

Section I
Notices of Development of Proposed Rules
and Negotiated Rulemaking

DEPARTMENT OF STATE

Division of Cultural Affairs

RULE TITLE: Division of Cultural Affairs
RULE NO.: IT-1.001

PURPOSE AND EFFECT: The purpose of these amendments are to incorporate program changes to the Cultural Support Grants Program and revisions to forms used in administration of program-based grants to organizations.

SUBJECT AREA TO BE ADDRESSED: The Cultural Support Grants Program and administrative and reporting requirements for organizations.

SPECIFIC AUTHORITY: 255.043(4), 265.284(5)(d), 265.285(1)(c), 265.286(1),(4),(6), 265.2861(2)(b), 265.2865(6), 265.51, 265.605(1), 265.608, 265.609(1),(4),(6), 265.701(4) FS.

LAW IMPLEMENTED: 215.97, 255.043, 265.284, 265.285, 265.286, 265.2861, 265.2865, 265.51-56, 265.601-607, 265.608, 265.609, 265.701, 286.011, 286.012, 286.25 FS.

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

TIME AND DATE: 9:00 a.m., Monday, April 28, 2003
PLACE: Division of Cultural Affairs, 1001 DeSoto Park Drive, Tallahassee, Florida

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 7 days before the workshop/meeting by contacting Linda Downey, (850)245-6481. If you are hearing or speech impaired, please contact the Division by using the Florida Relay Service, which can be reached by calling 711.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT, IF AVAILABLE, IS: Linda Downey, Bureau Chief, Grants Services, Division of Cultural Affairs, 1001 DeSoto Park Drive, Tallahassee, Florida 32301

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

DEPARTMENT OF INSURANCE

Division of State Fire Marshal

RULE CHAPTER TITLE: Fire Extinguishers and Preengineered Systems
RULE CHAPTER NO.: 4A-21

RULE TITLE: Training Requirements for Servicing Fire Extinguishers and Preengineered Systems
RULE NO.: 4A-21.115

PURPOSE AND EFFECT: This facilitated rulemaking involves Section 633.061(1), Florida Statutes, relating to training of persons permitted to service fire extinguishers and preengineered systems. The pertinent language in the subject statute states: "All fire extinguishers and preengineered systems required by statute or by rule must be serviced by an organization or individual licensed under the provisions of this chapter. A licensee who receives appropriate training shall not be prohibited by a manufacturer from servicing any particular brand of fire extinguisher or preengineered system." (Emphasis supplied). The facilitated rulemaking affects fire extinguisher dealers and preengineered systems dealers, licensed under Chapter 633, Florida Statutes, manufacturers of fire extinguishers and preengineered systems, fire chiefs, fire marshals, firesafety inspectors licensed under Section 633.081, Florida Statutes, other local fire officials, and owners of fire extinguishers and preengineered systems.

SUBJECT AREA TO BE ADDRESSED: Training for servicing of fire extinguishers and preengineered systems. The specific issue involves:

A. Whether a licensee must be trained by the manufacturer to inspect, service, or maintain any particular brand of fire extinguisher or preengineered system, or

B. Whether a licensee, not trained by the manufacture, may inspect, service, or maintain any particular fire extinguisher or preengineered system provided that the licensee inspects, services, and maintains the equipment in accordance with the manufacturer's maintenance procedures and with the applicable National Fire Protection Association standards, as required by Section 633.065, Florida Statutes.

SPECIFIC AUTHORITY: 633.01(1) FS.

LAW IMPLEMENTED: 633.061(1) FS.

Section 120.54(2)(c), Florida Statutes, provides: "The workshop may be facilitated or mediated by a neutral third person, or the agency may employ other types of dispute resolution alternatives for the workshop that are appropriate for rule development." The workshops will be facilitated by a representative of the Florida Conflict Resolution Consortium, The Florida Atlantic University, 777 Glades Road, Boca Raton, Florida 33431-0991.

The division will conduct a series of at least two facilitated rule development workshops and, if deemed necessary, a third facilitated rule development workshop, to solicit input from affected interests for developing a rule to clarify provisions in Section 633.061, Florida Statutes, as indicated above, regarding "appropriate training" as related to fire extinguisher and preengineered systems.

These facilitated workshops are designed to be interactive among all participants, narrow in scope, and each workshop will build on the results of the previous workshop. For this reason, it is important for all substantially affected persons to attend, or send a representative with full authority to make decisions in their place to, all of the workshops.

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

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

PLACE: 3804 Coconut Palm Drive, Tampa, Florida

TIME AND DATE: 10:00 a.m., May 20, 2003

PLACE: 3804 Coconut Palm Drive, Tampa, Florida

IF DEEMED NECESSARY, A WORKSHOP WILL BE HELD AT THE FOLLOWING TIME, DATE AND PLACE SHOWN BELOW:

TIME AND DATE: 10:00 a.m., June 10, 2003

PLACE: 3804 Coconut Palm Drive, Tampa, Florida

IF A THIRD WORKSHOP IS NOT DEEMED NECESSARY, A NOTICE OF CANCELLATION OF THE WORKSHOP ON JUNE 10, 2003, WILL BE PUBLISHED IN THE MAY 30, 2003, EDITION OF THE FLORIDA ADMINISTRATIVE WEEKLY, AND POSTED ON THE DIVISION OF STATE FIRE MARSHAL WEBSITE AT: <http://www.fldfs.com/SFM/>

In accordance with the Americans with Disabilities Act and Section 286.26, Florida Statutes, persons needing a special accommodation to participate in this workshop should contact Millicent King, (850)413-3171, no later than 48 hours prior to the workshop.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT, IF AVAILABLE, IS: Jim Goodloe, Chief, Bureau of Fire Prevention, 200 East Gaines Street, Tallahassee, Florida 32399-0342, (850)413-3171

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS AVAILABLE AT NOT CHARGE FROM THE CONTACT PERSON LISTED ABOVE.

**DEPARTMENT OF INSURANCE**

**Division of State Fire Marshal**

RULE CHAPTER TITLE: Firefighter Death Benefits

RULE CHAPTER NO.: 4A-64

RULE TITLE: Adjustments to Reflect Consumer Price Index

RULE NO.: 4A-64.006

PURPOSE AND EFFECT: To adopt price level changes relating to firefighter death benefits in Section 112.191, Florida Statutes, for the year 2003-2004.

SUBJECT AREA TO BE ADDRESSED: Firefighter death benefits in Section 112.191, Florida Statutes.

SPECIFIC AUTHORITY: 112.191 FS.

LAW IMPLEMENTED: 112.191 FS.

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

TIME AND DATE: 9:00 a.m., April 28, 2003

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

Pursuant to the provisions of the Americans with Disabilities Act and Section 286.26, Florida Statutes, any person requiring special accommodations to participate in this program, please advise the Department at least 48 hours before the program by contacting: Kimberly Riordan, (850)413-3170.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Harriett Abrams, Assistant Director, Division of State Fire Marshal, 200 East Gaines Street, Tallahassee, Florida 32399-0340, (850)413-3170, Fax (850)922-1235

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

4A-64.006 Adjustments to Reflect Consumer Price Index.

(1) Section 112.191, Florida Statutes, requires that the Division adjust the statutory amount payable based on the Consumer Price Index for all urban consumers published by the United States Department of Labor. The adjustment is to be effective on July 1 of each year using the most recent month for which data is available as of the time of the adjustment as of July 1 of each year. ~~The amounts payable for the period from July 1, 2003, through June 30, 2004, using the Consumer Price Index for all urban consumers published by the United States Department of Labor for March, 2003, which is the most recent month for which data is available as of the time of the adjustment, are~~ Since the effective date of the act is July 1, 2002, the statutory amount for the period from July 1, 2002 to June 30, 2003, shall be:

(a) For those benefits paid or to be paid under paragraph (a) of subsection (2) of Section 112.191, Florida Statutes: [specific amount to be inserted when the CPI is received for March, 2003, which will be published in the Notice of Hearing] ~~\$50,000.~~

(b) For those benefits paid or to be paid under paragraph (b) of subsection (2) of Section 112.191, Florida Statutes: [specific amount to be inserted when the CPI is received for March, 2003, which will be published in the Notice of Hearing] ~~\$50,000.~~

(c) For those benefits paid or to be paid under paragraph (c) of subsection (2) of Section 112.191, Florida Statutes: [specific amount to be inserted when the CPI is received for March, 2003, which will be published in the Notice of Hearing] ~~\$150,000.~~

(2) No change.

Specific Authority 112.191 FS. Law Implemented 112.191 FS. History--New 3-13-03, Amended \_\_\_\_\_.

**PUBLIC SERVICE COMMISSION**

DOCKET NO: Undocketed

RULE TITLE:

RULE NO.:

Establishment of Price Index, Adjustment of Rates; Requirement of Bond; Filings After Adjustment; Notice to Customers

25-30.420

PURPOSE AND EFFECT: Pursuant to Section 367.081(4)(a), Florida Statutes, the Commission must make a determination of quality of service as part of a water and/or wastewater utility's request for an index price increase. The amendment to the rule would require a statement on quality of service. The statement would provide the Commission with the information necessary to investigate and make a determination regarding the utility's service.

SUBJECT AREA TO BE ADDRESSED: Water and/or Wastewater Price Index.

SPECIFIC AUTHORITY: 350.127(2), 367.081(4)(a), 367.121(1)(c), (f) FS.

LAW IMPLEMENTED: 367.081(4), 367.121(1)(c), (g) FS.

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

TIME AND DATE: 9:30 a.m., Thursday, May 8, 2003

PLACE: Betty Easley Conference Center, Room 152, 4075 Esplanade Way, Tallahassee, Florida

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Troy Rendell, Florida Public Service Commission, 2540 Shumard Oak Blvd., Tallahassee, FL 32399-0862, (850)413-6934

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

25-30.420 Establishment of Price Index, Adjustment of Rates; Requirement of Bond; Filings After Adjustment; Notice to Customers.

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

(h) A statement that the utility does not have any active complaints, corrective orders, or outstanding citations with the Department of Environmental Protection (DEP), the County Health Departments, or the Public Service Commission or that the utility does have active complaints, corrective orders, or outstanding citations with the DEP, the County Health Departments, or the Public Service Commission.

(i) A copy of any active complaints, corrective orders, or outstanding citations with the Department of Environmental Protection (DEP), the County Health Departments, or the Public Service Commission.

(3) through (7) No change.

Specific Authority 350.127(2), 367.081(4)(a), 367.121(1)(c), 367.121(1)(f) FS. Law Implemented 367.081(4), 367.121(1)(c), 367.121(1)(g) FS. History--New 4-5-81, Amended 9-16-82, Formerly 25-10.185, Amended 11-10-86, 6-5-91, 4-18-99.

**DEPARTMENT OF CORRECTIONS**

RULE TITLES:

RULE NOS.:

Offender Grievance Procedures

33-302.101

Offender Orientation

33-302.109

PURPOSE AND EFFECT: The purpose and effect of the proposed rules is to provide for an administrative complaint process for submission of offender complaints alleging violation of the Health Insurance Portability and Accountability Act (HIPAA) in accordance with 45 C.F.R. 164.530, and to provide notice to offenders as to the department's maintenance of the privacy of protected health information in accordance with 45 C.F.R. 164.520.

SUBJECT AREA TO BE ADDRESSED: Application of HIPAA privacy regulations to offenders.

SPECIFIC AUTHORITY: 944.09 FS., 45 CFR 164.520, 164.530 FS.

LAW IMPLEMENTED: 20.315, 944.09 FS., 45 CFR Part 160, 164.

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

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

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

33-302.101 Offender Grievance Procedures.

(1) through (4) No change.

(5) All grievances concerning Health Insurance Portability and Accountability Act (HIPAA) compliance shall be submitted by the offender to the Director of Community Corrections, as described in subsection (4). The Director of Community Corrections shall respond to the grievance within thirty days of receipt of the grievance.

(6) No action shall be taken against an offender as the result of the offender's submission of a grievance.

Specific Authority 944.09 FS., 45 CFR 164.530. Law Implemented 944.09 FS., 45 CFR Part 160, 164. History--New 5-28-86, Amended 10-1-89, 9-30-91, 2-15-98, Formerly 33-24.005, Amended 3-4-01, 7-30-01, 2-4-02, 5-12-02.

33-302.109 Offender Orientation.

(1) through (6) No change.

(7) The correctional probation officer shall instruct on and review the information contained in the Notice of Privacy Practices, Form DC3-2006. Form DC3-2006 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 . The correctional probation officer and the offender shall sign and date Form DC3-2006, Notice of Privacy Practices, certifying that the offender has received a copy of the privacy notice. The original executed Form DC3-2006 shall be placed in the offender file and a copy shall be provided to the offender.

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

**DEPARTMENT OF CORRECTIONS**

RULE TITLE: Confidential Records  
 RULE NO.: 33-601.901  
 PURPOSE AND EFFECT: The purpose and effect of the proposed rules is to provide for the privacy of protected health information in accordance with the Health Insurance Portability and Accountability Act (HIPAA), 45 C.F.R. Parts 160 and 164.  
 SUBJECT AREA TO BE ADDRESSED: Application of HIPAA privacy regulations to inmate and offender records.  
 SPECIFIC AUTHORITY: 20.315, 944.09, 945.10, 945.25 FS., 45 CFR Part 160, 164.  
 LAW IMPLEMENTED: 944.09, 945.10, 945.25, 947.13 FS., 45 CFR Part 160, 164.  
 IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.  
 THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Perri King Dale, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

33-601.901 Confidential Records.

(1) Inmate and offender access to records or information.

(a) Inmate and offender access to non-medical records or information.

1. No inmate or offender under jurisdiction of the department shall have unlimited or routine access to any information contained in the records of the department. Section 945.10(3), F.S., authorizes the Department of Corrections to permit limited access to information if the inmate or offender makes a written request and demonstrates an exceptional need

for information contained in the department's records and the information is otherwise unavailable. Such information shall be provided by the department when the inmate or offender has met the above requirements and can demonstrate that the request is being made under exceptional circumstances as set forth in s. 945.10(3), F.S.

2. It shall be the responsibility of the inmate or offender to maintain such information, and repeated requests for the same information shall not be honored.

(2) Copies of documents which have been previously provided to the inmate or offender under other rules of the department will not be provided unless the inmate or offender can demonstrate that exceptional circumstances exist.

3.(3) No change.

4.(4) An inmate desiring access to non-medical information shall submit the written request to his or her classification officer or officer-in-charge of a community facility; a supervised offender shall submit the request to his or her supervising officer. If the request does not meet the requirements specified in s. 945.10(3), F.S., the request shall be denied in writing. If the request meets the requirements specified in s. 945.10(3), F.S., the request shall be approved without further review. If the request meets the requirements specified in s. 945.10(3), F.S., but details exceptional circumstances other than those listed, the classification officer or officer-in-charge shall review the request and make a recommendation to the classification supervisor who shall be the final authority for approval or disapproval of requests from inmates; for supervised offenders, the recommendation shall be submitted to the correctional probation circuit administrator or designee who shall be the final authority for approval or disapproval.

(b) Inmate and offender access to their own medical or substance abuse clinical records.

1. Definitions.

a. "Medical record" as used in this rule means the inmate's medical file maintained by the department.

b. "Protected health information" or "PHI" as used in this rule means individually identifiable health information about an inmate or offender.

c. "Psychotherapy notes" as used in this rule means notes recorded by a mental health professional documenting or analyzing the contents of conversation during a private or group session. The term does not include medication prescription and monitoring, session start and stop times, the modalities and frequencies of treatment furnished, results of clinical tests, and any summary of the following: diagnosis, functional status, treatment plan, symptoms, prognosis, and progress to date.

d. "Substance abuse clinical record" as used in this rule means the department inmate file containing all written documents and records, including department forms compiled to detail an inmate's substance abuse history, substance abuse

screening, assessment, intervention, and other substance abuse services, including the results of urinalysis testing, program participation, and admission and discharge summaries.

2. An inmate shall be allowed to have access to his own medical record and, if such exists, his own substance abuse clinical record. An inmate desiring access to his own medical record shall submit a written request to the health services administrator; an inmate desiring access to his own substance abuse clinical record shall submit a written request to the substance abuse program manager.

3. The department does not maintain medical records or substance abuse clinical records on offenders under community supervision. Access to records maintained by treatment providers under contract with the department should be requested by contacting the treatment provider.

4. Inmates shall have no access to psychotherapy notes maintained in the department's records. Inmates and offenders shall have no access to health information compiled in reasonable anticipation of, or for use in, a civil, criminal, or administrative action or proceeding.

5. The request for access shall be denied in whole or in part due to any of the following reasons:

a. The request is for records or information identified in subparagraph 4. above.

b. The request is for PHI that was obtained from someone other than a health care provider under a promise of confidentiality and the access requested would with reasonable likelihood reveal the source of the information.

c. The request is for information not maintained or no longer maintained by the department in its files.

d. There has been a determination by a licensed health care professional that:

I. The requested access is reasonably likely to endanger the life or physical safety of the inmate or another person;

II. The requested access is to PHI that makes reference to another person (other than a health care provider) and such access is reasonably likely to cause substantial harm to such other person; or

III. The access is requested by a personal representative of the inmate and such access is likely to cause substantial harm to the inmate.

6. All requests shall be granted, including providing access or copies or both, or denied, in whole or in part, by the health services administrator or substance abuse program manager in writing within 30 days of the date of receipt of the request, except that where the requested records are not maintained on-site, the department shall provide or deny access, in whole or in part, within 60 days from receipt of the request. If the department is unable to grant or deny, in whole or in part, the request for access within the 30 or 60 day time periods, the department is authorized to extend the time for such action an additional 30 days by providing the inmate a written statement

that the time period has been extended for 30 days and the reason(s) for the extension. This extension is available only one time.

7. Denials must provide:

a. The basis for the denial;

b. Information on where the requested information is maintained if sub-subparagraph 5.c. applies, and the department knows where the information is maintained;

c. Notification that the inmate may request a review of the denial by submitting a written request to the health services administrator in the case of medical records, or the substance abuse program manager in the case of substance abuse clinical records; and

d. That the inmate may grieve the denial through the inmate grievance process pursuant to Chapter 33-103, F.A.C.

8. Upon written request of the inmate to the staff member designated above, denials based on sub-subparagraph 5.d. shall be reviewed by a licensed health care professional who is designated by the health services administrator or substance abuse program manager, and who did not participate in the original decision to deny the request. Review of the denial must be completed within a reasonable time after receipt of the request for review. Immediately upon determination on review, the inmate shall be notified in writing of the decision. The determination on review shall be followed by the department.

9. Where a request for access to an inmate's medical record or substance abuse clinical record is denied in part, the department shall provide access to the requested record after excluding the information for which access was denied.

(d) Copies will be provided upon receipt of payment as provided in subsection (2) of this rule, except that when providing the inmate a copy of the requested information would jeopardize either the health, safety, security, custody of the inmate or of other inmates; or the safety of any officer, employee, or other person at the correctional institution or a person responsible for the transporting of the inmate, no copies shall be provided. A denial of copies on this basis shall not be subject to review under subparagraph (c)8. Above.

(2)(5) If the information being requested requires duplication, the cost of duplication shall be paid by the inmate or offender, and the inmate or offender will sign a receipt for such copies. The cost for copying is \$0.15 per page for single-sided copies. Only one-sided copies will be made for inmates; two-sided copies will not be made for inmates. Additionally, a special service charge will be assessed for providing information when the nature or volume of the records requested requires extensive clerical or supervisory assistance by department personnel. "Extensive" means that it will take more than 15 minutes to locate, review for confidential information, copy and refile the requested material. The special service charge will be computed to the nearest quarter of an hour exceeding 15 minutes based on the current rate of pay for the paygrade of the person who

performed the service, but not to exceed paygrade 18. Exceptions will not be made for indigent inmates or offenders; indigent inmates will be required to pay for copies.

~~(3)~~(6) The following records or information contained in department files shall be confidential and shall be released for inspection or duplication only as authorized in this rule:

(a) Medical reports, opinions, memoranda, charts or any other medical record of an inmate or offender, including dental and medical classification reports as well as clinical drug treatment and assessment records; letters, memoranda or other documents containing opinions or reports on the description, treatment, diagnosis or prognosis of the medical or mental condition of an inmate or offender; the psychological screening reports contained in the admission summary; the psychological and psychiatric evaluations and reports on inmates or offenders; health screening reports; Mentally Disordered Sex Offender Status Reports. Other persons may review medical records only when necessary to ensure that the inmate's or offender's overall health care needs are met, or upon a specific written authorization from the inmate or offender whose records are to be reviewed, or as provided by law. If a request for inmate or offender medical records is submitted upon consent or authorization given by the patient inmate or offender, the department's Consent and Authorization for Inspection and ~~or~~ Release of Confidential Information, Form DC4-711B must be utilized in order to obtain inmate medical records held by the department. Form DC4-711B 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. ~~Requests for forms to be mailed must be accompanied by a self-addressed stamped envelope. The effective date of this form is \_\_\_\_\_ September 19, 2000.~~ Offenders under supervision, or previously under supervision, who desire information from their own records, shall be referred to the agency or office originating the report or document to obtain such information. ~~Inmates desiring access to information in their own medical records shall submit a written request to the health information specialist/supervisor. If the request does not meet the requirements specified in subsection (1), the request shall be denied. If the request meets the requirements specified in subsection (1) and falls within exceptions (a) through (e) of s. 945.10(3), F.S., the request shall be approved without further review. The records will be provided upon receipt of payment. If the request meets the requirements specified in s. 945.10(3), F.S., but details exceptional circumstances other than those listed in (a) through (e) or falls within (f), the health information specialist/supervisor shall review the request and make a recommendation to the chief health officer who shall be the final authority for approval or disapproval.~~

(b) Preplea, pretrial intervention, presentence and post-sentence investigation reports including supplements, addenda and updates, except as provided in s. 960.001(1)(g), F.S.

(c) No change.

(d) Florida Parole Commission records which are confidential or exempt from public disclosure by law.

(e) through (h) No change.

~~(4)~~(7) Blueprints, detailed physical diagrams, photographs of institutions and facilities and computer printouts containing information on inmates or offenders except those printouts specifically designated for public use are confidential and can be released only as provided in paragraph ~~(5)~~(8)(d) of this rule.

~~(5)~~(8) Unless expressly prohibited by federal law, the following confidential records or information may be released to the Office of the Governor, the Legislature, the Parole Commission, the Department of Legal Affairs, the Department of Children and Family Services, a private correctional facility or program that operates under a contract, ~~the Department of Legal Affairs~~, a state attorney, the court, or a law enforcement agency:

(a) Preplea, pretrial intervention, presentence and postsentence investigations along with attachments to such reports, except as provided in s. 960.001(1)(g), F.S.;

(b) Florida Parole commission records;

(c) through (d) No change.

~~(6)~~(9) After victim information has been redacted, access to preplea, pretrial intervention, presentence or postsentence investigations is authorized as follows:

(a) To any other state or local government agency not specified in subsection ~~(5)~~(8) upon receipt of a written request which includes a statement demonstrating a need for the records or information;

(b) through (c) No change.

~~(d)~~ Written requests under paragraphs (b) and (c) above must be submitted to the Bureau Chief of Classification and Central Records or designee for approval if the request pertains to an inmate record. If the request pertains to a report in a supervision file, the request shall be submitted to the correctional probation circuit administrator or designee of the office where such record is maintained. If the request pertains to confidential health information is included in the presentence or postsentence investigation, authorization for release must be obtained from the inmate or offender; the request shall be submitted to the institutional chief health officer.

~~(7)~~(10) Parties establishing legitimate research purposes who wish to review preplea, pretrial intervention, presentence and postsentence investigation reports in the records of current or prior inmates or offenders must obtain prior approval from the Bureau Chief of Research and Data Analysis. Parties seeking to review records pursuant to this section shall be required to submit a written request to the Bureau Chief of

Classification and Central Records or designee if the report pertains to an inmate, or to the correctional probation circuit administrator or designee of the office where the record is located if the report pertains to a supervised offender. The written request must disclose the name of the person who is to review the records; the name of any organization, corporation, business, school or person for which the research is to be performed; the purpose of the research; any relationship to inmates or offenders or the families of inmates or offenders; and a confidentiality agreement must be signed. After submitting the required written request, research parties must receive written approval as described in this section prior to starting the project.

~~(8)(4)~~ Any information, whether recorded or not, concerning the identity, diagnosis, prognosis or treatment of any inmate or offender which is maintained in connection with the performance of any alcohol or drug abuse prevention or treatment function shall be confidential and shall be disclosed only as follows:

(a) With the prior written consent of the inmate or offender. The written consent shall include the following information:

1. through 8. No change.

9. The date, event, or condition upon which the consent will expire if not revoked before. This date, event, or condition must ensure that the consent will last no longer than reasonably necessary to serve the purpose for which it is given. If a request for inmate medical records is submitted upon consent given by the patient inmate/offender, the department's Consent and Authorization for Inspection and ~~or~~ Release of Confidential Information, Form DC4-711B, must be utilized in order to obtain medical records held by the department.

(b) Pursuant to 42 C.F.R. Part 2, the department is authorized to disclose information about an inmate or offender to those persons within the criminal justice system who have made participation in the program a condition of the disposition of any criminal proceedings against the inmate or offender or of the inmate or offender's parole or other release from custody if:

1. No change.

2. The inmate or offender has signed Form DC4-711B meeting the requirements of subsection ~~(8)(4)(a)~~ except for the revocation provision in ~~(8)(4)(a)~~8. This written consent shall state the period during which it remains in effect. This period shall be reasonable, taking into account:

a. through c. No change.

(c) A disclosure may not be made on the basis of a consent which:

1. No change.

2. On its face substantially fails to conform to any of the requirements set forth in ~~(8)(4)(a)~~ above:

3. through 4. No change.

(d) No change.

(e) Whether or not the inmate or offender has given written consent, 42 C.F.R. Part 2 permits disclosure of information as follows:

1. through 4. No change.

5. ~~To R~~reports of suspected child abuse and neglect;

6. No change.

(9) Each employee of the Department of Corrections shall maintain as confidential all medical and mental health information regarding any inmate or offender that the employee obtains in conjunction with his or her duties and responsibilities, and shall not disseminate the medical information or discuss the medical or mental health condition of the inmate or offender with any person except persons directly necessary to the performance of the employee's duties and responsibilities. An employee who has been designated as a member of the healthcare transfer team or is part of a mental health treatment team shall not disseminate inmate medical information or discuss the medical or mental health condition of an inmate with any person except other members of the healthcare transfer team, medical and mental health staff, upper level management at the institution or facility level, regional level and central office level, inspectors from the Inspector General's Office, or department attorneys. Breach of this confidentiality shall subject the employee to disciplinary action. Each employee shall acknowledge receipt and review of Form DC2-813, Acknowledgement of Responsibility to Maintain Confidentiality of Medical/Mental Health Information, indicating that he understands the medical confidentiality requirements. Form DC2-813 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 \_\_\_\_\_.

Specific Authority 20.315, 944.09, 945.10, 945.25 FS., 45 CFR Parts 160 and 164. Law Implemented 944.09, 945.10, 945.25, 947.13 FS. 42 USCS 290 ee-3, 45 CFR Parts 160 and 164. History—New 10-8-76, Amended 6-10-85, Formerly 33-6.06, Amended 1-12-89, 7-21-91, 9-30-91, 6-2-92, 8-4-93, 6-12-96, 10-15-97, 6-29-98, Formerly 33-6.006, Amended 9-19-00, \_\_\_\_\_.

**WATER MANAGEMENT DISTRICTS**

**Southwest Florida Water Management District**

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

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

PURPOSE AND EFFECT: The purpose of the amendment is to adopt updated versions of the Florida Department of Environmental Protection's Water Well Contractor Disciplinary Guidelines and Procedures Manual (October 2002), and the Florida Unified Citations Dictionary for Water Well Construction (October 2002).

SUBJECT AREA TO BE ADDRESSED: Rules and publications incorporated by reference pertaining to the construction of water wells pursuant to Chapter 40D-3, F.A.C. SPECIFIC AUTHORITY: 373.044, 373.113, 373.309 FS.

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

IF REQUESTED 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:

40D-3.037 Rules and Publications Incorporated by Reference.

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

(2) The Department’s Water Well Contractor Disciplinary Guidelines and Procedures Manual (October 2002) and the Department’s Florida Unified Citations Dictionary for Water Well Construction (October 2002) are hereby incorporated by reference and made a part of this rule.

(3) Well Construction Forms are incorporated by reference into Rule 40D-1.659, F.A.C., and are available from the District upon request.

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

**WATER MANAGEMENT DISTRICTS**

**Southwest Florida Water Management District**

RULE CHAPTER TITLE: Individual Environmental Resource Permits  
RULE TITLE: Publications and Agreements Incorporated by Reference  
RULE CHAPTER NO.:  
40D-4  
RULE NO.:  
40D-4.091

PURPOSE AND EFFECT: Rule 40D-4.042, Florida Administrative Code (F.A.C.) has been amended to provide that a petitioner seeking a formal determination of wetlands or other surface waters may publish notice of the agency action in accordance with Rule 40D-1.1010, F.A.C. This amendment made the process for noticing petitions for formal wetland determinations consistent with the processes for noticing water use and environmental resource permit applications. The purpose of this proposed amendment is to conform the language in the Basis of Review for Environmental Resource Permits to the language contained within Rule 40D-4.042, F.A.C.

SUBJECT AREA TO BE ADDRESSED: Section 3.4.1 of the Basis of Review of the Environmental Resource Permit Information Manual.

SPECIFIC AUTHORITY: 373.044, 373.046, 373.113, 373.171, 373. 414 FS.

LAW IMPLEMENTED: 373.0361, 373.114, 373.171, 373.403, 373.413, 373.416, 373.429, 373.411 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: Jack R. Pepper, Senior Attorney, 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:

40D-4.091 Publications and Agreements Incorporated by Reference.

The following documents are hereby incorporated into this chapter and Chapters 40D-40 and 40D-400, F.A.C.

(1) “Basis of Review for Environmental Resource Permit Applications with the Southwest Florida Water Management District, ~~September 26, 2002~~. This document is available from the District upon request.

(2) through (4) No change.

Specific Authority 373.044, 373.046, 373.113, 373.171, 373.414 FS. Law Implemented 373.0361, 373.114, 373.171, 373.403, 373.413, 373.414, 373.416, 373.429, 373.441 FS. History—New 4-2-87, Amended 3-1-88, 9-11-88, 10-1-99, 4-1-91, 11-16-92, 1-30-94, 10-3-95, 12-26-95, 5-26-96, 7-23-96, 4-17-97, 4-12-98, 7-2-98, 12-3-98, 7-28-99, 8-3-00, 9-20-00, 6-12-01, 10-11-01, 2-27-02, 7-29-02, 9-26-02, 3-26-03,

**WATER MANAGEMENT DISTRICTS**

**Southwest Florida Water Management District**

RULE CHAPTER TITLE: Individual Environmental Resource Permits  
RULE CHAPTER NO.:  
40D-4



RULE TITLE: Transfer of Permits  
 RULE NO.: 40D-4.351  
 PURPOSE AND EFFECT: Rule 40D-4.351(1), Florida Administrative Code (F.A.C.), provides for the transfer of an Environmental Resource Permit in the event there is sale or other transfer of the permitted surface water management system or the real property on which such system is located. The District routinely transfers Environmental Resource Permits for projects that are still in the construction phase and for projects that have been turned over to the operation phase. The purpose of this proposed rulemaking is to clarify that the District will transfer the Environmental Resource Permit for a project in the event of a change in ownership or control regardless of whether the project is in the construction or the operation phase.

SUBJECT AREA TO BE ADDRESSED: This proposed rulemaking will amend subparagraph (1)(b) of Rule 40D-4.351, F.A.C. which addresses the transfer of Environmental Resource Permits.

SPECIFIC AUTHORITY: 373.044, 373.113 FS.

LAW IMPLEMENTED: 373.413, 373.416(2), 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: Jack R. Pepper, Senior Attorney, 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:

40D-4.351 Transfer of Permits.

(1) Transfer of Ownership.

(a) A permittee shall notify the District within 30 days of any sale, conveyance or any other transfer for a permitted surface water management system or the real property at which the system is located.

(b) The District will transfer the surface water management system construction permit or operation and maintenance permit provided the land use remains the same.

(c) The permittee transferring the permit shall continue to remain liable for any corrective actions that may be required as a result of any permit violations prior to such sale, conveyance or other transfer.

(2) Conversion to Operation Phase.

(a) In order to convert an environmental resource permit from the construction phase to the operational phase, the permittee shall submit the following:

1. The Statement of Completion and Request for Transfer to Operation Entity form identified in Chapter 40D-1, F.A.C.; and

2. Documentary evidence of satisfaction of permit conditions, other than long-term monitoring.

(b) A conversion to the operational phase shall not occur until a responsible entity meeting the requirements in the "Basis of Review for Environmental Resource Permit Applications with the Southwest Florida Water Management District – October 3, 1995" has been established to operate and maintain the system. The entity must be provided with sufficient ownership, legal or equitable interest so that it has control over all water management facilities authorized by the permit.

Specific Authority 373.044, 373.113 FS. Law Implemented 373.413, 373.416(2), 403.805 FS. History—New 10-1-84, Amended 6-29-93, 10-3-95,

**COMMISSION FOR THE TRANSPORTATION DISADVANTAGED**

RULE TITLE: Definitions  
 RULE NO.: 41-2.002

PURPOSE AND EFFECT: The Commission proposes the rule amendments to update the definitions of transportation providers.

SUBJECT AREA TO BE ADDRESSED: The proposed rule amendments add definitions of commercial transportation providers.

SPECIFIC AUTHORITY: 427.013(9) FS.

LAW IMPLEMENTED: 427.011-.017 FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE SCHEDULED FOR THE BOARDS NEXT MEETING ON APRIL 25, 2003, IN ORLANDO, FLORIDA.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Jo Ann Hutchinson, Executive Director, Commission for the Transportation Disadvantaged, 605 Suwannee Street, MS-49, Tallahassee, Florida 32399-0450

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

41-2.002 Definitions.

For purposes of this rule chapter, the following definitions will apply:

(1) through (19) No change.

(20) “Common Carrier” means a public transportation provider that is regulated by a federal, state or local government agency to provide for-hire service to the public and include only: Commercial Bus Operators regulated by the Department of Transportation at the state or federal level;

Commercial Airlines; Ferries; Fixed Route Bus and Rail systems regulated by FTA; and, qualified taxi service providers.

(21) "Qualified taxi service provider" means any taxi company with over 60 cabs which is regulated by city or county ordinance, and is providing 24 hour service including wheelchair accessible taxi cabs. At a minimum, said qualifying city or county ordinance must address local government created standards for: local government monitoring and enforcement; annual driver background checks; bi-annual vehicle mechanical inspections; insurance requirements; and, approved taxi meter rates for the general public. A qualified taxi service provider must have at least one wheelchair accessible taxi for each 40, or portion thereof, non-wheelchair accessible cabs.

Specific Authority 427.013(9) FS. Law Implemented 427.011-.017 FS. History--New 5-2-90, Amended 6-17-92, 1-4-94, 7-11-95, 5-1-96, 10-1-96, 3-10-98, \_\_\_\_\_.

**COMMISSION FOR THE TRANSPORTATION DISADVANTAGED**

RULE TITLE: Grants Program RULE NO.: 41-2.014

PURPOSE AND EFFECT: The Commission proposes the rule amendments to provide flexibility in the grant process.

SUBJECT AREA TO BE ADDRESSED: The proposed rule amendments update the amount and the allocation of grant funds.

SPECIFIC AUTHORITY: 427.013(9) FS.

LAW IMPLEMENTED: 427.013, 427.0159, 427.016 FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL SCHEDULED FOR THE BOARDS NEXT MEETING ON APRIL 25, 2003, IN ORLANDO, FLORIDA.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Jo Ann Hutchinson, Executive Director, Commission for the Transportation Disadvantaged, 605 Suwannee Street, MS-49, Tallahassee, Florida 32399-0450

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

41-2.014 Grants Program.

- (1) No change.
- (2) Types of Grants.
  - (a) No change.

(b) Planning Related. Planning related grant funds may be used by an eligible Metropolitan Planning Organization or Designated Official Planning Agency to assist the Commission in their responsibilities at the local level as identified in

Chapter 427, Florida Statutes, including support to the local Coordinating Board and capital equipment limited to no more than 15% of the Commission participation.

(3) Match Requirement. Eligible grant recipients for the trip and equipment grants only, must provide at least 10% of the total project cost as a local match. The match must be cash generated from local sources, ~~except voluntary dollar collections.~~ Voluntary dollar collections do not require a match will be matched with in-kind sources.

(4) Distribution of Grant Funds. On or about December 15 of each year, the Commission shall allocate a portion identified as the Grants Program of the Transportation Disadvantaged Trust Fund in the following manner:

(a) An annual amount of ~~\$1,372,060~~ \$1,331,060 of the Grants Program shall be designated for planning grants to assist the Commission with implementation and maintenance of the program at the local level. Beginning with the 2002/2003 grant cycle, the annual cap will be adjusted by the same percentage increase equivalent to state employees as set by the Legislature.

(b) through (c) No change.

(5) Distribution of Trip and Equipment Related Grant Funds. Each eligible applicant's allocation will be determined for the county or counties within the designated service area for which the applicant provides coordinated transportation disadvantaged services.

(a) In order to maintain system and service stability, the Commission's Fiscal Year ~~99/00 93/94~~ Allocation of Trip and Equipment Grant Funds, dated February, 2000 ~~4/2/93~~, incorporated herein by reference, shall be the base allocation for each subsequent year's distribution for trip and equipment related grant funds. No county shall receive less than the base allocation unless the Commission's five year cash-flow forecast falls below the Fiscal Year ~~99/00 93/94~~ levels allocated to the trip and equipment grant related program.

(b) If the level of funding available for distribution to the trip and equipment grant program falls below the base as stated in paragraph 41-2.014(5)(a), F.A.C., a proportionate adjustment to the base allocation will be made. Such adjustment will be based on the five year cash-flow forecast of the Commission, and each county's share of the Fiscal Year ~~99/00 93/94~~ trip and equipment related grant allocation.

(c) through (e) No change.

(6) Distribution of Planning Related Grants. Planning related grant funds will be apportioned for distribution to the planning agencies as follows:

(a) No change.

(b) 75% of the planning allocation shall be divided into shares equal to the number of ~~counties coordinating boards~~ throughout the state, with each planning agency receiving no more than one share for each ~~county coordinating board~~ within its jurisdiction. Eligible applicants not requiring the total amount of funding available may recommend to the

Coordinating Board that any excess funds be allocated to the Community Transportation Coordinator for additional non-sponsored trip needs. The Commission shall reallocate any eligible excess funds to that particular county or service area's normal allocation. A local cash match of at least 10% shall be required to obtain this additional allocation.

(7) through (8) No change.

Specific Authority 427.013(9) FS. Law Implemented 427.013, 427.0159, 427.016 FS. History--New 5-2-90, Amended 6-17-92, 7-21-93, 6-26-94, 10-1-96, 3-10-98.

**AGENCY FOR HEALTH CARE ADMINISTRATION**

**Health Facility and Agency Licensing**

RULE TITLE: HMO and PHC Penalty Categories

RULE NO.: 59A-12.0073

PURPOSE AND EFFECT: The purpose and effect of the rule to be developed is to establish penalty categories that specify varying ranges of monetary fines for willful and nonwillful violations of applicable provisions of Chapter 641, F.S., Parts II and III, or applicable rules promulgated thereunder.

SUBJECT AREA TO BE ADDRESSED: The issuance of penalties against health maintenance organizations and prepaid health clinics for violations of Chapter 641, F.S., Parts II and III, or applicable rules.

SPECIFIC AUTHORITY: 641.56 FS.

LAW IMPLEMENTED: 641.52, 641.511, 641.55, 641.58 FS.

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

TIME AND DATE: 9:30 a.m., Tuesday, May 6, 2003

PLACE: Conference Rooms D & E, Building 3, Agency for Health Care Administration, 2727 Mahan Drive, Tallahassee, FL

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Hazel Greenberg, Medical Health Care Program Analyst, Agency for Health Care Administration, Bureau of Managed Health Care, Data Analysis Unit, 2727 Mahan Drive, Bldg. 1, Mail Stop Code 26, Tallahassee, FL 32308, (850)414-9444

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

59A-12.0073 HMO and PHC Penalty Categories.

(1) Purpose. The purpose of this rule is to establish penalty categories that specify varying ranges of monetary fines for willful and nonwillful violations of applicable provisions of Chapter 641, F.S., Parts II and III, or rules promulgated thereunder.

(2) Scope. This rule developed by the Agency for Health Care Administration governs the issuance of penalties against health maintenance organizations and prepaid health clinics

pursuant to the authority set forth in Chapter 641, F.S. It applies to all violations of the provisions Chapter 641, F.S., Parts II and III, or rules promulgated thereunder.

(3) Definitions. The following terms have the following meanings for purposes of this rule:

(a) "Action" means an event or events leading to the commission of a violation.

(b) "HMO" means a health maintenance organization as defined in Section 641.19(13), F.S., and licensed pursuant to the provisions of Chapter 641, F.S.

(c) "Investigation" means any official Agency review, analysis, inquiry, or research into referrals, complaints, or inquiries to determine the existence of a violation pursuant to Section 641.515, F.S.

(d) "Knowing and willful" means any act or omission, which is committed intentionally as opposed to accidentally and which is committed with knowledge of the act's unlawfulness or with reckless disregard as to the unlawfulness of the act.

(e) "PHC" means a prepaid health clinic as defined in Section 641.02(5), F.S., and licensed pursuant to the provisions of Chapter 641, F.S.

(f) "Provider" means any physician, hospital, or other institution, organization, or person that furnishes health care services and is licensed or otherwise authorized to practice in the state.

(g) "Repeat Violations" means a second or subsequent offense of any given violation under this rule.

(h) "Subscriber" means an individual who has contracted, or on whose behalf a contract has been entered into, with a HMO or PHC for health care services.

(i) "Violation" means any instance of noncompliance by a HMO or PHC with any applicable provisions of Chapter 641, F.S., Parts II and III, rules or orders of the Agency governing HMOs or PHCs.

(4) General Provisions:

(a) Rule Not All-Inclusive. This rule contains illustrative violations. This rule does not, and is not intended to, encompass all possible violations of statute or Agency rule that might be committed by a HMO or PHC. The absence of any violation from this rule shall in no way be construed to indicate that the HMO or PHC is not subject to penalty. In any instance wherein the violation is not listed in this rule, the penalty shall be determined by consideration of:

1. The aggravating and mitigating factors specified in this rule; and

2. Any similar or analogous violation that is listed in this rule, if applicable.

(b) Rule and Statutory Violations Included. This rule applies whether the violation is of an applicable statute or Agency rule, or an order implementing such a statute or rule.

