

Section I Notices of Development of Proposed Rules and Negotiated Rulemaking

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

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

WATER MANAGEMENT DISTRICTS

Southwest Florida Water Management District

RULE CHAPTER TITLE: RULE CHAPTER NO.:

Individual Environmental 40D-4
Resource Permits

RULE TITLES: RULE NOS.:

Definitions 40D-4.021

Exemptions 40D-4.051

Conditions for Exemptions 40D-4.053

Publications and Agreements Incorporated
by Reference 40D-4.091

Additional Conditions for Issuance of Permits 40D-4.302

General Conditions 40D-4.381

PURPOSE AND EFFECT: The purpose and effect of the proposed amendments is to conform District rule language to certain statutory revisions; to clarify and update exemption language regarding phosphate mining, mining related activities, reclamation and restoration, and the conditions for the exemption; and to address concerns expressed by the staff of the Joint Administrative Procedures Committee (JAPC) regarding environmental resource permitting rules.

SUBJECT AREA TO BE ADDRESSED: Revisions to Chapter 40D-4, F.A.C. which together with Chapters 40D-40 and 40D-400, F.A.C. implements environmental resource permitting authorized pursuant to Part IV of Chapter 373, F.S.

SPECIFIC AUTHORITY: 373.016, 373.044, 373.113, 373.118, 373.149, 373.171, 373.414(9) FS.

LAW IMPLEMENTED: 373.016, 373.042, 373.403, 373.406, 373.409, 373.413, 373.414, 373.414(9), 373.416, 373.416(2), 373.419, 373.426, 403.805 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Karen E. West, Deputy

General Counsel, Office of General Counsel, 2379 Broad Street, Brooksville, FL 34604-6899, (352)796-7211, Extension 4651

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

WATER MANAGEMENT DISTRICTS

Southwest Florida Water Management District

RULE CHAPTER TITLE: RULE CHAPTER NO.:

General Environmental 40D-40
Resource Permits

RULE TITLES: RULE NOS.:

Content of Application for General Permits 40D-40.112

Conditions for Issuance of General Permits 40D-40.302

General Conditions 40D-40.381

PURPOSE AND EFFECT: The purpose and effect of the proposed amendments is to address concerns expressed by staff of the Joint Administrative Procedures Committee (JAPC) regarding environmental resource permitting rules.

SUBJECT AREA TO BE ADDRESSED: Revisions to Chapter 40D-4, F.A.C. which together with Chapters 40D-4 and 40D-400, F.A.C. implements environmental resource permitting authorized pursuant to Part IV of Chapter 373, F.S.

SPECIFIC AUTHORITY: 373.044, 373.113, 373.118 FS.

LAW IMPLEMENTED: 373.117, 373.413, 373.414, 373.416, 373.419 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Karen E. West, Deputy General Counsel, Office of General Counsel, 2379 Broad Street, Brooksville, FL 34604-6899, (352)796-7211, Extension 4651

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

WATER MANAGEMENT DISTRICTS

Southwest Florida Water Management District

RULE CHAPTER TITLE: RULE CHAPTER NO.:

Environmental Resource Permits 40D-400
Definitions

RULE TITLES: RULE NOS.:

Definitions 40D-400.021

General Permit for the Installation of Fences 40D-400.437

General Permit for the Construction or Maintenance of Culverted Driveway or Roadway Crossings and Bridges of Artificial Waterways 40D-400.439

General Permit to the Florida Department of Transportation, Counties, and Municipalities For Minor Bridge Alteration, Replacement, Maintenance and Operation 40D-400.443

General Permit for Minor Activities 40D-400.475

PURPOSE AND EFFECT: The purpose and effect of the proposed amendments is to address concerns expressed by staff of the Joint Administrative Procedures Committee (JAPC) regarding environmental resource permitting rules.

SUBJECT AREA TO BE ADDRESSED: Revisions to Chapter 40D-4, F.A.C. which together with Chapters 40D-4 and 40D-40, F.A.C. implements environmental resource permitting authorized pursuant to Part IV of Chapter 373, F.S.

SPECIFIC AUTHORITY: 373.044, 373.113, 373.118 FS.

LAW IMPLEMENTED: 373.413, 373.414, 373.416, 373.419 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Karen E. West, Deputy General Counsel, Office of General Counsel, 2379 Broad Street, Brooksville, FL 34604-6899, (352)796-7211, Extension 4651

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

DEPARTMENT OF ELDER AFFAIRS

Community Care for the Elderly

RULE CHAPTER TITLE: Community Care for the Elderly RULE CHAPTER NO.: 58C-1

RULE TITLE: Program Forms RULE NO.: 58C-1.008

PURPOSE AND EFFECT: Proposed amendment to subsection 58C-2.008(3), F.A.C., will revise DOEA Forms 203A, Care Plan, and 203B, instructions dated July 2001, to clarify the request for information related to frequency and duration of Non-DOEA and DOEA services.

SUBJECT AREA TO BE ADDRESSED: DOEA Forms 203A and 203B.

SPECIFIC AUTHORITY: 430.08, 430.203-.205 FS.

LAW IMPLEMENTED: 430.201-.207 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 SHOW BELOW:

TIME AND DATE: 1:00 p.m. – 2:00 p.m., December 11, 2003

PLACE: Department of Elder Affairs, 4040 Esplanade Way, Conf. Rm. 309, Tallahassee, FL

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Linda Macdonald, Office of Legal Affairs, Department of Elder Affairs, 4040 Esplanade Way, Tallahassee, Florida 32399-7000, (850)414-2000

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

58C-1.008 Program Forms.

The following forms shall be used for programs regulated by this chapter, are hereby incorporated by reference, and are available in the Office of the Secretary and at each Area Agency on Aging:

(1) through (2) No change.

(3) For purposes of documenting planned services of care: DOEA Forms 203A, Care Plan, and 203B, instructions dated October 2003 ~~July, 2001~~.

Specific Authority 430.08, 430.203-.205 FS. Law Implemented 430.201-.207 FS. History--New 8-20-00, Amended 8-6-01, _____.

DEPARTMENT OF ELDER AFFAIRS

Alzheimer’s Disease Initiative

RULE CHAPTER TITLE: Administration of the Alzheimer’s Disease Initiative RULE CHAPTER NO.: 58D-1

RULE TITLE: Program Forms RULE NO.: 58D-1.007

PURPOSE AND EFFECT: Proposed amendment to subsection 58D-1.007(3), F.A.C., will revise DOEA Forms 203A, Care Plan, and 203B, instructions dated July 2001, to clarify the request for information related to frequency and duration of Non-DOEA and DOEA services.

SUBJECT AREA TO BE ADDRESSED: DOEA Forms 203A and 203B.

SPECIFIC AUTHORITY: 430.08, 430.501-.503 FS.

LAW IMPLEMENTED: 430.501-.504 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 SHOW BELOW.

TIME AND DATE: 1:00 p.m. – 2:00 p.m., December 11, 2003

PLACE: Department of Elder Affairs, 4040 Esplanade Way, Conf. Rm. 309, Tallahassee, FL

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Linda Macdonald, Office of Legal Affairs, Department of Elder Affairs, 4040 Esplanade Way, Tallahassee, Florida 32399-7000, (850)414-2000

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

58D-1.007 Program Forms.

The following forms shall be used for programs regulated by this chapter, are hereby incorporated by reference, and are available in the Office of the Secretary and at each Area Agency on Aging:

(1) through (2) No change.

(3) For purposes of documenting planned services of care: DOEA Forms 203A, Care Plan, and 203B, instructions dated October 2003 ~~July, 2001~~.

Specific Authority 430.08, 430.501-.503 FS. Law Implemented 430.501-.504 FS. History--New 8-20-00, Amended 8-6-01,_____.

DEPARTMENT OF ELDER AFFAIRS

Home Care for the Elderly

RULE CHAPTER TITLE: Home Care for the Elderly
 RULE CHAPTER NO.: 58H-1

RULE TITLE: Program Forms
 RULE NO.: 58H-1.009

PURPOSE AND EFFECT: Proposed amendment to subsection 58H-1.009(3), F.A.C., will revise DOEA Forms 203A, Care Plan, and 203B, instructions dated July 2001, to clarify the request for information related to frequency and duration of Non-DOEA and DOEA services.

SUBJECT AREA TO BE ADDRESSED: DOEA Forms 203A and 203B.

SPECIFIC AUTHORITY: 430.08, 430.603 FS.

LAW IMPLEMENTED: 430.601-.608 FS.

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

TIME AND DATE: 1:00 p.m. – 2:00 p.m., December 11, 2003

PLACE: Department of Elder Affairs, 4040 Esplanade Way, Conf. Rm. 309, Tallahassee, FL

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Linda Macdonald, Office of Legal Affairs, Department of Elder Affairs, 4040 Esplanade Way, Tallahassee, Florida 32399-7000, (850)414-2000

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

58H-1.009 Program Forms.

The following forms shall be used for programs regulated by this chapter, are hereby incorporated by reference, and are available in the Office of the Secretary and at each Area Agency on Aging:

(1) through (2) No change.

(3) For purposes of documenting planned services of care: DOEA Forms 203A, Care Plan, and 203B, instructions dated October 2003 ~~July, 2001~~.

Specific Authority 430.08, 430.603 FS. Law Implemented 430.601-.608 FS. History--New 8-20-00, Amended 8-6-01,_____.

DEPARTMENT OF MANAGEMENT SERVICES

Agency for Workforce Innovation

RULE TITLE: Annual Filing
 RULE NO.: 60BB-2.0255

PURPOSE AND EFFECT: The purpose of the proposed new Rule 61BB-2.0255, F.A.C. (Annual Filings), is to establish simplified procedures that may be used to report and remit unemployment compensation tax on an annual basis by employers that only employ persons who perform domestic services.

SUBJECT AREA TO BE ADDRESSED: The subject area addressed by this proposed new rule is unemployment compensation tax reporting and payment requirements.

SPECIFIC AUTHORITY: 443.131(1) FS.

LAW IMPLEMENTED: 443.131(1) FS.

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

TIME AND DATE: 9:30 a.m., December 11, 2003

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

NOTICE UNDER THE AMERICANS WITH DISABILITIES ACT: Any person requiring special accommodations to participate in this workshop is asked to advise the Department at least 48 hours before the workshop by contacting: Larry Green, (850)488-0712. If you are hearing or speech impaired, please contact the Department by using the Florida Relay Service, 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Michael Metz, Senior Attorney, Office of the General Counsel, Department of Revenue, P. O. Box 6668, Tallahassee, Florida 32314-6668, (850)922-4830, e-mail: metzm@dor.state.fl.us

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

60BB-2.0255 Annual Filing.

(1) Application.

(a) Employers who employ only employees performing domestic services and who elect the option of reporting wages and paying taxes annually pursuant to Section 443.131, Florida Statutes, shall complete application form UCT-7A (revised, June 2003) and file it with the Department no later than December 1 of the year preceding the calendar year the optional election begins. The Department shall issue written notification to employers of the approval or rejection of the application within 30 consecutive calendar days of the Department's receipt of a completed application. Eligible employers whose application has been approved by the Department do not need to resubmit an application for any subsequent years.

(b)1. Employers who are approved by the Department shall report wages and pay taxes annually by filing form UCT-7 (new, March 2004) in accordance with the instructions contained on the form.

2. However, employers required to file by electronic means shall file form UCT-7 by electronic means and pay taxes by electronic means in accordance with Rules 60BB-2.025 and 60BB-2.027, F.A.C.

(2) Disqualification or Termination. If, at any time, an employer ceases to qualify for the annual reporting wages and paying taxes program or determines that it desires to discontinue participation in the annual reporting wages and paying taxes program or, due to the failure to timely furnish wage information, loses the privilege of participating in the annual reporting wages and paying taxes program, the employer shall file with the Department, no later than the last day of the month following the calendar quarter in which the disqualification or termination occurred, all quarterly wage and tax reports due for all completed calendar quarters in the current calendar year and pay all the amounts due thereon. All requests to change the employer's status as a program participant with the Department must be submitted in writing by the employer.

(3) Reapplication.

(a) All employers of domestic employees who have been disqualified from participating in the annual reporting wages and paying taxes program may, after one complete calendar year, during which the employer timely furnished any requested wage information during the period that annual reporting was denied, reapply by completing form UCT-7A and filing it with the Department as required by paragraph (1)(a) to be considered for the annual reporting of wages and paying taxes program commencing January 1 of the following calendar year.

(b) All employers of domestic employees who have ceased, pursuant to their written request, to participate in the program may, after one complete calendar year, reapply by completing form UCT-7A and filing it with the Department no later than December 1 to be considered for the annual reporting of wages and paying taxes program commencing January 1 of the following calendar year.

(4) Forms. The Forms referred to in this rule are incorporated by reference and are available from the Agency through its designee, the Department of Revenue by the following methods:

(a) Writing to the Florida Department of Revenue, Distribution Center, 168A Blountstown Highway, Tallahassee, Florida 32304;

(b) Faxing a request to the Distribution Center at (850)922-2208;

(c) Visiting any local Department of Revenue Service Center to personally obtain a copy;

(d) Calling the Forms Request Line during regular office hours at 1(800)482-8293 (nationwide) or (850)488-6800;

(e) Downloading selected forms from the Department of Revenue's Internet site (www.myflorida.com/dor);

(f) Dialing the TDD number for the Department of Revenue at 1(800)367-8331 for persons with hearing or speech impairments.

Specific Authority 443.131(1) FS. Law Implemented 443.131(1) FS. History-- New _____.

DEPARTMENT OF MANAGEMENT SERVICES

Division of Facilities Management and Building Construction

RULE CHAPTER TITLE:	RULE CHAPTER NO.:
Leases for Real Property	60H-1
RULE TITLES:	RULE NOS.:
Standard Lease Agreement Form	60H-1.003
Escalation Clauses Prohibited	60H-1.006
Right-to-Terminate Clause Required	60H-1.007
Leases of 5,000 Square Feet or More	60H-1.015
Turnkey (Lease) Construction Program	60H-1.017
Prior Approval of Space Need	60H-1.022
Calculation of Lowest Bid Proposals	60H-1.029
Rental Rate Guidelines for Privately Owned Space	60H-1.030

PURPOSE AND EFFECT: To amend and clarify the procedures for the procurement and negotiation of leases of 5,000 square feet or more of privately owned building space to State agencies.

SUBJECT AREA TO BE ADDRESSED: Leasing of privately owned building space to State agencies.

SPECIFIC AUTHORITY: 255.249(4)(b),(e), 255.25(2)(c) FS.

LAW IMPLEMENTED: 255.25(2),(3) FS.

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

TIME AND DATE: 2:00 p.m., December 17, 2003

PLACE: Room 101, 4050 Esplanade Way, Tallahassee, Florida

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/hearing/meeting is asked to advise the agency at least 48 hours before the workshop/hearing/meeting by contacting: Julie Shaw, (850)487-3423. If you are hearing or speech impaired, please contact the agency by calling (850)4100684).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: John Holley, Department of Management Services, 4050 Esplanade Way, Tallahassee, FL 32399-0950, (850)487-9887

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

DEPARTMENT OF MANAGEMENT SERVICES

Division of Facilities Management and Building Construction

RULE CHAPTER TITLE: Space Allocations in State-Owned Buildings

RULE CHAPTER NO.: 60H-2

RULE TITLES: Definitions 60H-2.001
 Space Allocation 60H-2.002
 Space Allocation and Configuration Standards 60H-2.0021
 Agency Space Allocation Plans 60H-2.0022

PURPOSE AND EFFECT: To implement space allocation and configuration standards for use by State agencies for all administration spaces in preparing space allocation plans.

SUBJECT AREA TO BE ADDRESSED: Use of administration space by State agencies.

SPECIFIC AUTHORITY: 255.249(4)(d), 255.503(11), 272.04 FS.

LAW IMPLEMENTED: 255.249(1), 255.503(2) 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: 2:00 p.m., December 17, 2003

PLACE: Room 101, 4050 Esplanade Way, Tallahassee, Florida

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workshop/hearing/meeting by contacting: Julie Shaw, (850)487-3423. If you are hearing or speech impaired, please contact the agency by calling (850)410-0684.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: John Holley, Department of Management Services, 4050 Esplanade Way, Tallahassee, FL 32399-0950, (850)487-9887

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Auctioneers

RULE TITLE: Exemption from Licensure Renewal Provisions

RULE NO.: 61G2-2.0035

PURPOSE AND EFFECT: The Board proposes to add a rule to address exemption from licensure renewal.

SUBJECT AREA TO BE ADDRESSED: Licensure Renewal Exemption.

SPECIFIC AUTHORITY: 455.02, 468.384(2) FS.

LAW IMPLEMENTED: 455.02, 468.384(2) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Julie Malone, Executive Director, Board of Auctioneers, 1940 North Monroe Street, Tallahassee, Florida 32399-0750

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

61G2-2.0035 Exemption from Licensure Renewal Provisions.

(1) Notwithstanding the provisions of Rule 61G2-3.005, F.A.C., a spouse of a member of the armed forces who is absent from the State because of the spouse's duties with the armed forces and, having submitted documentation to the Board demonstrating same, shall be exempt from licensure renewal provisions without paying dues or fees or performing any other act on his or her part to be performed.

(2) This rule applies to all auctioneer licenses, apprenticed and business licenses.

Specific Authority 455.02, 468.384(2) FS. Law Implemented 455.02, 468.384(2) FS. History-New _____.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

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

DEPARTMENT OF HEALTH

Board of Clinical Laboratory Personnel

RULE TITLES:	RULE NOS.:
Supervisor	64B3-5.002
Technologist	64B3-5.003
Technician	64B3-5.004
Director; Limitations and Qualifications	64B3-5.007
Public Health Laboratory Personnel	64B3-5.008

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

SUBJECT AREA TO BE ADDRESSED: Supervisor; Technologist; Technician; Director; Limitations and Qualifications; and Public Health Laboratory Personnel.

SPECIFIC AUTHORITY: 483.051, 483.805(4), 483.811(2), 483.823 FS.

LAW IMPLEMENTED: 381.0034, 483.041(5), 483.051(1), 483.800, 483.809, 483.811(2), 483.815, 483.823, 483.824 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND FOR A COPY OF THE PRELIMINARY DRAFT IS: Joe Baker, Jr., Board Executive Director, Board of Clinical Laboratory Personnel, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3257

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B3-5.002 Supervisor.

Qualifications and Responsibilities.

(1) Qualification. Degrees or semester hours of academic credit required in this section shall be obtained at a regionally accredited college or university or by foreign education equated pursuant to subsection 64B3-6.002(6), F.A.C. In order to be licensed as a supervisor, an applicant shall be licensed or meet the requirements for licensure as a technologist and complete a Board approved examination or complete 25 hours of Board approved continuing education in the area of administration and supervision, which includes examination(s) accumulated over no longer than five years prior to application for licensure, shall have one hour of Board approved HIV/AIDS continuing education, a Board approved 2-hour

course relating to the prevention of medical errors, which shall include root-cause analysis, error reduction and prevention, and patient safety, and one of the following:

(a) through (c) No change.

~~(d) In the categories of cytogenetics, cytology, radioassay, and molecular genetics, the experience required in paragraphs (a), (b) and (c) must be in the specific category for which licensure is sought.~~

~~(d)(e)~~ For the category of blood gas analysis only, an associate degree in cardiopulmonary function technology or respiratory care, five years of pertinent clinical laboratory experience and be licensed or meet the requirements for licensure as a technologist in the category of Blood Gases, or as a respiratory care practitioner certified in critical care services or a respiratory therapist pursuant to Chapter 468, Part V, F.S.

~~(e)(f)~~ For the category of Cytology only, a baccalaureate degree which shall include 16 semester hours of academic science, have completed an accredited or Board approved training program in cytology, be licensed or qualified as a clinical laboratory technologist and have five years of pertinent clinical laboratory experience in cytology. If ASCP (American Society of Clinical Pathologists) certified prior to 1985, have an associate degree or equivalent, national certification by the American Society of Clinical Pathologists, and 10 years of pertinent clinical laboratory experience within the past 15 years.

~~(g) In lieu of one year of experience required by paragraphs 64B3-5.002(1)(b) and (c), F.A.C., an applicant may use Board certification obtained by examination in one or more of the laboratory specialties through the Board of Registry of the American Society of Clinical Pathologists, National Certification Agency of Medical Laboratory Personnel, National Registry of Clinical Chemistry, American Academy of Microbiology, American Medical Technologists, American Board of Bioanalysis, American Board of Clinical Chemistry, American Board of Medical Microbiology, American Board of Medical Genetics, American Board of Medical Laboratory Immunology, or American Board of Histocompatibility and Immunogenetics. This certification shall not substitute for the one year of pertinent clinical laboratory experience in an individual category for which licensure is sought.~~

~~(f)(h)~~ In the category of histology, one of the following:

1. Board certification gained by examination in histology through the Board of Registry of the American Society of Clinical Pathologists (ASCP) certification at the Histotechnologist (HTL) level and five years of pertinent experience.

2. Board certification gained by examination in histology through the Board of Registry of the ASCP American Society of Clinical Pathologists certification at the Histotechnician (HT) level, five ~~40~~ years of pertinent clinical laboratory

experience post-certification, and an additional 23 48 hours continuing education in administration and supervision within five years prior to application for licensure.

3. Florida licensure or meeting the requirements for licensure as a histology technologist, five 40 years of pertinent clinical laboratory experience, and an additional 23 48 hours continuing education in administration and supervision within five years prior to application for licensure.

(g) In the category of andology or embryology, applicants who are currently working in either of these fields and meeting all other requirements shall not be required to have a previous license as a technologist as long as they are licensed by the end of January 2006. Applicants shall be Board certified by examination in andrology or embryology at the supervisor level by one of the agencies listed in subsection (2).

~~(i) Be licensed in a specialty as a technologist, meet the education and experience requirements under paragraph 64B3-5.002(1)(a), (b) or (c), F.A.C., and completes 25 hours of Board approved continuing education in the area of administration and supervision, which includes examination(s), accumulated over no longer than five years prior to application for licensure. Course content must include the guidelines set forth in subsection 64B3-3.003(7), F.A.C. This continuing education may not be used to satisfy biennial renewal requirements.~~

(2) In lieu of one year of experience required by paragraphs 64B3-5.002(1)(b) and (c), F.A.C., an applicant may use Board certification obtained by examination in one or more of the laboratory specialties through the Board of Registry of the ASCP, National Credentialing Agency of Laboratory Personnel, National Registry of Clinical Chemistry, American Academy of Microbiology, American Medical Technologists, American Board of Bioanalysis, American Board of Clinical Chemistry, American Board of Medical Microbiology, American Board of Medical Genetics, American Board of Medical Laboratory Immunology, or American Board of Histocompatibility and Immunogenetics. This certification shall not substitute for the one year of pertinent clinical laboratory experience in an individual category for which licensure is sought.

~~(3)(2)~~ Adding Categories to an Active Supervisor's License. Licensed supervisors may add a category or categories by passing a technologist level examination and by providing proof of one year's experience for each category to be added.

(4) The Board approved Supervision and Administration examinations, in lieu of the required 25 hours of supervision and administration required in subsection (1) are:

1. The Diplomate in Laboratory Management examination on general supervision administered by the American Society for Clinical Pathology (ASCP).

2. The Specialist in Blood Banking administered by ASCP for Blood Banking and Immunohematology.

3. The Specialist in Cytotechnology administered by ASCP for licensure by endorsement as a supervisor in Cytology.

4. The Specialist in Chemistry administered by ASCP for licensure by endorsement for supervisors in Clinical Chemistry.

5. The Specialist in Hematology administered by ASCP for licensure by endorsement for supervisors in Hematology.

6. The Clinical Laboratory Supervisor administered by the National Credentialing Agency for Laboratory Personnel (NCA).

7. The Certified Histocompatibility Specialist Examination (CHS) administered by the American Board of Histocompatibility and Immunogenetics (ABHI).

Specific Authority 483.805(4), 483.823 FS. Law Implemented 381.0034, 483.800, 483.809, 483.815, 483.823 FS. History—New 12-6-94, Amended 7-12-95, 12-4-95, Formerly 590-5.002, Amended 5-26-98, 1-11-99, 6-10-99, 3-11-01, 9-19-01, 5-23-02, 10-14-02, 9-16-03, _____.

64B3-5.003 Technologist.

(1) Technologist Qualifications. Degrees or semester hours of academic credit required in this section shall be obtained at a regionally accredited college or university or, if foreign education, equated pursuant to subsection 64B3-6.002(6), F.A.C. All associate degrees used to qualify shall include, at a minimum, 60 semester hours of academic credit including a total of 16 semester hours of academic biological and/or chemical science. Applicants for technologist licensure in the categories of microbiology, serology/immunology, chemistry, hematology, immunohematology, radioassay, histocompatibility, blood banking and blood gas analysis, cytology, cytogenetics, molecular genetics and histology shall have one hour of Board approved HIV/AIDS continuing education, a Board approved 2-hour course relating to the prevention of medical errors, which shall include root-cause analysis, error reduction and prevention, and patient safety and at a minimum have one of the following:

(a) through (c) No change.

(d) A baccalaureate degree in a chemical or biological science, Florida licensure as a technician, and proof of completion of an accredited and/or Board approved clinical laboratory training program at the technician level.

(d) through (j) renumbered (e) through (k) No change.

~~(k) Individuals with a baccalaureate degree in a chemical or biological science, Florida licensure as a technician, and proof of completion of an accredited and/or Board approved clinical laboratory training program at the technician level, may qualify for a technologist license.~~

(1)(2) Qualifications for Cytology Technologist. For the specialty of cytology, applicants for technologist shall possess a baccalaureate degree in cytology and be nationally certified in cytology by the American Society for Clinical Pathology.

~~Applicants shall have one hour of Board approved HIV/AIDS continuing education as stated in Rule 64B3-11.005, F.A.C., or in subsequent rule of the Department.~~

~~(m)(3) Qualifications for Histology Technologist. For the category of histology, applicants for technologist licensure shall have a high school diploma or its equivalent one hour of Board approved HIV/AIDS continuing education as stated in Rule 64B3-11.005, F.A.C., or in subsequent rule of the Department, and have one of the following:~~

~~1.(a) Board certification gained by examination in histology through the Board of Registry of the American Society for Clinical Pathology (ASCP) certification at the Histotechnologist (HTL) level.~~

~~2.(b) Board certification gained by examination in histology through the Board of Registry of the ASCP American Society for Clinical Pathology certification at the Histotechnician (HT) level, 48 contact hours of continuing education in immunohistochemistry/advanced histologic techniques and five years of pertinent clinical laboratory experience.~~

~~3.(c) Graduation from a NAACLS approved associate degree histotechnology program and Board certification gained by examination in histology through the Board of Registry of the ASCP American Society for Clinical Pathology certification at the Histotechnician (HT) level.~~

~~4.(d) Board certification gained by examination in histology through the Board of Registry of the ASCP American Society for Clinical Pathology certification at the Histotechnician (HT) level and Qualification in Immunohistochemistry (QIHC).~~

~~5.(e) Florida licensure as a histology technician, 48 contact hours of continuing education in immunohistochemistry/advanced histologic techniques and five to years of pertinent clinical laboratory experience.~~

~~(n)(4) Qualifications for Cytogenetics Technologists. In the category of cytogenetics, applicants for technologist licensure shall have a minimum of a baccalaureate degree in clinical laboratory, chemical or biological science, successfully passed the Cytogenetics examination given by the National Credentialing Agency for Laboratory Personnel (NCA) one hour of Board approved HIV/AIDS continuing education and have one of the following:~~

~~1.(a) No change.~~

~~2.(b) One year of pertinent clinical laboratory experience in cytogenetics.~~

~~(c) Successfully passed the cytogenetics examination given by NCA (National Certification Agency for Medical Laboratory Personnel).~~

~~(o)(5) Qualifications for Blood Banking Technologists. In the category of blood banking, applicants for technologist licensure shall have one hour of Board approved HIV/AIDS continuing education, a minimum of a baccalaureate degree in~~

a clinical laboratory, chemical or biological science, certification by the ASCP Board of Registry in blood banking and have one of the following:

~~1.(a) No change.~~

~~2.(b) Documentation of graduation from an accredited Specialist in Blood Banking Program and national certification by the American Society of Clinical Pathologists Board of Registry as a specialist in blood banking.~~

~~(p)(6) Qualifications for Molecular Genetics Technologist. For the specialty of molecular genetics, applicants for technologist licensure shall have a minimum of a baccalaureate degree, which shall include 16 semester hours of academic science, successfully passed the molecular biology examination given by NCA and successfully one hour of Board approved HIV/AIDS continuing education as stated in Rule 64B3-11.005, F.A.C., or in subsequent rule of the Department, and one of the following:~~

~~(a) Successfully completed a technologist level accredited or Board approved program in molecular genetics.~~

~~(b) One year of pertinent clinical laboratory experience in molecular genetics; or~~

~~(c) Successfully passed the molecular biology examination given by NCA (National Certification Agency for Medical Laboratory Personnel).~~

~~(q) Qualifications for Histocompatibility. Individuals working toward the eligibility requirement for application to take the Board approved certification exam in histocompatibility must be currently licensed as technologists or technicians in either serology/immunology or immunohematology. They must meet the requirements for eligibility to take the Board approved examinations in histocompatibility by receiving at least one year's notarized, documented relevant full-time work experience in an American Board of Histocompatibility and Immunogenetics (ABHI) approved laboratory performing histocompatibility testing. They are eligible to apply for licensure in histocompatibility by endorsement.~~

~~(2) Approved examinations for licensure as a technologist:~~

~~(a) An examination in one or more of the following specialties: microbiology, serology/immunology, clinical chemistry, hematology, immunohematology, blood banking/immunohematology, histology prepared by the ASCP, the American Medical Technologists (AMT), the NCA, or the American Association of Bioanalysts (AAB); or~~

~~(b) In the specialty of cytology, the Cytotechnologist Examination prepared by the Board of Registry of the ASCP; or~~

~~(c) In the specialty of cytogenetics, the Clinical Laboratory Specialist in Cytogenetics Examination prepared by the NCA; or~~

~~(d) In the specialty of histocompatibility, the Certification Examination for Histocompatibility Technologists, prepared by ABHI; or~~

(e) In the specialty of radioassay, the Certification Examination in Radioassay, prepared by the Clinical Ligand Assay Society Certification Board; or

(f) In the specialty of blood gas analysis, either the Cardiovascular Science Examination, prepared by Cardiovascular Credentialing International, or the Advanced Pulmonary Function Technologist Examination, prepared by the National Board of Respiratory Care; or

(g) In the specialty of blood banking/immunohematology, the Technologist Certification Examination in Blood Banking, or the Specialist in Blood Banking Certification Examination, prepared by the Board of Registry of ASCP are also acceptable in addition to the options stated in paragraph (2)(a) above.

Specific Authority 483.805(4), 483.811(2), 483.823 FS. Law Implemented 381.0034, 483.800, 483.809, 483.811(2), 483.815, 483.823 FS. History—New 12-6-94, Amended 7-12-95, 9-10-95, 12-4-95, Formerly 590-5.003, Amended 5-26-98, 1-11-99, 7-5-01, 3-24-02, 10-29-02.

64B3-5.004 Technician.

Text not available.

64B3-5.007 Director; Limitations and Qualifications.

Text not available.

64B3-5.008 Public Health Laboratory Personnel.

Text not available.

DEPARTMENT OF HEALTH

Board of Clinical Laboratory Personnel

RULE TITLES:	RULE NOS.:
Manner of Application	64B3-6.001
Documentation for Licensure	64B3-6.002
Personnel Licensure – Temporary Permit	64B3-6.003

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

SUBJECT AREA TO BE ADDRESSED: Manner of Application; Documentation for Licensure; Personnel Licensure – Temporary Permit.

SPECIFIC AUTHORITY: 456.013, 483.805(4) FS.

LAW IMPLEMENTED: 456.013, 483.813, 483.815, 483.823 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Joe Baker, Jr., Board Executive Director, Board of Clinical Laboratory Personnel, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3257

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

DEPARTMENT OF HEALTH

Board of Clinical Laboratory Personnel

RULE TITLES:	RULE NOS.:
Inactive Status and Reactivation of Inactive Clinical Laboratory License	64B3-8.002
Renewal of Clinical Laboratory Training Program License	64B3-8.003
Renewal of Clinical Laboratory Personnel Continuing Education Provider License	64B3-8.004
Delinquent License	64B3-8.005

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

SUBJECT AREA TO BE ADDRESSED: Inactive Status and Reactivation of Inactive Clinical Laboratory License; Renewal of Clinical Laboratory Training Program License and Clinical Laboratory Personnel Continuing Education Provider License.

SPECIFIC AUTHORITY: 456.013, 456.036, 483.805(4), 483.807(1), 483.811(2), 483.819, 483.821 FS.

LAW IMPLEMENTED: 456.013, 456.036, 483.807, 483.811, 483.813, 483.815, 483.817, 483.821, 483.823 FS.

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

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

DEPARTMENT OF HEALTH

Board of Clinical Laboratory Personnel

RULE TITLES:	RULE NOS.:
Reactivation Fee	64B3-9.005
Duplicate License Fee	64B3-9.009
Change of Status	64B3-9.010
Delinquency Fee	64B3-9.011
Unlicensed Activity Fee	64B3-9.012

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

SUBJECT AREA TO BE ADDRESSED: Reactivation Fee; Duplicate License Fee; Change of Status; Delinquency Fee; Unlicensed Activity Fee.

SPECIFIC AUTHORITY: 456.025, 456.036, 483.805, 483.807 FS.

LAW IMPLEMENTED: 456.025, 456.036, 456.065, 483.807 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Joe Baker, Jr., Board Executive Director, Board of Clinical Laboratory Personnel, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3257

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

DEPARTMENT OF HEALTH

Board of Clinical Laboratory Personnel

RULE TITLE: Scope of Practice Relative to Specialty of Licensure

RULE NO.: 64B3-10.005

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

SUBJECT AREA TO BE ADDRESSED: Scope of Practice Relative to Specialty of Licensure.

SPECIFIC AUTHORITY: 483.805(4) FS.

LAW IMPLEMENTED: 483.813, 483.823, 483.825 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Joe Baker, Jr., Board Executive Director, Board of Clinical Laboratory Personnel, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3257

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B3-10.005 Scope of Practice Relative to Specialty of Licensure.

The following rules are not intended to prevent collection and storage of specimens or the performance of manual pretesting procedures by persons who are exempt by statute or statutorily authorized within their scope of practice. Clinical laboratory personnel qualified as a physician director, a licensed director, supervisor, technologist or technician in the specialty or specialties indicated can perform testing identified as being within the specialty. Tests which are not yet classified shall be assigned by the Board upon review.

(1) through (14) No change.

(15) The purpose of the specialty of histocompatibility is to insure the best possible results of the determination of tissue compatibility, prevent transmitted infections, and to investigate and evaluate post-transplant problems. The specialty encompasses blood typing, HLA typing, HLA antibody screening, disease markers, Cluster Designation specific to tissue compatibility, flow cytometry, crossmatching, HLA antibody identification, lymphocyte immunophenotyping, immunosuppressive drug assays, allogenic, isogenic and autologous bone marrow processing and storage, mixed lymphocyte culture, stem cell culture, cell mediated assays, and assays for the presence of cytokines. ~~Individuals working toward the eligibility requirement for application to take the Board approved certification exam in histocompatibility must be currently licensed as technologists or technicians in either serology/immunology or immunohematology. They must meet the requirements for eligibility to take the Board approved examinations in histocompatibility by receiving at least one year's notarized, documented relevant full time work experience in an ABHI approved laboratory performing histocompatibility testing. They are eligible to apply for licensure in histocompatibility by endorsement.~~

(16) through (18) No change.

(19) The purpose of the specialties of andrology and embryology is to quantitatively and qualitatively evaluate gametes and embryos as well as their associated fluids and tissues, their production, maturation and release, their morphology, numbers and motility, chemistry and function, cellular development, and diagnostic testing for optimum management of primary and secondary infertility, fertility assessment, and fertility preservation. This would encompass all testing and procedures involved in the production and storage of gametes and embryos, including micro-techniques and cryopreservation of gametes, embryos, associated fluids and tissues. Simple sperm count and motility could be excluded from the category of andrology.

Specific Authority 483.805(4) FS. Law Implemented 483.813, 483.823, 483.825 FS. History--New 2-7-95, Amended 3-28-95, 7-12-95, 12-4-95, Formerly 590-10.005, Amended 3-19-98, 1-28-99, 11-24-99, 2-15-01, 2-20-02, 10-30-02, _____.

DEPARTMENT OF HEALTH

Board of Clinical Laboratory Personnel

RULE TITLES: Continuing Education

RULE NOS.: 64B3-11.001

Requirements for Continuing Education Programs 64B3-11.003

Procedures for Approval of Provider Programs 64B3-11.004

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

SUBJECT AREA TO BE ADDRESSED: Continuing Education; Requirements for Continuing Education Programs; Procedures for Approval of Provider Programs.

SPECIFIC AUTHORITY: 456.013, 483.805, 483.807, 483.821 FS.

LAW IMPLEMENTED: 456.013, 483.807, 483.821 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Joe Baker, Jr., Board Executive Director, Board of Clinical Laboratory Personnel, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3257

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

DEPARTMENT OF HEALTH

Board of Clinical Laboratory Personnel

RULE TITLES:	RULE NOS.:
Citations	64B3-12.002
Terms of Probation	64B3-12.003
Mediation Offenses	64B3-12.004
Notice of Noncompliance	64B3-12.005

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

SUBJECT AREA TO BE ADDRESSED: Citations; Terms of Probation; Mediation Offenses; Notice of Noncompliance.

SPECIFIC AUTHORITY: 120.695, 456.073(3), 456.077(1),(2), 456.078, 456.079, 483.805(4), 483.827 FS.

LAW IMPLEMENTED: 120.695, 456.073(3), 456.077(1),(2), 456.078, 456.079, 483.827 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Joe Baker, Jr., Board Executive Director, Board of Clinical Laboratory Personnel, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3257

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

DEPARTMENT OF HEALTH

Board of Massage Therapy

RULE TITLE:	RULE NO.:
Continuing Education: Pro-Bono Services	64B7-28.0095

PURPOSE AND EFFECT: The Board proposes to review s. 456.013(9), Florida Statutes and promulgate a continuing education rule to include pro bono services.

