

Section I

Notices of Development of Proposed Rules and Negotiated Rulemaking

DEPARTMENT OF INSURANCE

RULE TITLES:	RULE NOS.:
Definitions	4-143.045
Registration of Insurers	4-143.046
Standards	4-143.047
Incorporation by Reference	4-143.048
Investments	4-143.049
Voting of Securities	4-143.050
Insurer Holding Company Systems	4-143.051

PURPOSE AND EFFECT: To amend the rules that apply to insurer holding company systems to incorporate provisions of the NAIC Model Act and Regulations applicable to insurance holding companies.

SUBJECT AREA TO BE ADDRESSED: Regulation of insurance holding companies.

SPECIFIC AUTHORITY: 624.308, 624.308(1), 628.801 FS.

LAW IMPLEMENTED: 624.307(1), 624.317, 624.318, 624.424(6), 625.251, 625.352(2), 628.371, 628.381, 628.461, 628.801, 628.802, 628.803 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., October 29, 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, IF AVAILABLE, IS: Alan Irvin, Bureau of Life and Helath Insurer Solvency, Office of Insurance Regulation, 200 East Gaines Street, Tallahassee, Florida 32399-0327, e-mail: irvina@dfs.state.fl.us

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT WILL BE AVAILABLE AT THE WORKSHOP.

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Plant Industry

RULE CHAPTER TITLE:	RULE CHAPTER NO.:
Florida Nursery Stock and Certification Fees	5B-2

RULE TITLES:	RULE NOS.:
Definitions	5B-2.001
Registering with the Division	5B-2.002

PURPOSE AND EFFECT: The purpose of this rule revision is to provide a definition for stock dealer garden center. The effect will provide the ability to charge a registration fee that is based on the different levels of inspection workloads associated with a stock dealer such as a florist shop with a minimum number of plants as opposed to a stock dealer garden center that has several times the number of plants to be inspected. In addition, this proposed rule revision will require each stock dealer, stock dealer garden center, plant broker, and agent to obtain a certificate of registration for each outlet and pay an appropriate fee for each outlet.

SUBJECT AREA TO BE ADDRESSED: To provide a different fee schedule for stock dealers that have garden centers which require more inspection time than a small stock dealer such as a florist shop and to require a certificate of registration along with the appropriate fee for each outlet.

SPECIFIC AUTHORITY: 570.07(13),(23), 581.031(1) FS.

LAW IMPLEMENTED: 581.031(1),(4),(5),(6),(7), 581.083, 581.101, 581.131, 581.141 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., Thursday, October 23, 2003

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

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

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

5B-2.001 Definitions.

For the purpose of this chapter, the definitions in Section 581.011, F.S., and the following definitions shall apply:

(1) Balled and burlapped. A term used to describe a horticultural practice whereby plants are extracted from the soil with a portion of the roots and the growing medium intact forming the ball. The ball is wrapped with burlap or other materials appropriate for supporting the ball during handling.

(2) Bare-root. Plants with roots from which the growing medium in which it was grown has been removed.

(3) Certified turfgrass. Turfgrass produced for purposes of ornamental ground cover by an individual who has requested certification in order to comply with plant quarantine restrictions or phytosanitary requirements. Pasture or forage grasses are specifically excluded from this definition.

(4) Container nursery stock. Plants established in growing media contained in containers such as clay pots, plastic pots, cans, etc.

(5) Exposed. Subject to infestation because of proximity to or contact with a plant pest.

(6) Outlet. A nursery, stock dealer, stock dealer garden center, plant broker or agent offering nursery stock for sale or distribution under the control of a parent organization, corporation, partnership, personal business, cooperative, or other legal business entity.

(7) Propagating material. Unrooted scions and cuttings in the process of developing root systems; seedlings and asexually produced plants which are being developed to a saleable size.

(8) Psorosis complex of viruses. A combination of viruses (psorosis-A, psorosis-B, and ringspot) that induce bark-scaling, internal wood staining, ringspots or irregular chlorotic patterns in the foliage, or eventual tree decline. The disease is spread primarily by propagation using infected budwood.

(9) Stock Dealer Garden Center. A stock dealer who maintains nursery stock as part of a home improvement store or other store selling garden supplies.

Specific Authority 570.07(23), 581.031(1) FS. Law Implemented 581.031 FS. History—Repromulgated 12-31-74, Amended 6-15-81, 10-28-85, Formerly 5B-2.01, Amended 6-7-95, 8-26-03, _____.

5B-2.002 Registering with the Division.

Every nurseryman, stock dealer, plant broker, and agent shall register with the division before moving, distributing or offering nursery stock for sale. All aquatic plants offered for sale or distribution at the retail level, seeds, cut flowers, cut fern, cut foliage (greens) not for propagation, and lawn and pasture grasses not produced as certified turfgrass are specifically exempted from nursery stock classification for registration purposes, when apparently free from injurious plant pests.

(1) NURSERY REGISTRATION REQUIREMENTS.

(a) Application for registration of nurseries shall be made upon a form, DACS-08004, revised 6/03, incorporated herein by reference, to be furnished by the division, which shall contain provisions with which the applicant must comply, and must be signed by the applicant or applicant's representative. Application form DACS-08004, revised 6/03, is supplied by the division for this purpose and is incorporated herein by reference. Copies of DACS-08004, Application For Certificate of Registration, may be obtained from the Division of Plant Industry, Bureau of Plant and Apiary Inspection, P. O. Box 147100, Gainesville, Florida 32614-7100.

(b) Nurserymen desiring to move, sell, distribute, or offer nursery stock for sale and obtain a certificate of registration shall request an inspection by the division at least thirty (30) days in advance of the date upon which they desire to move or offer nursery stock for sale. Nurserymen requesting immediate inspection may be charged an additional fee sufficient to defray the cost of inspection.

(c) The nursery stock must be inspected by an authorized representative of the division and found to be apparently free from plant pests of quarantine significance and to be reasonably free from common plant pests.

(d) The nursery must be in such condition, in regard to spacing, growth, and weed control, as to permit an efficient inspection for plant pests.

(e) The nurseryman must agree to comply with all rules of the division.

(f) Nurserymen, unless exempted under paragraph 5B-2.002(1)(g), F.A.C., must pay an annual certificate of registration fee. Such fee shall be determined by the amount of nursery stock inventoried in the nursery by an authorized representative during the first inspection after July 1; or for field-produced vegetable transplants, field-produced bulbs, and field-produced corms and tubers, the certificate of registration fee shall be based on the amount of planted acreage provided that the total fee does not exceed four hundred and sixty dollars (\$460). Upon meeting registration requirements, a certificate of registration may be issued by the division which shall expire twelve (12) months following date of issue. For fee purposes nursery stock shall be grouped into two categories, except for field-produced vegetable transplants, field-produced bulbs, and field-produced corms and tubers which shall be determined by planted acreage. The two categories for nursery stock shall include standard stock and propagating material. Standard stock shall include all nursery stock inventoried by unit for sale or distribution; i.e., pot, balled and burlapped, or tray (for seedlings and liners). Propagating material shall include breeding stock, stock plants, rooting beds or other growing units, production beds for seeds and aquatic plants. The fee for nurseries having both standard stock and propagating material shall be determined by converting propagative material to standard stock at a ratio of 10 to 1. The figure so determined will be added to the standard stock inventory and the fee shall be determined on the combined total. Nurseries having standard stock, propagating material and field-produced vegetable transplants, field-produced bulbs, and field-produced corms or tubers shall have the planted acreage fee added to the fee determined for standard stock and propagating material. The combined fees shall not exceed four hundred and sixty dollars (\$460).

1. Schedule of fees determined by nursery stock inventory shall be as follows:

Number of Plant	Amount of Fee
1 – 1,000	\$25.00
1,001 – 2,500	35.00
2,501 – 5,000	46.00
5,001 – 10,000	69.00
10,001 – 25,000	92.00
25,001 – 50,000	115.00
50,001 – 100,000	173.00
100,001 – 150,000	219.00
150,001 – 200,000	265.00
200,001 – 250,000	311.00
250,001 – 300,000	357.00
300,001 – 350,000	403.00
350,001 – 400,000	449.00
Over 400,000	460.00

2. Schedule of fees determined by planted acreage for field-produced vegetable transplants, field-produced bulbs, and field-produced corms and tubers shall be as follows:

Number of Acres	Amount of Fee
1 – 5	\$25.00
6 – 10	35.00
11 – 15	46.00
16 – 20	69.00
21 – 25	92.00
26 – 30	115.00
31 – 35	172.00
36 – 40	218.00
41 – 45	265.00
46 – 50	311.00
51 – 60	357.00
61 – 70	403.00
71 – 80	449.00
Over 81	460.00

3. Schedule of fees determined by planted acreage for certified turfgrass shall be as follows:

Number of Acres	Amount of Fee
1 – 50	25.00
51 – 100	35.00
101 – 200	46.00
201 – 300	69.00
301 – 400	92.00
401 – 500	115.00
501 – 600	172.00
601 – 700	218.00
701 – 800	265.00
801 – 900	311.00
901 – 1000	357.00
1001 – 2000	403.00
2001 – 3000	449.00
Over 3000	460.00

(g) Governmental agency nurseries whose nursery stock is used exclusively for planting on government property are exempt from payment of a certificate of registration fee.

(h) All annual renewal documents for certificate of registration shall be returned not later than the anniversary date of the certificate being renewed, and accompanied by the appropriate fee.

(2) STOCK DEALERS, STOCK DEALER GARDEN CENTERS, PLANT BROKERS, AND AGENTS. Stock dealers, stock dealer garden centers, plant brokers, and agents shall comply with the following stipulations to meet certification requirements:

(a) Those persons who desire to apply for certification and registration as a stock dealer, stock dealer garden center, plant broker, or agent may make application by completing division form DACS-08004, revised 6/03. This application form should be filed with the division thirty (30) days prior to the date the stock dealer, stock dealer garden center, plant broker, or agent desires to begin operation. The completed application shall be accompanied by payment of the fee as designated in paragraph 5B-2.002(2)(e), F.A.C.;

(b) All annual renewal documents for certificate of registration shall be returned not later than the anniversary date of the certificate being renewed, and accompanied by the appropriate fee;

~~(c) Stock dealers with more than one outlet supplied with nursery stock from a central location may register outlets by listing or attaching a list of outlets, with complete mailing address and geographical location, to the application or document for renewal form (DACs-08004, revised 6/03 or DACs-08022, revised 6/03) and remitting of the total fee payment for all outlets to be registered. Application for Renewal of Nursery Stock Dealer’s Certificate of Registration form, DACs-08022, revised 6/03, is supplied by the division for this purpose and are incorporated herein by reference. Copies of DACs-08022, may be obtained from the Division of Plant Industry, Bureau of Plant & Apiary Inspection, P. O. Box 147100, Gainesville, Florida 32614-7100;~~

~~(d) Stock dealers with an independent source of nursery stock supply, regardless of their affiliation with a parent person, shall apply for a certificate of registration as a separate unit and shall remit the designated fee payment;~~

~~(d)(e) The certificate of registration fee for stock dealer, plant broker, and agent establishments shall be \$25.00 per outlet with a \$460 maximum charge; The certificate of registration fee for a stock dealer garden center shall be \$69.00 per outlet.~~

~~(e)(f) A stock dealer, stock dealer garden center, plant broker, or agent shall comply with all the provisions of Chapter 581, Florida Statutes, and the rules of the department and shall obtain nursery stock only from certified nurseries;~~

~~(f)(g)~~ Stock dealer, stock dealer garden center, plant broker, and agent certificate of registration shall expire twelve (12) months from after the original registration or annual renewal date ~~date of issuance~~.

Specific Authority 570.07(23), 581.031(1) FS. Law Implemented 581.131, 581.141 FS. History--Amended 12-31-74, 6-24-75, 3-25-79, 6-15-81, 10-28-85, Formerly 5B-2.02, Amended 5-17-92, 6-7-95, 11-29-95, 6-12-00, 8-26-03,_____.

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: Use of Force
 RULE NO.: 33-602.210

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to clarify procedures for videotaping uses of force, and post use of force practices.

SUBJECT AREA TO BE ADDRESSED: Use of force.

SPECIFIC AUTHORITY: 944.09 FS.

LAW IMPLEMENTED: 20.315, 944.09, 944.35 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:

33-602.210 Use of Force.

(1) No change.

(2) Physical force shall be employed only as a last resort when it reasonably appears that other alternatives are not feasible to control the situation and will not be used solely in response to verbal abuse that does not rise to a level of a disturbance. When the use of force is justified, only that amount and type of force that reasonably appears necessary to accomplish the authorized objective shall be used. All authorized use of force incidents will be videotaped in their entirety, ~~except that videotaping the administration of chemical agents is not required for use on an inmate creating a disturbance in his or her cell when the officer is attempting to resolve the situation without extracting the inmate from the cell. Videotaping will be initiated after the final exposure to~~

~~chemical agents if cell extraction or other uses of force are necessary.~~ All spontaneous use of force incidents will be videotaped from the point the video camera operator arrives at the scene. Videotaping shall continue uninterrupted until the incident is under control, the involved inmate is escorted to medical, and the inmate is subsequently returned to secure housing. Videotaping of post use of force medical exams shall be done in such a manner as to provide the privacy needed for the exam. If it is necessary to transport the inmate to an outside facility for treatment or to another department facility for secure housing purposes, videotaping shall continue until the inmate is loaded and secured in the transport vehicle.

(3) through (4) No change.

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

(6) through (13) No change.

(14) Use of Chemical Agents.

(a) through (b) No change.

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

(d) through (l) No change.

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

1. No change.

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

a. No change.

b. Contact the warden or, in his or her absence, the duty warden and request authorization to utilize chemical agents.

3. Prior to using chemical agents, the inmate again shall be counseled with by the OIC concerning his behavior.

a. If this attempt to counsel with the inmate is unsuccessful, the inmate will be given a final order by the OIC staff to cease his actions. The inmate will also be informed at this time that chemical agents will be administered if he continues his disruptive behavior.

b. through e. No change.

f. Except in cases of extreme emergency as determined by the warden or duty warden, the confinement or close management lieutenant or the shift supervisor shall counsel with, issue the final order, and be present during the administering of chemical agents. If the OIC is unavailable, the OIC shall provide a written explanation as to why he was not available to supervise the administration of chemical agents.

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

(o) No change.

(p) Inmates exposed to chemical agents shall be ordered by the OIC ~~allowed and encouraged~~ to shower and change both inner and outer wear within 20 minutes after exposure for decontamination purposes.

1. If an inmate refuses to shower or change, the refusal shall result in a disciplinary report and be documented:

a. On Form DC6-210, Incident Report, by the shift supervisor; ~~if the inmate is in general population;~~

b. through c. No change.

2. In the event the inmate refuses to shower or change, staff shall advise the medical staff member who is responsible for examining the inmate following the use of force of this refusal and medical staff shall immediately report to the area to conduct a cell-front examination and to explain the importance of showering after exposure to chemical agents, except in case of emergency which shall be documented.

3. The OIC shall again order the inmate to shower. If the inmate refuses again, this refusal shall also be documented in writing and witnessed by the OIC and medical staff.

4. If medical staff determine that there is no immediate medical need for the inmate to shower, then for the next 2 hours the inmate shall be checked every 30 minutes and given the opportunity to shower. These checks shall be documented on Form DC6-229, Daily Record of Segregation.

5. If health services staff determine that a medical need requires the inmate to be showered, the provisions of subsection 33-602.210(10), F.A.C., shall be followed to shower the inmate and move him to a decontaminated cell.

(15) through (20) No change.

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

AGENCY FOR HEALTH CARE ADMINISTRATION

Division of Managed Care and Health Quality

RULE CHAPTER TITLE: Health Care Clinics

RULE CHAPTER NO.: 59A-33

PURPOSE AND EFFECT: The Agency proposes to promulgate a new Rule 59A-33, Florida Administrative Code, consistent with provisions of s. 400.9925, F.S., effective October 1, 2003. The legislation provides for development of rules necessary to administer the clinic administration, regulation, and licensure program.

SUBJECT AREA TO BE ADDRESSED: The proposed Rule 59A-33, Florida Administrative Code, involves administration and regulation of the health care clinic licensure program, including rules establishing the specific licensure requirements, procedures, forms, fees, procedures for biennial licensure, specify expiration dates for licenses, and the process of tracking compliance with financial responsibility requirements and other conditions of renewal of licenses.

SPECIFIC AUTHORITY: 400.9925 FS.

LAW IMPLEMENTED: 400.990-995 FS.

IF REQUESTED WITHIN 14 DAYS OF THE DATE OF THIS NOTICE, WORKSHOPS WILL BE HELD AT THE TIMES, DATES AND PLACES SHOWN BELOW (IF NOT REQUESTED, THESE WORKSHOPS WILL NOT BE HELD):

TIME AND DATE: 10:00 a.m., October 24, 2003
 PLACE: Agency for Health Care Administration, 2727 Mahan Drive, Building #3, Conference Room A, Tallahassee, FL 32303

TIME AND DATE: 9:00 a.m. – 1:00 p.m., October 30, 2003
 PLACE: Agency for Health Care Administration, Medicaid Conference Room, 8355 N. W. 53rd Street, Manchester Building, 2nd Floor, Miami, Florida 33166

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Roger Bell, Bureau of Health Facility Regulation, 2727 Mahan Drive, Tallahassee, Florida or call (850)922-7755

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Florida Land Sales, Condominiums and Mobile Homes

RULE TITLE: Operation of the Association
 RULE NO.: 61B-23.002

PURPOSE AND EFFECT: To develop a procedure and form for condominium associations to report fire safety retrofitting information to the Division of Florida Land Sales, Condominiums and Mobile Homes and establish a date for reporting this information to the Division of State Fire Marshal of the Department of Financial Services, pursuant to Chapter 2003-14, Laws of Florida.

SUBJECT AREA TO BE ADDRESSED: Fire safety retrofitting for condominium associations.

SPECIFIC AUTHORITY: 718.501(1)(f) FS.

LAW IMPLEMENTED: 718.112(2)(l) 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., October 27, 2003

PLACE: Conference Room B03, Fuller Warren Building, 202 Blount Street, Tallahassee, Florida

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop is asked to advise the agency at least 48 hours before the workshop by contacting: Sharon A. Elzie, Senior Management Analyst II, (850)488-1631. If you are hearing or speech impaired, please contact the agency by calling 1(800)955-8771.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Sharon A. Elzie, Senior Management Analyst II, Assistant General Counsel, Department of Business and Professional Regulation, 1940

North Monroe Street, Tallahassee, Florida 32399-1030 (The rule text is also available on-line at <http://www.state.fl.us/dbpr/lsc/condominiums/index.shtml>)

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Florida Land Sales, Condominiums and Mobile Homes

RULE TITLE: Association Fee; Mailing Address
 RULE NO.: 61B-78.001

PURPOSE AND EFFECT: To develop a procedure and form for cooperative associations to report fire safety retrofitting information to the Division of Florida Land Sales, Condominiums and Mobile Homes and establish a date for reporting this information to the Division of State Fire Marshal of the Department of Financial Services, pursuant to Chapter 2003-14, Laws of Florida.

SUBJECT AREA TO BE ADDRESSED: Fire safety retrofitting for cooperative associations.

SPECIFIC AUTHORITY: 719.501(1)(f) FS.

LAW IMPLEMENTED: 719.1055(5) 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., October 27, 2003

PLACE: Conference Room B03, Fuller Warren Building, 202 Blount Street, Tallahassee, Florida

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop is asked to advise the agency at least 48 hours before the workshop by contacting Sharon A. Elzie, Senior Management Analyst II, (850)488-1631. If you are hearing or speech impaired, please contact the agency by calling 1(800)955-8771.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Sharon A. Elzie, Senior Management Analyst II, Assistant General Counsel, Department of Business and Professional Regulation, 1940 North Monroe Street, Tallahassee, Florida 32399-1030. The rule text is also available on-line at <http://www.state.fl.us/dbpr/lsc/condominiums/index.shtml>.

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Electrical Contractors Licensing Board

RULE TITLES:	RULE NOS.:
Application for Examination for Certification Requirement for Certified Qualifying Agent Applicant	61G6-5.003 61G6-5.004

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

SUBJECT AREA TO BE ADDRESSED: Application for examination for certification and requirement for certified qualifying agent applicant.

SPECIFIC AUTHORITY: 489.507(3), 489.515(1), 489.521 FS.

LAW IMPLEMENTED: 489.505(12),(21),(22), 489.511(2), 489.515(1), 489.521, 489.522 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: Anthony Spivey, Executive Director, Board of Electrical Contractors Licensing, 1940 North Monroe Street, Tallahassee, Florida 32399-0783

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

Division of Medical Quality Assurance

RULE CHAPTER TITLE:	RULE CHAPTER NO.:
Continuing Education	64B-5

PURPOSE AND EFFECT: The Department of Health, Division of Medical Quality Assurance, proposes a new rule chapter pertaining to issues related to continuing education and the development of a continuing education tracking system.

SUBJECT AREA TO BE ADDRESSED: Continuing education.

SPECIFIC AUTHORITY: 456.025 FS.

LAW IMPLEMENTED: 456.004 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: Jim Knepton, Department of Health, 4052 Bald Cypress Way, Bin C00, Tallahassee, Florida 32399

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

DEPARTMENT OF HEALTH

Board of Chiropractic Medicine

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

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

SUBJECT AREA TO BE ADDRESSED: Licensure Examination.

SPECIFIC AUTHORITY: 456.036 FS.

LAW IMPLEMENTED: 456.036 FS.

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

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

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B2-13.0049 Inactive Status License.

(1) No change.

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

DEPARTMENT OF FINANCIAL SERVICES

Division of Accounting and Auditing

RULE TITLES:	RULE NOS.:
Registration	69I-20.001
Fee Caps	69I-20.002
Procedures for Filing Claim	69I-20.0021
Proof of Ownership and Entitlement to Unclaimed Property	69I-20.0022
Database Submissions	69I-20.0023
Reporting Safe Deposit Box Contents	69I-20.003
Remitting of Safe Deposit Box Contents and Reimbursement of Expenses	69I-20.036
Voluntary Disclosure Agreements	69I-20.050

PURPOSE AND EFFECT: 69I-20.001: Section 717.117(8), Florida Statutes (2002), requires that a private investigator, accountant or attorney must be registered with the Department in order to obtain social security numbers for the limited purpose of locating owners of unclaimed property. The purpose and effect of the proposed rule is to specify what must be filed with the Department in order to be registered pursuant to Section 717.117(8), Florida Statutes (2002).

69I-20.002: The purpose and effect of the proposed rule is to clarify how the fee caps contained in Section 717.135, Florida Statutes, are to be applied. The fee caps are to be applied on a per contract basis rather than a per account basis.

69I-20.0021(1)(d): The purpose and effect of the proposed rule amendment is to incorporate by reference into the Department's rules the notices that are sent to claimants whose claims require additional information. The notices assist the Department in its efforts to obtain information which may result in the approval of the claim.

69I-20.0021(4)(b)1. and (6)(b)3.: The purpose and effect of the proposed rule amendment is to clarify that other forms of personal identification may be used when a current drivers license is not available.

69I-20.0021(11)(a)3.: The purpose and effect of the proposed rule amendment is to clarify how the contents of safe deposit boxes are to be shipped to owners or to the owner's representative. As an alternative to picking up the contents of a safe deposit box valued at ten thousand dollars (\$10,000) or more, the owner or owner's representative (if authorized by the owner to receive the contents of a safe deposit box) must provide the Department with a cashier's check to cover the shipping charges or common carrier account information so that the Department may arrange for the shipping of the contents of the safe deposit box at the expense of the owner or owner's representative. The a cashier's check to cover the shipping charges or common carrier account information will not be needed if the value of the contents of the safe deposit box is less than ten thousand dollars (\$10,000) and a common carrier will accept delivery.

69I-20.0022(3): The purpose and effect of the proposed rule amendment is to clarify what is required to be filed if the owner of the unclaimed property is deceased. For aggregate unclaimed property amounts of over \$5,000.00, the decedent's estate must be probated unless the decedent's estate has been previously administered. If the estate has been previously administered, the claim must include a certified copy of a court order which identifies the recipients of the decedent's property and their percentage interest in the estate. If such an order is not available, the claimant must submit a copy of documents from the probate court file from which the identity and proportional entitlement of each can be determined. For aggregate unclaimed property amounts of \$5,000.00 or less, Form DFS-UP-1243, Estate Affidavit, may be used regardless of whether the decedent's estate has been probated in the past.

69I-20.0022(3)(a)3.a., Form DFS-UP-1243, Estate Affidavit: The purpose and effect of the proposed rule amendment is to modify the Estate Affidavit so that the claimant will specify on what basis the claimant is a recipient under the intestacy statutes. The claimant will also be required to state that all persons who are listed before the claimant, as being entitled to the decedent's estate under the applicable intestacy statute recipients, are deceased.

69I-20.0022(5)(c): The purpose and effect of the proposed rule amendment is first to clarify that the claimant must prove a connection to the dissolved corporation and, second, to specify what must be filed with the Department when filing a claim for unclaimed property owned by a dissolved corporation. As an alternative to filing a certified copy of the last corporate filing reflecting the officers and directors of the corporation, the claimant must provide the Department with the state of incorporation's web site address if the same information is available on the Internet site. As an alternative to a bankruptcy search, the claimant must provide the Department with the results of a Case Management/Electronic Case Files (CM/ECF) search, if available, or a Public Access to Court Electronic Records (PACER) search, in the bankruptcy court of the state and district of incorporation and where the main office is located, if different. The claim must provide the results of a CM/ECF or a PACER search by both the corporate name and by tax identification number. The rule amendments also require bankruptcy information to be provided if the dissolved corporation has been a debtor in bankruptcy. If the bankruptcy estate is open or if the bankruptcy estate is reopened, the unclaimed property will be remitted to the bankruptcy estate.

69I-20.0023: The purpose and effect of the proposed rule is to provide that a claimant, or a claimant's representative, may submit the results of a database search with the claim for unclaimed property.

69I-20.003: The purpose and effect of the proposed rule is to provide a form for the reporting of safe deposit box contents.

69I-20.036: The purpose and effect of the proposed rule is to require holders to notify the Department in writing within 120 days of the filing of the report that the safe deposit box contents have either been claimed by the owner or have no commercial value and will not be remitted to the Department by the holder.

69I-20.050: The purpose and effect of the proposed rule is to establish a voluntary disclosure agreement procedure and form. SUBJECT AREA TO BE ADDRESSED: 69I-20.001: Registration of private investigators, accountants and attorneys pursuant to Section 717.117(8), Florida Statutes (2002). 69I-20.002: Unclaimed property fee limitations. 69I-20.0021(1)(d): Unclaimed property claims processing. 69I-20.0021(4)(b)1. and (6)(b)3.: personal identification. 69I-20.0021(11)(a)3.: Shipping of contents of safe deposit boxes to owners or to the owner's representative. 69I-20.0022(3): Filing claims for unclaimed property owned by decedents. 69I-20.0022(3)(a)3.a.: Form DFS-UP-1243, Estate Affidavit. 69I-20.0022(5)(c): Filing claims for unclaimed property owned by dissolved corporations. 69I-20.0023: Filing database search results with claims for unclaimed property. 69I-20.003: Safe deposit box contents reporting. 69I-20.036: remitting of safe deposit box contents. 69I-20.050: Voluntary Disclosure Agreements.

SPECIFIC AUTHORITY: 717.117(1), 717.138 FS.

LAW IMPLEMENTED: 717.117, 717.1201, 717.124, 717.125, 717.126, 717.135 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., Wednesday, October 29, 2003

PLACE: Suite 547, The Fletcher Building, 101 E. Gaines St., Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE IS: Paul C. Stadler, Jr., Assistant General Counsel, Department of Financial Services, Suite 464, The Fletcher Building, 101 E. Gaines St., Tallahassee, Florida 32399-0350, (850)410-9461

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

69I-20.001 Registration.

Section 717.117(8), Florida Statutes, requires that a private investigator, accountant or attorney must be registered with the Bureau of Unclaimed Property in order to obtain social security numbers for the limited purpose of locating owners of unclaimed property.

(1) To register with the Bureau of Unclaimed Property:

(a) A private investigator must provide:

1. A legible copy of his or her Florida Class "A" business license or that of his or her employer;

2. A legible copy of his or her Florida Class "C" individual license;

3. A legible copy of his or her current drivers license showing the full name and current address of such person. In the event that a current drivers license is not available, another form of identification showing full name and current address of such person or persons shall be filed with the Department;

4. His or her business address and telephone number; and

5. The names of employees, if any, who are authorized to act on behalf of the private investigator.

(b) A certified public accountant must provide:

1. His or her Florida Board of Accountancy number;

2. A legible copy of his or her current drivers license showing the full name and current address of such person. In the event that a current drivers license is not available, another form of identification showing full name and current address of such person or persons shall be filed with the Department;

3. His or her business address and telephone number; and

4. The names of employees, if any, who are authorized to act on behalf of the certified public accountant.

(c) An attorney must provide:

1. His or her Florida Bar number. If the attorney is not admitted to the Florida Bar, the attorney must provide the address and telephone number of each bar for each jurisdiction where he or she is admitted to practice along with the bar number for each jurisdiction;

2. A legible copy of his or her current drivers license showing the full name and current address of such person. In the event that a current drivers license is not available, another form of identification showing full name and current address of such person or persons shall be filed with the Department;

3. His or her business address and telephone number; and

4. The names of employees, if any, who are authorized to act on behalf of the attorney.

(2) A private investigator, accountant or attorney who desires his or her fees sent directly to him or her by the Bureau of Unclaimed Property must also provide his or her tax identification number.

(3) Information and documents already on file with the Bureau of Unclaimed Property prior to the effective date of this rule need not be resubmitted in order to complete the registration.

(4) If a material change in the status of a registration occurs, a registrant must within 15 days provide the Bureau of Unclaimed Property with the updated documentation and information in writing. Material changes include, but are not limited to the following:

(a) If an authorized employee of a registrant ceases to be employed by the registrant, the registrant must within 15 days inform the Bureau of Unclaimed Property in writing of the termination of employment.

(b) If a registrant surrenders his or her license or the license is suspended or revoked, the registrant must within 15 days inform the Bureau of Unclaimed Property in writing of the surrender, suspension, or revocation. Upon the suspension, or revocation of the registrant's license, the registrant shall no longer be registered with the Bureau of Unclaimed Property.

(c) If a Florida Class "C" individual license of a private investigator, or if a Florida Class "A" business license of a private investigator's employer, is renewed, the private investigator must provide a copy of the renewed license to the Bureau within 30 days of the receipt of the renewed license by the private investigator or the private investigator's employer.

Specific Authority 717.138 FS. Law Implemented 717.117, 717.124, 717.135 FS. History—New _____.

69I-20.002 Fee Caps.

(1) Pursuant to Section 717.135, F.S., an Owner's Representative may elect to either have fee caps apply to a contract to recover unclaimed property or make the Section 717.135(1)(b), F.S., disclosures to the owner. If the Owner's Representative elects to have the fee caps apply, the fee caps will be applied on a per contract basis rather than on a per account basis. The per contract application requires that all accounts be aggregated in order to determine whether the value of the contract is \$250.00 or greater. If the aggregate value of the accounts is less than \$250.00, the fees must be limited to the lesser of the aggregate value of the unclaimed property or \$25.00. If the aggregate value of the accounts is \$250.00 or more, the fees must be limited to 15 percent on property held by the Department for 24 months or less and to 25 percent on property held by the Department for more than 24 months.

(2)(a) Example One. The Department has held unclaimed property of a value of \$200.00 more than 24 months in an unclaimed property account for an owner. The Department has also held unclaimed property of a value of \$1,000.00 for more than 24 months in a second account for the same owner. The Owner's Representative has entered into a contract for the recovery of unclaimed property with the owner. The two accounts must be aggregated in order to determine whether the value of the contract is \$250.00 or greater. The aggregate value of both accounts is \$1,200.00. The fees of the Owner's Representative must be limited to 25 percent on property held by the Department in both accounts. This amount is \$300.00.

(b) Example Two. The Department has held unclaimed property of a value of \$200.00 for 24 months or less in an unclaimed property account for an owner. The Department has also held unclaimed property of a value of \$100.00 for 24 months or less in a second account for the same owner. The Owner's Representative has entered into a contract for the recovery of unclaimed property with the owner. The two

accounts must be aggregated in order to determine whether the value of the contract is \$250.00 or greater. The aggregate value of both accounts is \$300.00. The fees of the Owner's Representative must be limited to 15 percent on property held by the Department in both accounts. This amount is \$45.00.

(c) Example Three. The Department has held unclaimed property of a value of \$120.00 for 24 months or less in an unclaimed property account for an owner. The Department has also held unclaimed property of a value of \$100.00 for more than 24 months in a second account for the same owner. The Owner's Representative has entered into a contract for the recovery of unclaimed property with the owner. The two accounts must be aggregated in order to determine whether the value of the contract is \$250.00 or greater. The aggregate value of both accounts is \$220.00. The total amount of fees due to the Owner's Representative must be limited to \$25.00.

(d) Example Four. The Department has held unclaimed property of a value of \$220.00 for 24 months or less in an unclaimed property account for an owner. The Department has also held unclaimed property of a value of \$40.00 for more than 24 months in a second account for the same owner. The Owner's Representative has entered into a contract for the recovery of unclaimed property with the owner. The two accounts must be aggregated in order to determine whether the value of the contract is \$250.00 or greater. The aggregate value of both accounts is \$260.00. The fees of the Owner's Representative must be limited to 15 percent on property held by the Department 24 months or less in the first account. This amount is \$33.00. The fees of the Owner's Representative must be limited to 25 percent on property held by the Department for more than 24 months in the second account. This amount is \$10.00. The total amount of fees due to the Owner's Representative must be limited to \$43.00.

(3) This rule does not apply to unclaimed property that is owned by a decedent's estate or a person who is subject to a guardianship.

Specific Authority 717.138 FS. Law Implemented 717.135 FS. History—New _____.

69I-20.0021 Procedures for Filing Claim.

(1) Claims Submission. Claims for unclaimed property in the custody of the Department pursuant to Chapter 717, F.S., shall be submitted to the Department on the form(s) prescribed and supplied by the Department, together with documentation supporting the claim. All forms referenced in this rule are available from and shall be submitted to: The Department of Financial Services ~~Banking and Finance~~, Bureau of Unclaimed Property, Tallahassee, Florida.

(a) The Department will only accept and review claims that are complete.

(b) A complete claim shall include the correct claim form identified in this rule, fully completed with all blanks filled in and manually signed by all claimants, and all supporting documentation as described and required by this rule, and Rule 69I-20.0022 ~~3D-20.0022~~, F.A.C.

(c) Claims meeting the requirements of paragraph (b) above shall be deemed complete.

(d) Incomplete claims delivered to the Department will be returned to the claimant with a notice letter describing the additional documentation that must be submitted to make the claim complete. The notices are Form DFS-UP-106a, Unclaimed Property Request for Further Information (Original Owner), Form DFS-UP-106b, Unclaimed Property Request for Further Information (Business), Form DFS-UP-107a, Unclaimed Property Request for Further Information (Other Than Apparent Owner), and Form DFS-UP-108a, Unclaimed Property Request for Further Information (Owner's Representative), which are hereby incorporated by reference, effective _____.

(e) The claim may be refiled at any time.

(2) through (3) No change.

(4) Claims Filed by Apparent Owner, (including Corporations).

(a) Claims by apparent owners for unclaimed property shall be submitted on Form DFS-UP-106 ~~DBF-UP-106~~, entitled Claim by Apparent Owner, which is hereby incorporated by reference, revised 10-1-01.

(b) Form DFS-UP-106 ~~DBF-UP-106~~ shall be manually signed by the claimant and accompanied by the following:

1. Personal identification of the claimant as provided in subsection 69I-20.0022(2), F.A.C.

2. through (5) No change.

(6) Claims Filed by Owner's Representative.

(a) All claims for unclaimed property filed by an Owner's Representative shall be submitted on Form DFS-UP-108 ~~DBF-UP-108~~, entitled Claim by Owner's Representative, which is hereby incorporated by reference, revised 10-1-01.

(b) Form DFS-UP-108 ~~DBF-UP-108~~ shall be manually signed by the person(s) filing the claim and accompanied by the following:

1. Original Agreement establishing the Owner's Representative's right to act on behalf of the owner.

2. The name, address, taxpayer identification number (if available), and telephone number (if available), of the person or entity for whom payment is sought.

3. Personal identification of the person(s) or entity for whom payment is sought as provided in subsection 69I-20.0022(2), F.A.C. When ownership is claimed by an entity, personal identification of the entity representative is also required as provided in subsection 69I-20.0022(2), F.A.C., unless the entity is an active Florida corporation, the corporate

representative is listed as an officer of the corporation on the Secretary of State's website, and the property is to be mailed to the corporate address listed on the website.

4. through (11)(a)2. No change.

3. Tangible Personal Property.

a. If the property is valued at less than ten thousand dollars (\$10,000); and can if it will be accepted for delivery by a common carrier, the property will be shipped ~~mailed~~ to the owner at the address listed on the claim.

b. If the property is valued at has a value of ten thousand dollars (\$10,000) or more greater, or the property cannot it will not be accepted for delivery by a common carrier, the Department will advise the owner of the award by letter, and make the property available for pickup during normal business hours at the Department's offices in Tallahassee, Florida.

i. The owner must produce the award letter and a personal picture identification in order to claim the property at the Department's Tallahassee address.

ii. Anyone other than the owner must produce the award letter, written authorization to receive the property signed by the owner and notarized, and personal picture identification in order to receive the property at the Department's Tallahassee address.

iii. Receipt of the property must be acknowledged in writing by the person receiving the property by a signed receipt.

iv. If the property is not collected at the Department's Tallahassee office within ninety (90) days of the date on the award letter, it may be offered for sale at the next auction and the proceeds delivered the same as cash in paragraph (11)(a) above.

c. As an alternative to paragraph (11)(a)3.b. above, the owner must either arrange with a common carrier to pick up the property during normal business hours at the Department's offices in Tallahassee, Florida, or request that the property be shipped by the Department to the address listed on the claim form by common carrier at the owner's expense. All owner's communications with the Department regarding how the property is to be delivered to the owner must be in writing. If the property is to be shipped by the Department, the owner must provide the Department with:

i. A cashier's check in the amount of the shipping charges and any cost for the insurance coverage payable to the Department of Financial Services, and

ii. A statement identifying the amount of insurance coverage authorized to be purchased for the property or a statement that the owner does not desire the property to be insured.

d. Upon the receipt of cashier's check payable to the Department of Financial Services in the appropriate amount, the safe deposit box contents will be shipped to the address on

the claim form. The Department will not accept liability for the contents of the safe deposit box if insurance covering the value of the safe deposit box contents is not purchased.

(b) Payment and Delivery of Claims filed by Owner's Representative.

1. Cash – Payment of cash will be made to owners by warrant, net of the Owner's Representative's fees, and mailed to the owner. Payment of fees to Owner's Representatives will be made electronically at least twice a month provided a completed Form ~~DFS-AA-26E~~ ~~DBF-AA-26E~~, incorporated by reference in Rule ~~69~~~~3A~~-22.002, F.A.C., is provided.

2. Securities – The Department will liquidate all securities issues that can be sold as soon as practicable, unless the security cannot be sold due to market liquidity, current valuation or ongoing corporate activity. Payment will be provided as follows:

a. If the securities have been liquidated, payment of the cash proceeds will be made as set forth in subparagraph (11)(b)1. above.

b. Certificated securities that cannot be sold due to market liquidity, current valuation or ongoing corporate activity will be registered in the name of the owner and mailed to the Owner's Representative with notice to the owner.

c. If the security can be certificated and delivery of the certificate is requested, in writing, by the owner and the Owner's Representative, the security will be registered in the owner's name and the certificate will be mailed to the Owner's Representative with notice to the owner.

d. Non-certification securities that cannot be sold due to market liquidity, current valuation, or ongoing corporate activity will be registered in the name of the owner and transferred electronically to an owner's brokerage or mutual fund account, if the information required by the securities industry is provided at the time the claim is filed. Such information could include the broker or agent's DTC number (Depository Trust Corporation), ABA number (American Banker Association), the owner's account number and account registration. If such information is not available at the time the claim is to be paid, written notice will be provided to the Owner's Representative, who must provide the information. The security for which such information is required will not be paid until the information is provided. When the security is paid, the owner and the Owner's Representative will receive written notice of the transfer.

e. Securities that cannot be electronically transferred to a brokerage or mutual fund account, but can be certificated, will be registered in the name of the owner. The certificate will be mailed to the Owner's Representative, with written notification to the owner.

f. Securities that cannot be sold, electronically transferred, or certificated, will not be paid. Written notice will be provided to the owner and the Owner's Representative.

g. All securities will be registered according to industry standards.

3. Tangible Personal Property.

a. If the owner has not authorized the owner's representative to receive the property, the property shall be delivered to the owner in accordance with subparagraph (11)(a)3. above. If the owner has authorized the owner's representative to receive property valued at less than ten thousand dollars (\$10,000) that can be accepted for delivery by a common carrier, the property will be shipped to the owner's representative at the address listed on the claim.

b. If the owner has authorized the owner's representative to receive property valued at ten thousand dollars (\$10,000) or more, or the property cannot be accepted for delivery by a common carrier, the Department will advise the owner's representative of the award by letter, and make the property available for pickup during normal business hours at the Department's offices in Tallahassee, Florida.

i. Anyone authorized to act on behalf of the owner's representative must produce personal picture identification in order to receive the property at the Department's Tallahassee address.

ii. Receipt of the property must be acknowledged in writing by the person receiving the property.

iii. If the property is not collected at the Department's Tallahassee office within ninety (90) days of the date on the award letter, it may be offered for sale at the next auction and the proceeds delivered the same as cash in paragraph (11)(b) above.

c. As an alternative to sub-subparagraph (11)(b)3.b. above, the owner's representative must either arrange with a common carrier to pick up the property during normal business hours at the Department's offices in Tallahassee, Florida, or request that the property be shipped by the Department to the address listed on the claim by common carrier at the expense of the owner's representative. All communications by the owner's representative with the Department regarding how the property is to be delivered to the owner's representative must be in writing. If the property is to be shipped by the Department, the owner's representative must provide the Department with:

i. A cashier's check in the amount of the shipping charges and any cost for the insurance coverage payable to the Department of Financial Services, and

ii. A statement identifying the amount of insurance coverage authorized to be purchased for the property or a statement that the owner does not desire the property to be insured.

d. Upon the receipt of cashier's check payable to the Department of Financial Services in the appropriate amount, the safe deposit box contents will be shipped to the address on the claim form. The Department will not accept liability for the contents of the safe deposit box if insurance covering the value of the safe deposit box contents is not purchased.

Specific Authority 717.138 FS. Law Implemented 92.525,717.1201, 717.124, 717.125, 717.126, 717.135 FS. History—New 3-20-91, Amended 3-13-96, 8-18-96, 1-28-97, 1-18-99, 4-16-02, Formerly 3D-20.0021, Amended _____

691-20.0022 Proof of Ownership and Entitlement to Unclaimed Property.

(1) No change.

(2) ~~Claims by Apparent Owner.~~ Any and all persons claiming an interest in unclaimed property in the possession of the Department shall file with the Department a copy of a current drivers license showing the full name and current address of such person or persons. In the event that a current drivers license is not available, another form of identification showing full name and current address of such person or persons shall be filed with the Department. This subsection shall not apply to any person who is acting as an Owner's Representative.

(3) Claims by Beneficiaries or Estates.

(a) If the apparent owner is deceased, the claim must include a certified copy of the decedent's death certificate, as well as the following:

1. Open Estates – Records, certified by the clerk of court within one (1) year of the date of filing the claim with the Department, reflecting the personal representative's right to act for the estate of the apparent owner.

2. Closed Estates – ~~A certified copy of a Attach~~ a probate court order, certified by the clerk of court ~~within one (1) year of the date of filing of the claim with the Department,~~ identifying the beneficiaries and the proportional entitlement of each to the estate. If a court order, identifying the beneficiaries and the proportional entitlement of each to the property of the estate is not available, the claimant must submit those documents from the probate court file from which this information may be determined. Typically, this information may be obtained from the decedent's will, if one exists, and the Order admitting the will to probate; the Petition for Probate; or the Petition for Discharge with exhibits. If any such combination of documents is submitted, they must be accompanied by a copy of the Order of Discharge and the docket sheet. In no event is the will standing alone, sufficient.

3. Unclaimed Property with Aggregate value of \$5,000.00 or Less. If all Will Never Probated ~~If an owner died with a will, but the will was not probated, and~~

~~a. All of the unclaimed property held by the Department on behalf of a deceased the owner has an aggregate value of \$5,000 or less, as an alternative to subparagraph (3)(a)2., the claimant may file a A copy of the will, if the decedent had a will, and an affidavit signed by all the beneficiaries stating that all the beneficiaries have amicably agreed upon a division of the estate, that no probate proceedings are pending for the estate, and that all funeral expenses, expenses of the last illness and other lawful claims have been paid. The affidavit shall be submitted on Form DFS-UP-1243 DBF-UP-1243, Estate Affidavit, effective _____ revised 10/1/01, which is hereby~~

incorporated by reference and available from the Department of Financial Services Banking and Finance, Bureau of Unclaimed Property, Tallahassee, Florida. No partial payments shall be made.