(c) Relationship to Other Rules. The provisions of this rule shall be subordinated in the event that any other rule more specifically addresses a particular violation or violations.

(d) Other Licensees. The imposition of a penalty upon any HMO or PHC in accordance with this rule shall in no way be interpreted as barring the imposition of a penalty upon any agent, or other licensee in connection with the same conduct.

(5) Aggravating Factors. The following aggravating factors are considered in determining penalties for violations not listed in this rule, and, as to listed violations, the placement of the penalty within the range specified. The factors are not necessarily listed in order of importance:

(a) Willfulness and knowledge of the violation.

(b) Actual harm or damage to any recipient, subscriber, claimant, applicant, or other person or entity caused by the violation, as determined by the Agency's examination, inspection, or investigation.

(c) Degree of harm to which any recipient, subscriber, claimant, applicant, or other person or entity was exposed by the violation, as determined by the Agency's examination, inspection, or investigation.

(d) Whether the HMO or PHC reasonably should have known of the action's unlawfulness.

(e) Financial gain or loss to the HMO or PHC or its affiliates from the violation.

(f) Whether the violation is a repeat violation.

(g) The number of occurrences of a violation found during an examination, inspection, or investigation.

(6) Mitigating Factors. The following mitigating factors are considered in determining penalties for violations not listed in this rule, and, as to listed violations, the placement of the penalty within the range specified:

(a) Whether corrective activities were actually and substantially initiated (not just planned) and implemented by the HMO or PHC before the violation was noted by or brought to the attention of the Agency and before the HMO or PHC was made aware that the Agency was investigating the alleged violation. Such corrective activities must be implemented to assure that the violation does not recur and include but are not limited to the following: personnel changes, reorganization or discipline, and making any injured party whole as to harm suffered in relation to the violation.

(b) Destruction of records by fire, hurricane, or other natural disaster.

(c) Death of key personnel.

(7) Penalty Categories and Fines Assessed. Violations are divided into three categories. Category I violations are the most serious and Category III violations are the least serious. Category I violations are violations that will cause harm to the subscriber; Category II violations are violations that have the potential to cause harm to the subscriber; and, Category III violations are violations that would cause no harm to the subscriber. The Agency will use the factors in subsections (5)

and (6) above, and any similar or analogous violation listed in this rule, if applicable, to determine, within the penalty ranges specified below, the fine for each violation within a category. The penalty amount does not include any examination or investigative costs that may be assessed in addition to the fine.

(a) CATEGORY I. When a fine is imposed within this category for a knowing and willful violation, the amount shall not exceed \$20,000 per violation. Additionally, fines for knowing and willful violations may not exceed an aggregate amount of \$250,000 for all such violations arising out of the same action. When a fine is imposed for a nonwillful violation within this category, the fine shall not exceed \$2,500 per violation. Additionally fines for non-willful violations may not exceed an aggregate amount of \$25,000 for all such violations arising out of the same action.

1. Violation by the HMO or PHC of any lawful rule or order of the Agency.

2. Failure by the HMO or PHC to acquire a health care provider certificate from the Agency pursuant to Section 641.49, F.S.

3. Failure by the HMO or PHC to notify the Agency at least 60 days prior to the date it plans to begin providing health care services in a new geographic area pursuant to Section 641.495, F.S.

4. Failure of the HMO or PHC to provide health care services to subscribers as required by Sections 641.495 and 641.51, F.S.

5. Failure by the HMO or PHC to properly provide referrals to out-of-network specially qualified providers or for ongoing specialty care to subscribers pursuant to Section 641.51(6) and (7), F.S.

6. Failure by the HMO or PHC to allow subscribers access to a grievance process for the purpose of addressing complaints and grievances pursuant to Section 641.511, F.S.

7. Failure by the HMO or PHC to notify subscribers of appeal rights under the plan's grievance process pursuant to Section 641.511(10), F.S.

8. Failure of the HMO or PHC to provide emergency services and care to subscribers pursuant to Section 641.513, F.S.

(b) CATEGORY II. If the violation is knowing and willful, the fine assessed shall not exceed \$10,000 per violation. If the violation is nonwillful, the fine assessed shall not exceed \$1,000 per violation.

1. Failure by the HMO or PHC to provide to the subscriber the right to a second medical opinion pursuant to Section 641.51(5), F.S.

2. Failure by the HMO or PHC in taking appropriate action whenever inappropriate or substandard services have been provided or services which should have been provided have not been provided as determined under the quality assurance program pursuant to Section 641.51, F.S.

3. Failure by the HMO or PHC to investigate and analyze the frequency and causes of adverse incidents causing injury to patients pursuant to Section 641.55, F.S.

4. Failure by the HMO or PHC to analyze patient grievances relating to patient care and quality of medical services pursuant to Section 641.55, F.S.

(c) CATEGORY III. If the violation is knowing and willful, the fine assessed shall not exceed \$2,500 per violation. If the violation is nonwillful, the fine assessed shall not exceed \$500 per violation.

1. Failure by the HMO or PHC to timely and accurately submit data to the Agency pursuant to Section 641.51(9), F.S., and Chapter 59B-13.001, Florida Administrative Code. The penalty period will begin on the first day following the due date at \$200 a day for purposes of penalty assessments.

2. Failure by the HMO or PHC to resolve a grievance with the statutory requirements pursuant to Section 641.511(5) and (6), F.S.

3. Failure by the HMO or PHC to file with the Agency a copy of the quarterly grievance report pursuant to Section 641.511(7), F.S. The penalty period will begin on the first day following the due date at \$200 a day for purposes of penalty assessments.

4. Failure by the HMO or PHC to report to the Agency any adverse or untoward incident within the mandated time frames pursuant to Section 641.55(6), F.S. In addition to any penalty imposed, the Agency may impose an administrative fine not to exceed \$5,000 per violation pursuant to Section 641.55(7), F.S.

5. Failure by the HMO or PHC to comply with emergency services and care requirements pursuant to Section 641.513, F.S.

6. Failure by the HMO or PHC to pay a claim pursuant to Section 641.513, F.S. Assignment by the HMO or PHC of claim processing and/or payment to a third party administrator or other entity does not relieve the managed care plan of its responsibilities to pay claims.

7. Failure by a HMO or PHC to timely pay the regulatory assessment as required by Section 641.58, F.S., by April 1. The penalty period will begin on the first day following the due date and continue until such time as the assessment is received by the Agency. During such penalty period the HMO or PHC shall be penalized at a rate of \$200 per day for each calendar day during the penalty period. The failure to timely pay will be classified as non-willful for the first 30 days that payment has not been received. Starting with day 31, the failure to pay will be classified as a willful violation.

Specific Authority 641.56 FS. Law Implemented 641.52, 641.511, 641.55, 641.58 FS. History—New \_\_\_\_\_.

**AGENCY FOR HEALTH CARE ADMINISTRATION**

**Cost Management and Control**

<b>RULE TITLES:</b>	<b>RULE NOS.:</b>
Purpose of Ambulatory Patient Data Reporting	59B-9.010
Definitions	59B-9.013
Schedule for Submission of Ambulatory Patient Data and Extensions	59B-9.014
Reporting Instructions	59B-9.015
Ambulatory Patient Data Format – Data Elements and Codes	59B-9.018
Ambulatory Patient Data Format – Record Layout	59B-9.019
Data Standards	59B-9.020

**PURPOSE AND EFFECT:** The proposed rule amendments require emergency department patient data reporting beginning January 1, 2005. The rule amendments add ambulatory data elements, modify ambulatory data elements and codes, modify ambulatory data formats, and eliminate data elements. The rule amendments require reporting by Internet transmission starting January 1, 2006 for emergency department patient data and ambulatory surgery patient data.

**SUBJECT AREA TO BE ADDRESSED:** The agency is proposing amendments to Rules 59B-9.010, 59B-9.013, 59B-9.014, 59B-9.015, 59B-9.018, 59B-9.019 and 59B-9.020, F.A.C., that require the reporting of emergency department data and modify ambulatory surgery reporting requirements.

**SPECIFIC AUTHORITY:** 408.15(8) FS.

**LAW IMPLEMENTED:** 408.061, 408.15(11) FS.

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

**TIME AND DATE:** 10:00 a.m., May 7, 2003

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

**THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS:** Beth C. Dye, Bureau Chief, State Center for Health Statistics, Agency for Health Care Administration, Building 3, 2727 Mahan Drive, Tallahassee, Florida 32308

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

59B-9.010 Purpose of Ambulatory Patient Data Reporting. The reporting of ambulatory patient data will provide a statewide integrated database that includes ~~of~~ ambulatory surgery surgical procedures and hospital emergency department services for the ~~permit~~ assessment of variations in utilization, disease surveillance practice parameters, access to ambulatory care and ~~estimates of~~ cost trends for ambulatory procedures. The amendments appearing herein are effective with the reporting period starting January 1, 2005 ~~2003~~.

Specific Authority 408.15(8) FS. Law Implemented 408.061, 408.062, 408.063 FS. History—New 9-6-93, Formerly 59B-7.010, Amended 6-29-95, 12-28-98, 2-25-02, \_\_\_\_\_.

59B-9.013 Definitions.

(1) through (4) No change.

(5) “Visit” means a face to face encounter between health care provider and a patient who is not formally admitted as an inpatient in an acute care hospital setting ~~and who is not treated in the emergency room~~. Visits which require the patient to appear in an ambulatory setting prior to the actual procedure (even if this occurs one or more days before the procedure) shall be counted as one visit.

(6) No change.

(7) “Attending Physician” means a licensed physician, dentist or podiatrist who has primary responsibility for the patient’s medical care and treatment or who certifies as to the medical necessity of the services rendered. The attending physician may be the ~~referring physician or the~~ operating or performing physician.

(8) “~~Other Operating or Performing~~ Physician” means a licensed physician other than the attending physician who rendered care to the patient ~~has primary responsibility for the surgery or procedure performed~~.

(9) No change.

Specific Authority 408.15(8) FS. Law Implemented ~~395.002~~, 408.061, 408.062, 408.063 FS. History—New 9-6-93, Formerly 59B-7.013, Amended 6-29-95, 12-28-98, 7-11-01, 2-25-02, \_\_\_\_\_.

59B-9.014 Schedule for Submission of Ambulatory Patient Data and Extensions.

(1) ~~All Ambulatory ambulatory~~ centers ~~reporting their ambulatory patient data~~ shall report ambulatory patient data, as described in subsection 59B-9.015(2) and in the format set forth in Rule 59B-9.018 59B-9.019, F.A.C., in a quarterly report according to the following schedule:

(a) Each report covering patient visits ending occurring between January 1 and March 31, inclusive of each year, shall be submitted no later than June 1 10 of the calendar year during which the visit occurred.

(b) Each report covering patient visits ending occurring between April 1 and June 30, inclusive of each year, shall be submitted no later than September 1 10 of the calendar year during which the visit occurred.

(c) Each report covering patient visits ending occurring between July 1 and September 30, inclusive of each year, shall be submitted no later than December 1 10 of the calendar year during which the visit occurred.

(d) Each report covering patient visits ending occurring between October 1 and December 31, inclusive of each year, shall be submitted no later than March 1 10 of the calendar year following the year in which the visit occurred.

(2) No change.

Specific Authority 408.15(8) FS. Law Implemented 408.006(5), 408.061 FS. History—New 9-6-93, Formerly 59B-7.014, Amended 6-29-95, \_\_\_\_\_.

59B-9.015 Reporting Instructions.

(1) Ambulatory centers shall submit ambulatory patient data according to Rules 59B-9.018 59B-9.018, 59B-9.019, and 59B-9.020, F.A.C.

(2) Ambulatory centers shall report data for:

(a) ~~All for all~~ non-emergency ~~room ambulatory or outpatient~~ visits in which surgery services were performed and the services provided correspond to a Current Procedural Terminology (CPT) ~~code codes~~ 10000 through 69999 or and 93500 through 93599. Codes must be valid in the current ~~or the~~ immediately preceding year's code book to be accepted.

(b) All emergency department visits in which emergency department registration occurs if the patient is not admitted for inpatient care at the reporting entity. The services provided must correspond to a Current Procedural Terminology (CPT) code, 99280 through 99288, unless the patient left against medical advice or discontinued care. Codes must be valid in the current year’s code book to be accepted.

(3) Ambulatory centers shall exclude report one record for each patient per visit, excluding records of any patient visit in which the patient was transferred from ambulatory care and admitted to inpatient care within a facility at the same location per Rule 59A-3.203, F.A.C. ~~If more than one visit for the same patient occurs on the same date, report one record which includes all required data for all visits of that patient to the ambulatory center occurring on that date. If more than one visit occurs on different dates by the same patient, Report report one record for each date of visit, except pre-operation visits may be combined with the record of the associated ambulatory surgery visit unless the dates of visits are directly associated to the service. See subsection 59B-9.013(5), F.A.C.~~

(4) For each patient visit, ambulatory centers shall report all services provided using procedural codes specified in subsection 59B-9.018(2), F.A.C. CPT or the Health Care Financing Administration Common Procedure Coding System (HCPCS) codes.

(5) Ambulatory Beginning with the report of patient visits occurring between January 1 and March 31, 2002, inclusive, and thereafter, ambulatory centers shall submit ambulatory patient data reports to the agency using one of the following methods described in (a) or in (b) below except that for patient visits ending on or after January 1, 2006 January 1, 2002, the methods described in (b) data tapes must not be used.

(a) Internet Transmission. The Internet address established for receipt of ambulatory patient data is www.fdhc.state.fl.us. Reports sent to the Internet address shall be electronically transmitted with the ambulatory data in a text (XML) (ASCH) file using the XML schema corresponding to the report period at www.fdhc.state.fl.us. The file shall contain a complete set of ambulatory patient data for the calendar quarter. Each record of the text file must be terminated with a carriage return (hex ‘0D’) and line feed mark (hex ‘0A’). The data in the text file shall contain the ~~same~~ data elements and codes, ~~the same~~

record layout and meet the same data standards required for tapes or diskettes mailed to the agency as described in Rules 59B-9.018, 59B-9.018, 59B-9.019 and 59B-9.020, F.A.C.

(b) Tapes, CD-ROM or diskettes shall be sent to the agency's mailing address: Agency for Health Care Administration, 2727 Mahan Drive, Tallahassee, Florida 32308. Attention: State Center for Health Statistics. Electronic media specifications are:

1. Tape:

- a. Density 1600 or 6250 BPI, 9 track
- b. Collating Sequence EBCDIC or ASCII
- c. Record Length 400 Characters, Fixed
- d. Blocking Unblocked
- e. Labeling No Label

2. Diskette and CD-ROM:

- 1.a. MS-DOS formatted
- 2.b. PC Text File (XML) with the schema corresponding to the report period described at [www.fdhc.state.fl.us](http://www.fdhc.state.fl.us) (ASCII).

e. Record Length: Header Record 400 Characters, Ambulatory Data Record 400 Characters, Trailer Record 400 Characters. Carriage return and line feed are not included in the stated record length.

3.d. Type: 3.5" diskette, 1.4MB, hd; or CD-ROM.

4.e. FILENAME: (e.g., AS10QYY.XML AS10QYY.TXT) The 5th position shall contain the quarter (1-4) and the 6th and 7th position shall contain the year. XML TXT indicates an XML a text file.

f. Each record must be terminated with a carriage return of hex '0D' and line feed mark of hex '00A'.

5.g. Only one (1) file per diskette set or CD-ROM is allowable. Data requiring more than one diskette shall have the same internal file name. Data requiring more than one (1) diskette shall be externally labeled 1 of x, 2 of x, etc. (x = total number of diskettes).

(6) Ambulatory centers submitting diskettes tapes or diskettes, shall affix the following external identification, or for CD-ROM, use a standard CD-ROM external label with the following information:

- (a) Ambulatory center name
- (b) AHCA center identification in the AHCA format
- (c) Reporting period
- (d) Number of records excluding the header record and the trailer record
- (e) Tape Density: 1600/6250 BPI
- (f) Tape Collating Sequence
- (e)(g) Diskette or CD-ROM Filename as in Rule 59B-9.015, F.A.C., above.
- (f)(h) The description: "AMBULATORY PATIENT DATA"

Specific Authority 408.15(8) FS. Law Implemented 408.061, 408.062, 408.063 FS. History—New 9-6-93, Formerly 59B-7.015, Amended 6-29-95, 12-28-98, 1-4-00, 7-11-01, 2-25-02, \_\_\_\_\_.

59B-9.018 Ambulatory Patient Data Format – Data Elements and Codes.

(1) Header Record: The first record in the data file shall be a header record with a logical record length of 400 characters, containing the following information described below in the prescribed format. This record must precede any documentation submitted for ambulatory patient data records. If diskettes are submitted, the header record must be placed as the first record on the first diskette of the data set. A header record must accompany each data set and must be placed as the first record on the first diskette of the data set.

DATA ELEMENT DESCRIPTION

(a) Transaction Code – Enter Q for a calendar quarter report or S for a report period other than a calendar quarter where the special report is requested or authorized by the agency to receive data corrections "H" for header record in the first position.

(b) Report Reporting Year – Enter A 4 digit field specifying the year of the data in the format YYYY.

(c) Report Reporting Quarter – Enter A 1 digit field specifying the quarter of the data, 1,2,3 or 4, where 1 corresponds to the first quarter of the calendar year, 2 corresponds to the second quarter of the calendar year, 3 corresponds to the third quarter of the calendar year, and 4 corresponds to the fourth quarter of the calendar year, that the data pertains to:

- 1 = Jan. 1 through Mar. 31
- 2 = Apr. 1 through Jun. 30
- 3 = Jul. 1 through Sept. 30
- 4 = Oct. 1 through Dec. 31

(d) Data Type – Enter A required four character alphanumeric code. Use AS10 for Ambulatory Data.

(e) Submission Type – Enter I, R, or C where I indicates an initial submission of data or resubmission of previously rejected data, R indicates a replacement submission of previously processed and accepted ambulatory patient data, and C indicates an individual record correction or set of individual record corrections where submission of a correction or corrections is requested or authorized by the agency. A 1 character field for submission type: I = Initial. This is the first submission for the time period. All submissions which are not "I" will be "R" R = re-submission. This code is used to replace previously submitted records for the specified time period. All existing data for the time period will be deleted and replaced with the new data set.

(f) Processing Date – Enter MMDDYYYY; the date that the data file was created in the format YYYY-MM-DD where MM represents numbered months of the year from 1 to 12, DD represents numbered days of the month from 1 to 31, and YYYY represents the year in four digits by the submitter.

(g) AHCA Ambulatory Center Number – Enter the eight A 10 digit identification number of the ambulatory center as assigned by AHCA for reporting purposes. A numeric field, right justify.

(h) Florida License Number Zero fill for this header record only.

(i) Provider Medicaid Number A 10 digit number provided for Medicaid providers. If not a Medicaid provider, zero fill.

(j) Provider Medicare Number A 10 digit number provided for Medicare providers. If not a Medicare provider, zero fill.

(k) Provider Organization Name – Enter the name of the ambulatory center that performed the ambulatory services represented by the data, and which is responsible for reporting the data. All questions regarding data accuracy and integrity will be referred to this entity. Up to a forty character field. The name of the health care entity reporting the patient data records.

(l) Provider Contact Person Name – Enter the name of the ambulatory center contact person preparing and/or submitting the data. Submit name in the Last, First format. Up to a twenty-five character field. The name of the contact person at the health care entity providing the patient data records.

(m) Provider Contact Person Telephone Number – The area code, business telephone number, and if applicable required, extension for the contact person at the health care entity providing the patient data records. Enter the contact person telephone number in the format (AAA)XXX-XXXX-EEEE where AAA is the area code, and EEEE is the extension. Zero fill if no extension.

(n) Contact Person E-Mail Address – The e-mail address of the contact person.

(o) Contact Person Address – Enter the mailing address of the contact person. Up to a forty character field.

(p) Mailing Address City – Enter the city of the address of the contact person. Up to a twenty-five character field.

(q) Mailing Address State – Enter the state of the address of the contact person using the U.S. Postal Service state abbreviation in the format XX. Use the abbreviation FL for Florida. Submitter Organization Name The name of the organization that produced the data file that is being submitted.

(r) Mailing Address Zip Code – Enter the zip code of the address of the contact person in the format XXXXX-XXXX. Submitter Contact Person Name The name of the person at the submitting organization responsible for submitting the data file.

(s) Submitter Contact Person Telephone Number – The area code, telephone number, and if required, extension for the contact person at the organization submitting the data file.

(t) Filler A field of 183 spaces, to be left blank.

(2) Individual Data Records: All data elements and data element codes listed below shall be reported consistent with the records of the reporting entity. Data elements and codes are listed with a description of the data to be reported and data standards.

DATA ELEMENT	DESCRIPTION
--------------	-------------

(a) AHCA Ambulatory Center ID Number – An eight 8 digit ambulatory center identification number assigned by for AHCA for reporting purposes. The number must match the ambulatory center number recorded on the CD-ROM or diskette external label and header record. A required entry.

(b) Record Identification Number – An alpha-numeric code containing standard letters or numbers assigned by the facility at the time of reporting as a unique identifier for each record submitted in the reporting period for each reporting period, to facilitate storage and retrieval of individual case records. Up to seventeen twelve characters. A required entry. Duplicate record identification numbers are not permitted.

(c) Patient Social Security Number – The social security number (SSN) of the patient who received treatment/services. A nine 9 digit field to facilitate retrieval of individual case records, to be used to track multiple patient visits readmissions, and for medical epidemiological research. Reporting 000000000 is acceptable for newborns and infants up to 2 years of age who do not have a SSN. For patients not from the United States, use 555555555 if a SSN is not assigned. For those patients where efforts to obtain the SSN have been unsuccessful or where one is unavailable, and the patient is 2 years of age or older and not known to be from a country other than the United States, use 777777777. A required entry.

(d) Patient Race or Ethnicity Racial Background – Self-designated by the patient or patient’s parent or guardian except code 8 indicating no response may be reported where efforts to obtain the information have been unsuccessful. A required entry. Must be a A one digit code as follows:

1. 1 – American Indian or Alaska Native 1—American Indian/Eskimo/Aleut.
2. 2 – Asian or Pacific Islander.
3. 3 – Black or African American.
4. 4 – White.
5. 5 – White Hispanic.
6. 6 – Black Hispanic.
7. 7 – Other. Use 7—Other (Use if the patient’s self-designated racial or ethnicity patient is not described by the above categories. eategories.)
8. 8 – No response. Use 8—No response (Use if the patient refuses or fails to disclose.)

(e) Patient Birth Date – The date of birth of the patient. A ten character field in the format YYYY-MM-DD where MM represents the numbered months of the year from 1 to 12, DD represents numbered days of the month from 1 to 31, and YYYY represents the year in four digits. Use 9999-99-99 where efforts to obtain the patient’s birth date have been



unsuccessful. Age greater than 120 years is not permitted unless verified by the reporting entity. A birth date after the patient visit ending date is not permitted. A required entry. MMDDYYYY An 8 digit field.

(f) Patient Sex – The gender of the patient. A required entry. Must be a A one digit code as follows:

1. 1 – Male.
2. 2 – Female or patient’s sex cannot be determined due to a medical condition.

3. 3 – Unknown shall be reported where efforts to obtain the information have been unsuccessful and type of service is “2” indicating an emergency department visit and patient status is “07” indicating the patient left against medical advice or discontinued care. (Use if unknown due to medical condition.)

(g) Patient Zip Code – The five digit United States Postal Service ZIP Code of the patient’s permanent residence. Use 00009 for foreign residences. Use 00007 for homeless patients. Use 00000 where efforts to obtain the information have been unsuccessful. A required entry. A five digit zip code of the patient’s permanent address: XXXXX.

(h) Patient Visit Beginning Date – The date at the beginning of the patient’s visit for ambulatory surgery or the date at the time of registration in the emergency department. A ten character field in the format YYYY-MM-DD where MM represents the numbered months of the year from 1 to 12, DD represents numbered days of the month from 1 to 31, and YYYY represents the year in four digits. Patient visit beginning date must equal or precede the patient visit ending date. A required entry. MMDDYYYY An 8 digit field.

(i) Principal Payer Code – Describes the primary source of expected reimbursement for services rendered. A required entry. A blank field is permitted if type of service is “2” and patient status is “07” consistent with the records of the reporting entity. Must be a A one character field using upper case as follows:

1. A – Medicare.
2. B – Medicare HMO.
3. C – Medicaid.
4. D – Medicaid HMO.
5. E – Commercial Insurance.
6. F – Commercial HMO.
7. G – Commercial PPO.
8. H – Workers’ Compensation.
9. I - CHAMPUS.
10. J – VA.
11. K – Other State/Local Government Govt.
12. L – Self Pay. No third party coverage. Self Pay (No third party coverage).
13. M – Other.
14. N – Charity.

15. O – KidCare. Includes KidCare (Report Healthy Kids, MediKids and Children’s Medical Services. Required for ambulatory visits occurring on or after January 1, 2003.)

(j) Principal Diagnosis Code – The code representing the diagnosis chiefly responsible for the services performed during the visit. Must contain a valid ICD-9-CM or ICD-10-CM diagnosis code if type of service is “1” indicating ambulatory surgery. Must contain a valid ICD-9-CM or ICD-10-CM diagnosis code if type of service is “2” indicating an emergency department visit unless patient status is “07” indicating that the patient left against medical advice or discontinued care. A blank field is permitted if type of service is “2” and patient status is “07” consistent with the records of the reporting entity. If not space filled, must contain a valid ICD-9-CM diagnosis code or valid ICD-10-CM diagnosis code for the reporting period. Inconsistency between the principal diagnosis code and patient sex must be verified by the reporting entity. Inconsistency between the principal diagnosis code and patient age must be verified by the reporting entity. A diagnosis code cannot be used more than once as a principal or other diagnosis for each visit reported. The code must be entered with a decimal point that is included in the valid code and without use of a zero or zeros that are not included in the valid code. The ICD-9-CM codes(s). Enter the primary diagnosis related to the services provided. Left justified, space filled, no decimal. Make certain that blank spaces are not interspersed between codes.

(k) ~~through (n)~~ Other Diagnosis Code (1), Other Diagnosis (2), Other Diagnosis (3), Other Diagnosis (4), Other Diagnosis (5), Other Diagnosis (6), Other Diagnosis (7), Other Diagnosis (8), Other Diagnosis (9) Codes – A code representing a diagnosis related to the services provided during the visit. If no principal diagnosis code is reported, other diagnosis code must not be reported. No more than nine other diagnosis codes may be reported. Less than nine entries or no entry is permitted consistent with the records of the reporting entity. If not space filled, must contain a valid ICD-9-CM code or valid ICD-10-CM code for the reporting period. Inconsistency between the diagnosis code and patient sex must be verified by the reporting entity. Inconsistency between the diagnosis code and patient age must be verified by the reporting entity. A diagnosis code cannot be used more than once as a principal or other diagnosis for each visit reported. The code must be entered with use of a decimal point that is included in the valid code and without use of a zero or zeros that are not included in the valid code. The ICD-9-CM codes(s). Enter all other diagnoses related to the services provided. Left justified, space filled, no decimal, includes E-codes. Make certain that blank spaces are not interspersed between codes.

(l) ~~(o)~~ Principal Primary CPT Procedure Code – The code representing the procedure or service most related to the principal diagnosis. Must contain a valid CPT code between 10000 and 69999, inclusive, or between 93500 and 93599,

inclusive if type of service is "1" indicating ambulatory surgery. Must contain a valid CPT code between 99280 and 99288, inclusive if type of service is "2" indicating an emergency department visit and patient status is not "07." Must contain a valid CPT code between 99280 and 99289, inclusive, or a blank field, consistent with the records of the reporting entity, if type of service is "2" indicating an emergency department visit and patient status is "07" indicating that the patient left against medical advice or discontinued care. If not space filled, must contain a valid ICD-9-CM or ICD-10-CM procedure code. Inconsistency between the principal procedure code and patient sex must be verified by the reporting entity. Inconsistency between the principal procedure code and patient age must be verified by the reporting entity. The code must be five digits and valid for the reporting period. The CPT codes(s). Enter the primary procedure codes for services provided. Enter five digits. Make certain that blank spaces are not interspersed between codes. CPT codes must be recent. Codes must be valid in the current or immediately preceding year's code book to be accepted. This code is directly related to the primary diagnosis.

(p) Primary Procedure Modifier Code (Optional) The CPT modifier code. Enter primary procedure modifier.

(q) Primary Procedure Modifier Code (Optional) The CPT modifier code. Enter primary procedure modifier.

(m)(r) Other CPT Procedure Code (1), Other CPT Procedure Code (2), Other CPT Procedure Code (3), Other CPT Procedure Code (4), Other CPT Procedure Code (5), Other CPT Procedure Code (6), Other CPT Procedure Code (7), Other CPT Procedure Code (8), Other CPT Procedure Code (9) – A code representing a procedure or service provided during the visit. If no principal CPT procedure is reported, other CPT procedure code must not be reported. No more than nine other CPT procedure codes may be reported. Less than nine entries or no entry is permitted consistent with the records of the reporting entity. If not space filled, must be a valid CPT or HCPCS code. Inconsistency between the procedure code and patient sex must be verified by the reporting entity. Inconsistency between the procedure code and patient age must be verified by the reporting entity. The code must be five digits and valid for the reporting period. The CPT or HCPCS code. Enter all procedure codes for services provided. Enter five characters. Make certain that blank spaces are not interspersed between codes. CPT codes must be recent. Codes must be valid in the current or immediately preceding year's code book to be accepted.

(s) Other Procedure Modifier Code (Optional) The CPT modifier code. Enter other procedure (r) modifier.

(t) Other Procedure Modifier Code (Optional) The CPT modifier code. Enter other procedure (r) modifier.

(u) Other Procedure Code The CPT or HCPCS code. Enter all procedure codes for services provided. Enter five characters. Make certain that blank spaces are not interspersed

between codes. CPT codes must be recent. Codes must be valid in the current or immediately preceding year's code book to be accepted.

(v) Other Procedure Modifier Code (Optional) The CPT modifier code. Enter other procedure (u) modifier.

(w) Other Procedure Modifier Code (Optional) The CPT modifier code. Enter other procedure (u) modifier.

(x) Other Procedure Code The CPT or HCPCS code. Enter all procedure codes for services provided. Enter five characters. Make certain that blank spaces are not interspersed between codes. CPT codes must be recent. Codes must be valid in the current or immediately preceding year's code book to be accepted.

(y) Other Procedure Modifier Code (Optional) The CPT modifier code. Enter other procedure (x) modifier.

(z) Other Procedure Modifier Code (Optional) The CPT modifier code. Enter other procedure (x) modifier.

(aa) Other Procedure Code The CPT or HCPCS code. Enter all procedure codes for services provided. Enter five characters. Make certain that blank spaces are not interspersed between codes. CPT codes must be recent. Codes must be valid in the current or immediately preceding year's code book to be accepted.

(bb) Other Procedure Modifier Code (Optional) The CPT modifier code. Enter other procedure (aa) modifier.

(cc) Other Procedure Modifier Code (Optional) The CPT modifier code. Enter other procedure (aa) modifier.

(dd) Other Procedure Code The CPT or HCPCS code. Enter all procedure codes for services provided. Enter five characters. Make certain that blank spaces are not interspersed between codes. CPT codes must be recent. Codes must be valid in the current or immediately preceding year's code book to be accepted.

(ee) Other Procedure Modifier Code (Optional) The CPT modifier code. Enter other procedure (dd) modifier.

(ff) Other Procedure Modifier Code (Optional) The CPT modifier code. Enter other procedure (dd) modifier.

(gg) Other Procedure Code The CPT or HCPCS code. Enter all procedure codes for services provided. Enter five characters. Make certain that blank spaces are not interspersed between codes. CPT codes must be recent. Codes must be valid in the current or immediately preceding year's code book to be accepted.

(hh) Other Procedure Modifier Code (Optional) The CPT modifier code. Enter other procedure (gg) modifier.

(ii) Other Procedure Modifier Code (Optional) The CPT modifier code. Enter other procedure (gg) modifier.

(jj) Other Procedure Code The CPT or HCPCS code. Enter all procedure codes for services provided. Enter five characters. Make certain that blank spaces are not interspersed

between codes. CPT codes must be recent. Codes must be valid in the current or immediately preceding year's code book to be accepted.

~~(kk) Other Procedure Modifier Code (Optional) The CPT modifier code. Enter other procedure (jj) modifier.~~

~~(ll) Other Procedure Modifier Code (Optional) The CPT modifier code. Enter other procedure (jj) modifier.~~

~~(mm) Other Procedure Code. The CPT or HCPCS code. Enter all procedure codes for services provided. Enter five characters. Make certain that blank spaces are not interspersed between codes. CPT codes must be recent. Codes must be valid in the current or immediately preceding year's code book to be accepted.~~

~~(nn) Other Procedure Modifier Code (Optional) The CPT modifier code. Enter other procedure (mm) modifier.~~

~~(oo) Other Procedure Modifier Code (Optional) The CPT modifier code. Enter other procedure (mm) modifier.~~

~~(pp) Other Procedure Code. The CPT or HCPCS code. Enter all procedure codes for services provided. Enter five characters. Make certain that blank spaces are not interspersed between codes. CPT codes must be recent. Codes must be valid in the current or immediately preceding year's code book to be accepted.~~

~~(qq) Other Procedure Modifier Code (Optional) The CPT modifier code. Enter other procedure (pp) modifier.~~

~~(rr) Other Procedure Modifier Code (Optional) The CPT modifier code. Enter other procedure (pp) modifier.~~

~~(ss) Other Procedure Code. The CPT or HCPCS code. Enter all procedure codes for services provided. Enter five characters. Make certain that blank spaces are not interspersed between codes. CPT codes must be recent. Codes must be valid in the current or immediately preceding year's code book to be accepted.~~

~~(tt) Other Procedure Modifier Code (Optional) The CPT modifier code. Enter other procedure (ss) modifier.~~

~~(uu) Other Procedure Modifier Code (Optional) The CPT modifier code. Enter other procedure (ss) modifier.~~

~~(vv) Other Procedure Code. The CPT or HCPCS code. Enter all procedure codes for services provided. Enter five characters. Make certain that blank spaces are not interspersed between codes. CPT codes must be recent. Codes must be valid in the current or immediately preceding year's code book to be accepted.~~

~~(ww) Other Procedure Modifier Code (Optional) The CPT modifier code. Enter other procedure (vv) modifier.~~

~~(xx) Other Procedure Modifier Code (Optional) The CPT modifier code. Enter other procedure (vv) modifier.~~

~~(yy) Other Procedure Code. The CPT or HCPCS code. Enter all procedure codes for services provided. Enter five characters. Make certain that blank spaces are not interspersed~~

between codes. CPT codes must be recent. Codes must be valid in the current or immediately preceding year's code book to be accepted.

~~(zz) Other Procedure Modifier Code (Optional) The CPT modifier code. Enter other procedure (yy) modifier.~~

~~(aaa) Other Procedure Modifier Code (Optional) The CPT modifier code. Enter other procedure (yy) modifier.~~

~~(bbb) Other Procedure Code. The CPT or HCPCS code. Enter all procedure codes for services provided. Enter five characters. Make certain that blank spaces are not interspersed between codes. CPT codes must be recent. Codes must be valid in the current or immediately preceding year's code book to be accepted.~~

~~(ccc) Other Procedure Modifier Code (Optional) The CPT modifier code. Enter other procedure (bbb) modifier.~~

~~(ddd) Other Procedure Modifier Code (Optional) The CPT modifier code. Enter other procedure (bbb) modifier.~~

~~(eee) Other Procedure Code. The CPT or HCPCS code. Enter all procedure codes for services provided. Enter five characters. Make certain that blank spaces are not interspersed between codes. CPT codes must be recent. Codes must be valid in the current or immediately preceding year's code book to be accepted.~~

~~(fff) Other Procedure Modifier Code (Optional) The CPT modifier code. Enter other procedure (eee) modifier.~~

~~(ggg) Other Procedure Modifier Code (Optional) The CPT modifier code. Enter other procedure (eee) modifier.~~

~~(n)(hhh) Attending Ordering Physician Identification Number – The Florida license number of the attending physician, dentist or podiatrist. Report the physician who had primary responsibility for the patient's care during the visit. ID # Enter the Florida license number of the attending physician, beginning with "FL". An eleven character alpha-numeric field of up to eleven characters (e.g., FLME1234567). If out of state physician, fill with the physician's state two letter abbreviation and 9's (e.g., NY999999999 for a physician from New York). For non-U.S. physicians (a physician licensed and practicing in another country and not licensed in the U.S.), fill with "XX" and 9's (e.g., XX999999999). For military physicians not licensed in Florida, use US fill with "US" and 9's (e.g., US999999999). Use NA if the patient was not treated by a physician, dentist or podiatrist. A required entry.~~

~~(iii) Blank Field – A six character alpha numeric field to be left blank.~~

~~(o)(jjj) Other Operating or Performing Physician Identification Number – The Florida license number of a physician, dentist, or podiatrist who rendered care to the patient other than the physician, dentist, or podiatrist reported in (n) above. ID # Enter the Florida license number of the operating or performing physician, beginning with "FL". An~~

eleven character alpha-numeric field of up to eleven characters (e.g., FLME1234567). No entry is permitted consistent with the records of the reporting entity.

(kkk) Blank Field – A six character alpha numeric field to be left blank.

(p)(HH) Pharmacy Charges – Charges for medication, reported in dollars numerically without dollar signs or commas, excluding cents. Report 0 (zero) if there are no pharmacy charges. Negative amounts are not permitted unless verified separately by the reporting entity. A required entry. Enter up to 6 digits to reflect total pharmacy charges.

(q) Medical and Surgical Supply Charges – Charges for supply items required for patient care, reported in dollars numerically without dollar signs or commas, excluding cents. Report 0 (zero) if there are no medical and surgical supply charges. Negative amounts are not permitted unless verified separately by the reporting entity. A required entry.

(mmm) Med./Surgical Supp. Charges – Enter up to 6 digits to reflect total medical and surgical supply charges.

(nnn) Radiation Oncology Charges – Enter up to 6 digits to reflect total oncology charges.

(r)(OO) Laboratory Charges – Charges for the performance of diagnostic and routine clinical laboratory tests, reported in dollars or commas, excluding cents numerically without dollar signs. Report 0 (zero) if there are no laboratory charges. Negative amounts are not permitted unless verified separately by the reporting entity. A required entry. Enter up to 6 digits to reflect total laboratory charges.

(s) Radiology and Computed Tomography Charges – Charges for the performance of diagnostic radiology services including computed tomography, reported in dollars or commas, excluding cents. Report 0 (zero) if there are no radiology or computed tomography charges.

(ppp) CT Scan Charges – Enter up to 6 digits to reflect total computerized axial tomography (CAT) scan charges.

(s)(qqq) Operating Room Charges – Charges for the use of the operating room, reported in dollars numerically without dollar signs or commas, excluding cents. Report 0 (zero) if there are no operating room charges. Negative amounts are not permitted unless verified separately by the reporting entity. A required entry. Enter up to 6 digits to reflect total operating room charges.

(rrr) Anesthesia Charges – Enter up to 6 digits to reflect total anesthesia charges.

(sss) MRI Charges – Enter up to 6 digits to reflect total magnetic resonance imaging (MRI) charges.

(t) Emergency Room Charges – Charges for medical examinations and emergency treatment, reported in dollars numerically without dollar signs or commas, excluding cents. Report 0 (zero) if there are no emergency room charges. Negative amounts are not permitted unless verified separately by the reporting entity. A required entry.

(ttt) Recovery Room Charges – Enter up to 6 digits to reflect total recovery room charges.

(u)(uuu) Treatment or Observation Room Charges – Charges for use of a treatment room or for the room charge associated with observation services, reported in dollars numerically without dollar signs or commas, excluding cents. Report 0 (zero) if there are no treatment or observation room charges. Negative amounts are not permitted unless verified separately by the reporting entity. A required entry. Enter up to 6 digits to reflect total treatment or observation room charges.

(v)(vvv) Other Charges – Other facility charges not included in (p) to (u) above, reported in dollars numerically without dollar signs or commas, excluding cents. Report 0 (zero) if there are no other charges. Negative amounts are not permitted unless verified separately by the reporting entity. A required entry. Enter up to 6 digits to reflect any other charges that do not fall into any of the categories above.

(w)(www) Total Gross Charges – The total of undiscounted A required field. Enter up to 8 digits. Total billed charges to the patient for services rendered for the visit by the reporting entity, reported in dollars numerically without dollar signs or commas, excluding cents. Include charges for services rendered by the ambulatory center excluding professional fees. Zero (0) or negative amounts are not permitted unless verified separately by the reporting entity. Amounts exceeding 50000 must be verified separately by the reporting entity if type of service is “1” indicating ambulatory surgery. Amounts exceeding 500000 must be verified separately by the reporting entity if type of service is “2” indicating an emergency department visit. The sum of pharmacy charges, medical and surgical supply charges, laboratory charges, operating room charges, emergency room charges, treatment or observation room charges, and other charges must equal total charges, plus or minus 10. A required entry. Include charges for the standard package of surgical procedure services as defined by CPT and charges for all other technical services and professional radiological services if facility bills globally, provided for this encounter. Round to the nearest dollar. No negative numbers.

(x) Type of Service Code – A code designating the type of service, either ambulatory surgery or emergency department visit. A required entry. Must be a one digit code as follows:

1. 1 – Ambulatory surgery, as described in paragraph 59B-9.015(2)(a), F.A.C.

2. 2 – Emergency department visit, as described in paragraph 59B-9.015(2)(b), F.A.C.

(y) Patient Visit Ending Date æ The date at the end of the patient’s visit. A ten character field in the format YYYY-MM-DD where MM represents the numbered months of the year from 1 to 12, DD represents numbered days of the month from 1 to 31, and YYYY represents the year in four digits. Patient visit ending date must equal or follow the patient

visit beginning date. Patient visit ending data must occur within the calendar quarter recorded on the CD-ROM or diskette external label and header record. A visit exceeding 3 days as determined by the patient visit beginning date and patient visit ending date must be verified by the reporting entity. A blank field is not permitted unless type of service is "2" indicating an emergency department visit and patient status is "07" indicating the patient left against medical advice or discontinued care. MMDDYYYY An 8 digit field.

(z) Hour of Arrival – The hour on a 24-hour clock during which the patient's visit for ambulatory surgery began or during which registration in the emergency department occurred. A required entry. Use 99 where efforts to obtain the information have been unsuccessful. Must be two digits as follows:

1. 00 – 12:00 midnight to 12:59
2. 01 – 01:00 to 01:59
3. 02 – 02:00 to 02:59
4. 03 – 03:00 to 03:59
5. 04 – 04:00 to 04:59
6. 05 – 05:00 to 05:59
7. 06 – 06:00 to 06:59
8. 07 – 07:00 to 07:59
9. 08 – 08:00 to 08:59
10. 09 – 09:00 to 09:59
11. 10 – 10:00 to 10:59
12. 11 – 11:00 to 11:59
13. 12 – 12:00 noon to 12:59
14. 13 – 01:00 to 01:59
15. 14 – 02:00 to 02:59
16. 15 – 03:00 to 03:59
17. 16 – 04:00 to 04:59
18. 17 – 05:00 to 05:59
19. 18 – 06:00 to 06:59
20. 19 – 07:00 to 07:59
21. 20 – 08:00 to 08:59
22. 21 – 09:00 to 09:59
23. 22 – 10:00 to 10:59
24. 23 – 11:00 to 11:59
25. 99 – Unknown.

