

Section I Notices of Development of Proposed Rules and Negotiated Rulemaking

DEPARTMENT OF STATE

Division of Elections

RULE CHAPTER TITLE: Elections
 RULE CHAPTER NO.: 1S-2
 RULE TITLES: Committees of Continuous Existence
 RULE NO.: 1S-2.039
 PURPOSE AND EFFECT: To provide a form compliant with Section 106.04, Florida Statutes, for the application for certification and filing of annual reports for committees of continuous existence.

SUBJECT AREA TO BE DISCUSSED: Development of a rule and a form for the application for certification and filing of annual reports for committees of continuous existence.

SPECIFIC AUTHORITY: 106.04(2), 106.04(4), 106.22 FS.

LAW IMPLEMENTED: 106.04 FS.

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

TIME AND DATE: 11:00 a.m., Monday, May 10, 2004

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

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Marielba Torres, Division of Elections, Department of State, 107 West Gaines Street, Tallahassee, Florida 32399-0250, (850)245-6200

THE PRELIMINARY TEXT OF THE PROPOSED RULE IS AVAILABLE AT NO CHARGE FROM THE CONTACT PERSON LISTED ABOVE OR FROM THE DIVISION OF ELECTIONS' WEBSITE.

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Licensing

RULE TITLE: School Curriculum; Examinations; Retention of Records
 RULE NO.: 5N-1.140

PURPOSE AND EFFECT: The purpose and effect is to incorporate by reference a revised Security Officer Curriculum Guide. The guide is used by schools offering training that is required for those who apply for a security officer license.

SUBJECT AREA TO BE ADDRESSED: The curriculum guide used by licensed Security Officer Schools and Training Facilities.

SPECIFIC AUTHORITY: 493.6303(4), 493.6304(3), 493.6403(2), 493.6406(3) FS.

LAW IMPLEMENTED: 493.6303(4), 493.6304(3), 493.6403(2), 493.6406(3) FS.

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

TIME AND DATE: 10:00 a.m., May 24, 2004

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT 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 PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS AVAILABLE AT NO CHARGE FROM THE CONTACT PERSON LISTED ABOVE.

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

Suwannee River Water Management District

RULE CHAPTER TITLE:	RULE CHAPTER NO.:
Environmental Resource and Works of the District Permits	40B-4
RULE TITLES:	RULE NOS.:
Policy and Purpose	40B-4.1010
Permits Required	40B-4.1040
Recognition of Comparable Regulatory Programs	40B-4.1060
Exemptions	40B-4.1070
Duration of Permits	40B-4.1100
Transfer of Permits	40B-4.1130
Limiting Conditions on Permits	40B-4.1140
General Environmental Resource Permits	40B-4.2010
Content of Environmental Resource Permit Application	40B-4.2020
Conditions for Issuance of Environmental Resource Permits	40B-4.2030
Minimum Operation and Maintenance Standards	40B-4.2040
Adopted Works of the District	40B-4.3000

General Works of the District	
Development Permits	40B-4.3010
Content of Works of the District	
Development Permit Applications	40B-4.3020
Conditions for Issuance of Works of the	
District Development Permits	40B-4.3030
Unlawful Use of Works of the District	40B-4.3040

PURPOSE AND EFFECT: The purpose of the rule development is to update sections of Chapter 40B-4, Florida Administrative Code, based on the regulatory experience of the District since the inception of environmental resources permitting. The effect of the proposed rule amendments will be to provide for more efficient and effective regulation of activities that are subject to regulation and to provide for better comprehension of the subject rules.

SUBJECT AREA TO BE ADDRESSED: This proposed rule development will update rule terminology, change form names and numbers, develop consistency with Chapter 40B-1, Florida Administrative Code, codify additional permit exemptions and delete outdated exemptions, change general permit durations, codify additional criteria for Works of the District permits, and add additional criteria to the noticed general permit for borrow pits.

SPECIFIC AUTHORITY: 373.044, 373.113, 373.117, 373.118, 373.171 FS.

LAW IMPLEMENTED: 120.60, 373.016, 373.019, 373.042, 373.084, 373.085, 373.086, 373.117, 373.406, 373.409, 373.413, 373.416, 373.419, 373.423, 373.426 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Linda Welch, Administrative Assistant, Suwannee River Water Management District, 9225 C.R. 49, Live Oak, Florida 32060, (386)362-1001 or 1(800)226-1066 (FL only)

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS AVAILABLE AT DISTRICT HEADQUARTERS UPON REQUEST.

WATER MANAGEMENT DISTRICTS

St. Johns River Water Management District

RULE TITLE:	RULE NO.:
Fees	40C-1.603

PURPOSE AND EFFECT: The purposes and effects of this proposed rule amendment are to (1) create a fee for the processing of applications for modification by letter of

environmental resource permits (ERPs) issued pursuant to Chapters 40C-4, 40C-40, or 40C-42, F.A.C., (2) revise the fee for modification of individual ERPs that occur by issuance of a standard ERP (under separate proposed amendment to subsections 40C-40.302(2) and 40C-40.302(5), F.A.C.), to ensure that the effect of the separate proposed amendment is revenue-neutral, (3) delete provisions that currently requires only a \$100.00 fee for variance requests to the general prohibition of construction in shellfish harvesting waters, to match the higher fee required for all other types of variances associated with an ERP or wetland resource management permit application, (4) create a provision charging ERP and ERP stormwater permit applicants who submit less than the required five copies of the permit application an additional fee, per copy not provided.

SUBJECT AREA TO BE ADDRESSED: This proposed rule amendment would (1) create a fee for letter modifications of ERP and ERP stormwater permits in paragraph 40C-1.603(5)(e), subparagraph 40C-1.603(5)(f)6., and paragraph 40C-1.603(6)(c), F.A.C., (2) revise the fee for standard ERP applications that seek to modify an individual ERP, to keep the application fee the same as the fee that was previously charged for individual ERP applications to modify an individual ERP in subparagraphs 40C-1.603(5)(f)4.-5., F.A.C., (3) revise the fee charged for shellfish harvesting waters variances associated with an ERP or wetland resource management permit application to match the fee charged for all other variances for those applications in paragraphs 40C-1.603(5)(g) and 40C-1.603(8)(e), and (4) create a provision to charging ERP and ERP stormwater permit applicants a fee for each copy less than the five copies of the application that is required in subsection 40C-1.603(13), F.A.C.

SPECIFIC AUTHORITY: 373.044, 373.113 FS.

LAW IMPLEMENTED: 373.109 FS.

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

TIME AND DATE: 10:00 a.m. – 12:00 Noon, May 20, 2004

PLACE: St. Johns River Water Management District’s Governing Board Room, 4049 Reid Street, Palatka, Florida 32177-2529

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Norma Messer, Rules Coordinator, Office of General Counsel, St. Johns River Water Management District, 4049 Reid Street, Palatka, Florida 32177-2529, (386)329-4459, Suncom 860-4459, email: nmesser@sjrwmd.com

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

40C-1.603 Fees.

A fee is required and shall be paid to the District when certain applications or petitions are filed pursuant to District rules or permit programs delegated to the District. Effective October 1, 1990, governmental entities shall be required to submit the fees established except as provided in subsection (14)(13). This fee recovers some of the District's costs of processing applications. The fee schedule is:

(1) through (4) No change.

(5) Chapter 40C-4, F.A.C., environmental resource permits:

(a) through (d) No change.

(e) Applications for modification by letter of individual or conceptual environmental resource permits, mitigation bank permits, or conceptual approval permits **\$250**

(f)(e) Chapter 40C-40, F.A.C., standard environmental resource permits:

1. through 3. No change.

4. Applications for modification of individual or conceptual environmental resource permits, mitigation bank permits, or conceptual approval permits, where the total land area of a project is not increased **\$1,000**

5. Applications for modification of individual or conceptual environmental resource permits, mitigation bank permits, where the total land area of a project is increased **\$3,000**

6. Applications for modification by letter of standard environmental resource permits **\$150**

(g)(f) No change.

(h)(g) Variances associated with an environmental resource permit application:

1. Variances from paragraph 12.2.5(e), Applicant's Handbook: Management and Storage of Surface Waters **\$100**

2. Other Variances **\$500**

(h) through (k) renumbered (i) through (l) No change.

(6) Chapter 40C-42, F.A.C., environmental resource stormwater permits and conceptual approval environmental resource stormwater permits:

(a) through (b) No change.

(c) Applications for modification by letter of Chapter 40C-42, F.A.C., permits **\$100**

(7) No change.

(8) Chapters 62-4 and 62-312, F.A.C., wetland resource management (dredge and fill) permits issued pursuant to the grandfathering provisions of subsections 373.414(11) through (16), F.S.

(a) through (d) No change.

(e) Variances from permitting standards, permit conditions, or water quality standards associated with a wetland resource permit application:

1. Variances from prohibition of subsection 62-312.080(7), F.A.C. **\$100**

2. Other variances **\$500**

(9) through (12) No change.

(13) For environmental resource permit applications that fail to provide five copies of the entire application package (which includes the signed application form, complete set of all the requested drawings, and other submitted information), for each missing application package the application fee shall be increased as follows:

(a) Chapter 40C-4, F.A.C., individual environmental resource permits **\$200**

(b) Chapter 40C-40, F.A.C., standard environmental resource permits **\$100**

(c) Chapter 40C-42, F.A.C., permits **\$100**

(13) through (14) renumbered (14) through (15) No change.

Specific Authority 373.044, 373.113, 373.421(2) FS. Law Implemented 218.075, 373.109, 373.421(2) FS. History--New 10-1-87, Amended 6-1-88, 10-17-88, Formerly 40C-1.202, Amended 8-1-89, 10-19-89, 8-19-90, 7-21-91, 7- 23-91, 8-11-91, 9-25-91, 11-12-91, 10-20-92, 11-30-92, 1-6-93, 12-6-93, 1-23-94, 4-12-95, 1-4-96, 4-25-96, 10-2-96, 10-11-01, 4-10-02, _____.

WATER MANAGEMENT DISTRICTS

St. Johns River Water Management District

RULE TITLES:	RULE NOS.:
Publications Incorporated by Reference	40C-4.091
Modification of Permits	40C-4.331
Emergency Authorization	40C-4.451

PURPOSE AND EFFECT: The purposes and effect of this proposed rule amendment are to (1) clarify that letter requests for modification of environmental resource permits (ERPs) require an application fee (consistent with a separate proposed amendment to paragraph 40C-1.603(5)(e), subparagraph 40C-1.603(5)(f)6. and paragraph 40C-1.603(6)(c), F.A.C.), to make it clear that receipt of the application fee is a condition for issuance, (2) revise the conditions for when a proposed modification to an existing permit qualifies for a non-substantial letter modification, to reduce processing time and costs for applicants, (3) repeal the rule regarding emergency authorization because it is obsolete and the subject is covered by Rule 40C-1.1009, F.A.C., and (4) revise the standard ERP threshold in section 3.3.2, Applicant's Handbook: Management and Storage of Surface Waters, to allow certain applications to modify an individual ERP to be processed as a standard ERP that would be issued by staff (consistent with a related proposed amendment to subsections 40C-4.302(2) and 40C-40.302(5), F.A.C.).

SUBJECT AREA TO BE ADDRESSED: The proposed rule amendments would (1) clarify that letter modifications require an application fee in paragraph 40C-4.331(1)(b), F.A.C., (2) revise the criteria for letter modifications in paragraph 40C-4.331(1)(b), F.A.C., (3) repeal the obsolete emergency authorization rule in Rule 40C-4.451, F.A.C., and (4) revise the standard ERP threshold to allow modification of individual ERPs by staff-issued standard ERPs in section 3.3.2, Applicant’s Handbook: Management and Storage of Surface Waters.

SPECIFIC AUTHORITY: 373.044, 373.113, 373.418 FS.

LAW IMPLEMENTED: 373.083(5), 373.413, 373.414, 373.418, 373.426, 373.439 FS.

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

TIME AND DATE: 10:00 a.m. – 12:00 Noon, May 20, 2004

PLACE: St. Johns River Water Management District’s Governing Board Room, 4049 Reid Street, Palatka, Florida 32177-2529

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Norma Messer, Rules Coordinator, Office of General Counsel, St. Johns River Water Management District, 4049 Reid Street, Palatka, Florida 32177-2529, (386)329-4459, Suncom 860-4459, email: nmesser@sjrwm.com

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

40C-4.091 Publications Incorporated By Reference.

(1) The Governing Board hereby adopts by reference:

(a) Part I “Policy and Procedures,” Part II “Criteria for Evaluation,” subsections 18.0, 18.1, 18.2, and 18.3 of Part III and Appendix K “Legal Description Upper St. Johns River Hydrologic Basin,” “Legal Description Ocklawaha River Hydrologic Basin,” “Legal Description of the Wekiva River Hydrologic Basin,” “Legal Description of the Econlockhatchee River Hydrologic Basin,” “Legal Description of the Sensitive Karst Areas Basin, Alachua County,” “Legal Description Tomoka River Hydrologic Basin,” “Legal Description Spruce Creek Hydrologic Basin,” “Legal Description of the Sensitive Karst Areas Basin, Marion County,” and “Legal Descriptions of the Lake Apopka Hydrologic Basin,” and Appendix M “Regional Watersheds for Mitigation Banking,” of the document entitled “Applicant’s Handbook: Management and Storage of Surface Waters,” effective ~~_____ 11-11-03.~~

(b) through (c) No change.

(2) No change.

Specific Authority 373.044, 373.046(4), 373.113, 373.4136, 373.414, 373.415, 373.416, 373.418, 373.421, 373.461 FS. Law Implemented 120.60, 373.016(2), 373.042, 373.0421, 373.046, 373.085, 373.086, 373.109, ~~373.146(1),~~ 373.406, 373.413, 373.4135, 373.4136 373.414, 373.4141, 373.415, 373.416, 373.417, 373.418, 373.421(2)-(6), 373.423, 373.426,

373.461(3), 380.06(9), 403.813(2) FS. History–New 12-7-83, Amended 10-14-84, Formerly 40C- 4.091, Amended 5-17-87, Formerly 40C-4.0091, Amended 8-20-87, 10-1-87, 10-11-87, 11-26-87, 8-30-88, 1-1-89, 8-1-89, 10-19-89, 4-3-91, 9-25-91, 11-12-91, 3-1-92, 7-14-92, 9-8-92, 9-16-92, 11-12-92, 11-30-92, 1-6-93, 1-23-94, 2-27-94, 11-22-94, 10-3-95, 8-20-96, 11-25-98, 12-3-98, 1-7-99, 1-11-99, 8-21-00, 7-8-01, 10-11-01, 4-10-02, 9-26-02, 3-7-03, 11-11-03, _____.

40C-4.331 Modification of Permits.

(1) In addition to the modification of permits pursuant to Section 373.429, Florida Statutes, a request for modification of a valid permit may be made as set forth in this section. The request for modification shall be reviewed using the conditions for issuance in Rules 40C-4.301 and 40C-4.302, F.A.C.

(a) No change.

(b) By letter that describes the proposed modification, with the required application fee, provided that the requested modification does not cause any of the following circumstances to occur:

1. Increase the project area by more than 10% or 1 acre, whichever is less, unless accounted for in the previously permitted design of the system;

2. Increase proposed impervious surface by more than 10% or 0.5 acres, whichever is less, unless accounted for in the previously permitted design of the system;

~~3. Reduce the stormwater treatment or flood attenuation capability of the proposed system;~~

4. through 10. renumbered 3. through 9. No change.

10. Extend the duration of a permit by more than 2 years per permit modified; or

~~12.~~ No change.

(2) through (4) No change.

Specific Authority 373.044, 373.113, 373.414, 373.418 FS. Law Implemented 373.083, 373.413, 373.414, 373.416, 373.418, 373.426, 373.429 FS. History–New 2-20-77, Amended 12-26-77, Formerly 161-4.34, 40C-4.34, Amended 2-3-81, 12-7-83, Formerly 40C-4.331, 40C-4.0331, Amended 1-1-89, 10-11-01, _____.

40C-4.451 Emergency Authorization.

Specific Authority 373.044, 373.113 FS. Law Implemented 373.413, 373.416, 373.426, 373.439 FS. History–New 12-7-83, Formerly 40C-4.451, 40C-4.0451, Repealed _____.

APPLICANT’S HANDBOOK SECTION:

3.3 Thresholds

3.3.1 No change.

3.3.2 A standard environmental resource permit is issued for a specific class of surface water management systems which meet the criteria specified in Chapters 40C-4, 40C-40, and 40C-41, F.A.C. (if applicable), and this Handbook, and which:

(a) are not capable of impounding more than 120 acre-feet; and

(b) serve projects of less than 100 acres total land area; and

(c) do not involve regulated activities, including dredging or filling, in, on, or over a total of one acre or more of wetlands and other surface waters.

An application to modify an individual environmental resource permit shall be processed as a standard environmental resource permit so long as: the scope of the modification by itself does not exceed the limitations listed in (a)-(c), above; the application meets the requirements of Rule 40C-40.302, F.A.C.; and the District has not received any substantial objections to the application (as defined in section 6.2.4), unless all such objections are withdrawn.

WATER MANAGEMENT DISTRICTS

St. Johns River Water Management District

RULE TITLE: Conditions for Issuance of Permits

RULE NO.: 40C-40.302

PURPOSE AND EFFECT: The purposes and effects of this proposed rule amendment are to (1) exclude from the thresholds for standard permits impoundment volume, land area, and impacts to wetlands and other surface waters to the extent previously authorized, to reduce the number of projects with permit modifications that must obtain individual permits and thereby reduce processing time and costs for applicants, (2) delete the threshold limiting the number of proposed boat slips that can be processed for a standard permit application, to reduce the number of projects that must obtain individual permits and thereby reduce processing time and costs for applicants, (3) clarify that for standard permit applications for incidental site activities for work associated with an individual permit application, that there must be no existing unpermitted or otherwise unresolved impacts to wetlands or other surface waters within the project area of the individual permit application that require a permit, and (4) clarify that for standard permit applications for incidental site activities for work associated with an individual permit application, that if the individual permit is denied or challenged, then the permit for the incidental site activity automatically expires and the permittee must stabilize the site within five days of permit expiration.

SUBJECT AREA TO BE ADDRESSED: The proposed rule amendment would (1) exclude previously authorized impoundment volume, land area, and impacts to wetlands and other surface waters from the thresholds in paragraph 40C-40.302(2)(a)-(c), F.A.C., (2) delete the boat slip threshold in paragraph 40C-40.302(2)(d), F.A.C., (3) clarify the criteria to obtain a standard permit for incidental site activities in paragraph 40C-40.302(6)(a), F.A.C., and (4) clarify the time for expiration of a standard permit for incidental site activities in paragraph 40C-40.302(6)(g), F.A.C.

SPECIFIC AUTHORITY: 373.044, 373.113, 373.418 FS.

LAW IMPLEMENTED: 373.083(5), 373.413, 373.414, 373.418, 373.426 FS.

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

TIME AND DATE: 10:00 a.m. – 12:00 Noon, May 20, 2004

PLACE: St. Johns River Water Management District’s Governing Board Room, 4049 Reid Street, Palatka, Florida 32177-2529

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Norma Messer, Rules Coordinator, Office of General Counsel, St. Johns River Water Management District, 4049 Reid Street, Palatka, Florida 32177-2529, (386)329-4459, Suncom 860-4459, email: nmesser@sjrwmd.com

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

40C-40.302 Conditions for Issuance of Permits.

To qualify for a standard permit under this chapter, the permittee must give reasonable assurances that the surface water management system meets subsection (1) and all of the threshold conditions of subsection (2).

(1) General Conditions. The surface water management system must meet the conditions for issuance specified in Rules 40C-4.301 and 40C-4.302, F.A.C.

(2) Threshold Conditions

(a) The system must not be capable of impounding a volume of water more than 120 acre feet. However, for applications to modify a valid, unexpired District permit, calculation of the impoundment volume shall not include volume to the extent previously authorized.

(b) The system must not serve a project of 100 acres or more total land area. However, for applications to modify a valid, unexpired District permit, calculation of the total land area shall not include land area to the extent previously authorized.

(c) Construction or alteration of a system, including dredging or filling, must not be proposed in, on or over a total of one acre or more of wetlands and other surface waters. However, calculation of the one acre area shall not include:

1. through 2. No change.

3. For applications to modify a valid, unexpired District permit, impacts to wetlands and other surface waters to the extent previously authorized.

~~(d) The system must not include more than nine proposed boat slips:~~

(3) through (4) No change.

(5) A formal application to modify an individual environmental resource permit shall be processed as a standard permit so long as the scope of the modification by itself does not exceed the threshold conditions in subsection (2), the application meets the requirements of subsection (1), and the

District has not received any submitted substantial objections (as defined in subsection 6.2.4 of the Applicant's Handbook: Management and Storage of Surface Waters), unless all such objections are withdrawn.

~~(6)(5)~~ Notwithstanding the threshold conditions of subsection (2), a standard permit shall be authorized for incidental site activities which are in connection with the work set forth in an individual environmental resource permit application, provided:

(a) The applicant has submitted a complete individual environmental resource permit application for the project area that is the subject of the proposed incidental site activities, provided that there are no existing unpermitted or otherwise unresolved impacts to wetlands and other surface waters within the project area of the individual environmental resource permit application, which require a permit under Chapter 40C-4 or 40C-40, F.A.C.

1. through 2. No change.

(b) through (f) No change.

(g) If the individual environmental resource permit is denied or administratively challenged, then the permit for the incidental site activity automatically expires and the permittee must stabilize the site within five days of permit expiration.

Specific Authority 373.044, 373.113, 373.406, 373.414, 373.418 FS. Law Implemented 373.083, 373.413, 373.414, 373.416, 373.418, 373.426 FS. History—New 12-7-83. Amended 9-25-91, 1-6-93, 2-27-94, 10-3-95, 1-11-99, 10-11-01.

WATER MANAGEMENT DISTRICTS

St. Johns River Water Management District

RULE TITLES: Standard General and Individual Permits 40C-42.024
Publications Incorporated by Reference 40C-42.091

PURPOSE AND EFFECT: The purposes and effects of this proposed rule amendment are to (1) revise the standard general stormwater permit criteria for paving existing public dirt roads to allow existing operations and maintenance entities acceptable under Rule 40C-42.027, F.A.C., to obtain such permits, (2) revise the thresholds for standard general and individual stormwater permits so that all applications for stormwater permits are initially processed as applications for standard general stormwater permits, to reduce the number of projects that must obtain individual permits and thereby reduce processing time and costs for applicants, (3) clarify that substantial objections must be directed to the District, rather than the District's Governing Board, so that substantial objections not directed to the Governing Board can be considered as substantial objections, and (4) clarify that substantial objections to a standard general stormwater permit application must be filed within 14 days of notice of receipt of the application, to provide a time limit for filing substantial objections.

SUBJECT AREA TO BE ADDRESSED: The proposed rule amendment would (1) expand the standard general stormwater criteria for paving existing public dirt roads in paragraph 40C-42.024(2)(d), F.A.C., (2) expand the types of stormwater permits that can be issued as standard general permits that are issued by District staff in subsection 40C-42.042(2), F.A.C., and in sections 5.2, 5.3, 6.1, and 6.3, Applicant's Handbook: Regulation of Stormwater Management Systems, (3) clarify that substantial objections must be received by the District in section 5.3(b), Applicant's Handbook: Regulation of Stormwater Management Systems, and (4) clarify that substantial objections to a standard general stormwater permit application must be filed within 14 days of notice of receipt of the application in section 5.7.7, Applicant's Handbook: Regulation of Stormwater Management Systems.

SPECIFIC AUTHORITY: 373.044, 373.113, 373.118, 373.418 FS.

LAW IMPLEMENTED: 373.413, 373.416, 373.426 FS.

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

TIME AND DATE: 10:00 a.m. – 12:00 Noon, May 20, 2004

PLACE: St. Johns River Water Management District's Governing Board Room, 4049 Reid Street, Palatka, Florida 32177-2529

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Norma Messer, Rules Coordinator, Office of General Counsel, St. Johns River Water Management District, 4049 Reid Street, Palatka, Florida 32177-2529, (386)329-4459, Suncom 860-4459, email: nmesser@sjrwmnd.com

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

40C-42.024 Standard General and Individual Permits.

(1) No change.

(2) The following types of stormwater management systems qualify for a standard general environmental resource stormwater permit and shall be processed according to the administrative procedures set forth in Chapter 40C-40, F.A.C., effective (effective date):

(a) through (c) No change.

(d) Paving of existing public dirt roads by an existing operation and maintenance entity acceptable to the District under Rule 40C-42.027, F.A.C., a public entity if all of the following conditions are met:

1. through 8. No change.

~~(3) The following types of stormwater management systems will be processed as an individual permit according to the administrative procedures set forth in Chapter 40C-4, F.A.C.~~

~~(e)(a)~~ Wetlands stormwater management systems which are designed pursuant to the criteria in Rules 40C-42.025 and 40C-42.0265, F.A.C.;

~~(f)(b)~~ Systems which propose to satisfy the standards of subsection 40C-42.023(1), F.A.C., by employing an alternative treatment methodology or device other than those described in ~~subsection (2) or paragraph (2)(a)-(e) (3)(a)~~, above. An affirmative showing by the applicant that the system design will provide treatment equivalent to retention systems described in subparagraph (2)(b)1., above, will create a presumption in favor of satisfying the standards in paragraph 40C-42.023(1)(a), F.A.C. In addition, systems which have a direct discharge to Class I, Class II, Outstanding Florida Waters, or Class III waters which are approved, conditionally approved, restricted, or conditionally restricted for shellfish harvesting shall provide an additional level of treatment (i.e., additional treatment volume and off-line treatment) pursuant to Rule 40C-42.026, F.A.C., or an alternative demonstrated by the applicant to be equivalent.

~~(g)(e)~~ Systems which do not meet the applicable criteria of Rule 40C-42.025, 40C-42.026, or 40C-42.0265, F.A.C. An affirmative showing by the applicant based on plans, test results, calculations, or other information that an alternative design is appropriate for the specific site conditions will create a presumption in favor of satisfying the applicable standards in subsection 40C-42.023(1), F.A.C.

~~(3)(4)~~ In otherwise determining whether reasonable assurance has been provided for paragraphs ~~(2)(f) and (g) (3)(b) and (e)~~, above, the District shall, where appropriate, consider:

- (a) through (d) No change.
- (5) through (6) renumbered (4) through (5) No change.

Specific Authority 373.044, 373.113, 373.118, 373.171, 373.418 FS. Law Implemented 373.413, 373.416, 403.813 FS. History--New 9-25-91, Amended 3-21-93, 4-11-94, 10-3-95, _____.

40C-42.091 Publications Incorporated by Reference.

(1) The Governing Board adopts by reference Part I "Policy and Procedures", Part II, "Criteria for Evaluation", and Part III "Operation and Maintenance", of the document entitled "Applicant's Handbook: Regulation of Stormwater Management Systems, Chapter 40C-42, F.A.C.", effective ~~4-10-02~~.

- (2) through (3) No change.

Specific Authority 120.54(8), 373.044, 373.113, 373.171, 373.418 FS. Law Implemented 373.413, 373.416, 373.426. History--New 4-11-94, Amended 7-20-95, 10-3-95, 1-11-99, 10-11-01, 4-10-02, _____.

Applicant's Handbook Section
5.2 Standard General Permit Categories

The following types of stormwater management systems qualify for a standard general environmental resource stormwater permit and will be processed according to the administrative procedures set forth in chapter 40C-40, F.A.C., effective *(effective date)*:

(a) through (c) No change.

(d) Paving of existing public dirt roads by an existing operation and maintenance entity acceptable to the District under Rule 40C-42.027, F.A.C., a public entity if all of the following conditions are met:

- 1. through 8. No change.

(e) Wetlands stormwater management systems which are designed pursuant to the design and performance criteria in sections 9 and 16.

(f) Systems which are proposed to satisfy the requirements for permit issuance (given in subsection 8.3) by employing an alternative treatment methodology (including those systems described in sections 20-23 of this handbook) or devices other than those that qualify for standard general permits (described in subsection 5.2) or wetlands stormwater management systems (described in section 16). An affirmative showing by the applicant that the system design will provide treatment equivalent to retention systems described in section 11 will create a presumption in favor of satisfying those standards listed in section 8.3. In addition, systems which have a direct discharge to Class I, Class II, Outstanding Florida Waters, or Class III waters which are approved, conditionally approved, restricted, or conditionally restricted for shellfish harvesting must provide an additional level of treatment (i.e., additional treatment volume and off-line treatment) pursuant to section 10-16 or an alternative demonstrated by the applicant to be equivalent.

(g) Systems which do not meet the applicable design and performance criteria in section 10-16. An affirmative showing by the applicant based on plans, test results, calculations, or other information that an alternative design is appropriate for the specific site conditions will create a presumption in favor of satisfying the applicable requirements for issuance listed in subsection 8.3.

In determining whether reasonable assurance has been provided for (f) and (g), above, the District shall, where appropriate, consider:

- (a) Whether best management practices are proposed.
- (b) The public interest served by the system.
- (c) The probable efficacy and costs of alternative controls, and
- (d) Whether reasonable provisions have been made for the operation and maintenance of the proposed system.

5.3 Upgrade to Individual Permit

If, upon District staff review of a standard general environmental resource stormwater permit application, one of the following factors is present, an individual permit will be required:

- ~~(a) The system does not qualify for one of the standard general permit categories listed in section 5.2.~~
- (a) through (b) renumbered (b) through (c) No change.

~~(b)(e)~~ A substantial objection to the project has been filed with the District. Substantial objection means a written statement directed to the District Governing Board regarding a permit which identifies the objector, concerns hydrologic or environmental impacts of the proposed activity, and relates to applicable rule criteria.

Upon determination that one of the factors listed above is present, District staff will notify the applicant that the application has been upgraded to an individual environmental resource stormwater permit and that the provisions of section 6 will be followed.

5.7 Staff Evaluation

5.7.1 through 5.7.6 No change.

5.7.7. Objections

A substantial objection as defined in subsection 5.3~~(b)(e)~~ will automatically cause the application to be considered an application for an individual permit. Substantial objections must be filed with the District within 14 days of notification of the application. Notification of the application shall be deemed to be either the fifth day after the date on which the written notice is deposited in the United States mail if actual notice is mailed to the interested person, or the date that notice is posted. The applicant will be notified that an objection has been received and that the procedures for application for an individual permit as described in section 6 must be followed. No additional permit fee will be required if this occurs.

6.0 Procedure for Processing Individual Permits

6.1 Individual Permit Categories

Stormwater management systems which have been upgraded pursuant to section 5.3 ~~The following types of stormwater management systems~~ will be processed as an individual permit according to the administrative procedures set forth in Chapter 40C-4, F.A.C.

~~(a) Wetlands stormwater management systems which are designed pursuant to the design and performance criteria in sections 9 and 16.~~

~~(b) Systems which are proposed to satisfy the requirements for permit issuance (given in subsection 8.3) by employing an alternative treatment methodology (including those systems described in sections 20-23 of this handbook) or devices other than those that qualify for standard general permits (described in subsection 5.2) or wetlands stormwater management systems (described in section 16). An affirmative showing by the applicant that the system design will provide treatment equivalent to retention systems described in section 11 will create a presumption in favor of satisfying those standards listed in section 8.3. In addition, systems which have a direct discharge to Class I, Class II, Outstanding Florida Waters, or Class III waters which are approved, conditionally approved, restricted, or conditionally restricted for shellfish harvesting must provide an additional level of treatment (i.e.,~~

~~additional treatment volume and off-line treatment) pursuant to sections 10-16 or an alternative demonstrated by the applicant to be equivalent.~~

~~(c) Systems which do not meet the applicable design and performance criteria in sections 10-16. An affirmative showing by the applicant based on plans, test results, calculations, or other information that an alternative design is appropriate for the specific site conditions will create a presumption in favor of satisfying the applicable requirements for issuance listed in subsection 8.3.~~

~~In determining whether reasonable assurance has been provided for (b) and (c), above, the District shall, where appropriate, consider:~~

~~(a) Whether best management practices are proposed;~~

~~(b) The public interest served by the system;~~

~~(c) The probable efficacy and costs of alternative controls; and~~

~~(d) Whether reasonable provisions have been made for the operation and maintenance of the proposed system.~~

6.3 Initial Receipt

When the ~~individual~~ permit application form is completed and signed, it must be delivered to one of the District offices as outlined in section 1.3. In order to be processed in a timely manner, the application must include all supporting documentation, and the appropriate permit processing fee. See subsection 4.3 for the current processing fee.

District staff will then conduct a review of the ~~individual~~ permit application to determine that all necessary information is included. If the application does not contain all of the required information or fee, the necessary additional information or fee will be requested from the permittee within 30 days of receipt of the application by the District. The application is then reviewed and evaluated using the criteria discussed in Parts II and III of this handbook. Please refer to the complete statutes and rules for more specific information.

WATER MANAGEMENT DISTRICTS

St. Johns River Water Management District

RULE TITLE: General Permit for Minor Activities
 RULE NO.: 40C-400.475
 PURPOSE AND EFFECT: The purpose and effect of this proposed rule amendment is to delete two thresholds for noticed general permits for minor activities (requiring that the system must contain less than 4,000 square feet of impervious surface that is subject to vehicular traffic and less than 9,000 square feet total of impervious surface), because those two thresholds are duplicative of existing permit thresholds for stormwater permits in subsection 40C-42.022(1), F.A.C.
 SUBJECT AREA TO BE ADDRESSED: The proposed rule amendment would delete duplicative thresholds for noticed general permits for minor activities in paragraph 40C-400.475(1)(d), F.A.C.

SPECIFIC AUTHORITY: 373.044, 373.113, 373.118 FS.
 LAW IMPLEMENTED: 373.118, 373.413, 373.416, 373.426 FS.

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

TIME AND DATE: 10:00 a.m. – 12:00 Noon, May 20, 2004
 PLACE: St. Johns River Water Management District’s Governing Board Room, 4049 Reid Street, Palatka, Florida 32177-2529

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Norma Messer, Rules Coordinator, Office of General Counsel, St. Johns River Water Management District, 4049 Reid Street, Palatka, Florida 32177-2529, (386)329-4459, Suncom 860-4459, email: nmesser@sjrwmd.com

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

40C-400.475 General Permit for Minor Activities.

(1) A general permit is hereby granted for the construction, alteration, maintenance, operation, abandonment and removal of the following minor systems:

(a) through (c) No change.

~~(d) Less than 4,000 square feet of impervious surface in uplands that is subject to vehicular traffic, such as roads, parking lots and driveways, and less than 9,000 square feet total of impervious surface in uplands, however, this paragraph shall not apply within the Wekiva River Basin Riparian Habitat Protection Zone as described in subparagraph 40C-41.063(3)(c)1., or in any Area of Critical State Concern;~~

(e) through (f) renumbered (d) through (e) No change.

(2) through (6) No change.

Specific Authority 373.044, 373.113, 373.118 FS. Law Implemented 373.118, 373.413, 373.416, 373.426 FS. History—New 10-3-95, Amended _____.

WATER MANAGEMENT DISTRICTS

Southwest Florida Water Management District

RULE CHAPTER TITLE: Water Levels and Rates of Flow
 RULE CHAPTER NO.: 40D-8

RULE TITLE: Schedule of Levels for Lakes and
 RULE NO.: 40D-8.624

PURPOSE AND EFFECT: To amend Rule 40D-8.624, F.A.C., to incorporate the next set of priority lakes pursuant to Section 373.042, Florida Statutes.

SUBJECT AREA TO BE ADDRESSED: Establishment of minimum lake levels and guidance levels for Lakes Charles, Dan, Jackson, Reinheimer, Garden Lake, Mound Lake, Platt Lake, and Strawberry (North Crystal) Lake, Hillsborough County, Florida.

SPECIFIC AUTHORITY: 373.044, 373.113, 373.171 FS.
 LAW IMPLEMENTED: 373.036, 373.0361, 373.0395, 373.042, 373.0421, 373.086 FS.

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

TIME AND DATE: 700 p.m., May 13, 2004
 PLACE: Keystone Civic Center, 17928 Gunn Highway, Odessa, Florida

WHAT: Public workshop on proposed minimum and guidance levels for Lakes Charles, Dan, Jackson, Reinheimer, Garden Lake, Mound Lake, Platt Lake, and Strawberry (North Crystal) Lake, Hillsborough County, Florida.

The District does not discriminate on the basis of disability. Anyone requiring reasonable accommodation should contact: Dianne Lee, (352)796-7211, Extension 4658, TDD only 1(800)231-6103.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Doug Leeper, Senior Environmental Scientist, Resource Conservation and Development Department, 2379 Broad Street, Brooksville, FL 34604-6899, (352)796-7211, Extension 4272

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

AGENCY FOR HEALTH CARE ADMINISTRATION

Medicaid

RULE TITLE: Outpatient Hospital Services
 RULE NO.: 59G-4.160

PURPOSE AND EFFECT: The purpose of this rule amendment is to incorporate by reference the Florida Medicaid Provider Reimbursement Handbook, UB-92, April 2004. The handbook has been substantially rewritten; the policy has been updated; and the chapters have been renumbered. The handbook revisions also include global HIPAA language and modifications in procedure code and claim form combinations due to HIPAA. This Notice of Rule Development replaces the notice that was published in the Florida Administrative Weekly, Vol. 29, No. 14, on April 4, 2003. We are publishing a new Notice of Rule Development because we changed the effective date to April 2004.

SUBJECT AREA TO BE ADDRESSED: Outpatient Hospital Services.

SPECIFIC AUTHORITY: 409.919 FS.
 LAW IMPLEMENTED: 409.905, 409.908, 409.9081 FS.

IF REQUESTED IN WRITING WITHIN 14 DAYS AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW.

TIME AND DATE: 9:00 a.m. – 10:00 a.m., May 10, 2004

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Melissa Bassett, Bureau of Medicaid Services, 2727 Mahan Drive, Building 3, Mail Stop 20, Tallahassee, Florida 32308, (850)922-7724

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

59G-4.160 Outpatient Hospital Services.

(1) This rule applies to all hospital providers enrolled in the Medicaid program.

(2) All hospital providers enrolled in the Medicaid program must comply with the provisions of the Florida Medicaid Hospital Services Coverage and Limitations Handbook, March 2003, and the Florida Medicaid Provider Reimbursement Handbook, UB-92, April 2004 ~~October 2003~~, both incorporated by reference in this rule. Both handbooks are available from the Medicaid fiscal agent ~~contractor~~.

Specific Authority 409.919 FS. Law Implemented 409.905, 409.908, 409.9081 FS. History—New 1-1-77, Revised 12-7-78, 1-18-82, Amended 7-1-83, 7-16-84, 7-1-85, 10-31-85, Formerly 10C-7.40, Amended 9-16-86, 2-28-89, 5-21-91, 5-13-92, 7-12-92, 1-5-93, 6-30-93, 7-20-93, 12-21-93, Formerly 10C-7.040, Amended 6-13-94, 12-27-94, 2-21-95, 9-11-95, 11-12-95, 2-20-96, 10-27-98, 5-12-99, 10-18-99, 3-22-01, 8-12-01, 2-25-03, 8-14-03.

AGENCY FOR HEALTH CARE ADMINISTRATION

Medicaid

RULE TITLE: Payment Methodology for Nursing Home Services

RULE NO.: 59G-6.010

PURPOSE AND EFFECT: The purpose of the proposed amendment is to incorporate changes to the Florida Title XIX Long-Term Care Reimbursement Plan payment methodology, effective May 1, 2004, to provide the following changes based on Senate Bill 22-A, Section 2, 2003-2004 Florida Legislature. The Agency is amending the Long-Term Care Reimbursement Plan to provide for an increase in the minimum staffing requirements for nursing homes. These requirements shall include, for each nursing home facility, a minimum certified nursing assistant staffing increase to 2.9 hours of direct care per resident per day beginning May 1, 2004.

SUBJECT AREA TO BE ADDRESSED: Nursing home staffing ratios.

SPECIFIC AUTHORITY: 409.919 FS.

LAW IMPLEMENTED: 409.908 FS.

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

TIME AND DATE: 10:00 a.m., May 19, 2004

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Robert Butler, Medicaid Cost Reimbursement, Agency for Health Care Administration, 2727 Mahan Drive, Building 3, Tallahassee, Florida 32308, (850)414-2756

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Barbers' Board

RULE TITLE: Application Fee for Licensure Through Examination or Endorsement and Reexamination Fees

RULE NO.: 61G3-20.002

PURPOSE AND EFFECT: The Board proposes the development of rules to make changes to examination and reexamination fees.

SUBJECT AREA TO BE ADDRESSED: Application Fee for Licensure Through Examination or Endorsement and Reexamination Fees.

SPECIFIC AUTHORITY: 455.2171, 476.064(4), 476.192 FS.

LAW IMPLEMENTED: 455.2171, 476.192 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Julie Malone, Executive Director, Barbers' Board, 1940 North Monroe Street Tallahassee, FL 32399-0783, 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 CHILDREN AND FAMILY SERVICES

Economic Self-Sufficiency Program

RULE TITLE: Eligibility Determination Demonstration Project

RULE NO.: 65A-1.2051

PURPOSE AND EFFECT: The 2000 Legislature provided authority for the department to establish a prototype region to test best practices and new technologies. Demonstration

project procedures are being tested in selected pilot sites to evaluate the effectiveness, efficiency and feasibility of a proposed streamlined application process for administering public assistance programs. The selected pilot sites will evaluate the efficiency, feasibility and effectiveness of an integrated and streamlined eligibility determination process based on the prototype region model before finalizing the implementation decision statewide. The tested procedures and processes will involve testing new forms and procedures in a streamlined application process. The evaluation outcome will be used to identify efficiencies, effectiveness, possible changes, and cost savings data believed to be necessary for management to determine the ultimate outcome of the piloted project. To the extent that 65A-1.2051 conflicts with 65A-1.203, 65A-1.204, 65A-1.205, 65A-1.400, 65A-1.602, 65A-1.603, 65A-1.707, 65A-4.2131, 65A-4.217, 65A-4.218, and 65A-4.219 in the selected pilot sites, 65A-1.2051 prevails.

SUBJECT AREA TO BE ADDRESSED: The selected demonstration sites will test the efficiencies and effectiveness of a streamlined application process to improve applicants' and recipients' access to public assistance benefits or services. This will involve testing new forms and procedures in a streamlined application process; verification of information; and, clarification on the use of face-to-face interviews and periodic redetermination schedules in accordance with federal regulations and state statutes.

SPECIFIC AUTHORITY: 414.45 FS.
LAW IMPLEMENTED: 20.19 FS.

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

TIME AND DATE: 9:00 a.m., May 11, 2004
PLACE: 1317 Winewood Boulevard, Building 3, Rm. 470, Tallahassee, FL 32399-0700

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Eileen Schilling, Program Administrator, 1317 Winewood Boulevard, Building 3, Room 414, Tallahassee, Florida 32399-0700, (850)414-5643

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

FLORIDA HOUSING FINANCE CORPORATION

RULE TITLES:	RULE NOS.:
Compliance Procedures	67-53.003
Right to Inspect and Monitor Funded Developments	67-53.004
Compliance Monitoring for Housing Developed With SHIP Local Housing Distribution Funds	67-53.005
Compliance and Monitoring Procedures	67-53.006
Compliance Procedures	67-53.007
Compliance and Reporting Requirements	67-53.008
Compliance and Monitoring	67-53.009

PURPOSE AND EFFECT: This Rule establishes the compliance procedures by which the Florida Housing Finance Corporation shall administer its various programs. Revisions to the Rule are required to implement technical and clarifying changes. The adoption of these revisions will increase the efficiency and effectiveness in the enforcement of Florida Housing's Rule.

SUBJECT AREA TO BE ADDRESSED: The Rule Development Workshops will be held to receive comments and suggestions from interested persons relative to compliance requirements as specified in Rule Chapter 67-53, Florida Administrative Code.

SPECIFIC AUTHORITY: 420.507 FS.
LAW IMPLEMENTED: 420.507, 420.508, 420.509, 420.5087, 420.9075, 420.5089, 420.5099 FS.; Chapter 93-186, Laws of Florida.

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.

Any person requiring special accommodation at a workshop of a disability or physical impairment should contact Laurie Camp at the above address. If you are hearing or speech impaired, please use the Florida Dual Party Relay System, 1(800)955-8770 (Voice) or 1(800)955-9771 (TDD).

THE PERSON TO CONTACT REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Bonnie Percy-Hill, Assistant Director of Asset Management, Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32301-1329

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

Section II
Proposed Rules

DEPARTMENT OF COMMUNITY AFFAIRS

Division of Emergency Management

RULE CHAPTER TITLE: Comprehensive Emergency Management Plan
RULE CHAPTER NO.: 9G-2

RULE TITLE: State Comprehensive Emergency Management Plan Adopted
RULE NO.: 9G-2.002

PURPOSE, EFFECT AND SUMMARY: To adopt the 2004 revised version of the State CEMP as required by Chapter 252, Florida Statutes. This action would replace the 2002 version.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None.

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

SPECIFIC AUTHORITY: 252.35(2)(u) FS.

LAW IMPLEMENTED: 252.35(2)(a) FS.

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

Any person requiring special accommodation at the hearing because of a disability or physical impairment should contact: Charlie Worthen, Planner IV, Bureau of Preparedness and Response, Division of Emergency Management, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100, (850)413-9973, Suncom 293-9973, at least seven days before the date of the hearing. If you are hearing or speech impaired, please contact the Department of Community Affairs using the Florida Dual Party Relay System, 1(800)955-8770 (Voice) or 1(800)955-9771 (TDD).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Charlie Worthen, Division of Emergency Management, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100, (850)413-9973, Suncom 293-9973

THE FULL TEXT OF THE PROPOSED RULE IS:

9G-2.002 State Comprehensive Emergency Management Plan Adopted.

(1) The Department hereby adopts and incorporates by reference into this Chapter the State Comprehensive Emergency Management Plan (February 1, 2004 July 8, 2002 Edition).

