at the scene of a fire is certified in this state by the division as a Firefighter I or a Firefighter II, as established in subsections (1) and (2) of Rule 4A-37.055, F.A.C. Such training shall consist of the training described in subsection (6) of Rule 4A-37.055, F.A.C. This requirement specifically applies to volunteer fire departments and volunteer firefighters but is also applicable to any other person working under the authority of the Firefighter Employer at the scene of a fire

2. A volunteer firefighter who possesses the State Basic Volunteer certificate previously issued by the division is exempt from the Firefighter I and Firefighter II requirement in subparagraph 1. Basic volunteer in itself may not meet “trained commensurate to duty” as defined depending upon duties or tasks assigned or undertaken in the exclusionary zone.

3. United States Department of Defense firefighters responding in their capacity as U.S. Department of Defense firefighters meeting equivalent U.S. Department of Defense qualifications are exempt from the Florida Firefighter I and Firefighter II requirement in subparagraph 1.

4. Volunteer firefighters having NWCG S-130, S-190, and Standards for Survival certification by the Florida Division of Forestry are permitted to participate in wild land fire suppression without the Firefighter I certification.

(b) It is each Firefighter Employer’s responsibility to be familiar with the training standards of commonly used mutual aid agreements, automatic aid agreements, and other similar resources. Each fire department responding pursuant to a mutual aid agreement or automatic aid agreement or similar document is responsible for the training and certification of its own personnel. Unless otherwise specified, requests for assistance shall constitute requests for personnel meeting the training standard required by these rules.

(4)(a) In addition to the prohibition in subsection (3), no firefighter employer, regardless of whether such firefighter employer employs firefighters certified under Section 633.34, Florida Statutes, or utilizes volunteer firefighters, is permitted to allow any firefighter or other person at the scene of a fire to participate in any activity which is included in the standards adopted in Sections 633.801-633.821, Florida Statutes, or pursuant to this rule chapter unless such firefighter or other person at the scene of a fire is a Florida certified Firefighter I as established in subsections (1) and (2) of Rule 4A-37.055, F.A.C. Such training shall consist of the training described in subsection (6) of Rule 4A-37.055, F.A.C. This requirement specifically applies to volunteer fire departments and volunteer firefighters, but is also applicable to any other person operating in the exclusionary zone of a scene that would require the use of breathing apparatus, protective clothing, or specialized training required under Section 633.821(2), Florida Statutes.

(b) This subsection does not prohibit a person who has not met the training requirements in paragraph (a) from taking any action at all at a fire scene. It merely prohibits a person who has not met such training requirements from engaging in any activity which is governed by the standards adopted in Sections 633.801-633.821, Florida Statutes. Persons not having met the training requirements in paragraph (a), but who are “trained commensurate to duty” to perform those activities they are assigned to, are permitted to engage in certain activities outside of the exclusionary zone. Those activities include pulling hoses, opening and closing fire hydrants, moving vehicles, carrying tools, carrying or moving equipment, directing traffic, manning a resource pool, and similar activities.

Also with respect to 29 C.F.R. Section 1910.134(g)(4):

(a) Each county, municipality, and special district shall implement such provision by April 1, 2002, except as provided in paragraphs (b) and (c).

(b) If any county, municipality, or special district is unable to implement such provision by April 1, 2002, without adding additional personnel to its firefighting staff or expending significant additional funds, such county, municipality, or special district shall have an additional six months within which to implement such provision. Such county, municipality,

or special district shall notify the Division that the six month extension to implement such provision is in effect in such county, municipality, or special district within 30 days of its decision to extend the time for the additional six months. The decision to extend the time for implementation shall be made prior to April 1, 2002.

(e) If the extension granted in paragraph (b) expires, and the county, municipality, or special district, after having worked with and cooperated fully with the Division is still unable to implement 29 C.F.R. Section 1910.134(g)(4), without adding additional personnel to its firefighting staff or expending significant additional funds, such municipality, county, or special district shall be exempt from the requirements of 29 F.F.R. Section 1910.134(g)(4). Each year thereafter the Division shall review each exempt county, municipality, or special district to determine if such county, municipality, or special district has the ability to implement C.F.R. Section 1910.134(g)(4), without adding additional personnel to its firefighting staff or expending significant additional funds. If the Division determines that any county, municipality, or special district has the ability to implement 29 C.F.R. Section 1910.134(g)(4), without adding additional personnel to its firefighting staff or expending significant additional funds, the Division shall require such county, municipality, or special district to implement such provision. Such requirement by the Division under this paragraph constitutes final agency action subject to Chapter 120, Florida Statutes.

Specific Authority 633.01(1), 633.45(1)(a), 633.821 FS. Law Implemented 633.45(1)(A), 633.821 FS. History—New 11-21-01, Amended _____

4A-62.006 Requirements for Recognition as a Fire Department.

(1) To be recognized as an organized fire department by the division, compliance with the following must be documented:

(a) Establishment in accordance with the provisions of the National Fire Protection Association Standard 1201, 2000 edition;

(b) Capability of providing fire protection 24 hours a day, seven days a week;

(c) Responsibility for response in an area capable of being depicted on a map; and

(d) Staffing with a sufficient number of qualified firefighters who are employed fulltime or part-time or serve as volunteers and who shall have successfully completed an approved basic firefighting course recognized by the Bureau of Fire Standards and Training.

(2)(a) A fire department shall meet the requirements of the Insurance Services Office (ISO) for Class 9 Protection which is hereby adopted and incorporated by reference.

(b) ISO measures the major elements of a community's fire-suppression system and develops a numerical grade ranging from 1 to 10. Class 1 represents the best public protection and Class 10 indicates no recognized protection.

(c) The requirements for ISO 9 may be obtained at the ISO website located at www.iso.com, or it may be obtained by writing to the Division of State Fire Marshal, Bureau of Fire Standards and Training, 11655 North Gainesville Road, Ocala, Florida 34482-1486.

Specific Authority 633.01(1), 633.821 FS. Law Implemented 633.45(1)(a), 633.821 FS. History—New _____

4A-62.007 Minimum Requirements for Class 9 Protection.

(1) To be considered for Class 9 protection, the following minimum facilities must be available:

(a) Organization:

1. The fire department shall be organized on a permanent basis under applicable state or local laws. The organization shall include one person responsible for operation of the department, usually with the title of chief.

2. The fire department must serve an area with definite boundaries. If a municipality is not served by a fire department solely operated by or for the governing body of that city, the fire department providing such service shall do so under a contract or resolution. When a fire department's service area involves one or more municipalities, a contract shall be executed with each municipality served.

(b) Membership: The department shall have a sufficient number of firefighters/members to assure the response of at least 4 firefighters/members to alarms. The "alarms" to which this paragraph refers are first alarms for fires in structures. The chief may be one of the 4 responding firefighters/members.

(c) Training: Training for active members shall be conducted at least 2 hours every 2 months.

(d) Alarm Notification: Alarm facilities and arrangement shall be such that there is no delay in the receipt of alarms and the dispatch of fire fighters and apparatus.

(e) Apparatus:

1. The fire department shall have at least one piece of apparatus meeting the general criteria of NFPA 1901, 1999 edition.

2. Automotive Fire Apparatus: The apparatus shall have a permanently mounted pump capable of delivering 50 gpm or more at 150 psi, and a water tank with at least 300-gallon capacity.

(f) Records: Records shall indicate date, time and location of fires, the number of responding members, meetings, training sessions, and maintenance of apparatus and equipment. A roster of fire department members must be kept up-to-date.

(g) Equipment: Each fire department shall keep and maintain the following equipment:

1. At least two 150-foot lengths of 3/4 or 1 inch fire department hose, 1 1/2 inch pre-connected hose, or the equivalent, each with a nozzle capable of discharging either a spray or a straight stream.

2. Two portable fire extinguishers suitable for use on Class A, B and C fires. The minimum size shall be 20 BC rating in dry chemical, 10 BC rating in CO₂, and 2A rating in water-type extinguishers.

3. One 12-foot ladder with folding hooks.

4. One 24-foot extension ladder.

5. One pick-head axe.

6. Two electric hand lights.

7. One pike pole.

8. One bolt cutter.

9. One claw tool.

10. One crowbar.

(h) Housing: Apparatus shall be so housed as to provide protection from the weather.

(2) In addition, the fire department must have:

(a) A minimum of four (4) self-contained breathing apparatus, and

(b) A minimum issue of personal protective clothing for structural firefighting for each firefighter.

(3) Each organized fire department shall maintain sufficient insurance coverage on each member of the fire department to pay claims for injuries sustained en route to, during, and returning from fire calls or other emergencies and disasters and scheduled training sessions.

(4)(a) The chief of the fire department shall annually submit a personnel roster to the SFM of all firefighters. The roster shall include:

1. The fire department name.

2. The fire department identification number (FDID).

3. The complete fire department address.

4. The fire department contact telephone number and the fire department fax number, if any.

5. The certification level for each firefighter reported, and

6. The firefighter certification number, the issue date of the certification, and the status of the certification, i.e., volunteer or career.

(b) The personnel roster need not be in any particular form; however, a personnel roster form containing the above information is available for the fire department's convenience and may be submitted if the chief of the fire department chooses. Such convenience form may be obtained at the division's website located at <http://www.fldfs.com/SFM/> or by writing to the Division of State Fire Marshal, Bureau of Fire Standards & Training, at 11655 N. W. Gainesville Road, Ocala, Florida 33482-1486.

Specific Authority 633.01(1), 633.821 FS. Law Implemented 633.45(1)(a), 633.821 FS. History--New _____.

PART II: WORKPLACE SAFETY AND HEALTH PROGRAMS

4A-62.020 Definitions.

Unless otherwise specified herein, for purposes of this rule chapter the definitions of the words and terms contained in Section 440.02, Florida Statutes, apply. For the purposes of Part II of this rule chapter, unless the context clearly requires otherwise, the following definitions also apply:

(1) "Firefighter Employee Safety and Health Remediation Plan" means a written training program developed by a carrier, individual self-insurer, self-insurance fund, or firefighter employer or a combination thereof for a firefighter employer's implementation when the firefighter employer has been identified as having a high frequency or severity of injuries or workers' compensation insurance claims that is higher than the average for firefighter employers and includes any safety and health program which has been adopted by a firefighter employer and approved by the Division. It shall serve as a guide to safe work practices for firefighter employees.

(2) "Firefighter Employer Comprehensive Safety and Health Program" means a particular written plan developed from a Workplace Safety and Health Program provided by an insurance carrier, group self-insurance fund, individual self-insurer, or by an individual firefighter employer. It is designed to ensure that the firefighter employer has a structured and integrated safety and health management program within its organization, which is specifically designed to reduce or control the hazards of the firefighter employer's workplace and the frequency of workplace injuries and occupational diseases. Said plan is permitted to be part of an overall Workplace Safety and Health Program for the municipality, county, special district, or other unit of local government.

(3) "Frequency" means the number of workplace injuries and occupational diseases reported to the Division of Workers' Compensation, occurring over a one-year period, and resulting in a lost time case as defined in subsection (5), below.

(4) "Frequency Rate" means the figure, which results after using the formula for determining the frequency rate provided in Rule 4A-62.023, F.A.C.

(5) "Lost Time Case" means an injury or illness which results in the firefighter employee requiring medical care at a medical care facility and involves a loss of time or service beyond the time required for initial treatment and his or her inability to perform firefighting duties.

(6) "OSHA" means the Occupational Safety and Health Administration as created by the Occupational Safety and Health Act of 1970, 29 U.S.C. Sections 651-678.

(7) "Safety and Health Standard" or "Standard" means any of the safety and health standards adopted by rule of the division and which applies to a specific workplace. These standards are minimum standards upon which all safety and health risk assessments can be made.

(8) “Safety and Health Inspection” means the risk assessment process by division personnel of a firefighter employer’s work environment as follows:

(a) Analyzing existing conditions and operations that may create hazards;

(b) Identifying signs of ineffective safety and health policies or practices; and

(c) Identifying safety and health program deficiencies.

(9) “Severity” means the extent of the workers’ compensation medical and indemnity benefits which result or will result from the workplace injuries that a firefighter employer has reported to the Division of Workers’ Compensation.

(10) “Shall” means that the application or procedure that follows is mandatory and “shall” is only used in this context in these rules.

(11) “Will” means that the application or procedure that follows is to take place in the future and in this context “will” is never used to indicate any degree of requirement of an application or procedure.

(12) “Workplace Safety and Health Program” means the written program of a workers’ compensation carrier, group self-insurance fund, or individual self-insurer for a government unit. It is to be used by their policyholders, members or themselves as a guide in developing a specific firefighter employer’s “Firefighter Employer Comprehensive Safety and Health Program.”

Specific Authority 633.804 FS. Law Implemented 633.804 FS. History—New

4A-62.021 General Guidelines For Firefighter Employer Comprehensive Safety and Health Programs.

The following are the guidelines for a Firefighter Employer Comprehensive Safety and Health Program. These guidelines shall be used by firefighter employers that are notified by the division that they have a high frequency or severity of workers’ compensation claims to prepare their Firefighter Employer Comprehensive Safety and Health Remediation Plan.

(1) Safety Policy. Each firefighter employer shall issue and make available to all firefighter employees a safety policy containing a clear and concise view of the firefighter employer’s determination that safety and health management shall be of primary importance and that all employment and places of employment shall be free of recognizable workplace and environmental hazards. The safety policy shall delegate responsibilities with respect to implementing the safety and health program.

(2) Safety Rules. Each firefighter employer shall develop and implement a set of safety rules which shall be equivalent to or exceed applicable standards found the Act or in rules adopted pursuant to the Act.

(3) Safety And Health Training Program. Each firefighter employer shall implement a safety and health training program, which shall address or include:

(a) Training, by supervisors or trained instructors, of new firefighter employees and firefighter employees transferring to new jobs, on the operating procedures of vehicles and equipment to be utilized by the firefighter employee.

(b) Instructional training for supervisors.

(c) Specialized training as required by the rules of the division and any OSHA Standards and other applicable laws, rules or regulations.

(d) An emergency vehicle operations course for all emergency vehicle operators as recognized by the division.

(e) Goals and objectives of the safety training program(s).

(f) Person(s) responsible for safety and the person(s) responsible for the conduct of safety training.

(g) Specific method(s) of presentation.

(h) An analysis of accidents, illnesses and injuries to determine specific additional training that may be needed.

(i) A training program outline.

(j) A comprehensive training program content.

(k) A hazard identification system.

(l) A new firefighter employee indoctrination program.

(m) Training. Each firefighter employer shall provide training and education for all firefighters and supervisory personnel commensurate with those duties and functions that such firefighters and supervisory personnel are expected to perform. Such training and education shall be provided to firefighters and supervisory personnel before they perform any emergency activities or other activities requiring such training. Supervisory personnel shall be provided with training and education which is more comprehensive than that provided to the general firefighters.

(4) Each firefighter employer shall assure that training and education is conducted frequently enough to assure that each firefighter is able to perform the firefighter’s assigned duties and functions satisfactorily and in a safe manner so as not to endanger such firefighter or any other firefighter. Training shall be provided on an as needed basis and must be provided at least annually. In addition, firefighters who are expected to perform interior structural firefighting shall be provided with an education session or training at least quarterly. All such training shall be documented and placed in each employee’s personnel file.

(5) The quality of the training and education programs for firefighters and officers shall be similar to the courses or curriculum of the Florida State Fire College or those which use national consensus curriculums as recognized by the Division, such as the International Fire Service Training Association (IFSTA)®. The quality of the training for supervisory personnel shall generally conform to the standards enumerated in the National Fire Protection Association standards in NFPA

1021, "Fire Officer Professional Qualifications," for Fire Officer I, II, III, or IV, as applicable, or similar or equivalent standards.

(6) Each firefighter employer shall inform each firefighter about special hazards such as storage and use of flammable liquids and gases, toxic chemicals, radioactive sources, and water reactive substances, to which they may be exposed during fire and other emergencies. The firefighters shall also be advised of any changes that occur in relation to the special hazards. The firefighter employer shall develop and make available for inspection by firefighters written procedures that describe the actions to be taken in situations involving the special hazards and shall include these in the training and education program.

(7) Policy for enforcement of safety rules and regulations.

(a) Accident Investigation Program. Each firefighter employer shall implement an accident investigation program which shall investigate and record all accidents and near accidents involving personnel, including medical only injuries, and accidents in which equipment or motor vehicles are damaged. The investigation shall determine all obtainable facts of each accident and cite cause factors and recommend corrective action.

(b) Incident Reporting. Each firefighter employer shall implement the Firefighter Casualty Report, Form DFS-K4-1569, revised August, 2003, (which is substantially the same form as Form 902G, NFIRS-5), which is hereby adopted and incorporated by reference, revised August, 2003. Form DFS-K4-1569 may be obtained by writing to the Division of State Fire Marshal, 200 East Gaines Street, Tallahassee, Florida 32399-0340.

(c) The Firefighter Casualty Report shall record all injuries, including type of accident, agencies, nature or type of injury, body location, the specific activity at the time of the injury or occurrence, cause of injury, and contributing causes of injury. Such reports shall also contain any event, injury, or occurrence enumerated in Section 112.181, Florida Statutes, to which the presumptions therein are applicable. These reports shall be submitted to the division within seven (7) days of the occurrence.

Specific Authority 633.804 FS. Law Implemented 633.804 FS. History—New

4A-62.022 Firefighter Employer Comprehensive Safety and Health Remediation Plan.

(1) All firefighter employers identified and notified by the division as having a high frequency or severity of work related injuries and illnesses shall submit their Firefighter Employer Comprehensive Safety and Health Program to the division for approval within one hundred twenty (120) days after receipt of notice. The division may approve additional time for the firefighter employer to complete specific elements of the program providing the firefighter employer is making progress on the other elements. This approval must be in writing.

(2) The Firefighter Employer Comprehensive Safety and Health Remediation Plan shall contain or address the specific components listed under the "General Guidelines for Firefighter Employer Comprehensive Safety and Health Programs" set forth in Rule 4A-62.021, F.A.C.

(3) If a firefighter employer fails to submit a Firefighter Employer Comprehensive Safety and Health Remediation Plan to the division, the firefighter employer shall be subject to a penalty as prescribed in Section 633.811, Florida Statutes, or as otherwise provided by law.

(4) The division shall conduct a continuous evaluation of each approved plan to determine its overall effectiveness.

Specific Authority 633.809 FS. Law Implemented 633.809 FS. History—New

4A-62.023 Criteria for Identifying Firefighter Employers with a High Frequency or Severity of Injuries.

(1) Individual firefighter employers and groups of firefighter employers with a high frequency or severity of work related injuries and illnesses as identified by the division shall be subject to safety and health inspections. If a firefighter employer fails or refuses to implement or correct deficiencies identified by the division, the firefighter employer shall be subject to penalties as prescribed in Section 633.811, Florida Statutes, or as otherwise provided by law.

(2) The division will use the following procedures to determine which firefighter employers with a high frequency or severity of workers' compensation claims will be selected to have their safety and health management program audited by the division and their workplace and records inspected.

(a) A firefighter employer high frequency of injury list shall be established using the most recent year's data available. This shall be data for a year where there has been sufficient time allowed to receive and check the data for reliability. The list shall be derived by compiling lost time cases contained in the database in descending order of frequency from highest to lowest for the year.

(b) The frequency rate shall be calculated using the following formula: Rate of reported lost-time injuries by a firefighter employer in a year shall be determined by Frequency divided by Average Daily Staffing where:

Frequency = total lost time cases reported by a firefighter employer in a year. Average Daily Staffing = the average number of personnel on duty at one given time per day multiplied by the number of days staffed.

Example 1: the average number of personnel on duty at one given time per day multiplied by 365 for a 24 hour full-time department.

[Please note this is intended for three platoon (24/48) or four platoon (10/14 or 24/72)]

Example 2: the average number of personnel on duty at one given time per day multiplied by 260 for Monday through Friday staffing.

Example 3: For volunteer firefighters it is the average staffing of all of their emergency responses times the number of responses they had in the year.

National Safety Council Frequency Computation:

INJ. X Total Annual Man-Hours Worked=Injury. Rate
8760 (24hr svc) or 2000 (40 hr wk)

(c) The firefighter employer's frequency rate will be compared with the statewide average frequency rate for all firefighter employers.

(d) If a firefighter employer is to be audited, the following shall be required of the firefighter employer:

1. The firefighter employer shall meet with a division representative within ten days of being notified of the decision to audit or on such other date as may be mutually agreed upon.

2. The firefighter employer shall assign a contact person to work with the representative of the division.

3. The firefighter employer shall provide to the representative the most complete copy of each of the first reports of injury for the past 3 years and a copy of the corresponding accident report if available.

4. Information pertaining to the following shall be provided by, and will be collected from, the firefighter employer:

a. Safety policy.

b. Safety rules and regulations.

c. Safety inspections, including regular and periodic inspections.

d. Safety training programs.

e. First aid programs.

f. Accident investigation programs.

g. Record Keeping.

h. Respiratory protection programs as required by the adoption of 29 C.F.R. Section 1910.134 in Rule 4A-62.011, F.A.C., and

i. Any other information pertaining to safety and health program management.

5. After the audit is complete, a closing conference will be scheduled to advise the firefighter employer on the results of the audit.

6. Suggestions and assistance will be provided to the firefighter employer to help improve the safety and health program management.

7. Abatement deadlines shall be set for the firefighter employer to take corrective action in regard to any safety and health program deficiencies that are identified.

8. To measure program effectiveness following the audit, the firefighter employer shall be required to submit copies of all first reports of injury and corresponding accident investigation reports to the division on a quarterly basis (every three months) for two years or until the firefighter employer's

frequency/severity rate of lost time cases falls below the statewide average for firefighter employers, whichever occurs last.

Specific Authority 633.809 FS. Law Implemented 633.809 FS. History--New

PART III: SAFETY AND HEALTH COMPLIANCE

4A-62.030 Definitions.

Part III of this rule chapter incorporates by reference the definition of "occupational disease" contained in Section 440.151(2), Florida Statutes, and the definitions contained in Section 440.02, Florida Statutes. Further, with respect to Part III of these rules, the division adopts the following definitions:

(1) "Abatement date" means a specific date provided by the division on the Notice of Violation on or before which the firefighter employer must correct a violation to avoid penalty. "Abatement" means and includes remediation.

(2) "Calendar year" means a given twelve month period that begins January 1 and ends December 31.

(3) "Establishment" means the single physical location of a workplace where the firefighter employer maintains records necessary to provide evidence of firefighter employer compliance with this rule chapter. Generally, an establishment is a single physical location where business is conducted. For firefighter employers engaged in activities that may be physically dispersed, the establishment shall be the Administrative Offices/Headquarters of the agency.

(4) "Fatality" means any firefighter employee death that occurs as a result of workplace injury, illness, or occupational disease. The term includes a firefighter employee death that results from workplace injury, illness, or occupational disease.

(5) "Hazard" means the risk of exposure to materials, processes, or operating procedures or practices that can produce a harmful effect by causing injury, illness, occupational disease, or fatality.

(6) "Illness" means any abnormal condition or disorder, other than one resulting from an occupational injury, caused by exposure to environmental factors associated with employment. It includes acute and chronic illnesses or diseases that may be caused by inhalation, absorption, ingestion, or direct contact with an environmental factor.

(7) "Investigation" means verification of firefighter employer compliance with the Act or division rule by a firefighter employer including firefighter employer requests, complaint investigations, fatality investigations, and serious incident investigations.

(8) "Multiple Injury Event." means either a single event during an incident that three or more firefighters receive serious incident level injuries such as a vehicle crash, or firefighters injured from a falling wall, or three of the same type of serious incident level injuries sustained during an entire incident such as three smoke inhalation injuries at the same fire.

(9) “Serious incident” means any event arising out of the work and in the course of employment, as the result of which a firefighter employee is admitted into a hospital for a minimum period of twenty-four hours.

(10) “Violation” means noncompliance with the Act, a division rule, or an order of the division.

(11) “Workplace” means the physical location in Florida where firefighter employees perform their duties and includes the scene of a fire or other emergency unless the context clearly requires otherwise.

Specific Authority 633.806 FS. Law Implemented 633.806 FS. History—New _____.

4A-62.031 Right of Entry.

A firefighter employer shall allow the division, on request and presentation of official credentials, without delay to enter and to inspect any place of employment at any reasonable time for the purpose of assuring compliance with the Act and this rule chapter.

Specific Authority 633.806 FS. Law Implemented 633.806, 633.815 FS. History—New _____.

4A-62.032 Division Inspection or Investigation.

(1) Under the Act, the division is authorized to conduct inspections or investigations for the purpose of ensuring compliance with the Act and division rules. The division shall conduct an inspection or investigation to determine jurisdiction, the occurrence of a violation, or to verify abatement. The division shall conduct an inspection or investigation by means of on-site inspection or investigation, telephone, correspondence, or personal interview, which may be in private.

(2) A firefighter employer may request the division to investigate the workplace to ensure compliance with the Act and division rules.

(3) The division shall not be required to provide notice of an inspection or investigation when the Division is advised that a condition or practice that creates an “imminent danger” to the safety and health of workers.

(4) Upon entering a workplace, the division shall advise the person in charge of the work being performed at the workplace that the division intends to conduct an inspection or investigation.

(5) The division shall conduct an opening conference, explaining the purpose of the inspection or investigation, inspection or investigation procedures, and firefighter employer obligations and responsibilities.

(6) The division may but is not required to invite a representative of the firefighter employer or a firefighter employee, or both, to accompany the division during an inspection or investigation.

(7) The division shall consider evidence observed in plain view or obtained during an inspection or investigation, or otherwise obtained from a telephone or personal interview,

correspondence, firefighter employer record, maintenance record, insurance record, laboratory report, or electronic information.

(8) After the inspection or investigation, the division shall conduct a closing conference with the firefighter employer to discuss any violations noticed, answer questions, explain penalty assessments, and identify abatement verification procedures, including the potential for a subsequent inspection or investigation by the division to verify abatement.

(9) The division shall issue a Notice of Violation prescribed in Rule 4A-62.034, F.A.C., for each violation identified by the division during an inspection or investigation at the completion of the inspection or investigation.

(10) Complaint Investigation.

(a) The division shall consider a complaint from any person who alleges a violation of the Act or a division rule. The complainant may elect to remain anonymous. The complainant must identify the location of the workplace that gives rise to the complaint and allege known particular facts that constitute a violation. A complaint may be oral or written.

(b) The division shall conduct an investigation of any complaint that facially establishes reasonable cause to believe that a violation exists or occurred.

(11) Fatality or Multiple Injury Event Investigation or equipment failure.

(a) Each firefighter employer shall notify the division of any fatality or three (3) or more serious injuries at the same incident via the Division’s 24 hour “1 800” phone number which is 1(800)NET-FIRE (1(800)638-3473) within 4 hours of the occurrence.

(b) The division shall conduct an investigation of each fatality or multiple injury events, of which it is notified.

(c) Any injury or fatality that is reported to or appears to be the result of equipment failure shall be investigated by the division.

(12) If the division determines during an investigation that a firefighter employer’s failure to comply with the Act or a division rule directly contributed to a fatality or serious incident, the division shall issue to the firefighter employer a Notice of Violation specifying an immediate abatement date.

(13) The division shall conduct an investigation to verify abatement of a violation within six months after the issuance date of the Notice of Violation.

Specific Authority 633.45(1)(a), 633.806 FS. Law Implemented 633.801, 633.806, 633.815 FS. History—New _____.

4A-62.033 Recordkeeping Responsibilities of Firefighter Employers.

(1) Each firefighter employer shall maintain for review by the division upon request the “Fire Service Log and Summary of Occupational Injuries, Diseases, and Illnesses” DFS-K4-1568, revised August, 2003, (sometimes referred to in these rules as “log and summary”), adopted and incorporated

herein by reference and available from the division at the Bureau of Fire Standards and Training, 11655 North Gainesville Road, Ocala, Florida 33482. Each firefighter employer shall record each injury, illness, occupational disease, and fatality for that establishment on the log and summary within six working days of learning an injury, illness, occupational disease, or fatality has occurred. A firefighter employer may maintain a form equivalent to the log and summary, which shall contain the same information and shall be as readable and comprehensible to a person unfamiliar with the log and summary. The firefighter employer or person who supervises the preparation of the log and summary shall execute the certification of the log and summary with his or her signature.

(2) In addition to the log and summary required in subsection (1), each firefighter employer shall maintain and make readily available upon request to the division the following supplementary records:

(a) "First Report of Injury or Illness," Form DWC-1, Rev. 11/94, a form which was adopted and incorporated by reference by the Division of Workers' Compensation and is available from the firefighter employer's Workers' Compensation insurance carrier or fund. The form may also be obtained by writing to the Division of State Fire Marshal, 200 East Gaines Street, Tallahassee, Florida 32399-0340.

(b) The Firefighter Casualty Report, DFS Form DFS-K4-1569, (i.e., substantially the same as Form 902G, NFIRS-5), which shall be submitted for each injury, illness, occupational disease, or fatality at each establishment, within six (6) working days after a firefighter employee injury, illness, occupational disease, or fatality has occurred. The Notice of Injury shall be completed in the detail prescribed in the instructions on the Notice of Injury itself.

(c) The firefighter employee accident investigation records which were created by or submitted to the firefighter employer.

(3) Each firefighter employer shall establish and maintain records on a calendar year basis.

(4) Each firefighter employer shall maintain records required in subsections (1) and (2) in each establishment for three calendar years following the end of the calendar year during which the firefighter employee injury, illness, occupational disease, or fatality occurred.

(5) When a workplace is located apart from an establishment, the firefighter employer shall have available at the workplace the telephone number and address of the establishment where records are maintained.

Specific Authority 633.808(4) FS. Law Implemented 633.808(4) FS. History--New _____

4A-62.034 Notice of Violation.

(1)(a) If the division determines that a firefighter employer is not in compliance with the Act or a division rule or order, the division shall issue to the firefighter employer a Notice of

Violation on Form DFS-K4-1566, revised August, 2003, which the division hereby adopts and incorporates herein, and which may be obtained by writing to the division at 11655 N. W. Gainesville Road, Ocala, Florida 33482-1486.

(b) The Notice of Violation shall specify the section of the statute, the rule violated, or the division order and set forth particular facts that support the division's allegation of a violation, and set an abatement date not to exceed thirty calendar days from the date of issuance on the Notice of Violation.

(c) The Notice of Violation is not final agency action; rather, it is a notice provided as a courtesy to the firefighter employer to give notice of matters the division considers to be in violation of the applicable statutes, rules, codes, standards, or other applicable requirement.

(d) If a notice assessing a penalty, as provided for in Rule 4A-62.036, F.A.C., is given to the firefighter employer, such action constitutes final agency action and is subject to Chapter 120, Florida Statutes.

(2) The division shall serve a Notice of Violation on the senior firefighter employer official at the workplace where the violation occurred, or on a firefighter employer contact or representative, and shall mail or otherwise deliver a copy to the official headquarters mailing address of record. The division shall serve a Notice of Violation personally, via United States mail, or otherwise as provided by law.

(3) Each firefighter employer shall bring into compliance any violation identified in the Notice of Violation on or before its abatement date. The division may grant an extension of the original abatement date upon written request by the firefighter employer for good cause shown, which means an incident or occurrence beyond the control of the firefighter employer, such as in the event of an identified hazard, forthcoming delivery of contracted services or materials, together with remedial action by the firefighter employer to remove firefighter employees from the hazard.

(4) A firefighter employer shall file the firefighter employer's copy of the Notice of Violation with the division, indicating the action taken by the firefighter employer to bring the noticed violation into compliance, the date action was taken, and the firefighter employer's signature certifying abatement. Filing under this subsection means receipt by the division within ten days after the abatement date.

(5) If the division determines that the firefighter employer abated the noticed violation on or before the abatement date, the division shall dismiss the notice. If the firefighter employer fails to correct the violation on or before the abatement date, the division shall assess against the firefighter employer a civil penalty commensurate with Section 633.811, Florida Statutes, unless otherwise provided by division rule.

(6) The firefighter employer who receives a Notice of Violation may request the division to withdraw the Notice of Violation. The request must be in writing and received by the

division on or before the abatement date. The division shall withdraw a Notice of Violation for good cause shown by the firefighter employer.

(7) If the division finds no violation during an investigation on-site, the division will so indicate on a Notice of Violation if requested by the firefighter employer.

(8)(a) Each firefighter employee of a firefighter employer covered under the Act shall comply with:

1. Rules adopted or orders issued by the division;
2. Reasonable workplace safety and health standards; and
3. Rules, policies, procedures, and work practices established by the firefighter employer or the workplace safety committee.

(b) A firefighter employee who knowingly fails to comply with this subsection may be disciplined or discharged by the firefighter employer.

Specific Authority 633.808 FS. Law Implemented 633.808 FS. History—New _____.

4A-62.035 Safety Training.

After a firefighter employer has abated a noticed violation that created a particular hazard, the division shall require the firefighter employer to provide to each affected firefighter employee safety training designed to prevent recurrence of the violation within the time frame specified by the Division. Safety training shall include at least recognition and avoidance of the particular hazard and knowledge of the protective measures required to prevent injury. Abatement of a safety training violation under this subsection shall include completion and documentation of the training. If a condition for abatement of a noticed violation includes safety training and the firefighter employer fails to provide the training to all affected firefighter employees, each affected firefighter employee not trained constitutes a separate violation. All training shall be documented and a copy placed in each affected employee's personnel file.

Specific Authority 633.808, 633.811 FS. Law Implemented 633.808, 633.811 FS. History—New _____.

4A-62.036 Procedures Relating to Penalties.

(1) The division shall issue a notice assessing a penalty to a firefighter employer that fails to timely abate a violation of the Act or division rule.

(2) The division shall serve the notice assessing a penalty in the manner provided for by law and shall insure that such notice is provided to the administrative officer in charge of the fire department or his or her designee.

(3)(a) If an investigation to verify abatement reveals that a previously-noticed violation exists, the division shall assess against the firefighter employer a penalty for a continuing violation, which shall accrue from the original abatement date indicated on the Notice of Violation. If the firefighter employer demonstrates conclusively to the division by documentary evidence, such as purchase order, payment receipt, or work

order, that the firefighter employer corrected the previously noticed violation on or before the abatement date, the division shall not assess a penalty for a continuing violation.

(b) Any previously noticed violation that recurs after the six-month abatement period constitutes a separate violation, which is independent of a previously noticed violation and shall be separately charged.

(4) Except as otherwise provided in this rule, the division shall assess against a firefighter employer who violates the Act, such penalty as is permitted in Section 633.011, Florida Statutes. If the division grants an extension of the abatement date and the firefighter employer fails to timely abate, the penalty shall accrue from the original abatement date on the Notice of Violation.

(5) The division shall assess against a firefighter employer a penalty for a violation that is commensurate with frequency or severity, or both.

(a) In assessing a penalty based on frequency, the division shall consider:

1. The number of safety and health violations cited against the firefighter employer as the result of a complaint or investigation; and
2. The number of identical, similar, or related safety and health violations for which the firefighter employer was prosecuted administratively, criminally, or civilly.

(b) Unless the firefighter employer violates a provision specifically enumerated in paragraph (5)(b), above, the division shall assess a penalty that considers:

1. The risk or potential risk of injury or exposure to injury that results from the violation or violations; and
2. The number of firefighter employees affected by the violation or violations.

(6) A firefighter employer that violates Rule 4A-62.031, F.A.C., (right of entry) is subject to criminal prosecution pursuant to Section 633.815, Florida Statutes, and to administrative prosecution under the act.

(7) The division has authority to seek remedies, including injunctive relief, by making appropriate filings with the Circuit Court of the Second Judicial Circuit (Leon County) to assure compliance with the Act or division rule or order.

(8) The firefighter employer may request mitigation of the penalty by filing a written request for mitigation with the division. The division shall determine whether to mitigate a penalty after considering:

- (a) The knowledge of the firefighter employer of the violation or whether the firefighter employer ought to have known of the violation with due diligence;
- (b) The remedial action taken by the firefighter employer in good faith to correct the violation or violations cited;
- (c) The promptness of the firefighter employer's remedial action to correct the violation or violations cited; and

(d) The demonstrated commitment by the firefighter employer to avert recurrence of the violation or violations and to assure future compliance with the Act and division rules.

(9) A firefighter employer shall be assessed a penalty which must be paid to the division within 30 days of the issuance date of the Notice assessing a penalty. The payment must be made by certified check or money order, which shall be made payable to the "Division of State Fire Marshal" and include the case file number and penalty number(s) specified on the Notice assessing a penalty. Penalty payments shall be addressed to: Division of State Fire Marshal, 200 East Gaines Street, Tallahassee, Florida 32399-0340. The division shall deposit all penalties collected in the Florida Insurance Commissioner's Regulatory Trust Fund.

(10) The notice assessing a penalty shall be final agency action and shall be subject to Chapter 120, Florida Statutes.

Specific Authority 633.811 FS. Law Implemented 633.811 FS. History—New

PART IV: WORKPLACE SAFETY COMMITTEES

4A-62.040 Definitions.

Part IV of this rule chapter incorporates by reference the definitions for "accident" and "injury" contained in Section 440.02, Florida Statutes, and the definition of "occupational disease" contained in Section 440.151(2), Florida Statutes. Furthermore, with respect to Part IV, the following definitions apply:

(1) "Calendar year" means a given twelve-month period that begins on January 1 and ends on December 31.

(2) "Firefighter employee representative" means a firefighter employee chosen to serve on a safety committee, who does not normally serve in a supervisory capacity.

(3) "Fatality" means a firefighter employee death that occurs as a result of workplace injury, illness, or occupational disease, and includes a firefighter employee death that results from workplace injury, illness, or occupational disease within one year of its report to the Division of Workers' Compensation of the Department of Financial Services.

(4) "Hazard" means the risk of exposure to materials, processes, or operating procedures or practices that can produce injury, illness, occupational disease, or fatality.

(5) A firefighter employer "identified" means a firefighter employer identified by the division as having three or more compensable injuries in the period of three calendar years immediately preceding adoption of the rule chapter, or thereafter in the most recent period of three calendar years.

(6) "Incidence Rate" or "Frequency rate" shall be determined by the method described in Rule 4A-62.023, F.A.C.

(7) "Illness" or "occupational illness" means any abnormal condition or disorder, other than one resulting from an injury, caused by exposure to environmental factors associated with

employment. Illness includes acute and chronic illnesses or diseases caused by inhalation, absorption, ingestion, or direct contact with an environmental factor.

(8) "Safety committee," "workplace safety committee," or "committee" means a group of firefighter employer and firefighter employee representatives organized pursuant to this rule chapter that actively participates in accident prevention and that recommends improvements and promotes safety and health in the workplace. The committee is permitted to be part of a government wide unit (municipality, county, or special district) workplace safety committee provided that the requirements herein specified are met.

(9) "Safety-related incident" means a condition, event, or series of events that indicates the existence or occurrence of a hazard, regardless of whether the incident contributes to an injury, illness, occupational disease, or fatality.

(10) "Safety program" means a particular written safety and health program, implemented by a firefighter employer, that:

(a) Provides the means to eliminate, reduce, or control recognized hazards in the work or workplace;

(b) Provides the means to eliminate, reduce, or control the frequency or severity of workplace injuries and occupational diseases;

(c) Is specific to the work being performed;

(d) Is specific to the environment where the work is being performed; and

(e) Is easily understood by firefighter employees.

(11) "Scheduled meeting" means a convening of a safety committee after reasonable notice to its members and publication of an agenda of subjects to be addressed.

(12) "Workplace" means the physical location in Florida where firefighter employees perform their duties, and includes the scene of a fire and any other emergency incident scene.

(13) "Workplace safety coordinator" means a person designated by the firefighter employer who actively participates in accident prevention, recommends improvements, and promotes safety and health in the workplace. In the same manner as subsection (8) above, the workplace safety coordinator is permitted to be a government entity-wide position.

Specific Authority 633.810 FS. Law Implemented 633.810 FS. History—New

4A-62.041 Scope.

Except as provided in Rule 4A-62.042, F.A.C., Part IV of this rule chapter applies only to a firefighter employer of twenty or more firefighter employees or to a firefighter employer of fewer than twenty firefighter employees that the division "identified."

Specific Authority 633.810 FS. Law Implemented 633.810 FS. History—New

4A-62.042 Firefighter Employer Requirements.

(1) A firefighter employer shall establish, maintain, and administer a safety committee in the workplace. A firefighter employer of fewer than twenty firefighter employees may appoint a Safety Coordinator in lieu of a Safety Committee.

(a) The firefighter employer shall determine the total number of members that serve on the safety committee; determine the length of tenure for all members of the safety committee; and ensure that the number of firefighter employer representatives shall not exceed the number of firefighter employee representatives.

(b) The firefighter employer shall identify the firefighter employee representatives for the safety committee from firefighter employees who are volunteers or who are elected from their co-workers. When sufficient firefighter employee representation is not otherwise met, the firefighter employer shall select and appoint firefighter employees to the committee. If a collective bargaining agreement provides for the establishment of a safety committee, the establishment of the safety committee pursuant to this section shall be in accordance with the collective bargaining agreement.

(c) The firefighter employer shall ensure that the safety committee convenes in accordance with the following protocol:

1. The committee shall convene its first scheduled meeting not more than forty-five days after the date of its inception.

2. Thereafter, the committee shall convene its scheduled meetings at least once each quarter during the calendar year and at such other times as a majority of the committee membership agrees or the firefighter employer requires.

(d) The firefighter employer shall consider and issue a timely written response to each written recommendation of the safety committee issued.

(e) The firefighter employer shall maintain complete and accurate minutes of committee meetings and communicate the location and availability of the minutes to all firefighter employees. Safety committee records, or true copies thereof, shall be maintained by the firefighter employer for a period of not less than three calendar years.

(f) The firefighter employer shall maintain and administer a safety committee by assuring that the committee complies with these rules.

(2) If the firefighter employer operates multiple workplaces that are geographically separated, the firefighter employer is permitted to have a centralized safety committee represent the safety and health concerns of all the locations, or, alternatively, the firefighter employer is permitted to have a separate safety committee at each location.

(3) A firefighter employer of fewer than twenty firefighter employees that the division "identified" as having a high frequency rate for injuries shall establish and administer a workplace safety committee or designate a workplace safety coordinator.

Specific Authority 633.810 FS. Law Implemented 633.810 FS. History—New

4A-62.043 Duties and Functions of the Safety Committee and Workplace Safety Coordinator.

(1) The safety committee, under the direction of the firefighter employer, shall:

(a) Establish and communicate procedures for conducting internal safety inspections of the workplace. When approved by the firefighter employer, these procedures shall be used to evaluate the effectiveness of engineering, administrative, and personal protective control measures provided by the firefighter employer to protect firefighter employees from recognized hazards in the work and work environment;

(b) Establish and communicate procedures approved by the firefighter employer by which the firefighter employer shall investigate all workplace accidents, safety-related incidents, reportable injuries, illnesses, diseases, and fatalities.

(c) Evaluate the effectiveness of and recommend improvements to the firefighter employer's safety rules, policies, and procedures for accident and illness prevention programs in the workplace and, when approved by the firefighter employer, ensure that written updates and changes to rules, policies, and procedures of the safety programs are completed;

(d) Establish and communicate guidelines for the training of members on the requirements of this rule chapter;

(e) Post the scheduled date, time, and location of committee meetings in a conspicuous place where firefighter employees normally gather;

(f) Provide minutes of the committee meetings in a conspicuous place where firefighter employees normally gather and provide a copy thereof to individual firefighter employees upon written request; and

(g) Retain in the workplace all original written communications between the firefighter employer and the committee, or true copies thereof, for a period of not less than three calendar years.

(2) A majority of the members which shall constitute a quorum of the membership of a committee is required before official business may be transacted at a meeting.

(3) A committee organized pursuant to this rule chapter shall operate solely for the purposes required herein and may not substitute as a collective bargaining representative of firefighter employees on unrelated matters.

