

**Section I**

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

**DEPARTMENT OF STATE**

**Division of Elections**

RULE CHAPTER TITLE:	RULE CHAPTER NO.:
Elections	1S-2
RULE TITLES:	RULE NOS.:
Constitutional Amendments	1S-2.0091
Advisory Opinion	1S-2.010
Voter Intent	1S-2.027

PURPOSE AND EFFECT: To consider amendments to the Rules listed above.

SUBJECT AREA TO BE DISCUSSED: Procedure for Constitutional Amendments, procedure for requesting advisory opinions from the Division of Elections, and guidelines for interpretation of voter intent.

SPECIFIC AUTHORITY: 100.371(6), 102.166(5)(b), 106.22(9) FS.

LAW IMPLEMENTED: 100.371, 102.166(5)(b), 106.23(2) FS.

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

TIME AND DATE: 2:00 p.m., Monday, September 15, 2003  
 PLACE: Room 102, Collins Building, 107 West Gaines Street, Tallahassee, Florida 32399-0250

Pursuant to the Americans with Disabilities Act, persons needing special accommodations to participate in this meeting should advise the Department at least 5 calendar days before the hearing, by contacting: Sarah Jane Bradshaw, (850)245-6200.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT, IF AVAILABLE, IS: Sarah Jane Bradshaw, Division of Elections, Department of State, 107 West Gaines Street, Tallahassee, Florida 32399-0250, (850)245-6200

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

**DEPARTMENT OF STATE**

**Division of Elections**

RULE CHAPTER TITLE:	RULE CHAPTER NO.:
Elections	1S-2
RULE TITLES:	RULE NOS.:
State Write-In Ballot	1S-2.028
Recount Procedures	1S-2.031
Uniform Ballot	1S-2.032
Polling Place Procedures Manual	1S-2.034

PURPOSE AND EFFECT: To consider amendments to the Rules listed above.

SUBJECT AREA TO BE DISCUSSED: State write-in ballots, recount procedures, the uniform ballot, and the polling place procedures manual.

SPECIFIC AUTHORITY: 101.151(8), 101.6951, 102.166, 102.014(5) FS.

LAW IMPLEMENTED: 101.151(8), 101.6951, 102.166, 102.014(5) FS.

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

TIME AND DATE: 9:00 a.m., Tuesday, September 16, 2003  
 PLACE: Room 102, Collins Building, 107 West Gaines Street, Tallahassee, Florida 32399-0250

Pursuant to the Americans with Disabilities Act, persons needing special accommodations to participate in this meeting should advise the Department at least 5 calendar days before the hearing, by contacting: Sarah Jane Bradshaw, (850)245-6200.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT, IF AVAILABLE, IS: Sarah Jane Bradshaw, Division of Elections, Department of State, 107 West Gaines Street, Tallahassee, Florida 32399-0250, (850)245-6200

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

**DEPARTMENT OF LEGAL AFFAIRS**

**Division of Victim Services and Criminal Justice Programs**

RULE CHAPTER TITLE:	RULE CHAPTER NO.:
Law Enforcement, Correctional, Correctional Probation Officers; Death Benefits	2A-8

PURPOSE AND EFFECT: The Division proposes the development of rules to address death benefits for law enforcement, correctional, and correctional probation officers.

SUBJECT AREA TO BE ADDRESSED: Death benefits for law enforcement, correctional, and correctional probation officers.

SPECIFIC AUTHORITY: 112.19(2)(j) FS.

LAW IMPLEMENTED: 112.19 FS.

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

TIME AND DATE: 10:00 a.m., September 11, 2003  
 PLACE: Office of the Attorney General, Room G19, Collins Building, 107 West Gaines Street, Tallahassee, Florida 32301

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Rick Nuss, Chief, Bureau of Criminal Justice Programs, Department of Legal Affairs, PL-01, The Capitol, Tallahassee, Florida 32399-1050

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

**DEPARTMENT OF LEGAL AFFAIRS**

**Division of Victim Services and Criminal Justice Programs**

RULE CHAPTER TITLE: Florida Crime Stoppers  
 RULE CHAPTER NO.: 2A-9

PURPOSE AND EFFECT: The Division proposes the development of rules for the award and administration of the Crime Stoppers Trust Fund.

SUBJECT AREA TO BE ADDRESSED: Crime Stoppers Trust Fund.

SPECIFIC AUTHORITY: 16.555(6)(a)-(d) FS.

LAW IMPLEMENTED: 16.555, 16.556, 938.06 FS.

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

TIME AND DATE: 1:00 p.m., September 11, 2003

PLACE: Office of the Attorney General, Room G19, Collins Building, 107 West Gaines Street, Tallahassee, Florida 32301

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Rick Nuss, Chief, Bureau of Criminal Justice Programs, Department of Legal Affairs, PL-01, The Capitol, Tallahassee, Florida 32399-1050

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

**DEPARTMENT OF INSURANCE**

**Residual Markets and Special Risk Pools**

RULE TITLE: Declaration of Coverages and Risk Classes  
 RULE NO.: 4J-5.015

Eligible for Export

PURPOSE AND EFFECT: To establish guidelines for determining what types of insurance are exportable.

SUBJECT AREA TO BE ADDRESSED: Designation of lines of coverage and classes of risk which are eligible for export by surplus lines insurers.

SPECIFIC AUTHORITY: 624.308(1), 626.916 FS.

LAW IMPLEMENTED: 614.307(1), 626.916 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., September 16, 2003

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

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Mike Milnes, Bureau of Property and Casualty Forms and Rates, Office of Insurance Regulation, 200 East Gaines Street, Tallahassee, Florida 32399-0330, (850)413-5396

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

4J-5.015 Declaration of Coverages and Risk Classes Eligible for Export.

(1)(a) Pursuant to Section 626.916(2), Florida Statutes, for certain lines of coverage and certain classes of insurance risk, the Office has determined that insurance is not readily available in the authorized market, and that such lines of coverage and classes of risk are eligible for export to eligible surplus lines insurers.

(b) Consequent to this determination, the producing agent is not obligated to undertake a diligent effort to place any such line of coverage or class of risk with insurers authorized to transact such insurance in this state.

(c) If the risk requires a commercial package policy, and if it is not possible to obtain any one of the coverages that would customarily be included in the commercial package policy, it is permissible to export the entire risk.

(d) The following lines of coverage are eligible for export without diligent effort:

1. Aircraft Hull Insurance;
2. Aircraft Liability;
3. Aviation Product Liability;
4. Aviation Cargo;
5. Business Interruption Insurance;
6. Commercial Excess Liability;
7. Commercial Umbrella Liability;
8. Contingency Insurance;
9. Contractors Equipment Floater;
10. Difference in Conditions;
11. Earthquake;
12. Event Cancellation Insurance;
13. Exotic Animal Mortality Coverage;
14. Flood;
15. Furriers Block;
16. Garage Liability;

- 17. Garage Keepers Legal Liability;
- 18. Hull Insurance;
- 19. Jewelers Block;
- 20. Kidnap and Ransom Insurance;
- 21. Liquor Liability;
- 22. Marina Operators Legal Liability;
- 23. Marine Liabilities Package;
- 24. Marine Builders Risk;
- 25. Media Liability;
- 26. Miscellaneous Errors and Omissions Liability;
- 27. Miscellaneous Medical Professional Liability;
- 28. Mortgage Impairment;
- 29. Motor Truck Cargo;
- 30. Ocean Cargo;
- 31. Pollution Liability;
- 32. Prize Indemnification Insurance;
- 33. Products and Completed Operations;
- 34. Product Recall Insurance;
- 35. Protection and Indemnity;
- 36. Railroad Protective Liability;
- 37. Ship Repairers Legal Liability;
- 38. Stevedores Legal Liability;
- 39. Terrorism;
- 40. Weather Insurance;
- 41. Wind Deductible Buy-Back Coverage;
- 42. Windstorm and/or Hail.

(e) The following classes of risk are eligible for export without diligent effort:

- 1. New business ventures, defined as those risks which have been in business at the current location for less than 3 years;
- 2. Any risk whose most recent insurance coverage was cancelled or not renewed by the insurer;
- 3. Adult Day Care Facilities – Liability and Property;
- 4. Alarm Installation Service – Liability;
- 5. Alcohol and Drug Rehabilitation Centers – Liability and Property;
- 6. Amusement Parks/Carnivals and Amusement Devices – Liability and Property;
- 7. Animal Related Activities/Relations, Domestic and/or Exotic;
- 8. Antique Stores – Liability and Property;
- 9. Athletic Games Sponsored by the Insured – Liability and Property;
- 10. Athletic Programs – Liability;
- 11. Athletic or Sports Contests in Building – Liability;
- 12. Bars and Taverns – Liability and Property;
- 13. Beach Equipment Rental – Liability;
- 14. Beauty Parlors and Hair Styling Salons – Liability;

- 15. Bicycle and Skate Rentals – Liability;
- 16. Billiard or Pool Halls – Liability and Property;
- 17. Boarding/Rooming Houses – Liability and Property;
- 18. Boat Dealers – Liability;
- 19. Boat Repair and Servicing – Liability;
- 20. Boat Storage and Moorage – Liability;
- 21. Boat Yards or Marinas – Public – Liability;
- 22. Boats – Canoes or Rowboats for Rent – Liability;
- 23. Bowling Lanes – Liability and Property;
- 24. Building Owners – Lessor’s Risk – Liability;
- 25. Building Structure – Raising or Moving – Liability;
- 26. Buildings or Premises (Lessor’s Risk Only) – Liability;
- 27. Campgrounds – Liability;
- 28. Car Washes – Liability;
- 29. Carnival or Circus Company – Liability;
- 30. Carnivals – Outside/In Tents – Liability;
- 31. Caterers – Liability;
- 32. Contractors Equipment – Liability;
- 33. Contractors – Subcontracted Work – Liability;
- 34. Convenience Food Stores – Liability and Property;
- 35. Convenience Food/Gasoline Stores – Liability and Property;
- 36. Conversion Buses or Vans;
- 37. Dance Halls, Ballrooms or Discotheques – Liability and Property;
- 38. Day Care Centers – Liability;
- 39. Demolition Contractors Liability;
- 40. Detective or Investigative Agencies – Liability;
- 41. Dwellings (Lessor’s Risk Only) – Liability;
- 42. Environmental Impairment Liability;
- 43. Exercise and Health Studio – Liability;
- 44. Exhibition or Conventions Buildings – Liability;
- 45. Exhibitions in Buildings/Outside – Liability;
- 46. Explosive of Fireworks Mfg – Liability and Property;
- 47. Exterminators – Liability;
- 48. Fair Grounds – Liability;
- 49. Fairs – outside – Liability;
- 50. Fertilizers Manufacturers – Liability and Property;
- 51. Fire Extinguishers, Servicing, Refilling and Testing – Liability;
- 52. Fire Protection Equipment Dealers, Installation, Sales and Service – Liability;
- 53. Fireworks Exhibitions – Liability;
- 54. Fishing Piers – Property and Liability;
- 55. Flea Markets – Liability and Property;
- 56. Floor Waxing – Liability;
- 57. Fraternities – Property;
- 58. Fumigating – Liability;

- 59. Garbage, Ash or Refuse Collecting – Liability;
- 60. General Contractors – Liability;
- 61. Golf Courses – Miniature – Liability;
- 62. Golf Driving Ranges – Liability;
- 63. Golf Mobiles Loaned or Rented to Others – Liability;
- 64. Gun Dealers – Liability and Property;
- 65. Halls – Liability and Property;
- 66. Halfway Houses – Liability;
- 67. Health Care Facilities – Liability;
- 68. Health or Exercise Facilities – Liability;
- 69. Health or Exercise Clubs - Liability;
- 70. Home Health Care Services – Liability;
- 71. Hunt Clubs – Liability;
- 72. Janitorial Service – Liability;
- 73. Ladder Manufacturer – Liability;
- 74. Land (Lessor’s risk only) – Liability;
- 75. Lawn Care Services – Liability;
- 76. Machine Shops – Liability;
- 77. Markets (Lessor’s risk only) – Liability and Property;
- 78. Martial Arts Studios – Liability;
- 79. Masseurs Professional Liability;
- 80. Medical Equipment Supply Store – Liability;
- 81. Medical, Hospital and Surgical Equipment (rented to others) – Liability;
- 82. Mobile Home Parks – Liability;
- 83. Nail Salons – Liability;
- 84. Nightclubs, Cabarets and Comedy Clubs – Liability;
- 85. Osteopathic Hospital Professional Liability;
- 86. Osteopathic Professional Liability;
- 87. Outfitters and Guides – Liability;
- 88. Parades – Liability;
- 89. Pawn Shops – Liability and Property;
- 90. Pest Control Services – Liability;
- 91. Push Carts and Flea Market Vendors – Liability;
- 92. Race Tracks – Motorized Vehicles – Liability;
- 93. Race Tracks – Operators – Liability;
- 94. Racing – Liability;
- 95. Real Estate Development Property – Liability;
- 96. Recycling Collection Centers – Liability;
- 97. Restaurants (sales of alcoholic beverages more than 75% of total receipts) – Liability and Property;
- 98. Rifle/Pistol Ranges – Liability;
- 99. Rodeos – Liability;
- 100. Roofing – Liability;
- 101. Security and Patrol Agency – Liability;
- 102. Skating Rinks – Liability;
- 103. Social Gatherings and Meetings – Liability;
- 104. Sports Camp and/or Leagues – Liability;

- 105. Sun Tanning Salons – Liability;
- 106. Swimming Pool Contractors – Liability;
- 107. Swimming Pools – Commercially Operated – Liability;
- 108. Swimming Pool Installation and Maintenance – Liability;
- 109. Tents or Canopies (loaned or rented) – Liability;
- 110. Toys of Games Manufacturing – Liability;
- 111. Trailer Manufacturing – Liability;
- 112. Tree Pruning, Dusting, Spraying, Repairing, Trimming or Fumigating – Liability;
- 113. Umbrellas and Excess Liability;
- 114. Vacant Building Owners – Liability and Property;
- 115. Vacant Land Owners Liability;
- 116. Video Stores – Liability;
- 117. Welding or Cutting – Liability;
- 118. Window Cleaning – Liability;
- 119. Wrecking – Buildings or Structures – Liability;
- 120. Zoos – Liability.

(2)(a) After review by and concurrence of its staff, the Florida Surplus Lines Services Office shall forward to the Office any request to add or remove a line of coverage or class of risk from this rule.

(b) The Office shall schedule a rule development workshop within 90 days of receipt of the request.

(3) Any line of coverage, class, or risk not included in the provisions of this rule is eligible for export if it meets all the conditions of Section 626.916(1), Florida Statutes, providing for diligent effort.

Specific Authority 624.308(1), 626.916 FS. Law Implemented 624.307(1), 626.916 FS. History–New \_\_\_\_\_.

**DEPARTMENT OF EDUCATION**

**Commission for Independent Education**

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

PURPOSE AND EFFECT: The Commission proposes this rule amendment to update some of the types of changes that can affect accreditation.

SUBJECT AREA TO BE ADDRESSED: Any changes serious enough to affect the continued operation or stability of the institution, or the quality of the educational programs offered.

SPECIFIC AUTHORITY: 1005.22(1)(d) FS.

LAW IMPLEMENTED: 1005.22, 1005.31 FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE NOTICE 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: Samuel L. Ferguson, Executive Director, Commission for Independent Education, 2650 Apalachee Parkway, Suite A, Tallahassee, Florida 32301

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

6E-1.003 Definition of Terms.

(1) through (42) No change.

(43) "Substantive change" means any change of control, level of credentials offered, location, a change in the purpose of the institution that exceeds minor corrections or alterations, financial soundness, or accreditation. A change of location includes any change of location that exceeds 45 miles. A change of accreditation includes change of accreditation agency, lowering the level of accreditation, exceeding the scope of the grant of accreditation or recognition of the agency, or any final action taken by the accrediting agency which places the accreditation of the institution in jeopardy. A substantive change also includes any change which the Commission determines is serious enough to affect threaten the continued operation or stability of the institution, or the quality of the education programs offered.

(44) through (45) No change.

Specific Authority 1005.22 (1)(d) FS. Law Implemented 1005.22, 1005.31 FS. History—Repromulgated 12-5-74, Amended 7-28-75, Formerly 6E-4.01(8), Readopted 11-11-75, Amended 3-7-77, 10-13-83, Formerly 6E-1.03, Amended 2-22-89, 11-29-89, 10-19-93, 4-11-00, 1-7-03, \_\_\_\_\_.

**DEPARTMENT OF EDUCATION**

**Commission for Independent Education**

RULE TITLE: RULE NO.:

License by Means of Accreditation 6E-2.002

PURPOSE AND EFFECT: The Commission proposes this rule amendment to update the requirements for applying for a License by Means of Accreditation.

SUBJECT AREA TO BE ADDRESSED: Requirements of License by Means of Accreditation.

SPECIFIC AUTHORITY: 1005.22(1)(d), 1005.31(2), (3) FS.

LAW IMPLEMENTED: 1005.22(1)(e), (2)(d), 1005.31, 1005.32, 1005.33 FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE NOTICE 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: Samuel L. Ferguson, Executive Director, Commission for Independent Education, 2650 Apalachee Parkway, Suite A, Tallahassee, Florida 32301

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

6E-2.002 License by Means of Accreditation.

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

(c) Substantive change. An institution which undergoes a substantive change, as defined in subsection 6E-1.003(43), F.A.C., while holding an Annual License or a License by Means of Accreditation, shall be granted a Provisional License for a period of time determined by the Commission. An institution may submit a written request for a return to its previous status or for a new status when conditions set by the Commission have been met. Any limitations on the operation of the institution during the period of provisional licensure will be determined by the Commission when granting the Provisional License. An institution holding a Provisional License shall not request approval of or implement a substantive change until it holds an Annual License or License by Means of Accreditation. The Commission may delegate to the Executive Director, the authority to return institutions to their previous status between Commission meetings, if the Executive Director determines that changes have no negative impact on the institution or the students attending the institution. Such action shall be reported to the Commission at the next meeting for further action.

(2) No change.

(3) License by Means of Accreditation.

(a) No change.

(b) Requirements. An institution may apply for a License by Means of Accreditation if appropriate fees have been paid and if the following materials have been presented to the Commission requirements have been met:

1. Evidence that the ~~The~~ institution has ~~operated legally~~ been licensed or exempt from licensure under Section 246.085(1)(a), Florida Statutes 2001 in the State of Florida for ~~a minimum of the past~~ five consecutive years; and

2. Evidence that the ~~The~~ institution is a Florida corporation; and

3. Evidence that the ~~The~~ institution holds institutional accreditation granted by an accrediting agency as defined by Section 1005.02(1), Florida Statutes, which has been evaluated by the accreditation review committee and approved by the Commission as having reporting, organizational, and operating standards substantially equivalent to the Commission's licensure standards; and

4. Evidence that the institution meets minimum requirements for financial responsibility. The institution shall demonstrate compliance with this requirement by filing the institution's most recent annual independently audited financial statement, pursuant to subsection 6E-2.004(6), F.A.C. This audit shall cover a fiscal year which ended no earlier than twelve months prior to the application for licensure by means of accreditation. ~~The institution has consistently followed fair~~

~~consumer practices, as provided in Section 1005.04 and 1005.34, Florida Statutes, and Rule 6E-1.0032, F.A.C., in all aspects of its operations; and~~

~~5. The institution has no unresolved complaints or other actions in the past twelve months; and~~

~~6. The institution meets minimum requirements for financial responsibility. The institution shall demonstrate compliance with this requirement by filing the institution's most recent annual independently audited financial statement, pursuant to subsection 6E-2.004(6), F.A.C. This audit shall cover a fiscal year which ended no earlier than twelve months prior to the application for licensure by means of accreditation.~~

~~7. An institution that was exempt from licensure in 2001 under Section 246.085(1)(a), Florida Statutes 2001, may retain an exemption until the Commission issues it a License by Means of Accreditation as provided in this rule.~~

(c) Evaluation. When the Commission has received the required documents and appropriate fees, the Commission shall evaluate the eligibility of the institution for Licensure by Means of Accreditation by determining, in addition, whether:

1. The institution has consistently followed fair consumer practices, as provided in Sections 1005.04 and 1005.34, Florida Statutes, and Rule 6E-1.0032, F.A.C., in all aspects of its operations; and

2. The institution has no unresolved complaints or other actions in the past twelve months; and

(d) Continued Exemption. An institution that was exempt from licensure in 2001 under Section 246.085(1)(a), Florida Statutes 2001, may retain an exemption until the Commission issues it a License by Means of Accreditation as provided in this rule.

(e) Annual review. At the time of annual review of a License by Means of Accreditation, the institution shall submit: a current institutional catalog; a copy of materials provided to its accrediting agency since the last license review, except in the case of a self-study, a copy of the executive summary thereof will suffice; a copy of any correspondence, including letters, motions, records of actions taken, and other similar documents provided by the accrediting agency to the institution since the last review, and the institution's response; a copy of the annual independent institutional audit, pursuant to subsection 6E-2.004(6), F.A.C.; materials documenting that fair consumer practices are followed by the institution; and, if requested by the Commission, materials documenting that the institution has in place procedures for following the Commission's requirements for orderly closing.

(f) Duration.

1. A License by Means of Accreditation is valid for the same period as the grant of accreditation, except as noted in subparagraph 3. of this paragraph.

2. At the conclusion of the period of the grant of accreditation for which the licensure was granted, the license will expire unless the institution has paid appropriate fees and submitted evidence that the institution continues to be eligible for a License by Means of Accreditation. In the event that the accrediting agency has deferred consideration of a renewal of the institution's accreditation, the Commission shall consider the circumstances in making a decision whether to extend the license.

(g) Before offering a program that exceeds the scope or level of its grant of accreditation, an institution holding a License by Means of Accreditation must apply for and receive an Annual License, pursuant to Section 1005.32(4), Florida Statutes. Upon inclusion of the new program in the full grant of accreditation, the institution may apply to reinstate its License by Means of Accreditation.

(h) Disciplinary actions. Pursuant to Section 1005.32(7), Florida Statutes, repeated failure to comply with the statutory requirements for this status shall lead to denial, probation, or revocation of the status as outlined in Rule 6E-2.0061, F.A.C. If the License by Means of Accreditation is revoked or denied, the institution must immediately obtain an Annual License.

Specific Authority 1005.22(1)(d), 1005.31(2),(3) FS. Law Implemented 1005.22(1)(e),(2)(d), 1005.31, 1005.32, 1005.33 FS. History—Repromulgated 12-5-74, Formerly 6E-4.01(f)-(i), Readopted 11-11-75, Amended 2-6-78, 5-7-79, 10-13-83, Formerly 6E-2.02, Amended 11-27-88, 11-29-89, 10-19-93, 4-2-96, 4-11-00, 1-7-03, \_\_\_\_\_.

**DEPARTMENT OF EDUCATION**

**Commission for Independent Education**

RULE TITLE: RULE NO.:

On Site Visits 6E-4.007

PURPOSE AND EFFECT: Employees of the Commission shall have the power to inspect institutions for a full or partial site visit.

SUBJECT AREA TO BE ADDRESSED: On Site Visit Process.

SPECIFIC AUTHORITY: 1005.22(1)(d), 1005.31(2)(d) 1005.35(4)(d) FS.

LAW IMPLEMENTED: 1005.35(4)(d) FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE NOTICE 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: Samuel L. Ferguson, Executive Director, Commission for Independent Education, 2650 Apalachee Parkway, Suite A, Tallahassee, Florida 32301

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

6E-4.007 On Site Visits.

(1) Authority to inspect – Employees of the Commission or a designee shall have the power to inspect institutions in a lawful manner for a full or partial site visit at all reasonable hours under the following conditions:

(a) Assisting an institution in complying with the rules and statutes;

(b) As a criterion for annual licensure;

(c) Determining if any of the provisions of this chapter or any rule thereunder is being violated;

(d) For the purpose of securing such other evidence as may be needed for prosecution pursuant to Section 1005.38, F.S.;

(e) By the order of the Commission;

(f) Upon receiving an application containing information that may cause an investigation to be made of the institution.

(2) On Site Visit Process.

(a) Employees or designees of the Commission shall have the authority to perform announced or unannounced on site visits an to inspect such files, facilities, and equipment as well as conduct interviews with such individuals as appropriate to determine whether the institution is in compliance with Florida Statutes 1005 and the Commission rules.

(b) Failure to provide full access to the institution’s files, facilities and equipment or prevention of interviews is grounds for disciplinary action.

(c) A detailed written report of findings shall be compiled by staff and made a part of the institution’s file.

(d) The institution shall pay the required fees to cover the travel and per diem expenses of the Commission staff and committee members.

Specific Authority 1005.22(1)(d), 1005.31(2)(d), 1005.35(4)(d) FS. Law Implemented 1005.35 (4)(d) FS. History–New \_\_\_\_\_.

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

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

**DEPARTMENT OF CORRECTIONS**

RULE TITLE: Canteen Operations  
 RULE NO.: 33-203.101  
 PURPOSE AND EFFECT: The purpose of the proposed rule is to delete obsolete language from the rule. The effect is to remove reference to the Inmate Welfare Trust Fund which was abolished by Senate Bill 954 (2003).  
 SUBJECT AREA TO BE ADDRESSED: Canteen Operations.

SPECIFIC AUTHORITY: 20.315, 944.09, 945.215 FS.  
 LAW IMPLEMENTED: 20.315, 944.09, 945.215, 946.002 FS.  
 IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.

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

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

~~33-203.101 Inmate Welfare Trust Fund and Canteen Operations.~~

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

~~(3) Budgeting and Disbursement of Inmate Welfare Trust Funds.~~

~~(a) Disbursements from the Inmate Welfare Trust Fund must meet the test of providing for the greatest need of the greatest number of inmates.~~

~~(b) Inmate welfare trust funds shall be budgeted and disbursed exclusively:~~

~~1. To purchase items for resale at the inmate canteens or vending machines maintained at the correctional facilities;~~

~~2. To employ personnel and inmates to manage, supervise, and operate the canteens and vending machines at the correctional facilities;~~

~~3. For operating and fixed capital expenses associated with the operation of inmate canteens and vending machines;~~

~~4. To employ personnel to manage and supervise the proceeds from telephone commissions;~~

~~5. To employ personnel for correctional education to provide literacy programs, vocational training, and academic programs that comply with standards of the Department of Education;~~

~~6. For operating and fixed capital expenses associated with the delivery to inmates of literacy programs, vocational training programs, and academic programs that comply with standards of the Department of Education;~~

~~7. For operating and fixed capital expenses associated with the operation of inmate chapels, libraries, and visiting pavilions;~~

~~8. To employ personnel to operate the libraries, chapels, and visiting pavilions;~~

~~9. For expenses associated with various inmate clubs;~~

~~10. For expenses associated with legal services for inmates;~~

~~11. To develop, implement and maintain the medical copayment accounting system;~~

~~12. To employ personnel to provide inmate substance abuse treatment and transition and life skills training programs; and~~

~~13. For operating and fixed capital expenses associated with the delivery of inmate substance abuse treatment and transition and life skills training programs.~~

~~(e) Expenditures for items listed in subparagraphs 5 through 13, above are categorized as inmate benefit program expenditures. Expenditures for correctional education programs in subparagraphs 5 and 6, must exceed the total of all other inmate benefit program expenditures.~~

~~(4) Monies collected from employee activities will not be processed through the Inmate Welfare Trust Fund. Monies from the Inmate Welfare Trust Fund will not be disbursed to employee clubs or for employee benefits.~~

~~(5) All orientation programs for new inmates will contain an explanation of the Inmate Welfare Trust Fund and its use to the inmate.~~

~~(6) Inmate Welfare Trust Fund Procedures:~~

~~(a) Department wide. The Office of Administration shall develop procedures to govern the operation of Inmate Welfare Trust Fund activities.~~

~~(b) Institutional Level: Service center support staff are responsible for overseeing the operation of Inmate Welfare Trust Fund canteen operations.~~

~~(7) through (8) renumbered (3) through (4) No change.~~

~~(5)(9) Inmate Salaries. An inmate may receive compensation from the General Revenue Inmate Welfare Trust Fund if the inmate is actually performing canteen or canteen support functions. The monthly rate of pay shall not exceed \$75.00.~~

~~(10) through (11) renumbered (6) through (7) No change.~~

~~(8)(12) All material shortages of inventory or money at the canteens or money from the Inmate Welfare Trust Fund will be formally investigated by local investigators immediately upon determining that a shortage exists. A formal investigation must include the appointment of an investigating officer and the preparation of records reflecting all aspects of the investigation, including the placement of responsibility for the shortage where possible. If the report reflects negligence on the part of an employee or inmate, the Regional Director or warden will recoup the shortage from that person or persons. If the investigation and any subsequent action does not result in recoupment of the shortage, the report will be forwarded to the Inspector General in Central Office for further disposition. Disciplinary action will be taken against inmates found to be negligent. All minor shortages, that is, those which can be recovered from the operator's salary, shall be investigated to the extent necessary to satisfy both the canteen operator and the business office staff as to the apparent cause of the shortage.~~

Specific Authority 20.315, 944.09, 945.215 FS. Law Implemented 20.315, 944.09, 945.215, 946.002 FS. History--New 1-20-86, Formerly 33-3.035, Amended 11-22-91, 5-25-95, 11-13-95, 5-28-96, 2-12-97, Formerly 33-3.0035, Amended 11-18-02, \_\_\_\_\_.

**DEPARTMENT OF CORRECTIONS**

RULE TITLE: Mental Health Treatment Facilities –

RULE NO.:

Administrative Confinement 33-404.206

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to delete reference to an obsolete form.

SUBJECT AREA TO BE ADDRESSED: Administrative confinement in mental health treatment facilities

SPECIFIC AUTHORITY: 944.09, 945.49 FS.

LAW IMPLEMENTED: 20.315, 944.09, 944.35, 945.48, 945.49 FS.

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

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

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

33-404.206 Mental Health Treatment Facilities – Administrative Confinement.

(1) No change.

(2) When an inmate is placed in administrative confinement status for reasons outlined in Rule 33-602.220 F.A.C., the Senior Correctional Officer shall communicate the reasons for such placement to the senior mental health professional on duty who may recommend any additional supervision, observation or other treatment requirements for the inmate. The Senior Correctional Officer shall record any additional requirements ~~in on the Offender Based Information System (OBIS) electronic classification log Report of Administrative Confinement Form DC6-233a.~~ Staff shall be advised of any additional supervision or observation requirements and record this information in the inmate's treatment chart and the Daily Record of Segregation Form DC6-229. Form ~~DC6-233a and~~ DC6-229 ~~has~~ have been incorporated by reference into subsection 33-602.220(10), F.A.C.

(3) through (4) No change.

Specific Authority 944.09, 945.49 FS. Law Implemented 20.315, 944.09, 944.35, 945.48, 945.49 FS. History--New 11-3-85, Formerly 33-23.13, Formerly 33-23.013, Amended \_\_\_\_\_.



**DEPARTMENT OF CORRECTIONS**

RULE TITLE: Copying Services for Inmates  
 RULE NO.: 33-501.302

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to clarify circumstances under which inmates will be provided with copying services.

SUBJECT AREA TO BE ADDRESSED: Copying services.

SPECIFIC AUTHORITY: 20.315, 944.09 FS.

LAW IMPLEMENTED: 20.315, 944.09 FS.

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

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

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

33-501.302 Copying Services for Inmates.

(1) No change.

(2) Documents will be copied only if they are necessary to initiate a legal or administrative action or if they must be filed or served in a pending action. Except as otherwise provided in this rule, the number of copies made shall be the number required to be filed and served according to the rules of the court or administrative body, or required per order of the court or administrative body, plus: one additional copy shall be made for the inmate to keep if the original is filed or served.

(a) Copying services shall not be provided to make copies of Form DC6-236, Inmate Request, or Form DC1-303, Request for Administrative Remedy or Appeal, attachments that are a continuation of the request portion of Form DC6-236, or attachments that are a continuation of part A of Form DC1-303. However, inmates shall be provided copying services for documents to be attached to Forms DC6-236, Inmate Request, and DC1-303, Request for Administrative Remedy or Appeal, as accompanying evidentiary material. The number of copies made shall not exceed three.

(b) Title 42, United States Code, Section 1983, civil rights complaints filed into federal district courts.

1. Inmates shall be provided a copy for the inmate if the original must be filed with the court, and one copy for each named defendant if the complaint names five or fewer defendants.

2. If more than five defendants are named in the complaint, the inmate shall only be made one file copy to keep if the original complaint must be filed with the court. No copies shall be made to serve defendants until the inmate presents a court order indicating that the complaint is not being

dismissed pursuant to Title 28, United States Code, Section 1915, and directs that specific defendants must be served with a copy. The law library shall then make the inmate the number of copies needed to serve all the defendants.

(c) Cases, statutes, and other reference materials are not evidentiary materials and will not be copied to accompany legal documents unless the inmate is required to provide such copies by law, court rule, or court order.

(3) Inmate requests for copying services shall be submitted on Form DC5-154, Copying Service Request and Withdrawal. Form DC5-154 and the documents to be copied shall be submitted to the Law Library Supervisor for approval. The law library supervisor may inspect an inmate's documents to ensure that the material to be copied is of a legal or administrative nature and is in accordance with the reason the inmate provided for needing the copies; however, the law library supervisor shall not read the documents. Form DC5-154 is hereby incorporated by reference. Copies of this form are available from the Forms Control Administrator, Office of the General Counsel, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500. The effective date of this form is \_\_\_\_\_.

(4)(3) No change.

(5)(4) Inmates who are without funds shall not be denied copying services for documents and accompanying evidentiary materials needed to initiate a legal or administrative action or must be filed or served in a pending action that challenges convictions and sentences or prison conditions, or are required per order of the court or administrative body. Copying services shall not be denied inmates unable to pay for copies; However, the cost of providing copies is a debt owed by the inmate that shall be collected as follows: At the time the inmate submits his request for copies, the department business office shall place a hold on the inmate's account for the estimated cost of providing the copies. The cost of providing the copies shall be collected from any existing balance in the inmate's bank trust fund account. If the account balance is insufficient to cover the cost, the account shall be reduced to zero. If costs remain unpaid, a hold will be placed on the inmate's account and all subsequent deposits to the inmate's account will be applied against the unpaid costs until the debt has been paid. Copies shall be provided at a rate of \$0.15 per page. When an inmate has insufficient funds in his account to pay for copies, the number of copies provided shall not exceed three copies per page, except when additional copies are legally required. The inmate shall be responsible for proving that copies in addition to the routine maximum are legally necessary.

(6) Inmates who are without funds shall not be provided copying services for legal or administrative proceedings that do not relate to a challenge of convictions or sentences, or to challenges of prison conditions, unless they have sufficient funds in their inmate trust account to cover the complete cost of making the copies.

(7)(5) The law library supervisor librarian may require an inmate for whom copies are to be made to seal the copies, except for his file copy, in envelopes and mail them immediately. This requirement, if imposed, shall be explained to the inmate before copies are made. Before the envelopes are sealed and mailed, the librarian or mail collection representative shall stamp the document(s) to be mailed and the inmate's copy, if provided by the inmate, "Provided to (name of institution) on (blank to insert date) for mailing." The mail collection representative shall then have the inmate initial the document(s) next to the stamp.

Specific Authority 20.315, 944.09 945-04 FS. Law Implemented 20.315, 944.09 945-04 FS. History--New 10-6-83, Formerly 33-3.051, Amended 6-13-88, 8-20-89, 2-12-91, 4-10-94, 4-21-96, 6-29-98, Formerly 33-3.0051, Formerly 33-602.405, Amended.

**AGENCY FOR HEALTH CARE ADMINISTRATION**

**Health Facility and Agency Licensing**

RULE TITLE: Gold Seal Financial Requirements

RULE NO.: 59A-4.203

PURPOSE AND EFFECT: The Agency proposes to amend Rule 59A-4.203, Florida Administrative Code, consistent with provisions of Section 400.235(5)(b), F.S. that became effective May 30, 2003. The legislation provides the rule be amended regarding specific criteria involving the financial requirements that relate to the Gold Seal Award. The proposed amendment specifies that the licensee of the facility shall submit certified public accountant audited financial statements or reviewed financial statements in order to demonstrate financial soundness and stability. Financial soundness and stability can also be satisfied if a continuing care facility receives accreditation from a recognized accrediting organization and this accreditation is not provisional.

SUBJECT AREA TO BE ADDRESSED: The proposed changes to Rule 59A-4.203, Florida Administrative Code involves the submission of certified public accountant audited financial statements of the licensee or reviewed financial statements in order to demonstrate financial soundness and stability relating to the Gold Seal program. Financial soundness and stability can also be satisfied if a continuing care facility receives accreditation from a recognized accrediting organization and this accreditation is not provisional.

SPECIFIC AUTHORITY: 400.23 FS.

LAW IMPLEMENTED: 400.11, 400.022, 400.141, 400.23 FS.

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

TIME AND DATE: 10:00 a.m., Tuesday, September 16, 2003  
 PLACE: Agency for Health Care Administration, 2727 Mahan Drive, Building #3, Conference Room D, Tallahassee, FL 32303

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Richard Kelly, Long-Term Care Unit, 2727 Mahan Drive, Tallahassee, Florida, (850)488-5861

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

**AGENCY FOR HEALTH CARE ADMINISTRATION**

**Medicaid**

RULE TITLE: Birth Center Services

RULE NO.: 59G-4.030

PURPOSE AND EFFECT: The purpose of this rule amendment is to incorporate by reference the Florida Medicaid Birth Center and Licensed Midwife Services Coverage and Limitations Handbook, October 2003. The effect will be to incorporate by reference in the rule the current Florida Medicaid Birth Center and Licensed Midwife Services Coverage and Limitations Handbook.

SUBJECT AREA TO BE ADDRESSED: Birth Center Services

SPECIFIC AUTHORITY: 409.919 FS.

LAW IMPLEMENTED: 383.335, 409.906, 409.908, 409.9081 FS.

IF REQUESTED IN WRITING BY AN AFFECTED PERSON 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., September 8, 2003

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Lynne Metz, Bureau of Medicaid Services, 2727 Mahan Drive, Mail Stop 20, Tallahassee, Florida 32308, (850)488-4481

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

59G-4.030 Birth Center Services.

(1) No change.

(2) All birth center services providers enrolled in the Medicaid program must be in compliance with the Florida Medicaid Birth Center and Licensed Midwife Services Coverage and Limitations Handbook, October 2003 ~~March 2003~~, which is incorporated by reference, and the Florida Medicaid Provider Reimbursement Handbook, CMS HCFA-1500 ~~and Child Health Check Up 221~~, which is incorporated in Rule 59G-4.001 ~~59G-5.020~~, F.A.C. Both handbooks are available from the Medicaid fiscal agent.

Specific Authority 409.919 FS. Law Implemented 383.335, 409.906, 409.908, 409.9081 FS. History—New 4-18-85, Formerly 10C-7.532, Amended 8-18-92, Formerly 10C-7.0532, Amended 4-22-96, 3-11-98, 10-13-98, 5-24-99, 4-23-00, 8-5-01, 2-20-03, 8-5-03,\_\_\_\_\_.

**AGENCY FOR HEALTH CARE ADMINISTRATION**

**Medicaid**

RULE TITLE: Hearing Services  
 RULE NO.: 59G-4.110

PURPOSE AND EFFECT: The purpose of this rule amendment is to incorporate by reference the Florida Medicaid Hearing Services Coverage and Limitations Handbook, October 2003. The effect will be to incorporate by reference in the rule the current Florida Medicaid Hearing Services Coverage and Limitations Handbook.

SUBJECT AREA TO BE ADDRESSED: Hearing Services.

SPECIFIC AUTHORITY: 409.919 FS.

LAW IMPLEMENTED: 409.906, 409.908 FS.

IF REQUESTED IN WRITING BY AN AFFECTED PERSON 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., September 8, 2003

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Karen Jackson, Bureau of Medicaid Services, 2727 Mahan Drive, Building #3, Mail Stop 20, Tallahassee, Florida 32308, (850)922-7314

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

59G-4.110 Hearing Services.

(1) No change.

(2) All hearing services providers enrolled in the Medicaid program must be in compliance with the provisions of the Florida Medicaid Hearing Services Coverage and Limitations Handbook, October 2003 ~~March 2003~~, which is incorporated by reference, and the Florida Medicaid Provider Reimbursement Handbook, CMS HCFA-1500 and Child Health Check-Up 221, which is incorporated by reference in Rule 59G-4.001 ~~59G-5.020~~, F.A.C. Both handbooks are available from the Medicaid fiscal agent.

Specific Authority 409.919 FS. Law Implemented 409.906, 409.908 FS. History—New 8-3-80, Amended 7-21-83, Formerly 10C-7.522, Amended 4-13-93, Formerly 10C-7.0522, Amended 12-21-97, 10-13-98, 5-7-00, 7-5-01, 2-20-03, 8-5-03,\_\_\_\_\_.