(2) The State Comprehensive Emergency Management Plan shall be the master operations document for the State of Florida in responding to all emergencies, and all catastrophic, major, and minor disasters.

Specific Authority 252.35(2)(u) FS. Law Implemented 252.35(2)(a) FS. History--New 1-4-01, Amended 7-8-02.

NAME OF PERSON ORIGINATING PROPOSED RULE: Charlie Worthen, Division of Emergency Management, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100, (850)413-9973, Suncom 293-9973

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Craig Fugate, Director, Division of Emergency Management, Department of Community Affairs

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: March 21, 2004

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: April 2, 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."

STATE BOARD OF ADMINISTRATION

RULE TITLE: Reimbursement Premium Formula
RULE NO.: 19-8.028

PURPOSE AND EFFECT: This rule is promulgated to implement Section 215.555, Florida Statutes, regarding the Florida Hurricane Catastrophe Fund, for the 2004-2005 contract year.

SUMMARY: Proposed amended Rule 19-8.028, F.A.C., establishes the premium formula and adopts the rates for the 2004-2005 contract year.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: The Board has prepared a statement and found the cost to be minimal.

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: 215.555(3) FS.

LAW IMPLEMENTED: 215.555(2),(3),(4),(5),(6),(7) FS.

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

TIME AND DATE: 9:00 a.m. - 12:00 Noon, Eastern Daylight Time, Tuesday, May 18, 2004

PLACE: Room 116 (Hermitage Conference Room), 1801 Hermitage Blvd., Tallahassee, FL 32308

In compliance with the Americans with Disabilities Act, anyone needing special accommodation to attend this meeting is asked to call Patti Elsbernd, (850)413-1346, five (5) days prior to the meeting so that appropriate arrangements can be made.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Jack E. Nicholson, Senior FHCF Officer of the Florida Hurricane Catastrophe Fund, State Board of Administration, P. O. Box 13300, Tallahassee, FL 32317-3300, (850)413-1340

THE FULL TEXT OF THE PROPOSED RULE IS:

19-8.028 Reimbursement Premium Formula.

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

(b) Board or SBA means the ~~Florida~~ State Board of Administration of Florida.

(c) Citizens Property Insurance Corporation (Citizens) means the entity formed under Section 627.351, Florida Statutes and refers to both Citizens Property Insurance Corporation High Risk Account (~~formerly the Florida Windstorm Underwriting Association~~) and Citizens Property Insurance Corporation Personal Lines and Commercial Lines Accounts (~~formerly the Florida Residential Property and Casualty Joint Underwriting Association~~).

(d) through (j) No change.

(k) New Participants. The term means all Companies which are granted a certificate of authority by the Department of Financial Services after the beginning of the FHCF's Contract Year on June 1 and which write Covered Policies, or which already have a certificate of authority and begin writing Covered Policies on or after the beginning of the FHCF's Contract Year on June 1 and did not or was not required to enter into a contract on June 1 of the Contract Year. A Company that enters into an ~~pursuant to an~~ assumption agreement with Citizens that includes Covered Policies and is effective after June 1 and had written no other Covered Policies on or before June 1 is also considered a New Participant.

(l) through (n) No change.

(3)(a) through (f) No change.

(g) For the 2004-2005 Contract Year, the Formula developed by the Board's Independent Consultant, "Florida Hurricane Catastrophe Fund: 2004 Ratemaking Formula Report to the State Board of Administration of Florida, March __, 2004" is hereby adopted and incorporated by reference. The basic premium rates developed in accordance with the Premium Formula methodology approved by the Board on April 13, 2004, are hereby adopted and incorporated by reference in Form FHCF-Rates 2004, "Florida Hurricane Catastrophe Fund Proposed 2004 Rates, March __, 2004.

(4)(a) Special Circumstances.

1. Allocation of Premium. Premiums paid to the FHCF with reference to property covered by Quota Share Primary Insurance Arrangements, as that phrase is defined in Section 627.351(6)(c)2.a.(I), Florida Statutes, will be allocated by the FHCF between the Insurer and Citizens in accordance with the

percentages specified in the Quota Share Primary Insurance Arrangement for the purposes of premium billing, calculating retentions and determining reimbursement payments.

2. Section II Exposure. The Premium Formula for Section II exposure will be based on the use of computer modeling for each individual Company for which it is applicable. Because of the difference in potential loss exposure between Section I and Section II, it is not equitable to apply FHCF rates developed for Section I exposures to Section II exposures. Therefore, the Independent Consultant will recommend guidelines for individual company Section II portfolio modeling to estimate individual company FHCF expected losses. Individual company FHCF expected losses for Section II exposures will be loaded for investments and expenses on the same basis as the FHCF premium rates used for Section I exposures, but will also include a loading for the additional cost of individual company modeling. The minimum exposure threshold for FHCF Section II rating will be sufficient to generate estimated FHCF premium greater than the cost of modeling and other considerations. The Independent Consultant will calculate the minimum threshold of Section II exposure required for the separate coverage levels of 45%, 75%, and 90% using the Section I rates established pursuant to subsection (3) herein. The methodology used by the Independent Consultant will be based on sound actuarial principles to establish greater actuarial equity in the premium structure. Companies with exposure meeting the definition of Section II, shall report the said exposure under Section II using Section II reporting specifications.

(b) through (c) No change.

(d) Specialized Fine Arts Risks. Any policy or endorsement exclusively covering Specialized Fine Arts Risks and not covering any residential structure ~~and/or~~ contents thereof other than such specialized fine arts items covered in the fine arts policy, shall be exempt from the Fund as a risk meeting specialized loss control requirements if the insurer employs underwriting criteria and requires its policyholders to adhere to sub-subparagraphs 1. through 7., immediately below. For purposes of the exemption in this paragraph, a Specialized Fine Arts Risk is a policy or endorsement which insures paintings, works on paper, etchings, art glass windows, pictures, statuary, sculptures, tapestries, antique furniture, antique silver, antique rugs, rare books, and other bona fide works of art, of rarity, of historic value, or artistic merit; which charges a minimum Premium of \$500; which insures scheduled items valued, in the aggregate, at no less than \$100,000; and which requires an investment by the insured in loss control measures to protect the Fine Arts Risks being insured.

1. through 7. No change.

(5) All the forms adopted and incorporated by reference in this rule may be obtained from: Administrator, Florida Hurricane Catastrophe Fund, Paragon Strategic Solutions, Inc., Reinsurance Risk Management Services, Inc., 3600 American Boulevard West ~~80th Street~~, Minneapolis, Minnesota 55431.

Specific Authority 215.555(3) FS. Law Implemented 215.555(2),(3),(4),(5),(6),(7) FS. History—New 9-20-99, Amended 7-3-00, 9-17-01, 7-17-02, 7-2-03, _____

NAME OF PERSON ORIGINATING PROPOSED RULE: Jack E. Nicholson, Senior FHCF Officer, Florida Hurricane Catastrophe Fund, State Board of Administration of Florida

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: The Trustees of the State Board of Administration of Florida

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 13, 2004

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: December 19, 2003

WATER MANAGEMENT DISTRICTS

Southwest Florida Water Management District

RULE CHAPTER TITLE: Procedural RULE CHAPTER NO.: 40D-1

RULE TITLE: Basins RULE NO.: 40D-1.107

PURPOSE AND EFFECT: The purpose and effect of this rulemaking is to remove 10 courses erroneously included in the existing legal description found within Rule 40D-1.107, F.A.C.

SUMMARY: In November 2003 the Governing Board approved rulemaking to amend the legal descriptions of the District’s basin boundaries within Rule 40D-1.107, F.A.C. The final rule was submitted to the Department of State and the amendments became effective March 11, 2004. Upon review of the final (new) rule it was determined that there are 10 courses included from the previous legal description that should be deleted because they are unnecessary as the legal descriptions are written. These courses must now be removed.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None 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: 373.044, 373.113, 373.149, 373.171 FS.

LAW IMPLEMENTED: 373.0691, 373.0693 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 A. Lloyd, Senior Attorney, 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-1.107 Basins.

(1) through (9) No change.

(10) The area of the Peace River Basin is located in parts of Polk, Hardee, Highlands, DeSoto and Charlotte Counties.

(a) That portion of the Peace River Basin located within Polk County is described as follows:

Begin at southwest corner of Section 31, Township 32 South, Range 23 East;

Thence north along the Polk-Hillsborough County line to northwest corner of Section 18, Township 32 South, Range 23 East;

Thence east to northeast corner of Section 18, Township 32 South, Range 23 East;

Thence north to northwest corner of Section 8, Township 32 South, Range 23 East;

Thence east along the sections to the southeast corner of Section 4, Township 32 South, Range 23 East;

Thence north to the northwest corner of Section 3, Township 32 South, Range 23 East;

Thence east along the township line between Townships 31 and 32 South to the southeast corner of Section 34, Township 31 South, Range 23 East;

Thence north to the northwest corner of Section 35, Township 31 South, Range 23 East;

Thence east along the sections to the northeast corner of Section 36, Township 31 South, Range 23 East;

Thence south along the range line between Ranges 23 and 24 East to the southeast corner of Section 36, Township 31 South, Range 23 East;

Thence east along the township line between Townships 31 and 32 South to the southeast corner of Section 34, Township 31 South, Range 24 East;

Thence north along the sections to the northeast corner of Section 34, Township 30 South, Range 24 East;

Thence west to the northwest corner of Section 34, Township 30 South, Range 24 East;

Thence north along the sections to the northeast corner of Section 4, Township 30 South, Range 24 East;

Thence west along the township line between Townships 29 and 30 South to the southeast corner of Section 32, Township 29 South, Range 24 East;

Thence north along the sections to the northeast corner of Section 29, Township 29 South, Range 24 East;
Thence west to the northwest corner of Section 29, Township 29 South, Range 24 East;
Thence north to the northeast corner of Section 19, Township 29 South, Range 24 East;
Thence east to the southeast corner of Section 17, Township 29 South, Range 24 East;
Thence north to the northeast corner of Section 17, Township 29 South, Range 24 East;
Thence west to the northwest corner of Section 17, Township 29 South, Range 24 East;
Thence north to the northeast corner of Section 7, Township 29 South, Range 24 East;
Thence west to the northwest corner of Section 7, Township 29 South, Range 24 East;
Thence north along the range line between Ranges 23 and 24 East to the northeast corner of Section 13, Township 28 South, Range 23 East;
Thence west to the northwest corner of Section 13, Township 28 South, Range 23 East;
Thence north along the sections to the northwest corner of Section 24, Township 27 South, Range 23 East;
Thence east along the sections to the northeast corner of Section 19, Township 27 South, Range 24 East;
Thence south to the southeast corner of Section 19, Township 27 South, Range 24 East;
Thence east along the sections to the southwest corner of Section 20, Township 27 South, Range 25 East;
Thence north to the northwest corner of Section 20, Township 27 South, Range 25 East;
Thence east to the northeast corner of Section 20, Township 27 South, Range 25 East;
Thence south to the southeast corner of Section 20, Township 27 South, Range 25 East;
Thence east along the sections to the northeast corner of Section 27, Township 27 South, Range 25 East;
Thence south along the sections to the southeast corner of Section 34, Township 27 South, Range 25 East;
Thence east along the township line between Townships 27 and 28 South to the southwest corner of Section 31, Township 27 South, Range 26 East;
Thence north along the range line between Ranges 25 and 26 East to the northwest corner of Section 30, Township 27 South, Range 26 East;
Thence east to the northeast corner of Section 30, Township 27 South, Range 26 East;
Thence north along the sections to the northwest corner of Section 17, Township 27 South, Range 26 East;

Thence east to the northeast corner of Section 17, Township 27 South, Range 26 East;
Thence south to the southeast corner of Section 17, Township 27 South, Range 26 East;
Thence east to the northeast corner of Section 21, Township 27 South, Range 26 East;
Thence south along the sections to the southwest corner of Section 27, Township 27 South, Range 26 East;
Thence east to the southeast corner of Section 27, Township 27 South, Range 26 East;
Thence north to the northeast corner of Section 27, Township 27 South, Range 26 East;
Thence east along the sections to the northeast corner of Section 29, Township 27 South, Range 27 East;
Thence north to the northwest corner of Section 4, Township 27 South, Range 27 East, and the township line;
Thence west to the southwest corner of Section 32, Township 26 South, Range 27 East;
Thence north to the southeast corner of Section 18, Township 26 South, Range 27 East;
Thence west to the southwest corner of Section 18, Township 26 South, Range 27 East, and the range line;
Thence north along the range line between Ranges 26 and 27 East, to the northwest corner of Section 6, Township 26 South, Range 27 East and the Polk-Osceola County line.
Thence east along the Polk-Osceola County line to the northeast corner of Section 1, Township 26 South, Range 27 East;
Thence south along the range line between Ranges 27 and 28 East to the northerly margin of Lake Marion;
Thence southerly, along the westerly margin of Lake Marion, to its intersection with the range line between Ranges 27 and 28 East;
Thence southerly, along said range line, to the south boundary of Township 27 South;
Thence easterly, along said township line, to the intersection of said township line with Lake Marion;
Thence following the south shore line of Lake Marion to its intersection again with said township line;
Thence east, along said township line, to the northwest corner of Section 5, Township 28 South, Range 28 East;
Thence south along the section line to the southwest corner of Section 8, Township 28 South, Range 28 East;
Thence east along the section line to the northwest corner of Section 16, Township 28 South, Range 28 East;

Thence south along the section line to the southwest corner of Section 16, Township 28 South, Range 28 East;
 Thence east along the section line to the northwest corner of Section 23, Township 28 South, Range 28 East;
 Thence south along the section line to the northeast corner of Section 3, Township 29 South, Range 28 East;
 Thence west along the section line to the northwest corner of Section 3, Township 29 South, Range 28 East;
 Thence north along the section line to the northeast corner of the SE 1/4 of Section 28, Township 28 South, Range 28 East;
 Thence west along the north boundary of the SE 1/4 to the intersection with the shore line of Lake Pierce;
 Thence follow the shore line generally southwesterly to its intersection with the north boundary of the S 1/2 of the S. W. 1/2 of said Section 28;
 Thence west along said north boundary to the northwest corner of the S. 1/2 of the S. W. 1/4 of said Section 28;
 Thence south along the section line to the southwest corner of Section 33, Township 28 South, Range 28 East;
 Thence west along the section line to the northwest corner of Section 5, Township 29 South, Range 28 East;
 Thence south along the section line to its intersection with the west shoreline of Lake Pierce;
 Thence following the west shore line of Lake Pierce to its intersection with the west boundary of Section 8, Township 29 South, Range 28 East;
 Thence south along the section line to the northwest corner of Section 20, Township 29 South, Range 28 East;
 Thence east along the north boundaries of Sections 20, 21, 22, 23 and 24, Township 29 South, Range 28 East, and Section 19, Township 29 South, Range 29 East, and to the northeast corner of said Section 19;
 Thence south along the section line to the southwest corner of Section 32, Township 29 South, Range 29 East;
 Thence east along the section line to the northeast corner of the NW 1/4 of Section 5, Township 30 South, Range 29 East;
 Thence south to the southeast corner of the S. W. 1/4 of Section 8, Township 30 South, Range 29 East;
 Thence west along the section line to the northwest corner of Section 17, Township 30 South, Range 29 East;
 Thence south along the section line to the northeast corner of Section 7, Township 31 South, Range 29 East;
~~Thence south along the range line to the southeast corner of Section 1, Township, 39 South, Range 29 East;~~
~~Thence east along the section line to the northwest corner of Section 11, Township 39 South, Range 30 East;~~
~~Thence north along the section line to the southwest corner of Section 35, Township 38 South, Range 30 East;~~
~~Thence east along through Townships 35, 34, and 33 South, to the northeast corner of Township 33 South, Range 29 East, being on the Highlands Polk County line;~~

~~Thence west along the Highlands Polk County line to the northwest corner of Township 33 South, Range 28 East;~~
~~Thence south along the range line between Ranges 27 and 28 East, in Townships 33, 34 and 35 South, to the southwest corner of Township 35 South, Range 28 East, the Point of Beginning.~~
 Thence west to the northeast corner of Section 12, Township 31 South, Range 28 East;
 Thence southerly along the westerly margin of Lake Marion to the south boundary of Township 27 South;
 Thence west along township line to the northeast corner of Section 1, Township 28 South, Range 27 East;
 Thence south along the range line between Ranges 27 and 28 East, to the northwest corner of Section 30, Township 29 South, Range 28 East;
 Thence east along the section lines to the northeast corner of Section 25, Township 29 South, Range 28 East, and the range line between Ranges 28 and 29 East;
 Thence south along the range line to the southeast corner of Section 36, Township 32 South, Range 28 East and the Polk-Highlands County line;
 Thence west along the Polk-Highlands County line to the southeast corner of Section 36, Township 32 South, Range 27 East, and the Hardee County line;
 Thence continue west along the township line, also being the Polk-Hardee County line, to the southwest corner of Section 31, Township 32 South, Range 23 East, and the Point of Beginning.

Specific Authority 373.044, 373.113, 373.149, 373.171 FS. Law Implemented 373.0693 FS., History--Readopted 10-5-74, Amended 12-31-74, 10-24-76, 9-5-77, 10-16-78, 4-27-80, 3-30-81, 1-10-83, 10-9-85, 3-11-04, Formerly 16J-0.03, 40D-0.061, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
 Governing Board, Southwest Florida Water Management District
 NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Governing Board, Southwest Florida Water Management District
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: March 30, 2004
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: April 16, 2004

LAND AND WATER ADJUDICATORY COMMISSION
Tolomato Community Development District
 RULE CHAPTER TITLE: Tolomato Community Development District
 RULE CHAPTER NO.: 42SS-1
 RULE TITLES: Establishment 42SS-1.001
 Boundary 42SS-1.002
 Supervisors 42SS-1.003

PURPOSE, EFFECT AND SUMMARY: The purpose of this proposed rule is to establish a community development district ("CDD"), the Tolomato Community Development District ("District"), pursuant to Chapter 190, F.S. The petition filed by SONOC Company, LLC, requests the Commission establish a community development district located within the jurisdiction of St. Johns County, Florida. A Notice of Receipt of Petition for the Tolomato Community Development District was published in the February 6, 2004, edition of the Florida Administrative Weekly. The land area proposed to be served by the District comprises approximately 11,355 acres. The proposed District is generally bounded by agricultural and forest lands and some low-medium residential uses. The lands within the proposed District are largely undeveloped. There are three out-parcels located within the external boundaries of the proposed District which are to be excluded from the District. These out-parcels include an out-parcel of existing residential uses, a St. Johns County-owned park site, and a parcel owned by the Florida Inland Navigation District. All the land within the proposed District is subject to the existing Nocatee Development of Regional Impact (DRI) Development Order. The development plan for the lands within the proposed District includes the construction of approximately 8,811 single family units and 3,228 multi-family units, 540 assisted living units, 485 hotel rooms, 2,872,000 square feet of office space, 968,000 square feet of retail space and 250,000 square feet of light industrial space. The Petitioner either owns or has written consent to establish the District from the owners of one hundred percent (100%) of the real property located within the proposed District. The District, if established, currently intends to participate in the provision of certain infrastructure improvements including on and off-site road improvements approved or required by the Nocatee DRI, wetland mitigation, stormwater facilities, and recreation improvements.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: The statement of estimated regulatory costs (SERC) supports the petition to establish the District. The complete text of the SERC is contained as Exhibit 12 to the petition to establish the District. The scope of the SERC is limited to evaluating the regulatory costs consequences of approving the proposal to establish the District. The requirements for a SERC are found in Section 120.541(2), F.S. A SERC must contain (a) a good faith estimate of the number of individuals and entities likely to be required to comply with the rule, together with a description of the types of individuals likely to be affected by the rule; (b) a good faith estimate of the costs to the agency, and to any other state and local government entities, of implementing and enforcing the proposed rule, and any anticipated effect on state or local revenues; (c) a good faith estimate of the transactional costs likely to be incurred by individuals and entities, including local governmental entities, required to comply with the requirements of the rule; (d) an analysis of the impact on small businesses, small counties, and small cities; (e) any additional

information that the agency determines may be useful; and (f) any good faith written proposal submitted under section (a) and either a statement adopting the alternative or a statement rejecting the alternative in favor of the proposed rule. Addressing section (a), the principle entities that are likely to be required to comply with the rules include the District, the State of Florida, and St. Johns County. In addition, future property owners will be affected by the establishment of the proposed District. Under section (b), FLWAC and the State of Florida will incur minimal administrative costs. St. Johns County will also incur one-time administrative costs which are offset by the required filing fee paid to St. Johns County by the Petitioner. Adoption of the proposed rule to approve the formation of the District will not have adverse impact on State and local revenues. Addressing section (c), the District may levy non-ad valorem special assessments on properties within its boundaries to finance infrastructure that the District funds and to defray the costs of operating and maintaining the infrastructure and associated community facilities. The District may issue notes, bonds, or other indebtedness to fund its improvement program. Prospective future land owners would be required to pay off such indebtedness over time in the form of non-ad valorem special assessments or other rates, fees or charges. The District may also impose an annual levy for the operation and maintenance of the District. Under section (d), approval of the petition to establish the District will have no impact or a positive impact on all small businesses and will not have any impact on small counties and cities. St. Johns County is not a small county as defined in Section 120.52, F.S. Under section (e), the analysis was based on the application of economic theory with input received from the developer's engineer and other professionals associated with the developer. 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 HELD AT THE TIME, DATE AND PLACE SHOWN BELOW (IF NOT REQUESTED, A HEARING WILL NOT BE HELD):

TIME AND DATE: 9:00 a.m., Friday, May 21, 2004

PLACE: Room 2103, The Capitol, Tallahassee, Florida

Any person requiring a special accommodation to participate in the hearing because of a disability should contact Barbara Leighty, (850)487-1884, at least five (5) business days in advance to make appropriate arrangements.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Barbara Leighty, Senior Policy Analyst, Florida Land and Water Adjudicatory Commission, The Capitol, Room 1802, Tallahassee, Florida 32399-0001, (850)487-1884

THE FULL TEXT OF THE PROPOSED RULES IS:

TOLOMATO COMMUNITY DEVELOPMENT DISTRICT.

42SS-1.001 Establishment.

The Tolomato Community Development District is hereby established.

Specific Authority 190.005 FS. Law Implemented 190.004, 190.005 FS. History—New _____.

42SS-1.002 Boundary.

The boundaries of the District are as follows:

A portion of Sections 19, 20, 28, 29, 30, 31, 32, 49, 50, 51, 55, 65, 66, and 67, Township 4 South, Range 29 East, together with a portion of Section 6, Township 5 South, Range 29 East, all lying in St. Johns County, Florida, being more particularly described as follows:

For Point of Beginning, commence at the Northwest corner of said Section 30, thence North 88°46'16" East, along the Northerly line of said Section 30, a distance of 1650.00 feet; thence North 62°04'32" East, departing said Northerly line, 6963.21 feet; thence South 66°57'47" East, 3127.56 feet; thence South 16°45'46" East, 4961.31 feet to a corner on the Southerly line of Parcel Four as described and recorded in Official Records Book 1084, Page 676 of the Public Records of said county, said corner bears North 05°43'46" West, 554.57 feet from a point of intersection of the Northwesterly right of way line of Palm Valley Road, County Road No. 210, a 100 foot right of way as now established, and the Easterly line of those lands described and recorded in Official Records Book 97, Page 151 of said Public Records; thence South 76°00'20" West, along said Southerly line of Parcel Four, 477.19 feet to the Northeasterly corner of that certain tract of land described recorded in Official Records Book 673, Page 636, of said Public Records; thence South 88°24'38" West, along the Northerly line of said tract, 536.97 feet to the Northwest corner of said tract; thence South 05°39'29" East, along the Westerly line of said tract and along the Westerly line of those lands described and recorded in Official Records Book 368, page 550, of said Public Records, 531.82 feet to a point on the line dividing said Sections 28 and 55, of said Township and Range; thence South 84°58'55" West, along said dividing line, 1735.13 feet to the Northeast corner of that parcel identified as Parcel Six and described in documentation recorded in Official Records Book 1084, Page 676, of said Public Records, thence South 10°39'53" East, along the Easterly line of said Parcel Six, 669.50 feet to a point lying on said Northwesterly right of way line of Palm Valley Road; thence South 34°40'35" East, 100.00 feet to a point lying on the Southeasterly right of way line of said Palm Valley Road; thence South 55°19'25" West, along said Southeasterly right of way line, a distance of 11,445.71 feet to its point of intersection with the Westerly line of said Section 6, Township 5 South, Range 29 East; thence North 01°10'10" West, departing said Southeasterly right of way line and along said Westerly section line, 38.64 feet to the

Northwest corner of said Section 6; thence North 01°06'12" West, along the Westerly line of said Section 31, Township 4 South, Range 29 East, 81.33 feet to a point lying on said Northwesterly right of way line of Palm Valley Road; thence North 01°06'12" West, continuing along said Westerly line, 5276.65 feet to the Northwest corner of said Section 31; thence North 01°03'55" West, along the Westerly line of said Section 30, a distance of 5346.79 feet to the Point of Beginning.

LESS AND EXCEPT from the above described lands, the Northeast 1/4 of the Southeast 1/4 of Section 30, said Township and Range.

FURTHER EXCEPTING from the above described lands, the lands described in Official Records Book 1164, Page 759.

Containing 2177.39 acres, more or less.

ALSO:

All of Sections 58 and 64 and portions of Sections 29, 31, 32, 55, 57, 59, 60, 61 and 63, Township 4 South, Range 29 East, St. Johns County, Florida, being more particularly described as follows:

For Point of Beginning, commence at the Southeast corner of said Section 31, thence South 89°17'16" West, along the Southerly line of said Section 31, also being the Southerly line of said Township 4 South, a distance of 5266.08 feet to its point of intersection with the Southeasterly right of way line of Palm Valley Road, County Road No. 210, a 100 foot right of way as now established; thence Northeasterly, along said Southeasterly right of way line the following three courses: course one, North 55°19'25" East, a distance of 11,557.34 feet to a point of curvature of a curve concave Southeasterly, having a radius of 943.73 feet; course two, Northeasterly along the arc of said curve, through a central angle of 23°49'06", an arc length of 392.32 feet to the point of tangency of said curve, said arc being subtended by a chord bearing and distance of North 67°13'58" East, 389.50 feet; course three, North 79°08'31" East, 1466.20 feet; thence South 18°23'07" East, departing said Southeasterly right of way line, 2599.93 feet; thence South 83°04'51" East, 711.15 feet; thence South 08°52'10" East, 4360.19 feet to a point lying on said Southerly line of Township 4 South, Range 29 East; thence South 89°28'18" West, along said Township line, 8236.57 feet to the Point of Beginning.

LESS AND EXCEPT: Those lands described and recorded in Official Records Book 1097, Page 1072 and Official Records Book 1443, Page 1680, of the Public Records of said County.

Containing 851.84 acres, more or less.

ALSO:

Portions of Sections 57 and unsurveyed Section 34, Township 4 South, Range 29 East, St. Johns County, Florida being more particularly described as follows:

For Point of Reference, commence at the Southwest corner of Section 32, Township 4 South, Range 29 East, and run North 89°27'34" East, along the Southerly line of said Township, a distance of 14,134.03 feet to its point of intersection with the

Westerly right of way line of Florida East Coast Canal (Intracoastal Waterway) as recorded in Map Book 4, Pages 68 through 78, Public Records of St. Johns County, Florida and the Point of Beginning.

From the Point of Beginning thus described, run North 25°46'44" West along said Westerly right of way line, a distance of 2,500.00 feet; run thence South 49°50'45" West, departing said line, a distance of 3,546.61 feet to a point on aforesaid Southerly Township line; run thence North 89°27'34" East, along said Township line, a distance of 3,798.13 feet to the Point of Beginning.

LESS AND EXCEPT any portion of the above described lands lying below the mean high water line of the Tolomato River, Containing 98.59 acres, more or less.

ALSO:

A part of Sections 1, 2, 3 and 11, all in Township 5 South, Range 28 East, St. Johns County, Florida, more particularly described as follows:

For a Point of Beginning, commence at the Northeast corner of said Section 2; thence South 89°37'49" West, along the North line of said Section 2 (the same being the North line of Township 5 South and being the line dividing Duval County from St. Johns County), a distance of 5349.29 feet to the Northeast corner of said Section 3; thence South 89°37'49" West, along the North line of said Section 3, and along said line dividing Duval County from St. Johns County, a distance of 225.00 feet the Northeast corner of the lands described in Official Records 919, Page 0475 of the Public Records of said County; thence along the boundary line of said lands the following six courses: 1) South 29°37'49" West, a distance of 795.13 feet; 2) South 89°37'49" West, a distance of 235.03 feet; 3) North 30°22'11" West, a distance of 760.49 feet; 4) South 89°37'49" West, 30 feet Southerly of and parallel with the aforementioned North line of Section 3, a distance of 1,833.24 feet; 5) South 75°36'44" West, a distance of 309.21 feet; 6) South 89°37'49" West, a distance of 107.20 feet to a point on the Northeastly right of way line of U.S. Highway No. 1 (State Road No. 5); thence South 41°52'01" East, along said right of way line, a distance of 2,505.37 feet to an angle point in said right of way line; thence South 41°01'01" East continuing along said Northeastly right of way line, a distance of 911.85 feet; thence North 89°16'00" East, along the Southerly line of the lands described in Deed Book 204, Page 330 of the aforementioned Public Records, a distance of 1,557.93 feet to a point on the Northeastly right of way line of a 50 foot right of way known as "Old Dixie Highway"; thence South 23°06'04" East, along said Northeastly right of way line, a distance of 409.90 feet to an angle point in said right of way line; thence South 23°53'04" East, continuing along said Northeastly right of way line, a distance of

1,470.07 feet to an angle point in said right of way line; thence South 39°52'04" East, continuing along said Northeastly right of way line, a distance of 1,680.82 feet to an intersection with the Northwestly right of way line of Palm Valley Road, County Road No. 210, as now established as a 100 foot right of way; thence Northeastly along said right of way line the following six courses: 1) North 41°36'00" East, a distance of 1,021.40 feet to the point of curvature of a curve concave Southeasterly, having a radius of 416.47 feet; 2) Northeastly along the arc of said curve, a chord bearing of North 56°39'27" East, a chord distance of 216.39 feet, an arc distance of 218.90 feet to the point of tangency of said curve; 3) North 71°42'54" East, a distance of 746.02 feet to the point of curvature of a curve concave Northwestly, having a radius of 809.92 feet; 4) Northeastly along the arc of said curve, a chord bearing of North 63°32'22" East, a chord distance of 230.35 feet and an arc distance of 231.14 feet to the point of tangency of said curve; 5) North 55°21'50" East, a distance of 1,769.51 feet to an intersection with the East line of aforementioned Section 2; 6) continue North 55°21'50" East, a distance of 6,269.03 feet to an intersection with the North line of aforementioned Section 1; thence South 89°06'30" West, along said North line of Section 1 (the same being the North line of Township 5 South and being the line dividing Duval County from St. Johns County), a distance of 5,223.14 feet to the Northwest corner of said Section 1 and the Point of Beginning.

Containing 881.20 acres, more or less.

ALSO:

A part of Section 2, Township 5 South, Range 28 East, St. Johns County, Florida more particularly described as follows:

For a Point of Beginning, commence at the intersection of the Northeastly right of way line of U.S. Highway No. 1 (State road No. 5) with the West line of said Section 2; thence North 00°59'33" West, along said West line of Section 2, a distance of 125.93 feet; thence North 89°16'57" East, along the North line of Tract 11 of an unrecorded subdivision known as Durbin Subdivision, a distance of 836.38 feet to the point on the Southwesterly right of way line of a 50 foot right of way known as "Old Dixie Highway"; thence South 23°53'04" East, along said Southwesterly right of way line, a distance of 388.35 feet to an angle point in said right of way line; thence South 39°52'04" East, continuing along said Southwesterly right of way line, a distance of 403.00 feet; thence South 89°17'26" West, along the South line of aforementioned Tract 11, a distance of 782.06 feet to a point on the aforementioned Northeastly right of way line of U.S. Highway No. 1; thence North 41°01'01" West, along said Northeastly right of way line, a distance of 712.66 feet to the Point of Beginning.

Containing 12.60 acres, more or less.

ALSO:

A tract of land comprised of the East 1/2 of Section 12 and the Northeast 1/4 of Section 13, Township 5 South, Range 28 East, St. Johns County, Florida, less and except that portion lying within the boundary of Subdivision of Hilden recorded in Map Book 3, Page 59, of the Public Records of said County, said tract being more particularly described as follows:

For Point of Beginning, commence at the Northeast corner of said Section 12, and run South 02°32'48" East, along the Easterly boundary of said Section, a distance of 5,331.05 feet to the Southeast corner of said Section; run thence South 01°38'27" East, along the Easterly boundary of said Section 13, a distance of 2,487.50 feet to the Southeast corner of the Northeast 1/4 of said Section; run thence South 87°23'00" West, along the Southerly line of said Northeast 1/4, a distance of 1,733.13 feet; run thence North 43°10'20" West, a distance of 1,268.24 feet; run thence North 50°05'18" East, a distance of 498.34 feet; run thence North 40°25'16" West, a distance of 766.09 feet to a point on aforesaid Westerly line of the Northeast 1/4 of Section 13; run thence North 00°46'57" West, along said Westerly line and along the Westerly line of the East 1/2 of Section 12, a distance of 6,046.27 feet to the Northwest corner of the said East 1/2 of Section 12; run thence North 89°35'26" East, along the Northerly boundary of said Section 12, a distance of 2,488.06 feet to the Point of Beginning.

Containing 452.84 acres, more or less.

ALSO:

A portion of Section 37, Township 5 South, Range 28 East, St. Johns County, Florida described in deed recorded in Official Records Book 675, Page 350, Public Records of said County and being more particularly described as follows:

For Point of Beginning, commence at the extreme Northerly corner of said Section 37 and run South 40°55'04" West, along the Northwesterly boundary of said Section, a distance of 269.22 feet; run thence South 37°41'20" East, a distance of 148.80 feet; run thence South 52°27'18" West, a distance of 240.00 feet to a point on the Northeasterly right of way line of U.S. Highway No.1, State Road No. 5; run thence South 37°47'17" East, along said right of way line, a distance of 200.00 feet; run thence North 52°12'43" East, a distance of 240.00 feet; run thence South 37°47'17" East, a distance of 100.00 feet; thence South 52°12'43" West, a distance of 240.00 feet to said Northeasterly right of way line; run thence South 37°47'17" East, along said right of way line, a distance of 300.00 feet; run thence North 52°12'43" East, a distance of 240.00 feet; run thence South 37°47'17" East, a distance of 50.00 feet; run thence South 52°12'43" West, a distance of 240.00 feet to aforesaid Northeasterly right of way line; run thence South 39°04'14" East, along said right of way line, a distance of 2,011.89 feet to its point of intersection with the Southwesterly line of said Section 37; run thence South 83°10'07" East, along said Section line, a distance of 383.30

feet to the extreme Southerly corner of said Section; run thence North 00°14'24" East, along said Section line, a distance of 1,126.79 feet; run thence North 56°19'41" West, continuing along said Section line, a distance of 1,301.59 feet; run thence North 43°06'02" West, along said Section line, a distance of 1,014.06 feet to the Point of Beginning.

Containing 44.88 acres, more or less.

ALSO:

A tract of land comprised of all or portions of surveyed and unsurveyed Sections 3, 10 and 15; all of Sections 4, 5, 7, 8, 9, 16, 17, 18, 20, 21, 39, 62, 63, 64, 65, 66, and portions of Sections 6, 19 and 61, Township 5 South, Range 29 East, St. Johns County, Florida, said tract being more particularly described as follows:

For Point of Beginning, commence at the Northeast corner of Section 6, Township 5 South, Range 29 East, and run South 89°27'34" West, along the Northerly line of said Section, a distance of 5245.88 feet to its point of intersection with the Southeasterly right of way of Palm Valley Road, County Road No. 210; run thence South 55°21'50" West, along said right of way line, a distance of 68.75 feet to a point on the Westerly boundary of said Section; run thence South 00°56'57" West, along said Section line, a distance of 5407.34 feet to the Southwest corner of said Section; run thence South 02°32'48" East, along the Westerly boundary of Section 7, said Township and Range, a distance of 5331.05 feet to the Southwest corner thereof; run thence South 01°38'27" East, along the Westerly line of Section 18, said Township and Range, a distance of 4909.80 feet to the Northwesterly corner of Section 40; run thence along the boundary of said Section 40 as follows: first course, South 55°40'59" East, a distance of 1887.09 feet; second course, South 79°34'02" East, a distance of 639.79 feet; third course, South 07°57'59" East, a distance of 1679.42 feet; fourth course, North 59°54'33" West, a distance of 2797.08 feet to the Southwesterly corner of said Section; run thence South 01°29'54" East, along the Westerly line of Section 19, aforesaid Township and Range, a distance of 395.62 feet to the Northeast right of way line U.S. Highway 1, State Road No. 5; run thence South 37°55'34" East, along said right of way line, a distance of 3131.90 feet to its point of intersection with the Northerly line of Section 41, said Township and Range and the Northerly boundary of Woodland Heights according to the plat recorded in Map Book 3, Page 78, Public Records of St. Johns County, Florida; run thence South 74°56'37" East, along said Section line and subdivision line, a distance of 1096.67 feet; run thence North 13°29'52" West, along said subdivision line, a distance of 183.21 feet; run thence North 02°39'45" East, along said subdivision line, a distance of 265.41 feet; run thence South 89°01'13" East, along said subdivision line and its Easterly projection, a distance of 574.74 feet to the Easterly right of way line of Old Dixie Highway lying on the Westerly line of Official Records Book 1353, Page 1476, Public Records of

said County; run thence South 15°19'35" East, along said line, a distance of 1354.50 feet to a point on the Southerly boundary of aforementioned Section 19; run thence North 88°50'30" East, along said Southerly boundary, a distance of 1401.68 feet to the Southeast corner of said Section; run thence North 89°10'44" East along the Southerly line of Sections 20 and 21, and its Easterly projection, a distance of 8762.95 feet, more or less to the center of the run of an unnamed creek (Sweetwater Creek); run thence Northeasterly along the center of said run following the meanderings of same, to its point of intersection with the line dividing unsurveyed Sections 15 and 22, said point of intersection bearing North 28°40'40" East and distance 5998.15 feet from last said point; run thence North 89°17'02" East, along said Section line, a distance of 2378.54 feet to a point on the Westerly right of way line of the Intracoastal Waterway, per Deed Book 193, Page 387, Public Records of said County; run thence in a Northerly direction along the West edge of the waters of the Tolomato River to a point on the North boundary of said Township 5 South, Range 29 East, said waters edge being traversed as follows: first course, North 07°25'34" West, along said Westerly right of way line of the Intracoastal Waterway, a distance of 1870.17 feet; second course, North 36°44'53" East continuing along said right of way line, a distance of 202.90 feet; third course, North 14°22'06" East, a distance of 8564.35 feet to a point on said Westerly right of way line of the Intracoastal Waterway; fourth course, North 07°59'12" West along said right of way line, a distance of 740.00 feet; fifth course, North 21°43'09" West along said right of way line, a distance of 3362.70 feet; sixth course, North 25°49'03" West, along said right of way line, a distance of 1899.59 feet to the point of termination of said traverse on the Northerly boundary of said Township; run thence South 89°27'34" West, along said Township line, a distance of 14134.03 feet to the Point of Beginning.

LESS AND EXCEPT any portion of the above described lands lying below the mean high water line of the Tolomato River, owned by the State.

Containing 8465.72 acres, more or less.

LESS AND EXCEPT a parcel of land lying in a portion of unsurveyed Section 34 and a portion of Section 57, the William Travers Grant all lying within Township 4 South, Range 29 East, St. Johns County, Florida, together with all of fractional Sections 3 and 10, and all of Section 66, the William Travers or Smith Grant, together with a portion of fractional Sections 4, 9, 15, and 16, unsurveyed Sections 3, 10 and 15, a portion of Section 39, the Hannah Smith Grant, a portion of Section 62, the William Travers Grant, a portion of Section 65, the William Travers Grant, all lying within Township 5 South, Range 29 East, St. Johns County, Florida and being more particularly described as follows:

For a Point of Reference, commence at the corner common to Sections 19, 20, 29 and 30 of said Township 5 South, Range 29 East; thence North 89°09'44" East, along the dividing line of said Sections 20 and 29, a distance of 200.00 feet to a point; thence North 00°53'59" West, departing said dividing line, a distance of 21,013.50 feet; thence North 89°28'18" East, 7845.55 feet to the Point of Beginning.

From the Point of Beginning, continue thence North 89°28'18" East, 2002.82 feet to a point; thence North 49°45'40" East, 2486.26 feet more or less to a point lying on the Westerly Mean High Water Line of the Tolomato River; thence Northeasterly along the meanderings of said Westerly Mean High Water Line, 1,536 feet, more or less to a point which bears North 49°45'40" East and lies 891.44 feet distant from last said point; thence continue North 49°45'40" East, 558.42 feet more or less to a point lying on the Westerly line of the Florida East Coast Canal (Intracoastal Waterway) as depicted on plat thereof, recorded in Map Book 4, Pages 68 through 78 of the Public Records of said County; thence South 25°27'19" East, along said Westerly line, 658.77 feet more or less to an intersection with said Westerly Mean High Water Line of the Tolomato River; thence, departing said Westerly canal line, Southwesterly, Southerly and Northeasterly, along meanderings of said Westerly Mean High Water Line, 4890 feet, more or less to an intersection with said Westerly line of said canal which bears South 25°27'19" East and lies 882.67 feet distant from last said point; thence South 25°27'19" East, along said Westerly canal line, 475.74 feet more or less to an intersection with said Westerly Mean High Water Line of the Tolomato River; thence Southerly along the meanderings of said Westerly Mean High Water Line, 33,500 feet more or less, to its convergence with the Northerly Mean High Water Line of the Northerly prong of Smith Creek which bears South 12°08'19" West and lies 6736.68 feet distant from last said point; thence Northwesterly, along the meanderings of said Northerly Mean High Water Line of Smith Creek, 6340 feet more or less to its convergence with the Southerly Mean High Water Line of said Northerly prong of Smith Creek which bears North 50°08'35" West and lies 2947.90 feet distant from last said point; thence Southeasterly, along the meanderings of said Southerly Mean High Water Line, 4590 feet more or less to its convergence with the Northerly Mean High Water Line of the Southerly prong of said Smith Creek which bears South 44°01'31" East and lies 2750.85 feet distant from last said point; thence Southwesterly, along said Northerly Mean High Water Line, 3210 feet more or less to its convergence with the Southerly Mean High Water Line of said Southerly prong of Smith Creek which bears South 59°59'47" West and lies 1535.26 feet distant from last said point; thence Northeasterly, along the meanderings of said Southerly Mean High Water Line, 4,950 feet more or less to its convergence with said Westerly Mean High Water Line of said Tolomato River which

bears North 78°09'08" East and lies 2092.17 feet distant from last said point; thence Southerly along the meanderings of said Westerly mean high water line, 50,020 feet, more or less, to its intersection with the Northeasterly line of that portion of the Intracoastal Waterway described and recorded in Deed Book 193, Page 387 (Parcel RWN 231-B) of the Public Records of St. Johns County, Florida which bears South 11°08'21" East and lies 7496.56 feet distant from last said point; thence North 53°26'01" West, along said Northeasterly line, 128.75 feet, more or less, to an intersection with said Westerly mean high water line; thence Northerly, Northwesterly and Southwesterly departing said Northwesterly line of Parcel RWN 231-B, and along said Westerly Mean High Water Line of the Tolomato River, 190 feet, more or less, to an intersection with the Northwesterly line of said parcel which bears South 56°09'33" West and lies 132.37 feet distant from last said point; thence South 36°33'59" West, along said Northwesterly line of Parcel RWN 231-B, 78.19 feet, more or less, to the Northwesterly corner thereof; thence South 07°36'28" East, along the West line of said parcel, 72.81 feet, more or less, to an intersection with said Westerly Mean High Water Line of the Tolomato River; thence Northwesterly, Southwesterly, Southerly and

Easterly along the meanderings of said Westerly mean high water line, 2025 feet, more or less, to an intersection with said West line of Parcel RWN 231-B which bears South 07°36'28" East and lies 228.65 feet distant from last said point; thence continue South 07° 36' 28" East, departing said Westerly Mean High Water Line of the Tolomato River, along said West line of Parcel RWN 231-B, a distance of 1558.54 feet, more or less, to the Southwest corner of said parcel, said point also lying on the Easterly prolongation of the line dividing said Section 15 and Section 22 of said Township 5 South, Range 29 East; thence South 88°59'50" West, along said Easterly prolongation and along said line dividing Sections 15 and 22, a distance of 2392.50 feet more or less to its intersection with the Northerly Mean High Water Line of Deep Creek; thence Northwesterly, along the meanderings of said Northerly Mean High Water Line, 969 feet, more or less to a point which bears North 40°12'46" West and lies 661.31 feet distant from last said point; thence North 03°47'40" East, departing said Northerly Mean High Water Line of Deep Creek, 163.23 feet more or less; thence sequentially, along the following ninety-five (95) line courses to the Point of Beginning:

LINE TABLE		
LINE	BEARING	LENGTH
L1	N07°12'26"E	176.12
L2	N41°27'20"W	353.93
L3	N09°17'15"E	138.89
L4	N44°47'01"W	262.77
L5	N20°04'36"E	91.20
L6	N46°35'36"W	65.27
L7	N73°58'12"W	460.71
L8	S88°23'32"W	186.99
L9	N12°41'19"E	583.25
L10	N38°40'26"W	425.76
L11	N13°13'44"E	168.80
L12	N08°17'36"W	207.63
L13	S84°21'30"W	42.63
L14	N39°38'46"W	88.90
L15	N09°32'28"W	504.23
L16	N17°50'38"W	277.95
L17	N01°52'17"E	208.02
L18	N10°56'17"E	65.52
L19	N86°40'52"W	86.35
L20	N01°33'03"E	72.16
L21	N05°07'43"W	227.92
L22	N61°54'04"W	128.63
L23	N06°38'37"W	531.32
L24	N14°56'55"E	221.67
L25	N34°26'51"W	268.06
L26	N01°39'42"E	176.28
L27	N52°28'54"W	267.72
L28	N00°24'46"E	417.49
L29	N22°27'02"E	88.49
L30	N13°55'58"W	980.21
L31	N09°37'32"W	50.36
L32	N05°01'33"E	64.80
L33	N05°23'42"W	141.39

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LINE TABLE		
LINE	BEARING	LENGTH
L34	N05°19'40"W	675.85
L35	N05°16'15"W	120.59
L36	N53°01'04"E	94.74
L37	N27°35'22"W	128.62
L38	N02°43'26"W	113.80
L39	N18°54'00"W	192.26
L40	S74°43'35"W	245.26
L41	N29°58'13"W	170.14
L42	S57°29'13"W	226.08
L44	S62°26'12"W	98.07
L45	S45°53'19"W	71.58
L46	N77°33'54"W	309.23
L47	N07°42'42"W	255.98
L48	N07°36'57"W	155.90
L49	N41°36'31"E	142.09
L50	N55°17'37"W	356.27
L51	N34°20'54"W	72.29
L52	N28°31'37"E	163.26
L53	S89°25'49"E	385.09
L54	N68°14'47"E	318.46
L55	N82°45'56"E	90.65
L56	N28°23'33"E	135.91
L58	N69°15'05"W	215.89
L59	N47°58'00"W	108.98
L60	N14°38'02"W	161.52
L61	N37°32'55"E	207.83
L62	N67°04'16"W	88.99
L63	N32°21'17"W	371.08
L64	S82°46'13"W	115.25
L65	S82°37'42"W	157.42
L66	N42°39'50"W	169.04
L67	S79°45'15"W	259.82
L68	N68°14'59"W	288.16

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LINE TABLE		
LINE	BEARING	LENGTH
L69	N66°30'26"W	763.54
L70	N27°49'18"E	318.64
L71	S61°18'54"E	474.32
L72	N15°25'44"E	558.14
L73	N74°34'16"E	264.64
L74	S69°31'33"E	447.34
L75	N52°37'35"E	373.46
L76	N71°25'20"E	235.13
L77	N28°13'07"E	183.33
L78	N52°37'35"E	81.68
L79	N04°04'59"W	351.09
L80	N37°44'34"W	82.83
L81	N37°33'05"W	326.82
L82	N29°30'52"W	88.59
L83	N89°04'46"W	286.36
L84	S65°52'56"W	356.10
L86	N01°27'15"W	704.94
L87	N31°11'22"E	69.55
L88	N67°19'49"E	265.21
L89	N04°54'52"W	233.03
L90	N04°42'49"W	155.02
L91	N20°39'16"E	228.79
L92	N23°40'22"W	643.89
L93	N09°46'35"W	88.85
L94	N41°22'00"E	129.60
L95	N26°51'41"W	139.08
L96	N18°40'47"W	87.35
L97	N06°45'41"W	279.90
L98	N45°06'38"E	227.49

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Less and except any portions thereof lying within the lands described and recorded in Deed Book 193, Page 387 (Parcel RWN 231-B), and the lands depicted in Map Book 4, Pages 68 through 78 of the Public Records of said county.

