

DEPARTMENT OF EDUCATION

Commission for Independent Education

RULE TITLE: Definition of Terms **RULE NO.:** 6E-1.003
PURPOSE AND EFFECT: The Commission proposes this amendment to add new terms that define the foreign medical school affiliation agreement, adequate laboratory and clinical library facilities, and parent medical schools.
SUBJECT AREA TO BE ADDRESSED: Definition of Terms.
SPECIFIC AUTHORITY: 1005.22(1)(e) FS.
LAW IMPLEMENTED: 1005.22, 1005.31 FS.
IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE LAW WEEKLY.
THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Samuel L. Ferguson, Executive Director, Commission for Independent Education, 2650 Apalachee Parkway, Suite A, Tallahassee, Florida 32301
THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

6E-1.003 Definition of Terms.

Terms used in these rules are defined in Section 1005.02, Florida Statutes. In addition, as used in the rules of this Commission, unless the context clearly indicates otherwise:

- (1) No change.
- (2) Adequate clinical clerkship library facilities – Comprehensive resource and information facility sufficient in size, current breadth of holdings and information technology to support its medical education.
- (3) Adequate laboratory facilities – Industry standard facilities that allow students to engage in scientific research, testing and diagnostic evaluation.
- (2) through (25) renumbered (4) through (27) No change.
- (28) Foreign Medical School Affiliation Agreement – A signed statement between a teaching hospital and a foreign medical school in which the teaching hospital agrees to make its resources available to a foreign medical school in order for the foreign medical school to offer its educational program at the hospital.
- (26) through (37) renumbered (29) through (40) No change.
- (41) Parent Medical schools – The licensed foreign medical institution that is offering a clinical clerkship program at the Florida teaching hospital.
- (38) through (45) renumbered (42) through (49) No change.

Specific Authority 1005.22(1)(e) FS. Law Implemented 1005.22, 1005.31 FS. History—Repromulgated 12-5-74, Amended 7-28-75, Formerly 6E-4.01(8), Readopted 11-11-75, Amended 3-7-77, 10-13-83, Formerly 6E-1.03, Amended 2-22-89, 11-29-89, 10-19-93, 4-11-00, 1-7-03, 12-23-03.

DEPARTMENT OF EDUCATION

Commission for Independent Education

RULE TITLE: Standards and Procedures for Licensure **RULE NO.:** 6E-2.004
PURPOSE AND EFFECT: The Commission proposes these rule amendments to make the rule parallel to the statute that doesn't require the submission of continuing education, to clarify the parameters of program name, and to clarify the requirements for continuing education for faculty.
SUBJECT AREA TO BE ADDRESSED: Standards and Procedures for Licensure.
SPECIFIC AUTHORITY: 1005.22(1)(e), 1005.31(2),(3), 1005.34, 1005.39 FS.
LAW IMPLEMENTED: 1005.04, 1005.31, 1005.33(1), 1005.34, 1005.39 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 LAW WEEKLY.
THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Samuel L. Ferguson, Executive Director, Commission for Independent Education, 2650 Apalachee Parkway, Suite A, Tallahassee, Florida 32301

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

6E-2.004 Standards and Procedures for Licensure.

Each institution applying for a license or moving to a new level of licensure shall provide to the Commission the following specific information, in English. All information and documentation submitted pursuant to the provisions of these rules shall be accompanied by certification signed by the chief administrative officer of the institution, affirming that the information and documentation submitted is accurate. Any application or review which is not substantially complete shall be returned to the institution with a request to complete and resubmit the material.

- (1) through (2) No change.
- (3) Standard 3: Administrative Organization.
- (a) through (d) No change.
- (e) Pursuant to Section 1005.39, Florida Statutes, individuals holding the following or similar positions in licensed institutions shall complete at least eight continuing education contact hours of training related to their positions each year: ~~from the Commission or another provider which the Commission has determined to include relevant information in its training programs;~~ school director, Florida director, or chief

executive officer; chief education/academic officer or director of education or training; placement director; admissions director; and financial aid director. Each institution shall provide, at the time of initial application or review of licensure, documentation that the required training was received. If an individual holds more than one of these positions, the documentation shall indicate for which position the training was appropriate. Records of actual training shall be available for inspection at the institution. Compliance with this requirement is a condition of licensure or renewal of licensure.

(f) through (h) No change.

(4) Educational programs and curricula. The following standards shall apply to all institutions licensed by the Commission for Independent Education, except as expressly stated otherwise.

(a) Programs shall be related to the institution's purpose and organized to provide a sequence which leads to the attaining of competence in the respective area or field of study. Each program name shall not be misleading and shall accurately depict the primary purpose of the program.

(b) through (r) No change.

(5) through (6) No change.

(7) Standard 7: Faculty.

(a) NonDegree Diploma Programs:

1. through 2. No change.

3. Pursuant to Section 1005.39, Florida Statutes, faculty in licensed institutions shall complete eight continuing hours of training related to their positions each year. Records of actual training shall be available for inspection at the institution. Compliance with this requirement is a condition or renewal of licensure.

4. No change.

(b) Occupational Associates Degrees:

1. through 2. No change.

3. Pursuant to Section 1005.39, Florida Statutes, faculty in licensed institutions shall complete eight continuing hours of training related to their positions each year. Records of actual training shall be available for inspection at the institution. Compliance with this requirement is a condition or renewal of licensure.

4. No change.

(c) Academic Associate Degrees:

1. through 2. No change.

3. Pursuant to Section 1005.39, Florida Statutes, faculty in licensed institutions shall complete eight continuing hours of training related to their positions each year. Records of actual training shall be available for inspection at the institution. Compliance with this requirement is a condition or renewal of licensure.

4. No change.

(d) Bachelor's Degrees:

1. through 2. No change.

3. Pursuant to Section 1005.39, Florida Statutes, faculty in licensed institutions shall complete eight continuing hours of training related to their positions each year. Records of actual training shall be available for inspection at the institution. Compliance with this requirement is a condition or renewal of licensure.

4. No change.

(e) Master's Degrees:

1. through 2. No change.

3. Pursuant to Section 1005.39, Florida Statutes, faculty in licensed institutions shall complete eight continuing hours of training related to their positions each year. Records of actual training shall be available for inspection at the institution. Compliance with this requirement is a condition or renewal of licensure.

4. No change.

(f) Doctoral Degrees:

1. through 2. No change.

3. Pursuant to Section 1005.39, Florida Statutes, faculty in licensed institutions shall complete eight continuing hours of training related to their positions each year. Records of actual training shall be available for inspection at the institution. Compliance with this requirement is a condition or renewal of licensure.

4. No change.

(8) through (12) No change.

Specific Authority 1005.22(1)(e), 1005.31(2),(3), 1005.34, 1005.39 FS. Law Implemented 1005.04, 1005.31, 1005.33(1), 1005.34, 1005.39 FS. History—Repromulgated 12-5-74, Formerly 6E-3.01(1), Readopted 11-11-75, Amended 3-7-77, 5-7-79, 10-13-83, Formerly 6E-2.04, Amended 11-27-88, 11-29-89, 12-10-90, 10-19-93, 4-2-96, 4-11-00, 1-7-03, _____.

DEPARTMENT OF EDUCATION

Commission for Independent Education

RULE TITLE:

RULE NO.:

Actions Against a Licensee; Penalties

6E-2.0061

PURPOSE AND EFFECT: The Commission proposes this rule amendment to set forth aggravating or mitigating circumstances.

SUBJECT AREA TO BE ADDRESSED: Actions Against a Licensee; Penalties.

SPECIFIC AUTHORITY: 1005.32(7), 1005.38 FS.

LAW IMPLEMENTED: 1005.32(7), 1005.34(3), 1005.38 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 LAW WEEKLY.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Samuel L. Ferguson, Executive Director, Commission for Independent Education, 2650 Apalachee Parkway, Suite A, Tallahassee, Florida 32301

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

6E-2.0061 Actions Against a Licensee; Penalties.

(1) through (4) No change.

(5) Based upon consideration of aggravating or mitigating factors, present in an individual case, the Commission may deviate from the recommended penalties. The Commission shall consider as aggravating or mitigating factors the following:

(a) The danger to the public;

(b) The length of time since the violation;

(c) The number of times the licensee has been previously disciplined by the commission;

(d) The length of time institution has been a licensed school;

(e) The actual damage, monetary or otherwise, caused by the violation;

(f) The deterrent effect of the penalty imposed;

(g) The effect of the penalty upon the institutions ability to stay open;

(h) Any effort of rehabilitation by the institution;

(i) The actual knowledge of the licensee pertaining to the violation;

(j) Attempts by institution to correct or stop violation or refusal by institution to correct or stop violation;

(k) Related violations against the licensee in another state including findings of guilt or innocence, penalties imposed and penalties served;

(l) Actual negligence of the licensee pertaining to any violation;

(m) Penalties imposed for related offenses;

(n) Pecuniary gain to the institution;

(o) The number of complaints filed against the institution

(p) Any other relevant mitigating or aggravating factors under the circumstances.

(5) through (9) renumbered (6) through (10) No change.

Specific Authority 1005.32(7), 1005.38 FS. Law Implemented 1005.32(7), 1005.34(3), 1005.38 FS. History—New 10-13-83, Formerly 6E-2.061, Amended 5-20-87, 11-27-88, 11-29-89, 12-10-90, 10-19-93, 1-7-03,

DEPARTMENT OF REVENUE

RULE TITLE:

RULE NO.:

Delegation of Authority to Determine Settlements or Compromises

12-13.004

PURPOSE AND EFFECT: Rule 12-13.004, F.A.C. (Delegation of Authority to Determine Settlements or Compromises) – The purpose of the proposed amendments to this rule is to clarify which positions are authorized to negotiate a compromise or settlement with a taxpayer on behalf of the Department, and modify the dollar amount of compromise authority granted to specific positions in the

General Tax Administration Program. These proposed revisions also grant authorization to negotiate a compromise or settlement with a taxpayer to several positions based on recent organizational changes. In addition, this rule is amended to correct references to several offices within the agency. The effect of these proposed rule amendments is to update information concerning who is authorized to settle or compromise unpaid liabilities on behalf of the Department.

SUBJECT AREA TO BE ADDRESSED: The subject area addressed by these rule revisions is the procedures the Department uses to establish with a taxpayer a settlement or compromise of an unpaid liability.

SPECIFIC AUTHORITY: 213.06(1), 213.21(5) FS.

LAW IMPLEMENTED: 213.05, 213.21 FS.

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

TIME AND DATE: 2:00 p.m., April 27, 2004

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Larry Green, Rules and Policy Administrative Process, Department of Revenue, 501 S. Calhoun Street, Room 104, Carlton Building, Tallahassee, Florida 32399-0100, (850)922-4830, e-mail: greenl@dor.state.fl.us

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

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

12-13.004 Delegation of Authority to Determine Settlements or Compromises ~~Settle or Compromise~~.

(1) No change.

(2) Cases in Litigation.

(a) Authority is delegated to the Deputy Executive Directors, ~~Director~~, the General Counsel, and the Deputy General Counsel of the Department to settle and compromise tax, interest, or penalty in cases where a tax matter is in litigation pursuant to Section ~~§~~ 72.011, F.S.

(b) No change.

(3) Cases in Protest. In cases involving a tax matter in protest in Technical Assistance and Dispute Resolution, ~~within the Office of the General Counsel~~, authority to settle and compromise is delegated as follows:

(a) For compromise of amounts of tax of \$250,000 or less, and compromise of interest and penalty in any amount, to the Deputy Executive ~~Directors, Director,~~ the General Counsel, and the Deputy General Counsel.

(b) No change.

(c) For compromise of amounts of tax or interest of \$125,000 each or less and of penalty in any amount, to the Director of Technical Assistance and Dispute Resolution ~~within the Office of the General Counsel,~~ and the Program Director and Deputy Program Director within the General Tax Administration Program.

(d) For compromise of amounts of tax or interest of \$62,500 each or less and penalty of \$250,000 or less, to the Revenue Program Administrators I and II within Technical Assistance and Dispute Resolution, ~~within the Office of the General Counsel,~~ and the Process Managers of the Taxpayer Services, Compliance Enforcement, and Compliance Support Processes.

(e) No change.

(f) For compromise of amounts of tax or interest of \$12,500 each or less and of penalty of \$75,000 or less, to the Senior Attorneys, Attorneys, Tax Law Specialists, and Senior Tax Specialists of Technical Assistance and Dispute Resolution, and the Revenue Program Administrators, Tax Law Specialists, Senior Tax Specialists and Government Analysts IIs I and II of the Compliance Support Process.

(g) through (k) No change.

(l) For compromise of penalty of \$37,500 or less, to the Process Group Managers or Tax Audit Supervisor positions in ~~of~~ the Compliance Enforcement Process.

(m) For compromise of penalty of \$12,500 or less, to the Tax Specialist Administrators, ~~Tax Audit Support Services Supervisors, and the Senior Tax Specialists (Case Processing and Contract Audits)~~ of the Compliance Support Process.

(n) through (o) No change.

(4) Collection Cases. In cases involving a tax matter related to billings or assessments which have been issued by or referred to the Taxpayer Services Process, authority to settle and compromise is delegated as follows:

(a) For compromise of amounts of tax of \$250,000 or less, and compromise of interest and penalty in any amount, to the Deputy Executive ~~Directors, Director,~~ the General Counsel, and the Deputy General Counsel.

(b) through (f) No change.

(g) For compromise of amounts of tax or interest of \$2,500 each or less and penalty of \$75,000 or less, to the Revenue Program Administrators II, ~~and~~ Revenue Administrators III, and Tax Specialist Administrators of the Taxpayer Services Process.

(h) through (p) No change.

(5) Audit Cases. In cases involving an audit of the taxpayer, or an audit conducted pursuant to a refund request, prior to initiation of litigation pursuant to Section 72.011,

F.S., or expiration of the period for initiating same, or upon initial receipt of a protest involving penalty issues only, authority to settle and compromise is delegated as follows:

(a) For compromise of amounts of tax of \$250,000 or less, and compromise of interest or penalty in any amount, to the Deputy Executive ~~Directors, Director,~~ the General Counsel, and the Deputy General Counsel.

(b) through (g) No change.

~~(h) For compromise of amounts of tax or interest of \$1,250 each or less and penalty of \$37,500 or less, to the Tax Law Specialists, Senior Tax Specialists, and Revenue Program Administrator I in the Contract Audit and Certified Audit Subprocess within the Compliance Enforcement Process.~~

~~(h)(i)~~ For compromise of amounts of penalty of \$75,000 or less, to all Revenue Program Administrators I and II of the Compliance Enforcement Process.

~~(i)(j)~~ For compromise of penalty in amounts of \$37,500 or less, to all Process Group Managers or Tax Audit Supervisor positions in ~~of~~ the Compliance Enforcement Process.

~~(j)(k)~~ For compromise of amounts of tax or interest of \$1,250 each or less, and penalty in amounts of \$37,500 or less, \$12,500 or less, to all Tax Specialist Administrators, ~~Tax Audit Support Services Supervisors,~~ Tax Law Specialists, Senior Tax Specialists, and Government Analysts II (Case Processing and Contract Audits) of the Compliance Support Process and Tax Specialist II within the General Tax Administration Program.

~~(k)(l)~~ For compromise of amounts of penalty of \$3,750 or less, to all Revenue Specialists I, II, and III of the Compliance Enforcement Process.

(6) Refund Cases. In cases involving refund requests that have not been referred for audit, prior to initiation of litigation pursuant to Section 72.011, F.S., or prior to expiration of the period for initiating same, authority to settle and compromise is delegated as follows:

(a) through (c) No change.

(7) In all other circumstances not previously described in this rule, authority to settle and compromise tax in amounts of \$250,000 or less and interest and penalty in any amount is delegated to the Deputy Executive ~~Directors, Director,~~ the General Counsel, and the Deputy General Counsel.

(8) No change.

Specific Authority 213.06(1), 213.21(5) FS. Law Implemented 213.05, 213.21 FS. History--New 5-23-89, Amended 8-10-92, 10-24-96, 10-2-01, _____.

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

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

DEPARTMENT OF CORRECTIONS

RULE TITLE: Inmate Discipline – Terminology and Definitions
 RULE NO.: 33-601.302

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to clarify the use of the Contact Card to document inmate behavior.

SUBJECT AREA TO BE ADDRESSED: Inmate Discipline.

SPECIFIC AUTHORITY: 944.09 FS.

LAW IMPLEMENTED: 20.315, 944.09 FS.

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

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

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

33-601.302 Inmate Discipline – Terminology and Definitions.

The following terms, as defined, shall be standard usage throughout the Department:

- (1) No change.
- (2) Contact Card – refers to Form DC6-256, a written log used to document aberrant behavior of an inmate. Correctional officers maintain this card in the inmate’s assigned dormitory. Form DC6-256 is incorporated by reference in paragraph 33-601.313(1)(c), F.A.C.

(3) through (16) No change.

Specific Authority 944.09 FS. Law Implemented 20.315, 944.09 FS. History– New 3-12-84, Formerly 33-22.02, Amended 12-30-86, 10-01-95, Formerly 33-22.002, Amended 5-21-00, 2-11-01, _____.

DEPARTMENT OF CORRECTIONS

RULE TITLE: Community Release Programs
 RULE NO.: 33-601.602

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to define the circumstances under which an inmate will not be authorized to work at paid employment, and to remove reference to the inmate welfare trust fund which was been abolished by Senate Bill 954 (2003).

SUBJECT AREA TO BE ADDRESSED: Community release programs – paid employment.

SPECIFIC AUTHORITY: 945.091 FS.

LAW IMPLEMENTED: 945.091 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:

33-601.602 Community Release Programs.

(1) Definitions.

(a) through (g) No change.

(h) Work Release Center – refers to a facility where a community based transition program is conducted for approved community custody inmates prior to release from custody.

(2) through (6) No change.

(7) Employment.

(a) The department will not authorize ~~paid employment for an inmate to work at paid employment with a given employer~~ if:

1. through 2. No change.

3. The employer treats the inmate with less regard than other employees; ~~or~~

4. The employer expects more services from the inmate than of employees in comparable positions; or

5. The inmate wants to be employed at an establishment where:

a. The primary clientele focus is children;

b. There is a perception that children without parental supervision visit the establishment frequently; or

c. Children are normally dropped off by parents to be supervised by the employment site staff.

(b) through (l) No change.

(8) through (11) No change.

(12) Advance of Funds. The Department of Corrections is authorized to advance monies up to \$75.00 from the General Revenue ~~Inmate Welfare~~ Fund for an inmate who needs money for clothing, equipment, tools, transportation or incidental expenses in order to begin working at paid employment. The financial plan for the disbursement of the inmate’s earnings prepared, as provided in subsection 33-601.602(10), F.A.C., shall provide for the repayment of any such advancement of monies from the inmate’s earnings. If the inmate’s employment is terminated or if for any other reason the advancement of monies is not repaid from the inmate’s earnings, the advancement of monies remains a personal obligation of the inmate and, after suitable proceedings to ensure due process, other sources of funds available to the inmate shall be taken to

the extent possible to satisfy the advancement of monies. Any property the inmate has with the department shall be taken to satisfy the debt, provided that before any property is taken, the inmate shall be given a hearing before the classification team to determine the fact and the amount of the debt. The inmate shall be given 24 hours written notice of such hearing. The inmate shall be allowed to present relevant evidence and argument. All or part of the discharge gratuity as provided in Rule 33-601.502, F.A.C., shall be taken, but only if the Department of Corrections finds that such action will not jeopardize the inmate's ability to transition himself into the community.

(13) through (16) No change.

Specific Authority 945.091 FS. Law Implemented 945.091 FS. History--New 12-7-97, Amended 4-13-98, 10-20-98, Formerly 33-9.023, Amended 3-14-01, 9-2-01, 10-27-03, 3-2-04, _____.

DEPARTMENT OF MANAGEMENT SERVICES

Agency for Workforce Innovation

RULE TITLES: Required Parent Co-Payment
 Co-payment Collection

RULE NOS.: 60BB-4.400
 60BB-4.401

PURPOSE AND EFFECT: To adopt rules that administer the provisions of Chapter 411.01, Florida Statutes, which relate to implementing and governing the school readiness program.

SUBJECT AREA TO BE ADDRESSED: The subject areas to be addressed are parent co-payments, reimbursement, reporting requirements, and grievance/due process.

SPECIFIC AUTHORITY: 120, 411.01(4)(k) FS.

LAW IMPLEMENTED: 411.01(4)(k), 411.01(2)(b), 411.01(4)(a), 411.01(5)(c), 411.01(2)(f), 411.01(4)(j)3., 411.01(4)(n), 411.01(5)(d) FS.

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

TIME AND DATE: 9:00 a.m. – 3:00 p.m., April 23, 2004

PLACE: Workforce Career Center, Excellence Room, 9215 N. Florida Avenue, Tampa, Florida 33612

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Robin Westcott, Senior Attorney, Florida Partnership for School Readiness, 600 South Calhoun Street, Post Office Box 7416, Tallahassee, Florida 32314-7416, (850)922-4200

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

60BB-4.400 Required Parent Co-payment.

(1) Each family that receives school readiness services shall be assessed a co-payment based on family size and the family's income, according to the sliding fee scale included in the coalition's approved school readiness plan.

(a) For protective services in-home placements and out-of-home placements (relative/non-relative/foster placements) in which the child does not receive a TANF "child-only" benefit, relative caregiver payment, or other income:

1. The co-payment shall be assessed against the income of the parent or legal guardian of the child, and shall be court ordered if necessary; or

2. The co-payment may be reduced to the minimum fee, based on the documented recommendation of the Department of Children and Families, or its designee.

(b) For protective services out-of-home placements (relative/non-relative/foster placement) in which the child receives a TANF "child-only" benefit in which the needs of the relative or legal guardian are not included in the grant and TANF at-risk (Relative Caregiver Program) participants, based upon appropriate documentation from the court system or the Department of Children and Families, or its designee:

1. The co-payment shall be assessed against the child's income and paid by the relative or legal guardian; or

2. The amount of the co-payment may be reduced to the minimum fee based on the documented recommendation of the Department of Children and Families, or its designee.

(c) A co-payment may be waived on a case-by-case basis for foster parents and families participating in an at-risk program based on documented recommendation of the Department of Children and Families, or its designee.

(2) A coalition may adopt a policy that establishes criteria and authorization procedures for fee reduction on case-by-case basis during the duration of special circumstances. The duration of the fee reduction shall coincide with the duration of the special circumstances.

(3) A coalition's sliding fee scale must be set at a level that provides low-income families equal access to the care available to families whose income is high enough not to qualify for financial assistance for school readiness services. To that end, the co-payment for the family of an "economically disadvantaged child", as defined by Section 411.01(6), Florida Statutes, should not exceed 10 percent of the family's income, regardless of the number of children in care. If the coalition's proposed sliding fee scale does exceed 10 percent of family income, the coalition must provide justification of how the sliding fee scale meets the federal requirement that the co-payment be affordable, prior to approval of the proposed sliding fee scale by the Partnership board.

(4) Prior to a child's enrollment, the person determining eligibility shall inform the parent and the school readiness service provider of the co-payment to be paid by the parent and that additional fees which are charged by the provider may apply. Amount of co-payment shall be in effect for the family's 12-month eligibility period, unless:

(a) Redetermination is conducted during the year pursuant to Rule 60BB-4.209, F.A.C.:

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: John Knap, 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

Board of Medicine

RULE TITLE: Physician Assistant Licensure Renewal and Reactivation

RULE NO.: 64B8-30.005

PURPOSE AND EFFECT: The Council proposes the development of a rule amendment to address renewal exemption criteria for spouses of members of the Armed Forces.

SUBJECT AREA TO BE ADDRESSED: Renewal exemption criteria for spouses of members of the Armed Forces.

SPECIFIC AUTHORITY: 456.013, 456.031(1)(a), 456.033(1), 458.309, 458.347 FS.

LAW IMPLEMENTED: 456.013, 456.031(1), 456.033, 458.347 FS.

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

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

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B8-30.005 Physician Assistant Licensure Renewal and Reactivation.

(1) through (7) No change.

(8) Licensees who are spouses of members of the Armed Forces of the United States shall be exempt from all licensure renewal provisions for any period of time which the licensee is absent from the State of Florida due to the spouse’s duties with the Armed Forces. The licensee must document the absence

and the spouse’s military status to the Board in order to obtain the exemption. Upon the licensee’s return to Florida, the licensee must inform the Department of his or her return within 30 days.

Specific Authority 456.013, 456.031(1)(a), 456.033(1), 458.309, 458.347 FS. Law Implemented 456.013, 456.031(1), 456.033, 458.347 FS. History–New 5-13-87, Amended 1-9-92, Formerly 21M-17.0035, Amended 9-21-93, Formerly 61F6-17.0035, Amended 11-30-94, Formerly 59R-30.005, Amended 6-7-98, 3-3-02, 10-12-03,_____.

DEPARTMENT OF HEALTH

Board of Medicine

RULE TITLE: Fees Regarding Physician Assistants

RULE NO.: 64B8-30.019

PURPOSE AND EFFECT: The Council proposes the development of a rule amendment to delete the proration of fees for issuance of a license in the second half of the biennium.

SUBJECT AREA TO BE ADDRESSED: Physician Assistant licensure fees.

SPECIFIC AUTHORITY: 456.036(5),(7), 458.309, 458.347 FS.

LAW IMPLEMENTED: 456.036(5),(7), 458.347 FS.

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

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

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B8-30.019 Fees Regarding Physician Assistants.

The following fees are prescribed by the Council and adopted by the Boards:

(1) No change.

(2) The initial licensure fee for any person who is issued a physician assistant license as provided in Section 458.347 or 459.022, F.S., shall be \$200.00 ~~if the initial licensure occurs during the first year or any fraction thereof of the biennial period, and \$100.00 if initial licensure occurs during the second year or any fraction thereof, of the biennial period.~~

(3) through (9) No change.

Specific Authority 456.036(5),(7), 458.309, 458.347 FS. Law Implemented 456.036(5),(7), 458.347 FS. History–New 8-11-98, Amended 7-30-03, _____.

DEPARTMENT OF HEALTH

Board of Osteopathic Medicine

RULE TITLE: Physician Assistant Licensure Renewal and Reactivation
RULE NO.: 64B15-6.0035

PURPOSE AND EFFECT: The Council proposes the development of a rule amendment to address renewal exemption criteria for spouses of members of the Armed Forces.

SUBJECT AREA TO BE ADDRESSED: Renewal exemption criteria for spouses of members of the Armed Forces.

SPECIFIC AUTHORITY: 456.013, 456.033(1), 459.005, 459.022 FS.

LAW IMPLEMENTED: 456.013, 456.031, 459.022(7)(b),(c) 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: Pamela King, Executive Director, Board of Osteopathic Medicine/MQA, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3256

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B15-6.0035 Physician Assistant Licensure Renewal and Reactivation.

(1) through (7) No change.

(8) Licensees who are spouses of members of the Armed Forces of the United States shall be exempt from all licensure renewal provisions for any period of time which the licensee is absent from the State of Florida due to the spouse's duties with the Armed Forces. The licensee must document the absence and the spouse's military status to the Board in order to obtain the exemption. Upon the licensee's return to Florida, the licensee must inform the Department of his or her return within 30 days.

Specific Authority 456.013, 456.033(1), 459.005, 459.022 FS. Law Implemented 456.013, 456.031, 459.022(7)(b),(c) FS. History--New 10-28-87, Amended 4-21-88, 1-3-93, Formerly 21R-6.0035, Amended 11-4-93, 3-29-94, Formerly 61F9-6.0035, 59W-6.0035, Amended 6-7-98, 10-16-01, 3-10-02, _____.

DEPARTMENT OF HEALTH

Board of Osteopathic Medicine

RULE TITLE: Physician Assistant Fees
RULE NO.: 64B15-6.013

PURPOSE AND EFFECT: The Council proposes the development of a rule amendment to delete the proration of fees for issuance of a license in the second half of the biennium.

SUBJECT AREA TO BE ADDRESSED: Physician Assistant licensure fees.

SPECIFIC AUTHORITY: 456.036(5),(7), 459.005, 459.009, 459.022(7) FS.

LAW IMPLEMENTED: 456.036(5),(7), 459.009, 459.022(7) FS.

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

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

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B15-6.013 Physician Assistant Fees.

The following fees are prescribed by the Council and adopted by the Boards:

(1) No change.

(2) The initial certification fee for any person who is issued a physician assistant certificate as provided in Sections 458.347 or 459.022, Florida Statutes, shall be \$200.00 ~~if the initial licensure occurs during the first year or any fraction thereof of the biennial period, and \$100 if initial licensure occurs during the second year or any fraction thereof, of the biennial period.~~

(3) through (9) No change.

Specific Authority 456.036(5),(7), 459.005, 459.009, 459.022(7) FS. Law Implemented 456.036(5),(7), 459.009, 459.022(7) FS. History--New 11-4-93, Amended 2-20-94, Formerly 61F9-6.013, 59W-6.013, Amended 8-11-98, 2-23-04, _____.

DEPARTMENT OF HEALTH

Division of Environmental Health

RULE CHAPTER TITLE: Certification of Environmental Testing Laboratories
RULE CHAPTER NO.: 64E-1

PURPOSE AND EFFECT: The department proposes to sequentially adopt applicable laboratory standards approved in July 2002 and in June 2003 at the National Environmental Laboratory Accreditation Conference (NELAC). Accordingly, laboratory quality standards will be updated for continued consistency with the International Organization for Standardization and for other refinements and clarifications.

SUBJECT AREA TO BE ADDRESSED: Certification of drinking water and environmental testing laboratories, proficiency testing, and other criteria for laboratories to be certified.

SPECIFIC AUTHORITY: 381.00591, 403.0625(1), 403.863(1), 403.8635(3) FS.
 LAW IMPLEMENTED: 381.00591, 403.0625(1), 403.0625(2), 403.863(1), 403.863(4), 403.8635(1), 403.8635(3) FS.

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

TIME AND DATE: 1:00 p.m., Monday, May 10, 2004
 PLACE: Florida Department of Environmental Protection, Twin Towers, 2600 Blair Stone Road, Room 609, Tallahassee, FL

TIME AND DATE: 1:00 p.m., Tuesday, May 11, 2004
 PLACE: Florida Department of Health, Tampa Branch Laboratory, 3602 Spectrum Blvd., Tampa, FL

TIME AND DATE: 9:00 a.m., Wednesday, May 12, 2004
 PLACE: A. G. Holley Hospital, Auditorium, 1199 West Lantana Road, Lantana, FL

TIME AND DATE: 9:00 a.m., Thursday, May 13, 2004
 PLACE: Florida Department of Health, Bureau of Laboratories, Porter Auditorium, 1217 North Pearl Street, Jacksonville, FL

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Stephen A. Arms, Florida Department of Health, Bureau of Laboratories, P. O. Box 210, Jacksonville, FL 32231, (904)791-1502, Suncom 866-1502

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

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

Economic Self-Sufficiency Program

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

PURPOSE AND EFFECT: Rule 65A-1.716, F.A.C., is amended to revise the monthly poverty income guidelines used in the Medicaid program for applicants and recipients to the level of federal guidelines for 2004. The amendment will also revises life expectancy tables as published by the Social Security Administration, Office of the Chief Actuary.

SUBJECT AREA TO BE ADDRESSED: This proposed amendment updates the federal poverty guidelines used in the Medicaid program to a current status and revises life expectancy data.

SPECIFIC AUTHORITY: 409.919 FS.
 LAW IMPLEMENTED: 409.902, 409.903, 409.904, 409.906, 409.919 FS.