**AGENCY FOR HEALTH CARE ADMINISTRATION**

**Medicaid**

RULE TITLE: Physician Assistant Services  
 RULE NO.: 59G-4.231

PURPOSE AND EFFECT: The purpose of this rule amendment is to incorporate by reference the Florida Medicaid Physician Assistant Services Coverage and Limitations Handbook, October 2003. The effect will be to incorporate by reference in the rule the current Florida Medicaid Physician Assistant Services Coverage and Limitations Handbook.

SUBJECT AREA TO BE ADDRESSED: Physician Assistant Services.

SPECIFIC AUTHORITY: 409.919 FS.

LAW IMPLEMENTED: 409.906, 409.908, 409.9081 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW.

TIME AND DATE: 9:00 a.m., September 8, 2003

PLACE: Agency for Health Care Administration, 2728 Mahan Drive, Building #3, Mail Stop 20, Conference Room C, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Lynne Metz, Bureau of Medicaid Services, 2727 Mahan Drive, Building #3, Mail Stop 20, Tallahassee, Florida 32308, (850)922-7325

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

59G-4.231 Physician Assistant Services.

(1) No change.

(2) All physician assistant providers enrolled in the Medicaid program must be in compliance with the Florida Medicaid Physician Assistant Coverage and Limitations Handbook, October 2003 ~~March 2003~~, which is incorporated by reference, and the Florida Medicaid Provider Reimbursement Handbook, CMS HCFA 1500 and Child Health Check-Up 221, which is incorporated by reference in Rule 59G-4.001 ~~59G-5.020~~, F.A.C. Both handbooks are available from the Medicaid fiscal agent.

Specific Authority 409.919 FS. Law Implemented 409.906, 409.908, 409.9081 FS. History—New 8-21-95, Amended 5-28-96, 3-11-98, 10-13-98, 8-9-99, 4-23-00, 8-5-01, 2-20-03, 8-5-03,\_\_\_\_\_.

**AGENCY FOR HEALTH CARE ADMINISTRATION**

**Medicaid**

RULE TITLE: Visual Services  
 RULE NO.: 59G-4.340

PURPOSE AND EFFECT: The purpose of this rule amendment is to incorporate by reference the Florida Medicaid Visual Services Coverage and Limitations Handbook, October 2003. The effect will be to incorporate by reference in the rule the current Florida Medicaid Visual Services Coverage and Limitations Handbook.

SUBJECT AREA TO BE ADDRESSED: Visual Services.

SPECIFIC AUTHORITY: 409.919 FS.

LAW IMPLEMENTED: 409.906, 409.908 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW.

TIME AND DATE: 9:00 a.m., September 8, 2003

PLACE: Agency for Health Care Administration, 2728 Mahan Drive, Building #3, Mail Stop 20, Conference Room C, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Karen Jackson, Bureau of Medicaid Systems, 2727 Mahan Drive, Building #3, Mail Stop 20, Tallahassee, Florida 32308, (850)488-4481

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

59G-4.340 Visual Services.

(1) No change.

(2) All visual services practitioners enrolled in the Medicaid program must be in compliance with the provisions of the Florida Medicaid Visual Services Coverage and Limitations Handbook, ~~October 2003~~ ~~March 2003~~, which is incorporated by reference, and the Florida Medicaid Provider Reimbursement Handbook, ~~CMS HCFA-1500 and Child Health Check-Up 221~~, which is incorporated by reference in Rule ~~59G-4.001~~ ~~59G-5.020~~, F.A.C. Both handbooks are available from the Medicaid fiscal agent.

Specific Authority 409.919 FS. Law Implemented 409.906, 409.908 FS. History—New 7-30-80, Formerly 10C-7.521, Amended 4-20-93, 8-25-93, Formerly 10C-7.0521, Amended 12-21-97, 10-13-98, 6-10-99, 4-23-00, 1-23-02, 2-20-03, 8-5-03, \_\_\_\_\_.

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Construction Industry Licensing Board**

RULE TITLE: Certification of Glass and Glazing  
 Specialty Contractors

RULE NO.: 61G4-15.018

PURPOSE AND EFFECT: The Board proposes this rule amendment to remove redundant language.

SUBJECT AREA TO BE ADDRESSED: Certification of Glass and Glazing specialty contractors.

SPECIFIC AUTHORITY: 489.113(6), 489.115(5), 455.217(1), 120.53 FS.

LAW IMPLEMENTED: 489.113(6), 489.115(5), 455.217(1), 120.53 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: Timothy

Vaccaro, Executive Director, Construction Industry Licensing Board, Northwood Centre, 1940 N. Monroe Street, Tallahassee, Florida 32399-0750

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

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Construction Industry Licensing Board**

RULE TITLE: Approval of Continuing Education Courses  
 RULE NO.: 61G4-18.004

PURPOSE AND EFFECT: The Board Proposes this rule amendment to make necessary changes in the requirements for Continuing Education course renewals.

SUBJECT AREA TO BE ADDRESSED: Continuing Education course renewals.

SPECIFIC AUTHORITY: 455.2123, 489.108, 489.115 FS.

LAW IMPLEMENTED: 489.115 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: Timothy Vaccaro, Executive Director, Construction Industry Licensing Board, Northwood Centre, 1940 N. Monroe Street, Tallahassee, Florida 32399-0750

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

**DEPARTMENT OF ENVIRONMENTAL PROTECTION**

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

**DEPARTMENT OF HEALTH**

RULE CHAPTER TITLE: Duties Relating to the Florida  
 Statewide Advocacy Council

RULE CHAPTER NO.: 64-3  
 and Florida Local Advocacy Councils

PURPOSE AND EFFECT: To address issues delineated in Section 402.167(1), F.S.

SUBJECT AREA TO BE ADDRESSED: Issues delineated in Section 402.167(1), F.S.

SPECIFIC AUTHORITY: 402.167(1) FS.

LAW IMPLEMENTED: 402.165, 402.166, 402.167 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: Faith Schneider, Office of the General Council, Department of Health, 4052 Bald Cypress Way, Tallahassee, Florida 32399

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

**DEPARTMENT OF HEALTH**

**Board of Clinical Social Work, Marriage and Family Therapy and Mental Health Counseling**

RULE CHAPTER TITLE: Fee Schedule  
 RULE CHAPTER NO.: 64B4-4

PURPOSE AND EFFECT: The Board intends to review its rules regarding fees to determine if any changes are necessary.

SUBJECT AREA TO BE ADDRESSED: Fee rules.

SPECIFIC AUTHORITY: 456.025, 456.036, 456.313, 456.36, 491.004(5), 491.005, 491.007 FS.

LAW IMPLEMENTED: 456.025, 456.036, 456.313, 491.005, 491.0045, 491.0046, 491.006, 491.007, 491.008, 491.0085 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: Sue Foster, Executive Director, Board of Clinical Social Work, Marriage and Family Therapy and Mental Health Counseling, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3258

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

**DEPARTMENT OF HEALTH**

**Board of Medicine**

RULE TITLE: List of Approved Forms; Incorporation  
 RULE NO.: 64B8-1.007

PURPOSE AND EFFECT: The Board proposes the development of a rule amendment to incorporate a revised form into the rule.

SUBJECT AREA TO BE ADDRESSED: Incorporation of a revised form into the rule.

SPECIFIC AUTHORITY: 120.55(1)(a),(4), 456.013, 456.036(5), 456.048(1), 458.309, 458.311, 458.3124(6), 458.313(4), 458.3145, 458.315(2), 458.320(8), 458.321(2), 458.347(13), 458.351(6) FS.

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

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: Larry McPherson, Jr., Executive Director, Board of Medicine/MQA, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3253

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B8-1.007 List of Approved Forms; Incorporation.

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

- (1) through (25) No change.
- (25) DH-MQA 2004, entitled "Physician Assistant Supervision Data Form," (Rev. 7/03) (~~10/00~~).

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

**DEPARTMENT OF HEALTH**

**Board of Medicine**

RULE TITLE: Physician Assistant Licensure  
 RULE NO.: 64B8-30.003

PURPOSE AND EFFECT: The Board proposes the development of rule amendments to clarify requirements for applicants who have failed the NCCPA PANCE examination more than five times.

SUBJECT AREA TO BE ADDRESSED: Requirements for applicants who have failed the NCCPA PANCE examination more than five times.

SPECIFIC AUTHORITY: 456.013, 456.031(2), 456.033(6), 458.309, 458.347 FS.

LAW IMPLEMENTED: 456.013, 456.017, 456.031, 456.033, 458.347 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: Larry McPherson, Jr., Executive Director, Board of Medicine/MQA, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3253

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B8-30.003 Physician Assistant Licensure.

(1) No change.

(2) Applicants ~~for licensure~~ who have not passed the NCCPA PANCE ~~licensure~~ examination within five (5) attempts and have not practiced as a fully licensed physician assistant shall be required to successfully complete a minimum of three (3) months in a full time review course at an accredited physician assistant program approved by the Chair of the Physician Assistant Committee prior to sitting for the sixth examination attempt. ~~Said,~~ ~~which~~ completion shall be documented by a letter signed by the head of the program stating that the applicant has satisfactorily completed the course.

(3) through (6) No change.

Specific Authority 456.013, 456.031(2), 456.033(6), 458.309, 458.347 FS. Law Implemented 456.013, 456.017, 456.031, 456.033, 458.347 FS. History—New 4-28-76, Amended 11-15-78, 10-23-80, 12-4-85, Formerly 21M-17.03, Amended 5-13-87, 11-15-88, 11-15-90, 1-9-92, 5-6-93, Formerly 21M-17.003, Amended 9-21-93, Formerly 61F6-17.003, Amended 9-8-94, 11-30-94, 10-25-95, 3-25-96, Formerly 59R-30.003, Amended 6-7-98, 8-19-99, 5-28-00, 3-3-02, 5-19-03, \_\_\_\_\_.

**DEPARTMENT OF HEALTH**

**Board of Medicine**

RULE TITLE: Physician Assistant Performance

RULE NO.: 64B8-30.012

PURPOSE AND EFFECT: The Board proposed the development of a rule amendment to address the appropriate review of medical charts by supervising physicians.

SUBJECT AREA TO BE ADDRESSED: Review of medical charts by supervising physicians.

SPECIFIC AUTHORITY: 458.309, 458.347(4)(a),(13) FS.

LAW IMPLEMENTED: 458.347(2),(3),(4),(13) 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: Larry McPherson, Jr., Executive Director, Board of Medicine/MQA, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3253

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B8-30.012 Physician Assistance Performance.

(1) through (2) No change.

(3) All tasks and procedures performed by the physician assistant must be documented in the appropriate medical record. During the initial six months of supervision of each physician assistant all documentation by the physician assistant in a medical chart must be reviewed, signed and dated by a supervising physician within seven days. Subsequent thereto, a supervising physician must review, sign and date all documentation by a physician assistant in medical charts within 30 days. ~~The supervising physician must review, sign and date the physician assistant record within seven (7) days.~~

(4) No change.

Specific Authority 458.309, 458.347(4)(a),(13) FS. Law Implemented 458.347(2),(3),(4),(13) FS. History—New 5-13-87, Amended 7-7-87, 11-15-88, 9-15-92, Formerly 21M-17.012, Amended 11-4-93, Formerly 61F6-17.012, 59R-30.012, Amended 10-13-98, 3-28-99, \_\_\_\_\_.

**DEPARTMENT OF HEALTH**

**Board of Medicine**

RULE TITLE: Citation Authority

RULE NO.: 64B8-30.014

PURPOSE AND EFFECT: The Board proposes the development of rule amendments to clarify violations which are appropriate for issuance of a citation.

SUBJECT AREA TO BE ADDRESSED: Citation violations.

SPECIFIC AUTHORITY: 456.077, 458.309, 458.347(7)(g),(12) FS.

LAW IMPLEMENTED: 456.077, 458.331, 458.347(7)(g),(12) 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: Larry McPherson, Jr., Executive Director, Board of Medicine/MQA, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3253

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B8-30.014 Citation Authority.

(1) through (2) No change.

(3) The following violations with accompanying penalty may be disposed of by citation with the specified penalty:

VIOLATIONS	PENALTY
(a) CME violations.(Sections 458.347(7)(c), 458.331(1)(g), (x),456.072(1)(e), (s), F.S.)	Within twelve months of the date the citation is issued, Respondent must submit certified documentation of completion of all CME requirements for the period for which the citation was issued; prior to renewing the license for the next biennium, Respondent must document compliance with the CME requirements for the relevant period; AND pay a \$ 250 fine

1. Failure to document required HIV/AIDS CME. (Section 456.033, F.S.) \$ 250 fine

2. Failure to document required domestic violence or end-of-life and palliative health care CME. (Section 456.031, F.S.) \$ 250 fine

3. Failure to document required prevention of medical errors CME. (Section 456.013(7), F.S.) \$250 fine

~~4.3.~~ Failure to document both the required HIV/AIDS and domestic violence, or end-of-life and palliative health care CME. \$ 500 fine

~~5.4.~~ Documentation of some, but not all, 100 hours of required CME for license renewal. \$ 25 fine for each hour not documented

(b) through (f) No change.

(4) through (7) No change.

Specific Authority 456.077, 458.309, 458.347(7)(g),(12) FS. Law Implemented 456.077, 458.331, 458.347(7)(g),(12) FS. History--New 3-3-02, Amended 5-19-03,\_\_\_\_\_.

**DEPARTMENT OF HEALTH**

**Division of Family Health Services**

RULE TITLES:	RULE NOS.:
General Regulations; Definitions	64F-12.001
Guaranty or Undertaking	64F-12.003
Drugs and Devices; Labeling Requirements	64F-12.006
Compressed Medical Gases	64F-12.007
Complimentary Human Prescription Drug	
Samples: Distribution and Disposal	64F-12.008
Cosmetic Labeling Requirements	64F-12.009
Guidelines for Manufacturing Cosmetics	64F-12.010

Wholesale Distribution of Prescription Drugs – Exceptions and Specific Distributions Authorized	64F-12.011
Records of Drugs, Devices and Cosmetics	64F-12.012
Prescription Drugs; Receipt, Storage and Security	64F-12.013
Devices or Over-the-Counter Drugs; Storage and Receipt	64F-12.014
Licensing, Application, Permitting	64F-12.015
Product Registration	64F-12.016
Certificates of Free Sale	64F-12.017
Fees	64F-12.018
Inspections, Investigations, Monitoring	64F-12.019
Forms	64F-12.020
Trade Secrets	64F-12.021

Restricted Prescription Drug Distributor Permits; Special Provisions	64F-12.023
Administrative Enforcement	64F-12.024

PURPOSE AND EFFECT: The primary purpose of these rule revisions is to implement the Prescription Drug Protection Act passed in Senate Bill 2312, Chapter 2003-155, Laws of Florida. Additional rule revisions not directly related to this new law may be made to address areas requiring clarification or elaboration.

SUBJECT AREA TO BE ADDRESSED: Rule revisions will include: new application forms and permitting procedures for all permits and certifications authorized under sections 499.001-499.081, F.S.; a form to determine whether a wholesaler qualifies as a primary wholesaler; establishing fees for new permits and certifications and revising fees for existing permits; providing rules related to authorized distributors of record and pedigree paper recordkeeping requirements, including a pedigree paper form; procedures for authenticating paper papers; and requiring the submission of labeling for product registrations. Additional rule revisions related to the Florida Drug and Cosmetic Act, Chapter 499, Florida Statutes, may be made to address areas requiring clarification or elaboration.

SPECIFIC AUTHORITY: 499.01, 499.0121, 499.0122, 499.013, 499.014, 499.015, 499.028, 499.03, 499.04, 499.041, 499.05, 499.0661 FS.

LAW IMPLEMENTED: 499.002, 499.003, 499.005, 499.0054, 499.0055, 499.0057, 499.006, 499.007, 499.008, 499.009, 499.01, 499.012, 499.0121, 499.01211, 499.0122, 499.013, 499.014, 499.015, 499.028, 499.03, 499.04, 499.041, 499.05, 499.051, 499.052, 499.055, 499.06, 499.062, 499.063, 499.064, 499.065, 499.066, 499.0661, 499.067, 499.071, 499.081 FS.

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

TIME AND DATE: 10:00 a.m. – 4:00 p.m., Tuesday, September 9, 2003

PLACE: Department of Health, 4042 Bald Cypress Way, Room 301 (Capital Circle Office Complex), Tallahassee, Florida

If special accommodations are needed to attend this meeting because of a disability, please contact: Maxine Wenzinger, (850)487-1257, Ext. 205

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

THE PRELIMINARY TEXT OF THE PROPOSED RULE IS AVAILABLE AT NO CHARGE BY WRITING: Maxine Wenzinger, (850)487-1257, Ext. 205 or the Bureau's Website at [www.doh.state.fl.us/pharmacy/drugs](http://www.doh.state.fl.us/pharmacy/drugs) then click on the 'What's Hot' link.

**DEPARTMENT OF CHILDREN AND FAMILY SERVICES**

**Family Safety and Preservation Program**

RULE TITLES:	RULE NOS.:
Application	65C-20.008
Staffing Requirements	65C-20.009
Health Related Requirements	65C-20.010
Health Records	65C-20.011
Large Family Child Care Homes	65C-20.013

PURPOSE AND EFFECT: The modifications to the rules will implement legislative changes related to child care standards and training.

SUBJECT AREA TO BE ADDRESSED: Child Care Standards and Training.

SPECIFIC AUTHORITY: Chapter 2003-131, LOF, 402.305(2) FS.

LAW IMPLEMENTED Chapter 2003-131, LOF, 402.305(2) FS.

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

TIME AND DATE: 8:30 a.m., September 8, 2003

PLACE: Alachua County Health Department, 224 S. E. 24th Street, Conference Room A, P. O. Box 1327, Gainesville, FL 32602

TIME AND DATE: 8:30 a.m., September 10, 2003

PLACE: Escambia School Readiness Coalition Office, 3636 D. North "L" Street, Suite A, Pensacola, FL 32505

TIME AND DATE: 8:30 a.m., September 23, 2003

PLACE: Department of Children and Family Services, 111 S. Sapodilla Ave., 3rd Floor, Conference Room 2, West Palm Beach, FL 33401

TIME AND DATE: 8:30 a.m., September 24, 2003

PLACE: Sarasota County Public Works and Environmental Services, 1001 Sarasota Center Blvd., Main Conference Room, Sarasota, FL 34240

The purpose of these workshops will be to revise rules in Chapter 65C-20, Florida Administrative Code, pertaining to the areas of application; staffing requirements; health records; general information; physical environment; training; record keeping; and to draft a rule for the purpose of defining after school programs that do not require licensure.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY TEXT, IF AVAILABLE, IS: Vikki Griffin, Government Operations Consultant II, 1317 Winewood Blvd., Building 6, Room 387, Tallahassee, FL 32399, (850)488-4900

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

**DEPARTMENT OF CHILDREN AND FAMILY SERVICES**

**Family Safety and Preservation Program**

RULE TITLES:	RULE NOS.:
General Information	65C-22.001
Physical Environment	65C-22.002
Training	65C-22.003
Record Keeping	65C-22.006

PURPOSE AND EFFECT: The modifications to the rules will implement legislative changes related to child care standards and training.

SUBJECT AREA TO BE ADDRESSED: Child Care Standards and Training.

SPECIFIC AUTHORITY: Chapter 2003-131, LOF, 402.305(2) FS.

LAW IMPLEMENTED Chapter 2003-131, LOF, 402.305(2) FS.

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

TIME AND DATE: 8:30 a.m., September 8, 2003

PLACE: Alachua County Health Department, 224 S. E. 24th Street, Conference Room A, P. O. Box 1327, Gainesville, FL 32602

TIME AND DATE: 8:30 a.m., September 10, 2003

PLACE: Escambia School Readiness Coalition Office, 3636 D. North "L" Street, Suite A, Pensacola, FL 32505

TIME AND DATE: 8:30 a.m., September 23, 2003

PLACE: Department of Children and Family Services, 111 S. Sapodilla Ave., 3rd Floor, Conference Room 2, West Palm Beach, FL 33401

TIME AND DATE: 8:30 a.m., September 24, 2003

PLACE: Sarasota County Public Works and Environmental Services, 1001 Sarasota Center Blvd., Main Conference Room, Sarasota, FL 34240

The purpose of these workshops will be to revise rules in Chapter 65C-22, Florida Administrative Code, pertaining to the areas of application; staffing requirements; health records;



general information; physical environment; training; record keeping; and to draft a rule for the purpose of defining after school programs that do not require licensure.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY TEXT, IF AVAILABLE, IS: Vikki Griffin, Government Operations Consultant II, 1317 Winewood Blvd., Building 6, Room 387, Tallahassee, FL 32399, (850)488-4900

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

**FLORIDA HOUSING FINANCE CORPORATION**

RULE TITLES: CORPORATION CLERK  
 CORPORATION CLERK 67-51.002  
 FINAL ORDERS 67-51.003

PURPOSE AND EFFECT: The purpose and effect of this Rule is to establish the Corporation Clerk for the Florida Housing Finance Corporation and create the procedures by which the Corporation Clerk shall operate. The creation of these procedures will increase the efficiency and effectiveness of overall operations of the Florida Housing Finance Corporation.

SUBJECT AREA TO BE ADDRESSED: Creation of the rules governing the Corporation Clerk's duties.

SPECIFIC AUTHORITY: 420.507 FS.

LAW IMPLEMENTED: 420.507, 420.53(1) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Maelene Tyson, Corporation Clerk, Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32301-1329

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

67-51.002 Corporation Clerk.

(1) The address for the Corporation Clerk is Clerk, Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32301.

(2) The Corporation Clerk shall receive all administrative petitions, motions, requests, pleadings and other papers and docket them, maintain the files of such proceedings, and prepare the record of any case which is appealed to the First District Court of Appeal.

(3) The Corporation Clerk shall accept for filing administrative petitions, motions, pleadings, requests, in accordance with the following:

(a) All petitions, motions, requests or pleadings must be filed in original with one copy by mail, courier, facsimile or hand delivery:

(b) Petitions, motions, requests or other pleadings that are sent by facsimile or electronic mail, shall be accepted on the date transmitted. A copy of the original physically signed document shall be delivered by mail not later than the next business day:

(c) All petitions, motions, requests, pleadings and other papers shall be legible, either printed or typed; preferably double-spaced with margins no less than one inch in either Times New Roman 14-point or Courier New 12-point font.

Specific Authority 420.507(12) FS. Law Implemented 420.507, 120.53(1) FS. History--New \_\_\_\_\_.

67-51.003 Final Orders.

The Corporation Clerk shall maintain all agency final orders and subject matter index and such orders pursuant to the requirements of Section 120.53, Fla. Stat.

Specific Authority 420.507(12) FS. Law Implemented 420.507, 120.53(1) FS. History--New \_\_\_\_\_.

**Section II  
 Proposed Rules**

**DEPARTMENT OF STATE**

**Division of Elections**

RULE TITLES:	RULE NOS.:
Placement of Races on Primary Ballots	1S-2.002
Revocation of Certification for Committees of Continuous Existence	1S-2.020
Revocation of Registration of Political Committees	1S-2.021
Electronic Transmission of Absentee Ballots	1S-2.030

PURPOSE AND EFFECT: To amend the Rules listed above.  
 SUMMARY: Amendments to the abovementioned Rules for technical, and some substantive, changes necessary due to changes in both state and federal election laws.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None.

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

SPECIFIC AUTHORITY: 101.015, 101.697, 106.03(7), 106.04(7) FS.

LAW IMPLEMENTED: Art. VI, Section 5(b), Fla. Const., 101.697, 106.03, 106.04(7) FS.

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

TIME AND DATE: 2:00 p.m., Monday, September 15, 2003

PLACE: Room 102, Collins Building, 107 West Gaines Street, Tallahassee, Florida 32399-0250

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Sarah Jane Bradshaw, Division of Elections, Department of State, 107 West Gaines Street, Tallahassee, Florida 32399-0250, (850)245-6200

Pursuant to the Americans with Disabilities Act, persons needing special accommodations to participate in this meeting should contact Sarah Jane Bradshaw, (850)245-6200, at least three days in advance of the meeting.

THE FULL TEXT OF THE PROPOSED RULES IS:

1S-2.002 Placement of Races on Primary Ballots.

(1) Purpose and applicability.

(a) This rule provides standards for:

1. The order and appearance of ballots and races on ballots in Primary Elections which include a Universal Primary Contest,

2. The tabulation of Universal Primary Contests, and

3. Reporting results of Universal Primary Contests.

(b) This rule applies to all elections held by political subdivisions and municipalities of the State of Florida that include a Universal Primary Contest.

~~(c) Pursuant to Section 101.27(3), F.S., political subdivisions and municipalities of the State of Florida that use mechanical voting machines shall follow the standards of this rule as nearly as practicable. Specifically, the placement of the UPC on the ballot and the appearance of the ballots and races under subsections (3) and (4) of this rule shall be accomplished to the extent and in such manner as deemed appropriate by the Supervisor of Elections or Municipal Elections Official, given the structure of the election and the limitations of the mechanical voting machines.~~

(2) Definitions. The terms listed herein are intended to have the following meanings:

(a) "Universal Primary Contest" or "UPC" means a contest in a primary election, in which all candidates have the same party affiliation and the winner will have no opposition in the general election, upon which all qualified electors may vote, regardless of party affiliation.

(b) "Primary" means a Primary Election as defined in Section 97.021(25)(21), F.S.

(3) Placement on Ballot. When a Primary includes one or more UPCs, all UPC offices and candidates shall appear on the ballot for each party and on the non-partisan ballot in the order specified in Section 101.151 401.141(4), F.S.

~~(4) Appearance of ballots and races. When a Primary includes one or more UPCs, the ballot specifications shall be governed by Sections 101.141, 101.181, 101.27 and 101.5609, F.S., with the following exceptions:~~

~~(a) Either:~~

~~1. Across the top of any ballot page, card or voting machine ballot including a UPC, shall be printed, "Official Primary Ballot \_\_\_\_\_ Party and Universal Primary Contest(s)" (with proper party name inserted) and with "Contest" being either singular or plural, as appropriate; or~~

~~2. Each time a UPC appears on a ballot, the words "Universal Primary Contest" shall appear after, or underneath, the office name of the UPC and before the "Vote for..." text.~~

~~(b) The names of all candidates for all partisan offices including candidates for the UPC office shall be displayed with an appropriate party name or abbreviation of party name. The party name or abbreviation of party name shall be similar to that used on a general election ballot pursuant to Section 101.151(4), F.S.~~

~~(4)(5) Tabulation of UPC's may be accomplished by any method deemed appropriate by the supervisor of elections in each county, given the particular voting system used in the county, and the existing security procedures and resources available in the county. A supervisor may code the UPC in the voting system as three separate contests (one contest for each partisan ballot and one contest for the non-partisan ballot) and manually total the results of the three contests to determine the results for the UPC. If the voting system in a county is capable of accepting coding for, and tabulating the UPC as a single contest, while maintaining the ballot order specified in subsection (3) of this rule, the supervisor may then code the UPC in the voting system as a single contest so that the software automatically totals the results for the UPC from each ballot face.~~

(6) Reporting of UPC results. Counties shall not be required to report UPC results separately for each party and non-partisan ballot. Results may appear in the reports generated by the voting system in any format and order deemed appropriate by the supervisor of elections, given the particular voting system used in the county, and the existing security procedures and resources available in the county. Supervisors of elections may employ manual procedures to convert the format of results on the voting system reports to the format needed for official reports of results.

Specific Authority 101.015, 101.5609 FS. Law Implemented Article VI, Section 5(b) of the Florida Constitution, 101.141, 101.181, 101.5609 FS. History—New 10-22-00, Amended \_\_\_\_\_.

1S-2.020 Revocation of Certification for Committees of Continuous Existence.

(1) The Division of Elections shall revoke the certification of a committee of continuous existence (hereinafter committee) when review of the annual report, required by Section 106.04(4), F.S., indicates that the committee fails to meet the following criteria:

(a) The committee is organized and operated in accordance with a written charter or set of bylaws which contains procedures for the election of officers and directors and which clearly defines membership in the organization; or ~~and~~

(b) At least 25 percent of the income of the committee is derived from dues or assessments payable on a regular basis by its membership pursuant to provisions contained in the charter or bylaws. The written charter or bylaws must set forth the time period for which membership dues are assessed so that the Division of Elections may make this assessment. If the written charter or bylaws do not set forth the time period, the membership dues will be deemed to be for a calendar year.

(2) The certification shall be revoked until such time as the criteria are again met.

(3) The Division of Elections shall send notification to the treasurer of the committee of the Division's preliminary intent to revoke the certification of the committee. Within 30 days of receipt of the Division's preliminary notice of intent to revoke, the committee may provide additional documentation to the Division showing that the committee's certification should not be revoked. Upon review of such documentation, if the Division determines that the committee certification should not be revoked, the committee will be notified that it is in compliance. If after review of the additional documentation provided, the Division determines that the committee certification should be revoked, a final notice of intent to revoke the certification of the committee shall be issued by the Division. If no additional documentation is provided by the committee within 30 days of receipt of the preliminary notice, the Division shall issue a final notice of intent to revoke the certification of the committee.

(4) If the committee objects to such revocation termination, the committee must file a notice of appeal within 30 days of receipt of the Division's final notice of intent to revoke. The notice of appeal may be accompanied by any documentation or evidence supporting the claim. Notice of appeal shall be filed with the Division of Elections, Room L66 400, The Collins Building, 107 West Gaines Street, Tallahassee, Florida 32399-0250. The Division will forward the appeal and will be presented to the Florida Elections Commission ~~for a hearing based upon the notice and supporting information.~~

(5) Failure to timely file a notice of appeal as described herein shall constitute a waiver of any such entitlement.

(6) A committee desiring a hearing before the commission must include in the notice of appeal a separate request for hearing. ~~If a request for hearing is included in the notice of appeal, the hearing will be placed on the agenda for the next meeting of the commission.~~

(7) ~~The issuance of a final order by the Division of Elections or the Florida Elections Commission shall be final agency action.~~

(7)(8) Appeals under this rule are exempt from the confidentiality provisions of Section 106.25, F.S.

Specific Authority 106.04(7) FS. Law Implemented 106.04(7) FS. History—New 11-11-90, Amended \_\_\_\_\_.

IS-2.021 Revocation of Registration of Political Committees.

(1) The filing officer shall revoke the registration of a political committee (hereinafter committee) on the basis of the following factors:

(a) The committee has failed to file campaign treasurers' reports for more than 12 months; or

(b) The committee's aggregate reported financial activity during the calendar year is less than \$500. However, any committee required to register under a provision unrelated to financial activity shall not have its registration revoked if the committee can show that it is actively pursuing the activity for which it was required to register.

(2) The filing officer shall send notification to the committee treasurer of the filing officer's intent to revoke the registration of the committee. Within 30 days of receipt of the filing officer's preliminary notice of intent to revoke, the committee may provide additional documentation to the filing officer showing that the committee's registration should not be revoked. Upon review of such documentation, if the filing officer determines that the committee registration should not be revoked, the committee will be notified that it is in compliance. If after review of the additional documentation provided, the filing officer determines that the committee registration should be revoked, a final notice of intent to revoke the registration of the committee shall be issued by the filing officer. If no additional documentation is provided by the committee within 30 days of receipt of the preliminary notice, the filing officer shall issue a final notice of intent to revoke the registration of the committee.

(3) If the committee objects to such revocation termination, it must file an appeal within 30 days of receipt of the final filing officer's notice of intent to revoke. The appeal may be accompanied by any documentation or evidence supporting the claim. The appeal must be filed with the Division of Elections, Room L66 400, The Collins Building, 107 West Gaines Street, Tallahassee, Florida 32399-0250. The Division will forward the appeal and will be presented to the Florida Elections Commission ~~for a hearing based upon the notice and supporting information.~~

(4) Failure to timely file an appeal as described herein shall constitute a waiver of any such entitlement. ~~A final order of waiver shall be promptly entered and executed by the Director of the Division of Elections without the necessity of any further action being taken by the Florida Elections Commission.~~

(5) A committee desiring a hearing before the commission must include in the appeal a separate request for hearing. ~~If a request for hearing is included in the appeal, the hearing will be placed on the agenda for the next meeting of the commission.~~

(6) ~~The issuance of a final order by the Florida Elections Commission shall be final agency action.~~

~~(6)(7)~~ Appeals under this rule are exempt from the confidentiality provisions of Section 106.25, F.S.

Specific Authority 106.03(7) FS. Law Implemented 106.03 FS. History--New 2-28-90, Amended \_\_\_\_\_.

#### 1S-2.030 Electronic Transmission of Absentee Ballots.

(1) The supervisor of elections may accept a request for an absentee ballot via facsimile or electronic mail from an overseas voter as defined in Section 97.021, F.S., and may accept a voted ballot pursuant to the provisions of this rule.

(2) The electronic or facsimile request for an absentee ballot must include:

- (a) The name of the voter requesting the ballot.
- (b) The voter's county of legal residence in Florida.
- (c) The voter's date of birth.
- (d) One of the following:

1. If the voter wishes the ballot to be mailed, an APO/FPO or other deliverable overseas address.

2. If the voter wishes the ballot be faxed, a facsimile machine number where return information will be received.

3. If the voter wishes the ballot to be transmitted via electronic mail, the electronic mail address.

(e) The voter's signature (facsimile requests only).

(3) Upon receipt of a request for a ballot under these provisions, the supervisor must verify the information provided by the overseas voter and may only provide an absentee ballot if the supervisor determines that the overseas voter is a qualified and registered voter for the election. A request for a ballot to be faxed to the voter is valid for only the upcoming election or the one election specified by the voter.

(4) Upon verification of the overseas voter's eligibility, the supervisor shall provide the appropriate absentee ballot, the instructions for voting and returning the ballot, and the Voter's Certificate to the overseas voter by the means requested by the voter in (2).

(5) The supervisor of elections shall record the date the request was made, the way the ballot was sent to the voter, and the date the absentee ballot was mailed or transmitted to the voter.

(6) The supervisor of elections shall ensure that his or her transmitting and receiving equipment is in a secure location with access limited to employees of the supervisor and that the ballot is sent directly to the address or number provided by the overseas voter. It is the voter's responsibility to ensure the security of the receiving facsimile machine or computer.

(7) An overseas voter may return a voted ballot either by mail or by facsimile. Voted ballots returned by electronic mail will not be accepted.

(8) Overseas voters returning a voted absentee ballot by facsimile must send the ballot and the Voter's Certificate directly to the fax number provided by the supervisor of elections or to a number provided by Federal Voting Assistance Program of the Department of Defense. In order for the ballot

to be counted it must be received by the supervisor of elections no later than 7 p.m. election day ~~the time the polls close for the election~~.

(9) Overseas voters mailing back voted ballots received by electronic mail or fax must seal the ballot in an unmarked envelope, which is the security envelope. The Voter's Certificate and the security envelope should be placed in a separate ballot transmittal envelope for mailing. The ballot transmittal envelope should be marked "Absentee Ballot Enclosed."

(10) The Voter's Certificate for ballots being sent to all overseas voters by mail, electronic means, or by fax shall be the same as the Voter's Certificate in Section 101.64, F.S.

(11) The instructions to be sent to all overseas voters shall be in substantially the following form:

(a) In order to ensure that your absentee ballot will be counted, it should be completed and returned as soon as possible so that it can reach the supervisor of elections of the county in which you are registered no later than 7 p.m. on the day of the election.

(b) Mark your ballot in secret as instructed on the ballot. You must mark your own ballot unless you are unable to do so because of blindness, disability, or inability to read or write.

(c) Mark only the number of candidate or issue choices for a race as indicated on the ballot. If you are allowed to "Vote for One" candidate and you vote for more than one candidate, your vote in that race will not be counted.

~~(d)(e)~~ In order for your ballot to be counted, you must complete the Voter's Certificate, which must include your signature and the signature and address of a witness 18 years of age or older. You must also include the date you signed the Voter's Certificate or your ballot may not be counted.

~~(e)(d)~~ You may return your voted ballot either by facsimile or by mail. Voted ballots returned by electronic mail will not be counted.

~~(f)(e)~~ You may fax your ballot and the Voter's Certificate to the supervisor of elections at (fax phone number) or you may fax your ballot to a fax number provided by the Federal Voting Assistance Program of the Department of Defense. If you fax your ballot to a number provided by the Federal Voting Assistance Program, make sure there is sufficient time for the Federal Voting Assistance Program to transmit it to the supervisor of elections so that it is received by 7:00 p.m. election day. If you fax your voted ballot, you will be voluntarily waiving your right to a secret ballot.

~~(g)(f)~~ To mail your ballot to the supervisor of elections:

1. Place your marked ballot in a secrecy envelope. If the ballot was mailed to you by the supervisor of elections, use the secrecy envelope sent to you. If your ballot was faxed to you or sent by electronic mail, place your marked ballot in an unmarked envelope and seal the envelope.

2. Insert the secrecy envelope inside a separate mailing envelope. If the ballot was mailed to you, use the mailing envelope provided and fill out the Voter's Certificate on the back. If the ballot was faxed to you or sent by electronic mail, place the sealed secrecy envelope and the completed Voter's Certificate in another envelope for mailing. Do not seal the Voter's Certificate in the secrecy envelope with the ballot. Clearly mark the mailing envelope "Absentee Ballot Enclosed".

3. Mail the ballot to the supervisor of elections. Be sure there is sufficient postage.

~~(h)~~(g) **FELONY NOTICE.** It is a felony under Florida law to accept any gift, payment, or gratuity in exchange for your vote for a candidate. It is also a felony under Florida law to vote in an election using a false identity or false address, or under any other circumstances making your ballot false or fraudulent.

(12) If any absentee voter mails the voted ballot to the supervisor of elections in an envelope other than an absentee ballot envelope provided by the supervisor, the canvassing board is authorized to open the mailing envelope to determine if the Voter's Certificate is enclosed in the mailing envelope. If the Voter's Certificate is not enclosed, the secrecy envelope containing the ballot shall not be opened and the envelope shall be marked "Rejected as Illegal." If the Voter's Certificate is enclosed, the supervisor of elections shall verify the overseas voter's eligibility, and once verified, the ballot shall be processed as other absentee ballots.

(13) For each voted absentee ballot received from an overseas voter, the supervisor shall record the date such ballot was received.

(14) Upon receipt of a voted ballot transmitted by fax, the supervisor of elections shall enclose the ballot in an envelope and seal it. The Voter's Certificate shall be attached to the envelope. Upon a determination by the canvassing board that the voter was eligible to vote, the ballot shall be removed from the envelope and duplicated so that it can be processed through the tabulating equipment.

(15) Upon regular mail receipt of a ballot that was sent via electronic mail, the Voter's Certificate shall be reviewed. Upon determination by the canvassing board that the voter was eligible to vote, the ballot shall be removed from the envelope and duplicated so that it can be processed through the tabulating equipment.

(16) The supervisor of elections and the supervisor's staff shall take the steps necessary to keep the voted ballots received by facsimile as confidential as possible.

Specific Authority 101.697 FS. Law Implemented 101.697 FS. History—New 5-27-02, Amended \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Sarah Jane Bradshaw, Assistant Division Director  
NAME OF SUPERVISOR OR PERSON WHO APPROVED  
THE PROPOSED RULE: Edward C. Kast, Director, Division  
of Elections, Department of State

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT  
PUBLISHED IN FAW: July 3, 2003

**DEPARTMENT OF INSURANCE**

RULE TITLES: RULE NOS.:  
Universal Life Valuation and Nonforfeiture 4-164.010  
Valuation of Life Insurance Policies 4-164.020

PURPOSE, EFFECT AND SUMMARY: The rule adopts NAIC guidelines as provided in Section 625.121(5)(j), F.S. The purpose of the statutorily permitted retroactive date of January 1, 2000, is to provide uniform adoption dates for all states. Other states have adopted the NAIC model with an effective date of January 1, 2000. The effect will not be retroactive since reserves reported prior to adoption are not affected. The rule does not abrogate any contracts.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: None.

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

SPECIFIC AUTHORITY: 624.308(1), 625.121(12)(b), 627.476(10)(c) FS.

LAW IMPLEMENTED: 624.307(1), 625.12(5)(j) FS.

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

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

PLACE: Room 143, Larson Building, 200 East Gaines Street, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Kerry Krantz, Bureau of Life and Health Insurer Solvency, Office of Insurance Regulation, 200 East Gaines Street, Tallahassee, Florida 32399-0327, (850)413-5038

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

THE FULL TEXT OF THE PROPOSED RULES IS:

4-164.010 Universal Life Valuation and Nonforfeiture.

(1) through (2) No change.

(3) Valuation.

(a) Requirements. The minimum valuation standard for universal life insurance policies shall be the Commissioners' Reserve Valuation Method, as described below, for such policies, and the tables and interest rates specified below.