Containing 1.630 acres, more or less.

Containing 11,355.06 TOTAL acres, more or less.

Specific Authority 190.005 FS. Law Implemented 190.004, 190.005 FS. History--New _____.

42SS-1.003 Supervisors.

The following five persons are designated as the initial members of the Board of Supervisors: Richard T. Ray, Jed V. Davis, Ronald W. Fussell, Richard H. O'Steen, and Austin F. Barbour.

Specific Authority 190.005 FS. Law Implemented 190.004, 190.005 FS. History--New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Teresa Tinker, Florida Land and Water Adjudicatory Commission, Room 1802, The Capitol, Tallahassee, Florida 32399-0001

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Teresa Tinker, Florida Land and Water Adjudicatory Commission

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 14, 2004

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: April 16, 2004

**LAND AND WATER ADJUDICATORY COMMISSION
Split Pine Community Development District**

RULE CHAPTER TITLE: Split Pine Community Development District

RULE CHAPTER NO.:
42TT-1

RULE TITLES: Establishment
Boundary
Supervisors

RULE NOS.:
42TT-1.001
42TT-1.002
42TT-1.003

PURPOSE, EFFECT AND SUMMARY: The purpose of this proposed rule is to establish a community development district ("CDD"), the Split Pine Community Development District ("District"), pursuant to Chapter 190, F.S. The petition filed by SONOC Company, LLC, requests the Commission establish a community development district located within the jurisdiction of the City of Jacksonville, in Duval County, Florida. A Notice of Receipt of Petition for the Split Pine Community Development District was published in the February 6, 2004, edition of the *Florida Administrative Weekly*. The land area proposed to be served by the District comprises approximately 2,015 acres. The proposed District is generally bounded by agricultural uses. The lands within the proposed District are largely undeveloped. There are no out-parcels located within the external boundaries of the proposed District which are to be excluded from the District. The development plan for the lands

within the proposed District includes the construction of approximately 1,268 single family units and 893 multi-family units, 180 assisted living units, 225 hotel rooms, 1,336,000 square feet of office space and 32,000 square feet of retail space. The Petitioner either owns or has written consent to establish the District from the owners of one hundred percent (100%) of the real property located within the proposed District. The District, if established, currently intends to participate in the provision of certain infrastructure improvements including roads, wetland mitigation, stormwater facilities, and recreation improvements.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: The statement of estimated regulatory costs (SERC) supports the petition to establish the District. The complete text of the SERC is contained as Exhibit 12 to the petition to establish the District. The scope of the SERC is limited to evaluating the regulatory costs consequences of approving the proposal to establish the District. The requirements for a SERC are found in Section 120.541(2), F.S. A SERC must contain (a) a good faith estimate of the number of individuals and entities likely to be required to comply with the rule, together with a description of the types of individuals likely to be affected by the rule; (b) a good faith estimate of the costs to the agency, and to any other state and local government entities, of implementing and enforcing the proposed rule, and any anticipated effect on state or local revenues; (c) a good faith estimate of the transactional costs likely to be incurred by individuals and entities, including local governmental entities, required to comply with the requirements of the rule; (d) an analysis of the impact on small businesses, small counties, and small cities; (e) any additional information that the agency determines may be useful; and (f) any good faith written proposal submitted under section (a) and either a statement adopting the alternative or a statement rejecting the alternative in favor of the proposed rule. Addressing section (a), the principle entities that are likely to be required to comply with the rules include the District, the State of Florida, the City of Jacksonville, and Duval County. In addition, future property owners will be affected by the establishment of the proposed District. Under section (b), FLWAC and the State of Florida will incur minimal administrative costs. The City of Jacksonville will also incur one-time administrative costs which are offset by the required filing fee paid to the City of Jacksonville by the Petitioner. Adoption of the proposed rule to approve the formation of the District will not have adverse impact on State and local revenues. Addressing section (c), the District may levy non-ad valorem special assessments on properties within its boundaries to finance infrastructure that the District funds and to defray the costs of operating and maintaining the infrastructure and associated community facilities. The District may issue notes, bonds, or other indebtedness to fund its improvement program. Prospective future land owners would be required to pay off such indebtedness over time in the form

of non-ad valorem special assessments or other rates, fees or charges. The District may also impose an annual levy for the operation and maintenance of the District. Under section (d), approval of the petition to establish the District will have no impact or a positive impact on all small businesses and will not have any impact on small counties and cities. Duval County is not a small county as defined in Section 120.52, F.S. Under section (e), the analysis was based on the application of economic theory with input received from the developer's engineer and other professionals associated with the developer. 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 HELD AT THE TIME, DATE AND PLACE SHOWN BELOW (IF NOT REQUESTED, A HEARING WILL NOT BE HELD):

TIME AND DATE: 10:30 a.m., Friday, May 21, 2004

PLACE: Room 2103, The Capitol, Tallahassee, Florida

Any person requiring a special accommodation to participate in the hearing because of a disability should contact Barbara Leighty, (850)487-1884, at least five (5) business days in advance to make appropriate arrangements.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Barbara Leighty, Senior Policy Analyst, Florida Land and Water Adjudicatory Commission, The Capitol, Room 1802, Tallahassee, Florida 32399-0001, (850)487-1884

THE FULL TEXT OF THE PROPOSED RULES IS:

SPLIT PINE COMMUNITY DEVELOPMENT DISTRICT

42TT-1.001 Establishment.

The Split Pine Community Development District is hereby established.

Specific Authority 190.005 FS. Law Implemented 190.004, 190.005 FS. History--New _____.

42TT-1.002 Boundary.

The boundaries of the District are as follows:

All of Sections 36, 46, and 53 and portions of Sections 25, 34, 35, 47, 48, 49, and 55, Township 4 South, Range 28 East, Duval County, Florida, being more particularly described as follows:

For Point of Beginning, commence at the point of intersection of the Southerly boundary of Section 34, Township 4 South, Range 28 East, with the Northeasterly right of way line of U.S. Highway 1, State Road No. 5, and run North 41°50'26" West along said right of way line, a distance of 925.00 feet to a point; run thence North 76°59'37" East, a distance of 4,715.0 feet to a point; run thence North 00°37'22" West, a distance of 3625.0 feet to a point; run thence North 89°34'10" East, a

distance of 1,965.0 feet; run thence North 34°06'08" East, a distance of 3,495.66 feet to a point on the Northerly boundary of Section 49; run thence North 75°13'42" East along the Northerly boundary of Section 49 and 53, the same being Southerly boundary of Section 45 and along the Southerly boundary of Section 52, Township and Range aforementioned, and it's Northeasterly projection, a distance of 6,620.70 feet to a point on the East line of Section 25, said Township and Range, run thence South 00°54'07" East along last said Section line and along the East line of Section 36, a distance of 9,798.05 feet to its point of intersection with the Northwesterly right of way line of Palm Valley Road, County Road No. 210; run thence South 55°21'50" West along said right of way line, a distance of 146.60 feet to a point on the South line of said Section 36; run thence South 89°37'49" West along the South line of Sections 34, 35 and 36, a distance of 14,298.23 feet to the Point of Beginning.

Containing 2014.98 acres, more or less.

Specific Authority 190.005 FS. Law Implemented 190.004, 190.005 FS. History--New _____.

42TT-1.003 Supervisors.

The following five persons are designated as the initial members of the Board of Supervisors: Gregory J. Barbour, John S. Hewins, Anne T. Klinepeter, Arden A. Tomczak, and Lauren A. O'Steen.

Specific Authority 190.005 FS. Law Implemented 190.004, 190.005 FS. History--New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Teresa Tinker, Florida Land and Water Adjudicatory Commission, Room 1802, The Capitol, Tallahassee, Florida 32399-0001

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Teresa Tinker, Florida Land and Water Adjudicatory Commission

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 14, 2004

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: April 16, 2004

AGENCY FOR HEALTH CARE ADMINISTRATION

Medicaid

RULE TITLE: Hospice Services

RULE NO.: 59G-4.140

PURPOSE AND EFFECT: All hospice providers who are enrolled in the Medicaid program must comply with the provisions of the Florida Medicaid Hospice Services Coverage and Limitations Handbook, October 2003. The purpose of this rule amendment is to incorporate by reference the updated Florida Medicaid Hospice Services Coverage and Limitations Handbook, October 2003. The effect will be to provide Florida Medicaid hospice providers with new HIPAA policy and

policy for bed hold days for hospice enrolled recipients residing in a skilled nursing facility who are hospitalized or absent from the skilled nursing facility for therapeutic leave.

SUMMARY: This rule amendment will incorporate by reference the Florida Medicaid Hospice Services Coverage and Limitations Handbook, October 2003. The handbook contains changes required by the Health Insurance Portability and Accountability Act (HIPAA). Additionally, the handbook contains new policy allowing Medicaid payment for bed hold days for hospice enrolled recipients residing in a skilled nursing facility who are hospitalized or absent from the skilled nursing facility for therapeutic leave.

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

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

SPECIFIC AUTHORITY: 409.919 FS.

LAW IMPLEMENTED: 409.906, 409.908 FS.

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

TIME AND DATE: 9:00 a.m. May 17, 2004

PLACE: 2727 Mahan Drive, Building 3, Conference Room C, Tallahassee, FL 32308-5407

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Kay Aloï, Medicaid Services, 2727 Mahan Drive, Building 3, Mail Stop 20, Tallahassee, Florida 32308-5407, (850)922-7330

THE FULL TEXT OF THE PROPOSED RULE IS:

59G-4.140 Hospice Services.

(1) No change.

(2) All hospice services providers enrolled in the Medicaid program must comply with the Florida Medicaid Hospice Services Coverage and Limitations Handbook, October 2003, ~~July 1999~~ incorporated by reference, and the Florida Medicaid Provider Reimbursement Handbook, UB-92, incorporated by reference in Rule 59G-4.160, F.A.C. Both handbooks are available from the Medicaid fiscal agent.

Specific Authority 409.919 FS. Law Implemented 409.906, 409.908 FS. History--New 1-1-87, Amended 1-9-90, 5-13-92, 10-8-92, Formerly 10C-7.0533, Amended 2-14-95, 12-27-95, 9-21-99, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Kay Aloï

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Mary Pat Moore, Interim Secretary

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 7, 2004

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: May 2, 2003

DEPARTMENT OF MANAGEMENT SERVICES

Division of Purchasing

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

RULE TITLE: Definitions RULE NO.: 60A-1.001

PURPOSE AND EFFECT: The purpose of this rule amendment is to update the definitions relevant to the remainder of this chapter, and to remove materials that have been moved to other sections of Chapter 60A-1, F.A.C.

SUMMARY: The rule defines various types of contracts, purchase orders, and requisitions.

SPECIFIC AUTHORITY: 287.042, 287.032 FS.

LAW IMPLEMENTED: 15.18, 20.19, 216.345, 229.8331, 283.30(4), 287.001, 287.012, 287.017, 287.042, 287.055, 287.057, 287.058, 287.073, 287.133, 601.10 FS.

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

TIME AND DATE: 1:30 p.m., May 14, 2004

PLACE: Room 101, 4050 Esplanade Way, Tallahassee, Florida, 32399-0950

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Richard Brown, State Purchasing, 4050 Esplanade Way, Tallahassee, Florida 32399-0950, (850)488-3049, (850)414-6122 (facsimile), brownr2@dms.state.fl.us (e-mail)

THE FULL TEXT OF THE PROPOSED RULE IS:

(Substantial rewording of Rule 60A-1.001 follows. See Florida Administrative Code for present text.)

60A-1.001 Definitions.

This section defines terms and phrases used throughout Chapter 60A-1, F.A.C. In this chapter, terms and phrases shall have the meanings defined in Chapter 287, F.S., or in this section. Terms and phrases not defined by statute or rule shall be construed according to their plain meaning, and in all cases with the objective of advancing the purpose of the rule in which they appear.

(1) Contract. With regards to these rules and Chapter 287, F.S., the term "contract" may refer to the following:

(a) Definite Quantity Contract. A definite quantity contract is an agreement between an agency and a vendor whereby the vendor agrees to furnish a specific commodity or contractual service, at a specified price, to a specified location.

(b) Term Contract. A term contract is an agreement between an agency and a vendor whereby the vendor agrees to provide an indefinite quantity of commodities or contractual services, on an indefinite delivery schedule, over a specified period of time. Term contracts issued by agencies are often referred to as "Agency Term Contracts," and are reserved for use only by the issuing agency (unless otherwise approved for use by the Department; see Rule 60A-1.047, F.A.C.). Term contracts issued by the Department's Division of State Purchasing are referred to as "State Term Contracts," and are available for use by all Eligible Users (see Rule 60A-1.005, F.A.C.).

(2) Purchase Orders.

(a) A purchase order is a written agreement formalizing a transaction between an agency and a vendor. The purchase order may represent (i) a contractual procurement from a vendor, or (ii) a transaction issued pursuant to an agency or state term contract. In either event, the purchase order should contain statements regarding the quantity, description, and price of the commodity or contractual service; applicable terms regarding payment, discount, date of performance, and transportation; and other pertinent information (e.g., a bid or contract number).

(b) An agency may issue a "blanket purchase order," prescribing the term and maximum amount of money which may be spent, and allowing the agency to order the specified commodity or contractual service on an as-needed basis until the term has elapsed or the maximum dollar amount has been reached. Blanket purchase orders totaling in excess of Category Two shall be awarded in accordance with the requirements of Section 287.057, F.S.

(c) A "field purchase order" is a purchase order issued by an office or facility of an agency that is separate from the agency purchasing office(s).

(3) Requisition. A requisition is a formal request to procure commodities or contractual services on behalf of a program area.

Specific Authority 287.042, 287.032 FS. Law Implemented 15.18, 20.19, 216.345, 229.8331, 283.30(4), 287.001, 287.012, 287.017, 287.042, 287.055, 287.057, 287.058, 287.073, 287.133, 601.10 FS. History--New 5-20-64, Revised 2-6-68, 5-20-71, Amended 5-19-72, 7-31-75, 10-1-78, 11-14-79, 8-6-81, 10-11-81, 4-29-82, 8-26-82, 11-4-82, 10-13-83, 3-1-84, 11-12-84, 2-28-85, 12-17-85, Formerly 13A-1.01, Amended 2-9-87, 11-3-88, 1-18-90, 4-10-91, 9-1-92, Formerly 13A-1.001, Amended 8-24-93, 4-24-94, 1-9-95, 1-1-96, 9-23-96, 7-6-98, 1-2-00.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Robert Hosay, Deputy Secretary, Department of Management Services

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: William Simon, Secretary, Department of Management Services

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 14, 2004

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

DEPARTMENT OF MANAGEMENT SERVICES

Division of Purchasing

RULE CHAPTER TITLE: General Regulations
 RULE TITLE: Forms
 RULE CHAPTER NO.: 60A-1
 RULE NO.: 60A-1.003

PURPOSE AND EFFECT: The purpose of this rule is to create a single list identifying each form promulgated by the Department in disparate places through the rest of this chapter.

SUMMARY: The rule lists each form promulgated by the Department in this chapter.

SPECIFIC AUTHORITY: 287.042(12) FS.

LAW IMPLEMENTED: 287.042(3)-(4) FS.

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

TIME AND DATE: 1:30 p.m., May 14, 2004

PLACE: Room 101, 4050 Esplanade Way, Tallahassee, Florida 32399-0950

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Richard Brown, State Purchasing, 4050 Esplanade Way, Tallahassee, Florida 32399-0950, (850)488-3049, (850)414-6122 (facsimile), brownr2@dms.state.fl.us (e-mail).

THE FULL TEXT OF THE PROPOSED RULE IS:

60A-1.003 Forms.

The following is a list of forms utilized by the Department in discharging its duties under this Chapter 60A-1, F.A.C. Copies of these forms are posted electronically on the www.myflorida.com website.

<u>Form</u>	<u>Title</u>
<u>1000</u>	<u>General Contract Conditions</u>
<u>1001</u>	<u>General Instructions to Respondents</u>
<u>1010</u>	<u>Notice of Non-Compliance</u>
<u>3776</u>	<u>Vendor Transaction Fee Report</u>
<u>7102</u>	<u>Alternate Contract Source Request Form</u>
<u>7721</u>	<u>State Purchasing Agreement – Request Form</u>
<u>7722</u>	<u>State Purchasing Agreement – Contract</u>
<u>7776</u>	<u>Description of Intended Single Source Purchase</u>
<u>7777</u>	<u>Single Source Certification and Request for Approval</u>
<u>7778</u>	<u>Single Source Intent to Award</u>
<u>7800</u>	<u>Notice of Emergency Purchase</u>

Specific Authority 287.042(12) FS. Law Implemented 287.042(3)-(4) FS. History--New

NAME OF PERSON ORIGINATING PROPOSED RULE:
Robert Hosay, Deputy Secretary, Department of Management Services

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: William Simon, Secretary, Department of Management Services

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 14, 2004

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

DEPARTMENT OF MANAGEMENT SERVICES

Division of Purchasing

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

RULE TITLE: Vendor Registration and Default RULE NO.: 60A-1.006

PURPOSE AND EFFECT: The purpose of this rule amendment is to clarify the Department’s and agencies’ ability to find vendors in default and to clarify the consequences of such default.

SUMMARY: The rule describes the Department’s authorization to maintain a vendor list; details an agency’s actions related to a finding of vendor default and lists the consequences of such default; details the vendor’s ability to cure such defaults; and details the Department’s obligation to maintain a convicted vendor list.

SPECIFIC AUTHORITY: 120.57(3)(d), 287.042, 287.057(23)(d) FS.

LAW IMPLEMENTED: 120.57(3), 287.042, 287.017, 287.057, 287.133 FS.

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

TIME AND DATE: 1:30 p.m., May 14, 2004
PLACE: Room 101, 4050 Esplanade Way, Tallahassee, Florida 32399-0950

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Richard Brown, State Purchasing, 4050 Esplanade Way, Tallahassee, Florida 32399-0950, (850)488-3049, (850)414-6122 (facsimile), brownr2@dms.state.fl.us (e-mail).

THE FULL TEXT OF THE PROPOSED RULE IS:

60A-1.006 Vendor Registration and Default ~~Vendors and Contractors.~~

(1) Registration of All Vendors Doing Business with the State – All vendors desiring to sell to the State commodities or contractual services as defined in Section 287.012, F.S., shall register in MyFloridaMarketPlace, the State e-procurement

system, in compliance with Rule 60A-1.030, F.A.C. The integrity, reliability and qualifications of a bidder or offeror, with regard to the capability in all respects to perform fully the contract requirements, shall be determined by the agency prior to the award of the contract.

(2) Suspension of Vendors by the Department State Purchasing Authorized to Remove Vendors and Suppliers From Mailing Lists – The Department is State Purchasing shall be authorized to remove any vendor from the vendor the mailing list maintained pursuant to Section 287.042(1)(a), F.S., any vendor or supplier for the reasons contained herein:

(a) Failure failure to conform with the terms and conditions of any respond to a procurement solicitation without giving justifiable reasons for such failure or non-conformance to contract between the vendor and the Department, another agency, or the State econditions.

(b) Any unlawful attempt to influence the an award of any contract shall be a primary justification for removal from the approved vendor list.

(c) Any material misrepresentation submitted in response to any competitive solicitation.

(3) Default – If a vendor is in default on any contract with an agency, the agency shall follow the procedures contained herein:

(a) The agency shall notify, in writing, any vendor Contractors who fails to adhere perform to contract terms and conditions. This notice shall state shall be notified, in writing, stating the nature of the failure to perform and provide a providing time certain for correcting the failure (such reasonable time should not generally be less than 10 days after receipt of such notice). The notification will also provide that, should it fail to perform within the time provided, the vendor contractor will be found in default and removed from the agency’s approved vendor list.

(b) Unless the vendor contractor corrects its failure to perform within the time provided, or unless the agency determines on its own investigation that the vendor’s contractor’s failure is legally excusable, the agency shall find the vendor contractor shall be found in default and shall issue issued a second notice stating (i) the reasons the vendor contractor is considered in default and, (ii) stating that the agency will reprocure or has reprocured the commodities or services, and (iii) and the amount of the reprocurement if known.

(c) The defaulting vendor contractor will not be eligible for award of a contract by the agency State until such time as the agency State is reimbursed by the defaulting vendor contractor for all reprocurement costs. Reprocurement of substitute commodities or contractual services may be accomplished by first attempting to contract with the next eligible awardee under the original solicitation, when applicable. If the agency fails to contract with the next eligible awardee, it may continue in this manner sequentially through

~~all eligible awardees until a vendor willing to perform at acceptable pricing under the solicitation's terms and conditions is found. Alternatively, an agency may elect to disregard previous solicitations, if any, and reprocure the commodity or contractual service pursuant to all applicable requirements of Chapter 287, F.S. To satisfy State Purchasing that further instances will not occur, the defaulting contractor shall provide a written corrective action plan addressing grounds for default.~~

~~(d) Pursuant to Section 120.57, F.S., the The defaulting vendor contractor will also be advised of the right to petition for an administrative hearing on the intended decision to remove the vendor contractor from the list pursuant to Section 120.57, F.S., and shall be given a time certain within which to submit the petition. The defaulting contractor shall reimburse the agency for all reprocurement costs and for costs of cover, that is the difference between the cost of substitute commodities or contractual services and the contract price for such commodities or contractual services. Reprocurement of substitute commodities or contractual services may be accomplished by first attempting to contract with the second lowest bidder under the Invitation to Bid or second ranked offeror under an Invitation to Negotiate or the offeror of the second best proposal under the Request for Proposal. If the agency fails to contract with the second lowest bidder, offeror of second best proposal it may attempt to contract with the next lowest bidder, offeror of the next best proposal sequentially, until a bidder willing to perform at acceptable pricing under the bid or proposal conditions is found. An agency may elect to rebid or to purchase on the open market, as may be in the best interest of the State.~~

~~(e) Until such time as it reimburses the agency for all reprocurement and cover costs and the agency State Purchasing is satisfied that further instances of default will not occur, the defaulting vendor contractor shall not be reinstated on the vendor list and not be eligible for award of a contract by the agency State. To satisfy the agency that further instances will not occur, the defaulting vendor shall provide a written corrective action plan addressing the original grounds for default.~~

~~(f) All correspondence to a vendor contractors respecting failure to perform shall be sent by a courier service that provides delivery confirmation and tracking services Certified U.S. Mail, Return Receipt Requested.~~

~~(g) The foregoing provisions do not limit, waive or exclude the State's remedies against the defaulting contractor at law or in equity.~~

~~(4) A copy of all agency default actions shall be provided to the Department. The Department may remove the vendor from its vendor list, maintained pursuant to paragraph (2), State Purchasing. Any source of supply which fails to fulfill any of its duties specified in a contract may result in State Purchasing removing such contractor from the mailing list and directing all agencies to cease doing business with those firms~~

~~until the contractor reimburses all reprocurement costs and provides State Purchasing with sufficient corrective action so as to satisfy State Purchasing that further instances of default will not occur. The foregoing provisions do not limit, waive or exclude the State's remedies against the defaulting contractor at law or in equity.~~

(5) Convicted Vendor List – The Department State Purchasing shall maintain a convicted vendor list, consisting of the names and addresses of those who have been disqualified from the public contracting and purchasing process under Section 287.133, F.S. ~~The Department State Purchasing shall publish an initial list on January 1, 1990, and shall publish an updated version of the list quarterly thereafter. The initial list and revised quarterly lists shall be published on the Department's website at myflorida.com in the Florida Administrative Weekly.~~ If good cause exists, the Department State Purchasing shall notify the person or affiliate in writing of its intent to place the name of that person or affiliate on the convicted vendor list, and of the person's or affiliate's right to a hearing, the procedure that must be followed, and the applicable time requirements. No person or affiliate may be placed on the convicted vendor list without receiving an individual notice of intent from the Department State Purchasing. Section 287.133, F.S., does not apply to any activities regulated by the Florida Public Service Commission or to the purchase of goods or services made by any public entity from another the other government agency agencies, from the nonprofit corporation organized under Chapter 946, F.S., or from any accredited nonprofit workshop certified under Sections 413.032-.037, F.S.

(6) Procurement Protests.

The qualifications of persons to serve as hearing officers for hearings not involving disputed issues of material fact shall be:

- (a) A member in good standing of The Florida Bar; or
- (b) A person knowledgeable by virtue of practical experience of the procedures relating to soliciting and evaluating bids for commodities or proposals for services.

Specific Authority 120.57(3)(d), 287.042, 287.057(23)(d) FS. Law Implemented 120.57(3), 287.042, 287.017, 287.057, 287.133 FS. History—New 5-20-64, Revised 2-6-68, 5-20-71, Amended 7-31-75, 10-1-78, 12-11-79, 2-26-80, 8-6-81, 10-11-81, 11-10-81, 2-11-82, 8-10-82, 10-13-83, 11-12-84, 12-17-85, Formerly 13A-1.06, Amended 2-9-87, 11-3-88, 1-18-90, 4-10-91, 9-1-92, Formerly 13A-1.006, Amended 4-24-94, 1-9-95, 7-6-98, 1-2-00, 7-1-03, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Robert Hosay, Deputy Secretary, Department of Management Services

NAME OF SUPERVISOR OR PERSON WHO APPROVED
THE PROPOSED RULE: William Simon, Secretary,
Department of Management Services

DATE PROPOSED RULE APPROVED BY AGENCY
HEAD: April 14, 2004

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

DEPARTMENT OF ENVIRONMENTAL PROTECTION

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

DEPARTMENT OF HEALTH

Board of Dentistry

RULE TITLE: RULE NO.:

Temporary Certificate Requirements for Dentists Practicing in State and Government Facilities 64B5-7.0035

PURPOSE AND EFFECT: The Board proposes the rule amendment to extend the requirement for a temporary certificate to unlicensed dentists practicing in non-profit corporations under Section 466.025(3), Florida Statutes.

SUMMARY: The proposed rule amendments require a temporary certificate for unlicensed dentists working in the state in a non-profit setting.

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: 466.004(4) FS.

LAW IMPLEMENTED: 456.032, 466.017(4), 466.025 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: Sue Foster, Executive Director, Board of Dentistry/MQA, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3258

THE FULL TEXT OF THE PROPOSED RULE IS:

64B5-7.0035 Temporary Certificate Requirements for Dentists Practicing in State and County Government Facilities.

(1) Any unlicensed dentist who wishes to practice dentistry at a state or county government facility or in a non-profit corporation operating under Section 466.025(3), F.S. in Florida is required to obtain a temporary certificate.

(2) through (4) No change.

(5) A temporary certificate shall be renewed each biennium. At the time of renewal the certificate holder shall sign a statement that he or she has complied with all continuing education requirements of active licensees. A temporary certificate shall be canceled by the Board upon the unlicensed dentist being terminated from employment by a state or county government facility or a non-profit corporation operating under

Section 466.025(3), F.S., or upon a finding by the Board that the temporary certificate holder has violated any provision of Sections 466.027 or 466.028, F.S., or has failed the Florida dental licensure examination.

Specific Authority 466.004(4) FS. Law Implemented 456.032, 466.017(4), 466.025 FS. History—New 8-12-93, Formerly 61F5-7.0035, 59Q-7.0035, Amended 11-10-98, 3-25-99, 12-25-01, 1-12-04, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Dentistry

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Dentistry

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: March 26, 2004

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: March 19, 2004

DEPARTMENT OF HEALTH

Board of Dentistry

RULE TITLES: RULE NOS.:

Training, Education, Certification, and Requirements for Issuance of Permits 64B5-14.003

Additional Requirements 64B5-14.004

Application for Permit 64B5-14.005

Requirements for General Anesthesia or Deep Sedation 64B5-14.008

Conscious Sedation 64B5-14.009

PURPOSE AND EFFECT: The Board proposes the rule amendments to update the requirements for the administration of anesthesia, and to change the use of sodium bicarbonate to amiodarone.

SUMMARY: The proposed rule amendments establish requirements for the administration of a single enteral sedative dose in combination with nitrous oxide, and set forth training and continuing education requirements. The amendments also replace the term "sodium bicarbonate" with the word "amiodarone."

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: 466.004(4), 466.017(3) FS.

LAW IMPLEMENTED: 466.017(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: Sue Foster, Executive Director, Board of Dentistry/MQA, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3258

THE FULL TEXT OF THE PROPOSED RULES IS:

64B5-14.003 Training, Education, Certification, and Requirements for Issuance of Permits.

- (1) through (3) No change.
- (4) Nitrous-Oxide Inhalation Analgesia.
- (a) through (c) No change.

(d) Nitrous oxide may ~~not~~ be used in combination with a single dose enteral sedative or a single dose narcotic analgesic dose oral sedative drugs to achieve a minimally depressed level of consciousness so long as the manufacturer's maximum recommended dosage of the enteral agent is not exceeded. Nitrous oxide may not be used in combination with more than one (1) enteral agent, or by dosing a single enteral agent in excess of the manufacturer's maximum recommended dosage unless the administering dentist holds a conscious sedation permit issued in accordance with subsection 64B5-14.003(2), F.A.C., or a pediatric conscious sedation permit issued in accordance with Rule 64B5-14.010, F.A.C.

Specific Authority 466.004(4), 466.017(3) FS. Law Implemented 466.017(3) FS. History--New 1-31-80, Amended 4-20-81, 2-13-86, Formerly 21G-14.03, Amended 12-31-86, 11-8-90, 2-1-93, Formerly 21G-14.003, Amended 12-20-93, Formerly 61F5-14.003, Amended 8-8-96, 10-1-96, Formerly 59Q-14.003, Amended 2-17-98, 12-20-98, 5-31-00, 6-7-01, 11-4-03, _____.

64B5-14.004 Additional Requirements.
(1) through (5) No change.

(6) Each anesthesia permit holder must complete at least four (4) hours of continuing education relating to anesthesia each biennium the permit is held. These hours would be included in the 30 hours of continuing education required by Section 466.0135(1), Florida Statutes.

Specific Authority 466.004(4), 466.017(3) FS. Law Implemented 466.017(3) FS. History--New 1-31-80, Amended 2-13-86, Formerly 21G-14.04, Amended 12-31-86, 12-28-92, Formerly 21G-14.004, Amended 12-20-93, Formerly 61F5-14.004, Amended 8-8-96, Formerly 59Q-14.004, Amended 11-4-03, _____.

64B5-14.005 Application for Permit.
(1) No change.

(2) An applicant for any type of anesthesia permit must demonstrate training and administration of the particular type of anesthesia within the two (2) years prior to application. This shall include documentation of actual clinical administration of anesthetics to 20 patients.

(2) through (5) renumbered (3) through (6) No change.

~~(7)(6)~~ The Board shall renew the permit biennially upon application by the permit holder, proof of continuing education required by subsection 64B5-14.004(6), F.A.C., and payment of the renewal fee specified by Rule 64B5-15.019, F.A.C., unless the holder is informed in writing that a re-evaluation of his credentials and facility is to be required. In determining whether such re-evaluation is necessary, the Board shall consider such factors as it deems pertinent including, but not limited to, patient complaints, reports of adverse occurrences

and the results of inspections conducted pursuant to Rule 64B5-14.007, F.A.C. Such re-evaluation shall be carried out in the manner described in subsection (2) set forth above. A renewal fee of \$25.00 must accompany the biennial application.

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

Specific Authority 466.004, 466.017 FS. Law Implemented 466.017 FS. History--New 4-7-86, Amended 1-29-89, 11-16-89, 11-8-90, 4-24-91, Formerly 21G-14.005, Amended 12-20-93, Formerly 61F5-14.005, Amended 8-8-96, Formerly 59Q-14.005, Amended 12-12-00, 11-4-03, _____.

64B5-14.008 Requirements for General Anesthesia or Deep Sedation.

General Anesthesia Permit applicants and permit holders shall comply with the following requirements at each location where anesthesia procedures are performed. The requirements shall be met and equipment permanently maintained and available at each location.

- (1) through (4) No change.
- (5) The following drugs or type of drugs with a current shelf life must be maintained and easily accessible from the operatory and recovery room:
 - (a) through (c) No change.
 - (d) Amiodarone Sodium Bicarbonate;
 - (e) through (o) No change.
 - (6) through (7) No change.

Specific Authority 466.004, 466.017 FS. Law Implemented 466.017 FS. History--New 10-24-88, Amended 11-16-89, Formerly 21G-14.008, Amended 12-20-93, Formerly 61F5-14.008, Amended 8-8-96, Formerly 59Q-14.008, Amended 5-31-00, _____.

64B5-14.009 Conscious Sedation.

Conscious Sedation Permit applicants or permit holders shall comply with the following requirements at each location where anesthesia procedures are performed. The requirements shall be met and equipment permanently maintained and available at each location.

- (1) through (4) No change.
- (5) The following drugs or type of drugs with a current shelf life must be maintained and easily accessible from the operatory and recovery room:
 - (a) through (h) No change.
 - (i) An anti-hypoglycemic (e.g., 50% glucose);
 - (j) Amiodarone.
 - (6) through (7) No change.

Specific Authority 466.004, 466.017 FS. Law Implemented 466.017 FS. History--New 10-24-88, Amended 11-16-89, 4-24-91, Formerly 21G-14.009, 61F5-14.009, Amended 8-8-96, 10-1-96, Formerly 59Q-14.009, Amended 8-2-00, 11-4-03, _____.

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: March 26, 2004
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: January 9, 2004 and March 19, 2004

DEPARTMENT OF HEALTH

Division of Health Awareness and Tobacco

RULE TITLE: Records of Drugs, Cosmetics and Devices
 RULE NO.: 64F-12.012

PURPOSE AND EFFECT: The proposed rule further implements the Florida Prescription Drug Protection Act (SB 2312) passed by the 2003 Legislature and signed into law on June 13, 2003. The rule sets forth guidelines for the return of a prescription drug by a pharmacy, hospital, or practitioner to the pharmacy's, hospital's, or practitioner's prescription drug wholesaler and the conditions under which that return must be disclosed in any applicable pedigree papers upon a subsequent distribution by the wholesaler. Some prescription drug wholesalers were not granting credit for some or all of the prescription drugs returned by their customers who were pharmacies, hospitals, and practitioners because the wholesalers were uncertain whether they could redistribute the product and comply with the pedigree paper requirements. The proposed rule sets tight parameters for a wholesaler to be able to complete a pedigree paper if one is required, so that a returned prescription drug might be redistributed under certain conditions. It does not mandate that a prescription drug wholesaler issue any form of credit nor does it address whether a returned prescription drug should be redistributed. A prescription drug wholesaler may have policies and procedures more stringent than those set forth in this proposed rule.

SUMMARY: The proposed rule addresses how to handle returns in the pedigree paper documentation requirements. This proposed rule provides that if the return is the result of a mistake in ordering or shipment, which is defined in the proposed rule, and certain other enumerated conditions are satisfied, then the distribution of the prescription drug to the pharmacy, hospital, or practitioner may be omitted from a pedigree paper trail, if one is required for a subsequent distribution.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None.

This rule could affect all prescription drug wholesalers as well as impact their customers consisting of pharmacies, hospitals, and practitioners. The proposed rule provides for additional recordkeeping requirements regarding returns of prescription drugs and will therefore have an administrative cost on both the wholesaler and the customer if both parties opt to utilize this provision regarding the return of a prescription drug. The actual administrative cost cannot be determined however because the proposed rule does not mandate that returns from the customer include this documentation. Rather, the rule provides that if all the conditions are satisfied, then the

wholesaler may follow certain steps for subsequent distribution of the prescription drug. It is anticipated that the potential benefits and cost savings resulting from the ability of a wholesaler to redistribute a prescription drug under certain circumstances if it so chooses will offset any additional administrative cost arising from the recordkeeping requirements.

SPECIFIC AUTHORITY: 499.05, 499.0121 FS.

LAW IMPLEMENTED: 499.0121(6) FS.

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

TIME AND DATE: 10:00 a.m. E.S.T., Monday, May 17, 2004

PLACE: 2818-A Mahan Drive, Tallahassee, Florida

If special accommodations are needed to attend this workshop because of a disability, please contact Maxine Wenzinger, (850)922-5190

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

THE FULL TEXT OF THE PROPOSED RULE IS:

64F-12.012 Records of Drugs, Cosmetics and Devices.

(1) through (2) No change.

(3) Pedigree Papers.

(a) through (e) No change.

(f) Returns.

1. When a distribution of a prescription drug by a wholesaler to an authorized recipient that is a pharmacy, hospital, or practitioner is the result of a mistake in ordering or shipment, the return of that shipment by the authorized recipient to the wholesaler need not be reflected in the pedigree paper. For purposes of this subparagraph, a mistake in ordering or shipment shall be deemed to have occurred if, within seven calendar days after the date of receipt of the original shipment:

a. The authorized recipient ships the specific unit of the prescription drug back to the wholesaler from which that specific unit was purchased; or

b. The authorized recipient transmits a documented communication to the wholesaler from which the prescription drug was purchased stating the authorized recipient's intent to return the shipment in accordance with the wholesaler's prescribed written policies and procedures and the wholesaler communicates authorization for return of the product.

2. Any returns to a wholesaler by an authorized recipient that are not within the scope of subparagraph 1. shall be reflected in the pedigree paper trail for any further distributions of the returned drug product to the extent required by Section 499.0121(6)(d) or (e), F.S.

3. An authorized recipient that returns a shipment to the wholesaler in accordance with subparagraphs 1. or 2. shall certify under oath, in a written document submitted with the returned product.

a. That the specific unit (exact unit) being returned was purchased from the receiving wholesaler (including the corresponding sales invoice number and the date of the sale from that wholesaler to the authorized recipient); and

b. That the product was or was not stored and shipped in accordance with the requirements of Section 499.0121, F.S., and the rules adopted thereunder while in the purchaser's custody and control.

(4) through (15) No change.

Specific Authority 499.0121, 499.0122, 499.013, 499.014, 499.05, 499.052 FS. Law Implemented 499.012, 499.0121, 499.0122, 499.013, 499.014, 499.051, 499.052 FS. History—New 1-1-77, Amended 12-12-82, 7-8-84, 1-30-85, Formerly 10D-45.53, Amended 11-26-86, 2-4-93, 7-1-96, Formerly 10D-45.053, Amended 1-26-99, 4-17-01, 10-7-03, 1-1-04.

NAME OF PERSON ORIGINATING PROPOSED RULE: Jerry Hill, Chief of Statewide Pharmaceutical Services
 NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Phil E. Williams, Director, Division of Health Awareness and Tobacco
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 7, 2004
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: January 30, 2004

DEPARTMENT OF HEALTH
Division of Family Health Services

RULE TITLES:	RULE NOS.:
Definitions	64F-19.001
Eligibility	64F-19.002
Certification and Authorization	64F-19.003
Enrollment Period	64F-19.004
Waiver Program Enrollment Process	64F-19.005
Management of Minors	64F-19.006
Non-Covered Services	64F-19.007
Continuation of Services	64F-19.008
Termination of Services	64F-19.009
Due Process for Waiver Applicants and Clients	64F-19.010
Approved Form; Incorporation	64F-19.011

PURPOSE AND EFFECT: These rules will implement a Family Planning Waiver granted by Centers for Medicare and Medicaid Services (CMS) to the State of Florida in its Medicaid Program.

SUMMARY: The Department proposes to promulgate a new chapter of rules pertaining to the family planning waiver program pursuant to Section 381.0051, F.S.

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

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

SPECIFIC AUTHORITY: 120.55(1)(a), 120.55(1)(a),(4), 120.80(15), 154.011(5), 381.0011(13), 381.0051(7), 409.919 FS., 42 CFR 491.10.

LAW IMPLEMENTED: 154.011, 381.0051, 383.011, 383.013, 409.9121, 409.9122 FS., 42 CFR 50.303, 42 CFR 59.5(5), 42 CFR 431.200 – 246.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Renee Alsobrook, Deputy General Counsel, Department of Health, Office of the General Counsel, 4052 Bald Cypress Way, Bin #A02, Tallahassee, FL 32399

THE FULL TEXT OF THE PROPOSED RULES IS:

FAMILY PLANNING WAIVER PROGRAM

64F-19.001 Definitions.

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

- (1) “CHD” means County Health Department.
- (2) “Client” means a woman who has been approved and is presently enrolled in the Program.
- (3) “Continuation of Services” means the amount of time the Program is funded, based on availability of funds.
- (4) “CPT Codes” means the codes used within the FMMIS System.
- (5) “Eligibility Determination” means the process of determining if a woman meets the qualifications for enrollment in the Program.
- (6) “Enrollment” means the process of being registered in the Program as a client for one (1) calendar year.
- (7) “Family Planning Services” means for the purpose of the Program:
 - (a) Counseling and supply visits;
 - (b) Initial and annual family planning visits;
 - (c) Laboratory services;
 - (d) Other Family Planning Services as prescribed in subsection 59G-1.010(86), F.A.C. and Section 409.905(3), F.S.; and
 - (e) Treatment of abnormal laboratory results.
- (8) “FMMIS” means the Florida Medical Management Information System.
- (9) “HMO” means a health maintenance organization.
- (10) “Non-Covered Services” means services that are not covered under this waiver.

(11) "The Program" means the Family Planning Waiver Program implemented pursuant to section 1115(a) of the Social Security Act.

(12) "Waiver Applicant" means a woman who applied for the Program but has neither been approved nor denied.

Specific Authority 381.0011(13), 381.0051(7) FS. Law Implemented 381.0051, 383.011, 383.013 FS. History--New _____.

64F-19.002 Eligibility.

In order to be eligible for family planning services under the Program:

(1) Client must have had a Medicaid financed pregnancy related claim twenty-four (24) months prior to losing Medicaid eligibility;

(2) Client must be eligible for the Program on or after December 1, 2003;

(3) Client must be actively seeking family planning services;

(4) Client must self-declare that she is not pregnant;

(5) Client must not have had a tubal ligation, hysterectomy or other evidence of permanent sterilization;

(6) Client must have an income at or below 185% of the current federal poverty level;

(7) Clients shall be required to sign a self-declaration statement of income, specifying all gross income available to the client's household;

(8) The self-declaration statement shall include a signed acknowledgement that the statement is true at the time it is made; and

(9) Clients whose labor and delivery was paid for as an emergency service under Medicaid or who did not qualify for Medicaid after the Presumptive Eligibility for Pregnant Women period are not eligible for this Program.

Specific Authority 154.011(5), 381.0011(13), 381.0051(7), 409.919 FS. Law Implemented 154.011 FS. History--New _____.

64F-19.003 Certification and Authorization.

(1) Clients shall give written consent before the CHD can obtain or authorize the release of financial and medical information for the purpose of determining Program eligibility.

(2) Signed consent forms must be kept in an administrative file at the CHD that enrolled the client in the Program for a minimum of six (6) years.

Specific Authority 381.0011(13), 381.0051(7), 409.919 FS., 42 CFR 491.10. Law Implemented 409.9121, 409.9122 FS. History--New _____.

64F-19.004 Enrollment Period.