(aa) Hour of Departure – The hour on a 24-hour clock during which the patient's visit ended. A required entry. Use 99 where efforts to obtain the information have been unsuccessful. Must be two digits as follows:

1. 00 – 12:00 midnight to 12:59
2. 01 – 01:00 to 01:59
3. 02 – 02:00 to 02:59
4. 03 – 03:00 to 03:59
5. 04 – 04:00 to 04:59
6. 05 – 05:00 to 05:59
7. 06 – 06:00 to 06:59

8. 07 – 07:00 to 07:59
9. 08 – 08:00 to 08:59
10. 09 – 09:00 to 09:59
11. 10 – 10:00 to 10:59
12. 11 – 11:00 to 11:59
13. 12 – 12:00 noon to 12:59
14. 13 – 01:00 to 01:59
15. 14 – 02:00 to 02:59
16. 15 – 03:00 to 03:59
17. 16 – 04:00 to 04:59
18. 17 – 05:00 to 05:59
19. 18 – 06:00 to 06:59
20. 19 – 07:00 to 07:59
21. 20 – 08:00 to 08:59
22. 21 – 09:00 to 09:59
23. 22 – 10:00 to 10:59
24. 23 – 11:00 to 11:59
25. 99 – Unknown.

(bb) Mode of Arrival Code – The mode of arrival of the patient indicating transportation or other circumstances. A required entry. Use 3 if type of service is "1" indicating ambulatory surgery. If type of service is "2" indicating an emergency department visit, use a one digit code as follows:

1. 1 – Ambulance by air transportation.
2. 2 – Ambulance by ground transportation.
3. 3 – Public service (police, social services) intervention excluding ambulance.
4. 4 – Walk-in or self-transportation (car, bus, taxi or other motor vehicle excluding ambulance).
5. 5 – Unknown. Use if the information not available and efforts to obtain the information have been unsuccessful.

(cc) Patient's Reason for Visit (Admitting Diagnosis) – The code representing the patient's diagnosis or reason for visit at the time of registration. Must contain a valid ICD-9-CM code or valid ICD-10-CM code for the reporting period if type of service is "2" indicating an emergency department visit unless the patient fails to disclose or the information is unavailable. A blank field is permitted if the patient fails to disclose or efforts to obtain the information have been unsuccessful consistent with the records of the reporting entity. If not space filled, must contain a valid ICD-9-CM or ICD-10-CM diagnosis code. The code must be entered with use of a decimal point that is included in the valid code and without use of a zero or zeros that are not included in the valid code. Space fill if type of service is "1" indicating ambulatory surgery.

(xxx) Radiology Professional Fees Indicator – A required field. A one digit code. 1 = Yes. 2 = No. "Yes" means total charges reported in the data field (www) include professional fees for radiology. "No" means total charges in data field (www) do not include professional fees for radiology services.

(yy) Blank Field—A two character alpha-numeric field to be left blank.

(dd)(zzz) Principal ICD Procedure Code (Optional) – The code representing the procedure or service most related to the principal diagnosis. A blank field is permitted if type of service is “1” indicating ambulatory surgery. Must contain a valid ICD-9-CM or ICD-10-CM procedure code if type of service is “2” indicating an emergency department visit unless patient status is “07” indicating the patient left against medical advice or discontinued care. No entry is permitted consistent with the records of the reporting entity if type of service is “2” and patient status is “07.” If not space filled, must contain a valid ICD-9-CM or ICD-10-CM procedure code for the reporting period. Inconsistency between the principal procedure code and patient sex must be verified by the reporting entity. Inconsistency between the principal procedure code and patient age must be verified by the reporting entity. The code must be entered with use of a decimal point that is included in the valid code and without use of a zero or zeros that are not included in the valid code. The ICD-9-CM code. Enter the principal procedure code related to the primary procedure. Left justified, space filled, no decimal.

(ee) Other ICD Procedure Code (1), Other ICD Procedure Code (2), Other ICD Procedure Code (3), Other ICD Procedure Code (4) – A code representing a procedure or service provided during the visit. If no principal ICD procedure is reported, other ICD procedure code must not be reported. No more than four other ICD procedure codes may be reported. No entry is permitted if type of service is “1.” Less than four or no entry is permitted if type of service is “2” consistent with the records of the reporting entity. If not space filled, must be a valid ICD-9-CM or ICD-10-CM procedure code for the reporting period. Inconsistency between the procedure code and patient sex must be verified by the reporting entity. Inconsistency between the procedure code and patient age must be verified by the reporting entity. The code must be entered with use of a decimal point that is included in the valid code and without use of a zero or zeros that are not included in the valid code.

(ff) Principal Diagnosis External Cause of Injury Code – A code representing circumstances or conditions as the cause of injury, poisoning, and other adverse effects recorded as the principal diagnosis. Use of this field is not permitted unless a valid principal diagnosis is reported. No entry is permitted consistent with the records of the reporting entity. If not space filled, must be a valid ICD-9-CM or ICD-10-CM cause of injury code for the reporting period. An external cause of injury code cannot be used more than once for each visit reported. The code must be entered with use of a decimal point that is included in the valid code and without use of a zero or zeros that are not included in the valid code.

(gg) Other External Cause of Injury Code (1) and Other External Cause of Injury Code (2) – A code representing circumstances or conditions as the cause of injury, poisoning, and other adverse effects recorded as a diagnosis. No more than two other external cause of injury codes may be reported. Less than two or no entry is permitted consistent with the records of the reporting entity. If not space filled, must be a valid ICD-9-CM or ICD-10-CM cause of injury code for the reporting period. An external cause of injury code cannot be used more than once for each visit reported. The code must be entered with use of a decimal point that is included in the valid code and without use of a zero or zeros that are not included in the valid code.

(hh)(aaaa) Patient Status – Patient disposition at end of visit. A required entry. Must be a Required for ambulatory visits occurring on or after January 1, 2003—A two digit code indicating patient disposition as follows:

1. 01 – Released home or self care (with or without planned outpatient medical care). 01 Home
2. 02 – Transferred to a short-term general hospital.
3. 03 – Transferred to a skilled nursing facility.
4. 04 – Transferred to an intermediate care facility. 04 Other
5. 05 – Transferred to another type of institution (psychiatric, cancer or children’s hospital or distinct part unit).
6. 06 – Home under care of home health care organization.
7. 07 – Left against medical advice or discontinued care.
8. 08 – Home under care of home IV provider.
9. 20 – Expired.
10. 50 – Discharged to hospice – home.
11. 51 – Discharged to hospice – medical facility.
12. 62 – Transferred to an inpatient rehabilitation facility including distinct part units of a hospital.

(bbbb) Data Type—Enter “AS10” for ambulatory patient data.

(cccc) Filler—A blank field of 66 spaces.

(3) Trailer Record: The last record in the data file shall be a trailer record and must accompany each data set. If diskettes are submitted, the trailer record must be placed as the last record on the last diskette of the data set. One data element, number of records, must be entered in the trailer record. Report the total number of patient data records contained in the file, excluding header and trailer records. The number entered must equal the number of records processed. This record must follow any documentation submitted for ambulatory patient data records. This record is entered into the file once. All fields are required unless otherwise specified.

DATA ELEMENT	DESCRIPTION
--------------	-------------

(a) Transaction Code—“T” for the trailer record.

~~(b) AHCA Number — A 10 digit identification number assigned by AHCA for reporting purposes. A numeric field, right justify.~~

~~(c) Florida License Number — Zero fill for the trailer record only.~~

~~(d) Provider Medicaid Number — A 10 digit number provided for Medicaid providers. If not a Medicaid provider, zero fill.~~

~~(e) Provider Medicare Number — A 10 digit number provided for Medicare providers. If not a Medicare provider, zero fill.~~

~~(f) Provider Mailing Address — The address of the health care entity providing the patient data records.~~

~~(g) Provider Mailing Address City — The city of the address of the health care entity providing the patient data records.~~

~~(h) Provider Mailing Address State — The mailing address of the health care entity providing the patient data records.~~

~~(i) Provider Mailing Address Zip Code — The zip code of the health care entity providing the patient data records.~~

~~(j) Submitter Mailing Address — The address of the organization that is submitting the data file.~~

~~(k) Submitter Mailing Address City — The city of the organization that is submitting the data file.~~

~~(l) Submitter Mailing Address State — The state of the organization submitting the data file.~~

~~(m) Submitter Mailing Address Zip Code — The zip code of the organization submitting the data file.~~

~~(n) Number of Records — The total number of patient data records contained in the file, excluding header and trailer records. Must equal the number of records processed.~~

~~(o) Filler — A blank field of 206 spaces.~~

~~(4) The effective date of all data reporting changes in Rule 59B-9.018, F.A.C., as amended after 12-28-98, shall be for discharges occurring on or after January 1, 2002 unless a later date is indicated in Rule 59B-9.018, F.A.C.~~

Specific Authority 408.15(8) FS. Law Implemented 408.061, 408.062, 408.063 FS. History—New 9-6-93, Formerly 59B-7.018, Amended 6-29-95, 12-28-98, 7-11-01, 2-25-02, \_\_\_\_\_.

59B-9.019 Ambulatory Patient Data Format — Record Layout.

Specific Authority 408.15(8) FS. Law Implemented 408.061, 408.062, 408.063 FS. History—New 9-6-93, Formerly 59B-7.019, Amended 6-29-95, 12-28-98, 7-11-01, 2-25-02, Repealed \_\_\_\_\_.

59B-9.020 Data Standards.

Specific Authority 408.15(8) FS. Law Implemented 408.061, 408.062, 408.063 FS. History—New 9-6-93, Formerly 59B-7.020, Amended 6-29-95, 12-28-98, 7-11-01, 2-25-02, Repealed \_\_\_\_\_.

**AGENCY FOR HEALTH CARE ADMINISTRATION**

**Certificate of Need**

RULE TITLE: Nursing Home Subdistricts

RULE NO.: 59C-2.200

PURPOSE AND EFFECT: The agency proposes to amend paragraphs (2)(d) and (3)(c) of Rule 59C-2.002, F.A.C., revising the description of nursing home subdistricts for agency District 3. In the current rule, the entire 16-county area is defined as one subdistrict for purposes of certificate of need (CON) planning and review. By action of the North Central Florida Health Planning Council, which is the Local Health Council serving District 3, the 16 counties have recently been grouped into seven defined subdistricts. The proposed amendments to Rule 59C-2.200, F.A.C., reflect this change.

SUBJECT AREA TO BE ADDRESSED: Nursing home subdistricts for agency District 3.

SPECIFIC AUTHORITY: 408.034(6), 408.15(8) FS.

LAW IMPLEMENTED: 408.033(1)(b) 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., April 29, 2003

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: John Davis, Certificate of Need, 2727 Mahan Drive, Building 1, Mail Stop 28, Tallahassee, Florida 32308

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

59C-2.200 Nursing Home Subdistricts.

(1) No change.

(2) Definitions.

(a) "Agency." The Agency for Health Care Administration.

(b) "District." A health service planning district of the agency defined in subsection 408.032(5), Florida Statutes.

(c) "Local Health Council." The council referenced in section 408.033, Florida Statutes.

(d) "Subdistrict." A group of counties, a county, or a portion of a county which forms a subdivision of a district. For purposes of this rule, ~~ten nine~~ of the eleven districts of the agency are divided into subdistricts; ~~District 3 and~~ District 10 ~~is are~~ not divided.

(3) Nursing Home Subdistricts. The nursing home subdistricts are defined and numbered as follows:

(a) through (b) No change.

(c) Subdistricts for District 3.

1. Subdistrict 3-1 consists of Columbia, Hamilton and Suwannee Counties.

2. Subdistrict 3-2 consists of Alachua, Bradford, Dixie, Gilchrist, Lafayette, Levy and Union Counties.

3. Subdistrict 3-3 consists of Putnam County.

4. Subdistrict 3-4 consists of Marion County.

5. Subdistrict 3-5 consists of Citrus County.

6. Subdistrict 3-6 consists of Hernando County.

7. Subdistrict 3-7 consists of Lake and Sumter Counties all of District 3. For purposes of need determination under rule 59C-1.036, District 3 is treated in the same manner as a subdistrict.

(d) through (k) No change.

Specific Authority 408.15(8), 408.034(6)(5) FS. Law Implemented 408.033(1)(b), 408.034(3) FS. History—New 2-12-96, Amended 10-31-96,

**AGENCY FOR HEALTH CARE ADMINISTRATION**

**Medicaid**

RULE TITLE: Nursing Facility Services

RULE NO.: 59G-4.200

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

SUBJECT AREA TO BE ADDRESSED: Nursing Facility Services.

SPECIFIC AUTHORITY: 409.919 FS.

LAW IMPLEMENTED: 400 Part II, 409.905, 409.908 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: April 29, 2003, 9:00 a.m. – 11:00 a.m.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Kris Russell, Medicaid Services, 2727 Mahan Drive, Building 3, Mail Stop 20, Tallahassee, Florida 32308-5407, (850)922-7353

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

59G-4.200 Nursing Facility Services.

(1) No change.

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

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

**DEPARTMENT OF HEALTH**

**Board of Massage Therapy**

RULE TITLE: Definitions

RULE NO.: 64B7-26.001

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

SUBJECT AREA TO BE ADDRESSED: Definitions.

SPECIFIC AUTHORITY: 480.035(7) FS.

LAW IMPLEMENTED: 480.043(7) 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  
THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE.

**DEPARTMENT OF HEALTH**

**Board of Medicine**

RULE TITLE: Disciplinary Guidelines

RULE NO.: 64B8-55.001

PURPOSE AND EFFECT: The Board proposes to revise the existing rule to add completion of all incomplete continuing education credits to the penalty for failure to comply with continuing education requirements.

SUBJECT AREA TO BE ADDRESSED: Disciplinary Guidelines.

SPECIFIC AUTHORITY: 456.072, 456.079, 478.52(4) FS.

LAW IMPLEMENTED: 456.072, 456.073, 456.079, 478.52(4) FS.



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

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

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

**DEPARTMENT OF HEALTH**

**Board of Medicine**

RULE TITLE: Citations  
RULE NO.: 64B8-55.002

PURPOSE AND EFFECT: The Board proposes to amend the existing rule to change the penalty for a first time violation of failure to comply with continuing education requirements to \$500.00 and completion of all incomplete continuing education credits.

SUBJECT AREA TO BE ADDRESSED: Citations.

SPECIFIC AUTHORITY: 456.077(1),(2) FS.

LAW IMPLEMENTED: 456.072(3)(b), 456.077(1),(2), 478.51, 478.52 FS.

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

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

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

**DEPARTMENT OF HEALTH**

**Board of Osteopathic Medicine**

RULE TITLE: Requirements for Osteopathic Physician  
RULE NO.: 64B15-14.0076

Office Registration; Inspection or Accreditation

PURPOSE AND EFFECT: The Board proposes the rule amendment to incorporate a new office registration form required for osteopathic physicians who perform office surgery.

SUBJECT AREA TO BE ADDRESSED: The proposed rule adds a required registration form for osteopathic physicians who perform Level II or Level III office surgeries.

SPECIFIC AUTHORITY: 459.005(1),(2) FS.

LAW IMPLEMENTED: 459.069, 459.005(2) FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE SCHEDULED AT THE BOARD'S NEXT MEETING TO BE HELD ON JUNE 7, IN MIAMI, FLORIDA.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Pam King, Executive Director, Board of Osteopathic Medicine/MQA, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3256

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B15-14.0076 Requirement for Osteopathic Physician Office Registration; Inspection or Accreditation.

(1) Registration.

(a) Every Florida licensed osteopathic physician who holds an active Florida license and performs Level II surgical procedures in Florida with a maximum planned duration of five (5) minutes or longer or any Level III office surgery, as fully defined in Rule 64B15-14.007, F.A.C., shall register with the Board of Osteopathic Medicine on application form DH-MQA 1071, 1/03, effective \_\_\_\_\_. It is the osteopathic physician's responsibility to ensure that every office in which he or she performs Levels II or III surgical procedures as described above is registered, regardless of whether other physicians are practicing in the same office or whether the office is non-physician owned.

(b) through (d) No change.

(2) through (3) No change.

Specific Authority 459.005(1),(2) FS. Law Implemented 456.069, 459.005(2) FS. History--New 2-12-02, Amended \_\_\_\_\_.

**DEPARTMENT OF HEALTH**

**Board of Pharmacy**

RULE TITLES: Active License Renewal 64B16-26.1001  
Inactive License Renewal 64B16-26.1011  
Delinquent License Reinstatement 64B16-26.1021

PURPOSE AND EFFECT: The Board proposes new rules to update licensure renewal requirements and fees.

SUBJECT AREA TO BE ADDRESSED: The new proposed rules address the requirements and the fees for renewal of license from active, inactive, or delinquent status.

SPECIFIC AUTHORITY: 465.005, 465.012 FS.

LAW IMPLEMENTED: 465.008, 465.012, 456.036(3),(4), (7), (8), 456.065(3) 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: Lucy C. Gee, Acting Executive Director, Board of Pharmacy/MQA, 4052 Bald Cypress Way, Bin #C04, Tallahassee, Florida 32399-3254

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B16-26.1001 Active License Renewal.

The biennial license renewal fee for an active pharmacist license shall be \$250.00, which includes an additional \$5.00 unlicensed activity fee pursuant to Section 456.065(3), F.S.

Specific Authority 465.005 FS. Law Implemented 465.008, 456.036(3), 456.065(3) FS. History—New \_\_\_\_\_.

64B16-26.1011 Inactive License Renewal.

(1) A licensee may elect at the time of license renewal to place the license on inactive status by submitting a written request with the board for inactive status and submitting the inactive status fee of \$250.00, which includes an additional \$5.00 unlicensed activity fee pursuant to Section 456.065(3), F.S.

(2) A licensee on inactive status may elect at the time of renewal to continue the license on inactive status by submitting a written request with the board for inactive status and submitting the inactive status fee of \$250.00, which includes an additional \$5.00 unlicensed activity fee pursuant to Section 456.065(3), F.S.

(3) A licensee on inactive status may elect at the time of renewal to change the inactive status license to active status, provided the licensee meets the continuing education requirements of Rule 64B16-26.103, F.A.C., for each biennium the license was on inactive status, submits the reactivation fee of \$70.00, and the current active renewal fee set forth in Rule 64B16-26.1001, F.A.C.

(4) A licensee on inactive status may elect to change the inactive status license to active status at any time other than at the beginning of a licensure renewal cycle, provided the licensee meets the continuing education requirements of Rule 64B16-26.103, F.A.C., for each biennium the license was on inactive status, submits the reactivation fee of \$70.00, the current renewal fee set forth in Rule 64B16-26.1001, F.A.C., and a change of status fee of \$25.00.

Specific Authority 465.005, 465.012 FS. Law Implemented 465.012, 456.036(3), (4), (8), 456.065(3) FS. History—New \_\_\_\_\_.

64B16-26.1021 Delinquent License Reinstatement.

(1) An active or inactive license that is not renewed by midnight of the expiration date of the license shall automatically revert to delinquent status.

(2) A licensee may request that a delinquent license be reinstated to active or inactive status by submitting the delinquent fee of \$245.00 plus the current fee for an active status or inactive status license set forth in Rule 64B16-26.1001, F.A.C., or Rule 64B16-26.1011, F.A.C.

(3) An active or inactive status license in delinquent status that is not renewed prior to midnight of the expiration date of the current licensure cycle shall render the license null without any further action by the board or the Department.

Specific Authority 465.005, 465.012 FS. Law Implemented 465.012, 456.036(3), (4), (7), 456.065(3) FS. History—New \_\_\_\_\_.

**DEPARTMENT OF HEALTH**

**Board of Pharmacy**

RULE TITLE: Examination and Initial Licensure Fees

RULE NO.: 64B16-26.2035

PURPOSE AND EFFECT: The Board proposes the rule amendments to update the fees for initial licensure application by examination.

SUBJECT AREA TO BE ADDRESSED: The proposed rule amendments address the requirements for initial licensure and examination fees.

SPECIFIC AUTHORITY: 465.005, 456.013(2) FS.

LAW IMPLEMENTED: 465.007, 456.013(2) 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: Lucy C. Gee, Acting Executive Director, Board of Pharmacy/MQA, 4052 Bald Cypress Way, Bin #C04, Tallahassee, Florida 32399-3254

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B16-26.2035 Examination and Initial Licensure Fees.

(1) The ~~examination~~ fees for licensure by examination shall include a non-refundable application fee of \$100 and a refundable initial licensure fee of \$190 payable to the Board, and component examination fees of \$360 for the National Practice Examination and \$130 for the jurisprudence examination. Component examination fees may be paid directly to the examination vendor. All fees collected under this section are non-refundable.

(2) Examination fees for the National Practice Examination and jurisprudence examination are payable to the examination vendor.

Specific Authority 465.005, 456.013(2) FS. Law Implemented 465.007, 456.013(2) FS. History—New 9-19-94, Amended 3-10-96, Formerly 59X-26.2035, Amended 3-22-99, 10-30-00, \_\_\_\_\_.

**DEPARTMENT OF CHILDREN AND FAMILY SERVICES**

**Economic Self-Sufficiency Program**

RULE TITLE: Income and Resource Criteria  
 RULE NO.: 65A-1.716

PURPOSE AND EFFECT: Rule 65A-1.716, F.A.C., is amended to revise the monthly poverty income guidelines used in the Medicaid program for applicants and recipients to the level of federal guidelines for 2003.

SUBJECT AREA TO BE ADDRESSED: This proposed amendment will bring the federal poverty guidelines used in the Medicaid program to a current status.

SPECIFIC AUTHORITY: 409.919 FS.

LAW IMPLEMENTED: 409.902, 409.903, 409.904, 409.906, 409.919 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., April 28, 2003

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT, IF AVAILABLE, IS: Audrey Mitchell, Program Administrator, Building 3, Room 421, 1317 Winewood Boulevard, Tallahassee, FL 32399-0700, (850)488-3090

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

SUMMARY: Provides criteria for local fire officials and any law enforcement officers to perform initial investigations to determine whether probable cause exists for an investigation by the Bureau of Fire and Arson Investigations pursuant to Section 633.03, Florida Statutes, or an investigation should be made pursuant to Sections 633.801-633.821, Florida Statutes.

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

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

SPECIFIC AUTHORITY: 633.01, 633.806, 633.808 FS.

LAW IMPLEMENTED: 633.01, 633.03, 633.806, 633.808 FS. IF REQUESTED WITHIN 21 DAYS FROM THE DATE OF PUBLICATION 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., May 6, 2003

PLACE: Room 143, Larson Building, Tallahassee, Florida Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this program, please advise the Department at least 5 calendar days before the program by contacting Jenny Cooley, (850)413-3173.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Eric Miller, Chief, Bureau of Fire and Arson Investigations, Division of State Fire Marshal, 200 East Gaines Street, Tallahassee, Florida 32399-0340, (850)413-3173

THE FULL TEXT OF THE PROPOSED RULE IS:

4A-61.001 Initial Investigation of Fires.

(1)(a) PURPOSE.

The purpose of this rule is to assist local fire officials and law enforcement officers in determining the established responsibilities with respect to the initial or preliminary assessment of fire scenes, and the determination of whether probable cause exists to refer such scenes to the Division for an investigation pursuant to Section 633.03, Florida Statutes. Experience shows that the most effective deterrent to arson lies in the effective investigation of suspicious and incendiary fires. This requires a commitment of fire officials, law enforcement, and the Division to direct investigative resources to those fires that are of a suspicious nature, or are believed to be incendiary, to more effectively prosecute offenders that commit the crime of arson. This rule imposes no additional or new obligations on local fire officials or law enforcement, but serves solely to clarify the conditions that necessitate the engagement and

**Section II  
 Proposed Rules**

**DEPARTMENT OF INSURANCE**

**Division of State Fire Marshal**

RULE CHAPTER TITLE: Rules of the Bureau of Fire and Arson Investigations  
 RULE CHAPTER NO.: 4A-61

RULE TITLE: Initial Investigations of Fires  
 RULE NO.: 4A-61.001

PURPOSE AND EFFECT: These rules clarify the roles of the Division of State Fire Marshal and the local fire officials or law enforcement officers on conditions that necessitate the engagement and assistance of the State Fire Marshal resources upon the occurrence of a fire or explosion pursuant to the investigative authority in Sections 633.03 and 633.801-633.821, Florida Statutes.

assistance of State Fire Marshal, Bureau of Fire and Arson Investigations' resources upon the occurrence of a fire or explosion.

(b) SCOPE.

Pursuant to Section 633.03, Florida Statutes, the State Fire Marshal is required to investigate any fire in which property has been damaged or destroyed and where there is probable cause to believe that the fire was the result of carelessness or design. The Bureau of Fire and Arson Investigations of the Division of State Fire Marshal is a law enforcement agency whose personnel are sworn law enforcement officers pursuant to Chapter 943, Florida Statutes. The State Fire Marshal is charged with enforcing all laws and rules adopted pursuant thereto for purposes of the prevention of fire and explosion through the regulation of conditions which could cause fire or explosion, pursuant to Section 633.01(2)(a), Florida Statutes. The purpose of the Bureau of Fire and Arson Investigations is to investigate crimes or criminal activity related to fires. This section sets forth the requirements and procedures for such investigations.

(2) DEFINITIONS.

For purposes of this section, the following words or terms have the following definitions.

(a) "The bureau" means the Bureau of Fire and Arson Investigations of the Division of State Fire Marshal, Department of Financial Services.

(b) "Carelessness" means culpable negligence within the contemplation of Section 784.05, Florida Statutes, manslaughter as defined in Section 782.07(1), Florida Statutes, gross negligence, or a reckless disregard for property or life, so extreme that it is punishable as a crime. "Carelessness" does not mean or include ordinary carelessness, ordinary negligence, simple negligence, or any similar concept.

(c) "Design" means the specific intent to commit a crime or the general intent to commit any act that constitutes, or may result in, the commission of a crime.

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

(e) "Initial investigation" means a preliminary investigation of the cause and origin of a fire for the purpose of determining whether there is probable cause to believe that the fire was the result of carelessness or design. "Initial investigation" includes the following components:

1. Initially evaluating available information at a fire scene including the notation of observations, conducting on-scene interviews of first arriving members and others involved in the fire or fire suppression, to determine a preliminary cause of the fire;

2. Relaying documents, audio recordings, video recordings, photographs, undeveloped film, electronic images in a digital camera or on storage media, sketches, drawings, evidence, and information to a requested or responding follow-up investigator, if applicable;

3. Securing the fire scene and, if deemed appropriate by the initial investigator or requested by a follow-up investigator, obtaining or attempting to obtain written consent to search the property.

(f) "Local fire official" means the chief of the local fire department or his or her designee; chiefs of county, municipal, and special-district fire departments; other fire department personnel designated by their respective fire department chiefs; and personnel designated as its local fire official by written notice to the bureau by a municipality, county, or special district having no organized fire departments.

(g) "Law enforcement officer" means any sworn law enforcement officer pursuant to Chapter 943, Florida Statutes, employed by any unit of government, or any officer referenced in Section 354.01 and 901.1505, Florida Statutes.

(h) "Organized fire department" means any entity which employs or uses firefighters or firesafety inspectors whose primary duty is the prevention and extinguishing of fires, the protection of life and property therefrom, the enforcement of municipal, county, and state fire prevention codes, as well as the enforcement of any law pertaining to the prevention and control of fires, who is certified as a firefighter pursuant to Section 633.35, Florida Statutes, or as a firesafety inspector pursuant to Section 633.081, Florida Statutes, or who is a volunteer firefighter, as referenced in Sections 633.801-633.821, Florida Statutes.

(i) "Probable cause" means reasonable cause or reasonable grounds to believe that an unlawful act has been committed or that an unlawful event has occurred.

(j) "Property damage" means that any property, real, personal, or mixed, tangible or intangible, having some value to any person has been damaged to such extent that its value has been diminished, or has been destroyed, and includes injury or death to any person.

(3) CONDUCT OF INITIAL INVESTIGATION.

(a) Any time a fire or explosion has occurred which results in property damage in any municipality, county, or special district having an organized fire department, any local fire official whose intent is to request the State Fire Marshal to perform an investigation under Section 633.03, Florida Statutes, shall make or shall cause to be made an initial investigation of the circumstances surrounding the cause and origin of such fire. Law enforcement officers are permitted to, if any chooses, conduct such initial investigations.

(b) If the fire occurs in a municipality, county, or special district which has no organized fire department or designated arson investigations unit within its law enforcement providers, the municipality, county, or special district is permitted to request the bureau to conduct such initial investigation.

(4) FINDING OF PROBABLE CAUSE.

(a) If the local fire official or any law enforcement officer determines that there is probable cause to believe that the fire was the result of carelessness or design as provided for in

Section 633.03, Florida Statutes, and as defined herein, the local fire official or any law enforcement officer seeking Bureau of Fire and Arson Investigations investigative resources shall report to the bureau the facts and circumstances constituting such probable cause, for the bureau to determine whether an investigation under Section 633.03, Florida Statutes, will be made and resources committed.

(b) Such report need not be in any particular form, but shall contain at a minimum the following information:

1. The date and time of the fire;
2. The address of the property damaged;
3. A description of property damaged (i.e., single family home, restaurant, etc.); and the extent of the damage;
4. The name or names of the owner or owners of property damaged, if known;
5. The name or names and number of persons injured or killed, if known; and the extent of any injuries; and
6. The facts and circumstances considered by the local fire official or law enforcement officer to constitute probable cause to believe that the fire was the result of carelessness or design.

(c) The report must be given verbally and the reporting person is permitted to follow it up in writing if he or she chooses. When given verbally, the report shall be given to the bureau at 800-NET FIRE (800)638-3473 to initiate the dispatch, notification, and tracking process. Such notification shall be made prior to the release of scene custody by the local fire official or law enforcement officer, if practicable or reasonable. If followed up in writing, the written report shall be mailed to the Department of Insurance, Division of State Fire Marshal, Bureau of Fire and Arson Investigations, 200 East Gaines Street, Tallahassee, Florida 32340, or it is permitted to be faxed to the bureau at fax number (850)487-0151, or it is permitted to be hand delivered or delivered by use of a private delivery company, or it is permitted to be e-mailed to the bureau. If hand delivered or delivered by a private delivery company, it shall be delivered to the Division of State Fire Marshal, Bureau of Fire and Arson Investigations, Third Floor, The Atrium, 325 John Knox Road, Tallahassee, Florida 32303.

#### (5) FINDING OF NO PROBABLE CAUSE.

If the local fire official or law enforcement officer determines that there is no probable cause to believe that the fire was the result of carelessness or design, and the fire does not meet the criteria in subsections (9) or (10), the local fire official or law enforcement officer shall have no obligation to refer the matter to the bureau.

#### (6) CONSULTATIONS WITH THE BUREAU.

The local fire official or law enforcement officer is permitted to at any time verbally confer or consult with a law enforcement investigator or other law enforcement officer employed by the bureau to assist in a determination of whether probable cause exists to believe that the fire was the result of carelessness or design; however, such conference or consultation shall not relieve the local fire official or local law

enforcement officer of his or her responsibility to conduct the initial investigation required by subsection (3), or to make the determinations referred to in subsections (4) or (5).

#### (7) RESPONSIBILITIES OF THE BUREAU.

(a) If after the immediate review of the report information provided in paragraph (b) of subsection (4) the bureau determines that there is probable cause to believe that such fire was the result of carelessness or design, or the fire meets the criteria in subsections (9) or (10), the bureau shall immediately initiate a complete investigation of the subject fire, pursuant to the requirements of Section 633.03, Florida Statutes, or, in the event that an immediate response is not necessary based on the facts and circumstances, the bureau shall take all appropriate action to insure that the integrity of the evidence or the potential evidence is preserved until an investigation can be made.

(b) If, after the immediate review of the information provided in paragraph (b) of subsection (4), the bureau determines that there is no probable cause to believe that such fire was the result of carelessness or design, and the fire does not meet the criteria in subsections (9) or (10), the bureau is not required to initiate an investigation of the fire. Verbal notification of this determination shall be provided to the requesting fire official or law enforcement officer by the bureau. The bureau shall provide notice to the requesting local fire official or law enforcement officer of such determination containing an explanation of the reason or reasons the bureau does not find probable cause, in writing, and shall close the case with no further investigation.

(c) In the absence of an investigation by the bureau, nothing in these rules prohibits a local fire official or any law enforcement officer from conducting any investigation resulting from a fire that such fire official or law enforcement officer deems appropriate or necessary.

#### (8) STANDARD PROCEDURES FOR INITIAL INVESTIGATIONS.

(a) The bureau will not normally perform the initial investigation to determine whether probable cause exists to believe that the fire was the result of carelessness or design in any municipality, county, or special district having an organized fire department, or in any jurisdiction in which any law enforcement officer assumes the responsibility for such investigations.

(b) The bureau will normally perform the initial investigation to determine whether probable cause exists to believe that the fire was the result of carelessness or design in a municipality, county, or special district which has no organized fire department, but only after a request has been made verbally or in writing by the municipality, county, or special district having no organized fire department requesting such initial investigation.

(9) DEATH OR INJURY OF A FIREFIGHTER.

Notwithstanding anything else contained in this section, any time a firefighter is:

(a) Injured, requiring hospitalization or treatment by a physician at a medical facility; or

(b) Killed as the result of, during, while combating, or otherwise engaged in any act or action related to a fire, the local fire official or law enforcement officer shall immediately notify the division of the information contained in paragraph (b) of subsection (4) to permit the division to conduct an investigation pursuant to Section 633.808, Florida Statutes, and, if applicable, an investigation pursuant to Section 633.03, Florida Statutes.

(10) PRESUMPTIONS FOR PURPOSES OF BUREAU INVESTIGATIONS.

(a) Fires meeting the following criteria shall be presumed by the bureau to be by carelessness or design for the sole purpose of activation of bureau's resources in accordance with this rule:

1. Any fire with a projected direct dollar loss exceeding \$1,000,000 (one million dollars) or;

2. Any fire involving a civilian death, or an injury that is likely to result in death or;

3. Any fire in which the cause is not readily determined by an initial investigation or;

4. Any fire involving the suspected failure of a fire suppression or fire detection system.

(b) The bureau shall cause an investigation to be made of all fires meeting the criteria in subparagraph 1., 2., 3., or 4.

Specific Authority 633.01, 633.806, 633.808 FS. Law Implemented 633.01, 633.03, 633.806, 633.808 FS. History—New \_\_\_\_\_

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Eric Miller, Chief, Bureau of Fire and Arson Investigations,  
200 East Gaines Street, Tallahassee, Florida 32399-0340

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

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT  
PUBLISHED IN FAW: December 20, 2002

**COMMISSION FOR THE TRANSPORTATION  
DISADVANTAGED**

RULE TITLE: Insurance, Safety Requirements and Standards  
PURPOSE AND EFFECT: The Commission proposes the rule amendments to delete certain insurance requirements on liability limits, and to update Coordinators' responsibilities in providing services to the transportation disadvantaged.

RULE NO.: 41-2.006

SUMMARY: The proposed rule amendments eliminate the excess liability coverage requirement, and add other responsibilities to provide access to assistance and to beneficial services for the customers of disadvantaged transportation.

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: 427.013(9) FS.

LAW IMPLEMENTED: 287.0585, 427.011(11), 427.013, 427.0155, 427.0157, 768.28 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AT THE COMMISSION'S NEXT MEETING TO BE HELD ON APRIL 25, 2003 IN ORLANDO, FLORIDA.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Jo Ann Hutchinson, Executive Director, Commission for the Transportation Disadvantaged, 605 Suwannee Street, MS-49, Tallahassee, Florida 32399-0450

THE FULL TEXT OF THE PROPOSED RULE IS:

41-2.006 Insurance, Safety Requirements and Standards.

(1) The Community Transportation Coordinator, shall ensure compliance with the minimum liability insurance requirement of \$100,000 per person and \$200,000 per incident, which are comparable to 768.28(5), Florida Statutes, limits, for all transportation services purchased or provided for the transportation disadvantaged through the Community Transportation Coordinator. The Community Transportation Coordinator will indemnify and hold harmless the Local, State, and Federal governments and their entities, departments, and the Commission from any liabilities arising out of or due to an accident or negligence on the part of the Community Transportation Coordinator and all Transportation Operators under contract to them. ~~Any liability insurance coverage in excess of \$1 million per incident, where its cost is included in the service rate, must be approved by the Commission before its cost is included in any purchase of service contract. Documentation from the Community Transportation Coordinator must fully justify the need for the additional insurance coverage. The justification will identify the reasons for the additional coverage, the incremental cost of the additional coverage on each unit of transportation service and the estimated additional annual cost to each contracting agency/entity.~~

(2) through (3) No change.

(4) The Community Transportation Coordinator and any Transportation Operator from whom service is purchased or arranged by the Community Transportation Coordinator shall adhere to Commission approved standards. These standards include:

(a) through (e) No change.

(f) A local toll free phone number for complaints or grievances shall be posted inside the vehicle. The TD Helpline phone number (1(800)983-2435) shall also be posted inside all vehicles of the coordinated system. The local complaint process shall be outlined as a section in the local Transportation Disadvantaged Service Plan including, advising the dissatisfied person about the Commission's Ombudsman Program as a step within the process as approved by the local Coordinating Board. All rider information/materials (brochures, user's guides, etc.) will include the TD Helpline phone number;

(g) through (q) No change.

(r) First Aid policy shall be determined locally and provided in the local Transportation Disadvantaged Service Plan; ~~and~~

(s) Cardiopulmonary Resuscitation policy shall be determined locally and provided in the local Transportation Disadvantaged Service Plan;-

(t) Driver background screening shall be determined locally, dependent upon purchasing agencies' requirements, and provided in the local Transportation Disadvantaged Service Plan;

(u) In areas where fixed route transportation is available, the Community Transportation Coordinator should jointly establish with the Local Coordinating Board (LCB) a percentage of total trips that will be placed on the fixed route system;

(v) The Community Transportation Coordinator should establish and address the passenger pick-up windows in the local Transportation Disadvantaged Service Plan. This policy should also be communicated to contracted operators, drivers, purchasing agencies and passengers;

(w) The Community Transportation Coordinator and the LCB should jointly establish and address the percentage of trips that will be on-time in the local Transportation Disadvantaged Service Plan. This performance measure should be communicated to contracted operators, drivers, purchasing agencies, and passengers. This measure should also be included as a part of the Community Transportation Coordinator's evaluation of its contracted operators, and the LCB's evaluation of the Community Transportation Coordinator;

(x) The Community Transportation Coordinator should establish and address in the local Transportation Disadvantaged Service Plan a minimum 24 hour advanced

notification time to obtain services. This policy should be communicated to contracted operators, purchasing agencies and passengers;

(y) The Community Transportation Coordinator and the LCB should jointly establish and address in the service plan a performance measure to evaluate the safety of the coordinated system. This measure should be used in the Community Transportation Coordinator's evaluation of the contracted operators, and the LCB's evaluation of the Community Transportation Coordinator;

(z) The Community Transportation Coordinator and the LCB should jointly establish and address in the local service plan a performance measure to evaluate the reliability of the vehicles utilized in the coordinated system. This measure should be used in the Community Transportation Coordinator's evaluation of the contracted operators, and the LCB's evaluation of the Community Transportation Coordinator;

(aa) This performance measure can be used to address the accessibility of the service. The Community Transportation Coordinator and the LCB should jointly determine if a standard for a call hold time is needed in the coordinated system and address this in the local service plan. If determined to be necessary, this standard should be included in the LCB's evaluation of the Community Transportation Coordinator;

(bb) The Community Transportation Coordinator and the LCB should jointly establish and address in the local service plan a performance measure to evaluate the quality of service provided within the coordinated system. The measure should be used in the Community Transportation Coordinator's evaluation of the contracted operators, and the LCB's evaluation of the Community Transportation Coordinator.

Specific Authority 427.013(9) FS. Law Implemented 287.0585, 427.011(11), 427.013, 427.0155, 427.0157, 768.28 FS. History--New 5-2-90, Amended 6-17-92, 5-1-96, 10-1-96, 3-10-98, 6-3-01, \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Commission for the Transportation Disadvantaged

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Commission for the Transportation Disadvantage

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

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

**COMMISSION FOR THE TRANSPORTATION DISADVANTAGED**

RULE TITLE: Coordinating Board Structure and Duties  
PURPOSE AND EFFECT: The Commission proposes the rule amendment to address membership representation for multi-county Coordinating Boards.

RULE NO.: 41-2.012

SUMMARY: The proposed rule amendment provides for the addition of an elected official from each county to multi-county Coordinating Boards, and requires the Board's Chairperson and Vice-Chairperson be elected officials.

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: 427.013(9) FS.

LAW IMPLEMENTED: 427.0157 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AT THE COMMISSION'S NEXT MEETING TO BE HELD ON APRIL 25, 2003 IN ORLANDO, FLORIDA.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Jo Ann Hutchinson, Executive Director, Commission for the Transportation Disadvantaged, 605 Suwannee Street, MS-49, Tallahassee, Florida 32399-0450

THE FULL TEXT OF THE PROPOSED RULE IS:

41-2.012 Coordinating Board Structure and Duties.

The purpose of the Coordinating Board is to identify local service needs and to provide information, advice, and direction to the Community Transportation Coordinator on the coordination of services to be provided to the transportation disadvantaged through the Florida Coordinated Transportation System (FCTS). Each Coordinating Board is recognized as an advisory body to the Commission in its service area. The members of the Coordinating Board shall be appointed by the Metropolitan Planning Organization or the Designated Official Planning Agency. A Coordinating Board shall be appointed in each county. However, when agreed upon in writing, by all Boards of County Commissions in each county to be covered in the service area, multi-county Coordinating Boards may be appointed. The structure and duties of the Coordinating Board shall be as follows:

- (1) through (2) No change.
- (3) In addition to the Chairperson, except for multi-county Coordinating Boards which shall have as a representative an elected official from each county, including the Chairperson, one of whom shall be elected Vice-Chairperson, the following agencies or groups shall be represented on the Coordinating Board, in every county as voting members:
  - (a) through (p) No change.
  - (4) through (5) No change.