1. No change.

2. Interest and mortality rates. ~~a.~~ All present values shall be determined using:

~~a.i.~~ ~~A~~n interest rate (or rates) specified in subsections 625.121(5) and 625.121(6), Florida Statutes, for policies issued in the same year;

~~b.ii.~~ ~~T~~he mortality rates specified in subsection 625.121(5), Florida Statutes, for policies issued in the same year; and

~~c.iii.~~ ~~A~~ny other tables needed to value supplementary benefits provided by a rider which is being valued together with the policy.

~~b.~~ In no event, however, shall the present values be less than those determined using the guarantees of interest and mortality contained in the policy.

(b) No change.

(4) No change.

Specific Authority 624.308(1), 625.121(12)(b), 627.476(10)(c) FS. Law Implemented 624.307(1), 625.121, 627.476 FS. History—New 6-30-94, Amended 3-9-95, \_\_\_\_\_.

4-164.020 Valuation of Life Insurance Policies.

(1) Purpose.

(a) The purpose of this rule is to provide:

1. Tables of select mortality factors and rules for their use;

2. Rules concerning a minimum standard for the valuation of plans with nonlevel premiums or benefits; and

3. Rules concerning a minimum standard for the valuation of plans with secondary guarantees.

(b) The method for calculating basic reserves defined in this rule will constitute the Commissioners' Reserve Valuation Method for policies to which this rule is applicable.

(2)(a) This rule is consistent with Appendix A-830 of the NAIC Accounting Practices and Procedures Manual as adopted in Rule 4-137.001, F.A.C.

(b) This rule applies to policies issued during calendar year 2000 in addition to those issued on or after January 1, 2001.

(3) Applicability. This rule shall apply to all life insurance policies, with or without nonforfeiture values, issued on or after January 1, 2000, subject to the following exceptions and conditions:

(a) Exceptions.

1. This rule shall not apply to any individual life insurance policy issued on or after the effective date of this rule if the policy is issued in accordance with and as a result of the exercise of a reentry provision contained in the original life insurance policy of the same or greater face amount, issued before January 1, 2000, that guarantees the premium rates of the new policy. This rule also shall not apply to subsequent policies issued as a result of the exercise of such a provision, or a derivation of the provision, in the new policy.

2. This rule shall not apply to any universal life policy that meets all the following requirements:

a. Secondary guarantee period, if any, is 5 years or less;

b. Specified premium for the secondary guarantee period is not less than the net level reserve premium for the secondary guarantee period based on the CSO valuation tables as defined in paragraph (4)(f) and the applicable valuation interest rate; and

c. The initial surrender charge is not less than 100 percent of the first year annualized specified premium for the secondary guarantee period.

3. This rule shall not apply to any variable life insurance policy that provides for life insurance the amount or duration of which varies according to the investment experience of any separate account or accounts.

4. This rule shall not apply to any variable universal life insurance policy that provides for life insurance the amount or duration of which varies according to the investment experience of any separate account or accounts.

5. This rule shall not apply to a group life insurance certificate unless the certificate provides for a stated or implied schedule of maximum gross premiums required in order to continue coverage in force for a period in excess of one year.

(b) Conditions.

1. Calculation of the minimum valuation standard for policies with guaranteed nonlevel gross premiums or guaranteed nonlevel benefits (other than universal life policies), or both, shall be in accordance with the provisions of subsection (6).

2. Calculation of the minimum valuation standard for flexible premium and fixed premium universal life insurance policies that contain provisions resulting in the ability of a policyholder to keep a policy in force over a secondary guarantee period shall be in accordance with the provisions of subsection (7).

(4) Definitions. For purposes of this rule:

(a) "Basic reserves" means reserves calculated in accordance with Section 625.121(7), Florida Statutes.

(b)1. "Contract segmentation method" means the method of dividing the period from issue to mandatory expiration of a policy into successive segments, with the length of each segment being defined as the period from the end of the prior segment (from policy inception for the first segment) to the end of the latest policy year as determined below. All calculations

are made using the 1980 CSO valuation tables, as defined in paragraph (f), and, if elected, the optional minimum mortality standard for deficiency reserves stipulated in paragraph (5)(b) of this rule.

2. The length of a particular contract segment shall be set equal to the minimum of the value  $t$  for which  $G_t$  is greater than  $R_t$  (if  $G_t$  never exceeds  $R_t$  the segment length is deemed to be the number of years from the beginning of the segment to the mandatory expiration date of the policy), where  $G_t$  and  $R_t$  are defined as follows:

$$G_t = \frac{GP_{x+k+t}}{GP_{x+k+t-1}}$$

where:

$x$  = original issue age;

$k$  = the number of years from the date of issue to the beginning of the segment;

$t = 1, 2, \dots$ ;  $t$  is reset to 1 at the beginning of each segment;

$GP_{x+k+t-1}$  = Guaranteed gross premium per thousand of face amount for year  $t$  of the segment, ignoring policy fees only if level for the premium paying period of the policy.

$$R_t = \frac{q_{x+k+t}}{R_t}$$

However,  $R_t$  may be increased or decreased by one

$q_{x+k+t-1}$  percent in any policy year, at the company's option,

but  $R_t$  shall not be less than one;

where:

$x$ ,  $k$  and  $t$  are as defined above, and

$q_{x+k+t-1}$  = valuation mortality rate for deficiency reserves in policy year  $k+t$  but using the mortality of Section 5B(2) if Section 5B(3) is elected for deficiency reserves.

However, if  $GP_{x+k+t}$  is greater than 0 and  $GP_{x+k+t-1}$  is equal to 0,  $G_t$  shall be deemed to be 1000. If  $GP_{x+k+t}$  and  $GP_{x+k+t-1}$  are both equal to 0,  $G_t$  shall be deemed to be 0.

(c) "Deficiency reserves" means the excess, if greater than zero, of:

1. Minimum reserves calculated in accordance with Section 625.121(11), Florida Statutes, over.

2. Basic reserves.

(d) "Guaranteed gross premiums" means the premiums under a policy of life insurance that are guaranteed and determined at issue.

(e) "Maximum valuation interest rates" means the interest rates defined in Section 625.121(6), Florida Statutes, (Computation of Minimum Standard by Calendar Year of Issue) that are to be used in determining the minimum standard for the valuation of life insurance policies.

(f) "1980 CSO valuation tables" means the Commissioners' 1980 Standard Ordinary Mortality Table (1980 CSO Table) without 10-year selection factors, incorporated into the 1980 amendments to the NAIC Standard Valuation Law, and variations of the 1980 CSO Table approved by the NAIC, such as the smoker and nonsmoker versions approved in December 1983.

(g) "Scheduled gross premium" means the smallest illustrated gross premium at issue for other than universal life insurance policies. For universal life insurance policies, scheduled gross premium means the smallest specified premium described in subparagraph (7)(a)3., if any, or else the minimum premium described in subparagraph (7)(a)4.

(h)1. "Segmented reserves" means reserves, calculated using segments produced by the contract segmentation method, equal to the present value of all future guaranteed benefits less the present value of all future net premiums to the mandatory expiration of a policy, where the net premiums within each segment are a uniform percentage of the respective guaranteed gross premiums within the segment. The uniform percentage for each segment is such that, at the beginning of the segment, the present value of the net premiums within the segment equals:

a. The present value of the death benefits within the segment, plus.

b. The present value of any unusual guaranteed cash value (see paragraph (6)(d)) occurring at the end of the segment, less.

c. Any unusual guaranteed cash value occurring at the start of the segment, plus.

d. For the first segment only, the excess of the Item (I) over Item (II), as follows:

(I) A net level annual premium equal to the present value at the date of issue of the benefits provided for in the first segment after the first policy year; divided by the present value at the date of issue of an annuity of 1 per year payable on the first and each subsequent anniversary within the first segment on which a premium falls due. However, the net level annual premium shall not exceed the net level annual premium on the 19 year premium whole life plan of insurance of the same renewal year equivalent level amount at an age one year higher than the age at issue of the policy.

(II) A net 1 year term premium for the benefits provided for in the first policy year.

2. The length of each segment is determined by the "contract segmentation method," as defined in this rule.

3. The interest rates used in the present value calculations for any policy shall not exceed the maximum valuation interest rate, determined with a guarantee duration equal to the sum of the lengths of all segments of the policy.

4. For both basic reserves and deficiency reserves computed by the segmented method, present values shall include future benefits and net premiums in the current segment and in all subsequent segments.

a. The segmentation requirement shall not be limited to plans with no cash surrender values; otherwise companies could avoid segmentation entirely by designing policies with minimal (positive) cash values.

b. Segmentation for plans with cash surrender values shall be based solely upon gross premium levels.

c. Basing segmentation upon the level of cash surrender values introduces complications because of the inter-relationship between minimum cash surrender values and gross premium patterns.

d. The requirements of this rule relating to reserves for plans with unusual cash values and to reserves if cash values exceed calculated reserves serve to link required reserves and cash surrender values.

e. The calculation of segmented reserves shall not be linked to the occurrence of a positive unitary terminal reserve at the end of a segment.

f. The requirement of this rule to hold the greater of the segmented reserve or the unitary reserve eliminates the need for any linkage.

(i) “Tabular cost of insurance” means the net single premium at the beginning of a policy year for 1 year term insurance in the amount of the guaranteed death benefit in that policy year.

(j) “Ten-year select factors” means the select factors adopted with the 1980 amendments to the NAIC Standard Valuation Law.

(k)1. “Unitary reserves” means the present value of all future guaranteed benefits less the present value of all future modified net premiums, where:

a. Guaranteed benefits and modified net premiums are considered to the mandatory expiration of the policy; and

b. Modified net premiums are a uniform percentage of the respective guaranteed gross premiums, where the uniform percentage is such that at issue the present value of the net premiums equals the present value of all death benefits and pure endowments, plus the excess of Item (I) over Item (II), as follows:

(I) A net level annual premium equal to the present value at the date of issue of the benefits provided for after the first policy year, divided by the present value, at the date of issue, of an annuity of one per year payable on the first and each subsequent anniversary of the policy on which a premium falls due. However, the net level annual premium shall not exceed the net level annual premium on the 19 year premium whole life plan of insurance of the same renewal year equivalent level amount at an age 1 year higher than the age at issue of the policy.

(II) A net 1 year term premium for the benefits provided for in the first policy year.

2. The interest rates used in the present value calculations for any policy shall not exceed the maximum valuation interest rate, determined with a guarantee duration equal to the length from issue to the mandatory expiration of the policy.

(l) “Universal life insurance policy” means any individual life insurance policy under the provisions of which separately identified interest credits (other than in connection with dividend accumulations, premium deposit funds, or other supplementary accounts) and mortality or expense charges are made to the policy.

(5) General Calculation Requirements for Basic Reserves and Premium Deficiency Reserves.

(a) At the election of the company for any one or more specified plans of life insurance, the minimum mortality standard for basic reserves may be calculated using the 1980 CSO valuation tables with select mortality factors. If select mortality factors are elected, they may be:

1. The 10 year select mortality factors incorporated into the 1980 amendments to the NAIC Standard Valuation Law; or

2. The select mortality factors in the Appendix.

(b) Deficiency reserves, if any, are calculated for each policy as the excess, if greater than zero, of the quantity A over the basic reserve.

1. The quantity A is obtained by recalculating the basic reserve for the policy using guaranteed gross premiums instead of net premiums when the guaranteed gross premiums are less than the corresponding net premiums.

2. At the election of the company for any one or more specified plans of insurance, the quantity A and the corresponding net premiums used in the determination of quantity A may be based upon the 1980 CSO valuation tables with select mortality factors. If select mortality factors are elected, they may be:

1. The 10 year select mortality factors incorporated into the 1980 amendments to the NAIC Standard Valuation Law;

2. The select mortality factors in the Appendix of this rule;

3. For durations in the first segment, X percent of the select mortality factors in the Appendix, subject to the following:

a. X may vary by policy year, policy form, underwriting classification, issue age, or any other policy factor expected to affect mortality experience;

b. X shall not be less than 20 percent;

c. X shall not decrease in any successive policy years;

d. X is such that, when using the valuation interest rate used for basic reserves, Item (I) is greater than or equal to Item (II);

(I) The actuarial present value of future death benefits, calculated using the mortality rates resulting from the application of X;



(II) The actuarial present value of future death benefits calculated using anticipated mortality experience without recognition of mortality improvement beyond the valuation date:

e. X is such that the mortality rates resulting from the application of X are at least as great as the anticipated mortality experience, without recognition of mortality improvement beyond the valuation date, in each of the first 5 years after the valuation date;

f. The appointed actuary shall increase X at any valuation date where it is necessary to continue to meet all the requirements of subparagraph (b)3.;

g. The appointed actuary may decrease X at any valuation date as long as X does not decrease in any successive policy years and as long as it continues to meet all the requirements of subparagraph (b)3.; and

h. The appointed actuary shall specifically take into account the adverse effect on expected mortality and lapsation of any anticipated or actual increase in gross premiums.

i. If X is less than 100 percent at any duration for any policy, the following requirements shall be met:

(I) The appointed actuary shall annually prepare an actuarial opinion and memorandum for the company in conformance with the requirements of Rule Chapter 4-138, F.A.C.; and

(II) The appointed actuary shall annually opine for all policies subject to this rule as to whether the mortality rates resulting from the application of X meet the requirements of subparagraph (b)3.

(A) The opinion shall be supported by an actuarial report, subject to appropriate Actuarial Standards of Practice promulgated by the Actuarial Standards Board of the American Academy of Actuaries.

(B) The X factors shall reflect anticipated future mortality without recognition of mortality improvement beyond the valuation date, taking into account relevant emerging experience.

(c) This subsection applies to both basic reserves and deficiency reserves. Any set of select mortality factors may be used only for the first segment. However, if the first segment is less than 10 years, the appropriate 10 year select mortality factors incorporated into the 1980 amendments to the NAIC Standard Valuation Law may be used thereafter through the tenth policy year from the date of issue.

(d) In determining basic reserves or deficiency reserves, guaranteed gross premiums without policy fees may be used where the calculation involves the guaranteed gross premium, but only if the policy fee is a level dollar amount after the first policy year. In determining deficiency reserves, policy fees may be included in guaranteed gross premiums even if not included in the actual calculation of basic reserves.

(e) Reserves for policies that have changes to guaranteed gross premiums, guaranteed benefits, guaranteed charges, or guaranteed credits that are unilaterally made by the insurer after issue and that are effective for more than 1 year after the date of the change shall be the greatest of the following:

1. Reserves calculated ignoring the guarantee;

2. Reserves assuming the guarantee was made at issue; and

3. Reserves assuming that the policy was issued on the date of the guarantee.

(f) The company shall document the extent of the adequacy of reserves for material blocks, including policies issued prior to the effective date of this rule. The documentation shall include:

1. A demonstration of the extent to which aggregation with immaterial blocks of business is relied upon in the formation of the appointed actuary opinion pursuant to and consistent with the requirements of Chapter 4-138, F.A.C.; and

2. A definition of material.

(6) Calculation of Minimum Valuation Standard for Policies with Guaranteed Nonlevel Gross Premiums or Guaranteed Nonlevel Benefits (Other than Universal Life Policies).

(a) Basic Reserves. Basic reserves shall be calculated as the greater of the segmented reserves and the unitary reserves. Both the segmented reserves and the unitary reserves for any policy shall use the same valuation mortality table and selection factors. At the option of the insurer in calculating segmented reserves and net premiums either of the adjustments described in subparagraph 1. or 2. below may be made:

1. Treat the unitary reserve, if greater than zero, applicable at the end of each segment as a pure endowment and subtract the unitary reserve, if greater than zero, applicable at the beginning of each segment from the present value of guaranteed life insurance and endowment benefits for each segment.

2. Treat the guaranteed cash surrender value, if greater than zero, applicable at the end of each segment as a pure endowment; and subtract the guaranteed cash surrender value, if greater than zero, applicable at the beginning of each segment from the present value of guaranteed life insurance and endowment benefits for each segment.

(b) Deficiency Reserves.

1. The deficiency reserve at any duration shall be calculated:

a. On a unitary basis if the corresponding basic reserve determined by paragraph (a) is unitary;

b. On a segmented basis if the corresponding basic reserve determined by paragraph (a) is segmented; or

c. On the segmented basis if the corresponding basic reserve determined by paragraph (a) is equal to both the segmented reserve and the unitary reserve.

2. This subsection shall apply to any policy for which the guaranteed gross premium at any duration is less than the corresponding modified net premium calculated by the method used in determining the basic reserves, but using the minimum valuation standards of in paragraph (5)(b) and rate of interest.

3. Deficiency reserves, if any, shall be calculated for each policy as the excess if greater than zero, for the current and all remaining periods, of the quantity A over the basic reserve, where A is obtained as indicated in paragraph (5)(b).

4. For deficiency reserves determined on a segmented basis, the quantity A is determined using segment lengths equal to those determined for segmented basic reserves.

(c) Minimum Value.

1. Basic reserves shall not be less than the tabular cost of insurance for the balance of the policy year if mean reserves are used.

2. Basic reserves shall not be less than the tabular cost of insurance for the balance of the current modal period or to the paid-to-date, if later, but not beyond the next policy anniversary, if mid-terminal reserves are used.

3. The tabular cost of insurance shall use the same valuation mortality table and interest rates as that used for the calculation of the segmented reserves.

4. However, if select mortality factors are used, they shall be the 10 year select factors incorporated into the 1980 amendments of the NAIC Standard Valuation Law.

5. In no case may total reserves (including basic reserves, deficiency reserves and any reserves held for supplemental benefits that would expire upon contract termination) be less than the amount that the policyowner would receive (including the cash surrender value of the supplemental benefits, if any, referred to above), exclusive of any deduction for policy loans, upon termination of the policy.

(d) Unusual Pattern of Guaranteed Cash Surrender Values.

1. For any policy with an unusual pattern of guaranteed cash surrender values, the reserves actually held prior to the first unusual guaranteed cash surrender value shall not be less than the reserves calculated by treating the first unusual guaranteed cash surrender value as a pure endowment and treating the policy as an n year policy providing term insurance plus a pure endowment equal to the unusual cash surrender value, where n is the number of years from the date of issue to the date the unusual cash surrender value is scheduled.

2. The reserves actually held subsequent to any unusual guaranteed cash surrender value shall not be less than the reserves calculated by treating the policy as an n year policy providing term insurance plus a pure endowment equal to the next unusual guaranteed cash surrender value, and treating any unusual guaranteed cash surrender value at the end of the prior segment as a net single premium, where,

a. n is the number of years from the date of the last unusual guaranteed cash surrender value prior to the valuation date to the earlier of:

(I) The date of the next unusual guaranteed cash surrender value, if any, that is scheduled after the valuation date; or

(II) The mandatory expiration date of the policy; and

b. The net premium for a given year during the n year period is equal to the product of the net to gross ratio and the respective gross premium; and

c. The net to gross ratio is equal to Item I divided by Item II as follows:

(I)(A) The present value at the beginning of the n year period of death benefits payable during the n year period, plus.

(B) The present value at the beginning of the n year period of the next unusual guaranteed cash surrender value, if any, minus.

(C) The amount of the last unusual guaranteed cash surrender value, if any, scheduled at the beginning of the n year period.

(II) The present value at the beginning of the n year period of the scheduled gross premiums payable during the n year period.

3. For purposes of this subsection, a policy is considered to have an unusual pattern of guaranteed cash surrender values if any future guaranteed cash surrender value exceeds the prior year's guaranteed cash surrender value by more than the sum of:

a. 110 percent of the scheduled gross premium for that year;

b. 110 percent of one year's accrued interest on the sum of the prior year's guaranteed cash surrender value and the scheduled gross premium using the nonforfeiture interest rate used for calculating policy guaranteed cash surrender values; and

c. 5 percent of the first policy year surrender charge, if any.

(e) Optional Exemption for Yearly Renewable Term Reinsurance. At the option of the company, the following approach for reserves on YRT reinsurance may be used:

1. Calculate the valuation net premium for each future policy year as the tabular cost of insurance for that future year.

2. Basic reserves shall never be less than the tabular cost of insurance for the appropriate period, as defined in paragraph (c).

3. Deficiency reserves.

a. For each policy year, calculate the excess, if greater than zero, of the valuation net premium over the respective maximum guaranteed gross premium.

b. Deficiency reserves shall never be less than the sum of the present values, at the date of valuation, of the excesses determined in accordance with paragraph (a) above.

4. For purposes of this subsection, the calculations use the maximum valuation interest rate and the 1980 CSO mortality tables with or without 10 year select mortality factors.

5. A reinsurance agreement shall be considered YRT reinsurance for purposes of this subsection if only the mortality risk is reinsured.

6. If the assuming company chooses this optional exemption, the ceding company's reinsurance reserve credit shall be limited to the amount of reserve held by the assuming company for the affected policies.

(f) Optional Exemption for Attained-Age-Based Yearly Renewable Term Life Insurance Policies. At the option of the company, the following approach for reserves for attained-age-based YRT life insurance policies may be used:

1. Calculate the valuation net premium for each future policy year as the tabular cost of insurance for that future year.

2. Basic reserves shall never be less than the tabular cost of insurance for the appropriate period, as defined in paragraph (6)(c).

3. Deficiency reserves.

a. For each policy year, calculate the excess, if greater than zero, of the valuation net premium over the respective maximum guaranteed gross premium.

b. Deficiency reserves shall never be less than the sum of the present values at the date of valuation of the excesses determined in accordance with sub-subparagraph a. above.

4. For purposes of this subsection, the calculations use the maximum valuation interest rate and the 1980 CSO valuation tables with or without 10 year select mortality factors.

5. A policy shall be considered an attained-age-based YRT life insurance policy for purposes of this subsection if:

a. The premium rates on both the initial current premium scale and the guaranteed maximum premium scale are based upon the attained age of the insured such that the rate for any given policy at a given attained age of the insured is independent of the year the policy was issued; and

b. The premium rates on both the initial current premium scale and the guaranteed maximum premium scale are the same as the premium rates for policies covering all insureds of the same sex, risk class, plan of insurance, and attained age.

6. For policies that become attained-age-based YRT policies after an initial period of coverage, the approach of this subsection may be used after the initial period if:

a. The initial period is constant for all insureds of the same sex, risk class, and plan of insurance; or

b. The initial period runs to a common attained age for all insureds of the same sex, risk class, and plan of insurance; and

c. After the initial period of coverage, the policy meets the conditions of subparagraph 5. above.

7. If this election is made, this approach shall be applied in determining reserves for all attained-age-based YRT life insurance policies issued on or after the effective date of this rule.

(g) Exemption from Unitary Reserves for Certain n-Year Renewable Term Life Insurance Policies. Unitary basic reserves and unitary deficiency reserves need not be calculated for a policy if the following conditions are met:

1. The policy consists of a series of n-year periods including the first period and all renewal periods where n is the same for each period, except that for the final renewal period, n may be truncated or extended to reach the expiry age; provided that:

a. This final renewal period is less than 10 years and less than twice the size of the earlier n-year periods, and

b. For each period, the premium rates on both the initial current premium scale and the guaranteed maximum premium scale are level;

2. The guaranteed gross premiums in all n-year periods are not less than the corresponding net premiums based upon the 1980 CSO Table with or without the 10 year select mortality factors; and

3. There are no cash surrender values in any policy year.

(h) Exemption from Unitary Reserves for Certain Juvenile Policies. Unitary basic reserves and unitary deficiency reserves need not be calculated for a policy if the following conditions are met, based upon the initial current premium scale at issue:

1. At issue, the insured is age 24 or younger;

2. Until the insured reaches the end of the juvenile period, which shall occur at or before age 25, the gross premiums and death benefits are level, and there are no cash surrender values; and

3. After the end of the juvenile period, gross premiums are level for the remainder of the premium paying period, and death benefits are level for the remainder of the life of the policy.

(7) Calculation of Minimum Valuation Standard for Flexible Premium and Fixed Premium Universal Life Insurance Policies that Contain Provisions Resulting in the Ability of a Policyowner to Keep a Policy in Force Over a Secondary Guarantee Period.

(a) General.

1. Policies with a secondary guarantee include:

a. A policy with a guarantee that the policy will remain in force at the original schedule of benefits, subject only to the payment of specified premiums;

b. A policy in which the minimum premium at any duration is less than the corresponding 1 year valuation premium, calculated using the maximum valuation interest rate and the 1980 CSO valuation tables with or without 10 year select mortality factors; or

c. A policy with any combination of subparagraph a. and b.

2. A secondary guarantee period is the period for which the policy is guaranteed to remain in force subject only to a secondary guarantee.

a. When a policy contains more than one secondary guarantee, the minimum reserve shall be the greatest of the respective minimum reserves at that valuation date of each unexpired secondary guarantee, ignoring all other secondary guarantees.

b. Secondary guarantees that are unilaterally changed by the insurer after issue shall be considered to have been made at issue.

c. Reserves described in paragraphs (b) and (c) below shall be recalculated from issue to reflect these changes.

3. Specified premiums mean the premiums specified in the policy, the payment of which guarantees that the policy will remain in force at the original schedule of benefits but which otherwise would be insufficient to keep the policy in force in the absence of the guarantee if maximum mortality and expense charges and minimum interest credits were made and any applicable surrender charges were assessed.

4.a. For purposes of this section, the minimum premium for any policy year is the premium that, when paid into a policy with a zero account value at the beginning of the policy year, produces a zero account value at the end of the policy year.

b. The minimum premium calculation shall use the policy cost factors (including mortality charges, loads, and expense charges) and the interest crediting rate which are all guaranteed at issue.

5.a. The 1 year valuation premium means the net 1 year premium based upon the original schedule of benefits for a given policy year.

b. The 1 year valuation premiums for all policy years are calculated at issue.

c. The select mortality factors defined in subparagraphs (5)(b)2., 3., and 4. shall not be used to calculate the 1 year valuation premiums.

6. The 1 year valuation premium shall reflect the frequency of fund processing, as well as the distribution of deaths assumption employed in the calculation of the monthly mortality charges to the fund.

(b) Basic Reserves for the Secondary Guarantees.

1. Basic reserves for the secondary guarantees shall be the segmented reserves for the secondary guarantee period.

2. In calculating the segments and the segmented reserves, the gross premiums shall be set equal to the specified premiums, if any, or otherwise to the minimum premiums that keep the policy in force.

3. The segments will be determined according to the contract segmentation method as defined in paragraph (4)(b).

(c) Deficiency Reserves for the Secondary Guarantees. Deficiency reserves, if any, for the secondary guarantees shall be calculated for the secondary guarantee period in the same manner as described in paragraph (6)(b) with gross premiums set equal to the specified premiums, if any, or otherwise to the minimum premiums that keep the policy in force.

(d) Minimum Reserves. The minimum reserves during the secondary guarantee period are the greater of:

1. The basic reserves for the secondary guarantee plus the deficiency reserve, if any, for the secondary guarantees; or

2. The minimum reserves required by Rule 4-164.010, F.A.C., governing universal life plans.

(9) Effective Date.

(a) This rule shall be effective for policies issued on or after January 1, 2000 for valuation dates on or after the date this rule is adopted.

(b) For valuation dates prior to the effective date of this rule, at the option of the company, the company may report reserves for policies issues in calendar year 2000 based upon this rule.

Specific Authority 624.308(1), 625.121(5)(j) FS. Law Implemented 624.307(1), 625.12(5)(j) FS. History--New \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Kerry Krantz, Bureau of Life and Health Insurer Solvency, Office of Insurance Regulation, Office of Insurance Regulation

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Jovita Ashton, Bureau Chief, Bureau of Life and Health Insurer Solvency, Office of Insurance Regulation

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 24, 2003

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

**DEPARTMENT OF INSURANCE**

**Division of Workers' Compensation**

RULE TITLE: Statement of Objectives

RULE NO.: 4L-24.0221

PURPOSE, EFFECT AND SUMMARY: Rule 4L-24.0221, F.A.C., is being repealed because it provides a mechanism to waive collection of a penalty and specific statutory authority for a waiver that does not appear to exist.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None.

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

SPECIFIC AUTHORITY: 440.13(11)(b), 440.20(15)(f), 440.591 FS.

LAW IMPLEMENTED: 440.20 FS.

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

TIME AND DATE: 9:30 a.m., Monday, September 15, 2003

PLACE: 104J Hartman Bldg., 2012 Capital Circle, Southeast, Tallahassee, Florida

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Fred Becknell, Bureau of Monitoring and Audit, Division of Workers' Compensation, Department of Financial Services, 202Q Hartman Bldg., Tallahassee, Florida, (850)488-6241, Ext. 152

THE FULL TEXT OF THE PROPOSED RULE IS:

4L-24.0221 Statement of Objectives.

Specific Authority 440.13(11)(b), 440.20(15)(f), 440.591 FS. History--New 8-29-94, Amended 5-14-95, Formerly 38F-24.0221, Repealed \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Dan Sumner, Deputy Division Director, Division of Workers' Compensation, Department of Financial Services

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Tanner Holloman, Division Director, Division of Workers' Compensation, Department of Financial Services

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

**DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES**

**Division of Forestry**

RULE CHAPTER TITLE: Forestry RULE CHAPTER NO.: 5I-4

RULE TITLES:	RULE NOS.:
Purpose and Definitions	5I-4.002
Vehicular, Animal and Pedestrian Control	5I-4.003
Protection of Managed Lands	5I-4.005
Recreational Activities and Facilities	5I-4.006
Garbage, Water Pollution and Glass Containers	5I-4.007
Vendors; Authorization; Fees	5I-4.008
Penalties for Violations	5I-4.011

PURPOSE AND EFFECT: This purpose is to provide guidance to Department staff and information to the public regarding use of lands managed by the Department for specific activities, and to comply with similar existing laws and rules. The effect will improve administration and provide guidance for public use.

SUMMARY: Increased public use on lands managed by the Department has resulted in a need to expand and further clarify the present Rule 5I-4, F.A.C. rule.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No regulatory cost is anticipated.

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: 589.011 (4), 589.071, 589.12 FS.

LAW IMPLEMENTED: 589.011 (1) (3) (4), 589.071 FS.

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

TIME AND DATE: 1:00 p.m., Monday, September 15, 2003

PLACE: Division of Forestry, Tallahassee District Office, 865 Geddie Road (Between SR 20 & US 90), Tallahassee, Florida

NOTICE UNDER THE AMERICANS WITH DISABILITIES ACT: Any person requiring special accommodations to participate in this hearing, please advise the Department at least 5 calendar days before the hearing date by contacting John Waldron, (850)414-9852.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: John Waldron, Forest Recreation Coordinator, Department of Agriculture and Consumer Services, Division of Forestry, 3125 Conner Blvd., C-25, Tallahassee, Florida 32399-1650, telephone (850)414-9852

THE FULL TEXT OF THE PROPOSED RULES IS:

5I-4.002 Purpose and Definitions.

The purpose of this chapter is to provide information regarding the utilization of lands and facilities managed or controlled by the Department of Agriculture and Consumer Services, Division of Forestry. The following words have the meaning indicated:

(1) ALL-TERRAIN VEHICLE (ATV): Any motorized off-highway vehicle 50 inches (1270 mm) or less in width, having a dry weight of ~~900~~ ~~600~~ pounds (410 ~~273~~ kg) or less, traveling on three or ~~four more~~ low-pressure tires, ~~designated for operator use only with no passengers~~, designed by the manufacturer for use by one or two riders, having a seat or saddle designed to be straddled by the rider(s) ~~operator~~, and having handlebars for steering control.

(2) BICYCLE TRAIL: A designated trail on which human-powered cycles ~~and pedestrians~~ are allowed.

(3) DEVELOPED CAMPGROUND ~~CAMPING FACILITY~~: An overnight area, other than a hunt camp or primitive camp area, designated for overnight camping which provides the user with conveniences such as water or electric hook-ups at each site, and full flush restrooms with showers.

(4) CAMP ZONE: An overnight camping area included as part of a trail system. Camp zones have no facilities and are not accessible from designated roads. Fees are not charged.

~~(5)~~(4) CARRYING CAPACITY: The maximum number of persons, vehicles, or watercraft permitted within any designated area at any one time.

~~(6)(5)~~ DAY-USE AREA: An established area designated for daytime public recreational activities during daylight hours only.

~~(7)(6)~~ DEPARTMENT: The Florida Department of Agriculture and Consumer Services.

~~(8)(7)~~ DESIGNATED ROAD: Any land surface area, paved or unpaved, named or numbered, open to the public operating non-motorized or motor vehicles. All other traffic ways are designated as trails.

~~(9)~~ DIVISION: Division of Forestry.

~~(10)~~ GROUP CAMP: A designated primitive camping area designed to accommodate organized groups for overnight visits. Group camp area use requires a State Forest Use Permit.

~~(11)(8)~~ HIKING TRAIL: A designated trail on which only pedestrian traffic is allowed.

~~(12)(9)~~ HORSE: Any member of the equine family.

~~(13)(40)~~ HORSE TRAIL: A designated trail on which horse or pedestrian traffic is allowed.

~~(14)(44)~~ HUNT CAMP: An area consisting of designated primitive campsites that require a Hunt Camp Permit for the entire length of a specific hunt (e.g. Archery, General Gun, Small Game or Spring Turkey) and is available only to ~~for~~ camping by properly licensed hunters.

~~(15)(42)~~ MANAGED LAND(S): Any land, water body, or facility managed, controlled, or occupied by the Department of Agriculture and Consumer Services, Division of Forestry.

~~(13)~~ MOTORIZED CYCLE: Any motoreycle, all terrain vehicle or moped.

~~(16)~~ MOTOR VEHICLE: An automobile, motorcycle, truck, trailer, semi-trailer, truck tractor and semi-trailer combination, or any other vehicle operated on the roads of this state, used to transport persons or property, and propelled by power other than muscular power, but the term does not include traction engines, road rollers, such vehicles as run only upon track, bicycles, or mopeds.

~~(17)~~ MULTI-USE TRAIL: A non-motorized trail shared by more than one user group.

~~(18)(44)~~ NATURE TRAIL: A hiking trail to be used for environmental or forest education.

~~(15)~~ ORGANIZED GROUP: Any organization or collection of persons using managed lands for the same purpose in an organized or communal fashion.

~~(16)~~ PERSON: Any individual, child, firm, association, joint venture, partnership, estate, trust, business trust, syndicate, fiduciary, corporation, and all other groups or combinations.

~~(17)~~ PET: Any domesticated animal, fowl, reptile or other living thing, except seeing eye or hearing ear dogs, which is maintained as a household or family pet.

~~(18)~~ RECREATIONAL VEHICLE: A motor vehicle designed to provide temporary living quarters for recreational, camping, or travel use, which has its own propulsion or is mounted on or towed by another motor vehicle.

~~(19)~~ SWIMMING AREA: Any area designated for swimming.

~~(19)(20)~~ NON-MOTORIZED VEHICLE: Any non-motorized wheeled conveyance, except a baby carriage or invalid wheelchair, intended for the transportation of persons or materials, whether ~~motorized,~~ human-powered, drawn or towed.

~~(20)~~ OFF-HIGHWAY MOTORCYCLE (OHM) – Any motor vehicle used off the roads or highways of this state that has a seat or saddle for the use of the rider and is designed to travel with not more than two wheels in contact with the ground, but excludes a tractor or a moped.

~~(21)~~ OFF-HIGHWAY VEHICLE – Any ATV or OHM that is used off the roads or highways of this state and is not registered and licensed for highway use under Chapter 320, F.S.

~~(22)~~ ORGANIZED GROUP: Any organization or collection of persons using Division managed lands for the same purpose in an organized or communal fashion.

~~(23)~~ PRIMITIVE CAMPS: Overnight areas that have limited facilities, such as site pads, tables, standing or ground grills, and sometimes non-flush toilets.

~~(24)~~ PERSON: Any individual, child, firm, association, joint venture, partnership, estate, trust, business trust, syndicate, fiduciary, corporation, and all other groups or combinations.

~~(25)~~ PET: Any domesticated animal, fowl, reptile or other living thing, except seeing-eye or hearing-ear dogs, which is maintained as a household or family pet.

~~(26)~~ RECREATIONAL VEHICLE: A motor vehicle designed to provide temporary living quarters for recreational, camping, or travel use, which has its own propulsion or is mounted on or towed by another motor vehicle.

~~(27)~~ SWIMMING AREA: Any area designated for swimming.

~~(28)(21)~~ WATERCRAFT: Any motorized, paddle-propelled or wind-driven means of water-related transportation.

~~(29)(22)~~ YOUTH GROUP: Any organized group of seven or more youths (under the age of 18) who are affiliated with a recognized not-for-profit organization, accompanied by one or more adult (18 years or older) chaperone(s).

Specific Authority 589.011(4), 589.071, 589.12 FS. Law Implemented 589.011(4), 589.071 FS. History—New 5-24-92, Amended 1-19-95, 11-6-95, \_\_\_\_\_.

## 5I-4.003 Vehicular, Animal and Pedestrian Control.

(1) All traffic laws of the State are applicable to managed lands except designated OHV recreation areas or as otherwise provided by these rules.

(2) No person shall operate any motor vehicle on managed lands controlled by the Division Department at a speed greater than 30 M.P.H., unless otherwise posted.

(3) through (4) No change.

(5) No person shall operate any motor vehicle on managed lands except on designated roads, parking areas, or other areas established and specifically identified by the Division Department.

(6) No person shall operate any off-highway a vehicle on managed lands except in areas designated specifically for their use or unless specifically authorized by the Division, with the exception of areas set aside and marked for use by recreational type vehicles, unless the vehicle displays a valid license tag and is operated by a properly licensed driver.

(7) No person shall operate a motor vehicle on managed lands unless the vehicle displays a valid license tag and is operated by a properly licensed driver.

~~(8)(7) No motor vehicles are permitted. No person shall operate a motorized cycle, or dune buggy on any portion of the Citrus Tract of the Withlacoochee State Forest or on any sand bar along or within the streams of any managed lands the Blackwater River State Forest, or on any other area specifically prohibited by the Division Department.~~

~~(8) Except for that portion of the Croom Tract of the Withlacoochee State Forest marked and designated as the Croom Motoreycle Area, no person shall operate a motorized cycle on any portion of the Croom Tract of the Withlacoochee State Forest during the times established for the muzzle loading gun hunt, the general gun hunt, and the small game hunt.~~

(9) No person shall operate or ride an off-highway vehicle motorized cycle, and no person under 16 years of age shall operate or ride upon a moped, on managed lands unless such person is wearing protective headgear and adheres to the other operating provisions of Sections 316.211, 316.2074 and 316.2085, Florida Statutes.

(10) No person shall leave an unattended vehicle on any designated road or trail in such a manner as to obstruct traffic.

~~(11)(10) No person shall bring horses or horse trailers into camping facilities, except upon showing that special request has been made to, and permission granted by the Division Department. The Division may grant permission upon a determination that there is no threat to public the health safety, or to the condition and welfare of the camping facilities and that the horses and horse trailers do not constitute a nuisance, as defined herein.~~

~~(12)(11) No person shall ride or lead horses off designated roads, horse trails or field trial runs, except upon showing that special request has been made to, and permission granted by,~~

~~the Division Department. The Division may grant permission upon a determination that there is no threat to public the health, safety or to the condition, and welfare of these particular areas and those acts do not constitute a nuisance, as defined herein.~~

~~(13)(12) No person shall ride horses before sunrise or after sunset on designated horse trails that are located on designated roads.~~

~~(13) No person shall have horses on the Croom Tract during the times established for the muzzle loading gun hunt and the general gun hunt.~~

(14) No person shall stage, ride or lead bring any horse onto managed lands except on a designated trail or at a designated trailhead or designated access points. No person shall bring any horse onto managed lands without having in their possession a producing record of a current negative Coggins test for Equine Infectious Anemia as required by Rule 5C-18.010, Florida Administrative Code.

(15) Hiking trails and nature trails are for foot traffic only unless the trails follow designated roads or are part of trails designated for mutli-use horse or hiking trail.

(16) Unless otherwise posted, designated roads and trails are open year round. No person shall leave an unattended vehicle on any designated road or trail in such a manner as to obstruct traffic.

(17) The Division may temporarily or permanently close any road, trail, facility, or area, or restrict the use thereof upon determination that there is a danger to the health, safety and welfare of any person; potential damage to the resources; or when it is determined necessary in the proper management of the forest.

Specific Authority 589.011(4), 589.071 FS. Law Implemented 589.071 FS. History—New 5-24-92, Amended 1-19-95, 11-6-95, \_\_\_\_\_.

## 5I-4.005 Protection of Managed Lands.

No person shall:

(1) Enter or exit any managed lands except through designated entrance/exit points.

(2) No person may enter any managed lands for the purpose of using the resources or facilities therein without paying the appropriate fee, where applicable.