The Program covers only family planning services and consensual outpatient surgical sterilization up to twenty-four (24) months subsequent to any Medicaid financed pregnancy related service.

Specific Authority 381.0011(13), 381.0051(7) FS. Law Implemented 381.0051, 383.011, 383.013 FS. History--New _____.

64F-19.005 Waiver Program Enrollment Process.

Clients will be enrolled in the Program under the following conditions:

(1) The client must self-declare that she is not pregnant at the time of application.

(2) The client must be actively seeking family planning services.

(3) The application shall include the following information and the client shall meet the following criteria:

(a) The client has lost Medicaid;

(b) The FMMIS or subsequent system identifies that a Medicaid pregnancy related service occurred and is tracked through CPT codes within the last two (2) years; and

(c) Clients who were enrolled in a Medicaid HMO must present proof of having had a pregnancy or the provision of pregnancy related service within the two years prior to losing Medicaid.

(4) Only county health department staff who have completed training in the Program eligibility process will determine eligibility for this Program.

(5) Applications for the Program may be mailed or hand delivered by the client.

(6) A face-to-face interview for eligibility determination is not required.

(7) A supervisor within the CHD will verify the application and its approval or denial.

(8) Approval/denial letters, with a description of the appeal process, must be provided to the applicant by the county health department staff.

(9) Once the client is approved, the client will also receive primary care referral information. She is not required to see a health care professional at the CHD.

(10) Eligibility for this Program must be re-determined annually.

Specific Authority 381.0011(13), 381.0051(7) FS. Law Implemented 381.0051, 383.011, 383.013 FS. History--New _____.

64F-19.006 Management of Minors.

Minors will not receive a notice of service and eligibility and will have to meet the eligibility determination as outlined under Rule 64F-19.002, F.A.C.

(1) Minors will be required to show proof of a Medicaid financed pregnancy related service.

(2) CHD staff can view the FMMIS system or birth certificates as proof of the pregnancy related service(s).

Specific Authority 381.0011(13), 381.0051(7) FS. Law Implemented 381.0051, 383.011, 383.013 FS. History--New _____.

64F-19.007 Non-Covered Services.

For the purposes of the Program the following services are not covered:

- (1) Infertility services; and
- (2) Abortion services.

Specific Authority 381.0011(13), 381.0051(7) FS. Law Implemented 381.0051, 383.011, 383.013 FS., 42 CFR 50.303, 42 CFR 59.5(5) History—New _____.

64F-19.008 Continuation of Services.

(1) During the maximum two (2) year eligibility period, a client must reapply at the end of the first twelve (12) month period in order to receive benefits for the second twelve (12) month period, retroactive from December 1, 2003.

(2) A client may become eligible for the Program more than once if more than one pregnancy occurs.

Specific Authority 381.0011(13), 381.0051(7) FS. Law Implemented 381.0051, 383.011, 383.013 FS. History—New _____.

64F-19.009 Termination of Services.

(1) Clients who fail to reapply annually will be automatically terminated from the program.

(2) If a service provider is required to reduce or withhold services to clients due to limitations in resources, the provider must give clients thirty (30) days written notice and provide information and referral services to clients for other Medicaid family planning providers.

(3) The client may also lose eligibility and be terminated from the program if:

- (a) She becomes pregnant;
- (b) She is surgically sterilized;
- (c) The client’s household income changes and the new income exceeds 185% of the poverty level at the time of enrollment; or
- (d) She becomes eligible for Medicaid.

Specific Authority 154.011(5) FS. Law Implemented 154.011 FS. History—New _____.

64F-19.010 Due Process for Waiver Applicants and Clients.

(1) Waiver applicants will be afforded fair hearing due process as outlined in 42 CFR 431.200-246.

(2) Waiver applicants and clients shall receive written notice when a decision is made to deny or approve services under the Program. Written notice shall include at a minimum:

- (a) A description of the action the agency intends to take;
- (b) The reasons for the intended action;
- (c) Information about the waiver applicants or clients’ rights to request a hearing;
- (d) An explanation of the circumstances under which Medicaid services will continue if a hearing is requested;
- (e) A statement that requests for a hearing must be filed with the agency clerk within twenty-one (21) days of receipt of the written notice of agency action;

(f) A statement that the hearing shall occur within ninety (90) days of the request; and

(g) A statement that the final order shall be entered within sixty (60) days of the hearing.

(2) The hearings shall be conducted by The Department of Children and Families as outlined in Section 120.80(15), F.S.

(3) Clients suspected of probable fraud shall have their period of advanced notice shortened to five (5) days before the date of action as prescribed in 42 CFR 431.214.

Specific Authority 120.80(15), 381.0011(13), 381.0051(7) FS. Law Implemented 381.0051, 383.011, 383.013 FS., 42 CFR 431.200-246. History—New _____.

64F-19.011 Approved Form: Incorporation.

The following form used by the Department in its dealings with the public is listed as follows and is hereby adopted and incorporated by reference, and can be obtained from the Department office by writing to the Department of Health, Family Health Services, 4052 Bald Cypress Way, Bin #A-13, Tallahassee, FL 32399.

DH 3212, entitled “Health Insurance Application for Extended Family Planning Benefits.” (05/04).

Specific Authority 120.55(1)(a), 120.55(1)(a)(4), 381.0011(13), 381.0051(7) FS. Law Implemented 381.0051, 383.011, 383.013 FS. History—New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Faye Alexander, Department of Health, Family Health Services

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Annette Phelps, Division Director, Department of Health

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: April 2, 2004

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

Family Safety and Preservation Program

RULE TITLES:	RULE NOS.:
Application	65C-20.008
Staffing Requirements	65C-20.009
Health Related Requirements	65C-20.010
Health Records	65C-20.011
Enforcement	65C-20.012
Large Family Child Care Homes (LFCCH)	65C-20.013

PURPOSE AND EFFECT: The rule modifications in this document will implement legislation and other changes related to child care standards in Chapter 65C-20, Florida Administrative Code, pertaining to the areas of application; staffing requirements; health related requirements; health records; enforcement; and additional standards that pertain to large family child care homes.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None.

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

SPECIFIC AUTHORITY: Chapter 2003-131, LOF, 402.313 (13),402.3131 (7) FS.

LAW IMPLEMENTED: Chapter 2003-131, LOF, 402.313, 402.3131 FS.

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

TIME AND DATE: 8:00 a.m. – 11:00 a.m., May 17, 2004

PLACE: Zora Neal Hurston State Regional Service Center, 400 West Robinson Street, South Tower, 1st Floor, Conference Room D, Orlando, FL. 32801

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Vikki Griffin, Government Operations Consultant II, 1317 Winewood Blvd., Building 6, Room 387, Tallahassee, FL 32399, (850)488-4900

THE FULL TEXT OF THE PROPOSED RULES IS:

65C-20.008 Application.

(1) Application for a license or for renewal of a license to operate a family day care home shall be made on CF-FSP Form 5133, Feb. 2004 Jan-2003, Application for a License to Operate a Family Day Care Home, which is incorporated herein by reference, ~~and~~ can be obtained at the Department of Children and Families local child care licensing office or the local licensing agency.

(2) A completed application for renewal of an annual license must be submitted to the department or local child care licensing agency at least 45 days prior to the expiration date of the current license to ensure that a lapse of licensure does not occur. The renewal application and required forms may be obtained from the local child care licensing office.

(3) An application will not be considered complete until the licensing office receives proof of background screening clearance on the operator of the family day care home/applicant and the operator/applicant provides proof to the licensing office, that the screening materials have been submitted on all other household members who are subject to background screening. A screening conducted under this rule is valid for five (5) years, at which time a statewide re-screening must be conducted. The 5 year re-screening must include, at a minimum, statewide criminal records checks through the Florida Department of Law Enforcement and a local criminal records check. In addition, the operator/applicant must be re-screened following a break in operation of the family day care home which exceeds 90 days. A person in this category must undergo the same level of screening which was required at the time of initial operation of the family day care home. If

operator/applicant takes a leave of absence, such as maternity leave, extended sick leave, etc., re-screening is not required unless the 5 year re-screening has come due during the leave of absence. An employment history check for the previous two years at a minimum, or last three jobs is also required as part of background screening. An employment history check conducted under this rule, shall include not only confirmation of employment dates from previous job(s), but may also include position held and job performance. Additionally, an Affidavit of Good Moral Character, CF-FSP 1649, Sept. 03, must be completed annually for all operators/applicants.

Specific Authority ~~402.281~~, 402.313 FS. Law Implemented ~~402.281~~, 402.313 FS. History--New 7-2-98, Amended 7-13-03,_____.

65C-20.009 Staffing Requirements.

(1) Personnel.

(a) The family day care home license shall be issued in the name of the operator who must be at least 18 years of age and a resident of the family home. The operator of a family day care may not work out of the home during the hours when the family day care is operating. In the event of rental or leased property the operator shall be the individual who occupies the residence.

(b) Substitutes. There shall be a written plan to provide at least one other competent adult, who must be at least 18 years of age, to be available to substitute for the operator on a temporary or emergency basis. This plan shall include the name, address and telephone number of the designated substitute.

(c) No person while using, or under the influence of narcotics, alcohol, or other drugs, which impair their ability to provide supervision and safe child care, shall be an operator or substitute.

(2) Staff Training.

(a) Prior to licensure, all family day care home operators must successfully complete the department's 30-clock-hour Family Child Care Home training, as evidenced by passage of a competency based examination with a score of seventy (70) or better. Competency examinations will be offered by the Training Coordinating Agency. Prior to attending the training, Family Day Care Home operators have one opportunity, if they choose, to exempt from the department's 30-clock-hour Family Child Care Home training module by successfully completing competency examinations with a score of seventy (70) or better. All family day care home operators who have successfully completed the mandatory 30-clock-hour Family Child Care Home training prior to the availability of the competency examinations will not be required to complete the competency based testing.

(b) In addition to the training above, all family day care homes licensed on or before December 31, 2004, shall complete 5-clock-hours or .5 continuing education unit (CEU) of training in early literacy and language development of children from birth to 5 years of age, as documented on the

certificate of course completion, classroom transcript, or diploma; by June 30, 2005. Family Day Care Homes licensed on or after January 1, 2005, prior to licensure, must complete 5-clock-hours or .5 continuing education unit (CEU) of training in early literacy and language development of children from birth to 5 years of age. In order to meet this requirement, family day care home operators must complete a single class or course that is no less than 5 hours in duration. Literacy training that was taken within the past five (5) years will be accepted if it meets all the required components stated above. It is the responsibility of the individual to provide documentation to the licensing counselor, to demonstrate that the training is a single class or course that is no less than 5 hours in duration and covers early literacy and language development of children from birth to 5 years of age.

(c)(b) Documentation. Training certificates are issued or Training transcripts are updated upon the successful completion of training, as evidenced by the passage of a competency examination. The 30-clock-hour Family Child Care Home training will be documented on CF-FSP Form 5267, May 2003, and the department's child care training transcript.

(d)(e) Family day care home substitutes who work 40 hours or more a month on average during a 12 month period must successfully complete the 30-clock-hour Family Child Care Home training, prior to caring for children, as evidenced by passage of a competency based examination with a score of seventy (70) or better, documented on the department's CF-FSP Form 5267, May 2003, and the department's child care training transcript. All family day care home substitutes who have completed the 30-clock-hour Family Child Care Home training prior to the availability of the competency examination will not be required to complete the competency based testing. Prior to attending the training, Family Day Care Home substitutes have one opportunity, if they choose, to exempt from the department's 30-clock-hour Family Child Care Home training by successfully completing competency examinations with a score of seventy (70) or better. Competency examinations will be offered by the Training Coordinating Agency. In addition to the 30-clock-hour Family Child Care Home training, all substitutes hired on or before December 31, 2004, who work 40 hours or more a month on average during a 12 month period, shall complete 5-clock-hours or .5 continuing education unit (CEU) of training in early literacy and language development of children from birth to 5 years of age, as documented on the certificate of course completion, classroom transcript, or diploma; by June 30, 2005. Substitutes hired on or after January 1, 2005, prior to caring for children, must complete 5-clock-hours or .5 continuing education unit (CEU) of training in early literacy and language development of children from birth to 5 years of age. In order to meet this requirement, substitutes must complete a single class or course that is no less than 5 hours in duration. Literacy training that was taken within the past five

(5) years will be accepted if it meets all the required components stated above. It is the responsibility of the individual to provide documentation to the licensing counselor, to demonstrate that the training is a single class or course that is no less than 5 hours in duration and covers early literacy and language development of children from birth to 5 years of age.

(f) Family day care home substitutes who work less than 40 hours a month on average during a 12 month period shall complete the department's 3-clock-hour Fundamentals of Child Care training prior to caring for children, as, documented on the department's CF-FSP Form 5267, May 2003, and the department's child care training transcript. Family day care substitutes who have successfully completed the 30-clock-hour Family Child Care Home training will not be required to complete the 3-clock-hour Fundamentals of Child Care training.

(g) The operator of the family day care home must sign a statement attesting to the number of hours that the substitute works in their home which will be placed in the substitute's file.

(h)(d) Prior to initial licensure, family day care home operators must have a valid certificate of course completion for infant and child cardiopulmonary resuscitation procedures and first aid training. The substitute, prior to caring for children in the family day care home, must have a valid and current certificate of course completion for infant and child cardiopulmonary resuscitation procedures and first aid training. Certificates of course completion are valid based on the time frames established by each first aid and CPR training program, not to exceed three years. On-line CPR courses are not acceptable to meet this standard. CPR training must be done by classroom instruction.

(3) Annual In-Service Training.

(a) All family day care home operators, must complete a minimum of 10-clock hours of in-service training or 1 CEU, annually during the state's fiscal year beginning July 1 and ending June 30.

(b) The annual 10-clock hours in-service training or 1 CEU, must be completed in one or more of the following areas:

1. Health and Safety, including universal precautions;
2. CPR;
3. First Aid (this training may only be taken to meet the in-service requirement once every three years);
4. Nutrition;
5. Child development – typical and atypical;
6. Child transportation and safety;
7. Behavior management;
8. Working with families;
9. Design and use of child oriented space;
10. Community, health and social service resources;
11. Child abuse;
12. Child care for multilingual children;

- 13. Working with children with disabilities in child care;
- 14. Safety in outdoor play;
- 15. Literacy;
- 16. Guidance and Discipline;
- 17. Computer Technology;
- 18. Leadership development/program management and staff supervision;
- 19. Age appropriate lesson planning;
- 20. Homework assistance for school age care;
- 21. Developing special interest centers/spaces and environments; or
- 22. Other course areas relating to child care or child care management.

(c) Documentation of the in-service training must be recorded on CF-FSP Form 5268, Feb. 04, Child Care In-Service Training Record, which is incorporated herein by reference, and maintained at the family day care home. College level courses that cover the topics above may also be counted to meet the annual in-service training requirement.

(4)(3) Supervision.

(a) At all times, which includes when the children are sleeping, the operator shall remain responsible for the supervision of the children in care and capable of responding to the emergencies and needs of the children. During the daytime hours of operation, children shall have adult supervision which means watching and directing children’s activities, both indoors and outdoors, and responding to each child’s needs.

(b) A child who has been placed in an isolation area due to illness must be within sight and hearing of the operator.

Specific Authority 402.313 FS. Law Implemented 402.313 FS. History—New 7-2-98, Amended 5-21-00, 7-13-03,_____.

65C-20.010 Health Related Requirements.

(1) General Requirements.

(a) Animals, pets or fowl must have current immunizations, if immunizations are available for the type of animal, pet or fowl, and free of disease. Parents must be informed of any and all animals on the premises of the home.

(b) All areas and surfaces accessible to children shall be free of toxic substances and hazardous materials. All potentially harmful items including cleaning supplies, flammable products, poisonous and toxic materials must be labeled. These items as well as knives, and sharp tools and other potentially dangerous hazards shall be stored in locations inaccessible to the children in care.

(c) All family day care home operators shall inform parents in writing, if someone living in the home smokes. Pursuant to Chapter 386, Florida Statutes, while children are in care, smoking is prohibited within the family day care home, all outdoor play areas and in vehicles when transporting children.

(d) At all times when children are in care, all firearms and weapons as defined in Chapter 790.001, F.S., shall be stored in a location inaccessible to children and in accordance with Section 790.174, F.S.

(e) Play areas shall be clean, free of litter, nails, glass and other hazards.

(f) Family day care homes caring only for infants under 12 months of age, shall not be required to have an outdoor play area; however, infants in care shall be provided opportunities for outdoor time each day that weather permits. For all other family day care homes, including those providing evening care, the outdoor space shall be fenced, a minimum of 4 feet in height, if the family day care home property borders any of the following:

1. Laned road or laned street open to travel by the public;
2. Road or street open to travel by the public divided by a median;
3. Road or street open to travel by the public where the posted or unposted speed limit is equal to or greater than 25 miles per hour; by municipal or county ordinance, pursuant to Section 316.189, F.S.
4. Lake, ditch, pond, brook, canal or other water hazard.

All in-ground swimming pools and above-ground swimming pools, more than one foot deep, shall have either a fence or barrier on all four sides, a minimum of 4 feet in height, separating the home from the swimming pool, or a pool alarm that is operable at all times when children are in care. All spas and hot tubs must be covered with a safety cover that complies with ASTM F1346-91(Standard Performance Specification for Safety Covers and Labeling Requirements for All Covers for Swimming Pools, Hot Tubs, and Spas) at all times when children are in care. The exterior wall of the home does not constitute a fence or barrier. All doors or gates in the fence or barrier shall be locked at all times when children are in care and when the pool is not being used by the children in care. In addition to the fence, barrier or pool alarm, the family day care home operator shall ensure that all exterior doors leading to the pool area remain locked at all times while children are in care. Barriers may be temporary in nature but must be sturdy and meet all the above requirements and be in place during all times when children are in care.

(g) If a family day care home uses a swimming pool, it shall be maintained by using chlorine or other suitable chemicals. If the family day care home uses a swimming pool, which exceeds three (3) feet in depth at the family day care home site, one person who has completed a basic water safety course such as one offered by the American Red Cross, YMCA or other organization, must be present when children have access to the swimming area. If the family day care home uses swimming pools not at the site of the family day care home, or takes the children to water areas such as a beach or lake areas for swimming activities, the family day care home operator

must provide one person with a certified lifeguard certificate or equivalent, who must be present when children are in the swimming area, unless a certified lifeguard is on duty.

(h) A family day care home must include a designated area where each child can sit quietly or lie down to rest or nap.

(i) Each child in care must be provided safe and sanitary bedding to be used when napping. Bedding means a cot, bed, crib, mattress, playpen or floor mat. Air mattresses and foam mattresses may not be used for napping. Mats must be at least one inch thick and covered with an impermeable surface.

(j) Children one year of age or older may sleep on beds used by the family provided individual linens are provided for each child. Each child shall have a separate bed, cot, crib, playpen, mattress or floor mat, except that two (2) sibling preschool children may share a double bed. When children remain overnight, playpens, air mattresses, foam mattresses, and mats are not acceptable and the operator must prepare a written plan outlining the sleeping arrangements of the children in care to be provided to the licensing counselor upon request. If the children are sleeping overnight, the operator must ensure accepted bedtime routines, such as brushing teeth and face and hand washing. Toothbrushes, towels and wash cloths may not be shared.

(k) Children up to one (1) year of age must be in their own crib, portacrib or playpen with sides. When napping or sleeping, young infants that are not capable of rolling over on their own shall be positioned on their back and on a firm surface to reduce the risk of Sudden Infant Death Syndrome (SIDS), unless an alternative position is authorized in writing by a physician. The documentation shall be maintained in the child's record.

(l) A minimum distance of eighteen (18) inches must be maintained between individual napping space. Napping spaces shall not be designated in kitchens, bathrooms, utility rooms, or garages. If separate rooms are used for napping, the doors to each room shall remain open to allow the operator to respond to emergencies and needs of the children.

(m) Potable drinking water shall be available to children of all ages at all times. If disposable cups are used, they must be discarded after each use.

(n) Rodents and vermin shall be exterminated. Pest control shall not take place while rooms are occupied by children.

(o) All parts of the home, both indoors and outdoors, including the furnishings, equipment, and plumbing shall be kept clean and sanitary, free of hazards, in an orderly condition and in good repair at all times. The family day care home shall have an operable smoke detector and fire extinguisher with a current certificate in compliance with the state fire code, a working telephone, and lighting that allows for safe movement and egress for children in care. At all times and appropriate for the activity, lighting in family day care homes must be sufficient enough to allow the operator to visually observe and

supervise children in care. The home must have proper ventilation, and the temperature must be maintained between 65 and 82 degrees Fahrenheit.

(p) If the operator chooses to supply food, the operator shall provide nutritious meals and snacks of a quantity and quality to meet the daily nutritional needs of the children. The USDA Food Guide Pyramid for Young Children, March 1999, which is incorporated by reference, shall be used to determine what food groups to serve at each meal or snack and the serving size of the selected foods for children one year of age and older. The fats and sweets category within the USDA Food Guide Pyramid for Young Children cannot be counted as a food group. Copies of the USDA Food Guide Pyramid for Young Children may be obtained from the district child care licensing office or local licensing agency. Using the USDA Food Guide Pyramid for Young Children; breakfast shall consist of at least three different food groups; lunch and dinner shall consist of at least four different food groups and snacks shall consist of at least two different food groups. If a special diet is required for a child by a physician, appropriate documentation shall be maintained in the child's file to include the physician's order, a copy of a diet and sample meal plan for the special diet. If the parent or legal guardian notifies the family day care home of any known food allergies, written documentation must be maintained in the child's file.

(2) Hygiene and Sanitation.

(a) Operators, substitutes, and children shall wash their hands with soap and running water, drying thoroughly, following personal hygiene procedures for themselves, or when assisting others and immediately after outdoor play.

(b) Soiled items shall be placed in plastic lined, securely covered containers which are not accessible to children. The container shall be emptied, cleaned and disinfected daily. Children's wet or soiled clothing and crib sheets shall be changed promptly.

(c) Potty chairs, if used, shall be cleaned and sanitized after each use.

(d) Each child shall have his own individually labeled towel and wash cloth. If disposable towels are used they shall be discarded after each use.

(e) When children in diapers are in care, there shall be a diaper changing area with an impermeable surface which is cleaned with a sanitizing solution after each use. The diaper changing area shall not be in or near the food service area. Children must be attended at all times when being diapered or when changing clothes.

(3) First Aid Kit and Emergency Procedures.

(a) At least one first aid kit containing materials to administer first aid must be maintained on the premises of the family day care home at all times and on activities away from the home. ~~The home shall contain a first aid kit that shall be~~

accessible to the operator and kept out of the reach of children. The kit must be clearly labeled "First Aid" and must, at a minimum, include:

1. Soap,
2. Band-Aids or equivalent,
3. Disposable non-porous gloves,
4. Cotton balls or applicators,
5. Sterile gauze pads and rolls,
6. Adhesive tape,
7. Thermometer,
8. Tweezers,
9. ~~In date syrup of ipecac, labeled "DO NOT INDUCE VOMITING UNLESS DIRECTED TO DO SO BY A PHYSICIAN OR POISON CONTROL" 1(800)222-1222,~~
9. ~~10.~~ Pre-moistened wipes,
10. ~~11.~~ Scissors, and
11. ~~12.~~ A current resource guide on first aid and CPR procedures.

(b) Emergency Procedures and Notification.

1. Emergency telephone numbers, including ambulance, fire, police, poison control center, Florida Abuse Hotline, county public health unit, and the address of and directions to the home, must be posted on or near all telephones and shall be used to protect the health, safety and well-being of any child in care. To meet the immediate needs of the child, family day care home operators shall call 911 or other emergency numbers in the event of an emergency.

2. Custodial parents or legal guardian's shall be notified immediately in the event of any serious illness, accident, injury or emergency to their child and their specific instructions regarding action to be taken under such circumstances shall be obtained. If the custodial parent or legal guardian cannot be reached, the family day care home operator will contact those persons designated by the custodial parent or legal guardian to be contacted under these circumstances, and shall follow the written instructions provided by the custodial parent or legal guardian.

3. All accidents, incidents, and observed health related signs and symptoms which occur at a family day care home must be documented and shared with the custodial parent or legal guardian on the day they occur. Documentation shall include the name of the affected party, date and time of occurrence, description of occurrence, actions taken, and signature of operator and custodial parent or legal guardian. Records of accidents, incidents, and observed health related signs and symptoms must be maintained for one year.

4. Fire drills shall be conducted monthly and shall be conducted at various times when children are in care. A written record shall be maintained showing the date, time, number of children in attendance and time taken to evacuate the home. This record shall be maintained for six months.

5. After a fire or natural disaster, the operator must notify the licensing agency, within 24 hours, in order for the department or local licensing agency to ensure health standards are met for continued operation as a family day care home.

(4) Communicable Disease Control.

(a) Children in care shall be observed on a daily basis for signs of communicable disease.

(b)(a) The family day care home shall have an isolation area for a child who becomes ill. The child's condition shall be closely observed. Any child who is suspected of having a communicable disease or who has a fever, of 101 degrees Fahrenheit or higher, in conjunction with any other signs or develops other signs and symptoms which include any of the following: diarrhea, rash, pink eye, vomiting, or skin infection, shall be placed in the isolation area. Linens and disposables shall be changed after each use. The condition shall be reported to the parent or legal guardian and the child shall be removed from the family day care home. Such children shall not return to the home without medical authorization, or until the signs and symptoms of the disease are no longer present.

(c)(b) A child who has head lice will not be permitted to return until treatment has occurred ~~been accomplished.~~ Verification of treatment may include a product box, box top, empty bottle, or signature by a parent or legal guardian, that treatment has occurred. ~~The treatment shall include the removal of all lice, lice eggs and egg cases.~~

(d)(e) An operator or household member who develops signs and symptoms of a communicable disease which include any of the following: fever (of 101 degrees Fahrenheit or higher), in conjunction with any of the other following signs, diarrhea, rash, pink eye, or skin infection shall leave the areas of the home occupied by the children and shall not return without medical authorization, or until the signs and symptoms are no longer present. If it is the operator who is ill, the substitute must assume the operator's responsibilities.

(5) Medication. Family day care homes are not required to give medication, however, if they choose to do so, the following shall apply:

(a) Prescription and non-prescription medication brought to the family day care home by the custodial parent or legal guardian must be in the original container. Prescription medication must have the label stating the name of the physician, child's name, medication and medication directions. All prescription and non-prescription medication shall be dispensed according to written directions on the prescription label or printed manufacturer's label. For the purposes of dispensing non-prescription medication that is not brought in by the parent, in the event of an emergency, non-prescription medication can only be dispensed if the home has written authorization from the parent or legal guardian to do so. Any medication dispensed under these conditions must be documented in the child's file and the parent or legal guardian must be notified on the day of occurrence. If the parent or legal

guardian notifies the family day care home of any known allergies to medication, written documentation must be maintained in the child's file.

(b) All medicines shall be kept out of the reach of children and must have child resistant caps.

(c) Medication which has expired or is no longer being administered shall be returned to the custodial parent or legal guardian.

(d) A written record documenting the child's name, the name of the medication, date, time and amount of dosage to be given, and the signature of the custodial parent or legal guardian shall be maintained by the family child care provider. This record shall be initialed or signed by the adult who gave the medication.

(e) This record shall be maintained for six months.

Specific Authority 402.313 FS. Law Implemented 402.313 FS. History--New 7-2-98, Amended 1-4-01, 7-13-03,_____.

65C-20.011 Health Records.

(1) Immunizations. The family day care home provider is responsible for obtaining, from the parent or legal guardian, a current and ~~Within 30 days of enrollment, each child must have on file and keep up to date~~ a completed DH Form 680, Florida Certification of Immunization, Part A-1, B, and or C, (July), or, DH Form 681, Religious Exemption from Immunization (May 1999), for each child in care, within 30 days of enrollment, and maintaining a current copy at the family day care home, which is incorporated by reference in Rule 64D-3.011(5), F.A.C. DH Forms 680 and 681 can be obtained from the local county health department. The DH Form 680, Florida Certification of Immunization Parts A-1, Certification of Immunization for K-12 Excluding 7th Grade Requirements or Part B, Temporary Medical Exemption, shall be signed by a physician or authorized personnel licensed under the provisions of Chapter 458, 459, or 460, Florida Statutes and shall document vaccination for the prevention of diphtheria, pertussis, tetanus, poliomyelitis, rubeola, rubella, mumps, Haemophilus influenzae type B (HIB), and effective July 1, 2001, completion of the varicella vaccination. The DH Form 680, Florida Certification of Immunization Part C, Permanent Medical Exemptions, shall be dated and signed by a physician licensed under the provisions of Chapter 458 or 459, Florida Statutes.

(2) Children's Student Health Examination.

(a) Within 30 days of enrollment, each child must have on file a completed DH Form 3040, (June 02), Student Health Examination, which is incorporated by reference, and copies of which are available from the local county health department or the child's pediatrician. The student health examination shall be completed by a person given statutory authority to perform health examinations. Certification that a health examination has been completed may be documented on the State of Florida, Department of Health, DH Form 3040, June 02, OR a

signed statement by an authorized professional that indicates the results of the components included in the health examination.

(b) This Student Health Examination is valid for two (2) years from the date the physical was performed.

(3) Immunization and Health Records.

(a) Copies of required records are acceptable for documentation. Original documents are the property of the party providing the information.

(b) School-age children in kindergarten through grade 5, attending public or nonpublic schools are not required to have student health examination (DH Form 3040) and immunization records (DH 680 or 681) on file at the family day care home as such records are on file at the school where the child is enrolled.

(4) Enrollment and Medical Authorization.

(a) The operator shall obtain enrollment information from the child's custodial parent or legal guardian, prior to accepting the child in care. This information shall be documented on CF-FSP 5219, Dec. 02, Child Care Application for Enrollment, which can be obtained from the local Department of Children and Families district service center or the local licensing agency, and is incorporated by reference, or an equivalent that contains all the information required by the department's form.

(b) Enrollment information shall be kept current and on file for each child in care.

Specific Authority 402.313 FS. Law Implemented 402.313 FS. History--New 7-2-98, Amended 5-21-00, 7-13-03,_____.

65C-20.012 Enforcement.

(1) Pursuant to Section 402.313, F.S., family day care homes may be fined a maximum of \$100 per violation, per day for noncompliance with any of the applicable provisions of Sections 402.301-402.319, F.S.

(2) The operation of a family day care home is prohibited unless registered, or licensed, as required by county ordinance or resolution. The department or local licensing agency shall have the authority to seek an injunction in the circuit court where the home is located to stop the continued operation of a family day care home which is not licensed or registered. For licensed family day care homes, the department or local licensing agency shall also have the authority to seek an injunction in the circuit court where the home is located to stop the continued operation if the family day care home is in violation of the minimum standards.

(3) The family day care operator must allow access to the entire premises of the family day care home to inspect for compliance with family day care home minimum standards. Access to the family day care home also includes parental access to their child(ren) while in care.

Specific Authority 402.313 FS. Law Implemented 402.313, 402.319(5) FS. History--New 7-2-98, Amended 7-13-03,_____.

65C-20.013 Large Family Child Care Homes (LFCCH).

(1) Large Family Child Care Homes. Large family child care homes shall meet all of the requirements in Rules 65C-20.008-65C-20.012, F.A.C., in addition to the requirements listed below.

(2) Definitions:

(a) "Full Time Employee," means one additional staff person at least 18 years of age, who is on the premises of a home operating as a large family child care home.

(b) "Hours of Operation," means the hours of the day or night that a large family child care home has enough children in care to meet the definition of a large family child care home.

(c) "Large Family Child Care Home," is defined by Section 402.3131, F.S., and for the purpose of this rule means a home which must have been licensed in the State of Florida as a family day care home for two consecutive years, with an operator who has had a child development associate credential or its equivalent for 1 year, and meet all the requirements of this rule. Large family child care homes must meet and comply with all standards of this rule at all times unless there are insufficient numbers of children in care to meet the definition of a large family child care home, in which case an additional employee is not required.

(d) "Operator," means the occupant and licensee of the large family child care home who is at least 21 years of age and responsible for the overall operation of the home.

(e) "Substitute," means a competent adult, at least 18 years of age, who is available to substitute for the operator or employee on a temporary or emergency basis.

(3) License.

(a) Application for a license or for renewal of a license to operate a large family child care home shall be made on CF-FSP Form 5238, Feb 2004 Jan 2003, Application for a License to Operate a Large Family Child Care Home, which is incorporated herein by reference, can be obtained at the Department of Children and Families local district service center or the local licensing agency. A license to operate a Large Family Child Care Home may be used to operate a Family Day Care Home, when the number of children in care meets the definition of a Family Day Care Home. A license to operate a Family Day Care Home cannot be used to operate a Large Family Child Care Home.

(b) A copy of the annual license shall be posted in a conspicuous location within the large family child care home.

(4) LFCCH Personnel:

(a) The large family child care home license shall be issued in the name of the operator who must be at least 21 years of age and the occupant of the large family child care home. In the event of rental or leased property the operator shall be the individual who occupies the residence.

(b) The operator of the large family child care home may not work outside of the home during hours when the large family child care home is operating.

(c) No person who uses, or is under the influence of narcotics, alcohol, or other drugs, which impair their ability to provide supervision and safe child care, shall be an operator, substitute, or employee.

(5) LFCCH Staff Training:

(a) In addition to the successful completion of the 30-clock-hour Family Child Care Home training completed prior to caring for children, large family child care home operators must successfully complete training as evidenced by passage of a competency examination with a score of seventy (70) or better in ~~one of the following~~ 10-clock-hours of specialized training from the department's specialized training modules within six (6) months of licensure:

1. Infant and Toddler Appropriate Practices (10 hours);
2. Preschool Appropriate Practices (10 hours);
3. School-Age Appropriate Practices for school-age children (10 hours); ~~and~~
4. Special Needs Appropriate Practices (10 hours);-
5. Basic Guidance and Discipline (5 hours web based);
6. Computer Technology for Child Care Professionals (10 hours web based); and
7. Early Literacy in the Child Care Environment (5 hours web based).

(b) Large family child care home operators shall complete 5-clock-hours or .5 continuing education unit (CEU) of training in early literacy and language development of children from birth to 5 years of age by June 30, 2005. In order to meet this requirement, large family child care home operators must complete a single class or course that is no less than 5 hours in duration.

~~(c)(b)~~ Training ~~certificates are issued or~~ training transcripts are updated upon the successful completion of training, as evidenced by the passage of a competency examination with a score of seventy (70) or better. Competency examinations will be offered by the Training Coordinating Agency. Prior to attending the training, Large Family Child Care Home operators have one opportunity, if they choose, to exempt from the 10-clock-hour specialized training modules by successfully completing competency examinations with a score of seventy (70) or better. The 10-hour specialized training must be documented on CF-FSP Form 5267, May 2003, and the department's child care training transcript. Examination exemptions are not available for the departments' web based Part II specialized training modules.

~~(d)(c)~~ Large family child care homes must have one person on the premises during all hours of operation who has a valid certificate of course completion for infant and child cardiopulmonary resuscitation procedures and first aid training.

~~(e)(d)~~ Employees in a large family child care home shall be at least 18 years of age and within 90 days of employment within the child care field, shall begin the 30-clock-hour Family Child Care Home training. Prior to attending the

training, employees in a large family child care home have one opportunity, if they choose, to exempt from the 30-clock-hour Family Child Care Home training by successfully completing competency examinations with a score of seventy (70) or better. The training shall be successfully completed within one year of the date on which the training began, as evidenced by the passage of a competency examination with a score of seventy (70) or better. The Family Child Care Home training must be documented on the department's CF-FSP Form 5267, May 2003, and the department's child care training transcript. In addition to the 30-clock-hour Family Child Care Home training, all employees in a large family child care home, hired on or before December 31, 2004, shall complete 5-clock-hours or .5 continuing education unit (CEU) of training in early literacy and language development of children from birth to 5 years of age, as documented on the certificate of course completion, classroom transcript, or diploma; by June 30, 2005. Employees hired on or after January 1, 2005, prior to caring for children, must complete 5-clock-hours or .5 continuing education unit (CEU) of training in early literacy and language development of children from birth to 5 years of age. In order to meet this requirement, substitutes must complete a single class or course that is no less than 5 hours in duration. Literacy training that was taken within the past five (5) years will be accepted if it meets all the required components stated above. It is the responsibility of the individual to provide documentation to the licensing counselor, to demonstrate that the training is a single class or course that is no less than 5 hours in duration and covers early literacy and language development of children from birth to 5 years of age.

(f)(e) Prior to taking care of children, substitutes for the operator of large family child care homes shall be at least 18 years of age and shall have successfully completed the 30-clock-hour Family Child Care Home training, as evidenced by the passage of a competency examination with a score of seventy (70) or better. Prior to attending the training, substitutes for the operator have one opportunity, if they choose, to exempt from the 30-clock-hour Family Child Care Home training by successfully completing competency examinations with a score of seventy (70) or better. Competency examinations will be offered by the Training Coordinating Agency. Completion of the 30 hour Family Child Care Home training shall be documented on the department's CF-FSP Form 5267, May 2003, and the department's child care training transcript. In addition to the 30-clock-hour Family Child Care Home training, prior to caring for children, all substitutes for the operator of the large family child care home, hired on or before December 31, 2004, shall complete 5-clock-hours or .5 continuing education unit (CEU) of training in early literacy and language development of children from birth to 5 years of age, as documented on the certificate of course completion, classroom transcript, or diploma; by June 30, 2005. Substitutes hired on or after January 1, 2005, prior to

caring for children, must complete 5-clock-hours or .5 continuing education unit (CEU) of training in early literacy and language development of children from birth to 5 years of age. In order to meet this requirement, substitutes must complete a single class or course that is no less than 5 hours in duration. Literacy training that was taken within the past five (5) years will be accepted if it meets all the required components stated above. It is the responsibility of the individual to provide documentation to the licensing counselor, to demonstrate that the training is a single class or course that is no less than 5 hours in duration and covers early literacy and language development of children from birth to 5 years of age.

(h) Prior to caring for children, substitutes for an employee at a large family child care home who work less than 40 hours a month on average during a 12 month period, shall complete the department's 3-clock-hour Fundamentals of Child Care training.

(i) Prior to taking care of children, substitutes for an employee at a large family child care home who work more than 40 hours a month on average during a 12 month period, shall successfully complete the 30-clock-hour Family Child Care Home training, as demonstrated through passage of a competency examination with a score of seventy (70) or better, documented on the form and transcript referenced above. Prior to attending the training, substitutes for an employee at a large family child care home who work more than 40 hours a month on average during a 12 month period have one opportunity, if they choose, to exempt from the 30-clock-hour Family Child Care Home training by successfully completing competency examinations with a score of seventy (70) or better. All large family child care home substitutes who have completed the 30-clock-hour Family Child Care Home training prior to the availability of the competency examination will not be required to complete the competency based testing. In addition to the 30-clock-hour Family Child Care Home training, prior to caring for children, all substitutes for an employee of a large family child care home, hired on or before December 31, 2004, shall complete 5-clock-hours or .5 continuing education unit (CEU) of training in early literacy and language development of children from birth to 5 years of age, as documented on the certificate of course completion, classroom transcript, or diploma; by June 30, 2005. Substitutes hired on or after January 1, 2005, prior to caring for children, must complete 5-clock-hours or .5 continuing education unit (CEU) of training in early literacy and language development of children from birth to 5 years of age. In order to meet this requirement, substitutes must complete a single class or course that is no less than 5 hours in duration. Literacy training that was taken within the past five (5) years will be accepted if it meets all the required components stated above and it is the responsibility of the individual to provide documentation to the licensing counselor, to demonstrate that the training is a single class or

course that is no less than 5 hours in duration and covers early literacy and language development of children from birth to 5 years of age.

(6) Annual In-Service Training.

(a) All large family child care home operators and employees, must complete a minimum of 10-clock hours of in-service training or 1 CEU, annually during the state's fiscal year beginning July 1 and ending June 30.

(b) The annual 10-clock hours in-service training or 1 CEU, must be completed in one or more of the following areas:

1. Health and Safety, including universal precautions;
2. CPR;
3. First Aid (this training may only be taken to meet the in-service requirement once every three years);
4. Nutrition;
5. Child development – typical and atypical;
6. Child transportation and safety;
7. Behavior management;
8. Working with families;
9. Design and use of child oriented space;
10. Community, health and social service resources;
11. Child abuse;
12. Child care for multilingual children;
13. Working with children with disabilities in child care;
14. Safety in outdoor play;
15. Literacy;
16. Guidance and Discipline;
17. Computer Technology;
18. Leadership development/program management and staff supervision;
19. Age appropriate lesson planning;
20. Homework assistance for school age care;
21. Developing special interest centers/spaces and environments; or
22. Other course areas relating to child care or child care management.

(c) Documentation of the in-service training must be recorded on CF-FSP Form 5268, Feb. 04, Child Care In-Service Training Record, which is incorporated by reference, and maintained at the large family child care home. College level courses that cover the topics above may also be counted to meet the annual in-service training requirement.

(6) LFCCCH Supervision.

(a) In a large family child care home direct supervision must be maintained at all times during the hours of operation. Direct supervision means watching and directing children's activities within the area designated as usable indoor floor space or outdoor play space and responding to each child's need.

(b) Additional Supervision Requirements.

1. In addition to the number of staff required to meet staff to child ratios, if there are more than 6 preschoolers participating on field trips away from the large family child care home, there must be one additional adult present, per each 6 preschoolers, or any fraction thereof, to provide direct supervision to the children. Where some children remain in the home the adult supervision as required in Section 402.302(8), F.S., shall be maintained. At no time shall the total number of children exceed the capacity as defined in Section 402.3131, F.S.

2. If a large family child care home uses a swimming pool which exceeds 3 feet in depth or uses beach or lake areas for water activities, the large family child care home must provide one person with a certified lifeguard certificate or equivalent, unless a certified lifeguard is on duty and present when children are in the swimming area.

(7) Transportation.

(a) When any vehicle is regularly used by a large family child care home to provide transportation, the driver shall have a current Florida driver's license in accordance with Sections 322.01-322.70, Florida Statutes.

(b) All large family child care homes must maintain current insurance coverage on all vehicles used to transport children in care, and documentation thereof.

(c) The maximum number of individuals transported in a vehicle may not exceed the manufacturer's designated seating capacity or the number of factory installed seat belts.

(d) Each child, when transported, must be in an individual factory installed seat belt or federally approved child safety restraint, unless the vehicle is excluded from this requirement by Florida Statute.

(e) An adult must remain within sight and sound of children being transported in a vehicle so as to be able to respond to the needs of the children at all times.

(f) Prior to transporting children and upon the vehicle(s) arrival at its destination the following shall be conducted by the driver(s) of the vehicle(s) used to transport the children:

1. A log shall be maintained for all children being transported in the vehicle. The log shall be retained for a minimum of six months. The log shall include each child's name, date, time of departure and time of arrival, signature of driver and signature of second staff member to verify driver's log and the fact that all children have left the vehicle.

2. Upon arrival at the destination the driver of the vehicle shall:

- a. Mark each child off the log as the child departs the vehicle,
- b. Conduct a physical inspection and visual sweep of the vehicle to ensure that no child is left in the vehicle, and
- c. Sign the log verifying that all children were all accounted for and that the visual sweep was conducted.

3. Upon arrival at the destination a second staff member shall:

a. Conduct a physical inspection and visual sweep of the vehicle to ensure that no child is left in the vehicle, and

b. Sign the log verifying that all children were accounted for and drivers log is complete.

(g) Smoking is prohibited in all vehicles being used to transport children.

(8) Planned and Unplanned Activities.

(a) Each age group or class must have a written and followed plan of scheduled activities posted in a place accessible to the parents. The written plan must meet the needs of the children being served and include scheduled activities which:

1. Promote emotional, social, intellectual and physical growth.

2. Include quiet and active play, both indoors and outdoors.

3. Include meals, snacks, and nap times, if appropriate for the age and the times the children are in care.

(b) A permission and transportation release form signed by the parent or legal guardian of the children in care must be on file for planned and unplanned activities.

1. A telephone or other means of instant communication shall be available to the operator, employee or other adult responsible for children during all field trips.

2. Emergency medical forms signed by the parent or legal guardian and emergency contact numbers must accompany the children on all field trips.

(9) Child Discipline.

(a) Large family child care homes shall adopt a discipline policy consistent with Section 402.305(12), F.S.

(b) All child care personnel of the large family child care home shall comply with the homes' written disciplinary policy. Such policies shall include standards that prohibit children from being subjected to discipline which is severe, humiliating, frightening, or associated with food, rest, or toileting. Spanking or any other form of physical punishment is prohibited by all child care personnel.

(c) Copy of the discipline policy must be available for review by the licensing authority.

(10) LFCCH General Requirements

(a) Fire Safety. Large family child care homes shall conform to state standards adopted by the State Fire Marshal, Chapter 4A-36, Florida Administrative Code, Uniform Fire Safety Standards for Child Care Facilities and shall be inspected annually.

(b) Indoor Floor Space and Indoor Equipment.

1. A large family child care home must have 35 square feet of usable indoor floor space per child which does not include bedrooms unless it can be demonstrated that these bedrooms are used as multipurpose activity rooms.

2. Usable indoor floor space refers to that space available for indoor play and activities. Usable indoor floor space is calculated by measuring at floor level from interior walls and by deleting space for stairways, toilets and bath facilities, permanent fixtures and non-movable furniture. Kitchens, offices, laundry rooms, storage areas, and other areas not used in normal day-to-day operations are not included when calculating usable indoor floor space.

3. Shelves or storage for toys and other materials shall be considered as usable indoor floor space if accessible to children.

4. Where infants are in care, they shall have open indoor floor space outside of cribs and playpens.

5. Large family child care homes shall make available toys, equipment and furnishings suitable to each child's age and development and of a quantity for each child to be involved in activities.

6. Toys, equipment and furnishings must be safe and maintained in a sanitary condition.

(c) Outdoor Play Space and Outdoor Equipment.