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

TIME AND DATE: 11:00 a.m. – 12:00 Noon, April 26, 2004
 PLACE: Building 3, Room 439, 1317 Winewood Boulevard, Tallahassee, Florida 32399-0700

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Nathan Lewis, Program Administrator, Building 3, Room 448, 1317 Winewood Boulevard, Tallahassee, FL 32399-0700, (850)414-5927

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

DEPARTMENT OF FINANCIAL SERVICES

Division of Risk Management

RULE TITLE: Other Forms Adopted
 RULE NO.: 69H-2.008

PURPOSE AND EFFECT: To incorporate new federal HIPAA rules with respect to medical authorization to release records to the State Risk Management division so that they may adjust claims.

SUBJECT AREA TO BE ADDRESSED: Medical authorization to release records to the State Risk Management division to adjust claims.

SPECIFIC AUTHORITY: 284.39 FS.

LAW IMPLEMENTED: 284.39 FS.

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

TIME AND DATE: 2:00 p.m., April 27, 2004
 PLACE: Room 116, Larson Building, 200 East Gaines Street, Tallahassee, Florida

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: George Rozes, Senior Management Analyst II, Division of Risk Management, Department of Financial Services, 200 East Gaines Street, Tallahassee, Florida 32399-0336, (850)413-4754

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

69H-2.008 Other Forms Adopted.

(1) The following forms are hereby adopted and incorporated by reference. These forms shall be used to aid the Division in the performance of its administrative duties by securing pertinent facts and information on claims filed against the Fund, as the circumstances of particular cases may require.

- (a) DI4-261 Automobile Accident Report rev. 6/00
- (b) DI4-866 Mileage Reimbursement rev. 3/01
- (c) DI4-1403 General Liability Loss Report rev. 6/00
- (d) DI4-1404 Lien Disclosure Statement rev. 3/01
- (e) DI4-1406 Insurer's Disclosure Statement Pursuant to Section 627.4137, F.S. rev. 6/00
- (f) ~~DFS-D014-1407~~ Medical Authorization rev. ~~3/04~~ 6/00
- (g) DI4-1410 Substitute Form W9 new 6/00

(2) Copies of each form adopted and incorporated by reference in this rule are available from the Division of Risk Management, Department of Financial Services, Larson Building, Tallahassee, Florida 32399-0300.

Specific Authority 284.39 FS. Law Implemented 284.39 FS. History--New 1-7-92, Amended 6-28-01, Formerly 4H-2.008, Amended _____.

Section II Proposed Rules

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Licensing

RULE TITLE:

RULE NO.:

Licensed Firearms Instructors; Schools or Training Facilities; License Application

5N-1.134

PURPOSE, EFFECT AND SUMMARY: The purpose is to amend the rule and the form relating to schools or training facilities that offer classes required for security and recovery agents (repossessors) to be licensed. The effect is that schools operating programs for tuition or a fee at other than public educational facilities will no longer have to submit Department of Education approval to the Division of Licensing.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: The cost is limited to the cost of publishing this notice.

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: Laws of Florida, s. 249, 2002-387, codified at s. 1005.06(1)(g) FS.

LAW IMPLEMENTED: 493.6304(3), 493.6406(3) FS.

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

TIME AND DATE: 10:00 a.m., May 7, 2004

PLACE: Conference Room, 2520 North Monroe Street, Tallahassee, Florida 32303

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Kristi Reid Bronson, Assistant General Counsel, Department of Agriculture and Consumer Services, Division of Licensing, 2520 North Monroe Street, Tallahassee, FL 32303, (850)488-3492, Fax (850)488-2789

THE FULL TEXT OF THE PROPOSED RULE IS:

5N-1.134 Licensed Firearms Instructors; Schools or Training Facilities; License Application.

(1) Licensed Firearms Instructors. All licensed Firearms Instructors must utilize the instruction requirements and materials contained in the Division's Firearms Instructors Training Manual.

(2) Schools or Training Facilities. All persons or business entities desiring to operate a security officer school or training facility, or recovery agent school or training facility, shall make application for licensure as required by Sections 493.6304 and 493.6406, Florida Statutes, using Form DACS – 16003 (4/04), available at <http://licgweb.doacs.state.fl.us/forms/index.html>. The Division shall examine such application to determine if it complies with all requirements of the law and these rules. ~~Applicants who operate programs for tuition or a fee at other than public educational facilities must submit a letter from the Department of Education confirming that the Department of Education's requirements have been met.~~ Upon a determination by the Division that the application is complete and all requirements have been met, the Division shall issue a written temporary approval authorizing commencement of operations. A school or training facility shall not operate until temporary written approval is granted. A representative of the Division shall inspect the school or training facility within 4 months of the commencement of operations. Within 60 days of such inspection, a license shall be granted or denied. Licensure shall be valid for a period of 2 years unless suspended or revoked by final order of the Division. A license for a school or training facility is valid only for the training site, facility or branch office named on the license and is not transferable to any other location. If a licensed location is changed, a new complete application and appropriate fee must be submitted. In addition to the application, the following shall be submitted before written temporary approval is granted:

- (a) through (3) No change.

Specific Authority 493.6105(6), 493.6115(8), 493.6304(3), 493.6406(3) FS. Law Implemented 493.6105(6),(7), 493.6115(8), 494.6304(3), 493.6406(3) FS. History--New 10-1-91, Amended 2-18-93, 7-6-93, 7-31-96, Formerly 1C-3.134, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Kristi Reid Bronson, Assistant General Counsel, Department
of Agriculture and Consumer Services, Division of Licensing,
2520 North Monroe Street, Tallahassee, FL 32303,
(850)488-3492, Fax (850)488-2789

NAME OF SUPERVISOR OR PERSON WHO APPROVED
THE PROPOSED RULE: Gene Bryan, Division Director

DATE PROPOSED RULE APPROVED BY AGENCY
HEAD: February 18, 2004

DATE NOTICE OF PROPOSED RULE DEVELOPMENT
PUBLISHED IN FAW: February 27, 2004

DEPARTMENT OF EDUCATION

Commission for Independent Education

RULE TITLE: Medical Clinical Clerkship Programs

RULE NO.: 6E-2.0042

PURPOSE AND EFFECT: The Commission proposes to
rewrite the rule.

SUMMARY: The proposed rule amendment substantially
rewrites the rule to clarify the criteria for medical clinical
clerkship programs.

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

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

SPECIFIC AUTHORITY: 1005.22(1)(e), 1005.35, 1005.37,
1005.38 FS.

LAW IMPLEMENTED: 1005.22, 1005.35, 1005.37, 1005.38
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: Samuel L. Ferguson, Executive
Director, Commission for Independent Education, 2650
Apalachee Parkway, Suite A, Tallahassee, Florida 32301

THE FULL TEXT OF THE PROPOSED RULE IS:

(Substantial rewording of Rule 6E-2.0042 follows. See Florida
Administrative Code for present text.)

6E-2.0042 Medical Clinical Clerkship Programs.

(1) Purpose. The purpose of this rule is to establish criteria
for licensure by the Commission of qualified, accredited
foreign medical schools to provide clinical clerkship training in
Florida teaching hospitals. Clinical clerkships are a required
part of the foreign medical schools' education programs, which
are not wholly located in Florida. This rule also establishes
criteria for students of foreign medical schools who apply for
individual approval for an occasional elective clerkship in

Florida. This rule is intended to protect the health and welfare
of citizens of Florida by limiting participation in such clinical
clerkships to students of qualified, accredited foreign medical
institutions who demonstrate the capacity to profit from such
clinical instruction; to benefit the medical students by
establishing standards which will promote the acquisition of a
medical education equivalent to a US medical school
education; to protect the students from deceptive, fraudulent or
substandard education; and to protect the integrity of medical
degrees held by Florida citizens. Terms used in this rule are
defined in Rule 6E-1.003, F.A.C.

(2) An applicant for initial licensure of a foreign medical
school including its clinical clerkship programs shall submit all
the forms and documents, accurately, fully and satisfactorily
completed as required for each step of licensure in accordance
with Rule 6E-2.004, F.A.C. Additionally, for the applicant
foreign medical school to be found qualified for licensure it
must comply with the following:

(a) Document to the Commission that it has been
determined by the United States Department of Education that
the medical accreditation standards used by its chartering
nation to evaluate and approve the applicant school were
comparable to the standards used to evaluate programs leading
to the Doctor of Medicine (M.D.) or Doctor of Osteopathy
(D.O.) degree in the United States.

(b) Document that the applicant medical school has on
staff a board-certified clinical chairperson for each core
clerkship subject area.

(c) Document that the principal academic officer of the
clinical clerkship program has been designated by the chief
academic officer of the parent medical school and possesses
academic and experiential qualifications appropriate to the
assignment.

(d) Ensure that the application contains sufficiently
detailed information showing that the educational clinical
clerkship program, contains faculty planning, teaching,
budgeting and allocation of other educational resources,
faculty appointments and student assignments are coordinated
and integrated with the overall program of the parent medical
school.

(e) Document that the faculty of the clinical clerkship
program and of the parent medical school have joint
responsibility for developing the curriculum for each clerkship.
Copies shall be filed with the Commission of officially adopted
policies of the parent medical school, outlining procedures for
such faculty involvement and the means of ensuring that such
procedures are implemented. The parent medical school shall
also describe how it will ensure that the curriculum developed
for each clerkship will actually be adhered to at each teaching
hospital.

(f) Provide the Foreign Medical School parent hospital
affiliation agreement that includes the following elements:

1. A statement of the purposes and objectives of the clerkship program;

2. A statement on the desired outcomes or what the foreign medical school expects its students to learn in each clerkship. This may be specified in the foreign medical school's manual or clerkship course syllabi;

3. The clerkships that will be conducted at the teaching hospital and the length of each clerkship;

4. The maximum number of students who will be engaged in clerkship training per year;

5. The titles and academic rank of the individuals appointed by the foreign medical school who will be responsible for supervising and monitoring the educational program;

6. A statement describing the administration and supervision of the clerkship program by the foreign medical school;

7. The responsibility of the teaching hospital in the administration of the clerkship program;

8. The process by which the students will be selected to perform clerkships at the teaching hospital;

9. The support services that will be available for students, including housing, health care, guidance, insurance, and adequate clinical clerkship library facilities.

10. A statement specifying the responsibility for health care, medical insurance and the treatment and follow-up when students are exposed to infectious or environmental hazards or other occupational injuries.

11. The financial arrangement between the foreign medical school and the teaching hospital.

(g) The application for licensure shall document that all students participating in core clerkship programs meet the following standards:

1. Completed at least three (3) years of undergraduate education at a college or university.

2. Completed a basic science program totaling at least four (4) semesters in length. This program shall include, but is not necessarily limited to, rigorous instruction in the major disciplines of the biological sciences (i.e., anatomy, biochemistry, pharmacology, physiology, pathology, and microbiology), the behavioral sciences, and an introduction to clinical diagnosis. Adequate laboratory facilities for this instruction must be provided.

3. Obtained a passing score on Step I of the United States Medical Licensing Examination within 12 weeks of commencing their third year of medical education.

(h) Demonstrate that the hospital provides access to adequate clinical clerkship library facilities and resources available to the students to support the medical clerkship.

(i) Affirm that the medical school will conduct clinical clerkships only in a teaching hospital as defined in this rule.

(j) Institutions shall document policies addressing student exposure to infectious and environmental hazards including: education of the students about methods of prevention; the procedures for care and treatment after exposure, including definition of financial responsibility; and the effects of infectious and environmental disease or disability on student learning activities.

(3) A factor to be considered by the Commission in determining if the foreign medical school is qualified for licensure is whether the foreign medical school has been certified by the Department of Health pursuant to Section 458.314, Florida Statutes.

(4) An application for initial licensure of a foreign medical school shall be reviewed by an expert medical school review committee appointed by the chair of the Commission. The committee members shall include individuals who have expertise and degrees in medical education, institutional governance and evaluation experience in clinical clerkships for medical students. The review committee shall prepare a report that addresses whether or not the applicant for licensure of the foreign medical school has met the standards contained in these rules. The committee report shall be advisory to the Commission, and shall supplement the regular staff review.

(5) The Commission shall require an independent review or audit of any applicant medical school's submission from the school's original records when necessary to verify any or all information provided. Such review or audit shall be at the expense of the applicant school.

(6) Each licensed foreign medical school shall submit an annual report to the Commission, updating any information provided in its last submission. This report shall include a list of the names of students who have studied in Florida, the Florida clinical programs in which they studied, the dates of attendance, and the subject or subjects studied. Any substantive change, as defined in subsection 6E-1.003(43), F.A.C., shall result in the medical school receiving a Provisional License pursuant to the provisions of Section 1005.31(5), Florida Statutes, and subsection 6E-2.002(1), F.A.C.

(7) Licensed foreign medical schools may provide additional clinical clerkships other than the approved programs for their students at Florida teaching hospitals if the school documents the following conditions to the Commission:

(a) The teaching hospital provides residency programs approved by the Accreditation Council for Graduate Medical Education (ACGME) or the American Osteopathic Association (AOA).

(b) The licensed foreign medical school submits to the Commission a written affiliation agreement between the foreign medical school and the teaching hospital that meets the criteria of subsection 6E-2.0042(2)(f), F.A.C.

(c) The teaching hospital will provide the same facilities, learning opportunities, and supervision as would be provided to U.S. medical schools' students taking clinical training programs in the hospital.

(d) The licensed foreign medical school's appointed faculty will be responsible for providing the same quality in the educational program to the licensed foreign medical school's students as is provided to students of an United States medical school.

(8) Application for individual approval of an occasional clerkship elective for a student of an unlicensed foreign medical school can obtain approval for an occasional elective clerkship as defined in subsection 6E-1.003(36), F.A.C., provided the student demonstrates compliance with paragraphs (2)(c), (f), (g), and (h) of this rule. In addition to the requirements set forth in paragraph (2)(g), the student shall submit a transcript directly from his or her medical school indicating completion of all core rotations, and documentation that the student has obtained a passing score on Step 2 of the United States Medical Licensing Examination. The teaching hospital and the medical school shall sign a written affiliation agreement that meets the criteria of subsection 6E-2.0042(2)(f), F.A.C.

(9) If an application for an individual occasional clerkship occurs in between regularly scheduled Commission meetings, the materials submitted are complete and in compliance with Commission standards, interim executive approval shall be granted by the Executive Director and reported to the Commission at its next meeting for further action.

(10) Denial, probation, or revocation of licensure of a medical clinical clerkship program or individual approval of an occasional clerkship elective shall follow the procedural provisions of Rule 6E-2.0061, F.A.C.

(11) Penalties. See Section 1005.38, Florida Statutes, and Rule 6E-2.0061, F.A.C., for penalties and due process procedures. In the event any violation of this rule poses an immediate threat to the health or safety of Florida patients, emergency action shall be taken by the Commission to suspend the privileges permitted under the medical school's license until due process has been followed.

Specific Authority 1005.22(1)(e)1., 1005.31(2),(3),(11) FS. Law Implemented 1005.31(11) FS. History--New 12-6-84, Formerly 6E-2.042, Amended 11-27-88, 11-29-89, 10-19-93, 12-11-96, 1-7-03, 10-20-03,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Commission for Independent Education

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Commission for Independent Education

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: March 19, 2004

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: March 12, 2004

DEPARTMENT OF TRANSPORTATION

RULE CHAPTER TITLE: Qualification, Selection and Performance Evaluation Requirements for Professional Consultants to Perform Work for DOT
RULE CHAPTER NO.: 14-75

RULE TITLE: Consultant Qualification Process
RULE NO.: 14-75.0022

PURPOSE AND EFFECT: The Request for Qualification Package for Professional Consultants, DOT Form 375-030-01, is being revised to include two new fields. Because this form was previously incorporated by reference, the revised form also must be incorporated by reference in the same manner as the previous version. The website address also is updated.

SUMMARY: This amendment incorporates by reference a revised version of the Request for Qualification Package for Professional Consultants, DOT Form 375-030-01. The website address also is updated.

SPECIFIC AUTHORITY: 287.055, 334.044(2), 337.105 FS.
LAW IMPLEMENTED: 287.055, 337.107, 337.1075, 337.167 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:

14-75.0022 Consultant Qualification Process.

(1) through (2) No change.

(3) Application for Qualification.

(a) A Professional Consultant who desires to qualify with the Department shall submit a Request for Qualification Package for Professional Consultants, Form No. 375-030-01, Rev. ~~03/04~~ ~~04/03~~, incorporated herein by reference, which may be obtained from the Procurement Office, MS 20, Haydon Burns Building, 605 Suwannee Street, Tallahassee, Florida 32399-0450, or from the Department's web page at <http://www.dot.state.fl.us/procurement/> ~~www11.myflorida.com/procurement/~~.

(b) through (7) No change.

Specific Authority 287.055, 334.044(2), 337.105 FS. Law Implemented 287.055, 337.107, 337.1075, 337.167 FS. History--New 3-29-89, Amended 1-2-91, 9-29-92, 2-22-94, 8-5-96, 1-17-99, 8-2-01, 4-29-03, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Terry Cappellini, Manager, Procurement Office
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: José Abreu, P.E., Secretary
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: March 30, 2004
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: March 26, 2004

DEPARTMENT OF TRANSPORTATION

RULE CHAPTER TITLE: 511 Traveler Information
PHONE SERVICES
RULE CHAPTER NO.: 14-111

RULE TITLE: 511 Traveler Information Phone Services
RULE NO.: 14-111.001

PURPOSE AND EFFECT: The new rule is being promulgated in accordance with Section 334.60, Florida Statutes, to provide for the uniform administration by the Department in the coordination of 511 traveler information phone services in the state.

SUMMARY: This is a new rule covering the implementation of 511 traveler services with the Department of Transportation serving as the state's lead agency and point of contact.

SPECIFIC AUTHORITY: 334.60 FS.

LAW IMPLEMENTED: 334.03, 334.044, 334.60 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:

14-111.001 511 Traveler Information Phone Services.

(1) Definitions.

(a) "Department" means the Florida Department of Transportation.

(b) "Governmental Entity" means as defined in Section 11.45, Florida Statutes.

(2) The 511 dialing code is reserved for the provision of traveler information. The 511 dialing code may not be used for any other purpose.

(3) Any person or entity, whether private or governmental, prior to providing 511 services anywhere within the state, shall notify the ITS Office of the Department, 605 Suwannee Street, MS 90, Tallahassee, Florida 32399-0450, in writing, and negotiate with the Department for the authorization to implement 511 services. No person or entity may implement 511 services in the state, directly or through a governmental entity, without the Department's written authorization.

(4) The provision of 511 services shall be in accordance with the *Implementation and Operational Guidelines for 511 Services, Version 2.0, September 2003*, published by the 511 Deployment Coalition; the Federal Communications Commission's Third Report and Order, CC Docket No. 92-105, NSD-L-99-24, adopted July 21, 2000; and the Department's *Conceptual Design for Statewide 511 Advanced Traveler Information System*, issued January 18, 2004; incorporated herein by reference. All agreements entered with 511 service providers shall comply with the requirements of this rule chapter. The plan is available at: <http://www.dot.state.fl.us/IntelligentTransportationSystems/>.

(5) Any governmental entity authorized to disseminate traveler information through the use of the 511 dialing code may not license or transfer the authority to any person or entity without the written consent of the Department. The governmental entity shall be responsible for all costs to implement the 511 services, including tariff or other charges assessed by its provider of 511 services.

(6) At no time shall the authorized use of the 511 number or dialing code imply any ownership of the number or dialing code by a provider of 511 services, whether by a private or governmental entity.

Specific Authority 334.60 FS. Law Implemented 334.03, 334.044, 334.60 FS. History--New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Gene Glotzbach, Intelligent Transportation Systems Office
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: José Abreu, P.E., Secretary
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: March 25, 2004
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: February 13, 2004

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

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

WATER MANAGEMENT DISTRICTS

Southwest Florida Water Management District

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

RULE TITLE: Publications and Agreements Incorporated by Reference
 RULE NO.: 40D-4.091

PURPOSE AND EFFECT: The purpose and effect of the proposed amendments is to address concerns expressed by the staff of the Joint Administrative Procedures Committee (JAPC) regarding Section 5.1 and 5.6 of the District's Environmental Resource Permitting Basis of Review.

SUMMARY: The amendment will adopt the proposed revisions to Chapter 5 of the Environmental Resource Permitting Basis of Review. The District is amending sections of the Basis of Review in response to comments by JAPC. The revision of Section 5.1 is intended to clarify requirements and delete vague or arbitrary language. The revisions clarify rule requirements allowing a permit applicant to use alternative methods to provide reasonable assurance of compliance with State water quality standards. Alternative methods must provide equivalent treatment to systems designed using the criteria specified in Chapter 5 of the District's Environmental Resource Permitting Basis of Review. Section 5.6 will be repealed in its entirety.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: A Statement of Estimated Regulatory Cost is not being prepared based on the District's determination that the proposed revisions to Rule 40D-4.091, F.A.C., will not result in a substantial increase in the costs to affected parties and there will not be significant adverse effects on competition, employment, investment or productivity.

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: 373.044, 373.046, 373.113, 373.171, 373.414, F.S. 373.0361, 373.114 FS.

LAW IMPLEMENTED: 373.171, 373.403, 373.413, 373.414, 373.416, 373.429, 373.441 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: Karen E. West, Deputy General Counsel, Office of General Counsel, 2379 Broad Street, Brooksville, FL 34604-6899, (352)796-7211, Extension 4651

THE FULL TEXT OF THE PROPOSED RULE IS:

40D-4.091 Publications and Agreements Incorporated by Reference.

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

(1) "Basis of Review for Environmental Resource Permit Applications with the Southwest Florida Water Management District, ~~March 11, 2004~~. This document is available from the District upon request.

(2) through (4) No change.

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

ENVIRONMENTAL RESOURCE PERMITTING
 INFORMATION MANUAL
 BASIS OF REVIEW

5.1 Projects shall be designed so that discharges will meet applicable state water quality standards.

~~The following design and performance standards are established for the purpose of determining compliance with storm water discharge requirements.~~

Projects designed using ~~to~~ the criteria found in this section shall be presumed to provide reasonable assurance of compliance with the state water quality standards referenced above. The applicant may also provide reasonable assurance of compliance with state water quality standards by the use of alternative propose other methods that utilize a combination of treatment practices that will provide equivalent treatment equivalent to systems designed using the criteria specified as compared to the systems listed in this section. If the applicant chooses to use alternative methods propose a design that does not address the specific criteria listed herein, the applicant must provide the District will determine whether the applicant has provided with reasonable assurance based on plans, test results and other information specific to the proposed design and submitted by the applicant proposed that the construction, alteration or operation of the system will not discharge, emit, or cause pollution in contravention of the standards referenced above.

5.6 Septic Tank ~~Septic tank systems shall be in accordance with Rules of the Department of Health and Rehabilitative Services, Chapter 10D-6, F.A.C.~~

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Florida Land Sales, Condominiums and Mobile Homes

| | |
|---|-------------|
| RULE TITLES: | RULE NOS.: |
| Guarantees of Common Expenses Under Section 718.116(9)(a)2., Florida Statutes | 61B-22.004 |
| Financial Reporting Requirements | 61B-22.006 |
| Transition Financial Statements; | |
| Turnover Audit | 61B-22.0062 |

PURPOSE AND EFFECT: The rule amendment changes the calculation of a developer’s guarantee obligation in order to provide that expenses incurred during the production of non-assessment revenues may be offset by the revenues produced by the activity.

SUMMARY: The rule provides a change in the calculation of the developer funding obligation during a developer guarantee period, and the final accounting at the expiration of such period.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: No statement of estimated regulatory costs 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: 718.111(13), 718.501(1)(f) FS.

LAW IMPLEMENTED: 718.116(9) 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: 2:00 p.m., May 3, 2004

PLACE: Warren Building, Meeting Room #B03, 201 W. Bloxham Street, Tallahassee, Florida

THOSE PERSONS WHO CANNOT ATTEND IN PERSON MAY SUBMIT THEIR COMMENTS IN WRITING TO: Sharon A. Elzie, Senior Management Analyst II, Division of Florida Land Sales, Condominiums and Mobile Homes, 1940 North Monroe Street, Tallahassee, Florida 32399-1030, within 21 days of this notice. written comments received after the hearing may not be considered.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this hearing is asked to advise the agency at least 48 hours before the hearing 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 RULES IS: Sharon A. Elzie, Senior Management Analyst II, Division of Florida Land Sales, Condominiums and Mobile Homes, 1940 North Monroe Street, Tallahassee, Florida 32311-1030, (850)488-1631

THE FULL TEXT OF THE PROPOSED RULES IS:

61B-22.004 Guarantees of Common Expenses Under Section 718.116(9)(a)2., Florida Statutes.

(1) through (3) No change.

(4) Cash funding requirements during the guarantee. The cash payments required from the guarantor during the guarantee period shall be determined as follows:

(a) If at any time during the guarantee period the funds collected from unit owner assessments at the guaranteed level and other revenues collected by the association are not sufficient to provide payment, on a timely basis, of all common expenses, including the full funding of the reserves unless properly waived, the guarantor shall advance sufficient cash to the association at the time such payments are due; and,

(b) Expenses incurred in the production of non-assessment revenues, not in excess of the non-assessment revenues, shall not be included in the common expenses referenced in paragraph (5) of this rule. If the expenses attributable to non-assessment revenues exceed non-assessment revenues only the excess expenses must be funded by the guarantor. For example, if the association operates a rental program in which rental expenses exceed rental revenues the guarantor shall fund the rental expenses in excess of the rental revenues. Interest earned on the investment of association funds may be used to pay the income tax expense incurred as a result of the investment, such expense shall not be charged to the guarantor, and the net investment income shall be retained by the association. Each such non-assessment revenue generating activity shall be considered separately. Capital contributions collected from unit owners are not revenues, and shall not be used to pay common expenses. No revenues or capital contributions other than regular periodic assessments, and cash payments by the guarantor as provided in paragraph (4)(a) of this rule, may be utilized for the payment of common expenses during the guarantee period. This restriction includes items such as interest revenues, vending revenues, laundry revenues, other non-assessment revenue, and capital contributions.

(5) Calculation of guarantor’s final obligation. The guarantor’s total financial obligation to the association at the end of the guarantee period shall be determined on the accrual basis using the following formula:

(a) The guarantor shall fund the total common expenses incurred during the guarantee period, including the full funding of the reserves unless properly waived; less,

(b) The total regular periodic assessments earned by the association from the unit owners other than the guarantor during the guarantee period regardless of whether the actual level charged was less than the maximum guaranteed amount.

(c) If a guarantee pursuant to Section 718.116(9), Florida Statutes, existed within a multicondominium association created prior to July 1, 2000, the guarantor's financial obligation to the association shall be calculated as provided in paragraphs (a) and (b) for each condominium in which the guarantee existed. If a guarantee pursuant to Section 718.116(9), Florida Statutes, existed within a multicondominium association created after June 30, 2000, or within a multicondominium association created prior to July 1, 2000, that has created separate ownership interests of the common surplus of the association for each unit as provided in Sections 718.104(4)(h) and 718.110(12), Florida Statutes, the guarantor's financial obligation to the association shall include the amount calculated pursuant to Section 718.116(9)(c), Florida Statutes.

(d) Expenses incurred in the production of non-assessment revenues, not in excess of the non-assessment revenues, shall not be included in the common expenses referenced in paragraph (5) of this rule. If the expenses attributable to non-assessment revenues exceed non-assessment revenues only the excess expenses shall be funded by the guarantor. For example, if the association operates a rental program in which rental expenses exceed rental revenues the guarantor shall fund the rental expenses in excess of the rental revenues. Interest earned on the investment of association funds may be used to pay the income tax expense incurred as a result of the investment, such expense shall not be charged to the guarantor, and the net investment income shall be retained by the association. Each such non-assessment revenue generating activity shall be considered separately.

Specific Authority 718.501(1)(f) FS. Law Implemented 718.112(2)(b)2., 718.116(9), 718.501 FS. History--New 7-11-93, Formerly 7D-22.004, Amended 12-18-01,_____.

61B-22.006 Financial Reporting Requirements.

(1) through (3)(d) No change.

(e) If a guarantee pursuant to Section 718.116(9), Florida Statutes, existed at any time during the fiscal year, the financial statements shall disclose the following:

1. The period of time covered by the guarantee;
2. The amount of common expenses incurred during the guarantee period;
3. The amount of assessments charged to the non-developer unit owners during the guarantee period;
4. The amount of non-assessment revenues earned by the association, with each non-assessment revenue generating activity disclosed separately, during the guarantee period;

5. The amount of expenses incurred in the production of non-assessment revenues, with each non-assessment revenue generating activity disclosed separately, during the guarantee period;

4. through 5. renumbered 6. through 7. No change.

(4) through (7) No change.

Specific Authority 718.111(13), 718.501(1)(f) FS. Law Implemented 718.111(12)(a)11., (13), 718.301(4) FS. History--New 7-11-93, Formerly 7D-22.006, Amended 12-20-95, 2-13-97, 12-18-01,_____.

61B-22.0062 Transition Financial Statements; Turnover Audit.

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

(d) If a guarantee pursuant to Section 718.116(9), Florida Statutes, existed at any time during the period covered by the audit the financial statements shall disclose the following:

1. The period of time covered by the guarantee;
2. The amount of common expenses incurred during the guarantee period;
3. The amount of assessments charged to the non-developer unit owners during the guarantee period;
4. The amount of non-assessment revenues earned by the association, with each non-assessment revenue generating activity disclosed separately, during the guarantee period;
5. The amount of expenses incurred by the association in the production of non-assessment revenues, with each non-assessment revenue generating activity disclosed separately, during the guarantee period;

4. through 5. renumbered 6. through 7. No change.

Specific Authority 718.111(13), 718.501(1)(f) FS. Law Implemented 718.111(13);(44), 718.301(4)(c) FS. History--New 7-11-93, Formerly 7D-22.0062, Amended 12-20-95,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Ross Fleetwood, Director, Division of Florida Land Sales, Condominiums and Mobile Homes, 1940 North Monroe Street, Tallahassee, Florida 32399-1030

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: March 24, 2004

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: February 6, 2004

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Electrical Contractors' Licensing Board

RULE TITLE: Financial Responsibility; Definitions; RULE NO.:

Grounds for Denial 61G6-5.005

PURPOSE AND EFFECT: The Board proposes to revise the existing rule to delete a ground for denial of an application for a qualifying agent pursuant to Rule 61G6-5.004, F.A.C.

SUMMARY: A rule will be amended to delete a ground for denial of an application for a qualifying agent pursuant to Rule 61G6-5.004, F.A.C.

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

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

SPECIFIC AUTHORITY: 489.511(3) FS.

LAW IMPLEMENTED: 489.501, 489.511(3) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: John Knap, Executive Director, Electrical Contractors' Licensing Board, 1940 North Monroe Street, Tallahassee, Florida 32399-0750

THE FULL TEXT OF THE PROPOSED RULE IS:

61G6-5.005 Financial Responsibility; Definitions; Grounds for Denial.

(1) No change.

(2) The following factors will be reviewed when examining the financial responsibility of the applicant:

~~(a) Failure to submit any of the items required by Rule 61G6-5.004.~~

~~(a)(b)~~ Evidence that the applicant or any of its corporate officers, or any of its shareholders holding 10% or more of the corporate stock has filed or been a party to voluntary or involuntary bankruptcy within the past five years preceding its application, arising out of the electrical contracting construction operations of said applicant, corporate officer or 10% shareholder.

~~(b)(e)~~ The existence, within the past five years preceding the application, of a court judgment rendered against the applicant or any of its corporate officers, or any of its shareholders holding 10% or more of its corporate stock, based upon the failure of the applicant or any of its corporate officers or 10% shareholders to pay their obligations to materialmen, laborers, suppliers, or any other parties with whom the applicant or corporate officer or 10% shareholder conducted business as a contractor.

