

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

**DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES**

**Division of Forestry**

RULE CHAPTER TITLE: Best Management Practices for Silviculture  
 RULE CHAPTER NO.: 5I-6

PURPOSE AND EFFECT: The purpose of this proposed rule is to effect pollutant reduction through the implementation of non-regulatory and incentive-based Best Management Practices (BMPs) which may be determined to have minimal individual or cumulative adverse impacts to the water resources of the state. The effect of the proposed rule is to establish a procedure for submitting a "Notice of Intent to Implement" BMPs, that, when filed with the Florida Department of Agriculture and Consumer Services, Division of Forestry (DOF), and BMPs are implemented, provides a presumption of compliance with state water quality standards and release from the provisions of s. 376.307(5), F.S., for those pollutants addressed by the practices. Once filed with DOF, the Notice of Intent shall enable the applicant to apply for assistance with the implementations as identified in s. 403.067(7)(d), F.S. This proposed rule also provides that records maintained by the applicant confirming implementation of non-regulatory and incentive-based BMPs are subject to DOF inspection.

SUBJECT AREA TO BE ADDRESSED: The subject area for this proposed rule development is the adoption of silviculture Best Management Practices.

SPECIFIC AUTHORITY: 403.067(7)(d) FS.

LAW IMPLEMENTED: 403.067(7)(d), 589.04(1)(a) FS.

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

TIME AND DATE: 10:00 a.m., December 4, 2003

PLACE: Doyle Conner Building-Eyester Auditorium, 3125 Conner Blvd., Tallahassee, FL

If special accommodations are needed to attend this meeting because of a disability, please contact the person listed below at least seven days prior to the meeting.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Jeffery L. Vowell, Division of Forestry, 3125 Conner Boulevard, Tallahassee, Florida 32399-1650, (850)414-9935, Fax (850)488-0863

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

**DEPARTMENT OF EDUCATION**

**State Board of Education**

RULE TITLE: Opportunity Scholarship Program  
 RULE NO.: 6A-6.0950  
 PURPOSE AND EFFECT: Clarify and establish specific student, school, school district, and state requirements for program eligibility, participation, and accountability.  
 SUBJECT AREA TO BE ADDRESSED: Opportunity Scholarship Program.

SPECIFIC AUTHORITY: 1002.38 FS.

LAW IMPLEMENTED: 1002.38 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.

Requests for the rule development workshop should be addressed to Lynn Abbott, Agency Clerk, Department of Education, 325 West Gaines Street, Room 1514, Tallahassee, Florida 32399-0400.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Dr. Theresa Klebach, Executive Director, Office of Independent Education and Parental Choice, Department of Education, 325 West Gaines Street, Room 522, Tallahassee, Florida 32399-0400, (850)245-0502

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

**DEPARTMENT OF EDUCATION**

**State Board of Education**

RULE TITLE: Corporate Tax Credit Scholarship Program  
 RULE NO.: 6A-6.0960  
 PURPOSE AND EFFECT: Clarify and establish specific student, school, state, and Scholarship Funding Organization requirements for program eligibility, participation, and accountability.

SUBJECT AREA TO BE ADDRESSED: Corporate Tax Credit Scholarship Program.

SPECIFIC AUTHORITY: 220.187 FS.

LAW IMPLEMENTED: 220.187 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.

Requests for the rule development workshop should be addressed to Lynn Abbott, Agency Clerk, Department of Education, 325 West Gaines Street, Room 1514, Tallahassee, Florida 32399-0400.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Dr. Theresa Klebacha, Executive Director, Office of Independent Education and Parental Choice, Department of Education, 325 West Gaines Street, Room 522, Tallahassee, Florida 32399-0400, (850)245-0502

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

**DEPARTMENT OF EDUCATION**

**State Board of Education**

RULE TITLE: John M. McKay Scholarship Programs RULE NO.: 6A-6.0970

PURPOSE AND EFFECT: Clarify and establish specific student, school, school district, and state requirements for program eligibility, participation, and accountability.

SUBJECT AREA TO BE ADDRESSED: McKay Scholarship Program.

SPECIFIC AUTHORITY: 1002.39 FS.

LAW IMPLEMENTED: 1002.39 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.

Requests for the rule development workshop should be addressed to: Lynn Abbott, Agency Clerk, Department of Education, 325 West Gaines Street, Room 1514, Tallahassee, Florida 32399-0400.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Dr. Theresa Klebacha, Executive Director, Office of Independent Education and Parental Choice, Department of Education, 325 West Gaines Street, Room 522, Tallahassee, Florida 32399-0400, (850)245-0502

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."

**WATER MANAGEMENT DISTRICTS**

**St. Johns River Water Management District**

RULE TITLE: District Funds RULE NO.: 40C-1.004

PURPOSE AND EFFECT: The purpose and effect of this proposed rule amendment is to amend the effective date of the revision being made to District Policy 99-02.

SUBJECT AREA TO BE ADDRESSED: District Policy Number 99-02 is being revised to include a provision for mandatory direct deposit of employees' salaries, subject to an exception for instances of hardship. The portion of District Policy No. 99-02 pertaining to investment of funds is being deleted from District Policy No. 99-02 and established as a separate District policy. Subsection 40C-1.004(2), F.A.C, is revised to amend the title and effective date of the policy.

SPECIFIC AUTHORITY: 373.044, 373.113, 373.553 FS.

LAW IMPLEMENTED: 373.079, 373.553 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Norma Messer, Rules Coordinator, Office of General Counsel, St. Johns River Water Management District, P. O. Box 1429, Palatka, Florida 32178-1429

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

40C-1.004 District Funds.

(1) No change.

(2) District funds may be disbursed, by wire or electronic transfer according to the procedure set forth in ~~Section II, of~~ Policy 99-02, as revised ~~11/11/03~~ 2/10/99, entitled "~~Investment of Funds and Wire or and~~ Electronic Transfer (W/EFT) Procedures," which is hereby incorporated by reference.

Specific Authority 373.044, 373.113, ~~373.553~~ FS. Law Implemented ~~420.53, 373.553, 373.079~~ FS. History--New 10-8-91, Amended 3-1-92, 1-3-00,

**WATER MANAGEMENT DISTRICTS**

**St. Johns River Water Management District**

RULE TITLES: Definitions RULE NOS.: 40C-8.021

Minimum Surface Water Levels and Flows and Groundwater Levels 40C-8.031

PURPOSE AND EFFECT: The purpose and effect of these proposed rule amendments is to establish a minimum flow regime for Blue Spring, Volusia County, pursuant to the mandates of sections 373.042 and 373.0421, Florida Statutes.

SUBJECT AREA TO BE ADDRESSED: Minimum mean flows will be established for Blue Spring. The minimum flows proposed increase incrementally during the time period from 2004 to 2029. The term "minimum mean flow" is defined in the proposed rule. As with the minimum flows and levels

previously established by the District, if adopted, this rule amendment would require an applicant for a permit, pursuant to Chapters 40C-2, 40C-20, 40C-4, or 40C-40, F.A.C., to provide assurance that minimum flows would not be violated by a proposed water withdrawal or the construction or operation of a proposed surface water management system.

SPECIFIC AUTHORITY: 373.044, 373.113 FS.

LAW IMPLEMENTED: 373.042, 373.0421 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 LISTED BELOW:

TIME AND DATE: 6:00 p.m. – 9:00 p.m., December 8, 2003

PLACE: City of Deltona Council Chambers, 2345 Providence Blvd., Deltona, Florida

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

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

40C-8.021 Definitions.

Unless the context indicates otherwise, the following terms shall have the following meanings.

(1) through (11) No change.

(12) “Minimum mean flow” is the long term mean flow necessary to maintain an adequate manatee refuge under catastrophic conditions.

(12) through (19) renumbered (13) through (20) No change.

Specific Authority 373.044, 373.113 FS. Law Implemented 373.042, 373.415 FS. History–New 9-16-92, Amended 8-17-94, 6-8-95, 3-19-02, \_\_\_\_\_.

40C-8.031 Minimum Surface Water Levels and Flows and Groundwater Levels.

(1) The following minimum surface water levels and flows and minimum groundwater levels are established:

(a) through (e) No change.

(f) Blue Spring, Volusia County

<u>Minimum Mean Flow</u>	<u>Flow Cfs</u>
<u>(effective date) through March 31, 2009</u>	<u>130</u>
<u>April 1, 2009 through March 31, 2014</u>	<u>133</u>
<u>April 1, 2014 through March 31, 2019</u>	<u>136</u>
<u>April 1, 2019 through March 31, 2024</u>	<u>140</u>
<u>April 1, 2024 through March 31, 2029</u>	<u>150</u>
<u>After March 31, 2029</u>	<u>157</u>

(2) through (4) No change.

Specific Authority 373.044, 373.113 FS. Law Implemented 373.042, 373.0421, 373.103, 373.415 FS. History–New 9-16-92, Amended 8-17-94, 6-8-95, 1-17-96, 8-20-96, 10-20-96, 11-4-98, 6-27-00, 2-13-01, 3-19-02, \_\_\_\_\_.

**AGENCY FOR HEALTH CARE ADMINISTRATION**

**Medicaid**

RULE TITLE: Home and Community-Based Waivers  
 RULE NO.: 59G-8.200

PURPOSE AND EFFECT: The purpose of this rule is to incorporate by reference the Florida Supported Living Home and Community-Based Wavier Coverage and Limitations Handbook, March 2004. This is the initial Handbook covering supported living services and contains the most current rate structure matrices. The effect will be to incorporate by reference in the rule the Florida Medicaid Home and Community-Based Waiver Coverage and Limitations Handbook.

SUBJECT AREA TO BE ADDRESSED: Home and Community-Based Waiver Services.

SPECIFIC AUTHORITY: 409.906 FS.

LAW IMPLEMENTED: 409.906(13), 409.908, 409.913(7)(e), 409.913 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: 2:00 p.m., December 9, 2003

PLACE: 2727 Mahan Drive, Building #3, Room C, Tallahassee, FL

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Colm McAindriu, Medicaid Services, 2727 Mahan Drive, Building 3, Mail Stop 20, Tallahassee, Florida 32308-5407, (850)488-7875

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

59G-8.200 Home and Community-Based Waivers.

(1) through (15) No change.

(16) All service providers enrolled in the Medicaid program must comply with the Florida Medicaid Home and Community-Based Waiver Services Coverage and Limitations Handbook, incorporated by reference, and the Florida Medicaid Provider Reimbursement Handbook, Institutional 081, which is incorporated by reference in Rule 59G-8.200, F.A.C., available from the Medicaid fiscal agent.

Specific Authority 409.919 FS. Law Implemented 409.906, 409.908, 409.913, 409.913(7)(e) FS. History–New 4-20-82, Formerly 10C-7.527, Amended 3-22-87, 11-23-89, Formerly 10C-7-0527, Amended 1-16-96, 7-23-97, 1-6-02, 10-27-02, 6-11-03, \_\_\_\_\_.



**DEPARTMENT OF HEALTH**

**Board of Psychology**

RULE TITLE: RULE NO.:

Prohibition Against Treating Psychologists 64B19-18.006  
 Performing Forensic Evaluations of  
 Minors for the Purpose of Addressing  
 Custody, Residence or Visitation

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

SUBJECT AREA TO BE ADDRESSED: Prohibition against treating Psychologists performing forensic evaluations of minors for the purpose of addressing custody, residence or visitation.

SPECIFIC AUTHORITY: 490.004(4) FS.

LAW IMPLEMENTED: 490.009(2)(s) FS.

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

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

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

**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: 3:00 p.m., December 11, 2003

PLACE: Hilton Key West Resort and Marina, 245 Front Street, Key West, Florida 33040

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.:

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: 3:00 p.m., December 11, 2003  
 PLACE: Hilton Key West Resort and Marina, 245 Front Street, Key West, Florida 33040

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, 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 EDUCATION

#### Commission for Independent Education

**RULE TITLE:** Fair Consumer Practices  
**RULE NO.:** 6E-1.0032

**PURPOSE AND EFFECT:** The proposed rule amendment intends to clarify the antihazing policy and make it consistent with Florida Statutes.

**SUMMARY:** The proposed rule amendment deletes language regarding antihazing policies for licensed colleges and universities.

**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:** 1005.22(1)(e)1., 1005.34 FS.  
**LAW IMPLEMENTED:** 1005.04, 1005.22(1)(k), 1005.31(13), 1005.32(5), 1005.34 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: Samuel L. Ferguson, Executive Director, Commission for Independent Education, 2650 Apalachee Parkway, Suite A, Tallahassee, Florida 32301

THE FULL TEXT OF THE PROPOSED RULE IS:

6E-1.0032 Fair Consumer Practices.

(1) through (5) No change.

(6) Each prospective student shall be provided a written copy, or shall have access to an electronic copy, of the institution's catalog prior to enrollment or the collection of any tuition, fees or other charges. The catalog shall contain the following required disclosures, and catalogs of licensed institutions must also contain the information required in subsections 6E-2.004(11) and (12), F.A.C.:

(a) through (k) No change.

(7) through (8) No change.

~~(9) Licensed colleges and universities shall adopt, publish, and uniformly enforce an antihazing policy as required by Section 1005.31(13), Florida Statutes, and provide a copy to the Commission.~~

~~(9)(10) No change.~~

Specific Authority 1005.22(1)(e)1., 1005.34 FS. Law Implemented 1005.04, 1005.22(1)(k), 1005.31(13), 1005.32(5), 1005.34 FS. History--New 10-19-93, Amended 4-2-96, 11-5-00, 1-7-03,\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Commission for Independent Education

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Commission for Independent Education

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

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

**DEPARTMENT OF EDUCATION**

**Commission for Independent Education**

RULE TITLE: Approved Applicant Status

RULE NO.: 6E-2.001

PURPOSE AND EFFECT: The proposed rule sets forth a clarification of the process receiving an approved applicant status.

SUMMARY: The proposed rule is necessary to omit language relating to presentation of the application at the Commission meeting.

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: 1005.31(2),(3) FS.

LAW IMPLEMENTED: 1005.31(2),(3),(4) 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: Samuel L. Ferguson, Executive Director, Commission for Independent Education, 2650 Apalachee Parkway, Suite A, Tallahassee, Florida 32301

THE FULL TEXT OF THE PROPOSED RULE IS:

6E-2.001 Approved Applicant Status.

All new or out-of-state institutions applying for initial licensure to operate in Florida, whether planning to offer degrees or nondegree programs, must file an application for a Provisional License. When the application is deemed complete, as defined in subsection 6E-1.003(10), F.A.C., the institution will be placed on Approved Applicant status while final preparations are made.

(1) No change.

(2) Review and recommendation. If the initial application has omissions, staff shall contact the applicant and request all omitted materials. When the application for a Provisional License is deemed complete by Commission staff, and the background checks required by law for appropriate personnel have been completed and grounds for ineligibility for licensure have not been found, the application shall be presented to the Commission ~~at its next meeting with a recommendation to grant Approved Applicant status.~~

(3) through (8) No change.

Specific Authority 1005.31(2),(3) FS. Law Implemented 1005.31(2),(3),(4) FS. History--Repromulgated 12-5-74, Formerly 6E-4.01(1)(a)-(e), Readopted 11-11-75, Amended 5-7-79, 10-13-83, Formerly 6E-2.01, Amended 11-27-88, 11-29-89, 12-10-90, 10-19-93, 4-2-96, 4-11-00, 1-7-03,\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Commission for Independent Education

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Commission for Independent Education

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

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

**DEPARTMENT OF EDUCATION**

**Commission for Independent Education**

RULE TITLE: Standards and Procedures for Licensure

RULE NO.: 6E-2.004

PURPOSE AND EFFECT: The proposed rule amendment intends to address changes to language and continuing education requirements.

SUMMARY: The proposed rule sets forth language changes and clarifies the required percentage of completed credits or hours of continuing 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: 1005.22(1)(e), 1005.31(2),(3), 1005.34, 1005.39 FS.

LAW IMPLEMENTED: 1005.04, 1005.31, 1005.33(1), 1005.34, 1005.39 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: Samuel L. Ferguson, Executive Director, Commission for Independent Education, 2650 Apalachee Parkway, Suite A, Tallahassee, Florida 32301

THE FULL TEXT OF THE PROPOSED RULE IS:

6E-2.004 Standards and Procedures for Licensure.

Each institution applying for a license or moving to a new level of licensure shall provide to the Commission the following specific information, in English. All information and documentation submitted pursuant to the provisions of these rules shall be accompanied by certification signed by the chief administrative officer of the institution, affirming that the information and documentation submitted is accurate. Any application or review which is not substantially complete shall be returned to the institution with a request to complete and resubmit the material.

(1) Standard 1: Name.

(a) An institution's name must clearly indicate that the primary purpose of the institution is education, and must not be misleading to the public. Noncollegiate schools shall not use the words "college" or "university" in their names. No institution shall use a name that may lead the student to believe that the institution is a public institution, unless it is an institution provided, operated, or supported by the State of Florida or its political subdivisions, another state, or the federal government. The license will be issued in the official corporate name, or an official fictitious name if the institution school provides documentation that such name is registered with the Florida Secretary of State, or comparable official in the appropriate jurisdiction. If using a fictitious name, the institution school must disclose its official corporate name in its catalog.

(b) through (d) No change.

(2) No change.

(3) Standard 3: Administrative Organization.

(a) No change.

(b) Each institution and additional location shall have as its designated administrator a person who has at least two years of supervisory experience in an executive or managerial position in a similar institution school or related business.

(c) through (d) No change.

(e) Pursuant to Section 1005.39, Florida Statutes, individuals holding the following or similar positions in licensed institutions shall complete at least eight continuing education contact hours of training related to their positions each year from the Commission or another provider which the Commission has determined to include relevant information in its training programs: school director, Florida director, or chief executive officer; chief education/academic officer or director of education or training; placement director; admissions director; and financial aid director. ~~Each institution shall provide, at the time of initial application or review of licensure, documentation that the required training was received.~~ If an individual holds more than one of these positions, the documentation shall indicate for which position the training was appropriate. Compliance with this requirement is a condition of licensure or renewal of licensure.

(f) through (h) No change.

(4) Educational programs and curricula. The following standards shall apply to all institutions licensed by the Commission for Independent Education, except as expressly stated otherwise.

(a) through (i) No change.

(j) At least ~~25~~ 20 percent of the credits or hours required for completion of a program must be earned through instruction taken at the institution awarding the credential, unless a different standard has been adopted by the recognized accrediting body accrediting the institution, or by a governmental agency whose policies apply to the institution. This standard shall not apply if any of the training was taken at accredited institutions as defined in Section 1005.02(1), Florida Statutes, while the student was a member of the U.S. armed services.

(k) through (r) No change.

(5) through (12) No change .

Specific Authority 1005.22(1)(e), 1005.31(2),(3), 1005.34, 1005.39 FS. Law Implemented 1005.04, 1005.31, 1005.33(1), 1005.34, 1005.39 FS. History—Repromulgated 12-5-74, Formerly 6E-3.01(1), Readopted 11-11-75, Amended 3-7-77, 5-7-79, 10-13-83, Formerly 6E-2.04, Amended 11-27-88, 11-29-89, 12-10-90, 10-19-93, 4-2-96, 4-11-00, 1-7-03,\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Commission for Independent Education

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Commission for Independent Education

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

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



**DEPARTMENT OF TRANSPORTATION**

RULE CHAPTER TITLE: Outdoor Advertising Sign Regulation and Highway Beautification

RULE CHAPTER NO.: 14-10

RULE TITLES: Licenses

RULE NOS.: 14-10.003

Permits

14-10.004

Outdoor Advertising License and Permit Fees 14-10.0043

PURPOSE AND EFFECT: Rule 14-10.003, F.A.C., is being amended to delete language relating to submission of an application for initial license. Rule 14-10.004, F.A.C., is being amended to delete the fee references. The application fees are being increased from \$41.00 to \$44.00 (200 square feet or less) and from \$61.00 to \$64.00 (more than 200 square feet), but the fee structure itself is being adopted in more detail in a new rule. Rule 14-10.0043, F.A.C., is being adopted as a new rule to cover Outdoor Advertising License and Permit Fees. Form 575-070-04, Application for Outdoor Advertising Permit, also is being revised to reflect the revised application fees.

SUMMARY: Outdoor Advertising permit fees are being raised.

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: 334.044(2), 479.02(7) FS.

LAW IMPLEMENTED: 334.044(28), 339.05, 479.01(14), 479.02, 479.07, 479.106(5), 479.24 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: James C. Myers, Clerk of Agency Proceedings, Florida Department of Transportation, Office of the General Counsel, 605 Suwannee Street, Mail Station 58, Tallahassee, Florida 32399-0458

THE FULL TEXT OF THE PROPOSED RULES IS:

14-10.003 Licenses.

(1) Outdoor Advertising License Required. A person is considered to be in the business of outdoor advertising and is required to have an outdoor advertising license if that person receives compensation from constructing, erecting, operating, using, maintaining, leasing, or selling outdoor advertising structures, outdoor advertising signs, or outdoor advertisements. Persons solely advertising their own businesses and general contractors who construct signs under contract to outdoor advertising licensees or permittees, are exempt from the licensing requirement.

(2) Application Form. An application for a license to engage in the business of outdoor advertising shall be made on an Outdoor Advertising License Application, Form 575-070-02, Rev. 07/01, incorporated herein by reference. Form 575-070-02 may be obtained from the State Outdoor Advertising License and Permit Office, Florida Department of Transportation, 605 Suwannee Street, Mail Station 22, Tallahassee, Florida 32399-0450.

~~(a) Submission of Application for Initial License. The completed application for a license shall be forwarded to the State Outdoor Advertising License and Permit Office, at the address in (2), above.~~

~~(b) Payment of the license fee may be made by cash, postal money order, bank draft, cashier's check, or a personal or business check. In the event a payment document is not honored for any reason by the bank on which it is drawn, a service fee of \$15.00, or 5% of the amount payable, whichever is greater, will be assessed. If an individual or company issues two checks to the Department which are not honored, no further personal or business checks will be accepted regardless of whether restitution has been made on previous checks.~~

Specific Authority 334.044(2), 479.02(7) FS. Law Implemented 120.60, 215.34(2), 334.044(28), 339.05, 479.02, 479.04, 479.05, 479.07 FS. History—New 3-28-76 (Formerly part of Rule 14-15.05, Right of Way Bureau Operating Procedures), Amended 4-21-77, 12-10-77, 1-1-86, Formerly 14-10.03, Amended 6-28-98, 8-19-01,\_\_\_\_\_.

14-10.004 Permits.

(1) An application for a new sign permit is made by completing and submitting an Application for Outdoor Advertising Permit, Form 575-070-04, Rev. 08/03 ~~07/01~~, incorporated herein by reference, to the address listed in subsection 14-10.003(2), F.A.C. Applications may be obtained from the State Outdoor Advertising License and Permit Office.

~~(a) Payment of the permit fee shall be made in the same manner provided for license fees in Rule Section 14-10.003(2)(b). The annual permit fee for each sign facing is \$41.00 for 200 square feet or less and \$61.00 for more than 200 square feet. A permittee shall notify the Department in writing prior to making any changes in the dimensions of a permitted conforming sign which would increase the area of the sign facing to over 200 square feet, and shall submit an additional \$20.00.~~

~~(a)(b)~~ The applicant shall submit separate instruments of payment for each application for a new permit, in order to avoid denial of multiple applications for one application being denied.

~~(b)(e)~~ Prior to issuing any permit, the Department will inspect the proposed sign site to assure compliance with Chapter 479, Florida Statutes, and this rule chapter. To ensure that the site inspected is the same specified in the application, the applicant shall mark the proposed sign site in such a manner that the markings are visible from the main-traveled way. The markings shall be displayed from the time of

submission of the application, and shall be maintained by the applicant until the Department has approved or denied the application.

~~(c)(4)~~ The Department will act on permit applications in order of the date of receipt of complete applications.

1. An application will be considered complete when all items on the application form have been filled in, all required attachments have been received, and the correct permit fee has been submitted. All information provided on the application by the applicant must be certified as being true and correct.

2. Applications containing incorrect information will be denied.

3. Incomplete permit applications will be returned to the applicant along with any permit fees which were submitted with the application.

4. Completion of, or corrections to, the original submitted document must be initialed by the applicant on the original application.

5. The written statement from the landowner required by Section 479.07(3)(b), Florida Statutes, must have been issued to the applicant, or on behalf of the applicant. If a lease document is submitted as the statement from the landowner, the applicant must be the named lessee or the document must be accompanied by a properly executed transfer of the leasehold rights to the applicant. The written statement must:

a. Identify the property on which the sign is to be located;

b. Indicate that the person authorizing placement of the sign on the property is the owner or the person in lawful control of the property. If the person authorizing placement of the sign is not the owner of the property, the legal status which gives him or her lawful control of the property must be indicated;

c. Grant the permission to or on behalf of the applicant; and

d. Authorize placement of the sign on the subject property.

~~(d)(5)~~ Complete applications will be either approved or denied within 30 calendar days of receipt by the Department, unless an earlier application for that site or a competing site is under review, or the application falls within paragraph (h) or (i), below. If denied, the application will remain in a pending status until the time to request an administrative hearing has elapsed. If a hearing is requested, the application shall remain in a pending status until time to request an appeal of a final order has elapsed. If an appeal is taken, the application will remain in a pending status until mandate is issued by the appellate court. Subsequent applications for competing sites shall be held without action until the pending status of the earlier application is resolved.

~~(e)(4)~~ If an application is approved, all subsequently received applications for competing sites shall be denied.

~~(f)(5)~~ For purposes of ~~(c)(4)~~, above, when a valid permit is being conditionally canceled pursuant to subsection 14-10.004(9), F.A.C., the Outdoor Advertising Permit

Cancellation Certification, Form 575-070-12, Rev. 07/01, incorporated herein by reference, and Application for Outdoor Advertising Permit, Form 575-070-04, Rev. ~~08/03~~ ~~07/04~~, must be submitted simultaneously to the Department. Form 575-070-12 may be obtained from the address listed in subsection 14-10.003(2), F.A.C. The date the Department receives the cancellation and complete application documents shall be considered the date the application is received.

(h) When a permit application is received for a new sign site requiring vegetation management pursuant to Section 479.106, Florida Statutes, the permit application will not be considered complete until the applicant has been issued a vegetation management permit by the Department and has removed two nonconforming signs, which the Department has approved as meeting the requirements of Section 479.106(5), Florida Statutes.

(i) Applications for permits for locations which conflict with the location of an expired or canceled permit will not be processed until the sign for which the expired or canceled permit was issued is removed, unless a permit is being canceled as a condition for issuance of a new permit.

(j) A permit shall not be issued to an applicant for a location at which unpermitted cutting, removal, or trimming of vegetation has occurred until such time as payment of the administrative penalty and mitigation required by Rule 14-40.030, F.A.C., and Section 479.106(7), Florida Statutes, have been accomplished and the applicant has identified two nonconforming signs for surrender in accordance with Section 479.106(5), Florida Statutes.