(4) The workplace safety coordinator, under the direction of the firefighter employer, shall:

(a) Establish and communicate procedures for conducting internal safety inspections of the workplace. When approved by the firefighter employer, these procedures shall be used to evaluate the effectiveness of engineering, administrative, and personal protective control measures provided by the firefighter employer to protect firefighter employees from recognized hazards in the work and work environment;

(b) Establish and communicate procedures approved by the firefighter employer by which the firefighter employer shall investigate all workplace accidents, safety-related incidents, injuries, illnesses, diseases, and fatalities;

(c) Evaluate the effectiveness of and recommend improvements to the firefighter employer's safety rules, policies, and procedures for accident and illness prevention programs in the workplace and, when approved by the firefighter employer, ensure that written updates and changes to rules, policies, and procedures of the safety programs are completed; and

(d) Seek the input of firefighter employees in complying with the responsibilities of this section.

Specific Authority 633.810 FS. Law Implemented 633.810 FS. History—New _____.

4A-62.044 Firefighter Employer Evaluation by the Division.

(1) The division is permitted to conduct an evaluation of a firefighter employer to assure compliance with the provisions of this rule chapter.

(2) Firefighter employers subject to an evaluation by the division shall:

(a) Meet with a representative of the division;

(b) Assign a contact person to work with the division representative; and

(c) Provide requested information pertaining to firefighter employer responsibilities specified in this rule chapter.

(3) The evaluation of a firefighter employer shall be conducted at the firefighter employer's place of business.

Specific Authority 633.810 FS. Law Implemented 633.810 FS. History—New _____.

4A-62.045 Penalties.

A firefighter employer who violates the Act, any provision of this rule chapter, or any lawful order of the division is subject to penalties authorized by the Act.

Specific Authority 633.810 FS. Law Implemented 633.810, 633.811 FS. History—New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Dave Casey, Chief, Bureau of Fire Standards and Training, 11655 NW Gainesville Road, Ocala, Florida, phone (352)369-2800

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 13, 2003

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: November 27, 2002

DEPARTMENT OF REVENUE

Division of Ad Valorem Tax

RULE TITLES: RULE NOS.:

Reduction in Assessment for Living Quarters 12D-8.0068
of Parents or Grandparents 12D-8.0082

Florida Uniform Market Area Guidelines 12D-8.0082

PURPOSE AND EFFECT: A) The purpose of the creation of Rule 12D-8.0068, F.A.C., is to implement the provisions of Chapter 2002-226, L.O.F., which provides for a reduction in assessment of living quarters constructed or reconstructed for parents and grandparents. B) The purpose of the creation of proposed Rule 12D-8.0082, F.A.C., is to provide for adoption of Florida Uniform Market Area Guidelines that will be used by property appraisers to establish market areas and market area codes required by Section 193.114, F.S. These guidelines provide uniform regulations and guidelines for the identification of market areas and establishment of market area codes by county property appraisers for preparation of the real property assessment roll under Section 193.114, F.S. These guidelines are being developed under the procedures set forth in Section 120.54, F.S., and will be adopted as rules.

SUMMARY: A) Proposed Rule 12D-8.0068, F.A.C., provides definitions; property qualifications; requirements for qualification of property owners, parents and grandparents; procedures for obtaining the reduction; and other procedures for property appraisers in relation to the reduction in assessment of living quarters constructed or reconstructed for parents or grandparents. B) Proposed Rule 12D-8.0082, F.A.C., adopts the Florida Uniform Market Area Guidelines and provides that market areas and market area codes be established in accordance with the guidelines.

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

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

SPECIFIC AUTHORITY: 193.114(2), 195.027(1), 213.06(1) FS.

LAW IMPLEMENTED: 193.114, 193.703, 195.032, 195.062, 196.011, 213.05 FS.

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

TIME AND DATE: 10:30 a.m., November 21, 2003

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

NOTICE UNDER THE AMERICANS WITH DISABILITIES ACT: Any person requiring special accommodations to participate in this hearing is asked to advise the Department at least 48 hours before the hearing by contacting: Larry Green, (850)922-4830. A person who is hearing-impaired or

speech-impaired should contact the Department by using the Florida Relay Service, 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Sharon Gallops, Tax Law Specialist, Property Tax Technical Unit, Department of Revenue, P. O. Box 7443, Tallahassee, Florida 32314-7443, (850)414-6108, e-mail: gallopss@dor.state.fl.us

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

THE FULL TEXT OF THE PROPOSED RULES IS:

12D-8.0068 Reduction in Assessment for Living Quarters of Parents or Grandparents.

(1)(a) In accordance with s. 193.703, F.S., and s. 4(e), Art. VII of the State Constitution, the board of county commissioners of any county may adopt an ordinance to provide for a reduction in the assessed value of homestead property equal to any increase in assessed value of the property which results from the construction or reconstruction of the property for the purpose of providing living quarters for one or more natural or adoptive parents or grandparents of the owner of the property or of the owner's spouse if at least one of the parents or grandparents for whom the living quarters are provided is at least 62 years of age. The board of county commissioners shall deliver a copy of any ordinance adopted under Section 193.703, F.S., to the property appraiser.

(b) The reduction in assessed value resulting from an ordinance adopted pursuant to Section 193.703, F.S., shall be applicable to the property tax levies of all taxing authorities levying tax within the county.

(2) A reduction may be granted under subsection (1) only to the owner of homestead property where the construction or reconstruction is consistent with local land development regulations, including, where applicable, proper application for a building permit.

(3) In order to qualify for the assessment reduction pursuant to this section, property must meet the following requirements:

(a) The construction or reconstruction for which the assessment reduction is granted must have been substantially completed on or before the January 1 on which the assessment reduction for that property will first be applied.

(b) The property to which the assessment reduction applies must qualify for a homestead exemption at the time the construction or reconstruction is substantially complete and each year thereafter.

(c) The qualified parent or grandparent must permanently reside on the property on January 1 of the year the assessment reduction first applies and each year thereafter.

(d) The construction or reconstruction must have been substantially completed after January 7, 2003, the effective date of Section 193.703, F.S.

(4)(a) The term "qualified parent or grandparent" means the parent or grandparent residing in the living quarters, as their primary residence, constructed or reconstructed on property qualifying for assessment reduction pursuant to Section 193.703, F.S., on January 1 of the year the assessment reduction first applies and each year thereafter. Such parent or grandparent must be the natural or adoptive parent or grandparent of the owner, or the owner's spouse, of the homestead property on which the construction or reconstruction occurred.

(b) "Primary residence" shall mean that the parent or grandparent does not claim a homestead exemption elsewhere in Florida. Such parent or grandparent cannot qualify as a permanent resident for purposes of being granted a homestead exemption or tax credit on any other property, whether in Florida or in another state. If such parent or grandparent receives or claims the benefit of an ad valorem tax exemption or a tax credit elsewhere in Florida or in another state where permanent residency is required as a basis for the granting of that ad valorem tax exemption or tax credit, such parent or grandparent is not a qualified parent or grandparent under this subsection and the owner is not entitled to the reduction for living quarters provided by this section.

(c) At least one qualifying parent or grandparent must be at least 62 years of age.

(d) In determining that the parent or grandparent is the natural or adoptive parent or grandparent of the owner or the owner's spouse and that the age requirements are met, the property appraiser shall rely on an application by the property owner and such other information as the property appraiser determines is relevant.

(5) Construction or reconstruction qualifying as providing living quarters pursuant to this section is limited to additions and renovations made for the purpose of allowing qualified parents or grandparents to permanently reside on the property. Such additions or renovations may include the construction of a separate building on the same parcel or may be an addition to or renovation of the existing structure. Construction or reconstruction shall be considered as being for the purpose of providing living quarters for parents or grandparents if it is directly related to providing the amenities necessary for the parent or grandparent to reside on the same property with their child or grandchild. In making this determination, the property appraiser shall rely on an application by the property owner and such other information as the property appraiser determines is relevant.

(6)(a) On the first January 1 on which the construction or reconstruction qualifying as providing living quarters is substantially complete, the property appraiser shall determine the increase in the just value of the property due to such

construction or reconstruction. For that year and each year thereafter in which the property qualifies for the assessment reduction, the assessed value calculated pursuant to Section 193.155, F.S., shall be reduced by the amount so determined. In no year may the assessment reduction, inclusive and aggregate of all qualifying parents or grandparents, exceed twenty percent of the assessed value of the property prior to the assessment reduction being taken. If in any year the reduction as calculated pursuant to this subsection exceeds twenty percent of assessed value, the reduction shall be reduced to equal twenty percent.

(b) Construction or reconstruction can qualify under subsection (4)(a) in a later year, as long as the owner makes an application for the January 1 on which a qualifying parent or grandparent meets the requirements of subsection (4)(b). The owner must certify in such application as to the date the construction or reconstruction was substantially complete and that it was for the purpose of providing living quarters for one or more natural or adoptive parents or grandparents of the owner of the property or of the owner's spouse as described in subsection (1)(a). In such case, the property appraiser shall determine the increase in the just value of the property due to such construction or reconstruction as of the first January 1 on which it was substantially complete. However, no reduction shall be granted in any year until a qualifying parent or grandparent meets the requirements of subsection (4)(b).

(7) Further construction or reconstruction to the same property meeting the requirements of subsection (5) for the qualified parent or grandparent residing primarily on the property may also receive an assessment reduction pursuant to this section. Construction or reconstruction for another qualified parent or grandparent may also receive an assessment reduction. The assessment reduction for such construction or reconstruction shall be calculated pursuant to this section for the first January 1 after such construction or reconstruction is substantially complete. However, in no year may the total of all applicable assessment reductions exceed twenty percent of the assessed value of the property.

(8) The assessment reduction shall apply only while the qualified parent or grandparent continues to reside primarily on the property and all other requirements of this section are met. The provisions of subsections (1), (5), (6), (7), and (8) of s. 196.011, F.S., governing applications for exemption are applicable to the granting of an assessment reduction. The property owner must apply for the assessment reduction annually.

(9) The amount of the assessment reduction under Section 193.703, F.S., shall be placed on the roll after a change in ownership, when the property is no longer homestead, or when the parent or grand parent discontinues residing on the property.

Specific Authority 195.027(1), 213.06(1) FS. Law Implemented 193.703, 196.011, 213.05 FS. History--New _____.

12D-8.0082 Florida Uniform Market Area Guidelines.

Pursuant to Section 193.114, F.S., these guidelines are adopted in conformity with the procedures set forth in Section 120.54, F.S. Market areas and market area codes shall be established in accordance with these guidelines. Property appraisers shall use these guidelines to establish market areas and market area codes as provided by Section 193.114, F.S., which shall be submitted to the Department in the format provided in paragraph 12D-8.013(6)(a), F.A.C. The Department of Revenue adopts, and hereby incorporates by reference in this rule, the following guidelines, entitled:

Florida Uniform Market Area Guidelines N. 12/03

Copies of these guidelines may be obtained from the Department of Revenue, Property Tax Administration Program, P. O. Box 3000, Tallahassee, Florida 32315-3000 and may be found on the Internet at <http://www.myflorida.com/dor/property/>.

Specific Authority 193.114(2), 195.027(1), 195.032, 213.06(1) FS. Law Implemented 193.114, 195.032, 195.062, 213.05 FS. History--New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Sharon Gallops, Tax Law Specialist, Property Tax Technical Unit, Department of Revenue, P. O. Box 7443, Tallahassee, Florida 32314-7443, (850)414-6108, e-mail: gallopss@dor.state.fl.us

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Jerry Miller, Revenue Program Administrator, Property Tax Technical Unit, Department of Revenue, Tallahassee, Florida 32314, (850)414-6100

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 21, 2003

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: A) 12D-8.0068 – August 15, 2003, Vol. 29, No. 33, pp. 3197-3200. A workshop was held on August 29, 2003. No one gave testimony at the workshop regarding these rules and no written comments have been received by the Department. B) 12D-8.0082 – June 6, 2003, Vol. 29, No. 23, pp. 2282-2283; July 3, 2003, Vol. 29, No. 27, p. 2641; August 8, 2003, Vol. 29, No. 32, pp. 3127-3128. Workshops were held on June 24, 2003, June 26, 2003, July 22, 2003, July 24, 2003, and August 22, 2003. Oral testimony was presented at all workshops and written comments have been received by the Department.

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

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

STATE BOARD OF ADMINISTRATION

Florida Prepaid College Board

RULE TITLE: Application
 RULE NO.: 19B-4.001

PURPOSE AND EFFECT: To update the Florida Prepaid College Plan and Florida College Investment Plan New Account Application form by reference and establish the effective date for the form and to update the Master Covenant for the Florida Prepaid College Plan and establish the effective date of the form.

SUMMARY: This rule change is being made to update the Florida College Investment Plan and Florida College Investment Plan New Account application and to update the Master Covenant for the Florida Prepaid College Plan.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None prepared.

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

SPECIFIC AUTHORITY: 1009.971(1),(4),(6) FS.

LAW IMPLEMENTED: 1009.98 FS.

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

TIME AND DATE: 2:00 p.m., November 25, 2003

PLACE: Suite 210, Hermitage Building, 1801 Hermitage Boulevard, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Thomas J. Wallace, Executive Director, 1801 Hermitage Boulevard, Suite 210, Tallahassee, Florida 32308, telephone (850)488-8514

THE FULL TEXT OF THE PROPOSED RULE IS:

19B-4.001 Application.

(1) No change.

(2) The Florida Prepaid College Plan and Florida College Investment Plan New Account Application, Form No. FPCB ~~2003-1~~ ~~2002-4~~, is hereby incorporated by reference and may be obtained by calling 1-800-552-GRAD (4723) (prompt 1). The effective date of the form is ~~November 3, 2003~~ ~~October 21, 2002~~. The Florida Prepaid College Plan Program Master Covenant, Form No. FPCB ~~2003-2~~ ~~2002-2~~ is hereby incorporated by reference with an effective date of ~~November 3, 2003~~ ~~October 21, 2002~~.

Specific Authority 1009.971(1),(4),(6) FS. Law Implemented 1009.98 FS. History—New 3-29-89, Amended 2-6-90, 3-19-92, Formerly 4G-4.001, Amended 12-5-93, 5-31-95, 6-20-96, 10-20-96, 12-16-97, 2-18-99, 6-6-99, 2-8-00, 5-21-00, 1-7-01, 10-9-01, 11-27-02, 10-1-03, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
 Florida Prepaid College Board

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Florida Prepaid College Board

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 18, 2003

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 17, 2003

STATE BOARD OF ADMINISTRATION

Florida Prepaid College Board

RULE TITLE: Contract Prices
 RULE NO.: 19B-4.002

PURPOSE AND EFFECT: To revise the actuarial assumptions used for pricing of contracts for the Florida Prepaid College Plan.

SUMMARY: This rule changes revises the actuarial assumptions used for pricing prepaid contracts for university tuition and community college local fees.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None prepared.

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

SPECIFIC AUTHORITY: 1009.971(1),(4),(6) FS.

LAW IMPLEMENTED: 1009.98(2) FS.

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

TIME AND DATE: 2:00 p.m., November 25, 2003

PLACE: Suite 210, Hermitage Building, 1801 Hermitage Boulevard, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Thomas J. Wallace, Executive Director, 1801 Hermitage Boulevard, Suite 210, Tallahassee, Florida 32308, (850)488-8514

THE FULL TEXT OF THE PROPOSED RULE IS:

19B-4.002 Contract Prices.

The Board will evaluate prices for revision annually. All contract prices will be published annually in the Florida Administrative Weekly. Contract prices are based on the actuarial assumption that university tuition will rise at an average of 8.5 percent per annum for three years, then 6.8 percent per annum, community college tuition will rise at an average of 6 percent per annum, and dormitory fees will rise at an average of 6 percent per annum. Local fee contract prices are based on the actuarial assumption that university local fees will rise at an average of 6 percent per annum and community college local fees will rise at an average of 6 1/4 percent per annum.

Specific Authority 1009.971(1),(4),(6) FS. Law Implemented 1009.98(2) FS. History--New 3-29-89, Amended 2-6-90, 3-19-92, Formerly 4G-4.002, Amended 5-31-95, 2-18-99, 2-8-00, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Florida Prepaid College Board
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Florida Prepaid College Board
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 18, 2003
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 17, 2003

STATE BOARD OF ADMINISTRATION

Florida Prepaid College Board

RULE TITLE: Payment Options
RULE NO.: 19B-4.003

PURPOSE AND EFFECT: To revise the forms of payment that may be used to make payments for advance payment contracts under the Florida Prepaid College Plan.

SUMMARY: The rule change allows payments for advance payment contracts also to be made by electronic funds transfer, automatic contribution plan or cashier's check.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None prepared.

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

SPECIFIC AUTHORITY: 1009.971(1),(4),(6) FS.
LAW IMPLEMENTED: 1009.975, 1009.98(4) FS.
IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW (IF NOT REQUESTED, THIS HEARING WILL NOT BE HELD):
TIME AND DATE: 2:00 p.m., November 25, 2003
PLACE: Suite 210, Hermitage Building, 1801 Hermitage Boulevard, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Thomas J. Wallace, Executive Director, 1801 Hermitage Boulevard, Suite 210, Tallahassee, Florida 32308, (850)488-8514

THE FULL TEXT OF THE PROPOSED RULE IS:

19B-4.003 Payment Options.
Purchasers may make payments through a variety of means. Payments may be made by checks, Checks, money orders, electronic funds transfers, automatic contribution plan, or automated clearinghouse checks, employer payroll deductions or payments via coupon books will be acceptable. State employees may elect payroll deduction from the commencement of the contract application period. Other organizations and entities may apply to the Board to establish

~~payroll deduction plans.~~ Payments Payments may not be made by credit cards or other means of credit, ~~electronic funds transfers,~~ rollover distributions, third party checks of \$10,000.00 or more, or traveler's checks ~~or cashier's checks.~~

(1) through (4) No change.

Specific Authority 1009.971(1),(4),(6) FS. Law Implemented 1009.975, 1009.98(4) FS. History--New 3-29-89, Amended 2-6-90, 3-19-92, Formerly 4G-4.003, Amended 6-20-96, 6-6-99, 11-27-02, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Florida Prepaid College Board
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Florida Prepaid College Board
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 18, 2003
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 17, 2003

STATE BOARD OF ADMINISTRATION

Florida Prepaid College Board

RULE TITLE: Maximum Account Balance Limit
RULE NO.: 19B-4.005

PURPOSE AND EFFECT: To increase the maximum account balance limit applicable to advance payment contracts under the Florida Prepaid College Plan and accounts in the Florida College Investment Plan.

SUMMARY: This rule change updates the source of information used to calculate the maximum account balance limit for accounts in the Florida Prepaid College Plan and the Florida College Investment Plan, for individual beneficiaries and has the effect of increasing the maximum account balance limit. Section 529 of the Internal Revenue Code requires that accounts in qualified tuition programs be limited in amount based on the cost of qualified higher education expenses.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None prepared.

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

SPECIFIC AUTHORITY: 1009.971(1),(4),(6) FS.
LAW IMPLEMENTED: 1009.98, 1009.981 FS.
IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW (IF NOT REQUESTED, THIS HEARING WILL NOT BE HELD):
TIME AND DATE: 2:00 p.m., November 25, 2003
PLACE: Suite 210, Hermitage Building, 1801 Hermitage Boulevard, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Thomas J. Wallace, Executive Director, 1801 Hermitage Boulevard, Suite 210, Tallahassee, Florida 32308, (850)488-8514

THE FULL TEXT OF THE PROPOSED RULE IS:

19B-4.005 Maximum Account Balance Limit.

(1) The maximum account balance limit shall be determined annually by the Board. The maximum account balance limit shall be calculated by multiplying the qualified higher education expenses, including tuition fees, room and board, and supplies, at the most expensive eligible educational institution, as reported in College Cost and Financial Aid Handbook 2004 2003, published by the College Board, by seven (7), and rounding the resulting product downward to the nearest \$1,000.00 increment. The maximum account balance limit shall not exceed the amount permitted pursuant to s. 529 of the Internal Revenue Code. The Board will publish the amount of the maximum account balance limit annually in the Florida Administrative Weekly. The redemption value of an advance payment contract plus the account balance of an account in the Florida College Investment Plan, for the same beneficiary shall not exceed the maximum account balance limit.

(2) through (3) No change.

Specific Authority 1009.971(1),(4),(6) FS. Law Implemented 1009.98, 1009.981 FS. History--New 11-27-02, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Florida Prepaid College Board

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Florida Prepaid College Board

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 18, 2003

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 17, 2003

STATE BOARD OF ADMINISTRATION

Florida Prepaid College Board

RULE TITLE: Qualified Individuals

RULE NO.: 19B-8.001

PURPOSE AND EFFECT: To revise the persons that can be substitute qualified beneficiaries under the Florida Prepaid College Plan.

SUMMARY: This rule change revises the persons that can be substitute qualified beneficiaries under the Florida Prepaid College Plan to include all persons who are a "member of the family", as that term is defined in section 529 of the Internal Revenue Code. Section 529 of the Internal Revenue Code limits the persons that can be substitute as a beneficiary for an account in a qualified tuition plan to persons who are a "member of the family" of the original beneficiary.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None prepared.

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

SPECIFIC AUTHORITY: 1009.971(1),(4),(6) FS.

LAW IMPLEMENTED: 1009.98(4) FS.

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

TIME AND DATE: 2:00 p.m., November 25, 2003

PLACE: Suite 210, Hermitage Building, 1801 Hermitage Boulevard, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Thomas J. Wallace, Executive Director, 1801 Hermitage Boulevard, Suite 210, Tallahassee, Florida 32308, (850)488-8514

THE FULL TEXT OF THE PROPOSED RULE IS:

19B-8.001 Qualified Individuals.

Except when an advance purchase contract is established by a purchaser functioning in a custodial capacity, a purchaser may change the qualified beneficiary to any member of the family of the then-current qualified beneficiary, at any time, by submitting a written, notarized request signed by the purchaser directing the Board to change the qualified beneficiary for the contract. "Member of the family" means the same as that term is defined in s. 529 of the Internal Revenue Code. A purchaser may request transfer of a contract to an eligible substitute beneficiary who is the brother, sister, half brother, half sister, step brother, step sister, or first cousin of the qualified beneficiary. A purchaser who is the grandparent of the qualified beneficiary may request the transfer of a contract to an eligible substitute beneficiary who is a grandchild of the purchaser. The substitute beneficiary must meet the residency requirement of a qualified beneficiary at the time of substitution. ~~Documentation must also be submitted with the transfer request evidencing the relationship of the transferee.~~ The contract purchaser will be required to sign and notarize any request to substitute beneficiaries on an advance payment contract. The substitution must be made prior to the qualified beneficiary using benefits at a postsecondary institution.

Specific Authority 1009.971(1),(4),(6) FS. Law Implemented 1009.98(4) FS. History--New 3-29-89, Formerly 4G-8.001, Amended 12-5-93, 6-20-96, 8-18-97, 12-16-97, 3-24-99, 2-8-00, 10-9-01, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Florida Prepaid College Board

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Florida Prepaid College Board

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 18, 2003

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 17, 2003

STATE BOARD OF ADMINISTRATION

Florida Prepaid College Board

RULE TITLE: Application for Participation in the Program
RULE NO.: 19B-16.002
PURPOSE AND EFFECT: To update the Florida Prepaid College Plan and Florida College Investment Plan New Account Application form and to change the effective date of the form.

SUMMARY: This rule change is being made to update the Florida Prepaid College Plan and Florida College Investment Plan New Account Application form and to change the effective date of the form.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None prepared.

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

SPECIFIC AUTHORITY: 1009.971(1),(4),(6) FS.

LAW IMPLEMENTED: 1009.981 FS.

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

TIME AND DATE: 2:00 p.m., November 25, 2003

PLACE: Suite 210, Hermitage Building, 1801 Hermitage Boulevard, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Thomas J. Wallace, Executive Director, 1801 Hermitage Boulevard, Suite 210, Tallahassee, Florida 32308, (850)488-8514

THE FULL TEXT OF THE PROPOSED RULE IS:

19B-16.002 Application for Participation in the Program.

(1) No change.

(2) The Florida Prepaid College Plan and Florida College Investment Plan New Account Application, Form No. FPCB 2003 2002-1, is hereby incorporated by reference. The effective date of the form is November 3, 2003 October 21, 2002. The form may be obtained from the Board.

(3) No change.

Specific Authority 1009.971(1),(4),(6) FS. Law Implemented 1009.981 FS. History--New 11-27-02, Amended, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Florida Prepaid College Board

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Florida Prepaid College Board

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 18, 2003

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 17, 2003

STATE BOARD OF ADMINISTRATION

Florida Prepaid College Board

RULE TITLE: Payment and Minimum Contributions
RULE NO.: 19B-16.004
PURPOSE AND EFFECT: To revise the forms of payment that may be used to make contributions to the Florida College Investment Plan.

SUMMARY: The rule change allows contributions to the Florida College Investment Plan also to be made by electronic funds transfer, automatic contribution plan or cashier's check.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None prepared.

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

SPECIFIC AUTHORITY: 1009.971(1),(4),(6) FS.

LAW IMPLEMENTED: 1009.981 FS.

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

TIME AND DATE: 2:00 p.m., November 25, 2003

PLACE: Suite 210, Hermitage Building, 1801 Hermitage Boulevard, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Thomas J. Wallace, Executive Director, 1801 Hermitage Boulevard, Suite 210, Tallahassee, Florida 32308, (850)488-8514

THE FULL TEXT OF THE PROPOSED RULE IS:

19B-16.004 Payment and Minimum Contributions.

(1) Contributions to an account may be made by checks, money orders, rollover distributions, electronic funds transfers, automatic contribution plan or employer payroll deductions. Contributions may not be made by credit cards or other means of credit, third party checks of \$10,000.00 or more, or traveler's checks or cashier's checks.

(2) through (6) No change.

Specific Authority 1009.971(1),(4),(6) FS. Law Implemented 1009.981 FS. History--New 5-30-02, Amended 11-27-02, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Florida Prepaid College Board

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Florida Prepaid College Board

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 18, 2003

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 17, 2003

STATE BOARD OF ADMINISTRATION

Florida Prepaid College Board

RULE TITLE: Maximum Account Balance Limit
 RULE NO.: 19B-16.005

PURPOSE AND EFFECT: To increase the maximum account balance limit applicable to advance payment contracts under the Florida Prepaid College Plan and accounts in the Florida College Investment Plan.

SUMMARY: This rule change updates the source of information used to calculate the maximum account balance limit for accounts in the Florida Prepaid College Plan and the Florida College Investment Plan, for individual beneficiaries and has the effect of increasing the maximum account balance limit. Section 529 of the Internal Revenue Code requires that accounts in qualified tuition programs be limited in amount based on the cost of qualified higher education expenses.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None prepared.

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

SPECIFIC AUTHORITY: 1009.971(1),(4),(6) FS.

LAW IMPLEMENTED: 1009.98, 1009.981 FS.

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

TIME AND DATE: 2:00 p.m., November 25, 2003

PLACE: Suite 210, Hermitage Building, 1801 Hermitage Boulevard, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Thomas J. Wallace, Executive Director, 1801 Hermitage Boulevard, Suite 210, Tallahassee, Florida 32308, (850)488-8514

THE FULL TEXT OF THE PROPOSED RULE IS:

19B-16.005 Maximum Account Balance Limit.

(1) The maximum account balance limit shall be determined annually by the Board. The maximum account balance limit shall be calculated by multiplying the qualified higher education expenses, including tuition fees, room and board, and supplies, at the most expensive eligible educational institution, as reported in College Cost and Financial Aid Handbook ~~2004~~ ~~2003~~, published by the College Board, by seven (7), and rounding the resulting product downward to the nearest \$1,000.00 increment. The maximum account balance limit shall not exceed the amount permitted pursuant to s. 529 of the Internal Revenue Code. The Board will publish the amount of the maximum account balance limit annually in the Florida Administrative Weekly. The account balance for a designated beneficiary plus the redemption value of an

advance payment contract under the Florida Prepaid College Plan for the same beneficiary shall not exceed the account balance limit. However, accounts for a designated beneficiary that have reached the maximum account balance limit may continue to accrue investment earnings. The redemption value of an advance payment contract shall be as provided in subsection 19B-4.005(2), F.A.C.

(2) No change.

Specific Authority 1009.971(1),(4),(6) FS. Law Implemented 1009.98, 1009.981 FS. History--New 5-30-02, Amended 11-27-02,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Florida Prepaid College Board

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Florida Prepaid College Board

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 18, 2003

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 17, 2003

WATER MANAGEMENT DISTRICTS

Southwest Florida Water Management District

RULE CHAPTER TITLE: Regulation of Wells
 RULE CHAPTER NO.: 40D-3

RULE TITLE: Rules and Publications Incorporated
 RULE NO.: 40D-3.037

PURPOSE AND EFFECT: The purpose of this rulemaking is to incorporate the effective dates of Chapters 62-524, 62-531, 62-532 and 62-555, Florida Administrative Code (F.A.C.), into Rule 40D-3.037, F.A.C.

SUMMARY: The Department of Environmental Protection amended Chapter 62-531, F.A.C., on July 17, 2003. Rule 40D-3.037, F.A.C., does not reference the date of the amendment. Chapters 62-524, 62-532 and 62-555, F.A.C., are also referenced in Rule 40D-3.037, F.A.C. However, the effective dates of these chapters are not included.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: A Statement of Estimated Regulatory Cost is not being prepared based on the District's determination that the proposed revisions to Rule 40D-3.037, F.A.C., will not result in a substantial increase in the costs to affected parties and there will not be significant adverse effects on competition, employment, investment or productivity.

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

SPECIFIC AUTHORITY: 373.044, 373.113, 373.309 FS.

LAW IMPLEMENTED: 373.046, 373.308, 373.309, 373.323, 373.324, 373.333 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: David C. Ryder, Assistant General Counsel, Office of General Counsel, 2379 Broad Street, Brooksville, FL 34604-6899, (352)796-7211, Extension 4651

THE FULL TEXT OF THE PROPOSED RULE IS:

40D-3.037 Rules and Publications Incorporated by Reference.

(1) The regulations promulgated by the Department governing the construction of water wells as set forth in Chapter 62-532, F.A.C. (3-28-02), the construction of water wells in delineated areas as set forth in Chapter 62-524, F.A.C. (6-27-00), the licensing requirements for Water Well Contractors as set forth in Chapter 62-531, F.A.C. (7-17-03), and the construction of public supply water wells as set forth in Chapter 62-555, F.A.C. (4-10-03), are hereby incorporated by reference and made a part of this rule and shall apply to all water wells constructed, repaired, modified or abandoned in the District.

(2) through (3) No change.

Specific Authority 373.044, 373.113, 373.309 FS. Law Implemented 373.046, 373.308, 373.309, 373.323, 373.324, 373.333 FS. History—New 7-1-90, Amended 12-31-92, 4-11-94, 6-27-94, 9-22-94, 7-5-95, 10-19-95, 7-15-99, 6-23-03,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: David R. Ryder, Assistant General Counsel, Office of General Counsel, 2379 Broad Street, Brooksville, FL 34604-6899, (352)796-7211, Extension 4651

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 23, 2003

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 24, 2003

WATER MANAGEMENT DISTRICTS

Southwest Florida Water Management District

RULE CHAPTER TITLE: Regulation of Wells RULE CHAPTER NO.: 40D-3

RULE TITLES: Construction Methods RULE NOS.: 40D-3.502

Casing and Liner Pipe Standards 40D-3.507

PURPOSE AND EFFECT: This purpose of this proposed rulemaking is to prohibit the drilling of a borehole using a drill bit larger than the inside diameter of the casing for wells constructed by combination method. In so doing, the proposed rulemaking will ensure that a good seal preventing water movement is obtained in wells constructed by such method.

SUMMARY: Water well construction requirements for wells constructed using a combination method of drilling a borehole and then driving the casing into the hole.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: A Statement of Estimated Regulatory Cost is not being prepared based on the District's determination that the proposed revisions to Rules 40D-3.502 and 40D-3.507, F.A.C., will not result in a substantial increase in the costs to affected parties and there will not be significant adverse effects on competition, employment, investment or productivity.

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

SPECIFIC AUTHORITY: 373.044, 373.113, 373.171, 373.309, 373.337 FS.

LAW IMPLEMENTED: 373.306, 373.308, 373.309 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: Jack R. Pepper, Senior Attorney, Office of General Counsel, 2379 Broad Street, Brooksville, FL 34604-6899, (352)796-7211, Extension 4651

THE FULL TEXT OF THE PROPOSED RULES IS:

40D-3.502 Construction Methods.

(1) No change.

(2) For wells constructed using the combination method of drilling a borehole and then driving the casing, the borehole shall be equal to or smaller in diameter than the inside diameter of the casing and shall be sealed by adding dry bentonite to the casing string at land surface and allowing that material to be carried down the outside of the casing as the casing is driven to completion. Dry bentonite shall be applied to maintain a grout seal around the casing. The first length of water bearing casing, excluding the attached drive shoe, shall not exceed 21 feet in length and must be driven into the ground before any additional borehole is constructed.

During construction of a well in a delineated area, as defined in Rule 62-524.200, F.A.C., or a public supply well using the combination drilling method, the minimum acceptable grout seal shall be accomplished by undercutting or underreaming the last five feet of hole before sealing the casing. A minimum of one foot of such enlarged hole must be into the consolidated formation in which the casing is seated. The entire enlarged portion of the hole shall be filled with cement grout and then the casing shall be driven through the cement grout and seated into the enlarged portion of the consolidated formation. The top 20 feet of casing shall be sealed with no less than a 2-inch nominal thickness of cement grout. No other minimum seal

shall be acceptable unless approved by the District or delegated permitting authority. Except as described above, the use of a drilling tool, such as an eccentric bit or an underreamer bit, that is capable of drilling a hole larger than the inside diameter of the casing is prohibited when constructing a well by combination method.

(2) through (7) renumbered (3) through (8) No change.

Specific Authority 373.044, 373.171, 373.309, 373.337 FS. Law Implemented 373.306, 373.308, 373.309 FS. History—New 7-1-90, Amended 9-3-91, 12-31-92,_____.

40D-3.507 Casing and Liner Pipe Standards.

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

(4) When any part of a well casing with an outside diameter of 4 inches or larger is intended to be installed in a bore hole which is larger in diameter than the inside outside diameter of the casing, the annular space shall be filled from bottom to top with not less than a nominal 2 inch thickness of neat cement grout. For those well casings with an outside diameter of less than 4 inches, the minimum grout thickness shall be a nominal 1 inch.

(5) No change.

Specific Authority 373.044, 373.113, 373.171, 373.309, 373.337 FS. Law Implemented 373.306, 373.308, 373.309 FS. History—New 7-1-90, Amended 9-30-91, 12-31-92,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Jack Pepper, Senior Attorney, Office of General Counsel, 2379 Broad Street, Brooksville, FL 34604-6899, (352)796-7211, Extension 4651

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 23, 2003

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 24, 2003

AGENCY FOR HEALTH CARE ADMINISTRATION

Medicaid

RULE TITLE: Nursing Facility Services

RULE NO.: 59G-4.200

PURPOSE AND EFFECT: The purpose of this rule amendment is to incorporate by reference the Florida Medicaid Provider Reimbursement Handbook, Institutional 021, October 2003. The handbook contains changes required by the Health Insurance Portability and Accountability Act (HIPAA) and other billing information changes. The effect will be to incorporate by reference in the rule the current Florida Medicaid Provider Reimbursement Handbook, Institutional 021, October 2003.

SUMMARY: The Medicaid Provider Reimbursement Handbook, Institutional 021, which is being incorporated by reference in this rule is being amended to add information on

implementation of the Health Insurance Portability and Accountability Act and to clarify procedures for obtaining authorization for supplemental payments.

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

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

SPECIFIC AUTHORITY: 409.919 FS.

LAW IMPLEMENTED: Chapter 400 Part II, 409.902, 409.905, 409.908 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: Monday, November 24, 2003, 10:00 a.m. – 12:00 Noon

PLACE: Agency for Health Administration 2727 Mahan Drive, Building 3, Conference Rm. A, Tallahassee, FL 32308

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Kris Russell, Medicaid Services, 2727 Mahan Drive, Building 3, Mail Stop 20, Tallahassee, Florida 32308-5407, (850)487-2618

THE FULL TEXT OF THE PROPOSED RULE IS:

59G-4.200 Nursing Facility Services.

(1) No change.

(2) All participating nursing facility providers must comply with the provisions of the Florida Medicaid Nursing Facility Services Coverage and Limitations Handbook, August 2000, and the corresponding Florida Medicaid Provider Reimbursement Handbook, Institutional 021, October 2003, ~~September 1996~~ which are incorporated by reference. Both handbooks are available from the Medicaid fiscal agent.

Specific Authority 409.919 FS. Law Implemented Chapter 400 Part II, 409.902, 409.905, 409.908 FS. History—New 1-1-77, Amended 6-13-77, 10-1-77, 1-1-78, 2-1-78, 12-28-78, 2-14-80, 4-5-83, 1-1-84, 8-29-84, 9-1-84, 9-5-84, 7-1-85, Formerly 10C-7.48, Amended 8-19-86, 6-1-89, 7-2-90, 6-4-92, 8-5-92, 11-2-92, 7-20-93, Formerly 10C-7.048, Amended 11-28-95, 5-9-99, 10-15-00, 10-4-01,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Kris Russell

NAME OF PERSON WHO APPROVED THE PROPOSED RULE: Rhonda M. Medows, M.D., FAAFP, Secretary

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 17, 2003

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: April 11, 2003

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Construction Industry Licensing Board

RULE TITLE: Certification of Specialty Structure Contractors 61G4-15.015

RULE NO.:

PURPOSE AND EFFECT: The proposed rule amendment sets forth the certification and scope of practice for specialty structure contractors.

SUMMARY: The proposed rule intends to provide a definition of a specialty structure contractor, set forth the scope of the work performed by a specialty structure contractor and to set forth the certification procedures for becoming a certified specialty structure contractor.

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

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

SPECIFIC AUTHORITY: 489.113(6), 489.115(4), 120.53 FS.

LAW IMPLEMENTED: 489.113(6), 489.115(4), 120.53 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Timothy Vaccaro, Executive Director, Construction Industry Licensing Board, 1940 North Monroe Street, Tallahassee, Florida 32399-1039

THE FULL TEXT OF THE PROPOSED RULE IS:

61G4-15.015 Certification of Specialty Structure Contractors.

(1) No change.

(2) Definition.

(a) "Specialty Structure Contractor" is a contractor whose services are limited to the execution of contracts requiring the experience, knowledge and skill necessary for the fabrication, assembling, handling, erection, installation, replacement, dismantling, adjustment, alteration, repair, servicing, and design work when not prohibited by law, in accordance with accepted engineering data and/or according to manufacturers specifications in the aluminum, metal, canvas, vinyl and fiberglass screening, doors and windows, hurricane protection devices and allied construction materials.

(b) The scope of such work shall include and be limited to fabric coverings on metal substructures, screened porches, screened enclosures, pool enclosures, preformed panel-post and beam roofs, manufactured housing ~~mobile home panel~~ roof-overs ~~residential glass window and door enclosures~~, vinyl or acrylic panel window enclosures, guardrails, handrails, aluminum and vinyl fences, the installation or replacement of

windstorm protective devices, single story self-contained aluminum utility storage structures (not to exceed 720 500 sq. ft.), residential glass window and door enclosures, sunrooms, siding, soffit, fascia and gutters. The installation or replacement of window and door assemblies in Group R occupancy buildings, as defined by the Florida Building Code, up to three stories or thirty feet in height. The installation or replacement of windstorm protective devices, except for impact resistant glazing, shall be unlimited. Division I Contractors shall be permitted to subcontract with Specialty Structure Contractors for the installation or replacement of window and door assemblies in buildings of Group R occupancy, as defined by the Florida Building Code, of any height.

(c) through (d) No change.

(3) No change.

Specific Authority 489.113(6), 489.115(4), 120.53 FS. Law Implemented 489.113(6), 489.115(4), 120.53 FS. History--New 7-1-87, Amended 1-26-88, 5-23-89, 6-25-89, 4-16-92, Formerly 21E-15.015, Amended 10-31-96.

NAME OF PERSON ORIGINATING PROPOSED RULE: Construction Industry Licensing Board

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Construction Industry Licensing Board

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

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Florida Real Estate Appraisal Board

RULE TITLE: Inactive Registration

RULE NO.:

61J1-2.005

PURPOSE AND EFFECT: The purpose of the proposed rule is to bring the rule into compliance with the current Departmental procedures.

SUMMARY: The proposed rule change affects rule provisions relating to inactive registration.

SUMMARY OF STATEMENT OF ESTIMATE OF REGULATORY COST: No Statement of Estimated Regulatory Costs was prepared.

Any person who wishes to provide information regarding the Statement of Estimated Regulatory Costs, or to provide a proposal for a lower cost regulatory alternative must do so in writing within 21 days of this Notice.

SPECIFIC AUTHORITY: 475.614, 475.619 FS.

LAW IMPLEMENTED: 475.613(2), 475.618, 475.619 FS.

IF REQUESTED IN WRITING, 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: Ashley Dashnaw, Division of Real Estate, 400 West Robinson Street, Hurston Building, North Tower, Suite N801, Orlando, Florida 32801

THE FULL TEXT OF THE PROPOSED RULE IS:

61J1-2.005 Inactive Registration.

(1) No change.

(2) At any time after obtaining registration as an appraiser, the registrant may request inactive status whenever the registrant has no primary supervising licensed or certified appraiser. ~~Forms may be obtained from the Department. The request may be made on Form 501.5, Request for Appraiser Status Change, effective July 1991 and incorporated herein by reference. The form may be obtained through the Department of Business and Professional Regulation at W. Robinson St., Orlando, FL 32801.~~

(3) through (4) No change.

(5) A registered appraiser, whose registration is designated inactive pursuant to Paragraphs 1, 2 or 3, may request an active registration ~~in such a manner as provided by the Department on Form 501.5.~~ If the inactive duration is less than 2 years and does not extend beyond 1 biennial renewal cycle (registration period), no additional education or fee is required.

(6) through (7) No change.

Specific Authority 475.614, 475.619 FS. Law Implemented 475.613(2), 475.618, 475.619 FS. History--New 9-22-93, Amended 7-5-94,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Florida Real Estate Appraisal Board

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Florida Real Estate Appraisal Board

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

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Florida Real Estate Appraisal Board

RULE TITLE: Refund of Applicant and License Fees

RULE NO.: 61J1-2.007

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

SUMMARY: The proposed rule change affects rule provisions relating to the refund of applicant and license fees.

SUMMARY OF STATEMENT OF ESTIMATE OF REGULATORY COSTS: No Statement of Estimated Regulatory Costs was prepared.

Any person who wishes to provide information regarding the Statement of Estimated Regulatory Costs, or to provide a proposal for a lower cost regulatory alternative must do so in writing within 21 days of this Notice.

SPECIFIC AUTHORITY: 475.614 FS.

LAW IMPLEMENTED: 475.6147 FS.

IF REQUESTED IN WRITING, 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: Ashley Dashnaw, Division of Real Estate, 400 West Robinson Street, Hurston Building, North Tower, Suite N801, Orlando, Florida 32801

THE FULL TEXT OF THE PROPOSED RULE IS:

61J1-2.007 Refund of Applicant and License Fees.

(1) The Board shall refund to the applicant, or the applicant's beneficiary, any portion of the application fee not expended in processing the application. The applicant's application shall be considered null and void upon payment of the refunded amount.

(2) No change.

(3) In the event a registered ~~trainee assistant~~, licensee or certificate holder dies prior to the effective date of a renewal period, the full amount of the fee collected for the renewal of the registration, license or certificate shall be refunded to the beneficiary.

Specific Authority 475.614 FS. Law Implemented 475.6147 FS. History--New 10-29-98, Amended_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Florida Real Estate Appraisal Board

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Florida Real Estate Appraisal Board

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 26, 2003

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Florida Real Estate Appraisal Board

RULE TITLE: Application by Individuals

RULE NO.: 61J1-3.001

PURPOSE AND EFFECT: The purpose of the proposed rule is to bring the rule into compliance with the current Departmental procedures and statutory changes.

SUMMARY: The proposed rule change affects rule provisions relating to application by individuals.