~~(c)(d)~~ The existence of any liens of record by the United States Internal Revenue Service or the State of Florida Corporation Tax Division against the applicant or any of its corporate officers or any of its 10% shareholders.

~~(d)(e)~~ An unfavorable credit history as indicated by any of the documents submitted pursuant to Rule 61G6-5.004, F.A.C.

(3) No change.

Specific Authority 489.511(3) FS. Law Implemented 489.501, 489.511(3) FS. History—New 1-2-80, Amended 4-17-80, 4-30-81, 1-24-85, Formerly 21GG-5.05, Amended 2-23-86, 8-16-88, Formerly 21GG-5.005, Amended 2-13-97.

NAME OF PERSON ORIGINATING PROPOSED RULE: Electrical Contractors' Licensing Board

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Electrical Contractors' Licensing Board

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: March 18, 2004

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: February 20, 2004

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 Acupuncture

RULE TITLE: English Proficiency Requirement
RULE NO.: 64B1-4.0012
for Licensure

PURPOSE AND EFFECT: The Board proposes to revise the method for determining a passing score for the examination required of licensure applicants who take the national examination in any language other than English. The revised method will be based on a scaled numerical score, rather than a percentage of the total range of scores for a particular examination.

SUMMARY: The proposed change will revise the passing score for the TSE and TOEFL examinations to a scaled numerical score, rather than a percentage of the total range of scores given.

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: 457.104, 457.105(2)(a) FS.

LAW IMPLEMENTED: 457.105(2)(a) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Pamela King, Executive Director, Board of Acupuncture, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399

THE FULL TEXT OF THE PROPOSED RULE IS:

64B1-4.0012 English Proficiency Requirement for Licensure.

(1) Applicants who have passed the national written examination in any language other than English shall demonstrate their ability to communicate in English by earning a passing score on either the Test of English as a Foreign Language examination (hereinafter TOEFL) or the Test of Spoken English examination (hereinafter TSE), as administered by the Educational Testing Services, with a total score greater than or equal to 70% of the total range of scores available for the particular test taken. As used throughout this section, a passing score for the TOEFL is defined as a scaled score of 500 or greater for paper or 173 or greater for computer; a passing score for the TSE is defined as a scaled score of 50 or greater. It shall be the individual responsibility of such applicants to apply for and schedule either the TOEFL Test of English as a Foreign Language examination or the TSE Test of Spoken English examination, and to obtain their official score report from the testing services prior to applying for licensure. These applicants shall submit a copy of their official score report with their application.

(2) Applicants applying for licensure by examination who indicate on their application that they wish to take the national written examination for licensure in Florida in any language other than English shall also at the time of their application submit a copy of their official score report indicating that they have passed either the TOEFL Test of English as a Foreign Language examination or the TSE Test of Spoken English examination ~~with a total score greater than or equal to 70% of the total range of scores available for the particular test taken.~~

Specific Authority 457.104, 457.105(2)(a) FS. Law Implemented 457.105(2)(a) FS. History--New 8-28-01, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Acupuncture
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Acupuncture
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: March 12, 2004
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 17, 2003

DEPARTMENT OF HEALTH

Board of Acupuncture

RULE TITLES: RULE NOS.:
Definitions 64B1-6.002
Requirements for the Provider 64B1-6.006
Preapproved Providers 64B1-6.007
Process for Program Approval 64B1-6.008

PURPOSE AND EFFECT: The Board proposes to amend the continuing education rules to conform to existing statutory authority and the findings made in a DOAH rule challenge

proceeding, wherein portions of the rules were invalidated. The changes will require all continuing education providers to submit their programs to the Board for approval and pay a \$100.00 registration fee each biennium. The changes clarify that the Board will not be exercising discretion in approving providers, will not be charging a program processing or approval fee and will not require pre-approval of programs.

SUMMARY: The proposed changes will require all continuing education programs to be approved by the Board. They clarify that the Board will not exercise discretion in approving providers but will charge each provider a \$100.00 registration fee per biennium and require registration. The changes eliminate the requirement for a program processing fee and Board pre-approval of programs.

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

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

SPECIFIC AUTHORITY: 456.013, 456.025, 456.033, 457.104, 457.107(3) FS.

LAW IMPLEMENTED: 456.013, 456.025, 456.033, 457.107(3) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Pamela King, Executive Director, Board of Acupuncture, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399

THE FULL TEXT OF THE PROPOSED RULES IS:

64B1-6.002 Definitions.

(1) through (7) No change.

(8) "Participant" means an acupuncturist who attends a program presented by an ~~approved~~ provider in order to achieve the stated objectives of the program.

(9) through (10) No change.

Specific Authority 456.013, 456.025, 456.033, 457.104, 457.107(3) FS. Law Implemented 456.013, 456.025, 456.033, 457.107(3) FS. History--New 2-24-88, Formerly 21AA-6.002, 61F1-6.002, Amended 1-16-97, Formerly 59M-6.002, Amended _____.

64B1-6.006 Requirements for the Provider.

Each provider shall:

(1) File all information necessary for provider registration on Form DOH/AP007, Continuing Education Provider Registration, which is hereby incorporated by reference and will be effective _____, copies of which may be obtained from the Board office, and pay the appropriate provider registration fee. The provider registration fee is non-refundable

~~and shall be paid within each biennium upon the earliest of the following events that occurs during the biennium: a.) when the provider submits a new program or programs for Board approval or; b.) when the provider provides a continuing education program to Chapter 457, F.S. licensees for licensure renewal credit. File all information necessary for provider and program approval on Forms DOH/AP007, Continuing Education Course Approval Applications, DOH/AP006, Continuing Education Provider Approval, which are hereby incorporated by reference and will be effective 2-18-98, copies of which may be obtained from the Board office.~~

(2) through (10) No change.

~~(11) A clearly defined refund policy shall be in the flyer.~~

~~(11)(12) No change.~~

~~(12)(13) Providers shall maintain records of individual offerings for inspection by the Department Board; records shall include subject matter, objectives, faculty qualifications, evaluation mechanisms, credit hours and rosters of participants.~~

Specific Authority 456.013, 457.104, 457.107(3) FS. Law Implemented 456.013, 457.107(3) FS. History--New 2-24-88, Amended 7-25-88, Formerly 21AA-6.006, 61F1-6.006, Amended 3-18-97, Formerly 59M-6.006, Amended 2-18-98,_____.

64B1-6.007 Preapproved Providers.

Specific Authority 456.013(7),(8),(9), 457.104, 457.107(3) FS. Law Implemented 456.013(7),(8),(9), 457.107(3) FS. History--New 2-24-88, Formerly 21AA-6.007, Amended 7-4-94, Formerly 61F1-6.007, Amended 4-10-97, Formerly 59M-6.007, Repealed_____.

64B1-6.008 Process for Program Approval.

~~(1) Each program for which continuing education credit is awarded within a biennium to an acupuncture licensee must be approved by the Board. Application for approval Form DOH/AP006, Continuing Education Program Approval, which is hereby incorporated by reference and will be effective _____, copies of which may be obtained from the Board office shall be submitted to the Board Office for program approval. Each program to be offered by an approved provider must be approved by the Board. Applications for approval Form DOH/AP007, Continuing Education Provider Approval, which are hereby incorporated by reference and will be effective 2-18-98, copies of which may be obtained from the Board office shall be submitted to the Board Office at least 60 days prior to the date of presentation.~~

(2) Each program application shall contain:

(a) through (d) No change.

~~(e) A nonrefundable fee of \$50.00.~~

(3) through (4) No change.

Specific Authority 456.013(7),(8),(9), 456.025, 457.104, 457.107(3) FS. Law Implemented 456.013(7),(8),(9), 456.025, 457.107(3) FS. History--New 2-24-88, Formerly 21AA-6.008, 61F1-6.008, Amended 1-16-97, Formerly 59M-6.008, Amended 2-18-98,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Board of Acupuncture
NAME OF SUPERVISOR OR PERSON WHO APPROVED
THE PROPOSED RULE: Board of Acupuncture
DATE PROPOSED RULE APPROVED BY AGENCY
HEAD: March 12, 2004
DATE NOTICE OF PROPOSED RULE DEVELOPMENT
PUBLISHED IN FAW: August 1, 2003

DEPARTMENT OF HEALTH

Board of Acupuncture

RULE TITLE: Mediation
RULE NO.: 64B1-9.006

PURPOSE AND EFFECT: The Board proposes to enact a mediation rule section in response to changes made to Section 456.078, F.S. (2003). The rule establishes an offense, which is appropriate for mediation.

SUMMARY: The rule designates the offense of "failure of the licensee to timely respond to a continuing education audit" as an offense susceptible to mediation pursuant to Section 456.078, Florida Statutes.

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

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

SPECIFIC AUTHORITY: 456.078 FS.

LAW IMPLEMENTED: 456.078 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Pamela King, Executive Director, Board of Acupuncture, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399

THE FULL TEXT OF THE PROPOSED RULE IS:

64B1-9.006 Mediation.

(1) "Mediation" means a process whereby a mediator is appointed by the Department to encourage and facilitate resolution of a legally sufficient complaint. It is an informal and non-adversarial process with the objective of assisting the parties or the complainant and the subject of a complaint to reach a mutually acceptable agreement.

(2)(a) The Board finds that mediation is an acceptable method of dispute resolution for the following alleged violations:

(b) Failure of the licensee to timely respond to a continuing education audit.

Specific Authority 456.078 FS. Law Implemented 456.078 FS. History—New

NAME OF PERSON ORIGINATING PROPOSED RULE:
Board of Acupuncture
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Acupuncture
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: March 12, 2004
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 1, 2003

DEPARTMENT OF HEALTH

Board of Medicine

RULE TITLE: Disciplinary Guidelines
PURPOSE AND EFFECT: The proposed rule amendment is intended to address the statutory requirement found in Section 456.0575, F.S., with regard to notification of adverse incidents by responsible practitioners.

RULE NO.: 64B8-8.001

SUMMARY: The proposed rule amendment sets forth the recommended range of penalties for responsible practitioners who fail to notify patients of adverse incidents pursuant to Section 456.0575, Florida Statutes.

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

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

SPECIFIC AUTHORITY: 456.0375(4)(c), 456.0575, 456.079, 458.309, 458.331(5) FS.

LAW IMPLEMENTED: 456.0375(4)(c), 456.0575, 456.072, 456.079, 458.331(5) FS.

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

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

THE FULL TEXT OF THE PROPOSED RULE IS:

64B8-8.001 Disciplinary Guidelines.

(1) No change.

(2) Violations and Range of Penalties. In imposing discipline upon applicants and licensees, in proceedings pursuant to Sections 120.57(1) and (2), F.S., the Board shall act in accordance with the following disciplinary guidelines and

shall impose a penalty within the range corresponding to the violations set forth below. The verbal identification of offenses are descriptive only; the full language of each statutory provision cited must be consulted in order to determine the conduct included.

| VIOLATION | RECOMMENDED RANGE OF PENALTY | |
|---|---|---|
| | FIRST OFFENSE | SECOND OFFENSE |
| (a) through (rr) No change. | | |
| <u>(ss) For the practitioner(s) responsible for the adverse incident, failing to inform a patient, or an individual identified pursuant to Section 765.401(1), F.S., in person about adverse incidents that result in serious harm to the patient. (456.0575, F.S.)</u> | <u>(ss) From a reprimand to probation or denial and an administrative fine of \$1,000 to \$5,000.</u> | <u>(ss) From probation to suspension or denial and an administrative fine of \$5,000 to \$10,000.</u> |
| (3) through (7) No change. | | |

Specific Authority 456.0375(4)(c), 456.0575, 456.079, 458.309, 458.331(5) FS. Law Implemented 456.0375(4)(c), 456.0575, 456.072, 456.079, 458.331(5) FS. History—New 12-5-79, Formerly 21M-20.01, Amended 1-11-87, 6-20-90, Formerly 21M-20.001, Amended 11-4-93, Formerly 61F6-20.001, Amended 6-24-96, 12-22-96, Formerly 59R-8.001, Amended 5-14-98, 12-28-99, 1-31-01, 7-10-01, 6-4-02, 9-10-02, 12-11-02, 8-20-03,

NAME OF PERSON ORIGINATING PROPOSED RULE: Rules Committee, Board of Medicine
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Medicine
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 7, 2004
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: March 5, 2004

DEPARTMENT OF HEALTH

Board of Medicine

RULE TITLE: Notice of Noncompliance
PURPOSE AND EFFECT: The proposed rule amendment is intended to address the statutory requirement found in Section 456.0575, F.S., with regard to notification of adverse incidents by non-responsible practitioners.

RULE NO.: 64B8-8.011

SUMMARY: The proposed rule amendment sets forth issuance of a notice of non-compliance for non-responsible practitioners who fail to notify patients of adverse incidents pursuant to Section 456.0575, Florida Statutes.

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

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

SPECIFIC AUTHORITY: 456.073(3), 458.309 FS.
 LAW IMPLEMENTED: 456.073(3), 456.0575 FS.
 IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE FAW.
 THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Larry McPherson, Jr., Executive Director, Board of Medicine/MQA, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3253

THE FULL TEXT OF THE PROPOSED RULE IS:

64B8-8.011 Notice of Noncompliance.

(1) Pursuant to Section 456.073(3), F.S., the Department is authorized to provide a notice of noncompliance for an initial offense of a minor violation if the board establishes by rule a list of minor violations. A minor violation is one which does not endanger the public health, safety, and welfare and which does not demonstrate a serious inability to practice the profession. A notice of noncompliance in lieu of other action is authorized only if the violation is not a repeat violation and only if there is only one violation. If there are multiple violations, then the Department may not issue a notice of noncompliance, but must prosecute the violations under the other provisions of Section 456.073, F.S. There are only two exceptions to the prohibition against use of a notice of noncompliance when there is more than one violation. The first is that a notice of noncompliance may be issued to a registered dispensing practitioner for a first time violation of one or more of the violations listed in paragraph (3)(b), subparagraphs 4., 5., 10., 11., 12., 13., and 14., if there is not evidence of diversion. The second is that a notice of noncompliance may be issued to a licensee for a first time violation of one or both of the violations listed in paragraph (3)(c). Failure of a licensee to take action in correcting the violation within 15 days after notice may result in the institution of regular disciplinary proceedings.

(2) No change.

(3) The following violations are those for which the board authorizes the Department to issue a notice of noncompliance.

(a) No change.

(b) Failure to perform one of the following statutory or legal obligations:

1. through 17. No change.

18. First occurrence of failing to comply with the provisions of Sections 456.0575, F.S., to notify the patient or an individual identified pursuant to Section 765.401(1), F.S., in person about adverse incidents that result in serious harm to the patient, for the practitioner(s) who was not responsible for the adverse incident.

(c) through (d) No change.

Specific Authority 456.073(3), 458.309 FS. Law Implemented 456.073(3), 456.0575 FS. History--New 11-15-90, Formerly 21M-20.011, 61F6-20.011, 59R-8.011, Amended 1-27-00, 1-8-02, 1-12-03, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Rules Committee, Board of Medicine
 NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Medicine
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 7, 2004
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: March 5, 2004

DEPARTMENT OF HEALTH

Board of Osteopathic Medicine

RULE TITLE: Aggravating or Mitigating Circumstances
 RULE NO.: 64B15-19.003
 PURPOSE AND EFFECT: The proposed rule amendments are intended to address criteria with regard to aggravating and mitigating circumstances for the purpose of imposing discipline.

SUMMARY: The proposed rule amendments clarify aggravating and mitigating circumstances for the purpose of imposing discipline.

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

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

SPECIFIC AUTHORITY: 456.079 FS.

LAW IMPLEMENTED: 456.079 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Pamela King, Executive Director, Board of Osteopathic Medicine/MQA, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3256

THE FULL TEXT OF THE PROPOSED RULE IS:

64B15-19.003 Aggravating or Mitigating Circumstances.

When either the petitioner or respondent is able to demonstrate aggravating or mitigating circumstances to the board by clear and convincing evidence, the board shall be entitled to deviate from the above guidelines in imposing discipline upon an applicant or licensee. Absence of any such evidence of aggravating or mitigating circumstances before the hearing officer prior to the issuance of a recommended order shall not relieve the board of its duty to consider evidence of mitigating or aggravating circumstances. Aggravating and mitigating circumstances shall include, but not be limited to the following ~~Based upon the following factors, the board may impose disciplinary action other than the penalties recommended above:~~

- ~~(4)~~ The severity of the offense;
- ~~(1)(2)~~ The danger to the public;
- ~~(3)~~ The number of repetitions of offenses;
- ~~(2)(4)~~ The length of time since the violations;
- ~~(3)(5)~~ The number of times the licensee has been previously disciplined by the Board;
- ~~(4)(6)~~ The length of time the licensee has practiced;
- ~~(5)(7)~~ The actual damage, physical or otherwise, caused by the violation;
- ~~(6)(8)~~ The deterrent effect of the penalty imposed;
- ~~(7)(9)~~ The effect of penalty upon the licensee's livelihood;
- ~~(8)(10)~~ Any effort of rehabilitation by the licensee;
- ~~(9)(11)~~ The actual knowledge of the licensee pertaining to the violation;
- ~~(10)(12)~~ Attempts by the licensee to correct or stop violations or refusal by licensee to correct or stop violations;
- ~~(11)(13)~~ Related violations against licensee in another state, including findings of guilt or innocence, penalties imposed and penalties served;
- ~~(12)(14)~~ The actual negligence of the licensee pertaining to any violations;
- ~~(13)(15)~~ The penalties imposed for related offenses;
- ~~(14)(16)~~ The pecuniary gain to the licensee;
- ~~(15)(17)~~ Any other relevant mitigating or aggravating factors under the circumstances. Any penalties imposed by the board may not exceed the maximum penalties set forth in Section 459.015(2), F.S.

Specific Authority 456.079 FS. Law Implemented 456.079 FS. History—New 9-30-87, Formerly 21R-19.003, 61F9-19.003, 59W-19.003, Amended

NAME OF PERSON ORIGINATING PROPOSED RULE:
Board of Osteopathic Medicine
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Osteopathic Medicine
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 21, 2004
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: March 5, 2004

**DEPARTMENT OF HEALTH
Board of Respiratory Care**

RULE TITLE: Mediation
PURPOSE AND EFFECT: The Board proposes to update the existing rule text.
SUMMARY: The board is clarifying the meaning of the word “Mediation”, fixing clerical errors and adding new offenses subject to mediation to the rule.
SUMMARY OF STATEMENT OF ESTIMATED REGULATORY: No Statement of Estimated Regulatory Cost was prepared.

RULE NO.: 64B32-5.006

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

SPECIFIC AUTHORITY: 456.078 FS.
LAW IMPLEMENTED: 456.078 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Kaye Howerton, Board Executive Director, Board of Respiratory Care, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3255

THE FULL TEXT OF THE PROPOSED RULE IS:

64B32-5.006 Mediation.

(1) “Mediation” means a process whereby a mediator appointed by the Department acts to encourage and facilitate resolution of a legally sufficient complaint. It is an informal and nonadversarial process with the objective of assisting the parties to reach a mutually acceptable agreement. When an offense subject to mediation is also a citation violation, the mediator shall be informed regarding the citation penalty for the offense.

(2) For purposes of Section 456.078, F.S., the Board designates as being appropriate for mediation:

(a) First ~~first~~ time violations of subsection 64B32-6.001(2), F.A.C., failure to respond to a continuing education audit.

(b) Failure to notify the Department of a change of address as required by Rule 64B32-1.006, F.A.C., if there is a dispute and the Respondent did not timely respond to a notice of noncompliance.

(c) Issuance of a bad check to the Department under Section 468.365(1)(l), F.S. if there is a dispute and the Respondent did not timely respond to a notice of noncompliance.

(d) Violation of continuing education requirements under Section 468.361, F.S.

(e) Unprofessional conduct violations under Rule 64B32-5.003, F.A.C.

(f) Exercising influence on a patient to exploit the patient for financial gain under Section 468.365(1)(u), F.S.

(g) Failure to pay required fees and/or fines in a timely matter if disputed under Section 468.365(1)(i), F.S.

Specific Authority 456.078 FS. Law Implemented 456.078 FS. History—New 3-21-95, Formerly 59R-74.005, 64B8-74.005, Amended

NAME OF PERSON ORIGINATING PROPOSED RULE:
Board of Respiratory Care
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Respiratory Care

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 13, 2004
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: March 5, 2004

DEPARTMENT OF HEALTH

Board of Respiratory Care

RULE TITLE: Citations
 RULE NO.: 64B32-5.007

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

SUMMARY: The board decided that citations must include a requirement that a subject correct a violation within 60 days but allows longer for continuing education violations. Additional information regarding violations is provided and a new citation offense for failing to pay fees or fines in a timely manner is added.

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

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

SPECIFIC AUTHORITY: 456.077 FS.

LAW IMPLEMENTED: 456.072(3), 456.077 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Kaye Howerton, Board Executive Director, Board of Respiratory Care, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3255

THE FULL TEXT OF THE PROPOSED RULE IS:

64B32-5.007 Citations.

(1) Pursuant to Section 456.077, F.S., the Board sets forth below those violations for which there is no substantial threat to the public health, safety, and welfare; or, if there is a substantial threat to the public health, safety, and welfare, such potential for harm has been removed prior to the issuance of the citation. Next to each violation is the penalty to be imposed. All citations will include a requirement that the subject correct the violation, if remediable, within a specified period of time not to exceed 60 days, and impose whatever obligations will remedy the offense, except documentation of completion of continuing education requirements shall be as specified in paragraph (2)(a). If the violation is not corrected, or is disputed, the Department shall follow the procedure set forth in Section 456.073, F.S. In addition to any administrative

fine imposed, the Respondent ~~shall~~ may be required by the Department to pay the costs of investigation. The form to be used is specified in the rules of the Department of Health.

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

(a) Violations of continuing education requirements required by Sections 468.361(2), (3), or (4), F.S.: within six months of the date citation is issued, licensee must submit certified documentation of completion of all the CE requirements for the period for which the citation was issued; prior to renewing the license for the next biennium, licensee must document compliance with the CE requirements for the relevant period; ~~AND.~~

(b) No change.

(c) Practicing on a delinquent license under Section 468.365(1)(x), F.S. if the license is renewed to active status within 120 days of the date the license should have been renewed: \$200 \$50 fine for each month or part thereof.

(d) No change.

(e) Failure to keep written respiratory care records justifying the reason for the action taken by the certificate holder or registrant on only one patient under Section 468.365(1)(t), F.S.: \$100 fine.

(f) No change.

(g) Exercising influence on a patient to exploit the patient for financial gain by promoting or selling services, goods, appliances or drugs under Section 468.365(1)(u), F.S., where the patient has received a refund within 30 days of purchase: \$1,000 fine.

(h) Failure to submit compliance documentation after within 45 days from the receipt of the continuing education audit notification under Section 468.365(1)(x), F.S.: \$150 fine.

(i) Failure to provide satisfaction including the costs incurred following within 45 days of receipt of the Department's notification of a check dishonored for insufficient funds under Section 468.365(1)(l), F.S.: \$150 fine.

(j) Failure to pay required fees and/or fines in a timely manner under Section 468.365(1)(i), F.S.: \$150 fine.

(3) No change.

(4) ~~The procedures described herein apply only for an initial violation. Subsequent violation(s) of the same rule or statute shall require the procedures of Section 456.073, F.S., to be followed. In addition, should~~ When an initial violation for which a citation could be issued ~~occurs~~ occurs in conjunction with a violation or other violations for which a citation could not be issued, the procedures of Section 456.073, F.S., shall apply.

(5) No change.

(6) The Department of Health shall periodically at the end of each calendar quarter, submit a report to the Board regarding the number and nature of the citations issued, the penalties imposed, and the level of compliance, containing the name of

~~the licensee, the violation, and the fine imposed, and the number of licensees who elected to follow the procedures of Section 456.073, F.S.~~

Specific Authority 456.077 FS. Law Implemented 456.072(3), 456.077 FS. History--New 5-19-96, Formerly 59R-74.006, 64B8-74.006, Amended 1-6-02,

NAME OF PERSON ORIGINATING PROPOSED RULE:
Board of Respiratory Care
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Respiratory Care
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 13, 2004
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: March 5, 2004

DEPARTMENT OF HEALTH

Board of Respiratory Care

RULE TITLE: Notice of Noncompliance
RULE NO.: 64B32-5.008
PURPOSE AND EFFECT: The Board proposes to create a new rule.

SUMMARY: The Board is creating a rule that directs a Notice of Noncompliance as a first response to change of address and bad check violations. The violation must be corrected within 15 days of the notice.

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

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

SPECIFIC AUTHORITY: 120.695, 456.073(3), 486.025 FS.

LAW IMPLEMENTED: 120.695, 456.073(3) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Kaye Howerton, Board Executive Director, Board of Respiratory Care, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3255

THE FULL TEXT OF THE PROPOSED RULE IS:

64B32-5.008 Notice of Noncompliance.

In accordance with Section 456.073, F.S. and Section 120.695, F.S., the Board shall issue a notice of noncompliance as a first response to a minor violation of a rule. Failure of a licensee to take action to correct the violation within 15 days shall result in either the issuance of a citation when appropriate or the initiation of regular disciplinary proceedings. The minor violations which shall result in a notice of noncompliance are:

(1) Failure to notify of a change of address within 60 days as required by Rule 64B17-6.004, F.A.C.

(2) Non-intentional issuance of a bad check to the Department under Section 486.125(1)(k), Florida Statutes.

Specific Authority 120.695, 456.073(3), 486.025 FS. Law Implemented 120.695, 456.073(3) FS. History--New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Board of Respiratory Care
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Respiratory Care
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 13, 2004
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: March 5, 2004

DEPARTMENT OF HEALTH

Board of Respiratory Care

RULE TITLE: Procedures for Approval of Attendance at Continuing Education Courses
RULE NO.: 64B32-6.004
PURPOSE AND EFFECT: The Board proposes to update the existing rule text.

SUMMARY: The Board is correcting clerical errors and adding approved certification classes.

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

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

SPECIFIC AUTHORITY: 468.353(1), 468.361(2) FS.

LAW IMPLEMENTED: 468.361(2) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Kaye Howerton, Board Executive Director, Board of Respiratory Care, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3255

THE FULL TEXT OF THE PROPOSED RULE IS:

64B32-6.004 Procedures for Approval of Attendance at Continuing Education Courses.

- (1) No change.
- (2) Excluding any recertification, review, refresher, or preparatory courses, all licensees shall be awarded contact hours for:
 - (a) Attendance at offerings that are approved by:
 - 1. through 3. No change.

their business dealings with the public. As used in this rule, "accessible to the public means ~~(The~~ entrance shall be suitably designated by a sign or other display, readable from a reasonable distance, which provides at a minimum the agency name ~~and the name of every individually licensed bail bond agent, and temporary bail bond agent employed at that agency location.~~ Additionally, if a bail bond agency is located in a building which maintains a uniform office directory on its premises, the directory shall provide at a minimum the current name of that bail bond agency.

(3) No change.

(4)(a) A temporary bail bond agent must be employed ~~at least 30 hours per week, which is considered working~~ full-time and shall be physically accompanied by the supervising bail bond agent or bail bond agent from the same agency as required by Sections 648.25(9) and 648.355(8), Florida Statutes. As used in this rule, the term "full-time" means that the temporary bail bond agent must work at least 1,540 hours during 12 months of employment as a temporary bail bond agent. This will result in an average of slightly less than 30 hours per week. Each employer of a temporary bail bond agent must provide the temporary bail bond agent the opportunity to work at least 30 hours a week during the period of employment and may allow the temporary bail bond agent to work more than 30 hours per week.

(b) through (c) No change.

Specific Authority 648.26, 648.355(1)(e) FS. Law Implemented 648.25, 648.34, 648.355, 648.387 648.44(6) FS. History—Repromulgated 12-24-74, Amended 7-27-78, 12-23-82, Formerly 4-1.04, 4-1.004, Amended 4-14-97, 7-2-98, 1-22-03, _____.

69B-221.060 Notice of Change of Address.

Each licensee under Chapter 648, Florida Statutes, shall notify in writing the Department of ~~Financial Services Insurance~~, Bail Bond Section, Larson Building, 200 E. Gaines Street, Tallahassee, Florida 32399-0320, insurer, managing general agent and the clerks of each court in which they are registered, of a change of each business address, telephone number, or name of each agency or firm for which they write bonds within ten (10) working days of such change. Each licensee shall use Form DFS-H2-1564, entitled "Bail Bond Agent Notice of Change of Address," which is hereby incorporated and adopted by reference, to comply with the notice requirements of this rule. This form may be obtained from the address listed above or from the Department's website: www.fldfs.com.

Specific Authority 648.26 FS. Law Implemented 648.421 FS. History—New 12-23-82, Formerly 4-1.17, Amended 9-10-91, Formerly 4-1.017, Amended 4-14-97, 1-22-03, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Jerry Whitmore, Chief, Bureau of Agent and Agency Investigations, Division of Agent and Agency Services, Department of Financial Services

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Glenda Ostreich, Management Review Specialist, Bureau of Agent and Agency Investigations, Division of Agent and Agency Services, Department of Financial Services

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 16, 2004

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: March 5, 2004

Section III Notices of Changes, Corrections and Withdrawals

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Consumer Services

RULE NO.: RULE TITLE:
5J-15.003 Denials

NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule as noticed in Vol. 30, No. 9, February 27, 2004, Florida Administrative Weekly, has been withdrawn.

DEPARTMENT OF COMMUNITY AFFAIRS

Florida Building Commission

RULE CHAPTER NO.: RULE CHAPTER TITLE:
9B-70 Florida Building Commission – Building Code Training Program

RULE NO.: RULE TITLE:
9B-70.001 Building Code Training Program

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.543(3)(d)1., F.S., published in Vol. 29, No. 51, December 19, 2003, issue of the Florida Administrative Weekly.

9B-70.001 Building Code Training Program.

The purpose of the Building Code Training Program is to educate licensed building department personnel, contractors, and design professionals through required core curriculum courses or equivalency examination that addresses the Florida Building Code.

(1) The Core Curriculum:

(a) The Core Curriculum is comprised of the Basic Core Course that emphasizes the administrative, enforcement and procedural aspects of the Florida Building Code and updates and amendments thereto. Licensees regulated under Chapters 468, Part XII, 481, and 489, Parts I and II, F.S., shall at a minimum complete ~~the one~~ course by June 1, 2003 or within two (2) years of initial certification or registration, whichever is later. Licensees regulated under Chapter 471, F.S., are

required to complete ~~the one~~ core course only if the licensee actively participates in designing buildings, structures, or facilities covered by the Florida Building Code.

(b) The Core Course shall be delivered ~~by pursuant to the approval of providers approved~~ by the respective licensing standards board, or by the Department of Business and Professional Regulation, if there is no board. Licensees will receive four (4) hours of continuing education credit for each core course completed.

(c) No change.

(d) The core courses shall be delivered through customized instructor-led training at multiple sites, Internet, or CD-ROM supported interactive multimedia training materials as provided by the appropriate licensing board in their continuing education rules.

(e) through (f) No change.

(2) No change.

(3) Voluntary Accreditation of Advanced Building Code Training Courses.

(a) No change.

(b) Accreditors shall review courses submitted by course developers, and providers approved by the Department of Business and Professional Regulation to determine if the course contains the following:

1. through 4. No change.