~~b. If the aggregate value of the unclaimed property held by the Department is more than \$5,000, a probate estate administration must be opened and a current certified copy of a court order identifying either the personal representative, or, in the case of a summary administration, the beneficiaries and the proportional share of each to the estate, must be submitted to the Department.~~

4. No Will and No Administration

~~a. All of the unclaimed property held by the Department on behalf of the owner has an aggregate value of \$5,000 or less and the estate was never probated, a beneficiary may file an affidavit signed by all the beneficiaries, stating that all the beneficiaries have amicably agreed among themselves upon a division of the estate, that no probate proceedings have been instituted upon the estate, and that all funeral expenses, expenses of the last illness, and any other lawful claims have been paid. The affidavit shall be submitted on Form DBF-UP-1243. No partial payments shall be made.~~

~~b. If the aggregate value of the unclaimed property held by the Department is \$5,000 or more, a probate administration must be opened and a certified copy of a court order identifying either the personal representative or, in the case of a summary administration, the beneficiaries and their proportional interests in the estate must be submitted to the Department.~~

(4) through (5)(b) No change.

(c)1. If the unclaimed business account is that of a dissolved corporation, the claimant must specify the corporation's state of incorporation and its last principal business address. The claimant must provide a certified copy of the last corporate filing identifying the officers and directors of the corporation. This document must be obtained If the unclaimed business account is for a dissolved corporation, then certification from an appropriate authorized state official of the state of incorporation, certified within one (1) year of the filing of the claim, shall be provided to the Department to reflect the last corporate filing. A certified copy of the last corporate filing shall not be required if:

a. The officers and directors of the dissolved corporation are identified in the last corporate filing on the Internet site for the Florida Department of State; or

b. The claimant furnishes to the Department a uniform resource locator (U.R.L.)for the address of a free Internet site operated by the state of incorporation of the dissolved corporation that provides access to the last corporate filing identifying the officers and directors of the dissolved corporation.

c. The claimant must furnish the Department with a printout from the relevant Internet site identifying the officers and directors of the dissolved corporation.

2. The appropriate evidence shall be provided must demonstrate to reflect that the dissolved corporation is the same corporation as shown on the Department's records. The and appropriate evidence must demonstrate that shall be provided to reflect the claimant is entitled to all or a proportional share of the dissolved corporation or that the claimant is an officer or director of the corporation. It is not sufficient that the claimant has the same name as that of an officer or director of the dissolved corporation. The claimant must demonstrate a connection to the dissolved corporation. subparagraph (5)(b)4. herein provides examples of documents which may establish a connection between the claimant and the dissolved corporation.

3. A claim for an unclaimed business account of a dissolved corporation must state whether the dissolved corporation has ever been a debtor in bankruptcy. If the dissolved corporation has ever been a debtor in bankruptcy, the claimant must identify the bankruptcy chapter under which the bankruptcy case proceeded. The claimant must also identify the location of the bankruptcy court, the case number, and the address and telephone number of the Office of the U.S. Trustee in that jurisdiction. If no bankruptcy proceedings of the dissolved corporation are known, the claimant must so state and must either provide the results of a bankruptcy court web site Case Management/Electronic Case Files (CM/ECF) search, if available, or a Public Access to Court Electronic Records (PACER) search. The CM/ECF or PACER search must be conducted in the bankruptcy court of the state and district of incorporation and where the main office is located, if different. The claim must provide the results of both a search by corporate name and a search by tax identification number, if available, for the state and district of incorporation and the location of the main office, if different. As an alternative to the CM/ECF or PACER search, the claimant must provide a completed United States Bankruptcy Court Application for Search of Bankruptcy Records shall be provided to the Department from the state and district of incorporation, and from the district where the main office is located, if different.

4. The Office of the U.S. Trustee will be contacted by the Department if the dissolved corporation was a debtor in a closed Chapter 7 bankruptcy case and the aggregate value of the unclaimed property is greater than \$2,500.00. If the bankruptcy case is reopened, the unclaimed property will be remitted to the bankruptcy trustee.

5. Any unclaimed property will be remitted to the bankruptcy trustee for a corporation in a pending bankruptcy case unless the debtor is in possession of the bankruptcy estate. If the debtor is in possession of the bankruptcy estate, the unclaimed property will be remitted to the debtor corporation.

6. Personal identification shall be provided as specified in subsection (2) of this rule.

Specific Authority 717.138 FS. Law Implemented 92.525, 717.124, 717.126 FS. History—New 3-20-91, Amended 3-13-96, 8-18-96, 1-28-97, 1-18-99, 4-16-02, Formerly 3D-20.0022, Amended _____, Cf. 11 U.S.C. s. 542

69I-20.0023 Database Submissions.

(1) A claimant, or a claimant's representative, may submit the results of a database search with the claim for unclaimed property.

(2) In the event that the claim is denied, and a hearing is requested by the claimant or the claimant's representative, the evidentiary requirements of Sections 120.569 and 120.57, Florida Statutes, shall apply to the results of a database search.

(3) Unless otherwise provided by Florida law, the results of a database search shall be public record in accordance with Section 119.07, Florida Statutes.

Specific Authority 717.138 FS. Law Implemented 717.124, 717.126 FS. History—New _____.

69I-20.003 Reporting Safe Deposit Box Contents.

Safe deposit box contents shall be reported by submitting a completed Form DFS-UP-155, Safe Deposit Box Inventory Form of Property Presumed Unclaimed, effective _____, hereby incorporated by reference and available from the Department of Financial Services, Bureau of Unclaimed Property, Suite 330, Fletcher Building, 200 East Gaines Street, Tallahassee, Florida 32399-0333.

Specific Authority 717.117(1), 717.138 FS. Law Implemented 717.117 FS. History—New _____.

69I-20.036 Remitting of Safe Deposit Box Contents and Reimbursement of Expenses.

(1) through (4)(b) No change.

(c) Within 120 days of the filing of the report, the department may will review reports submitted and notify the holder if the department declines to accept certain items as having insufficient value to warrant the expense of notice and sale.

(d) Within 120 days of the filing of the report, the holder must notify the Department in writing within 120 days of the filing of the report that the safe deposit box contents have either been claimed by the owner or have no commercial value and will not be remitted to the Department by the holder.

(5) No change.

Specific Authority 717.138 FS. Law Implemented 717.117, 717.119, 717.1201(7), 717.127 FS. History—New 6-23-91, Amended 8-24-98, 4-16-02, Formerly 3D-20.036, Amended _____.

69I-20.050 Voluntary Disclosure Agreements.

(1) The Department's goal is to collect and return unclaimed property to its rightful owners in accordance with the Florida Disposition of Unclaimed Property Act, Chapter 717, Florida Statutes. To achieve these results, the Department is encouraging businesses ("Holders") inside and outside the

State of Florida who are in possession of unclaimed property to comply with Florida's Unclaimed Property Law. This compliance can be achieved using a program called voluntary disclosure. This program provides the following benefits to a holder:

- (a) It relieves the Holder of associated expense and liability holding unclaimed property;
- (b) Penalties and fines are not assessed by the Department;
- (c) The reach back period for the review of the Holder's records is five years instead of ten years; and
- (d) The audit period for verification of the disclosure is two years from the date that the report and remittance is accepted by the Department.

(2) To participate in this program, the Holder must not:

- (a) Be subject to an examination;
- (b) Have received notice of an examination by the Department or any of its agents;
- (c) Have been contacted as a result of the Department's outreach program; or
- (d) Have filed an annual report of unclaimed property with the Department.

(3) The property to be disclosed must be unreported and unremitted unclaimed property due to the State of Florida. No property will be accepted on behalf of another state.

(4) Upon notification by the Holder or its agent that the Holder desires to participate in the program, the Bureau of Unclaimed Property ("Bureau") will mail a voluntary disclosure agreement to the Holder or its agent. Form DFS-UP-200, Voluntary Disclosure Agreement, effective _____, hereby incorporated by reference and available from the Department of Financial Services, Bureau of Unclaimed Property, Suite 330, Fletcher Building, 200 East Gaines Street, Tallahassee, Florida 32399-0333. The voluntary disclosure agreement will contain the terms and conditions of the voluntary disclosure. If the Holder is in agreement with the terms and conditions of the voluntary disclosure agreement, the Holder must complete, execute and return the voluntary disclosure agreement to the Bureau with the following information:

- (a) The information requested in Section (4)(a)1. of the agreement;
- (b) The Holder's state of incorporation;
- (c) The Holder's principal place of business (city and state);
- (d) If the Holder's state of incorporation and principal place of business is outside of Florida, the Holder must provide a list detailing the cities in Florida where the Holder conducts business with the number of locations in each city, and;
- (e) If the Holder has no locations within Florida, the Holder must so state.

(5) If the executed voluntary disclosure agreement is adopted and incorporated by reference into a final order of the Department, within the nine-month period from the entry of the final order, the Holder is obligated to submit a detail plan outlining the disclosure process to be completed by the Holder, the estimation calculations used by the Holder, and a report identifying the unclaimed property due to the Department. The unclaimed property remittance must accompany the report.

(6) Once the report and remittance have been reviewed and accepted by the Department, the Department will notify the Holder of the commencement of the two-year audit period.

Specific Authority 717.117(1), 717.138 FS. Law Implemented 717.117, 717.119, 717.129 FS. History--New _____.

Section II Proposed Rules

DEPARTMENT OF STATE

Division of Elections

RULE TITLES: RULE NOS.:

- Constitutional Amendment Initiative
- Petition Submission Deadline; 1S-2.0091
- Verifying Elector's Signatures 1S-2.010
- Advisory Opinions

PURPOSE AND EFFECT: Amend the rules regarding the procedure for constitutional amendment initiative petition submissions and for the verification of elector's signatures.

SUMMARY: Clarifies the procedure for constitutional amendment initiative petition submissions, and for the verification of elector's signature by supervisors of elections.

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: 100.371(7), 106.22(9) FS.

LAW IMPLEMENTED: 100.371, 106.23(2) FS.

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

TIME AND DATE: 2:00 p.m., October 31, 2003

PLACE: Collins Building Room 102, 107 West Gaines Street, Tallahassee, Florida 32399-0250, (850)245-6200

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this hearing should advise the Department at least 5 calendar days before the hearing by contacting Sarah Jane Bradshaw or Marielba Torres, (850)245-6200.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Sarah Jane Bradshaw, 107 West Gaines Street, Suite 100, Tallahassee, Florida 32399-0250, (850)245-6200

THE FULL TEXT OF THE PROPOSED RULES IS:

1S-2.0091 Constitutional Amendment Initiative Petition Submission Deadline; Verifying Electors' Signatures.

(1) Initiative petitions containing signatures proposing constitutional amendments to the Florida Constitution shall be submitted by the sponsor to the Supervisor of Elections in the county in which they were circulated to be verified. If an initiative petition is filed with a Supervisor of Elections of a county other than the county in which the signee is a registered elector, it shall be the responsibility of the circulator or sponsor to forward such petition to the proper county. In the case of such misfiled petition, the filing date of the petition is the date such petition is filed with the proper county. ~~Any petition not timely filed in the proper county on the date it is required by law to be filed is invalid.~~

(2) Upon receipt of initiative petitions, the Supervisor shall verify the signatures on each petition to insure that each person signing said petition is a registered elector in that county and that the date the elector signed the petition was not more than four years prior to the date the Supervisor verified the petition. Initiative petitions must contain, all of the following or they will be deemed invalid and the Supervisor shall not verify the signature:

- (a) The signee's name,
- (b) The signee's street address (including city and county),
- (c) The signee's voter registration number or date of birth,
- (d) The signee's signature,
- (e) The date the elector signed the petition.

(3) Upon completion of the verification as set forth in subsection 1S-2.0091(2), F.A.C., a certificate shall be submitted to the Division of Elections of the Department of State by the Supervisor of Elections certifying the total number of signatures verified, the number verified as registered electors and the distribution by congressional district. ~~The certificate shall be submitted no later than 5 p.m. of the 91st day preceding the general election. Any certificate received later than that time will not be eligible to be counted toward the required number of electors' signatures for any congressional district or the State as a whole.~~ The Division will provide appropriate forms to the Supervisor of Elections to be used for transmission of the required information. In conjunction with the certificate submitted, each Supervisor shall submit a copy of one petition showing the text of the constitutional amendment to which the certified signatures relate. Certificates may be submitted by the supervisor via facsimile in order to meet the deadline, followed by an original copy by mail.

(4) Upon receipt of a certificate from the Supervisor of Elections, the Division shall compile the total number of signatures verified as being registered electors to determine whether the requisite number of signatures has been obtained with respect to each constitutional amendment, ~~by each political committee~~, for each congressional district and the State as a whole. In order to have the initiative appear on the next general election ballot, certificates indicating the requisite number of signatures have been obtained must be received by the Division of Elections no later than 5 p.m. of the 91st day preceding the general election. Upon completion of the compilation, a certification of ballot position shall be issued by the Secretary of State to an appropriate political committee which has obtained the constitutionally required number of signatures. ~~Any political committee which has not obtained the required number of signatures will be so notified.~~

(5) If an initiative petition submitted by a political committee appears on the general election ballot and fails to become enacted by the electors at the general election, the signatures accompanying such petition may not be utilized in support of any future initiative petition.

Specific Authority 100.371(7)(6) FS. Law Implemented 100.371 FS. History--New 1-6-80, Amended 12-20-83, Formerly 1C-7.091, 1C-7.0091, Amended 2-13-90, 3-5-96, _____.

1S-2.010 Advisory Opinions.

(1) General. The Division of Elections has the responsibility to render advisory opinions as to the application of Chapters 97 through 106, F.S.

(2) Those Who May Receive Advisory Opinions.

(a) Those who may formally request and receive advisory opinions as provided for in this rule include the following:

~~1.(a)~~ Supervisors of Elections.

~~2.(b)~~ Candidates.

~~3.(c)~~ Local officers having election related duties.

~~4.(d)~~ Political parties.

~~5.(e)~~ Registered political committees.

~~6.(f)~~ Certified committees of continuous existence.

~~7.(g)~~ Other persons or organizations engaged in political activity; that is, persons or members of an organization which are is actually involved in the action which is the concern of the request.

(b) A representative may request an opinion in the name of his or her principal; however, the opinion will be addressed to the principal.

(3) Subject Matter of Advisory Opinions. Advisory opinions may be rendered only with respect to provisions or possible violations of Florida election law with respect to actions elections taken or proposed to be taken by a person or entity listed supervisor, candidate, local officer having election related duties, political party, committee or person or organization engaged in political activity, as defined in subsection 1S-2.010(2), F.A.C.

(4) Form of Requests for Opinions. Requests for advisory opinions, pursuant to Section 106.23(2), F.S., shall occur only in the form of a written request to the Florida Department of State, Division of Elections. Such request may be accompanied by pertinent attachments, exhibits and memoranda, but must contain the following information in the body of the request:

- (a) Name of Requestor ~~Petitioner~~.
- (b) Address of Requestor ~~Petitioner~~.
- (c) Statutory provision(s) of Florida election law on which advisory opinion is sought.
- (d) Description of how this statutory provision may or does affect the requestor ~~petitioner~~.
- (e) Possible violation of Florida election laws on which advisory opinion is sought.
- (f) The precise factual circumstances giving rise to the request ~~petition~~.
- (g) The point(s) on which the requestor ~~petitioner~~ seeks an opinion ~~requests a declaration~~.
- (h) Additional relevant information.
- (i) Statement of necessity, if any, to expedite division's response. ~~The division shall not be limited to analyzing statutory provisions set forth in a petition for an advisory opinion in its preparation of a response to the request.~~

(5) Division Disposition.

(a) The division will prepare a written response to the request in a timely manner. The division shall not be limited to analyzing statutory provisions set forth in a request for an advisory opinion in its preparation of a response to the request.

(b) Once the opinion is rendered, the division shall forward a copy of it to the requestor ~~petitioner~~ and each county Supervisor of Elections and to any person or organization upon request.

(6) Indexing.

(a) Advisory opinions shall be dated and indexed by subject matter.

(b) ~~In addition, the~~ Opinions shall be numbered sequentially. The first two digits of the advisory opinion shall be the last two digits of the year in which the opinion was rendered. Following the year shall be a dash and the number of the opinion.

(7) Verbal, Telephone or Other Informal Advice. The process described in the preceding provisions of Rule 1S-2.010, F.A.C., is the only process by which the Division of Elections is authorized to provide advisory opinions pursuant to Section 106.23(2), F.S. Other telephone, verbal or written advice does not constitute an advisory opinion rendered pursuant to that law.

Specific Authority 106.22(9) FS. Law Implemented 106.23(2) FS. History—New 9-17-79, Amended 1-31-80, Formerly 1C-7.10, 1C-7.010, 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, Division of Elections, Department of State
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 29, 2003
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 22, 2003

DEPARTMENT OF STATE

Division of Elections

RULE TITLE: State Write-in Ballot
RULE NO.: 1S-2.028

PURPOSE AND EFFECT: Amend the rule regarding state write-in ballots.

SUMMARY: The proposed rule clarifies language included in the form for state write-in ballots.

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: 101.6951 FS.

LAW IMPLEMENTED: 101.6951 FS.

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

TIME AND DATE: 2:00 p.m., October 31, 2003

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

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this hearing should advise the Department at least 5 calendar days before the hearing by contacting: Sarah Jane Bradshaw or Marielba Torres, (850)245-6200.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Sarah Jane Bradshaw, 107 West Gaines Street, Suite 100, Tallahassee, Florida 32399-0250, (850)245-6200

THE FULL TEXT OF THE PROPOSED RULE IS:

1S-2.028 State Write-in Ballot.

(1) The following is the form of the state write-in ballot.

(2) The form provides those offices to be filled in a general election. Offices to be filled in the election shall be arranged in the order named below.

(3) STATE WRITE-IN GENERAL ELECTION
ABSENTEE BALLOT

_____ COUNTY

_____ (DATE) _____

TO VOTE: For each race that you intend to cast a vote, write in the name of the candidate on the line provided or write in the name of a political party, in which case the ballot will be counted for the candidate of that political party, if there is such a party candidate on the ballot.

PRESIDENT AND VICE PRESIDENT: _____

CONGRESSIONAL UNITED STATES SENATOR, DISTRICT _____:

REPRESENTATIVE IN CONGRESS, DISTRICT _____:

STATE GOVERNOR AND LT. GOVERNOR: _____

ATTORNEY GENERAL: _____

CHIEF FINANCIAL OFFICER: _____

COMMISSIONER OF AGRICULTURE: _____

STATE ATTORNEY, _____ JUDICIAL CIRCUIT _____:

PUBLIC DEFENDER, _____ JUDICIAL CIRCUIT _____:

LEGISLATIVE STATE SENATOR, DISTRICT _____:

STATE REPRESENTATIVE, DISTRICT _____:

COUNTY CLERK OF CIRCUIT COURT (OR COUNTY COURT): _____

SHERIFF: _____

PROPERTY APPRAISER: _____

TAX COLLECTOR: _____

DISTRICT SUPERINTENDENT OF SCHOOLS: _____

SUPERVISOR OF ELECTIONS: _____

BOARD OF COUNTY COMMISSIONERS, DISTRICT _____:

(List any other county and district offices involved in the appropriate general election.)

NONPARTISAN JUDICIAL/SCHOOL BOARD

JUSTICE OF THE SUPREME COURT (Add appropriate offices)

Shall Justice _____ of the Supreme Court, be retained in office? Yes No

DISTRICT COURT OF APPEAL (Add appropriate offices) Shall Judge _____ of the _____ District Court of Appeals, be retained in office? Yes No

CIRCUIT JUDGE _____ JUDICIAL CIRCUIT, GROUP _____:

COUNTY COURT JUDGE, GROUP _____:

MEMBER SCHOOL BOARD MEMBER, DISTRICT _____:

(4) Additional local races, for which the voter may otherwise be entitled to vote, may be inserted in the appropriate places at the end of the form.

(5) For the retention of Justices of the Supreme Court and Judges of the District Court of Appeal, the supervisor shall print the names of the incumbent Justices and judges scheduled to be on the ballot for retention in the election on the write-in ballot.

Specific Authority 101.6951 FS. Law Implemented 101.6951 FS. History--New 2-11-02, 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, Division of Elections, Department of State

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

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

DEPARTMENT OF COMMUNITY AFFAIRS

Florida Communities Trust

RULE CHAPTER TITLE: Land Acquisition Procedures With

Florida Forever Program

RULE TITLES: Preparation and Acceptance of Project Plans

Trust Governing Board Action

PURPOSE, EFFECT AND SUMMARY: The proposed rule changes are needed to eliminate a step in the procedures relating to grant applications for Florida Forever funds from the Florida Communities Trust.

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: 380.507(11) FS.

LAW IMPLEMENTED: 259.105, 380.507(11), 380.501-515, 380.510 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., November 3, 2003

PLACE: Room 310M Sadowski Building, Department of Community Affairs, 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 Janice Browning, Executive Director, Florida Communities Trust, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100, (850)922-2207, SunCom 292-2207, 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 System which can be reached at 1(800)955-8770 (Voice) or 1(800)955-9771 (TDD). THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Janice Browning, Executive Director, Florida Communities Trust, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100, (850)922-2207, Suncom 292-2207

THE FULL TEXT OF THE PROPOSED RULES IS:

9K-8.011 Preparation and Acceptance of Project Plans.
(1) through (3) No change.

~~(4) The Trust shall publish a Notice of Approval for Florida Forever Funds in the Florida Administrative Weekly that shall list each approved Project Plan and the amount of funding to be released. Any person with substantial interests that are or may be determined by the decision of the Trust to reject or approve the Project Plan may request an administrative proceeding pursuant to Section 120.57, F.S., within 21 days from publication of the Notice of Approval for Florida Forever Funds.~~

Specific Authority 380.507(11) FS. Law Implemented 259.105, 380.507(11), 380.508, 380.510 FS. History—New 5-27-01, Amended 5-20-02, _____.

9K-8.013 Trust Governing Board Action.

The Trust shall approve the terms under which the interest in land is acquired. Such approval shall be evidenced by the Trust execution of the Purchase Agreement. ~~Notice of approval shall be published in the Florida Administrative Weekly, which shall notify the public that any person with substantial interests that are or may be determined by the approval or denial of funds for projects by the Trust may request an administrative proceeding pursuant to Section 120.57, F.S., within 21 days from publication of the Notice of Approval for Florida Forever Funds.~~

Specific Authority 380.507(11) FS. Law Implemented 259.105, 380.501-.515 FS. History—New 5-27-01, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Janice Browning, Executive Director, Florida Communities Trust, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100, (850)922-2207, Suncom 292-2207

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Janice Browning, Executive Director, Florida Communities Trust, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100, (850)922-2207, SunCom 292-2207

DATE PROPOSED RULES APPROVED BY AGENCY HEAD: August 23, 2003

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

DEPARTMENT OF REVENUE

Division of Ad-Valorem Tax

RULE CHAPTER TITLE: Exemptions
RULE CHAPTER NO.: 12D-7

RULE TITLE: Exemption of Property of Widows, Widowers,
Blind Persons, and Persons Totally and

Permanently Disabled; Disabled Veterans
12D-7.003

PURPOSE AND EFFECT: The purpose of the proposed amendment to Rule 12D-7.003, F.A.C., is to clarify the value of the aggregate exemptions under Sections 196.202 and 196.24, F.S., for property of widows/widowers, blind persons, totally and permanently disabled persons, and veterans.

SUMMARY: The proposed amendment to Rule 12D-7.003, F.A.C., removes references to Section 196.031, F.S., (the \$25,000 homestead exemption) and removes that amount from the combined exemption totals stated in the rule.

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

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

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

LAW IMPLEMENTED: 196.202, 196.24, 213.05 FS.

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

TIME AND DATE: 10:30 a.m., October 31, 2003

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

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

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

speech-impaired should contact the Department by using the Florida Relay Service, which can be reached at (800)955-8770 (voice) and (800)955-8771 (TDD).

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

THE FULL TEXT OF THE PROPOSED RULE IS:

12D-7.003 Exemption of Property of Widows, Widowers, Blind Persons, and Persons Totally and Permanently Disabled; Disabled Veterans.

(1) For the purposes of the exemption provided in Section 196.202, Florida Statutes:

(a) through (c) No change.

(d) The exemptions provided under Section 196.202, Florida Statutes, shall be cumulative. An individual who properly qualifies under more than one classification shall be granted more than one five hundred dollar exemption. However, in no event shall the ~~combined~~ exemption under Section 196.202, Florida Statutes, ~~and Section 196.031, Florida Statutes,~~ exceed one thousand five hundred dollars (\$1,500) for an individual ~~twenty six thousand five hundred dollars (\$26,500).~~

(e) No change.

(2) The \$5,000 exemption granted by Section 196.24, Florida Statutes, shall be considered to be the same constitutional disability exemption provided for by Section 196.202, Florida Statutes. The exemptions under sections 196.202 and 196.24, ~~196.031, and 196.202~~, Florida Statutes, shall be cumulative, but in no event shall the aggregate exemption exceed \$6,000 for an individual ~~\$31,000~~.

(3) The exemptions granted by sections 196.202 and 196.24, Florida Statutes, apply to any property owned by a bona fide resident of this state.

Specific Authority 195.027(1), 213.06(1) FS. Law Implemented ~~196.031, 196.202, 196.24, 213.05~~ FS. History—New 10-12-76, Formerly 12D-7.03, Amended 11-21-91, 12-31-98, 12-30-02, _____.

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

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

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 15, 2003, Vol. 29, No. 33, pp. 3196-3197. A workshop was held on August 29, 2003. No one gave testimony at the workshop regarding this rule and no written comments have been received by the Department.

DEPARTMENT OF REVENUE

Division of Ad-Valorem Tax

RULE CHAPTER TITLE: Assessment Roll Preparation and Approval
 RULE CHAPTER NO.:

RULE TITLE: Uniform Standards for Computer Operations: Minimum Data Requirements
 RULE NO.: 12D-8.011

PURPOSE AND EFFECT: The purpose of the proposed amendment to Rule 12D-8.011, F.A.C., is to provide exemption type codes for the property appraisers' use in maintaining uniform data processing files.

SUMMARY: The proposed amendment to Rule 12D-8.011, F.A.C., provides exemption type codes required to be used in data files maintained by the property appraisers.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No statement of estimated regulatory cost was prepared. Any person who wishes to provide information regarding regulatory costs or to provide a proposal for a lower-cost regulatory alternative must do so in writing within 21 days after this notice.

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

LAW IMPLEMENTED: 195.027, 196.031, 196.075, 196.081, 196.091, 196.101, 196.175, 196.195, 196.196, 196.197, 196.1975, 196.198, 196.1985, 196.1986, 196.199, 196.1995, 196.1997, 196.1998, 196.2001, 196.202, 196.24, 213.05 FS.

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

TIME AND DATE: 10:30 a.m., October 31, 2003

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

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

NOTICE UNDER THE AMERICANS WITH DISABILITIES ACT: Any person requiring special accommodations to participate in this hearing is asked to advise the Department at least 48 hours before the hearing by contacting Larry Green at (850)922-4830. A person who is hearing-impaired or speech-impaired should contact the Department by using the Florida Relay Service, which can be reached at (800)955-8770 (voice) and (800)955-8771 (TDD).

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

THE FULL TEXT OF THE PROPOSED RULES IS:

12D-8.011 Uniform Standards for Computer Operations: Minimum Data Requirements.

(1) Each property appraiser shall maintain the following data in one or more of his or her data processing files regarding each parcel of real estate in his or her county.

(a) through (n) No change.

(o) 1. Exemption type. A code indicating the type of exemption granted to the parcel and the value(s) thereof. The property appraiser may continue to use any existing codes provided they are translated to the codes prescribed when submitted to the Department. The code is as follows:

A – Senior Homestead Exemption (Section 196.075, Florida Statutes)

B – Blind (Section 196.202, Florida Statutes)

C – Charitable, Religious, Scientific or Literary (Section 196.196, Florida Statutes)

D – Disabled (Sections 196.081, 196.091, 196.101, Florida Statutes)

E – Economic Development (Section 196.1995, Florida Statutes)

G – Federal Government Property (Section 196.199(1)(a), Florida Statutes); State Government Property (Section 196.99(1)(b), Florida Statutes); Local Government Property (Section 196.199(1)(c), Florida Statutes); Leasehold Interests in Government Property (Section 196.199(2), Florida)

H – Historic Property (Section 196.1997, Florida Statutes)

I – Historic Property Open to the Public (Section 196.1998, Florida Statutes)

L – Labor Organization (Section 196.1985, Florida Statutes)

M – Homes for the Aged (Section 196.1975, Florida Statutes)

N – Nursing Homes, Hospitals, Homes for Special Services (Section 196.197, Florida Statutes)

O – Widowers (Section 196.202, Florida Statutes)

P – Totally and Permanently Disabled (Section 196.202, Florida Statutes)

Q – Combination (Homestead, Disabled, Widow, Widower, Totally and Permanently Disabled, Senior Homestead Exemption – Sections 196.031, 196.075, 196.202, Florida Statutes)

R – Renewable Energy Source (Section 196.175, Florida Statutes)

S – Sewer and Water Not-for-Profit (Section 196.2001, Florida Statutes)

T – Community Centers (Section 196.1986, Florida Statutes)

U – Educational Property (Section 196.198, Florida Statutes)

V – Disabled Veteran (Section 196.24, Florida Statutes)

W – Widows (Section 196.202, Florida Statutes)

X – Homestead Exemption (Section 196.031, Florida Statutes)

Y – Combination (Homestead, Disabled, Widow, Widower, Totally and Permanently Disabled, Disabled Veteran, Senior Homestead Exemption – Sections 196.031, 196.075, 196.202, 196.24, Florida Statutes)

Z – Combination (Renewable Energy Source, Economic Development – Sections 196.175, 196.1995, Florida Statutes)

1 – Licensed Child Care Facility Operating in Enterprise Zone (Section 196.095, Florida Statutes)

2 – Historic Property Used for Certain Commercial or Nonprofit Purposes (Section 196.1961, Florida Statutes)

3 – Proprietary Continuing Care Facilities (Section 196.1977, Florida Statutes)

4 – Affordable Housing Property (Section 196.1978, Florida Statutes)

5 – Charter School (Section 196.1983, Florida Statutes)

6 – Public Property Used under License or Lease Agreement Entered into Prior to January 1, 1969 (Section 196.1993, Florida Statutes)

7 – Space Laboratories and Carriers (Section 196.1994, Florida Statutes)

8 – Water and Wastewater Systems Not-for-Profit (Section 196.2002, Florida Statutes)

2. A code or codes indicating each exemption granted to the parcel and the value(s) thereof. The property appraiser may continue to use any existing codes provided they are translated to the codes prescribed when submitted to the Department. Personal exemption codes shall be “0” indicating the exemption does not apply or the applicable code provided in this rule subsection an alphabetic character indicating an the exemption does apply. Five of six personal exemptions may apply for each parcel, in the following order.

Exemption Type	Maximum Value	Code
Homestead	\$25,000	X
Widowed	\$500	W/O
Blind	\$500	B
Disabled	\$500	P
Veteran Disabled	\$5000	V
Disabled (100 percent Exempt)	–	D

An individual who qualified for the \$25,000 exemption may also be entitled to the \$500 exemption of Section 3(b), Art. VII, State Const. (for widows, widowers, or blind or totally and permanently disabled persons) and Section 196.202, Florida Statutes, and/or the \$5000 exemption under Section 196.24, Florida Statutes (disabled veterans). In no event shall the aggregate exemption exceed \$26,500, for individuals exempt under Section 196.202, Florida Statutes, or \$31,000 for individuals exempt under Section 196.24, Florida Statutes, except for total exemptions under Sections 196.081, 196.091, or 196.101, Florida Statutes.

(p) through (q) No change.

(2) Each property appraiser shall maintain the following data in one or more of his/her data processing files regarding each personal property account in his/her county.

(a) through (l) No change.

(m) Exemption type. A code indicating the type of exemption granted the account. The code is as follows:

A – Institutional (Sections 196.195, 196.196, 196.197, Florida Statutes)

B – Non-Governmental Educational Property other than under Section 196.1985, Florida Statutes. (Section 196.198, Florida Statutes)

C – Federal Government Property (Section 196.199(1)(a), Florida Statutes)

D – State Government Property (Section 196.99(1)(b), Florida Statutes)

E – Local Government Property (Section 196.199(1)(c), Florida Statutes)

F – Leasehold Interests in Government Property (Section 196.199(2), Florida Statutes)

G – Economic Development (Section 196.1995, Florida Statutes)

H – Not-for-profit Sewer and Water Companies (Section 196.2001, Florida Statutes)

I – Blind Exemption (Section 196.202, Florida Statutes)

J – Total and Permanent Disability Exemption (Section 196.202, Florida Statutes)

K – Widow’s Exemption (Section 196.202, Florida Statutes)

L – Disabled Veteran’s Exemption (Section 196.24, Florida Statutes)

(n) through (4) No change.

Specific Authority 195.027(1), 213.06(1) FS. Law Implemented 195.027, 196.031, 196.075, 196.081, 196.091, 196.101, 196.175, 196.195, 196.196, 196.197, 196.1975, 196.198, 196.1985, 196.1986, 196.199, 196.1995, 196.1997, 196.1998, 196.2001, 196.202, 196.24, 213.05 FS. History—New 12-7-76, Amended 9-30-82, Formerly 12D-8.11, Amended 12-31-98, 12-30-02, _____.

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

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

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 15, 2003, Vol. 29, No. 33, pp. 3197-3200. A workshop was held on August 29, 2003. No one gave testimony at the workshop regarding these rules and no written comments have been received by the Department.

DEPARTMENT OF REVENUE

Division of Ad-Valorem Tax

RULE TITLES:	RULE NOS.:
Sale of Tax Certificates for Unpaid Taxes	12D-13.045
Application for Obtaining Tax Deed by Holder of Tax Certificate; Fees	12D-13.060
Notices; Advertising, Mailing, Delivering and Posting of Notice of Tax Deed Sale	12D-13.062
Land Available for Taxes	12D-13.064
Disbursement of Proceeds of Sale	12D-13.065

PURPOSE AND EFFECT: A) The purpose of the proposed amendment to Rule 12D-13.045, F.A.C., is to implement the provisions of chapter 2003-22, L.O.F., allowing tax certificate sales to be conducted by electronic means. B) The purpose of the proposed amendment to Rule 12D-13.060 is to implement the provisions of chapter 2003-284, L.O.F., which increases the tax deed application fee and provides that the titleholder of submerged land or common elements in a subdivision that is contiguous to property on which a tax deed application has been made be included in the tax collector’s statement, unless that titleholder is the current owner of the property on which the application has been made. The purpose of the amendments to Rules 12D-13.062, 12D-13.064 and 12D-13.065, F.A.C., is to implement the provisions of Chapter 2003-284, L.O.F., which: requires that titleholders of submerged land or common elements in a subdivision that is contiguous to property on which a tax deed application has been made be provided the warnings required by Section 197.522(2)(b), F.S.; provides that the titleholder of submerged lands or common elements of a subdivision that is contiguous to property that is on the list of lands available for sale be notified if the county does not elect to purchase the land from the list; provides that titleholders of contiguous property are not to be included in disbursement of tax deed sale proceeds.

SUMMARY: A) The proposed amendment to Rule 12D-13.045, F.A.C., provides that a tax collector may conduct tax certificate sales electronically. B) The proposed amendment to Rule 12D-13.060, F.A.C., revises the fifteen dollar application fee to seventy five dollars and provides that titleholders of submerged land or common elements in a subdivision that is contiguous to property on which a tax deed application has been made must be included in the tax collector’s statement and provides an exception where the titleholder is the current owner of the property on which the application has been made. C) The proposed amendment to Rule 12D-13.062, F.A.C, provides that the titleholder of contiguous property be provided the warning notice under

Section 197.522(2)(b), F.S., of the pending tax deed sale. D) The proposed amendment to Rule 12D-13.064, F.A.C., provides that the county must notify the titleholder of property contiguous to property on the list of lands available for sale where the county elects not to purchase that property from the list of lands. E) The proposed amendment to Rule 12D-13.065, F.A.C., provides that excess funds from a tax deed sale are not distributed to owners of contiguous property.

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

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

SPECIFIC AUTHORITY: 195.022, 195.027(1), 213.06(1) FS. LAW IMPLEMENTED: 125.411, 193.092, 193.102, 194.171, 195.022, 197.122, 197.3632, 197.402, 197.403, 197.432, 197.473, 197.482, 197.502, 197.512, 197.522, 197.532, 197.542, 197.552, 197.562, 197.573, 197.582, 197.593, 197.602, 213.05, 298.36, 298.365, 298.366, 298.465, 298.54 FS.

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

TIME AND DATE: 10:30 a.m., October 31, 2003
 PLACE: Room 116, Larson Building, 200 E. Gaines Street, Tallahassee, Florida

NOTICE UNDER THE AMERICANS WITH DISABILITIES ACT: Any person requiring special accommodations to participate in this hearing is asked to advise the Department at least 48 hours before the hearing by contacting Larry Green, (850)922-4830. A person who is hearing-impaired or speech-impaired should contact the Department by using the Florida Relay Service, which can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

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

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

THE FULL TEXT OF THE PROPOSED RULES IS:

12D-13.045 Sale of Tax Certificates for Unpaid Taxes.

(1) Except as provided in Rule 12D-13.047, F.A.C., the tax collector shall sell tax certificates on all lands on which the taxes are delinquent. The tax collector is authorized to conduct the public sale by electronic means as provided in Section 197.432(16), Florida Statutes. The sale shall begin on the day and at approximately the time advertised, which shall be on or

before June 1 or the sixtieth day after the date of delinquency, whichever is later. The sale shall continue from day to day or until all tax certificates are sold or struck off to the county.

(2) through (13) No change.

Specific Authority 195.022, 195.027(1), 213.06(1) FS. Law Implemented 193.092, 193.102, 194.171, 197.122, 197.402, 197.403, 197.432, 213.05 FS. History—New 6-18-85, Formerly 12D-13.45, Amended 5-23-91, 12-13-92, 12-28-95, _____.

12D-13.060 Application for Obtaining Tax Deed by Holder of Tax Certificate; Fees.

(1) through (2) No change.

(3) PROCEDURE: APPLICATION FOR TAX DEED BY PRIVATE HOLDER.

(a) The procedure for tax deed applications by anyone other than the county shall be as follows:

1. No change.

2. The tax deed applicant shall immediately pay to the tax collector the costs and fees required for making application and all amounts required for redemption or purchase of all other outstanding certificates covering the land. A tax deed application is not considered completed until all application costs and fees, including redemption fees, have been paid. It is recommended that the collector accept only cash, cashiers checks, bank drafts or money orders. The applicant shall pay a tax deed application fee of seventy five ~~fifteen~~ dollars (\$75.00).

3. No change.

(4) PROCEDURE AFTER APPLICATION IS MADE – ALL CERTIFICATES.

(a) through (b) No change.

(c) The tax collector shall also attach to the certification Form DR-513 a statement certifying the names and addresses of all persons the clerk is required by law to notify prior to the tax deed sale. (See Section 197.522, Florida Statutes.) The statement shall contain at a minimum the following names and addresses:

1. Legal titleholders of record and the owner's address as it appears on the record of conveyance; if no address is shown on the record of conveyance, the collector shall so state.

2. Lienholders who have recorded liens against the property if an address appears on the recorded lien.

3. Mortgagees of record if an address appears on the recorded mortgage.

4. Vendees of recorded contracts for deed if an address appears on the recorded contract.

5. Vendees of recorded contracts for deed if an application to receive notice has been made pursuant to section 197.344, Florida Statutes; and their addresses.

6. Lienholders who have applied to the tax collector to receive notice if an address has been furnished to the tax collector, and their addresses.

7. Persons to whom the property was last assessed on the tax roll, and their addresses.

8. In the case of county tax deed applications, owners of tax certificates that have not been redeemed in connection with the tax deed application.

9. Any lienholder of a lien recorded with the clerk of the circuit court against a mobile home located on property described in the tax certificate and taxed as real property if an address appears on the recorded lien.

10. Any legal titleholder of record of property that is contiguous to the property described in the tax certificate, when the property described is either submerged land or common elements of a subdivision, if the address of the titleholder of contiguous property appears on the record of conveyance of the land to that legal titleholder. However, if the legal titleholder of property contiguous to the property described in the tax certificate is the same as the person to whom the property described in the tax certificate was assessed on the tax roll for the year in which the property was last assessed, the notice may be mailed only to the address of the legal titleholder as it appears on the latest assessment roll.

(d) No change.

Specific Authority 195.027(1), 213.06(1) FS. Law Implemented 197.3632, 197.482, 197.502, 197.512, 197.522, 197.532, 197.542, 197.552, 197.562, 197.573, 197.582, 197.593, 197.602, 213.05 FS. History—New 6-18-85, Formerly 12D-13.60, Amended 5-23-91, 12-13-92, 1-11-94, 12-25-96, 12-31-98, _____.

12D-13.062 Notices; Advertising, Mailing, Delivering and Posting of Notice of Tax Deed Sale.

(1) No change.

(2) Delivering and Posting.

(a) At least 30 days prior to the date of sale, the clerk shall prepare a notice containing the warnings warning required by Section 197.522(2)(a), Florida Statutes, for owners of the property to be sold and by section 197.522(2)(b), Florida Statutes, for owners of contiguous property listed in the tax collector’s statement pursuant to s. 197.502(4)(h), F.S., and:

1. If the owner of the property to be sold resides in the same county in which the property is located, deliver an original and sufficient copies of the notice to the sheriff of that county and

2. If the owner resides in Florida outside the county where the land is located, deliver an original and sufficient copies of the notice to the sheriff of the county in which the property is located, unless the property is assessed as non-agricultural acreage or vacant land.

3. If the owner resides outside the State of Florida, the clerk shall send notice to the sheriff of the county where the property is located, unless the property is assessed as non-agricultural acreage or vacant land.

4. For the owners of the property contiguous to the property to be sold, deliver an original and sufficient copy of the notice described in section 197.522(2)(b), Florida Statutes to the sheriff of the county in which the contiguous property lies.

(b) through (5) No change.

Specific Authority 195.022, 195.027(1), 213.06(1) FS. Law Implemented 197.502, 197.512, 197.522, 197.542, 197.562, 197.582, 213.05 FS. History—New 6-18-85, Formerly 12D-13.62, Amended 12-3-01, _____.

12D-13.064 Lands Available for Taxes.

(1) If the tax deed application was made by the county and there are no other bidders, the clerk shall enter the land on a “List of Lands Available for Taxes”. If all outstanding tax sale certificates from the land were issued after July 1, 1999, the county shall then have 90 days after the land is placed on the list to purchase the land for the opening bid. If any tax sale certificates were sold on or before July 1, 1999, the 90 days shall run from the sale date. After 90 days, any person or governmental unit may purchase the land for the opening bid. If the county does not elect to purchase the land, the county must notify each legal titleholder of property contiguous to the land available for taxes, as provided in Section 197.502(4)(h), Florida Statutes, before expiration of the 90-day period. Interest on the opening bid continues to accrue through the month of sale as prescribed by Section 197.542, Florida Statutes. Where property is purchased from the list by the county or other governmental unit for its own use, omitted years’ taxes may be canceled in the manner prescribed under the provisions of Section 197.447, Florida Statutes.

(2) through (3) No change.

Specific Authority 195.027(1), 213.06(1) FS. Law Implemented 125.411, 197.502, 213.05 FS. History—New 6-18-85, Formerly 12D-13.64, Amended 12-30-99, _____.

12D-13.065 Disbursement of Proceeds of Sale.

(1) through (2) No change.

(3) Any remaining funds held by the clerk shall be distributed to those persons described in Section 197.502(4), Florida Statutes, except persons listed in Section 197.502(4)(h), Florida Statutes, as their interests may appear. Therefore, the distribution scheme must observe the priorities of recordation of the liens or interests in the public records of the County. The excess funds must be used to satisfy in full to the extent possible each senior mortgage or lien in the property before distribution of any funds to any junior mortgage or lien. Any valid lien in the property is entitled to payment before any payment is made to the titleholder of ~~o~~ record. If a judgment lien or mortgage lien is terminated by court decree or by operation of law (i.e., Ch. 95, Florida Statutes), such lien is not a valid lien and is therefore not entitled to be satisfied.

(4) The clerk shall send notices to those persons listed in Section 197.502(4), Florida Statutes, except persons listed in Section 197.502(4)(h), Florida Statutes, advising them of the funds held for their benefit. The form of the notice shall be as follows:

NOTICE

CTF NO. _____ Description _____

Pursuant to Chapter 197, Florida Statutes, the above property was sold at public sale on _____. After payment of all funds due to government units has been made, a surplus of \$ _____ will remain and be held by this office for a period of 90 days from the date of this notice for the benefit of persons having interest in and to this property as described in Section 197.502(4), Florida Statutes, as their interests may appear.

Attached hereto is a copy of the abstract of this property received from the office of the tax collector reflecting all such persons as described in Section 197.502(4), Florida Statutes, having an interest in the subject property. These funds will be used to satisfy in full, to the extent possible, each senior mortgage or lien in the property before distribution of any funds to any junior mortgage or lien. In order to be considered for distribution of these funds, you must submit a notarized statement of claim to this office, detailing the particulars of your lien, and the amounts currently due, within 90 days of the date of this notice. A copy of this notice must be attached to your statement of claim. After examination of the statements of claim filed, this office will notify you if you are entitled to any payment. Dated this ____ day of _____, _____.