1. At all large family child care homes the outdoor play space shall be fenced, a minimum of 4 feet in height. Fencing, including gates, must be continuous and shall not have gaps that would allow children to exit the outdoor play area. The base of the fence must remain at ground level, free from erosion or buildup, to prevent inside or outside access by children or animals.

2. All large family child care homes must have a minimum of 270 square feet of usable outdoor play space located on their property and which is exclusively used for the children attending or residing at the large family child care home. Large family child care homes caring only for infants under 12 months of age, shall not be required to have an outdoor play space; however, infants in care shall be provided opportunities for outdoor time each day that weather permits.

3. All large family child care homes shall provide equipment and play activities suitable to each child's age and development.

4. All play equipment shall be securely anchored, unless portable by design, in good repair, maintained in safe condition, and placed to ensure safe usage by the children. Maintenance shall include checks at least every other month of all supports, above and below the ground, all connectors, and moving parts.

5. Permanent playground equipment must have a ground cover or other protective surface under the equipment which provides resilience and is maintained to reduce the incidence of injuries to children in the event of falls.

6. All equipment, fences, and objects on the large family child care home's premises shall be free of sharp, broken and jagged edges and properly placed to prevent overcrowding or safety hazards in any one area.

7. All equipment used in the outdoor play area shall be constructed to allow for water drainage and maintained in a safe and sanitary condition.

(d) Emergency Procedures and Notification.

1. The operator shall prepare an emergency evacuation plan including a diagram of safe routes by which the operator, employee and children may exit each area of the home in the event of fire or other emergency requiring evacuation. This plan shall be posted or shared with the employees and parents.

2. In addition to conducting fire drills as specified in subparagraph 65C-20.010(3)(b)4., F.A.C., the large family child care home shall maintain the fire drill record on the premises for ~~six~~ twelve months.

(11) LFCCH Enforcement. Pursuant to Section 402.3131, F.S., the department or local licensing agency shall deny, suspend, revoke a license, or impose an administrative fine for the violation of any provision of Sections 402.301-402.319, F.S., or rules adopted thereunder.

Specific Authority 402.3131 FS. Law Implemented 402.3131, 402.302, 402.305 FS. History--New 5-21-00, Amended 1-4-01, 7-13-03, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Vikki Griffin, Management Analyst, 1317 Winewood Blvd., Building 6, Room 387, Tallahassee, FL 32399

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Deborah Russo, 1317 Winewood Blvd. Building 6, Room 389-A, Tallahassee, FL 32399

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 4, 2004

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 23, 2003

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

Family Safety and Preservation Program

RULE TITLES:	RULE NOS.:
General Information	65C-22.001
Physical Environment	65C-22.002
Training	65C-22.003
Health Related Requirements	65C-22.004
Food and Nutrition	65C-22.005
Record Keeping	65C-22.006
Evening Child Care	65C-22.007
School Age Child Care	65C-22.008

PURPOSE AND EFFECT: The rule modifications in this document will implement legislation and other changes related to child care standards in Chapter 65C-22, Florida Administrative Code, pertaining to the areas of general information; physical environment; training; health related requirements; record keeping; and creates a rule for the purpose of defining after school programs that do not require licensure as well as standards for after school programs that do require licensure.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None.

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

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

LAW IMPLEMENTED: Chapter 2003-131, LOF, 402.305 FS. A PUBLIC HEARING WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW:

PLACE: Zora Neal Hurston State Regional Service Center, 400 West Robinson Street, South Tower, 1st Floor, Conference Room D, Orlando, FL 32801

TIME AND DATE: 8:00 a.m. – 11:00 a.m., May 17, 2004

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Vikki Griffin, Government Operations Consultant II, 1317 Winewood Blvd., Building 6, Room 387, Tallahassee, FL 32399, (850)488-4900

THE FULL TEXT OF THE PROPOSED RULES IS:

65C-22.001 General Information.

(1) Application.

(a) Application must be made on CF-FSP Form 5017, Feb. 2004 Jan. 2003, Application For A License To Operate A Child Care Facility, which is incorporated by reference.

(b) Each completed application must be submitted with the licensure fee.

(c) The completed application must be signed by the individual owner, or prospective owner, or the designated representative of a partnership, association, or corporation.

(d) A completed application for renewal of an annual license must be submitted to the department or local child care licensing agency at least 45 days prior to the expiration date of the current license to ensure that a lapse of licensure does not occur. The renewal application and required forms may be obtained from the local child care licensing office.

(e) In order to operate as an urban child care facility, the child care facility must provide documentation at the time of application that the outdoor play space requirement cannot be met, and must receive approval from the licensing authority. An urban child care facility will not be approved if outdoor space is found by the department or local licensing agency to be available.

(2) License.

(a) A child care facility license is issued in the name of the owner, partnership, association, or corporation.

(b) In compliance with Section 402.305(18)(19), F.S., at least one week prior to changing ownership of a child care facility, one of the following methods of notification to parents or guardians must be observed:

1. Posting a notice in a conspicuous location at the facility.
2. Incorporating information in any existing newsletter.
3. Individual letters, or fliers.

(3) Minimum Age Requirements. In the absence of the operator, there must be a staff person at least 21 years of age in charge of the child care facility and on the premises at all times.

(4) Ratios.

(a) The staff-to-children ratio, as established in Section 402.305(4), F.S., is based on primary responsibility for the direct supervision of children and applies at all times while children are in care.

(b) Mixed Age Groups.

1. In groups of mixed age ranges, where children under 1 year of age are included, one staff member shall be responsible for no more than 4 children of any age group.

2. In groups of mixed age ranges, where children 1 year of age but under 2 years of age are included, one staff member shall be responsible for no more than 6 children of any age group.

(5) Supervision.

(a) Direct supervision means watching and directing children's activities within the same room or designated outdoor play area and responding to each child's need. Child care personnel at a facility must be assigned to provide direct supervision to a specific group of children and be present with that group of children at all times. ~~When caring for school-age children, child care personnel shall remain responsible for the supervision of the children in care and capable of responding to emergencies, and are accountable for children at all times, which includes when children are separated from their groups.~~

(b) During nap time, supervision means sufficient staff in close proximity, within sight and hearing of all the children. All other staff to meet the required staff-to-children ratio shall be within the same building on the same floor and be readily accessible and available to be summoned to ensure the safety of the children. Nap time supervision as described in this section, does not include supervision of infants up to 12 months of age, who must be directly supervised at all times.

(c) No person who uses, or is under the influence of, narcotics, alcohol, or other impairing drugs, which affects their ability to provide supervision and safe child care, shall be an operator, owner, or employee in a child care facility.

(d) Additional Supervision Requirements.

1. In addition to the number of staff required to meet the staff-to-child ratio, one additional adult must be present on all field trips away from the child care facility, for the purpose of safety, to assist in providing direct supervision.

2. If a child care facility uses a swimming pool which exceeds 3 feet in depth or uses beach or lake areas for water activities, the child care facility must provide one person with a certified lifeguard certificate or equivalent, unless a certified

lifeguard is on duty and present when any children are in the swimming area. In situations where the child care facility provides a person with a certified lifeguard certificate or equivalent, that person can also serve as the additional adult to meet the requirement in subparagraph (d)1., above.

3. A telephone or other means of communication shall be available to staff responsible for children during all field trips. Cell phones, two-way radio devices, citizen band radios, and other means of instant communication are accepted.

(6) Transportation. For the purpose of this section, vehicles refer to those owned/operated or regularly used by the child care facility, and vehicles that provide transportation through a contract or agreement with an outside entity.

(a) When any vehicle is regularly used by a child care facility to provide transportation, the driver shall have a current Florida driver's license and an annual physical examination which grants medical approval to drive.

(b) All child care facilities must comply with the inspection responsibilities and insurance requirements found in Section 316.615, F.S.

(c) All vehicles regularly used to transport children shall be inspected annually, by a mechanic, to ensure proper working order. Documentation by the mechanic shall be maintained in the vehicle.

(d) The maximum number of individuals transported in a vehicle may not exceed the manufacturer's designated seating capacity or the number of factory installed seat belts.

(e) Each child, when transported, must be in an individual factory installed seat belt or federally approved child safety restraint, unless the vehicle is excluded from this requirement by Florida Statute.

(f) When transporting children, staff-to-child ratios must be maintained at all times. The driver may be included in the staff-to-child ratio. Prior to transporting children and upon the vehicle(s) arrival at its destination the following shall be conducted by the driver(s) of the vehicle(s) used to transport the children:

1. A log shall be maintained for all children being transported in the vehicle. The log shall include each child's name, date, time of departure and time of arrival, signature of driver and signature of second staff member to verify driver's log and the fact that all children have left the vehicle. The log shall be retained for a minimum of four months.

2. Upon arrival at the destination the driver of the vehicle shall:

a. Mark each child off the log as the child departs the vehicle,

b. Conduct a physical inspection and visual sweep of the vehicle to ensure that no child is left in the vehicle, and

c. Sign the log verifying that all children were all accounted for and that the visual sweep was conducted.

3. Upon arrival at the destination a second staff member shall:

a. Conduct a physical inspection and visual sweep of the vehicle to ensure that no child is left in the vehicle, and

b. Sign the log verifying that all children were accounted for and drivers log is complete.

(7) Planned Activities.

(a) Each age group or class must have a written and followed plan of scheduled activities posted in a place accessible to the parents. The written plan must meet the needs of the children being served and include scheduled activities which:

1. Promote emotional, social, intellectual and physical growth.

2. Include quiet and active play, both indoors and outdoors.

3. Include meals, snacks and nap times, if appropriate for the age and the times the children are in care.

(b) Parents must be advised in advance of each field trip activity. The date, time and location of the field trip must be posted in a conspicuous location at least 2 working days prior to each field trip. Written parental permission must be obtained, either in the form of a general permission slip, or prior to each field trip activity. If special circumstances arise where notification of an event cannot be posted for 2 working days then individual permission slips must be obtained from each parent.

(8) Child Discipline.

(a) Verification that the child care facility has provided, in writing, the disciplinary practices used by the facility shall be documented on the enrollment form, with the signature of the custodial parent or legal guardian.

(b) All child care personnel of the child care facility must comply with the facility's written disciplinary practices. Such policies shall include standards that prohibit children from being subjected to discipline which is severe, humiliating, frightening, or associated with food, rest, or toileting. Spanking or any other form of physical punishment is prohibited by all child care personnel.

(c) A copy of the facility's current written disciplinary practices must be available to the licensing authority to review for compliance with Section 402.305(12), F.S.

(9) Access. A child care facility must provide the custodial parent or legal guardian access, in person and by telephone, to the child care facility during the facility's normal hours of operation or during the time the child is in care.

Specific Authority 402.305, 402.281 FS. Law Implemented 402.305, 402.3055, 402.308, 402.281 FS. History—New 6-1-97, Amended 3-17-99, 7-26-00, 1-4-01, 7-13-03, _____.

65C-22.002 Physical Environment.

(1) General Requirements.

~~(a) Pursuant to Section 402.305(5), F.S., school age programs operated in public school facilities, regardless of the operator, shall follow the standards set forth by the Florida Building Code State Requirements for Public Educational Facilities.~~

~~(b) All programs, regardless of the location, providing child care exclusively for children in grades 6 and above shall be exempt from licensure under this rule.~~

~~(c) All child care facilities must be in good repair, free from health and safety hazards, clean, and free from vermin infestation. During the hours that the facility is in operation, no portion of the building shall be used for any activity which endangers the health and safety of the children.~~

~~(d) All areas and surfaces accessible to children shall be free of toxic substances and hazardous materials.~~

~~(e) Animals must be properly immunized, free of disease, and clean. Parents must be informed of any and all animals on the premises.~~

~~(f) All potentially harmful items including cleaning supplies, flammable products, poisonous, toxic, and hazardous materials must be labeled. These items as well as knives and sharp tools shall be stored in locations inaccessible to the children in care.~~

~~(g) No firearms or weapons as defined in Section 790.001, F.S., shall be allowed within any building or conveyance, or upon any person located kept on the premises.~~

~~(h) No narcotics, alcohol, or other impairing drugs shall be present on the premises.~~

~~(i) Pursuant to Chapter 386, F.S., smoking is prohibited within the child care facility, all outdoor play areas, and in vehicles when being used to transport children.~~

~~(j) Design and construction of a new child care facility or modifications to an existing facility, must meet the minimum requirements of the applicable local governing body.~~

(2) Rooms Occupied by Children.

(a) All rooms must have and maintain lighting the equivalent of 20 foot candles at three feet from the floor to allow for supervision and for safe methods of entering and exiting each room. At all times lighting must be sufficient to visually observe and supervise children, including during naptime.

(b) An inside temperature of 65° to 82° F must be maintained at all times.

(c) All rooms shall be kept clean, adequately ventilated and in good repair. Cleaning shall not take place while rooms are occupied by children except for general clean-up activities which are a part of the daily routine.

(d) Rodents and vermin shall be exterminated. Pest control shall not take place while rooms are occupied by children.

(3) Indoor Floor Space.

(a) A child care facility that held a valid license on October 1, 1992, must have a minimum of 20 square feet of usable indoor floor space for each child. A child care facility that did not hold a valid license on October 1, 1992, and seeks regulatory approval to operate as a child care facility, must have a minimum of 35 square feet of usable indoor floor space for each child.

(b) Usable indoor floor space refers to that space available for indoor play, classroom, work area, or nap space. Usable indoor floor space is calculated by measuring at floor level from interior walls and by deleting space for stairways, toilets and bath facilities, permanent fixtures and non-movable furniture. Kitchens, offices, laundry rooms, storage areas, and other areas not used in normal day-to-day operations are not included when calculating usable indoor floor space.

(c) Shelves or storage for toys and other materials shall be considered as usable indoor floor space if accessible to children.

(d) Where infants are in care, they shall have open indoor floor space outside of cribs and playpens. The space used for play may be interchangeable with space used for cribs and play pens.

(4) Outdoor Play Area.

(a) There shall be a minimum of forty-five (45) square feet of usable, safe and sanitary outdoor play area per child, one (1) year of age and older. A minimum outside play area shall be provided for one-half (1/2) of this identified population.

(b) The outdoor play area shall be calculated at the rate of forty-five (45) square feet per child in any group using the play area at one time.

(c) The outdoor play area shall be clean, free of litter, nails, glass and other hazards.

1. The outdoor play area shall provide shade.

2. During outdoor play, personnel must situate themselves in the outdoor play area so that all children can be observed and direct supervision provided.

(d) The facility's outdoor play area shall be fenced in accordance with accepted safety practices and local ordinances to prevent access by children to all water hazards, within or adjacent to outdoor play areas, such as pools, ditches, retention and fish ponds.

(e) The outdoor play area shall have and maintain safe and adequate fencing or walls a minimum of four (4) feet in height. Fencing, including gates, must be continuous and shall not have gaps that would allow children to exit the outdoor play area. The base of the fence must remain at ground level, free from erosion or build-up, to prevent inside or outside access by children or animals. ~~A fence is not required if all the following conditions are met:~~

~~1. The children using the outdoor play area are in five year old kindergarten and grades one or above;~~

~~2. In addition to the established staff to children ratios, for the purpose of safety, an additional staff member is present, during all times of outdoor activities, to assist in providing direct supervision;~~

~~3. The outdoor play area is not located adjacent to a congested, heavily trafficked location or near any major intersections, crowded business areas, or water hazards; and~~

~~4. The department or local licensing agency has provided written authorization to the program to operate without a fence.~~

(f) For the purposes of a licensed urban child care facility, an additional minimum of 45 square feet of usable indoor play space for 25% of the licensed capacity shall be substituted for outdoor play space. The urban child care facility must provide this additional indoor space with equipment that provides physical activities appropriate for the age of the children.

(g) Infants in care shall be provided opportunities for outdoor time each day that weather permits.

(5) Napping and Sleeping Space. For the purposes of these standards, sleeping refers to the normal overnight sleep cycle while napping refers to a brief period of rest during daylight or early evening hours.

(a) Each facility must include a designated area where a child can sit quietly and lie down to rest or nap. When not in use, napping space and usable indoor floor space may be used interchangeably.

(b) Each child in care must be provided safe and sanitary bedding to be used when napping or sleeping. Bedding means a cot, bed, crib, playpen, mattress (excluding an air mattress or a foam mattress) or floor mat. Floor mats must be at least one inch thick and covered with an impermeable surface. Floor mats, foam mattresses, air mattresses, and playpens may not be used for care when children are sleeping. Bedding must be appropriate for the child's size. Bedding is not required for school age children, however, the program or facility shall provide an area as described in paragraph 65C-22.002(5)(a), F.A.C., for those children choosing to rest.

(c) Linens, if used, must be laundered at least once each week and more often if soiled or dirty. Linens, if used for more than one child shall be laundered between usage. Linens must be provided when children are sleeping and pillows and blankets must be available.

(d) Linens must be stored in a sanitary manner.

(e) A minimum distance of eighteen (18) inches must be maintained around individual napping and sleeping spaces. Exit areas must remain clear in accordance with fire safety regulations.

(f) Children up to one (1) year of age must be in their own crib, portacrib or playpen with sides. When napping or sleeping, young infants that are not capable of rolling over on their own should be positioned on their back and on a firm surface to reduce the risk of Sudden Infant Death Syndrome

(SIDS), unless an alternate position is authorized in writing by a physician. The documentation shall be maintained in the child's record. Crib sides must be raised and secured while an infant is in the crib. Cribs must meet the construction regulations as outlined in Title 16, Parts 1508 & 1509, Code of Federal Regulations.

(g) No double or multi-deck cribs, cots or beds may be used.

(6) Toilet and Bath Facilities.

(a) Each child care facility shall provide and maintain toilet and bath facilities, which are easily accessible and at a height usable by the children. Platforms are acceptable when safely constructed and easily cleaned and sanitized.

(b) For facilities having from one to fifteen children, there shall be one toilet and one wash basin. There shall be one additional toilet and basin for every thirty children thereafter. For design and construction of a new child care facility or modification to an existing facility, paragraph 65C-22.002(1)(j), F.A.C., shall apply.

1. If only diapered infants are cared for in the facility, there need be only one toilet plus two basins for each thirty infants.

2. Potty chairs, if used, shall be in addition to the toilet requirements and shall be cleaned and sanitized after each use.

(c) Toilet facilities shall not open directly into an area where food is prepared. A toilet facility may open directly into an area used by children where food is served.

(d) Children must receive supervision and care in accordance with their age and required needs and be accounted for at all times while bathing or toileting.

(e) At least one portable or permanent bath facility shall be provided and be available for bathing children, ~~unless the program exclusively serves school age children.~~

(f) Running water, toilet paper, disposable towels or hand drying machines that are properly installed and maintained, soap and trash receptacles shall be available and within reach of children using the toileting facility.

(g) Each basin and toilet must be maintained in good operating condition and sanitized as needed, at least once per day.

(7) Fire Safety.

(a) Unless statutorily exempted, all child care facilities shall conform to state standards adopted by the State Fire Marshal, Chapter 4A-36, F.A.C., Uniform Standards for Life Safety and Fire Prevention in Child Care Facilities and shall be inspected annually. A copy of the current and approved annual fire inspection report by a certified fire inspector must be on file with the department or local licensing agency.

(b) There shall be at least one operable corded telephone in the child care facility which is neither locked nor located at a pay station and is available to all staff during the hours of operation.

(c) Fire drills shall be conducted monthly and shall be conducted when children are in care. A current attendance record must accompany staff out of the building during a drill or actual evacuation and be used to account for all children.

(8) Health and Sanitation.

(a) General Requirements.

1. All buildings, when the windows or doors are open, must have and maintain screens to prevent entrance of any insect or rodent. Screens are not required for open air classrooms and picnic areas.

2. Following personal hygiene procedures for themselves or when assisting others, and immediately after outdoor play, employees, volunteers, and children shall wash their hands with soap and running water, drying thoroughly.

3. Safe drinking water shall be available to all children. If disposable cups are used, they must be discarded after each use.

4. If the children are sleeping overnight in the facility, child care staff must ensure accepted bedtime routines, such as brushing teeth and face and hand washing. Toothbrushes, towels and wash cloths may not be shared.

(b) Diapering Requirements.

1. Hand washing facilities which include a basin with running water, disposable towels or hand drying machines that are properly installed and maintained, soap, and trash receptacle shall be maintained in the infant room or in an adjoining room which opens into the room where infants or children with special needs in diapers are in care. Hands shall be washed and dried thoroughly after each diapering or toileting procedure. Handwashing sinks shall not be used for food service preparation or food clean up.

2. When children in diapers are in care, there shall be a diaper changing area with an impermeable surface which is cleaned with a sanitizing solution after each use. Children must be attended at all times when being diapered or when changing clothes.

3. Diaper changing shall be in a separate area from the feeding or food service area.

4. There shall be a supply of clean diapers, clothing and linens at all times, which shall be changed or removed promptly when soiled or wet.

5. Soiled disposable diapers shall be disposed of in a plastic lined, securely covered container, which is not accessible to children. The container shall be emptied and sanitized at least daily.

6. Soiled cloth diapers shall be emptied of feces in the toilet and placed in a securely covered container which is not accessible to children. The container shall be emptied and sanitized daily.

(9) Equipment and Furnishings.

(a) Indoor Equipment.

1. A child care facility shall make available toys, equipment and furnishings suitable to each child's age and development and of a quantity for each child to be involved in activities.

2. Toys, equipment and furnishings must be safe and maintained in a sanitary condition.

(b) Outdoor Equipment.

1. A child care facility shall provide and maintain equipment and play activities suitable to each child's age and development.

2. All play equipment shall be securely anchored, unless portable by design, in good repair, maintained in safe condition, and placed to ensure safe usage by the children. Maintenance shall include checks at least every other month, of all supports, above and below the ground, all connectors, and moving parts.

3. Permanent playground equipment must have a ground cover or other protective surface under the equipment which provides resilience and is maintained to reduce the incidence of injuries to children in the event of falls.

4. All equipment, fences, and objects on the facility's premises shall be free of sharp, broken and jagged edges and properly placed to prevent overcrowding or safety hazards in any one area.

5. All equipment used in the outdoor play area shall be constructed and maintained to allow for water drainage and maintained in a safe and sanitary condition.

Specific Authority 402.301, 402.305 FS. Law Implemented 402.305 FS. History--New 6-1-97, Amended 7-2-98, 3-17-99, 7-13-03, _____.

65C-22.003 Training.

(1) Definitions.

(a) "Training Coordinating Agencies" are authorized contract providers, designated by the department and responsible for the coordination of child care personnel training at the district/regional level.

(b) "CDA," Child Development Associate, is a national credential, recognized throughout the United States and the world, issued by the Council for Early Childhood Professional Recognition in Washington, DC.

(c) "State Approved CDA Equivalency" is a training program that has been approved by the department as meeting or exceeding the criteria established for an equivalency program.

(d) "Director" for the purpose of this section and consistent with the statutory definition of operator, refers to the onsite administrator or individual of a child care facility who has the primary responsibility for the day-to-day operation, supervision and administration of the child care facility.

(e) "Director Credential" means a comprehensive credentialing program consisting of two levels of education and experiential requirements as outlined in subsection 65C-22.003(7), F.A.C.

(f) "Before-school and after-school sites" for the purposes of this section means, programs, no matter their location, providing child care for children who are five years old and above, when they are enrolled in and attending a kindergarten program or grades one and above, during the school district's calendar year. This is limited to programs providing care before and after the school day only, teacher planning days, holidays, and intercessions that occur during the school district's official calendar year.

(g) "Begin training for child care personnel" means to commence coursework by attendance, by educational exemption, or by completing a competency examination for one of the statutorily mandated child care training modules. The begin date for training is the initial date an individual commences training in the child care field.

(h) "Training Transcript" is the official electronic documentation for statutorily mandated training and credentialing requirements of all child care personnel. Training certificates can be downloaded by the individual if desired or will be issued to the individual if requested.

(2) Training Requirements.

(a) The 40 hour Introductory Child Care Training requirement is divided into two parts. Part I is comprised of 30 hours of training, consisting of the department's training modules, identified below:

1. State & Local Rules and Regulations;
2. Health, Safety, and Nutrition;
3. Identifying and Reporting Child Abuse & Neglect;
4. Child Growth & Development; and
5. Behavioral Observation and Screening.

(b) Part II is comprised of 10 hours of training, consisting of a selection ~~from~~ from one of the department's specialized training modules, identified below:-

1. Infant and Toddler Appropriate Practices (10 hours);
2. Preschool Appropriate Practices (10 hours);
3. School-Age Appropriate Practices (10 hours); ~~and~~
4. Special Needs Appropriate Practices (10 hours):-
5. Basic Guidance and Discipline (5 hours web based);
6. Computer Technology for Child Care Professionals (10 hours web based); and
7. Early Literacy in the Child Care Environment (5 hours web based).

(c) Child care personnel hired on or after October 1, 1992, must successfully complete Part I and Part II of the department's 40 hour Introductory Child Care Training requirement. Successful completion of the 40 hour training requirement is evidenced by passage of competency examinations with a score of seventy (70) or better. Child care

personnel who have completed the mandatory 40 hour Introductory Child Care Training prior to the availability of the competency examinations will not be required to complete the competency based testing.

(d) All child care personnel employed on or before December 31, 2004 shall complete 5-clock-hours or .5 documented continuing education unit (CEU) of training in early literacy and language development of children from birth to 5 years of age, as documented on the certificate of course completion, classroom transcript, or diploma; by June 30, 2005. All child care personnel hired on or after January 1, 2005, shall complete this training within 12 months of date of employment. In order to meet this requirement, child care personnel must complete a single class or course that is no less than 5 hours in duration. Literacy training that was taken within the past five (5) years will be accepted if it meets all the required components stated above. It is the responsibility of the individual to provide documentation to the licensing counselor, to demonstrate that the training is a single class or course that is no less than 5 hours in duration and covers early literacy and language development of children from birth to 5 years of age.

~~(e)(d) Training certificates are issued or~~ Training transcripts are updated upon the successful completion of training, as evidenced by the passage of a competency examination. Competency examinations will be offered by the Training Coordinating Agency.

1. The successful completion of Part I and Part II modules will be documented on CF-FSP Form 5267, May 2003, and the department's child care training transcript.

2. A copy of the certificate or training transcript must be included in the child care personnel record and maintained at each facility.

(3) Exemptions from the Introductory Child Care Training.

(a) Examination Exemptions.

Prior to attending the training, child care personnel have one opportunity, if they choose, to exempt from any of the 40 hour Introductory Child Care Training modules by successfully completing competency examinations with a score of seventy (70) or better. Examination exemptions are not available for the departments' web based Part II specialized training modules.

(b) Educational Exemptions.

1. Training coordinating agencies shall exempt child care personnel with one of the following educational qualifications, from the Health, Safety and Nutrition, Child Growth and Development and Behavioral Observation and Screening Modules:

a. Two year degree or higher with 6 college credit hours in early childhood/child growth and development.

b. Child Development Associate credential, state-approved Florida CDA Equivalency course.

2. Training coordinating agencies shall exempt child care personnel with a B.A., B.S. or advanced degree in Early Childhood Education or Preschool Education from the Infant and Toddler Appropriate Practices module and Preschool Appropriate Practices module.

3. Training coordinating agencies shall exempt child care personnel with a B.A., B.S. or advanced degree in Elementary Education from the School-Age Appropriate Practices module.

4. Training coordinating agencies shall exempt child care personnel with a B.A., B.S. or advanced degree in Exceptional Student Education from the Special Needs Appropriate Practices module.

(4) Documentation of Training. Training successfully completed after July 1, 2004 will be documented on the child care training transcript only. Training completed prior to July 1, 2004 may be documented either on the child care training transcript or on CF-FSP 5267.

~~(5)(4)~~ Trainer Qualifications. Qualified child care professionals approved to teach the department's child care training modules at a minimum must meet the following qualifications:

(a) Be at least 21 years old.

(b) Complete the 6-clock-hour Train-the-Trainer course developed by the department.

(c) Meet one of the following educational experiential credentials verified by the training coordinating agency:

1. Four year college degree or higher with 6 college credit hours in early childhood/child growth and development, plus, 480 hours experience in a child care setting serving children ages birth through eight years of age or a teaching certificate.

2. A.S. or A.A. degree in child development, plus 480 hours experience in a child care setting serving children ages birth through eight years of age.

3. Associate degree with 6 college credit hours in early childhood/child growth and development, plus 960 hours experience in a child care setting serving children ages birth through eight years of age.

(d) Family child care trainers ~~may~~ must meet the qualifications listed above in paragraph 65C-22.003(5)(c), F.A.C., or the following qualifications: a high school diploma or GED, a National CDA or a state approved Florida CDA equivalent, three years of full-time experience in licensed family child care within the past five years, and completion of the 6-clock-hour-Train-the-Trainer course developed by the department.

(e) Training Coordinating Agencies may require a trainer to attend a specific child care training module prior to being approved.

~~(6)(5)~~ Annual In-service Training.

(a) All child care facility personnel, must complete a minimum of 10 ~~8~~-clock-hours of in-service training or 1 CEU, annually during the state's fiscal year beginning July 1 and ending June 30.

(b) The annual ~~10~~ 8-clock-hour in-service training or ~~1~~ CEU, must be completed in one or more of the following areas:

1. Health and safety; including universal precautions;
2. CPR/~~first aid~~;
3. First Aid (this training may only be taken to meet the in-service requirement once every three years);
- ~~4.3.~~ Nutrition;
- ~~5.4.~~ Child development – typical and atypical;
- ~~6.5.~~ Child transportation and safety;
- ~~7.6.~~ Behavior management;
- ~~8.7.~~ Working with families;
- ~~9.8.~~ Design and use of child oriented space;
- ~~10.9.~~ Community, health and social service resources;
- ~~11.10.~~ Child abuse;
- ~~12.11.~~ Child care for multilingual children;
- ~~13.12.~~ Working with children with disabilities in child care;
- ~~13.~~ Owner or operator training program;
14. Playground safety;
15. Literacy; ~~or~~
16. Guidance and Discipline;
17. Computer Technology;
18. Leadership development/program management and staff supervision;
19. Age appropriate lesson planning;
20. Homework Assistance for school age care;
21. Developing special interest centers/ spaces and environments; or
- ~~22.16.~~ Other course areas relating to child care or child care management.

(c) Documentation of the in-service training must be recorded on CF-FSP Form ~~5268, Feb. 04 5130, Apr. 2003,~~ Child Care In-service Training Record, which is incorporated by reference, and included in the child care facilities' personnel records. College level courses that cover the topics above may also be counted to meet the annual in-service training requirement.

~~(7)(6)~~ Staff Credentials.

(a) Every licensed child care facility must have one member of its child care personnel for every 20 children with one of the following qualifications:

1. National Child Development Associate Credential.
2. Formal Educational Qualifications. Procedures for individuals with an associate level (2 year) degree or higher seeking the credentialing requirement are outlined on CF-FSP Form 5211, Feb. 04 April 03, Child Care Personnel Education/Employment History Verification Form, which is incorporated by reference.
3. Graduate of a state approved Florida CDA equivalency training program.

a. Early Childhood Education Training Programs seeking equivalency to the CDA should submit a completed CF-FSP Form 5191, Feb. 04 July 02, Application for CDA Equivalency for Training Programs, which is incorporated by reference, to the department for approval.

b. The criterion for programs wishing to be recognized as a state approved CDA equivalency is determined by the department and is outlined on the Application for CDA Equivalency for Training Programs.

4. Employment History Recognition Exemption.

a. In addition to the requirements and time frames established in statute, employment history experience must include a minimum of 15 hours per week per year or 540 hours per year working with children in a licensed, registered or exempt child care program as defined in Section 402.301, F.S., or teaching experience in a public or private school.

b. Documentation of employment history recognition must include notarized letters indicating previous employment or other forms of documentation such as W-2 forms, licensing records, or income tax return forms for each place of employment.

5. Graduate of the approved Florida School-Age Certification Training Program.

a. Early Childhood Education Training organizations seeking to provide the Florida School-Age Certification Training Program, must utilize the Florida School-Age Certification Training Program as approved by the department. Organizations seeking to provide the Florida School-Age Certification Training Program, must apply for approval on CF-FSP Form 5257, July 02, Application to Provide the Florida School-Age Certification Training Program, which is incorporated by reference.

b. In order to receive the Florida School-Age Certification, a candidate must have completed the department's Florida School-Age Certification Training Program, which consists of the following:

(I) A total of 120 hours of training consisting of Part I of the Introductory Child Care Training, the department approved School-Age Appropriate Practices training module, and a minimum of 80-clock-hours of training using departmentally approved curriculum which focuses on the following six competency areas:

(A) Establishment and maintenance of a safe and healthy learning environment.

(B) The advancement of physical and intellectual competence.

(C) The support of social and emotional development and provision of positive guidance.

(D) The establishment of positive and productive relationships with families.

(E) Ensuring a well-run, purposeful program responsive to participant's needs.

(F) The maintenance of a commitment to professionalism.

(II) A portfolio containing an autobiographical statement, written examples demonstrating mastery of each of the school-age competency subject areas, and a collection of resource materials as identified in the department's Florida School-Age Certification Training Portfolio and Resource Materials Checklist, CF-FSP Form 5258, Oct. 01, which is incorporated by reference.

(III) Formal observation working with children in a school-age setting during the course of the program by a qualified observer.

(IV) 480 hours of direct contact with children in a school-age setting within the past five years.

c. Individuals who are enrolled in an existing school-age certification training program in Florida, prior to January 1, 2002, and who graduate from this training program by January 1, 2003, will be recognized as having met the Florida School-Age Certification requirement.

d. Individuals who successfully complete a school age training program offered by one of the branches of the U.S. Military will be recognized as having met the Florida School-Age Certification requirement.

e. Early Childhood Education Training organizations that provide the Florida School-Age Certification Training Program must complete CF-FSP Form 5259, Oct. 01, Confirmation of Completion of the Florida School-Age Certification Training Program, which is incorporated by reference, for each graduate. The Early Childhood Education Training Organizations must submit the completed CF-FSP Form 5259 for each graduate, to the local training coordinating agency for processing upon completion of all components of the Florida School-Age Certification Training Program.

f. The training coordinating agency must issue CF-FSP Form 5267, May 2003, Florida School-Age Certification Training Program Certificate, which is incorporated by reference, to all graduates of the Florida School-Age Certification Training Program.

g. To maintain a valid Florida School-Age Certification, candidates must complete and document the satisfactory completion of 4.5 Continuing Education Units (CEUs) or one three-hour college-credit course in any school-age child care curriculum area, every five years. Coursework completed to renew a State of Florida Teaching Certificate satisfies the coursework requirement for renewal of the Florida School-Age Certification. This documentation must be submitted to the local training coordinating agency to verify completion of the required coursework. The local training coordinating agency will issue a new Florida School-Age Certification Training Program Certificate upon verification of the documentation.

(b) For those providers choosing to participate in Universal Pre-Kindergarten, the following Child Development Associate Equivalency (CDAE) renewal process applies. However, for the purpose of meeting the staff credentialing

requirement for every 20 children in care, as mandated in Section 402.305(3), F.S., a renewal is not required, but is encouraged and appropriate if the individual chooses.

1. Florida CDAE Renewals. To maintain a Florida CDAE, every 5 years candidates must complete and provide documentation of the following criteria, along with the Florida CDAE Renewal Application, CF-FSP 5273, Feb. 2004, incorporated herein by reference:

a. Proof of a current First Aid Certificate;

b. Proof of at least 4.5 Continuing Education Units (CEUs), or a three college credit hour course in early childhood education/child development, within the past 5 years that is in addition to the original 120 clock hours required for obtaining the CDA equivalency credential;

c. Proof of recent (within current year) work experience with young children or families of young children (a minimum of 80 hours);

d. Proof of recent (within current year) membership in a national, state or local early childhood professional organization;

e. A letter of recommendation regarding competency in working with young children, provided by an Early Childhood Education Professional such as the Child Care Facility Director, Assistant Director, Observer, or Lead Teacher; and

f. Three (3) completed Parent Opinion Questionnaires (within current year), documented on CF-FSP 5271, Feb. 2004 or an equivalent form that contains all the information required by the department's form.

g. The renewal fee for the Florida CDAE shall not exceed \$65.00.

2. National CDA Renewals. To renew a National CDA, that is not current, individuals must contact the Council for Early Childhood Professional Recognition, located in Washington, DC, at 1(800)424-4310, and complete a waiver form which can be obtained by going to their website at <http://www.cdacouncil.org>.

3. The State of Florida CDAE program will renew and issue a CDAE renewal to individuals holding an inactive National CDA upon submission of the renewal documents specified in paragraph 65C-22.003(1)(b), F.A.C., above. The Florida CDAE renewal will be documented on CF-FSP 5270, Feb. 2004, Florida CDA Equivalency Certificate of Renewal.

(c)(b) Periods of Transition. Child care personnel meeting the credentialing requirement in subparagraphs (a)1.-5. of this section, must work at the facility a minimum of 20 hours per week. Nap time and lunch times are excluded from this calculation. A credentialed staff person must be on-site on a full time basis for those facilities that operate 20 hours or less per week.

(d)(e) Verification of Education and Employment History.

1. Child care personnel seeking satisfaction of the staff credentialing requirement, in subparagraphs (a)1.-5. of this section, are responsible for completing and submitting to their

local Training Coordinating Agency, ~~notarized~~ CF-FSP Form 5211, ~~Feb. 04 April 03~~, Child Care Personnel Education and Employment History Verification Form, including education and employment history documentation.

2. Upon receipt and approval of the completed forms, the individual's training transcripts will be updated to reflect the staff credential verification. From the individual's child care training transcript, they may print training coordinating agency will issue CF-FSP Form 5206, ~~Feb. 04 July 02~~, Child Care Personnel Professional Development Confirmation Form, which is incorporated by reference, for the individual's records to the child care personnel, owner or operator who submitted the application. The individual may also request a copy of CF-FSP Form 5206, from the TCA, for a nominal fee determined by the TCA.

3. A copy of the Child Care Personnel Professional Development Confirmation Form must be maintained on-site at the facility, in the employee personnel file, for review by child care licensing staff. The original is the property of the child care personnel.

~~(e)(4)~~ Calculation of Number of Personnel Necessary.

1. Child care facilities with 19 or less children or which operate less than (8) hours per week are not subject to the credentialing requirement.

2. For every 20 children, a child care facility must have one child care personnel who meets the credentialing requirement. Based on this formula, child care facilities with 20-39 children must have one credentialed staff member, facilities with 40-59 children must have 2 credentialed staff members, and so on.

3. Volunteers who meet the credentialing requirement will be included in calculating the credentialing ratio.

4. The department will calculate the number of credentialed personnel required based on daily attendance.

5. In addition to CF-FSP Form 5206, ~~Feb. 04 July 02~~, Child Care Personnel Professional Development Confirmation Form, child care facilities must have available written documentation of credentialed personnel's work schedules. Examples of written documentation are employee time sheets, personnel work schedules, and employment records.

6. Children who are five years old and above, when they are enrolled in and attending a kindergarten program or grades one and above, are excluded from the calculation for purposes of determining the number of personnel necessary to meet the credentialing ratio.

~~(8)(7)~~ Director Credential.

(a) Pursuant to Section 402.305(2)(f), F.S., every child care facility director must have a director credential by January 1, 2004, which consists of the foundational level or the advanced level. As of January 1, 2004, every applicant for a license to operate a child care facility or a license for a change

of ownership of a child care facility must document that the facility director has a director credential prior to issuance of the license to operate the facility.

1. An individual may not be the director of child care facilities that has an overlap in the hours of operation.

2. Each child care facility must have a director that is on site a majority of hours that the facility is in operation.

3. The director credential must be posted in a conspicuous location at the facility.

(b) As it relates to the director credential, the following exceptions apply:

1. A credentialed director is not required during evening hours as defined in Section 402.302(6), F.S.

2. Pursuant to Section 402.305(1)(c), F.S., a credentialed director holding a foundational or advanced level Florida director credential may supervise multiple before-school and after-school sites. As of January 1, 2004, every applicant for a license to operate a child care facility must document that the facility director has a director credential prior to issuance of the license to operate the facility.

~~(c)(b)~~ The foundational level applicants must meet the following educational and experiential requirements:

1. High school diploma or GED; and

2. The department's 30-clock-hour Introductory Child Care Training (Part I); and

3. The department's Special Needs Appropriate Practices module or a minimum of 8-hours of in-service training in serving children with disabilities; and

4. One of the following staff credentials: a Child Development Associate (CDA) Credential; state-approved Florida CDA Equivalency; the Florida School-Age Certification; a formal education exemption qualification; or a documented employment history recognition exemption; and

5. One course in the curriculum content area "Overview of Child Care Center Management," which must be met by one approved three-hour college level course, offered for credit or 4.5 Continuing Education Units (CEUs) through continuing education or one approved Post Secondary Adult Vocational course offered through a vocational-technical institution in Florida; and

6. One year experience on-site as a child care director. For those candidates who have met the educational requirements of this level but have not completed the one year experiential requirement a temporary credential will be granted.

~~(d)(e)~~ The advanced level applicants must meet the following educational and experiential requirements:

1. High school diploma or GED; and

2. The Department of Children and Family Services 30-clock-hour Introductory Child Care Training (Part I); and

3. The department's Special Needs Appropriate Practices module or a minimum of 8-hours of in-service training or course in serving children with disabilities; and

4. One of the following staff credentials: a Child Development Associate (CDA) Credential; a state-approved Florida CDA Equivalency; the approved Florida School-Age Certification; a formal education exemption qualification; or a documented employment history recognition exemption; and

5. Three approved courses in child care education program administration. The coursework requirement must be taken for college credit and must be from the following curriculum areas: Overview of Child Care Center Management, Child Care and Education Organizational Leadership and Management, Child Care and Education Financial and Legal Issues, Child Care and Education Programming; and

6. Two years of experience on-site as a child care director. For those candidates who have met all the educational requirements of this level but have not completed the two year experiential requirement a temporary credential will be granted.

~~(e)(d)~~ All applications and documentation will be verified and credentials issued by the Department of Children and Families or its designated representative, through the Florida Children's Forum. Applications may be obtained from:

~~Director Credential Coordinator
Florida Children's Forum
2807 Remington Green Circle
Tallahassee, Florida 32308~~

~~(f)(e)~~ Exceptions: For the foundational level, Directors who have attained another state's approved Director Credential shall receive credit towards the, "Overview of Child Care Management", educational component of the credential. For the advanced level credential only, an educational exception will be granted to individuals who meet subparagraphs 65C-22.003(7)(c)1.-4. and 6., F.A.C., and any of the following:

1. An A.S. degree in child care center management, or
2. An A.S., B.A., B.S. or advanced degree in early childhood education/child development, family and consumer sciences (formerly home economics/child development), school-age child care or elementary education with at least three credit hours in child care management/administration, business administration or educational administration, or
3. A B.A., B.S. or advanced degree other than those degree areas in number 2. above, with three credit hours in early childhood/child development or school-age child care and three credit hours in child care management/administration, business administration or educational administration, or

4. Five or more years of experience as an administrator or director in a licensed child care facility, or a facility that is legally exempt pursuant to Sections 402.3025 and 402.316, F.S., and with three college credit hours in early childhood/child development or school-age child care and three college credit hours in child care management/administration, business administration or educational administration. All coursework for this exception must have been completed within the last ten years.

~~(g)(f)~~ Testing. For the advanced level credential only, individuals who meet the requirements for the educational exception but do not have coursework in early childhood education or administration may opt to take a competency-based test to meet the three credit hour course requirement in early childhood education/child development or the three credit hour course requirement in administration, or both. This process will require the candidate to complete a written test, developed and approved by the department, at a local community college with a minimum score of 70 percent.

~~(h)(g)~~ Renewal.

1. To maintain a valid temporary Director Credential or Director Credential at either level, every 5 years, candidates must complete and document 4.5 Continuing Education Units (CEUs) or one three-hour college credit course in any one of the curriculum areas listed in subparagraph 65C-22.003(7)(c)5., F.A.C. Coursework completed to renew a State of Florida Teaching Certificate also satisfies this coursework requirement for renewal of a Director Credential. Candidates must also demonstrate professional contributions in the field through any one of the following.

- a. Serve in a professional organization related to the field of early childhood or school age programs;
- b. Make presentation or provide training in the field of early childhood or school age programs;
- c. Serve as a validator or advisor for a Florida-recognized accreditation program, as a CDA advisor, or as a school-age certification representative for the Florida School-Age Certification Training Program;
- d. Advocate for an issue in the field of early childhood or school age programs;
- e. Publish an item related to the field of early childhood or school-age program;
- f. Document program improvements by completing a Florida-recognized accreditation program;
- g. Serve as a consultant or mentor to another early childhood or school age program;
- h. Participate in an educational research or innovation project related to early childhood or school age programs; or
- i. Participate in a creative production that relates to the field of early childhood or school programs.

2. A Director Credential issued prior to January 1, 2004, will have an initial renewal date of January 1, 2009, and every 5 years thereafter. A Director Credential issued after January 1, 2004, will have an initial renewal date after 5 years and every 5 years thereafter.

~~(i)(h)~~ Coursework Recognition and Approval.

1. The department is responsible for reviewing existing and developing coursework, offered through vocational-technical schools, community colleges and universities, to determine if it meets the requirements for the Director Credential. Vocational-technical schools, community colleges and universities shall submit CF/FSP Form 5247 for

course review and approval, hereby incorporated by reference. Course work will be reviewed and approved according to the guidelines found in "Florida Child Care and Education Program Director Credential, Curriculum Areas," hereby incorporated by reference, and copies of which can be obtained from the Florida Children's Forum.

2. A list of approved courses must be maintained and will be available through the Florida Children's Forum.

(j)(+) Before-school and after-school sites.

1. A director holding a foundational or advanced Director Credential may supervise multiple before-school and after-school sites as follows:

a. Three sites regardless of the number of children enrolled, or

b. More than three sites if the combined total number of children enrolled at the sites does not exceed 350. In calculating the total number of children enrolled, the number of children in the before-and after-school program shall be calculated and viewed as separate programs.

c. In counties where the public school district has included 4-year-old children in public before-school and after-school programs, the school district may participate in the multi-site supervision option. Public school districts which serve 4-year old children in the before-school and after-school programs are required to have a credentialed staff person pursuant to the credentialing requirements in paragraph 65C-22.003(6)(a), F.A.C., in order to accommodate the 4-year old's.