Specific Authority 427.013(9) FS. Law Implemented 427.0157 FS. History—New 5-2-90, Amended 6-17-92, 11-16-93, 1-4-94, 7-11-95, 5-1-96, 10-1-96, 3-10-98, 4-8-01, 12-17-02, \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Commission for the Transportation Disadvantaged

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Commission for the Transportation Disadvantage

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

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

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Board of Building Code Administrators and Inspectors**

RULE TITLE: Continuing Education for Biennial Renewal

RULE NO.: 61G19-9.001

PURPOSE AND EFFECT: The Board proposes to amend the existing text to make the requirement that certificate holders shall take a minimum of two (2) classroom hours in the area of Florida laws and rules (other than accessibility) to be effective in the licensure biennium that begins December 1, 2003.

SUMMARY: The amendment to Section (1) of this rule adds the provision that the minimum of two (2) classroom hours in the area of Florida law and rules (other than accessibility) will be effective in the licensure renewal biennium that begins December 1, 2003.

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: 455.2124, 455.213(6), 468.606, 468.627 FS.

LAW IMPLEMENTED: 455.2124, 455.213(6), 468.627 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: Anthony Spivey, Executive Director, Building Code Administrators and Inspectors Board, 1940 North Monroe Street, Tallahassee, Florida 32399-0750

THE FULL TEXT OF THE PROPOSED RULE IS:

61G19-9.001 Continuing Education for Biennial Renewal.

- (1) Except as noted below, prior to the end of each biennial certification period, all certificate holders shall complete a minimum of fourteen (14) classroom or interactive distance learning hours of continuing education courses, which shall include a minimum of two (2) hours in the area of accessibility, and, effective in the licensure renewal biennium that begins December 1, 2003, a minimum of two (2)



classroom hours in the area of Florida laws and rules (other than accessibility) as a condition of the biennial renewal of all certifications held by the certificate holder.

(2) through (6) No change.

Specific Authority 455.2124, 455.213(6), 468.606, 468.627 FS. Law Implemented 455.2124, 455.213(6), 468.627 FS. History—New 5-23-94, Amended 5-21-95, 11-28-95, 6-9-97, 1-4-00, 4-23-01, 3-19-02, 6-10-02,\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Building Code Administrators and Inspectors Board

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Building Code Administrators and Inspectors Board

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: February 21, 2003

**DEPARTMENT OF HEALTH**

**Division of Family Health Services**

RULE CHAPTER TITLE: Eligibility and Fee Assessment

RULE CHAPTER NO.: 64F-16

for Services Offered by County Public Health Units

64F-16

RULE TITLES: Fee Exemption

RULE NOS.: 64F-16.005

Sliding Fee Scale

64F-16.006

Waiver of Charges

64F-16.007

Limitation of Income Eligibility

64F-16.008

PURPOSE AND EFFECT: The purpose of these rule amendments is to bring the administrative rules related to eligibility and fee assessment in compliance with Florida Statute and with United States Department of Health and Human Services program guidelines for project grants for family planning services. Section 154.001(1)(c)1., Florida Statutes, requires primary care programs to adopt a minimum eligibility standard of at least 100 percent of the federal nonfarm poverty level. The HRSA guidelines also require that clients whose documented income is at or below 100 percent of the federal poverty level must not be charged. Administrative rules under Chapter 64D-16, F.A.C., currently call for fee exemption for people whose income is below 100 percent of the federal poverty level, not at or below 100 percent. The effect of these changes will be to make the rules comply with state law and federal guidelines. A client whose income is exactly 100 percent of the federal poverty guidelines will now be able to receive eligible services at no cost rather than on a sliding fee scale as previously assigned.

SUMMARY: Chapter 64F-16, F.A.C., outlines eligibility and fee assessment for services provided at county health departments. Rule 64F-16.005, F.A.C., addresses fee exemption for persons below a certain level of income. Rule 64F-16.006, F.A.C., addresses the sliding fee scale. Rule

64F-16.007, F.A.C., addresses the right of county health department directors and administrators to waive of charges. Rule 64F-16.008, F.A.C., addresses county health department authority to limit the eligibility for services for persons at certain income levels.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: There are no regulatory costs.

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: 154.011(5) FS.

LAW IMPLEMENTED: 154.011 FS.

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

TIME AND DATE: 10:00 a.m., May 7, 2003

PLACE: Department of Health, 4025 Esplanade Way, Room 125-N, Tallahassee, FL

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Bob Peck, Bin #A-13 (HSFFM), 4052 Bald Cypress Way, Tallahassee, FL 32399-1723, (850)245-4444, Ext. 2965

THE FULL TEXT OF THE PROPOSED RULES IS:

64F-16.005 Fee Exemption.

Clients of CHDs and their subcontractors shall not be charged any fee for communicable disease control or integrated family health services as defined in this rule if they have a net family income at or below 100 percent of the poverty guidelines published by the Federal Office of Management and Budget.

Specific Authority 154.011(5) FS. Law Implemented 154.011 FS. History—New 10-14-93, Formerly 10D-121.006, Amended\_\_\_\_\_.

64F-16.006 Sliding Fee Scale.

(1) Persons with net family incomes between 101 ~~100~~ and 200 percent of the Federal Office of Management and Budget poverty guidelines shall be charged a fee on a sliding scale based on the following increments. For family planning services only, persons with incomes between 200 and 250 percent of poverty shall be charged on a sliding fee scale as described in paragraph 64F-16.006(3)(h), F.A.C., below:

(a) Persons with incomes at or below 100 percent of the OMB poverty guidelines shall pay no fee.

(b) Persons with incomes at 101 ~~100~~ to 119 percent of the OMB poverty guidelines shall pay 17 percent of the full fee.

(c) through (g) No change.

(2) No change.

(3) This sliding fee scale applies to recipients of integrated family health and communicable disease control services, with the following exceptions:

(a) through (g) No change.

(h) For family planning services only, persons with net family incomes between 101 ~~100~~ and 200 percent of the Federal Office of Management and Budget poverty guidelines shall be charged a sliding fee scale as outlined in (1)(a)-(g) above, and persons with net family incomes between 200 and 250 percent shall be charged a fee on a sliding scale based on the following increments:

1. through 3. No change.

(4) No change.

Specific Authority 154.011(5) FS. Law Implemented 154.011 FS. History--New 10-14-93, Amended 8-2-94, 4-29-96, 6-24-02, Formerly 10D-121.007, Amended \_\_\_\_\_.

64F-16.007 Waiver of Charges.

(1) CHD directors/administrators and their subcontractors have the authority to reduce or waive charges in situations where a person with an income ~~at or~~ above 100 percent of poverty is unable to pay.

(2) through (3) No change.

Specific Authority 154.011(5) FS. Law Implemented 154.011 FS. History--New 10-14-93, Amended 8-2-94, Formerly 10D-121.008, Amended \_\_\_\_\_.

64F-16.008 Limitation of Income Eligibility.

CHDs have the authority to limit eligibility for integrated family health services for persons with net family incomes ~~at or~~ above 100 percent of the OMB poverty level, with the following exceptions:

(1) through (4) No change.

(5) Once a client has initiated prenatal care with a CHD or its subcontractors, she may not be declared ineligible for continuation of such care because of a change in income status during her pregnancy. Prenatal care clients with incomes ~~at or~~ above 100 percent of poverty may be charged fees if they are not eligible for Medicaid.

(6) Any eligibility limits for integrated family health services for persons with incomes ~~at or~~ above 100 percent of poverty established by a CHD must be specified in the annual CHD contract. No limits on eligibility can be established which would deny eligibility to a client who is receiving Medicaid.

Specific Authority 154.011(5) FS. Law Implemented 154.011 FS. History--New 10-14-93, Amended 8-2-94, 4-29-96, Formerly 10D-121.009, Amended \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Bob Peck, Bin #A-13 (HSFFM), 4052 Bald Cypress Way, Tallahassee, FL 32399-1723, (850)245-4444, Ext. 2965

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Annette Phelps, Director, Family Health Services

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 28, 2003

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: March 14, 2003

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

#### DEPARTMENT OF REVENUE

##### Division of Ad Valorem Tax

RULE NO.:  
12D-10.0044

RULE TITLE:  
Uniform Procedures for Hearings;  
Procedures for Information and  
Evidence Exchange Between the  
Petitioner and Property  
Appraiser, Consistent with s.  
194.032, F.S.; Organizational  
Meeting; Uniform Procedures to  
be Available to Petitioners

#### NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to this proposed rule, as published in Vol. 28, No. 48, pp. 5351-5352, November 27, 2002, Vol. 29, No. 3, p. 191, January 17, 2003 and Vol. 29, No. 9, p. 872, February 28, 2003 issues of the Florida Administrative Weekly. These changes are in accordance with s. 120.54(3)(d)1., F.S.

Subsection (11) of Rule 12D-10.0044, F.A.C., will be changed so that, when adopted, this subsection will read:

(11) The value adjustment board shall hold an organizational meeting and must make the uniform procedures available to petitioners. Such procedures shall be available a reasonable time following the organizational meeting and shall be available a reasonable time before the commencement of hearings in conformance with this rule. The Board shall be deemed to have complied if it causes petitioners to be notified in writing, along with or as part of the notice of hearing, of the existence and availability of its ~~the~~ procedures and include notice as to ~~for~~ the exchange of information contained in this rule. The Board is authorized to use other additional or alternative means of notification directed to the general public or specific taxpayers, as it may determine.

#### DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

##### Building Code Administrators and Inspectors Board

RULE NO.:  
61G19-6.0105

RULE TITLE:  
Simultaneous Qualification for  
Inspector and Plans Examiner  
Certification

#### NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule, as noticed in Vol. 29, No. 6, of the Florida Administrative Weekly on February 7, 2003, has been withdrawn.

THE PERSON TO BE CONTACTED REGARDING THE RULE PROPOSED IS: Anthony Spivey, Executive Director, Building Code Administrators and Inspectors Board, 1940 North Monroe Street, Tallahassee, Florida 32399-0750

**DEPARTMENT OF ENVIRONMENTAL PROTECTION**

DOCKET NO.: 03-07R

RULE CHAPTER NO.:      RULE CHAPTER TITLE:

62-621                    Generic Permits

RULE NO.:                RULE TITLE:

62-621.100               Scope/Applicability

**NOTICE OF CHANGE**

Notice is hereby given that changes have been made to the above proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., pursuant to Sec. 120.551, F.S., in the Department's official notice Internet site at [www.dep.state.fl.us](http://www.dep.state.fl.us) and a summary published in Vol. 29, No. 9, February 28, 2003, issue of the Florida Administrative Weekly.

The changes address only language that is not newly proposed in subsection 62-621.100(3), F.A.C., and is to be deleted but was not included in the notice on February 28, 2003.

The full text of this notice is 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 entitled "Official Notices."

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Fred Noble, P.E., NPDES Stormwater Section, Florida Department of Environmental Protection, Mail Station 2500, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400

**DEPARTMENT OF HEALTH**

**Board of Nursing**

RULE NO.:                RULE TITLE:

64B9-15.005               Standards for Certified Nursing Assistant Training Programs

**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. 1, January 3, 2003, issue of the Florida Administrative Weekly.

The changes are as follows:

1. Proposed subsection (1) shall be deleted in its entirety. All remaining subsections shall be renumbered accordingly.
2. Proposed subsection (2)(d) the following phrase shall be deleted "if any, and that meet federal, state, and if applicable, private postsecondary requirements"
3. Proposed subsection (3)(a) the phrase " , i.e., care of the elderly or chronically ill of any age," shall be added after the word "services."
4. Proposed subsection (5)(i) shall be deleted in its entirety.

5. Proposed subsection (6) the phrase "within 90 days" shall replace the phrase "within a specified period."

6. Proposed subsection (7) the phrase "two consecutive years" shall be replaced with "12 months."

7. Proposed subsection (7) the sentence "The board shall take action to assist the program to return to compliance, place the program on probation or rescind the program approval" shall be replaced with "The board shall place the program on probation, and if the passing rate does not meet the standard within one year, the board shall rescind the program approval."

8. Proposed subsection (8) the phrases " , or a state agency designated by the Board," and "as deemed necessary by the Board" shall be deleted.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Dan Coble, Executive Director, Board of Nursing, Northwood Centre, 1940 N. Monroe Street, Tallahassee, Florida 32399-0750

**DEPARTMENT OF HEALTH**

**Board of Nursing**

RULE NO.:                RULE TITLE:

64B9-15.007               Approval of New Certified Nursing Assistant Training Programs

**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. 1, January 3, 2003, issue of the Florida Administrative Weekly.

The changes are as follows:

1. Proposed subsection (2) shall be deleted in its entirety. All remaining subsections shall be renumbered accordingly.
2. Proposed subsection (3)(e) shall be deleted in its entirety. All remaining subsections shall be renumbered accordingly.
3. Proposed subsection (4) shall be deleted in its entirety. All remaining subsections shall be renumbered accordingly.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Dan Coble, Executive Director, Board of Nursing, Northwood Centre, 1940 N. Monroe Street, Tallahassee, Florida 32399-0750

**DEPARTMENT OF HEALTH**

**Board of Nursing**

RULE NO.:                RULE TITLE:

64B9-15.008               Testing and Competency Evaluation

**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. 1, January 3, 2003, issue of the Florida Administrative Weekly.

The changes are as follows:

1. Proposed subsection (3) shall now read as “The minimum passing level of the Written Exam varies depending on the difficulty of the items for each form of the examination and will be established by the board.”

2. Proposed subsection (6) the phrase “within five years” shall be deleted.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Dan Coble, Executive Director, Board of Nursing, Northwood Centre, 1940 N. Monroe Street, Tallahassee, Florida 32399-0750

**DEPARTMENT OF HEALTH**

**Board of Nursing**

RULE NO.: 64B9-15.011  
 RULE TITLE: In-Service Training  
 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. 1, January 3, 2003, issue of the Florida Administrative Weekly.

The changes are as follows:

1. Proposed subsection (4) shall add the phrase “, and was in good standing with the board at the time active duty began” after the phrase “calendar year.”

2. Proposed Law Implemented shall include the citation Section 456.024, F.S.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Dan Coble, Executive Director, Board of Nursing, Northwood Centre, 1940 N. Monroe Street, Tallahassee, Florida 32399-0750

**DEPARTMENT OF HEALTH**

**Optical Establishments**

RULE NO.: 64B29-1.002  
 RULE TITLE: Optical Establishment Inspection  
 ADDITIONAL 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. 28, No. 38, September 20, 2002 and Vol. 28, No. 43, October 25, 2002, issue of the Florida Administrative Weekly. The changes are in response to comments received from the Joint Administrative Procedures Committee and a request from the public for a rule hearing which was held on February 12, 2003.

The rule shall now read as follows:

64B29-1.002 Optical Establishment Inspection.

(1) Each optical establishment registered by the Department of Health to operate in the State of Florida shall be subject to periodic inspections at least once every other year by department personnel or agents. Each establishment where regulated optical devices are sold, whether or not registered by the Department, is subject to inspection for violations. Such

inspections shall be conducted at reasonable hours considering the regular business hours of the establishment and may occur without notice when the establishment is occupied.

(2) The inspection of the optical establishment shall include the following:

(a) Notation of possible errors or discrepancies with regard to the registration information provided to the department.

(b) Determination whether a change of ownership occurred and if so whether the permit was returned to the department for cancellation within 30 days after a change in ownership of the establishment.

(c) Determination if any provisions of Chapter 484, Part 1, Florida Statutes, or the rules promulgated pursuant thereto have been violated including:

1. Whether prescriptions written by a physician or optometrist for any lenses, spectacles, eyeglasses, contact lenses, or other optical devices are kept on file for a period of 2 years; and

2. Whether a violation of Sections 484.014 or 456.072, Florida Statutes, has occurred.

(d) Determination that the minimum equipment required by Rule 64B12-10.007, Florida Administrative Code, is maintained in each office in which an optician practices opticianry. The equipment required is pupillary gauges, thickness gauge, one set of hand tools necessary for fitting of eye glasses, one lensometer or vertometer or similar instrument, one colmascope or similar instrument, one frame heater, one lens measure, set of sample frames and mountings, keratometer or similar instrument and slit lamp or similar instrument if fitting and adapting contact lenses, and a set of trial soft contact lenses, if fitting and adapting contact lenses.

(e) Determination of whether a licensed optician is on the premises when optical devices are prepared or dispensed, not including their fabrication.

(f) Verification that the establishment is permitted pursuant to s. 484.007, F.S.

THE PERSON OR AGENCY TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Department of Health, General Counsel’s Office, 4052 Bald Cypress Way, Bin #A02, Tallahassee, Florida 32399-1703

**FISH AND WILDLIFE CONSERVATION COMMISSION**

**Freshwater Fish and Wildlife**

RULE NO.: 68A-15.061  
 RULE TITLE: Specific Regulations for Wildlife Management Areas – Southwest Region

NOTICE OF CHANGE TO PROPOSED RULE

Notice is hereby given that the following change, in accordance with subparagraph 120.54(3)(d)1., F.S., has been made to subparagraphs 68A-15.061(1)(a)4.; (2)(a)1.; (5)(a)4.; (6)(a)4.; (7)(a)5.; (8)(a)8.; (10)(a)2.; (11)(a)5. of this proposed

rule which was published on February 21, 2003, in Vol. 29, No. 8, Florida Administrative Weekly, so that when adopted, it will read as follows:

- (1)(a)4. Spring turkey – March 20 through April 25.
- (2)(a)1. Special-opportunity turkey – March 20-23, March 29 through April 1, April 3-6, 12-15, and 17-20.
- (5)(a)4. Spring turkey – March 24-25, March 31 through April 1, April 7-8, 14-15, and 21-22.
- (6)(a)4. Spring turkey – March 23-25, April 6-8, and April 20-22.
- (7)(a)5. Spring turkey – March 20 through April 25, Saturdays and Sundays only.
- (8)(a)8. Spring turkey – March 25-27 and April 15-17.
- (10)(a)2. Spring turkey – March 26-28 and April 9-11.
- (11)(a)5. Spring turkey – March 20-22, April 2-4, and April 16-18.

**FISH AND WILDLIFE CONSERVATION COMMISSION**

**Freshwater Fish and Wildlife**

RULE NO.:	RULE TITLE:
68A-15.062	Specific Regulations for Wildlife Management Areas – North Central Region

**NOTICE OF CHANGE TO PROPOSED RULE**

Notice is hereby given that the following change, in accordance with subparagraph 120.54(3)(d)1., F.S., has been made to subparagraphs 68A-15.062(28)(a)4.,(29)(a)7. of this proposed rule which was published on February 21, 2003, in Vol. 29, No. 8, Florida Administrative Weekly, so that when adopted, it will read as follows:

- (28)(a)4. Spring turkey – March 23-25, April 6-8, and April 20-22.
- (29)(a)7. Spring turkey – March 27-30 and March 31 through April 4.

**FISH AND WILDLIFE CONSERVATION COMMISSION**

**Freshwater Fish and Wildlife**

RULE NO.:	RULE TITLE:
68A-17.005	Specific Regulations for Wildlife and Environmental Areas

**NOTICE OF CHANGE TO PROPOSED RULE**

Notice is hereby given that the following change, in accordance with subparagraph 120.54(3)(d)1., F.S., has been made to subparagraph 68A-17.005(1)(f)1.c. of this proposed rule which was published on February 21, 2003, in Vol. 29, No. 8, Florida Administrative Weekly, so that when adopted, it will read as follows:

- (1)(f)1.c. Spring turkey – March 20-22 and April 2-4.

**FISH AND WILDLIFE CONSERVATION COMMISSION**

**Vessel Registration and Boating Safety**

RULE NO.:	RULE TITLE:
68D-24.136	Lee County Boating Restricted Areas

**NOTICE OF WITHDRAWAL**

Notice is hereby given that the above proposed rule, as noticed in Vol. 28, No. 43, on October 25, 2003, Florida Administrative Weekly, has been withdrawn.

**Section IV  
Emergency Rules**

**DEPARTMENT OF REVENUE**

**Miscellaneous Tax**

RULE TITLES:	RULE NOS.:
Assignment of Service Addresses to Local Taxing Jurisdictions; Liability for Errors; Avoidance of Liability Through Use of Specified Methods; Reduction in Collection Allowance for Failure to Use Specified Methods	12BER03-1
Department of Revenue Electronic Database	12BER03-2
Certification of Service Address Databases	12BER03-3
Use of Enhanced Zip Code Method to Assign Service Addresses to Local Taxing Jurisdictions	12BER03-4

**SPECIFIC FACTS AND REASONS FOR FINDING AN IMMEDIATE DANGER TO THE PUBLIC HEALTH, SAFETY, OR WELFARE:** The Communications Services Tax Simplification Law (Chapter 202, F.S.) requires that communications services dealers must collect and remit local communications services taxes based on the rate of the local taxing jurisdiction in which customer service addresses are located. The Department of Revenue is required to develop and maintain an electronic database in which local service addresses are assigned to local jurisdictions, and local governments are required to provide information for inclusion in the database. The initial electronic database has been developed, and the announcement concerning its availability and initial effective date was included in the April 5, 2002, issue of the Florida Administrative Weekly. Use of certain methods to assign service addresses, including use of a database that has been certified by the Department of Revenue as meeting statutory accuracy standards, entitles a dealer to a higher collection allowance and to protection against liability for taxes, interest, and penalties resulting from erroneous service address assignments. The promulgation of these emergency rules ensures the following: 1) that communications services tax dealers are informed of their obligations concerning the assignment of customer service

addresses, of the methods of assigning addresses that will entitle dealers to protection against liability, and of the methods of assigning addresses that will entitle a dealer to a higher collection allowance; 2) that the procedures and forms for the Department and local governments to maintain the accuracy of the database on an on-going basis are immediately available; and 3) that the procedures and forms for application for certification by the Department of databases used by communications services tax dealers are available.

**REASONS FOR CONCLUDING THAT THE PROCEDURE USED IS FAIR UNDER THE CIRCUMSTANCES:** The Legislature expressly authorized promulgation of emergency rules, and the renewal of such rules, to administer the provisions of the Communications Services Tax Simplification Law. Emergency rules are the most appropriate means of ensuring that local governments have procedures and forms in place to assure they can meet the statutory deadline to submit changes for inclusion in the next update of the Department of Revenue database. Emergency rules are also the most appropriate means for providing communications services dealers and others with procedures and forms to apply for certification of service address databases.

The Department of Revenue has sought comment on these emergency rules to the extent possible within the time restraints resulting from the statutory requirements.

**SUMMARY OF THE RULES:** Emergency Rule 12BER03-1, F.A.C., provides guidelines on: 1) the requirement that communications services dealers assign customer service addresses to local taxing jurisdictions; 2) the use of certain databases to avoid liability for errors in customer service address assignments; 3) the due diligence standard applicable to dealers using databases that provide protection from liability for errors in assigning customer service addresses; and 4) the collection allowance available depending on the database used by a communications services dealer. Emergency Rule 12BER03-2, F.A.C., provides guidelines on: 1) the electronic customer service database maintained by the Department of Revenue; 2) the procedures for local taxing jurisdictions to request changes to the Department of Revenue database; and 3) procedures for any substantially affected person to object to the assignment of a customer service address in the Department of Revenue database. Emergency Rule 12BER03-3, F.A.C., provides guidelines on the standards and procedures for certification of a customer service address database developed by a communications services dealer or a vendor. Emergency Rule 12BER03-4, F.A.C., provides guidelines on the use of an enhanced zip code method to assign customer service addresses. These emergency rules also adopt and incorporate by reference four (4) forms required for administration of the Communications Services Tax Simplification Law and two (2) sets of instructions that are incorporated into the on-line Department of Revenue service address database. The forms are: DR-700012, "Application for Certification of

Communications Services Database"; DR-700020, "Notification of Method Employed to Determine Taxing Jurisdiction (Communications Services Tax)"; DR-700022, "Local Communications Services Tax Notification of Jurisdiction Change"; and DR-700025, "Objection to Communications Services Tax Electronic Database Service Address Assignment." The on-line instructions incorporated by reference are the "Guide for Address Change Requests" and the "Instructions for Preparing and Submitting Customer Address Files for Certification Testing."

**THE PERSON TO BE CONTACTED REGARDING THE EMERGENCY RULES IS:** Jennifer Silvey, Senior Attorney, Technical Assistance and Dispute Resolution, Office of the General Counsel, Department of Revenue, P. O. Box 7443, Tallahassee, Florida 32314-7443, Telephone (850)922-4727

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

12BER03-1 Assignment of Service Addresses to Local Taxing Jurisdictions; Liability for Errors; Avoidance of Liability Through Use of Specified Methods; Reduction in Collection Allowance for Failure to Use Specified Methods.

(1)(a) Dealers of communications services that are required to collect local communications services taxes must assign each customer service address to a specific local taxing jurisdiction for purposes of determining the appropriate local communications services tax rate to be applied to sales made to that address. Local communications services taxes must be collected and remitted for each service address in accordance with the service address assignments in the latest version of the communications services tax Address/Jurisdiction Database, which is the electronic database maintained by the Department that is updated and adopted every January 1 and July 1, as discussed in Emergency Rule 12BER03-2, F.A.C. Except as otherwise provided in subsection (2), a dealer is liable for any additional local communications services taxes, interest, and penalties that are due as a result of assigning service addresses to incorrect local taxing jurisdictions when the correct local taxing jurisdiction's tax rate exceeds the incorrectly assigned local taxing jurisdiction's tax rate.

(b) In determining the liability for any additional local communications services taxes, interest, and penalties of a dealer who has failed to assign a service address to the correct local taxing jurisdiction, the Department will take into account any amount of local communications services tax that was collected and erroneously assigned by the dealer to another local taxing jurisdiction. The Department will reallocate and redistribute such amounts between the local taxing jurisdictions involved to apply the payment of any additional local communications services taxes to the correct local taxing jurisdiction. Interest and penalties will be applied only to the additional local communications services taxes due on the sale after crediting the dealer with the amount of local

communications services tax collected that was erroneously based on an assignment to an incorrect local taxing jurisdiction.

(2)(a) A dealer will not be liable for any additional local communications services taxes, interest, or penalty due solely because of an error in assigning a service address to a local taxing jurisdiction if the dealer exercised due diligence in employing one of the following methodologies in assigning that service address:

1. The Address/Jurisdiction Database;

2. A database that has been certified by the Department, as provided in Emergency Rule 12BER03-3, F.A.C.;

3. An enhanced zip code method, as discussed in Emergency Rule 12BER03-4, F.A.C.; or

4. A database that, upon audit by the Department, is determined to have met the accuracy rate criterion required for certification under Emergency Rule 12BER03-3, F.A.C., at the time of the sale on which local communications services taxes are due.

(b) A dealer must timely notify the Department of the method or methods to be used in assigning service addresses on form DR-700020, Notification of Method Employed to Determine Taxing Jurisdiction (R. 05/02, incorporated by reference herein). If a dealer changes the method or methods to be used, the dealer must notify the Department on form DR-700020 of the change in method or methods and of the effective date of the change.

(c) Due Diligence. In order to avoid liability for any additional local communications services tax, penalty, and interest resulting from errors in the assignment of customer service addresses to local taxing jurisdictions under paragraph (a), a dealer must exercise due diligence in employing one of the methodologies described. The dealer must exercise the care and attention that is expected from and ordinarily exercised by a reasonable and prudent person when ascertaining the correct amount of tax due on sales made by that person.

1. A dealer is exercising due diligence if that dealer expends reasonable resources to accurately and reliably implement a method described in paragraph (a) and maintains adequate internal controls in the assignment of service addresses.

a. Internal controls in the assignment of service addresses are adequate if the dealer has in place and consistently follows procedures to obtain and incorporate accurate updates to its database at least once every six months and corrects errors in assignments of service addresses within 120 days from discovering or being notified of such errors. A dealer's internal controls must ensure that, when the dealer is notified of an error, the error is corrected and the error is not repeated when a subsequent update is obtained. A dealer may choose to update its database more frequently than once every six months as long as the dealer has in place and consistently follows procedures to obtain and incorporate accurate updates. The

auxiliary file described in Emergency paragraph 12BER03-2(1)(b), F.A.C., that is maintained by the Department and available to dealers and local government users may be used by the dealer to update the dealer's database more frequently than the minimum of at least once every six months.

b. Internal controls in the assignment of service addresses are not adequate if corrected assignments of service addresses are not maintained or are incorrectly replaced with the previous incorrect assignment. Once notified by any person of an error, the dealer must ensure that the corrected information is preserved in its database. In the event that the error reoccurs, the dealer will not be considered to have exercised due diligence as required for the protection described in paragraph (a).

2. A communications services dealer must maintain records establishing that the dealer has exercised due diligence for the period of time during which the Department is authorized to assess taxes on sales of communications services by that dealer. Such records include instructions or procedures provided to employees, contracts and correspondence with third-party vendors or service providers concerning the acquisition or maintenance of data, documentation establishing that the data was consistently updated at least once every six months, records concerning customer or local taxing jurisdiction objections to the assignment of service addresses and responses to those objections, records of changes made to the assignment of service addresses and when the changes were made, and any other records that pertain to the acquisition, maintenance, and revision of the data upon which service address assignments are based.

3. If a communications services dealer uses a certified database provided by a third party vendor, the communications services dealer must exercise due diligence in its own conduct in using the database. A dealer using a certified database provided by a third party vendor is exercising due diligence if that dealer expends reasonable resources to accurately and reliably implement the third party vendor's certified database and maintains adequate internal controls in the assignment of service addresses. For example, the dealer must follow the vendor's instructions on use of the database and promptly incorporate any updates supplied by the vendor. As part of its due diligence, the dealer has a duty to take reasonable steps to ascertain that the vendor maintains the database so as to ensure continuing qualification for certification. For example, if a vendor failed to provide an update to the database when scheduled to do so, a reasonable and prudent dealer relying on that vendor's database would contact the vendor and make inquiry. A dealer that uses a third party vendor's certified database must ensure that, when the dealer discovers or is notified of errors in assignments of service addresses, the

errors are corrected within 120 days from discovering or being notified of such errors and the error is not repeated when a subsequent update is obtained from the vendor.

(d) If a communications services dealer uses multiple databases or methodologies, such dealer is protected from liability for any additional local communications services tax, interest, and penalty only as to service addresses assigned as specified in paragraph (a) of this subsection. Such a dealer is liable as provided in subsection (1) for any additional local communications services taxes, interest, and penalties in regard to erroneous jurisdictional assignments for any service address assigned by any other methodology. A dealer that uses multiple databases must maintain documents demonstrating that a service address has been assigned employing a methodology described in paragraph (a) in order to be held harmless for any additional local communications services taxes resulting from erroneous assignment of that service address.

(e)1. Employing a method described in paragraph (a) protects a dealer from liability for any additional local communications services taxes and related interest and penalties that would otherwise have been due to a local taxing jurisdiction. A dealer's employment of a method described in paragraph (a) does not deprive a purchaser of the right to a refund of overpayment of local communications services taxes resulting from an erroneous assignment of that customer's service address to a local taxing jurisdiction with a higher rate than that in effect in the correct local taxing jurisdiction. If a purchaser complies with the procedural requirements of s. 202.23, F.S., and establishes that the dealer has incorrectly assigned the purchaser's service address and that an overpayment of local communications services tax has resulted, the dealer must refund the amount of the overpayment to the purchaser. Upon making such refund, the dealer would be entitled to an equal credit or refund from the Department upon proper reporting to the Department of the amount and jurisdictions involved.

2. For purposes of this paragraph, a purchaser that establishes that a dealer has assigned the purchaser's service address to a different local taxing jurisdiction from the one to which that address was assigned in the latest version of the Address/Jurisdiction Database as of the date of the sale has established a presumption that the dealer's assignment was erroneous. If a dealer believes that the assignment of the purchaser's address in the Department's database is incorrect, the dealer should refer that refund claim to the Department for a determination in accordance with the procedures in s. 202.23, F.S. A dealer who assigned a purchaser's service address in accordance with the latest version of the Address/Jurisdiction Database at the time of the sale on which the purchaser asserts that tax was overpaid is not required to make a refund to the purchaser unless the Department has subsequently revised the

assignment of that address to correct an error and such revision had retroactive effect as of the date of the sale involved pursuant to Emergency Rule 12BER03-2(3)(c), F.A.C.

(3) Collection Allowance.

(a) Any communications services dealer that employs a methodology described in subparagraph (2)(a)1., (2)(a)2., or (2)(a)3. for assigning service addresses to local taxing jurisdictions is entitled to a collection allowance of .75 percent on taxes collected on service addresses assigned using the described methodologies. Any communications services dealer that employs any methodology that is not described in subparagraph (2)(a)1., (2)(a)2., or (2)(a)3. for assigning service addresses to local taxing jurisdictions is entitled to a collection allowance of .25 percent on taxes collected on service addresses assigned using such other methodology. A communications services dealer who is not liable for an assessment of additional local communications services taxes, interest, and penalties by reason of employing a database that is found upon audit to meet the accuracy criteria for certification, as described in subparagraph (2)(a)4., is entitled to a collection allowance of .25 percent until such time as an application for certification of the database is made and approved.

(b) A communications services dealer must maintain adequate records to demonstrate that a .75 percent collection allowance was claimed only in regard to taxes that were collected for service addresses that were assigned employing a methodology that qualifies for that allowance. If a communications services dealer's records do not clearly establish the correct collection allowance for each service address, the dealer shall be entitled to only a .25 percent collection allowance on sales made to any service address that the dealer cannot establish was assigned using a database or methodology that qualifies for the .75 percent collection allowance.

(c) A communications services dealer must also timely and correctly remit all tax and meet all the other requirements of s. 202.28, F.S., in order to be entitled to any collection allowance. This rule deals only with determining the amount of collection allowance available to a dealer who otherwise qualifies to receive the allowance. It does not create any separate entitlement to an allowance other than that set forth in s. 202.28, F.S.

(4) All forms referenced in this emergency rule may be obtained by: 1) writing the Florida Department of Revenue, Distribution Center, 168 Blountstown Highway, Tallahassee, Florida 32304; or, 2) faxing the Distribution Center at (850)922-2208; or, 3) using a fax machine telephone handset to call the Department's Automated Fax On Demand system at (850)922-3676; or, 4) visiting any local Department of Revenue Service Center to personally obtain a copy; or, 5) calling the Forms Request Line during regular office hours at



(800)352-3671 (in Florida only) or (850)488-6800; or, 6) downloading selected forms from the Department's Internet site at the address shown inside the parentheses (<http://www.myflorida.com/dor>). Persons with hearing or speech impairments may call the Department's TDD at (800)367-8331.

This rule shall take effect on April 1, 2003.

Specific Authority 202.26(3)(b),(f),(g),(4), 202.28(1) FS. Law Implemented 202.22(1),(4),(5),(6), 202.23, 202.28(1),(2), 202.34(1)(a) FS. History—New 4-1-03.

#### 12BER03-2 Department of Revenue Electronic Database.

(1)(a) The Department maintains an electronic database that assigns service addresses to local taxing jurisdictions in a format that satisfies the requirements of s. 202.22(2)(a), F.S. The electronic database, referred to as the communications services tax Address/Jurisdiction Database, is maintained on the Department's website at the address inside the parentheses (<http://www.myflorida.com/dor>). Local taxing jurisdictions and communications services providers are provided with access codes to permit them to register as users of the database. Registered local taxing jurisdictions and communications services dealers have the capability of downloading databases of addresses assigned to each local taxing jurisdiction. Local taxing jurisdictions also have access to an on-line form for requesting changes in service address assignments. The database also has a single address lookup feature that permits any person to enter an address and ascertain to which local jurisdiction it is assigned. Use of the single address lookup feature does not require an access code or registration.

(b) When a change to the Address/Jurisdiction Database has been approved, it is stored in an auxiliary file pending its inclusion in the next scheduled update of the database, which occurs every January 1 and July 1. The auxiliary file is maintained by the Department and contains the most recent service address local taxing jurisdictional assignment information. Dealers may use this auxiliary file to update their service address assignments between the January 1 and July 1 updates to the Address/Jurisdiction Database even though such use of this auxiliary file is not required to satisfy due diligence requirements. The individual address lookup feature searches this auxiliary file as well as the current database and may therefore reflect information that has not yet been incorporated into the database available for downloading and use by local taxing jurisdictions and communications services dealers. In such cases, the individual address lookup page carries a statement notifying the viewer that it reflects a pending change to the database.

(c) The availability and effective date of the initial database was announced in the Florida Administrative Weekly. The availability and effective date of subsequent updates are also announced in the Florida Administrative Weekly. Updates incorporate corrections of any errors discovered since the last preceding update as well as changes in addresses or

jurisdictional boundaries based on information provided by local taxing jurisdictions. Each updated version of the Address/Jurisdiction Database is posted on the Department's website at least 90 days prior to the effective date of the updated version and is also available to dealers of communications services and vendors of databases in magnetic or electronic media for a fee not to exceed the cost of furnishing the updated version in such media. Requests for electronic or magnetic media copies should be addressed to: Florida Department of Revenue, Communications Services Tax, Local Government Jurisdiction Unit, Post Office Box 5885, Tallahassee, Florida 32314-5885.

(2)(a) Local taxing jurisdictions have a continuing obligation to provide the Department with information to update the Address/Jurisdiction Database, such as changes in service addresses or address ranges, annexations, incorporations, reorganizations, and any other changes to jurisdictional boundaries. Local taxing jurisdictions must inform the Department of the identity of the jurisdictions' officers or employees who are authorized to act as contact persons with the Department on database matters.

(b) Local taxing jurisdictions must submit information requesting changes to the Address/Jurisdiction Database electronically following the on-line Guide for Address Change Requests (hereby incorporated by reference). Local taxing jurisdictions that do not have access to computers with Internet access should contact the Department to request authorization to submit changes through alternative electronic media. The information must also be submitted on form DR-700022, Local Communications Services Tax Notification of Jurisdiction Change (R. 03/03, hereby incorporated by reference).

(c) The local taxing jurisdiction must specify the effective date of any information to be incorporated in the Address/Jurisdiction Database. The effective date must be the next January 1 or July 1 after the date of submission of the information to the Department. Changes must be submitted no later than the date that is 120 days prior to the January 1 or July 1 on which changes are to be effective.

(d)1. Any requested changes or additions to the Address/Jurisdiction Database must be supported by competent evidence. Competent evidence to support a change to the Address/Jurisdiction Database is documentation establishing that the service addresses affected by the requested change or addition are located in the local taxing jurisdiction indicated on the request. Examples of competent evidence include annexation ordinances, articles of incorporation of a new municipality, or the plat filed for a newly approved subdivision. Competent evidence must clearly designate the service addresses or address ranges that are affected.

2. If a requested change is to move an address from one local taxing jurisdiction to another, competent evidence includes the consent of the local taxing jurisdiction that did not

request the change. To facilitate processing of the change, the local taxing jurisdiction requesting the change should attempt to obtain a written consent to the change signed by an authorized contact person of the non-requesting jurisdiction. Form DR-700022 contains an authorization statement that will serve as the written consent of the non-requesting local taxing jurisdiction when signed by that jurisdiction's authorized contact person. The Department will consider the receipt of a form DR-700022 containing the signatures of the authorized contact persons of both the initiating and affected jurisdictions to be sufficient competent evidence only when the form is submitted with supporting documentation that identifies the service addresses involved and includes the documentation on which the authorized contact person of the non-requesting jurisdiction relied when giving consent. Identification of the batch number associated with the address changes is insufficient by itself to demonstrate competent evidence establishing that the service addresses are located in the local taxing jurisdiction indicated on the request. If the requesting jurisdiction has not obtained the written consent of the non-requesting jurisdiction, the Department will contact the non-requesting jurisdiction before making the change. Based upon the response of the non-requesting jurisdiction, the Department will take the following action in regard to the requested change:

a. If the non-requesting jurisdiction consents in writing, the Department will accept and process the change.

b. If the non-requesting jurisdiction objects in writing, the Department will treat the requested change as one that must be resolved by the local taxing jurisdictions involved as provided in subsection (3).

c. If the non-requesting jurisdiction fails to either consent or object in writing within 20 days after the date on which the Department notified that jurisdiction of the requested change, the Department will accept and process the change. This will not preclude the non-requesting jurisdiction from subsequently objecting to the new address assignments after they have been processed.

(e) Examples.

1. A local taxing jurisdiction approves the plat and grants the permits necessary for development of a new subdivision on February 1, 2005. The plat indicates street names but no address numbers have yet been assigned by the postal authorities. In order for the addresses to be added to the electronic database effective the following July 1, the local taxing jurisdiction must file form DR-700022 with a copy of the approved subdivision plat and submit on-line address change information by March 3, 2005. If that deadline is not met, the earliest date on which the new service addresses can be added to the database is January 1, 2006. In order to meet the deadline and be certain that the actual address numbers are included, the contact person for the local taxing jurisdiction may request the addition of a range of numbers that is certain

to include the actual numbers. Because the development of the subdivision affects only the requested jurisdiction, no consent from any other jurisdiction is required.

2. A municipality annexes an area with 1500 service addresses that was formerly in an unincorporated area of the county. The annexation will be effective July 1, 2003. The municipality's database contact person timely enters address change requests for 1525 addresses on-line and files a form DR-700022 on February 15, 2003. Included with the form are a copy of the annexation ordinance and a map with the annexed area outlined with street address ranges included in the annexed area noted. The county database contact person has not signed the form DR-700022 or otherwise given written consent to the changes. On February 20, 2003, the Department notifies the county of the requested changes and provides copies of the municipality's form DR-700022, annexation ordinance, and map. The county does not respond with written consent or a written objection. On March 14, 2003, the Department processes the changes, and they are included in an update available on April 1, 2003, to take effect July 1, 2003. The county's database contact person notifies the Department on July 15, 2003, that the county believes the database now incorrectly assigns 25 service addresses to the municipality. The Department will handle this as an objection to the database as discussed in subsection (3).

3. A municipality annexes an area with 1500 service addresses that was formerly in an unincorporated area of the county. The annexation will be effective July 1, 2003. The municipality's contact person timely enters address change requests for the 1500 addresses on-line and writes a letter to the county's contact person requesting that consent be indicated by signing a form DR-700022 that has been prepared by the municipality and enclosed with the letter. Also enclosed with the letter is a copy of the annexation ordinance and a street map on which the annexed area is outlined. The county contact person signs the form DR-700022. The municipality submits the form and copies of the letter, annexation ordinance, and map to the Department on February 15, 2003. The Department will approve the changes and include them in the July 1, 2003 update to the Address/Jurisdiction database.

(3)(a) Any substantially affected party may object to information contained in the Address/Jurisdiction Database by submitting form DR-700025, Objection to Communications Services Tax Electronic Database Service Address Assignment (N. 04/02, hereby incorporated by reference), along with competent evidence to support the party's objection. Local taxing jurisdictions should use form DR-700022 to create addresses in the Address/Jurisdiction Database or to request address assignment changes resulting from changes in jurisdictional boundaries, but may use form DR-700025 to object to existing address assignments that the local taxing jurisdiction believes are incorrect. Regardless of which form is used to request changes to the Address/Jurisdiction Database,

the consent of an affected jurisdiction will be required. Examples of substantially affected parties include purchasers of communications services who pay local communications services taxes, dealers who are required to collect local communications services taxes, and local taxing jurisdictions that object to a change to the Address/Jurisdiction Database proposed by another local taxing jurisdiction. Examples of competent evidence that supports an inquiry into a substantially affected party's objection include an electric utility bill from a provider that operates only within a particular local taxing jurisdiction, a voter registration card indicating the voter residing at a service address is entitled to vote in municipal elections or only in county elections, or a map that includes the boundaries of a local taxing jurisdiction and clearly places a service address inside or outside those boundaries. For example, if a map shows that a street is entirely within the boundaries of a municipality, that map is competent evidence that a service address on that street should be assigned to that municipality in the database. The Department will notify the substantially affected party of any deficiencies in the objection or competent evidence.