Clerk

County
(5) through (10) No change.

Specific Authority 195.022, 195.027(1), 213.06(1) FS. Law Implemented 195.022, 197.473, 197.502, 197.522, 197.532, 197.542, 197.582, 213.05, 298.36, 298.366, 298.465, 298.54, 298.365 FS. History—New 6-18-85, Formerly 12D-13.65, Amended _____.

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

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Jerry Miller, Revenue Program Administrator, Property Tax Technical Unit, Department of Revenue, Tallahassee, Florida 32314, (850)414-6108

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 15, 2003, Vol. 29, No. 33, pp. 3200-3203 (A workshop was held on August 29, 2003. No one gave testimony at the workshop regarding these rules and no written comments have been received by the Department.)

DEPARTMENT OF REVENUE

Division of Ad-Valorem Tax

RULE TITLE: Index to Forms
RULE NO.: 12D-16.002

PURPOSE AND EFFECT: The purpose of the proposed amendment to Rule 12D-16.002, F.A.C., is to implement forms revisions created in Chapters 2002-226, 2003-162 and 2003-284, L.O.F., and incorporate other technical changes made to forms.

SUMMARY: The proposed amendments to Rule 12D-16.002, F.A.C., incorporate legislative and technical changes to ad valorem property tax forms used by property appraisers, tax collectors, and the general public.

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

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

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

LAW IMPLEMENTED: 92.525, 95.18, 136.03, 192.001(18), 193.052, 193.077, 193.085, 193.092, 193.114, 193.122, 193.461, 193.625, 193.703, 194.011, 194.032, 194.034, 194.035, 194.037, 195.002, 195.022, 195.087, 195.095, 196.011, 196.015, 196.031, 196.075, 196.095, 196.101, 196.121, 196.141, 196.151, 196.193, 196.1983, 196.1995, 196.24, 197.182, 197.222, 197.253, 197.3632, 197.3635, 197.414, 197.432, 197.472, 197.512, 197.552, 200.065, 200.069, 213.05, 218.66 FS.

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

TIME AND DATE: 10:30 a.m., October 31, 2003

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

NOTICE UNDER THE AMERICANS WITH DISABILITIES ACT: Any person requiring special accommodations to participate in this hearing is asked to advise the Department at least 48 hours before the hearing by contacting Larry Green, (850)922-4830. A person who is hearing-impaired or speech-impaired should contact the Department by using the Florida Relay Service, which can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

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

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

THE FULL TEXT OF THE PROPOSED RULE IS:

12D-16.002 Index to Forms.

(1) The following paragraphs list the forms utilized by the Department of Revenue. A copy of these forms may be obtained by writing to: Director, Property Tax Administration Program, Department of Revenue, Post Office Box 3000, Tallahassee, Florida 32315-3000. The Department of Revenue adopts, and hereby incorporates by reference in this rule, the following forms and instructions:

Form Number	Form Title	Effective Date
(2) DR-401	Private Car and Freight Line Equipment Companies Annual Report to State of Florida Department of Revenue Property Tax Administration (r. 12/03 12/02)	____ 1/03
(3)(a)	No change.	
(b) DR-403AC	Revised Recapitulation of the Ad Valorem Assessment Rolls (County Values) (r. 1/03 4/00)	____ 1/01
(4)(a) DR-403AM	Revised Recapitulation of the Ad Valorem Assessment Rolls (Municipality Values) (r. 1/03 4/00)	____ 1/01
(b) through (5)(a)	No change.	
(b) DR-403EB	Assessment Roll Exemption Breakdown (r. 1/03 4/00)	____ 1/01
(6) through (8)	No change.	
(9)(a) DR-409	Certificate of Correction of Tax Roll (r. 12/03 12/02)	____ 1/03
(b) through (16)(a)	No change.	
(b) DR-453B	Notice of Tax Lien for Assessment of Escaped Taxes (r. 12/03 12/02)	____ 1/03
(c) through (21)(a)	No change.	
(b) DR-474	Notice of Proposed Property Taxes (r. 12/03 1/02)	____ 12/01
(c)	No change.	
(d) DR-474N	Notice of Proposed Property Taxes and Proposed or Adopted Non-Ad Valorem Assessments (r. 12/03 01/02)	____ 12/01
(22) through (27)	No change.	
(28)(a) DR-489AC	Preliminary Recapitulation of Ad Valorem Assessment Rolls – County (r. 1/03 4/00)	____ 1/01
(b) DR-489AM	Preliminary Recapitulation of Ad Valorem Assessment Rolls – Municipality (r. 1/03 4/00)	____ 1/01
(c) DR-489EB	Assessment Roll Exemption Breakdown (r. 1/03 4/00)	____ 1/01
(d)	No change.	

(29)(a) DR-490	Notice of Disapproval of Application for Property Tax Exemption by the County Property Appraiser (r. 12/03 12/00)	____ 1/01
(b) through (33)(c)	No change.	
(d) DR-499C	Renewal and Certification of Agricultural Classification of Lands (r. 12/03 12/02)	____ 1/03
(34) through (38)(c)	No change.	
(d) DR-501SC	Sworn Statement of Adjusted Gross Income of Household and Return (r. 12/03 12/02)	____ 1/03
<u>(e) DR-501PGP</u>	<u>Original Application for Assessment Reduction for Living Quarters of Parents or Grandparents (n. 12/03)</u>	_____
(39)(a) DR-501S	Eligibility Criteria to Qualify for Property Tax Exemption (r. 12/03 12/02)	____ 1/03
(b) through (46)(a)	No change.	
(b) DR-513	Tax Collectors Certification (r. 12/03 12/02)	____ 1/03
(c) through (51)(a)	No change.	
(b) DR-534	Notice and Application for Alternative Payment of 2004 2003 Property Taxes (r. 12/03 12/02)	____ 1/03
(52) through (61)	No change.	

Specific Authority 195.027(1), 213.06(1) FS. Law Implemented 92.525, 95.18, 136.03, 192.001(18), 193.052, 193.077, 193.085, 193.092, 193.114, 193.122, 193.461, 193.625, 193.703, 194.011, 194.032, 194.034, 194.035, 194.037, 195.002, 195.022, 195.087, 195.095, 196.011, 196.015, 196.031, 196.075, 196.095, 196.101, 196.121, 196.141, 196.151, 196.193, 196.1983, 196.1995, 196.24, 197.182, 197.222, 197.253, 197.3632, 197.3635, 197.414, 197.432, 197.472, 197.512, 197.552, 200.065, 200.069, 213.05, 218.66 FS. History—New 10-12-76, Amended 4-11-80, 9-17-80, 5-17-81, 1-18-82, 4-29-82, Formerly 12D-16.02, Amended 12-26-88, 1-9-92, 12-10-92, 1-11-94, 12-27-94, 12-28-95, 12-25-96, 12-30-97, 12-31-98, 2-3-00, 1-9-01, 12-27-01, 1-20-03, _____.

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

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

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 15, 2003, Vol. 29, No. 33, pp. 3203-3204 (A workshop was held on August 29, 2003. No one gave testimony at the workshop regarding this rule and no written comments have been received by the Department.)

DEPARTMENT OF REVENUE

Division of Ad-Valorem Tax

RULE TITLE: Adoption of Non-Ad Valorem Assessment Roll 12D-18.005

RULE NO.: 12D-18.005

PURPOSE AND EFFECT: The purpose of the proposed amendment to Rule 12D-18.005, F.A.C., is to implement the provisions of Chapter 2003-70, L.O.F., which revises the date of public hearings held for purposes of adoption of a new non-ad valorem assessment.

SUMMARY: The proposed amendment to Rule 12D-18.005, F.A.C., revises the date of public hearings held for purposes of adoption of a new non-ad valorem assessment.

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

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

SPECIFIC AUTHORITY: 195.027(1), 197.3632(11), 197.3635, 213.06(1) FS.

LAW IMPLEMENTED: 197.322, 197.363, 197.3631, 197.3632, 197.3635, 213.05 FS.

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

TIME AND DATE: 10:30 a.m., October 31, 2003

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

NOTICE UNDER THE AMERICANS WITH DISABILITIES ACT: Any person requiring special accommodations to participate in this hearing is asked to advise the Department at least 48 hours before the hearing by contacting Larry Green, (850)922-4830. A person who is hearing-impaired or speech-impaired should contact the Department by using the Florida Relay Service, which can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

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

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

THE FULL TEXT OF THE PROPOSED RULE IS:

12D-18.005 Adoption of Non-Ad Valorem Assessment Roll.

(1) The provisions of this rule section are applicable to non-ad valorem assessments levied for the first time.

(a) No change.

(b) For a new non-ad valorem assessment, a local government shall adopt a non-ad valorem assessment roll at a public hearing held between January 1 ~~June 1~~ and September 15 if one or more of the following circumstances exist regarding the assessment:

1. It is levied for the first time;
2. It is increased beyond the maximum rate authorized by law or judicial decree at the time of its initial imposition;
3. It is related to a change in boundaries of (name of local government), unless all newly affected property owners have provided written consent for such assessment to the local governing board; or,
4. It is related to a change in purpose for an existing assessment or in the use of the revenue from such assessment.

(c) A local government may hold its public hearing and adopt or reaffirm a capital project assessment roll at any time prior to certification of the roll to the tax collector, and is not required to hold the public hearing between January 1 ~~June 1~~ and September 15. For capital project assessments, any notice or hearing required by this rule chapter may be combined with any other notice required by this rule chapter, by the general or special law, or by municipal or county ordinance, pursuant to which the capital project assessment is levied.

(2) through (4) No change.

Specific Authority 195.027(1), 197.3632(11), 197.3635, 213.06(1) FS. Law Implemented 197.322, 197.363, 197.3631, 197.3632, 197.3635, 213.05 FS. History—New 2-21-91, Amended 4-18-94, _____.

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

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

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 15, 2003, Vol. 29, No. 33, pp. 3204-3205 (A workshop was held on August 29, 2003. No one gave testimony at the workshop regarding this rule and no written comments have been received by the Department.)

DEPARTMENT OF TRANSPORTATION

RULE CHAPTER TITLE: Prepaid Escrow Accounts

RULE CHAPTER NO.: 14-114

RULE TITLE: Prepaid Escrow Accounts

RULE NO.: 14-114.0011

PURPOSE AND EFFECT: This amendment includes an editorial revision to incorporate a new version of the Prepaid Escrow Account Application, Form 350-060-10. The form is being revised to show a change resulting from the September 4, 2003, amendment.

SUMMARY: A revised version of the Prepaid Escrow Account Application, Form 350-060-10, is being incorporated by reference.

SPECIFIC AUTHORITY: 334.044(2), 334.187(4) FS.

LAW IMPLEMENTED: 334.187 FS.

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

Any person who wishes to provide information regarding 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.

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: James C. Myers, Clerk of Agency Proceedings, Florida Department of Transportation, Office of the General Counsel, 605 Suwannee Street, Mail Station 58, Tallahassee, Florida 32399-0458

THE FULL TEXT OF THE PROPOSED RULE IS:

14-114.0011 Prepaid Escrow Accounts.

(1) through (2) No change.

(3) Initial Application. Application for a Prepaid Escrow Account with the Department will be made by submitting a Prepaid Escrow Account Application, Department of Transportation Form 350-060-10, R. 09/03 ~~01/02~~, and the appropriate deposit as set forth in paragraph 14-114.004(4)(b), F.A.C., to the Florida Department of Transportation, Office of Comptroller, Cashier, 3717 Apalachee Parkway East, Tallahassee, Florida 32311-3400.

(4) through (6) No change.

(7) Forms. The following forms, which are incorporated by reference and made a part of these rules, are to be used by the applicants for Prepaid Escrow Accounts:

Form Number	Date	Title
350-060-10	09/03 01/02	Prepaid Escrow Account Application
350-060-08	01/02	Account Bond

These forms may be obtained from the Department of Transportation Office of the Comptroller, Accounts Receivable Section, 3717 Apalachee Parkway East, Tallahassee, Florida 32311-3400.

Specific Authority 334.044(2), 334.187(4) FS. Law Implemented 334.187 FS. History—New 6-4-02, Amended 9-4-03, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Rebecca Sponholtz, CPA, Accounts Receivable Administrator, General Accounting Office

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Ken Morefield, Assistant Secretary for Transportation Policy, for José Abreu, P.E., Secretary

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 1, 2003

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 26, 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: Correctional Probation Officers: Appointment and Responsibility
RULE NO.: 33-302.103

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to provide a cross-reference to rule provisions governing use of correctional probation officer badges.

SUMMARY: The proposed rule provides a cross-reference to rule provisions governing use of correctional probation officer badges.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None.

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

SPECIFIC AUTHORITY: 944.09 FS.

LAW IMPLEMENTED: 944.09 FS.

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

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

THE FULL TEXT OF THE PROPOSED RULE IS:

33-302.103 Correctional Probation Officers: Appointment and Responsibility.

(1) No change.

(2) The use of Department of Corrections issued credentials and badges is only authorized when conducting official duties. Provisions addressing correctional probation officer badges are located in subsection 33-208.101(9), F.A.C.

(3) through (4) No change.

Specific Authority 944.09 FS. Law Implemented 944.09 FS. History--New 5-28-86, Amended 2-15-98, 4-28-99, Formerly 33-24.011, Amended 11-12-01,

NAME OF PERSON ORIGINATING PROPOSED RULE: Tina Hayes

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

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

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

DEPARTMENT OF THE LOTTERY

RULE TITLE: Salary Additives RULE NO.: 53-13.003

PURPOSE AND EFFECT: The purpose of the proposed rule amendment is to amend the salary additives provisions for Lottery employees whose positions are assigned to a shift for which a shift differential is approved.

SUMMARY: The rule amends the salary additives provisions for Lottery employees whose positions are assigned to a shift for which a shift differential is approved by adding a rotating shift category and related differential amount. This rule is being amended to adopt, in permanent form, the provisions set forth in Emergency Rule 53ER03-45, Florida Administrative Code.

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: 24.105(9)(j), 24.105(19)(d) FS.

LAW IMPLEMENTED: 24.105(19)(d) FS.

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

TIME AND DATE: 9:00 a.m., November 5, 2003

PLACE: Department of the Lottery, Office of the General Counsel, 250 Marriott Drive, Tallahassee, Florida 32399-4011

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Diane D. Schmidt, Office of the General Counsel, 250 Marriott Drive, Tallahassee, Florida 32399-4011, (850)487-7724

THE FULL TEXT OF THE PROPOSED RULE IS:

53-13.003 Salary Additives.

(1) The following salary additives have been approved for Lottery employees:

(a) Shift Differential.

Hours

Differential

Amount

(Based upon employee's base rate of pay)

11:00 p.m. to 7:00 a.m. or when the majority of work hours fall after 11:00 p.m. 10%

7:00 a.m. to 3:00 p.m. 0%

3:00 p.m. to 11:00 p.m. or when the majority of work hours fall after 3:00 p.m. 5%

Weekend (Saturday and/or Sunday) 5%

or when at least 50% of the employee's scheduled work hours fall on Saturday and/or Sunday 10%

Rotating Shift - when two or more of the employee's scheduled work days during a workweek fall on different shifts and the employee is scheduled for two or less days off during the workweek. 15%

Specific Authority 24.105(9)(j) FS. Law Implemented 24.105(19)(d) FS. History--New 2-25-93, Amended

NAME OF PERSON ORIGINATING PROPOSED RULE: Diane D. Schmidt, Office of the General Counsel

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Kenneth H. Hart, Jr. General Counsel

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

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

AGENCY FOR HEALTH CARE ADMINISTRATION

Medicaid

RULE CHAPTER TITLE: Silver Lifesaver Rx Program RULE CHAPTER NO.: 59G-12

RULE TITLES:	RULE NOS.:
Purpose	59G-12.001
Definitions	59G-12.002
Eligibility/Enrollment	59G-12.003
Program Administration	59G-12.004
Program Forms	59G-12.005

PURPOSE AND EFFECT: The purpose of this rule is to provide a framework by which the Agency for Health Care Administration will administer Section 409.9065, Florida Statutes, the Silver Lifesaver Rx Program.

SUMMARY: The purpose of this rule is to enable the Agency to implement the Silver Lifesaver Rx program, to replace the current rules, in order to provide a pharmacy benefit to low-income elderly residents of Florida and help address the need for prescription drug coverage.

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

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

SPECIFIC AUTHORITY: 409.9065(4)(a) FS.

LAW IMPLEMENTED: 409.906(20), 409.9065(4)(a), 409.908, 409.912(38)(a) 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., November 3, 2003

PLACE: Conference Room C, Bldg 3, 2727 Mahan Drive, Tallahassee, FL 32308

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Michele Hudson, Medicaid Pharmacy Services, 2728 Mahan Drive, Building 3, Mail Stop 38, Tallahassee, Florida 32308, (850)487-4441

THE FULL TEXT OF THE PROPOSED RULE IS:

SILVER LIFESAVER RX PROGRAM ~~RON SILVER SENIOR DRUG PROGRAM~~

59G-12.001 Purpose.

The purpose of these rules is to implement the Silver Lifesaver Rx ~~Ron Silver Senior Drug~~ Program (program) to be administered by the Agency for Health Care Administration as directed in ~~subsections (1) and (2) of~~ section 409.9065, Florida Statutes. The program will provide a pharmacy benefit through two separate components to low-income elderly residents of Florida to help address the need for prescription drug coverage.

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

59G-12.002 Definitions.

(1) The Agency for Health Care Administration (agency) is the single state Medicaid agency and the state agency designated to administer the Silver Lifesaver Rx Program ~~Ron Silver Senior Drug Program~~, which will be known as the ‘Silver Saver’ program.

(2) The Department of Children and Family Services, in accordance with Section 409.902, Florida Statutes, will determine the eligibility of individuals applying for enrollment in the Silver Lifesaver Rx ~~Ron Silver Senior Drug~~ Program.

(3) The Department of Elder Affairs will assist the Agency for Health Care Administration in designing and implementing outreach and education for the program through the SHINE (Serving Health Insurance Needs of Elders) toll-free hotline and other outreach and educational initiatives.

(4) The Silver Lifesaver Rx ~~The Ron Silver Senior Drug~~ Program is a Medicaid program providing prescribed drug benefits to individuals aged 65 and older meeting certain other eligibility criteria and who do not otherwise receive a pharmacy benefit from Medicaid. ~~The program is being implemented under an approved Federal, Section 1115 waiver.~~ The program shall be known as the Silver Lifesaver Rx ‘Silver Saver’ Program.

(5) Under the Silver Lifesaver Rx ~~Silver Saver~~ Program eligible and enrolled individuals may receive a pharmacy only benefit of up to \$160 per month. There will be two separate components of the program:

(a) A monetary benefit of up to \$160 per month (Component 1);

(b) A discount of up to 50 percent per drug per month (Component 2).

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

59G-12.003 Eligibility/Enrollment.

(1) For state fiscal year ~~2002-03~~ 2003-04, enrollment in the Silver Lifesaver Rx ~~Silver Saver~~ Program will be limited to a monthly enrollment ceiling for each component of 58,472.

(a) Component 1 will be limited to a monthly enrollment of 65,225.

(b) Component 2 will be limited to a monthly enrollment of 150,000.

An individual may be determined eligible for the program but not enrolled if there is no available enrollment space. Enrollment will occur each month comparing enrollment against the enrollment ceiling. If additional enrollment spaces are available because of terminations, eligibles will be added to the enrollment roster in the date order of eligibility determinations. An individual will not have access to the pharmacy benefits in this program until determined both eligible and enrolled. Enrollment will begin in the month in which the individual is notified that he is enrolled ~~agency notifies an individual that he is enrolled.~~

(2) To be eligible for the Silver Lifesaver Rx ~~Silver Saver~~ Program an individual must meet the following criteria:

- (a) Be a Florida resident and age 65 or older;
- (b) Be eligible for Medicare;
- (c) Have an income level at or below 200 ~~between 88 and 120~~ percent of the federal poverty level;

1. Individuals with an income at or below 120 percent of the federal poverty level are eligible for Component 1 and Component 2;

2. Individuals with an income greater than 120 percent up to 200 percent of the federal poverty level are eligible for Component 2 only; and

~~(d) Not be enrolled in a Medicare health maintenance organization that provides a pharmacy benefit; and~~

~~(d)(e)~~ Be already enrolled in the Medicaid program under the Qualified Medicare Beneficiaries eligibility category, the Specified Low-Income Medicare Beneficiaries eligibility category, the Qualified Individuals 1 eligibility category, or meet the income and other qualifying criteria ~~for either category~~ but has not been subject to an assets test in determining eligibility. If eligibility was established without an assets test the individual is eligible for a drug only benefit and not the other benefits afforded to Qualified Medicare Beneficiaries, ~~or~~ Specified Low-Income Medicare Beneficiaries, or Qualified Individuals 1.

(3) To be enrolled in the Silver Lifesaver Rx ~~Silver Saver~~ Program an individual must be determined eligible for the program, notified ~~by the agency~~ of enrollment in the program and activation of the drug benefit, and provided with a Medicaid identification card if the enrollee does not already have one.

(4) Eligibility for the Silver Lifesaver Rx ~~Silver Saver~~ Program will be determined by the Department of Children and Family Services.

(5) Individuals who meet the eligibility requirements are not mandated to participate in the program.

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

59G-12.004 Program Administration.

(1) The agency shall administer the Silver Lifesaver Rx ~~Silver Saver~~ Program.

(2) The agency will implement the beneficiary cost-sharing requirement as follows:

(a) No premium, enrollment fee or annual deductible will be charged to the beneficiary; and

(b) Mandatory co-payments/co-insurance for each component;

1. Component 1: A mandatory three-tiered co-payment as follows: \$2.00 for generic drugs; \$5.00 for brand name drugs listed on the Medicaid Preferred Drug List (PDL); and \$15.00 for brand name drugs not listed on the Medicaid PDL.

2. Component 2: A mandatory co-insurance of the remaining balance per prescription after the allowed discount has been applied.

(3) Many All—current Medicaid pharmacy benefit management programs will be used with this population, including, a limit of four brand name prescriptions per month with prior authorizations required for exceptions to the limit, clinical and PDL prior authorizations, drug utilization review (DUR), intensified benefits management and other cost control measures;

(4) All drugs must be purchased through Medicaid participating pharmacies.

(5) A Medicaid participating pharmacy is not required to dispense a Medicaid reimbursable drug until the beneficiary has met his cost-sharing requirement.

(6) All drugs will qualify for all federal and state supplemental rebate agreements.

(7) Medicaid will be considered the payer of last resort as any other insurance benefits must be used prior to payment by Medicaid.

(8) The agency, through the Medicaid fiscal agent, will maintain a waiting list for individuals determined to be eligible by the Department of Children and Family Services but who cannot be enrolled due to the enrollment ceilings.

(a) For individuals with an income at or below 120 percent of the federal poverty level: if the enrollment ceiling for Component 1 has been reached, the eligible individual will be placed on the Component 1 waiting list. If the enrollment ceiling for Component 2 has not been reached, the individual will be enrolled in only Component 2. If the enrollment ceiling for Component 2 has been reached, the individual will be placed on the waiting list for Component 2.

(b) For individuals with an income above 120 percent up to 200 percent of the federal poverty level: if the enrollment ceiling for Component 2 has been reached, the eligible individual will be placed on the Component 2 waiting list.

(9) The agency will review the status of eligibles each month and move eligible individuals into enrollment status as openings occur for each component.

(10) The Department of Children and Family Services, in accordance with section 409.902, Florida Statutes, shall:

(a) Determine eligibility;

(b) Develop and distribute applications for the program; and

(c) Receive and process applications to determine eligibility.

(11) The Department of Elder Affairs will assist the agency in coordinating outreach to and education for potential eligibles through the SHINE (Serving Health Insurance Needs of Elders) toll-free hotline and other marketing and educational approaches.

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

59G-12.005 Program Forms.

The following forms shall be used by the Silver Lifesaver Rx Silver Saver Program, and are hereby incorporated by reference and available through either the agency or the Department of Children and Family Services:

(1) Silver Lifesaver Rx Silver Saver Application form, Silver Lifesaver Rx CF-ES 2935, effective January 2004 July 2002, may be obtained by calling (888)419-3456.

(2) Recipient notifications of eligibility and enrollment will be automated effective January 2004 form CF ES 2936, effective August 2002, is mailed to the applicant after eligibility is determined. Upon receiving eligibility status from DCF, recipient notifications of enrollment letter, form AHCA SSEAL 01, effective July 2002, notifies the applicant that he/she has been enrolled or placed on a waiting list.

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

NAME OF PERSON ORIGINATING PROPOSED RULE:
Michele Hudson

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 1, 2003

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Alcoholic Beverages and Tobacco

RULE CHAPTER TITLE: RULE CHAPTER NO.:

Florida Clean Indoor Air Act and Stand-Alone Bar Smoking Designations 61A-7

RULE TITLES:	RULE NOS.:
Definitions	61A-7.001
Criteria for Smoking Designation	61A-7.002
Premises Not Eligible For Smoking Designation	61A-7.003
Annual Certification Requirements	61A-7.004
Triennial Renewal Requirements	61A-7.005
Records Required to Maintain the Designation	61A-7.006
Formula For Compliance With Required Percentage of Gross Food Sales Revenues	61A-7.007
For Percentage of Gross Alcohol Sales Revenue Formula	61A-7.008
Method Used to Determine Whether an Establishment is Predominantly Dedicated to the Serving of Alcoholic Beverages	61A-7.009

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

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to implement statutory provisions relating to the Florida Clean Indoor Air Act and smoking in stand-alone bars.

SUMMARY: The proposed rules provide: definitions of basic terms related to stand-alone bars, requirements for designation as a stand-alone bar, requirements to maintain designation as a stand-alone bar, information regarding licenses that are not eligible for the smoking designation, requirements for annual certification and triennial renewal, reporting requirements, record-keeping requirements, requirements regarding access to records by division employees, the formula used to determine compliance, the formula used to determine percentage of gross alcohol sales revenue, the method used to determine whether an establishment is predominantly dedicated to the serving of alcoholic beverages, penalty guidelines, aggravating and mitigating circumstances, investigation and notification procedures, information regarding violations and appeals.

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: 386.2125, 386.207 FS.

LAW IMPLEMENTED: 386.203, 386.206, 386.207, 561.695 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: Michael Martinez, Chief Attorney, Department of Business and Professional Regulation, 1940 North Monroe Street, Tallahassee, Florida 32399-2202

THE FULL TEXT OF THE PROPOSED RULES IS:

STAND-ALONE BAR SMOKING DESIGNATIONS

61A-7.001 Definitions.

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

(1) “Customary bar snack” means popcorn and any ready to eat food item, commercially prepared and packaged off the premises, served without additions or preparations, that is not a potentially hazardous food. The definition of potentially hazardous food, provided in subparagraph 1-201.10(B)(61), Food Code, 1999 Recommendations of the United States Public Health Service/Food and Drug Administration, incorporated herein by reference, shall apply to Chapter 61A-7, F.A.C.

(2) “Noncommercial activities” mean social gatherings, which encompass activities in compliance with s. 849.0931, Florida Statutes, meetings, dining, dances and the services performed in furtherance of these activities can only be conducted by members, whether compensated or not.

(3) “Nonperishable snack food items” means food items commercially packaged off the premises of the stand-alone bar and served without any additions or further preparations of any kind. Popcorn is the only exception to the requirement of being a nonperishable snack food item, and can be prepared on the premises, provided that the equipment used to pop the popcorn is not used to prepare any other food for patrons.

(4) “Predominantly bounded by physical barriers” means:

(a) more than fifty percent covered from above, to be calculated when fully extended, by a physical barrier, that excludes rain, and

(b) more than fifty percent on the sides with surfaces that block air flow. Railings are not to be considered in making side surface calculations.

(5) “Stand-alone bar” means those licensed premises defined in s. 386.203(11), Florida Statutes.

(6) “Stand-alone smoking (ss)” means those licensed premises that operate a business that meets the definition of a stand-alone bar in s. 386.203(11), Florida Statutes, if the only food provided is limited to nonperishable snack food items.

(7) “Stand-alone smoking with food (ssf)” means those licensed premises that operate a business that meets the definition of a stand-alone bar in s. 386.203(11), Florida Statutes, in which the serving of food is merely incidental and the licensed premises derive no more than ten percent of its gross revenue from the sale of food consumed on the licensed premises.

Specific Authority 386.2125, 561.695(3),(9) FS. Law Implemented 386.203(5),(11),(12), 561.695(3),(6) FS. History—New _____.

61A-7.002 Criteria for Smoking Designation.

Stand-alone bars with an alcoholic beverage consumption on premises license shall be issued a smoking designation of “ss” or “ssf” upon meeting the following criteria:

(1) The premises meet the definition of a stand-alone bar in s. 386.203(11), Florida Statutes.

(2) Licensee provides the division with a notice of election, using the division’s Internet site accessible at www.myflorida.com, Interactive Voice Response system at

(850)487-1395, the Customer Call Center at (850)487-1395, or by delivering in person or through the mail form DBPR ABT 6039, incorporated herein by reference. Form DBPR ABT 6039, Notification of Election to Permit Tobacco Smoking in the Licensed Premises, effective July 1, 2003, may be obtained by writing the division at 1940 North Monroe Street, Tallahassee, FL 32399-1021, or may be downloaded from the internet at <http://www.state.fl.us/dbpr/abt/forms/index.shtml>.

Specific Authority 386.2125, 561.695(9) FS. Law Implemented 386.203(11), 561.695(1) FS. History—New _____.

61A-7.003 Premises Not Eligible For Smoking Designation.

Licensed premises shall not be designated as a stand-alone bar if the qualifications for licensure require the premises be devoted predominantly to activities other than the service of alcohol. The following licenses are not eligible for a stand-alone bar designation:

- S = Special Hotel
- SH = Special Hotel in counties with population of 50,000 or less
- SR = Special Restaurant issued on or after January 1, 1958
- SRX = Special Restaurant
- SBX = Special Bowling
- SAL = Special Airport
- SCX = Special Civic Center
- SCC = Special County Commission
- SPX = Pleasure, Excursion, Sightseeing, or Charter boats
- X = Airplanes, Buses, and Steamships
- IX = Railroad Cars
- XL = Passenger Waiting Lounge operated by an airline
- PVP = Passenger Vessels engaged in foreign commerce
- FEX = Special Public Fairs/Expositions
- HBX = Special Horse Breeders
- 11AL = American Legion Post permitted to sell to general public
- 11C = Social, Tennis, Racquetball, Beach, or Cabana Club
- 11CE = Licensed vendors exempt from payment of surcharge tax
- 11CS = Special Act Club License
- 11CT = John and Mable Ringling Museum
- 11GC = Golf Club
- 11PA = Symphony, Live Performance Theatre, Performing Arts Center
- 12RT = Dog or Horse Track or Jai Alai Fronton
- 13CT = Catering

Specific Authority 386.2125, 561.695(9) FS. Law Implemented 386.203(11), 561.695 FS. History—New _____.

61A-7.004 Annual Certification Requirements.

A qualifying stand-alone bar receiving an “ss” or “ssf” designation shall file an annual affidavit certifying that, on or before the licensee’s annual beverage license renewal, for the preceding twelve months, no more than ten percent of total gross revenue was derived from retail sales of food consumed on the licensed premises. The percentage of food sales shall be computed by dividing gross revenues from the sale of food the licensee sells for consumption on premises by the gross revenue of the licensed premises.

Specific Authority 561.695(9) FS. Law Implemented 561.695(5) FS. History—New _____.

61A-7.005 Triennial Renewal Requirements.

Every third year after the initial designation, on or before the licensee’s annual beverage license renewal, in order to renew the designation, a licensed vendor holding an “ssf” designation shall provide to the division a Procedures Report, prepared by a Florida certified public accountant, on DBPR Form ABT 4000A-400 and containing the license name, license number, physical location address, the owner of the license and the period of the report, along with the CPA company name, accountant name and signature and the accountant’s license number with date of expiration. DBPR Form ABT 4000A-400, herein incorporated by this reference, effective _____, may be obtained by writing the division at 1940 North Monroe Street, Tallahassee, FL 32399-1022 or may be downloaded from the internet at <http://state.fl.us/dbpr/abt/contact/index.shtml>. The report must:

(1) Provide the actual percentage of food sales for consumption on premises calculated pursuant to section (3) of this rule; and

(2) Provide information for the preceding 36-month period from the renewal date; and

(3) Provide the total gross sales revenue for each year, with a total for the 3-year period, as well as the total gross sales revenue from food for consumption on premises for each year and a total for the 3-year period, and the percentage of food sales for consumption on premises to total revenue for each year and for the 3-year period.

Specific Authority 386.2125, 561.695(9) FS. Law Implemented 561.695(6), 386.203(11) FS. History—New _____.

61A-7.006 Records Required to Maintain the Designation.

Stand-alone bars holding an “ss” or “ssf” designation shall maintain records to substantiate reports, affidavits and designation qualifications. Records of all purchases of food, all gross retail sales of alcohol, all gross retail sales of food sold for consumption on premises, all gross retail sales of food sold for consumption off the premises, and gross revenue from all other sales shall be separately documented.

(1) Each business licensed for consumption on premises and electing to allow smoking on those premises shall maintain complete and accurate records of all sales. Records shall include, but are not limited to, purchase invoices, sales tickets, inventory records, receiving records, cash register journal tapes, on premises food sales records, computer records generated from automatic dispensing devices, and any other record documenting sales. Department of Revenue Sales Tax Returns are acceptable as a record of total monthly sales revenues.

(2) The records required in Chapter 61A-7, F.A.C., shall be maintained on the premises in the same county where the alcoholic beverage license is issued, or other designated place approved in writing by the division for a period of 3 years and shall, upon demand, be made available to an officer of the division, for inspection within fourteen days. The division shall approve written requests to maintain the aforementioned records off the premises when the place to be designated is the business office, open eight business hours per work day, of a corporate officer, attorney, or accountant; the place to be designated is located in the State of Florida; and the place to be designated is identified by complete mailing address. The burden is on the holder of the smoking designation to demonstrate compliance with the requirements for the permit, and the records required shall be legible, clear, and in the English language.

(3) The Licensee shall provide employees of the division access to examine the accounting records, invoices, or any other source documents used to determine compliance with this rule during business hours or at any other time the licensee or other persons occupy such premises. Each licensee is required to give the division the means, facilities, and opportunity to review the records required by Rules 61A-7, F.A.C.

Specific Authority 386.2125, 561.695(9) FS. Law Implemented 386.203(11), 561.695(6) FS. History—New _____.

61A-7.007 Formula For Compliance With Required Percentage of Gross Food Sales Revenues.

In order to determine compliance, the division shall use the formula of gross food sales revenue, including but not limited to non-alcoholic beverages, divided by gross total sales revenue, in any consecutive six-month period. The results of the formula will represent the percentage of food sales revenues as defined herein and in s. 561.695, Florida Statutes.

Specific Authority 386.2125, 561.695(9) FS. Law Implemented 386.203(11), 561.695(6) FS. History—New _____.

61A-7.008 For Percentage of Gross Alcohol Sales Revenue Formula.

In order to determine compliance, the division shall use the formula of gross alcohol sales revenue divided by gross total sales revenue, in any consecutive six-month period.

Specific Authority 386.2125, 561.695(9) FS. Law Implemented 386.203(11), 561.695(6) FS. History--New _____.

61A-7.009 Method Used to Determine Whether an Establishment is Predominantly Dedicated to the Serving of Alcoholic Beverages.

In order to determine whether an establishment, other than one holding a specialty license designated in Rule 61A-7.003, F.A.C., is predominantly dedicated to the serving of alcoholic beverages, the division shall compare the percentage of gross food sales revenue with the percentage of gross alcohol sales revenue. If the percentage of gross alcohol sales revenue is greater than that of the gross food sales revenue, an establishment is deemed predominantly dedicated to the serving of alcoholic beverages.

Specific Authority 386.2125, 561.695(9) FS. Law Implemented 386.203(11), 561.695(1),(9) FS. History--New _____.

<u>STATUTE</u>	<u>VIOLATION</u>	<u>FIRST OCCURRENCE</u>	<u>SECOND OCCURRENCE</u>	<u>THIRD OCCURRENCE</u>	<u>FOURTH OCCURRENCE</u>
386	Failure to comply with Florida Clean Indoor Air Act within Florida Statute 386.	\$275	\$550	\$750	\$1,750

Specific Authority 386.2125, 561.695(9) FS. Law Implemented 386.206, 386.207(3) FS. History--New _____.

61A-7.011 Aggravating or Mitigating Circumstances for Chapter 386, Florida Statutes – the Florida Clean Indoor Air Act.

When either the petitioner or respondent is able to demonstrate aggravating or mitigating circumstances to the division by clear and convincing evidence, the division shall be entitled to impose adjusted penalties within the guidelines. Based upon the following factors, the division may impose a disciplinary action within the statutory guidelines:

- (1) The number of counts in the administrative complaint;
- (2) The disciplinary history of the applicant or licensee;
- (3) The applicant or licensee has corrected the violation and implemented written corrective policies and procedures;
- (4) The degree of financial hardship incurred by a licensee as a result of the imposition of suspension or a fine.

Specific Authority 386.2125, 561.695(9) FS. Law Implemented 386.206(2), 386.207(3) FS. History--New _____.

61A-7.012 Investigation and Notification Procedures for Florida Statute 386.207.

The following procedures shall be followed by division personnel when investigating complaints and notifying alleged violators.

61A-7.010 Penalty Guidelines for Chapter 386, Florida Statutes – Florida Clean Indoor Air Act.

(1) This rule sets forth the penalties which shall be routinely imposed upon licensees who are supervised by the Division Alcoholic Beverages and Tobacco, Department of Business and Professional Regulation. Enforcement supervisors and bureau chiefs are authorized to accept settlement offers that do not deviate from the penalty guidelines. The penalties below shall be assessed for violations occurring thirty days after a notice to comply is issued. If a person refuses to comply with this part after having been assessed such penalty the department may file a complaint in the circuit court of the county in which the enclosed indoor workplace is located to require compliance.

(2) The penalty guidelines set forth in the table that follows shall serve to provide field offices and licensees or permittees with penalties that the division will routinely impose for violations.

(1) Upon receipt of a complaint of a violation of Section 386, F.S., the division shall determine if the premises is designated as a standalone bar. If the premises are designated as a stand alone bar the complaint shall be closed.

(2) If the premises are not designated as a standalone bar a notice to comply shall be issued.

(3) If the initial complaint is based on an observed violation then the premise shall be rechecked for compliance.

(4) A notice to show cause shall be issued for violations occurring at least thirty days after a notice to comply has been issued.

Specific Authority 386.207(1), 386.2125, 561.695(9) FS. Law Implemented 386.206(2), 386.207(3) FS. History--New _____.

61A-7.013 Penalty Guidelines for Florida Statute 561.695 – Stand-Alone Bar Enforcement.

(1) This rule sets forth the penalties which shall be imposed upon licensees who are supervised by the Division of Alcoholic Beverages and Tobacco, Department of Business and Professional Regulation. Enforcement supervisors and bureau chiefs are authorized to accept settlement offers that do not deviate from the penalty guidelines. The penalties provided below are for violations one through three, within a two-year period, and a fourth violation occurring anytime within the aforementioned time period or thereafter.

(2) The penalty guidelines set forth in the table that follows shall serve to provide field offices and licensees or permittees with penalties that the division will routinely impose for violations.

<u>STATUTE</u>	<u>VIOLATION</u>	<u>FIRST OCCURRENCE</u>	<u>SECOND OCCURRENCE</u>	<u>THIRD OCCURRENCE</u>	<u>FOURTH OCCURRENCE</u>
561.695	Failure to comply with stand-alone bar designation requirements within Florida Statute 561.695	Warning	\$500	Suspension of designation for 14 days and \$1000	60 days suspension of designation and \$2000

<u>STATUTE</u>	<u>VIOLATION</u>	<u>FIRST OCCURRENCE</u>	<u>EACH SUBSEQUENT OCCURRENCE</u>
561.695(5)	Failure to file annual affidavit upon renewal	Loss of smoking designation	Loss of smoking designation

Specific Authority 561.695(9) FS. Law Implemented 561.695(5),(8) FS. History–New _____.

61A-7.014 Aggravating or Mitigating Circumstances for 561.695 – Stand-Alone Bar violations.

When either the petitioner or respondent demonstrates aggravating or mitigating circumstances by clear and convincing evidence, the division may adjust penalties within statutory guidelines. Aggravating or mitigating circumstances may include, but are not limited to, the following:

- (1) The number of counts in the administrative complaint;
- (2) The disciplinary history of the applicant or licensee;
- (3) The applicant or licensee has corrected the violation and implemented written corrective policies and procedures;
- (4) The degree of financial hardship incurred by a licensee as a result of the imposition of suspension or a fine.

Specific Authority 561.695(9) FS. Law Implemented 561.695(8) FS. History–New _____.

61A-7.015 Appeals.

The procedure for appeal under Rule 61A-7, F.A.C., shall be as provided in s. 120.68, Florida Statutes.

Specific Authority 386.207(1), 386.2125, 561.695(9) FS. Law Implemented 561.695 FS. History–New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Mike Martinez, Chief Attorney, Florida Department of Business and Professional Regulation

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Diane Carr, Secretary, Florida Department of Business and Professional Regulation

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

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Asbestos Consultants/Asbestos Consultant Examination

RULE TITLES: RULE NOS.:

Asbestos Consultants/Contractors; 61E1-1.001
 Licensure Requirements

Continuing Education Requirements for 61E1-1.002
 Asbestos Consultants/Contractors

PURPOSE AND EFFECT: The purpose of this rule development is to revise the Specific Authority for Rule 61E1-1.001, F.A.C.; to revise the Law Implemented for Rule 61E1-1.002, F.A.C.; to clarify the time period prescribed in Rule 61E1-1.002, F.A.C., in which asbestos consultants and contractors applying for biennial renewal of a license must complete refresher courses and for which asbestos contractors must maintain records demonstrating that asbestos abatement workers and onsite supervisors have completed a refresher course; and to delete the requirement to perform random audits of asbestos consultants and contractors to verify compliance with the continuing education requirements for license renewal. The effect is to restate that a refresher course be completed in each year of the preceding biennial period for asbestos consultants, asbestos surveyors, management planners, project designers, project monitors, asbestos contractors, asbestos abatement workers and onsite supervisors and to no longer require the Department to perform random audits of at least five percent of asbestos consultants and contractors to verify compliance with continuing education requirements.

SUMMARY: Applicants for biennial license renewal as an asbestos consultant or asbestos contractor must complete certain refresher courses in each of the years of the current biennial period and maintain records demonstrating completion. The Department will no longer perform random audits to verify continuing education compliance.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No Statement of Estimated Regulatory Cost has been prepared

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

SPECIFIC AUTHORITY: 469.011 FS.

LAW IMPLEMENTED: 469.004, 469.005; 469.004(6) 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: Anthony B. Spivey, Executive Director, Asbestos Licensing Unit, Department of Business and Professional Regulation, 1940 North Monroe Street, Tallahassee, Florida 32399-2214, (850)922-5012

THE FULL TEXT OF THE PROPOSED RULES IS:

61E1-1.001 Asbestos Consultants/Contractors; Licensure Requirements.

(1) The Department will accept as meeting the requirements for licensure as an asbestos consultant as defined in Section 469.001(5), Florida Statutes, any individual who meets the requirements set forth in Section 469.004(1) and Section 469.005, Florida Statutes.

(2) The Department will accept as meeting the requirements for licensure as an asbestos contractor as defined in Section 469.001(7), Florida Statutes, any individual who meets the requirements set forth in Section 469.004(2) and Section 469.005, Florida Statutes.

(3)(a) The Department shall accept as evidence of financial stability, as required in Section 469.005(5)(4), Florida Statutes, a statement from the applicant that he/she has not had any asbestos projects which were not satisfactorily completed and that no claims exist on asbestos projects that have been completed; and compliance with paragraph 61E1-4.001(1)(c), Florida Administrative Code.

(b) The Department shall accept as meeting the requirements of Section 469.005(6)(5), Florida Statutes, an applicant who has paid the appropriate examination fee and passed the Department administered examination set forth in Rules 61E1-2.001 through 61E1-2.005, Florida Administrative Code.

(4) To satisfy the requirements of Section 469.005(4)(3), Florida Statutes, the applicant must submit evidence of ten asbestos projects within the last five years, with said evidence containing a description of the project, the level of responsibility, the dates of the engagement and a statement that no claims of unsatisfactory professional services have been sustained against the professional activities of the applicant. This statement must be certified by the owner or entity for who the service was rendered.

(a) Distribution of the ten projects for an asbestos consultant shall be as follows:

1. Two projects involving asbestos surveys;
2. Two projects involving the development of operations and maintenance plans;
3. Two projects involving asbestos abatement project management and supervision;
4. Two projects involving the design of asbestos abatement projects; and
5. Two additional projects from any of the above categories.

(b) The ten projects for an asbestos contractor shall involve asbestos abatement activities.

Specific Authority 469.011, ~~469.008~~ FS. Law Implemented 469.004, 469.005 FS. History—New 6-14-89, Formerly 21-25.001, Amended 11-11-97, _____.