SUMMARY OF STATEMENT OF ESTIMATE OF REGULATORY COSTS: No Statement of Estimated Regulatory Costs was prepared.

Any person who wishes to provide information regarding the Statement of Estimated Regulatory Costs, or to provide a proposal for a lower cost regulatory alternative must do so in writing within 21 days of this Notice.

SPECIFIC AUTHORITY: 475.614 FS.
 LAW IMPLEMENTED: 475.613, 475.615, 475.617 FS.
 IF REQUESTED IN WRITING, 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: Ashley Dashnaw, Division of Real Estate, 400 West Robinson Street, Hurston Building, North Tower, Suite N801, Orlando, Florida 32801

THE FULL TEXT OF THE PROPOSED RULE IS:

61J1-3.001 Application by Individuals.

(1) An applicant for registration, ~~licensure~~ or certification as an appraiser shall submit an application in such a manner as provided by the Department on form numbers 501.1 or 501.1A, Real Estate Appraiser Application, effective July, 1991, incorporated herein by reference, which may be obtained through the department at 400 West Robinson Street, Orlando, Florida 32801.

(2) No change:

(3) The applicant shall indicate whether the applicant is seeking registration, ~~licensure~~ or certification.

(4) At the time of application, the applicant must furnish evidence of successful completion of the required education pursuant to Rules 61J1-4.001 or 61J1-4.002, F.A.C., and evidence of the required experience pursuant to Rules 61J1, F.A.C., if any.

(5) At the time of filing the application for registration, ~~licensure~~ or certification, the applicant must sign a pledge to comply with the Uniform Standards of Professional Appraisal Practice as defined in Section 475.611(1)(~~o~~)(~~m~~), Florida Statutes F.S., and must indicate in writing that the applicant understands the types of misconduct for which disciplinary proceedings may be initiated.

(6) The applicant must make it possible for the Board to begin the inquiry as to whether the applicant is competent and qualified to make real estate appraisals with safety to those with whom the applicant may undertake a relationship of trust and confidence and the general public:

(a) By disclosing whether the applicant has ever been convicted or found guilty, or entered a plea of guilty or nolo contendere (no contest) to, regardless of adjudication, of a crime in any jurisdiction which directly relates to the activities of an appraiser, or which involves moral turpitude or fraudulent or dishonest conduct; and

(b) through (c) No change

(7) If the applicant fails to take the examination or fails to successfully complete the examination within 1 year of the Department receiving the application, the application shall expire and a new application must be filed.

Specific Authority 475.614 FS. Law Implemented 475.613, 475.615, 475.617, 475.624 FS. History—New 10-15-91, Formerly 21VV-3.001, Amended 10-29-98, 1-7-99, 2-21-02, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
 Florida Real Estate Appraisal Board
 NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Florida Real Estate Appraisal Board
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 4, 2003
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: July 25, 2003

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Florida Real Estate Appraisal Board

RULE TITLE: Education Requirements

RULE NO.: 61J1-4.001

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

SUMMARY: The proposed rule change affects rule provisions relating to education requirements.

SUMMARY OF STATEMENT OF ESTIMATE OF REGULATORY COSTS: No Statement of Estimated Regulatory Costs was prepared.

Any person who wishes to provide information regarding the Statement of Estimated Regulatory Costs, or to provide a proposal for a lower cost regulatory alternative must do so in writing within 21 days of this Notice.

SPECIFIC AUTHORITY: 475.614 FS.

LAW IMPLEMENTED: 475.613, 475.615, 475.617 FS.

IF REQUESTED IN WRITING, 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: Ashley Dashnaw, Division of Real Estate, 400 West Robinson Street, Hurston Building, North Tower, Suite N801, Orlando, Florida 32801

THE FULL TEXT OF THE PROPOSED RULE IS:

61J1-4.001 Education Requirements.

(1)(a) Persons desiring to become registered as ~~an~~ trainee assistant appraiser must satisfactorily complete 75 classroom hours, inclusive of examination, of Board approved academic courses in subjects related to real estate appraisal, which shall include coverage of the Uniform Standards of Professional Appraisal Practice. A classroom hour is defined as 50 minutes out of each 60 minute segment.

(b) No change.

(c) If an initial application to become registered is not received within 2 years after the successful completion of the course as provided in paragraph (1)(a), the applicant must take the 15 classroom hour Uniform Standards of Professional Appraisal Practice course, the course will be invalid for purposes of securing registration.

(2) Persons desiring to become licensed as an appraiser must successfully complete 90 classroom hours, inclusive of examination, of board approved academic courses in subjects related to real estate appraisal, which shall include 15 classroom hours relative to the Uniform Standards of Professional Appraisal Practice. A classroom hour is defined as 50 minutes out of each 60 minute segment.

~~(2)~~(3) Persons desiring to become certified as a residential appraiser must successfully complete 120 classroom hours, inclusive of examination, of ~~B~~board approved academic courses in subjects related to real estate appraisal, which shall include the 15-hour National USPAP course or its equivalent, taught by an AQB certified USPAP instructor 15 classroom hours relative to the Uniform Standards of Professional Appraisal Practice. The 120 classroom hours may include the 75 classroom hour requirement for becoming registered or the 90 classroom hour requirement for becoming licensed as an appraiser. A classroom hour is defined as 50 minutes out of each 60 minute segment.

~~(3)~~(4) Persons desiring to become certified as a general appraiser must successfully complete 180 classroom hours, inclusive of examination, of ~~B~~board approved academic courses in subjects related to real estate appraisal, which shall include the 15-hour National USPAP course or its equivalent, taught by an AQB certified USPAP instructor 15 classroom hours relative to the Uniform Standards of Professional Appraisal Practice. The 180 classroom hours may include the 75 classroom hour requirement for becoming registered, the 90 classroom hour requirement for becoming licensed as an appraiser, or the 120 classroom hour requirement for becoming certified as a residential appraiser. A classroom hour is defined as 50 minutes out of each 60 minute segment.

~~(4)~~(5) Credit towards the classroom hour requirement shall only be granted where the length of the educational offering is at least 15 hours, and the person successfully completes an examination pertinent to that educational offering.

(5) Board approved pre-registration courses for trainee appraisers must include the following subject matter:

- (a) Real property concepts and characteristics.
- (b) Legal consideration.
- (c) Influences on real estate values.
- (d) Types of value.
- (e) Economic principles.
- (f) Overview of real estate markets and analysis.
- (g) Ethics and how they apply in appraisal theory and practice.
- (h) Overview of approaches to value.
- (i) Valuation procedures.
- (j) Property description.
- (k) Residential applications.
- (l) Coverage of the Uniform Standards of Professional Appraisal Practice.

(m) Coverage of Florida rules and regulations that pertain to the practice of appraisal.

(6) Board approved pre-certification courses for certified residential appraisers must include the following subject matter:

- (a) Residential market analysis.
- (b) Residential highest and best use.
- (c) Residential site valuation.
- (d) Residential cost approach.
- (e) Residential sales comparison approach.
- (f) Residential income approach.
- (g) Residential report writing.
- (h) Residential case studies.
- (i) Statistics.
- (j) Modeling.
- (k) Finance.
- (l) Advances residential applications.
- (m) Advanced residential case studies.
- (n) Appraisal standards and ethics.
- (o) National Uniform Standards of Professional Appraisal Practice.

(6) The criteria for board approved courses will include, as applicable, the following subject matter:

- (a) Technical terms commonly used in real estate appraisal.
- (b) Principles of land economics, real estate appraisal processes, reliable sources of appraising data, and problems likely to be encountered in the gathering, interpreting and processing of data in carrying out appraisal disciplines.
- (c) Standards for the development and communications of real estate appraisals.
- (d) Types of misconduct for which disciplinary proceedings may be initiated.
- (e) Theories of depreciation, cost estimating, methods of capitalization, and the mathematics of real estate appraisal.

(7) Board approved pre-certification courses for certified general appraisers must include the following subject matter:

- (a) General appraiser market analysis.
- (b) General appraiser highest and best use.
- (c) General appraiser sales comparison approach.
- (d) General appraiser site valuation and cost approach.
- (e) General appraiser income approach.
- (f) General appraiser report writing and case studies.

~~(8)~~(7) Board prescribed or approved courses shall be offered by a nationally or state recognized appraisal organization, accredited universities, colleges, community colleges, area vocational-technical centers, state or federal agencies or commissions, and proprietary real estate schools registered pursuant to Section 475.451, F.S. A detailed course syllabus and a typical end of course examination must be submitted to the ~~B~~board by the entity desiring to offer a course

for evaluation and approval. The course and exam must be submitted at least 90 days prior to offering the course. The Board will notify the entity within 60 days whether the course and exam meet the criteria set out in subsection (6) above and subsection (9) below. Approval must be granted before the course is conducted. Institutions, entities and schools offering Board prescribed or approved appraisal educational courses are responsible for keeping the course subject matter current and accurate.

(9)(8) The Board shall also approve past appraisal courses which cover substantially the same subject matter, classroom hours of attendance, and completion standards as the Board approved courses offered by the entities as set out in subsections (5), (6), (7) and (9). If the requested information is found lacking to show course equivalency the Board may request supportive documentation to determine course equivalency.

(10)(9) Satisfactory course completion is demonstrated by achieving a grade of 75% or higher on the Board approved end of course examination. The examination is prepared and administered by a nationally or state recognized appraisal organization, accredited university, college, community college, area vocational-technical center, state or federal agency or commission, or real estate school upon completion of the classroom instruction. The end of course exam must test what the course is about and the student's knowledge of the course. Approval of satisfactory course completion shall not be issued to any student having absences in excess of 10% of the classroom hours.

(11)(10) The institution or school offering these Board prescribed or approved courses shall fully inform each student of the standards and requirements at the commencement of each course. Each student shall receive a copy of the most current course approval letter, issued by the Board, at the commencement of each course. Notice of course completion shall be made on the form prescribed by the Board in Rule 61J1-4.005, Florida Administrative Code.

(12)(11) Where any national or state recognized appraisal organization, accredited university, college, community college, area vocational-technical center, state or federal agency or commission, or proprietary real estate school allows the Board approved end of course examination to be retaken, students failing the Board approved end of course examination must wait at least 30 days from the date of the original examination to again take the end of course examination. Within one year of the original end of course examination, a student may retake the prescribed end of course exam a maximum of one time. Otherwise, students failing an appraisal education course examination must repeat the Board prescribed or approved course prior to being eligible to again take the end of course examination. Makeup classes to enable the student to take the end of course examination and makeup

examination, which are due to student or family illness, may not extend more than 30 days beyond the class scheduled examination without approval from the Board.

(13)(12) Credit towards the classroom hour requirement may also be satisfied by teaching appraisal courses. The appraisal courses must cover substantially the same subject matter as the Board prescribed courses. Credit shall be awarded on an hour-for-hour basis. Credit shall only be granted on a one time basis for teaching a particular appraisal course. The Board may request supportive documentation to ascertain course content and to verify the date(s), time, place and hours taught.

Specific Authority 475.614 FS. Law Implemented 475.613, 475.615, 475.617 FS. History--New 10-15-91, Formerly 21VV-4.001, Amended 1-9-94, 3-10-98, 9-6-98, 10-10-99.

NAME OF PERSON ORIGINATING PROPOSED RULE: Florida Real Estate Appraisal Board
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Florida Real Estate Appraisal Board
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 7, 2003
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 26, 2003

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Florida Real Estate Appraisal Board

RULE TITLE: Equivalency Education
RULE NO.: 61J1-4.002

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

SUMMARY: The proposed rule change affects rule provisions relating to equivalency education.

SUMMARY OF STATEMENT OF ESTIMATE OF REGULATORY COSTS: No Statement of Estimated Regulatory Costs was prepared.

Any person who wishes to provide information regarding the Statement of Estimated Regulatory Costs, or to provide a proposal for a lower cost regulatory alternative must do so in writing within 21 days of this Notice.

SPECIFIC AUTHORITY: 475.614 FS.

LAW IMPLEMENTED: 475.613, 475.615, 475.617 FS.

IF REQUESTED IN WRITING, 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: Ashley Dashnaw, Division of Real Estate, 400 West Robinson Street, Hurston Building, North Tower, Suite N801, Orlando, Florida 32801

THE FULL TEXT OF THE PROPOSED RULE IS:

61J1-4.002 Equivalency Education.

The criteria for approval of equivalency for courses completed by individuals seeking credit for pre-registration, ~~pre-licensure~~, pre-certification, post-licensing, or appraiser continuing education shall be that the course or courses covered substantially the same subject matter, hours of attendance, hours of instruction, and completion standards as prescribed by the Florida Real Estate Appraisal Board in Rule 61J1-4.001, 4.003 or 4.007, Florida Administrative Code. Application for past course evaluation shall be accompanied by an official transcript or other documentation showing the subjects taken together with the date completed and grade received. If the requested information is found lacking to show course equivalency, the Board shall request supportive documentation to determine course equivalency.

Specific Authority 475.614 FS. Law Implemented 475.613, 475.615, 475.617 FS. History—New 10-15-91, Formerly 21VV-4.002, Amended 4-6-98, 3-31-02,

NAME OF PERSON ORIGINATING PROPOSED RULE:

Florida Real Estate Appraisal Board

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE:

Florida Real Estate Appraisal Board

DATE PROPOSED RULE APPROVED BY AGENCY HEAD:

October 7, 2003

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW:

September 26, 2003

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Florida Real Estate Appraisal Board

RULE TITLE:

Continuing Education

RULE NO.:

61J1-4.003

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

SUMMARY: The proposed rule change affects rule provisions relating to continuing education.

SUMMARY OF STATEMENT OF ESTIMATE OF REGULATORY COSTS: No Statement of Estimated Regulatory Costs was prepared.

Any person who wishes to provide information regarding the Statement of Estimated Regulatory Costs, or to provide a proposal for a lower cost regulatory alternative must do so in writing within 21 days of this Notice.

SPECIFIC AUTHORITY: 475.614 FS.

LAW IMPLEMENTED: 475.613, 475.618 FS.

IF REQUESTED IN WRITING, 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: Ashley Dashnaw, Division of Real Estate, 400 West Robinson Street, Hurston Building, North Tower, Suite N801, Orlando, Florida 32801

THE FULL TEXT OF THE PROPOSED RULE IS:

61J1-4.003 Continuing Education.

(1) All registered, licensed and certified appraisers must satisfactorily complete a minimum of 30 hours of 50 minutes each of appraiser continuing education as prescribed or approved by the Florida Real Estate Appraisal Board, without duplication of material, during each renewal period as defined in Rule 61J1-2.002, Florida Administrative Code. The 30-hours shall include The 7-hour National USPAP update course or its equivalent and shall be taught by an AQB certified USPAP instructor. Of the 30 hours, a minimum of 7 hours with a maximum of 18 hours, without significant duplication of material, ~~include an update of the Uniform Standards of Professional Appraisal Practice~~ as defined in Section 475.611(1)(o)(~~m~~), Florida Statutes F.S. A minimum of 3 hours shall be dedicated to a review and update of the Florida Real Estate Appraisal law and Board Rules, and provide an introduction to other state and federal laws affecting real estate appraisals ~~and will review and update the Florida Real Estate Appraisal License Law and board rules, and provide an introduction to other state and federal laws affecting real estate appraisals. A minimum of 3 hours shall be dedicated to an update of the Florida Real Estate Appraisal License Law and board rules.~~ A registered, licensed or certified appraiser is not required to complete the 30 hours of continuing education as a condition for initial registration, licensure or certification renewal if the time between the effective date on the initial registration, license or certificate and the beginning of the initial registration, licensure or certificate renewal is less than 12 months.

(2) The Board shall approve for appraisal continuing education credit any course, seminar or conference in the real estate appraisal practice area provided by national or state recognized appraisal organization, accredited university, college, community college, area technical center, state or federal agency or commission or proprietary real estate school. The course will be approved for 24 months. A course may not be offered after the expiration date except for a course that is begun before the expiration date may be completed even if the completion date is after the expiration date. The criteria for approval shall be as set out in subsection (3) below.

(3) Satisfactory completion of the Board prescribed or approved continuing education course or courses of classroom instruction is demonstrated by successfully meeting standards established for each Board prescribed course. These standards for approval of continuing education courses for appraisers shall be that the course or courses contain at least 3 hours of instruction and cover real estate appraisal related topics such as

ad valorem taxation, arbitration, business courses related to real estate appraisal, construction estimating, ethics and standards of professional practice, land use planning, zoning and taxation, management, leasing, brokerage, timesharing, property development, real estate appraisal (valuations/evaluations), real estate financing and investment, real estate law, real estate litigation, real estate appraisal related computer applications, real estate securities and syndication, and real property exchange. Approval of satisfactory course completion shall not be issued to any registrant, licensee or certificate holder not attending a minimum of 90% of each of the classroom hours of Bboard prescribed course instruction.

(a) through (d) No change.

(4)(a) The continuing education courses required in this rule may be satisfied ~~taught~~ by a Board approved equivalent distance education course. Distance education is education that takes place when the learner is separated from the source of instruction by time and/or distance. Such distance education course subject matter, assignment work, scholastic standards and other related requirements shall be substantially the same as the course offered by classroom instruction, having due regard however, to the different method of presentation. The institution offering distance education courses must provide proof of certification of the delivery method by an independent certified organization approved by the AOB. The delivery of a course offered by a university or college that has already received approval for college credit by the American Council on Education through its ACE credit program or schools that have been approved by the International Distance Education Certification Center (IDECC) are deemed approved by the Board.

(b) through (e) No change.

(f) Continuing education courses by distance education will be approved for 24 months at which point the course will expire unless submitted to the Bboard and approved for renewal. Courses may not be offered or distributed after the expiration date. However, a 15-day grace period beyond the expiration date will be allowed in order to grade an examination postmarked or otherwise received prior to the expiration date of the course. Students must be notified of the course expiration date upon receipt of the course materials.

(5) The Florida institution, organization, permitted real estate school or Bboard approved entity offering these Bboard prescribed or approved courses shall fully inform each student of the standards, requirements and criteria at the commencement of each course. Each student shall receive a copy of the most current course approval letter, issued by the Bboard, at the commencement of each course. Notice of course completion shall be as prescribed by Rule 61J1-4.005, Florida Administrative Code.

(6) These Bboard prescribed or approved courses shall be offered by a nationally or state recognized appraisal organization, area technical centers, accredited university,

college and community college, state or federal agency or commission, or proprietary real estate school that holds a permit pursuant to Section 475.451, F.S., or at a place approved by the Bboard. Satisfactory completion of these courses will not entitle any person to renew a registration, license or certification until such person has met all requirements of law.

(7) A registrant, licensee, or certificate holder, including a Bboard member, may earn five (5) classroom hours by attending an entire meeting where the Bboard considers disciplinary cases, for a maximum of ten (10) of the required thirty (30) hours; provided that, the individual is not appearing as a party to a disciplinary action and notifies the Division of Real Estate, Education Section, of the intent to attend at least seven (7) days prior to the meeting.

(8) Credit towards the continuing education requirement of this rule may also be satisfied by teaching Bboard approved appraisal courses. Credit shall be awarded on an hour-for-hour basis. Individuals claiming such credit must teach the appraisal course during the renewal cycle in which credit is claimed and may not claim the course more than once in the renewal cycle. The Bboard may request supportive documentation to ascertain course content and to verify the date(s), time, place and hours taught.

Specific Authority 475.614 FS. Law Implemented 475.613, 475.618 FS. History—New 10-15-91, Amended 4-21-92, 6-7-92, Formerly 21VV-4.003, Amended 11-3-94, 9-5-96, 4-6-98, 9-6-98, 9-14-00, 10-22-01, 3-31-02,

NAME OF PERSON ORIGINATING PROPOSED RULE: Florida Real Estate Appraisal Board

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Florida Real Estate Appraisal Board

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 26, 2003

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Florida Real Estate Appraisal Board

RULE TITLE: Notice of Satisfactory Course Completion

RULE NO.: 61J1-4.005

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

SUMMARY: The proposed rule change affects rule provisions relating to the notice of satisfactory course completion.

SUMMARY OF STATEMENT OF ESTIMATE OF REGULATORY COSTS: No Statement of Estimated Regulatory Costs was prepared.

Any person who wishes to provide information regarding the Statement of Estimated Regulatory Costs, or to provide a proposal for a lower cost regulatory alternative must do so in writing within 21 days of this Notice.

SPECIFIC AUTHORITY: 475.614 FS.

LAW IMPLEMENTED: 475.613, 475.615, 475.617, 475.618 FS.

IF REQUESTED IN WRITING, 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: Ashley Dashnaw, Division of Real Estate, 400 West Robinson Street, Hurston Building, North Tower, Suite N801, Orlando, Florida 32801

THE FULL TEXT OF THE PROPOSED RULE IS:

61J1-4.005 Notice of Satisfactory Course Completion.

(1) Applicants must submit, with the application for registration, ~~license~~ or certification a grade report as proof to the ~~D~~department that they have satisfactorily completed the applicable course(s) prescribed in Rule 61J1-4.001 or 4.002, Florida Administrative Code.

(2) An application for renewal of an existing designation shall contain an affirmation by the individual of having satisfactorily completed the applicable Florida Real Estate Appraisal Board prescribed, conducted or ~~B~~board approved course(s). The ~~D~~department shall perform random audits of at least 10% of the registrants, licensees, certificate holders and instructors to verify compliance with continuing education requirements. Each registrant, licensee, certificate holder and instructor shall retain the grade report as proof of successful completion of continuing education requirements for at least two years following the end of the renewal period for which the education is claimed. Failing to provide evidence of compliance with continuing education requirements as prescribed in Rules 61J1-4.003, 61J1-4.007 and 61J1-4.008, Florida Administrative Code, or the furnishing of false or misleading information regarding compliance with said requirements shall be grounds for disciplinary action against the registrant, licensee, certificate holder or instructor.

(3) through (4) No change.

(a) Pre-registration, ~~Pre-licensing~~, Pre-certification, or Postlicensing Course For Appraiser

- Name of School, Institution or Entity
- Address of School, Institution or Entity
- Course Title
- Course Hours
- Start Date
- Finish Date
- Exam Date
- Student's Name
- Student's Address
- Authorized Signature for the School, Institution or Entity

(b) through (c) No change

(5) through (6) No change.

(7) Each continuing education provider must electronically provide to the Department the list of attendees at each of its offered courses within 5 business days of the completion of the course.

Specific Authority 475.614 FS. Law Implemented 475.613, 475.615, 475.617, 475.618 FS. History—New 10-15-91, Formerly 21VV-4.005, Amended 7-19-95, 4-6-98, 3-31-02, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Florida Real Estate Appraisal Board

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Florida Real Estate Appraisal Board
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 4, 2003

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Florida Real Estate Appraisal Board

RULE TITLE: Renewal of Inactive Registrations, Licenses and Certifications
RULE NO.: 61J1-4.007

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

SUMMARY: The proposed rule change affects rule provisions relating to Renewal of Inactive Registrations, Licenses and Certifications.

SUMMARY OF STATEMENT OF ESTIMATE OF REGULATORY COSTS: No Statement of Estimated Regulatory Costs was prepared.

Any person who wishes to provide information regarding the Statement of Estimated Regulatory Costs, or to provide a proposal for a lower cost regulatory alternative must do so in writing within 21 days of this Notice.

SPECIFIC AUTHORITY: 475.614, 475.619 FS.

LAW IMPLEMENTED: 475.618, 475.619 FS.

IF REQUESTED IN WRITING, 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: Ashley Dashnaw, Division of Real Estate, 400 West Robinson Street, Hurston Building, North Tower, Suite N801, Orlando, Florida 32801

THE FULL TEXT OF THE PROPOSED RULE IS:

61J1-4.007 Renewal of Inactive Registrations, Licenses and Certifications.

(1) through (7) No change.

(8) Any registration, license or certification which exceeds 4 years in the inactive status shall automatically expire and the person must meet all the requirements of Sections 475.615, 475.616 and 475.617, F.S., and Rules 61J1-2.001, 61J1-3.001,

61J1-4.001 or 61J1-4.002, 61J1-5.001 and 61J1-6.001, Florida Administrative Code, in order to be registered, ~~licensed~~ or certified again as an appraiser.

Specific Authority 475.614, 475.619 FS. Law Implemented 475.618, 475.619 FS. History—New 8-8-93, Amended.

NAME OF PERSON ORIGINATING PROPOSED RULE:
 Florida Real Estate Appraisal Board
 NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Florida Real Estate Appraisal Board
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 7, 2003
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 26, 2003

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Florida Real Estate Appraisal Board

RULE TITLE: Continuing Education for School Instructors
 RULE NO.: 61J1-4.008

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

SUMMARY: The proposed rule change affects rule provisions relating to continuing education for school instructors.

SUMMARY OF STATEMENT OF ESTIMATE OF REGULATORY COSTS: No Statement of Estimated Regulatory Costs was prepared.

Any person who wishes to provide information regarding the Statement of Estimated Regulatory Costs, or to provide a proposal for a lower cost regulatory alternative must do so in writing within 21 days of this Notice.

SPECIFIC AUTHORITY: 475.614 FS.

LAW IMPLEMENTED: 475.618 FS.

IF REQUESTED IN WRITING, 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: Ashley Dashnaw, Division of Real Estate, 400 West Robinson Street, Hurston Building, North Tower, Suite N801, Orlando, Florida 32801

THE FULL TEXT OF THE PROPOSED RULE IS:

61J1-4.008 Continuing Education for School Instructors.

(1) All persons holding “school instructor” permits shall re-certify their competency during each renewal period as defined in Rule 61J1-2.002, Florida Administrative Code, by satisfactorily completing a minimum of 21 hours of instruction in real estate appraisal subjects and instructional techniques as prescribed by the Board. A school instructor is not required to complete the 21 hours of re-certification education as a condition for initial permit renewal if the time between the effective date on the initial permit as an instructor and the beginning of the initial renewal permit is less than 12 months.

Of the required 21 hours, up to 14 hours may be applied toward the continuing education requirement for registration, licensure, or certification pursuant to Rule 61J1-4.003, Florida Administrative Code.

(2) All Board prescribed 21 hours of instruction shall consist of 7 hour seminar conducted by the Board and a minimum of 7 hours of board approved instruction in real estate appraisal subjects and a minimum of 7 hours of Board approved instruction consisting of an update of the Uniform Standards of Professional Appraisal Practice (USPAP) as defined in Section 475.611(1)(~~o~~)(~~m~~), Florida Statutes F.S., ~~a review and update of the Florida Real Estate Appraisal License Law and Board rules, and an introduction to other state and federal laws affecting real estate appraisals. A minimum of 3 hours of the 7-classroom hour seminar conducted by the Board may be applied toward the continuing education of the Florida Real Estate Appraisal License Law and Board Rules requirement for certification pursuant to Rule 61J1-4.003, Florida Administrative Code. A minimum of 3 of the 7 update hours shall be dedicated to an update of the Florida Real Estate Appraisal License Law and board rules.~~ The 14 hours of instruction may be offered by accredited universities, colleges, and community colleges in the state, by real estate schools registered pursuant to Section 475.451, Florida Statutes F.S., and entities approved by the Board. Requests for approval to offer the 7 hours of instruction in real estate appraisal subjects and the 7 hours of instruction in USPAP shall be made to the Board at least 90 days prior to offering the course. The requests shall include a detailed course description and the criteria for satisfactory course completion. The Board will issue a status report to the course provider at least 60 days after submission of the course. Approval must be granted before the course may be offered. The criteria for approval shall be as set in paragraph (4) below.

(3) Satisfactory completion of the Board conducted 7-classroom hour seminar is demonstrated by attending all 7-classroom hours of instruction. Satisfactory completion of the remaining hours of instruction is demonstrated by completing the Board approved course(s) in accordance with the standards established by the Board in Rule 61J1-4.003, Florida Administrative Code.

(4) The institution, school or approved entity offering the Board approved 7 hours of instruction in real estate appraisal subjects and the 7 hours of instruction in USPAP, the Florida Real Estate Appraisal License Law and Board rules, and other state and federal laws affecting real estate appraisals shall inform each student of the standards and requirements at the commencement of each course. Each student shall receive a copy of the most current course approval letter, issued by the Board, at the commencement of each course. The enforcement thereof shall be the responsibility of the Board and the DBPR and their decision on any such matters shall be final. The institution, school or approved entity will be

responsible for issuing a grade report. The information required in the grade report can be located in Rule 61J1-4.005, Florida Administrative Code.

(a) The Board shall approve any course, seminar, or conference in the real estate appraisal practice area provided by a national or state recognized appraisal organization, accredited university, college, community college, area technical center, state or federal agency or commission, or proprietary real estate school for appraisal continuing education credit for school instructors. The standards for Board approval of appraisal continuing education courses for school instructors shall be that the course or courses cover real estate appraisal related topics, be designed to be training oriented to teach school instructors how to present the courses, and to provide updates on statutes and rules relevant to the appraisal industry. The course will be approved for 24 months. A course may not be offered after the expiration date except for a course that is begun before the expiration date may be completed even if the completion date is after the expiration date.

(b) Satisfactory completion of the Board prescribed or approved continuing education course or courses is demonstrated by successfully meeting standards established for each Board prescribed course.

(c) No change.

(d) The national or state recognized appraisal organization, accredited university, college, community college, area technical center, state or federal agency or commission, or proprietary real estate school offering these Board prescribed or approved courses shall fully inform each student of the standards and requirements at the commencement of each course by providing each student a course syllabus that clearly states the course objective(s) and explains the desired learning outcomes. At least 70% of the desired learning outcomes shall be at the application level or higher. No more than 10% of the desired learning objectives shall be at the knowledge level. Notice of course completion shall be made as prescribed by the Board in Rule 61J1-4.005, Florida Administrative Code.

(5)(a) through (f) No change.

Specific Authority 475.614 FS. Law Implemented 475.618 FS. History—New 10-1-95, Amended 9-6-98, 11-15-99, 3-31-02.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Florida Real Estate Appraisal Board

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Florida Real Estate Appraisal Board

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 26, 2003

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Florida Real Estate Appraisal Board

RULE TITLE: Post Licensing Education for Registered Trainee Appraisers
RULE NO.: 61J1-4.009

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

SUMMARY: The proposed rule change affects rule provisions relating to post licensing education for registered trainee appraisers.

SUMMARY OF STATEMENT OF ESTIMATE OF REGULATORY COSTS: No Statement of Estimated Regulatory Costs was prepared.

Any person who wishes to provide information regarding the Statement of Estimated Regulatory Costs, or to provide a proposal for a lower cost regulatory alternative must do so in writing within 21 days of this Notice.

SPECIFIC AUTHORITY: 475.614 FS.

LAW IMPLEMENTED: 475.6175 FS.

IF REQUESTED IN WRITING, 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: Ashley Dashnaw, Division of Real Estate, 400 West Robinson Street, Hurston Building, North Tower, Suite N801, Orlando, Florida 32801

THE FULL TEXT OF THE PROPOSED RULE IS:

61J1-4.009 Post Licensing Education for Registered Trainee Appraisers.

(1) All post licensing education for registered trainee appraisers shall, unless otherwise provided for in this subsection, conform to the standards for continuing education provided in Rules 61J1-4.003 and 61J1-4.005, F.A.C. Board prescribed or approved courses shall be offered by a nationally or state recognized appraisal organization, accredited universities, colleges, community colleges, area vocational-technical centers, state or federal agencies or commissions, and proprietary real estate schools registered pursuant to Section 475.451, Florida Statutes.

(a) All registered trainee appraisers must satisfactorily complete one or more Board approved courses which must total at least 45 classroom hours, without duplication of material, inclusive of examination in subjects including but not limited to: influences on real estate value, legal considerations in appraisal, types of value, economic principles, real estate markets and analysis, valuation process, property description, highest and best use analysis, appraisal statistical concepts, sales comparison approach, site value, cost approach, income approach, valuation of partial interests, and appraisal standards and ethics. All post licensing courses shall consist of a

minimum of 15 classroom hours. A classroom hour is defined as 50 minutes of each 60-minute segment. The examination may not be open book, and it must be administered by a permitted instructor.

(b) 15 classroom hours of the 45-hour post-licensing requirement must be the 15-hour National USPAP course or its equivalent, and must be taught by an AQB certified instructor.

(2) In addition to the 45-hour requirement all registered trainee appraisers must satisfactorily complete a minimum of 3 hours strictly dedicated to an update of the Florida Real Estate Appraisal license law and Board rules.

(3) Post licensing education courses shall be training oriented, to the maximum extent possible, and shall build on the academic body of knowledge acquired during the pre-certification education courses. Development of the skills necessary for licensees to operate effectively and to provide increased public protection shall be emphasized in all courses.

(4)(a) A copy of the course shall be submitted to the Board for evaluation at least 90 days prior to use. The provider must submit two complete copies of the course materials and end-of-course examination; one submission must be a blind copy. The provider must also submit a copy of the course in the format in which the student will use it. The course and examination, shall comply with "course approval criteria" as follows:

1. A grade of 75% or higher on the Board prescribed end of course examination constitutes satisfactory course completion. The provider shall develop at least two forms of the end-of-course examinations and submit them for approval with a detailed course syllabus. The answer key must be unique for each form of the examination and reference the page numbers containing the information on which each question and correct answer is based. Examinations must test the material. At least 70% of the questions on each examination form shall be application oriented. Application level means the ability to use the learned material in a completely new and concrete situation. It usually involves the application of rules, policies, methods, computations, laws, theories, or any other relevant and available information. No more than 10% of the questions on each form of the test shall be at the knowledge level. Knowledge level means the recall of specific fact, patterns, methods, terms, rules, dates, formulas, names or other information that should be committed to memory. A provider offering prescribed courses must maintain a sufficient bank of questions to assure examination validity. End of course examinations shall contain at least 100 items. A course that is 30 hours or less shall contain a minimum of 50 items. All questions shall be multiple choice with 4 answer choices each. The order of the examination questions may not follow the sequence of the course content.

2. The Board shall approve post-licensure courses for a period of 24 months and consider renewals only if the provider submits the renewal application no later than 90 days prior to the course expiration date.

3. The provider shall issue a notice of satisfactory completion only to those achieving a grade of 75% or higher on the end-of-course examination and attended at least 90% of the classroom hours for each section of the course.

4. Students failing a Board prescribed post-licensing education end of course examination must wait at least 30 days from the date of the original examination to take the end of course examination. Within one year of the end of original end of course examination, a student may retake the prescribed end of course examination a maximum of one time. Otherwise, students failing the Board prescribed end of course examination must repeat the Board prescribed course prior to being eligible to again take the end of course examination. Students retaking the end of course examination must be administered a different form of the end of course examination.

5. Make-up classes to enable a student to take the prescribed end-of-course examination due to student or family illness may not extend more than 30 days beyond the class scheduled end of course examination without the approval of the Board. Make-up classes must be the classes missed by the student and must consist of the original Board prescribed course material.

6. All courses taken for purpose of post licensing credit must be taken completely within a classroom and may not be taken through distance education unless the licensee cannot, due to hardship, as defined by subparagraph 5. of this section, complete the course within a classroom. Any person desiring to complete the education course by means of distance education shall make a request to the Board in writing, setting forth the basis of the alleged hardship. The Board shall require said request to be supported by statements of doctors and other persons having knowledge of the facts.

7. The Board may allow an additional 6-month period after the second renewal following initial licensure for registered trainees who cannot, due to hardship, as defined by subparagraph 5. of this section, complete the course or courses within the required time. Any person desiring to complete the education course by means of distance education shall make a request to the Board in writing, setting forth the basis of the alleged hardship. The Board shall require said request to be supported by statements of doctors and other persons having knowledge of the facts.

(5) Hardship, for purposes of Rule 61J1-4, Florida Administrative Code, shall be defined as an inability, due to the licensee's own physical disability, to attend the place where classes are conducted.

(6) Distance Education courses, containing the same subject matter and requiring substantially the same assignment work, will be prescribed by the Board for any person who by

reason of hardship cannot attend the place for classroom instruction for continuing education or post licensing education. The scholastic standards and other related requirements will be substantially the same as the courses offered by classroom instruction, having due regard, however, to the different method of presentation.

(7) Appraisal trainees that are licensed after July 1, 2003, and complete (1) the 45 hour post licensure education and (2) the 3 hour review and update of the Florida Real Estate Appraisal License Law and Board Rules before the second renewal period following the trainee's most recent licensure as a trainee, shall be exempt from the continuing education of that renewal period.

(8) Appraisal trainees that are licensed before July 1, 2003, and complete (1) the 45 hour post licensure education and (2) the 3 hour review and update of the Florida Real Estate Appraisal License Law and Board Rules before the second renewal period following July 1, 2003, shall be exempt from the continuing education requirements of that renewal period.

(9) The registration of any registered trainee who does not complete these Board prescribed post-licensure educational requirements prior to the second renewal following initial registration is void without further administrative action. Such person may qualify to practice as a registered trainee appraiser only by retaking the required education and complying with all other requirements of law to be registered as a registered trainee appraiser. Any registered trainee appraiser registered prior to July 1, 2003, shall comply with the Board prescribed post-licensure educational requirements within the next two biennial renewal cycles following July 1, 2003.

(10) Registered trainee appraisers may not satisfy any requirement of this Rule with any course they have instructed.

Specific Authority 475.614 FS. Law Implemented 475.6175 FS. History--New_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Florida Real Estate Appraisal Board

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Florida Real Estate Appraisal Board

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 26, 2003

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Florida Real Estate Appraisal Board

RULE TITLE: Supervision of Registered Trainee Appraisers RULE NO.: 61J1-4.010

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

SUMMARY: The proposed rule change affects rule provisions relating to the supervision of registered trainee appraisers.

SUMMARY OF STATEMENT OF ESTIMATE OF REGULATORY COSTS: No Statement of Estimated Regulatory Costs was prepared.

Any person who wishes to provide information regarding the Statement of Estimated Regulatory Costs, or to provide a proposal for a lower cost regulatory alternative must do so in writing within 21 days of this Notice.

SPECIFIC AUTHORITY: 475.614 FS.

LAW IMPLEMENTED: 475.611, 475.6221, 475.6222 FS.

IF REQUESTED IN WRITING, 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: Ashley Dashnaw, Division of Real Estate, 400 West Robinson Street, Hurston Building, North Tower, Suite N801, Orlando, Florida 32801

THE FULL TEXT OF THE PROPOSED RULE IS:

61J1-4.010 Supervision of Registered Trainee Appraisers.

(1) All registered trainee appraisers shall be subject to direct supervision by a supervising appraiser who shall be state licensed or certified in good standing.

(2) The supervising appraiser shall be responsible for the training and direct supervision of the appraiser trainee by:

(a) Accepting responsibility for the appraisal report by signing and certifying the report is in compliance with the Uniform Standards of Professional Appraisal Practice, as defined in Section 475.611(1)(o), Florida Statutes.

(b) Reviewing the appraiser trainee appraisal reports and

(c) Personally inspecting each appraised property with the appraiser trainee until the trainee is competent in accordance with the Competency Rule of the Uniform Standards of Professional Appraisal Practice, as defined in Section 475.611(1)(o), Florida Statutes.

(3) A registered trainee appraiser is permitted to have more than one supervising appraiser.

(4) Any supervising appraiser, whether acting as primary or secondary supervisor, may not supervise more than 4 registered trainee appraisers at one time.

(5) When supervising any aspect of the appraisal process, a supervising appraiser shall train or supervise appraisers located in:

(a) The county where the supervising appraiser's office is registered with the Department and

(b) Any county contiguous to the county where the supervising appraiser's office is registered with the Department.

(6) An appraisal log shall be maintained by the registered trainee appraiser and shall, at a minimum, include the following for each appraisal:

(a) Type of property.

(b) Date of report.

- (c) Client name and address.
- (d) Address of appraised property.
- (e) Description of work performed.
- (f) Number of work hours.
- (g) Signature and state license/certification number of the supervising appraiser.

(7) Separate appraisal logs shall be maintained for each supervising appraiser.

Specific Authority 475.614 FS. Law Implemented 475.611, 475.6221, 475.6222 FS. History--New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
 Florida Real Estate Appraisal Board
 NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Florida Real Estate Appraisal Board
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 7, 2003
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 26, 2003

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Florida Real Estate Appraisal Board

RULE TITLE: Appraisal Examination Areas of Competency
 RULE NO.: 61J1-5.001
 PURPOSE AND EFFECT: The purpose of the proposed rule is to bring the rule into compliance with statutory changes.
 SUMMARY: The proposed rule change affects rule provisions relating to appraisal examination areas of competency.
 SUMMARY OF STATEMENT OF ESTIMATE OF REGULATORY COSTS: No Statement of Estimated Regulatory Costs was prepared.

Any person who wishes to provide information regarding the Statement of Estimated Regulatory Costs, or to provide a proposal for a lower cost regulatory alternative must do so in writing within 21 days of this Notice.

SPECIFIC AUTHORITY: 455.217, 475.614 FS.

LAW IMPLEMENTED: 455.617, 475.616 FS.

IF REQUESTED IN WRITING, 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: Ashley Dashnaw, Division of Real Estate, 400 West Robinson Street, Hurston Building, North Tower, Suite N801, Orlando, Florida 32801

THE FULL TEXT OF THE PROPOSED RULE IS:

61J1-5.001 Appraisal Examination Areas of Competency.

(1) To be licensed or certified as an appraiser, the applicant must demonstrate by passing an examination that is appropriate for the classification applied for, that he or she possesses:

(a) through (e) No change.

(2) The answers to the ~~license~~ and certification examinations shall be graded on the basis of 100 points for a perfect examination. An applicant who receives a grade of 75 points or higher shall be deemed to have successfully completed the examination.

(3) No change.

Specific Authority 455.217, 475.614 FS. Law Implemented 455.217, 475.616 FS. History--New 10-15-91, Formerly 21VV-5.001, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
 Florida Real Estate Appraisal Board
 NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Florida Real Estate Appraisal Board
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 7, 2003
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 26, 2003

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Florida Real Estate Appraisal Board

RULE TITLE: Experience Requirements
 RULE NO.: 61J1-6.001
 PURPOSE AND EFFECT: The purpose of the proposed rule is to bring the rule into compliance with statutory changes.
 SUMMARY: The proposed rule change affects rule provisions relating to experience requirements.
 SUMMARY OF STATEMENT OF ESTIMATE OF REGULATORY COSTS: No Statement of Estimated Regulatory Costs was prepared.

Any person who wishes to provide information regarding the Statement of Estimated Regulatory Costs, or to provide a proposal for a lower cost regulatory alternative must do so in writing within 21 days of this Notice.

SPECIFIC AUTHORITY: 475.614 FS.

LAW IMPLEMENTED: 475.17 FS.

IF REQUESTED IN WRITING, 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: Ashley Dashnaw, Division of Real Estate, 400 West Robinson Street, Hurston Building, North Tower, Suite N801, Orlando, Florida 32801

THE FULL TEXT OF THE PROPOSED RULE IS:

61J1-6.001 Experience Requirement.

(1) All applicants for ~~license~~ or certification must present evidence satisfactory to the ~~B~~board that the applicant has the experience required in Section s- 475.617, Florida Statutes, in real property appraisal activity. Acceptable appraisal experience includes fee and staff appraisals, ad

valorem tax appraisals, condemnation appraisals, technical review appraisals, appraisal analysis, real estate counseling, highest and best use analysis, and feasibility analysis/study.

(2) Experience is described as follows:

~~1. For the licensed appraiser — two (2) years of experience which shall consist of two thousand (2000) hours of real property appraisal experience.~~

1.2. For the certified residential appraiser – two thousand five hundred (2500) hours of real property appraisal experience obtained over a 24-month period.

2.3. For the certified general appraiser – three thousand (3000) hours of real property appraisal experience obtained over a 30-month period.

(b) through (c) No change.

(3) No change.