(4) ~~Courses are to address the technical and administrative responsibilities in the effective execution of the Florida Building Code. In the event the Commission identifies areas or topics of advanced Building Code education insufficiently served by available resources, the Commission shall report the insufficiency to the appropriate licensing board. The Florida Building Commission shall have the authority to contract for the purpose of administering the core courses and equivalency examination.~~

Specific Authority 553.841(2) FS. Law Implemented 553.841 FS. History--New 4-20-00, Amended 10-14-01,_____.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Ila Jones, Community Program Administrator, Department of Community Affairs, 2555 Shumard Oak Boulevard, Sadowski Building, Tallahassee, Florida 32399-2100, (850)922-6091

DEPARTMENT OF HIGHWAY SAFETY AND MOTOR VEHICLES

Division of Florida Highway Patrol

RULE NO.: 15B-2.007
 RULE TITLE: Approval Requirements
 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. 30, No. 5, of the January 30, 2004, issue of the Florida Administrative Weekly. The

proposed rule amendment was approved, with the following added language: "meets the following requirements", by the Governor and Cabinet at the March 30, 2004, public hearing. The remaining proposed rule amendments were not changed.

TEXT OF PROPOSED RULE CHANGE:

15B-2.007 Approval Requirements.

(2) In addition, evidence of the speed of a vehicle measured by any radar speed measuring device (RSMD), ~~or~~ laser speed measuring device (LSMD) or Average Speed Calculator (ASC), is inadmissible in any proceeding with respect to an alleged violation of provisions of law regulating the lawful speed of vehicles unless such evidence of speed is obtained by a law enforcement officer who meets the following requirements:

Specific Authority 316.1905, 316.1906 FS. Law Implemented 316.1905, 316.1906, 943.17 FS. History--New 9-11-78, Amended 7-12-82, Formerly 15B-2.07, Amended 11-16-92, 10-18-94,_____.

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

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

AGENCY FOR HEALTH CARE ADMINISTRATION

Medicaid

RULE NO.: 59G-9.070
 RULE TITLE: Administrative Sanctions on Providers, Entities, and Persons

NOTICE OF PUBLIC HEARING

The Agency for Health Care Administration hereby gives notice of a public hearing on the above-referenced rule.

TIME AND DATE: 9:00 a.m., Wednesday May 5, 2004

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

This public hearing is being held in response to requests received for public hearing. The rule notice was originally published in Vol. 30, No. 9, Pages 865-874 of the February 27, 2004 issue of the Florida Administrative Weekly.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Kelly A. Bennett

Any person requiring a special accommodation at this hearing because of a disability or physical impairment should contact Kelly A. Bennett, (850)921-1802, at least five calendar days prior to the hearing. If you are hearing or speech impaired, please contact Kelly A. Bennett using the Florida Dual Party Relay System, 1(800)955-8771 (TDD).

DEPARTMENT OF MANAGEMENT SERVICES

Division of Purchasing

RULE CHAPTER NO.: RULE CHAPTER TITLE:
 60A-1 General Regulations
 RULE NO.: RULE TITLE:
 60A-1.005 Eligible Users

NOTICE OF CORRECTION

The Department of Management Services, Division of State Purchasing, announces a correction to the Proposed Rule which appeared in the March 5, 2004 issue of the Florida Administrative Weekly, Vol. 30, No. 10. Specifically, the Proposed Rule inadvertently identified “March 5, 2004” as the date the proposed rule development was initially published. The actual publication date of the notice of rule development was September 5, 2003.

DEPARTMENT OF MANAGEMENT SERVICES

Division of Purchasing

RULE CHAPTER NO.: RULE CHAPTER TITLE:
 60A-1 General Regulations
 RULE NO.: RULE TITLE:
 60A-1.008 Term Contracts and Price Agreements

NOTICE OF CORRECTION

The Department of Management Services, Division of State Purchasing, announces a correction to the Proposed Rule which appeared in the March 5, 2004 issue of the Florida Administrative Weekly, Vol. 30, No. 10. Specifically, the Proposed Rule inadvertently identified “March 5, 2004” as the date the proposed rule development was initially published. The actual publication date of the notice of rule development was September 5, 2003.

DEPARTMENT OF MANAGEMENT SERVICES

Division of Purchasing

RULE CHAPTER NO.: RULE CHAPTER TITLE:
 60A-1 General Regulations
 RULE NO.: RULE TITLE:
 60A-1.009 Emergency Purchases of Commodities or Contractual Services

NOTICE OF CORRECTION

The Department of Management Services, Division of State Purchasing, announces a correction to the Proposed Rule which appeared in the March 5, 2004 issue of the Florida Administrative Weekly, Vol. 30, No. 10. Specifically, the Proposed Rule inadvertently identified “March 5, 2004” as the date the proposed rule development was initially published. The actual publication date of the notice of rule development was September 5, 2003.

DEPARTMENT OF MANAGEMENT SERVICES

Division of Purchasing

RULE CHAPTER NO.: RULE CHAPTER TITLE:
 60A-1 General Regulations
 RULE NO.: RULE TITLE:
 60A-1.010 Single Source Purchases of Commodities or Contractual Services

NOTICE OF CORRECTION

The Department of Management Services, Division of State Purchasing, announces a correction to the Proposed Rule which appeared in the March 5, 2004 issue of the Florida Administrative Weekly, Vol. 30, No. 10. Specifically, the Proposed Rule inadvertently identified “March 5, 2004” as the date the proposed rule development was initially published. The actual publication date of the notice of rule development was September 5, 2003.

DEPARTMENT OF MANAGEMENT SERVICES

Division of Purchasing

RULE CHAPTER NO.: RULE CHAPTER TITLE:
 60A-1 General Regulations
 RULE NO.: RULE TITLE:
 60A-1.011 Identical Responses Received

NOTICE OF CORRECTION

The Department of Management Services, Division of State Purchasing, announces a correction to the Proposed Rule which appeared in the March 5, 2004 issue of the Florida Administrative Weekly, Vol. 30, No. 10. Specifically, the Proposed Rule inadvertently identified “March 5, 2004” as the date the proposed rule development was initially published. The actual publication date of the notice of rule development was September 5, 2003.

DEPARTMENT OF MANAGEMENT SERVICES

Division of Purchasing

RULE CHAPTER NO.: RULE CHAPTER TITLE:
 60A-1 General Regulations
 RULE NO.: RULE TITLE:
 60A-1.015 Insurance

NOTICE OF CORRECTION

The Department of Management Services, Division of State Purchasing, announces a correction to the Proposed Rule which appeared in the March 5, 2004 issue of the Florida Administrative Weekly, Vol. 30, No. 10. Specifically, the Proposed Rule inadvertently identified “March 5, 2004” as the date the proposed rule development was initially published. The actual publication date of the notice of rule development was September 5, 2003.

DEPARTMENT OF MANAGEMENT SERVICES

Division of Purchasing

RULE CHAPTER NO.: RULE CHAPTER TITLE:
 60A-1 General Regulations
 RULE NO.: RULE TITLE:
 60A-1.019 Delegation to State University System

NOTICE OF CORRECTION

The Department of Management Services, Division of State Purchasing, announces a correction to the Proposed Rule which appeared in the March 5, 2004 issue of the Florida Administrative Weekly, Vol. 30, No. 10. Specifically, the Proposed Rule inadvertently identified "March 5, 2004" as the date the proposed rule development was initially published. The actual publication date of the notice of rule development was September 5, 2003.

DEPARTMENT OF MANAGEMENT SERVICES

Division of Purchasing

RULE CHAPTER NO.: RULE CHAPTER TITLE:
 60A-1 General Regulations
 RULE NO.: RULE TITLE:
 60A-1.025 State Purchasing Agreements

NOTICE OF CORRECTION

The Department of Management Services, Division of State Purchasing, announces a correction to the Proposed Rule which appeared in the March 5, 2004 issue of the Florida Administrative Weekly, Vol. 30, No. 10. Specifically, the Proposed Rule inadvertently identified "March 5, 2004" as the date the proposed rule development was initially published. The actual publication date of the notice of rule development was September 5, 2003.

DEPARTMENT OF MANAGEMENT SERVICES

Division of Purchasing

RULE CHAPTER NO.: RULE CHAPTER TITLE:
 60A-1 General Regulations
 RULE NO.: RULE TITLE:
 60A-1.026 Interagency Planning and Cooperation

NOTICE OF CORRECTION

The Department of Management Services, Division of State Purchasing, announces a correction to the Proposed Rule which appeared in the March 5, 2004 issue of the Florida Administrative Weekly, Vol. 30, No. 10. Specifically, the Proposed Rule inadvertently identified "March 5, 2004" as the date the proposed rule development was initially published. The actual publication date of the notice of rule development was September 5, 2003.

DEPARTMENT OF MANAGEMENT SERVICES

Division of Purchasing

RULE CHAPTER NO.: RULE CHAPTER TITLE:
 60A-1 General Regulations
 RULE NO.: RULE TITLE:
 60A-1.044 State Term Contracts; Usage and Exclusivity; Exceptions

NOTICE OF CORRECTION

The Department of Management Services, Division of State Purchasing, announces a correction to the Proposed Rule which appeared in the March 5, 2004 issue of the Florida Administrative Weekly, Vol. 30, No. 10. Specifically, the Proposed Rule inadvertently identified "March 5, 2004" as the date the proposed rule development was initially published. The actual publication date of the notice of rule development was September 5, 2003.

DEPARTMENT OF MANAGEMENT SERVICES

Division of Purchasing

RULE CHAPTER NO.: RULE CHAPTER TITLE:
 60A-1 General Regulations
 RULE NO.: RULE TITLE:
 60A-1.047 Alternate Contract Sources of Commodities and Services

NOTICE OF CORRECTION

The Department of Management Services, Division of State Purchasing, announces a correction to the Proposed Rule which appeared in the March 5, 2004 issue of the Florida Administrative Weekly, Vol. 30, No. 10. Specifically, the Proposed Rule inadvertently identified "March 5, 2004" as the date the proposed rule development was initially published. The actual publication date of the notice of rule development was 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 Clinical Laboratory Personnel

RULE NO.: RULE TITLE:
 64B3-5.003 Technologist

NOTICE OF PUBLIC HEARING

The Board of Clinical Laboratory Personnel hereby gives notice of a public hearing on the above-referenced rule to be held on June 18, 2004, 9:00 a.m., at the Omni Jacksonville Hotel, 245 Water Street, Jacksonville, Florida 32202, (904)355-6664. This public hearing is being held at the request of a representative from the American Clinical Laboratory

Association. The rule was originally published in Vol. 30, No. 9, February 27, 2004, issue of the Florida Administrative Weekly.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Joe Baker, Jr., Board Executive Director, Board of Clinical Laboratory Personnel, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3257, (850)245-4355

Any person requiring a special accommodation at this hearing because of a disability or physical impairment should contact the Board Executive Director at least five calendar days prior to the hearing. If you are hearing or speech impaired, please contact the Board office using the Florida Dual Party Relay System, 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

DEPARTMENT OF HEALTH

Division of Environmental Health

| | |
|-------------------|--|
| RULE CHAPTER NO.: | RULE CHAPTER TITLE: |
| 64E-6 | Standards for Onsite Sewage Treatment and Disposal Systems |
| RULE NOS.: | RULE TITLES: |
| 64E-6.005 | Location and Installation |
| 64E-6.0101 | Portable Restrooms and Holding Tanks |
| 64E-6.0151 | Additive Use |
| 64E-6.021 | Issuance of Registration Certificates and Renewal |
| 64E-6.022 | Standards of Practice and Disciplinary Guidelines |
| 64E-6.023 | Certification of Partnerships and Corporations |
| 64E-6.030 | Fees |

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. 30, No. 4, January 23, 2004, of the Florida Administrative Weekly, to reflect comments received during the public hearing held February 16, 2004, and from the Joint Administrative Procedures Committee.

64E-6.005 Location and Installation.

Unnumbered introductory paragraph – No change.

(1) Systems and septage stabilization facilities established after the effective date of the rule shall be placed no closer than the minimum distances indicated for the following:

(a) Seventy-five feet from a private potable well as defined in paragraph 64E-6.002(44)(a), F.A.C., a multi-family water well as defined in paragraph 64E-6.002(44)(c), F.A.C., ~~or a cistern collecting groundwater as a potable water supply.~~

(b) through (c) No change.

(d) Fifty feet from a non-potable water well as defined in subsection 64E-6.002(39), F.A.C., ~~or a cistern collecting groundwater for irrigation.~~

(e) through (f) No change.

(2) Systems shall not be located under buildings or within 5 feet of building foundations, including pilings for elevated structures, or within 5 feet of mobile home walls, swimming pool walls, or within 5 feet of property lines except where property lines abut utility easements which do not contain underground utilities, or where recorded easements are specifically provided for the installation of systems for service to more than one lot or property owner.

(a) No change.

(b) Systems shall not be located within 10 feet of sealed water storage tanks in contact with the ground or potable water lines unless such lines are sealed with a water proof sealant within a sleeve of similar material pipe to a distance of at least 10 feet from the nearest portion of the system . In no case shall the sleeved water line be located within 24 inches of the onsite sewage treatment and disposal system. Potable water lines within 5 feet of the drainfield shall not be located at an elevation lower than the drainfield absorption surface. Non-potable water lines shall not be located within 24 inches of the system without backflow preventers or check valves being installed on the water line so as to preclude contamination of the water system.

(c) No change.

(3) through (9) No change.

64E-6.0101 Portable Restrooms and Holding Tanks.

(1) through (2) No change.

(3) When a permit is issued, the number of said permit along with the name of the company, its phone number, and the gallon capacity of the truck shall be prominently and permanently displayed on the service truck in contrasting colors with 3 inch or larger letters. Use of removable magnetic signs shall not be considered permanent display of vehicle identification information. ~~An operating permit shall be suspended, revoked or denied by the department in accordance with Chapter 120, FS, for failure to comply with requirements of this Chapter.~~

(4) through (6) No change.

(7) Portable Restrooms, Portable Holding Tanks, Stationary Holding Tanks, Mobile Restroom Trailers, Mobile Shower Trailers, and Portable Sinks.

(a) The department shall allow, on a temporary basis, portable restrooms, mobile restrooms, mobile shower trailers, and portable or stationary holding tanks for fairs, carnivals, revivals, field locations, encampments and other locations which lack permanent structures where people congregate for short periods of time, provided the construction, maintenance, and utilization of such systems conform to the general provisions of this Chapter. Portable restrooms, portable or stationary holding tanks or other restroom facilities shall be provided at commercial and residential building sites for the duration of construction any time workers are present, and shall not be bound by the definition of temporary. All required

restroom facilities shall remain accessible whenever the intended users are present. Where the department determines that no health hazard will result, portable restrooms, portable holding tanks, stationary holding tanks, mobile restroom trailers, mobile shower trailers, and portable sinks shall be permitted meeting setbacks that are 50% of the setback requirements of subsections 64E-6.005(1) through (3), F.A.C., provided ~~The department shall waive or reduce any of the setback requirements of subsections 64E-6.005(1)-(3), where it is determined no health hazard will result. Where setbacks are waived or reduced,~~ portable or stationary holding tanks shall be placed within secondary containment structures with a containment capacity of no less than 110% of the total waste capacity of the holding tank. For purposes of this rule, a holding tank is any sealed, water tight fixture for receiving and storing domestic wastewater from plumbing fixtures in remote locations or at building sites or special events. For purposes of this rule, a portable restroom is a transportable, self contained static or flush-type toilet constructed to promote a sanitary environment at remote locations, building sites or special events, comprised of at least a waste storage receptacle, a riser and toilet seat and a protective enclosure. Portable restrooms, mobile restrooms, and mobile shower trailers at building sites or at a location for a temporary period of time do not require a permit from the department but must comply with the provisions of this rule. A construction permit (DH 4016) shall be obtained before placing or installing any portable or stationary holding tanks.

(b) through (s) No change.

(t) There is no change to the first paragraph (t)

The second paragraph (t) is renumbered to (u) with the following change:

(u)(t) Holding tank, portable restroom, and portable hand sink wastes shall be disposed of into a septage treatment and disposal facility approved by the department or into a treatment facility approved or permitted for such disposal by the Department of Environmental Protection. These wastes shall be land applied under provisions of subsection 64E-6.010(7), F.A.C., ~~provided a DEP-regulated an approved DEP treatment facility is not available.~~ Companies which service holding tanks or portable restrooms which use quaternary ammonium sanitizing and deodorizing compounds are prohibited from having the wastes treated or disposed of at lime stabilization facilities.

(u) through (w) renumbered (v) through (x) No change.

(8) No change.

64E-6.0151 Additive Use.

(1) Any onsite sewage treatment and disposal system additive or drainfield conditioner or restorative product sold or used in the state shall be in compliance with the requirements of s. 381.0065(4)(m), F.S. The following criteria shall be used in determining product compliance.

(a) Use of the product shall not result in violations of Surface Water Quality Rule 62-302.500, F.A.C., effective 5-15-2002, or Groundwater Quality Rules 62-520.400 and 62-520.420, F.A.C., effective 12-9-1996.

(b) The product's formula itself shall not exceed water quality contaminant concentrations in Section 62-302.500, F.A.C., effective 5-15-2002, or Sections 62-520.400 and 62-520.420, F.A.C., effective 12-9-1996.

(c) No change.

(2) If the Department determines an onsite sewage treatment and disposal system additive or drainfield conditioner or restorative product is not in compliance with the criteria in Rule 64E-6.0151, F.A.C., the Department shall notify the product manufacturer of the items in non-compliance. The product shall be allowed to be continued for sale and use in Florida for a maximum of 90 days from date of receipt of notification of violation. This is to allow the manufacturer an opportunity to exhibit to the department that the product satisfactorily complies with the conditions of Section 381.0065(4)(m), F.S., and this rule. In attempting to demonstrate compliance with Section 381.0065(4)(m), F.S., and this rule, the manufacturer shall provide at a minimum the following information:

(a) through (b) No change.

(c) Test results from a State or EPA-certified laboratory demonstrating that use of the additive, drainfield conditioner or restorative product will not result in violations of surface water or groundwater standards in Sections 64E-6.0151, F.A.C. Tests shall be conducted on the product as sold and the test results shall include:

1. Acute Definitive Toxicity test [96 hour LC₅₀] according to EPA Methods for Measuring the Acute Toxicity of Effluents and Receiving Waters to Freshwater and Marine Organisms (EPA-821-R-02-012), October 2002, herein incorporated by reference, for *Pimephales promelas* (fathead minnow) or any of the following species: *Ceriodaphnia dubia* (daphnid), *Cyprinella leedsi* (bannerfin shiner), *Daphnia pulex* and *Daphnia magna* (daphnids). The 96-hour LC₅₀ shall be reported as a concentration in mg/l or ml/l. needs to bracket a toxicity concentration, and;

2. No change.

(d) through (g) No change.

(3) No change.

64E-6.021 Issuance of Registration Certificates and Renewal.

(1) through (4) No change.

(5) No change.

(6) Beginning in 2004 and every 5 years thereafter, registration renewal applications shall include a recent color passport style photograph 1 1/2 X 1 1/2 inches in size and not

older than 12 months. The applicant may provide the required photograph as a photographic print or in digital JPEG or TIFF format.

~~A registered septic tank contractor that becomes incarcerated while serving a prison sentence cannot advertise or provide septic tank contracting services until proof of release of incarceration is provided to the department. A registered septic tank contractor participating in a work release program must provide legal documentation of their participation in order to advertise or provide septic tank contracting services.~~

~~(7) All advertisements for septic tank contracting services shall include the qualifying contractor's registration number or business authorization number.~~

~~(7)(8) No change.~~

64E-6.022 Standards of Practice and Disciplinary Guidelines.

(1) It shall be the responsibility of persons registered under this rule to see that work for which they have contracted and which has been performed by them or under their supervision is carried out in conformance with the requirements of all applicable Florida Statutes and Chapter 64E-6, FAC. The following actions by a person included under this rule shall be deemed unethical and subject to penalties as set forth in this section. The penalties listed shall be used as guidelines in disciplinary cases, absent aggravating or mitigating circumstances and subject to other provisions of this section.

(a) through (r) No change.

~~(s) Advertising septic tank contracting services without the required business authorization number or qualifying septic tank contractor's registration number. First violation, letter of warning or fine up to \$500; repeat violation, \$500 fine or suspension or revocation of registration.~~

(t) through (u) renumbered (s) through (t) No change.

(2) through (5) No change.

64E-6.023 Certification of Partnerships and Corporations.

(1) Authorization of a corporation is only effective as to that corporation; subsidiaries or parents of authorized corporations must be separately authorized.

(a) No change.

(b) Any certificate of authorization not renewed in a timely manner shall expire ~~revert to inactive status~~. Applications for renewal shall be considered timely filed if the application has been post marked prior to the close of business on the date of expiration of the certificate. If that date falls on a weekend or legal holiday, the day of expiration shall be the first working day after the expiration date of the certificate.

(2) through (5) No change.

~~(6) All advertisements for septic tank contracting services that include the name of the business shall include the business authorization number or the qualifying contractor's registration number.~~

64E-6.030 Fees.

(1) The following fees are required to accompany applications for site evaluations, construction, modifications to existing systems or repair permits, and other services provided by the department.

(a) Application for permitting of an onsite sewage treatment and disposal system, which includes application and plan review \$50

(b) Application and approval for existing system, does not include system inspection. \$35

(c) Application for permitting of a new performance-based treatment system \$125

(d) Site evaluation for a new system which includes an evaluation of criteria specified in subsection 64E-6.004(3), F.A.C., system repair or modification \$115

(e) Site evaluation for a system repair which includes an evaluation of criteria specified in Rule 64E-6.015(1), or modification of a system \$75

~~(f)(e)~~ Site re-evaluation, new or repair, or modification of a system \$75 ~~80~~

~~(g)(f)~~ Permit or permit amendment for new system, or modification to system \$55 ~~40~~

~~(h)(g)~~ New system or modification of a system installation inspection \$80 ~~40~~

The following research fee is to be collected in addition to, and concurrent with the permit for a new system installation fee \$5

~~(i)(h)~~ Repair permit issuance, which includes inspection \$50

~~(j)(i)~~ Inspection of existing system, does not include modifications to system \$50 ~~75~~

~~(k)(j)~~ Reinspection fee per visit for site inspections after system construction approval \$50

~~(l)(k)~~ Installation reinspection for non-compliant system per each site visit \$50

~~(m)(l)~~ System abandonment permit, includes permit issuance and inspection \$40 ~~80~~

~~(n)(m)~~ Annual operating permit fee for systems in industrial, manufacturing, and equivalent areas, and for systems receiving commercial sewage waste \$150

Amendments or changes to the operating permit during the permit period per change or amendment \$50

~~(o)(n)~~ Aerobic treatment unit biennial operating permit \$100

~~(p)(o)~~ Biennial operating permit fee for performance-based treatment system.

A prorated fee is to be charged beginning with second year of operation. \$100

| | |
|---|----------------------|
| (q)(p) Review of application due to proposed amendments or changes after initial operating permit issuance for a performance-based treatment system | \$75 |
| (r)(q) Tank Manufacturer's Inspection per annum | \$100 200 |
| (s)(r) Septage Disposal Service permit per annum | \$75 100 |
| Additional charge per pumpout vehicle | \$35 50 |
| (t)(s) Portable or Temporary Toilet Service permit per annum | \$75 100 |
| Additional charge per pumpout vehicle | \$35 50 |
| (u)(t) Septage stabilization facility inspection fee per annum per facility | \$150 200 |
| (v)(u) Septage disposal site evaluation fee per annum | \$200 |
| (w)(v) Aerobic treatment unit maintenance entity permit per annum | \$25 50 |
| (x)(w) Variance Application for a single family residence per each lot or building site | \$150 |
| (y)(x) Variance Application for a multi-family or commercial building per each building site | \$200 |
| (z)(y) Application for innovative product approval | \$500 |
| (2) through (3) No change. | |

DEPARTMENT OF HEALTH

Office of Vital Statistics

RULE NO.: 64V-1.003
 RULE TITLE: Birth Certificate Amendments; Documentary Evidence Requirements

NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule as noticed in Vol. 30, No. 2, January 9, 2004, Florida Administrative Weekly, and the notice of change relative to subsection (6) of this rule published in Vol. 30, No. 9, February 27, 2004, 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 | 12BER04-1 |

| | |
|--|-----------|
| Allowance for Failure to Use Specified Methods Department of Revenue Electronic Database | 12BER04-2 |
| Certification of Service Address Databases Use of Enhanced Zip Code Method to Assign Service Addresses to Local Taxing Jurisdictions | 12BER04-3 |
| | 12BER04-4 |

SPECIFIC FACTS AND REASONS FOR FINDING AN IMMEDIATE DANGER TO THE PUBLIC HEALTH, SAFETY, OR WELFARE: The Communications Services Tax Simplification Law (Chapter 202, F.S.) requires that communications services dealers must collect and remit local communications services taxes based on the rate of the local taxing jurisdiction in which customer service addresses are located. The Department of Revenue is required to develop and maintain an electronic database in which local service addresses are assigned to local jurisdictions, and local governments are required to provide information for inclusion in the database. The initial electronic database has been developed, and the announcement concerning its availability and initial effective date was included in the April 5, 2002, issue of the Florida Administrative Weekly. Use of certain methods to assign service addresses, including use of a database that has been certified by the Department of Revenue as meeting statutory accuracy standards, entitles a dealer to a higher collection allowance and to protection against liability for taxes, interest, and penalties resulting from erroneous service address assignments. The promulgation of these emergency rules ensures the following: 1) that communications services tax dealers are informed of their obligations concerning the assignment of customer service addresses, of the methods of assigning addresses that will entitle dealers to protection against liability, and of the methods of assigning addresses that will entitle a dealer to a higher collection allowance; 2) that the procedures and forms for the Department and local governments to maintain the accuracy of the database on an on-going basis are immediately available; and 3) that the procedures and forms for application for certification by the Department of databases used by communications services tax dealers are available.

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

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

SUMMARY OF THE RULES: Emergency Rule 12BER04-1, F.A.C., provides guidelines on: 1) the requirement that communications services dealers assign customer service addresses to local taxing jurisdictions; 2) the use of certain databases to avoid liability for errors in customer service address assignments; 3) the due diligence standard applicable to dealers using databases that provide protection from liability for errors in assigning customer service addresses; and 4) the collection allowance available depending on the database used by a communications services dealer. Emergency Rule 12BER04-2, F.A.C., provides guidelines on: 1) the electronic customer service database maintained by the Department of Revenue; 2) the procedures for local taxing jurisdictions to request changes to the Department of Revenue database; and 3) procedures for any substantially affected person to object to the assignment of a customer service address in the Department of Revenue database. Emergency Rule 12BER04-3, F.A.C., provides guidelines on the standards and procedures for certification of a customer service address database developed by a communications services dealer or a vendor. Emergency Rule 12BER04-4, F.A.C., provides guidelines on the use of an enhanced zip code method to assign customer service addresses. These emergency rules also adopt and incorporate by reference four (4) forms required for administration of the Communications Services Tax Simplification Law and two (2) sets of instructions that are incorporated into the on-line Department of Revenue service address database. The forms are: DR-700012, "Application for Certification of Communications Services Database"; DR-700020, "Notification of Method Employed to Determine Taxing Jurisdiction (Communications Services Tax)"; DR-700022, "Local Communications Services Tax Notification of Jurisdiction Change"; and DR-700025, "Objection to Communications Services Tax Electronic Database Service Address Assignment." The on-line instructions incorporated by reference are the "Guide for Address Change Requests" and the "Instructions for Preparing and Submitting Customer Address Files for Certification Testing."

THE PERSON TO BE CONTACTED REGARDING THE EMERGENCY RULE 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 RULE IS:

12BER04-1 Assignment of Service Addresses to Local Taxing Jurisdictions; Liability for Errors; Avoidance of Liability Through Use of Specified Methods; Reduction in Collection Allowance for Failure to Use Specified Methods.

(1)(a) Dealers of communications services that are required to collect local communications services taxes must assign each customer service address to a specific local taxing jurisdiction for purposes of determining the appropriate local communications services tax rate to be applied to sales made to that address. Local communications services taxes must be collected and remitted for each service address in accordance with the service address assignments in the latest version of the communications services tax Address/Jurisdiction Database, which is the electronic database maintained by the Department that is updated and adopted every January 1 and July 1, as discussed in Emergency Rule 12BER04-2, F.A.C. Except as otherwise provided in subsection (2), a dealer is liable for any additional local communications services taxes, interest, and penalties that are due as a result of assigning service addresses to incorrect local taxing jurisdictions when the correct local taxing jurisdiction's tax rate exceeds the incorrectly assigned local taxing jurisdiction's tax rate.

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

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

1. The Address/Jurisdiction Database:

2. A database that has been certified by the Department, as provided in Emergency Rule 12BER04-3, F.A.C.:

3. An enhanced zip code method, as discussed in Emergency Rule 12BER04-4, F.A.C.; or

4. A database that, upon audit by the Department, is determined to have met the accuracy rate criterion required for certification under Emergency Rule 12BER04-3, F.A.C., at the time of the sale on which local communications services taxes are due.

(b) A dealer must timely notify the Department of the method or methods to be used in assigning service addresses on form DR-700020, Notification of Method Employed to Determine Taxing Jurisdiction (R. 05/02, 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 paragraph 12BER04-2(1)(b), F.A.C., that is maintained by the Department and available to dealers and local government users may be used by the dealer to update the dealer's database more frequently than the minimum of at least once every six months.

b. Internal controls in the assignment of service addresses are not adequate if corrected assignments of service addresses are not maintained or are incorrectly replaced with the previous

incorrect assignment. Once notified by any person of an error, the dealer must ensure that the corrected information is preserved in its database. In the event that the error reoccurs, the dealer will not be considered to have exercised due diligence as required for the protection described in paragraph (a).

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

3. If a communications services dealer uses a certified database provided by a third party vendor, the communications services dealer must exercise due diligence in its own conduct in using the database. A dealer using a certified database provided by a third party vendor is exercising due diligence if that dealer expends reasonable resources to accurately and reliably implement the third party vendor's certified database and maintains adequate internal controls in the assignment of service addresses. For example, the dealer must follow the vendor's instructions on use of the database and promptly incorporate any updates supplied by the vendor. As part of its due diligence, the dealer has a duty to take reasonable steps to ascertain that the vendor maintains the database so as to ensure continuing qualification for certification. For example, if a vendor failed to provide an update to the database when scheduled to do so, a reasonable and prudent dealer relying on that vendor's database would contact the vendor and make inquiry. A dealer that uses a third party vendor's certified database must ensure that, when the dealer discovers or is notified of errors in assignments of service addresses, the errors are corrected within 120 days from discovering or being notified of such errors and the error is not repeated when a subsequent update is obtained from the vendor.

(d) If a communications services dealer uses multiple databases or methodologies, such dealer is protected from liability for any additional local communications services tax, interest, and penalty only as to service addresses assigned as specified in paragraph (a) of this subsection. Such a dealer is liable as provided in subsection (1) for any additional local communications services taxes, interest, and penalties in regard to erroneous jurisdictional assignments for any service

address assigned by any other methodology. A dealer that uses multiple databases must maintain documents demonstrating that a service address has been assigned employing a methodology described in paragraph (a) in order to be held harmless for any additional local communications services taxes resulting from erroneous assignment of that service address.

(e)1. Employing a method described in paragraph (a) protects a dealer from liability for any additional local communications services taxes and related interest and penalties that would otherwise have been due to a local taxing jurisdiction. A dealer's employment of a method described in paragraph (a) does not deprive a purchaser of the right to a refund of overpayment of local communications services taxes resulting from an erroneous assignment of that customer's service address to a local taxing jurisdiction with a higher rate than that in effect in the correct local taxing jurisdiction. If a purchaser complies with the procedural requirements of 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 paragraph 12BER04-2(3)(c), F.A.C.

(3) Collection Allowance.

(a) Any communications services dealer that employs a methodology described in subparagraph (2)(a)1., (2)(a)2., or (2)(a)3. for assigning service addresses to local taxing jurisdictions is entitled to a collection allowance of .75 percent on taxes collected on service addresses assigned using the

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

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

(c) A communications services dealer must also timely and correctly remit all tax and meet all the other requirements of 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) visiting any local Department of Revenue Service Center to personally obtain a copy; or, 4) calling the Forms Request Line during regular office hours at (800)352-3671 (in Florida only) or (850)488-6800; or, 5) 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 (800)367-8331.