(b) Upon receipt of an objection on a completed form DR-700025, including competent evidence to support the objection, the Department will forward copies of the form, along with the associated documentation to the database contact person in each affected taxing jurisdiction. The Department will instruct each local taxing jurisdiction to indicate in writing its determination in regard to the objection. If the affected local taxing jurisdictions each indicate agreement with the objection, the Department will revise the electronic database accordingly. If a local taxing jurisdiction fails to respond within a reasonable time, which shall be no less than 30 days, such jurisdiction shall be deemed to have indicated agreement with the objection. If either local taxing jurisdiction notifies the Department in writing that it does not agree with the objection, the Department will immediately assign the address with a special designation that indicates that the jurisdictional assignment of the address is in dispute. The service address will be reassigned to a local taxing jurisdiction when one of the following events occurs:

1. The Department receives written notification from the local taxing jurisdiction that did not agree with the change requested in the objection that such local taxing jurisdiction has subsequently determined that the change should be made;

2. The Department receives written notification from the party that filed the form DR-700025 that the objection was erroneous and the assignment in the database was correct; or

3. The Department is provided with a copy of a final order, judgment, or other binding written determination resolving the jurisdictional assignment of the contested address.

(c) No communications services provider who relies on the assignment of a service address in the Address/Jurisdiction Database will be held liable for any additional local

communications services tax, interest, or penalty in regard to that service address if the assignment is later determined to be erroneous under this subsection. For purposes of making refunds to purchasers, a correction to the Address/Jurisdiction Database will have retroactive effect to the July 1 or January 1 on which the erroneous assignment took effect if the form DR-700025 objecting to the assignment is filed no later than the August 31 following an assignment that took effect on July 1 or the February 28 (February 29 in a leap year) following an assignment that took effect on January 1.

(4) All forms referenced in this emergency rule may be obtained by: 1) writing the Florida Department of Revenue, Distribution Center, 168 Blountstown Highway, Tallahassee, Florida 32304; or, 2) faxing the Distribution Center at (850)922-2208; or, 3) using a fax machine telephone handset to call the Department's Automated Fax On Demand system at (850)922-3676; or, 4) visiting any local Department of Revenue Service Center to personally obtain a copy; or, 5) calling the Forms Request Line during regular office hours at (800)352-3671 (in Florida only) or (850)488-6800; or, 6) downloading selected forms from the Department's Internet site at the address shown inside the parentheses (<http://www.myflorida.com/dor>). Persons with hearing or speech impairments may call the Department's TDD at (800)367-8331.

This rule shall take effect on April 1, 2003.

Specific Authority 202.26(3)(b),(g),(4) FS. Law Implemented 202.22(2), 202.23 FS. History--New 4-1-03.

#### 12BER03-3 Certification of Service Address Databases.

(1) A communications services dealer that develops and maintains its own database for assigning service addresses to local taxing jurisdictions or a third party vendor that provides a database for sale to communications services dealers or uses such a database in providing billing or other services to communications services dealers may apply to the Department for certification of the database. A database will be certified if it assigns street addresses, address ranges, post office boxes, and post office box ranges to the proper local taxing jurisdictions with an overall accuracy rate of 95 percent with a 95 percent level of confidence, based on a statistically reliable sample. Accuracy must be measured based on the entire geographic area within the state of Florida covered by the database for which certification is sought.

(2)(a) Application for certification must be made to the Department on form DR-700012, Application for Certification of Communications Services Database (R. 07/02, hereby incorporated by reference) and in accordance with the on-line Instructions for Preparing and Submitting Customer Address Files for Certification Testing (available at the Department's website, [www.myflorida.com/dor](http://www.myflorida.com/dor), and hereby incorporated by reference). All applicable portions of the application must be completed.

(b) The Department will notify the applicant of any errors or omissions in the application and of all additional information or documentation required within 90 days of receipt of the application. The Department will review the application and contact the individual designated in the application concerning any additional information required and the format in which such information must be submitted. The applicant shall provide access to all records, facilities, and processes reasonably required to review, inspect, or test the database within 10 working days of the Department's request for such access.

(c) The Department will test the applicant's database by comparing the assignments of service addresses to the assignments of service addresses in the Address/Jurisdiction Database, which is the Department's on-line database described in Emergency Rule 12BER03-2, F.A.C. The Department will notify the applicant of all service addresses that do not match the Department's database regardless of whether the applicant's database meets the accuracy criterion for certification.

(d) Within 180 days of receipt of a completed application, the Department will issue a written determination.

1. If the notice grants certification, it will specify the expiration date, which will be three years or four years from the date of the notice.

2. If the notice denies certification, it must specify the grounds, inform the applicant of any available remedy, and set forth procedures for protesting the denial. If the applicant cures the defects that formed the basis for denial and upon retesting the database meets the requirements for certification, the Department will issue a notice certifying the database. If the defects forming the basis of the denial are based on a sample, correction of the errors identified in the sample does not constitute correction of the database. The Department is authorized to grant certification of the database even in cases where the applicant has filed a petition and a proceeding is pending under Chapter 120, F.S.

(3) An application for recertification of a database must be submitted on form DR-700012 when the certification period expires. If an application for recertification is received prior to the stated expiration date of the certification period, the prior certification will not expire until the Department takes final action on the application for recertification. In such cases, if the Department denies recertification, the prior certification will remain in effect until the time for administrative or judicial review of the Department's denial of recertification has expired or, if later, the date fixed by order of the reviewing court.

(4) Certification or recertification of a database is effective upon the date of the Department's notice approving the application. The notice approving the application is in the form

of a letter stating that the database is certified and that an application for renewal should be applied for by a specified date. Except when extended as provided under subsection (3), when a timely application for recertification has been filed, a certification or recertification is effective through the date stated on the notice, which shall be either three years or four years from the date of the notice. The database will be assigned a three-year expiration date if the applicant's business partner number assigned by the Department's accounting system program ends in an even number and a four-year expiration date if the applicant's business partner number ends in an odd number.

(5) In determining whether a database qualifies for certification, the Department will consider whether the applicant will implement procedures designed to maintain the accuracy level required for certification throughout the certification period. If the Department obtains information indicating that a certified database is not being properly maintained and updated to insure on-going accuracy at the required levels, the Department will notify the applicant and review the operation and maintenance of that database. If the Department determines that a database no longer qualifies for certification and remedial steps are not promptly taken, the Department will revoke the certification. The Department shall first provide notice to the applicant of its intent to revoke the certification as provided in s. 120.60, F.S., and afford the applicant a point of entry under Chapter 120, F.S., to contest the notice of intent.

(6) Certification is contingent upon there being no material changes to the database or procedures for its updating and maintenance. If there are such changes, the applicant should inform the Department and request a determination whether a new form DR-700012 should be submitted. If practicable, the Department will test the effect of the changes rather than require a new certification procedure for the entire database. A material change is any change that could reasonably be expected to affect whether the database would still meet the 95 percent accuracy level required for certification. Examples of changes that could be material would be an expansion of the service area covered by a database, the merger of two or more databases, a change in the sources from which information for the database is obtained, or alteration of the methods by which service addresses are assigned, updated, or corrected. Changes to the assignment of service addresses or address ranges that are made in the course of consistently followed procedures to obtain and incorporate accurate updates and to correct errors in assignments of service addresses as required to satisfy the due diligence standards set forth in Emergency Rule 12BER03-1(2)(c), F.A.C., are not material address changes that require Department review of a database.

(7) Transition Rules. Notwithstanding any provision to the contrary, if a dealer submitted an application for certification of a database on or before May 1, 2002, the following transition rules apply:

(a) The requirement of s. 202.22(3)(d), F.S., that the Department grant or deny the application within 180 days does not apply.

(b) If a notice of intent to deny the application is issued, the dealer is entitled to a collection allowance of .75 percent for taxes collected on service addresses assigned using the database that is the subject of the application until the date the Department's notice of denial is final.

(c) If the application is approved, the effective date of the certification will be the date the application was submitted.

(8) All forms referenced in this emergency rule may be obtained by: 1) writing the Florida Department of Revenue, Distribution Center, 168 Blountstown Highway, Tallahassee, Florida 32304; or, 2) faxing the Distribution Center at (850)922-2208; or, 3) using a fax machine telephone handset to call the Department's Automated Fax On Demand system at (850)922-3676; or, 4) visiting any local Department of Revenue Service Center to personally obtain a copy; or, 5) calling the Forms Request Line during regular office hours at (800)352-3671 (in Florida only) or (850)488-6800; or, 6) downloading selected forms from the Department's Internet site at the address shown inside the parentheses (<http://www.myflorida.com/dor>). Persons with hearing or speech impairments may call the Department's TDD at (800)367-8331.

This rule shall take effect on April 1, 2003.

Specific Authority 202.26(3)(g),(4) FS. Law Implemented 202.22(3) FS. History—New 4-1-03.

#### 12BER03-4 Use of Enhanced Zip Code Method to Assign Service Addresses to Local Taxing Jurisdictions.

(1) An enhanced zip code method is a method of assigning service addresses to local taxing jurisdictions based on United States postal zip codes of at least nine digits.

(2) A communications services dealer may avoid liability as provided in Emergency Rule 12BER03-1, F.A.C., for any additional local communications services tax, penalty, and interest resulting from errors in assigning service addresses to an incorrect local taxing jurisdiction when the correct local taxing jurisdiction has a higher local tax rate by employing an enhanced zip code method only if the requirements of this rule are satisfied.

(3) The dealer or the vendor providing the database is not permitted to rely solely on the location of the post office to which an enhanced zip code is assigned by the United States Postal System if the area covered by the enhanced zip code is not entirely located within the same local taxing jurisdiction as

the post office. In some cases, the area included in an enhanced zip code overlaps local jurisdictional boundaries or is outside the local taxing jurisdiction where the post office to which a zip code is assigned is located. In addition, a dealer may provide services to customer service addresses for which an enhanced zip code is not available, because the service address is in a rural area or is without postal delivery. The dealer or the vendor must use a reasonable methodology that accurately assigns service addresses to the correct local taxing jurisdictions in such circumstances. The dealer or vendor will be considered to have used a reasonable methodology if it relies on information obtained from one or more of the following sources:

(a) The Address/Jurisdiction Database, described in Emergency Rule 12BER03-2, F.A.C.;

(b) A database that has been certified by the Department as provided in Emergency Rule 12BER03-3, F.A.C.;

(c) Representatives of relevant local taxing jurisdictions whose responsibilities entail knowledge of the location of addresses as within or without their jurisdictions;

(d) The United States Census Bureau; or

(e) The United States Post Office.

The dealer must maintain records that establish the methodology used to assign service addresses as provided in this subsection.

(4) The dealer employing an enhanced zip code method to assign service addresses to local jurisdictions must satisfy the notification and due diligence requirements set forth in Emergency Rule 12BER03-1(2)(b) and (c), F.A.C. For purposes of due diligence requirements, a communications services dealer or an enhanced zip code database vendor is deemed to have expended reasonable resources to accurately and reliably implement an enhanced zip code method if the requirements of subsection (3) have been met. The due diligence requirement includes the requirement to correct errors in the assignments of service addresses within 120 days of discovering or being notified by any person of such errors. The database vendor or dealer must also maintain adequate internal controls to assure the on-going accuracy of an enhanced zip code database as described in Emergency Rule 12BER03-1(2)(c)1., F.A.C.

(5) Mobile communications services providers using an enhanced zip code method are subject to the safe harbor provisions of Title 4 U.S.C. s. 120. Such providers will be held harmless from liability for additional local communications services tax, penalty, and interest resulting from erroneous assignments of customer service addresses to local taxing jurisdictions as provided in the federal Mobile Communications Sourcing Act.

(6) In order to be entitled to the .75 percent collection allowance, a communications services dealer that employs an enhanced zip code method to assign service addresses must satisfy the requirements of subsection (3) of this rule and the requirements of Emergency Rule 12BER03-1(3), F.A.C. This rule shall take effect on April 1, 2003.

Specific Authority 202.26(3)(b),(f),(g),(4), 202.28(1) FS. Law Implemented 202.22(1),(4),(6),(7), 202.28(1)(b)2. FS. History—New 4-1-03.

THESE RULES TAKE EFFECT UPON BEING FILED WITH THE DEPARTMENT OF STATE UNLESS A LATER TIME AND DATE ARE SPECIFIED IN THESE RULES.  
EFFECTIVE DATE: April 1, 2003

**DEPARTMENT OF THE LOTTERY**

RULE TITLE: Instant Game Number 471, DIAMOND DOLLARS

RULE NO.: 53ER03-20

SUMMARY OF THE RULE: This emergency rule describes Instant Game Number 465, “DIAMOND DOLLARS,” 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:

53ER03-20 Instant Game Number 471, DIAMOND DOLLARS.

(1) Name of Game. Instant Game Number 471, “DIAMOND DOLLARS.”

(2) Price. DIAMOND DOLLARS lottery tickets sell for \$2.00 per ticket.

(3) DIAMOND DOLLARS 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 DIAMOND DOLLARS 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 DIAMOND DOLLARS 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:

INSERT SYMBOLS

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

INSERT SYMBOLS

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

INSERT SYMBOLS

(7) The legends are as follows:

INSERT SYMBOLS

(8) Determination of Prizewinners.

(a) A ticket having a number in the “YOUR NUMBERS” play area that matches any number in the “WINNING NUMBERS” play area shall entitle the claimant to the prize shown for that number. A ticket may have up to ten sets of matching numbers. The prizes are: TICKET, \$1.00, \$2.00, \$5.00, \$10.00, \$25.00, \$100, \$1,000 and \$10,000. A claimant who is entitled to a prize of a “TICKET” shall be entitled to a \$2.00 instant ticket, or any combination of on-line and instant tickets that totals \$2.00, except as follows. A person who submits by mail a DIAMOND DOLLARS lottery ticket which 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 “ DMND ” symbol in the “YOUR NUMBERS” play area shall entitle the claimant to the corresponding prize shown.

(9) The estimated odds of winning, value, and number of prizes in Instant Game Number 471 are as follows:

GAME PLAY TICKET	WIN \$2 TICKET	ODDS OF 1 IN	NUMBER OF WINNERS IN 42 POOLS OF 180,000 TICKETS PER POOL
\$2	\$2	18.75	403,200
\$2 + \$2	\$4	16.67	453,600
\$1 + (\$2 x 2)	\$5	37.50	201,600
\$5	\$5	30.00	252,000
\$1 + (\$2 x 2) + \$5	\$10	37.50	201,600
\$10 (DIAMOND SYMBOL)	\$10	75.00	100,800
\$25 (DIAMOND SYMBOL)	\$25	75.00	100,800
\$5 x 10	\$50	84.71	89,250
\$10 x 5	\$50	600.00	12,600
(\$5 x 2) + (\$10 x 4)	\$50	1,200.00	6,300
\$10 x 10	\$100	1,200.00	6,300
(\$10 x 5) + (\$25 x 2)	\$100	45,000.00	168
\$100 (DIAMOND SYMBOL)	\$100	45,000.00	168
\$25 x 8	\$200	45,000.00	168
\$100 x 10	\$1,000	302,400.00	25
\$1,000	\$1,000	630,000.00	12
\$10,000	\$10,000	1,512,000.00	5
		2,520,000.00	3

(10) The estimated overall odds of winning some prize in Instant Game Number 471 are 1 in 4.13. Some prizes, including the top prizes, may be sold out at time of ticket purchase.

(11) For reorders of Instant Game Number 471, the estimated odds of winning, value, and number of prizes shall be proportionate to the number of tickets reordered.

(12) By purchasing a DIAMOND DOLLARS lottery ticket the player agrees to comply with and abide by all rules and regulations of the Florida Lottery.

(13) Payment of prizes for DIAMOND DOLLARS 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 3-27-03.

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

EFFECTIVE DATE: March 27, 2003

**DEPARTMENT OF THE LOTTERY**

RULE TITLE: RULE NO.:

Instant Game Number 476, FAST  
SPRINGTIME CASH

53ER03-21

SUMMARY OF THE RULE: This emergency rule describes Instant Game Number 476, “FAST SPRINGTIME 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:

53ER03-21 Instant Game Number 476, FAST SPRINGTIME CASH.

(1) Name of Game. Instant Game Number 476, “FAST SPRINGTIME CASH.”

(2) Price. FAST SPRINGTIME CASH lottery tickets sell for \$2.00 per ticket.

(3) FAST SPRINGTIME 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 SPRINGTIME 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 SPRINGTIME 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:

INSERT SYMBOLS

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

INSERT SYMBOLS

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

INSERT SYMBOLS

(7) The legends are as follows:

INSERT SYMBOLS

(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 \$2.00 instant ticket, or any combination of on-line and instant tickets that totals \$2.00, except as follows. A person who submits by mail a FAST SPRINGTIME CASH lottery ticket which 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 476 are as follows:

GAME PLAY	WIN	ODDS OF	NUMBER OF
TICKET	\$2 TICKET	1 IN	WINNERS IN
			63 POOLS OF
			120,000 TICKETS
			PER POOL
\$2	\$2	18.75	403,200
\$2 x 2	\$4	25.00	302,400
\$2 + \$3	\$5	16.67	453,600
\$5	\$5	25.00	302,400
\$2 x 5	\$10	75.00	100,800
\$5 x 2	\$10	150.00	50,400
\$10	\$10	150.00	50,400
(\$2 x 5) + (\$5 x 3)	\$25	400.00	18,900
\$5 x 5	\$25	480.00	15,750
\$25	\$25	480.00	15,750
\$50 (DOLLAR BILL)	\$50	800.00	9,450
\$5 x 10	\$50	4,800.00	1,575
\$25 x 2	\$50	4,800.00	1,575
\$10 x 10	\$100	20,000.00	378
\$20 x 5	\$100	24,000.00	315
\$100	\$100	30,000.00	252

(10) The estimated overall odds of winning some prize in Instant Game Number 476 are 1 in 3.72. Some prizes, including the top prizes, may be sold out at time of ticket purchase.

(11) For reorders of Instant Game Number 476, the estimated odds of winning, value, and number of prizes shall be proportionate to the number of tickets reordered.

(12) By purchasing a FAST SPRINGTIME 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 SPRINGTIME 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 3-27-03.

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

EFFECTIVE DATE: March 27, 2003

## Section V Petitions and Dispositions Regarding Rule Variance or Waiver

### DEPARTMENT OF COMMUNITY AFFAIRS

NOTICE IS HEREBY GIVEN that the Department of Community Affairs received a Petition for Waiver on April 1, 2003, from the City of Homestead. The petitioner seeks a waiver of a portion of Rule 9K-7.003, Fla. Admin. Code, for Florida Communities Trust Project Number 01-062-FF1 (Urban Transit Village Greenspaces).

A copy of the Petition, which has been assigned the number DCA03-WAI-089, may be obtained by writing: Paula P. Ford, Agency Clerk, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100.

### DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

The Board of Funeral Directors and Embalmers hereby gives notice that it has received a petition, filed on March 28, 2003, from Leroy Sims seeking an emergency waiver of subsection 61G8-17.0041(2), F.A.C., with respect to the requirement that continuing education course providers shall not offer programs or grant contact credit until after receiving the Board’s approval. Comments on this petition should be filed with the Board of Funeral Directors and Embalmers, Northwood Centre, 1940 N. Monroe Street, Tallahassee, FL 32399-0750, within 14 days of publication of this notice.

For a copy of the petition, contact: Juanita Chastain, Executive Director, Board of Funeral Directors and Embalmers, Northwood Centre, 1940 N. Monroe Street, Tallahassee, FL 32399-0750.

### DEPARTMENT OF ENVIRONMENTAL PROTECTION

NOTICE IS HEREBY GIVEN that on March 7, 2003, the Florida Department of Environmental Protection granted a petition filed by Florida Tile Industries, Inc. on February 24,



2003, seeking a variance under Sections 120.542 and 403.201, Florida Statutes. The variance request concerned land disposal restrictions under Rule 62-730.183, Florida Administrative Code, in the context of remediation of lead-contaminated sediments in Lake Wire, Lakeland, Florida. The variance is assigned File No.: 03-0358. Notice of receipt of the petition and the Department's intent to grant the variance was published on the internet and in the Florida Administrative Weekly on March 7, 2003. No comments were received. Notice of the Order was published in a newspaper of general circulation in Polk County on March 10, 2003.

Copies of the Order may be received from: Department of Environmental Protection, Hazardous Waste Regulation Section, 2600 Blair Stone Road, MS 4560, Tallahassee, Florida, 32399-2400, Attention: Shelton Graves.

This notice is also 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 on February 28, 2003, the Board of Clinical Laboratory Personnel considered a petition for waiver of Rule 64B3-6.003, Florida Administrative Code, filed by Deanna L. Simmons. Rule 64B3-6.003, Florida Administrative Code, prohibits the issuance of a second temporary license at the same licensure level to a person who has failed the licensure examination. The petition was filed with the Board on February 5, 2003, and noticed in the Vol. 29, No. 7, issue of the Florida Administrative Weekly on February 14, 2003. No public comments were received.

The Order, which was filed on March 24, 2003, provides in summary that Petitioner did not establish a substantial hardship, a violation of principles of fairness, or that the underlying purposes of the statute would be served by granting her petition. Accordingly, the petition for waiver of Rule 64B3-6.003, Florida Administrative Code, has been denied.

A copy of the Order may be obtained by writing: Amy L. Carraway, Deputy Agency Clerk, Department of Health, Division of Medical Quality Assurance, 4052 Bald Cypress Way, Bin #C01, Tallahassee, Florida 32399-3251, (850)245-4121.

---

The Board of Medicine hereby gives notice that it has received a petition for waiver filed on March 31, 2003, by Patrick M. Kelley, M.D., seeking a waiver from sub-subparagraph 64B8-9.009(6)(b)1.a., F.A.C., with regard to utilizing the services of a certified nurse anesthetist (CRNA) in the administration of Level III office anesthesia under the direct supervision of the operating surgeon.

Comments on this petition should be filed with Board of Medicine, MQA, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3253, within 14 days of publication of this notice.

For a copy of the petition, contact: Larry G. McPherson, Jr., Executive Director, Board of Medicine, at above address or telephone (850)245-4131.

---

The Board of Medicine hereby gives notice that it has received a petition for permanent waiver filed on March 31, 2003, by Victoria Vitale-Lewis, M.D., seeking a waiver from sub-subparagraph 64B8-9.009(6)(b)1.a., F.A.C., with regard to utilizing the services of a certified nurse anesthetist (CRNA) in the administration of Level III office anesthesia under the direct supervision of the operating surgeon.

Comments on this petition should be filed with Board of Medicine, MQA, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3253, within 14 days of publication of this notice.

For a copy of the petition, contact: Larry G. McPherson, Jr., Executive Director, Board of Medicine, at above address or telephone (850)245-4131.

---

NOTICE IS HEREBY GIVEN THAT the Board of Psychology issued an Order to Approve on March 27, 2003 in response to the Petition for Variance and Waiver received from Camilo E. Torres, Psy.D. on December 5, 2002, published in Vol. 29, No. 7 of the February 14, 2003, Florida Administrative Weekly, seeking a waiver of paragraph 64B19-11.001(4)(b), F.A.C., with respect to an extension of the time requirements for valid scores on the Florida laws and rules examination. The Board determined Petitioner established compliance with the purpose of the psychology licensure statute, and further that the application of the rule would violate principles of fairness and would impose a substantial hardship on the Petitioner.

A copy of the Order to approve petition can be obtained from: Kaye Howerton, Executive Director, Board of Psychology/MQA, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3255.

---

The Bureau of Statewide Pharmaceutical Services hereby gives notice that it has issued an Order on the Petition for Variance of subparagraph 64F-12.015(2)(c)3., Florida Administrative Code, filed by Shepard's Hope, Inc., on behalf of seven of its locations. The Notice of Petition for Rule Variance was published on January 17, 2003 in Vol. 29, No. 3 of the Florida Administrative Weekly.

The Bureau granted the Petition finding that the provisions set forth in the Order filed on February 19, 2003, have met the underlying purpose of the statute, to assure the department is granted reasonable access to inspect establishments permitted under the Florida Drug and Cosmetic Act, Chapter 499, Florida

Statutes. In addition, the Bureau found that a substantial hardship would be avoided by granting the variance. The Bureau did not receive any written comments on the petition from any interested person or other agency.

A copy of the Order may be obtained by contacting: Department of Health, Bureau of Statewide Pharmaceutical Services, 2818-A Mahan Drive, Tallahassee, Florida 32308 or (850)922-5190.

---

#### FLORIDA HOUSING FINANCE CORPORATION

NOTICE IS HEREBY GIVEN that on March 26, 2003, Florida Housing Finance Corporation received a Petition for Waiver of Rule 67-32.006, F.A.C., from Lake Worth Towers, requesting a waiver of the rule which calls for an interest rate of three percent, reduced down to a one percent rate.

A copy of the Petition can be obtained from: Sherry Green, Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32399-1329.

Florida Housing will accept comments concerning the Petition for 14 days from the date of publication of this notice. To be considered, comments must be received on or before 5:00 p.m., Eastern Standard Time, on the 14th day after publication of this notice at Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32399-1329.

---

NOTICE IS HEREBY GIVEN that on April 2, 2003, Florida Housing Finance Corporation received a Petition for Waiver of subsections 67-48.002(32), 67-48.002(116), 67-48.004(15), 67-48.004(20), 67-48.026(6),(7), Florida Administrative Code, from Collins Cove Housing Partners, Ltd., requesting a waiver of the restrictions regarding a change in the developer before construction of a project is completed. Please see the individual rules for specific developer restrictions for each section.

A copy of the Petition can be obtained from: Sherry Green, Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32399-1329.

Florida Housing will accept comments concerning the Petition for 14 days from the date of publication of this notice. To be considered, comments must be received on or before 5:00 p.m., Eastern Standard Time, on the 14th day after publication of this notice at Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32399-1329.

---

NOTICE IS HEREBY GIVEN that on April 2, 2003, Florida Housing Finance Corporation received a Petition for Waiver of subsections 67-48.002(32), 67-48.002(116), 67-48.004(15), 67-48.004(20), 67-48.026(6),(7), Florida Administrative Code, from The Oaks Housing Partners, Ltd., requesting a waiver of the restrictions regarding a change in the developer before

construction of a project is completed. Please see the individual rules for specific developer restrictions for each section.

A copy of the Petition can be obtained from: Sherry Green, Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32399-1329.

Florida Housing will accept comments concerning the Petition for 14 days from the date of publication of this notice. To be considered, comments must be received on or before 5:00 p.m., Eastern Standard Time, on the 14th day after publication of this notice at Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32399-1329.

---

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

#### DEPARTMENT OF LEGAL AFFAIRS

The **Florida Elections Commission** announces a meeting to which all persons are invited. Parts of the meeting are confidential.

**DATES AND TIMES:** May 21, 2003, 8:30 a.m. – 5:00 p.m.; May 22, 2003, 8:30 a.m. – 12:00 p.m.

**PLACE:** Turlington Building, Dept. of Education, 325 W. Gaines Street, Room 1706, Tallahassee, Florida

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** Review and adjudication of cases relating to alleged violations of Chapters 104, 106 and Section 105.071, Florida Statutes, and to the late filing of campaign treasurer's reports.

For a copy of the agenda call: Patsy Rushing, (850)922-4539.

If you need an accommodation because of disability in order to participate, please call Patsy Rushing at least 48 hours before the meeting.

If a person decides to appeal any decision of the Commission with respect to any matter considered at such meeting or hearing, he will need a record of the proceedings and will need to assure that a verbatim record of the proceedings is made. The proceedings will be electronically recorded by Commission staff. There will be no court reporter present.

---

#### DEPARTMENT OF INSURANCE

The **Department of Financial Services, Division of State Fire Marshal**, announces a public meeting to which all persons are invited.

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

**PLACE:** Florida State Fire College, 11655 NW Gainesville Road, Room 101, Ocala, Florida

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** Meeting of the Florida Fire Code Advisory to consider proposed amendments to the Florida Fire Prevention Code.

A copy of the agenda may be obtained by writing: Division of State Fire Marshal, Bureau of Fire Prevention, 200 East Gaines Street, Tallahassee, FL 32399-0342.

Pursuant to the provisions of the Americans with Disabilities Act and Section 286.26, Florida Statutes, any person requiring special accommodation to participate in this meeting, please contact Millicent King, 200 E. Gaines Street, Tallahassee, FL 32399-0342, (850)413-3619, Fax (850)922-2553, at least five calendar days before the meeting for assistance.

**DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES**

The Florida **Department of Agriculture and Consumer Services, Division of Forestry**, announces a meeting of the Off Highway Recreation Advisory Committee which is open to all interested persons.

DATE AND TIME: Friday, April 11, 2003, 10:00 a.m.  
 PLACE: Columbia County Welcome Center, 263 N. W. Lake City Avenue, Lake City, FL  
 GENERAL SUBJECT MATTER TO BE CONSIDERED: General meeting of the Off Highway Recreation Advisory Committee.

A copy of the agenda may be obtained by contacting: John Waldron, 3125 Conner Boulevard, C25, Tallahassee, FL 32399-1650, (850)414-9852.

**DEPARTMENT OF EDUCATION**

The State of Florida, **Education Standards Commission** announces a public meeting to which all persons are invited.

DATES AND TIMES: Thursday, April 24, 2003, 8:30 a.m. – 5:00 p.m.; Friday, April 25, 2003, 8:30 a.m. – 12:00 p.m.  
 PLACE: Department of Education, 325 West Gaines Street, Turlington Building, Conference Room 1706, Tallahassee, Florida 32399-0400, (850)488-1523  
 GENERAL SUBJECT MATTER TO BE CONSIDERED: Members of the Florida Education Standards Commission will meet and discuss issues related to the Commission’s charge.  
 To obtain a copy of the agenda, please call or write: Florida Education Standards Commission, 325 West Gaines Street, 348 Turlington Building, Tallahassee, Florida 32399, (850)488-1523, Suncom 278-1523.

SPECIAL ACCOMMODATIONS: Persons with disabilities who require assistance to participate in this meeting are requested to contact Dr. Adeniji Odutola at the above address or telephone numbers.

The Florida **Center for Nursing Finance Committee** will hold a conference call meeting to which all interested persons are invited.

DATE AND TIME: Friday, April 18, 2003, 10:00 a.m. – 12:00 Noon

For further information contact: Cathy, (407)823-0981.

The **FCN Public Relations Committee** will hold a conference call meeting to which all interested persons are invited.

DATE AND TIME: Tuesday, April 22, 2003, 2:00 p.m. – 4:00 p.m.

For further information contact: Cathy, (407)823-0981.

The **Florida Rehabilitation Council** announces the following conference call/meeting:

MEETING: Florida Rehabilitation Council: Membership Committee

DATE AND TIME: April 4, 2003, 11:00 a.m. – 12:00 Noon

PLACE: Headquarters, Tallahassee, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct a meeting of the Florida Rehabilitation Council.

A copy of the agenda may be obtained by contacting: Florida Rehabilitation Council, 2002 Old Saint Augustine Road, Building A, Tallahassee, FL 32301-4862, (850)487-3431.

Any interested parties that need further information may contact: Vicki Welch, Ext. 150, Yolanda Manning, Ext. 128 or Dean Goodson, Ext. 133.

COMMITTEE MEETINGS: Please note that committees of the Florida Rehabilitation Council will meet at various times throughout the year to carry out the work of the council; the meeting dates and times will be posted at the above address at least seven days prior to the meeting. Persons who want to be notified of such meeting may request to be put on mailing list for such notices by writing to Yolanda Manning at the Council's address.

Notices of meetings and hearings must advise that a record is required to appeal. Each board, commission, agency of this state or of any political subdivision; thereof shall include in the notice any meeting or hearing, if notice of the meeting or hearing is required of such board, commission, or agency, conspicuously on such notice, they advise that if a person decides to appeal any decision made by the board, agency, or commission with respect to any matter considered at such meeting or hearing, he or she will need a record of the proceedings, and that, for such purpose, he or she may need to ensure that a verbatim record includes the testimony and evidence upon which the appeal is to be based. (Florida Statutes, 286.0105)

The **Florida Rehabilitation Council** announces the following conference call:

MEETING: Florida Rehabilitation Council: Coordination Committee

DATE AND TIME: April 14, 2003, 10:30 a.m. – 12:30 p.m.

PLACE: DVR Headquarters, 2002-A Old St. Augustine Road, Tallahassee, Florida 32301-4862

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct a meeting of the Florida Rehabilitation Council.

A copy of the agenda may be obtained by contacting: Florida Rehabilitation Council, 2002 Old Saint Augustine Road, Building A, Tallahassee, FL 32301-4862, (850)487-3431.

Any interested parties that need further information may contact: Vicki Welch, Ext. 150, Yolanda Manning, Ext. 128 or Dean Goodson, Ext. 133.

COMMITTEE MEETINGS: Please note that committees of the Florida Rehabilitation Council will meet at various times throughout the year to carry out the work of the council; the meeting dates and times will be posted at the above address at least seven days prior to the meeting. Persons who want to be notified of such meeting may request to be put on mailing list for such notices by writing to Yolanda Manning at the Council's address.

Notices of meetings and hearings must advise that a record is required to appeal. Each board, commission, agency of this state or of any political subdivision; thereof shall include in the notice any meeting or hearing, if notice of the meeting or hearing is required of such board, commission, or agency, conspicuously on such notice, they advise that if a person decides to appeal any decision made by the board, agency, or commission with respect to any matter considered at such meeting or hearing, he or she will need a record of the proceedings, and that, for such purpose, he or she may need to ensure that a verbatim record includes the testimony and evidence upon which the appeal is to be based. (Florida Statutes, 286.0105)

The **Florida Rehabilitation Council** announces the following conference call:

MEETING: Florida Rehabilitation Council: Membership Committee

DATE AND TIME: May 2, 2003, 11:00 a.m. – 12:00 Noon

PLACE: DVR Headquarters, 2002-A Old St. Augustine Road, Tallahassee, Florida 32301-4862

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct a meeting of the Florida Rehabilitation Council.

A copy of the agenda may be obtained by contacting: Florida Rehabilitation Council, 2002 Old Saint Augustine Road, Building A, Tallahassee, FL 32301-4862, (850)487-3431.

Any interested parties that need further information may contact: Vicki Welch, Ext. 150, Yolanda Manning, Ext. 128 or Dean Goodson, Ext. 133.

COMMITTEE MEETINGS: Please note that committees of the Florida Rehabilitation Council will meet at various times throughout the year to carry out the work of the council; the meeting dates and times will be posted at the above address at least seven days prior to the meeting. Persons who want to be

notified of such meeting may request to be put on mailing list for such notices by writing to Yolanda Manning at the Council's address.

Notices of meetings and hearings must advise that a record is required to appeal. Each board, commission, agency of this state or of any political subdivision; thereof shall include in the notice any meeting or hearing, if notice of the meeting or hearing is required of such board, commission, or agency, conspicuously on such notice, they advise that if a person decides to appeal any decision made by the board, agency, or commission with respect to any matter considered at such meeting or hearing, he or she will need a record of the proceedings, and that, for such purpose, he or she may need to ensure that a verbatim record includes the testimony and evidence upon which the appeal is to be based. (Florida Statutes, 286.0105)

The **Florida Rehabilitation Council** announces the following conference call:

MEETING: Florida Rehabilitation Council: Coordination Committee

DATE AND TIME: June 19, 2003, 10:00 a.m. – 11:00 a.m.

PLACE: DVR Headquarters, 2002-A Old St. Augustine Road, Tallahassee, Florida 32301-4862

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct a meeting of the Florida Rehabilitation Council.

A copy of the agenda may be obtained by contacting: Florida Rehabilitation Council, 2002 Old Saint Augustine Road, Building A, Tallahassee, FL 32301-4862, (850)487-3431.

Any interested parties that need further information may contact: Vicki Welch, Ext. 150, Yolanda Manning, Ext. 128 or Dean Goodson, Ext. 133.

COMMITTEE MEETINGS: Please note that committees of the Florida Rehabilitation Council will meet at various times throughout the year to carry out the work of the council; the meeting dates and times will be posted at the above address at least seven days prior to the meeting. Persons who want to be notified of such meeting may request to be put on mailing list for such notices by writing to Yolanda Manning at the Council's address.

Notices of meetings and hearings must advise that a record is required to appeal. Each board, commission, agency of this state or of any political subdivision; thereof shall include in the notice any meeting or hearing, if notice of the meeting or hearing is required of such board, commission, or agency, conspicuously on such notice, they advise that if a person decides to appeal any decision made by the board, agency, or commission with respect to any matter considered at such meeting or hearing, he or she will need a record of the proceedings, and that, for such purpose, he or she may need to

ensure that a verbatim record includes the testimony and evidence upon which the appeal is to be based. (Florida Statutes, 286.0105)

The **Florida Rehabilitation Council** announces the following conference call/quarterly meeting:

MEETING: Florida Rehabilitation Council: Quarterly Meeting  
DATES AND TIME: September 3-5, 2003, 8:00 a.m. – 5:00 p.m.

PLACE: Homewood Suites, Apalachee Parkway, Tallahassee, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct a meeting of the Florida Rehabilitation Council.

A copy of the agenda may be obtained by contacting: Florida Rehabilitation Council, 2002 Old Saint Augustine Road, Building A, Tallahassee, FL 32301-4862, (850)487-3431.

Any interested parties that need further information may contact: Vicki Welch, Ext. 150, Yolanda Manning, Ext. 128 or Dean Goodson, Ext. 133.

COMMITTEE MEETINGS: Please note that committees of the Florida Rehabilitation Council will meet at various times throughout the year to carry out the work of the council; the meeting dates and times will be posted at the above address at least seven days prior to the meeting. Persons who want to be notified of such meeting may request to be put on mailing list for such notices by writing to Yolanda Manning at the Council's address.

Notices of meetings and hearings must advise that a record is required to appeal. Each board, commission, agency of this state or of any political subdivision; thereof shall include in the notice any meeting or hearing, if notice of the meeting or hearing is required of such board, commission, or agency, conspicuously on such notice, they advise that if a person decides to appeal any decision made by the board, agency, or commission with respect to any matter considered at such meeting or hearing, he or she will need a record of the proceedings, and that, for such purpose, he or she may need to ensure that a verbatim record includes the testimony and evidence upon which the appeal is to be based. (Florida Statutes, 286.0105)

The **Department of Education, Division of Vocational Rehabilitation**, the Florida Rehabilitation Council, and the Florida Independent Living Council announce a series of public meetings to which all persons are invited and to which all interested individuals are encouraged to attend.

DATE AND TIME: April 29, 2003, 5:30 p.m. – 7:30 p.m.

PLACE: St. Petersburg, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: State Plan Public Meeting: Information Gathering (Cycle 1)

DATE AND TIME: May 1, 2003, 5:30 p.m. – 7:30 p.m.

PLACE: Pensacola Jr. College, Baroco Center, Building 21, Room 2142, 1000 College Blvd., Pensacola, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: State Plan Public Meeting: Information Gathering (Cycle 1)

DATE AND TIME: May 20, 2003, 5:30 p.m. – 7:30 p.m.

PLACE: Miami Dade Community College, Homestead Campus, 500 College Terrace, Room F222-223, Homestead, FL 33030

GENERAL SUBJECT MATTER TO BE CONSIDERED: State Plan Public Meeting: Plan Review (Cycle 2)

DATE AND TIME: May 21, 2003, 5:30 p.m. – 7:30 p.m.

PLACE: Orlando City Hall, Council Chambers, Second Floor, 400 S. Orange Avenue, Orlando, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: State Plan Public Meeting: Plan Review (Cycle 2)

DATE AND TIME: May 22, 2003, 5:30 p.m. – 7:30 p.m.

PLACE: Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: State Plan Public Meeting: Plan Review (Cycle 2)

Sponsored by the Florida Department of Education, Division of Vocational Rehabilitation, the Florida Rehabilitation Council (FRC), and the Florida Independent Living Council (FILC), the first cycle of public meetings will gather information relative to updating the Division's FFY 2004 State Plan.

During the second cycle of meetings, share your opinions and recommendations on the Division of Vocational Rehabilitation's (DVR) proposed draft of the FFY 2004 State Plan Amendment which addresses the needs, services, and employment of Floridians with disabilities.

For further information regarding the meetings, please contact DVR's office, (850)488-6210 or 1(800)451-4327 (Voice/TDD).

Please note that the following accommodations will be provided: American Sign Language Interpreters, Assistive Listening Devices, Real-Time Captioning, Large Print, and Braille materials.

In accordance with the Americans with Disabilities Act, persons needing special accommodations to participate in the meeting should contact V. Virginia Rhoden, (850)488-0059, Ext. 207, seven days before the meeting.

## DEPARTMENT OF LAW ENFORCEMENT

The **Department of Law Enforcement, Medical Examiners Commission** announces a Medical Examiners Commission Meeting and Rules Workshop.

DATE AND TIME: Thursday, May 15, 2003, 1:00 p.m.

PLACE: Ocala Hilton Hotel, 3600 S. W. 36th Avenue, Ocala, Florida 34474, (352)854-1400

GENERAL SUBJECT MATTER TO BE CONSIDERED: Medical Examiners Commission Meeting.

DATE AND TIME: Thursday, May 15, 2003, 3:30 p.m.  
 PLACE: Ocala Hilton Hotel, 3600 S. W. 36th Avenue, Ocala, Florida 34474, (352)854-1400  
 GENERAL SUBJECT MATTER TO BE CONSIDERED: Rules Workshop (Discuss Proposed Changes to the Practice Guidelines, Rule 11G-2.006).

Any person requiring a special accommodation at this meeting/workshop because of disability or physical impairment should contact the Medical Examiners Commission Office, (850)410-8600, at least five (5) working days prior to the meeting/workshop.

If a person decides to appeal any decision made by the Commission with respect to any matter considered at this meeting/workshop, such person is responsible for ensuring that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

Additional information or a copy of the agenda may be obtained by contacting: Mrs. Victoria G. Marsey, Program and Policy Administrator, Criminal Justice Professionalism Services, Medical Examiners Commission, Post Office Box 1489, Tallahassee, Florida 32302, (850)410-8600.

**DEPARTMENT OF REVENUE**

The **Department of Revenue** announces a public hearing to which all persons are invited:

DATE AND TIME: June 26, 2003, during a regular meeting of the Governor and Cabinet, which begins at 9:00 a.m.