(4) Each applicant shall verify the required his experience by certifying in such a manner as provided by the Department on form 501.3 the experience as required below. Any proportional combination of required reports or hours, as required below, will be acceptable as long as the experience for the certified general appraiser is at least 50% nonresidential appraisal work as stated in paragraph (3) above. ~~Form 501.3, Appraisal Experience Log, effective July 1991, is incorporated herein by reference, which may be obtained through the department at 400 West Robinson Street, Orlando, Florida 32801.~~

(5) Experience as defined in paragraph (2) above shall be accounted for on an appraisal experience log, which shall include the following minimum information: type of property, date of report, client name and address, address of appraised property, description of work performed, number of work hours, and signature and license number of supervising appraiser (if applicable). The log and supporting documents shall be retained for a minimum of 5 years after licensure or certification. All work submitted for experience shall comply with the Uniform Standards of Professional Appraisal Practice, as defined in Section 475.611(1)(o), Florida Statutes. form 501.4, Appraisal Experience Log, effective July, 1991, incorporated herein by reference, which may be obtained through the department at 400 West Robinson Street, Orlando, Florida 32801. Types of acceptable experience are as follows:

(a) Fee and staff appraisers:

~~1. Licensed residential: Experience shall consist of a minimum of 120 supportable and documented appraisal reports presented in a format generally acceptable to the appraisal industry.~~

1.2. Certified residential: Experience shall consist of a minimum of 150 supportable and documented appraisal reports presented in a format generally acceptable to the appraisal industry.

2.3. Certified general: Experience shall consist of a minimum of 23 Summary or Self-Contained Appraisal Reports in a narrative format which comply with the Uniform

Standards of Professional Appraisal Practice; or 12 nonresidential Summary or Self-Contained Appraisal Reports in a narrative format which comply with the Uniform Standards of Professional Appraisal Practice as defined in Section 475.611(1)(o)(m), Florida Statutes, and 135 non-narrative supportable and documented appraisal reports presented in a format generally acceptable to the appraisal industry.

(b) Ad valorem tax appraisals:

1. through 2.c. No change.

All other components of the mass appraisal process are not eligible for experience credit.

3. Mass appraisals must be as set forth in Standard Rule 6 of the Uniform Standards of Professional Appraisal Practice as defined in Section s: 475.611(1)(o)(m), Florida Statutes.

4. No change.

5. Experience will be verified by affidavit from the county property appraiser for whom the applicant works. In the case of the county property appraiser making application for ~~licensure~~ or certification, an affidavit as to experience from the applicant will suffice.

(c) Review Appraiser:

~~1. Licensed residential: Experience shall consist of a minimum of 240 appraisal review reports.~~

1.2. Certified residential: Experience shall consist of a minimum of 300 appraisal review reports.

2.3. Certified general: Experience shall consist of a minimum of 150 appraisal review reports of narrative appraisal reports. At least 50% (1500 hours) of the experience must be in nonresidential appraisal work as defined in paragraph (3) above.

3.a. Review appraisal experience shall be granted only when he applicant has performed review(s) of appraisals prepared either by employees, associates, or others, provided the appraisal report was not signed by the review appraiser.

b. Review appraisal experience may be claimed only when reviews are as set forth in Standard Rule 3 of the Uniform Standards of Professional Appraisal Practice as defined in Section s: 475.611(1)(o)(m), Florida Statutes.

(d) No change.

1. No change.

2. Experience may be claimed only when performed as set forth in Standard Rules 4 and 5 of the Uniform Standards of Professional Appraisal Practice as defined in Section s: 475.611(1)(o)(m), Florida Statutes, as applicable.

(e) Feasibility analysis/study:

1. No change.

2. Experience may be claimed only when the analysis/study is prepared as set forth in Standard Rules 1 and 2 of the Uniform Standards of Professional Appraisal Practice as defined in Section s: 475.611(1)(o)(m), Florida Statutes, and

the applicant can demonstrate that he is using similar techniques as appraisers to value properties and effectively utilize the appraisal process.

(6) The Board may require an applicant to document experience by producing appraisal reports, file memoranda, or other documentation to support the experience claimed.

(7) An applicant for ~~license or~~ certification who is employed by state or local government in Florida or by the federal government may have the experience requirement verified by an official statement when the applicant, due to statutory restrictions on the release of appraisal related work product, is unable to verify experience in such a manner as provided by the Department on forms 501.3 and 501.4. The experience for such an applicant must be verified by an official statement from a licensed or certified real estate appraiser who is in an appraisal supervisory capacity to the applicant. The filing of an official statement is enforceable pursuant to Section 8-837.06, Florida Statutes.

Specific Authority 475.614 FS. Law Implemented 475.617 FS. History—New 10-15-91, Formerly 21VV-6.001, Amended 9-22-93, 9-6-94, 2-19-98, 9-6-98, 12-12-99, 10-1-00,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Florida Real Estate Appraisal Board

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Florida Real Estate Appraisal Board

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

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Florida Real Estate Appraisal Board

RULE TITLE: Display and Disclosure of Registration, License or Certification Designation

RULE NO.: 61J1-7.001

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

SUMMARY: The proposed rule change affects rule provisions relating to the display and disclosure of registration, license, or certification designation.

SUMMARY OF STATEMENT OF ESTIMATE OF REGULATORY COSTS: No Statement of Estimated Regulatory Costs was prepared.

Any person who wishes to provide information regarding the Statement of Estimated Regulatory Costs, or to provide a proposal for a lower cost regulatory alternative must do so in writing within 21 days of this Notice.

SPECIFIC AUTHORITY: 475.614 FS.

LAW IMPLEMENTED: 475.622 FS.

IF REQUESTED IN WRITING, 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: Ashley Dashnaw, Division of Real Estate, 400 West Robinson Street, Hurston Building, North Tower, Suite N801, Orlando, Florida 32801

THE FULL TEXT OF THE PROPOSED RULE IS:

61J1-7.001 Display and Disclosure of Registration, License or Certification Designation.

(1) through (2) No change.

(a) “State-registered ~~trainee assistant~~ real estate appraiser”, “registered ~~trainee assistant~~”, “trainee”

(b) through (d) No change.

(3) No change.

Specific Authority 475.614 FS. Law Implemented 475.622 FS. History—New 10-15-91, Formerly 21VV-7.001, Amended 10-29-98,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Florida Real Estate Appraisal Board

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Florida Real Estate Appraisal Board

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

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Florida Real Estate Appraisal Board

RULE TITLE: Office

RULE NO.: 61J1-7.004

PURPOSE AND EFFECT: The purpose of the proposed rule is to bring the rule into compliance with current Departmental procedures.

SUMMARY: The proposed rule change affects rule provisions relating to the office.

SUMMARY OF STATEMENT OF ESTIMATE OF REGULATORY COSTS: No Statement of Estimated Regulatory Costs was prepared.

Any person who wishes to provide information regarding the Statement of Estimated Regulatory Costs, or to provide a proposal for a lower cost regulatory alternative must do so in writing within 21 days of this Notice.

SPECIFIC AUTHORITY: 475.614 FS.

LAW IMPLEMENTED: 475.623 FS.

IF REQUESTED IN WRITING, 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: Ashley Dashnaw, Division of Real Estate, 400 West Robinson Street, Hurston Building, North Tower, Suite N801, Orlando, Florida 32801

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

THE FULL TEXT OF THE PROPOSED RULE IS:

THE FULL TEXT OF THE PROPOSED RULE IS:

61J1-7.004 Office.

(1) No change.

(2) Each such appraiser must notify the ~~D~~epartment of any change of address within 10 days of the change of address ~~in such a manner as determined by the Department on form 501.5, Request For Appraiser Status Change, effective July, 1991, and incorporated herein by reference, which may be obtained through the department at 400 West Robinson Street, Orlando, Florida 32801.~~

61J1-7.005 Temporary Practice.

(1) Pursuant to the provisions of Section 475.630, Florida Statutes, the ~~B~~oard shall recognize, on a temporary basis, the license or certification of an appraiser issued by another state, if:

(a) The property to be appraised is part of a federally related transaction, as that term is defined in Section 475.611(1)(~~k~~)(~~j~~), Florida Statutes.

(b) No change.

(c) The appraiser registers with the ~~B~~oard. Registration shall be ~~in such a manner as determined by the Department on form 501.6, Application For Non-Resident Temporary Practice Permit, effective August, 1991, and incorporated by reference, which may be obtained through the department at 400 West Robinson Street, Orlando, Florida 32801.~~

(d) No change.

(2) In order to register with the ~~B~~oard, the appraiser must:

(a) through (d) No change.

(3) The ~~D~~epartment shall issue a numbered temporary permit and the number shall be used in the appraisal report performed under the permit.

Specific Authority 475.614 FS. Law Implemented 475.623 FS. History--New 10-15-91, Formerly 21VV-7.004, Amended _____.

Specific Authority 475.614 FS. Law Implemented 475.630 FS. History--New 10-15-91, Formerly 21VV-7.005, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Florida Real Estate Appraisal Board
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Florida Real Estate Appraisal Board
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 4, 2003
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: July 25, 2003

NAME OF PERSON ORIGINATING PROPOSED RULE: Florida Real Estate Appraisal Board
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Florida Real Estate Appraisal Board
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 4, 2003
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: July 25, 2003

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Florida Real Estate Appraisal Board

RULE TITLE: Temporary Practice
RULE NO.: 61J1-7.005
PURPOSE AND EFFECT: The purpose of the proposed rule is to bring the rule into compliance with current Departmental procedures.
SUMMARY: The proposed rule change affects rule provisions relating to the temporary practice.
SUMMARY OF STATEMENT OF ESTIMATE OF REGULATORY COSTS: No Statement of Estimated Regulatory Costs was prepared.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Florida Real Estate Commission

RULE TITLE: Examination Areas of Competency
RULE NO.: 61J2-2.029
PURPOSE AND EFFECT: The purpose of the proposed rule is to bring the rule into compliance with statutory changes.
SUMMARY: The proposed rule change affects licensure designation.
SUMMARY OF STATEMENT OF ESTIMATE OF REGULATORY COSTS: No Statement of Estimated Regulatory Costs was prepared.

Any person who wishes to provide information regarding the Statement of Estimated Regulatory Costs, or to provide a proposal for a lower cost regulatory alternative must do so in writing within 21 days of this Notice.
SPECIFIC AUTHORITY: 475.614 FS.
LAW IMPLEMENTED: 475.630 FS.
IF REQUESTED IN WRITING, WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE FAW.

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: 475.05 FS.

LAW IMPLEMENTED: 475.04, 475.17, 475.182, 475.183, 475.451 FS.

A HEARING WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW (IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, AN ADDITIONAL HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE FAW):

TIME AND DATE: 8:30 a.m. or as soon thereafter as possible, November 18, 2003

PLACE: Division of Real Estate, Commission Meeting Room 901, North Tower, 400 West Robinson Street, Orlando, Florida 32801

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

THE FULL TEXT OF THE PROPOSED RULE IS:

61J2-2.029 Examination Areas of Competency.

(1) The answers to the Broker, Sales Associate Salesperson, and Instructor examination shall be graded on the basis of 100 points for a perfect examination. An applicant who receives a grade of 75 points or higher shall be deemed to have successfully completed the licensure examination. The sales associate salesperson examination shall be based upon a knowledge, understanding and application of real estate principles and practices, real estate law and real estate mathematics as contained in the Commission prescribed prerequisite education course syllabus for licensure as a real estate sales associate salesperson. To the extent these subject areas can reasonably be separated, 45 points shall be based on law, 45 points on principles and practices and 10 points on real estate mathematics. The broker and instructor examinations shall be based upon a knowledge, understanding and application of real estate law, real estate principles and practices including appraising, finance, investment and brokerage management and real estate mathematics. To the extent these subject areas can reasonably be separated, 45 points shall be based on law, 40 points on principles and practices and 15 points on real estate mathematics.

(2) A successful applicant may lawfully practice the services of real estate provided employment information is on file with the DBPR.

Specific Authority 475.05 FS. Law Implemented 455.217(1)(b) FS. History—New 1-1-80, Amended 4-13-81, Formerly 21V-2.29, Amended 6-28-93, Formerly 21V-2.029, Amended 1-18-00, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Florida Real Estate Commission

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Florida Real Estate Commission

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 17, 2003

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 5, 2003

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Florida Real Estate Commission

RULE TITLE: Informal Hearings

RULE NO.: 61J2-2.032

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

SUMMARY: The proposed rule change affects rule provisions relating to licensure designation.

SUMMARY OF STATEMENT OF ESTIMATE OF REGULATORY COSTS: No Statement of Estimated Regulatory Costs was prepared.

Any person who wishes to provide information regarding the Statement of Estimated Regulatory Costs, or to provide a proposal for a lower cost regulatory alternative must do so in writing within 21 days of this Notice.

SPECIFIC AUTHORITY: 475.05 FS.

LAW IMPLEMENTED: 475.17, 475.25 FS.

A HEARING WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW (IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, AN ADDITIONAL HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE FAW):

TIME AND DATE: 8:30 a.m. or as soon thereafter as possible, November 18, 2003

PLACE: Division of Real Estate, Commission Meeting Room 901, North Tower, 400 West Robinson Street, Orlando, Florida 32801

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

THE FULL TEXT OF THE PROPOSED RULE IS:

61J2-2.032 Informal Hearings.

When an applicant for licensure as a real estate sales associate salesperson or broker requests a s. 120.57(2), F.S., informal hearing before the Commission, in addition to other requirements of law, before the applicant shall be considered for approval to sit for the real estate examination, the applicant must submit at least 3 letters of reference from persons who know of the applicant's honesty, truthfulness, trustworthiness,

good character and good reputation for fair dealing as required in s. 475.17(1)(a), F.S. At least 2 of the letters must be from individuals not related to the applicant.

Specific Authority 475.05 FS. Law Implemented 475.17, 475.25 FS. History--New 5-7-95, Amended _____

NAME OF PERSON ORIGINATING PROPOSED RULE:
 Florida Real Estate Commission
 NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Florida Real Estate Commission
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 17, 2003
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 5, 2003

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Florida Real Estate Commission

RULE TITLE: Continuing Education for School Instructors
 RULE NO.: 61J2-3.011

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

SUMMARY: The proposed rule change affects continuing education requirements for school instructors.

SUMMARY OF STATEMENT OF ESTIMATE OF REGULATORY COSTS: No Statement of Estimated Regulatory Costs was prepared.

Any person who wishes to provide information regarding the Statement of Estimated Regulatory Costs, or to provide a proposal for a lower cost regulatory alternative must do so in writing within 21 days of this Notice.

SPECIFIC AUTHORITY: 455.2123, 475.05 FS.

LAW IMPLEMENTED: 455.2123, 475.451(2)(c) FS.

A HEARING WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW (IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, AN ADDITIONAL HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE FAW):

TIME AND DATE: 8:30 a.m. or as soon thereafter as possible, November 18, 2003

PLACE: Division of Real Estate, Commission Meeting Room 901, North Tower, 400 West Robinson Street, Orlando, Florida 32801

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

THE FULL TEXT OF THE PROPOSED RULE IS:

61J2-3.011 Continuing Education for School Instructors.

(1) All persons holding "school instructor" permits shall recertify their competency during each permit period by satisfactorily completing 7 ~~a minimum of 15~~ classroom hours of instruction ~~in real estate subjects~~ and/or instructional techniques as prescribed and conducted by the Commission. A school instructor is not required to complete the 7 ~~15~~ hours of recertification education as a condition for initial permit renewal if the time between the effective date on the initial permit as an instructor and the beginning of the initial renewal permit is less than 12 months. Of the required 7 ~~15~~ classroom hours, up to 3 hours may be applied toward the continuing education core law requirement for licensure pursuant to Rule 61J2-3.009, Florida Administrative Code.

~~(2) The Commission prescribed 15 classroom hours of instruction shall consist of one 7-classroom hour seminar conducted by the Commission and a minimum of 8-classroom hours of Commission approved instruction in real estate subjects and/or instructional techniques. The 8-classroom hour course of instruction may be offered by accredited universities, colleges, and community colleges in this state, by real estate schools registered pursuant to s. 475.451, Florida Statutes, and sponsors approved by the Commission. Requests for approval to offer the 8-classroom hour instructor course shall be made to the Commission. This request shall include a detailed course description and the criteria for satisfactory course completion. A copy of the course and all course materials shall be submitted to the Commission for evaluation at least 60 days prior to use. The Commission will issue a status report to the course provider within 30 days after submission of the course. Approval or denial of the 8-classroom hour course will be based on the extent to which the course content focuses on issues relevant to real estate and/or instructional techniques. Approval must be granted before the course and examination, if required, may be offered. If course approval is denied, the institution or school may resubmit the course, with the mandated changes. It is the responsibility of the institution or school offering the Commission approved courses to keep the course materials current and accurate, and notify the Commission at least 60 days before implementing any significant changes to the course during its approval period.~~

~~(2)(3) Satisfactory completion of the 7-classroom hour seminar is demonstrated by attending all 7-classroom hours of instruction. Satisfactory completion of these courses will not entitle any person to renew a permit as a school instructor until such person has met all other requirements of law. Satisfactory completion of the remaining classroom hours of instruction is demonstrated by attending the Commission approved course in accordance with the standards established by the individual institution, school or Commission approved entity offering said course.~~

~~(4) The institution, school or approved sponsor offering the Commission approved 8 classroom hour course shall inform each student of the standards and requirements at the commencement of each course. Satisfactory completion of these courses will not entitle any person to renew a permit as a school instructor until such person has met all other requirements of law.~~

Specific Authority 455.2123, 475.05 FS. Law Implemented 455.2123, 475.451(2)(c) FS. History—New 7-28-80, Amended 8-24-80, 1-3-84, Formerly 21V-3.11, Amended 7-25-90, 7-20-93, 7-1-03, Formerly 21V-3.011, Amended 12-30-97, 1-18-00, 9-17-00,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Florida Real Estate Commission
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Florida Real Estate Commission
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 17, 2003
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 5, 2003

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Florida Real Estate Commission

RULE TITLE: Equivalency for Prelicensing Education
RULE NO.: 61J2-3.012

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

SUMMARY: The proposed rule change affects prelicensing education.

SUMMARY OF STATEMENT OF ESTIMATE OF REGULATORY COSTS: No Statement of Estimated Regulatory Costs was prepared.

Any person who wishes to provide information regarding the Statement of Estimated Regulatory Costs, or to provide a proposal for a lower cost regulatory alternative must do so in writing within 21 days of this Notice.

SPECIFIC AUTHORITY: 475.05 FS.

LAW IMPLEMENTED: 475.04, 475.17, 475.182, 475.183, 475.451 FS.

A HEARING WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW (IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, AN ADDITIONAL HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE FAW):

TIME AND DATE: 8:30 a.m. or as soon thereafter as possible, November 18, 2003

PLACE: Division of Real Estate, Commission Meeting Room 901, North Tower, 400 West Robinson Street, Orlando, Florida 32801

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

THE FULL TEXT OF THE PROPOSED RULE IS:

61J2-3.012 Equivalency for Prelicensing Education.

Any person who has attended an accredited college, university, community college, area technical center or a real estate school licensed in Florida pursuant to s. 475.451, Florida Statutes, and who, while attending said institutions or real estate school, satisfactorily completed ~~within the past 24 months~~ real estate courses covering substantially the same subject matter, classroom hours of attendance, and completion standards as prescribed by the Commission in Rule 61J2-3.008, F.A.C. Any person who has obtained a degree with a major in real estate which substantially covers the Commission prescribed course subject matter at such college or university shall also be deemed to have satisfactorily completed the course. Application for equivalency evaluation shall be accompanied by an official transcript from the college or university or by appropriate certificate issued by a real estate school registered in Florida pursuant to s. 475.451, Florida Statutes, showing the real estate subjects taken together with date completed and grade attained. The Commission may request supportive documentation to determine course equivalency.

Specific Authority 475.05 FS. Law Implemented 475.04, 475.17, 475.182, 475.183, 475.451 FS. History—New 1-1-80, Amended 9-16-84, Formerly 21V-3.12, Amended 6-28-93, Formerly 21V-3.012, Amended 12-30-97, 1-18-00,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Florida Real Estate Commission
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Florida Real Estate Commission
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 17, 2003
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 5, 2003

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Florida Real Estate Commission

RULE TITLE: Registration Requirements
RULE NO.: 61J2-4.007

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

SUMMARY: The proposed rule change affects registration requirements.

SUMMARY OF STATEMENT OF ESTIMATE OF REGULATORY COSTS: No Statement of Estimated Regulatory Costs was prepared.

Any person who wishes to provide information regarding the Statement of Estimated Regulatory Costs, or to provide a proposal for a lower cost regulatory alternative must do so in writing within 21 days of this Notice.

SPECIFIC AUTHORITY: 475.05 FS.

LAW IMPLEMENTED: 475.04, 475.17, 475.182, 475.183, 475.451 FS.

A HEARING WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW (IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, AN ADDITIONAL HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE FAW):

TIME AND DATE: 8:30 a.m. or as soon thereafter as possible, November 18, 2003

PLACE: Division of Real Estate, Commission Meeting Room 901, North Tower, 400 West Robinson Street, Orlando, Florida 32801

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

THE FULL TEXT OF THE PROPOSED RULE IS:

61J2-4.007 Registration Requirements.

Every partnership shall be registered and at least one of its partners licensed or registered as an active broker. Each partner who expects to deal with the public in the partnership's practice or business as a broker shall hold a valid and current active broker's license or registration. ~~If the partnership is a limited partnership, only the general partners must be licensed as active brokers or registered as brokerage corporations.~~

Specific Authority 475.05 FS. Law Implemented 475.01, 475.15 FS. History--New 1-1-80, Formerly 21V-4.07, Amended 10-13-88, 6-28-93, Formerly 21V-4.007, Amended 3-8-95,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Florida Real Estate Commission

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Florida Real Estate Commission

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 17, 2003

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 5, 2003

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Florida Real Estate Commission

RULE TITLE: Successor Partnerships RULE NO.: 61J2-4.010

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

SUMMARY: The proposed rule change affects rule provisions relating to licensure designation.

SUMMARY OF STATEMENT OF ESTIMATE OF REGULATORY COSTS: No Statement of Estimated Regulatory Costs was prepared.

Any person who wishes to provide information regarding the Statement of Estimated Regulatory Costs, or to provide a proposal for a lower cost regulatory alternative must do so in writing within 21 days of this Notice.

SPECIFIC AUTHORITY: 475.05 FS.

LAW IMPLEMENTED: 475.15, 475.01 FS.

A HEARING WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW (IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, AN ADDITIONAL HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE FAW):

TIME AND DATE: 8:30 a.m. or as soon thereafter as possible, November 18, 2003

PLACE: Division of Real Estate, Commission Meeting Room 901, North Tower, 400 West Robinson Street, Orlando, Florida 32801

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

THE FULL TEXT OF THE PROPOSED RULE IS:

61J2-4.010 Successor Partnerships.

Ordinarily when a partner dies or withdraws, or a new partner is added, that partnership is dissolved and a new one is created. For Commission purposes, if the business is continued by two or more persons, one of whom is an active broker with the partnership, the partnership will be deemed to be continued. In this latter case, it is ~~shall be~~ only necessary to cancel, issue, or reissue registration and licenses, perfecting the changes in organization, including change of name of the partnership, if any, and including a reissue of licenses to each sales associate salesperson if there is a change of name or address. If there is ~~shall be a~~ dispute between two former partners, or groups thereof, as to the right to use a trade name or firm name, no registration or licenses shall be issued to either until the dispute is ~~shall be~~ settled by agreement or judicially and the registration and licenses of all, as well as the sales associate(s) salesperson(s), shall be involuntary inactive cancelled until the dispute is so settled, or a request shall be filed for the issuance of registration and licenses under another name.

Specific Authority 475.05 FS. Law Implemented 475.15, 475.01 FS. History--New 1-1-80, Formerly 21V-4.10, Amended 7-20-93, Formerly 21V-4.010, Amended_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Florida Real Estate Commission

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Florida Real Estate Commission

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 17, 2003

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 5, 2003

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Florida Real Estate Commission

RULE TITLE: Vacancies of Office
 RULE NO.: 61J2-5.018

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

SUMMARY: The proposed rule change affects rule provisions relating to licensure designation.

SUMMARY OF STATEMENT OF ESTIMATE OF REGULATORY COSTS: No Statement of Estimated Regulatory Costs was prepared.

Any person who wishes to provide information regarding the Statement of Estimated Regulatory Costs, or to provide a proposal for a lower cost regulatory alternative must do so in writing within 21 days of this Notice.

SPECIFIC AUTHORITY: 475.05 FS.

LAW IMPLEMENTED: 475.15, 475.42, 475.01(3) FS.

A HEARING WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW (IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, AN ADDITIONAL HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE FAW):

TIME AND DATE: 8:30 a.m. or as soon thereafter as possible, November 18, 2003

PLACE: Division of Real Estate, Commission Meeting Room 901, North Tower, 400 West Robinson Street, Orlando, Florida 32801

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

THE FULL TEXT OF THE PROPOSED RULE IS:

61J2-5.018 Vacancies of Office.

(1) No change.

(2) Failure to appoint another active broker within 14 calendar days will result in the automatic cancellation of the corporate registration, and the licenses of all its officer(s), director(s) and sales associate(s) ~~salesperson(s)~~ will become involuntarily inactive.

(3) If a corporation has more than one active broker and one such broker dies, resigns, or is otherwise removed from the position as an active broker, neither the corporate registration nor licenses of any of its officer(s), director(s) or sales associate(s) ~~salesperson(s)~~ is affected by this vacancy.

(4) No change.

Specific Authority 475.05 FS. Law Implemented 475.15, 475.42, 475.01(3) FS. History—New 1-1-80, Formerly 21V-5.18, Amended 6-28-93, Formerly 21V-5.018, Amended

NAME OF PERSON ORIGINATING PROPOSED RULE:
 Florida Real Estate Commission

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Florida Real Estate Commission

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 17, 2003

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 5, 2003

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Florida Real Estate Commission

RULE TITLE: Responsibility for Registration Status
 RULE NO.: 61J2-5.019

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

SUMMARY: The proposed rule change affects rule provisions relating to licensure designation.

SUMMARY OF STATEMENT OF ESTIMATE OF REGULATORY COSTS: No Statement of Estimated Regulatory Costs was prepared.

Any person who wishes to provide information regarding the Statement of Estimated Regulatory Costs, or to provide a proposal for a lower cost regulatory alternative must do so in writing within 21 days of this Notice.

SPECIFIC AUTHORITY: 475.05 FS.

LAW IMPLEMENTED: 475.15, 475.42, 475.01 FS.

A HEARING WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW (IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, AN ADDITIONAL HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE FAW):

TIME AND DATE: 8:30 a.m. or as soon thereafter as possible, November 18, 2003

PLACE: Division of Real Estate, Commission Meeting Room 901, North Tower, 400 West Robinson Street, Orlando, Florida 32801

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

THE FULL TEXT OF THE PROPOSED RULE IS:

61J2-5.019 Responsibility for Registration Status.

(1) It shall be the duty of every active corporate officer and director to see that the corporation and each of its officers, directors and sales associates ~~salespersons~~ are holders of current registration and licenses. It shall be the duty of every active broker partner of a partnership to see that each partner of a partnership required to hold registration and license does in fact hold registration and license.

(2) No corporate registration or license of any of its officers, directors, and sales associates ~~salespersons~~ shall be valid unless and until such corporation has an active broker other than as provided in Rule 61J2-5.018, F.A.C.

(3) No change.

Specific Authority 475.05 FS. Law Implemented 475.15, 475.42, 475.01 FS. History—New 1-1-80, Formerly 21V-5.19, Amended 6-28-93, Formerly 21V-5.019, Amended.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Florida Real Estate Commission

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Florida Real Estate Commission

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 17, 2003

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 5, 2003

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Florida Real Estate Commission

RULE TITLE: Execution of Papers by Corporation

RULE NO.: 61J2-5.020

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

SUMMARY: The proposed rule change affects rule provisions relating to licensure designation.

SUMMARY OF STATEMENT OF ESTIMATE OF REGULATORY COSTS: No Statement of Estimated Regulatory Costs was prepared.

Any person who wishes to provide information regarding the Statement of Estimated Regulatory Costs, or to provide a proposal for a lower cost regulatory alternative must do so in writing within 21 days of this Notice.

SPECIFIC AUTHORITY: 475.05 FS.

LAW IMPLEMENTED: 475.01, 475.15 FS.

A HEARING WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW (IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, AN ADDITIONAL HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE FAW):

TIME AND DATE: 8:30 a.m., or as soon thereafter as possible, November 18, 2003

PLACE: Division of Real Estate, Commission Meeting Room 901, North Tower, 400 West Robinson Street, Orlando, Florida 32801

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

THE FULL TEXT OF THE PROPOSED RULE IS:

61J2-5.020 Execution of Papers by Corporation.

All applications, requests, changes of address and employment for sales associates ~~salespersons~~, or other papers and documents required of corporations, shall be signed in the name of the corporation, by an active broker officer or director. Whenever multiple licenses are requested by a broker and one or more of the licenses are under partnerships or corporations, a statement of disclosure shall be signed by a partner of the partnership, or officer of the corporation, other than the applicant for the license. If more than one person connected with a partnership or corporation requests multiple licenses in other capacities, the statement of disclosure may not be signed by one for the other, but by a majority of the remaining directors or partners.

Specific Authority 475.05 FS. Law Implemented 475.01, 475.15 FS. History—New 1-1-80, Formerly 21V-5.20, Amended 7-20-93, Formerly 21V-5.020, Amended.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Florida Real Estate Commission

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Florida Real Estate Commission

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 17, 2003

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 5, 2003

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Florida Real Estate Commission

RULE TITLE: Employment by More Than One Entity

RULE NO.: 61J2-6.006

PURPOSE AND EFFECT: The purpose of the proposed rule is to bring the rule into compliance with statutory changes and clarify the employment status of the licensee.

SUMMARY: The proposed rule change affects employment status of a sales associate or broker associate.

SUMMARY OF STATEMENT OF ESTIMATE OF REGULATORY COSTS: No Statement of Estimated Regulatory Costs was prepared.

Any person who wishes to provide information regarding the Statement of Estimated Regulatory Costs, or to provide a proposal for a lower cost regulatory alternative must do so in writing within 21 days of this Notice.

SPECIFIC AUTHORITY: 475.05 FS.

LAW IMPLEMENTED: 475.01(1)(d), 475.451 FS.

A HEARING WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW (IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, AN ADDITIONAL HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE FAW):

TIME AND DATE: 8:30 a.m. or as soon thereafter as possible, November 18, 2003

PLACE: Division of Real Estate, Commission Meeting Room 901, North Tower, 400 West Robinson Street, Orlando, Florida 32801

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

THE FULL TEXT OF THE PROPOSED RULE IS:

61J2-6.006 Employment by More Than One Entity.

(1) A ~~sales associate or broker associate salesperson or broker-salesperson~~ may only be employed as a real estate licensee by one broker or by one owner-developer. Owner-developers shall be defined as any of those unlicensed entities enumerated in s. 475.011(2), F.S.

(2) One owner-developer may produce proof that various properties are owned in the name of various entities, but all such entities are so connected, subsidiary, interlocking or affiliated, so that such ownership or control, for practical purposes, is substantially in the same individual or individuals, in which case a ~~sales associate or broker associate salesperson or broker-salesperson~~ may have a group license. Each entity shall execute the certificate attached to the request for a group license.

Specific Authority 475.05 FS. Law Implemented 475.01(1)(d) FS. History--New 1-1-80, Amended 9-17-81, Formerly 21V-6.06, Amended 6-28-93, Formerly 21V-6.006, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Florida Real Estate Commission

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Florida Real Estate Commission

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 17, 2003

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 5, 2003

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Florida Real Estate Commission

RULE TITLE: Office RULE NO.: 61J2-10.022

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

SUMMARY: The proposed rule change affects licensure designation.

SUMMARY OF STATEMENT OF ESTIMATE OF REGULATORY COSTS: No Statement of Estimated Regulatory Costs was prepared.

Any person who wishes to provide information regarding the Statement of Estimated Regulatory Costs, or to provide a proposal for a lower cost regulatory alternative must do so in writing within 21 days of this Notice.

SPECIFIC AUTHORITY: 475.05 FS.

LAW IMPLEMENTED: 455.217, 475.04, 475.125, 475.15, 475.182, 475.24, 475.451, 68.065(2) FS.

A HEARING WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW (IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, AN ADDITIONAL HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE FAW):

TIME AND DATE: 8:30 a.m. or as soon thereafter as possible, November 18, 2003

PLACE: Division of Real Estate, Commission Meeting Room 901, North Tower, 400 West Robinson Street, Orlando, Florida 32801

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

THE FULL TEXT OF THE PROPOSED RULE IS:

61J2-10.022 Office.

The required office, pursuant to Section 475.22(1), Florida Statutes, may be in a residential location, if not contrary to local zoning ordinances, provided the minimum office requirements are met and the required broker's sign is properly displayed, pursuant to Section 475.22(1), Florida Statutes, and Rule 61J2-10.024, Florida Administrative Code. Sales associates Salespersons must be registered from and work out of an office maintained and registered in the name of the employer.

Specific Authority 475.05 FS. Law Implemented 475.22 FS. History--New 1-1-80, Formerly 21V-10.22, Amended 7-20-93, Formerly 21V-10.022, Amended 12-30-97, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Florida Real Estate Commission

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Florida Real Estate Commission

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 17, 2003

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 5, 2003

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Florida Real Estate Commission

RULE TITLE: Advance Fee Accounting and Reporting Procedures RULE NO.: 61J2-10.029

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

SUMMARY: The proposed rule change affects rule provisions relating to licensure designation.

SUMMARY OF STATEMENT OF ESTIMATE OF REGULATORY COSTS: No Statement of Estimated Regulatory Costs was prepared.

Any person who wishes to provide information regarding the Statement of Estimated Regulatory Costs, or to provide a proposal for a lower cost regulatory alternative must do so in writing within 21 days of this Notice.

SPECIFIC AUTHORITY: 475.05 FS.

LAW IMPLEMENTED: 475.452(1),(2),(3) FS.

A HEARING WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW (IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, AN ADDITIONAL HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE FAW):

TIME AND DATE: 8:30 a.m. or as soon thereafter as possible, November 18, 2003

PLACE: Division of Real Estate, Commission Meeting Room 901, North Tower, 400 West Robinson Street, Orlando, Florida 32801

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

THE FULL TEXT OF THE PROPOSED RULE IS:

61J2-10.029 Advance Fee Accounting and Reporting Procedures.

(1) Any broker who claims, demands, charges, receives, collects or contracts for an advance fee in a listing to sell or lease real property or any interest therein for the purpose of promoting the sale or lease of real estate or for the referral of real estate brokers or ~~sales associates salespersons~~, or both, in advance of the transaction actually closing, shall deposit not less than 75 percent of the advance fee so collected into a special trust or escrow account entitled "advance fee trust account" or "advance fee escrow account" in a trust or escrow bank account maintained by said broker with a bank or other recognized depository located and doing business in Florida. The advance fee trust or escrow account shall not be commingled with any other funds, trust, escrow or otherwise, of the broker.

(2) The broker must maintain separate and distinct accounting records and files for the advance fee operations and periodically report all such activity to the DBPR including but not limited to, all fees collected, all funds expended or withdrawn from said escrow or trust account, and all monies or funds returned to the principal during the period of the report. For the purpose of this rule the broker may withdraw amounts from the advance fee trust or escrow account when expended for the benefit of the principal which benefit shall be for direct or special advertising the principal's interest only or as provided by statute. Expenses such as telephone calls, office

supplies, rental, automobiles, commissions, controlled publications, etc., are considered overhead of the broker and shall not be paid from the broker's advance fee trust or escrow account or other recognized depository. All unexpended funds shall be returned to the principal at the end of the contract period or as provided by law, whichever period is shorter unless a sale of the property is consummated, and in such event said advance fee funds shall be disbursed in accordance with the listing contract. The provisions of Section 475.452, Florida Statutes, may not be waived.

(3) The broker must reconcile the advance fee account(s) monthly and produce the accounting records upon demand to the DBPR with prior notice.

(4) No change.

(a) The report should be arranged in six columns showing the following for each deposit received:

Column 1 Date of Transaction

Column 2 Name, address, telephone of principal

Column 3 Registered name of sales associate salesperson and/or broker involved together with License Number

~~Column 4 Reason for deposit~~

Column 5 Amount of deposit

(b) Below this information, and on the same sheet, every expenditure made from the advance fee will be shown as follows:

Column 1 Date

Column 2 Reason for expenditure

Column 6 Amount of expenditure

(c) through (d) No change.

(5) through (7) No change.

Specific Authority 475.05 FS. Law Implemented 475.452(1),(2),(3) FS. History—New 1-1-80, Formerly 21V-10.29, Amended 10-28-90, 7-20-93, Formerly 21V-10.029, Amended 11-10-97, 1-18-00, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Florida Real Estate Commission

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Florida Real Estate Commission

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 17, 2003

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 5, 2003

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Florida Real Estate Commission

RULE TITLE: Real Estate Sales Associate RULE NO.: 61J2-14.009

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

SUMMARY: The proposed rule change affects rule provisions relating to licensure designation.

SUMMARY OF STATEMENT OF ESTIMATE OF REGULATORY COSTS: No Statement of Estimated Regulatory Costs was prepared.

Any person who wishes to provide information regarding the Statement of Estimated Regulatory Costs, or to provide a proposal for a lower cost regulatory alternative must do so in writing within 21 days of this Notice.

SPECIFIC AUTHORITY: 475.05 FS.

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

A HEARING WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW (IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, AN ADDITIONAL HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE FAW):

TIME AND DATE: 8:30 a.m., or as soon thereafter as possible, November 18, 2003

PLACE: Division of Real Estate, Commission Meeting Room 901, North Tower, 400 West Robinson Street, Orlando, Florida 32801

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

THE FULL TEXT OF THE PROPOSED RULE IS:

61J2-14.009 Real Estate ~~Salesperson~~ Sales Associate.

Every ~~salesperson~~ sales associate who receives any deposit, as defined in Rule 61J2-14.008, Florida Administrative Code, shall deliver the same to the broker or employer no later than the end of the next business day following receipt of the item to be deposited. Saturday, Sundays and legal holidays shall not be construed as business days. Receipt by a ~~salesperson~~ sales associate or any other representative of the brokerage firm constitutes receipt by the broker for purposes of 61J2-14.008(1)(d), Florida Administrative Code.

Specific Authority 475.05 FS. Law Implemented 475.25(1)(k) FS. History—New 1-1-80, Formerly 21V-14.09, Amended 7-20-93, Formerly 21V-14.009, Amended 7-5-95, 11-10-97,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Florida Real Estate Commission

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Florida Real Estate Commission

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 17, 2003

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 5, 2003

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Florida Real Estate Commission

RULE TITLE: Rights of Broker in Deposits

RULE NO.: 61J2-14.011

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

SUMMARY: The proposed rule change affects rule provisions relating to licensure designation, escrow accounts and deposits.

SUMMARY OF STATEMENT OF ESTIMATE OF REGULATORY COSTS: No Statement of Estimated Regulatory Costs was prepared.

Any person who wishes to provide information regarding the Statement of Estimated Regulatory Costs, or to provide a proposal for a lower cost regulatory alternative must do so in writing within 21 days of this Notice.

SPECIFIC AUTHORITY: 475.05 FS.

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

A HEARING WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW (IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, AN ADDITIONAL HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE FAW):

TIME AND DATE: 8:30 a.m. or as soon thereafter as possible, November 18, 2003

PLACE: Division of Real Estate, Commission Meeting Room 901, North Tower, 400 West Robinson Street, Orlando, Florida 32801

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

THE FULL TEXT OF THE PROPOSED RULE IS:

61J2-14.011 Rights of Broker in Deposits.

A broker who receives a deposit shall not have any right to or lien upon said deposit, except upon the written agreement or order of the depositor so long as the depositor or depositor's legal representative has sole control of said deposit, until the transaction involved has been closed, and no person has any claim except the party ultimately to receive the same, in which case the broker may deduct the agreed commission unless the amount or time of payment is disputed. In case of a dispute as to the amount of the commission, or the time of payment, the broker may retain only the amount of the claim in said account and in trust, until the dispute is settled by agreement, arbitration, mediation or court proceedings, as provided in s. 475.25(1)(d)1., Florida Statutes. A depositor has the right to demand return of a deposit until such time as another party has acquired some interest or equity, subject to the right to make an express agreement to compensate the broker for time and

expense incurred prior to a demand for the return of the deposit; and such right to demand return of the deposit shall again accrue upon a breach by the other party to the contract or agreement under which it is held, or the expiration of the time fixed or a reasonable time, for performance of the things necessary to establish the exclusive right of such other party to said deposit. A broker shall not deliver the deposit to the other party to the transaction until such transaction is closed, except as otherwise directed or agreed to specifically by the depositor. The interested parties involved, other than the broker, may by express agreement, alter the disposal of the deposit, but the burden shall be on the broker to establish good faith in the matter if such agreement is to the broker's advantage. The broker shall recognize and comply with the joint directions of said parties in such cases, except where the parties act in bad faith with intent to deprive the broker of a commission, in which case the broker shall proceed as provided in s. 475.25(1)(d)1., Florida Statutes.

Specific Authority 475.05 FS. Law Implemented 475.25(1)(d)1.,(k) FS. History—New 1-1-80, Formerly 21V-14.11, Amended 6-28-93, Formerly 21V-14.011, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Florida Real Estate Commission
NAME OF SUPERVISOR OR PERSON WHO APPROVED
THE PROPOSED RULE: Florida Real Estate Commission
DATE PROPOSED RULE APPROVED BY AGENCY
HEAD: September 17, 2003
DATE NOTICE OF PROPOSED RULE DEVELOPMENT
PUBLISHED IN FAW: September 5, 2003

**DEPARTMENT OF BUSINESS AND PROFESSIONAL
REGULATION**

Florida Real Estate Commission

RULE TITLE: Broker's Records
RULE NO.: 61J2-14.012

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

SUMMARY: The proposed rule change affects rule provisions relating to licensure designation, escrow accounts and deposits.
SUMMARY OF STATEMENT OF ESTIMATE OF REGULATORY COSTS: No Statement of Estimated Regulatory Costs was prepared.

Any person who wishes to provide information regarding the Statement of Estimated Regulatory Costs, or to provide a proposal for a lower cost regulatory alternative must do so in writing within 21 days of this Notice.

SPECIFIC AUTHORITY: 475.05 FS.

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

A HEARING WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW (IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, AN ADDITIONAL HEARING WILL BE SCHEDULED AND NOTICED IN THE FAW):

TIME AND DATE: 8:30 a.m., or as soon thereafter as possible, November 18, 2003

PLACE: Division of Real Estate, Commission Meeting Room 901, North Tower, 400 West Robinson Street, Orlando, Florida 32801

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

THE FULL TEXT OF THE PROPOSED RULE IS:

61J2-14.012 Broker's Records.

(1) A broker who receives a deposit as previously defined shall preserve and make available to the DBPR, or its authorized representative, all deposit slips and statements of account rendered by the depository in which said deposit is placed, together with all agreements between the parties to the transaction. In addition, the broker shall keep an accurate account of each deposit transaction and each separate bank account wherein such funds have been deposited. All such books and accounts shall be subject to inspection by the DBPR or its authorized representatives at all reasonable times during regular business hours.

(2) No change.

(3) Whenever the trust liability and the bank balances do not agree, the reconciliation shall contain a description or explanation for the difference(s) and any corrective action taken in reference to shortages or overages of funds in the account(s). Whenever a trust bank account record reflects a service charge or fee for a non-sufficient check being returned or whenever an account has a negative balance, the reconciliation shall disclose the cause(s) of the returned check or negative balance and the corrective action taken. Digital reconciliation statements that comply with these Rules and all applicable Florida Statutes are acceptable provided that the broker can produce a signed copy of the reconciliation immediately upon demand.

(4) Whenever the trust liability and the bank balances do not agree, the broker shall take immediate corrective action to reconcile the trust liability and bank balances.