This rule shall take effect on April 1, 2004.

Specific Authority 202.26(3)(b),(f),(g),(4), 202.28(1) FS. Law Implemented 202.22(1),(4),(5),(6), 202.23, 202.28(1),(2), 202.34(1)(a) FS. History—New 4-1-04.

12BER04-2 Department of Revenue Electronic Database.

(1)(a) The Department maintains an electronic database that assigns service addresses to local taxing jurisdictions in a format that satisfies the requirements of 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 (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. 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) visiting any local Department of Revenue Service Center to personally obtain a copy; or, 4) calling the Forms Request Line during regular office hours at (800)352-3671 (in Florida only) or (850)488-6800; or, 5) 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 (800)367-8331.

This rule shall take effect on April 1, 2004.

Specific Authority 202.26(3)(b),(g),(4) FS. Law Implemented 202.22(2), 202.23 FS. History--New 4-1-04.

12BER04-3 Certification of Service Address Databases.

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

(2)(a) Application for certification must be made to the Department on form DR-700012, Application for Certification of Communications Services Database (R. 07/02, hereby incorporated by reference) and in accordance with the on-line Instructions for Preparing and Submitting Customer Address Files for Certification Testing (available at the Department's website, www.myflorida.com/dor, 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 12BER04-2, F.A.C. The Department will notify the applicant of all service addresses

that do not match the Department's database regardless of whether the applicant's database meets the accuracy criterion for certification.

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

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

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

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

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

(5) In determining whether a database qualifies for certification, the Department will consider whether the applicant will implement procedures designed to maintain the accuracy level required for certification throughout the certification period. If the Department obtains information indicating that a certified database is not being properly maintained and updated to insure on-going accuracy at the required levels, the Department will notify the applicant and

review the operation and maintenance of that database. If the Department determines that a database no longer qualifies for certification and remedial steps are not promptly taken, the Department will revoke the certification. The Department shall first provide notice to the applicant of its intent to revoke the certification as provided in 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 12BER04-1(2)(c), F.A.C., are not material address changes that require Department review of a database.

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

(a) The requirement of 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) visiting any local Department of Revenue Service Center to personally obtain a copy; or, 4) calling the Forms Request Line during regular office hours at (800)352-3671 (in Florida only) or (850)488-6800; or, 5) 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 (800)367-8331.

This rule shall take effect on April 1, 2004.

Specific Authority 202.26(3)(g),(4) FS. Law Implemented 202.22(3) FS. History--New 4-1-04.

12BER04-4 Use of Enhanced Zip Code Method to Assign Service Addresses to Local Taxing Jurisdictions.

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

(2) A communications services dealer may avoid liability as provided in Emergency Rule 12BER04-1, F.A.C., for any additional local communications services tax, penalty, and interest resulting from errors in assigning service addresses to an incorrect local taxing jurisdiction when the correct local taxing jurisdiction has a higher local tax rate by employing an enhanced zip code method only if the requirements of this rule are satisfied.

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

(a) The Address/Jurisdiction Database, described in Emergency Rule 12BER04-2, F.A.C.,

(b) A database that has been certified by the Department as provided in Emergency Rule 12BER04-3, F.A.C.,

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

(d) The United States Census Bureau; or

(e) The United States Post Office.

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

(4) The dealer employing an enhanced zip code method to assign service addresses to local jurisdictions must satisfy the notification and due diligence requirements set forth in Emergency paragraphs 12BER04-1(2)(b) and (c), F.A.C. For purposes of due diligence requirements, a communications services dealer or an enhanced zip code database vendor is deemed to have expended reasonable resources to accurately and reliably implement an enhanced zip code method if the requirements of subsection (3) have been met. The due diligence requirement includes the requirement to correct errors in the assignments of service addresses within 120 days of discovering or being notified by any person of such errors. The database vendor or dealer must also maintain adequate internal controls to assure the on-going accuracy of an enhanced zip code database as described in Emergency subparagraph 12BER04-1(2)(c)1., F.A.C.

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

(6) In order to be entitled to the .75 percent collection allowance, a communications services dealer that employs an enhanced zip code method to assign service addresses must satisfy the requirements of subsection (3) of this rule and the requirements of Emergency subsection 12BER04-1(3), F.A.C. This rule shall take effect on April 1, 2004.

Specific Authority 202.26(3)(b),(f),(g),(4), 202.28(1) FS. Law Implemented 202.22(1),(4),(6),(7), 202.28(1)(b)2. FS. History--New 4-1-04.

THESE RULES TAKE EFFECT UPON BEING FILED WITH THE DEPARTMENT OF STATE UNLESS A LATER TIME AND DATE ARE SPECIFIED IN THESE RULES.

EFFECTIVE DATE: April 1, 2004

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

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

DEPARTMENT OF ENVIRONMENTAL PROTECTION

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

Section V Petitions and Dispositions Regarding Rule Variance or Waiver

DEPARTMENT OF COMMUNITY AFFAIRS

NOTICE IS HEREBY GIVEN that the Department has issued a Final Order in response to the Petition for Waiver filed by the CITY OF GREEN COVE SPRINGS and assigned the number DCA04-WAI-031. Notice of this petition appeared in the February 13, 2004, edition of the Florida Administrative Weekly. It is ordered that the Petition by Petitioner CITY OF GREEN COVE SPRINGS for the Department to waive a portion of subsection 9K-7.003(5), F.A.C., is hereby granted.

A copy of the Final Order may be obtained from: Paula P. Ford, Agency Clerk, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100.

NOTICE IS HEREBY GIVEN that the Department has issued a Final Order in response to the Petition for Waiver filed by INDIAN RIVER COUNTY and assigned the number DCA04-WAI-032. Notice of this petition appeared in the February 13, 2004, edition of the Florida Administrative Weekly. It is ordered that the Petition by Petitioner INDIAN RIVER COUNTY for the Department to waive a portion of subsection 9K-7.003(5), F.A.C., is hereby granted.

A copy of the Final Order may be obtained from: Paula P. Ford, Agency Clerk, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100.

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

The Bureau of Elevator Safety hereby gives notice that it has Issued an Order Denying Emergency Status of Variance Request in response to a petition filed on March 11, 2004, by Steve Powell, seeking a waiver from Rules 100.3a and 101.6 of ASME A17.1, as adopted by Rule 61C-5.001, Florida Administrative Code.

The order cited the Petitioner's lack of delineating any immediate adverse effects if their petition was not acted upon within 30 days as required by Rule 28-104.004, Florida Administrative Code, as the reason for the denial.

A copy of the Order can be obtained from: Agency Clerk, Department of Business and Professional Regulation, 1940 North Monroe Street, Tallahassee, Florida 32399-2202.

NOTICE IS HEREBY GIVEN that on March 25, 2004, Bureau of Elevator Safety received a Petition for Variance from Section 399.035(2), Florida Statute, from Sam Bakarak.

The Petitioner is requesting a variance to allow the installation of an elevator cab which would not be capable of accommodating a 76" x 24" horizontal stretcher in the following location: Ponce de Leon Hotel in St. Petersburg, FL (Petition VW 2004-026).

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

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

NOTICE IS HEREBY GIVEN that on March 30, 2004, Bureau of Elevator Safety received four Petitions for Variance from ASME A.17.1, Sections 100.3a and 101.6, 206.5a, 208.2a, 208.2b and 21201 as adopted by Rule 61C-5.001, Florida Administrative Code, from Lee Rigby of Verticle Assessment Associates.

The petitions requests a variance to allow the installation of Schindler ISIS© systems in the following locations: The Preserve at Oakleaf Plantation (VW 2004-027), Campfield Condominiums (VW 2004-028), Wolf Creek Condominiums, (Petition VW 2004-029, and Faith Christian Center, Jacksonville (VW 2004-030).

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

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

NOTICE IS HEREBY GIVEN that on February 26, 2004, Bureau of Elevator Safety received four Petitions for Variance from ASME A.17.1, Sections 100.3a and 101.6 and , ASME A17.2, Section 2.29.2, as adopted by Rule 61C-5.001, Florida Administrative Code from Steve Powell of KONE Inc, requesting a variance to allow the installation of four (4) MonoSpace® elevator systems in the following location: Courthouse Centre, Sarasota (Petition VW 2004-015).

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

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

NOTICE IS HEREBY GIVEN that on March 2, 2004, Bureau of Elevator Safety received four Petitions for Variance from ASME A.17.1, as adopted by Rule 61C-5.001, Florida Administrative Code from Vincinte Robibero of Schindler Elevator, requesting a variance to allow the installation of four (4) 400A machine room less elevator systems in the following location: Courthouse Centre, Sarasota (Petitions VW 2004-019, VW 2004-20, VW 2004-31, and VW 2004-32).

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

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

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 Massage Therapy hereby gives notice that it has received a petition, filed on March 10, 2004, from Sandra Weinrib seeking a waiver of subsection 64B7-31.001(2), Florida Administrative Code, with respect to colonic irrigation training and examination requirements.

Comments on this petition should be filed with: Board of Massage Therapy, 4052 Bald Cypress Way, Bin C06, Tallahassee, Florida 32399

For a copy of the petition, contact: Pamela King, Executive Director, Board of Massage Therapy, 4052 Bald Cypress Way, Tallahassee, Florida 32399.

The Board of Medicine hereby gives notice that it has issued an Order on the Petition for Variance/Waiver filed by Monica Kharbanda, M.D. The Notice of Petition for Variance/Waiver was published in Vol. 29, No. 52, of the December 26, 2003, Florida Administrative Weekly.

The Credentials Committee considered the Petition at its meeting held on January 24, 2004, and the Board considered the Committee's recommendation at its meeting held on February 6-7, 2004, in Pensacola, Florida. The Board's Order, filed on March 24, 2004, denies the petition for variance/

waiver of Rule 64B8-5.001, F.A.C., finding that the Petitioner has not demonstrated a substantial hardship and failed to meet the purpose of the underlying statute.

A copy of the Board's Order may be obtained by contacting: Board of Medicine, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3753.

The Board of Medicine hereby gives notice that it has issued an Order on the Petition for Waiver filed on behalf of Eric J. Leichter, M.D. The Notice of Petition for Waiver was published in Vol. 29, No. 52, of the December 26, 2003, Florida Administrative Weekly.

The Credentials Committee considered the Petition at its meeting held on January 24, 2004. The Board considered the Committee's recommendation at its meeting held on February 6-7, 2004, in Pensacola, Florida. The Board's Order, filed on March 24, 2004, grants the petition for waiver finding that the underlying purpose of the statute, as implemented by Rule 64B8-2.001, F.A.C., has been met.

A copy of the Board's Order may be obtained by contacting the Board of Medicine, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3753.

NOTICE IS HEREBY GIVEN THAT ON March 5, 2004, the Board of Physical Therapy Practice considered a petition for variance or waiver of subsections 64B17-3.001(4) and (5), and 64B17-3.002(4), Florida Administrative Code, filed by Enisa Begic. These rules require that an applicant for licensure as a Physical Therapist use an approved credentials reviewer, obtain 60 hours of general education, and pass the laws and rules examination. The petition was filed with the Board on February 9, 2004, and was noticed in the Vol. 30, No. 8, February 20, 2004 issue of the Florida Administrative Weekly. No written comments were received.

The Order, which was filed on March 23, 2004, provides in summary that due to her illness, Petitioner established a substantial hardship so that she would not need to obtain a new credentials review or additional general education. However, Petitioner did not establish a substantial hardship that would prevent her from taking the laws and rules examination. Accordingly, the petition for variance or waiver from subsections 64B17-3.001(4) and (5), Florida Administrative Code, has been GRANTED and the petition for variance or waiver from subsection 64B17-3.002(4), Florida Administrative Code has been DENIED.

A copy of the Order may be obtained from: Amy Carraway, Deputy Agency Clerk, Department of Health, Division of Medical Quality Assurance, 4052 Bald Cypress Way, Tallahassee, Bin #C01, Florida 32399-3251, (850)245-4121.

NOTICE IS HEREBY GIVEN THAT ON March 5, 2004, the Board of Physical Therapy Practice considered a petition for variance from Rule 64B17-3.003, Florida Administrative Code, filed by Betty Marshall. Rule 64B17-3.003, Florida Administrative Code, requires that the written licensure examination must be the national physical therapy examination provider certified by the Department of Health. The petition was filed with the Board on February 9, 2004, and was noticed in the Vol. 30, No. 8, February 20, 2004, issue of the Florida Administrative Weekly. No written comments were received.

The Order, which was filed on March 23, 2004, provides in summary that the national examination score sufficient for licensure in Tennessee in 1971 would be considered a passing grade for Petitioner. Accordingly, the petition for variance from Rule 64B17-3.003, Florida Administrative Code, has been GRANTED.

A copy of the Order may be obtained from: Amy Carraway, Deputy Agency Clerk, Department of Health, Division of Medical Quality Assurance, 4052 Bald Cypress Way, Bin #C01, Tallahassee, Florida 32399-3251, (850)245-4121.

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: April 27, 2004, 9:00 a.m.

PLACE: Cabinet Meeting Room, Lower Level, The Capitol, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED:
 Regular scheduled meeting of the Governor and Cabinet.

The State Board of Administration will take action on matters duly presented on its agenda, which may include such matters as Executive Director's reports; approval of fiscal sufficiency of state bond issues; approval of sale of local bonds at an interest rate in excess of statutory interest rate limitation; report on investment performance; designation of banks as depositories for state funds; adoption of rules and regulations;

investment of state funds pursuant to Chapter 215, F.S.; and consideration of other matters within its authority pursuant to Chapters 215 and 344, F.S., and Section 16 of Article IX of the Florida Constitution of 1885, as continued by subsection 9(c) of Article XII of the Florida Constitution of 1968. The Division of Bond Finance of the State Board of Administration will take action on matters duly presented on its agenda, which will deal with the issuance of State bonds, arbitrage compliance and related matters.

The Financial Services Commission will take action on matters duly presented on its agenda which may include, but not be limited to, matters relating to rulemaking for all activities concerning insurers and other risk bearing entities, including licensing, rates, policy forms, market conduct, claims, adjusters, issuance of certificates of authority, solvency, viatical settlements, premium financing, and administrative supervision, as provided under the Insurance Code or Chapter 636, F.S., and for all activities relating to the regulation of banks, credit unions, other financial institutions, finance companies, and the securities industry.

The Department of Veterans' Affairs will take action on matters duly presented on its agenda which may include the administration of the Department as well as actions taken to further the Department's mission of providing assistance to veterans and their dependents, pursuant to Section 292.05, F.S. The Department of Highway Safety and Motor Vehicles will take action on matters duly presented on its agenda, which may include such matters as approval of agency policies, taking agency action with regard to administrative procedure matters, and considering other matters within its authority pursuant to Florida Statutes.

The Department of Law Enforcement will take action on matters duly presented on its agenda which may include but not be limited to such matters as transfer of agency funds or positions, formulation of Departmental Rules, administrative procedure matters, submittal of reports as required, enter into contracts as authorized and to consider other matters within its authority pursuant to Chapters 20, 23, 120 and 943, F.S.

The Department of Revenue will act on matters duly presented on its agenda which may include approval of rules, legislative concept proposals, contracts over \$100,000, Departmental budgets, taking final action on formal and informal hearings under Chapter 120, F.S., and consideration of other matters within its authority.

The Department of Education will finalize agency action on the business of the Florida Department of Education.

The Administration Commission will take action on matters duly presented on its agenda which may include such matters as to create or transfer agency funds or positions, approve Career Service rules, administrative procedure matters, environmental matters arising under Chapter 380, F.S., comprehensive planning issues pursuant to Section 163.3184,

F.S., determine sheriffs' budget matters, and consider other matters within its authority pursuant to Chapters 110, 215 and 216, F.S.

The Florida Land and Water Adjudicatory Commission will take action on matters duly presented on its agenda including appeals of local government development orders in areas of critical state concern or of developments of regional impact under Section 380.07, F.S.; and review of water management matters under Chapter 373, F.S. The Commission will also review Department of Environmental Protection's rules and orders which, prior to July 1, 1993, the Governor and Cabinet, sitting as the head of the Department of Natural Resources, had authority to issue or promulgate.

The Board of Trustees of the Internal Improvement Trust Fund will take action on matters duly presented on its agenda which may include such matters as mineral leases or sales, state or sovereign land leases, sales, exchanges, dedications, and easements, Conservation and Recreation Lands (CARL) and other land purchases; land planning matters and other matters within its authority. Additionally, the Board will take action on matters presented by the Marine Fisheries Commission as set forth in Sections 370.025, 370.026 and 370.027, F.S., and matters pertaining to the Office of Greenways Management, the Office responsible for the management of lands which formerly fell within the Cross Florida Barge Canal project corridor.

The Department of Environmental Protection, while not a Cabinet agency, will present for consideration on its agenda those matters required by law to be reviewed by the Governor and Cabinet and those pertaining to the siting of power plants, electric and natural gas transmission lines and hazardous waste facilities; coastal zone management consistency and standards adopted by the Environmental Regulation Commission.

A copy of any of the above agendas (when applicable) may be obtained by contacting each agency.

Accommodations can be made for persons with disabilities provided several days' notification is received. Please notify the Governor's Cabinet Office, (850)488-5152.

The Governor and Cabinet will proceed through each agenda, item by item, in the order given above.

CABINET AIDES BRIEFING: On the Wednesday of the week prior to the above meeting, there will be a meeting of the aides to the Governor and Cabinet Members at 9:00 a.m., Cabinet Meeting Room, Lower Level, The Capitol, Tallahassee, Florida. The purpose of this briefing is to review and gather information regarding each agenda to be considered by the Governor and Cabinet.

DEPARTMENT OF STATE

The **Department of State, Division of Library and Information Services** announces a meeting of the Library Services and Technology Act Advisory Council.

DATES AND TIMES: Thursday, June 10, 2004, 8:30 a.m. – 4:30 p.m.; Friday, June 11, 2004, 8:30 a.m. – 1:00 p.m.

PLACE: Third Floor Conference Room, Room 307, R. A. Gray Building, 500 South Bronough Street, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: To review federal fiscal year 2004 grant applications for Library Services and Technology Act funds.

A copy of the agenda may be obtained by contacting: Judith A. Ring, State Librarian, (850)245-6604, Suncom 205-6604 or TDD (850)245-6688.

Any person deciding to appeal any decision made by the Council with respect to any matter considered at this meeting will need a record of the proceedings. Such a record may be obtained by calling (850)245-6604, Suncom 205-6604 or TDD (850)245-6688.

Any person requiring special accommodations due to a disability or physical impairment should contact the agency at least 48 hours prior to the meeting in order to request any special assistance by calling (850)245-6604, Suncom 205-6604 or TDD (850)245-6688.

The **Department of State, Division of Cultural Affairs** announces the following public meeting, to which all persons are invited:

DATE AND TIME: April 6, 2004, 2:00 p.m.

PLACE: USF, MDC Conference Room 1118, College of Medicine, Tampa, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Art in State Buildings Meeting, BR-515

COMMITTEE: Art Selection Committee slide review meeting
For more information, please contact: Vincent Ahern, Coordinator of Public Art, University of South Florida Contemporary Art Museum, 4202 E. Fowler Avenue, CAM101, Tampa, FL 33620, (813)974-4333.

Should any person wish to appeal any decision made with respect to any matter considered in the above-referenced meeting, he/she may need to ensure verbatim recording of the proceedings to provide a record for judicial review. This meeting will not be taped by the Division of Cultural Affairs.

Pursuant to the provisions of the Americans With Disabilities Act, any person requiring special accommodation to participate in this meeting is asked to advise the agency at least 48 hours before the meeting by contacting Vincent Ahern at the above listed phone number. If you are hearing or speech impaired, please contact the agency.

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, April 19, 2004, 1:00 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 a Proposal Review Meeting to review and discuss the final artwork proposal 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, 500 South Bronough, Room 405, Tallahassee, Florida 32399-0250, (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.

DEPARTMENT OF LEGAL AFFAIRS

The Annual Report Committee of the Florida **Commission on the Status of Women** will hold a telephone conference to which all interested persons are invited.

DATE AND TIME: Wednesday, April 14, 2004, 10:00 a.m.

PLACE: Call (850)414-3300 for information on participation

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss general issues.

If you need an accommodation because of disability in order to participate, please notify FCSW in writing at least five days in advance at Office of the Attorney General, The Capitol, Tallahassee, FL 32399-1050.

Note: If a quorum of members does not attend, items on this agenda will be discussed as a workshop by those present, and notes will be recorded although no formal action will be taken. If you have any questions, please call (850)414-3300.

The Women's Hall of Fame 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: April 14, 2004, 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.

The Executive 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: April 15, 2004, 10:00 a.m.

PLACE: Call (850)414-3300 for information on participation

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss general issues.

If you need an accommodation because of disability in order to participate, please notify FCSW in writing at least five days in advance at Office of the Attorney General, The Capitol, Tallahassee, FL 32399-1050.

Note: If a quorum of members does not attend, items on this agenda will be discussed as a workshop by those present, and notes will be recorded although no formal action will be taken. If you have any questions, please call (850)414-3300.

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

The **Department of Agriculture and Consumer Services** announces a meeting of the cotton producers to determine the feasibility of issuing a marketing order referendum in the state of Florida.

DATE AND TIME: Thursday April 29, 2004, 2:00 p.m. (Central Time)

PLACE: Jackson County Ag Center, 2741 Pennsylvania Ave., Marianna, Florida 32446, (850)482-9620

GENERAL SUBJECT MATTER TO BE CONSIDERED: For the Florida Department of Agriculture and Consumer Services to take testimony to determine whether the Department should issue a marketing order to accomplish the objectives and purposes of Sections 573.010-573.124, F.S.

If special accommodations are needed to attend this meeting because of a disability, please contact: Tony Fendrick, (850)488-4366.

DEPARTMENT OF EDUCATION

The Florida's **Vocational Rehabilitation Program** invites you to come share your thoughts on ways to improve the program.

DATE AND TIME: April 13, 2004, 5:00 p.m. – 7:00 p.m.

PLACE: Florida International University, 11200 S. W. 8th Street, Miami, Florida 33174

DATE AND TIME: April 21, 2004, 5:00 p.m. – 7:00 p.m.

PLACE: University of West Florida, Conference Center "C", Building #22, 11000 University Parkway, Pensacola, Florida

If you would like to send us your comments, please e-mail: vrplan@vr.doe.state.fl.us or call 1(800)451-4327.

Please note that the following accommodations will be provided: American Sign Language Interpreters, Assistive Listening Devices, Large Print, Disk, and Braille materials.

The Florida **Department of Education**, Office of Independent Education and Parental Choice, announces a public hearing of the Charter School Appeal Commission to which all persons are invited.

DATE AND TIME: April 23, 2004, 8:30 a.m. – completion

PLACE: Department of Education, 325 W. Gaines Street, Room 1703/1707, Tallahassee, Florida 32399

GENERAL SUBJECT MATTER TO BE CONSIDERED: Charter School Appeal Commission Hearings for the denial/termination of 2004-2005 charter school applications.

SPECIAL ACCOMMODATIONS: Persons with disabilities who require assistance to participate in this meeting are requested to contact: Office of Independent Education and Parental Choice, 325 W. Gaines Street, Suite 522, Tallahassee, Florida 32399, (850)245-0502.

The State **Board of Education** will meet via phone conference.

DATE AND TIME: April 20, 2004, 10:00 a.m.

GENERAL SUBJECT MATTER TO BE CONSIDERED: Approval of Minutes of meeting held March 16, 2004 and Proposed Rule 6A-10.060, F.A.C. The Dale Hickam Excellent Teaching Program. Consent Items Include Repeal of Rule 6A-1.0501, F.A.C., Definition of Instructional Staff; Proposed Amendment to Rule 6A-1.0502, F.A.C., Noncertificated Instructional Personnel; Proposed Amendment to Rule 6A-1.0503, F.A.C., Definition of Qualified Instructional Personnel; University Transition from the State Accounting System (FLAIR) to Individual University Accounting Systems; Recommended Additions to the Dual Enrollment Course Equivalency List; Condemnation of Private Property Adjacent to the Campus of Florida State University; Approval of Proposed High Priority Location Schools for the 2003-2004 School Year; Proposed Amendment to Rule 6E-2.004, F.A.C., Standards and Procedures for Licensure; and Proposed Amendment to Rule 6E-2.008, F.A.C., Approval of Modifications.

A copy of the agenda as well as the conference phone number 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 of the Florida **Board of Governors**. The following Committees will meet: Learning Assessment Subcommittee of the Performance and Accountability Committee and Performance and Accountability Committee.

DATE AND TIME: April 21, 2004, 1:00 p.m. – 5:00 p.m.

PLACE: H. Manning Efferson Ballroom, Student Union, Florida A & M University, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Continuing discussion of learning assessment outcomes, and of other accountability measures for the State University System; and other matters pertaining to the Florida Board of Governors.

A copy of the agenda may be obtained from the Department 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 following Committees will meet: Student Affairs, Facilities, Finance, Strategic Planning/Educational Policy, and Audit. The regular meeting of the Board will follow.

DATE AND TIME: April 22, 2004, 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: Articulation between the Community Colleges and the State Universities; Facilities needs in the University System; 2005-2006 Legislative Budget Request Policy Guidelines; Continuing Discussion of University Missions, Goals and Strategies; Continuing Discussion of University System Accountability Measures and Learning Assessment Outcomes; Audits in the State University System; Legislative Status Report; 2004-2005 Summary Operating Budgets and Facility Maintenance and Equipment Reserve Fund Reports for Auxiliary Facilities with Bond Covenants Requiring Approval; Resolution of the Board Approving the Financing of the Construction of a West Campus Dining Facility on the West End of Campus and the Renovation and Restoration of the Dining Facility in the East Wing of the William H. Johnston Building on the Main Campus, FSU; and other matters pertaining to the Florida Board of Governors.

A copy of the agenda may be obtained from the Department 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 State of Florida, **Department of Education, Education Practices Commission** announces a Teacher Hearing Panel; all persons are invited.

Teacher Hearing

DATE AND TIME: April 23, 2004, 9:00 a.m.

PLACE: Embassy Suites Hotel, 555 North Westshore Boulevard, Tampa, Florida 33609, (813)875-1555

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Teacher Hearing Panel of the Education Practices Commission will consider final agency action in matters dealing with the disciplining of certified educators.

If a person decides to appeal any decision made by the Commission with respect to any matter considered at this hearing, he or she will need to ensure that a verbatim record of the proceeding is made. The record will include the testimony and evidence upon which the appeal is to be based.

Additional information may be obtained by writing: Education Practices Commission, 325 W. Gaines Street, Room 224, Turlington Building, Tallahassee, Florida 32399-0400.

SPECIAL ACCOMMODATION: Any person requiring a special impairment accommodation should contact Kathleen M. Richards, (850)245-0455, at least five (5) calendar days prior to the hearing. Persons who are hearing or speech impaired can contact the Commission using the Florida Dual Party Relay System at 711.

The **University of South**, Florida Lawton and Rhea Chiles Center for Healthy Mothers and Babies announces the Covering Kids Statewide Coalition conference call meeting to which all persons are invited to participate.

DATE AND TIME: Thursday, April 22, 2004, 10:00 a.m.

PLACE: Conference Call-In Info (850)922-2903, Suncom 292-2903, Toll-free 1(800)416-4254

GENERAL SUBJECT MATTER TO BE CONSIDERED: Items to be discussed include policy and legislative changes to the Florida KidCare program; retention strategies; CKF regional meeting to held in Miami; September site visit; and importance of future community partnerships to reaching eligible families.

The **Florida Atlantic University**, Board of Trustees announces a meeting to which all persons are invited:

DATE AND TIME: Wednesday, April 21, 2004, 2:00 p.m.

GENERAL SUBJECT MATTER TO BE CONSIDERED: Audit and Finance Committee

A copy of the agenda and call-in phone number 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**, Florida Art in State Buildings Program announces the following public meeting, to which all persons are invited:

DATE AND TIME: April 22, 2004, 10:00 a.m. – 4:00 p.m.

PLACE: Florida Atlantic University, Florida's Art in State Buildings Program, Boca Raton Campus, 777 Glades Road, DeSantis Center Room 103, Boca Raton, FL 33431

GENERAL SUBJECT MATTER TO BE CONSIDERED: To hold a Slide Review Meeting regarding Florida's Art in State Buildings Program for BR-609/688 College of Business/DeSantis Center.

COMMITTEE: Art Selection Committee

For more information or to obtain a copy of the agenda, please contact: Patty Singer, Program Administrator for Florida's Art in State Buildings Program, Florida Atlantic University, 777 Glades Road, AD Bldg., Rm 392, Boca Raton, Florida 33431, (561)297-1064, (561)297-2539.

Should any person wish to appeal any decision made with respect to any matter considered at the above referenced meeting, he/she may need to ensure verbatim recording of the proceeding to provide a record for judicial review. This meeting will not be taped by the Florida's Art in State Buildings Program. Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this meeting is asked to advise the agency at least 48 hours before the meeting by contacting: Patty Singer, (561)297-1064, (561)297-2539. If you are hearing or speech impaired, please contact the agency by calling TT 1(800)955-8770.

The 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, April 23, 2004, 1:00 p.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.

The Board of Trustees of the **Florida School for the Deaf and the Blind** announces a public meeting to which all persons are invited.

DATE AND TIME: Saturday, April 24, 2004, 9:00 a.m.

PLACE: Wilson Music Building Auditorium, 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 L. Dillingham, President, Florida School for the Deaf and the Blind, 207 N. San Marco Avenue, St. Augustine, FL 32084-2799, (904)827-2000.

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.

The **Florida Rehabilitation Council** announces the following conference call/meeting:

MEETING: Coordination Committee Conference Call

DATE AND TIME: April 15, 2004, 10:00 a.m. – 11:00 a.m.

MEETING: Public Awareness Committee Meeting

DATE AND TIME: April 19, 2004, 9:00 a.m. – 5:00 p.m.

PLACE: VR Headquarters, 2002 Old Saint Augustine Road, Tallahassee, Florida 32301-4862

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct a conference call of the Florida Rehabilitation Council Coordination Committee.

A copy of the agenda may be obtained by contacting: Florida Rehabilitation Council, 2002 Old Saint Augustine Road, Building A, Tallahassee, FL 32301-4862, (850)245-3397. Any interested parties that need further information may contact: Yolanda Manning, (850)245-3320.

COMMITTEE MEETINGS: Please note that committees of the Florida Rehabilitation Council will meet at various times throughout the year to carry out the work of the council; the meeting dates and times will be posted at the above address at least seven days prior to the meeting. Persons who want to be notified of such meeting may request to be put on mailing list for such notices by writing to Yolanda Manning at the Council's address.

Notices of meetings and hearings must advise that a record is required to appeal. Each board, commission, agency of this state or of any political subdivision; thereof shall include in the notice any meeting or hearing, if notice of the meeting or hearing is required of such board, commission, or agency, conspicuously on such notice, they advise that if a person decides to appeal any decision made by the board, agency, or commission with respect to any matter considered at such meeting or hearing, he or she will need a record of the proceedings, and that, for such purpose, he or she may need to ensure that a verbatim record includes the testimony and evidence upon which the appeal is to be based. (Florida Statutes, 286.0105)

The **Florida Rehabilitation Council** announces the following conference call/meeting:

MEETING: Florida Rehabilitation Council Conference Call – Executive Committee

DATE AND TIME: May 6, 2003, 10:00 a.m. – 12:00 Noon

PLACE: VR Headquarters, 2002 Old Saint Augustine Road, Tallahassee, Florida 32301-4862

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct a conference call of the Florida Rehabilitation Council Coordination Committee.