2. When a credentialed director is supervising multiple sites, the person left in charge of the site during the director's absence must meet the following requirements:

a. Be at least 21 years of age;

b. Have completed the department-approved 40-clock-hour Introductory Child Care Training (Parts I and II), and

c. Have completed the department's basic training in serving children with special needs, by completing the Part II, specialized training module, Special Needs Appropriate Practices or through completion of a minimum of 8 hours of in-service training in serving children with disabilities, or

d. Have completed the department's School Age Appropriate Practices, specialized training module.

Specific Authority 402.305 FS. Law Implemented 402.305, 402.302 FS. History—New 6-1-97, Amended 7-2-98, 3-17-99, 7-26-00, 10-10-01, 4-2-02, 7-13-03, _____.

65C-22.004 Health Related Requirements.

(1) Communicable Disease Control.

(a) Any child, child care personnel or other person in the child care facility suspected of having a communicable disease shall be removed from the facility or placed in an isolation area until removed. Such person may not return without medical authorization, or until the signs and symptoms of the disease are no longer present. With a child, the condition shall be

reported to the custodial parent or legal guardian. Signs and symptoms of a suspected communicable disease include the following:

1. Severe coughing, causing the child to become red or blue in the face or make a whooping sound,
2. Difficult or rapid breathing,
3. Stiff neck,
4. Diarrhea (more than one abnormally loose stool within a 24 hour period),
5. Temperature of 101 degrees Fahrenheit or higher when in conjunction with any other signs of illness,
6. Conjunctivitis (pink eye),
7. Exposed, open skin lesions,
8. Unusually dark urine and/or gray or white stool,
9. Yellowish skin or eyes, or
10. Any other unusual sign or symptom of illness.

(b) A child who has head lice shall not be permitted to return until treatment has occurred. Verification of treatment may include a product box, box top, empty bottle, or signature by a parent that treatment has occurred ~~Treatment shall include the removal of all lice, lice eggs, and egg cases.~~

(c) Isolation Area. Each facility shall have a designated isolation area for a child who becomes ill at the facility. Such space shall be adequately ventilated, heated, and equipped with a bed, mat, or cot and materials that can be sanitized easily. Linens and disposables shall be changed after each use. Until cleaned or disposed, the used linens and disposables shall be kept in a closed container in the isolation area. The isolated child must be within sight and hearing of a staff person at all times. The child must be carefully observed for worsening conditions.

(d) Outbreaks. Operators are required to notify the local county health department immediately upon any suspected outbreak of communicable disease in accordance with Chapter 64D-3, F.A.C., Communicable Disease Control. A suspected outbreak occurs when two or more children or employees have the onset of similar signs or symptoms, as outlined in subparagraphs (2)(a)1.-10. within a 72-hour period or when a case of a serious or reportable communicable disease is diagnosed or suspected on a child or employee.

(2) First Aid, Cardiopulmonary Resuscitation and Emergency Procedures.

(a) Each child care facility must have at least one staff member with a valid certificate of course completion for first aid training and infant and child cardiopulmonary resuscitation procedures. One staff member satisfying these training requirements shall be present at all times that children are in the care of the facility, both on-site and on field trips. A field trip includes all activities away from the facility excluding regular transportation to and from the facility, i.e., pick-up and drop-off.

(b) Certificates of course completion are valid based on the time frames established by each first aid and CPR training program, not to exceed three years. On-line CPR courses are not acceptable to meet this standard. CPR training must be done by classroom instruction.

(c) At least one first aid kit containing materials to administer first aid must be maintained on the premises of all child care facilities at all times. A first aid kit must also accompany child care staff when children are participating on field trips. Each kit shall be in a closed container and labeled "First Aid". The kits shall be accessible to the child care staff at all times and kept out of the reach of children. Each kit must include:

1. Soap,
2. Band-aids or equivalent,
3. Disposable latex gloves,
4. Cotton balls or applicators,
5. Sterile gauze pads and rolls,
6. Adhesive tape,
7. Thermometer,
8. Tweezers,
9. ~~In date syrup of ipecac, labeled "DO NOT INDUCE VOMITING UNLESS DIRECTED TO DO SO BY A PHYSICIAN OR POISON CONTROL" 1(800)222-1222,~~
9. ~~10.~~ Pre-moistened wipes,
10. ~~11.~~ Scissors, and
11. ~~12.~~ A current resource guide on first aid and CPR procedures.

(d) Emergency Procedures and Notification.

1. Emergency telephone numbers, including ambulance, fire, police, poison control center, Florida Abuse Hotline, and the address of and directions to the facility, must be posted on or near all facility telephones and shall be used as necessary to protect the health, safety and well-being of any child in day care.

2. Custodial parents or legal guardians shall be notified immediately in the event of any serious illness, accident, injury or emergency to their child and their specific instructions regarding action to be taken under such circumstances shall be obtained and followed. If the custodial parent or legal guardian cannot be reached, the facility owner will contact those persons designated by the custodial parent or legal guardian to be contacted under these circumstances, and shall follow any written instructions provided by the custodial parent or legal guardian on the enrollment form.

3. All accidents and incidents which occur at a facility must be documented and shared with the custodial parent or legal guardian on the day they occur.

4. After a fire or natural disaster, the operator must notify the licensing agency within 24 hours, in order for the department or local licensing agency to ensure health standards are being met for continued operation.

(3) Medication. Child care facilities are not required to give medication, however, if they choose to do so, the following shall apply:

(a) Prescription and non-prescription medication brought to the child care facility by the custodial parent or legal guardian must be in the original container. Prescription medication must have a label stating the name of the physician, child's name, name of the medication, and medication directions. All prescription and non-prescription medication shall be dispensed according to written directions on the prescription label or printed manufacturer's label. For purposes of dispensing non-prescription medication that is not brought in by the parent, in the event of an emergency, non-prescription medication can only be dispensed if the facility has written authorization from the parent or legal guardian to do so. Any medication dispensed under these conditions must be documented in the child's file and the parent or legal guardian must be notified on the day of occurrence. If the parent or legal guardian notifies the child care facility of any known allergies to medication, written documentation must be maintained in the child's file. Special restrictions to medication must be shared with staff and must be posted with stored medication.

(b) All medicines must have child resistant caps and shall be stored separately and locked or placed out of a child's reach.

(c) Medication which has expired or is no longer being administered shall be returned to the custodial parent or legal guardian.

Specific Authority 402.302, 402.305 FS. Law Implemented 402.302, 402.305 FS. History--New 6-1-97, Amended 3-17-99, 7-26-00, 4-2-02, 7-13-03,

65C-22.005 Food and Nutrition.

(1) Nutrition.

(a) If a facility chooses to supply food, they shall provide nutritious meals and snacks of a quantity and quality to meet the daily nutritional needs of the children. The USDA Food Guide Pyramid for Young Children, March 1999, incorporated by reference, shall be used to determine what food groups to serve at each meal or snack and the serving size of the selected foods for children one year of age and older. The fats and sweets category within the USDA Food Guide Pyramid for Young Children cannot be counted as a food group. Copies of the USDA Food Guide Pyramid for Young Children may be obtained from the district child care licensing office or local licensing agency. Using the USDA Food Guide Pyramid for Young Children; breakfast shall consist of at least three different food groups; lunch and dinner shall consist of at least four different food groups and snacks shall consist of at least two different food groups.

(b) If a facility chooses not to provide meals and snacks, arrangements must be made with the custodial parent or legal guardian to provide nutritional food for the child.

(c) If a special diet is required for a child by a physician, a copy of the physician's order, a copy of the diet, and a sample meal plan for the special diet shall be maintained in the child's facility file. If the parent or legal guardian notifies the child care facility of any known food allergies, written documentation must be maintained in the child's file. Special food restrictions must be shared with staff and must be posted in a conspicuous location.

(d) Meal and snack menus shall be planned, written, and posted at the beginning of each week. Menus shall be dated and posted in the food service area and in a conspicuous place accessible to parents. Any menu substitution shall be noted on the menu.

(2) Food Preparation Area. All licensed child care facilities approved by the Environmental Health Section, to prepare food shall meet the applicable requirements as specified in Chapter 64E-11, F.A.C., Food Hygiene.

(3) Food Service.

(a) Children shall be individually fed or supervised at feeding and offered foods appropriate for their ages.

(b) There shall be no propped bottles. There shall be no automatic feeding devices unless medically prescribed. Formula shall be refrigerated and handled in a sanitary manner before and after use. All bottles shall be individually labeled.

(c) Heated foods and bottles must be tested before feeding to ensure heat is evenly distributed and to prevent injury to children.

(d) Facilities shall provide sufficient seating so that children are seated at tables for meals.

(e) Single service paper or plastic plates, utensils, and cups shall not be reused.

Specific Authority 402.305 FS. Law Implemented 402.305 FS. History—New 6-1-97, Amended 3-17-99, 7-26-00, 1-4-01, 7-13-03, Repromulgated

65C-22.006 Record Keeping.

(1) General Requirements.

(a) All records required to document compliance with Section 402.305, F.S., shall be maintained at the facility and available during the hours of operation for review by the licensing authority.

(b) Copies of required records are acceptable for documentation. Original documents are the property of the party providing the information.

(2) Children's Health Requirements.

(a) Within 30 days of enrollment, unless statutorily exempted, each child shall have on file at the facility a completed DH Form 3040, June 2002, Student Health Examination, which is incorporated by reference. Certification that a health examination has been completed may be documented on the State of Florida, Department of Health, DH Form 3040, OR a signed statement by authorized professionals that indicates the results of the components included in the

health examination. The Student Health Examination shall be completed by a person given statutory authority to perform health examinations.

(b) The Student Health Examination is valid for two (2) years from the date the physical was performed.

(c) The child care facility is responsible for obtaining Within 30 days of enrollment, each child shall have on file and keep current a current and completed DH Form 680, Florida Certification of Immunization Part A-1, B, or C (July 2001), or DH Form 681, Religious Exemption from Immunization (May1999), for each child in care, within 30 days of enrollment, and maintaining a current copy on file while the child is enrolled at the facility. DH forms 680 and 681 can be obtained from the local county health department. The DH Form 680, Florida Certification of Immunization Parts A-1, Certificate of Immunization for K-12 Excluding 7th Grade Requirements or Part B Temporary Medical Exemption, shall be signed by a physician or authorized personnel licensed under the provisions of Chapter 458, 459, or 460, F.S., and shall document vaccination for the prevention of diphtheria, pertussis, tetanus, poliomyelitis, rubeola, rubella, mumps, and Haemophilus influenza type B (HIB), and effective July 1, 2001, completion of the varicella vaccination. The DH Form 680, Florida Certification of Immunization Part C, Permanent Medical Exemption, shall be dated and signed by a physician licensed under the provisions of Chapter 458 or 459, F.S. Immunizations received out of state are acceptable, however, immunizations must be documented on DH Form 680 and signed by a practicing physician in the State of Florida.

~~(d) School aged children attending public or non public schools are not required to have student health examination and immunization records on file at the child care facility as such records are on file at the school where the child is enrolled.~~

~~(d)(e)~~ Medical records are the property of the custodial parent or legal guardian when the child withdraws from the facility and are transferable if the child attends another facility.

(3) Medication Records.

(a) A written record documenting the child's name, the name of the medication, date, time and amount of dosage to be given, and signature of the custodial parent or legal guardian shall be maintained by the facility. This record shall be initialed or signed by the facility personnel who gave the medication.

(b) This record shall be maintained for a minimum of four months after the last day the child received the medication.

(4) Enrollment Information. The facility operator shall obtain enrollment information from the child's custodial parent or legal guardian, prior to accepting a child in care. This information shall be documented on CF-FSP Form 5219, Dec. 02, Child Care Application for Enrollment, which is incorporated by reference, or an equivalent form that contains all the information required by the department's form.

(a) Enrollment information shall be kept current and on file.

(b) The child shall not be released to any person other than the person(s) authorized, or in the manner authorized in writing, by the custodial parent or legal guardians.

(c) There shall be signed statements that the child care facility has provided the following information to parents:

1. The department's child care facility brochure, CF/PI 175-24, March 2002, Know Your Child Care Center, which is incorporated by reference. Local licensing agencies may use an equivalent brochure approved by the department's district licensing office containing all the information required by the department.

2. The child care facility's written disciplinary practices.

(5) Personnel Records. Records shall be maintained and kept current on all child care personnel, as defined by Section 402.302(3), F.S., and household members if the facility is located in a private residence. These shall include:

(a) An employment application with the required statement pursuant to Section 402.3055(1)(b), F.S.

(b) Position and date of employment.

(c) Signed statement that the employee understands the statutory requirements for professionals' reporting of child abuse and neglect.

(d) Level 2 screening information documented on CF-FSP Form 5131, ~~Feb. 04 Apr. 03~~, Background Screening and Personnel File Requirements. A screening conducted under this rule is valid for five (5) years, at which time a statewide re-screening must be conducted. The 5 year re-screening must include, at a minimum, statewide criminal records checks through the Florida Department of Law Enforcement and a local criminal records check. In addition, child care personnel must be re-screened following a break in employment in the child care industry which exceeds 90 days. A person in this category must undergo the same level of screening which was required upon initial employment. If child care personnel takes a leave of absence, such as maternity leave, extended sick leave, etc., re-screening is not required unless the 5 year re-screening has come due during the leave of absence. An employment history check for the previous two years at a minimum, or last three jobs is required as part of background screening. An employment history check conducted under this rule, shall include not only confirmation of employment dates from previous job(s), but may also include position held and job performance. Additionally, an Affidavit of Good Moral Character, CF-FSP 1649, Sept. 03, must be completed annually for all child care personnel.

(e) Copies of training information and credentials.

(f) Driver's license and driver physical examination documentation. The physician certification, or another form containing the same elements of the physician certification, granting medical approval to operate the vehicle must also be maintained in the driver's personnel file.

(6) Other Records.

(a) Daily attendance of children shall be taken and recorded by the child care facility personnel, documenting when each child enters and departs a child care facility or program. Such records shall be maintained for a minimum of four months.

(b) Record of accidents and incidents shall be documented daily and maintained for one year. Documentation shall include the name of the affected party, date and time of occurrence, description of occurrence, actions taken and by whom, and appropriate signatures of facility staff and custodial parent or legal guardian.

(c) The operator shall prepare an emergency evacuation plan including a diagram of safe routes by which the personnel and children may exit each area of the facility in the event of fire or other emergency requiring evacuation of the facility and post a copy of the plan in each room of the facility.

(d) The operator shall maintain a written record of monthly fire drills showing the date, number of children in attendance, and time taken to evacuate the premises. Each monthly record shall be maintained for a minimum of four months from the date of the fire drill.

(e) Documentation that identified staff members have met the first aid and infant and child cardiopulmonary resuscitation training requirement shall be kept on file at the child care facility.

(f) Documentation of parental permission for field trips shall be maintained for a minimum of four months from the date of each field trip.

(g) Daily meal and snack menus shall be maintained for a minimum of one month.

(h) Current specialized diet documentation shall be retained for each child requiring such specialized diet for as long as such child is in care.

Specific Authority 402.305 FS. Law Implemented 402.305 FS. History--New 6-1-97, Amended 7-2-98, 3-17-99, 7-26-00, 1-4-01, 7-13-03, _____.

65C-22.007 Evening Child Care.

(1) Hours of Care. Evening Child Care, as defined in Section 402.302(6), F.S., means child care provided during the evening hours and may encompass the hours of 6:00 p.m. to 7:00 a.m.

(2) Supervision. During evening child care hours, staff must remain awake at all times. While children are awake, direct supervision as described in paragraph 65C-22.001(5)(a), F.A.C., must be provided. When children are sleeping, supervision, as defined in paragraph 65C-22.001(5)(b), F.A.C., is required.

(3) Exemptions. Child care standards, as outlined in Sections 402.301 through 402.305, F.S., and Rules 65C-22.001 through 65C-22.006, F.A.C., apply to Evening Child Care with the following exceptions:

(a) Outdoor Play Area. For centers which only provide evening child care, outdoor play space is not required. An open area within the existing indoor floor space designated for play that promotes the development of gross motor skills must be available.

(b) Child Development Associate or credentialed staff is not required for Evening Child Care staff.

Specific Authority 402.302, 402.305 FS. Law Implemented 402.302, 402.305 FS. History—New 7-2-98, Repromulgated _____.

65C-22.008 School Age Child Care.

(1) Definitions.

(a) “School Age Child” – a child who is at least five years of age by September 1st of the beginning of the school year and who is attending kindergarten through grade 5.

(b) “School Age Child Care Program” – before and after school programs that are licensed as child care defined in Section 402.302, F.S., and serve only school age children as defined in paragraph 65C-22.008(1)(a), F.A.C., above.

(c) “After School Program (Serving School Age Children)” – as defined below is not required to be licensed if the program meets one of the following criteria:

1. Programs located on public/nonpublic school sites, operated and staffed directly by that school or through a contract between the school and a provider to serve school age children. These programs are exclusive to only those children who attend the public/nonpublic school during the school day. The program may extend to providing services before school, on teacher planning days, holidays, and intercessions that occur during the school district’s official calendar year. Pursuant to Section 402.305(5), F.S., programs operated in public school facilities, regardless of the operator, shall follow the standards set forth by the Florida Building Code State Requirements for Public Educational Facilities; or

2. Programs that provide activities to all children, regardless of age, that are strictly instructional or tutorial/academic in nature. These programs cannot extend beyond the instructional, academic, and extracurricular activities of that program, do not provide any transportation, and do not serve or prepare meals or snacks. However, the program may choose to provide drinks and snacks that do not require refrigeration or vending machine items that do not require refrigeration. Some examples of these programs include, but are not limited to computer class, ballet, karate, gymnastics, baseball, and other sports; or

3. After school programs that meet all the following:

a. Operate for a period not to exceed a total of 4 hours in any one day; however, may extend to providing services before school, on teacher planning days, holidays, and intercessions that occur during the school district’s official calendar year; and

b. Allow children to enter and leave the program at any time, without adult supervision; and

c. Do not provide any transportation; and

d. Do not serve or prepare any meals or snacks, however the program may choose to provide drinks and snacks that do not require refrigeration or vending machine items that do not require refrigeration; or

4. Programs providing after school care exclusively for children in grades 6 and above.

(d) After school programs exempted under subparagraphs 65C-22.008(1)(c)1. and 3., F.A.C., may be licensed if they choose to meet all of the applicable licensing standards in subsection 65C-22.008(2), F.A.C., below.

2. After school programs that choose to expand their program beyond the parameters in subparagraphs (1)(c)1.-4., above, must be assessed to determine if licensure is required. Any of the after school programs accepting children under the age of the school age child as defined in paragraph 65C-22.008(1)(a), F.A.C., above must be licensed.

(2) School Age Child Care Standards. For purposes of this section, school age child care standards apply to school age child care programs as defined in paragraph 65C-22.008(1)(b), F.A.C., above. These programs must meet the following licensing standards:

(a) Application. Application must be made on CF-FSP Form 5272, Feb. 2004, Application For A License To Operate A School Age Child Care Program, which is incorporated by reference.

(b) License. A school age child care license is issued in the name of the owner, partnership, association, or corporation, and must be posted in a conspicuous location where the school age child care program is operating.

(c) All provisions under subsections 65C-22.001(1)(b)-(d), (3), (5)(c)-(d), (6),(8), and (9), F.A.C.

(d) Ratios. For children 5 years of age and older, there must be one child care personnel for every 25 children.

(e) Supervision. When caring for school age children, child care personnel shall remain responsible for the supervision of the children in care and capable of responding to emergencies, and are accountable for children at all times, which includes when children are separated from their groups. At all times lighting must be sufficient to visually observe and supervise children while in care.

(f) All provisions under paragraphs 65C-22.002(1), (2)(b)-(d), (5)(a), (6)(a),(b),(f),(g), F.A.C., except a bath facility is not required of school age child care programs.

(g) Indoor Floor Space and Outdoor Play Area. School age child care programs must meet all provisions under paragraphs 65C-22.002(3)(a)-(c) and 65C-22.002(4)(a)-(e), F.A.C.,. However, the program may choose to request in writing, permission from the licensing authority, to operate under an exception to EITHER usable indoor floor space as specified in subsection 65C-22.002(3), F.A.C., OR outdoor play area as specified in subsection 65C-22.002(4), F.A.C. The written request must include an explanation of why the exception is necessary as well as an alternate plan to accommodate

instances of inclement weather for those programs requesting an exception to the usable indoor floor space and a plan for inclusion of fine and gross motor skills opportunities for those programs requesting an exception to the outdoor play area.

(h) If not requesting an exemption to the outdoor play area, the school age child care program may operate without a fence if all the following provisions are met:

1. The children using the outdoor play area are in five year old kindergarten and grades one or above;

2. In addition to the established staff to children ratios, for the purpose of safety, an additional staff member is present, during all times of outdoor activities, to assist in providing direct supervision;

3. The outdoor play area is not located adjacent to a congested, heavily trafficked location or near any major intersections, crowded business areas, or water hazards; and

4. The department or local licensing agency has provided written authorization to the program to operate without a fence.

(i) Fire Safety. School age child care programs must meet all provisions under subsection 65C-22.002(7), F.A.C. However the program may seek an exemption to state standards adopted by the State Fire Marshall, Chapter 4A-36, F.A.C., Uniform Standards for Life Safety and Fire Prevention in Child Care Facilities. The written exemption request, which must include a plan for ensuring the safety of children in care, must be made to the local fire inspection office and if granted, the exemption must be documented and maintained on file at the program.

(j) Health and Sanitation. All provisions under subparagraphs 65C-22.002(8)(a)1.-3., F.A.C., must be met. In addition, school age child care programs may seek an exemption to environmental health standards. The written exemption request, which must include a plan to ensure the health safety of children in care, must be made to the local Environmental Health Unit and if granted, the exemption must be documented and maintained on file at the program.

(k) Equipment and Furnishings. All provisions as applicable, under subsection 65C-22.002(9), F.A.C., must be met.

(l) All provisions under subsections 65C-22.004(1), (2), and (3), F.A.C., must be met.

(m) All provisions under subsections 65C-22.005(1), (2), (3)(a), (c), F.A.C., as it pertains to age appropriate food and heated food only, and paragraph (3)(e). School age child care programs may seek an exemption from the environmental health standards as it pertains to the food preparation area specified in subsection 65C-22.005(2), F.A.C. The written exemption request, which must include a plan to ensure safe and sanitary food preparation for children in care, must be made to the local Environmental Health Unit and if granted, the exemption must be documented and maintained on file at the program.

(n) All provisions under subsections 65C-22.006(1), (3), (4), (5), and (6), F.A.C., must be met. School aged children attending public or nonpublic schools are not required to have student health examination and immunization records on file at the school age child care program as such records are on file at the school where the child is enrolled.

(3) Child Care Personnel (Serving School Age Children) Training Requirements.

(a) Child care personnel must complete 40 hours of child care training by completing the following 20 hours of departmental training as evidenced by passage of a competency examination with a score of seventy (70) or better:

1. State & Local Rules and Regulation;

2. Health, Safety, and Nutrition;

3. Identifying and Reporting Child Abuse & Neglect; and

4. School Age Appropriate Practices.

(b) The remaining 20 hours must be met by successfully completing other departmental training identified in paragraphs 65C-22.003(2)(a)-(b), F.A.C., or by completing 20 hours of specialized school age training, provided by a national organization or its affiliates that requires demonstration of competencies through passage of examination(s) or completion and assessment of a Professional Resource File (portfolio of materials that demonstrate competency).

(c) Child care personnel are exempt from the training requirement of 5-clock-hour early literacy and language development of children from birth to 5 years of age, under paragraph 65C-22.003(2)(d), F.A.C.

(d) Child care personnel may choose to meet the training exemptions under subsection 65C-22.003(3), F.A.C.

(e) All provisions under subsection 65C-22.003(5), F.A.C., must be met.

(f) School age child care programs are exempt from the staff credentialing requirement in subsection 65C-22.003(6), F.A.C.

(g) All provisions as applicable under subsection 65C-22.003(8), F.A.C., must be met. A director holding a foundational or advanced Director Credential may supervise multiple sites as specified in paragraph 65C-22.003(8)(j), F.A.C.

Specific Authority 402.302, 402.305 FS. Law Implemented 402.302, 402.305 FS. History--New

NAME OF PERSON ORIGINATING PROPOSED RULE:
Vikki Griffin, Management Analyst, 1317 Winewood Blvd.
Building 6, Room 387, Tallahassee, FL 32399

NAME OF SUPERVISOR OR PERSON WHO APPROVED
THE PROPOSED RULE: Deborah Russo, 1317 Winewood
Blvd. Building 6, Room 389-A, Tallahassee, FL 32399

DATE PROPOSED RULE APPROVED BY AGENCY
HEAD: April 4, 2004

DATE NOTICE OF PROPOSED RULE DEVELOPMENT
PUBLISHED IN FAW: August 23, 2003

DEPARTMENT OF FINANCIAL SERVICES**Division of Workers' Compensation**

RULE TITLE: POLICIES AND ENDORSEMENTS COVERING

RULE NO.: 69L-6.019

PURPOSE AND EFFECT: Sections 440.10(1)(g) and 440.38(7), Florida Statutes, were amended to require employers who have employees "engaged in work" in this state with their headquarters outside of Florida to obtain a Florida policy or endorsement utilizing Florida class codes, rates, rules, and manuals that are in compliance with and approved under the provisions of Chapter 440, Florida Statutes, and the Florida Insurance Code. The rule implements the statutory amendment by describing what must appear on a workers' compensation policy or endorsement for it to be acceptable proof of coverage in relation to employees "engaged in work" in this state so that the Department may enforce employer compliance with workers' compensation coverage requirements.

SUMMARY: Sections 440.10(1)(g) and 440.38(7), Florida Statutes, were amended to require employers who have employees "engaged in work" in this state with their headquarters outside of Florida to obtain a Florida policy or endorsement utilizing Florida class codes, rates, rules, and manuals that are in compliance with and approved under the provisions of Chapter 440, Florida Statutes, and the Florida Insurance Code. The rule implements the statutory amendment by describing what must appear on a workers' compensation policy or endorsement for it to be acceptable proof of coverage in relation to employees "engaged in work" in this state so that the Department may enforce employer compliance with workers' compensation coverage requirements.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: None.

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

SPECIFIC AUTHORITY: 440.107(9), 440.591 FS.

LAW IMPLEMENTED: 440.10(1)(g), 440.38(7) FS.

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

TIME AND DATE: 1:30 p.m., May 18, 2004

PLACE: Room 104J, Hartman Building, 2012 Capital Circle, Southeast, Tallahassee, Florida

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Andrew Sabolic, Policy Coordinator, Division of Workers' Compensation, Department of Financial Services, 200 East Gaines Street, Tallahassee, Florida 32399-4220, (850)413-1600

THE FULL TEXT OF THE PROPOSED RULE IS:

69L-6.019 Policies and Endorsements Covering Employees Engaged in Work in Florida.

(1) Every employer who is required to provide workers' compensation coverage for employees engaged in work in this state shall obtain a Florida policy or endorsement for such employees that utilizes Florida class codes, rates, rules and manuals that are in compliance with and approved under the provisions of Chapter 440, Florida Statutes, and the Florida Insurance Code, pursuant to Sections 440.10(1)(g) and 440.38(7), Florida Statutes.

(2) In order to comply with Sections 440.10(1)(g) and 440.38(7), Florida Statutes, any policy or endorsement presented by an employer as proof of workers' compensation coverage for employees engaged in work in this state must be issued by an insurer that holds a valid Certificate of Authority in the State of Florida.

(3) In order to comply with Sections 440.10(1)(g) and 440.38(7), Florida Statutes, for any workers' compensation policy or endorsement presented by an employer as proof of workers' compensation coverage for employees engaged in work in this state:

(a) The policy information page (NCCI form number WC 00 00 01 A) must list "Florida" in Section 3.A. and use Florida approved classification codes, rates, and estimated payroll in Section 4.

(b) The policy information page endorsement (NCCI form number WC 89 06 00 B) must list "Florida" in Section 3.A. and use Florida approved classification codes, rates, and estimated payroll in Section 4.

(4) A workers' compensation policy that lists "Florida" in Section 3.C. of the policy information page (NCCI form number WC 00 00 01 A) does not meet the requirements of Sections 440.10(1)(g) and 440.38(7), Florida Statutes, and is not valid proof of workers' compensation coverage for employees engaged in work in this state.

(5) NCCI form numbers WC 00 00 01 A and WC 89 06 00 B are hereby adopted and incorporated herein by reference.

Specific Authority 440.107(9), 440.591 FS. Law Implemented 440.10(1)(g), 440.38(7) FS. History—New

NAME OF PERSON ORIGINATING PROPOSED RULE: Bruce Brown, Chief of Compliance, Division of Workers' Compensation, Department of Financial Services

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 3, 2004

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

Section III
Notices of Changes, Corrections and Withdrawals

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Agricultural Environmental Services

RULE CHAPTER NO.: 5E-2
RULE CHAPTER TITLE: Pesticides

RULE NO.: 5E-2.033
RULE TITLE: Organo-Auxin Herbicides: Restrictions and Prohibitions

NOTICE OF ADDITIONAL HEARINGS

Notice is hereby given that additional public hearings are being scheduled for the above rule as published in Vol. 30, No. 9, February 27, 2004, issue of the Florida Administrative Weekly. TIMES AND DATES: 10:00 a.m., May 12, 2004 through 5:00 p.m., May 13, 2004

PLACE: AES Conference Room, 3125 Conner Blvd., Tallahassee, Florida 32399-1650

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Dale Dubberly, Chief, Bureau of Compliance Monitoring, Department of Agriculture and Consumer Services, 3125 Conner Blvd., Tallahassee, Florida 32399-1650, (850)488-8731

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

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

PUBLIC SERVICE COMMISSION

DOCKET NO. 030970-EI

RULE NO.: 25-6.015
RULE TITLE: Location and Preservation of Records

NOTICE OF CHANGE

Notice is hereby given that the following change has been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 29, No. 51, December 19, 2003, issue of the Florida Administrative Weekly. The change has been made to the proposed rule to address comments made by the staff of the Joint Administrative Procedures Committee.

Paragraph (3)(b) of Rule 25-6.015 is changed as follows:

(b) However, all source documents retained as required by Title 18, Subchapter C, Part 125, Code of Federal Regulations shall be maintained in their original form for a minimum of three years, or for any lesser period of time specified for that type of record in Title 18, Subchapter C, Part 125, Code of Federal Regulations, after the date the document was created or received by the utility. This paragraph does not require the utility to create paper copies of documents where the utility would not otherwise do so in the ordinary course of its business. The Commission will may waive the requirement that documents be retained in their original form upon a showing by a utility that it employs a storage and retrieval system that consistently produces clear, readable copies that are substantially equivalent to the originals, and clearly reproduces handwritten notations on documents.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Alcoholic Beverages and Tobacco

RULE NOS.: 61A-7.001, 61A-7.003, 61A-7.004, 61A-7.013, 61A-7.014
RULE TITLES: Definitions, Licenses Not Eligible for Smoking Designation, Annual Certification Requirements, Penalty Guidelines for Florida Statute 561.695 - Stand Alone Bar Enforcement, Aggravating or Mitigating Circumstances for 561.695 - Stand-Alone Bar Violations

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rules in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 29, No. 41, October 8, 2003 issue of the Florida Administrative Weekly.

61A-7.001(7) "Stand-alone smoking with food (ssf)" means those licensed premises that operate a business that meets the definition of a stand-alone bar in Section 386.203(11), Florida Statutes, in which the serving of food is merely incidental, that is and the licensed premises may derive no more than ten percent of its gross revenue from the sale of food consumed on the licensed premises.

61A-7.003 Premises Not Eligible for Smoking Designation.

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

- S – Special Hotel
- SH – Special Hotel in counties with population of 50,000 or less
- SR – Special Restaurant issued on or after September 1, 1969 ~~January 1, 1958~~
- SRX – Special Restaurant
- SBX – Special Bowling
- SAL – Special Airport
- SCX – Special Civic Center
- SCC – Special County Commission
- SPX – Pleasure, Excursion, Sightseeing, or Charter boats
- X – Airplanes, Buses, and Steamships
- IX – Railroad Cars
- XL – Passenger Waiting Lounge operated by an airline
- PVP – Passenger Vessels engaged in foreign commerce
- FEX – Special Public Fairs/Expositions
- HBX – Special Horse Breeders
- 11AL – American Legion Post permitted to sell to general public
- 11C – Social, Tennis, Racquetball, Beach, or Cabana Club
- 11CE – Licensed vendors exempt from payment of surcharge tax
- 11CS – Special Act Club License
- 11CT – John and Mable Ringling Museum
- 11GC – Golf Club

- 11PA – Symphony, Live Performance Theatre, Performing Arts Center
- 12RT – Dog or Horse Track or Jai Alai Fronton
- 13CT – Catering

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

61A-7.004 Annual Certification Requirements.

A qualifying stand-alone bar receiving an “ss” or “ssf” designation shall file an annual affidavit, DBPR ABT 6040, incorporated herein by reference, certifying that, on or before the licensee’s annual beverage license renewal, for the preceding twelve months, no more than ten percent of total gross revenue was derived from retail sales of food consumed on the licensed premises. The percentage of food sales shall be computed by dividing gross revenues from the sale of food consumed ~~the licensee sells for consumption~~ on the premises by the gross revenue of the licensed premises.

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

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

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

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

STATUTE	VIOLATION	FIRST OCCURRENCE	SECOND OCCURRENCE	THIRD OCCURRENCE	<u>EACH SUBSEQUENT OCCURRENCE</u>
561.695	Failure to comply with stand-alone bar designation requirements within Florida Statute 561.695	Warning	\$500	Suspension of designation for 14 days and \$1000	FOURTH OCCURRENCE 60 days suspension of designation and \$2000
561.695(5)	Failure to file annual affidavit upon renewal	FIRST OCCURRENCE	Loss of smoking designation	EACH SUBSEQUENT OCCURRENCE	Loss of smoking designation

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

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

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

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

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

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

Division of Administration

RULE NOS.:	RULE TITLES:
63F-8.001	Scope
63F-8.002	Definitions
63F-8.003	Development of New and Revised Policies

NOTICE OF PUBLIC HEARING

The Department of Juvenile Justice, Office of Administration hereby gives notice of an additional public hearing on the above referenced rules to be held:

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

PLACE: DJJ Headquarters, Knight Building, Probation Conference Room 108, 2737 Centerview Drive, Tallahassee, Florida.

At this meeting, the Department will consider the elimination of the second review period for policies and reducing number of days in the remaining comment period.

The rules were originally published in Vol. 30, No. 5, January 30, 2004, of the Florida Administrative Weekly.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Clyde Benedix, Policy Development Officer, Department of Juvenile Justice, Office of Administration, 2737 Centerview Drive, Ste. 104, Tallahassee, FL 32399-3100, (850)921-3048, e-mail: clyde.benedix@djj.state.fl.us

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

Economic Self-Sufficiency Program

RULE NO.:	RULE TITLE:
65A-1.205	Eligibility Determination Process

NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule, as noticed in Vol. 29 No. 21, May 23, 2003 Florida Administrative Weekly, has been withdrawn.

DEPARTMENT OF FINANCIAL SERVICES

Division of Workers’ Compensation

RULE NO.:	RULE TITLE:
69L-7.602	Florida Workers’ Compensation Medical Services Billing, Filing and Reporting Rule

NOTICE OF CORRECTION

The rule notice that was published in Vol. 30, No. 12, on March 19, 2004 should have contained the following:

NAME OF PERSON ORIGINATING PROPOSED RULE: Don Davis, Office of Data Quality and Collection, Division of Workers’ Compensation, Department of Financial Services, 200 East Gaines Street, Tallahassee, Florida 32399-4226. Phone (850)413-1711

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Daniel Sumner, Deputy Division Director, Division of Workers’ Compensation, Department of Financial Services

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: March 10, 2004

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

**Section IV
Emergency Rules**

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

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

DEPARTMENT OF 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

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

NOTICE IS HEREBY GIVEN that on April 6, 2004, South Florida Water Management District (District) received a petition for waiver from Florida Department of Transportation, Application No. 03-1229-1, for utilization of Works or Lands of the District known as the C-111 Canal, Miami-Dade County for the proposed reconstruction and widening of the US 1 South Bridge, construction of a parking area, stormwater treatment areas, boat ramp, and loading dock within the rights of way of C-111, Miami-Dade County, Sections 16 & 17, Township 59 South, Range 39 East. The petition seeks relief from paragraph 40E-6.221(2)(j), Fla. Admin. Code, which requires a minimum dock low member elevation and prohibits the parking of vehicles, vehicular access, and placement drainage treatment facilities within Works or Lands of the District.

A copy of the petition may be obtained from: Kathie Ruff, (561)682-6320, e-mail: kruff@sfwmd.gov.

The District will accept comments concerning the petition for 14 days from the date of publication of this notice. To be considered, comments must be received by the end of business on the 14th day at: Kathie Ruff, South Florida Water Management District, 3301 Gun Club Road, MSC 1410, West Palm Beach, FL 33406.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

The Bureau of Elevator Safety hereby gives notice that it has issued an Order Granting Emergency Variance Request in response to a petition filed on March 8, 2004, by Lee Rigby, of Vertical Assessments representing Tampa General Hospital, seeking a waiver from Rule 101.4 of ASME A17.1, as adopted by Rule 61C-5.001, Florida Administrative Code. The petitioner requested having 64 inches of headroom clearance in the machine room where the code requires 7 feet. The order cited the Petitioner's agreeing to pad and clearly mark the areas not in compliance to minimize the risk of service personnel striking their heads.

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 April 7, 2004 the Division of Hotels and Restaurants received a Petition for Variance for subsections 61C-4.010(1) and 61C-4.010(6), Florida Administrative Code, from ToJo Industries, Inc., d/b/a/ Southeast Catering. They are requesting an Emergency Variance to amend their current operating procedures (Petition VW 2004-033).

A copy of the Petition can be obtained from: Xenia Bailey, Division of Hotels and Restaurants, 1940 North Monroe Street, Tallahassee, Florida 32399-1013.

The Division of Hotels and Restaurants 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 April 6, 2004 the Division of Hotels and Restaurants received a Petition for Emergency Variance for subsection 61C-4.010(7), Florida Administrative Code, from Green Turtle Tavern. They are requesting a variance to have a seating capacity of 50 without adding an additional bathroom facility (Petition VW 2004-034).

A copy of the Petition can be obtained from: Xenia Bailey, Division of Hotels and Restaurants, 1940 North Monroe Street, Tallahassee, Florida 32399-1013.

The Division of Hotels and Restaurants 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.

The Commission for Independent Education hereby gives notice that it has received a petition filed on April 14, 2004, on behalf of Cloud 9 Spa Salon. The petition is seeking a Variance from subsection 61G5-20.004(2), Florida Administrative Code, with regard to display of licenses.

Comments on this petition should be filed with: Board of Cosmetology, 1940 N. Monroe Street, Tallahassee, Florida 32399-0783, within 14 days of publication of this notice.

For a copy of the petition, contact: Julie Malone, Executive Director, at above address or telephone (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 Board of Medicine hereby gives notice that it has issued an Order on the Petition for Waiver filed on behalf of Dorothy Davis, M.D. The Notice of Petition for Waiver was published in Vol. 29, No. 29, of the July 18, 2003, Florida Administrative Weekly. The Board considered the Petition at its meeting held on August 1-2, 2003, in Orlando, Florida. The Board’s Order, filed on August 25, 2003, denies the petition for waiver of Rule 64B8-2.001, F.A.C., finding that the Petitioner has not demonstrated that the purpose of the underlying statute has been met.

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 by Teofilo R. Lama, M.D. The Notice of Petition for Waiver was published in Vol. 29, No. 27, of the July 3, 2003, Florida Administrative Weekly. The Credentials Committee considered the Petition at its meeting held on July 19, 2003, and the Board considered the Committee’s recommendation at its meeting held on August 1-2, 2003, in Orlando, Florida. The Board’s Order, filed on August 25, 2003, grants the petition for waiver finding that the underlying purpose of the statute, as implemented by Rule 64B8-5.001, F.A.C., has been met.

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 Variance filed by Dianne Schmidt, RD, LD. The Notice of Petition for Variance was published in Vol. 29, No. 24, of the June 13, 2003, Florida Administrative Weekly. The Board considered the Petition at its meeting held on August 1-2, 2003, in Orlando, Florida. The Board’s Order, filed on August 25, 2003, grants the petition for variance from Rule 64B8-45.001, F.A.C., finding that the Petitioner has demonstrated that the purpose of the underlying statute has been met.

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.

FLORIDA HOUSING FINANCE CORPORATION

NOTICE IS HEREBY GIVEN that on April 14, 2004, Florida Housing Finance Corporation received a Petition for Waiver of subsection 67-48.010(4), F.A.C., from SHA Associates, Ltd. (the “Petition”), seeking a variance of the Rule that provides, in part, that the loan shall be repaid from all Development Cash Flow.

A copy of the Petition can be obtained from Sherry Green, Public Records Clerk, Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32399-1329.

Florida Housing will accept comments concerning the Petition for 14 days from the date of publication of this notice. To be considered, comments must be received on or before 5:00 p.m., Eastern Standard Time, on the 14th day after publication of this notice at Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32399-1329.

**Section VI
Notices of Meetings, Workshops and Public Hearings**

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: May 11, 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 its review of the Library Services and Technology Act applications.

DATES AND TIMES: Tuesday, June 22, 2003, 9:00 a.m. – 4:30 p.m.; Wednesday, June 23, 2003, 9:00 a.m. – 12:00 Noon, if needed

PLACE: State Records Center Training Room, 4319 Shelfer Road, Tallahassee, Florida

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

For additional information contact: 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, and that for such purpose, 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 special accommodations due to a disability or physical impairment should contact the agency at least five days prior to the meeting in order to request any special assistance by calling (850)245-6604, Suncom 205-6604, or TDD (850)245-6688.

DEPARTMENT OF LEGAL AFFAIRS

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

DATE AND TIME: Tuesday, April 27, 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.

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

The Florida **Agriculture in the Classroom**, Inc., Board of Directors announces their next quarterly board to which all interested persons are invited to participate.

DATE AND TIME: Tuesday, May 4, 2004, 12:00 Noon

PLACE: Williams' Ranch, West of Gainesville, Levy County, Florida

(To get there, take I-75 to Gainesville. Get off at Archer Road or Highway 24, and go west through the towns of Archer and Bronson. Continue on Highway 24 until it crosses Highway 19 in Otter Creek. Turn North (right) on Highway 19 and go approximately 6 miles. At the Usher fire tower, look for the sign directly across the highway that reads Six Mile Preserve. Turn in there and follow the signs to the lodge.)

The **Department of Agriculture and Consumer Services** announces a meeting of the Florida Food and Nutrition Advisory Council.

DATE AND TIME: April 29, 2004, 8:00 a.m. – 5:00 p.m.

PLACE: 10:00 a.m. – 12:00 Noon: Palm Coast High School, 3265 East Highway 100, Bunnell, Florida 32110, (386)437-7540; 1:00 p.m. – 5:00 p.m.: Flagler County School Board, 3039 East Highway 100, Bunnell, Florida 32110, (386)437-7526

DATE AND TIME: April 30, 2004, 8:00 a.m. – 12:00 Noon

PLACE: Ocean Hammock Resort, 300 Clubhouse Drive, Palm Coast, Florida 32137, 1(800)654-6538, Fax (386)445-9685

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss and review the status of food and nutrition programs and initiatives in the State of Florida.

A copy of the agenda can be obtained by contacting: Cathy Quick, 407 S. Calhoun Street, Mayo Building, 2nd Floor (M39), Tallahassee, Florida 32399-0800.

If special accommodations are needed to attend this meeting because of a disability, please contact Cathy Quick, (850)487-6694, by April 27, 2004.

NOTICE OF CORRECTION – The Florida **Department of Agriculture and Consumer Services** announces the meeting of the Florida Tropical Fruit Advisory Council:

DATE AND TIME: Thursday, May 13, 2004, 10:00 a.m.

PLACE: Miami-Dade Extension Office, 18710 S. W. 288 Street, Homestead, FL 33030

GENERAL SUBJECT MATTER TO BE CONSIDERED: Board Meeting. The purpose of this meeting is to conduct the general business of the Florida Tropical Fruit Advisory Council.

For additional information or if you need special accommodations, call: Sonia Pequignot, (305)401-1502.

The **Department of Agriculture and Consumer Services, Division of Licensing** announces a public meeting for private investigative agencies, security agencies, security officer school or training facility instructors, security officer school or training facilities, and firearms instructors to which all persons are invited.

DATE AND TIME: Thursday, May 13, 2004, 8:30 a.m.

PLACE: Hilton Tampa Airport Westshore, 2225 North Lois Avenue, Tampa, Florida, (813)877-6688

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Division will receive input regarding recommend changes for security officer and firearms training.

In accordance with the Americans with Disabilities Act, persons needing a special accommodation to attend the meeting should contact the Director, Division of Licensing not later than 48 hours prior to the meeting at the address given on the notice. Telephone (850)488-6982

DEPARTMENT OF EDUCATION

The public is invited to a meeting of the **Department of Education**, Advisory Council on Educational Facilities.

DATE AND TIME: Thursday, April 29, 2004, 9:00 a.m. – 5:00 p.m.

PLACE: Edison Community College, Student Services Building “S”, Room S117, 8099 College Parkway, S.W., Ft. Myers, FL 33919

GENERAL SUBJECT MATTER TO BE CONSIDERED: This is the monthly convening of the Council charged with making recommendations relating to educational facilities in the K-20 education system in Florida. Sub-committees will meet to review and evaluate facilities planning and budgeting processes; needs for existing and proposed facilities; forming alliances with non-public educational institutions and/or community organizations; alternatives to minimize construction of additional facilities; available sources to meet funding requirements; methods of distribution of funds; and alternatives to minimize funding needs.