PLACE: Cabinet Meeting Room, Lower Level, The Capitol, Tallahassee, FL

SUBJECT MATTER TO BE CONSIDERED: Approval of adoption of amendments to Rule 12-3.0012, and new rule 12-3.0017, Florida Administrative Code. Notice of this proposed adoption was published in the Florida Administrative Weekly of December 20, 2002 (Vol. 28, No. 51, pp. 5571-5573). Notice of a second public hearing was published in the Florida Administrative Weekly of February 28, 2003 (Vol. 29, No. 9, p. 890).

NOTICE UNDER THE AMERICANS WITH DISABILITIES ACT: Any person requiring special accommodations to participate in this hearing is asked to advise the Department at least 48 hours before the hearing by contacting Nancy Purvis, (850)488-0712. If you are hearing-impaired or speech-impaired, please 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).

**EXECUTIVE OFFICE OF THE GOVERNOR**

Volunteer Florida, the **Governor's Commission on Volunteerism and Community Service**, Capacity Building Council, announces a public conference call to which all persons are invited.

DATE AND TIME: April 23, 2003, 3:00 p.m.  
 PLACE: Call (850)921-5172 for call-in number and passcode  
 GENERAL SUBJECT MATTER TO BE CONSIDERED: Update on Capacity Building activities.

The Volunteer Florida, **Governor's Commission on Volunteerism and Community Service**, Executive Committee announces a public conference call to which all persons are invited.

DATE AND TIME: April 24, 2003, 3:30 p.m.  
 PLACE: Call (850)921-5172 for call-in number and passcode  
 GENERAL SUBJECT MATTER TO BE CONSIDERED: General Commission business.

A copy of the agenda may be obtained by contacting: Gwen Erwin, Volunteer Florida, 115 Progress Drive, Tallahassee, FL 32304.

**REGIONAL PLANNING COUNCILS**

The **North Central Florida Regional Planning Council** announces the following meetings to which all persons are invited.

MEETING: Finance Committee  
 DATE AND TIME: April 24, 2003, 5:00 p.m.  
 GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct the regular business of the Finance Committee.

MEETING: Executive Committee  
 DATE AND TIME: April 24, 2003, 5:45 p.m.  
 GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct the regular business of the Executive Committee.

MEETING: Program Committee  
 DATE AND TIME: April 24, 2003, 6:30 p.m.  
 GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct the regular business of the Program Committee.

MEETING: Clearinghouse Committee  
 DATE AND TIME: April 24, 2003, 6:30 p.m.  
 GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct the regular business of the Clearinghouse Committee.

MEETING: North Central Florida Regional Planning Council  
 DATE AND TIME: April 24, 2003, 8:00 p.m.  
 GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct the regular business of the North Central Florida Regional Planning Council.

PLACE: Holiday Inn Restaurant, I-75 and U.S. 90, Lake City, Florida

Any person deciding to appeal decisions of the Council or its committees with respect to any matter considered at the meetings, may need to make a verbatim record of the proceedings.

A copy of any of these agendas may be obtained by emailing [ncfrpc@ncfrpc.org](mailto:ncfrpc@ncfrpc.org) or writing: NCFRPC, 2009 N. W. 67 Place, Suite A, Gainesville, Florida 32653.

---

Persons with disabilities who need assistance may contact us at (352)955-2200, at least two business days in advance to make appropriate arrangements.

---

The **Central Florida Regional Planning Council** announces a public meeting of the Hardee County Transportation Disadvantaged Local Coordinating Board. All interested persons are invited.

DATE AND TIME: May 14, 2003, 10:00 a.m.

PLACE: Hardee County Health Department, 115 K.D. Revell Road, Wachula, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regular Quarterly Meeting.

A copy of the agenda may be obtained by writing: Central Florida Regional Planning Council, P. O. Box 2089, Bartow, FL 33831

---

The **Central Florida Regional Planning Council** announces a public meeting of the Highlands County Transportation Disadvantaged Local Coordinating Board. All interested persons are invited.

DATE AND TIME: May 14, 2003, 1:30 p.m.

PLACE: Highlands County Agri-Civic Center, 4509 W. George Boulevard, Conference Room III, Sebring, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regular Quarterly Meeting.

A copy of the agenda may be obtained by writing: Central Florida Regional Planning Council, P. O. Box 2089, Bartow, FL 33831.

---

The **Central Florida Regional Planning Council** announces a public meeting of the Okeechobee County Transportation Disadvantaged Local Coordinating Board. All interested persons are invited.

DATE AND TIME: May 16, 2003, 10:00 a.m.

PLACE: Okeechobee County Health Department, 1728 N. W. 9th Avenue, Okeechobee, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regular Quarterly Meeting.

A copy of the agenda may be obtained by writing: Central Florida Regional Planning Council, P. O. Box 2089, Bartow, FL 33831.

---

The **South Florida Regional Planning Council** announces a public meeting to which all persons are invited.

DATE AND TIME: Friday, May 2, 2003, 9:00 a.m. – 4:00 p.m.

PLACE: Marathon Garden Club, 5270 Overseas Highway, Marathon, FL 33050

GENERAL SUBJECT MATTER TO BE CONSIDERED: Meeting of the Florida Keys Carrying Capacity Study Implementation Work Group to discuss matters related to the study and its implementation.

A copy of the agenda may be obtained by writing: South Florida Regional Planning Council, 3440 Hollywood Boulevard, Suite #140, Hollywood, Florida 33021.

If you are hearing or speech impaired, please contact the South Florida Regional Planning Council, (954)967-4152, Ext. 40 (TDD), if you require additional information regarding the above meeting. If you require special accommodations because of a disability or physical impairment, please contact the Council, (954)985-4416, at least five calendar days prior to the meeting.

---

#### DEPARTMENT OF CORRECTIONS

The **Correctional Privatization Commission** announces a meeting to which all persons are invited.

Workshop:

DATE AND TIME: Friday, April 25, 2003, 8:30 a.m. – 12:00 Noon

Meeting:

DATE AND TIME: Friday, April 25, 2003, 1:00 p.m.

PLACE: 111 West Madison Street, Claude Denson Pepper Building, 3rd Floor, Room 302, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: The workshop will be an orientation session for the Commissioners on the procurement process. Discussion of pertinent Commission business relating to the current and upcoming fiscal years.

Any person who decides to appeal a decision of the Correctional Privatization Commission with respect to a matter considered at this meeting may need to ensure that a verbatim record of the proceedings is made. Section 286.0105, Florida Statutes.

A copy of the Agenda may be obtained by writing: Correctional Privatization Commission, Office of the Executive Director, 4050 Esplanade Way, Pepper Building, Suite 680, Tallahassee, Florida 32399-0950.

Any person requiring some accommodation at this hearing because of a physical impairment should call the Correctional Privatization Commission, Office of the Executive Director, at least five (5) calendar days prior to the meeting, (850)921-4034.

If you are hearing or speech impaired, please contact the Correctional Privatization Commission, Office of the Executive Director, by using the Florida Relay Service which can be reached at 1(800)955-8771 (TDD).

---

**COMMISSION ON ETHICS**

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

DATE AND TIME: Thursday, April 24, 2003, 8:00 a.m.

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

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regular Commission Meeting.

A copy of the agenda may be obtained by writing: Commission on Ethics, Post Office Drawer 15709, Tallahassee, Florida 32317-5709. Meeting materials will also be available from 8:00 a.m. – 5:00 p.m., Monday through Friday, 2822 Remington Green Circle, Suite 101, prior to the meeting.

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

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

**METROPOLITAN PLANNING ORGANIZATIONS**

The Florida **Metropolitan Planning Organization**, Advisory Council (MPOAC) announces a joint meeting of the Staff Directors' Advisory Committee and Governing Board to which all persons are invited:

DATE AND TIME: April 24, 2003, 2:00 p.m. – 5:00 p.m.

PLACE: DoubleTree Hotel, 101 South Adams Street, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Activities related to transportation planning within and adjacent to metropolitan areas in Florida carried out by local, state, and federal agencies.

A copy of the agenda may be obtained by contacting: Heidi Langston, MPOAC, 605 Suwannee Street, MS 28B, Tallahassee, FL 32399-0450, 1(866)374-3368, Ext. 4037 or e-mail: heidi.langston@dot.state.fl.us

**WATER MANAGEMENT DISTRICTS**

The **Northwest Florida Water Management District** announces public meetings to which all persons are invited:

DATE AND TIME: April 24, 2003, 11:00 a.m., EDT

GENERAL SUBJECT MATTER TO BE CONSIDERED: District Lands Committee – to discuss District Land issues.

DATE AND TIME: April 24, 2003, 12:00 noon., EDT

GENERAL SUBJECT MATTER TO BE CONSIDERED: Administration, Budget and Finance Committee – to amend FY 2002-2003 budget.

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

GENERAL SUBJECT MATTER TO BE CONSIDERED: Governing Board Meeting – to consider District business.

DATE AND TIME: April 24, 2003, 1:15 p.m., EDT

GENERAL SUBJECT MATTER TO BE CONSIDERED: Public Hearing on Consideration of Regulatory Matters – to consider Regulatory matters

DATE AND TIME: April 24, 2003, 1:30 p.m., EDT

GENERAL SUBJECT MATTER TO BE CONSIDERED: Public Hearing on Land Acquisition Matters – to consider land acquisition matters.

PLACE: District headquarters, 10 miles west of Tallahassee on U.S. Highway 90

A copy of the agendas may be obtained by contacting: Carolyn Wise, NWFWM, 81 Water Management Drive, Havana, Florida 32333, (850)539-5999 (also available through the Internet at [www.state.fl.us/nwfwmd](http://www.state.fl.us/nwfwmd)).

If any person decides to appeal any decision with respect to any matter considered at the above-cited meetings, 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 or handicaps who need assistance or reasonable accommodation in order to participate in these meetings should contact Larry Wright at the District at least 72 hours in advance of these meetings to make appropriate arrangements.

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

FIELD TRIP

DATE AND TIME: Wednesday, April 23, 2003, 10:30 a.m.

PLACE: Merritt Island National Wildlife Refuge, Entrance Gate, Titusville, FL (Just as you cross the causeway, there is a guard hut and parking area on your right (on the south). Please park there. A review of the Wetlands Initiative, coordinated by Ron Brockmeyer (St. Johns River Water Management District) will be provided. After the field trip, lunch will be provided as part of the recognition of SOMM's 20 Year Anniversary (see attached announcement.)

BUSINESS MEETING

DATE AND TIME: Thursday, April 24, 2003, 9:00 a.m.

PLACE: St. Johns River Water Management District, Palm Bay Service Center, Blue Cypress Conference Room, 525 Community College Parkway, S. E., Palm Bay, FL 32909

GENERAL SUBJECT MATTER TO BE CONSIDERED: The SOMM Quarterly Business Meeting



Contact: Doug Carlson, (772)562-2393 for any questions and to include items on agenda.

DIRECTIONS TO THE SJRWMD PALM BAY SERVICE CENTER and NEARBY ACCOMMODATION SUGGESTIONS: Contact Doug Carlson if you have specific needs.

The **Southwest Florida Water Management District** announces the following public meeting to which all interested persons are invited.

WELL DRILLERS ADVISORY COMMITTEE

DATE AND TIME: Wednesday, April 16, 2003, 1:30 p.m.

PLACE: Tampa Service Office, 7601 U.S. Highway 301, North, Tampa, FL

GENERAL SUBJECT MATTER TO BE DISCUSSED: Consideration of Committee Business.

Some members of the District's Governing and Basin Boards may attend the meeting.

A copy of the agenda for the above meeting may be obtained by writing: Southwest Florida Water Management District, 2379 Broad Street, Brooksville, Florida 34604-6899.

The District does not discriminate based on disability. Anyone requiring reasonable accommodation under the ADA should call 1(800)423-1476 (Florida) or (352)796-7211, Extension 4604, Fax (352)754-6874, TTD ONLY 1(800)231-6103 (Florida).

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

NEW GOVERNING BOARD MEMBERS BRIEFING SESSION

DATE/TIME: Friday, April 18, 2003, 8:30 a.m.

PLACE: SWFWMD, District Headquarters, 2379 Broad Street, Executive Conference Room, Brooksville, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Brief new Governing Board members on issues within the SWFWMD.

These are public meetings 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** announces the following meeting to which all interested parties are invited.

WATER CONSERVATION TASK FORCE

DATE AND TIME: Tuesday, April 22, 2003, 9:30 a.m.

PLACE: Tampa Service Office, 7601 Highway 301, North, Tampa, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Conduct Task Force Business.

Some members of the District's Governing and Basin Boards may attend the meetings.

A copy of the agenda may be obtained by writing: Planning Department, Southwest Florida Water Management District, 2379 Broad Street, Brooksville, Florida 34604.

The District does not discriminate based on disability. Anyone requiring reasonable accommodation under the American's with Disabilities Act should call 1(800)423-1476 (Florida) or (352)796-7211, Extension 4757, Fax (352)754-6883, TTD ONLY 1(800)231-6103 (Florida).

The **Southwest Florida Water Management District** announces a public meeting:

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

PLACE: Southwest Florida Water Management District, District Headquarters, Board Room, 2379 Broad Street, Brooksville, Florida 34604

GENERAL SUBJECT MATTER TO BE CONSIDERED: The public hearing on rule amendments to Chapters 40D-2 and 40D-8, F.A.C. for Category 3 lake levels is continued to the Governing Board meeting on April 29, 2003.

A copy of the Governing Board agenda may be obtained by writing: Southwest Florida Water Management District, 2379 Broad Street, Brooksville, Florida 34604-6899, (352)796-7211 or 1(800)231-6103, Suncom 628-4150, TDD ONLY 1(800)231-6103.

The Southwest Florida Water Management District does not discriminate on the basis of any individual's disability status. Pursuant to the provisions of the American 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: Dianne Lee, (352)796-7211 or 1(800)423-1476, Extension 4658, TDD only number 1(800)231-6103, Fax (352)754-6878, Suncom 663-6878.

The **South Florida Water Management District** announces a public meeting to which all interested parties are invited:

DATE AND TIME: Thursday, May 1, 2003, 8:30 a.m. – completed

PLACE: Okeechobee Civic Center, 1750 Highway 98 North, Okeechobee, FL 34972

GENERAL SUBJECT MATTER TO BE CONSIDERED: Water Resources Advisory Commission (WRAC) Regular meeting.

TENTATIVE MEETING DATES FOR THE MONTH OF MAY 2003: The following dates are being scheduled and noticed in case the Water Resources Advisory Commission

decides to hold additional meetings and/or Issue Workshops at their May 1, 2003 meeting. If you're planning to attend any of the followings meetings, please call the staff identified in this notice prior to the meeting date, to ensure that a meeting has not been cancelled:

DATES AND TIME: Monday, May 5, 2003; Monday, May 12, 2003; Monday, May 19, 2003; Tuesday, May 27, 2003, 9:30 a.m.

A copy of the agenda may be obtained (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.

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.

---

#### COMMISSION FOR THE TRANSPORTATION DISADVANTAGED

NOTICE OF CORRECTION – The **Commission for the Transportation Disadvantaged** hereby gives notice that the following date was incorrectly listed in the Notice of Meetings, Workshops and Public Hearings published in the Vol. 29, No. 14, April 4, 2003, issue of the Florida Administrative Weekly:

DATE AND TIME: Friday, April 25, 2003, 8:00 a.m. – completion

PLACE: Rosen Centre, 9840 International Drive, Orlando, Florida 32819, (407)996-9840

GENERAL SUBJECT MATTER TO BE CONSIDERED: To interview candidates for the Executive Director position of the Commission for the Transportation Disadvantaged and conduct the quarterly business meeting.

---

#### FLORIDA SPACE AUTHORITY

The **Florida Space Authority** announces a Board of Supervisors meeting to which the public is invited.

DATES AND TIME: April 23-24, 2003, 9:00 a.m. – 5:00 p.m. EDT

PLACE: Florida Space Authority, 100 Spaceport Way, Cape Canaveral, Florida 32920

PURPOSE: Interviews for qualified applicants for the position of Executive Director.

For more information, contact Jillian Papapietro at (321)730-5301 ext. 1130.

To obtain a copy of the agenda, write to Florida Space Authority, 100 Spaceport Way, Cape Canaveral, Florida 32920-4003.

Any person requiring special accommodation at this meeting because of a disability or physical impairment should contact Florida Space Authority at least seven (7) days prior to the meeting.

Please note that if a person decides to appeal any decision made by the Board of Supervisors with respect to any matter considered at the above cited meeting or hearing, 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 **Florida Commercial Space Financing Corporation** (FCSFC) announces a Special Board of Directors meeting and teleconference in which the public is invited.

DATE AND TIME: April 24, 2003, 10:00 a.m. – 12:00 p.m.

PLACE: Department of Transportation, Room 580, 605 Suwannee Street, Tallahassee, Florida 32399 (The number to call for dial-in participation is 1(866)249-5325, participant code #393255)

GENERAL SUBJECT MATTER TO BE CONSIDERED: Board of Directors will meet to discuss pending litigation strategies. The majority of the session will be closed. There are no other agenda items for this meeting.

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 Commercial Space Financing 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.

---

#### DEPARTMENT OF ELDER AFFAIRS

The **Alzheimer's Disease Initiative Behavioral Challenges** sub-committee announces a meeting to which all interested persons are invited.

DATE AND TIME: May 1, 2003, 10:00 a.m. – 3:00 p.m.

PLACE: Park Plaza Tampa Airport, Westshore Hotel, 5303 West Kennedy Boulevard, Tampa, FL 33609, (813)289-1950

GENERAL SUBJECT MATTER TO BE CONSIDERED: The purpose of the meeting is to develop guidelines for individuals and institutions that encounter difficult behaviors from patients. These guidelines will provide guidance so that they will be better equipped to deal with these patients.

---

#### DEPARTMENT OF MANAGEMENT SERVICES

The **Department of Management Services** announces a workshop to which all persons are invited:

DATE AND TIME: April 29, 2003, 9:30 a.m.

PLACE: Department of Environmental Protection, Carr Building, 3800 Commonwealth Boulevard, Suite 170, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Preliminary new rules in chapter 60A-1, F.A.C., regarding administration of MyFloridaMarketPlace, the state-wide program for on-line procurement of commodities and contractual services. Pursuant to notice in the March 14, 2003, Florida Administrative Weekly (page 1113), the Department conducted a rule development workshop on April 2, 2003, concerning Rules 60A-1.030 – MyFloridaMarketPlace Vendor Registration; 60A-1.031 – MyFloridaMarketPlace Transaction Fee; 60A-1.032 – MyFloridaMarketPlace Participation Exceptions.

The April 29, 2003, workshop will be a continuation of the first workshop and will focus on these preliminary new rules.

The text of the preliminary rules is available at [www.myflorida.com](http://www.myflorida.com), (under “Hot Topics” in the bottom center of your screen, click on “MyFloridaMarketPlace/e-Pro” and then click on “Proposed Rules”). When available, this website will also include an agenda for the workshop and information for those interested in attending the workshop by telephone rather than in person. Persons lacking Internet access, persons requiring special accommodation to attend the workshop, or persons requiring any additional information may contact: Frederick J. Springer, Department of Management Services, Office of General Counsel, 4050 Esplanade Way, Suite 260, Tallahassee, FL 32399-0950, (850)487-1898, [springf@dms.state.fl.us](mailto:springf@dms.state.fl.us).

---

The State of Florida, **State Technology Office** announces a Chief Information Officer (CIO) Council Meeting to which all persons are invited.

DATE AND TIME: Monday, April 21, 2003, 10:00 a.m. – 12:00 p.m.

PLACE: Conference Room 124, Shared Resource Center, 2585 Shumard Oak Boulevard, Tallahassee, FL 32399

GENERAL SUBJECT MATTER TO BE CONSIDERED: To enhance communication among the Chief Information Officers of state agencies and assist in identifying critical statewide information technology issues.

If you would like an agenda for this meeting or require special accommodations due to disability or physical impairment, please contact: Elaine Womble, [Elaine.womble@myflorida.com](mailto:Elaine.womble@myflorida.com) or call (850)922-2680.

---

The **State Technology Office** announces a Joint Task Force Technical (Tech) Committee and Standard Operating Procedures (SOP) Committee meeting to which all persons are invited.

DATE AND TIME: April 23, 2003, 8:30 a.m. (Tech) and 1:00 p.m. (SOP)

PLACE: Florida Department of Law Enforcement, 2331 Phillips Road, Tallahassee, Florida 32308

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss operational matters for the Joint Task Force State Agency Law Enforcement Communications.

If you have any questions, please contact Vic Cullar, (850)410-8300 (Tech) and Todd Preston, (850)410-0656 (SOP).

---

The **State Technology Office** announces a workshop and public meeting of the Board of Directors of the Joint Task Force on State Agency Law Enforcement Communications to which all persons are invited.

DATE AND TIME: May 14, 2003, 1:30 p.m.

PLACE: Shared Resource Center (SRC), 2585 Shumard Oak Blvd., Room 124, Tallahassee, FL 32399

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss and take action on the items included in the meeting agenda.

A copy of the agenda may be obtained by writing: Linda Fuchs, State Technology Office, 4030 Esplanade Way, Suite 235, Tallahassee, Florida 32399-0950 or [linda.fuchs@myflorida.com](mailto:linda.fuchs@myflorida.com).

If a person decided to appeal any decision made by the Board with respect to any matter considered at the meeting, he/she will need a record of the proceedings and may need to ensure 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 some accommodation at this hearing because of a physical impairment should call the State Technology Office, (850)922-7435, at least five calendar days prior to the meeting. If you are hearing or speech impaired, please contact the State Technology Office by using the Florida Relay Service which can be reached at 1(800)955-8771 (TDD). The conference call number is (850)921-6433 or S/C 291-6433.

---

The State of **Florida Retirement Commission** announces public hearings to which all persons are invited.

DATES AND TIME: April 28-29, 2003, 8:30 a.m.

PLACE: Embassy Suites Hotel, 1100 S. E. 17th Street, Ft. Lauderdale, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct hearings pursuant to Section 121.23, Florida Statutes, and to consider other matters related to the business of the Commission.

A copy of the Agenda may be obtained by writing: State Retirement Commission, Department of Management Services, 4050 Esplanade Way, Suite 260, Tallahassee, Florida 32399-0950, (850)487-2410.

A party who decides to appeal any decision made at such hearings will need a verbatim record of the hearing and may need to ensure that one is made, including the testimony and evidence, upon which the appeal is to be based.

Persons requiring accommodation because of a physical, visual, auditory, or speech impairment should contact the Commission Clerk at least ten days prior to the hearing. If you are hearing or speech impaired, call by using the Florida Relay Service which can be reached at 1(800)955-8771 (TDD). Hearing rooms and facilities are wheelchair accessible.

---

#### DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Notice is hereby given by the **Department of Business and Professional Regulation, Division of Florida Land Sales, Condominiums and Mobile Homes**, of a workshop to be conducted to discuss any registration or compliance issues related to timeshare plans pursuant to Chapter 721, Florida Statutes, and related rules. Issues pertaining to investigations or filings pending before the Division will not be discussed.

DATE AND TIME: Wednesday, May 21, 2003, 1:00 p.m. – 4:00 p.m.

PLACE: Bird Cage Meeting Room, Hampton Inn, 6101 Sand Lake Road, Orlando, Florida, (407)363-7886.

GENERAL SUBJECT MATTER TO BE CONSIDERED: The workshops will address filing and compliance issues raised by the public. The Division may present additional educational content. Attendees are encouraged to write, fax, call, or email Richard Thrawl, (407)317-7226 or Laura Glenn, (850)487-9832, with advance notice of any topics of interest. Advance notice of topics is not required.

AGENCY CONTACT PERSON: Laura Glenn, Chief, Bureau of Standards and Registration, Division of Florida Land Sales, Condominiums and Mobile Homes, Department of Business and Professional Regulation, 1940 North Monroe Street, Tallahassee, Florida 32399-1032, (850)487-9832, Fax (850)921-5448, email: [laura.glenn@dbpr.state.fl.us](mailto:laura.glenn@dbpr.state.fl.us).

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop is asked to advise the agency at least 48 hours before the workshop by contacting Sharon A.

Elzie, Senior Management Analyst II, (850)488-1631. If you are hearing or speech impaired, please contact the agency by calling 1(800)955-8771 TDD.

---

The Probable Cause Panel of the **Construction Industry Licensing Board** announces a meeting.

DATE AND TIME: April 22, 2003, 9:00 a.m. and 10:00 a.m. or soon thereafter

PLACE: Dept. of Business and Professional Regulation, 725 South Bronough 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, (850)488-0062.

NOTE: In accordance with the Americans with Disabilities Act, persons needing a special accommodation to participate in this proceeding should contact the Construction Prosecution Section no later than seven (7) days prior to the proceeding or meeting at which such special accommodation is required. The Construction Prosecution Section may be contacted at the address and phone number listed above.

---

The Florida **Board of Pilot Commissioners** announces the following meetings, to which all persons are invited to attend.

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

GENERAL SUBJECT MATTER TO BE CONSIDERED: Rules Committee Meeting, Finance Committee Meeting, immediately followed by Probable Cause Panel meeting, which portions may be closed to the public.

DATE AND TIME: April 24, 2003, 9:00 a.m.

GENERAL SUBJECT MATTER TO BE CONSIDERED: General Board and Business meeting.

PLACE: InterContinental Hotel, 100 Chopin Plaza, Miami, Florida

To obtain a copy of the agenda, further information, or submit written or other physical evidence, contact in writing: Board of Pilot Commissioners, 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)922-5012, 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 Florida **Board of Professional Engineers** announces a Probable Cause Panel meeting. Although this meeting is open to the public, portions of the Probable Cause Panel meeting may be closed consistent with law.

DATES AND TIME: Tuesday, May 20, 2003, 8:00 a.m.; continuing Wednesday, May 21, 2003, 8:00 a.m. – conclusion of meeting

PLACE: 2507 Callaway Road, Suite 200, Tallahassee, Florida 32303

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

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this meeting is asked to advise the Board at least forty-eight (48) hours before the meeting by contacting: Natalie Lowe, (850)521-0500.

The Florida **Board of Professional Engineers** announces a public meeting of the Educational Advisory and Application Review Committees to which all persons are invited:

DATE AND TIME: Thursday, May 22, 2003, 9:00 a.m.

PLACE: Florida Board of Professional Engineers, 2507 Callaway Road, Suite 200, Tallahassee, Florida 32303

GENERAL SUBJECT MATTER TO BE CONSIDERED: Review of applications for examination and/or licensure by endorsement and to review applications of foreign educated applicants.

A copy of the agenda may be obtained by writing: Board of Professional Engineers, 2507 Callaway Road, Suite 200, Tallahassee, Florida 32303.

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

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this meeting is asked to advise the Board at least forty-eight (48) hours before the meeting by contacting: Natalie Lowe, (850)521-0500.

The Florida **Board of Professional Engineers** and the Florida Engineers Management Corporation announces a public conference call to which all persons are invited:

DATE AND TIME: Wednesday, May 28, 2003, 2:00 p.m.

PLACE: Florida Board of Professional Engineers, 2507 Callaway Road, Suite 200, Tallahassee, Florida 32303, (Conference Call Number 1(800)659-1025)

GENERAL SUBJECT MATTER TO BE CONSIDERED: To act on recommendations from the Educational Advisory and Application Review Committees to approve or deny applications for licensure and any old or new business of the Florida Board of Professional Engineers and the Florida Engineers Management Corporation.

A copy of the agenda may be obtained by writing: Board of Professional Engineers, 2507 Callaway Road, Suite 200, Tallahassee, Florida 32303.

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

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this meeting is asked to advise the Board at least forty-eight (48) hours before the meeting by contacting: Natalie Lowe, (850)521-0500.

The Florida **Board of Professional Engineers** announces a public meeting of the Educational Advisory and Application Review Committees to which all persons are invited:

DATE AND TIME: Tuesday, June 17, 2003, 10:00 a.m.

PLACE: Hilton Clearwater Beach Resort, 400 Mandalay Avenue, Clearwater Beach, Florida 33767

GENERAL SUBJECT MATTER TO BE CONSIDERED: Review of applications for examination and/or licensure by endorsement and to review applications of foreign educated applicants.

A copy of the agenda may be obtained by writing: Board of Professional Engineers, 2507 Callaway Road, Suite 200, Tallahassee, Florida 32303.

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

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this meeting is asked to advise the Board at least forty-eight (48) hours before the meeting by contacting: Natalie Lowe, (850)521-0500.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this meeting is asked to advise the Board at least forty-eight (48) hours before the meeting by contacting: Natalie Lowe, (850)521-0500.

The Florida Engineers Management Corporation and the Florida **Board of Professional Engineers** announces a joint meeting, to which all persons are invited:

The Florida **Board of Veterinary Medicine** announces the following meeting to be held by telephone conference call, to which all persons are invited to attend.

DATE AND TIME: Wednesday, June 18, 2003, 8:30 a.m. – conclusion of meeting

DATE AND TIME: April 23, 2003, 11:00 a.m.

PLACE: Hilton Clearwater Beach Resort, 400 Mandalay Avenue, Clearwater Beach, Florida 33767

PLACE: Access Number – (850)488-5776, SunCom 278-5776

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss old and new business of the Boards.

GENERAL SUBJECT MATTER TO BE CONSIDERED: General Board and Business meeting.

A copy of the agenda may be obtained by writing: Florida Board of Professional Engineers, 2507 Callaway Road, Suite 200, Tallahassee, Florida 32303.

To obtain a copy of the agenda, further information, or submit written or other physical evidence, contact in writing: Board of Veterinary Medicine, 1940 N. Monroe St., Tallahassee, Florida 32399.

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

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.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this meeting is asked to advise the Board at least forty-eight (48) hours before the meeting by contacting: Natalie Lowe, (850)521-0500.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact the Board office, (850)922-7154, 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 Florida **Board of Professional Engineers** announces a public meeting to conduct the business of the Board, including committee business which all persons are invited.

The Probable Cause Panel of the Florida **Real Estate Appraisal Board** announces a meeting to which all interested persons are invited.

DATES AND TIME: Wednesday, June 18, 2003, 8:30 a.m.; continuing Thursday, June 19, 2003, 8:30 a.m., if the business of the Board is not concluded

DATE AND TIME: May 5, 2003, 10:00 a.m. or the soonest thereafter (Portions of the probable cause proceedings are not open to the public)

PLACE: Hilton Clearwater Beach Resort, 400 Mandalay Avenue, Clearwater Beach, Florida 33767

PLACE: Suite 901, North Tower, Ninth Floor, 400 West Robinson Street, Orlando, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: General Business of the Board.

Any person who desires a special accommodation at this meeting because of a disability or physical impairment should contact: Division of Real Estate, (407)481-5632 (between the hours of 9:00 a.m. – 4:00 p.m.), at least five calendar days prior to the meeting. If you are hearing or speech impaired, please call the Real Estate Division using the Florida Dual Party Relay System which can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

A copy of the agenda may be obtained by writing: Board of Professional Engineers, 2507 Callaway Road, Suite 200, Tallahassee, Florida 32303.

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

The Probable Cause Panel of the Florida **Real Estate Commission** announces a meeting to which all interested persons are invited.

DATE AND TIME: March 15, 2003, 2:00 p.m. or the soonest thereafter (Portions of the probable cause proceedings are not open to the public)

PLACE: Zora Neale Hurston Building, North Tower, Suite 901-N, 400 West Robinson Street, Orlando, Florida

Any person who desires a special accommodation at this meeting because of a disability or physical impairment should contact the Division of Real Estate, (407)481-5632 (between the hours of 9:00 a.m. – 4:00 p.m.), at least five calendar days prior to the meeting. If you are hearing or speech impaired, please call the Real Estate Division using the Florida Dual Party Relay System which can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

The Florida **Real Estate Commission** (FREC) announces a meeting to which all persons are invited.

DATE AND TIME: April 16, 2003, 8:30 a.m.

PLACE: Division of Real Estate, Commission Meeting Room 901-N, North Tower, 400 West Robinson Street, Orlando, Florida

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** Official business of Commission – among topics included, but not limited to, are proposed legislation affecting Chapter 475, Part I, F.S., rule development workshops, Florida Administrative Code 61J2 rule amendments, budget discussions, escrow disbursement requests, Recovery Fund Claims, education issues, petitions for declaratory statement, and disciplinary actions.

If a person decides to appeal a decision made by the Commission, with respect to any matter considered at this meeting or hearing, a record of the proceedings for such purpose, upon which the appeal is based, may be required.

A copy of the agenda may be obtained by writing: Deputy Clerk, Florida Real Estate Commission, 400 W. Robinson Street, Suite 802, Orlando, Florida 32801-1772.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact the Department of Business and Professional Regulation, (407)481-5632, at least five (5) calendar days prior to the meeting. If you are hearing or speech impaired, please call the Division of Real Estate using the Florida Dual Party Relay System, 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

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

The Florida **Department of Environmental Protection**, Southeast District announces a public meeting to which all persons are invited:

DATE AND TIME: May 7, 2003, 2:00 p.m.

PLACE: Loxahatchee River District, 2500 Jupiter Park Drive, Jupiter, Florida

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** To conduct the bi-monthly meeting of the Loxahatchee River Watershed Planning Committee. The purpose of the meeting is to discuss issues related to the management of the Loxahatchee River and its watershed.

A copy of the Agenda may be obtained by contacting: Dianne Crigger, Florida Department of Environmental Protection, Southeast District, P. O. Box 15425, West Palm Beach, Florida 33416 or calling (561)681-6604.

The full text of this notice is published on the Internet at the Department of Environmental Protection's home page at <http://www.dep.state.fl.us/> under the link or button titled "Official Notices."

The **Department of Environmental Protection** (DEP) announces a public meeting of the Environmental Regulation Commission

DATES AND TIME: April 24-25, 2003, 9:00 a.m.

PLACE: Conference Room A, Marjory Stoneman Douglas Building, 3900 Commonwealth Blvd., Tallahassee, Florida

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** To continue the rule adoption proceeding on Rules 62-302.530 and 62-302.540, F.A.C., proposed phosphorus criterion for the Everglades Protection Area.

For more information contact: Jacqueline McGorty, email: [jackie.mcgorty@dep.state.fl.us](mailto:jackie.mcgorty@dep.state.fl.us), (850)245-2231.

The full text of this notice, which includes specific information about meeting time, location and anticipated subject matter to be covered, is 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 **Department of Health, Board of Nursing Home Administrators** announces an Application Review Committee meeting to which all interested persons are invited.

DATE AND TIME: May 8, 2003, 3:00 p.m.

PLACE: Department of Health, 4042 Bald Cypress Way, Room 301, Tallahassee, Florida 32399

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** Review applications for the May 2003 NHA exam.

A copy of the agenda may be obtained by writing: Board of Nursing Home Administrators, 4052 Bald Cypress Way, Bin #C-04, Tallahassee, Florida 32399-3254.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact Daisy King, Board of Nursing Home Administrators, (850)245-4292, Ext. 3602, at least five calendar days prior to the meeting. If you are hearing or speech impaired, please

contact the Department using the Florida Dual Party Relay System which can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

If a person decides to appeal any decision made by the Board with respect to any matter considered at this meeting, he will need 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 made.

The **Department of Health, Board of Nursing Home Administrators**, announces a General Board Meeting to which all interested persons are invited.

DATE AND TIME: May 9, 2003 , 9:00 a.m.

PLACE: Department of Health, 4042 Bald Cypress Way, Room 301, Jacksonville, Florida 32202

GENERAL SUBJECT MATTER TO BE CONSIDERED: Approve applications, conduct disciplinary proceedings, and general business of the Board.

A copy of the agenda may be obtained by writing: Board of Nursing Home Administrators, 4052 Bald Cypress Way, Bin C-04, Tallahassee, Florida 32399-3254.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact Daisy King, Board of Nursing Home Administrators, (850)245-4292, Ext. 3602, at least five calendar days prior to the meeting. If you are hearing or speech impaired, please contact the Department using the Florida Dual Party Relay System which can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

If a person decides to appeal any decision made by the Board with respect to any matter considered at this meeting, he will need 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 made.

**DEPARTMENT OF CHILDREN AND FAMILY SERVICES**

The **Department of Children and Family Services**, District 12, Community Alliance, CBC Workgroup Foster Parent Recruitment and Retention Taskforce announces the following public meeting to which all persons are invited.

DATE AND TIME: April 16, 2003, 10:00 a.m.

PLACE: Department of Children and Family Services, 210 North Palmetto Ave., Conference Room 148, Daytona Beach, Florida

A copy of the agenda may be obtained by writing: Department of Children and Family Services, 210 N. Palmetto Avenue, Daytona Beach, FL 32114-3284, Attn: Denise Kelly.

If you need special accommodations (i.e. assisted listening devices, sign language interpreter, etc.) please notify Denise Kelly, (904)238-4648, at least 48 hours in advance of the meeting.

If you are hearing or speech impaired, please use Florida Relay Service for TDD or TTY at 1(800)955-8771.

The Suncoast Region, **DeSoto County Community Alliance** announces a meeting to which all interested persons are invited. The public is invited to attend.

DATE AND TIME: Tuesday, April 22, 2003, 11:00 a.m.

PLACE: DeSoto County Administration Building, Commissioner's Meeting Room, 201 East Oak St., Arcadia, Florida

For information call (941)741-3682.

The Florida **Department of Children and Family Services** announces a meeting of the Sumter County Community Alliance to which all persons are invited.

DATE AND TIME: Wednesday, April 23, 2003, 4:30 p.m.

PLACE: Department of Children and Family Services, 1601 W. Gulf-Atlantic Hwy., Wildwood, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: To provide participation and governance of community based services, Chapter 20.19(6), F.S.

A copy of the agenda may be obtained by writing: Mona Terry, Box 80-O, 1601 W. Gulf-Atlantic Hwy., Wildwood, FL 34785. Persons needing special accommodations to participate in this proceeding should contact the agency no later than five working days prior to the meeting, telephone (352)330-2177.

The **Department of Children and Family Services**, District 12, Community Alliance announces the following public meeting to which all persons are invited.

Planning meeting for Alcohol, Drug Abuse and Mental Health

DATE AND TIME: March 31, 2003, 9:00 a.m.

PLACE: Daytona Beach Regional Service Center, 210 N. Palmetto Avenue, Suite 440, Daytona Beach, Florida

For further information or directions, contact the Department of Children and Family Services, 210 N. Palmetto Avenue, Daytona Beach, FL 32114-3284, Attn: Denise Kelly. If you need special accommodations (i.e. assisted listening devices, sign language interpreter, etc.) please notify Denise Kelly, (904)238-4648, at least 48 hours in advance of the meeting.

If you are hearing or speech impaired, please use Florida Relay Service for TDD or TTY at 1(800)955-8771.

The **Department of Children and Family Services**, District 12, Mental Health Program Office announces the following public meeting to which all persons are invited.

DATE AND TIME: April 30, 2003, 3:00 p.m.



PLACE: Daytona Beach Regional Service Center, 210 N. Palmetto Avenue, Room 148, Daytona Beach, Florida 32114

GENERAL SUBJECT MATTER TO BE CONSIDERED: The department is seeking public input and information regarding the designation or re-designation of Halifax Behavioral Services, 841 Jimmy Ann Drive, Daytona Beach, Florida 32117 as a public Baker Act receiving facility.

Persons with disabilities requiring accommodations in order to participate in this event should contact Linda Basbagill, 210 N. Palmetto Avenue, Suite 447, Daytona Beach, Florida 32114, (386)254-3744, by close of business (5:00 p.m.), no later than five working days prior to the meeting.

FOR FURTHER INFORMATION CONTACT: Linda Basbagill, (386)254-3744

### 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: Saturday, April 26, 2002, 8:30 a.m.

PLACE: The Palm Coast Golf Resort, 300 Clubhouse Drive, Palm Coast, Flagler County, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: A meeting and workshop of the Board of Commissioners to conduct the regular business of the District. Additionally, the District's Land Acquisition and Management Committees will meet.

Please contact the 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.

### FLORIDA HOUSING FINANCE CORPORATION

The **Florida Housing Finance Corporation** announces the following Review Committee meeting to which all persons are invited to attend:

DATE AND TIME: Monday, April 14, 2003, 10:00 a.m.

PLACE: Formal Conference Room, Suite 5000, Florida Housing Finance Corporation, 227 North Bronough Street, Tallahassee, FL 32301-1329

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss the evaluation of responses submitted for Florida Housing Finance Corporation's Request for Qualifications #2003/02 for Structuring Agent services.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact Robin Grantham, Florida Housing Finance Corporation, (850)488-4197, at least five (5) calendar days prior to the meeting. If you are hearing impaired, please contact Florida Housing Finance Corporation using the Florida Dual Party Relay System, which can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

If any person decides to appeal any decision made by Florida Housing Finance Corporation with respect to any matter considered at this meeting, he or she will need a record of the proceedings, and for such purpose, may need to ensure that a verbatim record of the proceedings be made, which record shall include the testimony and evidence upon which the appeal is to be based.

### FISH AND WILDLIFE CONSERVATION COMMISSION

The **Florida Fish and Wildlife Conservation Commission** has scheduled a public meeting. This notice announces the date, time and place of that meeting to which all interested persons are invited:

DATE AND TIME: April 18, 2003, 1:30 p.m.

PLACE: Fish and Wildlife Conservation Commission, 2nd Floor Auditorium, Bryant Building, 620 South Meridian Street, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss and reestablish the listing process deadlines for the manatee, red-cockaded woodpecker, Panama City crawfish and Miami blue butterfly.

A copy of the proposed agenda may be obtained from: Florida Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600.

If any person decides to challenge any decision with respect to any matter considered at the above meeting, a record of the proceeding will be needed. For this purpose, you may need to ensure that a verbatim record of the proceeding is made which includes testimony and evidence upon which the challenge is to be based.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in the meeting is asked to advise the Commission at least 5 calendar days prior by calling: Cindy Hoffman, ADA Coordinator, (850)488-6411. If you are hearing or speech impaired, please contact the agency by calling (850)488-9542.

LEGAL AUTHORITY: Article IV, Section 9, Florida Constitution.

### CITIZENS PROPERTY INSURANCE CORPORATION

The **Citizens Property Insurance Corporation** announces a teleconference meeting of its Board of Governors.

DATE AND TIME: Tuesday, April 8, 2003, 3:00 p.m. (EDT)

GENERAL SUBJECT MATTER TO BE CONSIDERED: Items of discussion include, but are not limited to, reinsurance broker selection.  
 For additional information, please call 1(800)807-7647, Extension 3702.

**OPPORTUNITY FLORIDA**

The **Opportunity Florida** announces a public hearing to which all persons are invited.

DATE AND TIME: May 6, 2003, 6:30 p.m.