A copy of the agenda may be obtained by contacting: Florida Rehabilitation Council, 2002 Old Saint Augustine Road, Building A, Tallahassee, FL 32301-4862, (850)245-3397. Any interested parties that need further information may contact: Yolanda Manning, (850)245-3320.

COMMITTEE MEETINGS: Please note that committees of the Florida Rehabilitation Council will meet at various times throughout the year to carry out the work of the council; the meeting dates and times will be posted at the above address at least seven days prior to the meeting. Persons who want to be notified of such meeting may request to be put on mailing list for such notices by writing to Yolanda Manning at the Council's address.

Notices of meetings and hearings must advise that a record is required to appeal. Each board, commission, agency of this state or of any political subdivision; thereof shall include in the notice any meeting or hearing, if notice of the meeting or hearing is required of such board, commission, or agency, conspicuously on such notice, they advise that if a person decides to appeal any decision made by the board, agency, or commission with respect to any matter considered at such meeting or hearing, he or she will need a record of the proceedings, and that, for such purpose, he or she may need to ensure that a verbatim record includes the testimony and evidence upon which the appeal is to be based. (Florida Statutes, 286.0105)

The **Florida Rehabilitation Council** announces the following conference call/meeting:

MEETING: Florida Rehabilitation Council Conference Call – Evaluation Committee

DATE AND TIME: May 6, 2003, 12:00 Noon – 1:00 p.m.

PLACE: VR Headquarters, 2002 Old Saint Augustine Road, Tallahassee, Florida 32301-4862

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct a conference call of the Florida Rehabilitation Council Coordination Committee.

A copy of the agenda may be obtained by contacting: Florida Rehabilitation Council, 2002 Old Saint Augustine Road, Building A, Tallahassee, FL 32301-4862, (850)245-3397. Any interested parties that need further information may contact: Yolanda Manning, (850)245-3320.

COMMITTEE MEETINGS: Please note that committees of the Florida Rehabilitation Council will meet at various times throughout the year to carry out the work of the council; the meeting dates and times will be posted at the above address at least seven days prior to the meeting. Persons who want to be notified of such meeting may request to be put on mailing list for such notices by writing to Yolanda Manning at the Council's address.

Notices of meetings and hearings must advise that a record is required to appeal. Each board, commission, agency of this state or of any political subdivision; thereof shall include in the notice any meeting or hearing, if notice of the meeting or hearing is required of such board, commission, or agency, conspicuously on such notice, they advise that if a person decides to appeal any decision made by the board, agency, or commission with respect to any matter considered at such meeting or hearing, he or she will need a record of the proceedings, and that, for such purpose, he or she may need to ensure that a verbatim record includes the testimony and evidence upon which the appeal is to be based. (Florida Statutes, 286.0105)

The **Florida Rehabilitation Council** announces the following conference call/meeting:

MEETING: Florida Rehabilitation Council Conference Call – Outreach Committee

DATE AND TIME: May 13, 2003, 10:00 a.m. – 11:00 a.m.

PLACE: VR Headquarters, 2002 Old Saint Augustine Road, Tallahassee, Florida 32301-4862

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct a conference call of the Florida Rehabilitation Council Coordination Committee.

A copy of the agenda may be obtained by contacting: Florida Rehabilitation Council, 2002 Old Saint Augustine Road, Building A, Tallahassee, FL 32301-4862, (850)245-3397. Any interested parties that need further information may contact: Yolanda Manning, (850)245-3320.

COMMITTEE MEETINGS: Please note that committees of the Florida Rehabilitation Council will meet at various times throughout the year to carry out the work of the council; the meeting dates and times will be posted at the above address at least seven days prior to the meeting. Persons who want to be notified of such meeting may request to be put on mailing list for such notices by writing to Yolanda Manning at the Council's address.

Notices of meetings and hearings must advise that a record is required to appeal. Each board, commission, agency of this state or of any political subdivision; thereof shall include in the notice any meeting or hearing, if notice of the meeting or hearing is required of such board, commission, or agency, conspicuously on such notice, they advise that if a person decides to appeal any decision made by the board, agency, or commission with respect to any matter considered at such meeting or hearing, he or she will need a record of the proceedings, and that, for such purpose, he or she may need to ensure that a verbatim record includes the testimony and evidence upon which the appeal is to be based. (Florida Statutes, 286.0105)

DEPARTMENT OF COMMUNITY AFFAIRS

The **Department of Community Affairs** announces consultation meeting of the U.S. Department of Housing and Urban Development (HUD) and Florida State agencies to which all interested persons are invited.

DATE AND TIME: April 15, 2004, 1:30 p.m. – 5:00 p.m.

PLACE: Cabinet Meeting Room, The Capitol, Tallahassee, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: The purpose of the meeting is to meet with the Florida agencies with which HUD has frequent contact on housing issues, to share information about programmatic, budgetary and legislative activities at the federal level.

Any person requiring special accommodations due to disability or physical impairment should contact Sean Lewis, (850)922-1450, at least five calendar days prior to the meeting.

If you are hearing of speech impaired, please contact the Department of Community Affairs using the Florida Dual party Relay System, 1(800)955-8770 (Voice), 1(800)955-8771 (TDD).

A copy of the agenda may be obtained from: Sean Lewis, DCA Division of Housing and Community Development, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100, (850)922-1450.

The **Department of Community Affairs** announces a meeting of the Affordable Housing Study Commission to which all interested persons are invited.

DATES AND TIMES: April 21, 2004, 1:00 p.m. – 5:00 p.m.; April 22, 2004, 8:00 a.m. – 1:00 p.m.

PLACE: The Courtyard by Marriott, 1018 Apalachee Parkway, Tallahassee, Florida, Hotel phone number is (850)222-8822

At these meetings, a Public Comment period will take place on Thursday, April 22nd, from 8:00 a.m. – 8:30 a.m. Please contact Brenda Smith if you would like to make a presentation to the Commission. Due to time constraints, presentations before the Commission should be limited to no more than six minutes; however, printed support materials are welcome and can be distributed at the meeting.

GENERAL SUBJECT MATTER TO BE CONSIDERED: The purpose of the meeting will be for the Commission to continue discussions on its 2003-2004 study topic: Housing the extremely low-income (>30% AMI) with a special emphasis on farmworker housing and housing in the urban core.

Any person requiring special accommodations due to disability or physical impairment should contact Brenda Smith, (850)922-1832, at least five calendar days prior to the meeting.

A copy of the agenda may be obtained from: Brenda Smith, Affordable Housing Study Commission, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100, (850)922-1832.

DEPARTMENT OF TRANSPORTATION

The **Florida High Speed Rail Authority** announces a public meeting to which all persons are invited.

DATE AND TIME: Monday, April 19, 2004, 10:00 a.m. – conclusion

PLACE: Tallahassee City Commission Chambers, 2nd Floor, City Hall, 300 South Adams Street, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct Florida High Speed Rail Authority business.

Information may be obtained by contacting: Nazih Haddad, 605 Suwannee Street, Tallahassee, Florida 32399-0450, (850)414-4500.

Pursuant to provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this meeting is asked to advise the Authority at least 48 hours before the meetings by contacting: Betty Sizemore, (850)414-5244.

The Florida **Metropolitan Planning Organization Advisory Council** (MPOAC) announces a Joint Meeting of the Governing Board and the Staff Directors' Advisory Committee to which all persons are invited:

DATE AND TIME: April 22, 2004, 2:00 p.m. – 5:00 p.m.

PLACE: DoubleTree Hotel, 101 S. Adams Street, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Activities related to transportation planning within and adjacent to metropolitan areas in Florida carried out by local, state, and federal agencies.

A copy of the agenda may be obtained by contacting: Heidi Langston, MPOAC, 605 Suwannee Street, MS 28B, Tallahassee, FL 32399-0450, 1(866)374-3368, Ext. 4037, e-mail: heidi.langston@dot.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."

DEPARTMENT OF CITRUS

The **Department of Citrus** announces a public meeting of the Fresh Domestic Grapefruit Advisory Council to which all persons are invited.

DATE AND TIME: Monday, April 19, 2004, 10:00 a.m.

PLACE: Indian River Citrus League, 7925 20th Street, Vero Beach, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Committee will meet to hear staff recommendations for 2004/05 programs and discuss any other business that might come before the council for consideration.

In accordance with 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 Mr. Art Johnson at the above address or by telephone at (863)499-2510.

The **Department of Citrus** announces a public meeting of the Fresh Orange and Specialty Advisory Council to which all persons are invited.

DATE AND TIME: Tuesday, April 20, 2004, 9:00 a.m.

PLACE: Florida's Natural Grove House, 20160 US Hwy 27, Lake Wales, FL 33853-2425

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Committee will meet to review program recommendations for 2004-05 season and discuss any other business which may appropriately come before the council.

In accordance with 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 Mr. Art Johnson at the above address or by telephone at (863)499-2510.

The **Department of Citrus** announces a public meeting of the Fresh Orange and Specialty Advisory Council to which all persons are invited.

DATE AND TIME: Tuesday, April 20, 2004, 1:00 p.m.

PLACE: Florida's Natural Grove House, 20160 US Hwy 27, Lake Wales, FL 33853-2425

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Committee will meet to review program recommendations for 2004-05 season and discuss any other business which may appropriately come before the council.

In accordance with 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 Mr. Art Johnson at the above address or by telephone at (863)499-2510.

The **Department of Citrus** announces a public meeting of the Executive Director Search Committee to which all persons are invited.

DATE AND TIME: Tuesday, April 20, 2004, 3:00 p.m.

PLACE: Department of Citrus, 1115 East Memorial Blvd., Lakeland, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: To review applications from candidates who have timely responded to the Job Opportunity Announcement posted March 26, 2004 for the position of Executive Director for the Florida Department of Citrus.

In accordance with 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 Mr. Art Johnson at the above address or by telephone at (863)499-2510.

The **Department of Citrus** announces a public meeting of the Florida Citrus Commission to which all persons are invited.

DATE AND TIME: Wednesday, April 21, 2004, 9:00 a.m.

PLACE: Florida Department of Citrus, 1115 East Memorial Blvd., Lakeland, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Commission will convene for the purposes of standing committee meetings and for the regular monthly meeting of the Florida Citrus Commission. The Commission will address issues pertaining to budget items and revisions, contracts, advertising programs, balance scorecards, licensing, rulemaking, and other matters that are addressed during monthly meetings of the Commission. The Commission may also go into closed session pursuant to the provisions of Section 286.011(8), F.S., to address issues related to the Tampa Juice, et. al. & Graves Brothers, et. al. vs. FDOC and The Lakeland Ledger Publishing Company, Publisher of The Ledger vs. FDOC. The parties attending the closed session will be John R. Alexander, Patrick Carlton, Tristan G. Chapman, W. Cody Estes, Sr., Harry H. Falk, Christopher W. Gargano, William E. Kemper, Anina C. McSweeney, W. Lindsay Raley, Jr., Daniel R. Richey, Ray Smith, Andrew R. Taylor, Bob Crawford, Hank B. Campbell, Esq., Monterey Campbell, Esq. and Kenneth O. Keck, Esq.

In accordance with 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 Mr. Art Johnson at the above address or by telephone at (863)499-2510.

The **Department of Citrus** announces a public workshop to which all interested persons are invited.

DATE AND TIME: April 26, 2004, 2:00 p.m.

PLACE: Florida Department of Citrus, 1115 East Memorial Blvd., Lakeland, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss and receive comments from interested persons regarding amendments to Rule 20-49, F.A.C., Standards For Fresh Squeezed Citrus Juices.

A copy of the agenda may be obtained by contacting: Florida Department of Citrus, Attention: Alice Wiggins, P. O. Box 148, Lakeland, Florida 33802-0148.

In accordance with the American 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 Art Johnson at the above address or by telephone, (863)499-2500.

PUBLIC SERVICE COMMISSION

The Florida **Public Service Commission** announces a public meeting or workshop in the following dockets to which all persons are invited.

DOCKET NOS.: 040029-EG – Petition for Approval of Numeric Conservation Goals by Florida Power & Light; 040030-EG – Petition for Approval of Numeric Conservation Goals by JEA; 040031-EG – Petition for Approval of Numeric Conservation Goals by Progress Energy Florida, Inc.; 040032-EG – Petition for Approval of Numeric Conservation Goals by Gulf Power Company; 040033-EG – Petition for Approval of Numeric Conservation Goals by Tampa Electric Company; 040034-EG – Petition for Approval of Numeric Conservation Goals by Florida Public Utilities Company; 040035-EG – Petition for Approval of Numeric Conservation Goals by Orlando Utilities Commission.

DATE AND TIME: Wednesday, April 21, 2004, 9:30 a.m. – 12:00 Noon

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

GENERAL SUBJECT MATTER TO BE CONSIDERED: The purpose of the workshop is to discuss numeric conservation goals for electric utilities' demand-side management programs. A copy of the agenda for this meeting may be obtained by writing: Director, Division of the Commission Clerk and Administrative Services, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, (850)413-6770.

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

One or more of the Commissioners of the Florida Public Service Commission may attend and participate in the meeting.

NOTICE IS HEREBY GIVEN that the Florida **Public Service Commission** will hold a Commission Workshop regarding Extended Calling Service (ECS) to which all Incumbent Local Exchange Companies, Competitive Local Exchange Companies, Interexchange Companies and other interested persons are invited.

DATE AND TIME: Thursday, May 6, 2004, 9:30 a.m.

PLACE: Room 148, Easley Conference Center, 4075 Esplanade Way, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: The purpose of the meeting is to discuss current relevant issues related to ECS rates, history, the current state of the law and what role if any ECS has in today's market.

Further information regarding this meeting may be obtained from: Bob Casey, Division of Competitive Markets and Enforcement, Florida Public Service Commission, (850)413-6974.

Any person requiring some accommodation at this workshop because of a physical impairment should call the Division of Records and Reporting, (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).

REGIONAL PLANNING COUNCILS

The **North Central Florida Regional Planning Council** announces the following meetings to which all persons are invited.

MEETING: Finance Committee

DATE AND TIME: April 22, 2004, 5:30 p.m.

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct the regular business of the Finance Committee.

MEETING: Executive Committee

DATE AND TIME: April 22, 2004, 6:15 p.m.

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct the regular business of the Executive Committee.

MEETING: Clearinghouse Committee

DATE AND TIME: April 22, 2004, 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: April 22, 2004, 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@ncfrpc.org or writing to: 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 District 5, **Local Emergency Planning Committee** announces a public meeting to which all persons are invited.

COMMITTEE NAME: Training Subcommittee

DATE AND TIME: Wednesday, April 21, 2004, 9:00 a.m. – 10:15 a.m.

COMMITTEE NAME: Local Emergency Planning Committee
 DATE AND TIME: Wednesday, April 21, 2004, 10:30 a.m.

PLACE: Withlacoochee Regional Planning Council, 1241 S. W. 10th Street, Ocala, FL 34474

GENERAL SUBJECT MATTER TO BE DISCUSSED: Chairman report, Committee updates, and other organizational matters regarding the committees.

If a person decides to appeal any decision made by the Committee with respect to any matter considered at this meeting, he will need a record of the proceedings, and for such purpose he may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

If you have any questions regarding the meeting you may contact: Charlotte Neupauer, (352)732-1315.

The **East Central Florida Regional Planning Council** announces a public meeting to which all persons are invited.

DATE AND TIME: Wednesday, April 21, 2004, 10:00 a.m.

PLACE: 631 North Wymore Road, Suite 100, Maitland, FL 32751 (Please call (407)623-1075, Ext. 304, to confirm date, time and place)

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regular Meeting of the East Central Florida Regional Planning Council.

A copy of the full agenda may be obtained by writing: Ms. Sandra Glenn, Executive Director, East Central Florida Regional Planning Council, 631 North Wymore Road, Suite 100, Maitland, Florida 32751, (407)623-1075, e-mail: erin@ecfrpc.org.

The District II, **Local Emergency Planning Committee** (LEPC) announces a public meeting to which all persons are invited.

DATE AND TIME: Wednesday, April 14, 2004, 10:00 a.m. (Eastern Time); 9:00 a.m. (Central Time)

GENERAL SUBJECT MATTER TO BE CONSIDERED: To hold the regularly scheduled LEPC meeting.

PLACE: Tallahassee Fire Department, 2964 Municipal Way, Tallahassee, Florida

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.

COMMISSION ON ETHICS

The **Commission on Ethics** announces a public meeting to which all interested persons are invited.

DATE AND TIME: Friday, April 23, 2004, 8:00 a.m.

PLACE: Burns Building Auditorium, Department of Transportation, 605 Suwannee Street, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regular Commission Meeting.

A copy of the agenda may be obtained by writing: Commission on Ethics, Post Office Drawer 15709, Tallahassee, Florida 32317-5709. Meeting materials also will be available from 8:00 a.m. – 5:00 p.m., Monday through Friday at 3600 Maclay Blvd., S., Suite 201, prior to the meeting.

If a person decides to appeal any decision made by the Commission with respect to a matter considered at this meeting, he will need a record of the proceeding, and for such purpose he may need to ensure that a verbatim record of this proceeding is made, which record includes the testimony and evidence upon which the appeal is to be based.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this meeting is asked to advise the Commission at least 48 hours before the meeting by contacting: Commission on Ethics, (850)488-7864. If you are hearing or speech impaired, please contact the Commission by using the Florida Relay Service, 1(800)955-8771 (TDD).

WATER MANAGEMENT DISTRICTS

The **Northwest Florida Water Management District** announces public meetings to which all persons are invited:

DATE AND TIME: April 22, 2004, 11:30 a.m., EDT

GENERAL SUBJECT MATTER TO BE CONSIDERED: District Lands Committee – to discuss District Land issues.

DATE AND TIME: April 22, 2004, 1:00 p.m., EDT

GENERAL SUBJECT MATTER TO BE CONSIDERED: Governing Board Meeting – to consider District business.

DATE AND TIME: April 22, 2004, 1:15 p.m., EDT

GENERAL SUBJECT MATTER TO BE CONSIDERED: Public Hearing on Consideration of Regulatory Matters – to consider Regulatory matters.

PLACE: District Headquarters, 10 miles west of Tallahassee on U.S. Highway 90, Tallahassee, FL

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 Southwest Florida Water Management District (SWFWMD) announces the following public meetings to which all interested persons are invited:

PEACE RIVER BASIN BOARD MEETING (Note: This meeting, originally scheduled for Friday, April 16, 2004, at 9:30 a.m., has been CANCELLED. The meeting will be rescheduled at a later date.)

HILLSBOROUGH RIVER BASIN BOARD MEETING (Note: This is a change of location from what was originally published in the year-long calendar.)

DATE AND TIME: Tuesday, April 20, 2004, 9:00 a.m.

PLACE: Department of Environmental Protection, 3804 Coconut Palm Drive, Tampa, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Consideration of Basin business including Basin Board review of Cooperative Funding proposals and associated budgetary implications.

RULE DEVELOPMENT PUBLIC WORKSHOP

DATE AND TIME: Tuesday, April 20, 2004, 6:00 p.m.

PLACE: Land O'Lakes Community Center, 5401 Land O'Lakes Boulevard, Land O'Lakes, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Public workshop on proposed minimum and guidance levels for ten lakes in Pasco County.

MANASOTA BASIN BOARD MEETING

DATE AND TIME: Wednesday, April 21, 2004, 9:00 a.m.

PLACE: SWFWMD, Sarasota Service Office, 6750 Fruitville Road, Sarasota, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Consideration of Basin business including Basin Board review of Cooperative Funding proposals and associated budgetary implications.

GOVERNING AND BASIN BOARD MEMBERS TOUR OF TAMPA BAY REGIONAL RESERVOIR

DATE AND TIME: Friday, April 23, 2004, 9:00 a.m.

PLACE: Tampa Bay Regional Reservoir Construction Site, 12707 S. County Road 39, Lithia, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Tour of reservoir construction site.

GOVERNING BOARD COMMITTEE MEETINGS, BOARD MEETING AND PUBLIC HEARING

DATE AND TIME: Tuesday, April 27, 2004, 9:00 a.m.

PLACE: SWFWMD, District Headquarters, 2379 Broad Street, Brooksville, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Conduct of Committee meetings, Board meeting and public hearing.

GOVERNING BOARD COMMITTEE MEETINGS, BOARD MEETING AND PUBLIC HEARING (Items not completed at Tuesday's meeting may be carried over to Wednesday's meeting. If all business is concluded at Tuesday's meeting, there will be no meeting on Wednesday.)

DATE AND TIME: Wednesday, April 28, 2004, 9:00 a.m.

PLACE: SWFWMD, District Headquarters, 2379 Broad Street, Brooksville, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Conduct of meeting and public hearing.

These are public meetings and agendas are available by contacting the 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 South Florida Water Management District announces a public meeting which may be conducted by means of or in conjunction with communications media technology, specifically by telephonic conference to which all interested parties are invited:

DATE AND TIME: April 21, 2004, 10:00 a.m. – 12:00 Noon

PLACE: South Florida Water Management District Headquarters, B-1 Building, Room 3B, 3301 Gun Club Road, West Palm Beach, Florida 33406

GENERAL SUBJECT MATTER TO BE CONSIDERED: Budget and Finance Advisory Commission meeting to discuss SFWMD budget and finance-related matters.

A copy of the agenda may be obtained by writing: South Florida Water Management District, Mail Stop 6260, P. O. Box 24680, West Palm Beach, Florida 33416-4680.

Appeals from any South Florida Water Management District Board decision require a record of the proceedings. Although Governing Board meetings and hearings are normally recorded, affected persons are advised that it may be necessary for them to ensure that a verbatim record of the proceeding is made, including the testimony and evidence upon which the appeal is to be based.

Persons with disabilities who need assistance may contact the District Clerk, (561)686-8800, at least two business days in advance of the meeting to make appropriate arrangements.

Those who desire more information or wishing to submit written or physical evidence may contact Marcie Daniel, Budget Division, District Headquarters, 3301 Gun Club Road, West Palm Beach, Florida 33406, (561)682-6469.

The **South Florida Water Management District** announces a public meeting to which all interested parties are invited:

DATE AND TIME: Friday, April 23, 2004, 9:00 a.m. – 5:00 p.m.

PLACE: The South Florida Water Management Headquarters, B-1 Building, Auditorium, 3301 Gun Club Road, West Palm Beach, Florida 33406

GENERAL SUBJECT MATTER TO BE CONSIDERED: Everglades Technical Oversight Committee (TOC) Meeting.

A copy of the agenda may be obtained at the (1) District Website (<http://www.sfwmd.gov/org/ema/toc/draftagenda.html>) or (2) by writing: South Florida Water Management District, Mail Stop 2130, P. O. Box 24680, West Palm Beach, FL 33416-4680.

Appeals from any South Florida Water Management District Board decision require a record of the proceedings. Although Governing Board meetings and hearings are normally recorded, affected persons are advised that it may be necessary for them to ensure that a verbatim record of the proceeding is made, including the testimony and evidence upon which the appeal is to be based.

Persons with disabilities who need assistance may contact the District Clerk, (561)686-8800, at least two business days in advance of the meeting to make appropriate arrangements.

Those who want more information, please contact: Dr. Garth Redfield, in the Environmental Monitoring and Assessment Department, District Headquarters, 3301 Gun Club Road, Mail Stop Code 4610, West Palm Beach, FL 33406, (561)682-6611.

The Big Cypress Basin Board, **South Florida Water Management District** announces a public meeting which may be conducted by means of, or in conjunction with, communications media technology, specifically by telephonic conference, to which all interested persons are invited.

DATE AND TIME: April 23, 2004, 9:00 a.m.

PLACE: Collier County Government Center, Commission Chambers, Building F, 3301 East Tamiami Trail, Naples, Florida (The above address shall be the designated access point for public attendance of the meeting)

GENERAL SUBJECT MATTER TO BE CONSIDERED: Conduct Basin Business.

A copy of the agenda may be obtained by writing: Big Cypress Basin, 6089 Janes Lane, Naples, Florida 34109, or by calling Ann Christian, (239)597-1505.

Appeals from any Big Cypress Basin Board decision require a record of the proceedings. Although Basin Board meetings are normally recorded, affected persons are advised that it may be necessary for them to ensure that a verbatim record of the proceeding is made, including the testimony and evidence upon which the appeal is to be based. Persons with disabilities who need assistance may contact Ann Christian, (239)597-1505, at least forty-eight (48) hours before the

meeting to make appropriate arrangements. Those persons who desire more information, or those wishing to submit written or physical evidence may contact: Ann Christian, Big Cypress Basin, 6089 Janes Lane, Naples, Florida 34109, (239)597-1505.

REGIONAL UTILITY AUTHORITIES

The **Withlacoochee Regional Water Supply Authority** announces that the Authority will hold its regular April monthly board meeting as scheduled. This is a public meeting to which all persons are invited:

DATE AND TIME: April 21, 2004, 4:30 p.m.

PLACE: Citrus County Courthouse, Commission Chamber, First Floor, 110 N. Apopka Avenue, Inverness, FL 34450

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct regular business of the Authority.

A copy of the agenda may be obtained by writing: Withlacoochee Regional Water Supply Authority, P. O. Drawer 190, Tallahassee, Florida 32302.

Although these board meetings are normally recorded, affected persons are advised that it may be necessary for them to make their own arrangements if a verbatim record of the meeting is needed, including testimony and evidence upon which any appeal is to be based.

DEPARTMENT OF MANAGEMENT SERVICES

The **State Retirement Commission** announces public hearings to which all persons are invited.

DATES AND TIME: April 19-20, 2004, 8:30 a.m.

PLACE: Ameri-Suites Hotel, 1851 S. E. 10th Avenue, Ft. Lauderdale, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct hearings pursuant to Section 121.23, Florida Statutes, and to consider other matters related to the business of the Commission.

A copy of the Agenda may be obtained by writing: State Retirement Commission, Department of Management Services, 4050 Esplanade Way, Suite 260, Tallahassee, Florida 32399-0950, (850)487-2410.

A party who decides to appeal any decision made at such hearings will need a verbatim record of the hearing and may need to ensure that one is made, including the testimony and evidence, upon which the appeal is to be based.

Persons requiring accommodation because of a physical, visual, auditory, or speech impairment should contact the Commission Clerk at least ten days prior to the hearing. If you are hearing or speech impaired, call by using the Florida Relay Service, 1(800)955-8771 (TDD). Hearing rooms and facilities are wheelchair accessible.

The Florida **Commission on Human Relations** announces a public meeting to which all persons are invited.

DATE AND TIME: Monday, April 26, 2004, 9:00 a.m.

PLACE: County Administration Building, 12 S. E. 1st Street, Board Room, 2nd Floor, Gainesville, Florida 32601

GENERAL SUBJECT MATTER TO BE CONSIDERED: This meeting will be held to deliberate cases that have come before the Commission for determination.

A copy of the agenda may be obtained by contacting: Ms. Denise Crawford, Clerk of the Commission, Florida Commission on Human Relations, 2009 Apalachee Parkway, Suite 100, Tallahassee, Florida 32301, (850)488-7082, Ext. 1032.

VERBATIM RECORD OF MEETING: If any person decided to appeal any decision made during the meeting, he or she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence upon which the appeal is to be based.

ADA NOTICE: Any person requiring special accommodation at this meeting because of a disability or physical impairment should contact the Clerk of the Commission, (850)488-7082, Ext. 1032, at least five working days prior to the meeting.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

The **Department of Business and Professional Regulation**, Hospitality Education Program, announces the following teleconference:

Meeting: The Division of Hotels and Restaurants Advisory Council Teleconference

DATE AND TIME: April 20, 2004, 10:00 a.m.

PLACE: Florida Department of Business and Professional Regulation, Division of Hotels and Restaurants, Hospitality Education Program, One Champions Way, Florida State University, Tallahassee, Florida 32306

GENERAL SUBJECT MATTER TO BE CONSIDERED: To approve grant applications for the 2004-2005 School-to-Career Transition Program. Only that portion of the meeting wherein cases are presented for consideration by the committee will be open to the public.

Any person deciding to appeal a decision made with respect to any matter considered at this meeting will need to ensure that a verbatim record of the proceeding is made. Such record must include testimony and evidence upon which the appeal is to be based.

Any person requiring special accommodations at this meeting because of disability or physical impairment should contact Angel Gonzalez, Department of Business and Professional Regulation, Hospitality Education Program, (850)644-8248, at least five (5) working days prior to the meeting.

The Florida **Board of Landscape Architecture** announces the following meeting to which all persons are invited to attend.

DATE AND TIME: May 7, 2004, 9:00 a.m. Eastern Standard Time

PLACE: Sheraton Suites, 4400 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 to: Board of Landscape Architecture, 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, 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

The Florida **Board of Professional Engineers** announces a conference call meeting of the Rules Committee to which all persons are invited:

DATE AND TIME: Monday, April 19, 2004, 10:00 a.m. – conclusion

PLACE: Florida Board of Professional Engineers, 2507 Callaway Road, Suite 200, Tallahassee, Florida 32303 (Conference Call Number: 1(800)659-8294)

GENERAL SUBJECT MATTER TO BE CONSIDERED: General rule making.

A copy of the agenda may be obtained by writing: Board of Professional Engineers, 2507 Callaway Road, Suite 200, Tallahassee, Florida 32303.

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting, they will need a record of the proceedings, and for such purposes they may need to ensure that a verbatim record of the proceedings is made, which record will include the testimony and evidence upon which the appeal is to be made.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this meeting is asked to advise the Board at least forty-eight (48) hours before the meeting by contacting: Natalie Lowe, (850)521-0500.

The **Board of Accountancy**, Committee on Continuing Professional Education announces the following public meeting to which all persons are invited:

DATE AND TIME: Tuesday, May 4, 2004, 9:00 a.m.

PLACE: Via Conference Call

GENERAL SUBJECT MATTER TO BE CONSIDERED: To review reporting forms and requests for course approval.

If you wish to participate in this meeting or receive a copy of the agenda, please contact: Karan Lee at the Board of Accountancy, 240 N. W. 76th Drive, Suite A, Gainesville, Florida 32607, (850)487-1395.

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 **Department of Health, Board of Dentistry** will hold a Probable Cause Panel meeting where reconsiderations will be heard:

DATE AND TIME: April 30, 2004, 9:30 a.m.

PLACE: Department of Health, Building 4042, Room 301, 4052 Bald Cypress Way, Tallahassee, FL 32399, (850)245-4474

GENERAL SUBJECT MATTER TO BE CONSIDERED: To review reconsideration cases.

If a person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he may need to ensure that a verbatim record of the proceedings is made, which records include 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 Sarah Walls, (850)245-4474, at least five calendar days prior to the meeting. Persons who are hearing or speech impaired, can contact Ms. Walls using the Florida Dual Party Relay System, 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

The Florida **Board of Medicine**, Probable Cause Panel (South) announces a telephone conference call to be held via meet me number.

DATE AND TIME: April 16, 2004, 2:00 p.m.

PLACE: Toll Free Number 1(888)461-8118, Meet Me Number (850)414-5775, Suncom Number 994-5775

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct a private meeting to review cases for which a determination of probable cause is to be made and to conduct a public meeting to review cases on which probable cause has been made.

A copy of the agenda may be obtained by writing: Gaynetta Rosier, Regulation Specialist II, Agency for Health Care Administration, Medical Services, Palmer Building, P. O. Box 14229, Tallahassee, Florida 32317-4229.

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence upon which the appeal is to be made.

NOTE: In accordance with the Americans with Disabilities Act, persons needing a special accommodation to participate in this proceeding should contact the Medical Litigation Section no later than seven (7) days prior to the proceeding or meeting at which such special accommodation is required. The Medical Litigation Section may be contacted at: P. O. Box 14229, Tallahassee, Florida 32317-4229, (850)922-2414, 1(800)955-8771(TDD) or 1(800)955-8770(Voice) via Florida Relay Service.