~~(3)(1) Willfully mark, deface, damage, displace, remove or tamper with any buildings, facilities, bridges, tables, benches, fireplaces, railings, fences, paving or paving materials, water lines or other utilities, permanent or temporary signs, placards or notices, monuments, stakes, posts, boundary markers, equipment, other structures or property located on managed lands.~~

~~(4)(2) Climb on or over any buildings, fences, facilities, structures, or historic ruins.~~

(5)(3) Ignite or attempt to ignite any fire on managed lands except in designated areas. These areas include ~~in~~ camping facilities, hunt camps and day use areas. No ~~no~~ person shall leave a camping facility, hunt camp or day use area without completely extinguishing any fire started by said person.

(6)(4) Dispose of burning matches, smoking materials or other inflammable items on managed lands except in designated receptacles.

(7)(5) Destroy, injure, deface, mar, move, dig, harmfully disturb or remove ~~from any managed lands~~ any soil, sand, gravel, rocks, stones, minerals, trees, plants, artifacts or other materials from any managed lands.

(8)(6) Attach swings, rope, wire, signs, nails or other contrivance, whether permanent or temporary, to any tree, plant, other natural feature, or property within managed lands.

(9)(7) Cut, carve, mark, uproot, damage, break off limbs or branches, destroy or mutilate, or pick the flowers or seeds of any living or dead plant or tree.

(10)(8) Pick up or remove dead wood from managed lands without a permit, except for collecting firewood to be burned in a designated area in a campground or camp zone.

(11)(9) Dig in or disturb the natural condition of any area on managed lands.

(12)(10) Remove any plant life from any managed lands without a permit.

(13)(11) Hang any operating gas lantern within one foot of the main stem or bole of any tree on managed lands.

(14)(12) Introduce into managed lands any plant or animal species.

(15)(13) Engage in any construction activity on managed lands, except as provided herein.

(16)(14) Operate a commercial enterprise on managed lands, without obtaining written authorization and paying the required fee(s).

(17)(15) Possess or consume alcoholic beverages on managed lands where ~~designated or~~ posted as prohibited by the Division Department.

(18)(16) Use metal detectors on managed lands.

(19)(17) Engage in disorderly conduct, as defined in 877.03, F.S., or create a public nuisance or disturbance on managed lands.

(20) Leave any item, including but not limited to tents, trailers, vehicles, motorcycles, or other items, in a campsite unattended before or after the registered camping dates on a Division of Forestry Registration/Receipt, self-service pay envelope, or State Forest Use Permit. Unattended items found in an unregistered campsite shall be duly posted to be removed within 48 hours with the owner paying the scheduled fee for each night the item(s) remained at the site. In addition, after the item(s) have been duly posted for removal within 48 hours, such item(s) may be removed at the last known owner's expense.

(21) Any lost or abandoned property on managed lands will be disposed of in accordance with Chapter 705, F.S.

Specific Authority 589.011(4) FS. Law Implemented 589.011(4) FS. History--New 5-24-92, Amended 1-19-95, 5-15-95, 11-6-95, \_\_\_\_\_.

5I-4.006 Recreational Activities and Facilities.

(1) No change.

(a) All persons shall comply with hours posted by the Division Department during which use of swimming areas is prohibited.

(b) Swimming areas will be closed to the public, and the use thereof prohibited, at any time the Division Department determines that such activities are dangerous or otherwise inadvisable.

(c) The washing of persons or objects, with or without soaps or other cleansers, is prohibited in any waters within managed lands swimming areas.

(d) No change.

(e) Swimming will be prohibited in ~~on~~ any water body, or portion thereof, on managed lands at any time the Division Department determines there is a threat from a consideration of all surrounding circumstances that conditions exist which may constitute a danger to the life, limb, or property of any human being or damage to any natural or cultural resource.

(2) Boating:

(a) Boating is allowed on any water body ~~of~~ within managed lands unless the water body is posted otherwise. Posting may include restrictions on the use and the type of watercraft propulsion system allowed.

(b) No change.

(3) Fishing:

(a) Fishing by any legal method is allowed in water bodies on managed lands, except where prohibited by the Division Department. Applicable rules of the Florida Fish and Wildlife Conservation Game and Fresh Water Commission apply.

(b) No change.

(4) Camping and Day-Use:

(a) A limited number of camping facilities and day-use areas on managed lands may be reserved in advance. NOTE: Contact the local Division of Forestry office for availability.

(b) No change.

(c) Camping within managed lands, except in designated hunt camps, is limited to 14 consecutive days during any 30-day period.

(d) No change.

(e) Except upon special authorization by the Division Department and upon the Division's Department's determination that there will be no danger to the health, safety, and welfare of the campgrounds, no more than five persons, with a maximum number of one recreational vehicle camper ~~unit~~ or two tents, are allowed per campsite.



(f) Visitors of registered campers in developed campgrounds are allowed ~~in camping facilities~~, provided the total number of visitors or their vehicles do not create a nuisance or hazard to other campers, ~~or interfere or obstruct pedestrian or vehicular traffic, or interfere with~~ other proper uses of the camping facility.

(g) No pet is allowed on managed lands unless the pet is confined or restrained on a leash no more than ten feet in length. NOTE: Certain portions of managed lands may be posted prohibiting managed lands are closed to pets. Owners should inquire at the local Division of Forestry office.

(h) Firearms are prohibited on managed lands except during scheduled in camping facilities and day-use areas with the exception of the hunting season or in designated areas. No ~~no~~ loaded firearm is allowed in a camping area, facility or day-use area, anytime during this period.

(i) through (k) No change.

(l) No person shall remain in any day-use facility after its designated closing time, except with a State Forest Use Permit.

~~(m) Unless the area is otherwise posted, no person shall occupy a day-use area from sundown to sunrise.~~

~~(m)(n)~~ Quiet time is 10 p.m. until sunrise.

~~(n)(o)~~ The Division Department reserves the right to set carrying capacities on lands managed by the Division Department in order to protect the natural resources.

~~(o)(p)~~ Organized groups must notify the Division Department, request reservations from the Department Division, and have written authorization from the Division Department to use managed lands. NOTE: ~~Requests for authorization should be made to the local Division of Forestry office.~~

(5) Hunt Camps:

(a) The maximum number of persons allowed in an authorized hunt campsite shall be predetermined based on the size and location of the site and posted whether licensed hunters or not, is twenty-five persons, except at the Citrus and Croom Hunt Camps where the maximum number of persons allowed per campsite is fifteen.

(b) If all hunt camp sites are occupied, then the Division may assign hunters to non-hunt campsites. When overnight campsites are available, No no more than five persons will be are allowed per campsite and the normal non-hunt campsite scheduled fee for the campsite shall be charged.

(c) Temporary Semi-permanent structures may be erected in hunt camps on managed lands. Any such structure must be removed no later than six days after the end of the hunting season for which the hunt campsite authorization is issued. Persons that do not remove camping equipment, trailers or temporary structures by this ending date may be charged the current primitive camp site rate per day until its removal.

(d) through (e) No change.

(f) Hunt camp permits shall be issued on a renewal basis, first come, first serve basis or through a lottery system. Specific written procedures for the issuance of hunt camp permits will be developed in accordance with the best management technique for each state forest that provides hunt camps.

(6) Croom Motorcycle Area:

(a) Firearms are prohibited within the boundaries of the Croom Motorcycle Area.

(b) No person shall operate an off-highway vehicle a motorized cycle inside the boundaries of the Croom Motorcycle Area unless the vehicle visibly displays a valid, permanently attached, motorcycle decal issued by the Division Department. ~~Decals are available at the Croom Motorcycle Area within the Withlacoochee State Forest.~~

(c) No person shall operate an off-highway vehicle a motorized cycle within the Croom Motorcycle Area between sunset and sunrise.

(d) All persons operating off-highway vehicles on managed lands do so at their own risk and must comply with all established rules. No person shall operate a motorized cycle within the Croom Motorcycle Area without subscribing to the traffic flow and the established age restrictions for specific areas as designated by the Department.

(e) No person shall operate an off-highway vehicle motorized cycle within the Croom Motorcycle Area unless such vehicle cycle has a muffler system conforming to the requirements of the Florida Highway Patrol Handbook.

(f) No person shall operate a motorized cycle faster than ten (10) three (3) miles per hour inside the Croom Motorcycle Area camping facility and day-use parking areas.

(g) through (h) No change.

(7) Bicycles:

No person shall operate a bicycle on managed lands except on designated roads, bicycle trails or designated multi-use trails within areas specifically designated by the Department.

Specific Authority 589.011(4), 589.071, 599.12 FS. Law Implemented 589.071 FS. History—New 5-24-92, Amended 1-19-95, 11-6-95, \_\_\_\_\_.

5I-4.007 Garbage, Water Pollution and Glass Containers.

(1) through (2) No change.

(3) No person shall dispose of garbage or trash in state dumping facilities or containers on managed lands other than that generated from recreational activities on managed lands. If such dumping facilities or containers are not available, persons responsible for the generation of garbage or trash shall remove it from managed lands.

~~(4) Garbage and trash generated from activities on managed lands shall be placed in designated containers. If such containers are not available, persons responsible for the generation of garbage or trash shall remove it from managed lands.~~

~~(4)(5)~~ No person shall throw, discharge or otherwise place or cause to be placed in any water body on managed lands any substance, matter or thing, liquid or solid, which will or may pollute the waters.

~~(5)(6)~~ Glass containers are prohibited in and around all waterways within the boundaries of managed lands and on any other area specified by the Division ~~Department~~.

Specific Authority 589.011(4), 589.12 FS. Law Implemented 589.011(1),(4) FS. History--New 5-24-92, Amended 1-19-95, 11-6-95, \_\_\_\_\_.

5I-4.008 Vendors; Authorizations; Fees.

(1) Any vendor desiring to rent horses, canoes, bicycles, or other animals or equipment, to any person for use on managed lands is required to secure a permit and pay any applicable fees to an authorization from the Division ~~Department~~. Permits will be issued on a first come, first served basis. Vendors shall provide all customers with a copy of applicable rules and general information governing use of the forest. For further information, contact the Division of Forestry, 3125 Conner Boulevard, Tallahassee, Florida 32399-1650.

(2) ~~Permits Authorizations~~ may be purchased at any time during the year but each will expire on June 30th unless otherwise established and noted by the Division ~~Department~~. There will be no fee proration for purchases made subsequent to the July 1st commencement of the State of Florida's ~~Department's~~ fiscal year.

Specific Authority 589.011(4) FS. Law Implemented 589.011(1),(3) FS. History--New 5-24-92, Amended 11-6-95, \_\_\_\_\_.

5I-4.011 Penalties for Violations.

Section 589.011(4), Florida Statutes, provides that the Division of Forestry (~~Department~~) on behalf of the state may adopt and enforce rules necessary for the protection, utilization, occupancy, and development of state forest lands or any lands leased by or otherwise assigned to the Division for management purposes. Any person violating or otherwise failing to comply with any of the provisions of Section 589.011(4) or Section 589.071, Florida Statutes, or rules adopted pursuant to Section 589.011(4), Florida Statutes, is guilty of a non-criminal violation as defined in Section 775.08(3), Florida Statutes, punishable only by fine not to exceed \$500.00.

Specific Authority 589.071 FS. Law Implemented 589.071 FS. History--New 5-24-92, Amended 1-19-95, \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: John C. Waldron, Forest Recreation Coordinator, 3125 Conner Blvd., Tallahassee, FL 32399-1650

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: David Core, Chief, Bureau of Forest Management, 3125 Conner Blvd., Tallahassee, FL 32399-1650

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 8, 2003

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 15, 2003

**DEPARTMENT OF COMMUNITY AFFAIRS**

**Division of Emergency Management**

RULE CHAPTER TITLE: Base Funding for County Emergency Management Agencies, Emergency Management Competitive Grant Program and Municipal Competitive Grant Program Rule

RULE CHAPTER NO.: 9G-19

RULE TITLES:	RULE NOS.:
Procedures for Awarding Competitive Grants	9G-19.008
Selection Criteria for Competitive Grants	9G-19.009
Disbursement	9G-19.010

PURPOSE, EFFECT AND SUMMARY: Implementation of the proper revisions and changes that are needed to identify and clarify rule language in areas of concern from past Base Grant and Competitive Grant programs. These changes will simplify existing language that will make the grant process easier for all parties involved.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None.

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

SPECIFIC AUTHORITY: 252.35, 252.373 FS.

LAW IMPLEMENTED: 216.052, 252.35, 252.373, 252.38 FS.

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

TIME AND DATE: 8:30 a.m. – 10:30 a.m., September 15, 2003

PLACE: Director's Conference Room, Room 120L, Sadowski Building, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100

Any person requiring special accommodation at the hearing because of a disability or physical impairment should contact the Administrative Secretary, Division of Emergency Management, Bureau of Compliance Planning, 2555 Shumard Oak Boulevard, Tallahassee, FL 32399 or (850)413-9821, Suncom 293-9821, at least seven days before the date of the hearing. If you are hearing or speech impaired, please contact the Department of Community Affairs using the Florida Dual Party Relay System, 1(800)955-8770 (Voice) or 1(800)955-9771 (TDD).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Debbie Wonsch, Planning Manager, Finance and Logistic Section, Department of Community Affairs, 2555 Shumard Oak Blvd., Tallahassee, FL 32399-2100, (850)413-9894 or Suncom 293-9894

THE FULL TEXT OF THE PROPOSED RULES IS:

9G-19.008 Procedures for Awarding Competitive Grants.

(1) through (2) No change.

(3) The Department hereby adopts by reference the Emergency Management, Preparedness, and Assistance Trust Fund Competitive Grant Program Application Packet, Form No. ~~008 007, July 2003~~ June 2002 version, which provides forms, instructions, and other information necessary for submission of an application for Competitive Grant funds submitted pursuant to Rule 9G-19.008, F.A.C.

(4) No change.

(5) All applications shall conform to the following requirements, and shall be reviewed for technical conformity in accordance with the following procedures:

(a) All applications shall adhere to the format specified in the Application Packet, Form No. ~~008 007, July 2003~~ June 2002 version.

(b) through (e) No change.

(6) through (8) No change.

Specific Authority 252.35, 252.373 FS. Law Implemented 252.35, 252.373, 252.38 FS. History—New 1-12-94, Amended 6-21-95, 11-13-96, 11-10-97, 10-14-98, 10-11-00, 10-22-02, \_\_\_\_\_.

9G-19.009 Selection Criteria for Competitive Grants.

(1) No change.

(2) Applications shall be scored by the review committee independently and the scores shall be totaled and averaged. Thereafter, the committee shall evaluate the scores and arrive at preliminary scores and rankings. Preliminary scores and rankings shall be prepared within each category based upon the total number of points earned with the overall highest number of points determining priority for funding. The review committee shall, within 75 days of the application deadline date, ~~post transmit~~ post preliminary scores and rankings on the Division of Emergency Management website, www.floridadisaster.org ~~to all Applicants~~, along with any administrative proceeding rights. Upon determination, final scores and rankings will shall be posted on the Division of Emergency Management website, www.floridadisaster.org ~~transmitted to all Applicants in writing~~. Funds shall be offered to the Applicant with the overall highest score, then to the Applicant with the next overall highest score, and so on, until all funds have been offered and accepted, or all eligible applications have been funded, or insufficient funds remain to fund an eligible project. The Department may offer to fund all or part of the project or all or part of the amount requested in an application. Applicants shall be given 21 days to accept or reject a proposed award. Written notice of acceptance shall be delivered to the Division offices designated in the notice of award along with a complete proposal, revised budget, timeline and a list of project items. In the event that an Applicant fails to accept or reject a proposed award offered for the Emergency Management Competitive Grant Program within the specified

time, then the funds offered shall revert to the Trust Fund. In the event that an Applicant fails to accept or reject a proposed award offered for the Municipal Competitive Grant Program within the specified time, then the funds shall be reallocated in accordance with the provisions of subsections 9G-19.006(1)-(3), F.A.C.

(3) through (8) No change.

Specific Authority 252.35, 252.373 FS. Law Implemented 285.35, 252.373, 252.38 FS. History—New 1-12-94, Amended 6-21-95, 11-13-96, 10-11-98, 10-11-00, 10-22-02, \_\_\_\_\_.

9G-19.010 Disbursement.

(1) through (5) No change.

(6) Upon Written request and accompanying documentation detailing exceptional circumstances justifying the need, and at the discretion of ~~notification to~~ the Division, not later than July 31 of each year, Base Grant Recipients receiving trust funds may carry forward up to twenty-five (25) percent of a single year grant award to the next fiscal year.

(7) through (11) No change.

Specific Authority 252.35, 252.373 FS. Law Implemented 216.052, 252.35, 252.373, 252.83 FS. History—New 1-12-94, Amended 6-21-95, 11-13-96, \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Debbie Wonsch, Planning Manager, Finance and Logistics Section, Division of Emergency Management

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Suzanne Adams, Community Program Administrator, Finance and Logistics Section, Division of Emergency Management

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

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

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

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

**DEPARTMENT OF CORRECTIONS**

RULE TITLE: Inmate Trust Fund  
 RULE NO.: 33-203.201

PURPOSE AND EFFECT: The purpose of the proposed rule is to delete obsolete language from the rule. The effect is to remove reference to the Inmate Welfare Trust Fund and replace it with the General Revenue Fund which pursuant to Senate Bill 954 (2003).

SUMMARY: The proposed rule removes reference to the Inmate Welfare Trust Fund and replaces it with the General Revenue Fund.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None.

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

SPECIFIC AUTHORITY: 944.09, 944.516, 945.091, 945.215 FS.

LAW IMPLEMENTED: 57.085, 717, 944.09, 944.516, 945.091, 945.215 FS.

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

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

THE FULL TEXT OF THE PROPOSED RULE IS:

33-203.201 Inmate Trust Fund.

(1) The following are the policies of the Department with respect to money received for the personal use or benefit of inmates:

(a) through (e) No change.

(f) Interest earned on these investments and on the central Inmate Trust Public Funds Interest Checking Account or any local accounts shall be deposited to the General Revenue Inmate Welfare Trust Fund to be expended for the benefit of the inmate population in general.

(2) through (12) No change.

Specific Authority 944.09, 944.516, 945.091, 945.215 FS. Law Implemented 57.085, 717, 944.09, 944.516, 945.091, 945.215 FS. History--New 1-27-86, Amended 7-16-89, 5-1-90, 3-2-92, 6-2-92, 8-25-92, 10-19-92, 4-13-93, 5-28-96, 6-15-98, Formerly 33-3.018, Amended 5-7-00, 7-13-03.

NAME OF PERSON ORIGINATING PROPOSED RULE: Rhonda Vause

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

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

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

**DEPARTMENT OF CORRECTIONS**

RULE TITLES:	RULE NOS.:
Mental Health Services – Definitions	33-404.103
Operation, Administration and Designation of Mental Health Treatment Facilities	33-404.201
Mental Health Treatment Facilities – Definitions	33-404.202

PURPOSE AND EFFECT: The purpose and effect of the proposed rules is to designate mental health treatment facilities at additional institutions in accordance with Section 945.42, F.S.

SUMMARY: Mental health treatment facilities for inmates are designated at Union Correctional Institution, Lake Correctional Institution, Zephyrhills Correctional Institution, South Florida Reception Center, Dade Correctional Institution, Broward Correctional Institution, and Lowell Correctional Institution.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None.

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

SPECIFIC AUTHORITY: 944.09, 945.081, 945.42, 945.49 FS.

LAW IMPLEMENTED: 944.09, 945.081, 945.41, 945.42, 945.49 FS.

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

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

THE FULL TEXT OF THE PROPOSED RULES IS:

33-404.103 Mental Health Services – Definitions.

(1) through (7) No change.

(8) “Mental Health Treatment Facility” means the Corrections Mental Health Institution and any other institution that an in-patient facility, as defined by sections 33-404.201-404.210, Florida Administrative Code, for the treatment of inmates with a diagnosed mental illness that the Assistant Secretary for Health Services of the Department specifically designates by Rule 33-404.201, F.A.C. to provide acute psychiatric care at the hospital level, in contrast to less intensive levels of care such as outpatient mental health care, transitional mental health care, or crisis stabilization care. ~~The secretary has designated the Corrections Mental Health Institution as the mental health treatment facility.~~

(9) through (14) No change.

Specific Authority 944.09, 945.42 945.49 FS. Law Implemented 944.09, 945.42, 945.49 FS. History--New 5-27-97, Formerly 33-40.003, Amended

33-404.201 Operation, Administration, and Designation of Mental Health Treatment Facilities.

(1) The Department is responsible for the operation and administration of the Corrections Mental Health Institution which was established to provide for the treatment of inmates who have a mental illness requiring intensive psychiatric

inpatient treatment at the hospital level. Since the Corrections Mental Health Institution may house both male and female inmates, security procedures shall be implemented governing inmate movement and control to prevent the co-mingling of male and female inmates.

(2) The ~~Secretary or~~ Assistant Secretary for Health Services ~~has may~~ also designated ~~other institutions to serve as~~ mental health treatment facilities at the following institutions:

- (a) Union Correctional Institution;
- (b) Lake Correctional Institution;
- (c) Zephyrhills Correctional Institution;
- (d) South Florida Reception Center;
- (e) Dade Correctional Institution;
- (f) Broward Correctional Institution; and
- (g) Lowell Correctional Institution.

(3) The rules of the Department of Corrections shall be applicable to all Corrections Mental Health Treatment Facilities established by the department, except as modified by this chapter.

Specific Authority 944.09, 945.081, 945.42, 945.49 FS. Law Implemented 944.09, 945.081, 945.41, 945.42, 945.49 FS. History--New 11-3-85, Formerly 33-23.01, Amended 10-9-96, Formerly 33-23.001, Amended \_\_\_\_\_.

33-404.202 Mental Health Treatment Facilities – Definitions.

For purposes of this rule, the following additional definitions shall apply:

(1) “Mental Health Treatment Facility,” Pursuant to s. 945.42(7), F.S., means the ~~Assistant Secretary for Health Services has designated~~ the Corrections Mental Health Institution and any other institution that the Assistant Secretary for Health Services of the department specifically designates by Rule 33-404.201, F.A.C., to provide acute psychiatric care at the hospital level for inmates requiring intensive psychiatric inpatient care and treatment, in contrast to less intensive levels of care such as outpatient mental health care, transitional mental health care, or crisis stabilization care.

(2) through (8) No change.

Specific Authority 944.09, 945.42, 945.49 FS. Law Implemented 20.315, 944.09, 945.42, 945.49 FS. History--New 11-3-85, Formerly 33-23.03, Amended 10-9-96, 3-24-97, 8-13-97, Formerly 33-23.003, Amended \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Patrick Brown

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

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

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

**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 for flexibility in the grant process.

SUMMARY: The proposed rule amendments update the amount of grant funds and the allocation of grant funds at the local level.

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: 427.013, 427.0159, 427.016 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: John Stanley, Executive Director, Commission for the Transportation Disadvantaged, 605 Suwannee Street, MS-49, Tallahassee, Florida 32399-0450

THE FULL TEXT OF THE PROPOSED RULE IS:

41-2.014 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 ~~12/93~~, 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) though (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, \_\_\_\_\_.

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 Disadvantaged

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

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

**DEPARTMENT OF ENVIRONMENTAL PROTECTION**

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

**DEPARTMENT OF HEALTH**

**Board of Chiropractic Medicine**

RULE TITLE: Deceptive and Misleading Advertising

RULE NO.:

Prohibited; Policy; Definition 64B2-15.001

PURPOSE AND EFFECT: The Board proposes to correct clerical errors and update the rule text.

SUMMARY: The Board is correcting clerical errors and referencing all degrees and initials instead of just those belonging to two doctoral level professions. The Board is also requiring that a degree holder be licensed in Florida before advertising other professional academic achievements.

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

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

SPECIFIC AUTHORITY: 460.405 FS.

LAW IMPLEMENTED: 456.062, 460.413(1)(d) FS.

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

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

THE FULL TEXT OF THE PROPOSED RULE IS:

64B2-15.001 Deceptive and Misleading Advertising Prohibited; Policy; Definition.

(1) It is the policy of the Board of ~~Chiropractic~~ that advertising by licensed practitioners of the profession of chiropractic in this State should be regulated so as to effectuate the duty of the State of Florida to protect the health, safety and welfare of its residents, while not abridging any rights guaranteed to such practitioners or to the public by the Constitution of the United States and the State of Florida, as construed by the United States Supreme Court and the Florida Supreme Court. To that end, the Board permits the dissemination to the public of legitimate information, in

accordance with the Board's rules, regarding the art and science of Chiropractic and where and from whom chiropractic services may be obtained, so long as such information is in no way fraudulent, false, deceptive, or misleading.

(2) No chiropractor shall disseminate or cause the dissemination of any advertisement or advertising which is in any way fraudulent, false, deceptive or misleading. Any advertisement or advertising shall be deemed by the Board to be fraudulent, false, deceptive, or misleading if it:

(a) Contains a misrepresentation ~~misrepresentation~~ of facts; or

(b) Is misleading or deceptive because in its content or in the context in which it is presented it makes only partial disclosure of relevant facts. More specifically, the Board finds that it is misleading and deceptive for a chiropractor to advertise free services (i.e. x-rays, examination, etc.) or services for a specific charge when in fact the chiropractor is transmitting a higher charge for the advertised service to a third party payor for payment. The Board finds it misleading and deceptive to fail to include the fact that x-rays and/or video fluoroscopy will only be given if medically necessary in an advertisement for free x-rays and/or video fluoroscopy. For the purpose of this rule, a verbal announcement or a minimum of 15 second exposure of the disclaimer clause required by Chapter 456.062, F.S., is required for free services advertised on radio or television. The Board also finds that it is misleading and deceptive for a chiropractor or a group of chiropractors to advertise a chiropractic referral service or bureau unless the advertisement specifically names each of the individual chiropractors who are participating in the referral service or bureau. Referral services that operate on a national or statewide basis, and that have at least 50 participating members, do not have to specifically name each individual chiropractor participating in the service on their advertisements. Any advertisement generated by or on behalf of a chiropractor must disclose that it is generated by or on behalf of a chiropractor by including a reference to the chiropractor by name and degree.

(c) through (h) No change.

(i) Contains any representation regarding a preferred area of practice or an area of practice in which the practitioner in fact specializes, which represents or implies that such specialized or preferred area of practice requires, or that the practitioner has received any license or recognition by the State of Florida or its authorized agents, which is superior to the license and recognition granted to any chiropractor who successfully meets the licensing requirements of Chapter 460, F.S. However, a chiropractor is not prohibited from advertising that he has attained Diplomate status in a specialty area recognized by the Board of Chiropractic; or

(j) ~~Reserved.~~ (k) Appears in any classified directory, listing, or compendium under a heading, which when considered together with the advertisement, has the capacity or tendency to be deceptive or misleading with respect to the profession or professional status of the chiropractor; or

(~~k~~)~~(4)~~ Contains any other representation, statement or claim which is misleading or deceptive; or

(~~l~~)~~(m)~~ Contains a reference to any other an allopathic or osteopathic medical degree or uses the initials "M.D." or "D.O." or any other initials unless the chiropractic physician has actually received such a degree and is a licensed holder of such degree in the State of Florida. If the chiropractic physician is not licensed to practice allopathic or Osteopathic medicine in Florida, the chiropractic physician must disclose this fact, and the letterhead, business card, or other advertisement shall also include next to the reference or initials a statement such as "Not licensed as a medical doctor in the State of Florida" or "Licensed to practice chiropractic medicine only" in the same print size or volume.

(3) No change.

Specific Authority 460.405 FS. Law Implemented 456.062, 460.413(1)(d) FS. History—New 1-10-80, Amended 11-25-81, 5-12-83, Formerly 21D-15.01, Amended 4-19-89, Formerly 21D-15.001, 61F2-15.001, Amended 7-18-95, Formerly 59N-15.001, Amended 9-21-98, 5-20-99, 4-23-00, 11-19-00.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Board of Chiropractic Medicine

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 27, 2003

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

**DEPARTMENT OF HEALTH**

**Board of Chiropractic Medicine**

RULE TITLE: RULE NO.:

Citations 64B2-16.0075

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

SUMMARY: The Board determined that the licensee is responsible for confirming that a violation has been corrected and that a citation constitutes discipline.

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

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

SPECIFIC AUTHORITY: 456.077, 460.405 FS.

LAW IMPLEMENTED: 456.035, 456.072(3), 456.073 FS.

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

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

THE FULL TEXT OF THE PROPOSED RULE IS:

64B2-16.0075 Citations.

(1) through (5) No change.

(6) Prior to issuance of the citation, the licensee investigator must confirm that the violation has been corrected or is in the process of being corrected.

(7) Once the citation, which constitutes discipline, becomes a final order, the citation and complaint become a public record pursuant to Chapter 119, F.S., unless otherwise exempt from the provisions of Chapter 119, F.S. The citation and complaint may be considered as aggravating circumstances in future disciplinary actions pursuant to Rule 64B2-16.003, F.A.C.

(8) through (9) No change.

Specific Authority 456.077, 460.405 FS. Law Implemented 456.035, 456.072(3), 456.073 FS. History—New 1-19-92, Amended 4-26-93, Formerly 21D-16.0075, 61F2-16.0075, Amended 7-18-95, Formerly 59N-16.0075, Amended 2-11-99, 5-31-00, 10-7-02, \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Chiropractic Medicine

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 27, 2003

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

**DEPARTMENT OF HEALTH**

**Board of Massage Therapy**

RULE TITLE: RULE NO.:

Requirements for Reactivation of an Inactive License 64B7-28.0042

PURPOSE AND EFFECT: To clarify the requirements of reactivating an inactive license.

SUMMARY: The Board has determined to amend this rule to ensure all inactive licensees are required to complete an education course relating to the prevention of medical errors before reactivation.

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

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

SPECIFIC AUTHORITY: 456.034, 456.036(9), 480.035(7), 480.0425 FS.

LAW IMPLEMENTED: 456.034, 456.036(9),(10), 480.0425 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: Pamela King, Executive Director, Board of Massage Therapy, 4052 Bald Cypress Way, Bin C06, Tallahassee, Florida 32399

THE FULL TEXT OF THE PROPOSED RULE IS:

64B7-28.0042 Requirements for Reactivation of an Inactive License.

An inactive license shall be reactivated upon demonstration that the licensee has paid the reactivation fee set forth in Rule 64B7-27.011, F.A.C., and has complied with the following requirements:

(1) through (2) No change.

(3) The Department shall not reactivate the license of any massage therapist who has:

(a) No change.

(b) Failed to comply with the provisions of subsection 456.034, F.S., and subsection 64B7-28.001(2) and (3), F.A.C.

Specific Authority 456.034, 456.036(9), 480.035(7), 480.0425 FS. Law Implemented 456.034, 456.036(9),(10), 480.0425 FS. History—New 9-18-95, Formerly 61G11-28.0042, Amended \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Massage Therapy

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

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

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

**DEPARTMENT OF HEALTH**

**Board of Massage Therapy**

RULE TITLE: RULE NO.:

Requirements for Board Approval of Continuing Education Programs 64B7-28.010

PURPOSE AND EFFECT: To delete the provision for form BMT5 and insert the provision for BMT6.

SUMMARY: The Board proposes to delete the reference to form BMT5 and replace it with BMT6 as the appropriate form for submitting an application for supplemental program approval by an approved provider.



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

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

SPECIFIC AUTHORITY: 456.013(8), 456.025(7), 480.035(7), 480.0415 FS.

LAW IMPLEMENTED: 456.013(8), 456.025(7), 480.0415 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: Pamela King, Executive Director, Board of Massage Therapy, 4052 Bald Cypress Way, Bin C06, Tallahassee, Florida 32399

THE FULL TEXT OF THE PROPOSED RULE IS:

64B7-28.010 Requirements for Board Approval of Continuing Education Programs.

(1) through (5) No change.

(6) A Board approved provider must submit a completed application for supplemental courses, form BMT6 ~~Form C, a part of the Massage Continuing Education Provider Application, BMT5~~, to the Board office prior to offering such courses for credit. The submitted information must also identify any new continuing education instructor and show that such instructor meets the criteria set forth in this rule. Whenever an instructor and his/her course have obtained approval by the Board, the instructor may teach the course at any time, in whole or in part, so long as the materials being taught do not deviate from course materials originally approved, there is no change of instructor, and the documentation of attendance clearly indicates the original course approval number and the hours of credit given for this version of the course. Therefore, the number of continuing education hours awarded for the course may be the original number of hours approved, or less. An increase of the number of continuing education hours awarded will require submission of form # BMT6 forms for approval of a course.

(7) through (8) No change.

Specific Authority 456.013(8), 456.025(7), 480.035(7), 480.0415 FS. Law Implemented 456.013(8), 456.025(7), 480.0415 FS. History--New 4-21-86, Amended 9-14-87, 8-29-88, 2-8-89, 3-12-90, 1-3-91, Formerly 21L-28.010, Amended 9-30-93, 8-16-94, 6-12-95, 2-12-97, Formerly 61G11-28.010, Amended 2-18-98, 10-26-98, 9-20-99, 11-4-99, 11-21-02, \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Massage Therapy

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

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

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

**DEPARTMENT OF HEALTH**

**Board of Massage Therapy**

RULE TITLES:	RULE NOS.:
Disciplinary Guidelines	64B7-30.002
Citations	64B7-30.004
Notice of Noncompliance	64B7-30.006

PURPOSE AND EFFECT: To update and clarify disciplinary guidelines and to amend citations and notices of noncompliance.

SUMMARY: The Board proposes to update the existing rule language and delete obsolete text to Rule 64B7-30.002, F.A.C.; to set forth penalties for HIV/Aids continuing education requirements in the citations Rule 64B7-30.004, F.A.C.; and to make a first time violation of advertising eligible for a notice of non-compliance in Rule 64B7-30.006, F.A.C.

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

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

SPECIFIC AUTHORITY: 120.695, 456.072(2),(3), 456.073(4), 456.077, 456.079(1),(3),(4), 480.035(7) FS.

LAW IMPLEMENTED: 120.695, 456.072(2), 456.073(3),(4), 456.077, 456.079(1),(3),(4), 480.046, 480.047 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Pamela King, Executive Director, Board of Massage Therapy, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3256-3258

THE FULL TEXT OF THE PROPOSED RULES IS:

64B7-30.002 Disciplinary Guidelines.

(1) When the Board finds that an applicant, apprentice, or licensee whom it regulates under Chapter 480, F.S., has committed any of the acts set forth in Sections 480.0485, 480.046, 480.047 and 456.072, F.S., it shall issue a final order imposing appropriate penalties within the ranges recommended in the following disciplinary guidelines after consideration of the aggravating and mitigating factors set forth in subsection three (3) of this rule:

(a) through (j) No change.

(x) through (z) No change.

(2) through (8) No change.

(k) 480.046(1),(o) or 456.072(1),(cc) 480.046(1),(k) Unless an offense specifically set forth below, first offense: \$250 fine; subsequent offense: \$250 fine and probation.

1. No change. 2. Violation of a Board order entered in a previous disciplinary case \$1,000 fine and suspension until compliant with previous order. If the offense is for fraud or making a false or fraudulent representation, the fine is \$10,000.00 and suspension until compliant with previous final order.

3. through 12. renumbered 2. through 11. No change. 12. Any violation of section 64B7-26.010, F.A.C. First offense: \$1000.00 fine and probation to \$2,500.00 fine and revocation. Second offense: \$5000.00 fine and revocation.

(l) through (u) No change. (v)(L) 456.072(1)(q) or 480.046 (1) (k) violating any Board or Department order Provision of Chapter 456 F.S. or failure to comply with a lawfully issued subpoena of the Department. First offense: \$250 fine and probation; Second offense: \$500 fine and probation; Third offense: \$1000.00 fine and suspension.

2. Violation of a Board order entered in a previous disciplinary case, including citation final orders. \$1000.00 fine and suspension until compliant with previous order. If the offense is for fraud or making a false or fraudulent representation, the fine is \$10,000.00 and suspension until compliant with the previous final order.

(w) 456.072(1)(u) engaging or attempting to engage a patient or client in verbal or physical sexual activity. Verbal first offense: \$1000 fine and probation; subsequent offense: verbal or physical. \$1000 fine and revocation. Physical: \$1000 fine and revocation.

Specific Authority 456.072(2), 456.073(4), 456.079(1),(3),(4), 480.035(7) FS. Law Implemented 456.072(2), 456.073(4), 456.079(1),(3),(4), 480.046, 480.047 FS. History--New 3-26-87, Formerly 21L-30.002, Amended 9-30-93, 12-12-93, 8-16-94, 10-1-95, 2-5-96, 5-12-96, 5-29-97, Formerly 61G11-30.002, Amended 2-18-98, 11-4-98, 1-26-00, 10-7-02,\_\_\_\_\_.

64B7-30.004 Citations.

(1) through (2) No change.

(3) The Board hereby designates the following as citation violations, which shall result in a penalty as specified below:

(a) through (k) No change.

(1) First time failure to comply with the HIV/ Aids continuing education requirements of section 456.034 Florida Statutes or the medical errors continuing education requirements of section 456.013(7), Florida Statutes shall result in a penalty of \$250.00 for each deficient course requirement, in addition to the requirement to make up the coursework within 90 days of the date the citation is filed.

Specific Authority 456.077 FS. Law Implemented 456.077 FS. History--New 1-1-92, Amended 11-15-92, Formerly 21L-30.004, Amended 9-30-93, 12-12-93, 4-21-97, Formerly 61G11-30.004, Amended 8-16-98, 7-18-99, 7-27-00,\_\_\_\_\_.

64B7-30.006 Notice of Noncompliance.

Pursuant to Sections 120.695 and 456.073(3), F.S., the Board designates the following as minor violations for which a notice of noncompliance may be issued for the first violation thereof:

(1) through (3) No change.

(4) Failure to include license number or numbers in any advertisement as required by Rule 64B7-33.001, F.A.C.

Specific Authority 120.695, 456.073(3), 480.035(7) FS. Law Implemented 120.695, 456.073(3) FS. History--New 2-5-96, Formerly 61G11-30.006, Amended 9-14-98,\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Massage Therapy

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

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: May 30, 2003

DEPARTMENT OF HEALTH

Board of Medicine

RULE TITLES: Application, Certification, Registration, and Licensure Fees RULE NOS.: 64B8-3.002 64B8-3.003

PURPOSE AND EFFECT: The proposed rule amendments are intended to restructure application fees for examination and endorsement physicians, resident physicians, interns, fellows, and medical faculty certificates. The amendments also increase renewal fees by 10%.

SUMMARY: The proposed rule amendments raise application fees for examination and endorsement physicians, resident physicians, interns, fellows, and medical faculty certificates. The amendments also increase renewal fees by 10%.

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

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

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

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

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

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

THE FULL TEXT OF THE PROPOSED RULES IS:

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

The following fees are prescribed by the Board:

(1) An application fee in the amount of \$210.00 for a person desiring to obtain the following:

(a) ~~A medical faculty certificate, as provided in Section 458.3145, F.S.;~~

(b) through (e) renumbered (a) through (d) No change.

(2) No change.

(3) An application fee in the amount of ~~\$200.00~~ ~~\$100.00~~ for a person desiring to obtain registration as a resident physician, assistant resident physician, ~~house physician~~, intern, or fellow, and an application fee in the amount of \$300.00 for a house physician, as provided in Section 458.345, F.S.

(4) The application fee for a person desiring to be licensed as a physician by endorsement, as provided in Section 458.313, F.S., shall be ~~\$500.00~~ ~~\$460.00~~.

(5) The application fee for a person desiring to be licensed as a physician by examination, as provided in Sections 458.311, 458.3115 and 458.3124, F.S., shall be ~~\$500.00~~ ~~\$460.00~~.

(6) The application fee for a medical faculty certificate, as provided in Section 458.3145, F.S., shall be \$500.

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

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

64B8-3.003 Renewal Fees.

(1) No change.

(2) The following renewal fees are prescribed by the Board:

(a) Biennial renewal fee for physicians licensed pursuant to Sections 458.311, 458.3115, 458.3124, and 458.313, F.S.; for physicians holding a limited license; and for physicians holding a medical faculty certificate as a distinguished medical scholar, a temporary certificate for practice in areas of critical need, a public psychiatry certificate, or a public health certificate shall be ~~\$424.00~~ ~~\$385.00~~. However the following exceptions shall apply:

1. through 2. No change.

3. If the licensee is either a resident physician, assistant resident physician, fellow, or intern in an approved postgraduate training program, the biennial renewal fee shall be ~~\$220.00~~ ~~\$200.00~~.

4. If the licensee whose license is on inactive status chooses to renew the license in an inactive status, the biennial renewal fee shall be ~~\$121.00~~ ~~\$110.00~~.

(b) Biennial renewal fee for a person registered as a house physician pursuant to Section 458.345, F.S., shall be ~~\$220.00~~ ~~\$200.00~~.