SUBJECT AREA TO BE ADDRESSED: Continuing Education: Pro-Bono Services.

SPECIFIC AUTHORITY: 456.013, 480.0415 FS.

LAW IMPLEMENTED: 456.013, 480.0415 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: Pamela King, Executive Director, Board of Massage Therapy, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3256

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

DEPARTMENT OF HEALTH

Board of Nursing

RULE TITLE:	RULE NO.:
Standards for Continuing Education	64B9-5.003

PURPOSE AND EFFECT: The Board proposes to review the rule to determine whether amendments are necessary.

SUBJECT AREA TO BE ADDRESSED: The Board proposes to review the language for evaluation of continuing education providers.

SPECIFIC AUTHORITY: 464.006 FS.

LAW IMPLEMENTED: 464.013(3) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Dan Coble, Executive Director, Board of Nursing/MQA, 4052 Bald Cypress Way, Bin #C02, Tallahassee, Florida 32399-3252

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B9-5.003 Standards for Continuing Education.

(1) through (4) No change.

(5) Evaluation. Evidence satisfactory to the Board shall be presented that participants are given an opportunity to evaluate learning experiences, instructional methods, facilities and resources used for the offering. Self-directed learning experiences, including but not limited to home study, computer programs, internet or web-based courses, are required to evaluate learner knowledge at the completion of the learning experience. The evaluation must include a minimum of 10

questions for offerings less than three hours or a maximum of 25 questions for offerings of 3 or more contact hours. The learner must achieve a minimum score of 70% on the evaluation to receive the contact hours.

(6) through (8) No change.

Specific Authority 464.006 FS. Law Implemented 464.013(3) FS. History--New 9-12-79, Amended 10-6-82, Formerly 21O-13.09, Amended 8-18-88, 3-28-89, Formerly 21O-13.009, 61F7-5.003, Amended 5-2-95, Formerly 59S-5.003, Amended 7-30-00,_____.

DEPARTMENT OF HEALTH

Board of Nursing

RULE TITLE: RULE NO.:

Citations 64B9-8.003

Disciplinary Guidelines; Range of Penalties; Aggravating and Mitigating Circumstances 64B9-8.006

PURPOSE AND EFFECT: The Board proposes to review the rules to determine whether amendments are necessary.

SUBJECT AREA TO BE ADDRESSED: The proposed rule amendments establish the requirement to correct a citation violation where remediable, and also to update the penalty for unprofessional conduct when no actual injury occurred.

SPECIFIC AUTHORITY: 456.072, 456.077, 456.079, 464.006 FS.

LAW IMPLEMENTED: 456.072, 456.077, 456.079, 464.018 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Dan Coble, Executive Director, Board of Nursing/MQA, 4052 Bald Cypress Way, Bin #C02, Tallahassee, Florida 32399-3252

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B9-8.003 Citations.

(1) No change.

(2) In lieu of the disciplinary procedures contained in Section 456.073, F.S., the Agency may issue a citation to the subject within six months after the filing of the complaint which is basis for the citation. All citations will include a requirement that the respondent correct the violation, if remediable, within a specified period of time and impose whatever obligations will remedy the offense.

(3) through (4) No change.

Specific Authority 456.077, 464.006 FS. Law Implemented 456.077 FS. History--New 1-1-92, Amended 7-6-92, Formerly 21O-10.015, Amended 12-5-93, 5-24-94, Formerly 61F7-8.003, 59S-8.003, Amended 2-18-98, 3-23-00,_____.

64B9-8.006 Disciplinary Guidelines; Range of Penalties; Aggravating and Mitigating Circumstances.

(1) through (2) No change.

(3) The following disciplinary guidelines shall be followed by the Board in imposing disciplinary penalties upon licensees for violation of the noted statutes and rules:

(a) through (o) No change.

(p) Unprofessional conduct in which case actual injury need not be established. (Section 464.018(1)(h), F.S.)

	MINIMUM	MAXIMUM
FIRST OFFENSE	\$250 fine citation	\$500 fine and probation citation
SECOND OFFENSE	\$500 fine	\$750 fine and suspension to be followed by probation
THIRD OFFENSE	\$750 fine and probation	\$1000 fine and suspension to be followed by probation

(q) through (zz) No change.

(4) through (6) No change.

Specific Authority 456.072, 456.079 FS. Law Implemented 456.072, 456.079, 464.018 FS. History--New 2-5-87, Amended 8-12-87, 12-8-87, 11-23-89, 7-28-92, Formerly 21O-10.011, Amended 12-5-93, Formerly 61F7-8.006, Amended 5-1-95, Formerly 59S-8.006, Amended 8-18-98, 7-1-99, 3-23-00, 5-8-00, 5-2-02, 1-12-03,_____.

DEPARTMENT OF HEALTH

Board of Nursing

RULE TITLE: RULE NO.:

Citations 64B9-15.0086

PURPOSE AND EFFECT: The Board proposes a new rule to establish citation violations for certified nursing assistants.

SUBJECT AREA TO BE ADDRESSED: The proposed new rule designates the violations that may be disposed of by citation.

SPECIFIC AUTHORITY: 456.077, 464.006 FS.

LAW IMPLEMENTED: 456.077 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Dan Coble, Executive Director, Board of Nursing/MQA, 4052 Bald Cypress Way, Bin #C02, Tallahassee, Florida 32399-3252

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B9-15.0086 Citations.

(1) "Citation" means an instrument which meets the requirements set forth in Section 456.077, F.S., and which is served upon a licensee for the purpose of assessing a penalty in an amount established by this rule.

(2) In lieu of the disciplinary procedures contained in Section 456.073, F.S., the Department may issue a citation to the subject within six months after the filing of the complaint which is the basis for the citation. All citations will include a requirement that the respondent correct the violation, if remediable, within a specified period of time and impose whatever obligations will remedy the offense.

(3) The Board designates the following as citation violations, which shall result in a penalty of (\$25.00):

(a) False, deceptive or misleading advertising provided no criminal prosecution resulted and no practice issue was involved.

(b) Issuance of a worthless bank check to the Department or to the Board provided the licensee does not continue to practice on an inactive license or the check was not in payment of a Board ordered administrative fine.

(c) Failure to report address change in violation of s. 464.203(6), F.S., provided the licensee was not ordered to do so in a Board disciplinary order.

(d) Improper use of a certified nursing assistant title under s. 464.201(3), F.S., provided no practice issue was involved or no criminal prosecution resulted.

(e) Failure to pay a Board ordered administrative fine by the time ordered, provided payment had been made by the time the citation issues.

(f) Failure to complete a Board ordered inservice education course by the time ordered, provided the course had been completed by the time the citation issues.

(g) Failure when requested to document full compliance with the inservice education requirements, provided that all inservice education courses had been timely completed.

(4) The Board designates the following a citation violation, which shall result in a penalty of \$50.00: First-time failure to complete inservice education hours within the biennium. In addition to the fine, the licensee will be required to complete the number of hours necessary to meet the biennial requirements not completed within 6 months of the issuance of the citation.

Specific Authority 456.077, 464.006 FS. Law Implemented 456.077 FS. History--New _____.

DEPARTMENT OF HEALTH

Board of Speech-Language Pathology and Audiology

RULE TITLE: RULE NO.:

Initial Active Status License Fee 64B20-3.004

PURPOSE AND EFFECT: The Board proposes to review the existing language in this rule to determine if any amendments are necessary.

SUBJECT AREA TO BE ADDRESSED: Standards for approval of continuing education activities and providers.

SPECIFIC AUTHORITY: 468.1145(1) FS.

LAW IMPLEMENTED: 456.036, 468.1145 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: Pamela E. King, Executive Director, Board of Speech-Language Pathology and Audiology, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399

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

DEPARTMENT OF HEALTH

Board of Speech-Language Pathology and Audiology

RULE TITLE: RULE NO.:

Continuing Education as a Condition for Renewal or Reactivation 64B20-6.001

PURPOSE AND EFFECT: The Board proposes to review the existing language in this rule to determine if any amendments are necessary.

SUBJECT AREA TO BE ADDRESSED: Standards for approval of continuing education activities and providers.

SPECIFIC AUTHORITY: 456.013(7), 468.1135(4)(a), 468.1195(1),(3), 468.1205(1) FS.

LAW IMPLEMENTED: 456.013(7), 468.1195(1),(3), 468.1205(1) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Pamela E. King, Executive Director, Board of Speech-Language Pathology and Audiology, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399

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

SUBJECT AREA TO BE ADDRESSED: Subject areas covered in the proposed rule include the application, selection and issuance of Quota Hunt Permits and Special-opportunity Permits.

SPECIFIC AUTHORITY: Article IV, Section 9, Fla. Const.

LAW IMPLEMENTED: Article IV, Section 9, Fla. Const.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Tim Breault, Division of Wildlife, 620 South Meridian Street, Tallahassee, Florida 32399-1600

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS AVAILABLE AT NO CHARGE FROM: JAMES V. ANTISTA, GENERAL COUNSEL, FISH AND WILDLIFE CONSERVATION COMMISSION, 620 SOUTH MERIDIAN STREET, TALLAHASSEE, FLORIDA 32399-1600, (850)487-1764

FISH AND WILDLIFE CONSERVATION COMMISSION

Freshwater Fish and Wildlife

RULE TITLES:	RULE NOS.:
Permits for Hunting or Other Recreational Use on Wildlife Management Areas	68A-9.004
Falconry	68A-9.005
Wildlife Rehabilitation Permit	68A-9.006
Special-use Permits; Short-term Use Permits; Fees; Special-Opportunity Hunting and Fishing	68A-9.007
Permits for Physically Disabled	68A-9.008

PURPOSE AND EFFECT: The purposes and effects of the proposed rule development are to establish or revise provisions associated with recreational use permits and related fees on Wildlife Management Areas; falconry; wildlife rehabilitation permits; special-use permits, short-term use permits, special-opportunity hunting and fishing permits, and any related fees; and permits for the physically disabled.

SUBJECT AREA TO BE ADDRESSED: Subject areas covered in the proposed rule include recreational use permits; falconry; permits for wildlife rehabilitation; special-use permits, short-term use permits, special-opportunity hunting and fishing, and related fees; and permits for the physically disabled.

SPECIFIC AUTHORITY: Article IV, Section 9, Fla. Const.

LAW IMPLEMENTED: Article IV, Section 9, Fla. Const.

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THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Tim Breault, Division of Wildlife, 620 South Meridian Street, Tallahassee, Florida 32399-1600

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FISH AND WILDLIFE CONSERVATION COMMISSION

Freshwater Fish and Wildlife

RULE TITLE:	RULE NO.:
Vehicular Access: Eleven Mile Road, Big Cypress Wildlife Management Area	68A-11.007

PURPOSE AND EFFECT: The purposes and effects of the proposed rule development are to establish or revise provisions for boats and vehicles.

SUBJECT AREA TO BE ADDRESSED: Subject areas covered in the proposed rule include vehicular access in the Big Cypress Wildlife Management Area.

SPECIFIC AUTHORITY: Article IV, Section 9, Fla. Const.

LAW IMPLEMENTED: Article IV, Section 9, Fla. Const.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Tim Breault, Division of Wildlife, 620 South Meridian Street, Tallahassee, Florida 32399-1600

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS AVAILABLE AT NO CHARGE FROM: JAMES V. ANTISTA, GENERAL COUNSEL, FISH AND WILDLIFE CONSERVATION COMMISSION, 620 SOUTH MERIDIAN STREET, TALLAHASSEE, FLORIDA 32399-1600, (850)487-1764

FISH AND WILDLIFE CONSERVATION COMMISSION

Freshwater Fish and Wildlife

RULE TITLES:	RULE NOS.:
Open Season for Taking Game; Bag and Possession Limits	68A-13.001
Migratory Birds; Adoption of Federal Statutes and Regulations	68A-13.002
Hunting Regulations for Ducks, Geese, and Coots	68A-13.003
Open Season for Taking and Bag Limits for Non-Migratory Game and Issuance of Antlerless Deer Permits to Private Landowners	68A-13.004
Hunting on National Wildlife Refuges	68A-13.006
Hunting Regulations on Public Small-Game Hunting Areas	68A-13.007
Hunting Regulations for Migratory Birds Other than Ducks and Coots	68A-13.008

PURPOSE AND EFFECT: The purposes and effects of the proposed rule development are to (1) establish open seasons, bag limits and possession limits for taking game; (2) establish hunting regulations for ducks, geese, coots, and other migratory birds; (3) provide for adoption of Federal statutes and regulations pertaining to migratory birds and hunting on National Wildlife Refuges; (4) establish hunting regulations for public small-game hunting areas; and (5) provide for the issuance of antlerless deer permits to private landowners.

SUBJECT AREA TO BE ADDRESSED: Subject areas covered in the proposed rules include regulations for taking game including waterfowl and other migratory birds, issuance of antlerless deer permits to private landowners, public small-game hunting area regulations, adoption of Federal statutes and regulations, and hunting on National Wildlife Refuges.

SPECIFIC AUTHORITY: Article IV, Section 9, Fla. Const.

LAW IMPLEMENTED: Article IV, Section 9, Fla. Const.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Tim Breault, Division of Wildlife, 620 South Meridian Street, Tallahassee, Florida 32399-1600

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS AVAILABLE AT NO CHARGE FROM: JAMES V. ANTISTA, GENERAL COUNSEL, FISH AND WILDLIFE CONSERVATION COMMISSION, 620 SOUTH MERIDIAN STREET, TALLAHASSEE, FLORIDA 32399-1600, (850)487-1764

FISH AND WILDLIFE CONSERVATION COMMISSION

Freshwater Fish and Wildlife

RULE TITLE:	RULE NO.:
Establishment Orders	68A-14.001

PURPOSE AND EFFECT: The purposes and effects of the proposed rule development is to establish or revise procedures for Commission Establishment Orders that (1) establish land as wildlife management areas, wildlife and environmental areas, refuges, bird sanctuaries, restricted hunting areas, critical wildlife areas, fish management areas, miscellaneous areas, or wild hog areas, (2) adjust acreage of said lands; and (3) make technical changes to Establishment Orders.

SUBJECT AREA TO BE ADDRESSED: The subject area to be addressed is establishment orders for wildlife management areas, wildlife and environmental areas, refuges, bird sanctuaries, restricted hunting areas, critical wildlife areas, fish management areas, miscellaneous areas, or wild hog areas.

SPECIFIC AUTHORITY: Article IV, Section 9, Fla. Const.

LAW IMPLEMENTED: Article IV, Section 9, Fla. Const.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Tim Breault, Division of Wildlife, 620 South Meridian Street, Tallahassee, Florida 32399-1600

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS AVAILABLE AT NO CHARGE FROM: JAMES V. ANTISTA, GENERAL COUNSEL, FISH AND WILDLIFE CONSERVATION COMMISSION, 620 SOUTH MERIDIAN STREET, TALLAHASSEE, FLORIDA 32399-1600, (850)487-1764

FISH AND WILDLIFE CONSERVATION COMMISSION

Freshwater Fish and Wildlife

RULE TITLES:	RULE NOS.:
General Regulations Relating to Wildlife Management Areas	68A-15.004
Quota Permits; Antlerless Deer Permits	68A-15.005
Regulations Relating to Miscellaneous Areas	68A-15.006
Specific Regulations for Wildlife Management Areas – Southwest Region	68A-15.061
Specific Regulations for Wildlife Management Areas – North Central Region	68A-15.062
Specific Regulations for Wildlife Management Areas – Northwest Region	68A-15.063
Specific Regulations for Wildlife Management Areas – South Region	68A-15.064
Specific Regulations for Wildlife Management Areas – Northeast Region	68A-15.065

PURPOSE AND EFFECT: The purposes and effects of the proposed rule development is to (1) establish or revise general regulations relating to Wildlife Management Areas (WMA); (2) establish or adjust hunter quotas for WMAs; (3) establish or modify specific area regulations for WMAs; and (4) adjust hunting season dates on WMAs to conform with proposed 2004-2005 hunting season dates for the appropriate hunting zone.

SUBJECT AREA TO BE ADDRESSED: Subject areas covered in the proposed rules include general regulations, quota hunt permits, hunting season dates and specific area regulations pertaining to WMAs.

SPECIFIC AUTHORITY: Article IV, Section 9, Fla. Const.

LAW IMPLEMENTED: Article IV, Section 9, Fla. Const.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Tim Breault, Division of Wildlife, 620 South Meridian Street, Tallahassee, Florida 32399-1600

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS AVAILABLE AT NO CHARGE FROM: JAMES V. ANTISTA, GENERAL COUNSEL, FISH AND WILDLIFE CONSERVATION COMMISSION, 620 SOUTH MERIDIAN STREET, TALLAHASSEE, FLORIDA 32399-1600, (850)487-1764

FISH AND WILDLIFE CONSERVATION COMMISSION

Freshwater Fish and Wildlife

RULE TITLES:	RULE NOS.:
General Regulations Relating to Wildlife and Environmental Areas	68A-17.004
Specific Regulations on Wildlife and Environmental Areas	68A-17.005

PURPOSE AND EFFECT: The purposes and effects of the proposed rule development is to (1) establish general regulations relating to Wildlife and Environmental Areas (WEA); (2) establish or modify specific area regulations for WEAs; and (3) adjust hunting season dates on WEAs to conform with proposed 2004-2005 hunting season dates for the appropriate hunting zone.

SUBJECT AREA TO BE ADDRESSED: Subject areas covered in the proposed rules include hunting season dates, general regulations and specific area regulations pertaining to WEAs.

SPECIFIC AUTHORITY: Article IV, Section 9, Fla. Const.

LAW IMPLEMENTED: Article IV, Section 9, Fla. Const.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Tim Breault, Division of Wildlife, 620 South Meridian Street, Tallahassee, Florida 32399-1600

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS AVAILABLE AT NO CHARGE FROM: JAMES V. ANTISTA, GENERAL COUNSEL, FISH AND WILDLIFE CONSERVATION COMMISSION, 620 SOUTH MERIDIAN STREET, TALLAHASSEE, FLORIDA 32399-1600, (850)487-1764

FISH AND WILDLIFE CONSERVATION COMMISSION

Freshwater Fish and Wildlife

RULE TITLE:	RULE NO.:
Specific Fish Management Area Regulations	68A-20.005

PURPOSE AND EFFECT: The purpose and effect of the proposed rule development is to establish regulations on specific fish management areas for taking and possessing freshwater fish or other activities such as swimming, use of firearms, or use of boats or other vehicles, that will ensure conservation of freshwater fish populations while providing for realization of their potential aesthetic, recreational, and economic values.

SUBJECT AREA TO BE ADDRESSED: Requirements for taking and possessing freshwater fish.

SPECIFIC AUTHORITY: Article IV, Section 9, Fla. Const.

LAW IMPLEMENTED: Article IV, Section 9, Fla. Const.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Mr. Darrell L. Scovell, Division of Freshwater Fisheries, 620 South Meridian Street, Tallahassee, Florida 32399-1600, (850)488-0331

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS AVAILABLE AT NO CHARGE FROM: JAMES V. ANTISTA, GENERAL COUNSEL, FISH AND WILDLIFE CONSERVATION COMMISSION, 620 SOUTH MERIDIAN STREET, TALLAHASSEE, FLORIDA 32399-1600, (850)487-1764

FISH AND WILDLIFE CONSERVATION COMMISSION

Freshwater Fish and Wildlife

RULE TITLES: RULE NOS.:
Establishment 68A-21.002
General Regulations Relating to Wild Hog Areas 68A-21.004

PURPOSE AND EFFECT: The purposes and effects of the proposed rule development is to establish or revise rule provisions associated with establishment of and general regulation of wild hog areas.

SUBJECT AREA TO BE ADDRESSED: Subject areas covered in the proposed rules include general regulation of wild hog areas.

SPECIFIC AUTHORITY: Article IV, Section 9, Fla. Const.

LAW IMPLEMENTED: Article IV, Section 9, Fla. Const.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Tim Breault, Division of Wildlife, 620 South Meridian Street, Tallahassee, Florida 32399-1600

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS AVAILABLE AT NO CHARGE FROM: JAMES V. ANTISTA, GENERAL COUNSEL, FISH AND WILDLIFE CONSERVATION COMMISSION, 620 SOUTH MERIDIAN STREET, TALLAHASSEE, FLORIDA 32399-1600, (850)487-1764

FISH AND WILDLIFE CONSERVATION COMMISSION

Freshwater Fish and Wildlife

RULE TITLE: RULE NO.:
General Methods of Taking Freshwater Fish 68A-23.002

PURPOSE AND EFFECT: The purpose and effect of the proposed rule development is to provide a forum for the public to provide input on proposed changes relating to general methods of taking freshwater fish.

SUBJECT AREA TO BE ADDRESSED: General methods of taking freshwater fish.

SPECIFIC AUTHORITY: Article IV, Section 9, Fla. Const.

LAW IMPLEMENTED: Article IV, Section 9, Fla. Const.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Mr. Darrell L. Scovell, Division of Freshwater Fisheries, 620 South Meridian Street, Tallahassee, Florida 32399-1600, (850)488-0331

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS AVAILABLE AT NO CHARGE FROM: JAMES V. ANTISTA, GENERAL COUNSEL, FISH AND WILDLIFE CONSERVATION COMMISSION, 620 SOUTH MERIDIAN STREET, TALLAHASSEE, FLORIDA 32399-1600, (850)487-1764

FISH AND WILDLIFE CONSERVATION COMMISSION

Freshwater Fish and Wildlife

RULE TITLE: RULE NO.:
Bag Limits, Length Limits, Open Seasons: Freshwater Fish 68A-23.005

PURPOSE AND EFFECT: The purpose and effect of the proposed rule development is to establish bag limits, length limits, and season dates in order to protect and ensure conservation of freshwater fish populations.

SUBJECT AREA TO BE ADDRESSED: Bag limits, length limits, and season dates for freshwater fish.

SPECIFIC AUTHORITY: Article IV, Section 9, Fla. Const.

LAW IMPLEMENTED: Article IV, Section 9, Fla. Const.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Mr. Darrell L. Scovell, Division of Freshwater Fisheries, 620 South Meridian Street, Tallahassee, Florida 32399-1600, (850)488-0331

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT CAN BE OBTAINED AT NO CHARGE FROM: JAMES V. ANTISTA, GENERAL COUNSEL, FISH AND WILDLIFE CONSERVATION COMMISSION, 620 SOUTH MERIDIAN STREET, TALLAHASSEE, FLORIDA 32399-1600, (850)487-1764

FISH AND WILDLIFE CONSERVATION COMMISSION

Freshwater Fish and Wildlife

RULE TITLE: RULE NO.:
Introduction of Non-Native Aquatic Species in the Waters of the State; Provisions for Sale and Inspection of Fish for Bait or Propagation Purpose; Diseased Fish 68A-23.008

PURPOSE AND EFFECT: The purpose and effect of the proposed rule development is to provide a forum for the public to provide input on proposed changes relating to importation,

selling, possession or transporting of live aquatic species or hybrids, including those species that may be classified as prohibited or restricted.

SUBJECT AREA TO BE ADDRESSED: Importation, selling, possession or transporting of live aquatic species or hybrids.

SPECIFIC AUTHORITY: Article IV, Section 9, Fla. Const.

LAW IMPLEMENTED: Article IV, Section 9, Fla. Const.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Mr. Darrell L. Scovell, Division of Freshwater Fisheries, 620 South Meridian Street, Tallahassee, Florida 32399-1600, (850)488-0331

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT CAN BE OBTAINED AT NO CHARGE FROM: JAMES V. ANTISTA, GENERAL COUNSEL, FISH AND WILDLIFE CONSERVATION COMMISSION, 620 SOUTH MERIDIAN STREET, TALLAHASSEE, FLORIDA 32399-1600, (850)487-1764

FISH AND WILDLIFE CONSERVATION COMMISSION

Freshwater Fish and Wildlife

RULE TITLES:	RULE NOS.:
General Provisions for Taking, Possession and Sale of Reptiles	68A-25.002
Taking and Disposal of Nuisance Alligators Statewide	68A-25.003
Regulations Governing the Operation of Alligator Farms	68A-25.004
Regulations Governing Alligator Egg and Hatchling Collections on Lands Not Included in Alligator Management Programs on Private Lands	68A-25.031
Regulations Governing the Establishment of Alligator Management Programs on Private Lands	68A-25.032
Regulations Governing Statewide Alligator Trapping, Permitting, Taking and Sale	68A-25.042
Regulations Governing the Processing of Alligators and the Sale of Alligator Meat and Parts	68A-25.052

PURPOSE AND EFFECT: The purposes and effects of the proposed rule development are to establish regulations for taking and possessing alligators, eggs, hatchlings, and products that will ensure conservation of alligator populations while providing for realization of their potential aesthetic, recreational, and economic values.

SUBJECT AREA TO BE ADDRESSED: Requirements for taking and possessing alligators and other reptiles.

SPECIFIC AUTHORITY: Article IV, Section 9, Fla. Const.

LAW IMPLEMENTED: Article IV, Section 9, Fla. Const.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Mr. Timothy A. Breault, 620 South Meridian Street, Tallahassee, Florida 32399-1600

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS AVAILABLE AT NO CHARGE FROM: JAMES V. ANTISTA, GENERAL COUNSEL, FISH AND WILDLIFE CONSERVATION COMMISSION, 620 SOUTH MERIDIAN STREET, TALLAHASSEE, FLORIDA 32399-1600, (850)487-1764

FISH AND WILDLIFE CONSERVATION COMMISSION

Freshwater Fish and Wildlife

RULE TITLES:	RULE NOS.:
Killing Endangered Species	68A-27.0011
Procedures for Listing, Delisting and Reclassifying Endangered Threatened and Species of Special Concern	68A-27.0012
Provision for Harassment of Endangered, Threatened and Species of Special Concern on Airport Property	68A-27.002
Designation of Candidate Species; Prohibitions, Permits	68A-27.0021
Designation of Endangered Species; Prohibitions; Permits	68A-27.003
Designation of Threatened Species; Prohibitions, Permits	68A-27.004
Designation of Species of Special Concern; Prohibitions; Permits	68A-27.005
Reward Program	68A-27.006

PURPOSE AND EFFECT: The purpose and effect of the proposed rules is to establish or revise procedures to, add species to, reclassify species, and/or remove species from the Candidate Species, Endangered Species, Threatened Species and Species of Special Concern lists. This effort may also establish or revise regulations pertaining to the species on such lists.

SUBJECT AREA TO BE ADDRESSED: Subject areas covered in the proposed rules include listing, delisting, and reclassifying species to the Candidate Species, Endangered Species, Threatened Species and Species of Special Concern lists.

SPECIFIC AUTHORITY: Article IV, Section 9, Fla. Const.

LAW IMPLEMENTED: Article IV, Section 9, Fla. Const.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Tim Breault, Division of Wildlife, 620 South Meridian Street, Tallahassee, Florida 32399-1600

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS AVAILABLE AT NO CHARGE FROM: JAMES V. ANTISTA, GENERAL COUNSEL, FISH AND WILDLIFE CONSERVATION COMMISSION, 620 SOUTH MERIDIAN STREET, TALLAHASSEE, FLORIDA 32399-1600, (850)487-1764

Section II Proposed Rules

DEPARTMENT OF REVENUE

Corporate, Estate and Intangible Tax

RULE CHAPTER TITLE:	RULE CHAPTER NO.:
Corporate Income Tax	12C-1
RULE TITLES:	RULE NOS.:
Credits for Contributions to Nonprofit Scholarship Funding Organizations	12C-1.0187
Returns; Time and Place for Filing	12C-1.0222
Forms	12C-1.051

PURPOSE AND EFFECT: The purpose of the proposed creation of Rule 12C-1.0187, F.A.C. (Credits for Contributions to Nonprofit Scholarship Funding Organizations), is to provide guidelines for applying for credits for contributions to nonprofit scholarship funding organizations, as provided in Section 220.187(3), F.S.

The purpose of the proposed amendments to Rule 12C-1.0222, F.A.C. (Returns; Time and Place for Filing), is to provide a definition of “just cause” and “reasonable cause” for purposes of granting of extensions of time to file Florida corporate income tax returns.

The purpose of the proposed amendments to Rule 12C-1.051, F.A.C. (Forms), is to: (1) adopt, by reference, changes to the form used by the Department in the administration of the scholarship funding tax credit authorized under section 220.187, F.S.; and (2) remove an obsolete form that is no longer used by the Department.

SUMMARY: The proposed creation of Rule 12C-1.0187, F.A.C. (Credits for Contributions to Nonprofit Scholarship Funding Organizations): (1) provides guidelines on how to apply electronically with the Department for credits for contributions to nonprofit scholarship funding organizations; (2) provides guidelines on how the Department will confirm receipt of an electronic application and notify the applicant of

the amount of the approved credit; (3) provides guidelines for approved contributions and when an approved credit must be used, including any unused credit carried forward; (4) provides when the credit may be conveyed, assigned, or transferred to another entity; and (5) provides that the Department of Education is required to submit an annual list of eligible nonprofit scholarship funding organizations to the Department of Revenue.

The proposed amendments to Rule 12C-1.0222, F.A.C. (Returns; Time and Place for Filing), provide a definition of “just cause” and “reasonable cause” for purposes of granting of extensions of time to file Florida corporate income tax returns.

The proposed amendments to Rule 12C-1.051, F.A.C. (Forms): (1) adopt, by reference, changes to Form F-1160 (Application for Corporate Income Tax Credit for Contributions to Nonprofit Scholarship Funding Organizations); and (2) remove obsolete form F-1120P (Payment Coupon).

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

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

SPECIFIC AUTHORITY: 213.06(1), 220.187, 220.51 FS.

LAW IMPLEMENTED: 213.05, 213.35, 213.755, 220.03(1), 220.11, 220.12, 220.13(1),(2), 220.131, 220.14, 220.15, 220.16, 220.181, 220.182, 220.183, 220.184, 220.1845, 220.185, 220.186, 220.187, 220.1895, 220.19, 220.191, 220.21, 220.211, 220.22, 220.221, 220.222, 220.23, 220.24, 220.241, 220.31, 220.32, 220.33, 220.34, 220.41, 220.42, 220.43, 220.44, 220.51, 220.721, 220.723, 220.725, 220.737, 220.801, 220.803, 220.805, 220.807, 220.809, 221.04 FS.

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

TIME AND DATE: 10:30 a.m., December 18, 2003

PLACE: Room 118, Carlton Building, 501 South Calhoun Street, Tallahassee, Florida

NOTICE UNDER THE AMERICANS WITH DISABILITIES ACT: Any person requiring special accommodations to participate in any rulemaking proceeding before the Technical Assistance and Dispute Resolution Office is asked to advise the Department at least 48 hours before such proceeding by contacting: Larry Green, (850)922-4830. Persons with hearing or speech impairments may contact the Department by using the Florida Relay Service, which can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Robert DuCasse, Tax Law Specialist, Technical Assistance and Dispute Resolution, Department of Revenue, P. O. Box 7443, Tallahassee, Florida 32314-7443, (850)922-4715

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

THE FULL TEXT OF THE PROPOSED RULES IS:

12C-1.0187 Credits for Contributions to Nonprofit Scholarship Funding Organizations.

(1) An Application for Corporate Income Tax Credit for Contributions to Nonprofit Scholarship Funding Organizations (Form F-1160, incorporated by reference in Rule 12C-1.051, F.A.C.) must be filed with the Department to receive such credit. Form F-1160 must be submitted to the Department electronically and is available from the Department's Internet site at www.myflorida.com/dor. When the application for credit has been completed and submitted electronically, a confirmation screen will provide a confirmation number and will confirm receipt of the electronic application for credit. The Department will send written correspondence to the applicant within ten working days regarding the amount of the tax credit approved or the reason the credit could not be approved.

(2) If the nonprofit scholarship funding organization named in the approval letter is unable to accept a contribution, in whole or in part, as a result of its obligations under Section 220.187, F.S., and it provides a written statement declining the contribution, the taxpayer may make the contribution, in whole or in part, to another eligible nonprofit scholarship funding organization. Contributions must be made during the tax year specified in the approval letter.

(3) If a taxpayer receives an approval letter from the Department of Revenue, but fails to make the contribution, no credit is allowed. If a taxpayer receives an approval letter from the Department of Revenue, but makes the contribution to an ineligible organization, or a nonprofit scholarship funding organization does not accept the contribution, no credit is allowed. If the contribution is made outside the tax year for which the credit was approved, no credit is allowed.

(4) A taxpayer is required to make a separate application for each scholarship funding organization it intends to support or any carry forward credit it would like to use. Any credit, including carry forward credits, allocated to a taxpayer cannot be rescinded by the taxpayer or returned to the Department for reallocation to another taxpayer.

(5) If the credit granted pursuant to this section is not fully used in any one year, the unused amount may be carried forward for a period not to exceed three years. Any taxpayer that seeks to carry forward an unused amount of credit must submit Form F-1160 to the Department electronically in the year that the taxpayer intends to use the carry forward amount. The Department will send written correspondence to the applicant within ten working days regarding the amount of carry forward credit that the taxpayer may use or the reason the Department could not approve the use of a carry forward credit.

(6) A taxpayer may not convey, assign, or transfer the credit authorized by this section to another entity unless all of the assets of the taxpayer are conveyed, assigned, or transferred in the same transaction.

(7) The Department and the Department of Education shall develop a cooperative agreement to assist in the administration of this section. The Department of Education shall be responsible for submitting to the Department, by March 15 of each year, a list of eligible nonprofit scholarship funding organizations that meet the eligibility requirements and for monitoring eligibility of nonprofit scholarship funding organizations that meet the eligibility requirements, eligibility of nonpublic schools that meet the requirements, and eligibility of expenditures under this credit provision.

Specific Authority 213.06(1), 220.187, 220.51 FS. Law Implemented 213.05, 213.35, 213.755, 220.03(1), 220.131, 220.187, 220.44 FS. History--New

12C-1.0222 Returns; Time and Place for Filing.

(1) No change.

(2)(a)1. The Process Manager for Taxpayer Services is authorized to grant a reasonable extension or extensions of time, not to exceed 6 months in the aggregate, for filing any required return. If an automatic extension is not permitted because a federal extension has not been requested or is not allowed, the application must contain sufficient facts to establish reasonable cause why the return cannot be filed on or before the original due date. The Department will apply the definition that has been developed through federal case law and Internal Revenue Service Announcements in determining "good cause" and "reasonable cause" for granting extensions of time for filing Florida corporate income tax returns. See, e.g., Internal Revenue Service Announcements 60-90 and 63-113, and United States v. Boyle, 469 U.S. 241, 246 (1985). An extension of time for filing a return does not operate as an extension of time for payment of the tax or any part thereof.

2. through (b) No change.

Specific Authority 213.06(1), 220.51 FS. Law Implemented 220.222, 220.32, 220.801 FS. History--New 10-20-73, Amended 10-8-74, 4-21-75, 3-5-80, 12-18-83, Formerly 12C-1.222, Amended 12-21-88, 12-19-89, 4-8-92, 3-18-96, 3-13-00,

12C-1.051 Forms.

(1)(a) The following forms and instructions are used by the Department in its administration of the corporate income tax and franchise tax. These forms are hereby incorporated by reference in this rule.

(b) No change.

Form Number	Title	Effective Date
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(2) through (7) No change.

(8) F-1120P	Payment Coupon (R-01/02)	08/02
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(9) through (15) renumbered (8) through (14) No change.

~~(15)(16)~~ F-1160 Application for Corporate Income Tax Credit for Contributions to Nonprofit Scholarship Funding Organizations
(R. ~~11/03 01/03~~) _____ ~~06/03~~

(17) through (18) renumbered (16) through (17) No change.

Specific Authority 213.06(1), 220.51 FS. Law Implemented 220.11, 220.12, 220.13(1),(2), 220.14, 220.15, 220.16, 220.181, 220.182, 220.183, 220.184, 220.1845, 220.185, 220.186, ~~220.187~~, 220.1895, 220.19, 220.191, 220.21, 220.211, 220.22, 220.221, 220.222, 220.23, 220.24, 220.241, 220.31, 220.32, 220.33, 220.34, 220.41, 220.42, 220.43, 220.44, 220.51, 220.721, 220.723, 220.725, 220.737, 220.801, 220.803, 220.805, 220.807, 220.809, 221.04 FS. History—New 9-26-77, Amended 12-18-83, Formerly 12C-1.51, Amended 12-21-88, 12-31-89, 1-31-91, 4-8-92, 12-7-92, 1-3-96, 3-18-96, 3-13-00, 6-19-01, 8-1-02, 6-19-03, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Robert DuCasse, Tax Law Specialist, Technical Assistance and Dispute Resolution, Department of Revenue, P. O. Box 7443, Tallahassee, Florida 32314-7443, (850)922-4715

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Rodney Felix, Revenue Program Administrator I, Technical Assistance and Dispute Resolution, P. O. Box 7443, Tallahassee, Florida 32314-7443, (850)922-4111

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: The proposed amendments to Rule Chapter 12C-1, F.A.C. (Corporate Income Tax), were noticed for a rule development workshop in the Florida Administrative Weekly on June 6, 2003 (Vol. 29, No. 23, pp. 2279-2281). A rule development workshop was held on June 24, 2003. No one appeared to provide comment regarding these proposed rule changes. Changes were made by the Department to the proposed amendments to Rule 12C-1.0187, F.A.C. (Credits for Contributions to Nonprofit Scholarship-Funding Organizations), and Rule 12C-1.051, F.A.C. (Forms), regarding the nonprofit scholarship funding tax credit provided in s. 220.187(3), F.S.

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

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

DEPARTMENT OF CORRECTIONS

RULE TITLE: Substance Abuse Program Services – Determination of Need
RULE NO.: 33-507.201

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to update a form incorporated by reference to provide additional information to inmates refusing admission to substance abuse programs.

SUMMARY: The proposed rule revises an incorporated form to provide additional information to inmates refusing admission to substance abuse programs.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None.

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

SPECIFIC AUTHORITY: 397.754, 944.09 FS.

LAW IMPLEMENTED: 397.754, 944.09 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Perri King Dale, Office of the General Counsel, Department of Corrections, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500

THE FULL TEXT OF THE PROPOSED RULE IS:

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

(1) through (4) No change.