Specific Authority 475.05 FS. Law Implemented 475.25(1)(d)1.,(k) FS. History—New 1-1-80, Formerly 21V-14.12, Amended 10-13-88, 7-19-89, 1-13-91, 6-28-93, Formerly 21V-14.012, Amended 11-10-97, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Florida Real Estate Commission
NAME OF SUPERVISOR OR PERSON WHO APPROVED
THE PROPOSED RULE: Florida Real Estate Commission
DATE PROPOSED RULE APPROVED BY AGENCY
HEAD: September 17, 2003
DATE NOTICE OF PROPOSED RULE DEVELOPMENT
PUBLISHED IN FAW: September 5, 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 Osteopathic Medicine

RULE TITLES: RULE NOS.:

Physician Assistant Licensure Renewal and Reactivation 64B15-6.0035

Physician Assistance Performance 64B15-6.010

Citation Authority 64B15-6.01051

PURPOSE AND EFFECT: The proposed rule amendments are intended to bring the physician assistant rules into conformity with the Board of Medicine physician assistant rules.

SUMMARY: The proposed rule amendments clarify reactivation requirements for inactive licensure; set forth the appropriate review of medical charts of physician assistants by supervising physicians; and clarify citation violations with regard to continuing medical education.

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

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

SPECIFIC AUTHORITY: 456.077, 459.005, 459.022(7)(f),(12) FS.

LAW IMPLEMENTED: 456.077, 459.015, 459.022(7)(f),(12) 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: Pamela King, Executive Director, Board of Osteopathic Medicine/MQA, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3256

THE FULL TEXT OF THE PROPOSED RULES IS:

64B15-6.0035 Physician Assistant Licensure Renewal and Reactivation.

(1) A Physician Assistant must renew his licensure on a biennial basis. Upon request by the Board or Department, the licensee must submit satisfactory documentation of compliance with the requirements set forth below.

(2) No change.

~~(3) Upon request by the Board or Department, the licensee must submit satisfactory documentation of compliance with the requirements set forth above.~~

~~(3)(4) Renewal of Licensure as a Prescribing Physician Assistant.~~ In addition to the requirements of paragraph (2) above, a prescribing physician assistant shall attest to having completed a minimum of 10 hours of continuing education in the specialty area(s) of the supervising physician(s), during the previous 2 years. These hours may be utilized to meet the general continuing education requirement.

(4) Reactivation of Inactive License. To reactivate an inactive license, the licensee must:

(a) Submit to the Department the original inactive license;

(b) Provide the Department with licensure verification from each state in which the licensee is licensed to practice as a physician assistant, or a statement that the licensee is licensed only in Florida;

(c) Provide to the Department a statement of medical activities from the date the licensee became inactive to the present; or, if the licensee has not practiced as a physician assistant for at least 2 of the 4 years preceding application for reactivation, the licensee must:

1. Successfully complete the 16 credit hour Graduate Clerkship offered by Nova Southeastern University (Physician Assistant Department) or an equivalent program approved by the Council; and

2. Practice under the direct supervision of a supervising physician approved by the Council for one (1) year;

3. In lieu of proof of completion of the Graduate Clerkship or the equivalent, the licensee may submit proof of recertification by NCCPA;

(d) Submit to the Department a statement of any criminal or disciplinary actions pending in any jurisdiction;

(e) Submit proof of completion of the continuing medical education requirements in compliance with Rule 64B15-6.0035(2)(c), (d), (e), (f) and (g) for each biennium in which the license was inactive;

(f) Pay the appropriate fees.

(5) Licensure Renewal or Reactivation Applications.

(a) Application for renewal as a licensed Physician Assistant and as a Prescribing Physician Assistant or for reactivation must be made upon forms supplied by the Council.

(b) Renewal or reactivation application forms submitted to the Council must be complete in every detail and must be typed or legibly printed in black ink.

(6) The renewal and reactivation fees are found in Rule 64B8-30.019 or 64B15-6.013, F.A.C.

(7) The failure of any license holder to either renew the license or elect inactive status before the license expires shall cause the license to become delinquent.

(a) The delinquent status licensee must affirmatively apply for active or inactive status during the licensure cycle in which the license becomes delinquent. The failure by the delinquent status licensee to cause the license to be renewed or made inactive before the expiration of the licensure cycle in which the license became delinquent shall render the license null and void without further action by the Board or the Department.

(b) The delinquent status licensee who applies for license renewal or inactive status shall:

1. File with the Department the completed application for either license renewal as required by Section 459.022, F.S., or inactive status as required by Section 456.036, F.S.;

2. Pay to the Board either the license renewal fee or the inactive status fee, the delinquency fee, and if applicable, the processing fee; and

3. If renewal is elected, demonstrate compliance with the continuing education requirements found in Rule 64B15-6.0035, F.A.C.

Specific Authority 456.013, 456.033(1), 459.005, 459.022 FS. Law Implemented 456.013, 456.031, 459.022(7)(b),(c) FS. History--New 10-28-87, Amended 4-21-88, 1-3-93, Formerly 21R-6.0035, Amended 11-4-93, 3-29-94, Formerly 61F9-6.0035, 59W-6.0035, Amended 6-7-98, 10-16-01, 3-10-02, _____

64B15-6.010 Physician Assistance Performance.

(1) through (2) No change.

(3) All tasks and procedures performed by the physician assistant must be documented in the appropriate medical record. During the initial six months of supervision of each physician assistant all documentation by the physician assistant in a medical chart must be reviewed, signed and dated by a supervising physician within seven days. Subsequent thereto, a supervising physician must review, sign and date all documentation by a physician assistant in medical charts within 30 days. The supervising physician must review, sign and date the physician assistant record within seven (7) days.

(4) No change.

Specific Authority 459.005, 459.022(4)(a),(13) FS. Law Implemented 459.022(2),(3),(4),(13) FS. History--New 10-28-87, Amended 4-18-89, 9-26-90, Formerly 21R-6.010, 61F9-6.010, Amended 3-13-96, Formerly 59W-6.010, Amended 10-13-98, 3-17-99, _____

64B15-6.01051 Citation Authority.

(1) through (2) No change.

(3) The following violations with accompanying penalty may be disposed of by citation with the specified penalty:

VIOLATIONS

(a) CME violations. (459.022(7)(b), 459.015(1)(g), (bb), 456.072(1)(e), (s), F.S.)

PENALTY

Within twelve months of the date the citation is issued, Respondent must submit certified documentation of completion of all CME requirements for the period for which the citation was issued; prior to renewing the license for the next biennium, Respondent must document compliance with the CME requirements for the relevant period; AND pay a \$250 fine

1. Failure to document required HIV/AIDS CME. (456.033, F.S.)

\$250 fine

2. Failure to document required domestic violence or end-of-life and palliative health care CME. (456.031, F.S.)

\$250 fine

3. Failure to document required prevention of medical errors CME

\$500 fine

4. Failure to document both the required HIV/AIDS and domestic violence, or end-of-life and palliative health care CME.

\$250 fine

5. Failure to document required prevention of medical errors CME (456.013(7), F.S.)

\$25 fine for each hour not documented

6. Documentation of some, but not all, 100 hours of required CME for license renewal.

\$2500 fine

(b) Obtaining license renewal by negligent fraud or misrepresentation (459.022(7)(f) and 459.015(1)(a), F.S.).

(c) through (f) No change.

(4) through (7) No change.

Specific Authority 456.077, 459.005, 459.022(7)(f),(12) FS. Law Implemented 456.077, 459.015, 459.022(7)(f),(12) FS. History--New 3-10-02, Amended _____

NAME OF PERSON ORIGINATING PROPOSED RULE: Council on Physician Assistants

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 6, 2003

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

DEPARTMENT OF HEALTH

Board of Pharmacy

RULE TITLES:	RULE NOS.:
Active License Renewal	64B16-26.1001
Inactive License Renewal	64B16-26.1011
Delinquent License Reinstatement	64B16-26.1021

PURPOSE AND EFFECT: The Board proposes new rules to update the requirements and the fees for licensure renewal.

SUMMARY: The proposed rules set forth the requirements and the fees for renewal of license from an active, an inactive or a delinquent status.

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, 465.012 FS.

LAW IMPLEMENTED: 456.036(3),(4),(7),(8), 456.065(3), 465.008, 465.012 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: Lucy Gee, Acting Executive Director, Board of Pharmacy/MQA, 4052 Bald Cypress Way, Bin #C04, Tallahassee, Florida 32399-3254

THE FULL TEXT OF THE PROPOSED RULES IS:

64B16-26.1001 Active License Renewal.

The biennial license renewal fee for an active pharmacist license shall be \$250.00, which includes an additional \$5.00 unlicensed activity fee pursuant to Section 456.065(3), F.S.

Specific Authority 465.005 FS. Law Implemented 465.008, 456.036(3), 456.065(3) FS. History-New _____.

64B16-26.1011 Inactive License Renewal.

(1) A licensee may elect at the time of license renewal to place the license on inactive status by submitting a written request with the board for inactive status and submitting the inactive status fee of \$250.00, which includes an additional unlicensed activity fee pursuant to Section 456.065(3), F.S.

(2) A licensee on inactive status may elect at the time of renewal to continue the license on inactive status by submitting a written request with the board for inactive status and submitting the inactive status fee of \$250.00, which includes an additional unlicensed activity fee pursuant to Section 456.065(3), F.S.

(3) A licensee on inactive status may elect at the time of renewal to change the inactive status license to active status, provided the licensee meets the continuing education requirements of Rule 64B16-26.103, F.A.C., for each biennium the license was on inactive status, submits the reactivation fee of \$70.00, and the current active renewal fee set forth in Rule 64B16-26.1001, F.A.C.

(4) A licensee on inactive status may elect to change the inactive status license to active status at any time other than at the beginning of a licensure renewal cycle, provided the licensee meets the continuing education requirements of Rule 64B16-26.103, F.A.C., for each biennium the license was on

inactive status, submits the reactivation fee of \$70.00, the current renewal fee set forth in Rule 64B16-26.1001, F.A.C., and a change of status fee of \$25.00.

Specific Authority 465.005, 465.012 FS. Law Implemented 465.012, 456.036(3),(4),(8), 456.065(3) FS. History-New _____.

64B16-26.1021 Delinquent License Reinstatement.

(1) An active or inactive license that is not renewed by midnight of the expiration date of the license shall automatically revert to delinquent status.

(2) A licensee may request that a delinquent license be reinstated to active or inactive status by submitting the delinquent fee of \$245.00 plus the current fee for an active status or inactive status license set forth in Rule 64B16-26.1001, F.A.C., or Rule 64B16-26.1011, F.A.C.

(3) A license in delinquent status that is not renewed prior to midnight of the expiration date of the current licensure cycle shall render the license null without any further action by the board or the Department.

Specific Authority 465.005, 465.012 FS. Law Implemented 465.012, 456.036(3),(4),(7) FS. History-New _____.

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: October 14, 2003

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: April 11, 2003

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

Economic Self-Sufficiency Program

RULE TITLE: Family-Related Medicaid Eligibility

RULE NO.:

Determination Process 65A-1.704

PURPOSE AND EFFECT: This proposed rule amendment updates the edition of form CF-ES 2700, Health Insurance Application for Pregnant Women, incorporated by reference in this rule.

SUMMARY: The revised form is changed to: clarify on the first page that only the pregnant woman must provide an SSN and an INS ID number; add information to the certification and authorization section on the first page to show that the applicant is agreeing that MomCare, the Healthy Start Coordinator, WIC, and DCF may contact the applicant about their participation in prenatal care and delivery programs; add citizenship status to the SSN on page 2 as information that must be provided and clarify that SSNs are not provided to the INS; revise the monthly income guidelines; and, add information about the WIC program below the monthly income guidelines.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: An estimate of the regulatory cost was not prepared for this rule.

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

SPECIFIC AUTHORITY: 409.919 FS.

LAW IMPLEMENTED: 409.902, 409.903, 409.904, 409.919 FS.

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

TIME AND DATE: 10:00 a.m., November 24, 2003

PLACE: Building 3, Room 100, 1317 Winewood Boulevard, Tallahassee, FL 32399-0700

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Nathan Lewis, Program Administrator, Economic Self-Sufficiency Services, Program Policy Bureau, 1317 Winewood Boulevard, Building 3, Room 450-A, Tallahassee, Florida 32399-0700, (850)414-5927

THE FULL TEXT OF THE PROPOSED RULE IS:

65A-1.704 Family-Related Medicaid Eligibility Determination Process.

(1) No change.

(2) Simplified Eligibility for Pregnant Women.

(a) The application form for a pregnant woman applying only for Medicaid and only for herself based on pregnancy is CF-ES Form 2700, Health Insurance Application for Pregnant Women, ~~July 2003~~ ~~June 2002~~ (incorporated by reference). This form and attached information/rights and responsibilities (pages 3 & 4) may be used as a mail-in application form or it may be provided directly to a local Children and Family Services office, health department or other Qualified Designated Provider (QDP). Copies of the mail-in application forms may be ~~offered made available~~ to pregnant women by mail or picked up by them in health departments and other QDP sites as well as selected doctors' offices designated by each district/regional Economic Self-Sufficiency Program Office.

(b) through (d) No change.

(3) through (5) No change.

Specific Authority 409.919 FS. Law Implemented 409.902, 409.903, 409.904, 409.919 FS. History—New 10-8-97, Amended 2-7-01, 10-22-01, 4-1-03, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Pat Bailey, Management Review Specialist

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Nathan Lewis, Program Administrator, Program Policy Bureau – Family-Related Medicaid Unit

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 17, 2003

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: May 23, 2003

DEPARTMENT OF FINANCIAL SERVICES

Board of Funeral and Cemetery Services

RULE TITLES: RULE NOS.:
Records 69K-6.005

Criteria for Burial; Disinterment; Reinterment 69K-6.007

PURPOSE AND EFFECT: The Board proposes to amend these rules to update or delete obsolete language in accordance with statutes.

SUMMARY: Rule 69K-5.006, F.A.C., relates to records that are made available to the Department for purposes of examination and inspection; and Rule 69K-6.007, F.A.C., sets forth requirements for burial, disinterment and reinterment, including authorizations, fees that can be charged, and requirements if documentation is not available.

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: 497.103 FS.

LAW IMPLEMENTED: 497.305(1)(b), 497.309, 497.313(1), 497.317, 497.515(7), 497.431 FS.

IF REQUESTED IN WRITING WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE FAW (IF NOT REQUESTED IN WRITING, A HEARING WILL NOT BE HELD):

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Diana Evans, Executive Director, Board of Funeral and Cemetery Services, 101 East Gaines Street, Tallahassee, FL 32399-0350

THE FULL TEXT OF THE PROPOSED RULES IS:

69K-6.005 Records.

The following records shall be made available to the Department for the purposes of examinations or inspections:

(1) through (2) No change.

(3) Advertising file as in Rule 69K-9.001, F.A.C.:

(4) through (13) No change.

~~(14) List of current preneed sales agents;~~

(15) through (17) renumbered (14) through (16) No change.

These records will be available for review at the licensed facility or an alternative site of the cemetery company if approved by the Board pursuant to Section 497.309(2), F.S. Certificate of Authority holders will send written notification to the Board Office if records are available for review at an alternative site.

Specific Authority 497.103 FS. Law Implemented 497.309, 497.431 FS. History—New 3-21-95, Amended 5-27-98, 4-16-00, Formerly 3F-6.005, Amended _____.

69K-6.007 Criteria for Burial; Disinterment; Reinterment.

(1) A cemetery shall not ~~be required to~~ perform a burial, interment, entombment, or inurnment, until it has received proper authorization. Such authorization shall consist of the following:

- (a) an original completed burial transit permit;
- (b) an authorization, ~~either orally or~~ in writing, on forms prescribed by the cemetery, according to either cemetery by laws or written operating procedures of the cemetery, from the individual(s) who own the burial rights for the burial space in which the burial is to take place; and
- (c) through (3) No change.

(4) A cemetery shall not be required to perform a disinterment until it has received proper authorization. Such authorization shall consist of the following:

(a) ~~All required permits. An original disinterment permit and burial transit permit, unless the reinterment is to be made in the same cemetery;~~

- (b) through (c) No change.
- (5) Unless the cemetery is provided with all of the documentation, the cemetery shall ~~need~~ not perform the disinterment unless and until it receives a court order instructing it to do so.

(6) through (7) No change.

Specific Authority 497.103 FS. Law Implemented 497.305(1)(b), 497.309(1), 497.313(1), 497.317, 497.515(7) FS. History—New 3-21-95, Amended 2-25-98, Formerly 3F-6.007, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Board of Funeral and Cemetery Services

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Funeral and Cemetery Services

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 12, 2002

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: December 27, 2002

Section III Notices of Changes, Corrections and Withdrawals

DEPARTMENT OF INSURANCE

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

NOTICE OF WITHDRAWAL

Notice is hereby given that the above rules as noticed in Vol. 29, No. 36, September 5, 2003, of the Florida Administrative Weekly, has been withdrawn.

DEPARTMENT OF COMMUNITY AFFAIRS

Florida Building Commission

RULE CHAPTER NO.:	RULE CHAPTER TITLE:
9B-70	Florida Building Commission – Building Code Training Program

RULE NO.:	RULE TITLE:
9B-70.001	Building Code Training Program

NOTICE OF ADDITIONAL RULE WORKSHOP

The Florida Building Commission hereby gives notice that an additional workshop on the above-referenced rule will be held on November 17, 2003, at 1:00 p.m. at the Rosen Plaza Hotel, 9700 International Drive, Orlando, Florida 32819-8114.

The purpose and effect of this rule development is to delete obsolete core courses from the rule and make provision for the core curriculum in the future accommodating courses created by or at the direction of staff to the Florida Building Commission and those offered from private sources and discussion of voluntary accreditation of advanced courses pertaining to the Florida Building Code. The rule will also incorporate voluntary accreditation of advanced continuing education courses regarding the Florida Building Code.

Any person requiring special accommodations at the workshop because of a disability of physical impairment should contact Ila Jones, Community Program Administrator, Department of Community Affairs, 2555 Shumard Oak Boulevard, Sadowski Building, Tallahassee, Florida 32399-2100, (850)487-1824, at least seven days prior to the date of the workshop using the Florida Dual Party Relay System which can be reached at 1(800)955-8770 (Voice) or 1(800)955-9771 (TDD).

THE PERSON TO BE CONTACTED REGARDING THE WORKSHOP IS: Ila Jones, Community Program Administrator, Department of Community Affairs, 2555 Shumard Oak Boulevard, Sadowski Building, Tallahassee, Florida 32399-2100, (850)487-1824

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 NO.: 33-209.104
 RULE TITLE: Training Requests and Assignments
THIRD 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. 33, (August 15, 2003) and Vol. 29, No. 43, (October 24, 2003) issue of the Florida Administrative Weekly:

33-209.104 Training Requests and Assignments.

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

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

(a) through (b) No change.

(c) The availability of funds and relief staff as well as the relevance and suitability of the training shall be considered at all stages of approval and processing of requests and assignments. ~~An employee whose training request has been disapproved based on lack of relevance or suitability may request a review by his or her supervisor, who is encouraged to seek input from the next level supervisor.~~

(d) through (3) No change.

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

DEPARTMENT OF CORRECTIONS

RULE NO.: 33-501.302
 RULE TITLE: Copying Services for Inmates
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. 39, (September 26, 2003), issue of the Florida Administrative Weekly:

33-501.302 Copying Services for Inmates.

(1) through (2) No change.

(3) Inmate requests for copying services shall be submitted on Form DC5-154, Copying Service Request and Withdrawal. Form DC5-154 and the documents to be copied shall be submitted to the Law Library Supervisor, or other staff the

warden designates to approve copying service requests, for approval. The law library supervisor or other approving staff may inspect an inmate's documents to ensure that the material to be copied is of a legal or administrative nature and is in accordance with the reason the inmate provided for needing the copies; however, the law library supervisor or other approving staff shall not read the documents. Form DC5-154 is hereby incorporated by reference. Copies of this form are available from the Forms Control Administrator, Office of the General Counsel, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500. The effective date of this form is _____.

(4) through (6) No change.

(7) The law library supervisor or other approving staff may require an inmate for whom copies are to be made to seal the copies, except for his file copy, in envelopes and mail them immediately. This requirement, if imposed, shall be explained to the inmate before copies are made. Before the envelopes are sealed and mailed, the librarian or mail collection representative shall stamp the document(s) to be mailed and the inmate's copy, if provided by the inmate, "Provided to (name of institution) on (blank to insert date) for mailing." The mail collection representative shall then have the inmate initial the document(s) next to the stamp.

Specific Authority 20.315, 944.09 FS. Law Implemented 20.315, 944.09 FS. History—New 10-6-83, Formerly 33-3.051, Amended 6-13-88, 8-20-89, 2-12-91, 4-10-94, 4-21-96, 6-29-98, Formerly 33-3.0051, Formerly 33-602.405, Amended _____.

DEPARTMENT OF CORRECTIONS

RULE NO.: 33-601.605
 RULE TITLE: Inmate Drivers
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. 39, (September 26, 2003), issue of the Florida Administrative Weekly:

33-601.605 Inmate Drivers.

(1) Definitions.

(a) Approving Authority, ~~where used herein,~~ refers to the Secretary of the Florida Department of Corrections or his or her designee, who will be the warden or assistant warden who has operational responsibility for a specific work release center.

(b) Commercial Motor Vehicle, ~~where used herein,~~ refers to any motor vehicle used on the streets and highways which has a gross vehicle weight rating (declared weight or actual weight) of 26,001 pounds or more, is designed to transport more than 15 persons including the driver, or is utilized to carry hazardous materials.

(c) DHSMV, ~~where used herein,~~ refers to the Department of Highway Safety and Motor Vehicles.

(d) Work Release Center (WRC), ~~where used herein,~~ refers to a facility where a community based transition program for approved community minimum custody inmates prior to release from custody is conducted.

(e) Paid Employment refers to the employment of a WRC inmate by an employer in the community for which the inmate receives a salary from the employer for work performed.

(2) License Requirements for Inmate Drivers in Paid Employment. Any inmate who operates a vehicle for paid employment purposes must have the required valid Florida Driver's License. No inmate will be authorized to operate a vehicle that qualifies as a commercial motor vehicle without a valid Florida Commercial Driver's License.

(3) Selection Criteria for ~~WRC~~ Paid Employment Inmate Drivers.

(a) through (e) No change.

(4) The work release center classification officer considering an inmate as a ~~work release center~~ paid employment driver shall review the inmate's driving history utilizing the Kirkman Data Center database. Questions or concerns regarding the Kirkman Data Center database are to be directed to the work release coordinator in the Bureau of Classification and Central Records for resolution.

(5) Prior to driving an employer's a department vehicle, a ~~WRC~~ paid employment inmate driver must be authorized in writing by the approving authority.

(6) Obtaining licenses for non-licensed paid employment inmate drivers.

(a) When an inmate who does not have a valid Florida Driver's License on file is assigned as a ~~WRC~~ paid employment inmate driver, the classification officer shall contact the nearest DHSMV Driver's License Office by telephone and arrange for the license examination.

(b) through (d) No change.

(7)(a) Issuance of ~~WRC~~ Paid Employment Inmate Driver's Licenses. The correctional officer working in the control room shall issue the license to the inmate upon departure to his or her employment site from the work release center, and shall ensure that the license is returned to the control room upon the inmate's return to the work release center. The correctional officer in control room shall document on the control room log every time a driver' license is given to and received from an inmate. For security reasons, the license will be stored in the control room when not in use.

(b) through (10) No change.

Specific Authority 944.09, 945.091 FS. Law Implemented 20.315, 322.03, 322.04, 322.15, 944.09, 945.091 FS. History—New 8-29-00, Amended 1-1-01,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Paula J. Hoisington

DEPARTMENT OF CORRECTIONS

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

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. 39, (September 26, 2003), issue of the Florida Administrative Weekly:

33-602.205 Inmate Telephone Use.

(1) through (13) No change.

(14) Telephone devices for the deaf.

(a) through (e) No change.

~~(f) The telephone device for the deaf will be utilized in an office in the classification department. Its use will be requested utilizing Form DC6-236, Inmate Request, and coordinated with the inmate's classification officer. Form DC6-236 is incorporated by reference in Rule 33-103.019, F.A.C.~~

(15) No change.

DEPARTMENT OF CORRECTIONS

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

NOTICE OF PUBLIC HEARING

Notice is hereby given that a public hearing on the above referenced proposed rule, as noticed in the Florida Administrative Weekly, Vol. 29, No. 39, September 26, 2003, will be held at 1:00 p.m. on Thursday, November 13, 2003, at the Department of Corrections Central Office, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500.

AGENCY FOR HEALTH CARE ADMINISTRATION

Medicaid

RULE NO.: 59G-6.080
RULE TITLE: Payment Methodology for Federally Qualified Health Center Services

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 the Florida Administrative Weekly, Vol. 29, No. 32, on August 8, 2003.

1. Section I.A

Correction to reference V.C (2) instead of V.A.(2).

2. Section IV.D

The term "cost per diem" has been replaced with "facility encounter rate."

3. Section V

Section V has been reorganized and reworded for clarity.

4. Section V.C. 2

Correction in the reference to the definition of an allowable encounter to Section XI from Section X.

5. Section XI., C. 4

Definition C. #4 – Mental Health encounter should include the word “recipient” in order to be consistent with the previous definitions found in Numbers 1 through 3.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Professional Engineers

RULE NO.: RULE TITLE:

61G15-20.002 Experience

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. 31, August 1, 2003, issue of the Florida Administrative Weekly. The Board voted to make the additional changes at its August 8, 2003 meeting.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Natalie Lowe, Executive Director, Board of Professional Engineers, 2507 Callaway Road, Suite 200, Tallahassee, Florida 32399-0750

61G15-20.002 Experience.

(1)(a) In order to meet the prerequisites for entry into the engineering examination, an applicant is required to have four years of acceptable experience in engineering at the time of application and four years of acceptable educational qualifications. In determining whether an applicant’s experience background is sufficient to meet the requirements set forth in subsections 471.013(1)(a)1. and 2., F.S., the Board has determined that an individual must have the requisite number of years of acceptable engineering experience gained through education and through the requisite amount of full-time employment in engineering. The type of employment which shall be acceptable must principally involve activities in the field of engineering as defined in subsection 471.005(4)(a), F.S., ~~and shall include at least one year of engineering design experience.~~ The Board may accept engineering experience in foreign countries if such experience is properly verified by the Board from evidence supplied by the applicant to be equivalent to that accepted as experience by the Board as to any state or territory.

(b) Because the evaluation of experience is a complex and subjective matter, the Board establishes the following guidelines which shall be generally applicable absent extraordinary evidence and documentation supporting a departure therefrom:

1. The acquisition of acceptable engineering experience should logically follow and constitute an application of the engineering education previously obtained.

2. Engineering experience obtained prior to the completion of the engineering degree is usually of a subprofessional nature. Such experience, if deemed acceptable and properly verified, may be awarded experience credit at 25% of the actual time. If the experience is obtained after the completion of a substantial number of engineering design courses, and involves matters of average or above average complexity, experience credit may be awarded at up to 50% of actual time. In any event, the total engineering experience credit allowable for pregraduation experience shall not exceed 12 months.

3. Experience credit is based on a 40 hour per week full-time basis. No additional credit is allowable for overtime work, or for part-time work experience obtained while pursuing engineering education on a full-time basis, or for the part-time pursuit of a masters or doctorate degree while obtaining full-time work experience.

4. Experience must be progressive on engineering projects to indicate that it is of increasing quality and requiring greater responsibility.

5. Experience must not be obtained in violation of the licensure act.

6. Experience gained in the armed services, to be creditable, must be of a character equivalent to that which would have been gained in the civilian sector doing similar work. Normally, it would be expected that the applicant while in the armed services served in an engineering or engineering-related group.

7. Experience should be gained under the supervision of a licensed professional engineer or, if not, an explanation should be made showing why the experience should be considered acceptable.

8. For sales experience to be creditable, it must be demonstrated that engineering principles were required and used in gaining the experience.

9. Teaching experience, to be creditable, must be in engineering or engineering-related courses at an advanced level in a college or university offering an engineering program of four years or more that is approved by the board.

10. Experience gained in engineering research and design projects by members of an engineering faculty where the program is approved by the board is creditable.

11. Experience may not be anticipated. The experience must have been gained by the time of the application.

12. Experience in construction, to be creditable, must demonstrate the application of engineering principles.

13. Experience should include demonstration of a knowledge of engineering mathematics, physical and applied science, properties of materials, and the fundamental principles of engineering design.

14. Experience should include demonstration of the application of engineering principles in the practical solution of engineering problems.

(8) Determination of Prize Winners.

A ticket having a number in the “YOUR NUMBERS” play area that matches either number in the “WINNING NUMBERS” play area shall entitle the claimant to the corresponding prize shown for that number. A ticket may have up to five sets of matching numbers. The prizes are: TICKET, \$1.00, \$2.00, \$5.00, \$10.00, \$20.00, \$100, and \$2,500. A claimant who is entitled to a prize of a “TICKET” shall be entitled to a prize of a \$1.00 ticket, except as follows. A person who submits by mail a MONEY CLIP lottery ticket which entitles the claimant to a prize of a \$1.00 ticket and whose mailing address is outside the state of Florida will receive a check for \$1.00 in lieu of an actual ticket.

(9) The estimated odds of winning, value, and number of prizes in Instant Game Number 503 are as follows:

GAME PLAY	WIM	ODDS OF 1 IN	NUMBER OF WINNERS IN 67 POOLS OF 180,000 TICKETS PER POOL
TICKET	\$1 TICKET	10.00	1,206,000
\$1	\$1	9.38	1,286,400
\$1 x 3	\$3	50.00	241,200
\$1 x 5	\$5	150.00	80,400
\$2 x 3	\$6	150.00	80,400
\$2 x 5	\$10	300.00	40,200
\$5 x 3	\$15	300.00	40,200
\$5 x 4	\$20	300.00	40,200
\$20	\$20	300.00	40,200
\$10 x 3	\$30	600.00	20,100
\$10 x 5	\$50	5,142.86	2,345
\$20 x 5	\$100	34,457.14	350
\$100 x 3	\$300	402,000.00	30
\$2,500	\$2,500	1,206,000.00	10

(10) The estimated overall odds of winning some prize in Instant Game Number 503 are 1 in 3.92. 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 503, the estimated odds of winning, value, and number of prizes shall be proportionate to the number of tickets reordered.

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

(13) Payment of prizes for MONEY CLIP 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 10-17-03.

THIS EMERGENCY RULE TAKES EFFECT IMMEDIATELY UPON BEING FILED WITH THE DEPARTMENT OF STATE.

EFFECTIVE DATE: October 17, 2003

DEPARTMENT OF THE LOTTERY

RULE TITLE: Instant Game Number 508, “HOLIDAY BINGO” RULE NO.: 53ER03-53

SUMMARY OF THE RULE: This emergency rule relates to the Instant Game Number 508, “HOLIDAY BINGO” for which the Department of the Lottery will start selling tickets on a date to be determined by the Secretary of the Department. The rule sets forth the specifics of the game; determination of prizewinners; and the estimated odds of winning, value, and number of prizes in the game.

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

THE FULL TEXT OF THE EMERGENCY RULE IS:

53ER03-53 Instant Game Number 508, “HOLIDAY BINGO”.

(1) Name of Game. Instant Game Number 508, HOLIDAY BINGO.

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

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

(4) The “CALLER’S CARD” play symbols are as follows:

B	B	B	B	B	B	B	B	B	B	B	B	B	B	B
01	02	03	04	05	06	07	08	09	10	11	12	13	14	15
I	I	I	I	I	I	I	I	I	I	I	I	I	I	I
16	17	18	19	20	21	22	23	24	25	26	27	28	29	30
N	N	N	N	N	N	N	N	N	N	N	N	N	N	N
31	32	33	34	35	36	37	38	39	40	41	42	43	44	45
G	G	G	G	G	G	G	G	G	G	G	G	G	G	G
46	47	48	49	50	51	52	53	54	55	56	57	58	59	60
O	O	O	O	O	O	O	O	O	O	O	O	O	O	O
61	62	63	64	65	66	67	68	69	70	71	72	73	74	75

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

01	02	03	04	05	06	07	08	09	10	11	12	13	14	15
16	17	18	19	20	21	22	23	24	25	26	27	28	29	30
31	32	33	34	35	36	37	38	39	40	41	42	43	44	45
46	47	48	49	50	51	52	53	54	55	56	57	58	59	60
61	62	63	64	65	66	67	68	69	70	71	72	73	74	75

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(6) Determination of Prize Winners.

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

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

1. Horizontal line of five numbers (or four numbers and one "FREE" space).
2. Vertical line of five numbers (or four numbers and one "FREE" space).
3. Diagonal line of four numbers and one "FREE" space.
4. Four corners (consisting of four numbers).
5. "X" (consisting of eight numbers and one "FREE" space).

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

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

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

(9) The estimated odds of winning, value, and number of prizes in Instant Game Number 508 are as follows:

GAME PLAY	WIN	ODDS OF 1 IN	NUMBER OF WINNERS IN 42 POOLS OF 120,000 TICKETS PER POOL
LINE - CARD 1	\$2 TICKET	11.54	436,800
LINE - CARD 2	\$3	7.89	638,400
LINES - CARD 1, 2	\$3 Cash + \$2 Ticket	150.00	33,600
LINE - CARD 3	\$10	18.75	268,800
LINES - CARD 1, 3	\$10 Cash + \$2 Ticket	150.00	33,600
4 CORNERS - CARD 1	\$25	300.00	16,800
LINE - CARD 4	\$25	300.00	16,800
LINES - CARD 1, 2, 4	\$28 Cash + \$2 Ticket	4,800.00	1,050
LINES - CARD 1, 2, 3, 4	\$38 Cash + \$2 Ticket	4,800.00	1,050
4 CORNERS - CARD 2	\$50	8,000.00	630
4 CORNERS - CARD 3	\$100	25,200.00	200
"X" - CARD 1	\$150	100,800.00	50
4 CORNERS - CARDS 1, 3 + LINE-CARD 4	\$150	100,800.00	50
4 CORNERS - CARD 2 + "X" - CARD 1	\$200	504,000.00	10
4 CORNERS - CARD 4	\$200	504,000.00	10
4 CORNERS - CARDS 1, 2, 3 + LINE-CARD 4	\$200	315,000.00	16
3 + LINE-CARD 4	\$200	504,000.00	10
"X" - CARD 2	\$250	1,260,000.00	4
"X" - CARD 3	\$500		
"X" - CARD 4	\$10,000		

(10) The estimated overall odds of winning some prize in Instant Game Number 508 are 1 in 3.48. 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 508, the estimated odds of winning, value, and number of prizes shall be proportionate to the number of tickets reordered.

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

(13) Payment of prizes for HOLIDAY BINGO lottery tickets shall be made in accordance with rules of the Florida Lottery governing procedures for awarding prizes. A copy of the current rule can be obtained from the Florida Lottery, Office of the General Counsel, 250 Marriott Drive, Tallahassee, Florida 32399-4011.

Specific Authority 24.105(9)(a),(b),(c), 24.109(1), 24.115(1) FS. Law Implemented 24.105(9)(a),(b),(c), 24.115(1) FS. History--New 10-17-03.

THIS EMERGENCY RULE TAKES EFFECT IMMEDIATELY UPON BEING FILED WITH THE DEPARTMENT OF STATE.

EFFECTIVE DATE: October 17, 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."

**Section V
Petitions and Dispositions Regarding Rule
Variance or Waiver**

DEPARTMENT OF COMMUNITY AFFAIRS

NOTICE IS HEREBY GIVEN that the Department has issued a Final Order in response to the Petition for Waiver filed by the CITY OF OAK HILL and assigned the number DCA03-WAI-211. Notice of this petition appeared in the August 8, 2003, edition of the Florida Administrative Weekly. It is ordered that the Department waive, and by this Final Order does waive, the requirement in subsection 9K-7.004(4), Fla. Admin. Code (2003), that a local government submit three (3) copies of its funding application in addition to the original.

A copy of the Final Order may be obtained from: Paula P. Ford, Agency Clerk, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100.

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

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

PUBLIC SERVICE COMMISSION

NOTICE IS HEREBY GIVEN that the Florida Public Service Commission has received a petition from St. Maarten at Silver Shells Condominium Association, Inc., filed October 8, 2003, in Docket No. 030974-EU, seeking an emergency variance or waiver from paragraph 25-6.049(5)(a), Florida Administrative Code. The rule provides that individual electric metering by the utility company shall be required for each separate occupancy unit of new condominiums for which construction commenced after January 1, 1981.

Comments on the petition should be filed with the Commission's Division of the Commission Clerk and Administrative Services, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, within 14 days after publication of this notice.

A copy of the petition can be obtained from the Division of the Commission Clerk and Administrative Services.

For additional information, please contact Katherine Fleming, Office of the General Counsel, at the above address or (850)413-6218.

WATER MANAGEMENT DISTRICTS

NOTICE IS HEREBY GIVEN that on October 16, 2003, South Florida Water Management District (District) received a petition for waiver from Broward County, Application No.03-0116-3, for utilization of Works or Lands of the District known as the C-9 Canal, Broward County, for the proposed construction of two (2) cross-fences located within the northeast and southeast rights of way adjacent to the Flamingo Road Bridge crossing C-9. The petition seeks relief from subsections 40E-6.011(4) and (6), Fla. Admin. Code, which governs the placement of permanent and/or semi-permanent above ground structures within 40' of the top of the canal bank and within the District's designated 100 foot long equipment staging areas located at all bridge and pile-supported utility crossings within Works or Lands of the District.

A copy of the petition may be obtained from: Jan Sluth, (561)682-6299 or e-mail: jsluth@sfwmd.gov.

The District will accept comments concerning the petition for 14 days from the date of publication of this notice. To be considered, comments must be received by the end of business

on the 14th day at the South Florida Water Management District, 3301 Gun Club Road, MSC 1410, West Palm Beach, FL 33406, Attn: Jan Sluth, Office of Counsel.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

The Bureau of Elevator Safety hereby gives notice that it has received a Petition for Variance filed by Patricia Serley of Otis Elevator Company on behalf of Aqua Vista Condominium. The Petition requests a variance from ASME 17.1, sections 2.1.1.1.2, 2.1.1.3, 2.7.6, 2.20.1 and 2.20.9. Petitioner specifically is requesting to install an Otis Gen2® elevator system in this project.

A copy of the Petitions 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.

NOTICE IS HEREBY GIVEN that the advertisement published in Vol. 29, No. 42, of the Florida Administrative Weekly is hereby amended to read as follows:

NOTICE IS HEREBY GIVEN that on September 25, 2003, Bureau of Elevator Safety received four Petitions for Variance from ASME A.17.1, Sections 100.3a and 101.6 and, ASME A17.2, Section 2.29.2, as adopted by Chapter 61C-5.001, Florida Administrative Code, from OTIS Elevator Company, requesting a variance to allow the installation of Gen2® elevator systems in the following locations: The Whitney Condominium, West Palm Beach (Petition VW 2003-098) and Harbor Lights, Destin, FL (Petition VW 2003-096).

A copy of the Petitions 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.

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

NOTICE IS HEREBY GIVEN that the Board of Hearing Aid Specialists issued a Final Order on December 10, 2002, in response to a Petition for a Variance filed by Patricia (Tricia) A. Baker. Petitioner sought a variance of subsection 64B6-2.002(1), F.A.C., which requires that the Applicant actively practice 12 months within the 18 months immediately preceding the application.

Petitioner established that strict application of the rule would create a substantial hardship or would violate principles of fairness and that the underlying purpose of the statute would be achieved by the granting of a variance to subsection 64B6-2.002(1), Florida Administrative Code. Therefore, pursuant to Section 120.542(2), F.S., the Board voted to GRANT Petitioner's request for a variance.

For a copy of the petition and final order contact: Sue Foster, Executive Director, Board of Hearing Aid Specialists, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3258.

NOTICE IS HEREBY GIVEN that the Board of Hearing Aid Specialists issued a Final Order on August 12, 2003 in response to a petition for an emergency waiver filed by Henry M. O'Malley, BC-HIS. Petitioner sought a waiver of paragraph 64B6-2.002(2)(b), F.A.C., with respect to direct client contact and the sales receipt requirements for out-of-state licensure candidates.

The Board found the Petitioner demonstrated that strict application of the rules would violate principles of fairness and would create a substantial hardship in her particular circumstance. Therefore, pursuant to the requirements of Section 120.542(2), F.S., the Board voted to GRANT Petitioner's request for a waiver.

For a copy of the petition and final order, contact: Sue Foster, Executive Director, Board of Hearing Aid Specialists, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3258.

NOTICE IS HEREBY GIVEN that the Board of Hearing Aid Specialists issued a Final Order on July 21, 2003 in response to a petition for a waiver filed by Adrian Laidlaw. Petitioner sought a waiver of Rule 64B6-8.003, F.A.C. with respect to training program requirements.

The Board found the Petitioner demonstrated that strict application of the rules would violate principles of fairness and would create a substantial hardship in his particular circumstance. Therefore, pursuant to the requirements of Section 120.542(2), F.S., the Board voted to GRANT Petitioner's request for a waiver.

For a copy of the petition and final order, contact: Sue Foster, Executive Director, Board of Hearing Aid Specialists, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3258.

NOTICE IS HEREBY GIVEN that the Board of Hearing Aid Specialists issued a Final Order on July 21, 2003 in response to a petition for a waiver filed by Theresa Skelton. Petitioner sought a waiver of subsections 64B6-8.003(6) and (7), F.A.C. with respect to training program continuation and examination. The Board found the Petitioner demonstrated that strict application of the rules would violate principles of fairness and would create a substantial hardship in her particular circumstance. Therefore, pursuant to the requirements of Section 120.542(2), F.S., the Board voted to GRANT Petitioner's request for a waiver.

For a copy of the petition and final order, contact: Sue Foster, Executive Director, Board of Hearing Aid Specialists, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3258.

NOTICE IS HEREBY GIVEN that the Board of Hearing Aid Specialists issued a Final Order on July 21, 2003 in response to a petition for a waiver filed by Bonnie Hill. Petitioner sought a waiver of subsections 64B6-8.003(6) and (7), F.A.C. with respect to training program continuation and examination.

The Board found the Petitioner demonstrated that strict application of the rules would violate principles of fairness and would create a substantial hardship in her particular circumstance. Therefore, pursuant to the requirements of Section 120.542(2), F.S., the Board voted to GRANT Petitioner's request for a waiver.

For a copy of the petition and final order, contact: Sue Foster, Executive Director, Board of Hearing Aid Specialists, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3258.

The Board of Medicine hereby gives notice that it has received a petition filed on September 26, 2003, on behalf of Sami E. Abboud, M.D., seeking a variance or waiver from subsection 64B8-2.001(2), F.A.C., with regard to the passing requirements of the FLEX examination.

Comments on this petition should be filed with Board of Medicine, MQA, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3253, within 14 days of publication of this notice.

For a copy of the petition, contact Larry G. McPherson, Jr., Executive Director, Board of Medicine, at the address above or telephone (850)245-4131.

The Board of Medicine hereby gives notice that it has received a petition filed on October 10, 2003, by Seema V. Kamat, M.D., seeking a variance/waiver from subsection 64B8-2.001(2) and Rule 64B8-5.001, F.A.C., with regard to the time frames imposed for passage of the USMLE.

Comments on this petition should be filed with Board of Medicine, MQA, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3253, within 14 days of publication of this notice.

For a copy of the petition, contact Larry G. McPherson, Jr., Executive Director, Board of Medicine, at the address above or telephone (850)245-4131.

The Board of Medicine hereby gives notice that it has received a petition filed on October 16, 2003, on behalf of Nil R. Barua, M.D., seeking a variance from subsection 64B8-4.009(5), F.A.C., with regard to required verification of the applicant's medical education directly from the medical school.

Comments on this petition should be filed with Board of Medicine, MQA, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3253, within 14 days of publication of this notice.

For a copy of the petition, contact Larry G. McPherson, Jr., Executive Director, Board of Medicine, at the address above or telephone (850)245-4131.

The Board of Medicine hereby gives notice that it has received a petition filed on October 17, 2003, by Lalit Kishore Goyal, M.D., seeking a waiver from subsection 64B8-4.009(5), F.A.C., with regard to required verification of the applicant's medical education directly from the medical school.

Comments on this petition should be filed with Board of Medicine, MQA, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3253, within 14 days of publication of this notice.