(2) A permit shall be granted for an automatic changeable facing provided:

(a) The static display time for each message is a minimum of six seconds;

(b) The time to completely change from one message to the next is a maximum of two seconds;

(c) The change of message occurs simultaneously for the entire sign face; and

(d) The application meets all other permitting requirements.

Any such sign shall contain a default design that will hold the face of the sign in one position if a malfunction occurs.

(3) Notwithstanding any other provisions of this rule chapter, an outdoor advertising sign existing at a location which previously was not subject to the permitting requirements of this chapter, but which has become subject to the requirements of this chapter due to changes in the jurisdictional designation of highways, shall be granted a state permit in accordance with the process outlined below:

(a) The Department shall conduct an inventory of outdoor advertising signs on the highway section subject to jurisdictional change and, within 60 calendar days of the effective date of the proposed change, advise all affected sign

owners and local governments that the change is being considered, the regulatory effect of the change, and when the change may become effective.

(b) Upon approval of the jurisdictional change, the Department will provide a second notice to sign owners and local governments advising that the change in jurisdiction has become effective and that sign owners have 30 calendar days from receipt of the second notice to submit an application for a sign permit.

(c) When the Department is unable to provide the advance notice referenced in (a), above, the Department will advise the affected sign owners that they have 90 calendar days from receipt of the notice that the change in jurisdiction has become effective to submit an application for a sign permit.

(d) The Department shall issue an Outdoor Advertising Permit, Form 575-070-30, Rev. 07/01, to the sign owner upon receipt of a complete Application for Outdoor Advertising Permit, Form 575-070-04, Rev. ~~08/03 07/01~~, together with all items required by Section 479.07(3)(b), Florida Statutes. For existing signs, the written statement required by Section 479.07(3)(b), Florida Statutes, shall be any written document from the appropriate local governmental official indicating compliance with local requirements as of the date of the permit application. A previously issued building permit shall be accepted as the statement from an appropriate local governmental official, except in cases where the local government has provided notice to the sign owner that the sign is illegal or has undertaken action to cause the sign to be removed. When a building permit is submitted as the statement of the local government, the applicant shall certify in writing that the local government has not provided notice that the sign is illegal, and that the local government has taken no action to cause the sign to be removed.

(4) When a change in the designation of a highway removes that highway from the Department's regulatory jurisdiction, a notice will be provided to all owners of outdoor advertising permits on the affected roadway. The notice will advise permit holders of the Department's intent to revoke the permits, and will include a statement of the recipient's right to appeal the Department's action.

(5) When a controlled road or any portion of a controlled road is designated as a scenic highway or scenic byway pursuant to Section 335.093, Florida Statutes, new permits will not be issued for outdoor advertising signs visible from the portion of the highway designated as a scenic highway or byway.

(6) Posting of Tags. The permanent metal permit tag issued by the Department must be posted by the permittee at the sign site within 30 calendar days of issuance, and must remain in place at all times, whether or not a sign has been erected. If a permit tag is lost, stolen, or destroyed, the permittee must apply to the Department for a replacement tag on Outdoor Advertising Permit Tag Replacement Request,

Form 575-070-01, Rev. 07/01, incorporated herein by reference, and shall include a replacement fee of \$3.00 per tag. Form 575-070-01 may be obtained from the address listed in subsection 14-10.003(2), F.A.C.

(7) Transfer of Permits. Authorization to transfer a permit shall be submitted on Outdoor Advertising Permit Transfer Request, Form 575-070-25, Rev. 07/01, incorporated herein by reference, to the State Outdoor Advertising License and Permit Office at the address listed in subsection 14-10.003(2), F.A.C. The request shall be made in accordance with Section 479.07(6), Florida Statutes. Form 575-070-25 may be obtained from the address listed in subsection 14-10.003(2), F.A.C.

(a) The transferee shall certify that written permission of the landowner, or other person in lawful control of the sign site, to maintain the sign on the site in accordance with Section 479.07(2), Florida Statutes, has been secured.

(b) Transfer requests will not be processed without payment of permit fees in the amount necessary to prevent permit expiration, if the transferee and transferor are on different billing cycles.

(c) If a transfer of permit is made when the permit is in violation of Chapter 479, Florida Statutes, or in violation of this rule chapter, or if a revocation proceeding is pending, the permit is subject to conditions existing at the time of transfer. The Department's approval of a permit transfer shall not constitute waiver of rights on the part of the Department, nor shall permit transfer in any way prohibit issuance of notices of violation or preclude the Department from revoking the transferee's permit in accordance with Section 479.08, Florida Statutes.

(d) If a transfer of permit is made during the initial 270 days from the date of permit issuance, the permit transferee receives the permit subject to all conditions which were applicable to the original applicant.

(8) Cancellation of Permits. Permit cancellation notification must be submitted to the State Outdoor Advertising License and Permit Office at the address listed in subsection 14-10.003(2), F.A.C., on Outdoor Advertising Permit Cancellation Certification, Form 575-070-12, Rev. 07/01, incorporated herein by reference. All canceled tags must be returned to the Department with the certification, or otherwise be accounted for in writing. Pursuant to Section 479.07(8)(b), Florida Statutes, if the sign has not been removed by the former permittee, it shall be removed by the Department and the cost assessed against the former permittee.

(9) Conditional Permit Cancellation. In instances where an applicant requests cancellation of one permit in order to obtain a new permit, the existing permit shall be canceled simultaneously with the issuance of the new permit. If a new permit does not meet current permitting requirements and cannot be issued, the existing permit will not be canceled.

(10) Permits Canceled, or Not Renewed, in Error Petition for Reinstatement. Pursuant to Section 479.07(8)(b), Florida Statutes, a petition for reinstatement of permits canceled, or not renewed, in error by the permittee shall be submitted to the State Outdoor Advertising License and Permit Office at the address listed in subsection 14-10.003(2), F.A.C. The petition must be in writing, must list the affected permit(s), and must certify that:

- (a) The permit was canceled, or not renewed, in error by the permittee;
- (b) The permit tag for the canceled or expired permit was returned to the Department or otherwise accounted for;
- (c) The sign has not been disassembled; and
- (d) The local government has not declared the sign illegal or taken any other action to have it removed.

If the Reinstatement Petition is denied by the Department, a new permit may be issued for a sign only if the sign meets all current permitting requirements. The reinstatement fee is \$200.00 for a sign facing of 200 square feet or less, and \$300.00 for a sign facing greater than 200 square feet.

(11) Pursuant to the criteria set forth in Section 479.105(1)(e), Florida Statutes, the Department may issue a permit for an unpermitted sign, which has been structurally unchanged and continuously maintained for a period of seven or more years.

(12) Where the expansion or relocation of a transportation facility causes a sign to be located in the right of way, or within fifteen feet of the right of way, and the permit holder desires to relocate the sign to a conforming location perpendicular to the roadway from the site of the existing sign, the Department shall allow the relocation of the permitted sign in conformance with the following:

- (a) The permit holder must submit a completed application for the relocated sign site in accordance with Section 479.07(3), Florida Statutes.
- (b) The Department must determine that the relocated sign site is in conformance with all requirements for permitting.

Specific Authority 334.044(2), 479.02(7) FS. Law Implemented 334.044(28), 339.05, 479.01(14), 479.02, 479.07, 479.106(5), 479.24 FS. History—New 3-28-76 (Formerly part of Rule 14-10.04, Permits; 14-15.05, Right of Way Bureau Operating Procedures), Amended 4-21-77, 12-10-77, 6-26-78, 12-31-78, 1-1-86, Formerly 14-10.04, Amended 7-7-92, 6-28-98, 8-10-99, 8-19-01, \_\_\_\_\_.

14-10.0043 Outdoor Advertising License and Permit Fees.

(1) The annual fee for an Outdoor Advertising License is \$300.00. Licenses expire on January 15 of each year.

(2) The annual permit fee for each sign facing is \$44.00 for 200 square feet or less, and \$64.00 for more than 200 square feet. A permittee shall notify the Department in writing prior to making any changes in the dimensions of a conforming sign which would increase the area of the sign facing to over 200 square feet, and shall submit an additional \$20.00.

(3) Permit fees for the year in which application is made may be prorated by paying one-fourth of the annual fee for each whole or partial quarter remaining in that year. Applications received after September 30 must include fees for the last quarter plus fees for the following year. The fee schedule is based on the date the application is received by the Department as follows:

- (a) January 16 through April 15: \$44.00 for each sign facing of 200 square feet or less; \$64.00 for each facing greater than 200 square feet;
- (b) April 16 through July 15: \$33.00 for each sign facing of 200 square feet or less; \$48.00 for each facing greater than 200 square feet;
- (c) July 16 through September 30: \$22.00 for each sign facing of 200 square feet or less; \$32.00 for each facing greater than 200 square feet;
- (d) October 1 through January 15: \$55.00 for each sign facing of 200 square feet or less; \$80.00 for each facing greater than 200 square feet.

(4) All payment instruments must be made out to the Department of Transportation. Payment of fees may be made by cash, postal money order, bank draft, cashier's check, or a personal or business check. In the event a payment document is not honored for any reason by the bank on which it is drawn, a service fee of \$15.00 or five percent of the amount payable, whichever is greater will be assessed. If an individual or company issues two checks to the Department which are not honored, no further personal or business checks will be accepted regardless of whether restitution has been made on previous checks.

Specific Authority 334.044(2), 479.07(2) FS. Law Implemented 479.07 FS. History—New \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Ken Towcimak, Director, Office of Right of Way  
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Lowell Clary, Assistant Secretary for Transportation Support, for José Abreu, P.E., Secretary  
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 12, 2003  
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 17, 2003

**BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND**

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

**WATER MANAGEMENT DISTRICTS**

**St. Johns River Water Management District**

RULE TITLE: Minimum Surface Water Levels and Flows and Groundwater Levels  
RULE NO.: 40C-8.031

PURPOSE AND EFFECT: The purpose and effect of the proposed rule amendment will be to establish minimum water levels for the following lakes in the following counties: Tusawilla, Alachua County; Bowers, Nicotoon and Smith, Marion County; and Indian, Volusia County. The proposed rule amendment would also establish minimum water levels for a wetland system known as "Hopkins Prairie" in Marion County.

SUMMARY: The proposed rule would establish minimum water levels for the above listed lakes and wetland pursuant to the mandate of Section 373.042, Florida Statutes. Each of these levels would have an associated hydroperiod category. The terms herein are already defined in Chapter 40C-8, F.A.C. As with all minimum levels established by the District, if adopted, the minimum levels in this rule amendment would be used as a basis for imposing limitations on withdrawals of groundwater and surface water in the consumptive use permit regulatory process and for reviewing proposed surface water management systems in the environmental resource permit regulatory process.

SPECIFIC AUTHORITY: 373.044, 373.113 FS.

LAW IMPLEMENTED: 373.042, 373.0421 FS.

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

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

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

TIME AND DATE: Following the regularly scheduled Regulatory/Governing Board Meeting, which begins at 1:00 p.m., January 13, 2004

PLACE: St. Johns River Water Management District Headquarters, 4049 Reid Street, Palatka, Florida 32177-2529

If a person decides to appeal any decision with respect to any matter considered at the above listed public hearing, such person may need to ensure that a verbatim record of the proceeding is made to include testimony and evidence upon which the appeal is to be based.

Anyone requiring special accommodations to participate in this meeting is requested to advise the District at least 5 work days before the meeting by contacting: Ann Freeman, (386)329-4101 or (386)329-4450 (TDD).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Norma K. Messer, Rules Coordinator, St. Johns River Water Management District, Office of General Counsel, 4049 Reid Street, Palatka, Florida 32177-2529, (386)329-4459, Suncom 860-4459, email: nmesser@sjrwmd.com

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT:

40C-8.031 Minimum Surface Water Levels and Flows and Groundwater Levels.

- (1) No change.
- (2) The following minimum surface water levels are established:

LAKE NAME	COUNTY	HYDROPERIOD CATEGORY	MINIMUM INFREQUENT HIGH	MINIMUM FREQUENT HIGH	MINIMUM AVERAGE LEVEL	MINIMUM FREQUENT LOW	MINIMUM INFREQUENT LOW
(a) through (j) No change.							
<u>(k) BOWERS</u>	<u>Marion</u>	<u>Temporarily Flooded</u>		<u>57.1</u>			
		<u>Typically Saturated</u>			<u>54.0</u>		
		<u>Semipermanently Flooded</u>				<u>52.7</u>	
(k) through (tt) renumbered (l) through (uu) No change.							
<u>(vv) HOPKINS</u>							
<u>PRAIRIE</u>	<u>Marion</u>	<u>Seasonally Flooded</u>		<u>25.8</u>			
		<u>Typically Saturated</u>			<u>23.4</u>		
		<u>Semipermanently Flooded</u>				<u>22.0</u>	
(uu) through (vv) renumbered (ww) through (xx) No change.							
<u>(yy) INDIAN</u>	<u>Volusia</u>	<u>Seasonally Flooded</u>		<u>37.0</u>			
		<u>Typically Saturated</u>			<u>36.1</u>		
		<u>Semipermanently Flooded</u>				<u>34.4</u>	
(ww) through (nnn) renumbered (zz) through (qqq) No change.							
<u>(rrr) NICOTOON</u>	<u>Marion</u>	<u>Seasonally Flooded</u>		<u>54.7</u>			
		<u>Typically Saturated</u>			<u>53.3</u>		
		<u>Semipermanently Flooded</u>				<u>51.9</u>	
(ooo) through (fff) renumbered (sss) through (jjj) No change.							
<u>(kkkk) SMITH</u>	<u>Marion</u>	<u>Temporarily Flooded</u>		<u>54.6</u>			
		<u>Typically Saturated</u>			<u>51.4</u>		
		<u>Semipermanently Flooded</u>				<u>50.0</u>	
(gggg) through (qqqq) renumbered (llll) through (vvvv) No change.							
<u>(www) TUSCAWILLA</u>	<u>Alachua</u>	<u>Seasonally Flooded</u>		<u>77.6</u>			
		<u>Typically Saturated</u>			<u>74.6</u>		
		<u>Semipermanently Flooded</u>				<u>73.2</u>	
(rrrr) through (www) renumbered (xxxx) through (ccccc) No change.							

(3) through (4) No change.

Specific Authority 373.044, 373.113 FS. Law Implemented 373.042, 272.0421 373.103, 373.415 FS. History--New 9-16-92, Amended 8-17-94, 6-8-95, 1-17-96, 8-20-96, 10-20-96, 11-4-98, 6-27-00, 2-13-01, 3-19-02, 5-11-03,

NAME OF PERSON ORIGINATING PROPOSED RULE:  
 Sonny Hall, Technical Program Manager, Department of Resource Management, St. Johns River Water Management District, 4049 Reid Street, Palatka, Florida 32177-2529, (386)329-4368, Suncom 860-4368

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

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 19, 2003

**AGENCY FOR HEALTH CARE ADMINISTRATION**

**Health Facility and Agency Licensing**

RULE TITLES: Financial Requirements

RULE NO.: 59A-4.203

PURPOSE AND EFFECT: The Agency proposes to amend Rule 59A-4.203, Florida Administrative Code, consistent with provisions of s. 400.235(5)(b), F.S. The legislation provides that a nursing home that is part of the same corporate entity as a continuing care facility and is accredited by a recognized accrediting organization satisfies the Gold Seal financial requirements so long as the accreditation is not provisional. The legislation also provides for the use of financial statements that are prepared in accordance with generally accepted accounting principles and that are reviewed or audited by certified public accountants.

SUMMARY: The proposed amendment allows facilities nominated for Gold Seal recognition to demonstrate financial soundness and stability by submitting an accreditation by a recognized accrediting organization so long as the accreditation is not provisional. This language conforms to CS/CS of Senate Bill 296 passed into law during the 2003 legislative session and signed into law on June 10, 2003. The proposed amendment also allows facilities to submit reviewed or audited financial statements by certified public accountants. This language conforms to CS of Senate Bill 2568 also passed during the 2003 legislative session and signed into law on May 30, 2003.

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 a proposal for a lower cost regulatory alternative must do so in writing within 21 days of this notice.

SPECIFIC AUTHORITY: 400.235(9) FS.

LAW IMPLEMENTED: 400.235(5)(b) 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., December 15, 2003

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

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

THE FULL TEXT OF THE PROPOSED RULE IS:

59A-4.203 Financial Requirements.

(1) To be eligible for a Gold Seal designation, a facility must have been in operation for a minimum of 30 months prior to the date of application and must provide evidence of financial soundness and stability. This subsection provides the criteria for use of financial statements. To demonstrate 30 months of financial soundness and stability prior to the date of the application:

~~(a)(2)~~ The licensee of the facility shall submit ~~certified public accountant (CPA) audited~~ financial statements prepared in accordance with Generally Accepted Accounting Principles (GAAP) for the three consecutive fiscal years immediately preceding the date of application, including: a balance sheet, income statement and statement of cash flows and all relevant notes. The licensee concurrently shall submit a report from a certified public accountant (CPA) who has audited or reviewed these financial statements. A report of audited financial statements ~~The CPA audit reports~~ must specify an unqualified opinion. A report on reviewed financial statements must be a standard report and must not contain any departure from GAAP. Each licensee shall also submit a one-year set of pro-forma financial statements, including balance sheet, income statement and statement of cash flows. For a licensee ~~whose that is audited or reviewed financial statements are prepared~~ as part of a consolidated entity, the licensee can satisfy the audit requirements for submitting financial statements by submitting the three most recent consecutive years of CPA audited or reviewed consolidated financial statements if the statements break out the balance sheet, ~~and~~ income statement and statement of cash flows of the individual licensee or submit accreditation documents in accordance with ss. 400.235(5)(b), Florida Statutes. In the event a continuing care retirement center has its designation as a CCRC revoked by the Department of Financial Services, the CCRC is required to submit financial statements as described in this rule.

~~(b)(3)~~ Each licensee must meet at least two of the three following financial soundness and stability thresholds listed below for at least two of three years of the statements, to include the most recent year submitted and the pro-forma

statements. Otherwise, its facilities cannot be recommended for the Gold Seal Award except as described in subsection ~~(2)(4)~~ below.

~~1.(a)~~ A positive current ratio of at least one (1). The current ratio is determined by dividing current liabilities into current assets. Current assets are those held for conversion within a year or less, such as cash, temporary investments, receivables, inventory, and prepaid expenses. Board designated assets of cash or near cash instruments, where the board of directors has the option to change the authorized use of the assets and the assets are otherwise unencumbered as disclosed by the auditor, can be considered current assets for this calculation. Current liabilities are short-term debts and unearned revenues to be paid out of current assets within a year or less.

~~2.(b)~~ A positive tangible net worth as determined by the balance sheet. This shall be determined as equity (total assets less total liabilities) net of intangible assets. An intangible asset is a capital asset having no physical existence, its value being dependent on the right that possession confers upon the owner. Examples include goodwill and trademarks.

~~3.(c)~~ A times interest earned ratio of at least 1.15 or 115 percent. This shall be determined by dividing interest expense into net income before deducting such interest and income tax. Net income is defined as revenues (receipts or earnings) less expenses (costs). Not-for-profit providers may include non-operating income, such as public or governmental support and foundation transfers in determining net income.

~~(2)(4)~~ If the licensee can meet only one of the three financial ratios in subsection ~~(1)(b)(3)~~ above for one of the two required years, the licensee may be recommended for a Gold Seal Award only if the most recent CPA prepared financial statements provided are for a period ending within six months of the date of the application and these financial statements meet all three of the financial criteria set forth in subsection ~~(1)(b)(3)~~ above ~~and the licensee received an unqualified CPA report.~~

~~(3)(5)~~ Neither the licensee nor its parent company shall have been the subject of bankruptcy proceedings during the period beginning 30 months prior to the date of the application and ending on the date of the award of the Gold Seal.

Specific Authority 400.235 FS. Law Implemented 400.235(9) FS. History—New 8-21-01, Amended 5-19-02, \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Richard F. Kelly, Health Services and Facilities Consultant,  
Managed Care and Health Quality

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

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT  
PUBLISHED IN FAW: August 22, 2003

**AGENCY FOR HEALTH CARE ADMINISTRATION**

**Medicaid**

RULE TITLE: Ambulatory Surgical Center Services  
RULE NO.: 59G-4.020

PURPOSE AND EFFECT: The purpose of the proposed rule is to incorporate by reference the Florida Medicaid Ambulatory Surgical Center Services Coverage and Limitations Handbook, July 2003. Appendix A of the handbook contains the 2003 procedure codes and payment groups in effect for dates of service beginning on July 1, 2003. The effect will be to incorporate in the rule the current Florida Medicaid Ambulatory Surgical Center Services Coverage and Limitations Handbook.

SUMMARY: The proposed rule incorporates by reference the Florida Medicaid Ambulatory Surgical Center Services Coverage and Limitations Handbook, July 2003. The handbook update consists of covered code and payment group revisions to Appendix A, Ambulatory Surgical Center Procedure Codes and Groups, routinely updated every year. The revised code list is effective for dates of service beginning on July 1, 2003.

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: 409.906, 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: 9:00 a.m. – 10:00 a.m., December 8, 2003

PLACE: Agency for Health Care Administration, 2728 Fort Knox Boulevard, Building 3, Conference Room C, Tallahassee, Florida 32308

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Ouida Mazzoccoli, Medicaid Program Administrator, Bureau of Medicaid Services, 2728 Fort Knox Boulevard, Building 3, Tallahassee, Florida 32308 (850)922-7351



THE FULL TEXT OF THE PROPOSED RULE IS:

59G-4.020 Ambulatory Surgical Center Services.

(1) No change.

(2) All ambulatory surgical center providers enrolled in the Medicaid program must be in compliance with the Florida Medicaid Ambulatory Surgical Center Services Coverage and Limitations Handbook, ~~July 2003~~ ~~January 2002~~, incorporated by reference, and the Florida Medicaid Provider Reimbursement Handbook, CMS HCFA-1500 and Child Health Check-Up 221, which is incorporated in Rule 59G-5.020, F.A.C. Both handbooks are available from the Medicaid fiscal agent.

Specific Authority 409.919 FS. Law Implemented 409.906, 409.908 FS. History—New 10-25-84, Formerly 10C-7.531, Amended 5-13-92, 7-12-92, 7-27-93, Formerly 10C-7.0531, Amended 9-8-94, 7-3-95, 11-18-97, 10-27-98, 1-1-01, 7-26-01, 2-25-03, \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Ouida Mazzoccoli

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

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

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

DEPARTMENT OF MANAGEMENT SERVICES

Personnel Management System

RULE CHAPTER TITLE: Florida State Employees' Charitable Campaign

RULE CHAPTER NO.: 60L-39

RULE TITLES: Statewide Steering Committee Application Procedures Duties and Responsibilities of the Fiscal Agent Appeals

RULE NOS.: 60L-39.003 60L-39.005 60L-39.006 60L-39.007

PURPOSE AND EFFECT: Amend the rules regarding the Florida State Employees' Charitable Campaign.

SUMMARY: The amendments clarify the format of campaign brochures, streamline campaign application procedures (incorporating by reference the applicable application and renewal forms), clarify the duties and responsibilities of area fiscal agents, and streamline appeal procedures.

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: 110.181(3)(a) FS.

LAW IMPLEMENTED: 110.181 FS.

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

TIME AND DATE: 9:00 a.m., January 12, 2004

PLACE: Room 101, 4050 Esplanade Way, Tallahassee, Florida 32399-0950

Pursuant to the Americans with Disabilities Act, persons needing special accommodations to participate in this meeting should advise the Department at least 2 calendar days before the workshop, by contacting: Julie Shaw, (850)487-3423.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: John Kuczwanski, Chairman, Florida State Employees' Charitable Campaign, Department of Management Services, 4050 Esplanade Way, Suite 280L, Tallahassee, Florida 32399-0950, (850)414-6736

THE FULL TEXT OF THE PROPOSED RULES IS:

60L-39.003 Statewide Steering Committee.

The FSECC Steering Committee, whose members shall serve staggered four-year terms, shall:

(1) Establish the policies and guidelines of the campaign, which shall include the following:

(a) Arrange publication of information about the application process – including deadlines, address for obtaining materials, and criteria for eligibility – in sufficient time to prepare applications and supporting documentation.

(b) Review all new and renewing applications before June 1 on the basis of their compliance with the established criteria and their timely submission.

(c) Review the required documentation submitted by federations for each of their member organizations that participated in the prior year's campaign.

(d) Each year the committee will review the renewal applications and documentation for each independent or unaffiliated agency, whether new or renewing.

(2) Decide all applications by a simple majority vote of those members attending, so long as a quorum of the membership is present.

(3) Review and approve the campaign brochures, which shall:

(a) Include the words Florida State Employees' Charitable Campaign on the front cover.

(b) Include the official Campaign logo on the front cover.

(c) Exclude the area fiscal agent logo and name, except for contact information within the brochure.

(4) Notify applicants of decisions on applications within a period that allows time for an appeal in accordance with Rule 60L-39.007, F.A.C.

PROPOSED EFFECTIVE DATE: March 5, 2004

Specific Authority 110.181(3) FS. Law Implemented 110.181 FS. History—New 1-6-02, Amended 3-5-04.

60L-39.005 Application Procedures.

(1) Annual applications for participation in the FSECC (Form DMS-ADM-100, Application for Participation in the Florida State Employees' Charitable Campaign, effective March 5, 2004, which is hereby incorporated by reference) shall be submitted to the Steering Committee Chair. Applications must be postmarked by April 1 of each year for a charitable organization to be considered eligible for that year's Campaign. A federation shall submit applications on behalf of its member organizations. Form DMS-ADM-100 can be obtained by writing to:

Florida State Employees' Charitable Campaign  
Department of Management Services  
4050 Esplanade Way, Suite 280  
Tallahassee, Florida 32399-0950

(2) Any organizations that did not participate in the FSECC during the previous year and all independent/unaffiliated organizations shall submit a complete application with documentation verifying compliance with eligibility outlined in Section 110.181(1), F.S. and Rule 60L-39.004, F.A.C.

(3) Renewing applications (Form DMS-ADM-101, Renewing Organization Application for Participation in the Florida State Employees' Charitable Campaign, effective March 5, 2004, which is hereby incorporated by reference) must be postmarked by April 1 of each year for a charitable organization to be considered eligible for that year's Campaign. A federation shall may submit renewing applications on behalf of its member organizations. Form DMS-ADM-101 can be obtained by writing to:

Florida State Employees' Charitable Campaign  
Department of Management Services  
4050 Esplanade Way, Suite 280  
Tallahassee, Florida 32399-0950

~~However, the application shall include the following for each renewing member organization:~~

- ~~(a) The percent of the total administrative cost and fundraising expenses for the previous year.~~
- ~~(b) Proof of proper registration with the Florida Department of Agriculture's Division of Consumer Services under the Solicitation of Contributions Act, Sections 496.401 through 496.424, F.S.~~
- ~~(c) A statement certifying that the organization complies with the criteria for eligibility outlined in Section 110.181(1)(c), F.S. and Rule 60L-43.004, F.A.C.~~

(4) If any member is new to a the federation, or did not participate in the FSECC during the previous year, the federation shall provide a complete application and sufficient documentation to verify that the member is in compliance with all relevant criteria.