Specific Authority 456.025, 458.309(1), 458.3145, 458.315, 458.316, 458.3165, 458.317, 458.319, 458.345 FS. Law Implemented 456.025(1), 456.036(3), 458.319(1), 458.345(4) FS. History—New 12-5-79, Amended 10-24-85, Formerly 21M-19.03, Amended 12-4-86, 11-3-87, 5-24-88, 11-15-88, 11-12-89, 1-9-92, Formerly 21M-19.003, Amended 9-21-93, 4-14-94, Formerly 61F6-19.003, Amended 10-10-95, 6-24-96, 1-26-97, Formerly 59R-3.003, Amended 6-7-98, 8-11-98, 12-14-99, 10-30-01, 3-25-02, \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Medicine

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 1, 2003

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

**DEPARTMENT OF HEALTH**

**Board of Medicine**

RULE TITLE: RULE NO.:

Standards for the Use of Controlled Substances 64B8-9.013  
for the Treatment of Pain

PURPOSE AND EFFECT: The proposed rule amendment is intended to delete an entity referenced in the rule which is no longer in existence.

SUMMARY: The proposed rule amendment removes an entity referenced in the rule which is no longer in existence.

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: 458.309(1), 458.331(1)(v) FS.

LAW IMPLEMENTED: 458.326 FS.  
 IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE FAW.  
 THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Larry McPherson, Jr., Executive Director, Board of Medicine/MQA, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3253

THE FULL TEXT OF THE PROPOSED RULE IS:

64B8-9.013 Standards for the Use of Controlled Substances for the Treatment of Pain.

- (1) Pain Management Principles.
- (a) through (b) No change.

(c) The Board recognizes that controlled substances, including opioid analgesics, may be essential in the treatment of acute pain due to trauma or surgery and chronic pain, whether due to cancer or non-cancer origins. ~~Physicians are referred to the U.S. Agency for Health Care Policy and Research Clinical Practice Guidelines for a sound approach to the management of acute and cancer-related pain.~~ The medical management of pain including intractable pain should be based on current knowledge and research and includes the use of both pharmacologic and non-pharmacologic modalities. Pain should be assessed and treated promptly, and the quantity and frequency of doses should be adjusted according to the intensity and duration of the pain. Physicians should recognize that tolerance and physical dependence are normal consequences of sustained use of opioid analgesics and are not synonymous with addiction.

- (d) through (g) No change.
- (2) through (3) No change.

Specific Authority 458.309(1), 458.331(1)(v) FS. Law Implemented 458.326, 458.331(1)(g),(t),(v) FS. History—New 12-21-99, Amended 11-10-02,

NAME OF PERSON ORIGINATING PROPOSED RULE: Rules Committee, Board of Medicine  
 NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Medicine  
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: July 12, 2003  
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: July 25, 2003

**DEPARTMENT OF HEALTH**

**Board of Respiratory Care**

RULE TITLE: Provider Approval and Renewal Procedures  
 PURPOSE AND EFFECT: The Board proposes to update the existing rule text.

RULE NO.: 64B32-6.005

SUMMARY: Instead of the information submitted for in-person programs, the Board is requiring from home study program providers, the goals of the program; the test; all materials; the curriculum vitae; security procedures; the certificate; and copyright clearance.

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

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

SPECIFIC AUTHORITY: 456.025(4), 468.361(3) FS.

LAW IMPLEMENTED: 456.025(7), 468.361(3) 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: Kaye Howerton, Board Executive Director, Board of Respiratory Care, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3255

THE FULL TEXT OF THE PROPOSED RULE IS:

64B32-6.005 Provider Approval and Renewal Procedures.

- (1) through (4) No change.

(5) Every provider shall:

- (a) through (d) No change.

~~(e) Shall provide the board with semi-annual reports of all offerings provided for the previous six months.~~

- (6) through (8) No change.

(9) The provider seeking approval for home study courses also shall understand and agree:

- (a) through (b) No change.

(c) Instead of the information submitted for in-person programs, the provider shall submit the following for pre-approval:

1. A statement of the educational goals and objectives of the program, including the criteria for successful completion of the program and the number of correct answers required on the test by a participant to receive credit for having taken the program;

2. All materials to be read by the participant, and the testing questions to be answered for successful completion;

3. A current curriculum vitae of each person substantially involved in the preparation of the substance of the program;

4. The identification procedures for verification that the named licensee has taken the home study course;

5. A sample certificate of completion; and

6. If not completely original, references and permission for use or reprint of any copyrighted materials regardless of source.

(10) No change.

Specific Authority 456.025(4), 468.361(3) FS. Law Implemented 456.025(7), 468.361(3) FS. History—New 4-24-96, Amended 5-7-97, Formerly 59R-75.0041, Amended 4-23-98, 6-9-99, Formerly 64B8-75.0041, Amended 7-4-02,\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Board of Respiratory Care  
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Respiratory Care  
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 20, 2003  
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: July 11, 2003

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

**DEPARTMENT OF STATE**

**Division of Library and Information Services**

RULE NO.:                      RULE TITLE:  
1B-2.011                      Library Grant Programs

NOTICE OF CORRECTION

The Florida Department of State hereby publishes this Notice of Correction to the Notice of Proposed Rulemaking, Rule Number 1B-2.011, published in Vol. 29, No. 32, August 8, 2003 issue of the Florida Administrative Weekly. The Notice of Proposed Rulemaking should have stated the following:

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW (IF NOT REQUESTED BY 5:00 P.M. (EST), FRIDAY, AUGUST 29, 2003, THIS HEARING WILL NOT BE HELD):

TIME AND DATE: 11:00 a.m. (EST), Tuesday, September 2, 2003

**DEPARTMENT OF STATE**

**Division of Cultural Affairs**

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

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in the Vol. 29, No. 18, May 2, 2003 issue of the Florida Administrative Weekly.

SUMMARY OF CHANGE: Changes have been made to these documents that address the comments made by the Joint Administrative Procedures Committee.

The changes to subsection IT-1.001(17) include:  
The phrase “is authorized to” is changed to “will.”

1. Clarification of the grant extension criteria in section 10 of the Grant Award Agreement.

2. Revisions to the Addendum to Contract mentioned in section 13 of the Grant Award Agreement. The revisions are:  
MONITORING.

1) The words “may include, but not be limited to” have been deleted. The single word “include” has been substituted.

2) The revised date on Federal OMB Circular A-133 is June 27, 2003. The Circular has been incorporated by reference.

3) The words “and/or other procedures” have been deleted.

AUDITS

1) In Part I: Federally Funded (paragraph 3.), the typographical error has been corrected and the word “and” has been changed to “an.”

2) In Part II: State Funded (paragraph 1) has been revised.

3) In Part V: Record Retention, the words “unless extended in writing by the Department of State” have been deleted.

Specific Authority 265.284(5)(d), 265.286(1), 265.2861(2)(b), 265.701(4) FS. Law Implemented 215.97, 265.284, 265.286, 265.2861, 265.701, 286.011, 286.12, 286.25 FS. History—New 11-23-82, Formerly IT-1.01, Amended 10-1-96, 10-31-96, 2-2-97, 6-2-97, 7-17-97, 9-10-97, 1-4-98, 7-26-98, 8-2-98, 10-5-98, 10-25-98, 8-17-99, 8-1-02, 12-29-02,\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Linda Downey, Director of Division of Cultural Affairs

**DEPARTMENT OF STATE**

**Division of Cultural Affairs**

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

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in the Vol. 29, No. 18, May 2, 2003 issue of the Florida Administrative Weekly.

SUMMARY OF CHANGE: Changes have been made to these documents that address the comments made by the Joint Administrative Procedures Committee.

The changes to subsection IT-1.001(20) include:

The phrase “is authorized to” is changed to “will.”

1. A correction and addition to the Specific Authority section. Section 255.043(5) has been corrected to read 255.043(4), and 265.702(8) has been added.

2. An addition to the Law Implemented section. Section 265.702 has been added.

3. Clarification of the grant extension criteria in section 10 of the Grant Award Agreement.

4. Revisions to the Addendum to Contract mentioned in section 13 of the Grant Award Agreement. The revisions are:  
MONITORING.

1) The words “may include, but not be limited to” have been deleted. The single word “include” has been substituted.

2) The revised date on Federal OMB Circular A-133 is June 27, 2003. The Circular has been incorporated by reference.

3) The words “and/or other procedures” have been deleted.

AUDITS

1) In Part I: Federally Funded (paragraph 3.), the typographical error has been corrected and the word “and” has been changed to “an.”

2) In Part II: State Funded (paragraph 1) has been revised.

3) In Part V: Record Retention, the words “unless extended in writing by the Department of State” have been deleted.

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), 265.702(8) 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, 265.702, 286.011, 286.012, 286.25 FS. History—New 11-23-82, Formerly IT-1.01, Amended 10-1-96, 10-31-96, 2-2-97, 6-2-97, 7-17-97, 9-10-97, 1-4-98, 7-26-98, 8-2-98, 10-5-98, 10-25-98, 8-17-99, 8-1-02, 12-29-02.

NAME OF PERSON ORIGINATING PROPOSED RULE: Linda Downey, Director of Division of Cultural Affairs

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Agricultural Water Policy

RULE CHAPTER NO.:	RULE CHAPTER TITLE:
5M-3	Best Management Practices (BMPs) for Citrus, Cow/Calf, Dairies and Other Agriculture in the Lake Okeechobee priority basins (S-191, S-154, S65 D and E)
RULE NOS.:	RULE TITLES:
5M-3.001	Purpose
5M-3.002	Definitions
5M-3.003	Approved Best Management Practices
5M-3.006	Land Application of Animal Wastes

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made in the proposed rules in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 29, No. 27, July 3, 2003, of the Florida Administrative Weekly:

The changes were made in response to written comments received from the Joint Administrative Procedures Committee.

5M-3.001 Purpose.

The purpose of this rule is to effect pollutant reduction through the implementation of non-regulatory and incentive based programs, which may be determined to have a minimal individual or cumulative adverse impacts to the water

resources of the state. The rule defines the phosphorus management requirements of agricultural producers necessary to receive a presumption of compliance with state water quality standards, including those established by the Total Maximum Daily Load (TMDL) program, pursuant to Chapter 403.067, F.S. and the South Florida Water Management District’s Works of the District Program contained in Ch 40E-61, F.A.C. Implementation of this rule is part of a comprehensive program to achieve water quality standards. Reasonable assurance for achieving water quality standards is enhanced through verification monitoring at representative sites and subsequent identification of additional or modified control measures where needed. Where it is determined that additional control measures are necessary to achieve compliance with water quality standards, established phosphorus reduction targets of total maximum daily loads, the implementation of these measures will be achieved through a modification of this rule.

5M-3.002 Definitions.

(1) “Agricultural Nutrient Management Assessment and Plan” (“ANMAP”) means a site-specific plan establishing the rate at which nutrients (manure, litter, waster bedding and process wastewater) can be land applied so as to meet crop nutrient needs while minimizing the amount of pollutant discharged to waters of the State. The ANMAP shall include site-specific Best Management Practices to address all relevant operation and maintenance activities. The ANMAP shall be consistent with the United States Department of Agriculture (USDA), Natural Resource Conservation Service (NRCS) Field Office Technical Guide ~~technical standards~~ and the USDA’s Comprehensive Nutrient Management Planning Technical Guidance (CNMP) December 2000 Technical Guidance for Developing Comprehensive Nutrient Management Plans located in Part 600.5 of the National Planning Procedures Handbook Amendment 4, which may be viewed or copied by going to <http://www.nrcs.usda.gov/programs/af/>, or obtained from USDA/NRCS, P. O. Box 141510, 2614 N. W. 43rd Street, Gainesville, Florida 32614-1510.

(4) “Buy-out Dairy Property” means property on which a “dairy farm”, as defined in subsection 5D-1.001(49), F.A.C., and “high intensity use area”, as defined by the Florida Department of Environmental Protection (FDEP) through ~~in~~ Rule 62-670.200, F.A.C. dated December 26, 1996, have ceased operations.

(5) “Certified Technical Service Provider (“CTSP”) means an individual, or an entity or public agency having an employee or employees who meet the minimum NRCS criteria for providing technical service for conservation planning or a specific conservation practice or system. The minimum criteria for providing technical service is outlined in 7CFR Part 652, subpart B, effective November 20, 2002. Individuals who meet the minimum NRCS criteria must be approved and certified by

the USDA/NRCS State Conservationist and placed on the approved list to provide technical service to program participants or to the Department.

~~(6)(5)~~ “Conservation Plan” means a record of the landowner’s decisions and supporting information for treatment of a unit of land or water as a result of the planning process that meets Field Office Technical Guide (FOTG) quality criteria for each natural resource (soil, water, air, plants, and animals) and takes into account economic and social considerations. The plan must be developed in accordance with the United States Department of Agriculture/ Natural Resources Conservation Service (USDA/NRCS) National Planning Procedures Handbook- Amendment ~~4~~ 3 and approved by USDA/NRCS, and shall specify the schedule of operations and land activities needed to solve identified natural resource problems. The needs of the landowner, the resource, and the federal, state and local requirements must be met. The National Planning Procedures Handbook- Amendment ~~4~~ 3 may be viewed or copied by going to [http://policy.nrcs.usda.gov/scripts/lpsiiis.dll/H/H\\_180\\_600.htm](http://policy.nrcs.usda.gov/scripts/lpsiiis.dll/H/H_180_600.htm), or obtained from USDA/NRCS, P. O. Box 141510, 2614 N. W. 43rd St., Gainesville, FL 32614-1510.

~~(7)(6)~~ “Field Office Technical Guide” (FOTG) means the official NRCS series that includes volumes I-V, in effect August 01, 2003, which set forth the guidelines, criteria, and standards for planning and applying conservation treatments, which may be viewed or copied by going to <http://www.nrcs.usda.gov/technical/efotg/> or obtained from USDA/NCRS, P. O. Box 141510, 2614 N. W. 43rd St., Gainesville, FL 32614-1510.

~~(8)(7)~~ “Nutrient Management” Plan means a component of a site specific conservation plan that is designed and applied according to the USDA/NRCS conservation practice standard included in Section IV, Code 590 Nutrient Management, Code 590, located in section IV of the FOTG/Efotg. Nutrient Management Plans specify the amount, placement, form, and timing of the application of nutrients including manure and animal by-products, and soil amendments. Nutrient Management Plans are applicable to all lands where plant nutrients and soil amendments are applied. The Nutrient Management section of the FOTG/Efotg, Code 590, Conservation practice standard may be viewed or copied by going to <http://ftp.ftw.nrcs.usda.gov/pub/nhcop/pdf/590.pdf> ~~<http://policy.nrcs.usda.gov/scripts/lpsiiis.dll/H/H.htm>~~.

5M-3.003 Approved Best Management Practices.

(1) Implementation of a site specific conservation plan developed in accordance with the USDA/NRCS National Planning Procedures Handbook- Amendment ~~4~~ 3 and approved by the USDA/NRCS. A copy of the National Planning Procedures Handbook Amendment ~~4~~ 3 may be obtained from USDA/NRCS, P. O. Box 141510, 2614 N. W. 43rd St., Gainesville, FL 32614-1510.

5M-3.006 Land Application of Animal Wastes.

Animal wastes shall be applied at a phosphorus-based agronomic rate. The landowner or leaseholder must have a current (5 year old or less) nutrient management plan, prepared by a Certified Technical Service Provider, or the ~~USDA/NRCS United States Department of Agriculture(USDA), Natural Resource Conservation Service(NRCS)~~, consistent with the USDA/NRCS, Field Office Technical Guide, Conservation Practice Standards – Code 590 “Nutrient Management” and Code 633 “Waste Utilization.” The landowner or leaseholder must maintain adequate records demonstrating adherence to the Nutrient Management Plan. The Nutrient Management Plan and associated records, shall be made available to the Department or its representative, upon request. FOTG Code 590 “Nutrient Management” may be viewed or copied by going to <http://ftp.ftw.nrcs.usda.gov/pub/nhcop/pdf/590.pdf>. FOTG Code 633 “Waste Utilization” may be viewed or copied by going to <http://ftp.ftw.nrcs.usda.gov/pub/nhcop/pdf/633.pdf>.

Specific Authority 373.4595(c)6., 403.067(7)(d)1. FS. Law Implemented 373.4595(c)6., 403.067(7)(d)1. FS. History–New \_\_\_\_\_.

**DEPARTMENT OF REVENUE**

RULE NOS.:	RULE TITLES:
12-24.021	Scope
12-24.023	Recordkeeping Requirements – General

**NOTICE OF CHANGE**

Notice is hereby given that the following changes have been made to these proposed rules, as published in the Vol. 29, No. 7, pp. 591-601, February 14, 2003, issue of the Florida Administrative Weekly. These changes are in accordance with subparagraph 120.54(3)(d)1., F.S.

Rule 12-24.021, F.A.C., has been changed so that, when adopted, the rule will read:

Rules 12-3.0012 and 12-24.021 through 12-24.030, F.A.C., ~~and publication GT400515~~ define the requirements imposed on taxpayers for the maintenance and retention of books, records, and other sources of information under s. 213.35, F.S. These rules ~~and publications~~ address such requirements where all or part of the taxpayer’s records are received, created, maintained or generated through computer, electronic, and imaging processes and systems. Unless in conflict with the specific requirements imposed by other rules of the Department, these rules shall govern the recordkeeping and retention requirements imposed by the revenue laws administered by the Department.

Subsection (1) of Rule 12-24.023, F.A.C., has been changed so that, when adopted, this subsection will read:

(1) A taxpayer shall maintain all records that are necessary to make a determination of its correct tax liability for any tax specified in Section 72.011, F.S. All required records must be made available on request by the Department as provided in Section 213.34, F.S. Such records shall comply with the

adequate records provisions discussed in Rule 12-3.0012 and publication GT400515, which is adopted by reference in Rule 12-3.0017, and shall include, but not be limited to: books of account, invoices, bills of lading, gross receipts from sales, resale certificates, consumer exemption certificates, and other pertinent records.

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

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

**DEPARTMENT OF CORRECTIONS**

RULE NO.:                   RULE TITLE:  
33-601.820                   Maximum Management  
NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule, as noticed in Vol. 29, No. 19, May 9, 2003, Florida Administrative Weekly has been withdrawn.

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Board of Professional Engineers**

RULE NO.:                   RULE TITLE:  
61G15-20.007               Foreign Degrees  
SECOND NOTICE OF CHANGE

Pursuant to subparagraph 120.54(3)(d)1., F.S., notice is hereby given that the following changes have been made to the proposed rule published in Vol. 29, No. 20, May 16, 2003, issue of the Florida Administrative Weekly. This Change supercedes the Notice of Change was filed on July 23, 2003 for publication on August 1, 2003 in Vol. 29, No. 31. These changes were made in response to comments from the Joint Administrative Procedures Committee.

61G15-20.007 Foreign Degrees.

(1) Applicants having degrees from foreign institutions shall be required to document "substantial equivalency" to the 2002 ABET Accreditation Yearbook for Accreditation Cycle Ended Sept. 30, 2002 Board for Engineering and Technology, Inc. (ABET) engineering criteria, as found in the 1996 annual report of ABET. This document is hereby incorporated by reference.

(2) In order to document "substantial equivalency" to an ABET accredited engineering program, degree, the applicant candidate must demonstrate:

(a) 32 ~~16~~ college credit hours of higher mathematics and basic sciences. The These hours of mathematics must be beyond algebra and trigonometry and must emphasize mathematical concepts and principles rather than computation.

Courses in probability and statistics, differential calculus, integral calculus, and differential equations are required. Additional courses may include ~~probability, statistics~~, linear algebra, numerical analysis, and advanced calculus. As for the hours in basic sciences.

~~(b) 16 college credit hours of basic sciences. courses~~ Courses in general chemistry and calculus-based general physics are required, with at least a two semester (or equivalent) sequence of study in either area. Additional basic sciences courses may include life sciences (biology), earth sciences (geology), and advanced chemistry or physics. Computer skills and/or programming courses cannot be used to satisfy mathematics or basic science requirements.

~~(b)(e)~~ No change.

~~(c)(d)~~ No change.

~~(d)(e)~~ In addition, evidence of attainment of appropriate laboratory experience, computer based skills with engineering applications, competency in English, ~~knowledge of probability and statistics~~, and understanding of the ethical, social, economic and safety considerations of engineering practice must be presented. As for competency in English, transcripts of course work completed, course content syllabi, testimonials from employers, college level advanced placement tests, Test of English as a Foreign Language (TOEFL) scores of at least 550 in the paper-based version, or 213 in the computer-based version, will be accepted as satisfactory evidence.

(3) No change.

(4) The Educational Advisory Committee in making its evaluation will consider the following elements: faculty, curricula, students, administration and commitment.

~~(a) Institutional factors including but not limited to, recognition by appropriate governmental authority, standing within the profession, accreditation status, and recognition by other evaluation agencies shall be considered.~~

~~(b) ABET minimum curricular content requirements in mathematics and basic sciences, humanities and social sciences, engineering sciences, and engineering design must be met as set forth in subsection (2).~~

~~(c) Transcripts of course work completed, course content syllabi, notarized testimonials from employers, college level advance placement tests, Test of English as a Foreign Language (TOEFL) scores of at least 550 in the paper based version, or 213 in the computer based version, will be accepted as satisfactory evidence.~~

(5) through (7) renumbered (4) through (6) No change.

Specific Authority 471.008 FS. Law Implemented 471.013, 471.015 FS. History--New 7-20-95, Amended 6-5-96, 4-16-98, 1-17-99, 7-28-99, 1-6-02, 6-13-02, 6-30-02, \_\_\_\_\_.

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



**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Board of Professional Surveyors and Mappers**

RULE NO.: 61G17-3.004  
RULE TITLE: Application for Retired Status  
SECOND 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. 4, January 24, 2003, issue of the Florida Administrative Weekly. This Change supercedes the change published on August 1, 2003 in Vol. 29, No. 31.

61G17-3.004 Application for Retired Status.

(1) A person wishing to apply for Retired Status shall submit a completed application to the Board. The application entitled "Surveyor and Mapper Retired Status Application," SM-4757, is incorporated by reference, effective . Copies of the form may be obtained from the Board office. The Board shall certify as eligible for Retired Status any applicant who has completed the application form and who has chosen to relinquish or not to renew his or her license.

(2) Professional Surveyors and Mappers on Retired Status may use the term "Professional Surveyor and Mapper Retired or PLS Retired"; however, such surveyor or mapper shall refrain from any practice of surveying and mapping and the use of his or her seal. Any Professional Surveyor and Mapper in Retired Status who wishes to become active shall make application for licensure and meet the licensure criteria in effect at the time of application.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Juanita Chastain, Executive Director, Board of Professional Surveyors and Mappers, Northwood Centre, 1940 N. Monroe Street, Tallahassee, Florida 32399-0750

**DEPARTMENT OF ENVIRONMENTAL PROTECTION**

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

**DEPARTMENT OF HEALTH**

**Board of Medicine**

RULE NO.: 64B8-30.005  
RULE TITLE: Physician Assistant Licensure  
Renewal and Reactivation  
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. 4, of the January 24, 2003, issue of the Florida Administrative Weekly. The

changes are in response to written comments submitted by the staff of the Joint Administrative Procedures Committee (JAPC). The Council on Physician Assistants, at its meeting held on July 11, 2003, in Tampa, Florida agreed to change the rule to address the concerns outlined by the JAPC. The Board of Medicine, at its meeting held on August 2, 2003, in Orlando, Florida, approved the Council's recommendation. The changes are as follows:

1. Subsection (4) of the proposed rule amendment shall be reworded to read:

(4) Reactivation of Inactive License. To reactivate an inactive license, the licensee must:

(a) Submit to the Department the original inactive license;

(b) Provide the Department with licensure verification from each state in which the licensee is licensed to practice as a physician assistant, or a statement that the licensee is licensed only in Florida;

(c) Provide to the Department a statement of medical activities from the date the licensee became inactive to the present; or, if the licensee has not practiced as a physician assistant for at least 2 of the 4 years preceding application for reactivation, the licensee must :

1. Successfully complete the 16 credit hour Graduate Clerkship offered by Nova Southeastern University (Physician Assistant Department) or an equivalent program approved by the Council; and

2. Practice under the direct supervision of a supervising physician approved by the Council for one (1) year;

3. In lieu of proof of completion of the Graduate Clerkship or the equivalent, the licensee may submit proof of recertification by NCCPA;

(d) Submit to the Department a statement of any criminal or disciplinary actions pending in any jurisdiction;

(e) Submit proof of completion of the continuing medical education requirements in compliance with Rule 64B8-30.005(2)(c), (d), (e), (f) and (g) for each biennium in which the license was inactive;

(f) Pay the appropriate fees.

2. Subsection (8) of the proposed rule amendment shall be deleted in its entirety.

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

---

Section IV  
Emergency Rules

NONE

---

## Section V Petitions and Dispositions Regarding Rule Variance or Waiver

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

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

### DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

The Florida Real Estate Commission (FREC) hereby gives notice that on August 7, 2003, it received a Petition for a waiver of subsection 61J2-3.013(2), F.A.C., from James R. Mitchell, Esquire on behalf of Lori Pheasant, Petitioner. The Petition specifically requests that the Commission provide a variance to the definition of hardship to include her specific circumstances and allow an extension of time to complete post-licensing.

Comments on this Petition should be filed with Florida Real Estate Commission, Division of Real Estate, 400 W. Robinson Street, Hurston Building, North Tower, Suite N801, Orlando, Florida 32801, no later than 14 days from the date of publication of this notice.

For additional information, or for a copy of the petition, please contact Lori Crawford, Deputy Clerk, at the above address.

### DEPARTMENT OF ENVIRONMENTAL PROTECTION

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

### DEPARTMENT OF HEALTH

The Board of Optometry hereby gives notice that on August 8, 2003, it received a petition from Robert Rudman, O.D., seeking a permanent waiver from Rule 64B13-4.001, F.A.C., specifically how long a licensee may wait between passing the NBEO examination and applying for the state examination.

This matter will be addressed at the Board of Optometry meeting during the regularly scheduled Board meeting on September 12, 2003, 9:00 a.m. or shortly thereafter, Hilton Jacksonville Riverfront, 1201 Riverplace Boulevard, Jacksonville, Florida 32207, (904)396-8843.

Comments on this petition should be filed with the Board of Optometry, 4052 Bald Cypress Way, Tallahassee, Florida 32399-3255.

A copy of the Petition for Variance and Waiver may be obtained by writing: Joe Baker, Executive Director, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3252.

The Board of Osteopathic Medicine hereby gives notice that it has issued a Final Order in the Petition for Variance or Waiver filed by Sam Gershenbaum, D.O. Notice of receipt of the Petition published in the May 2, 2003, Vol. 29, No. 18, Florida Administrative Weekly. The Board reviewed the Petition at its meeting on June 6, 2003, in Miami, Florida. The Board's Final Order, filed in this cause on August 5, 2003, denies the Petition as Respondent failed to demonstrate that the purpose of the rule's underlying statute could be achieved by other means, failed to demonstrate substantial hardship and failed to demonstrate that the principles of fairness have been violated.

A copy of the Petition and the Board's Final Order may be obtained by contacting: Pamela King, Executive Director, Board of Osteopathic Medicine/MQA, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3256.

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

### DEPARTMENT OF STATE

NOTICE OF CHANGE – The **Department of State** and the **Department of Community Affairs** announces a change in location of the meeting for Session 4 which was published in the Vol. 29, No. 31, August 1, 2003, Florida Administrative Weekly.

Session 1:

DATE AND TIME: Thursday, September 4, 2003, 1:00 p.m. – 5:00 p.m.

PLACE: Hilton Deerfield Beach, 100 Fairway Drive, Deerfield Beach, Florida

Further information regarding these meetings can be accessed through the "Creating Opportunities for Quality Communities" website at <http://COQC.dos.state.fl.us> or by contacting: Christina Johnson, 500 South Bronough Street, R. A. Gray Building, Tallahassee, Florida 32399-0250, (850)245-6506 or e-mail: [COQC@dos.state.fl.us](mailto:COQC@dos.state.fl.us).

Pursuant to the provisions of the Americans with Disabilities Act, persons needing special accommodations to participate in the meetings, or who require language interpretation services, should contact Christina Johnson, (850)245-6506, at least three days in advance of the meeting.

Further information regarding the State Strategic Plan on Economic Development workshops can be accessed through the Enterprise Florida, Inc. website at [www.eflorida.com/strategicplan](http://www.eflorida.com/strategicplan) or by contacting: Enterprise Florida, (407)316-4600.

---

#### DEPARTMENT OF LEGAL AFFAIRS

The Ad Hoc Committee to Review, State Commissions on the Status of Women of the Florida **Commission on the Status of Women** will hold a telephone conference to which all interested persons are invited.

DATE AND TIME: Tuesday, September 2, 2003, 10:00 a.m.

PLACE: Call (850)414-3300 for information on participation

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss general issues.

If you need an accommodation because of disability in order to participate, please notify FCSW in writing at least five days in advance at Office of the Attorney General, The Capitol, Tallahassee, FL 32399-1050.

Note: If a quorum of members does not attend, items on this agenda will be discussed as a workshop by those present, and notes will be recorded although no formal action will be taken. If you have any questions, please call (850)414-3300.

---

#### DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

The Florida **Department of Agriculture and Consumer Services** announces a teleconference meeting of the Florida Alligator Marketing and Education Advisory Committee.

DATE AND TIME: August 26, 2003, 10:00 a.m.

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss marketing and educational activities beneficial to the Florida alligator industry. For additional information or if you have special accommodations, call: Martin May, (850)488-0163.

---

#### DEPARTMENT OF EDUCATION

The **Charter School Appeals Commission** announces a public meeting to which all persons are invited:

DATE AND TIME: September 3, 2003, 11:00 a.m.

PLACE: 325 West Gaines Street, Room 1703, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Commission will review the following charter school appeal: Gulf Coast High School vs. the School Board of Escambia County, Florida.

For additional information, please contact: Lynn Abbott, Florida Department of Education, 325 West Gaines Street, Room 1514, Tallahassee, Florida 32399-0400, (850)245-9661.

The **Florida Center for Advising and Academic Support (FCAAS)** announces a public meeting to which all persons are invited.

DATE AND TIME: August 29, 2003, 10:00 a.m. – 3:00 p.m.

PLACE: Tampa Airport Marriott Hotel, Tampa, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: The quarterly meeting of the FCAAS Board will be held to discuss ongoing development and administration of the FACTS.org project.

A copy of the agenda may be obtained by writing: FCAAS, 325 West Gaines Street, Suite 1414, Tallahassee, Florida 32399-0400.

Any persons requiring special accommodations to attend this meeting because of a disability or physical impairment may contact Yvette Hargreaves, FCAAS, (850)245-0518, at least seven days in advance so that their needs can be accommodated.

---

The **Florida Atlantic University**, Florida's Art in State Buildings Program announces the following public meeting, to which all persons are invited:

DATE AND TIME: September 4, 2003, 1:00 p.m. – 5:00 p.m.

PLACE: Florida Atlantic University, Florida's Art in State Buildings Program, Boca Raton Campus, 777 Glades Road, Bio Medical Building #123, Boca Raton, FL 33431

GENERAL SUBJECT MATTER TO BE CONSIDERED: To hold a Slide Review Meeting regarding Florida's Art in State Buildings Program for BR-635/638 Bio Medical Tower.

COMMITTEE: Art Selection Committee.

For more information or to obtain a copy of the agenda, please contact Patty Singer, Program Administrator, Florida's Art in State Buildings Program, Florida Atlantic University, 777 Glades Road, AD Bldg., Rm 392, Boca Raton, Florida 33431, (561)297-1064, (561)297-2539.

Should any person wish to appeal any decision made with respect to any matter considered at the above referenced meeting, he/she may need to ensure verbatim recording of the proceeding to provide a record for judicial review. This meeting will not be taped by the Florida's Art in State Buildings Program. Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this meeting is asked to advise the agency at least 48 hours before the meeting by contacting Patty Singer at (561)297-1064, (561)297-2539. If you are hearing or speech impaired, please contact the agency by calling TT: 1(800)955-8770.

---

The **Florida Community College System** announces a conference call of the Foundation for Florida's Community Colleges, Inc., to which all persons are invited.

DATE AND TIME: September 4, 2003, 11:00 a.m. – 12:00 Noon

PLACE: Dial-In Numbers (850)488-8295 or Suncom 278-8295

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

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

The **Florida Rehabilitation Council** announces the following conference call/meeting:

MEETING: Membership Committee (Extended Conference Call)

DATE AND TIME: August 25, 2003, 10:00 a.m. – 1:00 p.m. (Extended Conference Call)

PLACE: VR Headquarters, 2002 Old Saint Augustine Road, Tallahassee, Florida 32301-4862

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct a conference call of the Florida Rehabilitation Council Membership Committee.

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)245-3397.

Any interested parties that need further information may contact Yolanda Manning at the above number.

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:

MEETING: Membership Committee

DATE AND TIME: September 2, 2003, 12:00 Noon – 8:00 p.m.

PLACE: VR Headquarters, 2002 Old Saint Augustine Road, Tallahassee, Florida 32301-4862

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct a meeting/workshop of the Florida Rehabilitation Council Membership Committee.

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)245-3397.

Any interested parties that need further information may contact Yolanda Manning at the above number.

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)

**DEPARTMENT OF COMMUNITY AFFAIRS**

The **Department of Community Affairs** announces a public hearing to which all interested parties are invited.

DATE AND TIME: Wednesday, September 3, 2003, 1:00 p.m. – 3:00 p.m.

PLACE: Putnam County Public Library, 601 College Road, Palatka, Florida 32177

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Department of Community Affairs (DCA) is seeking public or nonprofit entities to administer the Weatherization Assistance Program (WAP) and related programs (Low Income Emergency Home Repair Program (LEHRP), Weatherization-Low Income Home Energy Assistance Program (WAP-LIHEAP)) in the Counties of Clay, Flagler and Putnam. Entities interested in contracting with DCA to provide all or part of these services should be present at this public hearing in order to be informed of the qualifications and application requirements. Selection of an entity will be based on the entities' experience and performance in weatherization or housing renovation activities, and in assisting low-income persons in the area to be served, and their capacity to undertake a timely and effective weatherization program. Preferences

will be given to any Community Action Agency or other public or nonprofit entity which has, or is currently administering an effective DCA funded Weatherization Assistance Program. The following qualities will be reviewed: (1) the extent to which the past or current program achieved or is achieving weatherization goals in a timely fashion; (2) the quality of work performed by the entity; (3) the number, qualifications, and experience of the staff members of the entity; (4) the ability of the entity to secure volunteers, train participants and public service employment workers; and (5) maintain compliance with administration and financial management requirements. If no more than one entity is funded, that entity must be capable and willing to provide services to all eligible low-income citizens in the geographic area.

**ACTIONS TO BE TAKEN:** The DCA will review all comments received at the public hearing and the submitted applications, and make a decision regarding each entity's eligibility to provide Weatherization Assistance Program services to Clay, Flagler and Putnam Counties. Recommendations will then be prepared by the Department staff for the selected entity for subsequent consideration and approval or disapproval by the Department's Secretary.

**ADDITIONAL INFORMATION:** Requests for additional information or questions may be addressed to Norm Gempel, Manager, Florida Department of Community Affairs, Sadowski Building, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100, (850)488-7541 or Fax (850)488-2488.

**APPEALS INFORMATION:** If a person decides to appeal any decision of the Department of Community Affairs with respect to any matter considered at this public hearing, he or she will need a formal record of the proceeding, and for such purposes he or she may need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence upon which the appeal is to be made.

Anyone who wants a copy of the agenda or additional information on this hearing may write or call: Mr. Norm Gempel, Manager, Department of Community Affairs, Sadowski Building, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100, (850)488-7541, or Fax (850)488-2488.

Any person requiring a special accommodation at this hearing because of a disability or physical impairment should contact the Department of Community Affairs, (850)488-7541, at least five (5) calendar days prior to the hearing. If you are hearing or speech impaired, please contact the Department of Community Affairs using the Florida Dual Party Relay System which can be reached at 1(800)955-8770 (voice) and 1(800)955-8771 (TDD).

---

#### **DEPARTMENT OF TRANSPORTATION**

The Florida **Department of Transportation**, District 5 announces a public hearing to which all persons are invited.

**DATE AND TIME:** September 16, 2003, 5:30 p.m.

**PLACE:** Lockmar Elementary School Cafetorium, 525 Pepper Street, Northeast Palm Bay, Florida 32907

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** This hearing is being held to afford interested persons the opportunity to express their views concerning the location, conceptual design, social, economic and environmental effects of Financial Project ID Number 404605-1-22-01, Federal-Aid Number 4225-035 C, otherwise known as Palm Bay Parkway Project Development and Environment (PD&E) Study. The limits of the project corridor are Malabar Road to the south, the St. Johns River to the west, Ellis Road to the north, and the Port Malabar and Brandywine subdivisions to the east, in Brevard County, Florida. The public hearing will begin with an open house (5:30 p.m.), at which time the public may review maps, drawings, and other pertinent information developed by the FDOT. The open house will be followed by a formal presentation at 6:00 p.m.

FDOT will present the PD&E Study findings concerning Palm Bay Parkway proposed as a new four-lane divided rural roadway with a 12-foot multi-use path located on the east side of the alignment. Encroachment on wetlands and floodplains are anticipated and will be given special consideration under Executive Orders 11990 and 11988. Right-of-way will be required for the roadway and retention/detention ponds. This project is being developed in compliance with Title VI and VIII of the Civil Rights Act

Anyone needing project or Public Hearing information (including the agenda) or special accommodations under the Americans With Disabilities Act of 1990 should write or call: Ms. Lynn Hogan, Public Involvement Coordinator, c/o Parsons, 225 East Robinson Street, Suite 300, Orlando, Florida 32801, 1(866)784-6700, Ext. 9058 (toll free), e-mail: lynn.hogan@parsons.com.

Special accommodation requests under the American With Disabilities should be made at least seven (7) days prior to the public hearing.

---

The Florida **Department of Transportation**, District Six announces a public hearing to which all interested persons are invited.

**DATE AND TIME:** September 18, 2003, 5:00 p.m.

**PLACE:** Marathon High School (Cafeteria/Auditorium), 350 Sombrero Beach Road, Marathon, Florida

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** This hearing is being held to afford interested persons the opportunity to express their views concerning the location, conceptual design, social, economic, and environmental effects outlined in the Sombrero Beach Road Project Development & Environmental Study, FM No. 410648-1, Federal Aid Project No. 8888-799. The limits of the project corridor are from Avenida Primiceria to Sombrero Boulevard in Marathon, Florida.

Anyone needing project or public hearing information or special accommodations under the Americans with Disabilities Act of 1990 should write to the address given below or call telephone number (305)470-5240. Special accommodation requests under the Americans with Disabilities Act of 1990 should be made at least seven (7) days prior to the public hearing.

A copy of the agenda may be obtained by writing: Vilma Croft, P.E., FDOT Project Manager, Florida Department of Transportation, District VI, 1000 N. W. 111th Avenue, Room 6103, Miami, Florida 33172.

The **Department of Transportation**, District 4 announces a public hearing to which all persons are invited.

DATE AND TIME: Thursday, September 18, 2003, 6:00 p.m.  
 PLACE: Carver Middle School Cafeteria, 101 Barwick Road, Delray Beach, Florida 33445

GENERAL SUBJECT MATTER TO BE CONSIDERED: This hearing is to afford interested persons the opportunity to express their views concerning the location, conceptual design, social, economic and environmental effects of Financial Project I.D. Number: 229658-1-22-01, Federal Project ID No. 0821 006 P, otherwise known as SR-806 (Atlantic Avenue). The limits of the project corridor are from east of State Road 7 to west of Florida's Turnpike and includes a transition to the existing roadway east of the Turnpike in Palm Beach County, Florida.

Anyone needing project or public hearing information or special accommodations under the Americans With Disabilities Act of 1990 should write to the address given below or call telephone number (954)777-4681, or call the toll free number 1(866)336-8435, Extension 4681. Special accommodation requests under the Americans with Disabilities Act should be made at least seven (7) days prior to the public hearing.

A copy of the agenda may be obtained by writing: Patrick Glass, P.E., Project Manager, Florida Department of Transportation, District 4, Office of Planning and Environmental Management, 3400 West Commercial Boulevard, Fort Lauderdale, Florida 33309-3421.

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

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

**FLORIDA PAROLE COMMISSION**

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

DATE AND TIME: Wednesday, September 3, 2003, 9:00 a.m.  
 PLACE: Florida Parole Commission, 2601 Blair stone Road, Bldg. C., Third Floor, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regularly Scheduled Meeting for all Parole, Conditional Release, Conditional Medical Release, Addiction Recovery and Control Release Matters.

Any person who decides to appeal a decision of the Florida Parole Commission with respect to a matter considered at this meeting may need to ensure that a verbatim record of the proceedings is made, Chapter 80-150, Laws of Florida (1980).

A copy of the Agenda may be obtained by writing: Florida Parole Commission, 2601 Blair stone Road, Building C, Tallahassee, Florida 32399-2450.