(5) If an inmate refuses to participate in mandatory substance abuse program services, the classification officer shall ensure that this refusal is documented on Form DC5-705, ~~Statement of Refusal of Mandatory to Participate in Substance Abuse Program~~ Services. Form DC5-705 is hereby incorporated by reference. Copies of this form are available from the Forms Control Administrator, Office of the General Counsel, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500. The effective date of this form is ~~_____ July 1, 2000~~. Inmates who refuse to participate in mandated substance abuse services shall be subject to disciplinary action.

(a) through (9) No change.

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

NAME OF PERSON ORIGINATING PROPOSED RULE:
 Judy Mears
 NAME OF SUPERVISOR OR PERSON WHO APPROVED
 THE PROPOSED RULE: James V. Crosby, Jr.
 DATE PROPOSED RULE APPROVED BY AGENCY
 HEAD: November 12, 2003
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT
 PUBLISHED IN FAW: October 31, 2003

DEPARTMENT OF CORRECTIONS

RULE TITLE: Use of Force
 RULE NO.: 33-602.210

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to clarify procedures for authorization and supervision of application of chemical agents, video-recording uses of force and post use of force practices.

SUMMARY: The proposed rule provides for the video-recording of all uses of force, clarifies staff responsibilities related to authorization of chemical agents and supervision of chemical agent use, and mandates the showering of inmates after application of chemical agents and examination by medical staff within specific time frames.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None.

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

SPECIFIC AUTHORITY: 944.09 FS.

LAW IMPLEMENTED: 20.315, 944.09, 945.35 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Perri King Dale, Office of the General Counsel, Department of Corrections, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500

THE FULL TEXT OF THE PROPOSED RULE IS:

33-602.210 Use of Force.

(1) No change.

(2) Physical force shall be employed only as a last resort when it reasonably appears that other alternatives are not feasible to control the situation and will not be used solely in response to verbal abuse that does not rise to a level of a disturbance. When the use of force is justified, only that amount and type of force that reasonably appears necessary to accomplish the authorized objective shall be used. All authorized use of force incidents will be video ~~recorded~~ ~~taped~~ in their entirety; ~~except that videotaping the administration of chemical agents is not required for use on an inmate creating a disturbance in his or her cell when the officer is attempting to~~

~~resolve the situation without extracting the inmate from the cell. Videotaping will be initiated after the final exposure to chemical agents if cell extraction or other uses of force are necessary.~~ All spontaneous use of force incidents will be videotaped from the point the video camera operator arrives at the scene. Videotaping shall continue uninterrupted until the incident is under control, the involved inmate is escorted to medical, and the inmate is subsequently returned to secure housing. Videotaping of post use of force medical exams shall be done in such a manner as to provide the privacy needed for the exam. If it is necessary to transport the inmate to an outside facility for treatment or to another department facility for secure housing purposes, videotaping shall continue until the inmate is loaded and secured in the transport vehicle.

(3) through (4) No change.

(5) The warden or, in his absence, the duty warden will be consulted and give her or his permission prior to use of physical force. In spontaneous use of force incidents when circumstances do not permit prior approval, the warden or duty warden will be notified immediately following any use of force incident. Whenever force is authorized, the employee who was responsible for making the decision to use force pursuant to subsection (1) shall prepare, date and sign the Authorization For Use of Force Report, Form DC6-232 either during, or immediately after, the tour of duty when force was used. If the authorization for force is given after normal working hours, the person authorizing the force shall complete and sign Form DC6-232 within one working day (Monday through Friday) following the incident. Form DC6-232 is incorporated by reference in subsection (20) of this rule.

(6) through (13) No change.

(14) Use of Chemical Agents.

(a) through (b) No change.

(c) In controlled situations when time constraints are not an issue, chemical agents can only be used if authorized by the warden or, in his or her absence, the duty warden. Additionally, in accordance with paragraph (k) below, certified correctional staff will be designated by the warden to carry chemical agents and will be pre-authorized to administer chemical agents in instances where chemical agents must be used for intervention in self-defense, i.e., when the officer believes that he or she is in imminent threat of bodily harm or that the use of chemical agents will prevent injury to other staff, visitors, volunteers or inmates.

(d) through (l) No change.

(m) Procedure for the use of chemical agents on disruptive inmates under controlled conditions:

1. No change.

2. If the confinement or close management lieutenant or shift supervisor's efforts to control the disorderly inmate have failed and the use of chemical agents is the least level of force that can be expected to successfully gain control of the disruptive inmate while minimizing the risk of injuries to all involved, the shift supervisor shall:

- a. No change.
- b. Contact the warden or, in his or her absence, the warden and request authorization to utilize chemical agents.
- 3. Prior to using chemical agents, the inmate again shall be counseled with by the OIC concerning his behavior.
 - a. If this attempt to counsel with the inmate is unsuccessful, the inmate will be given a final order by the OIC staff to cease his actions. The inmate will also be informed at this time that chemical agents will be administered if he continues his disruptive behavior.
 - b. through e. No change.
 - f. Except in cases of extreme emergency as determined by the warden or duty warden, the confinement or close management lieutenant or the shift supervisor shall counsel with, issue the final order, and be present during the administering of chemical agents. If the OIC is unavailable, the OIC shall provide a written explanation as to why he was not available to supervise the administration of chemical agents.

(n) Medical Requirements. Once the inmate is compliant, he shall be showered as soon as possible but not later than 20 minutes after final application of chemical agents. The inmate shall be examined by medical immediately after showering. All inmates shall be examined by medical staff as soon as possible after the chemical agent has been used but not more than one hour after the first exposure, except in cases of emergency where this may not be possible. In each instance a DC4-701C, Emergency Room Record, shall be completed in its entirety with applicable data, or the letters N/A used to indicate not applicable. If an injury is claimed or found to exist, Form DC4-708, Diagram of Injury, shall also be completed in its entirety with applicable data, or the letters N/A used to indicate not applicable. In each case, the examination shall be complete and result in a clear statement by the medical provider that there is or is not an injury, and the record shall provide sufficient documentation to support that conclusion. In those cases where an injury is claimed but not substantiated by medical examination, the statement shall indicate that, and the documentation shall be sufficient to support that no injury was found upon examination. Medical staff shall, upon completing the medical examination, make a mental health referral for each inmate who is classified S-2 or S-3 on the health profile. The referral shall be made by completing Form DC4-529, Staff Request/Referral, and sending it to mental health staff. Form DC4-529 is incorporated by reference in subsection (20) of this rule. Mental health staff shall evaluate the inmate not later than the next working day, to determine whether a higher level of mental health care (isolation management, transitional or crisis stabilization) is indicated.

- (o) No change.
- (p) Inmates exposed to chemical agents shall be ordered by the OIC ~~allowed and encouraged~~ to shower and change both inner and outer wear within 20 minutes after exposure for decontamination purposes.

- 1. If an inmate refuses to shower or change, the refusal shall result in a disciplinary report and be documented:
 - a. On Form DC6-210, Incident Report, by the shift supervisor, ~~if the inmate is in general population;~~
 - b. through c. No change.
 - 2. In the event the inmate refuses to shower or change, staff shall advise the medical staff member who is responsible for examining the inmate following the use of force of this refusal and medical staff shall immediately report to the area to conduct a cell-front examination and to explain the importance of showering after exposure to chemical agents, except in case of emergency which shall be documented.
 - 3. The OIC shall again order the inmate to shower. If the inmate refuses again, this refusal shall also be documented in writing and witnessed by the OIC and medical staff.
 - 4. If medical staff determine that there is no immediate medical need for the inmate to shower, then for the next 2 hours the inmate shall be checked every 30 minutes and given the opportunity to shower. These checks shall be documented on Form DC6-229, Daily Record of Segregation.
 - 5. If health services staff determine that a medical need requires the inmate to be showered, the provisions of subsection 33-602.210(10), F.A.C., shall be followed to shower the inmate and move him to a decontaminated cell.
- (15) through (20) No change.

Specific Authority 944.09 FS. Law Implemented 20.315, 944.09, 944.35 FS. History--New 4-8-81, Amended 10-10-83, 9-28-85, Formerly 33-3.066, Amended 3-26-86, 11-21-86, 4-21-93, 7-26-93, 11-2-94, 2-12-97, 11-8-98, Formerly 33-3.0066, Amended 10-6-99, 2-7-00, 7-25-02, 8-25-03, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Michael Rathmann
NAME OF SUPERVISOR OR PERSON WHO APPROVED
THE PROPOSED RULE: James V. Crosby, Jr.
DATE PROPOSED RULE APPROVED BY AGENCY
HEAD: November 9, 2003
DATE NOTICE OF PROPOSED RULE DEVELOPMENT
PUBLISHED IN FAW: October 10, 2003

DEPARTMENT OF CORRECTIONS

RULE TITLES: ADMINISTRATIVE CONFINEMENT
PROTECTIVE MANAGEMENT
DISCIPLINARY CONFINEMENT
PURPOSE AND EFFECT: The purpose and effect of the proposed rules is to clarify definitions of terms related to confinement statuses, incorporate new forms, correct staff titles, clarify provisions related to conditions and privileges in confinement statuses, clarify responsibilities of staff working in confinement units, and delete obsolete language.
SUMMARY: The proposed rules clarify definitions of terms related to confinement statuses, incorporate new forms, correct staff titles, clarify provisions related to conditions and

privileges in confinement statuses, clarify responsibilities of staff working in confinement units, and delete obsolete language.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None.

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

SPECIFIC AUTHORITY: 944.09 FS.

LAW IMPLEMENTED: 20.315, 944.09, 944.34, 945.04 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: Perri King Dale, Office of the General Counsel, Department of Corrections, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500

THE FULL TEXT OF THE PROPOSED RULES IS:

33-602.220 Administrative Confinement.

(1) Definitions.

(a) through (n) No change.

(o) Major rule violation – for the purposes of this rule only, means any assault, battery or attempted assault or battery; any spoken or written threat towards any person; inciting or attempting to incite or participating in any riot, strike, mutinous act or disturbance; fighting; possession of weapons, ammunition, explosives or escape paraphernalia; and any escape or escape attempt.

(2) No change.

(3) Reasons for Placement in Administrative Confinement with time limits. Placement of an inmate in administrative confinement is authorized for the following reasons:

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

2. If the inmate submits a request for release in writing at any time during the ICT review or investigation process, the ~~area~~ housing supervisor shall provide the inmate with a Form DC6-203, Protection Waiver/Appeal Decision Form. Form DC6-203 is incorporated by reference in subsection (11) of this rule. The inmate shall complete Form DC6-203 and return it to the ~~area~~ housing supervisor for submission to the ICT along with the inmate's written request.

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

(4) Administrative Confinement Facilities.

(a) The number of inmates housed in an administrative confinement cell shall not exceed the number of bunks in the cell. The only exception to this policy is during an emergency situation as declared by the warden or duty warden. The regional director of institutions and the emergency action center in central office shall be advised of the emergency. If the emergency situation exists in excess of 24 hours, the

warden or duty warden must get specific written authorization from the regional director of institutions to continue to house inmates beyond the 24-hour period. Prior to placing inmates in the same cell, the inmates will be interviewed by the housing supervisor to ensure that none of the inmates constitute a threat to any of the others.

(b) through (d) No change.

(5) Conditions and Privileges.

(a) Clothing – Inmates in administrative confinement shall be provided the same clothing and clothing exchange as the general inmate population unless there are facts to suggest that on an individual basis exceptions are necessary for the welfare of the inmate or the security of the institution. In such cases, the exceptions shall be documented on Form DC6-229 and approved by the chief of security. Shower slides may be substituted for regulation shoes. Any item may be removed from the cell in order to prevent the inmate from inflicting injury to himself or herself or others or to prevent the destruction of property or equipment. If an inmate's clothing is removed, a modesty garment shall be immediately obtained and given to the inmate. If the inmate chooses not to wear the garment, the garment shall be left in the cell and this action shall be documented on Form DC6-229. Under no circumstances shall an inmate be left without a means to cover himself or herself.

(b) Bedding and linen – Bedding and linen for those in administrative confinement shall be issued and exchanged the same as is provided to the general inmate population. Any exceptions shall be based on potential harm to individuals or a threat to the security of the institution. The shift ~~supervisor officer in charge~~ or the confinement lieutenant must approve the action initially. Such exceptions shall be documented on Form DC6-229 and the Chief of Security shall make the final decision in regard to the appropriateness of the action no later than the next working day following the action.

(c) through (e) No change.

(f) Diet and Meals – All inmates in administrative confinement shall receive normal institutional meals as are available to the general inmate population except that if any item on the normal menu might create a security problem in the confinement area, then another item of comparable quality shall be substituted. Utilization of the special management meal is authorized for any inmate in administrative confinement who uses food or food service equipment in a manner that is hazardous to him or herself, staff, or other inmates. The issuance of a special management meal shall be in accordance with Rule 33-602.223, F.A.C. Any deviation from established meal service or substitutions shall be documented on the Daily Record of Segregation, Form DC6-229.

(g) through (o) No change.

(p) Exercise – Those inmates confined on a 24-hour basis excluding showers and clinic trips may exercise in their cells. However, if confinement extends beyond a 30-day period, an exercise schedule shall be implemented to ensure a minimum of three hours per week of exercise out of doors. Such exercise periods shall be documented on Form DC6-229. The ICT is authorized to restrict exercise for an individual inmate only when the inmate is found guilty of a major rule violation. ~~In this instance, a major rule violation is defined as: any assault, battery or attempted assault or battery; any spoken or written threat towards any person; inciting, attempting to incite or participating in any riot, strike, mutinous act or disturbance; fighting; possession of weapons, ammunition, explosives or escape paraphernalia; escape or escape attempt.~~ Inmates shall be notified in writing of this decision and may appeal through the grievance procedure. The denial of exercise shall be for no more than 15 days per incident and for no longer than 30 days in cumulative length. If the inmate requests a physical fitness program handout, the wellness specialist or the confinement officer shall provide the inmate with an in-cell exercise guide and document such on the Daily Record of Segregation, Form DC6-229. Medical restrictions can also place limitations on the exercise periods. A disabled inmate who is unable to participate in the normal exercise program will have an exercise program developed for him or her that will accomplish the need for exercise and take into account the particular inmate's limitations. Recreational equipment may be available for the exercise period provided such equipment does not compromise the safety or security of the institution. The reasons for any exercise restrictions shall be documented on the Daily Record of Segregation, Form DC6-229.

(q) No change.

(6) Restraint and Escort Requirements.

(a) through (e) No change.

(f) Any inmate who has demonstrated behavior that is or could be harmful to himself or herself shall be designated as a special risk inmate. If the inmate demonstrates bizarre, mentally disordered, or self-destructive behavior, the medical department shall be immediately contacted to determine if special watch or suicide watch procedures shall be initiated. Suicidal inmates shall be removed to a designated area where a correctional officer or health care staff provides observation. Visual checks shall be made in accordance with medical protocols or at least every 30 minutes and shall be documented on Form DC4-650, Observation Checklist, until the inmate is no longer considered a special risk inmate. All actions taken by staff with regard to special risk inmates shall be documented on Form DC6-229 and followed with an Incident Report, Form DC6-210. Form DC6-210 is incorporated by reference in Rule 33-602.210, F.A.C. Form DC4-650 is incorporated by reference in (11) of this rule.

(g) No change.

(7) Visits to Administrative Confinement. The following staff members shall be required to officially inspect and tour the administrative confinement unit. All visits by staff shall be documented on the Inspection of Special Housing Record, Form DC6-228. Form DC6-228 is incorporated by reference in subsection (11) of this rule. The staff member shall also document his or her visit on the Daily Record of Segregation, Form DC6-229, if any discussion of significance, action or behavior of the inmate occurs or any important information is obtained which may have an influence or effect on the status of confinement. These visits shall be conducted at a minimum of:

(a) No change.

(b) Daily by the ~~area~~ housing supervisor.

(c) Daily by the shift supervisor officer in charge on duty for all shifts except in case of riot or other institutional emergency.

(d) through (8) No change.

(9) Administrative Confinement Records.

(a) A Daily Record of Segregation, Form DC6-229, shall be maintained for each inmate as long as the inmate is in administrative confinement. The DC6-229 shall be utilized to document any activity such as cell searches, items removed, showers, recreation, haircuts and shaves and also unusual occurrences such as refusal to come out of a cell or refusal to eat. If items that inmates in administrative confinement are not prohibited from possessing are denied or removed from the inmate, the shift supervisor officer in charge or the confinement lieutenant must approve the action initially. The central office ADA coordinator shall be contacted within 24 hours if any item is removed that would be considered an auxiliary aid or device that ensures a disabled inmate an equal opportunity as a non-disabled inmate. The items denied or removed shall be documented on Form DC6-229 and the Chief of Security shall make the final decision in regard to the appropriateness of that action no later than the next working day following the action. The housing supervisor supervising officer shall make a notation of any unusual occurrences or changes in the inmate's behavior and any action taken. Changes in housing location or any other special action shall also be noted. The DC6-229 shall be maintained in the housing unit area for 30 days, at which time the form shall be forwarded to the ICT for review. Once reviewed, these forms shall be forwarded to classification to be filed in the institutional inmate record.

(b) A Daily Record of Segregation – Supplemental, Form DC6-229B, shall be completed and attached to the current Daily Record of Segregation, Form DC6-229, whenever additional written documentation is required concerning an event or incident related to the specific inmate. Form DC6-229B is incorporated by reference in subsection (11) of this rule.

~~(c)~~(b) An Inspection of Special Housing Record, Form DC6-228, shall be maintained in each administrative confinement ~~unit area~~. Each staff person shall sign such record when entering and leaving the confinement ~~unit area~~. Prior to leaving the confinement ~~unit area~~, each staff member shall indicate any specific problems including any inmate who requires special attention. No other unit activities shall be recorded on Form DC6-228. Upon completion, the DC6-228 shall be maintained in the housing ~~unit area~~ and forwarded to the Chief of Security on a weekly basis where it shall be maintained on file pursuant to the current retention schedule. Form DC6-228 is incorporated by reference in (11) of this rule.

(d) A Housing Unit Log, Form DC6-209, shall be maintained in each confinement unit. Officers shall record all daily unit activities on Form DC6-209, to include any special problems or discrepancies noted. The completed Form DC6-209 shall be forwarded daily to the chief of security for review. Form DC6-209 is incorporated by reference in subsection (11) of this rule.

(10) Staffing Issues.

(a) No change.

(b) The Inspector General shall notify the warden and regional director of institutions of any officer involved in eight or more use of force incidents in an 18-month period. The regional director of institutions shall review the circumstances for possible reassignment.

(11) Forms. The following forms referenced in this rule are hereby incorporated by reference. A copy of any of these forms may be obtained from the Forms Control Administrator, Office of the General Counsel, Department of Corrections, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500.

(a) through (g) No change.

(h) Form DC6-229B, Daily Record of Segregation – Supplemental, effective

(i) Form DC6-209, Housing Unit Log, effective

Specific Authority 944.09 FS. Law Implemented 20.315, 944.09, 945.04 FS. History—New 4-7-81, Amended 6-23-83, 3-12-84, Formerly 33-3.081, Amended 4-22-87, 8-27-87, 7-10-90, 12-4-90, 3-24-97, 4-26-98, 10-5-98, Formerly 33-3.0081, Amended 2-12-01, 2-5-02, 1-19-03, _____.

33-602.221 Protective Management.

(1) Definitions.

(a) through (p) No change.

(q) Major Rule Violation, for the purposes of this rule only, means any assault, battery or attempted assault or battery; any spoken or written threat towards any person; inciting, attempting to incite or participating in any riot, strike, mutinous act or disturbance; fighting; possession of weapons, ammunition, explosives or escape paraphernalia; and any escape or escape attempt.

(2) No change.

(3) Protective Management Facilities.

(a) The number of inmates housed in protective management housing units shall not exceed the number of beds in the cell. Exceptions may be made during an emergency situation as approved by the warden or duty warden, but such exceptions shall not continue for more than 24 hours without the specific written authorization of the regional director of institutions. Prior to placing inmates in the same cell, a determination shall be made by the housing supervisor that none of the inmates constitute a threat to any of the others and document such on Form DC6-235, Record of Protective Management.

(b) through (d) No change.

(4) Conditions and Privileges.

(a) Clothing – Inmates may wear shower slides or personal canvas shoes while in their housing units, but regulation shoes shall be required for work assignments. Otherwise the clothing for inmates in protective management shall be the same as that issued and exchanged to the general inmate population except when there is an indication of a security or health problem or when additional clothing is required for a work assignment. In such cases the exceptions shall be documented on Form DC6-235, Record of Protective Management, and approved by the chief of security. Any item may be removed from the cell in order to prevent the inmate from inflicting injury to himself or herself or others, to prevent the destruction of property or equipment, or to prevent the inmate from impeding security staff from accomplishing functions essential to the unit and institutional security. If an inmate's clothing is removed, a modesty garment shall be immediately obtained and given to the inmate. If the inmate chooses not to wear the garment, the garment shall be left in the cell and this action shall be noted on Form DC6-235, Record of Protective Management, stating the reasons for such denial. Under no circumstances will an inmate be left without a means to cover himself or herself.

(b) Bedding and linen – Bedding and linen shall be issued and exchanged for protective management inmates the same as for the general inmate population. Any exceptions shall be based on potential harm to individuals or a threat to the security of the institution. The shift ~~supervisor officer in charge~~ or the confinement lieutenant must approve the action initially. Such exceptions shall be documented on Form DC6-235 Record of Protective Management, and the chief of security shall make the final decision in regard to the appropriateness of the action no later than the next working day following the action.

(c) through (e) No change.

(f) Diet and Meals – Inmates in protective management shall be fed in the dining room unless individual circumstances adversely affecting the safety of a particular inmate preclude dining room feeding for the inmate. If particular security reasons as determined by institution staff prevent dining room feeding, the inmate's meal shall be served in the day room or the inmate's cell. Inmates in protective management shall

receive normal institutional meals as are available to the general population, except that if any item on the normal menu might create a security problem for a particular inmate, then another item of comparable quality shall be substituted. Any deviation from established meal service or substitutions shall be documented on the Record of Protective Management, Form DC6-235.

(g) through (o) No change.

(p) Exercise – an exercise schedule shall be implemented to ensure a minimum opportunity of three hours per week of exercise out of doors. The ICT is authorized to restrict exercise for an individual inmate when the inmate is found guilty of a major rule violation. ~~In this instance, a major rule violation is defined as: any assault, battery or attempted assault or battery; any spoken or written threat towards any person; inciting, attempting to incite or participating in any riot, strike, mutinous act or disturbance; fighting; possession of weapons, ammunition, explosives or escape paraphernalia; escape or escape attempt.~~ Inmates shall be notified in writing of this decision and may appeal through the grievance procedure. The denial of exercise shall be for no more than 15 days per incident and for no longer than 30 days in cumulative length. If the inmate requests a physical fitness program handout, the wellness specialist or the housing officer shall provide the inmate with an in-cell exercise guide and document such on the Record of Protective Management, Form DC6-235. Form DC6-235 is incorporated by reference in subsection (10) of this rule. Medical restrictions may also place limitations on exercise periods. A disabled inmate who is unable to participate in the normal exercise program will have an exercise program developed for him or her that will accomplish the need for exercise and take into account the particular inmate's limitations. Similar recreational equipment shall be available as is available for general population inmates for the exercise period provided that such equipment does not compromise the safety or security of the institution. The reasons for any exercise restrictions shall be documented on the Report of Protective Management, Form DC6-235.

(q) No change.

(r) Self-improvement programs – Self-improvement programs shall be available in their housing unit area, or in separate locations within the institution that conform with the need for security. Self-improvement programs include academic education, vocational training, correspondence courses or self-directed study activities, religious activities, quiet activities or letter writing.

(s) through (6) No change.

(7) Contact by Staff.

(a) The following staff members shall be required to officially inspect and tour the protective management unit. All visits by staff shall be documented on Form DC6-228, Inspection of Special Housing Record. The staff member shall also document his or her visit on the Record of Protective

Management, Form DC6-235, if, during the visit by staff, any discussion of significance, action or behavior of the inmate occurs or any information is obtained which may have an effect on the status of protective management. These visits shall be conducted at a minimum of:

1. No change.

2. Daily by the ~~area~~ housing supervisor.

3. Daily by the ~~shift supervisor officer in charge~~ on duty for all shifts except in case of riot or other institutional emergency.

4. through 9. No change.

(b) Any inmate who has demonstrated behavior that is or could be harmful to himself or herself shall be designated as a special risk inmate. If the inmate demonstrates bizarre, mentally disordered, or self-destructive behavior, the medical department shall be immediately contacted to determine if special watch or suicide watch procedures shall be initiated. Suicidal inmates shall be removed to a designated area where a correctional officer or health care staff provides observation. Visual checks shall be made in accordance with medical protocols or at least every 30 minutes and shall be documented on Form DC4-650, Observation Checklist, until the inmate is no longer considered a special risk inmate. All actions taken by staff with regard to special risk inmates shall be documented on Form DC6-229, Daily Record of Segregation, and followed with an Incident Report, Form DC6-210. Form DC6-229 and Form DC4-650 are ~~is~~ incorporated by reference in subsection 33-602.220(11), F.A.C.

(8) No change.

(9) Protective Management Records.

(a) No change.

(b) An Inspection of Special Housing Record, Form DC6-228 shall be maintained in each protective management unit area. Form DC6-228 is incorporated by reference in subsection (11) of Rule 33-602.220, F.A.C. Each staff person shall sign the record when entering and leaving the protective management unit area. Prior to leaving the protective management unit area, each staff member will indicate any specific problems including any inmate who requires medical attention. No other unit activities shall be recorded on Form DC6-228.

(c) A Record of Protective Management, Form DC6-235 shall be maintained for each inmate as long as the inmate is in protective management. Once the inmate is released from protective management, Form DC6-235 will be forwarded to classification to be filed in the institutional inmate record. This form shall be used to record any action, remarks or disposition made on a specific inmate. Notations shall be made on Form DC6-235 by medical staff, the ICT, the SCO or other staff dealing directly with the inmate. If items are denied or removed from the inmate, the senior correctional officer on duty must approve the action. The central office ADA coordinator will be contacted within 24 hours if any item is

removed that would be considered an auxiliary aid or device that ensures a disabled inmate of equal opportunity as a non-disabled inmate. The items denied or removed will be documented on the Form DC6-235 and the chief of security will make the final decision in regard to the appropriateness of that action no later than the next working day following this action. The housing supervisor supervising officer will document any unusual occurrences or changes in the inmate's behavior and any action taken. Changes in housing location or any other special action will also be documented.

(d) A Housing Unit Log, Form DC6-209, shall be maintained in each protective management unit. Officers shall record all daily unit activities on Form DC6-209, to include any special problems or discrepancies noted. The completed Form DC6-209 shall be forwarded daily to the chief of security for review. Form DC6-209 is incorporated by reference in Rule 33-602.220, F.A.C.

(10) No change.

Specific Authority 944.09 FS. Law Implemented 20.315, 944.09, 944.34, 945.04 FS. History—New 6-23-83, Formerly 33-3.082, Amended 3-12-84, 7-10-90, 12-4-90, 4-26-98, Formerly 33-3.0082, Amended 2-12-01, 1-19-03,

33-602.222 Disciplinary Confinement.

(1) Definitions.

(a) through (k) No change.

(l) State Classification Office (SCO) refers to a staff member at the central office level responsible for the review of inmate classification decisions including approving, modifying or rejecting ICT recommendations.

(m) Major rule violation – for the purposes of this rule only, means any assault, battery or attempted assault or battery; any spoken or written threat towards any person; inciting, attempting to incite or participating in any riot, strike, mutinous act or disturbance; fighting; possession of weapons, ammunition, explosives or escape paraphernalia; and any escape or escape attempt.

(n) Housing supervisor – the correctional officer sergeant, or above, who is in charge of the disciplinary confinement unit for a particular shift.

(2) Placement in Confinement.

(a) No change.

(b) ~~Inmates placed in~~ Disciplinary confinement cells shall be physically placed in cells separate from other confinement statuses whenever possible. Whenever such location is not possible, physical barriers shall preclude the cross association of those in disciplinary confinement with those in other housing statuses. The disciplinary confinement cells shall be approximately the same square footage as utilized for general population. Disciplinary confinement units shall be built to permit verbal communication and unobstructed observation by staff. Visual inspections shall be conducted of each cell, to include at a minimum, observations for clothes lines, pictures attached to the walls and lockers, windows or

light fixtures covered with paper, clothes or towels, and air and heater vents that have been obstructed. When sufficient natural light is unavailable, interior cell lights shall be left on during day and evening hours.

(3) Disciplinary Confinement Cells.

(a) Inmates shall not be housed in disciplinary confinement cells in greater number than there are beds in the cells. The only exception to this policy is during an emergency situation as declared by the warden or duty warden. Any emergency situation shall be communicated to the regional director of institutions and to the Emergency Action Center in the central office. If this exception exists in excess of 24 hours, the warden or duty warden must get specific written authorization from the regional director of institutions to continue to house inmates beyond the 24-hour period in such conditions. Prior to placing inmates in the same cell, the inmates shall be interviewed by the housing supervisor to ensure that none of the inmates constitute a threat to any of the others.

(b) All disciplinary confinement cells shall be equipped with toilet facilities and running water for drinking and other sanitary purposes. Water in the cell can be turned off by correctional staff due to an inmate's inappropriate behavior that causes an interruption in the water system or the intentional misuse of water for an unauthorized purpose. In such event, the inmate occupant will be furnished an adequate supply of drinking water by other means to prevent dehydration. These actions shall be documented on Form DC6-229, Daily Record of Segregation. Form DC6-229 has been incorporated by reference in subsection 33-602.220(11)(10), F.A.C.

(c) Prior to the inmate's placement into, and after the inmate's removal from, a disciplinary confinement cell, the cell shall be thoroughly inspected to ensure that it is in proper order and the inmate housed in that cell will then be held responsible for the condition of the cell. The correctional officer conducting the inspection shall complete and sign Form DC6-221, Cell Inspection, attesting to the condition of the cell. Form DC6-221 is incorporated by reference in Rule 33-602.220(10), F.A.C. Routine searches of each cell are authorized at any time, but shall be conducted, at a minimum, each time an inmate is removed from the cell for a shower. All searches shall be documented on Form DC6-229, Daily Record of Segregation. All inmates shall be searched prior to entering the confinement unit and upon departure. All items entering the confinement unit shall be thoroughly searched, to include at a minimum, food carts and trays, laundry and linens, and inmate property.

(d) Each confinement cell shall provide for a minimum of twenty foot-candles of light, including natural lighting.

~~(d)(e)~~ The officers assigned shall exercise care shall be exercised to maintain noise levels in confinement units at a reasonable level so as not to interfere with normal operating activities.

(4) Conditions and Privileges.

(a) Clothing. Inmates in disciplinary confinement shall be provided the same clothing and clothing exchange as the general inmate population. Exceptions shall be made on an individual basis when evidence suggests it would be in the best interest of the inmate or security of the institution. In such cases, the exceptions shall be noted on the Daily Record of Segregation, Form DC6-229, and approved by the chief of security. Shower slides may be substituted for regulation shoes. Any item may be removed from the cell in order to prevent the inmate from inflicting injury to himself or herself or to others or to prevent the destruction of property or equipment. If an inmate's clothing is removed, a modesty garment shall be immediately obtained and given to the inmate. If the inmate chooses not to wear the garment, the garment shall be left in the cell and this action shall be documented on Form DC6-229. Under no circumstances shall an inmate be left without a means to cover himself or herself.

(b) through (e) No change.

(f) Diet and Meals. Inmates in disciplinary confinement shall receive meals representative of the food served to the general population, but not necessarily a choice of every item. Any food item that might create a security problem in the confinement ~~unit area~~ shall be replaced with another item of comparable quality and quantity. Utilization of the special management meal is authorized for any inmate in disciplinary confinement who uses food or food service equipment in a manner that is hazardous to him or herself, staff, or other inmates. The issuance of a special management meal shall be in accordance with Rule 33-602.223, F.A.C. Any deviation from established meal service or substitutions shall be documented on the Daily Record of Segregation, Form DC6-229.

(g) Canteen Items. Inmates shall be prohibited from purchasing canteen items while in disciplinary confinement. However, non-indigent inmates shall be allowed to purchase stamps, envelopes, security pens and paper for preparation of legal documents, including inmate grievances, and for mail to notify visitors of his or her confinement status.

(h) through (j) No change.

(k) Legal Access.

1. No change.

2. Indigent inmates shall be provided paper, envelopes, and security pens writing utensils in order to prepare legal papers or notify visitors of confinement status. Typewriters or typing services are not required items and shall not be permitted in disciplinary confinement. However, an inmate with disabilities that hinder the preparation of legal correspondence will be allowed the use of auxiliary aids

(writer/reader). An inmate who is provided an auxiliary aid shall also be allowed access to a certified law clerk for the purpose of preparing legal documents, legal mail or filing a grievance.

(l) through (m) No change.

(n) Writing utensils. Inmates in disciplinary confinement shall possess only one security pen. Inmates who are in possession of working pens or pencils when placed in disciplinary confinement shall be issued a security pen. Inmates who are not indigent must purchase additional security pens when needed from the canteen. If no security pens are available, the inmate shall be allowed to sign out a regular pen from the confinement housing officer. All care shall be taken to ensure that an indigent inmate who requests a pen has access to a pen for a time period sufficient to prepare legal documents or legal mail, to file a grievance, or to notify family of confinement status. An inmate who has been provided a "writer/reader" shall be allowed access to such for the purpose of reading or preparing correspondence.

(o) Reading Material. ~~Reading materials, including~~ Scriptural and devotional reading materials and books that are in compliance with admissibility requirements in Rule 33-501.401, F.A.C., shall be permitted for those inmates in disciplinary confinement units unless there is an indication of a threat to the safety, security or sanitation of the institution. If it is determined that there is a safety, security or sanitation risk, the items will be removed. Such removal of reading materials shall be documented on Form DC6-229 in accordance with paragraph (9)(b) (8)(e) of this rule. An inmate who receives services from the Bureau of Braille and Talking Book Library shall be allowed to have their tape players and devotional and scriptural materials that are in compliance with this rule.

(p) Exercise.

1. through 2. No change.

3. The ICT is authorized to restrict exercise for an individual inmate only when the inmate is found guilty of a major rule violation. ~~In this instance, a major rule violation is defined as: any assault, battery, attempted assault or battery; any spoken or written threat towards any person; inciting, attempting to incite or participating in any riot, strike, mutinous act or disturbance; fighting; possession of weapons, ammunition, explosives or escape paraphernalia; escape or escape attempt.~~ Inmates shall be notified in writing of this decision and may appeal through the grievance procedure. The denial of exercise shall be no more than 15 days per incident and for no longer than 30 days cumulative length and shall be documented on Form DC6-229, Daily Record of Segregation. Exceptions to this restriction may be made only when documented facts show that such exercise periods should not be granted. Restrictions may also be placed on the exercise periods by professional medical staff. A disabled inmate who is unable to participate in the normal exercise program will have an exercise program developed for him or her that will

accomplish the need for exercise and take into account the particular inmate's limitations. The reasons for any exercise restrictions shall be documented on the Daily Record of Segregation, Form DC6-229.

(q) No change.

(r) If items of clothing, bedding or property are removed in order to prevent the inmate from inflicting injury to himself or herself or others, ~~or~~ to prevent destruction of property or equipment, or to prevent the inmate from impeding security staff from accomplishing functions essential to the unit and institutional security, staff shall re-assess the need for continued restriction every 72 hours thereafter. The warden, based on this assessment, will make the final determination on the continued denial or return of the items. The items will be returned to the inmate when no further behavior or threat of behavior of the type leading to the restriction has occurred.

(5) Restrictions.

(a) No change.

(b) When any privilege is restricted or any item is removed from an inmate's cell, the action taken must be approved by the shift supervisor or confinement lieutenant. The action taken and the reason for it shall be documented on the Daily Record of Segregation, Form DC6-229. A copy of the Inmate Impounded Personal Property List, Form DC6-220, shall be issued to the inmate as a receipt for any property taken. This action must be reviewed and approved by the chief of security no later than the next working day following the action.

(6) Restraint and Escort Requirements.

(a) Prior to opening a cell door for any reason, including exercise, medical or disciplinary call-outs, telephone calls, recreation, and visits, all inmates in the cell shall be handcuffed behind their backs, unless documented medical conditions require that an inmate be handcuffed in front. In such cases, waist chains will be used in addition to the handcuffs and the escort officers shall be particularly vigilant.

(b) through (e) No change.

(7) Visits to Disciplinary Confinement.

(a) The following staff members shall be required to officially inspect and tour the disciplinary confinement unit. All visits by staff shall be documented on the Inspection of Special Housing Record DC6-228. Form DC6-228 is incorporated in subsection 33-602.220(10), F.A.C. The staff member shall also document his or her visit on the Daily Record of Segregation DC6-229, if any discussion of significance, action or behavior of the inmate, or any other important information is obtained which may have an influence or effect on the status of confinement. These visits shall be conducted a minimum of:

1. No change.
2. Daily by the housing ~~area~~ supervisor.
3. through 10. No change.

(b) Any inmate who has demonstrated behavior that is or could be harmful to himself or herself shall be designated as a special risk inmate. If the inmate exhibits bizarre, mentally disordered, or self-destructive behavior, the medical department shall be immediately contacted by correctional staff to determine if special watch or suicide watch procedures should be initiated. Suicidal inmates shall be removed to a designated area where a correctional officer or medical staff can provide observation. Visual checks shall be made in accordance with medical protocols or the Inmate Suicide Precautions procedure at least every 30 minutes and shall be documented on Form DC4-650, Observation Checklist, until the inmate is no longer considered a special risk inmate. Form DC4-650 is incorporated by reference in subsection 33-602.220(10), F.A.C. All actions taken by staff with regard to special risk inmates shall be documented on Form DC6-229 and followed with an incident report, Form DC6-210. Form DC6-210 is incorporated by reference in Rule 33-602.210, F.A.C.

(8) Review and Release from Disciplinary Confinement.

(a) through (d) No change.

(e) The ~~confinement~~ housing supervisor is authorized to have an inmate released from disciplinary confinement upon completion of his disciplinary confinement time, unless the ICT has determined that a need exists to modify the inmate's status to administrative confinement.

(9) Daily Record of Segregation.