(5) The Steering Committee shall request additional information from an applicant if necessary for purposes of clarifying eligibility. Requested information must be supplied with five working days of the receipt of the Committee's request.

PROPOSED EFFECTIVE DATE: March 5, 2004

Specific Authority 110.181(3) FS. Law Implemented 110.181 FS. History--New 1-1-02, Amended 3-5-04.

60L-39.006 Duties and Responsibilities of the Fiscal Agent.

(1) The state fiscal agent, which the Department shall select through competitive procurement, shall provide state level coordination of the campaign and oversee the activities of area fiscal agents, which receive, account for, and distribute charitable contributions among participating charitable organizations. The state fiscal agent shall ensure that campaign brochures and materials treat all participating organizations and federations equally and fairly. Campaign brochures shall provide fair listing order and the same type, size, and color print for all participating organizations and for all federations.

(2) The duties and responsibilities of the area fiscal agent shall include, ~~but are not limited to,~~ the following:

- (a) Selecting, training and managing a local steering committee composed of state employees in the fiscal agent area to assist in conducting the campaign and to direct the distribution of undesignated funds.
- (b) Training employee keyworkers and volunteers in the methods of non-coercive solicitation.
- (c) Honoring employee designations.
- (d) Helping to ensure that no employee is coerced or questioned as to the employee's designation or its amount, other than for arithmetical inconsistencies.
- (e) Responding in a timely and appropriate manner to inquiries from employees, participating organizations, federations and/or the Steering Committee.
- (f) Notifying participating organizations and federations of the name and address of the local steering committee chairperson and ensuring them access to the steering committee meetings. For meetings during which undesignated funds will be discussed, a two-week notice to participating organizations and federations is required.
- (g) Ensuring that distribution of undesignated funds is limited to participating organizations and federations in the FSECC.
- (h) Ensuring the timely distribution of campaign funds to participating organizations and federations.
- (i) Withholding the reasonable costs for conducting the campaign and for accounting and distribution to the participating organizations and federations. These costs shall be shared proportionately by the participating federations and independent/unaffiliated organizations based on their percentage share of the gross campaign.

**PROPOSED EFFECTIVE DATE: March 5, 2004**

Specific Authority 110.181(3) FS. Law Implemented 110.181 FS. History--New 1-6-02, Amended 3-5-04.

60L-39.007 Appeals.

(1) An applicant declared ineligible to participate in the campaign by the Steering Committee may ~~(a) submit additional information to the Steering Committee within five working days after receipt of notice of ineligibility or (b) appeal within seven working days of notice. An applicant declared ineligible after submitting additional information may appeal within seven working days after the receipt of the new notice of ineligibility.~~

(2) All appeals shall be concluded by June 30 to allow timely publication of authorized participating organizations in the FSECC brochures.

**PROPOSED EFFECTIVE DATE: March 5, 2004**

Specific Authority 110.181(3) FS. Law Implemented 110.181 FS. History--New 1-6-02, Amended 3-5-04.

NAME OF PERSON ORIGINATING PROPOSED RULE: John Kuczwanski, Chairman, Florida State Employees' Charitable Campaign Steering Committee

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Florida State Employees' Charitable Campaign Steering Committee (as a whole)

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 12, 2003

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 12, 2003

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Board of Architecture and Interior Design**

RULE TITLES: RULE NOS.:  
Definitions 61G1-11.013  
Time for Compliance with Final Order 61G1-11.017

PURPOSE AND EFFECT: The Board proposes to amend the rule to address registration number advertising requirements; also the Board proposes a new rule to address for time compliance with final orders.

SUMMARY: A rule will be amended to address registration number advertising requirements; a new rule will be added to address for time compliance with final orders.

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

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

SPECIFIC AUTHORITY: 455.227(2), 481.2055, 481.225 FS. LAW IMPLEMENTED: 455.227(2), 481.203, 481.211, 481.221(4), (8), 481.225(2) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Juanita Chastain, Executive Director, Board of Architecture and Interior Design, 1940 North Monroe Street, Tallahassee, Florida 32399-0750

**THE FULL TEXT OF THE PROPOSED RULES IS:**

61G1-11.013 Definitions.

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

(c) The registration number required to appear in any newspaper, telephone directory, or other advertising medium, pursuant to Section 481.221(8), F.S., shall be adjacent to the licensee's name and shall be legible. Rules 61G1-11.013(10)(a)1. and 61G1-11.013(10)(a)3. 14. shall become effective on October 1, 1991.

~~(d) Rule 61G1-11.013(10)(a)2. shall become effective on January 1, 1992.~~

(4) No change.

Specific Authority 481.2055 FS. Law Implemented 481.203, 481.211, 481.221(4),(8), 481.229(1)(c) FS. History--New 12-23-79, Amended 2-24-83, 10-27-83, 12-29-83, Formerly 21B-11.13, Amended 11-12-89, 2-14-91, 5-5-91, 12-26-91, Formerly 21B-11.013, Amended 11-15-93, 11-21-94, 1-10-99,\_\_\_\_\_.

61G1-11.017 Time for Compliance with Final Order.

(1) In cases where the Board imposes a monetary civil fine for violation of Chapter 455 or Chapter 481, Florida Statutes, or of the rules promulgated thereunder, the fine shall be paid within 30 days of its imposition by order of the Board, unless a later time for payment is specified in the Board's order. Moreover, unless otherwise addressed by the Board at hearings held pursuant to Section 120.57(2), F.S., whenever a civil fine is levied at said hearing, the respondent who is disciplined shall have all licensure to practice architecture or interior design suspended with the imposition of the suspension being stayed for thirty (30) days. If the ordered civil fine is paid within said thirty (30) day period, the suspension imposed shall not take effect. Upon payment of the civil fine after the thirty (30) days, the suspension imposed shall be lifted. If the licensee does not pay the civil fine, within said period, then immediately upon expiration of the stay, the licensee shall surrender his/her licensure to an investigator of the Department of Business and Professional Regulation or shall mail said license to the Board offices.

(2) Failure to pay the civil fine within the time specified in this rule or in the Board's order shall constitute grounds for further disciplinary action against the licensee.

(3) For purposes of this rule, the term “civil penalty” shall include the assessment of any fines, costs associated with investigation and prosecution of the complaint, and restitution.

(4) In cases where the Board imposes probation for violation of Chapter 455 or Chapter 481, Florida Statutes, or of the rules promulgated thereunder, the following conditions shall apply:

(a) The licensee shall be required to appear before the Probable Cause Panel, acting as the Probation Committee, of the Board at such times as directed by the Executive Director, or as specified in the Final Order. In connection with each probation appearance, the licensee shall answer questions under oath and shall provide copies of all signed and sealed documents, permit applications, contracts, and operations questionnaires since the entry of the Final Order if it is the first probation appearance or since the last probation appearance if it is other than the first probation appearance. In addition, the licensee shall provide such other information or documentation as is requested by either the Department, the Board or the Probation Committee. The licensee shall forward said documentation to the Board in advance of the probation appearance.

(b) The burden shall be solely upon the licensee to remember the requirement for said appearance, and to take the necessary steps in advance of said appearance to contact the Board office and ascertain the specific time, date, and place of said appearance. The licensee shall not rely on getting notice of said appearance from the Board or the Department.

(c) Should the licensee violate any condition of the probation, it shall be considered a violation of either Section 481.225(1)(j) or Section 481.225(1)(g), Florida Statutes, and shall result in further disciplinary action by the Board.

(d) Should the licensee fail to make a satisfactory appearance as determined by the Board, the term of the probationary period shall automatically be extended by six (6) months. If there occurs a second such failure, then the term of the probationary period will be extended an additional year. Should the Board determine a third failure of the licensee to make a satisfactory appearance, then the stay of suspension of the licensee’s licensure to practice architecture or interior design shall be lifted and the license shall remain in suspended status unless and until a further stay is granted by the Board.

(e) Should the licensee’s licensure to practice be suspended or otherwise placed on inactive status, or if the licensee leaves the practice of architecture or interior design for thirty (30) days or more, the probation period shall be tolled and shall resume running at the time the licensee reactivates the license or returns to the active practice of architecture or interior design, and the licensee shall then serve the time remaining in the term of probation.

(f) The licensee’s licensure to practice architecture or interior design shall be suspended for the period of probation, with the suspension stayed for the period of probation. The

time of the suspension and the stay shall run concurrently with the period of probation, except as provided otherwise in the Final Order. If the licensee successfully completes probation, the suspension shall terminate. If the licensee fails to comply with the requirements set forth in this rule or in the Final Order, or fails to make satisfactory appearances as determined by the Board, the stay shall be lifted. Once the stay is lifted, the license shall remain in suspended status unless and until a further stay is granted by the Board.

Specific Authority 455.227(2), 481.225 FS. Law Implemented 455.227(2), 481.225(2) FS. History—New \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Architecture and Interior Design  
 NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Architecture and Interior Design  
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 29, 2003  
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: January 10, 2003

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Board of Architecture and Interior Design**

RULE TITLE: Grounds for Disciplinary Proceedings  
 RULE NO.: 61G1-12.001  
 PURPOSE AND EFFECT: The Board proposes to add language to the rule to address violations of any rule.  
 SUMMARY: A rule will be amended to add language to address violations of any rule.  
 SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No Statement of Estimated Regulatory Cost was prepared.

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

SPECIFIC AUTHORITY: 455.304, 481.2055 FS.  
 LAW IMPLEMENTED: 455.303, 455.304, 481.219, 481.225, 481.2251 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Juanita Chastain, Executive Director, Board of Architecture and Interior Design, 1940 North Monroe Street, Tallahassee, Florida 32399-0750

THE FULL TEXT OF THE PROPOSED RULE IS:

61G1-12.001 Grounds for Disciplinary Proceedings.

(1) through (6)(e) No change.

(f) Violation of any law of the State of Florida directly regulating the practice of architecture, including, but not limited to, any rule adopted by the board;

(g) through (k) No change.

Specific Authority 455.304, 481.2055 FS. Law Implemented 455.303, 455.304, 481.219, 481.225, 481.2251 FS. History--New 12-23-79, Amended 12-19-82, Formerly 21B-12.01, Amended 9-23-86, 11-8-88, Formerly 21B-12.001, Amended 2-25-98, 4-1-01.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Architecture and Interior Design

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Architecture and Interior Design

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 29, 2003

DATE NOTICES OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: January 10, 2003; September 19, 2003

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Board of Architecture and Interior Design**

RULE TITLE: Examination Designated, General Requirements  
RULE NO.: 61G1-14.001

PURPOSE AND EFFECT: The Board proposes to amend the rule to address the examination designated.

SUMMARY: A rule will be amended to address the examination designated.

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

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

SPECIFIC AUTHORITY: 455.217 FS.

LAW IMPLEMENTED: 455.217(1)(b),(c), 481.209 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Juanita Chastain, Executive Director, Board of Architecture and Interior Design, 1940 North Monroe Street, Tallahassee, Florida 32399-0750

THE FULL TEXT OF THE PROPOSED RULE IS:

61G1-14.001 ~~Written~~ Examination Designated, General Requirements.

(1) Applicants for licensure by examination shall take and pass the examination prepared and administered by the National Council of Architectural Registration Boards (NCARB) ~~and which is administered by the Department of Business and Professional Regulation.~~

(2) No change.

Specific Authority 455.217 FS. Law Implemented 455.217(1)(b),(c), 481.209 FS. History--New 12-23-79, Amended 5-18-83, Formerly 21B-14.01, 21B-14.001, Amended 4-22-97.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Architecture and Interior Design

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Architecture and Interior Design

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 29, 2003

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: January 10, 2003

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Board of Architecture and Interior Design**

RULE TITLE: Examination Designated  
RULE NO.: 61G1-20.001

PURPOSE AND EFFECT: The Board proposes to amend the rule to address the examination designated.

SUMMARY: A rule will be amended to address the examination designated.

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

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

SPECIFIC AUTHORITY: 455.217 FS.

LAW IMPLEMENTED: 455.217(1)(b), 481.209 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Juanita Chastain, Executive Director, Board of Architecture and Interior Design, 1940 North Monroe Street, Tallahassee, Florida 32399-0750

THE FULL TEXT OF THE PROPOSED RULE IS:

61G1-20.001 ~~Written~~ Examination Designated.

(1) The Board hereby determines that ~~an a-written~~ examination shall be taken and passed prior to any applicant receiving a license to practice interior design in the State of Florida except when said applicant applies for licensure by endorsement pursuant to Chapter 481, F.S. Examinations shall be prepared and administered by the National Council of Interior Design Qualification (NCIDQ) ~~or National Council for Architectural Registration Boards (NCARB) and shall be administered by the Department of Business and Professional Regulation.~~

(2) No change.

(3) ~~For persons qualifying for licensure pursuant to Section 481.209(2)(c), F.S., the National Society of Interior Design (NSID) examination is approved by the board.~~

Specific Authority 455.217 FS. Law Implemented 455.217(1)(b), 481.209 FS. History--New 7-4-90, Formerly 21B-20.001, Amended 5-30-95, 5-4-97, \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:

Board of Architecture and Interior Design

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE:

Board of Architecture and Interior Design

DATE PROPOSED RULE APPROVED BY AGENCY HEAD:

October 29, 2003

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW:

January 10, 2003

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Board of Architecture and Interior Design**

RULE TITLE: \_\_\_\_\_ RULE NO.:

Continuing Education for Interior Designers 61G1-21.001

PURPOSE AND EFFECT: The Board proposes to amend the rule to address continuing education requirements for interior designers.

SUMMARY: A rule will be amended to address continuing education requirements for interior designers.

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

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

SPECIFIC AUTHORITY: 481.2055 FS.

LAW IMPLEMENTED: 481.215(5) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Juanita Chastain, Executive Director, Board of Architecture and Interior Design, 1940 North Monroe Street, Tallahassee, Florida 32399-0750

THE FULL TEXT OF THE PROPOSED RULE IS:

61G1-21.001 Continuing Education for Interior Designers.

(1) Each interior designer in Florida shall be required to establish the interior designer's ~~his~~ professional knowledge and competency in conformity with this rule by the completion of 20 contact hours of continuing professional education per biennium as secured through programs approved by the Board or by submission of proof of compliance with the continuing education requirements of another state in which the interior designer is licensed, provided that the requirements of the other state equal or exceed the completion of 20 contact hours in a two year period.

(2) through (3) No change.

Specific Authority 481.2055 FS. Law Implemented 481.215(5) FS. History--New 11-29-90, Amended 9-2-92, Formerly 21B-21.001, Amended 5-4-97, \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:

Board of Architecture and Interior Design

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE:

Board of Architecture and Interior Design

DATE PROPOSED RULE APPROVED BY AGENCY HEAD:

October 29, 2003

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW:

January 10, 2003

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Board of Architecture and Interior Design**

RULE TITLE: \_\_\_\_\_ RULE NO.:

Continuing Education for Architects 61G1-24.001

PURPOSE AND EFFECT: The Board proposes to amend the rule to address continuing education requirements for architects.

SUMMARY: A rule will be amended to address continuing education requirements for architects.

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

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

SPECIFIC AUTHORITY: 481.215 FS.

LAW IMPLEMENTED: 481.215 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Juanita Chastain, Executive Director, Board of Architecture and Interior Design, 1940 North Monroe Street, Tallahassee, Florida 32399-0750

THE FULL TEXT OF THE PROPOSED RULE IS:

61G1-24.001 Continuing Education for Architects.

(1) Each architect in Florida shall be required to establish the architect's professional knowledge and competency in conformity with this rule by the completion of 20 contact hours of continuing professional education per biennium as secured through programs approved by the Board or by submission of proof of compliance with the continuing education requirements of another state in which the architect is licensed, provided that the requirements of the other state equal or exceed the completion of 20 contact hours in a two year period.

(2) through (3) No change.

Specific Authority 481.215 FS. Law Implemented 481.215 FS. History--New 1-17-96, Amended.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Architecture and Interior Design

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Architecture and Interior Design

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 29, 2003

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: January 10, 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 Chiropractic Medicine**

RULE TITLE: Inactive Status License  
 RULE NO.: 64B2-13.0049

PURPOSE AND EFFECT: The Board proposes to add new language to the existing rule text.

SUMMARY: The Board is adding new language which specifies who is not required to appear before the Board to place a license in active 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 provide a proposal for a lower cost regulatory alternative must do so in writing within 21 days of this notice.

SPECIFIC AUTHORITY: 456.017(1), 460.405 FS.

LAW IMPLEMENTED: 456.017(1), 460.406(1) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Joe Baker, Jr., Board Executive Director, Board of Chiropractic Medicine, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3259

THE FULL TEXT OF THE PROPOSED RULE IS:

64B2-13.0049 Inactive Status License.

(1) No change.

(2) An inactive status licensee may change to active status at any time provided the licensee meets the continuing education requirements of Rule 64B2-13.004, F.A.C., pays the active status fees for each biennium during which the license was inactive, pays the reactivation fee, and if the request to change licensure status is made at any time other than at the beginning of a licensure cycle, pays the additional processing fee. However, a licensee whose license has been in inactive status for more than two consecutive biennial licensure cycles, and who has not practiced chiropractic medicine in any jurisdiction during the period of inactive status, shall be required to appear before the board before the license can be placed into active status. The board at the time of the appearance shall impose upon the licensee reasonable conditions necessary to insure that the licensee can practice with the care and skill sufficient to protect the health, safety and welfare of the public.

Specific Authority 456.036 FS. Law Implemented 456.036 FS. History--New 2-20-95, Formerly 59N-13.0049, Amended 7-11-02, \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Chiropractic Medicine

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 19, 2003

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 10, 2003

**NAVIGATION DISTRICTS**

**Florida Inland Navigation District**

RULE TITLES:	RULE NOS.:
Definitions	66B-1.003
Policy	66B-1.004
Funds Allocation	66B-1.005
Project Eligibility	66B-1.008

PURPOSE AND EFFECT: The purpose of the proposed rule making is to include the following provisions in the program rule: Add specific definitions to the definitions section of the rule; Add specific waterways essential to the Inland waterway Navigation system to the definition of eligible waterways; Clarify the rule regarding third-party eligibility; revise funding ratios for dredging projects; revise the eligibly of certain items and applicant personnel and equipment costs; and limit the amount available to law enforcement vessels.

The effect of the rule making is to implement changes in the administratino of the District's Cooperative Assistance Program that will assist the District and program applicants in the review and evaluation of applicatoinis submitted pursuant to the rule.

SUMMARY: Cooperative Assistance Program rule sections: Definitions, Policy, Funds Allocation and Project Eligibility.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None.

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: 374.976(2) FS.

LAW IMPLEMENTED: 374.976(1)-(3) 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: 11:00 a.m., December 10, 2003

PLACE: The District office, 1314 Marcinski Road, Jupiter, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Mark Crosley, Assistant Executive Director, Florida Inland Navigation District, 1314 Marcinski Road, Jupiter, Florida 33477, (561)627-3386

THE FULL TEXT OF THE PROPOSED RULES IS:

66B-1.003 Definitions.

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

(1) through (19) No change.

(20) "PUBLIC BUILDING" means a building or facility on government owned property that is owned or operated by a governmental entity, or operated by a third party operator. The building or facility must provide waterway related information, public meeting space, or educational services and be open to members of the public on a continual basis without discrimination.

(21)(20) "PUBLIC MARINA" means a harbor complex used primarily for recreational boat mooring or storage, the services of which are open to the general public on a first

come, first served basis without any qualifying requirements such as club membership, stock ownership, or differential in price.

(22)(21) "TRIM HEARING" means a public hearing required by Chapter 200, F.S., concerning the tax and budget of the District.

(23)(22) "WATERWAYS" means the Atlantic Intracoastal Waterway, the Okeechobee Waterway in Martin County, the Barge Canal in Brevard County west of the Port Canaveral Locks, the Rim Canal in Palm Beach County, the Dania Cut-Off Canal and the Hillsboro Canal in Broward County, all navigable natural rivers, bays, creeks or lagoons intersected by said waterways and all navigable natural creeks, rivers, bays or lagoons entering or extending from said waterways.

(24)(23) "WATERWAY RELATED ENVIRONMENTAL EDUCATION" means an interdisciplinary holistic process by which the learner: develops an awareness of the natural and manmade environments of waterways; develops knowledge about how the environment of the waterways works; acquires knowledge about the technological, social, cultural, political, and economic relationships occurring in waterway related environmental issues; obtains informatoin on the history, importance, economics, condition and future of the Intracoastal Waterway; and becomes motivated to apply action strategies to maintain a balance between quality of life and quality of the environment of waterways.

Specific Authority 374.976(2) FS. Law Implemented 374.976(1) FS. History—New 12-17-90, Amended 2-6-97, Formerly 16T-1.003, Amended 5-17-98, 3-21-01, 3-20-03,\_\_\_\_\_.

66B-1.004 Policy.

The following constitutes the policy of the District regarding the administration of the program.

(1) through (6) No change.

~~(7) Non-Compliance: The District shall terminate a project agreement and demand return of program funds disbursed to the project sponsor for non-compliance with any of the terms of the project agreement or this rule, if such non-compliance calls into question the ability of the applicant to complete the project. Failure of a project sponsor to comply with the provisions of this rule or the project agreement shall result in the District declaring the project sponsor ineligible for further participation in the program until such time as compliance has been met to the satisfaction of the District.~~

(7)(8) Education Facilities and Programs: Waterways related environmental education facilities and programs sponsored by the District shall occur at specially designated environmental education facilities located adjacent and contiguous to the waterways. It is the District's intent to consolidate its environmental education efforts in the least number of facilities within an area that will adequately serve the education needs of that area of the District.



~~(8)~~(9) Public Information Availability: Public information produced with assistance from this program shall not be copyrighted and shall be provided free of cost, except for the cost of reproduction, to the public.

~~(9)~~(10) Third-Party Project Operators Agreements: Projects that are being developed and operated by a third party which is a not for profit agency shall have sufficient oversight by the eligible project sponsor. Such oversight at a minimum will include a project liaison that is a staff member of the eligible project sponsor, and oversight of the operating hours and admission fees of the facility by the eligible project sponsor through a legal agreement, and submission of the third party's most recent audited financial statement. All third party projects shall be open to the public in accordance with this rule.

(10) Non compliance: The District shall terminate a project agreement and demand return of program funds disbursed to the project sponsor for non-compliance with any of the terms of the project agreement or this rule, if such non-compliance calls into question the ability of the applicant to complete the project. Failure of a project sponsor to comply with the provisions of this rule or the project agreement shall result in the District declaring the project sponsor ineligible for further participation in the program until such time as compliance has been met to the satisfaction of the District.

Specific Authority 374.976(2) FS. Law Implemented 374.976(1), (2) FS. History--New 12-17-90, Amended 2-6-97, Formerly 16T-1.004, Amended 5-17-98, 3-31-99, 3-5-00, 3-21-01, 7-30-02, \_\_\_\_\_.

66B-1.005 Funds Allocation.

The Board will allocate funding for this program based upon the District's overall goals, management policies, fiscal responsibilities and operational needs for the upcoming year. If funds are determined to be available for the program, the District will notify potential eligible state and regional agencies of the availability of program funding and the authorized submission period. Applications will be reviewed by the Board utilizing District Forms No. 00-25 Cooperative Assistance Program Application Evaluation and Rating Form (effective date 3-21-01) hereby incorporated by reference and available from the District office.

(1) through (4) No change.

(5) Public Navigation: Projects or project elements in the category of public navigation that will qualify for up to ~~seventy-five (75%)~~ ~~ninety (90%)~~ percent program funds must provide public access to public launching, mooring or docking facilities. In addition, the following shall apply include:

(a) Navigation channel dredging: ~~where~~ The project sponsor must demonstrate that the source of channel sedimentation has been identified and is in the process of or has been controlled, or that the frequency and amount of shoaling is such that dredging will provide an improvement to the channel that will last for twenty (20) years or more and therefore is more cost effective than identifying and correcting

the cause of shoaling, or that the cost of identifying the source of channel sedimentation exceeds the cost of the dredging project.

(b) Navigation channel lighting and markers must be located on primary or secondary public navigation channels.

All oOther public navigation projects or project elements will only qualify for up to fifty (50%) percent program funding.

(6) No change.

Specific Authority 374.976(2) FS. Law Implemented 374.976(1),(3) FS. History--New 12-17-90, Amended 2-6-97, Formerly 16T-1.005, Amended 5-17-98, 3-31-99, 3-21-01, 7-30-02, \_\_\_\_\_.

66B-1.008 Project Eligibility.

(1) Eligible Projects: Financial assistance and support through this program shall be used to plan or carry out public navigation, public recreation, environmental education, boating safety, and inlet management directly related to the waterways.

(a) Program funds may be used for projects such as acquisition planning, development, construction, reconstruction, extension improvement, operation or maintenance of the following for public use on land and water:

1. Public navigation channel dredging;
2. Public navigation aids and markers;
3. Inlet management projects that are a benefit to public navigation in the District;
4. Public shoreline stabilization;
5. Public spoil disposal site development;
6. Waterway signs and buoys for safety, regulation or information;
7. Public boat ramps and launching facilities and land acquisition for additional trailer parking at an existing boat ramp;
8. Public boat docking and mooring facilities;
9. Derelict Vessel Removal;
10. Waterways related environmental education programs and facilities;
11. Public fishing and viewing piers;
12. Public waterfront boardwalks;
13. Waterways boating safety programs and equipment;
14. Beach renourishment on beaches adversely impacted by navigation inlets, navigation structures, navigation dredging, or a navigation project; and
15. Other waterway related projects.

(b) Ineligible Projects or Project Elements: Project costs ineligible for program funding or matching funds will include: contingencies, miscellaneous, reoccurring personnel related costs, land acquisition that is not for additional trailer parking at an existing boat ramp, irrigation equipment, ball-courts, park and playground equipment, and any extraneous recreational amenities not directly related to the waterway such as the following:

1. Landscaping that does not provide shoreline stabilization or aquatic habitat;
2. Restrooms for non-waterway users;
3. Roadways providing access to non-waterway users;
4. Parking areas for non-waterway users;
5. Utilities for non-waterway related facilities;
6. Lighting for non-waterway related facilities;
7. Maintenance equipment;
8. Picnic shelters and furniture;
9. Vehicles to transport vessels; ~~and~~
10. Operational items such as fuel, oil, etc.;

(11) Office space that is not incidental and necessary to the operation of the main eligible public building; and

(12) Conceptual project planning, including: public surveys, opinion polls, public meetings, and organizational conferences.

(c) Project Elements with Eligibility Limits: Subject to approval by the Board of an itemized expense list:

1. The following project costs will be eligible for program funding or as matching funding if they are performed by an independent contractor:

- a. Project management, administration and inspection;
- b. Design, permitting, planning, engineering or surveying costs for completed construction project;
- c. Restoration of sites disturbed during the construction of an approved project; and
- d. Equipment costs.

Before reimbursement is made by the District on any of the costs listed in subparagraph 1. above, a construction contract for the project, approved and executed by the project sponsor and project contractor must be submitted to the District.