In accordance with the Americans with Disabilities Act, persons needing a special accommodation to participate in this proceeding should contact the agency sending the notice not later than five working days prior to the proceeding at the address given on the notice. Telephone: (850)488-3417.

**PUBLIC SERVICE COMMISSION**

NOTICE OF CANCELLATION OF PREHEARING – The Florida **Public Service Commission** announces the cancellation of a Prehearing noticed in:

Docket No. 030301-TP – Petition by Mpower Communications Corp. and Florida Digital Network, Inc. for expedited temporary and permanent relief against BellSouth Telecommunications, Inc. for alleged anticompetitive conduct regarding Florida Digital Network Inc.'s proposed acquisition of assets and customer base of Mpower Communications Corp.

DATE AND TIME: September 3, 2003, 1:30 p.m.  
 PLACE: Commission Hearing Room 152, The Betty Easley Conference Center, 4075 Esplanade Way, Tallahassee, Florida

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

DOCKET NO. 021206-TC – Compliance investigation of Florida Commercial PayFon, Inc. for apparent violation of Rule 25-4.019, F.A.C., Records and Reports in General.

DATE AND TIME: September 8, 2003, 9:30 a.m.  
 PLACE: Hearing Room 152, The Betty Easley Conference Center, 4075 Esplanade Way, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: To consider (1) the simplification of the issues; (2) the identification of the positions of the parties on the issues; (3) the possibility of obtaining admissions of fact and of documents which will avoid unnecessary proof; (4) the identification of the exhibits; (5) the establishment of an order of witnesses; and (6) such other matters as may aid in the disposition of the action.

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

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

DOCKET NO. 020907-WS – Application for amendment of Certificate Nos. 496-W and 465-S to extend water and wastewater service areas in Lake County by Lake Utility Services, Inc.

DATES AND TIME: September 9 and 10, 2003, 10:00 a.m. (Customer testimony will be taken September 9, 2003, 10:00 a.m. and 6:00 p.m.)

PLACE: Clermont Woman's Club, 655 West Broome Street, Clermont, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: To permit parties to present testimony and exhibits relative to the application for amendment of Certificate Nos. 496-W and 465-S to extend water and wastewater service areas in Lake County by Lake Utility Services, Inc., and for such other purposes as the Commission may deem appropriate. All witnesses shall be subject to cross-examination at the conclusion of their testimony on the issues identified by the parties at the prehearing conference held on August 18, 2003. The proceedings will be governed by the provisions of Chapter 120, F.S., and Chapter 25-28, F.A.C.

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

The Florida **Public Service Commission** announces a Customer Meeting to be held in the following docket, to which all interested person and parties are invited to attend.

DOCKET NO.: 030250-WU – Application for Staff-Assisted Rate Case in Pasco County by Floralino Properties, Inc.

DATE AND TIME: Wednesday, September 10, 2003, 6:00 p.m.

PLACE: New Port Richey, City Hall, 5919 Main Street, New Port Richey, Florida 34652

GENERAL SUBJECT MATTER TO BE CONSIDERED: To give customers and other interested persons an opportunity to offer comments regarding the quality of service the utility provides, the proposed rate increase, and to ask questions and comment on other issues.

A copy of the agenda for this meeting may be obtained by writing: Division of Commission Clerk and Administrative Services, 2540 Shumard Oak Blvd., Tallahassee, Florida 32399-0850.

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

One or more of the Commissioners of the Florida Public Service Commission may attend and participate in this meeting.

The Florida **Public Service Commission** announces a technical conference to be held by the Federal Energy Regulatory Commission (FERC). The conference is one in a series of regional technical conferences announced in the White Paper in FERC Docket No. RM01-12-000, on April 28, 2003. The purpose of the conference is to discuss wholesale market platform and RTO issues related to the proposed GridFlorida RTO/ISO. All interested persons and parties are invited to attend.

DOCKET NO.: Docket No. 020233-EI - Review of GridFlorida Regional Transmission Organization (RTO) Proposal.

DATE AND TIME: Monday, September 15, 2003, 9:30 a.m. – 3:30 p.m.

PLACE: Commission Hearing Room 148, Betty Easley Conference Center, 4075 Esplanade Way, Tallahassee, Florida 32399-0850

A copy of the agenda for any meeting may be obtained by writing: Director, Division of the Commission Clerk and Administrative Services, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850.

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

Members of both the Federal Energy Regulatory Commission and Florida Public Service Commission will attend and participate in the discussion. The conference is open for the public to attend, and registration is not required; however, in-person attendees are asked to register for the conference on-line at <http://www.ferc.gov/hom/conferences.asp>.

**EXECUTIVE OFFICE OF THE GOVERNOR**

The **Administration Commission** announces the cancellation and rescheduling of a Selection Committee meeting to discuss issues relating to the selection and recommendation of candidates to fill the vacancy of Executive Director and Chief Administrative Law Judge of the Division of Administrative Hearings.

**MEETING CANCELLED**

**DATE AND TIME:** August 26, 2003, 2:00 p.m. – 5:00 p.m.  
**PLACE:** Room 2103, The Capitol, Tallahassee, FL 32399-0001

**MEETING RESCHEDULED FOR**

**DATE AND TIME:** August 28, 2003, 9:00 a.m. – 12:00 Noon  
**PLACE:** Room 2103, The Capitol, Tallahassee, FL 32399-0001

(The meeting was originally announced in the August 1, 2003, edition of the FAW [Vol. 29, No. 31]. Refer to the original notice for additional meetings.)

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** The purpose of the meeting is to discuss issues relating to the selection and recommendation of candidates to fill the vacancy of Executive Director and Chief Administrative Law Judge of the Division of Administrative Hearings. The Selection Committee, appointed by the Administration Commission, will meet to conduct general business, discuss applicants, conduct interviews, and finalize recommendations.

**MEETING AGENDA:** A copy of the meeting agenda may be obtained by contacting: Barbara Leighty or Teresa Tinker, (850)487-1884. If you wish to write for a copy of the meeting agenda, please write: Barbara Leighty, Office of the Governor, Room 1802, The Capitol, Tallahassee, Florida 32399-0001.

**SPECIAL ACCOMMODATIONS:** Any person requiring a special accommodation at the meeting because of a disability or physical impairment should contact Barbara Leighty, (850)487-1884, at least 5 days prior to the meeting.

The **Governor’s Commission on Volunteerism and Community Service**, Volunteer Florida, is pleased to announce a public conference call to which all persons are invited.

**DATE AND TIME:** Thursday, August 28, 2003, 2:00 p.m.  
**PLACE:** Call (850)921-5172 for call-in number and pass code  
**GENERAL SUBJECT MATTER TO BE CONSIDERED:** General Commission Business.

Please contact Gwen Erwin, 401 S. Monroe Street, Tallahassee, FL 32301-2034, for a copy of the agenda.

If you require a reasonable accommodation to participate in the conference call, please contact Gwen Erwin, (850)921-5172, Voice/TTY, 72 hours in advance with your request.

**REGIONAL PLANNING COUNCILS**

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

**DATE AND TIME:** Thursday, September 4, 2003, 9:00 a.m.  
**PLACE:** Baker County Agricultural Center, 1025 West Macclenny Avenue, Macclenny, FL 32063  
**GENERAL SUBJECT MATTER TO BE CONSIDERED:** To discuss pending personnel, program planning, and budget matters.

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

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

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

**DATE AND TIME:** Thursday, September 4, 2003, 9:00 a.m.  
**PLACE:** Baker County Agricultural Center, 1025 West Macclenny Avenue, Macclenny, FL 32063  
**GENERAL SUBJECT MATTER TO BE CONSIDERED:** To discuss pending comprehensive and project planning items.

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

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

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

**DATE AND TIME:** Thursday, September 4, 2003, 9:00 a.m.  
**PLACE:** Baker County Agricultural Center, 1025 West Macclenny Avenue, Macclenny, FL 32063  
**GENERAL SUBJECT MATTER TO BE CONSIDERED:** To discuss pending transportation issues.

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

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



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

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

PLACE: Baker County Agricultural Center, 1025 West Macclenny Avenue, Macclenny, FL 32063

GENERAL SUBJECT MATTER TO BE CONSIDERED: Monthly Meeting.

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

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

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

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

---

The **South Florida Regional Planning Council**, Institute for Community Collaboration announces a public meeting to which all persons are invited.

DATE AND TIME: Thursday, August 28, 2003, 10:00 a.m. – 3:00 p.m.

PLACE: National Park Service, South Florida Ecosystem Office, 950 N. Krome Avenue, Homestead, FL 33030

GENERAL SUBJECT MATTER TO BE CONSIDERED: To continue to discuss the Watershed Plan of Study.

A copy of the agenda may be obtained by writing: South Florida Regional Planning Council Institute for Community Collaboration, 3440 Hollywood Boulevard, Suite #140, Hollywood, Florida 33021.

Anyone deciding to appeal any decision made by the SOUTH MIAMI-DADE WATERSHED STUDY ADVISORY COMMITTEE with respect to any matter considered at this meeting, will need to ensure that a verbatim record of the proceedings is made, including the testimony and evidence upon which the appeal is to be based.

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.

The **South Florida Regional Planning Council** announces a public meeting to which all persons are invited.

DATE AND TIME: Monday, September 8, 2003, 10:30 a.m.

PLACE: South Florida Regional Planning Council, 3440 Hollywood Boulevard, Suite 140, Hollywood, FL 33021

GENERAL SUBJECT MATTER TO BE CONSIDERED: Any Development Order received prior to the meeting; Proposed Local Government Comprehensive Plan for Miami Lakes; Any proposed Local Government Comprehensive Plan received prior to the meeting; Any adopted Local Government Comprehensive Plan received prior to the meeting; Any proposed Local Government Comprehensive Plan Amendment received prior to the meeting; Any adopted Local Government Comprehensive Plan Amendment received prior to the meeting; Meeting on monthly Council business; Executive Committee meeting at 10:00 a.m. at the above location.

A copy of the agenda may be obtained by writing: South Florida Regional Planning Council, 3440 Hollywood Boulevard, Suite #140, Hollywood, Florida 33021.

Anyone deciding to appeal any decision made by the board with respect to any matter considered at this meeting, will need to ensure that a verbatim record of the proceedings is made, including the testimony and evidence upon which the appeal is to be based.

Council related committees may meet periodically before (9:00 a.m.) and following the regularly scheduled Council meetings. Any party desirous of ascertaining schedules of the sub-committees should call the Council Offices, (954)985-4416 (Broward).

If you are hearing or speech impaired or if you require additional information regarding the above meeting, please contact: South Florida Regional Planning Council, (954)967-4152, Ext. 40 (TDD). If you require special accommodations because of a disability or physical impairment, please contact the Council, (954)985-4416, at least five calendar days prior to the meeting.

---

The **Regional Business Alliance** announces a public meeting to which all persons are invited.

DATE AND TIME: Wednesday, September 10, 2003, 3:00 p.m.

PLACE: South Florida Regional Planning Council, 3440 Hollywood Boulevard, Suite 140, Hollywood, Florida 33021

GENERAL SUBJECT MATTER TO BE CONSIDERED: Meeting to discuss regional issues impacting South Florida including transportation.

A copy of the agenda may be obtained by writing: The Broward Workshop, 2740 East Oakland Park Boulevard, Suite 206, Fort Lauderdale, Florida 33306. The Regional Business Alliance is comprised of business and elected leaders from Monroe, Miami-Dade, Broward, Palm Beach, and Martin Counties, including members of the Tri-County Commuter Rail Authority and South Florida Regional Planning Council.

If you are hearing or speech impaired, please contact the South Florida Regional Planning Council, (954)967-4152, Ext. 40 (TDD), if you require additional information regarding the meeting above. If you require special accommodations because of a disability or physical impairment, please contact the Council, (954)985-4416, at least five calendar days prior to the meeting.

**The Treasure Coast Regional Planning Council** announces a public workshop to discuss the Florida Energy Plan to which all persons are invited:

DATE AND TIME: August 29, 2003, 1:00 p.m. – 4:00 p.m.  
 PLACE: Ramada Inn, 1200 S. Federal Highway, Stuart, FL 34994

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Florida Energy Office is undertaking the development of a statewide energy plan to address Florida’s energy future. The plan will contain recommended goals, objectives, and a course of action toward this end. It will also serve as a reference tool for implementing the state’s energy policies. The public is invited to express concerns or comments regarding energy planning.

Any persons needing special accommodations at this meeting because of a disability or physical impairment should contact Liz Gulick, (561)221-4060, at least 48 hours before the meeting.

**The Treasure Coast Regional Planning Council** announces a public meeting to which all persons are invited.

The Council will conduct their regular monthly meeting.  
 DATE AND TIME: September 19, 2003, 9:30 a.m. (immediately following the conclusion of formal business the Council Board Members and Staff (press is invited) will take a bus tour of the Port St. Lucie area. The tour will conclude around 2:00 p.m.)

PLACE: Port St. Lucie Community Center, 2195 Southeast Airoso Boulevard, Port St. Lucie, FL 34982

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct the monthly meeting of the Council and bus tour of the Port St. Lucie area.

A copy of the Agenda may be obtained by contacting: Treasure Coast Regional Planning Council, 301 E. Ocean Boulevard, Suite 300, Stuart, Florida 34994.

If a person decides to appeal any decision made by the Treasure Coast Regional Planning Council with respect to any matter considered at such meeting or hearing, he or she will need a record of the proceedings, and that, for such purpose, he or she may need to ensure that a verbatim record of the proceedings is made, which record indicates the testimony and evidence upon which the appeal is to be based.

Any persons needing special accommodations at this meeting because of a disability or physical impairment should contact Liz Gulick, (772)221-4060, at least 48 hours before the meeting.

**WATER MANAGEMENT DISTRICTS**

The **South Florida Water Management District** announces a public meeting to which all interested parties are invited:

DATES AND TIME: August 29, 2003; September, 1-5, 2003, 10:00 a.m.

PLACE: The South Florida Water Management Headquarters, B-1 Building, Auditorium, 3301 Gun Club Road, West Palm Beach, Florida 33406

GENERAL SUBJECT MATTER TO BE CONSIDERED: Water Resource Advisory Commission, Long Term Plan Issues Workshop.

A copy of the agenda may be obtained: (1) District Website (<http://www.sfwmd.gov/gover/GovBoard/webpage/agenda.html>) or (2) by writing: South Florida Water Management District, Mail Stop 6115, P. O. Box 24680, West Palm Beach, FL 33416-4680.

Appeals from any South Florida Water Management District Board decision require a record of the proceedings. Although Governing Board meetings and hearings are normally recorded, affected persons are advised that it may be necessary for them to ensure that a verbatim record of the proceeding is made, including the testimony and evidence upon which the appeal is to be based.

Persons with disabilities who need assistance may contact the District Clerk, (561)682-6371, at least two business days in advance of the meeting to make appropriate arrangements.

Those who want more information, please contact: Garrett Wallace, District Clerk’s Office, District Headquarters, 3301 Gun Club Road, Mail Stop Code 6115, West Palm Beach, FL 33406, (561)682-6371.

The **South Florida Water Management District** announces a public meeting to which all interested parties are invited:

DATES AND TIME: September 10, 2003 and/or September 11, 2003, 8:50 a.m.

PLACE: The South Florida Water Management Headquarters, B-1 Building, Auditorium, 3301 Gun Club Road, West Palm Beach, Florida 33406

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Acquisition of certain lands contained within the Save Our Rivers Land Acquisition – Management Plan which lands are further described as follows:

Part of the Southern Corkscrew Regional Ecosystem Watershed project comprised of fifty-three parcels referred to as SFWMD Tract Nos. 09-100-007, 09-100-008, 09-100-009, 09-100-011, 09-100-013, 09-100-014, 09-100-016, 09-100-017, 09-100-018, 09-100-021, 09-100-022,

09-100-024, 09-100-026, 09-100-027, 09-100-034,  
 09-003-194, 09-003-198, 09-003-277, 09-003-278,  
 09-003-434, 09-003-511, 09-003-729, 09-003-756,  
 09-003-773, 09-003-779, 09-003-782, 09-003-783,  
 09-003-865, 09-003-875, 09-005-005, 09-005-013,  
 09-005-119, 09-005-022, 09-005-034, 09-005-126,  
 09-005-132, 09-005-133, 09-005-141, 09-005-147,  
 09-005-149, 09-005-181, 09-005-183, 09-005-191,  
 09-005-193, 09-005-194, 09-005-197, 09-005-198,  
 09-005-199, 09-005-200, 09-005-221, 09-005-230,  
 09-005-270 and 09-005-271 consisting of approximately 344  
 acres and lying in Sections 25, 26, 31, 32, 33, 34 and 35,  
 Township 47 South, Range 26 East within Lee County, Florida.

Part of the C-43 Basin Storage Reservoir Project comprised of  
 two parcels referred to as SFWMD Tract No. GX-100-006  
 consisting of approximately 201 acres and GX-100-007  
 consisting of approximately 196 acres, lying in Sections 23,  
 24, 25, and 36, Township 43 South, Range 28 East within  
 Hendry County, Florida.

Part of the Big Cypress Basin Faka Union Canal #4 project  
 comprised of four parcels referred to as SFWMD Tract No.  
 E0-100-006, E0-100-007 and E0-100-008 consisting of  
 approximately 0.66 acres and lying in Section 20, Township 49  
 South, Range 28 East within Collier County, Florida.

Part of the Kissimmee River project comprised of sixteen  
 parcels referred to as SFWMD Tract Nos. 19-103-559,  
 19-103-560, 19-103-561, 19-103-562, 19-103-563,  
 19-103-565, 19-103-566, 19-103-567, 19-103-665,  
 19-103-666, 19-103-667, 19-103-668, 19-103-669,  
 19-103-670, 19-103-671 and 19-103-672 consisting of  
 approximately 15 acres and lying in Sections 21, 22 and 27,  
 Township 36 South, Range 33 East within Okeechobee  
 County, Florida.

Part of the Atlantic Ridge Ecosystem project comprised of one  
 parcel referred to as SFWMD Tract No. X1-100-038 consisting  
 of approximately 518 acres plus access easement and lying in  
 Gomez Grant, Martin County, Florida.

Part of the Water Conservation Area project comprised of two  
 parcels referred to as SFWMD Tract Nos. 27-100-042 and  
 27-100-056 consisting of approximately 360 acres, and lying  
 in Sections 02 and 17, Townships 49 and 53 South, Ranges 35  
 and 39 East in Miami-Dade and Broward Counties, Florida.

Part of the Save Our Rivers-East Coast Buffer (Cell #20)  
 project comprised of one parcel referred to as SFWMD Tract  
 W9-311-919 consisting of approximately 5.0 acres, and lying  
 in Section 05, Township 52 South, Range 40 East, Miami-Dade  
 County, Florida.

Part of the Comprehensive Everglades Restoration Plan  
 (CERP) C-43 Caloosahatchee Basin project comprised of two  
 parcels referred to as SFWMD Tract GX-100-006 and  
 GX-100-007 consisting of approximately 397 acres, and lying  
 in Sections 23, 24, 25 and 36, Township 43 South, Range 28  
 East, Hendry County, Florida.

Part of the Kissimmee River project comprised of two parcels  
 referred to as SFWMD Tract No. 19-103-427 consisting of  
 approximately 15 acres and Tract No. 19-103-456 consisting of  
 approximately 0.27 acres, both lying in Section 17, Township  
 36 South, Range 33 East in Highlands County, Florida.

Part of the Kissimmee River project comprised of one parcel  
 referred to as SFWMD Tract No. 19-102-140 consisting of  
 approximately 300 acres, lying in Sections 9 and 10, Township  
 35 South, Range 32 East in Highlands County, Florida.

Part of the Kissimmee Chain of Lakes project comprised of  
 two parcels referred to as SFWMD Tract Nos. 18-200-005 and  
 18-200-007, consisting of a total of approximately 700 acres,  
 all in Sections 28 through 32, Township 27 South, Range 30  
 East and in Osceola County, Florida.

Part of the Kissimmee Chain of Lakes project comprised of  
 five parcels referred to as SFWMD Tract Nos. 18-011-002  
 through 18-011-006, consisting of a total of approximately 5  
 acres, all in Sections 24 and 25, Township 30 South, Range 30  
 East and in Polk County, Florida.

Part of the Kissimmee Chain of Lakes project comprised of  
 eight parcels referred to as SFWMD Tract Nos. 18-001-052  
 through 18-001-060, consisting of a total of approximately 45  
 acres, all in Section 3, Township 31 South, Range 31 East and  
 in Polk County, Florida.

Part of the Kissimmee Chain of Lakes project comprised of  
 one parcel referred to as SFWMD Tract No. 18-021-002,  
 consisting of a total of approximately 1 acre, in Section 3,  
 Township 30 South, Range 31 East and in Polk County,  
 Florida.

Part of the Kissimmee Chain of Lakes project comprised of  
 four parcels referred to as SFWMD Tract Nos. 18-029-001,  
 18-030-001, 18-116-002 and 18-116-004, consisting of a total  
 of approximately 200 acres, all in Sections 1 and 12, Township  
 29 South, Range 29 East and in Polk County, Florida.

Part of the Kissimmee River project comprised of two parcels  
 referred to as SFWMD Tract Nos. 19-103-271 and 19-103-434,  
 consisting of a total of approximately 1,600 acres, all in  
 Sections 1, 2, 3, 4 and 5, Township 36 South, Range 33 East in  
 Okeechobee County, Florida.

Part of the Kissimmee River project comprised of two parcels  
 referred to as SFWMD Tract Nos. 19-101-055 and 19-101-056,  
 consisting of a total of approximately 220 acres, in Sections 12  
 and 13, Township 34 South, Range 31 East in Okeechobee  
 County, Florida.

Part of the Kissimmee River project comprised of two parcels  
 referred to as SFWMD Tract No. 19-101-065 and 19-101-066,  
 consisting of a total of approximately 45 acres, all in Sections  
 12 and 13, Township 34 South, Range 31 East in Okeechobee  
 County, Florida.

Part of the Everglades Agricultural Area project comprised of one parcel referred to as SFWMD Tract No. D7-100-141, consisting of a total of approximately 10 acres, in Section 25, Township 46 South, Range 36 East in Palm Beach County, Florida.

A copy of the agenda may be obtained: (1) District Website (<http://www.sfwmd.gov/gover/GovBoard/webpage/agenda.html>) or (2) by writing: South Florida Water Management District, Mail Stop 6115, P. O. Box 24680, West Palm Beach, FL 33416-4680.

Appeals from any South Florida Water Management District Board decision require a record of the proceedings. Although Governing Board meetings and hearings are normally recorded, affected persons are advised that it may be necessary for them to ensure that a verbatim record of the proceeding is made, including the testimony and evidence upon which the appeal is to be based.

Persons with disabilities who need assistance may contact the District Clerk, (561)686-8800, at least two business days in advance of the meeting to make appropriate arrangements.

Those who want more information, please contact Ruth Clements, Department Director, Land Acquisition Department, District Headquarters, 3301 Gun Club Road, Mail Stop Code 7220 West Palm Beach, FL 33406, (561)682-6271.

**The South Florida Water Management District** announces a public meeting to which all interested parties are invited:

DATES AND TIMES: September 23, 2003, 8:15 a.m. – 5:00 p.m.; September 24, 2003, 8:30 a.m. – 5:00 p.m.; September 25, 2003, 8:30 a.m. – 2:00 p.m.(Panel Working Session)

PLACE: Hilton Palm Beach Airport, Ballroom (Salon A-B), 150 Australian Avenue, West Palm Beach, Florida 33406

GENERAL SUBJECT MATTER TO BE CONSIDERED: 2004 Everglades Consolidated Report – Peer Review and Public Workshops.

A copy of the agenda may be obtained: (1) District Website (<http://www.sfwmd.gov/org/ema/everglades>) or (2) by writing: South Florida Water Management District, Mail Stop 2130, P. O. Box 24680, West Palm Beach, FL 33416-4680.

Appeals from any South Florida Water Management District Board decision require a record of the proceedings. Although Governing Board meetings and hearings are normally recorded, affected persons are advised that it may be necessary for them to ensure that a verbatim record of the proceeding is made, including the testimony and evidence upon which the appeal is to be based.

Persons with disabilities who need assistance may contact the District Clerk, (561)686-8800, at least two business days in advance of the meeting to make appropriate arrangements.

Those who want more information, please contact: Dr. Garth Redfield, Environmental Monitoring and Assessment Department, District Headquarters, 3301 Gun Club Road, Mail Stop Code 4610, West Palm Beach, FL 33406, (561)682-6611.

**The South Florida Water Management District** announces a public meeting to which all interested parties are invited:

DATE AND TIME: August 28, 2003, 10:00 a.m. – 12:00 Noon

PLACE: IFAS, Indian River Research and Education Center (O.C. Minton Hall), 2199 South Rock Rd., Ft. Pierce, Florida, (772)468-3922

GENERAL SUBJECT MATTER TO BE CONSIDERED: To provide assistance to Water Use Permit holders in the Upper East Coast Basin (Martin, St. Lucie and eastern Okeechobee Counties) for the irrigation permit renewal process.

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 2130, P. O. Box 24680, West Palm Beach, FL 33416-4680.

Appeals from any South Florida Water Management District Board decision require a record of the proceedings. Although Governing Board meetings and hearings are normally recorded, affected persons are advised that it may be necessary for them to ensure that a verbatim record of the proceeding is made, including the testimony and evidence upon which the appeal is to be based.

Persons with disabilities who need assistance may contact the District Clerk, (561)686-8800, at least two business days in advance of the meeting to make appropriate arrangements.

Those who want more information, please contact: Scott Burns, Water Use Division, District Headquarters, 3301 Gun Club Road, Mail Stop Code 4320, West Palm Beach, FL 33406, (561)682-6817.

**COMMISSION FOR THE TRANSPORTATION DISADVANTAGED**

The Florida **Commission for the Transportation Disadvantaged** announces a CTC, Taxi, Consensus and Teambuilding (CTCT) Group Meeting to which all persons are invited.

DATE AND TIME: Wednesday, August 27, 2003, 10:00 a.m. – 2:00 p.m.

PLACE: 600 Cleveland Street, Suite 750, 8th Floor Conference Room, Clearwater, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss general business of the group.

In accordance with the Americans with Disabilities Act, persons in need of special accommodation to participate in the meeting should contact: Tiffany McNabb, Commission for the Transportation Disadvantaged, 605 Suwannee Street, MS-49,

Tallahassee, FL 32399-0450, (850)410-5700 or 1(800)983-2435 or 1(800)648-6084 (TDD only). The meeting is subject to change upon chairperson's request.

---

### REGIONAL UTILITY AUTHORITIES

The **Peace River/Manasota Regional Water Supply Authority** announces the following meeting to which the public is invited.

DATE AND TIME: Tuesday, September 2, 2003, 10:00 a.m.

PLACE: DeSoto County Administration Building, 201 East Oak Street, Arcadia, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Conduct regular business of the Authority.

A copy of the agenda may be obtained by writing: Peace River/Manasota Regional Water Supply Authority, 1645 Barber Road, Suite A, Sarasota, Florida 34240.

Although Authority board meetings are normally recorded, affected persons are advised it may be necessary for them to ensure a verbatim record of the meeting is made, including testimony and evidence upon which an appeal is to be based.

Persons with disabilities who need assistance may call (941)316-1776, at least two business days in advance to make appropriate arrangements.

---

### DEPARTMENT OF MANAGEMENT SERVICES

The Florida **Commission on Human Relations** announces a public meeting to which all persons are invited.

DATE AND TIME: Wednesday, October 15, 2003, 8:30 a.m. – 5:00 p.m.

PLACE: Florida Commission on Human Relations, 2009 Apalachee Parkway, Suite 100, Tallahassee, Florida 32301

GENERAL SUBJECT MATTER TO BE CONSIDERED: This meeting will be held to discuss the daily functions and activities of the Commission.

CONTACT: Florida Commission on Human Relations, 2009 Apalachee Parkway, Suite 100, Tallahassee, Florida 32301 or call (850)488-7082.

---

The Electronic Information Accessibility Testing Team of the **Governor's Working Group on the Americans with Disabilities Act (ADAWG)** will hold a series of meetings to which all interested persons are invited.

DATES AND TIME: August 20, 2003; September 3, 2003; September 15, 2003; October 1, 2003, 9:00 a.m. – 11:00 a.m.

PLACE: Department of Management Services, 4050 Esplanade Way, Conference Room 160J, Tallahassee, FL 32399

If you need more information or require disability accommodations, contact: Fenglan Yu, (850)921-4187.

Those who request disability accommodations need to provide their names and describe their special needs. The cut-off date for disability accommodation requests is two weeks prior to each meeting.

---

The **Correctional Privatization Commission** announces a meeting to which all persons are invited.

DATE AND TIMES: Friday, August 29, 2003, 9:00 a.m. – Pre-Bid Conference; 10:30 a.m. or immediately following the Pre-Bid Conference – Meeting

PLACE: Knott Building, corner of West Madison Street and Duval Street, Room 117, Tallahassee, Florida 32399

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Pre-bid conference will be a question and answer session relating to the procurement process for Gadsden, Lake City and South Bay Correctional Facilities. The meeting will be a 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, (850)921-4034, at least five (5) calendar days prior to the meeting.

If you are hearing or speech impaired, please contact the Correctional Privatization Commission, Office of the Executive Director, by using the Florida Relay Service, 1(800)955-8771 (TDD).

---

### DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

The Florida **Board of Architecture and Interior Design** announces the following meeting, to be held by telephone conference, to which all persons are invited to attend. This is a correction notice for the published August 21, 2003 meeting.

DATE AND TIME: August 29, 2003, 10:00 a.m., Eastern Standard Time

PLACE: Telephone Number – (850)410-0960 or Suncom 210-0960

GENERAL SUBJECT MATTER TO BE CONSIDERED: General Board and Business Meeting.

To obtain a copy of the agenda, further information, or submit written or other physical evidence, contact in writing: Board of Architecture and Interior Design, 1940 N. Monroe St. Tallahassee, Florida 32399.

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

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact the Board office, (850)487-8304, at least five calendar days prior to the meeting. If you are hearing or speech impaired, please contact the Board office using the Florida Dual Party Relay System which can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

---

The Probable Cause Panel of the **Construction Industry Licensing Board** announces a meeting.

DATE AND TIMES: August 26, 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 or (850)488-0062.

NOTE: In accordance with the Americans with Disabilities Act, persons needing a special accommodation to participate in this proceeding should contact the Construction Prosecution Section no later than seven (7) days prior to the proceeding or meeting at which such special accommodation is required. The Construction Prosecution Section may be contacted at the address and phone number listed above.

---

The **Construction Industry Licensing Board** will hold the following meetings to which all interested parties are invited.

DATES AND TIMES: Wednesday, October 8, 2003, 2:00 p.m.; Thursday, October 9, 2003, 8:00 a.m.; Friday, October 10, 2003, 8:00 a.m.

PLACE: Radisson Plaza Hotel Orlando, 60 South Ivanhoe Blvd., Orlando, FL 32804

GENERAL SUBJECT MATTER TO BE CONSIDERED: Committee, Disciplinary Actions, and General Session meetings of the Board.

Any person who decides to appeal any decision made by the board with respect to any matter considered at these meetings 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.

Additional information and a final agenda may be obtained by writing: Construction Industry Licensing Board, 1940 N Monroe Avenue, Tallahassee, Florida 32399-1039.

Any person requiring special accommodations at this meeting because of a disability or physical impairment should contact Stacey Merchant, (850)922-2701, at least seven calendar days prior to the meeting. Hearing or speech impaired please use Florida Relay 1(800)955-8771 (TDD), 1(800)955-8770 (Voice).

---

The **Construction Industry Licensing Board** will hold the following meetings to which all interested parties are invited.

DATES AND TIMES: Wednesday, November 12, 2003, 2:00 p.m.; Thursday, November 13, 2003, 8:00 a.m.; Friday, November 14, 2003, 8:00 a.m.

PLACE: Embassy Suites Hotel, 1100 S. E. 17th Street, Fort Lauderdale, FL 33316

GENERAL SUBJECT MATTER TO BE CONSIDERED: Committee, Disciplinary Actions, and General Session meetings of the Board.

Any person who decides to appeal any decision made by the board with respect to any matter considered at these meetings 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.

Additional information and a final agenda may be obtained by writing: Construction Industry Licensing Board, 1940 N. Monroe Avenue, Tallahassee, Florida 32399-1039.

Any person requiring special accommodations at this meeting because of a disability or physical impairment should contact Stacey Merchant, (850)922-2701, at least seven calendar days prior to the meeting. Hearing or speech impaired please use Florida Relay 1(800)955-8771 (TDD), 1(800)955-8770 (Voice).

---

The Florida **Electrical Contractors' Licensing Board** announces Official Board Meetings to which all interested persons are invited.

DATE AND TIME: September 18, 2003, 8:30 a.m. or soon thereafter

GENERAL SUBJECT MATTER TO BE CONSIDERED: Probable Cause Panel Meeting (portions closed to the public) The Probable Cause Panel will also Reconsider Case No.: 2003-055173, Mark Schlemmer, d/b/a: Hobe Sound Electric, License Number ER 0015131.

DATE AND TIME: September 18, 2003, 10:00 a.m. or soon thereafter

GENERAL SUBJECT MATTER TO BE CONSIDERED: Official Board Meeting

DATE AND TIME: September 19, 2003, 9:00 a.m. or soon thereafter

GENERAL SUBJECT MATTER TO BE CONSIDERED: Official Board Meeting

PLACE: Colony Hotel Palm Beach, 155 Hammon Avenue, Palm Beach, FL 33480, (561)655-5430

A copy of the agenda may be obtained by writing: Board Office, 1940 North Monroe Street, Tallahassee, Florida 32399-0771.

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

For further information, contact: Florida Electrical Contractors' Licensing Board, 1940 North Monroe Street, Tallahassee, Florida 32399-0771.

Any persons requiring special accommodations at this meeting because of a disability or physical impairment should contact Gregory Spence, Electrical Contractors' Licensing Board, at least five (5) calendar days prior to the meeting. If you are hearing or speech impaired, please call Gregory Spence using the Florida Dual Party Relay System, 1(800)955-8770 (voice) and 1(800)955-8771 (TDD).

The Florida **Board of Veterinary Medicine** announces the following meeting to which all parties are invited to attend.

DATE AND TIME: September 6, 2003, 8:00 a.m.

PLACE: Wyndham Palace Resort, 1900 Buena Vista Drive, Lake Buena Vista, FL 32830-2206, (407)827-2727

GENERAL SUBJECT MATTER TO BE CONSIDERED: General Business meeting.

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 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)922-7154, 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 Probable Cause Panel of the **Florida Real Estate Appraisal Board** announces a meeting to which all interested persons are invited. Portions of the probable cause proceedings are not open to the public.

DATE AND TIME: September 8, 2003, 9:30 a.m. or the soonest thereafter

PLACE: Zora Neale Hurston Bldg., 400 West Robinson Street, North Tower, Suite N901, Orlando, Florida 32801

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, 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

The **Florida Real Estate Commission (FREC)** announces a public meeting to which all persons are invited.

DATES AND TIMES: Tuesday, September 16, 2003, 1:00 p.m.; reconvening Wednesday, September 17, 2003, 8:30 a.m.

PLACE: Division of Real Estate, Conference Room N901, North Tower, 400 West Robinson Street, Orlando, Florida 32801

GENERAL SUBJECT MATTER TO BE CONSIDERED: Official business of Commission – among topics included, but not limited to, are proposed legislation affecting Chapter 475, Part I, F.S., rule development workshops, Florida Administrative Code 61J2 rule amendments, budget discussions, escrow disbursement requests, recovery fund claims, education issues, petitions for declaratory statement, petitions for rule variance/waiver, and disciplinary actions.

If a person decides to appeal a decision made by the Commission, with respect to any matter considered at this meeting or hearing, a record of the proceedings for such purpose, upon which the appeal is based, may be required.

A copy of the agenda may be obtained by writing: Deputy Clerk of the Florida Real Estate Commission, 400 W. Robinson Street, Suite 802, Orlando, Florida 32801-1772.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact the Department of Business and Professional Regulation, (407)245-0800, at least five (5) calendar days prior to the meeting. If you are hearing or speech impaired, please call the Division of Real Estate using the Florida Dual Party Relay System, 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

The Probable Cause Panel of the **Florida Real Estate Commission** announces a meeting to which all interested persons are invited. Portions of the probable cause proceedings are not open to the public.

DATE AND TIME: September 16, 2003, 9:30 a.m. or the soonest thereafter

PLACE: Zora Neale Hurston Building, North Tower, Suite 901N, 400 West Robinson Street, Orlando, Florida 32801

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)245-0800 (between the hours of 8:30 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).

---

#### DEPARTMENT OF ENVIRONMENTAL PROTECTION

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

---

#### DEPARTMENT OF HEALTH

The Florida **Department of Health**, Community Environmental Health Advisory Board announces a meeting to which all persons are invited.

DATES AND TIMES: September 11, 2003, 1:00 p.m. – 5:00 p.m. (Eastern Standard Time), September 12, 2003, 8:00 a.m. – 5:00 p.m. (Eastern Standard Time)

PLACE: 2585 Merchants Row Boulevard, Room 140J, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct general business of the board.

A copy of the agenda may be obtained by writing: Ric Mathis, Department of Health, Bureau of Facility Programs, 4052 Bald Cypress Way, Bin A08, Tallahassee, FL 32399-1710 or by calling (850)245-4444, Extension 2337.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/hearing/meeting is asked to advise the department at least 5 days before the workshop/hearing/meeting by contacting the board office, (850)487-0004. If you are hearing or speech impaired, please contact the department by calling 1(800)955-8770 (Voice) or 1(800)955-8771 (TDD).

Please note that if a person decides to appeal any decision made by the board with respect to any matter considered at the above-cited meeting, he/she will need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is based.

---

The **Board of Chiropractic Medicine**, Probable Cause Panel will hold a duly noticed meeting and telephone conference call meeting, to which all persons are invited to attend.

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

PLACE: Department of Health, 4042 Bald Cypress Way, Tallahassee, FL, Meet Me Number (850)488-0979

GENERAL SUBJECT MATTER TO BE CONSIDERED: For cases previously heard by the panel.

Any person requiring special accommodations at this meeting because of a disability or physical impairment should contact the Board, (850)245-4355, at least 48 hours prior to the meeting. If you are a hearing or speech impaired, please contact the Board office using the Dual Party Relay System, 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

A copy of the agenda item may be obtained by writing: Joe Baker, Jr., Executive Director, Board of Chiropractic Medicine, 4052 Bald Cypress Way, Bin #C07, Tallahassee, FL 32399-3257.

---

The Florida **Board of Medicine**, Credentials Committee, announces a meeting to which all persons are invited.

DATE AND TIME: Saturday, September 13, 2003, 9:00 a.m. or soon thereafter

PLACE: Wyndham Westshore, 4860 W. Kennedy Blvd., Tampa, FL 33609, (813)286-4400

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct general business of the Committee.

A copy of the agenda may be obtained by writing: Larry McPherson, Board Director, Medical Quality Assurance, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3253.

Please note that if a person decides to appeal any decision made by the committee with respect to any matter considered at the above cited meeting or hearing, he will need a record of the proceedings, and for such purpose, he may need to insure that a verbatim record of the proceeding is made, which record includes the testimony and evidence upon which the appeal is to be based.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact the Florida Board of Medicine, (850)245-4131, at least five (5) calendar days prior to the meeting. If you are hearing or speech impaired, please call the Florida Board of Medicine using the Florida Dual Party Relay System which can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

---

The **Board of Optometry**, Probable Cause Panel will hold a duly noticed meeting and telephone conference call meeting, to which all persons are invited to attend.

DATE AND TIME: Thursday, September 11, 2003, 7:00 p.m.



PLACE: Hilton Jacksonville Riverfront, 1201 Riverplace Boulevard, Jacksonville 32207, (904)396-8843

GENERAL SUBJECT MATTER TO BE CONSIDERED: For cases previously heard by the panel.

Any person requiring special accommodations at this meeting because of a disability or physical impairment should contact the Board, (850)245-4355, at least 48 hours prior to the meeting. If you are a hearing or speech impaired, please contact the Board office using the Dual Party Relay System at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

A copy of the agenda item may be obtained by writing: Joe Baker, Jr., Executive Director, Board of Optometry, 4052 Bald Cypress Way, Bin #C07, Tallahassee, FL 32399-3257.

---

The **Board of Optometry** will hold a duly noticed meeting and telephone conference call, to which all persons are invited to attend.

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

PLACE: Hilton Jacksonville Riverfront, 1201 Riverplace Boulevard, Jacksonville, FL 32207, (904)396-8843

GENERAL SUBJECT MATTER TO BE CONSIDERED: General board business.