61E1-1.002 Continuing Education Requirements for Asbestos Consultants/Contractors.

(1) Each applicant for biennial renewal of a license as an asbestos consultant ~~Asbestos Consultant~~ shall;

(a) Complete 2 days of refresher courses in each preceding year ~~for each calendar year~~ related to any of the courses as outlined in Section 469.005(2), Florida Statutes, which have been approved by the Department; and

(b) Maintain records demonstrating that each asbestos surveyor, management planner, project designer, and project monitor has completed an approved refresher course each calendar year for each biennial renewal period. The refresher courses must have met the requirements of Section 469.013, Florida Statutes and such records shall be furnished upon request pursuant to Rule 61-6.010, Florida Administrative Code.

(2) Each applicant for renewal of an asbestos contractor license shall:

(a) Complete 1 day of an asbestos abatement project management and supervisor refresher courses in each preceding year ~~for each calendar year~~ which has been approved by the Department; and

(b) Maintain records demonstrating that each asbestos abatement worker and onsite supervisor has completed a 1 day refresher course in each calendar year of each biennial period ~~refresher course each calendar year for each biennial period~~. The refresher courses must have met the requirements of Section 469.012, Florida Statutes, and been approved by the Department, and the records related to such course shall be furnished upon request pursuant to Rule 61-6.010, Florida Administrative Code.

~~(3) The Department shall perform random audits of not less than five (5%) percent of asbestos contractors and five (5%) percent of asbestos consultants in accordance with Rule 61-6.010, Florida Administrative Code, to verify compliance with continuing education required for license renewal.~~

Specific Authority 469.011 FS. Law Implemented ~~469.005(6)~~ 455-004(6) FS. History—New 8-13-90, Formerly 21-25.002, Amended 11-11-97, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
 Anthony B. Spivey, Executive Director, Asbestos Licensing
 Unit, Department of Business and Professional Regulation,
 1940 North Monroe Street, Tallahassee, Florida 32399-2214,
 (850)922-5012

NAME OF SUPERVISOR OR PERSON WHO APPROVED
 THE PROPOSED RULE: Diane Carr, Secretary

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

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

**DEPARTMENT OF BUSINESS AND PROFESSIONAL
 REGULATION**

Asbestos Consultants/Asbestos Consultant Examination

RULE TITLES:	RULE NOS.:
Written Examination; General Requirements	61E1-2.001
Asbestos Training Courses and Providers	61E1-2.006

PURPOSE AND EFFECT: The purpose of this rule development in Rule 61E1-2.001, Florida Administrative Code, is 1) to state that the Department shall administer a written examination to applicants for licensure as asbestos consultants and asbestos contractors procured by the Department in accordance with Section 455.217, Florida Statutes, or provided by a computer-based testing vendor approved by the Department and 2) to revise the Specific Authority and Law Implemented. The purpose of this rule development in Rule 61E1-2.006, Florida Administrative Code, is 1) to require registration with the Department of training course providers and training courses, limiting the time of validity of registration and requiring reapplication for approval of training courses if substantially changed; 2) to revise the definition of Training Course for consistency with Sections 469.005, 469.012 and 469.013, Florida Statutes; 3) to add a definition of Refresher Course for asbestos consultants and asbestos contractors; 4) to revise the definition of Training Course Provider to include refresher courses as well as training courses; 5) to require training course providers and training courses registered by a state with an Environmental Protection Agency-approved accreditation program to be registered with the Department and comport with Chapter 469, Florida Statutes, and Rule 61-6.015, Florida Administrative Code; 6) to require training course providers and training courses registered by a state with a reciprocating agreement with the Department to be registered with the Department and comport with Rule 61-6.015, Florida Administrative Code; 7) to state that the information required in applications for course provider and training course approval is not limited to the information specified; 8) to require that the Asbestos Abatement Worker, Building Asbestos Abatement Surveys and Mechanical Systems and Asbestos Management Planner refresher courses contain a course review including a multiple choice test with 70 percent as the minimum passing score; 9) to

specify Asbestos Abatement Project Designer initial and refresher courses; 10) to state that worker training for work with asbestos containing flooring material is described in Section 469.002(3), Florida Statutes, and that the training course shall address noticing requirements as prescribed in Section 469.002(3)(d), Florida Statutes; 11) to correct the statutory reference for exemption from licensure for roofing contractors as Section 469.002(2), Florida Statutes; 12) to provide provisions regulating the advertising of training and refresher courses; 13) to revise the requirements for Department training course audits; and 14) to require training course providers to maintain course attendee records for a minimum period of time; to state compliance requirements for course providers; and to state requirements for reporting course attendance to the Department. The effect is to clarify and augment the qualification requirements for course providers and for training and refresher courses for asbestos abatement professionals.

SUMMARY: The Department will give a written examination for licensure as provided by Section 455.217, Florida Statutes, or by an approved computer based testing vendor. Training course providers and training courses must be registered with the Department. Registrations are valid until May 31 of odd-numbered years and must be renewed prior to expiration. The definition of training course is revised and refresher course is defined. Registration and compliance requirements for training providers and courses registered in states with an Environmental Protection Agency-approved accreditation program or a written reciprocating agreement with the Department are established. Training courses are required to include a multiple-choice test with a minimum 70% passing score. Training and refresher courses are established for Asbestos Abatement Project Designers. Requirements for advertising training and refresher courses are established. The Department will do on-site training course audits in its discretion. Additional record keeping and reporting requirements for training course providers are established. A course provider shall not offer training courses if its provider status is expired or if under discipline. A course provider whose provider status has been revoked may not apply for registration for two years from the date of the revocation order. SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No Statement of Estimated Regulatory Cost has been prepared

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

SPECIFIC AUTHORITY: 469.011 FS.

LAW IMPLEMENTED: 469.004, 469.005, 469.004(6) 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: Anthony B. Spivey, Executive Director, Asbestos Licensing Unit, Department of Business and Professional Regulation, 1940 North Monroe Street, Tallahassee, Florida 32399-2214, (850)922-5012

THE FULL TEXT OF THE PROPOSED RULES IS:

61E1-2.001 Written Examination ~~Designated~~; General Requirements.

~~A The Department of Professional Regulation hereby determines that a~~ written examination shall be given and passed prior to any applicant receiving a license to practice as an asbestos consultant or an asbestos contractor as provided in Chapter ~~469 455.303(1)(a), (b) and (2)~~, Florida Statutes. The examination shall be provided by the Department pursuant to Section 455.217, Florida Statutes or a computer based testing vendor contract consultant approved by the Department. The written examination shall consist of one day (approximately 8 hours). Examinations are closed book ~~and, that is,~~ the use of notes and reference books is ~~are~~ prohibited. All materials including pens and pencils are to be furnished by the applicant. The examination security requirements as set forth by the Department in Rule 61-11.014, Florida Administrative Code, shall be followed throughout the administration of the examination.

Specific Authority ~~469.011 455.307 FS. Law Implemented 469.005(6), 455.217, 455.2171 455.217, 455.303 FS. History--New 2-15-89, Formerly 21-23.001, Amended~~

61E1-2.006 Asbestos Training Courses and Providers.

(1) Each training course provider must be registered with the Department as a course provider and each training course must be registered with the Department. Provider registration and courses are valid until May 31st of odd numbered years and must be renewed prior to expiration. Any substantial change in the course content will require the provider to reapply to the Department for approval.

~~(2)(1)~~ Definitions.

(a) Training Course: An initial A course of study which provides the educational experience required for asbestos related occupational certification pursuant to Sections ~~469.005, 469.012 and 469.013 s. 469.001 469.015~~, Florida Statutes.

(b) Refresher Course: Refresher training required each year to maintain accreditation. For an asbestos consultant, the refresher courses shall include one half day of Asbestos Survey and Mechanical Systems Course, one half day of Asbestos Management Planning Course and one full day of Project Designer Course. For an asbestos contractor, the refresher course shall include one full day of Asbestos Contractor/Supervisor Course.

~~(c)(b)~~ Training Course Provider: An entity and any of its agents engaged in providing training courses and refresher courses as required by this chapter.

~~(d)(e)~~ Training day: The equivalent of 8 hours including breaks and lunch. Breaks and lunches are not to exceed 1.5 hours of each training day.

~~(e)(d)~~ Training Instructor: Any person approved by the department to conduct asbestos training for a department approved asbestos course. Outside experts brought in to address a specific topic or subset of the course are not considered training instructors.

~~(f)(e)~~ Regulatory Review: As used in this rule, regulatory review means review concerning applicable regulations including but not limited to the EPA Worker Protection Rule, Toxic Substance Control Act Title II, OSHA 29 CFR 1926, 1101, NESHAP 40 CFR part 61, subpart M, chapter 469, Florida Statutes, Sections 255.551-255.565, Florida Statutes, the Florida Department of Environmental Protection Fee Rule 62-257, Florida Administrative Code, and local regulations.

~~(3)(2)~~ A training course provider must meet the standard set forth in Chapter 469 s. 469.001 469.015, Florida Statutes, and those set forth in 40 CFR Part 763, subpart E of Appendix C, which are incorporated herein by reference. Copies can be obtained by writing the department at Department of Business and Professional Regulation, Asbestos Licensing Unit, 1940 North Monroe Street, Tallahassee, Florida 32399. The following providers and courses shall be approved.

(a) Training providers and courses registered approved by a state with an Environmental Protection Agency-approved accreditation program must register with the department and meet the requirements of Chapter 469, Florida Statutes, and Rule 61-6.015, F.A.C.

(b) Training providers and courses registered approved by a state that has a written reciprocating agreement with the department must register with the department and meet the requirements in subsection 61-6.015(5), F.A.C.

(c) Training courses completed prior to July 1, 1995, that are recognized by the Environmental Protection Agency and listed in the National Directory of Asbestos Hazard Emergency Response Act Accredited Courses as set forth in 40 CFR Part 763, as it existed on September 1, 1997, which are incorporated herein by reference.

~~(4)(3)~~ The application for the provider and course approval shall include but is not limited to the following information.

(a) The course provider's name, address, telephone number, and social security number or federal tax identification number.

(b) A list of states that currently approve the training course.

(c) The course curriculum. Courses must at a minimum demonstrate the inclusion of the following curriculum content areas for initial training and refresher courses:

1. Asbestos abatement worker course (initial) shall include a minimum of 4 training days with a minimum of 14 hours of hands-on training. Additionally an examination of at least 50

multiple choice questions, with a passing score of 70 percent must be given to each person seeking accreditation. The training course shall address the following topics:

- a. Physical characteristics of asbestos;
- b. Potential health effects related to asbestos exposure;
- c. Employee personal protection equipment;
- e. Personal hygiene;
- d. State-of-the-art work practices;
- f. Additional safety hazards;
- g. Medical monitoring;
- h. Air monitoring;
- i. Regulatory review;
- j. Establishment of respiratory protection programs; and
- k. Course review.

2. Asbestos abatement worker course (refresher) shall include a minimum of 1 training day. The training course shall address the following topics:

- a. Physical characteristics of asbestos;
- b. Potential health effects related to asbestos exposure;
- c. Employee personal protective equipment;
- d. State-of-the-art work practices;
- e. Personal hygiene;
- f. Additional safety hazards;
- g. Air monitoring;
- h. Regulatory review; and

i. Course review to include a multiple choice test with a minimum 70% passing score.

3. Asbestos abatement project management and supervision course (initial) shall include a minimum of 5 training days with a minimum of 14 hours of hands-on training. This course also fulfills the requirements of an asbestos roofing course as required in Section 469.012(3), Florida Statutes. Additionally an examination of at least 100 questions in an objective test format, with a passing score of 70 percent must be given to each person seeking accreditation. The training course shall address the following topics:

- a. Physical characteristics of asbestos and asbestos-containing material;
- b. Potential health effects related to asbestos exposure;
- c. Employee personal protective equipment;
- d. State-of-the-art work practices;
- e. Personal hygiene;
- f. Additional safety hazards;
- g. Medical monitoring;
- h. Air monitoring;
- i. Regulatory review;
- j. Respiratory protection and medical surveillance programs;
- k. Insurance and liability issues;
- l. Record keeping for asbestos abatement projects;
- m. Supervisory techniques for asbestos abatement activities;

- n. Contract specifications; and
- o. Course review.

4. Asbestos abatement project management and supervision course (refresher) shall include a minimum of 1 training day. The training course shall address the following topics:

- a. Employee personal protective equipment;
- b. State-of-the-art work practices;
- c. Personal hygiene;
- d. Additional safety hazards;
- e. Medical monitoring;
- f. Air monitoring;
- g. Regulatory review;
- h. Respiratory protection and medical surveillance programs;
- i. Insurance and liability issues;
- j. Record keeping for asbestos abatement projects;
- k. Supervisory techniques for asbestos abatement activities; and

l. Course review to include a multiple choice test with a minimum 70% passing score.

5. Building asbestos abatement surveys and mechanical systems (initial) shall include a minimum of 3 training days, with a minimum of 4 hours of hands-on-training (to include conducting a simulated building walk-through inspection and respirator fit testing). The training course shall address the following topics:

- a. Background information on asbestos;
- b. Potential health effects related to asbestos exposure;
- c. Functions/qualifications and role of inspectors;
- d. Legal liabilities and defenses;
- e. Understanding building systems;
- f. Public/employee/building occupant relations;
- g. Pre-inspection and review of previous inspection records;
- h. Inspecting for friable and non-friable asbestos containing material and assessing the condition of friable asbestos containing material;
- i. Bulk sampling/documentation of asbestos;
- j. Inspector respiratory protection and personal protective equipment;
- k. Record keeping and writing the inspection report;
- l. Regulatory review; and
- m. Course review.

6. Building asbestos abatement surveys and mechanical systems (refresher) shall include a minimum of one-half training day. The training course shall address the following topics:

- a. Functions/qualifications and role of inspectors;
- b. Legal liabilities and defenses;
- c. Understanding building systems;

- d. Public/employee/building occupant relations;
- e. Review of previous inspection records;
- f. Inspecting for friable and non-friable asbestos containing material and assessing the condition of friable asbestos hazard emergency;
- g. Bulk sampling/documentation of asbestos;
- h. Regulatory review; and
- i. Course review to include a multiple choice test with a minimum 70% passing score.

7. Asbestos abatement management planner course (initial) shall include a minimum of 2 training days, with hands-on training (to include analysis and application of an operation and maintenance plan). Completion of the building asbestos abatement surveys and mechanical systems or inspector course must be demonstrated prior to attendance. The training course shall address the following topics:

- a. Course overview;
- b. Evaluation and interpretation of survey results;
- c. Hazard assessment;
- d. Legal implications;
- e. Evaluation and selection of control options;
- f. Role of other professionals;
- g. Developing an operations and maintenance plan;
- h. Regulatory review;
- i. Record keeping for the management planner;
- j. Assembling and submitting the management plan;
- k. Financing abatement actions; and
- l. Course review.

8. Asbestos abatement management planner course (refresher) shall include a minimum of one-half training day. The training course shall address the following topics:

- a. Legal implications;
- b. Evaluation and selection of control options;
- c. Role of other professionals;
- d. Developing an operations and maintenance plan;
- e. Regulatory review;
- f. Record keeping for the management planner; and
- g. Assembling and submitting the management plan.
- i. Course review to include a multiple choice test with a minimum 70% passing score.

9. Asbestos abatement respiratory protection course shall include a minimum of 3 training days, to include a minimum of 8 hours hands-on training. The training course shall address the following topics:

- a. Course overview;
- b. Terminology;
- c. Respiratory system/medical recommendations;
- d. Respiratory hazards and overview;
- e. Selection of respirators and decision making;
- f. Establishing and maintaining a respiratory protection program; and

g. Cleaning, maintenance, storage, and inspection of respirators, fit testing (qualitative and quantitative), and protection factors.

10. Asbestos Abatement Project Designer course (initial) shall include a minimum of 3 training days. The project designer course shall include lectures, demonstrations, a field trip, course review, and a written examination of least 100 multiple choice questions, with a passing score of 70 percent correct. The abatement project designer training course shall adequately address the following topics:

- a. Background information on asbestos.
- b. Potential health effects related to asbestos exposure.
- c. Overview of abatement construction projects.
- d. Safety system design specifications.
- e. Field trip.
- f. Employee personal protective equipment.
- g. Additional safety hazards.
- h. Fiber aerodynamics and control.
- i. Designing abatement solutions.
- j. Final clearance process.
- k. Budgeting cost estimating.
- l. Writing abatement specifications.
- m. Preparing abatement drawings.
- n. Contract preparation and administration.
- o. Legal/liabilities/defenses.
- p. Replacement.
- q. Role of other consultants.
- r. Occupied buildings.
- s. Relevant Federal, State, and local regulatory requirements, procedures, and standards.
- t. Course review.

11. Asbestos Abatement Project Designer (refresher) shall include a minimum of one full day of training. The refresher course shall include the review and discussion of changes in Federal, State and local regulations, developments in state-of-the-art procedures as well as the following:

- a. Potential health effects related to asbestos exposure overview.
- b. Safety system design specifications review.
- c. Additional safety hazards (review of safety considerations).
- d. Fiber aerodynamics and control (review of air monitoring requirements).
- e. Abatement materials and methods update.
- f. Writing abatement specifications review.
- g. Legal/liabilities/defenses.
- h. Course review to include a multiple choice test with a minimum 70% passing score.

~~12.10.~~ Asbestos abatement sampling course shall include a minimum of 4 training days, to include a minimum of 16 hours hands-on training. The training course shall address the following topics:

- a. Course overview;
- b. Sampling and air flow calibration equipment;
- c. Microscopes, accessories, adjustments, calibration and 1-hour review, sampling procedures and calibrations, sampling equipment (pump) placement, statistical calculations and counting procedures, image quality investigation, slide counting procedures and analysis, comprehensive lab and quality control; and
- d. Course review.

~~13.11.~~ Worker training for work with asbestos containing flooring material as described in Section ~~469.002(3) 469.004(4)~~, Florida Statutes, shall include hands on training and a minimum of 1 training day. Additionally an examination of at least 25 objective (i.e. multiple choice or true/false) questions, with a passing score of 70 percent must be given to each person seeking certification. The training course shall address the following topics:

- a. Physical characteristics and methods of recognizing asbestos;
- b. Potential health effects related to asbestos exposure;
- c. Relationship between smoking and asbestos related diseases including a list of names, addresses and phone numbers of public health organizations which provide information and conduct programs concerning smoking cessation;
- d. Employee personal protective equipment including decontamination and emergency procedures;
- e. Regulatory review;
- f. State-of-the-art work practices including removal procedures for resilient floor tile, resilient sheet flooring, and residual asphaltic adhesive as prescribed by OSHA;
- g. Medical surveillance program requirements;
- h. Waste disposal procedures and requirements;
- i. Sign posting and labeling requirements; and
- j. Noticing requirement as prescribed in Section ~~469.002(3)(d) 469.004(4)(d)~~, Florida Statutes.

~~14.12.~~ Supervisor training for the supervision of intact removal of resilient flooring material shall include a minimum of one half day training in addition to successful completion of the 1 day worker training in subparagraph 61E1-2.006(3)(c)11., F.A.C. The additional one half day training will include an examination of at least 25 objective (i.e. multiple choice or true/false) questions on the following topics, with a passing score of 70 percent for certification:

- a. Prework activities and considerations including a list of common building materials containing asbestos;
- b. Assessment of the work area including site preparation and safety hazards;

c. Supervising workers which includes goal setting, establishing expectations, motivating, and providing clear instructions;

- d. Course review.

~~15.13.~~ On site roofing supervisor training for the purpose of meeting the exemption of Section ~~469.002(2) 469.004(3)~~, Florida Statutes, and described in Section 469.012(3), Florida Statutes, shall be equivalent to the requirements of the competent person as defined by OSHA for work with Class II roofing material under 29 CFR, Part 1926.1101, as it existed on September 1, 1997, which is hereby incorporated by reference and made a part of this rule.

(d) A statement from the course provider clearly indicating compliance with the requirements of subsection 61E1-2.006(2), F.A.C., and:

1. The length of training days;
2. The amount and a description of hands-on training;
3. The length, format and passing score of the examination; and
4. The topics covered in the course.

(e) A copy of all course materials, including student manuals, instructor notebooks, handouts, videotapes and any other materials requested by the department.

1. Pursuant to 40 CFR, Part 763, subpart E of appendix C, the asbestos worker courses are the only courses approved to be conducted in a language other than English.

2. Any course provider who wishes to conduct a course in a language other than English must comply with the following;

- a. Translate the course into other language;
- b. Provide the translated course material to the Department;
- c. Give written assurance with the submission of the course that the translation has been checked for accuracy; and
- d. Give assurance that the instructor is fluent in the language that the course is being taught and that no additional translator is being used.

(f) A detailed statement about the development of the examination used in the course, including the number of questions in the item bank, the names and qualifications of the persons or entities who developed the examination, and the psychometric data used to support the validity of the examination.

(g) The names and qualifications of course instructors. Instructors must have academic credentials or certification, and field experience in asbestos abatement. Instructors must have completed both initial and refresher courses from an approved provider in the course(s) they instruct. Such proof of course completion will be required to be documented in the application. The list of instructors and their qualifications must be updated and submitted to the department whenever changes

are made. Outside experts may address topics including but not limited to legal liabilities and defenses, insurance and liability issues, and regulatory review.

(h) A description and example of the certificate of successful completion issued to students who attend the course and pass examination.

(i) A fee as provided in this rule, which must be received by the department in order for the application for approval to be deemed complete.

(5) Advertising of Training and Refresher Courses:

(a) A course provider may not advertise a course as one approved by the Department until such approval is granted.

(b) A course provider may not include any false or misleading information regarding the contents, instructors, or number of classroom hours of any course approved under this rule.

(c) Once approved, the course provider shall use the course number in the course syllabus, in all other course materials used in connection with the course, and in all written advertising materials used in connection with the course.

(d) Upon completion of an initial or refresher course, the provider shall issue a completion certificate listing the name and license number of the attendee, the name and course number, the provider name and registration number, the date the course was offered, the instructor name, and the length of the course.

~~(6)(4)~~ Training course audits.

(a) The department shall, at its discretion ~~least once every three years following the date that approval was granted by the department or other approval agencies,~~ conduct on-site ~~random~~ audits of training courses to ensure compliance with ~~Rule~~ subsection 61E1-2.006(2), F.A.C., which shall include, but not be limited to an evaluation of the following:

1. Training course content;
2. Technical accuracy;
3. Instructor effectiveness; and
4. Course administration.

(b) Such audits may be conducted without advance notice if the department has reasonable cause to believe that a violation of this rule or Chapter 469.001-469.015, Florida Statutes, has occurred.

(c) The department shall pursue administrative action to suspend or revoke approval of the course if the on-site reviewer finds the course not in compliance with the requirements of this rule as set forth in paragraph 61E-2.006(2)(a), F.A.C.

(d) Training course providers who are located outside this state must meet the requirements of this section in either of the following ways;

1. The training course provider will make arrangements for the department representatives to conduct an on-site review of the training course located outside the state at no charge, including travel, subsistence, and lodging costs as provided in Section 112.061, Florida Statutes.

2. Another state in which the training provider is approved has reciprocal agreement with this state for auditing of training courses for compliance with the standards set forth in this rule.

~~(7)(5)~~ Upon a change of instructors, the provider shall submit the credentials of the new instructor to the department for approval.

~~(8)(6)~~ The department will seek written reciprocal agreements with other states where equivalency of asbestos accreditation requirements with the Florida requirements can be demonstrated.

~~(9)(7)~~ Fees.

(a) Fees for initial training course review shall be \$350.00 per training day. Courses with a duration of eight hours will be assessed at the 8 hour day rate (\$350.00).

An additional \$350.00 will be assessed for each 8-hour day of training above the minimum days of training specified in Sections 469.001-469.015, Florida Statutes, and those set forth in 40 CFR Section 763, subpart E of Appendix C, as it existed on September 1, 1997. Courses with a duration of four hours of training will be assessed \$175.00. Courses with a duration of eight hours will be assessed at the 8-hour day rate (\$350.00).

(b) Fees for refresher training course approval shall be as follows:

1. \$175.00 – per 4 hour day
2. \$250.00 – per 8 hour day

(c) All application fees are non-refundable.

~~(10)(8)~~ Records.

(a) Training course providers shall be responsible for maintaining records of all persons taking approved courses for a minimum of 3 years from the date of the course. Copies of such records shall be released upon written request by the trainee and shall be made available to the department at any time upon request of the department.

(b) Upon ceasing to provide training and/or refresher courses, the provider shall forward all records relating to persons trained to the department within 60 days. Such records shall include class rosters, examination scores, certificates issued, and any other record which may be used to verify training. Upon receipt of the records, the department shall void the provider's certificate.

(c) Any changes in the course provider name, address, telephone number, course curriculum and/or instructors must be submitted in writing to the department, within 30 days of such change.

(d) The provider must provide the attendee list to the Department in the prescribed electronic format of all licensees who attended refresher courses to obtain continuing education credits. The provider is required to resolve reporting conflicts with the licensee by the expiration date.

(e) The course provider shall not offer any training courses if the provider status is expired or under discipline.

(f) The provider must submit attendance rosters of all Florida licensed consultants and contractors who have attended refresher courses within 30 days of completion of such course(s). The roster should include the licensee name, course number, course name, date the course was administered and the provider number.

(g) If the provider status is revoked by the Department, the provider cannot reapply to be registered as a provider for two years from the date of the Final Order revoking the registration.

Specific Authority 455.203(5), 469.011 FS. Law Implemented 469.014 FS. History—New 5-12-93, Formerly 21-23.006, Amended 8-17-94, 11-24-97,

NAME OF PERSON ORIGINATING PROPOSED RULE:
Anthony B. Spivey, Executive Director, Asbestos Licensing Unit, Department of Business and Professional Regulation, 1940 North Monroe Street, Tallahassee, Florida 32399-2214, (850)922-5012

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Diane Carr, Secretary

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

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Asbestos Consultants/Asbestos Consultant Examination

RULE TITLE: Fees; License Renewal; Active, Inactive and Delinquent Licenses; Change of Status

RULE NO.: 61E1-3.001

PURPOSE AND EFFECT: The purpose of this rule development is 1) to provide a fee for training provider and course renewals; 2) to provide that fees due a testing vendor for computer-based testing shall be paid directly to the vendor; 3) to provide that any license not renewed before the end of the biennial period shall become delinquent; 4) to require licensees on inactive status to meet the requirements of Sections 469.004(3) and 469.005(6), Florida Statutes; 5) to require a fee to add a qualifying agent; and 6) to revise the Specific Authority. The effect is to require a registration fee for added qualifying agents, a registration renewal fee for training providers and a registration initial and renewal fee for training and refresher courses, to clarify that business and qualifying agent licenses that are not renewed before the end of the

biennial period shall become delinquent, and to require licensees on inactive status to meet examination and continuing education requirements.

SUMMARY: Fees are established to add a Qualifying Agent, for provider renewal and for training and refresher course renewal. Fees due a testing vendor shall be paid directly to the vendor. Any license not renewed before the end of the current biennium shall become automatically delinquent. A licensee whose license status is inactive must meet the continuing education requirements of Section 469.004(3), Florida Statutes, and the examination requirement of Section 469.005(6), Florida Statutes.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No Statement of Estimated Regulatory Cost has been prepared

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

SPECIFIC AUTHORITY: 469.011, 469.004, 469.006, 469.008 FS.

LAW IMPLEMENTED: 455.271, 469.006, 469.008 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Anthony B. Spivey, Executive Director, Asbestos Licensing Unit, Department of Business and Professional Regulation, 1940 North Monroe Street, Tallahassee, Florida 32399-2214, (850)922-5012

THE FULL TEXT OF THE PROPOSED RULE IS:

61E1-3.001 Fees; License Renewal; Active, Inactive and Delinquent Licenses; Change of Status.

(1) The following fee schedule is adopted by the Department regarding the applications, initial licensure, examinations, delinquent licenses, reactivation, change of status, active and inactive licenses, renewals, late renewals, unlicensed activities, transfers, and changing a qualifying agent or financially responsible officer, for asbestos consultants and asbestos contractors, and for business organizations or qualified agents proposing to engage in consulting or contracting under a name other than the applicant's legal name, training provider and course renewal pursuant to Sections 455.203(1), 455.271, 455.2281, 469.006, 469.008, FS:

(a) Application fee	\$300.00
(b) Initial License fee	\$500.00
(c) Delinquent fee	\$250.00
(d) Reactivation fee	\$100.00
(e) Biennial License Renewal fee	
for Asbestos Consultants, Asbestos Contractors	\$300.00

(f) Biennial License Renewal fee for Asbestos Business Organizations	\$500.00
(g) Biennial Inactive License Renewal fee for Asbestos Consultants, Asbestos Contractors	\$200.00
(h) Examination fee	\$400.00
(i) Reexamination fee	\$400.00
(j) Change of Status fee	\$100.00
(k) Unlicensed Activity fee	\$5.00
(l) To change a Financial Officer	\$100.00
(m) To <u>add or change</u> a Qualifying Agent	\$100.00
(n) Transfer fee	\$200.00
<u>(o) Provider renewal fee</u>	<u>\$100.00</u>
<u>(p) Training course initial or refresher renewal fee</u>	<u>\$100.00</u>

(2) ~~All~~ The fees shall be made payable to: ~~the~~ Department of Business and Professional Regulation. Any fee due to the testing vendor for computer based testing shall be made payable directly to the vendor.

(3) An asbestos consultant, asbestos contractor, business organization or qualifying agent shall renew his or her license on or before November 30 of each biennial year. If an asbestos consultant, asbestos contractor, business organization or qualifying agent makes a written request to change a qualifier or financially responsible officer during the biennial period, the department shall charge the respective changing fee and a transfer fee.

(4) Any license, ~~other than a business organization or qualifying agent license~~, which is not renewed prior to the end of each biennium renewal period, shall automatically revert to a delinquent status.

(a) A licensee may change a delinquent status license by remitting a delinquent fee and the applicable biennial license renewal fee(s) to the department.

(b) If a licensee makes a written request during the renewal period to activate a delinquent status license to active or inactive, the department shall impose a delinquent fee, a reactivation fee, a renewal fee that will be applied to the delinquent biennium period, and a biennial license renewal fee.

(c) If a licensee makes a written request to the department to activate a delinquent status license to active or inactive status at a time other than the renewal period, the department shall impose a delinquent fee, a reactivation fee, a change of status fee, a renewal fee that will be applied to the delinquent biennium period, and a biennial license renewal fee.

(d) The failure of a delinquent status licensee to change the status of the license to active or inactive before the expiration of the current licensure period, shall render the license null without any further action by the department. Thereafter, any subsequent licensure shall be as a result of applying for and meeting all requirements imposed on an applicant for new licensure.

(e) A business organization shall not be required to take an examination or reexamination.

(f) The department shall conduct an investigation to determine whether an applicant, whose license has become null, has met the minimum qualifications for new licensure.

(5) A licensee may make written request during the renewal period to place his or her license in an inactive status and remit the biennial inactive license renewal fee. The department shall then change the status of the license to inactive status.

(a) An inactive license may be maintained during each subsequent biennium period by the department in an inactive status upon the payment of a biennial inactive license renewal fee. However, the department shall require a licensee, who has been on an inactive status to meet the requirements of ss. 469.004(3) and 469.005(6), for more than two consecutive biennial licensure periods, F.S.

(b) If a licensee makes a written request to the department during the renewal period to activate his or her license from an inactive status to an active status, the department shall impose a reactivation fee in addition to the biennial license renewal fee.

(c) If a licensee makes a written request to the department at a time other than during the renewal period to activate his or her license from an inactive status to an active status, the department shall impose a reactivation fee, a change of status fee, and a biennial license renewal fee.

(d) The department shall conduct an investigation to determine whether a licensee has met the minimum qualifications for active licensure.

(6) An asbestos consultant, asbestos contractor, business organization or qualifying agent shall not work with an inactive, delinquent, or null license.

Specific Authority ~~455.271, 469.004, 469.006, 469.008, 469.011~~ FS. Law Implemented ~~455.271, 469.006, 469.008~~ FS. History—New 9-22-94, Amended 10-17-95, 10-29-97, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Anthony B. Spivey, Executive Director, Asbestos Licensing Unit, Department of Business and Professional Regulation, 1940 North Monroe Street, Tallahassee, Florida 32399-2214, (850)922-5012

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Diane Carr, Secretary

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

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Asbestos Consultants/Asbestos Consultant Examination

RULE TITLES: RULE NOS.:

Licensure of Business Organizations and Qualifying Agents 61E1-4.001
 Financial Responsibility; Definitions; Grounds for Denial 61E1-4.002
 Public Liability and Property Damage Insurance 61E1-4.003

PURPOSE AND EFFECT: The purpose of this rule development in Rule 61E1-4.001, F.A.C., is 1) to specify more fully the contents required of credit reports and financial statements to be submitted with the applications of business organizations or qualifying agents for licensure; 2) to require a signed statement of the prescribed amounts of public liability and property damage insurance; 3) to delete a provision making it a violation to fail to continually maintain public liability and property damage insurance; 4) to require that applicants for licensure provide answers pertaining to the organization and its responsible persons to specified questions concerning past financial settlements, unpaid past-due bills and claims, liens, suits or judgments of record or pending, bankruptcy proceedings, past assignment of assets in settlement, disciplinary proceedings, and criminal proceedings; and 5) to define "responsible person." The effect is to provide the Department with more comprehensive information with which to determine the fitness of applicants for licensure. The purpose of this rule development in Rule 61E1-4.002, F.A.C., is to define "financial responsibility" and to set forth grounds based on financial responsibility for denying applicants for licensure. The effect is to make more clear what the Department shall consider in assessing an applicant's fitness for licensure. The purpose of this rule development in Rule 61E1-4.003, F.A.C., is to require that applicants for licensure certify that they have obtained and will maintain public liability and property damage insurance in the amounts specified in the rule and to authorize the Department to conduct random audits of at least ten percent of licensees directing them to submit proof of coverage by means of a Certificate of Insurance as prescribed in the rule. The effect is to provide assurance that licensees procure and maintain adequate insurance coverage. Both Rules 61E1-4.002 and 61E1-4.003, F.A.C., provide that failure to meet certain of their provisions constitutes a violation of the rule.

SUMMARY: New requirements to furnish information relating to the licensure applicant's financial responsibility, credit and business reputation are established. Financial responsibility is defined. Financial responsibility grounds on which an applicant may be denied are established. Applicants must attest they have public liability and property damage insurance in requisite amounts. The Department is to be the certificate of insurance holder.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No Statement of Estimated Regulatory Cost has been prepared

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

SPECIFIC AUTHORITY: 455.203(5), 469.011 FS.

LAW IMPLEMENTED: 469.006, 469.007 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: Anthony B. Spivey, Executive Director, Asbestos Licensing Unit, Department of Business and Professional Regulation, 1940 North Monroe Street, Tallahassee, Florida 32399-2214, (850)922-5012

THE FULL TEXT OF THE PROPOSED RULES IS:

61E1-4.001 Licensure of Business Organizations and Qualifying Agents.

(1)(a) As a prerequisite to the initial issuance of a license to a qualifying agent, business organization, or a change in the status of an active business organization license, the applicant shall pay the required fee as provided for in Rule 61E1-3.001 of this Chapter, and submit a signed, completed application on a form approved by the department. The form is entitled "Application For Business Organizations or Qualifying Agents," Form AB/LP, effective 6-20-95, and incorporated herein by reference. Copies of the application and other forms required by this Rule can be obtained by contacting the Department at the following address: Asbestos Licensing Unit, 1940 North Monroe Street, Tallahassee, Florida 32399-1006. If the applicant proposes to engage in asbestos consulting or asbestos contracting as a partnership, corporation, business trust or other legal entity, or in any name other than the applicant's legal name, the legal entity must comply with s. 469.006(2), F.S. The applicant must furnish evidence of statutory compliance of Section 865.09, F.S., if a fictitious name is used.

(b) The application shall contain the information contained in s. 469.006(2)(a)1., 2. & 3., F.S.

1. If a limited partnership is formed for the purposes of a joint venture, the qualifying business organization or individual must be a general partner of the joint venture.

2. The applicant's street and mailing address, and where applicable, a current license number. A post office box, by itself, is not acceptable as an address.

3. A list of the previous three completed asbestos projects, including the date of completion, address of the project, and the name of the owner.

4. If the business organization has a financially responsible officer, the financially responsible officer, rather than the qualifying contractor or consultant, shall sign and complete the application. The application shall include the requirements of s. 469.006(2)(a)2., F.S.

5. If the qualifying agent is a primary qualifying agent, the application shall include the requirements of s. 469.006(2)(a)1., F.S.

6. If the qualifying agent is a secondary qualifying agent, the application shall include the requirements of s. 469.006(2)(a)3., F.S.

(c) In order that the department may carry out its statutory duty to investigate the financial responsibility, credit and business reputation of a new applicant for licensure or a change of status of a licensee, an applicant shall be required to forward the following, in addition to the signed, completed application for licensure, to the Department for review:

1. A credit report on, not older than six months, from any recognized credit bureau which includes but is not limited to liens, judgments, suits and bankruptcy obtained from county, state, and federal records. The credit report must be dated within six (6) months of the date of filing the application. Reports which are limited to only information obtained from the qualifying agent or past or present employers are not acceptable.

2. A comprehensive financial statement reflecting the financial condition of the business entity in its previous fiscal year, provided the statement is prepared within 12 months of the date of the filing of the application. The financial statement shall include the following: balance sheet, income statement, capital statement; and statement of changes in financial position. Unless prepared by a certified public accountant, the financial statement shall be signed, in the presence of a notary, by a responsible officer of the business entity as representing the financial condition of the business entity for the period reflected in the statement. The financial statement must indicate a positive networth. A financial statement, not older than 12 months and showing a positive net worth, which shall contain information indicating the current assets, current liabilities, total assets, total liabilities, and total net worth.

3. A letter of bond ability, a letter of credit or a compliance bond established to reimburse the appropriate parties for diversion of funds, abandonment, and all other statutory violations. These instruments must be written in the amount of \$10,000 dollars or more and are not to be construed as performance bonds.

4. A signed statement indicating ~~that~~ the applicant has obtained and will maintain public liability and property damage insurance in the amounts set forth herein during the life of each asbestos job.

5. Answers to the following questions on the application: It shall be considered a violation of this rule for any licensee to fail to continually maintain public liability and property damage insurance in amounts set forth herein for the life of each asbestos job.

(a) Has any bonding or surety company ever completed or made a financial settlement upon any construction contract or work undertaken by any person named in (i) below or any organization in which such person was a responsible person as defined in paragraph (j)? Yes () No ().

(b) Are there any unpaid past-due bills or claims for labor, materials, or services, as a result of the consultant or construction operations of any person named in (i) below or any organization in which any such person was a responsible person as defined in paragraph (j)? Yes () No ().

(c) Are there now any liens, suits or judgments of record or pending against any person named in (i) below or any organization in which such person was a responsible person as defined in paragraph (j), as a result of the consultant or construction operations of such persons or organization? Yes () No ().

(d) Are there now any liens of record by the U.S. Internal Revenue Service or the State of Florida Corporate Tax Division against any person named in (i) below or any organization in which such a person was a responsible person as defined in paragraph (j)? Yes () No ().

(e) Has any person named in (i) below or has any organization in which any such person was a responsible person as defined in paragraph (j) been adjudicated as bankrupt, within the past five years or is any such person or organization presently in the process of bankruptcy proceedings? Yes () No ().

(f) Has any person named in (i) below or has any organization in which any such person was a responsible person as defined in paragraph (j) ever made an assignment of assets in settlement of consultant or construction obligations for less than the total amount of indebtedness? Yes () No ().

(g) Has any person named in (i) below or has any business organization in which any such person was a member been convicted of acting in the capacity of a consultant or contractor without a license or if licensed as a consultant or contractor in this or any other state, has any disciplinary action(including probation, fine or reprimand) ever been taken against such license by a state, county, or municipality? Yes () No ().

(h) Has any person in (i) below or has any business organization in which any such person was a responsible person as defined in paragraph (j) ever been convicted of any offense in this state or elsewhere, other than a traffic violation? Yes () No ().

(i) Required signatures: if an individual, the qualifying consultant or contractor; if a partnership, the qualifying consultant or contractor and the partners; if a corporation, the qualifying consultant or contractor, the president, vice-president and secretary.

(j) For purposes of this rule, "responsible person" includes any partner, officer, trustee, qualifying consultant or contractor, or any person having managerial or supervisory role in a business organization as defined in Section 469.006, F.S.

Specific Authority 455.203(5), 469.011 FS. Law Implemented 469.006, 469.007 FS. History--New 10-17-95, Amended 10-29-97, _____.

61E1-4.002 Financial Responsibility; Definitions; Grounds for Denial.

(1) For purposes of this rule, the phrase "financial responsibility" is defined as the ability to insure the public, laborers, materialmen, suppliers and other parties with whom the applicant will do business as an asbestos consultant or contractor, will not sustain economic losses resulting from the consultant or contractors inability to pay his or her lawful contractual obligations.

(2) The financial responsibility grounds on which the Department may refuse to qualify an applicant can include:

(a) Failure to submit any of the items required by Rule 61E1-4.001, F.A.C.

(b) The existence, within the past five years preceding the application, of an unsatisfied court judgement rendered against the applicant based upon the failure of the applicant to pay its just obligations to parties with whom the applicant conducted business as a consultant or contractor.

(c) An unfavorable credit report or history as indicated by any of the documents submitted.

(d) A determination by the Department that the applicant lacks the financial stability necessary to assure compliance with the standards set forth in section (1) of this rule. As guidelines for the determination of financial stability the Department shall consider the applicant's financial statement and responses to the questions set forth in subsection 61E1-4.001(1), F.A.C.

(3) The applicant's history of bankruptcy is included in the statutory definition of financial responsibility and shall be considered by the Department; however, the fact that an applicant has been or is a debtor in bankruptcy shall not be the sole basis of the Department's determination to deny the issuance of a license.

Specific Authority 455.203(5), 469.011 FS. Law Implemented 469.006, 469.007 FS. History--New _____.

61E1-4.003 Public Liability and Property Damage Insurance.

(1) As a prerequisite to the issuance of a license, the applicant shall submit a signed affidavit attesting the applicant has obtained and will maintain public liability and property

damage insurance, in the amounts stated herein. It shall be a violation of this rule for any licensee to fail to continually maintain liability and property damage insurance in amounts set forth herein.

(2) To verify the accuracy of the signed affidavit, the Department will conduct random audits of at least 10% of the total number of licensees. Upon written request by the Department, by certified mail, each selected licensee must within thirty days submit proof of coverage, in the form of an original Certificate of Insurance, showing the licensee obtained and continually maintained the proper amount of public liability and property damage within the specified time period set forth in the Department's request.

(3) The Certificate of Insurance must be prepared by a licensed insurance agency and must contain the following information.

(a) Date the Certificate of Insurance was issued.

(b) Name and license number of insurance agent.

(c) Name of insured must reflect the exact name of the entity qualified by applicant.

(d) Name of insurance company.

(e) Policy number must be on certificate. Binder numbers are not acceptable.

(f) Expiration date of policy.

(g) The minimum amount of liability and property damage insurance required as a prerequisite to the issuance of a license is:

1. Liability Insurance (including completed operations and products) \$100,000/\$300,000 and,

2. Property Damage Insurance (including completed operations and products) \$100,000/\$300,000.

(h) Certificate holder must be the Department of Business and Professional Regulation.

(i) The cancellation notice shall stipulate that, should the public liability and property damage coverage described above, be canceled before the expiration date, the issuing company will mail a thirty-day written notice to the Certificate holder on the Certificate.

(j) The agent's signature.

(k) The licensee's correct license number.

(4) The insurance must be in the name of the licensee or the business name appearing on the license.

(5) Failure to comply with the Department's request to submit proof of coverage, which meets the requirements of the Department, will be a violation of this rule.

Specific Authority 455.203(5), 469.011 FS. Law Implemented 469.006, 469.007 FS. History--New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Anthony B. Spivey, Executive Director, Asbestos Licensing Unit, Department of Business and Professional Regulation, 1940 North Monroe Street, Tallahassee, Florida 32399-2214, (850)922-5012

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Diane Carr, Secretary
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 18, 2003
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: April 18, 2003

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Professional Engineers

RULE TITLES:	RULE NOS.:
Written Examination Designated;	
General Requirements	61G15-21.001
Grading Criteria for the Essay Portion of Examination	61G15-21.003
Passing Grade	61G15-21.004
Engineer Intern Examination	61G15-21.005

PURPOSE AND EFFECT: Rule 61G15-21.001, F.A.C., is being amended to clarify that Part One of the Exam is the engineer intern examination portion. Rules 61G15-21.003 and 61G15-21.005, F.A.C., are being repealed as these rules are now obsolete. Rule 61G15-21.004, F.A.C., is being amended to state that the requirements for passing grades on each portion of the exam is a grade of 70 or better. Surplus language regarding needless detailing of methods used by the creator of the national exam in scoring is being removed.

SUMMARY: Rules 61G15-21.001 and 61G15-21.004, F.A.C., sets forth general requirements for the written examination and what the passing score is. Rules 61G15-21.003 and 61G15-21.005, F.A.C., set forth the criteria for grading the essay portion of the engineering examination and state that Part One of the examination is the engineer intern examination.