The Florida **Board of Medicine**, Probable Cause Panel (North), announces a telephone conference call to be held via meet me number.

DATE AND TIME: April 23, 2004, 2:00 p.m.

PLACE: Toll Free Number 1(800)416-4254, Meet Me Number (850)922-2903, Suncom Number 292-2903

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct a private meeting to review cases for which a determination of probable cause is to be made and to conduct a public meeting to review cases on which probable cause has been made.

A copy of the agenda may be obtained by writing: Gaynetta Rosier, Regulation Specialist II, Agency for Health Care Administration, Medical Services, Palmer Building, P. O. Box 14229, Tallahassee, Florida 32317-4229.

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence upon which the appeal is to be made.

NOTE: In accordance with the Americans with Disabilities Act, persons needing a special accommodation to participate in this proceeding should contact the Medical Litigation Section no later than seven (7) days prior to the proceeding or meeting at which such special accommodation is required. The Medical Litigation Section may be contacted at P. O. Box 14229, Tallahassee, Florida 32317-4229, (850)922-2414, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice) via Florida Relay Service.

The **Board of Nursing**, South Probable Cause Panel will hold a duly noticed conference call meeting, to which all persons are invited to attend.

DATE AND TIME: April 4, 2004, 5:30 p.m.

PLACE: Department of Health, Tallahassee, Meet Me Number, (850)921-5400

GENERAL SUBJECT MATTER TO BE CONSIDERED: For cases previously heard by the panel.

Any person requiring special accommodations at this meeting because of a disability or physical impairment should contact the Board, (850)245-4125, 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: Dan Coble, Executive Director, 4052 Bald Cypress Way, Bin #C02, Tallahassee, FL 32399-3257.

The **Department of Health, Board of Opticianry** announces an official Board meeting. All interested parties are invited to attend at the address listed below, which is normally open to the public.

DATE AND TIME: May 5, 2004, 9:00 a.m.

PLACE: Homewood Suites, 2987 Apalachee Parkway, Tallahassee, FL 32301

GENERAL SUBJECT MATTER TO BE CONSIDERED: Official Board Meeting.

A copy of the agenda may be obtained by writing: Sue Foster, Executive Director, Department of Health, Board of Opticianry, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3258.

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting. He/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence upon which the appeal is to be made.

Those who are hearing impaired, using TDD equipment can call the Florida Telephone Relay System, 1(800)955-8771. Persons requiring special accommodations due to disability or physical impairment should contact Sue Foster, (850)245-4474, at least one week prior to the meeting date.

The **Board of Podiatric Medicine**, Probable Cause Panel will hold a duly noticed meeting and telephone conference call meeting, to which all persons are invited to attend.

DATE AND TIME: Friday, April 30, 2004, 9:00 a.m.

PLACE: Double Tree Guest Suites, 2670 East Sunrise Boulevard, Ft. Lauderdale, FL 33304, (954)565-3800

GENERAL SUBJECT MATTER TO BE CONSIDERED: For cases previously heard by the panel.

Any person requiring special accommodations at this meeting because of a disability or physical impairment should contact the Board, (850)245-4355, at least 48 hours prior to the meeting. If you are a hearing or speech impaired, please contact the Board office using the Dual Party Relay System at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD). If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

A copy of the agenda item may be obtained by writing: Joe Baker, Jr., Executive Director, Board of Podiatric Medicine, 4052 Bald Cypress Way, Bin #C07, Tallahassee, FL 32399-3257.

The **Board of Podiatric Medicine** will hold a duly noticed meeting and telephone conference call, to which all persons are invited to attend.

DATE AND TIME: Friday, April 30, 2004, 10:30 a.m.

PLACE: Double Tree Guest Suites, 2670 East Sunrise Boulevard, Ft. Lauderdale, FL 33304, (954)565-3800

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, 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

A copy of the agenda item may be obtained by writing: Joe Baker, Jr., Executive Director, Board of Podiatric Medicine, 4052 Bald Cypress Way, Bin #C07, Tallahassee, FL 32399-3257.

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

The Shared Services Alliance of Okeechobee and the Treasure Coast of the **Department of Children and Family Services**, District 15 announces the following public meeting to which all persons are invited:

Executive Committee:

DATE AND TIME: April 14, 2004, 9:00 a.m. – 11:00 a.m.

PLACE: Clem C. Benton Bldg., Room 327-D, 337 N. US Hwy #1, Ft. Pierce, FL 34950

For more information, please contact: Linda Poston, Personal Secretary 1, 337 North US Hwy. 1, Room 327, Fort Pierce, Florida 34950, (772)467-4178

SPECIAL ACCOMMODATION: Any person requiring special accommodation for this meeting because of a disability or physical impairment should contact Pearlie Clark, ADA Coordinator, (772)467-4184, at least five days prior to the meeting. If you are hearing or speech impaired, please contact the Agency using the Florida Dual Party Relay System, 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

The Shared Services Alliance of Okeechobee and the Treasure Coast of the **Department of Children and Family Services**, District 15 announces the following public meeting to which all persons are invited:

ALLIANCE MEETING

DATE AND TIME: April 23, 2004, 8:30 a.m. – 10:30 a.m.

PLACE: State of Florida, Department of Health, 5150 N. W. Milner Drive, Port St. Lucie, FL 34983

For more information, please contact: Linda Poston, Personal Secretary 1, 337 North US Hwy. 1, Room 327, Fort Pierce, Florida 34950, (772)467-4178

SPECIAL ACCOMMODATION: Any person requiring special accommodation for this meeting because of a disability or physical impairment should contact Pearlie Clark, ADA Coordinator, (772)467-4184, at least five days prior to the meeting. If you are hearing or speech impaired, please contact the Agency using the Florida Dual Party Relay System, 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

CRIMINAL JUSTICE STANDARDS AND TRAINING

The **Criminal Justice Standards and Training**, Region X Council announces a meeting to which all interested persons are invited.

DATE AND TIME: April 13, 2004, 9:00 a.m.

PLACE: Charlotte County Sheriff's Office, 2500 Airport Rd., Punta Gorda, FL 33950

GENERAL SUBJECT MATTER TO BE CONSIDERED: Agenda: Old Business; 2003-2004 Classes offered-Update; New Business; Other Items of Interest; Adjourn.

FLORIDA AEROSPACE FINANCE CORPORATION

The **Florida Aerospace Finance Corporation** (FAFC) announces a special meeting and teleconference to which the public is invited.

DATE AND TIME: April 19, 2004, 10:00 a.m. – 12:00 Noon

PLACE: Florida Aerospace Finance Corporation, 403 Brevard Avenue, Suite 1, Cocoa, FL 32922 (To attend via telephone the number to call is: 1(866)249-5325, participant code 393255)

GENERAL SUBJECT MATTER TO BE CONSIDERED: A Committee of the Board of Directors appointed by the Chairman, will meet to negotiate the President of the Corporation's employment contract.

For more information, contact: Ms. Judy Blanchard, (321)690-3397.

To obtain a copy of the agenda write: The Florida Commercial Space Financing Corporation, 403 Brevard Avenue, Suite 1, Cocoa, Florida 32922.

Any person requiring special accommodations at this meeting because of disability or physical impairment should contact the Florida Aerospace Finance Corporation.

Please note that if a person decides to appeal any decision made by the Board with respect to any matter considered at the above cited meeting, they will need a record of the proceedings, and for such purpose, they may need to ensure that a verbatim record of the proceeding, which record includes the testimony and evidence upon which the appeal is to be based.

ADVOCACY CENTER FOR PERSONS WITH DISABILITIES

The **Advocacy Center for Persons with Disabilities**, Inc., Florida's Protection and Advocacy Programs will be holding their Quarterly Board of Directors meeting to which all interested persons are invited.

DATES AND TIME: April 23-24, 2004, 3:00 p.m.

PLACE: Radisson Lido Beach Resort, Royal Palm and Cypress Room, 700 Benjamin Franklin Drive, Sarasota, Florida 34236

For additional information, please contact: Dawn D. Williams, (850)488-9071, Ext. 218.

FLORIDA COMMISSION ON TOURISM

The **Florida Commission on Tourism** announces a public meeting of the Transition Task Force of the New Product Development Council.

DATE AND TIME: Tuesday, April 27, 2004, 1:30 p.m. – adjournment

PLACE: VISIT FLORIDA, Corporate Offices, 661 East Jefferson Street, Suite 300, Tallahassee, FL 32301, (850)488-5607

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss the next steps of transitioning to the New Product Development Council.

For further information contact: Jill Rutli, VISIT FLORIDA, P. O. Box 1100, Tallahassee, Florida 32302-1100, (850)488-5607, Ext. 347.

Any person requiring special accommodations at this meeting because of a disability should contact VISIT FLORIDA at least five business days prior to the meeting. Persons who are hearing or speech impaired can contact VISIT FLORIDA by using the Florida Relay Service, 1(800)955-8770 (Voice) or 1(800)955-8771 (TDD)

FLORIDA HEALTHY KIDS CORPORATION

The Florida Healthy Kids Corporation announces its Board of Directors Meeting to which all persons are invited to attend.

DATE AND TIME: April 29, 2004, 10:00 a.m.

PLACE: Raymond Sittig Hall, 301 South Bronough Street, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Meeting of the Board of Directors.

Please contact Amber Floyd, (850)224-5437, floyda@healthykids.org, to confirm your attendance and for additional meeting information.

**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 March 24, 2004, from Ruffin Building Systems regarding the application of Rule 9B-72.010, F.A.C., to pre-engineered metal building roof and wall panels.

It has been assigned the number DCA04-DEC-070.

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.

NOTICE IS HEREBY GIVEN that the Florida Building Commission has issued a Declaratory Statement in response to a request received from Van Gladfelter, Center for Innovative Structures, Inc. It was assigned the number DCA03-DEC-309.

The Commission determined that neither the Florida Building Code, nor ASCE 7-98 provide the design standards or requirements specific to the impact of overpressurization of interior partitions and ceilings due to designing for higher internal pressure.

A copy of the Declaratory Statement be obtained by writing: Paula P. Ford, Commission Clerk, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100.

NOTICE IS HEREBY GIVEN that the Florida Building Commission received a Petition for Declaratory Statement on March 29, 2004, from Gil Hyatt Construction regarding detectible warning surfaces and curb ramps in an accessible path of travel.

It has been assigned the number DCA04-DEC-074.

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."

**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: Petition for Declaratory Statement, Edna Panzini, Petitioner, Greenway Village Association #1, Inc. Docket Number 2004013080.

The Petitioner requests a declaratory statement as to whether the association may assess unit owners for common expenses instead of applying excess funds in the common surplus under Section 718.116(10), Florida Statutes (2003) as a credit against the assessment.

A copy of the Petition for Declaratory Statement, Docket Number 2004013080, 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 32399-2202.

NOTICE IS HEREBY GIVEN that the Division of Pari-Mutuel Wagering, Department of Business and Professional Regulation, has issued a declaratory statement in response to a petition from PPI, Inc. d/b/a Pompano Park Racing, Petitioner, in DBPR Case No. DS 2003-036. The Petition listed Section 849.086(5)(a), Florida Statutes, as the statutory provision upon which a declaratory statement was sought. The declaratory statement interprets the 140 performance benchmark for the renewal of a harness permitholder's cardroom license in the amendments to Section 849.086(5)(a), Florida Statutes, contained in Chapter 2003-295, Laws of Florida, as an initial requirement for the renewal of the cardroom license for a permitholder who failed to request such a renewal in its annual pari-mutuel license application. Upon renewal of its license, Petitioner can qualify for a subsequent renewal of its cardroom license by applying for at least ninety-percent of the total number of live performances conducted by Petitioner during the previous state fiscal year pursuant to Section 849.086(5)(a), Florida Statutes. A copy of the declaratory statement may be obtained by writing: Agency Clerk, Department of Business and Professional Regulation, 1940 North Monroe Street, Tallahassee, Florida 32399.

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 for Declaratory Statement filed on March 23, 2004, on behalf of Tallahassee Neurological Clinic, P.A.

The Petitioner seeks the Board's interpretation of whether the arrangement outlined in the Petition, violates Section 456.053, Florida Statutes (the Patient Self-Referral Act). The question posed by Petitioner is: may a single group practice wholly own a separate legal entity which provides diagnostic imaging services to the group practice and other patients and still qualify for the exception to the definition of "referral" as set forth in Section 456.053(3)(o), Florida Statutes?

Copies of the petition may be obtained by writing: Larry G. McPherson, Jr., Executive Director, Board of Medicine, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3253.

DEPARTMENT OF FINANCIAL SERVICES

NOTICE IS HEREBY GIVEN that the Department of Financial Services, Division of State Fire Marshal, has received a Petition for Declaratory Statement filed March 1, 2004, from Stephanie Murray, Fire Inspector Supervisor. The Petition is seeking the Department's interpretation of sub-subparagraph 69A-58.008(9)(t)2.i., Florida Administrative Code. Specifically, Petitioner asks:

Is it a general requirement for all stages to have standpipes located on each side or only those over 1000 square feet?

A copy of the Petition may be obtained by writing to, 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 by e-mailing your request to mazzeog@doi.state.fl.us.

**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:

Florida Public Employees Council 79, AFSCME, AFL-CIO and Leo Percy vs. Department of Revenue; Case No.: 04-1003RX; Rule No.: 12-3.001(8)(a)-(f)

Contractors Exam School, Inc. vs. Department of Business and Professional Regulation; Case No.: 04-0721RP; Rule No.: 61G4-15.001

Gold Coast School of Construction, Inc. and Douglas L. Gamester vs. Department of Business and Professional Regulation, Construction Industry Licensing Board; Case No.: 04-0692RP; Rule No.: 61G4-15.005

Mid Florida Utilities and Transportation Contractors Association, Inc. vs. Department of Business and Professional Regulation; Case No.: 04-0722RP; Rule No.: 61G4-15.005

Contractors Exam School, Inc. vs. Department of Business and Professional Regulation; Case No.: 04-0759RP; Rule No.: 61G4-15.005

Association of Florida Community Developers vs. Department of Environmental Protection; Case No.: 04-0880RP; Rule No.: 62-40

School Board of Osceola County and G. F. on behalf of Minor Child G. F. vs. Department of Children and Family Services; Case No.: 04-0879RU

Pinnacle Oaks, Ltd. vs. Florida Housing Finance Corporation; Case No.: 04-1045RU

Notice of Disposition of Petition for Administrative Determination have been filed by the Division of Administrative Hearings on the following rules:

Joel W. Robbins, The Property Appraiser of Miami-Dade County and the Miami-Dade County Value Adjustment Board vs. Department of Revenue; Case No.: 03-3164RP; Rule No.: 12D-10.0044; Dismissed

Florida Association of Rehabilitation Facilities, Inc. vs. Agency for Health Care Administration; Case No.: 04-0387RP; Rule No.: 59G-6.045; Dismissed

Bowling Centers Association of Florida, Inc. and St. Petersburg Kennel Club, Inc. vs. Department of Business and Professional Regulation, Division of Alcoholic Beverages and Tobacco; Case No.: 03-4776RP; Rule Nos.: 61A-7.003, 61A-7.007, 61A-7.008, 61A-7.009; Dismissed – 61A-7.003, Invalid – 61A-7.007, 61A-7.008, 61A-7.009

Contractors Exam School, Inc. vs. Department of Business and Professional Regulation; Case No.: 04-0721RP; Rule No.: 61G4-15.001; Dismissed

Mid Florida Utilities and Transportation Contractors Association, Inc. vs. Department of Business and Professional Regulation; Case No.: 04-0722RP; Rule No.: 61G4-15.005; Dismissed

Contractors Exam School, Inc. vs. Department of Business and Professional Regulation; Case No.: 04-0759RP; Rule No.: 61G4-15.005; Dismissed

Canaan Ranch Partnership vs. Suwannee River Water Management District; Case No.: 03-0702RU; Dismissed

**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

CALL FOR BIDS

Made by the "University of North Florida Board of Trustees, a public body corporate"

PROJECT Name, Number (if applicable) and Location: ITB #04-21 Physical Plant Renovations Phase III, University of North Florida, 4567 St. Johns Bluff Road, Jacksonville, Florida 32245.

GENERAL SCOPE: Installation of above and below grade chilled water and heating hot water piping. Install new exterior mounted motor control centers for central utility plant's exterior mechanical equipment.

QUALIFICATIONS: 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: May 10, 2004, 2:00 p.m.

PLACE: Purchasing Department, Building 6, Room 1225 University of North Florida, 4567 St. Johns Bluff Road, Jacksonville, Florida 32245, at which time and place they will be publicly opened and read aloud.

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: Junck & Walker Architects, 8111 South Old Kings Rd., Jacksonville, FL 32217

MINORITY PROGRAM: Bidders are encouraged to utilize Minority Business Enterprises certified by the Commission on Minority Economic and Business Development (formerly certification done by Department of Management Services.)

PRE-SOLICITATION/PRE-BID MEETING: The Bidder is required to attend the pre-solicitation/pre-bid meeting to be considered to be in accordance with Good Faith Efforts as set forth in the Special Conditions. Minority Business Enterprises 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: April 28, 2004, 2:00 p.m.

PLACE: Purchasing Department, Building 6, Room 1225 University of North Florida, 4567 St. Johns Bluff Road, Jacksonville, Florida 32244.

DEPOSIT: \$50.00 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.

PURCHASE: Full sets of Bidding Documents may be examined at the Architect/Engineer's office. Full sets may be purchased through the Architect/Engineer for \$50.00 per set for the printing and handling cost. Partial sets may be purchased at \$ N/A per sheet of the Drawings and \$ N/A 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 supplies, 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.

The Duval County School Readiness Coalition, Inc. d/b/a The Ready Child Coalition announces the following Request for Proposal to which all persons are invited to bid:

TIME: RFP available /Available April 12, 2004

PLACE: Duval County

PURPOSE: The Ready Child Coalition announces the following Request for Proposal to which all persons are invited to bid:

TIME: RFP available April 12, 2004

PLACE: Duval County

PURPOSE: The Ready Child Coalition will be soliciting proposals for FISCAL AGENT services, consisting primarily of administration and monitoring disbursement of approximately \$30.5 million dollars. The bidder will disburse funds in accordance with the approved Coalition plan and based on billing and disbursement procedures approved by the Florida Partnership for School Readiness. The bidder must provide all fiscal controls related to issuance of checks and receipt of funds, and must ensure compliance with all applicable federal and state rules and regulations.

Please contact the Ready Child Coalition, c/o Susan Main, 6850 Belfort Oaks Place, Suite 102, Jacksonville, FL 32216, smain@readychildcoalition.org, or (904)279-0887 (Fax), for more information.

The Request for Proposal will be available for distribution by April 12 2004, with the successful bidder's contract to begin July 1, 2004. Letters of Intent to Submit are due to the Coalition by April 23, 2004. Deadline for all proposals will be on May 14, 2004. Results will be posted on or before May 26, 2004. Include the RFP number in all correspondence as follows: RFP-04/04-004.

Request for Qualifications
Professional Architectural Services
RFQ No. 54031422

PURPOSE: The District School Board of Putnam County is requesting sealed Statements of Qualifications for Professional Architectural Services under the State of Florida Consultants Competitive Negotiations Act.

GENERAL CONDITIONS

The District School Board of Putnam County is seeking the services of Qualified Architects on an as-needed basis. Architectural firms interested in providing their services to the District School Board of Putnam County shall submit their letters of interest and statement of qualifications and performance data to the Purchasing Office, District School Board of Putnam County, 1314 Reid Street, Palatka, Florida 32177.

The Board will receive sealed letters of interest and statements of qualifications in the Purchasing Office, District School Board of Putnam County until 1:00 p.m., local time, Tuesday, April 27, 2004.

The Director of Purchasing, Director of Maintenance/Facilities, and Facilities Specialist will evaluate responses from Architectural firms. Consideration will be given to each firm's staff, experience, location, willingness and ability to meet time and budget requirements, recent/current/projected workloads, and the volume of work previously awarded to the firm by the Board.

Any contract entered into will be for the initial year plus two (2) one-year extensions if agreeable by both parties.

Minority firms are encouraged to offer their Architectural services.

Questions regarding this Request for Qualifications may be directed to: Mr. Michael D. Preston, Director of Maintenance/Facilities, (386)329-0551.

Request for Qualifications
Environmental Engineering Services
RFQ No. 54031424

PURPOSE: The District School Board of Putnam County is requesting sealed Statements of Qualifications for Environmental Engineering Services under the State of Florida Consultants Competitive Negotiations Act.

GENERAL CONDITIONS

The District School Board of Putnam County is seeking the services of qualified Environmental Engineers on an as-needed basis. Environmental Engineering firms interested in providing their services to the District School Board of Putnam County shall submit their letters of interest and statement of qualifications and performance data to the Purchasing Office, District School Board of Putnam County, 1314 Reid Street, Palatka, Florida 32177.

The Board will receive sealed letters of interest and statements of qualifications in the Purchasing Office, District School Board of Putnam County until 1:00 p.m., local time, Tuesday, April 27, 2004.

The Director of Purchasing, Director of Maintenance/Facilities, and Facilities Specialist will evaluate responses from Environmental Engineering firms. Consideration will be given to each firm's staff, experience, location, willingness and ability to meet time and budget requirements, recent/current/projected workloads, and the volume of work previously awarded to the firm by the Board.

Any contract entered into will be for the initial year plus two (2) one-year extensions if agreeable by both parties.

Minority firms are encouraged to offer their Environmental Engineering services.

Questions regarding this Request for Qualifications may be directed to: Mr. Michael D. Preston, Director of Maintenance/Facilities, (386)329-0551.

Request for Qualifications
Professional Engineering Services
RFQ No. 54031423

PURPOSE: The District School Board of Putnam County is requesting sealed Statements of Qualifications for Professional Engineering Services under the State of Florida Consultants Competitive Negotiations Act.

GENERAL CONDITIONS

The District School Board of Putnam County is seeking the services of Qualified Professional Engineers on an as-needed basis. Engineering firms interested in providing their services to the District School Board of Putnam County shall submit their letters of interest and statement of qualifications and performance data to the Purchasing Office, District School Board of Putnam County, 1314 Reid Street, Palatka, Florida 32177.

The Board will receive sealed letters of interest and statements of qualifications in the Purchasing Office, District School Board of Putnam County until 1:00 p.m., local time, Tuesday, April 27, 2004.

The Director of Purchasing, Director of Maintenance/Facilities, and Facilities Specialist will evaluate responses from Professional Engineering firms. Consideration will be given to each firm's staff, experience, location, willingness and ability to meet time and budget requirements, recent/current/projected workloads, and the volume of work previously awarded to the firm by the Board.

Any contract entered into will be for the initial year plus two (2) one-year extensions if agreeable by both parties.

Minority firms are encouraged to offer their Professional Engineering services.

Questions regarding this Request for Qualifications may be directed to: Mr. Michael D. Preston, Director of Maintenance/Facilities, (386)329-0551.

Request for Qualifications
Professional Roof Architectural Services
RFQ No. 54031425

PURPOSE: The District School Board of Putnam County is requesting sealed Statements of Qualifications for Professional Roof Architectural Services under the State of Florida Consultants Competitive Negotiations Act.

GENERAL CONDITIONS

The District School Board of Putnam County is seeking the services of Qualified Roof Architects on an as-needed basis. Roof Architectural firms interested in providing their services to the District School Board of Putnam County shall submit their letters of interest and statement of qualifications and performance data to the Purchasing Office, District School Board of Putnam County, 1314 Reid Street, Palatka, Florida 32177.

The Board will receive sealed letters of interest and statements of qualifications in the Purchasing Office, District School Board of Putnam County until 1:00 p.m., local time, Tuesday, April 27, 2004.

The Director of Purchasing, Director of Maintenance/Facilities, and Facilities Specialist will evaluate responses from Roof Architectural firms. Consideration will be given to each firm's staff, experience, location, willingness and ability to meet time and budget requirements, recent/current/projected workloads, and the volume of work previously awarded to the firm by the Board.

Any contract entered into will be for the initial year plus two (2) one-year extensions if agreeable by both parties.

Minority firms are encouraged to offer their Roof Architectural services.

Questions regarding this Request for Qualifications may be directed to: Mr. Michael D. Preston, Director of Maintenance/Facilities, (386)329-0551.

The Seminole County Coalition for School Readiness, Inc. is requesting proposals from qualified individuals or firms to serve as the Coalition's Fiscal Agent for the period of July 1, 2004 to June 30, 2005 with two one-year renewal options.

The Coalition is also requesting proposals from qualified individuals or firms to serve as the Coalition's legal counsel for the same period.

If interested in receiving a copy of one or both RFQ, please contact the Coalition office, (407)871-1101. RFQ responses will be due no later than 12:00 Noon April 26, 2004.

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

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

DEPARTMENT OF ENVIRONMENTAL PROTECTION

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

CENTER FOR URBAN TRANSPORTATION RESEARCH

NOTICE OF CANCELLATION
Florida Vehicle Procurement Program
RFP for FVPP-04-MV

Notice is hereby given that the RFP for Modified Van Type Vehicles previously advertised has been cancelled.

DISC VILLAGE

DISC VILLAGE, INC.
ADVERTISEMENT FOR REQUEST FOR PROPOSALS
NATIONAL SCHOOL LUNCH
AND BREAKFAST PROGRAM

RESPONSES TO THIS REQUEST FOR PROPOSALS (RFP) WILL BE ACCEPTED BY THE PURCHASING DEPARTMENT OF DISC VILLAGE, INC., UNTIL 2:00 P.M., THE 14TH OF MAY, 2004, THROUGH FEDERAL EXPRESS OR CERTIFIED US MAIL AT 3333 WEST PENSACOLA STREET, SUITE 330, TALLAHASSEE, FLORIDA 32304.

THIS PROPOSAL IS SEEKING RESPONSES TO MANAGE THE FOOD AND NUTRITION SERVICES AT THE GREENVILLE HILLS ACADEMY, A JUVENILE JUSTICE RESIDENTIAL CAMPUS LOCATED IN GREENVILLE FLORIDA, THAT HAS AVERAGE DAILY MEAL SERVICE OF 179 CLIENTS AND 30 STAFF FOR BREAKFAST, LUNCH, AFTERSCHOOL SNACKS AND DINNER. THE SUCCESSFUL VENDOR WILL PROVIDE BREAKFAST, LUNCH, DINNER AND SNACK SERVICES TO COMMITTED JUVENILES, MANAGEMENT AND OTHER EMPLOYED STAFF SEVEN DAYS A WEEK 52 WEEKS A YEAR.

THE SCOPE OF WORK, PRODUCT SPECIFICATIONS, QUANTITIES, SERVICE REQUIREMENTS AND TIMELINES MAY BE OBTAINED FROM THE ADDRESS CONTAINED HEREIN. A PRE-BID CONFERENCE WILL BE HELD ON APRIL 29, 2004 AT GREENVILLE HILLS ACADEMY AT 10:00 AM TO DISCUSS THE PROPOSAL DOCUMENT AND ANSWER QUESTIONS.

ANY REQUEST TO AMEND THE BID DOCUMENT MUST BE RECEIVED BY (10) WORKING DAYS PRIOR TO THE PROPOSAL OPENING. ANY AMENDMENT(S) RESULTING FROM SUCH A REQUEST WILL BE MAILED OUT TO ALL REGISTERED VENDORS NO LESS THAN FIVE DAYS PROIR TO THE BID OPENING.

THE SPONSOR RESERVES THE RIGHT TO REJECT ANY AND ALL RESPONSES, WAIVE INFORMALITIES, AND TO ACCEPT THE LOWEST AND/OR BEST RESPONSE IN THE JUDGEMENT OF THE SPONSOR'S GOVERNING BOARD. THE SPONSOR RESERVES THE RIGHT TO NEGOTIATE WITH THE MOST QUALIFIED VENDOR(S) WHOSE RESPONSE BEST MEETS THE NUTRITIONAL AND ECONOMIC NEEDS OF THIS INSTITUTION.

ALL QUESTIONS CONCERNING THIS NOTICE SHOULD BE DIRECTED TO:

MIKE SASNETT
EMAIL: MSASNETT@DISCVILLAGE.COM
PHONE NUMBER: (850)575-4388, Ext. 321
FAX NUMBER: (850)576-3317

FIRST ADVERTISED ON THIS DATE: APRIL 9, 2004

**Section XII
Miscellaneous**

DEPARTMENT OF COMMUNITY AFFAIRS

DCA Final Order No.: DCA04-OR-075

STATE OF FLORIDA

DEPARTMENT OF COMMUNITY AFFAIRS

In re: CITY OF MARATHON SMALL SCALE PLAN
AMENDMENT AND ZONING MAP
AMENDMENT ADOPTED BY
ORDINANCES NO. 2004-07 and NO. 2004-02

FINAL ORDER

The Department of Community Affairs (the "Department") hereby issues its Final Order, pursuant to §§ 380.05(6), Fla. Stat., and § 380.0552(9), Fla. Stat. (2003), approving a small scale comprehensive plan amendment and zoning map amendment adopted by a local government within the Florida Keys Area of Critical State Concern as set forth below.

FINDINGS OF FACT

1. The Florida Keys Area is a statutorily designated area of critical state concern, and the City of Marathon is a local government within the Florida Keys Area.

2. On March 26, 2004, the Department received for review City of Marathon Ordinance No. 2004-07 that was adopted by the Marathon City Council on March 23, 2004 ("Ord. 2004-07"). Ord. 2004-07 authorizes a small scale comprehensive plan amendment for the purposes of affordable housing as provided under Section 163.3187(1)(c)1.e., Fla. Stat. Ord. 2004-07 amends the Future Land Use Map for a parcel of land described as part of Key Vaca, Part of Government Tract 1, (F/K/A Marathon Shores PG 2-118 and Tract 1 Edmonds Acreage Tracts PB 2-100, or 1325), Section 11, Township 66 South, Range 32 East, in the City of Marathon, FL from "Residential Low" to "Residential High."

3. On March 29, 2004, the Department received for review City of Marathon Ordinance No. 2004-02 that was adopted by the Marathon City Council on March 23, 2004. Ord. 2004-02 amends the Land Use District (Zoning) Map for the same above-described parcel of land from Suburban Residential to Urban Residential.

4. Ord. 2004-07 and Ord. 2004-02 are consistent with the City's 2010 Comprehensive Plan.

CONCLUSIONS OF LAW

5. The Department is required to review a small scale plan amendment which involves the construction of affordable housing units for consistency with the Principles for Guiding Development applicable to areas of critical state concern. 163.3187(1)(c)1.e., Fla. Stat., (2003).

6. The Department is required to approve or reject land development regulations that are enacted, amended or rescinded by any local government in the Florida Keys Area of Critical State Concern. §§ 380.05(6), Fla. Stat., and § 380.0552(9), Fla. Stat. (2003).

7. The City of Marathon is a local government within the Florida Keys Area of Critical State Concern. § 380.0552, Fla. Stat. (2003) and Rule 28-29.002 (superseding Chapter 27F-8), Fla. Admin. Code.

8. "Land development regulations" include local zoning, subdivision, building and other regulations controlling the development of land. § 380.031(8), Fla. Stat. (2003). The regulations adopted by Ord. 2004-02 are land development regulations.

9. All land development regulations enacted, amended or rescinded within an area of critical state concern must be consistent with the Principles for Guiding Development (the "Principles") as set forth in § 380.0552(7), 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 are construed as a whole and no specific provision is construed or applied in isolation from the other provisions.

10. Ord. 2004-07 and Ord. 2004-02 promote and further the following Principles:

(a) To strengthen local government capabilities for managing land use and development so that local government is able to achieve these objectives without the continuation of the area of critical state concern designation.

(c) To protect upland resources, tropical biological communities, freshwater wetlands, native tropical vegetation, (for example, hardwood hammocks and pinelands), dune ridges and beaches, wildlife, and their habitat.