(a) A Daily Record of Segregation, Form DC6-229, shall be maintained for each inmate as long as the inmate is in disciplinary confinement in the housing area for 30 days, then forwarded to the ICT for review, and then forwarded to classification for filing in the institutional inmate record.

(b) The DC6-229 shall be utilized to document any activity such as cell searches, items removed, showers, weighing of inmates, recreation, haircuts and shaves and also unusual occurrences such as refusal to come out of a cell or refusal to eat. If items that inmates in disciplinary confinement are not prohibited from possessing are denied or removed from the inmate, the shift supervisor officer-in-charge or the confinement lieutenant must approve the action initially. The central office ADA coordinator shall be contacted within 24 hours if any item is removed that would be considered an auxiliary aid or device that ensures a disabled inmate an equal opportunity as a non-disabled inmate. The items denied or removed shall be documented on Form DC6-229 and the chief of security shall make the final decision in regard to the appropriateness of that action no later than the next working day following the action. The housing supervisor supervising officer shall make a notation of any unusual occurrences or changes in the inmate's behavior and any action taken. Changes in housing location or any other special action shall also be noted. Form DC6-229 shall be maintained in the

housing unit for 30 days. After each 30-day review by a member of the ICT, Form DC6-229 shall be forwarded to classification to be filed in the institutional inmate record.

(10) A Daily Record of Segregation – Supplemental, Form DC6-229B, shall be completed and attached to the current Daily Record of Segregation, Form DC6-229, whenever additional written documentation is required concerning an event or incident related to the specific inmate. Form DC6-229B is incorporated by reference in Rule 33-602.220, F.A.C.

~~(11)~~(10) Inspection of Special Housing Record.

(a) Form DC6-228, Inspection of Special Housing Record, shall be maintained in each disciplinary confinement unit area.

(b) Each staff person shall sign the form when entering and leaving the disciplinary confinement unit area. Prior to leaving the disciplinary confinement unit area, each staff member shall indicate any specific problems, including identification of any inmate who requires special attention. No other unit activities shall be recorded on Form DC6-228.

(c) Upon completion, the DC6-228 shall be maintained in the housing unit area and shall be forwarded to the chief of security on a weekly basis where it shall be maintained on file pursuant to the current retention schedule.

(12) A Housing Unit Log, Form DC6-209, shall be maintained in each confinement unit. Officers shall record all daily unit activities on Form DC6-209, to include any special problems or discrepancies noted. The completed Form DC6-209 shall be forwarded daily to the chief of security for review. Form DC6-209 is incorporated by reference in Rule 33-602.220, F.A.C.

~~(13)~~(11) Staffing issues.

(a) Officers assigned to a disciplinary confinement unit shall be reviewed at least every 18 months ~~by the chief of security to determine whether a rotation is necessary. The shift supervisor or confinement lieutenant shall initiate the review by having the officer complete section I of the Special Housing Unit Rotation Review, Form DC6-295. Form DC6-295 is incorporated by reference in subsection (14) of this rule. The supervisor shall conduct an interview with the officer and complete section II of Form DC6-295 and forward the form to the chief of security.~~ The chief of security shall review personnel records, to include performance appraisals, incident reports, use of force reports, and any other documentation relevant to the officer's assignment and job performance; ~~and interview the officer and the officer's supervisors for the period of review when necessary; and shall make a recommendation to the warden as to the necessity of a rotation.~~ The chief of security shall, upon completion of his or her review, complete section III of Form DC6-295 and forward the recommendation to the warden. The warden shall review the recommendation, request additional information if necessary, and make the final determination as to whether the officer continues in the current assignment or is rotated to another

assignment. The warden's decision shall be documented in section VI of Form DC6-295 and returned to the chief of security for action. The chief of security shall maintain the completed Form DC6-295. Any officer assigned to a confinement post shall be authorized a minimum period of five days annual leave or a five day assignment to a less stressful post every six months.

(b) The Inspector General shall notify the warden and regional director of institutions of any officer involved in eight or more use of force incidents in an 18-month period. The ~~r~~Regional ~~d~~Director of institutions shall review the circumstances for possible reassignment.

(14) Forms, Form DC6-295, Special Housing Unit Rotation Review, is hereby incorporated by reference. A copy of this form is available from the Forms Control Administrator, Office of the General Counsel, Department of Corrections, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500. The effective date of Form DC6-295 is _____.

Specific Authority 944.09 FS. Law Implemented 20.315, 944.09 FS. History-- New 3-12-84, Formerly 33-3.084, Amended 7-10-90, 4-28-96, 12-7-97, 2-12-01, 2-5-02, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Michael Rathmann

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: James V. Crosby, Jr.

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

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

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.

SUMMARY: 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.

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 PUBLIC 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@sjrwm.com

THE FULL TEXT OF THE PROPOSED RULE 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 120.53, 373.044, 373.113 FS. Law Implemented 120.53, 373.553 FS. History--New 10-8-91, Amended 3-1-92, 1-3-00, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Stanley Niego, Sr. Assistant General Counsel, Office of General Counsel, St. Johns River Water Management District, 4049 Reid Street, Palatka, Florida 32177-2529, (386)329-4153, Suncom 860-4153

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Governing Board, 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: November 21, 2003

AGENCY FOR HEALTH CARE ADMINISTRATION

Medicaid

RULE TITLE: Medical Foster Care
 RULE NO.: 59G-4.197

PURPOSE AND EFFECT: The purpose of this rule amendment is to incorporate by reference the Florida Medicaid Medical Foster Care Services Coverage and Limitations Handbook, October 2003. The handbook revisions include changes required by the Health Insurance Portability and Accountability Act (HIPAA). The effect will be to incorporate by reference in the rule the Florida Medicaid Medical Foster Care Services Coverage and Limitations Handbook.

SUMMARY: This proposed rule would incorporate by reference the current Florida Medicaid Medical Foster Care Services Coverage and Limitations Handbook, October 2003. The handbook revisions include changes required by the Health Insurance Portability and Accountability Act (HIPAA).

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: 409.902, 409.903, 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: 8:30 a.m., December 16, 2003

PLACE: 2727 Mahan Drive, Building 3, Conference Room D, Tallahassee, Florida 32308

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Jamie Lashus, Medicaid Services, 2727 Mahan Drive, Building 3, Mail Stop 20, Tallahassee, Florida 32308-5407, (850)922-7316

THE FULL TEXT OF THE PROPOSED RULE IS:

59G-4.197 Medical Foster Care.

(1) This rule applies to all Medical Foster Care (MFC) providers enrolled in the Medicaid program.

(2) All Medicaid-enrolled Medical Foster Care (MFC) providers must be in compliance with the Florida Medicaid Medical Foster Care Services Coverage and Limitations Handbook, October 2003 ~~March 2004~~, incorporated by reference, and the Florida Medicaid Provider Reimbursement Handbook, CMSHCFA-1500 and Child Health Check-Up 221, which is incorporated in Rule ~~59G-4.0015-020~~ 59G-4.0015-020, F.A.C. Both handbooks are available from the Medicaid fiscal agent.

Specific Authority 409.919 FS. Law Implemented 409.902, 409.903~~(2)~~, 409.908 FS. History--New 2-22-00, Amended 3-6-01, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
 Jamie Lashus
 NAME OF SUPERVISOR OR PERSON WHO APPROVED
 THE PROPOSED RULE: Rhonda M. Medows, M.D., FAAFP,
 Secretary
 DATE PROPOSED RULE APPROVED BY AGENCY
 HEAD: November 14, 2003
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT
 PUBLISHED IN FAW: May 9, 2003

AGENCY FOR HEALTH CARE ADMINISTRATION

Medicaid

RULE TITLE: Portable X-ray Services
 RULE NO.: 59G-4.240
 PURPOSE AND EFFECT: The purpose of this rule amendment is to incorporate by reference the Florida Medicaid Portable X-ray Services Coverage and Limitations Handbook, October 2003. The handbook changes reflect the Health Insurance Portability and Accountability Act (HIPAA) policies and regulations. The effect will be to incorporate by reference in the rule the current Florida Medicaid Portable X-ray Services Coverage and Limitations Handbook.

SUMMARY: The purpose of this rule amendment is to incorporate by reference the Florida Medicaid Portable X-ray Services Coverage and Limitations Handbook, October 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: 409.905, 409.908, 409.9081 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., December 22, 2003
 PLACE: Agency for Health Care Administration, 2728 Ft. Knox Boulevard, Building 3, Conference Room D, Tallahassee, Florida 32308
 THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Susan Rinaldi, Bureau of Medicaid Services, 2727 Mahan Drive, Building 3, Mail Stop 20, Tallahassee, Florida 32308-5407, (850)922-7308

THE FULL TEXT OF THE PROPOSED RULE IS:

59G-4.240 Portable X-ray Services.

- (1) No change.
- (2) All portable x-ray providers enrolled in the Medicaid program must comply with the provisions of the Florida Medicaid Portable X-ray Services Coverage and Limitations Handbook, October 2003 ~~March 2003~~, incorporated by reference, and the Florida Medicaid Provider Reimbursement Handbook, CMS HCFA-1500 ~~and Child Health Check-Up 22+~~, which is incorporated by reference in Rule 59G-4.001 ~~59G-5.020~~, F.A.C. Both handbooks are available from the Medicaid fiscal agent.

Specific Authority 409.919 FS. Law Implemented 409.905, 409.908, 409.9081 FS. History--New 10-11-81, Formerly 10C-7.411, Amended 7-1-92, Formerly 10C-7.0411, Amended 5-16-94, 1-9-96, 10-20-96, 8-27-97, 3-22-00, 2-14-02, 6-1-03, 8-5-03, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
 Susan Rinaldi, Bureau of Medicaid Services, 2727 Mahan Drive, Building 3, Mail Stop 20, Tallahassee, Florida 32308-5407, (850)922-7308

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Rhonda M. Medows, M.D., FAAFP, Secretary
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 14, 2003
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: March 14, 2003

AGENCY FOR HEALTH CARE ADMINISTRATION

Medicaid

RULE TITLE: Prescribed Pediatric Extended Care Services
 RULE NO.: 59G-4.260

PURPOSE AND EFFECT: The purpose of this rule amendment is to incorporate by reference the Florida Medicaid Prescribed Pediatric Extended Care Services Coverage and Limitations Handbook, October 2003. The handbook was revised to include the Health Insurance Portability and Accountability Act (HIPAA) provider requirements and coding changes. The effect will be to incorporate by reference in the rule the current Florida Medicaid Prescribed Pediatric Extended Care Services Coverage and Limitations Handbook.
 SUMMARY: This proposed rule would incorporate by reference the current Florida Medicaid Prescribed Pediatric Extended Care Services Coverage and Limitations Handbook, October 2003. The handbook was revised to include changes required by HIPAA.

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: 409.905, 409.908 FS.

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

TIME AND DATE: 9:00 a.m., December 16, 2003

PLACE: 2727 Mahan Drive, Building 3, Conference Room D, Tallahassee, FL

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Ward Peck, Medicaid Services, 2727 Mahan Drive, Building 3, Mail Stop 20, Tallahassee, Florida 32308-5407, (850)922-7307

THE FULL TEXT OF THE PROPOSED RULE IS:

59G-4.260 Prescribed Pediatric Extended Care Services.

(1) This rule applies to all Prescribed Pediatric Extended Care (PPEC) service providers enrolled in the Medicaid program.

(2) All Medicaid enrolled prescribed pediatric extended care service providers must be in compliance with the Florida Medicaid Prescribed Pediatric Extended Care Services Coverage and Limitations Handbook, ~~October 2003~~ ~~May 1999~~, incorporated by reference, and the Florida Medicaid Provider Reimbursement Handbook, ~~CMSHCFA-1500 and Child Health Check-Up 221 and Child Health Check-Up 221~~, which is incorporated in Rule ~~59G-5.001~~ ~~59G-4.020~~, F.A.C. Both handbooks are available from the Medicaid fiscal agent.

Specific Authority 409.919 FS. Law Implemented ~~409.902~~, 409.905(2), 409.908 FS. History--New 8-27-91, Amended 4-21-92, 3-9-93, Formerly 10C-7.0471, Amended 2-11-96, 2-22-00, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Ward Peck

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 6, 2003

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

AGENCY FOR HEALTH CARE ADMINISTRATION

Medicaid

RULE TITLE: Payment Methodology for Inpatient Hospital Services

RULE NO.: 59G-6.020

PURPOSE AND EFFECT: The purpose of the proposed amendment is to incorporate changes to the Florida Title XIX Inpatient Hospital Reimbursement Plan (the Plan) Payment methodology.

1. Effective June 7, 2003, reimbursement for adult (age 21 and over) heart and liver transplant evaluations and transplant surgery services will be paid the actual billed charges up to a global maximum rate established by the Agency. These payments will be made to physicians and facilities that have met specified guidelines and are established as designated transplant centers as appointed by the Secretary of the Agency. The global maximum reimbursement for transplant surgery services is an all-inclusive payment and encompasses 365 days of transplant related care. Only one provider may bill for the evaluation phase, and only one provider may bill for the transplant phase.

Global maximum rates for liver transplants are as follows:

Evaluation phase:	Physicians	\$6,000
	Facility	\$9,000
	Total	\$15,000
Transplant Surgery phase:	Physicians	\$27,000
	Facility	\$95,600
	Total	\$122,600

2. Updates to Code of Federal Regulation (CFR) and Florida Administrative Code (FAC) references.
3. Renumbering of plan sections to include new section VI, VII, and VIII titles.

SUMMARY: Reimbursement for adult (age 21 and over) heart and liver transplant evaluations and transplant surgery services will be paid the actual billed charges up to a global maximum rate established by the Agency. These payments will be made to physicians and facilities that have met specified guidelines and are established as designated transplant centers as appointed by the Secretary of the Agency. The global maximum reimbursement for transplant surgery services is an all-inclusive payment and encompasses 365 days of transplant related care. Only one provider may bill for the evaluation phase, and only one provider may bill for the transplant phase. Also, CFR and FAC references have been updated and renumbering of plan sections to include new section VI, VII, and VIII titles.

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: 409.908 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: 10:00 a.m., December 18, 2003

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Robert Butler, Medicaid Program Analysis, 2727 Mahan Drive, Mail Stop 21, Tallahassee, Florida 32308

THE FULL TEXT OF THE PROPOSED RULE IS:

59G-6.020 Payment Methodology for Inpatient Hospital Services.

Reimbursement to participating inpatient hospitals for services provided shall be in accord with the Florida Title XIX Inpatient Hospital Reimbursement Plan, Version ~~XXIII~~ ~~XXX~~, Effective Date ~~July 3, 2003~~, and incorporated herein by reference. A copy of the Plan as revised may be obtained by writing to the Office of the Deputy Secretary for Medicaid, Agency for Health Care Administration, 2727 Mahan Drive, Building 3, Mail Stop 8, Tallahassee, Florida 32308.

Specific Authority 409.919 FS. Law Implemented 409.908, 409.9117 FS. History—New 10-31-85, Formerly 10C-7.391, Amended 10-1-86, 1-10-89, 11-19-89, 3-26-90, 8-14-90, 9-30-90, 9-16-91, 4-6-92, 11-30-92, 6-30-93, Formerly 10C-7.0391, Amended 4-10-94, 8-15-94, 1-11-95, 5-13-96, 7-1-96, 12-2-96, 11-30-97, 9-16-98, 11-10-99, 9-20-00, 3-31-02, 1-8-03, 7-3-03, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Robert Butler

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Robert Butler

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

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Professional Engineers

RULE TITLES:	RULE NOS.:
Seals Acceptable to the Board	61G15-23.001
Seal, Signature and Date Shall Be Affixed	61G15-23.002

PURPOSE AND EFFECT: As the Legislature has deleted the requirement that seals be metal-impression type and left the selection of the fabrication material used to create a seal to the Board, the Board proposes to amend these two rules to remove obsolete restrictions on the use of seals to allow other materials in the process and to correct a reference to only apply to engineering specifications.

SUMMARY: Chapter 471, F.S., requires that all plans and prints must be sealed. These rules set forth the type and style of Seal acceptable to the Board and explain how the seal, signature and date should be affixed; how and when the different seals may be utilized; and explain when not to seal plans.

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: 471.025 FS.

LAW IMPLEMENTED: 471.025 FS.

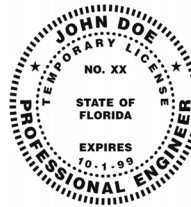
IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE FAW.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Natalie Lowe, Executive Director, Florida Board of Professional Engineers, 2507 Callaway Road, Suite 200, Tallahassee, Florida 32399-0750

THE FULL TEXT OF THE PROPOSED RULES IS:

61G15-23.001 Seals Acceptable to the Board.

(1) Pursuant to 471.025, F.S., the Board hereby establishes as indicated below the forms of embossing ~~metal-type~~ impression seals which are acceptable to the Board. Said seal shall be a minimum of 1 inches in diameter. All engineers must be utilizing the new seal prior to January 1, 2002.



(2) The type of seal in the center may be used only by registrants who are in good standing under both Chapter 471 and Chapter 472, F.S.

Specific Authority 471.025 FS. Law Implemented 471.025 FS. History—New 1-8-80, Amended 6-23-80, Formerly 21H-23.01, 21H-23.001, Amended 4-1-97, _____.

61G15-23.002 Seal, Signature and Date Shall Be Affixed.

(1) No change.

(2) Each sheet of plans and prints which must be sealed under the provisions of Chapter 471, F.S., shall be sealed, signed and dated by the professional engineer in responsible charge. Engineers shall legibly indicate their name, address, and license number on each sheet. If practicing through a duly authorized engineering business, engineers shall legibly indicate their name and license number, as well as, the name, address, and certificate of authorization number of the engineering business on each sheet. A title block on each sheet containing the printed name, address, and license number of the engineer or if applicable, the name and license number of the engineer, and the name, address and certificate of authorization number of the engineering business will satisfy this requirement. Engineers working for local, State or Federal Government agencies shall legibly indicate their name and license number, and may indicate the name and address of the agency. A cover or index sheet for engineering specifications may be used and that sheet must be signed, sealed and dated by those professional engineers in responsible charge of the production and preparation of each section of the engineering specification ~~or other engineering document~~ with sufficient information on the cover sheet or index so that the user will be aware of each portion of the specifications for which each professional engineer is responsible. Engineering reports must be signed, sealed and dated on a signature page or cover letter by each professional engineer who is in responsible charge of any portion of the report. A professional engineer may only seal an engineering report, plan, print or specification if that professional engineer was in responsible charge of the preparation and production of the engineering document and the professional engineer has the expertise in the engineering discipline used in producing the engineering document in question.

(3) through (5) No change.

Specific Authority 471.025 FS. Law Implemented 471.025 FS. History—New 1-8-80, Amended 1-20-85, Formerly 21H-23.02, Amended 5-14-86, Formerly 21H-23.002, Amended 11-15-94, 8-18-98, 2-3-00, 2-22-01, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Board of Professional Engineers

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Professional Engineers

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

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

DEPARTMENT OF ENVIRONMENTAL PROTECTION

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

DEPARTMENT OF HEALTH

Board of Medicine

RULE TITLE: List of Approved Forms; Incorporation

RULE NO.: 64B8-1.007

PURPOSE AND EFFECT: The proposed rule amendments are intended to incorporate two new forms and five revised forms into the rule.

SUMMARY: The proposed rule amendments incorporate new and revised forms into the rule.

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

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

SPECIFIC AUTHORITY: 120.55(1)(a),(4), 456.013, 456.036(5), 456.048(1), 458.309, 458.311, 458.312(6), 458.313(4), 458.3145, 458.315(2), 458.320(8), 458.321(2), 458.347(13), 458.351(6) FS.

LAW IMPLEMENTED: 456.013, 456.035, 456.036, 456.048, 456.073, 458.309, 458.311, 458.3124, 458.313, 458.3145, 458.315, 458.316, 458.317, 458.319, 458.320, 458.321, 458.345, 458.347, 458.348, 458.351, 465.0276 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Larry McPherson, Jr., Executive Director, Board of Medicine/MQA, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3253

THE FULL TEXT OF THE PROPOSED RULE IS:

64B8-1.007 List of Approved Forms; Incorporation.

The following forms used by the Board in its dealings with the public are listed as follows and are hereby adopted and incorporated by reference, and can be obtained from the Board office by writing to the Board of Medicine, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-1753, or by telephoning (850)245-4131:

(1) DH-MQA 1000, entitled “Board of Medicine Medical Doctor Application for Licensure ~~by Examination and Endorsement (Medical Doctor)~~” (10/03) (42/02).

(2) through (7) No change.

(8) DH-MQA 1008, entitled "Limited License Application Materials for Allopathic Physicians to be Licensed Pursuant to Section 458.317, F.S.," (10/03) (~~6/99~~).

(9) DH-MQA 1009, entitled "Temporary Certificate for Practice in an Area of Critical Need," (10/03) (~~6/99~~).

(10) through (16) No change.

(17) DH-MQA 1032, entitled "Board of Medicine Application Materials for Initial Registration & Renewal of Unlicensed Intern/Resident/Fellow & House Physician," (10/03) (~~12/00~~).

(18) through (19) No change.

(20) DH-MQA 1072, entitled "Application Materials Medical Faculty Certificate," (10/03) (~~10/02~~).

(21) DH-MQA 1076, entitled "Application for 1-Year Extension Temporary Physician Assistant License," (7/03).

(22) DH-MQA 1079, entitled "Temporary Certificate to Practice Medicine for Educational Purposes," (10/02).

(21) through (25) renumbered (23) through (27) No change.

Specific Authority 120.55(1)(a),(4), 456.013, 456.036(5), 456.048(1), 458.309, 458.311, 458.3124(6), 458.313(4), 458.3145, 458.315(2), 458.320(8), 458.321(2), 458.347(13), 458.351(6) FS. Law Implemented 456.013, 456.035, 456.036, 456.048, 456.073, 458.309, 458.311, 458.3124, 458.313, 458.3145, 458.315, 458.316, 458.317, 458.319, 458.320, 458.321, 458.345, 458.347, 458.348, 458.351, 465.0276 FS. History--New 4-17-01, Amended 11-20-01, 8-13-02, 11-10-02, 3-19-03, 6-4-03, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Medicine

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

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

DATE NOTICES OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 17, 2003, October 24, 2003

DEPARTMENT OF HEALTH

Board of Medicine

RULE TITLE: RULE NO.:

Application, Certification, Registration, and Licensure Fees 64B8-3.002

PURPOSE AND EFFECT: The proposed rule amendment in intended to set forth the fee for licensure pursuant to Section 458.3137, Florida Statutes.

SUMMARY: The proposed rule amendment sets forth an application fee in the amount of \$300 for those seeking a temporary certificate pursuant to Section 458.3137, Florida Statutes.

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

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

SPECIFIC AUTHORITY: 456.013, 456.025, 458.309, 458.311, 458.313, 458.3135, 458.3137, 458.3145, 458.315, 458.316, 458.3165, 458.317, 458.345, 458.347 FS.

LAW IMPLEMENTED: 456.013, 456.025, 456.036, 458.311, 458.3115, 458.3124, 458.313, 458.3135, 458.3137, 458.3145, 458.315, 458.316, 458.3165, 458.317, 458.345, 458.347 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Larry McPherson, Jr., Executive Director, Board of Medicine/MQA, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3253

THE FULL TEXT OF THE PROPOSED RULE IS:

64B8-3.002 Application, Certification, Registration, and Licensure Fees.

The following fees are prescribed by the Board:

(1) No change.

(2) An application fee in the amount of \$ 300.00 for a person desiring to obtain a temporary certificate to practice in areas of critical need, as provided in Section 458.315, F.S., and a temporary certificate to practice in an approved cancer center, as provided in Section 458.3135, F.S., and a temporary certificate to obtain medical privileges for instructional purposes in conjunction with certain plastic surgery training programs and plastic surgery educational symposiums, as provided in Section 458.3137, F.S.

(3) through (9) No change.

Specific Authority 456.013, 456.025, 458.309, 458.311, 458.313, 458.3135, 458.3137, 458.3145, 458.315, 458.316, 458.3165, 458.317, 458.345, 458.347 FS. Law Implemented 456.013, 456.025, 456.036, 458.311, 458.3115, 458.3124, 458.313, 458.3135, 458.3137, 458.3145, 458.315, 458.316, 458.3165, 458.317, 458.345, 458.347 FS. History--New 12-5-79, Amended 11-10-82, 8-11-85, 10-24-85, Formerly 21M-19.02, Amended 12-4-86, 11-3-87, 7-4-88, 10-23-89, 11-12-89, 11-11-90, 1-16-91, 1-9-92, 2-10-92, 9-7-92, Formerly 21M-19.002, Amended 9-21-93, Formerly 61F6-19.002, Amended 2-13-95, 2-20-96, 6-24-96, Formerly 59R-3.002, Amended 6-7-98, 8-11-98, 11-22-98, 12-14-99, 1-31-01, 11-20-01, 10-19-03, 12-2-03, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Credentials Committee, Board of Medicine

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

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

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

DEPARTMENT OF HEALTH

Board of Medicine

RULE TITLE: Continuing Education for Biennial Renewal
 RULE NO.: 64B8-13.005

PURPOSE AND EFFECT: The proposed rule amendment is intended to address continuing education credit by Board members.

SUMMARY: The proposed rule amendment revises the rule with regard to continuing education credit for Board members.

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

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

SPECIFIC AUTHORITY: 456.013(6),(7), 456.031(4), 458.309, 458.319 FS.

LAW IMPLEMENTED: 456.013(6),(7), 456.031(1)(a),(3), 458.319(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: Larry McPherson, Jr., Executive Director, Board of Medicine/MQA, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3253

THE FULL TEXT OF THE PROPOSED RULE IS:

64B8-13.005 Continuing Education for Biennial Renewal.
 (1) No change.

(2)(a) For purposes of this rule, risk management means the identification, investigation, analysis, and evaluation of risks and the selection of the most advantageous method of correcting, reducing, or eliminating identifiable risks.

(b) Five hours of continuing medical education in the subject area of risk management may be obtained by attending one full day or eight (8) hours, whichever is more, of disciplinary hearings at a regular meeting of the Board of Medicine in compliance with the following:

1. through 2. No change.

3. The licensee must sign out with the Executive Director of the Board at the end of the meeting day or at such other earlier time as affirmatively authorized by the Board. A licensee may receive CME credit in risk management for attending the disciplinary portion of a Board meeting only if he or she is attending on that date solely for that purpose; he or she may not receive such credit if appearing at the Board meeting for another purpose. A member of the Board of Medicine may obtain 3 5 hours of continuing medical education in the subject area of risk management and 2 hours

of continuing medical education in the subject area of prevention of medical errors for attendance at the disciplinary portion of one Board meeting.

(3) through (11) No change.

Specific Authority 456.013(6),(7), 456.031(4), 458.309, 458.319 FS. Law Implemented 456.013(6),(7), 456.031(1)(a),(3), 458.319(4) FS. History—New 9-7-86, Amended 11-17-87, 11-15-88, 1-31-90, 9-15-92, Formerly 21M-28.002, Amended 12-5-93, Formerly 61F6-28.002, Amended 3-1-95, 1-3-96, 1-26-97, Formerly 59R-13.005, Amended 5-18-99, 2-7-01, 6-4-02, 10-8-03,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Medicine

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

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

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

Section III
Notices of Changes, Corrections and
Withdrawals

DEPARTMENT OF STATE

Division of Elections

RULE NO.: 1S-2.034
 RULE TITLE: Polling Place Procedures Manual

NOTICE OF WITHDRAWAL

Notice is hereby given that the above proposed rule published in the October 17, 2003, Vol. 29, No. 42, issue of the Florida Administrative Weekly has been withdrawn.

DEPARTMENT OF LEGAL AFFAIRS

Florida Elections Commission

RULE NO.: 2B-1.0025
 RULE TITLE: Complaints

NOTICE OF RULE 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. 42 (Oct. 17, 2003), issue of the F.A.W.

2B-1.0025 Complaints.

(1) through (5) No change.

~~(6) Notwithstanding the provisions of subsections (4) and (5), if any complainant fails to raise all violations of the Election Code that arise from the facts alleged on the face of the complaint at the time of filing the complaint, the complainant shall be barred from filing any subsequent complaint or complaints based upon the allegations of violations of the Election Code that should have been raised based on the facts alleged on the face of the first complaint. The Complainant shall also be barred from filing any~~

~~subsequent complaint or complaints based upon allegations that were raised at the time of filing the first complaint or that should have been raised based on the facts alleged on the face of the first complaint. This rule shall take effect immediately and applies to all complaints pending before the Commission. The doctrines of res judicata and collateral estoppel apply to all complaints filed with the Florida Elections Commission.~~

(7) through (9) renumbered (6) through (8) No change.

Specific Authority 106.26(1) FS. Law Implemented Section 105.071, 106.25 FS. History--New 2-17-91, Amended 11-14-93, 3-19-96, 8-19-96, Formerly 1D-1.0025, Amended 1-11-98, 1-2-02, _____.

DEPARTMENT OF EDUCATION

Commission for Independent Education

RULE NO.: RULE TITLE:
6E-1.003 Definition of Terms

NOTICE OF CORRECTION

The Commission for Independent Education hereby gives notice that the above-referenced rule which was published in the September 19, 2003 issue of the Florida Administrative Weekly, Vol. 29, No. 38, has been corrected to change the citation noted in the Specific Authority to: 1005.22(1)(e) FS.

The foregoing change does not affect the substance of the proposed rules.

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

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

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

AGENCY FOR HEALTH CARE ADMINISTRATION

Health Facility and Agency Licensing

RULE NO.: RULE TITLE:
59A-3.255 Emergency Care

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. 36, September 5, 2003, issue of the Florida Administrative Weekly.

(3) OFF-SITE EMERGENCY DEPARTMENTS. A hospital operating an emergency department located other than on the hospital campus shall meet all of the criteria in this section and Chapter 395.1041, Florida Statutes, required of that hospital's on-site emergency department. This criteria includes:

(a) Inspection by the agency's Office of Plans and Construction prior to occupancy;

(b) Meeting all state and federal emergency access requirements including transfer to the nearest hospital with capability to treat the patient;

(c) Accreditation consistent with the hospital's accreditation;

(d) The provision of emergency services equal to the services provided at the hospital's on-site emergency department, 24 hours per day, 7 days per week. Actual services may be provided at the off-site emergency department or via transport to the on-site emergency department or hospital. Transportation from the off-site emergency department to the hospital's main campus must be provided by the hospital either directly or by contract. All services provided by on-call physicians must be available to patients that present at the off-site emergency department as well as the hospital's on-site emergency department.

(e) Outdoor signage must clearly identify the off-site emergency department as an emergency department of the hospital.

Specific Authority 395.1031, 395.1041, 395.1055, 401.024 FS. Law Implemented 395.1031, 395.1041, 395.1055 FS. History--New 9-4-95, Formerly 59A-3.207, Amended _____.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Bill McCort, Bureau of Health Facility Regulation, 2727 Mahan Drive, Tallahassee, Florida or (850)487-0641

AGENCY FOR HEALTH CARE ADMINISTRATION

Medicaid

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

NOTICE OF ADDITIONAL HEARING

Notice is hereby given that a second hearing has been requested regarding proposed Rule 59G-8.200, F.A.C. The request is being made on behalf of the Florida Association of Support Coordinators. The Notice of Rule Development was published in Vol. 29, No. 3, January 17, 2003, issue of the Florida Administrative Weekly. The Rule Development Workshop was held February 4, 2003. The Notice of Proposed Rulemaking was published in Vol. 29, No. 30, July 25, 2003, issue of the Florida Administrative Weekly, with the first public hearing held August 19, 2003. The first Notice of Change was published in Vol. 29, No. 42, October 17, 2003. The second Notice of Change was published in Vol. 29, No. 47, November 21, 2003.

The second public hearing is scheduled for:

DATE AND TIME: 2:00 p.m. – 4:00 p.m., Tuesday, January 6, 2004

PLACE: AHCA Headquarters, 2727 Mahan Drive, Building #3, Conference Room “A”, Tallahassee, FL 32308

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Karen Henderson, Medicaid Services, 2727 Mahan Drive, Building #3, Mail Stop #20, Tallahassee, FL 32308, (850)414-9756

AGENCY FOR HEALTH CARE ADMINISTRATION

Medicaid

RULE CHAPTER NO.:	RULE CHAPTER TITLE:
59G-12	Silver Lifesaver Rx Program
RULE NOS.:	RULE TITLES:
59G-12.002	Definitions
59G-12.005	Program Forms

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. 41, October 10, 2003, issue of the Florida Administrative Weekly.

Change #1 59G-12.002(4):

(4) The Silver Lifesaver Rx Program is a Medicaid program providing prescribed drug benefits to individuals aged 65 and older meeting certain other eligibility criteria and have exhausted pharmacy benefits under Medicare, Medicaid, or any other insurance plan who do not otherwise receive a pharmacy benefit from Medicaid. The program shall be known as the Silver Lifesaver Rx Program.

Change #2 59G-12.005(1):

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

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

Change #3

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: ~~September 5, 2003~~ October 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

Division of Health Awareness and Tobacco

RULE NO.:	RULE TITLE:
64F-12.015	Licensing, Application, Permitting

NOTICE OF CORRECTION

Notice is hereby given that the Notice of Change to paragraph 64F-12.015(11)(f), F.A.C., as published in Vol. 29, No. 46, on November 14, 2003 which changed the proposed rule as originally published in Vol. 29, No. 40, on October 3, 2003, issue of the Florida Administrative Weekly, incorrectly identified subparagraph 64F-12.015(11)(e), F.A.C., in the body of the Notice of Change. Paragraph 64F-12.015(11)(f), F.A.C., should read “Submit \$47.00 for each fingerprint card submitted.”

The other subparagraphs in subsection 64F-12.015(11), F.A.C., will read as published in Vol. 29, No., 40, on October 3, 2003.

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

Mental Health Program

RULE CHAPTER NO.:	RULE CHAPTER TITLE:
65E-5	Mental Health Act Regulations
RULE NOS.:	RULE TITLES:
65E-5.601	Operation and Administration of State Mental Health Treatment Facilities
65E-5.602	Rights of Residents of State Mental Health Treatment Facilities

NOTICE OF CHANGE

Notice is hereby given that the following changes has been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 29, No. 37 (September 12, 2003) issue of the Florida Administrative Weekly.

65E-5.601 Operation and Administration of State Mental Health Treatment Facilities.

~~(1) In order to protect the health and safety of individuals residing in state civil mental health facilities, the department shall specify the procedure for reporting critical incidents in Departmental Operating Procedure.~~

~~(1)(2)(a) In order to protect the welfare of the individuals residing in state civil mental health facilities, the department shall establish the following a uniform grievance process for residents of all state civil mental health treatment facilities. At a minimum, the policy should address the process for filing a grievance and establish accountability for managing the issue to resolution. The process This procedure shall be explained during the orientation process and in written orientation materials.~~

(b) Any grievance may be verbal or written. When the grievance is verbal, the facility will provide a party not named in the dispute to assist the resident in writing the grievance. The grievance shall detail the issue and the remedy sought. All resident grievances shall be addressed to the resident advocate and the unit director or treatment team leader. The Resident Advocacy Office shall monitor all grievances.

(c) The grievance shall be date-stamped upon receipt by the unit director or treatment team leader. ~~Where possible, the grievance should be resolved in the shortest period.~~ At a minimum, the resident shall receive a written response to the grievance within 14 calendar days from date of receipt. The resident or the resident's representative may appeal the disposition of a grievance to the facility administrator.

(d) ~~The steps procedure for filing a grievance as stated in this rule shall be conspicuously posted in the living areas where the residents can read the steps procedure. The procedure shall be available in other languages of the resident population.~~

~~(3) The department shall specify, in operating procedure, the format for the clinical records of individuals residing in state civil mental health treatment facilities.~~

~~(4) The department shall develop statewide operating procedures for the management and operations of state civil mental health treatment facilities.~~

~~(5) The department shall require each state civil mental health treatment facility to develop a system of quality improvement or performance improvement.~~

Specific Authority 394.457(5) FS. Law Implemented 394.457(2), 394.459(5) FS. History—New _____

65E-5.602 Rights of Residents of State Mental Health Treatment Facilities.

(1) ~~Each state civil mental health treatment facility shall have ready access to telephones~~ make telephones available for residents. Any restriction on telephone usage shall be documented in the clinical record. Such documentation shall specify the reason for the restriction, its duration, and the treatment goals and interventions aimed at lifting the restriction. At no time, shall there be a restriction of telephone access to his or her legal counsel, the Florida Abuse Registry, Local or Statewide Advocacy Councils, or the Advocacy Center for Persons with Disabilities.

(2) ~~The Department shall develop operating procedures to~~ protect the confidentiality of records within the facility and in transport to other facilities and other therapeutic services.

(3) Each state civil mental health treatment facility shall post instructions conspicuously in living areas and visiting areas where residents and visitors can read the instructions on how to report a complaint.

(4) Each state civil mental health treatment facility shall establish visiting hours for each of its residential units. The visiting hours shall be based on the needs of residents and their visitors and shall minimize interruption of the individual's treatment program schedules. Each state civil mental health treatment facility shall post its visiting hours in places where residents and visitors frequent. Visiting hours shall be provided to the resident, family, and representatives at the time of admission. Visitors may request exceptions to posted visiting hours with the Unit Director or treatment team leader.

(5) Each state civil mental health treatment facility shall establish with the local county supervisor of elections, a process for allowing eligible residents to register and to vote in public elections. The process shall be published and provided to each resident and conspicuously posted in living areas where residents can read it. The resident's representative shall also be informed of the process. The facility shall make available voter registration forms, applications for absentee ballots, and absentee ballots.

(6) No state civil mental health treatment facility shall initiate any mental health treatment, including psychotropic medication, until express and informed consent for psychiatric treatment is obtained from a person legally qualified to give it, except in the following situations:

(a) Where emergency psychotropic medication treatment is ordered by a physician, as defined in s. 394.455(21), F.S., to preserve the immediate safety of the resident or others in the facility;

(b) When a person is admitted to a state mental health treatment facility and has a current prescription for psychotropic medication(s), is unable to provide express and informed consent, is determined by the admitting physician to be in need of the medication prescribed prior to admission and an alternative decision maker is being pursued through the court; or

(c) When a Court Order is obtained after adequate notice and hearing.

(7)(a) Any limitation or restriction of a resident's access to the grounds or treatment program shall be based on clearly documented evidence of risks to self or others.