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

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

SPECIFIC AUTHORITY: 455.217(1) FS.

LAW IMPLEMENTED: 455.217(1) FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE FAW. (IF NOT REQUESTED, A HEARING WILL NOT BE HELD):

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

THE FULL TEXT OF THE PROPOSED RULES IS:

61G15-21.001 Written Examination Designated; General Requirements.

(1) The Florida Board of Engineers hereby determines that a written examination shall be given and passed prior to any applicant receiving a license to practice as a professional engineer, or as an engineer intern in the State of Florida except as provided in Section 471.015, Florida Statutes. The examination shall be provided by the National Council of Examiners for Engineers and Surveyors (NCEES). The examination consists of two parts, each of eight hours. The engineer intern examination is defined to be Part One of the written examination provided by the NCEES. Candidates are permitted to bring certain reference materials and calculators. A list of approved reference materials and calculators will be provided to all candidates prior to each examination. Reference materials are limited to fifteen (15) bound volumes. National examination security requirements as set forth by the NCEES shall be followed throughout the administration of the examination.

(2) No change.

Specific Authority 455.217(1) FS. Law Implemented 455.217(1), 471.015 FS. History—New 1-8-80, Formerly 21H-21.01, Amended 10-5-92, Formerly 21H-21.001, Amended 11-15-94, 10-14-02, _____.

61G15-21.003 Grading Criteria for the Essay Portion of Examination.

Specific Authority 455.217(1) FS. Law Implemented 455.217(1) FS. History—New 1-8-80, Formerly 21H-21.03, Amended 1-6-92, Formerly 21H-21.003, Repealed _____.

61G15-21.004 Passing Grade.

~~(1) The passing grade for the Engineering Fundamentals Examination is 70 or better. The criteria for determining the minimum score necessary for passing the Engineering Fundamentals Examination shall be developed through the collective judgment of qualified experts appointed by NCEES to set the raw score that represents the minimum amount of knowledge necessary to pass the examination. The judges shall use a Modified Angoff Method in determining the minimally acceptable raw score necessary to pass the Fundamentals of Engineering Examination. Using the above mentioned Modified Angoff Method, the judges will indicate the probability that a minimally knowledgeable Fundamentals of Engineering examinee would answer any specific questions correctly. The probability of a correct response is then assigned to each question. Each judge will then make an estimate of the percentage of minimally knowledgeable examinees who would know the answer to each question. The totals of each of the judges is added together and divided by the number of judges to determine the overall estimate of the minimum standards necessary. The minimum number of correct answers required to achieve a passing score will take into account the relative difficulty of each examination through scaling and equating~~

each examination to the base examination. The raw score necessary to show competence shall be deemed to be a 70 on a scale of 100.

(2) ~~The passing grade for the Principles and Practice Examination is 70 or better. A passing grade on Part Two of the examination is defined as a grade of 70 or better. The grades are determined by a group of knowledgeable professional engineers, who are familiar with engineering practice and with what is required for an applicable engineering practice and with what is required for an applicable engineering task. These professional engineers will establish a minimum passing score on each individual test item (i.e., examination problem). An Item Specific Scoring Plan (ISSP) will be prepared for each examination item based upon the NCEES standard scoring plan outline form. An ISSP will be developed by persons who are familiar with each discipline including the item author, the item scorer, and other NCEES experts. On a scale of 0-10, six (6) will be a minimum passing standard and scores between six (6) and ten (10) will be considered to be passing scores for each examination item. A score of five (5) or lower will be considered an unsatisfactory score for that item and the examinee will be considered to have failed that item. To pass, an examinee must average six (6) or greater on his/her choice of eight (8) exam items, that is, the raw score must be forty eight (48) or greater based on a scale of eighty (80). This raw score is then converted to a base 100 on which, as is noted above, a passing grade will be seventy (70).~~

Specific Authority 455.217(1)(c), 471.013 FS. Law Implemented 455.217(1)(c), 471.03 FS. History--New 1-8-80, Amended 3-23-81, 8-25-81, 2-21-84, 1-20-85, Formerly 21H-21.04, 21H-21.004, Amended.

61G15-21.005 Engineer Intern Examination.

Specific Authority 455.217(1) FS. Law Implemented 455.217(1) FS. History--New 1-8-80, Formerly 21H-21.05, 21H-21.005, Repealed.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Board of Professional Engineers

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

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 19, 2003, Vol. 29, No. 38

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Professional Engineers

RULE TITLE: Schedule of Fees

RULE NO.: 61G15-24.001

PURPOSE AND EFFECT: The Board proposes to amend this rule to remove obsolete language and provide for a specific fee for testing in additional disciplines as requested by an existing licensee.

SUMMARY: This rule sets forth the fees for application, examination, reexamination, licensing and renewal, temporary registration, late renewal, registration by endorsement, reactivation fees, and replacement certificate fees.

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

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

SPECIFIC AUTHORITY: 455.213, 455.217(3), 455.219, 455.271, 471.011, 471.019 FS.

LAW IMPLEMENTED: 119.07(1)(a), 455.217(3), 471.011, 471.019 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNED IN THE FAW. (IF NOT REQUESTED IN WRITING, A HEARING WILL NOT BE HELD):

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

THE FULL TEXT OF THE PROPOSED RULES IS:

61G15-24.001 Schedule of Fees.

(1) No change.

(2) Engineering fees (individuals and firms):

(a) No change.

(b) Examination and re-examination fee ~~Initial examination fee~~ – \$ 100.00 ~~(both parts)~~, except the fee for Structural II examination is \$ 450.00.

(c) Application fee for licensure by endorsement – \$ 125.00.

(d) Initial ~~registration and~~ licensure – \$ 100.00.

(e) Renewal – \$ 125.00 per biennium.

(f) Delinquency Fee – \$ 100.00.

(g) Temporary registration (individual) – \$ 25.00.

(h) Temporary Certificate of Authorization (firm) – \$ 50.00.

(i) Registration for a Certificate of Authorization (firm) – \$ 125.00.

(j) Biennial Renewal of Certificate of Authorization (firm) – \$ 125.00.

(k) Additional Discipline Examination Fee ~~Re-examination~~ – \$ 100.00 per part.

(l) Inactive Status fee – \$ 75.00.

(m) Reactivation fee – \$ 150.00.

(n) Duplicate Certificate – \$ 25.00.

(o) Verification of Licensure – \$ 25.00.

(p) Special Inspector Certification – \$ 100.00.

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

Specific Authority 455.213, 455.217(3), 455.219, 455.271, 471.011, 471.019 FS. Law Implemented 119.07(1)(a), 455.217(3),(7), 471.011, 471.019 FS. History—New 1-8-80, Amended 8-26-81, 12-19-82, 6-2-83, 2-28-84, Formerly 21H-24.01, Amended 3-10-86, 12-11-86, 3-10-87, 4-12-88, 12-21-88, 1-10-90, 8-15-90, 1-6-93, Formerly 21H-24.001, Amended 11-15-94, 8-10-98, 6-16-99, 5-8-00, 11-15-01, 2-21-02, 9-16-02,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Board of Professional Engineers

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

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 19, 2003, Vol. 29, No. 38

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Professional Engineers

RULE TITLE: Retention of Engineering Documents RULE NO.: 61G15-30.009

PURPOSE AND EFFECT: The Board proposes this new rule to set forth criteria for retaining engineering documents.

SUMMARY: This rule sets forth the requirement for licensees to retain documents bearing their signature, seal, date and all related calculations for a minimum period of three years .

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

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

SPECIFIC AUTHORITY: 471.008, 471.033(2) FS.

LAW IMPLEMENTED: 471.033(1)(g) FS.

IF REQUESTED IN WRITING WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE FAW. (IF NOT REQUESTED IN WRITING, A HEARING WILL NOT BE HELD):

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

THE FULL TEXT OF THE PROPOSED RULE IS:

61G15-30.009 Retention of Engineering Documents.

At least one copy of all documents displaying the licensee’s signature, seal, date and all related calculations shall be retained by the licensee or the licensee’s employer for a minimum of three years from the date the documents were sealed.

Specific Authority 471.008, 471.033(2) FS. Law Implemented 471.033(1)(g) FS. History—New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Board of Professional Engineers

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

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 19, 2003, Vol. 29, No. 38

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

School Psychology

RULE TITLE: Examinations RULE NO.: 64B21-500.011

PURPOSE AND EFFECT: Amendment is proposed to subsection (3) of Rule 64B2-500.011, F.A.C., to reflect that scoring of the national examination designated by the Department in subsection (1) of this Rule shall be consistent with testing procedures and scoring of the entities responsible for providing the examination.

SUMMARY: The Department proposes to strike unnecessary language as it has determined that the scoring range should be consistent with the entities responsible for providing the examination.

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: 490.015 FS.

LAW IMPLEMENTED: 490.005(2), 455.217(1)(b),(c) 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, Executive Director, Department of Health, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3255

THE FULL TEXT OF THE PROPOSED RULE IS:

64B21-500.011 Examinations.

(1) through (2) No change.

(3) The examination shall be multiple choice. All items will be weighted equally in scoring the (ETS) examination. All scoring procedures and the determination of the minimum passing score shall be The minimum passing score will be a converted score of 610, with possible scores ranging from 0 to 999. The minimum passing score for the (ETS) examination is determined by the National Association for School Psychology (NASP) and ETS using the modified Angoff method. Candidates' scores which include fractions will be rounded up if the fractional part is 0.5 or greater. The subject areas of the examination shall include assessment, intervention, evaluation, professional practice, psychological foundations, and educational foundations.

(4) No change.

Specific Authority 490.015 FS. Law Implemented 455.217(1)(b),(c), 456.017, 490.005(2) FS. History--New 12-21-83, Amended 9-18-84, Formerly 21U-500.11, Amended 1-2-92, 6-21-92, Formerly 21U-500.011, 61E9-500.011, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Kaye Howerton, Executive Director

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Amy Jones, Division Director

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 26, 2003

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 23, 2002

Section III
Notices of Changes, Corrections and Withdrawals

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Consumer Services

RULE NOS.: RULE TITLES:
5J-13.002 Licensing Requirement
5J-13.003 Security Requirement

NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule as noticed in the October 11, 2002, issue of the Florida Administrative Weekly, Vol. 28, No. 41 and the Notice of Change published in Vol. 29, No. 35, August 29, 2003, issue of the Florida Administrative Weekly has been withdrawn.

DEPARTMENT OF EDUCATION

Commission for Independent Education

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

NOTICE OF ADDITIONAL PUBLIC HEARING

The Commission for Independent Education hereby gives notice of an additional public hearing on the above-referenced rule to be held on November 13 and 14, 2003, in Tampa, Florida. An additional notice setting forth the time and location of the public hearing shall be published at a later date. The rule was originally published in Vol. 29, No. 29, of the July 18, 2003, Florida Administrative Weekly.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Samuel Ferguson, Executive Director, Commission for Independent Education, 2650 Apalachee Parkway, Suite A, Tallahassee, Florida 32301

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

DEPARTMENT OF COMMUNITY AFFAIRS

Division of Emergency Management

RULE CHAPTER NO.: RULE CHAPTER TITLE:
9G-19 Base Funding for County
Emergency Management
Agencies, Emergency
Management Competitive Grant
Program and Municipal
Competitive Grant Program
Rule

RULE NO.: RULE TITLE:
9G-19.010 Disbursement

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. 34, August 22, 2003, issue of the Florida Administrative Weekly.

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 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, _____.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE 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

DEPARTMENT OF REVENUE

RULE NO.: 12-16.003
 RULE TITLE: Form of Consent Agreements

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to this proposed rule, as published in the Vol. 29, No. 35, pp. 3391-3394, August 29, 2003, issue of the Florida Administrative Weekly. These changes are in accordance with subparagraph 120.54(3)(d)1., F.S.

Subsection (2) of Rule 12-16.003, F.A.C., has been changed so that, when adopted, the subsection will read:

12-16.003 Form of Consent Agreements.

(2) The Department prescribes Form DR-872, Consent to Extend the Time to Issue an Assessment or to File a Claim for Refund, dated October, 2003 ~~December, 1998~~, as the form to be used for the purposes of this chapter and incorporates this form by reference. A copy of this form may be obtained, without cost, by one or more of the following methods: 1) writing the Florida Department of Revenue, Distribution Center, 168A Blountstown Highway, Tallahassee, Florida 32304; or, 2) faxing the Distribution Center at (850)922-2208; or, 3) using a fax machine telephone handset to call the Department's automated Fax On Demand system at (850)922-3676; or, 4) visiting any local Department of Revenue Service Center to personally obtain a copy; or, 5) calling the Forms Request Line during regular office hours at 1(800)352-3671 (in Florida only) or (850)488-6800; or, 6) downloading selected forms from the Department's Internet site at the address shown inside the parentheses (www.myflorida.com/dor). Persons with hearing or speech impairments may call the Department's TDD at 1(800)367-8331. The Department will provide this form to the taxpayer with the information specified in subsection (1) of this rule already entered on the form.

DEPARTMENT OF HIGHWAY SAFETY AND MOTOR VEHICLES

Division of Driver Licenses

RULE CHAPTER NO.: 15A-9
 RULE CHAPTER TITLE: Breath Alcohol Ignition Interlock Devices

RULE NOS.: 15A-9.003
 RULE TITLES: Definitions
 15A-9.005 Specifications
 15A-9.007 Certification
 15A-9.008 Installation and De-installation
 15A-9.010 Monitoring

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 29, No. 36, September 5, 2003, issue of the Florida Administrative Weekly.

15A-9.003 Definitions.

(1) Alcohol. Any substance containing any form of alcohol as defined in Section 322.01(2), Florida Statutes.

15A-9.005 Specifications.

(1) All ignition interlock devices will be required to meet or exceed the standards set forth in the model specifications published in the Federal Register, Vol. 57, No. 67, page 11772 by the National Highway Traffic Safety Administration ~~with the exception of the rolling retest.~~

(5) A rolling retest feature is required for all ignition interlock devices.

(c) Any deep lung breath sample above the fail point or any failure to provide a rolling retest deep lung breath sample shall activate the motor vehicle's horn and cause the motor vehicle's emergency lights to flash until the engine is shut off by the convicted person.

15A-9.007 Certification.

(1) Each manufacturer under contract with the department will submit a certification from an independent laboratory certifying that their ignition interlock device has been tested in accordance with the model specifications published in the Federal Register, Vol. 57, No. 67, page 11772 by the National Highway Traffic Safety Administration and the ignition interlock device meets or exceeds those specifications, as well as criteria set forth in the contract with the department. ~~The only exception to the specifications is the rolling retest. Federal Register as published in Vol. 57, No. 67, page 11772, Tuesday, April 7, 1992 is hereby incorporated by reference.~~

15A-9.008 Installation and De-installation.

(4) Prior to installation of the ignition interlock device, the convicted person must provide to the service provider: Upon installation, the manufacturer or his representatives shall complete a notice of proof of installation (HSMV 72122) and submit to Department of Highway Safety and Motor Vehicles within 15 days of installation date.

(b) The VIN numbers of all motor vehicles owned or routinely driven by the convicted person; and

(c) A statement disclosing the names of all other operators of the motor vehicles owned or driven by the convicted person.

15A-9.010 Monitoring.

(2) The department will refer the convicted person who is not in the Special Supervision Services Program to a licensed DUI program:

(a) Upon the first violation, as defined in subsection 15A-9.003(23), Florida Administrative Code.

2. The DUI program shall complete the Ignition Interlock Device Interview Report, HSMV Form 77136, referenced in subsection 15A-9.014(1), Florida Administrative Code, to document the face-to-face interview.

3. The interview fee to be charged by the DUI programs shall be \$25. This is the only fee to be charged for the services except for department-approved ancillary fees, as provided in Chapter 15A-10, Florida Administrative Code.

(b) Upon the second violation, as defined in subsection 15A-9.003(23), Florida Administrative Code.

3. The DUI program shall complete the Ignition Interlock Device Interview Report, HSMV 77136 to document the monthly face-to-face interview. The fee for the initial appointment shall be \$55 and shall include the development of a case management plan. The monthly fee shall be \$25. These are the only fees to be charged for the services, except for department-approved ancillary fees, as provided in Chapter 15A-10, Florida Administrative Code.

7. If the convicted person misses two consecutive appointments, the DUI program shall recommend cancellation of the license unless the convicted person has good cause for missing the appointment. Good cause is defined as natural disaster, death in the immediate family, or illness documented by the attending physician. The DUI program shall notify the department on the Letter Recommending Cancellation, HSMV Form 77137, referenced in subsection 15A-9.014(2), Florida Administrative Code, unless good cause is documented. A record of all tests where alcohol is detected must be recorded by day, date and time.

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

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

DEPARTMENT OF CORRECTIONS

RULE NO.: 33-508.101 RULE TITLE: Hobbycraft Programs

NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule, as noticed in Vol. 28, No. 13, March 29, 2002, Florida Administrative Weekly has been withdrawn.

AGENCY FOR HEALTH CARE ADMINISTRATION

Health Facility and Agency Licensing

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

NOTICE OF WITHDRAWAL

Notice is hereby given that the above proposed rule published in Vol. 29, No. 39, September 26, 2003, Florida Administrative Weekly is hereby withdrawn.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Florida Real Estate Commission

RULE NO.: 61J2-1.011 RULE TITLE: License Fees and Examination Fees

NOTICE OF CORRECTION

The Florida Real Estate Commission announces a correction to the Notice of Proposed Rulemaking regarding Rule 61J2-1.011, F.A.C., which appeared in the September 19, 2003 issue of the Florida Administrative Weekly.

Specifically, the portion of the notice regarding the date notice of proposed rule development should read:

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

DEPARTMENT OF ENVIRONMENTAL PROTECTION

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

DEPARTMENT OF HEALTH

Board of Chiropractic Medicine

RULE NO.: 64B2-13.004 RULE TITLE: Continuing Education

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. 29, July 18, 2003, issue of the Florida Administrative Weekly. The changes are in response to comments received from the Joint Administrative Procedures Committee and from the Board meeting held on September 19, 2003.

The rule shall now read as follows:

(1) For the purpose of renewing or reactivating a license, an applicant must demonstrate to the Board that he or she participated in at least forty (40) classroom hours of continuing chiropractic education, during all bienniums during which the license was inactive, or for purposes of renewal during the past two years, of which at least three hours shall be with regard to one (1) hour concerned risk management with two of these three risk management hours specifically relating to ~~and at least two (2) hours concerned~~ the laws and rules of the board and the regulatory agency under which the Board operates. For the purpose of this rule, risk management means the identification, investigation, analysis, and evaluation of risks and the selection of the most advantageous method of

correcting, reducing or eliminating identifiable risks. The laws and rules of the Board and the regulatory agency under which the Board operates include Chapters 456 and 460, Florida Statutes, and Rule Chapter 64B2, F.A.C.

(2) No change.

(3) Continuing education providers, including providers of AIDS and risk management, seeking initial approval by the Board shall pay a fee of \$250. Continuing education providers seeking renewal of provider status shall also pay a \$250 fee each biennium. To receive Board approval, a continuing education program:

(a) No change.

(b) Must be offered for the purpose of keeping the licensee apprised of advancements and new developments in at least two of the following areas, provided that the continuing education is within the scope of chiropractic practice as defined in chapter 460, F.S.:

1. through 18. No change.

(c) through (d) No change.

(4) through (8) No change.

~~(9) A member of the Board of Chiropractic Medicine, or a previous member serving in a probable cause panel, may obtain five (5) hours of continuing chiropractic education in the subject area of risk management for attendance at one Board meeting or probable cause panel. The maximum CE hours allowable per biennium under this paragraph shall be ten (10).~~

(10) though (13) renumbered (9) through (12) No change.

(13) Board members shall receive credit for the two risk management hours that relate to the laws and rules of the Board during their term on the Board.

Specific Authority 460.408(3) FS. Law Implemented 456.013(6), 456.036(10), 460.408 FS. History--New 1-10-80, Amended 11-25-80, 1-13-82, Formerly 21D-13.04, Amended 6-22-86, 7-5-87, 1-25-88, 10-17-90, 10-15-92, Formerly 21D-13.004, Amended 10-26-93, Formerly 61F2-13.004, Amended 3-16-95, 7-18-95, 6-11-96, Formerly 59N-13.004, Amended 6-24-98, 8-4-99, 7-11-02, _____

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 32399-3257

DEPARTMENT OF HEALTH

Board of Chiropractic Medicine

RULE NO.: RULE TITLE:
64B2-16.0075 Citations

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. 34, August 22, 2003, issue of the Florida Administrative Weekly. The

changes are in response to comments received from the Joint Administrative Procedures Committee and from the Board meeting held on September 19, 2003.

The rule shall now read as follows:

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) 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, _____

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 32399-3257

DEPARTMENT OF HEALTH

Board of Psychology

RULE NO.: RULE TITLE:
64B19-18.0025 Qualifications to Practice Juvenile Sexual Offender Therapy

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. 28, No. 33, August 16, 2002, issue of the Florida Administrative Weekly. A Notice of Change was published in Vol. 29, No. 39, September 26, 2003 issue of the Florida Administrative Weekly.

After additional review, the Board voted to approve the rule with the following changes.

(Substantial rewording of Rule 64B19-18.0025 follows. See Florida Administrative Code for present text.)

64B19-18.0025 Qualifications to Practice Juvenile Sexual Offender Therapy.

Effective December 31, 2004, in order for a psychologist licensed pursuant to Chapter 490, F.S., to hold oneself out as a juvenile sex offender therapist or evaluator, the licensee must:

(1) Complete continuing education training, or demonstrate coursework taken as part of the licensee's doctoral program, in the following subject areas:

(a) Developmental sexuality, including sexual and reproductive anatomy and physiology, gender and sexual identity, and sexual diversity.

(b) Interaction between sexuality and the dynamics of interpersonal and family relationships.

(c) Sexual arousal patterns, including both typical and deviant fantasy patterns.

(d) Sexual dysfunctions, disorders, and deviancy, including sexual abuse patterns and the thinking errors that support the cycle of abuse.

(e) Victim empathy and victimology.

(f) Use and misuse of defense mechanisms, as it applies to juvenile sex offenders.

(g) Dynamics of power and control, as it applies to juvenile sexual offenders.

(h) Compulsivity management, arousal control, anger regulation, and relapse prevention.

(i) Group therapy and biomedical approaches in treating sexual dysfunctions, disorders and deviancy.

(j) Legal, ethical, and forensic issues in treating juvenile sex offenders.

(2) Complete 10 hours of continuing education credits each license renewal biennium in any of the above subject areas. The 10 hours completed for the purposes of satisfying the requirements of this rule shall be included in the 40 hours of continuing education required of each licensee per biennium.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Kaye Howerton, Executive Director, Board of Psychology, MQA, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3253

DEPARTMENT OF HEALTH

Division of Environmental Health

RULE NO.: RULE TITLE:

64E-17.006 Licenses and Fees

NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule, as noticed in Vol. 27, No. 50, December 14, 2001, Florida Administrative Weekly, has been withdrawn.

**Section IV
Emergency Rules**

DEPARTMENT OF REVENUE

Miscellaneous Tax

RULE TITLES: RULE NOS.:

Assignment of Service Addresses to Local Taxing Jurisdictions; Liability for Errors; Avoidance of Liability Through Use of Specified Methods; Reduction in Collection Allowance for Failure to Use Specified Methods	12BER03-7
Department of Revenue Electronic Database Certification of Service Address Databases	12BER03-8
Use of Enhanced Zip Code Method to Assign Service Addresses to Local Taxing Jurisdictions	12BER03-9
	12BER03-10

SPECIFIC FACTS AND REASONS FOR FINDING AN IMMEDIATE DANGER TO THE PUBLIC HEALTH, SAFETY OR WELFARE: The Communications Services Tax Simplification Law (Chapter 202, F.S.) requires that communications services dealers must collect and remit local communications services taxes based on the rate of the local taxing jurisdiction in which customer service addresses are located. The Department of Revenue is required to develop and maintain an electronic database in which local service addresses are assigned to local jurisdictions, and local governments are required to provide information for inclusion in the database. The initial electronic database has been developed, and the announcement concerning its availability and initial effective date was included in the April 5, 2002, issue of the Florida Administrative Weekly. Use of certain methods to assign service addresses, including use of a database that has been certified by the Department of Revenue as meeting statutory accuracy standards, entitles a dealer to a higher collection allowance and to protection against liability for taxes, interest, and penalties resulting from erroneous service address assignments. The promulgation of these emergency rules ensures the following: 1) that communications services tax dealers are informed of their obligations concerning the assignment of customer service addresses, of the methods of assigning addresses that will entitle dealers to protection against liability, and of the methods of assigning addresses that will entitle a dealer to a higher collection allowance; 2) that the procedures and forms for the Department and local governments to maintain the accuracy of the database on an on-going basis are immediately available; and 3) that the procedures and forms for application for certification by the Department of databases used by communications services tax dealers are available.

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

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

SUMMARY OF THE RULE: Emergency Rule 12BER03-7, F.A.C., provides guidelines on: 1) the requirement that communications services dealers assign customer service addresses to local taxing jurisdictions; 2) the use of certain

databases to avoid liability for errors in customer service address assignments; 3) the due diligence standard applicable to dealers using databases that provide protection from liability for errors in assigning customer service addresses; and 4) the collection allowance available depending on the database used by a communications services dealer. Emergency Rule 12BER03-8, F.A.C., provides guidelines on: 1) the electronic customer service database maintained by the Department of Revenue; 2) the procedures for local taxing jurisdictions to request changes to the Department of Revenue database; and 3) procedures for any substantially affected person to object to the assignment of a customer service address in the Department of Revenue database. Emergency Rule 12BER03-9, F.A.C., provides guidelines on the standards and procedures for certification of a customer service address database developed by a communications services dealer or a vendor. Emergency Rule 12BER03-10 provides guidelines on the use of an enhanced zip code method to assign customer service addresses. These emergency rules also adopt and incorporate by reference four (4) forms required for administration of the Communications Services Tax Simplification Law and two (2) sets of instructions that are incorporated into the on-line Department of Revenue service address database. The forms are: DR-700012, "Application for Certification of Communications Services Database"; DR-700020, "Notification of Method Employed to Determine Taxing Jurisdiction (Communications Services Tax)"; DR-700022, "Local Communications Services Tax Notification of Jurisdiction Change"; and DR-700025, "Objection to Communications Services Tax Electronic Database Service Address Assignment." The on-line instructions incorporated by reference are the "Guide for Address Change Requests" and the "Instructions for Preparing and Submitting Customer Address Files for Certification Testing."

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

THE FULL TEXT OF THE EMERGENCY RULES IS:

COMMUNICATIONS SERVICES TAX

12BER03-7 Assignment of Service Addresses to Local Taxing Jurisdictions; Liability for Errors; Avoidance of Liability Through Use of Specified Methods; Reduction in Collection Allowance for Failure to Use Specified Methods.

(1)(a) Dealers of communications services that are required to collect local communications services taxes must assign each customer service address to a specific local taxing jurisdiction for purposes of determining the appropriate local communications services tax rate to be applied to sales made to that address. Local communications services taxes must be collected and remitted for each service address in accordance

with the service address assignments in the latest version of the communications services tax Address/Jurisdiction Database, which is the electronic database maintained by the Department that is updated and adopted every January 1 and July 1, as discussed in Emergency Rule 12BER03-8, F.A.C. Except as otherwise provided in subsection (2), a dealer is liable for any additional local communications services taxes, interest, and penalties that are due as a result of assigning service addresses to incorrect local taxing jurisdictions when the correct local taxing jurisdiction's tax rate exceeds the incorrectly assigned local taxing jurisdiction's tax rate.

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

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

1. The Address/Jurisdiction Database;

2. A database that has been certified by the Department, as provided in Emergency Rule 12BER03-9, F.A.C.;

3. An enhanced zip code method, as discussed in Emergency Rule 12BER03-10, F.A.C.; or

4. A database that, upon audit by the Department, is determined to have met the accuracy rate criterion required for certification under Emergency Rule 12BER03-9 at the time of the sale on which local communications services taxes are due.

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

(c) Due Diligence. In order to avoid liability for any additional local communications services tax, penalty, and interest resulting from errors in the assignment of customer

service addresses to local taxing jurisdictions under paragraph (a), a dealer must exercise due diligence in employing one of the methodologies described. The dealer must exercise the care and attention that is expected from and ordinarily exercised by a reasonable and prudent person when ascertaining the correct amount of tax due on sales made by that person.

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

a. Internal controls in the assignment of service addresses are adequate if the dealer has in place and consistently follows procedures to obtain and incorporate accurate updates to its database at least once every six months and corrects errors in assignments of service addresses within 120 days from discovering or being notified of such errors. A dealer's internal controls must ensure that, when the dealer is notified of an error, the error is corrected and the error is not repeated when a subsequent update is obtained. A dealer may choose to update its database more frequently than once every six months as long as the dealer has in place and consistently follows procedures to obtain and incorporate accurate updates. The auxiliary file described in Emergency Rule 12BER03-8(1)(b), F.A.C., that is maintained by the Department and available to dealers and local government users may be used by the dealer to update the dealer's database more frequently than the minimum of at least once every six months.

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

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

3. If a communications services dealer uses a certified database provided by a third party vendor, the communications services dealer must exercise due diligence in its own conduct in using the database. A dealer using a certified database provided by a third party vendor is exercising due diligence if that dealer expends reasonable resources to accurately and reliably implement the third party vendor's certified database and maintains adequate internal controls in the assignment of service addresses. For example, the dealer must follow the vendor's instructions on use of the database and promptly incorporate any updates supplied by the vendor. As part of its due diligence, the dealer has a duty to take reasonable steps to ascertain that the vendor maintains the database so as to ensure continuing qualification for certification. For example, if a vendor failed to provide an update to the database when scheduled to do so, a reasonable and prudent dealer relying on that vendor's database would contact the vendor and make inquiry. A dealer that uses a third party vendor's certified database must ensure that, when the dealer discovers or is notified of errors in assignments of service addresses, the errors are corrected within 120 days from discovering or being notified of such errors and the error is not repeated when a subsequent update is obtained from the vendor.

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

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

be entitled to an equal credit or refund from the Department upon proper reporting to the Department of the amount and jurisdictions involved.

2. For purposes of this paragraph, a purchaser that establishes that a dealer has assigned the purchaser's service address to a different local taxing jurisdiction from the one to which that address was assigned in the latest version of the Address/Jurisdiction Database as of the date of the sale has established a presumption that the dealer's assignment was erroneous. If a dealer believes that the assignment of the purchaser's address in the Department's database is incorrect, the dealer should refer that refund claim to the Department for a determination in accordance with the procedures in Section 202.23, F.S. A dealer who assigned a purchaser's service address in accordance with the latest version of the Address/Jurisdiction Database at the time of the sale on which the purchaser asserts that tax was overpaid is not required to make a refund to the purchaser unless the Department has subsequently revised the assignment of that address to correct an error and such revision had retroactive effect as of the date of the sale involved pursuant to Emergency Rule 12BER03-8(3)(c), F.A.C.

(3) Collection Allowance.

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

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

the dealer cannot establish was assigned using a database or methodology that qualifies for the .75 percent collection allowance.

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

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

This rule shall take effect on October 1, 2003.

Specific Authority 202.26(3)(b),(f),(g),(4), 202.28(1) FS. Law Implemented 202.22(1),(4),(5),(6), 202.23, 202.28(1),(2), 202.34(1)(a) FS. History—New 10-1-03.

12BER03-8 Department of Revenue Electronic Database.

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

(b) When a change to the Address/Jurisdiction Database has been approved, it is stored in an auxiliary file pending its inclusion in the next scheduled update of the database, which occurs every January 1 and July 1. The auxiliary file is

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

(c) The availability and effective date of the initial database was announced in the Florida Administrative Weekly. The availability and effective date of subsequent updates are also announced in the Florida Administrative Weekly. Updates incorporate corrections of any errors discovered since the last preceding update as well as changes in addresses or jurisdictional boundaries based on information provided by local taxing jurisdictions. Each updated version of the Address/Jurisdiction Database is posted on the Department's website at least 90 days prior to the effective date of the updated version and is also available to dealers of communications services and vendors of databases in magnetic or electronic media for a fee not to exceed the cost of furnishing the updated version in such media. Requests for electronic or magnetic media copies should be addressed to: Florida Department of Revenue, Communications Services Tax, Local Government Jurisdiction Unit, Post Office Box 5885, Tallahassee, Florida 32314-5885.

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

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

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

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

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

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

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

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

(e) Examples.

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

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

3. A municipality annexes an area with 1500 service addresses that was formerly in an unincorporated area of the county. The annexation will be effective July 1, 2003. The municipality's contact person timely enters address change requests for the 1500 addresses on-line and writes a letter to the county's contact person requesting that consent be indicated by signing a form DR-700022 that has been prepared by the

municipality and enclosed with the letter. Also enclosed with the letter is a copy of the annexation ordinance and a street map on which the annexed area is outlined. The county contact person signs the form DR-700022. The municipality submits the form and copies of the letter, annexation ordinance, and map to the Department on February 15, 2003. The Department will approve the changes and include them in the July 1, 2003 update to the Address/Jurisdiction database.

(3)(a) Any substantially affected party may object to information contained in the Address/Jurisdiction Database by submitting form DR-700025, Objection to Communications Services Tax Electronic Database Service Address Assignment (N. 04/02, hereby incorporated by reference), along with competent evidence to support the party's objection. Local taxing jurisdictions should use form DR-700022 to create addresses in the Address/Jurisdiction Database or to request address assignment changes resulting from changes in jurisdictional boundaries, but may use form DR-700025 to object to existing address assignments that the local taxing jurisdiction believes are incorrect. Regardless of which form is used to request changes to the Address/Jurisdiction Database, the consent of an affected jurisdiction will be required. Examples of substantially affected parties include purchasers of communications services who pay local communications services taxes, dealers who are required to collect local communications services taxes, and local taxing jurisdictions that object to a change to the Address/Jurisdiction Database proposed by another local taxing jurisdiction. Examples of competent evidence that supports an inquiry into a substantially affected party's objection include an electric utility bill from a provider that operates only within a particular local taxing jurisdiction, a voter registration card indicating the voter residing at a service address is entitled to vote in municipal elections or only in county elections, or a map that includes the boundaries of a local taxing jurisdiction and clearly places a service address inside or outside those boundaries. For example, if a map shows that a street is entirely within the boundaries of a municipality, that map is competent evidence that a service address on that street should be assigned to that municipality in the database. The Department will notify the substantially affected party of any deficiencies in the objection or competent evidence.

(b) Upon receipt of an objection on a completed form DR-700025, including competent evidence to support the objection, the Department will forward copies of the form, along with the associated documentation to the database contact person in each affected taxing jurisdiction. The Department will instruct each local taxing jurisdiction to indicate in writing its determination in regard to the objection. If the affected local taxing jurisdictions each indicate agreement with the objection, the Department will revise the electronic database accordingly. If a local taxing jurisdiction fails to respond within a reasonable time, which shall be no less than 30 days, such jurisdiction shall be deemed to have

indicated agreement with the objection. If either local taxing jurisdiction notifies the Department in writing that it does not agree with the objection, the Department will immediately assign the address with a special designation that indicates that the jurisdictional assignment of the address is in dispute. The service address will be reassigned to a local taxing jurisdiction when one of the following events occurs:

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

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

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

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

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

This rule shall take effect on October 1, 2003.

Specific Authority 202.26(3)(b),(g),(4) FS. Law Implemented 202.22(2), 202.23 FS. History—New 10-1-03.

12BER03-9 Certification of Service Address Databases.

(1) A communications services dealer that develops and maintains its own database for assigning service addresses to local taxing jurisdictions or a third party vendor that provides a database for sale to communications services dealers or uses

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

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

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

(c) The Department will test the applicant's database by comparing the assignments of service addresses to the assignments of service addresses in the Address/Jurisdiction Database, which is the Department's on-line database described in Emergency Rule 12BER03-8. The Department will notify the applicant of all service addresses that do not match the Department's database regardless of whether the applicant's database meets the accuracy criterion for certification.

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

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

2. If the notice denies certification, it must specify the grounds, inform the applicant of any available remedy, and set forth procedures for protesting the denial. If the applicant cures the defects that formed the basis for denial and upon retesting the database meets the requirements for certification, the Department will issue a notice certifying the database. If the defects forming the basis of the denial are based on a sample, correction of the errors identified in the sample does not constitute correction of the database. The Department is

authorized to grant certification of the database even in cases where the applicant has filed a petition and a proceeding is pending under Chapter 120, F.S.

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

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

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

(6) Certification is contingent upon there being no material changes to the database or procedures for its updating and maintenance. If there are such changes, the applicant should inform the Department and request a determination whether a new form DR-700012 should be submitted. If practicable, the Department will test the effect of the changes rather than require a new certification procedure for the entire database. A material change is any change that could reasonably be

expected to affect whether the database would still meet the 95 percent accuracy level required for certification. Examples of changes that could be material would be an expansion of the service area covered by a database, the merger of two or more databases, a change in the sources from which information for the database is obtained, or alteration of the methods by which service addresses are assigned, updated, or corrected. Changes to the assignment of service addresses or address ranges that are made in the course of consistently followed procedures to obtain and incorporate accurate updates and to correct errors in assignments of service addresses as required to satisfy the due diligence standards set forth in Emergency paragraph 12BER03-7(2)(c), F.A.C., are not material address changes that require Department review of a database.

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

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

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

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

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

This rule shall take effect on October 1, 2003.

Specific Authority 202.26(3)(g),(4) FS. Law Implemented 202.22(3) FS. History—New 10-1-03.

12BER03-10 Use of Enhanced Zip Code Method to Assign Service Addresses to Local Taxing Jurisdictions.

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

(2) A communications services dealer may avoid liability as provided in Emergency Rule 12BER03-7, F.A.C., for any additional local communications services tax, penalty, and interest resulting from errors in assigning service addresses to an incorrect local taxing jurisdiction when the correct local taxing jurisdiction has a higher local tax rate by employing an enhanced zip code method only if the requirements of this rule are satisfied.

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

(a) The Address/Jurisdiction Database, described in Emergency Rule 12BER03-8, F.A.C.:

(b) A database that has been certified by the Department as provided in Emergency Rule 12BER03-9, F.A.C.:

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

(d) The United States Census Bureau; or

(e) The United States Post Office.

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

(4) The dealer employing an enhanced zip code method to assign service addresses to local jurisdictions must satisfy the notification and due diligence requirements set forth in Emergency Rule paragraphs 12BER03-7(2)(b) and (c), F.A.C. For purposes of due diligence requirements, a communications services dealer or an enhanced zip code database vendor is deemed to have expended reasonable resources to accurately and reliably implement an enhanced zip code method if the requirements of subsection (3) have been met. The due diligence requirement includes the requirement to correct errors in the assignments of service addresses within 120 days of discovering or being notified by any person of such errors. The database vendor or dealer must also maintain adequate

internal controls to assure the on-going accuracy of an enhanced zip code database as described in Emergency Rule subparagraph 12BER03-7(2)(c)1., F.A.C.

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

(6) In order to be entitled to the .75 percent collection allowance, a communications services dealer that employs an enhanced zip code method to assign service addresses must satisfy the requirements of subsection (3) of this rule and the requirements of Emergency Rule subsection 12BER03-7(3), F.A.C.

This rule shall take effect on October 1, 2003.

Specific Authority 202.26(3)(b),(f),(g),(4), 202.28(1) FS, Law Implemented 202.22(1),(4),(6),(7), 202.28(1)(b)2. FS. History—New 10-1-03.

THIS RULE TAKE EFFECT UPON BEING FILED WITH THE DEPARTMENT OF STATE UNLESS A LATER TIME AND DATE IS SPECIFIED IN THE RULE.

EFFECTIVE DATE: October 1, 2003

Section V Petitions and Dispositions Regarding Rule Variance or Waiver

DEPARTMENT OF LAW ENFORCEMENT

Notice is hereby given that the Officer Professionalism Program, Florida Department of Law Enforcement has received from Arthur Nardi, on September 24, 2003, a petition for Waiver of Rule 11B-20.001, F.A.C., pursuant to Section 120.542, F.S. Petitioner has requested that the Department waive certain requirements for instructors.

Comments on this Petition should be filed with: Grace A. Jaye, Assistant General Counsel, Office of General Counsel, Florida Department of Law Enforcement, P. O. Box 1489, Tallahassee, Florida 32302.

A copy of the Petition may be obtained by contacting: Grace A. Jaye, Assistant General Counsel at the above address or by calling (850)410-7676.

Notice is hereby given that the Officer Professionalism Program, Florida Department of Law Enforcement has received from John Riddle on September 25, 2003, a petition for Waiver of Rule 11B-20.0017, F.A.C., pursuant to Section 120.542, F.S. Petitioner has requested that the Department waive certain employment requirements.

Comments on this Petition should be filed with: Grace A. Jaye, Assistant General Counsel, Office of General Counsel, Florida Department of Law Enforcement, P. O. Box 1489, Tallahassee, Florida 32302.

A copy of the Petition may be obtained by contacting Grace A. Jaye, Assistant General Counsel at the above address or by calling (850)410-7676.

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 Board of Professional Surveyors and Mappers hereby gives notice that it has declined to issue a decision on the Petition for Waiver filed by Gary D. Hunt. The Notice of Petition for Waiver was published in Vol. 29, No. 29, of the July 18, 2003 Florida Administrative Weekly. The Board of Professional Surveyors and Mappers considered the Petition at its meeting held in July, 2003. The Board declined to act on the Petition as Petitioner is not a licensee, nor an applicant for licensure, and, therefore, the Board has no jurisdiction to consider the petition.

Comments on this disposition should be filed with the 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

The Board of Medicine hereby gives notice that it has received a petition filed on September 26, 2003, by Hal B. Unschuld, M.D., seeking a waiver from paragraph 64B8-13.004(2)(b), F.A.C., with regard to the requirement for the SPEX examination prior to reactivation of licensure.

Comments on this petition should be filed with Board of Medicine, MQA, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3253, within 14 days of publication of this notice.

For a copy of the petition, contact: Larry G. McPherson, Jr., Executive Director, Board of Medicine, at above address or telephone (850)245-4131.

The Board of Medicine hereby gives notice that it has received a petition filed on September 16, 2003, by Neil H. Okum, M.D., seeking a variance from subsection 64B8-2.001(2), F.A.C., with regard to the passing score on the FLEX examination.

Comments on this petition should be filed with Board of Medicine, MQA, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3253, within 14 days of publication of this notice.

For a copy of the petition, contact: Larry G. McPherson, Jr., Executive Director, Board of Medicine, at above address or telephone (850)245-4131.

The Board of Optometry hereby gives notice that it has issued a Final Order on the Petition for Variance or Waiver of Rule 64B13-4.001, F.A.C., Filed by Robert Rudman, O.D.

The Notice of Petition for Variance or Waiver was published on August 22, 2003, in Vol. 29, No. 34 of the Florida Administrative Weekly.

The Board considered the Petition at its meeting held on September 12, 2003. The Board's Order of Intent to Deny, filed September 23, 2003, denies the Petition for Variance or Waiver finding that the Petitioner failed to demonstrate that the purpose of the statute underlying the rule would be met by granting a waiver; the Petitioner failed to explain how the principles of fairness would impact him differently than they would impact any other optometrist who wanted to relocate to Florida and practice optometry without complying with the instant rule; and the Petitioner failed to demonstrate any way in which the application of the rule would cause any hardship unique to him.

A copy of the Board's Order may be obtained by contacting: Joe Baker, Jr., Executive Director, Board of Optometry, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3252.

The Board of Psychology hereby gives notice that it has received a petition, filed on September 24, 2003 on behalf of Theodore P. Masino, II, Psy.D., seeking a waiver of paragraph 64B19-11.005(1)(c), Florida Administrative Code, with respect to supervised experience requirements.

Comments on this petition should be filed with the Board of Psychology/MQA, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3255, within 14 days of publication of this notice.

For a copy of the petition, contact: Kaye Howerton, Executive Director, Board of Psychology, at the above address or (850)245-4373, Ext. 3480.

The Board of Psychology hereby gives notice that it has received a petition, filed on September 22, 2003 on behalf of Cathy Guyer, Ph.D., seeking a waiver of Rule 64B19-11.007, Florida Administrative Code, with respect to an extension of time in which to complete required examinations.

Comments on this petition should be filed with the Board of Psychology/MQA, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3255, within 14 days of publication of this notice.

For a copy of the petition, contact: Kaye Howerton, Executive Director, Board of Psychology, at the above address or (850)245-4373, Ext. 3480.

Section VI Notices of Meetings, Workshops and Public Hearings

The following state governmental agencies, boards and commissions announce a public meeting to which all persons are invited:

State Board of Administration
Financial Services Commission
Department of Veterans' Affairs
Department of Highway Safety and Motor Vehicles
Department of Law Enforcement
Department of Revenue
Department of Education
Administration Commission
Florida Land and Water Adjudicatory Commission
Board of Trustees of the Internal Improvement Trust Fund

Department of Environmental Protection
DATE AND TIME: October 28, 2003, 9:00 a.m.