For a copy of the petition, contact Larry G. McPherson, Jr., Executive Director, Board of Medicine, at the address above or telephone (850)245-4131.

The Board of Medicine hereby gives notice that it has received a petition filed on October 16, 2003, on behalf of Ioan Pop, M.D., seeking a variance from Rule 64B8-5.001, F.A.C., with regard to the time frames imposed for passage of the USMLE.

Comments on this petition should be filed with Board of Medicine, MQA, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3253, within 14 days of publication of this notice.

For a copy of the petition, contact Larry G. McPherson, Jr., Executive Director, Board of Medicine, at the address above or telephone (850)245-4131.

The Board of Medicine hereby gives notice that it has received a petition filed on October 16, 2003, on behalf of Ifeyinwa J. Okonkwo, M.D., seeking a variance from Rule 64B8-5.001, F.A.C., with regard to the time frames imposed for passage of the USMLE.

Comments on this petition should be filed with Board of Medicine, MQA, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3253, within 14 days of publication of this notice.

For a copy of the petition, contact Larry G. McPherson, Jr., Executive Director, Board of Medicine, at the address above or telephone (850)245-4131.

The Board of Medicine hereby gives notice that it has received a petition filed on October 16, 2003, by Mohamed Shabout, M.D., seeking a variance from Rule 64B8-5.001, F.A.C., with regard to the time frames imposed for passage of the USMLE.

Comments on this petition should be filed with Board of Medicine, MQA, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3253, within 14 days of publication of this notice.

For a copy of the petition, contact Larry G. McPherson, Jr., Executive Director, Board of Medicine, at the address above or telephone (850)245-4131.

The Board of Medicine hereby gives notice that it has received a petition filed on October 21, 2003, on behalf of Natan Zundel, M.D., seeking a variance/waiver from Sections 458.313(1)(b) and 458.313(1)(3)(c), F.S.

Comments on this petition should be filed with Board of Medicine, MQA, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3253, within 14 days of publication of this notice.

For a copy of the petition, contact Larry G. McPherson, Jr., Executive Director, Board of Medicine, at the address above or telephone (850)245-4131.

The Board of Medicine hereby gives notice that it has issued an Order on the Petition for Waiver filed by Syed Jaffery, M.D. The Credentials Committee considered the Petition at its meeting held on September 13, 2003, and the Board considered the Committee's recommendation at its meeting held on October 4, 2003, in Ft. Lauderdale, Florida. The Board's Order, filed on October 20, 2003, grants the petition for waiver finding that the underlying purpose of the statute, as implemented by subsection 64B8-4.009(5), F.A.C., has been met and that the Petitioner has demonstrated a substantial hardship.

A copy of the Board's Order may be obtained by contacting: Board of Medicine, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3753.

The Board of Medicine hereby gives notice that it has issued an Order on the Petition for Waiver filed on behalf of Sadaf Barazgan, M.D. The Notice of Petition for Waiver was published in Vol. 29, No. 36, of the September 5, 2003, Florida Administrative Weekly. The Credentials Committee considered the Petition at its meeting held on September 13, 2003, and the Board considered the Committee's recommendation at its meeting held on October 4, 2003, in Ft. Lauderdale, Florida. The Board's Order, filed on October 20, 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 and that the Petitioner has demonstrated a substantial hardship.

A copy of the Board's Order may be obtained by contacting: Board of Medicine, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3753.

The Board of Medicine hereby gives notice that it has issued an Order on the Petition for Waiver filed by Ahmed Khalifa, M.D. The Notice of Petition for Waiver was published in Vol. 29, No. 36, of the September 5, 2003, Florida Administrative Weekly. The Credentials Committee considered the Petition at its meeting held on September 13, 2003, and the Board considered the Committee's recommendation at its meeting held on October 4, 2003, in Ft. Lauderdale, Florida. The Board's Order, filed on October 20, 2003, grants the petition for waiver finding that the underlying purpose of the statute, as implemented by subsection 64B8-4.009(5), F.A.C., has been met and that the Petitioner has demonstrated a substantial hardship.

A copy of the Board's Order may be obtained by contacting: Board of Medicine, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3753.

The Board of Medicine hereby gives notice that it has issued an Order on the Petition for Waiver filed by Javier F. Torres-Roca, M.D. The Notice of Petition for Waiver was published in Vol. 29, No. 27, of the July 3, 2003, Florida Administrative Weekly. The Credentials Committee considered the Petition at its meeting held on September 13, 2003, and the Board considered the Committee's recommendation at its meeting held on October 4, 2003, in Ft. Lauderdale, Florida. The Board's Order, filed on October 20, 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 and that the Petitioner has demonstrated a substantial hardship.

A copy of the Board's Order may be obtained by contacting: Board of Medicine, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3753.

The Board of Medicine hereby gives notice that it has issued an Order on the Petition for Waiver filed on behalf of Lourdes Acosta, M.D. The Notice of Petition for Waiver was published

in Vol. 29, No. 35, of the August 29, 2003, Florida Administrative Weekly. The Credentials Committee considered the Petition at its meeting held on September 13, 2003, and the Board considered the Committee's recommendation at its meeting held on October 4, 2003, in Ft. Lauderdale, Florida. The Board's Order, filed on October 20, 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 and that the Petitioner has demonstrated a substantial hardship.

A copy of the Board's Order may be obtained by contacting the Board of Medicine, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3753.

The Board of Psychology hereby gives notice that it has received a petition, filed on October 21, 2003 on behalf of Cathy Guyer, Ph.D., seeking a waiver or variance of paragraph 64B19.11.001(4)(c), Florida Administrative Code, with respect to the time limit for taking the examination for licensure.

Comments on this petition should be filed with the Board of Psychology/MQA, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3255, within 14 days of publication of this notice.

For a copy of the petition, contact: Kaye Howerton, Executive Director, Board of Psychology, at the above address or telephone (850)245-4373, Ext. 3480.

FLORIDA HOUSING FINANCE CORPORATION

NOTICE IS HEREBY GIVEN that on October 8, 2003, Florida Housing Finance Corporation received a withdrawal of a Petition for Variance From subsection 67-48.002(111), F.A.C., from The Carlisle Group, LLC, seeking a variance from a portion of the Universal Application Instructions (the "Instructions") that have that have been adopted and incorporated by reference through subsection 67-48.002(111), F.A.C.

A copy of the Withdrawal can be obtained from Sherry Green, Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32399-1329.

Florida Housing will accept comments concerning the Petition for 14 days from the date of publication of this notice. To be considered, comments must be received on or before 5:00 p.m., Eastern Standard Time, on the 14th day after publication of this notice at Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32399-1329.

Section VI Notices of Meetings, Workshops and Public Hearings

DEPARTMENT OF LEGAL AFFAIRS

The Annual Report Committee of the Florida **Commission on the Status of Women** will hold a telephone conference to which all interested parties are invited to participate.

DATE AND TIME: November 12, 2003, 10:00 a.m.

PLACE: Call (850)414-3300 for information on participation

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss general issues.

If you need an accommodation because of disability in order to participate, please notify FCSW, in writing, at least five days in advance 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.

The Women's Hall of Fame Committee of the Florida **Commission on the Status of Women** will hold a telephone conference to which all interested parties are invited to participate.

DATE AND TIME: November 12, 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.

The Executive Committee of the Florida **Commission on the Status of Women** will hold a telephone conference to which all interested persons are invited.

DATE AND TIME: November 13, 2003, 10:00 a.m.

PLACE: Call (850)414-3300 for information on participation

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss general issues.

If you need an accommodation because of disability in order to participate, please notify FCSW in writing at least five days in advance 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.

The Legislative Advocacy Committee of the Florida **Commission on the Status of Women** will hold a telephone conference to which all interested persons are invited.

DATE AND TIME: November 13, 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.

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

NOTICE OF CORRECTION – The **Endangered Plant Advisory Council** hereby gives notice of the following correction to the Notice of Meeting published in Vol. 29, No. 40, October 3, 2003, issue of the Florida Administrative Weekly.

DATE AND TIME: November 13, 2003, 1:00 p.m. – 5:00 p.m.

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

GENERAL SUBJECT MATTER TO BE CONSIDERED: 1. Welcome and Opening Remarks; 2. Approval of Agenda (Additions, Changes); 3. Review and Approve Minutes of Spring Meeting; 4. Evaluate and Rank Grant Proposals for Fiscal Year 2004-2005; 5. New Plant Listings for Regulated Plant Index; 6. Permitting Procedures for Persons Hired by Landowners and Trustees; 7. Comments or Concerns from Interested Parties; 8. Election of Officers; 9. Schedule Next Meeting; 10. Field Trip (Itinerary to be Announced); 11. Adjourn.

If you need a special accommodation in order to attend this meeting because of a disability, please let us know by November 7, 2003.

A copy of the agenda may be obtained by writing: Mr. Danny Phelps, Secretary, Endangered Plant Advisory Council, Division of Plant Industry, Post Office Box 147100, Gainesville, Florida 32614-7100, (352)372-3505.

The **Department of Agriculture and Consumer Services** announces a meeting of the Pest Control Enforcement Advisory Council.

DATES AND TIMES: November 20, 2003, 10:00 a.m.

PLACE: Mid-Florida Research and Education Center, 2725 Binion Road, Apopka, Florida 32703, (407)884-2034

GENERAL SUBJECT MATTER TO BE DISCUSSED: To discuss the business of the Council.

A copy of the agenda may be obtained by calling: Steven Dwinell, Florida Department of Agriculture and Consumer Services, (850)488-7447.

The Florida **Department of Agriculture and Consumer Services**, Bureau of Seafood and Aquaculture announces a marketing training workshop for Florida clam producers at the annual Hard Clam Industry meeting.

DATE AND TIMES: November 5, 2003, 9:30 a.m. – Registration; 10:00 a.m. – Session I; 1:00 p.m. – Session II

PLACE: Yankees Ramada Inn and Conference Center, 3810 N. W. Blitchton Road, Ocala, Florida, (352)732-3131

GENERAL SUBJECT MATTER TO BE CONSIDERED: To provide marketing and educational training beneficial to the Florida farm raised clam producers and the hard clam culture industry.

Reservations and a copy of the agenda may be obtained by contacting: Barbera Turnbull, 2051 East Dirac Drive, Tallahassee, FL 32310-3760 or calling (850)488-0163.

If special accommodations are needed to attend this meeting because of disability, please contact Barbera Turnbull, as soon as possible.

The Florida **Agriculture Center and Horse Park Authority**, Inc. announces a meeting to which all interested persons are invited.

DATE AND TIME: Wednesday, November 12, 2003, 10:00 a.m.

PLACE: Ocala/Marion County Chamber of Commerce, 110 East Silver Springs Blvd., Ocala, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct the general business of the Florida Agriculture Center and Horse Park Authority, Inc.

For directions, additional information or if you need special accommodations, please call (352)629-8051.

The Florida **Department of Agriculture and Consumer Services** announces a meeting of the Florida Tropical Fruit Advisory Council:

DATE AND TIME: Thursday, November 13, 2003, 11:00 a.m.

PLACE: Miami-Dade Extension Office, 18710 S. W. 288 Street, Homestead, FL 33030

GENERAL SUBJECT MATTER TO BE CONSIDERED: Board Meeting. The purpose of this meeting is to conduct the general business of the Florida Tropical Fruit Advisory Council.

For additional information or if you need special accommodations, call: Louise King, (305)246-8460

The Florida **Department of Agriculture and Consumer Services, Division of Forestry** announces a meeting of the Off Highway Recreation Advisory Committee which is open to all interested persons.

DATE AND TIME: 10:00 a.m., Monday, November 17, 2003

PLACE: Florida Division of Forestry District Office, 8431 South Orange Blossom Trail, Orlando, FL 32809

GENERAL SUBJECT MATTER TO BE CONSIDERED: General meeting of the Off Highway Recreation Advisory Committee.

A copy of the agenda may be obtained by contacting: John Waldron, 3125 Conner Boulevard, Bin #C25, Tallahassee, FL 32399-1650, (850)414-9852.

DEPARTMENT OF EDUCATION

The Florida **Department of Education** announces the following public meetings of the Florida Information Resource Network (FIRN) Advisory Council to which all persons are invited:

DATES AND TIME: Friday, November 14, 2003 and every second Friday on alternate months after that, 10:00 a.m. – 3:00 p.m. (When appropriate, teleconferencing will be used on the regularly scheduled meeting dates and times)

PLACE: Turlington Building, Tallahassee, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: FIRN management issues.

FOR ADDITIONAL INFORMATION, PLEASE CONTACT: Claude Shipley, (850)245-0514, e-mail: Claude.Shipley@fldoe.org

The State of Florida, **Department of Education, Education Practices Commission** will conduct a Teacher Hearing Panel to which all persons are invited.

DATE AND TIME: December 5, 2003, 9:00 a.m.

PLACE: The Adam's Mark Hotel/Orlando, 1500 Sand Lake Road, Orlando, FL 32809, (407)859-1500

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Teacher Hearing Panel of the Education Practices Commission will consider final agency action in matters dealing with the disciplining of certified educators.

If a person decides to appeal any decision made by the Commission with respect to any matter considered at this hearing, he or she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence upon which the appeal is to be based.

Additional information may be obtained by writing: Education Practices Commission, 325 W. Gaines Street, Room 224, Turlington Building, Tallahassee, Florida 32399-0400.

SPECIAL ACCOMMODATION: Any person requiring a special impairment accommodation should contact Kathleen M. Richards, (850)245-0455, at least five (5) calendar days prior

to the hearing. Persons who are hearing or speech impaired can contact the Commission using the Florida Dual Party Relay System at 711.

The **Florida Center for Advising and Academic Support** (FCAAS) announces a public meeting to which all persons are invited.

DATE AND TIME: November 4, 2003, 9:30 a.m. – 12:30 p.m.

PLACE: 325 W. Gaines Street, Suite 1414, Tallahassee, Florida 32399

GENERAL SUBJECT MATTER TO BE CONSIDERED: FCAAS Executive Committee will meet to discuss the agenda for the upcoming FCAAS Board meeting.

A copy of the executive committee agenda may be obtained by writing: FCAAS, 325 West Gaines Street, Suite 1414, Tallahassee, Florida 32399-0400.

Any persons requiring special accommodations to attend this meeting because of a disability or physical impairment may contact: Yvette Hargreaves, FCAAS, (850)245-0518.

The **Florida Atlantic University**, Board of Trustees announces a meeting to which all persons are invited:

DATE AND TIME: Wednesday, November 12, 2003, 10:00 a.m.

PLACE: FAU at Ft. Lauderdale, Board of Trustees Room, HEC 11th Floor, 111 East Las Olas Boulevard, Fort Lauderdale, FL 33301

GENERAL SUBJECT MATTER TO BE CONSIDERED: University/Trustee Business.

PUBLIC COMMENT: A public comment segment is scheduled immediately following the board meeting. Public comment will be taken on items on the board agenda. Presenters will be required to complete a public comment request card prior to the public hearing. Comment cards will be available at the meeting.

A copy of the agenda may be obtained by contacting: Ms. Joanne Elsner, Florida Atlantic University, 777 Glades Road, Boca Raton, Florida 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 **Commission for Independent Education** announces meetings to which all persons are invited.

DATES AND TIMES: Wednesday, November 12, 2003, 1:00 p.m. – Workshop for Commission Members (Public comment will not be taken); Thursday, November 13, 2003, 8:00 a.m. – Commission meeting; Thursday, November 13, 2003, 1:00

p.m. – Rules Committee; Continuing Education Committee to follow, Enrollment Agreement/Bilingual Committee to follow, Accreditation Review Committee to follow

PLACE: Tampa Airport Marriott Hotel, Tampa International Airport, Tampa, Florida 33607, (813)879-5151

GENERAL SUBJECT MATTER TO BE CONSIDERED: To present to the Commission Members a detailed outline of the rules and statutes and to work on office procedures with Commission members. To conduct a Rules Committee meeting, a Continuing Education Committee meeting, a Enrollment Agreement/Bilingual Committee meeting and a Accreditation Review Committee meeting and to conduct a general business meeting considering disciplinary matters for institutions, appropriate licensure for institutions, cases for licensure as specified in the agenda, and other general Commission business.

Any person who decides to appeal a decision of the Commission with respect to any matter considered at this meeting or hearing may need to ensure that a verbatim record of the proceedings is made, which record will include the testimony and evidence upon which the appeal is to be based.

A copy of the agenda may be obtained by writing: Commission for Independent Education, 2650 Apalachee Parkway, Suite A, Tallahassee, Florida 32301.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact the Area of Critical State Concern, (850)488-4925, at least five calendar days prior to the meeting being held. If you are hearing impaired please contact the Area of Critical State Concern using the Florida dual Party Relay System, 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

The **Gulf Coast Community College**, District Board of Trustees will hold its monthly meeting as follows:

DATE AND TIME: November 13, 2003, 10:00 a.m. (EDT)

PLACE: Gardner Seminar Room, Gulf Coast Community College, Panama City, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regular monthly meeting.

Contact person for the meeting is Dr. Robert L. McSpadden, President.

DEPARTMENT OF COMMUNITY AFFAIRS

The **Department of Community Affairs** announces a public hearing to which all interested parties are invited.

DATE AND TIME: Monday, November 3, 2003, 10:30 a.m.

PLACE: Administration Building, 301 N. Olive Avenue, Jane Thompson Memorial Chambers, 6th Floor, West Palm Beach, Florida 33401

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Department of Community Affairs (DCA) is seeking public or nonprofit entities to administer the Weatherization Assistance

Program (WAP) and related programs (Low Income Emergency Home Repair Program (LEHRP), Weatherization-Low Income Home Energy Assistance Program (WAP-LIHEAP) in the County of Palm Beach. Entities interested in contracting with DCA to provide all or part of these services should be present at this public hearing in order to be informed of the qualifications and application requirements. Selection of an entity will be based on the entities' experience and performance in weatherization or housing renovation activities, and in assisting low-income persons in the area to be served, and their capacity to undertake a timely and effective weatherization program. Preferences will be given to any Community Action Agency or other public or nonprofit entity which has, or is currently administering an effective DCA funded Weatherization Assistance Program. The following qualities will be reviewed: (1) the extent to which the past or current program achieved or is achieving weatherization goals in a timely fashion; (2) the quality of work performed by the entity; (3) the number, qualifications, and experience of the staff members of the entity; (4) the ability of the entity to secure volunteers, train participants and public service employment workers; and (5) maintain compliance with administration and financial management requirements. If no more than one entity is funded, that entity must be capable and willing to provide services to all eligible low-income citizens in the geographic area.

ACTIONS TO BE TAKEN: The DCA will review all comments received at the public hearing and the submitted applications, and make a decision regarding each entity's eligibility to provide Weatherization Assistance Program services to Palm Beach County. Recommendations will then be prepared by the Department staff for the selected entity for subsequent consideration and approval or disapproval by the Department's Secretary. Although this hearing is for seeking a provider for Palm Beach County, applications will also be considered for providing programs services to the tri-county area of Palm Beach, Martin and St. Lucie Counties.

ADDITIONAL INFORMATION: Requests for additional information or questions may be addressed to: Norm Gempel, Manager, Florida Department of Community Affairs, Sadowski Building, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100, (850)488-7541, Fax (850)488-2488. Applications must be received at the Department of Community Affairs by 4:30 p.m., November 20, 2003.

APPEALS INFORMATION: If a person decides to appeal any decision of the Department of Community Affairs with respect to any matter considered at this public hearing, he or she will need a formal record of the proceeding, and for such purposes he or she may 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.

Anyone who wants a copy of the agenda or additional information on this hearing may write or call: Mr. Norm Gempel, Manager, Department of Community Affairs, Sadowski Building, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100, (850)488-7541, Fax (850)488-2488.

Any person requiring a special accommodation at this hearing because of a disability or physical impairment should contact the Department of Community Affairs, (850)488-7541, at least five (5) calendar days prior to the hearing. If you are hearing or speech impaired, please contact the Department of Community Affairs using the Florida Dual Party Relay System which can be reached at 1(800)955-8770 (voice) and 1(800)955-8771 (TDD).

The **Department of Community Affairs** announces a public hearing to which all interested parties are invited.

DATE AND TIME: Monday, November 3, 2003, 2:00 p.m.

PLACE: Martin County Board of County Commissioners, Commission Chambers, 2401 S. E. Monterey Road, Stuart, Florida 34984

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Department of Community Affairs (DCA) is seeking public or nonprofit entities to administer the Weatherization Assistance Program (WAP) and related programs (Low Income Emergency Home Repair Program (LEHRP), Weatherization-Low Income Home Energy Assistance Program (WAP-LIHEAP) in the County of Martin. Entities interested in contracting with DCA to provide all or part of these services should be present at this public hearing in order to be informed of the qualifications and application requirements. Selection of an entity will be based on the entities' experience and performance in weatherization or housing renovation activities, and in assisting low-income persons in the area to be served, and their capacity to undertake a timely and effective weatherization program. Preferences will be given to any Community Action Agency or other public or nonprofit entity which has, or is currently administering an effective DCA funded Weatherization Assistance Program. The following qualities will be reviewed: (1) the extent to which the past or current program achieved or is achieving weatherization goals in a timely fashion; (2) the quality of work performed by the entity; (3) the number, qualifications, and experience of the staff members of the entity; (4) the ability of the entity to secure volunteers, train participants and public service employment workers; and (5) maintain compliance with administration and financial management requirements. If no more than one entity is funded, that entity must be capable and willing to provide services to all eligible low-income citizens in the geographic area.

ACTIONS TO BE TAKEN: The DCA will review all comments received at the public hearing and the submitted applications, and make a decision regarding each entity's

eligibility to provide Weatherization Assistance Program services to Martin County. Recommendations will then be prepared by the Department staff for the selected entity for subsequent consideration and approval or disapproval by the Department's Secretary. Although this hearing is for seeking a provider for Martin County, applications will also be considered for providing programs services to the tri-county area of Palm Beach, Martin and St. Lucie Counties.

ADDITIONAL INFORMATION: Requests for additional information or questions may be addressed to Norm Gempel, Manager, Florida Department of Community Affairs, Sadowski Building, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100, (850)488-7541, Fax (850)488-2488. Applications must be received at the Department of Community Affairs by 4:30 p.m., November 20, 2003.

APPEALS INFORMATION: If a person decides to appeal any decision of the Department of Community Affairs with respect to any matter considered at this public hearing, he or she will need a formal record of the proceeding, and for such purposes he or she may 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.

Anyone who wants a copy of the agenda or additional information on this hearing may write or call: Mr. Norm Gempel, Manager, Department of Community Affairs, Sadowski Building, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100, (850)488-7541, Fax (850)488-2488.

Any person requiring a special accommodation at this hearing because of a disability or physical impairment should contact the Department of Community Affairs, (850)488-7541, at least five (5) calendar days prior to the hearing. If you are hearing or speech impaired, please contact the Department of Community Affairs using the Florida Dual Party Relay System which can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

The **Department of Community Affairs** announces a public hearing to which all interested parties are invited.

DATE AND TIME: Tuesday, November 4, 2003, 10:30 a.m.

PLACE: Administration Building, 2300 Virginia Avenue, 3rd Floor, Ft. Pierce, Florida 34982

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Department of Community Affairs (DCA) is seeking public or nonprofit entities to administer the Weatherization Assistance Program (WAP) and related programs (Low Income Emergency Home Repair Program (LEHRP), Weatherization-Low Income Home Energy Assistance Program (WAP-LIHEAP) in the County of St. Lucie. Entities interested in contracting with DCA to provide all or part of these services should be present at this public hearing in order to be informed of the qualifications and application

requirements. Selection of an entity will be based on the entities' experience and performance in weatherization or housing renovation activities, and in assisting low-income persons in the area to be served, and their capacity to undertake a timely and effective weatherization program. Preferences will be given to any Community Action Agency or other public or nonprofit entity which has, or is currently administering an effective DCA funded Weatherization Assistance Program. The following qualities will be reviewed: (1) the extent to which the past or current program achieved or is achieving weatherization goals in a timely fashion; (2) the quality of work performed by the entity; (3) the number, qualifications, and experience of the staff members of the entity; (4) the ability of the entity to secure volunteers, train participants and public service employment workers; and (5) maintain compliance with administration and financial management requirements. If no more than one entity is funded, that entity must be capable and willing to provide services to all eligible low-income citizens in the geographic area.

ACTIONS TO BE TAKEN: The DCA will review all comments received at the public hearing and the submitted applications, and make a decision regarding each entity's eligibility to provide Weatherization Assistance Program services to St. Lucie County. Recommendations will then be prepared by the Department staff for the selected entity for subsequent consideration and approval or disapproval by the Department's Secretary. Although this hearing is for seeking a provider for St. Lucie County, applications will also be considered for providing programs services to the tri-county area of Palm Beach, Martin and St. Lucie Counties.

ADDITIONAL INFORMATION: Requests for additional information or questions may be addressed to: Norm Gempel, Manager, Florida Department of Community Affairs, Sadowski Building, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100, (850)488-7541, Fax (850)488-2488. Applications must be received at the Department of Community Affairs by 4:30 p.m., November 20, 2003.

APPEALS INFORMATION: If a person decides to appeal any decision of the Department of Community Affairs with respect to any matter considered at this public hearing, he or she will need a formal record of the proceeding, and for such purposes he or she may 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.

Anyone who wants a copy of the agenda or additional information on this hearing may write or call: Mr. Norm Gempel, Manager, Department of Community Affairs, Sadowski Building, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100, (850)488-7541, Fax (850)488-2488.

Any person requiring a special accommodation at this hearing because of a disability or physical impairment should contact the Department of Community Affairs, (850)488-7541 at least five (5) calendar days prior to the hearing. If you are hearing or speech impaired, please contact the Department of Community Affairs using the Florida Dual Party Relay System which can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

The **Department of Community Affairs** announces a meeting of the Affordable Housing Study Commission to which all interested persons are invited.

DATES AND TIMES: November 19, 2003, 1:00 p.m. – 5:00 p.m.; November 20, 2003, 8:00 a.m. – 1:00 p.m. (Times are subject to change)

PLACE: Embassy Suites-Ft. Lauderdale/Airport, 1100 S. E. 17th Street, Ft. Lauderdale, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: For the 2003-2004 study year, the Affordable Housing Study Commission has chosen to study housing the extremely low-income (>30% of AMI) statewide, with a special emphasis on farmworker housing in rural areas and housing the extremely low-income in the urban core. Groups and citizens with an interest in these study areas are invited to attend the Commission's meetings. At the November 19-20 meetings, a Public Comment period will take place on Thursday, November 20, 2003, 8:00 a.m. – 8:30 a.m.

Any person requiring special accommodations due to disability or physical impairment should contact Brenda Smith, (850)922-1462, at least five calendar days prior to the meeting. People who are hearing impaired should contact Ms. Smith using the Florida Dual Party Relay System, 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

A copy of the agenda may be obtained from: Brenda Smith, Affordable Housing Study Commission, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100, (850)922-1462.

Please contact Brenda Smith if you would like to make a presentation to the Commission. Due to time constraints, presentations before the Commission should be limited to no more than six minutes; however, printed support materials are welcome and can be distributed at the meeting.

DEPARTMENT OF TRANSPORTATION

The Florida **Department of Transportation** announces a public hearing to which all persons are invited.

DATE AND TIMES: Tuesday, November 18, 2003, 5:30 p.m. – Open House, 6:00 p.m. – Public Hearing

PLACE: Casselberry City Hall Commission Chambers, 95 Triplet Lake Drive, Casselberry, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: This hearing is being conducted pursuant to the provisions of Rule Chapter 14-97, Florida Administrative Code, and Section

335.18, Florida Statutes. This hearing is also being held in accordance with the Federal-Aid Highway Act of 1968, as amended, 23 U.S.C. 128, 40 C.F.R. 1500-1508, 23 C.F.R. 771 and Section 339.155, Florida Statutes, and is also consistent with the Americans with Disabilities Act of 1990. This hearing is also in compliance with Title VI of the Civil Rights Act of 1964 and Title VIII of the Civil Rights Act of 1968, as amended. This hearing is being held to afford interested persons the opportunity to express their views concerning the location, design, social, economic and environmental effects of Financial Project ID 404418-1-22-01, otherwise known as the SR15/600 (US 17-92) Interchange at SR 436 Project Development & Environment (PD&E) Study. This study will look at improving the existing at-grade intersection of US 17-92 and SR 436 in Casselberry, FL to an urban interchange. Right-of-way acquisition is proposed for this project and business relocations are associated with this project. Potential encroachments on wetlands and floodplains are not anticipated at this time, however, if any encroachments are identified at a later time, they may be given special consideration under Executive Orders 11990 and 11988.

Anyone needing project or public hearing information or special accommodations under the Americans with Disabilities Act of 1990 should write to the address given below or call Mr. Luis Diaz, P.E., (407)647-7275, ext. 143. Special accommodation requests under the Americans with Disabilities Act should be made at least seven (7) days prior to the public hearing.

A copy of the agenda may be obtained by writing: Mr. Luis Diaz, P.E., Project Manager, PBS&J, 482 South Keller Road, Orlando, FL 32810.

The Florida **Department of Transportation**, District Five announces public hearings to which all interested persons are invited. Specific notice is provided to the Brevard, Ocala, Volusia, and Orlando Metropolitan Planning Organizations (MPOs) and the County Commissioners for Brevard, Flagler, Lake, Marion, Orange, Osceola, Seminole, Sumter, and Volusia Counties.

FOR MARION AND SUMTER COUNTIES:

DATE AND TIMES: November 13, 2003, 5:30 p.m. – Documents/Information available for review; 6:00 p.m. – Public Hearing

PLACE: Belleview City Hall, 5343 S. E. Abshier Boulevard, US 27/441, Belleview, Florida

FOR BREVARD COUNTY:

DATE AND TIMES: November 17, 2003, 5:30 p.m. – Documents/Information available for review; 6:00 p.m. – Public Hearing

PLACE: Rockledge City Hall, 1600 Huntington Lane, Rockledge, Florida

FOR FLAGLER AND VOLUSIA COUNTIES:

DATE AND TIMES: December 4, 2003, 5:30 p.m. – Documents/Information available for review; 6:00 p.m. – Public Hearing

PLACE: Volusia County Mobility Management Center, VOTRAN, 950 Big Tree Road, South Daytona, Florida

FOR LAKE, ORANGE, OSCEOLA, AND SEMINOLE COUNTIES:

DATE AND TIMES: December 11, 2003, 5:30 p.m. – Documents/Information available for review; 6:00 p.m. – Public Hearing

PLACE: Florida Department of Transportation, Orlando Urban Office, Lake Apopka Conference Room, 133 South Semoran Boulevard, Orlando, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: These public hearings are being conducted pursuant to Section 339.135(4)(c), Florida Statutes, as amended. The purpose of these public hearings is to consider the Department’s Tentative Work Program for Fiscal Years 2004/2005-2008/2009, and to consider making any changes to the Program. These hearings also will include consideration of proposed projects for the Florida’s Turnpike Enterprise as applicable in Lake, Marion, Orange, Osceola, Seminole and Sumter Counties.

Written comments from all interested parties will be accepted by the Department at the Public Hearing and within ten days after the Public Hearing. Comments should be addressed to: Michael Snyder, District Secretary, Florida Department of Transportation, 719 South Woodland Boulevard, DeLand, Florida 32720.

A copy of the agenda may be obtained from: Ms. Georganna L. Gillette, Government Liaison Assistant, Florida Department of Transportation, 133 South Semoran Boulevard, Orlando, Florida 32807.

In compliance with the Americans with Disability Act, the Department, if requested, will provide special assistance at the public hearings for those persons who are disabled. Those persons requiring special assistance must notify the Department at least ten days prior to the public hearing, by contacting: Michael Szunyog, Florida Department of Transportation, 133 South Semoran Boulevard, Orlando, Florida 32807, telephone (407)482-7800.

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

Pursuant to Chapter 2003-145, Laws of Florida, all notices for the **Board of Trustees of the Internal Improvement Trust Fund** are published on the Internet at the Department of Environmental Protection’s home page at <http://www.dep.state.fl.us/> under the link or button titled “Official Notices.”

STATE BOARD OF ADMINISTRATION

NOTICE IS HEREBY GIVEN by the Florida Hurricane Catastrophe Fund, which is administered by the **State Board of Administration**, of a meeting of the State Board of Administration to which all persons are invited.

DATE AND TIME: Wednesday, November 12, 2003, 9:00 a.m. (EST) – conclusion of the meeting

PLACE: Cabinet Meeting Room, Lower Level, The Capitol, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: To address Florida Hurricane Catastrophe Fund legislative proposals for the 2004 Legislative Session and to address other general business.

Anyone wishing additional information should contact: Jack E. Nicholson, Senior FHCF Officer, P. O. Drawer 13300, Tallahassee, FL 32317-3300.

The **State Board of Administration** announces a public meeting to which all persons are invited.

DATE AND TIME: Tuesday, November 18, 2003, 2:00 p.m. – conclusion

PLACE: Hermitage Room, Plaza Level, Hermitage Centre, 1801 Hermitage Boulevard, Tallahassee, FL 32308

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regularly scheduled quarterly meeting of the Audit Committee.

A copy of the agenda may be obtained by writing: State Board of Administration, Attention: Keeta M. Ray, 413-1248, 1801 Hermitage Boulevard, Suite 600, Tallahassee, Florida 32308.

In compliance with the Americans with Disabilities Act, anyone needing special accommodations should call Dorothy Westwood, (850)488-4406, at least five (5) days prior to the meeting.

FLORIDA PAROLE COMMISSION

The **Florida Parole Commission** announces a public meeting to which all persons are invited.

DATE AND TIME: Wednesday, November 12, 2003, 9:00 a.m.

PLACE: Florida Parole Commission, 2601 Blairstone Road, Bldg. C., Third Floor, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regularly Scheduled Meeting for all Parole, Conditional Release, Conditional Medical Release, Addiction Recovery and Control Release Matters.

Any person who decides to appeal a decision of the Florida Parole Commission with respect to a matter considered at this meeting may need to ensure that a verbatim record of the proceedings is made, Chapter 80-150, Laws of Florida (1980).

A copy of the agenda may be obtained by writing: Florida Parole Commission, 2601 Blairstone Road, Building C, Tallahassee, Florida 32399-2450.

In accordance with the Americans with Disabilities Act, persons needing a special accommodation to participate in this proceeding should contact the agency sending the notice not later than five working days prior to the proceeding at the address given on the notice. Telephone: (850)488-3417.

EXECUTIVE OFFICE OF THE GOVERNOR

The **Executive Office of the Governor**, Guardian Ad Litem Qualifications Committee announces a public meeting to which all persons are invited.

DATES AND TIME: November 4-5, 2003, 8:30 a.m. – 5:30 p.m.

PLACE: ISS Conference Room, The Florida Supreme Court Building, Tallahassee, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: The purpose of the Committee is interview applicants for the position of executive director of the Statewide Guardian Ad Litem Office pursuant to Section 398.296, Florida Statutes (2003).

Members of the public wishing to observe the work of the Committee may do so by arriving at the Florida Supreme Court Building and notifying security personnel that the purpose of your visit is to observe the Guardian Ad Litem executive director interviews. The contact person that will escort members of the public to the ISS Conference Room is Ashley Sell. She can be reached at (850)414-1507.

Anyone needing special accommodations under the Americans with Disabilities Act of 1990 should contact: Office of the State Courts Administrator, (850)414-0883. Special accommodation requests under the Americans with Disabilities Act should be made at least 48 hours prior to the public hearing.

The **Governor’s Commission on Volunteerism and Community Service**, Volunteer Florida announces a public conference call to which all persons are invited.

DATE AND TIME: Thursday, November 13, 2003, 2:00 p.m.

PLACE: Please call (850)921-5172 for call-in number and passcode

GENERAL SUBJECT MATTER TO BE CONSIDERED: General Commission Business.

Please contact Gwen Erwin, Volunteer Florida, 115 Progress Drive, Tallahassee, Florida 32304, for a copy of the agenda.

If you require a reasonable accommodation to participate in the conference call please contact Gwen Erwin, (850)921-5172, Voice/TTY, 72 hours in advance with your request.

REGIONAL PLANNING COUNCILS

The **Northeast Florida Regional Planning Council**, Local Emergency Preparedness Committee announces the following public meeting to which all persons are invited:

DATE AND TIME: Wednesday, November 19, 2003, 10:00 a.m.

PLACE: Northeast Florida Regional Council Board Room, 6850 Belfort Oaks Place, Jacksonville, Florida 32216

GENERAL SUBJECT MATTER TO BE CONSIDERED: Board Meeting.

A copy of the agenda may be obtained by contacting: Northeast Florida Regional Council, 6850 Belfort Oaks Place, Jacksonville, FL 32216.

If a person decides to appeal any decision made by the Council with respect to any matter considered at this meeting, he/she will have to ensure that a verbatim record of the proceedings is made, which includes the testimony and evidence upon which the appeal is to be based.

Individuals needing materials in alternate format, sign language interpreter, or other meeting information, call Jeanie Palmer, 279-0880, Ext. 146, at least three working days prior to the meeting. Hearing-impaired callers use Florida Relay Service, 1(800)955-8771.

Notice is also given that two or more members of Boards of County Commissioners, City/Town Councils/Commissions and other entities covered under Chapter 286, Florida Statutes may attend and speak at the meeting.

The **Withlacoochee Regional Planning Council** announces a public meeting of its Interlocal Agreement Committee to which all persons are invited.

DATE AND TIME: Thursday, November 13, 2003, 6:00 p.m.

PLACE: Withlacoochee Regional Planning Council, 1241 S. W. 10th Street, Ocala, FL 34474-2798

GENERAL SUBJECT MATTER TO BE CONSIDERED: Review of the WRPC’s Interlocal Agreement.

A copy of the agenda may be obtained by writing: Withlacoochee Regional Planning Council, 1241 S. W. 10th Street, Ocala, FL 34474-2798.

Affected persons are advised that it may be necessary for them to ensure that a verbatim record of the meeting is made, including the testimony and evidence upon which the appeal is to be based.

The **Withlacoochee Regional Planning Council** announces a public meeting of its Board of Directors to which all persons are invited.

DATE AND TIME: Thursday, November 13, 2003, 7:00 p.m.

PLACE: Withlacoochee Regional Planning Council, 1241 S. W. 10th Street, Ocala, FL 34474-2798

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct the regular business of the Council.

A copy of the agenda may be obtained by writing: Withlacoochee Regional Planning Council, 1241 S. W. 10th Street, Ocala, FL 34474-2798.

Affected persons are advised that it may be necessary for them to ensure that a verbatim record of the meeting is made, including the testimony and evidence upon which the appeal is to be based.

The **East Central Florida Regional Planning Council** announces a public meeting to which all persons are invited.

DATE AND TIME: Friday, November 7, 2003, 9:00 a.m. – 12:00 Noon

PLACE: East Central Florida Regional Planning Council Offices, 631 North Wymore Road, Suite 100, Maitland, FL 32751

GENERAL SUBJECT MATTER TO BE CONSIDERED: SR Northwest Extension Working Group Meeting (previously called 441/429 By-pass Working Group)

GENERAL SUBJECT MATTER TO BE CONSIDERED: Overview of Land Use Study, market analysis, demographics and general character of the environmental landscape, a question and answer period, and public participation.

A copy of the full agenda may be obtained by calling: Erin, (407)623-1075, Ext.304.

The **Regional Business Alliance** announces a public meeting to which all persons are invited.

DATE AND TIME: Wednesday, November 12, 2003, 2:00 p.m.

PLACE: Broward Center for the Performing Arts, Intermezzo Room, 201 Southwest 5th Avenue, Fort Lauderdale, Florida 33312

GENERAL SUBJECT MATTER TO BE CONSIDERED: Meeting to discuss regional issues impacting South Florida.

A copy of the agenda may be obtained by writing: The Broward Workshop, 2740 East Oakland Park Boulevard, Suite 206, Fort Lauderdale, Florida 33306.

The Regional Business Alliance is comprised of business and elected leaders from Monroe, Miami-Dade, Broward, Palm Beach, and Martin Counties, including members of the South Florida Regional Transportation Authority.

If you are hearing or speech impaired, please contact the South Florida Regional Planning Council, (954)967-4152, Ext. 40 (TDD), if you require additional information regarding the meeting above. If you require special accommodations because of a disability or physical impairment, please contact the Council, (954)985-4416, at least five calendar days prior to the meeting.

The **Treasure Coast Regional Planning Council** announces a public meeting to which all persons are invited:

DATE AND TIME: November 21, 2003, 9:30 a.m.

PLACE: Town of Jupiter Community Center, 210 Military Trail, Jupiter, FL 33458

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct the monthly meeting of the Council.

A copy of the Agenda may be obtained by contacting: Treasure Coast Regional Planning Council, 301 E. Ocean Boulevard, Suite 300, Stuart, Florida 34994.

If a person decides to appeal any decision made by the Treasure Coast Regional Planning Council with respect to any matter considered at such meeting or hearing, he or she will need a record of proceedings, and that, for such purpose, he or she may need to ensure that a verbatim record of the proceedings is made, which record indicates the testimony and evidence upon which the appeal is to be based.

Any persons needing special accommodations at this meeting because of a disability or physical impairment should contact Liz Gulick, (772)221-4060, at least 48 hours before the meeting.

The **Treasure Coast Regional Planning Council** announces a meeting of its Budget Personnel Committee.

DATE AND TIME: November 12, 2003, 10:00 a.m.

PLACE: Treasure Coast Regional Planning Council, 301 East Ocean Boulevard, Suite 300, Stuart, FL 34994

GENERAL SUBJECT MATTER TO BE CONSIDERED: The purpose of this meeting is to discuss a proposed budget amendment FY 2003-2004 and the Annual Review of Council's Executive Director.

A copy of the Agenda may be obtained by contacting: Treasure Coast Regional Planning Council, 301 E. Ocean Boulevard, Suite 300, Stuart, Florida 34994.

If a person decides to appeal any decision made by the Treasure Coast Regional Planning Council with respect to any matter considered at such meeting or hearing, he or she will need a record of proceedings, and that, for such purpose, he or she may need to ensure that a verbatim record of the proceedings is made, which record indicates the testimony and evidence upon which the appeal is to be based.

Any persons needing special accommodations at this meeting because of a disability or physical impairment should contact Liz Gulick, (772)221-4060, at least 48 hours before the meeting.

WATER MANAGEMENT DISTRICTS

The **Suwannee River Water Management District** announces the following public meetings to which all interested persons are invited.

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

PLACE: Lafayette County Commission Room, 2nd Floor, Lafayette County Courthouse, Corner of Fletcher and Maine, Mayo, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Board Meeting – to consider District business, and conduct public hearings on regulatory and land acquisition matters.

DATE AND TIME: November 13, 2003, 2:00 p.m.

PLACE: Fiddler’s Restaurant, 1306 SE Riverside Drive, Steinhatchee, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: District Programs Workshop.

DATE AND TIME: November 14, 2003, 8:30 a.m.

PLACE: Fiddler’s Restaurant, 1306 S.E. Riverside Drive, Steinhatchee, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Continuation of District Programs Workshop.

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 Cheshire, (386)362-1001 or 1(800)226-1066 (Florida only), at least two business days in advance to make appropriate arrangements.

The **St. Johns River Water Management District** announces the following Projects and Land Committee Meeting(s) and Tour:

The Projects and Land Committee Public Meeting

DATE AND TIME: Thursday, November 5, 2003, 6:00 p.m. (Overview of the USJRB Projects)

The Projects and Land Committee Business Meeting and Tour

DATE AND TIME: Friday, November 6, 2003, 8:00 a.m. (A tour of District Lands will follow at conclusion of business meeting)

PLACE: Indian River Citrus League, 7925 20th St. (SR60), Vero Beach, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Public meeting – forum for discussion of USJRB Projects; Business meeting – To consider Projects and Land Committee agenda items.

An agenda can be obtained by writing: St. Johns River Water Management District, P. O. Box 1429, Palatka, FL 32178-1429 or calling Sonia Kuecker, Water Resources Dept., (386)312-2330.

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 (386)329-4162. If you are hearing or speech impaired, please contact the agency by calling (386)329-4450 (TDD).