A copy of the agenda may be obtained from: Advisory Council on Educational Facilities website at <http://www.myfloridaeducation.com/council>.

Persons with disabilities who require assistance to participate in the meeting are requested to notify the Office of Access and Equity, (850)245-9531 (Voice), at least 7 days in advance, so that their needs can be accommodated.

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

DATE AND TIME: Monday, May 3, 2004, 10:30 a.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 Charter School Review Panel** announces the following meeting to which all interested persons are invited.

DATE AND TIME: Tuesday, May 4, 2004, 9:45 a.m. – 3:00 p.m.

PLACE: Pembroke Pines Charter High School Auditorium, 17189 Sheridan Street, Pembroke Pines, FL 33331

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Review Panel will discuss issues, rules, policies and procedures, laws and recent developments relevant to Florida charter schools.

An agenda will be available one week prior to the meeting. To obtain a copy of the agenda, please call or write: Florida Charter School Resource Center, Florida Atlantic University, 777 Glades Road, Boca Raton, Florida 33431, (561)297-6044.

SPECIAL ACCOMMODATION: Persons with disabilities who require assistance to participate in this meeting are requested to contact Cynthia D. Morani, Esq., at the above address or telephone number.

The **Division of Blind Services**, Bureau of Business Enterprises and the State Committee of Vendors announces a meeting to which all persons are invited.

DATES AND TIMES: May 7, 2004, 1:00 p.m. continuing; May 8, 2004, 8:00 a.m.

PLACE: Embassy Suites, 225 E. Altamonte Drive, Altamonte Springs, Orlando, Florida 32701, (407)834-2400

GENERAL SUBJECT MATTER TO BE CONSIDERED: Financial Standing, Aramatic, Visinity, Barnies Coffee and Power Purchasing, update of grievances, improvements for the Transfer and Promotion process, expense out vehicle insurance, Seminar update, and topics as brought up by the District Representatives.

A copy of the quarterly minutes can be obtained: Division of Blind Services Web Site: www.state.fl.us/dbs/ and going to: Business Enterprises Program, Minutes.

DEPARTMENT OF TRANSPORTATION

The **Department of Transportation** announces a sixth public workshop to which all interested parties are invited:

DATE AND TIME: April 30, 2004, 9:30 a.m. – 5:00 p.m.

PLACE: PBS&J Building, 482 South Keller Road, Orlando, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Sixth Workshop Regarding Outdoor Advertising Signs along a stretch of Interstate 75 that runs through Marion and Sumter Counties. The Department of Transportation is responsible for the State of Florida’s compliance with federal and state law relating to outdoor advertising signs.

The workshop will be attended by staff members of FHWA and FDOT and representatives from affected local governments, the sign industry and related parties (e.g., persons representing the interests of Scenic America, Garden Clubs, 1000 Friends of Florida).

This is the sixth workshop.

The objectives of the workshop are to establish:

1. A process for application for modification or relocation of a nonconforming outdoor advertising sign.
2. An expeditious process for review of the applications by local government, FDOT, and FHWA.
3. Criteria for approval of such applications acceptable to local government, FHWA and FDOT, including:
 - a. Zoning and land use
 - b. Sign spacing distance
 - c. Surrender of existing permit(s)
 - d. Required vegetation plantings
 - e. Aesthetic enhancements to sign structures
 - f. Length of the pilot project, required monitoring, and reporting

Anyone needing project or public hearing information, or special accommodations under the Americans with Disabilities Act of 1990, should write to the address given below or call, (850)414-4545.

Special accommodations requested under the Americans with Disabilities Act should be made at least seven days prior to the Public Hearing.

A copy of the agenda may be obtained by writing: Juanice Hagan, Florida Department of Transportation, Office of Right of Way, 605 Suwannee Street, MS#22, Tallahassee, Florida 32399-0450.

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 Orange and Specialty Advisory Council to which all persons are invited.

DATE AND TIME: Tuesday, May 4, 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 finalize programs 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 Domestic Grapefruit Advisory Council to which all persons are invited.

DATE AND TIME: Wednesday, May 5, 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, (863)499-2510.

The **Department of Citrus** announces a public meeting of the Gift Fruit Advisory Council to which all persons are invited.

DATE AND TIME: Thursday, May 6, 2004, 10:00 a.m.

PLACE: Florida Department of Citrus, 1115 E. Memorial Blvd., Lakeland, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Council will meet to discuss final planning for the season. The Council will also discuss any other issues that may properly 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, (863)499-2510.

FLORIDA PAROLE COMMISSION

The **Florida Parole Commission** announces a public meeting to which all persons are invited.

DATE AND TIME: Wednesday, May 12, 2004, 9:00 a.m.

PLACE: Florida Parole Commission, 2601 Blair Stone Road, Bldg. C., Third Floor, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regularly Scheduled Meeting for all Parole, Conditional Release, Conditional Medical Release, Addiction Recovery and Control Release Matters.

Any person who decides to appeal a decision of the Florida Parole Commission with respect to a matter considered at this meeting may need to ensure that a verbatim record of the proceedings is made, Chapter 80-150, Laws of Florida (1980).

A copy of the Agenda may be obtained by writing: Florida Parole Commission, 2601 Blair Stone Road, Building C, Tallahassee, Florida 32399-2450.

In accordance with the Americans with Disabilities Act, persons needing a special accommodation to participate in this proceeding should contact the agency sending the notice not later than five working days prior to the proceeding at the address given on the notice. Telephone: (850)488-3417.

PUBLIC SERVICE COMMISSION

NOTICE OF CANCELLATION OF PREHEARING – The Florida **Public Service Commission** announces the cancellation of a prehearing noticed in:

Docket No. 001503-TP – Cost recovery and allocation issues for number pooling trials in Florida.

DATE AND TIME: May 5, 2004, 9:30 a.m.

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

The Florida **Public Service Commission** announces a hearing to be held in the following docket, to which all interested persons are invited.

Docket No. 030300-TP – Petition for expedited review of BellSouth Telecommunications, Inc.'s intrastate tariffs for pay telephone access services (PTAS) rate with respect to rates for payphone line access, usage, and features, by Florida Public Telecommunications Association.

DATE AND TIME: May 12, 2004, 9:30 a.m.

PLACE: Commission Hearing Room 148, The Betty Easley Conference Center, 4075 Esplanade Way, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: To permit parties to present testimony and exhibits relative to the petition for expedited review of BellSouth Telecommunications, Inc.'s intrastate tariffs for pay telephone access services (PTAS) rate with respect to rates for payphone line access, usage, and features, by Florida Public Telecommunications Association, and for such other purposes as the Commission may deem appropriate. All witnesses shall be subject to cross-examination at the conclusion of their testimony on the issues identified by the parties at the prehearing conference held on April 19, 2004. The proceedings will be governed by the provisions of Chapter 120, F.S., and Chapter 25-28, F.A.C.

Any person requiring some accommodation at this hearing because of a physical impairment should call the Division of the Commission Clerk and Administrative Services, (850)413-6770, at least 48 hours prior to the hearing. Any person who is hearing or speech impaired should contact the Commission by using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

The Florida **Public Service Commission** announces the rescheduling of a Special Commission Conference in the following dockets to which all interested persons are invited.

Docket No. 030867-TL – Petition by Verizon Florida Inc. to reform intrastate network access and basic local telecommunications rates in accordance with Section 364.164, Florida Statutes.

Docket No. 030868-TL – Petition by Sprint-Florida, Incorporated to reduce intrastate switched network access rates to interstate parity in revenue-neutral manner pursuant to Section 364.164(1), Florida Statutes.

Docket No. 030869-TL – Petition for implementation of Section 364.164, Florida Statutes, by rebalancing rates in a revenue-neutral manner through decreases in intrastate switched access charges with offsetting rate adjustments for basic services, by BellSouth Telecommunications, Inc.

Docket No. 030961-TI – Flow-through of LEC switched access reductions by IXC's, pursuant to Section 364.163(2), Florida Statutes.

DATE AND TIME: May 3, 2004, 11:00 a.m.

PLACE: Commission Hearing Room 148, The Betty Easley Conference Center, 4075 Esplanade Way, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: For consideration of motions filed for reconsideration of Order No. PSC-03-1469-FOF-TL and for such other related matters as may be deemed appropriate.

LEGAL AUTHORITY AND JURISDICTION: Chapters 120, 350 and 367, F.S.

A copy of the Agenda may be obtained by any person who requests a copy, and pays the reasonable cost of the copy, (\$1.00 per copy, Rule 25-22.002, F.A.C.) by writing: Director, Division of the Commission Clerk and Administrative Services, Florida Public Service Commission, 2540 Shumard Oak Boulevard, Tallahassee, Florida. The agenda and recommendation are also accessible on the PSC Homepage, at <http://www.floridapsc.com>, at no charge.

If a person decides to appeal any decisions made by the Commission with respect to any matter considered at this conference, he will need a record of the proceedings and, for such purpose, 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 based.

Any person requiring some accommodation at this conference because of a physical impairment should call the Division of the Commission Clerk and Administrative Services, (850)413-6770, at least 48 hours prior to the conference. Any person who is hearing or speech impaired should contact the Commission by using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

REGIONAL PLANNING COUNCILS

The **Treasure Coast Regional Planning Council** announces a meeting of its Budget Personnel Committee.

DATE AND TIME: May 4, 2004, 9:30 a.m.

PLACE: Treasure Coast Regional Planning Council, 301 East Ocean Boulevard, Suite 300, Stuart, FL 34994

GENERAL SUBJECT MATTER TO BE CONSIDERED: The purpose of this meeting is to discuss a proposed amendment to Council's budget for Fiscal Year 2003-2004.

A copy of the Agenda may be obtained by contacting: Treasure Coast Regional Planning Council, 301 E. Ocean Boulevard, Suite 300, Stuart, Florida 34994.

If a person decides to appeal any decision made by the Treasure Coast Regional Planning Council with respect to any matter considered at such meeting or hearing, he or she will need a record of proceedings, and that, for such purpose, he or she may need to ensure that a verbatim record of the proceedings is made, which record indicates the testimony and evidence upon which the appeal is to be based.

Any persons needing special accommodations at this meeting because of a disability or physical impairment should contact Liz Gulick, (772)221-4060, at least 48 hours before the meeting.

WATER MANAGEMENT DISTRICTS

The **St. Johns River Water Management District** announces a Central Region Recreation Advisory Council Meeting to which all persons are invited. The meeting is scheduled for:

MEETING: Central Region Recreation Advisory Council

DATE AND TIME: Wednesday, May 5, 2004, 9:30 a.m. – 12:00 Noon

PLACE: The Blue House, Sunnyside Restoration Area, 19561-C S. E. Hwy 42, Umatilla, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: To review land management and land acquisition activities in the Central Region.

If any person decides to appeal any decision with respect to any matter considered at the above listed meeting such person may need to ensure that a verbatim record of the proceeding is made to include 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 the meeting is asked to advise Linda Lorenzen, (386)329-4262 or (386)329-4450 (TDD), at least five work days before the date of the meeting.

The **South Florida Water Management District** announces a public meeting to which all interested parties are invited:

DATE AND TIME: Tuesday, May 4, 2004, 9:30 a.m. – completed

PLACE: DuPuis Reserve, 23500 SW Kanner Hwy, Canal Point FL 33438

GENERAL SUBJECT MATTER TO BE CONSIDERED: Land Resources Committee meeting to discuss real estate and land management issues.

All or part of this meeting may be conducted as a teleconference in order to permit maximum participation of Governing Board members.

A copy of the agenda may be obtained at the (1) District Website (<http://www.sfwmd.gov/agenda.html>) or (2) by writing: South Florida Water Management District, Mail Stop 1130, 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 Director of Governing Board and Executive Services, (561)682-6371, at least two business days in advance of the meeting to make appropriate arrangements.

Those who want more information, please contact: Garrett Wallace, Director, Governing Board and Executive Services, District Headquarters, 3301 Gun Club Road, Mail Stop Code 1130, West Palm Beach, FL 33406, (561)682-6371.

The **South Florida Water Management District** announces a public meeting to which all interested parties are invited:

DATE AND TIME: Wednesday, May 12, 2004, 8:30 a.m. – completed

PLACE: Okeechobee Freshman Campus Auditorium, 700 S. W. Second Avenue, Okeechobee, FL 34972

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regular Governing Board Workshop/Meeting/Audit Committee/Human Resources Committee to discuss and consider District business including regulatory and non-regulatory matters.

All or part of this meeting may be conducted as a teleconference in order to permit maximum participation of Governing Board members.

A copy of the agenda may be obtained at the (1) District Website (<http://www.sfwmd.gov/agenda.html>) or (2) by writing: South Florida Water Management District, Mail Stop 6115, P. O. Box 24680, West Palm Beach, FL 33416-4680.

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 Director, Governing Board and Executive Services, (561)686-6371, at least two business days in advance of the meeting to make appropriate arrangements.

Those who want more information, please contact Director, Governing Board and Executive Services, District Headquarters, 3301 Gun Club Road, Mail Stop Code 1130, West Palm Beach, FL 33406, (561)686-6371.

The **South Florida Water Management District** announces a public meeting to which all interested parties are invited:

DATES AND TIME: May 12, 2004 and/or May 13, 2004, 8:50 a.m.

PLACE: The South Florida Water Management Headquarters, B-1 Building, Auditorium, 3301 Gun Club Road, West Palm Beach, Florida 33406 (If location other than B-1 please state)

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Acquisition of certain lands contained within the Save Our Rivers Land Acquisition and Management Plan which lands are further described as follows:

A copy of the agenda may be obtained at the (1) District Website

(<http://www.sfwmd.gov/gover/GovBoard/webpage/agenda.html>) or (2) by writing: South Florida Water Management District, Mail Stop 6115, P. O. Box 24680, West Palm Beach, FL 33416-4680.

Appeals from any South Florida Water Management District Board decision require a record of the proceedings. Although Governing Board meetings and hearings are normally recorded, affected persons are advised that it may be necessary for them to ensure that a verbatim record of the proceeding is made, including the testimony and evidence upon which the appeal is to be based.

Persons with disabilities who need assistance may contact the District Clerk, (561)686-8800, at least two business days in advance of the meeting to make appropriate arrangements.

Those who want more information, please contact Ruth Clements, Department Director, in the Land Acquisition Department, District Headquarters, 3301 Gun Club Road, Mail Stop Code 7220, West Palm Beach, FL 33406, (561)682-6271.

Part of the East Coast Buffer Project comprised of two parcels referred to as SFWMD Tract Nos. W9-300-930 and W9-303-960, consisting of approximately 1,288.70 acres and lying in Sections 19 & 30, Township 52 South, Range 39 East within Miami-Dade County, Florida.

Part of the Water Conservation Area project comprised of two parcels referred to as SFWMD Tract Nos. 27-100-050 and 27-100-051 consisting of approximately 240 acres, and lying in Sections 01 and 32, Townships 52 and 53 South, Ranges 35 and 37 East in Miami-Dade County, Florida.

Part of the Avatar Properties Component Area of the Kissimmee River Pool "A" Project Area comprised of twenty-one parcels referred to as SFWMD Tract Nos. 19-100-003, 19-100-056, 19-100-074, 19-100-079, 19-100-089, 19-100-092, 19-100-093, 19-100-099, 19-100-109, 19-100-110, 19-100-111, 19-100-112, 19-100-113, 19-100-114, 19-100-115, 19-100-116, 19-100-117, 19-100-118, 19-100-119, 19-100-121 and 19-100-122 consisting of approximately 44 acres, and lying in Sections 07 and 12, Township 32 South, Ranges 31 and 32 East in Polk County, Florida.

Part of the Kissimmee River project comprised of sixteen parcels referred to as SFWMD Tract Nos. 19-103-559, 19-103-560, 19-103-561, 19-103-562, 19-103-563, 19-103-565, 19-103-566, 19-103-567, 19-103-665, 19-103-666, 19-103-667, 19-103-668, 19-103-669, 19-103-670, 19-103-671 and 19-103-672 consisting of approximately 15 acres and lying in Sections 21, 22 and 27, Township 36 South, Range 33 East; five parcels referred to as SFWMD Tract Nos. 19-103-248, 19-103-432, 19-103-249, 19-103-267 and 19-103-433, consisting of approximately 816 acres and lying in Sections 33, 34 and 35, Township 35 South, Range 33 East, within Okeechobee County, Florida.

Part of the Kissimmee River project comprised of one parcel referred to as SFWMD Tract No. 19-102-140 consisting of approximately 300 acres, lying in Sections 9 and 10, Township 35 South, Range 32 East in Highlands County, Florida.

Part of the Kissimmee Chain of Lakes project comprised of two parcels referred to as SFWMD Tract Nos. 18-200-005 and 18-200-007, consisting of a total of approximately 700 acres, all in Sections 28 through 32, Township 27 South, Range 30 East and in Osceola County, Florida.

Part of the Kissimmee Chain of Lakes project comprised of one parcel referred to as SFWMD Tract No. 18-201-004, consisting of a total of approximately 18 acres, all in Section 1, Township 28 South, Range 29 East and in Polk County, Florida.

Part of the Kissimmee Chain of Lakes project comprised of five parcels referred to as SFWMD Tract Nos. 18-011-002 through 18-011-006, consisting of a total of approximately 5 acres, all in Sections 24 and 25, Township 30 South, Range 30 East and in Polk County, Florida.

Part of the Kissimmee Chain of Lakes project comprised of ten parcels referred to as SFWMD Tract Nos. 18-001-052 through 18-001-060, 18-001-139 and 18-001-140 consisting of a total of approximately 50 acres, all in Section 3, Township 31 South, Range 31 East and in Polk County, Florida.

Part of the Kissimmee Chain of Lakes project comprised of four parcels referred to as SFWMD Tract Nos. 18-004-088, 18-004-089, 18-004-090 and 18-004-091, consisting of a total of approximately 905 acres, all in Section 3, Township 30 South, Range 31 East and in Polk County, Florida.

Part of the Kissimmee Chain of Lakes project comprised of two hundred and twenty-four parcels referred to as SFWMD Tract Nos. 18-500-001 through 18-500-566 and one hundred twelve parcels referred to as SFWMD Tract Nos. 18-600-001 through 18-600-178, all in Section 3, Township 30 South, Range 31 East and in Polk County, Florida.

Part of the Kissimmee Chain of Lakes project comprised of two parcels referred to as SFWMD Tract No. 18-021-002 and 18-021-007, consisting of a total of approximately 17 acres, in Section 3, Township 30 South, Range 31 East and in Polk County, Florida.

Part of the Kissimmee Chain of Lakes project comprised of four parcels referred to as SFWMD Tract Nos. 18-029-001, 18-030-001, 18-116-002 and 18-116-004, consisting of a total of approximately 200 acres, all in Sections 1 and 12, Township 29 South, Range 29 East and in Polk County, Florida.

Part of the Kissimmee Chain of Lakes project comprised of four parcels referred to as SFWMD Tract Nos. 18-029-003, 18-030-003, 18-116-005 and 18-031-002, consisting of a total of approximately 360 acres, all in Sections 1 and 12, Township 29 South, Range 29 East and in Polk County, Florida.

Part of the Kissimmee River project comprised of two parcels referred to as SFWMD Tract Nos. 19-101-065 and 19-101-066, consisting of a total of approximately 45 acres, all in Sections 12 and 13, Township 34 South, Range 31 East in Okeechobee County, Florida.

Part of the Kissimmee River project comprised of two parcels referred to as SFWMD Tract Nos. 19-101-055 and 19-101-056, consisting of a total of approximately 220 acres, in Sections 12 and 13, Township 34 South, Range 31 East in Okeechobee County, Florida.

Part of the Kissimmee River project comprised of two parcels referred to as SFWMD Tract Nos. 19-102-157 and 19-102-158, consisting of a total of approximately 600 acres, in Sections 25 and 36, Township 35 South, Range 31 East, and in Sections 30 and 31, Township 35 South, Range 32 East, all in Highlands County, Florida.

Part of the Kissimmee River project comprised of two parcels referred to as SFWMD Tract Nos. 19-103-271 and 19-103-434, consisting of a total of approximately 1,900 acres, in Sections 01, 02, 03, 04 and 05, Township 36 South, Range 33 East, all in Okeechobee County, Florida.

Part of the Southern Corkscrew Regional Ecosystem Watershed project comprised of forty parcels referred to as SFWMD Tract Nos. 09-100-007, 09-100-011, 09-100-013, 09-100-014, 09-100-016, 09-100-017, 09-100-018, 09-100-021, 09-100-022, 09-100-024, 09-100-027, 09-100-034, 09-003-194, 09-003-198, 09-003-434,

09-003-511, 09-003-756, 09-003-773, 09-003-729, 09-003-779, 09-003-782, 09-003-783, 09-003-865, 09-003-875, 09-005-005, 09-005-013, 09-005-119, 09-005-022, 09-005-034, 09-005-053, 09-005-126, 09-005-132, 09-005-133, 09-005-141, 09-005-147, 09-005-149, 09-005-230, 09-005-270, 09-005-183 and 09-005-271 consisting of approximately 269 acres and lying in Sections 25, 26, 31, 32, 33, 34 and 35, Township 47 South, Range 26 East within Lee County, Florida.

Part of the C-43 Basin Storage Reservoir Project consisting of the exchange of two parcels referred to as SFWMD Tract No. GX-100-009 consisting of approximately 600 acres and GX-100-008 consisting of approximately 541.31 acres, lying in Sections 23, 24, 25, and 26, Township 43 South, Range 28 East within Hendry County, Florida.

COMMISSION FOR THE TRANSPORTATION DISADVANTAGED

The Florida **Commission for the Transportation Disadvantaged** announces a Conference Committee Meeting to which all persons are invited.

DATE AND TIME: Tuesday, May 4, 2004, 2:00 p.m. – completion

PLACE: 2740 Centerview Drive, Suite 1A, Rhyne Building, Tallahassee, FL, (850)410-5700, Conference Call Number (850)414-1711, SC 994-1711

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss plans for 2004 TD conference.

In accordance with the Americans with Disabilities Act, persons in need of special accommodation to participate in the meeting or an agenda should contact: Tiffany McNabb, Commission for the Transportation Disadvantaged, 605 Suwannee Street, MS-49, Tallahassee, FL 32399-0450, (850)410-5700 or 1(800)983-2435. The meeting is subject to change upon chairperson’s request.

DEPARTMENT OF MANAGEMENT SERVICES

The Florida **Partnership for School Readiness** announces a Board meeting to which all interested persons are invited.

DATE AND TIME: Thursday, May 13, 2004, 9:30 a.m. – 3:30 p.m. or until completion of business

PLACE: The Ramada Inn and Conference Center, 2900 North Monroe Street, Tallahassee, FL 32303 (Overnight accommodations are available at the Ramada Inn and Conference Center. Reservations can be made by calling (850)386-1027. When making reservations, please request the Florida Partnership for School Readiness room rate. Please make reservations as soon as possible to receive the Partnership rate of \$70.00 per night. The cut-off date for this room rate is April 28, 2004.

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct Board business.

A final agenda will be available on April 29, 2004, and can be obtained by downloading it from the website at www.schoolreadiness.org or by contacting us at the Partnership office.

For further information, contact: Ginger Tate, Partnership for School Readiness, (850)922-4200 or ginger.tate@schoolreadiness.org.

In accordance with the Americans with Disabilities Act, persons needing a special accommodation to participate in this meeting should contact Sylvie Shinkle, (850)922-4200 or toll free 1(866)357-3239 or 1(800)955-8770 (Voice) Florida Relay Service, at least 48 hours prior to the meeting.

The Florida **Department of Management Services** announces a meeting of the Statewide Florida State Employees' Charitable Campaign (FSECC) Steering Committee, to which all persons are invited:

DATES AND TIME: May 10, 2004, May 13, 2004, 1:00 p.m. – 4:00 p.m.

PLACE: 307 East 7th Avenue, 1st Floor Conference Room, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Meeting of the FSECC Steering Committee annual eligibility determination meetings.

For more information about the meeting, for a copy of the agenda, or if special accommodations are needed to attend this meeting because of a disability, please contact: John Kuczanski, Department of Management Services, 4050 Esplanade Way, Suite 280, Tallahassee, FL 32399-0950, (850)921-5266.

NOTICE IS HEREBY GIVEN that the **Digital Divide Council** will hold a one-day meeting to which all persons are invited.

DATE AND TIME: Monday, May 10, 2004, 1:30 p.m. – 3:30 p.m.

PLACE: Room 110, Senate Office Building, 400 South Monroe Street, Tallahassee, Florida 32399 (Conference call capability will be available. The dial up number is (850)410-0966, Suncom 210-0966.)

GENERAL SUBJECT MATTER TO BE CONSIDERED: The primary purpose of the meeting will be to address any changes in the Digital Divide Council members and chair and hear briefings on research on Florida's digital divide data.

Any additional information as to this meeting will be provided on the Digital Divide website at <http://www.digitaldividecouncil.com> or contact Meg Brown, State Technology Office, at Building 4030 Esplanade Way, Suite 125-I Tallahassee, Florida 32399, (850)488-1849 or (850)410-4777.

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 Council at least 48 hours before the meeting by contacting Meg Brown at the above stated number.

The **Florida Black Business Investment Board, Inc. (FBBIB)** will hold its Board of Directors' meeting and the Florida Black Business Investment Board, Recertification Task Force (RTF) will hold their committee meetings, to which all interested persons are invited.

DATES AND TIME: Tuesday, April 20, 2004; Wednesday, April 28, 2004, 11:00 a.m. – 4:00 p.m.

PLACE: Wachovia Bank, 1000 S. Ashley Drive, Suite 1000, Tampa, Florida 33602

DATE AND TIME: Thursday, May 6, 2004, 2:00 p.m. – 4:00 p.m. (FBBIB)

PLACE: Wyndham Resorts Key West, 1500 Reynolds Street, Key West, Florida 33040

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss the Board's operations, to identify areas for future Board priorities, loan, audit, and development committees, discussion/review/approval of related issues, and approve actions taken by the Chairman and/or President under delegated authority.

A copy of the agenda may be obtained by contacting: The Florida Black Business Investment Board, Inc., 1711 South Gadsden Street, Tallahassee, FL 32301, (850)487-4850.

If a person decides to take an appeal with respect to any matter considered at these meetings, he/she will need a record of the proceedings and, for such purpose, he/she may need to ensure that verbatim record of the proceedings is made, which record should include the testimony and evidence upon which the appeal is to be based.

If an accommodation is needed for a disability in order to attend this meeting, please notify the FBBIB Office, (850)487-4850, at least seven (7) days prior to the meeting.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

The Probable Cause Panel of the **Construction Industry Licensing Board** announces a meeting.

DATES AND TIME: April 27, 2004, 9:00 a.m. and 10:00 a.m. or soon thereafter

PLACE: Dept. of Business and Professional Regulation, 1940 North Monroe Street, Tallahassee, Florida 32309, (850)488-0062

GENERAL SUBJECT MATTER TO BE CONSIDERED: To review complaints in which a determination of the existence of probable cause has already been made.

A copy of the public portion of the agenda may be obtained by writing: Patrick Creehan, Chief Construction Attorney, Department of Business and Professional Regulation, Office of the General Counsel, 1940 N. Monroe Street, Suite 60, Tallahassee, Florida 32399-2202, (850)488-0062.

NOTE: In accordance with the Americans with Disabilities Act, persons needing a special accommodation to participate in this proceeding should contact the Construction Prosecution Section no later than seven (7) days prior to the proceeding or meeting at which such special accommodation is required. The Construction Prosecution Section may be contacted at the address and phone number listed above.

The **Board of Professional Geologists** announces a Probable Cause Panel Meeting by telephone conference call, to which all interested parties are invited.

DATE AND TIME: May 4, 2004, 10:00 a.m.

PLACE: Meet-Me-Number: (850)921-6134 or Suncom 291-6134

GENERAL SUBJECT MATTER TO BE CONSIDERED: Reconsider Case #2001-07153

A copy of the agenda may be obtained by writing: John Knap, Executive Director, Department of Business and Professional Regulation, Board of Professional Geologists, 1940 North Monroe Street, Tallahassee, FL 32399 or by calling (850)487-1395.

If a 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 John Knap by Friday April 30, 2004.

The Probable Cause Panel of the **Building Code Administrators and Inspectors Board** announces a meeting.

DATE AND TIME: May 4, 2004, 10:00 a.m. or soon thereafter

PLACE: Dept. of Business and Professional Regulation, 1940 North Monroe Street, Tallahassee, Florida 32309, (850)488-0062

GENERAL SUBJECT MATTER TO BE CONSIDERED: To review complaints in which a determination of the existence of probable cause has already been made.

A copy of the public portion of the agenda may be obtained by writing: Brian Higgins, Assistant General Counsel, Department of Business and Professional Regulation, Office of the General Counsel, 1940 N. Monroe Street, Suite 60, Tallahassee, Florida 32399-2202, (850)488-0062.

NOTE: In accordance with the Americans with Disabilities Act, persons needing a special accommodation to participate in this proceeding should contact the Construction Prosecution Section no later than seven (7) days prior to the proceeding or meeting at which such special accommodation is required. The Construction Prosecution Section may be contacted at the address and phone number listed above.

The Probable Cause Panel of the **Florida Real Estate Appraisal Board** announces a meeting to which all persons are invited.

DATE AND TIME: Monday, May 3, 2004, 10:00 a.m. or the soonest thereafter (Portions of the probable cause proceedings are not open to the public)

PLACE: Department of Business and Professional Regulation, Division of Real Estate; Room 901, Ninth Floor, North Tower, 400 West Robinson Street, Orlando, Florida

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact the Division of Real Estate, (407)481-5632 (between the hours of 9:00 a.m. – 4:00 p.m.), at least five (5) calendar days prior to the meeting. If you are hearing or speech impaired, please call the Division of Real Estate using the Florida Dual Party Relay System, 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

DEPARTMENT OF ENVIRONMENTAL PROTECTION

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

DEPARTMENT OF HEALTH

The **Department of Health, Board of Clinical Social Work, Marriage and Family Therapy and Mental Health Counseling** 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 20, 2004, 10:00 a.m.

PLACE: Wyndham Westshore Hotel, 4860 West Kennedy Boulevard, Tampa, Florida 33609

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 Clinical Social Work, Marriage and Family Therapy and Mental Health Counseling 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 a week in advance.

The **Department of Health, Board of Dentistry** will hold committee and general business meetings to which all persons are invited:

DATES AND TIMES: May 13, 2004, 4:00 p.m. – Anesthesia Committee with other committees and general business meetings, if necessary, May 14, 2004, 8:00 a.m. – Committee meetings with general business meeting to immediately follow
PLACE: Omni Hotel, 245 Water Street, Jacksonville, FL 32202, (904)355-6664

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct general board business.

If a person decides to appeal any decision made by the Board with respect to any matter considered at this meeting, 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 **Council on Physician Assistants** announces a meeting to which all persons are invited.

DATE AND TIME: Friday May 7, 2004, 12:00 Noon or soon thereafter

PLACE: Conference Call – (850)921-6433, Suncom 291-6433
GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct Council business.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact the Council on Physician Assistants, (850)245-4131 at least five (5) calendar days prior to the meeting. If you are hearing or speech impaired, please call the Council on Physician Assistants, Florida Dual Party Relay System, 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

A copy of the agenda may be obtained by writing: JoAnne Davis-Trexler, Supervisor/Consultant, Council on Physician Assistants, Medical Quality Assurance, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3253.

If any person decides to appeal any decision made by the Council with respect to any matter considered at this meeting, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence upon which the appeal is to be made.

The **Department of Health** announces a meeting of the Research Review and Advisory Committee of the Bureau of Onsite Sewage Programs to which all persons are invited.

DATE AND TIME: May 7, 2004, 9:00 a.m.

PLACE: Polk County Health Department, Conference Room, Environmental Support Building, 2090 East Clower Street, Bartow, FL 33830

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss current, proposed and potential new research projects.

A copy of the agenda and the call-in phone numbers may be obtained by contacting: Eberhard Roeder, Department of Health, Bureau of Onsite Sewage Programs, 4052 Bald Cypress Way, Bin #A08, Tallahassee, FL 32399-1713, by e-mail at Eberhard_roeder@doh.state.fl.us, or by phone (850)245-4070.

Any person requiring a special accommodation at this meeting because of disability or physical impairment should contact Eberhard Roeder, (850)245-4070, at least one week prior to the meeting.

The **Department of Health** announces the following change in the schedule of meetings of the Variance Review and Advisory Committee for Onsite Sewage Treatment and Disposal Systems. The original meeting was scheduled for the same date and time but in a different location.

DATE AND TIME: Thursday, June 3, 2004, 10:00 a.m.

NEW PLACE: Heritage Park, Room 162, 1921 Kissimmee Valley Lane, Kissimmee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: To examine applications for variance from the requirements of Chapter 64E-6, Florida Administrative Code, entitled "Standards for Onsite Sewage Treatment and Disposal Systems" pursuant to Section 381.0065(3)(d), Florida Statutes. A copy of the agenda may be obtained ten days prior to each meeting date by writing: Gerald R. Briggs, Chief, Bureau of Onsite Sewage Programs, Department of Health, 4052 Bald Cypress Way, Bin #A08, Tallahassee, Florida 32399-1713.

Any person requiring a special accommodation at one of these meetings because of disability or physical impairment should contact Shirley Kugler, (850)245-4070, at least two weeks prior to the meeting.

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

The Big Bend Community Based Care Alliance and the **Department of Children and Family Services**, Subdistrict 2B announces a meeting to which all persons are invited. The Alliance encompasses: Leon, Franklin, Gadsden, Liberty, Madison, Jefferson, Taylor and Wakulla counties.

DATE AND TIME: Thursday, May 6, 2004, 2:30 p.m. – 4:30 p.m. (EST)

PLACE: Department of Children and Family Services, Cedars Executive Center, Building A, Second Floor Conference Room, 201, 2639 North Monroe Street, Tallahassee, FL 32399-2949

GENERAL SUBJECT MATTER TO BE CONSIDERED: General meeting to discuss child welfare services for Subdistrict 2B.

A copy of the agenda can be obtained by calling: Anissa Pitti, Department of Children and Family Services, (850)922-0408 or Suncom 292-0408

Anyone requiring a special accommodation to participate in this meeting is requested to advise District Administration (Anissa Pitti) at least 2 working days prior to the meeting at (850)922-0408 or 1(800)226-6223 (TDD).

NAVIGATION DISTRICTS

The **West Coast Inland Navigation District** announces the following Board of Commissioners meeting to which all interested parties are invited:

DATE AND TIME: Friday, April 30, 2004, 10:30 a.m.

PLACE: Venice City Hall, 401 West Venice Avenue, Venice, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct the regular business of the Navigation District.

A copy of the agenda for this meeting may be obtained by writing: WCIND, P. O. Box 1845, Venice, FL 34284.

No verbatim record will be made of this meeting. Any person wishing to appeal decisions made at this meeting may need to ensure that a verbatim record is made.

FLORIDA HOUSING FINANCE CORPORATION

Notice is hereby given that the **Florida Housing Finance Corporation** (“Florida Housing”) will conduct a public hearing in accordance with the Tax Equity and Fiscal Responsibility Act of 1982 (“TEFRA”) to which all interested persons are invited.

DATE AND TIME: Tuesday, May 4, 2004, 10:00 a.m. (EDT)

PLACE: Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32301

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct a TEFRA hearing concerning the potential future issuance of bonds by Florida Housing to finance the

acquisition of land and new construction of the following multifamily residential rental development in the aggregate face amount, not to exceed the amount listed below:

Magnolia Pointe Apartments, a 150-unit multifamily residential rental development to be located on the east side of Martin Luther King, Jr. Boulevard, approximately 300 feet south of the intersection of Martin Luther King, Jr. Boulevard and Green Acres Road, Ft. Walton Beach, Okaloosa County, Florida 32549. The prospective owner, operator or manager of the proposed development is FWB Magnolia Pointe, Ltd., c/o Regency Development Associates Inc. and CHP Housing Development LLC, 1103 West Hibiscus Boulevard, Suite 408, Melbourne, Florida 32901, or such successor in interest in which Regency Development Associates Inc. and CHP Housing Development LLC, or an affiliate thereof, is a managing member, general partner and/or controlling stockholder. The total tax-exempt bond amount is not to exceed \$7,350,000.

All interested parties may present oral comments at the public TEFRA hearing or submit written comments regarding the potential bond issuance for the development being financed. Written comments should be received by Florida Housing by 5:00 p.m. (EDT), Monday, May 3, 2004, and should be addressed to the attention of David Westcott, Multifamily Bond Administrator. Any persons desiring to present oral comments should appear at the hearing.

If requested in writing, a fact-finding hearing will be held in the county where the property is located. When possible, the local hearing will be held before the formal TEFRA hearing and comments received at the local hearing will be placed on record at the TEFRA hearing.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact David Westcott, Multifamily Bond Administrator, Florida Housing Finance Corporation, (850)488-4197, at least five calendar days prior to the meeting. If you are hearing impaired, please contact the Florida Housing using the Dual Party Relay System, 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

Any person who decides to appeal any decision made by Florida Housing with respect to any matter considered at this hearing, will need a record of the proceedings, and for such purpose may need to ensure that a verbatim record of the proceedings be made, which will include the testimony and evidence upon which the appeal is based.

The **Florida Housing Finance Corporation** announces the following Review Committee meeting to which all persons are invited to attend:

DATE AND TIME: Monday, May 10, 2004, 2:00 p.m.

PLACE: Rick Seltzer Conference Room, Suite 6000, Florida Housing Finance Corporation, 227 North Bronough Street, Tallahassee, FL 32301-1329

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss the evaluations of responses submitted for Florida Housing Finance Corporation's Request for Proposals # 2004/03 for Military Housing Needs Assessment services.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact Robin Grantham, at Florida Housing Finance Corporation, (850)488-4197, at least five (5) calendar days prior to the meeting. If you are hearing impaired, please contact Florida Housing Finance Corporation using the Florida Dual Party Relay System, 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

If any person decides to appeal any decision made by Florida Housing Finance Corporation with respect to any matter considered at this meeting, he or she will need a record of the proceedings, and for such purpose, may need to ensure that a verbatim record of the proceedings be made, which record shall include the testimony and evidence upon which the appeal is to be based.

FISH AND WILDLIFE CONSERVATION COMMISSION

The **Fish and Wildlife Conservation Commission** announces a public workshop concerning Pompano, to which all interested persons are invited:

DATE AND TIME: May 5, 2004, 6:30 p.m. – 8:30 p.m.

PLACE: Board Room, County Commission Complex, 3301 Tamiami Trail, Naples, Florida 34412

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Fish and Wildlife Conservation Commission is holding a workshop to gather public testimony regarding Chapter 68B-35, Florida Administrative Code, Pompano, African Pompano and Permit. A specific issue is changing the standards for issuing the Pompano endorsement to commercial fishers based on their annual Pompano landings. The Pompano endorsement is issued for Pompano gill net fishing in federal waters off Monroe and Collier counties between Cape Sable and Hurricane Pass.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 calendar days before the workshop/meeting by contacting: Cindy Hoffman, ADA Coordinator, (850)488-6411. If you are hearing or speech impaired, please contact the agency by calling (850)488-9542.

For further information, contact: Bob Palmer, 2590 Executive Center Circle, East, Suite 201, Tallahassee, Florida 32301, (850)487-0554.

SUNSHINE STATE GOVERNMENTAL FINANCING COMMISSION

The **Sunshine State Governmental Financing Commission** announces a public meeting, where all interested parties are invited:

DATE AND TIME: Monday, May 3, 2004, 12:15 p.m.

PLACE: Meeting Room #3, Tampa Marriott Waterside Hotel, 700 South Florida Avenue, Tampa, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Meeting of Board of Directors and Annual Membership Meeting.

Note: A copy of the agenda may be obtained by contacting: Mr. Richard C. Dowdy, Program Administrator, (850)878-1874.

CITIZENS PROPERTY INSURANCE CORPORATION

The **Citizens Property Insurance Corporation** announces a Board of Governors Meeting to which all interested persons are invited to attend.

DATE AND TIME: Tuesday, May 4, 2004, 9:00 a.m. (EDT)

PLACE: Doubletree Hotel Tallahassee, 101 South Adams Street, Tallahassee, Florida 32301

GENERAL SUBJECT MATTER TO BE CONSIDERED: Items of discussion include, but are not limited to, Depopulation and the Jacksonville Facility.

For additional information, please call 1(800)807-7647, Extension 3744.

ADVOCACY CENTER FOR PERSONS WITH DISABILITIES

The **PAIMI Advisory Council (PAC)** of the Advocacy Center for Persons with Disabilities announces the following Regular Council meeting to which all persons are invited:

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

PLACE: Homewood Suites, 2979 Apalachee Parkway, Tallahassee, FL 32301

GENERAL SUBJECT MATTER TO CONSIDERED: Regular Council meeting.

A copy of the agenda may be obtained by contacting: JoAnne Burgess, (850)488-9071, website: joanneb@advocacycenter.org.

If you need a disability related accommodation in order to participate in this activity, please notify JoAnne Burgess, (850)488-9071, Ext 234, at least 10 business days prior to the meeting.

JUSTICE ADMINISTRATIVE COMMISSION

The **Justice Administrative Commission** announces a meeting to which all interested persons are invited.

DATE AND TIME: May 11, 2004, 2:00 p.m.

PLACE: Justice Administrative Commission conference room, 227 North Bronough Street, Suite 200, Tallahassee, Florida 32303

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regular commission meeting.

In conjunction with the Americans with Disabilities Act, please contact June Hart, (850)488-2415, if special accommodations are needed. For TDD service, please use Dual Party Relay System, 1(800)955-8771.

Section VII

Notices of Petitions and Dispositions Regarding Declaratory Statements

DEPARTMENT OF COMMUNITY AFFAIRS

NOTICE IS HEREBY GIVEN that the Department of Community Affairs has issued a Declaratory Statement in response to a request received from Ross Stafford Burnaman, Esquire, for George M. Hughes and Barbara Knowles.

It was assigned the number DCA03-DEC-295.

The Department declares that the powerline proposed for construction by Gulf Power within the City of Parker is not "development" as defined in Section 380.04, Fla. Stat. (2003), and declines to answer the remainder of the question posed by the Petition.

A copy of the Declaratory Statement be obtained by writing: 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

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 withdrawal for declaratory statement In Re: Petition for Declaratory Statement, Andrew Treacy, Petitioner, Cedar Pointe Village Docket Number 2004010301

The petition has been withdrawn by petitioner.

A copy of the Withdrawal for Declaratory Statement, Docket Number 2004010301, 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.

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 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:

Richard W. Merritt, D.C. vs. Department of Health; Case No.: 04-1149RX; Rule No.: 64B-3.004

Olympus Painting Contractors, Inc., A Florida Corporation vs. Department of Transportation; Case No.: 04-1165RU

Notice of Disposition of Petition for Administrative Determination have been filed by the Division of Administrative Hearings on the following rules:

NONE

Section IX
Notices of Petitions and Dispositions
Regarding Non-rule Policy Challenges

NONE

Section X
Announcements and Objection Reports of
the Joint Administrative Procedures
Committee

NONE

Section XI
Notices Regarding Bids, Proposals and
Purchasing

DEPARTMENT OF EDUCATION

NOTICE TO PROFESSIONAL CONSULTANTS

The University of South Florida announces that continuing professional services are required for the following discipline: Mechanical, Electrical and Plumbing Engineer (Up to 2) (Tampa and Lakeland Campuses).

Projects included in the scope of this agreement will be specific projects for renovations, alterations, new construction and additions that have a basic construction budget estimated to be \$1,000,000 or less, or studies for which the fee for professional services is \$100,000 or less. Continuing Service contracts for these projects provide that the consultant will be available on an as-needed basis for the contract period during the fiscal year, July 1, 2004 to June 30, 2005. Award of contract includes an Owner's option to renew for one (1) year. The consultant receiving the award will not have an exclusive contract to perform services for these projects. The university may have additional continuing service professionals under contract during the same time period.

Services required to be provided under the Continuing Service Contracts include the development of record drawings by the Continuing Service Consultant for projects designed by that consultant to reflect as-built conditions to facilitate the University's space management program.

Firms desiring to provide professional services shall submit a letter of interest specifying the discipline for which they are applying and a completed "USF Professional Qualifications Supplement for Mechanical, Electrical and Plumbing Engineer" form dated April 2004. Proposals must not exceed 40 pages, including the "USF Professional Qualifications Supplement" and letter of interest. Pages must be numbered consecutively. Submittals that do not comply with these

requirements or do not include the requested data will not be considered. No submittal material will be returned. Submittals become part of the public record.

Attach to each letter of interest:

1. The "USF Professional Qualifications Supplement for Mechanical, Electrical and Plumbing Engineer" form dated April 2004 completed by the applicant. Applications on any other form will not be considered.
2. A copy of the applicant's current Professional Registration Certificate from the appropriate governing board. An applicant must be properly registered at the time of application to practice its profession in the State of Florida. If the applicant is a corporation, it must be properly chartered by the Florida Department of State to operate in Florida.

Selection of finalists for interview will be made on the basis of professional qualifications, including experience and ability; past experience; design ability; volume of work; and distance from project. As part of the University of South Florida's strategic plan, USF made a commitment to foster a diverse community distinguished by a shared purpose, collaboration, open and timely communication, mutual respect, trust, and inclusiveness. The University of South Florida is an equal opportunity institution, and, as such, strongly encourages the lawful use of certified Minority and Women-owned Business Enterprises ("MBEs") in the provision of design and construction-related services by providing a fair and equal opportunity to compete for, or for participation in, design and/or construction-related services.

The plans and specifications for University of South Florida projects are subject to reuse in accordance with the provisions of Section 287.055, Florida Statutes. As required by Section 287.133, Florida Statutes, a consultant may not submit a proposal for this project if it is on the convicted vendor list for a public entity crime committed within the past 36 months. The selected consultant must warrant that it will neither utilize the services of, nor contract with, any supplier, subcontractor, or consultant in excess of \$25,000.00 in connection with this project for a period of 36 months from the date of their being placed on the convicted vendor list.