Any person requiring special accommodations at this meeting because of a disability or physical impairment should contact the Board, (850)245-4355, at least 48 hours prior to the meeting. If you are a hearing or speech impaired, please contact the Board office using the Dual Party Relay System at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

A copy of the agenda item may be obtained by writing: Joe Baker, Jr., Executive Director, Board of Optometry, 4052 Bald Cypress Way, Bin #C07, Tallahassee, FL 32399-3257.

---

The **Board of Podiatric Medicine** will hold a duly noticed telephone conference call, to which all persons are invited to attend.

DATE AND TIME: Friday, August 29, 2003, 8:00 a.m.

PLACE: Department of Health, 4042 Bald Cypress Way, Bin #C07, Tallahassee, FL, Meet Me Number (850)488-0979

GENERAL SUBJECT MATTER TO BE CONSIDERED: General committee business.

Any person requiring special accommodations at this meeting because of a disability or physical impairment should contact the Board, (850)245-4355, at least 48 hours prior to the meeting. If you are a hearing or speech impaired, please contact the Board office using the Dual Party Relay System, 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

A copy of the agenda item may be obtained by writing: Joe Baker, Jr., Executive Director, Board of Podiatric Medicine, 4052 Bald Cypress Way, Bin #C07, Tallahassee, FL 32399-3257.

---

The **Council on Physician Assistants** announces a meeting to which all persons are invited.

DATE AND TIME: Friday, September 12, 2003, 1:00 p.m.

or soon thereafter

PLACE: Conference Call Number – (850)921-5400 or Suncom 291-5400

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct Council business.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact the Council on Physician Assistants, (850)245-4131, at least five (5) calendar days prior to the meeting. If you are hearing or speech impaired, please call the Council on Physician Assistants 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: Margaret Anglin, Program Administrator, Council on Physician Assistants, Medical Quality Assurance, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3253.

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

---

The Florida **Department of Health**, Bureau of Statewide Pharmaceutical Services announces a public meeting of the Drug Wholesaler Advisory Council to which all interested persons are invited.

DATE AND TIME: Wednesday, September 10, 2003, 9:30 a.m. – 2:30 p.m.

PLACE: Department of Health, 4042 Bald Cypress Way, Room 301, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: This will be the organizational meeting of the eleven-member committee established in s. 499.01211 of the Prescription Drug Protection Act, Senate Bill 2312, Chapter 2003-155, Laws of Florida. The agenda for this first meeting includes the introduction of council members; selection of a Chairperson and Vice Chairperson; proposed rules noticed in the August 22, 2003, Florida Administrative Weekly and as discussed in the rule development workshop held on September 9, 2003; additions to the listing of specified drugs pursuant to s. 499.0121(6)(e), F.S., organizational and procedural issues; and adjournment of the meeting.

If special accommodations are needed to attend this meeting because of a disability, please contact: Maxine Wenzinger, (850)922-5190.

**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 meetings to which all persons are invited.

DATE AND TIME: August 15, 2003, 10:00 a.m.

PLACE: Child Care Resource Network, 230 N. Beach St., 3rd Floor Conference Room, 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 Florida **Department of Children and Family Services** announces a meeting of the Marion County Children’s Alliance Steering Committee to which all persons are invited.

DATE AND TIME: Wednesday, September 3, 2003, 11:30 a.m.

PLACE: Marion County Sheriff’s Office, 692 N. W. 30th Ave., Ocala, 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, (352)330-2177.

The **Department of Children and Family Services**, District 14 Health and Human Services Board announces the following meeting to which all persons are invited.

CEO Roundtable of Central Florida’s Monthly Meeting

DATE AND TIME: Thursday, September 4, 2003, 8:30 a.m.

PLACE: District 14, Department of Children and Family Services, Administration Office, 4720 Old Highway 37, Lakeland, FL 33813

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regular meeting of the CEO Roundtable of Central Florida.

For copies of the agenda, further information, or persons needing accommodation to participate in this meeting please contact: Patty Harrison, (863)619-4157, 1(800)342-0825 or TDD (863)648-3337.

The **Department of Children and Family Services**, District 11 announces the following series of committee and subcommittee meetings with The Community Based Alliance of Miami Dade and Monroe Counties.

Public Policy Advocacy and Education Committee will meet monthly to discuss issues related to public policy as it relates to child welfare, the work of the Alliance and efforts to educate the public.

Quality Assurance and Evaluation Committee will meet monthly to discuss issues related to the quality of care for children in care and performance evaluation tools for the department, providers and the prospective lead agency.

Membership Committee will meet monthly to discuss issues related to membership and bylaws of the Alliance.

System of Care Committee will meet monthly to discuss issues related to the overall system of care for all age groups of children in care by the department, providers and the prospective lead agency.

System of Care 0-5 Subcommittee will meet monthly to discuss issues related to children in the 0 to 5 age group in care by the department, providers and the prospective lead agency.

System of Care 6-12 Subcommittee will meet monthly to discuss issues related to children in the 6 to 12 age group in care by the department, providers and the prospective lead agency.

System of Care 13-18 Subcommittee will meet monthly to discuss issues related to children in the 13 to 18 age group in care by the department, providers and the prospective lead agency.

All meetings are subject to change.

For exact times, dates and locations of meeting, all interested parties are asked to contact: Beatrice Maldonado, Administrative Assistant, Office of Peter D. Coats, District 11, (305)377-7018 or (305)377-5002.

The **Department of Children and Family Services**, District 11 announces the following series of meetings with Our Kids of Miami-Dade/Monroe, Inc. of Miami Dade and Monroe Counties. The categories of meetings are as follows:

Client Population Workgroup will meet monthly to discuss issues related children in foster care, demographics, geographic distribution, case planning, placement, etc.

Human Resources Workgroup will meet monthly to discuss issues related to staffing patterns within the department in transition to community based care, and recruitment, orientation and training of new employees for both the department and the lead agency as well as issues related communications to employees during the transition period.

Information Technology (IT) Workgroup will meet monthly to discuss issues related to the infrastructure of data collection, storage and reporting within Federal, State and local requirements for child in care and to determine and analysis needs for data integration and reporting across systems.

Shared Risk Workgroup will meet twice a month to discuss potential risk models and best practices, funding streams, and to develop an action plan to include details to generate additional federal funding, identification of local and other revenue maximization and to address barriers.

Community of Landmark Workgroup will meet once a month to discuss issues related to community based foster care and related services in the Community of Landmark.

Technical data and information sharing for all of the above may take place on a weekly basis as needed.

All meetings and data/information sharing are subject to change.

For exact times, dates and locations of meeting, all interested parties are asked to contact: Beatrice Maldonado, Administrative Assistant, Office of Peter D. Coats, District 11, (305)377-7018 or (305)377-5002.

---

The **Department of Children and Family Services**, District 12, Community Alliance CBC Workgroup Resource Development & Revenue Maximization Taskforce announces the following public meetings to which all persons are invited.

DATE AND TIME: September 5, 2003, 1:00 p.m.

PLACE: United Way, 3747 W. International Speedway Blvd., 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, 1(800)955-8771.

---

The **Department of Children and Family Services**, District 12 Community Alliance announces the following public meetings to which all persons are invited.

DATE AND TIME: September 17, 2003, 1:30 p.m.

PLACE: Department of Children and Family Services, 210 North Palmetto Avenue, Conference Room 148, Daytona Beach, Florida

A copy of the agenda may be obtained by writing: Department of Children and Families, 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, 1(800)955-8771.

---

The **Fish and Wildlife Conservation Commission** announces a public workshop concerning the Florida Artificial Reef Strategic Plan. The Commission encourages all interested persons to participate at the workshop, which will take place as follows:

DATE AND TIME: September 23, 2003, 6:00 p.m. – 8:00 p.m.

PLACE: Destin Community Center, 101 Stahlman Ave., Destin, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Fish and Wildlife Conservation Commission is holding workshops to gather public testimony regarding the draft State Artificial Reef Strategic Plan (copies available at <http://marinefisheries.org/ar/index.htm>). The Plan is intended to more efficiently guide the FWC state artificial reef program and other artificial reef-related activities statewide. This is the fourth and final public workshop on the draft Plan.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 calendar days before the workshop/meeting by contacting: Andrena Knicely, (850)487-1406. If you are hearing or speech impaired, please contact the agency by calling (850)488-9542.

For further information, contact: Keith Mille, 2590 Executive Center Circle East, Suite 201, Tallahassee, Florida 32301, (850)922-4340, Ext. 207.

**The Florida Fish and Wildlife Conservation Commission** announces a public hearing for the Salt Lake Wildlife Management Area and other FWC-managed lands within the Brevard Coastal Scrub Ecosystem Florida Forever Project.

DATE AND TIME: Thursday, September 4, 2003, 7:00 p.m.

PLACE: Brevard County Government Center, Space Coast Room, Second Floor, 2725 Judge Fran Jamieson Way, Building C, Viera, Florida 32940

GENERAL SUBJECT MATTER TO BE CONSIDERED: To receive public comments regarding considerations for the FWC's ten-year Conceptual Management Plan for the Salt Lake Wildlife Management Area and other FWC-managed lands within the Brevard Coastal Scrub Ecosystem Florida Forever Project.

This hearing is designed exclusively for discussion of the draft Conceptual Management Plan. Participants should understand that the purpose for this hearing does not include the opportunity to discuss public use and/or hunting regulations for the Salt Lake WMA. There is a separate public process for this purpose.

A Management Prospectus for the Brevard Coastal Scrub Ecosystem is available upon request from: Florida Fish and Wildlife Conservation Commission, Land Management Planning Section, 620 South Meridian Street, Tallahassee, Florida 32399-1600, (850)410-0656, Ext. 17330.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this hearing is asked to advise the agency at least 5 calendar days before the hearing by contacting: Cindy Hoffman, ADA Coordinator, (850)488-6411.

#### **DEPARTMENT OF BANKING AND FINANCE**

The **Office of Financial Regulation** announces a public hearing to which all persons are invited:

DATE AND TIME: September 18, 2003, 9:00 a.m. (During a regular meeting of the Financial Services Commission. The corresponding meeting of the Cabinet Aides will take place on September 10, 2003, 9:00 a.m.)

PLACE: Cabinet Meeting Room, Lower Level, The Capitol, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Adoption of Amendments to Rules 3D-40.043, Mortgage Broker License and Renewal Reactivation, and Rule 3D-40.0271, Continuing Education Requirements for Mortgage Brokers, Loan Originators, and Principal Representatives. Notice of the proposed action was published in Vol. 29, No. 31, August 1, 2003 issue of the Florida Administrative Weekly.

Pursuant to the provisions of the American with Disabilities Act, any person requiring special accommodations to participate in this program, please advise the Office at least 5 calendar days before the program by contacting: Gregory C. Oaks, (850)410-9805.

#### **FLORIDA DEVELOPMENTAL DISABILITIES COUNCIL**

The **Florida Developmental Disabilities Council, Inc.** announces a regularly scheduled business meeting.

Standing Committee Meetings

DATE AND TIME: Thursday, September 4, 2003, 8:00 a.m. – 5:00 p.m.

Full Council Meeting

DATE AND TIME: Friday, September 5, 2003, 8:00 a.m. – 5:00 p.m.

PLACE: Wyndham Harbour Island Hotel, 725 South Harbour Island Boulevard, Tampa, FL 33602, (813)229-5000

GENERAL SUBJECT MATTER TO BE CONSIDERED: Standing Committee Meetings and Full Council Meeting.

To receive a copy of the agenda or request special accommodations for participation in the meeting, please contact: Colleen Fox, 124 Marriott Drive, Suite 203, Tallahassee, FL 32301-2981, (850)488-4180, 1(800)580-7801, 1(888)488-8633 (TDD).

#### **ORANGE COUNTY RESEARCH AND DEVELOPMENT AUTHORITY**

The **Orange County Research and Development Authority** announces a public meeting to which all persons are invited:

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

PLACE: Central Florida Research Park, 12424 Research Parkway, Suite 100, Orlando, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: General Business Meeting.

**FLORIDA SURPLUS LINES SERVICE OFFICE**

The **Florida Surplus Lines Service Office**, Board of Governors’ announces three meetings via teleconference to which all interested parties are invited:

**EXECUTIVE COMMITTEE**

**DATES AND TIMES:** Monday, September 22, 2003, 10:00 a.m.; Monday, September 29, 2003, 10:00 a.m.

**PLACE:** Florida Surplus Lines Service Office, 1441 Maclay Commerce Drive, Ste. 200, Tallahassee, FL 32312

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** Proposed 2004 Budget.

**BOARD OF GOVERNORS**

**DATE AND TIME:** Monday, September 29, 2003, 2:00 p.m.

**PLACE:** Florida Surplus Lines Service Office, 1441 Maclay Commerce Drive, Ste. 200, Tallahassee, FL 32312

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** Proposed 2004 Budget.

A copy of the agenda may be obtained by sending a faxed request to: Georgie Barrett, (850)513-9624.

In accordance with the Americans with Disabilities Act, persons needing a special accommodation to participate in this meeting should contact Georgie a week prior to the meeting, (850)224-7676, Ext. 19.

**CRIMINAL JUSTICE INSTITUTE ASSESSMENT CENTER**

The Region XII, **Training Council and Assessment Center** Board of Directors announces a public meeting to which all interested persons are invited:

**DATE AND TIME:** Tuesday, September 9, 2003, 10:00 a.m.

**PLACE:** Palm Beach Community College, Criminal Justice Room 101, 4200 Congress Avenue, Lake Worth, FL 33461

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** The agenda will include but is not limited to: FDLE/CJSTC updates; Palm Beach Community College/ Criminal Justice Institute Assessment Center update; Region XII Budget Approval and any other business.

A copy of the agenda may be obtained by contacting: Sue Voccola, Secretary of the Criminal Justice Institute, Palm Beach Community College, 4200 Congress Avenue, Lake Worth, FL 33461, (561)868-3403.

**SPACE COAST WORLD TRADE COUNCIL**

The **Space Coast World Trade Council** will host its Seventh Annual Fall Regulatory Review. Florida’s Secretary of State, Ms. Glenda E. Hood, will be the luncheon speaker on the 15th (ticket available separately)

**DATES AND TIME:** October 15-16, 2003, 8:00 a.m.

**PLACE:** Doubletree, Cocoa Beach, Florida

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** For anyone interested in international trade, this Review will give an overview of today’s export control compliance issues, together with a look at recent and future changes to the trade and regulatory environments. An added half-day session on export basics has been scheduled for the 14th.

Visit the website at [www.spacecoastworldtradecouncil.org](http://www.spacecoastworldtradecouncil.org) or call Ms. Susan Cossey, (321)783-7831, for more information.

The Council’s mailing address is P.O. Box 540490, Merritt Island FL 32954-0490.

**Section VII  
Notices of Petitions and Dispositions  
Regarding Declaratory Statements**

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

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

**DEPARTMENT OF ENVIRONMENTAL PROTECTION**

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

**DEPARTMENT OF HEALTH**

**NOTICE IS HEREBY GIVEN** that the Board of Massage Therapy received a Petition for Declaratory Statement from the Board of County Commissioners of Brevard County, Florida that was filed on August 8, 2003. Petitioner requests a declaratory statement from the Board regarding the application of the definition for “massage” as provided under Section 480.033(3), Florida Statutes, to businesses such as “body” scrubs and commercial physical contact parlors as defined in section 62-6102, Code of Ordinances of Brevard County, Florida.

A copy of the Petition for Declaratory Statement may be obtained by writing: Pamela King, Executive Director, Board of Massage Therapy, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3256.

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 PROFESSIONAL CONSULTANTS

The University of South Florida announces that continuing professional services are required for the following discipline: Building Moisture Control Consultants (2) (Tampa and Lakeland Campuses).

Projects included in the scope of this agreement will be specific projects for renovations, alterations, new construction, and additions that have a building moisture control construction budget estimated to be \$1,000,000 or less, or studies for which the fee for professional services is \$100,000 or less. Continuing Service contracts for these projects provide that the consultant will be available on an as-needed basis for the contract period during the fiscal year, July 1, 2003 – June 30, 2004. Award of contract includes an Owner’s option to

renew for one (1) year. The consultant receiving the award may not have an exclusive contract to perform services for these projects. The university may have additional continuing service professionals under contract during the same time period.

Firms desiring to provide professional services shall submit a letter of interest specifying the discipline for which they are applying and a completed “USF Professional Qualifications Supplement for Moisture Control Consultant” form dated April 2003. Proposals must not exceed 40 pages, including the “USF Professional Qualifications Supplement” and letter of interest. Pages must be numbered consecutively. Submittals that do not comply with these requirements or do not include the requested data will not be considered. No submittal material will be returned.

Attach to each letter of interest:

1. The “USF Professional Qualifications Supplement for Moisture Control Consultant,” form dated April 2003 completed by the applicant. 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, if applicable. 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 properly chartered by the Florida Department of State to operate in Florida.

Selection of finalists for interview will be made on the basis of professional qualifications, including experience and ability; past experience; design ability; volume of work; and distance from project.

The plans and specifications for University of South Florida projects are subject to reuse in accordance with the provisions of Section 287.055, Florida Statutes. As required by Section 287.133, Florida Statutes, a consultant may not submit a proposal for this project if it is on the convicted vendor list for a public entity crime committed within the past 36 months. The selected consultant must warrant that it will neither utilize the services of, nor contract with, any supplier, subcontractor, or consultant in excess of \$25,000.00 in connection with this project for a period of 36 months from the date of their being placed on the convicted vendor list.

The “USF Professional Qualification Supplement for Moisture Control Consultants” form dated April 2003 and “Project Fact Sheet”, which includes project information, may be obtained by contacting: Kathy Bennett, Contracts Administrator, Facilities Planning and Construction, University of South Florida, FPC110, 4202 East Fowler Avenue, Tampa, FL 33620-7550, Phone (813)974-3098, (813)974-2625 or Fax (813)974-3542.

All interested firms are invited and encouraged to attend a Pre-Submittal Meeting to be held at 2:00 p.m., Eastern Standard Time, on Thursday, September 4, 2003, at the

University of South Florida, Facilities Planning and Construction, Conference Room, FPC109, 4202 East Fowler Avenue, Tampa, Florida, to review the scope and requirements of this project. Requests for meetings by individual firms will not be granted.

It shall be noted that no verbal communication shall take place between the applicants and the employees of the University of South Florida, except as provided at the Pre-Submittal Meeting, the Pre-Interview Meeting and the request for the PQS and Fact Sheet. Requests for any project information must be in writing to the above address.

Submit 6 (six) copies of the above requested data bound in the order listed above to: Ramon Gonzalez, RA, Project Manager, Facilities Planning and Construction, University of South Florida, 4202 East Fowler Avenue, FPC 110, Tampa, Florida 33620-7550. Applications that do not comply with the above instructions may be disqualified. Application material will not be returned.

Submittals must be received at the above campus address (4202 East Fowler Avenue, FPC110, Tampa, Florida 33620-7550), to the attention of Ramon Gonzalez, RA, Project Manager, by 2:00 p.m., Eastern Standard Time, on Tuesday, September 23, 2003. Facsimile (FAX) submittals are not acceptable and will not be considered. The Selection Committee reserves the right to waive any irregularities and may reject all proposals and stop the selection process at any time.

---

#### NOTICE TO PROFESSIONAL CONSULTANTS

The University of South Florida announces that continuing professional services are required for the following discipline: Asbestos Abatement Consultant (Tampa and Lakeland campuses).

Projects included in the scope of this agreement will be specific projects for renovations, alterations, new construction, and additions that have an abatement construction budget estimated to be \$1,000,000 or less, or studies for which the fee for professional services is \$100,000 or less. Continuing Service contracts for these projects provide that the consultant will be available on an as-needed basis for the contract period during the fiscal year, July 1, 2003 to June 30, 2004. Award of contract includes an Owner's option to renew for one (1) year. The consultant receiving the award will not have an exclusive contract to perform services for these projects. The university may have additional continuing service professionals under contract during the same time period.

Firms desiring to provide professional services shall submit a letter of interest specifying the discipline for which they are applying and a completed "USF Professional Qualifications Supplement for Asbestos Abatement Consultant" form dated April 2003. Proposals must not exceed 40 pages, including the "Professional Qualifications Supplement" and letter of interest. Pages must be numbered consecutively. Submittals that do not

comply with these requirements or do not include the requested data will not be considered. No submittal material will be returned.

Attach to each letter of interest:

1. The "USF Professional Qualifications Supplement for Asbestos Abatement Consultant" form dated April 2003 completed by the applicant. 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 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 properly chartered by the Florida Department of State to operate in Florida.

Selection of finalists for interview will be made on the basis of professional qualifications, including experience and ability; past experience; design ability; volume of work; and distance from project.

The plans and specifications for University of South Florida projects are subject to reuse in accordance with the provisions of Section 287.055, Florida Statutes. As required by Section 287.133, Florida Statutes, a consultant may not submit a proposal for this project if it is on the convicted vendor list for a public entity crime committed within the past 36 months. The selected consultant must warrant that it will neither utilize the services of, nor contract with, any supplier, subcontractor, or consultant in excess of \$25,000.00 in connection with this project for a period of 36 months from the date of their being placed on the convicted vendor list.

The "Professional Qualifications Supplement" and Project Fact Sheet which includes project information may be obtained by contacting: Kathy Bennett, Contracts Administrator, University of South Florida, Facilities Planning and Construction, 4202 East Fowler Avenue, FPC110, Tampa, Florida 33620-7550, Phone (813)974-3098, (813)974-2625 or Fax (813)974-3542.

All interested firms are invited and encouraged to attend a Pre-Submittal Meeting to be held at 3:00 PM Eastern Time, on September 15, 2003, at the University of South Florida, Tampa Campus, Facilities Planning and Construction, Conference Room 109, 4202 East Fowler Avenue, Tampa, Florida, to review the scope and requirements of this project. Requests for meetings by individual firms will not be granted.

It shall be noted that no verbal communication shall take place between the applicants and the employees of University of South Florida except as provided at the Pre-Submittal Meeting, the Pre-Interview Meeting and the request for the PQS and Fact Sheet. Requests for any project information must be in writing to the above address.

Six (6) bound copies of the above required proposal data shall be submitted to: Roy Clark, Building Code Administrator, University of South Florida, Facilities Planning and

Construction, 4202 East Fowler Avenue, FPC110, Tampa, Florida 33620-7550. Applications that do not comply with the above instructions may be disqualified. Application materials will not be returned.

Submittals must be received at the above campus address (4202 East Fowler Avenue, FPC110, Tampa, FL) by 2:00 p.m., Eastern Time, on September 24, 2003. Facsimile (FAX) submittals are not acceptable and will not be considered. The Selection Committee may reject all proposals and stop the selection process at any time.

---

#### NOTICE TO PROFESSIONAL CONSULTANTS

The University of South Florida announces that continuing professional services are required for the following discipline: Mechanical, Electrical and Plumbing Engineer (Tampa and Lakeland Campuses).

Projects included in the scope of this agreement will be specific projects for renovations, alterations, new construction and additions that have a basic construction budget estimated to be \$1,000,000 or less, or studies for which the fee for professional services is \$100,000 or less. Continuing Service contracts for these projects provide that the consultant will be available on an as-needed basis for the contract period during the fiscal year, July 1, 2003 to June 30, 2004. Award of contract includes an Owner's option to renew for one (1) year. The consultant receiving the award will not have an exclusive contract to perform services for these projects. The university may have additional continuing service professionals under contract during the same time period.

Firms desiring to provide professional services shall submit a letter of interest specifying the discipline for which they are applying and a completed "USF Professional Qualifications Supplement for Mechanical, Electrical and Plumbing Engineer" form dated April 2003. Proposals must not exceed 40 pages, including the "USF Professional Qualifications Supplement" and letter of interest. Pages must be numbered consecutively. Submittals that do not comply with these requirements or do not include the requested data will not be considered. No submittal material will be returned.

Attach to each letter of interest:

1. The "USF Professional Qualifications Supplement for Mechanical, Electrical and Plumbing Engineer" form dated April 2003 completed by the applicant. 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 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 properly chartered by the Florida Department of State to operate in Florida.

Selection of finalists for interview will be made on the basis of professional qualifications, including experience and ability; past experience; design ability; volume of work; and distance from project.

The plans and specifications for University of South Florida projects are subject to reuse in accordance with the provisions of Section 287.055, Florida Statutes. As required by Section 287.133, Florida Statutes, a consultant may not submit a proposal for this project if it is on the convicted vendor list for a public entity crime committed within the past 36 months. The selected consultant must warrant that it will neither utilize the services of, nor contract with, any supplier, subcontractor, or consultant in excess of \$25,000.00 in connection with this project for a period of 36 months from the date of their being placed on the convicted vendor list.

The "USF Professional Qualification Supplement for Mechanical, Electrical and Plumbing Engineer" form dated April 2003 and "Project Fact Sheet", which includes project information, may be obtained by contacting: Kathy Bennett, Contracts Administrator, Facilities Planning and Construction, University of South Florida, FPC110, 4202 East Fowler Avenue, Tampa, Florida 33620-7550, Phone (813)974-3098, (813)974-2625 or Fax (813)974-3542.

All Interested firms are invited and encouraged to attend a Pre-Submittal Meeting to be held at 10:00 a.m., Eastern Standard Time, on Tuesday, September 9, 2003, at the University of South Florida, Tampa Campus, Facilities Planning and Construction, Conference Room FPC109, 4202 East Fowler Avenue, Tampa, Florida, to review the scope and requirements of this project. Requests for meetings by individual firms will not be granted.

It shall be noted that no verbal communication shall take place between the applicants and the employees of the University of South Florida, except as provided at the Pre-Submittal Meeting, the Pre-Interview Meeting and the request for the PQS and Fact Sheet. Requests for any project information must be in writing to the above address.

Six (6) bound copies of the above required proposal data shall be submitted to: Emil Dacanay, P.E., Project Manager, Facilities Planning and Construction, University of South Florida, 4202 East Fowler Avenue, FPC110, Tampa, Florida 33620-7550. Applications that do not comply with the above instructions may be disqualified. Application material will not be returned.

Submittals must be received at the above campus address (4202 East Fowler Avenue, FPC110, Tampa, Florida 33620-7550), to the attention of Emil Dacanay, P.E., Project Manager, by 2:00 p.m. Eastern Time, on Monday, September 22, 2003. Facsimile (FAX) submittals are not acceptable and will not be considered. The Selection Committee may reject all proposals and stop the selection process at any time.

---



## 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 and Location:** Continuing Services Contracts for all sites of Florida International University, Miami, Florida

**Project Description:** The construction Manager will be the single point of responsibility for performance of the project construction contracts, functioning as an independent contractor, publicly bidding trade contracts.

Continuing Services Contracts are specific projects for renovations, alterations, and additions that have a basic construction budget estimated to be \$1,000,000 or less. Accordingly, the selected firm(s) minimum bonding capacity should be \$1,000,000. This will be a multiple award contract for an initial period of one year with an Owner's option to renew an additional year. Two contracts will be awarded. Campus Service Contracts provide that the consultant will be available on an as-needed basis for the Fiscal Year, July 1 – June 30.

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; qualification of the firm's personnel, and staff and consultants. Finalists will be provided with a list of the final interview evaluation criteria, and a copy of the standard SUS construction management agreement for continuing services projects. The final ranking shall be determined based on oral presentations and references. The Selection Committee may reject all proposals and stop the selection process at any time.

## INSTRUCTIONS

Firms desiring to provide construction management services for this project shall submit a letter of application and a completed State of Florida, Board of Regents "Construction Manager Qualifications Supplement," (CMQS). Proposals must not exceed 80 pages, including the Construction Manager Qualifications Supplement and letter of application. Pages must be numbered consecutively. Submittals that do not comply with these requirements or do not include the requested data will not be considered. It is the intent of FIU to encourage participation by qualified Minority Business Enterprises, however State of Florida MBE certification is not a factor in the selection process. 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.

Construction Manager Qualifications Supplement forms and the Project Fact Sheet may be obtained by contacting: Facilities Management, Florida International University, Campus Support Complex, Room 236, University Park, Miami, Florida 33199, telephone (305)348-4000 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. Eight (8) bound copies of the required proposal data shall be submitted to: Selection Committee, Florida International University, Facilities Planning and Construction, Campus Support Complex, Room 236, University Park, Miami, Florida 33199. Submittals must be received by 2:00 p.m., local time, on September 22, 2003. Late submittals shall be disqualified. Facsimile (FAX) submittals are not acceptable and will not be considered.

## NOTICE TO PROFESSIONAL CONSULTANTS

## Request for Qualifications (RFQ)

## Professional Services

## For

## Annual Contract for Architectural Services

The Office of Facilities Planning and Construction announces that professional services are required for an annual contract for Architectural Services for Duval County Public Schools. The firm(s) selected under an annual contract will be responsible for assigned projects having estimated construction costs and study fees not exceeding the threshold amounts of \$1,000,000 (construction) and \$50,000 (study fees) respectively, provided for in Section 287.055, Florida Statutes. This will be a multiple award contract for an initial period of one year with an option to renew for two additional one-year periods.

Applications are to be sent to: Duval County Public Schools, Facilities Planning and Construction, 1701 Prudential Drive, 5th Floor, Jacksonville, FL 32207-8182

PROJECT MANAGER: James Womack

PHONE NO.: (904)390-2279

RESPONSE DUE DATE: RFQ's ARE DUE ON OR BEFORE SEPTEMBER 30, 2003 AND WILL BE ACCEPTED UNTIL 4:30 P.M.

MBE GOALS: 20% Overall

Information on the selection process can be found at [www.educationcentral.org/facilities](http://www.educationcentral.org/facilities) under Forms and Standards, General Documents, Selection of Architect/Engineer.

**DEPARTMENT OF TRANSPORTATION**

The Florida Department of Transportation, District 5 is soliciting bids to re-wire the District 5 Office Complex for Data and Phone as described below. Sealed bids will be accepted until 2:00 p.m. (local time) Thursday, September 23, 2003 at: Florida Department of Transportation, District Five Office, 719 S. Woodland Boulevard, DeLand, Florida 32720, District Contracts Office, 4th Floor, Rm. 4C75. Mailed bids, regular or overnight, must be received in the District Five mailroom by the 2:00 p.m. deadline. Address mailed Packages: "Sealed Bid, MS522P, Attention Cindy Maluda". Bids will be publicly opened and read aloud on:

**DATE AND TIME:** September 23, 2003, (shortly after 2:00 p.m. deadline)

**PLACE:** Florida Department of Transportation, District Five Office, 719 S. Woodland Boulevard, DeLand, Florida  
State Project Number: 403995-2-52

Contract Number: E5F88

Work under this contract consists of the following: Remove and Replace all existing Data and Voice wiring currently installed in the DeLand District Office Complex building and attached annex building, located at 719 South Woodland Boulevard, DeLand, FL.

A MANDATORY PRE-BID CONFERENCE is scheduled for September 11, 2003 at 10:00 a.m. (local time), at the Departments District Office Complex, located at 719 South Woodland Blvd., Deland, FL. Agency representatives will be present to discuss the Plans, Specifications and Contract Documents for this project.

ANY CONTRACTOR WHO DOES NOT ATTEND THIS MANDATORY PRE-BID MEETING IN ITS ENTIREITY WILL NOT BE ELIGIBLE TO BID THIS PROJECT.

**PREQUALIFICATION:** There is no prequalification to bid this project. After the bid opening, the Department will verify that the lowest responsible bidder meets qualifications in accordance with Rule 60D-5.004, F.A.C.

**PLANS AND SPECIFICATIONS/BID DOCUMENTS:** All orders for Plans, Specifications, and Bid Documents is available by contacting Cindy Maluda in the District Contracts Office, 719 S. Woodland Boulevard, DeLand, Florida 32720, Phone (386)943-5523.

**NOTE:** Proposal documents will be issued at the mandatory pre-bid meeting, September 11, 2003. No proposal documents will be issued after that time. Bids must be submitted in full accordance with the requirements of the Plan Drawings, Specifications, Bidding Conditions and Contractual Conditions. Requirements for project noted above:

1. **MINORITY PROGRAM:** The Owner encourages the recruitment and utilization of certified and non-certified minority businesses. The Owner, its contractors, suppliers, and consultants should take all necessary and reasonable steps to

ensure that minority businesses have an opportunity to compete for and perform contract work for the Owner in a nondiscriminatory environment.

2. **BID BOND:** If the bid on a project exceeds \$100,000, the bidder must provide with his bid, a good faith deposit in the amount of five percent of the bid. This may be accomplished by way of a bid bond from a surety insurer authorized to do business in this State as surety, a certified check made payable to Florida Department of Transportation, a cashier's check, treasurer's check or bank draft of any national or state bank. A bid bond, check or draft in an amount less than five per cent of the actual bid will invalidate the bid. Bid bonds shall conform to the (Exhibit) furnished with the proposal forms.

3. **PERFORMANCE AND LABOR AND MATERIAL PAYMENT BOND:** If the contract award amount exceeds \$100,000, a Performance Bond and Labor and Material Payment Bond for the full amount will be required.

4. **BID POSTING:** Unless otherwise notified in writing, the Summary of Bids and Notice of Intent will be posted on September 24, 2003. Posting may be viewed in The Main Lobby of the DeLand District Office, 719 S. Woodland Boulevard, DeLand, Florida. In the event that the Summary of Bids and Notice of Intent cannot be posted on this date, then all bidders will be notified by certified United States mail or express delivery, return receipt requested or by fax transmission, receipt acknowledged. Information concerning posting may be obtained by calling the District Contracts Office, (386)943-5523.

5. **BID SOLICITATION/AWARD/NON-AWARD PROTEST RIGHTS:** Any person adversely affected by this Bid Solicitation shall file a notice of protest within 72 hours of receipt of the bid documents. Any person adversely affected by the intended decision of the Department to award a contract or to reject all bids shall file a notice of protest within 72 hours after the posting of the Summary of Bids. If notice of intended decision is given by certified mail or express delivery, the adversely affected person must file the notice of protest within 72 hours after receipt of the notice of intent. A formal written protest must be filed within ten days after filing the notice of protest. The formal written protest shall state with particularity the facts and law upon which the protest is based. All protests must be submitted in accordance with Section 120.57(3), Florida Statutes. The required notice of protest and formal protest must each be timely filed with the Clerk of Agency Proceedings, Florida Department of Transportation, 605 Suwannee Street, Mail Station 58, Tallahassee, Florida 32399-0458. Failure to file a protest within the time prescribed in Section 120.57(3), Florida Statutes, shall constitute a waiver of proceedings under Chapter 120, Florida Statutes.

The Department reserves the right to reject any or all bids.

## BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

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

## WATER MANAGEMENT DISTRICTS

### REQUEST FOR QUALIFICATIONS FOR SPRING CREEK TRAIL, PHASE I RFQ NO. 02/03-054RM

The Suwannee River Water Management District (DISTRICT) announces its interest in selecting a qualified engineering consultant – contractor team or design-build firm (FIRM) with the necessary expertise to design and construct a paved trail in Taylor County.

**PROJECT SCOPE:** Engineering design, permitting, construction, and inspection services to construct approximately 3.8 miles of 10-foot wide asphalt trail. All construction will be on land and right-of-way owned by Taylor County.

**PROJECT LOCATION:** Taylor County, Florida, on County Road 356 from historic Hampton Springs Hotel site to Landfill Road.

**PROJECT FUNDING:** This project is funded by the federal Intermodal Surface Transportation Efficiency Act (ISTEA) through the Florida Department of Transportation. The proposed contract value is approximately \$350,000.

**RESPONDENT QUALIFICATIONS:** The respondent must be capable of bonding at 100 percent of the value of the contract with a surety licensed to do business in the State of Florida. The respondent must be licensed in the State of Florida in accordance with Section 287.055, Florida Statutes and Chapter 60D-13, Florida Administrative Code, and have experience in the delivery of design-build projects.

**PRE-QUALIFICATION CONFERENCE:** A mandatory pre-qualification conference will be held on September 9, 2003, 10:00 a.m., at the Taylor County Board room, 201 East Green Street, Perry Florida 32347. Each FIRM shall be required to sign in at the pre-qualification conference. Failure to sign in shall result in the Statement of Qualifications being rejected.

**STATEMENT OF QUALIFICATIONS DUE DATE:** The Statement of Qualifications will be received until 4:00 p.m., September 26, 2003, at the Suwannee River Water Management District, 9225 County Road 49, Live Oak, Florida 32060. All Statement of Qualifications shall be clearly marked "RFQ 02/03-054RM, Spring Creek Trail, Phase I." Faxed Statement of Qualifications will not be accepted.

A copy of the Request for Qualifications and the Design and Construction Criteria Package may be obtained from the District's web site: [www.mysuwanneeriver.com](http://www.mysuwanneeriver.com) or by contacting:

Sandra Keiser, Administrative Assistant  
Department of Resource Management  
Suwannee River Water Management District  
9225 County Road 49  
Live Oak, Florida 32060  
(386)362-1001 or 1(800)226-1066 (Florida Only)

## DEPARTMENT OF ELDER AFFAIRS

### REQUEST FOR PROPOSALS

Competitive proposals will be received by the Mid-Florida Area Agency on Aging, Inc. until 4:00 p.m. on October 10, 2003 for the provision of an array of home and community based supportive, nutrition and family caregiver services under the Older Americans Act to older persons residing in the following counties respectively: Alachua, Bradford, Citrus, Columbia, Dixie, Gilchrist, Hamilton, Hernando, Lafayette, Lake, Levy, Marion, Putnam, Sumter, Suwannee, and Union. The proposal package and application instructions may be obtained from the office of the Mid-Florida Area Agency on Aging, Inc. on August 22, 2003 or thereafter. A bidders conference will be conducted concerning this Request for Proposals at 1:00 p.m. on August 29, 2003. Interested parties are encouraged to attend the bidders conference at the following location:

Florida Farm Bureau Building, Room 239A  
5700 S. W. 34th Street  
Gainesville, Florida

The Mid-Florida Area Agency on Aging, Inc. reserves the right to reject any and all proposals.

Correspondence concerning this Request for Proposals should be addressed to:

Ms. Vidya R. Hogan, Director of Planning and Programs  
Mid-Florida Area Agency on Aging, Inc.  
5700 S. W. 34th Street, Suite 222  
Gainesville, Florida 32608  
(352)378-6649

### REQUEST FOR PROPOSALS

Competitive proposals will be received by the Mid-Florida Area Agency on Aging, Inc. until 4:00 p.m. on October 10, 2003 for the provision of an array of home and community based disease prevention, health promotion and family caregiver services under the Older Americans Act to older persons residing in the following counties respectively: Alachua, Bradford, Citrus, Columbia, Dixie, Gilchrist, Hamilton, Hernando, Lafayette, Lake, Levy, Marion, Putnam, Sumter, Suwannee, and Union. The proposal package and

application instructions may be obtained from the office of the Mid-Florida Area Agency on Aging, Inc. on August 22, 2003 or thereafter. A bidders conference will be conducted concerning this Request for Proposals at 3:00 p.m. on August 29, 2003. Interested parties are encouraged to attend the bidders conference at the following location:

Florida Farm Bureau Building, Room 239A  
5700 S. W. 34th Street  
Gainesville, Florida

The Mid-Florida Area Agency on Aging, Inc. reserves the right to reject any and all proposals.

Correspondence concerning this Request for Proposals should be addressed to:

Ms. Vidya R. Hogan, Director of Planning and Programs  
Mid-Florida Area Agency on Aging, Inc.  
5700 S. W. 34th Street, Suite 222  
Gainesville, Florida 32608  
(352)378-6649

**DEPARTMENT OF ENVIRONMENTAL PROTECTION**

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

**Section XII  
Miscellaneous**

**DEPARTMENT OF COMMUNITY AFFAIRS**

DCA Final Order No. DCA O3-OR-226  
STATE OF FLORIDA

DEPARTMENT OF COMMUNITY AFFAIRS

In re: A LAND DEVELOPMENT REGULATION  
ADOPTED BY CITY OF KEY COLONY BEACH  
ORDINANCE NO. 346-2002

**FINAL ORDER**

The Department of Community Affairs (the "Department") hereby issues its Final Order, pursuant to §§ 380.05(6) and (11), Fla. Stat., and § 380.0552(9), Fla. Stat. (2002), approving a land development regulation adopted by the City of Key Colony Beach as set forth below.

**FINDINGS OF FACT**

1. On July 14, 2003, the Department received for review City of Key Colony Beach Ordinance No. 346-2002, which was adopted by the City of Key Colony Beach Board of City Commissioners on November 14, 2002 ("Ord. 346-2002"). This Ordinance was held for submission until the Comprehensive Plan Future Land Use Map and Zoning

District Map were amended. The purpose of Ord. 346-2002 is to amend Article II, Definitions, to add "Private Passenger Vehicle" and to amend Article III, District Regulations, adding "Section 101-14, R-2C, Dwelling Unit Residence District." Additionally, Ord. 346-2002 rennumbers former Sections 101-14 through 101-18 to Sections 101-15 through 101-19 of the City's Land Development Regulations.