(b) The time span during which residents are allowed access to the grounds shall be specified conspicuously and posted in living areas. Access to grounds may be limited during the hours a resident is scheduled to attend prescribed programming. Access to grounds status shall be established and documented in the clinical record for all newly admitted persons within 72 hours of admission.

(c) An individualized plan shall be developed and documented in the clinical record for residents who have been identified by the treatment team as experiencing significant loss of independent access to grounds.

(d) Those residents certified by the facility as experiencing long-term loss of independent access to grounds based on physical health issues or adaptive deficits shall be provided opportunities to go outside unless medically contraindicated.

(e) Any change to access to the grounds status shall be based on the treatment team's assessment. An assessment of risk shall consider, at a minimum, the following categories of risk:

1. Suicide attempts or threats,
2. Intentional self-injury,
3. Homicide,
4. Assault,
5. Elopement,
6. Substance abuse,
7. Physically vulnerable,
8. Psychotropic medication issues, and
9. Other potentially harmful behaviors.

(f) Decisions about changes in access to grounds status shall be based in part on an assessment of risk, with criteria influencing access changes being documented and filed in the person-centered record.

~~(g) An assessment of risk shall consider, at a minimum, the following categories of risk:~~

- ~~1. Suicide attempts or threats,~~
- ~~2. Intentional self injury,~~
- ~~3. Homicide,~~
- ~~4. Assault,~~
- ~~5. Elopement,~~
- ~~6. Substance abuse,~~
- ~~7. Physically vulnerable,~~
- ~~8. Psychotropic medication issues, and~~
- ~~9. Other potentially harmful behaviors.~~

~~(h) With the exception of emergency situations, physicians write treatment orders prescribing a change in access to grounds status:~~

~~(i) Residents who are restricted to their residence shall not leave without a specific order designating a location, the level of staff supervision required, and the length of time to be spent at the location.~~

~~(g)(f)~~ Teams shall show progressive actions taken to manage significant, recurring issues for residents in the least restrictive manner possible. The exception shall be those changes where a resident's access to the grounds is limited due to serious, acute health/safety matters. Interventions must be documented in order to show the use of the least intrusive, most positive methods for the restoration of freedom of movement and follow through with treatment before the use of more restrictive options.

~~(h)(k)~~ Residents who disagree with limitations to grounds access shall have a right to a review of those limitations. Each treatment facility shall publish procedures to insure the

limitations are reviewed. The resident or the resident's representative may appeal the restriction to the facility administrator through the grievance process.

~~(i)(t)~~ Residents shall retain their access to grounds status when transferred from one residential area to another, unless their psychological or physical condition has changed, ~~requiring a limitation to grounds access by a physician's order and~~ based on a comprehensive risk assessment.

~~(j)(m)~~ Residents who do not have full access to the grounds shall be provided the opportunity to exit the building for outside time and physical exercise on a daily basis, excluding severe weather conditions, for at least a half-hour per day. Residents have the right to decline to go outside, if they so choose.

~~(k)(n)~~ All residents with full or prescribed access to grounds (as indicated in their individualized service plan) shall be provided with an orientation to grounds and boundaries of the facility.

~~(8) Restraint and seclusion shall be used only in situations of emergency as a safety measure, when there is imminent and substantial danger of bodily harm to the individual or others. Where possible, behavioral crises shall be prevented. The use of restraint or seclusion shall be individualized to the needs of the resident and his or her ability to regain control.~~

Specific Authority 394.457(5) FS. Law Implemented 394.457(2), 394.459(5),(12) FS. History--New _____.

DEPARTMENT OF FINANCIAL SERVICES

Board of Funeral and Cemetery Services

RULE NO.: 69K-5.008
 RULE TITLE: Request for Additional Information – Applications
 NOTICE OF CHANGE

Pursuant to subparagraph 120.54(3)(d)1., F.S., notice is hereby given that the following changes have been made to the proposed rule published in Vol. 29, No. 39, September 26, 2003, issue of the Florida Administrative Weekly. The following changes are being made in response to comments from the Joint Administrative Procedures Committee.

The next to the last sentence of the rule now reads as follows:

Failure to respond to such request within sixty (60) days after the date of the request will be construed by the department and the Board of Funeral and Cemetery Services as grounds for denial of an application in accordance with the provisions of Section 120.60(2), F.S., and the file ~~shall may~~ be closed, ~~unless good cause is shown that it remain open.~~

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Diana Evans, Executive Director, Board of Funeral and Cemetery Services, 101 East Gaines Street, Tallahassee, Florida 32399-0350

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: Replacement of Obsolete Emergency Rules
 RULE NO.: 53ER03-59
 SUMMARY OF THE RULE: This emergency rule is replacing other emergency rules that have been determined to be obsolete or unnecessary by the Department of the Lottery.

THE PERSON TO BE CONTACTED REGARDING THE EMERGENCY RULE IS: Diane D. Schmidt, Department of the Lottery, 250 Marriott Drive, Tallahassee, Florida 32399-4011

THE FULL TEXT OF THE EMERGENCY RULE IS:

53ER03-59 Replacement of Obsolete Emergency Rules.

The following Department of the Lottery emergency rules relating to Lottery games or promotions, retailer programs, or personnel rules are being replaced because the games, promotions or programs have concluded, the emergency rule provisions have been adopted by permanent rule, or the provisions of the rule are obsolete. This rule shall replace the following Rules: 53ER01-62, 53ER01-68, 53ER01-76, 53ER02-2, 53ER02-4, 53ER02-10, 53ER02-17, 53ER02-21, 53ER02-27, 53ER02-31, 53ER02-32, 53ER02-33, 53ER02-34, 53ER02-35, 53ER02-36, 53ER02-37, 53ER02-38, 53ER02-40, 53ER02-43, 53ER02-46, 53ER02-58, 53ER02-64, 53ER03-7, F.A.C.

Specific Authority 24.105(2), 24.109(1) FS, Law Implemented 24.109(1), 120.74(1)(c) FS, History—New 11-14-03, 53ER01-62, 53ER01-68, 53ER01-76, 53ER02-2, 53ER02-4, 53ER02-10, 53ER02-17, 53ER02-21, 53ER02-27, 53ER02-31, 53ER02-32, 53ER02-33, 53ER02-34, 53ER02-35, 53ER02-36, 53ER02-37, 53ER02-38, 53ER02-40, 53ER02-43, 53ER02-46, 53ER02-58, 53ER02-64, 53ER03-7, F.A.C.

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

EFFECTIVE DATE: November 14, 2003

DEPARTMENT OF THE LOTTERY

RULE TITLE: Instant Game Number 513, FAST NEW YEAR'S CASH
 RULE NO.: 53ER03-60

SUMMARY OF THE RULE: This emergency rule describes Instant Game Number 513, "FAST NEW YEAR'S CASH," for which the Department of the Lottery will start selling tickets on a date to be determined by the Secretary of the Department. The rule sets forth the specifics of the game; determination of prizewinners; estimated odds of winning, value, and number of prizes in the game.

THE PERSON TO BE CONTACTED REGARDING THE EMERGENCY RULE IS: Diane D. Schmidt, Legal Analyst, Department of the Lottery, 250 Marriott Drive, Tallahassee, Florida 32399-4011

THE FULL TEXT OF THE EMERGENCY RULE IS:


53ER03-60 Instant Game Number 513, FAST NEW YEAR'S CASH.

(1) Name of Game. Instant Game Number 513, "FAST NEW YEAR'S CASH."

(2) Price. FAST NEW YEAR'S CASH lottery tickets sell for \$2.00 per ticket.

(3) FAST NEW YEAR'S CASH lottery tickets shall have a series of numbers in Machine Readable Code (or bar code) on the back of the ticket, along with a Void If Removed Number under the latex area on the ticket. To be a valid winning FAST NEW YEAR'S CASH lottery ticket, a combination of essential elements sufficient to validate the ticket must be present as set forth in paragraph 53ER92-63(1)(a), Florida Administrative Code. In the event a dispute arises as to the validity of any FAST NEW YEAR'S CASH lottery ticket, or as to the prize amount, the Void If Removed Number under the latex shall prevail over the bar code.

(4) The "YOUR NUMBERS" play symbols and play symbol captions are as follows:

1	2	3	4	5
ONE	TWO	THR	FOR	FIV
6	7	8	9	10
SIX	SVN	EGT	NIN	TEN
11	12	13	14	15
ELV	TLV	THN	FRN	FTN
16	17	18	19	
SXN	STN	ETN	NTN	WIN \$50

(5) The "WINNING NUMBERS" play symbols and play symbol captions are as follows:

1	2	3	4	5
ONE	TWO	THR	FOR	FIV
6	7	8	9	10
SIX	SVN	EGT	NIN	TEN
11	12	13	14	15
ELV	TLV	THN	FRN	FTN
16	17	18	19	
SXN	STN	ETN	NTN	

(6) The prize symbols and prize symbol captions are as follows:

TICKET	\$2.00	\$3.00	\$5.00	\$10.00
TICKET	TWO	THREE	FIVE	TEN
\$20.00	\$25.00	\$50.00	\$100	
TWENTY	THY FIV	FIFTY	ONE HUN	

(7) The legends are as follows:

YOUR NUMBERS WINNING NUMBERS PRIZE

(8) Determination of Prizewinners.

(a) A ticket having a number in the "YOUR NUMBERS" play area that matches either number in the "WINNING NUMBERS" play area shall entitle the claimant to the corresponding prize shown for that number. A ticket may have up to ten sets of matching numbers. The prizes are: TICKET, \$2.00, \$3.00, \$5.00, \$10.00, \$20.00, \$25.00, \$50.00, and \$100. A claimant who is entitled to a prize of a "TICKET" shall be entitled to a prize of a ticket or combination of tickets with a total value of \$2.00, except as follows. A person who submits by mail a FAST NEW YEAR'S CASH lottery ticket that entitles the claimant to a prize of a \$2.00 ticket and whose mailing address is outside the state of Florida will receive a check for \$2.00 in lieu of an actual ticket.



(b) A ticket having a "^{WIN \$50}" symbol in the "YOUR NUMBERS" play area shall entitle the claimant to a prize of \$50.

(9) The estimated odds of winning, value, and number of prizes in Instant Game Number 513 are as follows:

GAME PLAY	WIN	ODDS OF		NUMBER OF
		1 IN	PER POOL	WINNERS IN
TICKET	\$2 TICKET	18.75	268,800	42 POOLS OF
\$2	\$2	25.00	201,600	120,000 TICKETS
\$2 x 2	\$4	25.00	201,600	
\$2 + \$3	\$5	16.67	302,400	
\$5	\$5	25.00	201,600	
\$2 x 5	\$10	75.00	67,200	
\$5 x 2	\$10	150.00	33,600	
\$10	\$10	150.00	33,600	
(\$2 x 5) + (\$5 x 3)	\$25	400.00	12,600	
\$5 x 5	\$25	480.00	10,500	
\$25	\$25	480.00	10,500	
\$50 (DOLLAR BILL)	\$50	800.00	6,300	
\$5 x 10	\$50	4,800.00	1,050	
\$25 x 2	\$50	4,800.00	1,050	
\$10 x 10	\$100	20,000.00	252	
\$20 x 5	\$100	24,000.00	210	
\$100	\$100	30,000.00	168	

(10) The estimated overall odds of winning some prize in Instant Game Number 513 are 1 in 3.72. Prizes, including the top prizes, are subject to availability at the time of ticket purchase. Prizes may be unavailable due to prior sale or other causes occurring in the normal course of business including, but not limited to, ticket damage, defect, theft, or loss.

(11) For reorders of Instant Game Number 513, the estimated odds of winning, value, and number of prizes shall be proportionate to the number of tickets reordered.

(12) By purchasing a FAST NEW YEAR'S CASH lottery ticket the player agrees to comply with and abide by all rules and regulations of the Florida Lottery.

(13) Payment of prizes for FAST NEW YEAR'S CASH lottery tickets shall be made in accordance with rules of the Florida Lottery governing procedures for awarding prizes. A copy of the current rule can be obtained from the Florida Lottery, Office of the General Counsel, 250 Marriott Drive, Tallahassee, Florida 32399-4011.

Specific Authority 24.105(9)(a),(b),(c), 24.109(1), 24.115(1) FS. Law Implemented 24.105(9)(a),(b),(c), 24.115(1) FS. History--New 11-14-03.

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

EFFECTIVE DATE: November 14, 2003

DEPARTMENT OF ENVIRONMENTAL PROTECTION

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

Section V
Petitions and Dispositions Regarding Rule
Variance or Waiver

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Pursuant to Chapter 120.542, F.S., a notice is hereby given that the Florida Department of Agriculture and Consumer Services received a petition for waiver and variance from subsection 5E-14.106(6), F.A.C.

PETITIONER: Richard K. Storey, President and certified operator of the licensee, Critter Gitter Pest Control, Inc.

DATE PETITION FILED: Nov. 19, 2003

RULE TITLE: ENTOMOLOGY-PEST CONTROL REGULATIONS

RULE NO.: Subsection 5E-14.106(6), F.A.C., relating to Use of Pesticides – Labels, Limitations, Precautions.

Interested persons may request a copy of the petition and provide comments by contacting: Marlene Czerniak, Department of Agriculture and Consumer Services, Division of Agricultural Environmental Services, 3125 Conner Blvd., Tallahassee, FL, (850)488-3731.

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

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

STATE BOARD OF ADMINISTRATION

NOTICE IS HEREBY GIVEN that the Petition for Variance or Waiver filed with the State Board of Administration on June 24, 2003, by the Great American Insurance Group, on behalf of three of its member companies: Great American Alliance, Great American Assurance and Great American of New York has been withdrawn.

Notice of this petition appeared in the July 18, 2003 edition of the Florida Administrative Weekly.

Information regarding the withdrawal may be obtained from: Patti Elsbernd, Florida Hurricane Catastrophe Fund, P. O. Box 13300, Tallahassee, FL 32317-3300.

WATER MANAGEMENT DISTRICTS

NOTICE IS HEREBY GIVEN that on November 10, 2003, South Florida Water Management District (District) received a petition for waiver from James W. Green, Application No. 03-1110-4M, Permit (MOD) No. 12185 for utilization of Works or Lands of the District known as the C-43 Canal, Lee County for proposed canal bank reshaping and rip-rap within the south right of way of C-43, located adjacent to Lee Avenue, Lee County, Section 22, Township 43 South, Range 26 East. The petition seeks relief from paragraph 40E-6.221(2)(j), Fla. Admin. Code, which governs the issuance of right of way occupancy permits to adjacent property owners only, within Works or Lands of the District.

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

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

NOTICE IS HEREBY GIVEN that the South Florida Water Management District (SFWMD) Governing Board issued an Order Granting Waiver under Section 120.542, Fla. Stat. (SFWMD 2003-172 DAO-ROW), on November 12, 2003, to Collier County Public Utilities. The petition for waiver was received by the SFWMD on July 17, 2003. Notice of receipt of

the petition requesting the waiver was published in the Florida Administrative Weekly, Vol. 29, No. 31, on August 1, 2003. No public comment was received.

This Order provides a waiver for the proposed placement of a pile-supported force main crossing the Golden Gate Main Canal located 30 feet east of the east face of the Santa Barbara Boulevard Bridge, S21/T49S/R26E, Collier County. Specifically, the Order grants a waiver from subsections 40E-6.011(4),(6) and paragraph 40E-6.221(2)(j), Fla. Admin. Code, and the Basis of Review for Use or Occupancy of the Works or Lands of the District Permit Applications within the South Florida Water Management District, incorporated by reference in subsection 40E-6.091(1), Fla. Admin. Code, which govern the placement of permanent and/or semi-permanent above-ground facilities within 40 feet of the top of canal bank and within the District's designated 100 foot equipment staging areas within Works or Lands of the District. Generally, the Order sets forth the basis of the Governing Board decision to grant the waiver, as follows: 1) the facilities will not significantly interfere with the SFWMD's ability to perform necessary construction, alteration, operation and maintenance activities; and 2) the Order granting a waiver from the subject rule would prevent Collier County from a substantial hardship.

A copy of the Order can be obtained from: Jan Sluth, South Florida Water Management District, 3301 Gun Club Road, MSC 1410, West Palm Beach, FL 33406-4680, (561)682-6299 or e-mail: jsluth@sfwmd.gov.

NOTICE IS HEREBY GIVEN that the South Florida Water Management District (SFWMD) Governing Board issued an Order Granting Waiver under Section 120.542, Fla. Stat. (SFWMD 2003-173 DAO-ROW), on November 12, 2003, to Ruth and Terrin Papineau. The petition for waiver was received by the SFWMD on August 25, 2003. Notice of receipt of the petition requesting the waiver was published in the Florida Administrative Weekly, Vol. 29, No. 36, on September 5, 2003. No public comment was received.

This Order provides a waiver for existing trees within the north right of way of the Golden Gate Main Canal at the rear of 2170 10th Avenue, N. E., Naples, S36/T48S/R27E, Collier County. Specifically, the Order grants a waiver from subsections 40E-6.011(4),(6) and paragraph 40E-6.221(2)(j), Fla. Admin. Code, and the Basis of Review for Use or Occupancy of the Works or Lands of the District Permit Applications within the South Florida Water Management District, incorporated by reference in subsection 40E-6.091(1), Fla. Admin. Code, which govern the placement of permanent and/or semi-permanent above-ground facilities within 40 feet of the top of canal bank within Works or Lands of the District. Generally, the Order sets forth the basis of the Governing Board decision to grant the waiver, as follows: 1) the facilities will not significantly interfere with the SFWMD's ability to

perform necessary construction, alteration, operation and maintenance activities; and 2) the Order granting a waiver from the subject rule would prevent Ruth and Terrin Papineau from a substantial hardship.

A copy of the Order can be obtained from: Jan Sluth, South Florida Water Management District, 3301 Gun Club Road, MSC 1410, West Palm Beach, FL 33406-4680, (561)682-6299 or e-mail: jsluth@sfwmd.gov.

NOTICE IS HEREBY GIVEN that the South Florida Water Management District (SFWMD) Governing Board issued an Order Granting Waiver under Section 120.542, Fla. Stat. (SFWMD 2003-174 DAO-ROW), on November 12, 2003, to Guy and Linda Harste. The petition for waiver was received by the SFWMD on August 28, 2003. Notice of receipt of the petition requesting the waiver was published in the Florida Administrative Weekly, Vol. 29, No. 38, on September 19, 2003. No public comment was received.

This Order provides a waiver for existing landscaping located approximately 27 feet from the top of canal bank to remain within the northerly right of way of C-14 at the rear of 6558 N. W. 1st Street, S36/T48S/R41E, Broward Counties. Specifically, the Order grants a waiver from subsections 40E-6.011(4),(6) and paragraph 40E-6.221(2)(j), Fla. Admin. Code, and the Basis of Review for Use or Occupancy of the Works or Lands of the District Permit Applications within the South Florida Water Management District, incorporated by reference in subsection 40E-6.091(1), Fla. Admin. Code, which governs the placement of permanent and/or semi-permanent above-ground encroachments within 40 feet of the top of canal bank within Works or Lands of the District. Generally, the Order sets forth the basis of the Governing Board decision to grant the waiver, as follows: 1) the facilities will not significantly interfere with the SFWMD's ability to perform necessary construction, alteration, operation and maintenance activities; and 2) the Order granting a waiver from the subject rule would prevent the Florida Department of Transportation from substantial hardship.

A copy of the Order can be obtained from: Jan Sluth, South Florida Water Management District, 3301 Gun Club Road, MSC 1410, West Palm Beach, FL 33406-4680, (561)682-6299 or e-mail: jsluth@sfwmd.gov.

NOTICE IS HEREBY GIVEN that the South Florida Water Management District (SFWMD) Governing Board issued an Order Granting Waiver under Section 120.542, Fla. Stat. (SFWMD 2003-175 DAO-ROW), on November 12, 2003, to the City of Wilton Manors. The petition for waiver was received by the SFWMD on September 10, 2003. Notice of receipt of the petition requesting the waiver was published in the Florida Administrative Weekly, Vol. 29, No. 39, on September 26, 2003. No public comment was received.

This Order provides a waiver for the proposed installation of buried electrical service, boat ramp, dock, ADA access ramp and walkway, pavilion with decking, light fixtures, and a portion of a sign and vehicular parking as part of proposed public recreation park facilities to be known as "Wilton Manors Boat Ramp Park" to be located within the east right of way of C-13 (North Fork Middle River) adjacent to Powerline Road (N. W. 9th Avenue) Bridge, S28/T49S/42E, Broward County. Specifically, the Order grants a waiver from subsections 40E-6.011(4),(6) and paragraph 40E-6.221(2)(j), F.A.C., and the Basis of Review for Use or Occupancy of the Works or Lands of the District Permit Applications within the South Florida Water Management District, incorporated by reference in subsection 40E-6.091(1), Fla. Admin. Code, which govern the placement of permanent and/or semi-permanent above-ground encroachments within 40 feet of the top of canal bank, and which govern the utilization (parking) of motor vehicles within Works or Lands of the District. Generally, the Order sets forth the basis of the Governing Board decision to grant the waiver, as follows: 1) the facilities will not significantly interfere with the SFWMD's ability to perform necessary construction, alteration, operation and maintenance activities; and 2) the Order granting a waiver from the subject rule would prevent the City of Wilton Manors from a substantial hardship.

A copy of the Order can be obtained from: Jan Sluth, South Florida Water Management District, 3301 Gun Club Road, MSC 1410, West Palm Beach, FL 33406-4680, (561)682-6299 or e-mail: jsluth@sfwmd.gov.

NOTICE IS HEREBY GIVEN that the South Florida Water Management District (SFWMD) Governing Board issued an Order Granting Waiver under Section 120.542, Fla. Stat. (SFWMD 2003-176 DAO-ROW), on November 12, 2003, to Toll FL Limited, Inc. The petition for waiver was received by the SFWMD on September 5, 2003. Notice of receipt of the petition requesting the waiver was published in the Florida Administrative Weekly, Vol. 29, No. 38, on September 19, 2003. No public comment was received.

This Order provides a waiver for an existing private marina facility located within the east right of way of C-23 adjacent to the Palm Cove Subdivision, to operate as a commercial marina, S1,6/T38S/R40,41E, Martin County. Specifically, the Order grants a waiver from paragraph 40E-6.221(2)(j), Fla. Admin. Code, and the Basis of Review for Use or Occupancy of the Works or Lands of the District Permit Applications within the South Florida Water Management District, incorporated by reference in subsection 40E-6.091(1), Fla. Admin. Code, which governs commercial marinas within Works or Lands of the District. Generally, the Order sets forth the basis of the Governing Board decision to grant the waiver, as follows: 1) the facilities will not significantly interfere with the SFWMD's ability to perform necessary construction, alteration, operation

and maintenance activities; and 2) the Order granting a waiver from the subject rule would prevent Toll FL Limited, Inc., from a substantial hardship.

A copy of the Order can be obtained from: Jan Sluth, South Florida Water Management District, 3301 Gun Club Road, MSC 1410, West Palm Beach, FL 33406-4680, (561)682-6299 or e-mail: jsluth@sfwmd.gov.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

NOTICE IS HEREBY GIVEN that on October 6, 2003, Bureau of Elevator Safety received a Petition for Variance from ASME A.17.1, Sections 2.1.1.1.2, 2.1.1.3, 2.7.6, 2.20.1, and 2.20.9 from Frank Henderson, General Manager, Otis Elevator Company requesting a variance to allow the installation of a Otis Gen2 elevator system in the following location: Le Meridian, Jacksonville Beach, FL. Petitioner requests to not have a machine room, steel ropes and non-welded terminations.

A copy of the Petition can be obtained from: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013.

The Bureau of Elevator Safety will accept comments concerning the Petition for 14 days from the date of publication of this notice. To be considered, comments must be received on or before 5:00 p.m.

NOTICE IS HEREBY GIVEN that the advertisement published in Vol. 29, No. 42, of the Florida Administrative Weekly is hereby further amended to read as follows:

NOTICE IS HEREBY GIVEN that on September 25, 2003, Bureau of Elevator Safety received four Petitions for Variance from ASME A.17.1, Sections 100.3a and 101.6 and, ASME A17.2, Section 2.29.2, as adopted by Chapter 61C-5.001, Florida Administrative Code, from OTIS Elevator Company, requesting a variance to not provide a machine room and not use steel ropes thus allowing the installation of Gen2® elevator systems in the following locations: The Whitney Condominium, West Palm Beach (Petition VW 2003-098) and Harbor Lights, Destin (Petition VW 2003-096).

A copy of the Petitions can be obtained from: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013.

The Bureau of Elevator Safety will accept comments concerning the Petition for 14 days from the date of publication of this notice. To be considered, comments must be received on or before 5:00 p.m.

NOTICE IS HEREBY GIVEN that the advertisement published in Vol. 29, No. 42, of the Florida Administrative Weekly is hereby amended to read as follows:

NOTICE IS HEREBY GIVEN that on September 25, 2003, Bureau of Elevator Safety received four Petitions for Variance from ASME A.17.1, Sections 100.3a and 101.6 and, ASME A17.2, Section 2.29.2, as adopted by Chapter 61C-5.001, Florida Administrative Code, from OTIS Elevator Company, requesting a variance to not provide a machine room and not use steel ropes thus allowing the installation of Gen2® elevator systems in the following location: The Metropolitan Condominium, West Palm Beach (Petition VW 2003-097).

A copy of the Petition can be obtained from: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013.

The Bureau of Elevator Safety will accept comments concerning the Petition for 14 days from the date of publication of this notice. To be considered, comments must be received on or before 5:00 p.m.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

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

DEPARTMENT OF HEALTH

The Board of Medicine hereby gives notice that it has issued an Order on the Petition for Waiver filed by Iftikhar Rasul, M.D. The Notice of Petition for Waiver was published in Vol. 29, No. 20, of the May 16, 2003, F.A.W. The Credentials Committee considered the Petition at its meeting held on July 19, 2003. The Board considered the Committee's recommendation at its meeting held on August 1-2, 2003. The Board's Order, filed on August 25, 2003, grants the petition for waiver finding that the underlying purpose of the statute, as implemented by Rule 64B8-5.001, F.A.C., has been met.

A copy of the Board's Order may be obtained by contacting: Board of Medicine, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3753.

The Board of Medicine hereby gives notice that it has issued an Order on the Petition for Waiver filed by Seema V. Kamat, M.D. The Notice of Petition for Waiver was published in Vol. 29, No. 44, of the October 31, 2003, F.A.W. Board considered the Petition at its conference call meeting held on November 5, 2003. The Board's Order, filed on November 12, 2003, grants the petition for waiver finding that the underlying purpose of the statute, as implemented by Rule 64B8-5.001, F.A.C., has been met.

A copy of the Board's Order may be obtained by contacting: Board of Medicine, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3753.

The Board of Medicine hereby gives notice that it has issued an Order on the Petition for Waiver or Variance filed by Khondeker Rahman, M.D. The Notice of Petition for Waiver was published in Vol. 29, No. 10, of the March 7, 2003, F.A.W. The Credentials Committee considered the Petition at its meeting held on May 17, 2003. The Board considered the Committee's recommendation at its meeting held on June 6-7, 2003. The Board's Order, filed on June 24, 2003, denies the petition for waiver finding that the underlying purpose of the statute, as implemented by Rule 64B8-5.001, F.A.C., has not been met.

A copy of the Board's Order may be obtained by contacting: Board of Medicine, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3753.

NOTICE IS HEREBY GIVEN that on October 25, 2003, the Board of Opticianry considered a petition for waiver of Rule 64B12-16.003, Florida Administrative Code, filed by Charles T. Anzalone. Rule 64B12-16.003, F.A.C., requires that an applicant in an apprenticeship training program complete the hours of training within five years after registration with the Department of Health. The petition was filed with the Board on September 26, 2003, and noticed in the Vol. 29, No. 40 issue of the F.A.W. on October 3, 2003. No written comments were received.

The Order, which was filed on November 13, 2003, provides in summary that Petitioner failed to demonstrate that the underlying purpose of the statute would be achieved, or that principles of fairness or the hardships experienced warranted special relief. Accordingly, the petition for waiver of Rule 64B12-16.003, F.A.C., has been DENIED.

A copy of the Order may be obtained by writing: Amy Carraway, Agency Clerk, Department of Health, Division of Medical Quality Assurance, 4052 Bald Cypress Way, Bin #C01, Tallahassee, Florida 32399-3251, (850)245-4120.

NOTICE IS HEREBY GIVEN that the Board of Orthotists and Prosthetists issued a Final Order on November 13, 2003 in response to a petition for a variance or waiver filed by Damian Hurtado. Petitioner sought a waiver of paragraph 64B14-4.110(1)(b), F.A.C., with respect to licensure requirements as an orthotic fitter assistant for two (2) years prior to licensure as an orthotic fitter.

During a duly noticed Board meeting, an agreement was reached between the Parties and the Applicant agreed to withdraw the Petition for Variance or Waiver. He also agreed, among other things, to amend his pending application for licensure, to seek licensure as an orthotic fitter assistant rather than as an orthotic fitter. Therefore, the Petition for Variance or Waiver has been withdrawn.

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 32399.

The Department of Health hereby gives notice that it has received a petition, filed on November 19, 2003, from Rebecca Spencer seeking a variance of subsection 64B21-500.005(2), F.A.C., with respect to the 1 1/2 contact hours per week of face-to-face interactive supervision requirement for licensure.

Comments on this petition should be filed with: The Office of School Psychology, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399.

For a copy of the petition, contact: Kaye Howerton, Executive Director, Department of Health, School Psychology, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399.

Section VI Notices of Meetings, Workshops and Public Hearings

The following state governmental agencies, boards and commissions announce a public meeting to which all persons are invited:

- State Board of Administration
- Financial Services Commission
- Department of Veterans' Affairs
- Department of Highway Safety and Motor Vehicles
- Department of Law Enforcement
- Department of Revenue
- Department of Education
- Administration Commission
- Florida Land and Water Adjudicatory Commission
- Board of Trustees of the Internal Improvement Trust Fund
- Department of Environmental Protection

DATE AND TIME: December 16, 2003, 9:00 a.m.

PLACE: Cabinet Meeting Room, Lower Level, The Capitol, Tallahassee, Florida

PURPOSE: Regular scheduled meeting of the Governor and Cabinet

The State Board of Administration will take action on matters duly presented on its agenda, which may include such matters as Executive Director's reports; approval of fiscal sufficiency of state bond issues; approval of sale of local bonds at an interest rate in excess of statutory interest rate limitation; report on investment performance; designation of banks as depositories for state funds; adoption of rules and regulations; investment of state funds pursuant to Chapter 215, F.S.; and consideration of other matters within its authority pursuant to Chapters 215 and 344, F.S., and Section 16 of Article IX of the Florida Constitution of 1885, as continued by subsection 9(c) of Article XII of the Florida Constitution of 1968. The Division of Bond Finance of the State Board of Administration will take action on matters duly presented on its agenda, which will deal with the issuance of State bonds, arbitrage compliance and related matters.

The Financial Services Commission will take action on matters duly presented on its agenda which may include, but not be limited to, matters relating to rulemaking for all activities concerning insurers and other risk bearing entities, including licensing, rates, policy forms, market conduct, claims, adjusters, issuance of certificates of authority, solvency, viatical settlements, premium financing, and administrative supervision, as provided under the Insurance Code or Chapter 636, F.S., and for all activities relating to the regulation of banks, credit unions, other financial institutions, finance companies, and the securities industry.

The Department of Veterans' Affairs will take action on matters duly presented on its agenda which may include the administration of the Department as well as actions taken to further the Department's mission of providing assistance to veterans and their dependents, pursuant to Section 292.05, F.S.

The Department of Highway Safety and Motor Vehicles will take action on matters duly presented on its agenda, which may include such matters as approval of agency policies, taking agency action with regard to administrative procedure matters, and considering other matters within its authority pursuant to Florida Statutes.

The Department of Law Enforcement will take action on matters duly presented on its agenda which may include but not be limited to such matters as transfer of agency funds or positions, formulation of Departmental Rules, administrative procedure matters, submittal of reports as required, enter into contracts as authorized and to consider other matters within its authority pursuant to Chapters 20, 23, 120 and 943, F.S.

The Department of Revenue will act on matters duly presented on its agenda which may include approval of rules, legislative concept proposals, contracts over \$100,000, Departmental

budgets, taking final action on formal and informal hearings under Chapter 120, F.S., and consideration of other matters within its authority.

The Department of Education will finalize agency action on the business of the Florida Department of Education.

The Administration Commission will take action on matters duly presented on its agenda which may include such matters as to create or transfer agency funds or positions, approve Career Service rules, administrative procedure matters, environmental matters arising under Chapter 380, F.S., comprehensive planning issues pursuant to Section 163.3184, F.S., determine sheriffs' budget matters, and consider other matters within its authority pursuant to Chapters 110, 215 and 216, F.S.

The Florida Land and Water Adjudicatory Commission will take action on matters duly presented on its agenda including appeals of local government development orders in areas of critical state concern or of developments of regional impact under Section 380.07, F.S.; and review of water management matters under Chapter 373, F.S. The Commission will also review Department of Environmental Protection's rules and orders which, prior to July 1, 1993, the Governor and Cabinet, sitting as the head of the Department of Natural Resources, had authority to issue or promulgate.

The Board of Trustees of the Internal Improvement Trust Fund will take action on matters duly presented on its agenda which may include such matters as mineral leases or sales, state or sovereign land leases, sales, exchanges, dedications, and easements, Conservation and Recreation Lands (CARL) and other land purchases; land planning matters and other matters within its authority. Additionally, the Board will take action on matters presented by the Marine Fisheries Commission as set forth in Sections 370.025, 370.026 and 370.027, F.S., and matters pertaining to the Office of Greenways Management, the Office responsible for the management of lands which formerly fell within the Cross Florida Barge Canal project corridor.

The Department of Environmental Protection, while not a Cabinet agency, will present for consideration on its agenda those matters required by law to be reviewed by the Governor and Cabinet and those pertaining to the siting of power plants, electric and natural gas transmission lines and hazardous waste facilities; coastal zone management consistency and standards adopted by the Environmental Regulation Commission.

A copy of any of the above agendas (when applicable) may be obtained by contacting each agency.

Accommodations can be made for persons with disabilities provided several days' notification is received. Please notify the Governor's Cabinet Office, (850)488-5152.

The Governor and Cabinet will proceed through each agenda, item by item, in the order given above.

CABINET AIDES BRIEFING: On the Wednesday of the week prior to the above meeting, there will be a meeting of the aides to the Governor and Cabinet Members at 9:00 a.m., Cabinet Meeting Room, Lower Level, The Capitol, Tallahassee, Florida. The purpose of this briefing is to review and gather information regarding each agenda to be considered by the Governor and Cabinet.

DEPARTMENT OF STATE

The **Department of State, Division of Historical Resources** announces the following meetings to which all interested persons are invited to attend.

Friends of the Knott House, Inc.

DATE AND TIME: Wednesday, December 3, 2003, 1:30 p.m.
PLACE: Knott House Museum, 301 East Park Avenue, Tallahassee, Florida 32301

Friends of the Museum of Florida History, Inc.

DATE AND TIME: Tuesday, December 2, 2003, 10:00 a.m.
PLACE: Museum Education Room, R. A. Gray Building (lower level), 500 South Bronough Street, Tallahassee, Florida 32399

Friends of Historic Properties and Museums, Inc.

DATE AND TIME: Monday, December 1, 2003, 2:00 p.m.
PLACE: Division Director's Conference Room (305), R. A. Gray Building, 500 South Bronough Street, Tallahassee, Florida 32399

Friends of the Old Florida Capitol, Inc.

DATE AND TIME: Monday, December 1, 2003, 10:00 a.m.
PLACE: Division Director's Conference Room (305), R. A. Gray Building 500 South Bronough Street, Tallahassee, Florida 32399

Friends of Mission San Luis, Inc.

DATE AND TIME: Tuesday, December 2, 2003, 2:00 p.m.
PLACE: Messer House, Mission San Luis, 2020 West Mission Road, Tallahassee, Florida 32304

The Grove Advisory Council

DATE AND TIME: Wednesday, December 3, 2003, 10:00 a.m.
PLACE: The Grove, 100 East 1st Avenue, Tallahassee, Florida 32301

The **Southeast Florida Preservation, Inc.** announces a public meeting to which all persons are invited.

DATE AND TIME: Wednesday, December 10, 2003, 11:00 a.m.

PLACE: Southeast Florida Regional Preservation Office, 20 North Swinton Avenue, Delray Beach, Florida 33444

GENERAL SUBJECT MATTER TO BE CONSIDERED: General Business Meeting.

A copy of the agenda may be obtained by writing: Southeast Florida Regional Preservation Office, Florida Division of Historical Resources, FDOS, 20 North Swinton Avenue, Delray Beach, Florida 33444.

Should any person wish to appeal any decision made with respect to the above referenced meeting, s/he may need to ensure verbatim recording of the proceedings in order to provide a record for judicial review. Pursuant to Chapter 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 any special assistance at (561)279-1475.

The **Department of State, Division of Cultural Affairs** announces the following public meeting, to which all persons are invited:

COMMITTEE: Art Selection Committee

DATE AND TIME: Wednesday, December 17, 2003, 2:00 p.m.

PLACE: University of South Florida, Contemporary Art Museum, Conference Room, Tampa, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Art in State Buildings Meeting, Stacy Levy will make a presentation for USF Public Art Project #549 for the Natural and Environmental Science facility.

For more information, please contact: Vincent Ahern, Coordinator of Public Art, University of South Florida Contemporary Art Museum, 4202 E. Fowler Avenue, CAM101, Tampa, FL 33620, (813)974-4333.

Should any person wish to appeal any decision made with respect to any matter considered in the above-referenced meeting, he/she may need to ensure verbatim recording of the proceedings to provide a record for judicial review. This meeting will not be taped by the Division of Cultural Affairs.

Pursuant to the provisions of the Americans With Disabilities Act, any person requiring special accommodation to participate in this meeting is asked to advise the agency at least 48 hours before the meeting by contacting Vincent Ahern at the above listed phone number. If you are hearing or speech impaired, please contact the agency.

DEPARTMENT OF LEGAL AFFAIRS

The Annual Report Committee of the Florida **Commission on the Status of Women** will hold a telephone conference to which all interested persons are invited to participate.