2. Marine law enforcement and other vessels are eligible for a maximum of \$30,000 in initial District funding. All future replacement and maintenance costs of the vessel and related equipment will be the responsibility of the applicant. The following project costs will be eligible only as matching costs and can not exceed fifteen (15) percent of the applicants match:

- a. ~~Applicant's non-recurring personnel costs;~~
- b. ~~Applicant's equipment costs;~~
- c. ~~Applicant's In-house project management administration and inspection costs;~~
- d. ~~Applicant's In-house design, permitting, planning, engineering or surveying costs for completed construction project; and~~
- e. ~~Applicant's other in-kind services.~~

(3) Waterway related environmental education facility funding will be limited to those project elements directly related to the District's waterways.

~~Before reimbursement is made by the District on any of the costs listed in subparagraph 1. or 2. above, a construction contract for the project, approved and executed by the project sponsor and project contractor must be submitted to the District.~~

(d) Phasing of Projects: Applications for eligible waterway projects will be submitted as a phased project where Phase I will include the design, engineering and permitting elements and Phase II will include the construction of the project. A description and cost estimate of the Phase II work shall be submitted along with the Phase I application for Board review. Applicants for construction projects that include elements that require state or federal permits or exemptions will demonstrate that the environmental permitting will be completed by the District's final TRIM hearing. This demonstration will be by the submission of the required environmental permit(s) or by the submission of a letter from the agency(s) stating that a permit is not required. Should the environmental permitting element of an application for a construction project that includes elements that require state or federal permits or exemptions not be completed by the District's final TRIM hearing, the construction portion of the project will not be considered for funding. The District will not deviate from the funding schedule, whereby funding decisions are completed at the final TRIM hearing, to accommodate any application deficiency.

(2) through (3) No change.

(4) Public Marina Qualifications: All public marina projects funded through this program shall include sewage pumpout facilities for vessels, unless the applicant can demonstrate that inclusion of such a facility is physically, operationally or economically impracticable. All public marina projects funded through this program shall have at least ten (10%) percent of their slips or mooring areas available for transient vessels. Program funds to public marina projects shall not be utilized for maintenance of the facilities if revenues generated by the facility are not exclusively allocated to the operation, maintenance and improvement of the public marina facility. Certification that revenues generated by a marina facility are exclusively allocated to the operation, maintenance and improvement of the public marine facility will be required to be submitted with the application and, if approved, thereafter on an annual basis using form No. FIND 03-01 (effective date - -03), hereby incorporated by reference and available from the District office.

(5) No change.

Specific Authority 374.976(2) FS. Law Implemented 374.976(1)-(3) FS. History--New 12-17-90, Amended 2-6-97, Formerly 16T-1.008, Amended 5-17-98, 3-31-99, 3-5-00, 3-21-01, 7-30-02, 3-20-03, \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
David K. Roach, Executive Director, Florida Inland Navigation District, 1314 Marcinski Road, Jupiter, Florida 33477, (561)627-3386

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: David K. Roach, Executive Director, Florida Inland Navigation District, 1314 Marcinski Road, Jupiter, Florida 33477, (561)627-3386

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 5, 2003

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

**NAVIGATION DISTRICTS**

**Florida Inland Navigation District**

RULE TITLES:	RULE NOS.:
Definitions	66B-2.003
Policy	66B-2.004
Funds Allocation	66B-2.005
Project Eligibility	66B-2.008

PURPOSE AND EFFECT: The purpose of the proposed rule making is to include the following provisions in the program rule: Add specific definitions to the definitions section of the rule; Add specific waterways essential to the Inland Waterway Navigation System to the definition of eligible waterways; Clarify the rule regarding third-party eligibility; revise funding ratios for dredging projects; revise the eligibility of certain items and applicant personnel and equipment costs; and limit the amount available to law enforcement vessels.

The effect of the rule making is to implement changes in the administration of the District’s Waterways Assistance Program that will assist the District and program applicants in the review and evaluation of applications submitted pursuant to the rule.

SUMMARY: Waterways Assistance Program rule sections: Definitions, Policy, Funds Allocation and Project Eligibility.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None.

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: 374.976(2) FS.

LAW IMPLEMENTED: 374.976(1)-(3) 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: 11:00 a.m., December 10, 2003

PLACE: The District office, 1314 Marcinski Road, Jupiter, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Mark Crosley, Assistant Executive Director, Florida Inland Navigation District, 1314 Marcinski Road, Jupiter, Florida 33477, (561)627-3386

THE FULL TEXT OF THE PROPOSED RULES IS:

66B-2.003 Definitions.

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

(1) through (22) No change.

(23) “PUBLIC BUILDING” means a building or facility on government owned property that is owned or operated by a governmental entity, or operated by a third party operator. The building or facility must provide waterway related information, public meeting space, or educational services and be open to members of the public on a continual basis without discrimination.

~~(24)~~(23) “PUBLIC MARINA” means a harbor complex used primarily for recreational boat mooring or storage, the services of which are open to the general public on a first come, first served basis without any qualifying requirements such as club membership, stock ownership, or differential in price.

~~(25)~~(24) “TRIM HEARING” means a public hearing required by Chapter 200, F.S., concerning the tax and budget of the District.

~~(26)~~(25) “WATERWAYS” means the Atlantic Intracoastal Waterway, the Okeechobee Waterway in Martin County, the Barge Canal in Brevard County west of the Port Canaveral Locks, the Rim Canal in Palm Beach County, the Dania Cut-Off Canal and the Hillsboro Canal in Broward County, all navigable natural rivers, bays, creeks or lagoons intersected by said waterways and all navigable natural creeks, rivers, bays or lagoons entering or extending from said waterways.

~~(27)~~(26) “WATERWAY RELATED ENVIRONMENTAL EDUCATION” means an interdisciplinary holistic process by which the learner: develops an awareness of the natural and manmade environments of waterways; develops knowledge about how the environment of the waterways works; acquires knowledge about the technological, social, cultural, political, and economic relationships occurring in waterway related environmental issues; obtains information on the history, importance, economics, condition and future of the Intracoastal Waterway; and becomes motivated to apply action strategies to maintain a balance between quality of life and quality of the environment of waterways.

Specific Authority 374.976(2) FS. Law Implemented 374.976(1) FS. History—New 12-17-90, Amended 9-2-92, 2-6-97, Formerly 16T-2.003, Amended 5-17-98, 3-21-01, 3-20-03, \_\_\_\_\_.

66B-2.004 Policy.

The following constitutes the policy of the District regarding the administration of the program:

(1) through (6) No change.

(7) Education Facilities and Programs: Waterways related environmental education facilities and programs sponsored by the District shall occur at specially designated environmental education facilities located adjacent and contiguous to the waterways. It is the District's intent to consolidate its environmental education efforts in the least number of facilities within an area that will adequately serve the education needs of that area of the District.

~~(8)~~(7) Public Information Availability: Public information produced with assistance from this program shall not be copyrighted and shall be provided free of cost, except for the cost of reproduction, to the public.

~~(9)~~(8) Third-Party Project Operators Agreements: Projects that are being developed and operated by a third party which is a not-for-profit agency shall have sufficient oversight by the eligible project sponsor as determined by the Board. Such oversight, at a minimum, will include a project liaison that is a staff member of the eligible project sponsor, and oversight of the operating hours and admission fees of the facility by the eligible project sponsor through a legal agreement, and submission of the third party's most recent audited financial statement. All third party projects shall be open to the public in accordance with this rule.

~~(10)~~(9) Non-compliance: The District shall terminate a project agreement and demand return of program funds disbursed to the project sponsor for non-compliance with any of the terms of the project agreement or this rule, if such non-compliance calls into question the ability of the applicant to complete the project. Failure of a project sponsor to comply with the provisions of this rule or the project agreement shall result in the District declaring the project sponsor ineligible for further participation in the program until such time as compliance has been met to the satisfaction of the District.

Specific Authority 374.976(2) FS. Law Implemented 374.976(1), (2) FS. History--New 12-17-90, Amended 2-3-94, 2-6-97, Formerly 16T-2.004, Amended 5-18-98, 3-31-99, 5-25-00, 3-21-01, 7-30-02, \_\_\_\_\_.

66B-2.005 Funds Allocation.

The Board will allocate funding for this program based upon the District's overall goals, management policies, fiscal responsibilities and operational needs for the upcoming year. If funds are determined to be available for the program, the District will notify potential eligible governmental agencies of the availability of program funding. Applications will be reviewed by the Board utilizing District Forms No. 91-25 and 91-25 (a thru e) Waterways Assistance Program Application Evaluation and Rating Form; 93-25 and 93-25 (a and b) Waterways Assistance Program Navigation Districts

Application Evaluation and Rating Form, (effective date 03-21-02), hereby incorporated by reference and available from the District office.

(1) through (6) No change.

(7) Public Navigation: Projects or project elements in the category of public navigation that will qualify for up to ~~seventy-five (75%) ninety (90%)~~ per cent program funds must provide public access to public launching, mooring or docking facilities. In addition, the following shall apply include:

(a) Navigation channel dredging: ~~where~~ The project sponsor must demonstrate that the source of channel sedimentation has been identified and is in the process of or has been controlled, or that the frequency and amount of shoaling is such that dredging will provide an improvement to the channel that will last for twenty (20) years or more and therefore is more cost effective than identifying and correcting the cause of shoaling, or that the cost of identifying the source of channel sedimentation exceeds the cost of the dredging project.

(b) Navigation channel lighting and markers must be located on primary or secondary public navigation channels. All oOther public navigation projects or project elements will only qualify for up to fifty (50%) percent program funding.

Specific Authority 374.976(2) FS. Law Implemented 374.976(1), (3) FS. History--New 12-17-90, Amended 6-24-93, 9-5-96, 2-6-97, Formerly 16T-2.005, Amended 5-17-98, 8-26-99, 3-21-01, 7-30-02, \_\_\_\_\_.

66B-2.008 Project Eligibility.

(1) Eligible Projects: Financial assistance and support through this program shall be used to plan or carry out public navigation, public recreation, environmental education, boating safety, spoil site acquisition directly related to the waterways, inlet management, environmental mitigation and beach renourishment.

(a) Program funds may be used for projects such as acquisition, planning, development, construction, reconstruction, extension, improvement, operation or maintenance of the following types of projects for public use on land and water. These project types will be arranged into a priority list each year by vote of the Board. The priority list will be distributed to applicants with the project application.

1. Public navigation channel dredging;
2. Public navigation aids and markers;
3. Inlet management projects that are a benefit to public navigation in the District;
4. Public shoreline stabilization;
5. Public spoil disposal site development;
6. Waterway signs and buoys for safety, regulation or information;
7. Public boat ramps and launching facilities and land acquisition for additional trailer parking at an existing boat ramp;

8. Public boat docking and mooring facilities;
9. Derelict Vessel Removal;
10. Waterways related environmental education programs and facilities;
11. Public fishing and viewing piers;
12. Public waterfront boardwalks;
13. Waterways boating safety programs and equipment;
14. Beach renourishment on beaches adversely impacted by navigation inlets, navigation structures, navigation dredging, or a navigation project; and
15. Other waterway related projects.

(b) Ineligible Projects or Project Elements. Project costs ineligible for program funding or matching funds will include: contingencies, miscellaneous, reoccurring personnel related costs, land acquisition that is not for additional trailer parking at an existing boat ramp, irrigation equipment, ball-courts, park and playground equipment, and any extraneous recreational amenities not directly related to the waterway such as the following:

1. Landscaping that does not provide shoreline stabilization or aquatic habitat;
2. Restrooms for non-waterway users;
3. Roadways providing access to non-waterway users;
4. Parking areas for non-waterway users;
5. Utilities for non-waterway related facilities;
6. Lighting for non-waterway related facilities;
7. Maintenance equipment;
8. Picnic shelters and furniture;
9. Vehicles to transport vessels; ~~and~~
10. Operational items such as fuel, oil, etc.;
11. Office space that is not incidental and necessary to the operation of the main eligible public building; and
12. Conceptual project planning, including: public surveys, opinion polls, public meetings, and organizational conferences.

(c) Project Elements with Eligibility Limits: Subject to approval by the Board of an itemized expense list:

1. The following project costs will be eligible for program funding or as matching funding if they are performed by an independent contractor:
  - a. Project management, administration and inspection;
  - b. Design, permitting, planning, engineering or surveying costs for completed construction project;
  - c. Restoration of sites disturbed during the construction of an approved project;
  - d. Equipment costs.

Before reimbursement is made by the District on any of the costs listed in subsection 1. above, a construction contract for the project, approved and executed by the project sponsor and project contractor must be submitted to the District.

2. Marine law enforcement and other vessels are eligible for a maximum of \$30,000 in initial District funding. All future replacement and maintenance costs of the vessel and related equipment will be the responsibility of the applicant. The following project costs will be eligible only as matching costs and can not exceed fifteen (15) percent of the applicants match:

- a. Applicant's non-recurring personnel costs;
- b. Applicant's equipment costs;
- c. ~~Applicant's In-house project management administration and inspection costs;~~
- d. ~~Applicant's In-house design, permitting, planning, engineering or surveying costs for completed construction project; and~~
- e. Applicant's other in-kind services.

~~Before reimbursement is made by the District on any of the costs listed in subparagraph 1. or 2. above, a construction contract for the project, approved and executed by the project sponsor and project contractor must be submitted to the District.~~

(d) Phasing of Projects: Applications for eligible waterway projects will be submitted as a phased project where Phase I will include the design, engineering and permitting elements and Phase II will include the construction of the project. A description and cost estimate of the Phase II work shall be submitted along with the Phase I application for Board review. Applicants for construction projects that include elements that require state or federal permits or exemptions will demonstrate that the environmental permitting will be completed by the District's final TRIM hearing. This demonstration will be by the submission of the required environmental permit(s) or by the submission of a letter from the agency(s) stating that a permit is not required. Should the environmental permitting element of an application for a construction project that includes elements that require state or federal permits or exemptions not be completed by the District's final TRIM hearing, the construction portion of the project will not be considered for funding. The District will not deviate from the funding schedule, whereby funding decisions are completed at the final TRIM hearing, to accommodate any application deficiency.

(2) through (3) No change.

(4) Public Marina Qualifications: All public marina projects funded through this program shall include sewage pumpout facilities for vessels, unless the applicant can demonstrate that inclusion of such a facility is physically, operationally or economically impracticable. All public marina projects funded through this program shall have at least ten percent (10%) of their slips or mooring areas available for transient vessels. Program funds to public marina projects shall not be utilized for maintenance of the facilities if revenues generated by the facility are not exclusively allocated to the operation, maintenance and improvement of the public marina facility. Certification that revenues generated by a marina

facility are exclusively allocated to the operation, maintenance and improvement of the public marine facility will be required to be submitted with the application and, if approved, thereafter on an annual basis using form No. FIND 03-01 (effective date - -03), hereby incorporated by reference and available from the District office.

(5) No change.

Specific Authority 374.976(2) FS. Law Implemented 374.976(1)-(3) FS. History--New 12-17-90, Amended 9-2-92, 6-24-93, 2-3-94, 4-12-95, 9-5-96, 2-6-97, Formerly 16F-2.008, Amended 5-17-98, 3-31-99, 5-25-00, 3-21-01, 7-30-02, 3-20-03.

NAME OF PERSON ORIGINATING PROPOSED RULE: David K. Roach, Executive Director, Florida Inland Navigation District, 1314 Marcinski Road, Jupiter, Florida 33477, (561)627-3386

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: David K. Roach, Executive Director, Florida Inland Navigation District, 1314 Marcinski Road, Jupiter, Florida 33477, (561)627-3386

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 5, 2003

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

DEPARTMENT OF FINANCIAL SERVICES

Division of State Fire Marshal

RULE CHAPTER TITLE: RULE CHAPTER NO.:

Uniform Minimum Firefighter Employment Standards 69A-62

RULE TITLES: RULE NOS.:

PART I: Adoption of Uniform Firefighter Employment Standards Definitions 69A-62.0001

Uniform Minimum Firefighter Employment Standards; Adoption of OSHA Standards 69A-62.001

Uniform Minimum Firefighter Employment Standards; Adoption of National Fire Protection Association Standards 69A-62.002

Uniform Minimum Firefighter Employment Standards; Adoption of 29 C.F.R. 1910.134(g)(3) and 1910.134(g)(4), Including Notes One and Two and Additional Requirements Relating to Fire Scenes 69A-62.003

Requirements for Recognition as a Fire Department 69A-62.006

Minimum Requirements for Class 9 Protection 69A-62.007

PART II: Workplace Safety and Health Programs Definitions 69A-62.020

General Guidelines for Firefighter Employer Comprehensive Safety and Health Programs 69A-62.021

Firefighter Employer Comprehensive Safety and Health Remediation Plan 69A-62.022

Criteria for Identifying Firefighter Employers

With a High Frequency or Severity of Injuries 69A-62.023

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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, F.S.

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 WITHIN 21 DAYS OF THE DATE OF THIS NOTICE 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: 7:00 p.m. (CST), Wednesday, December 17, 2003

PLACE: Walton County EOC, 75 S. Davis Lane, DeFuniak Springs, FL 32435

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 Bureau of Fire Standards and Training, 11655 N. W. Gainesville Road, Ocala, Florida or (352)369-2800, no later than 48 hours prior to the meeting or workshop.

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, (352)369-2800

THE FULL TEXT OF THE PROPOSED RULES IS:

PART I: Adoption of Uniform Firefighter Employment Standards

69A-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 69A-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. 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 \_\_\_\_\_.

69A-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.

69A-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.

69A-62.003 Uniform Minimum Firefighter Employment Standards; Adoption of 29 C.F.R. 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 69A-37.055, F.A.C. Such training shall consist of the training described in subsection (6) of Rule 69A-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 69A-37.055, F.A.C. Such training shall consist of the training described in subsection (6) of Rule 69A-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), F.S.

(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.~~

~~(c) 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 \_\_\_\_\_.

69A-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](http://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 \_\_\_\_\_.

#### 69A-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: be provided on form DI4-xxxx

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 and 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

### 69A-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 69A-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 \_\_\_\_\_.

### 69A-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 as as needed basis an 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

69A-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 69A-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

69A-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:

$$\# \text{ INJ. } \times \text{ Total Annual Man-Hours Worked} = \text{Injury Rate}$$

$$8760 \text{ (24hr svc) or } 2000 \text{ (40 hr wk)}$$

(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. 1910.134 in Rule 69A-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

#### 69A-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 of 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 firefighter 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 \_\_\_\_\_.

#### 69A-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 \_\_\_\_\_.

#### 69A-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 69A-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 \_\_\_\_\_.

69A-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 \_\_\_\_\_.

#### 69A-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 69A-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 \_\_\_\_\_.

#### 69A-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 effected employee's personnel file.

Specific Authority 633.808, 633.811 FS. Law Implemented 633.808, 633.811 FS. History--New \_\_\_\_\_.

#### 69A-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 69A-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

##### 69A-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 69A-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

#### 69A-62.041 Scope.

Except as provided in Rule 69A-62.042, 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

#### 69A-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

69A-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

69A-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 \_\_\_\_\_.

69A-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 N. W. Gainesville Road, Ocala, Florida, (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

**Section III**  
**Notices of Changes, Corrections and**  
**Withdrawals**

**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 NOS.:	RULE TITLES:
33-209.101	Staff Development – Definitions
33-209.102	Minimum Training Requirements
33-209.106	Contracting for Training Services

**FOURTH 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), Vol. 29, No. 43, (October 24, 2003), and Vol. 29, No. 44, (October 31, 2003) issue of the Florida Administrative Weekly:

33-209.101 Staff Development – Definitions.

For the purposes of this chapter:

(1) through (19) No change.

(20) "In-service Training" means all training approved by the ~~Office of Staff Development in the Bureau of Human Resources~~ or the CJSTC for all Department of Corrections employees and other specified personnel to enhance their knowledge, skills and abilities for the jobs they perform. All approved training except orientation training and pre-employment firearms training shall be recorded toward the department's annual in-service training requirement.

(21) through (25) No change.

(26) "Range Master" refers to the CJSTC firearms certified instructor who meets the eligibility requirements and is responsible for all facets of firearm training on the firing range. Staff ~~D~~evelopment, institutions, or circuits may designate more than one range master at each facility.

(27) "Regional Training Coordinator" refers to the ~~staff development~~ employee who has ~~overall~~ responsibility for managing training programs in a particular geographic location.

(28) through (32) 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 33-25.001, Amended \_\_\_\_\_.

33-209.102 Minimum Training Requirements.

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

(1) All full-time Department employees who are assigned to community corrections, correctional institutions, and work release centers are required to ~~involved in the American Correctional Association (ACA) accreditation, excluding designated clerical and support employees, shall successfully~~ complete a minimum of 40 hours of in-service training each calendar year, with the first year prorated by the number of training year quarters worked. Clerical and support employees who are assigned to community corrections and institutional work locations ~~involved in the American Correctional Association (ACA) accreditation~~ and have minimum contact with inmates or probationers shall successfully complete a minimum of 16 hours of in-service training each training year, with the first year prorated by the number of fiscal training year quarters worked. Employees assigned to areas within central and regional offices are required to complete in-service training as designated by department requirements and as determined by their supervisors as necessary for their current duties. All part-time employees, volunteers and contract personnel shall receive formal orientation as appropriate to their assignments and additional training as needed.

(2) through (7) No change.

~~(8)(6)~~ All Department employees who are required by law to possess an active professional license or certificate in order to perform the duties and responsibilities included in their class specification or position description are responsible for keeping the license or certificate active under the following conditions:

(a) through (b) No change.

(c) Any employee who desires to acquire or maintain an active professional license or certificate in an area of expertise not included in his or her class specification or position description shall not be authorized to take the licensure and certification training either at state expense, on state time as hours worked, or on administrative leave with pay, unless significant direct benefits to the Department can be demonstrated to the satisfaction of the Deputy appropriate Assistant Secretary.

(9) through (10) No change.

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

33-209.106 Contracting for Training Services.

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

(1) through (2) No change.

(3) Except in emergency situations, all solicitations and proposals for training services shall be in writing with a copy to the Office Department of Staff Development Administration.

(4) The Director training—coordinator of Staff Development, or a designee, shall serve as Contract Manager for contractual training agreements.

Specific Authority 20.315, 944.09 FS. Law Implemented 20.315, 943.175 FS. History—New 8-26-87, Formerly 33-25.006, Amended \_\_\_\_\_.

**AGENCY FOR HEALTH CARE ADMINISTRATION**

**Medicaid**

RULE NO.: 59G-8.200  
RULE TITLE: Home and Community-Based Waiver Services

**NOTICE OF CHANGE**

Notice is hereby given that substantial changes have been made to the proposed Rule 59G-8.200, F.A.C. In accordance with subparagraph 120.54(3)(d)1., F.S., publication of this change in the proposed rule is requested for the next volume of the Florida Administrative Weekly.

These changes are pursuant to detailed discussion between the Department of Children and Families and the Agency for Health Care Administration, based upon the comments and recommendations presented at the public hearing held August 19, 2003.

Following is the summary of changes made:

Chapter 1

Family Members Enrolled as DS Waiver providers – Clarified who in the family may not provide services and revised the services that may be provided by a family member.

Provider Qualifications – Those providing adult day training, behavior assistant, chore, companion, homemaker, in-home support, non-residential support, personal care assistance, residential habilitation and respite services must be at least 18 years of age.

Residential Habilitation Provider Requirements – Clarified the qualifications for providers of behavioral residential habilitation.

Supported Employment Training Requirements – Expanded to include a specific training curriculum.

Transportation Provider Qualifications – This section of the handbook has been completely rewritten.

Projected Service Outcomes have been revised for: adult day training, non-residential support services, residential habilitation, supported employment, supported living coaching and support coordination services.

Chapter 2

Definitions:

Data Displays – Expanded to include environmental interventions, changes or events and medication changes.

Department Approved Assessment – Explained and redefined.

Monthly Summary – Stated what a monthly summary must include for behavioral services.

Adult Day Training:

Limitations – Added billing information.

Documentation Requirements – Added requirement for staffing documentation.

Special Considerations – Added clarification as to how the rate ratio is determined as well as need for review of behavioral services plan by the local review committee.

Behavior Analysis Services:

Description – Expanded to give more detail.

Limitations – This service may be provided concurrently with another service.

Documentation Requirements – Revised to reflect changes made in description.

Special Considerations – Clarified approval for this service as described in Rule 65B-4.031, F.A.C.

Behavior Assistant Services:

Description – Added language addressing the implementation of this service for children.

Documentation Requirements – Added elements contained in documentation of approval for service and required documentation for monitoring of the service.

Homemaker Services Limitations – Units of service are 16 per day, not 40.

**In-Home Support Services:**  
 Limitations – These services may be billed up to 365 days a year when the recipient is present.  
 Documentation Requirements – Added requirement for staffing documentation.  
 Place of Service – Expanded to other settings with authorization by the district.  
 Special Considerations – Expanded to better clarify the live-in rate.

**Non-Residential Support Services:**  
 Description – Added text concerning behavioral services as part of this service.  
 Limitations – Clarified areas of exclusion under this service and expanded text to include number of quarter hour units allowed per day and week.  
 Documentation Requirements – Expanded #8 to include a daily schedule. Added information to address documentation when behavioral services are used.  
 Special Considerations – Added, “The rate for the extended service ratio from 4 to 6 recipients will be billed based on the published stepped rate for the service.”  
 Personal Care Assistance Description – Added, “Personal care assistance may not be used solely for supervision.”  
 Private Duty Nursing Limitations – Revised 3rd paragraph to include billing information.

**Residential Habilitation Services:**  
 Description – Added text addressing more intensive levels of residential habilitation.  
 Limitations – Added text clarifying billing and allowable units of service in a calendar day.  
 Documentation Requirements – Revised to reflect changes made in description.  
 Special Considerations – Behavioral Residential Habilitation has been changed to Residential Habilitation with a Behavioral Focus, with text revised to reflect this change. Intensive Behavioral Residential Habilitation recipient characteristics have been clarified.  
 Residential Nursing Documentation – Added the requirement of a nursing care plan.

**Respite Care:**  
 Limitations – Added statement that services are limited to 30 days per year, 720 hours per recipient.  
 Special Considerations – Clarified billing in last paragraph.

**Skilled Nursing:**  
 Limitations – Added language to address concurrent provision of services.  
 Place of Service – Expanded location of service.  
 Special Considerations – Clarified locations where skilled nursing may not be used.  
 Special Medical Home Care Limitations – Addressed level of nursing staff based on recipient support needs.

**Specialized Mental Health Services Documentation Requirements** – Added requirement for monthly progress notes.  
**Support Coordination Support and Service Planning Requirements** – Added text addressing the support coordinator’s responsibility for administering the department approved assessment.  
**Supported Employment:**  
 Description – Added information concerning the development and operation of a small business.  
 Documentation Requirements – Added clarification of documentation concerning lack of vocational rehabilitation funding.  
 Special Considerations – Added, “The supported employment vendor shall not bill for supports provided by the employer.”  
**Supported Living Coaching Limitations** – Increased units of service from 24 units per day to 40 units per day.  
**Transportation** – Description, Limitations, Documentation Requirements, Special Considerations – All sections have been expanded for clarity.  
**Appendix C:**  
**Department Approved Assessment** – Explained and redefined. Added a new section entitled Zero Tolerance that includes penalties for sexual abuse, mandatory reporting requirements and client-on-client sexual abuse.  
**Appendix F** – Removed all references to the FSTS, replacing it with the department approved assessment tool.