(h) To protect the value, efficiency, cost-effectiveness, and amortized life of existing and proposed major public investments, including:

1. The Florida Keys Aqueduct and water supply facilities;
2. Sewage collection and disposal facilities;
3. Solid waste collection and disposal facilities;
5. Transportation facilities;
8. City electric service and the Florida Keys Electric Co-op; and
9. Other utilities, as appropriate.

(j) To make available adequate affordable housing for all sectors of the population of the Florida Keys.

11. Ord. 2004-07 and Ord. 2004-02 are not inconsistent with the remaining Principles. Ord. 2004-07 and Ord. 2004-02 are consistent with the Principles for Guiding Development as a whole.

WHEREFORE, IT IS ORDERED that Ord. 2004-07 and Ord. 2004-02 are found to be consistent with the Principles for Guiding Development of the Florida Keys Area of Critical State Concern, and are 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.

Valerie J. Hubbard, 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 March, 2004.

Paula Ford, Agency Clerk

By U.S. Mail:
Honorable John Bartus, Mayor
City of Marathon
10054-55 Overseas Highway
Marathon, Florida 33050

Katherine V. Selchan, City Clerk
City of Marathon
210 University Drive
Coral Springs, Florida 33071

Scott Janke
City Manager
City of Marathon
10054-55 Overseas Highway
Marathon, Florida 33050

John R. Herin, Jr.
Weiss, Serota, Helfman, Pastoriza and Guedes, P.A.
City Attorneys
City of Marathon
2665 South Bayshore Drive, Suite 420
Miami, Florida 33133

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.: BLID-1104-002
DATE RECEIVED: 03/19/2004
DEVELOPMENT NAME: SHOPS AT MIDTOWN MIAMI
DEVELOPER/AGENT: Developers Diversified Realty/
DEVELOPMENT TYPE: 28-24.023, 28-24.031, F.A.C.
LOCAL GOVERNMENT: Miami City

DEPARTMENT OF HIGHWAY SAFETY AND MOTOR VEHICLES

Notice of Publication for a New Point
Franchise Motor Vehicle Dealer in a County of More
than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, notice is given that American Suzuki Motor Company, intends to allow the establishment of West Colonial Partners, LLC d/b/a West Colonial Suzuki, as a dealership for the sale of Suzuki automobiles and light trucks at 3490 West Colonial Drive, Orlando, FL 32808 on or after April 15, 2004.

The name and address of the dealer operator(s) and principal investor(s) of West Colonial Partners, LLC d/b/a West Colonial Suzuki are dealer operator(s): William Whittaker, 1421 Serrier Drive, Titusville, Florida, and principal investor(s): William Whittaker, 1421 Ferrier Drive, Titusville, Florida; Juan A. Mencia, 45665 Willow Pond Plaza, Sterling, Virginia; George Chaconas, 2102 West Cleveland Street, Tampa, Florida; and Mark Ornstein, 8624 Summerville Place, Orlando, FL.

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: Dan Malloy Dealer Development Manager, American Suzuki Motor Corporation, P. O. Box 1100, Brea, CA 92822.

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 Morse Operations, Inc. d/b/a Ed Morse Sawgrass Auto Mall, as a dealership for the sale of Buick motor vehicles, at 14351 W. Sunrise Blvd., Sunrise (Broward County), Florida 33323, on or after April 15, 2004.

The name and address of the dealer operator(s) and principal investor(s) of Morse Operations Inc. d/b/a Ed Morse Sawgrass Auto Mall are dealer operator(s): Edward J. Morse, Jr., 6363 N. W. Way, Ste. 400, Ft. Lauderdale, FL 33309; principal investor(s): Edward J. Morse, Jr., Edward J. Morse, Sr. and Elizabeth A. Beaver, 6363 N. W. 6th Way, Ste. 400, Ft. Lauderdale, FL 33309.

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: Jody L. Huey, 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.

Notice of Publication for a New Point
Franchise Motor Vehicle Dealer in a County of Less
than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, notice is given that Polaris Industries, intends to allow the establishment of Kissimmee Motor Sports, Inc., as a dealership for the sale of Victory motorcycles at 2632 N. Orange Blossom Trail, Kissimmee (Osceola County), Florida 34744 on or after March 19, 2004.

The name and address of the dealer operator(s) and principal investor(s) of Kissimmee Motor Sports, Inc. are dealer operator(s) and principal investor(s): Robert McClelland, 3204 Misty Morning Ct., St. Cloud, FL 34771.

The notice indicates intent to establish the new point location in a county of less than 300,000 population, according to the latest population estimates of the University of Florida, Bureau of Economic and Business Research.

Certain dealerships of the same line-make may have standing, pursuant to Section 320.642, Florida Statutes, as amended by Chapter 88-395, Laws of Florida, to file a petition or complaint protesting the application.

Written petitions or complaints must be received by the Department of Highway Safety and Motor Vehicles within 30 days of the date of publication of this notice and must be submitted to: Mr. Ronald D. Reynolds, Administrator, Dealer License Section, Department of Highway Safety and Motor Vehicles, Room A-312, Neil Kirkman Building, 2900 Apalachee Parkway, Tallahassee, Florida 32399-0635.

A copy of such petition or complaint must also be sent by US Mail to: Michael W. Malone, VP Finance, CFO, Polaris Industries, 2100 Highway 55, Medina, MN 55340.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

Notice of Publication for a New Point Franchise
Motor Vehicle Dealer in a County of More
than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, notice is given that American Honda Motor Company intends to allow the establishment of Lou Sobh Automotive of Jax, Inc. d/b/a Honda of the Avenues as a dealership for the sale of Honda automobiles and light trucks, at the southeast corner of the intersection of Phillips Highway (U. S. Highway 1) and the northbound entrance ramp from Phillips Highway onto State Road 9A, in Jacksonville (Duval County), Florida, which is more particularly described as follows:

Parcel 1: a tract of land lying in and being a part of the southwest quarter of the southwest quarter and part of Government Lot 4, lying northeasterly of Phillips Highway (U.S. Highway 1) as now established and being all in Section 7, Township 4 south, Range 28 east, Duval County, Florida, being more particularly described as follows:

Commence at the southwest corner of Phillips Highway South as recorded in Plat Book 38, pages 56 and 56a of the current public records of Duval County, Florida, said point being in a curve said curve being concave to the southwest and having a radius of 28,715.80 feet: thence southeasterly along and around said curve an arc distance of 301.56 feet, said arc subtended by a chord bearing and distance of south 40 degrees 30' 43" east, 301.55 feet to the point of beginning: thence continue southeasterly along and around said curve an arc distance of 794.92 feet, said arc subtended by a chord bearing and distance of south 39 degrees 25' 05" east, 794.89 feet to the point of tangency of said curve: thence south 38 degrees 37' 30" east, 40.11 feet: thence north 51 degrees 22' 30" east, 350.00 feet; thence north 38 degrees 37' 30" west 830.82 feet to a point on the southerly line of said Phillips Highway South; thence south 52 degrees 01' 35" west, 361.03 feet to the point of beginning, Containing 6.69 acres more or less. Less and except, a parcel of land in Government Lot 4, Section 7, Township 4 south, Range 28 east, Duval County, Florida, being more particularly described as follows: commence at the southwest corner of Section 7, Township 4 south, Range 28 east, Duval County, Florida: thence north 00 degrees 58' 04" west along the west line of said Section 7, a distance of 1, 786.85 feet: thence south 40 degrees 58' 57" east, a distance of 601.42 feet; thence south 89 degrees 09' 30 seconds east, a distance of 117.29 feet to the southwest corner of Phillips Highway South, a subdivision as recorded in Plat Book 38, pages 56 and 56a of the current public records of Duval County, Florida, to a point on the northeasterly right-of-way line of State Road 5 (Phillips Highway) (U. S. Highway 1), and to a point of intersection with a non-tangent curve concave southwesterly having a radius of 28,735.39 feet: thence southeasterly along said northeasterly right-of-way line and along the arc of said curve through an angle of 00 degrees 36' 01", a distance of 301.07 feet, said arc being subtended by a chord bearing and distance of south 40 degrees 32' 11" east, 301.07 feet, to a point of compound curvature with a curve concave southwesterly having a radius of 28,735.39 feet, and the point of beginning; thence southeasterly along said northeasterly right-of-way line and along the arc of said curve through an angle of 00 degrees 38' 30", a distance of 322.21 feet, said arc being subtended by a chord bearing and distance of south 39 degrees 54' 54" east, 322.21 feet; thence north 50 degrees 24' 22" east, a distance of 10.00 feet to a point of intersection with a non-tangent curve concave southwesterly having a radius of 28,745.39 feet; thence northwesterly along the arc of said curve through an angle of 00 degrees 38' 30" a distance of 321.95 feet, said arc being subtended by a chord bearing and distance of north 39

degrees 54' 53" west, 321.94 feet; thence south 51 degrees 55' 03" west, a distance of 10.01 feet to the point of beginning, containing 3,221 square feet, more or less. Together with all rights of ingress, egress light, air, and view between the grantor's remaining property and any facility constructed on the above described property.

Parcel 2: A parcel of land in Government Lot 4, Section 7, Township 4 south, Range 28 east, Duval County, Florida, being more particularly described as follows: Begin at the southwest corner of Phillips Highway South, as recorded in Plat Book 38, pages 56 and 56a of the current public records of Duval County, Florida, said corner being the intersection of the north line of Government Lot 4 with the northeasterly right-of-way line of State Road 5 (U. S. Highway 1) (Phillips Highway): thence south 89 degrees 09' 30" east along said north line, a distance of 478.75 feet; thence south 51 degrees 55' 03" west a distance of 359.57 feet to a point on said northeasterly right-of-way line, and to a point of intersection with a non-tangent curve concave southwesterly having a radius of 28,735.39 feet; thence northwesterly along said northeasterly right-of-way line and along the arc of said curve through an angle of 00 degrees 36' 01", a distance of 301.07 feet, said arc being subtended by a chord bearing and distance of north 40 degrees 32' 11" west, 301.07 feet to the point of beginning: Containing 0.98 acres more or less. Less and except: A parcel of land in Section 7, Township 4 south, Range 28 east, Duval County, Florida, more particularly described as follows: Begin at the southwest corner of Phillips Highway South, as recorded in Plat Book 38, pages 56 and 56a of the current public records of Duval County, Florida, said corner being the intersection of the north line of Government Lot 4 with the northeasterly right-of-way line of State Road 5 (U. S. Highway 1) (Phillips Highway), said corner also being on the arc of a curve concave southwesterly having a radius of 28,735.39 feet; thence southeasterly along said northeasterly right-of-way line and along the arc of said curve through an angle of 00 degrees 19' 15", a distance of 160.90 feet, said arc being subtended by a chord bearing and distance of south 40 degrees 40' 34" east, 160.90 feet, thence north 35 degrees 18' 47" east, a distance of 122.54 feet; thence north 49 degrees 07' 01" east, a distance of 29.23 feet to a point on the south line of lot 1, block 4 of said Phillips Highway South; thence north 89 degrees 09' 30" west along said south line, a distance of 197.83 feet to the point of beginning. Together with all rights of ingress, egress, light, air and view between the grantors remaining property and any facility constructed on the above described property. Also less and except: All right of ingress, egress, light, air, and view between State Road 5 (U. S. Highway 1) (Phillips Highway) and the property of the grantors along the following described line: Commence at the southwest corner of Phillips Highway South, as recorded in Plat Book 38, pages 56 and 56a of the current public records of Duval County, Florida, said corner being the intersection of the north line of Government Lot 4 with the northeasterly right-of-way line of State Road 5 (U. S.

Highway 1) (Phillips Highway), said corner also being on the arc of a curve concave southwesterly having a radius of 28,735.39 feet; thence southeasterly along said northeasterly right-of-way line and along the arc of said curve through an angle of 00 degrees 19' 15", a distance of 160.90 feet, said arc being subtended by a chord bearing and distance of south 40 degrees 40' 34" east, 160.90 feet to the point of beginning of said line, thence continue southeasterly along said northeasterly right-of-way line, and along the arc of said curve through an angle of 00 degrees 16' 46", a distance of 140.17 feet, said arc being subtended by a chord bearing and distance of south 40 degrees 22' 34" east, 140.17 feet to the end of said line; thence for purpose of reference, run northwesterly along said northeasterly right-of-way line, and along the arc of said curve through an angle of 00 degrees 16' 46", a distance of 140.17 feet, said arc being subtended by a chord bearing and distance of north 40 degrees 22' 34" west, 140.17 feet; thence continue northwesterly along said northeasterly right-of-way line, and along the arc of said curve through an angle of 00 degrees 19' 15", a distance of 160.90 feet, said arc being subtended by a chord bearing and distance of north 40 degrees 40' 34" west, 160.90 feet to the south west corner of said Phillips Highway South, Containing 0.98 acres, more or less.

Parcel 3: Lot 2, Block 4, Phillips Highway South Subdivision, according to plat thereof recorded in Plat Book 38, pages 56 and 56a of the current public records of Duval County, Florida in Section 7, Township 4 south, Range 28 east: containing 0.46 acres more or less. Less and except: a parcel of land in Lot 2, Block 4, Phillips Highway South Subdivision, according to plat thereof recorded in Plat Book 38, pages 56 and 56a of the current public records of Duval County, Florida, in Section 7, Township 4 south, Range 28 east, being more particularly described as follows: begin at the northwest corner of lot 2, block 4, Phillips Highway South Subdivision, according to plat thereof recorded in Plat Book 38, pages 56 and 56a, of the current public records of Duval County, Florida, said corner being on the arc of a curve concave southerly having a radius of 230.00 feet; thence northeasterly, east and southeasterly along the north line of said lot 2 (southerly right-of-way line of Phillips Parkway Drive South) and along the arc of said curve through an angle of 39 degrees 21' 34", a distance of 158.00 feet, said arc being subtended by a chord bearing and distance of north 70 degrees 26' 52" east, 154.91 feet to the northeast corner of said lot 2; thence south 00 degrees 50' 30" west along the east line of lot 2 a distance of 84.51 feet to a point of intersection with a curve concave northwesterly having a radius of 620.00 feet; thence southwesterly along the arc of said curve through an angle of 11 degrees 38' 47", a distance of 126.03 feet, said arc being subtended by a chord bearing and distance of south 43 degrees 17' 37" west, 125.81 feet to the end of said curve; thence south 49 degrees 07' 01" west, a distance of 80.77 feet to a point on the west line of said lot 2;

thence north 00 degrees 50' 30" east along said west line, a distance of 177.11 feet to the point of beginning, containing 19,935 square feet, more or less.

Parcel 4: a parcel of land in Lot 1, Block 4, Phillips Highway South, according to plat thereof as recorded in Plat Book 38, pages 56 and 56a of the current public records of Duval County, Florida, in Section 7, Township 4 south, Range 28 east, Duval County, Florida, being more particularly described as follows: begin at the southeast corner of Lot 1, Block 4, Phillips South, according to the plat thereof as recorded in Plat Book 38, pages 56 and 56a of the current public records of Duval County, Florida; thence run north 89 degrees 09' 30" west along the south line of said Lot 1, a distance of 77.25 feet; thence north 49 degrees 07' 01" east, a distance of 103.50 feet to the east line of said Lot 1; thence south 00 degrees 50' 30" west, along said east line, a distance of 68.89 feet to the point of beginning, containing 0.06 acres more or less.

The dealership is to be established on or after July 1, 2004. The name and address of the dealer operator is Lou Sobh, 2473 Pleasant Hill Road, Duluth, Georgia 30136. The name and address of the principal investor is Lou Sobh, 2473 Pleasant Hill Road, Duluth, Georgia 30136.

The notice indicates intent to establish the new point location in a county of more than 300,000 population, according to the latest population estimates of the University of Florida, Bureau of Economic and Business Research.

Certain dealerships of the same line-make may have standing, pursuant to Section 320.642, Florida Statutes, to file a petition or complaint protesting the application.

Written petitions or complaints must be received by the Department of Highway Safety and Motor Vehicles within 30 days of the date of publication of this notice and must be submitted to: Mr. Ronald D. Reynolds, Administrator, Dealer License Section, Department of Highway Safety and Motor Vehicles, Room A-312, Neil Kirkman Building, 2900 Apalachee Parkway, Tallahassee, Florida 32399-0635.

A copy of such petition or complaint must also be sent by U. S. Mail to: Bill Green, American Honda Motor Company, Market Planning Manager, 1900 Torrance Boulevard, M.S. 100-3E-8A, Torrance, CA 90501.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

Notice of Publication for a New Point
Franchise Motor Vehicle Dealer in a County of More
than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, Vengeance Motorcycles, Inc., intends to allow the establishment of Orlando Harley-Davidson, as a dealership for the sale of Vengeance motorcycles, at 3770 37th Street, Orlando (Orange County), Florida 32805, on or after April 22, 2004.

The name and address of the dealer operator(s) and principal investor(s) of Orlando Harley Davidson are dealer operator(s): Steven F. Deli, 536 Cherry Street, Winnetka, IL 60093; principal investor(s): Steven F. Deli, 536 Cherry Street, Winnetka, IL 60093 and Michael Bozic, 1 Trimont Lane, 1000-A, Pittsburgh, PA 15211.

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: Eric P. Beatty, General Counsel for Vengeance Performance Products, LLC, 2151 Convention Center Way West Wing, Suite 120, Ontario, CA 91764 .

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

Notice of Publication for a New Point
Franchise Motor Vehicle Dealer in a County of More
than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, Land Rover North America, Inc., intends to allow the establishment of Land Rover Merritt Island as a dealership for the sale of Land Rover(s), at 1850 East Merritt Island Causeway, Merritt Island (Brevard County), Florida, on or after July, 2004.

The name and address of the dealer operator(s) and principal investor(s) of Land Rover Merritt Island are dealer operator(s): Robert Bruce Deardoff, 181 Admirals Way, S., Ponte Vedra Beach, FL 32082; principal investor(s): Robert

Bruce and Sandra M. Deardoff, R. Bruce and Sandra M. Deardoff, Trustees of the R. Bruce Deardoff Revocable Trust dated March 25, 2002.

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: Michael Coleman, Franchise Development Manager, Land Rover North America, Inc., 3440 Preston Ridge Road, Suite 600, Alpharetta, GA 30005.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

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

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

AGENCY FOR HEALTH CARE ADMINISTRATION

NOTICE OF HOSPICE PROGRAM
FIXED NEED POOL

The Agency for Health Care Administration has projected a fixed need pool for hospice programs, defined in accordance with Sections 400.601-400.602, Florida Statutes (F.S.) and 408.031-408.045, F.S. Fixed need pool projections are for hospice programs planned for July 2005, pursuant to the provisions of Rule 59C-1.0355, Florida Administrative Code. Letters of intent to apply for Certificates of Need pursuant to this notice must be filed with the Certificate of Need Program Office, Building 1, Room 220, 2727 Mahan Drive, Tallahassee, Florida 32308, on or before 5:00 p.m., April 26, 2004.

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, Suite 3431, Tallahassee, Florida 32308. All requests for hearings must be filed with the agency clerk within 30 days of this publication or the right to a hearing is waived.

Hospice Program Net Need

| Service Area | Net Need | Service Area | Net Need |
|----------------|----------|----------------|----------|
| District 1 | 0 | Subdistrict 5A | 0 |
| Subdistrict 2A | 0 | Subdistrict 5B | 0 |
| Subdistrict 2B | 0 | Subdistrict 6A | 0 |
| Subdistrict 3A | 0 | Subdistrict 6B | 0 |
| Subdistrict 3B | 0 | Subdistrict 6C | 0 |
| Subdistrict 3C | 0 | Subdistrict 7A | 0 |
| Subdistrict 3D | 0 | Subdistrict 7B | 1 |
| Subdistrict 3E | 1 | Subdistrict 7C | 0 |
| Subdistrict 4A | 1 | Subdistrict 8A | 0 |
| Subdistrict 4B | 0 | Subdistrict 8B | 0 |
| Service Area | Net Need | Service Area | Net Need |
| Subdistrict 8C | 0 | Subdistrict 9C | 0 |
| Subdistrict 8D | 0 | District 10 | 0 |
| Subdistrict 9A | 0 | District 11 | 1 |
| Subdistrict 9B | 0 | Total | 4 |

NOTICE OF OPEN HEART SURGERY PROGRAM
FIXED NEED POOL

The Agency for Health Care Administration has projected a fixed need pool for open heart surgery programs for July 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 220, 2727 Mahan Drive, Tallahassee, Florida 32308, on or before 5:00 p.m., April 26, 2004.

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 July 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 220, 2727 Mahan Drive, Tallahassee, Florida 32308, on or before 5:00 p.m., April 26, 2004.

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 BUSINESS AND PROFESSIONAL REGULATION

Notice of Disposition of Petition for Administrative Determination has been filed by the Division of Administrative Hearings on the following rules:

Bowling Centers Association of Florida, Inc., Petitioner, and St. Petersburg Kennel Club, Inc., Intervenor, vs. Department of Business and Professional Regulation, Division of Alcoholic Beverages and Tobacco, Case No. 03-4776RP, Rule Nos. 61A-7.007, 61A-7.008 and 61A-7.009, F.A.C., declared invalid.

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>.

"Conditional" Status (department-wide policy type B) – establishes that any Department of Juvenile Justice (DJJ) program, governed by quality assurance standards, that fails to meet the minimum levels of performance for any quality assurance (QA) standard, overall program component, and/or fails to achieve an overall compliance rating of at least 90% shall be placed on "conditional" status.

Failure to improve within six months will result in contract action or, if the program is state operated, the Department shall take action, including but not limited to: contracting the program to the private sector; initiating appropriate disciplinary action against all employees whose conduct or performance is deemed to have materially contributed to the program's failure to meet established minimum thresholds; redesign the program; or realign the program.

This is the first of two 20 working day review and comment periods. The closure date for submission of comments on this policy is May 6, 2004. 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

NOTICE OF THE POSTING OF INTENDED AWARDS
FOR EMERGENCY MEDICAL SERVICES
GENERAL MATCHING GRANTS (75% GRANTS)

AGENCY: Florida Department of Health, Bureau of Emergency Medical Services

GRANT TITLE: Florida Emergency Medical Services Matching Grant Program

The list of intended grant recipients and those which did not receive the required score for receipt is posted outside of Conference Room 335N, third floor of the state office building at 4025 Esplanade Way, Tallahassee, Florida 32311-7829 and on the Internet at <http://www.doh.state.fl.us/ems/>. The list also will be provided by mail, e-mail, or facsimile by making a request directed to: State EMS Matching Grant Administrator, Bureau of Emergency Medical Services, Department of Health, 4052 Bald Cypress Way, Bin #C18, Tallahassee, Florida 32399-1738, or telephone (850)245-4440, Extension 2737.

Any entity whose substantial interests have been affected by this decision may file a petition for an administrative hearing as provided in Sections 120.569 and 120.57, F.S. The petition must be in writing and conform to the requirements of Fla. Admin. Code R. 28-106.201 or 28-106.301, as applicable.

Mediation pursuant to Section 120.573, F.S., is not available for this action. A written petition must be filed within twenty-one (21) days of the date of award posting. The term "filed" means received by the Agency Clerk, Department of Health, 4052 Bald Cypress Way, BIN # A-02, Tallahassee, FL 32399-1703. Written petitions may be hand-delivered to the Agency Clerk at 2585 Merchants Row Blvd., Prather Building, Suite 110, Tallahassee, FL. Failure to file a written petition within 21 days of posting constitutes a waiver of hearing rights. If you have any questions regarding the procedure, contact an attorney.

P. O. #G10454

On March 30, 2004, 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 Jay Crittenden, M.D., license number ME 55246. 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 March 25, 2004, 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 Yvonne Roman, L.P.N., license number PN 1354481. This Emergency Suspension Order was predicated upon the Secretary's findings of an immediate and serious danger to the public health, safety and welfare pursuant to Sections 456.073(8) and 120.60(6), Florida Statutes. The Secretary determined that this summary procedure was fair under the circumstances, in that there was no other method available to adequately protect the public.

DEPARTMENT OF FINANCIAL SERVICES

NOTICE OF FILINGS

Notice is hereby given that the Office of Financial Regulation has received the following application.

Comments may be submitted to the Deputy Director, 200 East Gaines Street, Tallahassee, Florida 32399-0371, for inclusion in the official record without requesting a hearing; however, any person may request a public hearing by filing a petition with the Clerk, Legal Services Office, Office of Financial Regulation, 200 East Gaines Street, Tallahassee, Florida 32399-0379, pursuant to provisions specified in Rule 3C-105.100, Florida Administrative Code. Petition must be received by the Clerk within twenty-one (21) days of publication of this notice (by 5:00 p.m., April 30, 2004):

APPLICATION WITHDRAWN

Application for a new Financial Institution

Applicant: Biltmore Bank of Florida, Miami, Florida
Withdrawn: March 29, 2004

Received: March 9, 2004

The Office of Financial Regulation has received a request by a credit union to expand its field of membership. Specific information regarding the expansion can be found at http://www.dbf.state.fl.us/banking/cu_expansion.html.

EXPANDED FIELD OF MEMBERSHIP

Name and Address of Applicant: Florida Credit Union, Post Office Box 5549, Gainesville, Florida 32627-5549

Expansion Includes: Select Employee Group

Received: March 29, 2004

Section XIII
Index to Rules Filed During Preceding Week

**RULES FILED BETWEEN March 22, 2004
 and March 26, 2004**

| Rule No. | File Date | Effective Date | Proposed Vol./No. | Amended Vol./No. |
|----------|-----------|----------------|-------------------|------------------|
|----------|-----------|----------------|-------------------|------------------|

DEPARTMENT OF STATE
Division of Elections

| | | | | |
|----------|---------|---------|-------|-------|
| 1S-2.031 | 3/24/04 | 4/13/04 | 29/45 | 29/50 |
|----------|---------|---------|-------|-------|

DEPARTMENT OF LAW ENFORCEMENT
Criminal Justice Standards and Training Commission

| | | | | |
|-------------|---------|---------|------|--|
| 11B-27.0011 | 3/22/04 | 4/11/04 | 30/1 | |
| 11B-27.004 | 3/22/04 | 4/11/04 | 30/1 | |
| 11B-27.005 | 3/22/04 | 4/11/04 | 30/1 | |

STATE BOARD OF ADMINISTRATION
Florida Prepaid Postsecondary Education Expense Board

| | | | | |
|------------|---------|---------|------|--|
| 19B-11.007 | 3/26/04 | 4/15/04 | 30/8 | |
|------------|---------|---------|------|--|

WATER MANAGEMENT DISTRICTS
St. Johns River Water Management District

| | | | | |
|-----------|---------|---------|-------|------|
| 40C-1.004 | 3/24/04 | 4/13/04 | 29/48 | 30/8 |
|-----------|---------|---------|-------|------|

LAND AND WATER ADJUDICATORY COMMISSION
Lakewood Ranch Community Development District 5

| | | | | |
|------------|---------|---------|------|--|
| 42EE-1.002 | 3/26/04 | 4/15/04 | 30/3 | |
|------------|---------|---------|------|--|

AGENCY FOR HEALTH CARE ADMINISTRATION
Cost Management and Control

| | | | | |
|------------|---------|---------|-------|--|
| 59B-11.001 | 3/24/04 | 4/13/04 | 29/52 | |
| 59B-11.002 | 3/24/04 | 4/13/04 | 29/52 | |
| 59B-11.003 | 3/24/04 | 4/13/04 | 29/52 | |
| 59B-11.004 | 3/24/04 | 4/13/04 | 29/52 | |
| 59B-11.005 | 3/24/04 | 4/13/04 | 29/52 | |
| 59B-11.006 | 3/24/04 | 4/13/04 | 29/52 | |

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Architecture and Interior Design

| | | | | |
|-------------|---------|---------|-------|------|
| 61G1-21.001 | 3/23/04 | 4/12/04 | 29/47 | 30/9 |
| 61G1-24.001 | 3/23/04 | 4/12/04 | 29/47 | 30/9 |

Construction Industry Licensing Board

| | | | | |
|-------------|---------|---------|-------|------|
| 61G4-15.015 | 3/23/04 | 4/12/04 | 29/44 | 30/9 |
|-------------|---------|---------|-------|------|

| Rule No. | File Date | Effective Date | Proposed Vol./No. | Amended Vol./No. |
|----------|-----------|----------------|-------------------|------------------|
|----------|-----------|----------------|-------------------|------------------|

Electrical Contractors' Licensing Board

| | | | | |
|------------|---------|---------|-------|------|
| 61G6-5.004 | 3/23/04 | 4/12/04 | 29/51 | 30/8 |
|------------|---------|---------|-------|------|

Florida Building Code Administrators and Inspectors

| | | | | |
|-------------|---------|---------|------|--|
| 61G19-6.018 | 3/23/04 | 4/12/04 | 30/8 | |
|-------------|---------|---------|------|--|

Florida Real Estate Commission

| | | | | |
|------------|---------|---------|-------|-------|
| 61J2-5.016 | 3/26/04 | 4/15/04 | 28/22 | 29/40 |
|------------|---------|---------|-------|-------|

DEPARTMENT OF HEALTH
Board of Clinical Laboratory Personnel

| | | | | |
|------------|---------|---------|------|------|
| 64B3-6.001 | 3/24/04 | 4/13/04 | 30/1 | |
| 64B3-6.002 | 3/24/04 | 4/13/04 | 30/1 | 30/9 |
| 64B3-6.003 | 3/24/04 | 4/13/04 | 30/1 | |

Board of Hearing Aid Specialists

| | | | | |
|------------|---------|---------|------|--|
| 64B6-4.003 | 3/22/04 | 4/11/04 | 30/8 | |
| 64B6-4.004 | 3/22/04 | 4/11/04 | 30/8 | |
| 64B6-4.011 | 3/22/04 | 4/11/04 | 30/8 | |

Board of Medicine

| | | | | |
|------------|---------|---------|------|--|
| 64B8-3.002 | 3/23/04 | 4/12/04 | 30/8 | |
|------------|---------|---------|------|--|

FISH AND WILDLIFE CONSERVATION COMMISSION

Freshwater Fish and Wildlife

| | | | | |
|------------|---------|---------|------|--|
| 68A-17.004 | 3/22/04 | 7/1/04 | 30/1 | |
| 68A-20.005 | 3/22/04 | 7/1/04 | 30/1 | |
| 68A-23.002 | 3/22/04 | 7/1/04 | 30/1 | |
| 68A-23.005 | 3/22/04 | 7/1/04 | 30/1 | |
| 68A-23.008 | 3/22/04 | 7/1/04 | 30/1 | |
| 68A-25.031 | 3/22/04 | 4/11/04 | 30/1 | |
| 68A-25.042 | 3/22/04 | 4/11/04 | 30/1 | |

Marine Fisheries

| | | | | |
|------------|---------|--------|------|--|
| 68B-4.005 | 3/22/04 | 7/1/04 | 30/1 | |
| 68B-21.008 | 3/22/04 | 7/1/04 | 30/1 | |

Marine Resources

| | | | | |
|------------|---------|---------|------|--|
| 68E-1.001 | 3/22/04 | 7/1/04 | 30/1 | |
| 68E-1.004 | 3/22/04 | 7/1/04 | 30/1 | |
| 68E-1.006 | 3/22/04 | 7/1/04 | 30/1 | |
| 68E-3.001 | 3/22/04 | 7/1/04 | 30/1 | |
| 68E-3.003 | 3/22/04 | 7/1/04 | 30/1 | |
| 68E-3.004 | 3/22/04 | 7/1/04 | 30/1 | |
| 68E-4.004 | 3/22/04 | 7/1/04 | 30/1 | |
| 68E-18.002 | 3/22/04 | 4/11/04 | 30/1 | |