The "USF Professional Qualification Supplement for Mechanical, Electrical and Plumbing Engineer" form dated April 2004 and "Project Fact Sheet", which includes project information, may be obtained by contacting: Kathy Bennett, Contracts Administrator, Facilities Planning and Construction, University of South Florida, FPC110, 4202 East Fowler Avenue, Tampa, Florida 33620-7550, Phone (813)974-3098, (813)974-2625, or Fax (813)974-3542.

All Interested firms are invited and encouraged to attend a Pre-Submittal Meeting to be held at 1:30 p.m., Eastern Time, on Thursday, May 6, 2004, at the University of South Florida, Tampa Campus, Facilities Planning and Construction,

Conference Room FPC109, 4202 East Fowler Avenue, Tampa, Florida, to review the scope and requirements of this project. Requests for meetings by individual firms will not be granted.

It shall be noted that no verbal communication shall take place between the applicants and the employees of the University of South Florida, except as provided at the Pre-Submittal Meeting, the Pre-Interview Meeting and the request for the PQS and Fact Sheet. Requests for any project information must be in writing to the above address.

Seven (7) bound copies of the above required proposal data shall be submitted to: Joseph P. D'Azzo, Division Head, Facilities Planning and Construction, University of South Florida, 4202 East Fowler Avenue, FPC110, Tampa, Florida 33620-7550. Applications that do not comply with the above instructions may be disqualified. Application material will not be returned.

Submittals must be received at the above campus address (4202 East Fowler Avenue, FPC110, Tampa, Florida 33620-7550), to the attention of Joseph P. D'Azzo, Division Head, by 2:00 p.m. Eastern Time, on Friday, May 21, 2004. Facsimile (FAX) submittals are not acceptable and will not be considered. The Selection Committee may reject all proposals and stop the selection process at any time.

NOTICE TO CONSTRUCTION MANAGERS

The University of South Florida announces, Construction Management Services will be required for the project listed below:

Project No: 560

Project and Location: Marshall Center Expansion, University of South Florida, Tampa Campus, Tampa, Florida

The Marshall Center Expansion project consists of a multi-phase project that includes demolition, new construction and renovation/remodeling to accommodate the projected program needs for the University to serve the students on the Tampa Campus. Phase I includes the demolition of the existing 2,200-seat Special Events Center and the construction of a new, approximately 128,000 GSF, addition to the existing Marshall Center Building at a construction cost of approximately \$25,000,000.

Phase II would proceed after the completion of Phase I and includes the comprehensive renovation/remodeling of the vacated 90,000 GSF existing Marshall Center, including replacement of all existing mechanical, electrical, plumbing, roof, etc. systems and approximately 11,000 GSF of new space, at a construction cost of approximately \$17,000,000.

Phase III would include the expansion and renovation/remodeling of the Student Health Center, which may occur concurrent with or subsequent to Phase I and II above, at a projected construction cost to be determined.

The University is seeking to hire a construction management team with extensive experience in student center/student union construction. The contract for Construction Management

Services may include Phase II and Phase III subject to the availability of funding. The contract for Construction Management Services shall consist of a pre-construction services phase and a construction phase. The pre-construction services phase, for which the construction manager will be paid a fixed fee, will include value engineering, constructability analyses, development of cost models, estimating, and the development of a Guaranteed Maximum Price (GMP) at the 50% Construction Document phase. If the GMP is accepted, the Construction Phase will be implemented. Early bid packages for demolition and site work are anticipated. In the Construction phase of the contract, the Construction Manager becomes the single point of responsibility for performance of the construction of the project and shall publicly bid trade contracts. Failure to negotiate an acceptable fixed fee for Phase I of the contract, or to arrive at an acceptable GMP within the time provided in the agreement, may result in the termination of the construction manager's contract.

Selection of finalists for interviews will be made on the basis of Construction Manager qualifications including experience and ability, past experience, bonding capacity, record-keeping/administrative ability, recording of as-built conditions, critical path scheduling expertise, conceptual cost estimating and cost control ability, quality control capability, and qualification of the firm's personnel, staff and consultants. As part of the University of South Florida's strategic plan, USF made a commitment to foster a diverse community distinguished by a shared purpose, collaboration, open and timely communication, mutual respect, trust, and inclusiveness. The University of South Florida is an equal opportunity institution, and, as such, strongly encourages the lawful use of certified Minority and Women-owned Business Enterprises ("MBEs") in the provision of design and construction-related services by providing a fair and equal opportunity to compete for, or for participation in, design and/or construction-related services.

Finalists will be provided with a copy of the building program and the latest documentation prepared by the project architect/engineer, a description of the final interview requirements, and a copy of the standard University of South Florida Construction Management Agreement. The Selection Committee may reject all proposals and stop the selection process at any time. Award of this contract is subject to availability of funds. The construction manager shall have no ownership, entrepreneurial, or financial affiliation with the selected architect/engineer involved with this project.

Firms desiring to provide construction management services for the project shall submit a letter of application and a completed "USF Construction Manager Qualifications Supplement, dated April 2004". Proposals must not exceed 80 pages, including the Construction Manager Qualifications Supplement and letter of application. Pages must be numbered

consecutively. Submittals that do not comply with these requirements or do not include the requested data will not be considered. No submittal material will be returned.

All applicants must be licensed to practice as general contractors in the State of Florida at the time of application. Corporations must be registered to operate in the State of Florida by the Department of State, Division of Corporations, at the time of application. As required by Section 287.133, Florida Statutes, a construction management firm may not submit a proposal for this project if it is on the convicted vendor list for a public entity crime committed within the past 36 months. The selected construction management firm must warrant that it will neither utilize the services of, nor contract with, any supplier, subcontractor, or consultant in excess of \$25,000.00 in connection with this project for a period of 36 months from the date of placement on the convicted vendor list.

The University of South Florida Construction Manager Qualifications Supplement Form, dated April 2004 and the Project Fact Sheet may be obtained by contacting: Ms. Kathy Bennett, Contracts Coordinator, Facilities Planning and Construction, University of South Florida, 4202 East Fowler Avenue, FPC110, Tampa, Florida 33620-7550, (813)974-3098, (813)974-2625 or Fax (813)974-3542.

Interested firms are invited to attend a Pre-Submittal Meeting at the University of South Florida, Tampa Campus, to be held at 2:00 p.m. Eastern Time, on Monday, May 10, 2004, in the Marshall Center Room 270, 4202 East Fowler Avenue, Tampa, Florida, to review the scope and requirements of this project. All interested firms are encouraged to attend. Requests for meetings by individual firms will not be granted.

It shall be noted that no verbal communication shall take place between the applicants, the selection committee and/or the employees of the University of South Florida, except as provided at the Pre-Submittal Meeting, the Pre-Interview Meeting and the request for project information (the CMQS and Fact Sheet) and clarifications. Requests for any project information must be in writing to Ms. Kathy Bennett, Contracts Coordinator, Facilities Planning and Construction, University of South Florida, 4202 East Fowler Avenue, FPC110, Tampa, Florida 33620-7550, (813)974-3098, (813)974-2625 or Fax (813)974-3542, e-mail: kbennett@admin.usf.edu.

Seven (7) copies of the above requested data, bound in the order listed shall be addressed to: Ronald D. Hanke, Director, Division of Facilities Planning and Construction, University of South Florida, FPC110, 4202 East Fowler Avenue, Tampa, Florida 33620-7550. All proposals received by the University become part of the public record.

Submittals must be received at the above campus address by 2:00 p.m., Eastern Time, on Wednesday, May 26, 2004. Facsimile (FAX) submittals are not acceptable and will not be considered.

NOTICE TO PROFESSIONAL CONSULTANTS

The University of North Florida, Board of Trustees, a public body corporate, announces that continuing professional services for certain projects are required in the following discipline(s): Architect/Engineer

Projects included in the scope of this agreement will be specific projects for renovations, alterations, and additions that have a basic construction budget estimated to be \$1,000,000 or less, or studies for which the fee for professional services is \$50,000 or less. The University plans on awarding two Campus Service contracts for these projects and the consultants will be available on an as-needed basis for the upcoming fiscal year, July 1-June 30. The consultants receiving the award will not have an exclusive contract to perform services for these projects. The university may have additional campus service professionals under contract during the same time period.

Firms desiring to provide professional services shall apply by letter specifying the discipline for which they are applying. Proximity of location will be a prime factor in the selection of the firm.

Attach to each letter of application:

1. The most recent version of the Board of Regents "Professional Qualifications Supplement" (1999) completed by the applicant. Applications on any other form will not be considered.
2. A copy of the applicant's current Professional Registration Certificate from the appropriate governing board. An applicant must be properly registered at the time of application to practice its profession in the State of Florida. If the applicant is a corporation, it must be properly chartered by the Florida Department of State to operate in Florida.

Submit 6 copies of the above requested data bound in the order listed above. Applications which do not comply with the above instructions may be disqualified. Application materials will not be returned.

The plans and specifications for A/E projects are subject to reuse in accordance with the provisions of Section 287.055, Florida Statutes. As required by Section 287.133, Florida Statutes, a consultant may not submit a proposal for this project if it is on the convicted vendor list for a public entity crime committed within the past 36 months. The selected consultant must warrant that it will neither utilize the services of, nor contract with, any supplies, subcontractor, or consultant in excess of \$15,000 in connection with this project for a period of 36 months from the date of placement on the convicted vendor list.

Professional Qualifications Supplement forms, descriptive project information, and selection criteria may be obtained by contacting:

Phillip Turner, AIA
University of North Florida
4567 St. Johns Bluff Road, South
Jacksonville, Florida 32224
(904)620-2016 Fax (904)620-2020

Submittals must be received in the Office of Facilities Planning, JJ Daniel Hall, University of North Florida, 4567 St. Johns Bluff Road, South, Jacksonville, Florida 32224, by 2:00 p.m., local time, on May 25, 2004. Facsimile (FAX) submittals are not acceptable and will not be considered.

CALL FOR BIDS:

Made by the "University of North Florida Board of Trustees, a public body corporate"

PROJECT NAME, NUMBER AND LOCATION: ITB 04-23 Remodeling 2nd Floor, Building 14E, Mathematics and Statistics, University of North Florida, 4567 St. Johns Bluff Road, Jacksonville, Florida 32245.

GENERAL SCOPE: Remodeling 2nd Floor, Building 14E, University of North Florida

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: Monday, May 24, 2004, 2:15 p.m.

PLACE: University of North Florida, Building 6, Conference Room 1225, 4567 St. Johns Bluff Road South, Jacksonville, Florida 32224 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 Architect/Planners, Inc., 8111 Old Kings Road South, Jacksonville, Florida 32177, (904)731-3429

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. Minority Business Enterprise firms are invited to attend to become familiar with the project specifications and to become acquainted with contractors interested in bidding the project. The meeting has been scheduled for:

DATE AND TIME: Tuesday, May 11, 2004, 2:00 p.m.

PLACE: University of North Florida, Building 6, Conference Room 1225, 4567 St. Johns Bluff Road, Jacksonville, Florida 32224

DEPOSIT: A deposit of \$75.00 per Project Manual and drawings is required with a limit of three (3) sets per General Contractor or Prime Bidder.

REFUND: The deposit shall only be refunded to those General Contractors, Prim Bidders, who after having examined the drawings and specifications:

- a. submit a bona fide bid, or
- b. provide written evidence that they have submitted bids as subcontractors for plumbing, heating/ventilating/air conditioning or electrical work.

And who return the drawings and Project Manual in good condition within fifteen (15) days after receipt of bids.

PURCHASE: Full sets of Bidding Documents may be examined at the Architect/Engineer's office and local plan rooms. Full sets may be purchased through the Architect/Engineer for \$75.00 per set for the printing and handling cost.

PUBLIC ENTITY CRIMES: As required by Section 287.133, Florida Statutes, a contractor may not submit a bid for this project if it is on the convicted vendor list for a public entity crime committed within the past 36 months. The successful contractor must warrant that it will neither utilize the services of, nor contract with any supplier, subcontractor, or consultant in excess of \$15,000.00 in connection with this project for a period of 36 months from the date of their being placed on the convicted vendor list.

CALL FOR BIDS:

Made by the "University of North Florida Board of Trustees, a public body corporate"

PROJECT NAME, NUMBER AND LOCATION: ITB #04-24 Bridge/Gazebo over Candy Cane Lake, University of North Florida, 4567 St. Johns Bluff Road, Jacksonville, Florida 32245.

GENERAL SCOPE: Wooden bridge, walkway over Candy Cane Lake

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: Monday, May 24, 2004, 2:00 p.m.

PLACE: University of North Florida, Building 6, Conference Room 1225, 4567 St. Johns Bluff Road, South, Jacksonville, Florida 32224 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 Architect/Planners, Inc., 8111 Old Kings Road, South, Jacksonville, Florida 32177, (904)731-3429

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. Minority Business Enterprise firms are invited to attend to become familiar with the project specifications and to become acquainted with contractors interested in bidding the project. The meeting has been scheduled for:

DATE AND TIME: Monday, May 10, 2004, 3:00 p.m.

PLACE: University of North Florida, Building 6, Conference Room 1225, 4567 St. Johns Bluff Road, Jacksonville, Florida 32224

DEPOSIT: A deposit of \$50.00 per Project Manual and drawings is required with a limit of three (3) sets per General Contractor or Prime Bidder.

REFUND: The deposit shall only be refunded to those General Contractors, Prim Bidders, who after having examined the drawings and specifications:

- a. submit a bona fide bid, or
- b. provide written evidence that they have submitted bids as subcontractors for plumbing, heating/ventilating/air conditioning or electrical work.

And who return the drawings and Project Manual in good condition within fifteen (15) days after receipt of bids.

PURCHASE: Full sets of Bidding Documents may be examined at the Architect/Engineer's office and local plan rooms. Full sets may be purchased through the Architect/Engineer for \$50.00 per set for the printing and handling cost.

PUBLIC ENTITY CRIMES: As required by Section 287.133, Florida Statutes, a contractor may not submit a bid for this project if it is on the convicted vendor list for a public entity crime committed within the past 36 months. The successful contractor must warrant that it will neither utilize the services of, nor contract with any supplier, subcontractor, or consultant in excess of \$15,000.00 in connection with this project for a period of 36 months from the date of their being placed on the convicted vendor list.

ADVERTISEMENT FOR BIDS

The School Board of Pinellas County, Florida will receive sealed bids in the Purchasing Department of the Walter Pownall Service Center, 11111 South Belcher Road, Largo, Florida until 3:00 p.m. local time, on May 13, 2004 for the purpose of selecting a supplier to provide Bread Products per the bid specifications for:

Bread Products
Bid # 04-376-594

The purpose and intent of this invitation to bid are to select a supplier to provide and deliver various bread products to approximately 134 district facilities county wide and to secure firm, net pricing for the contract period as specified herein.

Public opening of the Bids will occur in the Purchasing Conference Room at the above address and all interested parties are invited to be present.

Plans and specifications are available at the office of:

Purchasing Department
Walter Pownall Service Center
11111 So. Belcher Road
Largo, FL 33773

BY ORDER OF THE SCHOOL BOARD OF PINELLAS COUNTY, FLORIDA

J. HOWARD HINESLEY SUPERINTENDENT OF SCHOOLS AND EX-OFFICIO SECRETARY TO THE SCHOOL BOARD	JANE GALLUCCI CHAIRMAN MARK C. LINDEMANN DIRECTOR, PURCHASING
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Sealed bids will be received by the Food Service Director of the School Board of Nassau County, Florida, at 1201 Atlantic Avenue, Food Service Office, Fernandina Beach, Florida, 32034 up until 2:00 p.m., Wednesday, May 26, 2004, at which time and place bids received will be tabulated for furnishing the following for the period of July 1, 2004 through June 30, 2005.

The estimated dollar value of Milk and Juice, Bid #2005-01 is \$325,000.00 annually.

This will include delivery to 15 schools.

Only vendors who respond in person, in writing, or by fax to this contact notice, will receive the complete bid package. Call (904)491-9924 or Fax (904)321-5852.

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."

STATE BOARD OF ADMINISTRATION

INVITATION TO NEGOTIATE

The Florida Prepaid College Board is accepting proposals in response to an Invitation to Negotiate, ITN #04-01, to obtain proposals from firms qualified to provide Investment Consultant Services for the Florida Prepaid College Plan and the Florida College Savings Plan.

Copies of the Invitation to Negotiate, ITN #04-01, are available on or after April 23, 2004, by submitting a written request to Thomas J. Wallace, Executive Director, Florida Prepaid College Board, 1801 Hermitage Blvd., Suite 210, Tallahassee, Florida 32308, facsimile number (850)488-3555. All information received in regard to this ITN must be sent to the above named address.

There is no bidder's conference. Only written inquiries concerning the ITN will be accepted. No written inquiries will be accepted after 5:00 p.m., Eastern Time, May 5, 2004. The original unbound copy and five (5) copies of each response to the ITN must be received by 12:00 Noon, Eastern Time, June 2, 2004, at the Florida Prepaid College Board, 1801 Hermitage Blvd., Suite 210, Tallahassee, Florida 32308. Proposals must be submitted in full accordance with the requirements and mandatory criteria of the ITN.

The Board reserves the right to reject any and all proposals or accept minor irregularities in the best interest of the State. Certified Minority Business Enterprises are encouraged to participate.

SPECIAL ACCOMMODATION: Any person requiring special accommodations at the bid opening because of a disability should fax a written request for same to Thomas J. Wallace, Executive Director, Florida Prepaid College Board, at (850)488-3555, no later than five (5) days prior to the bid opening.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

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

**Section XII
Miscellaneous**

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

**NOTICE OF ACCEPTANCE OF APPLICATIONS
ENDANGERED AND THREATENED NATIVE FLORA
GRANTS PROGRAM**

The Florida Department of Agriculture and Consumer Services, Division of Plant Industry announces that it is once again soliciting applications for the Endangered and Threatened Native Flora Grants Program.

Grants may be awarded for activities which provide recognition of those native flora to the state that are endangered and threatened; and activities that encourage, within a controlled program, the protection, curation, propagation, reintroduction and monitoring of native flora that are identified as endangered or threatened.

Who is eligible to apply? By law, a qualified corporation is a not-for-profit corporation pursuant to s. 501 (c) (3) of the Internal Revenue Code of 1954, and which is described in, and allowed to receive contributions pursuant to the provisions of, s. 170 of the Internal Revenue Code of 1954, and which is a corporation not for profit incorporated pursuant to Chapter

617, Florida Statutes, and which can demonstrate, based on program criteria, the ability to protect, conserve, propagate, reintroduce and monitor endangered and threatened native flora.

If the projects receive legislative approval, funds will become available after July 1, 2005. The deadline for filing applications is July 30, 2004 and applications must be delivered to the Division of Plant Industry's Plant Inspection office by 5:00 p.m. on that date or be clearly postmarked on or before that date.

Further information and an application may be obtained from: Mr. Dan Phelps, Division of Plant Industry, Bureau of Plant and Apiary Inspection, P. O. Box 147100, Gainesville, Florida 32614-7100 or (352)372-3505, Ext. 162 or Fax (352)955-2301, or e-mail: phelpsd@doacs.state.fl.us.

DEPARTMENT OF LAW ENFORCEMENT

**NOTICE OF FUNDING AVAILABILITY
EDWARD BYRNE MEMORIAL STATE AND
LOCAL LAW ENFORCEMENT ASSISTANCE
FORMULA GRANT PROGRAM**

The State of Florida, Department of Law Enforcement (FDLE), anticipates an award from the United States Department of Justice for \$15,120,280 in FFY 2004 Local Share Edward Byrne Memorial State and Local Law Enforcement Assistance Formula Grant funds. This announcement is to notify eligible applicants of program requirements. Eligible Applicants Units of local government are eligible to receive subgrants from FDLE. "Units of local government" means any city, county, town, township, borough, parish, village, or other general-purpose political subdivision of a State and includes Native American Tribes that perform law enforcement functions as determined by the Secretary of the Interior. Application Requirements and Deadlines Chapter 11D-9, Florida Administrative Code, governs program administration and funding. Local governments should thoroughly review rule provisions before applying for subgrant funds.

The Department must receive two (2) copies of each application for funding (both with original signatures) no later than 5:00 p.m., Tuesday, June 8, 2004. A separate application must be submitted for each proposed project. Applications should be mailed or hand delivered to the following: Mr. Clayton H. Wilder Community Program Administrator, Florida Department of Law Enforcement, Office of Criminal Justice Grants, 2331 Phillips Road, Tallahassee, Florida 32308.

Questions regarding this Program announcement should be directed to: Clayton Wilder, Florida Department of Law Enforcement, (850)410-8700.

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, Motorrad of North America, intends to allow the establishment of Euro Cycles d/b/a BMW Motorcycles of Tampa Bay, as a dealership for the sale of MZ motorcycles, at 8509 Gunn Highway, Odessa (Hillsborough County), Florida 33556, on or after March 1, 2004.

The name and address of the dealer operator(s) and principal investor(s) of Euro Cycles d/b/a BMW Motorcycles of Tampa Bay are dealer operator: Joe Mac Guire, 8509 Gunn Highway, Odessa, Florida 33556; principal investor(s): Mac Motors, LLC, 8509 Gunn Highway, Odessa, Florida 33556.

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: Mr. Ray Campanile, President G/M, Motorrad of North America, 771 Fentress Blvd., Unit 22, Daytona Beach, Florida 32114.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

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

PUBLIC SERVICE COMMISSION

The Florida Public Service Commission Nominating Council is seeking applicants to serve on the Nominating Council. The Nominating Council is responsible for screening and recommending to the Governor persons to serve on the Public Service Commission. The Public Service Commission regulates public utilities that provide telephone, electric and water service in the state.

"Citizens interested in ensuring that Florida's Public Service Commission is comprised of determined individuals who are willing to tackle the complex regulatory issues facing this state should consider serving on the Nominating Council." said Council Chair Greg Krasovsky. The Nominating Council will be filling two vacancies in its membership. At least one Council member must be over 60 years of age. Nominating Council members are required to file financial disclosure statements and may not own an interest in utilities nor represent any utilities professionally.

The two new members will be selected at the Nominating Council's meeting in Tampa on June 8, 2004. The deadline for submitting applications is May 21, 2004. Applications for Nominating Council membership and further information about the Nominating Council can be obtained from its website at <http://www.leg.state.fl.us/pscnc> or from the Council's office at: 111 West Madison Street, Room 674, Tallahassee, Florida 32399-1400, (850)922-5035.

AGENCY FOR HEALTH CARE ADMINISTRATION

The Florida Agency for Health Care Administration (the Agency), Bureau of Medicaid Program Analysis provides the following public notice regarding reimbursement for nursing home facilities participating in the Florida Medicaid Program.

PURPOSE: To comply with federal public notice requirements in Section 1902(a)(13)(A) of the Social Security Act in changing reimbursement for nursing home facilities, the Agency is publishing the proposed rates, the methodologies underlying the establishment of such rates, and justifications for the proposed rates. The Agency is in the process of amending its Title XIX Long-Term Care Reimbursement Plan (The Plan) to incorporate changes to the reimbursement methodology.

PROPOSED RATES: The purpose of the proposed amendment is to incorporate changes to the Florida Title XIX Long-Term Care Reimbursement Plan payment methodology, effective May 1, 2004, to provide the following changes in accordance with Senate Bill 22-A, Section 2, 2003-2004 Florida Legislature.

Effective May 1, 2004, the minimum staffing requirement for each nursing home facility shall be increased to 2.9 hours of direct patient care per resident per day.

METHODOLOGIES: The methodology underlying the establishment of the proposed rates for Medicaid nursing facilities will be rates resulting from the current methodology used to calculate per diems in the Long-Term Care Reimbursement Plan with an increase in the minimum staffing ratio from 2.6 hours of direct patient care per resident per day to 2.9 hours of direct patient care per resident per day.

JUSTIFICATION: The justification for the proposed rate change is based on the legislative direction provided in Senate Bill 22-A, Section 2, 2003-2004 Florida Legislature.

The Agency is proposing the above changes effective May 1, 2004. Providers, beneficiaries and their representatives, and other concerned state residents may provide written comment on the proposed rates, methodologies and justification underlying the establishment of such changes. Written comments may be submitted to: Robert Butler, Agency for Health Care Administration, 2727 Mahan Drive, Building 3, Mail Stop 21, Tallahassee, Florida 32308. Written comments should be submitted no later than May 14, 2004.

Copies of the proposed reimbursement plan incorporating the above changes are available from the contact person listed above.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

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

DEPARTMENT OF HEALTH

On April 12, 2004, John O. Agwunobi, M.D., M.B.A., Secretary of the Department of Health, issued an Order of Emergency Restriction with regard to the license of Jay Knoller, D.D.S., license number DN 10088. This Emergency Restriction Order was predicated upon the Secretary's findings of an immediate and serious danger to the public health, safety and welfare pursuant to Sections 456.073(8) and 120.60(6), Florida Statutes. The Secretary determined that this summary procedure was fair under the circumstances, in that there was no other method available to adequately protect the public.

On April 7, 2004, John O. Agwunobi, M.D., M.B.A., Secretary of the Department of Health, issued an Order of Emergency Restriction with regard to the license of Kurt Dangl, M.D., license number ME 71286. This Emergency Restriction Order was predicated upon the Secretary's findings of an immediate and serious danger to the public health, safety and welfare pursuant to Sections 456.073(8) and 120.60(6), Florida Statutes. The Secretary determined that this summary procedure was fair under the circumstances, in that there was no other method available to adequately protect the public.

On April 12, 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 Carol Rudd, R.N., license number RN 2988082. 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 applications.

Comments may be submitted to the Deputy Director, 200 East Gaines Street, Tallahassee, Florida 32399-0371, for inclusion in the official record without requesting a hearing; however, any person may request a public hearing by filing a petition with the Clerk, Legal Services Office, Office of Financial Regulation, 200 East Gaines Street, Tallahassee, Florida, 32399-0379, pursuant to provisions specified in 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., May 14, 2004:

APPLICATION TO MERGE

Constituent Institutions: CNB National Bank, Lake City, Florida and Mercantile Bank, Orlando, Florida

Resulting Institution: Mercantile Bank

Received: April 13, 2004

APPLICATION FOR A NEW FINANCIAL INSTITUTION
Applicant and Proposed Location: Prime Bank, Northwest
Corner of the Pineda Causeway and Wickham Road,
Melbourne, Florida 32940
Correspondent: Jack Greeley, 255 South Orange Avenue, Suite
800, Orlando, Florida 32802
Received: April 13, 2004

DIVISION OF TREASURY
BUREAU OF COLLATERAL MANAGEMENT
PUBLIC DEPOSITS SECTION

FOR PUBLIC DEPOSITORS TO RECEIVE THE
PROTECTION FROM LOSS PROVIDED IN CHAPTER 280,
FLORIDA STATUTES, THEY SHALL COMPLY WITH
THE FOLLOWING ON EACH PUBLIC DEPOSIT
ACCOUNT IN ADDITION TO ANY OTHER
REQUIREMENTS SPECIFIED IN CHAPTER 280: (1)
EXECUTE THE PUBLIC DEPOSIT IDENTIFICATION
AND ACKNOWLEDGMENT FORM DFS-J1-1295 WITH
THE QUALIFIED PUBLIC DEPOSITORY (QPD),
MAINTAIN IT AS A VALUABLE RECORD, AND
CONFIRM THE ACCOUNT ANNUALLY; (2) EXECUTE A
REPLACEMENT FORM DFS-J1-1295 WHEN THERE IS A
MERGER, ACQUISITION, NAME CHANGE, OR OTHER
EVENT WHICH CHANGES THE ACCOUNT NAME,
ACCOUNT NUMBER, OR NAME OF THE QPD.
THE FOLLOWING QPDS ARE AUTHORIZED TO HOLD
PUBLIC DEPOSITS. THEY ARE LISTED UNDER THE
STATE OF HOME OFFICE LOCATION. **INSTITUTIONS
MARKED WITH AN ASTERISK HAVE LIMITED THE
AMOUNT OF PUBLIC DEPOSITS THEY WILL
ADMINISTER AND ARE NOT ACCEPTING NEW
PUBLIC DEPOSIT ACCOUNTS.** DEPOSITORIES
HAVING A DATE BESIDE THEIR NAME ARE IN THE
PROCESS OF WITHDRAWING FROM THE PROGRAM
AND SHALL NOT RECEIVE OR RETAIN PUBLIC
DEPOSITS AFTER THE DATE SHOWN. THEY MAY,
HOWEVER, HAVE CERTAIN OBLIGATIONS TO THE
PROGRAM AFTER THAT DATE WITH WHICH THEY
MUST COMPLY BEFORE CONCLUDING THE
WITHDRAWAL PROCESS.

ALABAMA

- BIRMINGHAM**
- AMSOUTH BANK
- COMPASS BANK
- REGIONS BANK
- SOUTHTRUST BANK

- MONTGOMERY**
- COLONIAL BANK, N.A.

- WARRIOR
- THE BANK

FLORIDA

- ALACHUA**
- FIRST NATIONAL BANK OF ALACHUA

- APALACHICOLA**
- COASTAL COMMUNITY BANK

- ARCADIA**
- FIRST STATE BANK OF ARCADIA

- AVENTURA**
- TURNBERRY BANK

- BARTOW**
- CITRUS & CHEMICAL BANK
- COMMUNITY NATIONAL BANK AT BARTOW

- BELLE GLADE**
- BANK OF BELLE GLADE

- BOCA RATON**
- FIRST SOUTHERN BANK
- FIRST UNITED BANK
- POINTE BANK

- BONIFAY**
- BANK OF BONIFAY

- BRADENTON**
- COAST BANK OF FLORIDA
- FIRST BRADENTON BANK
- FIRST NATIONAL BANK & TRUST
- FLAGSHIP NATIONAL BANK
- GOLD BANK

- BRANDON**
- PLATINUM BANK

- BROOKSVILLE**
- HERNANDO COUNTY BANK

CANTONMENT

CITIZENS & PEOPLES BANK, N.A.

CAPE CORAL

RIVERSIDE BANK OF THE GULF COAST

CARRABELLE

GULF STATE COMMUNITY BANK

CHIEFLAND

DRUMMOND COMMUNITY BANK

CLEWISTON

FIRST BANK OF CLEWISTON

FIRST FEDERAL SAVINGS BANK OF THE GLADES

CORAL GABLES

BANKUNITED, F.S.B.

COMMERCEBANK, N.A.

GIBRALTAR BANK, F.S.B.

CRAWFORDVILLE

CITIZENS BANK – WAKULLA

WAKULLA BANK

CRESTVIEW

FIRST NATIONAL BANK OF CRESTVIEW

CRYSTAL RIVER

CRYSTAL RIVER BANK

DADE CITY

FIRST NATIONAL BANK OF PASCO

DANIA BEACH

COMMUNITY BANK OF BROWARD

DAVIE

REGENT BANK

DEBARY

FIRST COMMUNITY BANK

DESTIN

DESTIN BANK

DUNNELLON

DUNNELLON STATE BANK

ENGLEWOOD

ENGLEWOOD BANK

PENINSULA BANK

FERNANDINA BEACH

FIRST COAST COMMUNITY BANK

FIRST NATIONAL BANK OF NASSAU COUNTY

FORT LAUDERDALE

BANKATLANTIC

EQUITABLE BANK

LANDMARK BANK, N.A.

FORT MYERS

ATLANTIC STATES BANK

BUSEY BANK FLORIDA

EDISON NATIONAL BANK

PREMIER COMMUNITY BANK OF

SOUTHWEST FLORIDA

FORT PIERCE

HARBOR FEDERAL SAVINGS BANK

RIVERSIDE NATIONAL BANK OF FLORIDA

FORT WALTON BEACH

BEACH COMMUNITY BANK

FIRST CITY BANK OF FLORIDA

FIRST NATIONAL BANK & TRUST

FROSTPROOF

CITIZENS BANK OF FROSTPROOF

GAINESVILLE

MERCHANTS & SOUTHERN BANK

MILLENNIUM BANK

GRACEVILLE

*BANK OF JACKSON COUNTY

PEOPLES BANK OF GRACEVILLE

GROVELAND

PEOPLES STATE BANK OF GROVELAND

HALLANDALE

DESJARDINS BANK, N.A.

HOMESTEAD

COMMUNITY BANK OF FLORIDA

FIRST NATIONAL BANK OF SOUTH FLORIDA

HOMOSASSA

HOMOSASSA SPRINGS BANK

IMMOKALEE

FLORIDA COMMUNITY BANK

INDIANTOWN

FIRST BANK OF INDIANTOWN

INVERNESS

BANK OF INVERNESS

JACKSONVILLE

EVERBANK

JACKSONVILLE BEACH

OCEANSIDE BANK

KEY LARGO

TIB BANK OF THE KEYS

KEY WEST

FIRST STATE BANK OF THE FLORIDA KEYS

KISSIMMEE

FIRST NATIONAL BANK OF OSCEOLA COUNTY

LADY LAKE

CITIZENS FIRST BANK

LAKE CITY

CNB NATIONAL BANK
COLUMBIA COUNTY BANK
PEOPLES STATE BANK

LAKELAND

FLORIDAFIRST BANK

LAKE MARY

COMMUNITY UNITED BANK OF FLORIDA

LAKE WALES

AMERICAN BANK & TRUST OF POLK COUNTY

LARGO

PREMIER COMMUNITY BANK OF FLORIDA

LEESBURG

CENTERSTATE BANK MID FLORIDA
FIRST FEDERAL SAVINGS BANK OF LAKE COUNTY

LIVE OAK

FIRST FEDERAL SAVINGS BANK OF FLORIDA

LONGWOOD

*LIBERTY NATIONAL BANK

MADISON

MADISON COUNTY COMMUNITY BANK

MALONE

PCB, THE COMMUNITY BANK

MARATHON

MARINE BANK OF THE FLORIDA KEYS

MAYO

LAFAYETTE STATE BANK

MIAMI

BAC FLORIDA BANK
CITY NATIONAL BANK OF FLORIDA
COCONUT GROVE BANK
COMMERCIAL BANK OF FLORIDA
CONTINENTAL NATIONAL BANK OF MIAMI
EAGLE NATIONAL BANK OF MIAMI
EASTERN NATIONAL BANK
ESPIRITO SANTO BANK
EXECUTIVE NATIONAL BANK
INTERAMERICAN BANK, F.S.B.
INTERNATIONAL BANK OF MIAMI, N.A.
MELLON UNITED NATIONAL BANK
METRO BANK OF DADE COUNTY
NORTHERN TRUST BANK OF FLORIDA, N.A.
OCEAN BANK
SOFISA BANK OF FLORIDA
TOTALBANK
TRANSATLANTIC BANK
U.S. CENTURY BANK

MIAMI BEACH

BEACH BANK

MILTON

FIRST NATIONAL BANK OF FLORIDA

MONTICELLO

FARMERS & MERCHANTS BANK

MOUNT DORA

FIRST NATIONAL BANK OF MOUNT DORA
FLORIDA CHOICE BANK

NAPLES

BANK OF NAPLES
COMMUNITY BANK OF NAPLES, N.A.
FIRST NATIONAL BANK OF FLORIDA
ORION BANK

NEW SMYRNA BEACH

FRIENDS BANK

NICEVILLE

PEOPLES NATIONAL BANK

NORTH LAUDERDALE

SECURITY BANK, N.A.

NORTH MIAMI

KISLAK NATIONAL BANK

NORTH PALM BEACH

ENTERPRISE NATIONAL BANK OF PALM BEACH

OAKLAND PARK

AMERICAN NATIONAL BANK

OCALA

FLORIDA CITIZENS BANK
INDEPENDENT NATIONAL BANK

OKEECHOBEE

BIG LAKE NATIONAL BANK

ORANGE PARK

FIRST NATIONAL BANK
HERITAGE BANK OF NORTH FLORIDA

ORLANDO

CENTURY NATIONAL BANK
MERCANTILE BANK
SOUTHERN COMMUNITY BANK
UNITED HERITAGE BANK

ORMOND BEACH

COQUINA BANK

OVIEDO

CITIZENS BANK OF OVIEDO

PAHOKEE

FIRST COMMUNITY BANK OF PALM BEACH COUNTY

PALATKA

FIRST FEDERAL BANK OF NORTH FLORIDA
PUTNAM STATE BANK

PALM COAST

CYPRESS BANK

PALM HARBOR

PEOPLES BANK

PANAMA CITY

BAY BANK & TRUST COMPANY
FIRST NATIONAL BANK NORTHWEST FLORIDA
PEOPLES FIRST COMMUNITY BANK
VISION BANK, F.S.B.

PENSACOLA

BANK OF PENSACOLA
BANK OF THE SOUTH
GULF COAST COMMUNITY BANK

PERRY

CITIZENS BANK OF PERRY

PORT RICHEY

GULFSTREAM COMMUNITY BANK

PORT ST. LUCIE

FIRST PEOPLES BANK

ST. AUGUSTINE

BANK OF ST. AUGUSTINE
PROSPERITY BANK

ST. CLOUD

PUBLIC BANK

ST. PETERSBURG

FIRST COMMUNITY BANK OF AMERICA
REPUBLIC BANK
UNITED BANK & TRUST COMPANY

SANTA ROSA BEACH

BANKTRUST

SEBRING

HEARTLAND NATIONAL BANK
HIGHLANDS INDEPENDENT BANK

SOUTH MIAMI

FIRST NATIONAL BANK OF SOUTH MIAMI

SPRING HILL

FIRST KENSINGTON BANK

STARKE

COMMUNITY STATE BANK

STUART

FIRST NATIONAL BANK & TRUST OF THE TREASURE
COAST
GULFSTREAM BUSINESS BANK

SUNRISE

UNION BANK OF FLORIDA

TALLAHASSEE

CAPITAL CITY BANK
TALLAHASSEE STATE BANK
THE BANK OF TALLAHASSEE

TAMPA

FIRST CITRUS BANK
FLORIDA BANK, N.A.

TEQUESTA

INDEPENDENT COMMUNITY BANK

TRENTON

TRI-COUNTY BANK

UMATILLA

UNITED SOUTHERN BANK

VALPARAISO

VANGUARD BANK & TRUST COMPANY

VERO BEACH

INDIAN RIVER NATIONAL BANK

WAUCHULA

FIRST NATIONAL BANK OF WAUCHULA
WAUCHULA STATE BANK

WEST PALM BEACH

FIDELITY FEDERAL BANK & TRUST
FLAGLER BANK
GRAND BANK & TRUST OF FLORIDA

WEWAHITCHKA

BANKTRUST OF FLORIDA

WILLISTON

PERKINS STATE BANK

WINTER HAVEN

CENTERSTATE BANK OF FLORIDA
FIRST NATIONAL BANK OF POLK COUNTY

WINTER PARK

BANKFIRST
RIVERSIDE BANK OF CENTRAL FLORIDA

ZEPHYRHILLS

COMMUNITY NATIONAL BANK OF PASCO COUNTY

GEORGIA

ATLANTA

SUNTRUST BANK

DARIEN

SOUTHEASTERN BANK

LOUISIANA

NEW ORLEANS

WHITNEY NATIONAL BANK

MASSACHUSETTS

BOSTON

ONEUNITED BANK

MICHIGAN

GRAND RAPIDS

FIFTH THIRD BANK

MISSISSIPPI

JACKSON

TRUSTMARK NATIONAL BANK

NEW YORK

NEW YORK CITY
INTERVEST NATIONAL BANK

NORTH CAROLINA

CHARLOTTE
BANK OF AMERICA, N.A.
WACHOVIA BANK, N.A.

ROCKY MOUNT
RBC CENTURA BANK

WINSTON-SALEM
BRANCH BANKING & TRUST COMPANY

TENNESSEE

MEMPHIS
UNION PLANTERS BANK, N.A.

VIRGINIA

RESTON
CITIBANK, F.S.B.

THE FOLLOWING IS A LIST OF INSTITUTIONS THAT
HAD A CHANGE SINCE THE LAST PUBLICATION OF
THIS REPORT.

COMMERCE SOUTH BANK
SANTA ROSA BEACH
COMMERCE SOUTH BANK HAS CHANGED ITS NAME
TO BANKTRUST.

DESJARDINS FEDERAL SAVINGS BANK
HALLANDALE
DESJARDINS FEDERAL SAVINGS BANK HAS
CHANGED ITS NAME TO DESJARDINS BANK, N.A.

FIFTH THIRD BANK, FLORIDA
NAPLES
FIFTH THIRD BANK, FLORIDA WAS MERGED INTO
FIFTH THIRD BANK (GRAND RAPIDS, MICHIGAN).

FIRST ALLIANCE BANK
JACKSONVILLE
FIRST ALLIANCE BANK CHANGED ITS NAME TO
EVERBANK.

FIRST WESTERN BANK
COOPER CITY
FIRST WESTERN BANK WAS ACQUIRED BY FIRST
UNITED BANK (BOCA RATON).

GULF BANK
MIAMI
GULF BANK SOLD THEIR LOANS AND DEPOSITS TO
ANOTHER INSTITUTION AND IS NO LONGER A
QUALIFIED PUBLIC DEPOSITORY.

QUINCY STATE BANK
QUINCY
QUINCY STATE BANK WAS MERGED INTO CAPITAL
CITY BANK (TALLAHASSEE).

DEVELOPMENTAL DISABILITIES COUNCIL

EXECUTIVE DIRECTOR

The Florida Developmental Disabilities Council is seeking an Executive Director. Candidates must have excellent leadership skills and writing and communication skills, an understanding of the Florida service delivery system and the ability to advocate on behalf of individuals with developmental disabilities.

Strengths should include: representational skills, interpersonal skills, conflict management, team-building, collegiality, computer skills, fiscal management and a strong personal commitment to the mission of the Florida Developmental Disabilities Council. The FDDC is a 501(c)(3), organization committed to principles of inclusion, choice, and diversity.

The Executive Director reports to the Board of Directors. The Board of Directors makes decisions by majority and the Executive Director must be comfortable working within this decision-making model. The Executive Director is responsible for supervising staff, ensuring the council's fiscal integrity, and must have the ability to travel 4-5 weeks per year.

This position requires a master's degree in a related field. In some cases, professional experience may be substituted for a degree.

How to Apply:

Interested candidates should submit a resume, recent references, salary requirements, a writing sample and a narrative explaining personal and professional motivation to SEARCH COMMITTEE FDDC by email to toniv.fddc@nettally.com (preferred method) or by mail to 124 Marriott Drive, Suite 203 Tallahassee, FL 32301

Closing Date: May 10, 2004. Resumes accepted after that date if position still open.

Section XIII
Index to Rules Filed During Preceding Week

Rule No.	File Date	Effective Date	Proposed Vol./No.	Amended Vol./No.
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**RULES FILED BETWEEN April 5, 2004
 and April 9, 2004**

Rule No.	File Date	Effective Date	Proposed Vol./No.	Amended Vol./No.
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PUBLIC SERVICE COMMISSION

25-6.018	4/7/04	4/27/04	30/10	
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DEPARTMENT OF CORRECTIONS

33-501.302	4/9/04	4/29/04	29/39	29/44
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DEPARTMENT OF MANAGEMENT SERVICES

Division of Facilities Management

60H-1.001	4/7/04	4/27/04	30/4	30/10
60H-1.003	4/7/04	4/27/04	30/4	30/10
60H-1.006	4/7/04	4/27/04	30/4	
60H-1.007	4/7/04	4/27/04	30/4	
60H-1.015	4/7/04	4/27/04	30/4	30/10
60H-1.017	4/7/04	4/27/04	30/4	30/10
60H-1.022	4/7/04	4/27/04	30/4	
60H-1.029	4/7/04	4/27/04	30/4	30/10
60H-1.030	4/7/04	4/27/04	30/4	30/11
60H-2.001	4/7/04	4/27/04	30/4	30/10
60H-2.002	4/7/04	4/27/04	30/4	30/10
60H-2.0021	4/7/04	4/27/04	30/4	30/10
60H-2.0022	4/7/04	4/27/04	30/4	
60H-2.003	4/7/04	4/27/04	30/4	30/10

BUSINESS AND PROFESSIONAL REGULATION

Board of Auctioneers

61G2-3.003	4/6/04	4/26/04	30/6	
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Barbers' Board

61G3-16.001	4/6/04	4/26/04	29/36	30/11
61G3-16.0010	4/6/04	4/26/04	29/36	
61G3-16.006	4/6/04	4/26/04	29/36	30/11
61G3-16.007	4/6/04	4/26/04	29/36	

Electrical Contractors' Licensing Board

61G6-6.001	4/6/04	4/26/04	30/8	
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Florida Real Estate Commission

61J2-3.012	4/8/04	4/28/04	29/44	30/8
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DEPARTMENT OF HEALTH

Board of Clinical Laboratory Personnel

64B3-5.001	4/7/04	4/27/04	30/10	
64B3-7.001	4/7/04	4/27/04	30/10	
64B3-7.002	4/7/04	4/27/04	30/10	
64B3-10.005	4/7/04	4/27/04	30/10	

Board of Medicine

64B8-44.007	4/6/04	4/26/04	30/9	
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Board of Osteopathic Medicine

64B15-6.006	4/6/04	4/26/04	30/9	
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Board of Physical Therapy Practice

64B17-7.004	4/8/04	4/28/04	30/9	
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Board of Podiatric Medicine

64B18-14.002	4/6/04	4/26/04	30/9	
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Board of Psychology

64B19-11.001	4/6/04	4/26/04	30/9	
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FISH AND WILDLIFE CONSERVATION COMMISSION

Freshwater Fish and Wildlife

68A-15.061	4/9/04	7/1/04	30/1	30/12
68A-15.062	4/9/04	7/1/04	30/1	30/12
68A-15.063	4/9/04	7/1/04	30/1	30/12
68A-15.064	4/9/04	7/1/04	30/1	30/12
68A-15.065	4/9/04	7/1/04	30/1	30/12
68A-17.005	4/9/04	7/1/04	30/1	30/12