PLACE: 2201 Centennial Drive, Port St. Joe, Florida 32456

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; and social, economic and environmental effects of Financial Project Identification Number 410911-1-24-01, otherwise known as the Gulf to Bay Highway PD&E Study. The limits of the improvements extend from US 98 (SR 30) south of Pine Street in St. Joe Beach to CR 386 in Mexico Beach and from CR 386 to a point on US 98 (SR 30) east of the entrance to Tyndall Air Force Base.

Anyone needing project or public hearing information or special accommodations under the Americans With Disabilities Act of 1990 should write to Chris Merritt at the address given below or call telephone number (850)575-1800. Special accommodation requests under the Americans With Disabilities Act should be made at least seven working days prior to the public hearing.

This hearing is being held to comply with Title VI of the Civil Rights Act of 1964, and Title VIII of the Civil Rights Act of 1968, as amended.

A copy of the agenda may be obtained by writing: Chris Merritt, Public Involvement Coordinator, PBS&J, 1901 Commonwealth Blvd., Tallahassee, Florida 32303.

**MUNICIPAL INSURANCE TRUST**

The Florida **Municipal Insurance Trust** an interlocal entity created pursuant to Sections 768.28 and 163.01, Florida Statutes, announces a public meeting to which all persons are invited.

DATES AND TIMES: Friday, May 16, 2003, 9:30 a.m. – 4:00 p.m.; Saturday, May 17, 2003, 9:00 a.m. – 12:00 Noon

PLACE: Sandestin Golf and Beach Resort, 9300 Emerald Coast Parkway, West, Destin, Florida, (850)267-7791

GENERAL SUBJECT MATTER TO BE CONSIDERED: Business meeting of the Board of Trustees.

A copy of the proposed agenda may be obtained by contacting: Linda Bridges, Florida League of Cities, Inc., Tallahassee, Florida, (850)222-9684.

If any person desires 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 based.

**Section VII  
 Notices of Petitions and Dispositions  
 Regarding Declaratory Statements**

**DEPARTMENT OF INSURANCE**

NOTICE IS HEREBY GIVEN that the Department of Financial Services has issued an order disposing of the petition for declaratory statement filed by Stephen M. Hodge on June 7, 2001. The following is a summary of the agency's disposition of the petition:

1. A Declaratory Statement was issued by the Florida Building Commission in case No. DCA 98-DEC 218 on December 22, 1998 and the Department concurs with the Findings of Fact and Conclusions of Law of the Florida Building Commission and adopts such Findings of Facts and Conclusions of Law as its own.
2. Section 553.895(2), Florida Statutes, provides an exemption from the requirement to install sprinkler systems in all buildings of three or more stories, except single or two-family dwellings. An individual claiming an exemption must demonstrate compliance with all requirements for the exemption. The exemption applies to stand-alone parking garages which meet the following criteria:
  - A. They must be constructed with non-combustible materials;
  - B. All levels must be uniformly open to the atmosphere on all sides;
  - C. The openings in B. must meet the percentages of openings prescribed in the Florida Building Code or in an authorized amendment thereto; and
  - D. The structures must be separated from other structures by at least 20 feet.
3. Finally, with respect to the question regarding whether a four hour wall may serve as an equivalency to the 20 foot separation requirement, Section 553.895(2), Florida Statutes, does not provide for any alternatives to its requirements. A basic principle of statutory construction is that when the legislature sets forth certain specific requirements, all other considerations not mentioned are excluded. [Citation omitted here but contained in Declaratory Statement].

Therefore, the response to whether a four hour wall may serve as an equivalent to the separation requirements in Section 553.895, Florida Statutes, must be answered in the negative.

A copy of the declaratory statement may be obtained in any of the following ways:

1. Write to, call or send a fax to Gabriel Mazzeo, Attorney, Division of State Fire Marshal, 200 East Gaines Street, Tallahassee, Florida 32399-0340, (850)413-3604, Fax (850)922-1235 (please advise if you would like it mailed or faxed to you and please include your phone number on your request in the event any question arises), or
2. E-mail your request to mазzeog@doi.state.fl.us (please be sure to specify if you want an unofficial, unsigned but exact duplicate copy e-mailed back to you, or if you want a copy of the official, signed declaratory statement mailed or faxed to you), or
3. Obtain an unofficial, unsigned but exact duplicate copy by visiting the State Fire Marshal's website at [http://www.doi.state.fl.us/SFM/sfmdeclaratory\\_statement.htm](http://www.doi.state.fl.us/SFM/sfmdeclaratory_statement.htm).

NOTICE IS HEREBY GIVEN that the Department of Financial Services has issued an order disposing of two petitions for declaratory statement. One was filed by the Director of Code Enforcement and Permitting of the District School Board of Collier County. The other was filed by the Office of the Fire Code Official of Collier County Fire Control and Rescue Districts. Both were filed on December 7, 2002. The following is a summary of the agency's disposition of the petitions:

1. The petition for declaratory statement by the Director of Code Enforcement and Permitting of the District School Board of Collier County and the petition for declaratory statement by the Office of the Fire Code Official of the Collier County Fire Control and Rescue Districts were consolidated into one case.
2. The questions presented by the Petitioners in both petitions concerned new construction of educational and ancillary plants and facilities; however, at the hearing the petitions were amended to be applicable to existing educational and ancillary plants and facilities.
3. To the extent the petitions concerned construction of new facilities which are governed by Section 1013.38, Florida Statutes, they were dismissed, and petitioners were referred to the Department of Community Affairs or the Department of Education.
4. To the extent the petitions concerned existing educational facilities (which new educational facilities become after one year of occupancy), they are subject to inspection by local firesafety inspectors certified under Section 633.081(2), Florida Statutes, and a school board employee certified as a special firesafety inspector under Section 633.081(3), Florida Statutes, if any, and are governed by Chapter 4A-58, Florida Administrative Code. [See Section 1013.12, Florida Statutes.]

5. Section 4A-60.003, Florida Administrative Code, adopts NFPA 96, 1998 edition, as the State of Florida's Code for the *Standard for Ventilation Control and Fire Protection of Commercial Cooking Operations*.
6. NFPA 96 provides that any requirement for commercial hoods shall be the determination of the authority having jurisdiction.
7. Based on that, for the current time it is the prerogative of the authority having jurisdiction to determine whether commercial hoods are required in home economics instructional spaces, faculty lounges, and similar areas.
8. However, the triennial review of the Florida Fire Prevention Code is currently in progress. The new Florida Fire Prevention Code will become effective on July 1, 2004.
9. It is the intent of the Department of Financial Services to adopt the following principles in place of the applicable provisions in NFPA 96:
  - A. The requirements of NFPA 96, relating to commercial hoods, do not apply to residential style ranges in home economics instructional spaces, faculty lounges, and similar areas that meet all of the following criteria:
    - (i) The space must contain only residential style ranges vented to the outside;
    - (ii) Fire extinguishers must be provided in accordance with NFPA 10; and
    - (iii) The space containing the residential style ranges must not be an assembly occupancy.
  - B. If all three of the conditions enumerated in (i) through (iii) above do not exist, NFPA 96 is fully applicable to residential style ranges in home economics instructional spaces, faculty lounges, and similar areas.
10. Therefore, on and after July 1, 2004, the Department of Financial Services intends that the language in paragraph 12 will be the applicable rule in the State of Florida.
11. Authorities having jurisdiction should be aware of and are strongly encouraged to consider the anticipated rule revisions in connection with the interpretation and enforcement of the current provisions.

A copy of the declaratory statement may be obtained in any of the following ways:

1. Write to, call or send a fax to Gabriel Mazzeo, Attorney, Division of State Fire Marshal, 200 East Gaines Street, Tallahassee, Florida 32399-0340, phone (850)413-3604, fax number (850)922-1235 (please advise if you would like it mailed or faxed to you and please include your phone number on your request in the event any question arises), or
2. E-mail your request to mазzeog@doi.state.fl.us (please be sure to specify if you want an unofficial, unsigned but exact duplicate copy e-mailed back to you, or if you want a copy of the official, signed declaratory statement mailed or faxed to you), or

- 3. Obtain an unofficial, unsigned but exact duplicate copy by visiting the State Fire Marshal's website at <http://www.doi.state.fl.us/SFM/sfmdeclaratorystatement.htm>.

**DEPARTMENT OF TRANSPORTATION**

NOTICE IS HEREBY GIVEN that the State of Florida Department of Transportation has received a request for declaratory statement filed by Richard Davis, P. O. Box 937, Hobe Sound, Florida 33475, to be styled: *Davis v. Department of Transportation* Case # 03-049, requesting that the Department issue a Declaratory Statement on matters relating to a Final Order issued by the Department in *Witham Action Airport Majority v. Department of Transportation*, Case # 02-129.

A copy of the request may be obtained by writing: Department's Clerk of Agency Proceedings, Haydon Burns Building, 605 Suwannee Street, M.S. 58, Tallahassee, Florida 32399-0458.

**DEPARTMENT OF HEALTH**

The Board of Medicine hereby gives notice that it has received a Petition for Declaratory Statement filed on behalf of Emergency Medical Associates of New Jersey, P.A. The Petitioner seeks the Board's interpretation of whether the arrangement outlined in the Petition, whereby Petitioner will conduct business as a foreign corporation in Florida under a fictitious name, and then employ a number of Florida-licensed physicians to work as emergency physicians at hospitals in Florida, is an appropriate arrangement.

The Board will consider this petition at its meeting currently scheduled for June 6-7, 2003, in Miami, Florida.

Copies of the petition may be obtained by writing: Larry G. McPherson, Jr., Executive Director, Board of Medicine, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3253.

**Section VIII  
Notices of Petitions and Dispositions  
Regarding the Validity of Rules**

**Notice of Petition for Administrative Determination has been filed with the Division of Administrative Hearings on the following rules:**

**NONE**

**Notice of Disposition of Petition for Administrative Determination have been filed by the Division of Administrative Hearings on the following rules:**

**NONE**

**Section IX  
Notices of Petitions and Dispositions  
Regarding Non-rule Policy Challenges**

**NONE**

**Section X  
Announcements and Objection Reports of  
the Joint Administrative Procedures  
Committee**

**NONE**

**Section XI  
Notices Regarding Bids, Proposals and  
Purchasing**

**DEPARTMENT OF EDUCATION**

**NOTICE TO ARCHITECTS AND CONSTRUCTION  
MANAGERS**

The University of Central Florida on behalf of its Board of Trustees announces that Professional Services in the disciplines of architecture and construction management will be required for the project listed below:

Project No. BR-502

Project and Location: Student Health Center, University of Central Florida, Orlando, Florida 32816-3020.

The project consists of the design and construction of a new facility that contains approximately 4,150 sq. ft. of waiting/library/storage space, 19,270 sq. ft. of office/computer space, and 1,200 sq. ft. of classrooms for a total of 24,620 sq. ft. In addition, the project includes remodeling approximately 100 sq. ft. of study area and 5,171 sq. ft. of office/computer space in the existing Student Health Center.

The combined project cost will be \$6,500,000 for planning, construction and furnishings/equipment. There will be two separate contracts for this project, one for the architect and one for the CM.

**FORM OF PROPOSALS**

It is the University's intention to have professionals in the disciplines of architecture and construction management to submit proposals as teams consisting of one architect and one construction manager. These teams must be exclusive. The

University will accept only one proposal from each exclusive team (architect and CM). Architects and CMs must not be on more than one team. Any firm appearing on more than one team will be disqualified.

The proposal must be divided into one architect section and one CM Section not to exceed 40 pages including one letter of application and qualification statements for the architect and CM as described below. Each proposal must include a Letter of Intent between the architect and CM reflecting the formation of a partnership or other legal entity for the project in order to be considered. Pages must be numbered consecutively.

This facility will be in the early planning phase in the fiscal year 2002-03. The selected team will provide design, construction documents, and administration for the referenced project. Blanket professional liability insurance will be required for this project in the amount of \$1,500,000 and will be provided as a part of Basic Services.

Note: With respect to the Florida Building Code, the University may elect to use the "affidavit method" for compliance, to include plans review and construction inspection services to be provided by the architect.

A pre-proposal meeting to discuss the project and address questions concerning the proposal process will be held at 9:00 a.m. on April 24, 2003 in the University of Central Florida's Office of Facilities Planning large conference room which is located in the Physical Plant (Building 16) on Libra Drive. Facilities Planning staff will not meet with teams individually to discuss the project or proposal process during the advertisement and shortlist time periods.

Four (4) bound copies of the required proposal data shall be submitted to: Mr. Peter Newman, Facilities Planning, 4000 Central Florida Blvd., Post Office Box 163020, Orlando, FL 32816-3020. Submittals must be received by 5:00 p.m. local time May 12, 2003. Facsimile (FAX) submittals are not acceptable and will not be considered. Late submissions will not be accepted.

#### INSTRUCTIONS FOR ARCHITECT AND CM TEAMS

Teams desiring to apply for consideration must submit one letter of joint application. The letter of application should have attached:

1. The most recent version of the Florida Board of Education "Professional Qualifications Supplement" (PQS) dated 2/02, completed by the applicant. Do not alter the PQS form.
2. A copy of the team member's current Professional Registration Certificates from the appropriate governing board. An applicant must be properly registered at the time of application to practice its profession in the State of Florida. If the applicant is a corporation, it must be chartered by the Florida Department of State to operate in Florida.

3. The most recent version of the Florida Board of Education "Revised Construction Manager Qualifications Supplement" (CMQS) dated 02/02. Do not alter the CMQS form.

Applications that do not comply with all instructions may be disqualified. Application materials will not be returned.

Selection of finalist teams for interviews will be made on the basis of architect/engineer and construction manager qualifications, including experience and ability; past experience; bonding capacity; cost estimating; qualification of the firm's personnel, staff and consultants; and ability to include minority business enterprise participation. Finalists will be provided with a description of the final interview topics. The Selection Committee may reject all proposals and stop the selection process at any time.

The plans and specifications for Florida Board of Education projects are subject to reuse in accordance with the provisions of Section 287.055, Florida Statutes. As required by Section 287.133, Florida Statutes, a consultant may not submit a proposal for this project if it is on the convicted vendor list for a public entity crime committed within the past 36 months. The selected consultant must warrant that it will neither utilize the services of, nor contract with, any supplier, subcontractor, or consultant in excess of \$15,000.00 in connection with this project for a period of 36 months from the date of placement on the convicted vendor list.

#### INSTRUCTIONS FOR CONSTRUCTION MANAGERS

All applicants must be licensed to practice as general contractors in the State of Florida at the time of application. Corporations must be registered to operate in the State of Florida by the Department of State, Division of Corporations, at the time of application. As required by Section 287.133, Florida Statutes, a construction management firm may not submit a proposal for this project if it is on the convicted vendor list for a public entity crime committed within the past 36 months. The selected construction management firm must warrant that it will neither utilize the services of, nor contract with, any supplier, subcontractor, or consultant in excess of \$15,000.00 in connection with this project for a period of 36 months from the date of their being placed on the convicted vendor list.

#### CONSTRUCTION MANAGEMENT CONTRACT

The contract for construction management services will consist of two phases. Phase one is pre-construction services, for which the construction manager will be compensated. Phase one services include value engineering, constructability analyses, development of a cost model, estimating, and the development of a Guaranteed Maximum Price (GMP) at 50% Construction Documents. If the GMP is accepted, phase two, the construction phase, will be implemented. In phase two of the contract, the construction manager becomes the single point of responsibility for performance of the construction of the project and shall publicly bid trade contracts. Failure to

negotiate an acceptable GMP within the time provided in the agreement may result in the termination of the construction manager's contract.

Copies of the program for BR-502 are available on the Office of Facilities Planning website, [www.fp.ucf.edu](http://www.fp.ucf.edu). Select the "Programming" menu item. The Project Fact Sheet, Professional Qualifications Supplement forms, Construction Manager Qualifications Supplement forms, descriptive project information, and selection criteria may be obtained by contacting: Ms. Gina Seabrook, University of Central Florida, (407)823-2166, Fax (407)823-5141, Email: [gseabroo@mail.ucf.edu](mailto:gseabroo@mail.ucf.edu), Web site: [www.fp.ucf.edu](http://www.fp.ucf.edu).

---

#### NOTICE TO CONSTRUCTION MANAGERS

The Florida International University Board of Trustees announces that construction management services will be required for the project listed below:

Project Name and Number: Graduate School of Business  
BR- 856

Project Location: This facility will be located at Florida International University, University Park.

Project Description: The project consists of site development and construction of a multi story facility sited south of the Ziff Education Building, along the main entrance mall, off South West 8 street. The building will consist of classrooms, seminar rooms, teaching laboratories, study rooms, instructional media, student academic support, offices, other assignable areas, campus support services, and supporting facilities, for an approximate total gross square footage of 91,704. The total construction budget is approximately \$14,046,747. A future phase and additional funding may be added to the scope of work as a continuation of this project. Construction Management – at risk is the proposed construction delivery method.

The contract for construction management services will consist of two phases. Phase one is pre-construction services, for which the construction manager will be paid a fixed fee. Phase one services include value engineering, construct ability analysis, development of a cost model, estimating, and the development of a Guaranteed Maximum Price (GMP) at 100% Construction Document phase. If the GMP is accepted, phase two, the construction phase, will be implemented. In phase two of the contract, the construction manager becomes the single point of responsibility for performance of the construction of the project and shall publicly bid trade contracts. Failure to negotiate an acceptable fixed fee for phase one of the contract, or to arrive at an acceptable GMP within the time provided in the agreement may result in the termination of the construction manager's contract. Selection of finalists for interviews will be made on the basis of construction manager qualifications, including experience and ability; past experience; bonding capacity; record-keeping/administrative ability, critical path scheduling expertise; cost estimating; cost control ability;

quality control capability; and qualification of the firm's personnel, staff and consultants. Finalists will be provided with a copy of the building program, a description of the final interview requirements, and a copy of the standard construction management agreement. The Selection Committee may reject all proposals and stop the selection process at any time. The construction manager shall have no ownership, entrepreneurial or financial affiliation with the selected architect/engineer involved with this project.

Firms desiring to provide construction management services for the project shall submit a letter of application and a completed Construction Manager Qualifications Supplement form. Proposals must not exceed 80 pages, including the Construction Manager Qualifications Supplement and letter of application. Pages must be numbered consecutively. Submittals, which do not comply with these requirements or do not include the requested data, will not be considered. No submittal material will be returned.

All applicants must be licensed to practice as general contractors in the State of Florida at the time of application. Corporations must be registered to operate in the State of Florida by the Department of State, Division of Corporations, at the time of application. As required by Section 287.133, Florida Statutes, a construction management firm may not submit a proposal for this project if it is on the convicted vendor list for a public entity crime committed within the past 36 months. The selected construction management firm must warrant that it will neither utilize the services of, nor contract with, any supplier, subcontractor, or consultant in excess of \$15,000.00 in connection with this project for a period of 36 months from the date of their being placed on the convicted vendor list.

The Construction Manager Qualifications Supplement (CMQS) form and the Project Fact Sheet may be obtained by mail from: Facilities Planning and Construction, Florida International University, University Park, Miami, Florida 33199, or by Faxing a request to (305)348-4010, or login to <http://facilities.fiu.edu/fpc.htm> (find project under Facilities Construction Project Information). Requests for meetings by individual firms will not be granted. Once the firm acquires the required forms, questions may be directed to Facilities Planning and Construction.

Eight (8) bound copies of the required proposal data will be submitted to: Facilities Planning and Construction, Florida International University, University Park, CSC 236, Miami, Florida 33199.

Submittals must be received by 2:00 p.m., local time, May 5, 2003. Facsimile (FAX) submittals are not acceptable and will not be considered.

---

## NOTICE TO PROFESSIONAL CONSULTANTS

Florida Gulf Coast University, on behalf of the Florida Gulf Coast University Board of Trustees, announces that Professional Services in the discipline of architecture will be required for the project listed below:

Project No. BR-1033

Project and Location: Health Education Center, Fort Myers, Florida

Description of Project: The Health Education Center is the only health education center of its kind in the state of Florida and one of only 31 in the United States. The Center's mission is to teach and enable people of all ages to respect and care for themselves, through use of innovative exhibits and dynamic educational programs and to emphasize personal responsibility and promote positive health choices, enabling individuals to enjoy longer, healthier lives.

The Center would consist of health related exhibits, offices for the staff, reception area, three theatre style classrooms capable of comfortably holding 48 elementary or middle school students, bathroom facilities, a kitchen/breakroom, and storage room. The Health Education Center will be located in a complex with the Student Support Center and the Environmental Demonstration Lab. The complex is situated on a 13 1/2 acre parcel south of the main entrance road, and will share access road, parking lot, and utilities.

The project will utilize the Open Bid Delivery method. The selected firm will provide design, construction documents, and administration for the referenced project. The estimated construction cost is approximately \$1,288,312 and project budget is \$2,000,000.

Instructions:

Firms desiring to apply for consideration shall submit a letter of application.

The letter of application should have attached:

1. A completed Board of Regents "Professional Qualifications Supplement," dated September 1999. Applications on any other form will not be considered.
2. A copy of the applicant's current Professional Registration Certificate from the appropriate governing board. An application must be properly registered at the time of application to practice its profession in the State of Florida. If the applicant is a corporation, it must be chartered by the Florida Department of State to operate in Florida.

Submit five (5) copies of the above requested data bound in the order listed above. Applications, which do not comply with the above instructions, may be disqualified. Application materials will not be returned. The plans and specifications for State University System projects are subject to reuse in accordance with the provisions of Section 287.055, Florida Statutes. As required by Section 287.133, Florida Statutes, a consultant may not submit a proposal for this project if it is on the convicted vendor list for a public entity crime committed within the past 36 months. The selected consultant must

warrant that it will neither utilize the services of, nor contract with, any supplier, subcontract, or consultant in excess of \$15,000.00 in connection with this project for a period of 36 months from the date of their being placed on the convicted vendor list.

Professional Qualifications Supplement forms, descriptive project information, and selection criteria may be obtained by contacting: Mr. Jack Fenwick, Director of Facility Planning, 10501 FGCU Blvd., South, Fort Myers, Florida 33965-6565, (239)590-1500, Fax (239)590-1505.

Submittals must be received in the Facilities Planning Office, by 3:00 p.m., local time, on May 12, 2003. Facsimile (FAX) submittals are not acceptable and will not be considered.

## NOTICE TO CONSTRUCTION MANAGERS

Florida Gulf Coast University, on behalf of the Florida Gulf Coast University Board of Trustees, announces that Construction Management Services will be required for the project listed below:

Project No. BR-1024, Project and Location: Classroom/Offices – Academic 5, Florida Gulf Coast University, Ft. Myers, Florida.

Florida Gulf Coast University began as a dream for a new university located in southwestern Florida. "The Tenth University" began with a strong commitment to technology and innovation, with an environmental focus.

Currently, the President, Vice Presidents, and the Provost occupy space in other buildings for their offices and staff (i.e.: Library and Campus Support Complex). With the Library Addition Project underway, it is prudent to relocate the above to their permanent locations in the Academic 5 building. The need for more classroom space, in the academic core, is also an ongoing commitment and this project will help provide more classrooms.

Academic 5 is envisioned to be one of the signature buildings at the entrance to the campus. It will be one of four buildings enclosing a quadrangle of greenspace proposed for the area. Buildings 6, 7, and 8 will eventually enclose this greenspace. Academic 5 will have two large classrooms on the first floor, bathrooms, and a large elevator lobby with views of the quadrangle, as well as public and private entrances. Floors two and three will house the other offices and support facilities for those offices. There will be a large parking lot for staff and visitors adjacent to the area.

The site has been conceptually permitted with both the Corps of Engineers and South Florida Water Management District. This project will have to modify an existing construction and operation permit issued by the South Florida Water Management District.

The total project budget is \$8,950,000 and construction budget is \$6,647,037.

The contract for construction management services shall consist of two phases. Phase one of the contract is for pre-construction services for which the construction manager will be paid a fixed fee. Phase one services include value engineering, constructability analysis, development of a cost model, estimating, and the development of a Guaranteed Maximum Price (GMP) at 50% Construction Document phase. If the GMP is accepted, phase two, the construction phase, may be implemented. In phase two of the contract, the construction manager shall become the single point of responsibility for performance of the construction contract for the project and shall publicly bid trade contracts. Failure to negotiate an acceptable fixed fee for phase one of the contract, or to arrive at an acceptable GMP within the time provided in the agreement may result in the termination of the construction manager's contract.

Selection will be made on the basis of construction manager's qualifications, including experience and ability; past experience; bonding capacity; record-keeping/administrative ability, critical path scheduling expertise; cost estimating; cost control ability; quality control capability and qualification of the firm's personnel, staff and consultants.

The Selection Committee may reject all proposals and stop the selection process at any time. The construction manager shall have no ownership, entrepreneurial or financial affiliation with the selected architect/engineer involved with this project.

Firms desiring to provide construction management services for the project shall submit a letter of application and a completed Board of Regents "Construction Manager Qualifications Supplement". Proposals must not exceed 80 pages, including the Construction Manager Qualifications Supplement and letter of application. Pages should be numbered consecutively. Submittals, which do not comply with these requirements or do not include the requested data, will not be considered. No submittal information will be returned.

All applicants must be licensed to practice as general contractors in the State of Florida at the time of application. Corporations must be registered to operate in the State of Florida by the Department of State, Division of Corporations, at the time of application. As required by Section 287.133, FS, a construction management firm may not submit a proposal for this project if it is on the convicted vendor list for a public entity crime committed within the past 36 months. The selected construction management firm must warrant that it will neither utilize the services of, nor contract with, any supplier, subcontractor, or consultant in excess of \$15,000.00 in connection with this project for a period of 36 months from the date of their being placed on the convicted vendor list.

The Board of Regents Construction Manager Qualifications Supplement forms and the Project Fact Sheet may be obtained by contacting: Mr. Jack Fenwick, Director of Facilities

Planning, Florida Gulf Coast University, 10501 FGCU Blvd., South, Ft. Myers, Florida 33965-6565, (239)590-1500 Fax (239)590-1505

Five (5) bound copies of the required proposal data shall be submitted to: Mr. Jack Fenwick, Director of Facilities Planning, Florida Gulf Coast University, 10501 FGCU Blvd., South, Ft. Myers, Florida 33965-6565.

Submittals must be received in the Facilities Planning Office by 2:00 p.m. local time on May 12, 2003. Facsimile (FAX) submittals are not acceptable and will not be considered.

---

#### NOTICE REGARDING ELECTRONIC POSTING

Pursuant to Section 287.042(3)(b)2., Florida Statutes, the DeSoto County School District hereby provides notice of the following URL for the centralized website that will be used for electronically posting solicitations, decisions or intended decisions, and other matters relating to procurement:

<http://desotoschools.com/purchasing.htm>

---

#### Invitation To Bid (ITB) for a

#### General Contractor/Building Contractor

Sealed bids will be received by Duval County Public Schools, Division of Facilities Services, Room 535, 1701 Prudential Drive, Jacksonville, FL 32207 until the time and date(s) recorded below and immediately thereafter publicly opened and recorded in the Duval County Public Schools, School Board Building, 1701 Prudential Drive, 5th Floor, Room 513D, Jacksonville, Florida

Bids are Due on or Before  
May 13, 2003

AND WILL BE ACCEPTED UNTIL 2:00 P.M.

OFFICIAL PROJECT TITLE: Repair and Replace Lockers in Various Schools District Wide, DCPS PROJECT NO. M-86470

SCOPE OF WORK: Locker Relocation at Twin Lakes Academy Middle School No. 253. ("Budgeted Not to Exceed") \$75,000.

All contractors that are interested in bidding are required to attend a mandatory pre-bid conference to be held on May 5, 2003, 3:00 P.M., at Twin Lakes Academy Middle School No. 253, 8050 Point Meadows Dr., Jacksonville, FL 32256-4559. Failure to attend the pre-bid conference shall result in disqualification of that firm's proposal. Attendees will be required to sign an attendance register.

All bidders and subcontractors shall be licensed Contractors and registered corporations as required by the laws of the State of Florida.

The Duval County Public Schools has begun prequalifying all contractors who intend to submit bids for all construction projects exceeding \$200,000 and electrical projects exceeding \$50,000. All Contractors must be prequalified on or before



May 31, 2003. No bids will be accepted from Contractors who are not prequalified with Duval County Public Schools after this date.

Prequalification forms and information may be obtained by contacting: Richard Beaudoin or Ronald A. Fagan, 1701 Prudential Drive, Jacksonville, FL 32207, (904)390-2358 or (904)390-2922, Fax (904)390-2265, Email: beaudoinr@educationcentral.org or faganr@educationcentral.org.

Contract documents for bidding may be obtained for a refundable fee of \$100.00 at the office of:

Bhide & Hall Architects, P.A.  
1329 Kingsley Avenue, Suite C  
Orange Park, FL 32073

DCSB Point of Contact: Erika Harding, 858-6310

Contract documents for bidding may be examined at: National Association of Minority Contractors, Construction Bulletin; Construction Market Data, Inc., Dodge McGraw Hill Plan Room

MBE Participation Goal: Sheltered Market

The Bid Award Recommendation will be posted on the first floor bulletin board at the Duval County School Board Building, 1701 Prudential Drive, Jacksonville, Florida 32207-8182.

## STATE BOARD OF ADMINISTRATION

### INVITATION TO NEGOTIATE

The Florida Prepaid College Board is accepting proposals in response to an Invitation to Negotiate, ITN #03-01, to select a qualified full-service advertising agency or agencies to provide marketing services for the Florida Prepaid College Plan and the Florida College Investment Plan.

Copies of the Invitation to Negotiate, ITN #03-01, are available on or after April 11, 2003, by submitting a written request to Thomas J. Wallace, Executive Director, Florida Prepaid College Board, 1801 Hermitage Blvd., Suite 210, Tallahassee, Florida 32308, facsimile (850)488-3555. All information received in regard to this ITN must be sent to the above named address.

There is no bidder's conference. Only written inquiries concerning the ITN will be accepted. No written inquiries will be accepted after 12 Noon, Eastern Time, April 18, 2003.

The original unbound copy and five (5) copies of each response to the ITN must be received by 12 Noon, Eastern Time, May 9, 2003, at the Florida Prepaid College Board, 1801 Hermitage Blvd., Suite 210, Tallahassee, Florida 32308. Proposals must be submitted in full accordance with the requirements and mandatory criteria of the ITN.

The Board reserves the right to reject any and all proposals or accept minor irregularities in the best interest of the State. Certified Minority Business Enterprises are encouraged to participate.

**SPECIAL ACCOMMODATION:** Any person requiring special accommodations at the bid opening because of a disability should fax a written request for same to Thomas J. Wallace, Executive Director, Florida Prepaid College Board, (850)488-3555, no later than five (5) days prior to the bid opening.

### INVITATION TO NEGOTIATE

The Florida Prepaid College Board is accepting proposals in response to an Invitation to Negotiate, ITN #03-02, to select a qualified full-service public relations agency or agencies to provide public relations services for the Florida Prepaid College Plan and the Florida College Investment Plan.

Copies of the Invitation to Negotiate, ITN #03-02, are available on or after April 11, 2003, by submitting a written request to Thomas J. Wallace, Executive Director, Florida Prepaid College Board, 1801 Hermitage Blvd., Suite 210, Tallahassee, Florida 32308, facsimile (850)488-3555. All information received in regard to this ITN must be sent to the above named address.

There is no bidder's conference. Only written inquiries concerning the ITN will be accepted. No written inquiries will be accepted after 12 Noon, Eastern Time, April 18, 2003. The original unbound copy and five (5) copies of each response to the ITN must be received by 12:00 Noon, Eastern Time, May 9, 2003, at the Florida Prepaid College Board, 1801 Hermitage Blvd., Suite 210, Tallahassee, Florida 32308. Proposals must be submitted in full accordance with the requirements and mandatory criteria of the ITN.

The Board reserves the right to reject any and all proposals or accept minor irregularities in the best interest of the State. Certified Minority Business Enterprises are encouraged to participate.

**SPECIAL ACCOMMODATION:** Any person requiring special accommodations at the bid opening because of a disability should fax a written request for same to Thomas J. Wallace, Executive Director, Florida Prepaid College Board, (850)488-3555, no later than five (5) days prior to the bid opening.

## DEPARTMENT OF MANAGEMENT SERVICES

### NOTICE REGARDING ELECTRONIC POSTING

Pursuant to Section 287.042(3)(b)2., Florida Statutes, the Department of Management Services hereby provides notice of the following URL for the centralized website that will be used for electronically posting solicitations, decisions or intended decisions, and other matters relating to procurement: [http://fcn.state.fl.us/owa\\_vbs/owa/vbs\\_www.main\\_menu](http://fcn.state.fl.us/owa_vbs/owa/vbs_www.main_menu).

Viewers may navigate to this URL via the State portal, [www.myflorida.com](http://www.myflorida.com), from the main page, drill down as follows: Business; Doing Business with the State; Vendor Bid System (VBS).

**PUBLIC ANNOUNCEMENT FOR CONSTRUCTION MANAGEMENT SERVICES**

The State of Florida, Department of Management Services requests qualifications from firms to provide Construction Management Services in Area 2, counties of Calhoun, Franklin, Gadsden, Gulf, Jackson, Jefferson, Leon, Liberty, Madison, Taylor, Wakulla, and other counties as may be determined necessary by the owner.

Response Due Date is May 5, 2003 by 5:00 p.m. local time, and projects will vary in size up to \$1,000,000.00.

For details please visit [http://fcn.state.fl.us/owa\\_vbs/owa/vbs\\_www.main\\_menu](http://fcn.state.fl.us/owa_vbs/owa/vbs_www.main_menu)

**DEPARTMENT OF ENVIRONMENTAL PROTECTION**

Notice of Bid Solicitation  
BDRS58-02/03

Sealed bids will be received by the Department of Environmental Protection, Division of Recreation and Parks, Bureau of Design and Recreation Services at Alfred B. Maclay State Gardens, 3540 Thomasville Road, Modular Unit B-1, Tallahassee, Florida 32309.

Bids will not be accepted before 8:00 a.m. between 12:00 Noon and 1:00 p.m., or after 5:00 p.m. Bids received will be opened and read publicly in the Conference Room.

APRIL BID OPENING: Tuesday, May 13, 2003, 4:00 p.m.

CONSTRUCTION: Provide necessary labor, supervision, equipment and materials for the construction of a dam levee on the barge canal on the Marjorie Harris Carr Cross Florida Greenway.

PLANS AND SPECIFICATIONS: Plans and specifications can be obtained at the Office of Greenways and Trails, 3900 Commonwealth Blvd, MS 795, Tallahassee, Florida 32399-3000, Attention: James Wolfe, Construction Project Administrator, (850)245-2052, Fax (850)245-2082.

The full text of this notice is 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."

Advertisement/Bid Solicitation Notice  
BDRS57-02/03

Sealed bids will be received by the Department of Environmental Protection, Division of Recreation and Parks, Bureau of Design and Recreation Services at Alfred B. Maclay State Gardens, 3540 Thomasville Road, Tallahassee, Florida 32309, Modular Unit B-1. Bids will not be accepted before 8:00 a.m. between 12:00 Noon and 1:00 p.m., or after 5:00

p.m. Sealed bids must be received prior to the posted bid opening date and time. Bids received will be opened and read publicly in the Conference Room.

BID OPENING: Tuesday, May 13, 2003, 3:30 p.m.

Provide necessary labor, supervision, equipment and materials for the construction of the main trailhead and its amenities at Withlacoochee Bay Trail-Phase II.

PLANS AND SPECIFICATIONS: Plans and specifications can be obtained at the Office of Greenways and Trails, 3900 Commonwealth Blvd, MS 795, Tallahassee, Florida 32399-3000, Attention: James Wolfe, Construction Project Administrator, (850)245-2052, Fax (850)245-2082.

The full text of this notice is published on the Internet at the Department of Environmental Protection's home page at <http://www.dep.state.fl.us/> under the link or button titled "Official Notices."

**DEPARTMENT OF CHILDREN AND FAMILY SERVICES**

NOTICE TO PROFESSIONAL CONSULTANTS  
PUBLIC ANNOUNCEMENT FOR PROFESSIONAL SERVICES FOR ARCHITECTURE-ENGINEERING

The State of Florida, Department of Children and Family Services, Office of General Services, announces that professional services are required for the project listed below. Applications are to be sent to: G.W. "Casey" Jones, Project Manager, Design and Construction, Department of Children and Families, Building 3, Room 205-D, 1317 Winewood Boulevard, Tallahassee, Florida 32399-0700, (850)921-2641.

PROJECT NUMBER: DCF 03263025

PROJECT: Construction of an 80-bed Psychiatric Dormitory at the Florida Civil Commitment Center, Arcadia, Florida.

SERVICES TO BE PROVIDED: Architectural/Engineering Services to construct a 2 wing, 80-bed, special needs dormitory within the secure perimeter of the Florida Civil Commitment Center. One 40-bed wing will house residents with Severely Persistent Mental Illness (SPMI) and the other 40-bed wing will house physically vulnerable residents. Construction will include security features suitable for a forensic type facility and target AHCA standards. Although a single story structure is preferred, a 2-story building will be considered due to site constraints.

ESTIMATED CONSTRUCTION BUDGET: \$4,000,000

RESPONSE DUE DATE: By close-of-business, May 7, 2003.

INSTRUCTIONS: Submit three (3) copies of the following bound in loose-leaf three-ring binders:

1. Letter of Interest specifying the project and location for which the firm wishes to be considered.
2. A current Professional Qualifications Supplement (PQS) from the Department of Management Services, modifying section 5a. to reflect current contracts with any and all state agencies.

3. A copy of the firm's Florida Professional Registration License Renewal. (Proper registration at the time of application is required.)
4. Corporations only: Current Corporate Certification providing evidence of validation date and the designation of professional or professionals qualifying the corporation to practice Architecture and/or Engineering.
5. Completed Standard Form 254.
6. Completed Standard Form 255.
7. A stamped self-addressed envelope for notice of selection results.

For applicant to receive credit as State Certified Minority Business Enterprise either the Prime Consultant or Sub-consultant shall include copy of the state of Florida Minority Rectification or Certification Letter in the proposal. All proposal information submitted becomes the property of DCF, will be placed on file, and shall not be returned. Applications not complying with the instructions set forth above and/or do not include the qualifications data required should not be considered. Selections will be made in accordance with Chapter 60-2, Florida Administrative Code and Section 287.055, Florida Statutes.

**SELECTION PROCESS:** From the proposals received, the Department shall shortlist a minimum of three (3) firms.

**SELECTION RESULTS:** All applicants will be notified by the department of the three firms short-listed by May 14, 2003 by close-of-business. Those short-listed firms will be advised of the interview date and any further requirements. Any protests of the selection must be made within 72 hours of posting of the results. "Failure to file a protest within the time prescribed in s. 120.53(5), Florida Statutes, shall constitute a waiver of proceedings under Chapter 120, Florida Statutes."

**INVITATION TO BID**

Proposals are requested from qualified roofing contractors by the Department of Children and Family Services, hereinafter referred to as Owner, for the construction of:

**PROJECT NUMBER:** DCF 03240420

**PROJECT:** RE-ROOF OF BULIDNGS #31 AND #57, NORTHEAST FLORIDA STATE HOSPITAL (NFETC), MACCLENNY, FLORIDA

**PREQUALIFICATION:** The Owner accepts bids from those firms which demonstrate current relevant licensure with the Florida Department of Business and Professional Registration by submittal or a copy of that licnse or certificate with their bid.

**PERFORMANCE BOND AND LABOR AND MATERIAL BOND:** If the construction award is \$100,000.00 or more, a Performance Bond and Labor and Material Payment Bond are required.

**BID DATE AND TIME:** Sealed bids will be received on April 22, 2003, until 2:00 p.m., local time, at which time they will be publicly opened and read aloud.

**PLACE:** NEFSH, 7487 State Road 121, North, Macclenny, Florida 32063

**MANDATORY PRE-BID INSPECTION:** We will conduct a mandatory prebid inspection with the architect at the project site on Wednesday, April 16, 2003, 10:00 a.m., local time, for all interested contractors.

**PROPOSAL:** Bids must be submitted in full accordance with the requirement of the drawings, specificatoins, bidding conditions and contractual conditions, which may be examined and obtained from the Architect/Engineer: Skinner Vignola Mclean, Inc., 1628 N. W. 16th Street, Gainesville, Florida 32609, (352)378-4400

**CONTRACT AWARD:** The bid tabulation and Notice of Award Recommendation will be posted at 4:00 p.m., local time, on April 22, 2003, at the location were the bids were opened. In the event that the bid tbulation and Notice of Award Recommendation cannot be posted in this manner, then all bidders will be otherwise notified. Any protests of the bid must be made within 72 hours of posting of the results. "Failure to file a protest within the time prescribed in s. 120.53(5), Florida Statutes, shall constitute a waiver of proceedings under Chapter 120, Florida Statutes." If no protest is filed per Section B-21 of the Instructions to Bidders, "notice and Protest Procedures", the contract will be awarded to the qualified, responsive low bidder in accordance with Rule Chapter 60D-5, F.A.C., by the Owner.

**FLORIDA DEVELOPMENTAL DISABILITIES COUNCIL**

**Invitation to Negotiate (ITN)**

The Florida Developmental Disabilities Council (FDDC) announces the availability an Invitation to Negotiate (ITN).

Copies of the ITN can be downloaded from the FDDC website ([www.fddc.org](http://www.fddc.org)) or copies may be requested by writing or calling FDDC, 124 Marriott Drive, Suite 203, Tallahassee, Florida 32301, (850)488-4180 or Toll Free 1(800)580-7801 or TDD toll free 1(888)488-8633.

Register for electronic (email) notice of future FDDC ITNs or RFPs by going to the website ([www.fddc.org](http://www.fddc.org)) and click on the "RFPs" button near the top of the page. Then, click on the "Sign up" line and follow the instructions.

The Florida Developmental Disabilities Council, Inc. (FDDC) is pleased to announce this Invitation to Negotiate (ITN 2003-IP-300) for establishing a University Center of Excellence in Developmental Disabilities Education, Research, and Service (UCEDD). The intent of this ITN is to establish at one of this State's accredited four year universities, a UCEDD that focuses on issues impacting adults with developmental disabilities living in the community. It will work closely with

FDDC, The Advocacy Center for Persons with Disabilities, and the existing UCEDD in Florida, The Mailman Center for Child Development at the University of Miami's Medical School.

FDDC has set aside federal formula grant funds for a period not to extend past four years of fiscal support; at which time this new UCEDD shall be operating successfully with alternative funding streams. See ITN document for funding amounts.

The deadline for submitting written questions and letters of intent for this UCEDD ITN is 4:00 p.m. on May 2, 2003. In order for a proposal to be considered, a letter of intent must have been received by the above referenced deadline. The answers to the written questions will be posted on FDDC website on or before May 12, 2003. The deadline for submitting proposals is 4:00 p.m. EST on June 2, 2003.