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Division of Alcoholic Beverages and Tobacco**

<b>RULE CHAPTER NO.:</b>	<b>RULE CHAPTER TITLE:</b>
61A-7	Florida Clean Indoor Air Act and Stand-Alone Bar Smoking Designations
<b>RULE NOS.:</b>	<b>RULE TITLES:</b>
61A-7.001	Definitions
61A-7.002	Criteria for Smoking Designation
61A-7.003	Premises Not Eligible For Smoking Designation
61A-7.004	Annual Certification Requirements
61A-7.005	Triennial Renewal Requirements
61A-7.006	Records Required to Maintain the Designation
61A-7.007	Formula For Compliance With Required Percentage of Gross Food Sales Revenues
61A-7.008	For Percentage of Gross Alcohol Sales Revenue Formula
61A-7.009	Method Used to Determine Whether an Establishment is Predominantly Dedicated to the Serving of Alcoholic Beverages

- 61A-7.010 Penalty Guidelines for Chapter 386,  
Florida Statutes – Florida Clean  
Indoor Air Act
- 61A-7.011 Aggravating or Mitigating  
Circumstances for Chapter 386,  
Florida Statutes – Florida Clean  
Indoor Air Act
- 61A-7.012 Investigation and Notification  
Procedures for Florida Statute  
386.207
- 61A-7.013 Penalty Guidelines for Florida  
Statute 561.695 – Stand-Alone  
Bar Enforcement
- 61A-7.014 Aggravating or Mitigating  
Circumstances for 561.695 –  
Stand-Alone Bar Violations
- 61A-7.015 Appeals

**NOTICE OF PUBLIC HEARING**

Notice is hereby given in accordance with subparagraph 120.54(3)(c), F.S., that a public hearing will be held regarding the proposed rule to update the Florida Clean Indoor Air Act and Stand-Alone Bar Smoking Designations published in Vol. 29, No. 41, Pages 4019 through 4023, Florida Administrative Weekly.

DATE AND TIME: December 9, 2003, 10:00 a.m. – 12:00 Noon

PLACE: Department of Business and Professional Regulation, Northwood Centre, Hargrett Conference Room, 1940 North Monroe Street, Tallahassee, Florida 32399-1020

A copy of the agenda may be obtained by writing: Sarah Wachman, Agency Clerk, Office of General Counsel, 1940 North Monroe Street, Tallahassee, Florida 32399-1020, (850)921-0342.

The Division of Alcoholic Beverages and Tobacco does not discriminate on the basis of any individual’s disability status. Anyone requiring reasonable accommodation provided for in the Americans with Disability Act should contact: Michael A. Maratinez, Chief Attorney, Office of General Counsel, 1940 North Monroe Street, Tallahassee, Florida 32399-1020, (850)414-8125.

**DEPARTMENT OF ENVIRONMENTAL PROTECTION**

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**DEPARTMENT OF HEALTH**

**Board of Osteopathic Medicine**

- |              |  |
|--------------|--|
| RULE NO.:    | RULE TITLE:                                  |
| 64B15-13.001 | Continuing Education for Biennial<br>Renewal |

**NOTICE OF PUBLIC HEARING**

The Board of Osteopathic Medicine hereby gives notice of a public hearing on the above-referenced rule to be held on December 6, 2003 at 9:00 a.m., at the Hyatt Regency Orlando International Airport, 9300 Airport Boulevard, Orlando, Florida 32827. The rule was originally published in Vol. 29, No. 40, of the October 3, 2003, Florida Administrative Weekly.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Pamela King, Executive Director, Board of Osteopathic Medicine, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3256

Any person requiring a special accommodation at this hearing because of a disability or physical impairment should contact the Board’s Executive Director at least five calendar days prior to the hearing. If you are hearing or speech impaired, please contact the Board office using the Florida Dual Party Relay System which can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

**Section IV  
Emergency Rules**

**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 THE LOTTERY**

RULE TITLE:	RULE NO.:
Shopping Spree Cash Second Chance Drawing Promotion	53ER03-58

SUMMARY OF THE RULE: This emergency rule sets forth the provisions for the Shopping Spree Cash Second Chance Drawing Promotion.

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:

53ER03-58 Shopping Spree Cash Second Chance Drawing Promotion.

(1) How to enter a Shopping Spree Cash Second Chance Drawing.

(a) Players who purchase a single FLORIDA LOTTO™, MEGA MONEY®, or FANTASY 5™ lottery ticket of \$5 or more between November 8, 2003, through December 9, 2003,

that is not a winning ticket can use such non-winning ticket to enter into a Shopping Spree Cash Second Chance Drawing (“second chance drawing”) corresponding to the game purchased. A total of four drawings will be held as further detailed in subsection (3) below.

(b) Players can enter into a second chance drawing only by visiting the Florida Lottery’s web site at www.flalottery.com, clicking on the Shopping Spree Cash Second Chance Drawing icon and following the instructions.

(c) Each non-winning FLORIDA LOTTO, MEGA MONEY, or FANTASY 5 lottery ticket of \$5 or more has a 12-digit entry number printed on the bottom left corner of the ticket. Players must use the 12-digit entry number on the ticket to enter the corresponding drawing. An entry number on a non-winning FLORIDA LOTTO lottery ticket can be entered only in the FLORIDA LOTTO drawing; an entry number on a non-winning MEGA MONEY lottery ticket can be entered only in the MEGA MONEY drawing; and, an entry number on a non-winning FANTASY 5 lottery ticket can be entered only in the FANTASY 5 drawing. Players may enter as many times as they desire during the promotion period (November 8, 2003 – December 11, 2003). However, each entry number may only be used one time, for one entry in one drawing.

(d) Players who enter at least once in all three game drawings (FLORIDA LOTTO, MEGA MONEY, and FANTASY 5) using the same name, e-mail and address registration information will be entered into the Grand Prize Drawing. Players will receive one entry into the Grand Prize Drawing for each set of three game drawings entered. (For example, if a player enters three FLORIDA LOTTO, three MEGA MONEY, and five FANTASY 5 drawings, he/she will receive three entries into the Grand Prize Drawing).

(e) The deadline for entry into the Shopping Spree Cash Second Chance Drawing Promotion is 12:00 midnight (EST), December 11, 2003.

(f) Only non-winning FLORIDA LOTTO, MEGA MONEY, and FANTASY 5 lottery tickets of \$5 or more purchased between November 8, 2003, and December 9, 2003, can be used to enter a second chance drawing. This includes advance play tickets unless:

1. The ticket has draw dates occurring after December 11, 2003; or

2. The player wins in any of the drawings on the advance play ticket.

(g) An advance play ticket purchased prior to November 8, 2003, for drawings occurring during the promotion period cannot be used to enter into a second chance drawing.

(h) Continuation tickets issued after a prize on an advance play ticket is claimed cannot be used to enter into a second chance drawing.

(i) An entry number entered into the wrong game category drawing will be an invalid entry.

(j) Winning FLORIDA LOTTO, MEGA MONEY, and FANTASY 5 tickets cannot be used for entry into a second chance drawing.

(k) The Lottery will not enter a non-winning FLORIDA LOTTO, MEGA MONEY, or FANTASY 5 lottery ticket into a second chance drawing on behalf of a player. Non-winning tickets received in the mail by the Florida Lottery will not be entered into a second chance drawing and will not be acknowledged or returned to the player.

(l) The non-winning ticket(s) bearing the entry number(s) selected in the drawing must be presented in order to claim the prize. Therefore, it is imperative that players retain all non-winning tickets used to enter a drawing.

(2) Shopping Spree Cash Prizes. The Florida Lottery will award a total of 484 cash prizes in the Shopping Spree Cash Second Chance Drawing Promotion as shown in the table below. Each of the three game category drawings, FLORIDA LOTTO, MEGA MONEY, and FANTASY 5, will award one first prize of \$5,000, 10 second prizes of \$1,000, and 150 third prizes of \$500. One grand prize of \$25,000 will be awarded from a fourth prize pool of players who have entered all three game drawings.

	FLORIDA LOTTO		MEGA MONEY		FANTASY 5	
	Prize	Winners	Prize	Winners	Prize	Winners
First Prize	\$5,000	1	\$5,000	1	\$5,000	1
Second Prize	\$1,000	10	\$1,000	10	\$1,000	10
Third Prize	\$500	150	\$500	150	\$500	150

GRAND PRIZE	
Prize	Winners
\$25,000	1

(3) Shopping Spree Cash Second Chance Drawing Details.

(a) The Florida Lottery will conduct one random, computerized second chance drawing for each game category: FLORIDA LOTTO, MEGA MONEY, and FANTASY 5, and one Grand Prize drawing for a total of four random, computerized second chance drawings. All four drawings will be conducted on December 12, 2003. The winning entry (in the grand prize drawing) or entries (in the three game drawings) drawn in each of the four drawings will be from among the entries entered specifically into that drawing.

(b) In each of the three game drawings, a total of 1,610 entries will be drawn. The first valid entry drawn will win the first prize, the second through eleventh valid entries will win second prizes, and the 12th through 161st valid entries will win third prizes. The remaining entries drawn will be alternates and will be used, if necessary, in the order in which they were drawn to fulfill a prize in the event the Lottery cannot successfully award it to the winner. Alternate entries will be substituted for disqualified entries in the order that entries are disqualified. The prize to which a winning entry is entitled will not change after the entry is selected.

(c) In the grand prize drawing, a total of 30 entries will be drawn. The first valid entry drawn will win the grand prize. The remaining entries drawn will be alternates and will be used, if necessary, in the order in which they were drawn to fulfill the prize in the event the Lottery cannot successfully award it to the winner.

(d) If a prizewinner fails to return the Winner Claim Form and non-winning ticket(s) in accordance with the provisions set forth in paragraphs (4)(a) and (b) below, the winner will forfeit his or her right to claim the prize, and the first available qualified alternate will be awarded the prize, provided that he or she completes and returns the Winner Claim Form and non-winning ticket(s) to the Florida Lottery no later than twenty-one days from the first alternate's receipt of the forms. If necessary, the Lottery will continue the above-described alternate award process until the prize is successfully awarded, but not to exceed a ninth alternate. Thereafter, no further prizewinner will be selected.

(e) The odds of winning one of the four drawings are dependent upon the number of entries received for that particular drawing.

(f) All drawings shall be public and witnessed by an accountant employed by an independent certified public accounting firm who certifies to the integrity, security and fairness of each drawing and that all drawing procedures have been followed.

(4) Procedures for Awarding Shopping Spree Cash Prizes. Participants need not be present at the second chance drawing to win. The Lottery will make reasonable efforts to contact prizewinners. If, however, the Lottery is unsuccessful in contacting a prizewinner, the prizewinner will forfeit his or her right to claim the prize and the Lottery will substitute an

alternate prizewinner in accordance with paragraph (3)(b) or (c), as applicable. Prizewinners will be notified by the Lottery of the specific second chance drawing(s) in which they are a winner and provided with the game name(s) and entry number(s) selected in the second chance drawing.

(a) Prior to the receipt of a first, second, or third prize, the winner must submit to the Florida Lottery the non-winning lottery ticket bearing the entry number selected in the second chance drawing, along with a completed Winner Claim Form DOL 173-2, or DOL 173-S (together referred to as the "claim package"). Winner Claim Form DOL 172-3, Revised 10/03, and DOL 173-S, Revised 10/03, are hereby incorporated by reference and may be obtained from any Lottery retailer, Lottery office or from the Lottery's web site at [www.flalottery.com](http://www.flalottery.com). Without the non-winning lottery ticket, the player will forfeit his or her right to claim the prize. The Florida Lottery must receive the claim package no later than twenty-one days from the winner's receipt of the forms or the player will forfeit his or her right to claim the prize. If the twenty-first day falls on a Saturday, Sunday, or an observed state holiday, this time period will be extended to the Lottery's next business day. The risk of loss or late delivery of a claim package submitted by mail or other carrier remains with the player.

(b) Prior to the receipt of the grand prize, the winner must submit to the Florida Lottery the non-winning FLORIDA LOTTO, MEGA MONEY, and FANTASY 5 lottery tickets (3 tickets total) bearing the entry numbers that produced the winning entry in the Grand Prize drawing, along with a Winner Claim Form DOL 173-2, or DOL 173-S (together referred to as the "grand prize claim package"). Without the three non-winning lottery tickets, the player will forfeit his or her right to claim the grand prize. The Florida Lottery must receive the grand prize claim package no later than twenty-one days from the winner's receipt of the forms or the player will forfeit his or her right to claim the prize. If the twenty-first day falls on a Saturday, Sunday, or an observed state holiday, this time period will be extended to the Lottery's next business day. The risk of loss or late delivery of a grand prize claim package submitted by mail or other carrier remains with the player.

(c) All entries are subject to validation by the Florida Lottery and may be disqualified if eligibility requirements are not met. Once the Florida Lottery has received a claim package or a grand prize claim package and has determined that all eligibility and validation requirements have been met, the Florida Lottery will award the prize 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.

(d) Federal withholding taxes will be applied to prizes in accordance with the Internal Revenue Code and Code of Federal Regulations.



(5) Winners must be at least 18 years of age. Persons prohibited by Section 24.116, Florida Statutes, from purchasing a Florida Lottery ticket are not eligible to win.

(6) All prizes are subject to the provisions of Chapter 24, Florida Statutes, and rules promulgated thereunder. By purchasing a FLORIDA LOTTO, MEGA MONEY, or FANTASY 5 lottery ticket, the player agrees to comply with and abide by all rules and regulations of the Florida Lottery. Entry into a Shopping Spree Cash Second Chance Drawing constitutes agreement to abide by the official rules of the Shopping Spree Cash Second Chance Drawing Promotion.

(7) A copy of the complete rules for the Shopping Spree Cash Second Chance Drawing Promotion may 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),(d),(e), 24.109(1), 24.115(1) FS. Law Implemented 24.105(9)(a),(b),(c),(d),(e), 24.115(1) FS. History—New 11-7-03.

THIS EMERGENCY RULE TAKES EFFECT IMMEDIATELY UPON BEING FILED WITH THE DEPARTMENT OF STATE.

EFFECTIVE DATE: November 7, 2003

**DEPARTMENT OF ENVIRONMENTAL PROTECTION**

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**Section V**

**Petitions and Dispositions Regarding Rule Variance or Waiver**

**BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND**

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**WATER MANAGEMENT DISTRICTS**

NOTICE IS HEREBY GIVEN that on October 30, 2003, South Florida Water Management District (District) received a petition for waiver from the Town of Davie, Application No. 03-1030-2M, Permit (MOD) No. 11719 for utilization of Works or Lands of the District known as the C-11 Canal, Broward County for nine (9) information bollards (existing) and two (2) historic canoe tie-down cleats (proposed) within the south right of way of C-11, located between the Florida

Turnpike and S. W. 148th Street, Town of Davie, Broward County, Section 25, 26, 27, 28, 29, 30, Township 50 South, Range 40, 41 East.

The petition seeks relief from subsections 40E-6.011(4) and (6), Fla. Admin. Code, which govern the placement of permanent and/or semi-permanent above-ground facilities within 40 feet of the top of the canal bank within Works or Lands of the District.

A copy of the petition may be obtained: Jan Sluth, (561)682-6299 or e-mail: [jsluth@sffwmd.gov](mailto:jsluth@sffwmd.gov).

The District will accept comments concerning the petition for 14 days from the date of publication of this notice. To be considered, comments must be received by the end of business on the 14th day at the South Florida Water Management District, 3301 Gun Club Road, MSC 1410, West Palm Beach, FL 33406, Attn: Jan Sluth, Office of Counsel.

NOTICE IS HEREBY GIVEN that on November 5, 2003, South Florida Water Management District (District) received a petition for waiver from Carla P. Smith, Application No. 03-0908-2, for utilization of Works or Lands of the District known as the C-43 Canal, Hendry County for an existing pile-supported docking facility to remain within the north right of way of the C-43 Canal at the rear of 4400 Ft. Denaud Road, LaBelle, FL 33935, Hendry County, Section 1, Township 15 South, Range 43 East.

The petition seeks relief from paragraph 40E-6.221(2)(j), Fla. Admin. Code, which governs the minimum low member elevation of pile-supported docking facilities within Works or Lands of the District.

A copy of the petition may be obtained: Jan Sluth, (561)682-6299 or e-mail: [jsluth@sffwmd.gov](mailto:jsluth@sffwmd.gov).

The District will accept comments concerning the petition for 14 days from the date of publication of this notice. To be considered, comments must be received by the end of business on the 14th day at the South Florida Water Management District, 3301 Gun Club Road, MSC 1410, West Palm Beach, FL 33406, Attn: Jan Sluth, Office of Counsel.

**DEPARTMENT OF ELDER AFFAIRS**

NOTICE IS GIVEN the Department of Elder Affairs has received a request for a permanent Waiver from Hospice of Naples, Inc. The request was filed on November 3, 2003. Hospice of Naples, Inc., seeks a permanent Waiver from paragraph 58A-2.025(3)(g), Florida Administrative Code, Physical Plant Requirements (Inpatient Facility and Unit), which requires all new inpatient units and facilities, and additions or renovations to existing units and facilities to be in compliance with the construction requirements as specified in the paragraph 58A-2.025(3)(g), Florida Administrative Code, effective August 10, 2003. Hospice of Naples, Inc., seeks to obtain permanent a Waiver from the paragraph

58A-2.025(3)(g), Florida Administrative Code, to allow the 16-bed freestanding inpatient hospice facility located at 1095 Whippoorwill Lane, Naples, Florida 34105, to be licensed by the Agency for Health Care Administration.

A copy of the request for waiver may be received from and comments submitted to: Linda Macdonald, Department of Elder Affairs, 4040 Esplanade Way, Suite 315L, Tallahassee, Florida 32399-7000 or e-mail: macdonaldla@elderaffairs.org. Comments must be received no later than 14 days from the date of this notice.

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#### **DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

The Electrical Contractors' Licensing Board hereby gives notice that it has issued an Order on the Petition for Variance filed by Dominic Pipia, Jr. The Notice of Petition for Variance was published in Vol. 28, No. 52, December 27, 2002, Florida Administrative Weekly. The Board considered the Petition at its meeting held on March 21, 2003. The Board's Order, filed on April 18, 2003, granted the petition for variance finding that the underlying purpose of the statute, as implemented by Rule 61G6-9.001, 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: Electrical Contractors' Licensing Board, Northwood Centre, 1940 North Monroe Street, Tallahassee, Florida 32399-0750.

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#### **DEPARTMENT OF ENVIRONMENTAL PROTECTION**

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

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#### **DEPARTMENT OF HEALTH**

The Board of Orthotists and Prosthetists hereby gives notice that it received a petition filed on November 3, 2003, from John Cooper Reets, by and through his Representative, Sandra deMelo, seeking waiver of Section 468.803(3)(a)1., Florida Statutes, with respect to an applicant's educational requirement of a Bachelor of Science degree. Comments on this petition should be filed with the Board of Orthotists and Prosthetists, 4052 Bald Cypress Way, Tallahassee, Florida.

For a copy of the petition, contact: Joe Baker, Jr., Executive Director, Board of Orthotists and Prosthetists, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida.

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#### **FLORIDA HOUSING FINANCE CORPORATION**

NOTICE IS HEREBY GIVEN that on November 7, 2003, Florida Housing Finance Corporation received a Petition for Waiver of 400 Unit Limitation for MMRB Development, subsections 67-21.002(97) and 67-48.002(111), F.A.C., from Reliance-Cypress Grove Associates, Ltd., requesting a waiver of the maximum development size permitted.

A copy of the Petition 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.

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### **Section VI Notices of Meetings, Workshops and Public Hearings**

#### **DEPARTMENT OF STATE**

The Board of Directors of the **Central West Florida Preservation, Inc.** announces a public meeting to which all persons are invited.

DATE AND TIME: Thursday, December 4, 2003, 11:00 a.m.

PLACE: Weedon Island Preserve, Cultural and Natural History Center, 1800 Weedon Drive, Northeast, St. Petersburg, FL 33702

GENERAL SUBJECT MATTER TO BE CONSIDERED: General Business Meeting.

A copy of the agenda may be obtained by writing: Central Florida Regional Office, 1802 East 9th Avenue, Tampa, Florida 33605.

Should any person wish to appeal any decision made with respect to the above referenced meeting, he may need to ensure verbatim recording of the proceedings in order to provide a record for judicial review.

Pursuant to Section 286.26, Florida Statutes, any handicapped person wishing to attend this meeting should contact the agency at least 48 hours prior to the meeting in order to request special assistance.

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The **Department of State, Division of Elections** announces a public meeting to which all persons are invited:

DATE AND TIME: December 8, 2003, 9:00 a.m. – 12:00 Noon

PLACE: Betty Easley Center, Room 182, #4075 Esplanade Way, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Continuation of the discussion of the design of a central voter registration system as required by the federal Help America Vote Act of 2002 and Florida legislation pertaining to the implementation of the federal act.

Pursuant to the Americans with Disabilities Act, persons needing special accommodations to participate in this meeting should contact Sandy Brill, 107 West Gaines Street, Room 231, Tallahassee, Florida 32399-0250 or (850)245-4220, at least three days in advance of the meeting.

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#### DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

The **Subcommittee on Managed Marshes** announces the Quarterly Field Trip and Business Meeting to which all interested persons are invited to attend.

FIELD TRIP TO MOBBLY PRESERVE

DATE AND TIME: Thursday, December 4, 2003, 10:00 a.m.

PLACE: Directions from St. Petersburg:

- Take 275N to Roosevelt Blvd. and west (686).
- Merge with Ulmerton (688) briefly and then continue on Roosevelt again after it splits.
- Take the Bayside Bridge north (turns into McMullen Booth Rd.).
- Turn right on SR 580 (St. Petersburg Drive).
- Turn right on Bayview Blvd., and
- Left on Shore Drive.
- Drive through neighborhood until just before the Progress Energy gate. Park on the side of the road under the oak tree.

Directions from Tampa:

- From 275 take Hillsborough Ave., West.
- At approx. the Pinellas/Hillsborough county border, take a left on Racetrack Rd./Lafayette Blvd.
- Follow Lafayette west to Shore Drive and turn left.
- Drive through neighborhood until just before the Progress Energy gate. park on the side of the road under the oak tree.

#### BUSINESS MEETING

DATE AND TIME: Friday, December 5, 2003, 8:30 a.m.

PLACE: Pinellas County Mosquito Control Office, 4100 118th Ave. N, Clearwater, FL 33762, (727)464-7503

Directions to the Pinellas County Mosquito Control Office: Coming from Tampa on 275 South, take Exit #18 (Route 688/Ulmerton Road), head west to 34th Street, turn left (south) and proceed to 118th Ave., N., Turn right (west) and the Pinellas Mosquito Control Office is on the left

Contact: Nancy Page, (PCMC) or Doug Carlson, Chairman, P. O. Box 670, Vero Beach, FL 32961-0670, (772)562-2393, Fax (772)562-9619, e-mail: dcarlson1@hotmail.com, for any questions and to include items on agenda.

NEARBY ACCOMMODATION SUGGESTIONS:

NEAR FIELD TRIP SITE:

- Courtyard by Marriott, 4014 Tampa Road, Oldsmar, FL, (813)925-8887
- Holiday Inn Express, 3990 Tampa Road, Oldsmar, FL, (813)854-5080

MIDWAY BETWEEN FIELD TRIP SITE AND MOSQUITO CONTROL OFFICE:

- Fairfield Inn, 3070 Gulf to Bay Blvd. (SR 60), Clearwater, FL, (727)724-6223

NEAR MOSQUITO CONTROL OFFICE:

- LaQuinta, 3301 Ulmerton Road, Clearwater, FL, (727)572-7222
- Days Inn, 3910 Ulmerton Road, Clearwater, FL, (727)573-3334
- Comfort Inn, 3580 Ulmerton Road, Clearwater, FL, (727)573-1171

GENERAL SUBJECT MATTER TO BE CONSIDERED: Acceptance of July 2003 meeting minutes; PRESENTATION: "The management of spoil islands for mosquito Control in Indian River County" – Richard Wilson, Michael Hudon and Shane Smith, Indian River Mosquito Control District.; OLD BUSINESS: Discussion of previous day's field trips; Updates on any recent or upcoming management plans; "St. Lucie County Impoundment #14A reconnection to IR Lagoon" – Jim David (St. Lucie County Mosquito Control District) and Josh Schmitz (Hazen & Sawyer-Environmental Engineers and Scientists, Ft. Pierce, FL); Update on Wetlands Initiative – Ron Brockmeyer, SJRWMD; Any Additional Old Business; NEW BUSINESS: Discussion of ideas for 5th Workshop on Salt Marsh Management and Research; Any Additional New Business; Identifying dates and location for 2004 Spring Meeting.

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The **Department of Agriculture and Consumer Services** announces a meeting of the Florida Arabian Horse Advisory Council:

DATE AND TIME: November 23, 2003, 12:00 Noon

PLACE: Ocala Courtyard Marriott, 3712 S. W. 38th Avenue, Ocala, Florida 34474, 1(353)237-8000

GENERAL SUBJECT MATTER TO BE CONSIDERED: General and Executive Committee Meeting to discuss status of Arabian Trust Fund and to explore possibilities and/or alternatives for trust fund uses.

A copy of the agenda may be obtained by contacting: Richard Menendez, Room 423, Mayo Building, 407 South Calhoun Street, Tallahassee, FL 32399-0800 or (850)488-4277.

If special accommodations are needed to attend this meeting, because of a disability, please contact Richard Menendez as soon as possible.

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#### DEPARTMENT OF EDUCATION

The public is invited to the meeting of the Florida **Board of Governors Foundation**, Inc., upon the adjournment of the regular meeting of the Board of Governors.

DATE AND TIME: December 3, 2003, 5:00 p.m. – 5:30 p.m.

PLACE: WFSU Broadcast Center, Pottsdamer Street, Florida State University, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Election of Officers for the Florida Board of Governors Foundation, Inc.; 2004 Operating Budget; and other matters pertaining to the Florida Board of Governors Foundation, Inc.

A copy of the agenda may be obtained from the Commissioner of Education's website, <http://www.fldoe.org>.

Persons with disabilities who require assistance to participate in the meeting are requested to notify the Office of Access and Equity, (850)245-9531 (Voice), at least 7 days in advance, so that their needs can be accommodated.

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The public is invited to Committee meetings and the regular meeting of the Florida **Board of Governors**. The following Committees will meet: Audit, Economic Development, Facilities, Performance and Accountability, Finance and Strategic Planning/Educational Policy. The regular meeting of the Board will follow.

DATE AND TIME: December 3, 2003, 7:30 a.m. – 5:00 p.m.