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

PLACE: Please call (850)414-3300 for instructions on participation

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss general issues.

If you need an accommodation because of disability in order to participate, please notify FCSW in writing at least five days in advance at Office of the Attorney General, The Capitol, Tallahassee, FL 32399-1050.

Note: If a quorum of members does not attend, items on this agenda will be discussed as a workshop by those present, and notes will be recorded although no formal action will be taken. If you have any questions, please call (850)414-3300.

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

The Florida **Department of Agriculture and Consumer Services** announces the meeting of the Florida Tropical Fruit Advisory Council to which all interested persons are invited.

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

PLACE: Miami-Dade Extension Office, 18710 S. W. 288 Street, Homestead, FL 33030

GENERAL SUBJECT MATTER TO BE CONSIDERED: Board Meeting – The purpose of this meeting is to conduct the general business of the Florida Tropical Fruit Advisory Council.

For additional information or if you need special accommodations, call: Louise King, (305)246-8460.

DEPARTMENT OF EDUCATION

The Florida **Covering Kids Coalition** announces a meeting to which all interested persons are invited.

DATE AND TIME: Thursday, December 11, 2003, 10:30 a.m. – 1:00 p.m.

PLACE: Chiles Center, University of South Florida, Tampa, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Agenda items include: Preliminary Kidcare Legislative and/or Administrative Recommendations; Bylaws Revision; and Nominations for the Membership to the Coalition.

The Florida **Atlantic University**, Board of Trustees announces a meeting to which all persons are invited. The meeting will be conducted by conference call.

DATE AND TIME: Friday, December 5, 2003, 9:00 a.m.

PLACE: The call in number can be obtained by contacting: Ms. Joanne Elsner, Florida Atlantic University, 777 Glades Road, Boca Raton, Florida 33431, (561)297-4030

GENERAL SUBJECT MATTER TO BE CONSIDERED: Personnel and Compensation.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this meeting is asked to advise the agency at least

48 hours before the meeting by contacting: Ms. Paula Behul, (561)297-3004. If you are hearing or speech impaired, please contact the agency by calling via TDD No. (561)297-2130.

The Region XII, **Training Council and Assessment Center**, Board of Directors announces a public meeting to which all interested persons are invited:

DATE AND TIME: Thursday, December 11, 2003, 10:00 a.m.

PLACE: Palm Beach Community College, Criminal Justice Room 101, 4200 Congress Avenue, Lake Worth, FL 33461

GENERAL SUBJECT MATTER TO BE CONSIDERED: The agenda will include but is not limited to: FDLE/CJSTC updates; Palm Beach Community College/Criminal Justice Institute Assessment Center update; Region XII Budget Approval and any other business.

A copy of the agenda may be obtained by contacting: Sue Voccola, Secretary, Criminal Justice Institute, Palm Beach Community College, 4200 Congress Avenue, Lake Worth, FL 33461, (561)868-3403.

DEPARTMENT OF COMMUNITY AFFAIRS

The Florida **Building Commission** announces the following meeting to which all persons are invited. The meeting will be held at:

PLACE: The Orange County Administration Building, 3rd Floor, 201 Rosalind Avenue, Orlando, Florida

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

Meeting of the Fire Technical Advisory Committee.

GENERAL SUBJECT MATTER TO BE CONSIDERED: To review Table 5030 of the International Building Code and provide recommendation to the Commission for consideration.

A copy of the Committee meeting agenda and other documents may be obtained by sending a request in writing: Betty Stevens, Building Codes and Standards Office, Division of Housing and Community Development, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100, Fax (850)414-8436 or web site: www.floridabuilding.org.

If a person decides to appeal any decision made by the Commission with respect to any matter considered at this meeting, they 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.

Any person requiring a special accommodation at the meetings because of a disability or physical impairment should contact Ms. Barbara Bryant, Department of Community Affairs, (850)487-1824, at least ten days before the meetings. If you are hearing or speech impaired, please contact the Department of Community Affairs using the Florida Dual Party Relay System, 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

DEPARTMENT OF TRANSPORTATION

The Florida **Department of Transportation** announces a public meeting to which all persons are invited:

DATE AND TIME: December 3, 2003, 10:00 a.m. – 4:00 p.m.

PLACE: Greater Orlando Aviation Authority, 3rd Floor Executive Conference Room, Orlando International Airport, 1 Airport Blvd., Orlando, Florida 32827-4399

GENERAL SUBJECT MATTER TO BE CONSIDERED: Statewide Intermodal Transportation Advisory Council (SITAC) Meeting.

A copy of the agenda may accessed through the web site at www.dot.state.fl.us/planning/sis/ or be obtained by writing: Florida Department of Transportation, 605 Suwannee Street, MS 28, Tallahassee, Florida 32399-0450 or calling Renee Cross, (850)414-4800.

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 72 hours before the meeting by contacting: Renee Cross, (850)414-4800.

The Florida **Department of Transportation** (FDOT), District One, and the Turnpike District announce public hearings to which all interested persons are invited. Specific notice is provided to the Polk, Lee, Sarasota/Manatee, Charlotte, and Collier Metropolitan Planning Organizations (MPOs) and the County Commission Chairpersons for Polk, Manatee, Sarasota, Charlotte, Lee, Collier, Hendry, Glades, Okeechobee, Highlands, Hardee, and DeSoto Counties.

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

PLACE: Central Florida Regional Planning Council, Bob Crawford Agricultural Center, 605 East Main Street, Bartow, Florida

DATE AND TIME: December 18, 2003, 9:30 a.m.

PLACE: Regional Service Center, 2295 Victoria Avenue, Suite 165D, Fort Myers, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: The hearings will consist of presentations by the Department on the FDOT Tentative Five Year Work Program for fiscal years 2004/2005-2008/2009, followed by a public testimony period. These public hearings are being conducted pursuant to Section 339.135(4)(c), Florida Statutes, as amended. At each hearing, the public is invited to review the District One Tentative Five Year Work Program. Department staff will be available prior to and immediately following for informal discussion and assistance. A court reporter will be available to accept public comments, if desired, for entry into the public record.

The proposed projects 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 Act any person(s) 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 to the Florida Department of Transportation Minority Programs Office in Tallahassee or contact the District's Title VI and Title VIII Coordinator as shown below:

CENTRAL OFFICE: Florida Department of Transportation, Minority Programs Office, 605 Suwannee Street, Tallahassee, Florida 32399-0450

DISTRICT 1: Florida Department of Transportation, District 1, 801 North Broadway, Bartow, Florida 33830

If requested and in compliance with the Americans with Disabilities Act, the Department will provide special assistance at the public hearings for those persons who are disabled. Those persons requiring special assistance must send written notification to the Department at least 10 days prior to the public hearing to: Maryemma Bachelder, Florida Department of Transportation, 801 North Broadway, Bartow, Florida 33830.

A copy of the agenda may be obtained from Maryemma Bachelder at the same address, or by calling (863)519-2362.

Written comments from all interested parties will be accepted by the Department at the public hearing and within ten days after the public hearing. Comments should be mailed to: Ricky A. Langley, P.E., District Secretary, Florida Department of Transportation, Post Office Box 1249, Bartow, Florida 33831.

The following are meetings concerning the Department's Tentative Five Year Work Program for fiscal years 2004/2005-2008/2009 but are not public hearings.

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

PLACE: Hardee County Health Department, 115 K.D. Revell Road, Wauchula, Florida

DATE AND TIME: December 8, 2003, 2:00 p.m.

PLACE: Charlotte County Airport, 28000 Airport Road, Punta Gorda, Florida

DATE AND TIME: December 9, 2003, 6:30 p.m.

PLACE: Pioneer Community Center, 900 Panama Avenue, Clewiston, Florida

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

PLACE: Glades County Courthouse, 500 Avenue J, Moore Haven, Florida

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

PLACE: Polk County Administrative Bldg., 300 W. Church Street, Bartow, Florida

DATE AND TIME: December 16, 2003, 9:00 a.m.

PLACE: DeSoto County Administrative Bldg., 115 East Oak Street, Arcadia, Florida

Please Note: These meeting dates and times are subject to change. Please contact Ms Bachelder at the number above to confirm the dates and times.

The **Commercial Motor Vehicle Review Board** announces a public meeting to which all persons are invited.

DATE AND TIME: December 11, 2003, 8:30 a.m.

PLACE: Department of Transportation, Turnpike Operations Center Auditorium, Mile Post 65, Pompano Beach Service Plaza, Pompano Beach, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: This is a monthly meeting of the Commercial Motor Vehicle Review Board for the purpose of reviewing penalties imposed upon any vehicle or person under the provisions of Chapter 316, Florida Statutes, relating to weights imposed on the highway by the axles and wheels of motor vehicles, to special fuel and motor fuel tax compliance, or to violations of safety regulations.

Any person aggrieved by the imposition of a civil penalty pursuant to Sections 316.3025 or 316.550, Florida Statutes, may apply to the Commercial Motor Vehicle Review Board for a modification, cancellation, or revocation of the penalty.

Anyone needing an agenda or public hearing information or special accommodations under the Americans With Disabilities Act of 1990 should write to the address given below or call Rosa Seabrooks, (850)922-4483.

Special accommodation requests under the Americans With Disabilities Act should be made at least 48 hours prior to the public meeting.

A copy of the agenda may be obtained by writing: Rosa Seabrooks, Executive Secretary, Commercial Motor Vehicle Review Board, 1815 Thomasville Road, Tallahassee, Florida 32303-5750.

The **Florida High Speed Rail Authority** announces a public meeting to which all persons are invited.

DATE AND TIME: Wednesday, December 17, 2003, 8:30 a.m. – 1:00 p.m.

PLACE: Greater Orlando Aviation Authority Board Room, 3rd Level, Orlando International Airport, One Airport Boulevard, Orlando, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct Florida High Speed Rail Authority business.

Information may be obtained by contacting: Nazih Haddad, 605 Suwannee Street, Tallahassee, Florida 32399-0450, (850)414-4500.

Pursuant to provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in these meetings is asked to advise the Authority at least 48 hours before the meetings by contacting: Betty Sizemore, (850)414-5244.

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

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

PUBLIC SERVICE COMMISSION

The Florida **Public Service Commission** announces its regularly scheduled conference to which all interested persons are invited.

DATE AND TIME: December 16, 2003, 9:30 a.m.

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

GENERAL SUBJECT MATTER TO BE CONSIDERED: To consider those matters ready for decision.

LEGAL AUTHORITY AND JURISDICTION: Chapters 120, 350, 364, 366, and 367, F.S.

Persons who may be affected by Commission action on certain items on this agenda for which a hearing has not been held will be allowed to address the Commission concerning those items when taken up for discussion at this conference.

A copy of the agenda may be obtained by any person who requests a copy, and pays the reasonable cost of the copy. (\$1.00 per copy, Statement of Agency Organization and Operations), by contacting: Division of the Commission Clerk and Administrative Services, Director, Division of the Commission Clerk and Administrative Services, Florida Public Service Commission, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, (850)413-6770.

The agenda and recommendations are also accessible on the PSC Homepage, at <http://www.floridapsc.com>, at no charge.

If a person decides to appeal any decisions made by the Commission with respect to any matter considered at this conference, he will need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which appeal is based. Any person requiring some accommodation at this conference because of a physical impairment should call the Division of the Commission Clerk and Administrative Services, (850)413-6770, at least 48 hours prior to the conference. Any person who is hearing or speech impaired should contact the Commission by using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

The Florida **Public Service Commission** announces an Internal Affairs Meeting, to which all interested persons are invited.

DATE AND TIME: December 16, 2003, immediately following the Commission Conference which commences at 9:30 a.m., Commission Hearing Room 148

PLACE: The Betty Easley Conference Center, 4075 Esplanade Way, Conference Room 140, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss and make decisions on matters which affect the operation of the Commission.

A copy of the agenda of the Internal Affairs Meeting may be obtained by contacting: Division of the Commission Clerk and Administrative Services, Florida Public Service Commission, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850.

Any person requiring some accommodation at this meeting because of a physical impairment should call the Division of the Commission Clerk and Administrative Services, (850)413-6770, at least 48 hours prior to the meeting. 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).

****THIS MEETING IS SUBJECT TO CANCELLATION WITHOUT NOTIFICATION.****

EXECUTIVE OFFICE OF THE GOVERNOR

The Florida **Aerospace Finance Corporation** (FAFC) announces a Board of Director's meeting and teleconference in which the public is invited.

DATE AND TIME: December 10, 2003, 1:00 p.m. – 3:00 p.m.

PLACE: Office of Florida Department of Transportation, Room 479, 605 Suwannee Street, Tallahassee, FL 32399 (To attend via telephone call: 1(866)249-5325, participant code 393255)

GENERAL SUBJECT MATTER TO BE CONSIDERED: Board of Directors will meet to review general board business, ratifications of agreements, financings, budgets, procedures and to consider other proposed matters related to the business of the Corporation.

For more information, contact: Ms. Judy Blanchard, (321)690-3397.

To obtain a copy of the agenda write: The Florida Commercial Space Financing Corporation, 403 Brevard Avenue, Suite 1, Cocoa, Florida 32922.

Any person requiring special accommodations at this meeting because of disability or physical impairment should contact the Florida Aerospace Finance Corporation.

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, they will need a record of the proceedings, and for such purpose, they may need to ensure

that a verbatim record of the proceeding, which record includes the testimony and evidence upon which the appeal is to be based.

The Governor's **Office of Tourism, Trade, and Economic Development** announces a meeting of the Governor's Advisory Council on Base Realignment and Closure (BRAC) to which all persons are invited.

MEETING: Governor's Advisory Council on Base Realignment and Closure

DATE AND TIME: Thursday, December 11, 2003, 10:00 a.m. (ET)

PLACE: 8385 Daetwyler Drive, Orlando, FL 32862-0728

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Governor's Advisory Council will review the activities of the Council's committees on Intrastate Activities, Federal Activities, Public Communications and Competitive Advantages and discuss action plans following announcement of base closure criteria by the Secretary of Defense.

If you need a special accommodation to participate because of a disability, please contact Wayne Nelms, (850)414-1727, no later than 48 hours prior to the meeting. Persons who are hearing or speech impaired can contact the Florida Dual Party Relay System, 1(800)955-8770 (Voice) or 1(800)955-8771 (TDD).

The **Florida Sports Foundation** announces its quarterly Board of Directors meeting to which all persons are invited.

DATE AND TIME: Friday, December 12, 2003, 9:00 a.m. – 11:00 a.m.

PLACE: 2930 Kerry Forest Parkway, Suite 101, Tallahassee, FL 32309, Teleconference Numbers 1(800)416-4132 (Toll Free) and (850)922-7892 (Tallahassee Only)

Please make 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.

REGIONAL PLANNING COUNCILS

The **Withlacoochee Regional Planning Council** announces its Annual Meeting to which all persons are invited.

DATE AND TIME: Thursday, December 11, 2003, 5:30 p.m. – Nominating Committee Meeting; 6:00 p.m. – Open House; 7:00 p.m. – Annual Meeting

PLACE: Withlacoochee Regional Planning Council, 1241 S. W. 10th Street, Ocala, FL 34474-2798

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct the regular business of the Council including election of Council Officers for 2004.

A copy of the agenda may be obtained by writing: Withlacoochee Regional Planning Council, 1241 S. W. 10th Street, Ocala, FL 34474-2798.

Affected persons are advised that it may be necessary for them to ensure that a verbatim record of the meeting is made, including the testimony and evidence upon which the appeal is to be based.

The **Central Florida Regional Planning Council** will hold its public meeting and the Council's Executive Committee meeting, to which all persons are invited:

DATE AND TIME: Wednesday, December 10, 2003, 9:30 a.m.

PLACE: Bob Crawford Agriculture Center, 605 East Main Street, Suite 106, Bartow, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regular Monthly Meeting of the Council and its Executive Committee.

A copy of the agenda may be obtained by writing: Central Florida Regional Planning Council, P. O. Box 2089, Bartow, Florida 33831.

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

The Region IX, **Local Emergency Planning Committee** (LEPC) announces a public meeting to which all persons are invited:

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

PLACE: Southwest Florida Regional Planning Council, 4980 Bayline Drive, 4th Floor, North Fort Myers, FL 33917

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss and implement provisions of the Emergency Planning and Community Right to Know Act.

A copy of the Agenda may be obtained by contacting: Executive Director David Y. Burr, Southwest Florida Regional Planning Council, Post Office Box 3455, North Fort Myers, FL 33918-3455.

The **Regional Business Alliance** announces a public meeting to which all persons are invited.

DATE AND TIME: Wednesday, December 10, 2003, 2:00 p.m.

PLACE: South Florida Regional Planning Council, 3440 Hollywood Boulevard, Suite 140, Hollywood, Florida 33021

GENERAL SUBJECT MATTER TO BE CONSIDERED: Meeting to discuss regional issues impacting South Florida including transportation.

A copy of the agenda may be obtained by writing: The Broward Workshop, 2740 East Oakland Park Boulevard, Suite 206, Fort Lauderdale, Florida 33306.

The Regional Business Alliance is comprised of business and elected leaders from Monroe, Miami-Dade, Broward, Palm Beach and Martin Counties, including members of the South Florida Regional Transportation Authority and South Florida Regional Planning Council.

If you are hearing or speech impaired, please contact the South Florida Regional Planning Council, (954)967-4152, Ext. 40 (TDD), if you require additional information regarding the meeting above. If you require special accommodations because of a disability or physical impairment, please contact the Council, (954)985-4416, at least five calendar days prior to the meeting.

WATER MANAGEMENT DISTRICTS

The **Suwannee River Water Management District** announces the following public meetings to which all interested persons are invited.

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

PLACE: District Headquarters, 9225 CR 49, Live Oak, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Board Meeting – to consider District business, and conduct public hearings on regulatory and land acquisition matters. Public hearing in accordance with Section 373.59, F.S., concerning the proposed purchase of the Rayonier Timberlands Operating Company/Lake Rowell Tract, 607 acres +/- in Bradford County, Florida, with funds from the Florida Forever Trust Fund; also, the proposed purchase of the Rayonier Timberlands Operating Company/Sandlin Bay Inholding Tract, totaling 570 acres +/- in Columbia County, Florida, with funds from the Florida Forever Trust Fund.

A copy of the agenda(s) may be obtained by writing: SRWMD, 9225 CR 49, Live Oak, Florida 32060.

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

Persons with disabilities who need assistance in order to participate in this meeting may contact Lisa Cheshire, (386)362-1001 or 1(800)226-1066 (Florida only), at least two business days in advance to make appropriate arrangements.

The **St. Johns River Water Management District** announces the following Projects and Land Committee Meeting(s) and Tour:

Projects and Land Committee Public Meeting

DATE AND TIME: Thursday, December 4, 2003, 6:00 p.m. – 7:00 p.m.

GENERAL SUBJECT MATTER TO BE CONSIDERED: Public meeting forum for presentation of Middle Basin Projects.

Projects and Land Committee Business Meeting followed by Land Tour

DATE AND TIME: Friday, December 5, 2003, 8:00 a.m. – 10:00 a.m.

GENERAL SUBJECT MATTER TO BE CONSIDERED: Business meeting to consider Projects and Land Committee agenda items. Land tour leaving from meeting location.

PLACE: Stetson University, Deland Hall Board Room, 421 North Woodland Blvd., Deland, FL (A tour of District land(s) will follow the business meeting)

An agenda can be obtained by writing: St. Johns River Water Management District, P. O. Box 1429, Palatka, FL 32178-1429 or calling Sonia Kuecker, Water Resources Dept., (386)312-2330.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this meeting is asked to advise the agency at least 48 hours before the meeting by contacting (386)329-4162. If you are hearing or speech impaired, please contact the agency by calling (386)329-4450 (TDD).

NOTICE OF CANCELLATION – The St. Johns River Water Management District hereby cancels the Rule Development Workshop that was scheduled for December 8, 2003, regarding Rules 40C-8.021 and 40C-8.031, F.A.C., Minimum Flows and Levels for Blue Spring, Volusia County, for which a Notice of Proposed Rule Development was published in Vol. 29, No. 47, November 21, 2003 issue of the Florida Administrative Weekly.

This workshop will be rescheduled and notice will be published in the next available Florida Administrative Weekly.

The **St. Johns River Water Management District** announces the following public meetings and hearings which may be conducted by means of or in conjunction with communications technology. All persons are invited.

CHAIRMEN (GOVERNING BOARD AND COMMITTEES)

DATE AND TIME: Tuesday, December 9, 2003, 8:15 a.m.

PLACE: District Headquarters, 4049 Reid Street (Hwy. 100, West), Palatka, Florida 32177

GENERAL SUBJECT MATTER TO BE CONSIDERED: Discussion and consideration of District business including regulatory and non-regulatory matters.

FINANCE AND ADMINISTRATION COMMITTEE

DATE AND TIME: Tuesday, December 9, 2003, 8:45 a.m.

PLACE: District Headquarters, 4049 Reid Street (Hwy. 100, West), Palatka, Florida 32177

GENERAL SUBJECT MATTER TO BE CONSIDERED: Discussion of Finance and Administration agenda items followed by committee recommendations to be approved by the full Governing Board. Staff will recommend approval of external budget amendments which affect the adopted budget.

JOINT MEETING OF FINANCE AND ADMINISTRATION AND REGULATORY COMMITTEES

DATE AND TIME: Tuesday, December 9, 2003, 9:30 a.m.

PLACE: District Headquarters, 4049 Reid Street (Hwy. 100, West), Palatka, Florida 32177

GENERAL SUBJECT MATTER TO BE CONSIDERED: Discussion and consideration of District business including regulatory and non-regulatory matters.

REGULATORY COMMITTEE

DATE AND TIME: Tuesday, December 9, 2003, 10:00 a.m.

PLACE: District Headquarters, 4049 Reid Street (Hwy. 100, West), Palatka, Florida 32177

GENERAL SUBJECT MATTER TO BE CONSIDERED: Discussion of Regulatory agenda items followed by committee recommendations to be approved by the full Governing Board.

GOVERNING BOARD/REGULATORY AND PUBLIC HEARING ON LAND ACQUISITION

DATE AND TIME: Tuesday, December 9, 2003, 1:00 p.m.

PLACE: District Headquarters, 4049 Reid Street (Hwy. 100, West), Palatka, Florida 32177

GENERAL SUBJECT MATTER TO BE CONSIDERED: Discussion and consideration of District business including regulatory and non-regulatory matters.

GOVERNING BOARD*

DATE AND TIME: Wednesday, December 10, 2003, 9:00 a.m.

*December 10 meeting subject to cancellation if all business concluded December 9

PLACE: District Headquarters, 4049 Reid Street (Hwy. 100, West), Palatka, Florida 32177

GENERAL SUBJECT MATTER TO BE CONSIDERED: Discussion and consideration of other District business including regulatory and non-regulatory matters.

NOTE: In the event of a declared emergency or emergency conditions due to an imminent tropical storm or hurricane, all or part of these meetings may be conducted as a teleconference in order to permit maximum participation of Governing Board members.

A copy of the agenda may be obtained at the SJRWMD website www.sjrwmd.com.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in these meetings and hearings is requested to advise the District at least 48 hours before the meeting or hearing by contacting: Ann Freeman, (386)329-4101.

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

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

MEDARD RESERVOIR EMERGENCY NOTIFICATION SYSTEM PUBLIC MEETING

DATE AND TIME: Wednesday, December 3, 2003, 7:00 p.m. – 9:00 p.m.

PLACE: Durant High School, 4748 Cougar Path, Plant City, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Discuss the Reservoir, the Emergency Action Plan and the notification system.

These are public meeting(s) and agendas are available by writing: Southwest Florida Water Management District, 2379 Broad Street, Brooksville, FL.

The District does not discriminate based on disability. Anyone requiring reasonable accommodation under the ADA should contact 1(800)423-1476 (Florida only), Extension 4604, TDD only 1(800)231-6103 (Florida only), Fax (352)754-6874.

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

PUBLIC LAND ACQUISITION AND MANAGEMENT CONFERENCE

DATE AND TIME: Saturday, December 6, 2003 – Tuesday, December 9, 2003, 9:00 a.m.

PLACE: Ritz Carlton, 4750 Amelia Island Parkway, Amelia Island, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Annual Land Acquisition and Management Conference.

BASIN BOARD LAND RESOURCES COMMITTEE MEETING

DATE AND TIME: Tuesday, December 9, 2003, 7:30 a.m.

PLACE: Ritz Carlton, 4750 Amelia Island Parkway, Amelia Island, FL

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

MANASOTA BASIN BOARD MEETING

DATE AND TIME: Wednesday, December 10, 2003, 9:00 a.m.

PLACE: SWFWMD, Sarasota Service Office, 6750 Fruitville Road, Sarasota, FL

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

PEACE RIVER BASIN BOARD MEETING

DATE AND TIME: Friday, December 12, 2003, 9:30 a.m.

PLACE: SWFWMD, Bartow Service Office, 170 Century Boulevard, Bartow, FL

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

PUBLIC OPEN HOUSE FOR LAKE HANCOCK

DATE AND TIME: Friday, December 12, 2003, 3:00 p.m. – 7:00 p.m.

PLACE: SWFWMD, Bartow Service Office, 170 Century Boulevard, Bartow, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Dissemination of information.

GOVERNING BOARD COMMITTEE MEETINGS, BOARD MEETING AND PUBLIC HEARING

DATE AND TIME: Tuesday, December 16, 2003, 9:00 a.m.

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

GENERAL SUBJECT MATTER TO BE CONSIDERED: Conduct of Committee meetings, Board meeting and public hearing.

GOVERNING BOARD COMMITTEE MEETINGS, BOARD MEETING AND PUBLIC HEARING (Items not completed at Tuesday's meeting may be carried over to Wednesday's meeting. If all business is concluded at Tuesday's meeting, there will be no meeting on Wednesday.)

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

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

GENERAL SUBJECT MATTER TO BE CONSIDERED: Conduct of meeting and public hearing.

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

The District does not discriminate based on disability. Anyone requiring reasonable accommodation under the ADA should contact 1(800)423-1476 (Florida) 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: Tuesday, December 2, 2003, 9:30 a.m. – completed

GENERAL SUBJECT MATTER TO BE CONSIDERED: Land Resources Committee meeting to discuss real estate acquisition and land management issues.

PLACE: Signature Aviation, 1500 Perimeter 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)

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.

Appeals from any South Florida Water Management District Board decision require a record of the proceedings. Although Governing Board meetings and hearings are normally recorded, affected persons are advised that it may be necessary for them to ensure that a verbatim record of the proceeding is made, including the testimony and evidence upon which the appeal is to be based.

Persons with disabilities who need assistance may contact the District Clerk, (561)686-8800, at least two business days in advance of the meeting to make appropriate arrangements.

Those who want more information, please contact: 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 public meeting to which all interested parties are invited:

DATE AND TIME: Wednesday, December 10, 2003, 9:00 a.m. – completed

PLACE: Hard Rock Hotel, 5400 Universal Blvd., Orlando, FL 32819 (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: Strategic Plan Meeting.

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.

Appeals from any South Florida Water Management District Board decision require a record of the proceedings. Although Governing Board meetings and hearings are normally recorded, affected persons are advised that it may be necessary for them to ensure that a verbatim record of the proceeding is made, including the testimony and evidence upon which the appeal is to be based.

Persons with disabilities who need assistance may contact the District Clerk, (561)686-6371, at least two business days in advance of the meeting to make appropriate arrangements.

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)682-3447.

The **South Florida Water Management District** announces a public meeting to which all interested parties are invited:

DATE AND TIME: Thursday, December 11, 2003, 9:00 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: Regular Governing Board Workshop/Meeting/Audit Committee/Human Resources Committee to discuss and consider District business including regulatory and non-regulatory matters.

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.

Appeals from any South Florida Water Management District Board decision require a record of the proceedings. Although Governing Board meetings and hearings are normally recorded, affected persons are advised that it may be necessary for them to ensure that a verbatim record of the proceeding is made, including the testimony and evidence upon which the appeal is to be based.

Persons with disabilities who need assistance may contact the District Clerk, (561)686-6371, at least two business days in advance of the meeting to make appropriate arrangements.

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)682-3447.

COMMISSION FOR THE TRANSPORTATION DISADVANTAGED

The Florida **Commission for the Transportation Disadvantaged** announces a Medicaid Committee Meeting to which all persons are invited.

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

PLACE: Rosen Centre Hotel, 9840 International Drive, Orlando, Florida 32819, (407)996-9840

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss Medicaid non-emergency transportation issues.

In accordance with the Americans with Disabilities Act, persons in need of special accommodation to participate in the meeting or an agenda should contact: Tiffany McNabb, Commission for the Transportation Disadvantaged, 605 Suwannee Street, MS-49, Tallahassee, FL 32399-0450, (850)410-5700 or 1(800)983-2435 or 1(800)648-6084 (TDD only).

The meeting is subject to change upon chairperson's request.

The Florida **Commission for the Transportation Disadvantaged** announces an Executive Director Review Committee Meeting to which all persons are invited.

DATE AND TIME: Friday, December 12, 2003, 1:00 p.m. – completion

PLACE: Rosen Centre Hotel, 9840 International Drive, Orlando, Florida 32819, (407)996-9840

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss Executive Director performance.

In accordance with the Americans with Disabilities Act, persons in need of special accommodation to participate in the meeting or an agenda should contact: Tiffany McNabb, Commission for the Transportation Disadvantaged, 605 Suwannee Street, MS-49, Tallahassee, FL 32399-0450, (850)410-5700 or 1(800)983-2435 or 1(800)648-6084 (TDD only).

The meeting is subject to change upon chairperson's request.

The Florida **Commission for the Transportation Disadvantaged** announces a Personnel Committee Meeting to which all persons are invited.

DATE AND TIME: Friday, December 12, 2003, immediately following completion of Executive Director Review Committee Meeting (1:00 p.m. – completion)

PLACE: Rosen Centre Hotel, 9840 International Drive, Orlando, Florida 32819, (407)996-9840

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss personnel issues.

In accordance with the Americans with Disabilities Act, persons in need of special accommodation to participate in the meeting or an agenda should contact: Tiffany McNabb, Commission for the Transportation Disadvantaged, 605 Suwannee Street, MS-49, Tallahassee, FL 32399-0450, (850)410-5700 or 1(800)983-2435 or 1(800)648-6084 (TDD only).

The Florida **Commission for the Transportation Disadvantaged** announces a Business Meeting to which all persons are invited.

DATE AND TIME: Friday, December 19, 2003, 1:00 p.m. – completion

PLACE: Rosen Centre Hotel, 9840 International Drive, Orlando, Florida 32819, (407)996-9840

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss regular Commission business.

In accordance with the Americans with Disabilities Act, persons in need of special accommodation to participate in the meeting or an agenda should contact: Tiffany McNabb, Commission for the Transportation Disadvantaged, 605 Suwannee Street, MS-49, Tallahassee, FL 32399-0450, (850)410-5700 or 1(800)983-2435 or 1(800)648-6084 (TDD only).

The meeting is subject to change upon chairperson's request.

REGIONAL UTILITY AUTHORITIES

NOTICE OF CANCELLATION – The **Withlacoochee Regional Water Supply Authority** announces that the Authority has cancelled its regular December meeting.

The Authority will hold its regular January meeting as scheduled. This is a public meeting to which all persons are invited:

DATE AND TIME: Wednesday, January 21, 2004, 4:30 p.m.

PLACE: Citrus County Courthouse, Commission Meeting Room, 1st Floor, 110 N. Apopka Avenue, Inverness, Florida 34450

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct regular business of the Authority.

A copy of the agenda may be obtained by writing: Withlacoochee Regional Water Supply Authority, P. O. Drawer 190, Tallahassee, FL 32302.

Although these board meetings are normally recorded, affected persons are advised that it may be necessary for them to make their own arrangements if a verbatim record of the meeting is needed, including testimony and evidence upon which any appeal is to be based.

DEPARTMENT OF ELDER AFFAIRS

The Florida **Department of Elder Affairs** announces a public hearing to which all persons are invited.

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

PLACE: Department of Elder Affairs, Room 225F, 4040 Esplanade Way, Tallahassee, FL 32399-7000

GENERAL SUBJECT MATTER TO BE CONSIDERED: A meeting of the Advisory Council for the Office of Long-Term Care Policy to discuss the state of long-term care in Florida and methods for improvement.

To obtain a copy of the agenda, please contact: Jennifer Sindt, 4040 Esplanade Way, Tallahassee, Florida 32399-7000 or (850)414-2091, e-mail: Sindtj@elderaffairs.org.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this meeting is asked to advise the department at least 48 hours before the meeting by contacting: Jennifer Sindt, (850)414-2091. If you are hearing or speech impaired, please contact the department by calling (850)414-2001.

AGENCY FOR HEALTH CARE ADMINISTRATION

The **Agency for Health Care Administration** announces a public meeting to which all persons are invited.

DATE AND TIME: Wednesday, December 10, 2003, 1:00 p.m. – 3:00 p.m.

PLACE: Agency for Health Care Administration, 2728 Mahan Drive, Building 3, Conference Room A, Tallahassee, Florida 32308

GENERAL SUBJECT MATTER TO BE CONSIDERED: Discussion on Hospital Quality Indicators or hospital report cards, and their use by the public in hospital choice.

The information gathered at the series of three public meetings scheduled across Florida in December 2003 will to identify what information is most understandable and useful to assist the public in comparing state-licensed hospitals on certain inpatient quality indicators.

A copy of the agenda for this meeting may be obtained by contacting: Linda J. Colvin, (850)922-0791, Fax (850)413-7955 or e-mail: colvinl@fdhc.state.fl.us.

Topics/Questions to explore will include: Should AHRQ patient QI be made available? What information should be disseminated? What information will be helpful to consumers? What information formats are desirable? What types of educational efforts are necessary to make these “report cards” helpful?

Public comment is encouraged. Interested parties may make verbal comments at the above meeting. Written comments can be submitted via e-mail to 4safety@med.miami.edu or to Jeffrey N. Gregg, Agency for Health Care Administration, 2727 Mahan Drive, MS #28A, Tallahassee, Florida 32308, through December 19, 2003.

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)922-0791.

The **Agency of Health Care Administration** and the Office of Insurance Regulation announce the Fourth Meeting of the Governor’s Task Force on Access to Affordable Health Insurance to which all interested persons are invited.

DATE AND TIME: December 3, 2003, 10:00 a.m. – 4:00 p.m.

PLACE: Florida Community College, Downtown Campus, Auditorium, 101 W. State Street, Jacksonville, Florida 32202

GENERAL SUBJECT MATTER TO BE CONSIDERED: Introductions and background information for the task force, recap of the previous Task Force meeting, presentations by business, insurance industry and association representatives, volunteer groups, local, county and state organizations. Additional opportunity for public input will be provided.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact Ms. Audrey Sumrall, (850)413-2552, at least five calendar days prior to the meeting.

A copy of the agenda and meeting materials may be obtained by writing: Mr. Gary Crayton, Principal, Health Management Associates, 301 S. Bronough Street, Suite 500, Tallahassee, Florida 32301 or by visiting our website: http://www.fdhc.state.fl.us/affordable_health_insurance/index.shtml.

The **Agency of Health Care Administration (AHCA)** and the Office of Insurance Regulation (OIR) announce the Fifth Meeting of the Governor’s Task Force on Access to Affordable Health Insurance to which all interested persons are invited.

DATE AND TIME: December 17, 2003, 10:00 a.m. – 4:00 p.m.

PLACE: Miami-Dade Board of County Commissioners Chambers, Stephen P. Clark Gov. Center, 111 N.W. 1st Street, Miami, FL 33128

GENERAL SUBJECT MATTER TO BE CONSIDERED: Introductions and background information for the task force, recap of the previous Task Force meeting, presentations by AHCA and OIR, review of health insurance coverage approaches that are consistent with the Task Force policy statements, and identify and rank those approaches for implementation in Florida. There will be opportunity for public input.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact Ms. Audrey Sumrall, (850)413-2552, at least five calendar days prior to the meeting.

A copy of the agenda and meeting materials may be obtained by writing: Mr. Gary Crayton, Principal, Health Management Associates, 301 S. Bronough Street, Suite 500, Tallahassee, Florida 32301 or by visiting our website: http://www.fdhc.state.fl.us/affordable_health_insurance/index.shtml.

DEPARTMENT OF MANAGEMENT SERVICES

The **Governor’s Working Group on the Americans With Disabilities Act**, Governing Board is holding a public hearing along with its quarterly meeting to which all interested persons are invited to attend.

Quarterly Meeting:

DATES AND TIMES: Wednesday, December 3, 2003, 1:00 – 4:00 p.m.; Thursday, December 4, 2003, 9:00 a.m. – 4:00 p.m.; December 5, 2003, 9:00 a.m. – 12:00 Noon

Public Hearing:

DATE AND TIME: Thursday, December 4, 2003, 4:00 p.m. – 6:00 p.m.

PLACE: Clarion Suites Resort and Convention Center, 20 Via de Luna Drive, Pensacola, FL 32561, (850)932-4300, 1(800)444-2326 (Toll Free)

GENERAL SUBJECT MATTER TO BE CONSIDERED: The public hearing will provide the general public an opportunity to share experiences, concerns or suggestions on the implementation of the Americans with Disabilities Act (ADA) to the Working Group (ADAWG). This enables the Working Group to better understand how the ADA is being implemented, how the ADA has benefited people with disabilities in daily life, and what areas of implementation require further improvement. The Working Group will consider the public testimony received when making recommendations to the Governor and others on implementation of the ADA. Individual comments will be limited to five minutes. Interested individuals are encouraged to provide written comments.

By executive order of Governor Jeb Bush, ADAWG's duties include implementation and maintenance of the Clearinghouse on Disability Information (CDI). The mission of the Clearinghouse is to provide information and referrals on the broad range of disability resources and services available within the state. This enhancement to ADAWG's responsibilities of education and making recommendations for compliance and implementation of the ADA is designed to increase the quality of life for citizens of Florida with disabilities.

Accommodations, including American Sign Language (ASL) Interpreters, assistive listening devices and real-time captioning will be provided for persons with disabilities. Please call Ruben Betancourt, (850)922-4103, Ext. 106, with requests for copies of the agenda and/or special needs on or before Friday, November 28, 2003.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

The **Department of Business and Professional Regulation** announces a public meeting, under the Government in the Sunshine Law, Chapter 286, Florida Statutes, of the Homeowners' Association Task Force.