PLACE: City Commission Chambers, The Alcazar Room, Lightner Museum, City Hall Complex, 75 King Street, St. Augustine, Florida

PURPOSE: Regular scheduled meeting of the Governor and Cabinet

The State Board of Administration will take action on matters duly presented on its agenda, which may include such matters as Executive Director's reports; approval of fiscal sufficiency of state bond issues; approval of sale of local bonds at an interest rate in excess of statutory interest rate limitation; report on investment performance; designation of banks as depositories for state funds; adoption of rules and regulations; investment of state funds pursuant to Chapter 215, F.S.; and consideration of other matters within its authority pursuant to Chapters 215 and 344, F.S., and Section 16 of Article IX of the Florida Constitution of 1885, as continued by subsection 9(c) of Article XII of the Florida Constitution of 1968. The Division of Bond Finance of the State Board of Administration

will take action on matters duly presented on its agenda, which will deal with the issuance of State bonds, arbitrage compliance and related matters.

The Financial Services Commission will take action on matters duly presented on its agenda which may include, but not be limited to, matters relating to rulemaking for all activities concerning insurers and other risk bearing entities, including licensing, rates, policy forms, market conduct, claims, adjusters, issuance of certificates of authority, solvency, viatical settlements, premium financing, and administrative supervision, as provided under the Insurance Code or Chapter 636, F.S., and for all activities relating to the regulation of banks, credit unions, other financial institutions, finance companies, and the securities industry.

The Department of Veterans' Affairs will take action on matters duly presented on its agenda which may include the administration of the Department as well as actions taken to further the Department's mission of providing assistance to veterans and their dependents, pursuant to Section 292.05, F.S.

The Department of Highway Safety and Motor Vehicles will take action on matters duly presented on its agenda, which may include such matters as approval of agency policies, taking agency action with regard to administrative procedure matters, and considering other matters within its authority pursuant to Florida Statutes.

The Department of Law Enforcement will take action on matters duly presented on its agenda which may include but not be limited to such matters as transfer of agency funds or positions, formulation of Departmental Rules, administrative procedure matters, submittal of reports as required, enter into contracts as authorized and to consider other matters within its authority pursuant to Chapters 20, 23, 120 and 943, F.S.

The Department of Revenue will act on matters duly presented on its agenda which may include approval of rules, legislative concept proposals, contracts over \$100,000, Departmental budgets, taking final action on formal and informal hearings under Chapter 120, F.S., and consideration of other matters within its authority.

The Department of Education will finalize agency action on the business of the Florida Department of Education.

The Administration Commission will take action on matters duly presented on its agenda which may include such matters as to create or transfer agency funds or positions, approve Career Service rules, administrative procedure matters, environmental matters arising under Chapter 380, F.S., comprehensive planning issues pursuant to Section 163.3184, F.S., determine sheriffs' budget matters, and consider other matters within its authority pursuant to Chapters 110, 215 and 216, F.S.

The Florida Land and Water Adjudicatory Commission will take action on matters duly presented on its agenda including appeals of local government development orders in areas of critical state concern or of developments of regional impact

under Section 380.07, F.S.; and review of water management matters under Chapter 373, F.S. The Commission will also review Department of Environmental Protection's rules and orders which, prior to July 1, 1993, the Governor and Cabinet, sitting as the head of the Department of Natural Resources, had authority to issue or promulgate.

The Board of Trustees of the Internal Improvement Trust Fund will take action on matters duly presented on its agenda which may include such matters as mineral leases or sales, state or sovereign land leases, sales, exchanges, dedications, and easements, Conservation and Recreation Lands (CARL) and other land purchases; land planning matters and other matters within its authority. Additionally, the Board will take action on matters presented by the Marine Fisheries Commission as set forth in Sections 370.025, 370.026 and 370.027, F.S., and matters pertaining to the Office of Greenways Management, the Office responsible for the management of lands which formerly fell within the Cross Florida Barge Canal project corridor.

The Department of Environmental Protection, while not a Cabinet agency, will present for consideration on its agenda those matters required by law to be reviewed by the Governor and Cabinet and those pertaining to the siting of power plants, electric and natural gas transmission lines and hazardous waste facilities; coastal zone management consistency and standards adopted by the Environmental Regulation Commission.

A copy of any of the above agendas (when applicable) may be obtained by contacting each agency.

Accommodations can be made for persons with disabilities provided several days' notification is received. Please notify the Governor's Cabinet Office, (850)488-5152.

The Governor and Cabinet will proceed through each agenda, item by item, in the order given above.

CABINET AIDES BRIEFING: On the Wednesday of the week prior to the above meeting, there will be a meeting of the aides to the Governor and Cabinet Members at 9:00 a.m., Cabinet Meeting Room, Lower Level, The Capitol, Tallahassee, Florida. The purpose of this briefing is to review and gather information regarding each agenda to be considered by the Governor and Cabinet.

DEPARTMENT OF STATE

The **Florida Historical Commission** announces two public meetings to which all persons are invited.

DATE AND TIME: Tuesday, November 4, 2003, 9:00 a.m.

PLACE: Florida League of Cities, Sittig Hall, 310 South Bronough Street, Tallahassee, Florida 32302-1757

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct a meeting of the Florida Historical Commission in conjunction with the Florida Arts Council and the Florida Folklife Council and receive public input.

DATE AND TIME: Wednesday, November 5, 2003, 9:00 a.m.

PLACE: R. A. Gray Building, Auditorium, 500 South Bronough Street, Tallahassee, Florida 32399-0250

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct a general business meeting of the Florida Historical Commission and receive public input.

A copy of the agendas may be obtained by writing: Mr. Robert Taylor, Historic Preservationist, Supervisor of Historic Preservation, Department of State, R. A. Gray Building, 500 South Bronough, Tallahassee, Florida 32399-0250 or calling (850)245-6333.

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

Pursuant to Section 286.26, Florida Statutes, people with disabilities wishing to attend this meeting should contact the agency at least 48 hours prior to the meeting in order to request any special assistance. Please contact: Bureau of Historic Preservation, (850)245-6333 or Fax (850)245-6437.

The **Department of State, Division of Cultural Affairs**, announces the following public meeting, to which all persons are invited:

COMMITTEE: Art Selection Committee

DATE AND TIME: Monday, October 20, 2003, 2:00 p.m.

PLACE: Daytona Children's Medical Services, Conference Room, 325 N. Williamson Blvd., Daytona Beach, FL 32114, (386)238-4980

GENERAL SUBJECT MATTER TO BE CONSIDERED: To hold an Orientation Meeting to determine potential artwork sites and media, establish project schedules and set the next meeting dates review and discuss final proposals for Art in State Buildings Project No. DOH 5006/4100, Daytona Children's Medical Services, Daytona Beach, Volusia County.

For more information or to obtain a copy of the agenda, please contact: Lee Modica, Arts Administrator, Division of Cultural Affairs, 1001 DeSoto Park Drive, Tallahassee, Florida 32301, (850)245-6476.

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 Division of Cultural Affairs.

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: Dana DeMartino, (850)245-6477. If you are hearing or speech impaired, please contact the Florida Relay at 711.

The **Department of State, Division of Cultural Affairs**, announces the 2004-2006 State Touring Program Roster Panel Meeting, to which all persons are invited. This meeting is subject to cancellation, please call to confirm the meeting date and time.

DATE AND TIME: October 28, 2003, 9:00 a.m. – conclusion
PLACE: R. A. Gray Building Auditorium, 500 South Bronough, Tallahassee, Florida 32399

GENERAL SUBJECT MATTER TO BE CONSIDERED: 2004-2006 State Touring Program Roster Panel Meeting.

For more information, please contact: Melissa Ray, Arts Administrator, Division of Cultural Affairs, 1001 DeSoto Park Drive, Tallahassee, Florida 32301 or (850)245-6470.

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 a verbatim recording of the proceedings in order to provide a record for judicial review.

To request special aids or services, contact Division staff 72 hours prior to the above stated schedule at (850)245-6470 or Text Telephone 711.

The **Department of State, Division of Cultural Affairs**, announces the 2004-2005 Challenge Grant Panel Meeting, to which all persons are invited. This meeting is subject to cancellation, please call to confirm the meeting date and time.

DATE AND TIME: October 30, 2003, 9:00 a.m. – conclusion
PLACE: R. A. Gray Building Auditorium, 500 South Bronough, Tallahassee, Florida 32399

GENERAL SUBJECT MATTER TO BE CONSIDERED: 2004-2005 Challenge Grant Panel Meeting.

For more information, please contact: Melissa Ray, Arts Administrator, Division of Cultural Affairs, 1001 DeSoto Park Drive, Tallahassee, Florida 32301 or (850)245-6470.

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 a verbatim recording of the proceedings in order to provide a record for judicial review.

To request special aids or services, contact Division staff 72 hours prior to the above stated schedule at (850)245-6470 or Text Telephone 711.

DEPARTMENT OF LEGAL AFFAIRS

The LCSW Task Force Committee of the Florida **Commission on the Status of Women** will hold a telephone conference to which all interested persons are invited.

DATE AND TIME: Wednesday, October 22, 2003, 3:00 p.m.

PLACE: Call (850)414-3300 for information on participation

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss general issues.

If you need an accommodation because of disability in order to participate, please notify FCSW in writing at least five days in advance at Office of the Attorney General, The Capitol, Tallahassee, FL 32399-1050.

Note: If a quorum of members does not attend, items on this agenda will be discussed as a workshop by those present, and notes will be recorded although no formal action will be taken. If you have any questions, please call (850)414-3300.

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

The Florida **Department of Agriculture and Consumer Services** announces a meeting of the Florida Alligator Marketing and Education Advisory Committee.

DATE AND TIME: October 28, 2003, 10:00 a.m.

PLACE: Florida Fruit and Vegetable Association Office, Conference Room, 4401 East Colonial Drive, Orlando, Florida 32803

A copy of the FAME meeting agenda can be obtained by contacting: John Easley, 2051 East Dirac Drive, Tallahassee, Florida 32310-3760, (850)488-0163.

Proposals: All proposals that you would like considered during this meeting should be sent two weeks prior to the FAME meeting to Martin May or John Easley by mail: 2051 East Dirac Drive, Tallahassee, Florida 32310-3760 or Fax (850)922-3671.

If you need any special accommodations, please call: Jennifer Bass, (850)488-0163.

DEPARTMENT OF EDUCATION

The public is invited to a workshop of the State **Board of Education**.

DATE AND TIME: October 21, 2003, 9:00 a.m.

PLACE: Orange County School Board, 445 West Amelia Street, Orlando, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Florida's School Choice Program.

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

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

The public is invited to a meeting of the State **Board of Education**.

DATE AND TIME: October 21, 2003, 1:00 p.m.

PLACE: Orange County School Board, 445 West Amelia Street, Orlando, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Approval of Minutes of meeting held September 16, 2003; Updates on various reports and status on education initiatives by Commissioner and Chairman; Action items will include Consideration of Recommendations for School Improvement Plans “F” Schools (Charter School Institute Training Center, Broward County; Kreative Kids Academy, Duval County; Chattahoochee Elementary, Gadsden County; Tampa United Methodist Charter, Hillsborough County; and Center Academy, Manatee County); Appointments to Florida Education Fund; Polk Community College – Designation of a Northeastern Center in Polk County; Polk Community College – Change Designation of Lakeland Joint-Use Center to Campus; Tallahassee Community College – Designation of a Downtown Special Purpose Center; A Resolution of the State Board of Education Requesting the Division of Bond Finance of the State Board of Administration to Issue Revenue Bonds on Behalf of Florida State University to Finance Renovation of Landis Hall Housing Facility on the Campus of Florida State University; A Resolution of the State Board of Education Approving the Financing of the Renovation and Expansion of the Existing Student Health Center on the University of Central Florida Main Campus; A Resolution of the State Board of Education Authorizing the Issuance of Florida Gulf Coast University Financing Corporation, Inc. Revenue Bonds to Finance Phase VI of the North Lake Village Student Residences and Refund the Certificates of Participation Previously Issued by the Florida Gulf Coast University Foundation, Inc.; A Resolution of the State Board of Education Authorizing the Sale of Not Exceeding \$200,000,000 State of Florida, Full Faith and Credit, State Board of Education Public Education Capital Outlay Bonds, 2001 Series J.; Board of Trustees of Florida A & M University – Condemnation of Private Property; and other matters pertaining to the State Board of Education

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

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

The public is invited to committee meetings and the regular meeting of the Florida **Board of Governors**. The Facilities Committee, the Student Affairs Committee, the Finance Committee, the Accountability Committee and the Strategic Planning/Educational Policy Committee will meet. The regular meeting of the Board will follow.

DATE AND TIME: October 22, 2003, 8:00 a.m. – 5:00 p.m.

PLACE: H. Manning Efferson Ballroom, Student Union, Florida A & M University, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: University facilities and funding; University funding formula; discussion of 18 hour high school graduation credits; Accountability and Performance funding measures; State University System Mission statement; Continuing discussion of the missions of the Universities in the System; Discussion of tuition policy; Legislative issues, to include position on Bright Futures Scholarships/College Pre-Paid Program; Consideration of proposed Ph.D. programs, as follows: Ph.D., Biomedical Sciences, FSU; Ph.D., Biomedical Engineering, FIU; Ph.D., Nursing, FIU; Request for authority to exercise eminent domain, FAMU; and other matters pertaining to the Florida Board of Governors.

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

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

The **Florida Atlantic University**, Board of Trustees Audit and Finance committee announces a meeting to which all persons are invited:

DATE AND TIME: Wednesday, October 22, 2003, 10:00 a.m.

PLACE: Boca Raton Campus, Board of Trustees Room, Kenneth R. Williams Administration Bldg., 777 Glades Road, Boca Raton, Florida 33314

A copy of the agenda may be obtained by contacting: Ms. Joanne Elsner, Florida Atlantic University, 777 Glades Road, Boca Raton, FL 33431, (561)297-4030

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this meeting is asked to advise the agency at least 48 hours before the meeting by contacting Ms. Paula Behul, (561)297-3004. If you are hearing or speech impaired, please contact the agency by calling TDD via TDD No. (561)297-2130.

The **Florida Atlantic University**, Board of Trustees Academic and Student Affairs committee announces a meeting to which all persons are invited:

DATE AND TIME: Wednesday, October 22, 2003, 1:00 p.m.

PLACE: Boca Raton Campus, Board of Trustees Room, Kenneth R. Williams Administration Bldg., 777 Glades Road, Boca Raton, Florida 33314

A copy of the agenda may be obtained by contacting: Ms. Joanne Elsner, Florida Atlantic University, 777 Glades Road, Boca Raton, FL 33431, (561)297-4030

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this meeting is asked to advise the agency at least 48 hours before the meeting by contacting: Ms. Paula Behul,

(561)297-3004. If you are hearing or speech impaired, please contact the agency by calling TDD via TDD No. (561)297-2130.

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

DATE AND TIME: Friday, November 7, 2003, 9:00 a.m.

PLACE: Walker Hall Board Room, FSDB Campus, St. Augustine, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Matters pertaining to the Florida School for the Deaf and the Blind.

A copy of the agenda may be obtained by writing: Elmer Dillingham, President, Florida School for the Deaf and the Blind, 207 N. San Marco Avenue, St. Augustine, FL 32084-2799 or by calling (904)827-2200.

Should any person wish to appeal any decision made with respect to any matter considered at the above-referenced meeting, he may need to ensure that a verbatim record of the proceedings be made, which record includes the testimony and evidence upon which the appeal is to be based. Special accommodations for persons with disabling conditions should be requested at least 48 hours in advance from the aforementioned address.

DEPARTMENT OF COMMUNITY AFFAIRS

The **Department of Community Affairs** announces the schedule of public meetings of the Wekiva River Basin Coordinating Committee to which all persons are invited.

DATES AND TIMES: Wednesday, October 15, 2003, 10:00 a.m. – 5:00 p.m.; Thursday, October 16, 2003, 9:00 a.m. – 5:00 p.m.; Wednesday, November 5, 2003, 10:00 a.m. – 5:00 p.m.; Thursday, November 6, 2003, 9:00 a.m. – 5:00 p.m.; Wednesday, December 17, 2003, 10:00 a.m. – 5:00 p.m.; Thursday, December 18, 2003, 9:00 a.m. – 5:00 p.m.

PLACE: Embassy Suites Hotel Orlando-North, 225 East Altamonte Drive, Altamonte Springs, Florida 32701, (407)834-2400, Fax (407)834-2117 or website www.embassysuites.com/es/orlando-north

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Wekiva River Basin Coordinating Committee is created by Executive Order 2003-112 and charged with presenting a report and making recommendations to: (1) delineate the Wekiva Study Area; (2) identify enhanced land use planning strategies and development standards consistent with property rights, and which improve and assure protection of surface and ground water resources of the Wekiva Study Area; (3) consider the recommendations of the Wekiva Basin Area Task Force, and the most current and new information being developed regarding groundwater recharge in the Wekiva Study Area; (4) consider the use of innovative planning and development

strategies; (5) address the issues of compatibility with existing comprehensive plans and land development regulations of local governments with jurisdiction over lands within the Wekiva River Protection Area; (6) consider, evaluate and make recommendations concerning mechanisms for coordinating federal, state, regional and local efforts, public education and state and regional agency actions for protection of the Study Area's resources and for implementing the identified land use planning strategies and development standards, and (7) solicit and consider public comment from affected citizens and state, regional and federal agencies.

At the October meeting, the coordinating committee may consider changes to the Wekiva Study Area Boundary, receive additional information, including input from local governments on comprehensive planning in the Wekiva Study Area and from public/private groups and stakeholders, and solicit public input. At the November meeting, the coordinating committee will receive, take public comment on, and review the Department of Community Affairs' report on its review of comprehensive plans and land development regulations, the St. Johns River Water Management District's preliminary report on protection of water resources, and the Department of Agriculture and Consumer Services' report on agricultural uses and practices. At the December meeting, the coordinating committee will receive, take public comment on, and review the Department of Community Affairs' recommendations on enhanced comprehensive planning and land development regulations, the St. Johns River Water Management District's final report on protection of water resources, and the Department of Transportation's recommendations on land acquisition and implementing legislation.

ACTION TO BE TAKEN: Consideration of above-stated business. Meeting agendas will be available at www.wekivacommittee.org, prior to the meeting dates, or by calling Maria Abadal Cahill, (850)922-1781.

More information, when available, will be posted on the Department's website at www.wekivacommittee.org or at the East Central Florida Regional Planning Council's website at www.ecfrpc.org.

Persons requiring a special accommodation for a disability or physical impairment should contact Erin Kary, East Central Florida Regional Planning Council, (407)623-1075, at least five days prior to the meeting. If hearing or speech impaired, contact Erin Kary, East Central Florida Regional Planning Council using the Florida Dual Party Relay System, 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

The **Department of Community Affairs** announces a public hearing to which all interested parties are invited.

DATE AND TIME: Monday, November 3, 2003, 10:30 a.m.

PLACE: Administration Building, 301 N. Olive Avenue, Jane Thompson Memorial Chambers, 6th Floor, West Palm Beach, Florida 33401

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Department of Community Affairs (DCA) is seeking public or nonprofit entities to administer the Weatherization Assistance Program (WAP) and related programs (Low Income Emergency Home Repair Program (LEHRP), Weatherization-Low Income Home Energy Assistance Program (WAP-LIHEAP) in the County of Palm Beach. Entities interested in contracting with DCA to provide all or part of these services should be present at this public hearing in order to be informed of the qualifications and application requirements. Selection of an entity will be based on the entities' experience and performance in weatherization or housing renovation activities, and in assisting low-income persons in the area to be served, and their capacity to undertake a timely and effective weatherization program. Preferences will be given to any Community Action Agency or other public or nonprofit entity which has, or is currently administering an effective DCA funded Weatherization Assistance Program. The following qualities will be reviewed: (1) the extent to which the past or current program achieved or is achieving weatherization goals in a timely fashion; (2) the quality of work performed by the entity; (3) the number, qualifications, and experience of the staff members of the entity; (4) the ability of the entity to secure volunteers, train participants and public service employment workers; and (5) maintain compliance with administration and financial management requirements. If no more than one entity is funded, that entity must be capable and willing to provide services to all eligible low-income citizens in the geographic area.

ACTIONS TO BE TAKEN: The DCA will review all comments received at the public hearing and the submitted applications, and make a decision regarding each entity's eligibility to provide Weatherization Assistance Program services to Palm Beach County. Recommendations will then be prepared by the Department staff for the selected entity for subsequent consideration and approval or disapproval by the Department's Secretary. Although this hearing is for seeking a provider for Palm Beach County, applications will also be considered for providing programs services to the tri-county area of Palm Beach, Martin and St. Lucie Counties.

ADDITIONAL INFORMATION: Requests for additional information or questions may be addressed to: Norm Gempel, Manager, Florida Department of Community Affairs, Sadowski Building, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100, (850)488-7541 or Fax (850)488-2488. Applications must be received at the Department of Community Affairs by 4:30 p.m., November 20, 2003.

APPEALS INFORMATION: If a person decides to appeal any decision of the Department of Community Affairs with respect to any matter considered at this public hearing, he or she will need a formal record of the proceeding, and for such purposes

he or she may need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence upon which the appeal is to be made.

Anyone who wants a copy of the agenda or additional information on this hearing may write or call: Mr. Norm Gempel, Manager, Department of Community Affairs, Sadowski Building, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100, (850)488-7541, 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).

The **Department of Community Affairs** announces a public hearing to which all interested parties are invited.

DATE AND TIME: Monday, November 3, 2003, 2:00 p.m.

PLACE: Martin County Board of County Commissioners, Commission Chambers, 2401 S. E. Monterey Road, Stuart, Florida 34984

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Department of Community Affairs (DCA) is seeking public or nonprofit entities to administer the Weatherization Assistance Program (WAP) and related programs (Low Income Emergency Home Repair Program (LEHRP), Weatherization-Low Income Home Energy Assistance Program (WAP-LIHEAP) in the County of Martin. Entities interested in contracting with DCA to provide all or part of these services should be present at this public hearing in order to be informed of the qualifications and application requirements. Selection of an entity will be based on the entities' experience and performance in weatherization or housing renovation activities, and in assisting low-income persons in the area to be served, and their capacity to undertake a timely and effective weatherization program. Preferences will be given to any Community Action Agency or other public or nonprofit entity which has, or is currently administering an effective DCA funded Weatherization Assistance Program. The following qualities will be reviewed: (1) the extent to which the past or current program achieved or is achieving weatherization goals in a timely fashion; (2) the quality of work performed by the entity; (3) the number, qualifications, and experience of the staff members of the entity; (4) the ability of the entity to secure volunteers, train participants and public service employment workers; and (5) maintain compliance with administration and financial management requirements. If no more than one entity is funded, that entity must be capable and willing to provide services to all eligible low-income citizens in the geographic area.

ACTIONS TO BE TAKEN: The DCA will review all comments received at the public hearing and the submitted applications, and make a decision regarding each entity's eligibility to provide Weatherization Assistance Program services to Martin County. Recommendations will then be prepared by the Department staff for the selected entity for subsequent consideration and approval or disapproval by the Department's Secretary. Although this hearing is for seeking a provider for Martin County, applications will also be considered for providing programs services to the tri-county area of Palm Beach, Martin and St. Lucie Counties.

ADDITIONAL INFORMATION: Requests for additional information or questions may be addressed to: Norm Gempel, Manager, Florida Department of Community Affairs, Sadowski Building, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100, (850)488-7541 or Fax (850)488-2488. Applications must be received at the Department of Community Affairs by 4:30 p.m., November 20, 2003.

APPEALS INFORMATION: If a person decides to appeal any decision of the Department of Community Affairs with respect to any matter considered at this public hearing, he or she will need a formal record of the proceeding, and for such purposes he or she may need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence upon which the appeal is to be made.

Anyone who wants a copy of the agenda or additional information on this hearing may write or call: Mr. Norm Gempel, Manager, Department of Community Affairs, Sadowski Building, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100, (850)488-7541 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).

The **Department of Community Affairs** announces a public hearing to which all interested parties are invited.

DATE AND TIME: Tuesday, November 4, 2003, 10:30 a.m.

PLACE: Administration Building, 2300 Virginia Avenue, 3rd Floor, Ft. Pierce, Florida 34982

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Department of Community Affairs (DCA) is seeking public or nonprofit entities to administer the Weatherization Assistance Program (WAP) and related programs (Low Income Emergency Home Repair Program (LEHRP), Weatherization-Low Income Home Energy Assistance Program (WAP-LIHEAP) in the County of St. Lucie. Entities

interested in contracting with DCA to provide all or part of these services should be present at this public hearing in order to be informed of the qualifications and application requirements. Selection of an entity will be based on the entities' experience and performance in weatherization or housing renovation activities, and in assisting low-income persons in the area to be served, and their capacity to undertake a timely and effective weatherization program. Preferences will be given to any Community Action Agency or other public or nonprofit entity which has, or is currently administering an effective DCA funded Weatherization Assistance Program. The following qualities will be reviewed: (1) the extent to which the past or current program achieved or is achieving weatherization goals in a timely fashion; (2) the quality of work performed by the entity; (3) the number, qualifications, and experience of the staff members of the entity; (4) the ability of the entity to secure volunteers, train participants and public service employment workers; and (5) maintain compliance with administration and financial management requirements. If no more than one entity is funded, that entity must be capable and willing to provide services to all eligible low-income citizens in the geographic area.

ACTIONS TO BE TAKEN: The DCA will review all comments received at the public hearing and the submitted applications, and make a decision regarding each entity's eligibility to provide Weatherization Assistance Program services to St. Lucie County. Recommendations will then be prepared by the Department staff for the selected entity for subsequent consideration and approval or disapproval by the Department's Secretary. Although this hearing is for seeking a provider for St. Lucie County, applications will also be considered for providing programs services to the tri-county area of Palm Beach, Martin and St. Lucie Counties.

ADDITIONAL INFORMATION: Requests for additional information or questions may be addressed to: Norm Gempel, Manager, Florida Department of Community Affairs, Sadowski Building, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100, (850)488-7541 or Fax (850)488-2488. Applications must be received at the Department of Community Affairs by 4:30 p.m., November 20, 2003.

APPEALS INFORMATION: If a person decides to appeal any decision of the Department of Community Affairs with respect to any matter considered at this public hearing, he or she will need a formal record of the proceeding, and for such purposes he or she may need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence upon which the appeal is to be made.

Anyone who wants a copy of the agenda or additional information on this hearing may write or call: Mr. Norm Gempel, Manager, Department of Community Affairs,

Sadowski Building, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100, (850)488-7541 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 6 announces a public meeting to which all persons are invited.

DATE AND TIME: October 27, 2003, 2:00 p.m.

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

GENERAL SUBJECT MATTER TO BE CONSIDERED. The Miami Intermodal Center (MIC) Program Technical Review Committee will meet to:

- (1) discuss proposal(s) submitted in response to the Florida Department of Transportation's Request for Proposals for Joint Development for the MIC Program;
- (2) evaluate the feasible proposal(s); and
- (3) develop a recommendation to the Selection Committee. Some of the Technical Review Committee Members may participate in the meeting by teleconference.

Interested persons may obtain an agenda for this meeting by contacting: Nick Serianni, 200 West College Avenue, Suite 130, Tallahassee, Florida 32301, (850)224-7777.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to attend this meeting is asked to advise the Florida Department of Transportation at least 48 hours before the meeting by contacting Steven Thompson, (305)716-5214

If a person decides to appeal any decision made by the Department 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.

The Florida **Department of Transportation**, District 6, announces a public meeting to which all persons are invited.

DATE AND TIME: October 29, 2003, 8:30 a.m.

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

GENERAL SUBJECT MATTER TO BE CONSIDERED. The Miami Intermodal Center (MIC) Program Selection Committee will meet to make decisions on the final selection of the Proposer(s) based on the Technical Review Committee's

recommendation of the feasible proposal(s) submitted in response to the Florida Department of Transportation's Request for Proposal for Joint Development for the MIC Program.

Interested persons may obtain an agenda for this meeting by contacting: Nick Serianni, 200 West College Avenue, Suite 130, Tallahassee, Florida 32301, (850)224-7777.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to attend this meeting is asked to advise the Florida Department of Transportation at least 48 hours before the meeting by contacting Steven Thompson, (305)716-5214

If a person decides to appeal any decision made by the Department 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.

The Florida **Department of Transportation**, District 3 hereby announces public hearings to which all persons are invited.

Specific notice is provided to the Pensacola Metropolitan Planning Organization and the County Commissioners for Escambia and Santa Rosa Counties serving as MPO for their respective counties; the Tallahassee Metropolitan Planning Organization and the County Commissioners for Leon, Gadsden, Liberty, Wakulla, Franklin, and Jefferson Counties serving as MPO for their respective counties; the Fort Walton Beach Metropolitan Planning Organization and the County Commissioners for Okaloosa and Walton Counties serving as MPO for their respective counties; and the Panama City Metropolitan Planning Organization and the County Commissioners for Bay, Gulf, Washington, Jackson, Holmes, and Calhoun Counties serving as MPO for their respective counties.

The public hearings are scheduled as follows:

1. Bay, Gulf, Washington, Jackson, Holmes, and Calhoun Counties:

DATE AND TIME: November 6, 2003, 2:00 p.m. – 3:00 p.m. (CST) – District Three Work Program

PLACE: Commission Chamber Room, Panama City Hall, 9 Harrison Avenue, Panama City, Florida

2. Escambia and Santa Rosa Counties:

DATE AND TIME: November 4, 2003, 2:00 p.m. – 3:00 p.m. (CST) – District Three Work Program

PLACE: Haggler Mason Room, Pensacola City Hall, 180 Governmental Center, Pensacola, Florida 32501

3. Okaloosa and Walton Counties:

DATE AND TIME: November 7, 2003, 10:00 a.m. – 11:00 a.m. (CST) – District Three Work Program

PLACE: Niceville Community Center, 204 North Partin Drive, Niceville, Florida

4. Leon, Gadsden, Liberty, Wakulla, Franklin, and Jefferson Counties:

DATE AND TIME: November 3, 2003, 2:00 p.m. – 3:00 p.m. (EST) – District Three Work Program

PLACE: Commission Chamber Room, Tallahassee City Hall, 300 South Adams Street, Tallahassee, Florida

Any comments or input are welcome from all local and regional interest groups, governmental entities, business enterprises, and the general public. These Hearings are held in conformance with Public Law 101-336, the Americans with Disabilities Act (ADA). Assistance for disabled persons may be arranged by contacting the Title VI/VII Coordinator, (850)638-0250, Extension 511, at least 10 working days in advance of the public hearing.

GENERAL SUBJECT MATTER TO BE CONSIDERED: These public hearings are being conducted pursuant to Section 339.135(4)(c), Florida Statutes. The hearings serve two purposes. The purpose of the public hearings is to consider the Department's Improved Tentative Work Program for District Three, for the period 2004/2005 through 2008/2009, and to consider the necessity of making any changes to the Program.

Written comments from MPOs and other interested parties will be received by the Department at the Public Hearings and within 10 days after the Public Hearings. Comments should be addressed to: Mr. H. E. Prescott, District Secretary, Department of Transportation, District Three, Post Office Box 607, Chipley, Florida 32428.

The **Department of Transportation**, District 4 announces a public hearing to which all persons are invited.

DATE AND TIME: Thursday, November 6, 2003, 5:30 p.m.

PLACE: Hidden Oaks Middle School, 2801 S. W. Martin Highway, Palm City, 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 of Financial Project Identification Number 230978-1-21-01 and Federal Aid Project 0418(001), otherwise known as CR 714 (Martin Highway)/S. W. 36th Street/Indian Street in Martin County, Florida. This project recommends the reconstruction of CR 714 (Martin Highway) and S. W. 36th Street to a four lane facility and construction of a new bridge crossing of the South Fork of the St. Lucie River with improvements extending to east of Willoughby Boulevard. The proposed project would serve as an alternate to the SR 714/Palm City Bridge corridor. Project limits are from the Florida's Turnpike to east of Willoughby Boulevard.

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)777-4335 or toll free 1(866)336-8435, Ext. 4335.

Special accommodation requests under the Americans with Disabilities Act should be made in writing at least seven (7) days prior to the public hearing.

A copy of the agenda may be obtained by writing: Mr. Steven Braun, Senior Project Manager, or Ms. Cassandra Piché, Project Manager, Florida Department of Transportation, Planning and Environmental Management, District 4, 3400 West Commercial Boulevard, Fort Lauderdale, Florida 33309-3421.

The Florida **High Speed Rail Authority** announces a public Authority Board meeting to which all persons are invited.

DATE AND TIME: Monday, October 27, 2003, 9:00 a.m. – conclusion

PLACE: Adair Room at the Orlando Expo Center, 500 West Livingston Street, Orlando, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: To select a preferred route for the high speed rail first phase project between Tampa and Orlando and the selection of a preferred vendor for a design, build, operate, maintain and finance (DBOM&F) contract and other Authority business

Information may be obtained by contacting: Nazih Haddad, 605 Suwannee Street, Tallahassee, Florida 32399-0450, (850)414-4500.

Pursuant to provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in these meetings is asked to advise the Authority at least 48 hours before the meetings by contacting Betty Sizemore, (850)414-5244.

DEPARTMENT OF HIGHWAY SAFETY AND MOTOR VEHICLES

The Florida At Risk Driver Council Subcommittees of the Florida **Department of Highway Safety and Motor Vehicles** will hold a telephone conference to which all interested persons are invited.

DATE AND TIME: Thursday, October 16, 2003, 10:00 a.m.

PLACE: Call (850)487-0867 for information on participation

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss general issues.

Pursuant to the provisions for the Americans with Disabilities Act, any person requiring special accommodations to participate in this meeting is asked to advise the department at least 48 hours before the meeting by contacting: Selma Sauls, (850)487-0867. If you are hearing or speech impaired, please contact the department by calling (850)487-0867 or email: sauls.selma@hsmv.state.fl.us.

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, October 29, 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

The Florida **Public Service Commission** will consider at its October 21, 2003, Agenda Conference, Docket No. 030905-GU, Application of Florida Public Utilities Company for authority to issue and sell securities pursuant to Section 366.04, Florida Statutes, and Chapter 25-8, Florida Administrative Code. The Company seeks PSC approval pursuant to Section 366.04, Florida Statutes, to issue, sell, and/or exchange any combination of the long-term debt, short-term notes, and equity securities and/or to assume liabilities or obligations as guarantor, endorser, or surety in an aggregate amount not to exceed \$140 million, excluding retained earnings, during the calendar year 2004.

DATE AND TIME: Tuesday, October 21, 2003, 9:30 a.m., although the time at which this item will be heard cannot be determined at this time

PLACE: Commission Hearing Room 148, Betty Easley Conference Center, 4075 Esplanade Way, Tallahassee, Florida 32301

GENERAL SUBJECT MATTER TO BE CONSIDERED: To take final action in Docket No. 030905-GU.

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 Florida Public Service Commission by using the Florida Relay Service, 1(800)955-8771 (TDD).

For additional information, please contact Katherine Fleming, Office of the General Counsel, (850)413-6218.

The Florida **Public Service Commission** will consider at its October 21, 2003, Agenda Conference, Docket No. 030942-GU, Application by Chesapeake Utilities Corporation (Chesapeake or Company) for Authorization to Issue Common Stock, Preferred Stock, and Secured and/or Unsecured Debt, and to Enter into Agreements for Interest Swap Products, and to Exceed Limitation Placed on Short-Term Borrowings in 2004. The Company seeks PSC approval, pursuant to Section 366.04, Florida Statutes, to issue up to 6,000,000 shares of Chesapeake common stock, up to 1,000,000 shares of Chesapeake preferred stock, up to \$80,000,000 in secured and/or unsecured debt, to enter into agreements for Interest Rate Swap Products, and to obtain authorization to exceed the limitation placed on short-term borrowings by Section 366.04, Florida Statutes, so as to issue short-term obligations in an amount up to \$40,000,000.

DATE AND TIME: Tuesday, October 21, 2003, 9:30 a.m., although the time at which this item will be heard cannot be determined at this time

PLACE: Commission Hearing Room 148, Betty Easley Conference Center, 4075 Esplanade Way, Tallahassee, Florida 32301

GENERAL SUBJECT MATTER TO BE CONSIDERED: To take final action in Docket No. 030942-GU.

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 Florida Public Service Commission by using the Florida Relay Service, which can be reached at 1(800)955-8771 (TDD).

NOTICE IS HEREBY GIVEN by the Florida **Public Service Commission** that a Commission Staff Workshop has been scheduled in Docket No. 030851-TP, Implementation of Requirements Arising From FCC Triennial UNE Review: Local Circuit Switching for Mass Market Customers for the following date and time:

DATE AND TIME: Tuesday, October 28, 2003, 9:30 a.m.

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

GENERAL SUBJECT MATTER TO BE CONSIDERED: The purpose of this workshop is to receive information regarding the current hot cut processes used by BellSouth, Sprint and Verizon to transfer mass market unbundled network loops (UNE-L) to non-ILEC switches. The workshop will also gather preliminary information pertaining to any issues the CLECs may have with the ILECs' current hot cut processes. ILEC presentations should cover current hot cut procedures, differences in the hot cut procedures between central offices, current and future anticipated hot cut volumes, and established contingency plans to handle growth in volumes.

All ILECs and CLECs wishing to participate in the workshop must file a brief outline of their presentation, the approximate amount of time for the presentation and the presenter's name with the Commission's Division of the Commission Clerk and Administrative Services, 2540 Shumard Oak Boulevard, Tallahassee, FL 32399-0850 by October 21, 2003. A detailed agenda for the workshop will be produced on October 24, 2003.

For additional information, please contact: Adam Teitzman, Office of the General Counsel, (850)413-6175.

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

Docket No. 030001-EI – Fuel and purchased power cost recovery clause and generating performance incentive factor.

Docket No. 030002-EG – Energy conservation cost recovery clause.

Docket No. 030003-GU – Purchased gas adjustment (PGA) true-up.

Docket No. 030004-GU – Natural gas conservation cost recovery.

Docket No. 030007-EI - Environmental cost recovery clause.

DATES AND TIME: November 12, 13, and 14, 2003, 9:30 a.m. (EST) (The starting times on November 13 and 14, 2003, will be announced at the conclusion of the hearing on November 12 and 13, 2003, respectively. The hearing may be adjourned early if all testimony is concluded.)

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

GENERAL SUBJECT MATTER TO BE CONSIDERED: The purpose of this hearing shall be to receive testimony and exhibits relative to issues and subjects, including but not limited to, the following:

1. Determination of the Projected Levelized Fuel Adjustment Factors for all investor-owned electric utilities for the period January 2004 through December 2004;
2. Determination of the Estimated Fuel Adjustment True-Up Amounts for all investor-owned electric utilities for the period January 2003 through December 2003;

3. Determination of the Final Fuel Adjustment True-Up Amounts for all investor-owned electric utilities for the period January 2002 through December 2002, which are to be based on actual data for that period;
4. Determination of Generating Performance Incentive Factor Targets and Ranges for the period January 2004 through December 2004;
5. Determination of Generating Performance Incentive Factor Rewards and Penalties for the period January 2002 through December 2002.
6. Determination of the Projected Capacity Cost Recovery Factors for the period January 2004 through December 2004.
7. Determination of the Estimated Capacity Cost Recovery True-Up Amounts for the period January 2003 through December 2003.
8. Determination of the Final Capacity Cost Recovery True-Up Amounts for the period January 2002 through December 2002 which are to be based on actual data for that period.
9. Determination of the Projected Conservation Cost Recovery Factors for certain investor-owned electric and gas utilities for the period January 2004 through December 2004.
10. Determination of the Final Conservation True-up Amounts for gas utilities for the period January 2002 through December 2002 for certain investor-owned electric utilities, which are based on actual data for that period.
11. Determination of Conservation Actual/Estimated Amounts for investor-owned gas utilities and investor-owned electric utilities for the period January 2003 through December 2003.
12. Determination of the Purchased Gas Adjustment Cost Recovery Factors for the period January 2004 through December 2004.
13. Determination of the Projected Environmental Cost Recovery Factors for the period January 2004 through December 2004.
14. Determination of the Estimated Environmental Cost Recovery True-Up Amounts for the period January 2003 through December 2003.
15. Determination of the Final Environmental Cost Recovery True-Up Amounts for the period January 2002 through December 2002, which are to be based on actual data for that period.

All witnesses shall be subject to cross-examination at the conclusion of their testimony. 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).

EXECUTIVE OFFICE OF THE GOVERNOR

The **Executive Office of the Governor** announces a public meeting to which all persons are invited.

DATE AND TIME: October 20, 2003, 4:00 p.m. – 6:00 p.m.

PLACE: Teleconference Meet-Me Number (850)921-5230, Suncom 291-5230

GENERAL SUBJECT MATTER TO BE CONSIDERED:

This is the second meeting of the Guardian Ad Litem Qualifications Committee. The purpose of the Committee is to generate and receive applications for the position of executive director of the Statewide Guardian Ad Litem Office pursuant to Section 39.8296, Florida Statutes (2003). The executive director shall be appointed by the Governor from a list of a minimum of three eligible applicants submitted by the Committee. The Governor may, alternatively, reject the nominations and request the submission of new nominees. To review the job listing for the executive director position, please access the MyFlorida People First website under Job Vacancies.

A copy of the agenda may be obtained by writing: Office of the State Courts Administrator at 500 South Duval Street, Tallahassee, Florida 32399 or by telephone request at (850)414-0883.

Members of the public wishing to observe the work of the Committee may do so by dialing the above-listed teleconference number at the commencement of the meeting (Confirmation No. Z1500911). Anyone needing special accommodations under the Americans with Disabilities Act of 1990 should contact: Office of the State Courts Administrator, (850)414-0883. Special accommodation requests under the Americans with Disabilities Act should be made at least 48 hours prior to the public hearing.

The **Governor's Commission on Volunteerism and Community Service**, Volunteer Florida, Grants Oversight Council is pleased to announce a public conference call to which all persons are invited.

DATE AND TIME: Tuesday, October 14, 2003, 2:00 p.m.

PLACE: Call (850)921-5172 for call-in number and pass code

GENERAL SUBJECT MATTER TO BE CONSIDERED: Operation StepUP review and approval.

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.

The **Governor's Commission on Volunteerism and Community Service**, Volunteer Florida is pleased to announce a meeting to which all persons are invited.

DATE AND TIME: Monday, October 20, 2003, all day

PLACE: Elliot Building, Tallahassee Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: CEO Search Committee interviews. Interview times may vary.

Please contact: Gwen Erwin, 401 S. Monroe Street, Tallahassee, FL 32301-2034, for exact schedule.

If you require a reasonable accommodation to participate please contact Gwen Erwin, (850)921-5172, Voice/TTY, 72 hours in advance with your request.

The **Governor's Commission on Volunteerism and Community Service**, Volunteer Florida is pleased to announce a conference call to which all persons are invited.

DATE AND TIME: Wednesday, October 22, 2003, all day

PLACE: Please call (850)921-5172 for call in number and passcode

GENERAL SUBJECT MATTER TO BE CONSIDERED: CEO Search Committee 2nd interviews. Interview times may vary and will take place on a as-needed basis.

Please contact: Gwen Erwin, 401 S. Monroe Street, Tallahassee, FL 32301-2034, for exact schedule.

If you require a reasonable accommodation to participate in the call please contact Gwen Erwin, (850)921-5172, Voice/TTY, 72 hours in advance with your request.

REGIONAL PLANNING COUNCILS

The **North Central Florida Regional Planning Council** announces the following meetings to which all persons are invited.

MEETING: Executive Committee

DATE AND TIME: October 23, 2003, 6:00 p.m.

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct the regular business of the Executive Committee.

MEETING: Clearinghouse Committee

DATE AND TIME: October 23, 2003, 6:00 p.m.

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct the regular business of the Clearinghouse Committee.

MEETING: North Central Florida Regional Planning Council

DATE AND TIME: October 23, 2003, 7:30 p.m.

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct the regular business of the North Central Florida Regional Planning Council.

PLACE: Holiday Inn Restaurant, I-75 and U.S. 90, Lake City, Florida

Any person deciding to appeal decisions of the Council or its committees with respect to any matter considered at the meetings, may need to make a verbatim record of the proceedings.

A copy of any of these agendas may be obtained by emailing ncfrpc@ncfrps.org or writing: NCFRPC, 2009 N. W. 67 Place, Suite A, Gainesville, Florida 32653.

Persons with disabilities who need assistance may contact us at (352)955-2200, at least two business days in advance to make appropriate arrangements.

The **Charlotte Harbor National Estuary Program** announces a public meeting to which all persons are invited:

DATE AND TIME: October 13, 2003, 9:30 a.m.

PLACE: Punta Gorda Airport, Building 109, 28000 Airport Road, Punta Gorda, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regular meeting of the Legislative Subcommittee of the Charlotte Harbor NEP Policy Committee.

A copy of the proposed agenda may be obtained by writing: Ms. Liz Donley, Charlotte Harbor NEP, 4980 Bayline Drive, 4th Floor, North Fort Myers, FL 33918-3455 or e-mail ldonley@swfrpc.org.

Any person requiring special accommodation due to disability or physical impairment should contact Ms. Liz Donley at (239)995-1777, Ext. 234, at least five calendar days prior to the meeting. Persons who are hearing impaired should contact Ms. Donley using the Florida Dual Party Relay System, 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

The **Apalachee Regional Planning Council** announces a public meeting to which all persons are invited. In addition to its regular business, the agenda will include the review of any Local Government Plan Amendment(s) received in a timely manner.