2. Ord. 346-2002 is consistent with the City's Comprehensive Plan.

**CONCLUSIONS OF LAW**

3. The Department is required to approve or reject land development regulations that are enacted, amended or rescinded by any local government in the Florida Keys Area of Critical State Concern. §§ 380.05(6) and (11), Fla. Stat., and § 380.0552(9), Fla. Stat. (2002).

4. The City of Key Colony Beach is a local government within the Florida Keys Area of Critical State Concern. § 380.0552, Fla. Stat. (2002) and Rule 28-29.002 (superseding Chapter 27F-8), Fla. Admin. Code.

5. "Land development regulations" include local zoning, subdivision, building and other regulations controlling the development of land. § 380.031(8), Fla. Stat. (2002). The regulations adopted by Ord. 346-2002 are land development regulations.

6. All land development regulations enacted, amended or rescinded within an area of critical state concern must be consistent with the Principles for Guiding Development (the "Principles"). The Principles are construed as a whole and no specific provision is construed or applied in isolation from the other provisions. § 380.0552(7), Fla. Stat. (2002).

7. Ordinance 346-2002 is consistent with the following Principles:

(a) To strengthen local government capabilities for managing land use and development so that local government is able to achieve these objectives without the continuation of the area of critical state concern designation.

(d) To ensure the maximum well-being of the Florida Keys and its citizens through sound economic development.

(e) To limit the adverse impacts of development on the quality of water throughout the Florida Keys.

(l) To protect the public health, safety, and welfare of the citizens of the Florida Keys and maintain the Florida Keys as a unique Florida resource.

8. Ord. 346-2002 is not inconsistent with the remaining Principles. Ord. 346-2002 is consistent with the Principles for Guiding Development as a whole.

WHEREFORE, IT IS ORDERED that Ord. 346-2002 is found to be consistent with the Principles for Guiding Development of the Florida Keys Area of Critical State Concern, and is hereby APPROVED.

This Order becomes effective 21 days after publication in the Florida Administrative Weekly unless a petition is filed as described below.

DONE AND ORDERED in Tallahassee, Florida.

CHARLES GAUTHIER, ACTING DIRECTOR

Division of Community Planning  
Department of Community Affairs  
2555 Shumard Oak Boulevard  
Tallahassee, Florida 32399-2100

NOTICE OF ADMINISTRATIVE RIGHTS

ANY PERSON WHOSE SUBSTANTIAL INTERESTS ARE AFFECTED BY THIS ORDER HAS THE OPPORTUNITY FOR AN ADMINISTRATIVE PROCEEDING PURSUANT TO SECTION 120.569, FLORIDA STATUTES, REGARDING THE AGENCY'S ACTION. DEPENDING UPON WHETHER YOU ALLEGE ANY DISPUTED ISSUE OF MATERIAL FACT IN YOUR PETITION REQUESTING AN ADMINISTRATIVE PROCEEDING, YOU ARE ENTITLED TO EITHER AN INFORMAL PROCEEDING OR A FORMAL HEARING.

IF YOUR PETITION FOR HEARING DOES NOT ALLEGE ANY DISPUTED ISSUE OF MATERIAL FACT CONTAINED IN THE DEPARTMENT'S ACTION, THEN THE ADMINISTRATIVE PROCEEDING WILL BE AN INFORMAL ONE, CONDUCTED PURSUANT TO SECTIONS 120.569 AND 120.57(2) FLORIDA STATUTES, AND CHAPTER 28-106, PARTS I AND III, FLORIDA ADMINISTRATIVE CODE. IN AN INFORMAL ADMINISTRATIVE PROCEEDING, YOU MAY BE REPRESENTED BY COUNSEL OR BY A QUALIFIED REPRESENTATIVE, AND YOU MAY PRESENT WRITTEN OR ORAL EVIDENCE IN OPPOSITION TO THE DEPARTMENT'S ACTION OR REFUSAL TO ACT; OR YOU MAY EXERCISE THE OPTION TO PRESENT A WRITTEN STATEMENT CHALLENGING THE GROUNDS UPON WHICH THE DEPARTMENT HAS CHOSEN TO JUSTIFY ITS ACTION OR INACTION.

IF YOU DISPUTE ANY ISSUE OF MATERIAL FACT STATED IN THE AGENCY ACTION, THEN YOU MAY FILE A PETITION REQUESTING A FORMAL ADMINISTRATIVE HEARING BEFORE AN ADMINISTRATIVE LAW JUDGE OF THE DIVISION OF ADMINISTRATIVE HEARINGS, PURSUANT TO SECTIONS 120.569 AND 120.57(1), FLORIDA STATUTES, AND CHAPTER 28-106, PARTS I AND II, FLORIDA ADMINISTRATIVE CODE. AT A FORMAL ADMINISTRATIVE HEARING, YOU MAY BE REPRESENTED BY COUNSEL OR OTHER QUALIFIED REPRESENTATIVE, AND YOU 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 RECOMMENDED ORDER.

IF YOU DESIRE EITHER AN INFORMAL PROCEEDING OR A FORMAL HEARING, YOU MUST FILE WITH THE AGENCY CLERK OF THE DEPARTMENT OF COMMUNITY AFFAIRS A WRITTEN PLEADING ENTITLED, "PETITION FOR ADMINISTRATIVE PROCEEDINGS" WITHIN 21 CALENDAR DAYS OF PUBLICATION OF THIS NOTICE. A PETITION IS FILED WHEN IT IS RECEIVED BY THE AGENCY CLERK, IN THE DEPARTMENT'S OFFICE OF GENERAL COUNSEL, 2555 SHUMARD OAK BOULEVARD, TALLAHASSEE, FLORIDA 32399-2100.

THE PETITION MUST MEET THE FILING REQUIREMENTS IN SUBSECTION 28-106.104(2), FLORIDA ADMINISTRATIVE CODE. IF AN INFORMAL PROCEEDING IS

REQUESTED, THEN THE PETITION SHALL BE SUBMITTED IN ACCORDANCE WITH RULE 28-106.301, FLORIDA ADMINISTRATIVE CODE. IF A FORMAL HEARING IS REQUESTED, THEN THE PETITION SHALL BE SUBMITTED IN ACCORDANCE WITH SUBSECTION 28-106.201(2), FLORIDA ADMINISTRATIVE CODE.

A PERSON WHO HAS FILED A PETITION MAY REQUEST MEDIATION. A REQUEST FOR MEDIATION MUST INCLUDE THE INFORMATION REQUIRED BY RULE 28-106.402, FLORIDA ADMINISTRATIVE CODE. CHOOSING MEDIATION DOES NOT AFFECT THE RIGHT TO AN ADMINISTRATIVE HEARING.

YOU WAIVE THE RIGHT TO AN INFORMAL ADMINISTRATIVE PROCEEDING OR A FORMAL HEARING IF YOU DO NOT FILE A PETITION WITH THE AGENCY CLERK WITHIN 21 DAYS OF PUBLICATION OF THIS FINAL ORDER.

CERTIFICATE OF FILING AND SERVICE

I HEREBY CERTIFY that the original of the foregoing Final Order has been filed with the undersigned Agency Clerk of the Department of Community Affairs, and that true and correct copies have been furnished to the persons listed below by the method indicated this \_\_\_\_ day of August, 2003.

\_\_\_\_\_  
Paula Ford, Agency Clerk

By U.S. Mail:

The Honorable Edward Sheahan  
Mayor of the City of Key Colony Beach  
Post Office Box 510141  
Key Colony Beach, FL 33051

Lorine Fernandez  
Clerk of the City of Key Colony Beach  
Post Office Box 510141  
Key Colony Beach, FL 33051

NOTICE OF INTENT TO FIND  
 PUBLIC SCHOOLS INTERLOCAL AGREEMENT  
 CONSISTENT WITH SUBSECTION 163.31777(2) AND (3),  
 FLORIDA STATUTES  
 DCA DOCKET NO. 45-01

The Department gives notice of its intent to find the Public Schools Interlocal Agreement (“Agreement”) entered into by Nassau County, Callahan, Fernandina Beach, Hilliard and the Nassau County School Board, pursuant to Section 163.31777, F.S., to be consistent with the minimum requirements of Sections 163.31777(2) and (3), F.S.

The Agreement is available for public inspection Monday through Friday, except for legal holidays, during normal business hours, at the Nassau County Planning, 213 Nassau Place, Yulee, Florida 32097.

Any affected person, as defined in Section 163.31777(3)(b), F.S., has a right to petition for an administrative hearing to challenge the proposed agency determination that the Agreement is consistent with the minimum requirements of Section 163.31777(2) and (3), F.S. The petition must be filed within twenty-one (21) days after publication of this notice in the Florida Administrative Weekly, and must include all of the information and contents described in Uniform Rule 28-106.201, F.A.C. The petition must be filed with the Agency Clerk, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100, and a copy mailed or delivered to Nassau County, Callahan, Fernandina Beach, Hilliard and the Nassau County School Board. Failure to timely file a petition shall constitute a waiver of any right to request an administrative proceeding as a petitioner under Sections 120.569 and 120.57, F.S. If a petition is filed, the purpose of the administrative hearing will be to present evidence and testimony and forward a recommended order to the Department. If no petition is filed, this Notice of Intent shall become final agency action.

If a petition is filed, other affected persons may petition for leave to intervene in the proceeding. A petition for intervention must be filed at least twenty (20) days before the final hearing and must include all of the information and contents described in Uniform Rule 28-106.205, F.A.C. A petition for leave to intervene shall be filed at the Division of Administrative Hearings, Department of Management Services, 1230 Apalachee Parkway, Tallahassee, Florida 32399-3060. Failure to petition to intervene within the allowed time frame constitutes a waiver of any right such a person has to request a hearing under Sections 120.569 and 120.57, F.S., or to participate in the administrative hearing.

If a formal or informal proceeding is commenced as described above, any party to that proceeding may suggest mediation under Section 120.573, F.S. Mediation is not available as of right, and will not occur unless all parties agree to participate in the mediation. Choosing mediation does not affect the right to an administrative hearing.

-s-Charles Gauthier, AICP  
 Acting Division Director  
 Department of Community Affairs  
 Division of Community Planning  
 2555 Shumard Oak Boulevard  
 Tallahassee, Florida 32399-2100

Notice of Availability of Draft State  
 Hazard Mitigation Plan

This notice advises to the public that the Florida Department of Community Affairs has made available for public review and comments a Draft State Hazard Mitigation Plan at the agency Web-site at: <http://www.dca.state.fl.us/brm/State-Mitigation-Strategy/dloadStateHazMitDraft.htm>

The Draft State Mitigation Plan evaluates the existing and potential hazard mitigation strategy to reduce the long-term risk to the life, property, and social and economic activities of the people who live in or visit the State of Florida.

Persons wishing to comment on the Draft State Hazard Mitigation Plan are invited to submit written comments no later than September 15, 2003.

Please submit written comments to:

Department of Community Affairs  
 Division of Emergency Management  
 Bureau of Recovery and Mitigation  
 2555 Shumard Oak Boulevard  
 Tallahassee, FL 32399-2100  
 ATTN: Hank Erikson  
 E-mail address: [hank.erikson@dca.state.fl.us](mailto:hank.erikson@dca.state.fl.us)

**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, United Motors of America, Inc., intends to allow the establishment of Kannon Motorcycles of Daytona, as a dealership for the sale of motorcycles, at 101 Fairview Ave., Daytona Beach (Volusia County), Florida 32114, on or after June 27, 2003.

The name and address of the dealer operator(s) and principal investor(s) of Kannon Motorcycles of Daytona. are dealer operator(s) and principal investor(s): J. D. Carey, 101 Fairview Ave., Daytona Beach, FL 32114.

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: Juan Villegas, President, United Motors of America, Inc., 8801 N. W. 23rd Street, Miami, FL 33172.

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, United Motors of America, Inc., intends to allow the establishment of Motorcycles of Apopka as a dealership for the sale of motorcycles, at 355 West Main Street (Hwy. 441), Apopka (Orange County), Florida 32712, on or after July 1, 2003.

The name and address of the dealer operator(s) and principal investor(s) of Motorcycles of Apopka are dealer operator(s) and principal investor(s): David Kersey, 355 West Main Street (Hwy. 441), Apopka, FL 32712.

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: Juan Villegas, President, United Motors of America, Inc., 8801 N. W. 23rd Street, Miami, FL 33172.

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, United Motors of America, Inc., intends to allow the establishment of Goldcoast Motorsports as a dealership for the sale of motorcycles, at 2240 N. W. 119 St., Miami (Dade County), Florida 33167, on or after June 27, 2003.

The name and address of the dealer operator(s) and principal investor(s) of Goldcoast Motorsports are dealer operator(s) and principal investor(s): Jim Flippen, 2240 N. W. 119 St., Miami, FL 33167.

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: Juan Villegas, President, United Motors of America, Inc., 8801 N. W. 23rd Street, Miami, FL 33172.

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, United Motors of America, Inc., intends to allow the establishment of Hollywood Autobrokers as a dealership for the sale of motorcycles, at 1335 Adams Street, Hollywood (Broward County), Florida 33019, on or after June 27, 2003.

The name and address of the dealer operator(s) and principal investor(s) of Hollywood Autobrokers are dealer operator(s) and principal investor(s): Richard Fonrouge, 1335 Adams Street, Hollywood, FL 33019.

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: Juan Villegas, President, United Motors of America, Inc., 8801 N. W. 23rd Street, Miami, FL 33172.

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, United Motors of America, Inc., intends to allow the establishment of Kawasaki of Saint Petersburg as a dealership for the sale of motorcycles, at 3450 34th Street, N. In, Saint Petersburg (Pinellas County), Florida 33713, on or after June 27, 2003.

The name and address of the dealer operator(s) and principal investor(s) of Kawasaki of Saint Petersburg are dealer operator(s) and principal investor(s): Buck Beckner, 3450 34th St., N. In, Saint Petersburg, FL 33713.

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: Juan Villegas, President, United Motors of America, Inc., 8801 N. W. 23rd Street, Miami, FL 33172.

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 United Motors of America, Inc. intends to allow the establishment of Solano Cycles as a dealership for the sale of motorcycles at 32 San Marco Avenue, St. Augustine (St. Johns County), Florida 32084 on or after June 27, 2003.

The name and address of the dealer operator(s) and principal investor(s) of Solano Cycles are dealer operator(s) and principal investor(s): Martin Solano, 32 San Marco Avenue, St. Augustine, FL 32084.

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: Juan Villegas, President, United Motors of America, Inc., 8801 N. W. 23rd Street, Miami, FL 33172.



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 Relocation of  
a Franchised Motor Vehicle Dealer

in a County of More than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, Mazda Motor of America, Inc. d/b/a Mazda North American Operations ("Mazda North American Operations"), intends to allow the relocation of Ocean Auto Center, Inc. d/b/a Ocean Mazda ("Ocean Mazda"), from 850 N. W. Le Jeune Road, Miami, Florida, to a proposed location at 9675 Northwest 12th Street, Miami-Dade County, Florida (also known as 1313 Northwest 97th Avenue, Miami, Florida). The dealership at its proposed location will open on or after September 1, 2003.

The principal investor of Ocean Mazda is: Sema, Inc., whose address is: 850 N. W. LeJeune Road, Miami-Dade County, Florida 33126. The dealer operator of Ocean Mazda is Juan Martinez, whose address is: 850 N. W. LeJeune Road, Miami-Dade County, Florida 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.

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: Greg Smith, Mazda North American Operations, 8313 Baycenter Road, Jacksonville, Florida 32256. 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.

This relocation was the subject of a previous notice which was published in the Florida Administrative Weekly on July 14, 2000. No protests were filed to the relocation and it is the position of Mazda North American Operations that no protests can now be filed, inasmuch as the current notice involves a relocation which was previously published and not subject to a protest by any competing Mazda dealer. Mazda North American Operations reserves the right to challenge a protest on this ground.

---

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 Global Electric Motorcars, LLC intends to allow the establishment of Beck Auto Sales, Inc. d/b/a Beck Chrysler Dodge Jeep, as a dealership for the sale of GEM motorcars at 256 Highway 17, North, Palatka (Putnam County), Florida 32177 on or after September 1, 2003.

The name and address of the dealer operator(s) and principal investor(s) of Beck Auto Sales, Inc. d/b/a Beck Chrysler Dodge Jeep are dealer operator(s) and principal investor(s): Preston B. Sloan, Carl C. Beck, and Daryl R. Yonker, 256 Highway 17 North, Palatka, FL 32177

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: Mary C. Johnson, Controller, Global Electric Motorcars, LLC, 1301 39th Street, N. W., Suite 2, Fargo, ND 58102.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

Notice of Publication for a New Point  
Franchise Motor Vehicle Dealer in a County of More  
than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, Nissan Diesel America, Inc., intends to allow the establishment of Rush Truck Centers of Florida, Inc. as a dealership for the sale of UD trucks, at 12475 West Colonial Drive, Winter Garden (Orange County), Florida 34787, on or after July 3, 2003.

The name and address of the dealer operator(s) and principal investor(s) of Rush Truck Centers of Florida, Inc. are dealer operator(s): W. Marvin Rush, P. O. Box 34630, San Antonio, TX 78265 and principal investor(s): Rush Enterprises, Inc., P. O. Box 34630, San Antonio, TX 78265.

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: Dave Trussell, Director of Marketing, Nissan Diesel America, Inc., P. O. Box 152034, Irving, TX 75015-2034.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

Notice of Publication for a New Point  
Franchise Motor Vehicle Dealer in a County of More  
than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, Nissan Diesel America, Inc., intends to allow the establishment of Stover Sales, Inc. as a dealership for the sale of UD trucks, at 3001 Faye Road, Jacksonville (Duval County), Florida 32218, on or after September 15, 2003.

The name and address of the dealer operator(s) and principal investor(s) of Stover Sales, Inc. are dealer operator(s): Thomas P. Stover, 320 Baisden Road, Jacksonville, FL 32218 and principal investor(s): Thomas P. and Linda Stover, 320 Baisden Road, Jacksonville, FL 32218.

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: Dave Trussell, Director of Marketing, Nissan Diesel America, Inc., P. O. Box 152034, Irving, TX 75015-2034.

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, Global Electric Motorcars, LLC, intends to allow the establishment of Bob Wilson Dodge, Inc. as a dealership for the sale of GEM motorcars, at 11945 North Florida Avenue, Tampa (Hillsborough County), Florida 33612, on or after September 1, 2003.

The name and address of the dealer operator(s) and principal investor(s) of Bob Wilson Dodge, Inc. are dealer operator(s) and principal investor(s): The Robert Wilson Revocable Trust, Retirement Accounts for Robert M. Wilson, The Patricia M. Wilson Revocable Trust, The Ansley Wilson Kriz Revocable Trust and Robert M. Wilson, 11945 North Florida Avenue, Tampa, FL 33612.

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: Mary C. Johnson, Controller, Global Electric Motorcars, LLC, 1301 39th Street, N. W., Suite 2, Fargo, ND 58102.

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 Isuzu Commercial Truck of America, Inc., intends to allow the establishment of Palm Peterbilt – GMC Trucks, Inc., as a dealership for the sale of Isuzu extra duty vehicles at 5750 Orange Avenue, Ft. Pierce (St. Lucie County), Florida 34947 on or after August 15, 2003.

The name and address of the dealer operator(s) and principal investor(s) of Palm Peterbilt – GMC Trucks, Inc. are dealer operator(s) and principal investor(s): Victor Weiger, 470 Bontona Avenue, Ft. Lauderdale, FL 33301.

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: Edwin T. Robinson, Operating Manager – Dealer Network, Isuzu Commercial Truck of America, Inc., 13340 183rd Street, Cerritos, CA 90702.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

---

Notice of Publication for a New Point

Franchise Motor Vehicle Dealer in a County of More than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, Champion Bus, Inc. intends to allow the establishment of America's Bus Superstore, as a dealership for the sale of Champion Buses, at 1150 Jetport Drive, Orlando (Orange County), Florida 32809, on or after June 3, 2003.

The name and address of the dealer operator(s) and principal investor(s) of America's Bus Superstore are dealer operator(s) and principal investor(s): Preben Olesen, 12634 Valencia Drive, Clermont, FL 34711.

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: Richard Lee, Director of Sales, Champion Bus, Inc., 331 Graham Road, P. O. Box 158, Imlay City, MI 48444.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

Notice of Publication for 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 an open point Toyota dealership Toyota of Royal Palm Beach as a dealership for the sale of Toyota vehicles, in Wellington (Palm Beach County), Florida on or after December 31, 2004. See "Legal Description" / Exhibit "A" as followed:

EXHIBIT "A"

LEGAL DESCRIPTION  
PROPERTY

All that certain piece parcel or tract of land situate lying and being in section 31, Township 43 South, range 42 East of Tallahassee Base Meridian and being a portion of lot 8, Royal Palm Town Center, as recorded in plat book 95, pages 193 through 195, of the public records of Palm Beach County, Florida. Said lands being more particularly bounded and described as follows, to wit:

Commencing at the Northeast corner of said lot 8; Thence, bearing S. 88°59'17" W, along the North line of said lot 8, a distance of 397.33 feet to the point of beginning of the lands described herein;

Thence, leaving said North line, bearing S 01°00'00" E, a distance of 75.00 feet to a point; Thence bearing S 88°59'05" W, a distance of 47.00 feet to a point; Thence bearing 01°00'00" E, a distance of 264.99 feet to a point; Thence bearing S 89°01'09" W, along the North line of said tract a and the Easterly extension thereof, a distance of 1615.56 feet to point on the West line of said lot 8; Thence, bearing N 01°00'03" W. along said West line, a distance of 339.11 feet to a point, Thence bearing N 88°59'17" E along said North line, a distance of 1662.63 Feet to the point of beginning;

Less and except for the following:

All that certain piece parcel or tract of land situate lying and being in section 31, township 43 south, range 42 east of Tallahassee Base Meridian and being a portion of Lot 8, Royal Palm Town Center, as recorded in plat book 95, pages 193 – 195, of the public records of Palm Beach County, Florida. Said lands being more particularly bounded and described as follows: to Wit.

Commencing at the Northeast corner of said lot 8; Thence bearing S 88°59'17" W, along the North line of said lot 8, a distance of 1418.46 feet to the point of beginning of the lands described herein;

Thence bearing S 01°00'43" E, parallel to the West line of said lot 8, a distance of 339.46 feet, to a point of intersection with the North line of tract A of said plat;

Thence bearing S 89°01'09" W, along the North line of said tract A, a distance of 641.50 feet to the West line of said lot 8;

Thence bearing N 01°00'43" W, along the West line of said Lot 8, a distance of 339.11 feet to the North line of said lot 8;

Thence bearing N 88°59'17" E, along the North line of said lot 8, a distance of 641.50 feet to the point and place of beginning;

The name and address of the dealer operator(s) and principal investor(s) of Toyota of Royal Palm Beach are dealer operator(s): Roger Carter, Responsible Executive, United Auto Group, Inc., 3150 Steve Reynolds Blvd., Suite 200, Duluth, GA 30096; principal investor(s): United Auto Group, Inc., 3150 Steve Reynolds Blvd., Suite 200, Duluth, GA 30096

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 33443.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

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

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

**AGENCY FOR HEALTH CARE ADMINISTRATION**

The Agency for Health Care Administration has received an application for services exemption from Glades General Hospital, Belle Glade, Florida pursuant to Section 395.1041(3), Florida Statutes and Rule 59A-3.207, Florida Administrative Code. The services categories which the exemptions are requested are: Obstetrics and gynecology. Comments received within 15 days of publication will be considered by the Agency prior to making a determination exemption status.

Additional information may be obtained by writing to the Agency for Health Care Administration, 2727 Mahan Drive, MS #31, Tallahassee, Florida 32308, by phone at (850)487-2717 or by e-mailing: Sonya Longfellow, Hospital and Outpatient Services Unit at longfels@fdhc.state.fl.us

CERTIFICATE OF NEED  
LETTERS OF INTENT

The Agency For Health Care Administration received and accepted the following letters of intent for the September 10, 2003 application filing date for Hospital Beds and Facilities batching cycle:

County: Escambia District: 1  
Date Filed: August 11, 2003 LOI#: H0308001  
Facility/Project: Sacred Heart Hospital  
Applicant: Sacred Heart Health System, Inc.  
Project Description: Add up to eight Level III NICU beds  
County: Escambia District: 1  
Date Filed: August 11, 2003 LOI#: H0308002  
Facility/Project: Select Specialty Hospital-Escambia, Inc.  
Applicant: Select Specialty Hospital-Escambia, Inc.  
Project Description: Establish a long-term care hospital of up to 60 beds at Sacred Heart Hospital  
County: Marion District: 3  
Date Filed: August 5, 2003 LOI#: H0308003  
Facility/Project: Kindred Hospitals East, L.L.C.  
Applicant: Kindred Hospitals East, L.L.C.  
Project Description: Establish a long-term care hospital of up to 40 beds  
County: Duval District: 4  
Date Filed: August 11, 2003 LOI#: H0308004  
Facility/Project: Select Specialty Hospital-Duval, Inc.  
Applicant: Select Specialty Hospital-Duval, Inc.  
Project Description: Establish a long-term care hospital of up to 40 beds at Shands-Jacksonville Medical Center  
County: Volusia District: 4  
Date Filed: August 6, 2003 LOI#: H0308005  
Facility/Project: SemperCare of Volusia, Inc.  
Applicant: SemperCare of Volusia, Inc.  
Project Description: Establish a long-term care hospital of up to 50 beds at Florida Hospital Oceanside  
County: Pinellas District: 5  
Date Filed: July 25, 2003 LOI#: H0308006  
Facility/Project: Palms of Pasadena Hospital, L.P.  
Applicant: Palms of Pasadena Hospital, L.P.

Project Description: Establish up to a 20-bed comprehensive medical rehabilitation unit through the conversion of a combination of up to 20 acute care beds and skilled nursing beds at Palms of Pasadena Hospital.  
County: Polk District: 6  
Date Filed: August 6, 2003 LOI#: H0308007  
Facility/Project: SemperCare Hospital of Lakeland, Inc.  
Applicant: SemperCare Hospital of Lakeland, Inc.  
Project Description: Establish a long-term care hospital of up to 40 beds at Lakeland Regional Medical Center  
County: Orange District: 7  
Date Filed: August 7, 2003 LOI#: H0308008  
Facility/Project: University Behavioral Center  
Applicant: Orlando HMA, Inc.  
Project Description: Add 24 IRTF beds  
County: Orange District: 7  
Date Filed: August 11, 2003 LOI#: H0308009  
Facility/Project: Select Specialty Hospital-Orange, Inc.  
Applicant: Select Specialty Hospital-Orange, Inc.  
Project Description: Establish a long-term care hospital of up to 40 beds at Lucerne Medical Center  
County: Brevard District: 7  
Date Filed: August 11, 2003 LOI#: H0308010  
Facility/Project: Ten Broeck Central Florida, Inc.  
Applicant: Ten Broeck Central Florida, Inc.  
Project Description: Establish up to a 57-bed child and adolescent psychiatric hospital  
County: Orange District: 7  
Date Filed: August 11, 2003 LOI#: H0308011  
Facility/Project: Ten Broeck Central Florida, Inc.  
Applicant: Ten Broeck Central Florida, Inc.  
Project Description: Establish up to a 57-bed child and adolescent psychiatric hospital  
County: Osceola District: 7  
Date Filed: August 11, 2003 LOI#: H0308012  
Facility/Project: Ten Broeck Central Florida, Inc.  
Applicant: Ten Broeck Central Florida, Inc.  
Project Description: Establish up to a 57-bed child and adolescent psychiatric hospital  
County: Seminole District: 7  
Date Filed: August 11, 2003 LOI#: H0308013  
Facility/Project: Ten Broeck Central Florida, Inc.  
Applicant: Ten Broeck Central Florida, Inc.  
Project Description: Establish up to a 57-bed child and adolescent psychiatric hospital

County: Lee District: 8  
 Date Filed: August 11, 2003 LOI#: H0308014  
 Facility/Project: Lee Behavioral Health Systems, Inc.  
 Applicant: Lee Behavioral Health Systems, Inc.  
 Project Description: Establish an adult psychiatric hospital of up to 55 beds

County: Sarasota District: 8  
 Date Filed: August 11, 2003 LOI#: H0308015  
 Facility/Project: HealthSouth Rehabilitation Hospital of Sarasota  
 Applicant: HealthSouth of Sarasota, LP  
 Project Description: Replace up to 76 comprehensive medical rehabilitation beds

County: Lee District: 8  
 Date Filed: August 11, 2003 LOI#: H0308016  
 Facility/Project: Long Term Care Hospital of SW Florida, Inc.  
 Applicant: Long Term Care Hospital of SW Florida, Inc.  
 Project Description: Establish a long-term care hospital of up to 50 beds on campus of a Lee Memorial Health System facility

County: Lee District: 8  
 Date Filed: August 11, 2003 LOI#: H0308017  
 Facility/Project: Select Specialty Hospital-Lee, Inc.  
 Applicant: Select Specialty Hospital-Lee, Inc.  
 Project Description: Establish a long-term care hospital of up to 60 beds

County: Sarasota District: 8  
 Date Filed: August 11, 2003 LOI#: H0308018  
 Facility/Project: Select Specialty Hospital-Sarasota, Inc.  
 Applicant: Select Specialty Hospital-Sarasota, Inc.  
 Project Description: Establish a long-term care hospital of up to 44 beds

County: Sarasota District: 8  
 Date Filed: August 6, 2003 LOI#: H0308019  
 Facility/Project: SemperCare Hospital of Sarasota, Inc.  
 Applicant: SemperCare Hospital of Sarasota, Inc.  
 Project Description: Establish a long-term care hospital of up to 40 beds at Sarasota Memorial Hospital

County: Lee District: 8  
 Date Filed: August 8, 2003 LOI#: H0308020  
 Facility/Project: Southwest Florida Regional Medical Center, Inc.  
 Applicant: Southwest Florida Regional Medical Center, Inc.  
 Project Description: Construct a replacement facility of 323 acute care beds and the adult open heart surgery and adult kidney transplantation programs

County: Palm Beach District: 9  
 Date Filed: August 5, 2003 LOI#: H0308021  
 Facility/Project: Kindred Hospitals East, L.L.C.  
 Applicant: Kindred Hospitals East, L.L.C.

Project Description: Establish a long-term care hospital of up to 70 beds

County: Palm Beach District: 9  
 Date Filed: August 11, 2003 LOI#: H0308022  
 Facility/Project: Select Specialty Hospital-Palm Beach, Inc.  
 Applicant: Select Specialty Hospital-Palm Beach, Inc.  
 Project Description: Establish a long-term care hospital of up to 60 beds

County: Palm Beach District: 9  
 Date Filed: August 7, 2003 LOI#: H0308023  
 Facility/Project: Wellington Regional Medical Center  
 Applicant: Wellington Regional Medical Center, Inc.  
 Project Description: Establish a Level III NICU of up to 15 beds

County: Dade District: 11  
 Date Filed: August 8, 2003 LOI#: H0308024  
 Facility/Project: MeadowBrook Long Term Acute Care Hospital of West Gables, LLC  
 Applicant: MeadowBrook Long Term Acute Care Hospital of West Gables, LLC  
 Project Description: Establish a long-term care hospital of up to 60 beds

County: Dade District: 11  
 Date Filed: July 30, 2003 LOI#: H0308025  
 Facility/Project: Jackson Memorial Hospital  
 Applicant: Public Health Trust of Miami-Dade County  
 Project Description: Add up to 50 acute care beds through the delicensure of 50 acute care beds at Jackson Memorial Hospital-North

County: Dade District: 11  
 Date Filed: August 11, 2003 LOI#: H0308026  
 Facility/Project: Villa Maria Nursing & Rehabilitation Center, Inc.  
 Applicant: Villa Maria Nursing & Rehabilitation Center, Inc.  
 Project Description: Establish a new comprehensive medical rehabilitation hospital with up to 40 beds through the transfer of up to 40 comprehensive medical rehabilitation beds at St. Catherine's Rehab. Hospital

County: Dade District: 11  
 Date Filed: August 11, 2003 LOI#: H0308027  
 Facility/Project: Baptist Hospital of Miami  
 Applicant: Baptist Hospital of Miami, Inc.  
 Project Description: Add seven Level III NICU beds

County: Dade District: 11  
 Date Filed: August 11, 2003 LOI#: H0308028  
 Facility/Project: Jackson Memorial Hospital  
 Applicant: Public Health Trust of Miami-Dade County  
 Project Description: Add up to 10 Level III NICU beds

County: Dade District: 11  
 Date Filed: August 11, 2003 LOI#: H0308029  
 Facility/Project: Miami Children's Hospital

Applicant: Variety Children's Hospital, Inc.

Project Description: Add up to eight Level III NICU beds through the conversion of up to eight acute care beds

If requested within 14 days after notice that an application has been filed, a public hearing may be held at the local level within 21 days after October 15, 2003, the date the application is scheduled to be deemed complete. Tentative hearing dates will be published on September 26, 2003.

---

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

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

---

#### **DEPARTMENT OF HEALTH**

On August 11, 2003, John O. Agwunobi, M.D., M.B.A., Secretary of the Department of Health, issued an Order of Emergency Suspension with regard to the license of Scarlett White, R.N., license number RN 680901. This Emergency Suspension Order was predicated upon the Secretary's findings of an immediate and serious danger to the public health, safety and welfare pursuant to Sections 456.073(8) and 120.60(6), Florida Statutes. The Secretary determined that this summary procedure was fair under the circumstances, in that there was no other method available to adequately protect the public.

---

On August 11, 2003, John O. Agwunobi, M.D., M.B.A., Secretary of the Department of Health, issued an Order of Emergency Suspension with regard to the license of Lindsey Lloyd, LPN, license number PN 1312601. This Emergency Suspension Order was predicated upon the Secretary's findings of an immediate and serious danger to the public health, safety and welfare pursuant to Sections 456.073(8) and 120.60(6),

Florida Statutes. The Secretary determined that this summary procedure was fair under the circumstances, in that there was no other method available to adequately protect the public.

---

On August 11, 2003, John O. Agwunobi, M.D., M.B.A., Secretary of the Department of Health, issued an Order of Emergency Restriction with regard to the license of Karen O'Riordan, R.N., license number RN 1584392. This Emergency Restriction Order was predicated upon the Secretary's findings of an immediate and serious danger to the public health, safety and welfare pursuant to Sections 456.073(8) and 120.60(6), Florida Statutes. The Secretary determined that this summary procedure was fair under the circumstances, in that there was no other method available to adequately protect the public.

---

#### **FISH AND WILDLIFE CONSERVATION COMMISSION**

##### **AVAILABILITY OF DRAFT MANAGEMENT PLAN**

The Florida Fish and Wildlife Conservation Commission at its May 2003 meeting determined that listing the Miami blue (*Hemiargus thomasi bethunebakeri*), a butterfly, as endangered was warranted, and directed the development of a management plan. A draft management has been prepared and the Commission is now requesting written comments regarding conservation recommendations and expected economic and social impacts of implementing the management plan. Copies of the draft management plan are available at [www.wildflorida.org](http://www.wildflorida.org) or from Dr. Brad Gruver, 620 South Meridian Street, Tallahassee, FL 32399-1600. Written comments should be addressed to the above address and will be accepted until 5:00 p.m., October 6, 2003.

---

**DEPARTMENT OF FINANCIAL SERVICES**

**NOTICE OF FILINGS**

Office of Financial Regulation

Notice is hereby given that the Office of Financial Regulation has received the following applications.

Comments may be submitted to the Deputy Director, 200 East Gaines Street, Tallahassee, Florida 32399-0371, for inclusion in the official record without requesting a hearing; however, any person may request a public hearing by filing a petition with the Clerk, Legal Services Office, Office of Financial Regulation, 200 East Gaines Street, Tallahassee, Florida 32399-0379, pursuant to provisions specified in Chapter 3C-105.100, Florida Administrative Code. Petition must be received by the Clerk within twenty-one (21) days of publication of this notice (by 5:00 p.m., September 12, 2003):

**APPLICATION FOR A  
NEW FINANCIAL INSTITUTION**

Applicant and Proposed Location: Investors' Security Trust Company, 12800 University Drive, Suite 125, Fort Myers, Florida 33907

Correspondent: John P. Greeley, Suite 800, Citrus Center, 255 South Orange Avenue, Orlando, Florida 32801

Received: August 6, 2003

**APPLICATION TO ACQUIRE CONTROL**

Financial Institution to be Acquired: Marine Bank & Trust Company, Vero Beach, Florida

Proposed Purchasers: Kay H. Hazel, Washington, Missouri, Douglas E. Hazel, Washington, Missouri, Cynthia Hazel Gilbertson, Faribault, Minnesota and Hazel Investments, Washington, Missouri

Received: August 5, 2003

The Office of Financial Regulation has received a request by a credit union to expand its field of membership. Specific information regarding the expansion can be found at [http://www.dbf.state.fl.us/banking/cu\\_expansion.html](http://www.dbf.state.fl.us/banking/cu_expansion.html).

**EXPANDED FIELD OF MEMBERSHIP**

Name and Address of Applicant: City County Credit Union of Fort Lauderdale, Post Office Box 14548, Fort Lauderdale, Florida 33302-4548

Expansion Includes: Employees of Mango Marine, Inc.

Received: August 11, 2003

---



**Section XIII**  
**Index to Rules Filed During Preceding Week**

**RULES FILED BETWEEN August 4, 2003  
 and August 8, 2003**

Rule No.	File Date	Effective Date	Proposed Vol./No.	Amended Vol./No.
----------	-----------	----------------	-------------------	------------------

**DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES**

**Division of Plant Industry**

5B-2.001	8/6/03	8/26/03	29/25	
5B-2.002	8/6/03	8/26/03	29/25	
5B-2.0025	8/6/03	8/26/03	29/25	

**PUBLIC SERVICE COMMISSION**

25-14.014	8/6/03	8/26/03	29/25	
-----------	--------	---------	-------	--

**DEPARTMENT OF CORRECTIONS**

33-210.102	8/5/03	8/25/03	29/27	
33-602.210	8/5/03	8/25/03	29/26	

**AGENCY FOR HEALTH CARE ADMINISTRATION**

**Medicaid Program Office**

59G-4.190	8/5/03	8/25/03	29/27	29/31
-----------	--------	---------	-------	-------

**DEPARTMENT OF ENVIRONMENTAL PROTECTION**

62-345.100	8/6/03	2/2/04	29/12	
62-345.200	8/6/03	2/2/04	29/12	
62-345.300	8/6/03	2/2/04	29/12	
62-345.400	8/6/03	2/2/04	29/12	
62-345.500	8/6/03	2/2/04	29/12	
62-345.600	8/6/03	2/2/04	29/12	
62-345.900	8/6/03	2/2/04	29/12	
62-555.310	8/8/03	8/28/03	29/18	
62-555.312	8/8/03	8/28/03	29/18	
62-555.314	8/8/03	8/28/03	29/18	
62-555.315	8/8/03	8/28/03	29/18	
62-555.320	8/8/03	8/28/03	29/18	

Rule No.	File Date	Effective Date	Proposed Vol./No.	Amended Vol./No.
62-555.322	8/8/03	8/28/03	29/18	
62-555.325	8/8/03	8/28/03	29/18	
62-555.330	8/8/03	8/28/03	29/18	
62-555.335	8/8/03	8/28/03	29/18	
62-555.340	8/8/03	8/28/03	29/18	
62-555.345	8/8/03	8/28/03	29/18	
62-555.348	8/8/03	8/28/03	29/18	
62-555.350	8/8/03	8/28/03	29/18	
62-555.357	8/8/03	8/28/03	29/18	
62-555.360	8/8/03	8/28/03	29/18	
62-555.365	8/8/03	8/28/03	29/18	
62-555.401	8/8/03	8/28/03	29/18	
62-555.405	8/8/03	8/28/03	29/18	
62-555.500	8/8/03	8/28/03	29/18	
62-555.510	8/8/03	8/28/03	29/18	
62-555.520	8/8/03	8/28/03	29/18	
62-555.525	8/8/03	8/28/03	29/18	
62-555.527	8/8/03	8/28/03	29/18	
62-555.528	8/8/03	8/28/03	29/18	
62-555.530	8/8/03	8/28/03	29/18	
62-555.533	8/8/03	8/28/03	29/18	
62-555.536	8/8/03	8/28/03	29/18	
62-555.540	8/8/03	8/28/03	29/18	
62-555.900	8/8/03	8/28/03	29/18	

**DEPARTMENT OF HEALTH**

**Board of Dentistry**

64B5-12.013	8/5/03	8/25/03	29/25	
64B5-13.005	8/5/03	8/25/03	29/25	

**DEPARTMENT OF CHILDREN AND FAMILY SERVICES**

**Mental Health Program**

65E-12.110	8/8/03	8/28/03	29/9	29/26
------------	--------	---------	------	-------