DATE AND TIME: December 8, 2003, 10:00 a.m. – 3:00 p.m.

PLACE: Hillsborough County Center, 2nd Floor, 601 Kennedy Blvd., Tampa, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Homeowners' Association Task Force, a cross-section of representatives involved with homeowners' associations, was created at the Governor's request to harmonize and improve relations between homeowners, homeowners' associations and other related entities. The members will provide input and make recommendations for legislative change consistent with his vision for government and regulation.

Meetings are scheduled for December 8, 2003 in Tampa, January 9, 2004 in Jacksonville, and January 28, 2004 in Tallahassee. Attendance may be in person or by telephone by calling (850)487-8587 or Suncom 277-8587. Meet Me number is subject to change. Please contact Marlita Peters at least two business days prior to meeting if you wish to attend by phone, to confirm correct Meet Me Number to be dialed. Persons attending by telephone will be charged 6.9 cents per minute in addition to any personal long distance carrier charges. Persons seeking to speak at the meeting must notify the task force 2 days in advance of the meeting.

For copies of the agenda and specific issues to be addressed, to register to speak or for any other information, contact: Department of Business and Professional Regulation, 1940 North Monroe Street, Tallahassee, Florida 32399-2202 in writing or call Marlita Peters, (850)414-9223 or Suncom (850)214-9223.

Any person requiring special accommodations due to disability or physical impairment should contact the agency at least two business days prior to the meeting in order to request any special assistance by calling (850)414-9223 or TDD 1(800)955-8770.

The Florida **Board of Architecture and Interior Design** announces the following meeting, to be held by telephone conference, to which all persons are invited to attend.

DATE AND TIME: December 17, 2003, 10:00 a.m. (EST)

PLACE: Via telephone conference – (850)410-0960 or Suncom 210-0960

GENERAL SUBJECT MATTER TO BE CONSIDERED: General Board and Business Meeting.

To obtain a copy of the agenda, further information, or submit written or other physical evidence, contact in writing: Board of Architecture and Interior Design, 1940 N. Monroe St., Tallahassee, Florida 32399.

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

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact the Board Office, (850)487-8304, at least five calendar days prior to the meeting. If you are hearing or speech impaired, please contact the Board office using the Florida Dual Party Relay System which can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

The Probable Cause Panel of the **Construction Industry Licensing Board** announces a meeting.

DATE AND TIMES: December 9, 2003, 9:00 a.m. and 10:00 a.m. or soon thereafter

PLACE: Dept. of Business and Professional Regulation, 201 West Bloxham Street, Tallahassee, Florida 32301, (850)488-0062

GENERAL SUBJECT MATTER TO BE CONSIDERED: To review complaints in which a determination of the existence of probable cause has already been made.

A copy of the public portion of the agenda may be obtained by writing: Patrick Creehan, Chief Construction Attorney, Department of Business and Professional Regulation, Office of the General Counsel, 1940 N. Monroe Street, Suite 60, Tallahassee, Florida 32399-2202 or (850)488-0062.

NOTE: In accordance with the Americans with Disabilities Act, persons needing a special accommodation to participate in this proceeding should contact the Construction Prosecution Section no later than seven (7) days prior to the proceeding or meeting at which such special accommodation is required. The Construction Prosecution Section may be contacted at the address and phone number listed above.

The Probable Cause Panel of the **Building Code Administrators and Inspectors Board** announces a meeting.

DATE AND TIME: December 3, 2003, 10:00 a.m. or soon thereafter

PLACE: Dept. of Business and Professional Regulation, 201 West Bloxham Street, Tallahassee, Florida 32301, (850)488-0062

GENERAL SUBJECT MATTER TO BE CONSIDERED: To review complaints in which a determination of the existence of probable cause has already been made.

A copy of the public portion of the agenda may be obtained by writing: Brian Higgins, Building Code Attorney, Department of Business and Professional Regulation, Office of the General Counsel, 1940 N. Monroe Street, Suite 60, Tallahassee, Florida 32399-2202 or (850)488-0062.

NOTE: In accordance with the Americans with Disabilities Act, persons needing a special accommodation to participate in this proceeding should contact the Building Code Prosecution Section no later than seven (7) days prior to the proceeding or meeting at which such special accommodation is required. The Building Code Prosecution Section may be contacted at the address and phone number listed above.

The Florida **Building Code Administrators and Inspectors Board** announces the following meetings to which all persons are invited to attend.

DATE AND TIME: December 11, 2003, 8:30 a.m.

GENERAL SUBJECT MATTER TO BE CONSIDERED: Application, Rules and Legislation, Examination and Continuing Education, and Executive Committee Meetings and General Board and Business Meeting.

DATE AND TIME: December 12, 2003, 8:30 a.m.

GENERAL SUBJECT MATTER TO BE CONSIDERED: General Board and Business Meeting.

PLACE: Department of Business and Professional Regulation, 1940 North Monroe Street, Tallahassee, FL

Any person deciding to appeal a decision made with respect to any matter considered at this meeting will need to ensure that a verbatim record of the proceeding is made. Such record must include testimony and evidence upon which the appeal is to be based.

Any person requiring special accommodations at this meeting because of a disability or physical impairment should contact Department of Business and Professional Regulation, Building Code Administrators and Inspectors Board, (850)922-5012, at least forty-eight (48) hours prior to the meeting. If you are hearing or speech impaired, please contact the board office using the Florida Dual Party Relay System, 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

The **Board of Accountancy** announces the following public meetings to which all person are invited:

DATES AND TIMES: Thursday, December 4, 2003, 9:00 a.m. – Probable Cause Panel; 1:00 p.m. – Budget Work Shop; Friday, December 5, 2003, 9:00 a.m. – Meeting of the Board (correction to date)

PLACE: Department of Business and Professional Regulation, 1940 North Monroe Street, Tallahassee, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: The probable cause panel will meet to conduct hearings on disciplinary matters. These meetings are closed to the public, however, there may be cases where probable cause was previously found which are to be reconsidered. The Board will meet to discuss budget issues. The Board will meet to consider enforcement proceedings including consideration of investigating officer's reports and other general business. This is a public meeting.

A copy of any probable cause materials which are open to the public and a copy of the Board agenda may be obtained by writing: John W. Johnson, Division Director, Division of Certified Public Accounting, 240 N. W. 76 Drive, Suite A, Gainesville, Florida 32607.

Note: Portions of the Probable Cause Panel meeting may be closed to the public. If a person decides to appeal any decision made by the Board with respect to any matter considered at these meetings, he may need to insure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is based.

Pursuant to the provisions of the Americans with Disabilities Act any person requiring special accommodations to participate in this workshop/hearing/meeting is asked to advise the agency at least 48 hours before the workshop/hearing/meeting by contacting: John W. Johnson, (352)333-2500. If you are hearing or speech impaired, please contact the agency by calling 1(800)955-8711.

The Florida **Mobile Home Relocation Corporation** announces a meeting of its Board of Directors to consider mobile home applications for compensation and relocation due to eviction as a result of land use change.

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

PLACE: Shady Lane Oaks, 15777 Bolesta Road, Clearwater, FL 33760

GENERAL SUBJECT MATTER TO BE CONSIDERED: Official business of the Florida Mobile Home Relocation Corporation. Review of mobile home owner applications for compensation for relocation and/or abandonment due to land use change, and such other business as may come before the board. A schedule of the next meeting will also be determined. Additional information can be obtained by contacting: Connie Prince, Executive Director, FMHRC, P. O. Box 14125, Tallahassee, FL 32317-4125, 1(888)862-0710.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

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

DEPARTMENT OF HEALTH

The **Correctional Medical Authority** announces a Mental Health Committee meeting to be held in Tallahassee, Florida, to which all persons are invited:

DATE AND TIME: December 5, 2003, 9:00 a.m. – 1:00 p.m.

PLACE: Correctional Medical Authority, 1632 Metropolitan Circle, Tallahassee, Florida 32308

GENERAL SUBJECT MATTER TO BE CONSIDERED: Continued discussion of issues relating to mental health care in the Florida Department of Corrections.

A copy of the agenda may be obtained by writing: Executive Director, Correctional Medical Authority, 4052 Bald Cypress Way, Bin #B04, Tallahassee, FL 32399-1732 or calling (850)410-1450.

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

The **Governor's Task Force on the Obesity Epidemic** announces the Fourth meeting to which all persons are invited.

DATE AND TIME: December 15, 2003, 8:30 a.m. – 4:30 p.m.

PLACE: Knott Building, Senate Room 117, Tallahassee, Florida

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 should be address to: Marianne Hightman, Florida Department of Health, Bureau of Chronic Disease Prevention, 4052 Bald Cypress Way, Bin #A18, Tallahassee, FL 32399-1744.

Accommodations for Disabilities please contact: Marianne Hightman, (850)245-4330, Ext. 3433.

The **Board of Acupuncture** hereby gives notice that a public workshop for the purposes of rule development on Rules 64B1-7.0015 and 64B1-8.006, F.A.C., will be held as follows, all interested persons are invited to attend.

DATE AND TIME: December 11, 2003, 3:00 p.m.

PLACE: Embassy Suites, 1100 S. E. 17th Street, Ft. Lauderdale, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: For the purposes of rule development on Rules 64B1-7.0015 and 64B1-8.006, F.A.C.

A notice of rule development was published in Vol. 29, No. 31, of the April 1, 2003, Florida Administrative Weekly.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT WORKSHOP IS: Pamela King, Executive Director, Board of Acupuncture, 4052 Bald Cypress Way, Bin #C06, Tallahassee, FL.

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

The **Board of Acupuncture** announces a meeting to which all interested persons are invited to attend.

DATE AND TIME: December 12, 2003, 9:00 a.m. or soon thereafter

PLACE: Embassy Suites, 1100 S. E. 17th Street, Ft. Lauderdale, FL 33316, (954)315-1326

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct general business of the Board.

Any person requiring special accommodations at this meeting due to disability or physical impairment should contact the Board of Acupuncture, (850)245-4161, at least five (5) calendar days prior to the meeting. If you are hearing or speech impaired, please contact the Board office using the Florida Dual Party Relay System, 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

A copy of the agenda may be obtained by writing: Board of Acupuncture, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3256.

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

The Florida **Board of Medicine**, Rules/Legislative Committee announces weekly telephone conference calls to be held via meet me number.

DATES AND TIME: Tuesdays, December 2, 9, 16, 23, and 30, 2003, 12:00 Noon

PLACE: Contact: Florida Board of Medicine, (850)245-4131, for the meet me number

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct general business of the Committee.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact the Florida Board of Medicine, (850)245-4131, at least five (5) calendar days prior to the meeting. If you are hearing or speech impaired, please call the Florida Board of Medicine using the Florida Dual Party Relay System, 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

A copy of the agenda may be obtained by writing: Larry McPherson, Board Director, Medical Quality Assurance, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3253.

Please note that if a person decides to appeal any decision made by the Board with respect to any matter considered at the above cited meeting or hearing, he will need a record of the proceedings, and for such purpose, may need to insure that a verbatim record of the proceeding is made, which record includes the testimony and evidence upon which the appeal is

to be based. A verbatim tape record of the proceeding may be obtained from a court reporter, if present, or an audio record from the Board Director.

The Florida **Board of Medicine**, Probable Cause Panel (South) announces a telephone conference call to be held via meet me number.

DATE AND TIME: December 12, 2003, 2:00 p.m.

PLACE: Meet Me Number: (850)488-5778, Suncom 278-5778

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct a private meeting to review cases for which a determination of probable cause is to be made and to conduct a public meeting to review cases on which probable cause has been made.

A copy of the agenda may be obtained by writing: Gaynetta Rosier, Regulation Specialist II, Agency for Health Care Administration, Medical Services, Palmer Building, P. O. Box 14229, Tallahassee, Florida 32317-4229.

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

NOTE: In accordance with the Americans with Disabilities Act, persons needing a special accommodation to participate in this proceeding should contact the Medical Litigation Section no later than seven (7) days prior to the proceeding or meeting at which such special accommodation is required.

The Medical Litigation Section may be contacted at P. O. Box 14229, Tallahassee, Florida 32317-4229, (850)922-2414, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice), via Florida Relay Service.

The Florida **Board of Medicine**, Probable Cause Panel (North) announces a telephone conference call to be held via meet me number.

DATE AND TIME: December 19, 2003, 2:00 p.m.

PLACE: Meet Me Number: (850)488-8295, Suncom 278-8295

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct a private meeting to review cases for which a determination of probable cause is to be made and to conduct a public meeting to review cases on which probable cause has been made.

A copy of the agenda may be obtained by writing: Gaynetta Rosier, Regulation Specialist II, Agency for Health Care Administration, Medical Services, Palmer Building, P. O. Box 14229, Tallahassee, Florida 32317-4229.

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

NOTE: In accordance with the Americans with Disabilities Act, persons needing a special accommodation to participate in this proceeding should contact the Medical Litigation Section no later than seven (7) days prior to the proceeding or meeting at which such special accommodation is required.

The Medical Litigation Section may be contacted at P. O. Box 14229, Tallahassee, Florida 32231-74229, (850)922-2414, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice), via Florida Relay Service.

The **Board of Nursing**, Central Probable Cause Panel will hold a duly noticed conference call meeting, to which all persons are invited to attend.

DATE AND TIME: Monday, December 15, 2003, 6:30 p.m.

PLACE: (850)921-6433

GENERAL SUBJECT MATTER TO BE CONSIDERED: For cases previously heard by the panel.

Any person requiring special accommodations at this meeting because of a disability or physical impairment should contact the Board, (850)245-4355, at least 48 hours prior to the meeting. If you are a hearing or speech impaired, please contact the Board office using the Dual Party Relay System, 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

A copy of the agenda item may be obtained by writing: Dan Coble, Executive Director, 4052 Bald Cypress Way, Bin #C02, Tallahassee, FL 32399-3257.

The **Board of Nursing**, South Probable Cause Panel will hold a duly noticed conference call meeting, to which all persons are invited to attend.

DATE AND TIME: Thursday, December 18, 2003, 5:30 p.m.

PLACE: (850)921-6455

GENERAL SUBJECT MATTER TO BE CONSIDERED: For cases previously heard by the panel.

Any person requiring special accommodations at this meeting because of a disability or physical impairment should contact the Board, (850)245-4355, at least 48 hours prior to the meeting. If you are a hearing or speech impaired, please contact the Board office using the Dual Party Relay System, 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

A copy of the agenda item may be obtained by writing: Dan Coble, Executive Director, 4052 Bald Cypress Way, Bin #C02, Tallahassee, FL 32399-3257.

The **Board of Nursing**, North Probable Cause Panel will hold a duly noticed conference call meeting, to which all persons are invited to attend.

DATE AND TIME: Monday, December 22, 2003, 5:30 p.m.

PLACE: (850)921-6455

GENERAL SUBJECT MATTER TO BE CONSIDERED: For cases previously heard by the panel.

Any person requiring special accommodations at this meeting because of a disability or physical impairment should contact the Board, (850)245-4355, at least 48 hours prior to the meeting. If you are a hearing or speech impaired, please contact the Board office using the Dual Party Relay System, 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

A copy of the agenda item may be obtained by writing: Dan Coble, Executive Director, 4052 Bald Cypress Way, Bin #C02, Tallahassee, FL 32399-3257.

The **Department of Health, Board of Occupational Therapy Practice**, Probable Cause Panel announces a conference call to which all persons are invited:

DATE AND TIME: December 19, 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 telephone lines will be closed to the public.

A copy of the agenda may be obtained by writing: Department of Health, Board of Occupational 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)488-0595. If you are hearing or speech impaired, please contact the department by calling 1(800)955-8770 (Voice) or 1(800)955-8771 (TDD).

Please note that if a person decides to appeal any decision made by the Board with respect to any matter considered at the above-cited meeting or hearing, he/she will need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

The **Department of Health, Board of Opticianry** announces a Probable Cause Panel Meeting to be held via telephone conference call in which reconsiderations will be heard. All interested parties are invited to attend with the information listed below, which is normally open to the public.

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

PLACE: Call (850)245-4474, and ask for Robin McKenzie to obtain the call in phone number

A copy of the agenda may be obtained by writing: Sue Foster, Executive Director, Department of Health, Board of Opticianry, 4052 Bald Cypress Way, Bin #C08, Tallahassee, FL 32399-3258.

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

Those who are hearing impaired, using TDD equipment can call the Florida Telephone Relay System, 1(800)955-8771. Persons requiring special accommodations due to disability or physical impairment should contact Robin McKenzie, (850)245-4474, at least one week prior to the meeting date.

The **Department of Health** announces a meeting of the Technical Review and Advisory Panel to which all persons are invited.

DATE AND TIME: December 11, 2003, 11:00 a.m. – 2:55 p.m.

PLACE: This is a conference call meeting – (850)921-2530 or SunCom 291-2530

GENERAL SUBJECT MATTER TO BE CONSIDERED: Identify and discuss issues relating to onsite sewage treatment and disposal systems which may require changes to Chapter 64E-6, Florida Administrative Code.

A copy of the agenda may be obtained by contacting: Shirley Kugler, Department of Health, Bureau of Water and Onsite Sewage Programs, 4052 Bald Cypress Way, Bin #A08, Tallahassee, Florida 32399-1713.

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

The Shared Services Alliance of Okeechobee and the Treasure Coast of the **Department of Children and Family Services**, District 15 announces the following public meeting to which all persons are invited.

ALLIANCE MEETING

DATE AND TIME: December 12, 2003, 8:30 a.m. – 10:00 a.m.

PLACE: State of Florida, Department of Health, 5150 N. W. Milner Drive, Port St. Lucie, FL 34983

For more information, please contact: Linda Poston, Personal Secretary 1, 337 North US Hwy. 1, Room 327, Fort Pierce, Florida 34950, (772)467-4178.

SPECIAL ACCOMMODATION: Any person requiring special accommodation for this meeting because of a disability or physical impairment should contact: Pearlie Clark, ADA Coordinator, (772)467-4184, at least five days prior to the meeting. If you are hearing or speech impaired, please contact the Agency using the Florida Dual Party Relay System, 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

NAVIGATION DISTRICTS

The Board of Commissioners of the **Florida Inland Navigation District** announces a public meeting to which all persons are invited.

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

PLACE: The Conner Library, 201 Sams Road, City of New Smyrna Beach, Volusia County, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: A meeting of the Board of Commissioners to conduct the regular business of the District. Additionally, the District's Finance and Budget and Property Acquisition and Management Committees will meet.

Please contact: District office, 1314 Marcinski Road, Jupiter, FL 33477, (561)627-3386, for more information.

If a person decides to appeal any decision made by the Commission with respect to any matter considered at this meeting, they will need a record of the proceeding, and for such purposes, they may need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence upon which the appeal is based. Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact the District prior to the meeting.

The Board of Commissioners of the **Florida Inland Navigation District** announces an attorney-client private session.

DATE AND TIME: Friday, December 5, 2003, 11:45 a.m.

PLACE: Conner Library, 201 Sams Avenue, City of New Smyrna Beach, Volusia County, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss litigation strategy in the condemnation case between the District and Lewis W. Peters, Trustee concerning Site O-7.

Attendees at this session will include: Commissioners Michael Mesiano, Charles Padera, Charles Faulkner, Gracye Barck, Jerry Sansom, Ken Hoffman, George Kavanagh, Gail Byrd,

John Booth, Susan Engle and Cathleen Vogel. Also attending will be Executive Director, David Roach and Attorneys, Thomas Sheehan and Bill Doney.

Please contact: District Office, 1314 Marcinski Road, Jupiter, FL 33477, (561)627-3386, for more information.

Notice is hereby given that the **Florida Housing Finance Corporation** ("Florida Housing") will conduct a public hearing in accordance with the Tax Equity and Fiscal Responsibility Act of 1982 ("TEFRA") to which all interested persons are invited.

DATE AND TIME: Tuesday, December 16, 2003, 10:00 a.m. (EST)

PLACE: The offices of Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32301

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct a TEFRA hearing concerning the potential future issuance of bonds by Florida Housing to finance the acquisition of land and new construction of the following multifamily residential rental development in the aggregate face amount, not to exceed the amount listed below:

Spring Haven Apartments, a 176-unit multifamily residential rental development to be located on the west side of Mariner Boulevard, approximately 290 feet south of the intersection of Mariner Boulevard and Palmgren Lane, Spring Hill, Hernando County, Florida 34608. The prospective owner, operator or manager of the proposed development is SHA Associates Ltd., The Brandywine Centre 1, 580 Village Boulevard, Suite 120, West Palm Beach, Florida 33409, or such successor in interest in which The Richman Group of Florida, or an affiliate thereof, is a managing member, general partner and/or controlling stockholder. The total tax-exempt bond amount is not to exceed \$6,200,000.

All interested parties may present oral comments at the public TEFRA hearing or submit written comments regarding the potential bond issuance for the development being financed. Written comments should be received by Florida Housing by 5:00 p.m. (EST), Monday, December 15, 2003, and should be addressed to the attention of David Westcott, Multifamily Bond Administrator. Any persons desiring to present oral comments should appear at the hearing.

If requested in writing, a fact-finding hearing will be held in the county where the property is located. When possible, the local hearing will be held before the formal TEFRA hearing and comments received at the local hearing will be placed on record at the TEFRA hearing.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact David Westcott, Multifamily Bond Administrator, Florida Housing Finance Corporation, (850)488-4197, at least five calendar days prior to the meeting. If you are hearing impaired,

please contact the Florida Housing using the Dual Party Relay System that can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

Any person who decides to appeal any decision made by Florida Housing with respect to any matter considered at this hearing, will need a record of the proceedings, and for such purpose may need to ensure that a verbatim record of the proceedings be made, which will include the testimony and evidence upon which the appeal is based.

Notice is hereby given that the **Florida Housing Finance Corporation** ("Florida Housing") will conduct a public hearing in accordance with the Tax Equity and Fiscal Responsibility Act of 1982 ("TEFRA") to which all interested persons are invited.

DATE AND TIME: Tuesday, December 16, 2003, 10:00 a.m. (EST)

PLACE: The Offices of Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32301

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct a TEFRA hearing concerning the potential future issuance of bonds by Florida Housing to finance the acquisition of land and new construction of the following multifamily residential rental development in the aggregate face amount, not to exceed the amount listed below:

Mayport Landing, a 400-unit multifamily residential rental development to be located at 2200 Mayport Road, Jacksonville, Duval County, Florida 32233. The prospective owner, operator or manager of the proposed development is Mayport Landing LP, 1006 Beckstrom Drive, Oviedo, Florida 32765, or such successor in interest in which Brencor Inc. and ENB Housing Associates LLC, or an affiliate thereof, is a managing member, general partner and/or controlling stockholder. The total tax-exempt bond amount is not to exceed \$23,110,000.

All interested parties may present oral comments at the public TEFRA hearing or submit written comments regarding the potential bond issuance for the development being financed. Written comments should be received by Florida Housing by 5:00 p.m. (EST), Monday, December 15, 2003, and should be addressed to the attention of David Westcott, Multifamily Bond Administrator. Any persons desiring to present oral comments should appear at the hearing.

If requested in writing, a fact-finding hearing will be held in the county where the property is located. When possible, the local hearing will be held before the formal TEFRA hearing and comments received at the local hearing will be placed on record at the TEFRA hearing.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact David Westcott, Multifamily Bond Administrator, Florida Housing Finance Corporation, (850)488-4197, at least five

calendar days prior to the meeting. If you are hearing impaired, please contact the Florida Housing using the Dual Party Relay System, 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD). Any person who decides to appeal any decision made by Florida Housing with respect to any matter considered at this hearing, will need a record of the proceedings, and for such purpose may need to ensure that a verbatim record of the proceedings be made, which will include the testimony and evidence upon which the appeal is based.

Notice is hereby given that the **Florida Housing Finance Corporation** ("Florida Housing") will conduct a public hearing in accordance with the Tax Equity and Fiscal Responsibility Act of 1982 ("TEFRA") to which all interested persons are invited.

DATE AND TIME: Tuesday, December 16, 2003, 10:00 a.m. (EST)

PLACE: The Offices of Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32301

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct a TEFRA hearing concerning the potential future issuance of bonds by Florida Housing to finance the acquisition and rehabilitation of the following multifamily residential rental development in the aggregate face amount, not to exceed the amount listed below:

Sandalgrove Apartments, an 814-unit multifamily residential rental development to be located at 4200 N. W. 19th Street, Lauderdale, Broward County, Florida 33313. The prospective owner, operator or manager of the proposed development is Reliance-Cypress Grove Associates Ltd., 516 N. E. 13th Street, Ft. Lauderdale, Florida 33304, or such successor in interest in which Reliance Housing Services LLC, or an affiliate thereof, is a managing member, general partner and/or controlling stockholder. The total tax-exempt bond amount is not to exceed \$37,500,000.

All interested parties may present oral comments at the public TEFRA hearing or submit written comments regarding the potential bond issuance for the development being financed. Written comments should be received by Florida Housing by 5:00 p.m. (EST), Monday, December 15, 2003, and should be addressed to the attention of David Westcott, Multifamily Bond Administrator. Any persons desiring to present oral comments should appear at the hearing.

If requested in writing, a fact-finding hearing will be held in the county where the property is located. When possible, the local hearing will be held before the formal TEFRA hearing and comments received at the local hearing will be placed on record at the TEFRA hearing.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact David Westcott, Multifamily Bond Administrator, Florida Housing Finance Corporation, (850)488-4197, at least five

calendar days prior to the meeting. If you are hearing impaired, please contact the Florida Housing using the Dual Party Relay System, 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD). Any person who decides to appeal any decision made by Florida Housing with respect to any matter considered at this hearing, will need a record of the proceedings, and for such purpose may need to ensure that a verbatim record of the proceedings be made, which will include the testimony and evidence upon which the appeal is based.

Notice is hereby given that the **Florida Housing Finance Corporation** ("Florida Housing") will conduct a public hearing in accordance with the Tax Equity and Fiscal Responsibility Act of 1982 ("TEFRA") to which all interested persons are invited.

DATE AND TIME: Tuesday, December 16, 2003, 10:00 a.m. (EST)

PLACE: The Offices of Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32301

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct a TEFRA hearing concerning the potential future issuance of bonds by Florida Housing to finance the acquisition and rehabilitation of the following multifamily residential rental development in the aggregate face amount, not to exceed the amount listed below:

The Arlington, a 288-unit multifamily residential rental development to be located at 843 Alderman Road, Jacksonville, Duval County, Florida 32211. The prospective owner, operator or manager of the proposed development is The Arlington LP, 235 Peachtree Street, North Tower, Suite 1200, Atlanta, Georgia 30303, or such successor in interest in which Brencor Inc., or an affiliate thereof, is a managing member, general partner and/or controlling stockholder. The total tax-exempt bond amount is not to exceed \$11,340,000.

All interested parties may present oral comments at the public TEFRA hearing or submit written comments regarding the potential bond issuance for the development being financed. Written comments should be received by Florida Housing by 5:00 p.m. (EST), Monday, December 15, 2003, and should be addressed to the attention of David Westcott, Multifamily Bond Administrator. Any persons desiring to present oral comments should appear at the hearing.

If requested in writing, a fact-finding hearing will be held in the county where the property is located. When possible, the local hearing will be held before the formal TEFRA hearing and comments received at the local hearing will be placed on record at the TEFRA hearing.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact David Westcott, Multifamily Bond Administrator, Florida Housing Finance Corporation, (850)488-4197, at least five

calendar days prior to the meeting. If you are hearing impaired, please contact the Florida Housing using the Dual Party Relay System, 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD). Any person who decides to appeal any decision made by Florida Housing with respect to any matter considered at this hearing, will need a record of the proceedings, and for such purpose may need to ensure that a verbatim record of the proceedings be made, which will include the testimony and evidence upon which the appeal is based.

DEPARTMENT OF FINANCIAL SERVICES

The **Enterprise Resource Planning Integration Task Force** (ERPI TF) of the Florida Financial Management Information System (FFMIS) Coordinating Council announces the following public meeting to which all persons are invited:

Task Force Meeting

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

PLACE: CFO Conference Room, PL 12, Capitol Building, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: The purpose of the meeting is to discuss and approve the Quarterly Report.

Please Note: The above date, time and place of the meeting are tentative. It may be necessary to reschedule this meeting and additional interim meetings of the Task Force may be required. Information regarding scheduled times and dates can be sent to: Don Northam, Director, ERPI TF, Department of Financial Services, 200 E. Gaines Street, Tallahassee, FL 32399-0352, (850)413-2822, Fax (850)488-7265, e-mail: northamd@dfs.state.fl.us.

GOVERNOR'S COMMISSION ON VOLUNTEERISM AND COMMUNITY SERVICE

The **Governor's Commission on Volunteerism and Community Service**, Volunteer Florida, is pleased to announce a conference call to which all persons are invited.

DATES AND TIMES: Thursday, December 4, 2003, 2:00 p.m.

PLACE: Contact: Gwen Erwin, (850)921-5172, for a meeting agenda and conference call information

GENERAL SUBJECT MATTER TO BE CONSIDERED: General Commission Business.

If you require a reasonable accommodation to participate, please contact Gwen Erwin, (850)921-5172, Voice/TTY, 72 hours in advance with your request.

ORANGE COUNTY RESEARCH AND DEVELOPMENT AUTHORITY

The **Orange County Research and Development Authority** announces a public meeting to which all persons are invited:

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

PLACE: Central Florida Research Park, 12424 Research Parkway, Suite 100, Orlando, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: General Business Meeting.

COUNCIL FOR EDUCATION POLICY, RESEARCH AND IMPROVEMENT

The **Council for Education Policy, Research and Improvement** announces a public meeting.

DATE AND TIME: Wednesday, December 10, 2003, 8:30 a.m. – 4:00 p.m.

PLACE: Hyatt Regency inside the main terminal of the Orlando International Airport.

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Council will discuss current studies and other ongoing assignments.

Related material may be accessed at the Council website: www.cepri.state.fl.us.

An informal dinner will be held at the same location December 9, 2003, 6:00 p.m. – 8:00 p.m.

For further information, call: Council office, (850)488-7894.

CITY OF TALLAHASSEE

The **City of Tallahassee** announces a public hearing to which all persons are invited.

DATE AND TIME: December 18, 2003, 5:30 p.m. – 7:30 p.m. (EST)

PLACE: Florida State University School (Florida High), 3000 School House Road, Tallahassee, Florida 32311

GENERAL SUBJECT MATTER TO BE CONSIDERED: This hearing is being held to afford interested persons the opportunity to express their views concerning the location, conceptual design, social, economic and environmental effects of City Project Number 99364, otherwise known as Capital Circle Southeast (State Road 261/U.S. Highway 319). The limits of the project corridor are from Crawfordville Road to Apalachee Parkway in Tallahassee, Leon County, Florida.

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)891-8234. Special accommodation requests under the Americans With Disabilities Act should be made at least seven (7) days prior to the public hearing.

A copy of the agenda may be obtained by writing: Bill Woolery, PE, Project Manager, City of Tallahassee, 300 South Adams Street, A-18, Tallahassee, Florida 32301.

OKALOOSA COUNTY

The **Okaloosa County, Department of Public Works** announces a public hearing to which all persons are invited.

DATE AND TIME: December 18, 2003, 6:00 p.m. – 7:00 p.m.

PLACE: Florosa Elementary School Cafeteria, 1700 U.S. 98 West, Mary Esther, Florida 32569

GENERAL SUBJECT MATTER TO BE CONSIDERED:

This hearing is being held to afford interested persons the opportunity to express their views concerning the proposed project, which consists of constructing an interchange at the main gate to Hurlburt Field (Cody Avenue) on U.S. 98.

The hearing is being conducted pursuant to the provisions of Rule Chapter 14-97, Florida Administrative Code, and Section 335.18, Florida Statutes. This hearing is being held in accordance with the Section 339.155, Florida Statutes and is also consistent with the Americans with Disabilities Act of 1990. This hearing is also in compliance with Title VI of the Civil Rights Act of 1964 and Title VIII of the Civil Rights Act of 1968, as amended.

Anyone needing project or public hearing information, including a copy of the hearing agenda, may contact: Bob Kellner, P.E., (850)432-6800, e-mail: bob.kellner@hdrinc.com or Danielle Slaterpryce, Okaloosa County, (850)689-5772, email: dslaterpryce@co.okaloosa.fl.us.

Anyone requiring special accommodations under the Americans With Disabilities Act of 1990 should contact: Bob Kellner, P.E., (850)432-6800, e-mail: bob.kellner@hdrinc.com or Danielle Slaterpryce, Okaloosa County, (850)689-5772, email: dslaterpryce@co.okaloosa.fl.us.

Special accommodation requests under the Americans With Disabilities Act should be received at least seven (7) days prior to the hearing.

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 at (850)224-7676, Ext. 301.

Section VII Notices of Petitions and Dispositions Regarding Declaratory Statements

DEPARTMENT OF COMMUNITY AFFAIRS

NOTICE IS HEREBY GIVEN that the Petition for Declaratory Statement received from Kinco, Ltd. has been withdrawn.

Notice of receipt of this petition, which was assigned the number DCA03-DEC-300, appeared in the November 14, 2003, edition of the Florida Administrative Weekly.

Information regarding this petition may be obtained by writing: Paula P. Ford, Agency Clerk, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100.

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

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

PUBLIC SERVICE COMMISSION

NOTICE IS HEREBY GIVEN that the Florida Public Service Commission has received the petition for Declaratory Statement of Forest Utilities, Inc. and Jamaica Bay West Associates, Ltd. The petitioners inquire as to whether an extension of service territory pursuant to Section 367.045(2), Florida Statutes, is necessary to provide bulk wastewater service to Jamaica Bay, an exempt entity.

A copy of the petition may be obtained at <http://www.psc.state.fl.us/psc/dockets/> or by writing: Division of the Commission Clerk and Administrative Services, 4075 Esplanade Way, Tallahassee, FL 32399-0862. DOCKET NO. 031020-WS

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

NOTICE IS HEREBY GIVEN that the Division of Pari-Mutuel Wagering, Department of Business and Professional Regulation, has received a petition for a declaratory statement from PPI, Inc., d/b/a Pompano Park Racing. The Petition lists Section 849.086(5)(b), Florida Statutes, as the statutory provision upon which a declaratory statement is being sought. The Petition further requests the Division to advise as to whether the amendment to Section 849.086(5)(b), Florida Statutes:

1. Authorizes PPI to seek an amendment to its annual (fiscal 2003-2004) pari-mutuel license application to include a license to be issued for the reopening of its cardroom during the current fiscal year if other statutory requirements are met;
2. Requires PPI to have met the requirement of 140 live performances during the State fiscal year immediately prior to the current year in order for PPI to “reapply” to the Division to have its cardroom license issued for the current fiscal year;
3. Requires PPI to request authorization to conduct a minimum of 90% of the 140 live performances in order to obtain a cardroom license for fiscal year 2004-2005;
4. Requires PPI to conduct a minimum of 90% of the total live performances it requested in the State fiscal year immediately prior thereto in order to maintain a cardroom license in fiscal years following 2004-2005.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

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

DEPARTMENT OF HEALTH

NOTICE IS HEREBY GIVEN THAT the Board of Massage Therapy (Board) issued a Final Order on November 14, 2003, on a petition for declaratory statement received from the Board of County Commissioners of Brevard County, Florida.

Petitioner requested a declaratory statement concerning the application of the definition for “massage” as provided under Section 480.033(3), Florida Statutes, to businesses such as “body” scrubs and commercial physical contact parlors as defined in Section 62-6102, Code of Ordinances of Brevard County, Florida. The petition asked the Board to opine that businesses offering these services are required to have an establishment license issued under Chapter 480, Florida Statutes. The Board held that the performance of “body scrubs” and “exfoliating body scrubs”, as well as other activities described in the petition, fall within the definition of massage. The Board declined to opine that all businesses offering these services are required to be licensed under Chapter 480, Florida Statutes. Therefore, the Board granted in part and denied in part Petitioner’s request for a declaratory statement.

A copy of the Petition for Declaratory Statement and Final Order may be obtained by writing: Pamela King, Executive Director, Board of Massage Therapy, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3256-3258.

The Board of Nursing hereby gives notice that it has issued a Final Order in the Petition for Declaratory Statement filed on behalf of Kathleen Davitt, R.N. The Board reviewed the petition at its meeting held on October 8-9, 2003, in Jacksonville, Florida. The Board’s Final Order, filed in this cause on November 14, 2003, finds that under the specific facts of the petition, it is not within the scope of practice for a registered nurse trained in ACLS (Advanced Cardiac Life Support) to defibrillate a patient upon recognizing ventricular fibrillation or ventricular tachycardia in an inpatient or ambulatory care setting prior to ACLS code team arrival or

physician verbal or written order. It is within the scope of practice for a registered nurse trained in ACLS to defibrillate a patient upon recognizing ventricular fibrillation or ventricular tachycardia in an inpatient or ambulatory care setting if there are standing orders and protocols to follow in that situation.

A copy of the Petition and the Board's Final Order may be obtained by contacting: Board of Nursing, 4052 Bald Cypress Way, Bin #C02, Tallahassee, Florida 32399-3252.

NOTICE IS HEREBY GIVEN that on November 17, 2003, the Board of Physical Therapy Practice received a request for withdrawal of a Petition for Declaratory Statement from Jerry L. Smith, M.S., P.T. The Petition was filed with the Board on August 18, 2003, and noticed in the Vol. 29, No. 35 issue of the Florida Administrative Weekly on August 29, 2003. No written public comments were received.

Accordingly, the Petition for Declaratory Statement has been WITHDRAWN by the Petitioner.

For more information, contact: Amy Carraway, Agency Clerk, Department of Health, Division of Medicaid Quality Assurance, Bin #C01, 4052 Bald Cypress Way, Tallahassee, Florida 32399-3251, (850)245-4121.

The Board of Psychology hereby gives notice that it has received a Petition for Declaratory Statement filed by Gregg Hinz, Psy.D. The Petitioner seeks the Board's interpretation of Section 490.014(2)(e), Florida Statutes.

The Board will consider this petition at its meeting scheduled for January 30-31, 2004 at the Orlando Airport Marriott, 7499 Augusta National Drive, Orlando, FL 32822.

Copies of the Petition may be obtained from: Kaye Howerton, Executive Director, Board of Psychology/MQA, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3255.