PLACE: WFSU Broadcast Center, Pottsdamer Street, Florida State University, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Audits in the State University System; Economic Development in Florida and the role of the State University System; Development of the Fixed Capital Outlay Legislative Budget Request; Guidelines for Long Term Debt Financing for Capital Projects; University System Accountability Measures; Discussion of the SUS Funding Committee; University Financial Statements; University Auxiliaries, and Contracts

and Grants; Allocation of the Concurrency Trust Fund for Campus Master Plan Updates; Continuing discussion of University Missions, Goals and Strategies; Report on University Contracts, Council for Education Policy, Research and Improvement; Appointment, UWF Trustee; and other matters pertaining to the Florida Board of Governors.

A copy of the agenda may be obtained from the Commissioner of Education's website, <http://www.fldoe.org>.

Persons with disabilities who require assistance to participate in the meeting are requested to notify the Office of Access and Equity, (850)245-9531 (Voice), at least 7 days in advance, so that their needs can be accommodated.

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The Board of Trustees of the **Florida School for the Deaf and the Blind** announces a public meeting to which all persons are invited.

DATE AND TIME: Saturday, December 13, 2003, 9:00 a.m.

PLACE: Wilson Music Building Auditorium, FSDB Campus, St. Augustine, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Matters pertaining to the Florida School for the Deaf and the Blind including a Public Hearing on Rules 6D-3.002, Admission and Enrollment Requirements, 6D-3.0021, Individual Educational Plan, 6D-3.007, Provision of Non-Academic and Extracurricular Services and Activities, F.A.C.

A copy of the agenda may be obtained by writing: Elmer L. Dillingham, President, Florida School for the Deaf and the Blind, 207 N. San Marco Avenue, St. Augustine, FL 32084-2799 or (904)827-2000.

Should any person wish to appeal any decision made with respect to any matter considered at the above referenced meeting, he may need to ensure that a verbatim record of the proceedings be made, which record includes the testimony and evidence upon which the appeal is to be based.

Special accommodations for persons with disabling conditions should be requested at least 48 hours in advance from the aforementioned address.

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The **K-20 Education Safety Partnership** announces a public meeting to which all persons are invited.

DATE AND TIME: Tuesday, December 2, 2003, 10:00 a.m. – 4:00 p.m.

PLACE: Florida Department of Education, Turlington Building, Room 1706, 325 West Gaines Street, Tallahassee, Florida 32399

GENERAL SUBJECT MATTER TO BE CONSIDERED: Meeting of the K-20 Education Safety Partnership.

The K-20 Education Safety Partnership welcomes participation from any interested members of the public.

Any person who desires a copy of the proceedings should arrange to tape the meeting. Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this meeting is requested to advise Julie Collins, Office of Safe Schools, (850)245-0676, at least five calendar days before the meeting.

The **Foundation for Florida's Community Colleges** announces a meeting by conference call of the Nominating Committee to which all persons are invited.

DATE AND TIME: November 18, 2003, 2:00 p.m.

PLACE: Dial-in number (850)410-0962 or Suncom 210-0962

GENERAL SUBJECT MATTER TO BE CONSIDERED: Meeting of the Foundation for Florida's Community Colleges Board Members.

NOTE: If you need special services to attend the meeting or need additional information, write: Ms. Sharon Jones, Division of Community Colleges, 325 West Gaines Street, Suite 1314, Tallahassee, Florida 32399-0400.

#### DEPARTMENT OF COMMUNITY AFFAIRS

The **Florida Communities Trust** announces a Public Meeting of the Governing Body to which all persons are invited.

DATE AND TIME: December 7, 2003, 4:00 p.m. – conclusion

PLACE: Ribault Clubhouse, Fort George Island Cultural State Park, 11241 Ft. George Road, Jacksonville, FL 32226

GENERAL SUBJECT MATTER TO BE CONSIDERED: Updates on several current projects; other business that the governing board deems necessary.

To obtain a copy of the agenda, contact: The Trust, (850)922-2207.

If any person desires to appeal any decision with respect to any matter considered at the meeting, such person will need a record of the proceeding and may need to insure that a verbatim record of the proceeding is made to include the testimony and evidence upon which the appeal is to be based.

Persons requiring a special accommodation for a disability or physical impairment should contact Florida Communities Trust, (904)922-2207, SunCom 292-2207, at least five days prior to the meeting. If hearing or speech impaired, contact Florida Communities Trust using the Florida Dual Party Relay System, 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

#### DEPARTMENT OF LAW ENFORCEMENT

The Florida **Department of Law Enforcement** announces a public meeting to which all persons are invited.

DATES AND TIMES: Tuesday, December 9, 2003, 1:00 p.m. – 5:00 p.m.; Wednesday, December 10, 2003, 8:30 a.m. – 3:00 p.m.

PLACE: World Golf Village Renaissance Resort, St. Johns County Convention Center, Legends I Room, 500 South Legacy Trail, St. Augustine, Florida 32092, (904)940-8000

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Violent Crime and Drug Control Council and any other interested individuals will meet to hear presentations and discuss issues relating to violent crime, and multi-agency or statewide drug control or illicit money laundering investigative or task force efforts.

A copy of the agenda may be obtained by writing: Government Analyst Joyce Gainous-Harris, Florida Department of Law Enforcement, Division of Criminal Investigations and Forensic Science Services, Office of Statewide Intelligence, Post Office Box 1489, Tallahassee, Florida 32302 or (850)410-7096.

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

#### DEPARTMENT OF TRANSPORTATION

The Florida **Department of Transportation**, District 6 announces three public hearings to which all interested persons are invited.

DATE AND TIME: December 3, 2003, 6:00 p.m. – 8:00 p.m. (copies of the District Six Work Program documents will be available for review between those hours)

PLACE: South Dade Regional Public Library Auditorium, 10750 S. W. 211 Street, Miami, Florida

DATE AND TIME: December 4, 2003, 8:30 a.m. – 10:30 a.m. (copies of the District Six Work Program documents will be available for review between those hours)

PLACE: Miami Shores Community Center Auditorium, 9617 Park Drive (N. E. 7 Avenue), Miami Shores, Florida

DATE AND TIME: December 11, 2003, 6:00 p.m. – 8:00 p.m. (copies of the District Six Work Program documents will be available for review between those hours)

PLACE: Marathon Airport Departure Lounge, 9000 Overseas Highway (mile marker 51.5), Marathon, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: These hearings are being held in accordance with Section 339.135, Florida Statutes and to offer the public the opportunity to comment on projects for the State Highway System, public transportation or any other project in the Sixth District's Tentative Five Year Transportation Plan. These hearings will also include consideration of proposed projects for Florida's Turnpike System and information regarding the development of the Florida Transportation Plan's Strategic Intermodal System (SIS). The Sixth District comprises Miami-Dade and Monroe counties. The Work Program covers the period from July 1, 2004 to June 30, 2009.

All interested persons are invited to attend and be heard. The proposed improvements have been developed in accordance with the Civil Rights Act of 1964 and the Civil Rights Act of 1968. Under Title VI and Title VIII of the United States Civil Rights Acts any person or beneficiary who believes he or she has been subjected to discrimination because of race, color, religion, sex, age, national origin, disability, or familial status may file a written complaint with the Florida Department of Transportation's Equal Opportunity Office in Tallahassee or contact Jeffrey Dodge, District Six's Title VI and Title VIII Coordinator.

Central Office: Florida Department of Transportation, Equal Opportunity Office, 605 Suwannee Street, M.S. 65, Tallahassee, Florida 32399-0450

District Six: Jeffrey Dodge, Title VI and Title VIII Coordinator, Florida Department of Transportation, 1000 N. W. 111 Avenue, Room 6134, Miami, Florida 33172

Assistance for persons who require transcriptions in Braille may be arranged by contacting the Public Information Office, (305)470-5349, seven days prior to the public hearings to allow time for the documents to be transcribed. Assistance for other disabled person may be arranged by contacting the Public Information Office.

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The **Florida Transportation Commission** announces public meetings to which all persons are invited:

DATE AND TIME: December 8, 2003, 1:00 p.m. – 5:00 p.m.

PLACE: District 6, Department of Transportation, 1000 N. W. 111th Avenue, Executive Conference Room, 2nd Floor, Miami, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Workshop of the Florida Transportation Commission.

DATE AND TIME: December 9, 2003, 8:30 a.m. – 2:00 p.m.

PLACE: District 6, Department of Transportation, 1000 N. W. 111th Avenue, Auditorium, Miami, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Meeting of the Florida Transportation Commission.

Information may be obtained by contacting: Florida Transportation Commission, Room 176, M.S. 9, 605 Suwannee Street, Tallahassee, Florida 32399-0450, (850)414-4105.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in these meetings are asked to advise the Commission at least 48 hours before the meetings by contacting: Cathy Goodman, (850)414-4105.

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The Florida **Department of Transportation**, District Seven will conduct a public hearing regarding the proposed improvements to I-75 (SR 93A) from Fowler Avenue in Hillsborough County to South of CR 54 in Pasco County, Florida, WPI Nos. 408459 1 and 258736 1 and FAP No. 0751 105 I and NH-75-1(91)275.

DATE AND TIME: December 17, 2003, 5:00 p.m. – 7:00 p.m. (formal portion beginning at 6:00 p.m.)

PLACE: Florida Department of Transportation, District Seven Auditorium, 11201 N. McKinley Drive, Tampa, Florida 33612

GENERAL SUBJECT MATTER TO BE CONSIDERED: The hearing provides interested citizens an opportunity to ask questions and offer comments about the proposed Recommended "Build" Alternative, presented by the FDOT in cooperation with the Federal Highway Administration. The proposed improvements consist of widening I-75 from the existing four lanes to six lanes and, in some locations, widening to six lanes with auxiliary lanes to meet projected traffic needs along the I-75 corridor.

This public hearing is being held in accordance with 23 CFR 771, U.S.C. 128, Chapter 120 and Section 339.155, Florida Statutes. The public hearing is in compliance with Titles VI and VIII of the Civil Rights Act and Americans with Disabilities Act. Individuals who may require special accommodations at the hearing, under ADA, should contact Michael Seifert, by calling 1(800)226-7220 or (813)975-6922, at least seven days prior to the public hearing.

A copy of the agenda may be obtained by writing: Michael Seifert, District Seven Project Manager, Florida Department of Transportation, MS 7-500, 11201 N. McKinley Drive, Tampa, Florida 33612.

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The **Department of Transportation** announces a fourth public workshop to which all interested parties are invited:

DATE AND TIME: December 19, 2003, 9:30 a.m. – 5:30 p.m.

PLACE: Florida Turnpike Headquarters, Turkey Lake Service Plaza, Ocoee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Fourth Workshop Regarding Outdoor Advertising Signs along a section of Interstate 75 that runs through Marion and Sumter Counties. The Department of Transportation is responsible for the State of Florida's compliance with federal and state law relating to outdoor advertising signs.

The workshop will be attended by staff members of Federal Highway Administration and Department of Transportation, and representatives from affected local governments, the sign industry, and related parties (e.g., persons representing the Interests of Scenic America, Garden Clubs, 100 Friends of Florida).

The objectives of the workshop are to establish:

1. A process for application for modification or relocation of a nonconforming outdoor advertising sign.
2. An expeditious process for review of the applications by local government, Federal Highway Administration, and Department of Transportation.
3. Criteria for approval of such applications acceptable to local government, Federal Highway Administration, and Department of Transportation, including:
  - a. Zoning and land use
  - b. Sign spacing distance
  - c. Surrender of existing permit(s)
  - d. Required vegetation plantings
  - e. Aesthetic enhancements to sign structures
  - f. Length of the pilot project, required monitoring and reporting.

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, (850)414-4545. Special accommodations requested under the Americans with Disabilities Act should be made at least seven days prior to the Public Hearing.

A copy of the agenda may be obtained by writing: Juanice Hagan, Florida Department of Transportation, Office of Right of Way, 605 Suwannee Street, MS #22, Tallahassee, Florida 32399-0450.

**BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND**

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

**STATE BOARD OF ADMINISTRATION**

The **State Board of Administration** announces a public meeting to which all persons are invited.

DATE AND TIME: Friday, December 12, 2003, 9:00 a.m.

PLACE: Hermitage Room, Plaza Level, the Hermitage Centre at 1801 Hermitage Boulevard, Tallahassee, FL 32308 (Call in number: (850)921-2560 or Suncom 291-2560)

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regularly scheduled quarterly meeting of the Investment Advisory Council (IAC). The IAC is a six-member advisory council, which reviews the investments made by the staff of the Board of Administration and makes recommendations to the board regarding investment policy, strategy, and procedures. The IAC operates under Section 215.444, Florida Statutes.

A copy of the agenda may be obtained by writing: Cheryl D. Creel, State Board of Administration, 1801 Hermitage Boulevard, Suite 600, Tallahassee, Florida 32308, (850)413-1015.

In compliance with the Americans with Disabilities Act, anyone needing special accommodations to attend the meeting is requested to call Dorothy Westwood, (850)488-4406, five days prior to the meeting so that appropriate arrangements can be made.

The **Florida Prepaid College Foundation Board** announces a public meeting to which all interested parties are invited to attend.

DATE AND TIME: Tuesday, December 16, 2003, 3:00 p.m. or soon thereafter

PLACE: The Hermitage Room, First Floor, 1801 Hermitage Blvd., Tallahassee, FL 32308

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct the regular business of the Florida Prepaid College Foundation Board.

A copy of the agenda may be obtained by writing: Thomas J. Wallace, Executive Director, Florida Prepaid College Plan, 1801 Hermitage Blvd, Suite 210, Tallahassee, Florida 32308 or (850)922-6740.

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting, that person may need to ensure that a verbatim record of the proceedings is made, which will include the testimony and evidence upon which the appeal is based.

SPECIAL ACCOMMODATION: Any person requiring special accommodations at the meeting because of a disability should fax a written request for same to Thomas J. Wallace, Executive Director, Florida Prepaid College Board, (850)922-6740, no later than five (5) days prior to the meeting.

**FLORIDA PAROLE COMMISSION**

The **Florida Parole Commission** announces a public meeting to which all persons are invited.

DATE AND TIME: Wednesday, December 10, 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.

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### **PUBLIC SERVICE COMMISSION**

The Florida **Public Service Commission** announces a hearing to be held in the following dockets, to which all interested persons are invited.

Docket No. 030867-TL – Petition by Verizon Florida Inc. to reform intrastate network access and basic local telecommunications rates in accordance with Section 364.164, Florida Statutes.

Docket No. 030868-TL – Petition by Sprint-Florida, Incorporated to reduce intrastate switched network access rates to interstate parity in revenue-neutral manner pursuant to Section 364.164(1), Florida Statutes.

Docket No. 030869-TL – Petition for implementation of Section 364.164, Florida Statutes, by rebalancing rates in a revenue-neutral manner through decreases in intrastate switched access charges with offsetting rate adjustments for basic services, by BellSouth Telecommunications, Inc.

Docket No. 030961-TI – Flow-through of LEC switched access reductions by IXC's, pursuant to Section 364.163(2), Florida Statutes.

DATES AND TIME: December \*10, 11, and 12, 2003, 9:30 a.m.

(\*Customer testimony will be taken at 9:30 a.m.)

PLACE: Commission Hearing Room 148, The Betty Easley Conference Center, 4075 Esplanade Way, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: To permit parties to present testimony and exhibits relative to the petition by Verizon Florida Inc. to reform intrastate network access and basic local telecommunications rates in accordance with Section 364.164, Florida Statutes, the petition by Sprint-Florida, Incorporated to reduce intrastate switched network access rates to interstate parity in revenue-neutral manner pursuant to Section 364.164(1), Florida Statutes, and the petition for implementation of Section 364.164, Florida Statutes, by rebalancing rates in a revenue-neutral manner through decreases in intrastate switched access charges with offsetting rate adjustments for basic services, by BellSouth Telecommunications, Inc., flow-through of LEC switched access reductions by IXC's, pursuant to Section 364.163(2), Florida Statutes, and for such other purposes as the Commission may deem appropriate. All witnesses shall be

subject to cross-examination at the conclusion of their testimony on the issues identified by the parties at the prehearing conference held on November 24, 2003. The proceedings will be governed by the provisions of Chapter 120, F.S., and Chapter 25-28, F.A.C.

Any person requiring some accommodation at this hearing because of a physical impairment should call the Division of the Commission Clerk and Administrative Services, (850)413-6770, at least 48 hours prior to the hearing. Any person who is hearing or speech impaired should contact the Commission by using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

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### **EXECUTIVE OFFICE OF THE GOVERNOR**

The Governor's Task Force on the Obesity Epidemic announces the third meeting to which all person's are invited.

DATE AND TIME: December 2, 2003, 8:30 a.m. – 4:30 p.m.

PLACE: Miami Jackson Senior High School, 1751 N. W. 36th Street, Miami, FL 33142

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 Physical Activity 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, Florida Department of Health, Bureau of Chronic Disease Prevention, Obesity Prevention Program, (850)245-4330, Ext. 3433.

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### **REGIONAL PLANNING COUNCILS**

The **Northeast Florida Regional Planning Council**, Personnel, Budget, and Finance Policy Committee announces the following public meeting to which all persons are invited:

DATE AND TIME: Thursday, December 4, 2003, 9:00 a.m.

PLACE: Northeast Florida Regional Planning Council, 6850 Belfort Oaks Place, Jacksonville, FL 32216

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss pending personnel, budget, and finance policy matters.

A copy of the agenda may be obtained by contacting: Northeast Florida Regional Planning Council, 6850 Belfort Oaks Place, Jacksonville, FL 32216.

Notice is also given that two or more members of the Boards of County Commissioners, City/Town Councils/Commissions and other entities covered under Chapter 286, Florida Statutes, may attend and speak at the meeting.

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The **Northeast Florida Regional Planning Council**, Planning and Growth Management Policy Committee announces the following public meetings to which all persons are invited:

DATE AND TIME: Thursday, December 4, 2003, 9:00 a.m.  
 PLACE: Northeast Florida Regional Planning Council, 6850 Belfort Oaks Place, Jacksonville, FL 32216  
 GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss pending planning and growth management items.

A copy of the agenda may be obtained by contacting: Northeast Florida Regional Planning Council, 6850 Belfort Oaks Place, Jacksonville, FL 32216.

Notice is also given that two or more members of the Boards of County Commissioners, City/Town Councils/Commissions and other entities covered under Chapter 286, Florida Statutes, may attend and speak at the meeting.

The **Northeast Florida Regional Planning Council**, Transportation and Economic Development Policy Committee announces the following public meeting to which all persons are invited:

DATE AND TIME: Thursday, December 4, 2003, 9:00 a.m.  
 PLACE: Northeast Florida Regional Planning Council, 6850 Belfort Oaks Place, Jacksonville, FL 32216  
 GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss pending transportation and economic development issues.

A copy of the agenda may be obtained by contacting: Northeast Florida Regional Planning Council, 6850 Belfort Oaks Place, Jacksonville, FL 32216.

Notice is also given that two or more members of the Boards of County Commissioners, City/Town Councils/Commissions and other entities covered under Chapter 286, Florida Statutes, may attend and speak at the meeting.

The **Northeast Florida Regional Planning Council** announces the following public meeting to which all persons are invited:

DATE AND TIME: Thursday, December 4, 2003, 10:00 a.m.  
 PLACE: Northeast Florida Regional Planning Council, 6850 Belfort Oaks Place, Jacksonville, FL 32216  
 GENERAL SUBJECT MATTER TO BE CONSIDERED: Monthly Meeting.

A copy of the agenda may be obtained by contacting: Northeast Florida Regional Planning Council, 6850 Belfort Oaks Place, Jacksonville, FL 32216.

If a person decides to appeal any decision made by the Council with respect to any matter considered at this meeting, he/she will have to ensure that a verbatim record of the proceedings is made, which includes the testimony and evidence upon which the appeal is to be based.

Individuals needing materials in alternate format, sign language interpreter, or other meeting information, call Peggy Conrad, (904)279-0880, Extension 145, at least three working days prior to the meeting. Hearing-impaired callers use Florida Relay Service, 1(800)955-8771.

Notice is also given that two or more members of the Boards of County Commissioners, City/Town Councils/Commissions and other entities covered under Chapter 286, Florida Statutes, may attend and speak at the meeting.

The **Northeast Florida Regional Planning Council** announces the following public meeting to which all persons are invited:

DATE AND TIME: Thursday, December 4, 2003, 1:00 p.m.  
 PLACE: Northeast Florida Regional Planning Council, 6850 Belfort Oaks Place, Jacksonville, FL 32216  
 GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss Regional and State water issues.

A copy of the agenda may be obtained by contacting: Northeast Florida Regional Planning Council, 6850 Belfort Oaks Place, Jacksonville, FL 32216.

Notice is also given that two or more members of the Boards of County Commissioners, City/Town Councils/Commissions and other entities covered under Chapter 286, Florida Statutes, may attend and speak at the meeting.

The **Southwest Florida Regional Planning Council** announces a public hearing to which all persons are invited:

DATE AND TIME: December 3, 2003, 9:30 a.m.  
 PLACE: Southwest Florida Regional Planning Council Conference Room, 4980 Bayline Drive, 4th Floor, North Fort Myers, Florida  
 GENERAL SUBJECT MATTER TO BE CONSIDERED: Legislative Subcommittee Meeting of the Southwest Florida Regional Planning Council.

For further information, please contact the Council's offices in writing: Southwest Florida Regional Planning Council, P. O. Box 3455, North Fort Myers, Florida 33918-3455.

**REGIONAL TRANSPORTATION AUTHORITIES**

The **Hillsborough Area Regional Transit Authority (HART)** announces the following public meetings of the Governing Board of the Authority to which all persons are invited:

Public Hearing  
 DATE AND TIME: December 1, 2003, 8:30 a.m.  
 PLACE: HARTLINE, County Center, 601 E. Kennedy Boulevard, Planning Commission Board Room, 18th Floor, Tampa, FL  
 GENERAL SUBJECT MATTER TO BE CONSIDERED: Scheduled Board of Directors Meeting.

AGENDA: 1. Call to order; 2. Approval of Minutes; 3. Introductions, Recognition and Awards; 4. Consumer Advisory Committee Report; 5. Public Comment on Action Items; 6. Consent Action Items; 7. Other Action Items; 8. Chairman's Report; 9. Reports from HART Representatives; 10. HART Committee Reports; 11. Other Board Member's Report; 12. Executive Director's Report; 13. Employee Comment; 14. General Public Comment; 15. Discussion and Presentations; 16. Monthly Information Reports; 17. Other Information Items; 18. Other Business.

A copy of the detailed agenda may be obtained by contacting: Mary Staples, Administrative Assistant II, Hillsborough Area Regional Transit Authority, 201 E. Kennedy Boulevard, Suite 900, Tampa, FL 33602, (813)223-6831, Ext. 2111.

Section 286.0105, Florida Statutes, states that if a person decided to appeal any decision made by a board, agency, or commission with respect to any matter considered at a meeting or hearing, he will need a record of the proceedings, and that for such purpose, he may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

In accordance with the Americans with Disabilities Act of 1990, persons needing a special accommodation at this meeting because of a disability or physical impairment should contact Lauren Skiver, (813)623-5835, at least 48 hours before the meeting. If the caller is hearing impaired, contact the Authority, (813)626-9158 (TTD).

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#### COMMISSION ON ETHICS

The **Commission on Ethics** announces a public meeting to which all interested persons are invited.

DATE AND TIME: Thursday, December 4, 2003, 8:00 a.m.

PLACE: Burns Building Auditorium, Department of Transportation, 605 Suwannee Street, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regular Commission Meeting.

A copy of the agenda may be obtained by writing: Commission on Ethics, Post Office Drawer 15709, Tallahassee, Florida 32317-5709.

Meeting materials also will be available from 8:00 a.m. to 5:00 p.m., Monday through Friday at 3600 Maclay Blvd., S., Suite 201, prior to the meeting.

If a person decides to appeal any decision made by the Commission with respect to a matter considered at this meeting, he will need a record of the proceeding, and for such purpose he may need to ensure that a verbatim record of this proceeding is made, which record includes the testimony and evidence upon which the appeal is to be based.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this meeting is asked to advise the Commission at least 48 hours before the meeting by contacting the Commission on Ethics, (850)488-7864. If you are hearing or speech impaired, please contact the Commission by using the Florida Relay Service, 1(800)955-8771 (TDD).

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#### WATER MANAGEMENT DISTRICTS

The **Southwest Florida Water Management District** (SWFWMD) announces the following meetings that some members of the District's Governing and Basin Boards may attend:

**POLK COUNTY LEGISLATIVE DELEGATION MEETING**  
DATE AND TIME: Monday, December 1, 2003, 7:00 p.m.

PLACE: County Commission Chambers, 330 West Church Street, Bartow, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss Surface Water Improvement and Management (SWIM) priorities with members of the delegation.

**PINELLAS COUNTY LEGISLATIVE DELEGATION MEETING**

DATE AND TIME: Thursday, December 4, 2003, 9:00 a.m.

PLACE: Florida Holocaust Museum, 55 Fifth Street South, St. Petersburg, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss Surface Water Improvement and Management (SWIM) priorities with members of the delegation.

**CITRUS COUNTY LEGISLATIVE DELEGATION MEETING**

DATE AND TIME: Thursday, December 4, 2003, 1:00 p.m.

PLACE: County Court House, 111 West Main Street, Inverness, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss Surface Water Improvement and Management (SWIM) priorities with members of the delegation.

**PASCO COUNTY LEGISLATIVE DELEGATION MEETING**

DATE AND TIME: Tuesday, December 16, 2003, 1:00 p.m.

PLACE: West Pasco Government Center, 7350 Little Road, New Port Richey, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss Surface Water Improvement and Management (SWIM) priorities with members of the delegation.

HILLSBOROUGH COUNTY LEGISLATIVE DELEGATION MEETING

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

PLACE: Moffitt Cancer Center, Stabile Research Building, Auditorium, 12902 Magnolia Drive, Tampa, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss Surface Water Improvement and Management (SWIM) priorities with members of the delegation.

HERNANDO COUNTY LEGISLATIVE DELEGATION MEETING

DATE AND TIME: Wednesday, December 17, 2003, 3:00 p.m.

PLACE: County Court House, 20 North Main Street, Brooksville, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss Surface Water Improvement and Management (SWIM) priorities with members of the delegation.

These are public meetings and agendas are available by contacting: Southwest Florida Water Management District, 2379 Broad Street, Brooksville, FL.

The District does not discriminate based on disability. Anyone requiring reasonable accommodation under the ADA should contact 1(800)423-1476 (Florida) or (352)796-7211, Extension 4609, Fax (352)754-6874, TDD ONLY 1(800)231-6103 (Florida).

The **Southwest Florida Water Management District** (SWFWMD) announces the following meeting(s) to which all interested parties are invited to attend:

WITHLACOOCHEE RIVER BASIN BOARD MEETING

DATE AND TIME: Tuesday, December 2, 2003, 8:30 a.m.

PLACE: SWFWMD, District Headquarters, 2379 Broad Street, Brooksville, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Consideration of Basin business.