The **2004 Alternative Water Supplies Construction Cost Sharing Project Committee** announces the following meeting to which all interested persons are invited to participate.

DATE AND TIME: November 12, 2003, 9:00 a.m. – 12:00 Noon

PLACE: Deland City Commission Chamber, Deland City Hall Annex, 121 W. Rich Ave., Deland, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: The committee will meet to hear optional presentations from cost sharing applicants.

The **South Florida Water Management District** announces a public meeting to which all interested parties are invited:

DATE AND TIME: Thursday, November 6, 2003, 9:00 a.m. – 5:00 p.m.

PLACE: South Florida Water Management District, 3301 Gun Club Road, B1 Auditorium, West Palm Beach, FL 33406

GENERAL SUBJECT MATTER TO BE CONSIDERED: Water Resources Advisory Commission Meeting (WRAC).

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, (561)682-6447, District Headquarters, 3301 Gun Club Road, Mail Stop Code 6115, West Palm Beach, FL 33406.

The **South Florida Water Management District** announces a public meeting which may be conducted by means of or in conjunction with communications media technology, specifically by telephonic conference to which all interested parties are invited:

DATE AND TIME: November 12, 2003, 10:00 a.m. – 12:00 Noon

PLACE: South Florida Water Management District Headquarters, B-1 Building, Room 3B, 3301 Gun Club Road, West Palm Beach, Florida 33406.

GENERAL SUBJECT MATTER TO BE CONSIDERED: Budget and Finance Advisory Commission meeting to discuss SFWMD Budget and finance-related matters.

A copy of the agenda may be obtained by writing: South Florida Water Management District, Mail Stop 6260, P. O. Box 24680, West Palm Beach, Florida 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 desire more information or wishing to submit written or physical evidence may contact: Marcie Daniel, Budget Department, District Headquarters, 3301 Gun Club Road, West Palm Beach, Florida 33406, (561)682-6469.

The **South Florida Water Management District** announces a public meeting to which all interested parties are invited:

DATE AND TIME: Monday, November 17, 2003, 2:00 p.m.

PLACE: Town of Jupiter Community Center, 210 Military Trail, Jupiter, FL 33458

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regular Meeting of the Loxahatchee River Management Coordinating Council.

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, 210 Atlanta Avenue, Stuart, FL 34994, (772)223-2600, Ext. 3603.

The **South Florida Water Management District** announces a public workshop to which all interested parties are invited:

DATE AND TIME: November 19, 2003, 6:30 p.m. – 8:30 p.m.

PLACE: Village of Wellington Community Center, Greenview Room, 12165 West Forest Hill Blvd., Wellington, FL 33414, (561)753-2484

GENERAL SUBJECT MATTER TO BE CONSIDERED: To provide an opportunity for the public and other interested persons to learn about and provide comment on the Acme Basin B Discharge Project of the Comprehensive Everglades Restoration Plan (CERP).

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.

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: Ellen Underwood in the Department of Public Information, District Headquarters, 3301 Gun Club Road, Mail Stop Code 6710, West Palm Beach, FL 33406, (561)682-6013.

LAND AND WATER ADJUDICATORY COMMISSION

The Florida **Land and Water Adjudicatory Commission** announces a meeting to which all persons are invited.

DATE AND TIME: November 12, 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, 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.

REGIONAL UTILITY AUTHORITIES

The **Tampa Bay Water** announces the following Regular Board Meeting to which all persons are invited:

DATE AND TIME: Monday, November 17, 2003, 9:00 a.m.

PLACE: Tampa Bay Water, 2535 Landmark Drive, Suite 211-A, Clearwater, Florida 33761

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regular Meeting of the Board of Directors.

If a person decides to appeal any decision made by the Board with respect to any matter considered at this meeting, he will need a record of the proceedings, and for such purposes he may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

A copy of the regular meeting agenda may be obtained by writing Tampa Bay Water or can be accessed on the Web at www.tampabaywater.org.

If an accommodation is needed for a disability, in order to participate in this activity, please notify Holly Wells, (727)796-2355, at least 3 business days prior to the meeting.

DEPARTMENT OF VETERANS' AFFAIRS

The Florida **Commission on Veterans' Affairs** will hold its quarterly meeting in Tallahassee, Florida. This is a public meeting to which all persons are invited.

DATE AND TIME: Monday, November 10, 2003, 1:00 p.m.

PLACE: The Knott Building, 404 South Monroe Street, Room 116, Tallahassee, FL 32301

GENERAL SUBJECT MATTER TO BE CONSIDERED: Quarterly Meeting.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact: Nancy Schiellerd; Florida Department of Veterans' Affairs, 2540 Executive Center Circle, West, The Douglas Building, Suite 100, Tallahassee, Florida 32301. Please telephone (850)487-1533, at least 48 hours prior to the workshop.

DEPARTMENT OF ELDER AFFAIRS

The Florida **Department of Elder Affairs** announces a public hearing to which all persons are invited.

DATE AND TIME: November 17, 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, by phone (850)414-2091; by email Sindtj@elderaffairs.org or by mail 4040 Esplanade Way, Tallahassee, Florida 32399-7000.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this meeting is asked to advise the department at least 48 hours before the meeting by contacting: Jennifer Sindt, (850)414-2091. If you are hearing or speech impaired, please contact the department by calling (850)414-2001.

The State of Florida, **Long-Term Care Ombudsman Council** announces the next Quarterly Meeting including a number of Committee Meetings; to which interested persons are invited.

Executive Committee

DATE AND TIME: Wednesday, November 12, 2003, 9:00 a.m. – 5:00 p.m.

Policy and Procedure Committee

DATE AND TIME: Thursday, November 13, 2003, 9:00 a.m. – Noon

Legislative Committee

DATE AND TIME: Thursday, November 13, 2003, 10:00 a.m. – Noon

Ways and Means Committee

DATE AND TIME: Thursday, November 13, 2003, 9:00 a.m. – Noon

State Council General Session

DATE AND TIME: Friday, November 14, 2003, 8:30 a.m. – 3:00 p.m.

PLACE: Sheraton Suites, 4400 Cypress St., Tampa, FL 33607, (813)873-8675

GENERAL SUBJECT MATTER TO BE CONSIDERED: Issues relating to the Long-Term Care Ombudsman Program. If anyone should require additional information regarding these events, please call the Office of the Long-Term Care Ombudsman, (850)414-2323.

The **Northeast Florida Area Agency on Aging** announces a Budget/Finance Committee meeting, and the Annual Board of Directors meeting to which all persons are invited:

DATE AND TIMES: November 19, 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 and Election of New Members and Officers.

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 OF HEALTH CARE ADMINISTRATION

The **Agency of Health Care Administration** and the Office of Insurance Regulation announce the Third Meeting of the Governor's Task Force on Access to Affordable Health Insurance to which all interested persons are invited.

DATE AND TIME: November 17, 2003, 10:00 a.m. – 4:00 p.m.

PLACE: Tampa Airport Marriott, Tampa International Airport, Room (TBA), Tampa, Florida 33607

GENERAL SUBJECT MATTER TO BE CONSIDERED: Introductions and background information for the task force, review of prior initiatives in Florida, review of the investigations of pilot and other alternative approaches to traditional health insurance which have been demonstrated to be effective in providing health care coverage to various populations, review of the potential partnerships the state can utilize to increase available health insurance coverage, summary of findings that best describe Florida's situation, develop task policy statements that will guide the recommendations, and general business of the Task Force. There will be an opportunity for public testimony.

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 and meeting materials may be obtained by writing: Mr. Gary Crayton, Principal, Health Management Associates, 301 S. Bronough Street, Suite 500, Tallahassee, Florida 32301 or by visiting our website at http://www.fdhc.state.fl.us/affordable_health_insurance/index.shtml.

DEPARTMENT OF MANAGEMENT SERVICES

The **State Technology Office** announces a meeting of the Joint Dispatch Oversight Committee of the Joint Task Force on State Agency Law Enforcement Communications to which all interested persons are invited.

DATE AND TIME: November 19, 2003, 1:30 p.m.

PLACE: Department of Financial Services, Alexander Building, 2020 Capital Circle, Southeast, Room 2100, Tallahassee, Florida 32301

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss operational matters of the Joint Dispatch Centers.

For more information about the agenda, contact: Capt. Jeff Merritt, Bureau of Fire and Arson Investigations, Division of State Fire Marshal's Office, (850)413-3907.

The **Governor's Working Group on the Americans with Disabilities Act** (ADAWG) will hold its Second Biennial ADA Conference, to which all interested persons are invited to participate.

DATES AND TIME: November 4-6, 2003, 8:00 a.m. – 5:00 p.m.

PLACE: The Rosen Centre Hotel, 9840 International Drive, Orlando, Florida 32819, (407)996-9840

GENERAL SUBJECT MATTER TO BE CONSIDERED: The title of the conference is 2003 Florida ADA Conference: Empowerment through Education.

ADAWG Board members will be present on site one day before and after the conference.

If you would like more information on the conference, call (850)487-3423, e-mail ADAConference@aol.com or visit the conference Web site at <http://www.abilityforum.com/ADAConf/>.

The **Florida Black Business Investment Board**, Inc. (FBBIB), Florida Black Business Support Corporation (FBBSC), and the Access Florida Opportunity, LLC will hold their Board of Directors' meetings to which all interested persons are invited.

DATE AND TIME: Thursday, November 13, 2003, 10:00 a.m. – 4:00 p.m.

PLACE: Ft. Lauderdale Marina Marriott Hotel, 1881 S. E. 17th Street, Ft. Lauderdale, Florida 33316

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss the Board's operations, to identify areas for future Board priorities, loan, audit, and development committees, discussion/review/approval of related issues, and approve actions taken by the Chairman and/or President under delegated authority.

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: November 14, 2003, 10:00 a.m. – 3:00 p.m.

PLACE: Department of Business and Professional Regulation Board Room, North Hurston Towers, 400 West Robinson Street, Suite N-901, Orlando, Florida 32802

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. Meetings are scheduled for November 14, 2003 in Orlando, December 8, 2003 in Tampa, January 9, 2004 in Jacksonville, and January 28, 2004 in Tallahassee. Attendance may be in person or by telephone by calling (850)487-8587 or Suncom 277-8587.

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 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 in writing: Department of Business and Professional Regulation, 1940 North Monroe Street, Tallahassee, Florida 32399-2202 or call Marlita Peters, (850)414-9223 or Suncom (850)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 Florida **Board of Pilot Commissioners** announces a telephone conference call to which all persons are invited to participate.

DATE AND TIME: December 1, 2003, 10:00 a.m.

PLACE: Department of Business and Professional Regulation, 1940 N. Monroe Street, Tallahassee, FL, Conference Call Number: (850)921-6513, Suncom 291-6513

GENERAL SUBJECT MATTER TO BE CONSIDERED: Deputy Pilot Advancement.

Any person deciding to appeal a decision made with respect to any matter considered at this meeting will need to ensure that a verbatim record of the proceeding is made. Such record must include testimony and evidence upon which the appeal is to be based.

Any person requiring special accommodations at this meeting because of a disability or physical impairment should contact Department of Business and Professional Regulation, Board of Pilot Commissioners, (850)922-5012, at least forty-eight (48) hours prior to the meeting. If you are hearing or speech impaired, please contact the board office using the Florida Dual Party Relay System which can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

The Florida **Board of Pilot Commissioners** announces a telephone conference call to which all persons are invited to participate.

DATE AND TIME: December 17, 2003, 10:00 a.m.

PLACE: Department of Business and Professional Regulation, 1940 N. Monroe Street, Tallahassee, FL, Conference Call Number: (850)921-6513, Suncom 291-6513

GENERAL SUBJECT MATTER TO BE CONSIDERED: Deputy Pilot Advancement.

Any person deciding to appeal a decision made with respect to any matter considered at this meeting will need to ensure that a verbatim record of the proceeding is made. Such record must include testimony and evidence upon which the appeal is to be based.

Any person requiring special accommodations at this meeting because of a disability or physical impairment should contact Department of Business and Professional Regulation, Board of Pilot Commissioners, (850)922-5012, at least forty-eight (48) hours prior to the meeting. If you are hearing or speech impaired, please contact the board office using the Florida Dual Party Relay System which can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

The **Florida Real Estate Commission** announces a Taskforce Committee meeting to which all persons are invited.

DATE AND TIME: November 17, 2003, 1:00 p.m.

PLACE: Department of Business and Professional Regulation, Division of Real Estate, Room N901, 400 W. Robinson Street, Hurston Building, North Tower, Orlando, Florida 32801, (407)245-0800

GENERAL SUBJECT MATTER TO BE CONSIDERED: The purpose of the workshop is to address issues regarding unlicensed activity and standards for instructors and real estate schools.

Any person requiring a special accommodation at this workshop because of a disability or physical impairment should contact the Division of Real Estate, (407)481-5632 (between the hours of 9:00 a.m. and 4:00 p.m.), at least five calendar days prior to the workshop. If you are hearing or speech impaired, please call the Florida Real Estate Commission using the Florida Dual Party Relay System, 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

A copy of the agenda may be obtained by writing: Lori Crawford, Deputy Clerk, Division of Real Estate, 400 West Robinson Street, Hurston Building, North Tower, Suite N802, Orlando, Florida 32801.

The **Florida Real Estate Commission** (FREC) announces a public meeting to which all persons are invited.

DATES AND TIME: Tuesday, November 18, 2003, 8:30 a.m.; reconvening Wednesday, November 19, 2003, 8:30 a.m.

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

GENERAL SUBJECT MATTER TO BE CONSIDERED:

Official business of Commission – among topics included, but not limited to, are proposed legislation affecting Chapter 475, Part I, F.S., rule development workshops, Florida Administrative Code 61J2 rule amendments, budget discussions, escrow disbursement requests, recovery fund claims, education issues, petitions for declaratory statement, petitions for rule variance/waiver, and disciplinary actions.

If a person decides to appeal a decision made by the Commission, with respect to any matter considered at this meeting or hearing, a record of the proceedings for such purpose, upon which the appeal is based, may be required.

A copy of the agenda may be obtained by writing: Deputy Clerk of the Florida Real Estate Commission, 400 W. Robinson Street, Suite 802, Orlando, Florida 32801-1772.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact the Department of Business and Professional Regulation, (407)245-0800, at least five (5) calendar days prior to the meeting. If you are hearing or speech impaired, please call the Division of Real Estate using the Florida Dual Party Relay System, 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

The **Florida State Boxing Commission** announces a meeting to which all interested persons are invited.

DATE AND TIME: Thursday, November 20, 2003, 10:00 a.m.

PLACE: 110 S. E. 6th Street, Autonation Tower, Suite 1970, Ft. Lauderdale, FL 33301, (954)761-7201 (Access to the meeting may be obtained by attending in person at the place listed or by calling, at least forty-eight (48) hours prior to the meeting, (850)488-8500 or Suncom 278-8500)

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct a general business meeting of the Commission.

A copy of the agenda may be obtained by writing: Florida State Boxing Commission, Jason Penley, Assistant Executive Director, 1940 North Monroe Street, Tallahassee, FL 32399-1016.

Any person deciding to appeal a decision made by the Commission with respect to any matter considered at this meeting will need to ensure that a verbatim record of the proceeding is made. Such record must include the testimony and evidence upon which the appeal is to be based.

Any person requiring special accommodation at this meeting because of a disability or physical impairment should contact Kelly Harris, Administrative Assistant, (850)488-8500, at least forty-eight (48) hours prior to the meeting. If you are hearing or speech impaired, please contact the Commission office using the Florida Dual Party Relay System which can be reached at 1(800)955-8770 (Voice) or 1(800)955-8771 (TDD).

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 **Governor's Task Force on the Obesity Epidemic** announces the second meeting to which all persons are invited.

DATE AND TIME: November 12, 2003, 8:30 a.m. – 4:30 p.m.

PLACE: Orlando Marriott Downtown, Orlando, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED:

Experts to provide presentations on the epidemic of overweight and obesity among Florida's youth and adult populations. Focus of meeting on nutrition and other risk factors.

Written comments may be submitted to: Marianne Hightman, 4052 Bald Cypress Way, Bin #A18, Tallahassee, FL 32399-1744.

Accommodations for disabilities please contact: Marianne Hightman, FL Department of Health, Bureau of Chronic Disease Prevention, Obesity Prevention Program, (850)245-4330, Ext. 3433

The **Obesity Prevention Program** announces the Florida Partnership for Promoting Physical Activity and Healthful Nutrition strategic planning meeting.

DATE AND TIME: Friday, November 14, 2003, 8:00 a.m. – 3:00 p.m.

PLACE: Hilton Tampa Airport Westshore, Tampa, FL

Contact: Marianne Hightman, FL Department of Health, Bureau of Chronic Disease Prevention, Obesity Prevention Program, (850)245-4330, Ext. 3433, with any questions.

The **Community Hospital Education Council** announces the following telephone conference call to which all persons are invited:

DATE AND TIME: November 19, 2003, 2:00 p.m. – 3:00 p.m. (EST)

PLACE: Call 1(800)647-7427 or (850)921-2591

GENERAL SUBJECT MATTER TO BE CONSIDERED: General business of the council.

A copy of the agenda may be obtained by writing: Winona Dallis, Office of Community Health Resources, 4052 Bald Cypress Way, Bin #C15, Tallahassee, Florida 32399-1735, (850)245-4440, Ext. 3504.

Any person requiring a special accommodation during this call because of a disability or physical impairment should contact the Office of Community Health Resources, (850)245-4440, Ext. 3504, at least 48 hours prior to the meeting. If you are hearing or speech impaired, please call the Office of Community Health Resources using the Florida Dual Party Relay System which can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

The **Graduate Medical Education Committee** announces the following telephone conference call to which all persons are invited:

DATE AND TIME: December 3, 2003, 2:00 p.m. – 3:00 p.m. (EST)

PLACE: Call 1(800)647-7427 or (850)921-2591

GENERAL SUBJECT MATTER TO BE CONSIDERED: General business of the committee.

A copy of the agenda may be obtained by writing: Winona Dallis, Office of Community Health Resources, 4052 Bald Cypress Way, Bin #C15, Tallahassee, Florida 32399-1735, (850)245-4440, Ext. 3504.

Any person requiring a special accommodation during this call because of a disability or physical impairment should contact the Office of Community Health Resources, (850)245-4440, Ext. 3504, at least 48 hours prior to the meeting. If you are hearing or speech impaired, please call the Office of Community Health Resources using the Florida Dual Party Relay System which can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

The **Department of Health, Board of Hearing Aid Specialists** announces an official board meeting. All interested parties are invited to attend at the address listed below, which is normally open to the public.

DATE AND TIME: November 21, 2003, 9:00 a.m.

PLACE: Homewood Suites, 2987 Apalachee Parkway, Tallahassee, FL 32301, (850)402-9400

GENERAL SUBJECT MATTER TO BE CONSIDERED: General Board Business.

A copy of the agenda may be obtained by writing: Sue Foster, Executive Director, Department of Health, Board of Hearing Aid Specialists, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3258.

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence upon which the appeal is to be made.

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 Sue Foster at least one week prior to meeting date.

The Florida **Board of Medicine**, Probable Cause Panel (North) announces a telephone conference call to be held via meet me number.

DATE AND TIME: November 7, 2003, 2:00 p.m.

PLACE: Meet Me Number: (850)488-5776, Suncom 278-5776

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct a private meeting to review cases for which a determination of probable cause is to be made and to conduct a public meeting to review cases on which probable cause has been made.

A copy of the agenda may be obtained by writing: Gaynetta Rosier, Regulation Specialist II, Agency for Health Care Administration, Medical Services, Palmer Building, P. O. Box 14229, Tallahassee, Florida 32317-4229.

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence upon which the appeal is to be made.

NOTE: In accordance with the Americans with Disabilities Act, persons needing a special accommodation to participate in this proceeding should contact the Medical Litigation Section no later than seven (7) days prior to the proceeding or meeting at which such special accommodation is required. The Medical Litigation Section may be contacted at P. O. Box 14229, Tallahassee, Florida 322317-4229, (850)922-2414, 1(800)955-8771(TDD) or 1(800)955-8770 (Voice) via Florida Relay Service.

The Florida **Board of Medicine**, Rules/Legislative Committee Meeting announces a telephone conference call to be held via meet me number.

DATE AND TIME: Tuesday, November 12, 2003, 12:00 Noon

PLACE: Contact Florida Board of Medicine, (850)245-4131, for the meet me number

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct general business of the Committee.

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**, Probable Cause Panel (North) announces a telephone conference call to be held via meet me number.

DATE AND TIME: November 21, 2003, 2:00 p.m.

PLACE: Meet Me Number: (850)488-5776, Suncom 278-5776

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct a private meeting to review cases for which a determination of probable cause is to be made and to conduct a public meeting to review cases on which probable cause has been made.

A copy of the agenda may be obtained by writing: Gaynetta Rosier, Regulation Specialist II, Agency for Health Care Administration, Medical Services, Palmer Building, P. O. Box 14229, Tallahassee, Florida 32317-4229.

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence upon which the appeal is to be made.

NOTE: In accordance with the Americans with Disabilities Act, persons needing a special accommodation to participate in this proceeding should contact the Medical Litigation Section no later than seven (7) days prior to the proceeding or meeting at which such special accommodation is required. The Medical Litigation Section may be contacted at P. O. Box 14229, Tallahassee, Florida 322317-4229, (850)922-2414, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice) via Florida Relay Service.

The Florida **Board of Medicine**, Credentials Committee announces a meeting to which all persons are invited.

DATE AND TIME: Saturday, November 22, 2003, 9:00 a.m. or soon thereafter

PLACE: Tampa Airport Marriott, Tampa International Airport, Tampa, FL 33607, (813)879-5151

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct general business of the Committee.

A copy of the agenda may be obtained by writing: Larry McPherson, Board Director, Medical Quality Assurance, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3253.

Please note that if a person decides to appeal any decision made by the committee with respect to any matter considered at the above cited meeting or hearing, he will need a record of the proceedings, and for such purpose, he may need to insure that a verbatim record of the proceeding is made, which record includes the testimony and evidence upon which the appeal is to be based.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact the Florida Board of Medicine, (850)245-4131, at least five (5) calendar days prior to the meeting. If you are hearing or speech impaired, please call the Florida Board of Medicine using the Florida Dual Party Relay System which can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

The **Department of Health, Board of Medicine**, Dietetics and Nutrition Practice Council announces a General Business Meeting to which all persons are invited.

DATE AND TIME: December 5, 2003, 9:00 a.m. or soon thereafter

PLACE: Department of Health, 4052 Bald Cypress Way, Room 301, Tallahassee, FL 32399-3255

GENERAL SUBJECT MATTER TO BE CONSIDERED: General Business Meeting.

A copy of the agenda may be obtained by writing: Department of Health, Dietetics and Nutrition Practice Council, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3255 or by calling the council office, (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 Council Office, (850)245-4373. If you are hearing or speech impaired, please contact the department by calling 1(800)955-8770 (Voice) or 1(800)955-8771 (TDD).

Please note that if a person decides to appeal any decision made by the council 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 **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: November 17, 2003, 5:30 p.m.
PLACE: Department of Health, Tallahassee, FL, Meet Me Number (850)488-2854

GENERAL SUBJECT MATTER TO BE CONSIDERED: For cases previously heard by the panel.

Any person requiring special accommodations at this meeting because of a disability or physical impairment should contact the Board, (850)245-4125, at least 48 hours prior to the meeting. If you are a hearing or speech impaired, please contact the Board office using the Dual Party Relay System, 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

A copy of the agenda item may be obtained by writing: Dan Coble, Executive Director, 4052 Bald Cypress Way, Bin #C02, Tallahassee, FL 32399-3257.

The **Board of Nursing**, Probable Cause Panel will hold a duly noticed conference call meeting, to which all persons are invited to attend.

DATE AND TIME: November 19, 2003, 6:30 p.m.
PLACE: Department of Health, Tallahassee, FL, Meet Me Number (850)921-6433

GENERAL SUBJECT MATTER TO BE CONSIDERED: For cases previously heard by the panel.

Any person requiring special accommodations at this meeting because of a disability or physical impairment should contact the Board, (850)245-4125, at least 48 hours prior to the meeting. If you are a hearing or speech impaired, please contact the Board office using the Dual Party Relay System at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

A copy of the agenda item may be obtained by writing: Dan Coble, Executive Director, 4052 Bald Cypress Way, Bin #C02, Tallahassee, FL 32399-3257.

The **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: November 20, 2003, 5:30 p.m.
PLACE: Department of Health, Tallahassee, FL, Meet Me Number (850)921-6433

GENERAL SUBJECT MATTER TO BE CONSIDERED: For cases previously heard by the panel.

Any person requiring special accommodations at this meeting because of a disability or physical impairment should contact the Board, (850)245-4125, at least 48 hours prior to the meeting. If you are a hearing or speech impaired, please contact the Board office using the Dual Party Relay System, 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

A copy of the agenda item may be obtained by writing: Dan Coble, Executive Director, 4052 Bald Cypress Way, Bin #C02, Tallahassee, FL 32399-3257.

The **Board of Optometry**, Rules Committee will hold a duly noticed meeting, to which all persons are invited to attend.

DATE AND TIME: Thursday, November 20, 2003, 4:00 p.m.
PLACE: AmeriSuites, 8435 Forbes Place, Orlando, FL 32812, (407)816-7800

GENERAL SUBJECT MATTER TO BE CONSIDERED: Discussion of Rule Chapter 64B13, Florida Administrative Code.

Any person requiring special accommodations at this meeting because of a disability or physical impairment should contact the Board, (850)245-4355, at least 48 hours prior to the meeting. If you are a hearing or speech impaired, please contact the Board office using the Dual Party Relay System, 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

A copy of the agenda item may be obtained by writing: Joe Baker, Jr., Board of Optometry, Executive Director, 4052 Bald Cypress Way, Bin #C07, Tallahassee, FL 32399-3257.

The **Board of Optometry**, Probable Cause Panel will hold a duly noticed meeting and telephone conference call meeting, to which all persons are invited to attend.

DATE AND TIME: Thursday, November 20, 2003, 6:30 p.m.
PLACE: AmeriSuites, 8435 Forbes Place, Orlando, FL 32812, (407)816-7800

GENERAL SUBJECT MATTER TO BE CONSIDERED: For cases previously heard by the panel.

Any person requiring special accommodations at this meeting because of a disability or physical impairment should contact the Board, (850)245-4355, at least 48 hours prior to the meeting. If you are a hearing or speech impaired, please contact the Board office using the Dual Party Relay System, 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

A copy of the agenda item may be obtained by writing: Joe Baker, Jr., Executive Director, Board of Optometry, 4052 Bald Cypress Way, Bin #C07, Tallahassee, FL 32399-3257.

The **Board of Optometry** will hold a duly noticed meeting and telephone conference call, to which all persons are invited to attend.

DATE AND TIME: Friday, November 21, 2003, 9:00 a.m.

PLACE: AmeriSuites, 8435 Forbes Place, Orlando, FL 32812, (407)816-7800

GENERAL SUBJECT MATTER TO BE CONSIDERED: General board business.

Any person requiring special accommodations at this meeting because of a disability or physical impairment should contact the Board, (850)245-4355, at least 48 hours prior to the meeting. If you are a hearing or speech impaired, please contact the Board office using the Dual Party Relay System, 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

A copy of the agenda item may be obtained by writing: Joe Baker, Jr., Executive Director, Board of Optometry, 4052 Bald Cypress Way, Bin #C07, Tallahassee, FL 32399-3257.

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

The Shared Services Alliance of Okeechobee and the Treasure Coast of the **Department of Children and Family Services**, District 15, announces the following public meeting to which all persons are invited:

Executive Committee:

DATES AND TIME: November 5, 12, 19 and 26, 2003, 8:00 a.m. – 5:00 p.m.

PLACE: Clem C. Benton Bldg., Room 327-D, 337 N. US Hwy #1, Ft. Pierce, FL 34950

For more information, please contact: Linda Poston, Personal Secretary 1, 37 North US Hwy. 1, Room 327, Fort Pierce, Florida 34950, (772)467-4178.

SPECIAL ACCOMMODATION: Any person requiring special accommodation for this meeting because of a disability or physical impairment should contact, Pearlie Clark, ADA Coordinator, (772)467-4184, at least five days prior to the meeting. If you are hearing or speech impaired, please contact the Agency using the Florida Dual Party Relay System 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

The **Council on Homelessness** announces the following meetings to which all persons are invited:

DATE AND TIME: Tuesday, December 2, 2003, 9:00 a.m. – 1:00 p.m.

PLACE: Department of Children and Family Services, 1317 Winewood Boulevard, Building 8, Room 232, Tallahassee, FL 32399-0700, Conference Call-In Number: (850)410-0961 or SunCom 210-0961

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Council will review and approve the recommendations and content of its 2003 report to the Secretary of Children and Families, the Governor and Legislature. The Council will receive reports from its committees and conduct other business needed.

COMMITTEE: Supportive Housing Development

DATE AND TIME: Tuesday, December 2, 2003, 2:00 p.m. – 3:00 p.m.

PLACE: Department of Children and Family Services, 1317 Winewood Boulevard, Building 8, Room 232, Tallahassee, FL 32399-0700, Conference Call-In Number: (850)410-0961 or SunCom 210-0961

GENERAL SUBJECT MATTER TO BE CONSIDERED: This conference call will address this committee's development of policy recommendations and work tasks that address the Council's Strategic Plan to reduce the number of persons who may be facing homelessness in Florida. Specifically, the committee will be investigating the resources needed to create a supply of supportive housing units to serve Florida's homeless individuals and families.

A copy of the agenda may be obtained by contacting: Tom Pierce, State Office on Homelessness, 1317 Winewood Boulevard, Tallahassee, FL 32399-0700, (850)922-9850, Tom_Pierce@dcf.state.fl.us.

Pursuant to Chapter 286.26, Florida Statutes, any disabled person wishing to access this meeting who may be in need of special assistance should contact the Office on Homelessness, (850)922-4691, at least 48 hours in advance of the meeting.

Florida law requires the **Department of Children and Family Services** to develop comprehensive local plans for publicly-funded substance abuse and mental health services. The draft plan for District 2, which includes Bay, Gulf,

Washington, Holmes, Jackson, Calhoun, Wakulla, Liberty, Franklin, Gadsden, Leon, Madison, Jefferson, and Taylor Counties will be reviewed at the following public meetings:

DATE AND TIME: Wednesday, November 19, 2003, 2:00 p.m. – 4:00 p.m. (central time)

PLACE: Conference Center, Student Union (East), 2nd Floor, Gulf Coast Community College, Panama City, FL

DATE AND TIME: Thursday, November 20, 2003, 2:00 p.m. – 4:00 p.m. (eastern time)

PLACE: Cedars Executive Center, 2nd Floor Conference Room, Building A, 2639 North Monroe St., Tallahassee, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: The purpose of the public meetings is to obtain public, provider and consumer involvement prior to finalizing the Substance Abuse and Mental Health Three Year Plan for 2004-2007.

For further information or to obtain copies of the draft plan prior to the public meetings, call (850)872-7644 in Panama City or (850)488-2419 in Tallahassee.

FISH AND WILDLIFE CONSERVATION COMMISSION

The Florida **Fish and Wildlife Conservation Commission** has scheduled a public meeting regarding the placement of the U.S.S. ORISKANY in Florida as an artificial reef, to which all interested persons are invited:

DATE AND TIME: November 14, 2003, 9:00 a.m. – 5:00 p.m.

PLACE: Florida Marine Research Institute / University of South Florida, Auditorium, 100 8th Avenue, S. E., St. Petersburg, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: On October 20, 2003, the Joint U. S. Navy/DOT Maritime Administration (MARAD) Artificial Reefing Program solicited applications for the donation of the U.S.S. ORISKANY (CVA 34) for sinking as an artificial reef. Applications must be submitted to MARAD no later than November 20, 2003, and only one application per state will be accepted. Competing interests of local governments and non-profit corporations interested in this project must be vetted at the state level by the state agency responsible for the state's artificial reef program. The purpose of this meeting is to review draft applications and receive presentations from Florida local governments or non-profit corporations for placement of the U.S.S. ORISKANY (CVA 34) in waters off Florida as an artificial reef and to decide which application best meets criteria established by the U.S. Navy and MARAD in the solicitation of applications. Such selected draft application will be submitted by the Commission as Florida's proposal for the underwater disposition of the U.S.S. ORISKANY.

A copy of the proposed agenda may be obtained from: Florida Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600.

If any person decides to challenge any decision with respect to any matter considered at the above meeting, a record of the proceeding will be needed. For this purpose, you may need to ensure that a verbatim record of the proceeding is made which includes testimony and evidence upon which the challenge is to be based.

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

LEGAL AUTHORITY: Article IV, Section 9, Florida Constitution.

DEPARTMENT OF FINANCIAL SERVICES

The **Office of Financial Regulation** announces a public hearing to which all persons are invited:

DATE AND TIME: November 12, 2003, 9:00 a.m., during a regular meeting of the Financial Services Commission (The corresponding meeting of the Cabinet Aides will take place on November 5, 2003, 9:00 a.m.)

PLACE: Cabinet Meeting Room, Lower Level, The Capitol, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Adoption of Amendments to Rules 3C-560.102, 3C-560.201, 3D-40.031, 3D-40.051, 3D-40.100, 3D-40.200, 3D-40.220, 3E-600.002, F.A.C., relating to a change in the fee for the processing of fingerprint cards. Notices of the proposed actions were published in Vol. 29, No. 38, September 19, 2003 issue of the Florida Administrative Weekly.

Pursuant to the provisions of the American with Disabilities Act, any person requiring special accommodations to participate in this program, please advise the Office at least 5 calendar days before the program by contacting: Gregory C. Oaks, (850)410-9805.

The Enterprise Resource Planning Integration Task Force, of the **Florida Financial Management Information System (FFMIS) Coordinating Council** announces the following public meeting and workshop to which all persons are invited:

Task Force Regular Meeting

DATE AND TIME: November 20, 2003, 10:00 a.m.

PLACE: Cabinet Meeting Room LL, Capitol Building, Tallahassee, Florida

Please Note: The above dates, times and places of the meeting are tentative. It may be necessary to reschedule some of these meetings and additional interim meetings of the Task Force may be required.

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Vision workshop will be used to discuss and create a common set of objectives for the Task Force members, and Staff. Regular Task Force meetings will include discussion relating to the integration of the systems that comprise the Florida Financial Management Information Systems. Workgroups which will not include Task Force members will be formed as necessary, to carry out research and provide recommendations to the task force.

Information regarding scheduled times and dates can be sent to: Don Northam, Director, ERPI TF, Department of Financial Services, 200 E. Gaines Street, Tallahassee, FL 32399-0352, (850)413-2822, Fax (850)488-7265, e-mail: northamd@dfs.state.fl.us

FLORIDA INDEPENDENT LIVING COUNCIL

The **Florida Independent Living Council** announces the following meetings:

MEETING: Point Persons Committee Meeting

DATE AND TIME: Wednesday, November 5, 2003, 9:30 a.m. (EST)

PLACE: FILC, Inc., Administrative Offices, 1018 Thomasville Road, Suite 100A, Tallahassee, Florida 32303-6271

MEETING: Grassroots Forum Steering Committee Meeting

DATE AND TIME: Tuesday, November 11, 2003, 1:00 p.m. (EST)

PLACE: FILC, Inc., Administrative Offices, 1018 Thomasville Road, Suite 100A, Tallahassee, Florida 32303-6271

MEETING: Grassroots Forum Marketing Sub-committee Meeting

DATE AND TIME: Wednesday, November 12, 2003, 9:30 a.m. (EST)

PLACE: FILC, Inc., Administrative Offices, 1018 Thomasville Road, Suite 100A, Tallahassee, Florida 32303-6271

MEETING: Grassroots Forum Vendors Sub-committee Meeting

DATE AND TIME: Wednesday, November 12, 2003, 1:00 p.m. (EST)

PLACE: FILC, Inc., Administrative Offices, 1018 Thomasville Road, Suite 100A, Tallahassee, Florida 32303-6271

MEETING: Grassroots Forum Program Sub-committee Meeting

DATE AND TIME: Wednesday, November 12, 2003, 3:00 p.m. (EST)

PLACE: FILC, Inc., Administrative Offices, 1018 Thomasville Road, Suite 100A, Tallahassee, Florida 32303-6271

MEETING: Funding Formula Task Force Meeting

DATE AND TIME: Monday, December 1, 2003, 9:30 a.m. (EST)

PLACE: FILC, Inc., Administrative Offices, 1018 Thomasville Road, Suite 100A, Tallahassee, Florida 32303-6271

MEETING: Planning Committee Meeting

DATE AND TIME: Wednesday and Thursday, December 3-4, 2003, 9:00 a.m. – 5:00 p.m. (EST)

PLACE: Wingate Inn, 2516 Lake Shore Drive, Tallahassee, Florida 32308

MEETING: Personnel Policies Task Force Meeting

DATE AND TIME: Friday, December 5, 2003, 10:30 a.m. (EST)

PLACE: FILC, Inc., Administrative Offices, 1018 Thomasville Road, Suite 100A, Tallahassee, Florida 32303-6271

MEETING: Funding Formula Task Force Meeting

DATE AND TIME: Monday, December 16, 2003, 9:30 a.m. (EST)

PLACE: FILC, Inc., Administrative Offices, 1018 Thomasville Road, Suite 100A, Tallahassee, Florida 32303-6271

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct the regular business of the council.

A copy of the agenda may be obtained by contacting: Florida Independent Living Council, 1018 Thomasville Road, Suite 100A, Tallahassee, Florida 32303-6271, (850)488-5624 or toll free (877)822-1993.

Any person who needs an accommodation to participate in this meeting because of a disability, including alternative formats, should submit a request for such accommodation in writing at least one week before the meeting date.

COMMITTEE AND TASK FORCE MEETINGS: Please note that committees and task forces of the Florida Independent Living Council will meet at various times throughout the year to carry out the work of the council; the meeting dates and times will be posted at the above address at least seven days prior to the meeting. Persons who want to be notified of such meetings may request to be put on the mailing list for such notices by writing to Beth Schultz at the council address.

Notices of meetings and hearing must advise that a record is required to appeal. Each board, commission or agency of this state or of any political subdivision thereof shall include in the notice of any meeting or hearing, if notice of the meeting or hearing is required, of such board, commission or agency, conspicuously on such notice, the advice that, if a person decides to appeal any decision made by the board, agency or commission with respect to any matter considered at such meeting or hearing, he or she will need a record of the proceedings, and that, for such purpose, he or she may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. (Florida Statutes, §286.0105)

INDIGENT SERVICES ADVISORY BOARD

The Article V, **Indigent Services Advisory Board** announces a meeting to which all interested parties are invited.

DATE AND TIME: November 10, 2003, 1:00 p.m.

PLACE: Rm. 309, The Capitol, Tallahassee, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED:
Board Meeting.

In conjunction with the Americans with Disabilities Act, please call (850)488-2415 if special accommodations are needed. For TDD service, please use Dual Party Relay System, 1(800)955-8771.

ORANGE COUNTY RESEARCH AND DEVELOPMENT AUTHORITY

The **Orange County Research and Development Authority** announces a public meeting to which all persons are invited:

DATE AND TIME: November 12, 2003, 8:00 a.m.

PLACE: Central Florida Research Park, 12424 Research Parkway, Suite 100, Orlando, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED:
General Business Meeting.

COUNCIL FOR EDUCATION POLICY

The **Council for Education Policy**, Research and Improvement announces a public meeting.

DATE AND TIME: Wednesday, November 12, 2003, 9:30 a.m. – 4:00 p.m.

PLACE: The Advanced Technology Center of Florida Community College, 401 West State Street, Jacksonville, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Council will discuss legislative studies and other ongoing assignments.

For further information, call the Council office, (850)488-7894.

SUNSHINE STATE, ONE CALL OF FLORIDA

The **Sunshine State, One Call of Florida**, Inc. (SSOCOF) announces its Board and Committee meetings to which all interested persons are invited. Dress is business casual.

Committee Meetings

DATE AND TIMES: November 20, 2003

8:00 a.m. Operations Committee – Larry Batchelor

- Review of FY 2003/04 Monthly and YTD Call Center Statistics
- Positive Response System Implementation Update
- AGT Irth System Enhancement Update
- Open Discussion

10:30 a.m. Damage Prevention Committee – Tim McKeown

- Demo of AERVOE Paint Bag Pilot
- Emergency Ticket Task Group Report – Rick Rektorick
- Investigation of Data to Develop Recommendations on Promotional Items Policy
- Gas Pipeline Pilot Program Recommendations
- CGA National Damage Reporting System
- Open Discussion

12:00 Noon Lunch – provided at call center for meeting participants and SSOCOF employees

1:30 p.m. Finance Committee – David Wheeler

- Review of FY 2003/04 Monthly and YTD Financial Reports
- Financial Audit Report – Troy Olson, CPA for McDirmit, Davis, Puckett & Company
- Compensation Review – Market Salary Adjustment Recommendations
- Travel and Expense Policy Review
- FY 2004/05 Capital Budget Item Wish List
- Open Discussion

3:30 p.m. Executive Review Committee – Mike Borg

4:00 p.m. Adjourn

Board Meeting

DATE AND TIMES: November 21, 2003

8:00 a.m. Secretary’s Report

8:15 Election to fill Director Seat vacated by Rodney Mauldin, Okaloosa County (See SSOCOF website www.callsunshine.com or <http://www.callsunshine.com/corp/about/board/index.html> for qualification requirements)

8:30 a.m. Consent Agenda, Executive Director’s Report, Legal Report and Trip Reports

10:00 a.m. Committee Reports

- Operations Committee
- Damage Prevention Committee
- Finance Committee
- Executive Review Committee

12:00 Noon Lunch – provided at call center for meeting participants and SSOCOF employees

1:00 p.m. Resume Committee Reports

3:00 p.m. Open Discussion

4:00 p.m. Problem Resolution

5:00 p.m. Adjourn

PLACE: SSOCOF Call Center, 11 Plantation Road, DeBary, FL 32713

Attention: Please deliver this to the primary contact for Sunshine State One-Call of Florida and/or someone who plays an active role in underground facility damage prevention.

Any person requiring some accommodation at this meeting because of a physical impairment should call the one-call notification center, (386)575-2000, at least five calendar days prior to the activity. Any person who is hearing or speech impaired should contact the one-call notification center through the Florida Relay Center, 1(800)955-8771.

Section VII

Notices of Petitions and Dispositions Regarding Declaratory Statements

DEPARTMENT OF COMMUNITY AFFAIRS

NOTICE IS HEREBY GIVEN that the Florida Building Commission has issued a Declaratory Statement in response to a request received from Fire Code Official's Office, Collier County, on April 29, 2003. It was assigned the number DCA03-DEC-106. The Commission determined that Section 423.7.7, Florida Building Code, Building Volume, (2001 as amended 6/03) expressly provides for the type of the automatic detectors to be used in the unoccupied rooms and concealed spaces in question. However, installation of such automatic detectors must be in accordance with NFPA 72.

A copy of the Declaratory Statement be obtained by writing: Paula P. Ford, Commission Clerk, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100.

NOTICE IS HEREBY GIVEN that the Florida Building Commission has issued a Declaratory Statement in response to a request received from C. R. Willis, on June 6, 2003. It was assigned the number DCA03-DEC-133. The Commission determined that dry-in and flashing inspections are two of the minimum inspections required by the Code and are required to be performed by the authority having jurisdiction.

A copy of the Declaratory Statement be obtained by writing: Paula P. Ford, Commission Clerk, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100.

NOTICE IS HEREBY GIVEN that the Florida Building Commission has issued a Declaratory Statement in response to a request received from T. A. Krebs, on June 9, 2003. It was assigned the number DCA03-DEC-134. The Commission determined that the guardrail described in the Petition is required by the Code to be forty-two inches in height.

A copy of the Declaratory Statement be obtained by writing: Paula P. Ford, Commission Clerk, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100.