Section VIII Notices of Petitions and Dispositions Regarding the Validity of Rules

Notice of Petition for Administrative Determination has been filed with the Division of Administrative Hearings on the following rules:

NONE

Notice of Disposition of Petition for Administrative Determination have been filed by the Division of Administrative Hearings on the following rules:

NONE

Section IX Notices of Petitions and Dispositions Regarding Non-rule Policy Challenges

NONE

Section X Announcements and Objection Reports of the Joint Administrative Procedures Committee

COMMITTEE MEETING AGENDA

December 8, 2003

HOUSE OFFICE BUILDING

Committee Room 24

11:30 a.m. – 12:30 p.m.

CALL TO ORDER AND ROLL CALL

TAB 1 STATUS REPORT

NEW OBJECTIONS

TAB 2 60A-1.006, Vendors and Contractors.
Department of Management Services

TAB 3 60A-1.030, MyFloridaMarketPlace Vendor
Registration.
Department of Management Services

TAB 4 Proposed Changes to Rules of the Joint
Administrative Procedures Committee

TAB 5 UPDATE ON PREVIOUS REPORT:
Agency For Health Care Administration –
Implementation Policy For Comprehensive
Behavioral Health Care Services To All
Medicaid Recipients

REPORTS AND APPEARANCES

Section XI Notices Regarding Bids, Proposals and Purchasing

DEPARTMENT OF EDUCATION

NOTICE OF POSTPONEMENT TO PROFESSIONAL CONSULTANTS

Florida A & M University (FAMU), on behalf of the FAMU Board of Trustees (FBOT), hereby notify all Professional Consultants that the request for Professional Architectural/Engineering services for the following: (1) Project No.: FM-304, Teaching Gymnasium/Multi-Purpose Center Phase One (PH-I), Florida A & M University, Tallahassee, Florida (published and republished in the Florida Administrative Weekly, Vol. 29, No. 39, September 26, 2003, Pages 3862-3863, and Vol. 29, No. 44, October 31, 2003, Pages 4400-4401, Section XI – Notices Regarding Bids, Proposals and Purchasing); (2) that the request for Professional services for Continuing Contract projects required in the following disciplines: Architect (1), Mechanical/Electrical Engineer (1), and Environmental Consultant (1) (published in the Florida Administrative Weekly, Vol. 29, No. 39, September 26, 2003, Pages 3862-3863, and Vol. 29, No. 46, November 14, 2003, Pages 4596-4597, Section XI – Notices Regarding Bids, Proposals and Purchasing) ARE OFFICIALLY UNDER POSTPONEMENT DUE TO PROTEST AND LEGAL REVIEW UNTIL FURTHER NOTICE.

PUBLIC ANNOUNCEMENT FOR PROFESSIONAL SERVICES FOR ARCHITECTURE-ENGINEERING

The Florida School for the Deaf and the Blind (FSDB) announces that professional services are required for the project listed below.

PROJECT NUMBER: FSDB-20040010

PROJECT NAME: New Model Apartments

PROJECT LOCATION: The Florida School for the Deaf and the Blind, 207 N. San Marco Ave., St. Augustine, FL 32084-2799

SERVICES TO BE PROVIDED: Architectural and engineering services including, but not limited to: civil, structural, mechanical and electrical design work for the complete preparation of construction documents necessary for the development of two (2) new, two-story model apartments to accommodate sensory impaired high school age students. It is anticipated that each facility would encompass approximately 10,000 SF. Basic Construction administrative services will be required.

CONSTRUCTION BUDGET: \$4,320,000

FSDB PROJECT MANAGER: Lloyd Jenkins

PHONE NUMBER: (904)827-2363

RESPONSE DUE DATE: January 5, 2004, no later than 3:00 p.m.

INSTRUCTIONS

Firms interested in being considered for this project must submit four (4) copies of their application with table of contents and tabbed sections containing the following information:

1. Letter of interest which indicates the firm's qualifications, related experience, the firm's abilities to do the work and other pertinent data.
2. Current Professional Qualifications Supplement (PQS) Form DBC5112.
3. A copy of firm's current Florida Professional Registration License Renewal.
4. For Corporations only: If the firm offering services is a corporation, it must be properly chartered with the Department of State to operate in Florida and must provide a copy of the firm's current Florida Corporate Charter.
5. Completed SF-254.
6. Completed SF-255.

Notice of selection results will be sent to all firms by fax transmission. Firms must be properly registered at the time of application to practice their profession in the State of Florida. Representative samples of related work may be submitted in a separate binder. Applications that do not comply with these instructions or those that do not include the requested data may not be considered. All information received will be maintained with the project file and will not be returned. Applicants are advised that plans and specifications for A/E projects may be reused.

Applications are to be sent or delivered to the Florida School for the Deaf and the Blind, Attn: Mr. Lloyd Jenkins, 207 N. San Marco Ave., Building #27, St. Augustine, FL 32084-2799. Applicants will be short-listed on January 14, 2004. Following the short-list selection, a pre-interview workshop will be held on January 22, 2004 for all short-listed firms. Interviews will be conducted on February 5, 2004. A final selection will be made after the interviews have taken place. Selections will be made in accordance with Section 287.055, Florida Statutes. The selected firm will be given official notice of selection results by Fax and/or mail.

The results of the short-list and final selection will be posted at FSDB, 207 N. San Marco Ave., Building #27, St. Augustine, FL and can be viewed during regular working days between the hours of 7:00 a.m. through 4:00 p.m. beginning 24 hours after the selection. Any protests of the selection must be made within 72 hours of the posting. Failure to file a protest within 72 hours (not including Saturday, Sunday, or a legal holiday) after posting shall constitute a waiver of proceedings under Chapter 120, Florida Statutes. Final selection results will also be posted in the Florida Administrative Weekly.

REQUEST FOR ENGINEERING SERVICES

The Gulf Coast Community College District Board of Trustees is seeking submittals from engineering firms qualified to render services for the design of a tram path at Camp Helen State Park on Panama City Beach, Florida. The scope of this project includes survey; right-of-way appraisal; environmental and archeological assessments; environmental and archeological compliance; and design of tram path for pedestrians, bicyclist, and tram cart using environmental friendly sustainable materials and design.

The funding limitation for the design, construction, and equipment for the tram path is approximately \$900,000. No travel expenses are allowed in this project.

Professional consultant providing submittals for this project must:

- Be prequalified by the Florida Department of Transportation
- Provide environmental sensitive design examples of work and associated client references on such project(s)
- Have documented experience in complying with Federal Highway Administration, Department of Transportation Part 771, Environmental Impact and Related Procedures. (Information regarding Part 771 can be found at www.access.gpo/nara.cfr/waisidx_03/23cfr771_03.html)

Any firm not prequalified by the Florida Department of Transportation desiring consideration for this project may request a qualification package from the Procurement Office of the Florida Department of Transportation in Tallahassee, Florida. Prequalification by the Florida Department of Transportation must occur prior to the submittal deadline for this project.

Professional consultants providing submittal for this project should:

- Be a member of the US Green Building Council
- Be US Green Building Council LEED certified
- Be a proven professional consultant firm known for its award winning environmental design(s)

If you are interested in this project, contact the coordinator of purchasing and request a copy of the submittal format. Submittals must be received by the Coordinator of Purchasing, Administration Building Room 126, 5230 West U.S. Highway 98, Panama City, Florida 32401, on or before 2 p.m., December 10, 2003. Label the submittal as "2004-06, Camp Helen Tram Path." Submittals received after the stated time and date will not be considered.

In accordance with Chapter 287 of the Florida Statutes, a committee appointed by the board will evaluate the submittals and select a minimum of three firms for interview. It is anticipated that the committee will complete the process and be prepared to make a recommendation at the January 2004 meeting of the District Board of Trustees.

DEPARTMENT OF TRANSPORTATION

Intelligent Transportation System Competitive Proposals: The Florida Department of Transportation (FDOT) announces the receipt of two unsolicited proposals for a program of private sector entity participation in the deployment of the Florida Intelligent Transportation System (Program):

- APTUS Communications Inc./FUJITSU Consulting Inc., received October 6, 2003, and
- CORIOLIS USA, L.L.C., received October 27, 2003.

Copies of these unsolicited proposals are available for review at FDOT's Intelligent Transportation Systems (ITS) Office, Suite 3B, Rhyne Building, 2740 Centerview Drive, Tallahassee, Florida 32301, (850)410-5600 or Fax (850)410-5501, and on the Internet at the ITS Office Web site:

<http://www.dot.state.fl.us/IntelligentTransportationSystems>

As a result of these unsolicited proposals, FDOT is commencing, pursuant to Sections 287.057, 334.30, and 337.251, Florida Statutes, a competitive solicitation and selection process for other proposals for a program of private sector entity participation in the deployment of the Program. Therefore, FDOT is soliciting and accepting competing proposals. Such competing proposals must be received by FDOT's Procurement Office, Room 481, 605 Suwannee Street, Mail Station, 20, Tallahassee, Florida 32399-0450, by 5:00 p.m. (local time), January 26, 2004. Mr. Terry Cappellini, Manager, Procurement Office is the official contact person for FDOT, and all inquires about this matter shall be referred to him at the above address or by telephone: (850)414-4477.

The evaluation criteria, including minimum requirements, for proposals are available from the ITS Office at the above address in a document titled: Evaluation Criteria for Intelligent Transportation System Competitive Proposals, November 2003. This document is also available on the above Web site.

There will be no pre-proposal conference. Once FDOT receives proposals, FDOT will set a schedule for review of the proposals and a date to render a decision. FDOT reserves the right to reject all proposals.

If a proposal is accepted, FDOT may enter into a multi-year contract, lease, or other agreement (subject to annual appropriation), pursuant to Sections 287.056, 334.30, or 337.251, Florida Statutes, to implement the proposal, and may seek legislative authority, as necessary, to effectuate the contract, lease, or other agreement.

Protest Requirements: Any person whose substantial interests will be determined or affected by the specifications contained in the evaluation criteria has the right, pursuant to paragraph 120.57(3)(b), Florida Statutes, to protest the specifications and to file a petition for an administrative hearing. A notice of protest must be filed, in writing, within 72 hours of receipt of notice of the issuance of the evaluation criteria, and a formal written protest must be filed within 10 days after the date the notice of protest is filed. The notice of protest and the formal written protest must comply with the requirements set forth in

the Uniform Rule Chapter 28-110, Florida Administrative Code. Any person who files an action protesting the specifications pursuant to Subsection 120.57(3), Florida Statutes, shall post, with FDOT at the time of filing the formal written protest, a bond payable to FDOT in an amount equal to one percent of the estimated contract amount or \$5,000, whichever is more. The notice of protest, the formal written protest, and the bond must be filed with the Clerk of Agency Proceedings, Office of General Counsel, Florida Department of Transportation, 605 Suwannee Street, Mail Station 58, Room 550, Tallahassee, Florida 32399-0450. Failure to file a written notice of protest, or failure to file a formal written protest, or to post the required bond, within the allowed time constitutes a waiver of any right such person has to protest the specifications of the evaluation criteria under Chapter 120, Florida Statutes.

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

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

DEPARTMENT OF ENVIRONMENTAL PROTECTION

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

SCHOOL READINESS COALITION OF ST. LUCIE COUNTY

Request for Proposal

Competitive sealed proposals will be accepted by the School Readiness Coalition of St. Lucie County, Inc. for the following services: Childcare Resource and Referral, Program Eligibility, Provider Reimbursement Services, Database Support, and Provider Recruitment and Support.

Sealed proposals will be received until January 7, 2004, 4:00 p.m. (EDT), at 117 Atlantic Avenue, Fort Pierce, FL 34950.

RFP Specifications are available by contacting Donna Mallis, Contract Manager, at the address indicated above, phone (772)595-6424 or fax (772)595-6081. Reference RFP Number SLC-03/04-002.

**Section XII
Miscellaneous**

DEPARTMENT OF COMMUNITY AFFAIRS

NOTICE OF FUNDING AVAILABILITY

The Florida Department of Community Affairs (DCA) announces the release of a Notice of Funding Availability (NOFA) in conjunction with the Hurricane Loss Mitigation Program (HLMP). The DCA has been designated to administer the HLMP as authorized by Section 215.559, Florida Statutes. The purpose of the HLMP is to develop programs to improve wind resistance of site-built residences and manufactured homes, including loans, subsidies, grants, demonstration projects, and direct assistance; cooperative programs with local governments and the federal government; and other efforts to prevent or reduce losses or reduce the cost of rebuilding after a disaster. The NOFA will be available effective November 26, 2003, to any State or local unit of government in the State of Florida, and non-profit entity. Eligible applicants also include public and private colleges and universities, and regional planning councils. The total funds available under this NOFA are not expected to exceed \$1,040,000. There is no match requirement for recipients under this program, although the inclusion of matching funds in the project budget is encouraged.

The DCA will accept subgrant applications to perform various residential construction, outreach, education and training projects as described below:

1. Statewide Conference Outreach and Training: A total of \$140,000 is allocated under this category to fund activities including general outreach, special education and trainings, and special exhibit areas targeting key stakeholders at statewide conferences. Anticipated awards are not expected to exceed \$100,000 for a conference(s) targeting residential builders and contractors; \$25,000 for a conference(s) targeting State and local emergency management officials; and \$15,000 for a conference(s) targeting local building officials. The Department is seeking organizations, including but not limited to, existing trade and professional associations, to provide statewide outreach and education through statewide conferences targeting local government officials, the home building and remodeling industry, architects, engineers and other housing-related professionals, to promote awareness of hurricane mitigation and repetitive loss issues and associated planning techniques. The applicant to supplement ongoing annual conferences that address the requisite issues and targeted parties may use funds awarded under this category.

2. Community Interfaith/Interagency Coordination and Outreach: The project(s) funded under this category will facilitate coordination between the network of Florida’s faith-based groups and social services, as well as government and for-profit agencies who serve those who are most in need and most vulnerable to loss due to windstorm-related events. The anticipated award(s) for this project(s) is not expected to exceed \$50,000.
3. Blueprint for Safety Training: The project(s) funded under this category will include professional training classes on ‘Blueprint for Safety’ construction techniques for architects, insurers, building officials, homebuilders, design professionals, consumers, local housing authorities, insurance adjusters, etc. The anticipated award(s) for this project(s) is not expected to exceed \$200,000.
4. Public Service Announcements: The project(s) funded under this category will include the development and placement of statewide radio and television Public Service Announcements targeting homeowners with regard to windstorm mitigation, preventive and safety-related issues. The anticipated award(s) for this category is not expected to exceed \$100,000
5. Mitigation Incentives Outreach and Education – Implementation of initiative targeting home buyers/home owners and building industry professionals, to raise awareness of mitigation incentives offered by the insurance industry (as required per Section 627.0629, F.S.) through promoting the RCMP Mitigation Incentives Database. This project shall implement the next phase of the Department’s long-term commitment to residential construction mitigation. The project shall promote the economic benefits of mitigation as a consideration in new home construction and retrofit of existing homes. The anticipated award(s) for this category is not expected to exceed \$200,000
6. Low-to-Moderate Income (LMI) Retrofits – A total of \$150,000 is allocated under this category to conduct wind loss retrofits on homes undergoing livability rehabilitation in three designated Florida Front Porch Communities located in (1) the City of Sarasota, (2) the City of Jacksonville, and (3) the City of Orlando (Holden Heights). The amount of \$50,000 has been allocated to each designated Front Porch Community. Retrofits must be performed in compliance with “Blueprint for Safety: guidelines which can be accessed on-line at <http://www.blueprintforsafety.org/>. Applicants receiving awards under this category shall be required to attend “Blueprint for Safety”
7. Manufactured Housing Outreach – Continuation of the Manufactured Housing Outreach project that includes workshops, brochure development, Public Service Announcements, and web-site enhancement and maintenance promoting hurricane mitigation opportunities

for owners and renters of manufactured housing. The anticipated award(s) for this category is not expected to exceed \$200,000

Subgrant applications must be received at the following address by December 29, 2003, no later than 4:00 p.m. eastern standard time:

Charles McCool, Planning Manager
 Department of Community Affairs
 Attn: HLMP Subgrant Application Enclosed
 Room 225.01
 2555 Shumard Oak Boulevard
 Tallahassee, Florida 32399-2100

All subgrant applications must be prepared in conformance with the HLMP Subgrant Application Package instructions found at the following Internet address:

<http://floridacommunitydevelopment.org/programs/rcmp>

Requests for hard copies of the HLMP Subgrant Application Package and questions or other inquiry should be directed to the attention of Ms. Iris Stanley, (850)922-4454 or e-mail: iris.Stanley@dca.state.fl.us

NOTICE OF INTENT TO FIND
 CONSISTENT WITH SECTION 163.3177(2) AND (3),
 FLORIDA STATUTES
 DCA DOCKET NO. 27-01

The Department gives notice of its intent to find the Public Schools Interlocal Agreement (“Agreement”) entered into by Hernando County, Brooksville and the Hernando County School Board, pursuant to Section 163.31777, F.S., to be consistent with the minimum requirements of Sections 163.31777(2) and (3), F.S.

The Agreement is available for public inspection Monday through Friday, except for legal holidays, during normal business hours, at the Hernando County Planning Department, Government Center, Administration Building, 20 North Main Street, Room 262, Brooksville, Florida 34601-2828.

Any affected person, as defined in Section 163.31777(3)(b), F.S., has a right to petition for an administrative hearing to challenge the proposed agency determination that the Agreement is consistent with the minimum requirements of Section 163.31777(2) and (3), F.S. The petition must be filed within twenty-one (21) days after publication of this notice in the Florida Administrative Weekly, and must include all of the information and contents described in Uniform Rule 28-106.201, F.A.C. The petition must be filed with the Agency Clerk, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100, and a copy mailed or delivered to Hernando County, Brooksville and the Hernando County School Board. Failure to timely file a petition shall constitute a waiver of any right to request an administrative proceeding as a petitioner under Sections 120.569 and 120.57, F.S. If a petition is filed, the purpose of

the administrative hearing will be to present evidence and testimony and forward a recommended order to the Department. If no petition is filed, this Notice of Intent shall become final agency action.

If a petition is filed, other affected persons may petition for leave to intervene in the proceeding. A petition for intervention must be filed at least twenty (20) days before the final hearing and must include all of the information and contents described in Uniform Rule 28-106.205, F.A.C. A petition for leave to intervene shall be filed at the Division of Administrative Hearings, Department of Management Services, 1230 Apalachee Parkway, Tallahassee, Florida 32399-3060. Failure to petition to intervene within the allowed time frame constitutes a waiver of any right such a person has to request a hearing under Sections 120.569 and 120.57, F.S., or to participate in the administrative hearing.

If a formal or informal proceeding is commenced as described above, any party to that proceeding may suggest mediation under Section 120.573, F.S. Mediation is not available as of right, and will not occur unless all parties agree to participate in the mediation. Choosing mediation does not affect the right to an administrative hearing.

-s-Charles Gauthier, AICP
Chief of Comprehensive Planning
Department of Community Affairs
Division of Community Planning
2555 Shumard Oak Boulevard
Tallahassee, Florida 32399-2100

STATE OF FLORIDA

DIVISION OF ADMINISTRATIVE HEARINGS

ROBERT BAAD; JAMES R. BIRD;
VIKKI R. BIRD; STEVEN BUKOWSKI;
DIANE BUKOWSKI; HAROLD T.
CHITTUM; JAYMIE E. CHITTUM;
ROBERT DILORETO; SUSAN
DILORETO; VERA DULANEY; et al.,

Petitioners,

and

ROBERT O. EBERT,
BRIDGET L. FLEMING and
MEREK KIYASHKA,

DCA Final Order No.:
DCA03-OR-308

Intervenors,

vs.

DOAH Case No. 03-2946
companion case to:

DEPARTMENT OF COMMUNITY DOAH Case No. 01-4193
AFFAIRS and ISLAMORADA DOAH Case No. 02-2436
VILLAGE OF ISLANDS,
Respondents.

FINAL ORDER

On October 21, 2003, the Administrative Law Judge entered an Order Closing File in the above-styled administrative proceeding. Accordingly, the Department of Community Affairs ("Department"), hereby enters this Final Order and states as follows:

1. This proceeding is a challenge to the Department of Community Affairs' approval of Islamorada Ordinance 01-12, regulating Transient Rental Use, pursuant to Sections 380.05(6) and 380.0552(9), Fla. Stat. (2003).

2. On September 21, 2001, the Department caused to be published in the Florida Administrative Weekly Final Order Number DCA01-OR-135, finding Islamorada Ordinance 01-12 consistent with the Principles for Guiding Development listed in Section 380.0552(7), Fla. Stat. (2001) and approving its adoption as a land development regulation in the Florida Keys Area of Critical State Concern. A copy of Final Order DCA01-OR-135 is attached as Exhibit "A" and hereby incorporated into this Final Order.

3. On October 11, 2001, Petitioners filed a challenge to the Department's proposed final agency action. The matter was referred to the Division of Administrative Hearings ("DOAH") for assignment of an Administrative Law Judge and scheduling of an administrative hearing on disputed issues of material fact.

4. This proceeding was originally assigned DOAH Case No. 01-4193. This proceeding was abated and the file was closed on May 15, 2002. Pursuant to Petitioners' unopposed Motion To Reinstate the file was reopened and assigned DOAH Case No. 02-2436 on June 18, 2002. This file was closed on August 4, 2003. Petitioners again filed a Motion to Reinstate that was granted on August 14, 2003 and the file was reopened as DOAH Case No. 03-2946. The Order required the parties to suggest hearing dates in 2003 when the case could be tried or dismiss the proceedings by October 15, 2003. Hearing dates were not proposed and the ALJ entered the Order Closing File on October 21, 2003.

5. The file in this proceeding was closed with no findings made as to the consistency of Ordinance 01-12 with the Principles for Guiding Development.

WHEREFORE, the above captioned proceeding is dismissed and Village of Islamorada Ordinance 01-12 is determined to be consistent with the Principles For Guiding Development of the Florida Keys Area of Critical State Concern.

DONE AND ORDERED in Tallahassee, Florida.

/s/ _____
Colleen M. Castille, Secretary
Florida Department of Community Affairs
2555 Shumard Oak Boulevard
Tallahassee, Florida 32399-2100

EACH PARTY IS HEREBY ADVISED OF ITS RIGHT TO SEEK JUDICIAL REVIEW OF THIS FINAL ORDER PURSUANT TO SECTION 120.68, FLORIDA STATUTES, AND FLORIDA RULES OF APPELLATE PROCEDURE 9.030(b)(1)(C) AND 9.110.

TO INITIATE AN APPEAL OF THIS ORDER, A NOTICE OF APPEAL MUST BE FILED WITH THE DEPARTMENT’S AGENCY CLERK, 2555 SHUMARD OAK BOULEVARD, TALLAHASSEE, FLORIDA 32399-2100, WITHIN 30 DAYS OF THE DAY THIS ORDER IS FILED WITH THE AGENCY CLERK. THE NOTICE OF APPEAL MUST BE SUBSTANTIALLY IN THE FORM PRESCRIBED BY FLORIDA RULE OF APPELLATE PROCEDURE 9.900(a). A COPY OF THE NOTICE OF APPEAL MUST BE FILED WITH THE APPROPRIATE DISTRICT COURT OF APPEAL AND MUST BE ACCOMPANIED BY THE FILING FEE SPECIFIED IN SECTION 35.22(3), FLORIDA STATUTES.

YOU WAIVE YOUR RIGHT TO JUDICIAL REVIEW IF THE NOTICE OF APPEAL IS NOT TIMELY FILED WITH THE AGENCY CLERK AND THE APPROPRIATE DISTRICT COURT OF APPEAL.

MEDIATION UNDER SECTION 120.573, FLA. STAT., IS NOT AVAILABLE WITH RESPECT TO THE ISSUES RESOLVED BY THIS ORDER.

CERTIFICATE OF FILING AND SERVICE

I HEREBY CERTIFY that the original of the foregoing Final Order has been filed with the undersigned Agency Clerk of the Department of Community Affairs, and that true and correct copies have been furnished to the persons listed below by the method indicated this 19th day of November 2003.

/s/ _____
Paula Ford, Agency Clerk

By U.S. Mail:
Honorable Chris Sante, Mayor
Islamorada, Village of Islands
Post Office Box 568
Islamorada, FL 33036

Beverly Raddatz, Village Clerk
Islamorada, Village of Islands
Post Office Box 568
Islamorada, FL 33036

Nancy Stroud, Esq.
Weiss, Serota, Helfman, Pastoriza & Guedes, P.A.
2665 South Bayshore Drive
Miami, FL 33133

Andrew M. Tobin, Esquire
Andrew M. Tobin, P.A.
Post Office Box 620
Tavernier, Florida 33070-0620

Robert O. Ebert
89375 Old U.S. 1
Tavernier, Florida 33070

Bridget L. Fleming
100 Willow Lane
Islamorada, Florida 33036

Merek Kiyashka
65 Olive Place
Forest Hills, New Jersey 11375
By Hand Delivery or Interagency Mail:

Jim Quinn, Bureau of State Planning, DCA Tallahassee
Rebecca Jetton, DCA Florida Keys Field Office
David Jordan, Deputy General Counsel, DCA Tallahassee
Timothy E. Dennis, Assistant General Counsel, DCA Tallahassee

NOTICE OF APPROVAL
FOR FLORIDA FOREVER FUNDS

The Florida Communities Trust (“Trust”) reviewed and approved project plans for land acquisition projects submitted under the Florida Forever Program, Series FF2 funding cycle. The project plan listed below was approved by the Executive Director under authority delegated from the governing body. The Executive Director is authorized to execute the agreements for acquisition of the project site and all other documents necessary to close the project and that funds be released as follows:

Project: 02-049-FF2/Southwest Nature and
Recreational Park

Grantee: City of Pembroke Pines

Amount of Approved Funds: the lesser of 14.53% of the final total project costs or \$340,000.00

NOTICE OF ADMINISTRATIVE HEARING RIGHTS

Any person with substantial interests that are or may be determined by the approval of funds for projects by the Trust has a right to an informal administrative proceeding pursuant to Section 120.57(2), F.S., if the person does not dispute issues of material fact raised by this decision. If an informal proceeding is held, the petitioner will have the opportunity to be represented by counsel, to present to the agency written or

oral evidence in opposition to the Trust action, or to present a written statement challenging the legal grounds upon which the Trust is justifying its actions.

Alternatively, any person with substantial interests that are or may be determined by the approval of funds for projects by the Trust has a right to a formal administrative hearing pursuant to Section 120.57(1), F.S., if the person disputes any issues of material fact stated in this decision. At a formal hearing the petitioner may be represented by counsel, and will have the opportunity to present evidence and argument on all the issues involved, to conduct cross-examination and submit rebuttal evidence, to submit proposed findings of fact and orders, and to file exceptions to any order or hearing officer's recommended order.

If a person with a substantial interest desires either an informal proceeding or a formal hearing, the person must file with the Trust Clerk a written response or pleading entitled "Petition for Administrative Proceedings" within 21 calendar days of the publication date of this notice of final agency action. The petition must be in the form required by Rule 18-106.201, F.A.C. A petition is filed when it is received by the Trust Clerk at 2555 Shumard Oak Boulevard, Tallahassee, FL 32399-2100. A petition must specifically request an informal proceeding or a formal hearing, it must admit or deny each material fact contained in this decision, and it must state any defenses upon which the petitioner relies. If the petitioner lacks knowledge of a particular allegation of fact, it must so state and that statement will operate as a denial.

Any person with substantial interests that are or may be determined by the approval of funds for projects by the Trust waives the right to an informal proceeding or a formal hearing if a Petition for Administrative Proceeding is not filed with the Trust Clerk within 21 days of the date of publication of the notice of final agency action.

DEPARTMENT OF HIGHWAY SAFETY AND MOTOR VEHICLES

Notice of Publication for a New Point Franchise Motor Vehicle Dealer in a County of More than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, Cross Lander U.S.A., intends to allow the establishment of Crown Auto Dealerships, as a dealership for the sale of Cross Lander vehicles, at 6001 34th Street, North, St. Petersburg (Pinellas County), Florida 33714, on or after October 24, 2003.

The name and address of the dealer operator(s) and principal investor(s) of Crown Auto Dealerships are dealer operator(s) and principal investor(s): Dwayne Hawkins, 6001 34th Street, North, St. Petersburg, FL 33714.

The notice indicates intent to establish the new point location in a county of more than 300,000 population, according to the latest population estimates of the University of Florida, Bureau of Economic and Business Research.

Certain dealerships of the same line-make may have standing, pursuant to Section 320.642, Florida Statutes to file a petition or complaint protesting the application.

Written petitions or complaints must be received by the Department of Highway Safety and Motor Vehicles within 30 days of the date of publication of this notice and must be submitted to: Mr. Ronald D. Reynolds, Administrator, Dealer License Section, Department of Highway Safety and Motor Vehicles, Room A-312, Neil Kirkman Building, 2900 Apalachee Parkway, Tallahassee, Florida 32399-0635.

A copy of such petition or complaint must also be sent by US Mail to: William D. Goetze, General Manager, Cross Lander U.S.A., 3575 N. W. 82nd Avenue, Miami, FL 33122.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

Notice of Publication for a New Point Franchise Motor Vehicle Dealer in a County of More than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, Cross Lander U.S.A., intends to allow the establishment of Lokey Cross Lander of Tampa, Inc., as a dealership for the sale of Cross Lander vehicles, at 1406 N. Dale Mabry Avenue, Tampa (Hillsborough County), Florida 33607, on or after October 24, 2003.

The name and address of the dealer operator(s) and principal investor(s) of Lokey Cross Lander of Tampa, Inc. are dealer operator(s) and principal investor(s): Thomas Lokey, 1406 N. Dale Mabry Avenue, Tampa, FL 33607.

The notice indicates intent to establish the new point location in a county of more than 300,000 population, according to the latest population estimates of the University of Florida, Bureau of Economic and Business Research.

Certain dealerships of the same line-make may have standing, pursuant to Section 320.642, Florida Statutes to file a petition or complaint protesting the application.

Written petitions or complaints must be received by the Department of Highway Safety and Motor Vehicles within 30 days of the date of publication of this notice and must be submitted to: Mr. Ronald D. Reynolds, Administrator, Dealer License Section, Department of Highway Safety and Motor Vehicles, Room A-312, Neil Kirkman Building, 2900 Apalachee Parkway, Tallahassee, Florida 32399-0635.

A copy of such petition or complaint must also be sent by US Mail to: William D. Goetze, General Manager, Cross Lander U.S.A., 3575 N. W. 82nd Avenue, Miami, FL 33122.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

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

AGENCY FOR HEALTH CARE ADMINISTRATION

CERTIFICATE OF NEED

GRACE PERIOD LETTERS OF INTENT

The Agency For Health Care Administration received and accepted the following letters of intent for the November 26, 2003 application filing date for Other Beds and Programs batching cycle:

- County: Volusia District: 4
- Date Filed: 11/12/2003 LOI#: N0310015
- Facility/Project: Hospice of the Comforter, Inc.
- Applicant: Hospice of the Comforter, Inc.
- Project Description: Establish a hospice program
- County: Charlotte District: 8
- Date Filed: 11/12/2003 LOI#: N0310016
- Facility/Project: Heartland Hospice Services of Florida, Inc.
- Applicant: Heartland Hospice Services of Florida, Inc.
- Project Description: Establish a hospice program
- County: Collier District: 8
- Date Filed: 11/12/2003 LOI#: N0310017
- Facility/Project: Heartland Hospice Services of Florida, Inc.
- Applicant: Heartland Hospice Services of Florida, Inc.
- Project Description: Establish a hospice program
- County: Indian River District: 9
- Date Filed: 11/12/2003 LOI#: N0310018
- Facility/Project: Heartland Hospice Services of Florida, Inc.
- Applicant: Heartland Hospice Services of Florida, Inc.
- Project Description: Establish a hospice program

If requested within 14 days after notice that an application has been filed, a public hearing may be held at the local level within 21 days after January 2, 2004, the date the application is scheduled to be deemed complete. Tentative hearing dates will be published on December 12, 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 JUVENILE JUSTICE

The Florida Department of Juvenile Justice has posted the following policy for the initial review and comment and the second draft and matrix of comments of two other policies on MyFlorida.com at:

<http://www.djj.state.fl.us/reference/policiesandprocedures/policyreview.html>.

The new policy, posted for the first of two 20 working day review and comment periods is: Contract Management/Program Monitoring for Residential and Correctional Programs – establishes procedures for program monitoring and contract management.

The second drafts of two policies posted for the second of two 20 working day review and comment periods (along with matrix of comments from the first review period) are: Requests for Department Records – establishes that all records, except those relating to juveniles in the custody of the Department of Juvenile Justice or its agents, employees, or contractors are public records, unless otherwise exempt, pursuant to Chapter 119, Florida Statutes.

Property Insurance – in order to preserve and protect the assets of the State, the Department will utilize appropriate coverages and risk management tools to reduce uncertainty and safeguard State property.

All three policies are department-wide type B policies with a closure date for submission of comments on these policies of December 26, 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 for these policies 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.

DEPARTMENT OF HEALTH

On November 14, 2003, John O. Agwunobi, M.D., M.B.A., Secretary of the Department of Health, issued an Order of Emergency Suspension with regard to the certificate of Villa Louis, C.N.A., certificate number CX 1286589741744. This Emergency Suspension Order was predicated upon the Secretary's findings of an immediate and serious danger to the public health, safety and welfare pursuant to Sections 456.073(8) and 120.60(6), Florida Statutes. The Secretary determined that this summary procedure was fair under the circumstances, in that there was no other method available to adequately protect the public.

On November 14, 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 Cesar Perez, M.D., license number ME 30112. This Emergency Suspension Order was predicated upon the Secretary's findings of an immediate and serious danger to the public health, safety and welfare pursuant to Sections 456.073(8) and 120.60(6), Florida Statutes. The Secretary determined that this summary procedure was fair under the circumstances, in that there was no other method available to adequately protect the public.

On November 14, 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 Sarah Mootoo, LPN, license number PN 1253111. This Emergency Suspension Order was predicated upon the Secretary's findings of an immediate and serious danger to the public health, safety and welfare pursuant to Sections 456.073(8) and 120.60(6), Florida Statutes. The Secretary determined that this summary procedure was fair under the circumstances, in that there was no other method available to adequately protect the public.

DEPARTMENT OF FINANCIAL SERVICES

NOTICE OF FILINGS

Notice is hereby given that the Office of Financial Regulation has received the following applications.

Comments may be submitted to the Deputy Director, 200 East Gaines Street, Tallahassee, Florida 32399-0371, for inclusion in the official record without requesting a hearing; however, any person may request a public hearing by filing a petition with the Clerk, Legal Services Office, Office of Financial Regulation, 200 East Gaines Street, Tallahassee, Florida 32399-0379, pursuant to provisions specified in Chapter 3C-105.100, Florida Administrative Code. Petition must be received by the Clerk within twenty-one (21) days of publication of this notice (by 5:00 p.m., December 17, 2003):

APPLICATION FOR A NEW FINANCIAL INSTITUTION
Applicant and Proposed Location: Globalbank, 3400 Coral Way, Miami, Florida 33145

Correspondent: Scott Rosenberg, 19 West Flagler Street, Suite 910, Miami, Florida 33179

Received: November 14, 2003

APPLICATION TO ACQUIRE CONTROL
Financial Institutions to be Acquired: Cypress Bank, Palm Coast, Florida

Proposed Purchaser: Alabama National BanCorporation, Birmingham, Alabama

Received: November 10, 2003

Section XIII
Index to Rules Filed During Preceding Week

RULES FILED BETWEEN November 10, 2003
 and November 14, 2003

Rule No.	File Date	Effective Date	Proposed Vol./No.	Amended Vol./No.
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DEPARTMENT OF LAW ENFORCEMENT
Criminal Justice Standards and Training Commission

11B-27.00212	11/13/03	12/3/03	29/36	
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Division of Criminal Justice Information Systems

11C-6.004	11/13/03	12/3/03	29/36	
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Medical Examiners Commission

11G-2.003	11/13/03	12/3/03	29/36	
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Office of Inspector General

11N-1.0022	11/13/03	12/3/03	29/36	
11N-1.003	11/13/03	12/3/03	29/36	
11N-1.0031	11/13/03	12/3/03	29/36	
11N-1.004	11/13/03	12/3/03	29/36	
11N-1.005	11/13/03	12/3/03	29/36	
11N-1.0051	11/13/03	12/3/03	29/36	
11N-1.009	11/13/03	12/3/03	29/36	

DEPARTMENT OF REVENUE

12-16.003	11/12/03	12/2/03	29/35	29/41
12-16.004	11/12/03	12/2/03	29/35	
12-16.005	11/12/03	12/2/03	29/35	

DEPARTMENT OF TRANSPORTATION

14-114.0011	11/10/03	11/30/03	29/41	
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Rule No.	File Date	Effective Date	Proposed Vol./No.	Amended Vol./No.
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PUBLIC SERVICE COMMISSION

25-6.003	11/14/03	12/4/03	29/36	
25-30.140	11/14/03	12/4/03	29/40	

DEPARTMENT OF CORRECTIONS

33-203.101	11/12/03	12/2/03	29/39	
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AGENCY FOR HEALTH CARE ADMINISTRATION
Medicaid Program Office

59G-4.320	11/12/03	12/2/03	29/33	
59G-6.010	11/13/03	12/3/03	29/33	

DEPARTMENT OF ENVIRONMENTAL PROTECTION

62-304.405	11/13/03	12/3/03	29/36	
62-304.415	11/13/03	12/3/03	29/36	
62-304.500	11/13/03	12/3/03	29/36	
62-660.400	11/14/03	12/2/03	29/40	

DEPARTMENT OF HEALTH

Board of Chiropractic

64B2-13.004	11/10/03	11/30/03	29/29	29/41
64B2-16.0075	11/10/03	11/30/03	29/34	29/41

Board of Medicine

64B8-3.002	11/12/03	12/2/03	29/30	29/42
64B8-3.003	11/12/03	12/2/03	29/30	

Board of Podiatric Medicine

64B18-16.005	11/12/03	12/2/03	29/33	
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DEPARTMENT OF FINANCIAL SERVICES

Division of Workers' Compensation

69L-7.020	11/14/03	12/4/03	29/38	29/46
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