COASTAL RIVERS BASIN BOARD MEETING

DATE AND TIME: Tuesday, December 2, 2003, 1:00 p.m.

PLACE: SWFWMD, District Headquarters, 2379 Broad Street, Brooksville, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Consideration of Basin business.

PINELLAS-ANCLOTE RIVER BASIN BOARD MEETING

DATE AND TIME: Tuesday, December 3, 2003, 9:00 a.m.

PLACE: Pinellas County Court House, 315 Court Street, Clearwater, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Consideration of Basin business.

ALAFIA RIVER BASIN BOARD MEETING

DATE AND TIME: Thursday, December 4, 2003, 9:00 a.m.

PLACE: SWFWMD, Tampa Service Office, 7601 U.S. Highway 301, North, Tampa, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Consideration of Basin business.

NORTHWEST HILLSBOROUGH BASIN BOARD MEETING

DATE AND TIME: Thursday, December 4, 2003, 1:30 p.m.

PLACE: SWFWMD, Tampa Service Office, 7601 U.S. Highway 301, North, Tampa, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Consideration of Basin business.

HILLSBOROUGH RIVER BASIN BOARD MEETING

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

PLACE: Hillsborough River State Park, 15492 Highway 301, North, Thonotosassa, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Consideration of Basin business.

These are public meetings and agendas are available by contacting: Southwest Florida Water Management District, 2379 Broad Street, Brooksville, FL.

The District does not discriminate based on disability. Anyone requiring reasonable accommodation under the ADA should contact 1(800)423-1476 (Florida) or (352)796-7211, Extension 4609, Fax (352)754-6874, TDD ONLY 1(800)231-6103 (Florida).

The **South Florida Water Management District** announces a public meeting to which all interested parties are invited:

DATE AND TIME: Monday, November 24, 2003, 4:00 p.m. – 7:00 p.m.

PLACE: South Florida Water Management District, 3301 Gun Club Road, B1 Auditorium, West Palm Beach, FL 33406

GENERAL SUBJECT MATTER TO BE CONSIDERED: Water Resources Advisory Commission Meeting (WRAC) Comprehensive Everglades Restoration Project (CERP) Recreational Activities Issues Workshop.

A copy of the agenda may be obtained at the (1) District Website

(<http://www.sfwmd.gov/gover/GovBoard/webpage/agenda.html>) or (2) by writing: South Florida Water Management District, Mail Stop 6115, P. O. Box 24680, West Palm Beach, FL 33416-4680.

Persons with disabilities who need assistance may contact the District Clerk, (561)682-6371, at least two business days in advance of the meeting to make appropriate arrangements.

Those who want more information, please contact Paula Moree, District Headquarters, 3301 Gun Club Road, Mail Stop Code 6115, West Palm Beach, FL 33406, (561)682-6447.

The **South Florida Water Management District** announces a private closed door attorney-client session:

DATES AND TIMES: Wednesday, December 10, 2003, 9:00 a.m. – completed; Thursday, December 11, 2003, 8:30 a.m. – completed

PLACE: B-1 Auditorium, 3301 Gun Club Road, West Palm Beach, Florida 33406 (All or part of this meeting may be conducted as a teleconference in order to permit maximum participation of Governing Board members)

GENERAL SUBJECT MATTER TO BE CONSIDERED: Closed door attorney-client session pursuant to Fla. Stat. Section 286.011(8)(2001) to discuss strategy related to litigation expenditures in United States of America v. South Florida Water Management District, et al. United States District Court, Southern District of Florida, Case No. 88-1886-CIV-Moreno. The subject matter shall be confined to the pending litigation.

ATTENDEES: Governing Board Members I. Bague, P. Brooks-Thomas, M. Collins, H. English, N. Gutiérrez, L. Lindahl, K. McCarty, H. Thornton, T. Williams; Executive Director H. Dean; District attorneys S. Wood, D. MacLaughlin, S. Echemendia, M. Dorta, Kirk Burns and Scott Glazier.

Pursuant to Florida Law, the entire attorney-client session shall be recorded by a certified court reporter. No portion of the session shall be off the record. A copy of the transcript will be made part of the public record at the conclusion of the litigation.

A copy of the agenda may be obtained at the (1) District Website (<http://www.sfwmd.gov/agenda.html>) or (2) by writing: South Florida Water Management District, Mail Stop 6115, P. O. Box 24680, West Palm Beach, FL 33416-4680.

Those who want more information, please contact: Paula Moree, Deputy District Clerk, in the Office of District Clerk, District Headquarters, 3301 Gun Club Road, Mail Stop Code 6115 West Palm Beach, FL 33406, (561)682-6447.

The **South Florida Water Management District** announces a private closed door attorney-client session:

DATES AND TIMES: Wednesday, December 10, 2003, 9:00 a.m. – completed; Thursday, December 11, 2003, 8:30 a.m. – completed

PLACE: B-1 Auditorium, 3301 Gun Club Road, West Palm Beach, Florida 33406 (All or part of this meeting may be conducted as a teleconference in order to permit maximum participation of Governing Board members)

GENERAL SUBJECT MATTER TO BE CONSIDERED: Closed door attorney-client session pursuant to Fla. Stat. Section 286.011(8)(2001) to discuss strategy related to litigation expenditures in City National Bank of Florida v. South Florida Water Management District, Circuit Court, Miami-Dade County, Florida, Case No. 00-5524 CA 32. The subject matter shall be confined to the pending litigation.

ATTENDEES: I. Bague, P. Brooks-Thomas, M. Collins, H. English, N. Gutiérrez, L. Lindahl, K. McCarty, H. Thornton, T. Williams; Executive Director H. Dean; District Attorneys S. Wood, S. Glazier, D. Brown, R. Alfert, Jr., and D. Freedman.

Pursuant to Florida Law, the entire attorney-client session shall be recorded by a certified court reporter. No portion of the session shall be off the record.

A copy of the transcript will be made part of the public record at the conclusion of the litigation.

A copy of the agenda may be obtained at the (1) District Website (<http://www.sfwmd.gov/agenda.html>) or (2) by writing: South Florida Water Management District, Mail Stop 6115, P. O. Box 24680, West Palm Beach, FL 33416-4680.

Those who want more information, please contact: Paula Moree, Deputy District Clerk, Office of District Clerk, District Headquarters, 3301 Gun Club Road, Mail Stop Code 6115 West Palm Beach, FL 33406, (561)682-6447.

The **South Florida Water Management District** announces a private closed door attorney-client session:

DATES AND TIMES: Wednesday, December 10, 2003, 9:00 a.m. – completed; Thursday, December 11, 2003, 8:30 a.m. – completed

PLACE: B-1 Auditorium, 3301 Gun Club Road, West Palm Beach, Florida 33406 (All or part of this meeting may be conducted as a teleconference in order to permit maximum participation of Governing Board members)

GENERAL SUBJECT MATTER TO BE CONSIDERED: Closed door attorney-client session pursuant to Fla. Stat. Section 286.011(8)(2001) to discuss strategy related to litigation expenditures in South Florida Water Management District v. Sanchez et al., Circuit Court, Miami-Dade County, Florida. The subject matter shall be confined to the pending litigation.

ATTENDEES: I. Bague, P. Brooks-Thomas, M. Collins, H. English, N. Gutiérrez, L. Lindahl, K. McCarty, H. Thornton, T. Williams; Executive Director H. Dean; District Attorneys S. Wood, S. Glazier, D. Everett and R. Simon, Jr.

Pursuant to Florida Law, the entire attorney-client session shall be recorded by a certified court reporter. No portion of the session shall be off the record. A copy of the transcript will be made part of the public record at the conclusion of the litigation.

A copy of the agenda may be obtained at the (1) District Website (<http://www.sfwmd.gov/agenda.html>) or (2) by writing: South Florida Water Management District, Mail Stop 6115, P. O. Box 24680, West Palm Beach, FL 33416-4680.

Those who want more information, please contact: Paula Moree, Deputy District Clerk, in the Office of District Clerk, District Headquarters, 3301 Gun Club Road, Mail Stop Code 6115 West Palm Beach, FL 33406, (561)682-6447.

**REGIONAL UTILITY AUTHORITIES**

The **Peace River/Manasota Regional Water Supply Authority** announces the following meeting to which the public is invited.

DATE AND TIME: Wednesday, December 3, 2003, 10:00 a.m.

PLACE: Charlotte County Administration Center, 18500 Murdock Circle, Port Charlotte, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Conduct regular business of the Authority.

A copy of the agenda may be obtained by writing: Peace River/Manasota Regional Water Supply Authority, 1645 Barber Road, Suite A, Sarasota, Florida 34240.

Although Authority board meetings are normally recorded, affected persons are advised it may be necessary for them to ensure a verbatim record of the meeting is made, including testimony and evidence upon which an appeal is to be based.

Persons with disabilities who need assistance may call (941)316-1776, at least two business days in advance to make appropriate arrangements.

**DEPARTMENT OF ELDER AFFAIRS**

The Florida **Department of Elder Affairs** announces a public workshop meeting to which all persons are invited.

DATE AND TIME: Tuesday, December 2, 2003, 1:30 p.m. – 5:00 p.m.

PLACE: Crowne Plaza Hotel Sabal Park, 10221 Princess Palm Avenue, Tampa, Florida, (813)623-6363

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Florida Statewide Triad will hold a workshop to discuss on going projects by local Triads and other business.

A copy of the agenda may be obtained by writing: Ann Getman, Department of Elder Affairs, 4040 Esplanade Way, Suite 280, Tallahassee, Florida 32399-7000 or calling Ms. Getman, (850)414-2072.

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 Ann Getman, (850)414-2072. If you are hearing or speech impaired, please contact the Department by calling (850)414-2001.

The **Department of Elder Affairs** announces a meeting to which all persons are invited.

Alzheimer’s Disease Advisory Committee

DATE AND TIME: December 3, 2003, 8:00 a.m. – 12:00 Noon

PLACE: Crowne Plaza Hotel at Sabal Park, 10221 Princess Palm Avenue, Tampa, Florida 33610, (813)623-6363

CONTACT: Arkeba Bouie, (850)414-2339

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss various issues regarding the Alzheimer’s Disease Initiative.

For more information, please contact: Florida Department of Elder Affairs, (850)414-2000.

Note: Pursuant to the provisions of the American with Disabilities Act, any persons requiring special accommodations to participate in this meeting is asked to advise the department at least 48 hours before the meeting by contacting Arkeba Bouie, (850)414-2339. If you are hearing or speech impaired, please contact the department by calling (850)414-2001.

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

The **Department of Business and Professional Regulation, Board of Employee Leasing Companies**, announces an official general business meeting to which all persons are invited.

DATE AND TIME: Thursday, December 11, 2003, 8:30 a.m. or soon thereafter

PLACE: Sheraton Suites Tampa Airport, 4400 W. Cypress Street, Tampa, Florida 33607

GENERAL SUBJECT MATTER TO BE CONSIDERED: General Business Meeting of the Board.

A copy of the agenda may be obtained by writing: Department of Business and Professional Regulation, Board of Employee Leasing Companies, 1940 North Monroe Street, Tallahassee, Florida, 32399-0767 or (850)487-1395.

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 the board office at (850)487-8304. If you are hearing or speech impaired, please contact the agency by calling 1(800)955-8771 (TDD).

If any person decides to appeal any decision made with respect to any matter considered at this meeting, they will need a record of the proceedings, and for such purpose they may need to ensure that a verbatim record of the proceedings is made, which record will include the testimony and evidence upon which the appeal is to be based.

For further information, contact: Florida Board of Employee Leasing Companies, 1940 North Monroe Street, Tallahassee, Florida 32399-0767.

**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 JUVENILE JUSTICE**

The Florida **Department of Juvenile Justice**, Florida Business Partners announces a meeting.

DATE AND TIME: Wednesday, December 10, 2003, 9:00 a.m. – 11:00 a.m.

PLACE: Conference Call Number: (850)488-5776 or SC 278-5776

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct general business of the Florida Business Partners.

A copy of the agenda may be obtained by calling: Ana Valdes, Office of Prevention and Victim Services, (850)410-2577.

Any person requiring a special accommodation at this meeting because of disability or physical impairment should contact the Department of Juvenile Justice, Office of Prevention and Victim Services, (850)488-3302, no later than (7) days prior to the meeting at which such special accommodation is required.

**DEPARTMENT OF HEALTH**

The **Department of Health, Board of Dentistry** announces meetings of the Anesthesia Committee to be held via telephone conference call. All interested parties are invited to participate in the telephone conference calls, which are open to the public.

DATES AND TIME: December 1, 2003; December 15, 2003, 12:00 Noon

PLACE: Call the Board office, (850)245-4474, to obtain the phone number

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss proposed language concerning the administration of nitrous oxide with medication and other committee matters.

A copy of the agenda may be obtained by writing: Sue Foster, Executive Director, Department of Health, Board of Dentistry, 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.

The **Department of Health, Board of Dentistry** announces a schedule of official Board meetings to be held via telephone conference call. All interested parties are invited to participate in the telephone conference calls, which are open to the public. It is anticipated that the Board will not hold meetings on each and every date, but only on those dates when there is a need for discussion.

DATES AND TIME: December 3, 2003; December 10, 2003; December 17, 2003; January 7, 2004; January 14, 2003; January 21, 2004; January 28, 2004; February 4, 2004; February 11, 2004; February 18, 2004; February 25, 2004, 12:00 Noon

PLACE: Call the Board office, (850)245-4474, to obtain the phone number

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss the proposed legislation affecting the Board of Dentistry and other general business matters.

A copy of the agenda may be obtained by writing: Sue Foster, Executive Director, Department of Health, Board of Dentistry, 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.

The **Department of Health** and the **Board of Occupational Therapy Practice** announces a General Business Meeting via conference call to which all persons are invited:

DATE AND TIME: December 2, 2003, 9:00 a.m. or soon thereafter

PLACE: Please contact the board office, (850)245-4373, if you wish to participate on the conference call

GENERAL SUBJECT MATTER TO BE CONSIDERED: General Business Meeting.

A copy of the agenda may be obtained by writing to Department of Health, Board of Occupational Therapy, 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 Florida **Board of Osteopathic Medicine** will hold the following meeting to which all persons are invited:

DATES AND TIMES: Friday, December 5, 2003, 6:00 p.m. or shortly thereafter; Saturday, December 6, 2003, 9:00 a.m. or shortly thereafter

PLACE: Hyatt Regency Orlando International Airport, 9300 Airport Boulevard, Orlando, Florida 32827, (407)825-1234

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regular Board business.

If a person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he may need to ensure that a verbatim record of the proceedings is made, which records includes the testimony and evidence upon which the appeal is to be based.

A copy of any item on the agenda may be obtained by writing: Pamela King, Executive Director, Board of Osteopathic Medicine, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3256 or (850)488-0595. You will be charged seventeen cents per page for the number of copies desired.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact Christy Robinson, (850)488-0595, at least five calendar days prior to the meeting. Persons who are hearing or speech impaired, can contact Christy Robinson using the Florida Dual Party Relay System, 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

The **Department of Health, Board of Physical Therapy Practice** announces a conference call to which all persons are invited.

DATE AND TIME: December 9, 2003, 8:30 a.m. or soon thereafter

PLACE: Number (850) 488-5778, Suncom 278-5778

GENERAL SUBJECT MATTER TO BE CONSIDERED: Education Committee Meeting.

A copy of the agenda may be obtained by writing: Department of Health, Board of Physical Therapy Practice, 4052 Bald Cypress Way, BIN #C05, Tallahassee, Florida 32399-3255 or (850)245-4373.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/hearing/meeting is asked to advise the department at least 48 hours before the workshop/hearing/meeting by contacting the board office, (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 board with respect to any matter considered at the above-cited meeting or hearing, he/she will need to ensure that

a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

The **Department of Health, Board of Respiratory Care, Probable Cause Panel**, announces a meeting by conference call to which all persons are invited.

DATE AND TIME: December 9, 2003, 10:00 a.m. or soon thereafter

PLACE: The meet me number may be obtained by contacting: Ivy Shivers, Regulatory Supervisor, Medical Therapies/Psychology, 4052 Bald Cypress Way, Bin #C05, Tallahassee, FL 32399-3255, (850)245-4372

GENERAL SUBJECT MATTER TO BE CONSIDERED: Reconsideration of cases previously heard by the Probable Cause Panel.

Following the public portion of the meeting, the phone lines will be closed to the public.

A copy of the agenda may be obtained by writing: Department of Health, Board of Respiratory Care, 4052 Bald Cypress Way, BIN #C05, Tallahassee, Florida 32399-3255 or (850)245-4373.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/hearing/meeting is asked to advise the department at least 48 hours before the workshop/hearing/meeting by contacting the board office, (850)488-0595. If you are hearing or speech impaired, please contact the department by calling 1(800)955-8770 (Voice) or 1(800)955-8771 (TDD).

Please note that if a person decides to appeal any decision made by the Board with respect to any matter considered at the above-cited meeting or hearing, he/she will need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

**DEPARTMENT OF CHILDREN AND FAMILY SERVICES**

The Florida **Substance Abuse and Mental Health Corporation**, created by Ch. 2003-279, Laws of Florida, announces a meeting to which all persons are invited.

DATE AND TIME: Friday, December 12, 2003, 10:00 a.m. – 4:00 p.m.

PLACE: Louis de la Parte Florida Mental Health Institute, University of South Florida, Westside Conference Center, Room E, 13301 Bruce B. Downs Boulevard, Tampa, Florida 33612

GENERAL SUBJECT MATTER TO BE CONSIDERED: This will be an initial organizational meeting focusing on incorporation, bylaws, and orientation for appointees. Public comment will not be taken at this initial meeting.

In accordance with the Americans with Disabilities Act, persons needing an accommodation to participate in this meeting should contact Kathy Goltry, seven days prior to the meeting, Florida Department of Children and Families, Mental Health Program Office, Building 6, Room 202, 1317 Winewood Blvd., Tallahassee, FL 32399-0700, (850)413-0926.

A copy of the agenda may be obtained by calling (850)413-0926.

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The **Department of Children and Family Services**, Substance Abuse and Mental Health Program Office, announces a public meeting to which all persons are invited:

DATE AND TIME: December 16, 2003, 10:00 a.m. – 11:00 a.m.

PLACE: Hurston Building (South Tower), Conference Room D, 400 West Robinson Street, Orlando, Florida 32801

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Department is seeking public input and information regarding the re-designation of District 7 Baker Act receiving facilities: **PARK PLACE BEHAVIORAL HEALTH CARE**, a public receiving facility located at 206 Park Place Boulevard, Kissimmee, Florida.

NOTE: Persons with disabilities requiring accommodations in order to participate in this event should contact the following person(s) by telephone or in writing: Anna Fedeles, 400 West Robinson Street, S930, Orlando, Florida 32801, (407)245-0420 or 1(800)955-8771 (TDD/TTY) or 1(800)955-8770 (Voice), by close of business (5:00 p.m.) on Friday, December 12, 2003.

FOR FURTHER INFORMATION CONTACT: Anna Fedeles, 400 West Robinson Street, Suite S930, Orlando, Florida 32801, (407)245-0420.

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#### **FISH AND WILDLIFE CONSERVATION COMMISSION**

The **Fish and Wildlife Conservation Commission** announces a public meeting to address the proposed distribution of federal shrimp relief funds, to which all interested persons are invited:

DATE AND TIME: December 2, 2003, 10:00 a.m. – 3:00 p.m.

PLACE: Kissimmee Civic Center, 201 East Dakin Avenue, Kissimmee, FL 34741

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Fish and Wildlife Conservation Commission will reconvene an industry committee to address specific issues expressed by the Legislative Budget Commission regarding the distribution of federal shrimp relief funds authorized by Congress. These issues are: 1. The use of a portion of the funds for statewide marketing of fresh Florida shrimp; 2. The disbursement of funds based on either equal payments or volume of landings; and, 3. The disbursement of funds to out-of-state fishermen.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 calendar days before the workshop/meeting by contacting Cindy Hoffman, ADA Coordinator, (850)488-6411. If you are hearing or speech impaired, please contact the agency by calling (850)488-9542.

For further information, contact Mark Robson, at 2590 Executive Center Circle, East, Suite 201, Tallahassee, Florida 32301, (850)487-0554.

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The **Fish and Wildlife Conservation Commission** announces a public meeting of the Blue Crab Advisory Board, to which all interested persons are invited:

DATES AND TIMES: December 3, 2003, 10:00 a.m. – 5:00 p.m., December 4, 2003, 8:30 a.m. – 4:00 p.m.

PLACE: Withlacoochee Planning Council, 1241 S. W. 10th Street, Ocala, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Fish and Wildlife Conservation Commission, Division of Marine Fisheries will reconvene the Board to address recommendations for a blue crab management plan. The Board's consensus process will be conducted as an open public advisory committee process consistent with applicable law. Board members, staff, and facilitators will be the only participants seated at the table. Only Board members may participate in discussions and vote on proposals and recommendations. The facilitators, or a Board member through the facilitators, may request specific clarification from a member of the public in order to assist the Board in understanding an issue. Observers/members of the public are welcome to speak during the public comment period provided at each meeting, and all comments submitted on the public comment forms provided in the agenda packets will be included in the facilitators' summary reports.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 calendar days before the workshop/meeting by contacting: Cindy Hoffman, ADA Coordinator, (850)488-6411. If you are hearing or speech impaired, please contact the agency by calling (850)488-9542.

For further information, contact: Mark Robson, 2590 Executive Center Circle, East, Suite 201, Tallahassee, Florida 32301, (850)487-0554.

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The **Fish and Wildlife Conservation Commission** announces two public workshops concerning the commercial black sea bass fishery, to which all interested persons are invited:

DATE AND TIME: December 9, 2003, 6:00 p.m. – 8:00 p.m.

PLACE: St. Marks Volunteer Fire Department, 26 Shell Island Road, St. Marks, Florida



DATE AND TIME: December 11, 2003, 6:00 p.m. – 8:00 p.m.  
 PLACE: Steinhatchee Community Center, 1013 Riverside Drive S. E., Steinhatchee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Fish and Wildlife Conservation Commission is holding workshops to gather public testimony regarding the commercial black sea bass fishery. Issues to be discussed include black sea bass trap marking and retrieval issues, and an endorsement for those using black sea bass traps.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 calendar days before the workshop/meeting by contacting: Cindy Hoffman, ADA Coordinator, (850)488-6411. If you are hearing or speech impaired, please contact the agency by calling (850)488-9542.

For further information, contact: Ming Lee, 2590 Executive Center Circle, East, Suite 201, Tallahassee, Florida 32301, (850)922-4340.

**FLORIDA DEVELOPMENTAL DISABILITIES COUNCIL**

The **Florida Developmental Disabilities Council, Inc.** announces it's regularly scheduled business meeting.  
 Executive Committee Meeting

DATE AND TIME: Thursday, November 20, 2003, 5:00 – 7:00 p.m.

Standing Committee Meetings and Full Council Meeting

DATE AND TIME: Friday, November 21, 2003, 8:30 a.m. – 4:30 p.m.

PLACE: Grand Hyatt Tampa Bay, 6200 Courtney Campbell Causeway, Tampa, Florida 33607, (813)874-1234

To receive a copy of the agenda, or request special accommodations for participation in the meeting, please contact: Colleen Fox, 124 Marriott Drive, Suite 203, Tallahassee, FL 32301-2981 or 1(800)580-7801, (850)488-4180, 1(888)488-8633 (TDD).

**SUNSHINE STATE GOVERNMENTAL FINANCING COMMISSION**

The **Sunshine State Governmental Financing Commission** announces a public meeting, where all interested parties are invited:

DATE AND TIME: Friday, December 5, 2003, 11:00 a.m.

PLACE: Conference Room "R", Second Floor, City Hall, City of Orlando, 400 South Orange Avenue, Orlando, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Meeting of the Board of Directors.

Note: A copy of the agenda may be obtained by contacting: Mr. Richard C. Dowdy, Program Administrator, (850)878-1874.

**CITIZENS PROPERTY INSURANCE CORPORATION**

The **Citizens Property Insurance Corporation** announces a workshop for its board of governors.

DATE AND TIME: Monday, December 8, 2003, 2:00 p.m. (EST)

PLACE: Hyatt Regency Miami, 400 S. E. 2nd Avenue, Miami, FL, (305)358-1234

GENERAL SUBJECT MATTER TO BE CONSIDERED: Items of discussion include, but are not limited to, insurance concepts.

For additional information, please call 1(800)807-7647, Extension 3702.

The **Citizens Property Insurance Corporation** announces a meeting of its Investment Committee to which all interested persons are invited.

DATE AND TIME: Tuesday, December 9, 2003, 8:00 a.m. (EST)

PLACE: Hyatt Regency Miami, 400 S. E. 2nd Avenue, Miami, FL, (305)358-1234

GENERAL SUBJECT MATTER TO BE CONSIDERED: Items of discussion include, but are not limited to, investment results through September 30, 2003.

For additional information, please call 1(800)807-7647, Extension 3702.

The **Citizens Property Insurance Corporation** announces a meeting of its Audit Committee to which all interested persons are invited.

DATE AND TIME: Tuesday, December 9, 2003, 9:00 a.m. (EST)

PLACE: Hyatt Regency Miami, 400 S. E. 2nd Avenue, Miami, FL, (305)358-1234

GENERAL SUBJECT MATTER TO BE CONSIDERED: Items of discussion include, but are not limited to, Statutory Financial Statements as of September 30, 2003.

For additional information, please call 1(800)807-7647, Extension 3702.

The **Citizens Property Insurance Corporation** announces a meeting of its Board of Governors to which all interested persons are invited.

DATE AND TIME: Tuesday, December 9, 2003, 10:00 a.m. (EST)

PLACE: Hyatt Regency Miami, 400 S. E. 2nd Avenue, Miami, FL (305)358-1234

GENERAL SUBJECT MATTER TO BE CONSIDERED: Items of discussion include, but are not limited to, approval of financial documents.

For additional information, please call 1(800)807-7647, Extension 3702.

**FLORIDA SURPLUS LINES SERVICE OFFICE**

The **Florida Surplus Lines Service Office**, Board of Governors' announces a public meeting to which all interested parties are invited:

**BOARD OF GOVERNORS' QUARTERLY MEETING**

**DATE AND TIME:** Wednesday, January 21, 2004, 9:00 a.m.

**PLACE:** Florida Surplus Lines Service Office, 1441 Maclay Commerce Drive, Suite 200, Tallahassee, FL 32312

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** General Business Matters.

A copy of the agenda may be obtained by sending a faxed request to: Georgie Barrett, (850)513-9624.

In accordance with the Americans with Disabilities Act, persons needing a special accommodation to participate in this meeting should contact Georgie a week prior to the meeting, (850)224-7676, Ext. 301.

A copy of the Petition for Declaratory Statement may be obtained by writing: Robert Daniti, Esquire, Office of the General Counsel, Department of Health, 4052 Bald Cypress Way, Bin #A02, Tallahassee, Florida 32399.

NOTICE IS HEREBY GIVEN that the Board of Acupuncture received a Petition for Declaratory Statement filed on November 10, 2003, from Robert Mitlin, A.P. Petitioner requests a declaratory statement from the Board concerning acupuncturists performing the medical roll-cut procedure.

