

Section III
Notices of Changes, Corrections and
Withdrawals

DEPARTMENT OF TRANSPORTATION

RULE CHAPTER NO.: 14-15
 RULE NO.: 14-15.0081
 RULE CHAPTER TITLE: Incorporation by Reference
 RULE TITLE: Toll Facilities Description and Toll Rate Schedule

CHANGE OF HEARING LOCATION

PURPOSE AND EFFECT: The purpose of this notice of rulemaking is to allow the public an opportunity to provide input to changes in the Toll Facilities Description and Toll Rate Schedule resulting from a proposed toll rate increase for cash customers. The facilities affected by the proposed toll rate increase include Florida’s Turnpike Mainline (Southern Coin, Ticket, and Northern Coin Systems, the Homestead Extension of Florida’s Turnpike (HEFT), Bee Line West Expressway), Sawgrass Expressway, Southern Connector Extension, Seminole Expressway, and the Veterans Expressway.

SUMMARY OF CHANGE: The Orlando area hearing originally scheduled for January 5, 2004, at the Turnpike Enterprise headquarters is rescheduled as follows:

TIME AND DATE: 6:00 p.m. – Informal Gathering, 6:30 p.m. – Public Hearing, January 12, 2004

PLACE: Radisson Hotel Universal, 5780 Major Boulevard, Orlando, Florida

This change is to allow participation in the rulemaking hearing without having to go onto the Turnpike and pay tolls.

Notice was published in Florida Administrative Weekly, Vol. 29, No. 49, December 5, 2003, Pages 4779-4780.

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

DOCKET NO. 030575-PU
 RULE NO.: 25-22.032
 RULE TITLE: Customer Complaints
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. The

changes have been made to the proposed rule to address comments made by the Joint Administrative Procedures Committee.

Paragraph (6)(b) is changed as follows:

(b) If the customer specifically makes a request to the Commission that he or she not be contacted by the company, Commission staff will request that the company not contact the customer directly. Otherwise Unless the Commission staff requests that the company not contact the customer directly, the company shall make direct contact with the customer verbally or in writing and provide to the customer its response to the complaint within 15 working days after the Commission staff sends the complaint to the company. Responses sent by mail must be postmarked within the 15 working day time period. The company shall also provide to the Commission staff, within 15 working days after the Commission staff sends the complaint to the company, a written response to the customer’s complaint. However, in the case of those complaints where the company has proposed, under the provisions of subsection (5) of this rule (complaints resolved in 3 days), a resolution with which the customer is not satisfied, the company shall respond within twelve (12) working days of the case being resent to the company.

Paragraph (8)(a) is changed as follows:

(a) If the Process Review Team identifies a complaint for an informal conference, Division of Consumer Affairs staff will notify the company and provide to the customer a Dispute Resolution Form PSC/CAF10 (XX/0X), incorporated herein by reference, via certified mail. The customer shall return the completed Dispute Resolution Form PSC/CAF10 to the Division of Consumer Affairs postmarked within 15 working days after the date of its being sent to the customer. If the completed Dispute Resolution Form PSC/CAF10 is not received from the customer with a postmark within the required 15 working days, the customer’s complaint will be closed at that point. If the Dispute Resolution Form is completed and returned by the customer, Commission staff will provide a copy to the company.

Paragraph (8)(c) is changed as follows:

(c) ~~Staff handling the informal conference may permit~~ Any participant may file additional information, documentation, or arguments; however, such additional information, documentation or arguments shall be limited to the issues from the customer’s original complaint which are identified in the customer’s Dispute Resolution request Form PSC/CAF10.

Paragraph (11)(a) is changed as follows:

(a) In the event of a storm named by the National Hurricane Center, a tornado recorded by the National Weather Service, a flood, a telephone cable cut, a severe gas or water main break, a major electrical outage, an extreme weather disturbance or fire causing activation of the county emergency operation center, acts of terrorism, or work stoppage, any of

which substantially affects its operations and resources, a company may file a notice which will automatically extend by three working days the time for filing responses, forms, reports and other submissions required by this rule. Such notice shall be submitted in writing to the Director of the Division of Consumer Affairs and shall state a reason for the three day extension. The utility will send one written request that will apply to all complaints or reports pending or received during the extension period. When the company does provide complaint responses or reports containing information on complaints affected by an extension of time, the extension must be noted on the complaint or report. For complaints, the three day extension shall apply to any complaints pending at the time such notification is given and to new complaints received during the extension period. ~~A company may also seek an additional extension of time upon application to the Director of the Division of Consumer Affairs. The request for additional extension of time must be accompanied by a statement of good cause and shall specify the date by which the information will be filed. "Good cause" means a demonstration that the company has worked diligently to prepare the information and that the additional time period requested to complete and submit the information is both reasonable and necessary given the company's particular circumstances.~~ The last paragraph of Form PSC/CAF10 is changed as follows: NOTICE: This form must be postmarked by _____. ~~Failure to provide this information may result in denial of the informal conference request.~~

DEPARTMENT OF CORRECTIONS

RULE NO.: 33-501.302 RULE TITLE: Copying Services for Inmates
 SECOND NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 29, No. 39, September 26, 2003, and in Vol. 29, No. 44, October 31, 2003, issue of the Florida Administrative Weekly:

33-501.302 Copying Services for Inmates.

- (1) No change.
- (2) Documents will be copied only if they are necessary to initiate a legal or administrative action or if they must be filed or served in a pending action. Except as otherwise provided in this rule, the number of copies made shall be the number required to be filed and served according to the rules of the court or administrative body, or required per order of the court or administrative body, plus one copy for the inmate to keep if the original is filed or served.