DATE AND TIME: Thursday, October 23, 2003, 10:30 a.m. Eastern Time, 9:30 a.m. Central Time

PLACE: Holiday Inn Select, 316 W. Tennessee Street, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: To hold the regular monthly meeting of the Apalachee Regional Planning Council's Board of Directors.

An agenda may be obtained by writing: Apalachee Regional Planning Council, 20776 Central Avenue East, Suite 1, Blountstown, FL 32424 or calling (850)674-4571. If special accommodations at the meeting are required because of a disability or impairment, please contact Council Offices, (850)674-4571, prior to the meeting.

If any person desires to appeal any decision with respect to any matter considered at the above-cited meeting, such person will need a record of the proceedings. For such purpose, he/she will need to ensure that a verbatim record of the proceeding is made to include the testimony and evidence upon which the appeal is to be based.

DEPARTMENT OF CORRECTIONS

The **Florida Corrections Commission** announces the following public meeting to which all interested persons are invited:

DATES AND TIMES: Thursday and Friday, October 16, 2003, 1:00 p.m. – 5:00 p.m.; October 17, 2003, 8:30 a.m. – 12:00 Noon

PLACE: Bradenton Drug Treatment Community 2104 63rd Avenue, East, Bradenton (Oneco), Florida 34264

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Commission will discuss issues pertaining to the 2003 Annual Report.

A copy of the agenda may be obtained by writing: Mr. John Fuller, Executive Director, Florida Corrections Commission, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500 or (850)413-9330.

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

WATER MANAGEMENT DISTRICTS

The **Northwest Florida Water Management District** announces public meetings to which all persons are invited:

DATE AND TIME: October 23, 2003, 11:30 a.m., EDT

GENERAL SUBJECT MATTER TO BE CONSIDERED: District Lands Committee meeting – to discuss District issues.

DATE AND TIME: October 23, 2003, 1:00 p.m., EDT

GENERAL SUBJECT MATTER TO BE CONSIDERED: Governing Board Meeting – to consider District business.

DATE AND TIME: October 23, 2003, 1:15 p.m., EDT

GENERAL SUBJECT MATTER TO BE CONSIDERED: Public Hearing on Regulatory Matters – to consider regulatory matters.

DATE AND TIME: October 23, 2003, 1:30 p.m., EDT

GENERAL SUBJECT MATTER TO BE CONSIDERED: Public Hearing on Land Acquisition Matters – to consider land acquisition matters

PLACE: District headquarters, 10 miles west of Tallahassee on U.S. Highway 90.

A copy of the agendas may be obtained by contacting: Carolyn Wise, NFWFMD, 81 Water Management Drive, Havana, Florida 32333, (850)539-5999 (also available through the Internet at www.state.fl.us/nwfwmd).

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

Persons with disabilities or handicaps who need assistance or reasonable accommodation in order to participate in these meetings should contact Larry Wright at the District at least 72 hours in advance of these meetings to make appropriate arrangements.

The **Suwannee River Water Management District** announces the following public meetings to which all interested persons are invited.

DATE AND TIME: October 14, 2003, 9:00 a.m.
PLACE: District Headquarters, 9225 CR 49, Live Oak, FL
GENERAL SUBJECT MATTER TO BE CONSIDERED: Board Meeting - to consider District business, and conduct public hearings on regulatory and land acquisition matters. Public hearing in accordance with Section 373.59, F.S., concerning the proposed conveyance of 54 acres +/- to the town of Greenville as a part of their wastewater treatment project.

A copy of the agenda(s) may be obtained by writing: SRWMD, 9225 CR 49, Live Oak, Florida 32060.

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

Persons with disabilities who need assistance in order to participate in this meeting may contact Lisa Cheshire, (386)362-1001 or 1(800)226-1066 (Florida only), at least two business days in advance to make appropriate arrangements.

The **Southwest Florida Water Management District** (SWFWMD) announces the following public meetings to which all interested persons are invited:

WITHLACOOCHIE RIVER BASIN BOARD MEETING/WORKSHOP

DATE AND TIME: Tuesday, October 14, 2003, 8:30 a.m.
PLACE: SWFWMD, District Headquarters, 2379 Broad Street, Brooksville, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Consideration of Basin business and annual planning workshop.

PINELLAS-ANCLOTE RIVER BASIN BOARD MEETING/WORKSHOP

DATE AND TIME: Wednesday, October 15, 2003, 9:00 a.m.
PLACE: Clearwater City Hall, 112 South Osceola Avenue, Clearwater, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Consideration of Basin business and annual planning workshop.

NORTHWEST HILLSBOROUGH BASIN BOARD MEETING

DATE AND TIME: Thursday, October 16, 2003, 1:30 p.m.

PLACE: SWFWMD, Tampa Service Office, 7601 U.S. Highway 301, North, Tampa, FL

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

HILLSBOROUGH RIVER, NORTHWEST HILLSBOROUGH, ALAFIA RIVER BASIN BOARDS JOINT WORKSHOP MEETING

DATE AND TIME: Tuesday, October 21, 2003, 9:00 a.m.
PLACE: Tampa Chamber of Commerce, 401 Jackson Street East, Tampa, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Annual planning workshop. Following the meeting, lunch will be provided at the Florida Aquarium, 701 Channelside Drive. After lunch, some Board members, City of Tampa Council members and Hillsborough County Commissioners may participate in a boat tour of Tampa Bay.

MANASOTA BASIN BOARD MEETING/WORKSHOP
DATE AND TIME: Wednesday, October 22, 2003, 9:00 a.m.

PLACE: SWFWMD, Sarasota Service Office, 6750 Fruitville Road, Sarasota, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Consideration of Basin business and annual planning workshop.

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

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

The **Southwest Florida Water Management District** (SWFWMD) announces the following meeting cancellation:

The Northwest Hillsborough Basin Board meeting scheduled for Thursday, October 16, 2003 at 1:30 p.m. at the Tampa Service Office, 7601 U.S. Highway 301, North, Tampa, has been cancelled.

The **South Florida Water Management District** announces a public meeting to which all interested parties are invited:

DATE AND TIME: Monday, October 20, 2003, 10:00 a.m. – 12:00 Noon

PLACE: South Florida Water Management District, 3301 Gun Club Road, B1 Auditorium, West Palm Beach, FL 33406

GENERAL SUBJECT MATTER TO BE CONSIDERED: Water Resources Advisory Commission Meeting (WRAC) Lake Okeechobee Issues Workshop.

A copy of the agenda may be obtained at the (1) District Website

(<http://www.sfwmd.gov/gover/GovBoard/webpage/agenda.ht>)

ml) or (2) by writing: South Florida Water Management District, Mail Stop 6115, P. O. Box 24680, West Palm Beach, FL 33416-4680.

Persons with disabilities who need assistance may contact the District Clerk, (561)682-6371, at least two business days in advance of the meeting to make appropriate arrangements.

Those who want more information, please contact: Paula Moree, (561)682-6447, District Headquarters, 3301 Gun Club Road, Mail Stop Code 6115, West Palm Beach, FL 33406.

NOTICE OF CHANGE – The **South Florida Water Management District** announces the meeting scheduled for Wednesday, October 15, 2003, 4:00 p.m. – 7:00 p.m. has been changed as follows.

DATE AND TIME: Monday, October 13, 2003, 4:00 p.m. – 7:00 p.m.

GENERAL SUBJECT MATTER TO BE CONSIDERED: Water Resources Advisory Commission Meeting (WRAC) Comprehensive Everglades Restoration Project (CERP) Recreational Activities Issues Workshop.

A copy of the agenda may be obtained at the (1) District Website (<http://www.sfwmd.gov/gover/GovBoard/webpage/agenda.html>) or (2) by writing: South Florida Water Management District, Mail Stop 6115, P. O. Box 24680, West Palm Beach, FL 33416-4680.

Persons with disabilities who need assistance may contact the District Clerk, (561)682-6371, at least two business days in advance of the meeting to make appropriate arrangements.

Those who want more information, please contact: Paula Moree, District Headquarters, 3301 Gun Club Road, Mail Stop Code 6115, West Palm Beach, FL 33406, (561)682-6447.

REGIONAL UTILITY AUTHORITIES

The **Tampa Bay Water** announces the following Master Water Plan System Configuration II Workshop and Regular Board Meeting to which all persons are invited:

DATE AND TIME: Monday, October 20, 2003, 9:00 a.m.

PLACE: Tampa Bay Water, 2535 Landmark Drive, Suite 211-A, Clearwater, Florida 33761

GENERAL SUBJECT MATTER TO BE CONSIDERED: Master Water Plan System Configuration II Workshop followed immediately by the Regular Meeting of the Board of Directors.

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

A copy of the regular meeting agenda may be obtained by writing Tampa Bay Water or can be accessed on the Web at www.tampabaywater.org.

If an accommodation is needed for a disability, in order to participate in this activity, please notify Holly Wells, (727)796-2355, at least 3 business days prior to the meeting.

DEPARTMENT OF ELDER AFFAIRS

Pursuant to Section 215.5601(6), Florida Statutes, the **Lawton Chiles Endowment Fund Advisory Council** announces a meeting to which all interested persons are invited.

DATE AND TIME: Monday, October 13, 2003, 12:00 Noon

PLACE: Will be conducted via teleconference: Local 922-7892, SunCom 292-7892, Outside Tallahassee Area 1(800)416-4132

The agenda for the meeting has not been set, but the call will last no longer than one hour and thirty minutes (1hr. 30min).

The Council was established for the purpose of reviewing the funding priorities of the state agencies, evaluating their requests against the mission and goals of the agencies (DOH, AHCA, DCF and DOEA) and legislative intent for the use of endowment funds, and allowing for public input and advocacy.

The Florida **Department of Elder Affairs** announces the Guardianship Task Force's second public meeting to which all persons are invited.

DATE AND TIME: October 22, 2003, 9:30 a.m. – 5:00 p.m.

PLACE: Broward County Governmental Center, Room 422 County Commission Chambers, 115 S. Andrews Avenue, Fort Lauderdale, Florida 33301

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Guardianship Task Force will be addressing issues of guardianship and incapacity as directed by Senate Bill 2568. The public meeting will also include time to receive comments from the public on guardianship and incapacity. Public testimony is scheduled to begin at 10:00 a.m.

Written public testimony may be mailed to: Guardianship Task Force, Statewide Public Guardianship Office, 4040 Esplanade Way, Suite 360-I, Tallahassee, Florida 32399-7000, Faxed (850)414-2384 or email: Sean Griffith, griffithsp@elderaffairs.org.

Any person requiring special accommodations to participate in this meeting is asked to advise the Statewide Public Guardianship Office at least 48 hours before the meeting by contacting: Mr. Sean Griffith, (850)414-2381. If you are hearing or speech impaired, please contact the department by calling (850)414-2001.

The Florida **Department of Elder Affairs** announces a public hearing to which all persons are invited.

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

PLACE: Department of Elder Affairs, Room 225F, 4040 Esplanade Way, Tallahassee, FL 32399-7000

GENERAL SUBJECT MATTER TO BE CONSIDERED: A meeting of the Advisory Council for the Office of Long-Term Care Policy to discuss the state of long-term care in Florida and methods for improvement.

To obtain a copy of the agenda, please contact: Jennifer Sindt, 4040 Esplanade Way, Tallahassee, Florida 32399-7000, (850)414-2091 or email: Sindtj@elderaffairs.org.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this meeting is asked to advise the department at least 48 hours before the meeting by contacting: Jennifer Sindt, (850)414-2091. If you are hearing or speech impaired, please contact the department by calling (850)414-2001.

AGENCY FOR HEALTH CARE ADMINISTRATION

The **Agency for Health Care Administration** and the Office of Insurance Regulation announce the Second Meeting of the Governor's Task Force on Access to Affordable Health Insurance to which all interested persons are invited.

DATE AND TIME: October 13, 2003, 10:00 a.m. – 4:30 p.m.

PLACE: The Cabinet Room, The Capitol, Tallahassee, Florida 32308

GENERAL SUBJECT MATTER TO BE CONSIDERED: Introductions and background information for the task force, summary presentation of the Florida Health Insurance Symposium, review of factors that drive the cost of health insurance, review of major barriers that prevent Floridians from obtaining health insurance, review of federal issues that may contribute to higher health insurance costs, identification of federal issues that need to be communicated to federal law-makers, summary of findings that best describe Florida's situation, public testimony, and general business of the Task Force.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact Ms. Audrey Sumrall, (850)413-2552, at least five calendar days prior to the meeting.

A copy of the agenda and meeting materials may be obtained by writing: Mr. Gary Crayton, Principal, Health Management Associates, 301 S. Bronough Street, Suite 500, Tallahassee, Florida or by visiting our website: http://www.fdhc.state.fl.us/affordable_health_insurance/index.shtml.

DEPARTMENT OF MANAGEMENT SERVICES

The **Department of Management Services** announces a meeting of the MyFloridaMarketPlace Steering Committee to which all persons are invited.

DATE AND TIME: Thursday, October 16, 2003, 1:30 p.m. – 3:30 p.m.

PLACE: 4050 Esplanade Way, Suite 260L, Tallahassee, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: General meeting and planning session.

Any person requiring a special accommodation at this meeting because of disability or physical impairment should contact: John Kuczanski, Department of Management Services, 4050 Esplanade Way, Suite 280, Tallahassee, FL 32399-0950, (850)921-5266, at least 48 hours prior to the workshop.

The State of **Florida Retirement Commission** announces public hearings to which all persons are invited.

DATES AND TIME: October 20-21, 2003, 8:30 a.m.

PLACE: Embassy Suites Hotel, 1100 S. E. 17th Street, Ft. Lauderdale, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct hearings pursuant to Section 121.23, Florida Statutes, and to consider other matters related to the business of the Commission.

A copy of the agenda may be obtained by writing: State Retirement Commission, Department of Management Services, 4050 Esplanade Way, Suite 260, Tallahassee, Florida 32399-0950 or (850)487-2410.

A party who decides to appeal any decision made at such hearings will need a verbatim record of the hearing and may need to ensure that one is made, including the testimony and evidence, upon which the appeal is to be based.

Persons requiring accommodation because of a physical, visual, auditory or speech impairment should contact the Commission Clerk at least ten days prior to the hearing. If you are hearing or speech impaired, call by using the Florida Relay Service which can be reached at 1(800)955-8771 (TDD). Hearing rooms and facilities are wheelchair accessible.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

The Florida **Board of Architecture and Interior Design** announces the following meeting, to which all persons are invited to attend.

DATE AND TIME: October 29, 2003, 9:00 a.m. (EST)

GENERAL SUBJECT MATTER TO BE CONSIDERED: Architecture, Interior Design, and Rules Committee Meetings, followed by General Board and Business Meeting.

DATE AND TIME: October 30, 2003, 9:00 a.m. (EST)

GENERAL SUBJECT MATTER TO BE CONSIDERED: General Board and Business Meeting.

PLACE: Adam's Mark Orlando, 1500 Sand Lake Road, Orlando, FL 32809, (407)859-1500 or 1(800)444-2326

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 Florida **Board of Auctioneers** announces the following general business meeting to which all persons are invited.

DATE AND TIME: November 12, 2003, 10:00 a.m. (EST)

PLACE: Via telephone conference – To connect, dial (850)487-9580 or Suncom 277-9580

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct general business of the Board.

A copy of the agenda may be obtained by writing: The Board of Auctioneers, 1940 North Monroe Street, Tallahassee, Florida 32399 or (850)922-6096.

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 forty-eight (48) hours before the meeting by contacting (850)922-6096. If you are hearing and speech impaired, please contact the agency by calling 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 they will need a record of the proceedings, and for such purpose they may need to ensure that a verbatim record of the proceedings is made, which record will include the testimony and evidence upon which the appeal is to be based.

The Florida **Board of Funeral Directors and Embalmers** announces the following meetings to which all parties are invited to attend.

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

PLACE: Sheraton Suites, Tampa Airport, 4400 West Cypress Street, Tampa, FL 33607, (813)873-8675

GENERAL SUBJECT MATTER TO BE CONSIDERED: Finance Committee meeting, Rules Committee meeting and Probable Cause Panel meeting, portions which are closed to the public.

DATE AND TIME: November 5, 2003, 8:00 a.m.

PLACE: Sheraton Suites, Tampa Airport, 4400 West Cypress Street, Tampa, FL 33607, (813)873-8675.

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 Funeral Directors and Embalmers, 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)487-1395, at least five calendar days prior to the meeting. If you are hearing or speech impaired, please contact the Board office using the Florida Dual Party Relay System which can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

The Florida **Board of Professional Engineers** announces a public meeting to conduct the business of the Unlicensed Activity Committee which all persons are invited.

DATE AND TIME: Wednesday, October 22, 2003, 1:30 p.m.

PLACE: Florida Board of Professional Engineers, 2507 Callaway Road, Suite 200, Tallahassee, Florida 32303

GENERAL SUBJECT MATTER TO BE CONSIDERED: General Business of the Committee.

A copy of the agenda may be obtained by writing: Board of Professional Engineers, 2507 Callaway Rd., Suite 200, Tallahassee, FL 32303.

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

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this meeting is asked to advise the Board at least forty-eight (48) hours before the meeting by contacting: Natalie Lowe, (850)521-0500.

The **Regulatory Council of Community Association Managers** announces the following general business meeting to which all persons are invited.

DATE AND TIME: October 20, 2003, 10:30 a.m. (EST)

PLACE: Via telephone conference – To connect, dial (850)921-2470, Suncom 291-2470

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct general business of the Council.

A copy of the agenda may be obtained by writing: The Regulatory Council of Community Association Managers, 1940 North Monroe Street, Tallahassee, Florida 32399 or by calling (850)922-6096.

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 forty-eight (48) hours before the meeting by contacting (850)922-6096. If you are hearing and speech impaired, please contact the agency by calling 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, they will need a record of the proceedings, and for such purpose they may need to ensure that a verbatim record of the proceedings is made, which record will include the testimony and evidence upon which the appeal is to be based.

The Department of Business and Professional Regulation, Division of Real Estate announces a meeting to which all persons are invited.

DATE AND TIME: October 30, 2003, 9:00 a.m. or soonest thereafter

PLACE: Division of Real Estate, Conference Room N901, North Tower, 400 West Robinson Street, Orlando, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Official business of the Department – disciplinary proceedings regarding unlicensed activity.

If a person decides to appeal a decision made by the Department, 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, Division of Real Estate, 400 W. Robinson Street, Suite N801, 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).

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 Clinical Laboratory Personnel** will hold a duly noticed Rules Workshop meeting, to which all persons are invited to attend.

DATE AND TIME: Thursday, October 23, 2003, 1:00 p.m.

PLACE: Double Tree Guest Suites, 3050 North Rocky Point Drive West, Tampa, FL 33607, (813)888-8800

GENERAL SUBJECT MATTER TO BE CONSIDERED: Discussion of Rule Chapter 64B3, Florida Administrative Code.

Any person requiring special accommodations at this meeting because of a disability or physical impairment should contact the Board, (850)245-4355, at least 48 hours prior to the meeting. If you are a hearing or speech impaired, please contact the Board office using the Dual Party Relay System, 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

A copy of the agenda item may be obtained by writing: Joe Baker, Jr., Board of Clinical Laboratory Personnel, Executive Director, 4052 Bald Cypress Way, Bin #C07, Tallahassee, FL 32399-3257.

The **Board of Clinical Laboratory Personnel** will hold a duly noticed meeting and telephone conference call, to which all persons are invited to attend.

DATE AND TIME: Friday, October 24, 2003, 9:00 a.m.

PLACE: Double Tree Guest Suites, 3050 North Rocky Point Drive West, Tampa, FL 33607, (813)888-8800

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 Clinical Laboratory Personnel, 4052 Bald Cypress Way, Bin #C07, Tallahassee, FL 32399-3257.

The **Department of Health, Board of Psychology**, Ad-Hoc committee announces a meeting to which all persons are invited.

DATE AND TIME: October 27, 2003, 10:00 a.m. or soon thereafter

PLACE: Orlando Hyatt Regency, 9300 Airport Boulevard, Orlando, Florida 32827, (407)825-1234

GENERAL SUBJECT MATTER TO BE CONSIDERED: Ad-Hoc Committee meeting regarding Rule 64B19-18.007, Requirements for Forensic Psychological Evaluation of Minors for the Purpose of Addressing Custody, Residence or Visitation Disputes.

A copy of the agenda may be obtained by writing: Department of Health, Board of Psychology, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3255, or by contacting the board office at (850)245-4373.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/hearing/meeting is asked to advise the department at least 48 hours before the workshop/hearing/meeting by contacting the board office at (850)245-4373. If you are hearing or speech impaired, please contact the department by calling 1(800)955-8770 (Voice) or 1(800)955-8771 (TDD).

Please note that if a person decides to appeal any decision made by the Board with respect to any matter considered at the above-cited meeting or hearing, he/she will need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

The **Board of Speech-Language Pathology and Audiology** announces a meeting to which all interested persons are invited to attend.

DATE AND TIME: Sunday, October 26, 2003, 2:00 p.m. or soon thereafter

PLACE: Homewood Suites, 2987 Apalachee Parkway, Tallahassee, FL 32301, (850)402-9400

GENERAL SUBJECT MATTER TO BE CONSIDERED: To review current laws and rules.

Any person requiring special accommodations at this meeting due to disability or physical impairment should contact the Board of Speech-Language Pathology and Audiology, (850)245-4161, at least five (5) calendar days prior to the meeting. If you are hearing or speech impaired, please contact the Board office using the Florida Dual Party Relay System, 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

A copy of the agenda may be obtained by writing: Board of Speech-Language Pathology and Audiology, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3256.

Please note, that if a person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he will need a record of the proceedings,

and for such purpose he may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

The **Board of Speech-Language Pathology and Audiology** announces a meeting to which all interested persons are invited to attend.

DATE AND TIME: Monday, October 27, 2003, 9:00 a.m. or soon thereafter

PLACE: Homewood Suites, 2987 Apalachee Parkway, Tallahassee, FL 32301, (850)402-9400

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct general business of the Board.

Any person requiring special accommodations at this meeting due to disability or physical impairment should contact the Board of Speech-Language Pathology and Audiology, (850)245-4161, at least five (5) calendar days prior to the meeting. If you are hearing or speech impaired, please contact the Board office using the Florida Dual Party Relay System, 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

A copy of the agenda may be obtained by writing: Board of Speech-Language Pathology and Audiology, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3256.

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

The **Correctional Medical Authority** announces a meeting of the Budget and Personnel Committee to which all interested persons are invited.

DATE AND TIME: October 14, 2003, 10:45 a.m. – 1:45 p.m.

PLACE: Correctional Medical Authority, Conference Room, 1632 Metropolitan Circle, Tallahassee, FL 32308

GENERAL SUBJECT MATTER TO BE CONSIDERED: Continued discussion of correctional health care budget and personnel issues.

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

The **Graduate Medical Education Committee** announces the following telephone conference call to which all persons are invited:

DATE AND TIME: October 15, 2003, 3:00 p.m. – 5:00 p.m. (EST)

PLACE: Call 1(800)647-7427

GENERAL SUBJECT MATTER TO BE CONSIDERED: General business of the committee.

A copy of the agenda may be obtained by writing: Winona Dallis, Office of Community Health Resources, 4052 Bald Cypress Way, Bin #C15, Tallahassee, Florida 32399-1735, (850)245-4440, Ext. 3504.

Any person requiring a special accommodation during this call because of a disability or physical impairment should contact the Office of Community Health Resources, (850)245-4440, Ext. 3504, at least 48 hours prior to the meeting. If you are hearing or speech impaired, please call the Office of Community Health Resources using the Florida Dual Party Relay System which can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

The Northwest Florida Community Based Care Alliance and the **Department of Children and Family Services**, Subdistrict 2A, announce a meeting to which all persons are invited. The Alliance encompasses: Bay, Gulf, Washington, Holmes, Calhoun and Jackson counties.

DATE AND TIME: Thursday, October 16, 2003, 2:00 p.m. (CST)

PLACE: W.T. Neal Civic Center, 17773 North Pear Street, Blountstown, FL 32424, (850)674-4500

GENERAL SUBJECT MATTER TO BE CONSIDERED: General quarterly meeting to discuss regular business.

A copy of the agenda can be obtained by calling: Debra Ervin, Department of Children and Family Services, (850)488-0569 or Suncom 278-0569.

Anyone requiring a special accommodation to participate in this meeting is requested to advise District Administration (Debra Ervin) at least 2 working days prior to the meeting at (850)488-0569 or 1(800)226-6223 (TDD).

The Suncoast Region, **DeSoto County Community Alliance** will meet as follows:

DATE AND TIME: Tuesday, October 21, 2003, 11:00 a.m.

PLACE: DeSoto County Administration Building, Commissioner's Meeting Room, 201 East Oak St., Arcadia, Florida

The public is welcome to attend. For information call (941)741-3682.

The Florida **Department of Children and Family Services** announces the following District 8, Community-Based Care service contract negotiation meetings with Camelot Community Care, Inc.

DATES AND TIME: October 22, 2003; October 23, 2003; October 24, 2003; October 27, 2003; October 28, 2003, 9:00 a.m.

PLACE: Regional Service Center, 2295 Victoria Avenue, Fort Myers, FL (Meeting rooms will be posted on the meeting schedule board in the rotunda)

For additional information, please contact: Mary Lynn Smith, (239)338-1490.

The Big Bend Community Based Care Alliance and the **Department of Children and Family Services**, Subdistrict 2B announces a meeting to which all persons are invited. The Alliance encompasses: Leon, Franklin, Gadsden, Liberty, Madison, Jefferson, Taylor and Wakulla counties.

DATE AND TIME: Thursday, October 30, 2003, 2:30 p.m. – 4:30 p.m. (EST)

PLACE: Department of Children and Family Services, Cedars Executive Center, Building A, Second Floor, Conference Room 201, 2639 North Monroe Street, Tallahassee, FL 32399-2949

GENERAL SUBJECT MATTER TO BE CONSIDERED: General meeting to discuss child welfare services for Subdistrict 2B.

A copy of the agenda can be obtained by calling: Anissa Pitti, Department of Children and Family Services, (850)488-0569 or Suncom 278-0569.

Anyone requiring a special accommodation to participate in this meeting is requested to advise District Administration (Anissa Pitti) at least 2 working days prior to the meeting at (850)488-0569 or 1(800)226-6223 (TDD).

FISH AND WILDLIFE CONSERVATION COMMISSION

The **Fish and Wildlife Conservation Commission** announces a public meeting regarding the 2003-2004 Lake Tohopekaliga Drawdown and Habitat Enhancement Project, to which all interested persons are invited:

DATE AND TIME: Tuesday, October 14, 2003, 6:30 p.m. – 8:30 p.m.

PLACE: Kissimmee Civic Center, 201 E. Dakin Avenue, Kissimmee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: The main focus of the meeting will be to inform the general public on the status of the project and provide information as to the necessity and long-term benefits of this type of enhancement work. FWC personnel will be on hand to answer questions.

For further information, contact: Marty Mann, 1601 Scotty's Road, Kissimmee, Florida 34744, (407)846-5300.

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 as soon as possible before the workshop/meeting by

contacting: Cindy Hoffman, ADA Coordinator, (850)488-6411. If you are hearing or speech impaired, please contact the agency by calling (850)488-9542.

The **Fish and Wildlife Conservation Commission** announces a public meeting of the Listing Process Stakeholders Panel:

DATE AND TIME: Wednesday, October 22, 2003, 9:00 a.m. – 5:00 p.m.

PLACE: Farris Bryant Building, Room 272, 620 South Meridian Street, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Listing Process Stakeholders Panel will meet to discuss possible changes, if any, that may be considered necessary to improve the listing action process.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 calendar days before the workshop/meeting by contacting Cindy Hoffman, ADA Coordinator, (850)488-6411. If you are hearing or speech impaired, please contact the agency by calling (850)488-9542.

For further information, contact: Dr. Brad Gruver, 620 South Meridian Street, Tallahassee, Florida, (850)488-3831 or Brad.Gruver@fwc.state.fl.us.

DEPARTMENT OF FINANCIAL SERVICES

The **Department of Financial Services, Division of State Fire Marshal**, announces a public meeting to which all persons are invited.

DATE AND TIME: October 22, 2003, 9:00 a.m.

PLACE: St. Augustine City Hall, Lightner Building, City Commission Meeting Room, First Floor, 75 King Street, St. Augustine, Florida 32084

GENERAL SUBJECT MATTER TO BE CONSIDERED: Meeting of the Historical Building Task Force to consider the application of the Gerald L. Hill and Nan Hill for an exemption to Section 509.215, Florida Statutes, pertaining to the property located at 215 East French Avenue, Orange City, Florida.

A copy of the agenda may be obtained by writing: Division of State Fire Marshal, Bureau of Fire Prevention, 200 East Gaines Street, Tallahassee, FL 32399-0342.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodation to participate in this meeting, please contact Millicent King, 200 E Gaines Street, Tallahassee, FL 32399-0342 or call (850)413-3619 or fax (850)922-2553, at least five calendar days before the meeting for assistance.

JUSTICE ADMINISTRATION COMMISSION

The Article V, **Indigent Services Advisory Board** announces a meeting to which all interested persons are invited.

DATE AND TIME: October 20, 2003, 1:00 p.m.

PLACE: Contact: Justice Administrative Commission, (850)488-2415

GENERAL SUBJECT MATTER TO BE CONSIDERED: Board Meeting.

In conjunction with the Americans with Disabilities Act, please call (850)488-2415 if special accommodations are needed. For TDD service, please use Dual Party Relay System 1(800)955-8771.

NATIONAL COUNCIL ON COMPENSATION INSURANCE

The Florida **Workers Compensation Appeals Board** announces a meeting to which all persons are invited.

DATE AND TIME: October 23, 2003, 9:00 a.m. – 5:00 p.m.

PLACE: Renaissance Orlando Hotel – Airport, 5445 Forbes Place, Orlando, Florida 32812, (407)240-1000

GENERAL SUBJECT MATTER TO BE CONSIDERED: To provide a mechanism by which aggrieved parties may obtain a review of the application of the rules of the workers compensation system to their individual workers compensation policies.

Contact: Michelle Baker, National Council on Compensation Insurance, Inc., 901 Peninsula Corporate Circle, Boca Raton, Florida 33487, (561)893-3195.

FLORIDA SELF-INSURERS GUARANTY ASSOCIATION

The **Florida Self-Insurers Guaranty Association, Inc.** announces a telephone conference meeting of its Board of Directors in which all interested persons are invited to attend.

DATE AND TIME: Thursday, October 23, 2003, 9:00 a.m.

PLACE: Florida Hotel and Motel Association Building, 200 W. College Avenue, Suite 115, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: General Business.

Information on the meeting may be obtained by contacting: Brian Gee, Florida Self-Insurers Guaranty Association, 200 W. College Avenue, Suite 115, Tallahassee, Florida 32301, (850)222-1882.

FLORIDA LOCAL GOVERNMENT FINANCE COMMISSION

The Florida Local Government Finance Commission announces a public meeting to which all interested persons are invited.

DATE AND TIME: Friday, October 24, 2003, 10:30 a.m.

PLACE: 2502 Rocky Point Drive, Suite 1060, Tampa, Florida 33607

GENERAL SUBJECT MATTER TO BE CONSIDERED: Meeting of the Commission relating to its statewide pooled commercial paper program.

**Section VII
Notices of Petitions and Dispositions
Regarding Declaratory Statements**

DEPARTMENT OF COMMUNITY AFFAIRS

NOTICE IS HEREBY GIVEN that the Florida Building Commission received a Petition for Declaratory Statement on September 24, 2003, from Robert C. Duncan regarding the use of a listed NM Hybrid Cable installed in raceways pursuant to the 2002 National Electrical Code, adopted by reference in Chapter 27, Florida Building Code, Building Volume (2001 as amended, June 30, 2003).

It has been assigned the number DCA03-DEC-266.

A copy of the request may be obtained by writing: Paula P. Ford, Commission Clerk, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100.

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

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

PUBLIC SERVICE COMMISSION

NOTICE IS HEREBY GIVEN that the Florida Public Service Commission has issued a declaratory statement that NPCR, Inc., d/b/a Nextel Partners, and ALLTEL Wireless Holdings, L.L.C. and New York NEWCO Subsidiary, Inc., subsidiaries of ALLTEL Communications, Inc., as commercial mobile radio service providers, are not subject to the jurisdiction of the Florida Public Service Commission for purposes of

designation as eligible telecommunications carriers under 47 U.S.C. § 214(e). DOCKET NOS. 030346-TP AND 030413-TP.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

NOTICE IS HEREBY GIVEN that the Division of Florida Land Sales, Condominiums and Mobile Homes, Department of Business and Professional Regulation, State of Florida, received a petition for declaratory statement In Re: Holiday Manor Co-Operative, Inc.

The Division determined that the information contained in the monthly reports for association financed units of Holiday Manor – specifically the name of the unit owner financed by the association in the purchase of a unit, the rate of interest paid to the association, the monthly payment amount, and balance owed by each unit owner financed – does not fall under the exemption in Section 719.104(2)(c), Florida Statutes, of the requirement that official records of the association shall be open to inspection by any association member, and therefore the unit owner requesting the financial records shall be allowed to inspect the records pursuant to Section 719.104(2)(c), Florida Statutes.

A copy of the Declaratory Statement, Docket Number 2003070145, may be obtained by writing: Agency Clerk, Department of Business and Professional Regulation, Division of Florida Land Sales, Condominiums and Mobile Homes, 1940 North Monroe Street, Tallahassee, Florida 32399-2217.

Please refer all comments to Janis Sue Richardson, Chief Assistant General Counsel, Department of Business and Professional Regulation, Division of Florida Land Sales, Condominiums and Mobile Homes, 1940 North Monroe Street

NOTICE IS HEREBY GIVEN that the Division of Florida Land Sales, Condominiums and Mobile Homes, Department of Business and Professional Regulation, State of Florida, received a petition for declaratory statement In Re: Petition for Declaratory Statement, Garden Lakes Courtyard Association, Inc., Richard A. Ulrich, Attorney, August 28, 2003.

The Petitioner requests a declaratory statement as to whether a provision in the declaration of condominium exempting unit owners who do not give written approval to a substantial alteration or improvement to the common elements from paying the assessment for the cost of the alteration and improvement, nevertheless, would be required to pay the cost under Section 718.115, Florida Statutes.

A copy of the Petition for Declaratory Statement, Docket Number 2003078584, may be obtained by writing: Agency Clerk, Department of Business and Professional Regulation, Division of Florida Land Sales, Condominiums and Mobile Homes, 1940 North Monroe Street, Tallahassee, Florida 32399-2217.

Please refer all comments to Janis Sue Richardson, Chief Assistant General Counsel, Department of Business and Professional Regulation, Division of Florida Land Sales, Condominiums and Mobile Homes, 1940 North Monroe Street, Tallahassee, Florida 32399-2217.

NOTICE IS HEREBY GIVEN that the Division of Florida Land Sales, Condominiums, and Mobile Homes, Department of Business and Professional Regulation, State of Florida, received a petition for declaratory statement In Re: Petition for Declaratory Statement, Shore Drive Apartments, John T. Nagle, Unit Owner, August 18, 2003.

The Petitioner requests a declaratory statement as to whether the division may invalidate the terms of a settlement agreement entered into in the course of a circuit court law suit between petitioner and cooperative association on the grounds that it is inconsistent with petitioner’s rights as a unit owner under Section 719.303(2), F.S.

A copy of the Petition for Declaratory Statement, Docket Number 2003076232, may be obtained by writing to the Agency Clerk, Department of Business and Professional Regulation, Division of Florida Land Sales, Condominiums and Mobile Homes, 1940 North Monroe Street, Tallahassee, Florida 32399-2217.

Please refer all comments to Janis Sue Richardson, Chief Assistant General Counsel, Department of Business and Professional Regulation, Division of Florida Land Sales, Condominiums and Mobile Homes, 1940 North Monroe Street, Tallahassee, Florida 32399-1029.

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 FINANCIAL SERVICES

NOTICE IS HEREBY GIVEN that the Department of Financial Services (formerly the Department of Insurance), Division of State Fire Marshal, has received a Petition for Declaratory Statement filed September 29, 2003, from the Michelle Humphries, University of Central Florida. The Petition is seeking the Department’s interpretation of NFPA 13, Subdivisions 5-6.5.3 and 5-6.5.3.1. Specifically, Petitioner asks:

A. Is it the intent of NFPA 13 that floor mounted equipment tables and their overhead support structures in excess of 4 feet in width and heights not to exceed 18 inches from the ceiling be provided with additional sprinkler protection within their assembly?

B. If sprinkler protection is desired on the table top itself, will providing an open grate top surface (such as open wire shelving) suffice to allow water from above to penetrate through, and if so, how much equipment or dust shielding if any would be permitted on the shelving?

C. If the setup and racking above the table top were able to be restricted to less than 4 feet in width and maintained at least 18 inches below the level of sprinklers in a room, could additional coverage be omitted regardless of overall length or location within the room relative to overhead ceiling sprinklers?

A copy of the Petition may be obtained by writing, calling or sending a fax to: Gabriel Mazzeo, Attorney, Division of State Fire Marshal, 200 East Gaines Street, Tallahassee, Florida 32399-0340, (850)413-3604, fax (850)922-1235 (please advise if you would like it mailed or faxed to you and please include your phone number on your request in case any question arises) or e-mail: mazzeog@doi.state.fl.us. Please mention Fernandez-Fraga2 in your request.

**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

INVITATION TO BID

The Florida State University FO&M Purchasing shall receive sealed bids until the dates and times shown for the following projects. Bids may be brought to the bid opening or sent to:

Florida State University
FO&M Maintenance, Purchasing
114F Mendenhall Building A
Tallahassee, Florida 32306

prior to bid opening. Bidder must reference bid number, opening date and time on outside of bid package to insure proper acceptance. Bids submitted by facsimile are not acceptable. For information relating to the Invitation(s) to Bid, contact the

Bid Number: FOM 48-3
 Purchasing Agent: B.J. Lewis, FO&M
 Public Bid Opening: October 21, 2003, 10:00 a.m.
 FSU-FO&M Maintenance
 116 Mendenhall Hall, Building A
 Tallahassee, Florida 32306-4150
 FO&M Maintenance Purchasing
 Bid Documents: The Florida State University, Facilities
 Operations and Maintenance
 Department (FO&MD), is soliciting
 bids for Painting (LABOR ONLY)

NOTICE TO CONSTRUCTION MANAGERS

The University of Florida Board of Trustees, announces that construction management services will be required for the project listed below:

Project No.: UF-208
 Project and Location: Academic and Classroom Facilities.
 The project consists of rehabilitating the 14,000 SF 1919 Women's' Gymnasium for the Center for Women's Studies and Gender Research. The estimated construction cost is 3,200,000.00.

The contract for construction management services will consist of two phases. Phase one is pre-construction services, for which the construction manager will be paid a fixed fee. Phase one services include value engineering, constructability analyses including selective demolition to support architect's complete initial study, development of a cost model, estimating, and the development of a Guaranteed Maximum Price (GMP) at 60% Construction Document phase. If the GMP is accepted, phase two, the construction phase, will be implemented. In phase two of the contract, the construction

manager becomes the single point of responsibility for performance of the construction of the project and shall publicly bid trade contracts. Failure to negotiate an acceptable fixed fee for phase one of the contract, or to arrive at an acceptable GMP within the time provided in the agreement may result in the termination of the construction manager's contract. Selection of finalists for interviews will be made on the basis of construction manager qualifications, including experience and ability; past experience; bonding capacity; record-keeping/administrative ability, critical path scheduling expertise; cost estimating; cost control ability; quality control capability; and qualification of the firm's personnel, staff and consultants. Finalists will be provided with a copy of the building program and the latest documentation prepared by the project architect/engineer, a description of the final interview requirements and a copy of the standard University of Florida construction management agreement. The Selection Committee may reject all proposals and stop the selection process at any time. The construction manager shall have no ownership, entrepreneurial or financial affiliation with the selected architect/engineer involved with this project.

Firms desiring to provide construction management services for the project shall submit a letter of application and a completed project specific "Construction Manager Qualifications Supplement" available from the website: www.facilities.ufl.edu. 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. No submittal material will be returned. All applicants must be licensed to practice as general contractors in the State of Florida at the time of application. Corporations must be registered to operate in the State of Florida by the Department of State, Division of Corporations, at the time of application. As required by Section 287.133, Florida Statutes, a construction management firm may not submit a proposal for this project if it is on the convicted vendor list for a public entity crime committed within the past 36 months. The selected construction management firm must warrant that it will neither utilize the services of, nor contract with, any supplier, subcontractor, or consultant in excess of \$15,000.00 in connection with this project for a period of 36 months from the date of their being placed on the convicted vendor list. The Construction Manager Qualifications Supplement forms, the Construction Manager Project Fact Sheet and instructions for registering as an applicant can be found on the Facilities Planning & Construction website.

Six bound copies of the required proposal must be received in the Facilities Planning and Construction Division office by 3:00 p.m., local time on Monday 03 November 2003. Facsimile (FAX) submittals are not acceptable and will not be considered.

Chris Eastman
 Facilities Planning and Construction
 232 Stadium / P. O. Box 115050
 Gainesville, FL 32611-5050
 Telephone: (352)392-1256.
 Fax: (352)392-6378
 Internet: www.facilities.ufl.edu

CALL FOR BIDS

made by Florida A & M University (FAMU) for:

PROJECT NAME: CAMPUS WIDE ELECTRICAL UPGRADE/TECHNOLOGY INFRASTRUCTURE, PHASE I. **PROJECT NUMBER:** BR-322; **LOCATION:** Florida A & M University (FAMU), Tallahassee, FL 32307. **PROJECT DESCRIPTION:** Replace the existing 15kV medium Voltage substation, conversion of selected 5kV feeders and equipment to 15kV and rework of existing building electric services to accommodate the converted medium voltage system. This will include new electric manholes and concrete duct bank systems through out the FAMU campus. The Contractor shall provide a construction schedule that minimizes electrical outages to existing facilities. The estimated base construction budget is \$4,236,000.

QUALIFICATION: All Bidders must be qualified at the time of bid opening in accordance with the Instructions to Bidders, Article B-2 and the following:

1. The Contractor shall be a State of Florida Certified Electrical Contractor.
2. The Contractor shall be regularly engaged in, and shall have a minimum of 7 years experience in the Installation, Maintenance and Conversion of 15kV and up medium voltage systems. The Medium Voltage work must be handled by in-house forces and not a Sub-Contractor.
3. The Contractor shall have completed 3 projects over the past 5 years similar in size, Voltage class and complexity with each having a value between 3 and 5 million dollars.
4. The Contractor shall have an insurance company "Experience Modification Rate" (EMR) of less than 1.

Sealed bids will be received on:

DATE AND TIME: November 13, 2003, until 2:00 p.m., local time

PLACE: Plant Operations Facilities, Building A, Room 100, 2400 Wahnish Way, Florida A & M University, Tallahassee, FL, immediately after which time and place they will be publicly opened and read aloud down the hall in Conference Room 124 (Bid Tabulation will be posted back in Suite 100).

PROPOSAL: Bids must be submitted in full and in accordance with the requirements of the drawings and Project Manual, which may be obtained or examined at the office of the Architect/Engineer: Fred Wilson & Associates, Inc., 3970 Hendricks Avenue, Jacksonville, FL 32207-5398, (904)398-8636, Fax (904)398-2968

PRE-SOLICITATION/PRE-BID MEETING: The Bidder is required to attend the pre-solicitation/pre-bid meeting. This mandatory meeting has been scheduled for:

DATE AND TIME: October 29, 2003, 2:00 p.m., local time

PLACE: Plant Operations Facilities, Building A, Room 100, 2400 Wahnish Way, Florida A & M University, Tallahassee, FL

DEPOSIT: \$100 per set of drawings and Project Manual is required with a limit of three (3) sets per general contractor or prime bidder; and two (2) sets of drawings and Project Manuals for plumbing, heating/ventilating/air conditioning and electrical contractors acting as subcontractors.

REFUND: The deposit shall only be refunded to those general contractors, prime bidders, or plumbing, heating/ventilating/air conditioning and electrical contractors acting as either prime or subcontractors, who after having examined the drawings and specifications:

- a. submit a bona fide bid, or
- b. provide written evidence that they have submitted bids as subcontractors for plumbing, heating/ventilating/air conditioning, or electrical work, and who return the drawings and Project Manual in good condition within fifteen (15) days after receipt of bids.

PURCHASE: Full sets of bidding documents may be examined at the Architect/Engineer's office and local plan rooms. Full sets may be purchased through the Engineer for \$100 per set for the printing and handling cost.

PUBLIC ENTITY CRIMES: As required by Section 287.133, Florida Statutes, a contractor may not submit a bid for this project if it is on the convicted vendor list for a public entity crime committed within the past 36 months. The successful contractor must warrant that it will neither utilize the services of, nor contract with, any supplier, subcontractor, or consultant in excess of \$25,000 in connection with this project for a period of 36 months from the date of their being placed on the convicted vendor list. Direct all project related question to the Engineer first, then to Chuks Onwunli, Project Manager, (850)599-8003.

NOTICE TO PROFESSIONAL CONSULTANTS

The University of Central Florida announces that Professional Services in the discipline of architecture will be required for the project listed below:

Project No. BR-504

Project and Location: Psychology Building, University of Central Florida, Orlando, Florida 32816-3020.