**ESCAMBIA COUNTY UTILITIES AUTHORITY**

**SOLICITATION FOR QUALIFICATIONS**

The Escambia County Utilities Authority is soliciting engineering firms to submit Qualifications Packages for: Design/Permitting/Construction Administrative Services for ECUA's new Central County Water Reclamation Facility Responses will be received in the offices of the ECUA Purchasing Department, 9255 Sturdevant Street, Ellyson Industrial Park, Pensacola, Florida 32514 until 4:00 p.m. (CDT) on Tuesday, May 6, 2003.

Prospective submitters may obtain copies of the Qualification Package requirements and other pertinent information from the ECUA Engineering Department, 9300 Sturdevant Street, (850)969-3310. Ask for RFQ No. 2003-24.

**Section XII  
Miscellaneous**

**DEPARTMENT OF BANKING AND FINANCE**

**NOTICE OF FILINGS**

Notice is hereby given that the Office of Financial Institutions and Securities Regulation has received the following applications. Comments may be submitted to the Deputy Director, Financial Institutions, 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 Institutions and Securities 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., May 2, 2003):

**APPLICATION TO ACQUIRE CONTROL**

Financial Institution to be Acquired: Marine Bank & Trust Company, Vero Beach, Florida 32963

Proposed Purchasers: George R. Slater, R. Quintus Anderson, Ned P. Curtis, Douglas E. Hazel, Richard C. Marquardt and M. Paul Massey

Received: March 26, 2003

**APPLICATION FOR CONVERSION OF AN  
INTERNATIONAL AGENCY**

**OFFICE TO AN INTERNATIONAL BRANCH OFFICE**

Applicant and Location: Banco de Sabadell, S.A., 701 Brickell Avenue, Suite 2650, Miami, Florida 33131

With Title: Banco de Sabadell, S.A., International Bank Branch

Correspondent: Mr. Francesc Noguera, Regional Manager, Banco de Sabadell, S.A., 701 Brickell Avenue, Suite 2650, Miami, Florida 33131

Received: April 1, 2003

**DEPARTMENT OF COMMUNITY AFFAIRS**

**STATE ENERGY PROGRAM (SEP)**

**NOTICE OF FUNDING AVAILABILITY**

The Department of Energy announced funding availability for Federal Fiscal year 2003 under the State Energy Program Special Projects on February 13, 2003 to eligible Applicants. All proposals are required to be submitted by the State Energy Office.

The proposals for The Clean Cities, Industries of the Future and Building Codes and Standard are due to DCA April 18, 2003. Up to 16,600,00 nationwide is available for award to eligible applicants to carry eligible activities.

The proposals for Rebuild America, Building America, Federal Energy Management Program, Solar Technology Program, State Wind Energy Support and Distributed Energy and Electric Reliability (DEER) – Transmission Reliability, Energy Storage, and Interconnection are due to DCA April 22, 2003.

The proposals for Distributed Energy and Electric Reliability (DEER) – Regional Combined Cooling, Heating and Power (CHP) Applications Center, Distributed Energy and Electric Reliability (DEER) – High Temperature Superconductivity, State Outreach Centers, Geothermal Outreach, Biomass, Residential Deployment, Fuel Cell Demonstration and Coordinated Public Education Activities are due to DCA April 24, 2003.

Proposals may be either hand delivered or sent by U.S. Mail or other licensed carrier and must be received on or before the deadline by the State Energy Program, Division of Housing and Community Development, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100.

For further information, prospective applicants should contact: Essie Turner, Administrative Assistant, (850)488-2475. Interested parties may also address inquiries to the State Energy Program, Division of Housing and Community Development, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100.

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 FF1 funding cycle. The project plans listed below were 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: 01-082-FF1/St. Lucie Village Heritage Park
- Grantee: Town of St. Lucie Village
- Amount of Approved Funds: the lesser of 100.00% of the final total project costs or \$3,095,000.00
- Project: 01-098-FF1/North Fork of the St. Lucie River – Phase III
- Grantee: St. Lucie County
- Amount of Approved Funds: the lesser of 50.00% of the final total project costs or \$775,000.00
- Project: 02-035-FF2/Wall Springs Coastal Addition II
- Grantee: Pinellas County
- Amount of Approved Funds: the lesser of 50.00% of the final total project costs or \$6,600,000.00

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, 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 LAW ENFORCEMENT

Notice of Application for Federal Funds

The State of Florida, Department of Law Enforcement, will be submitting an application to the Bureau of Justice Assistance, United States Department of Justice, for \$25,063,953. These Federal Fiscal Year 2003 funds are made available to Florida for the Byrne Formula Grant Program under the Anti-Drug Abuse Act of 1988.

A copy of the application will be available for review and comment by the public at the Department of Law Enforcement, Business Support Program, Office of Criminal Justice Grants, Tallahassee, Florida 32308.

Interested parties should contact Martha McWilliams, (850)410-8700, to obtain a copy of the application for review.

The Florida Department of Law Enforcement is in the process of applying for reaccreditation by the Commission on Accreditation for Law Enforcement Agencies (CALEA). FDLE is schedule for an on-site assessment during the week of April 13, 2003.

The accreditation program requires agencies to comply with professional standards in four areas: policy and procedures, administration, operations, and support services.

As a part of the on-site assessment, agency members and the general public are invited to offer comments by calling 1(800)519-2253, Wednesday, April 16, 2003, between the hours of 1:00 p.m. – 5:00 p.m.. The Assessment Team will take

comments. Telephone comments are limited to 10 minutes and must address the agency's ability to comply with CALEA's standards.

A copy of the standards is available through FDLE's Public Information Office in Tallahassee, (850)410-7001.

Anyone wishing to submit written comments about the Florida Department of Law Enforcement's ability to meet the standards of accreditation are requested to send them to: Commission on Accreditation for Law Enforcement, Inc. (CALEA), 10302 Eaton Place, Suite 100, Fairfax, Virginia 22030-2215.

**DEPARTMENT OF REVENUE**

**NOTICE OF ADOPTION OF COMMUNICATIONS SERVICES TAX**

**ADDRESS/JURISDICTION DATABASE**

Section 202.22(2), F.S., requires the Department of Revenue to create and maintain an electronic situsing database that assigns customer service addresses to local taxing jurisdictions for purposes of the communications services tax. The update to the database, as posted on April 2, 2003, becomes effective July 1, 2003. The situsing database can be accessed at <http://geotax.state.fl.us>.

This update to the database now includes a file that can be downloaded by dealers in the Tax Jurisdiction Sourcing format that was developed for use by a wireless telecommunications service provider and approved by the American National Standards Institute on June 4, 2002. The standards initiative was undertaken in response to the requirements of the federal Mobile Telecommunications Sourcing Act and represents the joint efforts of the MTC/FTA Wireless Task Group. The standard was subsequently approved by the membership of both the FTA (on June 5, 2002) and the MTC (on August 2, 2002).

The next update to the database will be effective January 1, 2004, and is required to be posted 90 days in advance of the effective date. Local governments are required to submit changes and additions for inclusion in the January 1, 2004, update no later than September 3, 2003. Additional information concerning procedures for requesting changes and additions to the database is available from the Department of Revenue Communications Services Tax Local Government Unit, (850)921-9181, Suncom 291-9181, e-mail: [cs-tax@dor.state.fl.us](mailto:cs-tax@dor.state.fl.us).

Persons with hearing or speech impairments may call the TDD line at 1(800)367-8331 or (850)922-1115, Suncom 292-1115.

**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, Southeast Toyota Distributors, LLC, intends to allow the establishment of Kendall Imports, LLC d/b/a Kendall Toyota, as a service-only dealer at the southwest corner of Southwest 137th Avenue and Southwest 136th Street, Miami, (Dade County) Florida on or after April 1, 2003 (legal description attached).

**EXHIBIT A**

**ARTICLE I**

**Legal Description**

A portion of the Northeast 1/4 Section 22, Township 55 South, Range 39 East, Miami-Dade County, Florida, described as follows: Commence at the Northeast corner of said Section 22; thence run South 01 21'22" West, along the East Line of said Section 22, for a distance of 898.26 feet to a point; thence run North 89 46'56" West for a distance of 55.01 feet to the Point of Beginning of the hereinafter described parcel; thence continue North 89 46'56" for a distance of 526.32 feet to a point; thence run North 68 16'45" West for a distance of 214.49 feet to a point on a circular curve concave to the Northwest, said point bears South 68 21'00" East from the center of said curve; thence run Northeasterly along the arc of said curve, having for its elements a radius of 5000.00 feet and a central angle of 2 52'05" for an arc distance of 250.27 feet to a point of compound curvature of a circular curve concave to the West; thence run Northeasterly along the arc of said curve, having for its elements a radius of 280.0 feet and a central angle of 18 33'40" for an arc distance of 90.71 feet to the point of tangency; thence run North 00 13'16" East for a distance of 271.62 feet to a point; thence run South 89 46'56" East for a distance of 598.96 feet to a point on a circular curve concave to the West, said point bears North 84 32'11" East from the center of said curve; thence run Southeasterly along the arc of said curve, having for its elements a radius of 5674.58 feet and a central angle of 6 49'12" for an arc distance of 674.45 feet to the Point of Beginning.

Containing 9.9002 acres, more or less.

**AND**

A portion of the Northeast 1/4 of Section 22, Township 55 South, Range 39 East, Miami-Dade County, Florida, described as follows: Commence at the Northeast corner of said Section 22; thence run South 87 36'46" West, along the North line of said Section 22, for a distance of 300.64 feet to a point; thence run South 01 21'29" West for a distance of 40.09 feet to a point on a line parallel with and 40.00 feet South of, as measured at right angle to the North line of said Section 22, said point also being the Point of Beginning of the hereinafter described parcel; thence run North 87 36'46" East, along the previously

described line, for a distance of 144.30 feet to a point of curvature of a circular curve concave to the Southwest; thence run Northeasterly, Easterly and Southeasterly along the arc of said curve, having for its elements a radius of 40.00 feet and a central angle of 85 29'14", for an arc distance of 59.68 feet to a point of compound curvature of a circular curve concave to the West; thence run Southeasterly along the arc of said curve, having for its elements a radius of 5674.58 feet and a central angle of 1 26'11", for an arc distance of 142.26 feet to a point; thence run North 89 46'56" West for a distance of 598.96 feet to a point; thence run North 00 13'16" East for a distance of 151.73 feet to a point on a line parallel with and 40.00 feet South of, as measured at right angle to the North line of said Section 22; thence run North 87 36'46" East along the previously described line for a distance of 397.84 feet to the Point of Beginning.

Containing 2.2269 acres, more or less.

AND

A portion of the Northeast 1/4 Section 22, Township 55 South, Range 39 East, Miami-Dade County, Florida, described as follows: Commence at the Northeast corner of said Section 22; thence run South 87 36'46" West, along the North line of said Section 22, for a distance of 1394.45 feet to a point on the West line of the East 1/2 of said Section 22, said line also being the East line of "TAMIAIR INDUSTRIAL PARK SECTION 1" according to the plat thereof, as recorded in Plat Book 109, at page 18, of the Public Records of Miami-Dade County, Florida; thence run South 00 13'16" West, along the previously described line for a distance of 40.04 feet to the Point of Beginning of the hereinafter described parcel; thence continue South 00 13'16" West, along the previously described line for a distance of 1199.93 feet to a point; thence run South 89 46'56" East for 283.61 feet to a point on a circular curve concave to the Northwest, said point bears South 61 46'04" East from the center of said curve; thence run Northeasterly along the arc of said curve, having for its elements a radius of 4920.00 feet and a central angle of 9 27'00" for an arc distance of 811.48 feet to a point of compound curvature of a circular curve concave to the West; thence run Northeasterly along the arc of said curve, having for its elements a radius of 200.00 feet and a central angle of 18 33'40" for an arc distance of 64.79 feet to the point of tangency; thence run North 00 13'16" East for a distance of 273.34 feet to a point; thence run North 89 46'56" West for a distance of 175.00 feet to a point; thence run North 00 13'16" East for a distance of 138.40 feet to a point on a line parallel with and 40.00 feet South of, as measured at right angle to the North of line of said Section 22; thence run South 87 36'46" West, along previously described line for a distance of 439.91 feet to the Point of Beginning.

Containing 13.8376 acres, more or less.

AND

A portion of the Northeast 1/4 of Section 22, Township 55 South, Range 39 East, Miami-Dade County, Florida described as follows: Commence at the Northeast corner of said Section 22; thence run South 87 36'46" West, along the North line of said Section 22, for a distance of 300.64 feet to a point; thence run South 01 21'29" West for a distance of 40.09 feet to a point on a line parallel with and 40.00 feet South of, as measured at right angle to the North line of said Section 22; thence run South 87 46'46" West, along the previously described line for a distance of 477.92 feet to the Point of Beginning of the hereinafter described parcel; thence continue South 87 36'46" West, along the previously described line for a distance of 175.18 feet to a point; thence run south 00 13'16" West for a distance of 138.40 feet to a point; thence run South 89 46'56" East for a distance of 175.00 feet to a point; thence run North 00 13'16" East for a distance of 146.36 feet to the Point of Beginning.

Containing 0.5720 acres, more or less.

On the SW (Southwest) corner of SW 137th Avenue and SW 136th Street in Miami, FL.

The name and address of the dealer operator(s) and principal investor(s) of Kendall Imports, LLC d/b/a Kendall Toyota are dealer operator(s) Gerald F. Bean, 10943 S. Dixie Hwy., Miami, FL 33156; principal investor(s): Kendall Imports, LP, a Delaware limited partnership is the sole owner of Kendall Imports, LLC d/b/a Kendall Toyota. Its address is 1013 Centre Road, Wilmington, New Castle County, Delaware 19805. The limited partner of Kendall Imports, LP is Gerald F. Bean, whose address is 10943 S. Dixie Highway, Miami, FL 33156. The general Partner of Kendall Imports LP is Kendall Imports, Inc., a Delaware corporation, whose address is 1013 Centre Road, Wilmington, New Castle County, Delaware 19805. The president of Kendall Imports, Inc. is Gerald F. Bean, whose address is 10943 South Dixie Highway, Miami, FL 33156.

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: John O'Donoghue, Sr. Market Representation Manager, Southeast Toyota Distributors, LLC, 100 Jim Moran Blvd., Deerfield Beach, FL 33442.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

Notice of Publication for the Relocation of a Franchise Motor Vehicle Dealer in a County of More than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, notice is given that Southeast Toyota Distributors, LLC and Toyota Motor Sales, USA, Inc., intends to allow the relocation of Expressway Toyota, Inc. d/b/a Expressway Toyota, as a dealership for the sale of Toyota vehicles, from its present location at 150 NW 79th Avenue, Miami, FL 33126, to a proposed location at NE quadrant of NW 12th Street and NW 98th Court and South of NW 12 Street at the intersection of NW 98th Court, Miami (Dade County), Florida on or after May 31, 2004.

The name and address of the dealer operator(s) and principal investor(s) of Expressway Toyota, Inc. d/b/a Expressway Toyota are dealer operator(s) and principal investor(s): Marc Kahn, 150 N. W. 79th Avenue, Miami, FL 33126.

The notice indicates intent to relocate the franchise in a county of more than 300,000 population, according to the latest population estimates of the University of Florida, Bureau of Economic and Business Research.

Certain dealerships of the same line-make may have standing, pursuant to Section 320.642, Florida Statutes, as amended by Chapter 88-395, Laws of Florida, to file a petition or complaint protesting the application.

Written petitions or complaints must be received by the Department of Highway Safety and Motor Vehicles within 30 days of the date of publication of this notice and must be submitted to: Mr. Ronald D. Reynolds, Administrator, Dealer License Section, Department of Highway Safety and Motor Vehicles, Room A-312, Neil Kirkman Building, 2900 Apalachee Parkway, Tallahassee, Florida 32399-0635.

A copy of such petition or complaint must also be sent by US Mail to: John O'Donoghue, Market Representation Manager, Southeast Toyota Distributors, LLC and Toyota Motor Sales, USA, Inc., 100 Jim Moran Blvd., Deerfield Beach, FL 33442.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the relocation of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

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, MuZ of North America, Inc. d/b/a Motorrad of North America, intends to allow the establishment of Mojo Power Sports Inc. d/b/a Mojo Power Sports Inc., as a dealership for the sale of MZ motorcycles, at 707 West Bay Drive, Largo (Pinellas County), Florida 33770, on or after March 27, 2003.

The name and address of the dealer operator(s) and principal investor(s) of Mojo Power Sports Inc. d/b/a Mojo Power Sports Inc. are dealer operator(s) and principal investor(s): Peter M. Spoto, 100 Squire Ct., Dunedin, FL 34698.

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: Ray Campanile, President, Motorrad of North America, MuZ of North America, Inc. d/b/a Motorrad of North America, 771 Fentress Blvd., Unit 22, Daytona Beach, FL 32114.

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, notice is given that Mitsubishi Motors North America, Inc., intends to allow the establishment of PH Imports, LLC d/b/a Dimmitt Mitsubishi, as a service facility at 31350 US Highway 19 North, Palm Harbor (Pinellas County), Florida 34684 on or after March 25, 2003.



The name and address of the dealer operator(s) and principal investor(s) of PH Imports, LLC d/b/a Dimmitt Mitsubishi are dealer operator(s) and principal investor(s): Lawrence Dimmitt and Sam Pilato, 25485 US Highway 19 N., Clearwater, FL 33763.

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 U.S. Mail to: Glenn R. Frantz, Manager, Mitsubishi Motor Sales of America, Inc., P. O. Box 6400, Cypress, CA 90630-0064.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

---

Notice of Publication for a New Point  
Franchise Motor Vehicle Dealer in a County of More  
than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, notice is given that Mitsubishi Motors North America, Inc., intends to allow the establishment of PH Imports, LLC d/b/a Dimmitt Mitsubishi, as a Sales facility for the sale of Mitsubishi automobiles and light trucks at 31320 US Highway 19 North, Palm Harbor, Pinellas County, Florida 34684 on or after March 25, 2003.

The name and address of the dealer operator(s) and principal investor(s) of PH Imports, LLC d/b/a Dimmitt Mitsubishi are dealer operator(s) and principal investor(s): Lawrence Dimmitt and Sam Pilato, 25485 US Highway 19 N., Clearwater, FL 33763.

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 U.S. Mail to: Glenn R. Frantz, Manager, Mitsubishi Motor Sales of America, Inc., P. O. Box 6400, Cypress, CA 90630-0064.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

---

Notice of Publication for a New Point  
Franchise Motor Vehicle Dealer in a County of Less  
than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, notice is given that Mitsubishi Motor Sales of America, Inc., intends to allow the establishment of JRL Enterprises, LLC d/b/a Crystal Mitsubishi, as a dealership for the sale of Mitsubishi vehicles, at 3029 South Suncoast Blvd., Homosassa (Citrus County), Florida, 34448 on or after April 1, 2003.

The name and address of the dealer operator(s) and principal investor(s) of JRL Enterprises, LLC d/b/a Crystal Mitsubishi are dealer operator and principal investor(s): Jewel R. Lamb, 1035 S. Suncoast Blvd., Homosassa, FL 34448.

The notice indicates intent to establish the new point location in a county of less than 300,000 population, according to the latest population estimates of the University of Florida, Bureau of Economic and Business Research.

Certain dealerships of the same line-make may have standing, pursuant to section 320.642, Florida Statutes, as amended by Chapter 88-395, Laws of Florida, to file a petition or complaint protesting the application.

Written petitions or complaints must be received by the Department of Highway Safety and Motor Vehicles within 30 days of the date of publication of this notice and must be submitted to: Mr. Ronald D. Reynolds, Administrator, Dealer License Section, Department of Highway Safety and Motor Vehicles, Room A-312, Neil Kirkman Building, 2900 Apalachee Parkway, Tallahassee, Florida 32399-0635.

A copy of such petition or complaint must also be sent by US Mail to: Glenn R. Frantz, Manager, National Dealer Development, Mitsubishi Motors North America, Inc., P. O. Box 6400, Cypress, CA 90630-0064.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving

the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

Notice of Publication for a New Point  
Franchise Motor Vehicle Dealer in a County of Less  
than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, notice is given that Lafayette County Car Company, LLC, intends to allow the establishment of American Custom Golf Car as a dealership for the sale of Lafayette County Car Company, LLC Neighborhood Electric Vehicles at 356 Go Forth Blvd., Pt. St. Lucie (St. Lucie County), Florida 34952 on or after April 1, 2003.

The name and address of the dealer operator(s) and principal investor(s) of American Custom Golf Car are dealer operator(s) and principal investor(s): Michael D. Lane, 356 Go Forth Blvd., Pt. St. Lucie, FL 34952.

The notice indicates intent to establish the new point location in a county of less than 300,000 population, according to the latest population estimates of the University of Florida, Bureau of Economic and Business Research.

Certain dealerships of the same line-make may have standing, pursuant to Section 320.642, Florida Statutes, as amended by Chapter 88-395, Laws of Florida, to file a petition or complaint protesting the application.

Written petitions or complaints must be received by the Department of Highway Safety and Motor Vehicles within 30 days of the date of publication of this notice and must be submitted to: Mr. Ronald D. Reynolds, Administrator, Dealer License Section, Department of Highway Safety and Motor Vehicles, Room A-312, Neil Kirkman Building, 2900 Apalachee Parkway, Tallahassee, Florida 32399-0635.

A copy of such petition or complaint must also be sent by US Mail to: Bruce Bellington, Manager, Lafayette County Car Company, LLC, One Action Avenue, P. O. Box 140, Odessa, MO 64076.

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.

**REGIONAL PLANNING COUNCILS**

PUBLIC AVAILABILITY OF HAZARDOUS  
MATERIAL INFORMATION:

Pursuant to Section 324 of the Emergency Planning and Community Right-to-Know Act (EPCRA), the following information is available to the public upon request during

normal working hours by the Northeast Florida Regional Planning Council's Local Emergency Planning Committee, 6850 Belfort Oaks Place, Jacksonville, Florida 32216.

- Hazardous Chemical Inventory (Tier Two) Forms
- Material Safety Data Sheets (MSDS)
- Emergency Release Follow-up Reports
- Hazards Analyses for facilities with Extremely Hazardous Substances
- LEPC Hazardous Materials Emergency Response Plan
- How-to-Comply Information for Hazardous Materials Users
- Free Hazardous Materials Training for First Responders
- "Are You Prepared for a Hazardous Materials Emergency?"
- Video and Brochure for the general public
- Other Public Education Materials
- Your Telephone Book may contain Hazardous Materials Emergency Information that you could be asked to follow in an actual emergency

The Northeast Florida Regional Planning Council's Local Emergency Planning Committee (Florida District 4 LEPC) serves Baker, Clay, Duval, Flagler, Nassau, Putnam, and St. Johns Counties.

To obtain information on the above items, please contact: Kathryn Boer, (904)279-0880, Ext. 113, e-mail: kboer@nefrpc.org or visit www.nefrpc.org.

**AGENCY FOR HEALTH CARE ADMINISTRATION**

**NOTICE OF HOSPICE PROGRAM FIXED NEED POOL**

The Agency for Health Care Administration has projected a fixed need pool for hospice programs, defined in accordance with Sections 400.601-400.602 and 408.031-408.045, F.S. Fixed need pool projections are for hospice programs planned for July 2004, pursuant to the provisions of Rule 59C-1.0355, Florida Administrative Code. Letters of intent to apply for Certificates of Need pursuant to this notice must be filed with the Certificate of Need Program Office, 2727 Mahan Drive, Tallahassee, Florida 32308, on or before 5:00 p.m., April 28, 2003.

Any person who identifies any error in the fixed need pool numbers must advise the agency of the error within ten (10) days of the publication. If the agency concurs in the error, the fixed need pool number will be adjusted prior to or during the grace period for this cycle. Failure to notify the agency of the error during this ten day period waives a person's right to raise the error at subsequent proceedings. Any other adjustments will be made in the first cycle subsequent to identification of the error including those errors identified through administrative hearings or final judicial review.

Any person whose substantial interest is affected by this action and who timely advised the agency of any error in the action has a right to request an administrative hearing pursuant to Section 120.57, F.S. In order to request a proceeding under Section 120.57, F.S., a request for an administrative hearing

must state with specificity which issues of material fact or law are in dispute. All requests for hearings shall be made to: Agency for Health Care Administration and must be filed with the agency clerk at 2727 Mahan Drive, Fort Knox Building Three, Tallahassee, Florida 32308. All requests for hearings must be filed with the agency clerk within 30 days of this publication or the right to a hearing is waived.

proceeding under Section 120.57, Florida Statutes, your request for an administrative hearing must state with specificity which issues of material fact or law are in dispute. All requests for hearings shall be made to the Agency for Health Care Administration and must be filed with the agency clerk at 2727 Mahan Drive, Building 3, Suite 3431, Tallahassee, Florida 32308. All requests for hearings must be filed with the agency clerk within 30 days of this publication or the right to a hearing is waived.

Hospice Program Net Need

Service Area	Net Need	Service Area	Net Need
District 1	0	Subdistrict 5A	0
Subdistrict 2A	0	Subdistrict 5B	0
Subdistrict 2B	0	Subdistrict 6A	0
Subdistrict 3A	0	Subdistrict 6B	0
Subdistrict 3B	0	Subdistrict 6C	0
Subdistrict 3C	0	Subdistrict 7A	0
Subdistrict 3D	0	Subdistrict 7B	0
Subdistrict 3E	0	Subdistrict 7C	0
Subdistrict 4A	0	Subdistrict 8A	0
Subdistrict 4B	0	Subdistrict 8B	0

Service Area	Net Need	Service Area	Net Need
Subdistrict 8C	0	Subdistrict 9C	0
Subdistrict 8D	0	District 10	0
Subdistrict 9A	0	District 11	0
Subdistrict 9B	0	Total	0

NOTICE OF OPEN HEART SURGERY PROGRAM  
FIXED NEED POOL

The Agency for Health Care Administration has projected a fixed need pool for open heart surgery programs for July 2005, pursuant to the provisions of Rules 59C-1.008 and 59C-1.033, F.A.C. Letters of intent to apply for Certificates of Need pursuant to this notice must be filed with the Certificate of Need Program Office, Building 1, Room 351, 2727 Mahan Drive, Tallahassee, Florida 32308, on or before 5:00 p.m., April 28, 2003.

Any person who identifies any error in the fixed need pool numbers must advise the agency of the error within ten (10) days of publication of the number. If the agency concurs in the error, the fixed need pool number will be adjusted prior to or during the grace period for this cycle. Failure to notify the agency of the error during this ten day time period will result in no adjustment to the fixed need pool number for this cycle and a waiver of the person's right to raise the error at subsequent proceedings. Any other adjustments will be made in the first cycle subsequent to identification of the error including those errors identified through administrative hearings or final judicial review.

Any person whose substantial interest is affected by this action and who timely advised the agency of any error in the action has a right to request an administrative hearing pursuant to Section 120.57, Florida Statutes. In order to request a

Adult Open Heart Surgery Program Net Need

District	Net Need	District	Net Need
1	0	7	0
2	0	8	0
3	0	9	0
4	0	10	0
5	0	11	0
6	0	Total	0

Pediatric Open Heart Surgery Program Net Need

Service Area	Net Need	Service Area	Net Need
1	0	4	0
2	0	5	0
3	0	Total	0

NOTICE OF HOSPICE PROGRAM  
FIXED NEED POOL

The Agency for Health Care Administration has projected a fixed need pool for hospice programs, defined in accordance with Sections 400.601-400.602, Florida Statutes (F.S.) and 408.031-408.045, F.S. Fixed need pool projections are for hospice programs planned for July 2004, pursuant to the provisions of Rule 59C-1.0355, Florida Administrative Code. Letters of intent to apply for Certificates of Need pursuant to this notice must be filed with the Certificate of Need Program Office, 2727 Mahan Drive, Tallahassee, Florida 32308, on or before 5:00 p.m., April 28, 2003.

Any person who identifies any error in the fixed need pool numbers must advise the agency of the error within ten (10) days of the publication. If the agency concurs in the error, the fixed need pool number will be adjusted prior to or during the grace period for this cycle. Failure to notify the agency of the error during this ten day period waives a person's right to raise the error at subsequent proceedings. Any other adjustments will be made in the first cycle subsequent to identification of the error including those errors identified through administrative hearings or final judicial review.

Any person whose substantial interest is affected by this action and who timely advised the agency of any error in the action has a right to request an administrative hearing pursuant to Section 120.57, F.S. In order to request a proceeding under Section 120.57, F.S., a request for an administrative hearing

must state with specificity which issues of material fact or law are in dispute. All requests for hearings shall be made to the Agency for Health Care Administration and must be filed with the agency clerk at 2727 Mahan Drive, Fort Knox Building Three, Tallahassee, Florida 32308. All requests for hearings must be filed with the agency clerk within 30 days of this publication or the right to a hearing is waived.

Hospice Program Net Need

Service Area	Net Need	Service Area	Net Need
District 1	0	Subdistrict 5A	0
Subdistrict 2A	0	Subdistrict 5B	0
Subdistrict 2B	0	Subdistrict 6A	0
Subdistrict 3A	0	Subdistrict 6B	0
Subdistrict 3B	0	Subdistrict 6C	0
Subdistrict 3C	0	Subdistrict 7A	0
Subdistrict 3D	0	Subdistrict 7B	0
Subdistrict 3E	0	Subdistrict 7C	0
Subdistrict 4A	0	Subdistrict 8A	0
Subdistrict 4B	0	Subdistrict 8B	0

Service Area	Net Need	Service Area	Net Need
Subdistrict 8C	0	Subdistrict 9C	0
Subdistrict 8D	0	District 10	0
Subdistrict 9A	0	District 11	0
Subdistrict 9B	0	Total	0

NOTICE OF PEDIATRIC CARDIAC CATHETERIZATION PROGRAM FIXED NEED POOL

The Agency for Health Care Administration has projected a fixed need pool for pediatric cardiac catheterization programs for July 2005, pursuant to the provisions of Rules 59C-1.008 and 59C-1.032, F.A.C. Letters of intent to apply for Certificates of Need pursuant to this notice must be filed with the Certificate of Need Program Office, Building 1, Room 351, 2727 Mahan Drive, Tallahassee, Florida 32308, on or before 5:00 p.m., April 28, 2003.

Any person who identifies any error in the fixed need pool numbers must advise the agency of the error within ten (10) days of publication of the number. If the agency concurs in the error, the fixed need pool number will be adjusted prior to or during the grace period for this cycle. Failure to notify the agency of the error during this ten day time period will result in

no adjustment to the fixed need pool number for this cycle and a waiver of the person's right to raise the error at subsequent proceedings. Any other adjustments will be made in the first cycle subsequent to identification of the error including those errors identified through administrative hearings or final judicial review.

Any person whose substantial interest is affected by this action and who timely advised the agency of any error in the action has a right to request an administrative hearing pursuant to Section 120.57, Florida Statutes. In order to request a proceeding under Section 120.57, Florida Statutes, your request for an administrative hearing must state with specificity which issues of material fact or law are in dispute. All requests for hearings shall be made to the Agency for Health Care Administration and must be filed with the agency clerk at 2727 Mahan Drive, Building 3, Suite 3431, Tallahassee, Florida 32308. All requests for hearings must be filed with the agency clerk within 30 days of this publication or the right to a hearing is waived.

Pediatric Cardiac Catheterization Program Net Need

Service Area	Net Need	Service Area	Net Need
1	0	4	0
2	0	5	0

The Florida Agency for Health Care Administration (the Agency), Bureau of Medicaid Program Analysis provides the following public notice regarding reimbursement for Federally Qualified Health Centers (FQHCs) and Rural Health Clinics (RHCs) participating in the Florida Medicaid Program.

PURPOSE: To comply with federal public notice requirements in Section 1902(a)(13)(A) of the Social Security Act in changing reimbursement for FQHCs/RHCs, the Agency is publishing the proposed rates, the methodologies underlying the establishment of such rates, and justifications for the proposed rates. The Agency is in the process of amending its Title XIX Federally Qualified Health Center Reimbursement Plan (the Plan) to incorporate changes to the reimbursement methodology.

PROPOSED RATES: Effective April 1, 2003, the proposed rates for Medicaid FQHCs' and RHCs' reimbursement will be rates resulting from the current methodology used to calculate per diem rates except for the following:

1. For providers requesting an increase to their reimbursement rate due to an increase in their scope of service(s), the increase must be equal to or greater than 1%.
2. The center must provide the Agency with six (6) months of audited data.
3. The provision requiring a provider to make their request for a change in their reimbursement rate within 120 days from the fiscal year end will be removed.
4. Scope of service(s) change requests must be submitted within 60 days after the costs are incurred and must be accompanied by a 12 month budget that reflects changes in services and costs.

**METHODOLOGIES:** The methodology underlying the establishment of the proposed rates for FQHCs/RHCs will be rates resulting from the current methodology used to calculate reimbursement rates, except that it will include the following changes:

Effective April 1, 2003, the proposed rates for Medicaid FQHCs' and RHCs' reimbursement will be rates resulting from the current methodology used to calculate per diem rates except for the following:

1. For providers requesting an increase to their reimbursement rate due to an increase in their scope of service(s), the increase must be equal to or greater than 1%.
2. The centers must provide the Agency with six (6) months of audited data.
3. The provision requiring a provider to make their request for a change in their reimbursement rate within 120 days from the fiscal year end will be removed from the Plan.
4. Scope of service(s) change requests must be submitted with 60 days after the costs are incurred and must be accompanied by a 12 month budget that reflects changes in services and costs.

**JUSTIFICATION:** The justification for the proposed rate change is based upon a review and analysis of current costs of the scope of service(s) by FQHC and RHC providers. Providers, beneficiaries and their representatives, and other concerned State residents may provide written comment on the proposed rates, methodologies and justification underlying the establishment of such rates. Written comments may be submitted to: Robert Butler, Agency for Health Care Administration, 2727 Mahan Drive, Building 3, Mail Stop 21, Tallahassee, Florida 32308. Written comments should be submitted no later than April 25, 2003.

Copies of the proposed reimbursement plan incorporating the above changes may be obtained by contacting Robert Butler, Medicaid Cost Reimbursement Section, at the address above.

---

## **DEPARTMENT OF ENVIRONMENTAL PROTECTION**

### **FLORIDA FINDING OF NO SIGNIFICANT IMPACT FRUITLAND PARK, FLORIDA**

The Florida Department of Environmental Protection has determined that the proposed Fruitland Park wastewater collection, transmission, and treatment facilities will not have a significant adverse affect on the environment.

The full text of this notice is 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."

For more information regarding the Florida Finding of No Significant Impact, please call: Troy M. Mullis, (850)245-8358.

---

FLORIDA FINDING OF NO SIGNIFICANT IMPACT  
MARIANNA, FLORIDA

The Florida Department of Environmental Protection has determined that the proposed project involving wastewater treatment plant improvements will not adversely affect the environment.

The full text of this notice is 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."

For more information regarding the Categorical Exclusion Notification, please call: Troy Mullis, (850)245-8358.

---

Notice of Availability

Florida Categorical Exclusion Notification

The Florida Department of Environmental Protection has determined, under the State Revolving Fund program, that the City of Flagler Beach water system improvement project will not adversely affect the environment.

The full text of this notice is 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."

For more information, call Bob Holmden, (850)245-8358 or email: [robert.holmden@dep.state.fl.us](mailto:robert.holmden@dep.state.fl.us).

---

DEPARTMENT OF JUVENILE JUSTICE

The Florida Department of Juvenile Justice has posted the following policy for review and comment on MyFlorida.com at:

<http://www.djj.state.fl.us/reference/policiesandprocedures/policyreview.html>.

The revised department-wide policy (Type B) addresses the following issue: Mental Health And Substance Abuse Screening In Residential and Correctional Facilities – requiring that mental health and substance abuse screening be provided for all juvenile offenders placed in residential commitment programs, using the Massachusetts Youth Screening Instrument, Second Version (MAYSI-2) to identify signs of mental/emotional disturbance or distress. In addition, juvenile offenders identified by screening as having mental health and/or substance abuse problems/needs shall be referred for further mental health and/or substance abuse evaluation or emergency care. This is the second of two – 20 working day review and comment periods with a Comments Matrix based on responses from the first posting available at the above Website.

Please submit comments to the contact persons identified on the above Website. The closure date for submission of comments on this policy is April 24, 2003. Responses to comments received will be posted during the review period to the extent possible, but no later than 10 working days after the end of a review period on the above Website.

---

**Section XIII**  
**Index to Rules Filed During Preceding Week**

					Rule No.	File Date	Effective Date	Proposed Vol./No.	Amended Vol./No.
RULES FILED BETWEEN March 24, 2003 and March 28, 2003					12A-15.0035	3/28/03	4/17/03	29/1	
					12A-15.004	3/28/03	4/17/03	29/1	
					12A-15.008	3/28/03	4/17/03	29/1	
Rule No.	File Date	Effective Date	Proposed Vol./No.	Amended Vol./No.	12A-15.009	3/28/03	4/17/03	29/1	
					12A-15.013	3/28/03	4/17/03	29/1	
					12A-15.014	3/28/03	4/17/03	29/1	
					12A-15.015	3/28/03	4/17/03	29/1	
<b>DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES</b>					12A-16.004	3/28/03	4/17/03	29/1	
<b>Division of Agricultural Environmental Services</b>					12A-16.006	3/28/03	4/17/03	29/1	
5E-14.102	3/28/03	4/17/03	29/3		12A-16.007	3/28/03	4/17/03	29/1	
5E-14.105	3/28/03	4/17/03	29/3		12A-16.008	3/28/03	4/17/03	29/1	
5E-14.106	3/28/03	4/17/03	29/3		12A-19.010	3/28/03	4/17/03	28/46	
5E-14.108	3/28/03	4/17/03	29/3	29/10	12A-19.020	3/28/03	4/17/03	28/46	29/9
5E-14.112	3/28/03	4/17/03	29/3	29/10	12A-19.030	3/28/03	4/17/03	28/46	
5E-14.113	3/28/03	4/17/03	29/3		12A-19.043	3/28/03	4/17/03	28/46	
5E-14.123	3/28/03	4/17/03	29/3		12A-19.050	3/28/03	4/17/03	28/46	
5E-14.142	3/28/03	4/17/03	29/3		12A-19.100	3/28/03	4/17/03	28/46	29/9
<b>DEPARTMENT OF EDUCATION</b>					<b>Miscellaneous Tax</b>				
<b>Florida State University</b>					12B-11.005	3/28/03	4/17/03	29/1	
6C2-4.001	3/27/03	4/16/03	Newspaper		12B-11.006	3/28/03	4/17/03	29/1	
6C2-4.0015	3/27/03	4/16/03	Newspaper		12B-11.009	3/28/03	4/17/03	29/1	
6C2-4.070	3/27/03	4/16/03	Newspaper		12B-12.005	3/28/03	4/17/03	29/1	
<b>New College of Florida</b>					12B-12.006	3/28/03	4/17/03	29/1	
6C11-4.003	3/24/03	4/13/03	Newspaper		12B-12.007	3/28/03	4/17/03	29/1	
6C11-4.004	3/24/03	4/13/03	Newspaper		12B-12.009	3/28/03	4/17/03	29/1	
6C11-6.002	3/24/03	4/13/03	Newspaper		<b>DEPARTMENT OF CORRECTIONS</b>				
<b>DEPARTMENT OF REVENUE</b>					33-301.103	3/26/03	4/15/03	29/7	
<b>Sales and Use Tax</b>					33-301.104	3/26/03	4/15/03	29/7	
12A-1.005	3/28/03	4/17/03	29/1		33-301.105	3/26/03	4/15/03	29/7	
12A-1.007	3/28/03	4/17/03	28/46		33-302.106	3/26/03	4/15/03	29/7	
12A-1.007	3/28/03	4/17/03	29/1		<b>WATER MANAGEMENT DISTRICTS</b>				
12A-1.011	3/28/03	4/17/03	28/46		<b>South Florida Water Management District</b>				
12A-1.014	3/28/03	4/17/03	29/1		40E-4.0415	3/25/03	4/14/03	28/48	
12A-1.0141	3/28/03	4/17/03	29/1		40E-4.051	3/25/03	4/14/03	28/48	
12A-1.0161	3/28/03	4/17/03	29/1		40E-4.091	3/25/03	4/14/03	28/48	
12A-1.022	3/28/03	4/17/03	28/46	29/9	40E-4.101	3/25/03	4/14/03	28/48	29/9
12A-1.034	3/28/03	4/17/03	29/1		40E-4.305	3/25/03	4/14/03	28/48	
12A-1.051	3/28/03	4/17/03	29/1		40E-4.361	3/25/03	4/14/03	28/48	29/9
12A-1.053	3/28/03	4/17/03	28/46		40E-4.371	3/25/03	4/14/03	28/48	
12A-1.056	3/28/03	4/17/03	29/1		40E-4.381	3/25/03	4/14/03	28/48	29/9
12A-1.0565	3/28/03	4/17/03	29/1		40E-40.141	3/25/03	4/14/03	28/48	
12A-1.059	3/28/03	4/17/03	28/46		40E-40.381	3/25/03	4/14/03	28/48	
12A-1.060	3/28/03	4/17/03	29/1	29/10	40E-400.021	3/25/03	4/14/03	28/48	
12A-1.097	3/28/03	4/17/03	29/1	29/10	40E-400.315	3/25/03	4/14/03	28/48	29/9
12A-1.103	3/28/03	4/17/03	29/1		40E-400.417	3/25/03	4/14/03	28/48	
12A-12.003	3/28/03	4/17/03	29/1		40E-400.467	3/25/03	4/14/03	28/48	
12A-12.004	3/28/03	4/17/03	29/1		40E-400.483	3/25/03	4/14/03	28/48	
12A-15.003	3/28/03	4/17/03	29/1	29/10	40E-400.485	3/25/03	4/14/03	28/48	

Rule No.	File Date	Effective Date	Proposed Vol./No.	Amended Vol./No.
----------	-----------	----------------	-------------------	------------------

**AGENCY FOR HEALTH CARE ADMINISTRATION  
Office of Licensure and Certification**

59A-25.002	3/24/03	4/13/03	29/1	
------------	---------	---------	------	--

**DEPARTMENT OF BUSINESS AND PROFESSIONAL  
REGULATION**

**Division of Florida Land Sales, Condominiums & Mob**

61B-37.001	3/27/03	4/16/03	29/8	
------------	---------	---------	------	--

**Board of Landscape Architecture**

61G10-18.002	3/24/03	4/13/03	29/7	
--------------	---------	---------	------	--

Rule No.	File Date	Effective Date	Proposed Vol./No.	Amended Vol./No.
----------	-----------	----------------	-------------------	------------------

**DEPARTMENT OF ENVIRONMENTAL PROTECTION**

62-204.800	3/25/03	4/1/03	29/8	
62-213.300	3/25/03	4/14/03	28/52	29/9
62-213.900	3/25/03	4/14/03	28/52	29/9

**DEPARTMENT OF HEALTH**

**Board of Opticianry**

64B12-9.0016	3/28/03	4/17/03	28/47	29/10
64B12-11.002	3/26/03	4/15/03	29/7	