A copy of the Petition for Declaratory Statement may be obtained by writing: Pamela King, Executive Director, Board of Massage Therapy, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3256.

NOTICE IS HEREBY GIVEN that on November 5, 2003, the Board of Chiropractic Medicine received a Petition for Declaratory Statement from Michael J. Murphy, D.C. The Petition seeks the agency's opinion as to the applicability of Section 460.403(9)(c), Florida Statutes, and how the statutory provision affects the petitioner. The Board also may consider Rules 64B2-17.005 and 64B2-17.0065, Florida Administrative Code.

Petitioner is asking for an interpretation on providing information and services through an internet website as well as with regard to using office staff to sell dietary supplements, purchased at wholesale and sold with a mark-up, on a 28-day auto-ship schedule.

A copy of the Petition for Declaratory Statement may be obtained by writing: Joe R. Baker, Jr., Board Executive Director, Board of Chiropractic Medicine, Department of Health, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3257.

The Board of Medicine Dietetics and Nutrition Council hereby gives notice that it has received a Petition for Declaratory Statement filed by Suzanne Wilson, M.S., R.D., L.D. The Petitioner seeks the Council's interpretation of subsection 64B8-44.007(21), Florida Administrative Code. Specifically, Petitioner seeks the Council's interpretation as to whether it would be a violation of the practice act for a dietician/nutritionist to certify a child or a woman as eligible to participate in the Women, Infants, and Children (WIC) federal program administered by the state, and whether providing nutrition and education counseling to participants in the WIC program is prohibited where the practitioner did not perform the initial assessment. This matter will be addressed at the regularly scheduled Council meeting on December 5, 2003 at 9:00 a.m., or shortly thereafter, in Conference Room 301, 4042 Bald Cypress Way, Tallahassee, Florida 32399-3255, (850)245-4373.

**Section VII**  
**Notices of Petitions and Dispositions**  
**Regarding Declaratory Statements**

**BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND**

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

**DEPARTMENT OF ENVIRONMENTAL PROTECTION**

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

**DEPARTMENT OF HEALTH**

NOTICE IS HEREBY GIVEN that the Bureau of Statewide Pharmaceutical Services received a Petition for Declaratory Statement from R & S Sales, LLC, an out-of state prescription drug wholesaler, filed on October 3, 2003. Petitioner requests a declaratory statement from the Department that it is not required to comply with Sections 499.0121(4)(d) and 499.0121(6)(d) and (e), Florida Statutes (as amended by Chapter 2003-155, Laws of Florida, except as to those specific prescription drugs that Petitioner actually distributes in or into the State of Florida.

A copy of the petition may be obtained by writing: Kaye Howerton, Executive Director, Dietetics/Nutrition Council, Board of Medicine, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3255.

The Board of Nursing hereby gives notice that it has received a Petition for Declaratory Statement filed on behalf of Katherine Scholl, RN, and Wuesthoff Health System. The Petitioners seek the Board's interpretation of the application of Sections 464.003, 464.018, Florida Statutes, and Rule 64B9-8.005, Florida Administrative Code.

Specifically, Petitioners seek the Board's interpretation as to whether it is within the scope of practice for a registered nurse with SANE-A (Sexual Assault Nurse Examiner) training to perform an evidence collection exam on adolescent and adult victims of sexual battery. This matter will be addressed at the Practice Committee meeting during the regularly scheduled Board meeting on December 3, 2003, at 6:00 p.m., or shortly thereafter, at the Sheraton Suites Cypress Creek, 555 N. W. 62nd Street, Ft. Lauderdale, Florida 33309, (954)772-5400.

A copy of the petition may be obtained by writing Dan Coble, Executive Director, Board of Nursing, 4052 Bald Cypress Way, Bin #C02, Tallahassee, Florida 32399-3252.

#### DEPARTMENT OF FINANCIAL SERVICES

NOTICE IS HEREBY given that the Office of Financial Regulation has received a petition filed on June 3, 2003, pursuant to Section 120.565, Florida Statutes, by SandersBaker P.C., on behalf of its client, EnergyNet.com, Inc., for a declaratory statement regarding the application of Section 517.021(19), Florida Statutes. Specifically, the petitioner has requested a declaratory statement concerning whether Section 517.021(19), Florida Statutes, requires that EnergyNet.com become licensed as a broker, dealer or salesman when conducting internet auctions of various oil, gas, and other mineral interests in properties owned by third parties and located throughout the United States.

The Petition for Declaratory Statement is being processed and is available for public inspection during normal business hours, 8:00 a.m. through 5:00 p.m., Monday through Friday, except legal holidays, at the Office of Financial Regulation, Office of the General Counsel, 200 East Gaines Street, Fletcher Building, #526, Tallahassee, Florida 32399-0379. Requests for copies or inspection should be made to Lee Baldwin, Esq., Assistant General Counsel, at the above address.

Those persons whose substantial interests may be determined by these proceedings, including settlements, grants and denials, are advised that they may intervene concerning this matter in accordance with the provisions of Rule 28-106.205, Florida Administrative Code. Petitions for leave to intervene should be in conformance with Rule 28-106.201 or 28-106.301, Florida Administrative Code, and shall also include allegations sufficient to demonstrate that the intervenor is entitled to

participate in the proceeding as a matter of constitutional or statutory right or pursuant to agency rule, or that the substantial interests of the intervenor are subject to determination or will be affected through the proceeding. Original petitions and two copies shall be filed with the Clerk, Department of Financial Services, Office of Financial Regulation, Office of the General Counsel, Suite 526, The Fletcher Building, 200 East Gaines Street, Tallahassee, Florida 32399-0379. The following statutory chapters and rule chapters directly govern proceedings before the Department: Chapter 120, Florida Statutes, and Chapter 28-106, Florida Administrative Code. In deference to the rights of substantially affected persons, the Department will not settle or otherwise reach a final resolution of these matters for a period of twenty-one (21) days from the date of this publication.

### 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:**

Keith Kopp vs. South Florida Water Management District; Case No.: 03-4086RX; Rule Nos.: 40E-0.019(1)(a), 40E-1.511(1)(b), 40E-1.5095

C & L Dining, Inc. d/b/a The Happy Buddha Bar & Grill vs. Department of Business and Professional Regulation, Division of Alcoholic Beverages and Tobacco; Case No.: 03-4033RP; Rule No.: 61A-7

Helen Evans vs. Florida Engineers Management Corporation; Case No.: 03-4035RP; Rule No.: 61G15-21

Florida Psychological Association, Inc., William R. Samek, Ph.D., Carolyn Stimel, Ph.D., Keith R. D'Amato, Ph.D., Stephen Bloomfield, Ed.D. and David B. Kazar, Ph.D. vs. Department of Health, Board of Psychology; Case No.: 03-4026RP; Rule No.: 64B19-18.0025

**Notice of Disposition of Petition for Administrative Determination have been filed by the Division of Administrative Hearings on the following rules:**

The Florida Insurance Forum, Inc. vs. Department of Insurance; Case No.: 03-3791RP; Rule No.: 4-149.203(5),(6),(8),(9),(10); 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**

**REQUEST FOR BID**

The University of Florida, Purchasing Division will receive sealed bids for the following: 04L-140, Housing Project 2719-755-100, Beaty Tunnel Piping Replacement, Phase I, estimated budget: \$290,000-\$310,000, to be opened December 16, 2003, at 2:00 p.m. Local Time.

Scope of work: Replacement of domestic cold water, domestic hot water and heating hot water piping in the tunnel serving Beaty Towers.

Specifications and Plans are available in Central Purchasing, Elmore Hall, Radio Road, Gainesville, FL 32611, Telephone (352)392-1331.

A Mandatory Pre-Bid Meeting will be held December 2, 2003, at 10:00 a.m. in the Beaty Towers TV Room, S. W. corner of Museum Road and S. W. 13th Street (441), Gainesville, FL. All questions should be directed to A.J. Sontag, Associate Director, UF Purchasing, (352)392-1331, Ext. 304.

AMERICANS WITH DISABILITY ACT OF 1991 – If special accommodations are needed in order to attend the Pre-Bid Meeting or the Bid opening, contact Emily J. Hamby, (352)392-1331, Ext. 303, within three (3) days of the event.

**BOARD OF TRUSTEES OF THE INTERNAL  
IMPROVEMENT TRUST FUND**

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

**DEPARTMENT OF MANAGEMENT SERVICES**

NOTICE OF CORRECTION – The Florida Agency for Workforce Innovation (AWI) Offers For Sale its facility formerly known as the Daytona Beach Reed Act Building, building and grounds at 702 South Ridgewood Avenue, Daytona Beach, Volusia County, Florida.

Lot size: 75,062 Square Feet, 1.723 Acres M.O.L./Building size: 10,607 Square Feet M.O.L.

The initial offering price for the property is \$780,000\*\*.

\*\*Initial Offering price is based upon the last appraisal dated January 2001. Sale price may be subject to change based on an appraisal at the time of sale or contract.

Sealed bids will be received by the Florida Agency for Workforce Innovation, General Services, 107 East Madison Street, B-047, Tallahassee, Florida 32399-4102 until 4:00 p.m., December 17, 2003.

Interested parties may obtain information and bid packages by contacting AWI, General Services, (850)245-7467 or (850)245-7459 or by clicking on “Building Sales” at the following web site: <http://www.floridajobs.org/>.

AWI reserves the right to reject any or all bids. In the event the AWI offering price and/or terms are not met in this bidding process, AWI and its agents reserve the right to negotiate with any bidding or non-bidding party.

The Florida Agency for Workforce Innovation (AWI) Offers For Sale its facility formerly known as the Tallahassee (Duval) Reed Act Building, buildings and grounds at 214 North Duval Street, Tallahassee, Leon County, Florida.

Lot size: 14,450 Square Feet, .332 Acres M.O.L./Building size: 5,330 Square Feet M.O.L.

The initial offering price for the property is \$425,000\*\*.

\*\*Initial Offering price is based upon the last appraisal dated January 2001. Sale price may be subject to change based on an appraisal at the time of sale or contract.

Sealed bids will be received by the Florida Agency for Workforce Innovation, General Services, 107 East Madison Street, B-047, Tallahassee, Florida 32399-4102 until 4:00 p.m., December 23, 2003.

Interested parties may obtain information and bid packages by contacting AWI, General Services, (850)245-7467 or (850)245-7459 or by clicking on "Building Sales" at the following web site: <http://www.floridajobs.org/>.

AWI reserves the right to reject any or all bids. In the event the AWI offering price and/or terms are not met in this bidding process, AWI and its agents reserve the right to negotiate with any bidding or non-bidding party.

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The Florida Agency for Workforce Innovation (AWI) Offers For Sale its facility formerly known as the Panama City Reed Act Building, buildings and grounds at 114 East 9th Street and 831 Magnolia Avenue, Panama City, Bay County, Florida.

Lot size: (114 East 9th Street): 21,600 Square Feet, .496 Acres M.O.L./Building size: 7,200 Square Feet M.O.L.; (831 Magnolia Avenue): 8,400 Square Feet, .193 Acres M.O.L./Building size: 1,684 square feet M.O.L.

The initial offering price for the property is \$492,000\*\*.

\*\*Initial Offering price is based upon the last appraisal dated January 2001. Sale price may be subject to change based on an appraisal at the time of sale or contract.

Sealed bids will be received by the Florida Agency for Workforce Innovation, General Services, 107 East Madison Street, B-047, Tallahassee, Florida 32399-4102 until 4:00 p.m., December 23, 2003.

Interested parties may obtain information and bid packages by contacting AWI, General Services, (850)245-7467 or (850)245-7459 or by clicking on "Building Sales" at the following web site: <http://www.floridajobs.org/>.

AWI reserves the right to reject any or all bids. In the event the AWI offering price and/or terms are not met in this bidding process, AWI and its agents reserve the right to negotiate with any bidding or non-bidding party.

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The Florida Agency for Workforce Innovation (AWI) Offers For Sale its facility formerly known as the Fort Walton Beach Reed Act Building, buildings and grounds at 130 Staff Drive and 102 Buck Drive, Fort Walton Beach, Okaloosa County, Florida.

Lot size: (130 Staff Drive): 20,540 Square Feet, .472 Acres M.O.L./Building size: 3,672 Square Feet M.O.L.; (102 Buck Drive): 13,000 Square Feet, .298 Acres M.O.L./Building size: 3,712 square feet M.O.L.

The initial offering price for the property is \$417,000\*\*.

\*\*Initial Offering price is based upon the last appraisal dated January 2001. Sale price may be subject to change based on an appraisal at the time of sale or contract.

Sealed bids will be received by the Florida Agency for Workforce Innovation, General Services, 107 East Madison Street, B-047, Tallahassee, Florida 32399-4102 until 4:00 p.m., December 23, 2003.

Interested parties may obtain information and bid packages by contacting AWI, General Services, (850)245-7467 or (850)245-7459 or by clicking on "Building Sales" at the following web site: <http://www.floridajobs.org/>.

AWI reserves the right to reject any or all bids. In the event the AWI offering price and/or terms are not met in this bidding process, AWI and its agents reserve the right to negotiate with any bidding or non-bidding party.

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#### **DEPARTMENT OF ENVIRONMENTAL PROTECTION**

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

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#### **DEPARTMENT OF CHILDREN AND FAMILY SERVICES**

Notification of DCF, District 11, contract negotiations with Our Kids of Miami-Dade/Monroe, Inc.

We wish to inform all who may be interested that the Department of Children and Families, District 11 will hold a formal contract negotiating session for a Start-up Contract with the CBC Lead Agency, Our Kids of Miami-Dade/Monroe, Inc., according to the following schedule:

Session 4:

DATE AND TIME: Monday, December 1, 2003, 10:00 a.m. – 2:00 p.m.

PLACE: DCF, District 11, 401 N. W. 2 Ave., Suite N-1007, DA's Conference Room, Miami, FL 33128, (305)377-5055

We ask that you make this announcement available to all who may be interested.

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Notification of DCF, District 11, contract negotiations with Our Kids of Miami-Dade/Monroe, Inc.

We wish to inform all who may be interested that the Department of Children and Families, District 11 will hold a formal contract negotiating session for a Start-up Contract with the CBC Lead Agency, Our Kids of Miami-Dade/Monroe, Inc., according to the following schedule:

Session 5:

DATE AND TIME: Tuesday, December 9, 2003, 10:00 a.m. – 12:00 p.m.

PLACE: DCF, District 11, 401 N. W. 2 Ave., Suite N-1007, DA's Conference Room, Miami, FL 33128, (305)377-5055

We ask that you make this announcement available to all who may be interested.

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**LAKE COUNTY SCHOOL READINESS COALITION**

Notice of Invitation to Negotiate

ITN Document Number: 003

Title: School Readiness Early Care and Education Services

The Purpose: The Lake County School Readiness Coalition, Inc. has released the Invitation to Negotiate in an effort to enter into an agreement with an agency or several agencies to perform early care and education services to children of Lake County ages 0-12 for fiscal year 2003-2004 (January 1, 2004 – June 30, 2004). Services include Child Care Eligibility and Payment Administration Services and Early Care and Education Support Services (to include technical assistance, program evaluation, developmental screenings, etc.). Total annualized contract amount is approximately \$5.9 million.

Letters of Intent to Submit are due to the Coalition by November 28, 2003. An Applicant's Conference will be held on December 5, 2003. Deadlines for all applications will be December 15, 2003. Results will be posted on December 22, 2003.

For information regarding this ITN, please contact: Kim Webb, (352)435-0566. The ITN is available electronically at [www.lakeschoolreadiness.org](http://www.lakeschoolreadiness.org).

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**DEPARTMENT OF MILITARY AFFAIRS**

ADVERTISEMENT FOR BIDS

PROPOSALS ARE REQUESTED FROM QUALIFIED GENERAL CONTRACTORS, LICENSED BY THE STATE OF FLORIDA, FOR THE CONSTRUCTION OF:

PROJECT NO: CFMO-203103 ACCOUNTING CODE:

PROJECT NAME AND LOCATION: Remodel/construct Emergency Operations Center, Robert F. Ensslin Armory, 2305 State Road 207, St. Augustine, Florida

PROJECT DESCRIPTION: Furnish all labor, materials, equipment and services to demolish and remodel the existing Robert F. Ensslin Armory Emergency Operations Center, approximately 2500 Sq Ft. The work includes selective demolition, raised flooring, metal stud walls, hollow metal doors and frames, aluminum windows, hardware, interior finishes, add new and reconfigure existing HVAC, lighting, and electrical systems. There will be various owner supplied and contractor installed hi-tech monitors, plasma screens and telecommunication systems/cablings.

FOR: Department of Military Affairs, Construction and Facility Management Office

MINORITY PROGRAM: Utilization of MBE participation is highly encouraged from all Bidders.

QUALIFICATIONS: General Contractors licensed by the State of Florida. Note: Contractor must register or be registered with the State of Florida at [MyFlorida.com](http://MyFlorida.com) prior to Bid Award.

PUBLIC ENTITY CRIME INFORMATION STATEMENT: A person, or affiliate, who has been placed on the convicted vendor list following a conviction for a public entity crime may not submit a bid on a contract to provide any goods or services to a public entity, may not submit a bid on a contract with a public entity for the construction or repair of a public building or public work, may not submit bids on leases of real property to a public entity, may not be awarded or perform work as a contractor, supplier, subcontractor, or consultant under a contract with any public entity, and may not transact business with any public entity in excess of the threshold amount provided in Section 287.017, F.S., for Category Two for a period of 36 months from the date of being placed on the convicted vendor list.

BID SECURITY: If the bid proposal amount is \$100,000 or less, a bid security (5%) is not required.

PERFORMANCE BOND AND LABOR AND MATERIAL PAYMENT BOND: If the construction contract award amount is \$100,000 or less, a Performance Bond and Labor and Material Payment Bond are not required.

There will be a mandatory pre-bid meeting December 3, 2003, 10:00 a.m., at the project site.

Sealed bids will be received and publicly read aloud on: December 17, 2003

DATE AND TIME: December 17, 2003, 2:00 p.m., local time

PLACE: Robert F. Ensslin Armory, 2305 State Road 207, Saint Augustine, Florida

PROPOSAL: Bids must be submitted to the Department of Military Affairs, CFMO ATTN: LTC Frank Turek, 2305 State Road 207, St. Augustine, Florida 32086, (904)823-0280, in full accordance with the requirements of the Drawings, Specifications, Bidding Conditions, and Contractual Conditions, which may be examined and obtained, as of November 21, 2003, from Smith McCrary Architects Inc. for \$50.00 (non-refundable).

All Technical questions shall be directed to the A/E until close of business 16 December 2003.

ARCHITECT-ENGINEER: Smith Mccrary Architects, Inc. 9485 Regency Square Blvd., Suite 410, Jacksonville, Florida 32225, (904)724-2216, Mrs. Jan Smith A.I.A.

CONTRACT AWARD: The Bid Tabulation and Notice of Award Recommendation will be posted at the location where the bids were opened. In the event that the Bid tabulation and Notice of Award Recommendation can not be posted in this manner, then all bidders will be notified by certified United States Mail, return receipt requested. If no protest is filed per Section B-21 of the Instructions To Bidders, "Notice and Protests Procedures", the contract will be awarded to the qualified, responsive low bidder in accordance with Chapter 60D-5, F.A.C., by the Owner.

NOTE: AWARD OF CONTRACT IS CONTINGENT UPON THE AVAILABILITY OF FUNDS.

## Section XII Miscellaneous

### DEPARTMENT OF HIGHWAY SAFETY AND MOTOR VEHICLES

Notice of Publication for the Relocation of a Franchised Motor Vehicle Dealer in a County of More than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, notice is given that DaimlerChrysler Motors Company, LLC intends to allow the relocation of the Chrysler dealership which is currently located at 300 North Beach Street, Daytona Beach (Volusia County), Florida 32114, to a proposed location at 1450 North Tomoka Farms Road, Daytona Beach (Volusia County), Florida 32124. This dealership is currently owned by Massey Motors Inc of Daytona Beach and is to be owned, at the time of the proposed relocation by Speedway Dodge, Inc., d/b/a Daytona Dodge Chrysler, subsequent to the consummation of a purchase from Massey Motors Inc of Daytona Beach. The relocation will take place on or after November 15, 2003.

The dealer operator of Speedway Dodge, Inc., d/b/a Daytona Dodge Chrysler is Randall Dye, 1450 North Tomoka Farms Road, Daytona Beach, Florida 32142. The principal investors are Randall Dye, 1450 North Tomoka Farms Road, Daytona Beach, Florida 34114; and Terry Taylor, 515 Las Olas Blvd., Suite 900, Fort Lauderdale, Florida 33301.

The notice indicates intent to permit the relocation to a 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.

DaimlerChrysler Motors Company, LLC 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 Chrysler dealer that is within 15 miles of the proposed location. However, the

contention of DaimlerChrysler Motors Company, LLC, 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 DaimlerChrysler Motors Company, LLC on which any dealer may rely. Therefore, any Chrysler dealer who disagrees with the contention of DaimlerChrysler Motors Company, LLC, 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. DaimlerChrysler Motors Company, LLC, 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 US Mail to: G. E. Nevers, Dealer Network Development Manager, DaimlerChrysler Motors Company, LLC, 1030 Boggy Creek Road, CIMS 200-01-20, Orlando, Florida 32824.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

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Notice of Publication for a New Point  
Franchise Motor Vehicle Dealer in a County of Less  
than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, notice is given that Saab Cars USA, Inc. intends to allow the establishment of Proctor & Proctor, Inc. d/b/a Proctor Saab, as a dealership for the sale of Saab vehicles, at 3122 Mahan Drive, Tallahassee (Leon County), Florida 32308 on or after November 21, 2003.

The name and address of the dealer operator(s) and principal investor(s) of Proctor & Proctor, Inc. d/b/a Proctor Saab are dealer operator(s): W. Theo Proctor, Jr., 1320 Piedmont Drive, Tallahassee, FL 32309, principal investor(s): W. Theo Proctor, Jr., 1320 Piedmont Drive, Tallahassee, FL 32309, W. Theo Proctor, III, 579 Lamonia Farms Road, Tallahassee, FL 32312 and Martin W. Proctor, 2218 Demeron Road, Tallahassee, FL 32308.

The notice indicates intent to establish the new point location in a county of less than 300,000 population, according to the latest population estimates of the University of Florida, Bureau of Economic and Business Research.

Certain dealerships of the same line-make may have standing, pursuant to Section 320.642, Florida Statutes, as amended by Chapter 88-395, Laws of Florida, to file a petition or complaint protesting the application.

Written petitions or complaints must be received by the Department of Highway Safety and Motor Vehicles within 30 days of the date of publication of this notice and must be submitted to: Mr. Ronald D. Reynolds, Administrator, Dealer License Section, Department of Highway Safety and Motor Vehicles, Room A-312, Neil Kirkman Building, 2900 Apalachee Parkway, Tallahassee, Florida 32399-0635.

A copy of such petition or complaint must also be sent by US Mail to: Brenda Martin, Market Representation Coordinator, 4405-A International Blvd., Norcross, GA 30093.

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.

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**DEPARTMENT OF JUVENILE JUSTICE**

The Florida Department of Juvenile Justice has posted the proposed revision of an existing policy for review and comment on MyFlorida.com at:

<http://www.djj.state.fl.us/reference/policiesandprocedures/policyreview.html>

Waivers and Alternative Compliance Measures to Departmental Policy FDJJ-1705 (department-wide policy type B) – recognizes that there may be rare circumstances or unique characteristics of a DJJ program, facility or service that warrant consideration of a Waiver to departmental policy, or implementation of an Alternative Compliance Measure in lieu of official departmental policy. This proposed revision of an existing policy outlines the process to be followed when a Waiver or Alternative Compliance Measure is sought for situations that are thoroughly justified and do not negatively impact juvenile safety, security, treatment, conditions of confinement, public safety, or another branch of the Department. This is the first of two 20 working day review and comment periods. The closure date for submission of comments on this policy is December 22, 2003. Note: The 20 working day review and comment period now commences with the publication of this notice in the FAW. Responses to comments received will be posted during the review period to the extent possible, but no later than 10 working days after the end of the review period on the above Website.

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**DEPARTMENT OF HEALTH**

On November 3, 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 Lisa Smith, L.P.N., license number PN 1338961. 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.

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**DEPARTMENT OF FINANCIAL SERVICES**

**NOTICE OF FILINGS**

Notice is hereby given that the Office of Financial Regulation has received the following application.

Comments may be submitted to the Deputy Director, 200 East Gaines Street, Tallahassee, Florida 32399-0371, for inclusion in the official record without requesting a hearing; however, any person may request a public hearing by filing a petition with the Clerk, Legal Services Office, Office of Financial Regulation, 200 East Gaines Street, Tallahassee, Florida 32399-0379, pursuant to provisions specified in Rule 3C-105.100, Florida Administrative Code. Petition must be received by the Clerk within twenty-one (21) days of publication of this notice (by 5:00 p.m., December 12, 2003:

**APPLICATION FOR A  
NEW FINANCIAL INSTITUTION**

Applicant and Proposed Location: Synovus Bank of Jacksonville, 4600 Touchton Road, Jacksonville, Florida 32246

Correspondent: William Hammel, 10201 Centurian Parkway, Suite 600, Jacksonville, Florida 32256

Received: November 5, 2003

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**Section XIII**  
**Index to Rules Filed During Preceding Week**

RULES FILED BETWEEN November 3, 2003  
 and November 7, 2003

Rule No.	File Date	Effective Date	Proposed Vol./No.	Amended Vol./No.
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**DEPARTMENT OF STATE**  
**Division of Elections**

1S-2.030	11/6/03	11/26/03	29/34	
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**DEPARTMENT OF EDUCATION**  
**State Board of Education**

6A-4.0012	11/5/03	11/25/03	29/38	
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**University of Florida**

6C1-1.006	11/5/03	11/25/03	Newspaper	
6C1-3.009	11/5/03	11/25/03	Newspaper	
6C1-3.0372	11/5/03	11/25/03	Newspaper	

**Florida A and M University**

6C3-3.017	11/6/03	11/26/03	Newspaper	
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Rule No.	File Date	Effective Date	Proposed Vol./No.	Amended Vol./No.
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**DEPARTMENT OF COMMUNITY AFFAIRS**  
**Division of Emergency Management**

9G-19.008	11/7/03	11/27/03	29/34	
9G-19.009	11/7/03	11/27/03	29/34	
9G-19.010	11/7/03	11/27/03	29/34	29/41

**DEPARTMENT OF CORRECTIONS**

33-601.820	11/3/03	11/23/03	29/40	
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**AGENCY FOR HEALTH CARE ADMINISTRATION**  
**Medicaid Program Office**

59G-4.130	11/4/03	11/24/03	29/32	29/37
59G-8.200	11/4/03	11/24/03	29/32	29/40

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Florida Real Estate Commission**

61J2-2.027	11/6/03	11/26/03	28/22	29/40
61J2-2.031	11/6/03	11/26/03	28/22	29/40