The project consists of the design and construction of a new facility that contains approximately 10,000 sq. ft. of classroom space, 13,065 sq. ft. of teaching/research lab space, 750 sq. ft. of Student Academic Support space, 23,466 sq. ft. of office space, and 2,560 of other assignable areas including storage, conference rooms and workshop areas.

The combined construction cost will be approximately \$10,000,000.

The selected firm will provide design, construction documents, and administration for the referenced project. Blanket professional liability insurance will be required for this project in the amount of \$1,000,000 and will be provided as a part of Basic Services.

Note: With respect to the Florida Building Code, the University may elect to use the "affidavit method" for compliance, to include plans review and construction inspection services to be provided by the architect.

INSTRUCTIONS:

Firms desiring to apply for consideration must submit a letter of application.

The letter of application should have attached:

1. The most recent version of the "Professional Qualifications Supplement" dated 7/03, 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 chartered by the Florida Department of State to operate in Florida.

Submit four (4) copies of the above requested data bound in the order listed above. Applications which do not comply with the above instructions may be disqualified. Application materials will not be returned.

The plans and specifications for the University of Central Florida projects are subject to reuse in accordance with the provisions of Section 287.055, Florida Statutes. As required by Section 287.133, Florida Statutes, a consultant may not submit a proposal for this project if it is on the convicted vendor list for a public entity crime committed within the past 36 months. The selected consultant must warrant that it will neither utilize the services of, nor contract with, any supplier, subcontractor, or consultant in excess of \$15,000.00 in connection with this project for a period of 36 months from the date of placement on the convicted vendor list.

Professional Qualifications Supplement forms, descriptive project information, and selection criteria may be obtained by contacting: Ms. Gina Seabrook, University of Central Florida, Phone (407)823-2166, Fax (407)823-5141, Email: gseabroo@mail.ucf.edu, Web site: www.fp.ucf.edu.

Submittals must be received in the Physical Plant Building, University of Central Florida, Office of Facilities Planning, 4000 Central Florida Boulevard, P. O. Box 163020, Orlando,

FL 32816-3020, by 5:00 p.m., local time, on November 20, 2003. Facsimile (FAX) submittals are not acceptable and will not be considered. Late submissions will not be accepted.

CALL FOR BIDS

made by the University of Central Florida

PROJECT NAME, NUMBER AND LOCATION: Engineering Building III, University of Central Florida, BR 501

QUALIFICATION: All Bidders must be qualified at the time of bid opening in accordance with the Instructions to Bidders, Article B-2. Sealed bids will be received on:

DATE AND TIME: November 13, 2003, until 2:00 p.m., local time

PLACE: Physical Plant Complex, 4000 Central Florida Blvd., Building 16, Libra Drive, Orlando, FL, at which time and place they will be publicly opened and read aloud

Contract award will be made subject to the availability of funds.

PROPOSAL: Bids must be submitted in full and in accordance with the requirements of the drawings and Project Manual, which may be obtained or examined at the office of the Architect/Engineer at Farmer Baker Barrios Architects, 300 S. Orange Ave., Suite 900, Orlando, FL 32801, (407)926-3000

PRE-SOLICITATION/PRE-BID MEETING: The Bidder is encouraged to attend the pre-solicitation/pre-bid meeting. Minority Business Enterprise firms are invited to attend to become familiar with the project specifications and to become acquainted with contractors interested in bidding the project.

The meeting has been scheduled for:

DATE AND TIME: Thursday, October 30, 2003, at 10:00 a.m., local time

PLACE: Physical Plant Complex, 4000 Central Florida Blvd., Building 16, Libra Drive, Orlando, FL

DEPOSIT: \$300.00 per set of drawings and Project Manual is required with a limit of three (3) sets per general contractor or prime bidder; and two (2) sets of drawings and Project Manuals for plumbing, heating/ventilating/air conditioning and electrical contractors acting as subcontractors.

REFUND: The deposit shall only be refunded to those general contractors, prime bidders, or plumbing, heating/ventilating/air conditioning and electrical contractors acting as either prime or subcontractors, who after having examined the drawings and specifications:

- a. submit a bona fide bid, or
- b. provide written evidence that they have submitted bids as subcontractors for plumbing, heating/ventilating/air conditioning, or electrical work,

and who return the drawings and Project Manual in good condition within fifteen (15) days after receipt of bids.

PURCHASE: Full sets of bidding documents may be at the local plan rooms. Full sets may be purchased through the Architect/Engineer for \$200.00 per set for the printing and handling cost. Partial sets may be purchased at \$5.00 per sheet

of the drawings and \$50.00 per copy of the Project Manual, and are sold subject to the provisions of Article B-27 of the Instructions to Bidders.

PUBLIC ENTITY CRIMES: As required by Section 287.133, Florida Statutes, a contractor may not submit a bid for this project if it is on the convicted vendor list for a public entity crime committed within the past 36 months. The successful contractor 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.

NOTICE TO CONSTRUCTION MANAGERS

Florida International University Board of Trustees, announces that construction management services will be required for the project listed below:

Project No.: BR-822, Project and Location: University Park Central Utility Plant Expansion, Part A and Part B, University Park. Florida International University, Miami, Florida 33199.

Part A of the project seeks to replace existing chillers and cooling towers with energy efficient units in the existing plant. Chillers and cooling towers purchased by the university, will be installed by the CM. Part A of the project includes underground chilled water distribution servicing projects currently in planning and construction.

Part B shall be for a completely new generic central chilled water plant sub station and shall include:

1. Owner purchased CM installed chillers and cooling towers.
2. A complete new facility to accommodate the required new major equipment, the necessary support equipment, interconnecting piping, controls, wiring, related offices, storage area and break room.
3. Required underground chilled water distribution piping as needed to properly interconnect to the existing chilled water distribution system.

Part A as described herein must be completed no later than August 2, 2004.

The estimated construction cost of the project is approximately \$7.5 million. The contract for construction management services will consist of two phases. Phase one is pre-construction services, for which the construction manager will be paid a fixed fee. Phase one services include value engineering, construct-ability analyses, development of a cost model, estimating, and the development of a Guaranteed Maximum Price (GMP) at 100% Construction Document phase. If the GMP is accepted, phase two, the construction phase, will be implemented. In phase two of the contract, the construction manager becomes the single point of responsibility for performance of the construction of the project and shall publicly bid trade contracts. Failure to negotiate an acceptable fixed fee for phase one of the contract,

or to arrive at an acceptable GMP within the time provided in the agreement may result in the termination of the construction manager's contract.

Separate GMP's will be required for parts A & B. Part A may require multiple phases in order to meet the completion deadline.

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, staff and consultants; and ability to meet the minority business enterprise participation requirements.

Finalists will be provided with a copy of the building program and the latest documentation prepared by the project architect/engineer, a description of the final interview requirements and a copy of the standard State University System's construction management agreement. The Selection Committee may reject all proposals and stop the selection process at any time. The construction manager shall have no ownership, entrepreneurial or financial affiliation with the selected architect/engineer involved with this project.

Firms desiring to provide construction management services for the project shall submit a letter of application and a completed Board of Regents "Construction Manager Qualifications Supplement." Proposals must not exceed 80 pages, including the Construction Manager Qualifications Supplement and letter of application. Pages must be numbered consecutively.

Submittals which do not comply with these requirements or do not include the requested data will not be considered. No submittal material will be returned.

All applicants must be licensed to practice as general contractors in the State of Florida at the time of application. Corporations must be registered to operate in the State of Florida by the Department of State, Division of Corporations, at the time of application. As required by Section 287.133, Florida Statutes, a construction management firm may not submit a proposal for this project if it is on the convicted vendor list for a public entity crime committed within the past 36 months. The selected construction management firm must warrant that it will neither utilize the services of, nor contract with, any supplier, subcontractor, or consultant in excess of \$10,000.00 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, (305)348-4070, 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.

Six (6) 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 November 7, 2003. Late submittals shall be disqualified. Facsimile (FAX) submittals are not acceptable and will not be considered.

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

ADVERTISEMENTS FOR BIDS

PROPOSALS ARE REQUESTED FROM QUALIFIED GENERAL CONTRACTORS BY THE STATE OF FLORIDA, DEPARTMENT OF CORRECTIONS, BUREAU OF FACILITIES SERVICES.

CONSTRUCTION OF: Water Treatment Plant Ground Storage Tank Roof Replacement and New Forced Draft Aerator

PROJECT NO.: BE- 53 (WW)

PROJECT SITE: OKEECHOBEE CORRECTIONAL INSTITUTION, Okeechobee, Florida

PREQUALIFICATION: All bidders must submit evidence that they are qualified to perform the work in accordance with Section B, paragraph B-2 of the Specifications.

BID DATE AND TIME: November 10, 2003, 11:00 a.m., local time

PLACE: LBFH, Inc., 3550 S. W. Corporate Parkway, Palm City, Florida 34990

Any person with a qualified disability requiring special accommodations at the pre-bid conference and/or bid/proposal opening shall contact the person listed below at least (5) working days prior to the event. If you are hearing or speech impaired, please contact this office by using the Florida Relay Services which can be reached at 1(800)955-8771 (TDD).

PROPOSALS: Bids must be submitted in full accordance with the requirements of the Drawings, Specifications, Bidding Conditions and Contractual Conditions, which may be examined and obtained from the:

ENGINEER: LBFH, Inc., 3550 S. W. Corporate Parkway, Palm City, Florida 34990, Attn.: Lawrence A. Lardieri, P.E., (772)286-3883

DRAWINGS/SPECIFICATIONS: Sets of Drawings and Specifications may be purchased for \$115.00 per set, plus \$30.00 per set for shipping. Partial sets may not be purchased. Payment made to "LBFH, Inc."

PRE-BID CONFERENCE: A pre-bid conference will be held on October 23, 2003, 10:30 a.m., local time, at the Administration Building Conference Room at the Okeechobee Correctional Institution. (Non-Mandatory)

CONTRACT AWARD: The recommendation for contract award will be sent to all bidders by Facsimile, Return Receipt Required. If no protest is filed per Article B-20 of the Instructions to Bidders, the contract will be awarded by the Secretary, Department of Corrections. Right is reserved to reject any or all bids.

FLORIDA SPACE AUTHORITY

**PROFESSIONAL SERVICES NOTICE
CONTINUING TRAFFIC ENGINEERING, SURVEYS
AND STUDIES SERVICES**

BY

CANAVERAL PORT AUTHORITY

The Canaveral Port Authority (CPA) in compliance with the Consultant's Competitive Negotiation Act, Florida Statutes 287.055 is requesting technical proposals and qualifications from consulting firms interested in providing Traffic Engineering, Surveys and Studies for the Canaveral Port Authority under a continuing contract as outlined in the following Scope of Services.

SCOPE OF SERVICES

The Engineer (herein called the Consultant) will perform Traffic Engineering, Surveys, Studies, Analysis of impacts on existing and proposed road systems for areas throughout the port and for roads approaching the port.

The Consultant will coordinate with other design professionals working with the CPA.

Minimum Criteria

As a minimum, the firms proposing shall include the following:

1. Have an office within reasonable proximity to the Port.
2. Present documented experience showing at least 5 years on projects described in the Scope of Services.
3. Professional liability insurance in the amount of \$1,000,000.00 and be registered as an Engineer by the State of Florida.

PROPOSAL CONTENT

Each responding engineering firm shall provide (4) copies of their proposal giving detailed information on the following:

1. Names and qualifications of individuals who will be assigned to the projects.
2. USGA Form 254 & 255
3. A listing of at least 5 projects similar to those listed in the Scope of Services for which the individuals listed in the submittal have provided similar services. The list shall include the project name, description, client address, contact person and description of the work.
4. Description of firm's knowledge of local conditions and practices.
5. An inventory of the equipment which is applicable to performing Traffic Studies.
6. Project approach including unique or innovative techniques or procedures that can be applied to typical Port Canaveral projects.
7. A schedule of current commitments and the degree of completion of each.
8. Outline of methodology for implementation of the proposed scope of work.
9. Resumes' of key individuals to be involved in the various aspects of the project and an explanation of each individual's role in the project.

PROPOSED TERM OF CONTRACT

The Canaveral Port Authority desires a continuing contract for an indefinite period for the Consultant, renewable each year on its anniversary.

SUBMITTAL SCHEDULE

Firms desiring to provide such professional services to the CPA must furnish four copies of their letter of interest and proposal to Canaveral Port Authority, P. O. Box 267, 200 George King Boulevard, Cape Canaveral, FL 32920, Attn.: Richard B. Lombroia, Chief of Engineering and Planning not later than 3:00 p.m. on November 5, 2003.

PUBLIC MEETING

A committee established by the Chairman, will meet on November 13, 2003, 2:00 p.m. in the Port Commission Meeting Room to review and recommend for Commission approval a ranking of qualified for presentation before the CPA Commission at a regularly scheduled meeting to be held at 2:00 p.m. on November 19, 2003.

DEPARTMENT OF MANAGEMENT SERVICES

PUBLIC ANNOUNCEMENT FOR CONSTRUCTION MANAGEMENT SERVICES FOR CONTINUING AREA CONTRACTS AREA 2

The State of Florida, Department of Management Services, Division of Facilities Management and Building Construction requests qualifications from construction management firms to provide services in Area 2, counties of Calhoun, Franklin, Gadsden, Gulf, Jackson, Jefferson, Leon, Liberty, Madison, Taylor, Wakulla, and other counties as may be determined necessary by the owner.

For details please visit the Department's website listed below and click on "Search Advertisements – Division of Facilities Management and Building Construction."
http://fcn.state.fl.us/owa_vbs/owa/vbs_www.main_menu

DEPARTMENT OF ENVIRONMENTAL PROTECTION

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

DEPARTMENT OF HEALTH

PUBLIC ANNOUNCEMENT FOR CONSTRUCTION MANAGEMENT SERVICES CONTINUING CONTRACT

PROJECT NUMBER: TO BE ANNOUNCED

PROJECT NAME: Construction Management Continuing Contract, Northeast Florida Catchment Area and East Central Catchment.

PROJECT LOCATION: Northeast Florida Catchment Area and East Central Catchment Area Including Alachua, Baker, Bradford, Clay, Columbia, Duval, Flagler, Gilchrist, Levy, Nassau, St. Johns, Union Counties and, Brevard, Citrus, Hernando, Indian River, Lake, Marion, Martin, Okeechobee, Orange, Osceola, Putnam, Sumter, Seminole, St. Lucie, Volusia Counties.

The State of Florida, Department of Health, Division of Administration, Bureau of General Services, Office of Design and Construction requests qualifications from construction management firms to provide construction management services for the project(s) listed below. Applicant must be a licensed general contractor in the State of Florida at the time of application. Further, if a corporation, the applicant must be registered by the Department of State, Division of Corporations, to operate in the State of Florida at the time of application. The selection will be made in accordance with Section 255.29(3), F.S., and the procedures and criteria of Building Construction.

PROJECT DESCRIPTION: Multiple projects as required by the Department with individual project construction budgets not to exceed \$1,000,000. Depending on development of projects and funding, the possibility exists that the contract may expire with no projects being assigned. Work may include all aspects of construction projects to provide for construction of new facilities (satellite County Health Department facilities, support structures, etc.), repair and renovation to existing facilities, including but not limited to roofing work, code compliance modifications, reconfiguration of spaces, replacement of finishes, restoration and other minor works. A project for the restoration and revitalization of the historic Board of Health Building is in design and may be assigned to

this contract. It is desired that the applicant firm indicate experience in Historic Restoration as demonstrated by work in this area within the past 5 year period. Continuing Contracts selection is for a contract period of one year, renewable annually for up to two additional years at the discretion of the Department of Health. The Department reserves the right to contract with one or more of the selected firms as the Department deems is in its best interest.

INSTRUCTIONS

Submit four (4) bound copies with a Table of Contents and tabbed sections in the following order:

1. Letter of Interest detailing the firm’s qualification to meet the above referenced selection criteria.
2. A current Experience Questionnaire and Contractor’s Financial Statement, Form DBC5085, a copy of which may be obtained by calling (850)245-4066.
3. Résumés of proposed staff and staff organizations.
4. Any examples of project reporting manuals, schedules, past experience and examples of similar projects completed by the firm.
5. A description of the applicant’s plan for Minority Business Enterprise and Women-Owned Business Enterprise.
6. Reference from prior clients received within the last five years.

RESPONSE DUE DATE: October 31, 2003, 5:00 p.m. (EST)
 Applications are to be sent to: Mr. Thomas L. Matthias Senior Architect, Florida Department of Health, Office of Design and Construction, 4052 Bald Cypress Way, Bin #B06, Tallahassee, Florida 32399-1734, (850)245-4444, Extension 3166.

SHORTLIST SELECTION PROCESS: From the proposals received, the Department shall shortlist a minimum of three (3) firms.

All proposal information submitted becomes the property of the Department of Health, will be placed on file, and not returned. Applications which do not comply with the instructions set forth above and/or do not include the qualification data required may not be considered. Selections will be made in accordance with Chapter 60-2, Florida Administrative Code and Section 287.055, F.S.

**Section XII
 Miscellaneous**

DEPARTMENT OF COMMUNITY AFFAIRS

NOTICE IS HEREBY GIVEN that the Division of Community Planning, Department of Community Affairs, received the following petitions for binding letters of Development of Regional Impact, Vested Rights and Modification Determinations, pursuant to subsection 380.06(4)(a), Florida Statutes.

- | | |
|-------------------|--|
| FILE NO.: | BLIM-0604-003 |
| DATE RECEIVED: | 9/29/2003 |
| DEVELOPMENT NAME: | Poinciana (Cypress Woods West) |
| DEVELOPER/AGENT: | Avatar Properties, Inc. |
| DEVELOPMENT TYPE: | 28-24.020, 28-24.023,
28-24.031, F.A.C. |
| LOCAL GOVERNMENT: | Osceola County |
| FILE NO.: | BLIM-0604-004 |
| DATE RECEIVED: | 9/29/2003 |
| DEVELOPMENT NAME: | Poinciana Office Park |
| DEVELOPER/AGENT: | Avatar Properties, Inc. |
| DEVELOPMENT TYPE: | 28-24.020, 28-24.023, F.A.C. |
| LOCAL GOVERNMENT: | Osceola County |
| FILE NO.: | BLIM-0604-005 |
| DATE RECEIVED: | 9/29/2003 |
| DEVELOPMENT NAME: | Poinciana Estates and Office Park) |
| DEVELOPER/AGENT: | Avatar Properties, Inc. |
| DEVELOPMENT TYPE: | 28-24.020, 28-24.023,
28-24.029, F.A.C. |
| LOCAL GOVERNMENT: | Osceola County |

DCA Final Order No.: DCA03-OR-267
 STATE OF FLORIDA
 DEPARTMENT OF COMMUNITY AFFAIRS
 In re: POLK COUNTY LAND DEVELOPMENT CODE
 ADOPTED BY POLK COUNTY
 ORDINANCE NO. 03-22

FINAL ORDER

The Department of Community Affairs (“Department”) hereby issues its Final Order, pursuant to § 380.05(6) and (11), Fla. Stat., (2002), approving Polk County Ordinance No. 03-22, as set forth below.

FINDINGS OF FACT

1. The Green Swamp Area is a statutorily designated area of critical state concern, and Polk County is a local government within the Green Swamp Area.
2. On July 29, 2003, the Department received for review Polk County Ordinance No. 03-22 (“Ordinance”), which was adopted by the Board of County Commissioners of Polk County. The Ordinance was adopted on March 19, 2003. The Ordinance amends the Polk County Development Code by amending Sections 210 and 720 to reflect the revisions which augment and further restrict the height, placement, and material for fences and walls.
3. The Ordinance is consistent with the County’s Comprehensive Plan.

CONCLUSIONS OF LAW

4. The Department is required to approve or reject land development regulations that are enacted, amended or rescinded by any local government in the Green Swamp Area of Critical State Concern. § 380.05(6) and (11), Fla. Stat.

5. Polk County is a local government within the Green Swamp Area of Critical State Concern. § 380.0551, Fla. Stat. and Rule Chapter 28-26, Fla. Admin. Code.

6. "Land development regulations" include local zoning, subdivision, building and other regulations controlling the development of land. § 380.031(8), Fla. Stat. The regulation adopted by the Ordinance is a land development regulation.

7. All land development regulations enacted, amended or rescinded within an area of critical state concern must be consistent with the principles for guiding development for that area. § 380.05(6), Fla. Stat.; see *Rathkamp v. Department of Community Affairs*, 21 F.A.L.R. 1902 (Dec. 4, 1998), *aff'd*, 740 So. 2d 1209 (Fla. 3d DCA 1999). The principles for guiding development in the Green Swamp Area of Critical State Concern are set forth in Rule 28-26.003, Fla. Admin. Code. ("Principles").

8. The Ordinance is consistent with the Principles in Rule 28-26.003, Fla. Admin. Code.

WHEREFORE, IT IS ORDERED that Ordinance No. 03-22 is found to be consistent with the Principles for Guiding Development of the Green Swamp 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, 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 designated Agency Clerk, and that true and correct copies have been furnished to the persons listed below by the method indicated this ____ day of September, 2003.

Paula Ford, Agency Clerk

By U.S. Mail:

The Honorable Randal L. Wilkinson
Chairman, Polk County Commission
P. O. Box 9005, Drawer BC01
Bartow, FL 33831

Peter Brown
Director of Planning
P. O. Box 9005, Drawer CS06
Bartow, FL 33831

By Hand Delivery or Interagency Mail:
Jim Quinn, DCA Tallahassee
Rebecca Jetton, DCA Florida Keys Field Office
David L. Jordan, Deputy General Counsel, DCA Tallahassee
Craig Varn, Assistant General Counsel, DCA Tallahassee

DCA Final Order No.: DCA03-OR-268

STATE OF FLORIDA

DEPARTMENT OF COMMUNITY AFFAIRS

In re: POLK COUNTY LAND DEVELOPMENT CODE
ADOPTED BY POLK COUNTY
ORDINANCE NO. 03-26

FINAL ORDER

The Department of Community Affairs ("Department") hereby issues its Final Order, pursuant to § 380.05(6) and (11), Fla. Stat., (2002), approving Polk County Ordinance No. 03-26, as set forth below.

FINDINGS OF FACT

1. The Green Swamp Area is a statutorily designated area of critical state concern, and Polk County is a local government within the Green Swamp Area.

2. On July 29, 2003, the Department received for review Polk County Ordinance No. 03-26 ("Ordinance"), which was adopted by the Board of County Commissioners of Polk County. The Ordinance was adopted on March 19, 2003. The Ordinance amends the Polk County Development Code by amending Section 705 to remove the limitation on the number of driveways on parcels, Section 822 to require non-residential and multi-family uses to meet access requirements, Section 802 to clarify the exemption for lots of record, Section 702 to replace existing language consistent with comprehensive plan language for sewer connection, Section 224 to clarify the distance requirement between the sale of alcohol and churches and schools, Section 702 to change the thresholds for required sewer connection, and Section 220 to define the setback requirement for uses in linear commercial corridor and commercial enclave districts.

3. The Ordinance is consistent with the County's Comprehensive Plan.

CONCLUSIONS OF LAW

4. The Department is required to approve or reject land development regulations that are enacted, amended or rescinded by any local government in the Green Swamp Area of Critical State Concern. § 380.05(6) and (11), Fla. Stat.

5. Polk County is a local government within the Green Swamp Area of Critical State Concern. § 380.0551, Fla. Stat. and Rule Chapter 28-26, Fla. Admin. Code.

6. "Land development regulations" include local zoning, subdivision, building and other regulations controlling the development of land. § 380.031(8), Fla. Stat. The regulation adopted by the Ordinance is a land development regulation.

7. All land development regulations enacted, amended or rescinded within an area of critical state concern must be consistent with the principles for guiding development for that area. § 380.05(6), Fla. Stat.; see Rathkamp v. Department of Community Affairs, 21 F.A.L.R. 1902 (Dec. 4, 1998), aff'd, 740 So. 2d 1209 (Fla. 3d DCA 1999). The principles for guiding development in the Green Swamp Area of Critical State Concern are set forth in Rule 28-26.003, Fla. Admin. Code. ("Principles").

8. The Ordinance is consistent with the Principles in Rule 28-26.003, Fla. Admin. Code.

WHEREFORE, IT IS ORDERED that Ordinance No. 03-26 is found to be consistent with the Principles for Guiding Development of the Green Swamp 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, 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 designated Agency Clerk, and that true and correct copies have been furnished to the persons listed below by the method indicated this ____ day of September, 2003.

Paula Ford, Agency Clerk

By U.S. Mail:

The Honorable Randal L. Wilkinson
Chairman, Polk County Commission
P. O. Box 9005, Drawer BC01
Bartow, FL 33831

Peter Brown
Director of Planning
P. O. Box 9005, Drawer CS06
Bartow, FL 33831

NOTICE OF APPROVAL FOR
FLORIDA FOREVER FUNDS

The Florida Communities Trust ("Trust") reviewed and approved project plans for land acquisition projects submitted under the Florida Forever Program, Series FF1 funding cycle. The project plan listed below was approved by the Executive Director under authority delegated from the governing body. The Executive Director is authorized to execute the agreements for acquisition of the project site and all other documents necessary to close the project and that funds be released as follows:

Project: 01-083-FF1/Parcel 105

Grantee: Orange County

Amount of Approved Funds: the lesser of 40.00% of the final total project costs or \$2,038,162.80

NOTICE OF ADMINISTRATIVE HEARING RIGHTS

Any person with substantial interests that are or may be determined by the approval of funds for projects by the Trust has a right to an informal administrative proceeding pursuant to Section 120.57(2), F.S., if the person does not dispute issues of material fact raised by this decision. If an informal proceeding is held, the petitioner will have the opportunity to be represented by counsel, to present to the agency written or oral evidence in opposition to the Trust action, or to present a written statement challenging the legal grounds upon which the Trust is justifying its actions.

Alternatively, any person with substantial interests that are or may be determined by the approval of funds for projects by the Trust has a right to a formal administrative hearing pursuant to Section 120.57(1), F.S., if the person disputes any issues of material fact stated in this decision. At a formal hearing the petitioner may be represented by counsel, and will have the opportunity to present evidence and argument on all the issues involved, to conduct cross-examination and submit rebuttal evidence, to submit proposed findings of fact and orders, and to file exceptions to any order or hearing officer's recommended order.

If a person with a substantial interest desires either an informal proceeding or a formal hearing, the person must file with the Trust Clerk a written response or pleading entitled "Petition for Administrative Proceedings" within 21 calendar days of the publication date of this notice of final agency action. The petition must be in the form required by Rule 18-106.201, F.A.C. A petition is filed when it is received by the Trust Clerk at 2555 Shumard Oak Boulevard, Tallahassee, FL 32399-2100. A petition must specifically request an informal proceeding or a formal hearing, it must admit or deny each material fact contained in this decision, and it must state any defenses upon which the petitioner relies. If the petitioner lacks knowledge of a particular allegation of fact, it must so state and that statement will operate as a denial.

Any person with substantial interests that are or may be determined by the approval of funds for projects by the Trust waives the right to an informal proceeding or a formal hearing if a Petition for Administrative Proceeding is not filed with the Trust Clerk within 21 days of the date of publication of the notice of final agency action.

**DEPARTMENT OF HIGHWAY SAFETY AND MOTOR
VEHICLES**

Corrected Notice of Publication for a
Relocated Franchised Motor Vehicle Dealer
in a County of More than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, notices is given that DaimlerChrysler Motors Company intends to allow the relocation of the Jeep dealership, which is currently owned by Gettel Nissan, Inc., d/b/a Gettel Jeep, and is currently located at 3530 Bee Ridge Road, Sarasota (Sarasota County), Florida 34231, to a proposed location at 7707 South Tamiami Trail, Sarasota (Sarasota County), Florida 34231, which is to be owned, (subsequent to the consummation of a purchase from Gettel Nissan, Inc. d/b/a Gettel Jeep) by Sunset Dodge, Inc.

The dealer operator of Sunset Dodge, Inc., is Donald Osborne 7745 South Tamiami Trail, Sarasota, Florida 34231. The principal investors are Robert Geyer, 1800 Bay Road, Sarasota, Florida 34231; and Donald Osborne, 7745 South Tamiami Trail, Sarasota, Florida 34231.

The notice indicates intent to permit the relocation to a location in a county of more than 300,000 population, according to the latest population estimates of the University of Florida, Bureau of Economic and Business Research.

Certain dealerships of the same line-make may have standing, pursuant to Section 320.642, Florida Statutes, to file a petition or complaint protesting the application.

Written petitions or complaints must be received by the Department of Highway Safety and Motor Vehicles within 30 days of the date of publication of this notice and must be submitted to: Mr. Ronald D. Reynolds, Administrator, Dealer License Section, Department of Highway Safety and Motor Vehicles, Room A-312, Neil Kirkman Building, 2900 Apalachee Parkway, Tallahassee, Florida 32399-0635.

A copy of such petition or complaint must also be sent by US Mail to: G. E. Nevers, Dealer Network Development Manager, DaimlerChrysler Motors Company, 1030 Boggy Creek Road, Suite 110, CIMS 200-01-10, Orlando, Florida 32724.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving

the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

Notice of Publication for the Relocation of a
Franchise Motor Vehicle Dealer in a County of Less
than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, notice is given that Harley-Davidson Motor Company and Buell Motorcycle Company, intends to allow the relocation of H-D American Road, LLC d/b/a Kissimmee Harley-Davidson Shop d/b/a Kissimmee Buell Shop, as a dealership for the sale of Harley-Davidson and Buell motorcycles, from its present location at 807 East Vine Street, Kissimmee, FL 34744, to a proposed location at 5881 West Irlo Bronson Highway (Osceola County), Florida 34744, on or after December 1, 2003.

The name and address of the dealer operator(s) and principal investor(s) of H-D American Road, LLC d/b/a Kissimmee Harley-Davidson Shop d/b/a Kissimmee Buell Shop are: dealer operator(s): Steven Deli, 7300 Westpointe Blvd., Apt. 727, Orlando, FL 32835; principal investor(s): Steven Deli, 7300 Westpointe Blvd., Apt. 727, Orlando, FL 32835 and Michael Bozic, 734 S. Bates, Birmingham, MI 48009.

The notice indicates an intent to relocate the franchise 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: Ann Redzinski, Regional Dealer Development Rep., Harley-Davidson Motor Company and Buell Motorcycle Company, 3700 West Juneau Ave., P. O. Box 653, Milwaukee, WI 53201.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the relocation of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

Notice of Publication for a New Point
Franchise Motor Vehicle Dealer in a County of More
than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, General Motors Corporation, intends to allow the establishment of Ferman on 54, Inc. d/b/a Ferman Pontiac Buick GMC as a dealership for the sale of Pontiac, Buick, GMC motor vehicles, at SR 54 and Oak Grove Blvd., Lutz (Pasco County), Florida (Legal Description: the Southeast ¼ of Section 33, Township 26 South, Range 19 East, less the South 733 feet of the East 1,336.1 feet thereof and less road rights-of-way), on or after January 31, 2004.

The name and address of the dealer operator(s) and principal investor(s) of Ferman on 54, Inc. d/b/a Ferman Pontiac Buick GMC are dealer operator(s): James L. Ferman, 1306 W. Kennedy Blvd., Tampa, FL 33606, principal investor(s): James L. Ferman and Stephen B. Straske II, 1306 W. Kennedy Blvd., Tampa, FL 33606.

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: Angela M. Helt, Dealer Contractual Manager, General Motors Corporation, Mail Code 482-A07-C66, 100 GM Renaissance Center, Detroit, MI 48265-1000.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the 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."

this notice must be filed with the Certificate of Need Program Office, 2727 Mahan Drive, Tallahassee, Florida 32308, on or before 5:00 p.m., October 27, 2003.

Any person who identifies any error in the fixed need pool numbers must advise the agency of the error within ten (10) days of the publication. If the agency concurs with the error, the fixed need pool number will be adjusted and republished in the first available edition of the Florida Administrative Weekly. Failure to notify the agency of the error during this ten day period waives a person's right to raise the error at subsequent proceedings. Any other adjustments will be made in the first cycle subsequent to identification of the error including those errors identified through administrative hearings or final judicial review.

Any person whose substantial interest is affected by this action and who timely advised the agency of any error in the action has a right to request an administrative hearing pursuant to Section 120.57, F.S. In order to request a proceeding under Section 120.57, F.S., a request for an administrative hearing must state with specificity which issues of material fact or law are in dispute. All requests for hearings shall be made to the Agency for Health Care Administration and must be filed with the agency clerk at 2727 Mahan Drive, Fort Knox Building Three, Tallahassee, Florida 32308. All requests for hearings must be filed with the agency clerk within 30 days of this publication or the right to a hearing is waived.

Hospice Program Net Need			
Service Area	Net Need	Service Area	Net Need
District 1	0	Subdistrict 5A	0
Subdistrict 2A	0	Subdistrict 5B	0
Subdistrict 2B	0	Subdistrict 6A	0
Subdistrict 3A	0	Subdistrict 6B	0
Subdistrict 3B	0	Subdistrict 6C	0
Subdistrict 3C	0	Subdistrict 7A	0
Subdistrict 3D	0	Subdistrict 7B	1
Subdistrict 3E	0	Subdistrict 7C	0
Subdistrict 4A	0	Subdistrict 8A	0
Subdistrict 4B	1	Subdistrict 8B	0
Service Area	Net Need	Service Area	Net Need
Subdistrict 8C	0	Subdistrict 9C	0
Subdistrict 8D	0	District 10	0
Subdistrict 9A	0	District 11	0
Subdistrict 9B	0	Total	2

NOTICE OF OPEN HEART SURGERY PROGRAM
FIXED NEED POOL

The Agency for Health Care Administration has projected a fixed need pool for open heart surgery programs for January 2006, pursuant to the provisions of Rules 59C-1.008 and 59C-1.033, F.A.C. Letters of intent to apply for Certificates of Need pursuant to this notice must be filed with the Certificate of Need Program Office, Building 1, Room 351, 2727 Mahan Drive, Tallahassee, Florida 32308, on or before 5:00 p.m., October 27, 2003.

Any person who identifies any error in the fixed need pool numbers must advise the agency of the error within ten (10) days of publication of the number. If the agency concurs with the error, the fixed need pool number will be adjusted and republished in the first available edition of the Florida Administrative Weekly. Failure to notify the agency of the error during this ten day time period will result in no adjustment to the fixed need pool number for this cycle and a waiver of the person's right to raise the error at subsequent proceedings. Any other adjustments will be made in the first cycle subsequent to identification of the error including those errors identified through administrative hearings or final judicial review.

Any person whose substantial interest is affected by this action and who timely advised the agency of any error in the action has a right to request an administrative hearing pursuant to Section 120.57, Florida Statutes. In order to request a proceeding under Section 120.57, Florida Statutes, your request for an administrative hearing must state with specificity which issues of material fact or law are in dispute. All requests for hearings shall be made to the Agency for Health Care Administration and must be filed with the agency clerk at 2727 Mahan Drive, Building 3, Suite 3431, Tallahassee, Florida 32308. All requests for hearings must be filed with the agency clerk within 30 days of this publication or the right to a hearing is waived.

Adult Open Heart Surgery Program Net Need			
District	Net Need	District	Net Need
1	0	7	0
2	0	8	0
3	0	9	0
4	0	10	0
5	0	11	0
6	0	Total	0

Pediatric Open Heart Surgery Program Net Need			
Service Area	Net Need	Service Area	Net Need
1	0	4	0
2	0	5	0
3	0	Total	0

NOTICE OF PEDIATRIC CARDIAC
CATHETERIZATION PROGRAM
FIXED NEED POOL

The Agency for Health Care Administration has projected a fixed need pool for pediatric cardiac catheterization programs for January 2006, pursuant to the provisions of Rules 59C-1.008 and 59C-1.032, F.A.C. Letters of intent to apply for Certificates of Need pursuant to this notice must be filed with the Certificate of Need Program Office, Building 1, Room 351, 2727 Mahan Drive, Tallahassee, Florida 32308, on or before 5:00 p.m., October 27, 2003.

Any person who identifies any error in the fixed need pool numbers must advise the agency of the error within ten (10) days of publication of the number. If the Agency concurs with the error, the fixed need pool number will be adjusted and republished in the first available edition of the Florida Administrative Weekly. Failure to notify the agency of the error during this ten day time period will result in no adjustment to the fixed need pool number for this cycle and a waiver of the person’s right to raise the error at subsequent proceedings. Any other adjustments will be made in the first cycle subsequent to identification of the error including those errors identified through administrative hearings or final judicial review.

Any person whose substantial interest is affected by this action and who timely advised the agency of any error in the action has a right to request an administrative hearing pursuant to Section 120.57, Florida Statutes. In order to request a proceeding under Section 120.57, Florida Statutes, your request for an administrative hearing must state with specificity which issues of material fact or law are in dispute. All requests for hearings shall be made to the Agency for Health Care Administration and must be filed with the agency clerk at 2727 Mahan Drive, Building 3, Suite 3431, Tallahassee, Florida 32308. All requests for hearings must be filed with the agency clerk within 30 days of this publication or the right to a hearing is waived.

Pediatric Cardiac Catheterization Program Net Need

Service Area	Net Need	Service Area	Net Need
1	0	4	0
2	0	5	0
3	0	Total	0

DEPARTMENT OF ENVIRONMENTAL PROTECTION

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

DEPARTMENT OF JUVENILE JUSTICE

The Florida Department of Juvenile Justice has posted one new policy for review and comment on MyFlorida.com at: <http://www.djj.state.fl.us/reference/policiesandprocedures/policyreview.html>.

Forms Management (department-wide policy type B) – establishes a systematic approach to the development and standardization of forms, creating an electronic forms library that contains all forms used to transact department business. Forms will be upgraded to Adobe Portable Document Format (PDF) or utilize other approved electronic form technology. This is the first of two 20 working day review and comment periods. The closure date for submission of comments on this policy is October 27, 2003.

Responses to comments received will be posted during the review period to the extent possible, but no later than 10 working days after the end of the review period on the above Website.

The Florida Department of Juvenile Justice has posted one new policy for review and comment on MyFlorida.com at:

<http://www.djj.state.fl.us/reference/policiesandprocedures/policyreview.html>

Property Insurance (department-wide policy type B) – establishes that the Department of Juvenile Justice will preserve and protect the assets of the State through a comprehensive risk management program through the utilization of appropriate coverages and risk management tools. This is the first of two 20 working day review and comment periods, with an October 23 closure date for submission of comments.

Please submit comments to the contact person identified on the above Website. Responses to comments received will be posted during the review period to the extent possible, but no later than 10 working days after the end of the review period on the above Website.

DEPARTMENT OF HEALTH

On September 23, 2003, John O. Agwunobi, M.D., M.B.A., Secretary of the Department of Health, issued an Order of Emergency Suspension with regard to the certificate of Cletus Geiger, C.N.A., certificate number 05943521. 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 September 29, 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 Christopher D. Griswold, LPN, license number PN 1335251. 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 September 29, 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 Nancy Wolan, R.N., license number RN 2150292. 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 September 29, 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 John Baker, LPN, license number PN 1080281. This Emergency Suspension Order was predicated upon the Secretary's findings of an immediate and serious danger to the public health, safety and welfare pursuant to Sections 456.073(8) and 120.60(6), Florida Statutes. The Secretary determined that this summary procedure was fair under the circumstances, in that there was no other method available to adequately protect the public.

DEPARTMENT OF FINANCIAL SERVICES

SECURITIES GUARANTY FUND

NOTICE IS HEREBY GIVEN that the Office of Financial Regulation, on September 2, 2003, issued a Notice of Intent to Enter a Final Order Approving Payment from the Securities Guaranty Fund in Administrative Proceeding No. 3443-S-03/02 to Brian and Lorraine O'Connor regarding the activities of EDWARD A. MCKAY, JR., CRD #1069420 and SAL WAISBRUT, CRD #2452919. Those persons whose substantial interests may be determined by this proceeding are advised that they may request a hearing concerning the Notice

of Intent, to be conducted in accordance with the provisions of Sections 120.569 and 120.57, Florida Statutes. The petition for hearing must comply with Rules 28-106.201, 28-106.301, or 28-107.004, Florida Administrative Code, and must be received within twenty-one (21) days of the date of publication of this notice. Petitions shall be filed with:

Agency Clerk
Office of Financial Regulation
Fletcher Building, Suite 526
200 East Gaines Street
Tallahassee, Florida 32399-0379

FAILURE OF A RESPONDENT TO TIMELY FILE A REQUEST FOR HEARING WITHIN THE 21 DAY TIME PERIOD, SHALL CONSTITUTE A WAIVER OF THAT RESPONDENT'S RIGHT TO REQUEST A HEARING ON ANY MATTER SET FORTH IN THE NOTICE OF INTENT, AND THE OFFICE WILL ISSUE ITS FINAL ORDER TAKING ACTIONS SET FORTH IN THE NOTICE OF INTENT.

Section XIII
Index to Rules Filed During Preceding Week

RULES FILED BETWEEN September 22, 2003
 and September 26, 2003

Rule No.	File Date	Effective Date	Proposed Vol./No.	Amended Vol./No.
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DEPARTMENT OF STATE
Division of Cultural Affairs

IT-1.001(17)	9/24/03	10/14/03	29/18	29/34
IT-1.001(20)	9/24/03	10/14/03	29/18	29/34

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Dairy Industry

5D-1.001	9/25/03	10/15/03	29/26	
5D-1.003	9/25/03	10/15/03	29/26	
5D-1.007	9/25/03	10/15/03	29/26	
5D-1.012	9/25/03	10/15/03	29/26	29/31

Division of Agricultural Water Policy

5M-4.001	9/26/03	10/16/03	29/22	
5M-4.002	9/26/03	10/16/03	29/22	
5M-4.003	9/26/03	10/16/03	29/22	
5M-4.004	9/26/03	10/16/03	29/22	29/33
5M-4.005	9/26/03	10/16/03	29/33	29/33

DEPARTMENT OF EDUCATION

University of South Florida

6C4-4.011	9/22/03	10/12/03	Newspaper	
6C4-4.01101	9/22/03	10/12/03	Newspaper	
6C4-4.01103	9/22/03	10/12/03	Newspaper	
6C4-4.01113	9/22/03	10/12/03	Newspaper	
6C4-4.01115	9/22/03	10/12/03	Newspaper	
6C4-4.01121	9/22/03	10/12/03	Newspaper	
6C4-4.01129	9/22/03	10/12/03	Newspaper	
6C4-4.01131	9/22/03	10/12/03	Newspaper	
6C4-4.01141	9/22/03	10/12/03	Newspaper	
6C4-4.01145	9/22/03	10/12/03	Newspaper	
6C4-4.01147	9/22/03	10/12/03	Newspaper	

Florida Atlantic University

6C5-8.001	9/24/03	10/14/03	Newspaper	
6C5-8.002	9/24/03	10/14/03	Newspaper	
6C5-8.003	9/24/03	10/14/03	Newspaper	
6C5-8.004	9/24/03	10/14/03	Newspaper	
6C5-8.006	9/24/03	10/14/03	Newspaper	
6C5-8.007	9/24/03	10/14/03	Newspaper	

University of Central Florida

6C7-4.022	9/24/03	10/14/03	Newspaper	
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Rule No.	File Date	Effective Date	Proposed Vol./No.	Amended Vol./No.
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DEPARTMENT OF CITRUS

20-97.010	9/25/03	10/15/03	29/26	
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DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Employee Leasing Companies

61G7-6.001	9/23/03	10/13/03	29/26	29/31
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Board of Accountancy

61H1-28.001	9/23/03	1/1/04	29/27	
61H1-28.0011	9/23/03	1/1/04	29/27	
61H1-28.005	9/23/03	1/1/04	29/27	
61H1-28.0052	9/23/03	1/1/04	29/27	
61H1-28.006	9/23/03	1/1/04	29/27	
61H1-28.0061	9/23/03	1/1/04	29/27	

DEPARTMENT OF HEALTH

Board of Clinical Laboratory Personnel

64B3-11.003	9/22/03	10/12/03	29/30	
64B3-11.005	9/22/03	10/12/03	29/30	

Board of Clinical Social Work, Marriage and Family

64B4-3.0035	9/26/03	10/16/03	29/33	
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Board of Massage

64B7-28.0042	9/22/03	10/12/03	29/34	
64B7-28.010	9/22/03	10/12/03	29/34	
64B7-30.002	9/22/03	10/12/03	29/34	
64B7-30.004	9/22/03	10/12/03	29/34	
64B7-30.006	9/22/03	10/12/03	29/34	

Board of Medicine

64B8-30.005	9/22/03	10/12/03	29/4	29/34
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Board of Osteopathic Medicine

64B15-19.0055	9/23/03	10/13/03	29/26	
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FISH AND WILDLIFE CONSERVATION COMMISSION

Freshwater Fish and Wildlife

68A-9.004	9/22/03	10/12/03	29/30	29/38
68A-15.065	9/22/03	10/12/03	29/30	29/38

Marine Fisheries

68B-35.002	9/22/03	1/1/04	29/17	29/38
68B-35.003	9/22/03	1/1/04	29/17	29/38
68B-35.004	9/22/03	1/1/04	29/17	29/38
68B-35.005	9/22/03	1/1/04	29/17	29/38