NOTICE IS HEREBY GIVEN that the Florida Building Commission has issued a Declaratory Statement in response to a request received from the Charlotte County Community Development Department, on June 12, 2003. It was assigned the number DCA03-DEC-138. The Commission determined that unless an alternate or equivalent is authorized by the Building Official, foundations of the aluminum structures identified in the Petition are required to extend at least 12 inches below finished grade.

A copy of the Declaratory Statement be obtained by writing: Paula P. Ford, Commission Clerk, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100.

NOTICE IS HEREBY GIVEN that the Florida Building Commission received a request for Declaratory Statement on October 3, 2003, from Cuhaci & Peterson, Architects, L.L.C., c/o Michael E. Lynch, with regards to the requirements of Chapter 104.2.3, Florida Building Code, Building Volume, pertaining to fire protection associated with a penetrating steel member through a one-hour rated fire wall pursuant to section 104.2.3, Florida Building Code, Building Volume (2001 as amended 6/03). It has been assigned the number DCA03-DEC-273.

A copy of the request may be obtained by writing: Paula P. Ford, Commission Clerk, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100.

NOTICE IS HEREBY GIVEN that the Florida Building Commission received a request for Declaratory Statement on October 8, 2003, from Kid Safe Pool Nets, with regards to the requirements of the product identified in the Petition complies with section 424.2.17 of the Florida Building Code, Building Volume (2001 as amended effective 6/03). It has been assigned the number DCA03-DEC-276.

A copy of the request may be obtained by writing: Paula P. Ford, Commission Clerk, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100.

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

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

DEPARTMENT OF ENVIRONMENTAL PROTECTION

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

DEPARTMENT OF HEALTH

NOTICE IS HEREBY given that the Department of Health has received a Petition for Declaratory Statement filed on August 11, 2003, pursuant to Section 120.565, Florida Statutes, from P.R. and T.L.H. regarding the applicability of Sections 154.011(1)(a) and (b), and 154.011(2), Florida Statutes, dealing with primary health care services and the applicability of Sections 395.002(10) and 395.1041(3)(a), Florida Statutes, dealing with access to emergency services and care. The Petition also seeks an interpretation regarding the applicability of subsection 64F-10.002(1) and paragraph 64F-10.005(1)(c), Florida Administrative Code, regarding Primary Care Projects. Petitioners seek the Department's interpretation that the statutes and rules require it to ensure that Broward County through its contract with the North Broward Hospital District is providing free primary care services, emergency services and care and medications.

A copy of the Petition for Declaratory Statement may be obtained by contacting: Janine B. Myrick, Esquire, Senior Attorney, 4052 Bald Cypress Way, Bin #A02, Tallahassee, FL 32399-1703. To afford adequate opportunity for comment on the Petition, the Department anticipates entering an Order on the Petition by November 21, 2003.

The Board of Medicine hereby gives notice that it has issued a Final Order in the Petition for Declaratory Statement filed on behalf of AMT, L.L.C. The Board reviewed the petition at its meeting held on August 2, 2003, in Orlando, Florida. The Board's Final Order, filed in this cause on October 20, 2003, finds that the Petition fails to identify the nature of Petitioner

and does not specify the statutory provision, rule or order that Petitioner believes may apply to his set of circumstances. Therefore, the Board is unable to determine whether Petitioner has the requisite standing to obtain a declaratory statement, and denies the Petition.

A copy of the Petition and the Board's Final Order may be obtained by contacting: Board of Medicine, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3253.

The Board of Medicine hereby gives notice that it has issued a Final Order in the Petition for Declaratory Statement filed on behalf of Orlando G. Florete, Jr., M.D. The Board reviewed the petition at its meeting held on August 2, 2003, in Orlando, Florida. The Board's Final Order, filed in this cause on October 20, 2003, finds that under the specific facts of the petition, the Petitioner may allow the physician assistant he employs to perform injective therapy under fluoroscopic guidance on sacroiliac (SI) and facet joints under the direct supervision of a supervising physician as long as such procedures are within the supervising physician's scope of practice and the physician assistant is knowledgeable and skilled in performing such tasks.

A copy of the Petition and the Board's Final Order may be obtained by contacting: Board of Medicine, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3253.

DEPARTMENT OF FINANCIAL SERVICES

NOTICE IS HEREBY GIVEN that the Department of Financial Services, Division of State Fire Marshal, has received a Petition for Declaratory Statement filed October 17, 2003, by Mr. Alfonso Fernandez-Fraga. The Petition is seeking the Department's interpretation of NFPA 101, Subdivision 7.9.2, Emergency Lighting, adopted by the Florida Fire Prevention Code. Petitioner specifically requests a declaratory statement on the following questions: Is one normal power circuit and one emergency power circuit for lights illuminating the means of egress with an exit stair needed?

A copy of the petition for declaratory statement may be obtained in writing: Gabriel Mazzeo, Attorney, Division of State Fire Marshal, 200 East Gaines Street, Tallahassee, Florida 32399-0340, by phone (850)413-3604 or fax (850)922-1235 (please advise if you would like it mailed or faxed to you and please include your phone number on your request in the event any question arises).

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:

The Florida Insurance Forum, Inc. vs. Department of Insurance; Case No.: 03-3791RP; Rule Nos.: 4-149.203(5),(6),(8),(9),(10)

Florida Outdoor Advertising Association, Inc., Clear Channel Outdoor, Inc., Koala Outdoor, The Lamar Company, L.L.C and Viacom Outdoor, Inc. d/b/a National Advertising Company vs. Department of Transportation; Case No.: 03-3682RP; Rule 14-10.0052

United Mail Pharmacy Services, L.C. vs. Department of Health, Board of Pharmacy; Case No.: 03-3792RP; Rule No.: 64B16-27.104(6)

Notice of Disposition of Petition for Administrative Determination have been filed by the Division of Administrative Hearings on the following rules:

Mack Farms, Inc. and Robert J. Malone vs. Department of Agriculture and Consumer Services; Case No.: 03-2892RX; Rule No.: 5E-2.033; Dismissed

Total Pharmacy Services of Florida, LLC vs. Agency for Health Care Administration; Case No.: 03-2753RX; Rule No.: 59G-4.250; Voluntarily Dismissed

Miami-Dade County vs. Department of Environmental Protection; Case No.: 03-1131RP; Rule No.: 62-40; Voluntarily Dismissed

Mario R. Avello, M.D. vs. Department of Health, Board of Medicine; Case No.: 03-3303RP; Rule No.: 64B8-9.014; Dismissed

Mohamed Ibrahim Abdel-Aziz, M.D. vs. Department of Health, Board of Medicine; Case No.: 03-0295RU; Dismissed

Waco Properties, Inc. vs. North Central Florida Regional Planning Council; Case No.: 03-2466RU; Voluntarily Dismissed

Paul M. Murry, M.D. vs. Department of Health and Board of Medicine; Case No.: 03-2476RU; Voluntarily Dismissed

Gerald A. Kersenbrock vs. Jim Horne, as Commissioner of Education and Department of Education; Case No.: 03-3205RU; Voluntarily Dismissed

Section IX
Notices of Petitions and Dispositions
Regarding Non-rule Policy Challenges

NONE

Section X
Announcements and Objection Reports of
the Joint Administrative Procedures
Committee

NONE

Section XI
Notices Regarding Bids, Proposals and
Purchasing

DEPARTMENT OF EDUCATION

NOTICE TO PROFESSIONAL CONSULTANTS:

The University of Florida Board of Trustees announces that Professional Services in the discipline of architecture will be required for the projects listed below:

Projects: UF-236, Murphree Hall Renovation

Location: University of Florida, Gainesville, Florida

The project involves the addition of a central air conditioning system to the 97,000 gross square foot Murphree Hall, a residence facility that was added to the National Register of Historic Places in 1989. The scope will also include the removal and replacement of existing windows, comprehensive renovation of existing bathrooms, enhancement and modification of interior finishes and other architectural elements as needed to accompany the revamped mechanical, electrical, and plumbing systems, and site improvements. These site improvements will follow through on concepts developed under a separate project that covered multiple historic UF courtyards, with landscape architectural services provided by the firm that accomplished studies and designs under that project. The A/E shall coordinate its efforts and the construction documents with the Owner's hazardous materials abatement efforts. The project will be delivered using a 'Best Value' design/bid/build method, with an approximate construction budget of \$5.7 million.

Existing conditions surveys of the facility must take place while students are away on holiday, December 22-31, 2003. The design phase will be 'fast-tracked' in order to allow

renovations to begin in the summer of 2004, with Schematic Design, Design Development, and 100% Construction Documents taking place between January and May 2004.

The selected firm will perform existing conditions surveys; will provide program verification, design, construction documents, and construction administration services; and will participate in the Owner's development of 'Best Value' construction RFP procedures. Blanket professional liability insurance is required for this project in the amount of \$1,000,000, and shall be provided as a part of Basic Services.

INSTRUCTIONS:

Firms desiring to apply for consideration shall submit a proposal only after thoroughly reviewing the facilities program(s), Project Fact Sheet, and other background information. The proposal shall be limited to 40 single-sided pages and shall include:

1. A Letter of Application that concisely illustrates the applicant's understanding of the scope of services, design intent, and other goals and considerations as outlined in the facilities programs.
2. A completed "Professional Qualifications Supplement," using the project-specific version available at the UF Facilities Planning and Construction website. Applications on any other form will not be considered.
3. A copy of the applicant's current Professional Registration Certificate(s) from the appropriate governing board and other pertinent credentials. An applicant must be properly registered at the time of application to practice its profession in the State of Florida. If the applicant is a corporation, it must be chartered by the Florida Department of State to operate in Florida.

Submit five (5) copies of this data, bound in the order listed above. Proposals that do not comply with the above instructions may be disqualified. Application materials will not be returned. The plans and specifications for University of Florida projects are subject to reuse in accordance with the provisions of Section 287.055, Florida Statutes. As required by Section 287.133, Florida Statutes, a consultant may not submit a proposal for this project if it is on the convicted vendor list for a public entity crime committed within the past 36 months. The selected consultant must warrant that it will neither utilize the services of, nor contract with, any supplier, subcontractor, or consultant in excess of \$15,000.00 in connection with this project for a period of 36 months from the date of their being placed on the convicted vendor list.

Submittals must be received in the UF Facilities Planning & Construction Division office by 3:00 p.m., local time, on Tuesday, December 2, 2002. Facsimile (FAX) submittals are not acceptable and will not be considered.

Facilities Planning and Construction Division
232 Stadium/P. O. Box 115050
Gainesville, FL 32611-5050
Telephone: (352)392-1256

The facilities program, Professional Qualifications Supplement forms and instructions, project information and selection criteria, and instructions for registering as an applicant can be found on the Facilities Planning & Construction Division website: www.facilities.ufl.edu.

NOTICE OF RFP TIME EXTENSION TO PROFESSIONAL CONSULTANTS

Florida A & M University (FAMU), on behalf of the FAMU Board of Trustees (FBOT), hereby notify all Professional Consultants that the request for Professional Architectural/Engineering services for the following: Project No.: FM-304, Teaching Gymnasium / Multi-Purpose Center Phase One (PH-I), Florida A & M University, Tallahassee, Florida (published in the Florida Administrative Weekly, Vol. 29, No. 39, September 26, 2003, Pages 3862-3863 Section XI – Notices Regarding Bids, Proposals and Purchasing) IS OFFICIALLY EXTENDED UNTIL DECEMBER 11, 2003. This will be a multi-phased project which consists of the design and construction of an 11,000-seat arena, athletic and physical education office, classrooms, conference rooms, ticket sales, VIP areas and an indoor track. This facility will be accessed by way of Osceola Street and Wahnish Way, or Adams Street. An impressive landscaped entry will accentuate the entrance to this facility, in addition there will be retention lakes and water features in strategic locations. Parking will be accommodated with an approximate 1,200-car parking lot. All overflow parking will be directed to the existing Bragg Stadium parking lot, which is within walking distance of this facility. Gaither Gym, which is currently used for teaching, will be used for Intramural Athletics.

The estimated construction budget for PH-I is \$12,000,000.

A copy of the Facility Program can be obtained at the requester's expense by calling: Target Copy, (850)224-3007, and ask for the Manager or a Key Operator.

The selected firm will provide design, construction documents and administration for the referenced project. Blanket professional liability insurance will be required for this project in the amount of \$1,000,000 and will be provided as a part of Basic Services.

INSTRUCTIONS: Firms desiring to apply for consideration shall submit a letter of application.

The letter of application should have attached:

1. A completed "Professional Qualifications Supplement" (PQS); form is to be obtained from the FAMU Facilities Planning & Construction Office. Applications on any other form will not be considered. Please Note: Minority Business Enterprise (MBE) Participation is not a requirement on this project. Any oversight or mention of it (MBE requirement) in the Instructions and/or on the "PQS" form are to be designated Non-Applicable (N/A), please disregard.

2. A copy of the applicant's current Professional Registration Certificate from the appropriate governing board. An applicant must be properly registered at the time of application to practice its profession in the State of Florida. If the applicant is a corporation, it must be chartered by the Florida Department of State to operate in Florida.

Submit six (6) ring, comb or spiral (no hard, solid or tack) bound copies of the requested data in the order listed above. Applications which do not comply with the above instructions may be disqualified. Application materials will not be returned. The plans and specifications for State University System projects are subject to reuse in accordance with the provisions of Section 287.055, Florida Statutes. As required by Section 287.133, Florida Statutes, a consultant may not submit a proposal for this project if it is on the convicted vendor list for a public entity crime committed within the past 36 months. The selected consultant must warrant that it will neither utilize the services of, nor contract with, any supplier, subcontractor, or consultant in excess of \$25,000 in connection with this project for a period of 36 months from the date of their being placed on the convicted vendor list.

Professional Qualifications Supplement (PQS) forms, descriptive project information, and selection criteria may be obtained by contacting: Samuel J. Houston, Director, Office of Facilities Planning and Construction, Florida A&M University, Plant Operations Facility, Building A, Suite 100, 2400 Wahnish Way, Tallahassee, FL 32307, Phone (850)599-3197 Fax (850)561-2289. Submittals must be received in the Office of Facilities Planning and Construction by 2:00 p.m., local time, on DECEMBER 11, 2003. Facsimile (FAX) submittals are not acceptable and will not be considered.

REQUEST FOR PROPOSALS

Request for Proposal #03/RFP-10/WB Campus Construction Service/General Contractor

The University of West Florida (hereinafter referred to as UWF) is seeking proposals from qualified competitive Contractors to submit proposals to establish multi-year, non-exclusive term job order contracts with multiple qualified state licensed general contractors to provide various construction services for a wide range of small to fairly large construction projects on the main campus of The University of West Florida, 11000 University Parkway, Pensacola, Florida.

Our goal is to select Contractors that will literally become an "extension of our staff". The Contractors will be required to provide construction services for small and urgent response projects, represent our best interest on campus, and to illustrate full "Customer Service".

Sealed proposals will be received until 2:00 p.m. (CDST) on November 20, 2003 at UWF Procurement & Contracts, Bldg. 20W, Room 158, 11000 University Parkway, Pensacola, FL 32514.

The proposal, related documents, and future addenda are available in Adobe Acrobat Reader and can be downloaded at: <http://www.uwf.edu/purchasing/VendorInfo/OpenBidsProposals.html>

Please direct all questions to:

Wendy Baudin
 (850)474-2628 phone
 (850)474-2090 fax
 wbaudin@uwf.edu email

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."

EXECUTIVE OFFICE OF THE GOVERNOR

Volunteer Florida is pleased to announce a Request for Proposals for 2004-2005 to establish AmeriCorps programs. Proposals must be submitted by 5:00 p.m., EST, Tuesday, January 6, 2004. Eligibility criteria, guidelines, application forms, and technical assistance information will be available at www.volunteerflorida.org beginning November 3, 2003.

WATER MANAGEMENT DISTRICTS

REQUEST FOR QUALIFICATIONS #03/04-007WR

Technical Peer Review of Minimum Flows for the Lower Suwannee River

The Suwannee River Water Management District (District) is inviting interested parties (individuals, groups, or firms) to submit their qualifications in regards to assembling a panel to conduct statutory peer review of the technical basis of draft minimum flows for the lower Suwannee River in Florida.

BACKGROUND

The District is conducting a program in the lower Suwannee River to develop Minimum Flows and Levels (MFLs) pursuant to Chapter 373.042, Florida Statutes. This work has involved multiple projects to collect biological data, develop numerical and statistical models, and summarize/evaluate data from the literature. These projects will be used by the District to develop a draft technical document that summarizes the project results and synthesizes them into recommendations for regulatory minimum flows for the lower Suwannee River. The draft document is not yet available for review, but should be by the time a contract is executed.

The District seeks the services of an individual or firm to act as a coordinator in assembling and convening a panel of experts to independently review and comment on the technical basis of the District's proposed minimum flows for the Lower

Suwannee. This will constitute statutory voluntary peer review under Chapt. 373.0421(4)(a), F.S. The submittal to this RFQ must include the names and qualifications of the proposed review panel. The review panel shall consist only of qualified experts in the fields of stream ecology, estuarine ecology, wetland ecology, surface water hydrology & modeling, and ground water hydrology & modeling.

Responses to the RFQ will be due by December 2, 2003 at 4:00 p.m. (local time). Selected members of the District Governing Board will be involved on the selection committee for this project.

The RFQ document will be available on the District's website at www.mysuwanneeriver.com under "Services/Bids" on October 31, 2003. Or requests for the RFQ 03/04-007WR document should be directed to: Suzanne Richardson, (386)362-1001 or 1(800)226-1066 (Florida only).

If you have questions regarding the project, please direct them to Rob Mattson, (386)362-1001 or 1(800)226-1066 (Florida only).

REQUEST FOR PROPOSALS #03/04-008WR

Analysis and Summary of Aquatic Biological Data
collected in the Suwannee River Water Management
District surfacewater monitoring program

The Suwannee River Water Management District (District) is accepting proposals to provide consulting services to conduct summary and statistical analysis of 14 years of aquatic biological data collected in the District's surfacewater monitoring program.

BACKGROUND

Under the Surface Water Improvement and Management Program, the District began a long term program in 1989 to monitor water quality and aquatic biota in the Suwannee River, its tributaries, and other selected streams in the District. The purpose of this project was to collect data to characterize the ecological condition of the streams and assess trends over time. This project will involve tabular and graphical summaries of the benthic macroinvertebrate and periphytic algal data collected in that program and statistical analysis of these data for spatial and temporal trends. Some review of the data will be necessary to update taxonomic revisions. The project will also involve comparison of the biological data with concurrently collected water chemistry and flow data. Statistical analyses must employ a suite of methods including linear correlation, single and multiple linear regressions, ANOVA and multivariate analysis (e.g., cluster analysis, canonical correspondence analysis). Final products expected from this project will be a comprehensive Final Report, the databases with taxonomic updates in electronic format (Microsoft EXCEL), and the integrated databases developed to compare the water chemistry and biological data (Microsoft EXCEL).

Responses to this RFP will be due November 25, 2003 at 4:00 p.m. (local time). A prospective proposer's conference on this RFP will be held at the District office in Live Oak on November 12, 2003 at 3:00 p.m.

The RFP document will be available on the District's website at www.mysuwanneeriver.com at "Services/Bids" on October 31, 2003. Or requests for hard copy of RFP 03/04-008WR document should be directed to Suzanne Richardson, (386)362-1001 or 1(800)226-1066 (Florida only).

If you have questions regarding the project, please direct them to Rob Mattson, (386)362-1001 or 1(800)226-1066 (Florida only).

DEPARTMENT OF MANAGEMENT SERVICES

NOTICE TO PROFESSIONAL CONSULTANTS PUBLIC ANNOUNCEMENT FOR GEOTECHNICAL AND ENVIRONMENTAL ENGINEERING CONSULTING SERVICES, CONTINUING AREA CONTRACTS, SOUTH REGION

The State of Florida, Department of Management Services, Division of Facilities Management and Building Construction requests qualifications from Geotechnical and Environmental Engineering Consulting firms to provide professional services in Florida South Region. All counties in a line across the State South of Pinellas, Hillsborough, Polk, Osceola, Indian River.

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

NOTICE TO DESIGN/BUILD FIRMS

Project and Location: Expansion of Lake City
Correctional Facility
Columbia County, Lake City, Florida

The Correctional Privatization Commission (CPC) is soliciting Construction Management Services for the design and construction of an additional 543 beds at the Lake City Correctional Facility. The Correctional Privatization Commission intends to award one firm-fixed price contract. To be considered for this project, applicant must be appropriately licensed in the State of Florida, with a qualifying agent employed full time by the licensed firm, and must have at least five (5) years experience in management of construction projects of similar scope and complexity. Corporations must be registered to operate in the State of Florida by the Department of State, Division of Corporations, at the time of application. Further, Applicant must be registered with the Department of Management Services and must not be on the convicted vendor list for a public entity crime committed within the past 36 months. In addition, applicant who has been placed on Florida Department of Transportation's Suspended Contractor List may not submit a proposal in response to the ITN if such

suspension occurs less than three years from the date of issuance of the ITN. The selected construction management firm must warrant that it will neither utilize the services of, nor contract with, any supplier, subcontractor, or consultant in excess of \$25,000.00 in connection with this project for a period of 36 months from the date of their being placed on the convicted vendor list or the Suspended Contractor List.

The Invitation To Negotiate (ITN) for the project, which includes instructions for submitting a proposal, will be available on or about October 31, 2003 at 111 West Madison Street, Pepper Building, Suite 680, Tallahassee, FL 32399-0950. Please direct all questions to: Kim Mims, Phone (850)921-4034, Fax (850)922-7594, Email: mimsk@dms.state.fl.us.

The CPC reserves the right to reject any and all proposals or accept minor irregularities in the best interest of the State of Florida. Minority Business Enterprises are encouraged to participate in the bidding process.

NOTICE TO DESIGN/BUILD FIRMS

Project and Location: Expansion of South Bay
Correctional Facility
Palm Beach County,
South Bay, Florida

The Correctional Privatization Commission (CPC) is soliciting Construction Management Services for the design and construction of an additional 543 beds at the South Bay Correctional Facility. The Correctional Privatization Commission intends to award one firm-fixed price contract. To be considered for this project, applicant must be appropriately licensed in the State of Florida, with a qualifying agent employed full time by the licensed firm, and must have at least five (5) years experience in management of construction projects of similar scope and complexity. Corporations must be registered to operate in the State of Florida by the Department of State, Division of Corporations, at the time of application. Further, Applicant must be registered with the Department of Management Services and must not be on the convicted vendor list for a public entity crime committed within the past 36 months. In addition, applicant who has been placed on Florida Department of Transportation's Suspended Contractor List may not submit a proposal in response to the ITN if such suspension occurs less than three years from the date of issuance of the ITN. The selected construction management firm must warrant that it will neither utilize the services of, nor contract with, any supplier, subcontractor, or consultant in excess of \$25,000.00 in connection with this project for a period of 36 months from the date of their being placed on the convicted vendor list or the Suspended Contractor List.

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32399-0950. Please direct all questions to: Kim Mims, Phone (850)921-4034, Fax (850)922-7594, Email: mimsk@dms.state.fl.us.

The CPC reserves the right to reject any and all proposals or accept minor irregularities in the best interest of the State of Florida. Minority Business Enterprises are encouraged to participate in the bidding process.

**NOTICE TO PROFESSIONAL CONSULTANTS
PUBLIC ANNOUNCEMENT FOR GEOTECHNICAL AND
ENVIRONMENTAL ENGINEERING
CONSULTING SERVICES, CONTINUING AREA
CONTRACTS, SOUTH REGION**

The State of Florida, Department of Management Services, Division of Facilities Management and Building Construction requests qualifications from Geotechnical and Environmental Engineering Consulting firms to provide professional services in Florida South Region. All counties in a line across the State South of Pinellas, Hillsborough, Polk, Osceola, Indian River.

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"

**NOTICE TO PROFESSIONAL CONSULTANTS
PUBLIC ANNOUNCEMENT FOR GEOTECHNICAL AND
ENVIRONMENTAL ENGINEERING
CONSULTING SERVICES, CONTINUING AREA
CONTRACTS, NORTH REGION**

The State of Florida, Department of Management Services, Division of Facilities Management and Building Construction requests qualifications from Geotechnical and Environmental Engineering Consulting firms to provide professional services in the Florida North Region. All counties in a line across the State North of Manatee, Hardee, Highlands, Okeechobee, and St. Lucie.

For details please visit the Department's website listed below and click on "Search Advertisements – Division of Facilities Management and Building Construction."
"http://fcn.state.fl.us/owa_vbs/owa/vbs_www.main_menu"

DEPARTMENT OF ENVIRONMENTAL PROTECTION

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

PPI CONSTRUCTION MANAGEMENT**INVITATION TO BID**

Notice is hereby given that SUBTRADE bids will be received by the construction manager, PPI Construction Management, until 3:00 p.m. Tuesday, November 5, 2003 for the following bid packages at the PPI office located at 3452 Lake Lynda Drive, Suite 395, Orlando, FL 32817 for the construction of the University of South Florida Project College of Business Administration Building Expansion Quinn Hall Site Work, Tampa, Florida.

All Bidders must submit a prequalification form to PPI. Prequalification forms may be obtained from PPI.

The following Sub trade Bid packages and documents will be available on October 14, 2003:

Work includes; building demolition, tree protection, curb cuts, tree pruning, trenching, dirt removal, clearing, grubbing, tree removal, tree mulching, removal of site debris, proof rolling, fill and compaction, removal of abandoned utility lines, storm drainage system, sanitary sewage system, electrical demolition, temporary electrical system, lift station, lift station electrical requirements, irrigation main rerouting and rewiring (to maintain existing loop), site demolition (sidewalks, signs), and dewatering.

All work shall be done in accordance with the bidding documents. Drawings, Specifications, and other construction documents may be reviewed, October 14 through the bid date, at local plan rooms or PPI Construction Management office at 3452 Lake Lynda Dr., Suite 395, Orlando, FL 32817. To prequalify, obtain bid documents, or other information contact Mark S. Gordon, (407)482-4070, Fax (407)482-4060, Cell (813)267-1176.

A non-mandatory pre-bid meeting will be held at the project site on, October 23, 2003 at 9:00 a.m.

PPI Construction Management encourages and invites State Certified Minority Business Enterprise Sub trade and Suppliers to submit bids on any portion of this project. PPI is an Equal Opportunity Employer, license #CGC 061834.

PPI Construction Management reserves the right to reject any and all bids, waive informalities and irregularities in bidding and for accepting bids, which are considered in the best interest of this project.

CITY OF ARCADIA**INVITATION FOR BIDS**

Sealed BIDS for Arcadia City Hall Restoration – Phase I will be received by the City of Arcadia Florida at the office of the City Administrator, City Hall, 121 W. Hickory St., Arcadia, FL 34266, (863)494-4114 until 2:00 p.m. (Eastern Standard Time) on November 26, 2003, and then at said office publicly opened and read aloud.

A pre bid meeting will be held at 10:00 a.m. on November 12, 2003 at Arcadia City Hall, 121 West Hickory Street, Arcadia, FL 34266.

The CONTRACT DOCUMENTS may be examined at Arcadia City Hall, or examined and purchased at Stevenson Architects Inc., 529 13th Street, West, Bradenton, FL 34205, (941)747-3696 upon payment of \$70.00 for each set (non-refundable). Questions regarding the technical portions of the Bid shall be directed to the Architect.

BROWARD COUNTY PROPERTY APPRAISER'S OFFICE**NOTICE TO PROFESSIONAL CONSULTANTS**

The Broward County Property Appraiser's Office (BCPAO) anticipates seeking professional consultant services on the projects listed in this advertisement. Consideration will be given to only those firms that are qualified pursuant to law to perform the indicated MAJOR Type(s) of Work. This project will be developed in conjunction with the Geographic Information System (GIS) for the Property Appraiser's Office. Letters of Interest from qualified firms are to be sent to the Broward County Property Appraiser's Office, Broward County Governmental Center, Room 111, Fort Lauderdale, Florida 33301, ATTN: Keith Gay.

PROJECT NUMBER: 10-15-2003-BCPA

PROJECT NAME: 2004 Digital Aerial
Orthophotography

PROJECT LOCATION: Broward County, Florida

SERVICES TO

BE PROVIDED: Digital Color Aerial Photography

Specifications: Aircraft flying height shall be no greater than 6,000 ft. for the development of a .5 ft. pixel and no greater than 12,000 ft. for the development of a 1 ft. pixel.

Digital imagery shall be taken with at least 60% forward overlap between exposures in the line of flight and 30% sidelap between flight lines to allow for photogrammetric processing and ensure there are no gaps in the coverage

Digital imagery shall be orthorectified to a digital elevation or digital terrain model (DEM/DTM) which will be provided by the Broward County Property Appraiser's Office. Any additional control needed for this project will be provided by the BCPAO.

The digital orthophotography shall be horizontally accurate to within 3 ft. if produced at 1"=100" with a .5 ft. pixel and accurate to within 7.5 ft. if produced at 1"=300" with a 1 ft. pixel.

Aerial photography to be flown as close to January 1, 2004 as possible (depending on weather conditions).

Final deliverable products to be delivered to the BCPAO within 180 days from the date of the flight.

CLIENT AGENCY: BROWARD COUNTY
 PROPERTY APPRAISER'S
 OFFICE
 CLIENT CONTACT: Keith Gay, (954)357-6909
 RESPONSE DUE DATE: November 21, 2003, 4:00 p.m.
 EST

The results of this selection will be posted at the Broward County Property Appraiser's Office, Broward County Governmental Center, Room 111, Fort Lauderdale, Florida during regular business hours.

INSTRUCTIONS

Interested firms shall submit 3 copies of the following:

1. Letter of interest which indicates the firm's qualifications, related experience, ability and availability of personnel and equipment to perform the work and other information relevant to this project as deemed necessary.
2. Current signed and dated SF forms 254 and 255.
3. Copy of the firm's current Florida Professional Registration license.
4. For Corporations only. If the firm offering services is a corporation, it must be properly chartered with the Florida Department of State and provide a copy of the current Florida Corporate Charter.

Please include one stamped, self-addressed envelope for notice of selection results. Firms submitting must be properly registered at the time of application to practice their profession in the State of Florida. Firms may submit representative samples of similar or related work efforts, with reference information. Responses which do not contain the required information identified herein, or non-relevant work experience may not be considered. All submitted materials will not be returned and will become part of the project file for this project. The selection of a consultant for this project will be made in accordance with Chapter 60D-2, Florida Administrative Code.

**Section XII
 Miscellaneous**

DEPARTMENT OF COMMUNITY AFFAIRS

**NOTICE OF INTENT TO FIND
 DCA DOCKET NO. 30-01**

The Department gives notice of its intent to find the Public Schools Interlocal Agreement ("Agreement") entered into by Holmes County, Bonifay, Esto, Noma, Ponce de Leon, Westville and the Holmes 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 West Florida Regional Planning County, 3455 North 12th Avenue, Pensacola, Florida 32503.

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 Holmes County, Bonifay, Esto, Noma, Ponce de Leon, Westville and the Holmes County School Board. Failure to timely file a petition shall constitute a waiver of any right to request an administrative proceeding as a petitioner under Sections 120.569 and 120.57, F.S. If a petition is filed, the purpose of the administrative hearing will be to present evidence and testimony and forward a recommended order to the Department. If no petition is filed, this Notice of Intent shall become final agency action.

If a petition is filed, other affected persons may petition for leave to intervene in the proceeding. A petition for intervention must be filed at least twenty (20) days before the final hearing and must include all of the information and contents described in Uniform Rule 28-106.205, F.A.C. A petition for leave to intervene shall be filed at the Division of Administrative Hearings, Department of Management Services, 1230 Apalachee Parkway, Tallahassee, Florida 32399-3060. Failure to petition to intervene within the allowed time frame constitutes a waiver of any right such a person has to request a hearing under Sections 120.569 and 120.57, F.S., or to participate in the administrative hearing.

If a formal or informal proceeding is commenced as described above, any party to that proceeding may suggest mediation under Section 120.573, F.S. Mediation is not available as of right, and will not occur unless all parties agree to participate in the mediation. Choosing mediation does not affect the right to an administrative hearing.

-s-Valerie J. Hubbard, AICP
 Director, Division of Community Planning
 Department of Community Affairs
 2555 Shumard Oak Boulevard
 Tallahassee, Florida 32399-2100

DEPARTMENT OF HIGHWAY SAFETY AND MOTOR VEHICLES

Notice of Publication for a Relocated
Franchised Motor Vehicle Dealer

in a County of Less than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, Mitsubishi Motors North America, Inc. ("MMNA"), gives notice of its intent to permit the relocation of Charlie's Imports, LLC d/b/a Charlie's Mitsubishi, on or after January 1, 2004, as a dealership for the sale of Mitsubishi automobiles and light trucks from its current location at 1850 South U. S. 1, Ft. Pierce, Florida, to a proposed location on the east side of U. S. Highway 1, between Dixieland Drive and Dickson Drive, described as follows: Parcel "A" in Deed Book 191, Page 151, Parcel "B" in Deed Book 153, Page 299, and Parcel "C" in Deed Book 177, Page 279, of the Public Records of St. Lucie County, Florida.

The name and address of the dealer operator is Mark C. Floyd, 7310 Elyse Circle, Port St. Lucie, Florida 34952. The principal investor of Charlie's Imports, LLC d/b/a Charlie's Mitsubishi is Charlie's Dodge of Florida, Inc., a Florida corporation. The principal investor of Charlie's Dodge of Florida, Inc., is Mark C. Floyd, 7310 Elyse Circle, Port St. Lucie, Florida 34952. The notice indicates an intent to permit the relocation of a dealership to a 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.

MMNA contends that the relocation of this dealer is exempt from protest pursuant to Section 320.642(5)(c), Florida Statutes, on the grounds that the proposed dealer is no closer to any existing Mitsubishi dealer that is within 15 miles of the proposed location. However, the contention of MMNA, with respect to the interpretation of Section 320.642(5)(c), Florida Statutes, and the manner in which it should be applied to determine whether the relocation is exempt from notice and protest is a contention and does not constitute a representation by MMNA on which any dealer may rely. Therefore, any Mitsubishi dealer who disagrees with the contention of MMNA, and who contends that it has standing to protest as provided in Section 320.642, Florida Statutes, must file a protest as indicated below or be barred from objecting to this relocation. MMNA, although publishing this notice, reserves its rights to assert that the exemption claimed above does apply and that accordingly no dealer may protest the relocation.

Certain dealerships of the same line-make may have standing, pursuant to Section 320.642, Florida Statutes, to file a petition or complaint protesting the application, and contesting the assertion of the exemption.

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 U.S. Mail to: Glenn R. Frantz, Manager, National Dealer Development, Mitsubishi Motors North America, Inc., Post Office Box 6400, Cypress, CA 90630-0064.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

Notice of Publication for a New Point
Franchise Motor Vehicle Dealer in a County of More
than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, Nissan North America, Inc., intends to allow the establishment of PK Motors, Inc. d/b/a Parker Cadillac Oldsmobile Nissan, as a dealership for the sale of Nissan motor vehicles, at 24 PT of lot 9 E660 of S320FT DB 228/304 or 834-1052 in section 31, Township 07 South Range 30 East of St. Johns County, St. Augustine, Florida, Parcel ID No. 162670-0000 (hereinafter referred to as the "Relocation Site"), on or before July 31, 2004.

The name and address of the dealer operator(s) and principal investor(s) of PK Motors, Inc. d/b/a Parker Cadillac Oldsmobile Nissan are dealer operator(s): Bryan C. Parker, 8164 Seven Mile Drive, Ponte Vedra Beach, FL 32082; principal investor(s): James H. Kimbrough, Jr., 11425 Royal Drive, Brooksville, FL 34601.

The notice indicates intent to establish the new point location in a county of more than 300,000 population, according to the latest population estimates of the University of Florida, Bureau of Economic and Business Research.

Certain dealerships of the same line-make may have standing, pursuant to Section 320.642, Florida Statutes, to file a petition or complaint protesting the application.

Written petitions or complaints must be received by the Department of Highway Safety and Motor Vehicles within 30 days of the date of publication of this notice and must be submitted to: Mr. Ronald D. Reynolds, Administrator, Dealer License Section, Department of Highway Safety and Motor Vehicles, Room A-312, Neil Kirkman Building, 2900 Apalachee Parkway, Tallahassee, Florida 32399-0635.

A copy of such petition or complaint must also be sent by US Mail to: Andrew C. Delbrueck, Market Representation Manager, Nissan North America, Inc., P. O. Box 23017, Jacksonville, FL 32241-3017.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

Notice of Publication for a New Point
Franchise Motor Vehicle Dealer in a County of More
than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, Champion Bus, Inc. intends to allow the establishment of Transit Plus, Inc., as a dealership for the sale of Champion Buses, at 58 W. 9th Street, Atlantic Beach (Duval County), Florida 32233, on or after October 15, 2003.

The name and address of the dealer operator(s) and principal investor(s) of Transit Plus, Inc. are dealer operator(s) and principal investor(s): Debra Jackrel, 58 W. 9th Street, Atlantic Beach, FL 32233.

The notice indicates intent to establish the new point location in a county of more than 300,000 population, according to the latest population estimates of the University of Florida, Bureau of Economic and Business Research.

Certain dealerships of the same line-make may have standing, pursuant to Section 320.642, Florida Statutes, to file a petition or complaint protesting the application.

Written petitions or complaints must be received by the Department of Highway Safety and Motor Vehicles within 30 days of the date of publication of this notice and must be submitted to: Mr. Ronald D. Reynolds, Administrator, Dealer

License Section, Department of Highway Safety and Motor Vehicles, Room A-312, Neil Kirkman Building, 2900 Apalachee Parkway, Tallahassee, Florida 32399-0635.

A copy of such petition or complaint must also be sent by US Mail to: Rick Lee, Director of Sales, Champion Bus, Inc., 331 Graham Road, P. O. Box 158, Imlay City, MI 48444.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

Notice of Publication for the Relocation of a
Franchise Motor Vehicle Dealer in a County of More
than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, notice is given that General Motors Corporation intends to allow the relocation of Williamson Saturn of Miami Lakes, Inc. d/b/a Hummer of Miami Lakes, as a dealership for the sale of Hummer motor vehicles, from its present location at 6200 N. W. 167 Street, Miami Lakes, FL 33014, to the Northeast corner of the intersection at Pines Blvd. and Hiatus Road, Pembroke Pines (Broward County), Florida, on or after December 1, 2003.

The name and address of the dealer operator(s) and principal investor(s) of Williamson Saturn of Miami Lakes, Inc. d/b/a Hummer of Miami Lakes are dealer operator(s): George E. Williamson II, 6200 N. W. 167th Street, Miami Lakes, FL 33014; principal investor(s): George E. Williamson II, Thomas W. Williamson, 6200 N. W. 167th Street, Miami Lakes, FL 33014, and Motors Holding Division, 100 Renaissance Center, Detroit, MI 48265-1000.

The notice indicates intent to relocate the franchise in a county of more than 300,000 population, according to the latest population estimates of the University of Florida, Bureau of Economic and Business Research.

Certain dealerships of the same line-make may have standing, pursuant to Section 320.642, Florida Statutes, as amended by Chapter 88-395, Laws of Florida, to file a petition or complaint protesting the application.

Written petitions or complaints must be received by the Department of Highway Safety and Motor Vehicles within 30 days of the date of publication of this notice and must be

submitted to: Mr. Ronald D. Reynolds, Administrator, Dealer License Section, Department of Highway Safety and Motor Vehicles, Room A-312, Neil Kirkman Building, 2900 Apalachee Parkway, Tallahassee, Florida 32399-0635.

A copy of such petition or complaint must also be sent by US Mail to: Jody L. Huey, Dealer Contractual Manager, General Motors Corporation, Mail Code 482-A07-C66, 100 GM Renaissance Center, Detroit, MI 48265-1000.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the relocation of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

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

DEPARTMENT OF ENVIRONMENTAL PROTECTION

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

DEPARTMENT OF HEALTH

On October 17, 2003, John O. Agwunobi, M.D., M.B.A., Secretary of the Department of Health, issued an Order of Emergency Suspension with regard to the license of Raul Jimenez, M.D., license number ME 43405. 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 CHILDREN AND FAMILY SERVICES

The Florida Department of Children and Family Services, Developmental Disabilities Program announces that effective November 1, 2003, rates for the following services will be reduced in accordance with Conference Report On Senate Bill 2-A, Section 3, Specific Proviso 297:

Residential Habilitation Services (day)

Residential Habilitation Services (1/4 hour)

Adult Day Training Facility Based and Off-Site Training (Daily and Hourly Rate)

Please refer to the DCF/DD website at www.myflorida.com for specific rates.

These rates apply to the Developmental Services Home and Community Based Services Waiver.

Section XIII
Index to Rules Filed During Preceding Week

RULES FILED BETWEEN October 13, 2003
 and October 17, 2003

Rule No.	File Date	Effective Date	Proposed Vol./No.	Amended Vol./No.
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DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Consumer Services

5J-12.002	10/15/03	11/4/03		29/37
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DEPARTMENT OF EDUCATION

University of West Florida

6C6-4.002	10/13/03	11/2/03	Newspaper	
6C6-4.003	10/13/03	11/2/03	Newspaper	
6C6-4.0031	10/13/03	11/2/03	Newspaper	
6C6-4.0032	10/13/03	11/2/03	Newspaper	
6C6-4.004	10/13/03	11/2/03	Newspaper	
6C6-4.009	10/13/03	11/2/03	Newspaper	

Gulf Coast University

6C10-1.002	10/16/03	11/5/03	Newspaper	
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DEPARTMENT OF TRANSPORTATION

14-98.005	10/13/03	11/2/03	29/31	29/38
14-98.008	10/13/03	11/2/03	29/31	29/38

DEPARTMENT OF CORRECTIONS

33-602.223	10/14/03	11/3/03	29/37	
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FLORIDA LAND AND WATER ADJUDICATORY COMMISSION

Durbin Crossing Community Development District

42MM-1.001	10/16/03	11/5/03	29/31	
42MM-1.002	10/16/03	11/5/03	29/31	
42MM-1.003	10/16/03	11/5/03	29/31	

Aberdeen Community Development District

42NN-1.001	10/16/03	11/5/03	29/31	
42NN-1.002	10/16/03	11/5/03	29/31	
42NN-1.003	10/16/03	11/5/03	29/31	

Rule No.	File Date	Effective Date	Proposed Vol./No.	Amended Vol./No.
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DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Florida Land Sales, Condominiums and Mobile Homes

61B-60.002	10/14/03	11/3/03	29/36	
61B-60.003	10/14/03	11/3/03	29/36	

DEPARTMENT OF ENVIRONMENTAL PROTECTION

62-604.100	10/17/03	11/6/03	29/36	
62-604.120	10/17/03	11/6/03	29/36	
62-604.130	10/17/03	11/6/03	29/36	
62-604.200	10/17/03	11/6/03	29/36	
62-604.300	10/17/03	11/6/03	29/36	
62-604.400	10/17/03	11/6/03	29/36	
62-604.500	10/17/03	11/6/03	29/36	
62-604.550	10/17/03	11/6/03	29/36	
62-604.600	10/17/03	11/6/03	29/36	
62-604.700	10/17/03	11/6/03	29/36	

DEPARTMENT OF HEALTH

Board of Dentistry

64B5-14.001	10/15/03	11/4/03	29/26	
64B5-14.002	10/15/03	11/4/03	29/26	
64B5-14.003	10/15/03	11/4/03	29/26	
64B5-14.004	10/15/03	11/4/03	29/26	
64B5-14.005	10/15/03	11/4/03	29/26	
64B5-14.006	10/15/03	11/4/03	29/26	
64B5-14.007	10/15/03	11/4/03	29/26	
64B5-14.009	10/15/03	11/4/03	29/26	

Board of Opticianry

64B12-14.004	10/15/03	11/4/03	29/37	
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Board of Optometry

64B13-4.004	10/14/03	11/3/03	29/36	
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Board of Pharmacy

64B16-25.130	10/13/03	11/2/03	29/37	
64B16-27.700	10/13/03	11/2/03	29/37	

Board of Speech-Language Pathology and Audiology

64B20-3.003	10/16/03	11/5/03	29/37	
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