(a) through (c) No change.

(d) Inmate requests for access to records of the department shall be handled in accordance with Rule 33-601.901, F.A.C. Documents will not be provided in response to a public records

request from an inmate unless the inmate has a sufficient balance in his account, unencumbered by liens, to cover the cost of the copying.

(3) through (5) No change.

(6) Inmates shall not be provided copying services for legal or administrative proceedings that do not relate to a challenge of convictions or sentences, or to challenges of prison conditions unless they have sufficient funds in their inmate trust account to cover the complete cost of making the copies. Inmates shall not be provided copying services for records requests pursuant to Rule 33-601.901, F.A.C., unless they have sufficient funds in their inmate trust fund account to cover the complete cost of making the copies. Liens will not be placed to recover these costs at a future date.

(7) No change.

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Construction Industry Licensing Board

RULE NO.: 61G4-17.001 RULE TITLE: Normal Penalty Ranges
 SECOND NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 29, No. 38, of the September 19, 2003, issue of the Florida Administrative Weekly. The change is in response to written comments submitted by the staff of the Joint Administrative Procedures Committee (JAPC). The Board, at its meeting held on November 12-14, 2003, voted to make changes to the rule to address the JAPC concerns. In addition to changes published in the Notice of Change published in Vol. 29, No. 50, of the December 12, 2003, issue of the Florida Administrative Weekly, changes are as follows:

Subsection (4) shall read:

~~(4)(21)~~ For any violation occurring after October 1, 1988, the board ~~shall may~~ order the contractor to make restitution in the amount of financial loss suffered by the consumer. Such restitution ~~shall may~~ be ordered in addition to the penalties provided by these guidelines ~~upon without~~ demonstration of aggravating factors set forth in ~~subsection Rule~~ 61G4-17.002(1), F.A.C. and to the ~~extent extend~~ that such order does not contravene federal bankruptcy law.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Timothy Vaccaro, Executive Director, Construction Industry Licensing Board, 1940 North Monroe Street, Tallahassee, Florida 32399-0783

DEPARTMENT OF ENVIRONMENTAL PROTECTION

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

Section IV Emergency Rules

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

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

DEPARTMENT OF THE LOTTERY

RULE TITLE: Replacement of Obsolete Emergency Rule
RULE NO.: 53ER03-63
SUMMARY OF THE RULE: This emergency rule is replacing an emergency rule that has been determined to be obsolete by the Department of the Lottery.

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

THE FULL TEXT OF THE EMERGENCY RULE IS:

53ER03-63 Replacement of Obsolete Emergency Rule.

(1) Emergency Rule 53ER03-47, *Exception to the Procedures for Awarding Prizes*, Florida Administrative Code, is obsolete and, therefore, is no longer in effect.

(2) This emergency rule replaces Emergency Rule 53ER03-47, Florida Administrative Code.

Specific Authority 24.105(2), 24.109(1) FS. Law Implemented 24.109(1), 120.74(1)(c) FS. History—New 12-8-03, Replaces 53ER03-47, Florida Administrative Code.

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

EFFECTIVE DATE: December 8, 2003

DEPARTMENT OF ENVIRONMENTAL PROTECTION

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

DEPARTMENT OF HEALTH**Division of Family Health Services**

RULE TITLE: Distributions of 2003-04 Flu Vaccines
RULE NO.: 64FER03-4
SPECIFIC REASON FOR FINDING AN IMMEDIATE DANGER TO THE PUBLIC HEALTH, SAFETY OR WELFARE: Influenza, commonly called "the flu" is an infection of the respiratory tract caused by the influenza virus. Most people who get the flu recover completely in one to two weeks, but some people develop serious and potentially life-threatening medical complications such as pneumonia. In an average year, influenza is associated with more than 36,000 deaths nationwide according to the U.S. Centers for Disease Control, and more than 100,000 hospitalizations. Much of the illness and death caused by influenza can be prevented by annual influenza vaccinations. Influenza vaccine is specifically recommended for people who are at high risk for developing serious complications as a result of influenza infection. These high-risk groups include all people aged 50 years or older and people of any age with chronic diseases of the heart, lung or kidneys, diabetes, immunosuppression, or severe forms of anemia. Other groups for whom vaccine is specifically recommended are residents of nursing homes and other chronic-care facilities housing patients of any age with chronic medical conditions, women who will be more than 3 months pregnant during the influenza season, and children and teenagers who are receiving long-term aspirin therapy and who may therefore be at risk for developing Reye's Syndrome after an influenza virus infection. Influenza vaccine is also recommended for people who are in close or frequent contact with anyone in the high-risk groups defined above. These people include health care personnel and volunteers who work with high-risk patients and people who live in a household with a high-risk person.

On December 5, 2003, Aventis SA, a manufacturer of flu vaccine announced it expected to run out of its flu vaccine "very soon" and other manufacturers are in similar situations. A shortage in the availability of the vaccine is anticipated since most of the flu vaccine is already in the hands of wholesalers and health care entities.

REASONS FOR CONCLUDING THAT THE PROCEDURE USED IS FAIR UNDER THE CIRCUMSTANCES: Normal distribution channels for prescription drugs, which includes influenza vaccines, is from the manufacturer to a wholesaler to the end-user practitioner (health care entity). As a general rule, both federal and Florida law prohibit the distribution or redistribution of prescription drugs by health care entities such as hospitals and licensed medical practitioners. One exception to the prohibition against the wholesale distribution of prescription drugs by health care entities is for "emergency medical reasons". In prior years when conditions warranted, the federal Food and Drug Administration authorized health care providers, under the "emergency medical reasons"